



Ordinary Council

Monday 12 February 2024

6.30pm

Agenda



Council Meeting

Council will be holding Council (i.e. Ordinary and Extraordinary) meetings with the Mayor, Councillors and staff participating in person.

Members of the public are invited to attend the Council meeting in person on watch and/or listen live (via Council's website). Public participation online or by phone will be managed in accordance with meeting procedures.

Members of the public may also submit late correspondence. Instructions on how to do this are provided below:

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
- **To submit late written correspondence (submit by 10.00am on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting.

Members of the public may also request to address Council meeting via the Public Forum mechanism as outlined in the Code of Meeting Practice, by using the relevant registration form available on Council's website – www.woollahra.nsw.gov.au

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An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

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By using conferencing technology or by teleconference, listening and/or speaking at Council meeting members of the public consent to their voice, image and personal information (including name and address) being recorded and publicly available on Council's website. Councillors, staff and members of the public are advised that meeting are being lived streamed, accessible via a link from Council's website.

By addressing a Council meeting, members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website.

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Ordinary and Extraordinary Council Meeting Membership: 15 Councillors (including the Mayor)

Quorum: The quorum for Council meeting is 8 Councillors

Woollahra Municipal Council

Notice of Meeting

8 February 2024

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

Dear Councillors,

Ordinary Council – 12 February 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 12 February 2024 at 6.30pm.**

Members of the Public may:

- Register to address the meeting (via Zoom or in Person) by completing the relevant form available on Council's website: https://www.woollahra.nsw.gov.au/council/meetings_and_committees/having_your_say_at_meetings and email the completed form to records@woollahra.nsw.gov.au **by 10.00am on the day of the meeting.**
- Submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**

Watch and listen to the meeting live via Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/council_meetings/council_agendas_and_minutes.

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting Agenda

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

Item No: 5.1
From: Councillor Matthew Robertson
File No: 24/21094
Purpose of the Report: Seeking Leave of Absence for all meetings of the Council and its Committees from 12 February 2024 to 26 February 2024 inclusive.

Recommendation:

THAT Council grant Leave of Absence for all meetings of the Council and its Committees to Councillor Matthew Robertson for the period from 12 February 2024 to 26 February 2024 inclusive.

6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION COUNCIL MINUTES - 11 DECEMBER 2023
Author:	Sue O'Connor, Governance Officer
File No:	23/235576
Purpose of the Report:	The Minutes of the Council of 11 December 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.
Recommendation:	

THAT the Minutes of the Council Meeting of 11 December 2023 be taken as read and confirmed.

Executive Summary:

This report presents the Council Meeting Minutes of 11 December 2023 for confirmation by the Council Meeting.

Discussion:

Submission of minutes to the Council is a procedural matter.

The minutes of the meeting are presented as **Attachment 1** for confirmation by the Council.

Options:

Submission of minutes to the Council Meeting is a procedural matter for the adoption of the minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The minutes are presented for confirmation by the Council Meeting.

Attachments

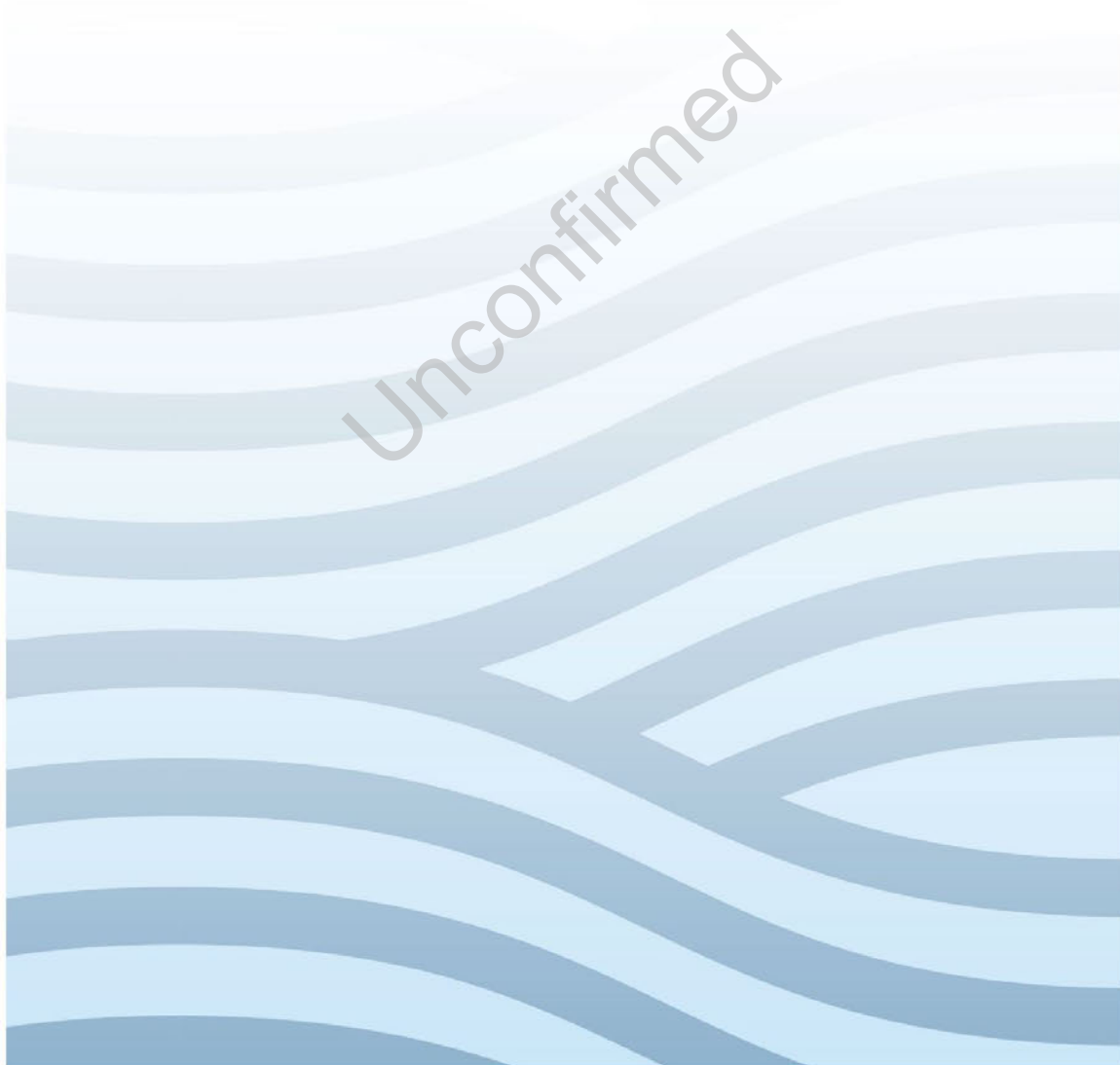
1. Unconfirmed Council Minutes - 11 December 2023 [↓](#) 



