

Ordinary Council



Minutes

Monday 26 November 2018

Ordinary Council Meeting

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Items Determined Under Delegated Authority by Council Committees

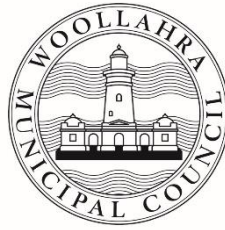
The following items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Environmental Planning Committee held on Monday 19 November 2018

- D1 Confirmation of Minutes of Meeting held on 5 November 2018
- D2 Oxford Street Working Party meeting held on 30 October 2018
- D3 Ecological Sustainability Taskforce - Minutes of Meeting Held 25 September 2018
- D4 Woollahra Local Planning Panel - Register of Planning Decisions and Analysis - Period 1 July to 30 September 2018

Finance, Community & Services Committee held on Monday 19 November 2018

- D1 Confirmation of Minutes of Meeting held on 5 November 2018
- D2 Presentation of the Financial Statements for the year ended 30 June 2018 to the Public
- D3 Woollahra Local Traffic Committee Minutes - 6 November 2018
- D4 Update on investigations into increasing places at Woollahra Preschool
- D5 Monthly Financial Report - October 2018
- D6 Capital Works Program - Quarterly Progress Report September 2018



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
26 November 2018 at 8.00pm.**

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

Councillors: Mary-Lou Jarvis (Deputy Mayor)
Claudia Cullen
Luise Elsing
Anthony Marano
Nick Maxwell (Items NOM 11.1 to QON)
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
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

(Robertson/Zeltzer)

225/18 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 12 November 2018 be taken as read and confirmed.

Leave of Absence and Apologies

An apology was received and accepted from Councillor Richard Shields 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 Items Notice of Motion 11.3 (Paddington Bowling Club) and Notice of Motion 11.5 (Night-time Economy of Double Bay).

Petitions Tabled

Nil

Suspension of Standing Orders

Councillor Shapiro

226/18 That Standing Orders be suspended to allow Councillor Shapiro to advise Council of passing of the late Jeremy Spinak.

Adopted

The Mayor ruled and permitted the Suspension of Standing Orders.

Councillor Shapiro advised:

I would just like to acknowledge the very sad passing of Jewish community leader, Jeremy Spinak. Aged 36 he passed away tragically from a very rare cancer. Jeremy was the President of NSW Jewish Board of Deputies for the past four years. He finished his term in August 2018. I had the privilege of being his vice president for two of those years and worked very closely with him.

Jeremy had been ill for some time and in June of this year, he had the most horrific diagnosis. He faced it with such courage. He spoke so openly about it, it was quite unbelievable. He has a young wife and twins who turned one in October. All he could say to us when we said what can we do, he said please tell my children when you meet them one day, tell them what it was like to work with me, tell them what I was like, I want them to know me.

Sadly the day after they turned one, he was admitted for his final stay in hospital. As a community leader and many of you would have gone to events which he hosted, there were just the most amazing tributes from the Premier who attended the memorial, MPs from Federal and State Governments, ethnic leaders, interfaith leaders etc. The hallmark of Jeremy's term, before he was President he chaired the Community Relations Committee and he focused on interfaith and intercultural relationships. Also importantly during his term of office, he led the Jewish communities support for same sex marriage, he also established the taskforce for child protection, and he importantly spearheaded a cultural group which resulted in a change of legislation so that it criminalised any incitement of violence against religion, race or sexuality. That is really thanks to Jeremy's leadership. I would just like to note his passing and that the Mayor will be writing to the Board of Deputies and to Jeremy's family, I would just like to pass on our condolences from everyone in the community.

The Mayor in response:

I must admit that as I have moved about various organisations, just how much people thought of him, it very moving. His parents and family should be very proud.

The Council noted the information.

Councillor Jarvis

227/18 That the Suspension of Standing Orders continue to allow The Deputy Jarvis to advise Council of the Women on Water Regatta 2018.

