

Ordinary Council



Minutes

Monday 24 September 2018

Ordinary Council Meeting

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Items Determined Under Delegated Authority by Council Committees

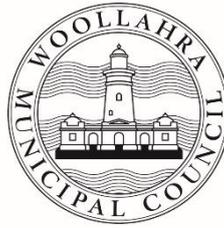
The following items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Finance, Community & Services Committee held on Monday 03 September 2018

- D1 Confirmation of Minutes of Meeting held on 6 August 2018
- D2 Woollahra Local Traffic Committee Minutes - 7 August 2018
- D3 Cultural Committee Minutes Report
- D4 Audit & Assurance Committee Meeting - 23 May 2018
- D6 Closing and Sale of Road Reserve - 32 Cranbrook Road, Bellevue Hill (SC4216)
- D7 Closing and Sale of Road Reserve - 34 Cranbrook Road, Bellevue Hill (SC4348)
- D8 Closing and Sale of Road Reserve - 19 Paddington Street, Paddington (SC4349)
- D9 Naming of Unnamed Laneway (Lot 7658) in Bellevue Hill
- D10 Monthly Financial Report - July 2018 and Investments Held as at 31 August 2018 (FY259-05)

Environmental Planning Committee held on Monday 03 September 2018

- D1 Confirmation of Minutes of Meeting held on 6 August 2018
- D2 Oxford Street Working Party Meeting Held on 7 August 2018
- D3 Double Bay Working Party Meeting Held on 8 August 2018



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
24 September 2018 at Conclusion of Extraordinary Council Meeting.**

Present: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio

Councillors: Susan Wynne (Deputy Mayor)

Claudia Cullen
Luise Elsing
Mary-Lou Jarvis
Anthony Marano
Nick Maxwell
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Richard Shields
Mark Silcocks
Toni Zeltzer

Staff: Allan Coker (Director – Planning & Development)
Lynn Garlick (Director – Community Services)
Gary James (General Manager)
Don Johnston (Director – Corporate Services)
Tom O’Hanlon (Director – Technical Services)
Helen Tola (Manager – Governance & Council Support)

Also in Attendance: Nil

Confirmation of Minutes

(Elsing/Wynne)

171/18 Resolved:

That the Minutes of the Ordinary Council Meeting held on 20 August 2018 be taken as read and confirmed.

(Shapiro/Robertson)

172/18 Resolved:

That the Minutes of the Extraordinary Council Meeting held on 3 September 2018 be taken as read and confirmed.

Leave of Absence and Apologies

(Jarvis/Robertson)

173/18 Resolved:

That Leave of Absence for all meetings of the Council and its Committees be granted to Councillor Isabelle Shapiro for the period from Monday 8 October 2018 to Thursday 15 November 2018 inclusive.

Declarations of Interest

Nil

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item LOA, FC&S (Item R7) & NOM1.

Petitions Tabled

Nil

Suspension of Standing Orders

Councillor Shapiro

- 174/18** That Standing Orders be suspended to allow Councillor Shapiro to advise Council of Annual Friendship Circle Walk.

Adopted

The Mayor ruled and permitted the Suspension of Standing Orders.

Councillor Shapiro advised:

I wanted to advise that Councillor Price and I attended the Annual Friendship Circle Walk. It's a wonderful organisation which supports families and children with special needs. Council supported this excellent program through our community grants from the very first day which was nine years ago. On behalf of Council I would like to congratulate the founders of the Friendship Circle. The theme this year was 'inclusion' which was extremely important.

The Council noted the information.

Councillor Elsing

- 175/18** That the Suspension of Standing Orders continue to allow Councillor Elsing to advise Council of the Holdsworth Community Centre Ball.

Adopted

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

Councillor Elsing advised:

It's some time ago but I know that you will remember that we went to the Holdsworth Community Centre Ball and I want to acknowledge that I was there with Councillor Price, Councillor Regan and the Mayor. I also want to compliment to the Mayor for his engaging, thoughtful and incredibly appropriate behaviour through the night and your lengthy attendance which was noted. It was a fabulous night, I had never been to one despite my time on the Holdsworth Board and on Woollahra Council and I have to say it was the most engaging and pleasing night for us to be mixing with the clients of Holdsworth, and to my colleagues we were rocking up the dance floor which should come as no surprise. It was just a fabulous evening and I am so proud of the children at St Claire's and the boys from Waverley and for St Claire's for hosting it.

If you found it in yourself Mr Mayor to write to the people and say thank you for their involvement it would be great. I just think they provided support for the evening and they blended in and the whole night was about the clients of Holdsworth, the young people of Holdsworth having the night of their lives. It was just fantastic. I really commend you for coming Mr Mayor and will definitely be going again and convince others to join me, it will be more the better.

The Mayor, Councillor Cavanagh in response:

Thank you. It was good fun.

The Council noted the information.

Councillor Robertson

- 176/18** That the Suspension of Standing Orders continue to allow Councillor Robertson to thank Mr Malcolm Turnbull on his service to the people of Wentworth and to congratulate Councillor Jarvis and Councillor Shields for throwing their hats in the ring for the vacant seat of Wentworth.

Adopted

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

Councillor Robertson advised:

Thank you Your Worship. It has been some time since we have met and there have of course been some tumultuous events in Canberra and I would like to acknowledge that our local Federal Member has resigned and vacated the seat and I would like to take this occasion to thank Mr Malcolm Turnbull for his service to the people of Wentworth.