Ordinary Council

Monday 11 December 2023
5.30pm

Minutes



Ordinary Council Meeting

Monday 11 December 2023

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Items Determined Under Delegated Authority by Council Committees

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

Finance, Community & Services Committee held on Monday 04 December 2023

- D1 Confirmation of Minutes of Meeting held on 6 November 2023
- D2 Woollahra Local Traffic Committee Minutes - 7 November 2023
- D3 Confirmation of Minutes of Public Art Panel - 24 November 2023

Environmental Planning Committee held on Monday 04 December 2023

- D1 Confirmation of Minutes of Meeting held on 6 November 2023

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

11 December 2023

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 11 December 2023 at 5.30pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael (via zoom) (left the meeting at 6.40pm)
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis (joined at 5.38pm during Item 8 – Disclosures of Interest)
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne
Toni Zeltzer

Staff: Rhys Johnson (Governance Coordinator)
Alison McNamee (Meetings Officer)
Sue Meekin (Director – Corporate Performance)
Patricia Occelli (Director – Community & Customer Experience)
Sue O'Connor (Governance Officer)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Risk)

Also in Attendance: Nil

Note: The Meeting was adjourned at 5.37pm and reconvened at 5.41pm.

1. Opening

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

2. Prayer

The Mayor read the Prayer:

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

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

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

The Mayor read the following Acknowledgement of Country:

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

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

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

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

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

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

General Item No: 5.1 Audio Visual Link

(Wynne/Zeltzer)

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 11 December 2023 via Audio-Visual Link:

- Councillor Carmichael.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

11 December 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 Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

13/0

6. Confirmation of Minutes

Item No: 6.1
Subject: CONFIRMATION MINUTES COUNCIL - 27 NOVEMBER 2023
Author: Sue O'Connor, Governance Officer
File No: 23/221385
Purpose of the Report: The Minutes of the Council of 27 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.
(Silcocks/Wynne)

230/23 Resolved:

THAT the Minutes of the Council Meeting of 27 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 Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

13/0

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7. Late Correspondence

Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item EP 13.1 Item R1.

8. Disclosures of Interest

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in Item EP R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) – Controls for Gas Appliances and Solar Energy Systems) as Councillor Robertson knows Professor Donald White and David Howarth both people are members of the Woollahra Greens and were named in the submissions. Councillor Robertson remained in the meeting, participated in debate and voted on the matter.

Councillor Grieve declared a Non-Significant, Non-Pecuniary Interest in Item EP R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) – Controls for Gas Appliances and Solar Energy Systems) as Councillor Grieve knows Professor Donald White and David Howarth both people are members of the Woollahra Greens and were named in the submissions. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in Item EP R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) – Controls for Gas Appliances and Solar Energy Systems) as Councillor Swan knows the following people who submitted late correspondence, Dr Thomas Barlow (from All-Saints Church) and Nick Bury, a fellow-member of the Liberal Party. Councillor Swan further declared that she also knows Janet Barlow who was a speaker on this item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in Item EP R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) – Controls for Gas Appliances and Solar Energy Systems) as Councillor Shapiro knows the following people who submitted late correspondence, Dr Thomas Barlow and Nick Bury, a fellow-member of the Liberal Party. Councillor Shapiro further declared that she also knows Janet Barlow who was a speaker on this item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. 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 EP R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) – Controls for Gas Appliances and Solar Energy Systems) as Councillor Carmichael knows the following people who submitted late correspondence, Dr Thomas Barlow and Nick Bury, a fellow-member of the Liberal Party. Councillor Carmichael further declared that he also knows Janet Barlow who was a speaker on this item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in Item EP R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) – Controls for Gas Appliances and Solar Energy Systems) as Councillor Jarvis knows the following people who submitted late correspondence, Dr Thomas Barlow and Nick Bury, a fellow-member of the Liberal Party. Councillor Jarvis further declared that she also knows Janet Barlow who was a speaker on the item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

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Ordinary Council Meeting Minutes

11 December 2023

9. Petitions Tabled

Nil

10. Mayoral Minute

Nil

11. Public Forum

Nil

Unconfirmed

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Ordinary Council Meeting Minutes

11 December 2023

12. General Manager and Officer's Report

Item No: 12.1
Subject: **MODEL CODE OF CONDUCT COMPLAINT STATISTICS -
1 SEPTEMBER 2022 TO 31 AUGUST 2023**
Author: Helen Tola, Manager Governance & Risk
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/221669
Purpose of the Report: To present a report to Council a report on the Model Code of Conduct Complaints Statistics for the period 1 September 2022 to 31 August 2023.
Alignment to Strategy 11.3: Ensure effective and efficient governance and risk
Delivery Program: management.

