



Ordinary Council

Monday 27 November 2023

6.30pm

Minutes



Ordinary Council Meeting

Monday 27 November 2023

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Items Determined Under Delegated Authority by Council Committees

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

Strategic & Corporate Committee held on Wednesday 15 November 2023

Nil

Strategic & Corporate Committee held on Monday 20 November 2023

Nil

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on

27 November 2023 at 6.30pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio

Councillors

Sarah Swan (joined at 7.55pm during Item 13.1 R1)

Sean Carmichael

Peter Cavanagh (via Zoom)

Luise Elsing

Nicola Grieve

Mary-Lou Jarvis

Harriet Price (via Zoom)

Lucinda Regan

Matthew Robertson (via Zoom)

Isabelle Shapiro

Mark Silcocks

Merrill Witt

Susan Wynne

Toni Zeltzer

Staff: Paul Fraser (Manager – Open Space & Trees) (via Zoom)
Chinmayi Holla (Strategic Planner)
Rhys Johnson (Coordinator Governance)
Alison McNamee (Meetings Support Officer)
Sue Meekin (Director – Corporate Performance)
Carolyn Nurmi (Governance Officer)
Patricia Occelli (Director–Community & Customer Experience)(via Zoom)
Tom O’Hanlon (Director – Infrastructure & Sustainability)
Richard Pearson (Development Manager – Strategic Projects)(via Zoom)
Scott Pedder (Director – Planning & Place)
Andrew Simpson (Team Leader – Tree Department) (via Zoom)
Craig Swift-McNair (General Manager)
Anne White (Manager – Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 27 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 from Councillor Swan, Deputy Mayor (travel reasons), noting that Councillor Swan was present for 13.1 Item R1 (Post-Exhibition Report on Draft Double Bay Centre Planning and Urban Design Strategy).

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

229/23 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 27 November 2023 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Price
- Councillor Robertson
- Councillor Swan.

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

For the Motion

Against the Motion

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

Nil

14/0

6. Confirmation of Minutes

Item No: 6.1
Subject: **CONFIRMATION OF COUNCIL MINUTES - 15 NOVEMBER 2023**
Author: Sue O'Connor, Governance Officer
File No: 23/189891
Purpose of the Report: The Minutes of the Council of 15 November 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.

(Shields/Shapiro)

230/23 Resolved:

THAT the Minutes of the Council Meeting of 15 November 2023 be taken as read and confirmed.

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

For the Motion

Against the Motion

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

Nil

14/0

Item No: 6.2
Subject: **CONFIRMATION OF STRATEGIC & CORPORATE COMMITTEE MINUTES - 15 NOVEMBER 2023**
Author: Rhys Johnson, Coordinator Governance
File No: 23/200624
Purpose of the Report: The Minutes of the Strategic & Corporate Committee of 15 November 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.

(Carmichael/Shapiro)

231/23 Resolved:

THAT the Minutes of the Strategic & Corporate Committee Meeting of 15 November 2023 be taken as read and confirmed

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

For the Motion

Against the Motion

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

Nil

14/0

Item No: 6.3
Subject: **CONFIRMATION OF STRATEGIC & CORPORATE COMMITTEE MINUTES - 20 NOVEMBER 2023**
Author: Rhys Johnson, Coordinator Governance
File No: 23/189894
Purpose of the Report: The Minutes of the Strategic & Corporate Committee of 20 November 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.

(Carmichael/Shapiro)

232/23 Resolved:

THAT the Minutes of the Strategic & Corporate Committee Meeting of 20 November 2023 be taken as read and confirmed, subject to the administrative amendments discussed during the Council Meeting of the 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 Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

7. Late Correspondence

Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item S&C 13.1 Item R1, S&C 13.2 Item R1 and Item R2 and QWN 17.1 and 17.2.

8. Disclosures of Interest

Councillor Jarvis declared a Significant, Non-Pecuniary Interest in Item 10.1 Mayoral Minute (Sydney Children's Hospital at Randwick – Support of Paediatric Cardiac Services) as Councillor Jarvis' daughter is a paediatrician at Westmead Children's Hospital. Councillor Jarvis left the meeting during this item, did not participate in debate and did not vote on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in S&C Item 13.1 R1 (Post Exhibition report on Draft Double Bay Centre Planning & Urban Design Strategy) as Councillor Jarvis knows Michelle Kirk, owner of one of the strata units on New South Head Road, Double Bay. Councillor Jarvis further declared that she knows Lesli Berger, being a person involved in the development of another property on New South Head Road, Double Bay, along with Waverley Councillor, Councillor Will Nemesh who works for Lesli Berger. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Councillor Wynne declared a Non- Significant, Non-Pecuniary Interest in Item 10.1 Mayoral Minute (Sydney Children's Hospital at Randwick – Support of Paediatric Cardiac Services) as Councillor Wynne worked at the Sydney Children's Hospital Foundation for a number of years. Councillor Wynne remained in the meeting, participated in debate and voted on the matter.

