

Ordinary Council



Minutes

Monday 8 April 2019

Ordinary Council Meeting

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Items Determined Under Delegated Authority by Council Committees

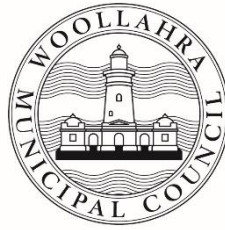
The following items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Environmental Planning Committee held on Monday 01 April 2019

- D1 Confirmation of Minutes of Meeting held on 18 March 2019
- D2 Ecological Sustainability Taskforce Meeting - Minutes of Meeting Held 25 February 2019
- D3 Double Bay Working Party meeting held on 19 March 2019

Finance, Community & Services Committee held on Monday 01 April 2019

- D1 Confirmation of Minutes of Meeting held on 18 March 2019
- D2 Logo use by Grant Recipients (Branding)
- D3 Refurbishment of Sherbrooke Hall
- D4 Road Lease - 23 Wentworth Road, Vaucluse (SC4772)
- D5 Grafton Street Car Park - 79 to 81 Grafton Street, Bondi Junction



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
8 April 2019 at 8.01pm.**

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
Lucinda Regan
Matthew Robertson
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)
Don Johnston (Director – Corporate Services)
Tom O’Hanlon (Director – Technical Services)
Helen Tola (Manager – Governance & Council Support)

Also in Attendance: Nil

Confirmation of Minutes

(Zeltzer/Robertson)

51/19 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 25 March 2019 be taken as read and confirmed.

Leave of Absence and Apologies

An apology was received and accepted from Councillor Harriet Price and leave of absence granted.

Declarations of Interest

Nil

Late Correspondence

Nil

Petitions Tabled

Nil

Suspension of Standing Orders

Councillor Regan

52/19 Resolved:

That Standing Orders be suspended to allow Councillor Regan to congratulate the Cooper Park Community Garden Committee on the Open Day and 1st year anniversary.

Adopted

The Mayor ruled and permitted the Suspension of Standing Orders.

Councillor Regan advised:

I just wanted to congratulate the Cooper Park Community Garden for the Open Day and 1st year anniversary held on Saturday 30 March 2019. I note that you were there Mr Mayor on the day as was Councillor Silcocks, Councillor Price, Councillor Elsing and me. I think they have really done an amazing job Michelle Falstein and Toreston Blackwood and the rest of the Cooper Park Community Gardens Committee. They have the bee hive there now, they have all the plots in and it looks really quite special. There were a lot of people there and it is a real testament to the community and there event, so thank you.

The Mayor, Councillor Cavanagh in response:

Yes you are right, it is lovely to see the progress.

The Council noted the information.

Councillor Jarvis

53/19

That the Suspension of Standing Orders continue to allow The Deputy Jarvis to advise Council of the Coastal Councils Meeting hosted by Waverley Council.

Adopted

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

The Deputy Jarvis advised:

Whilst some Councillors were at the Cooper Park Community Garden Open Day and 1st year anniversary, I was attending the Coastal Councils Meeting hosted by Waverley Council. I wanted to report that a presentation was given by the Marine Estate Management Strategy, Ms Trish Harrow from the Office of Environment and Heritage in relation to the effect of that and I have no doubt that it will be coming to us in some time in the future.

The Mayor, Councillor Cavanagh in response:

Thank you.

The Council noted the information.

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 1 April 2019 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	PLANNING PROPOSAL - HERITAGE LISTING OF THE FOUR IN HAND HOTEL AT 105 SUTHERLAND STREET, PADDINGTON
Author:	Anne White, Team Leader - Strategic Planning
Approvers:	Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
File No:	19/38887
Reason for Report:	To report the advice made to Council by the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to list the 'Four in Hand Hotel', including interiors, at 105 Sutherland Street, Paddington as a heritage item in Woollahra Local Environmental Plan 2014.

