

# Ordinary Council



## Agenda

Monday 13 November 2017

8.00pm

Seating Plan for the Mayor and Councillors:

Staff	Staff	Mayor Cr Peter Cavanagh	Staff	Staff
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Staff		Staff
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Deputy Mayor Cr Susan Wynne		Cr Richard Shields
Cr Nick Maxwell		Cr Megan McEwin
Cr Isabelle Shapiro		Cr Matthew Robertson
Cr Toni Zeltzer		Cr Luise Elsing
Cr Mary-Lou Jarvis		Cr Lucinda Regan
Cr Mark Silcocks		Cr Anthony Marano
Cr Harriett Price		Cr Claudia Cullen

Press
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Public Gallery
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# Woollahra Municipal Council

## Notice of Meeting

9 November 2017

To: His Worship the Mayor, Councillor Peter Cavanagh ex-officio  
Councillors Susan Wynne (Deputy Mayor)  
Claudia Cullen  
Luise Elsing  
Mary-Lou Jarvis  
Anthony Marano  
Nick Maxwell  
Megan McEwin  
Harriet Price  
Lucinda Regan  
Matthew Robertson  
Isabelle Shapiro  
Richard Shields  
Mark Silcocks  
Toni Zeltzer

Dear Councillors

### Ordinary Council – 13 November 2017

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 13 November 2017 at 8.00pm.**

Gary James  
General Manager

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## Meeting Agenda

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## 8. General Manager and Officer's Report

<b>Item No:</b>	8.1
<b>Subject:</b>	<b>MANDATORY LOCAL PLANNING PANELS</b>
<b>Author:</b>	Allan Coker, Director - Planning & Development
<b>Approvers:</b>	Gary James, General Manager Allan Coker, Director - Planning & Development
<b>File No:</b>	17/182644
<b>Reason for Report:</b>	To provide advice on the mandatory local planning panels and seek approval for a process to select the panel members

### Recommendation:

- A. That Council notes the report to the Council meeting of 13 November 2017 about the mandatory local planning panels which are being introduced by the NSW Government under the *Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017*.
- B. That Council constitutes its own local planning panel for the Woollahra local government area in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
- C. That Council advertise to seek nominations for one community representative panel member and two alternates.
- D. That Council delegate to the General Manager and Mayor authority to:
  - establish a selection panel chaired by the Mayor and appoint the community representative and alternates, and
  - appoint appropriate experts and alternates from the pool of approved candidates.
- E. That Council note that a further report will be presented on how the introduction of the Local Planning Panel and the cessation of the Development Control Committee may impact on current committee arrangements.

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### 1. Reason for the report

Under recent changes to the *Environmental Planning and Assessment Act 1979* (EP&A Act) local planning panels will become mandatory for all councils in the Greater Sydney Region and for Wollongong City Council from 1 March 2018.

The local planning panels, or independent hearing and assessment panels (IHAPs) as they are also often referred to, will comprise three independent experts and the community representative. The panel will determine certain development applications (DAs) on behalf of Council and also provide advice to Council on other planning matters, such as planning proposals.

These legislative changes mean that Councillors will not be involved in determining any DAs from 1 March 2018.

This report provides information about these changes.

## **2. Background and reasons for the legislative changes**

The changes arise from the NSW Government and Department of Planning and Environment (DPE) identifying a need to enhance the probity and accountability of decision-making in the planning system and in particular to:

- improve transparency and balance in assessment and determination processes, and
- improve the independence and expertise of the decision-makers<sup>1</sup>.

The DPE identify that the local planning panels will determine DAs with a value of between \$5 million to \$30 million, as well as other DAs of “corruption risk, sensitivity or importance”<sup>2</sup>.

The Minister for Planning and Housing, the Hon Anthony Roberts, has said that:

*“the benefits of IHAPs extend not only to reducing corruption risks; they are also fundamental to providing strategic, streamlined and balanced decision-making. Panels can achieve greater certainty for all parties by providing rigorous and credible determinations on the merits of an application, reducing the likelihood of reviews and appeals. Panels also elevate the role of the council—they allow the council to focus on the strategic task of setting the overall vision, policies and controls for development in the local area. It is for these reasons that we are introducing this vital, game-changing reform to the planning system.”*<sup>3</sup>

Consistent with this approach, the DPE takes the view that when Council’s strategic functions are performed well, the task of assessing and determining individual DAs becomes a technical matter of assessing the application’s merits against the rules that Council has set. The DPE argues that it is appropriate that technical experts, on panels or the Council’s planning staff, perform this task.

## **3. Key impacts of the legislative changes**

On 8 August 2017 the *Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017* was introduced into Parliament to amend the EP&A Act in relation to the establishment and operation of local planning panels and related matters. The Bill was passed on 10 August 2017 and assented to on 14 August 2017<sup>4</sup>.

The key impacts of the amendment in relation to the planning panels are:

- To require all councils within the Greater Sydney region and the City of Wollongong to constitute a local planning panel.
- To remove Councillors from the role of determining DAs and give the local planning panels the function of determining certain DAs on behalf of Councillors.
- To provide local planning panels with the function of providing advice to Council on other planning matters, such as planning proposals, that are referred to the panel by Council or referred at the direction of the Minister for Planning.

The local planning panels are independent bodies and are not subject to the instruction of Council or the Minister, except on matters relating to operational procedure and matters set out in directions issued by the Minister under section 117 of the EP&A Act.

Council must have its local planning panel in place by 1 March 2018. Until then Council can continue to exercise its current consent authority functions.

#### **4. Matters to be determined by the local planning panel**

##### Development applications

Section 23I(3) of the EP&A Act provides that the Minister for Planning may make directions under section 117 on the types of DAs that are to be determined by the local planning panel on behalf of Council.

The Minister's section 117 directions have not been issued, however, the DPE has published the *Fact sheet: Independent hearing and assessment panels (September 2017)*<sup>5</sup> which sets out the types of DAs likely to be determined by local planning panels.

These DAs are proposed to include the following categories:

- DAs with a value of over \$5 million but less than \$30 million
- DAs for which the applicant or owner is Council, a Councillor, a member of the Councillor's family, a member of Council staff, or a State or Federal Member of Parliament
- DAs that receive 10 or more objections from different households
- DAs accompanied by a voluntary planning agreement
- DAs seeking to depart from a development standard by more than 10% (Development standards are included in Woollahra LEP 2014 or a State environmental planning policy. They include floor space ratios, building heights, foreshore building lines and minimum lot sizes.)
- DAs for development that are associated with a higher risk of corruption, such as:
  - residential flat buildings assessed under *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65)
  - demolition of heritage items (Likely to only apply to DAs involving complete or substantial demolition.)
  - licensed premises of public entertainment (such as entertainment facilities and pubs) and sex industry premises
  - designated development as set out in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (Designated development is development that typically has high impacts e.g. likely to generate pollution or are located in or near an environmentally sensitive area. Examples of designated development include large marinas, quarries and sewerage treatment works.)
- modification applications that meet any of the above criteria.

The DPE is currently finalising these DA categories having regard to feedback received from councils and other stakeholders. It is also looking to establish advice about the scope and use of section 23LA(7) of the EP&A Act which allows for a local planning panel to delegate any of its functions to the Council general manager or other staff.

It is also of interest to note that there will be no opportunity for an applicant to seek a review of a panel decision under s.82A of the EP&A Act. This means that applicants who are dissatisfied with a panel decision will have to submit revised applications or exercise their rights of appeal to the Land and Environment Court.

