

Ordinary Council



Minutes

Monday 29 April 2019

Ordinary Council Meeting

Monday 29 April 2019

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Items Determined Under Delegated Authority by Council Committees

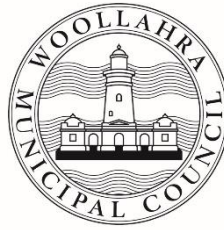
The following items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Finance, Community & Services Committee held on Monday 15 April 2019

- D1 Confirmation of Minutes of Meeting held on 1 April 2019
- D2 Woollahra Local Traffic Committee Minutes - 2 April 2019
- D3 Monthly Financial Report - March 2019
- D4 Delivery Program 2018 - 2021 and Operational Plan 2018/19 Quarterly Progress Report - March 2019
- D5 Draft Code of Meeting Practice
- D6 Delivery Program 2018 to 2021 and Operational Plan 2019/20

Environmental Planning Committee held on Monday 15 April 2019

- D1 Confirmation of Minutes of Meeting held on 1 April 2019
- D2 Delivery Program 2018 to 2021 and Operational Plan 2018/19 (DPOP) Quarterly Progress Report March 2019 against Goal 4 - Well planned neighbourhoods, Goal 7-Protecting our environment, Goal 8 - Sustainable use of resources and Goal 9 - Community focused economic development
- D3 Delivery Program 2018 to 2021 and Operational Plan 2019/20



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
29 April 2019 at 8.05pm.**

Present: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio

Councillors: Mary-Lou Jarvis
Claudia Cullen
Luise Elsing
Anthony Marano
Megan McEwin
Harriet Price
Lucinda Regan
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

(Wynne/Jarvis)

1/5 Resolved:

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

Leave of Absence and Apologies

(Wynne/Jarvis)

2/5 Resolved:

THAT Leave of Absence for all meetings of the Council and its Committees be granted to Councillor Matthew Robertson for the period from 18 April, 2019 to 30 April, 2019 inclusive.

Note: An apology was received and accepted from Councillor Nick Maxwell 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 Item (Environmental Planning Committee) R1 (Gaden House 2A Cooper Street, Paddington), R2 (Paddington Heritage Conservation Area), R3 (Proposed Amendments to LEP & DCP) & (Finance, Community & Services Committee) Item R1 (Cross Street Car Park).

Petitions Tabled

Petition No: 1
From: Double Bay Residents' Association Inc
Tabled by Councillor: Jarvis

The Petition was in terms,

We, the undersigned residents of Double Bay, cannot find parking on the streets in which we live for ourselves or our visitors. We ask Council to introduce into its controls specific and realistic minimum parking rates for new apartments in both the Double Bay Centre and residential zones. This will help avoid outcomes such as the recent approval on the corner of New South Head Road and Manning Road, Double Bay of 4 shops and 11 apartments with not a single on-site parking space.

(Jarvis/Wynne)

3/5 Resolved:

That the petition lie on the table for fourteen (14) days and be referred to the Director Technical Services.

Suspension of Standing Orders

Councillor Cavanagh

4/5 Resolved:

That Standing Orders be suspended to allow The Mayor, Councillor Cavanagh to advise Council of passing of the late Tom Jones.

Adopted

The Mayor ruled and permitted the Suspension of Standing Orders.

The Mayor, Councillor Cavanagh advised:

It is with a sad and heavy heart that I report tonight to you all news you may have heard, that Tom Jones Urban Design Planner and much-loved colleague from our Strategic Planning team died on Saturday. Tom died whilst ocean paddling at Rose Bay. Many of us knew Tom well. Over the years many of us sat beside him at meetings and listened to his advice and good counsel. Tom was heavily involved in most of our strategic planning projects and his knowledge of town planning and architecture were of great value. As I said in the condolence book I think his legacy will be in the instruments that he helped create, will be his lasting legacy in the years to come.

Tom served the Council for 13 years and during that time he developed strong friendships with his work colleagues. I give my great sympathy to the General Manager and Director Planning & Development, Allan Coker, who worked with him most closely. He was an active member of the social club and took a strong interest in promoting sustainability initiatives in and around the office. He will certainly be missed.

