

Ordinary Council



Minutes

Monday 9 September 2019

Ordinary Council Meeting

Monday 9 September 2019

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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.

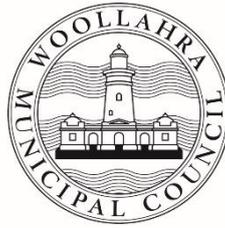
Strategic & Corporate Committee held on Monday 26 August 2019

Environmental Planning Committee held on Monday 02 September 2019

- D1 Confirmation of Minutes of Meeting held on 19 August 2019
- D3 Oxford Street & Paddington Working Party meeting 13 August 2019

Finance, Community & Services Committee held on Monday 02 September 2019

- D1 Confirmation of Minutes of Meeting held on 19 August 2019



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
9 September 2019 at 6.00pm.**

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

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

Also in Attendance: Nil

Confirmation of Minutes

(Wynne/Jarvis)

158/19 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 26 August 2019 be taken as read and confirmed.

(Wynne/Robertson)

159/19 Resolved:

THAT the Minutes of the Strategic & Corporate Meeting held on 26 August 2019 be taken as read and confirmed.

Leave of Absence and Apologies

Nil

Declarations of Interest

Nil

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item EP R2 (Minutes of the Floodplain Risk Management Committee held on 24 July 2019) and Item FC&S R1 (Sale of Road Reserve – 2 Wunulla Road, Point Piper).

Petitions Tabled

Nil

Public Forum

Nil

Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Monday 26 August 2019 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	DRAFT WOOLLAHRA LOCAL STRATEGIC PLANNING STATEMENT
Author:	Kelly McKellar, Senior Strategic Planner
Approvers:	Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
File No:	19/102008
Reason for Report:	To present the Draft Woollahra Local Strategic Planning Statement and report on the outcome of the community consultation that was undertaken to inform its preparation To obtain Council's approval to publicly exhibit the Draft Woollahra Local Strategic Planning Statement.

(Zeltzer/Wynne)

160/19 Resolved:

- A. THAT the report on the *Draft Woollahra Local Strategic Planning Statement* and the outcome of the community consultation be received and noted.
- B. THAT Council resolve to publicly exhibit the *Draft Woollahra Local Strategic Planning Statement* presented in Annexure 1 of the report to the Strategic and Corporate Committee of 26 August 2019, subject to the following amendments:
- include reference to 'accessibility' (especially for our ageing population), 'safety', 'neighbourhood cohesion' (i.e. neighbourhood watch) and 'affordable housing' to the vision on page 12 and to the relevant planning priorities.
 - amend the vision sentence to read 'Outstanding heritage, lifestyle, leafy, boutique villages and an unrivalled open, sunny harbour-side landscape in Sydney's east.'
 - separate cycling and walking throughout the statement and add an action for safe and accessible 'pedestrian links' on page 20 including pedestrian links around the harbour foreshore and the Bondi to Manly walk.
 - include reference to 'affordable housing' to increase emphasis on promoting and supporting affordability on page 29 at point f:
 - f. address affordable housing by:
 - (i) recognising housing affordability is an issue in Woollahra, particularly for essential service workers
 - (ii) quantifying and measuring the need for affordable housing in the LGA
 - (iii) identifying areas and strategies for growth in affordable housing
 - (iv) recognizing that affordable housing is a complex issues that needs to be addressed at all levels of government
 - (v) exploring opportunities for Council to participate at regional and state level to advocate for state funded delivery of affordable housing stock.

- include reference to 'solar energy' under sustainability on page 42.
- explain how the actions will be implemented in the *Delivery Program & Operational Plan and how monitoring will be undertaken via the DPOP* in the implementation section on page 56/57.
- include reference after design excellence to 'responsible best practice construction' in housing and sustainability planning priorities.
- include 'companion animal' action to promote bylaws and park management that reflect growing pet ownership in high density dwellings and increasing demand for companion animals for our ageing population.
- include the *Rushcutters/Paddington Greenway project* in the Green Grid strategies and actions.
- other changes to address text inconsistencies, grammatical errors and graphic design matters as required.

