



# Ordinary Council

Monday 11 September 2023  
6.30pm

## Minutes





# Ordinary Council Meeting

Monday 11 September 2023

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## **Items Determined Under Delegated Authority by Council Committees**

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

### **Finance, Community & Services Committee held on Monday 04 September 2023**

- D1 Confirmation of Minutes of Meeting held on 7 August 2023
- D2 Woollahra Local Traffic Committee Minutes - 1 August 2023
- D3 Road Lease for Renewal at 11 Queens Avenue, Vaucluse (SC6948)

### **Environmental Planning Committee held on Monday 04 September 2023**

- D1 Confirmation of Minutes of Meeting held on 7 August 2023
- D2 Ecological Sustainability Taskforce Minutes - 31 July 2023

## Ordinary Council Meeting

### Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 11 September 2023 at 6.30pm.

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

Councillors: Isabelle Shapiro

Sean Carmichael (Not present for Item 14.1)

Peter Cavanagh

Luise Elsing

Nicola Grieve

Mary-Lou Jarvis

Harriet Price

Lucinda Regan

Matthew Robertson (via Zoom)

Richard Shields

Sarah Swan (via Zoom) left meeting at 9.03pm

Merrill Witt (via Zoom) left meeting at 8.58pm

Toni Zeltzer

Staff: Rosemary Bullmore (Manager – Legal, Compliance & Enforcement)

Paul Fraser (Manager – Open Space & Trees) via Zoom

Rhys Johnson (Governance Coordinator)

Sue Meekin (Director – Corporate Performance)

Patricia Occelli (Director – Community & Customer Experience)

Sue O'Connor (Governance Officer)

Tom O'Hanlon (Director – Infrastructure & Sustainability)

Scott Pedder (Director – Planning & Place)

Craig Swift-McNair (General Manager)

Helen Tola (Manager – Governance & Risk)

Anne White (Manager – Strategic Planning & Place) – via Zoom

Also in Attendance: Nil

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**Note:** Item 13.2 – Item R1 (Extraordinary Woollahra Local Traffic Committee Minutes - 16 August 2023) was considered after Item 6 (Confirmation of Minutes).

## 1. Opening

The Mayor declared the Ordinary Council Meeting of 11 September 2023 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

## 2. Prayer

The Mayor read the Prayer:

Almighty God, you have given us a beautiful place to live in. We pray for your gift of wisdom that the decisions of this Council may benefit those we serve.

Be with us in our deliberations that this Municipality may know your blessing. Amen.

## 3. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Mayor read the following Acknowledgement of Country:

*I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.*

## 4. Acknowledgement of the Sovereign of the Day (King Charles III)

The Mayor read the following Acknowledgement of the Sovereign of the Day (King Charles III):

*I also acknowledge, the King of Australia, King Charles III.*

## 5. Apologies and Applications for a Leave of Absence or Attendance by Audio-Visual Link by Councillors

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

**General Item No:** 5.1 Audio-Visual Link  
**(Zeltzer/Carmichael)**

### 150/23 Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillors participation in the Council Meeting of 11 September 2023 via Audio-Visual Link:

- Councillor Robertson
- Councillor Swan (travel reasons)
- Councillor Witt (travel reasons).

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0

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## 6. Confirmation of Minutes

**Item No:** 6.1  
**Subject:** CONFIRMATION COUNCIL MINUTES - 28 AUGUST 2023  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 23/162711  
**Purpose of the Report:** The Minutes of the Council of 28 August 2023 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

(Elsing/Shapiro)

151/23 Resolved:

THAT the Minutes of the Council Meeting of 28 August 2023 be taken as read and confirmed.

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0



**(Jarvis/Zeltzer)**

**Resolved:**

THAT Standing Orders be suspended to allow Item 13.2 – Item R1 (Extraordinary Woollahra Local Traffic Committee Minutes - 16 August 2023) was to be considered after Item 6 (Confirmation of Minutes).

**Adopted**

## **7. Disclosures of Interest**

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in 13.1 EP - Item R2 (Post Exhibition Report for Draft DCP (Amendment No.22) for 252-254 New South Head Road, Double Bay) as Councillor Zeltzer is a member of the Sydney East Panel. As the matter is a deferral Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in 13.1 EP - Item R2 (Post Exhibition Report for Draft DCP (Amendment No.22) for 252-254 New South Head Road, Double Bay) as Councillor Jarvis is a member of the Sydney East Panel. As the matter is a deferral Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in 13.2 FC&S - Item R1 (Extraordinary Woollahra Local Traffic Committee Minutes - 16 August 2023), as the Mayor, Councillor Wynne knows a number of local Watsons Bay residents having been the Ward Councillor for the last 15 years. The Mayor, Councillor Wynne further advised that one of the objectors is Claudia Cullen, a former colleague and previous Woollahra Councillor. The Mayor, Councillor Wynne remained in the meeting, participated in debate and voted on the matter.

Councillor Price declared a Non-Significant, Non-Pecuniary Interest in 13.2 FC&S - Item R1 (Extraordinary Woollahra Local Traffic Committee Minutes - 16 August 2023) as one of the objectors is Claudia Cullen, a former Councillor and a fellow-member of Residents First. Councillor Price remained in the meeting, participated in debate and voted on the matter.

The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in 13.2 FC&S - Item R7 (2023/24 Grants Program: Community and Cultural, Environmental, Placemaking and Business Sector Support) as the Mayor, Councillor Wynne has been actively involved with the Queen Street West Woollahra Association. The Mayor, Councillor Wynne further advised that she knows a number of people who work at the Pallas Group. The Mayor, Councillor Wynne remained in the meeting, participated in debate and voted on the matter.

Councillor Price declared a Non-Significant, Non-Pecuniary Interest in 13.2 FC&S - Item R7 (2023/24 Grants Program: Community and Cultural, Environmental, Placemaking and Business Sector Support) as Councillor Price is a former President of the Glenmore Road Public School P&C and President of the School Council. Councillor Price remained in the meeting, participated in debate and voted on the matter.

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in 13.2 FC&S - Item R7 (2023/24 Grants Program: Community and Cultural, Environmental, Placemaking and Business Sector Support) as Councillor Swan is a member of the Queen Street West Woollahra Association but is not on the Executive Committee, and was not involved in the Grants Program. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

Councillor Grieve declared a Non-Significant, Non-Pecuniary Interest in 13.2 FC&S - Item R7 (2023/24 Grants Program: Community and Cultural, Environmental, Placemaking and Business Sector Support) as Councillor Grieve is a member of the Rose Bay Community Garden but is not on the Executive Committee. Councillor Grieve further advised that she is a member of the Queen Street West Woollahra Association but is not on the Executive Committee, and was not involved in the Grants Program. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.