I think it is worth acknowledging that Malcolm Turnbull has always been a good friend of this Council, he has been a guest speaker here on so many occasions and he has worked tirelessly with many Mayors over the years and during his time as our member in the House of Representatives. Malcolm Turnbull is a person who is extremely passionate about our area of Woollahra, and often describes this part of the world as the best corner of the best country in the world and I am sure as we around this table as custodians of Woollahra would find it very difficult to disagree with that.

Mr Mayor, as a former candidate for Wentworth myself, I know what a privilege it is to represent ones party in a Federal campaign. As such, the other reason I rise tonight is to congratulate two of my colleagues around this table, Councillor Mary-Lou Jarvis and Councillor Richard Shields. I do this very sincerely and soberly and I wanted to thank them for bravely putting their hands up and throwing their hats in the ring of what I am sure was a very bitterly fought contest, as should be within any political party. I believe, Mr Mayor that recent events in Canberra indicate that our political system is not broken but practitioners within it are simply not up to the job. We simply need better representatives in Canberra, that's how we will get better decisions coming out of our government and better policy positions across the board. So that's why I was so particularly pleased that Councillor Jarvis and Councillor Shields entered that race. I have known them over the last twelve months and they have been very good representatives on this Council standing up for the values of Woollahra. I wish all the candidates in the forthcoming By-Election all the very best of luck, particularly Dominic Wy Kanak.

The Mayor, Councillor Cavanagh advised:

I also congratulate Councillor Shields and Councillor Jarvis as I was also there as an observer. They were both outstanding, they did Wentworth proud and also did Woollahra proud. We are very proud of them too.

The Council noted the information.

Councillor Regan

- 177/18** That the Suspension of Standing Orders continue to allow Councillor Regan to advise Council of Suicide Prevention Walk.

Adopted

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

Councillor Regan advised:

I would just like to congratulate Councillor Shapiro for her wonderful effort with the Suicide Prevention Walk. I think most of the Councillors attending including Councillors Wynne, Maxwell, Jarvis, Marano, Silcocks, Price and myself. Thank you for organising that gentleman to come and speak. It was very inspiring and nice to meet the candidate for Wentworth for the Liberals, who seemed like a very nice person. I think it was well attended and I think it is important that it is recognised and I do congratulate you, I know you do it from the heart. Congratulations.

The Mayor, Councillor Cavanagh advised:

Councillor Shapiro says it is the first time the Mayor has ever attended.

Councillor Shapiro advised:

Thank you all and thank you for all Councillors who attended. It was the largest group of Councillors that have ever attended. We have been having this walk for eight years now and it is the first time we have had a Mayor attend. Thank you all for your support. Importantly Woollahra has been such a strong supporter of mental health and suicide prevention and Woollahra has supported the Eastern Sydney Suicide Prevention Network from day one both in kind and in grants and I think it is a wonderful message to the community, so thank you.

Councillor Elsing advised:

I just wanted to support Councillor Shapiro and to extend on points on how important the suicide prevention walk is, as its one of the first organisations which says that we need to prevent it. When you took that eight years ago that was very novel and you have actually changed the shape of how that subject is being considered through the popularity and the support of it. It's more that fact that we are just talking about it, it's the innovation that I attribute to the Eastern Sydney Suicide Prevention Network and your role in that. I just wanted to add that onto that because it's not just, it's a very important tool in the armoury to discuss it and you have been forerunners on that.

The Council noted the information.

Councillor Jarvis

178/18 That the Suspension of Standing Orders continue to allow Councillor Jarvis to advise Council of Sydney Councils Group.

Adopted

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

Councillor Jarvis advised:

I just wanted to report to the Council that on Saturday the 15 September I represented us and in fact Woollahra Council hosted for the first time a meeting of the Sydney Coastal Councils Group. There were two issues that we looked at. One of course was the maritime parks legislation which of course has caused some considerable controversy in relation to the matter of fishing. We endorsed a submission to go to the Minister in relation to the legislation and in fact congratulated her on her initiative. However subsequent to that the Government actually changed its mind and we are now in the situation of a fishing banned that was imposed will now not be so prevalent. I am mindful of a letter to the editor in the Wentworth Courier only two weeks ago about a grandfather that had been taught fishing by his father and in fact he had taught his grandson. It was one of his few pleasures in life as he recounted it and in fact I think at the end of the day that was the right decision.

The other issue that we considered was the issue of micro plastics in the water system. Those of you who have been working on the Rose Bay Working Party will be aware of that. We had a very interesting discussion from a researcher from the University of New South Wales suggesting that the micro plastics in the waterways that we find actually are a product of the plastic fibres that shed from clothes. As a result of which we supported an application for an innovation grant to the department to undertake further research in that. I did question whether that was the exact cause and how we can look at ways to provide a cleaner environment for this community and indeed all around New South Wales. Thank you.

The Council noted the information.

Councillor Price

- 179/18** That the Suspension of Standing Orders continue to allow Councillor Price to advise Council of the Glenmore Road Public School annual fundraiser.

Adopted

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

Councillor Price advised:

Thank you Mr Mayor. I just wanted to report that on the 9 September the Glenmore Road Public School held there annual fundraiser at Trumper Oval and it was a fantastic event. I wanted to thank Council for the support that they gave to the event, I know that they helped with rubbish collection and also the hire and some of the conditions of oval and I know that the school was very grateful for the support that staff gave. I would also like to congratulate the P&C for the hard work that they do and being the former president for that P&C I know the work that goes into these events and I think that all the families of Paddington are very lucky to have such a vibrant community and great staff and parents who work hard for the local public school.

The Mayor, Councillor Cavanagh advised:

Thank you and I am sure they must miss your input into these things.

Councillor Price advised:

Thank you Mr Mayor.

