



Ordinary Council



Minutes

Monday 26 July 2021

Ordinary Council Meeting

Monday 26 July 2021

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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.

Environmental Planning Committee held on Monday 12 July 2021

D1 Confirmation of Minutes of Meeting held on 15 June 2021

Finance, Community & Services Committee held on Monday 12 July 2021

D1 Confirmation of Minutes of Meeting held on 15 June 2021

D2 Woollahra Local Traffic Committee Minutes - 6 July 2021

D3 Monthly Financial Report - June 2021



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held using teleconferencing technology, on
26 July 2021 at 6.03pm.**

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

Staff: Nick Economou (Manager Development Control) – via Zoom
Paul Fraser (Manager Property & Projects) – via Zoom
Aurelio Lindaya (Manager Engineering Services) – via Zoom
Zubin Marolia (Manager Property & Projects) – via Zoom
Carolyn Nurmi (Governance Officer)
Patricia Occelli (Director – Community & Customer Experience) - via Zoom
Tom O’Hanlon (Director – Infrastructure & Sustainability) - via Zoom
Scott Pedder (Director – Planning & Place) - via Zoom
Anthony Sheedy (Senior Property Officer) – via Zoom
Craig Swift-McNair (General Manager)
Helen Tola (Manager Governance & Council Support)
Anne White (Manager Strategic Planning) – via Zoom

Also in Attendance: Nil

Note: The Mayor, Councillor Wynne having declared an interest in Item 13.2 (R6 Closing and Sale of Road Reserve adjoining 5-7 Eastbourne Road, Darling Point), The Mayor, Councillor Wynne vacated the Chair at 8.52pm and resumed the Chair at 9.30pm . The Deputy Mayor, Councillor Shields assumed the Chair for consideration of this matter.

Confirmation of Minutes

Item No: 5.1
Subject: CONFIRMATION OF COUNCIL MINUTES - 28 JUNE 2021
Author: Sue O'Connor, Governance Officer
File No: 21/138760
Reason for Report: The Minutes of the Council of 28 June 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Shapiro/McEwin)

89/21 Resolved:

THAT the Minutes of the Council Meeting of 28 June 2021 be taken as read and confirmed.

Item No: 5.2
Subject: CONFIRMATION OF EXTRAORDINARY COUNCIL MINUTES - 5 JULY 2021
Author: Sue O'Connor, Governance Officer
File No: 21/138763
Reason for Report: The Minutes of the Council of 5 July 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Silcocks/Cullen)

90/21 Resolved:

THAT the Minutes of the Council Meeting of 5 July 2021 be taken as read and confirmed.

Leave of Absence and Apologies

Nil

Declarations of Interest

Councillor Robertson declared a Non-Significant, Non-Pecuniary of interest Item 11.2 (Passive smoke exposure in high density terrace houses) as late correspondence tabled from the Cancer Council and Councillor Robertson advised that he had an association with the Cancer Council in relation to the campaign to ban smoking from the beaches in Woollahra. Councillor Robertson further noted that this correspondence really does not have any connection to him at this point, however wanted to make a declaration. Councillor Robertson remained in the meeting, participated in debate and voted on the matter.

Councillor Silcocks declared a Non-Significant, Non-Pecuniary interest in relation to Item 12.4 (Bus Shelter Advertising) as Councillor Silcocks is in advertising and prepares advertising posters and so forth. Councillor Silcocks remained in the meeting, participated in debate and voted on the matter.

Councillor McEwin declared a Significant Pecuniary interest in relation to Item 12.4 (Bus Shelter Advertising), as Councillor McEwin is a Director of the Policy and Regulatory Affairs Industry Associations. Councillor McEwin left the meeting and did not participate in debate or vote on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary interest in relation to Item 12.4 (Bus Shelter Advertising), as her former clients and public relations campaign tender for Council's advertising shelters. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Councillor Cullen declared a Non-Significant, Non-Pecuniary of interest in relation Item 12.4 (Bus Shelter Advertising) as Councillor Cullen is in advertising. Councillor Cullen remained in the meeting, participated in debate and voted on the matter.

Councillor Silcocks declared a Non-Significant, Non-Pecuniary interest in relation to Item 13.1 (R5 – Planning Proposal – Heritage Listing of 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vaucluse) as Councillor Silcocks knows one of the objectors and the applicant just through school. Councillor Silcocks remained in the meeting, participated in debate and voted on the matter.

Councillor Shapiro declared a Non-Significant, Non-Pecuniary interest in relation to Item 13.1 (R5 - Planning Proposal – Heritage Listing of 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vaucluse) as Councillor Shapiro knows one of the objectors. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

Councillor Shapiro declared a Non-Significant, Non-Pecuniary of interest in relation to Item 13.1 (R6 Review of the land use zoning of Riddle Street, Bellevue Hill) as Councillor Shapiro's daughter and her family live in Lennox Avenue, Bellevue Hill which borders Riddle Street, Bellevue Hill. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

Councillor Regan declared a Non-Significant, Non-Pecuniary interest in relation to Item 13.2 (R6 – Closing and Sale of Road Reserve adjoining 5-7 Eastbourne Road, Darling Point) as the applicant is the Director of Place Capital Limited and her husband and Councillor Regan have a self-managed super fund and invest in managed products that are issued by the Palace Group from time to time. Councillor Regan remained in the meeting, participated in debate and voted on the matter.

Councillor Price declared a Non-Significant, Non-Pecuniary interest in relation to Item 13.2 (R5 – Cranbrook School Easement and Right of Way – 5 Victoria Road, Bellevue Hill) as Councillor Price is a parent of a child attending Cranbrook School. Councillor Price remained in the meeting, participated in debate and voted on the matter.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary of interest in relation to Item 13.2 (R5 – Cranbrook School Easement and Right of Way – 5 Victoria Road, Bellevue Hill) as she knows one of the submitters of late correspondence and one of the children attended Cranbrook School noting they are now in their 30's and 40's. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Councillor Cullen declared a Non-Significant, Non-Pecuniary of interest in relation Item 13.2 (R5 – Cranbrook School Easement and Right of Way – 5 Victoria Road, Bellevue Hill) as Councillor Cullen is a parent of a child attending Cranbrook School. Councillor Cullen remained in the meeting, participated in debate and voted on the matter.

Councillor Shields declared a Non-Significant, Non-Pecuniary of interest in relation Item 13.2 (R5 – Cranbrook School Easement and Right of Way – 5 Victoria Road, Bellevue Hill) as Councillor Shields is a parent of a child attending Cranbrook School. Councillor Shields remained in the meeting, participated in debate and voted on the matter.

The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary of interest in relation to Item 13.2 (R6 Closing and Sale of Road Reserve adjoining 5-7 Eastbourne Road, Darling Point) as The Mayor, Councillor Wynne attended an event for the opening of Margaret Restaurant and spent some time talking to the applicant. The Mayor, Councillor Wynne advised that their photo was in the newspaper. The Mayor, Councillor Wynne left the meeting, did not participate in debate or vote on the matter.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in Item (15.3 – Sydney Eastern City Planning Panel (6 Storey Development on corner of Cross Street and Transvaal Avenue, Double Bay) as she was a member of the Sydney Eastern City Planning Panel when the matter was determined. Councillor Zeltzer left meeting, did not participate in debate or vote on this matter.

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Items 10, 11.2, 13.1 (R5, R7, & R10), 13.3 (R3, R6, & R8) and 17 (17.1, 17.2 & 17.3).

Petitions Tabled

Nil

Public Forum

General Item No: 11.1
Person addressing Council: Commodore Adrian Broadbent and Michael Paull
Subject: Royal Prince Edward Yacht Club (RPEYC) Seabins and Harbour Ecology Initiatives

Commodore Adrian Broadbent and Michael Paull, have registered to address Council on Royal Prince Edward Yacht Club (RPEYC) Seabins and Harbour Ecology Initiatives.

(Robertson/Price)

Resolved:

THAT Council thank and note the presentation made by Commodore Adrian Broadbent and Michael Paull or his public forum address.

General Item No: 11.2
Person addressing Council: Master Jack MacGonigal
Subject: Passive smoke exposure in high density terrace homes

Note: Councillor Robertson declared a Non-Significant, Non-Pecuniary of interest in this as late correspondence tabled from the Cancer Council and Councillor Robertson advised that he had an association with the Cancer Council in relation to the campaign to ban smoking from the beaches in Woollahra. Councillor Robertson further noted that this correspondence really does not have any connection to him at this point, however wanted to make a declaration. Councillor Robertson remained in the meeting, participated in debate and voted on the matter.

Note: Late correspondence was tabled by the Cancer Council.

Master Jack MacGonigal, has registered to address Council on passive smoke exposure in high density terrace homes.

