



Ordinary Council

Wednesday 15 November 2023

6.30pm

Minutes



Ordinary Council Meeting

Wednesday 15 November 2023

Table of Contents

	Page
1. Opening.....	829
2. Prayer.....	829
3. Acknowledgement of Country (Gadigal People and Birrabirragal People).....	829
4. Acknowledgement of the Sovereign of the Day (King Charles III)	829
5. Apologies and Applications for a Leave of Absence or Attendance by Audio- Visual Link by Councillors Apologies were received and accepted from Councillor Cavanagh and Councillor Wynne and leave of absence granted.....	829
5.1 Zoom Attendance	829
6. Confirmation of Minutes	830
6.1 Confirmation of Council Minutes - 9 October 2023.....	830
6.2 Confirmation of the minutes of the Strategic & Corporate Committee Meeting of the 30 October 2023.....	831
7. Late Correspondence	832
8. Disclosures of Interest	832
9. Petitions Tabled	832
10. Mayoral Minute	832
11. Public Forum	832
12. General Manager and Officer's Report	833
12.1 Request for fee waiver for Clontarf Foundation to undertake an OzTag Challenge at Andrew Petrie Oval	833
12.2 Watsons Bay Parking Review - Proposed Permit Parking Trial Scheme.....	834
12.3 Annual Report 2022/23.....	837
12.4 Audit, Risk & Improvement Committee (ARIC) Minutes - 21 September 2023	838
13. Reports of the Committees	840
13.1 Environmental Planning Committee 6 November 2023.....	840
R1 Register of Clause 4.6 Variations	840
R2 Post-Exhibition Report - Woollahra Active Transport Plan	841
R3 Post-Exhibition Report - Planning proposal to list four sites in Double Bay as local heritage items	844
R4 Post-Exhibition report - Draft Publicly Owned Fig Tree Management Plan 845	
R5 Post Exhibition Report for Draft DCP (Amendment 23) Customer Electricity Substations.....	845
R6 Post Exhibition Report - Leading the Charge - Eastern Suburbs Electric Vehicle Infrastructure Strategy 2023.....	846
R7 Draft Environmental Sustainability Action Plan	847
13.2 Finance, Community & Services Committee 6 November 2023.....	849
R1 Easement for Shop Awning at 1-5 Dover Road, Rose Bay	849
R2 Capital Works Programs - Quarterly Progress Report September 2023.....	850
R3 2023/24 Budget Review for the quarter ended 30 September 2023....	851

R4	Financial Impact of Cost Shifting from other Levels of Government 2022-2023	852
R5	Monthly Financial Report - 30 September 2023 Investments Held as at 31 October 2023.....	853
R6	Consideration of Tender Responses for the Lease & Operaton of the Cooper Park Tennis Courts & Cafe - Tender No. SC7193	854
13.3	Strategic & Corporate Committee 30 October 2023	855
R1	Development Assessment Service Review Outcomes.....	855
R2	Open Space and Trees Service Review Outcomes	856
R3	Instrument of Delegation to the General Manager	857
14.	Rescission Motion.....	858
15.	Councillor Reports/Councillor Updates (Section 8.4)	859
15.1	Ayla Khater Art Exhibition	859
15.2	Kristallnacht.....	859
15.3	Paint Woollahra Village.....	861
15.4	Paws for a Cause	861
15.5	Grant Awards.....	861
15.6	St Mark's Cultural Trust	862
15.7	Empyrean Gallery Opening.....	862
15.8	Annual NSW Association of Jewish Service and ex-Service Men and Women	862
15.9	Opening of Boating Season at the Royal Motor Yacht Club	863
15.10	Emanuel Synagogue Concert	863
15.11	Local Government NSW Conference 2023	863
15.12	Statement from Councillor Grieve in relation to the Mayoral Minute (Attack on Israel) considered at the Council Meeting on 9 October 2023	864
15.13	Commonwealth War Graves Commission	865
15.14	Statement from Councillor Price in relation to the Mayoral Minute (Attack on Israel) considered at the Council Meeting on 9 October 2023	865
15.15	Statement from Councillor Robertson in relation to the Mayoral Minute (Attack on Israel) considered at the Council Meeting on 9 October 2023	866
15.16	Remembrance Gathering in Guilfoyle Park	866
15.17	Nielsen Park Closure	867
15.18	Small Business Month	867
15.19	Heritage Tour of Double Bay	867
16.	Notices of Motion	869
16.1	Notice of Motion - Parking Applications – Park n Pay or Similar	869
16.2	Notice of Motion - Compliance with Housing SEPP in Respect of Independent Living Units for Seniors Housing	870
16.3	Notice of Motion - The Voice Referendum	871
16.4	Notice of Motion - Funding Portrait Painting of Brenda (Dutchie) Backhouse.....	871
16.5	Notice of Motion - Marine Ladder at Yarranabbe Park Wharf.....	872
17.	Questions With Notice	873
17.1	Questions with Notice - Boat Trailers & Vans.....	873
17.2	Questions with Notice - New Housing Density Shortlist	878
17.3	Questions with Notice - Lough Park Playing Fields	879
17.4	Questions with Notice - Oxford Street East Cycleway.....	879
17.5	Questions with Notice - Legal Costs - Watsons Bay Parking	880
17.6	Questions with Notice - Privately Owned Beach Reserves on Harbour Foreshore	880
17.7	Questions with Notice - Plan of Management Cooper Park.....	881
18.	Supplementary Responses to Previous Questions with Notice	885
19.	Confidential Matters.....	885

20. Conclusion of the Meeting885

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.**

Strategic & Corporate Committee held on Monday 30 October 2023

Nil

Environmental Planning Committee held on Monday 06 November 2023

- D1 Confirmation of Minutes of Meeting held on 3 October 2023
- D2 Woollahra Local Planning Panel Register of Planning Decisions and Analysis
- D3 Register of current Land and Environment Court matters for Development Applications and Register for Court Proceedings for Building, Environmental and Health Control Matters

Finance, Community & Services Committee held on Monday 06 November 2023

- D1 Confirmation FC&S Minutes - 3 October 2023
- D2 Woollahra Local Traffic Committee Minutes - 3 October 2023
- D3 Presentation of the Financial Statements for the Year ended 30 June 2023 to the Public

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 15 November 2023 at 6.30pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Luise Elsing (via Zoom)
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Toni Zeltzer

Staff: Emilio Andari (Manager – Engineering Services)
Petrina Duffy (Coordinator - Strategy & Performance)
Micaela Hopkins (Team Leader - Environment & Sustainability) - via Zoom
Rhys Johnson (Governance Coordinator)
Zubin Marolia (Manager - Property & Projects) - via Zoom
Alison McNamee (Meetings Officer)
Sue Meekin (Director – Corporate Performance)
Carolyn Nurmi (Governance Officer)
Patricia Occelli (Director – Community & Customer Experience)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Anne White (Manager - Strategic Planning & Place) - via Zoom

Also in Attendance: Nil

Note: The meeting was adjourned at 9.16pm and reconvened at 9.24pm.

1. Opening

The Mayor declared the Ordinary Council Meeting of 15 November 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

Apologies were received and accepted from Councillor Cavanagh and Councillor Wynne and leave of absence granted.

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

200/23 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 15 November 2023 via Audio-Visual Link:

- Councillor Elsing.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

6. Confirmation of Minutes

Item No: 6.1
Subject: CONFIRMATION OF COUNCIL MINUTES - 9 OCTOBER 2023
Author: Rhys Johnson, Coordinator Governance
File No: 23/187292
Purpose of the Report: The Minutes of the Council of 9 October 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.

(Shapiro/Silcocks)

201/23 Resolved:

THAT the Minutes of the Council Meeting of 9 October 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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: 6.2
Subject: **CONFIRMATION OF THE MINUTES OF THE STRATEGIC & CORPORATE COMMITTEE MEETING OF THE 30 OCTOBER 2023**
Author: Rhys Johnson, Coordinator Governance
File No: 23/200595
Purpose of the Report: The Minutes of the Strategic & Corporate Committee of 30 October 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.

(Silcocks/Regan)

202/23 Resolved:

THAT the Minutes of the Strategic & Corporate Committee Meeting of 30 October 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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

7. Late Correspondence

Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Items General Managers & Officer Reports (Item 12.2), EP Item R2, FC&S Items R4 & R6, NOM Item 16.3 & QWN Items 17.4, 17.5, 17.6 & 17.7.

8. Disclosures of Interest

Councillor Witt declared a Non-Significant, Non-Pecuniary Interest in FC&S Item R6 (Cooper Park Tennis Courts & Café – Tender No. SC7193) as Councillor Witt plays tennis there once a week. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

9. Petitions Tabled

Nil

10. Mayoral Minute

Nil

11. Public Forum

The Mayor, Councillor Shields advised that in accordance with Clause 4.1 of Council's Code of Meeting Practice, one (1) member of the public, registered to address Council via the Public Forum provisions on the a matter not listed on the Agenda:

Note: Bruce Connell addressed the Council, in relation to “outdated rules for air conditioners in terraces and selection enforcement issues”.

12. General Manager and Officer's Report

Item No:	12.1
Subject:	REQUEST FOR FEE WAIVER FOR CLONTARF FOUNDATION TO UNDERTAKE AN OZTAG CHALLENGE AT ANDREW PETRIE OVAL
Author:	Paul Fraser, Manager Open Space & Trees
Approver:	Tom O'Hanlon, Director Infrastructure & Sustainability
File No:	23/199352
Purpose of the Report:	To request Council to waive park hire fees to the Clontarf Foundation to facilitate an OzTag tournament to raise awareness of the Foundation which supports young Aboriginal and Torres Strait Islander men.
Alignment to Delivery Program:	Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

(Swan/Shapiro)

203/23 Resolved:

THAT Council:

- A. Notes the Clontarf Foundation request for a fee waiver of park hire fees to facilitate an awareness event at Andrew Petrie Oval.
- B. Waive the park hire fees of \$1,099 to the Clontarf Foundation to facilitate the OzTag tournament at Andrew Petrie Oval.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Nil

13/0

Item No: 12.2
Subject: **WATSONS BAY PARKING REVIEW - PROPOSED PERMIT PARKING TRIAL SCHEME**
Author: Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/205483
Purpose of the Report: This report responds to further legal advice received on the Watsons Bay parking arrangements and concerns raised by the local community.
Alignment to Delivery Program: Strategy 6.2: Management of public parking on-street and off-street.

Note: Late Correspondence was tabled by Andrew Maloney.

