

Ordinary Council



Minutes

Monday 11 November 2019

Ordinary Council Meeting

Monday 11 November 2019

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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 28 October 2019

D1 Confirmation of Minutes of Meeting held on 16 September 2019

Finance, Community & Services Committee held on Monday 28 October 2019

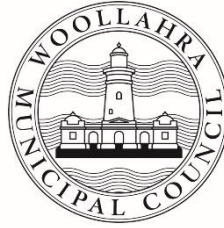
- D1 Confirmation of Minutes of Meeting held on 16 September 2019
- D2 Woollahra Local Traffic Committee Minutes - 1 October 2019
- D3 McKell Park - Disability Discrimination Act (DDA) Compliant Access
- D4 Installation of piece of Berlin Wall in Euroka Reserve
- D5 Disclosure of Interest Returns Submitted by Councillors and Designated Persons
- D6 Monthly Financial Report - September 2019
- D7 Cultural Committee Meeting Report

Environmental Planning Committee held on Monday 04 November 2019

D1 Confirmation of Minutes of Meeting held on 28 October 2019

Finance, Community & Services Committee held on Monday 04 November 2019

- D1 Confirmation of Minutes of Meeting held on 28 October 2019
- D2 Delivery Program 2018 - 2021 and Operational Plan 2019/20 Quarterly Progress Report - September 2019
- D3 Capital Works Program - Quarterly Progress Report September 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
11 November 2019 at 6.05pm.**

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

Councillors: Richard Shields
Peter Cavanagh
Claudia Cullen
Mary-Lou Jarvis
Anthony Marano
Nick Maxwell
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Mark Silcocks
Toni Zeltzer

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

Also in Attendance: Nil

Note: The Mayor Councillor Wynne, welcomed her sister Jane who has travelled to Sydney from Tamworth.

Note: The Council stopped proceedings to observe a minutes silence for Remembrance Day (at the commencement of the meeting).

Confirmation of Minutes

(Jarvis/Zeltzer)

147/19 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 23 September 2019 be taken as read and confirmed.

(Jarvis/Zeltzer)

148/19 Resolved:

THAT the Minutes of the Council Meeting held on 23 September 2019 be taken as read and confirmed.

Leave of Absence and Apologies

(Robertson/Zeltzer)

149/19 Resolved:

THAT Leave of Absence for all meetings of the Council and its Committees be granted to Councillor Isabelle Shapiro for the period from 16 October 2019 to 13 November 2019 inclusive.

Note: An apology was received and accepted from Councillor Luise Elsing and leave of absence granted.

Declarations of Interest

Nil

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item R4 EP (28/10/19), Item R1, R2 & R4 EP (4/11/2019) & QON 4.

Petitions Tabled

Nil

Public Forum

Item No: 1

Person addressing Council: Rimmelle Freedman & Licia Heath from CLOSEast

Subject: Secondary Public Education in the Woollahra LGA

Ms Freedman, representing the Community for Local Options for Secondary Education (CLOSEast), addressed Council on the need for options to be explored to establish Public High Schools in the Eastern Suburbs of Sydney.

(Zeltzer/Regan)

150/19 Resolved:

The Council noted the information and requested that the Mayor, Councillor Wynne convenes a meeting with Rimmelle Freedman and Licia Heath from CLOSEast.

Mayoral Minute

Item No: 10.1
Subject: GARDEN AWARDS
Author: Susan Wynne, Mayor
File No: 19/175990
Reason for Report: Acknowledge and congratulate the winners of the 2019 Garden Awards.

(Cavanagh/Robertson)

151/19 Resolved:

- A. THAT winners and entrants be congratulated for their excellent entries.
- B. THAT Council note the winners for the 2019 Garden Awards.

Background:

I am delighted to announce the winners of the 2019 Woollahra Garden Awards. The Awards were open from June to October and provide an opportunity for residents, local businesses, school groups and community organisations to showcase their gardens – big or small.

We are always keen to see local gardens demonstrating water-wise choices and sustainable practices as well as demonstrating creativity and unique features. The judging process involved the consideration of design, species and plant selection, health and vigor of vegetation, landscape design, originality, and sustainability.

Categories:

It is my pleasure to announce the following category winners.

Best Community/School Garden - Demonstrated how their garden contributes to quality of our local parks, grows abundant organic produce and brings the community together.

Winner:

Best Community/School Garden: *Cooper Park Community Garden*

Highly Commended: *Rose Bay Community Garden*

Comments on the winning entry: ‘The range of flowers currently blooming in the various plots was an absolute delight, particularly the sweet peas which cover the back fence with an amazing array of colour. It is wonderful to have a community garden thriving in one of most popular parks.’

Best Sustainable Garden - Demonstrated how their garden contributes to the health of the local environment.

Winner:

Best Sustainable Garden: *Derby Street Community Project.*

Comments on the winning entry: ‘The transformation the community has had on this reserve is outstanding. The entrance to the reserve provides an amazing range of colours and welcomingly leads residents into the reserve. It was particularly rewarding to hear that the Garden Award had helped bolster attendance at working bees prior to the Awards. The group have created a beautiful family space which is complemented by the stunning view across the harbour’.

Best Small Garden - Demonstrated how they created an amazing and abundant green environment in a small space.

Winner:

Best Small Garden: *Samuel Harvey, 110 Edgecliff Road, Woollahra*

Highly Commended: *Naomi Shaw, 41 Streatfield Road, Bellevue Hill*

Comments on the winning entry: ‘It is a wonderfully designed garden which makes the most of the small space with the garden flowing seamlessly from the home.’

Best Large Garden - Demonstrated how they have created a beautiful large garden with various creative influences.

Winner:

Best Large Garden: *St Marks Anglican Church Memorial Garden, Darling Point.*

Comments on the winning entry: ‘It is a beautifully maintained garden, you can see the high level of care and love they put into the garden and the resulting space is a joy to witness.’

Best Garden (Overall)

I am grateful to former Mayor, Councillor Peter M Cavanagh, TV and radio personality Diana Fisher, OAM and author, broadcaster and TV presenter Indira Naidoo for agreeing to be judges this year and we are pleased to have Diana with us this evening. Indira Naidoo has sent her apologies.

Prizes were presented to the category winners this afternoon at a special ceremony hosted on the terrace. Prizes included copies Indira Naidoo’s book *The Edible City*, gorgeous watering cans and gardening tools.