(Shapiro/Swan)

231/23 Resolved without debate:

THAT Council:

- A. Receive and note the Model Code of Conduct Complaints Statistics - 1 September 2022 to 31 August 2023 report presented as **Attachment 1**.
- B. Note that a copy of the Model Code of Conduct Complaints Statistics - 1 September 2022 to 31 August 2023 report will be forwarded to the Office of Local Government NSW in accordance with the requirements under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

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 Wynne
Councillor Zeltzer

Nil

14/0

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11 December 2023

Item No: 12.2
Subject: **FEASIBILITY OF INSTALLING A MARINE LADDER TO YARRANABBE PUBLIC WHARF**
Author: Paul Fraser, Manager Open Space & Trees
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/224876
Purpose of the Report: To respond to Notice of Motion – Marine Ladder at Yarranabbe Park Wharf
Alignment to Delivery Program: Strategy 5.2: Provide and maintain safe, clean, serviceable public infrastructure including roads, footpaths, bicycle facilities, parks, open spaces, stormwater drains and seawalls.

(Swan/Silcocks)

232/23 Resolved:

THAT Council:

- A. Proceed with the installation of a marine ladder on the Yarranabbe Park public wharf, subject to satisfactory outcome of a risk assessment.
- B. Note that, should the risk assessment noted in Part A. determine that significant additional measures are required to proceed with the proposal, a further report will be presented to the first Council meeting of 2024 outlining these requirements and the costs involved.

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 Wynne
Councillor Zeltzer

Nil

14/0

13. Reports of the Committees

13.1 Environmental Planning Committee

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

Item No:	R1 Recommendation to Council
Subject:	POST EXHIBITION REPORT FOR DRAFT DCP (AMENDMENT NO. 25) - CONTROLS FOR GAS APPLIANCES AND SOLAR ENERGY SYSTEMS
Authors:	Wai Wai Liang, Strategic Planner Lyle Tamlyn, Acting Team Leader Strategic Planning Tristan Ryan, Senior Strategic Heritage Officer Mitchell Kirsch, Sustainability Projects Officer Micaela Hopkins, Team Leader Environment & Sustainability
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	23/213215
Purpose of the Report:	To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment 25) on proposed controls for gas appliances and amended controls for solar energy systems, and to seek Council's approval for finalisation.
Alignment to Delivery Program:	Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.
Note:	Late Correspondence was tabled by Anne White, Council's Manager Strategic Planning & Place, Lyle Tamlyn, Council's Acting Team Leader Strategic Planning, Willea Ferris, Dr Thomas Barlow and Nick Bury.
Note:	Councillor Robertson declared a Non- Significant, Non-Pecuniary Interest in this Item as Councillor Robertson knows Professor Donald White and David Howarth both people are members of the Woollahra Greens and were named in the submissions. Councillor Robertson remained in the meeting, participated in debate and voted on the matter.
Note:	Councillor Grieve declared a Non- Significant, Non-Pecuniary Interest in this Item as Councillor Grieve knows Professor Donald White and David Howarth both people are members of the Woollahra Greens and were named in the submissions. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.
Note:	Councillor Swan declared a Non- Significant, Non-Pecuniary Interest in this Item as Councillor Swan knows the following people who submitted late correspondence, Dr Thomas Barlow (from All-Saints Church) and Nick Bury, a fellow-member of the Liberal Party. Councillor Swan further declared that she also knows Janet Barlow who was a speaker on this item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. Councillor Swan 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 the following people who submitted late correspondence, Dr Thomas Barlow and Nick Bury, a fellow-member of the Liberal Party. Councillor Shapiro further declared that she also knows Janet Barlow who was a speaker on this item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. Councillor Shapiro 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 knows the following people who submitted late correspondence, Dr Thomas Barlow and Nick Bury, a fellow-member of the Liberal Party. Councillor Carmichael further declared that he also knows Janet Barlow who was a speaker on this item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Jarvis declared a Non- Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis knows the following people who submitted late correspondence, Dr Thomas Barlow and Nick Bury, a fellow-member of the Liberal Party. Councillor Jarvis further declared that she also knows Janet Barlow who was a speaker on the item at the Environmental Planning Committee of 4 December 2023, a fellow-member of the Liberal Party and the wife of Dr Thomas Barlow. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Note: The Mayor, Councillor Shields vacated the Chair for consideration of this Item, the time being 5.54pm.

Note: The Deputy Mayor, Councillor Swan assumed the Chair.

Note: Councillor Wynne left the meeting, the time being 6.32pm.

Note: Councillor Wynne returned to the meeting, the time being 6.34pm.

**Motion moved by Councillor Shields
Seconded by Councillor Zeltzer**

THAT Council:

- A. Note the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment 25)* on proposed controls for gas appliances and amended controls for solar energy systems.
- B. Approve the *Draft Woollahra Development Control Plan 2015 (Amendment 25)* at **Attachment 1** of the report to the Environmental Planning Committee of 4 December 2023, subject to only approving the amendments relating to solar energy systems and deleting any amendments to controls relating to indoor gas appliances.