Note: Andrew Maloney addressed the Committee.

Note: Councillor Elsing left the meeting, the time being 6.50pm.

Note: Councillor Elsing returned to the meeting, the time being 6.56pm.

Motion moved by Councillor Jarvis
Seconded by Councillor Swan

Noting there are 984 available parking spaces in Watsons Bay and that 65 have an existing parking restriction 'No Parking, Permit Holders Excepted', that Council:

- A. Approves a permit parking trial scheme, for a period of up to 6 months in Watsons Bay, which replaces all "No Parking Permit Holders Excepted Area WB1" and resident only spaces with "P15minute Permit Holders Excepted Area WB1" spaces.
- B. Note that corflute signs will be displayed on-site and/or letterbox-drop notification letters will be sent to local residents and businesses within 50 metres of new parking restrictions for notification purposes only.
- C. Note that Council's Regulatory Services will continue to proactively monitor and enforce on-street parking in Watsons Bay, particularly during the summer and Easter peak period, in order to improve parking compliance in the area.
- D. Note that a further report following the permit parking trial scheme, be presented to Council prior to the end of the proposed permit parking trial scheme to consider a long-term permit parking scheme for Watsons Bay in March 2024.
- E. Council staff continue discussions with NPWS and formally offers Council services to regulate the existing free parking in the carpark adjacent to Camp Cove to amongst other things provide for disabled access to the beach from the closest available car park spaces.
- D. That in the event that the disabled parking space by 5 Pacific Street Watsons Bay is no longer required by the permit holder, a "P15minute Permit Holders Excepted Area WB1" is approved as the replacement sign.

Amendment moved by Councillor Price

THAT Council:

- A. Approves a parking scheme in Watsons Bay, which includes changes to the existing permit parking restrictions and sections of unrestricted parking in both the 'South Zone' and 'North Zone', as shown in Attachments 3 and 4 and as listed below;
- i. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions and unrestricted parking on the western side of Cliff Street, between Victoria Street and Short Street;
 - ii. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions on the western side of Cliff Street, adjacent to property No.7 Cliff Street;
 - iii. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions on the northern side of Pacific Street, between Victoria Street and Camp Street;
 - iv. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions and a section of unrestricted parking on the northern side of Pacific Street, between Camp Street and Cove Street;
 - v. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions and unrestricted parking on the southern side of Victoria Street, between property No.16 Victoria Street and Cove Street;
 - vi. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions and a section of unrestricted parking on the western side of Cove Street, between opposite property No.37 Cove Street and Pacific Street;
 - vii. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing unrestricted parking on the eastern side of Cove Street, between Pacific Street and Short Street;
 - viii. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing unrestricted parking in front of property Nos.9 & 11 Military Road and property Nos.2-8 Military Road;
 - ix. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing unrestricted parking and timed permit parking on the eastern side of Gap Road, between Military Road and opposite property No.8 Gap Road, and between opposite No.5 Gap Road and opposite No.2 Gap Road;
 - x. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions on the northern side of Dunbar Street, adjacent to property Nos.4 & 5 Dunbar Street;
 - xi. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing unrestricted parking on the southern side of Clovelly Street, between property No.4 Clovelly Street and Clovelly Lane;

- xii. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions on the northern side of Robertson Place, between property No.21 Robertson Place and Clovelly Lane;
 - xiii. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace a section of the existing unrestricted parking on the southern side of Robertson Place, between Old South Head Road and adjacent to property No.341 Old South Head Road; and
 - xiv. '1P 8am-6pm Permit Holders Excepted Area WB1' restrictions be temporarily introduced to replace the existing 'No Parking Permit Holders Excepted' restrictions on the northern side of Salisbury Road, adjacent to property Nos.1, 3 & 9A Salisbury Road.
- B. Note that corflute signs will be displayed on-site and/or letterbox-drop notification letters will be sent to local residents and businesses within 50 metres of new parking restrictions for notification purposes only.
- C. Note that Council's Regulatory Services will continue to proactively monitor and enforce on-street parking in Watsons Bay, particularly during the summer peak period, in order to improve parking compliance in the area.

**The Amendment lapsed for want of a seconder.
The Motion was put and carried.**

(Jarvis/Swan)

204/23 Resolved:

Noting there are 984 available parking spaces in Watsons Bay and that 65 have an existing parking restriction 'No Parking, Permit Holders Excepted', that Council:

- A. Approves a permit parking trial scheme, for a period of up to 6 months in Watsons Bay which replaces all "No Parking Permit Holders Excepted Area WB1" and resident only spaces with "P15minute Permit Holders Excepted Area WB1" spaces.
- B. Note that corflute signs will be displayed on-site and/or letterbox-drop notification letters will be sent to local residents and businesses within 50 metres of new parking restrictions for notification purposes only.
- C. Note that Council's Regulatory Services will continue to proactively monitor and enforce on-street parking in Watsons Bay, particularly during the summer and Easter peak period, in order to improve parking compliance in the area.
- D. Note that a further report following the permit parking trial scheme, be presented to Council prior to the end of the proposed permit parking trail scheme to consider a long-term permit parking scheme for Watsons Bay in March 2024.
- E. Council staff continue discussions with NPWS and formally offers Council services to regulate the existing free parking in the carpark adjacent to Camp Cove to amongst other things provide for disabled access to the beach from the closest available car park spaces.
- F. That in the event that the disabled parking space by 5 Pacific Street Watsons Bay is no longer required by the permit holder, a "P15minute Permit Holders Excepted Area WB1" is approved as the replacement sign.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Councillor Price

12/1

Item No: 12.3
Subject: **ANNUAL REPORT 2022/23**
Author: Petrina Duffy, Coordinator Strategy & Performance
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/206231
Purpose of the Report: To seek endorsement of the 2022/23 Annual Report and its publication
Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

(Swan/Shapiro)

205/23 Resolved:

THAT Council:

- i. Receive and endorse the 2022/23 Annual Report be received and endorsed by Council;
- ii. Note that a copy of the report will be posted on Council's website and provided to the Minister for Local Government by 30 November 2023 in accordance with section 428 of the Local Government Act (NSW) 1993.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer
13/0

Nil

Item No: 12.4
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) MINUTES - 21 SEPTEMBER 2023**
Author: Alison McNamee, Meetings Officer
File No: 23/188606
Purpose of the Report: The Minutes of the Audit, Risk & Improvement Committee of 21 September 2023 are circulated for consideration by Council. 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.

Note: Councillor Harriet Price left the meeting, the time being 7.41pm.

Note: Councillor Harriet Price returned to the meeting, the time being 7.42pm.

(Carmichael/Zeltzer)

206/23 Resolved:

THAT the Minutes of the Meeting of Audit, Risk & Improvement Committee meeting held on 21 September 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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

13. Reports of the Committees

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 6 November 2023 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **REGISTER OF CLAUSE 4.6 VARIATIONS**
Author: Nick Economou, Manager Development Assessment
Approver: Scott Pedder, Director Planning & Place
File No: 23/179788
Purpose of the Report: To provide full Council with a register of clause 4.6 variations supported for the period July 2023 to September 2023
Alignment to Delivery Program: Strategy 4.5: Ensure that planning and building requirements are complied with.

Note: Councillor Grieve left the meeting, the time being 7.49pm.

Note: Councillor Grieve returned to the meeting, the time being 7.51pm.

(Carmichael/Swan)

207/23 Resolved without debate:

THAT Council receive and note the attached register of Clause 4.6 variations for the period July 2023 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

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

Against the Motion

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - WOOLLAHRA ACTIVE TRANSPORT PLAN**
Authors: Ever Fang, Traffic & Transport Engineer
Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/176286
Purpose of the Report: To seek Council's adoption of the Woollahra Active Transport Plan following public exhibition.
Alignment to Delivery Program: Strategy 6.1: Facilitate an improved network of accessible and safe active transport options.

Note: Late Correspondence was tabled by Councillor Wynne and Linda Gosling.

Note: Councillor Elsing left the meeting, the time being 8.30pm.

Note: Councillor Elsing returned to the meeting, the time being 8.33pm.

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

Note: Councillor Robertson returned to the meeting, the time being 9.00pm.

Note: Councillor Regan left the meeting, the time being 9.06pm.

Note: Councillor Regan returned to the meeting, the time being 9.08pm.

Note: Councillor Carmichael left the meeting, the time being 9.08pm.

Note: Councillor Carmichael returned to the meeting, the time being 9.11pm.

Note: The Council amended Part A (i) and (ii) of the Resolution.

Motion moved by Councillor Swan
Seconded by Councillor Shields

THAT Council:

- A. Adopt the Woollahra Active Transport Plan, as shown in Attachment 1 subject to the following changes:
 - i. Any reference to 30km/h in the Walking Priority Project be amended to 40km/h; and
 - ii. Cycle Priority 5 be removed from the Woollahra Active Transport Plan but should Transport for NSW resolve to continue with the Oxford Street East Cycleway, Council staff continue to attend meetings of the technical working group and advocate for design changes that benefit the Woollahra Community
- B. Note that the projects identified in the Woollahra Active Transport Plan will be taken into consideration in Council's future Capital Works program, subject to the availability of appropriate funding; and
- C. Note that Council staff will continue to explore funding opportunities from NSW Government and the Australian Government to assist in delivering the projects identified in the Woollahra Active Transport Plan.

- D. Advocates for a permanent cycleway along Moore Park Road as an alternative to Oxford Street East Cycleway.

**Amendment moved by Councillor Price
Seconded by Councillor Grieve**

THAT Council:

- A. Adopt the Woollahra Active Transport Plan, as shown in Attachment 1.
- B. Note that the projects identified in the Woollahra Active Transport Plan will be taken into consideration in Council's future Capital Works program, subject to the availability of appropriate funding; and
- C. Note that Council staff will continue to explore funding opportunities from NSW Government and the Australian Government to assist in delivering the projects identified in the Woollahra Active Transport Plan.

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 Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Amendment

Councillor Carmichael
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Zeltzer

6/7

**A further Amendment was moved by Councillor Robertson
Seconded by Councillor Regan**

THAT Council:

- A. Adopt the Woollahra Active Transport Plan, as shown in Attachment 1 subject to the following changes:
- i. Undertakes to collaborate with relevant stakeholders to advocate for a permanent cycleway along Moore Park Road in preference to the Oxford Street Cycleway.
- B. Note that the projects identified in the Woollahra Active Transport Plan will be taken into consideration in Council's future Capital Works program, subject to the availability of appropriate funding; and
- C. Note that Council staff will continue to explore funding opportunities from NSW Government and the Australian Government to assist in delivering the projects identified in the Woollahra Active Transport Plan.

