

Ordinary Council



Minutes

Monday 10 February 2020

Ordinary Council Meeting

Monday 10 February 2020

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Items Determined Under Delegated Authority by Council Committees

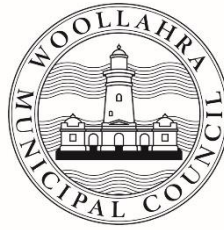
The following items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Environmental Planning Committee held on Monday 03 February 2020

- D1 Confirmation of Minutes of Meeting held on 2 December 2019
- D2 Oxford Street & Paddington Working Party meeting held on 28 November 2019
- D3 Sydney Coastal Councils Group Meeting Minutes - 27 July 2019
- D4 Ecological Sustainability Taskforce - Minutes of Meeting Held 25 November 2019
- D5 Delivery Program 2018 to 2021 and Operational Plan 2019/20 (DPOP) Quarterly Progress Report December 2019 against Goal 4 - Well planned neighbourhoods, Goal 7-Protecting our environment, Goal 8 - Sustainable use of resources and Goal 9 - Community focused economic development

Finance, Community & Services Committee held on Monday 03 February 2020

- D1 Confirmation of Minutes of Meeting held on 2 December 2019
- D2 Woollahra Local Traffic Committee Minutes - 3 December 2019
- D3 Minutes of Woollahra Plaques Advisory Committee meeting 11 November 2019
- D4 Public Art Panel - Minutes of Meeting held 3 December 2019
- D5 Monthly Financial Report - November 2019
- D6 Monthly Financial Report - December 2019
- D7 Delivery Program 2018 - 2021 and Operational Plan 2019/20 Quarterly Progress Report - December 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
10 February 2020 at 8.01pm.**

Present: Her Worship the Mayor, Councillor Susan Wynne, *ex-officio*
Councillors: Richard Shields (from MM 10.2)
Peter Cavanagh
Luise Elsing
Mary-Lou Jarvis
Anthony Marano
Nick Maxwell (from start to EP Item R4 (in part))
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Toni Zeltzer

Staff: Allan Coker (Director – Planning & Development)
Lynn Garlick (Director – Community Services)
Gary James (General Manager)
Don Johnston (Director – Corporate Services)
Sue O'Connor (Governance Officer)
Tom O'Hanlon (Director – Technical Services)

Also in Attendance: Nil

Confirmation of Minutes

(Jarvis/Shapiro)

1/20 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 9 December 2019 be taken as read and confirmed.

Leave of Absence and Apologies

Note: An apology was received and accepted from Councillor Claudia Cullen and leave of absence granted.

Declarations of Interest

Councillor Robertson declared a Non-Significant, Non-Pecuniary interest in relation to Environmental Planning Committee Item R1 (Report on the public exhibition of the Draft Woollahra Voluntary Planning Agreement Policy 2019) as Don White and Rose White made a submission in relation to the matter and they are both members of the Woollahra Greens. Councillor Robertson remained in the meeting, participated in the debate and voted on the matter.

Councillor McEwin declared a Non-Significant, Non-Pecuniary interest in relation to Environmental Planning Committee Item R1 (Report on the public exhibition of the Draft Woollahra Voluntary Planning Agreement Policy 2019) as Don White and Rose White made a submission in relation to the matter and they are both members of the Woollahra Greens. Councillor McEwin remained in the meeting, participated in the debate and voted on the matter.

Councillor Shapiro declared a Non-Significant, Non-Pecuniary interest in relation to Environmental Planning Committee Item R1 (Report on the public exhibition of the Draft Woollahra Voluntary Planning Agreement Policy 2019) as Leslie Berger who made a submission in relation to the matter works with Councillor Shapiro on the Jewish Board of Deputies. Councillor Shapiro remained in the meeting, participated in the debate and voted on the matter.

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP - Item R1, FC&S – Item R1 & Questions on Notice.

Petitions Tabled

Nil

Public Forum

Nil

Mayoral Minute

Item No: 10.1
Subject: **SUPPORT FOR BUSHFIRE COMMUNITIES**
Author: Susan Wynne, Mayor
File No: 20/2934
Reason for Report: For Council be updated on actions to date on from Woollahra Council support bushfire communities.

(Wynne/Robertson)

2/20 Resolved:

- A. THAT Council notes the \$10,000 donation shared between the Red Cross Disaster Relief and Recovery and WIRES made in January 2020.
- B. THAT Council notes with appreciation all the generosity of the local community and staff.

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

Nil

13/0

Background

I am very proud of the way in which Woollahra Council and our community assisted with support for communities affected by the recent devastating bushfires in New South Wales and Victoria. Whilst most of the fires have been extinguished, many families, businesses and emergency service staff and volunteers are still dealing with the aftermath of the fires. For many, it will sadly be a long road to recovery.

As the fires reached their worst early in January New Year I exercised my discretionary powers in the event of an emergency to release \$10,000 on behalf of Woollahra Council and our local community as a donation to The Australian Red Cross Disaster and Recovery fund and to WIRES.

Through this Mayoral Minute I would like to place on public record this donation, equally split between both organisations, given with the intention of offering a speedy demonstration of support.

I would like to thank local residents and businesses who have given generously to charities and the organisations dedicated to working alongside communities as they rebuild and recover. To the men and women of the Rural Fire Services, Emergency Services, Armed Services and the thousands of volunteers who have assisted from Australia and overseas – our gratitude and appreciation goes to them for their tireless effort and selfless dedication to saving lives, homes and animals. Our hearts go out to those who have lost their loved ones, and to the families who have lost their homes, possessions, pets and livestock and to the many businesses who have lost their shops, cafes, offices and income.

