

Ordinary Council



Minutes

Monday 9 December 2019

Ordinary Council Meeting

Monday 9 December 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.

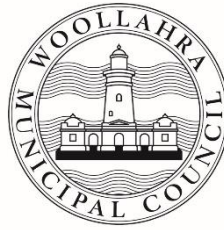
Strategic & Corporate Committee held on Tuesday 26 November 2019

Environmental Planning Committee held on Monday 02 December 2019

- D1 Confirmation of Minutes of Meeting held on 18 November 2019
- D2 Woollahra Local Planning Panel Register of Planning Decisions and Analysis
- D3 Register of current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environmental and Health Control Matters

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

- D1 Confirmation of Minutes of Meeting held on 18 November 2019
- D2 Cultural Committee Minutes Report
- D3 2019 Woollahra Small Sculpture Prize Evaluation Report
- D4 Uses and floor plans for the ground floor of St Brigid's



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 December 2019 at 5.35pm.**

Present: Her Worship the Mayor, Councillor Susan Wynne, ex-officio

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

Staff:	Chris Bluett	(Manager – Strategic Planning)
	Nick Economou	(Acting Director – Planning & Development)
	Lynn Garlick	(Director – Community Services)
	Don Johnston	(Acting General Manager)
	Tom O’Hanlon	(Director – Technical Services)
	Helen Tola	(Manager – Governance & Council Support)
	Anne White	(Team Leader – Strategic Planning)

Also in Attendance: Nil

Note: The Mayor, Councillor Wynne thanked all staff for their patience, support, hard work and dedication. The Mayor, thanked everyone and wished everyone a very Merry Christmas, Festive Season and a very happy 2020.

Confirmation of Minutes

(Shapiro/Elsing)

188/19 Resolved:

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

Leave of Absence and Apologies

Nil

Declarations of Interest

Councillor Jarvis declared a Pecuniary Interest in EPC (Item R1 – Request for a planning proposal for 294-298 New South Head Road and 2-10 Bay Street, Double Bay) as she is a member of the Sydney Eastern City Planning Panel (SECPP). Councillor Jarvis vacated the Chambers and did not participate in debate or vote on the matter.

Councillor Zeltzer declared a Pecuniary Interest in EPC (Item R1 – Request for a planning proposal for 294-298 New South Head Road and 2-10 Bay Street, Double Bay) as she is a member of the Sydney Eastern City Planning Panel (SECPP). Councillor Zeltzer vacated the Chambers and did not participate in debate or vote on the matter.

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item R1 - S&C Committee, Item R1 - EP Committee & Item R6 – FC&S Committee.

Petitions Tabled

Nil

Public Forum

Nil

General Manager and Officer's Report

Item No: 12.1
Subject: **WOOLLAHRA LOCAL PLANNING PANEL - APPOINTMENT OF ADDITIONAL EXPERTS**
Author: Nick Economou, Manager Development Control
Approvers: Allan Coker, Director - Planning & Development
Don Johnston, Acting General Manager
File No: 19/102222
Reason for Report: The purpose of this report is to recommend the appointment of additional Experts to the Woollahra Local Planning Panel.

(Jarvis/Elsing)

189/19 Resolved:

THAT Council, pursuant to Section 2.18 of the *Environmental Planning and Assessment Act 1979*, appoint the following additional Experts to the Woollahra Local Planning Panel:

- Graham Brown,
- Sandra Robinson, and
- Gabrielle Morrish.

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

For the Motion

Against the Motion

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

Nil

15/0

Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Tuesday 26 November 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **THE NIGHT TIME ECONOMY POLICY & FOOTWAY DINING - POST EXHIBITION REPORT**

Authors: Jacquelyne Della Bosca, Executive Planner
Anne White, Acting Manager - Strategic Planning
Stephen Kuhn, Property Officer, Property & Projects

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

File No: 19/185676

Reason for Report: To report on submissions received to the public exhibition of the Draft Footway Dining Policy and Guidelines, Draft Night Time Economy Policy, amendments to the Woollahra DCP 2015 and DA Guide

Note: Late correspondence was tabled by Tresna Karras, Double Bay Residents (2 pieces), Elza Levin, David Harrington, Janine Adams, Alex Oliver, Deborah Green, Diana Yeldham & Jamie Malouf.