Councillor Wynne declared a Non- Significant, Non-Pecuniary Interest in S&C Item 13.1 R1 (Post Exhibition report on Draft Double Bay Centre Planning & Urban Design Strategy) as Councillor Wynne knows former Woollahra Councillor Malcolm Young and former Woollahra Councillor Anthony Boskovitz, both of whom are persons named in the Late Correspondence and both of whom Councillor Wynne had previously served on Council with. Councillor Wynne remained in the meeting, participated in debate and voted on the matter.

Councillor Zeltzer declared a Non- Significant, Non-Pecuniary Interest in S&C Item 13.1 R1 (Post Exhibition report on Draft Double Bay Centre Planning & Urban Design Strategy) as Councillor Zeltzer knows former Woollahra Councillor Malcolm Young, former Woollahra Councillor Anthony Boskovitz, and former Woollahra Councillor, Councillor Greg Levensen, all of whom are persons named in the Late Correspondence and all of whom Councillor Zeltzer had previously served on Council with. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Councillor Shapiro declared a Non- Significant, Non-Pecuniary Interest in S&C Item 13.1 R1 (Post Exhibition report on Draft Double Bay Centre Planning & Urban Design Strategy) as Councillor Shapiro knows former Woollahra Councillor, Greg Levenson being a person named in the Late Correspondence. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

Councillor Carmichael declared a Non- Significant, Non-Pecuniary Interest in Item 10.1 Mayoral Minute (Sydney Children's Hospital at Randwick – Support of Paediatric Cardiac Services) as Councillor Carmichael was an employee of Children's Medical Research Institute, which is affiliated with the Westmead Children's Hospital. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

9. Petitions Tabled

Nil

10. Mayoral Minute

Item No: 10.1
Subject: **SYDNEY CHILDREN'S HOSPITAL AT RANDWICK - SUPPORT OF PAEDIATRIC CARDIAC SERVICES**
Author: Richard Shields, Mayor
File No: 23/212198
Purpose of the Report: For Council to note and show our support of keeping these essential and lifesaving services at the Sydney Children's Hospital Randwick.

Note: Councillor Jarvis declared a Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis' daughter is a paediatrician at Westmead Children's Hospital. Councillor Jarvis left the meeting during this item, did not participate in debate and did not vote on the matter.

Note: Councillor Wynne declared a Non- Significant, Non-Pecuniary Interest in this Item as Councillor Wynne worked at the Sydney Children's Hospital Foundation for a number of years. Councillor Wynne remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Carmichael declared a Non- Significant, Non-Pecuniary Interest in this Item as Councillor Carmichael was an employee of Children's Medical Research Institute, which is affiliated with the Westmead Children's Hospital. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Jarvis left the meeting, the time being 6.42pm.

(Shields/Grieve)

233/23 Resolved:

THAT Council:

A. Request the Mayor writes to the:

- i. NSW Premier, the Hon Chris Minns MP, requesting that the NSW State Government restore and maintain an appropriately funded paediatric cardiac surgical program (including cardiac bypass surgery) at the Sydney Children's Hospital Randwick;
- ii. NSW Minister for Health and Medical Research, the Hon Ryan Park MP, requesting that the NSW State Government restore and maintain an appropriately funded paediatric cardiac surgical program (including cardiac bypass surgery) at the Sydney Children's Hospital Randwick; and remind the Minister that he pledged his support, on 27 July 2019, for a "properly funded and resourced" cardiac care facility at Randwick Hospital; and
- iii. The Member for Coogee, Dr Marjorie O'Neill, requesting that the NSW State Government restore and maintain an appropriately funded paediatric cardiac surgical program (including cardiac bypass surgery) at the Sydney Children's Hospital Randwick; and remind the Member that she pledged her support, on 27 July 2019, for a "properly funded and resourced" cardiac care facility at Randwick Hospital.

B. Send a copy of this letter to the Member for Vacluse, the Member for Maroubra, the Member for Sydney, the Member for Wentworth, the Member for Kingsford Smith and the Member for Sydney.

C. Request the Mayor and General Manager seek an urgent meeting with the Minister for Health and Medical Research in relation to this matter.

- D. Note there is to be a Rally on Saturday 2 December 2023 at High Cross Park and the Change.org petition currently in circulation for signatures [Change.org/SaveCardiacatRandwick](https://www.change.org/p/save-cardiac-at-randwick)
- E. Media channels including Facebook, Instagram and the Woollahra Council's website be used to promote the change.org <https://www.change.org/p/restore-cardiac-surgery-at-sydney-children-s-hospital> a petition that requests these services to be saved.

