Ordinary Council

Agenda

Monday 29 October 2018

8.00pm
Seating Plan for the Mayor and Councillors:

<table>
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<th>Staff</th>
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<th>Mayor</th>
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<td>Cr Peter Cavanagh</td>
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<tr>
<th>Cr Susan Wynne</th>
<th>Deputy Mayor</th>
<th>Cr Mary-Lou Jarvis</th>
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<td>Cr Nick Maxwell</td>
<td>Cr Megan McEwin</td>
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<td>Cr Isabelle Shapiro</td>
<td>Cr Matthew Robertson</td>
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<td>Cr Anthony Marano</td>
<td>Cr Toni Zeltzer</td>
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<td>Cr Mark Silcocks</td>
<td>Cr Lucinda Regan</td>
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<td>Cr Richard Shields</td>
<td>Cr Harriett Price</td>
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<td>Cr Luise Elsing</td>
<td>Cr Claudia Cullen</td>
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Press

Public Gallery
25 October 2018

To: His Worship the Mayor, Councillor Peter Cavanagh ex-officio
Councillors Mary-Lou Jarvis (Deputy Mayor)
Claudia Cullen
Luise Elsing
Anthony Marano
Nick Maxwell
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Richard Shields
Mark Silcocks
Susan Wynne
Toni Zeltzer

Dear Councillors,

Ordinary Council – 29 October 2018

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council’s Ordinary Council meeting to be held in the Council Chambers, 536 New South Head Road, Double Bay, on Monday 29 October 2018 at 8.00pm.

Gary James
General Manager
## Meeting Agenda

1. **Confirmation of Minutes**
   - Ordinary Council Meeting
     - 24 September 2018
   - Extraordinary Council Meeting
     - 24 September 2018
2. Leave of Absence and Apologies
3. Declarations of Interest
4. Late Correspondence
5. Petitions Tabled
6. Mayoral Minute
   - 6.1 Mayoral Minute - Bondi to Manly Walk - 18/172842
7. Public Forum
8. General Manager and Officer’s Report
9. Reports of the Committees
   - 9.1 Environmental Planning Committee - 15 October 2018
     - R1 Planning proposal - Heritage Listing of Gaden House at 2a Cooper Street, Double Bay
     - R2 Planning proposal - Heritage Listing of Dunara Reserve, Point Piper (remnant of the residential garden of "Dunara")
     - R3 Planning Proposal - Non-Residential Floorspace Controls for Double Bay Centre
     - R4 Woollahra Plan Review 2018 - Compliance with the Eastern City District Plan
   - 9.2 Finance, Community & Services Committee - 15 October 2018
     - R1 Ausgrid Easement - Alexandria Integrated Facility and Community Association DP270785 (SC99)
     - R2 Queen Street and West Woollahra Association - Funding Request
     - R3 Holdsworth's Homeshare
10. Rescission Motion
    - Nil
11. Notices of Motion
    - Nil
12. Questions for Next Meeting
    - 12.1 Questions for Next Meeting - 18/174433
    - 13.1 Questions on Notice - 18/174394
6. Mayoral Minute

Item No: 6.1

Subject: MAYORAL MINUTE - BONDI TO MANLY WALK

Author: Mayor, Councillor Peter Cavanagh

File No: 18/172842

Reason for Report: To seek Council endorsement for a proposal to establish the Bondi to Manly walk.

Recommendation:

A. THAT Council endorse the proposal to establish the Bondi to Manly Walk and note that the Mayor has signed a non-binding Memorandum of Understanding with Bondi to Manly Walk Supporters.

B. THAT a further report be provided on the progress of the project.

Background:

The Bondi to Manly Walk is a project to link all of the existing coastal and harbourside walking tracks on public land between Bondi and Manly Beaches, a distance of approximately 80km. The project consists primarily of installation and maintenance of way marking signage along an agreed route plus promotion of the route through web and app based maps. A map of the proposed route can be viewed at https://www.bonditomanly.com/the-map/

The project is an initiative of a community group called Bondi to Manly Walk Supporters which is chaired by former Senator John Faulkner, himself a keen walker. The project is now attracting support from the NSW State Government through Destination NSW, as well as all of the public landholders along the route.

