



# Ordinary Council



## Minutes

Tuesday 29 September 2020

# 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 07 September 2020**

- D1 Confirmation of Minutes of Meeting held on 3 August 2020
- D2 Woollahra Local Planning Panel Register of Planning Decisions and Analysis
- D3 Register of Current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environmental and Health Control Matters

### **Finance, Community & Services Committee held on Monday 14 September 2020**

- D1 Confirmation of Minutes of Meeting held on 10 August 2020
- D2 Cultural Committee Minutes Report
- D3 Public Art Panel Meeting Minutes - 13 August 2020
- D4 Woollahra Local Traffic Committee Minutes - 4 August 2020
- D5 Monthly Financial Report - August 2020
- D6 Woollahra Libraries Annual Report 1 July 2019 to 30 June 2020



## Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, 536 New South Head Road, Double Bay, on  
29 September 2020 at 6.02pm.**

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

**Councillors:** Richard Shields

Peter Cavanagh

Claudia Cullen

Luise Elsing

Mary-Lou Jarvis

Anthony Marano

Nick Maxwell

Megan McEwin

(Item D1 (in part) to Item R5 FC&S (in part))

Harriet Price

Lucinda Regan

(Item R3 FC&S (in part) to end of meeting)

Matthew Robertson

Isabelle Shapiro

Mark Silcocks

Toni Zeltzer

**Staff:**

Allan Coker

(Director – Planning & Development)

Lynn Garlick

(Director – Community Services)

Don Johnston

(Director – Corporate Services)

Aurelio Lindaya

(Manager – Engineering Services)

Zubin Marolia

(Manager – Property & Projects)

Carolyn Nurmi

(Governance Officer)

Sue O'Connor

(Governance Officer)

Tom O'Hanlon

(Director – Technical Services)

Craig Swift-McNair

(General Manager)

Helen Tola

(Manager – Governance & Council Support)

Richard Pearson

(Development Manager)

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**Note:** The meeting was adjourned at 8.33pm. The meeting was reconvened at 9.05pm.

**Note:** Item 12.5 - (Update on status of Litigation - Double Bay Bowling Club) was considered as the last Item on the Agenda.

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## Confirmation of Minutes

(Shapiro/Cavanagh)

**112/20 Resolved:**

THAT the Minutes of the Ordinary Council Meeting & Confidential Ordinary Council Meeting held on 24 August 2020 be taken as read and confirmed.

(Maxwell/Cavanagh)

**113/20 Resolved:**

THAT the Minutes of the Extraordinary Council Meeting held on 21 September 2020 be taken as read and confirmed.

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## Leave of Absence and Apologies

Apologies were received and accepted from Councillor Cullen & Councillor Regan. Councillor McEwin also forwarded an apology for having to leave the meeting early due to other commitments.

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## Declarations of Interest

Nil

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## Late Correspondence

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Items FC&S - R3 (Double Bay Pedestrianisation Study) & R5 (Cross Street Car Park Redevelopment).

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## Petitions Tabled

Nil

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## Public Forum

Nil

## General Manager and Officer's Report

**Item No:** 12.1  
**Subject:** RETIREMENT OF ALLAN COKER, DIRECTOR - PLANNING & DEVELOPMENT  
**Author:** Craig Swift-McNair, General Manager  
**File No:** 20/149640  
**Reason for Report:** To acknowledge the service and commitment Allan Coker has made to Woollahra Council and Local Government on his retirement.

(Zeltzer/Cavanagh)

### 114/20 Resolved:

THAT Council acknowledge and thank Allan Coker for his commitment and service during his 21 years at Woollahra Council as the Director Planning and Development, and wish him a long and healthy retirement, which commences on 1 October 2020.

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

#### ***For the Motion***

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

#### ***Against the Motion***

Nil

***14/0***

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**To acknowledge the upcoming retirement of Allan Coker, Director Planning & Development the addresses by the Mayor, Councillors, the General Manager and Staff are included in the Minutes for the public record.**

**The General Manager advised:**

Clearly for those who are within Council and Councillor's realise tonight, that it is Allan Coker's last Council meeting tonight with us as he retires at the end of tomorrow, as our Director Planning & Development. You have no doubt read the copious notes in the report. Allan has been in local government for what is now 51 years and 21 of those have been at Woollahra. Clearly with my veteran status of 11 weeks, I haven't had the great wisdom of Allan for many weeks, but he has been very helpful to me in my very short period of time here. Even this morning we had many conversations around a lot of issues and I really do appreciate everything you have done for me in my very short period of time here. Madam Mayor, I might just hand over to others if they would like to say some words.

**Councillor Zeltzer advised:**

Allan has reached a milestone and I am not sure if you are aware, but Allan has gone beyond his retirement because of his commitment to this Council and a his passion for planning. I heard about Allan before I got to Council, I was doing a Masters thesis on urban consolidation and the fact it could create place and community and in a book by Tim Bonhardy called '*Australian Cities*' edited by Patrick Troy who was a writer who hated urban consolidation wrote a story about the battle for Balmain. Allan Coker featured in that story and this was in 2002 and I knew he was at Woollahra Council and I thought gees that's a coup we have him on our local Council.

It wasn't until 2008 that I finally got to meet him as a Councillor and it was clear that what he had demonstrated as a passion for planning and an incredible attention to detail his skills at really comprehensive research and his measure as the person he is by his accessibility. These qualities came through loud and clear. Even if Allan had a difference in opinion he was always open to hearing you out. He responded quite quickly on matters that were raised and his response was not just a simple yes or no. There was a detailed, very comprehensive, it was well reasoned and you could take heed from what he was saying, and you had a good chance to work your way forward, because you were very confident that he had done every bit of research to give you all the information that was possible. He responded to you, he responded to Councillors on the most smallest of matters and the bigger ones as well.

I think that the measure of his leadership is what he leaves in succession. When you look at the legacy someone leaves, you look at the succession plan. When I look at the caliber of people like Nick Economou, who has acknowledged the great input that Allan Coker has had on his professional development, but also people like Anne White that came to us from England quite some years ago and has developed under the Woollahra Council banner. These are superlative people to hand the batten on too. This is the measure of a good leader and I think that he has demonstrated that so well in the people that he leaves behind, those senior people in those departments.

I would like to wish you well and hope you have a happy and healthy retirement and that you indulge in your other passion which is photography, which I am sure you will.

**Director Planning & Development in response:**

Thank you.

**Councillor Shapiro advised:**

Thank you Madam Mayor. I would like to endorse everything that has been written about Allan and said about Allan. I too met Allan even before I became a Councillor, when I was running a resident group. Woollahra is well known for it's excellent Planning Department and that really is a tribute to Allan and that comes from the top down. I really want to thank Allan for all his contributions to Woollahra. I particularly enjoyed our discussions on public art and planning, which I know Allan has been supportive of the public art and I am grateful for that.

I wish you well for the future and thank you for your enormous contribution and I quote from the General Managers report "Allan leaves a great legacy at Woollahra and he will be long remembered". So I wish you well and all the best and thank you Allan.

**Director Planning & Development in response:**

Thank you Councillor Shapiro.

**Councillor Cavanagh advised:**

Thank you your Worship. Well Allan after 12 years on Council can I just say you are going to be very, very missed as of course was our former General Manager. It was about this time last year that I was Mayor that you were thinking of retiring and Gary and I were very concerned about would we get anything finished, you're the only one who knows how to finish these things and you very kindly agreed to stay an extra year. I am sure that you probably took less photos that you would otherwise have taken in the last 12 months.

We are extremely grateful to you for staying on, I know and I think I can speak for all the other Mayors as well, I have always appreciated you sitting there on the bench when I was Mayor because I always knew if there was a problem I could turn to you and you would always have the answer. That knowledge has been built up over all those years and will be very sadly missed. Hopefully we won't be missing you as you will come back at some stage and at least have a few drinks with us. Thank you and all the best for your retirement.

**Director Planning & Development in response:**

Thank you Peter.