#### Other functions of the local planning panel

Although the principal function of the local planning panel is to determine certain types of DAs, the panel will also provide advice to Council on planning proposals (i.e. amendments to the local environmental plan such as rezonings) and any other planning or development matter that Council refers to the panel, or that is required to be referred to the panel under a section 117 direction. It is therefore intended that the local planning panel also operate as an additional resource to Council to provide advice on planning related matters.

### **5. Membership of the local planning panel**

Section 23K of the EP&A Act sets out the membership requirements of the local planning panel; the panel will comprise four members: a chair, two other expert members and a community representative.

The positions on the panel are paid positions and members are appointed on a part-time basis for three years.

#### Expert panel members

The chair and the other expert members must be qualified in at least one of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration. The chair must have expertise in at least law or government and public administration.

The DPE advertised for suitably qualified candidates in August and September 2017 to establish its pool of potential panel members. The recruitment process was a state-wide, merit-based process.

From this pool Council will choose the two expert members and the Minister will choose the panel chair. Council will also appoint alternate expert members, as members will not always be available to participate in the determination process for a variety of reasons, such as a conflict of interest or availability.

#### Community representative panel member

The fourth panel member will be a community representative chosen by Council, but cannot be a Councillor.

The DPE has issued *Guidelines for the selection of Independent Hearing and Assessment Panel community representatives*. The guidelines include selection criteria and establish requirements for advertising and appointing the community representatives and alternatives. A copy of the guidelines is provided at **Annexure 1**.

Consistent with the guidelines we recommend that Council appoints one community panel member and two alternates.

We do not recommend selecting a community representative for each ward i.e. 5 panel members and 5 alternates. Such an approach would be logistically difficult to administer, for example a meeting agenda may have 5 DAs with each DA located in a different ward. In such circumstances 5 different community representatives would be required to attend the meeting, each for just one agenda item. This approach would also have significant cost implications for Council as each community representative would need to be paid the daily remuneration, expected to be in the order of \$1,435 per panel member, meaning that one meeting of the local planning panel could cost up to \$12,000 if all 5 community representatives were required to attend.

More importantly, having just the one community panel member will contribute to greater consistency in decision making. Given the Woollahra LGA is a relatively small area it is reasonable for the successful candidate to have a good knowledge of the whole area and be able to represent the interests of the ward in which the proposed development is located.

People who cannot be a member of the local planning panel

Under section 23K(3) of the EP&A Act Councillors, property developers and real estate agents cannot be panel members.

Revoking membership

Council may remove a member of a panel it appointed, at any time, for any reason and without notice. However, Council's General Manager must provide a written statement of the reasons for removing the member from office and make the statement publicly available.

## **6. How the local planning panel will operate**

The EP&A Act, Schedule 4B Part 3 (Provisions relating to procedure of panels), sets out key requirements for how the local planning panel must operate. For example, a notice must be published detailing the time and location of meetings, the panel must conduct its meetings in public and give written reasons for its decisions.

The quorum for a panel meeting is three members. A decision supported by a majority of the votes cast at a meeting of a panel (at which a quorum is present) is the decision of the panel. The panel chair has a deliberative vote and, in the event of tied votes, the chair has a second or casting vote.

The EP&A Act requires that panel members disclose any pecuniary interests that arise in relation to a matter referred to the panel. The panel members will also be subject to statutory rules such as a compulsory code of conduct and are "public officials" for the purposes of *the Independent Commission Against Corruption Act 1988*.

The Minister for Planning will approve the code of conduct for the local planning panels. The code will set out the expected standard of behaviour required of panel members, including managing conflicts of interest and reporting any approaches from developers. The DPE advise that the Minister will also provide more detailed directions about how panels must operate, drawing on the procedures for regional planning panels and existing IHAPs. These will relate to matters such as how meetings and site visits should be conducted, voting procedures and reporting requirements.

The time and dates for panel meetings will, most likely, be determined in consultation with the Mayor and General Manager once the panel is established.

## **7. Costs of the local planning panel to Council**

Council is responsible for meeting the operating costs of the panel including the daily remuneration fee for each panel member. Council will also be required to provide staff and facilities to enable the panel to exercise its functions.

Council is to monitor the performance of the local planning panel and meet any reporting requirements about the number and type of matters referred to the panel, the persons appointed to the panel, and any other matters relating to the exercise of functions by the panel as directed by the Secretary of the DPE.

The DPE estimates that the cost of operating a local planning panel will be around \$100,000 a year for each council, but recognises that costs will vary depending on how many DAs go to the panel and therefore how often the panel is required to meet. Also, the EP&A Act provides that two or more councils can share a panel if they consider this would be cheaper or more efficient.

We estimate that the cost for Council will be in the order of \$150,000 per year based on:

- the panel meeting fortnightly to consider an average of 5 DAs at each meeting (See Note 1 below) ; and
- each panel meeting costing around \$6000 applying indicative daily remuneration rates for the current Joint Regional Planning Panel of \$1866 Chair, \$1435 x 3 panel members being the 2 expert panel members and 1 community representative (See Note 2 below).

Based on this potentially high volume of DAs to be determined by the local planning panel we anticipate that the panel will have a reasonable workload (i.e. meet fortnightly to consider an average of 5 DAs), and therefore we recommend that Council does not constitute a joint or shared local planning panel with another council.

Notes:

1. This estimate is derived from analysis of the DAs determined by Council between 1 January 2016 and 20 June 2017. Over that period 479 DAs were determined; up to 38% (183) of those DAs would fall into one or more of the draft DA categories to be determined by the local planning panel (refer to section 4 for the DA categories).
2. If Council appoints a community panel member for each ward, the cost for each meeting could be as much as \$12,000 (\$1866 Chair, \$1435 x 2 expert panel members, \$1435 x 5 community representative panel members).

## **8. What do these changes mean for Councillors?**

Once a local panel is established Councillors will not have a role in determining DAs. Either the local planning panel, Council staff, or the relevant joint regional planning panel (i.e. Sydney Central planning panel) will function as the consent authority.

The table below provides a broad outline of the development categories (based on value) and delegations for exercising the consent authority functions of Council. It compares the current delegation model to the model that will apply from 1 March 2018.

This table shows that under the current model Council already delegates a number of DA types to staff, with Councillors generally only involved in determining DAs with a value of between \$5m to \$20m, but importantly retaining the ability to request that any DA be brought to the Development Control Committee (DCC) or Council.

Table: Delegation model				
Capital investment value (CIV) of development	Current		1 March 2018	
For development under <\$500K	Council officer under delegation	A Councillor can call any DA to DCC or Council	Council officer under delegation	The Local Planning Panel will also determine other DAs that are of high corruption risk, sensitivity or importance regardless of the CIV of the development. These types of DAs will be prescribed in a Ministerial section 117 direction (which is yet to be published).
For development between \$500K to <\$2M	Application Review Panel		Application Review Panel	
For development between \$2M to <\$5M	Application Assessment Panel		Application Assessment Panel	
For development over \$5M to <\$20M	Development Control Committee or Council		Local Planning Panel	
For development over \$20M	Sydney Central Planning Panel		Local Planning Panel for development over \$20 million to <\$30M	
			Sydney Central Planning Panel for development over \$30M	

## 9. How can Councillors be involved?

Under the provisions of s.23I(2) of the EP&A Act *the functions of a council as a consent authority under Part 4 are not exercisable by councillors*. Therefore, once the panel begins operation councillors will have no role in determining applications. However, this does not mean that councillors will cease to receive representations from residents in relation to planning applications.