Councillor Carmichael declared a Significant, Non-Pecuniary Interest in Rescission Motion Item 14.1 (Response to a Council resolution to revisit the Recommendations in the Paddington Hotel Study) as Councillor Carmichael's second cousin owns the Imperial Hotel in Paddington. Councillor Carmichael left the meeting, did not participate in debate or vote on the matter.

## **8. Late Correspondence**

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda GM & Officers 12.2, EP Items R4 & R5, FC&S Items R1 & R7 & QWN 17.1.

## **9. Petitions Tabled**

Nil

## **10. Mayoral Minute**

Nil

## **11. Public Forum**

Nil

## 12. General Manager and Officer's Report

**Item No:** 12.1  
**Subject:** **BUILDING INFORMATION CERTIFICATES (BICS)**  
**Author:** Rosemary Bullmore, Manager Legal, Compliance & Enforcement  
**Approvers:** Craig Swift-McNair, General Manager  
Scott Pedder, Director Planning & Place  
**File No:** 22/235417  
**Purpose of the Report:** Respond to Notice of Motion of 14 February 2022 regarding determination of Building Information Certificates by Council  
**Alignment to Delivery Program:** Strategy 4.5 Ensure that planning and building requirements are complied with.

**(Carmichael/Grieve)**

**152/23 Resolved:**

THAT Council:

- A. Receives and notes the report on the process for calling Building Information Certificates to Council for determination; and
- B. Notes the Council resolution (initiated by a Notice of Motion) is now closed.

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

***For the Motion***

***Against the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

**Item No:** 12.2  
**Subject:** **BUILDING INFORMATION CERTIFICATE 46/2022 237 GLENMORE RD PADDINGTON**

**Author:** Paul Sullivan, Team Leader - Building & Compliance  
**Approvers:** Rosemary Bullmore, Manager Legal, Compliance & Enforcement  
Scott Pedder, Director Planning & Place

**File No:** 23/135536

**Purpose of the Report:** Determine Building Information Certificate 46/2022

**Alignment to Delivery Program:** Strategy 7.3 Ensure that premises which have the potential to impact on human health and safety are operated in accordance with relevant standards and statutory requirements.

**Note:** Late correspondence was tabled by Rosemary Bullmore, Council's Manager Legal, Compliance & Enforcement.

**Note:** Council amended the Resolution, as per the late correspondence tabled by Rosemary Bullmore, Council's Manager Legal, Compliance & Enforcement.

**(Grieve/Robertson)**

**153/23 Resolved:**

THAT Council defer consideration of Building Information Certificate 46/2022 for the installation of internal wall and ceiling framing, installation of a steel beam and installation of plasterboard ceilings to the previous bottle shop area of the Royal Hotel at 237 Glenmore Road, Paddington (Lot 1 DP 224890); and request:

1. A site visit for Councillors, with staff, to be undertaken prior to the matter being considered by the Council; and
2. Commentary be provided within the report in relation to unauthorised works.

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

**Item No:** 12.3  
**Subject:** **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) MINUTES - 20 JUNE 2023**  
**Author:** Helen Tola, Manager Governance & Risk  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 23/164217  
**Purpose of the Report:** To present the Audit, Risk & Improvement Committee (ARIC) meeting minutes of 20 June 2023 for noting by Council.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

**(Swan/Shapiro)**

**154/23 Resolved without debate:**

THAT Council notes the Minutes of the Audit, Risk & Improvement Committee Meeting of 20 June 2023.

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

***For the Motion***

***Against the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

## 13. Reports of the Committees

### 13.1 Environmental Planning Committee

#### Items with Recommendations from the Committee Meeting of Monday 4 September 2023 Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** **DRAFT PUBLICLY OWNED FIG TREE MANAGEMENT PLAN**  
**Author:** Andrew Simpson, Team Leader - Tree Department  
**Approvers:** Paul Fraser, Manager Open Space & Trees  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/153304  
**Purpose of the Report:** To respond to a Notice of Motion relating to the management of public Fig Trees.  
**Alignment to Delivery Program:** Strategy 7.1 Protect trees, streetscapes, natural landscapes and biodiversity including the protection and restoration of bushland areas.

**Note:** Councillor Carmichael left the meeting, the time being 7.43pm.

**Note:** Councillor Zeltzer left the meeting, the time being 7.43pm.

**Note:** Councillor Carmichael returned to the meeting, the time being 7.45pm.

**Note:** Councillor Zeltzer returned to the meeting, the time being 7.45pm.

(Jarvis/Regan)

#### 155/23 Resolved without debate:

THAT Council:

- A. Endorse the proposed management plan for publicly owned Fig trees, including an amendment to Council's Tree Management Policy, for public exhibition for a period of four weeks.
- B. Notes that a further report will be tabled at a future Environmental Planning Committee meeting following the public exhibition period.

*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 Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0

**Item No:** R2 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT FOR DRAFT DCP (AMENDMENT NO.22) FOR 252-254 NEW SOUTH HEAD ROAD, DOUBLE BAY**  
**Authors:** Wai Wai Liang, Strategic Planner  
Lyle Tamlyn, Acting Team Leader Strategic Planning  
**Approver:** Scott Pedder, Director Planning & Place  
**File No:** 23/144922  
**Purpose of the Report:** To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment 22) for 252-254 New South Head Road, Double Bay and to seek Council's approval for finalisation.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Note:** Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer is a member of the Sydney East Panel. As the matter is a deferral Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

**Note:** Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis is a member of the Sydney East Panel. As the matter is a deferral Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

**(Jarvis/Regan)**

**156/23 Resolved without debate:**

THAT Council defers consideration of the post exhibition report on Draft Woollahra Development Control Plan 2015 (Amendment 22) on site-specific provisions in Chapter G Site – Specific Controls for 252-254 New South Head Road, Double Bay to the October meeting of the Environmental Planning Committee due to procedural issue concerning notification.

*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 Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

**Item No:** R3 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT - PLACES OF WORSHIP PLANNING PROPOSAL FOR HERITAGE LISTING**  
**Authors:** Eleanor Banaag, Senior Strategic Heritage Officer  
Kristy Welfare, Acting Team Leader Heritage  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 23/141024  
**Purpose of the Report:** To report on the public exhibition of the planning proposal to list four (4) Places of Worship as local heritage items  
**Alignment to Delivery Program:** Strategy 4.2 Conserving our rich and diverse heritage.