Adopted

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

Councillor Jarvis advised:

I would just like to record that Councillor Regan and I had the privileged yesterday of attending the Women on Water Regatta 2018 at Royal Prince Edward Yacht Club. It is an annual event where women race up and down the harbour at the helm. It was a quite competitive race, Councillor Regan's group did better than mine. In any event, it was an honour to join Barb Maunsell who I am told has sailed a yacht back from Hobart in the Sydney to Hobart yachy race. I hope she sails a boat from Sydney in the Sydney to Hobart! Amongst her crew was Commodore Greg Mason on a yacht called '*Sine Wave*'.

Later I presented the prizes to the various women who won the awards and I wish to say to you, Your Worship that you may particularly like the pink lanyard that we were asked to present to you. I will give that to you. I was tempted to keep the Prince Edward Goblet but I will pass that to Councillor Regan. In the interest of partnership and collaboration I am passing that onto Councillor Regan.

The Mayor advised:

Thank you. I look forward to receiving that.

The Council noted the information.

Councillor Price

228/18 That the Suspension of Standing Orders continue to allow Councillor Price to advise Council of Paddington Community Garden Christmas Party.

Adopted

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

Councillor Price advised:

As you know, it was a pleasure to attend the Paddington Community Garden Christmas Party for the community garden at the top of Trumper Park. The garden is positively blooming and the community is rightly proud of what they have done up there. It struck me too, of the lovely sense of community and comradery amongst the gardeners there.

I would just like to congratulate them for the work they did. I knew you too were presented their lovely calendar for next year which had some lovely photos of the gardens. I think we should mention and congratulate them for their hard work.

The Council noted the information.

Councillor Price

229/18 That the Suspension of Standing Orders continue to allow Councillor Price to advise Council of the Women's Legal Status Act 1918.

Adopted

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

Councillor Price advised:

I wanted to mention that on this day one hundred years ago, the Women's Legal Status Act 1918 was enacted. This Act permitted women to be appointed as Councillors and also as Lawyers in the State of New South Wales.

I am proud to be part of a Council that does have such a high proportion of women and we obviously have to thank the trailblazers that came before us and the work that they do. I am proud we can continue to do that work that we do on Council.

The Council noted the information.

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 19 November 2018 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **PUBLIC EXHIBITION OF DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 3) - INDOOR AMENITY AND SUBTERRANEAN HABITABLE SPACES**

Author: Kelly McKellar, Strategic Planner

Approvers: Anne White, Team Leader - Strategic Planning
Nick Economou, Acting Director - Planning & Development

File No: 18/172451

Reason for Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No.3) – Indoor residential amenity and subterranean habitable spaces.
To obtain Council’s approval of the Draft DCP subject to the recommended changes.

(Wynne/Zeltzer)

230/18 Resolved without debate:

THAT Council approve Draft Woollahra Development Control Plan 2015 (Amendment No. 3) – Chapter B3 General Development Controls (section 3.5.5 Indoor Amenity) as amended and attached at **Annexure 1** to the report to the Environmental Planning Committee of 19 November 2018.

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 Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council

Subject: **PUBLIC EXHIBITION OF DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO.4) - ROOF TERRACES, LIFTS AND LIFT OVERRUNS**

Author: Anne White, Team Leader - Strategic Planning

Approver: Nick Economou, Acting Director - Planning & Development

File No: 18/172510

Reason for Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 4) – Roof terraces, lifts and lift overruns.
To obtain Council’s approval of the Draft DCP.

(Wynne/Zeltzer)

231/18 Resolved without debate:

THAT Council approve Draft Woollahra Development Control Plan 2015 (Amendment No. 4) – Chapter B3 General Development Controls (Roof Terraces, Lifts and Lift Overruns) as exhibited.

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 Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 19 November 2018 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **2018/19 BUDGET REVIEW FOR THE QUARTER ENDED 30 SEPTEMBER 2018**
Author: Sue Meekin, Chief Financial Officer
Approver: Don Johnston, Director Corporate Services
File No: 18/167218
Reason for Report: To report on the review of the 2018/19 Budget for the quarter ended 30 September 2018

(Marano/McEwin)

232/18 Resolved without debate:

- A. THAT the report on the Budget Review for the quarter ended 30 September 2018 be received and noted.
- B. THAT Council note the statement from the Responsible Accounting Officer, Council's Chief Financial Officer, that the projected financial position at 30 June 2019, based on the forecasts outlined in this report will remain satisfactory.
- C. THAT the recommended variations to the 2018/19 budget outlined in the report be adopted.