**Motion moved by Councillor Shapiro
Seconded by Councillor Shields**

- A. THAT Council notes the report to the Strategic and Corporate Committee meeting of 26 November 2019 on the exhibition of the Draft Footway Dining Policy and Guidelines, Draft Night Time Economy Policy, and amendments to the Draft Woollahra DCP 2015 and Woollahra DA Guide.
- B. THAT Council adopts the Draft Footway Dining Policy, as amended and provided at **Annexure 4** of this report, which, amongst other things:
- i. permits the service of alcohol with or without the service of a meal provided the premises has an appropriate liquor licence and the service of alcohol is restricted to seated patrons, and
 - ii. Recommends the following maximum trading hours for footway dining:

Cafes, unlicensed and licensed restaurants;
Trading hours 7am to 10pm Sunday to Thursday
7am to 11pm on Friday and Saturday

Pubs and small bars;
Trading hours 7am to 10pm Sunday to Thursday
7am to 11pm on Friday and Saturday

- C. THAT Council adopts the Draft Footway Dining Guidelines as amended and provided at **Annexure 5** of the report which, amongst other things, also includes provisions as set out in B(i) and B(ii) above.
- D. THAT Council adopts the Draft Night Time Economy Policy as amended and provided at **Annexure 6** of the report.
- E. THAT Council adopts the Draft Woollahra DCP 2015 Amendment No. 8 as amended and provided at **Annexure 7** of the report, consistent with the other suite of documents.
- F. THAT Council notes the amendments to the DA Guide as provided at **Annexure 8** of the report.
- G. THAT Council advise the Police Area Command that it welcomes and supports the establishment of a Liquor Accord for Double Bay.
- H. THAT Council commit as required to the ongoing enforcement of development consents and footway dining approvals in our active night time economy precincts by instigating regular uniformed night-time patrols on Friday & Saturday evenings over summer until midnight, by Council staff or contractors, and spot checks as required and when complaints or anecdotal evidence is received from residents that noise emitted from licensed premises exceeds permitted thresholds, effective from this summer, to:
- i. Check compliance with development consent conditions and footway dining approvals, gathering sufficient evidence to commence enforcement proceedings;
 - ii. Monitor on-street parking, gathering sufficient evidence to:
 - a. Issue penalty infringements for applicable breaches; and
 - b. Enable the Traffic Committee to consider designated parking for ride sharing vehicles at peak periods.
 - iii. Monitor compliance with noise conditions including Council proactively identifying premises that may warrant specialised acoustic assessment by Council, and
 - iv. Report findings to applicable staff to ensure appropriate enforcement action is initiated, including, but not limited to, the issue of penalty infringement notices, the revocation, suspension or modification of existing Footway Dining Approvals, the issue of Notices/Orders and the commencement of legal proceedings.

Noting that Council will ensure that Council staff or contractors undertaking the night patrols are contactable by telephone (through a supplied number made available to residents on Council website) during patrolling hours.

- I. THAT the Mayor be requested to write to Uber to further reinforce a code to their drivers regarding dropping off in a safe manner.

**Amendment moved by Councillor Silcocks
Seconded by Councillor Marano**

- A. THAT Council notes the report to the Strategic and Corporate Committee meeting of 26 November 2019 on the exhibition of the Draft Footway Dining Policy and Guidelines, Draft Night Time Economy Policy, and amendments to the Draft Woollahra DCP 2015 and Woollahra DA Guide.