The overall winner receives a copy of *The Edible City* and a gardening voucher to continue their excellent work.

We are now going to reveal the winner of the Best Overall Garden. I would like to invite the former Mayor, Councillor Peter Cavanagh and Diana Fisher to come forward and present the overall winner with their prize.

Comments on the winning entry:

The winning garden has been designed and constructed by the owner to meet the varying needs of his family. It incorporates native plants, a reading space, a bbq area and play area for his children.


Winner Best Overall Garden:
Samuel Harvey, 110 Edgecliff
Road, Woollahra

Best Garden & Best Small
Garden

‘It is a wonderfully designed garden which makes the most of the small space with the garden flowing seamlessly from the home. The plant selection is well suited to the various micro-climates in the courtyard and provides a lovely mixture of species. The hanging planters softened the space and provided a relaxing atmosphere which resulted in a multifunctional space that was a joy to spend time in.’



Congratulations to all the winners and thank you to the judges for their support of the 2019 Garden Awards. I am grateful to all staff involved in promoting and organising the Awards.


Cr Susan Wynne
Mayor of Woollahra

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: 10.2
Subject: **VALE KEN GRESHAM**
Author: Susan Wynne, Mayor
File No: 19/177521
Reason for Report: To place on public record the outstanding contributions to the community made by the late Ken Gresham and to convey our sympathy and gratitude to his family.

(Zeltzer/Jarvis)

152/19 Resolved:

- A. THAT Council place on public record Woollahra Council's recognition of the outstanding contributions to the community made by the late Ken Gresham.
- B. THAT the Mayor write on behalf of the Council and the community to the family of Ken Gresham to convey our sympathy and our gratitude for his service to the community of Woollahra.

Background:

Ken Gresham was the longest-serving President of the Queen Street West Woollahra Association and all of us were sad to hear of his death on Saturday 26 October 2019.

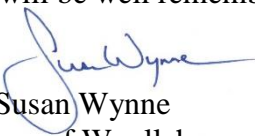
In addition to his outstanding work with the Queen Street West Woollahra Association, Ken previously served as the Chair of the Double Bay Chamber of Commerce and Commodore of the Royal Motor Yacht Club at Point Piper. His commitment and practical support for Point Zero 8 (helping troubled youth), COA (support for Jewish seniors), the Women's International Zionist Organisation, The Great Synagogue and his founding membership of the Sydney Jewish Theatre Company are all excellent examples of how active Ken was in our local community.

Ken was no stranger to Woollahra Council. He regularly and enthusiastically shared his views with us on a wide range of issues. We agreed with most of them. He was a fierce advocate for the residents of West Woollahra and we always admired his determination to represent his local area and their thoughts, needs and hopes for the future of Woollahra.

Ken's life was a constant and consistent reminder of what community citizenship is all about.

Our sympathy goes to Ken's wife, Sara, children Simon and Aylie, his grandchildren, many friends and past and previous members of the Queen Street West Woollahra Association at this sad time. We hope they find some comfort in the memories they have of a great man who gave his energy, time and commitment to those around him and to the wider community.

He will be well remembered by all of us.


Cr Susan Wynne
Mayor of Woollahra

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: 10.3

Subject: VALE RUSSELL KING

Author: Susan Wynne, Mayor

File No: 19/177556

Reason for Report: To place on public record the outstanding contribution to the community, especially the young people of the eastern suburbs, made by the late Russel King through his work with WAYS and to note the Mayor's letters to his family and WAYS.

(Zeltzer/Shields)

153/19 Resolved:

- A. THAT Council place on public record Woollahra Council's recognition of the outstanding contribution to the community especially the young people of the eastern suburbs made by the late Russell King through his works with WAYS.
- B. THAT Council notes the Mayor has written on behalf of the Council and the community to the family and WAYS acknowledging Russell King and has conveyed its sympathy and our gratitude for his service to the local area.

Background:


After a long battle with cancer, Russell King the long-serving Chief Executive Officer of WAYS Youth and Family died on 19 October 2019. Russell started as a volunteer at WAYS in 1987 and quickly went on to become CEO – a role he loved and did so well for 30 years.

His dedication to the young people in our community was influenced by his deep commitment to believing that all young people deserved the care and support to learn and thrive into adulthood.

Under Russell's leadership WAYS Youth and Family developed a very successful range of services for younger residents including after school care, alternative secondary education, as well as general health and counselling support. In 2017 the Hon Gabrielle Upton MP awarded Russell the well deserved Premier's Community Services Award, in order to acknowledge Russell's success.

Russell helped many young residents in the eastern suburbs and his legacy lives on with a team of youth educators, youth workers, GPs and staff who share his belief that all young people deserve to reach their full potential.

We have expressed our sympathy to Russell's family – his wife Sallie and his daughter Keriana, the WAYS Board and members of staff. Thanks to Councillor Peter Cavanagh who represented me at Russell's funeral service on Friday 25 October. In lieu of flowers Council made a donation to WAYS to further their excellent work in the community.



Cr Susan Wynne
Mayor

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: 10.4
Subject: **DROUGHT RELIEF**
Author: Susan Wynne, Mayor
File No: 19/177574
Reason for Report: To seek a resolution to donate \$10,000 to the NSW Farmers Association's Drought Relief Fund supporting our regional and rural friends.

(Zeltzer/Robertson)

154/19 Resolved:

THAT Council donate \$10,000 to the NSW Farmers Association's Drought Relief Fund.

Background:

The drought continues to deepen in regional and rural NSW. 12 months ago it was hitting the headlines with gusto and the situation has not improved, with many areas of the State suffering through a failed winter season.

The images of dust-blown and brown paddocks, emaciated livestock and the severe bushfires that continue to ravage parts of the State are the visible manifestations of this deepening crisis. But it is the less visible, less obvious effects whose impacts will be long lasting on our country cousins.

Depression, anxiety, suicide, family breakdowns, closures of businesses and worsening economic conditions are all very real, critical and debilitating impacts of the drought, which by and large go unnoticed or unseen. They threaten, however, the very fabric that knits these communities and these regions together.

From Sydney, it is difficult to conceive of the enormity of the scale of the crisis gripping the country; equally, it is difficult to know how we can be of assistance, or whether anything we do will actually have an impact.

Through SSROC it has been proposed that each of the member Councils donates \$10,000 and that the total amount of \$110,000 be donated to the NSW Farmers Association's Drought Relief Fund.