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

For the Motion

Against the Motion

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

Nil

13/0

11. Public Forum

Nil

12. General Manager and Officer's Report

Nil

13. Reports of the Committees

13.1 Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Monday 30 October 2023 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **POST-EXHIBITION REPORT ON DRAFT DOUBLE BAY CENTRE PLANNING AND URBAN DESIGN STRATEGY**
Authors: Chinmayi Holla, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approver: Scott Pedder, Director Planning & Place
File No: 23/171381
Purpose of the Report: To report on the public exhibition of the Draft Double Bay Centre Planning and Urban Design Strategy and seek Council's endorsement.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis knows Michelle Kirk, owner of one of the strata units on New South Head Road, Double Bay. Councillor Jarvis further declared that she knows Lesli Berger, being a person involved in the development of another property on New South Head Road, Double Bay, along with Waverley Councillor, Councillor Will Nemesh who works for Lesli Berger. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Wynne knows former Woollahra Councillor Malcolm Young and former Woollahra Councillor Anthony Boskovitz, both of whom are persons named in the Late Correspondence and both of whom Councillor Wynne had previously served on Council with. Councillor Wynne remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer knows former Woollahra Councillor Malcolm Young, former Woollahra Councillor Anthony Boskovitz, and former Woollahra Councillor Greg Levensen, all of whom are persons named in the Late Correspondence and all of whom Councillor Zeltzer had previously served on Council with. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Shapiro knows former Woollahra Councillor, Greg Levensen being a person named in the Late Correspondence. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

Note: Late Correspondence was tabled by Anne White, Council's Manager Strategic Planning & Place, Sharon Tinant, Rohan Dickson, Malcolm Young, Kathie Grinberg, Eva Santo, Anthony Boskovitz, Amanda Stewart, Suzanne Gartner, Richard Stenlake, Peter Breed, Anthony Tregoning, Nicola Waite & Vasilis Karbouris, Miranda Marshall & Wendy Williams, Maree Dixon, Jasmine Steel, Max & Lois Notley.

Note: Councillor Jarvis returned to the meeting, the time being 6.51pm.

Note: Councillor Swan attended the meeting at 7.55pm.

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

THAT Council:

- A. Receives and notes the submissions received in response to the draft *Cross Street Precinct Planning and Urban Design Strategy*, and the submissions received in response to the *Draft Double Bay Centre Planning and Urban Design Strategy*.
- B. Receive and note the post-exhibition report on the *Draft Double Bay Centre Planning and Urban Design Strategy* and supporting documents.
- C. Endorse the updated *Double Bay Centre Planning and Urban Design Strategy* as provided at **Attachment 1** of the report the Strategic and Corporate Committee meeting of 30 October 2023 and requests staff to prepare a planning proposal to enact the updated *Double Bay Centre Planning and Urban Design Strategy* and report the planning proposal to a future meeting of the Woollahra Local Planning Panel for advice subject to the following changes:
 - i. Increase the proposed height to the review sites on the north side of Knox Street to five storeys, being 18.4m whilst facilitating a 9m setback from Knox Street above the street wall and retaining the 3.5m setback above the street wall to Knox Lane with a corresponding FSR of 3.2:1.
 - ii. Reduce the proposed heights to the review sites on both sides of New South Head Road and Patterson Street to accommodate a five storeys mixed use, shop-top housing, residential and/or commercial development, being 19m with a 3.5m setback from New South Head Road above the street wall and a corresponding FSR of 3.5:1.
 - iii. Remove any reference to the timed right hand turn restrictions into Kiaora Road.

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

THAT Council:

- A. Receives and notes the submissions received in response to the draft *Cross Street Precinct Planning and Urban Design Strategy*, and the submissions received in response to the *Draft Double Bay Centre Planning and Urban Design Strategy*.
- B. Receive and note the post-exhibition report on the *Draft Double Bay Centre Planning and Urban Design Strategy* and supporting documents.
- C. Endorse the updated *Double Bay Centre Planning and Urban Design Strategy* as provided at **Attachment 1** of the report the Strategic and Corporate Committee meeting of 30 October 2023 and requests staff to prepare a planning proposal to enact the updated *Double Bay Centre Planning and Urban Design Strategy* and report the planning proposal to a future meeting of the Woollahra Local Planning Panel for advice subject to the following changes:
 - i. Increase the proposed height to the review sites on the north side of Knox Street to five storeys, being 18.4m whilst facilitating a 9m setback from Knox Street above the street wall and retaining the 3.5m setback above the street wall to Knox Lane with a corresponding FSR of 3.2:1.
 - ii. Reduce the proposed heights to the review sites on both sides of New South Head Road and Patterson Street to accommodate a five storeys mixed use, shop-top housing, residential and/or commercial development, being 19m with a 3.5m setback from New South Head Road above the street wall and a corresponding FSR of 3.5:1.
 - iii. Remove any reference to the timed right hand turn restrictions into Kiaora Road.

- iv. That the recommendation for a development mix of 30 to 40% studio or one bedroom units in new shop top apartment buildings be incorporated in the WLEP.
- v. That the current 2 storey setback for the InterContinental building on Cross Street, (33 Cross Street) is maintained and also incorporated into the WLEP.

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
Councillor Witt

Against the Amendment

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

7/7 Note: *The Amendment was lost on the casting vote of the Mayor.*

The Motion was put and carried.