- B. THAT Council adopts the Draft Footway Dining Policy, as amended and provided at **Annexure 4** of this report, which, amongst other things:
- i. permits the service of alcohol with or without the service of a meal provided the premises has an appropriate liquor licence and the service of alcohol is restricted to seated patrons, and
 - ii. Recommends the following maximum trading hours for footway dining:

Cafes, unlicensed and licensed restaurants;
Trading hours Low Risk 7am to 10pm Sunday to Thursday
 Low Risk 7am to 11pm Friday to Saturday
 High Risk 7am to 10pm on Monday to Sunday

Pubs and small bars;
Trading hours Low Risk 8am to 10pm Sunday to Thursday
 Low Risk 8am to 11pm Friday to Saturday
 High Risk 8am to 10pm on Monday to Sunday
- C. THAT Council adopts the Draft Footway Dining Guidelines as amended and provided at **Annexure 5** of the report which, amongst other things, also includes provisions as set out in B(i) and B(ii) above.
- D. THAT Council adopts the Draft Night Time Economy Policy as amended and provided at **Annexure 6** of the report.
- E. THAT Council adopts the Draft Woollahra DCP 2015 Amendment No. 8 as amended and provided at **Annexure 7** of the report, consistent with the other suite of documents.
- F. THAT Council notes the amendments to the DA Guide as provided at **Annexure 8** of the report.
- G. THAT Council advise the Police Area Command that it welcomes and supports the establishment of a Liquor Accord for Double Bay.
- H. THAT Council commit as required to the ongoing enforcement of development consents and footway dining approvals in our active night time economy precincts by instigating regular uniformed night-time patrols on Friday & Saturday evenings over summer until midnight, by Council staff or contractors, and spot checks as required and when complaints or anecdotal evidence is received from residents that noise emitted from licensed premises exceeds permitted thresholds, effective from this summer, to:
- i. Check compliance with development consent conditions and footway dining approvals, gathering sufficient evidence to commence enforcement proceedings;
 - ii. Monitor on-street parking, gathering sufficient evidence to:
 - a. Issue penalty infringements for applicable breaches; and
 - b. Enable the Traffic Committee to consider designated parking for ride sharing vehicles at peak periods.
 - iii. Monitor compliance with noise conditions including Council proactively identifying premises that may warrant specialised acoustic assessment by Council, and

- iv. Report findings to applicable staff to ensure appropriate enforcement action is initiated, including, but not limited to, the issue of penalty infringement notices, the revocation, suspension or modification of existing Footway Dining Approvals, the issue of Notices/Orders and the commencement of legal proceedings.

Noting that Council will ensure that Council staff or contractors undertaking the night patrols are contactable by telephone (through a supplied number made available to residents on Council website) during patrolling hours.

- I. THAT the Mayor be requested to write to Uber to further reinforce a code to their drivers regarding dropping off in a safe manner.

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

(Shapiro/Shields)

190/19 Resolved:

Recommendation:

- A. THAT Council notes the report to the Strategic and Corporate Committee meeting of 26 November 2019 on the exhibition of the Draft Footway Dining Policy and Guidelines, Draft Night Time Economy Policy, and amendments to the Draft Woollahra DCP 2015 and Woollahra DA Guide.
- B. THAT Council adopts the Draft Footway Dining Policy, as amended and provided at **Annexure 4** of this report, which, amongst other things:
 - i. permits the service of alcohol with or without the service of a meal provided the premises has an appropriate liquor licence and the service of alcohol is restricted to seated patrons, and
 - ii. Recommends the following maximum trading hours for footway dining:

Cafes, unlicensed and licensed restaurants;
Trading hours 7am to 10pm Sunday to Thursday
 7am to 11pm on Friday and Saturday

Pubs and small bars;
Trading hours 7am to 10pm Sunday to Thursday
 7am to 11pm on Friday and Saturday
- C. THAT Council adopts the Draft Footway Dining Guidelines as amended and provided at **Annexure 5** of the report which, amongst other things, also includes provisions as set out in B(i) and B(ii) above.
- D. THAT Council adopts the Draft Night Time Economy Policy as amended and provided at **Annexure 6** of the report.
- E. THAT Council adopts the Draft Woollahra DCP 2015 Amendment No. 8 as amended and provided at **Annexure 7** of the report, consistent with the other suite of documents.