I hope we can all continue to support these communities in the weeks and months ahead by visiting and staying in these towns and investing back into the local economy, by buying their food, purchasing their fuel, staying in their accommodation and shopping locally in their stores. Our website lists a range of organisations who are receiving financial donations and distributing goods to those in need, as well as fantastic online initiatives including #SpendWithThem and #Buyfromthebush.

In early January, I also emailed all the Mayors and councils in fire-affected local government areas to let them know how much we care and to offer practical help.

As many of you know our former Director of Corporate Services, Stephen Dunshea is now the Chief Executive Officer of Shoalhaven Council and we made direct contact with him to check on what urgent help was needed. I am pleased to report that three teams from our Technical Services Division volunteered to put their own lives on hold to travel to the Shoalhaven area to provide assistance with environmental assessments, bushcare and urgent remediation work and with tree safety surveys and reports. This quick response was facilitated by Tom O’Hanlon and Paul Fraser and the staff who attended included:

Andrew Simpson, Team Leader, Tree Management
Gorka Ojeda, Tree Management Officer
Nick Williams, Tree Management Officer
Michelle Rose, Environmental Education Officer
Karen Harper, Senior Sustainability Officer
Rudi Aldmayer, Bushcare Coordinator
Akira Yasuda, Bush Regenerator
Rachael Buzio, Bush Regenerator

I understand the Shoalhaven Council and the community were grateful for the assistance. We may send a similar follow-up team in the months ahead if required. We have provided a list of resources and equipment we are able to share with them if required. My thanks go to all involved in offering very practical help.

We are working with Resilient Sydney and the Office of Local Government (OLG) on coordination efforts to provide ongoing support. Tom O’Hanlon, Director of Technical Services has been attending coordination meetings. We have already put forward a list of staff and Managers who have offered their skills and experience to assist Councils in fire-affected areas.

Our Communications Manager, Justine Henderson and Community Engagement Officer, April Nicholls are in Kempsey Shire Council this week as a direct request for help via the OLG. They are assisting with event and engagement planning for a Thank You Parade for the local RFS brigades to be held in late March.

Some of the practical ways Council has been able to assist so far, include;

- On 6 January the Communications team visited the Bondi Surf Bathers Lifesaving Club to assess what support might be required and by the morning of 7 January, a team of Woollahra Council staff volunteered to assist at the Bondi Surf Bathers' Life Saving Club to assist with sorting and packing donated goods for distribution to evacuation centres and communities in need. We were also able to organise hundreds of cardboard boxes to be delivered for their use. Thanks to Woolworths, Dan Murphy's Double Bay and Rushcutters Bay Storage Facility for their speedy help.
- Also on 6 January Tessa Pentony from Technical Services and Justine Henderson put a resident who needed to organise a helicopter landing that afternoon in contact with HMAS Watson who allowed an emergency landing as a result. A pilot putting out fires on the south coast was able to receive a helmet urgently required for his continued service.
- On 8 January and the following week, Council supplied the Bondi Surf Bathers Lifesaving Club with a forklift driver, Jeremy Cocks and operator, Colin Sutherland to assist with moving palletes and loading delivery trucks. This allowed for the best possible use of their Club's storage space on-site and the quick loading of trucks.
- In response to a call for help via social media from an alpaca farm in Kurrajong Heights that had been subject to extensive fire damage and had lost all feeding vegetation Justine Henderson and Mark Ramsay organised the delivery of mulch and pine trees (former Christmas trees collected by Council from our local area). The delivery was gratefully received by the farm owners and the hungry alpacas.
- We paved the way for a local business woman (Kristen Fisher Eyebrows) to host a fundraiser event on 11 January, originally to be held in Guilfoyle Park, later relocated to the InterContinental Double Bay. Kristen raised \$250,000 for Red Cross and WIRES. I would like to thank Zubin Marolia, Mark Ramsay and the Communications team for their support of this event.
- Our Director of Community Services, Lynn Garlick and Library Service Manager, Vicki Munro organised temporary library membership and our Customer Services Manager, Anthony Crimmings organised temporary parking permits in the Municipality for displaced families staying in our LGA.
- The Woollahra Library Book Fair held on the weekend of 1 and 2 February raised \$3576 for WIRES (bushfire relief and recovery work). Children's books left unsold were sent to "Bushfire Recovery for Children: A Healing and Heartfelt Book Drive" for children in communities directly affected by the bushfires.
- Council's staff social club collected funds raised from their last event to dedicate to bushfire relief and a staff raffle conducted last week did the same, with more than \$1,000 raised.

On 6 February I hosted a morning tea with the President of the Bondi Surf Bathers Lifesaving Club Brent Jackson. Brent wanted to thank Council staff who assisted them with their donation drop-off and delivery work to bushfire-affected communities. Brent spoke highly of our quick response to calls for help.

I noticed Cr Mary Lou Jarvis was getting behind the Our Big Kitchen baking sessions making cookies for all the emergency and volunteer crews involved in the bushfire recovery and relief efforts. Thank you to the Councillors who have made personal donations of time and money during this crisis and recovery.

We will continue to participate in the formal and centralised process being run by the Department of Local Government, the Office of Emergency Management and Local Government NSW and the City of Sydney. The Local Government Bushfire Recovery Support Group and has been set up with the objective of efficiently coordinating offers of help from Metro Councils to the affected regions.

At a time of great stress, anxiety and loss for many parts of Australia, I was heartened to see so many examples of community spirit demonstrated. Strangers offered their homes, businesses donated profits, volunteers turned up for multiple shifts of fire-fighting with little reprieve, families who were left stranded on beaches with little or no possessions who were taken in and cared for. Communities gathered to collect goods and send donations and help from here and abroad. There is much more work to be done and I am pleased and proud that our Council has been able to contribute to the work that needed to be done quickly and that we will also continue to assist in the weeks and months ahead if required.

