



# Ordinary Council



## Minutes

Monday 21 May 2018



# Ordinary Council Meeting

Monday 21 May 2018

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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 07 May 2018**

- D1 Confirmation of Minutes of Meeting held on 9 April 2017
- D2 Oxford Street Working Party - 6 March 2018
- D3 Minutes of the Floodplain Risk Management Committee held 18 April 2018
- D4 Urban Canopy and Land Temperature
- D5 Delivery Program 2013 to 2018 and Operational Plan 2017/18 (DPOP) Quarterly Progress Report March 2018 against Goal 4 - Well planned neighbourhoods, Goal 7-Protecting our environment, Goal 8 - Sustainable use of resources and Goal 9 - Community focused economic development

### **Finance, Community & Services Committee held on Monday 07 May 2018**

- D1 Confirmation of Minutes of Meeting held on 9 April 2017
- D2 Woollahra Local Traffic Committee Minutes - 1 May 2018
- D3 Cultural Committee Minutes Report
- D4 Playgrounds across Woollahra
- D5 Multi Use Sports Grounds - To report on an adopted Notice of Motion
- D6 Monthly Financial Report - March 2018 and Investments Held as at 30 April 2018 (FY259-03)
- D7 Capital Works Program - Quarterly Progress Report March 2018
- D8 Delivery Program 2013 - 2018 and Operational Plan 2017/18 Quarterly Progress Report - March 2018 - Goal 1-A connected & harmonious community, Goal 2-A supported community, Goal 3-A creative & vibrant community, Goal 5-Liveable places, Goal 6-Getting around, Goal 10-Working together, 11-A well managed Council (FY230)
- D9 Closing and Sale of Road Reserve - 22A Vaucluse Road, Vaucluse (SC3777)
- D10 Closing and Sale of Road reserve adjoining 42 Cranbrook Road , Bellevue Hill

### **Strategic & Corporate Committee held on Tuesday 15 May 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  
21 May 2018 at 6.00pm.**

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  
Richard Shields  
Mark Silcocks  
Toni Zeltzer

Staff: Chris Bluett (Manager – Strategic Planning)  
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

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**Note:** The Mayor, Councillor Cavanagh congratulated Don Johnston on his appointment as the new Director Corporate Services.

Councillor Price acknowledged the attendance of Alex Greenwich MP this evening.

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## Confirmation of Minutes

(Wynne/Robertson)

**82/18 Resolved:**

That the Minutes of the Ordinary Council Meeting held on 23 April 2018 be taken as read and confirmed.

(Marano/McEwin)

**83/18 Resolved:**

That the Minutes of the Strategic & Corporate Committee held on 15 May 2018 be taken as read and confirmed.

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## Leave of Absence and Apologies

An apology was received and accepted from Councillor Isabelle Shapiro and leave of absence granted.

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## Declarations of Interest

Councillor Robertson declared a significant pecuniary interest in Environmental Planning Item R2 (Rose Bay Uniting Church and Wesley Hall Group) as his work at the Wayside Chapel means he is effectively employed by the Uniting Church. Councillor Robertson left the room and did not participate in debate or vote on the matter.

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## Late Correspondence

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item R1 & R4 - Environmental Planning Committee.

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## Petitions Tabled

Nil

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## Suspension of Standing Orders

Nil

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## Strategic & Corporate Committee

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### Items with Recommendations from the Committee Meeting of Tuesday 15 May 2018 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **STATUTORY REVIEW OF COUNCIL'S INTEGRATED PLANNING AND REPORTING DOCUMENTS**  
**Author:** Don Johnston, Director Corporate Services  
**Approver:** Gary James, General Manager  
**File No:** 18/70937  
**Reason for Report:** Referral from the Finance, Community & Services Committee to provide all Councillors with the opportunity to review Council's Integrated Planning & Reporting documents.

**Motion moved by Councillor Jarvis**  
**Seconded by Councillor Wynne**

THAT the recommendation as printed be adopted.

**Amendment moved by Councillor McEwin**  
**Seconded by Councillor Zeltzer**

THAT the recommendation as printed be adopted subject to the addition of the following new parts:

- F. That the following information be included in the documents by 18 June 2018:
- i) specific measurable time based targets
  - ii) survey results of online survey
  - iii) hold a workshop with Councillors
- G. That Council holds quarterly workshops with all Councillors to review the Strategy noting that this is to be enacted by 1 September 2018.
- H. That a review of research survey documents of 650 telephone survey and 72 online survey results be undertaken as part of the review of the Community Strategic Plan.

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

(McEwin/Zeltzer)

**84/18 Resolved:**

THAT:

- A. The progress report on the statutory review of Council's Integrated Planning and Reporting (IP&R) documents to be noted.