234/23 (Zeltzer/Jarvis)

Resolved:

THAT Council:

- A. Receives and notes the submissions received in response to the draft *Cross Street Precinct Planning and Urban Design Strategy*, and the submissions received in response to the *Draft Double Bay Centre Planning and Urban Design Strategy*.
- B. Receive and note the post-exhibition report on the *Draft Double Bay Centre Planning and Urban Design Strategy* and supporting documents.
- C. Endorse the updated *Double Bay Centre Planning and Urban Design Strategy* as provided at **Attachment 1** of the report the Strategic and Corporate Committee meeting of 30 October 2023 and requests staff to prepare a planning proposal to enact the updated *Double Bay Centre Planning and Urban Design Strategy* and report the planning proposal to a future meeting of the Woollahra Local Planning Panel for advice subject to the following changes:
 - i. Increase the proposed height to the review sites on the north side of Knox Street to five storeys, being 18.4m whilst facilitating a 9m setback from Knox Street above the street wall and retaining the 3.5m setback above the street wall to Knox Lane with a corresponding FSR of 3.2:1.
 - ii. Reduce the proposed heights to the review sites on both sides of New South Head Road and Patterson Street to accommodate a five storeys mixed use, shop-top housing, residential and/or commercial development, being 19m with a 3.5m setback from New South Head Road above the street wall and a corresponding FSR of 3.5:1.
 - iii. Remove any reference to the timed right hand turn restrictions into Kiaora Road.

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

For the Motion

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

Against the Motion

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

9/6

13.2 Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Monday 20 November 2023 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT URBAN FOREST STRATEGY**
Author: Andrew Simpson, Team Leader - Tree Department
Approvers: Paul Fraser, Manager Open Space & Trees
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/188477
Purpose of the Report: To consider public exhibition submissions and the financial and resourcing implications of adopting the Urban Forest Strategy.
Alignment to Delivery Program: Strategy 7.1: Protect and maintain trees, streetscapes, natural landscapes and biodiversity including the protection and restoration of bushland areas.

Note: Late Correspondence was tabled by Paul Ryan, Council's Chief Financial Officer.

Note: Councillor Witt left the meeting, the time being 8.00pm

Note: Councillor Zeltzer left the meeting, the time being 8.00pm

Note: Councillor Elsing left the meeting, the time being 8.00pm

Note: Councillor Swan left the meeting, the time being 8.00pm.

Note: Councillor Witt returned to the meeting, the time being 8.02pm.

Note: Councillor Elsing returned to the meeting, the time being 8.02pm.

Note: Councillor Zeltzer returned the meeting, the time being 8.03pm.

Note: Councillor Wynne left the meeting, the time being 8.05pm.

Note: Councillor Shapiro left the meeting, the time being 8.10pm.

Note: Councillor Shapiro returned to the meeting, the time being 8.11pm.

(Shapiro/Jarvis)

235/23 Resolved:

THAT Council:

- A. Note the extensive public exhibition process that was undertaken and the submissions received on the draft Urban Forest Strategy.
- B. Adopt the draft Urban Forest Strategy as publicly exhibited.
- C. Subject to adopting Part B above, Council approve funding in the 2023/24 budget for the recruitment of three roles to support the implementation of the Urban Forest Strategy as detailed in this report, being a Program Manager, a Program Support Officer and a Stakeholder Communication / Engagement Support Officer.

- D. Note that potential funding options for the other aspects of delivering and implementing the Urban Forest Strategy will be considered as part of the update of Council's Long Term Financial Plan to take place in the first quarter of the 2024 calendar year.
- E. Further to the community engagement activities outlined in the Urban Forest Strategy, request that the General Manager commence development of a program of community 'Tree Champions' who can assist with the ongoing monitoring, care and maintenance of new trees. The program, which will involve induction and training of community members, should seek to draw on and expand Council's existing network of volunteers.

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

For the Motion

Against the Motion

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

Nil

13/0

Item No: R2 Recommendation to Council
Subject: **CROSS STREET CAR PARK REDEVELOPMENT - OPTIONS FOR PROCEEDING (CONFIDENTIAL REPORT)**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/211204
Purpose of the Report: To provide an update on the progress of negotiations with the preferred development partner for the Cross Street Project
Alignment to Delivery Program: Strategy 9.1: Collaborating to achieve positive outcomes in our local centres which are hubs for jobs, shopping, dining and entertainment.

(Zeltzer/Shapiro)

236/23 Resolved:

THAT Council:

- A. Note this confidential report on the Cross Street Carpark redevelopment and a further confidential report will be provided to Council in February 2024 confirming the recommended delivery option for the project.
- B. That the report remain confidential until signing of a binding contract with a development partner.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Zeltzer

Against the Motion

Councillor Elsing
Councillor Regan
Councillor Silcocks
Councillor Witt

9/4

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).

Note: Councillor Wynne returned to the meeting, the time being 8.28pm.