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 Amendment

Councillor Elsing
Councillor Grieve
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Amendment

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Zeltzer

5/8

The Motion was put and carried.

(Swan/Shields)

208/23 Resolved:

THAT Council:

- A. Adopt the Woollahra Active Transport Plan, as shown in Attachment 1 subject to the following changes:
 - i. Any reference to 30km/h in the Walking Priority Project be amended to 40km/h; and
 - ii. Cycle Priority 5 be removed from the Woollahra Active Transport Plan but should Transport for NSW resolve to continue with the Oxford Street East Cycleway, Council staff continue to attend meetings of the technical working group and advocate for design changes that benefit the Woollahra Community.
- B. Note that the projects identified in the Woollahra Active Transport Plan will be taken into consideration in Council's future Capital Works program, subject to the availability of appropriate funding; and
- C. Note that Council staff will continue to explore funding opportunities from NSW Government and the Australian Government to assist in delivering the projects identified in the Woollahra Active Transport Plan.
- D. Advocates for a permanent cycleway along Moore Park Road as an alternative to Oxford Street East Cycleway.

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 Jarvis
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

7/6

Item No: R3 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - PLANNING PROPOSAL TO LIST FOUR SITES IN DOUBLE BAY AS LOCAL HERITAGE ITEMS**
Authors: Tristan Ryan, Senior Strategic Heritage Officer
Kristy Wellfare, Acting Team Leader Heritage
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/172007
Purpose of the Report: To report on the public exhibition of the planning proposal to list four (4) sites in Double Bay as local heritage items.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

(Carmichael/Swan)

209/23 Resolved without debate:

THAT Council:

- A. Finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 6 November 2023 to list four (4) sites in Double Bay as local heritage items in Schedule 5 and on the Heritage Maps of the Woollahra Local Environmental Plan 2014.
- i. **Shopping building and arcade** at 21-25 Knox Street, Double Bay (Lot 1, DP 208922).
 - ii. **Cooper's Corner** at 475-479 New South Head Road, Double Bay (Lot 1 DP 13051).
 - iii. **Royal Oak Hotel** at 28 Bay Street, Double Bay (Lot 1 DP 60445).
 - iv. **Former In Shoppe Building** at 45A Bay Street, Double Bay (Lot 1 DP 208325)
- B. Make the local environmental plan under section 3.36(2) of the Environmental Planning and Assessment Act 1979.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R4 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - 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: 23/192360
Purpose of the Report: To consider public exhibition submissions and adopt the draft Fig Tree Management Plan.
Alignment to Delivery Program: Strategy 7.1: Protect and maintain trees, streetscapes, natural landscapes and biodiversity including the protection and restoration of bushland areas.

(Carmichael/Swan)

210/23 Resolved without debate:

THAT this matter be deferred to the next meeting of the Environmental Planning Committee to be held on the 4 December 2023 for consideration.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R5 Recommendation to Council
Subject: **POST EXHIBITION REPORT FOR DRAFT DCP (AMENDMENT 23) CUSTOMER ELECTRICITY SUBSTATIONS**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/188648
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment 23) for electricity substations, and 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.

(Carmichael/Swan)

211/23 Resolved without debate:

THAT Council:

- A. Receives and notes the post exhibition report on Draft Woollahra Development Control Plan 2015 (Amendment 23) which contains provisions seeking to address the visual impact of customer electricity substations associated with new development.
- B. Approves *Draft Woollahra Development Control Plan 2015 (Amendment 23)* as amended, which is at **Attachment 3** of the report to the Environmental Planning Committee meeting of 6 November 2023.
- C. Notes 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

Against the Motion

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

Nil

13/0

Item No:	R6 Recommendation to Council
Subject:	POST EXHIBITION REPORT - LEADING THE CHARGE - EASTERN SUBURBS ELECTRIC VEHICLE INFRASTRUCTURE STRATEGY 2023
Author:	Micaela Hopkins, Team Leader Environment & Sustainability
Approver:	Tom O'Hanlon, Director Infrastructure & Sustainability
File No:	23/186617
Purpose of the Report:	To present the revised draft Eastern Suburbs Electric Vehicle Infrastructure Strategy to Council for adoption.
Alignment to Delivery Program:	Strategy 8.1: Reduce greenhouse gas emissions.

Note: Councillor Jarvis left the meeting, the time being 9.12pm.

Note: Councillor Jarvis returned to the meeting, the time being 9.14pm.

Note: The meeting was adjourned at 9.16pm and reconvened at 9.24pm.

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

(Carmichael/Swan)

212/23 Resolved:

THAT Council:

- A. Adopt the revised draft *Leading the Charge - Eastern Suburbs Electric Vehicle Infrastructure Strategy 2023*.
- B. Note that the Strategy will also be reported to Randwick City Council and Waverley Council for adoption.
- C. That staff review the existing planning controls with the aim to support installation of fast chargers, or the infrastructure to support charging and fast charging capability, where appropriate, and review whether the existing controls need updating to reflect increased knowledge and new technology.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No:	R7 Recommendation to Council
Subject:	DRAFT ENVIRONMENTAL SUSTAINABILITY ACTION PLAN
Author:	Micaela Hopkins, Team Leader Environment & Sustainability
Approver:	Tom O'Hanlon, Director Infrastructure & Sustainability
File No:	23/162270
Purpose of the Report:	To present the Draft Environmental Sustainability Action Plan 2023-2028 to Council for endorsement to place on exhibition.
Alignment to Delivery Program:	Strategy 8.3: Prepare for and adapt to the impacts of climate change.

(Carmichael/Swan)

213/23 Resolved without debate:

THAT Council:

- A. Endorse the draft *Environmental Sustainability Action Plan 2023-2028* for public exhibition for a period of 28 days.
- B. Note that staff will prepare a further report to Council following the exhibition period.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 6 November 2023 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **EASEMENT FOR SHOP AWNING AT 1-5 DOVER ROAD, ROSE BAY**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/191969
Purpose of the Report: Consider the granting by Council of an easement for an existing Shop Awning at 1-5 Dover Road, Rose Bay.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Jarvis)

214/23 Resolved without debate:

THAT Council:

- A. Grant a Section 88B easement for a shop awning to the adjoining owner of 1-5 Dover Road Rose Bay, which overhangs a portion of Dover Road reserve, subject to:
- i. Payment of Easement compensation to Council for the amount of \$1,000 plus GST.
 - ii. Payment of all costs incurred by Council for review of the encroachment application and preparation and registration of documents, including but not limited to legal, valuation and administrative costs.
- B. Authorises the General Manager to sign all necessary documentation for execution and registration of the Easement.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **CAPITAL WORKS PROGRAMS - QUARTERLY PROGRESS REPORT
SEPTEMBER 2023**
Authors: Petrina Duffy, Coordinator Strategy & Performance
Henrietta McGilvray, Senior Corporate Accountant
Approvers: Tom O'Hanlon, Director Infrastructure & Sustainability
Sue Meekin, Director Corporate Performance
File No: 23/180993
Purpose of the Report: To provide the Committee with an update on the status of the projects in the FY2023-24 Capital Works Program, for the quarter ended 30 September 2023
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Jarvis)

215/23 Resolved without debate:

THAT the Capital Works Program – Quarterly Progress Report for the quarter ended 30 September 2023 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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R3 Recommendation to Council
Subject: **2023/24 BUDGET REVIEW FOR THE QUARTER ENDED 30 SEPTEMBER 2023**
Authors: Esther Hii, Senior Corporate Accountant
Paul Ryan, Chief Financial Officer
Henrietta McGilvray, Senior Corporate Accountant
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/181966
Purpose of the Report: To report on the review of the 2023/24 budget forecast position as at the quarter ended 30 September 2023
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Jarvis)

216/23 Resolved without debate:

THAT Council:

- A. Receive and note the report on the Budget Review for the quarter ended 30 September 2023.
- B. Note the statement from the Responsible Accounting Officer, Council's Chief Financial Officer that the projected financial position at 30 September 2023, based on the forecasts outlined in this report, will remain satisfactory.
- C. Adopt the recommended variations to the 2023/24 budget as outlined in this report titled 2023/2024 Budget Review for the Quarter Ended 30 September 2023, resulting in a net operating result before capital grants and contributions of \$4.955 million, an improvement of \$3.875m million from the original budget after revotes & rollovers.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R4 Recommendation to Council
Subject: **FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT 2022-2023**
Author: Esther Hii, Senior Corporate Accountant
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 23/194892
Purpose of the Report: This report details information relating to the financial impact on Council of Cost Shifting from other levels of government for 2022/23
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Late Correspondence was tabled by Henrietta McGilvray, Senior Corporate Accountant.

(Jarvis/Swan)

217/23 Resolved:

THAT Council:

- A. Receive and note the annual update of the Financial Impact of Cost Shifting from other levels of Government for 2022-2023.
- B. Note that estimated value of cost shifting from other levels of government impacting on Woollahra Council for 2022-2023 was \$14.461million, an increase of \$84k from the impact in 2021-2022 of \$14.377million.
- C. Request that staff prepare a breakdown on State funding and Commonwealth funding.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R5 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 30 SEPTEMBER 2023
INVESTMENTS HELD AS AT 31 OCTOBER 2023**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 23/189587
Purpose of the Report: To present the monthly financial report for September 2023 and to present a list of investments held as of 31 October 2023.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Jarvis)

218/23 Resolved without debate:

THAT Council:

- A. Receive and note the Monthly Financial Report – September 2023.
- B. Note that the Council's 12-month weighted average return for September 2023 on its direct investment portfolio of 4.70% (LM: 4.63%, LY: 2.15%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.35%.
- C. Note that the interest revenue for the year to date September is \$1.2M, exceeding our original budget of \$455K for the same period.
- D. Receive and note the list of Council's investments held as of 31 October 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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R6 Recommendation to Council
Subject: **CONSIDERATION OF TENDER RESPONSES FOR THE LEASE & OPERATION OF THE COOPER PARK TENNIS COURTS & CAFE - TENDER NO. SC7193**
Author: Zubin Marolia, Manager Property & Projects
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/187689
Purpose of the Report: To consider the tender for the Lease and Operation of the Cooper Park Tennis Courts, tender no. SC7193
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Late Correspondence was tabled by Ben Divall, Richard Price (Sydney Sports Management Group), Suzanne Burrows, Catherine De Giorgio, Sally Goodchild, Tom Staiger, Daniel Quin, Doran Argaman, Double Bay Residents Association, Kate McLaren (Friends of Cooper Park), Warren Kidson, Sharon Huston, Anna Drew.