(Wynne/Robertson)

54/19 Resolved without debate:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 7 March 2019.
- B. THAT the planning proposal, as contained in the late correspondence tabled at the Environmental Planning Committee meeting on 1 April 2019 to list the 'Four in Hand Hotel', including interiors, as a heritage item in Woollahra Local Environmental Plan 2014, be forwarded to the Department of Planning and Environment with a request for a gateway determination to allow public exhibition.
- C. THAT Council request delegation from the Department of Planning and Environment in relation to the planning proposal 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 Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: R2 Recommendation to Council

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

Authors: Jorge Alvarez, Senior Strategic Planner
Anne White, Team Leader - Strategic Planning

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

File No: 19/38979

Reason for Report: To report on the public exhibition of the planning proposal to list Dunara Reserve as a heritage item in Schedule 5 of Woollahra Local Environmental Plan 2014.
To obtain Council's approval to proceed with the finalisation of the planning proposal.

(Wynne/Robertson)

55/19 Resolved without debate:

- A. THAT Council proceed with the planning proposal for Dunara Reserve, Point Piper (remnant of the residential garden of "Dunara") 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.

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 Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: R3 Recommendation to Council
Subject: **STRATEGIC PLANNING DEPARTMENT PROJECTS AND STAFF RESOURCING**
Author: Chris Bluett, Manager - Strategic Planning
Approver: Allan Coker, Director - Planning & Development
File No: 19/46134
Reason for Report: To respond to the notice of motion adopted on 11 March 2019 regarding Strategic Planning Department staff resourcing.

(Wynne/Robertson)

56/19 Resolved without debate:

- A. THAT the matter be deferred to request staff to prepare an additional report for presentation to the Environmental Planning Committee Meeting on 6 May 2019.
- B. Requests staff to provide an update to the table included in this report, to include estimated project delivery dates (including both the presentation of reports to Environmental Planning Committee and the final completion date) based on:
 - i) Staff resourcing at levels recommended in this report
 - ii) Staff resourcing at level inclusive of two additional strategic planning staff and two additional strategic heritage staff.
- C. Requests staff to provide further commentary on the possibility of outsourcing projects the subject of this report, to external consultants.
- D. Requests staff to explore and provide commentary on the engagement of planning students to complete appropriate components of the listed projects the subject of this report.
- E. THAT the staff provide commentary on the aggregation of projects and on their suggested priorities.

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 1 April 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **NSW GOVERNMENT PARKING FINE REDUCTION SCHEME**
Author: Colin DeCosta, Coordinator Regulatory Services
Approvers: Tim Tuxford, Manager - Compliance
Allan Coker, Director - Planning & Development
Don Johnston, Director Corporate Services
File No: 19/7219
Reason for Report: To consider whether Council opts into the NSW Government's parking fine reduction scheme as notified by the NSW Treasurer and Minister for Industrial Relations on 30 November 2018

(Marano/Shapiro)

57/19 Resolved without debate:

THAT Council resolve NOT to opt into the NSW Government's parking fine reduction scheme as notified by the NSW Treasurer and Minister for Industrial Relations on 30 November 2018 for the following reasons:

- A. There would be a significant reduction in Council's income and therefore a need for a reduction in other services or a need for increased income from other sources.
- B. Reduced fines may reduce the deterrent for level 2 parking offences.
- C. The only people who will benefit from the reduced fines are those people who break the law at the expense of the broader community of Woollahra.

Item No: R2 Recommendation to Council
Subject: **TENDER - LEASE OF REDLEAF KIOSK (CAFE)**
Author: Zubin Marolia, Manager - Property & Projects
Approver: Tom O'Hanlon, Director - Technical Services
File No: 19/42739
Reason for Report: To consider tenders received for the Lease of Redleaf Pool Kiosk (Café)

(Marano/Shapiro)

58/19 Resolved without debate:

- A. THAT Council accepts the tender from Café Industry Pty Ltd and enters into a lease agreement for a five (5) year initial term plus a five (5) years option term, at a commencement rent of \$62,920 per annum plus GST, with CPI annual increases and a review to market upon exercise of the option.

- B. THAT the lease agreement includes a refurbishment commitment of \$100,200 inclusive of GST, subject to any necessary development approval.
 - C. THAT Council authorise the General Manager to execute all legal agreements required to enter into a lease agreement with Café Industries Pty Ltd.
 - D. THAT successful and unsuccessful tenderers be advised accordingly.
-

Item No: R3 Recommendation to Council
Subject: **DRAFT 2019/20 BUDGET**
Author: Justin Hurst, Senior Corporate Accountant
Approvers: Sue Meekin, Chief Financial Officer
Don Johnston, Director Corporate Services
Gary James, General Manager
File No: 19/41109
Reason for Report: To present the draft 2019/20 Budget to the Committee.

