

# Ordinary Council



# Minutes

Monday 22 July 2019

# Ordinary Council Meeting

Monday 22 July 2019

## Table of Contents

	Page
Items Determined Under Delegated Authority by Council Committees.....	421
Ordinary Council Meeting.....	422
Confirmation of Minutes .....	423
Leave of Absence and Apologies .....	423
Declarations of Interest.....	423
Late Correspondence .....	423
Petitions Tabled .....	423
Public Forum .....	423
Mayoral Minute .....	424
10.1 Charles Wade, OAM - Thank You .....	424
Environmental Planning Committee..... 15 July 2019.....	425
R1 Planning Proposal - Heritage Listing of the Four in Hand Hotel at 105 Sutherland Street, Paddington .....	425
R2 Advice of the Woollahra Local Planning Panel - Planning Proposal - Proposed amendments to Woollahra LEP 2014 including the introduction of an FSR control for low density residential development. ....	426
R3 Small Businesses and Start-Ups - Terms of Reference .....	428
Finance, Community & Services Committee .....	429
R1 Footpath Dining Fees During Construction Activity in Double Bay .....	429
Notices of Motion/Questions with Notice.....	431
16.1 Questions with Notice.....	433

---

## **Items Determined Under Delegated Authority by Council Committees**

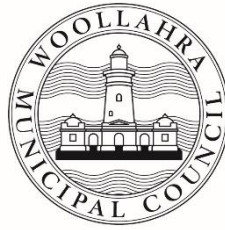
**The following items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.**

### **Environmental Planning Committee held on Monday 15 July 2019**

D1 Confirmation of Minutes of Meeting held on 1 July 2019

### **Finance, Community & Services Committee held on Monday 15 July 2019**

- D1 Confirmation of Minutes of Meeting held on 1 July 2019
- D2 Woollahra Local Traffic Committee Minutes - 2 July 2019
- D3 Options to Reduce Waste Collected Via Clean-Ups and Illegal Dumps
- D4 Monthly Financial Report - June 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  
22 July 2019 at 6.00pm.**

- Present: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio  
Councillors: Mary-Lou Jarvis (Deputy Mayor)  
Luise Elsing  
Anthony Marano  
Nick Maxwell  
Megan McEwin  
Harriet Price  
Lucinda Regan  
Matthew Robertson (Present from Confirmation of Minutes)  
Richard Shields  
Mark Silcocks  
Susan Wynne  
Toni Zeltzer (Present from Confirmation of Minutes)
- 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)  
Neil Treadwell (Team Leader Governance & Access to Information)
- Also in Attendance: Jacky Hony (Team Leader - Community Development Officer)  
Charles Wade OAM  
Robert Wade

---

**Note:** The Mayor, Councillor Cavanagh thanked the Deputy Mayor, Councillor Jarvis for filling in whilst he was away.

---

## Confirmation of Minutes

(Wynne/Jarvis)

### 128/19 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 8 July 2019 be taken as read and confirmed.

---

## Leave of Absence and Apologies

Apologies were received and accepted from Councillors Claudia Cullen and Isabelle Shapiro and leave of absence granted.

---

## Declarations of Interest

Nil

---

## Late Correspondence

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Item R2 (Proposed Amendments to Woollahra LEP 2014 and the Woollahra DCP 2015 (FSR controls for low density residential development)).

---

## Petitions Tabled

Nil

---

## Public Forum

Nil

---

## Mayoral Minute

**Item No:** 10.1  
**Subject:** CHARLES WADE, OAM - THANK YOU  
**Author:** Peter Cavanagh, Mayor  
**Approver:** Peter Cavanagh, Mayor  
**File No:** 19/109892  
**Reason for Report:** To thank Charles Wade, OAM for 30 year as a volunteer on the Council's Community Safety Committee.

**Note:** The Mayor, Councillor Cavanagh congratulated Mr Charles Wade OAM and presented Mr Charles Wade with a certificate of appreciation and a gift.

(Jarvis/Wynne)

### 129/19 Resolved:

THAT Council notes the service and contribution of Mr Charles Wade OAM as a 30 year member of the Community Safety Committee.

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

#### *For the Motion*

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

#### *Against the Motion*

Nil

*13/0*

---

## Environmental Planning Committee

---

### Items with Recommendations from the Committee Meeting of Monday 15 July 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:** 19/101246  
**Reason for Report:** To report on the public exhibition of the planning proposal to list  
the Four in Hand Hotel at 105 Sutherland Street, Paddington 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)

**130/19 Resolved without debate:**

- A. THAT Council proceed with the planning proposal for the Four in Hand Hotel at 105 Sutherland Street, Paddington, to amend Woollahra Local Environmental Plan 2014, as exhibited, and proceed with the preparation of the draft LEP.
- B. THAT Council request the Minister for Planning, or his delegate, to make the LEP to list the *Four in Hand Hotel*, including interiors, as a heritage item under Woollahra Local Environmental Plan 2014.