Council’s Director Technical Services and Manager Open Space and Trees have been liaising with Bondi to Manly Walk Supporters since June of this year, culminating in an offer from myself as Mayor to host a meeting of key stakeholders at Woollahra Council chambers, which occurred on 27 September. The meeting was attended by representatives of Destination NSW, NSW Parks and Wildlife Service and Mayors and officers of all affected Councils.

It had been the understanding of Council staff that the purpose of the meeting was to confidentially consider the proposal and to review and discuss a draft Memorandum of Understanding (MOU) between all of the parties, with a view to signing at a later date. In the days leading up to the meeting, it became apparent that the Supporters group was seeking to have the MOU signed at the meeting. Staff therefore reviewed the MOU, which is non-binding, and determined that it would be appropriate for signing by a Council officer. At the meeting, several of the Mayors present signalled their intention to sign the MOU themselves, rather than have it signed by an officer. I consulted the staff present at the meeting and was advised that, as the MOU was non-binding and that it was to be signed by other Mayors, it would be most appropriate for me to sign the MOU as Mayor and to seek formal endorsement of the proposal at a future Council meeting, before committing Council to any further action.
Proposal:

The non-binding MOU, a copy of which is attached as Annexure 1, is between the Bondi to Manly Walk Supporters and all of the affected landowners, these being:

- City of Sydney Council
- North Sydney Council
- Northern Beaches Council
- NSW National Parks and Wildlife Service
- Mosman Council
- Sydney Harbour Federation Trust
- Waverley Council
- Woollahra Council

The purpose of the MOU is to:

a. Provide a basis on which the parties can jointly progress the project
b. Document a commitment by all parties to work together to:
   - Establish a way marked walking track, on existing public land;
   - Agree on the roles and responsibilities each party will fulfil in order to establish a walking track from Bondi Beach to Manly Beach; and
   - Agree on the roles and responsibilities each party will fulfil once a way marked track from Bondi to Manly Beach is established.

The roles and responsibilities of Woollahra Municipal Council as outlined in the MOU are limited to the installation and ongoing maintenance of way marking signs which are to be supplied by Bondi to Manly Supporters. Based on the information provided to date, it is the view of staff that this role can be fulfilled using existing resources or with minimal additional resources. It is important to note that there is no requirement for additional land or for amendments to existing Council land.

The next steps in the development of the Bondi to Manly Walk is the development and adoption of branding/way marking symbols and a public launch of the proposal, which it is hoped will take place in late November. To this end, a steering group comprising staff of the various stakeholders has been established, with the first meeting to take place in late October.

Conclusion:

The Bondi to Manly Walk is an initiative originally proposed by a community group known as Bondi to Manly Walk Supporters, which now enjoys the support of the NSW State Government as well as all public landowners along the route. It represents an excellent new recreational opportunity for Sydney locals and visitors. I am therefore seeking Council endorsement for the signing of a non-binding MOU between Woollahra Municipal Council and the Bondi to Manly Walk Supporters group.

Cr Peter M Cavanagh
Mayor
Annexures

1. Bondi To Manly Walk - Memorandum of Understanding

[Link to download or view annexure]
Memorandum of Understanding  
(final draft)

**Between the Parties:**

Bondi to Manly Walk Supporters

120B Underwood Street

Paddington NSW 2021

And

City of Sydney Council
North Sydney Council
Northern Beaches Council
NSW National Parks and Wildlife Service
Mosman Council
Sydney Harbour Federation Trust
Waverly Council
Woollahra Council

**Introduction**

The object of this Memorandum of Understanding is to establish a walking track from Bondi beach to Manly Beach on existing public land and existing harbour side walking tracks.

As a cornerstone of this Memorandum of Understanding, the Parties agree to establish a relationship based on mutual trust; share a common intention to achieve each Party’s outcomes; ensure openness, promptness, consistency and fairness in all dealings; commit to maximising efficiency and cost effectiveness, and sharing of ideas.

**The Project**

The Bondi to Manly Walk is a project to link all of the existing coastal and harbourside walking tracks and paths on existing public land between Australia’s two most famous surf beaches, Bondi and Manly, in an 80 kilometre walk around the foreshore of Sydney Harbour.