(Marano/Shapiro)

59/19 Resolved without debate:

- A. THAT Council receive and note the report on the draft 2019/20 Budget.
 - B. THAT Council note the \$2.95 million surplus on operations from Kiaora Place forecast in the draft 2019/20 Budget has resulted in:
 - i. a \$1.42 million transfer to the Kiaora Place Reserve and;
 - ii. a \$1.53 million community dividend allocated to a number of projects.
 - C. THAT the changes to the Draft Fees & Charges Schedule for 2019/20 in relation to Inspection Fees, Complying Development Certificates, Construction Certificates and PCA Service Fees be included in the Delivery Program 2018 to 2021 and 2019/20 Operational Plan for the purpose of public exhibition.
 - D. THAT the draft 2019/20 Budget be incorporated into the draft Delivery Program 2018 to 2021 and 2019/20 Operational Plan for the purpose of public exhibition.
-

Rescission Motion

Item No: 10.1
Subject: RESCISSION MOTION - 3 DUNARA GARDENS, POINT PIPER
From: Councillors Toni Zeltzer, Mark Silcocks and Matthew Robertson
Date: 2/04/2019
File No: 19/51284

(Zeltzer/Robertson)

60/19 Resolved:

THAT the motion carried at the Council Meeting held on 25 March 2019 being Item Number R3 of the Finance, Community & Services Committee recommendation 18 March 2019 dealing with 3 Dunara Gardens, Point Piper be rescinded.

Notices of Motion

Item No: 11.1
Subject: NOTICE OF MOTION - 3 DUNARA GARDENS, POINT PIPER
From: Councillors Toni Zeltzer, Mark Silcocks and Matthew Robertson
Date: 2/04/2019
File No: 19/51290

(Zeltzer/Robertson)

61/19 Resolved:

- A. THAT the matter of the sale of 3 Dunara Gardens, Point Piper be deferred until all Councillors can have an opportunity for a formal on-site inspection with staff. After this site inspection with staff, the matter is to return to the Finance, Community & Services Committee for further consideration.
- B. THAT a further report be brought to the Finance, Community & Services Committee with a second valuation that takes into account any financial benefits that may be accrue through an increase to the building footprint or envelop for any future development or potential for subdivision or dual occupancy.

Adopted

Item No: 11.2
Subject: NOTICE OF MOTION - PROPOSED HERITAGE LISTING - ST ANDREWS SCOTS PRESBYTERIAN CHURCH, OLD SCHOOL HALL ROSE BAY PUBLIC SCHOOL AND MCAULEY CATHOLIC SCHOOL AND OUTBUILDINGS, ROSE BAY
From: Councillors Lucinda Regan, Anthony Marano, Matthew Robertson and Mary-Lou Jarvis
Date: 22/03/2019
File No: 19/46122

(Regan/Marano)

62/19 Resolved:

THAT Council requests staff to undertake an assessment of heritage significance for the following properties located in Rose Bay, NSW:

- i) St Andrews Scots Presbyterian Church, corner Dover Rd and Carlisle Street, Rose Bay;
- ii) Old School Hall, Rose Bay Public School, Albemarle Ave, Rose Bay; and
- iii) McAuley Catholic School and outbuildings (formerly Christian Brothers College Rose Bay),

and report to the Environmental Planning Committee on whether these items have sufficient heritage significance to be listed as:

- i) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and/or
- ii) an item on the State Heritage Register under the Heritage Act 1977.