**(Jarvis/Regan)**

**157/23 Resolved without debate:**

THAT Council:

- A. Resolves to finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 4 September 2023, to list the following four sites as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014*.
- i. Paddington Church of Christ complex and setting, including interiors and moveable heritage at 116-122 Paddington Street, Paddington (Lots 20, 21 & 22, Sec 1, DP 180)
  - ii. St Andrews Scots Presbyterian Church complex and setting, including interiors and moveable heritage at 2 Carlisle Street, Rose Bay (Lot 1 DP 724928 & Lot 1 DP 966535)
  - iii. Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862)
  - iv. Vaucluse Uniting Church complex and setting - former 1909 Vaucluse Congregational Church building and former 1960 A-frame church building, including interiors and moveable heritage at 3 Russell Street, Vaucluse (Lot 6, Sec 5, DP 4400).
- B. Makes the local environmental plan under section 3.36(2) 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 Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0



**Item No:** R4 Recommendation to Council  
**Subject:** **REVIEW OF COUNCIL'S SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN**  
**Author:** Charmaine Tai, Strategic Planner  
**Approvers:** Lyle Tamlyn, Acting Team Leader Strategic Planning  
Scott Pedder, Director Planning & Place  
**File No:** 22/235653  
**Purpose of the Report:** The purpose of this report is to respond to a Council resolution requesting information on various development contributions matters.  
**Alignment to Delivery Program:** Strategy 5.2 Provide and maintain safe, clean, serviceable public infrastructure including roads, footpaths, bicycle facilities, parks, open spaces, stormwater drains and seawalls.

**Note:** Late correspondence was tabled by Lyle Tamlyn, Council's Acting Team Leader Strategic Planning.

**Note:** Council amended Resolution B as per late correspondence tabled by Lyle Tamlyn, Council's Acting Team Leader Strategic Planning.

**(Jarvis/Regan)**

**158/23 Resolved:**

THAT Council:

- A. Incorporate into the next amendment of the *Woollahra Section 7.12 Development Contributions Plan 2022* a requirement for a 'suitably qualified person' (as defined in the Environmental Planning Committee report dated 4 September 2023) to provide cost estimates for works between \$150,000 and \$749,999, and new text to explicitly state that the plan applies to modification applications.
- B. Note the revised standard condition for section 7.12 development contributions requiring an updated cost of works to be supplied for the purpose of calculating the contribution amount prior to any certificate being issued by the Certifying Authority, as amended per the late correspondence to Council meeting dated 11 September 2023.
- C. Request staff report back to a future meeting of the Environmental Planning Committee on the effectiveness of the changes to the *Woollahra Section 7.12 Development Contributions Plan 2022* adopted by this report.

**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 Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0

**Item No:** R5 Recommendation to Council  
**Subject:** **CHARACTER BUILDINGS IN THE WOOLLAHRA LOCAL GOVERNMENT AREA**  
**Author:** Anne White, Manager Strategic Planning & Place  
**Approver:** Scott Pedder, Director Planning & Place  
**File No:** 23/105614  
**Purpose of the Report:** To respond to a Council resolution to investigate avenues to strengthen protection for character buildings in the Woollahra LGA.  
**Alignment to Delivery Program:** Strategy 4.2 Conserving our rich and diverse heritage.

**Note:** Late correspondence was tabled by Councillor Witt, Dr Bruce Forster & Double Bay Residents' Association.

**Note:** Councillor Swan left the meeting, the time being 7.48pm.

**Note:** Councillor Swan returned to the meeting, the time being 7.50pm.

**Motion moved by Councillor Jarvis  
Seconded by Councillor Carmichael**

THAT Council:

- A. Notes the report to the Environmental Planning Committee of 4 September 2023 which addresses the current planning controls applying to character buildings in the Woollahra Local Government Area.
- B. Resolves to remove the controls relating to character buildings from *Chapter D5 Double Bay Centre*, as part of a future amendment to the *Woollahra Development Control Plan 2015*.
- C. Resolves:
  - i. To initiate a heritage study for the Rose Bay Centre,
  - ii. To identify the Rose Bay Centre heritage study as a new medium priority in the Heritage Action Plan under the Woollahra Heritage Gap Analysis, and
  - iii. That the Rose Bay Centre heritage study be included as an action in the 23/24 Operational Plan/Budget.
- D. Notes the Council resolution (initiated by a Notice of Motion) is now closed.

**Amendment moved by Councillor Elsing  
Seconded by Councillor Witt**

THAT Council:

- A. Notes the report to the Environmental Planning Committee of 4 September 2023 which addresses the current planning controls applying to character buildings in the Woollahra Local Government Area.
- B. Resolves:
  - i. To initiate a heritage study for the Rose Bay Centre,
  - ii. To identify the Rose Bay Centre heritage study as a new medium priority in the Heritage Action Plan under the Woollahra Heritage Gap Analysis, and
  - iii. That the Rose Bay Centre heritage study be included as an action in the 23/24 Operational Plan/Budget.
- C. Notes the Council resolution (initiated by a Notice of Motion) is now closed.

**The Amendment was put and lost.**

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

**For the Amendment**

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Witt

**Against the Amendment**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Jarvis  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Wynne  
Councillor Zeltzer

**6/8**

**The Motion was put and carried.**

**(Jarvis/Carmichael)**

**159/23 Resolved:**

THAT Council:

- A. Notes the report to the Environmental Planning Committee of 4 September 2023 which addresses the current planning controls applying to character buildings in the Woollahra Local Government Area.
- B. Resolves to remove the controls relating to character buildings from *Chapter D5 Double Bay Centre*, as part of a future amendment to the *Woollahra Development Control Plan 2015*.
- C. Resolves:
  - i. To initiate a heritage study for the Rose Bay Centre,
  - ii. To identify the Rose Bay Centre heritage study as a new medium priority in the Heritage Action Plan under the Woollahra Heritage Gap Analysis, and
  - iii. That the Rose Bay Centre heritage study be included as an action in the 23/24 Operational Plan/Budget.
- D. Notes the Council resolution (initiated by a Notice of Motion) is now closed.

*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 Carmichael  
Councillor Cavanagh  
Councillor Jarvis  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Wynne  
Councillor Zeltzer

**Against the Motion**

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Witt

**8/6**

<b>Item No:</b>	R6 Recommendation to Council
<b>Subject:</b>	<b>HERITAGE LISTING OF LAPIN HOUSE, 2C DUMARESQ ROAD, ROSE BAY, IN SCHEDULE 5 OF THE WOOLLAHRA LEP 2014</b>
<b>Authors:</b>	Tristan Ryan, Senior Strategic Heritage Officer Kristy Wellfare, Acting Team Leader Heritage
<b>Approvers:</b>	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
<b>File No:</b>	23/154047
<b>Purpose of the Report:</b>	To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to list "Lapin House" – house and interiors as a local heritage item in Schedule 5 and on the Heritage Maps of the Woollahra LEP 2014. To obtain Council's approval to proceed with further heritage investigations of both Bursill House and Lapin House, and to request the owner of Lapin House prepare a Conservation Management document.
<b>Alignment to Delivery Program:</b>	Strategy 4.2 Conserving our rich and diverse heritage.
	(Jarvis/Regan)

**160/23 Resolved without debate:**

THAT Council:

- A. Notes the advice provided by the Woollahra Local Planning Panel from 17 August 2023 regarding the planning proposal to list "Lapin House" as a local heritage item.
- B. Endorses the planning proposal as contained at **Attachment 3** of the report to the Environmental Planning Committee of 4 September 2023 to list "*Lapin House*" – house and interiors at 2C Dumaresq Road, Rose Bay (Lot A DP 33652) as a local heritage item in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning and Environment with a request for Gateway Determination to allow public exhibition.
- C. Requests the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. Requests from the owner of Lapin House, a Conservation Management Plan or Conservation Management Strategy to inform the assessment of any development application relevant to the site.
- E. As part of the Significant Architects Study further assesses whether *Lapin House*" – house and interiors at 2C Dumaresq Road, Rose Bay (Lot A DP 33652) merits state listing.