Note: Councillor Witt declared a Non-Significant, Non-Pecuniary Interest in this Item R6 as Councillor Witt plays tennis there once a week. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

Note: The Council amended Part (iii) of the Resolution.

(Swan/Grieve)

219/23 Resolved:

THAT Council:

- i. In accordance with section 178 (1) (b) of the NSW Local Government (General) Regulation 2021, decline to accept any of the tender submissions for the lease of the Cooper Park Tennis Courts and Café, known as Tender SC7193.
- ii. In accordance with section 178 (3) (b) of the NSW Local Government (General) Regulation 2021, invite (in accordance with section 167 of the NSW Local Government (General) Regulation 2021) via open tender, fresh tender submissions for the lease of the Cooper Park Tennis Courts and Café, based on the same specification as the recent Tender SC7193, excluding any consideration of multi-purpose sports at this location.
- iii. Staff develop and apply an objective criteria to assess tenderer's capacity to engender a sense of community in the centre operations.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Councillor Price

12/1

13.3 Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Monday 15 November 2023 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	DEVELOPMENT ASSESSMENT SERVICE REVIEW OUTCOMES
Authors:	Petrina Duffy, Coordinator Strategy & Performance Sue Meekin, Director Corporate Performance
Approvers:	Tom O'Hanlon, Director Infrastructure & Sustainability Scott Pedder, Director Planning & Place Craig Swift-McNair, General Manager
File No:	23/183818
Purpose of the Report:	To advise Council of the outcomes of the Development Assessment Service Review.
Alignment to Delivery Program:	Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Note: The General Manager advised that the following item was considered at the Strategic & Corporate Committee meeting, immediately prior to this Council meeting. The recommendation of the Strategic & Corporate Committee as resolved by Council is listed below.

(Silcocks/Grieve)

220/23 Resolved without debate:

THAT Council:

- A. Note the Development Assessment Service Review report dated June 2023.
- B. Note that the report details five key action areas comprising seventeen operational recommendations.
- C. Note that any additional permanent resourcing requirements will be considered as part of the development of Council's 2024-2025 budget.
- D. Note that the General Manager will be implementing cost of works threshold and staff delegation changes as they relate to the determination of Development Applications from 1 December 2023, reflecting the increasing costs of construction over recent years and aimed at supporting a reduction Council's Development Assessment determination times.
- E. Request staff to investigate and report on:
 - a) The viability of lodgment via a digital platform integrated with the NSW Planning Portal which:
 - i) Automatically identifies missing parts of any application prior to being provided to an Assessment Officer; and
 - ii) Provides better notification and communication processes to applicants and staff, identifying questions and an indicative timeline for each DA.
 - iii) Explains how Woollahra Council systems can be more efficiently integrated given the various IT systems that are in use by Woollahra Council.

- b) Prioritisation of referrals in the application process with a view to separate applicants deemed 'simple' and those deemed 'complex' with each stream to remain in the 'first-come, first-served basis'.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **OPEN SPACE AND TREES SERVICE REVIEW OUTCOMES**
Authors: Petrina Duffy, Coordinator Strategy & Performance
Sue Meekin, Director Corporate Performance
Approvers: Tom O'Hanlon, Director Infrastructure & Sustainability
Craig Swift-McNair, General Manager
File No: 23/183852
Purpose of the Report: To advise Council of the outcomes of the Open Space and Trees Service review
Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Note: The General Manager advised that the following item was considered at the Strategic & Corporate Committee meeting, immediately prior to this Council meeting. The recommendation of the Strategic & Corporate Committee as resolved by Council is listed below.

(Silcocks/Grieve)

221/23 Resolved without debate:

THAT Council:

- A. Note the Open Space and Trees Service Review report dated April 2023.
- B. Note that the Open Space and Trees Service Review report details five high-level recommendations comprising twenty-eight detailed operational recommendations.
- C. Note that the recommendations relating to Council's draft Urban Forest Strategy will be considered as part of the Draft Urban Forest Strategy report, to be presented to Council's Strategic & Corporate Committee at its meeting on 20 November 2023.

- D. Note that any additional permanent resourcing requirements recommended by Management as a result of the Open Space and Trees Service Review, will be considered as part of the development of Council 2024-2025 budget.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: R3 Recommendation to Council
Subject: **INSTRUMENT OF DELEGATION TO THE GENERAL MANAGER**
Authors: Craig Swift-McNair, General Manager
Helen Tola, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 22/226247
Purpose of the Report: To consider a revised Instrument of Delegation to the General Manager.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: The General Manager advised that the following item was considered at the Strategic & Corporate Committee meeting, immediately prior to this Council meeting. The recommendation of the Strategic & Corporate Committee as resolved by Council is listed below.

(Silcocks/Grieve)

222/23 Resolved without debate:

THAT Council defers consideration of the Instrument of Delegation to the General Manager until such time as the review of the Leasing and Licensing – Council's Controlled Land policy is finalised and adopted by Council.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

14. Rescission Motion

Nil

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).

General Item No: 15.1 Ayla Khater Art Exhibition
Tabled by Councillor: The Mayor, Councillor Shields and Councillor Shapiro

The Mayor, Councillor Shields advised:

I went to a particularly special moment on Sunday, 14 November 2023 where I visited the artworks of Ayla Khater who is a 10 year old newish Australian, previously from Syria and North Iraq. Ayla put on an exhibition which was also attended by Councillor Shapiro and Councillor Price. Ayla put on an exhibition, the objective of this exhibition was to raise money for Syrian children in need. This is a very special young woman and close to \$1,000 was raised for this charity and there was almost 100 people that actually visited the exhibition and I would like to thank Council staff, Woollahra Gallery at Redleaf staff who volunteered their time. This was using the Community facility, or the Community Room underneath the Gallery proper. It was a particularly special day for me.

Councillor Shapiro further advised:

Thank you, Mr Mayor. And I would just like to touch on the Art exhibition, by young Ayla on Sunday. I actually naturalised Ayla and her mother, Chantelle some years ago. I think at the time she was, it must have been 3 or 4 years ago and she actually spoke, this little girl, she had a speech and spoke about her time in a refugee camp and what it was like. I think it's been three years since being in a refugee camp and she spoke how grateful and thankful she was to be in Australia, it was just absolutely wonderful. I'm so very proud of her and happy to support her, and please extend my thanks to gallery staff.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

General Item No: 15.2 Kristallnacht
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

I have attended a lot of events and I am not going to go into them all, but I did attend the 85th Anniversary of Kristallnacht last week with Councillor Shapiro, Councillor Swan and Councillor Witt. It was Kristallnacht, for those of you that are not familiar with Kristallnacht, it was the start of the Holocaust. Historians refer to it as the precursor to the Holocaust. On that particular night, over two nights, 267 synagogues were destroyed, 7,000 Jewish businesses were damaged and destroyed and 30,000 Jewish men were sent to concentration camps. As I said, it was the prelude to the final solution which saw 6,000,000 Jews systematically and industrially murdered by the Nazis. For these conditions to occur, for a holocaust to occur, like it did in World War II, there needs to be a terrible confluence of events and perceptions.

The first terrible confluence of events is there needs to be active support from the community, i.e. those that enjoy 'killing Jews'. The second is a 'tacit support', they don't participate but they support the killing of Jews. The third is 'justified support', it's okay to kill Jews and there is a justification to do that. And the fourth one is 'neutrality', they disagree but the community does nothing.

Adolf Hitler interpreted the response from the community on this two nights and he took that, the adherence to those four principles as a gun-shot start to the systematic destruction and murder of 6,000,000 Jews. This is a night that should be remembered and it is a story that should never be forgotten. Thank you.

Council Shapiro further advised:

Thank you, Mr Mayor. I too support your excellent comments on Kristallnacht and acknowledge Councillor Swan and Councillor Witt joining us there. I have been to many of these commemorations, but I found this one particularly moving in the current environment just reminding us that this Holocaust began with anti-Semitism, vandalism of Jewish businesses and just a terrible rise in anti-Semitism, it was particularly emotional and a reminder why all Jewish people say, "never again, we will never allow this again".

Councillor Carmichael further advised:

On the next point, Mr Mayor, I would like to congratulate you for your words tonight on Kristallnacht, as well as Councillor Shapiro. I was not able to bring myself to go to that event, as a partner of a Jewish person, who is not doing very well at the moment, as a result of the current environment. I chose not to go to that one occasion, but I very much echo your sentiments. Thank you.

Councillor Witt further advised:

Thank you, Mr Mayor. I wanted to touch on briefly my experience having attended for the first time the Jewish Board of Deputies Kristallnacht Anniversary and I hope I can continue to commemorate that in the future. Just a couple of things I've learnt, because obviously it's a very fraught moment. First of all, in 1938 William Cooper, a Yorta Yorta man, led a small delegation from his home in Melbourne to the steps of the Jewish Consulate to protest the attacks on Jews in Nazi Germany, which were known as Kristallnacht. This was the first and only kind-of private protest in the world, and it's been celebrated as a symbol Jewish and Aboriginal solidarity. I'd also like to mention in terms of social justice issues they gave a tribute to Jeremy Jones, and again this wasn't a man I'd been familiar with, but very inspirational. He was a leader in the Jewish community, and sadly he died far too young at only aged 64. He was subject of countless obituaries, because in the last 40 years few did more for the fight in Australia as a land of tolerance and respect for people of all faiths. He represented the Executive Council of Australian Jewry in the landmark case against Holocaust denier, Frederick Tobin in 2002, I think at great personal cost.

This case proved that the Holocaust denial is a form of anti-Semitism, with the High Court ordering that the website be removed. Tobin was later imprisoned for contempt. He was an optimist, not just about the possibility of Muslim and Jewish cooperation but also a real friendship and this view was informed by a visit to Israel in 2013, where he spent time with Palestinians and Syrian civilians being treated in Israeli hospitals. He was also a longstanding advocate for recognitions and rights for our First Nations people and made a point of wearing kippah and ties decorated with indigenous artworks. I wanted to pay tribute to him, I'm not sure if he was local, but he was definitely a Sydneysider and quite devastating for family and the Jewish community to lose him so young.

The Mayor, Councillor Shields further advised:

Thank you, Councillor Witt for those beautiful words to be said by you, and I am not sure if you met him, but Councillor Shapiro and I did know him and I just want to applaud you on those beautiful sentiments because we knew him, we knew he was a great Australian, so your words perfectly emulate our feelings, so thank you.

