



Ordinary Council



Minutes

Monday 22 March 2021

Ordinary Council Meeting

Monday 22 March 2021

Table of Contents

| | Page |
|--|------|
| Items Determined Under Delegated Authority by Council Committees..... | 93 |
| Ordinary Council Meeting..... | 94 |
| Confirmation of Minutes | 95 |
| Leave of Absence and Apologies | 95 |
| Declarations of Interest..... | 95 |
| Late Correspondence | 96 |
| Petitions Tabled | 96 |
| Public Forum | 96 |
| General Manager and Officer's Report | 97 |
| 12.1 Woollahra Community Engagement Policy | 97 |
| 12.2 Loan Refinancing Opportunities..... | 98 |
| 12.3 Woollahra Council Organisation Structure Review | 99 |
| 12.4 General Managers Performance Agreement 2020-2021..... | 100 |
| Environmental Planning Committee..... 8 March 2021 | 101 |
| R1 Wayfinding | 101 |
| R2 Draft DCP Controls for Inter-War Flat Buildings in the Woollahra Local Government Area and Timber Buildings in Paddington and Watsons Bay | 102 |
| R3 Post-Exhibition Planning Proposal - Heritage listing of Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra. | 103 |
| R4 Post-Exhibition Report - Draft Woollahra Development Control Plan 2015 (Amendment No. 15) for Air-Conditioning and Other Mechanical Plant Equipment | 104 |
| Finance, Community & Services Committee | 105 |
| R1 Contract Extension for the Collection, Material Recovery Facility (MRF) and Sale of Recyclables | 105 |
| R2 Ausgrid Easements - Alexandria Integrated Facility & Community Association DP270785 (SC99-2)..... | 106 |
| R3 Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application | 107 |
| R4 Footway Dining Fees and Charges and Streamlining of Process for Applications | 110 |
| R5 Delivery Program 2018 - 2022 and Operational Plan 2020/21 Six Monthly Progress Report - December 2020 | 111 |

| | |
|---|-----|
| Councillor Reports/Councillor Updates | 113 |
| 15.1 Floods in NSW | 113 |
| 15.4 Citizenship | 114 |
| 15.3 International Womens Day | 114 |
| Notices of Motion | 115 |
| 16.1 Notice of Motion - Waste Services | 115 |
| 16.2 Notice of Motion - Women's March 4 Justice..... | 116 |
| 16.3 Notice of Motion - German Cultural Day | 117 |
| Questions With Notice..... | 118 |
| 17.1 Questions with Notice - Legal Services Review Panel..... | 118 |
| 17.2 Questions with Notice - Urban Forest Strategy | 119 |
| 17.3 Questions with Notice - NSW Road Rules - Shared Zone | 120 |
| 17.4 Questions with Notice - Gurner Lane Paddington | 121 |
| 17.5 Questions with Notice - Paddington Bowling Club..... | 122 |
| 17.6 Questions with Notice - Double Bay Hydrological Study | 123 |

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 08 March 2021

- D1 Confirmation of Minutes of Meeting held on 1 February 2021
- D2 Ecological Sustainability Taskforce Minutes - 16 November 2020 & 15 February 2021
- D3 Delivery Program 2018 to 2022 & Operational Plan 2020/21 (DPOP) Quarterly Progress Report December 2020
- D4 Small Business Working Party Minutes - 5 February 2021
- D5 Oxford Street & Paddington Working Party Minutes - 18 February 2021
- D6 Double Bay Working Party Minutes - 23 February 2021

Finance, Community & Services Committee held on Monday 08 March 2021

- D1 Confirmation of Minutes of Meeting held on 8 February 2021
- D2 Woollahra Local Traffic Committee Minutes - 2 February 2021
- D3 Draft 2021/22 Rating Structure
- D4 Monthly Financial Report - February 2021



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
22 March 2021 at 6.06pm.**

| | | |
|--------------|---|--|
| Present: | Her Worship the Mayor, Councillor Susan Wynne, ex-officio | |
| Councillors: | Richard Shields | (Deputy Mayor) |
| | Peter Cavanagh | |
| | Claudia Cullen | |
| | Luise Elsing | |
| | Mary-Lou Jarvis | (Opening to Item 16.2 (in part)) |
| | Anthony Marano | |
| | Nick Maxwell | |
| | Megan McEwin | |
| | Harriet Price | |
| | Lucinda Regan | |
| | Isabelle Shapiro | |
| | Mark Silcocks | |
| | Toni Zeltzer | |
| Staff: | Nick Economou | (Acting Director – Planning & Development) |
| | Sue Meekin | (Acting Director – Corporate Services) |
| | Vicki Munro | (Acting Director – Community Services) |
| | Tom O’Hanlon | (Director – Technical Services) |
| | Craig Swift-McNair | (General Manager) |
| | Helen Tola | (Manager – Governance & Council Support) |

-
- Note:** The Mayor, Councillor Wynne welcomed the Councillors, General Manager, Directors and staff to the first face-to-face meeting of Council since the commencement of COVID-19. The Mayor, Councillor Wynne noted it has been 12 months since COVID-19 pandemic commenced and that staff assisted her during the meetings and thanked all staff for their commitment and hard work through COVID-19.
- Note:** The Mayor, Councillor Wynne welcomed Craig Swift-McNair, General Manager to his first face-to-face meeting and wished both Craig and Councillor Marano a very happy birthday for Saturday.
- Note:** Members of the public were able to watch this meeting via live streaming on Council’s website.
- Note:** Item 12.3 (Woollahra Council Organisation Structure Review) & Item 12.4 (General Managers Performance Agreement 2020-2021) were considered as the last items on the Agenda.