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

THAT Council:

- A. Note the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment 25)* on proposed controls for gas appliances and amended controls for solar energy systems.
- B. Approve *Draft Woollahra Development Control Plan 2015 (Amendment 25)* at **Attachment 1** of the report to the Environmental Planning Committee of 4 December 2023.

The Amendment was put and lost on a casting vote of the Deputy Mayor, Councillor Swan.

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

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

The Motion was put and carried.

(Shields/Zeltzer)

233/23 Resolved:

THAT Council:

- A. Note the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment 25)* on proposed controls for gas appliances and amended controls for solar energy systems.
- B. Approve the *Draft Woollahra Development Control Plan 2015 (Amendment 25)* at **Attachment 1** of the report to the Environmental Planning Committee of 4 December 2023, subject to only approving the amendments relating to solar energy systems and deleting any amendments to controls relating to indoor gas appliances.

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 Wynne
Councillor Zeltzer

Against the Motion

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

*7/7 * Note: The Motion was carried on the casting vote of the Deputy Mayor, Councillor Swan.*

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Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL TO LIST LAPIN HOUSE AS A LOCAL HERITAGE ITEM**
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: 23/205936
Purpose of the Report: To report on the public exhibition of the planning proposal to list Lapin House at 2C Dumaresq Road, Rose Bay as a local heritage item.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

Note: The Deputy Mayor, Councillor Swan vacated the Chair, the time being 6.38pm.

Note: The Mayor, Councillor Shields resumed the Chair, the time being 6.38pm.

(Swan/Shapiro)

234/23 Resolved without debate:

THAT Council:

- A. Finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 4 December 2023 to list "*Lapin House*" – *house and interiors* at 2C Dumaresq Road, Rose Bay (Lot A DP 33652) as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- 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 Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R3 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.

(Swan/Shapiro)

235/23 Resolved without debate:

THAT Council:

- A. Notes the public exhibition process that was undertaken and the submissions received on the draft Fig Tree Management Plan.
- B. Adopt the proposed Management Plan for publicly owned Fig trees, which includes an amendment to Council's Tree Management Policy.

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 Wynne
Councillor Zeltzer

Nil

14/0

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13.2 Finance, Community & Services Committee

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

Item No: R1 Recommendation to Council
Subject: **ROAD LEASE FOR RENEWAL AT 11 QUEENS AVENUE, VAUCLUSE (SC6948)**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Luigi Signorelli, Building Facilities & Projects Officer
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/202782
Purpose of the Report: To further consider the renewal of a Road Lease for a road reserve portion at 11 Queens Avenue, Vaucluse
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Swan)

236/23 Resolved without debate:

THAT Council:

- A. In accordance with Section 157 of the Roads Act, 1993 grant the owner 11 Queens Avenue, Vaucluse a Road Lease for occupation of an estimated 30 sqm portion of Council's road reserve adjoining 11 Queens Avenue; subject to the following terms and conditions:
- i. Lease term of 5 years.
 - ii. Payment of a lease commencement rent of \$3,000 per annum excl GST; with an annual review to CPI.
 - iii. Public Liability insurance of minimum \$20 Million.
 - iv. The Applicant agreeing to pay all Council's costs not limited to valuation and legal fees associated with the lease preparation.
- B. Resolve that the General Manager be authorised to execute all documents required to finalise this matter.

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 Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R2 Recommendation to Council
Subject: **DRAFT CUSTOMER EXPERIENCE STRATEGY**
Author: Anthony Crimmings, Manager Customer Experience
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 23/220650
Purpose of the Report: To endorse the Draft Customer Experience Strategy
Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

(Zeltzer/Swan)

237/23 Resolved without debate:

THAT Council:

- A. Notes the Draft Customer Experience Strategy was placed on public exhibition for a period of 28 days with 4 submissions received.
- B. Notes no changes are recommended based on the submissions.
- C. Endorse the Draft Customer Experience Strategy.

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 Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R3 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 31 OCTOBER 2023
INVESTMENTS HELD AS AT 30 NOVEMBER 2023**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 23/211620
Purpose of the Report: To present the monthly financial report for October 2023 and to present a list of investments held as of 30 November 2023.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Swan)

238/23 Resolved without debate:

THAT Council:

- A. Receive and note the Monthly Financial Report – October 2023.
- B. Note that the Council's 12-month weighted average return for October 2023 on its direct investment portfolio of 4.79% (LM: 4.70%, LY: 2.64%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.19%.
- C. Note that the interest revenue for the year to date October is \$1.67M, exceeding our revised budget of \$762K for the same period.
- D. Receive and note the list of Council's investments held as of 30 November 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 Wynne
Councillor Zeltzer

Nil

14/0

14. Rescission Motion

Nil

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15. Councillor Reports/Councillor Updates (Section 8.4)

- Note:** Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).
- Note:** Councillor Carmichael left the meeting, the time being 6.40pm.
- Note:** Councillor Grieve left the meeting, the time being 6.59pm.
- Note:** Councillor Grieve returned to the meeting, the time being 7.01pm.

General Item No: 15.1 End of Year School Presentations
Tabled by Councillor: Councillor Shields, Councillor Price & Councillor Jarvis

The Mayor, Councillor Shields advised:

I acknowledge Councillor Price's and my attendance, at Glenmore Road Public School Presentation Day this morning (11 December 2023), also attended by the Member for Wentworth, Ms Allegra Spender MP.