(Robertson/Price)

91/21 Resolved:

THAT Council thank and note Master Jack MacGonigal for his public forum address.

(Robertson/Price)

92/21 That Standing Orders be suspended to allow Councillor Robertson to move a urgency motion in relation to presentation made by Master Jack MacGonigal.

Move urgency that the matter be considered this evening.

Adopted

The Mayor ruled urgency and permitted the Suspension of Standing Orders.

(Robertson/Price)

93/21

Resolved:

- A. THAT the Mayor be requested to formally write to the NSW Health Minister outlining the issues and impacts presented by Master Jack MacGonigal and stressing the COVID situation and advocate on passive smoke exposure in high density terrace homes outlining the impacts as presented by Master MacGonigal.
- B. THAT the General Manager be requested to provide a report outlining the legislative frameworks and options available to Council to further advocate in this policy area. information/implication by the September 2021.
- C. THAT Master MacGonigal be congratulated on his presentation to Council and be requested to submit an audio/visual copy of his presentation to Council.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

**Motion moved by Councillor Robertson
Seconded by Councillor Price**

94/21 That Standing Orders be resumed.

Adopted

Mayoral Minute

Item No: 1
Subject: **PROHIBITION ON COLLECTION OF ENFORCEMENT LEVY**
Author: Susan Wynne, Mayor
File No: 21/142411
Reason for Report: To inform Council of the recent Environmental Planning & Assessment Amendment (Compliance Fees) Regulations 2021 with the effect of prohibiting Councils from collecting compliance levies after 31 December 2021.

Note: Late correspondence was submitted by the Mayor, Councillor Wynne.

(Wynne/Shapiro)

95/21 Resolved:

- A. THAT Council note the Environmental Planning and Assessment Amendment (Compliance Fees) Regulations 2021.
- B. THAT Council note the estimated impact on Council's 2021/2022 Budget of \$325,000 and future budgets of \$650,000 per annum.
- C. THAT the Mayor, on behalf of Council, writes to the NSW Premier The Hon. Gladys Berejiklian MP, the NSW Treasurer The Hon. Dominic Perrottet MP, the NSW Minister for Local Government The Hon. Shelley Hancock MP, the Member for Sydney, Mr. Alex Greenwich MP and the Member for Vaucluse, The Hon. Gabrielle Upton MP, outlining the following:
 - i. The adverse impact on Council's Building & Compliance operations for 2021-2022 and future year budgets from the amendment to the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 that was made on 16 July 2021 and
 - ii. That the commitment made by the Government to consult further with the sector was not fulfilled.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

General Manager and Officer's Report

Item No:	12.1
Subject:	COVID-19 SUPPORT INITIATIVES
Authors:	Craig Swift-McNair, General Manager Sue Meekin, Director Corporate Performance
Approver:	Craig Swift-McNair, General Manager
File No:	21/138132
Reason for Report:	To report on a suite of proposed support measures for the community and local businesses in light of the current and ongoing lockdown due to the COVID-19 pandemic.

Note: Late correspondence was submitted by Councillor Price.

Motion moved by Councillor Jarvis
Seconded by Councillor Marano

- A. THAT Council note the information as included in this COVID-19 Support Initiatives report.
- B. THAT Council suspends the footway dining approvals until such time as footway dining becomes permissible.
- C. THAT Council waive footway dining fees for a period of 2 x months after footway dining becomes permissible.
- D. THAT Council offer deferred rental payments for commercial tenants in Council owned property (other than Woolworths & Dan Murphy, the National Australia Bank and the Commonwealth Bank) from the commencement of the current Stay-At-Home Orders (SAHO), being 26 June 2021), until 2 x months post the date of lifting of the current SAHO, noting that any deferred rent will be amortised for payment over the remaining months of the 2021/22 financial year.
- E. THAT Council waive rental payments for community tenants (of Council controlled property) for the period of the current stay-at home orders and until 1 x month post the lifting of the current SAHO.
- F. THAT Council implement a Revitalisation Grants program to the value of \$115,000, to be implemented as soon as possible after the lifting of the current SAHO, with this grants program being a one-off, short-term and time-limited program open to individuals, community groups, community associations and businesses located within or serving residents of the Woollahra Local Government Area, utilising funding already included in Council's 2021-2022 budget, as detailed in this report.
- G. THAT Council note the non-financial relief measures as detailed in this report being:
 - i. The implementation of Business Concierge Web Pages on Councils website.
 - ii. The continuation of the Small Business Newsletters and Economic Data Sharing.
 - iii. The payment of local suppliers within 14 days until the end of the 2021-2022 financial year.

- iv. The continued investigation into the feasibility of implementing Business Training Programs with neighbouring Councils and Service NSW.
- H. THAT a report be tabled to each Council meeting between now and the end of October 2021 detailing the progress and/or updates on COVID support initiatives and the budget impact of these, noting that when considering the monthly report Council may review these COVID support initiatives and/or implement changes to them as required to better reflect NSW Public Health Orders relating to the COVID-19 pandemic as at the date of the monthly review.
- I. THAT further to the resolution adopted on 28 June 2021, Council move forward with notifying businesses and residents in relation changes to the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington.
- J. THAT Council continue to seek funding from State and Federal Governments in relation to commitments made by Council in the 2021-2022 budget.
- K. THAT Council thank Council staff for their dedication in continuing to provide a range of services to the community throughout the current stay-at-home orders, with particular thanks going to the frontline staff who are out in the community doing essential work during this time.

**Amendment by Councillor Price
Seconded by Councillor Cullen**

- A. THAT Council note the information as included in this COVID-19 Support Initiatives report.
- B. THAT Council suspends the footway dining approvals until such time as footway dining becomes permissible.
- C. THAT Council waive footway dining fees for a period of 2 x months after footway dining becomes permissible.
- D. THAT Council offer to defer rental payments for commercial tenants in Council owned property (other than Woolworths, the National Australia Bank and the Commonwealth Bank) from the commencement of the current stay-at-home orders (SAHO), being 26 June 2021), until 2 x months post the date of lifting of the current SAHO, noting that any deferred rent will be amortised for payment over the remaining months of the 2021/22 financial year.
- E. THAT Council implement a Revitalisation Grants program to the value of \$115,000, to be implemented as soon as possible after the lifting of the current stay-at-home orders, with this grants program being a one-off, short-term and time-limited program open to individuals, community groups, community associations and businesses located within or serving residents of the Woollahra Local Government Area, utilising funding already included in Council's 2021-2022 budget, as detailed in this report.
- F. THAT Council note the non-financial relief measures as detailed in this report being:
 - i. The implementation of Business Concierge Web Pages on Councils web site.
 - ii. The continuation of the Small Business Newsletters and Economic Data Sharing.

- iii. The payment of local suppliers within 14 days until the end of the 2021-2022 financial year.
 - iv. The continued investigation into the feasibility of implementing Business Training Programs with neighbouring Councils and Service NSW.
- G. THAT Council thank Council staff for their dedication in continuing to provide a range of services to the community throughout the current stay-at-home orders, with particular thanks going to the frontline staff who are out in the community doing essential work during this time.
- H. THAT Council defer the due date of the first rate instalment notices from 31 August 2021 to 30 September 2021 and that Council staff continue to direct people (who are suffering financial difficulty) to review Councils Hardship policy and request a payment plan (if required).
- I. THAT Council defer the issuing of the first rate instalment notices from 31 August 2021 to 30 September 2021.
- J. THAT whilst the current stay at home orders (SAHO) remain in force (and for 28 thereafter):
- (a) commercial fitness training activities are exempt from any fee or charge;
 - (b) parking meter charges remain at 2020/21 rates; and
 - (c) commercial waste fees and charges are reduced in line with reduced collection requirements.
- K. THAT following 28 days after the current SAHOs are lifted:
- (a) commercial fitness training activities; and
 - (b) parking meter charges will be charged in accordance with the 2021/22 fees and charged adopted at Council's meeting on 28 June 2021.
- L. THAT a report be tabled to each Council meeting between now and the end of October 2021 detailing the progress and/or updates on COVID support initiatives and the budget impact of these, noting that when considering the monthly report Council may review these COVID support initiatives and/or implement changes to them as required to better reflect NSW Public Health Orders relating to the COVID-19 pandemic as at the date of the monthly review.
- M. THAT following 28 days after the current SAHOs are lifted, Council notify businesses and residents of the changes to the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington.
- N. THAT Council publicise the support available to the community (including the services offered by the Holdsworth Centre and Library) via its communication channels.
- O. THAT the Mayor write to Local Government NSW and the Minister for Local Government the Hon. Shelley Hancock MP, seeking a financial support package (in the form of a one-off disaster relief payment or other appropriate mechanism) to be made to Councils affected by the current SAHOs.

