



Ordinary Council



Minutes

Monday 13 May 2019

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.

Finance, Community & Services Committee held on Monday 06 May 2019

- D1 Confirmation of Minutes of Meeting held on 15 April 2019
- D2 Cultural Committee Minutes Report
- D3 Capital Works Program - Quarterly Progress Report March 2019

Environmental Planning Committee held on Monday 06 May 2019

- D1 Confirmation of Minutes of Meeting held on 15 April 2019



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
13 May 2019 at 8.00pm.**

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

Councillors: Mary-Lou Jarvis (Deputy Mayor)

Claudia Cullen
Luise Elsing
Anthony Marano
Nick Maxwell
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Richard Shields
Mark Silcocks
Susan Wynne
Toni Zeltzer

Staff:	Allan Coker	(Director – Planning & Development)
	Lynn Garlick	(Director – Community Services)
	Gary James	(General Manager)
	Don Johnston	(Director – Corporate Services)
	Tom O’Hanlon	(Director – Technical Services)
	Helen Tola	(Manager – Governance & Council Support)

Also in Attendance: Nil

Confirmation of Minutes

(Wynne/Jarvis)

68/19 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 29 April 2019 be taken as read and confirmed.

Leave of Absence and Apologies

Nil

Declarations of Interest

Nil

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item R1 (Environmental Planning Committee).

Petitions Tabled

Nil

Suspension of Standing Orders

Nil

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 6 May 2019 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	DRAFT NIGHT-TIME ECONOMY AND FOOTWAY DINING POLICIES
Authors:	Allan Coker, Director - Planning & Development Jacquelyne Della Bosca, Executive Planner Zubin Marolia, Manager - Property & Projects
Approvers:	Allan Coker, Director - Planning & Development Tom O'Hanlon, Director - Technical Services
File No:	19/53973
Reason for Report:	To resubmit the report on the Night Time Economy so that it can be considered in conjunction with the Draft Footway Dining Policy and the Draft Footway Dining Guidelines.
Note:	Late correspondence was tabled Councillor Toni Zeltzer (2 pieces), Council's Manager Property & Projects, Zubin Marolia and Jamie Malouf.

(Wynne/Zeltzer)

69/19 Resolved:

- A. THAT Council notes the report to the Environmental Planning Committee meeting of 6 May 2019 on the Draft Night-time Economy Policy, the Draft Footway Dining Policy and the Draft Footway Dining Guidelines.
- B. THAT Council resolve to prepare amendments to the Woollahra DCP 2015 as set out in Annexures 4, 5 and 6 to this report.
- C. THAT Council resolve to concurrently exhibit the following documents regarding the night-time economy and the approval and operation of footway dining:
 - i. Draft Night-time Economy Policy at **Annexure 1**
 - ii. The Draft Footway Dining Guidelines as set out in **Annexure 2** subject to the addition of the following options being publicly exhibited:
 - Option 1 *'Where a Business Operator has an appropriate liquor licence the service of alcohol is permitted on the footway without the service of a meal up to 10pm.'* These words should appear after the words *'The primary purpose of the outdoor dining area is for Restaurant purposes'* on page 3 of the Guidelines.
 - Option 2 *'Where a Business Operator has an appropriate liquor licence the service of alcohol is permitted on the footway without the service of a meal at any time during the trading hours of the Footway Dining Approval.'* These words should appear after the words *'The primary purpose of the outdoor dining area is for Restaurant purposes'* on page 3 of the Guidelines.

- iii. The Draft Footway Dining Policy as set out in **Annexure 3** subject to the addition of the following:

Option 1 *‘Where a Business Operator has an appropriate liquor licence the service of alcohol is permitted on the footway without the service of a meal up to 10pm.’* These words should be placed under the heading ‘Objectives’ on page 3 of the Policy and included in the Policy Statement on page 2.