Here are a few pics from our work in the field:



All wonderful demonstrations of community spirit.

Cr Susan Wynne, Mayor of Woollahra

Item No: 10.2
Subject: VALE VICE ADMIRAL DAVID WILLOUGBY LEACH, AC, CBE, LVO, RAN (RETIRED) 17.7.1928 - 19.1.2020
Author: Susan Wynne, Mayor
File No: 20/11292
Reason for Report: Vice Admiral David Willoughby Leach AC, CBE, LVO, RAN (Retired) Former Chief of Naval Staff and former Mayor of Woollahra died on Sunday 19 January 2020. This Mayoral Minute acknowledges the achievement of Vice Admiral Leach as a former Woollahra Mayor and Councillor and recognises his distinguished naval career.

(Wynne/Jarvis)

3/20 Resolved:

THAT on behalf of Woollahra Council the Mayor conveys condolences to the family and friends of the late Vice Admiral David Leach AC CBE LVO, RAN (Retired) and places on public record our gratitude for his excellent public service.

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

Nil

14/0

Background:

David Leach was born in Subiaco, Western Australia in 1928. He entered the Royal Australian Navy (RAN) at the age of 13 years old and enjoyed a successful start to what became a long and rewarding career.

David's early appointment to leadership roles led to quick recognition for his conduct and skills. He took command of HMAS Vendetta at the age of 36. At the time of his appointment, he was the youngest officer in the RAN to be a captain. Quite an accomplishment.

He was appointed with the title of Commander of the Order of the British Empire (CBE) in 1969 for distinguished service during his command of HMAS Perth (II) deployed to Vietnam.

From 1969 to 1970 Captain Leach served as Director of Naval Plans and was the RAN's representative in the UK up until 1974. In 1970 he was appointed a Lieutenant of the Royal Victorian Order (LVO) for his services as Liaison Officer during the Royal visit to Australia. Following a promotion to Commodore in 1975 David Leach served in the Navy Office, Canberra, as the Director of Naval Plans, Director General of Naval Operational Requirements (1975-76), Chief of Naval Materiel and Chief of Naval Personnel. He advanced to Assistant Chief of Naval Staff - Materiel (1978-79), Flag Officer commanding the Australian Fleet (1979-80), and Assistant Chief of Naval Staff - Personnel (1980-81). In 1981 he was made an Officer of the Order of Australia (AO), for his service as Commander of the Australian Fleet.



On promotion to Vice Admiral in April 1982, he became Chief of Naval Staff. In 1984 he received the Companion of the Order of Australia (AC), for services to the RAN particularly as Chief of Naval Staff. I understand that during the latter part of his career as his seniority within the Royal Australian Navy rose he used his leadership positions to shape the future of the modern navy in Australia by ensuring the equality of women and introducing women to seafaring roles. He retired in 1985 after three years in command.

Before his election to Woollahra Council, the Vice Admiral and former Chief of Naval Staff held many distinguished titles and fulfilled various public service roles. He was appointed to the Council of the Australian War Memorial in 1987. He was also a member of the Administrative Appeals Tribunal. Prior to being elected as a Councillor in 1991, Vice Admiral Leach had lived in the Municipality for many years. His pre-election material states he was 'eager to help maintain the superb outlook and standard of living the Municipality currently enjoys.' He certainly delivered on that commitment.

He served two consecutive terms to September 1999 as a Cooper Ward Councillor and was elected to the position of Mayor on 13 September 1994 through to 1995. Throughout his time as a Councillor, David Leach served on various committees and during his Mayoral term he made excellent contributions to the Council's Finance and Works Committee and Policy Committee. During his year as Mayor, the Council made an important step towards consolidating many Local Environment Plans into one Woollahra Local Environment Plan (1995). Whilst this Plan has been superseded it helped form the basis of our current planning controls.

Throughout his time as a Councillor and especially during his time as Mayor, David Leach provided steady leadership. He was highly regarded for his consistent and professional leadership style and he earned the respect of councillor colleagues and staff. I am sure the experience he gained with the Royal Australian Navy gave him both the confidence and the diplomacy skills that made him an excellent Mayor.

Whilst former Mayor of Woollahra, Hylda Rolfe, did not serve alongside David on Council, she did witness his leadership and decision-making skills during Council meetings. Hylda kindly shared her observations with us,

“David demonstrated a thoughtful and disciplined approach to municipal matters, which I interpreted as a continuing facet of his experience in his distinguished naval career. Woollahra residents were fortunate beneficiaries of that expertise, given by David without fear or favour.”

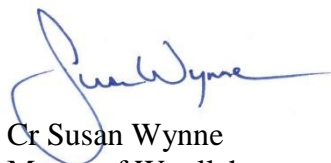
After retiring from Council in 1999 Vice Admiral Leach continued to live in the local area. He died on 19 January 2020 at the age of 91.

Vice Admiral David Leach AC, CBE LVO, RAN (Retired) was farewelled on 31 January at the historic Naval Chapel on Garden Island Naval Base by 250 mourners, family, friends, former colleagues, a ceremonial guard and Fleet Commander Rear Admiral Jonathan Mead, Chief of Navy, Vice Admiral Michael Norman and NSW Governor Margaret Beazley. Our friend and former XO of HMAS Watson, now CO of HMAS Kuttabul, Captain Matthew Shand read the Ode. The service was a mark of the high respect the navy had for David's long service and his rise to the position of Chief of Navy. The service ended with a volley of rifle fire, the Last Post and Reveille, followed by many stories of David's life exchanged between the service attendees.