The Council noted the information.

Councillor Shields

- 180/18** That the Suspension of Standing Orders continue to allow Councillor Shields to advise Council of the Double Bay Public School Musical.

Adopted

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

Councillor Shields advised:

I would just like to thank you for the opportunity of going back to my old school, Double Bay Public School at which I represented the Mayor to watch, School Musical 'Seussical Jr' on the 20 September which was a production of kindergarten and grade six children.

It was a very strong production and after a long day at work I was entertained thoroughly. My congratulations to Double Bay Public School.

The Mayor, Councillor Cavanagh advised:

That's excellent, thank you.

The Council noted the information.

General Manager and Officer's Report

Item No: 8.1
Subject: USE OF ST BRIGIDS
Author: Tom O'Hanlon, Director - Technical Services
Approver: Gary James, General Manager
File No: 18/152514
Reason for Report: To respond to a Notice of Motion concerning the use of St Brigids

(Elsing/Wynne)

181/18 Resolved:

- A. That Council endorse the use of the first floor at St Brigids as an art gallery/cultural space, in accordance with the Council resolution of 29 May 2017.
 - B. That the proposed use of the ground floor of St Brigids as a commercial restaurant/café be discontinued.
 - C. That the future use of the ground floor be determined following the completion of the Community Facilities Study, in the first half of 2019.
 - D. That the current DA for the site be withdrawn.
 - E. That the placement of the proposed lift and the operating hours of the art gallery be considered by the Strategic and Corporate Committee.
 - F. That a new DA, which excludes the proposed use of the ground floor space, and which reflects the outcome of Part E of this resolution, be submitted.
-

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 3 September 2018 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **SUPPLEMENTARY REPORT ON PLANNING CONTROLS FOR ROOF TERRACES AND LIFT OVERRUNS**
Author: Anne White, Team Leader - Strategic Planning
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/136134
Reason for Report: To respond to a Council resolution from 18 June 2018 requesting a further report on planning controls for roof terraces and lift overruns.

(Jarvis/Silcocks)

182/18 Resolved without debate:

- A. THAT the further report on the potential provisions to regulate roof terraces, lifts and lift overruns be received and noted.
- B. THAT Council resolve to prepare and exhibit a draft development control plan consistent with the amendments contained in **Annexure 2** of the report to the Environmental Planning Committee of 3 September 2018 to amend Chapter B3 General Development Controls in Woollahra Development control Plan 2015, subject to Control C6 in *B3.5.1 Streetscape and local character* to read:

“The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).

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

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 3 September 2018 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **TELSTRA PROPOSAL FOR INSTALLATION OF
TELECOMMUNICATION FACILITY - ALEXANDRIA
INTEGRATED FACILITY (SC99)**

Author: Anthony Sheedy, Senior Property Officer

Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services

File No: 18/126479

Reason for Report: To consider the Telstra proposal for installation of a Telecommunications Tower at the Alexandria Integrated Facility

(Shields/Wynne)

183/18 Resolved:

- A. THAT Council enter into a lease with Telstra Corporation Limited for occupation of an estimated 60sqm area on part of Lot 15 in DP 270785 at 67A Bourke Road, Alexandria for a Telecommunication Facility; subject to appropriate sign off from Councils lawyers and Telstra obtaining all the relevant consents and approvals.
- B. THAT the lease agreement be for an initial term of five (5) years with three (3) additional consecutive leases for terms of five (5) years, at a commencement rent of \$25,000 per annum (excl GST), with annual 3% fixed rent increases on the anniversary date of the lease commencement.
- C. THAT the General Manager and the Mayor be authorised to execute the Lease and any necessary documentation.
- D. THAT the Council authorise the affixing of the Council Seal to all necessary documentation and the Lease agreement.

Item No: R2 Recommendation to Council
Subject: **TEMPORARY BYO ALCOHOL PROHIBITED AREA, LYNE PARK, SATURDAY 27 OCTOBER 2018**
Author: Jacky Hony, Team Leader - Community Development Officer
Approvers: Sharon Campisi, Manager - Community Development
Lynn Garlick, Director - Community Services
File No: 18/134211
Reason for Report: Adoption of 12 hour bring your own alcohol prohibited area within the perimeter of the licensed area of Council's cultural day celebration, Saturday 27 October, Lyne Park.

(Shields/Wynne)

184/18 Resolved without debate:

- A. THAT Council declare the area within the crowd control barriers (Annexure 1) at Lyne Park Rose Bay as a bring your own alcohol prohibited area 10.00am to 10.00pm Saturday 27 October 2018.
- B. THAT signage be installed along the outside of the crowd control barriers stating no bring your own alcohol into the event space.
- C. THAT signage be installed along the inside of the crowd control barriers advising that no alcohol purchased at the event can be taken beyond the event perimeter.

Item No: R3 Recommendation to Council
Subject: **WOOLLAHRA CHILD CARE NEEDS**
Author: Sharon Campisi, Manager - Community Development
Approver: Lynn Garlick, Director - Community Services
File No: 18/133141
Reason for Report: To provide information to Council about child care supply and demand and population changes from the 2016 census

(Elsing/Cullen)

185/18 Resolved:

- A. THAT Council receive and note the Child Care needs update information provided in this report.
- B. THAT staff pursue investigations to increase Preschool places at the Hugh Latimer Centre and report to Council on findings.
- C. THAT provision of future child care from Council facilities be considered as part of the Community Facilities Study to be commissioned later this year and delivered by June 2019.
- D. THAT the proposed refurbishment of the Meals on Wheels space be deferred until the outcomes of the Community Facilities Study are known.