General Item No: 15.3 Paint Woollahra Village
Tabled by Councillor: The Deputy Mayor, Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. On 9 October 2023 I went to congratulate the Queen Street West Woollahra Association for their Paint Woollahra Village. There were many amazing entries and I know some other Councillors were in attendance on the opening night. I was not able to attend the opening night, because I was here but I did attend two days later. So congratulations to them.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.4 Paws for a Cause
Tabled by Councillor: The Deputy Mayor, Councillor Swan and Councillor Jarvis

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. Moving then to Paws for a Cause which I attended with Mayor Shields in Rushcutters Bay, where the excellent showing of dogs created a very good and positive environment for our community and Mr Mayor awarded a very noble looking dog, with the most mature, it was something to do with it being noble, or something like that.

Councillor Jarvis further advised:

On 14 October 2023 I too went to 'Paws for a Cause'. I had my grand-dog there, Lola, and she was very well received, she did not pay much attention to what was going on. I also want to acknowledge our Local Vet Headquarters who were the sponsor of that event. I would like to thank them for that.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan and Councillor Jarvis.

General Item No: 15.5 Grant Awards
Tabled by Councillor: The Deputy Mayor, Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I also want to congratulate and thank staff for the Grants Awards day held on 18 October 2023. There is a significant amount of work involved in that, so thank you to staff and also congratulations to all the recipients. Councillor Regan was also in attendance on that day.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.6 St Mark's Cultural Trust
Tabled by Councillor: The Deputy Mayor, Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. On 9 November 2023, in addition to attending the Kristallnacht, that you spoke about so eloquently, I attended the launch of St Mark's Cultural Trust. That is designed to encourage and give the future generations the ability to play the organ, be involved in the choir at St Mark's Church and that was an excellent evening as well attended by many members of the community.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.7 Empyrean Gallery Opening
Tabled by Councillor: The Deputy Mayor, Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. On 12 November 2023, this weekend, I attended a new gallery on Queen Street, no less, upstairs, called the Empyrean Gallery opening and it was a very interesting exhibition, almost other-worldly. Now the artist has the ability to see four colours, so most of us can see three, and she can see four. So she is using her gift of additional colour sight to show the world what she can see through her eyes. It's a very interesting, other-worldly exhibition but I strongly encourage everyone to attend that gallery.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.8 Annual NSW Association of Jewish Service and ex-Service Men and Women
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro advised:

Thank you, Mr Mayor. Another event which I attended together with yourself Mr Mayor, the annual NSW Association of Jewish Service and ex-Service Men and Women, in alignment with Remembrance Day and that was held on Sunday at the Jewish Museum with Her Excellency Patron, the Governor Margaret Beazley, and it was also one hundred years since the opening of the Jewish War Memorial, which was that building, by Sir John Monash, and Sir John Monash's great-grandson came up from Melbourne for the occasion.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

General Item No: 15.9 Opening of Boating Season at the Royal Motor Yacht Club
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro advised:

Thank you, Mr Mayor. Also, together with the Mayor and Councillor Wynne we attended the opening of boating season. Oh, and Councillor Silcocks was there at the Royal Motor Yacht Club, guest speaker Rear-Admiral Christopher Smith, Commander of the Australian Fleet and just like to extend our thanks to Commodore Barbouttis for hosting us all.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

General Item No: 15.10 Emanuel Synagogue Concert
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro advised:

The Mayor and I attended a special concert for the victims of terror, raising funds for 'Magen David Adom', which is the ambulance service in Israel which is actually privately run, it's a charity and it was in the beautiful heritage sanctuary at Emanuel Synagogue. We were guests there, it was piano by Simon Tedeschi and beautiful soprano Eleanor Lyons and they did make special mention and thanks to Woollahra Council for our support and our flag.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

General Item No: 15.11 Local Government NSW Conference 2023
Tabled by Councillor: Councillor Regan and Councillor Carmichael

Councillor Regan advised:

Thank you, Mr Mayor. It is very hard to follow on from some of those sombre occasions, but just wanted to make mention of the Local Government NSW Conference that was recently hosted by the City of Parramatta and I had the fortune of attending with Councillor Price, Councillor Witt, Councillor Carmichael and Councillor Cavanagh and our esteemed General Manager. I must say I get a lot out of those conferences, I think it's really good to meet other people from around NSW, work out what their issues are, understand the economic and political situation we are operating in, and it certainly gives you greater perspective over things.

Also, interestingly Councillor Jarvis has raised the issue to do with roads, we had a big presentation on the roads and potholes, it's called 'Potholes & Pitfalls' by the Gratton Institute and Councillor Jarvis you will be interested to know that they've said all our roads are underfunded to the tune of about \$600,000,000 and that it is important work that the Office of Local Government is doing for us, is to advocate for extra funding, especially in rural areas, and the reason why don't get as much as rural areas as it is usually worked out on a per kilometre basis, and obviously less per kilometre roads as they might do in Broken Hill or wherever else.

It was good to see what is actually being done and what is being advocated and I think everyone would say the same, that they had a good time there, so thank you.

Another thing, the Notices of Motion, the Heritage one did get passed, unfortunately we didn't get through all the motions on the day, the other one about the SEPP and the 30 percent up-lift didn't

get through, but the Office of Local Government had put their own one up, so it's very similar to ours.

Councillor Carmichael further advised:

Thank you, Mr Mayor. I will just echo Councillor Regan's comments about the Local Government NSW Conference. I do enjoy going to it, I do find it a valuable opportunity for networking and meeting fellow Councillors across the State, people you might not ordinarily talk to, in-fact I found myself at the gala dinner sitting next to Judy Hannan, of all people, the Member for Wollondilly. It was a unique opportunity, but I quite enjoyed chatting to her.

The Mayor, Councillor Shields in response:

Thank you, Councillor Regan and Councillor Carmichael.

General Item No: 15.12 Statement from Councillor Grieve in relation to the Mayoral Minute (Attack on Israel) considered at the Council Meeting on 9 October 2023

Tabled by Councillor: Councillor Grieve

Councillor Grieve advised:

Mr Mayor, thank you for the opportunity to make this statement, which I have prepared in consultation with Councillor Robertson and I am putting this on the record.

I unequivocally condemn the horrific violence that occurred in Israel on 7 October 2023 and the abhorrent attack by Hamas on innocent civilians.

As part of our commitment to peace and non-violence I join with our local community in Woollahra and people all around the world appalled by the loss of life, brutality and violence that has broken families and cost so many innocent lives.

In particular my heart goes out to our local Jewish community and those Woollahra families impacted by this conflict, to whom I extend my deepest sympathies and support at this most terrible time.

I regret that my actions in absenting myself from the vote on the Mayoral Minute of 9 October, although motivated by sensitivity for the gravity of the subject of the Minute and respect for my fellow Councillors and Jewish community was, without explanation, the wrong course of action; because it created doubt about my commitment to the unequivocal condemnation of Hamas.

I apologise unreservedly for the impacts this course of action has had on my fellow Councillors and our local Jewish community.

I am grateful for this opportunity to clarify my position.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

General Item No: 15.13 Commonwealth War Graves Commission
Tabled by Councillor: Councillor Grieve

Councillor Grieve advised:

The Commonwealth War Graves Commission arranged for the reunification of CC Atkins remains (discovered in the buried plane in 2013) in his official war grave in the Netherlands on 3 November 2023 at 11am (Remembrance Week). The RAAF was represented by the Defence Attache to Brussels who reported that it was a chilly day with morning rain. Charles Atkin was my Great Uncle. My 91 year old mother and her sister my aunt are his oldest living relatives. The loss of a vibrant young man has a generational effect. In Remembrance week it confirms my hatred of war and the effect of loss of life. its effect on generations.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

General Item No: 15.14 Statement from Councillor Price in relation to the Mayoral Minute (Attack on Israel) considered at the Council Meeting on 9 October 2023

Tabled by Councillor: Councillor Price

Councillor Price advised:

Thank you, Mr Mayor, I do thank you for the opportunity to be able to speak tonight. There has been an unfortunate misunderstanding, as well as an inaccurate media/social media posts and emails concerning my position on your minute tabled at Council's meeting on 9 October 2023. From the outset I want to make it absolutely clear that I condemn the atrocious acts of 7 October by the terrorist organisation Hamas. I understood that many members of our community, including Council colleagues, had loved ones and friends impacted by the horrific events of 7 October. I wanted to be sensitive to this.

Out of respect, I did not want to debate the Minute, because I was concerned that any debate risked being misunderstood and would be unproductive. I was also aware of our Code of Meeting Practice, and in particular clause 11.4 of that code which states "That a Councillor who is present at a meeting of the Council but fails to vote on a motion put to the meeting is taken to have voted against the motion". I did not wish my position to be recorded as against the Minute and considered that it was best for there to be unanimous support from those in attendance, when it was voted upon.

I understand however, that leaving the meeting when the Mayor called for a vote and the subsequent reports of that, has caused distress and I sincerely apologise. I am so sad and extremely disappointed that our beautiful patch in this world has division and upset. Australia is a wonderful, multi-cultural place and is a fine example to the rest of the world, it is also a peaceful sanctuary for many. I am hopeful, that as leaders in our community, we can all work together to promote harmony. The current tone must be elevated to enable future collegiate communications on Council and above all else for our community. Thank you, Mr Mayor.

The Mayor, Councillor Shields in response:

Thank you, Councillor Price.

General Item No: 15.15 Statement from Councillor Robertson in relation to the Mayoral Minute (Attack on Israel) considered at the Council Meeting on 9 October 2023

Tabled by Councillor: Councillor Robertson

Councillor Robertson further advised:

Mr Mayor, thank you for the opportunity to make this statement, which I have prepared in consultation with Councillor Grieve.

I unequivocally condemn the horrific violence that occurred in Israel on 7 October 2023 and the abhorrent attack by Hamas on innocent civilians.

As part of my commitment, and my community's commitment to peace and non-violence I join with our local community in Woollahra and people all around the world appalled by the loss of life, the brutality and the violence that has broken so many families and cost so many innocent lives.

In particular, my heart sincerely goes out to our local Jewish community and those Woollahra families who are impacted by this conflict, to whom I extend my deepest sympathies and support at this most terrible time.