- F. THAT Council notes the amendments to the DA Guide as provided at **Annexure 8** of the report.
- G. THAT Council advise the Police Area Command that it welcomes and supports the establishment of a Liquor Accord for Double Bay.
- H. THAT Council commit as required to the ongoing enforcement of development consents and footway dining approvals in our active night time economy precincts by instigating regular uniformed night-time patrols on Friday & Saturday evenings over summer until midnight, by Council staff or contractors, and spot checks as required and when complaints or anecdotal evidence is received from residents that noise emitted from licensed premises exceeds permitted thresholds, effective from this summer, to:
- i. Check compliance with development consent conditions and footway dining approvals, gathering sufficient evidence to commence enforcement proceedings;
 - ii. Monitor on-street parking, gathering sufficient evidence to:
 - a. Issue penalty infringements for applicable breaches; and
 - b. Enable the Traffic Committee to consider designated parking for ride sharing vehicles at peak periods.
 - iii. Monitor compliance with noise conditions including Council proactively identifying premises that may warrant specialised acoustic assessment by Council, and
 - iv. Report findings to applicable staff to ensure appropriate enforcement action is initiated, including, but not limited to, the issue of penalty infringement notices, the revocation, suspension or modification of existing Footway Dining Approvals, the issue of Notices/Orders and the commencement of legal proceedings.

Noting that Council will ensure that Council staff or contractors undertaking the night patrols are contactable by telephone (through a supplied number made available to residents on Council website) during patrolling hours.

- I. THAT the Mayor be requested to write to Uber to further reinforce a code to their drivers regarding dropping off in a safe manner.

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 Maxwell
Councillor McEwin
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Wynne

Against the Motion

Councillor Elsing
Councillor Marano
Councillor Price
Councillor Regan
Councillor Silcocks
Councillor Zeltzer

9/6

Environmental Planning Committee

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

Item No: R1 Recommendation to Council
Subject: **REQUEST FOR A PLANNING PROPOSAL FOR 294-298 NEW SOUTH HEAD ROAD AND 2-10 BAY STREET, DOUBLE BAY**
Authors: Jorge Alvarez, Strategic Planner
Kelly McKellar, Acting Team Leader - Strategic Planning
Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/175953
Reason for Report: To obtain Council's approval to prepare a planning proposal for 294-298 New South Head Road and 2-10 Bay Street Double Bay, which seeks to amend the maximum building height and floor space ratio (FSR) controls in the Woollahra Local Environmental Plan 2014.

To obtain Council's approval for the planning proposal to be referred to the Woollahra Local Planning Panel for advice.

Note: Late correspondence was tabled by Double Bay Residents Assoc, RG Leffers & S Caldwell, Di Yeldham, Nick Buckland, Peter & Megan Benjamin, Hai Yap & Siew Yun Teoh, Hal Epstein, Roger Muller, Jack & Rosalind Fisher, Patricia Wall, Andrew Hankin, Michael & Barbara Fischer, Eva Santo, Anthony & Anna Kwok, Jacqueline Bock, Dr Yvonne White, John & Denise Joyce, Yvonne Severn, Steve Gordon, Susan Hauser, Lawrence Chan, Judy & Peter Eshell, Anna Kwok & Dennis Yang, Sara Jose, Dr PG Rohl, Robin & Henri Aram & Rob Turchini.

Note: Councillor Jarvis declared a Pecuniary Interest in this Item as she is a member of the Sydney Eastern City Planning Panel (SECPP). Councillor Jarvis vacated the Chambers and did not participate in debate or vote on the matter.

Note: Councillor Zeltzer declared a Pecuniary Interest in this Item as she is a member of the Sydney Eastern City Planning Panel (SECPP). Councillor Zeltzer vacated the Chambers and did not participate in debate or vote on the matter.

(Robertson/McEwin)

191/19 Resolved:

- A. THAT Council notes the late correspondence in relation to the planning proposal for land at 294-298 New South Head Rd and the local community's overwhelming objections to the proposal.
- B. THAT Council resolves to refuse to prepare a planning proposal for land at 294-298 New South Head Road for the following reasons:

- (i) THAT the proposed amendment to the Local Environmental Plan in relation to height (from 14.7metres to 21.5metres across the entire site) is excessive and will result in amenity impacts and view loss for adjoining properties.
 - (ii) THAT the proposed amendment to the Local Environmental Plan in relation to floor space ratio (FSR) from part 2.5:1/3.1 to 3:1 across the entire site is excessive and will result in unacceptable bulk and scale creating amenity impacts and view loss for adjoining neighbours.
 - (iii) THAT the proposed height and FSR will result in unacceptable bulk and scale in conflict with the future desired character of the Double Bay commercial centre.
- C. THAT Council requests that the Mayor write to the Minister for Planning and Public Spaces advising of this resolution and the reasons for which Council is not supportive of this proposal at this time.