**Councillor Jarvis advised:**

Thank you, I am just echoing everything that has been said you're well respected, collaborative, thank you Allan for all that you have taught me. As Peter Kauter said you always come away learning something new. I really appreciated your guidance especially tonight hopefully we will leave you with your lasting legacy with the tree canopy controls. But in terms of always making sure that we are learning something new I am just going to share a screen with you all which is from a place that none of us knew before which was called Wonger Wetlands and this is Splitters Creek. As I said Allan was very collaborative. Allan stopped to take a photo and I too took a photo, as you can see his eye for detail was amazing.

Allan for you I have entered this photo in Australian Photography Awards and it's called 'Time for Reflection for Allan', from me to you.

I was actually shooting the lens but you framed the shot so if we win its for both of us, and you can get the weekly emails from the photography.

**Director Planning & Development in response:**

Thank you so much.

**The Mayor Councillor Wynne further advised:**

I was thinking of reflecting on 12 years that I have worked with Allan and I am getting quite emotional thinking about that. I remember I had never stepped foot in Council and certainly didn't know anything about planning and the patience that he showed to myself and everyone along the way. The stupid questions that I would ask and you were always so kind, caring and professional. Councillor Zeltzer alluded to it, there was never a yes or no answer. Sometimes I would liken them to a thesis, when sometimes all I would want was one paragraph. That actually shows Allan's absolute dedication and his knowledge. Someone else alluded to it, his team. Allan hasn't just built an incredible team but I would say it's a family and that is something that is very special to your leadership. You will be very sadly missed. I can't say anything more or I will start crying, because it is such a huge loss and we can only wish you well. You do have a very big smile on your face, probably the biggest smile I have ever seen, knowing that this is your last meeting and not the way we planned it, but you will be brought back for celebrations and drinks.

One more thing Councillor Price, I think Allan is the only one that can give you a run for your money when it comes to sticky notes.

**Director Planning & Development in response:**

Thank you Madam Mayor and Councillors I am going to be leaving tomorrow with some wonderful memories, memories of the people and memories of the places. Interesting Councillor Jarvis just raised that about Wonga Wetlands, because I think that this is indicative of relationships that staff have had with Councillors at Woollahra, that we have been able to enjoy the wonderful experiences of nature as well.

While Councillor Cavanagh is there I just have to say that one of my most memorable experiences was when Councillor Cavanagh with a few other Councillors from Woollahra at the time entered the silver mine just outside Silverton at Broken Hill during the Local Government Conference at Broken Hill one year. I have to say we all had an incredible time enjoying each other's company and also learning together, it was a great experience.

So thank you Councillors for your comments tonight. May I also just refer to some notes.

Thank you Craig for the kind words expressed in your General Manager's report. I have very much enjoyed working with you over the past 11 weeks, even though it's a short period. I think we have worked very well together as a leadership team. This is very important because the success of any Council, in my experience is dependent on strong partnerships between the Mayor, elected members, the General Manager and staff of the Council. I think this has been one of the strengths of Woollahra for the time I have been here.

I should also thank our former General Manager, Gary James, who I worked with for most of my working life at Woollahra. Gary was a great friend and mentor, he allowed us to get on with the job but when things got a little tough, he always had some very well considered advice.

My thanks must also go to all of the Mayors I have worked with over my 21 years at Woollahra Council. Commencing with Andrew Petrie, Chris Dawson, John Comino, Geoff Rundle, Keri Huxley, Isabelle Shapiro, Toni Zeltzer, Peter Cavanagh, and not last or least Susan Wynne. What an incredible list of people we have had as the civic leaders of Woollahra. It has been a pleasure to work with each and every one of you. I have appreciated the positive working relationships we have enjoyed the passion and drive you have brought to this important role.

I learnt very early in my career that Planning is a political decision making process about how our towns and cities are developed. Elected members are therefore critical to the process. If we do not have you on the journey achievements are few and far between. But this has not been the case at Woollahra. We have not always agreed but we have enjoyed respectful working relationships and done our best to put well researched and evidence based recommendations before you.

It is also a process which needs to have regard to the bigger picture and where we sit as a relatively small Municipality in a large global city. In the months and years which follow Council will be faced with many planning challenges, not the least of which will be how it will contribute to accommodating Sydney's growing population.

The GSC has set an indicative housing target of an additional 500-600 dwellings for the next five year period. This will require important decisions about the number, type, diversity and location of future housing. These issues will generate significant debate since the NSW Government will certainly press the Council to play its part in providing for new housing while residents groups take the position that Woollahra is full. The resolution of this issue will be at the forefront of planning issues at least for the term of this Council.

I will not go through the achievements we have made over the past 21 years but there is one most important legacy document which will guide Council in its future planning for the next 20 years...and that is the Council's Local Strategic Planning Statement. During the preparation of this document we did our best to engage with Councillors, the community and staff across all parts of Council. Everyone had the opportunity to have their say and that had a direct influence on the crafting of the Council's vision statement and priorities for action. It is truly an 'all of council' document.

I am very proud of Woollahra's LSPS and the team which was responsible for its preparation. This is because it provides a sound and well thought out basis for future planning for Council and the next Director of Planning. It sets out ambitious planning priorities and actions which focus on the important planning issues such as protection of our built and natural environments, retention and enhancement of Woollahra's significant heritage areas and character precincts and recognises the importance of having great places for people to live and work. It will now be important for Council to move from making the plan to making the plan happen. Priorities and actions will need to be prioritised, budgeted for and included in Council's DPOP.

I would also like to thank the awesome team I have had around me. I could not do this job without their support, hard work and well considered advice. Particular thanks need to go to our managers Chris Bluett, Nick Economou, Tim Tuxford and Peter Kauter as well as Personal Assistant Grace Hawley.

I am very confident that Woollahra Council is in good hands and has a very bright future ahead. Thank you to everyone who has assisted me on this journey for the past 21 years.

**The Mayor, Councillor Wynne advised:** Allan here is a small gift for you, from everyone here.

**Item No:** 12.2  
**Subject:** **30 MINUTE FREE TICKET PARKING AT THE DOUBLE BAY AND PADDINGTON PARKING METERS**  
**Author:** Aurelio Lindaya, Manager Engineering Services  
**Approvers:** Tom O'Hanlon, Director - Technical Services  
Craig Swift-McNair, General Manager  
**File No:** 20/172612  
**Reason for Report:** To consider the recommendation of the FC&S Committee meeting of 16 March 2020 which supports the introduction of 30 minute free ticket parking at the Double Bay parking meters

**Motion moved by Councillor Price**  
**Seconded by Councillor Elsing**

- A. THAT free parking is enabled until the 31 March 2020.
- B. THAT further consideration be deferred

**Motion was put and lost.**

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

***For the Motion***

Councillor Elsing  
Councillor Price

***Against the Motion***

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

**2/12**

**Motion moved by Councillor Zeltzer**  
**Seconded by Councillor Silcocks**

- A. THAT in accordance with the recommendation of the Finance, Community & Services Committee meeting of 16 March 2020, Council proceed with the introduction of 30 minute free ticket parking at the Double Bay Commercial Centre.
- B. THAT the 30 minute free ticket parking initiative be extended to the parking meters along the Woollahra side of Oxford Street, Paddington.

- C. THAT the relevant budget adjustments arising from the introduction of 30 minute free ticket parking at the Double Bay and Oxford Street Paddington parking meters be made in the September Quarterly Budget Review.
- D. THAT Council staff report on parking technology improvements with a view of reviewing this in 12 months' time.

**The Motion was put and carried.**

**(Zeltzer/Silcocks)**

**115/20 Resolved:**

- A. THAT in accordance with the recommendation of the Finance, Community & Services Committee meeting of 16 March 2020, Council proceed with the introduction of 30 minute free ticket parking at the Double Bay Commercial Centre.
- B. THAT the 30 minute free ticket parking initiative be extended to the parking meters along the Woollahra side of Oxford Street, Paddington.
- C. THAT the relevant budget adjustments arising from the introduction of 30 minute free ticket parking at the Double Bay and Oxford Street Paddington parking meters be made in the September Quarterly Budget Review.
- D. THAT Council staff report on parking technology improvements with a view of reviewing this in 12 months' time.