- 
- B. The draft Community Strategic Plan, Our Woollahra 2030, and the Delivery Program 2018 to 2021 and Operational Plan 2018/19 be placed on public exhibition for 28 days from 22 May 2018.
- C. The relevant Goals from the draft Delivery Program 2018 to 2021 and Operational Plan 2018/19 be further considered by the Environmental Planning and Finance, Community & Services Committees on the 4 June 2018 together with any community submissions received and, in doing so noting the priority of Council in delivering:
- i. development that is sustainable and retains character and amenity
  - ii. affordable housing
  - iii. separated bike paths
  - iv. Public High School in the East
  - v. effective community participation in planning
  - vi. renewed and upgraded parks and playgrounds
  - vii. increase in Tree Canopy
  - viii. protection of local history, heritage values and buildings; and
  - ix. improved recycling including initiatives to reduce waste.
- D. Any matters arising from the Standing Committees' consideration of relevant goals from the Delivery Program and Operational Plan on 4 June 2018, together with any additional community submissions received be reported to Council on 18 June 2018 in an Officer's Report for final consideration and adoption of Our Woollahra 2030 and the Delivery Program 2018 to 2021 and Operational Plan 2018/19.
- E. That existing specific, measurable, time based targets already in the Delivery Program or other strategic plans be included in the documents for adoption on 18 June 2018.
- F. That a Councillor Strategy Workshop be held prior to the Council meeting on 18 June 2018.
- G. That Council holds quarterly workshops with all Councillors to review the Strategy noting that this is to be enacted by 1 September 2018.
- H. That a review of research methodology used for the 650 telephone survey and 72 online survey be undertaken as part of the review of Our Woollahra 2030.



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## Environmental Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 7 May 2018 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR IAN STREET AND WILBERFORCE AVENUE CAR PARKS IN THE ROSE BAY CENTRE**

**Author:** Anne White, Team Leader - Strategic Planning

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

**File No:** 17/125784

**Reason for Report:** To report on the public exhibition of the planning proposal for the Ian Street and Wilberforce Avenue car parks in the Rose Bay Centre. To obtain Council's approval to proceed with the finalisation of the planning proposal.

**Note:** Late correspondence was tabled by Councillor Robertson, Council's Team Leader Strategic Planning, Anne White, Emma Lewis & David Balkin.

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

THAT the recommendation be adopted subject to amendment of Part E of the recommendation as follows:

- E. THAT any further Development Proposal consider the delivery of affordable housing with a view to reserving 30 percent of residential housing stock as affordable housing and staff prepare a further report on the delivery of affordable housing.

**Amendment moved by Councillor Jarvis**  
**Seconded by Councillor Zeltzer**

THAT the recommendation be adopted.

**Foreshadowed Amendment advised by Councillor Cullen**  
**Seconded by Councillor Silcocks**

THAT Council proceed with the planning proposal for the Ian Street & Wilberforce Avenue car parks in the Rose Bay Centre to amend Woollahra Local Environmental Plan 2014 as exhibited subject to the following amendment:

- i. The maximum height limit for the Ian Street Public Car Park be expressed as a combination of a maximum building height of 14.4 metres with a secondary building height of 11 metres at the highest part of the land.

The Council proceed with the preparation of the draft LEP in accordance with A(i).

**The Foreshadowed Amendment was put and lost**

*Note: A Division of votes was called by Councillor Cullen.*

***For the Motion***

Councillor Cullen  
Councillor Elsing  
Councillor Marano  
Councillor Price  
Councillor Regan  
Councillor Silcocks

***Against the Motion***

Councillor Cavanagh  
Councillor Jarvis  
Councillor Maxwell  
Councillor McEwin  
Councillor Robertson  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

***6/8***

**The Amendment was put and lost**

*Note: A Division of votes was called by Councillor Jarvis.*

***For the Motion***

Councillor Cavanagh  
Councillor Jarvis  
Councillor Maxwell  
Councillor Shields  
Councillor Wynne

***Against the Motion***

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

***5/9***

**The Motion was put and lost**

**Motion moved by Councillor Jarvis  
Seconded by Councillor Robertson**

THAT the recommendation be adopted subject to amendment of Part E of the recommendation as follows:

- E. THAT any further Development Proposal considers the delivery of 30 percent of residential accommodation be affordable housing and staff prepare a further report on the delivery of affordable housing.

**The Motion was put and carried**

**(Jarvis/Robertson)**

**85/18 Resolved:**

- A. THAT Council proceed with the planning proposal for the Ian Street and Wilberforce Avenue car parks in the Rose Bay Centre to amend Woollahra Local Environmental Plan 2014 as exhibited, and proceed with the preparation of the draft LEP.
- B. THAT Council exercise its delegation authorised by the Director, Metropolitan (CBD) Planning Services, Department of Planning and Environment, on 15 September 2015, to carry out the functions of the Greater Sydney Commission under section 3.36 of the Environmental Planning and Assessment Act 1979.
- C. THAT the following matters raised in the submissions in relation to the indicative concept which formed part of the planning proposal be addressed in the architectural design and the statement of environmental effects which must accompany a future development application(s) for the development of the car park sites:
- i. *Acoustic Design*
  - ii. *Carparking and Servicing*
  - iii. *Tree retention and replacement*

The design and statement of environmental effects must be informed by technical reports where relevant to the above listed matters.