- P. THAT Council considers what steps and form of public messaging it can take to encourage the community to get vaccinated, including liaising with the State Government in offering our public facilities to be used as vaccination hubs.
- Q. THAT the General Manager confirm if public exhibition of the above financial measures is required pursuant to s356 of the Local Government Act.

Amendment was put and lost.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Amendment

Councillor Cullen
Councillor Price

Against the Amendment

Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

2/13

**Foreshadowed Amendment was moved by Councillor Elsing
Seconded by Councillor Regan**

THAT Council staff do not progress additional COVID financial support initiatives but instead utilise the current hardship provisions, mindful of people in circumstances in the current lockdown orders.

Foreshadowed Amendment was put and lost.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Foreshadowed Amendment

Councillor Cullen
Councillor Elsing
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Foreshadowed Amendment

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor Price
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

6/9

(Jarvis/Marano)

96/21 Resolved:

- A. THAT Council note the information as included in this COVID-19 Support Initiatives report.
- B. THAT Council suspends the footway dining approvals until such time as footway dining becomes permissible.
- C. THAT Council waive footway dining fees for a period of 2 x months after footway dining becomes permissible.
- D. THAT Council offer deferred rental payments for commercial tenants in Council owned property (other than Woolworths & Dan Murphy, the National Australia Bank and the Commonwealth Bank) from the commencement of the current Stay-At-Home Orders (SAHO), being 26 June 2021), until 2 x months post the date of lifting of the current SAHO, noting that any deferred rent will be amortised for payment over the remaining months of the 2021/22 financial year.
- E. THAT Council waive rental payments for community tenants (of Council controlled property) for the period of the current stay-at home orders and until 1 x month post the lifting of the current SAHO.
- F. THAT Council implement a Revitalisation Grants program to the value of \$115,000, to be implemented as soon as possible after the lifting of the current SAHO, with this grants program being a one-off, short-term and time-limited program open to individuals, community groups, community associations and businesses located within or serving residents of the Woollahra Local Government Area, utilising funding already included in Council's 2021-2022 budget, as detailed in this report.
- G. THAT Council note the non-financial relief measures as detailed in this report being:
 - i. The implementation of Business Concierge Web Pages on Councils website.
 - ii. The continuation of the Small Business Newsletters and Economic Data Sharing.
 - iii. The payment of local suppliers within 14 days until the end of the 2021-2022 financial year.
 - iv. The continued investigation into the feasibility of implementing Business Training Programs with neighbouring Councils and Service NSW.
- H. THAT a report be tabled to each Council meeting between now and the end of October 2021 detailing the progress and/or updates on COVID support initiatives and the budget impact of these, noting that when considering the monthly report Council may review these COVID support initiatives and/or implement changes to them as required to better reflect NSW Public Health Orders relating to the COVID-19 pandemic as at the date of the monthly review.
- I. THAT further to the resolution adopted on 28 June 2021, Council move forward with notifying businesses and residents in relation changes to the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington.

- J. THAT Council continue to seek funding from State and Federal Governments in relation to commitments made by Council in the 2021-2022 budget.
- K. THAT Council thank Council staff for their dedication in continuing to provide a range of services to the community throughout the current stay-at-home orders, with particular thanks going to the frontline staff who are out in the community doing essential work during this time.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

8/7

Item No: 12.2
Subject: **CONSULTATION - THE INDEPENDENT PRICING AND REGULATORY TRIBUNAL (IPART) REVIEW OF THE RATE PEG TO INCLUDE POPULATION GROWTH DRAFT REPORT**
Author: Sue Meekin, Director Corporate Performance
Approvers: Craig Swift-McNair, General Manager
Sue Meekin, Director Corporate Performance
File No: 21/139056
Reason for Report: To seek endorsement of Council's submission to the Independent Pricing and Regulatory Tribunal (IPART) Draft Report on the Review of the Rate Peg to Include Population Growth.

(Shapiro/Robertson)

97/21 Resolved without debate:

- A. THAT Council authorises the General Manager to make a submission as outlined in this report in response to the Independent Pricing and Regulatory Tribunal (IPART) on the Review of the Rate Peg to Include Population Growth Draft Report.
- B. THAT a further report be prepared to Finance, Community & Services Committee following the release from IPART of the Final Report to the Minister for Local Government.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: 12.3
Subject: **WOOLLAHRA COMMUNITY ENGAGEMENT POLICY**
Author: Juliana Yu, Community Engagement Coordinator
Approvers: Justine Henderson, Manager - Communications & Engagement
Craig Swift-McNair, General Manager
Patricia Occelli, Director Community & Customer Experience
File No: 21/123996
Reason for Report: To report on the public exhibition of the Draft Woollahra Community Engagement Policy.

(Robertson/Silcocks)

98/21 Resolved without debate:

THAT Council adopt the revised Woollahra Community Engagement Policy.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: 12.4
Subject: **BUS SHELTER ADVERTISING**
Authors: Aurelio Lindaya, Manager Engineering Services
Anne White, Manager - Strategic Planning
Approvers: Tom O'Hanlon, Director - Infrastructure & Sustainability
Scott Pedder, Director - Planning & Place
File No: 21/129660
Reason for Report: To obtain Council's approval to proceed with a planning proposal to make advertising on bus shelters exempt development under the Woollahra Local Environmental Plan 2014.

Note: Councillor Silcocks declared a Non-Significant, Non-Pecuniary interest in relation to this Item as Councillor Silcocks is in advertising and prepares advertising posters and so forth. Councillor Silcocks remained in the meeting, participated in debate and voted on the matter.

Note: Councillor McEwin declared a Significant Pecuniary interest in relation to this Item, as Councillor McEwin is a Director of the Policy and Regulatory Affairs Industry Associations. Councillor McEwin left the meeting and did not participate in debate or vote on the matter.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary interest in relation to this Item, as her former clients and public relations campaign tender for Council's advertising shelters. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Cullen declared a Non-Significant, Non-Pecuniary of interest in relation to this Item, as Councillor Cullen is in advertising. Councillor Cullen remained in the meeting, participated in debate and voted on the matter.

Note: The Council added part F to the resolution.

Motion moved by Marano
Seconded by Councillor Regan

- A. THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.
- B. THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.
- C. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.
- F. THAT heritage bus-shelters be exempt from bus shelter advertising in Woollahra Local Government Area.

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

- A. THAT the report be received and noted.
- B. THAT Council resolve to take no further action in relation to bus shelter advertising in the Woollahra municipality.

The Amendment was put and lost.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Amendment

Councillor Maxwell
Councillor Price
Councillor Robertson
Councillor Zeltzer

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne

4/11

The Motion was put and carried.

(Marano/Regan)

99/21 Resolved:

- A. THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.
- B. THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.
- C. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.
- F. THAT heritage bus-shelters be exempt from bus shelter advertising in Woollahra Local Government Area.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne

Against the Motion

Councillor Marano
Councillor Maxwell
Councillor Price
Councillor Robertson
Councillor Zeltzer

9/5

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 12 July 2021 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: WOOLLAHRA ABORIGINAL HERITAGE STUDY
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/97199
Reason for Report: To obtain Council's endorsement of the Draft Woollahra Aboriginal Heritage Study.

(Jarvis/Robertson)

100/21 Resolved without debate:

- A. THAT Council endorses the Draft Woollahra Aboriginal Heritage Study as contained in **Annexure 1** to the Environmental Planning Committee of 12 July 2021.
- B. THAT Council:
- (i) Thank the *La Perouse Local Aboriginal Land Council* for their collaboration in producing the study, and their subsequent endorsement.
 - (ii) Note Council's role in implementing the NSW Aboriginal heritage management procedures as both the consent authority and a land manager.
 - (iii) Congratulates Dr Paul Irish and Council staff on an outstanding study that represents an exemplar for local government in Aboriginal heritage management best practice.
 - (iv) Requests the Mayor to share this study with our neighbouring councils, with Local Government NSW and other bodies as appropriate.
 - (v) Notify the relevant minister at both the State and Federal Level.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields

Nil

Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

15/0

Item No: R2 Recommendation to Council
Subject: **REPLACEMENT TREE AT 23 HAMPDEN STREET, PADDINGTON**
Author: Paul Fraser, Manager - Open Space & Trees
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/122505
Reason for Report: To respond to a Notice of Motion – Hill's Fig Trees lining Hampden Street, Paddington dated 24 May 2021.

(Jarvis/Robertson)

101/21 Resolved without debate:

THAT the replacement tree for the removed Hill's Fig at 23 Hampden Street, Paddington be deferred to allow for full notification to occur, noting the level of public interest as evidenced by the number of attendees at the site visit and to allow Council to demonstrate that we mean business around effecting good community consultation, which is important in this case given the issues which arose from the initial notification of the removal in very early January this year.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R3 Recommendation to Council

Subject: **MATTERS DEFERRED PRIOR TO THE ADOPTION OF WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014**

Authors: Kelly McKellar, Team Leader Strategic Planning
Emma Williamson, Strategic Planner

Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place

File No: 21/105166

Reason for Report: To present the outcome of staff's assessment and recommendations for matters deferred prior to the adoption of the Woollahra Local Environmental Plan 2014, including the Opportunity Sites.