I will be writing to Tom's family to express our deep sympathy at this very sad time. My thoughts also go to his peers here at Woollahra Council who must still be in shock with the news of his death and they will need some time to come to terms with the fact that they have lost a dear friend and colleague. Please remember Tom in your Prayers and please sign the condolence book.

I would now suggest we stand for a minutes silence.

Councillor Shapiro further advised:

Thank you Mr Mayor, I would like to echo your thoughts. Tom was a true gentleman. For those who worked with him would know that he was just the finest person to work with. I learnt so much from him, particularly in the working party scenario. I learnt the importance of good design and good strategic urban planning. My condolences to his family and to his close work colleagues.

Councillor Elsing further advised:

I would just like to support what you said, Mr Mayor and also what Councillor Shapiro said. It is an absolute testament to his reputation, during the term 2008 to 2012, speaking on behalf of Councillor Zeltzer, Councillor Marano and Councillor Robertson who were on Development Control Committee for all those years, I just remember Tom helping me in the early days to understand the concepts of urban design and concepts of development planning and how they interact/intersect.

Tom had a lot of charm and a manner that was absolutely delightful and highly intelligent and highly sympathetic to all points of view. He was able to articulate all points of view that were so inclusive even if you didn't agree with him or what he was saying.

He had charm and nobleness, it was a pleasure to know him. As soon as you met him you knew you were dealing with someone on the intellectual side of these issues.

I was going to ask if it's appropriate that I be advised of the details of his funeral and whether Councillors as a group can make their condolences clear to the family in the most appropriate way by sending flowers from everybody. It's absolutely devastating news and it's very sad to hear.

Councillor Jarvis further advised:

Thank you I would also like to extend my condolences to the family and echo what previous speakers have said. One of the last meetings I had with Tom (which went for much longer I suspect that he wanted it to) was in relation to an item on the Agenda tonight in relation to FSRs. He patiently sat through a very long meeting explaining why it was appropriate to do this.

I would say, as I have in the condolence book, that Tom will be sorely missed and he has made a great contribution to Woollahra Council. You said yourself, His Worship, that his legacy will be in the changes made to the various planning controls we have.

I extend my condolences to all the staff at Woollahra Council and particularly the Planning and Development staff.

Councillor Zeltzer further advised:

I have been here for 11 years and we have had Tom the helm in terms of urban design, enabling us to produce far more superior streetscapes and urban spaces. He is characterised by his eloquence, his elegance, his tolerance and his inclusion.

It was always a comfort from my point of view, that anything that was going to be a multi-unit dwelling in a strategic area was going to come before Tom on his desk. I always felt comfort from knowing that Tom would give direction and tweak it into shape so that it left a lasting positive legacy on our urban environment and something that we could all live with. I think he will be sadly missed in that respect.

He knew us well and as sad as it is, it has all happened in the domain he worked in and that makes it even sadder.

Environmental Planning Committee

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

- Item No:** R1 Recommendation to Council
- Subject:** **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR HERITAGE LISTING OF GADEN HOUSE, 2A COOPER STREET, DOUBLE BAY**
- 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:** 19/51333
- Reason for Report:** To report on the public exhibition of the planning proposal to list Gaden House, 2A Cooper Street, Double Bay as a heritage item in Schedule 5 of Woollahra Local Environmental Plan 2014.
To obtain Council's approval to proceed with finalisation of the planning proposal.
- Note:** Late correspondence was tabled by Nick Scudamore-Smith, Andrew Vlahos, Vanessa Gilbert, Zaki Ameer, Mat Barrie & Babak Tavakoli.

(Wynne/Cullen)

5/5 Resolved:

- A. THAT Council proceed with the planning proposal for *Gaden House*, 2A Cooper Street, Double Bay, 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 their delegate, to make the LEP to list *Gaden House* as a heritage item under Woollahra Local Environmental Plan 2014.
- C. THAT Council request the Director Planning & Development to consider whether an Interim Heritage Order should be made for the subject property.