- D. THAT any future development proposal go before a public meeting where the presentation can be made directly to the public meeting and to allow the public have the right to respond prior to lodgement of a DA.
- E. THAT any further Development Proposal considers the delivery of 30 percent of residential accommodation be affordable housing and staff prepare a further report on the delivery of affordable housing.

*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 Jarvis  
Councillor Marano  
Councillor Maxwell  
Councillor McEwin  
Councillor Robertson  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

***Against the Motion***

Councillor Cullen  
Councillor Elsing  
Councillor Price  
Councillor Regan  
Councillor Silcocks

**9/5**

**Item No:** R2 Recommendation to Council  
**Subject:** **ROSE BAY UNITING CHURCH AND WESLEY HALL GROUP**  
**Author:** Catherine Colville, Strategic Heritage Officer  
**Approvers:** Anne White, Team Leader - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 18/62304  
**Reason for Report:** To respond to Council's resolutions of 18 December 2017 to investigate the heritage listing of Rose Bay Church and Wesley Hall at 518a Old South Head Road, Rose Bay.

**Note:** Councillor Robertson declared a significant pecuniary interest this Item, as his work at the Wayside Chapel means he is effectively employed by the Uniting Church. Councillor Robertson left the room and did not participate in debate or vote on the matter.

(Jarvis/Wynne)

**86/18 Resolved without debate:**

- A. THAT Council prepare a planning proposal to list the Rose Bay Uniting Church and Wesley Hall Group at 518a Old South Head Road, Rose Bay as a heritage item in the *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal describes the item as follows: *Rose Bay Uniting Church and Wesley Hall Group - church and interiors (including moveable heritage, vestry and 1924 additions), Wesley Hall and interiors*.
- C. THAT the planning proposal be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.
- D. THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

**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 Shields  
Councillor Silcocks  
Councillor Wynne  
Councillor Zeltzer

Nil

**Item No:** R3 Recommendation to Council  
**Subject:** **EASTERN CITY DISTRICT PLAN (SC3134)**  
**Author:** Kelly McKellar, Strategic Planner  
**Approvers:** Anne White, Team Leader - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 18/57205  
**Reason for Report:** To inform Council of the contents of the finalised Eastern City District Plan released by the Greater Sydney Commission and in effect from 18 March 2018

(Jarvis/Wynne)

**87/18 Resolved without debate:**

- A. THAT the report on the Eastern City District Plan be received and noted.
- B. THAT it be noted that future reports will be provided to the Environmental Planning Committee as further information is released by the State Government to guide implementation of the Eastern City District Plan.

*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 Shields  
Councillor Silcocks  
Councillor Wynne  
Councillor Zeltzer

Nil

***14/0***

**Item No:** R4 Recommendation to Council  
**Subject:** **CONSIDERATIONS FOR ESTABLISHING THE WOOLLAHRA DESIGN REVIEW PANEL**  
**Author:** Jacquelyne Della Bosca, Executive Planner  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 18/60947  
**Reason for Report:** To respond to a Notice of Motion regarding the establishment of a Design Review Panel.

**Note:** The Environmental Planning Committee was divided between the Amendment (4 votes) and the Motion (4 votes), therefore both the Amendment and Motion are referred to full Council for consideration.

**Note:** Late correspondence was tabled by Council's Director Planning & Development, Allan Coker.

**Motion moved by Councillor Zeltzer  
Seconded by Councillor Marano**

- A. That Council notes the report to the Environmental Planning Committee meeting of 7 May 2018 identifying considerations for establishing a design review panel.
- B. That Council constitutes the Woollahra Design Review Panel for the Woollahra Local Government Area to consider:
  - i. development proposals and policies to which *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65) applies
  - ii. development for infill affordable housing, boarding houses, supportive accommodation or group homes proposed under *State Environmental Planning Policy (Affordable Rental Housing) 2009*
  - iii. development for seniors living proposed under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
  - iv. non-residential development proposals with an estimated capital investment value of \$10M or more
  - v. any other development proposals, plans and policies considered by the General Manager, Director of Planning and Development, Manager Development Control, or Manager Strategic Planning to warrant referral to the Panel.
- C. That the Woollahra Design Review Panel consists of 3 expert members and 2 alternate expert members.
- D. That the mix of panel members have expertise in architecture, landscape architecture and urban design.
- E. That Council endorses the draft Operational Procedures for the Design Review Panel as provided at Annexure 1.
- F. That Council endorses the draft Code of Conduct for the Design Review Panel as provided at Annexure 2.
- G. That subject to B above, Council delegate to the General Manager authority to establish a selection panel to appoint the panel members.