To assist councillors to respond to resident representations we propose that all matters being considered by the panel be listed on the Councillor's Hub and that all panel reports be published on council's website. We propose that all reports include a precise of the issues, the recommendation and reasons for recommendation so that councillors and the community can readily understand the relevant issues.

Section 23LA(2) of the EP&A Act authorises the Regulations to provide that parties are not to be represented by an Australian legal practitioner or any other person or are only to be represented in specified circumstances. This is consistent with the provisions which currently apply to Regional Planning Panels. However, at the time of writing, no regulations have been made to prevent applicants and objectors being represented by third parties at both regional and local panel meetings.

Provided that it is not prohibited by the Regulations councillors will be able to represent applicants or objectors before the local planning panel within the operating procedures of the panel. Staff will also continue to provide responses to Councillors in relation to the progress of applications and issues being considered. However, under the 2016 Code of Conduct which currently applies to the Sydney Planning Panels if a member is approached by any person about a development application that is to be determined by a planning panel, the planning panel member must not discuss the development. If this provision is contained in the Code which will apply to local planning panels the community representative will not be able to accept representations in relation to matters before the panel other than through formal panel meetings.

## **10. Setting up the local planning panel**

Schedule 6 of the Act provides that council is not required to constitute a local planning panel until March 2018. Section 23J of the Act provides that, if a council fails to constitute a local planning panel that it is required to constitute, the Minister may constitute the panel and for that purpose is taken to be the council.

At its meeting of 30 October 2017 Council resolved”

*“THAT Council requests that staff prepare and submit to the General Manager and the Mayor for their consideration, a letter to be sent to the Hon Anthony Roberts, Minister for Planning and Housing requesting that the start date for the introduction of Independent Hearing and Assessment Panels be delayed from 1 March 2018 to 1 June 2018 or later.”*

Correspondence consistent with the above resolution was sent to the Minister on 9 November 2017.

Since the requirement to have a local planning panel in place by 1 March 2018 is contained within a Schedule to the Act the commencement date, most likely, cannot be changed unless an amending Bill is assented to by Parliament. For this reason, despite the Council’s concern about the early commencement date and Council’s correspondence to the Minister, Council should proceed with the necessary arrangements to have the panel in place by 1 March 2018. To achieve this we need to undertake the following actions:

- Select the two expert members; the DPE will provide Council with a pool of approved candidates from which Council is to appoint two expert panel members and alternates. The DPE has advised that this pool of approved candidates is likely to be made available to Councils before the end of the year.
- Select the community representative; advertise for nominations and appoint the community representative panel member and alternates. Consistent with the DPE’s Guidelines the advertisements will appear in the Wentworth Courier and on Council’s website for at least 28 days.

The DPE’s Guidelines state that the General Manager is to review applications against the relevant criteria, organise an interview panel and appoint the community representatives on behalf of Council. However, s.23K of the Act provides that the members of a local planning panel are to be appointed by the relevant council. In these circumstances we recommend that Council delegate authority to the Mayor and General Manager to organise an interview panel and select an appropriate community representative and alternates. We also recommend that Council delegate to the Mayor and General Manager authority to appoint appropriate expert representatives and alternates from the approved pool of candidates.



## 11. Conclusion

The introduction of a local planning panel means that Council's planning staff or expert planning panels will soon determine all DAs, thereby removing councillors from the DA decision-making process. Although this may be seen as a significant change, it means that Councillors will have greater capacity to focus on formulating planning policy and other strategic policy which sets the overarching parameters for development to take place.

Despite Council's request to postpone the commencement of local planning panels it should commence the process which is required to have a panel ready to operate by 1 March 2018. To meet this timeframe we will advertise for the community representative panel member before the end of this year, and subject to Council's adoption of recommendation D in this report, the General Manager and Mayor will set up a selection panel to assess the nominations and appoint the community representative and two expert panel members, including alternates.

## Endnotes

1. <http://www.planning.nsw.gov.au/~media/Files/DPE/Other/summary-of-proposals-2017-01-09.ashx>
2. <http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Independent-Hearing-and-Assessment-Panels>
3. <https://www.parliament.nsw.gov.au/bills/DBAssets/bills/SecondReadSpeechLA/3420/2R%20Environmental%20Planning.pdf>
4. Provisions regarding the joint regional planning panels in Schedule 1 [4] and [11] of the *Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017* will commence by proclamation when the local planning panels take effect (i.e. 1 March 2018)
5. <http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/~media/E2E0D49069354C118C2C71FAD974780.ashx>

## Annexures

1. Department of Planning Guidelines for Appointing the Independent Hearing and Assessment Panel [↓](#)

## **Guidelines for the selection of Independent Hearing and Assessment Panel (IHAP) community representatives**

### **Selection criteria**

Community representatives will be selected from the local community. Mayors, councillors, property developers and real estate agents are not eligible to be appointed as community representatives.

Local community representatives should:

- be current residents within the local government area (LGA)
- have knowledge and awareness of the LGA and issues of concern to the local community
- be able to represent and communicate the interests of the local community
- have an understanding of the planning process and assessment issues (but are not expected to be experts)
- commit to attending the IHAP meetings and contributing constructively to the determination of applications
- be willing to adhere to the IHAP code of conduct and operational procedures.

If your council area has wards, you need to appoint a community representative to address matters for each ward. Members can represent one or more wards. All community representatives for the ward can attend an IHAP meeting where the chairperson will identify the representative most closely associated with the matter before the panel to be heard and vote on the matter. Other community representatives would act as observers.

If council has an existing IHAP with a community representative, and is of the view that this person meets the new legislative requirements, you may choose to continue their appointment as a community representative.

The General Manager is to oversee the selection process for the community representatives of the IHAP.

### **Advertising**

The council should seek expressions of interest from the community for the IHAP by placing at least two advertisements in local media publications (i.e. newspapers) and advertising through one or more of the following:

- the council's website, newsletters and social media e.g. council's Facebook, Twitter and LinkedIn pages
- any relevant community forums, ward or precinct committees etc convened by the council
- local / community radio or magazines
- council offices, libraries, community or sports centres, schools, residents and community groups.

The advertising period is to give community members sufficient time to apply, and should be no less than 28 days. A sample advertisement which can be tailored is provided below.

Applications are to be mailed or emailed directly to the General Manager, not the Department of Planning and Environment.

### **Appointing community representatives**

Within two weeks of the end of the advertising period, the General Manager should arrange a selection panel to:

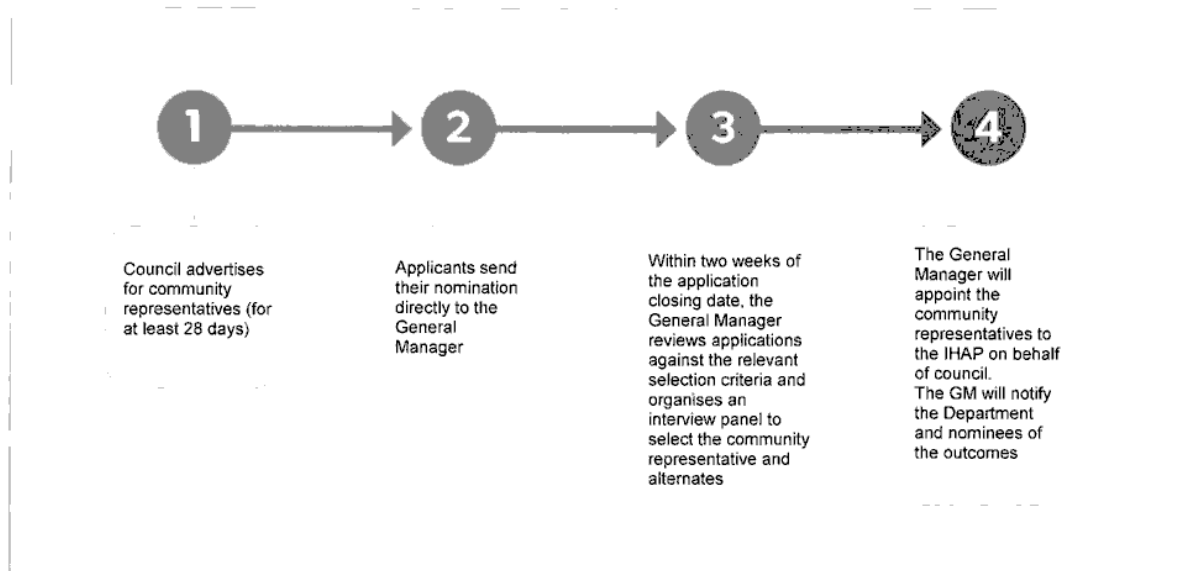
- review the applications against the relevant selection criteria
- shortlist suitable candidates
- arrange for interviews (if required)
- identify community representatives and their alternates
- advise the Department's Planning Panels Secretariat on who will be appointed to the IHAP, including any alternates / ward representatives, and provide reasons why they will be appointed.

It is good practice for the General Manager to notify the successful and unsuccessful applicants and the IHAP's chairperson (if known) of the decision.

**Alternate representatives**

It is recommended that at least two alternate community representatives should be chosen to attend if the appointed representative is unable to attend, for example due to illness, conflict of interest or for ward specific development. This will facilitate the rotation of members and the efficient panel operation.

**Selection process for community representatives**





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## 9.1. Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 6 November 2017 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **2017/18 BUDGET REVIEW FOR THE QUARTER ENDED  
30 SEPTEMBER 2017**  
**Author:** Trang Banfield, Senior Corporate Accountant  
**Approvers:** Don Johnston, Chief Financial Officer  
Stephen Dunshea, Director Corporate Services  
Gary James, General Manager  
**File No:** 17/188898  
**Reason for Report:** To report on the review of the 2017/18 Budget for the quarter ended  
30 September 2017

**(Regan/Price)**

**Recommendation:**

- A. THAT the report on the Budget Review for the quarter ended 30 September 2017 be received and noted.
- B. THAT Council note the statement from Council's Responsible Accounting Officer that Council's projected financial position at 30 June 2018, based on the forecasts outlined in this report will remain satisfactory.
- C. THAT the recommended variations to the 2017/18 budget outlined in the report be adopted.



## 9.2. Development Control Committee

### Items with Recommendations from the Committee Meeting of Monday 6 November 2017 Submitted to the Council for Determination

<b>ITEM No.</b>	R1 Recommendation to Council
<b>FILE No.</b>	DA21/2010
<b>ADDRESS</b>	Dunbar House, Clovelly Street Watsons Bay
<b>PROPOSAL</b>	Extension to the hours of use of the premises from 10am-midnight Monday-Saturday & 7am-10pm Sunday, as approved to 7am-midnight Monday-Saturday & 7am-10pm Sunday
<b>REASON FOR REPORT</b>	In accordance with Council's meeting procedures and policy this matter is referred to full Council due to proposal is located on community land.

**Note:** Late correspondence shall be provided to Full Council, which details how Council's Environmental Health Officer assessed the acoustic impacts associated with the proposed change to the hours that waste collection is permitted.

#### **Recommendation:**

#### **Part A**

THAT Council, as the consent authority, modify development consent to Development Application No. 21/2010 for alterations and additions to existing function centre, including restaurant, internal and external modifications, refurbishment and fit-out on land at Dunbar House, Clovelly Street Watsons Bay, in the following manner:

#### **The modification of the following conditions:**

#### **A.1a) Approved Amended (s96) Plans and supporting documents**

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp "***Approved Section 96 Plans***" listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
AR.DA.00 Rev D, AR.DA.01 Rev F, AR.DA.02 Rev D, AR.DA.00 Rev E, AR.DA.01 Rev G, AR.DA.02 Rev E, AR.DA.03 Rev C, AR.DA.00 Rev F, AR.DA.01 Rev H, AR.DA.02 Rev F & AR.CD.406 Rev P3  As amended by S96.01A	Architectural Plans	Tanner Architects  Spangenberg	23.07.2010 16.09.2010 29.10.2010  31/10/2011
AR.DA.04 Rev E	Landscape plan	Tanner Architects	29.10.2010
20161693.4/0906A/R2/HP	Acoustic Report	Acoustic Logic	9 June 2017
Plan of Management – Dunbar House TRIM 17/159686	Plan of Management – Dunbar House (amended)	Emailed by Brooke Bailey	Emailed to Council on 19/09/2017
Proposed delivery schedule-Dunbar House	Waste pickup schedule	Emailed by Mark Holmes	Emailed to Council on 03/10/2017

**Note:** These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

## I.7 Trading hours

Trading hours are strictly limited to:

- a) Monday to Saturday: 7:00am to midnight.
- b) Sunday: 7:00am to 10:00pm.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

**Note:** This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches may be restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws.

## The addition of the following conditions:

### A. General Conditions

#### A.3 Dating and signing of the Plan of Management - Dunbar House

The amended Plan of Management - Dunbar House, emailed to Council by Brooke Bailey on 19 September 2017, shall be dated and signed by the applicant and a copy of the dated and signed document shall be forwarded to Woollahra Council for recording on Council's Development Application register.



## **I. Conditions which must be satisfied during the ongoing use of the development**

### **I.10 Service Delivery Schedule – Permitted Hours**

The hours that all service delivery and waste collection vehicles are permitted to access the site are strictly limited to the following:

#### **Waste Collection Services**

- a) Bottle/Glass Recycler Collection Vehicles  
Monday: 7:00am – 7:15am  
Friday: 7:00am – 7:15am
- b) Cardboard Collection Vehicles  
Tuesday: 2:00pm – 2:15pm  
Thursday: 2:00pm – 2:15pm
- c) General Waste Collection Vehicles  
Monday to Sunday: 8:30am – 8:40am
- d) Oil Collection Vehicles  
Monday: 9:30am – 9:45am (once every six weeks)
- e) Grease Trap Collection Vehicles  
Monday: 7:00am – 7:20am (once every six weeks)

#### **Goods & Services Delivery Vehicles**

- a) All vehicle deliveries of Goods & Services shall only be permitted between the hours of 10:00am to 6:00pm, Monday to Sunday.
- b) The only exception to a) above being a bread delivery to the western steps between the hours of 6:00am to 7:00am, Monday to Sunday.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** Deliveries to or dispatches from the site must not be made outside these hours. Trading Hours may be more onerous than these general hours of use. This condition does not apply to activities such as cleaning which takes place wholly within the building and which are not audible within any adjoining residential dwelling. If internal activities are audible within any adjoining residential dwelling such that they cause a nuisance to the occupiers of such dwelling than such internal activities must not occur outside these hours of use. This condition does not restrict the operation of noise pollution laws.

### **I.11 Implementation of Transport Access Guide**

The Transport Access Guide appendix to the acoustic report referenced in Condition C.1a shall be utilised in providing future potential customers information about limited on-street parking availability and the availability of public transport services in order to discourage car usage. Such shall be achieved via the Dunbar House website, brochures and booking confirmation emails.