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 McEwin
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **REVIEW OF PADDINGTON HERITAGE CONSERVATION AREA CONTROLS**
Author: Catherine Colville, Strategic Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/53558
Reason for Report: To obtain a Council decision to prepare a draft development control plan to amend Woollahra Development Control Plan 2015.
To obtain a Council decision to refer the draft development control plan to the Woollahra Local Planning Panel for advice.

Note: Late correspondence was tabled by John Richardson, Trevor & Esther Hayter.

Note: This matter was recommitted by Councillor Price seconded by Councillor McEwin.

(Wynne/Price)

6/5 Resolved:

- A. THAT a draft development control plan be prepared to amend Woollahra Development Control Plan 2015, as detailed in Annexure 2, of the report to the Environmental Planning Committee meeting on 15 April 2019, subject to the word “may” changed to the word “must” in C.15 (e) of C1.3.1.
- B. THAT consequential changes be made to the controls and diagrams relating to pavilions to reflect the requirement that a courtyard must be provided between the principal building form and the pavilion extension.

- C. THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

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 McEwin
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R3 Recommendation to Council

Subject: **SUPPLEMENTARY REPORT - PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 AND WOOLLAHRA DCP 2015 INCLUDING THE INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY DEVELOPMENT**

Author: Anne White, Team Leader - Strategic Planning

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

File No: 19/39733

Reason for Report: To obtain a Council decision to prepare a planning proposal to amend Woollahra LEP 2014. To obtain a Council decision to prepare a draft development control plan to amend Chapter B3 General Development Controls of Woollahra DCP 2015. To obtain a decision to refer the planning proposal and draft development control plan to the Woollahra Local Planning Panel for advice.

Note: As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, both the Motion and amendment are referred to Council for consideration.

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

**Motion moved by Councillor Zeltzer
Seconded by Councillor Jarvis**

- A. THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:
1. A maximum FSR of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
 2. A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in *Figure 1* in the report to the Environmental Planning Committee meeting on 4 March 2019.
 3. A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 4 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.
 4. Specific objectives and other associated amendments to facilitate 1, 2 and 3.

The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.
- C. THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in *Annexure 2* of the report to the Environmental Planning Committee meeting on 15 April 2019.
- D. THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.
- E. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- F. THAT staff organise a Councillor workshop in May 2019 to discuss the proposed landscaping controls.
- G. THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).

**Amendment moved by Councillor Shapiro
Seconded by Councillor Wynne**

- A. THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:
1. A maximum FSR of 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
 2. A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in *Figure 1* in the report to the Environmental Planning Committee meeting on 4 March 2019.

3. A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 4 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.
4. Specific objectives and other associated amendments to facilitate 1, 2 and 3.

The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.
- C. THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in *Annexure 2* of the report to the Environmental Planning Committee meeting on 15 April 2019.
- D. THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.
- E. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- F. THAT staff organise a Councillor workshop in May 2019 to discuss the proposed landscaping controls.
- G. THAT Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).

Amendment was put and lost

Motion was put and carried

(Zeltzer/Jarvis)

7/5 Resolved:

- A. THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:
 1. A maximum FSR of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
 2. A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in *Figure 1* in the report to the Environmental Planning Committee meeting on 4 March 2019.
 3. A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 4 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.
 4. Specific objectives and other associated amendments to facilitate 1, 2 and 3.

The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.
- C. THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in *Annexure 2* of the report to the Environmental Planning Committee meeting on 15 April 2019.
- D. THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.
- E. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- F. THAT staff organise a Councillor workshop in May 2019 to discuss the proposed landscaping controls.
- G. THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).

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

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Shields
Councillor Silcocks
Councillor Zeltzer

Against the Motion

Councillor Shapiro
Councillor Wynne

11/2

Item No: R4 Recommendation to Council
Subject: **DRAFT NIGHT-TIME ECONOMY POLICY**
Author: Jacquelyne Della Bosca, Executive Planner
Approver: Allan Coker, Director - Planning & Development
File No: 19/63023
Reason for Report: To respond to a Notice of Motion to develop a formal policy in regards to the night-time economy for the Double Bay centre and other smaller centres

(Wynne/Cullen)

8/5 Resolved:

THAT Council defer the report on the draft Draft Night-time Economy Policy to the meeting of the Environmental Planning Committee meeting of 6 May 2019 so that it can be considered in conjunction with the proposed Footway Dining Policy.