Now, I do regret sincerely, Mr Mayor that my actions in absenting myself from the vote on the Mayoral Minute of 9 October, although motivated by sensitivity for the gravity of the situation and the subject of the Minute and out of respect for my fellow Councillors and Jewish community was, without explanation, the wrong course of action; and I've accepted the case because it created doubt about my commitment to the unequivocal condemnation of Hamas. I apologise unreservedly for this and the impacts this course of action has had on my fellow Councillors and our local Jewish community.

So, thank you once again, Mr Mayor. I very am grateful for this opportunity to clarify my position.

The Mayor, Councillor Shields in response:

Thank you, Councillor Robertson.

General Item No: 15.16 Remembrance Gathering in Guilfoyle Park
Tabled by Councillor: Councillor Jarvis

Councillor Jarvis advised:

Thank you Mr Mayor. There are four matters (also refer Item 15.4) that I wish to report on and given Councillor Robertson comments, and Councillor Grieve's, and Councillor Price I think it's relevant to say that on 27 October some of us gathered in Guilfoyle Park for a special Remembrance.

It was one of the most moving displays I have ever seen in Woollahra, in Guilfoyle Park. For those that weren't there, there were 15 young Jewish girls that had organised, in Double Bay, an event to remember the 200 hostages taken by Hamas on 7 October, twenty days before with photos of these people who had been enjoying her life up until then and were snatched. I remember particularly, a young girl, a photo of her eating noodles, and 31 years of age and her life was just an ordinary life completely turned upside down. But these individuals were commemorated by balloons swaying in the wind and shoes, representing the shoes they might have worn. With Councillor Carmichael, Councillor Shapiro and myself we attended with what would probably have been several hundred members of the community that were just stopping to watch.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.17 Nielsen Park Closure
Tabled by Councillor: Councillor Jarvis

Councillor Jarvis advised:

Thank you Mr Mayor. In other matters, Your Worship, you and I on 11 October 2023 went to Nielsen Park to see some of the Nielsen Park swimmers who are not very happy that Nielsen Park is not open for the summer and with Kelly Sloane, our Member for Vaucluse, met with them and we were proposing that there be an alternative access to the beach this summer, for some of the swimmers to get in, not with-standing the works going through, which we hope will be finished in the very near future. Congratulations Your Worship on the ABC interview you did, that was televised a few nights later. I was just there as a support act with the swimmers in relation to the fact that this was unfinished work in one of our iconic, most beautiful spots in Woollahra.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.18 Small Business Month
Tabled by Councillor: Councillor Jarvis

Councillor Jarvis advised:

Thank you Mr Mayor. 31 October 2023 being the last day of Small Business Month, I want to thank you Your Worship for allowing me to represent you at that event that which was in relation to the mental health of small business owners. It was held at Double Bay Library, we had a guest speaker that was really quite compelling, Carli Phillips from Corporate Wellbeing. She gave us a one hour workshop on how to protect and maintain well-being to prevent burn-out, targeted to small business owners and their staff. One message that she gave, that is applicable to all of us "Make time to look after your health, otherwise you will have to make time in getting your health back." So that was a very great contribution and I hope we'll see many more of those in the years to come. Councillor Price and Councillor Silcocks were there with me. Thank you, Your Worship.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.19 Heritage Tour of Double Bay
Tabled by Councillor: Councillor Witt

Councillor Witt advised:

Thank you, Your Worship. First of all I would like to acknowledge the Woollahra Historical Society and the Double Bay Residents Association for last Thursday they held a Heritage Tour of Double Bay and it was very well attended. It was extremely informative and I learnt for example, that Mort House which is on the corner of Guilfoyle and Ocean Street belonged to Thomas Mort. He started the meat industry in Australia, so he was very influential and he also sponsored Guilfoyle, which Guilfoyle Avenue is named after, to establish a nursery and apparently Guilfoyle has been credited in bringing the jacaranda to Australia. That may be contested, okay propagating it, so

that's a lovely connection in Woollahra.

The Mayor, Councillor Shields in response:

Thank you, Councillor Witt.

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - PARKING APPLICATIONS – PARK N PAY OR SIMILAR
From: Councillors Sarah Swan, Isabelle Shapiro, Richard Shields, Peter Cavanagh, Sean Carmichael, Susan Wynne, Mary-Lou Jarvis and Toni Zeltzer
Date: 06 October 2023
File No: 23/183678

(Swan/Shapiro)

223/23 Resolved without debate:

THAT Council:

- A. Request that staff provide a report and costing to continue to utilise the Park n Pay, or similar, application in Woollahra Municipality. The report should also consider options of other providers and/or multiple providers, and the costs/benefits associated with these additional providers.
- B. Request that the Mayor confer with the Mayors at the next scheduled General Manager (GM) and Mayoral meeting about the utilisation of Park n Pay in Waverly, Randwick, Bayside and Woollahra Council.
- C. Request that the Mayor write to the Mayors of each Southern Sydney Regional Organisation of Councils (SSROC) seeking their support to continue the utilisation of Park n Pay application across their respective Councils.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: 16.2
Subject: **NOTICE OF MOTION - COMPLIANCE WITH HOUSING SEPP IN RESPECT OF INDEPENDENT LIVING UNITS FOR SENIORS HOUSING**
From: Councillors Lucinda Regan and Luise Elsing
Date: 17 October 2023
File No: 23/190778

(Regan/Elsing)

224/23 Resolved without debate:

THAT Council:

1. Compile a register of all developments approved as independent living units for seniors or those living with a disability under the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* in the municipality, identifying the location and type of those developments and the number of independent living units in those developments (**Register**);
2. Confirm that each independent living unit developed as seniors housing under the Housing SEPP in the municipality has a condition of consent which requires it to lodge a positive covenant in favour of Council to comply with the requirements of s.86 of the Housing SEPP (**Positive Covenant**);
3. Confirm that all required Positive Covenants have been lodged and appear on the property title to the relevant independent living units;
4. Records the details of all Positive Covenants and their land title registration details in the Register;
5. Undertakes a regular audit of all developments approved as seniors housing, independent living units under the Housing SEPP in the municipality, to ensure compliance with the Positive Covenant and report those findings to the relevant Council Committee on an annual basis; and
6. Provide advice as to how it is best to monitor and ensure ongoing compliance with the Positive Covenant, as required by the Housing SEPP, and consider what measures may be taken on transfer of title in these properties to ensure compliance on a regular basis.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

13/0

Against the Motion

Nil

Item No: 16.3
Subject: **NOTICE OF MOTION - THE VOICE REFERENDUM**
From: Councillors Harriet Price and Matthew Robertson
Date: 07 November 2023
File No: 23/205363

Note: Late Correspondence was tabled by Councillor Carmichael and Councillor Wynne.

Note: The Council amended the Resolution.

(Robertson/Price)

225/23 Resolved:

THAT Council defers consideration of the Notice of Motion – The Voice Referendum to the next Council Meeting being held on 27 November 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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: 16.4
Subject: **NOTICE OF MOTION - FUNDING PORTRAIT PAINTING OF BRENDA (DUTCHIE) BACKHOUSE**
From: Councillor Richard Shields
Date: 08 November 2023
File No: 23/205608

(Shields/Jarvis)

226/23 Resolved without debate:

THAT Council:

- A. In celebration of next year's International Women's Day (8 March 2024), commission a portrait painting of Brenda (Dutchie) Backhouse, being the first woman to become Mayor of Woollahra Council (1978-1979), with the portrait to be funded from Council's Public Art Reserve up to the value of \$20,000 (including GST).

- B. Delegate to the General Manager the selection of the commissioning artist, based on a staff recommendation.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

Item No: 16.5
Subject: NOTICE OF MOTION - MARINE LADDER AT YARRANABBE PARK WHARF
From: Councillors Richard Shields and Sarah Swan
Date: 08 November 2023
File No: 23/205651

Note: The Council amended the Resolution.

(Shields/Swan)

227/23 Resolved:

THAT Council defers consideration of the Notice of Motion – Marine Ladder at Yarranabbe Park Wharf to the next Council Meeting being held on 27 November 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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

13/0

17. Questions With Notice

(Jarvis/Zeltzer)

228/23 Resolved without debate:

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

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

Against the Motion

Nil

13/0

QWN: 17.1
From: Councillor Jarvis
Subject: Questions with Notice - Boat Trailers & Vans

Councillor Jarvis asking:

Noting the increasing number of trucks, vans, boats and trailers continuously parked on roads in our area and on an site meeting with the Director of Planning and Place on 26 May 2023 in relation to my specific areas of concern (Cliff Street, Watsons Bay, New South Head Road Vaucluse around Ray Reserve and Johnstons Lookout, Newcastle Street Rose Bay and adjacent to Vaucluse House, Vaucluse):

1. How many fines by Woollahra Council have been issued since the Public Spaces (Unattended Property) Act and regulations (the new rules) came into force on 1 November 2022?
2. How many items of property have been impounded in our area since the new Act and regulations came into force?
3. Of the overall investigations how many boats trailers or other vehicles have been found to be unregistered and what action has been taken?
4. What is the total monetary amount of such fines imposed and any amounts recovered where property has been impounded?
5. Is it possible to identify the cost of enforcement or at least the number of staff allocated to compliance of the new rules within the Council area?

6. More specifically in Vaucluse around Ray Reserve and Johnstons lookout, in response to the requests I submitted on 17 September 2023 on the Woollahra Council app where staff marked 25 boats and trailers between Ray Ave and Giralang Avenue, how many have now been issued with infringement notices and fines (and the monetary amount) have been issued under the new rules, noting that 28 days that has now elapsed?
7. More specifically in Rose Bay in Newcastle Street Rose Bay and further to my request on 27 September 2023 in relation to 5 trucks boats trailers and vans parked which were recorded as finalised, how many vehicles have been booked for parking beyond the time allowed on parking signs since then? How many trucks, boats trailers and vans have been fined for overstaying the parking limit in Newcastle Street for the month of October?
8. More specifically in Olola Avenue and Wentworth Road by Vaucluse House what action under the new rules has been taken in relation to the 4 boats and trailers I requested be investigated on 23 October 2023?