### **I.12 Loading/Unloading**

All deliveries that are made by vehicles equivalent or smaller than a B85 vehicle (vehicle dimensions 4.91m x 1.87m) must occur within the on-site parking space.

### **I.13 Extended hours of operation for licensed premises – Reviewable Condition**

The hours of operation for the licensed premises are extended as follows:

Monday to Saturday 7am to 8am.

This condition is a reviewable condition as referred to under the Act, s.80A (10B-10D).

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** Council's consideration of the extended hours of operation of licensed premises will take into account:

- a) compliance of the premises in terms of security and its general management;
- b) the number and nature of substantiated complaints regarding the operation of the premises;
- c) compliance with the conditions of this consent; and
- d) any other matters considered relevant to the environmental evaluation of the premises.

### **Part B**

THAT Council take no further action with regard to the unlawful use of the premises in terms of contravening the approved hours of use stipulated by **Condition No. I.7**.

<b>ITEM No.</b>	R2 Recommendation to Council
<b>FILE No.</b>	DA550/2015/1
<b>ADDRESS</b>	2 Hargrave Lane Paddington
<b>PROPOSAL</b>	Demolition of the rear of the existing single-storey timber cottage building and construction of a new two-storey rear addition including the removal of two existing trees
<b>REASON FOR REPORT</b>	In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (Refusal) to the Officer recommendation (Conditional Approval).

**Recommendation:**

**Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979**

THAT the Council, Refuse Development Application No. 550/2015/1 for demolition of the rear of the existing single-storey timber cottage building and construction of a new two-storey rear addition including the removal of two existing trees on land at 2 Hargrave Lane Paddington, for the following reasons:

1. The proposal fails to meet the essential objectives and controls contained within the Paddington HCA chapter of the Woollahra Development Control Plan 2015, including:

**C1.3.1 Single storey buildings**

O2 To conserve the settings of single storey buildings.

C7 Ground floor additions and pavilion extensions to the rear of single storey cottages must not compromise the principal building form of the cottage.

C9 Additions of an appropriate form and scale are permitted at the rear of the principal building form if: b) the addition has an appropriate roof form that is consistent with the principal building form of the building and its roof;

**Pavilion controls: C1.3.1**

**C11** - A pavilion extension may be permitted if: a) it would not have an adverse impact on the heritage significance of the existing building, adjoining properties, or the group of buildings, where the building forms part of a group; b) it is not visible, directly or obliquely, from any part of the street to which the property's street front zone abuts and from the front yard within the street front zone; c) it will have a negligible impact on the amenity of neighbouring properties in terms of loss of sunlight, ventilation and privacy; d) it will not adversely affect the setting of the existing building; and e) it is ancillary to the existing building and will not dominate the existing building in terms of bulk, height and scale.

**C1.3.2 Timber buildings**

O1 – to retain and conserve timber building and their setting

O4 – to retain and conserve significant side and rear forms of timber buildings

C4 Alterations and additions to the rear of buildings must not dominate or compete with the form, height, proportions or scale of the timber building.

**C1.4.3 Rear elevations, rear additions, significant outbuildings and yards**

O2 To ensure that rear alterations and additions are of sympathetic design and construction

C4 The roof of an extension or the new roof for an existing component must be of traditional form appropriate to the building type.

C6 Alterations and additions at the rear of buildings must: a) not dominate or otherwise adversely compete with the form, height, proportions and the scale of that part of the building which is to be retained; f) not extend beyond the predominant rear building setbacks at any level of a group or row of buildings;

C7 Building boundary to boundary on the ground floor level is permissible provided that: a) the development does not adversely affect the privacy, ventilation, light and the amenity of the adjoining properties;

C11 Sympathetic contemporary design may be permitted at the rear where: b) the proposal will achieve an aesthetically cohesive relationship between new and existing fabric; and c) the proposal is consistent with the character of the site, the streetscape and the precinct in which it is contained.

**C1.4.4 Roofs and roof forms**

O3 To ensure that contemporary roof forms are consistent with the historic roofscape character of Paddington.

C6 Roof forms are to be consistent with appropriate traditional roof forms, which reflect the diminishing scale of roofscapes towards the rear of buildings.

**C1.4.5 Building height, bulk, form and scale**

O5 To minimise the impact of new development on the access to sunlight for private properties and public places such as neighbourhood parks.

C3 The height, bulk, form and scale of infill and new development must be consistent with the predominant height, bulk, form and scale of appropriate adjoining buildings.

C4 Infill development and alterations and additions must be designed and sited so that sunlight is provided to at least 50% or 35m<sup>2</sup> with minimum dimensions of 2.5m, whichever is the lesser, of the main ground level private open space of adjoining properties for a minimum of two hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced.

**C1.4.7 Excavation**

O5 To relate development to the existing topography and existing ground levels.

O9 To maintain natural subsurface ground water flows.

C1 Excavation will not be permitted if: h) a geotechnical and structural report cannot ensure that the works will not have any adverse effect on the neighbouring structures. The report must be prepared in accordance with the Council's publication 'Guide for preparing Geotechnical and Hydrogeological Reports'; C3 For a subsurface structure, an effective groundwater drainage system must be incorporated within the design. This will not be required in cases where the applicant demonstrates through a hydrogeological report that: a) the works will not affect groundwater flows;

**C1.4.8 Private open space, swimming pools, lightwell courtyards and landscaping**

O5 To ensure the provision of semi-permeable and permeable areas of open space in rear gardens to assist with onsite drainage.

O6 To ensure that the design and use of private open space areas has regard to environmental impact, impact on the fabric of adjoining properties, infrastructure, and on the amenity of the occupiers of adjoining properties.

C7 Deep soil landscaped area must be in a location and have an adequate soil profile depth to allow for root volumes and the long term stability and health of vegetation.

C8 Appropriate vegetation types are to be planted in the deep soil landscaped areas having regard to the dimensions of the area and the nature of subsurface soil and rock profiles.

**C1.4.9 Views**

O1 To minimise the impact of new development on views from existing development.

O2 To promote the concept of view sharing from private properties as a means of ensuring equitable access to views.

C1 New development must enable view sharing with surrounding development, particularly from main habitable rooms of that development.

**C1.5.8 Materials, finishes and details**

C5 New external materials and details to additions must complement the architectural character of the existing building and minimise the apparent bulk of the addition.

**C1.5.9 Exterior colours**

O1 To promote colour schemes that are appropriate to the character of the individual buildings, groups of buildings, the historic context.

C3 New buildings and additions in both the residential and commercial areas are to use colour schemes that have hue and tonal relationships with traditional colour schemes.