- H. That subject to B above, Council advertise to seek nominations for the Design Review Panel, applying the selection criteria listed in Annexure 3.
- I. That the remuneration for the Design Review Panel be as follows:
- i. For the Panel chair - \$1,500 per meeting and an hourly rate of \$285 per hour for business that is undertaken outside of meetings (exclusive of GST)
  - ii. For the other Panel members - \$1,250 per meeting and an hourly rate of \$214 per hour for business that is undertaken outside of meetings (exclusive of GST).
- J. That the applicant's fees for the Design Review Panel service be included and exhibited as part of the 2018/19 Fees and Charges schedule at the rates set out in Annexure 4.
- K. That an evaluation and review of the Woollahra Design Review Panel be undertaken 18 months from commencement and be reported to the Environmental Planning Committee.

**Amendment moved by Councillor Robertson  
Seconded by Councillor Elsing**

THAT Council takes no further action in relation to establishing the Woollahra Design Review Panel and resolves its position as being opposed to the removal of Council's powers to determine Development Applications and seeking to advocate how and whenever possible for the return of local planning powers exercisable by elected Councillors.

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

**(Robertson/Elsing)**

**88/18 Resolved:**

THAT Council takes no further action in relation to establishing the Woollahra Design Review Panel and resolves its position as being opposed to the removal of Council's powers to determine Development Applications and seeking to advocate how and whenever possible for the return of local planning powers exercisable by elected Councillors.

*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 McEwin  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Silcocks

***Against the Motion***

Councillor Marano  
Councillor Maxwell  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

**9/5**

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## Finance, Community & Services Committee

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### Items with Recommendations from the Committee Meeting of Monday 7 May 2018 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** LICENCE AGREEMENT FOR CRITICAL PATH AT SIR DAVID MARTIN RESERVE 1C NEW BEACH RD RUSHCUTTERS BAY - (SC365)  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Lynn Garlick, Director - Community Services  
Tom O'Hanlon, Director - Technical Services  
**File No:** 18/56422  
**Reason for Report:** To consider the granting of a further Licence agreement to Critical Path Incorporated for occupation of the Drill Hall, Sir David Martin Reserve.

(Shields/Wynne)

**89/18 Resolved without debate:**

THAT Council agrees to grant a licence to Critical Path Incorporated for the use of the Drill Hall at Sir David Martin Reserve, Rushcutters Bay for a 2-year term, subject to the Ministers consent.

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**Item No:** R2 Recommendation to Council  
**Subject:** WOOLLAHRA PLAQUES ADVISORY COMMITTEE - MINUTES - 4 APRIL 2018  
**Author:** Joan Ruthven, Library Community Programs Team Leader  
**Approvers:** Vicki Munro, Manager - Library & Information Services  
Lynn Garlick, Director - Community Services  
**File No:** 18/59573  
**Reason for Report:** To table the minutes of the Woollahra Plaques Advisory Committee meeting held on Wednesday 4 April 2018.

(Shields/Wynne)

**90/18 Resolved without debate:**

- A. THAT the minutes of the Woollahra Plaques Advisory Committee meeting held on Wednesday 4 April 2018 be noted and endorsed.
- B. THAT the recommendations of the Woollahra Plaques Advisory Committee regarding the selection of nominations for the 2018 Woollahra Council Plaque Scheme be adopted - Dr Max Herz, Alan Kippax, Elizabeth Macarthur, Sir Percival Halse Rogers KBE, Peter Sculthorpe AO MBE OBE and the World Heavy Weight Boxing Championship title fight held in 1908.



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**Item No:** R3 Recommendation to Council  
**Subject:** **FUNDING OF BUSINESS CHAMBERS - GUIDELINES**  
**Author:** Peter Kauter, Manager Placemaking  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 18/50453  
**Reason for Report:** To respond to a Notice of Motion on funding guidelines for business chambers

(Shields/Wynne)

**91/18 Resolved without debate:**

- A. THAT Council adopt the Woollahra Business Chambers Funding Guidelines as contained in the Annexure to this report, with the deletion of (9) Exemptions and clarification of acquittals in regard to recurrent funding.
- B. THAT upon the Funding Guidelines referred to in Part A being adopted staff prepare a Woollahra Business Chamber Funding Guidelines application form that is based on those Funding Guidelines.