Thank you to the former and current Councillors and community members who attended the service with me. It was a moving ceremony and a fitting tribute to a man who demonstrated great leadership, loyalty and diplomacy.

Our thoughts are with David's widow, Pamela Leach, their children Nicola and Michael, his granddaughter Mali, daughter-in-law of Felicia, and his brothers John and Peter. They should be very proud of David's contribution to our nation and our local community.

Vice Admiral Leach generously dedicated much of his career to the service of the public. His life was an inspiration to those of us who have also chosen to fulfil a public service role. He will be missed and remembered with great fondness. He was a true gentleman.



Cr Susan Wynne
Mayor of Woollahra

Item No: 10.3
Subject: AUSTRALIA DAY HONOURS - 26 JANUARY 2020
Author: Susan Wynne, Mayor
File No: 20/15167
Reason for Report: To inform the Council of the local recipients of the 2020 Australia Day Honours.

(Silcocks/Shields)

4/20 Resolved:

THAT, subject to any review by the Governor General, Council formally acknowledge and congratulate the following recipients:

- i. Mr Robert Malcolm Goot AO SC
- ii. Emeritus Professor Jules Mitchell Guss AO
- iii. Professor John Reginald Piggott AO
- iv. Professor Alison Joan Ritter AO
- v. Mr Anthony Abrahams AM
- vi. Ms Bettina Mary Arndt AM
- vii. Ms Lisa Chung AM
- viii. The late Mr John Clement Fordham AM
- ix. Ms Kathryn Anne McClymont AM
- x. Mr Peter John Overton, AM
- xi. Mr Glenn Barrie Shorrock AM
- xii. Mr Charles Albert Aronson OAM
- xiii. Mr Roger Alexander Clifford OAM
- xiv. Rabbi Dr Jeffrey Cohen OAM
- xv. Dr Antony Robert Graham OAM
- xvi. Ms Gail Elizabeth Marshall OAM.

Note: A Division was called by Councillor McEwin.

For the Motion

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

Against the Motion

Councillor Elsing
Councillor McEwin
Councillor Robertson

11/3

Background

I am pleased to advise Council, that 16 Woollahra residents were honoured in this year's Australia Day Honours. Each award recipient has been publicly recognised for their unique and significant contribution to our local and wider community. These recipients are our quiet achievers who are doing what they can to bring positive change to the world.

Officer in the General Division:

- i. *Mr Robert Malcolm Goot AO SC*
For distinguished service to the Jewish community through executive roles with educational, cultural and social welfare bodies.
- ii. *Emeritus Professor Jules Mitchell Guss AO*
For distinguished service to education and scientific research in the field of molecular bioscience, and to professional organisations.
- iii. *Professor John Reginald Piggott AO*
For distinguished service to education, to population ageing research, and to public finance policy development.
- iv. *Professor Alison Joan Ritter AO*
For distinguished service to education, to drug and alcohol research and social policy, and to professional medical societies.

Member in the General Division:

- v. *Mr Anthony Abrahams AM*
For significant service to Australia-France relations, and to the law.
- vi. *Ms Bettina Mary Arndt AM*
For significant service to the community as a social commentator, and to gender equity through advocacy for men.
- vii. *Ms Lisa Chung AM*
For significant service to the community through charitable and cultural organisations.
- viii. *The late Mr John Clement Fordham AM*
For significant service to the community through philanthropic support for a range of foundations.
- ix. *Ms Kathryn Anne Mc Clymont AM*
For significant service to the print media, and to investigative journalism.
- x. *Mr Peter John Overton, AM*
For significant service to the broadcast media, and to the community.

Honorary Member in the General Division:

- xi. *Mr Glenn Barrie Shorrocks AM*
For significant service to the performing arts as a singer, songwriter and entertainer.

Medal in the General Division:

- xii. *Mr Charles Albert Aronson OAM*
For service to the Jewish community of New South Wales.
- xiii. *Mr Roger Alexander Clifford OAM*
For service to the Jewish community of Sydney.
- xiv. *Rabbi Dr Jeffrey Cohen OAM*
For service to community health, and to interfaith organisations.
- xv. *Dr Antony Robert Graham OAM*
For service to medicine as a vascular surgeon.
- xvi. *Ms Gail Elizabeth Marshall OAM*
For service to the community through charitable initiatives.

Each recipient provides an outstanding example of active community citizenship. We are grateful for their individual contribution to Woollahra and we acknowledge this collective reminder that we are fortunate to live in a community where so many people dedicate their time and energy to helping and inspiring others.

On behalf of Woollahra Council, I offer my congratulations to all of this year's Australia Day Honours recipients. I will be writing to each of the recipients to offer our congratulations and appreciation for their service.