*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 Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0

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**Item No:** R7 Recommendation to Council  
**Subject:** **PROTECTED WASH AREAS AND SITE WATER RUN OFF**  
**Author:** Eleanor Smith, Executive Planner  
**Approvers:** Nick Economou, Manager Development Assessment  
Scott Pedder, Director Planning & Place  
**File No:** 23/121979  
**Purpose of the Report:** To respond to a Council resolution seeking to strengthen the Development Application (DA) conditions, and promote education, in relation to the provision of protected wash areas and the prevention of site water run off from construction sites, and explore actions that can be taken in the event of a water pollution incident.  
**Alignment to Delivery Program:** Strategy 7.2 Support cleaner, healthier waterways including improved water quality and healthy water catchments, creeks and harbour.

(Jarvis/Regan)

**161/23 Resolved without debate:**

THAT Council:

- A. Receives and notes the updated standard conditions.
- B. Requests the General Manager writes to the Southern Sydney Regional Organisation of Councils and requests that the increased penalties for water pollution incidents are referenced in the *Do it Right On Site, Soil and Water Management for the Construction Industry* ('Do it Right On Site' guidelines).
- C. Notes that the information packs containing the 'Do it Right on Site' guidelines and accompanying factsheets, and an information sheet detailing the maximum penalties for water pollution incidents be provided by Development Assessment Staff to Council's Rangers to be circulated during the routine inspections of building sites.
- D. Resolves to continue to participate in the "Get the Site Right" initiative held by the NSW Environment Protection Authority (EPA), which is foreshadowed to be held in October 2023.

- E. Notes the Council resolution (initiated by a Notice of Motion) is now closed.
- F. Requests that staff report back on the monitoring compliance and enforcement of this initiative to the Ecological Sustainability Taskforce.

*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 Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0

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**Item No:** R8 Recommendation to Council  
**Subject:** **ENFORCEABLE DA CONDITIONS RELATING TO FOOTPATHS**  
**Author:** Eleanor Smith, Executive Planner  
**Approvers:** Nick Economou, Manager Development Assessment  
Scott Pedder, Director Planning & Place  
**File No:** 23/120668  
**Purpose of the Report:** To respond to a Council resolution seeking the investigation of additional enforceable Development Application (DA) conditions, relating to footpath safety.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

(Jarvis/Regan)

**162/23 Resolved without debate:**

THAT Council:

- A. Receives and notes the enforceable DA condition as per the updated standard condition F.7 'Public Footpaths – Safety, Access and Maintenance' be received and noted.
- B. Notes the Council resolution (initiated by a Notice of Motion) is now closed.
- C. Requests that staff report back on the monitoring compliance and enforcement of this initiative to the via the Development Assessment Managers Delegated Report.

*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 Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

## 13.2 Finance, Community & Services Committee

### Items with Recommendations from the Committee Meeting of Monday 4 September 2023 Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** **EXTRAORDINARY WOOLLAHRA LOCAL TRAFFIC COMMITTEE MINUTES - 16 AUGUST 2023**  
**Author:** Emilio Andari, Manager Engineering Services  
**Approver:** Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/158151  
**Purpose of the Report:** For the Committee to consider the recommendations of the Woollahra Local Traffic Committee  
**Alignment to Delivery Program:** Strategy 6.2 Improve the management of public parking on-street and off-street.

**Note:** The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in this Item, as the Mayor, Councillor Wynne knows a number of local Watsons Bay residents having been the Ward Councillor for the last 15 years. The Mayor, Councillor Wynne further advised that one of the objectors is Claudia Cullen, a former colleague and previous Woollahra Councillor. The Mayor, Councillor Wynne remained in the meeting, participated in debate and voted on the matter.

**Note:** Councillor Price declared a Non-Significant, Non-Pecuniary Interest in this Item, as one of the objectors is Claudia Cullen, a former Councillor and a fellow-member of Residents First. Councillor Price remained in the meeting, participated in debate and voted on the matter.

**Note:** Late correspondence was tabled by Council's Director Infrastructure & Sustainability, Tom O'Hanlon & Andrew Maloney – Watsons Bay Association.

**Note:** The Council added new Part A, amended Part B and added new Part C (v) & (vi).

**Motion moved by Councillor Zeltzer  
Seconded by Councillor Jarvis**

THAT Council:

- A. Note the Council's desire to continue the existing parking arrangements in Watsons Bay.
- B. Request that the General Manager prepares a report to the Council Meeting of 26 September 2023 advising of the timing and proposed costs in obtaining the legal advice referenced in Part C.
- C. Defer this matter in order to obtain further external, independent legal advice from senior counsel, unclouded by the recommendations in the staff report and legal advice already given. Such advice to be sought on the following;
  - i. Whether maintenance of the existing arrangements exposes Council to legal risk, and if so, what is the nature and extent of such risk?
  - ii. Whether Council is legally obliged to abolish the existing arrangements, and if so, pursuant to what legislative and regulatory provisions?
  - iii. What is the legal and regulatory environment which governs Council's issuance and renewal of resident parking permits in Watsons Bay?



- iv. To what extent can Council, in its decision making, have regard to the physical environment with all its constraints and the historic nature of the precinct and community concerns?
- v. Does Regulation 120 of the Road Transport (General) Regulation 2021 apply, given prohibited parking spaces at Watsons Bay are arguably not “permissible parking spaces” within the definition of the regulation?
- vi. Whether 15 minute or 30 minute parking (permit-holders excepted) would be considered legal under the applicable legislation.

**Amendment moved by Councillor Price  
Seconded by Councillor Regan**

THAT Council:

- A. Notes the advice from Dr Lindsay Taylor dated 7 September 2023 and his conclusion that the Watson’s Bay permit parking scheme is:  
  
*“Unlawful to the extent that parking permits are issued for vehicular parking in areas where parking is otherwise prohibited so as to establish those areas as an exclusive parking areas.”*
- B. Resolves to implement the staff recommendations to the Local Traffic Committee of 16 August 2023;
- C. Requests that the General Manager ensures that all residents who made a submission to either the Local Traffic Committee or the Finance, Community & Services Committee are contacted by Council staff and provided information on Council’s:
  - i. Resident Visitor Parking Permits Scheme;
  - ii. Health Carers Permits Scheme; and
  - iii. Disabled Parking Zone Application Process.
- D. Requests the General Manager to review the application process for Council’s Resident Parking Permit Scheme and consider whether it is necessary to amend Council’s policy and procedures for issuing permits (including but not limited to amending the application form to include a statutory declaration).