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

***For the Motion***

***Against the Motion***

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

Councillor Price

***13/1***

**Item No:** 12.3  
**Subject:** **EXTENSION OF SMALL BUSINESS FINANCIAL RELIEF MEASURES**  
**Author:** Zubin Marolia, Manager - Property & Projects  
**Approvers:** Tom O'Hanlon, Director - Technical Services  
Craig Swift-McNair, General Manager  
**File No:** 20/171783  
**Reason for Report:** To present a further report to Council on financial relief measures in accordance with a resolution of Council.

(Jarvis/Shapiro)

**116/20 Resolved:**

- A. THAT Council introduce a program of rent relief for Council's small and medium enterprise (SME) tenants, consistent with the National Cabinet Mandatory Code and associated NSW Regulations for a period of six months from 1 October 2020 to 31 March 2021, with a further review of the program to be undertaken and reported to Council in March 2021.
- B. That Council introduce a program of rent relief for community tenants of up to 100% for the period 1 October 2020 to 31 March 2021, based on demonstrated financial impact from Covid 19, with a further review of the program to be undertaken and reported to Council in March 2021.
- C. THAT Council extend the waiver of footway dining fees (rent and/or application fees) from 1 January 2020 to 30 June 2021, noting that the current waiver has already been extended to 31 December 2020.
- D. THAT relevant changes be made in the September Quarterly Budget Review arising from the adoption of the programs of relief measures in A, B and C above.

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

***For the Motion***

***Against the Motion***

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

Nil

**Item No:** 12.4  
**Subject:** **UPDATE TO CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT IN NSW (2020)**  
**Author:** Helen Tola, Manager - Governance & Council Support  
**Approvers:** Don Johnston, Director Corporate Services  
Craig Swift-McNair, General Manager  
**File No:** 20/161225  
**Reason for Report:** To present an updated version of the Code of Conduct and Procedures for the Administration of the Model Code of Conduct in NSW following the prescription on 14 August 2020, for adopted by Council.

(Robertson/Silcocks)

**117/20 Resolved:**

- A. THAT Council note the changes to the Model Code of Conduct and Model Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2020).
- B. THAT Council adopt the Code of Conduct as provided at **Annexure 1** to this report.
- C. THAT Council adopt the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as provided at **Annexure 2** to this report.
- D. THAT Council delegate authority to the General Manager to make minor administrative amendments to the Code of Conduct and the Procedures to the Administration of the Code of Conduct, as required from time to time.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

**Item No:** 12.5  
**Subject:** **UPDATE ON STATUS OF LITIGATION - DOUBLE BAY BOWLING CLUB**  
**Author:** Tom O'Hanlon, Director - Technical Services  
**Approvers:** Craig Swift-McNair, General Manager  
Tom O'Hanlon, Director - Technical Services  
**File No:** 20/176210  
**Reason for Report:** To recommend that Council resolve into closed session to consider a confidential report.

**Note:** This Item was considered as the last Item on the Agenda.

**(Elsing/Cullen)**

**Resolved:**

THAT in accordance with Section 10A of the *Local Government Act 1993* the Committee resolve to enter into Closed Session with the press and public excluded to consider the Confidential Report. These matters are to be considered in Closed Session in accordance with Section 10A subclause 2(g) of the LG Act as this matter involved advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

**Adopted**

**In Closed Session**

**Note:** The Council discussed the confidential report and drafted a resolution.

**(Elsing/Silcocks)**

**Resolved:**

THAT the Council move into "Open Session".

**Adopted**

**In Open Session**

**(Zeltzer/Shapiro)**

**118/20 Resolved:**

- A. THAT following consideration of the confidential report, the resolution in Closed Session regarding the report on "Update on the status of Litigation – Double Bay Bowling Club" be adopted.
- B. THAT the confidential report and resolution remains confidential until 31 March 2021 or the conclusion of the litigation, whichever occurs last.

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

***For the Motion***

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

***Against the Motion***

Councillor Price

***13/1***

## Environmental Planning Committee

### Items with Recommendations from the Committee Meeting of Monday 7 September 2020 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>PLANNING PROPOSAL - HERITAGE LISTING OF 30 WYUNA ROAD, POINT PIPER</b>
<b>Author:</b>	Kristy Wellfare, Strategic Heritage Officer
<b>Approvers:</b>	Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
<b>File No:</b>	20/124742
<b>Reason for Report:</b>	To report on the public exhibition of the planning proposal to list the dwelling house, including interiors, at 30 Wyuna Road, Point Piper, as a heritage item in Schedule 5 of Woollahra Local Environmental Plan 2014. To obtain Council's approval to proceed with the finalisation of the planning proposal and the preparation of a draft LEP.

(Jarvis/Zeltzer)

**119/20 Resolved without debate:**

- A. THAT Council proceed with the planning proposal in **Annexure 1** of the report to the Environmental Planning Committee meeting on 7 September 2020 and proceed with the preparation of a draft local environmental plan to amend Schedule 5 of Woollahra LEP 2014 to list the dwelling house, including interiors, at 30 Wyuna Road, Point Piper, as a heritage item.
- B. THAT Council use its authorisation as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to make the LEP to list 30 Wyuna Road, Point Piper, including interiors, as a heritage item under Woollahra Local Environmental Plan 2014.

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

***For the Motion***

***Against the Motion***

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

Nil

**14/0**

**Item No:** R2 Recommendation to Council  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF  
TRELAWNEY COURT, INCLUDING INTERIORS, AT 3  
TRELAWNEY STREET, WOOLLAHRA**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 20/135884  
**Reason for Report:** To report on the advice made to Council by the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to list Trelawney Court, including interiors at 3 Trelawney Street, Woollahra, as a local heritage item in Woollahra Local Environmental Plan 2014.

(Jarvis/Zeltzer)

**120/20 Resolved without debate:**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 6 August 2020.
- B. THAT Council forward the planning proposal, as contained in the *Annexure 3* of the report to the Environmental Planning Committee meeting on 7 September 2020 to list *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra, as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*, to the Department of Planning, Industry and Environment, requesting a gateway determination to allow public exhibition. The planning proposal will be updated to reference the report to the Environmental Planning Committee and subsequent decision of the Council.
- C. THAT Council request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

**Item No:** R3 Recommendation to Council  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF COOPER PARK, BELLEVUE HILL (EXCLUDING COOPER PARK NORTH)**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 20/136045  
**Reason for Report:** To report on the public exhibition of the planning proposal to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item in Schedule 5 of Woollahra Local Environmental Plan 2014.  
To obtain Council's approval to proceed with the finalisation of the planning proposal and the preparation of a draft LEP.  
To proceed with the nomination to list Cooper Park in Bellevue Hill (excluding Cooper Park North) on the State Heritage Register.

(Jarvis/Zeltzer)

**121/20 Resolved without debate:**

- A. THAT Council proceed with the planning proposal in **Annexure 1** of the report to the Environmental Planning Committee meeting on 7 September 2020 and proceed with the preparation of a draft local environmental plan to amend Schedule 5 of Woollahra LEP 2014 to list Cooper Park Bellevue Hill (excluding Cooper Park North) as a heritage item.
- B. THAT Council use its authorisation as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to make the LEP to list Cooper Park Bellevue Hill (excluding Cooper Park North) as a heritage item under Woollahra Local Environmental Plan 2014.
- C. THAT Council proceed with submitting the nomination application to list Cooper Park Bellevue Hill (excluding Cooper Park North) on the State Heritage Register.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

**Item No:** R4 Recommendation to Council  
**Subject:** **PUBLIC EXHIBITION OF DRAFT WOOLLAHRA DCP 2015  
(AMENDMENT NO.13) - PADDINGTON HERITAGE  
CONSERVATION AREA CONTROLS FOR COURTYARD  
HOUSING**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 20/136974  
**Reason for Report:** To report on the public exhibition of Draft Woollahra Development Control  
Plan 2015 (Amendment No.13)  
To obtain Council's approval of the Draft DCP.