Adopted

Item No: 11.3
Subject: **NOTICE OF MOTION - REVIEW OF HERITAGE VALUE OF PLACES OF WORSHIP IN THE MUNICIPALITY**
From: Councillors Lucinda Regan, Anthony Marano, Matthew Robertson and Mary-Lou Jarvis
Date: 22/03/2019
File No: 19/46132

(Regan/Robertson)

63/19 Resolved:

THAT Council:

A. Notes the following priority in its Delivery Program 2018 to 2021:

4.3.1 Maintain a program of heritage research and review of existing and potential conservation areas and heritage items¹

and priorities in its Operational Plan 2018 /2019 (inter alia):

Develop a Heritage Item and Significant Tree Register;

Update heritage inventory sheets which do not meet current standards for existing heritage items.....²

B. Requests staff to commission a report to investigate potential heritage significance of places of worship in the Woollahra Local Government area in order to identify items of heritage significance at either a local or State level, with a view to having those identified items listed as:

- (a) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and/or
- (b) an item on the State Heritage Register under the Heritage Act 1977.

Adopted

¹ Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019, Woollahra Municipal Council at page 53

² Ibid, Operational Plan Actions 2018/2019 at page 53

Item No: 11.4
Subject: **NOTICE OF MOTION - DOG OFF-LEASH DOG AREA IN WATSONS BAY**
From: Councillor Claudia Cullen
Date: 2 April 2019
File No: 19/51260

(Cullen/Wynne)

64/19 Resolved:

THAT a report be prepared which canvasses options for the establishment of a dog off-leash area at a beach in Watsons Bay.

Adopted

Item No: 11.5
Subject: **NOTICE OF MOTION - OPTIONS TO REDUCE WASTE COLLECTED VIA CLEAN-UPS AND ILLEGAL DUMPING**
From: Councillors Matthew Robertson, Megan McEwin, Susan Wynne, Anthony Marano and Toni Zeltzer
Date: 3 April 2019
File No: 19/52390

(Robertson/McEwin)

65/19 Resolved:

THAT Council request staff prepare a report on options to reduce waste collected via scheduled clean-ups and illegal dumping, including but not limited to:

- i) exploring partnerships with other agencies and/or organizations that may receive and recycle discarded household goods and other waste;
- ii) reviewing Council's policy and communications to residents about options to dispose of large household goods and other such waste; and
- iii) options to mitigate illegal dumping of household goods in known dumping hotspots.

Adopted

Item No: 11.6
Subject: NOTICE OF MOTION - GOOD NEIGHBOUR DAY EVENT
From: Councillors Susan Wynne and Mary-Lou Jarvis
Date: 4/04/2019
File No: 19/53059

(Wynne/Jarvis)

66/19 Resolved:

- A. THAT Council commits to financial support of \$3,500 for 2019/20 (1 year) to support the Good Neighbour Day Event run by 'Nielsen Park Regulars' and held on the last Sunday of March 2020.
- B. THAT an acquittal outlining how the money was used and how it supported Good Neighbour Day is to be provided to the Director of Community Services no later than one month after the event has occurred, noting that failure to do this will lead to no further funds being dispersed.

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: 19/46260
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 25 March 2019 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Robertson/Wynne)

67/19 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 Circular Economy (Recycling and Recycling Toys)

Councillor Jarvis asking:

As a supplementary question that was answered to my questions in relation to items 12.2 and 12.3 can we please have a report on this proposal to encourage residents to participate in a circular economy?

Director Technical Services in response:

This relates closely to a Notice of Motion that was passed tonight relating to options to reduce waste collected via clean-ups and illegal dumping. I am sure we can add these into the report.

Question No: 12.3 St Brigid's

Councillor Regan asking:

Could you please give the Councillors an update on the current status of the St Brigid's development?

Director Technical Services in response:

The DA referral I believe has been completed and I think they are looking for a date for it to be considered by the Woollahra Local Planning Panel. Pending the outcome we commence the works.

Question No: 12.4 Small Street Car Spaces

Councillor Elsing asking:

There have been some car spaces have been taken away from Small Street. Could staff please confirm how many unrestricted car spaces have been taken away from Small Street? What mechanisms are available to residents to restore the unrestricted car spaces to Small Street?

Director Technical Services in response:

On notice.

Question No: 12.5 Queen Street Masterplan

Councillor Elsing asking:

Could staff please provide an update on the Queen Street Masterplan implementation including timing?

Director Technical Services in response:

On notice.

There being no further business the meeting concluded at 8.47pm.

We certify that the pages numbered 172 to 189 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 8 April 2019 and confirmed by the Ordinary Meeting of Council on 29 April 2019 as correct.

General Manager

Mayor