**The Amendment was put and lost.**

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

**For the Amendment**

Councillor Price

**Against the Amendment**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

1/13

**The Motion was put and carried.**

**(Zeltzer/Jarvis)**

**163/23 Resolved:**

THAT Council:

- A. Note the Council's desire to continue the existing parking arrangements in Watsons Bay.
- B. Request that the General Manager prepares a report to the Council Meeting of 26 September 2023 advising of the timing and proposed costs in obtaining the legal advice referenced in Part C.
- C. Defer this matter in order to obtain further external, independent legal advice from senior counsel, unclouded by the recommendations in the staff report and legal advice already given. Such advice to be sought on the following;
  - i. Whether maintenance of the existing arrangements exposes Council to legal risk, and if so, what is the nature and extent of such risk?
  - ii. Whether Council is legally obliged to abolish the existing arrangements, and if so, pursuant to what legislative and regulatory provisions?
  - iii. What is the legal and regulatory environment which governs Council's issuance and renewal of resident parking permits in Watsons Bay?
  - iv. To what extent can Council, in its decision making, have regard to the physical environment with all its constraints and the historic nature of the precinct and community concerns?
  - v. Does Regulation 120 of the Road Transport (General) Regulation 2021 apply, given prohibited parking spaces at Watsons Bay are arguably not "permissible parking spaces" within the definition of the regulation?
  - vi. Whether 15 minute or 30 minute parking (permit-holders excepted) would be considered legal under the applicable legislation.

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

***For the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

***Against the Motion***

Councillor Price

**13/1**

**Item No:** R2 Recommendation to Council  
**Subject:** **CLOSING AND SALE OF ROAD RESERVE ADJOINING 130 VICTORIA ROAD, BELLEVUE HILL (SC7405)**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Luigi Signorelli, Acting Manager Property & Projects  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/152551  
**Purpose of the Report:** To consider the formalisation of existing and proposed encroaching structures on Rivers Street at 130 Victoria Road, Bellevue Hill  
**Alignment to Delivery Program:** Strategy 11.2 Secure Council's financial position.

**(Zeltzer/Grieve)**

**164/23 Resolved without debate:**

THAT Council notes:

- A. The Finance Community & Services (FC&S) Committee resolves not to proceed with Sale of the Road reserve to the adjoining owner 130 Victoria Road, Bellevue Hill.
- B. The FC&S Committee resolves to obtain an independent valuation to determine the easement compensation payable for Council proposed grant of easement to the adjoining owner 130 Victoria Road, Bellevue Hill.
- C. That a further report be brought to the FC&S Committee for further consideration of the proposal to grant an easement upon the completion of part (B).

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

***For the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

**14/0**

***Against the Motion***

Nil

**Item No:** R3 Recommendation to Council  
**Subject:** **REFLECT RECONCILIATION ACTION PLAN ANNUAL PROGRESS REPORT**  
**Author:** Grant Cummins, Development Officer, Community & Culture  
**Approvers:** Rodgers-Wilson Emma, Development Officer, Community & Culture  
Vicki Munro, Manager Community & Culture  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 23/153377  
**Purpose of the Report:** To present and inform Council of progress in implementing the Reflect Reconciliation Action Plan for the period September 2022–September 2023.  
**Alignment to Delivery Program:** Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

(Zeltzer/Grieve)

**165/23 Resolved without debate:**

THAT Council receive and note the Reflect Reconciliation Action Plan Annual Progress Report for the period September 2022 to September 2023.

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

***For the Motion***

***Against the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

**Item No:** R4 Recommendation to Council  
**Subject:** **RESPONSE TO NOTICE OF MOTION - SOFT PLASTICS**  
**Author:** Mark Ramsay, Manager Civil Operations  
**Approver:** Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/141775  
**Purpose of the Report:** Response to Notice of Motion – Soft Plastics  
**Alignment to Delivery Program:** Strategy 8.4 Encourage and assist our community to be leaders in waste management and resource recycling.

**Note:** Council added new Part C to the Resolution.

**(Price/Elsing)**

**166/23 Resolved:**

THAT Council:

- A. Notes the information included in the report;
- B. Adopts for inclusion in the Environmental Sustainability Action Plan and other relevant planning documents the below targets:
  - 1. Reduce waste sent to landfill per household by 10% by 2030.
  - 2. Recovery rate from all waste streams equals 65% by 2030.
- C. Update Council's website and other communication channels to provide information on the current state of soft plastics recycling.

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

***For the Motion***

***Against the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

**Item No:** R5 Recommendation to Council  
**Subject:** **WASTE COLLECTION CYCLES**  
**Author:** Mark Ramsay, Manager Civil Operations  
**Approver:** Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/142733  
**Purpose of the Report:** Response to Notice of Motion  
**Alignment to Delivery Program:** Strategy 8.4 Encourage and assist our community to be leaders in waste management and resource recycling.

(Zeltzer/Grieve)

**167/23 Resolved without debate:**

THAT Council:

- A. Retains the current weekly collection of general waste, recycling and FOGO.
- B. Retains its current 3 free scheduled and unlimited paid hard waste collection service.

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

***For the Motion***

***Against the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

**Item No:** R6 Recommendation to Council  
**Subject:** **MONTHLY FINANCIAL REPORT - 31 JULY 2023**  
**INVESTMENTS HELD AS AT 31 AUGUST 2023**  
**Author:** Abdullah Rayhan, Team Leader Financial Services  
**Approvers:** Paul Ryan, Chief Financial Officer  
Sue Meekin, Director Corporate Performance  
**File No:** 23/154544  
**Purpose of the Report:** To present the monthly financial report for July 2023 and to present a list of investments held as of 31 August 2023.  
**Alignment to Delivery Program:** Strategy 11.2 Secure Council's financial position.

**(Zeltzer/Grieve)**

**168/23 Resolved without debate:**

THAT Council:

- A. Receive and note the Monthly Financial Report – July 2023.
- B. Note that the Council's 12-month weighted average return for July 2023 on its direct investment portfolio of 4.46% (LM: 4.28%, LY: 1.64%) exceeds the benchmark 90-day AusBond Bank Bill Index of 3.91%.
- C. Note that the interest revenue for July is \$387K, exceeding our original budget of \$153K.
- D. Receive and note the list of Council's investments held as of 31 August 2023 (provided as late correspondence).