Item No: R2 Recommendation to Council
Subject: **HEAD ON PHOTO FESTIVAL - FUNDING**
Author: Peter Kauter, Manager Placemaking
Approver: Nick Economou, Acting Director - Planning & Development
File No: 18/171023
Reason for Report: To report on a request by the organisers of the Head On Photo Festival for funding of the Festival in 2019, 2020 & 2021

(Marano/McEwin)

233/18 Resolved without debate:

- A. THAT the Committee note the request by the organisers of the Head On Photo Festival for consideration of the report on the funding of the Festival to be deferred until the next meeting of the Committee to be held on 3 December 2018.
- B. THAT the Committee agree to defer consideration of the report until the next meeting of the Committee to be held on 3 December 2018 to allow for Festival organisers to attend that meeting.

Item No: R3 Recommendation to Council
Subject: **CLOSING AND SALE OF ROAD RESERVE - 18 HOPETOUN AVENUE, VAUCLUSE (SC3742)**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 18/180668
Reason for Report: To further consider the closing and sale of road reserve adjoining 18 Hopetoun Avenue, Vacluse

(Marano/McEwin)

234/18 Resolved without debate:

- A. THAT Council grant an easement to the owner of 18 Hopetoun Avenue, Vacluse for the road reserve adjoining this property (as illustrated in Annexure 1) to allow the proposed encroaching structure to remain for the life of the building, subject to:
- payment of easement compensation of \$1,333 per square metre (exclusive GST) as determined by a registered valuer, and
 - a final survey of the easement area.
- B. THAT the owner pays all Council costs in this matter.

Item No: R4 Recommendation to Council
Subject: **PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND COUNCILLORS POLICY**
Author: Helen Tola, Manager - Governance & Council Support
Approver: Don Johnston, Director Corporate Services
File No: 18/182813
Reason for Report: For Council to fulfil its statutory requirement to adopt its policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors following public exhibition.

(Marano/McEwin)

235/18 Resolved without debate:

- A. THAT the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy be adopted, as per Annexure 2.
- B. THAT the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy be furnished to the Office of Local Government.

Notices of Motion

Item No: 11.1
Subject: NOTICE OF MOTION - FREEZE ON OVER DEVELOPMENT
From: Councillors Luise Elsing, Lucinda Regan and Mark Silcocks
Date: 7/11/2018
File No: 18/182064

**Motion moved by Councillor Elsing
Seconded by Councillor Regan**

THAT Council:

- A. Notes that Sydney generally and Woollahra specifically is undergoing unprecedented increases in population and that this is placing enormous strain on infrastructure which is compromising liveability.
- B. Places a moratorium on any development applications or planning proposals by Council as an applicant in relation residential development on Council owned land until an assessment has been undertaken to determine:
 1. the capacity of current infrastructure to support such development including roads, public transport, outdoor and indoor recreation facilities, bike cycle pathways and public schools;
 2. traffic, congestion and parking implications;
 3. the impact of over development on the character and heritage of the Woollahra municipality; and
 4. the economic and social cost to residents and businesses, of such development and outlines:
 - i. what major new infrastructure investment is required to support any additional population contemplated by further over development; and
 - ii. whether such new development is required, having regard to Woollahra Council's current compliance with the targets and the objectives of those targets as set by the Greater Sydney Commission.
- C. Prepares for consideration by Council a report which measures Woollahra Council's compliance to date with the targets set by the Greater Sydney Commission for 2016 - 2021 (300 additional dwellings) including the numbers of approvals since 2016 and number of developments commenced and number of developments completed since 2016.
- D. THAT the Mayor writes to the Member for Vaucluse, Hon Gabrielle Upton MP requesting her to put in place the same protections to overdevelopment secured by her Liberal colleague, the Hon Mr Dominello MP for his constituents in Ryde.

The Motion was put and lost.

Note: A Division was called by Councillor Elsing.