Confirmation of Minutes

(Zeltzer/Shapiro)

23/21 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 22 February 2021 be taken as read and confirmed subject to the declarations of interest in relation to EPC Item R3 (Request for a planning proposal for 203-233 New South Head Road, Edgecliff) for Councillor Zeltzer and Councillor Jarvis being amended to read 'Non-Significant, Non-Pecuniary Interest' rather than 'Pecuniary Interest' as currently stated on page 30 and page 48 of the Minutes.

Leave of Absence and Apologies

An apology was received and accepted from Councillor Matthew Robertson and leave of absence granted.

Declarations of Interest

The Mayor, Councillor Wynne, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. The Mayor, Councillor Wynne remained in the meeting participated in debate & voted on the matter.

Councillor Shapiro, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Shapiro remained in the meeting participated in debate & voted on the matter.

Councillor Cavanagh, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Cavanagh remained in the meeting participated in debate & voted on the matter.

Councillor Maxwell, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member. Councillor Maxwell remained in the meeting participated in debate & voted on the matter.

Councillor Shields, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Shields remained in the meeting participated in debate & voted on the matter.

Councillor Marano, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Marano remained in the meeting participated in debate & voted on the matter.

Councillor Jarvis, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Jarvis remained in the meeting participated in debate & voted on the matter.

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Item R2 (Draft DCP Controls for Inter-War Flat Buildings in the Woollahra Local Government Area and Timber Buildings in Paddington and Watsons Bay) & 17.5 QWN (Paddington Bowling Club).

Petitions Tabled

Nil

Public Forum

Nil

General Manager and Officer's Report

Item No: 12.1
Subject: WOOLLAHRA COMMUNITY ENGAGEMENT POLICY
Author: Juliana Yu, Community Engagement Coordinator
Approvers: Justine Henderson, Manager - Communications
Craig Swift-McNair, General Manager
File No: 21/5167
Reason for Report: To table the updated Woollahra Community Engagement Policy.

(Shapiro/Shields)

24/21 Resolved:

- A. THAT Council endorse the Woollahra Community Engagement Policy for the purpose of placing on public exhibition for a period of 28 days commencing on 12 April 2021, being the period post the April school holidays.
- B. THAT Council note that a further report will be tabled at a future meeting of Council detailing submissions received on the Woollahra Community Engagement Policy.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this 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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: 12.2
Subject: **LOAN REFINANCING OPPORTUNITIES**
Author: Sue Meekin, Chief Financial Officer
Approver: Craig Swift-McNair, General Manager
File No: 21/48019
Reason for Report: To seek approval to proceed with refinancing of Council's loan facility which commenced in 2015 and was used to fund the Kiaora Lands redevelopment.

(Cavanagh/Shapiro)

25/21 Resolved:

- A. THAT Council authorise the refinancing of the existing Kiaora Lands Redevelopment loan in the amount of up to \$59.5m including the costs of termination of the current fixed loan.
- B. THAT Council authorise the General Manager to:
- i. continue negotiation and finalise with the banks the refinancing of the existing Kiaora Lands Redevelopment loan
 - ii. accept loan offers in terms most favourable to Council generally in the terms outlined in the report.
- C. THAT the Seal of Council be affixed to any required Bank loan documentation and Council authorise the Mayor and General Manager to execute any documentation relating to the loans.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this 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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: 12.3
Subject: **WOOLLAHRA COUNCIL ORGANISATION STRUCTURE REVIEW**
Author: Craig Swift-McNair, General Manager
File No: 21/50355
Reason for Report: To recommend that Council resolve into closed session to consider a Confidential Report.

(Shapiro/Jarvis)

THAT Council resolve to enter into closed session with the press and public excluded to consider the confidential report on this matter in accordance with the provisions of Section 10A(2)(a) of the Local Government Act 1993.

Adopted

In Closed Session

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

(McEwin/Elsing)

Resolved:

THAT Council move into “Open Session”.

Adopted

In Open Session

(McEwin/Elsing)

26/21 Resolved:

- A. THAT following consideration of the confidential report, the resolution in Closed Session regarding the report “Woollahra Council Organisation Structure Review” be adopted.
- B. THAT the Confidential Report and resolution in Closed Session remain confidential.

Note: *In accordance with Council’s Code of Meeting Practice a Division of votes is recorded on this 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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: 12.4
Subject: **GENERAL MANAGERS PERFORMANCE AGREEMENT 2020-2021**
Author: Craig Swift-McNair, General Manager
File No: 21/50358
Reason for Report: To recommend that Council resolve into closed session to consider a Confidential Report.

(Shapiro/Jarvis)

THAT Council resolve to enter into closed session with the press and public excluded to consider the confidential report on this matter in accordance with the provisions of Section 10A(2)(a) of the Local Government Act 1993.

Adopted

In Closed Session

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

(Regan/Cavanagh)

Resolved:

THAT Council move into “Open Session”.

Adopted

In Open Session

(Regan/Cavanagh)

27/21 Resolved:

- A. THAT following consideration of the confidential report, the resolution in Closed Session regarding the report “General Managers Performance Agreement 2020 2021” be adopted.
- B. THAT the Confidential Report and resolution in Closed Session remain confidential.