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 Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **POTENTIAL AMENDMENTS TO THE PADDINGTON HERITAGE CONSERVATION AREA CONTROLS TO INSERT NUMERICAL CONTROLS FOR PAVILIONS AND LINKING STRUCTURES**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/188088
Reason for Report: To report on Council's decision requesting staff to identify potential controls for the maximum height of pavilions and dimensions for linking structures.

(Jarvis/Robertson)

192/19 Resolved without debate:

- A. THAT Council note the report to the Environmental Planning Committee meeting of 2 December 2019 which contains potential options to address the inclusion of numerical controls for pavilion and linking structures in the Paddington Heritage Conservation Area controls.
- B. THAT a meeting of the Paddington Heritage Conservation Area Working Party is convened by mid-February 2020 to discuss potential amendments to the numerical controls for pavilions and linking structures and to give consideration to how the controls should apply to one and two storey terraces.

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

For the Motion

Against the Motion

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

Nil

15/0

Finance, Community & Services Committee

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

Item No: R1 Recommendation to Council
Subject: COMMUNITY FACILITIES STUDY
Author: Sharon Campisi, Manager - Community Development
Approver: Lynn Garlick, Director - Community Services
File No: 19/172512
Reason for Report: To report on the findings of the 2019 Community Facilities Study

(Marano/Cavanagh)

193/19 Resolved without debate:

THAT consideration of the Community Facilities Study be deferred for a Councillor briefing to be held early in 2020.

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: **ROYAL AUSTRALIAN NAVY SAILING ASSOCIATION (RANSA)
LEASE, SIR DAVID MARTIN RESERVE, 1C NEW BEACH
ROAD, DARLING POINT**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 19/175537
Reason for Report: To consider the proposed public café use and variation of the RANSA lease.

(Marano/Cavanagh)

194/19 Resolved without debate:

- A. THAT Council approves the variation of the RANSA Lease subject to:
- i. An additional rental payment of \$8,800 per annum (plus GST) being received for incorporation of a public café use at the Boatshed premises, Sir David Martin Reserve, 1C New Beach Road, Rushcutters Bay.
 - ii. The terms and conditions of the approved lease agreement including rent review of the above additional rent payment component being included in the Variation of Lease.
 - iii. Compliance with the Crown Land Management Act 2016
- B. THAT Council authorise the General Manager to execute all necessary documentation to effect the lease variation.

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: R3 Recommendation to Council

Subject: **PADDINGTON LIBRARY - OUTCOMES OF 12 MONTH SUNDAY OPENING TRIAL**

Author: Vicki Munro, Manager - Library & Information Services

Approver: Lynn Garlick, Director - Community Services

File No: 19/187481

Reason for Report: The 12 month trial for Sunday Opening at Paddington Library will end on Sunday 29 December 2019. This report seeks Council's support to continue on a permanent basis, Sunday opening, 10am to 4pm, as part of Paddington Library's standard opening hours from Sunday 5 January 2020. The City of Sydney have advised that they support and will contribute to the operational costs for the Sunday opening, as per the apportionment ratio in the current Paddington Library Agreement.

(Marano/Cavanagh)

195/19 Resolved without debate:

- A. THAT Sunday opening at Paddington Library, 10am to 4pm continue on a permanent basis as part of the Paddington Library's standard opening hours from Sunday 5 January 2020;
- B. THAT Woollahra Municipal Council and the City of Sydney will fund the operational costs for the Sunday Opening at Paddington Library, as per the apportionment ratio in the current Paddington Library Agreement; and
- C. If approved by Council, the necessary amendments will be made to the 2019/20 Budget in the December 2019 quarterly review.