This fund partners with the Salvation Army to provide and distribute \$100 IGA gift cards to farmers to assist them with buying everyday essentials and groceries, as well as providing a shot in the arm for their local economies.

It is my hope that as well as the financial assistance, such an initiative will carry with it a message that they are not in this fight alone, that they know we're here and we're supporting them in their time of need.



Cr Susan Wynne
Mayor of Woollahra

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: 10.5
Subject: **PLAN TO SAVE OUR RECYCLING**
Author: Susan Wynne, Mayor
File No: 19/175051
Reason for Report: To support an initiative of Local Government NSW aimed at improved recycling and waste management.

(Price/Silcocks)

155/19 Resolved:

- A. THAT Council acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
- B. THAT Council recognises initiatives and projects taken within the Woollahra local government area to help achieve this goal, including:
 - i. Re-sheeting of roads using products with significant quantities of recycled plastic and glass.
 - ii. Introduction of on-call e-waste collection service
 - iii. Compost Revolution (with Waverley and Randwick councils)
- C. THAT Council acknowledges the work being done by the SSROC Councils, including:
 - i. Development of a regional waste and recycling strategy.
 - ii. Regional agreement to emphasize recycled materials in Council procurement
- D. THAT Council endorses Local Government NSW's sector-wide Save our Recycling campaign, and asks the State Government to reinvest the Waste Levy in:

- i. Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions
 - ii. The delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
 - iii. Support for the purchase of recycled content by all levels of government, to help create new markets
 - iv. Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
- E. THAT Council write to the local State Members Gabrielle Upton MP and Alex Greenwich MP, Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister the Hon Shelley Hancock MP, NSW Treasurer the Hon Dominic Perrottet MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP, and Shadow Minister for Local Government Greg Warren MP to confirm their support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
- F. THAT Council advise LGNSW of the passage of this Mayoral Minute.
- G. THAT Council shares and promotes the Save Our Recycling campaign via its digital and social media channels and via its networks.

Background:

I am calling on Councillors to support the local government sector's Save Our Recycling campaign as outlined in the Local Government NSW report *At the Crossroads: The State of Waste and Recycling in NSW*.

The NSW Government collects revenue from a Waste Levy via licensed waste facilities in NSW to discourage the amount of waste being landfilled and to promote recycling and resource recovery. According to the latest NSW Budget papers, this totalled \$772 million in 2018/19.

Council paid a total of approximately \$4.6m via the Waste Levy in financial years 16/17, 17/18 and 18/19. Over the same period Council received \$347k in funding to assist with waste management and recycling infrastructure, programs and education.

Revenue from the Waste Levy is expected to increase by about 70 percent from 2012/13 to 2022/23. By the end of this period the Waste Levy revenue is forecast to have increased to more than \$800 million a year: \$100 for every woman, man and child in NSW. Yet, only a small portion – less than one fifth – of this revenue is invested back into waste and recycling programs.

The latest progress report on the NSW Waste Avoidance and Resource Recovery Strategy 2014-21 shows that in NSW:

- household recycling rates are decreasing
- less waste per person is being diverted from landfill
- the amount of waste being generated is expected to grow by 36 percent by 2036 – well above population growth.

Recent decisions by China and other countries to put in place measures to stop the importation of plastic and paper recycling from countries like Australia are also making it more challenging to find markets for recycled products.

Local councils in NSW are calling on the NSW Government to reverse this downward slide: to invest the money it collects from the Waste Levy to help fix our state's ailing waste and recycling, and help build a circular economy in NSW.

Local Government's Save our Recycling campaign outlines ways the State Government can work with us to properly develop, fund and deliver the waste and recycling systems our communities deserve.

It is a blueprint for the NSW Government to invest the money it collects from the Waste Levy to help fix our ailing recycling services and build a circular economy in NSW.

The campaign focuses on the following key areas for NSW Government action:

Education: Fund a large-scale, state-wide education campaign to support recycling and markets for recycled products in NSW. The NSW Government must fund and work with councils to activate this campaign; community by community.

Innovation: Greater use of more recycled content by all tiers of government to help create scale, and then new markets, jobs and investment will follow.

Investment: Reinvest the Waste Levy in council-led regional waste-and-recycling plans and fund councils to deliver the infrastructure and services our cities and regions need.

In 2018, delegates at the LGNSW 2018 Conference unanimously voted to call on the NSW Government to reinvest the Waste Levy in recycling and waste infrastructure and programs.

The 2019 Conference further supported this approach, outlining specific solutions to the waste and recycling crisis which could be delivered in partnership with local government. These steps are outlined in the wording of this Mayoral Minute, and include:


Funded regional waste plans for the future of waste and resource recovery developed by councils for their regions.

Funding for and delivery of the priority infrastructure and other local government projects necessary to deliver these regional-scale plans, particularly where market failure has been identified

Increased local and state government procurement of recycled goods made with domestic content, e.g.

- recycled content targets to help drive demand and provide incentives to deliver on these targets.
- funded research, development and delivery of recycling technologies and products generated from recyclables, particularly by local or regional councils.

I am recommending that we support the Save Our Recycling campaign, which is being coordinated on behalf of the sector by LGNSW.



Cr Susan Wynne
Mayor of Woollahra

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 28 October 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF THE ROSE BAY SEWAGE PUMPING STATION AND GATES IN PERCIVAL PARK AT 13 COLLINS AVENUE, ROSE BAY**

Author: Shona Lindsay, Heritage Officer

Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development

File No: 19/161036

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 the Sewage Pumping Station (SPS 46) –including interiors and moveable heritage, and sandstone gate posts and metal gates, at 13 Collins Avenue, Rose Bay as a local heritage item in Woollahra Local Environmental Plan 2014.

(Jarvis/Cavanagh)

156/19 Resolved without debate:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 3 October 2019.
- B. THAT the planning proposal, as contained in *Annexure 3* of the report to the Environmental Planning Committee meeting on 28 October 2019 to list the *Sewage Pumping Station (SPS 46) –including interiors and moveable heritage, and sandstone gate posts and metal gates*, at 13 Collins Avenue, Rose Bay as a local heritage item in Woollahra Local Environmental Plan 2014, be forwarded to the *Department of Planning, Industry and Environment* with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the *Minister for Planning and Public Spaces* 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*.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council

Subject: **PLANNING PROPOSAL - PADDINGTON FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN 2019**

Authors: Anne White, Acting Manager - Strategic Planning
Aurelio Lindaya, Manager Engineering Services

Approvers: Allan Coker, Director - Planning & Development
Tom O'Hanlon, Director - Technical Services

File No: 19/169769

Reason for Report: To obtain a Council decision to prepare a planning proposal to amend the Flood Planning Map of the Woollahra LEP 2014 based on the adopted Paddington Floodplain Risk Management Study and Plan 2019.

