



# Ordinary Council



## Agenda

Monday 9 December 2019

5.30pm

**Seating Plan for the Mayor and Councillors:**

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

<b>Press</b>
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<b>Public Gallery</b>
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# Woollahra Municipal Council

## Notice of Meeting

5 December 2019

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

Dear Councillors,

### **Ordinary Council – 9 December 2019**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 9 December 2019 at 5.30pm.**

Gary James  
General Manager

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## Meeting Agenda

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	Strategic & Corporate Committee Meeting	26 November 2019
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## 12. General Manager and Officer's Report

<b>Item No:</b>	12.1
<b>Subject:</b>	<b>WOOLLAHRA LOCAL PLANNING PANEL - APPOINTMENT OF ADDITIONAL EXPERTS</b>
<b>Author:</b>	Nick Economou, Manager Development Control
<b>Approvers:</b>	Allan Coker, Director - Planning & Development Don Johnston, Acting General Manager
<b>File No:</b>	19/102222
<b>Reason for Report:</b>	The purpose of this report is to recommend the appointment of additional Experts to the Woollahra Local Planning Panel.

### Recommendation:

THAT Council, pursuant to Section 2.18 of the *Environmental Planning and Assessment Act 1979*, appoint the following additional Experts to the Woollahra Local Planning Panel:

- Graham Brown,
- Sandra Robinson, and
- Gabrielle Morrish.

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### Background

The Woollahra Local Planning Panel (WLPP) has been operating since 26 March 2018.

The Panel currently comprises a Chair, Ms Annelise Tuor, Alternate Chairs Mr Peter Wells and Prof. Peter Webber along with four (4) Experts, Mr John McInerney, Ms Sheriden Burke, Mr James Colman and Dr Mark Carleton supported by nine (9) Community Representatives.

While the quorum of the panel will continue to comprise four (4) persons (i.e. Chair, two (2) Experts and one (1) community representative), the Chair of the WLPP, has indicated that she is experiencing difficulties in the selection and effective rotation of expert members for each panel meeting due to unavailability, conflicts of interest and panel composition (for review applications).

In this regard the Chair is recommending that Council appoints three (3) additional experts to the WLPP.

### Appointment of Experts

In December 2017, the former Minister for Planning, Minister for Housing and Special Minister of State, The Hon. Anthony Roberts MP, approved a list of 218 experts who are available to Council's to appoint to Local Planning Panels. The Department advised that each expert was approved on the basis of their professional standing, experience, technical ability and broad understanding of the development assessment process.

The Chair and Council's Manager of Development Control, reviewed the list of 218 experts approved by the Minister and recommend that the following experts being Graham Brown, Sandra Robinson, and Gabrielle Morrish be appointed to the Panel for the following reasons:

- they provide a very high level of expertise in both Development Control and Strategic Planning,
- strengthen and compliment the current skill set and gender balance of the Panel,
- provide the best fit for Woollahra given their understanding and knowledge of Woollahra, and
- cover the most important competencies being planning, heritage, urban design and public administration.

A summary of the additional experts which are recommended for appointment to the WLPP is provided below:

Name	Expertise
Graham Brown	Mr Brown is the former Commissioner of the NSW Land & Environment Court and former Director of Planning at Baulkham Hills Shire Council (now The Hills Shire Council). Mr Brown holds a Bachelor applied Science (Environmental Planning, a Graduate Diploma in Environmental Studies and a Master of Business (Local Government Management). Mr Brown has also presented various papers on behalf of the Court.
Sandra Robinson	Ms Robinson holds a Bachelor of Town Planning (Hons), member of the Planning Institute of Australia. Ms Robinson has ample professional experience which includes submission of development applications, preparation of Statements of Environmental Effects, rezoning applications and environmental planning studies. Ms Robinson has also been a expert witness at the Land & Environment Court for City of Sydney.
Gabrielle Morrish	Ms Morrish holds a Bachelor of Architecture (Hons) and is a member of the Planning Institute of Australia. Ms Morrish has extensive experience in urban design and architecture, including the preparation of urban design studies for individual sites and wider areas. Ms Morrish has appeared as a regular expert in the Land & Environment Court and is currently a panel member on the Waverley Local Planning Panel.

**Note:** The Department of Planning, Industry & Environment (DPIE) advised that the CVs of approved experts contain personal information under the *Privacy and Personal Information Protection Act 1998*. For this reason CVs are not to be distributed or details published without the express permission of the individual.