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: R4 Recommendation to Council
Subject: **ROSE BAY CAR PARKS PROJECT**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director - Technical Services
File No: 19/182516
Reason for Report: To advise Council of updated financial modelling for the Rose Bay Car Parks Project and to seek approval to progress the development of the Wiberforce Ave site to DA stage.

(Regan/Cullen)

196/19 Resolved:

- A. THAT Council note the commercial analysis on redevelopment of the Rose Bay car park sites contained in this report.
- B. THAT Council proceed to detailed DA-level design for redevelopment of the Wilberforce Avenue car park site, such design to incorporate the inclusion of green elements such as detailed landscaping and planting of lower levels and if permitting the rooftop, green walls and methods to incorporate pedestrian walkways.
- C. THAT Council defers further progress on the redevelopment of the Ian Street Car Park and re-affirms its commitment as resolved on 21 May 2018 to consider the delivery of affordable housing with a view to reserving 30 percent of residential housing stock as affordable housing and notes its request of staff to prepare a further report on the delivery of affordable housing.
- D. THAT a further report be provided to Council prior to submission of a Development Application for the Wilberforce Avenue site. That report will seek Council endorsement of the design as well as outlining a funding strategy for the project and strategies to address loss of parking during construction, excluding use of any public parks.
- E. THAT the further report consider a mix of commercial and community uses.

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: R5 Recommendation to Council
Subject: 2020/21 BUDGET STRATEGY
Author: Sue Meekin, Chief Financial Officer
Approver: Don Johnston, Director Corporate Services
File No: 19/176655
Reason for Report: To seek adoption of the strategy to guide the preparation of the 2020/21 Budget

(McEwin/Robertson)

197/19 Resolved:

THAT Council:

- A. Receive and note the report on the Budget Strategy for 2020/21.
- B. Note in principal the strategy for the preparation of the draft 2020/21 Budget, subject to the completion of management's comprehensive budget review process, is to:
 1. Provide sufficient funding for all continuing services;
 2. Provide funding for recommended service expansions;
 3. Continue Council's commitment to asset renewal;
 4. Continue a program of capital improvements at similar budget levels and ratios;
 5. Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements
 6. Continue to pay a community dividend from the Kiaora Place operating surplus in the order of \$1.5m to fund a range of additional services and projects; and
 7. Maintain an adequate working funds balance.
- C. Endorse in principal the following economic parameters around which the draft 2020/21 Budget will be prepared:
 1. That Council adopt a balanced budget for 2020/21;
 2. That the draft 2020/21 Budget be prepared on the basis of no new borrowings for the provision of existing services;
 3. That any transfers to and from Reserves be clearly shown in the draft 2020/21 Budget;
 4. That fees and charges be increased by at least CPI (2%) where practical unless it would have an adverse impact on forecast revenue or users' capacity to pay;
 5. That the 2020/21 draft salaries and wages budget be prepared on the basis of a 2.5% Award increase and 5% vacancy rate;
 6. That the 2020/21 budget be prepared on the basis of a 9.5% contribution rate for the Superannuation Guarantee and provide for the additional compulsory contribution of \$339,000; and
 7. That productivity and efficiency measures be reported on as part of the budget process.
- D. Receive further reports in relation to the preparation of Council's 2020/21 Operational Plan and Budget at future Finance, Community & Services Committee Meetings.
- E. Hold a workshop to consider priority projects for the 2020/21 Budget.

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: R6 Recommendation to Council
Subject: **NEW SOUTH HEAD ROAD, DOUBLE BAY TO ROSE BAY CYCLEWAY**
Authors: Aurelio Lindaya, Manager Engineering Services
Emilio Andari, Traffic & Transport Team Leader
Approver: Tom O'Hanlon, Director - Technical Services
File No: 19/192733
Reason for Report: To seek Council approval of the New South Head Road Cycleway

Note: In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Mary-Lou Jarvis given the decision is one of importance across our municipality and the decision should be made by full Council.

Note: Late correspondence was tabled by Aurelio Lindaya Council's Manager Engineering Services.