Item No: R4 Recommendation to Council
Subject: **REVIEW OF CODE OF CONDUCT**
Author: Patrick Brown, Acting Manager Governance & Council Support
Approvers: Don Johnston, Director Corporate Services
Gary James, General Manager
File No: 18/120295
Reason for Report: To review the Code of Conduct

(Shields/Wynne)

186/18 Resolved without debate:

- A. THAT Council, adopt the current Code of Conduct as provided at Annexure 1 and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as provided at Annexure 2 to this report, as its Code of Conduct and Procedures in accordance with Section 440 of the *Local Government Act 1993*.
- B. THAT a further report be prepared and presented to the Finance, Community & Services Committee for consideration once the new Model Code of Conduct and Procedures are released by the Office of Local Government following the consultation process which commenced in late 2017.

Item No: R5 Recommendation to Council
Subject: **PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS**
Author: Patrick Brown, Acting Manager Governance & Council Support
Approver: Don Johnston, Director Corporate Services
File No: 18/116312
Reason for Report: For Council to fulfil its statutory requirement to review and publicly exhibit a proposed policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

(Shields/Wynne)

187/18 Resolved without debate:

- A. THAT the Draft Mayor and Councillors Expenses and Facilities Policy as contained in **Annexure 1** of the report to the Finance, Community & Services Committee meeting on 3 September 2018 be placed on public exhibition for a period of 28 days as Council's proposed Policy for the ensuing twelve months.
- B. THAT a further report be submitted to the Finance, Community & Services Committee at the conclusion of the exhibition period.

Item No: R6 Recommendation to Council
Subject: **FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018**
Authors: Don Johnston, Director Corporate Services
Trang Banfield, Senior Corporate Accountant
Approver: Gary James, General Manager
File No: 18/130854
Reason for Report: To present the Financial Statements for the year ended 30 June 2018 to the Committee, provide commentary on the budget result for 2017/18 and recommend to Council the adoption of Council's Statement in relation to the Financial Statements.

(Shields/Wynne)

188/18 Resolved without debate:

- A. That Council note the budget result achieved for 2017/17 is a surplus of \$1,151k, representing an improvement of \$1,128k on the March 2018 budget review forecast and resulting in a working funds balance of \$4,049k at 30 June 2018.
- B. That Council transfer \$900,000 to the IT Reserves from the improvement in the budget result, noting the \$200,000 left in workings funds will be used to provide additional Strategic Planning and Engineering Services resources in the 2018/19 Budget.
- C. That Council, having noted the statement of confirmation provided in the report by the General Manager, the Director Corporate Services and the Acting Chief Financial Officer (Responsible Accounting Officer), adopt the following statement in relation to its Financial Statements for the year ended 30 June 2018:

That, in relation to the General Purpose Financial Statements for the year ended 30 June 2018, Council is of the opinion that:

The General Purpose Financial Statements have been prepared in accordance with:

- i. the Local Government Act 1993 (NSW) (as amended) and Regulations made thereunder;*
- ii. the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board; and*
- iii. the Local Government Code of Accounting Practice and Financial Reporting*

and to the best of our knowledge and belief, these Financial Statements: present fairly Council's operating result and financial position for the year; and accord with Council's accounting and other records; and further, the signatories to the Statement, to the best of our knowledge and belief, are not aware of any matter that would render the Statements false or misleading in any way.

- D. That Council formally refer the General Purpose Financial Statements for the year ended 30 June 2018 for audit; and
- E. In anticipation of receiving the Auditor's Reports, set the Finance, Community & Services Committee meeting to be held on Monday 19 November 2018 as the meeting at which the Financial Statements will be presented to the public.

Item No: R7 Recommendation to Council
Subject: **PROPOSAL TO UPGRADE THE NORTHERN END OF YARRANABBE PARK**
Authors: Tessa Pentony, Team Leader Open Space & Recreational Planning
Jan Bond, Planning Project Officer
Approvers: Paul Fraser, Manager - Open Space & Trees
Tom O'Hanlon, Director - Technical Services
File No: 18/103839
Reason for Report: To report on the public exhibition of the proposed upgrade to the northern end of Yarranabbe Park.

Note: Late correspondence was tabled by Councillor Anthony Marano and Mrs GE Nevin.

Motion moved by Councillor Marano
Seconded by Councillor Zeltzer

- A. That Council proceed with the proposal to upgrade the northern end of Yarranabbe Park with the following amendments.
- i. A re-design of the promenade and viewing area be undertaken with a focus on reducing the hardscape surfaces associated with the design.
 - ii. A detailed lighting plan is commissioned taking into consideration light spill to neighbouring properties and the use of energy efficient lights.
 - iii. Any work to the seawall takes into consideration the heritage significance of the wall and follows similar design principles to the City of Sydney Rushcutters Bay Park harbour stairs.
 - iv. That the harbour stairs are adequately sign posted to alert users of potential hazards.
- B. That Council staff proceed to Development Application stage for the proposed upgrades to the Northern end of Yarranabbe Park.