Finance, Community & Services Committee

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

Item No: R1 Recommendation to Council
Subject: **CROSS STREET CAR PARK PROJECT - PROGRESS REPORT**
Author: Zubin Marolia, Manager - Property & Projects
Approver: Tom O'Hanlon, Director - Technical Services
File No: 19/30066
Reason for Report: To provide a report on the progress for the Cross Street Car Park redevelopment project in response to a Council resolution of 11 February 2019.

Note: Late correspondence was tabled by Prof Doug Joshua, Double Bay Residents Association, Tresna Karras, Alexandra Joel, Amanda Stewart & Kevin Purdy.

**Motion moved by Councillor Silcocks
Seconded by Councillor Regan**

- A. THAT the information contained in the report be noted.
- B. THAT an information package based on the content of this report and the attached preliminary concept drawings be prepared for public release and for use at the community engagement briefings with the community and stakeholders before 30 June 2019.

**Amendment moved by Councillor Zeltzer
Seconded by Councillor Wynne**

- A. THAT the information contained in the report be noted.
- B. THAT an information package based on the content of this report and the attached preliminary concept drawings be prepared for public release and for use at the community engagement briefings with the community and stakeholders before 30 June 2019.
- C. THAT the investigation of alternative parking arrangements in Double Bay as envisaged in the Council resolution of 10 December 2018 include a feasibility assessment of an additional level of parking at Kiaora Place, as a matter of urgency.

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

(Zeltzer/Wynne)

9/5 Resolved:

- A. THAT the information contained in the report be noted.
- B. THAT an information package based on the content of this report and the attached preliminary concept drawings be prepared for public release and for use at the community engagement briefings with the community and stakeholders before 30 June 2019.
- C. THAT the investigation of alternative parking arrangements in Double Bay as envisaged in the Council resolution of 10 December 2018 include a feasibility assessment of an additional level of parking at Kiaora Place.

Note: A division was called by Councillor Jarvis

For the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

8/5

Notices of Motion

Item No: 11.1
Subject: NOTICE OF MOTION - CAR PARKING STANDARDS
From: Councillors Mary-Lou Jarvis and Mark Silcocks
Date: 24/04/2019
File No: 19/63188

(Jarvis/ Silcocks)

THAT planning staff prepare a report to the Environmental Planning Committee on the merit and practicality of amending Woollahra Development Control Plan 2015 so that the DCP sets the realistic minimum number of on-site parking spaces to be provided for the various types of residential development (with possible exceptions for sites within close proximity to major transport nodes such as Bondi Junction and Edgecliff Station and Bus Interchange).

Motion was put and lost.

Note: A division was called by Councillor Jarvis

For the Motion

Councillor Cullen
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

5/8

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: 19/59570
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 8 April 2019 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Zeltzer)

10/5 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 Vaocluse Bowling Club

Councillor Elsing asking:

Could staff please advise whether Woollahra Municipal Council (WMC) is aware of whether Crown Lands Department has granted a lease to Vaocluse Bowling Club over the entirety of the site?

Director Technical Services in response:

Mr Mayor, with regards to the lease being granted the last advice we had from the Crown Lands Department is that they are still considering a lease application from the Vaocluse Bowling Club.

Councillor Elsing further asking:

Woollahra Council has made clear to the Crown of our preference to take responsibility for management of the site?

Director Technical Services in further response:

Yes Mr Mayor, we have.

Councillor Elsing further asking:

Is it the intention of Woollahra Council if it does secure management responsibility for the site to maintain the site for public recreational use, including the continuation of bowling space?

Director Technical Services in further response:

Mr Mayor, that is the position that we have put to the Crown Lands Department and the Club.

There being no further business the meeting concluded at 10.18pm.

We certify that the pages numbered 216 to 234 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 29 April 2019 and confirmed by the Ordinary Meeting of Council on 13 May 2019 as correct.

General Manager

Mayor