(Jarvis/McEwin)

198/19 Resolved:

- A. THAT the design plans for the New South Head Road Cycleway be updated to incorporate the amendments resolved by the Woollahra Local Planning Panel and, subject to satisfying the conditions of consent imposed on DA 152/2019/1, the project proceed for construction.
- B. THAT all affected properties adjoining the New South Head Road Cycleway be notified of the works prior to construction.
- C. THAT staff provide a Councillor Briefing on the design plans prior to construction.

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

General Item No: 15.1 Stage 2 Water Restrictions
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Wynne advised:

Councillors, you received an email today about stage two water restrictions which take effect from Tuesday, 10 December 2019. I think it is really important as elected representatives that we are across what these Level 2 water restrictions are and what this means for our municipality and our residents.

It is very serious and I ask that you please ensure you are abreast of what this means.

General Item No: 15.2 Green Globe Awards and
LG NSW Excellence in Environment Awards
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Wynne advised:

Councillors, I would like to start with a big congratulations to the 3 Councils Regional Environment Program project team, a collaboration between ourselves, Randwick and Waverley Councils, for their success at the Green Globe Awards and the LGNSW Excellence in Environment Awards.

The Green Globe Awards are the NSW Government's environmental awards, recognising sustainability leaders across NSW. We were finalists in three categories with our *'Solar My School'* program, the Climate Change Leadership Award, the Innovation Award and the Public Sector Leadership Award, which in itself is a fantastic achievement.

The program goes back as far as 2017. The idea for the program came from the realisation that schools were ideally positioned to install solar - they had large roof space and their energy use largely happens through the day when solar energy can be harnessed. Overall, the program is about reducing carbon emissions in our local community and this is a great opportunity for schools to contribute.

At the start the 3 Councils identified key barriers — trust, time and knowledge — that were preventing schools from installing solar power. Our response was to develop the *'Solar my School'* program to provide free, expert advice to simplify the process for schools. *'Solar my School'* has increased solar capacity by 4.3 megawatts and, through partnerships with eight other councils, now reaches 91 schools city wide. Survey results show 70% of these schools would not have gone solar without help from *'Solar my School'*.

The Awards were announced on 27 November and the *'Solar my School'* program won the Public Sector Leadership Award. We won the award jointly with the Sydney Opera House. The LGNSW Excellence in Environment Awards were announced on 3 December and the Tri-Council Eastern Suburbs Public Electric Vehicle Charging Network won in the Sustainable Infrastructure Category. These are terrific achievements and wonderful recognition for our project team.

General Item No: 15.3 Bondi to Manly Walk
Tabled by Councillor: Councillor Jarvis

Councillor Jarvis advised:

Your Worship. I have to congratulate you, the staff and everyone who was involved in the Bondi to Manly Walk and credit Councillor Cavanagh as Mayor who signed the Mayoral Minute that actually set this on board. It came to fruition yesterday with the collaboration of three (3) tiers of government, eight (8) Councils and as many agencies. So congratulations. I predict it will be a very important contribution to our municipality, socially, economically and culturally. I commend and congratulate everybody for their part in doing it.

The Mayor, Councillor Wynne in response:

Thank you and noted. There will be a 80km Challenge to anyone who would like to take it up.

Councillor Maxwell further advised:

Just a quick note to say that I was the only one to walk the Manly to Bondi. I would like to congratulate everyone as the signs are clear.

The Mayor, Councillor Wynne in further response:

I would like to congratulate you for doing it in an hour and a half. It's good to know. Thank you.

General Item No: 15.4 Demerger Proposal - Snowy Valleys Council and Cootamundra-Gundagai Regional Council
Tabled by Councillor: Councillor Robertson

I have a congratulatory message to the communities of Snowy Valleys and Cootamundra-Gundagai Regional Councils. The reason for this is that those Councils were subject to a forced amalgamation in the 2015 to 2017 period. Through their determination they are now the subject of the first demerger proposal resulting from that forced merger period.

So I would like to congratulate the Minister for Local Government, The Hon. Shelley Hancock.

The Minister released a Ministerial Media Release on the 26 November 2019 to indicate that:

"Today I have determined that proposals to demerge Snowy Valleys Council and Cootamundra-Gundagai Regional Council should proceed to the next stage in the formal assessment process. I have listened carefully to the views of the community, the councils and local members in making this decision."