For the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Robertson
Councillor Shapiro
Councillor Wynne
Councillor Zeltzer

5/9

Item No: 11.2
Subject: **NOTICE OF MOTION - ELECTRIC CIRCUITRY**
From: Councillors Megan McEwin, Anthony Marano, Matthew Robertson and Toni Zeltzer
Date: 12/11/2018
File No: 18/185460

(McEwin/Marano)

236/18 Resolved without debate:

THAT Council:

- A. Staff review the current DCP and LEP provisions to ascertain what changes, if any, are necessary to ensure that car parks in new residential, mixed use and commercial developments have adequate circuitry to allow for the introduction of electric vehicle charging points.
- B. Staff review the plans for the Cross Street car park development, the Ian Street car park development and the Wilberforce Ave car park development to ensure those buildings will contain adequate circuitry to allow for the introduction of electric vehicle charging points.

Adopted

Item No: 11.3
Subject: **NOTICE OF MOTION - PADDINGTON BOWLING CLUB**
From: Councillors Matthew Robertson and Peter Cavanagh
Date: 13/11/2018
File No: 18/186404
Note: Late correspondence was tabled by Councillor Robertson.

(Robertson/Cavanagh)

237/18 Resolved:

THAT Council:

- A. Formalises its position that the land at lots 3 and 5 Quarry St Paddington - the Paddington Bowling Club site and surrounds - be returned to the people of Paddington and Woollahra as parkland, under the management and custodianship of Woollahra Council.
- B. Requests staff to advocate for this position if and whenever appropriate in all future dealings in relation to the Paddington Bowling Club to give effect to this resolution.
- C. THAT the Mayor writes to the NSW Minister for Lands and Forestry in the following terms:
 - i) affirming Council's position outlined in part a of the resolution above.
 - ii) Seeking confirmation that the permitted use of the current lease over the site is "*community and sporting club facilities, tourist facilities, services and access*" will not be varied.

Adopted

Item No: 11.4
Subject: **NOTICE OF MOTION - PADDINGTON BOWLING CLUB**
From: Councillors Harriet Price and Luise Elsing
Date: 21/11/2018
File No: 18/191827

Motion moved by Councillor Price
Seconded by Councillor Elsing

THAT Council:

- A. Notes:
- i the necessity in the Woollahra municipality for more open spaces for recreation and recreational facilities, including playing fields;
 - ii the significant, long standing community concerns and interest in the former Paddington Bowling Club Site (**the Subject Land**); and
 - iii that the Subject Land is Crown Land and subject to a 50 year lease scheduled to terminate on 30 November 2060 (**the Lease**).
- B. Requests staff to prepare a report:
- i outlining Council's rights and obligations in respect to lot 3 in deposited plan 1156846 (which is included in the Lease) and in particular, to the new legislative requirements contained in the Crown Lands Management Act 2016;
 - ii containing a detailed chronology of all its dealings with the Department of Industry, Lands and Water and any other relevant Department, Minister or individual with respect to the Subject Land, in which Council expressed an interest in acquiring the Lease; and
 - iii including the logistics, implications, opportunities and costs to Council if it were to decide in the future to take over the Lease (on the assumption that the Lease is any way found to be void, is terminated or otherwise brought to an end).

The Motion was put and lost.

Note: A division was called by Councillor Price.

For the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Robertson
Councillor Shapiro
Councillor Wynne
Councillor Zeltzer

Item No: 11.5
Subject: **NOTICE OF MOTION - POLICY FOR THE NIGHT-TIME ECONOMY OF DOUBLE BAY AND OUR OTHER COMMERCIAL HUBS**
From: Councillors Mark Silcocks, Toni Zeltzer, Richard Shields, Anthony Marano and Megan McEwin
Date: 21/11/2018
File No: 18/192049

Note: Late correspondence was tabled by Rick Solomon.

(Silcocks/Zeltzer)

238/18 Resolved:

THAT Council as a matter of urgency develops a formal policy in regard to the night time economy of Double Bay and our other smaller commercial hubs (noting additional points to be explored in the development of the formal policy include plans of management, renewable conditions and enforcement mechanisms).

Adopted

Item No: 11.6
Subject: **NOTICE OF MOTION - USING RECYCLED PAPER FOR ALL COUNCIL PRINTING**
From: Councillors Toni Zeltzer and Megan McEwin
Date: 22/11/2018
File No: 18/192568

(Zeltzer/McEwin)

239/18 Resolved:

- A. THAT all paper used by council for printing, including that which is used for business papers, promotional and information leaflets, cards and invitations be recycled paper.
- B. THAT the use of recycled paper begins with any future order of paper, as this will allow current stores of paper to be used without waste.