To obtain a Council decision to refer the planning proposal to the Woollahra Local Planning Panel for advice.

(Jarvis/Cavanagh)

157/19 Resolved:

- A. THAT a planning proposal be prepared to amend the Flood Planning Map of *Woollahra Local Environmental Plan 2014* based on the adopted *Paddington Floodplain Risk Management Study and Plan 2019*.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R3 Recommendation to Council

Subject: **PUBLIC EXHIBITION OF DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 9) - ELECTRIC VEHICLES: LEADING THE WAY**

Authors: Fiona Aghili, Strategic Planner
Kelly McKellar, Acting Team Leader - Strategic Planning

Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development

File No: 19/145021

Reason for Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment 9) – Electric Vehicles: Leading the Way.
To obtain Council’s approval of the Draft DCP

(Jarvis/Cavanagh)

158/19 Resolved:

- A. THAT Council note the outcome of the public exhibition
- B. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment 9)* as contained in ***Annexure 1*** of the report to the Environmental Planning Committee meeting of 28 October 2019.
- C. THAT a further report be brought to the Environmental Planning Committee identifying how EV charging systems can be integrated into the public realm to make them more accessible to our community.
- D. THAT an annual update report is brought to the Ecologically Sustainable Task force on the progress of EV technology and relevant EV provisions.

- E. THAT Council note the support from the Electric Vehicle Council, the national peak body representing the electric vehicle industry in Australia, endorsing Woollahra Council as a leader in local government policy.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

-
- Item No:** R4 Recommendation to Council
- Subject:** **FEEDBACK FROM THE DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT - PLANNING PROPOSAL - PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 INCLUDING THE INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT.**
- Author:** Anne White, Acting Manager - Strategic Planning
- Approver:** Allan Coker, Director - Planning & Development
- File No:** 19/157634
- Reason for Report:** To report on the feedback received from the Department of Planning, Infrastructure and Environment.
To obtain Council's approval to progress its proposed 0.5:1 FSR for low density residential development following the presentation of a report to the Environmental Planning Committee on potential new residential controls including new tree canopy controls.
- Note:** Late correspondence was tabled by Double Bay Residents & Merrill Witt of Vaocluse West Residents' Association.
- Note:** Resolution B of the Recommendation was amended.

(Zeltzer/Robertson)

159/19 Resolved:

- A. THAT Council note the advice received from the *Department of Planning, Infrastructure and Environment*.
- B. THAT Council provide the additional information required by the Department of Planning, Industry & Environment and press for a gateway determination of Councils planning proposal to introduce a Floor Space Ratio of 0.5:1 for low density residential development.
- C. THAT this matter be given Priority 1, combined with the tree canopy controls in Council's Strategic Planning work programme and that staff report back on progress of this project to the first Environmental Planning Committee meeting in 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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R5 Recommendation to Council
Subject: **DRAFT WOOLLAHRA INTEGRATED TRANSPORT STRATEGY**
Author: Emilio Andari, Traffic & Transport Team Leader
Approvers: Aurelio Lindaya, Manager Engineering Services
Tom O'Hanlon, Director - Technical Services
File No: 19/151995
Reason for Report: To seek Council's endorsement to place the Draft Woollahra Integrated Transport Strategy on public exhibition.

(Robertson/Cullen)

160/19 Resolved:

- A. THAT Council defer the draft Woollahra Integrated Transport Strategy 2019 to allow a further Councillor workshop.
- B. THAT staff progress the preparation of the Active Transport Strategy component of the draft Woollahra Integrated Transport Strategy 2019 in line with the approved budget allocation for the 2019/20 financial year.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 28 October 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **COMMUNITY & CULTURAL GRANTS - OCTOBER SMALL & LARGE GRANTS ROUND**
Authors: Romi Fosco, Community Development Officer
Rachel Bangoura, Community Development Officer
Approvers: Sharon Campisi, Manager - Community Development
Lynn Garlick, Director - Community Services
File No: 19/158959
Reason for Report: To give consideration to applications for Section 356 Community and Cultural Grants.

(Marano/Regan)

161/19 Resolved without debate:

THAT Council approve the selection panel's recommendations for large and small grants under the second round of the 2019/20 Community and Cultural Grants Program.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 4 November 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: SECTION 60 APPLICATION FOR GADEN HOUSE, 2A COOPER STREET, DOUBLE BAY
Author: Shona Lindsay, Heritage Officer
Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/160127
Reason for Report: To obtain Council's approval for a Section 60 Application (under the Heritage Act 1977) for Gaden House, located at 2A Cooper Street, Double Bay

Note: Late correspondence was tabled by Council's Director Planning & Development, Allan Coker, Anne Warr, Bruce Stafford & Chris Howe.

(Zeltzer/Silcocks)

162/19 Resolved:

THAT Council, as the approval body under section 56 of the *Heritage Act 1977*, grant approval under Section 63 of the *Heritage Act 1977* for alterations and additions to Gaden House located at 2A Cooper Street, Double Bay, subject to the conditions of approval set out in Annexure 2 of the late correspondence to the Council Meeting of 11 November 2019 prepared by the Director Planning & Development, subject to the following:

- Amending the note on page 3 of Annexure 2 to read as follows:

“Note: Any reference to Council’s Heritage Staff will mean a person with appropriate heritage knowledge, skills and experience in mid-century modernism employed or retained by Council”.

- Adding a new Condition under the heading Conservation page 6 of Annexure 2 to read as follows:

“29. The original circular ceilings which previously existed on both the first and second floors, are to be reconstructed to a design which maintains the design intent of the original Gruzman design. Details are to be submitted to and approved by Council’s Heritage staff prior to reconstruction.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF PROPOSED AMENDMENTS TO THE PADDINGTON HERITAGE CONSERVATION AREA CONTROLS**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/147849
Reason for Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 7).
To obtain Council's approval of the Draft DCP, subject to amendments.

Note: Late correspondence was tabled by Council's Heritage Officer, Flavia Scardamaglia, Esther Hayter & Keri Huxley.