C. THAT staff report on the submissions received during the public exhibition to a future committee meeting.

Note: In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.

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

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 2 September 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **DRAFT WOOLLAHRA VOLUNTARY PLANNING AGREEMENT POLICY**
Author: Chris Bluett, Manager - Strategic Planning
Approver: Allan Coker, Director - Planning & Development
File No: 19/125710
Reason for Report: To present the Draft Woollahra Voluntary Planning Agreement Policy for consideration.
To obtain a decision of the Council to place the Draft Policy on public exhibition.

Motion moved by Councillor Robertson
Seconded by Councillor Elsing

THAT Council take no further action on the Draft Woollahra Voluntary Planning Agreement Policy.

Amendment moved by Councillor Zeltzer
Seconded by Councillor Wynne

- A. THAT the Draft Woollahra Voluntary Planning Agreement Policy contained in Annexure 3 of the report to the Environmental Planning Committee meeting on 2 September 2019 be publicly exhibited for a period of 28 days.
- B. THAT a further report be presented to the Environmental Planning Committee following the public exhibition.

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

(Zeltzer/Wynne)

161/19 Resolved:

- A. THAT the Draft Woollahra Voluntary Planning Agreement Policy contained in Annexure 3 of the report to the Environmental Planning Committee meeting on 2 September 2019 be publicly exhibited for a period of 28 days.
- B. THAT a further report be presented to the Environmental Planning Committee following the public exhibition.

Note: In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.

For the Motion

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

Against the Motion

Councillor Elsing
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson

10/5

Item No: R2 Recommendation to Council
Subject: **MINUTES OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE HELD ON 24 JULY 2019**
Author: Aurelio Lindaya, Manager Engineering Services
Approver: Tom O'Hanlon, Director - Technical Services
File No: 19/124657
Reason for Report: For the Committee to consider the recommendations of the Floodplain Risk Management Committee.

Note: Late correspondence was tabled by John Durak.

(Elsing/Robertson)

162/19 Resolved:

THAT the following recommendations contained in the minutes of the Floodplain Risk Management Committee held on Wednesday 24 July 2019 be adopted.

- A. *That Council thanks the Paddington community for its participation in the process to prepare the Paddington Floodplain Risk Management Study and Plan.*
- B. *That the final Paddington Floodplain Risk Management Study and Plan, dated July 2019, prepared by Catchment Simulation Solutions, be adopted, subject to George Street being included in the streets identified in the Paddington FRMSP as likely to experience significant property damage, risk to life and/or evacuation difficulties during significant rainfall events (Paddington FRMSP p2) and George St, Elizabeth Place being included in the areas identified 'At the peak of the 1% AEP flood, approximately 1,300 properties (out of 5,366 contained within the catchment) are predicted to experience depths of inundation that exceed 0.1 metres. The areas that are most significantly impacted by floodwaters include: (Paddington FRMSP p18)*

- C. *That Council requests staff to prepare a report on the water sensitive urban design projects, raised by the community through the consultation process for the draft Paddington Floodplain Risk Management Study and Plan. They include treatments at the following locations:*
- i. *Detention tank in the roundabout at Hargrave Street and Elizabeth Street*
 - ii. *Flow path entrances to George Street.*
 - iii. *Grassed open space at the intersection of Elizabeth Street and Windsor Street*
 - iv. *Reserve at the intersection of Cascade Street and Sutherland Street – installation of underground and above ground storage, where feasible.*
 - v. *Cul-de-sacs of Royston Street and Cecil Street where storage could be installed beneath the roadway surface and flows stored before drainage to the existing stormwater system.*
 - vi. *Open space within 4-8 Hampden Street premises where underground storage could be provided.*
 - vii. *Elizabeth Place underground storage detention tank.*
- D. *That the option of the Elizabeth Place Underground Storage Detention Tank remain open to Council for future consideration and this be reflected in the Paddington Floodplain Risk Management Study and Plan.*

Note: In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.