General Item No: 15.1 Digital Literary Award
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

I was very lucky to have been involved in the Digital Literary Awards last week which is a national event and I thoroughly enjoyed the evening. It was an evening facilitated by Ms Occelli's staff. There were three judges of the prizes in attendance and the facilitation from Council staff to have a really great conversation about digital literary elements and the different categories that were awarded, but what is most impressive about this event is that it is a national event. So we had finalists and winners from across Sydney and across the country. It was a fantastic event and I had a really good time and the attendees also had an amazing time as well.

General Item No: 15.2 SSROC & Re-Election of Councillor Wynne as Junior Vice President
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

I hosted SSROC Ordinary Meeting and AGM which I'm very proud to report that our own Councillor Wynne was re-elected Junior Vice President. I'm very proud to have voted for Councillor Wynne, although it wasn't actually a contested ballot, it was very well orchestrated by the Chair. So Councillor Wynne is the Junior Vice President of SSROC, I think she should be, at the bare minimum, the Senior Vice President.

General Item No: 15.3 Brenda (Dutchie) Backhouse Portrait
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

A quick update on the portrait that is being painted for Brenda (Dutchie) Backhouse. Dutchie Backhouse, as Councillors will know, is the first female Mayor and the first female Mayor to trail-blaze for other exceptional female mayors to follow and I'm looking at a number of exceptional female mayors that have followed the lead of Mayor Backhouse. The portrait was a motion that was passed and moved formally last week, so moving ahead. The staff have selected an artist and the intention will be to unveil this portrait on International Women's Day next year.

General Item No: 15.4 Hanukkah Celebration at Parliament House
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro advised:

Last week I attended the annual pre-Hanukkah celebration at Parliament House which is always hosted by Multicultural NSW, always an excellent well attended event. It is held at one of the final sitting weeks of the year, so that members of both houses can attend and there were plenty in attendance. Excellent speeches by both the Premier and the Leader of the Opposition who all firstly spoke of about the current rise of anti-Semitism, also the importance, the message of Hanukkah, which is that of the kindling of the lights, which brings light into darkness and with it brings a message of hope, so that is currently such an important message.

I know we will be celebrating the actual Hanukkah in, I think it begins next week, the 7 of December, but the story of the miracle of the Hanukkah light that there was only enough oil for one night, but it actually burnt for 8 nights. It also tells a story of freedom and in the face of darkness, some of which we are experiencing at the moment, it really is an important story to add hope and light.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

General Item No: 15.5 Congratulating Dave Sharma
Tabled by Councillor: Councillor Carmichael

Councillor Carmichael advised:

I wanted to rise to congratulate a dear friend and former Federal Member for Wentworth, Dave Sharma on his pre-selection success yesterday for the NSW Senate. He is an incredibly bright individual who is very well known to many of us in the Eastern Suburbs, he's a great friend of Woollahra and I feel a little bit more confident about the future direction of our country with minds like him in our Parliament, so thank you for the indulgence.

The Mayor, Councillor Shields in response:

Thank you, Councillor Carmichael.

General Item No: 15.6 Bush Regeneration Volunteers/Bike Tune-Up & Pop-Up Library
Tabled by Councillor: Councillor Grieve

Councillor Grieve advised:

On Saturday I represented, which was a great honour, my first gig representing you at the Bush Regeneration Christmas Party, which was extremely well-attended. We had a range of ages from 10 - 88, all active members of the volunteer Bush Regenerators (regenerators). We cover all corners of the Municipality, some of the volunteers come from out of area, and come regularly and help here. It was extremely interesting, you always learn something. It makes a great day when you hang out with Bush Regenerators, there's always something new you learn.

On Sunday I was walking my dog and went past the phenomenal, very successful bike tune-up and it was also accompanied by a pop-up library, which was fantastic. So, while I was there, there were 8 bikes waiting to be serviced, tuned-up and the library was over underneath the trees, entertaining the kids while people were waiting for their tune-up.

A huge shout-out to Michelle Rose and Mitchell Kirsch for all the work, they were extremely busy, there were lots of people. They had the Woollahra e-bike there for people to hop on and have a little spin around the basketball court, it was fantastic. Also a shout out to Bridget and Jen from the Library who did an amazing job entertaining and bringing the Library to a wider community. I just wanted to say congratulations to the staff for doing this work on the weekend, it's really important to reach out bringing the community. Being out there, this is why we do this job, this reasonably underpaid job, getting out there with the community and hearing from them and seeing the wonderful work that they do, particularly the Bush Regen volunteers that are amazing. I believe the dollar value of the volunteers was over \$120,000 for last year, so it's not insubstantial what they deliver to the Council and it's really lovely.