All three (3) experts outlined above are highly experienced practitioners with a broad range of planning and related experience which meet the requirements of Section 2.18(7) of the *Environmental Planning and Assessment Act 1979*. All three (3) experts have confirmed their availability to be experts on the WLPP if approved by Council.

### **Conclusion:**

The Chair of the WLPP, has indicated that she is experiencing difficulties in the selection and effective rotation of expert members for each panel meeting due unavailability and conflicts of interest etc. There is an operational need to appoint additional members to cover absences and to facilitate rotation of experts as required by the WLPP Operational Procedures.

It is recommend that Council appoints three (3) additional experts to the WLPP Panel being Graham Brown, Sandra Robinson and Gabrielle Morrish.

### **Annexures**

Nil

## 13.1. Strategic & Corporate Committee

### Items with Recommendations from the Committee Meeting of Tuesday 26 November 2019 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>THE NIGHT TIME ECONOMY POLICY &amp; FOOTWAY DINING - POST EXHIBITION REPORT</b>
<b>Authors:</b>	Jacquelyne Della Bosca, Executive Planner Anne White, Acting Manager - Strategic Planning Stephen Kuhn, Property Officer, Property & Projects
<b>Approvers:</b>	Zubin Marolia, Manager - Property & Projects Allan Coker, Director - Planning & Development Tom O'Hanlon, Director - Technical Services
<b>File No:</b>	19/185676
<b>Reason for Report:</b>	To report on submissions received to the public exhibition of the Draft Footway Dining Policy and Guidelines, Draft Night Time Economy Policy, amendments to the Woollahra DCP 2015 and DA Guide.

#### Recommendation:

- A. THAT Council notes the report to the Strategic and Corporate Committee meeting of 26 November 2019 on the exhibition of the Draft Footway Dining Policy and Guidelines, Draft Night Time Economy Policy, and amendments to the Draft Woollahra DCP 2015 and Woollahra DA Guide.
- B. THAT Council adopts the Draft Footway Dining Policy, as amended and provided at **Annexure 4** of this report, which, amongst other things:
- i. permits the service of alcohol with or without the service of a meal provided the premises has an appropriate liquor licence and the service of alcohol is restricted to seated patrons, and
  - ii. Recommends the following maximum trading hours for footway dining:  
  
*Cafes, unlicensed and licensed restaurants;*  
Trading hours 7am to 10pm Sunday to Thursday  
7am to 11pm on Friday and Saturday  
*Pubs and small bars;*  
Trading hours 8am to 10pm Sunday to Thursday  
8am to 11pm on Friday and Saturday
- C. THAT Council adopts the Draft Footway Dining Guidelines as amended and provided at **Annexure 5** of the report which, amongst other things, also includes provisions as set out in B(i) and B(ii) above.
- D. THAT Council adopts the Draft Night Time Economy Policy as amended and provided at **Annexure 6** of the report.

- E. THAT Council adopts the Draft Woollahra DCP 2015 Amendment No. 8 as amended and provided at **Annexure 7** of the report, consistent with the other suite of documents.
  - F. THAT Council notes the amendments to the DA Guide as provided at **Annexure 8** of the report.
  - G. THAT Council advise the Police Area Command that it welcomes and supports the establishment of a Liquor Accord for Double Bay.
  - H. THAT Council commit to the ongoing enforcement of development consents and footway dining approvals in our active night time economy precincts, including but not limited to:
    - i. Random spot checks in relation to compliance with conditions of development consent, footway dining approvals and compliance with parking and traffic laws,
    - ii. Enforcement of noise conditions where reasonable anecdotal evidence, or complaints are received from residents that noise emitted from licensed premises exceeds permitted thresholds,
    - iii. Increasing staff resources, if warranted to ensure that conditions of consent/approval are enforced, and
    - iv. Revoking, suspending, or amending Footway Dining Approvals in circumstances set out in clause 5.6 of the *Draft Footway Dining Guidelines*.
  - I. THAT the Mayor be requested to write to Uber to further reinforce a code to their drivers regarding dropping off in a safe manner.
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## 13.2. Environmental Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 2 December 2019 Submitted to the Council for Determination

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<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>REQUEST FOR A PLANNING PROPOSAL FOR 294-298 NEW SOUTH HEAD ROAD AND 2-10 BAY STREET, DOUBLE BAY</b>
<b>Authors:</b>	Jorge Alvarez, Strategic Planner Kelly McKellar, Acting Team Leader - Strategic Planning
<b>Approvers:</b>	Anne White, Acting Manager - Strategic Planning Allan Coker, Director - Planning & Development
<b>File No:</b>	19/175953
<b>Reason for Report:</b>	To obtain Council's approval to prepare a planning proposal for 294-298 New South Head Road and 2-10 Bay Street Double Bay, which seeks to amend the maximum building height and floor space ratio (FSR) controls in 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.