(Robertson/Zeltzer)

163/19 Resolved:

- A. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No. 7) – Chapter C1 Paddington Heritage Conservation Area* as amended and attached at *Annexure 3* to the report of the Environmental Planning Committee of 4 November 2019, subject to the following:
- a) Amend C15 of 2.5.2 by inserting the words 'narrow and non-habitable' as follows:
 - i. a narrow, non-habitable linking structure may be provided between the principal building form and the pavilion addition.

- b) Amend the definition of pavilion in Chapter A3 Definitions: by including the word ‘non-habitable’ in the description of the linking structure.
 - c) Insert additional bullet point in Table 2 Materials and details for infill development as part of Clause 1.3.13 Infill development (new development) which was omitted in error.
 - d) the DCP requiring the retention and reuse of significant fabrics including wrought iron.
 - c) Adding the word ‘narrow’ to clause C15(a).
- B. THAT Council requests that staff report back on potential maximum height for pavilions and potential dimensions for linking structures to an Environmental Planning Committee meeting (as a matter of urgency).

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R3 Recommendation to Council

Subject: **HERITAGE SIGNIFICANCE ASESMENT OF 30 WYUNA ROAD, POINT PIPER**

Author: Kristy Wellfare, Strategic Heritage Officer

Approvers: Allan Coker, Director - Planning & Development
Anne White, Acting Manager - Strategic Planning

File No: 19/175925

Reason for Report: To respond to Council's resolution of 26 August 2019 to prepare an urgent report to the Environmental Planning committee which assesses the heritage significance of the property at 30 Wyuna Road, Point Piper. To obtain Council's approval to prepare a planning proposal to list the property at 30 Wyuna Road, Point Piper as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014. To obtain Council's approval for the planning proposal to be referred to the Woollahra Local Planning Panel for advice. To advise Council of the making of an Interim Heritage Order (IHO) in respect of the property.

(Jarvis/Marano)

164/19 Resolved without debate:

- A. THAT a planning proposal be prepared to list the property ay 30 Wyuna Road, Point Piper as a heritage item in Woollahra Local Environmental Plan 2014.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R4 Recommendation to Council

Subject: **LOW RISE MEDIUM DENSITY HOUSING CODE - LOCAL HOUSING STRATEGY, SPECIAL LOCAL CHARACTER AREAS AND MINIMUM LOT SIZE STANDARDS FOR ATTACHED DUAL OCCUPANCIES**

Author: Jorge Alvarez, Strategic Planner

Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development

File No: 19/155841

Reason for Report: - To update Council on the status of the Low Rise Medium Density Housing Code.
- To respond to Council's notice of motion dated 8 July 2019, to investigate minimum lot size standards of 800sqm for attached dual occupancies.
- To present planning options to reduce adverse impacts of attached dual occupancies approved as either complying development under the Low Rise Medium Density Housing Code or as development which requires consent under the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014).

Note: Late correspondence was tabled by Double Bay Residents.

Note: Part G was added to the Resolution.

(Jarvis/Silcocks)

165/19 Resolved:

- A. THAT Council prepare a Local Character Statement to inform the creation of Special Local Character Areas throughout the Municipality to be included in the Woollahra LEP 2014.
- B. THAT Council completes a Local Housing Strategy and Local Character Statements (by the end of April 2020) and requests the Department of Planning to work with Woollahra Municipal Council to identify interim special Local Character Statements before that time.
- C. THAT a planning proposal be prepared to increase the minimum lot size of attached dual occupancies in the R2 zone to 800m².
- D. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- E. THAT the advice of the Woollahra Local Planning Panel be reported back to the Environmental Planning Committee.
- F. THAT Council request the Minister for Planning and Public Spaces to exempt Woollahra Council from the commencement of the Low Rise Medium Density Housing Code for the Woollahra Local Government Area as it fails to deliver an increased diversity of housing.
- G. THAT Council advises the Minister that it does not agree with the independent review that there is strong community support for new multi-dwelling housing in low density R2 zones, particularly within the Woollahra Municipality.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 4 November 2019 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **REQUEST FOR GRANT OF EASEMENT TO OWNER OF 460-464
NEW SOUTH HEAD ROAD, DOUBLE BAY**

Author: Stephen Kuhn, Property Officer, Property & Projects

Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services

File No: 19/135659

Reason for Report: To consider an application for a grant of Easement for overhanging portions of balconies on the Cross Lane adjacent to private property, 460-464 New South Head Road, Double Bay.

(Marano/Price)

166/19 Resolved without debate:

- A. THAT Council grant an Easement for Overhang on Cross Lane Double in favour of the owners of 460-464 New South Head Road, Double Bay, subject to easement compensation of \$23,100.00 incl GST and payment of all costs incurred by Council.
- B. THAT the General Manager be authorised to sign all necessary documentation for registration of the Easement on Cross, Double Bay.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **CLOSING OF ROAD PORTION ADJOINING 4 AND 6-8
HAMPDEN STREET, PADDINGTON**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 19/148065
Reason for Report: To consider the closing of part Soudan Street adjoining 4 and 6-8
Hampden Street, Paddington

(Marano/Price)

167/19 Resolved without debate:

- A. THAT in accordance with Section 38D Roads Act, 1993 Council approve the closing of a portion of Soudan Street adjoining 4 and 6-8 Hampden Street, Paddington.
- 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.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R3 Recommendation to Council
Subject: **2019/20 BUDGET REVIEW FOR THE QUARTER ENDED 30 SEPTEMBER 2019**
Author: Justin Hurst, Senior Corporate Accountant
Approvers: Sue Meekin, Chief Financial Officer
Don Johnston, Director Corporate Services
File No: 19/162044
Reason for Report: To report on the review of the 2019/20 Budget for the quarter ended 30 September 2019

(Marano/Price)

168/19 Resolved without debate:

- A. THAT the report on the Budget Review for the quarter ended 30 September 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 2020, based on the forecasts outlined in this report will remain satisfactory.
- C. THAT the recommended variations to the 2019/20 budget outlined in the report be adopted.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Councillor Reports/Councillor Updates

(Wynne/Cavanagh)

169/19 Resolved:

THAT the Councillor Reports/Councillor Updates in accordance with section 8.4 of Council's Code of Meeting Practice be received and noted.