We all received a beautiful tea towel with the design of the *Acacia terminalis*, which is the Sunshine wattle for those that don't do Latin and it was designed by one of our Bush Regener's Josephine (Bridge). Council now owns the image, so we all now have a tea towel, a small gift. Thank you.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

General Item No: 15.7 Recognition of Mark Sinclair
Tabled by Councillor: Councillor Jarvis

Councillor Jarvis advised:

Thank you, your Worship. Last week I had the honour of attending the recognition of Mr Mark Sinclair, as he completed his term as Chair of the Board of Kincoppal. Not only is Mark a local resident in my Ward, but he has shown dedicated leadership to the Kincoppal community over many years and I just want to publicly acknowledge that. Because it's the likes of people like him who seek no reward, except for the fact it's furthering our community that we are very fortunate to have people of that ilk and in the same vein. Sister Mary Shanahan was there, who's one of the most extraordinary women that you will ever meet, who turns 95 this week. She, as well as Lynette Toomey, as well as existing board members and past board members were at the dinner. So thank you again to people like Mark Sinclair, who make such an incredible contribution quietly and behind the scenes in our community.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.8 Young Scientist / Acknowledgement of Councillor Grieve
Tabled by Councillor: Councillor Witt

Councillor Witt advised:

I'd just like to mention Sunday a week ago I attended the Young Scientist selection in Parsley Bay and I just wanted to shout-out to Jessica Nguyen PhD student who also went to Rose Bay Secondary School and she is doing her PhD on how to control the spiny sea urchin, which is actually decimating a lot of habitat in our Harbour and through her research she has discovered that the blue groper is one of the most effective predators, but is still being fished by recreational line fishermen, often unknowingly because it doesn't actually look like a groper when it is young, it's only when it becomes a female. But it's another reason why establishing a marine sanctuary for Sydney Harbour would be extremely worthwhile. I'd also like to mention that the sea kelp has come back, they are referred to as the trees of the ocean and they are actually thriving now in Parsley Bay and the white seahorses are living in the little hotels. It does protect them, but they are also thriving and doing really well, so I just wanted to do a shout-out.

Also to acknowledge Councillor Grieve because I know she has been working very diligently with Sydney Water to get a better outcome for the sewerage treatment plant down there, and with a number of volunteers trying to improve the design, because it's such an extraordinarily rich in terms of biodiversity and it's also extremely sensitive and I was reminded back in the 1990s with the assistance of Woollahra Council dredged Parsley Bay and got rid of all the toxic sediment and really encouraged the sea life to return to that area.

The Mayor, Councillor Shields in response:

Thank you, Councillor Witt.

General Item No: 15.9 Congratulations to Staff on the Vacluse Bowling Club
Tabled by Councillor: Councillor Wynne

Councillor Wynne advised:

Thank you to you Your Worship. I would just like to congratulate staff, for anyone that has not walked by Vacluse Bowling Club of late I walked past very early this morning and it looks absolutely outstanding and the planting that wasn't done last week will be finishing today or tomorrow. I cannot believe how it has completely transformed that space and I want to thank and all involved and encourage all Councillors to go and have a look at it. It is now very, very accessible for all people with disabilities and that is probably the best outcome and aesthetically it looks fantastic.

The Mayor, Councillor Shields in response:

Thank you, Councillor Wynne.

General Item No: 15.10 Transgender Day of Remembrance
Tabled by Councillor: Councillor Price

Councillor Price advised:

Thanks very much, Mr Mayor. Just very briefly, I just wanted to mention that I attended the Trans Day of Remembrance at the Marrickville Library and Pavilion last week. For those of you who don't know, November 20 is the Trans Day of Remembrance, and it's really to remember those that have been murdered or suffered violence as a result of transphobia. The day was founded to, I suppose, draw attention to continued violence that is directed towards transgender people in our community. It was a solemn occasion at the Marrickville Library, at the Pavilion. It's a beautiful library, for those that haven't been beautiful to see and a wonderful facility and it was wonderful to see so many members of the transgender community and their allies, to support the community. As well as it being a solemn occasion it is also, I felt, a day to also celebrate the resilience and to celebrate our transgender community.

The Mayor, Councillor Shields in response:

Thank you, Councillor Price.

16. Notices of Motion

Item No: 16.1
Subject: **NOTICE OF MOTION - THE VOICE REFERENDUM**
From: Councillors Harriet Price, Matthew Robertson, Susan Wynne and Toni Zeltzer
Date: 16 November 2023
File No: 23/212310

(Price/Robertson)

237/23 Resolved:

THAT Council:

A. Notes:

1. Its resolution of 27 March 2023 to support the Uluru Statement from the Heart in full (Truth, Treaty, Voice) and the Voice to Parliament (the Yes Vote).
2. Its further resolutions of 8 May, 26 June and 10 July 2023:
 - i. To provide content and education to the community in understanding the YES Strategy;
 - ii. To support the La Perouse Local Aboriginal Land Council and promote their position on the Referendum;
 - iii. For Council staff to provide opportunities for greater cultural awareness and truth telling, including arranging events, discussions and exhibitions; and
 - iv. To raise general community awareness about the referendum.
3. Its adoption of the Reflect Reconciliation Plan (RAP) of 27 September 2022.
4. Its close ties with the La Perouse Local Aboriginal Land Council, the Gujaga Foundation and the Gamay Rangers.
5. That on 14 October 2023, a majority of Australians voted against a proposal to recognise our Aboriginal and Torres Strait Islander peoples in the Constitution and enshrine that recognition as an Aboriginal and Torres Strait Islander Voice.
6. In the Federal Electorate of Wentworth (which has comparable boundaries to the Woollahra Municipality), the vote for 'YES' was 62%.
7. That 6.2 million Australians voted to recognise Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia by enshrining an Aboriginal and Torres Strait Islander Voice in our nation's Constitution.
8. Consistent with the Statement from Reconciliation Australia the referendum loss should be seen as a stepping stone on the path to progress, justice and equality for Aboriginal and Torres Strait Islander people.
9. The harmful impact of the Referendum campaign and result on many Aboriginal and Torres Strait Islander people.