#### Recommendation:

- A. THAT Council resolve to prepare a planning proposal for land at 294-298 New South Head Road and 2-10 Bay Street, Double Bay (the subject site), which seeks to amend *Woollahra Local Environmental Plan 2014* in the following manner:
- Amend the maximum building height control from 14.7m to 21.5m across the entire site.
- Amend the maximum floor space ratio (FSR) control from part 2.5:1/part 3:1 to 3:1 across the entire site.
  - Include a minimum non-residential FSR control of 1.3:1 to be provided as part of the maximum 3:1 FSR control, and
  - Subject to it being compliant with the Double Bay Commercial Centre Building Envelope Review for the property at 294-298 New South Head Road and 2-10 Bay Street, Double Bay the as per figure 18 shown on page 107 of the Environmental Planning Agenda of 2 December 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.
-

**Item No:** R2 Recommendation to Council  
**Subject:** **POTENTIAL AMENDMENTS TO THE PADDINGTON HERITAGE CONSERVATION AREA CONTROLS TO INSERT NUMERICAL CONTROLS FOR PAVILIONS AND LINKING STRUCTURES**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Anne White, Acting Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/188088  
**Reason for Report:** To report on Council's decision requesting staff to identify potential controls for the maximum height of pavilions and dimensions for linking structures.

**Recommendation:**

- A. THAT Council note the report to the Environmental Planning Committee meeting of 2 December 2019 which contains potential options to address the inclusion of numerical controls for pavilion and linking structures in the Paddington Heritage Conservation Area controls.
  - B. THAT a meeting of the Paddington Heritage Conservation Area Working Party is convened by mid-February 2020 to discuss potential amendments to the numerical controls for pavilions and linking structures and to give consideration to how the controls should apply to one and two storey terraces.
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## 13.3. Finance, Community & Services Committee

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### Items with Recommendations from the Committee Meeting of Monday 2 December 2019 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **COMMUNITY FACILITIES STUDY**  
**Author:** Sharon Campisi, Manager - Community Development  
**Approver:** Lynn Garlick, Director - Community Services  
**File No:** 19/172512  
**Reason for Report:** To report on the findings of the 2019 Community Facilities Study.

**Recommendation:**

THAT consideration of the Community Facilities Study be deferred for a Councillor briefing to be held early in 2020.

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**Item No:** R2 Recommendation to Council  
**Subject:** **ROYAL AUSTRALIAN NAVY SAILING ASSOCIATION (RANSA)  
LEASE, SIR DAVID MARTIN RESERVE, 1C NEW BEACH  
ROAD, DARLING POINT**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Tom O'Hanlon, Director - Technical Services  
**File No:** 19/175537  
**Reason for Report:** To consider the proposed public café use and variation of the RANSA lease.

**Recommendation:**

- A. THAT Council approves the variation of the RANSA Lease subject to:
- i. An additional rental payment of \$8,800 per annum (plus GST) being received for incorporation of a public café use at the Boatshed premises, Sir David Martin Reserve, 1C New Beach Road, Rushcutters Bay.
  - ii. The terms and conditions of the approved lease agreement including rent review of the above additional rent payment component being included in the Variation of Lease.
  - iii. Compliance with the Crown Land Management Act 2016
- B. THAT Council authorise the General Manager to execute all necessary documentation to effect the lease variation.

**Item No:** R3 Recommendation to Council  
**Subject:** **PADDINGTON LIBRARY - OUTCOMES OF 12 MONTH SUNDAY OPENING TRIAL**  
**Author:** Vicki Munro, Manager - Library & Information Services  
**Approver:** Lynn Garlick, Director - Community Services  
**File No:** 19/187481  
**Reason for Report:** The 12 month trial for Sunday Opening at Paddington Library will end on Sunday 29 December 2019. This report seeks Council's support to continue on a permanent basis, Sunday opening, 10am to 4pm, as part of Paddington Library's standard opening hours from Sunday 5 January 2020. The City of Sydney have advised that they support and will contribute to the operational costs for the Sunday opening, as per the apportionment ratio in the current Paddington Library Agreement.