(Jarvis/Zeltzer)

**122/20 Resolved without debate:**

THAT Council approve the Draft Woollahra Development Control Plan 2015 (Amendment No. 13) as attached at **Annexure 1** in the report to the Environmental Planning Committee meeting on 7 September 2020.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

**Item No:** R5 Recommendation to Council  
**Subject:** **REPORT ON THE PLANNING PROPOSAL TO INTRODUCE AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND URBAN GREENING PROVISIONS**  
**Authors:** Anne White, Team Leader - Strategic Planning  
Deeksha Nathani, Strategic Planner  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 20/153720  
**Reason for Report:** To present an updated planning proposal which introduces floor space ratio (FSR) controls for low density residential development as well as provisions to sustain and enhance Woollahra's residential tree canopy.  
To obtain Council's approval to refer the planning proposal to the Woollahra Local Planning Panel for advice.  
To obtain Council's approval to refer proposed amendments to Woollahra DCP 2015, including a number of objectives and controls and revised urban greening provisions, to the Woollahra Local Planning Panel for advice.

**Motion moved by Councillor Jarvis**  
**Seconded by Councillor Silcocks**

- A. THAT Council note that the planning proposal attached as **Annexure 1** proposes that Woollahra LEP 2014 be amended by introducing the following provisions:
- i. A maximum floor space ratio (FSR) control of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - ii. A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
  - iii. A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - iv. New LEP objectives and local provisions to sustain and enhance urban greening.
- B. THAT the planning proposal attached as **Annexure 1**, and referred to in item A, be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the proposed amendments to Chapter B3: *General Development Controls* and E3: *Tree Management* of the Woollahra DCP 2015, attached as **Annexures 2 and 3** be amended to include a tree canopy area of at least 35% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings, with the exception of Wolseley Road, and also be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT following consideration of the expert advice from the Woollahra Local Planning Panel, Council determine whether or not, and in what form the planning proposal should be referred to the Department of Planning, Industry and Environment for a gateway determination.
- F. THAT Council prepare an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.

- G. THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view of moving towards including a tree canopy area of at least 40% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.

**Amendment moved by Councillor Zeltzer  
Seconded by Councillor Robertson**

- A. THAT Council note that the planning proposal attached as **Annexure 1** proposes that Woollahra LEP 2014 be amended by introducing the following provisions:
- A maximum floor space ratio (FSR) control of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
  - A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - New LEP objectives and local provisions to sustain and enhance urban greening.
- B. THAT the planning proposal attached as **Annexure 1**, and referred to in item A, be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the proposed amendments to Chapter B3: *General Development Controls* and E3: *Tree Management* of the Woollahra DCP 2015, attached as **Annexures 2 and 3** be amended to include a tree canopy area of at least 40% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings, with the exception of Wolseley Road, and also be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT following consideration of the expert advice from the Woollahra Local Planning Panel, Council determine whether or not, and in what form the planning proposal should be referred to the Department of Planning, Industry and Environment for a gateway determination.
- F. THAT Council prepare an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.

**Amendment was put and lost.**

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

***For the Amendment***

Councillor Elsing  
Councillor Marano  
Councillor McEwin  
Councillor Price  
Councillor Robertson  
Councillor Zeltzer

***Against the Amendment***

Councillor Cavanagh  
Councillor Cullen  
Councillor Jarvis  
Councillor Maxwell  
Councillor Shapiro  
Councillor Shields

Councillor Silcocks  
Councillor Wynne

6/8

**The Motion was put and carried.**

**(Jarvis/Silcocks)**

**123/20 Resolved:**

- A. THAT Council note that the planning proposal attached as **Annexure 1** proposes that Woollahra LEP 2014 be amended by introducing the following provisions:
  - i. A maximum floor space ratio (FSR) control of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - ii. A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
  - iii. A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - iv. New LEP objectives and local provisions to sustain and enhance urban greening.
- B. THAT the planning proposal attached as **Annexure 1**, and referred to in item A, be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the proposed amendments to Chapter B3: *General Development Controls* and E3: *Tree Management* of the Woollahra DCP 2015, attached as **Annexures 2 and 3** be amended to include a tree canopy area of at least 35% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings, with the exception of Wolseley Road, and also be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT following consideration of the expert advice from the Woollahra Local Planning Panel, Council determine whether or not, and in what form the planning proposal should be referred to the Department of Planning, Industry and Environment for a gateway determination.
- F. THAT Council prepare an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.
- G. THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view of moving towards including a tree canopy area of at least 40% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.

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

***For the Motion***

Councillor Cavanagh  
Councillor Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Maxwell  
Councillor McEwin  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Wynne

***Against the Motion***

Councillor Marano  
Councillor Price  
Councillor Zeltzer

***11/3***

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## Finance, Community & Services Committee

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### Items with Recommendations from the Committee Meeting of Monday 14 September 2020 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **SALE AND CLOSING OF ROAD RESERVE ADJOINING 34 CRANBROOK ROAD, BELLEVUE HILL (SC4348)**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Tom O'Hanlon, Director - Technical Services  
**File No:** 20/156865  
**Reason for Report:** To consider the Sale and Closing of Cranbrook Road Reserve portion adjoining 34 Cranbrook Road, Bellevue Hill

(Marano/McEwin)

#### 124/20 Resolved without debate:

- A. THAT Council proceed with the sale of the road reserve adjoining 34 Cranbrook Road, Bellevue Hill with the following conditions:
  - i. A purchase price of \$3,000 per square metre (plus GST) for the estimated 120 sqm road reserve portion, subject to final survey.
  - ii. A 10% non-refundable deposit of \$36,000 being received by Council.
  - iii. The balance of the purchase price is to be paid in full to Council upon Gazettal of the road closure and completion of the sale.
- B. THAT subject to A above, in accordance with Section 38D Roads Act, 1993 Council approve the closing of a portion of Cranbrook Road adjoining 34 Cranbrook Road, provided that the Purchaser enters into a conditional Contract of Sale with the Council.
- C. THAT Council authorise the Mayor and General Manager to execute and affix the Council Seal to all necessary documentation to effect the Road closure and sale, i.e. Plan of Road Subdivision and closing, Transfer document etc.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

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**Item No:** R2 Recommendation to Council  
**Subject:** **WOOLLAHRA COMMUNITY FACILITIES STUDY - NEXT STEPS**  
**Author:** Sharon Campisi, Manager - Community Development  
**Approver:** Vicki Munro, Manager - Library & Information Services  
**File No:** 20/157960  
**Reason for Report:** Endorsement of Woollahra Community Facilities Study and next steps

**(Marano/McEwin)**

**125/20 Resolved without debate:**

- A. THAT Council endorse the 2019 Woollahra Community Facilities Study.
- B. THAT Council utilise the Woollahra Community Facilities Study to assist in informing future decisions for the use and development of community facilities across the Local Government Area.
- C. THAT the General Manager convene the Property Asset Working Party for the purpose of giving consideration to the prioritisation of works and / or the potential rationalisation of some community facilities, with any recommendations being reported back to the Finance, Community & Services Committee and subsequently to full Council.
- D. THAT Council, subject to referral to the Property Asset Working Party, give consideration to funding appropriate investigations into the future development of the Holdsworth Community Centre during the development of the 2021-2022 Operational Plan and Budget.

- E. THAT Council, subject to referral to the Property Asset Working Party, give consideration to funding an upgrade of the Cooper Park Community Hall during the development of the 2021-2022 Operational Plan and Budget, including the seeking of State and Federal funding.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

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**Item No:** R3 Recommendation to Council  
**Subject:** **DOUBLE BAY PEDESTRIANISATION STUDY**  
**Author:** Emilio Andari, Traffic & Transport Team Leader  
**Approvers:** Aurelio Lindaya, Manager Engineering Services  
Tom O'Hanlon, Director - Technical Services  
**File No:** 20/159440  
**Reason for Report:** To explore and identify actions to create pedestrianisation in Double Bay Commercial Centre

**Note:** Late correspondence was tabled by Andrew Moss of BIKeast & Nicole Badstuber.

**Motion moved by Councillor McEwin**  
**Seconded by Councillor Elsing**

- A. THAT Council endorse the Double Bay Pedestrianisation Study.
- B. THAT Council staff explore funding opportunities for the following projects identified in the Double Bay Pedestrianisation Study:
- i. Knox Street Pedestrian Only Zone (between Bay Street & Goldman Lane)
  - ii. 30km/hr High Pedestrian Activity Area (HPAA) for streets bounded by Ocean Avenue and William Street (noting that further reducing the speedlimit in the Double Bay Commercial Centre to 30km/hr will be considered as part of a future report to Council)
  - iii. 40km/hr High Pedestrian Activity Area (HPAA) be investigated for reducing the speedlimit on New South Head Road in the Double Bay Commercial Centre
  - iv. Transvaal Avenue Pedestrian Only Zone (eastern side)

- v. Transvaal Avenue 10km/hr Shared Zone (western side)
- vi. Bay Street 10km/hr Shared Zone
- vii. Knox Lane 10km/hr Shared Zone
- viii. Short Street 10km/hr Shared Zone
- ix. Gum Tree Lane 10km/hr Shared Zone
- x. Goldman Lane 10km/hr Shared Zone (Short Street to Knox Street).