Note: *In accordance with Council’s Code of Meeting Practice a Division of votes is recorded on this matter.*

For the Motion

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

14/0

Against the Motion

Nil

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 8 March 2021 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **WAYFINDING**
Author: Kate Burgess, Temp Coordinator Placemaking
Approvers: Anne White, Manager - Strategic Planning
Craig Swift-McNair, General Manager
File No: 20/220875
Reason for Report: To recommend that Council terminates the GANDA app contract.
To identify other opportunities for Wayfinding in the Woollahra LGA.

(Jarvis/Silcocks)

28/21 Resolved:

THAT Council cease supporting the GANDA app wayfinding program and terminate the contract between Woollahra Council and the app developer.

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

14/0

Item No: R2 Recommendation to Council

Subject: **DRAFT DCP CONTROLS FOR INTER-WAR FLAT BUILDINGS IN THE WOOLLAHRA LOCAL GOVERNMENT AREA AND TIMBER BUILDINGS IN PADDINGTON AND WATSONS BAY**

Author: Flavia Scardamaglia, Strategic Heritage Officer

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

File No: 21/25385

Reason for Report: To respond to a Notice of Motion adopted by Council on 11 November 2019 requesting a review of the planning controls for Inter-War Flat Buildings in the Woollahra Development Control Plan 2015.
To obtain Council's approval to exhibit a draft development control plan to amend the Woollahra Development Control Plan 2015.

(Jarvis/Shapiro)

29/21 Resolved without debate:

- A. THAT the report on the review of the controls for Inter-War flat buildings in the Woollahra Local Government area and timber buildings in Paddington and Watsons Bay in the Woollahra Development Control Plan 2015 be received and noted.
- B. THAT Council resolves to exhibit the *Draft Woollahra Development Control Plan 2015 (Amendment No.14)* as contained in **Annexure 1** of the report to the Environmental Planning Committee on 8 March 2021, subject to the changes identified in the late correspondence from the Paddington Society dated 8 March 2021.

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: R3 Recommendation to Council
Subject: **POST-EXHIBITION PLANNING PROPOSAL - HERITAGE LISTING OF TRELAWNEY COURT, INCLUDING INTERIORS, AT 3 TRELAWNEY STREET, WOOLLAHRA.**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 21/34524
Reason for Report: To report on the public exhibition of the planning proposal to list Trelawney Court, including interiors at 3 Trelawney Street, Woollahra as a heritage item in Schedule 5 of the 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/Shapiro)

30/21 Resolved without debate:

- A. THAT Council proceed with the planning proposal at **Annexure 1** of the report to the Environmental Planning Committee meeting of 8 March 2021 and proceed with the preparation of a draft local environmental plan to amend Schedule 5 of Woollahra LEP 2014 to list Trelawney Court including interiors at 3 Trelawney Street, Woollahra, as a local heritage item under Woollahra Local Environmental Plan 2014.
- 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.

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: R4 Recommendation to Council

Subject: **POST-EXHIBITION REPORT - DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 15) FOR AIR-CONDITIONING AND OTHER MECHANICAL PLANT EQUIPMENT**

Authors: Kelly McKellar, Team Leader Strategic Planning
Emma Williamson, Strategic Planner

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

File No: 21/33798

Reason for Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 15).
To obtain Council's approval of the Draft DCP which seeks to strengthen the objectives and controls for air-conditioning and other mechanical plant equipment.

(Jarvis/Shapiro)

31/21 Resolved without debate:

THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No. 15)* as attached at **Annexure 1** of the report to the Environmental Planning Committee meeting of 8 March 2021, subject to the removal of the term "reasonably" in all instances where it appears.

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 8 March 2021 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **CONTRACT EXTENSION FOR THE COLLECTION, MATERIAL RECOVERY FACILITY (MRF) AND SALE OF RECYCLABLES**
Author: Mark Ramsay, Manager - Civil Operations
Approver: Tom O'Hanlon, Director - Technical Services
File No: 21/37764
Reason for Report: To recommend to Council the extension of the Recycling Contract for a period of two years.

(Marano/Regan)

32/21 Resolved without debate:

THAT Council extend the contract with URM Environmental Services Pty Ltd for the provision of the Collection, Material Recovery Facility (MRF) and sale of recyclables for a period of two years.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this 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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: R2 Recommendation to Council
Subject: **AUSGRID EASEMENTS - ALEXANDRIA INTEGRATED FACILITY & COMMUNITY ASSOCIATION DP270785 (SC99-2)**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 21/33489
Reason for Report: To consider Ausgrid's proposal for extension of the existing Lots 1 & 18 easement over additional common area land and new area in Lot 15 of the Alexandria Integrated Facility and the Community Association DP270785

(Marano/Regan)

33/21 Resolved without debate:

- A. THAT Council approves the execution of the Deed of Agreement for Easement with Ausgrid Operator Partnership (Ausgrid) for extension of the existing Lots 1 & 18 and new area Lot 15 in DP 270785, at 67A Bourke Road of which Woollahra Municipal Council is a joint owner with Waverley Council and the Community Association Scheme DP 270785; subject to Ausgrid obtaining all the relevant consents and approvals.
- B. THAT Council approves as a joint owner of Lot 1 DP 270785 the total amount of \$55,000 easement compensation for 1,158 sqm to be paid by Ausgrid to the Community Association Scheme DP270785.
- C. That Council approves as a joint owner of Lots 18 DP 270785 the total amount of \$15,000 easement compensation for 133 sqm and Lot 15 the total amount of \$1,000 for 13 sqm, to be paid by Ausgrid to Woollahra and Waverley Councils.
- D. THAT Council notes the easements are to be used for the purposes of the Ausgrid installation of underground electrical cables and associated purposes
- E. THAT Council authorises the Mayor and General Manager to do all things necessary to give effect to the Ausgrid Operating Partnership Deed of Agreement for Easement, and to finalise the legal documentation.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