- B.** Thanks Australians, including the majority of Woollahra residents, who said 'YES' to the referendum question.

- C. Council commends the many volunteers across Australia, and specifically those within the Woollahra Municipality, who worked tirelessly for a 'YES' vote, including the many volunteers for Wentworth for the Voice.
- D. Requests that the General Manager consults and engages with the La Perouse Local Aboriginal Land Council, the Gujaga Foundation and the Gamay Rangers and any other relevant organisations:
- i. about ways Council could support the mental health of those affected by the Referendum campaign and result; and
 - ii. on how best Council can listen to and be guided by Aboriginal and Torres Strait Islander people on matters relating to them.
- E. Resolves that the Mayor be requested to write to the NSW Premier requesting that when he consults with First Nations communities on a Treaty process for NSW that he will ensure it involves local government.

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

For the Motion

Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Shapiro
Councillor Shields

8/6

Item No: 16.2
Subject: NOTICE OF MOTION - MARINE LADDER AT YARRANABBE PARK WHARF
From: Councillors Richard Shields, Sarah Swan and Mark Silcocks
Date: 16 November 2023
File No: 23/212321

(Shields/Silcocks)

238/23 Resolved without debate:

THAT Council request the General Manager to prepare a report on the feasibility of attaching a marine grade ladder or stair to the public wharf at Yarranabbe Park, Darling Point, with the report to consider the following:

- i. Costs of installation
- ii. Risk
- iii. Timeframe for installation (noting a preference for the structure to be in place for the coming summer season).

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

For the Motion

Against the Motion

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

Nil

14/0

Item No: 16.3
Subject: NOTICE OF MOTION - DILLON STREET RESERVE AKA GUGARA PARK
From: Councillors Matthew Robertson, Harriet Price and Peter Cavanagh
Date: 21 November 2023
File No: 23/214814

(Robertson/Price)

239/23 Resolved:

THAT Council:

A. Notes that:

1. On 9 June 2020, the Finance, Community Services Committee resolved to endorse a concept plan to upgrade the Dillon Street Reserve with a new playground;
2. The new playground is operational and on 31 October 2022, Council resolved to adopt 'Gugara Park' as the new name for the Dillon Street Reserve (subject to endorsement from the Geographical Names Board);
3. In July 2023, it adopted a 'Play Space Strategy' and Council resolved as an Action item to: 'Investigate better amenity for play areas, such as shade options for playground with high sun exposure and better provision of toilet facilities for playgrounds where appropriate.';
4. The new playground has been a successful and very popular addition to the play spaces of the Municipality, with new equipment, new footpaths, picnic settings and garden beds;
5. The new playground attracts many locals and visitors alike; and
6. There are concerns in the community about the need for toilet facilities.

B. Resolves that:

1. The General Manager prepares a report considering the need (or otherwise) to provide toilet facilities in Gugara Park, including estimated costs (both capital works and ongoing maintenance);
2. Funding for any recommended toilet facilities be considered by staff and Council as part of the 2024/25 Budget process; and
3. Council staff explore and apply for any grant funding to deliver any new recommended measures.

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

For the Motion

Against the Motion

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

Nil

14/0

17. Questions With Notice

(Wynne/Zeltzer)

240/23 Resolved:

THAT the Questions with Notice be received and noted.

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

For the Motion

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

Against the Motion

Nil

14/0

QWN: 17.1
From: Councillor Price
Subject: Questions with Notice - Housing Targets

Councillor Price asking:

On 20 November 2023, the Sydney Morning Herald published an article entitled:

“Daniel Mookhey says Sydney’s east must take more housing. Here’s why“



Can the Director please:

1. Outline Council’s current housing targets and how those housing targets are set; and
2. Confirm the extent to which Council has met those targets.

Director Planning & Place in response:

Refer to Late Correspondence prepared in relation to Item 13.1 R1.