(Jarvis/Robertson)

102/21 Resolved without debate:

THAT no further action is taken on the matters deferred for consideration prior to the adoption of the *Woollahra Local Environmental Plan 2014*, including the Opportunity Sites.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R4 Recommendation to Council

Subject: **POST EXHIBITION REPORT FOR DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO.14) AND DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO.16)**

Author: Flavia Scardamaglia, Strategic Heritage Officer

Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place

File No: 21/96336

Reason for Report: To report on the public exhibition of the Draft Woollahra Development Control Plan 2015 (Amendment No.14) – Inter-War flat buildings in the Woollahra LGA and timber buildings in Paddington and Watsons Bay Heritage Conservation Areas.
To report on the public exhibition of the Draft Woollahra Development Control Plan 2015 (Amendment No.16) – Numerical controls for multi-storey development in the Paddington Heritage Conservation Area.
To obtain Council’s approval of the Draft DCPs.

(Jarvis/Robertson)

103/21 Resolved without debate:

- A. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No.14)* as attached at **Annexure 4** of the report to the Environmental Planning Committee meeting of 12 July 2021.
- B. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No.16)* as attached at **Annexure 5** of the report to the Environmental Planning Committee meeting of 12 July 2021.

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

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

Item No: R5 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF 'SUNNY BRAE, INCLUDING INTERIORS' AT 40 FITZWILLIAM ROAD, VAUCLUSE**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/112554
Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to list 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vaucluse as a local heritage item in Woollahra Local Environmental Plan 2014.
In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the Committee being divided between the Motion (3 votes) and the Amendment (3 votes) and the Committee resolved that both the Motion and the amendment be submitted to Council for consideration.

Note: Councillor Silcocks declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Silcocks knows one of the objectors and the applicant just through school. Councillor Silcocks remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Shapiro declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Shapiro knows one of the objectors. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

Note: Late correspondence was tabled by Urbis, Clare & Ronald Ferster, Avi & Ariella Spyrides and Sarah & Richard Silverton, Alison Coopes, Miranda Hatziplis, Abi Haddo, Selena Hannan, Fethi Rabhi, Yvette Wassaf, Alberto Avilio, Dr Matthew Gibson, Richard & Sarah Silverton, George & Dedee Murrell & Zahra Bouya.

**Motion moved by Councillor Zeltzer
Seconded by Councillor Elsing**

- A. THAT Council defer the further consideration of the Planning Proposal to heritage list "Sunny Brae", including interiors at 40 Fitzwilliam Road, Vaucluse until such time that a site visit can occur attended by the members of the Environmental Planning Committee.
- B. THAT a further report be prepared and reported to the Environmental Planning Committee following the site visit.

**Amendment moved by Councillor Robertson
Seconded by Councillor Cullen**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 17 June 2021 for the planning proposal to list 'Sunny Brae, including interiors', at 40 Fitzwilliam Road, Vaucluse as a local heritage item in Woollahra Local Environmental Plan 2014.

- B. THAT the planning proposal, as contained in **Annexure 3** of the report to the Environmental Planning Committee meeting of 12 July 2021 be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. THAT the Council defer to consider the heritage statement considered by Mr Davis.

The Amendment was moved and lost.

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

For the Amendment

Councillor Cullen
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Robertson

Against the Amendment

Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

5/10

The Motion was put and carried.

(Zeltzer/Elsing)

104/21 Resolved:

- A. THAT Council defer the further consideration of the Planning Proposal to heritage list “Sunny Brae”, including interiors at 40 Fitzwilliam Road, Vaucluse until such time that a site visit can occur attended by the members of the Environmental Planning Committee.
- B. THAT a further report be prepared and reported to the Environmental Planning Committee following the site visit.

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

For the Motion

Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen

14/1

Item No: R6 Recommendation to Council
Subject: **REVIEW OF THE LAND USE ZONING OF RIDDELL STREET, BELLEVUE HILL**
Author: Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/107717
Reason for Report: To present the planning and urban design review undertaken by consultants Studio GL of the land use zoning of Riddell Street, Bellevue Hill.

Note: Councillor Shapiro declared a Non-Significant, Non-Pecuniary of interest in this Item as Councillor Shapiro's daughter and her family live in Lennox Avenue, Bellevue Hill which borders Riddle Street, Bellevue Hill. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

(Jarvis/Robertson)

105/21 Resolved without debate:

Recommendation:

- A. THAT the planning and urban design review of the land use zoning of Riddell Street, Bellevue Hill prepared by consultants *Studio GL* and contained in **Annexure 1** of the report to the Environmental Planning Committee of 12 July 2021 is received and noted.

- B. THAT a planning proposal is prepared to amend the *Woollahra Local Environmental Plan 2014* to:
- i. rezone the following properties from R3 Medium Density Residential to R2 Low Density Residential:
 - a. 13, 15, 17, 19, 21, 23, 25 and 27 Riddell Street, Bellevue Hill
 - b. 14 and 15 Buller Street, Bellevue Hill.
 - ii. Amend *Schedule 1 – Additional Permitted Uses* to permit development for a residential flat building on the site at 21 & 23 Riddell Street, Bellevue Hill.
- C. THAT the planning proposal is referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel is reported to a future Committee meeting of Council.
- E. THAT a draft development control plan is prepared to accompany the planning proposal amending Chapter B1 and Chapter B3 of the *Woollahra Development Control Plan 2015* to:
- i. incorporate the land proposed to be rezoned R2 Low Density Residential into the Bellevue Hill North character precinct
 - ii. insert an additional clause for front setbacks.
- F. THAT a further report be prepared to examine the possible rezoning from R3 to R2 of numbers 1-11 Riddell Street, Bellevue Hill.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R7 Recommendation to Council

Subject: **POST EXHIBITION REPORT - DRAFT WOOLLAHRA SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2021**

Author: Kelly McKellar, Team Leader Strategic Planning

Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place

File No: 21/108797

Reason for Report: To report on the public exhibition of the Draft Woollahra Section 7.12 Development Contributions Plan 2021
To obtain Council's approval of the Draft Woollahra Section 7.12 Development Contributions Plan 2021 which will repeal and replace the Woollahra Section 94A Development Contributions Plan 2011.

Note: Late correspondence was tabled by Council's Manager Strategic Planning, Anne White.

(Jarvis/Robertson)

106/21 Resolved:

THAT Council approve the *Draft Woollahra Section 7.12 Development Contributions Plan 2021*, as attached at **Annexure 1** of the report to the Environmental Planning Committee meeting of 12 July 2021, which will repeal and replace the *Woollahra Section 94A Development Contributions Plan 2011*, subject to the including the amendment identified in the late correspondence to the Council meeting of 26 July 2021.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R8 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 17) - PROVISIONS FOR FIRE HYDRANT AND BOOSTER INSTALLATIONS**
Authors: Emma Williamson, Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/109339
Reason for Report: To report on the public exhibition of the Draft Woollahra Development Control Plan 2015 (Amendment No. 17).
To obtain Council's approval of the Draft DCP to enhance the provisions for fire hydrant and booster installations.

(Jarvis/Robertson)

107/21 Resolved without debate:

THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No. 17)* as attached at **Annexure 1** of the report to the Environmental Planning Committee meeting of 12 July 2021.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R9 Recommendation to Council
Subject: **PARKLET TRIAL**
Author: Jin Young Kim, Economic Development Officer
Approver: Matthew Gollan, Manager - Placemaking
File No: 21/119259
Reason for Report: To recommend that Council endorse the implementation of a ‘parklet trial program’ to support local businesses, improve streetscape vibrancy and activate public space in the Woollahra LGA.

(Jarvis/Robertson)

108/21 Resolved without debate:

- A. THAT the report on the introduction of repurposed road space (parklets) for additional outdoor dining space in the Woollahra Local Government Area (LGA) be received and noted.
- B. THAT Council endorse the implementation of a ‘parklet trial program’ to support local businesses, improve streetscape vibrancy, create jobs and activate public space
- C. THAT Council endorse the issuing of twenty (20) permits enabling successful applicants to install and operate a parklet for a trial period of six (6) months.
- D. THAT Council approve the waiving of application and outdoor dining fees for approved parklets for a period of six (6) months.
- E. THAT Council endorse a public notification period of seven (7) days for parklet applications.
- F. THAT Council conduct a review of the parklet trial program following the completion of a 12 month application window.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R10 Recommendation to Council
Subject: **SENIORS HOUSING IN THE WOOLLAHRA LGA - LOCATION, COMPARATIVE SALES AND JUSTIFICATIONS FOR EXEMPTION TO THE SENIORS HOUSING SEPP**
Authors: Jacquelyne Della Bosca, Executive Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/89957
Reason for Report: To respond to a NOM from 22 February 2021 seeking information about the location and sales prices of seniors housing in the Woollahra LGA and measures to exempt Woollahra LGA from providing housing under the Seniors Housing SEPP.
To obtain Council's approval to request an exemption from the Seniors Housing SEPP.