Amendment moved by Councillor Price
Seconded by Councillor Shields

- A. THAT Council proceed with a partial upgrade to the northern end of Yarranabbe Park taking into account the following:
- i. the proposed opening of the seawall and the construction of the harbour stairs is excluded from the design
 - ii. the current width of the pedestrian promenade is maintained;
 - iii. the northern lawn is re-turfed to improve the space for informal recreation and picnics (including low level planting of garden beds);
 - iv. the introduction of additional seating (including seating walls and benches along the promenade) for more opportunities to sit and enjoy the harbour view; and
 - v. that all the current lighting in Yarranabbe Park is reviewed to ascertain the viability of upgrading the existing lights to energy efficient lights with low flare (to help reduce light pollution).
- B. THAT Council:
- i. notes the following recommendation by Geoffrey Britton contained in the 'Yarranabbe Park Seawall Assessment of Heritage Impact' dated July 2015 (at page 23):

'Ensure the listing of the Rushcutters Bay Seawall within the Woollahra LGA on Schedule 5 of the Woollahra LEP as an item of State environmental heritage consistent with the recognition of its contemporary counterpart within the adjacent City of Sydney LGA.'

- ii. reports on why the above recommendation in B (i) (above) has not been implemented.
- C. THAT Council, as part of preparation of the new Plan of Management for Sir David Martin Reserve, gives priority to reviewing the potential use (and upgrade) of the Sayonara Slipway *'for the launching of kayaks, canoes and small dinghies'* (Sir David Martin Reserve Plan of Management 2004 at page 34).
- D. THAT Council actively promotes the Yarranabbe Wharf/pontoon for public access and use – including recreational use and as a commuter stop (as outlined in the Yarranabbe Plan of Management at page 52).

The Amendment was put and lost.

The Motion was put and carried.

(Marano/Zeltzer)

189/18 Resolved:

- A. That Council proceed with the proposal to upgrade the northern end of Yarranabbe Park with the following amendments.
- i. A re-design of the promenade and viewing area be undertaken with a focus on reducing the hardscape surfaces associated with the design.
 - ii. A detailed lighting plan is commissioned taking into consideration light spill to neighbouring properties and the use of energy efficient lights.
 - iii. Any work to the seawall takes into consideration the heritage significance of the wall and follows similar design principles to the City of Sydney Rushcutters Bay Park harbour stairs.
 - iv. That the harbour stairs are adequately sign posted to alert users of potential hazards.
- B. That Council staff proceed to Development Application stage for the proposed upgrades to the Northern end of Yarranabbe Park.

Note: A Division of votes was called by Councillor Elsing.

For the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Robertson
Councillor Shapiro
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Shields
Councillor Silcocks

9/6

Notices of Motion

Item No: 11.1
Subject: NOTICE OF MOTION - ABORIGINAL FLAG
From: Councillors Harriet Price and Luise Elsing
Date: 22/08/2018
File No: 18/135680

Note: Late correspondence was tabled by Councillor Harriet Price.

(Price/Elsing)

190/18 Resolved:

THAT Council, subject to consultation with Aboriginal land owners, Elders and communities:

- A. Fly the Aboriginal Flag at Council chambers permanently and in accordance with:
- i the Australian National Flag Protocols published by the Department of the Prime Minister and Cabinet;
 - ii the Flags Act 1953; and
 - iii any other relevant legislation or protocols (including any protocols in consultation with the local Aboriginal community).
- B. Notes:
- i its priority to '*recognise and promote reconciliation*' as outlined in its Delivery Program 2018-2021 and Operational Plan 2018-2019 (**the DPOP**); and
 - ii. Councillor Price's Question on Notice and the answer recorded in Council's agenda dated 20 August 2018 that - '*A resolution of Council would be required to have the Aboriginal flag flown at Chambers on a permanent basis.*'¹
 - iii. Its Reconciliation Statement dated December 2012.
- C. Prepares a report on:
- i. The status of its 'Reconciliation Action Plan' as outlined in its Reconciliation Statement; and
 - ii. When the Reconciliation Statement will next be reviewed.

Adopted

Item No: 11.2
Subject: NOTICE OF MOTION - SYDNEY MARINE PARK
From: Councillors Megan McEwin and Matthew Robertson
Date: 13/09/2018
File No: 18/150014

(McEwin/Robertson)

191/18 Resolved:

THAT Council:

A. Notes:

- i The release of Phase Three of the NSW Government's *Hawkesbury Shelf Marine Bioregion Assessment* including a proposal for a new marine park for the region;
- ii The Discussion paper proposes new protections through proposed sanctuary zones, including new sanctuary zones at Camp Cove and Neilson Park; and
- iii The closing date for public submissions to the plan is 27 September 2018.

B. Prepares a submission supporting these proposed marine park protections and encouraging the Government to consider further appropriate Sanctuary Zone options for Sydney Harbour.

C. That Council write to the Minister for the Environment, The Hon. Gabrielle Upton, applauding her for this initiative and urging her to proceed with the proposed new marine park proposals.

Adopted

Note: A Division of votes was called by Councillor Robertson.

For the Motion

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

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Silcocks

11/4

Item No: 11.3
Subject: NOTICE OF MOTION - STOP ADANI
From: Councillors Megan McEwin and Matthew Robertson
Date: 13/09/2018
File No: 18/150017

**Motion moved by Councillor McEwin
Seconded by Councillor Robertson**

THAT Council:

- A. Supports the transition to renewable energy;
- B. Opposes government support and funding for new coal mines, including the Carmichael Mine; and
- C. Sends a letter to the new Member for the federal seat of Wentworth, once elected, communicating Council's position.

The Notice of Motion was put and lost.

Note: A Division of votes was called by Councillor Robertson.

For the Motion

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

Against the Motion

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

7/8

Questions for Next Meeting

Item No: 12.1
Subject: QUESTIONS FOR NEXT MEETING
Author: Sue O'Connor, Secretarial Support - Governance
Approver: Don Johnston, Director Corporate Services
File No: 18/141194
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 20 August 2018 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Robertson)

192/18 Resolved:

- A. THAT the responses to previous Questions for Next Meeting be noted.
- B. THAT Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Question No: 12.2 Homelessness

Councillor Robertson asking:

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

Director Community Services in Response:

Yes to my knowledge that is correct.