Cr Susan Wynne
Mayor of Woollahra

Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 3 February 2020 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
- Subject:** **REPORT ON THE PUBLIC EXHIBITION OF THE DRAFT WOOLLAHRA VOLUNTARY PLANNING AGREEMENT POLICY 2019**
- Author:** Anne White, Team Leader - Strategic Planning
- Approvers:** Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
- File No:** 19/208664
- Reason for Report:** To report on the public exhibition of the Draft Woollahra Voluntary Planning Agreement Policy 2019 and obtain Council's approval of the policy.
- Note:** Councillor Robertson declared a Non-Significant, Non-Pecuniary interest in relation to this Item, s Don White and Rose White made a submission in relation to the matter and they are both members of the Woollahra Greens. Councillor Robertson remained in the meeting, participated in the debate and voted on the matter.
- Note:** Councillor McEwin declared a Non-Significant, Non-Pecuniary interest in relation to this Item, as Don White and Rose White made a submission in relation to the matter and they are both members of the Woollahra Greens. Councillor McEwin remained in the meeting, participated in the debate and voted on the matter.
- Note:** Councillor Shapiro declared a Non-Significant, Non-Pecuniary interest in relation to this Item, as Leslie Berger who made a submission in relation to the matter works with Councillor Shapiro on the Jewish Board of Deputies. Councillor Shapiro remained in the meeting, participated in the debate and voted on the matter.
- Note:** Late correspondence was tabled by Chris Bluett, Council's Manager Strategic Planning, Allan Coker, Council's Director Planning & Development, Bruce Bland, Will Mrongovius of The Paddington Society, Roger Muller, Frank Robertson, Charlotte Feldman of Darling Point Society, Ron Grunstein, Brian O'Dowd, Malcolm Young of Double Bay Residents, Suzanne Gartner, Amanda Stewart, Hylda Rolfe of Sydney Harbour Association, Eva Santo & Yvonne Severn.

**Motion moved by Councillor Robertson
Seconded by Councillor Elsing**

THAT Council takes no further action in relation to formalising a VPA policy for the following reasons:

1. VPAs undermine existing planning controls set out in WLEP 2014 and DCP 2015, which emerged as a result of extensive community consultation.

2. VPAs are available to developers under the EP&A Act notwithstanding the absence of a formal policy of Council; such a policy is an advertisement to developers that Woollahra's development standards and controls can be breached for a price, posing a risk of overdevelopment.
3. VPAs will inevitably create probity issues and the optics of undermining Council's transparency in executing planning approval processes.
4. VPAs undermine merit based assessment of development applications.
5. VPAs risk Woollahra's character by empowering developers to determine future urban characteristics including public domain enhancements.
6. Rejects the rationale that the draft VPA policy forms part of a suite of financing mechanisms and that enhancement of Woollahra's public domain is impossible without contributions from developers via VPAs.
7. Notes that local resident groups including the Sydney Harbour Association, Double Bay Residents Association, Paddington Society, Rose Bay Residents Association, Darling Point Society and Harbour View Association which represent thousands of Woollahra residents have objected to Council adopting a formal VPA policy, largely for the reasons stated in this motion.
8. Not in the public interest.

**Amendment moved by Councillor Shields
Seconded by Councillor Zeltzer**

- A. THAT Council approve the Woollahra Voluntary Planning Agreement Policy contained at **Annexure 2** of the report to the Environmental Planning Committee meeting of 3 February 2020.
- B. THAT the Woollahra Voluntary Planning Agreement Policy 2020 come into effect on the date of the Council's approval.

**Amendment was put and vote was 7 for and 7 against the Amendment.
The Amendment was carried with the casting vote of The Mayor.
The Amendment became the Motion.**

Motion was put and vote was 7 for and 7 against the Motion.

The Motion was carried on the casting vote of The Mayor, Councillor Wynne.

(Shields/Zeltzer)

5/20 Resolved:

- A. THAT Council approve the Woollahra Voluntary Planning Agreement Policy contained at **Annexure 2** of the report to the Environmental Planning Committee meeting of 3 February 2020.
- B. THAT the Woollahra Voluntary Planning Agreement Policy 2020 come into effect on the date of the Council's approval.

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

For the Motion

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

Against the Motion

Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

7/7

Note: The Motion was carried on the casting vote of The Mayor, Councillor Wynne.

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF 30 WYUNA ROAD, POINT PIPER**
Author: Kristy Wellfare, Strategic Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/199031
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 Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper, and its interiors, as a local heritage item in the Woollahra Local Environmental Plan 2014.

(Jarvis/Silcocks)

6/20 Resolved without debate:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 5 December 2019.
- B. THAT the planning proposal, as contained in **Annexure 1** of the report to the Environmental Planning Committee meeting on 3 February 2020 to list the Inter-war Mediterranean style dwelling house including its interiors at 30 Wyuna Road, Point Piper, *House and interiors*, as a local heritage item in the *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 Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Item No: R3 Recommendation to Council

Subject: **PROGRESS REPORT ON THE PLANNING PROPOSAL TO INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND AN UPDATE ON THE PROPOSED TREE CANOPY CONTROLS**

Author: Anne White, Team Leader - Strategic Planning

Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development

File No: 20/8106

Reason for Report: To respond to a decision of the Council from 11 November 2019 requiring a progress report on the planning proposal to introduce floor space ratio controls for low density residential development.
To report on the progress of the preparation of tree canopy controls.

(Jarvis/Silcocks)

7/20 Resolved without debate:

THAT Council receive and note the progress on:

- i) Preparing further information to justify the planning proposal to introduce a floor space ratio control of 0.5:1 for low density residential development; and
- ii) Preparing new tree canopy controls.

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

Nil

14/0

Item No: R4 Recommendation to Council

Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - PADDINGTON FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN 2019**

Author: Anne White, Team Leader - Strategic Planning

Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development

File No: 20/6484

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 amend the Flood Planning Map of Woollahra Local Environmental Plan 2014 based on the adopted Paddington Floodplain Risk Management Study and Plan 2019.

(Jarvis/Silcocks)

8/20 Resolved without debate:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 5 December 2019.
- B. THAT the planning proposal attached at *Annexure 1* of the report to the Environmental Planning Committee meeting of 3 February 2020, 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 Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R5 Recommendation to Council
Subject: **SURVEILLANCE CAMERAS ON PRIVATE PROPERTY**
Author: Anne White, Team Leader - Strategic Planning
Approvers: Allan Coker, Director - Planning & Development
Chris Bluett, Manager - Strategic Planning
File No: 19/185265
Reason for Report: To respond to a notice of motion adopted by Council on 23 September 2019 requesting a report on potential amendments to planning controls for surveillance cameras on private property in residential zones.