**Recommendation:**

- A. THAT Sunday opening at Paddington Library, 10am to 4pm continue on a permanent basis as part of the Paddington Library's standard opening hours from Sunday 5 January 2020;
  - B. THAT Woollahra Municipal Council and the City of Sydney will fund the operational costs for the Sunday Opening at Paddington Library, as per the apportionment ratio in the current Paddington Library Agreement; and
  - C. If approved by Council, the necessary amendments will be made to the 2019/20 Budget in the December 2019 quarterly review.
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**Item No:** R4 Recommendation to Council  
**Subject:** **ROSE BAY CAR PARKS PROJECT**  
**Author:** Richard Pearson, Development Manager  
**Approver:** Tom O'Hanlon, Director - Technical Services  
**File No:** 19/182516  
**Reason for Report:** To advise Council of updated financial modelling for the Rose Bay Car Parks Project and to seek approval to progress the development of the Wiberforce Ave site to DA stage.

**Recommendation:**

- A. THAT Council note the commercial analysis on redevelopment of the Rose Bay car park sites contained in this report.
  - B. THAT Council proceed to detailed DA-level design for redevelopment of the Wilberforce Avenue car park site, such design to incorporate the inclusion of green elements such as detailed landscaping and planting of lower levels and if permitting the rooftop, green walls and methods to incorporate pedestrian walkways.
  - C. THAT Council defer further progress on redevelopment of the Ian Street car park site.
  - D. THAT a further report be provided to Council prior to submission of a Development Application for the Wilberforce Avenue site. That report will seek Council endorsement of the design as well as outlining a funding strategy for the project and strategies to address loss of parking during construction, excluding use of any public parks.
  - E. THAT the further report consider a mix of commercial and community uses.
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**Item No:** R5 Recommendation to Council  
**Subject:** **2020/21 BUDGET STRATEGY**  
**Author:** Sue Meekin, Chief Financial Officer  
**Approver:** Don Johnston, Director Corporate Services  
**File No:** 19/176655  
**Reason for Report:** To seek adoption of the strategy to guide the preparation of the 2020/21 Budget.

**Recommendation:**

THAT Council:

- A. Receive and note the report on the Budget Strategy for 2020/21.
- B. Note the principal strategy for the preparation of the draft 2020/21 Budget, subject to the completion of management's comprehensive budget review process, is to:
  1. Provide sufficient funding for all continuing services;
  2. Provide funding for recommended service expansions;
  3. Continue Council's commitment to asset renewal;
  4. Continue a program of capital improvements at similar budget levels and ratios;
  5. Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements
  6. Continue to pay a community dividend from the Kiaora Place operating surplus in the order of \$1.5m to fund a range of additional services and projects; and
  7. Maintain an adequate working funds balance.
- C. Endorse the following economic parameters around which the draft 2020/21 Budget will be prepared:
  1. That Council adopt a balanced budget for 2020/21;
  2. That the draft 2020/21 Budget be prepared on the basis of no new borrowings for the provision of existing services;
  3. That any transfers to and from Reserves be clearly shown in the draft 2020/21 Budget;
  4. That fees and charges be increased by at least CPI (2%) where practical unless it would have an adverse impact on forecast revenue or users' capacity to pay;
  5. That the 2020/21 draft salaries and wages budget be prepared on the basis of a 2.5% Award increase and 5% vacancy rate;
  6. That the 2020/21 budget be prepared on the basis of a 9.5% contribution rate for the Superannuation Guarantee and provide for the additional compulsory contribution of \$339,000; and
  7. That productivity and efficiency measures be reported on as part of the budget process.
- D. Receive further reports in relation to the preparation of Council's 2020/21 Operational Plan and Budget at future Finance, Community & Services Committee Meetings.
- E. Hold a workshop to consider priority projects for the 2020/21 Budget.

**Item No:** R6 Recommendation to Council  
**Subject:** **NEW SOUTH HEAD ROAD, DOUBLE BAY TO ROSE BAY CYCLEWAY**  
**Authors:** Aurelio Lindaya, Manager Engineering Services  
Emilio Andari, Traffic & Transport Team Leader  
**Approver:** Tom O'Hanlon, Director - Technical Services  
**File No:** 19/192733  
**Reason for Report:** To seek Council approval of the New South Head Road Cycleway

**Note:** In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Mary-Lou Jarvis given the decision is one of importance across our municipality and the decision should be made by full Council.