- C. Subject to funding availability, the projects identified in the Double Bay Pedestrianisation Study progress to design, community consultation and project implementation.

**Amendment moved by Councillor Cullen  
Seconded by Councillor Price**

- A. THAT Council endorse the Double Bay Pedestrianisation Study.
- B. THAT Council staff explore funding opportunities for the following projects identified in the Double Bay Pedestrianisation Study:
- i. Knox Street Pedestrian Only Zone (between Bay Street & Goldman Lane)
  - ii. 40km/hr High Pedestrian Activity Area (HPAA) for streets bounded by New South Head Road, Ocean Avenue and William Street (noting that further reducing the speedlimit in the Double Bay Commercial Centre to 30km/hr will be considered as part of a future report to Council)
  - iii. Transvaal Avenue Pedestrian Only Zone (eastern side)
  - iv. Transvaal Avenue 10km/hr Shared Zone (western side)
  - v. Bay Street 10km/hr Shared Zone
  - vi. Knox Lane 10km/hr Shared Zone
  - vii. Short Street 10km/hr Shared Zone
  - viii. Gum Tree Lane 10km/hr Shared Zone
  - ix. Goldman Lane 10km/hr Shared Zone (Short Street to Knox Street).
- C. Subject to funding availability, the projects identified in the Double Bay Pedestrianisation Study progress to design, community consultation and project implementation.

**Amendment was put and carried.**

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

***For the Amendment***

Councillor Cavanagh  
Councillor Cullen  
Councillor Jarvis  
Councillor Maxwell  
Councillor Price  
Councillor Regan  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Zeltzer

***Against the Amendment***

Councillor Elsing  
Councillor Marano  
Councillor McEwin  
Councillor Robertson  
Councillor Wynne

**10/5**

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

**(Cullen/Price)**

**126/20 Resolved:**

- A. THAT Council endorse the Double Bay Pedestrianisation Study.
- B. THAT Council staff explore funding opportunities for the following projects identified in the Double Bay Pedestrianisation Study:
  - i. Knox Street Pedestrian Only Zone (between Bay Street & Goldman Lane)
  - ii. 40km/hr High Pedestrian Activity Area (HPAA) for streets bounded by New South Head Road, Ocean Avenue and William Street (noting that further reducing the speedlimit in the Double Bay Commercial Centre to 30km/hr will be considered as part of a future report to Council)
  - iii. Transvaal Avenue Pedestrian Only Zone (eastern side)
  - iv. Transvaal Avenue 10km/hr Shared Zone (western side)
  - v. Bay Street 10km/hr Shared Zone
  - vi. Knox Lane 10km/hr Shared Zone
  - vii. Short Street 10km/hr Shared Zone
  - viii. Gum Tree Lane 10km/hr Shared Zone
  - ix. Goldman Lane 10km/hr Shared Zone (Short Street to Knox Street).
- C. Subject to funding availability, the projects identified in the Double Bay Pedestrianisation Study progress to design, community consultation and project implementation.

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

***For the Motion***

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

***Against the Motion***

Councillor Marano  
Councillor McEwin  
Councillor Robertson

**12/3**

**Item No:** R4 Recommendation to Council  
**Subject:** **FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020**  
**Authors:** Sue Meekin, Chief Financial Officer  
Henrietta McGilvray, Senior Corporate Accountant  
**Approvers:** Don Johnston, Director Corporate Services  
Craig Swift-McNair, General Manager  
**File No:** 20/103153  
**Reason for Report:** To present the Financial Statements for the year ended 30 June 2020 to the Committee, provide commentary on the budget result for 2019/20 and recommend to Council the adoption of Council's Statement in relation to the Financial Statements.

(Marano/McEwin)

**127/20 Resolved without debate:**

- A. THAT Council note the strong financial position at 30 June 2020 supported by a working funds balance of \$2,054k at 30 June 2020 and a strong Unrestricted Current Ratio of 4.04:1.
- B. THAT Council, having noted the statement of confirmation provided in the report by the General Manager and the Chief Financial Officer (Responsible Accounting Officer) and the review by the Audit & Assurance Committee, adopt the following statement in relation to its Financial Statements for the year ended 30 June 2020:

*That, in relation to the General Purpose Financial Statements for the year ended 30 June 2020, Council is of the opinion that:*

*The General Purpose Financial Statements have been prepared in accordance with:*

- i. the Local Government Act 1993 (NSW) (as amended) and Regulations made thereunder;*
- ii. the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board;*
- iii. the Local Government Code of Accounting Practice and Financial Reporting*

*and to the best of our knowledge and belief, these Financial Statements:*

*present fairly Council's operating result and financial position for the year; and*

*accord with Council's accounting and other records;*

*and further, the signatories to the Statement, to the best of our knowledge and belief, are not aware of any matter that would render the Statements false or misleading in any way.*

- C. THAT Council formally refer the General Purpose Financial Statements for the year ended 30 June 2020 for audit; and
- D. In anticipation of receiving the Auditor's Reports, set the Finance, Community & Services Committee meeting to be held on Monday 9 November 2020 as the meeting at which the Financial Statements will be presented to the public.

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

***For the Motion***

***Against the Motion***

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

Nil

***15/0***

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**Item No:** R5 Recommendation to Council  
**Subject:** **CROSS STREET CAR PARK REDEVELOPMENT – OPTIONS TO PROGRESS & CAR PARKING OFFSET STRATEGIES**  
**Author:** Richard Pearson, Development Manager  
**Approver:** Tom O'Hanlon, Director - Technical Services  
**File No:** 20/158904  
**Reason for Report:** To seek approval for a recommended way forward for the Cross Street Car Park redevelopment and to discontinue any further consideration of building an additional level at Kiaora Place Car Park

**Note:** Late correspondence was tabled by Double Bay Residents' Association, Anthony Tregoning, Philip Mason, Merrill Witt & Amanda Stewart.

**Motion moved by Councillor Zeltzer**  
**Seconded by Councillor Marano**

- A. THAT Council resolve to progress with Option 2, namely commencement of a fresh Expression of Interest process for redevelopment of the site with strictly defined timeframes.
- B. THAT Council note that the key recommendations of the Double Bay Hydrogeological Study will be included in the EOI design parameters for consideration by respondents.
- C. THAT Council note that staff will also proceed with developing a potential go-it-alone scheme to compare against submissions received through the EOI process.
- D. THAT Council note the specialist analysis commissioned (**Annexure 5**) on the options to replace car parking which will be temporarily lost during redevelopment of the Cross Street Car Park site.

- E. THAT Council resolve not to progress with any further consideration of adding an additional level to the Kiaora Place Car Park due to the considerable expense, protracted timeframe, the significant disruption to tenants and nearby residents from structural enhancement works required and the availability of other options to increase car parking at Kiaora Place.
- F. THAT the confidential annexures to this report remain confidential until the conclusion of the Expression of Interest process.

**Amendment moved by Councillor Cullen  
Seconded by Councillor Silcocks**

- A. THAT Council consider the options contained in this report for progressing the Cross Street project and resolve to progress with Option 4 and undertake an investigation in relation to retention of the car park in the long term.
- B. THAT Council consults with the community in relation to this community asset to determine the preferred development of the site.
- C. THAT Council resolve not to progress with any further consideration of adding an additional level to the Kiaora Place Car Park due to the considerable expense, protracted timeframe, the significant disruption to tenants and nearby residents from structural enhancement works required and the availability of other options to increase car parking at Kiaora Place.
- D. THAT the confidential annexures to this report remain confidential until the conclusion of the Expression of Interest process.