Question No: 12.3 Cranbrook School Development

Councillor Cullen asking:

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

Director Planning & Development Response:

On notice.

Question No: 12.4 ATM - Bellevue Hill Shops

Councillor Shapiro asking:

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

The Mayor, Councillor Cavanagh in response:

Yes I will write to the CBA.

Questions on Notice

Item No: 13.1
Subject: QUESTIONS ON NOTICE
Author: Sue O'Connor, Secretarial Support - Governance
File No: 18/134459
Reason for Report: To provide a response to Questions on Notice from Council Meeting of 24 September 2018 and for Councillors to ask Questions on Notice in accordance with Council's Code of Meeting Practice.

(Wynne/Robertson)

193/18 Resolved:

That the responses to previous Questions on Notice be noted.

Background:

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

- 1) *As a standard practice, "Questions on Notice" shall be listed in all agendas of Ordinary Council Meetings.*
- 2) *Questions on Notice must be submitted in writing to Council's Governance Department by no later than 10.00am on the Thursday preceding the Council Meeting.*
- 3) *The Questions on Notice may be asked by the Councillor submitting the question or another Councillor, should the Councillor who submitted the question be absent from the meeting, at the Council Meeting.*
- 4) *The Councillor must put every such question directly, succinctly and without argument.*
- 5) *If an answer to a Question on Notice can be given at the Council Meeting then such shall be done either in writing or verbally and a record made in the Minutes of the Meeting. If an answer can be given, but not at the meeting, ie due to further research being required, the question can be taken "On Notice" and the chairperson shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (i.e. whether in writing and direct to the enquirer, to all Councillors or reported to the next or subsequent Council Meeting).*
- 6) *When an answer has been given to a Question on Notice, the chairperson must not allow any discussion on any reply or refusal to reply to the question (clause 249 of the Regulation)*
- 7) *When an answer has been given to a Question on Notice, no motion can be moved at the Council meeting. However if a matter is genuinely urgent, it could be dealt with under the urgency provisions (clause 241(3)) of the Regulation as is the case with any matter of urgency.)*
- 8) *If a Councillor seeks to have a matter arising from a question and answer considered by the Council, a Notice of Motion should be submitted to the General Manager in accordance with the Notice of Motion provisions of the Code of Meeting Practice.*

Questions on Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions on Notice on 24 September 2018 are as follows:

Councillor Robertson submitted the following Question on Notice:

Further to the Question on Notice which was answered in the agenda of 20 August 2018 I ask when Council can expect to review the Single Use Plastics Policy and associated guidelines?

What investigations have been undertaken to date around the installation of single use plastics collection points in collaboration with companies who remove and recycle such waste? When can Council expect to review a recommendation resulting from these investigations?

Team Leader Environment & Sustainability in response:

The Environment & Sustainability Team, with input from other teams, has drafted a Single Use Plastics Policy and the associated guidelines are in development. Steps taken to date include:

1. Review of policies and guidelines developed by other organisations

- Requested other councils share their policies and guidelines with us for review.
- Selected some good examples of guidelines from other areas, but noted the complexity and detail needed to thoroughly address this issue.

2. Development of policy and guidelines

- A Policy is in draft form, having had input from a number of Council teams. Following the trial at the Latina Festival (see below), the Policy will be refined if needed, and reported to Council for adoption.
- Guidelines are in development. The aim is to have a balance of being easy to use yet retaining sufficient detail to cover considerations such as health requirements.

3. Latina Festival trial of policy

- Discussion has been taking place with Community Development staff to determine ways to improve sustainability and reduce single use plastics at the Latina Festival event. The event planning contractor has confirmed the steps being taken to reduce the use of plastics at the event.
- There is a plan to monitor how compliant people are at the event and note examples of good practices, challenges faced and suggestions for improvement. There may need to be some allowances made for instances where health and hygiene requirements do not enable an alternative to single use plastic.
- We are also investigating the possibility to improve recycling at the event with new bin covers or lids to reduce contamination.
- Results from this will help to inform the development of our own guidelines.

Below is an excerpt from the event's stallholder guidelines:

Environment

This event has a best practice policy regarding the use of materials. All stall holders are required to use only recyclable packaging and biodegradable containers, no glass or plastic carry bags are permitted. Please refer to the table below for a list of acceptable and non-acceptable items:

Accepted	Not Accepted
Paper or sugarcane plate, palm leaf plate, paper noodle box	Polystyrene/plastic takeaway containers
Paper cups	Polystyrene/ plastic cups
Wooden or corn starch cutlery	Plastic cutlery
Paper straws	Plastic straws
Cardboard tray or paper bags	Aluminium food bags
Cellophane wrap (made from cellulose)	Cling wrap
Reusable bags, biodegradable bags made to Australia Standards eg corn starch bags	Plastic bags
Aluminium/steel cans	Glass
Recyclable plastic bottles – for food prep only (numbers 1 & 2)	Plastic bottles for sale (in particular water)

Note: No inflated balloons of any type may be given away or sold at the event.

4. Working with Double Bay Organic Markets

- Discussions have commenced with Double Bay organic market organisers to confirm steps they already take to minimise plastic use and identify strategies for further reduction.
- We are also investigating methods to improve recycling at the markets.

5. Sustainable event kit for use at Council workshops

- A ‘Sustainable Event Kit’ is being prepared for use at workshops held by Council. This will include ceramic mugs and other reusable items to provide more sustainable options Council staff hosting events off-site.