Note: Council added new Resolution Part D.

(Regan/Silcocks)

9/20 Resolved:

- A. THAT the report on surveillance cameras on private property be received and noted.
- B. THAT no changes be made to the planning provisions in the Woollahra Local Environmental Plan 2014 or the Woollahra Development Control Plan 2015 relating to surveillance cameras.

- C. THAT Council's website be updated to provide further information to residents regarding the installation and use of surveillance cameras and the legal use and operation of drones.
- D. THAT the Mayor write to the Hon Mark Speakman, Attorney General for NSW to:
- i express the concerns raised by residents of the municipality in relation to the placement of surveillance cameras on private property and their impact on personal privacy in residential areas; and
 - ii request the Attorney General's department to look into this matter, noting that Council has reviewed the issue in detail and has determined that it is not well placed under the current planning regime to regulate and manage the use of such devices on private residential properties."

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

Nil

13/0

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 3 February 2020 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **RENEWAL OF THE PADDINGTON COMMUNITY GARDEN DEED OF LICENCE (USER AGREEMENT)**
Author: Micaela Hopkins, Team Leader Environment & Sustainability
Approvers: Paul Fraser, Manager - Open Space & Trees
Tom O'Hanlon, Director - Technical Services
File No: 19/189394
Reason for Report: To support the continuation of the Paddington Community Garden and propose an additional three (3) year Deed of Licence (User Agreement)

Note: Late correspondence was tabled by Council's Team Leader of Environment & Sustainability.

(Marano/Shields)

10/20 Resolved without debate:

- A. THAT a Deed of Licence (User Agreement) between Woollahra Municipal Council and the Paddington Community Garden Inc. be prepared for a further three years with an option for Council to extend the agreement for a further two year period.
- B. THAT the Paddington Community Garden Inc. volunteers be congratulated and thanked for creating a valuable and vibrant space for the Woollahra community.

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

For the Motion

Against the Motion

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

Nil

13/0

Item No: R2 Recommendation to Council

Subject: **TRANSPORT FOR NSW COMPULSORY ACQUISITION OF PART ROAD RESERVE - NEW MCLEAN STREET, EDGECLIFF (SC5148)**

Author: Anthony Sheedy, Senior Property Officer

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

File No: 19/159514

Reason for Report: To consider the Compulsory Acquisition of the road reserve land, upon which an accessible ramp has been constructed. .

(Marano/Shields)

11/20 Resolved without debate:

- A. THAT Council agrees to Transport for NSW acquiring notional Lot 1 being a 43.6sqm portion of New McLean Street, Edgecliff consistent with Section 29 of the Land Acquisition (Just terms Compensation) Act 1991.
- B. THAT Council authorises the Mayor and General Manager to sign all necessary documentation including the land transfer for the acquisition.

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

For the Motion

Against the Motion

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

Nil

13/0

Notices of Motion/Questions with Notice

Item No: 16.1
Subject: NOTICE OF MOTION - COMPLIANCE
From: Councillors Matthew Robertson and Megan McEwin
Date: 30/01/2020
File No: 20/14902

(Robertson/McEwin)

12/20 Resolved:

THAT Councillors receive a briefing on all aspects of Council's Compliance Division including (but not limited to):

- i operational processes for receiving and resolving complaints raised by residents
- ii operational and legal processes related to enforcement action
- iii existing policies and procedures in relation to (i) and (ii) and identification of any gaps or updates required; and
- iv delineation between the roles of Council and private certifiers.

Adopted

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

For the Motion

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

Against the Motion

Nil

13/0

Item No: 16.2
Subject: NOTICE OF MOTION - CADRY'S BUILDING
From: Councillors Anthony Marano, Toni Zeltzer, Megan McEwin, Mary-Lou Jarvis and Lucinda Regan
Date: 5/02/2020
File No: 20/17968

(Marano/Zeltzer)

13/20 Resolved:

THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

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

Nil

13/0

Item No: 16.3
Subject: NOTICE OF MOTION - BUS PRIVATISATION
From: Councillors Matthew Robertson and Megan McEwin
Date: 5/02/2020
File No: 20/17979

(Robertson/McEwin)

14/20 Resolved:

THAT Council:

1. Resolves its strong support for affordable, efficient, safe, adequately resourced and funded public transport systems, essential for a sustainable global city, as referenced in Council's Community Strategic Plan - Woollahra 2030, draft and draft Integrated Transport Strategy and draft Local Strategic Planning Statement.
2. Notes the motion adopted by the NSW Upper House on 19 November 2019 in the following terms:
 - i. THAT this House notes that:
 - a. The government has announced that it intends to privatise the last remaining publicly owned and operated bus services in Sydney in Regions 7, 8 and 9 (which includes the Northern Beaches, Eastern Suburbs, North Shore & Chatswood areas);
 - b. This follows the privatisation of Sydney Region 6 buses (the Inner West) and the sell-off of all Newcastle public transport delivery (trams, buses and ferry) in 2017;
 - c. This move to privatise publicly-owned services comes without any meaningful consultation for affected communities;
 - d. That the privatisation of public transport services in Region 6 has seen a decline in commuter satisfaction and on-time running;
 - e. That the privatisation of public transport services in Newcastle has seen a decline in commuter usage of services, a significant reduction in available bus routes and lower overall commuter satisfaction; and
 - f. That privatisation of essential services historically has seen a decline in the working conditions and pay of frontline workers.
 - ii. THAT this House:
 - a. Commends the work of the State Transit Authority which operates the bus services in Regions 7, 8 and 9 and has since 2017 significantly increased on-time running compared to the now privately-operated Region 6 while also running at an operating profit for the NSW government; and
 - b. Calls on the government to immediately halt the privatisation of bus services in Regions 7, 8 and 9.
3. Requests the Mayor to write to the NSW Premier and Minister for Transport, Leader of the Opposition and the relevant spokespersons for the Shooters and Fishers, Christian Democrats and the Greens NSW, and Woollahra's two state representatives Gabrielle Upton, member for Vacluse and Alex Greenwich, member for Sydney, noting that Council welcomes the passage of this motion in the Legislative Council and urges the Berejiklian government to discontinue privatisation of all bus services operating in the Woollahra LGA and broader Eastern suburbs.