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

Nil

***13/0***

**Item No:** R2 Recommendation to Council  
**Subject:** **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 INCLUDING THE INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT.**  
**Author:** Anne White, Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/102014  
**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 amend Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development.

To obtain Council's approval to proceed with a draft development control plan to amend Woollahra Development Control Plan 2015.

**Note:** Late correspondence was tabled by the Double Bay Residents' Association.

**(Zeltzer/Robertson)**

**131/19 Resolved:**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 27 June 2019.
- B. THAT Council proceeds with the planning proposal attached at **Annexure 1** subject to:
  - i. a Floor Space Ratio (FSR) control of 0.50:1 for low density residential development on sites of 400m<sup>2</sup> or greater
  - ii. any other consequential changes to **Annexure 1** and **Annexure 2** to ensure consistency with the 0.5:1 FSR and in relation to lots less than 400m<sup>2</sup> amend the table of proposed FSRs for small residential lots to ensure that the sliding scale FSRs are reduced to relate to a maximum FSR for lots over 400m<sup>2</sup> of 0.5:1 and that the table includes a maximum Gross Floor Area (GFA) for each lot size contained in the table.
- C. THAT the altered planning proposal described above be forwarded to the Department of Planning and Environment (as the delegate for the Minister for Planning), requesting a gateway determination to allow public exhibition.
- D. THAT Council request the Minister for Planning authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan, under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- E. THAT Council publically exhibit the draft development control plan to amend various sections of *Woollahra Development Control Plan 2015*, attached at **Annexure 2**, as amended to ensure consistency with a FSR of 0.5:1 for low density residential development on sites of 400m<sup>2</sup> or greater.



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

Nil

***13/0***

**Item No:** R3 Recommendation to Council  
**Subject:** **SMALL BUSINESSES AND START-UPS - TERMS OF REFERENCE**  
**Author:** Peter Kauter, Manager Placemaking  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 19/96636  
**Reason for Report:** To report on the terms of reference for a new sub-committee – Small businesses & start-ups sub-committee

(Wynne/Robertson)

**132/19 Resolved without debate:**

- A. THAT the draft Terms of Reference for a new sub-committee that focuses on ‘small business’ and ‘start-ups’, as set out in **Annexure 1** of this report be adopted subject to:
- i) highlighting the services that Council provides for small business and start-ups
  - ii) amending the sub-committee reference from Finance, Community & Services Committee to Environmental Planning Committee
  - iii) amending ‘Our Vision’ to read - *Woollahra Council is considered a destination of choice for existing and proposed small business/start-ups.*
- B. THAT necessary arrangements be made to facilitate the efficient operation of this new sub-committee.

*Note: In accordance with Council’s adopted Code of Meeting Practice a Division of votes is recorded on this matter.*

***For the Motion***

***Against the Motion***

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

Nil

***13/0***

---

## Finance, Community & Services Committee

---

### Items with Recommendations from the Committee Meeting of Monday 15 July 2019 Submitted to the Council for Determination

---

**Item No:** R1 Recommendation to Council  
**Subject:** **FOOTPATH DINING FEES DURING CONSTRUCTION  
ACTIVITY IN DOUBLE BAY**  
**Author:** Stephen Kuhn, Property Officer, Property & Projects  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Paul Fraser, Manager - Open Space & Trees  
**File No:** 19/99423  
**Reason for Report:** To respond to a Notice of Motion dated 24 June 2019 to investigate  
waiving of footway dining fees during the current period of construction  
in Double Bay

(Marano/Regan)

**133/19 Resolved:**

- A. THAT having regard to the significant revenue impact on Council's budget, opportunities already available to businesses to vary existing approvals, and the lack of any evidence to suggest development in Double Bay is impacting on footway dining, the Council not waive fees for footway approvals in the Double Bay commercial precinct at this time.
- B. THAT Council notes that there are options already available to businesses to vary or terminate their approved area or seek a review of fees charged.
- C. THAT Council proceed with a review of footway dining fees across the Local Government Area.
- D. THAT the arrangements for footway dining in Double Bay be reviewed when construction of the Cross Street Carpark development commences.

*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 Elsing  
Councillor Jarvis  
Councillor Marano  
Councillor Maxwell  
Councillor McEwin  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shields

Nil

Councillor Silcocks  
Councillor Wynne  
Councillor Zeltzer

*13/0*

## Councillor Reports/Councillor Updates (Section 8.4)

134/19 (Marano/Maxwell)

**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:** 1 Apology and clarification of media reports in relation to Skate Park.  
**Councillor:** Anthony Marano

**Councillor Marano advised:**

Thank you everybody and thank you Mr Mayor. I just wanted to clarify something that was said in the media last week. There has been a lot of media this week and last week about the skate park that we are pushing ahead to get built and you may have seen some of the articles. The concern from some of the elderly residents is that I spoke disrespectfully about elderly people.