Option 2 *‘Where a Business Operator has an appropriate liquor licence the service of alcohol is permitted on the footway without the service of a meal at any time during the trading hours of the Footway Dining Approval’* These words should appear after the words *‘The primary purpose of the outdoor dining area is for Restaurant purposes’* on page 3 of the Guidelines.

- iv. proposed amendments to Woollahra DCP 2015 as set out in **Annexures 4, 5 and 6**, consistent with the requirements in the *Environmental Planning and Assessment Act 1979*.

- v. proposed additions to the DA Guide as set out in **Annexures 7 and 8**.

D. THAT Council improves the connection with the Local Area Command and key stakeholders so that issues of anti-social behaviour and drug use can be better addressed. This connection and communication is to be facilitated by holding a round table meeting at Council of all stakeholders including publicans, police representatives, key staff and resident representatives, and ward Councillors at least twice a year or more frequently at the Mayor’s discretion. The meetings are for the purpose of reviewing incidents of anti-social behaviour and other matters related to licenced premises and devising ways of making our commercial hubs safe, liveable and hospitable environments at night.

E. THAT heading 7 Footway Dining Approvals – Development Approval on page 7 of the draft Footway Dining Policy as set out in Annexure 3 be amended to read *“A development approval is required for all pubs and small bars”* instead of *“A development approval is required for all pubs, small bars and restaurants with a liquor licence”*.

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

For the Motion

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

15/0

Against the Motion

Nil

Item No: R2 Recommendation to Council
Subject: **PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 AND WOOLLAHRA DCP 2015 TO INCORPORATE CONTROLS FOR LOW RISE MEDIUM DENSITY HOUSING TYPES**
Authors: Jorge Alvarez, Senior Strategic Planner
Anne White, Team Leader - Strategic Planning
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/62511
Reason for Report: To report the advice made to Council by the Woollahra Local Planning Panel.
To obtain Council's approval to proceed with the planning proposal to amend Woollahra Local Environmental Plan 2014 by inserting controls for low rise medium density housing.
To obtain Council's approval to proceed with a draft development control plan to amend Woollahra Development Control Plan 2015 by inserting controls for low rise medium density housing.

(Wynne/Robertson)

70/19 Resolved without debate:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 18 April 2019.
- B. THAT Council note that the planning proposal attached at **Annexure 1** has been amended in accordance with advice provided by the Woollahra Local Planning Panel on 18 April 2019, by including, in section 5.1, a reference to the study undertaken to establish the minimum lot sizes for land uses in the new standard instrument LEP for Woollahra (Woollahra LEP 2014).
- C. THAT the altered planning proposal described above be forwarded to the Department of Planning and Environment (as the delegate for the Minister for Planning), requesting a gateway determination to allow public exhibition.
- D. THAT Council request the Minister for Planning authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan, under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- E. THAT Council publically exhibit the draft development control plan to amend various sections of the *Woollahra Development Control Plan 2015*, to insert references to manor houses and multi dwelling housing (terraces), as described in **Annexure 2** of the report to the Woollahra Local Planning Panel on 18 April 2019.

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 Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No: R3 Recommendation to Council
Subject: **STRATEGIC PLANNING DEPARTMENT PROJECTS AND STAFF RESOURCING**
Author: Chris Bluett, Manager - Strategic Planning
Approver: Allan Coker, Director - Planning & Development
File No: 19/63356
Reason for Report: To respond to a decision of the Council made on 8 April 2019.

(Wynne/Robertson)

71/19 Resolved without debate:

THAT consideration of this report be deferred until the next meeting of the Environmental Planning Committee.