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: 18/187546
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 12 November 2018 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Robertson)

240/18 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 Paddington Bowling Club Site

Councillor Robertson asking:

Given the interest in the Paddington Bowling Club site and given Council's decision tonight to vote down Notice of Motion 11.4 in the interests of saving staff time and resources, would it be possible to arrange with Council's legal panel, a briefing on the *Crown Land Management Act 2016*? Specifically it's application to Paddington Bowling Club site, on the Act in general, its operations and how it may apply to that one particular parcel of land.

It is my recollection that in the engagement of our solicitors that they do provide a certain number of legal briefings free of cost, per annum. I am hearing the level of interest in that particular legislation and I am wondering if that may be appropriate.

Director Technical Services in response:

We have had a briefing from Lindsay Taylor Lawyers on the *Crown Lands Management Act 2016* generally and its implication for the management of our parks, which the Councillors who attended would recall it was largely centred around the need to manage crown land as if it was community land under the *Local Government Act 1993*.

That briefing did not talk about land which is subject to a lease, I think at the time that was not a major interest to the Council as it was being dealt with somewhere else. I would also draw Councillors attention to the late correspondence where I have sort to answer the question on notice from Councillor Price about the implications of the *Crown Lands Management Act 2016*. I do acknowledge it is fairly brief advice, but my reading of the *Crown Lands Management Act 2016* is that this pretty much covers it and essentially it means that any land which was previously Crown Land is now going to be managed by Council as if it is community land under the provisions of the *Local Government Act 1993*.

That would require us to produce a plan of management for all of those sites and within that plan of management to categories the plan of management to categories that piece of land under section 46 of that Act.

If the Councillors would like more information on that, or require a briefing I am happy to arrange that.

Councillor Robertson in further response:

It would be my preference that we do have a councillor briefing. I recognise that we are running close to the end of the year. We also heard tonight concerns raised in relation to the Vaucluse Bowling Club with similar issues arising there in respect to the transfer of leases and it is something personally that I would benefit from.

Director Technical Services in response:

I am very happy to arrange a Councillor briefing.

Question No: 12.3 Verge on either side of Cranbrook Lane, Bellevue Hill

Councillor Regan asking:

Can you please advise as to the status of the re-planting and landscaping of the verge on either side of Cranbrook Lane, particularly at the section adjoining New South Head Rd, Bellevue Hill? It is noted that there were stabilisation works undertaken there this time last year, but no landscaping or replanting of the area appears to have taken place. It is in a prominent location, opposite the Rose Bay Promenade and is viewed by many. It would therefore benefit from some thoughtful and interesting planting.

Director Technical Services in response:

The following response was prepared by Paul Fraser, Manager Open & Trees for this evening's meeting:

This location was planted out during the works that Councillor Regan notes. Council installed a large quantity of weed matt and coiled logs to try and control the erosion issue. During this work we also planted over 200 plants. A large majority of these plants have died due to the very dry spell we encounter directly after planting. The staff want to plant it out with more established plants but we don't have a lot of options in regards to variety due to the sandy profile. Staff also don't want to plant in the heat of summer. I have asked our staff to concentrate their short term efforts on the bottom area at the entrance of the stairs to try and better manage this area.

Council Regan further asking:

Mr O'Hanlon, I assume they will look at replanting in the winter with other species?

Director Technical Services in further response:

I think we are looking at replanting on a limited extent lower where it is very visible and for the whole site we would want to do it in autumn.

Question No: 12.4 Affordable Housing SEPP

Councillor Regan asking:

I understand that a development application (DA219/2018) has been lodged under the 2009 Affordable Housing SEPP and that it is contemplating that the affordable housing component of the development must be managed by a registered community housing provider for a 10 year period.

Can you advise if this is the first affordable housing development under this SEPP in the municipality and could you please update us as to how it is progressing once determined by the Woollahra Local Planning Panel? Could you also provide a Councillor briefing on this matter?

Director Planning & Development in response:

I will take that on notice, but I am happy to organise a briefing.

Question No: 12.5 Parking fines

Councillor Price asking:

I refer to the recent reforms announced by the State Government concerning parking fines - including providing Council with the flexibility to lower parking fines. Does Council have a discretion to opt into these changes? If so, what (if any) implications will these reforms have on Council's revenue?