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 2 September 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: SALE OF ROAD RESERVE - 2 WUNULLA ROAD, POINT PIPER (SC3776)
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 19/127485
Reason for Report: To consider the sale of road reserve adjoining 2 Wunulla Road, Point Piper.

Note: Late correspondence was tabled by Anthony Sheedy, Senior Property Officer.

(Marano/Regan)

163/19 Resolved without debate:

- A. THAT the sale of the road reserve adjoining 2 Wunulla Road, Point Piper not proceed.
- B. THAT staff liaise with the owner of 2 Wunulla Road, Point Piper with a view to entering into a lease for driveway, steps, pathway and retaining wall.
- C. THAT a further report be brought to Council to finalise the matter.

Note: *In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.*

For the Motion

Against the Motion

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

Nil

15/0

Item No: R2 Recommendation to Council
Subject: **CLOSING OF ROAD RESERVE - 2 WUNULLA ROAD, POINT
PIPER (SC3776)**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 19/127547
Reason for Report: To consider the closing of road reserve adjoining 2 Wunulla Road, Point
Piper

(Marano/Regan)

164/19 Resolved without debate:

- A. THAT the closing of the road reserve adjoining 2 Wunulla Road, Point Piper not proceed.
- B. THAT a further report be brought to Council to consider the road closure once the encroachment is formalised.

Note: In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.

For the Motion

Against the Motion

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

Nil

15/0

Councillor Reports/Councillor Updates (Section 8.4)

(Jarvis/Robertson)

165/19 Resolved:

THAT the Councillor Reports/Councillor Updates in accordance with section 8.4 of Council's Code of Meeting Practice be received and noted.

Report/Update No: 15.1 Public Electric Vehicle
Councillor: Councillor Jarvis

Councillor Jarvis advised:

Thank you Your Worship. I wish to announce and congratulate Council on the Cities Power Partnership Awards. We were finalists for our Public Electric Vehicle Charging network and the Mayor requested that I go and represent the Council.

I would also like to specifically congratulate Council's Sustainability Team Leader, Micaela Hopkins and Anthony Weinberg who as you might recall is part of the group that does part of the Solar My School program. I will just remind the Council that this follows the success of last year's awards where we in fact won The Cities Power Partnership nationally for Solar My School.

It shows this Council leading in terms of sustainability and the environment.

Report/Update No: 15.2 Holdsworth Centre Wild West Ball
Councillor: Councillor Price

Councillor Price advised:

Thank you Mr Mayor. I just wanted to briefly congratulate the Holdsworth Centre on the wonderful *Wild West Ball* that you attended with Councillor Elsing. I would also like to congratulate the students and staff of Waverley College and St Clare's College Waverley who you know Mr Mayor did a fabulous job of hosting us and feeding us on the night. It was wonderful to see the clients of Holdsworth Centre interacting with the high school students and I think they are all to be commended on a terrific night and on the fantastic dress ups and outfits all of us had on.

Report/Update No: 15.3 Suicide Prevention Walk
Councillor: Councillor Regan

Councillor Regan advised:

Thank you Mr Mayor. I would just like to congratulate Councillor Shapiro and the Eastern Suburbs Suicide Prevention Network for another successful Suicide Prevention Walk on Sunday 8 September 2019 which you attended Mr Mayor, as did the Deputy Mayor, Councillor Jarvis, Councillor Maxwell, Councillor Price and Councillor Shapiro. I would also like to thank the speaker as he was very moving.

Councillor Shapiro advised:

I would also like to thank everyone for their support and particularly Woollahra Council who has been at the forefront of supporting suicide prevention. I commend and thank everybody.

Report/Update No: 15.4 Presbyterian Aged Care
Councillor: Councillor Robertson

Councillor Robertson advised:

On the 31 August 2019 I attended the grand opening of the new Presbyterian Aged Care Centre in Paddington, formerly known as the Scottish Hospital. It was a tremendous occasion particularly for me as a neighbour who has lived through the long development process, to deliver the largest project ever undertaken by the Presbyterian Church in NSW. It was very rewarding to see what is an absolutely beautiful facility that any of our aged population lucky enough to reside there, will tell you.