Note: Late correspondence was tabled by Council's Manager Planning & Place, Nick Economou.

Note: The Council amended part A of the resolution.

(Jarvis/Regan)

109/21 Resolved:

- A. THAT the report on seniors housing be adopted and that Council notes the advice received in the confidential correspondence.
- B. THAT Council requests an amendment to the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* so that its provisions will not apply to land zoned R2 Low Density Residential under the *Woollahra Local Environmental Plan 2014*.
- C. THAT Staff include in the material for full Council a report addressing appropriate conditions.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer
15/0

Nil

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 12 July 2021 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **CONSULTATION - DRAFT MODEL SOCIAL MEDIA AND COUNCILLOR AND STAFF INTERACTION POLICIES**

Author: Ashoor Khan, Temp Senior Governance Officer

Approvers: Helen Tola, Manager - Governance & Council Support
Justine Henderson, Manager - Communications & Engagement
Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager

File No: 21/107297

Reason for Report: To seek endorsement of Council's submission to the Office of Local Government in regard to the Draft Model Social Media Policy and Draft Model Councillor and Staff Interaction Policy.

(Cullen/Price)

110/21 Resolved:

- A. THAT Council endorses the draft submission to the Office of Local Government in regard to the Consultation Drafts for the Model Social Media Policy and the Model Councillor and Staff Interaction Policy presented as **Annexure 4**, subject to modifying the submission to reference the discussion at the FC&S meeting.
- B. THAT a further report be prepared to Finance, Community & Services Committee following the finalisation of the relevant policies by the Office of Local Government.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

15/0

Against the Motion

Nil

Item No:	R2 Recommendation to Council
Subject:	AUDIT & ASSURANCE COMMITTEE (ARIC) - EXTENSION OF TERM AND PERFORMANCE REPORT
Author:	Cheryle Burns, Manager - Business Assurance & Improvement
Approvers:	Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
File No:	21/107271
Reason for Report:	To present information to the Council to enable it to review the AAC operations performance for the period ending 30 June 2021 and to re-appoint its independent members for a period of 12 months.

(Marano/Price)

111/21 Resolved without debate:

- A. THAT the performance of the activities of the Audit & Assurance Committee for period ending 30 June 2021, including the Independent Chairperson's Report dated June 2021 be received and noted.
- B. THAT Council:
 - i Notes Section 10 of the Assurance Committee Charter (the Charter) which provides for an annual performance review of the Audit & Assurance Committee (AAC) and its members;
 - ii Notes that the last review of the AAC and its members was reported to the then Corporate & Works Committee on 19 February 2018 (for the period November 2014 to October 2017); and
 - iii Requires timely reporting by the AAC and its members (as set out in the Charter).
- C. THAT the Finance, Community & Services Committee note that the minutes presented at **Annexure 2** of the Audit and Assurance Committee meeting of 2 September 2020 were consistent with current Council practice, however do not contain enough detail or particulars to be received or noted.
- D. THAT Council re-appoint Mr John Gordon and Mr Jason Masters to serve as the Independent Members of Council's Audit, Risk & Improvement Committee for a further one (1) year ending 30 June 2022.
- E. THAT Council appoint Mr Jason Masters as the Chair of Council's Audit, Risk & Improvement Committee for one (1) year ending 30 June 2022.
- F. THAT the fee paid to Mr Jason Masters as Chair be \$1,500 per meeting exclusive GST and the fee paid to Mr John Gordon be \$1,300 per meeting exclusive of GST.
- G. THAT Council thank Mr John Gordon for his Report on the operation of AAC and for his role as Chairperson and thank all other Committee Members (i.e. Mr Jason Masters and Councillor Cavanagh) for their work and contribution.
- H. THAT staff prepare a report on ways to better inform Councillors as to how Council's risks are being reported, managed and mitigated.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R3 Recommendation to Council
Subject: **COMPLAINT AND UNREASONABLE COMPLAINANT POLICY**
Author: Anthony Crimmings, Manager Customer Experience
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 21/126237
Reason for Report: To report on the public exhibition of the Draft Complaint and Unreasonable Complainant Policy and recommend adoption.

Note: Late correspondence was tabled by Anthony Crimmings, Council's Manager Customer Experience.

(Marano/Price)

112/21 Resolved without debate:

- A. THAT Council notes that the Draft Complaint & Unreasonable Complainant Policy was placed on public exhibition for a period of 28 days, noting that no submissions were received.
- B. THAT the Complaint & Unreasonable Complainant Policy provided as **Annexure 1** be adopted.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R4 Recommendation to Council
Subject: **WOOLLAHRA LIBRARIES STRATEGIC PLAN 2021 – 2026**
Authors: Corinna Pierce, Library Customer Service Coordinator
Vicki Munro, Manager - Woollahra Libraries
Approver: Patricia Ocelli, Director Community & Customer Experience
File No: 21/126055
Reason for Report: To report on the public exhibition of the Draft Woollahra Libraries Strategic Plan 2021-2026 and recommend approval of the Plan.

(Marano/Price)

113/21 Resolved without debate:

- A. THAT Council notes that the Draft Woollahra Libraries Strategic Plan 2021-2026 was placed on public exhibition for a period of 28 days, with two submissions received.
- B. THAT the Woollahra Libraries Strategic Plan 2021-2026 presented as **Annexure 1** be adopted.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R5 Recommendation to Council
Subject: **CRANBROOK SCHOOL EASEMENT AND RIGHT OF WAY - 5 VICTORIA ROAD, BELLEVUE HILL**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/115855
Reason for Report: To consider the proposed easement and positive covenant for new works on Council land to benefit Cranbrook School, 5 Victoria Road, Bellevue Hill and for Council to accept the benefit of a public Right of Way for public access on the school owned land

Note: Councillor Price declared a Non-Significant, Non-Pecuniary interest in relation to this Item as Councillor Price is a parent of a child attending Cranbrook School. Councillor Price remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary of interest in relation to this Item, as she knows one of the submitters of late correspondence and one of the children attended Cranbrook School noting they are now in their 30's and 40's. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Cullen declared a Non-Significant, Non-Pecuniary of interest in relation to this Item as Councillor Cullen is a parent of a child attending Cranbrook School. Councillor Cullen remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Shields declared a Non-Significant, Non-Pecuniary of interest in relation to this Item as Councillor Shields is a parent of a child attending Cranbrook School. Councillor Shields remained in the meeting, participated in debate and voted on the matter.

(Marano/Price)

114/21 Resolved without debate:

- A. THAT pursuant to State Significant Development consent by the Minister for Planning and Public Services Application SSD 8812, Council grant an Easement for occupation by Cranbrook School for a portion of adjoining road reserve in Rose Bay Avenue, Bellevue Hill as shown in Annexure 3 of this report, subject to:
- i. Payment of Easement compensation to Council for the amount of \$24,000 plus GST.
 - ii. Payment of all costs incurred by Council for review of the encroachment application and preparation and registration of documents, including but not limited to legal, valuation and administrative costs.
- B. THAT Council accepts the benefit of a public Right of Way easement from Cranbrook School as shown in Annexure 3. The easement to be registered by Cranbrook School on its Title.
- C. THAT the General Manager be authorised to sign all necessary documentation for execution and registration of the Easement for Cranbrook School's occupation of Rose Bay Avenue, Bellevue Hill.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R6 Recommendation to Council

Subject: **CLOSING AND SALE OF ROAD RESERVE ADJOINING 5-7 EASTBOURNE ROAD, DARLING POINT (SC6058)**

Author: Anthony Sheedy, Senior Property Officer

Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Infrastructure & Sustainability

File No: 21/115871

Reason for Report: To consider the closing and sale of road reserve adjoining 5-7 Eastbourne Road, Darling Point.

Note: Councillor Regan declared a Non-Significant, Non-Pecuniary interest in this Item as the applicant is the Director of Place Capital Limited and her husband and Councillor Regan have a self-managed super fund and invest in managed products that are issued by the Palace Group from time to time. Councillor Regan remained in the meeting, participated in debate and voted on the matter.

Note: The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary of interest in this Item as The Mayor, Councillor Wynne attended an event for the opening of Margaret Restaurant and spent some time talking to the applicant. The Mayor, Councillor Wynne advised that their photo was in the newspaper. The Mayor, Councillor Wynne left the meeting, did not participate in debate or vote on the matter.