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

- Item No:** R7 Recommendation to Council  
**Subject:** **2023/24 GRANTS PROGRAM: COMMUNITY AND CULTURAL, ENVIRONMENTAL, PLACEMAKING AND BUSINESS SECTOR SUPPORT.**
- Authors:** Rodgers-Wilson Emma, Development Officer, Community & Culture  
Catherine Patalis, Coordinator Economic Development  
Michelle Rose, Environmental Education Officer
- Approvers:** Vicki Munro, Manager Community & Culture  
Patricia Occelli, Director Community & Customer Experience  
Scott Pedder, Director Planning & Place  
Tom O'Hanlon, Director Infrastructure & Sustainability
- File No:** 23/125388
- Purpose of the Report:** To give consideration to the proposed funding recommendations under Council's Grants Program including Community and Cultural Grants, Environmental Grants, Placemaking Grants and Business Sector Support.
- Alignment to Delivery Program:** Strategy 10.1 Encourage inclusive community participation and build respectful relationships through engagement and input into decision making.
- Note:** The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in this Item as the Mayor, Councillor Wynne has been actively involved with the Queen Street West Woollahra Association. The Mayor, Councillor Wynne further advised that she knows a number of people who work at the Pallas Group. The Mayor, Councillor Wynne remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Price declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Price is a former President of the Glenmore Road Public School P&C and President of the School Council. Councillor Price remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Swan is a member of the Queen Street West Woollahra Association but is not on the Executive Committee, and was not involved in the Grants Program. Councillor Swan remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Grieve declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Grieve is a member of the Rose Bay Community Garden but is not on the Executive Committee. Councillor Grieve further advised that she is a member of the Queen Street West Woollahra Association but is not on the Executive Committee, and was not involved in the Grants Program. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.
- Note:** Late correspondence was tabled by Micaela Hopkins, Council's Team Leader Environment & Sustainability.
- Note:** Councillor Witt left the meeting, the time being 8.21pm.
- Note:** Councillor Witt returned to the meeting, the time being 8.23pm.



**Motion moved by Councillor Zeltzer  
Seconded by Councillor Shapiro**

THAT Council:

- A. Approve the staff selection committee's recommendations for large and small grants under the 2023/24 Council's Grants Program as detailed in this report and related attachments, subject to the full amount for Cranbrook Junior School of \$7,500 being conditional on all species of plant being local native species.
- B. Note that successful grant recipients will be invited to a Grants Awards presentation to be held on Wednesday 18 October, 2023 at 2:00pm, hosted by the Mayor.

**Amendment moved by Councillor Price  
Seconded by Councillor Elsing**

THAT Council:

- A. Approve the staff selection committee's recommendations for large and small grants under the 2023/24 Council's Grants Program as detailed in this report and related attachments, subject to:
  - i the full amount for Cranbrook Junior School of \$7,500 being conditional on all species of plant being local native species;
  - ii removing the business sector support grant to the Paddington Chamber of Commerce in the amount of \$5,000; and
  - iii removing the placemaking grant to the Pallas Group in the amount of \$5,200;
- B. Note that successful grant recipients will be invited to a Grants Awards presentation to be held on Wednesday 18 October, 2023 at 2:00pm, hosted by the Mayor.

**The Amendment was put and lost.**

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

***For the Amendment***

Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Witt

***Against the Amendment***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Robertson\*  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Wynne  
Councillor Zeltzer

**6/8 Note:** *Councillor Robertson abstained and is recorded as being against the Amendment.*

**Further Amendment moved by Councillor Robertson  
Seconded by Councillor Grieve**

THAT Council:

- A. Approve the staff selection committee's recommendations for large and small grants under the 2023/24 Council's Grants Program as detailed in this report and related attachments, subject to:

- i the full amount for Cranbrook Junior School of \$7,500 being conditional on all species of plant being local native species;
- ii. removing the placemaking grant to the Pallas Group in the amount of \$5,200;

B. Note that successful grant recipients will be invited to a Grants Awards presentation to be held on Wednesday 18 October, 2023 at 2:00pm, hosted by the Mayor.

**The Further Amendment was put and lost.**

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

**For the Further Amendment**

Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Regan  
Councillor Robertson  
Councillor Witt

**Against the Further Amendment**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Price\*  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Wynne  
Councillor Zeltzer

**6/8 Note:** *Councillor Price abstained and is recorded as being against the Further Amendment.*

**The Motion was put and carried.**

**(Zeltzer/Shapiro)**

**169/23 Resolved:**

THAT Council:

- A. Approve the staff selection committee's recommendations for large and small grants under the 2023/24 Council's Grants Program as detailed in this report and related attachments, subject to the full amount for Cranbrook Junior School of \$7,500 being conditional on all species of plant being local native species.
- B. Note that successful grant recipients will be invited to a Grants Awards presentation to be held on Wednesday 18 October, 2023 at 2:00pm, hosted by the Mayor.

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

**For the Motion**

Councillor Carmichael  
Councillor Cavanagh  
Councillor Grieve  
Councillor Jarvis  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Wynne  
Councillor Zeltzer

**Against the Motion**

Councillor Elsing  
Councillor Price\*  
Councillor Regan  
Councillor Witt

**10/4**

## 14. Rescission Motion

**Item No:** 14.1  
**Subject:** RESCISSION MOTION - RESPONSE TO A COUNCIL RESOLUTION TO REVISIT THE RECOMMENDATIONS IN THE PADDINGTON HOTEL STUDY  
**From:** Councillors Zeltzer, Shields and Swan  
**Date:** 05 September 2023  
**File No:** 23/164223

**Note:** Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in this item as Councillor Carmichael's second cousin owns the Imperial Hotel, Paddington, Councillor Carmichael left the meeting at 8.30pm, did not participate in debate and did not vote on the matter.

**(Zeltzer/Shields)**

**170/23 Resolved:**

- A. THAT the motion carried at the Council Meeting held on 28 August 2023 being Item Number 12.1 dealing with 'Response to a Council Resolution to revisit the Recommendations in the Paddington Hotel Study' be rescinded; and
- B. THAT Council:
- i. Receives and notes the report from staff to revisit the recommendations in the Paddington Hotels Study;
  - ii. Take no further action with regard to revisiting the recommendations in the Paddington Hotels Study;
  - iii. Note that this Council resolution (initiated by a Notice of Motion) is now closed.