General Item No: 15.1 Remembrance Day
Tabled by Councillor: Wynne

The Mayor, Councillor Wynne advised:

I would like to acknowledge that it is Remembrance Day today. We did observe a minute silence across the nation and I found a note when I was looking online this morning and I thought it was very nice to remember the origins of Remembrance Day.

“At 11 am on 11 November 1918 the guns on the Western Front fell silent after more than four years of continuous warfare. The allied armies had driven the German invaders back, having inflicted heavy defeats upon them over the preceding four months. In November the Germans called for an armistice (suspension of fighting) in order to secure a peace settlement. They accepted allied terms that amounted to unconditional surrender.”

Source: <https://www.awm.gov.au/commemoration/remembrance-day/traditions>

I think it's very important to remember that today marks 101 years since this day. The armistice was signed and it was the end of World War I. The conflict claimed the lives of 60,000 Australians. I had the pleasure of attending a Remembrance Ceremony at COA Sydney with Mr Dave Sharma MP and The Hon. Gabrielle Upton MP and I would also like to thank Councillor Jarvis who attended one at Mark Moran in Vaucluse and I am sure many of you would have attended your Remembrance Days.

I would just ask that we observe a moments silence to remember those who served our nation, who gave these lives and also those who continue to do so.

The Council stopped proceedings to observe a minutes silence for Remembrance Day (at the commencement of the meeting).

The Council noted the information.

Notices of Motion/Questions with Notice

Item No: 16.1
Subject: NOTICE OF MOTION - SPECIAL LOCAL CHARACTER AREAS
From: Councillors Lucinda Regan, Luise Elsing and Mark Silcocks
Date: 20/09/2019
File No: 19/152756

(Regan/Silcocks)

170/19 Resolved without debate:

THAT Council requests staff to:

- A. Undertake an assessment of land areas (including all residential zones) in the municipality that are important to the local character and natural and visual environment of the municipality (including those in sightlines from Sydney Harbour), with a view to identifying those areas where it is important to retain the dominance of landscape over built form and enhance the local character and amenity of the area;
- B. Have regard to (but without limitation) the “Scenic Protection Areas” identified in the Mosman Local Environmental Plan 2012 by way of benchmarking of the assessment to be undertaken in 1 above; and
- C. Prepare a report to Council on measures that can be taken through Council’s planning powers (including any amendment to the Woollahra Local Environmental Plan 2014), to regulate development in such areas so that the character of these areas are retained and the general dominance of landscape over build form is maintained, such report to also consider measures that may be taken to exclude these areas from the Low Rise and Medium Density Housing Code and other codes of the State Environmental Planning Policies.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

13/0

Item No: 16.2
Subject: **NOTICE OF MOTION - COUNCIL MEETING COMMENCEMENT TIME**
From: Councillors Susan Wynne, Richard Shields, Toni Zeltzer, Anthony Marano, Nick Maxwell, Mary-Lou Jarvis, Isabelle Shapiro, Matthew Robertson, Megan McEwin, Luise Elsing and Lucinda Regan
Date: 17/10/2019
File No: 19/168549

(Marano/Zeltzer)

171/19 Resolved:

THAT Council Meetings currently held on the 2nd and 4th Monday of each month be scheduled to commence at 8.00pm instead of the current 6.00pm commencing, with the first Council meeting in 2020.

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

For the Motion

Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Price
Councillor Silcocks

9/4

Item No: 16.3
Subject: **NOTICE OF MOTION - TRELAWNEY COURT AT NUMBER 3
TRELAWNEY STREET WOOLLAHRA - PROPOSED LOCAL
HERITAGE LISTING**
From: Councillors Anthony Marano, Matthew Robertson, Luise Elsing, Megan
McEwin, Lucinda Regan and Toni Zeltzer
Date: 18/10/2019
File No: 19/168463

(McEwin/Marano)

172/19 Resolved without debate:

THAT Council proceeds urgently to assess Trelawney Court at number 3 Trelawney Street, Woollahra with a view to a local heritage listing.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: 16.4
Subject: NOTICE OF MOTION - HERITAGE LISTING PROPERTIES
From: Councillors Matthew Robertson, Lucinda Regan, Anthony Marano and Megan McEwin
Date: 23/10/2019
File No: 19/171500

(Robertson/Regan)

173/19 Resolved without debate:

THAT Council:

- A. Notes the detailed report on Californian Bungalows presented to the Urban Planning Committee on 22 June 2015.
- B. Notes the recommendation to Council on 22 June 2015 to prepare a planning proposal to list 16 Bunyula Road, 6 March Street, 165 O'Sullivan Road, 44 Russell Street, 5A Vivian Street, Bellevue Hill and 10 Parsley Bay, Vacluse as heritage items in Schedule 5 of the Woollahra LEP 2014.
- C. Requests the Director of Planning to review the above mentioned recommendation and provide an updated recommendation to Council on the merit of heritage listing the properties mentioned above.
- D. Requests staff prepare a report on arts and crafts buildings, including any examples of outstanding significance recommended for listing in Schedule 5 of the Woollahra LEP.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: 16.5
Subject: **NOTICE OF MOTION - INTERWAR RESIDENTIAL FLAT BUILDINGS**
From: Councillors Matthew Robertson, Lucinda Regan, Megan McEwin and Anthony Marano
Date: 23/10/2019
File No: 19/171513

(Robertson/Marano)

174/19 Resolved without debate:

THAT Council:

- A. Request staff to report to the Environmental Planning Committee on how the detailed controls for Inter-War residential flat buildings found in B3.8.7 of the Woollahra DCP 2015 can be applied to the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas.
- B. Notes community concern about the recent demolition of interwar residential flat buildings at 12 and 16 William Street, Double Bay, and 75 and 77 O'Sullivan Road, Bellevue Hill, and requests staff to provide commentary on the most effective means of protecting from demolition interwar buildings located in all zones across the municipality, including if appropriate the invocation of LEP provisions.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: 16.6
Subject: **QUESTIONS WITH NOTICE**
Author: Sue O'Connor, Governance Officer
Approver: Helen Tola, Manager - Governance & Council Support
File No: 19/169987
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 11 November 2019 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Note: Late correspondence was tabled by Mark Ramsay, Manager Civil Operations.