The installation of physical way marks, along an agreed walking track from Bondi Beach all the way to Manly Beach, is required in order to complete this project.

**Purpose of MOU**

1 The Bondi to Manly Walk Supporters is a non-profit Incorporated Association that has as its purpose to link all of the existing coastal and harbourside walking tracks and paths on the public land between Bondi beach and Manly beach.
The purpose of this MOU is to:

a. Provide a basis on which the parties can jointly progress the Project.

b. Document a commitment by all the parties to work together to:

- Establish a way marked walking track from Bondi Beach to Manly Beach.
- Agree on a defined route for the walking track, on existing public land.
- Agree on the roles and responsibilities each party will fulfil in order to establish a walking track from Bondi Beach to Manly Beach.
- Agree on the roles and responsibilities each party will fulfil once a way marked walking track from Bondi Beach to Manly Beach is established.

**Roles and Responsibilities of the Parties**

1. **Track approval and location of way marks**

<table>
<thead>
<tr>
<th>Actions</th>
<th>Owner/Responsible</th>
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<tbody>
<tr>
<td>Final determination of the location of each individual way mark in each individual Council/landholder area.</td>
<td>Council/landholder</td>
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2. **Manufacture, installation and maintenance of the way marks**

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<tr>
<th>Actions</th>
<th>Owner/Responsible</th>
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<tbody>
<tr>
<td>Design &amp; Manufacture of way marks</td>
<td>B2M Supporters</td>
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<tr>
<td>Installation of way marks</td>
<td>Council/landholder</td>
</tr>
<tr>
<td>Ongoing maintenance of way marks</td>
<td>Council/landholder</td>
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3. **Digital Assets Build**

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<th>Actions</th>
<th>Owner/Responsible</th>
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<tr>
<td>Design and build of Bondi to Manly Walk website</td>
<td>B2M Supporters and relevant state government agencies</td>
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<tr>
<td>Design and build of Bondi to Manly Walking App</td>
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<tr>
<td>Ongoing maintenance of B2M Website and App</td>
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4. **On-going Promotion of Walk**

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<th>Actions</th>
<th>Owner/Responsible</th>
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<tr>
<td>Ongoing promotion of B2M Walk, social media etc</td>
<td>B2M Supporters and relevant state government agencies</td>
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5. **Ongoing maintenance of the walking Tracks & associated services**

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<th>Actions</th>
<th>Owner/Responsible</th>
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<tr>
<td>Ongoing maintenance of walking tracks, and associated services.</td>
<td>Council/landholder</td>
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**Authorised Representatives**
Each party has nominated an Authorised Representative to be the key contact person for this MOU.

**Intention not to be Legally Binding**

It is the intention of the Parties that this MOU is not legally binding. This MOU merely constitutes a statement of the mutual intentions of the Parties.

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This Memorandum of Understanding is executed as follows:

**SIGNED ON BEHALF OF BONDI TO MANLY WALK SUPPORTERS**

Signature: ______________________________________

Name: ______________________________________

Position: ______________________________________

Date: ______________________________________

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**SIGNED ON BEHALF OF CITY OF SYDNEY COUNCIL**

Signature: ______________________________________

Name: ______________________________________

Position: ______________________________________

Date: ______________________________________

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**SIGNED ON BEHALF OF MOSMAN COUNCIL**

Signature: ______________________________________

Name: ______________________________________

Position: ______________________________________

Date: ______________________________________
SIGN ON BEHALF OF NORTH SYDNEY COUNCIL

Signature: ________________________________
Name: ________________________________
Position: ________________________________
Date: ________________________________

SIGN ON BEHALF OF NORTHERN BEACHES COUNCIL

Signature: ________________________________
Name: ________________________________
Position: ________________________________
Date: ________________________________

SIGN ON BEHALF OF SYDNEY HARBOUR FEDERATION TRUST

Signature: ________________________________
Name: ________________________________
Position: ________________________________
Date: ________________________________

SIGN ON BEHALF OF NSW PARKS & WILDLIFE SERVICE

Signature: ________________________________
Name: ________________________________
Position: ________________________________
Date: ________________________________
SIGN ON BEHALF OF WAVERLEY COUNCIL