Councillor Price further advised:

Thank you, Mr Mayor. It was a very great honor to have you at the Glenmore Road Public School Recognition Day Ceremony, today (11 December 2023). I also wanted to mention that I was able to buy a copy of the *Glenmore Road, Celebrating 140 years* which is beautiful book that their P&C and a number of parents have put together, and it's wonderful that Woollahra Council, through the Community and Cultural Grants was also able to contribute towards that. I'm sure a copy of that will be finding its way to our Library. I would just like to congratulate the School, the parent body, the teachers and the students on this, and also a wonderful 140 years and I look forward to the next 140 years of that lovely school.

The Mayor, Councillor Shields in response:

Thank you, Councillor Price.

Councillor Jarvis further advised:

Thank you, Your Worship. Second only to the Citizenship ceremonies, I think the highlights of the year as a Councillor are the school presentations and I was very pleased to represent you at no less than three over the last couple of weeks.

One was a return to a place that I have been to many times and the times I have been elected, Rose Bay Public on the 29 November 2023 to present a Citizenship Award and I delivered a speech inviting all the students to contribute and participate in your Anzac Day writing competition, Your Worship. Pointing out that for young children, if they have 250 words to talk about an experience of someone in their family that served in the war, or perhaps write a poem, or an imaginary piece about what it would have been like, they could win a \$100 Westfield voucher. The children were rather excited about that.

I was pleased again to be attending McAuley (Catholic Primary School, Rose Bay) on 30 November 2023, in actual fact it wasn't the school I was meant to attend, it was the Mass at St Mary Magdalene's, so I hot-footed around the corner to that. It that was really quite moving, McAuley is a much smaller school than a lot of our other schools, and there were six Year 6's graduating.

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The mass was overseen by Father Chris Slattery, the Parish Priest and again I attended a School Citizenship Award, there weren't a lot to choose from, there were only six, but there you have it. I was particularly pleased to be there, because that is the school my father went to, he attended in the 1930s and it was the first time I have been there.

Finally, Vauclose Public in the heat last Friday, and a school presentation there, lucky to talk about the Mayor's Anzac Day writing completion, encouraging the students to participate.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

The Mayor, Councillor Shields further advised:

Councillor Price reminded me about the 140 years of Glenmore Road Public School. The Principal, Ms Sinclair, she sort of elbowed me during the proceedings today and said that Glenmore Road Public School is older than Double Bay Public School. Double Bay Public School is also 140 years, but Principal Sinclair was having a bit of a go at me because Glenmore Road Public is a couple of months older than Double Bay Public School, which I attended and I will be going to the speech day tomorrow.

General Item No: 15.2 Laying Foundation Stone – The Scots College
Tabled by Councillor: Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I have ten, so I'll be very brief, because I do want to acknowledge all the incredible work being done in the community at the moment.

On the 21 November 2023 I attended The Scots College with His Royal Highness the Duke of Edinburgh, Prince Edward, for the laying of the foundation stone. That was an absolute beautiful event and it was an honor to attend, so congratulations to The Scots College and a huge thank you to His Royal Highness.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.3 Celebrating Israel - Central Synagogue
Tabled by Councillor: Councillor Swan & Councillor Shapiro

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. On the 29 November 2023 I attended with Councillor Shapiro and Councillor Elsing, the Celebrating Israel event which marked the establishment of the State of Israel following Resolution 181, the United Nations.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

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Councillor Shapiro further advised:

Thank you, Your Worship. I would just like to continue the conversation about Celebrating Israel, just to provide more detail. As the Deputy Mayor said she attended, she made a very moving speech. It was also wonderful to have Councillor Elsing there with us. The 29 November 2023 always marks the date of the UN Vote of the partition of British mandate into, it was supposed to be two states, the Jewish State and the Arab State, but unfortunately the Arab State was never accepted.

It was a very moving ceremony with some wonderful speeches. It was attended by the Sisters of the Evangelical Sisterhood of Mary, also by Pastors Barbara and Norman Miller who formed the Indigenous Friends of Israel and came down from Cairns to present and spoke beautifully. They are also founders of the Centre for International Reconciliation and Peace.

Probably the most moving speech of all was by a young lady, Leeron Spitzer, who was born in Australia, brought up in Israel and is a former member of the IDF, who is now back in Australia and she is the face of the Bring Them Home Group in Australia. She had just been to Canberra with a group of the parents and the families of the hostages and she spoke so passionate about 7 October how she tried to contact all her friends in southern Israel, in the kibbutz that were desecrated and she did not get a reply, and then she phoned her other friends and she just went through it and I don't think there was a dry eye. It was really very, very moving. So, I just wanted to congratulate Dalia Ayalon-Sinclair, who organised the event, single-handedly, as she does every year. Thank you, Mr Mayor.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

General Item No: 15.4 Woollahra Hotel Christmas Fair
Tabled by Councillor: Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. On the 30 November 2023 I attended the Woollahra Hotel and I wanted to congratulate them on their initiative. They hosted a Christmas Fair at the pub, it was attended by many local businesses, including which Victor Churchill, Simon Johnson, lots of puppy enthusiasts were there and it was a great event, but it was very well attended and a very festive event. So, congratulations to the pub and all the businesses who were involved in that, because it really was community lead.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.5 Woollahra Dementia Alliance Association
Tabled by Councillor: Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. Also on the 30 November 2023, I want to congratulate the Woollahra Dementia Alliance Association. I attended an event with Holdsworth and the Council host at the Gallery, Pippa Mott heads a Gallery tour and it was attended by Woollahra Public School students and also members of the Dementia Alliance and it was a beautiful interaction of older generations and younger generations and both generations learning from each other.