**Recommendation:**

- A. THAT the design plans for the New South Head Road Cycleway be updated to incorporate the amendments resolved by the Woollahra Local Planning Panel and, subject to satisfying the conditions of consent imposed on DA 152/2019/1, the project proceed for construction.
  - B. THAT all affected properties adjoining the New South Head Road Cycleway be notified of the works prior to construction.
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## **15. Councillor Reports/Councillor Updates (Section 8.4)**

**Note:** Councillor Reports/Councillors Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).



## 16. Notices of Motion/Questions with Notice

**Item No:** 16.1  
**Subject:** NOTICE OF MOTION - GLASS DEPOTS  
**From:** Councillors Luise Elsing and Harriet Price  
**Date:** 3/12/2019  
**File No:** 19/196650

THAT Woollahra Council staff prepare a report:

- A. identifying suitable sites for locating and installing depots for the community to deposit glass for recycling (and any other Community Recycling Centres);
- B. outlining the status of the installation of reverse vending machines within the Woollahra Municipality pursuant to the NSW Container Deposit Scheme (return and earn);
- C. explaining the extent to which kerbside recycling bins are eligible for refunds and whether Council (or our recycling contractors) claim these refunds;
- D. detailing opportunities to access grant funding through the Environmental Protection Authority's Better Waste and Recycling Fund; and
- E. commenting on the waste and recycling targets set in Council's Environmental Sustainability Action Plan 2013-2025 (and the extent to which those targets have been met).

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### Background

**The amount of waste we are producing is increasing.** Waste generation is closely linked to population, household income and economic activity. Woollahra's population is increasing which is likely to result in a corresponding increase in waste production each year.

**Effective waste disposal opportunities are decreasing.** Recycling options have been affected by:

- the China National Sword Policy which restricts the importation of waste into China, including various plastics and unsorted mixed papers, and the setting of more stringent standards for contamination levels;
- the Queensland Government's waste levy was introduced in July 2019 which limits the benefits of using Queensland for the disposal of waste generated in NSW;
- the Environment Protection Authority revocation in October 2018 (following the independent review of Alternative Waste Treatment) of permits that had allowed the production of mixed waste organic outputs from material drawn from "red-top" kerbside household bins. This waste is now diverted to landfill rather than spread on farms; and
- NSW has three operating landfill sites: Lucas Heights (scheduled to close in 2038), Eastern Creek and Woodlawn (predicted to close in 2030).

Colin Sweet, CEO of the Australian Landfill Owners Association says *“It would only take a bushfire in the Royal National Park or one that cut the rail link south - waste freight to Woodlawn is only by train - to leave Sydney's councils unable to empty residents' red bins...Uncollected putrescible waste becomes an immediate threat to human health - imagine garbage bins full and overflowing with rotting garbage. It's not just a government problem, it's a public health issue.”* SMH Peter Hannam 6 January 2019.

**The NSW government does not apply all the money raised from the waste levy into recycling efforts.** At the waste summit held in Sydney ahead of the 23 March 2019 state election, Councils called on the government to invest 100% of the more than \$2.1 billion set to be raised over the next four years through the waste levy. At the recent LGNSW annual conference Premier Berejiklian responded to this issue by saying the State Government spent money on local government issues that it received by way of the levy.

**Solutions rely on the involvement of circular stewards.** National and state government strategy, policy and investment and the actions of local governments and the community. Residents are agitating for opportunities to respond to waste management issues. The State Government launched in December 2017 the NSW Container Deposit Scheme (Return and Earn) which comprises various collection points; reverse vending machines, automated depot, over the counter and donation stations. Refunds can be received as cash, digital payment, in-store credit or a charity donation. The current stations identified for the Woollahra Municipality on the Return and Earn webpage are located in Bondi Junction Rail Station and do not accept glass ([https://returnandearn.org.au/return\\_point/bondi-junction-station-2/](https://returnandearn.org.au/return_point/bondi-junction-station-2/)).

Woollahra Council's Environmental Sustainability Action Plan 2013-2025 sets targets of 66% waste diversion from landfill by 2014 and a 20% increase in public place recycling by 2017. Woollahra Environmental Targets 2018/2019 sets a target of 75% waste diversion from landfill by 2021/2022. The 2018/2019 status is that 56% of domestic waste has been diverted from land fill. Councils are responding to the issue and it is reported in the Local Government Focus Vol 35 that some have implemented initiatives supporting waste management including removing glass from yellow bins.

**Community Recycling Centres provide a solution to waste diversion.** They are permanent drop-off centres for common household waste which can be used by recycling collection services. Greater separation of waste can reduce contamination and improve the quality of recycling and supports the aggregated materials realising their economies of scale for recovery. For example, we drink our beers from bottles promising a refund on their return to a recognised depository.