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

14/0

Against the Motion

Nil

- Item No:** R3 Recommendation to Council
- Subject:** **EASTERN SUBURBS DISTRICT RUGBY UNION CLUB - REQUEST FOR OWNERS CONSENT TO SUBMIT DEVELOPMENT APPLICATION**
- Author:** Zubin Marolia, Manager - Property & Projects
- Approver:** Tom O'Hanlon, Director - Technical Services
- File No:** 21/35311
- Reason for Report:** To seek owners consent for Eastern Suburbs District Rugby Union Club Pty Ltd to submit their development application for redevelopment of Council land adjacent to their club located within Woollahra Park.
- Note:** In accordance with Council's meeting procedures and policy due to the Committee being divided between the Motion 3 votes and the Amendment 3 votes, both the Motion and Amendment be submitted to Council for consideration.
- Note:** The Mayor, Councillor Wynne, declared a Non-Significant, Non-Pecuniary interest in Item FC&S (R3 - Eastern Suburbs District Rugby Union Club - Request for Owners Consent to Submit Development Application), as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector.. The Mayor, Councillor Wynne remained in the meeting participated in debate & voted on the matter.
- Note:** Councillor Shapiro, declared a Non-Significant, Non-Pecuniary interest in this Item, as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Shapiro remained in the meeting participated in debate & voted on the matter.
- Note:** Councillor Cavanagh, declared a Non-Significant, Non-Pecuniary interest in this Item, as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Cavanagh remained in the meeting participated in debate & voted on the matter.
- Note:** Councillor Maxwell, declared a Non-Significant, Non-Pecuniary interest in this Item, as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Maxwell remained in the meeting participated in debate & voted on the matter.
- Note:** Councillor Shields, declared a Non-Significant, Non-Pecuniary interest in this Item, as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Shields remained in the meeting participated in debate & voted on the matter.
- Note:** Councillor Marano, declared a Non-Significant, Non-Pecuniary interest in this Item, as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Marano remained in the meeting participated in debate & voted on the matter.
- Note:** Councillor Jarvis, declared a Non-Significant, Non-Pecuniary interest in this Item, as the President of the Club is a Liberal Party Member, noting that every member of the Liberal branch is a pre-selector. Councillor Jarvis remained in the meeting participated in debate & voted on the matter.

**Motion moved by Councillor Shields
Seconded by Councillor Zeltzer**

- A. THAT owners consent be granted to the Eastern Suburbs Rugby Union Football Club to lodge a Development Application as described in this report.
- B. THAT Council note the granting of Owners Consent does not give the Club permission to start construction, which will be subject to a separate approval as required under the current Licence Agreement.
- C. THAT Council note that a further report which addresses approval for construction and amendments to the Licence Agreement will be brought to Council in the coming months.

**Amendment moved by Councillor Regan
Seconded by Councillor Elsing**

- A. THAT owners consent be granted to the Eastern Suburbs Rugby Union Football Club to lodge a Development Application for the first stage, including the following building works on the ground floor:
- New female and male changing rooms for home and away teams, along with respective shower and toilet facilities.
 - New accessible public toilets, team storage lockers, a first aid room, ample, storage spaces, and an umpire's room
 - Demolition / removal of three metal sheds, to be placed with adequate storage facilities found within the proposed building
 - Removal of eight site trees, to be replaced with new planting alongside the proposed building.
- B. THAT Council note the granting of Owners Consent does not give the Club permission to start construction, which will be subject to a separate approval as required under the current Licence Agreement.
- C. THAT Council note that a further report which addresses approval for construction and amendments to the Licence Agreement will be brought to Council in the coming months.

The Amendment was put and lost.

Note: In accordance with Council's adopted Code of Meeting Practice, a recording of the votes for and against the amendment are recorded.

For the Amendment

Councillor Cullen
Councillor Elsing
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Silcocks

Against the Amendment

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

The Motion was put and carried.

(Shields/Zeltzer)

34/21 Resolved:

- A. THAT owners consent be granted to the Eastern Suburbs Rugby Union Football Club to lodge a Development Application as described in this report.
- B. THAT Council note the granting of Owners Consent does not give the Club permission to start construction, which will be subject to a separate approval as required under the current Licence Agreement.
- C. THAT Council note that a further report which addresses approval for construction and amendments to the Licence Agreement will be brought to Council in the coming months.