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The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.6 Queen Street West Woollahra Association Carols
Tabled by Councillor: Councillor Swan & Councillor Grieve

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I want to extend my congratulations to Queen Street West Woollahra Association for their Carol event on the 5 December 2023. I was not able to attend, but it was attended by you, Your Worship and Councillor Elsing and Councillor Grieve was also there. Instead on that evening I attended The Scots College Prize Giving on your behalf, another magnificent event, with incredible musical items, so congratulations again to The Scots College.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

Councillor Grieve further advised:

The Queen Street West Woollahra Carols were extraordinary as usual, it was so busy and so much fun to see so many kids and so many memories being made and it's such a wonderful event.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

General Item No: 15.7 Double Bay Residents Association End of Year Event
Tabled by Councillor: Councillor Swan, Councillor Grieve

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. On the 6 December 2023 I attended the Double Bay Residents Association end of year event along with Councillor Witt, Councillor Elsing, Councillor Silcocks, Your Worship and Councillor Grieve, and also Councillor Regan. That was a great event, the President gave a report indicating the Association's approval of the Double Bay Strategy which was a great relief, certainly to me and probably to us all. So thank you and congratulations to them.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

Councillor Grieve further advised:

Double Bay Residents Association drinks was also quite lovely to see everyone down there and have a drink with them and say Happy End of the Year.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

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General Item No: 15.8 Queen Street West Woollahra Window Display
Tabled by Councillor: Councillor Swan & Councillor Grieve

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. On the 9 December 2023 I did the judging of the Queen Street West Woollahra Window Display competition along with Councillor Grieve. We had a great day, a very hot day, walking around the streets of Woollahra admiring all the windows. So, congratulations to all the businesses that entered, the awards will be on Wednesday night at the Woollahra Hotel, so join us there if you would like to attend and know who has won the prizes.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

Councillor Grieve advised:

Thank you, Mr Mayor. The Window Display while very hot, was a great day. It's great to see a community group, the Queen Street West Woollahra Business Group do such an amazing job of bringing the community together and they should be congratulated on everything they do.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

General Item No: 15.9 Council Reward & Recognition Awards – 29 November 2023
Tabled by Councillor: Councillor Regan, Councillor Grieve & Councillor Witt

Councillor Regan advised:

Thank you, Mr Mayor. I will be very quick, I think Councillor Swan has summed up a lot for everybody. I just wanted to congratulate the General Manager, Craig Swift-McNair, I think it was a very successful event for staff and celebration of staff awards, which I attended with Councillor Grieve and Councillor Witt.

It was a fun day. I know Councillor Grieve and Councillor Witt have a lot of statistics on it, you probably wrote them all down, I didn't, I just enjoyed the atmosphere and the celebration. I think everyone really enjoyed it and I think it was a good thing to do and I was very pleased to be there, so thanks for having me.

The Mayor, Councillor Shields in response:

Thank you, Councillor Regan.

Councillor Grieve further advised:

I did take lots of photos but I'm just going to say, and I did read the General Manager's speech but safe to say, it was a wonderful day, the morale of the staff, it was really lovely to be there and see so many smiling faces and everyone having a great time and what an amazing bunch of staff we have and how lucky we are.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

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Councillor Witt further advised:

Thank you, Mr Mayor. Councillor Regan asked me to share some statistics about Recognition and Rewards Day and I will because I think it was wonderful event. There were 230 nominations for the Woollahra Council Staff Awards, they ranged from New Employee of the Year, to people who had done an exceptional job in representing our new Values, with the acronym ROARE (Respect, Open, Accountable, Responsive and Excellence). It was also an opportunity to recognise long service, and apparently there are 925 combined years of service, if you add up everyone's service.

Just other things I learnt, well one thing I thought was interesting, about workers compensation and there was an award under Work Health & Safety to Masee Homayun. I don't have the statistics for this but I'm sure Mr O'Hanlon could elaborate, incredible strides that the staff have taken addressing accidents and reducing the number of works compensation claims, which has the beneficial impacts of cost savings to our Council and definitely improving the well-being of our staff. That was a wonderful event and thank you again for inviting us.

The Mayor, Councillor Shields in response:

Thank you, Councillor Witt.

General Item No: 15.10 Staff Acknowledgements
Tabled by Councillor: Councillor Grieve, Councillor Jarvis & Councillor Wynne

Councillor Grieve advised:

Thank you, Mr Mayor. Congratulations to Tom O'Hanlon, Director Infrastructure & Sustainability I noticed last night that half the signs along Gap Road had been spray-painted silver, the new signs that only went up last week were spray-painted and silvered out. When I went back this morning to take a photo it had already been fixed and replaced, so I would like to thank the team for being so efficient. So please pass on my congratulations, that they even beat me to putting in a request, so that's really good.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

Councillor Jarvis further advised:

I just want to say congratulations to three of the staff, obviously everybody deserves a congratulations but there's three in my view that really stand out.

I want to thank Anne White, Manager Strategic Planning & Place in the work that she did in relation to getting us to the stage of the Urban Design Strategy for Double Bay, 10 years in the making it came to fruition.