Coordinator- Regulatory Services in response:

1. How many fines by Woollahra Council have been issued since the Public Spaces (Unattended Property) Act and regulations (the new rules) came into force on 1 November 2022?
 - *Unregistered vehicles offence 153 penalty notices; and*
 - *PSUP offences 23 penalty notices.*

2. How many items of property have been impounded in our area since the new Act and regulations came into force?
 - *76 items have been impounded.*
3. Of the overall investigations how many boats trailers or other vehicles have been found to be unregistered and what action has been taken?
 - *1,026 requests received and 153 unregistered vehicles have been detected and issued penalty notices. All vehicles detected with expired registration of 28 days or more are issued a penalty notice.*
4. What is the total monetary amount of such fines imposed and any amounts recovered where property has been impounded?
 - *Fines Issued \$76,198.00 (face value and not all fines are paid);*
 - *Fines Paid \$11,826;*
 - *Impounding sales \$45,059.76; and*
 - ***Total recovered \$56,885.76***
5. Is it possible to identify the cost of enforcement or at least the number of staff allocated to compliance of the new rules within the Council area?
 - *A very conservative estimate to service the 1,026 requests is **\$92,340.00.***
 - *All 18 regulatory staff are allocated with investigating reported unattended vehicles and items. Parking Officers respond to check and issue penalty notices for illegal parking and vehicle registration offences and Rangers undertake monitoring, issue compliance notices and penalty notices for non-compliance.*
 - *NOTE: Calculation very conservative 1,026 requests @ 2 hours per request. The 2,052 hours of staff time impacts our ability to proactively check other tasks such as pollution controls, building site hours of operation, footpath dining licence audits and open space public place activities. I've attached a copy of one relatively simple service request to show how many steps and inspections are involved. In the attached no REVS check, towing or police notices were required which would certainly add much more time to the task.*

Sample Service Request

██████ - Abandoned vehicles

FINALISED

Customer: ██████

Assigned to: ██████

Received	Due	Finalised
24/10/2023	19/12/2023	15/11/2023

Location

██

Description

Car has been parked for 3 years at the same location, please attend
Second car also parked for a long time - White Subaru, its parked 2 cars down from the red car. White car is full of mold - Customer forgot to get the REGO for this car.
██████ would like to remain anonymous.

How long has the vehicle been abandoned:

3 years

Car details:

Mitsubishi - red

Registration number:

██████

History

██████ 15/11/2023 14:02

Checked at 12 pm on 15/11/2023 vehicle has been removed by unknown source.

██████ 15/11/2023 14:02

Status changed to Finalised

██████ 01/11/2023 14:59

01/11/2023 White Subaru wagon registration number ██████ has been removed by unknow source

██████ 28/10/2023 10:13

Unregistered and unattended vehicle White Subaru wagon registration number ██████ nsw parked outside ██████. 28/10/2023 Letter sent

██████ 28/10/2023 10:03

Unregistered and unattended vehicle Red Mitsubishi sedan registration number ██████ hsw parked outside ██████. 28/10/2023 Letter sent

██████ 26/10/2023 09:09

Rangers have attended the complaint and both vehicles have been issued pins for being unregistered vehicle's and sent by revenue

██████ 26/10/2023 07:55

Please issue penalty notices to both vehicles as the registration is cancelled and then reallocate back to me

██████ 26/10/2023 07:54

Request reallocated from ██████ to Parking Complaints

26/10/2023 07:54
White Subaru wagon registration number [REDACTED] and Red Mitsubishi wagon registration number [REDACTED] both registration canceled
25/10/2023 15:44
Request reallocated from Parking Complaints to [REDACTED]
25/10/2023 15:02
Request reallocated from [REDACTED] to [REDACTED]
25/10/2023 14:49
Can a penalty notice be issued as the vehicle registration has been cancelled then re allocate back to me.
25/10/2023 09:01
Request reallocated from Regulatory Teamleaders to [REDACTED]
25/10/2023 07:45
Please attend and assess whether the vehicle is illegally parked or unregistered. If a penalty notice is issued please finalise the request with comments. If no penalty notice can be issued please mark the near side tyre with today's date and reallocate this request to [REDACTED] for archiving and follow up in 28 days
25/10/2023 07:45
Request reallocated from Regulatory Teamleaders to Parking Complaints
24/10/2023 12:01
Request submitted

6. More specifically in Vaucluse around Ray Reserve and Johnstons lookout, in response to the requests I submitted on 17 September 2023 on the Woollahra Council app where staff marked 25 boats and trailers between Ray Ave and Giralang Avenue, how many have now been issued with infringement notices and fines (and the monetary amount) have been issued under the new rules, noting that 28 days that has now elapsed?
- *Fifteen (15) Sec 28 compliance notices sent to vehicle owners 27/10/23 due for resubmission on 12/11/23;*
 - *One vehicle registration check requires re-checking with NSW Roads and Maritime;*
 - *No fines issued in relation to request submitted on 17 September 2023 as reinspection is not due until 12/11/23;*
 - *Three (3) penalty notices issued in this area \$1,320 each.*
7. More specifically in Rose Bay in Newcastle Street Rose Bay and further to my request on 27 September 2023 in relation to 5 trucks boats trailers and vans parked which were recorded as finalised, how many vehicles have been booked for parking beyond the time allowed on parking signs since then? How many trucks, boats trailers and vans have been fined for overstaying the parking limit in Newcastle Street for the month of October?
- *37 parking infringements were issued in Newcastle Street Rose Bay between 27 September 2023 and 31 October 2023.*
8. More specifically in Olola Avenue and Wentworth Road by Vaucluse House what action under the new rules has been taken in relation to the 4 boats and trailers I requested be investigated on 23 October 2023?

Olola Ave Vauclose:

- *Service Request 70387 and 61682 three compliance notices sent to vehicle owners due for re inspection 12/11/23;*
- *Two additional boat trailers noted on 9/10/23 and under investigation Service Request 69255.*

Wentworth Road Vauclose:

- *Service Request 70386 under 28 day monitoring;*
- *Service Request 65385 three (3) compliance notices sent, two (2) vehicles have been removed by owners and due for reinspection 8 November 2023;*
- *Service Request 63082 three (3) compliance notices sent, one (1) penalty notice \$1,320 and all vehicles now removed by owners.*

QWN: 17.2
From: Councillor Regan
Subject: Questions with Notice - New Housing Density Shortlist

Councillor Regan asking:

In an article published on 1 November 2023 in the Sydney Morning Herald:

<https://www.smh.com.au/politics/nsw/new-housing-density-zones-for-sydney-revealed-20231101-p5eglb.html>

It is noted that Planning Minister Paul Scully has written to (NSW) Mayors to urge them to immediately begin identifying land for “low” and “mid-rise homes”.

Has Council received such a letter and could a copy be provided? How does Council intend to deal with a response to such a letter?

Manager - Strategic, Planning & Place in response:

Council staff can confirm that we have received the letter (dated 30 October 2023). Council has not been invited to respond to its contents, and accordingly staff are not intending to reply.

Council staff will continue to undertake, and advocate for, best practice planning with a place based approach, consistent with the adopted Local Strategic Planning Statement and Housing Strategy.

QWN: 17.3
From: Councillor Regan
Subject: Questions with Notice - Lough Park Playing Fields

Councillor Regan asking:

Can Council please advise as to the status of the proposed multi-purpose courts (to include netball and basketball) at Lough Park playing fields?

Can Council please advise whether these proposed facilities will be impacted by any decision in relation to the Cooper Park tennis courts (and if so what the impact will be) or whether they will be considered as an independent and separate issue to matters relating to the use and operation of the Cooper Park tennis courts?

Manager – Open Space & Trees in response:

The updated status of the Lough Playing Field multi-purpose courts were included in the 6 November 2023 Finance, Community & Services (FC&S) Agenda under (Item R2 – Capital Works Program – Quarterly Progress Report September 2023) as follows:

The Review of Environmental Factors (REF) is underway for the multi-courts at Lough Playing fields. Once this is complete community consultation will occur in Q3 FY23/24.

This project is separate from any decision made in relation to the Cooper Park Tennis Courts. This is an approved project in the current Capital Works Program.

QWN: 17.4
From: Councillor Price
Subject: Questions with Notice - Oxford Street East Cycleway

Note: Late Correspondence was tabled by Tom O'Hanlon – Director, Infrastructure & Sustainability.

Councillor Price asking:

Can the Director of Infrastructure and Sustainability please advise what steps Council has taken with the respect to the following resolution of Council, dated 14 August 2023:

- D. Requests that the Mayor write to the Hon Jo Haylen, State Minister for Transport:
- i. Reiterating Council's in principle support for the strategic design of the cycleway;
 - ii. Highlighting key community concerns as contained in its letter of 23 March 2023 and detailed in table 1 of its report of 14 August 2023;
 - iii. Advocating for additional funding to expand the project beyond a 'kerb to kerb' design, including improved streetscaping and works to unify the two sides of Oxford Street (with particular emphasis on its recognised heritage significance spanning two local government areas);
 - iv. Requesting a meeting with the Minister to discuss the above.
- E. Requests that the Mayor write to the Hon Catherine King MP, Federal Minister for Infrastructure, Transport, Regional Development and Local Government on the same basis as outlined in paragraph D (above)."

Director Infrastructure & Sustainability in response:

The letters to the Hon. Jo Haylen MP, State Minister for Transport, and to the Hon. Catherine King MP, were sent on 31 August 2023, copies of these letters are attached (please note letters were sent with attachments as specified – not supplied here).

To date, Council has not received any response to these letters.

QWN: 17.5
From: Councillor Price
Subject: Questions with Notice - Legal Costs - Watsons Bay Parking

Note: Late Correspondence was tabled by Tom O'Hanlon – Director, Infrastructure & Sustainability.

Councillor Price asking:

Can the General Manager please detail total legal costs incurred to date with respect to the Watson's Bay parking issue?

Director Infrastructure & Sustainability in response:

The details on the legal costs for the Senior Counsel incurred for this are outlined in the "Watsons Bay Parking Review – Proposed Permit Parking Trial Scheme" report being presented to Council on 15 November 2023.

As stated in the Financial Implications section of the above report, it is stated:

The total cost of seeking a written opinion on the Watsons Bay parking arrangements from Senior Counsel, Ms Allars SC, was \$19,360 (incl GST), noting the Council resolution of 26 September 2023 provided for expenditure of up to \$25,000 (excluding GST) for the provision of the written opinion.

Additionally, the costs incurred for earlier legal advice in October 2023 provided by Lindsay Taylor Lawyers was \$10,428.55 (incl GST).

QWN: 17.6
From: Councillor Price
Subject: Questions with Notice - Privately Owned Beach Reserves on Harbour Foreshore

Note: Late Correspondence was tabled by Paul Fraser – Manager, Open Space & Trees.

Councillor Price asking:

Can the General Manager please:

1. Explain how sections of the harbour foreshore at Camp Cove Beach, Lady Martins Beach, Eastbourne Rd and Gibsons Beach reserve came to be privately owned?
2. Explain why Council is maintaining and managing these parcels of land if they are privately owned?
3. Confirm if it is possible for the public to be denied access to any of these parcels of land.
4. Detail the mechanism for how these parcels of land can be acquired for public purposes.