QWN: 17.2
From: Councillor Witt
Subject: Questions with Notice - Amended Double Bay Commercial Centre Planning & Urban Design Strategy

Councillor Witt asking:

1. How can the right mix of commercial and residential development in the Double Bay Commercial Centre be achieved?
2. The amended Double Bay Centre Planning and Urban Design Strategy says that development on New South Head Road in the Double Bay Commercial Centre will be rezoned for commercial only. Will this requirement be included as an amendment to the Woollahra Local Environment Plan (WLEP)?
3. Is Staff concerned about an over capacity of commercial space in the Double Bay Commercial Centre going forward given the number of commercial only developments either already approved or under construction in Double Bay?
4. Will the amended Double Bay Planning Strategy be accompanied by a projection of how much additional parking will be required to accommodate the proposed uplift in the height and FSR controls in the commercial centre?
5. Is the STC Consulting Double Bay Transport Study's (29 July 2020) estimate of an 1,196 additional car parking spaces being necessary to support 6 storeys throughout most of the centre still accurate?
6. Will future DAs for commercial buildings in Double Bay be approved if they don't include adequate parking provisions - noting that a DA for a 6 storey building at 55 Bay Street was recently approved even though it only provides for 4 car parking spaces, 19 spaces short of the 23 required?
7. Does the Council staff have data on the number of spaces in the Cross Street Car Park that are currently leased out on a monthly basis to office and retail staff?
8. Is Staff concerned that the Double Bay Commercial Centre is at or near peak car parking capacity, noting that the DA assessment report for the most recent DA for 49 & 51 -53 Bay Street, for example, cited lack of parking in the area as one of the main reasons for refusal:

This area is surrounded by retail and commercial premises that rely heavily on kerbside parking and is already under intense parking pressure.

This opinion was reinforced in the WLPP decision (see WLPP minutes, 20 April 2023), which said:

The undersupply of on-site car parking will have an unacceptable impact upon the existing street parking in the locality which is already under intense pressure and demand.

9. Will traffic modelling be done to ensure that Gumtree Lane, Short Street and New South Head Road can cope with the anticipated uplift in car movements into Gumtree Lee from New South Head Road, given that all of the sites on the eastern side of Bay Street between New South Head Road and Short Street have now being identified for amalgamation and for an uplift in their height and FSR controls?

10. Do recent wins in the LEC give staff confidence that the LEC will enforce the DCPs? In Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council [2023] NSWLEC 1005), for example, at paragraph 30 the Commissioner said:

The proposed development does not comply with the building envelopes, setbacks, height and articulation zones depicted in the control drawing. It is five storeys in height rather than four, and presents with a four-storey street wall to Bay Street with zero setback rather than providing the 3.5m articulation zone for the first three storeys and the additional 2.4m setback of the fourth storey with a 3.5m articulation zone. Similarly, on the Gumtree Lane presentation, it does not comply with the 8m setback for the third and fourth storey, and instead has a 4m setback for the third and fourth storeys.

11. What confidence do Staff have that the 4 storey height control on the northern side of Knox Street will be upheld by the LEC given that two DAs for 6 storey buildings on Knox Street - 3 Knox Street and 31-37 Knox Street - are currently under appeal?
12. Are any controls being retained and/or proposed to maintain the village-like character of Bay Street, noting that the Element Environment report said that the Bay Street character buildings were still worthy of some form of protection:

The Heritage Review noted that several positive characteristics of the remaining 'character buildings' along Bay Street (south) contributed to the heritage significance and historical character of the area. The Review considers that recent approvals will substantially detract from the historic and aesthetic significance of Bay Street (south) and listing the area as a heritage conservation area (HCA) is not appropriate. However, the Reports also state that this does not mean that the character buildings and other historic and architecturally distinct buildings are not worth protecting (see page 147 of the Agenda).

13. Has Staff received confirmation from the Department of Planning that the amended Double Bay Planning Strategy will be approved even though it will lead to a reduction in the projected number of net new dwelling targets?

Table 3: Indicative total yield of the review sites

Yield (Estimated)	Existing development	Current applicable controls	Final Strategy Proposed Controls
Minimum non-residential uses total GFA (m ²)	41,850	40,135	74,4000
Residential uses Total GFA (m ²)	6470	36,206	28,000
Number of dwellings (Based on 100m ²)	64	366	280
Maximum non- residential parking spaces	627	602	1,116
Maximum residential parking spaces	64	366	280

14. Will the Local Housing Strategy be amended to reflect that the Double Bay Commercial Centre is no longer being identified as an area where planning controls can be uplifted to meet net new dwelling targets beyond 2026?
15. Could the staff advise about whether any modelling has been done on the projected growth rate in net new dwellings in Double Bay's surrounding R3 zones over the next ten years?

16. Has similar modelling on the projected growth rate in net new dwellings been done for the R3 zones in Woollahra, Bellevue Hill and Rose Bay?
17. Could staff advise whether controls will be introduced in the WLEP to facilitate "a minimum requirement for a development mix i.e. 30 - 40% of all dwellings to be provided as a studio or one-bedroom apartments within the Centre" as recommended in The Double Bay Community Impact Statement?

Director of Planning & Place & Manager Strategic Planning & Place in response:

Refer to Late Correspondence prepared in relation to Item 13.1 (R1) – Draft Double Bay Centre Planning and Urban Design Strategy.

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 9.05 pm.

We certify that the pages numbered 899 to 929 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 27 November 2023 and confirmed by the Ordinary Meeting of Council on 11 December 2023 as correct.

General Manager

Mayor