Also what I'm seeing in relation to my own area in Rose Bay, with the Rose Bay Place Plan which leads me to my congratulations or thanks to Zubin Marolia, Manager Property & Projects last Friday he made the time to assist me in solving the problems of two small business there, which will hopefully set them up for the Christmas season and finally, Tom O'Hanlon, Director Infrastructure & Sustainability and his team. I was walking along Rose Bay Beach today and I reflected, as I walked past the dog signs, the dogs, hundreds of dogs on the beach, how far we have taken Rose Bay Beach in the last five years, the sands are white and glistening, there was no rubbish, I collected some rubbish the other day but there is none in evidence.

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I would like to congratulate Mr O'Hanlon, and your team, for making it one of the most pristine, special places in our municipality. To everybody, I wish you a Merry Christmas.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

Councillor Wynne advised:

I would like to acknowledge all the staff, I cannot choose one staff or a couple because there are so many extraordinary staff in this organisation and we saw it in a number of people, the number of long service employees, and essential years. We are incredibly lucky, I know there was an event out the front today, there was an accident and I know that staff would have been there on-site. The work of Council, as I'm sure Your Worship is experiencing more, it is endless, it is certainly varied and you see staff stepping into roles they never possibly thought they would, like clearing vandalism out the front like, the signs as Councillor Grieve spoke of, dealing with urgent matters over the weekend. We are so blessed and I would like to wish all the staff a very Merry Christmas and a Happy New Year.

The Mayor, Councillor Shields in response:

Thank you, Councillor Wynne.

General Item No: 15.11 Send-Off Exhibition Woollahra Gallery
Tabled by Councillor: Councillor Grieve

Councillor Grieve advised:

Thank you, Mr Mayor. Finally, I went to the exhibition opening at the Woollahra Gallery which was Daniel Press' Send-Off. If you haven't seen it, it is quite extraordinary, he takes moulds of existing sculptures and then fills it with wax and it is quite extraordinary. At the same time there is our current artist in residence Kate Wallace had an exhibition in the reading room, and they are extraordinary, so if you haven't seen them I hope they're still there, so please go and have a look.

I was put in contact with a local artisan who makes candles and I was able to give three kilos of my wax from my bees to them to create beautiful candles.

I think that was it, I think I have forgotten something. I just want to thank everyone for everything they've done this year.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

General Item No: 15.12 Paddington Society Annual Drinks
Tabled by Councillor: Councillor Price

Councillor Price advised:

Thank you, Mr Mayor. It was lovely to see Mr Mayor and the Deputy Mayor at the Paddington Society Annual drinks. It's lovely to have such important people in Paddington and it was lovely to welcome the new President of the Paddington Society, Esther Hayter, who a lot of you will be very familiar with.

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She is now the new President, which is lovely and to also thank the outgoing President, Will Mrongovius for his years of service to the Paddington Society. It was a lovely event on the lawns of Juniper Hall on Oxford Street, so that was also a lovely event.

The Mayor, Councillor Shields in response:

Thank you, Councillor Price.

General Item No: 15.13 Head On Festival Bondi Pavilion/Visit Paddington Annual General Meeting

Tabled by Councillor: Councillor Price

Councillor Price advised:

Thank you, Mr Mayor. I also had the great privilege of attending the Head On Festival Opening down at the Bondi Pavilion and just to congratulate Waverley Council on that magnificent building, it's just stunning. The Head On, which is also a recipient of a Community and Cultural Grant, as well. It was lovely to see so many artists and creatives at that event, but also that the Head On Festival had exhibitions and pop-ups in and around Paddington, so it was lovely to see that and congratulations to everyone involved at Head-On, it's a leading international event for photographers and I think we're very honoured to have that in our Municipality.

I attended AGM of Visit Paddington, the Paddington Business Chamber. They have been in a little bit of a hiatus for a few months, both there is a new President Sam Eggerton and he is looking forward to revitalising the Business Chamber and is looking forward to another year ahead.

The Mayor, Councillor Shields in response:

Thank you, Councillor Price.

General Item No: 15.14 New President of the Paddington Society - Esther Hayter

Tabled by Councillor: Councillor Robertson & Councillor Zeltzer

Councillor Robertson advised:

Thank you, Mr Mayor. I too, would like to offer my congratulations to Esther Hayter upon her rise to President of the Paddington Society, as well as put on record my thanks to the outgoing President, Will Mrongovius. I think one of my first ever engagements with this Council was attending a candidate forum at Paddington RSL, and Esther Hayter was one of the first people I was introduced to.

From that moment onwards, I have come to understand the effectiveness and the drive of community groups which plays such a big role in our civic life here in Woollahra. It really comes to down to the dedication of individuals and there's been no individual I've known of, that has been more dedicated in the Paddington Society. A lot of the submissions that we see Mr Mayor, they might be signed off by others, but the grunt of the work's been done by Esther Hayter and I want to pay tribute to her indefatigable work ethic, her sage advice, and her utter dedication to Paddington.

The Mayor, Councillor Shields in response:

Thank you, Councillor Robertson.

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Councillor Zeltzer further advised:

Thank you, Mr Mayor. I'd like to ditto the comments made by Councillor Robertson about Esther Hayter. I think she's an exceptionally knowledgeable woman and she carries out her task of preserving that heritage area with such grace. There's an incredible respect for her.

I had the pleasure of meeting Ms Hayter in 2008 when we were flung into the Development Control Committee (DCC), into that Committee and every time we went down to Paddington to do the site inspections Esther would be presenting on behalf of the Association in terms of heritage protection. I think she is a force down there and we know that our heritage is in good hands. I was hoping that at some point she would put her hand up to be one of the community reps for our Local Planning Panel, because she would be exceptional. She is a highly qualified architect, so she comes with sound knowledge in both architecture and in planning but I congratulate her on for becoming the President for this Association and know that it's sad for me that she will now have a conflict and won't be able to actually be asked to be committee rep for that panel. So that saddens me, but I congratulate her, I couldn't imagine a better person steering that Association.