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

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor McEwin
Councillor Price
Councillor Regan

9/5

Item No: R4 Recommendation to Council
Subject: **FOOTWAY DINING FEES AND CHARGES AND
STREAMLINING OF PROCESS FOR APPLICATIONS**
Author: Zubin Marolia, Manager - Property & Projects
Approver: Tom O'Hanlon, Director - Technical Services
File No: 20/38817
Reason for Report: Propose changes to the Footway Dining charges following the adoption of the new Footway Dining Policy and Guidelines

(Marano/Regan)

35/21 Resolved without debate:

- A. THAT Council incorporates Footway Dining Charges into Council's Fees and Charges for 2021/2022 draft budget as outlined below:
- i. Application Fee \$350
 - ii. Renewal Application Fee \$175
 - iii. Rent per annum as follows:
 - Precinct 1 - \$750 per m²
 - Precinct 2 - \$650 per m²
 - Precinct 3 - \$1,000 per m²
 - Businesses operating on footway between 7am to 12pm only, will be charged 50% of per annum rent noted above.
- B. THAT Council defers rent increases for 12 months for businesses where their rents are significantly increased by over \$50 per week.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this 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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

| | |
|---------------------------|--|
| Item No: | R5 Recommendation to Council |
| Subject: | DELIVERY PROGRAM 2018 - 2022 AND OPERATIONAL PLAN 2020/21 SIX MONTHLY PROGRESS REPORT - DECEMBER 2020 |
| Authors: | Petrina Duffy, Coordinator Integrated Planning & Reporting Sue Meekin, Chief Financial Officer |
| Approvers: | Craig Swift-McNair, General Manager Tom O'Hanlon, Director - Technical Services Don Johnston, Director Corporate Services Lynn Garlick, Director - Community Services |
| File No: | 21/36984 |
| Reason for Report: | To review the status of the Priorities and Actions in Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 for the six months ending 31 December 2020. |
| Note: | In accordance with Council's meeting procedures and policy due to the Committee being divided between the Motion 3 votes and the Amendment 3 votes, both the Motion and Amendment be submitted to Council for consideration. |

**Motion moved by Councillor Shields
Seconded by Shapiro**

THAT the December 2020 Progress Report on:

- Goal 1 - A connected, engaged & harmonious community for all ages and abilities;
- Goal 2 - A supported, enabled and resilient community;
- Goal 3 - A creative & vibrant community;
- Goal 5 - Liveable places;
- Goal 6 - Getting around;
- Goal 10 - Working together and
- Goal 11 - A well-managed Council

Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 be received and noted.

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

THAT the December 2020 Progress Report on:

- Goal 1 - A connected, engaged & harmonious community for all ages and abilities;
- Goal 2 - A supported, enabled and resilient community;
- Goal 3 - A creative & vibrant community;
- Goal 5 - Liveable places;
- Goal 6 - Getting around;
- Goal 10 - Working together and
- Goal 11 - A well-managed Council

Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 be received and noted, subject to staff including objectives for the key goals and to include how the highlights are tracking against those targets.

The Amendment was put and lost.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Amendment

Councillor Cullen
Councillor Elsing
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Silcocks

Against the Amendment

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

6/8

The Motion was put and carried.

(Shields/Shapiro)

Resolved:

- 36/21** THAT the December 2020 Progress Report on:
- Goal 1 - A connected, engaged & harmonious community for all ages and abilities;
 - Goal 2 - A supported, enabled and resilient community;
 - Goal 3 - A creative & vibrant community;
 - Goal 5 - Liveable places;
 - Goal 6 - Getting around;
 - Goal 10 - Working together and
 - Goal 11 - A well-managed Council

Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 be received and noted.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

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

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

9/5

Councillor Reports/Councillor Updates (Section 8.4)

General Item No: 15.1 Floods in NSW
Tabled by Councillor: Elsing

Councillor Elsing advised:

We have all experienced these terrible floods, and we have been talking tonight how we have not been as badly affected as some of the places in NSW. I would like to think, with the collaboration of Councils, that we turn our mind, in some ways to what is going on in the rest of NSW and some parts of Sydney. I don't know if it is appropriate and I'm not advocating it but I would like to get some comfort that we can help, where we can, and we are turning our mind as an organisation to doing that, where we can. That doesn't mean money. I'm not saying we hand over the family jewels. I'm just saying that I wanted that we go on the record recognising that we have a role to play in the face of disaster and that we can turn our mind to how we can support others that are going through such a terrible time at the moment.

The Mayor in Response:

I did acknowledge that at the start of the meeting this evening. To send our commiserations, our thoughts and prays. I have also been in discussions with our General Manager. Obviously, Port Macquarie Hastings is one of the areas he has been reaching out to and there have been discussions with how we may be able to help, in some way. I will now also defer to our General Manager.

The General Manager in Response:

Thank you Madam Mayor. It is not just because of my connection with Port, obviously, but it was my first port of call. Who knows what that might look like. Clearly most of those Council's on the mid-north coast are particularly in the middle of trying to work out what's what and why at the moment. As they move out of that they will, no doubt assess as they did through bush fires, what they might need from other Councils and whether there is any requirement for. Whether it is staff to go up and assist with DA processing or whatever it might be. We have reached out and we will just wait. We have also made that approach to Local Government NSW as well who will, no doubt, put together a group as they did through the bushfire process as well.

The Mayor further in Response:

Thank you Councillor Elsing for bringing that up. I would like to go on record that Woollahra Council has a proud history. If I turn my mind to bushfires, and how we supported our fellow Councils and I remember being the Mayor at the time and speaking to many of the Mayors of the day and sending our help and they were very grateful. So we will continue to look at ways that we can do that.

General Item No: 15.2 Citizenship
Tabled by Councillor: Marano

Councillor Marano advised:

Thank you Madam Mayor. I had the pleasure of being at the Council all day Saturday with yourself Madam Mayor and some of our staff and I just wanted to say you did an excellent job. It was a long day trying to recycle your material every time so it sounded fresh, and it worked. With a new crowd every time, except for me. It was a really good day and I know we have a backlog to clear and we did a good job. There were some really lovely people here on the day and everyone had a good time, despite the weather, and I think it was very successful.