When I did the interview with Sue Walker from the Sydney Morning Herald I was very clear with what I said and she didn't write it how I said it. It did sound disrespectful. I have no issue with elderly people especially when they agree with what I want. I miss my grandfather every day. I love older people. But you can't please everybody.

What I said to the journalist was that the majority of the people opposed to the skate park are elderly and perhaps might not be around in ten years' time and the majority of people that support the skate park are young families with children. That is just a fact, I didn't say all of them, I said the majority. I am sure there are older people that want the skate park and there are younger people that are opposed to it. The majority is as I have just described it. So I just wanted to clarify what I said and I am sorry if it was reported in another way and caused hurt to some of the older members of the community. It wasn't my intention.

So that's all I just wanted to clear that up and thank you for your indulgence Mr Mayor.

---

**Report/Update No:** 2 Late Hon. Justice Hunt AO QC  
**Councillor:** Nick Maxwell

**Councillor Maxwell advised:**

I stand on the condolence and sad news of last Friday on the passing of the late Hon. Justice Hunt AO QC. He was a local of Woollahra with his late wife Margaret Hunt.

Those who know Hon. Justice Hunt he was an esteemed Lawyer and Jurist, who served on the Supreme Court of NSW where he was appointed in 1976 until his retirement in 1996. He was a Chief Judge of Common Law in that Court. As a Justice of the Supreme Court he sat on very high profile cases such as Ivan Milat's trial and sentencing and he also was the trial judge in the Alana Murphy case. After his retirement from the bench, Justice Hunt was appointed as a Judge of the United Nations International Criminal Tribunal.

In the year 2000, Justice Hunt also became an Officer of the Order of Australia. Justice Hunt was considered as one of the greatest Common Law minds in NSW and today law and defamation textbooks are filled with his cases and legal reasoning. Personally I will always be grateful to the mentor support he use to give me for the younger first year days during my Bachelor of Laws and my Judges Associateship.

On behalf of the Council I wish to give my condolences to his family and loved ones.

**The Mayor, Councillor Cavanagh advised:**

Thank you very much.

**Councillor Jarvis advised:**

Thank you Your Worship. I just want to add to the condolences in extended to the Hunt family. It happens that the Hunt Family and the McVann Family, of which I am one, share a history in that my father was initially employed by and then acquired one of the Hunts businesses, Noel P. Hunt Pty Ltd. I had occasion to visit Justice Hunt and his wife in the last few years, fortunately before the regrettable dementia that took its toll affected him.

He was at his sparkling best telling me about his time in The Hague and also his time in the Supreme Court. He will be sadly missed, as a long term resident of Woollahra.

---

**Report/Update No:** 3 Bastille Day Celebrations  
**Tabled by Councillor:** Mary-Lou Jarvis

**Councillor Jarvis advised:**

Thank you Your Worship. All Councillors should all be thanked and congratulated for the support given and funding voted for placemaking grant towards the inaugural Bastille Day event last weekend at Rose Bay. This is exactly the sort of grassroots event, stemming from an idea from our community, which brings our community together.

As you may be aware apart from English, French is one of the most spoken languages in our municipality, second only to Mandarin. I relayed that yesterday when talking about the Councils support and reminded the crowd how lucky we were to have inherited a peaceful democracy rather than the bloody storming of the Bastille that brought democracy to France.

I was away on Saturday but it took place in perfect sunny if somewhat chilly weather on Sunday. Congratulations goes in large part to Nadia of c'est si bon patisserie, one of the small business owners in Rose Bay, who organised a great array of entertainment - an accordion player and a chanteuse and Can Can girls from Miss Christines ballet school in Dover Road. Sadie Arabella and Cartier delighted the crowd and were happy to perform over several hours.

**The Mayor, Councillor Cavanagh advised:**

Thank you very much.

---

## Notices of Motion/Questions with Notice

**Item No:** 16.1  
**Subject:** QUESTIONS WITH NOTICE  
**Author:** Carolyn Nurmi, Governance Officer  
**Approver:** Helen Tola, Manager - Governance & Council Support  
**File No:** 19/107081  
**Reason for Report:** To provide a response to Questions for Next Meeting from Council Meeting of and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Jarvis)

**135/19 Resolved:**

THAT the Questions with Notice be received and noted.

---

There being no further business the meeting concluded at 6.29pm.

**We certify that the pages numbered 420 to 433 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 22 July 2019 and confirmed by the Ordinary Meeting of Council on 12 August 2019 as correct.**

---

**General Manager**

---

**Mayor**