6. Recycling single use plastics

- Recycling of many single use plastics occurs via Council’s residential recycling service. Although Council provides recycling bins at events, the waste collected is highly contaminated. As mentioned above, Council is investigating ways to reduce contamination of recycling bins at events, which will potentially be trialled at the Latina Festival.
- Council’s Waste Team has contacted ‘Redcycle’, who collect soft plastics from Woolworths and Coles. They have advised that they do not have capacity at this time to add further sites. Residents should be encouraged to take their soft plastics to Woolworths or Coles for recycling.

Councillor Harriet Price submitted the following Question on Notice:

Director of Technical Services answers in italics:

Community members have contacted me in relation to the former Paddington Bowling Club Site (**the Site**) and its current status. Can the Director please:

- a. confirm the status and terms of the current lease;

The original lease, for a term of 50 years commenced on 30 November 2010. The lessor is the State of New South Wales and the original lessee was Paddington Bowling Club Ltd. In December 2011, the lease was transferred to CSKS Holdings Ltd. In April 2018, Council was advised by the NSW Department of Primary Industries that the lease had been assigned to a new entity known as Quarry Street Ltd.

- b. confirm the extent to which:

- i Council was consulted by the State Government and/or the new lessee in relation to the transfer of the lease from CSK Holdings Pty Ltd to Quarry Street Pty Ltd;
- ii the transfer of the lease required any community notification process;
- iii the transfer of the lease required any public tender and/or invitations for expressions of interest;

Information in regard to this question has been sought from the Department of Primary Industries as the responsible agency. A further update will be provided when this information is received.

- c. confirm the current permissible uses for the Site under the terms of the current lease;

The 'Permitted Use' as defined in the lease is 'Community and Sporting Club Facilities, Tourist Facilities and Services, Access'

- d. confirm what (if any) impact the transfer of the lease has on Council's Quarry Street Depot and other adjoining land, including Trumper Park; and

Since the transfer of the lease, there has been little or no activity within the site. The impact therefore has been limited to a reduction in competition for parking. Council is not aware of the intended use of the site so cannot comment on impact on adjoining land. In regard to impact on the depot, it is reasonable to expect that there will be no material impact from the assignment.

- e. outline what (if any) implications there are for the Site in light of the introduction of the new Crown Land Management Act 2016 (including the extent to which the new Community Engagement Strategy provisions will apply to the Site).

Information in regard to this question has been sought from the Department of Primary Industries as the responsible agency. A further update will be provided when this information is received.

See below in addition answers provided by the Office of Environment and Heritage (OEH).

- b.i. The Department of Industry (DoI) – Lands and Water informed local council of receipt of an application to the transfer of the lease from CSK Holdings Pty Ltd to Quarry Street Pty Ltd. Subsequently, the DoI – Lands and Water advised local council that Ministerial consent was granted to the transfer of the lease from CSK Holdings Pty Ltd to Quarry Street Pty Ltd.*
- b.ii. there is no requirement for any community notification process for the transfer of a Crown land lease.*
- b.iii. there is no requirement for any public tender and/or invitations for expressions of interest for the transfer of a Crown land lease.*
- e. The lease is now administered under Crown Land Management Act 2016 (Act). The Act provides that the Community Engagement Strategy (Strategy) applies to all proposed leases. Therefore, should the department proceed to grant a new lease or consider any change in the lease purpose, compliance with the strategy is required.*

Councillor Harriet Price submitted the following Question on Notice:

To the Manager Open Space & Trees

I understand that the current weed eradication program around footpaths, kerbs and laneways in Paddington uses the product 'Roundup Bi-Active' (a product containing glyphosate). Media articles have recently reported on litigation in the USA concerning the use of roundup/glyphosate. The media has also reported on other councils reducing their use of products containing glyphosate.

In light of the above, can the Director please confirm:

- a. the extent to which Council uses products containing glyphosate;
- b. when Council's 'Pesticide Use Notification Plan 2013-2018' dated March 2013 (the Policy) will next be reviewed; and
- c. if Council has given any consideration to reducing its use of products containing glyphosate.

Manager Open Space & Trees in Response in italics:

- a. the extent to which Council uses products containing glyphosate;
Council uses glyphosate for spot spraying weeds on footpaths, gardens and for environmental weed control.
- b. when Council's 'Pesticide Use Notification Plan 2013-2018' dated March 2013 (the Policy) will next be reviewed; and
The Pesticide Notification Plan (2018 - 2023) has been reviewed, amended and notified to the public via council website and in the Government Gazette as required. The approved plan is on council's website.
- c. if Council has given any consideration to reducing its use of products containing glyphosate.
Council follows an integrated approach to weed control. Firstly, it is common practise to try and prevent weeds, if possible, so spraying is not required. We do this via mulching, plant spacing and treating weeds before they seed. If the weed is missed, the next step is to spray the weed while at rosette stage (small and only requires spot spraying).

Other methods we use are; to spray at the correct time of year (Bindi) thus spraying once and not overusing chemical. And anything larger than rosette size is hand pulled.

We continue to trial alternative 'natural organic' products (e.g. LocalSafe. The issue with these products is that they do not obtain product registration and council is required to use products that are registered with the APVMA (Australian Pesticides and Veterinary Medicines Authority). Some of these products are rated higher than the schedule 5 chemicals council is allowed to use. However, we continue to use increasingly smaller quantities of chemical while trying suitable alternatives for public areas.

In Australia, the Australian Pesticides and Veterinary Medicines Authority (APVMA) regulates the use of pesticides. All users must follow their recommendations. The APVMA website addresses the US court case and use of glyphosate on its website.