2. **Breaches of these objectives and controls amount to the following unacceptable impacts on neighbouring properties:**
  - Overshadowing
  - View loss
  - Loss of visual and acoustic privacy
3. **Additionally the proposal is unacceptable because:**
  - i) The proposal will not conserve the heritage of Woollahra per clause 5.10 of the Woollahra LEP
  - ii) The proposal amounts to an overdevelopment of a very small site
  - iii) The proposal represents unacceptable bulk and scale overwhelming the heritage context;
  - iv) The proposal is not in the public interest



## 9.3. Urban Planning Committee

### Items with Recommendations from the Committee Meeting of Monday 30 October 2017 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>BRIEFING PAPER ON POTENTIAL MEASURES TO FACILITATE AFFORDABLE HOUSING IN THE WOOLLAHRA LGA</b>
<b>Author:</b>	Jacquelyne Della Bosca, Executive Planner
<b>Approvers:</b>	Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
<b>File No:</b>	17/184170
<b>Reason for Report:</b>	<p>This report responds to a notice of motion dated 8 March 2017 where it was resolved that Council:</p> <ol style="list-style-type: none"><li>1. Notes the merit in ensuring adequate affordable housing stock such that those members of our community who provide essential services including teachers, child care workers, nurses, firefighters and retail staff are able to live in in our municipality and not just be part of our community during their working hours.</li><li>2. Accepts that the extraordinary cost of housing in the Woollahra LGA, and the very limited amount of existing social and affordable housing, greatly limits the ability of people on average weekly earnings, or any income level below that, to live in the Woollahra community.</li><li>3. Requests staff to prepare a report on measures that can be adopted by Council, both in our planning instruments and in the use of our property portfolio, to increase affordable housing stock in a coordinated and strategic manner across the Woollahra LGA.</li></ol>

#### Recommendation:

- A. That Council notes that:
  - i. the Greater Sydney Commission has recently exhibited the Draft Central District Plan which sets out a suggested framework for councils to address and deliver affordable rental housing and will require Council to prepare a new housing strategy,
  - ii. the draft framework for affordable rental housing is being reviewed in response to submissions by councils, the development industry and other interested parties,
  - iii. additional research on the subject of affordable rental housing and an appropriate way of facilitating its delivery is being carried out by a variety of parties including the Greater Sydney Commission, the Department of Planning and Environment and the Southern Regional Organisation of Councils.
- B. That a further report be prepared for the Urban Planning Committee once the Central District Plan has been finalised and published. The report is to provide an overview of revised housing affordability provisions.
- C. That Council investigate and reports to a future Urban Planning Committee, opportunities to deliver affordable rental housing, including opportunities on its own land, when preparing the housing strategy required under the Central District Plan, including inventory of available Council land and analysis of the pros and cons of providing affordable housing to the community as a whole LGA.





## 11. Notices of Motion

**Item No:** 11.1  
**Subject:** NOTICE OF MOTION - MULTI USE SPORTS GROUNDS  
**From:** Councillors Luise Elsing, Claudia Cullen and Lucinda Regan  
**Date:** 30/10/2017  
**File No:** 17/189790

THAT Council requests staff to prepare and submit a report to Council's Community and Environment Committee by March 2018 (or the best date to align with budget preparations) investigating the cost, timing, benefits, disadvantages (if any) and budgetary consideration of introducing and/or upgrading current Woollahra Municipality facilities (available playing fields / greens) to hard surfaced multi purpose courts (for use as basketball / netball / handball / multi purpose courts) and specifically in relation to Christison Park and Lough Playing Fields.

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### Background

Woollahra Council has researched, commissioned and surveyed the community in relation to the requirements for improved sporting facilities.

Refer to:

- **Recreational Needs Assessment and Strategy** report dated August 2006 prepared for Woollahra Municipal Council by Stratcorp Consulting Pty Ltd;
- **Woollahra Community Facilities Study** 2011 prepared for Woollahra Municipal Council by AECOM Australia Pty Ltd;
- **Woollahra Community Strategic Plan 2010 – 2025** (WCSP); and
- **Woollahra Social & Cultural Plan** 2013 to 2023(WSCP).

These reports inform how Council can best achieve its strategy of supporting "*opportunities to participate in active and healthy recreational activities*" and the priority of "*promoting healthy recreational activities to residents*" (WCSP) and the objective of "*meeting increased demand for sport and recreational programs*" (WCSP).

Council is planning to develop a **Strategic Plan for Community Facilities** in the second half of 2018. However, as the population in Woollahra is increasing, the existing facilities are subject to additional pressures and resident feedback is that there is a lack of multi use sports grounds in Woollahra, it is vital that we implement the availability of multi use sports grounds as soon as possible and in any event in the next budget.

Community feedback is that there is a lack of basketball / netball / handball / multi purpose courts in the Woollahra's outdoor playing fields and specifically there are no surfaced netball courts. Multi purpose courts are non-existent in the Municipality. The need for these courts stems mainly from a need for areas to practice and play in (as opposed to hosting large netball competitions). It is important to note that there is nowhere in the Municipality at all to play or practice netball.

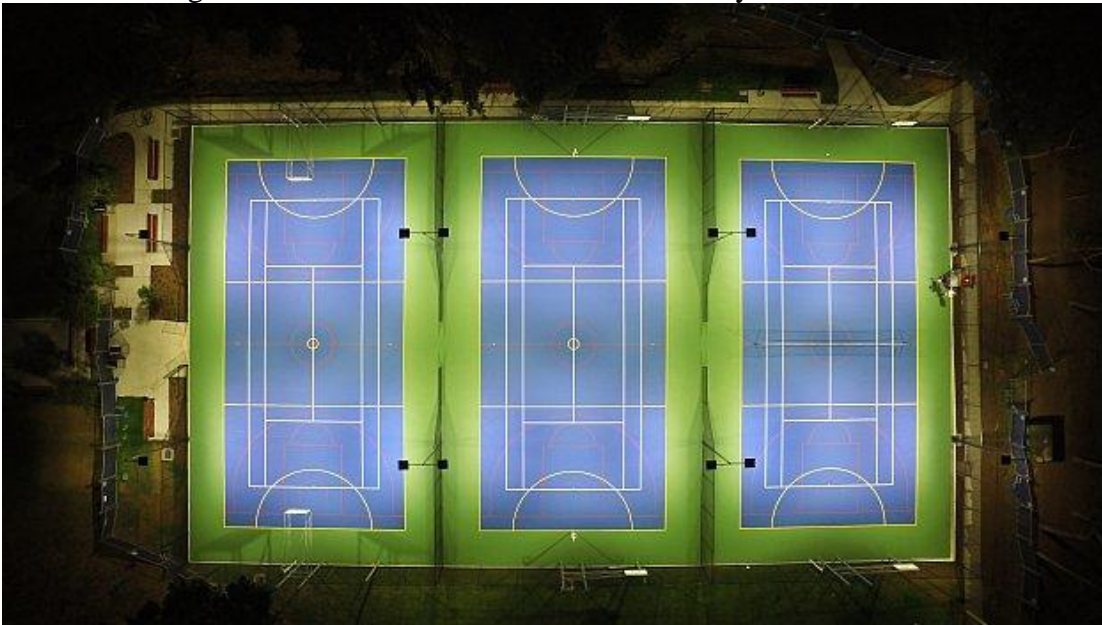
According to the Australian Sports Commission's AusPlay participation data, released in December 2016 (<http://www.ausport.gov.au/information/ausplay>), netball is the highest team participation sport for women and girls in Australia. Men and boys also enjoy netball and there is a large participation rate amongst the 8 – 20 year old population group. Further, local primary schools in

the area are unable to provide courts for practice due to their increased student numbers and the community is therefore reliant on outdoor communal facilities.

Multi purpose courts are suggested as these can accommodate at least 3 – 4 sports in addition to netball and therefore have a variety of uses. An example of successful multi purpose courts can be found in Birrell Street in the Waverley Municipality. These were installed in the beginning of 2017.

It is noted that Lyne Park basketball court was built via bequest from a private individual and it is not suggested that this court be repurposed as a multi purpose court, thus respecting the original intent of this court.

The issue is urgent and needs to be addressed immediately.



**Item No:** 11.2  
**Subject:** NOTICE OF MOTION - CONSTABLES COTTAGE, CAMP COVE  
**From:** Councillor Claudia Cullen  
**Date:** 31/10/2017  
**File No:** 17/190545

THAT Council resolve to request a meeting of staff, the Mayor and Councillor Cullen with Gabrielle Upton, MP for Vacluse and Minister for the Environment to discuss future management options for Constables Cottage, Camp Cove.