**The Amendment was put and lost.**

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

***For the Amendment***

Councillor Cullen  
Councillor Elsing  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Silcocks

***Against the Amendment***

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

6/8

**Foreshadowed Amendment moved by Councillor Robertson**

- A. THAT Council consider the options contained in this report for progressing the Cross Street project and resolve to progress with Option 4 and undertake an investigation in relation to retention of the car park in the long term.

- B. THAT Council consults with the community in relation to this community asset to determine the preferred development of the site (including but not limited to including affordable housing).
- C. THAT Council resolve not to progress with any further consideration of adding an additional level to the Kiaora Place Car Park due to the considerable expense, protracted timeframe, the significant disruption to tenants and nearby residents from structural enhancement works required and the availability of other options to increase car parking at Kiaora Place.
- D. THAT the confidential annexures to this report remain confidential until the conclusion of the Expression of Interest process.

**Lapsed for want of a seconder.  
The Motion was put and carried.  
(Zeltzer/Marano)**

**128/20 Resolved:**

- A. THAT Council resolve to progress with Option 2, namely commencement of a fresh Expression of Interest process for redevelopment of the site with strictly defined timeframes.
- B. THAT Council note that the key recommendations of the Double Bay Hydrogeological Study will be included in the EOI design parameters for consideration by respondents.
- C. THAT Council note that staff will also proceed with developing a potential go-it-alone scheme to compare against submissions received through the EOI process.
- D. THAT Council note the specialist analysis commissioned (**Annexure 5**) on the options to replace car parking which will be temporarily lost during redevelopment of the Cross Street Car Park site.
- E. THAT Council resolve not to progress with any further consideration of adding an additional level to the Kiaora Place Car Park due to the considerable expense, protracted timeframe, the significant disruption to tenants and nearby residents from structural enhancement works required and the availability of other options to increase car parking at Kiaora Place.
- F. THAT the confidential annexures to this report remain confidential until the conclusion of the Expression of Interest process.

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

***For the Motion***

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

***8/6***

***Against the Motion***

Councillor Cullen  
Councillor Elsing  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Silcocks



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## **Councillor Reports/Councillor Updates (Section 8.4)**

Nil

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## Notices of Motion

**Item No:** 16.1  
**Subject:** **NOTICE OF MOTION - HYDROGEOLOGICAL AND GEOTECHNICAL STUDY FOR THE ROSE BAY / LOWER BELLEVUE HILL CATCHMENT AREA**  
**From:** Councillors Lucinda Regan and Isabelle Shapiro  
**Date:** 9/09/2020  
**File No:** 20/165207

**(Regan/Shapiro)**

### **129/20 Resolved:**

THAT Council undertake a hydrogeological and geotechnical study for the entire Rose Bay basin area from the Bellevue Hill ridgeline, similar to the study recently undertaken for the Double Bay region to:

- a) assess the potential cumulative impact of future development on long term groundwater change;
- b) assess the impact of short term construction dewatering on surrounding buildings; and
- c) inform Council of any amendments required to existing planning controls.

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

#### ***For the Motion***

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

#### ***Against the Motion***

Nil

***14/0***

**Item No:** 16.2  
**Subject:** Notice of Motion - Pedestrianisation and Traffic Calming Measures for Rose Bay  
**From:** Councillors Lucinda Regan and Mary-Lou Jarvis  
**Date:** 15/09/2020  
**File No:** 20/169096

**(Regan/Jarvis)**

**130/20 Resolved without debate:**

THAT Council:

- A. notes the desire of the Rose Bay community to improve local streets, paths and public spaces to improve public space and amenity;
- B. requests staff to investigate and report on:
  - i) opportunities to promote the better pedestrianisation of the Rose Bay area; and
  - ii) traffic movement and traffic density in the area and measures that may be implemented to better manage this increasing traffic and introduce traffic calming measures including widening of footpaths to assist in more pedestrian amenity as density in the area is increased via development, focusing on the shopping centre and those roads where traffic is increasing at the expense of public amenity, in particular the heavily utilised roads of Dover Road and Newcastle Street, and
  - iii) the possibility of introducing lower speed limits in residential roads and laneways.
- C. undertakes repair of existing footpaths damaged by tree roots, NBN and electricity services installations and upgrades especially along Dover Rodd and Newcastle Street (and investigate compensatory payments from these utilities for such works); and
- D. ensure adequate traffic management plans are put in place where a number of approvals are being sought for development in confined areas.

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

***For the Motion***

***Against the Motion***

Councillor Cavanagh  
Councillor Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Marano  
Councillor Maxwell  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Wynne  
Councillor Zeltzer  
**14/0**

Nil

**Item No:** 16.3  
**Subject:** NOTICE OF MOTION - ROYAL HOSPITAL FOR WOMEN PARK  
**From:** Councillor Harriet Price  
**Date:** 23/09/2020  
**File No:** 20/175543

(Price/Cavanagh)

**131/20 Resolved:**

- A. THAT Council Notes the:
- i. Plan of Management for the Royal Hospital for Women Park dated 14 March 2005 (the POM)<sup>1</sup>;
  - ii. POM will be monitored annually and reviewed every five years<sup>2</sup>;
  - iii. POM provides an 'Action Plan' for the ongoing maintenance and improvements to the Park, including but not limited to, a strategy to 'Ensure lightning is adequate to meet the needs of the park users and adjoining residents'<sup>3</sup>; and
  - iv. COVID19 environment and the need to explore extra opportunities to enjoy our outdoor spaces.
- B. Resolves THAT:
- i. The Director of Technical Services confirm when the POM was last reviewed;
  - ii. The Director of Technical Services confirm when the POM will next be reviewed;
  - iii. Open Space and Trees staff undertake a discrete review of the POM's Action Plan concerning the adequacy of the Park's lighting as a matter of priority (including community consultation);
  - iv. Funding for both the discrete review and any recommended works are provided for in the 2021/22 Budget; and
  - v. Any opportunities for grant funding also be explored.

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

***For the Motion***

***Against the Motion***

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

Councillor Robertson

***13/1***

<sup>1</sup> Royal Hospital for Women Park Plan of Management dated 14 March 2005 at p.37

<sup>2</sup> Ibid at p.37

<sup>3</sup> Ibid at p.31

## Questions With Notice

(Cavanagh/Maxwell)

### 132/20 Resolved:

THAT the Questions with Notice be received and noted.

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**QWN:** 17.1  
**From:** Councillor Regan  
**Subject:** Questions with Notice - Low Rise Housing Diversity Code

#### Councillor Regan asking:

Could the Director of Planning please update Council as to issues surrounding the new Low Rise Housing Diversity Code that have been raised by the Vaucluse West Residents Association?

To date, Council Planning staff have confirmed that it would appear that the inclusion of controls for the conversion of an existing dwelling to a dual occupancy in the new Low Rise Housing Diversity Code are new controls.

These include three new sub-clauses:

- clause 3B.1(1)(b) – Development that can be complying development under this code (relating to permissibility)
- clause 3B.7(a1) – Application of Division (relating to development standards for dual occupancies where no part of a dwelling is located above any part of another dwelling)
- clause 3B.20(a1) – Application of Division (relating to development standards for manor houses, dual occupancies (attached) where part of a dwelling is located above part of another dwelling)

A comparison of previous versions of the *Low Rise Medium Density Housing Code*, and the two Low Rise Medium Density Housing Guides for complying development and development applications with their current Low Rise Housing Diversity counterparts confirms that the provisions are new.

The Department of Planning Infrastructure and the Environment's ("**Department**") webpage about [Housekeeping amendment to the Codes SEPP](#), which appears to be both a summary and quasi-"statement of intended effects" does not reference the change.

Council planning staff were to contact the Department to ask it to provide Council with additional information, particularly:

- 1 Confirmation (or otherwise) that this is a new inclusion that was not previously referenced?
- 2 An explanation of why it was included with the 1 July amendments.
- 3 A description of the intended effect of the inclusions.
- 4 Whether the Department considered the traffic, other infrastructure and amenity impacts of the inclusion of the new controls?