The Mayor in Response:

Thank you Councillor Marano. I would also like to acknowledge that Councillor Price attended in the afternoon, which it is always nice having some company. It was a big day. I would also like to congratulate staff. It was a joyous occasion despite the rain. We had one guest speaker in the morning who was Mark Bouris, who spoke for two sessions then Judy McMahon, who spoke for the last two. Each time there was something different they spoke about and something special said. The Member for Wentworth, Dave Sharma MP attended the first two sessions and the Member for Vaucluse, Gabrielle Upton MP, attended the last two sessions. It was also your birthday Councillor Marano, so thank you for sharing that day with us and it was really special.

General Item No: 15.3 International Women's Day
Tabled by Councillor: Price

Councillor Price advised:

Thank you very much Madam Mayor. Probably something that I did fail to overlook when you were doing the congratulations was the International Women's Day event that was held in Woollahra Library Double Bay due to the rain. Congratulations to our library staff and also to you Madam Mayor for hosting that evening.

Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - WASTE SERVICES
From: Councillors Toni Zeltzer and Matthew Robertson
Date: 17 March 2021
File No: 21/49635

(Zeltzer/McEwin)

37/21 Resolved:

THAT the General Manager provide a report to the June 2021 Council meeting detailing the following:

- A. The current waste services and collection cycles provided by Council across the Local Government Area (LGA) for general waste, recycled waste, green waste and hard rubbish.
- B. A summary and comparison of the various waste collection cycles of Woollahra Council against similar metropolitan Councils, including hard waste, which is currently collected kerbside 3 times a year.
- C. An overview of what would be required for Council to review in detail and potentially implement (if practicable), amended waste collection cycles such as the collection of general waste remaining weekly with alternating fortnightly pick up of recycled waste and green waste. While there are environmental benefits of having fewer large garbage trucks idling in local streets using fuel and producing emissions with reduce our carbon footprint, the cost benefit of such a scheme be assessed and reported.
- D. A summary of the work Council undertakes in relation to dumped rubbish and how this is managed across the LGA, including the number of requests for removal of dumped rubbish per annum.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

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

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

9/5

Item No: 16.2
Subject: NOTICE OF MOTION - WOMEN'S MARCH 4 JUSTICE
From: Councillors Harriet Price, Luise Elsing and Lucinda Regan
Date: 16 March 2021
File No: 21/48158

Motion moved by Councillor Price
Seconded by Councillor Elsing

THAT Council:

1. Notes:
 - a) its values of respect and integrity and its vision for Woollahra as a 'harmonious, engaged and connected community';
 - b) its Code of Conduct which prohibits harassment, bullying behaviour and discrimination;
 - c) its support for local initiatives that challenge disrespectful behaviours so as to foster the elimination of violence and the promotion of respectful relationships;
 - d) its annual celebration of International Women's Day; and
 - e) its support for and financial contribution to the Woollahra Domestic and Family Violence Housing and Support Program.
2. Requests that the Mayor write to the Prime Minister, Mr Scott Morrison (cc to the opposition leader, Mr Anthony Albanese and the Member for Wentworth, Mr Dave Sharma) requesting action on gendered violence, including:
 - a) full independent investigations into all cases of gendered violence alleged to have taken place in federal parliament and timely referrals to appropriate authorities;
 - b) the implementation of the 55 recommendations in the Australian Human Rights Commission's Respect@Work report of the National Inquiry into Sexual Harassment in Australian Workplaces 2020;
 - c) increase funding for gendered violence prevention to world's best practice; and
 - d) the enactment of a federal Gender Equality Act to promote gender equality.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

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

Nil

12/0

Item No: 16.3
Subject: NOTICE OF MOTION - GERMAN CULTURAL DAY
From: Councillor Anthony Marano
Date: 18 March 2021
File No: 21/50069

Motion moved by Councillor Marano
Seconded by Councillor Elsing

THAT the General Manager provide a report to the May 2021 Council meeting detailing the following in relation to the potential to hold a German Cultural Day in the last half of calendar year 2021:

- i. A range of event options i.e. locations and potential event formats; and
- ii. Budgetary and funding considerations, with a view to Council considering including funding in the draft 2021-2022 budget for a German Cultural Day.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

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

Nil

13/0

Questions With Notice

(Maxwell/Price)

38/21 Resolved:

THAT the Questions with Notice be received and noted.

QWN: 17.1
From: Councillor Robertson
Subject: Questions with Notice - Legal Services Review Panel

Councillor Robertson asking:

How regularly is Council obliged or required to review its legal panel?

For how long has the current panel been composed? Is it overdue for review?

When did the last meeting of the Legal Services Review Panel take place, and when is the next meeting scheduled?

General Manager and Director Corporate Services in response:

Before responding to the specific questions asked we would like to provide a very brief history of the Legal Services Panel.

The Panel was established in 2013 in response to a discussion at a Council meeting. It first met on 22 May 2013. The Mayor at the time appointed seven Councillors to the panel including current Councillors Cavanagh, Robertson, Wynne and Zeltzer. The Panel remained in place until September 2017 when it was not continued in the annual appointments to various other Committees and Working Parties which occurs in conjunction with the election of the Mayor (every second year) and Deputy Mayor and appointment of Standing Committees, Chairs and Deputy Chairs.

How regularly is Council obliged or required to review its legal panel?