Signature:________________________________________
Name:___________________________________________
Position:_________________________________________
Date:___________________________________________

SIGN ON BEHALF OF WOOLLAHRA COUNCIL

Signature:________________________________________
Name:___________________________________________
Position:_________________________________________
Date:___________________________________________
9.1. Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 15 October 2018
Submitted to the Council for Determination

Item No: R1  Recommendation to Council
Subject: PLANNING PROPOSAL - HERITAGE LISTING OF GADEN HOUSE AT 2A COOPER STREET, DOUBLE BAY
Author: Jorge Alvarez, Senior Strategic Planner
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/150016
Reason for Report: To obtain Council’s approval to prepare a planning proposal to list Gaden House as a heritage item in Woollahra Local Environmental Plan 2014.

To obtain Council’s approval for a nomination to list Gaden House as a heritage item on the State Heritage Register.

To report the advice made to Council by Woollahra Local Planning Panel on 13 September 2018.

Recommendation:

A. THAT a planning proposal be prepared to list Gaden House at 2A Cooper Street, Double Bay as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

B. THAT the planning proposal, as contained in Annexure 1 of the report to the Environmental Planning Committee meeting on 15 October 2018, be forwarded to the Greater Sydney Commission with a request for a gateway determination to allow public exhibition.

C. THAT Council request delegation from the Department of Planning and Environment in relation to the planning proposal, to carry out the functions of the Greater Sydney Commission under section 3.36 of the Environmental Planning and Assessment Act 1979.

D. THAT Council support the nomination to list Gaden House at 2A Cooper Street, Double Bay as a heritage item on the State Heritage Register and submit it to the Office of Environment and Heritage.

E. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 September 2018.
Item No: R2
Recommendation to Council

Subject: PLANNING PROPOSAL - HERITAGE LISTING OF DUNARA RESERVE, POINT PIPER (REMNANT OF THE RESIDENTIAL GARDEN OF "DUNARA")

Author: Jorge Alvarez, Senior Strategic Planner

Approvers: Chris Bluett, Manager - Strategic Planning
           Allan Coker, Director - Planning & Development

File No: 18/150019

Reason for Report: To report the advice made to Council by the Woollahra Local Planning Panel.

To obtain the Council’s approval to proceed with the planning proposal to list Dunara Reserve as a heritage item in Woollahra Local Environmental Plan 2014.

Recommendation:

A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 September 2018.

B. THAT the planning proposal, as contained in Annexure 1 of the report to the Environmental Planning Committee meeting on 15 October 2018, be forwarded to the Greater Sydney Commission with a request for a gateway determination to allow public exhibition.

C. THAT Council request delegation from Department of Planning and Environment in relation to the planning proposal, to carry out the functions of the Greater Sydney Commission under section 3.36 of the Environmental Planning and Assessment Act 1979.

D. THAT Council seek access to Dunara Reserve from Dunara Gardens private road to facilitate maintenance, address biodiversity, succession and protecting canopy, and public access on a regular basis (noting that the adjacent owners with rights over the private road have indicated their cooperation to do that) to ensure the planning proposal to reclassify Dunara Reserve does not proceed.
Item No: R3  Recommendation to Council
Subject: PLANNING PROPOSAL - NON-RESIDENTIAL FLOORSPACE CONTROLS FOR DOUBLE BAY CENTRE
Author: Kelly McKellar, Strategic Planner
Approvers: Anne White, Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/152981
Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend Woollahra LEP 2014 by introducing new non-residential floor space provision to protect commercial and other employment generating land uses in the Double Bay Centre.
To obtain a Council resolution to seek a gateway determination allowing the public exhibition of the planning proposal to amend Woollahra LEP 2014.
To obtain a Council resolution to concurrently exhibit a draft development control plan to amend Chapter D5 Double Bay Centre of Woollahra DCP 2015.

Recommendation:

A. THAT Council note the advice of the Woollahra Local Planning Panel of 13 September 2018.

B. THAT the planning proposal at Annexure 3 of the report to the Environmental Planning Committee of 15 October 2018 be forwarded to the Greater Sydney Commission with a request for a gateway determination to allow public exhibition.

C. THAT when requesting a gateway determination for the planning proposal, Council seek delegation of the plan-making steps under section 3.36 of the Environmental Planning and Assessment Act 1979.