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

***For the Motion***

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

***Against the Motion***

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Witt

**7/6**

## 15. Councillor Reports/Councillor Updates (Section 8.4)

**Note:** Councillor Reports/Councillor 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).

**Note:** Councillor Carmichael returned to the meeting, the time being 8.57pm.

**Note:** Councillor Regan left the meeting, the time being 8.58pm.

**Note:** Councillor Regan returned to the meeting, the time being 9.01pm.

**Note:** Councillor Elsing left the meeting, the time being 9.00pm.

**Note:** Councillor Elsing returned to the meeting, the time being 9.02pm.

**Note:** Councillor Robertson left the meeting, the time being 9.03pm.

**Note:** Councillor Robertson returned to the meeting, the time being 9.06pm.

**General Item No:** 15.1 Congratulations to Easts Rugby Women's Team  
**Tabled by Councillor:** The Mayor, Councillor Wynne

### **The Mayor, Councillor Wynne advised:**

First of all want to congratulate the female team from Easts Rugby, who actually won the Premiership. The women from Easts Rugby won the Premiership against Sydney Uni 22 to 17. It is a fantastic effort. A credit to the coach and the girls. I chatted to some of them, they were so excited and did not expect to win against Sydney Uni so that is just the most wonderful result. As a Roosters supporter, I wish the Roosters well (sorry Harry who is a Bunnies supporter) and I hope that our Easts Rugby League Roosters win.

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**General Item No:** 15.2 140 Years of Double Bay Public School  
**Tabled by Councillor:** The Mayor, Councillor Wynne

### **The Mayor, Councillor Wynne advised:**

I want to acknowledge that Double Bay Public School had their 140 year birthday yesterday (Sunday 10 September 2023). I got to go and be part of that, it was the most extraordinary celebration. Looking at the history through the years. In 1990, the teachers won the lottery. They won \$100,000. They got \$4,000 each which I'm not sure what that equates to now but they all still had to stay at work, that would have been a significant amount of money. It was just divine.

You talk about community, I do believe that one of our big roles is creating a sense of community. We gave funding to their event, it was absolutely beautiful. They had the jumping castle in Steyne Park and pony rides, and they had the good old-fashioned bake sale. I can't believe that a cake nowadays is \$5, not a big cake, rather a cupcake or something so that's inflation for you.

Credit goes to the school and all those involved and of course they were raising money for supplies and all the rest of it for the school.

**General Item No:** 15.3 Condolences to the People of Morocco  
**Tabled by Councillor:** The Mayor, Councillor Wynne

**The Mayor, Councillor Wynne advised:**

Speaking on behalf of all of us which is that my thoughts and prayers go to all of those in Morocco. I think sometimes we get very caught up in our local issues and we look at what's happening in the broader world with over 2,000 people have already passed away.

People have been asking me of late, why do you love Woollahra so much? What is different? We are so incredibly blessed. From an aesthetic point of view, nature, the passion that the residents have for their own community, that the Councillor's have for their own community, certainly my thoughts and Prayers are extended to all of those in Morocco.

Also, a plug for Red Cross who are obviously over in Morocco at the moment but this weekend there is a drive-through at Lyne Park where you can drop off clothes. So that's been organised with Waverley and Woollahra Council and thank you to staff for facilitating that and for Red Cross for accepting those donations. Spring cleaning and spring is in the air and you might want to take advantage of that. Visit our website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) and you can get more details.

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**General Item No:** 15.4 Rededication of Emanuel Synagogue  
**Tabled by Councillor:** Councillor Shapiro, Councillor Swan, Councillor Shields & Councillor Robertson

**Councillor Shapiro advised:**

Thank you, Madam Mayor. I was really pleased to represent you and the Council at the recent rededication of the Emanuel Synagogue, the beautiful art-deco heritage building in Ocean Street, Woollahra. This is some 85 years after the original building was begun, the points were made that while in Europe in the late 1930's, Synagogues were being burnt, looted, raised to the ground, here in Sydney a new congregation and new Synagogue was built. That Synagogue has now 4,000 members and is apparently one of the largest, if not the largest in Australia. It was very-well attended. Councillor Swan joined me. It was wonderful to have her there. It was also attended by Her Excellency Governor Margaret Beazley, Premier Minns, the Multicultural Minister and many, many other dignitaries.

I would just like to congratulate Rabbi Kamins and the four other Rabbis for this large community, two of which are female. It was an absolute pleasure to be there. Thank you.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Shapiro.

**Councillor Swan further advised:**

Thank you, Madam Mayor. Through you, I also want to send my congratulations also to Emanuel Synagogue and echo the sentiments of Councillor Shapiro.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Swan.

**Councillor Grieve further advised:**

Thank you, Madam Mayor. I was sad to have missed the rededication of the Temple Emanuel. I did RSVP but unfortunately my Jewish Cousin came into town and I had not seen him in 11 years and I went out for dinner with him rather than attend so I thought I had a legitimate excuse.

I really wanted to go because the family that started, that fund-raised, that built that temple was my mother's best friend's family so I had a very strong connection with them and it was a very tough decision so I may be will ask someone to take me for a little walk around.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Grieve.

**Councillor Shields further advised:**

Thank you, Madam Mayor. I also wanted to share my views about the Emanuel Synagogue important event last week. I was unable to attend. I was Bar Mitzvah'd at Emanuel Synagogue, my wife and I were married at Emanuel Synagogue and my three children were all Bar and Bat Mitzvah'd there as well, so I am one of the 4,000 it is a very important part of the community.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Shields.

**Councillor Robertson further advised:**

Thank you, Madam Mayor. I too wanted to extend my thanks and congratulations to the Emanuel Synagogue for the opening of the Heritage Centre. I was actually unable to attend because I have been unwell as you know but I remember with great fondness the opening of Main Sanctuary Building and the fabulous occasion that was. I am very pleased to hear your detailed report, Councillor Shapiro and from the other Councillors who attended.

I am sure it was a wonderful event and I think any community institution that wants to celebrate our heritage really adds to the cultural fabric of Woollahra and that is a wonderful thing so my congratulations to everybody at the Emanuel Synagogue.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Robertson.

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**General Item No:** 15.5 Congratulations to the Mayor, Councillor Wynne  
**Tabled by Councillor:** Councillor Swan

**Councillor Swan advised:**

Thank you, Madam Mayor, I also want to congratulate you. I know you are not done yet but in case I do not get the opportunity to publicly say this, I want to thank you and congratulate you on your service as Mayor over a period of something like 5 years.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Swan. I have two more weeks left.

**General Item No:** 15.6 Celebrating Bellevue Hill 2023  
**Tabled by Councillor:** Councillor Carmichael

**Councillor Carmichael advised:**

Thank you, Madam Mayor. As you know it's the year 2023 and this year we are "Celebrating Bellevue Hill in 2023". As part of that, Deputy Mayor, Councillor Shapiro and I decided as residents to go and attend the local history tour of Bellevue Hill which was a lovely 2-hour walk starting at the top of Bellevue Road looking at the old history imagining tram lines going up and down and why the roads were shaped the way they were.

Standing at the top of the Cooper Park basin we spoke about a more recent event that some of us here will remember about the land slip in 2009. Madam Mayor, I do not know if you remember but I was actually walking across that footpath at the time, would you believe, and I did not know until I looked back but underneath the footpath was nothing and it fell in about half an hour later.