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**Item No:** R4 Recommendation to Council  
**Subject:** **2017/18 BUDGET REVIEW FOR THE QUARTER ENDED 31 MARCH 2018**  
**Author:** Trang Banfield, Senior Corporate Accountant  
**Approvers:** Don Johnston, Chief Financial Officer  
Gary James, General Manager  
**File No:** 18/57734  
**Reason for Report:** To report on the review of the 2017/18 Budget for the quarter ended 31 March 2018

(Shields/Wynne)

**92/18 Resolved without debate:**

- A. THAT the report on the Budget Review for the quarter ended 31 March 2018 be received and noted.
- B. THAT Council note the statement from the Responsible Accounting Officer, Council's Chief Financial Officer, that the projected financial position at 30 June 2018, based on the forecasts outlined in this report, will remain satisfactory.
- C. THAT the recommended variations to the 2017/18 budget outlined in the report be adopted.

**Item No:** R5 Recommendation to Council  
**Subject:** **STATUTORY REVIEW OF COUNCIL'S INTEGRATED PLANNING AND REPORTING DOCUMENTS**  
**Author:** Cate Trivers, Project Manager - IP&R Review  
**Approvers:** Don Johnston, Chief Financial Officer  
Gary James, General Manager  
**File No:** 18/66146  
**Reason for Report:** To provide an update on the review of Council's integrated planning and reporting documents and outline the key dates for further consideration by Council and public exhibition of the documents prior to adoption.

(Shields/Wynne)

**93/18 Resolved without debate:**

- A. THAT the statutory review of Council's integrated planning and reporting documents be referred to a meeting of the Strategic & Corporate Committee in the week commencing 14 May 2018 to enable all Councillors to participate in consideration of the documents.
- B. THAT the Strategic & Corporate Committee give consideration to the report and recommendations as submitted to the Finance, Community & Services Committee on 7 May 2018.

## Notices of Motion

**Item No:** 11.1  
**Subject:** NOTICE OF MOTION - FOUR IN HAND HOTEL  
**From:** Councillors Harriet Price and Luise Elsing  
**Date:** 1/05/2018  
**File No:** 18/66036

**Note:** Notices of Motion 11.1 (Four in Hand Hotel) as originally submitted by Councillor Price and Councillor Elsing, 11.3 (Hotels in Paddington) as originally submitted by Councillor Robertson and 11.5 (Paddington Pubs) as originally submitted by Councillor Price and Councillor Elsing, were considered together as a consolidated Motion.

**Note:** Councillor Price acknowledged the attendance of Alex Greenwich MP this evening.

### Procedural Motion

#### 94/18 (Price//Robertson)

##### Resolved:

THAT Notices of Motion 11.1 (Four in Hand Hotel), 11.3 (Hotels in Paddington) and 11.5 (Paddington Pubs) be considered together as a consolidated Motion.

##### (Price/Robertson)

#### 95/18 Resolved without debate:

THAT Council:

1. Requests staff to undertake an assessment of heritage significance for the 'Four In Hand Hotel' (located at 105 Sutherland Street, Paddington) (**the Property**) and report to the Environmental Planning Committee on whether the Property has sufficient heritage significance to be listed as:
  - a) a local heritage item in the Woollahra Local Environment Plan 2014 (**WLEP**); and
  - b) an item on the State Heritage Register under the Heritage Act 1977;
2. Notes the following priorities contained in its Delivery Program 2013 to 2018 and Operation Plan 2017/2018 (**the DPOP**):
  - a) 4.3.1 - 'Develop policies, including a Heritage Item Register and a Significant Tree Register, to maintain cultural and natural heritage items'; and
  - b) 4.3.1.1 - 'Carry out a study of hotels in Paddington to determine and establish more specific conservation controls' (**the Paddington Pub Project**);
3. Further notes its resolution on 27 November 2017, giving 'next priority' to the Paddington Pub Project;

4. Expedites the Paddington Pub Project and gives urgent priority to it (including the allocation of additional funding and staff resources);
5. In preparing the Paddington Pub Project, gives consideration to:
  - a) including a recommendation to Council on how to protect all pubs in the Paddington Heritage Conservation Area to the same standard; and
  - b) exploring what mechanisms (including but not limited to amending the Woollahra Development Control Plan 2015 (**the DCP**)) are available to ensure that existing controls and protections that currently apply to pubs continue to apply regardless of any change in use;
6. Requests that the Mayor write to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to:
  - a) raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales; and
  - b) request the State Government to explore what legislative changes can be introduced to mirror the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs.