The ceremony was officiated by the Governor of New South Wales, The Hon. Margaret Beazley and the Moderator of the Presbyterian Church in NSW, the Reverend Minister Kamal Weerakoon. Reverend Weerakoon delivered one of the most moving prayers I've ever heard, connecting the respect paid to elders of the Gadigal People of the Eora Nation, the traditional custodians of the land, with the need to respect elders across our community today. A lovely sentiment, evidenced by the realisation of this facility in the Paddington community.

Many people that I met there on the day have moved in from the local community, and this really does evidence that this development has provided an opportunity for our elderly people to age in Paddington, and that is a wonderful addition to our community.

Report/Update No: 15.5 Interactive Playground at Parsley Bay
Councillor: Councillor Robertson

Another wonderful addition was the interactive playground at Parsley Bay that you opened officially at the weekend, Mr Mayor. I was lucky enough to be there along with Councillor McEwin. This is a playground accessible to all of children's abilities. What a wonderful achievement for Woollahra, of which we can all be very proud. My favourite part was the carved rock sculpture of the water dragon, it is very beautiful. A special nod to our caretaker staff member at Parsley Bay, Margaret Lai who took us into the bush where we were able to see a Powerful Owl. The Powerful Owl is the largest owl in the world, it's extremely rare and we very much value its presence in our bushlands here in Woollahra.

Report/Update No: 15.6 Rushcutters Bay Proposal
Councillor: Councillor Robertson

Mr Mayor, I attended on Saturday afternoon, with yourself, Councillor Maxwell and Councillor McEwin the exhibition of the Rushcutters Creek Proposal by UTS Landscape Students at Rushcutters Bay. There was a real buzz there, it was well attended with high level interest from the local community who had the chance to mix with these inspired young people sharing their ideas and their concepts.

It was a truly inspiring event and I look forward to the progression of the Paddington Greenway proposal.

Notices of Motion/Questions with Notice

Item No: 16.1
Subject: NOTICE OF MOTION - CLIMATE EMERGENCY
From: Councillors Matthew Robertson and Megan McEwin
Date: 4/09/2019
File No: 19/142044

(McEwin/Robertson)

166/19 Resolved:

THAT Council:

- A. Publicly acknowledges that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species; and that it is still possible to prevent the most catastrophic outcomes if societies take emergency action, including local councils;
- C. Notes the impacts of climate change upon Woollahra as a coastal council and Council's good record in reducing emissions and responding to climate change impacts;
- D. Requests staff prepare a report examining:
 - i) how Council plans, policies and works programs can address the climate emergency, including measures to ensure this focus is embedded in future Council strategic plans;
 - ii) review the annual budget key performance indicators and policies over the course of the next twelve months to focus Council expenditure and revenue on addressing the climate emergency;
 - iii) how staff can amend the draft Local Strategic Planning Statement to indicate Council's high priority focus on addressing the climate emergency;
 - iv) examine the inclusion of references to the climate emergency in the CEO's performance agreement and Council adjust his key performance indicators accordingly; and
 - v) the promotion of Council record on climate action.
- E. Requests the Mayor to write to the NSW Environment Minister and the Federal Environment Minister, and the Members for Wentworth, Sydney and Vaucluse, advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis.

Note: In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.

For the Motion

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

Against the Motion

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

8/7

Note: Councillor Zeltzer abstained and was recorded against the Motion.

Note: Councillor Wynne abstained and was recorded against the Motion.

Item No: 16.2
Subject: **QUESTIONS WITH NOTICE**
Author: Sue O'Connor, Governance Officer
Approver: Helen Tola, Manager - Governance & Council Support
File No: 19/137933
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 26 August 2019 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Silcocks/Regan)

167/19 Resolved:

THAT the Questions with Notice be received and noted.

QWN: 1
From: Councillors Silcocks, Councillor Marano and Councillor Zeltzer
Received on: 27 August 2019
Subject: Double Bay Late Night Economy

Councillor Silcocks, Councillor Marano and Councillor Zeltzer asking:

(As identified and asked by concerned Bay Street resident – associated with Council’s proposed Night Time Policy, but more specifically detailed than that.)