<https://apvma.gov.au/node/13891>

Council Bush Regenerators has been trailing a thermal weeder in small areas instead of traditional clearing and spraying (these methods are only suitable for small areas).

Councillor Harriet Price submitted the following Question on Notice:

To the Director of Technical Services

I refer to my Question on Notice concerning Council's Disability Action Plan and the response provided (see page 42 of Council's Agenda - 20 August 2018). As I understand it, there is no formal policy on the carry-out service or verge mowing services as yet. Can the Director please confirm if these services are not yet available (pending the formal policies) or can members of our community currently access these services? If so, can the Director please direct me to where these services are publicised and our community is made aware of these excellent initiatives.

Director Technical Services in response:

Further to the answer included in the previous Council business paper and the discussion at the recent Social and Cultural Plan workshop, I confirm that these services are available and have been so for many years. It is acknowledged that the services have not been promoted and knowledge of them depends on active enquiry to Council.

In the case of the of the verge mowing service, there are a handful of verges on non-main roads which are mowed by Council staff. All verges on main roads are mowed by contractors engaged by Council. The Manager Open Space and Trees is currently preparing a draft policy for the service for consideration by Council. The basis of the draft policy, which seeks to limit the service to those with a genuine need, will be that the service will only be provided where an applicant;

1. Has a verge that is not on a main road.
2. Is able to prove that they are unable to mow the verge because of age or disability.
3. Does not have a lawn within their property which would require mowing.
4. Is able to demonstrate that they do not have the means to engage a private mowing service.

Upon the adoption of a policy, which is planned for November, the service will be more actively promoted.

In the case of the garbage carry out service, we are currently providing the service to approximately 15 residents at a cost as prescribed in the adopted Fees and Charges. The Manager Civil Operations will discuss with the Communications and Community Services teams how best to target promotion of the service to those with need of assistance.

Councillor Harriet Price submitted the following Question on Notice:

To the Manager Open Space & Trees

I refer to the Royal Hospital for Women Plan of Management and the Environmental Management Plan prepared by Sinclair Knight Mertz (dated January 2004 (**the EMP**)). The EMP was prepared to *'ensure that appropriate environmental management controls and practices are followed during the use and maintenance of the site to reduce the risks associated with exposure to the low-level contaminated material on the site.'*

The EMP prescribes various monitoring and reporting requirements. The EMP and reporting requirements are subject to *'an annual review by Council and where appropriate a qualified environmental consultant'*. As I understand it, an annual report has not been reported to Council. Can the Director please explain why this annual report has not been prepared and reported to Council.

Manager Open Space & Trees in response:

The Environmental Management Plan produced by SKM is a document that is referred to when we undertake our normal maintenance of the park and specifically when we undertake works that require excavation at depths greater than 0.7m.

An annual report has not been reported to Council as we question this requirement as we have not undertaken any major works within the reserve that constitutes construction (ie. below 0.7m). Our maintenance servicing for RHWP is every 2-3weeks. Visual inspections are a part of this. I believe the scheduling intervals and our staff knowledge and experience of the park counters the need for such a report.

A Construction Summary Report would be commissioned if we were to undertake works which required excavation greater than 0.7m. I do not believe that we have done any works that have required such a report. Any contractors that we would engage would be provided with a copy of this plan prior to works commencing.

In saying all this we would definitely make the Council aware if we thought there were issues with contamination and the usability of the park.

Councillor Harriet Price submitted the following Question on Notice:

To the General Manager

Council's activities and services are governed and guided by the content of its publicly available policies and other documentation. It is imperative for good decision making and governance that our key documents are kept up to date and current. Can the General Manager please confirm how often:

- a. Council's website is reviewed and/or updated to ensure that the documents are current; and
- b. policy documents, forms and other templates are reviewed and updated for compliance.

General Manager in response:

The following number of policies and procedures are listed in Council's Register.

Policies	139
Procedures	400
Standard Operating Requirements	8
Work Instructions	42
Training Guides	12

Only 48 of these (being policies requiring sign off by council) are listed on our website under Council/Forms and Publications/Plans, Policies and Reports.

We are in the process of converting all of these to a new standard format along with updating and reviewing the content. Staff have been advised of the proper authorisation process for new and amended policies going forward.

At present, for example, there are a number of policies on the website that only indicate the original adoption date however they have been reviewed and updated from time to time. In the past general review dates were not recorded on the document; only amendment dates.

All policies and procedures have a "responsible officer" allocated for conducting reviews and making appropriate amendments when and where required. Any Council policy requiring a substantive amendment is referred to Council for endorsement.

The website policies are also being reviewed to ensure Council is complying with our 'open access' obligations.

Councillor Harriet Price submitted the following Question on Notice:

To the Director of Community Services

I recently visited the Sir David Martin Reserve to inspect the Sayonara Slipway and Drill Hall. During my walk around the facilities, I noticed along the veranda to the Drill Hall mattresses, bedding and other possessions. Is the Director aware of this and if so, has Council offered any support to those that might be sleeping rough in this area?

Director Community Services in Response:

Community Services staff were aware of the man sleeping near the Drill Hall and informed Missionbeat. He had been attended to by a service that provided him with a mattress and bedding. I attended the Drill Hall on 21/9/18 to find that he had left a week ago. All his belongings have also gone.

There being no further business the meeting concluded at 8.05pm.

We certify that the pages numbered 794 to 823 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 24 September 2018 and confirmed by the Ordinary Meeting of Council on 29 October 2018 as correct.

General Manager

Mayor