Adopted

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

For the Motion

Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

7/6

Item No: 16.4
Subject: NOTICE OF MOTION - PADDINGTON GREENWAY
From: Councillors Matthew Robertson and Megan McEwin
Date: 5/02/2020
File No: 20/17988

(Robertson/McEwin)

15/20 Resolved:

THAT Council:

- A. Requests staff immediately commence work on a planning proposal to amend the Woollahra Local Environmental Plan 2014 to insert a further local provision in the form of an environmental overlay or similar that:
- (i) identifies with clarity the Greenway Corridor along Rushcutters Creek linking Walker Avenue to Neild Avenue and New South Head Road;
 - (ii) indicates the Greenway Corridor as a significant potential pedestrian, bike and natural linkage between Paddington and Rushcutters Bay;
 - (iii) provides that the Greenway Corridor is on Crown Land and any use on it or surrounding land must not compromise its use as a waterway and stormwater conduit; and
 - (iv) includes provisions that preserve the Greenway Corridor and prevents development on adjoining land that would compromise or limit the Greenway Corridor.
- B. Requests staff report to Council on
- (i) engagement to date with the City of Sydney seeking cooperation to work together on this project;
 - (ii) liaison with the Department of Primary Industries (Water) and Sydney Water in relation to riparian corridors (Notice of Motion 11/06/2019 and DPOP item 12.2.1.29) and the appropriateness of allowing development to the edge of the water channel given the above, and options for public access;

- (iii) progress to date developing a feasibility assessment for this project;
- (iv) progress to date developing funding opportunities for this project (including grants from the NSW Department of Planning, Industry and Environment and Transport for NSW);
- (v) progress to date investigating connections between the greenway and regional and local cycling network;
- (vi) any other matters relevant to the delivery of the Paddington Greenway.

C. Requests that the Mayor

- (i) arranges a meeting with Clover Moore, Lord Mayor of Sydney and Rob Stokes, Minister for Planning and Public Spaces, seeking support and funding to create a Paddington Greenway - pedestrian and bike path, new park and/or naturalised creek - along the Rushcutters Creek corridor on the former White City and Sydney Stadium land.
- (ii) convenes a steering committee for this project comprising Woollahra and City of Sydney staff and Councillors, Sydney Water and other relevant agency representatives, local residents including representatives from the Paddington Society and representatives from the Minister's office.

D. THAT Council writes to the Minister for Water The Hon. Melinda Pavey MP seeking her support for the proposal.

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

Nil

13/0

Item No: 16.5
Subject: NOTICE OF MOTION - SINGLE USE PLASTICS
From: Councillor Susan Wynne
Date: 5/02/2020
File No: 20/18185

(Wynne/Zeltzer)

16/20 Resolved:

THAT staff review our our Single Use Plastics Policy and ensure that we have implemented the changes as outlined in the policy. In addition the policy is reviewed in conjunction with councils in the immediate area (North Sydney has an excellent policy) with a mind to ensuring Woollahra Council's Policy is best practice.

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

Nil

13/0

Item No: 16.6
Subject: **NOTICE OF MOTION - ENDORSEMENT OR RECOGNITION SYSTEM SUPPORTING BUSINESS IN THE WOOLLAHRA MUNICIPALITY**
From: Councillor Susan Wynne
Date: 5/02/2020
File No: 20/18193

(Wynne/Zeltzer)

17/20 Resolved:

THAT staff prepare a report which looks into how Woollahra Council can have an endorsement or recognition system supporting business within our Municipality who are taking steps to reduce waste and have sustainability practices in place. This could allow Council to actively promote and/or acknowledge our local businesses who have invested in changing the way in which they operate such as removing straws, encouraging bringing your own cup, have a documented recycling system and utilising solar power.

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

Nil

13/0

Item No: 17
Subject: **QUESTIONS WITH NOTICE**
Author: Sue O'Connor, Governance Officer
Approver: Helen Tola, Manager - Governance & Council Support
File No: 20/5803
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Robertson/Zeltzer)

18/20 Resolved:

THAT the Questions with Notice be received and noted.

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

Nil

13/0

QWN: 17.1
From: Councillor Robertson
Subject: E-waste collection service

Councillor Robertson asking:

I had the great pleasure of a chance meeting with Council's new mobile E-waste collection service officers and noted their truck was heavily loaded with E-waste.

Can we please have an update on the roll out and uptake of this new Council service, including how much E-waste to date has been diverted from landfill?

Director Technical Services in Response:

Since its inception in November 2019, we have received 311 bookings. 52% of these were logged by the resident through the new app, with 48% being logged through Customer Services. All collections were carried out on the day requested by the resident.

Through this service and e-waste items removed from the scheduled clean-ups within the same period, we have collected 2,465kg, with 2,415kg being diverted from landfill, i.e. 98%.