Options to be discussed should include;

1. The transfer of the ownership and/or management of the Constables Cottage site from National Parks and Wildlife Service to Woollahra Council.
2. Operation of the site as a low intensity kiosk/café to service users of Camp Cove Beach, replacing the existing Council operated kiosk.
3. Removal and replacement of the existing toilet block.

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## Background

In 2015, National Parks and Wildlife exhibited a proposal to adaptively re-use six buildings within the Gap Bluff National Park for a variety of hospitality uses. The proposal was considered by the Development Control Committee and full Council, both of whom resolved to recommend to the Minister for Environment that the proposal be rejected.

The specific use proposed for Constables Cottage was a café/restaurant with a capacity of 72 patrons. To achieve this capacity, it was proposed to substantially extend the rear of the building and create two outdoor seating areas. The café restaurant was proposed to operate from 8am to 11pm Monday to Sunday.

A more appropriate use of the site would be as a low intensity café/kiosk to service users of Camp Cove Beach, replacing the existing beach kiosk which it must be recognised is badly positioned and lacks both functionality and aesthetic merit. An opportunity also exists to incorporate a new, accessible toilet block into the café/kiosk.

The removal of the existing kiosk will open up the beach vista and reinstate the original convict constructed pathway up to South Head.

This proposal would be consistent with the Sydney Harbour Park Plan of Management 2012, which states at p80 in relation to Camp Cove;

- *In consultation with Woollahra Council, investigate the removal of the beach-front kiosk and toilets.*
- *Constables Cottage will be investigated for new adaptive uses to support sustainable visitor use and enjoyment. For example, this building may be adapted and leased for purposes such as a restaurant, café, kiosk or other food and drink outlets or for accommodation.*

We believe that an opportunity exists to work with the Minister for the Environment and the National Parks and Wildlife Service to deliver a better outcome for the community and this important heritage building.

**Item No:** 11.3  
**Subject:** NOTICE OF MOTION - DARLING POINT FERRY AT MCKELL PARK  
**From:** Councillor Richard Shields  
**Date:** 8/11/2017  
**File No:** 17/195993

**Recommendation:**

That Council staff prepare a report assessing whether access points to the Darling Point ferry at McKell Park comply with the Disability Discrimination Act (DDA) specifically ensuring that in the event of the assessment finding there is non-compliance at the access points that the report identifies means by which compliance can be achieved and the costs associated with such.

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**Background**

The NSW Government is progressively upgrading ferry wharves across Sydney to improve ferry services for customers, as a means of reducing traffic congestion on roads and broadening the options for use of public transport. There is Government funding available in the program for ferry wharf upgrades, but in order to qualify for the funding, access points to the ferry wharf need to comply with the Disability Discrimination Act (DDA). If access points through McKell Park can be shown to be compliant with the DDA then an application can be lodged seeking funding to upgrade Darling Point Ferry wharf (which may have the capacity for the inclusion of a lift in an upgrade).

The Woollahra Municipality has the largest number of residents over the age of 55 year old in the state. Over 55 is termed the “aged” in the census. Darling Point has the highest concentration of people over 55 years of age in our LGA, with many of our locals downsizing from larger homes into smaller apartments, which are in significant concentration in Darling Point. Many apartment buildings in Darling Point include lifts and this is why the area is popular with those who are downsizing. The area is also located quite close to the Sydney CBD, which can be accessed by the Darling Point ferry.

For these reasons it would be prudent to have DDA access at McKell Park to the Darling Point ferry wharf and for a report to be prepared.

## 12. 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:** 17/194524  
**Reason for Report:** To provide a response to Questions for Next Meeting from Council Meeting of 30 October 2017 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

### Recommendation:

- 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.

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### Background:

The provision for Councillors to ask Questions for Next Meeting is contained in Section 3.1 of Council's Code of Meeting Practice which states:

#### 3.1 QUESTIONS

- (1) *As a standard practice, a report on "Questions for Next Meeting" shall be listed in all agendas of ordinary meetings of council. The agenda item shall contain a report of the questions asked at the last council meeting and the responses to those questions and provide an opportunity for the councillors to ask questions for the next Council Meeting. Councillors may also submit Questions on Notice for inclusion in the council meeting business paper. Questions on Notice are to be submitted to the Council's Governance Department by no later than 10.00am on the Thursday preceding the council meeting.*
- (2) *Questions asked at a council meeting shall also be submitted in writing.*
- (3) *The councillor must put every question directly, succinctly and without argument.*
- (4) *The mayor shall refer the question to the general manager or responsible division head, or if the question is directed to another councillor, the councillor concerned. There shall be no requirement to answer the question immediately.*
- (5) *If the answer to a question can be given immediately, and it makes sense to do so, then such shall be done and a record made in the minutes of the meeting. If an answer can be given, but not immediately, then the mayor shall indicate to whom the question is to be directed.*
- (6) *In the spirit of achieving the expeditious discharge of council business the agenda item "Questions for Next Meeting" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions for Next Meeting should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions for Next meeting on 30 October 2017 are as follows:

**Question No:** 12.1 St Mervyns Avenue, Point Piper

**Councillor Shields asking:**

Can Council investigate the introduction of timed parking in St Mervyn Avenue, Point Piper?

**Manager Engineering Services in response:**

The matter has been referred to Council's Traffic and Transport Section for investigation. Once their investigations are complete a report will be prepared for the Woollahra Traffic Committee and any recommendations made will be referred to Council's Community and Environment Committee for endorsement.

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**Question No:** 12.2 Availability of enforcement officers on weekends.

**Councillor Shields asking:**

Can Council advise the availability of enforcement officers on the weekend?

**Acting Manager of Compliance in response:**

Council has Parking Enforcement Officers and Rangers available on weekends from 7am to 5pm with additional parking patrols rostered from 5pm in the evening as required when there are major events at nearby venues. The Parking Enforcement Officers and Rangers can be contacted on weekends by phoning 93917000.

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**Question No:** 12.3 Plan of Management - Robertson Park, Watsons Bay

**Councillor Robertson asking:**

How up to date is the Plan of Management for Robertson Park at Watsons Bay?

How many events per year does the Plan of Management envisage or allow, which require for their operation the majority of available open space on the park?

What information, if any, does Council have available about the impacts on Robertson Park connected to the intensity of events in this well-loved park?

**Manager Open Space & Trees in response:**

The Robertson Park Plan of Management was adopted in 2004. The plan is a long term document and the management principles are still very relevant and consistent with the current usage of the park. The main portion of the park is Crown Land. The Crown is currently undergoing some major changes with Trust Managers of Crown Land so we are reluctant to review the Plan prior to this occurring. Should the changes with the Crown be implemented the land would then be provided to Council and Plans would need to be in accordance with the Local Government Act and not the Crown Lands Act.

The Plan allows for social and corporate functions where there is no conflict with the community values and objectives of the park. There have been no events approved at Robertson Park that would occupy the majority of the park. The largest approved event that has been approved via the DA process is the Cambridge Markets in September and there are another 2 approved markets for November and December. This event is open to the public and is not a ticketed event. We believe this is consistent with the Plan of Management. The September event did not result in any damage to the open space.

During 2017 we have approved approximately 10 large events. From these events we have not had any reason to retain a bond for rectification works in the park. It should also be noted that the park is approx. 25,000m<sup>2</sup> and the majority of large events would only take up less than 10-20% of this area.