Council is required to review its legal panel at the conclusion of each contract period. For clarity, the legal panel referred to here is the panel of legal firms contracted to Council to provide legal advice, not the Legal Services Panel as described above.

For how long has the current panel been composed? Is it overdue for review?

The last legal panel appointed by Council was in 2015 which was for a period of three years with an option for a two year extension. In 2018 the two year option was exercised. In 2020, rather than establish a Council legal panel, Council officers opted to take advantage of both State and Local Government Procurement Legal Services contracts. At the same time Council gave former legal panel firms the opportunity to submit their current Service Capacity and Pricing Structure as a further procurement option. This gives Council visibility on pricing and service capacity whilst not binding Council to use any firm under an ongoing contractual engagement.

Noting the above information, the panel is not overdue for review.

When did the last meeting of the Legal Services Review Panel take place, and when is the next meeting scheduled?

The last meeting of the Legal Services Review Panel took place on 31 August 2015. As the Panel has not been formed since September 2017 there are no scheduled meetings and re-establishment of the Panel would require a resolution of Council.

QWN: 17.2
From: Councillor Robertson
Subject: Questions with Notice - Urban Forest Strategy

Councillor Robertson asking:

I refer to Council's resolution of 29 September 2020 at part F:

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.

Would staff please provide an update on all steps taken to date to implement this resolution?
Would staff please provide an indication of when the first in what I expect to be a series of reports, will be presented to Council?

Manager Open Space and Trees in response:

Would staff please provide an update on all steps taken to date to implement this resolution?

- *Completed review of neighbouring council's Urban Forest Strategies (UFS).*
- *We are in contact with City of Sydney who are undertaking similar research, canopy cover targets and the use of aerial imagery (to review and monitor canopy cover and heat islands).*
- *Investigated cost for preparation of UFS: The estimated cost in the budget is based on informal conversations with counterparts at other LGAs and includes approx. \$60k for the research and document and \$40K for aerial imagery.*
- *Funds for the development of this strategy is included in the draft 21/22 Operational Budget.*

Would staff please provide an indication of when the first in what I expect to be a series of reports, will be presented to Council?

- *Once the budget is approved we will look to engage a suitable qualified consultant to undertake the research and prepare the strategy. Once we have a consultant confirmed we can provide timelines.*

QWN: 17.3
From: Councillor Price
Subject: Questions with Notice - NSW Road Rules - Shared Zone

Councillor Price asking:

Can the Manager please confirm if there are any driving offences under the NSW Road Rules that specifically apply in a shared zone?

Manager Engineering Services in response:

The following rules under the NSW Road Rules 2014 relate to Shared Zones:

- **Rule 24 Speed limit in a shared zone**

- (1) The speed limit applying to a driver for any length of road in a shared zone is the number of kilometres per hour indicated by the number on the *shared zone sign* on a road, or the road, into the zone.

Note A driver driving in a shared zone must give way to any pedestrian in the zone—see rule 83.

- (2) A *shared zone* is—

- (a) if there is a *shared zone sign* and an *end shared zone sign* on a road and there is no intersection on the length of road between the signs—that length of road, or
- (b) if there is a *shared zone sign* on a road that ends in a dead end and there is no intersection on the length of road beginning at the sign and ending at the dead end—that length of road, or
- (c) a network of roads in an area with—
 - (i) a *shared zone sign* on each road into the area, indicating the same number, and
 - (ii) an *end shared zone sign* on each road out of the area, or
- (d) a road related area that is between a *shared zone sign* that relates to the area and an *end shared zone sign* that relates to the area.

Note *Intersection* is defined in the Dictionary.

- (3) In subrule (2)(c)(i) and (ii) —
road does not include a road related area.

Note *Road related area* is defined in rule 13.

- **Rule 83 Giving way to pedestrians in a shared zone**

A driver driving in a shared zone must give way to any pedestrian in the zone.

Maximum penalty — 20 penalty units.

Note 1 *Shared zone* is defined in rule 24.

Note 2 For this rule, *give way* means the driver must slow down and, if necessary, stop to avoid a collision—see the definition in the Dictionary.

- **Rule 188 Stopping in a shared zone**

A driver must not stop in a shared zone unless—

- (a) the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Rules, or
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Rules, or
- (c) the driver is dropping off, or picking up, passengers or goods, or
- (d) the driver is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.

Maximum penalty—20 penalty units.

Note *Parking bay* and *parking control sign* are defined in the Dictionary, and *shared zone* is defined in rule 24.

QWN: 17.4
From: Councillor Price
Subject: Questions with Notice - Gurner Lane Paddington

Councillor Price asking:

Can the Director please:

- A. Outline the precise changes that will take place in Gurner Lane, Paddington following the creation of a shared zone, including the:
 - i streetscape ; and
 - ii regulatory framework?
- B. Provide particulars of the Gurner Lane shared zone consultation process?

Manager Engineering Services in response:

- A. *Outline the precise changes that will take place in Gurner Lane, Paddington following the creation of a shared zone, including the:*

- i streetscape ; and

The Shared Zone Treatment in Gurner Lane proposes to convert the existing asphalt road pavement to a stamped, coloured road pavement, whilst maintaining the existing kerb and gutter within the laneways. The proposed colour for the stamped, road pavement will be a light grey, similarly applied in other areas of the Municipality (i.e. Halls Lane, Woollahra). There will be flush entry threshold treatments to highlight the extents of the Shared Zone area, along with associated Shared Zone signs and pavement markings. Access to properties will not be affected by the Shared Zone. The Shared Zone in Gurner Lane will be in accordance with the TfNSW Technical Direction TTD2016/001.