Director Planning & Development in response:

On notice.

Question No: 12.6 Naming of Andrew Petrie Oval

Councillor Price asking:

Is the Mayor aware of a petition with almost 1,000 signatures concerning the renaming of the Andrew Petrie Oval. Do you intend to take any action with respect to the petition?

The Mayor, Councillor Cavanagh in response:

No, none at all.

Question No: 12.7 Poor state of maintenance of Peaker Lane

Councillor Cullen asking:

A number of residents are concerned with the poor state of maintenance of Peaker Lane in Woollahra (behind Queen Street). The business using the rear for garbage storage and the café on the corner of Holdworth and Queen Street has fallen into disrepair as a result it is becoming a dumping site attracting rodents and other critters. What can Council do to encourage the clean-up, maintenance, repair and beautification of this Lane?

Director Planning & Development in response:

On notice.

Question No: 12.8 Non-Compliant Combustible Cladding

Councillor Elsing asking:

The tragedy of the June 2017 Grenfell Tower fire in London has alerted Australian to the dangers of the use of combustible cladding.

A scheme* has been established by the NSW State government to require registration of combustible cladding.

I understand that Fire and Rescue NSW as part of the “Cladding Taskforce” will soon write to local councils requesting their authorised fire officers to inspect each affected building, and to report back to FRNSW on the outcome of their inspections**.

My question relates to renters in the area being made aware of the existence of combustible cladding material in buildings.

- What plans if any does the Council have to make the information public?
- What obligations (if any) are on Councils to make this information public?
- Is there a public register of this information?
- Is there other information that would be relevant to renters in the area?

* <https://www.planning.nsw.gov.au/Policy-and-Legislation/Buildings/Combustible-cladding>

**<https://www.finance.nsw.gov.au/about-us/media-releases/update-fire-safety-and-external-wall-cladding-taskforce-1>

Director Planning & Development in response:

I will take this on notice but provide Councillor Elsing with a short answer in the interim. What plans if any does the Council have to make the information public? Answer to that is none, because it is not information that we currently have. The register that is being set up and operated by the State Government not by the Council. What obligations (if any) are on Councils to make this information public? The answer to that is that we do not have an obligation to make it public, it is not our register. Is there a public register of this information? The answer is no, we did clarify this with the Department of Planning this afternoon and the Department of Planning has no proposal to make it a public register. Is there other information that would be relevant to renters in the area? The answer is definitely yes, and that is mostly found on the website that has been created on the NSW Cladding Taskforce. Having said that I will provide you with a more detailed response to this issue in writing.

Councillor Elsing further asking:

Are Council fire officers asked to inspect this cladding as the best of the NSW Fire and Rescue?

Director Planning & Development in further response:

We have been advised by NSW Fire and Rescue of six buildings within the Woollahra municipality which potentially have composite cladding. We have written to the owners of each of those buildings, we have had meetings with the owners of those buildings and each of those buildings has also been provided a certificate on the conformity to relevant standards in relation to that cladding. It is a very complex issue.

Councillor Elsing further asking:

Is that information available on this website you are referring to, is it publically available?

Director Planning & Development in further response:

The website provides a description of what the State Government is doing in relation to these issues. It does not give information about what individual Councils are doing or how individual Councils are handling this issue.

Question No: 12.9 Loss of Trees in Double Bay

Councillor Silcocks asking:

There's a growing concern amongst residents about the loss of trees in Double Bay through what they see as a stealthy campaign of attrition. We know we have lost 32 trees in Jamberoo Lane, 3 large trees on Cross Street, three glorious Plane Trees in Forest Road were poisoned and now a large Plane Tree in Patterson cited for removal.

We're told we have no control over Sydney Water in Jamberoo Lane, the 3 trees in Cross Street were part of an S96 application by the developers, despite their protection originally being conditioned, and the infirm tree in Patterson happens to be directly in front of another apartment development.

Are we certain that we are doing all we can to:

- a. protect the natural beauty
- b. ensure that any trees that need to be removed are beyond saving and most importantly
- c. compel developers and Government authorities to replace all removed trees with similar species (there are contradictory stories about what and how Sydney Water plan to repair Jamberoo Lane)?