**Adopted**

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**Item No:** 11.2  
**Subject:** **NOTICE OF MOTION - BIKE SHARE COORDINATION AND IMPROVEMENT**  
**From:** Councillors Megan McEwin, Anthony Marano, Nick Maxwell and Matthew Robertson  
**Date:** 10/05/2018  
**File No:** 18/72028

(Maxwell/McEwin)

**96/18 Resolved :**

1. THAT Council write to the Hon. Andrew Constance, Minister for Transport and Infrastructure:
  - a. supporting the *NSW Future Transport Strategy 2056* stated aim of making walking or cycling the transport choice for short trips less than 2 kms.
  - b. noting that:
    - a proliferation of bike share businesses have sprung up in Sydney, including in the Woollahra Local Government Area (LGA);
    - while Woollahra Council supports the concept of bike share, there have been a number of problems associated with the current bike share arrangements such as:
      - a. the limited ability of Councils to set mandatory rules or regulations covering the safety, quality, size and operations of the bike share operators. (Guidelines have been developed however they are not enforceable.)
      - b. the lack of data available to Councils to determine the usage and success or otherwise of the bike share programs;
      - c. the lack of docking or tethering of bikes leading to vandalism, theft and littering;
      - d. damaged and vandalised bikes being left with Councils for waste management;
      - e. sub-optimal redistribution of bikes, leading to bikes building up and clogging popular destinations while other locations have few or no bikes;
      - f. requesting the Minister give powers to the NSW Point to Point Transport Commissioner to design, operate and enforce a state-wide bike share permit process which has clear and measurable rules in relation to:
        - g. the type (e.g. certain proportion of bikes to be electric, have baskets or child seats etc) and quality of bikes provided including maintenance obligations;
        - h. the density/number of bikes;
        - i. provision and use of helmets (voluntary or not);
        - j. tethering, geolocking and/or docking of share bikes;
        - k. efficient and effective redistribution of share bikes;
        - l. tracking mechanisms for share bikes;
        - m. places where bike share parking is permitted; and
        - n. data sharing requirements and the form of those data feeds.
      - o. calling on the Minister to work with Road and Maritime Services and Councils to ensure sufficient funding and support is provided to Councils to build protected/separated bike paths to support the stated aims of the *NSW Future Transport Strategy 2056*.
2. THAT Council write to the Gabrielle Upton MP requesting consideration of amending the Local Government Act 1993 in accordance with Section 222 (Permits for business purposes) of the Local Government Act 1999 of South Australia in terms of granting permits for bike holders to use a permit.

*Note: A Division was called by Councillor Elsing.*

***For the Motion***

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

***Against the Motion***

Councillor Cavanagh

***13/1***

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**Item No:** 11.3  
**Subject:** NOTICE OF MOTION - HOTELS IN PADDINGTON  
**From:** Councillor Matthew Robertson  
**Date:** 16/05/2018  
**File No:** 18/75372

**Note:** Notices of Motion 11.1 (Four in Hand Hotel) as originally submitted by Councillor Price and Councillor Elsing, 11.3 (Hotels in Paddington) as originally submitted by Councillor Robertson and 11.5 (Paddington Pubs) as originally submitted by Councillor Price and Councillor Elsing, were considered together as a consolidated Motion.

**Note:** Councillor Price acknowledged the attendance of Alex Greenwich MP this evening.

**Note:** For the resolution, please refer to Notice of Motion 11.1 on pages 571 and 572.

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**Item No:** 11.4  
**Subject:** **NOTICE OF MOTION - LOW RISE AND MEDIUM DENSITY HOUSING – 6 JULY 2018 CHANGES**  
**From:** Councillors Lucinda Regan, Claudia Cullen, Luise Elsing, Harriet Price and Mark Silcocks  
**Date:** 16/05/2018  
**File No:** 18/75401

**Motion moved by Councillor Regan  
Seconded by Councillor Robertson**

A. THAT Council:

- i. recognises that it is responsible for enacting the Woollahra Local Environment Plan (LEP) 2014; and
- ii. notes the recently announced Low Rise Medium Density Housing Code (Code), which is due to take effect on 6 July 2018.

B. THAT Council, through the Mayor and General Manager, write to the New South Wales Planning Minister, Anthony Roberts MP, the member for Vacluse, Gabrielle Upton MP and the member for Sydney, Alex Greenwich MP and request:

- i. a freeze on the approval of any further medium density development under the Code in the municipality until a proper independent assessment has been undertaken to assess community impact;
- ii. that the State Government halts the application of the Code until Council has an opportunity to consult with the community and review its LEP to ensure development is in line with community expectations; and
- iii. that approval of such sensitive development proposed under the Code, if implemented, be determined by Council certifiers and to affirm Council's position that it is opposed to private certification of the type of development contemplated by the Code.

THAT Council urgently:

- A. commences a review of the Woollahra LEP to consider where medium density dwelling provisions in the Code could adversely affect the community, and in circumstances where those impacts are adverse, remove medium types of dwellings from R2 zones; and R3 zones, it being understood that the reference to medium density dwellings includes dual occupancies, semi-detached dwellings, multi-dwelling housing, manor houses and terrace.