The Department advised Council that it was liaising with the Planning Policy team for feedback on this enquiry and will prioritise a response for Council in July 2020. To date no response has been provided to the Vacluse West Residents Association.

**Senior Strategic Planner in response:**

Council staff received advice about this matter from the Department of Planning, Industry & Environment (the Department) on the 24 July 2020.

**Responses to your questions are provided below.**

**1. Confirmation (or otherwise) that this is a new inclusion that was not previously referenced?**

The Department confirmed that the conversion of an existing dwelling to a dual occupancy is a new inclusion to the Code.

**2. An explanation of why it was included with the 1 July amendments.**

The 1 July 2020 [housekeeping amendment](#) to the Code corrected a drafting error and clarified the intent of the Code. Although the conversion of an existing dwelling to a dual occupancy is a new provision, it was always the intent that the Code permit this type of development, even though it was not expressly stated.

**3. A description of the intended effect of the inclusions.**

The inclusions will permit the conversion of an existing dwelling to a dual occupancy as complying development under the Code. The conversions will be subject to the same development controls and requirements as other types of dual occupancy development permitted by the Code.

**4. Whether the Department considered the traffic, other infrastructure and amenity impacts of the inclusion of the new controls?**

The Department provided the following statement in response to this question:

*“Dual occupancies are only allowed where council zoning already permits this form of housing. Given this, Council would have considered traffic generation and impacts on other infrastructure during the strategic planning process.*

*In terms of other amenity concerns, the Design Guide for Complying Development aims to improve design by addressing key considerations, including landscaping, carparking, private open space, light, natural ventilation and privacy. The Code also includes a requirement for a Design Verification Statement to be prepared by a qualified designer, to ensure good design outcomes are achieved.”*

**QWN:** 17.2  
**From:** Councillor Robertson  
**Subject:** Questions with Notice - Paddington Placemaking - Digital Wayfinding App

**Councillor Robertson asking:**

Will staff please update us on the status of the Digital Wayfinding App for Paddington?

Development of this app has been prioritised by Council and it is envisaged that it will capture and maintain current information about the many places of interest across Paddington - from our vibrantly diverse local retailers, pubs and restaurants, the 'gallery precinct' near Trumper Park, to places of historical interest; enabling visitors to the area to make the most of discovering Paddington as a place. My understanding is that this App is to supersede the equivalent hardcopy maps and that this is preferable from a digital marketing as well as a sustainability perspective.

I recall in 2019 Council engaged a consultant to develop the app, and as an enthusiastic supporter of this initiative I provided my input. Since this time I don't recall the app going live, nor any reporting back to Council on the uptake of the app and whether it is fulfilling what Council has prioritised and envisages. I note that our Oxford St and Paddington working party has not met in recent months due to it being under review, yet in the most recent funding grant the Paddington Business Partnership has been funded to again produce the hardcopy map.

In this context I am keen to understand how the Digital Wayfinding App will be delivered and promoted as a key placemaking tool.

**Acting Manager Placemaking in response:**

**Background**

In 2015, the GANDA apps was commissioned, designed and coordinated by a wayfinding company. Further to the app development, GANDA Double Bay was launched in June 2019 as a free wayfinding app to help locals and visitors find their way across Double Bay. The second app, GANDA Paddington was launched in August 2019. Both apps are compatible with iOS and Android operating systems.

The apps contain information on businesses, locations of interest, services and events in their respective areas. Access to the app information is provided by a two-level structure of categorised, colour coded menus.

Council staff, including Council's Business Analyst & Projects Coordinator have reviewed the app, and our findings are below.

**GANDA apps usage**

The new members of the Placemaking team met with the developer on 3<sup>rd</sup> August 2020 to review the current usage and future direction of the app. At this meeting, the Placemaking team requested data on the current usage of the app. This information was received by the team on 12 August 2020, and this been analysed by Council's Business Analyst & Projects Coordinator:

App	iOS installs	iOS deletions	Android installs	Android deletions	Current installs
Double Bay	128	44	26	22	88
Paddington	27	2	7	3	29

It is noted that this information does not discriminate between Council/developer staff or external users. Council staff are disappointed with the low levels of installs and usage of the app.

### Financial information

We have been advised that the total payments from Woollahra Council to the app developer for the initiation and ongoing maintenance of both apps since 2016 is \$98,650.20.

### Functionality

Data quality is critical to the success of the app, as it powers its core purpose. To draw people away from Google or Apple maps and into a Council-specific app, the information provided must be equal to or better than the information available through these free and ubiquitous services that can be accessed without installing a dedicated app.

The information in the apps is maintained manually by Council staff, and it quickly becomes out of date. Navigating through the categories, many issues with the quality of the data were noted. From a random sampling of items, some examples of issues with the dataset are:

- **Pelicano:** listed in the application yet permanently closed in late 2019
- **Krema and Crust:** website link loaded the SEBC website.
- **Rusty and co:** website link loaded the app developers website.
- **White rabbit Sydney:** website link provided page not found error.
- **TAB:** listed as its own subcategory.
- **Woollahra Council Chambers:** displays twice in search results
- **Murray Rose Pool Murals:** Displays twice under the erroneous 'Recreation' category.
- **Wilson's (sic) parking:** Location displays twice with different names.
- **Central Station Toilets:** location outside Double Bay (City of Sydney)
- **Tilik Nagar Metro:** Location from outside Double Bay (Delhi, India). Displays in the Parking list with a category of 'Test'.

The directions functionality provided no issues after enabling location services. However, the ability to change the starting point to a different location is a sorely missing feature.

The call button was displayed in error on several items including parks, beaches, places of interest, street artworks etc. This button should be removed wherever a phone number is not available.

### Types of wayfinding strategies

To inform our review of the GANDA apps, Council staff reviewed a 2019 Queensland University study which compared different types of wayfinding tools. Relevant to this project are the following findings:

- Contrary to expectations, GPS navigation is not necessarily going to make navigation a more positive process.
- Paper maps have advantages that GPS navigation does not yet provide.

- A paper map helps participants identify and choose street segments that offer more than just a shortest-path to their destination. This included key land uses such as retail, cafes and open space.
- We should continue to invest in wayfinding signage systems and other visual treatments in cities, and avoid the impulse to rely only on digital GPS navigation.

### Summary

Council staff are concerned with the apps high financial costs, poor functionality, low usage and the in-consistency with the outcomes of the Queensland study.

We do not consider that the GANDA app is an effective placemaking tool, and we should investigate alternative opportunities to facilitate wayfinding.

Council staff will table a report on the app and other potential wayfinding projects, to a meeting of Council.

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**QWN:** 17.3  
**From:** Councillor Price  
**Subject:** Questions with Notice - Current Leasing Arrangements Woollahra Golf Club Pty Ltd

### Councillor Price asking:

Can the Director of Technical Services please confirm Council's current leasing arrangements with the Woollahra Golf Club Pty Ltd (including whether a license is current or if it expired in September 2015)?

### Manager Property & Projects in response:

The Woollahra Golf Club Licence is current and was commenced on 1 October 2015, following the expiration of the previous agreement. The new 21 Year term licence expires on 30/09/2036.

The above agreement was subsequent to the Council resolution of 27 July 2015 as follows:

*THAT Council resolve to enter into a licence agreement with Woollahra Golf Club Ltd for part of Woollahra Park for a licenced area of 15.25 hectares known as Woollahra Golf Course, O'Sullivan Road, Rose Bay, subject to the following terms and conditions:*

- A Licence term of twenty one (21) years.*
  - Licence fee of \$39,500 per annum (exclusive GST) plus outgoings and Function Fee of \$2,000 per annum (exclusive of GST).*
  - Market rent review at the 7th and 14th anniversary of the Licence commencement date assessed by independent Valuer, with CPI reviews during the intervening years.*
-

**QWN:** 17.4  
**From:** Councillor Price  
**Subject:** Questions with Notice - 28-34 Cross Street, Double Bay

**Councillor Price asking:**

Can the Director of Planning & Development please confirm Council's total legal costs (including any adverse costs orders) of the recent s56A Appeal concerning 28-34 Cross Street, Double Bay?