Director Technical Services in response:

On notice.

Question No: 12.10 Wiston Gardens Jacaranda Tree

Councillor Silcocks asking:

Can we get a firm date for planting Jacaranda in Wiston Gardens?

Director Technical Services in response:

I did previously commit to Council that I would have the Jacaranda planted within the week, however things have got more complicated since then. I will have to take the question on notice.

Question No: 12.11 Mobile Phone Towers

Councillor Marano asking:

With regards to the mobile phone towers, staff were going to look into it further and get back to Councillors with more detail about what our options are. I am wondering how that is going?

Director Technical Services in response:

At the briefing that was provided by Stuart Simington of Lindsay Taylor Lawyers, I committed to getting his advice in response to the questions which were circulated to Councillors. That arrived last week. I reviewed it and felt that the structure of the advice was not well set out. It was revised and arrived to me on Friday afternoon. I haven't had a chance to go through it or circulate it to Councillors. I also need to have a further conversation with Mr Coker (who returned from leave today) on some issues pertaining to it.

I hope to be circulating a memorandum to Councillors this week.

Question No: 12.12 Removal of Tree New South Head Road, Rose Bay

Councillor Zeltzer asking:

A very large fig tree was removed from New South Head Road, Rose Bay directly across the street from the Regatta Restaurant? Can we have some details about why it was removed?

Director Technical Services in response:

I believe a memorandum was sent to Councillors about the removal. In short the tree was subject to a poisoning incident a number of years ago and staff have been careful in monitoring it. It was inspected I think around four months ago and it was viewed at that time to be stable, but a further inspection a couple weeks ago showed that there was significant cracking of the main crotch. We were really worried about it and took the view that we could notify the Councillors. We will plant another one.

Questions on Notice

Item No: 13.1
Subject: QUESTIONS ON NOTICE
Author: Sue O'Connor, Secretarial Support - Governance
File No: 18/191797
Reason for Report: To provide a response to Questions on Notice from Council Meeting of 26 November 2018 and for Councillors to ask Questions on Notice in accordance with Council's Code of Meeting Practice.
Note: Late correspondence was tabled by Helen Tola, Manager Governance & Council Support.

(Wynne/Robertson)

241/18 Resolved:

THAT the responses to previous Questions on Notice be noted.

Background:

The provision for Councillors to ask Questions on Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

- 1) *As a standard practice, "Questions on Notice" shall be listed in all agendas of Ordinary Council Meetings.*
- 2) *Questions on Notice must be submitted in writing to Council's Governance Department by no later than 10.00am on the Thursday preceding the Council Meeting.*
- 3) *The Questions on Notice may be asked by the Councillor submitting the question or another Councillor, should the Councillor who submitted the question be absent from the meeting, at the Council Meeting.*
- 4) *The Councillor must put every such question directly, succinctly and without argument.*
- 5) *If an answer to a Question on Notice can be given at the Council Meeting then such shall be done either in writing or verbally and a record made in the Minutes of the Meeting. If an answer can be given, but not at the meeting, ie due to further research being required, the question can be taken "On Notice" and the chairperson shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (i.e. whether in writing and direct to the enquirer, to all Councillors or reported to the next or subsequent Council Meeting).*
- 6) *When an answer has been given to a Question on Notice, the chairperson must not allow any discussion on any reply or refusal to reply to the question (clause 249 of the Regulation)*
- 7) *When an answer has been given to a Question on Notice, no motion can be moved at the Council meeting. However if a matter is genuinely urgent, it could be dealt with under the urgency provisions (clause 241(3)) of the Regulation as is the case with any matter of urgency.)*
- 8) *If a Councillor seeks to have a matter arising from a question and answer considered by the Council, a Notice of Motion should be submitted to the General Manager in accordance with the Notice of Motion provisions of the Code of Meeting Practice.*

Questions on Notice should be asked in accordance with the Code of Meeting Practice.