Note: The Mayor, Councillor Wynne having declared an interest in this Item vacated the Chair. The Deputy Mayor, Councillor Shields assumed the Chair.

Note: Late correspondence was tabled by Zubin Marolia, Manager Property & Projects, Anthony Sheedy, Council's Senior Property Officer, Neil Cartwright (2 pieces), Sarah Adams (2 pieces) & Tom Gutman.

**Motion moved by Councillor Zeltzer
Seconded by Councillor Silcocks**

THAT the closing and sale of road reserve adjoining 5-7 Eastbourne Road, Darling Point be deferred subject to confirmation that the residents of 3 Eastbourne Road, Darling Point are satisfied with the RL as per the recommendation.

**Amendment moved by Councillor Cullen
Seconded by Councillor Regan**

- A. THAT Council proceed with the sale of the road reserve adjoining 5-7 Eastbourne Road, Darling Point with the following conditions:
- i. A purchase price of \$2,000 per square metre (plus GST) for the estimated 203 sqm road reserve portion, subject to final survey.
 - ii. A 10% non-refundable deposit of \$40,600 being received by Council.
 - iii. The balance of the purchase price is to be paid in full to Council upon Gazettal of the road closure and completion of the sale.

- B. THAT the proposal to close and sell the road reserve adjoining 5-7 Eastbourne Road, Darling Point be subject to a storm water pipe easement and restrictive covenants for prohibiting building structures (excluding boundary fence and low rise retaining walls, planter boxes, and stairs) and limiting tree heights within the following areas at a maximum height of RL 32.5m (Zone A), RL 35.0m (Zone B) and RL 39.95m (Zone C) as shown in the late correspondence submitted by Council's Senior Property Officer to the FC&S meeting dated 12 July.
- C. THAT subject to A & B above, in accordance with Section 38D Roads Act, 1993 Council approve the closing of a portion of Eastbourne Road adjoining 5-7 Eastbourne Road, provided that the purchaser enters into a conditional Contract of Sale with the Council.
- D. THAT Council authorise the Mayor and General Manager to execute and affix the Council Seal to all necessary documentation to effect the Road closure and sale, i.e. Plan of Road Subdivision and closing, Transfer document etc.

The Amendment was put and carried.

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

For the Amendment

Councillor Cavanagh
Councillor Cullen
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Amendment

Councillor Elsing
Councillor McEwin
Councillor Robertson
Councillor Silcocks
Councillor Zeltzer

9/5

The Amendment became the Motion.

The Motion was put and carried.

(Cullen/Regan)

115/21 Resolved:

- A. THAT Council proceed with the sale of the road reserve adjoining 5-7 Eastbourne Road, Darling Point with the following conditions:
- i. A purchase price of \$2,000 per square metre (plus GST) for the estimated 203 sqm road reserve portion, subject to final survey.
 - ii. A 10% non-refundable deposit of \$40,600 being received by Council.
 - iii. The balance of the purchase price is to be paid in full to Council upon Gazettal of the road closure and completion of the sale.

- B. THAT the proposal to close and sell the road reserve adjoining 5-7 Eastbourne Road, Darling Point be subject to a storm water pipe easement and restrictive covenants for prohibiting building structures (excluding boundary fence and low rise retaining walls, planter boxes, and stairs) and limiting tree heights within the following areas at a maximum height of RL 32.5m (Zone A), RL 35.0m (Zone B) and RL 39.95m (Zone C) as shown in the late correspondence submitted by Council's Senior Property Officer to the FC&S meeting dated 12 July.
- C. THAT subject to A & B above, in accordance with Section 38D Roads Act, 1993 Council approve the closing of a portion of Eastbourne Road adjoining 5-7 Eastbourne Road, provided that the purchaser enters into a conditional Contract of Sale with the Council.
- D. THAT Council authorise the Mayor and General Manager to execute and affix the Council Seal to all necessary documentation to effect the Road closure and sale, i.e. Plan of Road Subdivision and closing, Transfer document etc.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Motion

Councillor Elsing
Councillor McEwin
Councillor Robertson
Councillor Silcocks
Councillor Zeltzer

9/5

Item No: R7 Recommendation to Council
Subject: **WASTE COLLECTION CYCLES**
Author: Mark Ramsay, Manager - Civil Operations
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/115405
Reason for Report: Response to Notice of Motion

(Marano/Price)

116/21 Resolved without debate:

THAT Council defers consideration of the review of waste collection services, with a view of giving consideration to the full review of our waste collection services as part of the 2022/23 budget preparation.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R8 Recommendation to Council
Subject: **BUSINESS CHAMBER FUNDING POLICY**
Authors: Matthew Gollan, Manager - Placemaking
Jin Young Kim, Economic Development Officer
Approver: Craig Swift-McNair, General Manager
File No: 21/121496
Reason for Report: To consider the Draft Business Chamber Funding Policy and recommend for public exhibition

Note: Late correspondence was tabled by Council's Manager Placemaking, Matthew Gollan and Councillor Price.

(Price/Elsing)

117/21 Resolved:

THAT Council resolves to publicly exhibit the draft Business Chamber Funding Policy (together with the amended Business Chamber Funding Guidelines and Application Form contained in the late correspondence dated 22 July 2021 (the Amended Guidelines and Application Form)) for a period of 28 days, with a further report to be tabled at a future meeting of the Finance, Community & Services Committee, subject to the deletion of paragraph:

- 9 from the Policy; and
- 4 from the amended Guidelines and Application Form.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Councillor Reports/Councillor Updates (Section 8.4)

Note: Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).

General Item No: 15.1 Vale John Mant
Tabled by Councillor: Councillor Robertson
Councillor Robertson advised:

It is my sad duty to inform Council of the passing of John Mant about which I have just learnt from the Paddington Society's correspondence. Where to start with a man like John Mant? I note the obituary that was published in the Sydney Morning Herald finishes with the sentence "*John Mant is remembered by his family including children Julia and Jim, step-daughter Roberta, grand-daughters Vivienne and Minka, and a legion of friends and admirers as a rare and impassioned individual who can legitimately claim to have 'made a difference'*".

For those of you who aren't aware, John Mant was a man who "had a legacy" as the Sydney Morning Herald goes on, in the field of Urban Planning. He had a passion for public policy and social justice and it was claimed that he had many distinctions as a Lawyer, Planner, Public Servant and a Politician. I note that he was also Gough Whitlam's Principle Private Secretary on the day of the dismissal on November 11, 1975.

John Mant was a man who worked tirelessly to create a better environment and a better world for all of us. He was a man that made such an enormous contribution, and not just within the area of Paddington. To focus on that would probably be to diminish the enormity of his overall contribution but I do note his involvement was as twice-president of the Paddington Society; his work in developing our planning controls, which we hold up as a model example for heritage conservation, and in even more recent years he was an active participant in our Oxford Street Working Party and was always willing to share his insights and his ideas. So a life very well lived, Madam Mayor and our condolences obviously, through you, go out to his family and friends and everyone to whom he has made such a difference.

General Item No: 15.2 Living thru challenging times COVID-19
Tabled by Councillor: Councillor Robertson

Councillor Robertson advised:

It is no secret that our entire community is living through a most challenging time and I've had cause recently to reflect on the role of everybody who is working in a front line capacity. We have the privilege, many of us, working in professions where we are part of the knowledge economy and we have been able to adapt in these COVID times to working virtually. That is simply not an option for so many people that work in critical roles, who keep our society functioning. I am thinking particularly here of our Council workers who are in front line roles. I'm thinking too of our medical professionals, our doctors and nurses and other professionals that reside in our Local Government Area and are out there every day at the coal face of this pandemic putting their own lives at risk in order to ensure that we do have some form of normality to our lives.

Every time that I am in a grocery store I'm thinking about the fact that people masked up working in that store are probably doing an 8 hour shift, where I'm in and out in 20 minutes but those people are literally putting themselves on the front line. Also our medical staff and my own general practitioner who, as you know Madam Mayor is a resident up in your neck of the woods, are just doing a tremendous job and again working at a high level of risk themselves.

I just think it is incumbent on us to take this moment to acknowledge and to thank all those people on the front line who are doing such an incredible job. We owe them an incredible debt of gratitude. Thank you.

General Item No: 15.3 Sydney Eastern City Planning Panel (6 Storey Development on corner of Cross Street and Transvaal Avenue, Double Bay)

Tabled by Councillor: Councillor Silcocks

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as she was a member of the Sydney Eastern City Planning Panel. Councillor Zeltzer left meeting, did not participate in debate or vote on this matter.

Councillor Silcocks advised:

Thank you Madam Mayor, I just wanted to (and you might have to rule on this) but I consider this a matter of extreme urgency. Last Friday the Sydney Eastern City Planning Panel approved a 6 storey development on the corner of Cross Street and Transvaal Avenue, which we all know is a heritage area, against the staff recommendation for "Refusal".