(Silcocks/Cavanagh)

175/19 Resolved:

THAT the Questions with Notice be received and noted, subject to the removal of reference to the 'Leslie Wilkinson Heritage Study' in the answer to question 2.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

QWN: 1
From: Councillor Zeltzer
Received on: 21 October 2019
Subject: **Heritage Significance**

Councillor Zeltzer asking:

Acknowledging that our Woollahra Heritage Schedule 5 of the LEP is a dynamic list rather than a closed static list of items, and that heritage protection and conservation needs considerate and ongoing updating, where new items should be added to the list over time as they gain heritage value, can planning staff assist with the following?

Is there an active process used by council staff to identify new items of heritage significance that they feel should be assessed with a view to adding them to our existing heritage list.

(Please do not include items that are presented to staff by the means listed below)

- by councillors through a 'notice of motion'
- by individuals or community groups or community advocates
- through being informed of an impending sale of a property
- through the submission of a DA for a site.

A reliance on these 4 modes above would signify a passive process which relies on others to take the first step and thus renders the process reactive.

An understanding of the current process will highlight whether a review is required to ensure council is proactive rather than reactive with regard to heritage planning.

Acting Manager Strategic Planning in response:

We have identified the following active processes that are or can be used to identify potential items with heritage significance:

1. Thematic studies (based on item typologies, styles or architects e.g. F G Gilling, Wilkinson)
2. Review of non-statutory listings (National Trust, Docomomo, Institute of Architects, Institute of Landscape Architects, Register of the National Estate, Art Deco Society, Institute of Engineers, etc).
3. Review of Section 170 Registers for public bodies (e.g. Sydney Water).
4. Properties identified in other heritage resources/architectural awards e.g. The Encyclopaedia of Australian Architecture and online heritage magazines
5. DA site visits (reviewing adjoining and nearby properties)
6. Consultation with other Council staff including Local History Staff and DA planners.

We are also propose in 2020 creating an online map (using social pin point) where our community can nominate items that they would like us to consider for heritage listing.

QWN: 2
From: Councillor Zeltzer
Received on: 21 October 2019
Subject: **Local Heritage Register**

Councillor Zeltzer asking:

As a Councillor for 11 years over three terms and using this period of time, it would be helpful if staff could identify which items they have put forward through their own staff initiative for heritage assessment with a view to adding them to our local heritage register.

The only information required here is the name of the place, OR the item itself, OR collection of items OR the address. (Please do not include long heritage assessment process and the final outcome of the assessment but simply only the name of items identified by our qualified heritage staff, whose initiative it was to propose such an item).

The two questions above are not requesting long dissertations on the work done in the heritage department. They are being asked to simply establish whether a more active process is required for the ongoing update of our heritage register, rather than relying on items being flagged by other external sources, or by councillors or coming in through new DAs, where we are on the back foot in terms of heritage conservation and protection.

Acting Manager Strategic Planning in response:

The Strategic Planning Team has initiated the following heritage assessments:

1. Contemporary Building Study

This project was conceived in 2006 as a proactive step to review buildings spanning the period 1950-c1980.

The intention was to address the imbalance in the representation of significant examples of modern/contemporary Australian architecture in the then Woollahra LEP 1995.

2. White City Site Heritage Assessment

QWN: 3
From: Councillor Regan
Received on: 23 October 2019
Subject: **Development Application Building Costs**

Councillor Regan asking:

Would you please advise as to:

- a) how the projected costs of development are checked and managed by Council; and
- b) what method(s) is used by Council, if any, to confirm that building costs submitted as part of a development application are a fair and reasonable estimate.

Residents have expressed concern about the perceived advantages to underestimating such costs in terms of revenue to rate payers as well as potentially reduced scrutiny of applications because they fall below a certain threshold.

Residents are concerned that underestimating the cost of development when lodging development applications both reduces revenue for Council and can also mean that such applications are determined by a perceived inappropriate committee or by staff delegation with less transparency.

Residents are also concerned that underestimated costs of development may also result in use of unduly cheap and poor quality materials when there is concern in the community about defective building work.

Director of Planning in response:

Under the provisions of Section 25J and 255 of the EP&A Regulation 2000 which specifically relate to determining the proposed cost of the development, the following clauses are relevant:

25J *Determination of proposed cost of development (Section 7.12 levy)*

- 2) *For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.*

255 *How is a fee based on estimated cost determined?*

- 1) *In determining the fee for development involving the erection of a building, the consent authority must make its determination by reference to a genuine estimate of—*
 - (a) *the costs associated with the construction of the building, and*
 - (b) *the costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment).*
- 1A) *In determining the fee for development involving the carrying out of a work, the consent authority must make its determination by reference to a genuine estimate of the construction costs of the work.*
- 1B) *In determining the fee for development involving the demolition of a building or work, the consent authority must make its determination by reference to a genuine estimate of the costs of demolition.*
- 2) *The estimate must, unless the consent authority is satisfied that the estimated cost indicated in the development application is neither genuine nor accurate, be the estimate so indicated.*

In relation to the two specific questions, being:

- a) How the projected costs of development are checked and managed by Council; and
- b) What method(s) is used by Council, if any, to confirm that building costs submitted as part of a development application are a fair and reasonable estimate,
the following measures are in place to ensure the estimated costs of the development are accurate and checked by Council staff:

- Section 7 of Council's DA form and Attachment 8 of Council's DA Guide (Quantity Surveyors Report) which read as follows:

7. *Estimated cost of works*

NB: The estimated cost of works is subject to a check by Council before final acceptance. For projects under \$750,000, residential building work will have a minimum cost of approximately \$3,500/m². For projects over \$750,000, a Quantity Surveyor's report is required.

DA Guide

Who must produce the Quantity Surveyor's report and what must it detail?

The quantity surveyor's report in the format provided in Section 7 of the Development Application form must be carried out by a member of the Australian Institute of Quantity Surveyors engaged by or on behalf of the applicant, at the applicant's cost, where the estimated cost is \$750,000 and above.

Can Council determine the estimate costs of development?

Yes, Council will use the report of the registered quantity surveyor to make its determination of the estimate cost of development but the determination is made by Council. Council is not bound by the estimate provided.

Can I appeal against the determined cost of development?

No. There is no right of appeal, Council's determination is final.

- Council's Team Leader(s) in their initial review of the submitted DA at lodgement stage in terms of its documentation including estimated cost of works must specifically answer the following question contained in an internal check sheet;

Is the estimated cost of works considered to be a genuine estimate?