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 6 May 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **2018/19 BUDGET REVIEW FOR THE QUARTER ENDED 31 MARCH 2019**
Author: Justin Hurst, Senior Corporate Accountant
Approver: Don Johnston, Director Corporate Services
File No: 19/54029
Reason for Report: To report on the review of the 2018/19 Budget for the quarter ended 31 March 2019

(Marano/Price)

72/19 Resolved without debate:

- A. THAT the report on the Budget Review for the quarter ended 31 March 2019 be received and noted.
 - B. THAT Council note the statement from the Responsible Accounting Officer, Council's Chief Financial Officer, that the projected financial position at 30 June 2019, based on the forecasts outlined in this report will remain satisfactory.
 - C. THAT the recommended variations to the 2018/19 budget outlined in the report be adopted.
-

Item No: R2 Recommendation to Council
Subject: **CULTURAL DAY 2019 / 2020**
Author: Jacky Hony, Team Leader - Community Development Officer
Approvers: Sharon Campisi, Manager - Community Development
Lynn Garlick, Director - Community Services
File No: 19/59543
Reason for Report: To report on the recommendations of the Cultural Day Steering Committee

(Marano/Price)

73/19 Resolved without debate:

- A. THAT a celebration of German culture for Financial Year 2019 / 2020 be held on Saturday 23 May 2020 from 12.00pm to 4.00pm at Council Chambers.
 - B. THAT Council note the minutes of the Cultural Day Steering Committee meeting of Monday 25 March 2019.
-

Item No: R3 Recommendation to Council
Subject: SALE OF ROAD RESERVE - 19 PADDINGTON STREET,
PADDINGTON (SC4349)
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 19/52707
Reason for Report: To consider the sale of road reserve adjoining 19 Paddington Street,
Paddington

(Robertson/McEwin)

74/19 Resolved:

- A. THAT Council approve the sale of the road reserve portion adjoining 19 Paddington Street, Paddington, subject to:
- i. A purchase price of \$6,000 per square metre (plus GST) for the estimated 18 sqm road reserve portion, subject to final survey.
 - ii. A 10% non-refundable deposit of \$10,800 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.
 - iv. The owner of 19 Paddington Street, Paddington is to pay all associated costs, including but not limited to GST, legal, valuation and survey fees.
 - v. The owner of 19 Paddington Street, Paddington is to demolish the existing masonry wall and replace it with a Palisade fence with masonry piers to a maximum height of 1.2m (as a condition of sale).
 - vi. A Murraya hedge to be planted for the purpose of providing screening (as a condition of sale).
 - vii. The layover and driveway be removed (as a condition of sale).
 - viii. That landscaping treatment be approved by Heritage staff (as a condition of sale).
- B. 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.
-

Item No: R4 Recommendation to Council
Subject: ANNUAL MAYOR AND COUNCILLOR FEES
Author: Helen Tola, Manager - Governance & Council Support
Approver: Don Johnston, Director Corporate Services
File No: 19/59558
Reason for Report: The Local Government Act 1993 requires that each Council determine the annual fee payable to the Mayor and Councillors.

(Marano/Price)

75/19 Resolved without debate:

- A. THAT in accordance with Section 248 of the Local Government Act 1993, Council fix the annual fee for Councillors at an amount of \$20,280 per Councillor for the period 1 July 2019 to 30 June 2020.
- B. THAT in accordance with Section 249 of the Local Government Act 1993, Council fix the annual fee for the Mayor at an amount of \$44,230 for the period 1 July 2019 to 30 June 2020.

Questions for Next Meeting

Item No: 12.1
Subject: QUESTIONS FOR NEXT MEETING
Author: Sue O'Connor, Governance Officer
Approver: Helen Tola, Manager - Governance & Council Support
File No: 19/69784
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 29 April 2019 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.

Question No: 12.2 11 Attunga Street, Woollahra

Councillor McEwin asking:

In relation to the DA for 11 Attunga Street, Woollahra the private certifier has issued two directions (reference 339/2018 and 88/2019). In the first case Council determined not to give an order in accordance with the Direction. In what cases will the council make an order to ensure compliance with the Direction? Why? What policy or procedure does Council have in place to guide our practices in these cases?

There being no further business the meeting concluded at 9.01pm.

We certify that the pages numbered 249 to 261 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 13 May 2019 and confirmed by the Ordinary Meeting of Council on 27 May 2019 as correct.

General Manager

Mayor