- ii regulatory framework.

Shared Zones are installed in accordance with Transport for NSW Technical Directions TTD2016/001. Shared zones are defined and enforced under the NSW Road Rules 2014.

- B. *Provide particulars of the Gurner Lane shared zone consultation process.*

4 corflute signs were displayed onsite with one at each of the three entry points to the proposed zoned area and one placed mid-section of Gurner Lane. Consultation letters were distributed to affected properties in Gurner Street, Glenmore Road, and Cambridge Street as well as the Glenmore Road Public School.

QWN: 17.5
From: Councillor Price
Subject: Questions with Notice - Paddington Bowling Club

Councillor Price asking:

To the Director of Technical Services:

Pursuant to the Crown Land Management Act 2016 (and any other relevant legislation), can the Director please confirm what steps would the:

- A. Current lessee of the former Paddington Bowling Club site need to take to transfer/assign or sublease the current Crown land lease; and
- B. Department of Industry and the relevant Minister need to take if the current lessee intended to transfer/assign or sublet the current Crown land lease?

Director Technical Services in response:

Director Technical Services referred the questions above to senior officers of DPIE - Crown Lands for response as Crown Lands are the owner and Lessor of the Paddington Bowling Club site. The response from Crown Lands is as follows;

The process for transferring (assigning) a lease is outlined on the Departments website: [Leases - Crown land in New South Wales \(nsw.gov.au\)](https://www.nsw.gov.au/land-leases)

The requirement to obtain the consent of the minister to the transfer of a lease is determined by the legislation under which the lease was granted and the specific conditions and restrictions on title of the lease.

Minister's consent to the transfer must be obtained prior to the registration of a Real Property Transfer from NSW Land Registry Services. If a transfer form is lodged with [NSW Land Registry Services](https://www.nsw.gov.au/land-registry) to affect the transfer of a restricted lease without the letter of consent, the dealing will be requisitioned.

The Act prohibits the transfer of a lease if there is any debt to the Crown outstanding on the lease. For an application for minister's consent to transfer to be considered, all debt to the Crown must be paid in full.

I have also attached the Guidelines for the management of Crown land leases. You will find further information on Page 4 re assignment / transfer of a lease.

The relevant pages of the Guidelines for the management of Crown land leases referenced in the Crown Lands response are attached.

Arrangements are currently being made for a meeting between the Mayor, General Manager and Director Technical Services and representatives of Quarry St Pty. Ltd. (the lessee of the site) to discuss the lessee's intentions for future use of the site.

QWN: 17.6
From: Councillor Silcocks
Subject: Questions with Notice - Double Bay Hydrological Study

Councillor Silcocks asking:

I note one of our residents groups recently requested access to a copy of the Double Bay Hydrological Study under the GIPA Act, but were refused.

1. It seems refusal was issued because the report is not yet concluded. But Councillors were given a very thorough interim report 7 months ago and it makes no sense that the residents directly affected by the hydrology of Double Bay and who ultimately pay for said study cannot also see that interim report. Why is Council refusing access to that interim report?
2. When exactly is the full study going to be completed?
3. How can Council review any Development Applications or entertain new Planning Controls for the Double Bay Centre, so many of which require or are seeking deep excavation, without the Hydrological Study being completed and shared with the community?

Acting Director Planning & Development and Manager Governance & Council Support in response:

1. *It seems refusal was issued because the report is not yet concluded. But Councillors were given a very thorough interim report 7 months ago and it makes no sense that the residents directly affected by the hydrology of Double Bay and who ultimately pay for said study cannot also see that interim report. Why is Council refusing access to that interim report?*

The GIPA Application with respect to a request for **“The Double Bay Hydrological Study recently commissioned and received by Council”** was received by Council on 22 February 2021 and determined on 10 March 2021. To the best of our knowledge the request did not refer specifically to an ‘interim report’.

The notice of decision stated the following:

“The requested report is yet to be completed with information being considered by Council Officers and the Consultant. Once the report is finalised it will be tabled at a future Council meeting to be advised and will form part of the relevant Agenda papers which will be made available on Council’s website.”

We stress that the GIPA application has not been refused. On the contrary access was deferred under Section 78 of the GIPA Act. We stand by the determination and notice of decision made on 10 March 2021 noting that once an expected completion date has been provided to the Governance team relating to the finalisation of the *Double Bay Hydrological Study*, follow up correspondence will be sent to the applicant advising of an approximate date range for the publishing of the release of the document.

Additionally Councillors did receive a briefing from the consultants on 26 August 2020, however an interim report was not circulated to the Councillors. Council will notify the relevant parties when a report is tabled for consideration at Council’s Environmental Planning Committee. This report will also annexe the Double Bay Hydrological Study.

2. *When exactly is the full study going to be completed?*

It is anticipated that the Final Stage 4 report will be submitted to the *Environmental Planning Committee* on 12 April 2021.

3. *How can Council review any Development Applications or entertain new Planning Controls for the Double Bay Centre, so many of which require or are seeking deep excavation, without the Hydrological Study being completed and shared with the community?*

The Hydrological Report will be utilised to inform the recommendations of the Review of the Double Bay Planning Controls.

There being no further business the meeting concluded at 8.45pm.

We certify that the pages numbered 91 to 124 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 22 March 2021 and confirmed by the Ordinary Meeting of Council on 26 April 2021 as correct.

General Manager

Mayor