Acoustic Amenity

1. Will the proposed measures (La10 < background noise +5DB (31.5 Hz - 8kHz inclusive)) capture effective volume increases achieved by boosting bass or treble response while leaving volume control at an unchanged setting?

Director Planning & Development in response:

The standard noise condition we impose is the same as the standard condition imposed on liquor licenses issued by Liquor and Gaming NSW and is a widely accepted industry standard. It captures noise across broad octave band frequencies from a low of 31.5Hz to a high of 8kHz. Noise below 31.5Hz and above 8kHz can be audible but is generally less sensitive to the human ear. A more detailed response to this question will be provided in our report on the Night Time Economy.

2. Will the response time setting for the noise limiters be calibrated for a fast response time? What are the merits of the response time chosen that will aid quick attenuation of noise to compliant levels?

Director Planning & Development in response:

Noise limiters operate to cut the electrical supply to amplification equipment if noise levels from the amplification equipment exceed the pre-set noise threshold for more than a few seconds.

3. Will noise limiters display warning "traffic" lights?

Director Planning & Development in response:

Our standard condition does not require that noise limiters display traffic signal warning lights. However, most noise limiters do have a system of lights so that artists or a DJ can see when the music is approaching the maximum permitted volume. Green is acceptable, orange is a warning that sound is approaching the limit and red indicates that the power is likely to be cut.

4. Will a penalty such as an auto shutdown of noise-producing equipment be imposed by the noise limiter in the event of a Db breach?

Director Planning & Development in response:

Noise limiters operate to shut down the power to the amplification equipment. Power will usually be restored after about a minute. The shutdown feature of noise limiters can result in unwelcome disruptions to the musical act and for guests and for this reason are very effective in keeping amplified noise within the set threshold limits, as calibrated by an acoustic consultant

5. Has the Council given any guidelines for the positioning of speakers in restaurant and bar premises operating at night to direct sound into closed internal areas as opposed to broadcasting into the street?

Director Planning & Development in response:

No.

6. Does the policy call for bars open to the street such as in Mrs Sippy front bar to be enclosed in the end of the twilight period to limit street noise?

Director Planning & Development in response:

No.

7. Background noise seems to be only known by very technical people. Compliance with the proposed measure is based on calibration of the noise limiter. In the event where the limiter fails to work (for whatever reason) there is no effective system to provide guidelines to proprietors. Their staff are usually unaware of approval/licence conditions and are affected in their perception of noise by their proximity to conversations, etc. of clientele. There is a communication problem at a practical level between residents and proprietors notwithstanding its efficacy as a measure. Is there scope for a Db guideline e.g. 65 Db that can be used to discuss aberrant noise levels by reference to the Db measure available with various smartphone apps? It could be a guideline that works when the noise limiter fails, for instance.

Director Planning & Development in response:

Our standard condition requires that noise limiters are calibrated to ensure that the noise from amplified equipment does not exceed Council's noise criteria. The calibration process needs to be undertaken by an acoustic consultant and will have regard to the acoustic characteristics of the space in which the noise is generated.

8. Will the noise limiter monitor overall noise such as talking at high volume as one competes with the music to be heard? If not, the resultant Db will be higher than 5Db above background noise. If it is say 5Db above, then there will be substantial noise elevation give the logarithmic scale of the Db measure.

Director Planning & Development in response:

Noise limiters measure the total sound which occurs in the venue space, including clapping and audience noise.

Footpath Dining

1. In the past, sufficient appreciation of the impact of wait staff or table re-arrangement on the pedestrian amenity may have been overlooked. Would the Council work with proprietors to ensure a pathway is maintained for foot traffic through or around the outdoor dining seating?

Director Planning & Development in response:

Yes. Section 6 of the *Draft Footway Dining Guidelines* provides that a minimum distance of 1.8m must be available for pedestrian traffic where the pavement is over 3.6m wide. Where the pavement is less than 3.6m wide a minimum distance of 1.5m must be available for pedestrian traffic.