Robertson Park is now very popular with weddings, in particular under the fig tree below Dunbar House. This popularity has increased due to the upgrade of Dunbar House and Watsons Bay Hotel. We do not receive any complaints about the use of this area for weddings and we are currently upgrading this area as part of a Capital Works upgrade.

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**Question No:** 12.4      Drink Bottle Containers

**Councillor Robertson asking:**

At the Darling Point Society AGM local member and Minister for the Environment, Ms Gabrielle Upton spoke about the introduction of the NSW Governments container deposit scheme, due later this year. The Minister informed the Society that drink bottle containers amount to 50% of all litter in our environment.

Do staff have any data to corroborate this statistic and any information from the NSW Government about the implementation of this scheme in the Woollahra area?

**Team Leader Environment & Sustainability in response:**

Council only records data (in tonnages) on our residential kerbside recycling service and our general waste collection service and reports this data to the EPA.

Council does not collect data on public place litter.

We do however collect data from our Gross Pollutant Traps (GPTs), raingardens and beach cleaning practices.



The 'public place litter' that Council collects is a combination of plastics such as bottles and packaging and the remainder is organic material such as leaves and branches.

For example, Council beach cleaners collect approximately 150 tonnes of mixed litter from accessible beaches every year.

Council understands that the NSW container deposit scheme, Return and Earn, will commence across NSW on 1 December 2017. Under the 'Return and Earn', most empty 150-millilitre to 3-litre drink containers will be eligible for a 10-cent refund when presented to an approved NSW collection point. Council is currently reviewing possible public locations that would be suitable for reverse vending machines such as local shops, public parks and public car parking areas.

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**Question No:** 12.5      Yarranabbe Park Plan of Management Steering Committee

**Councillor Elsing asking:**

Regarding the Yarranabbe Park Plan of Management Steering Committee, is further public consultation taking place in relation to the proposed stairs to the sea wall and the removal of the fig trees?

What form will that public consultation take including proposed timing?

If so, will the results of that consultation be made available and how will it be made available.

**Director Technical Services in response:**

Mr Mayor there was intention to go immediately to exhibition regarding the staircase, that was what was in the previous Community & Environment Committee recommendation. In light of the Council decision tonight we won't be doing that until after we have had a briefing of Councillors.

At this stage there is no proposal to change the action under the Plan of Management to remove the fig trees which is currently listed as a medium priority and we are still working through some high priority actions. I did make a comment at the Community & Environment Committee which still holds, that given the ongoing controversy around that aspect of the Plan of Management, before we would take action to remove the fig trees, my insistence to my staff is that we bring a further report to the Community & Environment Committee advising that it would be happening.

It would be a notification to the Councillors and before we undertake any action to remove trees we would do a community notification process, for removal of trees. In this case because it has been controversial for so long, we would bring a report to the Community & Environment Committee and if the decision was to remain as is we would notify the general community of action that was going to happen.

**Team Leader Open Space & Recreation Planning**

Council staff will be hold a full briefing for Councillors and the members of the Yarranabbe Park PoMMP Steering Committee on the Yarranabbe Park Plan of Management and Master Plan on Monday 27 November.



**Question No:** 12.6      Camp Cove Car Park

**Councillor Cullen asking:**

On Sunday morning there was a Porsche owners meeting held in Camp Cove car park, it extended all the way up Cliff Street by 8am many dozens of Porsche owners were raising their voices above the roar of the engines, waxing lyrical about engine capacity. They were a massive disturbance to residents. What can be done to encourage these meetings to move to non-residential areas?

**Manager Engineering Services in response:**

The Camp Cove carpark is not under the care and control of Woollahra Council, being located within the Sydney Harbour National Park and being the responsibility of the NSW National Parks & Wildlife Service.

There is no action Council is unable to take action against road users who are legally parked. Having regard to the nature of the noise and disturbance by motorists and their passengers, the best option for the residents would be to report the matter to the local Police.

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**Question No:** 12.7      Fitzwilliam Road, Vacluse

**Councillor Cullen asking:**

I received correspondence regarding concern with safety in Fitzwilliam Road, Vacluse, due to speeding cars. Can Council investigate traffic calming options here?

**Manager Engineering Services in response:**

The matter has been referred to Council's Traffic and Transport Section for investigation. Once their investigations are complete a report will be prepared for the Woollahra Traffic Committee and any recommendations made will be referred to Council's Community and Environment Committee for endorsement.

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**Question No:** 12.8      Car Share Arrangements

**Councillor Price asking:**

As I understand it, Council resolved on 11 March 2013 to annually review car share arrangements (including usage and fees) to ensure residents are receiving good value for giving up their spaces. I also understand that staff have reviewed these arrangements internally on a quarterly basis, but I have been unable to determine if Council have actually reviewed these arrangements.

Could staff please update Council so that Councillors can determine if residents are receiving good value for giving up their precious car spaces?

**Manager Engineering Services further in response:**

A report reviewing Car Share arrangements across the entire Woollahra Municipality will be presented to Council's Community and Environment Committee on 18 December 2017.

**Question No:** 12.9      Rose Bay Ferry Car Park

**Councillor Jarvis asking:**

We had some decisions this evening about parking at Rose Bay and noting the great demand for parking at the Rose Bay Ferry carpark, I congratulate and welcome the initiative of the Liberal State Government to introduce buses on demand which means that commuters can leave their cars at home.

Could the General Manager please advise how Council might assist in the promotion of this initiative to residents of Woollahra and perhaps those from adjoining Councils, when it starts in November? Anything we can do to alleviate the demand on parking would be much appreciated by the residents.

**Manager Engineering Services in response:**

Council staff have been liaising with Transport for NSW (TfNSW) and their nominated bus operators Transdev during October. Staff have requested details of the service as well as promotional and marketing material for the on-demand bus trial which will be launching across the Eastern Suburbs on 20 November 2017. Staff have been advised that the promotion and marketing material has only just been approved by TfNSW. Once this information and material is received they will be included on Council's regular communication channels such as Council's website, Customer Service Centres and in the Mayor's column in the Wentworth Courier. We anticipate that the NSW Government and TfNSW will also be undertaking their own promotional and marketing activities for this new transport service.

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**Question No:** 12.10      Bike Share

**Councillor Zeltzer asking:**

Can Woollahra ask SSROC to address the bike-share issue as a matter of urgency in all our Council's communication with SSROC on this vexing issue?

**Director Technical Service Response:**

Mr Mayor, I am advised that there is a report to the General Managers meeting of SSROC this Thursday that recommends that a further report be prepared addressing bike-share issues and presented to the General Managers meeting in December 2017.

**Manager Engineering Services further in response:**

The SSROC Transport Group are urgently addressing the issues relating to Dockless Bike Share. A further Dockless Bike Share Forum has been organised by SSROC for Monday 13 November 2017 which will provide an opportunity for Dockless Bike Share operators and the SSROC Transport Working Group (which includes Council's key Traffic and Transport Managers) to discuss Dockless Bike Share operations in the SSROC area, including the development of a regional approach and consider key issues and opportunities. All bike share operators that currently operate in the SSROC area have confirmed participation in the forum.

**Question No:** 12.11 Business Papers

**Councillor Zeltzer asking:**

Can we please change the cover sheets of our agendas back to previous coloured one which make the Council meeting notes distinguishable?

**Manager Governance & Council Support in Response:**

The Business Paper process continues to be automated via InfoCouncil and published via Council's iPads in full colour. Investigation in relation to the pixelisation of images is underway.

In the meantime, we will continue to provide full colour copies of Agendas to Councillors and can arrange printing of front cover pages on coloured paper at Councillors request.



**Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings**