D. THAT Council resolve to exhibit the planning proposal in accordance with the conditions of the gateway determination and the Environmental Planning and Assessment Act 1979.

E. THAT Council resolve to exhibit a draft development control plan to amend Chapter D5 - Double Bay Centre of Woollahra Development Control Plan 2015 concurrently with the planning proposal, consistent with the amendments shown in Annexure 4 of the report to the Environmental Planning Committee of 15 October 2018.
Item No: R4  Recommendation to Council

Subject: WOOLLAHRA PLAN REVIEW 2018 - COMPLIANCE WITH THE EASTERN CITY DISTRICT PLAN

Authors: Kelly McKellar, Strategic Planner
Anne White, Team Leader - Strategic Planning

Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development

File No: 18/155890

Reason for Report: To report on the review of Woollahra’s plans, polices and strategies and to identify Woollahra’s compliance with the actions in the Eastern City District Plan.
To endorse the Woollahra Plan Review 2018 for submission to the Greater Sydney Commission

Recommendation:

A. That the report on the review of Woollahra’s Plans, Policies and Strategies be received and noted.

B. That the Woollahra Plan Review 2018 as contained in Annexure 3 of the report to the Environmental Planning Committee on 15 October 2018 be endorsed by Council and forwarded to the Greater Sydney Commission, subject to the following amendments to the Woollahra Plan Review 2018 (as detailed in the late correspondence):

   Page 6  Section 1.2.1.D. Other local strategic plans and documents
   - Community Capacity Survey 2017
   - Community Facility Study 2019 2011
   - Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019

   Page 71  Section 4.1.B Liveability
   - Investigate opportunities for expanding Council’s public art policy
   - Investigate opportunities to further promote creative enterprises, events, library and Council facilities including its technology facilities, and community activities.
   - Investigate further innovation and fast responses to technology innovations such as smart hubs, electrical charging stations, and wider usage of Council’s technology services such as the 3D printing.

   Page 73  Section 4.2.A Priorities for the Local Strategic Planning Statement
   - Art and Events strategy.
9.2. Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 15 October 2018
Submitted to the Council for Determination

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<tr>
<th>Item No:</th>
<th>R1  Recommendation to Council</th>
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<tr>
<td>Subject:</td>
<td>AUSGRID EASEMENT - ALEXANDRIA INTEGRATED FACILITY AND COMMUNITY ASSOCIATION DP270785 (SC99)</td>
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<td>Author:</td>
<td>Anthony Sheedy, Senior Property Officer</td>
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| Approvers: | Zubin Marolia, Manager - Property & Projects  
Tom O’Hanlon, Director - Technical Services |
| File No: | 18/144353 |
| Reason for Report: | To consider the Ausgrid proposal for an Easement over common area land of the Alexandria Integrated Facility and the Community Association DP270785 |

Recommendation:

THAT Council:

A. Approves the execution of the Deed of Agreement for Easement over part of the common property known as Lot 1 DP270785, 67A Bourke Road Alexandria between Ausgrid Operator Partnership and the Community Association Scheme DP270785 in which Woollahra Municipal Council is a joint owner, subject to appropriate sign off from Council’s lawyers and Ausgrid obtaining all the relevant consents and approvals.

B. Notes the easements are to be used for the purposes of the Ausgrid installation of underground electrical cables and associated purposes.

C. Approve the amount of $50,000 compensation to be paid to the Community Association Scheme DP 270785 from Ausgrid Operator Partnership.

D. Authorises the Mayor and General Manager to do all things necessary to give effect to the Deed of Agreement for Easement and to finalise the documentation.
Item No: R2  Recommendation to Council
Subject: QUEEN STREET AND WEST WOOLLAHRA ASSOCIATION - FUNDING REQUEST
Author: Peter Kauter, Manager Placemaking
Approver: Allan Coker, Director - Planning & Development
File No: 18/156068
Reason for Report: To report on a request by the Queen Street and West Woollahra Association for funding for 2018/2019

Recommendation:

THAT Council provide funding to the Queen Street & West Woollahra Association of $8,000 plus in-kind funding for the waiver of fees and waste removal, for the Woollahra Community Christmas Carols 2018 and for other of the Association’s administrative and miscellaneous activities.