NB: Calculated in accordance with Council's procedure (calculated at a rate of \$3,500/m²) and Clauses 25J and 255 of the EP&A Regulation 2000

- The calculated rate at \$3,500/m² for development with an estimated cost of less than \$750,000 is considered to be a reasonable market rate
- A review by Council's internal auditors relating to Council's DA estimated cost of works model and internal procedures was undertaken approximately 2 years ago and was found to be acceptable

Based on the above points, it is clear that Council's practices accord with the relevant legislation and there are sufficient internal safeguards in place to ensure that the estimated cost of works nominated on individual DAs appropriately represent the actual costs.

QWN: 4
From: Councillor Price
Received on: 5 November 2019
Subject: **Environmental Protection Agency (EPA)**

Councillor Price asking:

It is now over one year ago since the Environmental Protection Agency (EPA) revoked the exemptions concerning mixed waste organic output.

Can the Director please provide an update on (any) recent developments concerning the EPA's decision?

Manager Civil Operations in response:

Background

Woollahra Council uses Veolia's' Mechanical Biological Treatment (MBT) facility to process and dispose of our residential garbage. The Mixed Waste Organic Output (MWOO) that is derived from this process was to be used to rehabilitate the surrounding Woodlawn mine site.

However, in October 2018, due to risks associated with chemical and physical contaminants, the EPA revoked the general and specific Resource Recovery Orders and Exemptions that allowed the application of MWOO to land. As a result, Veolia has continued to process the waste, with the majority of the MWOO product being stockpiled, with some sent to landfill.

Further Testing

Following the October 2018 announcement, the EPA completed additional research into whether MWOO can be safely applied to mining and forestry plantation sites.

The EPA reviewed assessments of the human health and ecological risks of applying MWOO to land, and considered further controls. The EPA recently confirmed they do not intend to grant any general exemptions or issue any related orders allowing MWOO to be used as a soil amendment on agricultural, mining rehabilitation or forestry land.

The waste industry has accepted the science behind the decision and will not be disputing it. This effectively means that MWOO can no longer be used to rehabilitate any land and can now only be landfilled.

Current EPA Position

The EPA has announced a \$6.5 million transition package for industry to research and develop alternative products and end markets. Food and garden organics (FOGO) and waste to energy appears to be the direction the EPA are heading. However, they have not limited the industry to this solution.

The EPA has also recently extended, to February 2020, a Section 88 exemption it placed on Veolia. This exemption allows Veolia to landfill 35,000 tonnes of MWOO without paying the levy. Veolia are currently processing approximately 145,000 tonnes of waste annually through the facility.

SSROCs Position

Woollahra and other affected SSROC Councils have met with representatives from Veolia on several occasions and have agreed on the following short term approach.

1. Continue to work together to achieve the best possible outcome.
2. Veolia to continue to process waste in accordance with current contracts. Processing the waste before landfilling provides a more stable, lighter and less bulky material. Closure of the facility would also result in job loss.
3. Veolia to seek a special exemption to use the MWOO to remediate a tailings dam at the Woodlawn site. This will achieve a better outcome than landfilling, and:

4. Veolia to seek an exemption to use MWOO as alternative daily cover in the bioreactor landfill, whilst the special exemption for the tailings dam is sought

Woollahra Councils Position

Woollahra is one of very few Councils that currently operates a weekly green waste and FOGO collection service. This allows any resident that wants to participate, whether from single or multi-unit dwellings, to place food scraps into their green organics bin. This places Council in the strong and unique position of being able to expand our current FOGO service with minimal cost and impact to our residents.

This option may prove to be the best long term solution for Woollahra. However, several contractual and operational issues would need to be resolved.

1. The contract and Veolia's process requirements will need to be altered to allow for separation of our FOGO stream from other SSROC Councils' waste stream.
2. Council will need to run an extensive education program for residents to ensure FOGO remains free from contamination
3. Collection runs will need to be revised and transitioned from vehicles collecting waste as the predominant tonnage, to FOGO as the predominant tonnage.

Veolia is considering several long term options including the transitioning of their current facility to accommodate a FOGO stream. They are also considering the time this transition would take.

Further information will be passed onto Councillors as we work through the various issues and options and have a more detailed understanding of the direction we will take.

QWN: 5
From: Councillor Elsing
Received on: 5 November 2019
Subject: **Cities Power Partnership**

Councillor Elsing asking:

I refer to

- my previous question on notice in February 2018 congratulating the admission of Woollahra Council to the Cities Power Partnership in January 2018
- Woollahra Council Environmental Sustainability Action Plan 2013 – 2025; Community and Environment Committee Report dated 26 April 2016; Woollahra Council Annual Report for 2017 – 2018
- Woollahra Council outcomes listed on the Cities Power Partnership website including installation of solar power, 25% greenpower for all small electricity sites, installation of solar panels in the local government area <https://citiespowerpartnership.org.au/partners/woollahra-municipal-council/>

1. What has Council achieved in the following objectives set out in the Cities Power Partnership website?
 - purchasing an increasing amount of renewable energy for all Council buildings and assets
 - monitoring the energy and water consumption of Council assets to look for further opportunities to improve the efficiency of Council operations
2. What has Woollahra Council achieved as at 30 June 2019 in meeting its Energy Targets, Water Targets, Waste Targets, Transport Targets and Bio Diversity Targets as set out on the Woollahra Council website
https://www.woollahra.nsw.gov.au/environment/targets_and_reports
3. Where can residents access the most recent Woollahra Council Annual Environmental Report Card.

Team Leader Environment & Sustainability in Response:

1. Since joining the Cities Power Partnership Program, Woollahra has achieved a number of the initial pledges. A review was conducted in August 2019 which found that 50% pledges were completed and 50% were ongoing programs. The Environment and Sustainability Team is working to update the pledges. Regarding purchase of renewable energy, Council commenced a Power Purchase Agreement on 1 July to ensure that 30% of Council's energy for large sites is sourced from renewables. We also continue to install solar power on Council facilities where feasible.

We continue to monitor energy and water consumption across all Council assets via our CCAP database.

2. The Environment and Sustainability Team is currently compiling data for the 2018-19 year to ascertain progress towards achieving our environmental targets. This data will be presented in the Report Card format.
3. The Woollahra Council Annual Environmental Report Card is usually included in Council's Annual Report. It will also be published on Council's website.

There being no further business the meeting concluded at 8.10pm.

We certify that the pages numbered 627 to 673 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 11 November 2019 and confirmed by the Ordinary Meeting of Council on 25 November 2019 as correct.

General Manager

Mayor