Crowd Management

1. Over many years, has the Council approved the developments presently being The Royal Oak, Mrs Sippy, Mateo, Bedoiun, Bibo, and Pelicano? Has Council approved small bar sites such as Philosophy?

Director Planning & Development in response:

Yes, all of the above venues have development consent.

2. Are there many more sites in Bay Street where restaurants or coffee shop are a permitted use? What controls are there in the LEP to discourage further concentration of such venues? Is it possible to limit such development?

Director Planning & Development in response:

Land within the Double Bay commercial centre is zoned 'B2 Local Centre'. This zone permits, with consent, *commercial premises*.

Commercial premises includes, *retail premises* and *retail premises* includes *food and drink premises*. *Food and drink premises* includes a *restaurant* or *café*, *take away food and drink premises*, a *pub* and a *small bar*.

There are no provisions in the Woollahra LEP which discourage the concentration of such venues. Each application is required to be assessed and determined on merit.

3. Does Council monitor the cumulative increase in potential visitors as it responds to requests to establish such businesses?

Director Planning & Development in response:

No. However, the full impacts of each business are considered.

4. Has Council or OLG extended opening times for some of those licensed premises?

Director Planning & Development in response:

No. However, there are provisions within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which permit the temporary extension of trading hours for licensed premises for special occasions.

5. Is Council aware that previously unexploited past liquor licences have been "re-activated" by venues such as Bedoiun and Mateo causing an extension of the night time economy to in one case the wee hours of the morning?

Director Planning & Development in response:

Yes.

Some of these questions are rhetorical in nature to demonstrate the point that crowd control issues are a function of increased permission to operate these premises from dormancy or as new enterprises. The Director, Planning and Development stated that the Council had no role in managing these crowds. But it played a role (recently and historically) facilitating the congregation of venues. I would beseech Council to find a way to specially police the precinct by contracting extra police on the peak nights (Thursday to Saturday) and special public holidays such as Anzac Day. Funding for these extra police could come from contributions by the licensed premises that act as a hub for these crowds.

6. What measures does Council in cooperation with the police plan to remedy the taxi and uber traffic servicing visitors to licensed venues? Does Gum Tree lane present an alternative pick up and drop off opportunity?

Manager Engineering Services in response:

Council works closely with the Eastern Suburbs Local Police Area Command to manage traffic and parking in the Double Bay Centre. Most recently in 2018, Council worked with the NSW Police to improve taxi zone operations in Cooper Street, Double Bay.

In 2016, Council considered significant changes to the traffic flows in Double Bay to address the traffic issues associated with licensed venues. These traffic changes included traffic measures for ubers and hire cars.

The Traffic Committee report in relation to the above proposal can be found here:

https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0003/169914/Agenda_October_2016.pdf

Subsequently, Council considered the recommendations endorsed by the Traffic Committee and resolved:

Resolved:

- A. *That the 6 week trial of timed road closures (taxis, ubers and hire cars excepted) to improve pedestrian safety and traffic congestion issues in Bay Street between New South Head Road and Guilfoyle Avenue and in Cooper Street between Bay Street and South Avenue, Double Bay from 9pm – 3am on Friday and Saturday nights be supported, subject to the following conditions:*
- i. *The RMS approves the temporary closure. Copies of the Traffic Management Plan and Traffic Control Plans have been submitted to the RMS for approval of the road closure and associated measures.*
 - ii. *The Transport Management Centre must be informed of the approved event, temporary closures (including the RMS approval document) and provided with all associated documentation at least 14 days prior to the event.*
 - iii. *All residents/commercial properties within 50 metres of, or with access/frontage to any parts of the closed section of street must be informed at least seven (7) days prior to the first closure via a letterbox drop.*
 - iv. *The applicant must supply and erect any barriers and traffic signs necessary for the road closure as stipulated by the approved Traffic Control Plan (TCP) and remove them at the completion of the works.*
 - v. *The applicant must inform all Emergency Services of the proposed road closure (that is NSW Police, Fire Brigade, Ambulance, State Emergency Services and the Roads and Maritime Services).*
 - vi. *Woollahra Council reserves the right to cancel this approval at any time.*
 - vii. *Should the temporary closure not occur on the approved date due to extenuating circumstances, Council's Manager, Engineering Services be authorised to alter the approved date.*
- B. *Commencement of the trial be delayed until all 2016 HSC exams have concluded.*

The six-week trial of timed road closures in Bay Street and Cooper Street commenced in 11 November 2016.