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Item No: R3  Recommendation to Council
Subject: HOLDSWORTH'S HOMESHARE
Author: Lynn Garlick, Director - Community Services
Approver: Gary James, General Manager
File No: 18/161956
Reason for Report: Requested by General Manager

Recommendation:

A. THAT the Holdsworth Homeshare report be received and noted.

B. THAT Council reaffirm its ongoing financial support and commitment to services provided by Holdsworth.

C. THAT the existing service agreement that has been in place with Holdsworth since 2013 be reviewed before the 2019/20 funding round to ensure that the funding provided aligns with the strategic priorities of both organisations.

D. THAT Woollahra Council fund HomeShare to the amount of $50,000 effective immediately and that Woollahra Council ensure that Woollahra residents are included in any trial and that Woollahra Council receives branding and recognition of its support of Homeshare.
12. 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: 18/174433

Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 24 September 2018 and for Councillors to ask Questions for Next Meeting in accordance with Council’s Code of Meeting Practice.

Recommendation:

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.

Background:

The provision for Councillors to ask Questions for Next Meeting is contained in Section 3.1 of Council's Code of Meeting Practice which states:

3.1 QUESTIONS

1) As a standard practice, a report on “Questions for Next Meeting” shall be listed in all agendas of ordinary meetings of council. The agenda item shall contain a report of the questions asked at the last council meeting and the responses to those questions and provide an opportunity for the councillors to ask questions for the next Council Meeting. Councillors may also submit Questions on Notice for inclusion in the council meeting business paper. Questions on Notice are to be submitted to the Council’s Governance Department by no later than 10.00am on the Thursday preceding the council meeting.

2) Questions asked at a council meeting shall also be submitted in writing.

3) The councillor must put every question directly, succinctly and without argument.

4) The mayor shall refer the question to the general manager or responsible division head, or if the question is directed to another councillor, the councillor concerned. There shall be no requirement to answer the question immediately.

5) If the answer to a question can be given immediately, and it makes sense to do so, then such shall be done and a record made in the minutes of the meeting. If an answer can be given, but not immediately, then the mayor shall indicate to whom the question is to be directed.

6) In the spirit of achieving the expeditious discharge of council business the agenda item “Questions for Next Meeting” shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.

Questions for Next Meeting should be asked in accordance with the Code of Meeting Practice.
Responses to Councillors Questions on Notice on 24 September 2018 are as follows:

Councillor Robertson asking:

Further to my question at last meeting regarding homelessness policy, can you confirm that no “move on” orders were issued to homeless persons in our LGA over the last 12 months?

Director Community Services in Response:

Yes to my knowledge that is correct.

Councillor Cullen asking:

When will Council supply the submission for the proposed Cranbrook School development? I have heard from a number of people that they are waiting on our response and it is delaying their process.

Director Planning & Development in response:

A letter was sent to the NSW Department of Planning & Environment on the 3 October 2018.

Councillor Shapiro asking:

The Commonwealth Bank Australia (CBA) has without notice removed its ATM at Bellevue Hill Shops. This has a detrimental effect on the local shops. Some years ago CBA removed their Bellevue Hill branch but undertook to keep an ATM there for local residents. Now that the ATM has been withdrawn, local businesses and residents will be disadvantaged, I ask the Mayor to please write to CBA expressing our disappointment and asking to reinstate the ATM

The Mayor, Councillor Cavanagh in response:

A letter has been written and was sent to the Commonwealth Bank Australia in October 2018.
13. Questions on Notice

Item No: 13.1

Subject: QUESTIONS ON NOTICE

Author: Sue O'Connor, Secretarial Support - Governance

File No: 18/174394

Reason for Report: To provide a response to Questions on Notice to Council Meeting of 29 October 2018 and for Councillors to ask Questions on Notice in accordance with Council’s Code of Meeting Practice.

Recommendation:

That the responses to previous Questions on Notice be noted.

Background:

The provision for Councillors to ask Questions on Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

1) As a standard practice, “Questions on Notice” shall be listed in all agendas of Ordinary Council Meetings.