So it was a lovely event. We learnt a lot of interesting facts such as those two sandstone pylons at the top were actually part of the General Post Office in Sydney. I did not know that the Cooper Park, what I used to call "The Cooper Park Stink Bottle" was not actually part of the sewage outlet for Sydney but it was actually a former garbage incinerator. Anyway, it was a lot of fun. I want to credit Elizabeth who was the main host, Barbara who was from the library and James who was on his very first day as a volunteer. Madam Mayor and General Manager it was a fantastic event and more power to staff. Thank you.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Carmichael.

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**General Item No:** 15.7 Saving the Powerful Owl  
**Tabled by Councillor:** Councillor Grieve

**Councillor Grieve advised:**

Thank you, Madam Mayor. I rise to, I want to make mention of a Citizen Scientist, one of our local residents, he has asked not to be named who has been looking out for our Powerful Owl fledglings. He discovered the first baby that died and called in Council and WIRES and everyone.

He also called WIRES in to rescue the baby, the second fledgling from the canal. He did make it onto the ABC News, you can see footage of him in the canal collecting him. That owl is currently with WIRES Raptor Specialists. Hopefully it will come back soon. He has been playing baby owl noises every night to try and keep the parents in the area.

I just would like to pay honour to our residents who go above and beyond in the protection of our wildlife and these very special endangered and at-risk top-order predators.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Grieve.

**General Item No:** 15.8 Tingira Memorial Park  
**Tabled by Councillor:** Councillor Jarvis

**Councillor Jarvis advised:**

Thank you Madam Mayor. I would like to congratulate the staff, I have seen the work and the fabulous upgrade that has done at Tingira Reserve the last month. We have got paving, new grass, new plants there and it looks absolutely fabulous.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Jarvis.

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**General Item No:** 15.9 Commemorating September 11  
**Tabled by Councillor:** Councillor Jarvis

**Councillor Jarvis advised:**

Thank you, Madam Mayor. On a more serious note, Madam Mayor today marks 22 years since the horrible terrorist attack where we saw the downing of the Twin Towers in New York. I was honoured today to be invited to 'Our Big Kitchen' to attend the commemoration of that event and we had heard first-hand US Consul General, Christine Elder talk about her experience that day and another person that should probably remain nameless because he might have had something to do with the Secret Service, he was actually in the towers so we heard about that today.

But it also gave us an opportunity to acknowledge and thank all First Responders in the local area and their families. We had in attendance the Navy, we had Commander Aaron Scott of HMAS Watson, we had Rabbi Kastel the CEO of Jewish House, we had Detective Superintendent Jodi Radmore who of course is the first female to be the Detective Superintendent of the Eastern Suburbs and I was pleased to meet so many young Constables that were responsible for manning our Police Station at Rose Bay, I was really unaware that we had so many.

It was a great event to be part of where we made hundreds if not thousands of cookies as a way of a thank you to people who might need them and I did that with Councillors from Waverley Council, there was Mayor Paula Masselos and Councillor Tony Kay and a few MP's such as Matt Cross who is a recently-elected Mayor for Davidson so it was a sad commemoration but also a celebration and thanks to those people in our community that are the ones that are first on the scene when we need them. Thank you.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Jarvis.

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**General Item No:** 15.10 JNF Function  
**Tabled by Councillor:** Councillor Shields

**Councillor Shields advised:**

Thank you, Madam Mayor. I represented you at the JNF Function last week, the key guest speaker was Noa Tishby. I am not going to get into a big debate about the middle-East but Noa Tishby asked the question "What is the word that comes-to-mind to describe Israel?" Someone shouted out "Complexity" and Noa Tishby said, "Well it's actually quite a simple Country. It's a simple Country in that it is a democracy. It is simple Country in that it believes in freedom of speech, it believes in freedom of the judiciary, fair and regular elections. It's a Country that is represented by all its citizens. It does not matter what religion and what background they come from". In fact, the balance of power a couple of years ago was held by Palestinian members of the Knesset so her underlying message was that when there is criticism of Israel let's keep to the simple facts, and the simple fact is that it is a beacon of democratic hope in the Middle-East. Thank you.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Shields.

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## 16. Notices of Motion

Nil

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## 17. Questions With Notice

**(Carmichael/Elsing)**

**Resolved:**

THAT the Questions with Notice be received and noted.

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

***For the Motion***

***Against the Motion***

Councillor Carmichael  
Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

Nil

**12/0**

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**QWN:** 17.1  
**From:** Councillor Elsing  
**Subject:** Questions with Notice - Public Seating on the corner of Peaker Land and Moncur Street

**Note:** Late correspondence was tabled by Paul Fraser, Council's Manager Open Space & Trees.

**Councillor Elsing asking:**

Public spaces are heavily utilised and continue to be in demand around the Queen Street Village. The currently hedged area on the corner of Moncur Street and Peaker Lane (hedged area) is an eyesore, inaccessible to the public, used as a rubbish dump and provides a comfortable home for vermin.

1. Please advise the number of new seats in the Moncur Reserve and Pat Thompson Park since January 2020.
2. Please confirm whether the hedged area is Council owned?
3. Who is responsible for creating the hedge and who currently maintains the hedged area?
4. Is the hedged area a public road asset?
5. Is the hedged area suitable for one seat?
6. Is the amount of money required to make the hedged area available for use by the public and installation of one seat significant?

**Manager Open Space & Trees in response:**

1. Please advise the number of new seats in the Moncur Reserve and Pat Thompson Park since January 2020.

Pat Thompson Reserve – one new seat in 2022 as part of the recent upgrade.

*Moncur Reserve – new seat in 2023 as part of the recent upgrade.*

*In total there are 8 seats in both Moncur Reserve and Pat Thompson Park.*

2. Please confirm whether the hedged area is Council owned?

*Yes it is a public road reserve owned by Council.*

3. Who is responsible for creating the hedge and who currently maintains the hedged area?

*The hedge has been there for many years (15+). It is unknown who originally planted it.*

*Parks staff visit the site once per month. If the hedge requires trimming it is undertaken by park staff.*

4. Is the hedged area a public road asset?

*The hedged area is on the public road reserve.*

5. Is the hedged area suitable for one seat?

*The hedged area is suitable for a seat. To allow for a seat, the hedge would require substantial removal, significant trimming and/or possible removal of one tree and a concrete slab poured.*



6. Is the amount of money required to make the hedged area available for use by the public and installation of one seat significant?

*The installation of a park seat is approximately \$4K. Allowance in the Parks Furniture Capital Works Budget has been made subject to further investigation.*

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## **18. Supplementary Responses to Previous Questions with Notice**

Nil

## **19. Confidential Matters**

Nil

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## **20. Conclusion of the Meeting**

There being no further business the meeting concluded at 9.12pm.

**We certify that the pages numbered 615 to 656 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 11 September 2023 and confirmed by the Ordinary Meeting of Council on 26 September 2023 as correct.**

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**General Manager**

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**Mayor**