It was against the advice of our Councillors, Councillor Jarvis and Councillor Zeltzer who sit on that panel, but most worrying of all, it was against the recent resolution of this Council where we committed to reviewing the Cross Street Controls with a fine-grain, proper town planning approach. So it's quite terrifying to think that we can make these resolutions about (in fact) one of the important parts of our Municipality - as this panel can just override all our resolutions, all our controls, all our good intentions and willy nilly just approve an isolated building that doesn't necessarily fit into the terrain. That will have 6 stories right up against single storey heritage listed properties. It's frightening. I don't know whether we have to suspend standing orders and make a resolution and ask the Mayor to write to the State Government expressing our disappointment but at some point if we, as Council and councillors, are going to bother to stand in elections (if that ever happens) and try and represent our community when we are continually undermined by non-elected panels then it does question what our role is?

The Mayor, Councillor Wynne advised:

Councillor Silcocks, I completely support that and I will happily support urgency on that. As you point out the transitioning to that very special heritage area into Transvaal Avenue, Double Bay is so important and point out the fact that the staff recommended refusal, our Councillors recommended refusal, are you wanting to suspend standing orders and move a motion now?

(Silcocks/Elsing)

118/21 Resolved:

THAT Standing Orders be suspended to allow Councillor Silcocks to put forward an urgent motion in relation to the 6 Storey Development on corner of Cross Street and Transvaal Avenue, Double Bay).

Adopted

The Mayor ruled urgency and permitted the Suspension of Standing Orders.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

**Motion moved by Councillor Silcocks
Seconded by the Councillor Elsing**

THAT Council request the Mayor to write to appropriate Ministers and other stakeholders (e.g. State Government, Minister for Planning, Minister of Local Government) expressing Council's great disappointment in having our Council resolutions and our controls overruled by the Sydney Eastern City Planning Panel (independent panel) and requesting reconsideration of the decision.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne

Councillor Jarvis

13/1

**Motion moved by Councillor Silcocks
Seconded by Councillor Elsing**

119/21 That Standing Orders be resumed.

Adopted

General Item No: 15.4 Director Planning & Development
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Wynne advised:

I would like to welcome Scott Pedder, our new Director Planning & Place. Scott I would like to welcome you to Council and I know it's very difficult coming to a Council, our General Manager did it as well, you get employed, you get to work at a wonderful place and then you don't get to turn up to it. I had the privilege of having a meeting with you today. I did say that you have very big shoes to fill, in terms of, Nick Economou has done an outstanding job and I just want to thank him on behalf of all of Council, for the incredible work. I did sort of joke to say I stopped calling him Acting Director and started calling him Director, as I assumed he would have wanted to put his hand up for that job. We might have completely scared him off.

Nick all I can say is thank you, so very much for the level of commitment and work and also from your team who also stepped up as well. I imagine planning through COVID we have achieved a great deal and you are always open to conversation and working with us to create a good outcome. I just want to thank you very much and I know you are not going anywhere so that is wonderful. And Scott a really big welcome to you and we look forward to working with you a lot more.

Councillor Jarvis further advised:

Thank you Madam Mayor, I would also like to take this opportunity to say thank you so much to Nick Economou, Anne White and the staff who under rather difficult circumstances have done a lot of work. The staff's involvement in the East Sydney Planning Panel last week which Councillor Zeltzer and I were involved in and Flavia Scardamaglia and the work she has done particularly in relation to the Heritage Study that is coming before us tonight. I would just like to let you know before I moved the Environmental Planning Committee recommendation that I did send this Heritage Study to a person I regard (apart from Paul Irish), as most knowledgeable on indigenous matters, the former Minister John Faulkner. He came back to me today and said it was the most impressive document and a credit to this Council that it has been done in the way it has been. So with thank you and welcome to our new Director Planning & Place.

Councillor Elsing further advised:

I would like to echo on Councillor Jarvis and I know we did on our committee thank Mr Economou and I would like to recognise that Mr Pedder has taken on a difficult task and one that involves a lot of pressure and hard work. And tonight is probably not an introduction of how hard it can be. I know Mr Economou has informed you of the role and that your role is so important to us and the input you give to us at this level shapes our thinking. I know that Mr Economou has done a sterling job, but it is a tough job. I am supporting that and I am looking forward to working with you and please do not judge us on what you see us do at these zoom meetings. They are not always the best part of us. I just wanted to say welcome to Mr Pedder.

The Mayor, Councillor Wynne further advised:

One thing I would like to say to Scott is that you have the dream team.

Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - CONSTABLES COTTAGE, CAMP COVE
From: Councillor Claudia Cullen
Date: 06 July 2021
File No: 21/128525

(Cullen/Jarvis)

120/21 Resolved without debate:

- A. THAT Council request the General Manager write to the National Parks & Wildlife Service (NPWS) to commence discussions on any future plans the NPWS may have for the Constables Cottage, Camp Cove and to explore any opportunities for Council, the NPWS and the NSW government to partner in the future development of the Constables Cottage into a Kiosk / Café (including toilets) to service users of Camp Cove.
- B. THAT Council request a report be tabled at the October 2021 Council meeting detailing costs and resources involved in developing a master plan for the Camp Cove precinct which would include issues like the removal and replacement of the existing toilet block and the future development of a new Kiosk/Café and related matters.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

15/0

Item No: 16.2
Subject: **NOTICE OF MOTION - ENFORCEABLE DA CONDITIONS
RELATING TO FOOTPATHS**
From: Councillor Susan Wynne
Date: 20 July 2021
File No: 21/139637

(Wynne/Cullen)

121/21 Resolved:

THAT Council staff prepare a report by end December 2021 to investigate the feasibility of additional enforceable conditions of any Development Application (DA) which requires all footpaths to be maintained in a manner that provides a safe path including but not limited to ensuring any cracks are covered and rubble removed and any objects that are positioned across a footpath (e.g. cement pipes are clearly marked and managed in a way that does not cause trip hazard).

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Questions With Notice

(Cullen/Elsing)

122/21 Resolved:

THAT the Questions with Notice be received and noted.

QWN: 17.1
From: Councillor Regan
Subject: Questions with Notice - 9A Cooper Park Road, Bellevue Hill

Note: Late correspondence was tabled by Timothy Tuxford, Manager Compliance.

Councillor Regan asking:

Manager of Compliance in response in Italics:

1. I refer to the recent article published in the Sydney Morning Herald regarding the development at 9A Cooper Park Rd Bellevue Hill.

<https://www.smh.com.au/national/nsw/developer-forced-to-stop-work-on-bellevue-hill-apartments-due-to-defects-20210709-p5889d.html>

I note that there have been a series of complications with this project, which was once Council land and which was sold by Council for development 7 years ago. Would Council please advise as to the status of the matter including outlining the number of DAs and variation applications lodged over those years and the number of times that matters in relation to the development have gone to the Land and Environment Court.

DA No 169/2017/4 To date, there has been a total of two (2) DAs, nine (9) Modification Application and four (4) Appeals lodged in relation to the current development at 9A Cooper Park Road, Bellevue Hill.

Provided below are details of the DAs, Modification Applications and Class 1 Appeals;

Development Application DA No 607/2015/1

Construction of a new 2 x 3-storey residential flat buildings containing 27 units and basement car parking for 50 vehicles and storage, strata subdivision, landscaping and site works was refused by Council on 17 March 2016.

A Class 1 Appeal was subsequently filed with the Land and Environment Court and the proceedings were upheld via a s34 Agreement on 8 September 2016, The approved development, as amended, was for the construction of 1x 2-storey (Building A) and 1x 3- storey (Building B) Residential Flat Building comprising 27 units and basement car parking for 56 vehicles

Four (4) subsequent Modification Applications have been lodged with Council resulting In two (2) Class 1 Appeals. Brief details of these Applications are provided below:

- *DA No 607/2015*

Removal of Condition A.7 (Excavation) which corrected an administration error to ensure consistency with the Approved DA plans and Condition C1(h) of the original development consent. Approved under Staff Delegation on 2 March 2017.

DA No 607/2015/3

- *Deletion of Condition A.2 which required a 'right of way' to be created between the subject site and Bellevue Road. Refused under Staff Delegation on 12 July 2018.*
- *A **Class 1 Appeal** was filed with the Land and Environment Court and the proceedings were upheld via Consent Orders issued on 18 March 2019, with a 'right of way' still being required.*

DA No 607/2015/4

Addition of a substation, additional excavation to the basement car park, modifications of ramp and basement layouts and an additional lift to improve disabled access. Withdrawn by the Applicant on 17 October 2018.