#### Reference Articles

- <https://www.lexology.com/library/detail.aspx?g=0fc6cc8b-a00a-4276-ba34-4c66d8b03459>
- Recycling and resource recovery infrastructure Evidence base report October 2019
- <https://www.infrastructurevictoria.com.au/wp-content/uploads/2019/10/Infrastructure-Victoria-Recycling-and-resource-recovery-infrastructure-Evidence-base-report-October-2019-FINAL-REPORT.pdf>
- The NSW Waste and Resource Recovery Strategy 2014-21 December 2014
- <https://returnandearn.org.au/>
- Woollahra Council Annual Report 2018/2019
- Alternative Waste Treatment - Mixed Waste Derived Organics Technical Advisory Committee report to the NSW Environment Protection Authority Report – April 2018

**Item No:** 16.2  
**Subject:** **NOTICE OF MOTION - HERITAGE GAP ANALYSIS**  
**From:** Councillors Toni Zeltzer and Anthony Marano  
**Date:** 4/12/2019  
**File No:** 19/197958

THAT Council immediately undertakes a Heritage GAP analysis to:

- Review and analyse existing heritage items and architectural typologies to identify gaps in Schedule 5 of our Woollahra Heritage LEP;
  - Develop a strategy for new heritage listings;
  - Identify priorities and items or areas at risk; and
  - Develop an action plan to address the gaps.
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**Item No:** 16.3  
**Subject:** **NOTICE OF MOTION - UPDATING LOCAL HERITAGE REGISTER**  
**From:** Councillors Toni Zeltzer and Anthony Marano  
**Date:** 4/12/2019  
**File No:** 19/197964

THAT Council prepares a new section to the DCP to protect houses and buildings, which have been designed by significant and important architects.

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## **Background**

Our current approach to updating our local heritage register by the ongoing addition of new items to Schedule 5 of our LEP is a reactionary one which is triggered by a new DA application or by being informed of an impending sale of a property.

There is currently no systematic approach to the updating of our heritage register and this risks losing items of significant heritage value from our LGA. The last concerted review of our heritage register was carried out by an eminent heritage architect in 1998 (21 years ago). He identified items that needed to go on our heritage list by doing a drive around. This driving around method is less than satisfactory in identifying items that may be of heritage value and worthy of protection. Obviously some items would be obscured from the street front.

In the last 15 years, very few items have been identified by our qualified heritage staff through their own initiative as being worthy of heritage protection and addition to our schedule 5 of the LEP. Very few matters have come before Urban Planning over 11 years where our qualified heritage staff, by their own volition, have identified the item for listing. This fact has been confirmed by the meagre and somewhat inflated list that was included in the answer to a recent question on notice, even while it was confirmed that there are many avenues available to staff in identifying items that are worthy of being added to our heritage list.

There has not been a proactive, considerate and systematic approach to the identification, assessment and listing of new heritage items for a very long time. We need to address this as a matter of urgency due to the building and development pressure that puts significant buildings of heritage value at risk.

Woollahra is an LGA that prides itself on heritage protection and where every single Councillor runs for office on a platform of a strong commitment to heritage protection and yet there is a deficiency in how we identify new items for the ongoing update of our local heritage register. This deficiency impacts on the ability to maintain a continuum of significant heritage items across the historical periods of our area. When significant items are lost through demolition, there is a permanent severe of this continuum and these items can never be replaced. The only remaining historical record of this period or this item, is on paper or digital records. Even while the lost item may have been of significant heritage value it was not identified, assessed and listed in a proactive and timely manner and thus its physical form is lost through demolition.



**Item No:** 16.4  
**Subject:** **QUESTIONS WITH NOTICE**  
**Author:** Sue O'Connor, Governance Officer  
**Approver:** Helen Tola, Manager - Governance & Council Support  
**File No:** 19/190422  
**Reason for Report:** To table Questions with Notice received from Councillors.

**Recommendation:**

THAT the Questions with Notice be received and noted.

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**Background:**

A Councillor may, by way of notice, ask a question for response by the General Manager or their nominee, in accordance with Council's adopted Code of Meeting Practice. Where a response, or an update, will be provided at the Council Meeting, a response of 'On Notice' is listed in the Council Agenda.

The following Question with Notice for the Council Meeting on 9 December 2019 have been received.