2) Questions on Notice must be submitted in writing to Council’s Governance Department by no later than 10.00am on the Thursday preceding the Council Meeting.

3) The Questions on Notice may be asked by the Councillor submitting the question or another Councillor, should the Councillor who submitted the question be absent from the meeting, at the Council Meeting.

4) The Councillor must put every such question directly, succinctly and without argument.

5) If an answer to a Question on Notice can be given at the Council Meeting then such shall be done either in writing or verbally and a record made in the Minutes of the Meeting. If an answer can be given, but not at the meeting, ie due to further research being required, the question can be taken “On Notice” and the chairperson shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (i.e. whether in writing and direct to the enquirer, to all Councillors or reported to the next or subsequent Council Meeting).

6) When an answer has been given to a Question on Notice, the chairperson must not allow any discussion on any reply or refusal to reply to the question (clause 249 of the Regulation)

7) When an answer has been given to a Question on Notice, no motion can be moved at the Council meeting. However if a matter is genuinely urgent, it could be dealt with under the urgency provisions (clause 241(3)) of the Regulation as is the case with any matter of urgency.

8) If a Councillor seeks to have a matter arising from a question and answer considered by the Council, a Notice of Motion should be submitted to the General Manager in accordance with the Notice of Motion provisions of the Code of Meeting Practice.

Questions on Notice should be asked in accordance with the Code of Meeting Practice.
Councillor Price submitted the following Question on Notice on the 24 October 2018:

Councillor Price asking:

I refer to the answer to my question on notice of 24 September 2018 concerning Council’s use of pesticides. I understand that Council’s Pesticide Notification Plan (2018-2023) was reviewed, amended and notified to the public via Council’s website.

Can the Manager of Open Space and Trees please explain:

a. The review process and in particular, if the draft plan was presented to any Council committee for review and approval (prior to public exhibition).

b. If the draft plan was not considered by any Council committee, the reasons for this.

Councillor Price submitted the following Question on Notice on the 24 October 2018:

Councillor Price asking:

I refer to the concerns raised by members of the community about drainage problems in the Royal Hospital for Women Park.

Can the Manager of Open Space and Trees please provide particulars of the investigations that Council has undertaken to address these concerns?

Councillor Price submitted the following Question on Notice on the 24 October 2018:

Councillor Price asking:

Many community members are increasingly concerned about the installation of small cell telecommunications devices throughout the Municipality.

Can the Director Technical Services please confirm:

a. What (if any) role Council has as a consent authority for such installations?

b. What (if any) specific consent is required in heritage conservation areas?

c. If the telecommunications providers can confirm the precise locations of all installations it has planned throughout the Municipality.

d. The extent to which telecommunication providers are required to consult with Council and the community on the location of these installations.
Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

Matter before Council and/or Committee Meeting

Did the applicant, owner (if not the applicant) or someone close to the applicant make a donation in excess of $1,000 that directly benefited your election campaign? (Code of Conduct Cl 4.21).

- Yes
  - Action: Declare a significant non-pecuniary conflict of interest, absent yourself from the meeting and take no further part in the debate or vote on the matter (Code of Conduct Cl 4.16(b)).

- No
  - Did the applicant or someone close to the applicant make a donation less than $1,000 that directly benefited your election campaign? (Code of Conduct Cl 4.2).

- Yes
  - Do you believe the political contribution creates a significant non-pecuniary conflict of interest for you? (Code of Conduct Cl 4.23).
    - Yes
      - Action: Declare a significant non-pecuniary conflict of interest, absent yourself from the meeting and take no further part in the debate or vote on the matter (Code of Conduct Cl 4.16(b)).
    - No
      - Action: Participate in debate and vote on the matter.

- No
  - Is the matter before the meeting a Planning Matter?
    - Yes
      - Staff to record decision process (motions/amendments) and Division of votes for the determinative resolution or recommendation in the meeting minutes.
    - No
      - Action: Consider appropriate action required. This could include limiting involvement by:
        1. participating in discussion but not in decision making (vote),
        2. participating in decision making (vote) but not in the discussion,
        3. not participating in the discussion or decision making (vote),
        4. removing the source of the conflict.

Staff to record decision process (motions/amendments) and Division of votes for the determinative resolution or recommendation in the meeting minutes.