DA No 607/2015/5

Removal of two existing trees (T1- Ficus rubiginosa Port Jackson Fig and T4- Eucalyptus botryoidal Bangalay) with the provision of a new replacement tree. Approved by the Woollahra Local Planning Panel on 21 February 2019, subject to the retention of Tree T4.

*A **Class 1 Appeal** was filed and subsequently dismissed by the Court on 15 May 2020.*

Development Application DA No 169/2017/1

- *An 'amending DA' involving alterations and additions to the approved RFB to provide a new 3 storey building (Building C) comprising of 6 x 2 bed units, alterations to the approved car parking area (an increase from 56 to 62 spaces), a new third storey above Building B containing 2 x 3 bed units, including the allocation 20% of the total GFA for 'Affordable Housing', landscaping and siteworks was lodged with Council on 26 April 2017.*
- *On 8 June 2017, a **Class 1 Appeal** on the grounds of deemed refusal was filed with the Land and Environment Court.*
- *On 11 July 2018, the development as approved by the Court was as follows:*
 - *An additional level (Level 3) to the approved residential flat building (Building B) comprising of 1 x 3 bed unit*
 - *A new 2-storey building (Building C) comprising of 4 x 2 bedroom attached dwellings*
 - *An extension to the approved basement to accommodate a total of 62 car parking spaces and additional storage areas and plant rooms*
 - *Ancillary and incidental works including site works, landscaping, fencing and drainage; as well as strata subdivision.*

Five (5) subsequent Modification Applications have been lodged with Council. Brief details of these Applications are provided below:

DA No 169/2017

111 Modifications to the driveway alignment to accommodate a fire hydrant enclosure. Approved by the Woollahra Local Planning Panel on 18 February 2021.

DA No 169/2017/5

Addition of a service WC, additional/modifications to plant and 'services' equipment on the roofs of Buildings A and B. Approved by the Woollahra Local Planning Panel on 20 May 2021.

DA No 169/2017/6

Refer to response to Question 2 below for details.

2. Can Council please confirm the status of the most recent variation application that has been filed with Council, which I understand a number of residents have objected to.

On 7 June 2021, a s4.56 Application, being 169/2017/6, was lodged with Council seeking the modification of Conditions A4(c), (d) and (g) which specifically relate to a reduction in the width of planter boxes and the deletion of privacy screening.

The Application was on public exhibition/ neighbour notification between the period of 23 June to 8 July 2021. Nine (9) submissions have been lodged with Council.

The Application is still pending assessment and will be to the Woollahra Local Planning Panel for determination.

3. Would Council please advise as to the status of the developer, Parker Logan and its related entity Maryland Developments and as to who now owns or controls the development site.

An ASIC company search has been undertaken of both companies, together with a title search of the property which confirms the following;

- 1. Parker Logan Property Pty Ltd current ASIC status is "Under External Administration And/Or Controller Appointed"*
- 2. Maryland Development Pty Ltd current ASIC status is "Registered";*
- 3. Strata scheme 95534 for 9A Cooper Park Road has been registered with NSW Land Registry Services. All allotments are currently registered to Maryland Developments Pty Ltd. The previous lot and DP are superseded.*

4. Residents have advised that no work has been done on site since approximately mid-May 2021 when the Building Commissioner issued various show cause notices and finally issued the stop work orders referred to in the SMH article on 8 July 2021 (see attached). Is Council aware of what arrangements are envisaged for completion of the works and what finance is in place for completion?

Council has no information on these issues.

5. Is there anything Council can do in this regard and is Council involved with the building commissioner in relation to it?

The issue of financing and the arrangement of finances is not considered a matter for Council.

The only contact Council has had from the Office of the Building Commissioner/NSW Customer Service with regard to this site is notification of the initial 'Notices of Intention' and the final Prohibition and Stop Work Orders issued by NSW Customer Service on Maryland Developments Pty Ltd on 8 July 2021.

6. What are the implications for surrounding neighbours who have been enduring construction on this site for the better part of 4 years and is there anything that Council can do for them?

It is not known what the implications may be for surrounding neighbours but there is no action available to Council. The matter is largely in the hands of the Office of the Building Commissioner/Customer Service NSW and the current owners of the site Marylands Development Pty Ltd.

7. Is Council in a position to invite the applicant of the current variation application to the works and its architect to meet with residents to set out their future plans for changes and to discuss their vision for completion of the project in order that neighbouring residents may get a full understanding of what is proposed to complete the project? It is possible for Council to obtain some enforceable undertakings from the applicant in this regard?

Marylands Development Pty Ltd would be working with the Office of the Building Commissioner and/or NSW Customer -Service to determine how they propose to address the current Prohibition and Stop Work Orders that are in place and the likely timetable for compliance. At this time the above is considered the remit of the Office of the Building Commissioner and NSW Customer Service.

QWN: 17.2
From: Councillor Robertson
Subject: Questions with Notice - Deceased Tree

Note: Late correspondence was tabled by Paul Fraser, Manager Open Space & Trees.

Councillor Robertson asking:

Would staff please outline, step by step, the process they follow when a resident notifies Council of a deceased street tree, including the average time between receipt of the notification and the removal of the deceased tree, as well as the average time between removal and planting of a replacement tree. Please comment on whether any formal processing turnaround times form part of this process and if so, outline those turnaround times.

Manager Open Space & Trees in response:

Step by Step Process of removal and replanting a street tree

- Customer and/or qualified arborist notifies a dead/dying tree.
- Tree in question is inspected.
- If the tree requires removal then the relevant paperwork is completed and the removal notification process commences. A sign will be placed on the tree and neighbouring properties notified.
- Once the notification period ends the tree is approved for removal then placed on a removal list. The time taken for removal can depend on a number of factors including risk and safety (shorter period of time), Ausgrid approvals (if a tree is within the no-go zone of powerlines then we are in the hands of Ausgrid contractors to undertake the work) and Council's own resources.

- The replacement tree is placed on our tree planting list. Pits may be vacant for some time due to a number of factors including, our limited window for tree planting (April to Sept), the time taken to stump grind the stump (undertaken by external contractors and underground services/drainage may need to be relocated), and not always being able to readily source the replacement tree species outlined in the Street Tree Masterplan.

Average time between receipt of notification and removal

We aim to remove hazardous trees within 24hours. On other non-urgent removals we aim to remove them within 6 weeks. Since January 2021, our average time between notification and removal has been 22 workings days. Within this time period we acknowledge that we do have some trees which have been notified and are awaiting removal as they need to be undertaken by Contractors. As discussed in the step by step process the removal times are dependant on a number of factors outside of our control.

Average time between removal and replanting

We aim to undertake these as soon as possible however we are reliant on the preferred tree planting window, time taken to stump grind, issues with underground services and drainage and the availability of good quality tree stock and the correct species of tree. The average time of removal of a deceased tree and planting a new tree is not available.

QWN: 17.3
From: Councillor Price
Subject: Questions with Notice - Former Paddington Bowling Club Site

Note: Late correspondence was Tom O’Hanlon, Director Infrastructure & Sustainability.
Councillor Price asking:

I refer to the memorandum from the Director of Infrastructure and Sustainability to all Councillors dated 29 June 2021 concerning the former Paddington Bowling Club site (the Site).

Can the Director please:

1. Confirm what (if any) further steps have been taken to explore opportunities with officers at Crown Lands, the relevant Minister and the lessee to take over the lease and return the Site to public hands.
2. Make enquiries to confirm:
 - a. if the relevant Minister has (retrospectively) provided consent for the change in the lessee’s shareholding structure.
 - b. what (if any) steps have been taken by the relevant Minister to explore the following undetermined Aboriginal Land Claims on the Site lodged by:
 - i. the Le Perouse Local Aboriginal Land Council on:
 - 22 September 2009 (Claim No. 20657);
 - 3 September 2010 (Claim No. 29716);
 - 19 December 2016 (Claim No. 42494); and

- ii. the NSW Local Aboriginal Land Council on 19 December 2016 (Claim No. 42493).

Director of Infrastructure and Sustainability response:

Question 1:

There has been no further formal correspondence or discussion with Crown Lands or the lessee since the response to the previous QWN of 26 April 2021, which was dated 29 June 2021 and emailed to Councillors on 30 June 2021.

Question 2:

Crown Lands have provided the following responses to this question:

Question 2a

Retrospective consent is not applicable because Crown Lands incorrectly advised the lessee that consent was not required to the change in shareholding. The lessee has since been notified that the Minister's consent is required for any further change(s) in shareholding.

Question 2b

The assessment of these Aboriginal land claims has been completed and forwarded to the Minister for his consideration and determination.

There being no further business the meeting concluded at 10.15pm.

We certify that the pages numbered 427 to 485 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 26 July 2021 and confirmed by the Ordinary Meeting of Council on 23 August 2021 as correct.

General Manager

Mayor