**Amendment moved by Councillor Jarvis  
Seconded by Councillor Shields**

THAT the matter be deferred for consideration at the next meeting of the Environmental Planning Committee on the 4 June 2018.

**Amendment was put and lost  
Motion was put and carried**

**(Regan/Robertson)**

**97/18 Resolved:**

- A. THAT Council:
- i. recognises that it is responsible for enacting the Woollahra Local Environment Plan (LEP) 2014; and
  - ii. notes the recently announced Low Rise Medium Density Housing Code (Code), which is due to take effect on 6 July 2018.
- B. THAT Council, through the Mayor and General Manager, write to the New South Wales Planning Minister, Anthony Roberts MP, the member for Vaucluse, Gabrielle Upton MP and the member for Sydney, Alex Greenwich MP and request:
- i. a freeze on the approval of any further medium density development under the Code in the municipality until a proper independent assessment has been undertaken to assess community impact;
  - ii. that the State Government halts the application of the Code until Council has an opportunity to consult with the community and review its LEP to ensure development is in line with community expectations; and
  - iii. that approval of such sensitive development proposed under the Code, if implemented, be determined by Council certifiers and to affirm Council's position that it is opposed to private certification of the type of development contemplated by the Code.
- C. THAT Council urgently commences a review of the Woollahra LEP to consider where medium density dwelling provisions in the Code could adversely affect the community, and in circumstances where those impacts are adverse, remove medium types of dwellings from R2 zones; and R3 zones, it being understood that the reference to medium density dwellings includes dual occupancies, semi-detached dwellings, multi-dwelling housing, manor houses and terrace.

**Adopted**

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

***For the Motion***

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

***Against the Motion***

Councillor Jarvis  
Councillor Shields

***12/2***



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**Item No:** 11.5  
**Subject:** **NOTICE OF MOTION - PADDINGTON PUBS**  
**From:** Councillors Harriet Price and Luise Elsing  
**Date:** 16/05/2018  
**File No:** 18/75484

**Note:** Notices of Motion 11.1 (Four in Hand Hotel) as originally submitted by Councillor Price and Councillor Elsing, 11.3 (Hotels in Paddington) as originally submitted by Councillor Robertson and 11.5 (Paddington Pubs) as originally submitted by Councillor Price and Councillor Elsing, were considered together as a consolidated Motion.

**Note:** Councillor Price acknowledged the attendance of Alex Greenwich MP this evening.

**Note:** For the resolution, please refer to Notice of Motion 11.1 on pages 571 and 572.

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**Item No:** 11.6  
**Subject:** **NOTICE OF MOTION - LANDSCAPE CONTROLS TO ENHANCE TREE CANOPY**  
**From:** Councillors Toni Zeltzer, Matthew Robertson, Susan Wynne and Anthony Marano  
**Date:** 16/05/2018  
**File No:** 18/75613

(Zeltzer/Robertson)

**98/18 Resolved:**

THAT Council's Strategic Division produce a report which reviews Council's DCP Landscaping Controls in order to:

- Determine whether the current objectives and controls are promoting, maintaining and conserving the leafy character of the Municipality
- Strengthen Council's objectives and controls to further **enhance** the landscaped character of Woollahra and Paddington, by including a new control which reads as follows:

In the redevelopment of sites, landscaped areas should be planted with species that are compatible with the locality's existing character, and should include canopy trees that are capable of achieving a mature height of 10 metres:

When redeveloping sites:-

- i. Sites less than 500 sq. metres may require the introduction of 1 additional tree
- ii. Sites between 500sq. metres and 1000 sq. metres to introduce 3 additional trees
- iii. Sites between 1000 sq. metres and 1200 sq. metres to introduce 4 additional trees
- iv. Sites over 1200 sq. metres - 5 trees.

**Adopted**

## Questions for Next Meeting

**Item No:** 12.1  
**Subject:** QUESTIONS FOR NEXT MEETING  
**Author:** Sue O'Connor, Secretarial Support - Governance  
**Approver:** Helen Tola, Manager - Governance & Council Support  
**File No:** 18/65586  
**Reason for Report:** To provide a response to Questions for Next Meeting from Council Meeting of 23 April 2018 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Maxwell)

**99/18 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 Power Outages at Council

**Councillor McEwin asking:**

We have had now four phone outages since I started on Council. What steps are staff taking to reduce the risk of another telephone or internet outage occurring again and/or to minimise the impact if we do have another outage?

**General Manager in response:**

I will take that on notice, but not all of those outages were as a result of our systems. There was a Telstra outage on Oxford Street, where Council was offline for two and a half days and we have no control over those. I will get some information to Councillors.

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**Question No:** 12.3 General Managers' Performance Review

**Councillor McEwin asking:**

Has a performance review recently been undertaken of the General Manager's performance? If so, what was the outcome and was this done in accordance with the Local Government Act?