**QWN:** 16.1  
**From:** Councillor Zeltzer  
**Received on:** 21 November 2019  
**Subject:** Woollahra Heritage Protection

**Councillor Zeltzer asking:**

Under Woollahra Heritage protection why do we have a whole section on the conservation of timber buildings in Paddington but none for the conservation of timber buildings in Watsons Bay?

**Director Planning & Development in Response:**

A study of timber buildings was carried out for both the Watsons Bay HCA and the Paddington HCA, and these timber buildings are identified in the relevant chapter of Woollahra DCP 2015. In Ch C1 Paddington HCA these are identified in their own building type/section whilst Ch C3 Watsons Bay HCA is divided up by precinct. There are therefore controls for timber buildings in both the Paddington and Watsons Bay HCA.

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**QWN:** 16.2  
**From:** Councillor Zeltzer  
**Received on:** 21 November 2019  
**Subject:** Paddington Pubs

**Councillor Zeltzer asking:**

Why are the following old Paddington pubs not in the current list, which is being supported for heritage listing?

- a) Paddington RSL
- b) Windsor Castle
- c) Old Albury Hotel
- d) EJ Ward

**Director Planning & Development in Response:**

The recently completed Paddington Pub project related to those pubs (in the suburb of Paddington) which are still operating as pubs. Part of the study was intended to address potential future conversion to residential use.

All buildings in the Paddington HCA are contributory items (unless they are contemporary infills), and there are controls in place which address any future development. On 25 November 2019, Council resolved to endorse and exhibit proposed amendments to Ch C1 Paddington HCA of the Woollahra DCP 2015 relating to pub buildings in Paddington. These amendments aim to retain significant features of pub buildings in the event of a change of use and/or substantial alterations and additions.

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**QWN:** 16.3  
**From:** Councillor Zeltzer  
**Received on:** 21 November 2019  
**Subject:** 12 Wentworth Road, Vaucluse

**Councillor Zeltzer asking:**

12 Wentworth Road, Vaucluse is a Peddle, Thorpe and Walker building.

Can you advise whether it is under threat as I understand a DA has been submitted for this property and is it currently on exhibition?

**Director Planning & Development in Response:**

A Development application was lodged on 18 September 2019 (DA 2019/350), for:

*Dwelling House Demolition of existing dwelling and construction of new dwelling with basement parking, landscaping and swimming pool.*

This DA is currently under assessment and Council's heritage officer is reviewing the Heritage Impact Statement and Demolition report prepared by URBIS Pty Ltd. This assessment will determine if the building satisfies the criteria for listing. It is anticipated that the DA will be reported to a meeting of Council's AAP in the first quarter of 2020.

**QWN:** 16.4  
**From:** Councillor Zeltzer  
**Received on:** 21 November 2019  
**Subject:** DCP for Heritage Items

**Councillor Zeltzer asking:**

Is it possible for Woollahra to have a DCP for heritage items that addresses significant architect designed houses?

**Director Planning & Development in Response:**

There are over 650 heritage items in the Woollahra LGA, and there are a large number of different architectural styles which were used in their design.

It would be extremely difficult to create a chapter which addressed each of these different architectural styles.

Clause 5.10 in the Woollahra LEP 2014 addresses these types of issues, including the requirement for a site specific heritage management document when works are proposed to a heritage item, or land is in an HCA. A heritage management document is a more appropriate way to manage significant architecturally designed houses and includes a heritage conservation management plan, or a heritage impact statement or any other document that provides guidelines for the ongoing management and conservation of a heritage item or heritage conservation area.

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**QWN:** 16.5  
**From:** Councillor Zeltzer  
**Received on:** 21 November 2019  
**Subject:** St Marks Church in Darling Point

**Councillor Zeltzer asking:**

St Marks Church in Darling Point is a listed item and designed by Edmond and Blackett but the rectory and parsonage are not on the list. Why are these not included?

**Director Planning & Development in Response:**

The following two items are listed in Woollahra LEP 2014:

- Item 91: St Marks Church Rectory—building and interiors, outbuildings, grounds, gardens, stone fence, gateposts, gate at 53 Darling Point Road (Lot 1, DP 1034149).
- Item 95: St. Marks Anglican Church—church and interiors, Parish Hall and interiors, Scout Hall and interiors, Gardens of Remembrance, sandstone retaining walls, steps and gateposts, gates, street fencing (Lot 1, DP 1033255).

**QWN:** 16.6  
**From:** Councillor Zeltzer  
**Received on:** 21 November 2019  
**Subject:** Heritage Listing of Robertson Park

**Councillor Zeltzer asking:**

Nielsen Park is state heritage listed for the beach, promenade and amenity block yet there is no heritage listing for Robertson Park. Why is Robertson Park not on our heritage list?