A further report was presented to the Traffic Committee and Council's Community and Environment Committee in December 2016 where Council resolved:

Resolved:

*That the 6 week trial of timed traffic closures (taxis, private hire vehicles excepted) in Bay Street between New South Head Road and Guilfoyle Avenue and in Cooper Street between Bay Street and South Street, Double Bay from 9pm – 3am on Friday and Saturday nights be **extended** by an additional 6 weeks (to the weekend prior to the Council's Community and Environment Committee in February 2017), subject to:*

- i. *Rose Bay Traffic Police and Council being satisfied that the trial continues to operate effectively, improving road safety in the area with minimal impact on the community.*
- ii. *Community consultation is undertaken and no significant objections are raised.*

A progress report was presented to the Traffic Committee in February 2017. The progress report can be found on Council's website:

https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0005/174632/Agenda_February_2017.pdf

The progress report stated inter alia... "Following the community consultation referred to in the above resolution, which was undertaken in December, 2016, quite a number of objections were received and Council officers, determined that in compliance with this resolution, the extension of the trial should not proceed. It is noted that many of these objections were submitted by sources closely aligned with businesses directly affected by these timed closures. While the Police have indicated that some action at this location is required they are re-assessing what this action will be and plan to liaise with businesses and residents in the Double Bay area before coming back to Council on this issue. As such they are satisfied with a deferral of this matter until more community consultation can be undertaken with all of the stakeholders in this area."

Subsequently, after considering a recommendation endorsed by the Traffic Committee, Council resolved:

Resolved:

That the matter of timed traffic closures (taxis and private hire cars excepted) in Bay Street between New South Head Road and Guilfoyle Avenue and in Cooper Street between Bay Street and South Street, Double Bay on Friday and Saturday nights be deferred to allow the NSW Police to liaise with the members of the Double Bay business community who have been adversely affected by these closures.

Council's Traffic Engineers will continue to work with the Eastern Suburbs Local Police Area Command and see if any further improvements can be made to taxi and uber operations in Double Bay. This will include investigating the feasibility of using Gum Tree Lane for uber and taxi pick up and drop offs.

Responsible Service of Alcohol

While an OLG issue, our interface with the proprietors leads to discussions of responsible service of alcohol. All state that they strictly comply with the provisions of the law. Our anecdotal experience is that people seem to turn up to these venues sober or "on the way". A good proportion of them leave these premises well inebriated. So something happens when they cross the lintel into the street, it seems. The community is then left with moderate anti-social behaviour such as ventilating stomachs or bladders (frequently in our vestibule); shouting and cavorting, destruction of property (sometimes Council property).

What pathways does Council have to collaborate with OLG and police to temper the situation?

Director Planning & Development in response:

Council and the Local Police Command are currently working on the establishment of a Liquor Accord for Double Bay. One element of that accord will be joint security arrangements so that patrons moving between venues can be better managed.

Comment on Garbage Collection Times

Garbage Collection times should if possible be assigned by type of premise. That way Pelicano's rubbish collection from Brooklyn Lane would be caught. That Lane seems to be excluded in the current proposal.

Director Planning & Development in response:

Council has been working with the venues and their commercial waste contractors to ensure that waste and recycling takes place only between the following hours:

7.00am to 9.00pm Monday to Friday, and
8.00am to 8.00pm Saturday, Sunday and Public Holidays

New standard conditions of consent limiting waste collection to the above hours will be imposed on new venues.

QWN: 2
From: Councillor Robertson
Received on: 2 September 2019
Subject: Council's Tree Management Policy

Councillor Robertson asking:

Further to recent interest in Council's Tree Management Policy, will you please advise how many times in the last twelve months Council has issued an Order or given notice of intention to issue an Order, in relation to any and all breaches of the Tree Management Policy.

