



Ordinary Council

Monday 9 September 2024
6.30pm

Late Correspondence

Privacy Statement:

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Subject: LATE CORRESPONDENCE - COUNCIL - 9 SEPTEMBER 2024
Author: Sue O'Connor, Governance Officer
File No: 24/163016
Purpose of the Report: To table late correspondence as submitted for consideration by the Mayor and Councillors relevant to the Ordinary Council Meeting held on 9 September 2024.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT Council receives and notes the late correspondence and reads late correspondence in conjunction with the relevant Agenda items.

Please find attached late correspondence relating to matters appearing on the Agenda for Council held on 9 September 2024. Correspondence received is listed below:

Item No.	Matter	Author	Page
12.1	Financial Statements for the year ended 30 June 2024	Paul Ryan – Chief Financial Officer	3
17.2	Question with Notice	Rosemary Bullmore – Manager Legal, Compliance & Enforcement	4

Memorandum

Date 09 September 2024

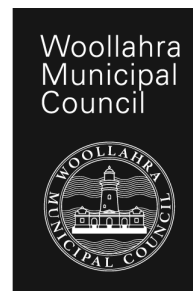
File No.

To The Mayor
All Councillors
Senior Staff

CC

From Paul Ryan, Chief Financial Officer

Subject LATE CORRESPONDENCE - COUNCIL MEETING - 09 SEP 2024



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Item	Matter	Author	Approved
12.1	Financial Statements the year ended 30 June 2024	Henrietta McGilvray	Paul Ryan

The draft Financial Statements were presented to the Audit, Risk & Improvement Committee (ARIC) at their meeting on Friday 6 September 2024 and the Committee endorsed the following statement:

THAT, subject to any changes agreed at the meeting and any audit adjustments, the Audit, Risk & Improvement Committee endorses the draft financial statements for the year ended 30 June 2024 for presentation to Council on Monday 9 September 2024.

Of note at the meeting there were no changes recommended to the draft financial statements by ARIC.

It is recommended that in anticipation of receiving the Auditor's Reports, Council set the Council meeting to be held on Monday 28 October 2024, as the meeting at which the 2023-24 Financial Statements will be presented to the public.

Regards

Paul Ryan
Chief Financial Officer

Memorandum

Date 9 September 2024

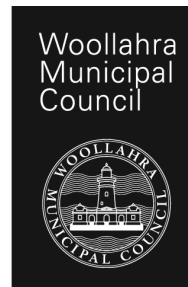
File No.

To The Mayor
Councillors
General Manager

CC

From Rosemary Bullmore – Manager Legal, Compliance & Enforcement

Subject ITEM 17.2 - QUESTION WITH NOTICE - LITIGATION
PROTOCOL POLICY



ABN 32 218 483 245

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Councillor Witt asking: *Response in Italics*

1. Could Council seek confirmation from applicants that amended plans approved by the LEC, either through an S34 Conciliation Conference or as a result of a hearing, are substantially complete?
Too often LEC approved plans are subject to S.4.56 modification applications that request changes to the most contentious aspects of the LEC approved plans.

Council cannot prevent further modifications being made as that avenue is provided by the Environmental Planning and Assessment Act 1979.

2. Could potential litigants be given advice about recent LEC decisions that have upheld the Council's Woollahra Local Environment Plan 2014 (WLEP) and/or the Woollahra Development Control Plan 2015 (WDCP) as a means to deter appeals against WLPP refusals?

Council staff can provide applicant's with copies of relevant Court decisions for reference only, however it is not appropriate or allowable for Council staff to provide legal advice. Further, in our experience, most Litigants are represented by very competent planning consultants and environmental planning lawyers who are well versed in recent Appeals including decisions that have been made involving Woollahra Council Applications in the Court.

3. Could Council engage a property barrister to provide advice on the likelihood of success in the LEC earlier in the process, ie before the S34 Conciliation Conference is conducted?

It is the Court's practice to require parties to attend a conciliation conference, this is usually unavoidable. Council is required to participate in the section 34 conference in good faith to try to resolve issues, or reach agreement with the applicant. Often applicant's make significant concessions in the conciliation conference which may affect Council's future prospects of success. It is Council's current practice prior to entering into any s34 Agreement that it obtains "Prospects of Success Advice" if it were to proceed to a hearing. Engaging a barrister early in the process is possible but may not be the most efficient approach for Council.

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