QWN: 17.2
From: Councillor Price
Question No: Various matters - verge mowing, garbage carry out service, glyphosate use, Save our Recycling campaign and organics waste collection.

Councillor Harriet Price asking:

1. I refer to my questions on notice of 20 August and 24 September 2018 concerning Council's Disability Action Plan and the responses provided.

Can the Director Technical Services please:

- A. Provide an update on the progress of the verge mowing service policy; and

Director Technical Services Response:

The Verge Mowing Policy will be reported to FCS on 2 March 2020.

- B. Confirm how many residents are utilising the garbage carry out service and the steps taken in the last 18 months to promote the service?

Director Technical Services Response:

There are currently 17 residents who pay for the carry out service. The details of the service are outlined on Council's website. Staff usually discuss it one-on-one with residents who enquire about the service, to ensure that we are providing the right type of service for their situation.

2. Can the Director please confirm when the report on glyphosate use will be presented to Council?

Director Technical Services Response:

The report on glyphosate will be reported to FCS in March.

3. On 11 November 2019, Council resolved to support the Local Government NSW initiative 'Save our Recycling' Campaign, aimed at improving recycling and waste management. Can the Director please:

- A. Circulate to Councillors any correspondence received in respect to paragraph E of the resolution; and

Director Technical Services Response:

Due to an administrative error in Technical Services, these letters have not yet been sent, but will be sent this week. Copies of any replies received will be forwarded to Councillors for their information.

B. Detail how the 'Save our Recycling' campaign has been promoted via Council's networks, digital and social media channels.

Director Technical Services Response:

The Save Our Recycling campaign was promoted on Council's Facebook page during National Recycling Week. There were a large number of items being promoted during that same period (the new on-demand E-waste collection service, the standard E-waste collection service, the Bower & Reverse Garbage visits) so this may not have received as much coverage as we hoped.

Can the Director please provide an update on an organic waste collection service for local businesses?

Director Technical Services Response:

As previously advised, Council staff have been seeking to introduce, in collaboration with Waverley and Randwick Councils, separated organics collection service for commercial businesses.

Subsequently, Council staff became aware of a business called Organic Recycling Group (ORG), who are providing, on a limited scale, an identical service to that envisaged by the Councils. Staff consequently met with representatives of ORG and agreed to facilitate introductions to Councils existing commercial customers. We are advised that ORG have now provided quotes to 11 businesses in the Paddington area.

Council staff will continue to liaise with ORG to determine whether a viable private service will be established in our LGA, prior to continuing work with the neighbouring Councils on a Council-run scenario.

QWN: 17.3
From: Councillor Regan
Question No: Development Application Costs

Councillor Regan asking:

Thank you for responding to my Question on Notice at the Council meeting on 11 November 2019 regarding Development Application Building Costs (copy attached for reference).

It is noted in Council's response that in relation to construction costs over \$750,000, Council is reliant on costings provided by a developer's quantity surveyor. In these circumstances, what steps does Council take to scrutinise the costings of the quantity surveyor? For example, where a quantity surveyor has construction costs per square meter which are less than the Council's estimate of \$3,500 per square meter for dwellings under \$750,000, what steps does Council take to scrutinise the difference? It is noted in Council's response that it is not bound by estimates provided by a developer's quantity surveyor, but could Council please explaining what checks and balances are present to ensure quantity surveyor's estimates are proper and considered. Can the process of costs estimation be made more transparent in the development assessment process?

Below is an article from the Australian Newspaper dated 23 January 2020 page 4 entitled "Inquiry reveals widespread fee rorting by property developers" by Yoni Bashan. This article intimates that underestimation of the true costs of building works is widespread in the building industry.

Could the Director please respond to allegations in this article insofar as it relates to Woollahra Municipal Council?

Director Planning & Development in response:

The Quantity Surveyor's report which accompanies a DA where the cost of works exceeds \$750,000 **must** be undertaken by a member of the Australian Institute of Quantity Surveyors. The Australian Institute of Quantity Surveyors (AIQS) is a professional standards body and states that through its leadership, standards and code of ethics, it ensures that practicing Quantity Surveyors are dedicated to maintaining the highest standards of professional excellence. Additionally, a primary function of the (AIQS) is to "*uphold ethical standards of practice and code of conduct.*"

Council's Team Leader(s) in their initial review of DAs accept the QS Report as being a true and genuine cost estimate if:

- It has been completed by a quantity surveyor who a member of the Australian Institute of Quantity Surveyors, and
- The estimate of the cost of development equates to Council's adopted cost of works procedure (calculated at a rate of \$3,500/m²).

In addition, Team Leaders, in their initial review of the submitted DA at lodgement stage, must answer the following question contained in an internal check sheet;

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

This is an appropriate safeguard to ensure that the cost of development, even if accompanied by a QS Report is scrutinised by the Team Leader. QS reports would only be questioned when the estimated cost of works substantially depart from the rate which is used to check the cost of works less than \$750,000, i.e. \$3,500/m².

To ensure transparency, documentation submitted with DAs is published through Council's DA tracker on our website.

Current processes for calculating the cost of works, where the estimated construction costs are greater than \$750,000, therefore rely on the professional reports prepared by Quantity Surveyors who are members of the Australian Institute of Quantity Surveyors. It is appropriate that Council rely on these professional reports to ensure that building construction costs are not underestimated.

There being no further business the meeting concluded at 10.28pm.

We certify that the pages numbered 23 to 56 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 10 February 2020 and confirmed by the Ordinary Meeting of Council on 24 February 2020 as correct.

General Manager

Mayor