Would you further provide the relevant figures for the past five years and past ten years' time frames?

Director Technical Services in response:

In the past twelve months there have been 8 Notices of Intention to Issue an Order relating to breaches of the TPO. In the past five years there have been 26 Notices and 4 Orders issued. During this period, staff have investigated 130 breaches of the TPO with outcomes including Penalty Infringement Notices (PINs), negotiated remedy/replacement and in one case a criminal prosecution. As noted at the recent Councillor briefing in relation to view pruning, regulation of breaches of the TPO has been a challenging area for Tree Management and Compliance staff, with the outcome in terms of penalties issued not reflecting the time, effort and expense involved in the process.

Staff, in conjunction with our legal advisors, are currently investigating options for more effective processes and in particular are exploring options under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. Advice provided by the OEHL in May of this year suggests the possibility of PINs in the order of \$3,000 being issued for breaches without the need for criminal prosecution but this possibility remains contested.

It is our intention to provide a briefing to Councillors, which will be attended by our lawyers, to outline our approach to regulation of the TPO. We expect that this will occur in late October.

QWN: 3
From: Councillor Regan
Received on: 4 September 2019
Subject: Minimum Lot Sizes

Councillor Regan asking:

On 8 July 2019 Council resolved, inter alia:

THAT Council:

- A. *Receives a report, as a matter of urgency, in relation to amending its current Local Environmental Plan 2014 (“LEP”) to provide a minimum lot size of 800 square metres or other for dual occupancy (attached) developments in R2 Low Density Residential zones within the municipality.*
- B. *Considers other amendments to its planning and development controls to give effect to the above, as soon as reasonably practicable, given the introduction of the Low Rise Medium Density Housing Code (part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008) (“Code”) on 1 July 2019.*
- C. *THAT the resolution be notified to the Department of Planning and Professor Roberta Ryan, the independent reviewer, by 31 July 2019.*

Would the Director, Planning and Development please provide us with an update as to where Council is in relation to actioning this Resolution, and specifically:

1. when the report referred to in Resolution A above will be prepared?; and
2. whether a notification referred to in Resolution C above was made, and provide the Councillors with a copy of that notification?

Director Planning & Development in response:

On 26 August Council adopted the urban planning project priorities as set out on Annexure 2 of the report to the Environmental Planning Committee on 19/8/19, subject to priority categories three and four being described as:

3. Council priority 1
4. Council priority 2

It also resolved that the following major strategic planning projects be priorities as the most urgent:

- Double Bay Review of Planning Controls
- Edgecliff Commercial Centre Review, and
- Landscaping Controls in Woollahra DCP 2015.

The resolution of 8 July 2019 was not included in the list of projects contained in Annexure 2.

In view of the resolution of 26 August we have directed staff resources to the major strategic projects referred to above. Work has not commenced on the report requested by the resolution of 8 July 2019.

By way of comment the resolution seeks to increase the minimum lot size for attached dual occupancy from 460 square metres to 800 square metres. This may appear to be a simple request but Council will be required to demonstrate the strategic merit of the proposal and also construct a strong argument as to how it satisfies the requirements of the Ministerial Direction issued under section 9.1(2) of the EPA Act. The relevant part of the Direction follows:

- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*

For the above reasons we consider that the 8 July 2019 resolution should be dealt with as part of Council's Housing Strategy. However, if Council wants us to proceed with the resolution prior to the housing strategy we expect that a report could be prepared and submitted to the second meeting of the Environmental Planning Committee in November 2019.

Part C of the resolution was actioned. A copy of the correspondence to Professor Roberta Ryan and to the Department of Planning Industry and Environment was circulated to Councillors on 5 September.

There being no further business the meeting concluded at 7.27pm.

We certify that the pages numbered 522 to 546 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 9 September 2019 and confirmed by the Ordinary Meeting of Council on 23 September 2019 as correct.

General Manager

Mayor