Manager – Open Space & Trees in response:

1. Explain how sections of the harbour foreshore at Camp Cove Beach, Lady Martins Beach, Eastbourne Rd and Gibsons Beach reserve came to be privately owned?

Land parcels including those located at Camp Cove Beach, Gibsons Beach and Lady Martin's Beach were originally purchased by private owners, but were subsequently zoned for Public Recreation under the Woollahra Local Environmental Plan 2014 and are open for public use.

2. Explain why Council is maintaining and managing these parcels of land if they are privately owned?

Council undertakes various maintenance roles in these sites (excluding Eastbourne Rd) as they adjoin to Council land and are publicly accessible. As they are open to the public for recreational purposes, Council is responsible for their maintenance.

3. Confirm if it is possible for the public to be denied access to any of these parcels of land.

It is our understanding that public access to these areas cannot be denied. The land is zoned RE1 Public Recreation under the Woollahra LEP 2014 and all these parcels are identified on the Land Reservation Acquisition Map in accordance with Clause 5.1 A Development on land intended to be acquired for public purposes. Accordingly, development consent can only be granted for development for the purpose of "recreation area" on these lands. Where a recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or*
- (b) an area used for community sporting activities, or*
- (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

4. Detail the mechanism for how these parcels of land can be acquired for public purposes.

The process to acquire the land would be governed by the requirements of the Land Acquisition (Just Terms Compensation Act) 1991, as identified in the Woollahra LEP 2014.
<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1991-022>

QWN: 17.7
From: Councillor Witt
Subject: Questions with Notice - Plan of Management Cooper Park

Note: Late Correspondence was tabled by Paul Fraser – Manager, Open Space & Trees.

Councillor Witt asking:

1. Could Council staff please advise when work on a new Plan of Management and/or a Conservation Management Plan for Cooper Park will commence and when this work is likely to be completed?
2. Will the above plans be informed by community consultation, noting that "respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons"?¹

3. Will the above plans reflect the 29 September 2020 listing of Cooper Park as a local heritage item in Schedule 5 of the Woollahra Local Environment Plan 2014?
4. Is work being progressed to have the park listed on the State Heritage Register, as recommended by the Heritage Significance Assessment Report prepared by Betteridge Heritage?²

Discussion

Cooper Park met all of the seven criteria for a listing as a local heritage item and two of the seven criteria for a listing on the State Heritage Register, as set out in the NSW Heritage Office document *Assessing Heritage Significance*.

The tennis courts and the tennis pavilion were included in the listing with the Heritage Assessment report by Betteridge Heritage recognising them as contributing to the Park's aesthetic significance:

Cooper Park has aesthetic significance at a State level as an increasingly rare surviving example of an early 20th century municipal park, created in a bushland pleasure ground style, expressed by the predominance of bush vegetation, a constructed creek and meandering network of paths which link a series of architectural features. The Park is important aesthetically for its array of Depression-era cultural features which include a grass amphitheatre with retaining wall and plaque, artificial stone structures, a moon bridge, sandstone walls, steps and paths, concrete footbridges, and a diverse range of outdoor recreation facilities including a 1920s tennis pavilion and tennis courts. Cultural plantings consist of both exotic and native plantings that were planted during the park's early phases of establishment and contribute to the bushland pleasure ground style in both species selection and layout. These cultural features are laid out in a manner that demonstrates design excellence and high creative endeavour. (Criterion C)³

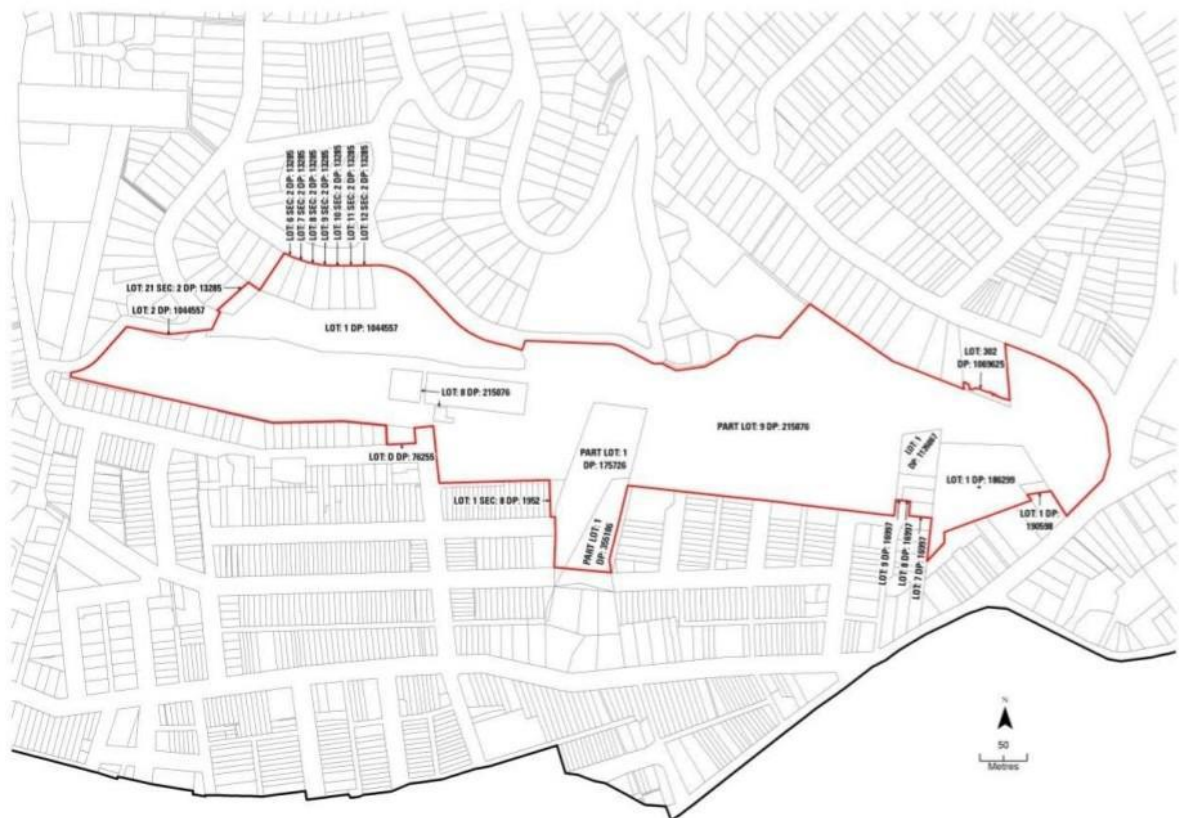


Figure 2: Cadastral map of Cooper Park showing the area proposed for local and State listing and land parcels.

According to Council's June 2020 Planning Proposal for the heritage listing, Cooper Park also satisfied the criteria for social significance at the local level:

Social significance is satisfied at local level, and heritage listing of the park acknowledges the strong social connections to the park displayed by groups such as the Friends of Cooper Park, the Bushcare Group, Cooper Park Tennis, and Cooper Park volunteers. Heritage listing will endorse the importance of the park to the community's sense of place.

The local community has contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. This extends from initial lobbying for establishment of a public park on the site, to the Rangers League who completed works in the park (1930), through to contemporary involvement by the community in the bushland restoration and regeneration works, and the tennis club.

1. Planning Proposal Heritage Listing Cooper Park, Bellevue Hill (excluding Cooper Park North), June 2020
2. Heritage Assessment Report for Cooper Park, Bellevue Hill, Chris Betteridge, Betteridge Consulting Pty Ltd t/a Betteridge Heritage for Woollahra Municipal Council 3 November 2019
3. The original courts and pavilion were among the earliest visitor facilities in Cooper Park, in the 1920s. While the building has been altered extensively and the courts have been increased in number and resurfaced, this facility remains a major visitor amenity. Assessed in the 2011 CMP as having no significance but this assessment is challenged, the courts and pavilion are considered likely to have high social significance at a local level.

Manager Property & Projects in response:

1. Could Council staff please advise when work on a new Plan of Management and/or a Conservation Management Plan for Cooper Park will commence and when this work is likely to be completed?

Work on the Cooper Park Plan of Management and Masterplan has commenced. A meeting with the Friends of Cooper Park occurred on 2 November 2023 to discuss the process and advise them of the upcoming engagement.

Initial engagement with the community is scheduled to commence on the 17 November 2023 and close on the 5 February 2024. Given the uniqueness and enormity of Cooper Park we are allowing an extended engagement period. Once we have feedback from the community, the Plan of Management and Masterplan will be drafted and exhibited to the community. We hope to have the draft to the community in the middle of 2024.

2. Will the above plans be informed by community consultation, noting that "respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons"?

Yes – refer to above.

3. Will the above plans reflect the 29 September 2020 listing of Cooper Park as a local heritage item in Schedule 5 of the Woollahra Local Environment Plan 2014?

Yes.

4. Is work being progressed to have the park listed on the State Heritage Register, as recommended by the Heritage Significance Assessment Report prepared by Betteridge Heritage?

The important points to answer this question are:

- *On 29 September 2020, Council resolved to proceed with the preparation of a draft local environmental plan to amend Schedule 5 of Woollahra LEP 2014 to list Cooper Park Bellevue Hill (excluding Cooper Park North) as a heritage item. Cooper Park was subsequently listed on the Woollahra Local Environmental Plan 2014 (Amendment 15) gazetted on 18 December 2020.*
- *On 29 September 2020 Council also endorsed sending a nomination to Heritage NSW to include Cooper Park on the State Heritage Register.*
- *On 1 December 2020 the SHR Committee resolved not to pursue the State listing.*
- *Correspondence received from Heritage NSW stated:*

"Your nomination for Cooper Park was considered by the SHR Committee at its meeting on 1 December 2020. After careful consideration, the SHR Committee resolved that Cooper Park is likely to meet the threshold for State heritage significance, however it is not a current priority for SHR listing and should not be progressed. The SHR Committee notes that the heritage significance of Cooper Park will be adequately protected and recognised through its impending inclusion as a heritage item on the Woollahra Local Environmental Plan. We will contact you if the nomination is progressed in the future."

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 10.30 pm.

We certify that the pages numbered 824 to 884 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 15 November 2023 and confirmed by the Ordinary Meeting of Council on 27 November 2023 as correct.

General Manager

Mayor