**The Mayor, Councillor Cavanagh in response:**

No.

**Question No:** 12.4 Allianz Stadium

**Councillor Elsing asking:**

I refer to the recent newspaper article in the Sydney Morning Herald dated 29 March 2018, where Gerry Harvey expressed frustration at the pace of development “it is getting more and more difficult to do anything” and “it is why China is such a wonderful place compared to Australia”, and with reference to the article on 18 May 2018 reads race against time to demolish Allianz Stadium before state election in March 2018.

Could the Mayor please ask our local member, Gabrielle Upton MP whether there is any information that could be made available to Councillors and the community?

**The Mayor, Councillor Cavanagh in response:**

I have a meeting with Gabrielle Upton MP on Thursday 24 May 2018.

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**Question No:** 12.5 Slippery Slide at Double Bay Library

**Councillor Price asking:**

I read a recent newspaper article in the Daily Telegraph concerning the reduced hours of operation of the slippery slide at the Double Bay Library. So many young children enjoy the slide and it is a fabulous way of encouraging young families to the library. Can staff please confirm the operating hours have been reduced and advise of what steps are being taken to ensure the slide continues to be enjoyed by many young families?

**Director Community Services in response:**

Yes, my understanding is that the slippery slide is open two hours a day now. When the slide is open it needs to be monitored and it is monitored by two volunteers at the top and the bottom of the slide. What is the other part of the question?

**Councillor Price further asking:**

To make sure that the community can still enjoy it and to confirm the precise hours? To confirm that the hours of the slide, as the Daily Telegraph was reporting that it was only twenty minutes per day.

**Director Community Services in further response:**

I will get back to you with more information.

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**Question No:** 12.6 Solar operated compactor bins

**Councillor Silcocks asking:**

Waverley Council has 'Solar Compactor Bins' in operation at Bondi Beach and I was wondering if we have ever looked at those?

**Director Technical Services in response:**

Mr Mayor, I can confirm that we are now looking at them.

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**Question No:** 12.7 Sydney Water Site - Clairvaux Road

**Councillor Jarvis asking:**

Can we please be updated on my suggestion that the Sydney Water site Clairvaux Road be acquired by the Council for open space, whether as a playground, netball court or passive recreational use?

**The Mayor, Councillor Cavanagh in response:**

I am actually looking into that and I mention it every time I see her.

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**Question No:** 12.8 Noise Mitigation

**Councillor Zeltzer asking:**

There have been a spate of complaints about noise levels in Double Bay produced by the Council premises in the vicinity of the corner of Guilfoyle Park and Bay Street. Report of deep base noise at day and night being so intolerable that new residents only survive a year before moving out of Double Bay.

What are the regulations regarding noise from licensed premises? How loud is tolerable during the day? How loud is tolerable at night? How loud is tolerable after 12am?

How are we currently monitoring compliance to conditions of consent relating to noise. How do we address several offenders of noise pollution?

**The Mayor, Councillor Cavanagh in response:**

On notice.

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**Question No:** 12.9 Steps near Bishops Court Darling Point

**Councillor Zeltzer asking:**

Can staff assess the steps leading from Bishops Court in Darling Point (i.e. were we had a plaque unveiling in Darling Point) down the green embankment to the street at Greenoaks Street Darling Point? The steps are unstable, have steep derelict steps that can easily lead to slips and falls. Many aged use these steps to cross the street and they are dangerous so when can they be repaired and reset? Can this please be looked at as a matter of urgency?

**Director Technical Services in response:**

On notice.

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**Question No:** 12.10 Limited Parking Sherbrook Lane

**Councillor Zeltzer asking:**

Members of the community and visitors have difficulty finding any parking along Sherbrook. There are many restrictions related to the preschool and so I ask whether we can have a review of the restrictions? Why does one often see the restricted limited parking at Sherbrook taken up by 3 and 4 council staffers? Can we limit the number of staff parking in this area as the spots are in high demand?

**The General Manager in response:**

The staff are the regulatory staff that's their offices. Those vehicles come and go and its not as if they are parked all day the vehicles come and go.

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**Question No:** 12.11 Questions on Notice

**Councillor Wynne asking:**

Can we please have guidelines for the questions for next meeting? A lot of what I am hearing tonight can be handled to a staff member via an email and I do not understand why we have to wait for the opportunity once per month. My understanding is that is has to be a question, doesn't need explanation and it is one question and that is it? Can we please have a proper outline as to how we do it, what we do it and what is the purpose of it?

**The Mayor, Councillor Cavanagh Response:**

Quite right.

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There being no further business the meeting concluded at 8.48pm.

**We certify that the pages numbered 555 to 582 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 21 May 2018 and confirmed by the Ordinary Meeting of Council on 18 June 2018 as correct.**

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**General Manager**

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**Mayor**