I would just like to say that given the role that Woollahra Council played in resisting those mergers across all of NSW, I do want to acknowledge Councillor Zeltzer, the Mayor at the time. I think this is a fabulous development that I wanted to bring it to Council's attention.

The Mayor, Councillor Wynne in response:

Indeed, an expensive one, but a good one.

General Item No: 15.5 Cutler Footway
Tabled by Councillor: Councillor Price

Councillor Price advising:

Over the weekend I had the big joy of walking over the Cutler Footway, the pedestrian walkway is now open and the community is so excited.

Many Paddington families are back to their tradition of going to Messina ice-cream and then returning to Paddington. It's only a matter of time as I understand that the rest of the works will be completed.

I would like to congratulate staff and also the community for their patience in the long awaited opening. We look forward to the official opening next year with City of Sydney.

The Mayor, Councillor Wynne in response:

Thank you.

General Item No: 15.6 HMAS Watson Carols
Tabled by Councillor: Councillor Cullen

Councillor Cullen advised:

I would like to congratulate HMAS Watson for their annual community Christmas Carols on Saturday night, it was a really lovely event.

The Mayor, Councillor Wynne in response:

Thank you. It was great.

Councillor Cullen further advised:

During the week, Parliament approved the development that was presented to us all, but most importantly, and very excitingly, they have stipulated that the fences have to be setback off the coast. It is a congratulations and a note to all of us that with the Parliamentary Approval setback the fences and will be able to reconnect the coastal walk to the front part of that park.

Congratulations to everyone and to the staff for helping us to have the coastal walk protected.

Notices of Motion/Questions with Notice

Item No: 16.1
Subject: NOTICE OF MOTION - GLASS DEPOTS
From: Councillors Luise Elsing and Harriet Price
Date: 3/12/2019
File No: 19/196650

(Elsing/Price)

199/19 Resolved without debate:

THAT Woollahra Council staff prepare a report:

- A. identifying suitable sites for locating and installing depots for the community to deposit glass for recycling (and any other Community Recycling Centres);
- B. outlining the status of the installation of reverse vending machines within the Woollahra Municipality pursuant to the NSW Container Deposit Scheme (return and earn);
- C. explaining the extent to which kerbside recycling bins are eligible for refunds and whether Council (or our recycling contractors) claim these refunds;
- D. detailing opportunities to access grant funding through the Environmental Protection Authority's Better Waste and Recycling Fund; and
- E. commenting on the waste and recycling targets set in Council's Environmental Sustainability Action Plan 2013-2025 (and the extent to which those targets have been met).

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: 16.2
Subject: NOTICE OF MOTION - HERITAGE GAP ANALYSIS
From: Councillors Toni Zeltzer and Anthony Marano
Date: 4/12/2019
File No: 19/197958

(Zeltzer/Marano)

200/19 Resolved without debate:

THAT Council immediately undertakes a Heritage GAP analysis to:

- Review and analyse existing heritage items and architectural typologies to identify gaps in Schedule 5 of our Woollahra Heritage LEP;
- Develop a strategy for new heritage listings;
- Identify priorities and items or areas at risk; and
- Develop an action plan to address the gaps.

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: 16.3
Subject: **NOTICE OF MOTION - UPDATING LOCAL HERITAGE REGISTER**
From: Councillors Toni Zeltzer and Anthony Marano
Date: 4/12/2019
File No: 19/197964

(Zeltzer/Marano)

201/19 Resolved:

THAT Council develops an approach and assessment criteria which allows the DCP to be amended to protect houses and buildings, that have been designed by architects of significant and importance.

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: 16.4
Subject: **QUESTIONS WITH NOTICE**
Author: Sue O'Connor, Governance Officer
Approver: Helen Tola, Manager - Governance & Council Support
File No: 19/190422
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 25 November 2019 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Maxwell/McEwin)

202/19 Resolved:

THAT the Questions with Notice be received and noted.

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

There being no further business the meeting concluded at 7.50pm.

We certify that the pages numbered 745 to 772 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 9 December 2019 and confirmed by the Ordinary Meeting of Council on 10 February 2020 as correct.

General Manager

Mayor