**Director Planning & Development in response:**

Council's lawyer, Dr Lindsay Taylor has provided the following advice in relation to the costs of the 28-34 Cross Street appeal.

Lindsay Taylor Lawyers Professional fees	\$25,766.70
Jason Lazarus SC	\$40,920.00
Filing fee	\$4,544.00
Misc. (copying, courier, transcript couriers)	\$4,219.43
Total	\$75,450.13

Dr Taylor has also advised that we do not know what costs arise from the adverse costs order as no claim has yet been received.

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**QWN:** 17.5  
**From:** Councillor Regan  
**Subject:** Questions with Notice - Woollahra Local Housing Strategy

**Councillor Regan asking:**

Could the Director please update Council as to the status of the Woollahra Local Housing Strategy and comment on whether that strategy will cover issues raised in various notices of motion (reflecting the expectations of the community) including, amongst others:

1. special character areas
2. minimum lot sizes for dual occupancy (attached) dwellings in R2 zones;
3. FSR requirements;
4. affordable housing; and
5. heritage?

**Director Planning & Development in response:**

SGS Economics have prepared a draft report which will inform the preparation of Council's Local Housing Strategy. The SGS report provides a residential market analysis about the following issues:

The demand for additional dwellings in the LGA in terms of quantum and type  
The development potential for new housing under current planning controls  
The volume, type and locational distribution of dwelling supply in the LGA for the next 20 years.  
Changes which may be required to Council's planning controls to meet the demand for new housing.

Planning staff are in the process of finalising the draft report in consultation with SGS. The final SGS report will be provided to Council in October and will be the subject of a Councillor briefing shortly thereafter.

The SGS report, among other things, concludes that there is an apparent shortfall in capacity in Council's planning controls for new apartments, but not for other dwelling types.

### ***Special character areas***

The Local Housing Strategy will address special character areas.

### ***Minimum lot sizes for dual occupancy (attached) dwellings in R2 zones***

In a meeting with senior staff of the Department of Planning Industry and Environment (DPIE) on 18 September Council planning staff sought clarification from the DPIE on what is required to get a gateway determination to enable Council's planning proposal to introduce a minimum lot size of 800m<sup>2</sup> for dual occupancy development to proceed to public exhibition. The DPIE made it clear to staff that it would not issue a gateway determination for this planning proposal unless a clear evidence based case for this control is demonstrated. Ideally this should be set out in Council's housing strategy.

If this issue is not resolved beforehand Council's Local Housing Strategy will address this issue.

### **FSR Requirements**

The evidence case for Council's transition to a FSR control of 0.5:1 for low density residential development has been developed as part of our urban greening and tree canopy project. At the meeting with the DPIE on 18 September Council staff explained how the FSR project has been integrated with the urban greening project and that this methodology provided a sound basis, consistent with State policies, for a FSR of 0.5:1. The DPIE indicated that it was open to this approach but the final decision will depend on the strength of Council's submission.

This project does not directly affect the demand or supply for new low density housing. Therefore, the resolution of this issue will not depend on Council's Local Housing Strategy.

### ***Affordable Housing***

The Local Housing Strategy will address opportunities and strategies for the provision of affordable housing.

### ***Heritage***

The SGS report, in determining the demand and opportunities for new housing, has considered how Council's extensive conservation areas and controls impact on the supply of new housing. It identifies that heritage and local character remain as constraints which prevent significant development even where there are nominally available sites that would otherwise be feasible for development. The report highlights the importance of structure and master planning in and around centres.

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**QWN:** 17.6  
**From:** Councillor Regan  
**Subject:** Questions with Notice - Housing targets

**Councillor Regan asking:**

Could the Director also please advise:

1. whether the targets (if any) for increased housing in the municipality as advised by the Greater Sydney Commission are a legal requirement and what the ramifications are for Council for not establishing and implementing those housing targets; and
2. what the current targets are and how this is interrelated with the above Housing Strategy?

**Director Planning & Development in response:**

Housing targets for the Eastern City Region were set out in the Eastern City District Plan, published in March 2018. The District Plan sets a 0-5 year (2016 – 2021) total housing target of 46,550 for the eastern district. The majority of new housing was to be accommodated in Bayside, Inner West, and the City of Sydney LGAs. Woollahra had the lowest target of 300 dwellings. Over the past 5 years the target of 300 additional dwellings has been achieved.

Woollahra's current housing targets are set out in a letter of 12 March 2020 from the Greater Sydney Commission (GSC). It is the letter which advises Council that our Local Strategic Planning Statement (LSPS) is consistent with the Greater Sydney Region Plan and the Eastern City District Plan.

The letter advises that the GSC's support for Council's LSPS is based, in part, on Council's intent to deliver the Eastern City District Plan and in this context it is the GSC's expectation that Council undertake a program of work to implement our LSPS. Attachment A to the letter included **advisory notes** to assist Council.

Council's housing target is addressed in part 4 of Attachment A and is linked to Planning Priority E5 Action 16(b) which requires Local Housing Strategies to address the delivery of 6-10 year (when agreed) housing supply targets for each local government area. Council's 6-10 year housing target is to inform the development of updated LEPs and housing strategies.

Attachment A advisory note states:

***"In this context, Council is to show how they can meet an indicative draft range for 6-10 year housing targets for 2021/22 to 2025/26 of 500-600 dwellings as part of its Local Housing Strategy."***

Woollahra's housing target, as expressed in the GSC's assurance letter, is significantly greater than the target published in the 2018 District Plan. It has increased from 300 to between 500 and 600 for the next 5 year period, i.e. from 60 to around 110 additional dwellings per year.

The target set out in the assurance letter is not a legal requirement. However it is a legal requirement that Council's Local Housing Strategy be consistent with the District Plan and that Council will carefully consider an appropriate distribution and types of new housing in accordance with the expectations of the community. Section 3.8 of the *Environmental Planning and Assessment Act 1979* provides:

### 3.8 Implementation of strategic plans

(cf previous s 75AI)

- (1) In preparing a draft district strategic plan, the relevant strategic planning authority is to give effect to any regional strategic plan applying to the region in respect of which the district is part.
- (2) In preparing a planning proposal under section 3.33, the planning proposal authority is to give effect—
  - (a) to any district strategic plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or
  - (b) if there is no district strategic plan applying to the local government area—to any regional strategic plan applying to the region in respect of which the local government area is part.
- (3) As soon as practicable after a district strategic plan is made, the council for each local government area in the district to which the plan applies must review the local environmental plans for the area and prepare such planning proposals under section 3.33 as are necessary to give effect to the district strategic plan.
- (4) In addition to the requirement under subsection (3), the council for each local government area in the Greater Sydney Region must, on the making of a district strategic plan that applies to that area, report to the Greater Sydney Commission—
  - (a) on the review by the council of the local environmental plans for the area, and
  - (b) on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan.

To summarise, the current housing target figure of 500-600 additional dwellings is not a legally binding target. However, it is a legal requirement that:

1. Council review its LEP in the context of the District Plan
2. the LEP review be informed by the Council's Local Housing Strategy, a requirement under Planning Priority E5 of the District Plan
3. Planning Proposals must give effect to the District Plan.

It will also be a requirement that Housing Strategies be reviewed and endorsed by the Minister to ensure consistency with the District Plan.

Council therefore has an obligation to consider an appropriate target and mix of additional dwellings for the Woollahra LGA and to demonstrate that its housing strategy will be consistent with the District Plan. Decisions about the amount, type and distribution of new housing in the Woollahra LGA will need to be informed by the Local Housing Strategy. In the event that Council decides that it will not contribute to the provision of new housing in a manner which the Minister considers is consistent with the District Plan he has made it clear in a message issued on 23 September 2020, that:

*".... if councils don't want to lead planning for growth at the local level, it will simply mean the Government will need to take more direct action"*

In the same message the Minister encourages councils to continue the good work on new strategic plans for councils across Greater Sydney and NSW.

There being no further business the meeting concluded at 8.50pm.

**We certify that the pages numbered 553 to 600 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 29 September 2020 and confirmed by the Ordinary Meeting of Council on 26 October 2020 as correct.**

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**General Manager**

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**Mayor**