Councillors Questions on Notice for 26 November 2018 are as follows:

Councillor Price submitted the following Question on Notice to the Council Meeting held on 26 November 2018:

Further to the answers provided by the General Manager to my questions of 12 November 2018, can the General Manager please:

- a. confirm when the Department of Industry Lands and Water (the Department) informed Council of receipt of an application to transfer the lease from CSKS Holdings Pty Ltd to Quarry Street Pty Ltd;

On 28 February 2018, Council's Director Technical Services, Tom O'Hanlon, contacted DoI and enquired whether there was a proposal to assign the lease. This enquiry was made because of rumours which had been brought to the attention of the General Manager. An officer of DoI verbally confirmed that an application for assignment/transfer of the lease had been received and was being processed. Mr O'Hanlon asked that Council be kept advised of progress. On 26 March the General Manager wrote to DoI formally requesting that Council be consulted in regard to the proposed assignment.

- b. confirm when the Department informed Council that Ministerial consent was granted to the transfer;

In the week preceding 18 April, the General manager was verbally advised that the lease had been transferred. This was confirmed in an email dated 18 April.

- c. provide to all Councillors a copy of Council's correspondence to the Department dated 26 March 2018 and the reply to that correspondence;

These will be forwarded separately to Councillors.

- d. confirm when the lease was transferred from CSKS Holdings Pty Ltd to Quarry St Pty Ltd; and

Council staff were advised by DoI last week that the transfer of the lease was approved on 17 November 2017. There is no record of Council being advised of the application for transfer prior to that date.

- e. confirm what (if any) obligations Council has under the Crown Lands Management Act 2016 with respect to lot 3 in deposited plan 1156846.

Council's principal obligation as manager of the land, as prescribed at 3.22 (1) (a) of the Crown Lands Management Act 2016 is that it must manage the land as if it were community land under the Local Government Act 1993. The practical effect of this requirement is that Council will need to prepare a Plan of Management (PoM) for the site and thereafter manage the site in accordance with the PoM. It is very likely that Lot 3 will be incorporated into a PoM for the whole of Trumper Park.

Section 46 of the Local Government Act requires that any lease over the site is expressly authorised in the PoM and is consistent with the core objectives for the category of the land as described in the PoM. Councils may not grant a lease over community land for a term greater than 30 years.

When considering the implications of Clause 3.22 and the Local Government Act for the existing lease over Lot 3, which was granted by the Minister in 2010, it is necessary to have regard to section 2.18 (1) of the Crown Land Management Act.

2.18 Special provisions relating to Minister's powers over dedicated or reserved Crown land

(1) Despite any other provision of this Act, the Minister may grant a lease, licence, permit, easement or right of way over dedicated or reserved Crown land for any of the following purposes (a "relevant interest"):

- (a) any facility or infrastructure,*
- (b) any other purpose the Minister thinks fit.*

It does not appear therefore that the obligations of Council under the new Crown Lands Management Act will affect the validity of the existing lease.

Councillor Price submitted the following Question on Notice to the Council Meeting held on 26 November 2018:

LimeBikes are hitting the streets and (along with their predecessors) causing concern and complaints from the community. Can the Director please:

- a. confirm if LimeBike consulted with Council prior to distributing its bikes throughout the Municipality;
- b. confirm if LimeBike is a signatory to the bike share guidelines; and
- c. as a matter of priority, update Council's website to include contact details for LimeBike and otherwise review and (where necessary) update the currency of the other bikeshare information.

Director Technical Services advised:

On notice. A response will be circulated via email to all Councillors.

Councillor Price submitted the following Question on Notice to the Council Meeting held on 26 November 2018:

Further to Councillor Elsing's Question on Notice of 29 October 2018 concerning food waste recycling, can the Director please:

- a. confirm Council's current food waste from landfill target;
- b. provide details of how many tonnes of food waste has been diverted from landfill since 2013;
- c. provide the terms of the contract that limit the amount of food waste that can be mixed with green waste and how this is measured;
- d. provide details of how many tonnes of food waste is unable to be mixed with green waste;
- e. confirm how the contractor deals with the excess food waste;
- f. confirm whether the contract provides any mechanism to vary its terms prior to completion; and
- g. confirm when the contract is due to expire.

Director Technical Services advised:

On notice. A response will be circulated via email to all Councillors.

There being no further business the meeting concluded at 9.48pm.

We certify that the pages numbered 946 to 971 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 26 November 2018 and confirmed by the Ordinary Meeting of Council on 10 December 2018 as correct.

General Manager

Mayor