**Director Planning & Development in Response:**

Robertson Park is located in the Watsons Bay HCA. Specifically, Robertson Park is identified as precinct M in Ch C3 Watsons Bay HCA of the Woollahra DCP 2015. Works to the park, and buildings in the vicinity of the park will be addressed against existing heritage controls.

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**QWN:** 16.7  
**From:** Councillor Zeltzer  
**Received on:** 21 November 2019  
**Subject:** Heritage Listing of Cadrys carpet building

**Councillor Zeltzer asking:**

The Cadrys carpet building is one of the oldest buildings in our municipality dating back to the mid-1800s when it functioned as an inn. Why has this old stone building not been listed?

**Director Planning & Development in Response:**

The Cadrys building is in the Paddington HCA, which provides a high degree of heritage protection due to the detailed and comprehensive controls in Ch C1 of Woollahra DCP 2015 and the statutory protection afforded through provisions of Woollahra LEP 2014.

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**QWN:** 16.8  
**From:** Councillor Robertson  
**Received on:** 27 November 2019  
**Subject:** Council's Procedures for the Application Assessment Panel (AAP)

**Councillor Robertson asking:**

It has been brought to my attention that these procedures are not working in concert with the procedures for the Woollahra Local Planning Panel (WLPP) which were adopted by Council in 2018, causing adverse outcomes, confusion and inefficiency.

I ask:

- a) For confirmation that the 2013 AAP procedures are now obsolete.
- b) Whether new procedures were required for AAP at the time new procedures were adopted for WLPP?

- c) If new procedures were required, why has there been a delay in presenting these to Council for adoption?
- d) What the full impact of this delay has meant for Council?
- e) When new updated AAP procedures will be presented to Council for approval?
- f) Whether a full review of Council's planning delegations is now required?

**Director Planning & Development in response:**

Despite the fact that AAP procedures have not been updated following commencement of the Woollahra Local Planning Panel existing procedures have not impacted on the effective and proper operation of the AAP.

However, minor operational changes are required which have regard to the removal of Councillors from determining DAs. These changes are in the process of being prepared and will be approved by the General Manager.

There is no clear need to carry out a full review of Council's planning delegations because of minor operational changes to AAP procedures.

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**QWN:** 16.9  
**From:** Councillor Marano  
**Received on:** 3 December 2019  
**Subject:** Night Shifts - Rangers

**Councillor Marano asking:**

Can staff explain why a NOM - File No.16/53866, Item 11.2 which was adopted at the Council meeting on Monday 26 April 2016, has not been addressed or enacted? This was asking for regular night shifts of Rangers to patrol the Double Bay commercial centre in order to identify breaches of consent relating to hours of trading, noise and illegal parking etc. It was put up by myself and Councillors Elsing, Zeltzer and Keulemans.

I note the recommendation from Councillor Shapiro from last week's Strategic & Corporate meeting with regard to the night time economy and I ask how this previous NOM resolved by Council will be integrated into the new policy.

**Manager – Compliance in response:**

NOM - File No.16/53866, Item 11.2 adopted at the Council meeting on Monday 26 April 2016 was responded to and **completed** in the 'Notices of Motion: Status Report as at 30 June 2016' that was reported to the Community & Environment Committee meeting of 8 August 2016 and the Corporate & Works Committee meeting of 15 August 2016.

The response provided was as follows:

“A compliance audit of convenience stores and take away food shops in Double Bay was undertaken between 11pm and 3am on Friday 29th and Saturday 30th of April. Two premises were identified as operating contrary to the conditions of consent.

Enforcement action will be taken and further random checks will be done to monitor compliance ongoing.

Rangers have responded to the resident concerns by making routine inspections of the vehicles just after 6am and at other random times during the day.

Unfortunately Rangers are yet to observe anyone sleeping in a vehicle contrary to Council's signs but further checks will be carried out ongoing. Rangers have been successful in moving on twelve vehicles, have impounded one vehicle, with two others near the point where impounding can be approved.

Despite these efforts, other vehicles unfortunately do continue to arrive. This could be in part due to the Wiki Camps app which clearly identifies and promotes that there is free parking in the area with no restrictions.”

Councillors did not raise any concerns when the ‘Notices of Motion: Status Report as at 30 June 2016’ was considered by the Community & Environment and Corporate & Works Committees in August 2016 so no further action was taken in relation to the April 2016 NOM.

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