The Mayor, Councillor Shields in response:

Thank you, Councillor Zeltzer.

General Item No: 15.15Watsons Bay Refugee Support Group
Tabled by Councillor: Councillor Robertson

Councillor Robertson advised:

Thank you, Mr Mayor. I'd like to hop to the other end of the Municipality now, to Watsons Bay because I would like to finish on a positive note. Because, just today I found out about the Watsons Bay Refugee Support Group, they are affiliated with a national network. A group of families, individuals in that community have come together and have sponsored a family from Afghanistan who are in Australia on a refugee basis and they're providing a range of supports, from practical supports around housing and social supports right through to medical. It warms my heart to know that people here in our community do care and that good work is going on. So congratulations to the Watsons Bay Refugee Support Group.

The Mayor, Councillor Shields in response:

Thank you, Councillor Robertson.

General Item No: 15.16Watsons Bay Sunset Session/ After the Rain Woollahra Gallery
Tabled by Councillor: Councillor Jarvis

Councillor Jarvis advised:

Thank you, Your Worship. Going to the other end of the area, Watsons Bay on the 6 December 2023 I was delighted to attend, for the first time, the Sunset Session, summer reading by Ailsa Piper. Ailsa Piper is an extraordinary, much acclaimed as an actress and also an author and I was particularly pleased when I realised that her book, The Attachment, co-written with Monsignor Doherty, which has sat by my bedside for far too long waiting for me to read it.

Not only was she there, but so was Monsignor Doherty and she gave us some tips about some summer reading, which I am happy to share with some of you over our dinner tonight. I was pleased to see that Andrew Maloney was there of the Watsons Bay Residents Association and also Oscar winner Margaret Sixel was there.

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A very special event was held at Woollahra Gallery and I thought Councillor Grieve was going to refer to it, After the Rain, that I attended and Councillor Shapiro beautifully launched, on the 1st December. After the Rain is a partnership, a great example of what we do with people in the community, it's a partnership with Inala, which is an organisation which initially educated children with disability and has now expanded its services to facilitate services to adults. After the Rain highlighted their incredible ability and artistic creativity, so not-withstanding their personal disabilities it was extraordinary to see and to Councillor Grieve's point, if you haven't seen this exhibition, it is fabulous.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.17 Gisella Scheinberg Blue Plaque
Tabled by Councillor: Councillor Witt & Councillor Shields

Councillor Witt advised:

Thank you, Mr Mayor. At the last minute I was asked to fill in for the Mayor in the presentation of a Blue Plaque for Gisella Scheinberg. Some of you may remember the Holdsworth Gallery that was operational for 26 years, it was started in 1969 and it was extraordinary in terms of statistics, she represented 992 artists in 26 years. Some of them the most illustrious artists in Australia, including Sidney Nolan, Margaret Ollie, Charles Blackman, Tim Storrier, Ray Crooke. Her career was quite extraordinary, she emigrated from Budapest, Hungary in the late 1930s, after surviving the Holocaust. She was saved by people that she later nominated for a special award. Unfortunately, she lost her mother and her grandmother to the Holocaust but she built an amazing career and a life here.

The Mayor, Councillor Shields in response:

I just wanted to pass on my appreciation to Councillor Witt who represented me on late notice, I was late for the unveiling of the plaque to Gisella Scheinberg. I was invited by the Leader of the Opposition to attend a speech, his address to the NSW Rabbinical Council, representing Woollahra and Mr Dutton's statement of Condemnation of Hamas and supporting Israel's right to a peaceful existence was very strongly received by the NSW Rabbinical Council, which is basically all the Rabbis in NSW.

General Item No: 15.18 Woollahra Historical Society Christmas Party
Tabled by Councillor: Councillor Witt

Councillor Witt advised:

Thank you, Mr Mayor. I had the privilege of attending the Christmas Party for the Woollahra Historical Society. Sir Peter Cosgrove and Lady Cosgrove were the honorary guests and Sir Peter Cosgrove gave a really interesting talk on the military history of the area, which of course, is incredibly rich. It was a very well attended event.

The Mayor, Councillor Shields in response:

Thank you, Councillor Witt.

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General Item No: 15.19 Guilfoyle Park - Dogs of Double Bay/Christmas Carols
Tabled by Councillor: Councillor Wynne, Councillor Shields

Councillor Wynne advised:

Thank you, Mr Mayor. I would like to acknowledge event on Saturday that I attended, I was asked outside of Council to use my MC abilities. So I got to introduce you, Mr Mayor that was for the dog judging, not the cat walking, but the dog walking on the blue carpet this time as part of an event in Guilfoyle that went all day and I know that Council also supported that event. If the goal was to create an incredible sense of community that was absolutely achieved. There was a hydration station for the dogs, if anyone was worried about the incredible heat. I do have to acknowledge Santa, all the way from the North Pole, I think Santa doesn't need to diet anymore, because he probably lost about 10 kilos in sweat. So, that was wonderful and thank you for your time there, it was fantastic.

I also want to acknowledge the evening, I had the privilege in announcing the band and Chris Sebastian, who apparently won The Voice. It was the most beautiful Christmas carols I've ever heard. There were children up dancing in the front, it was lovely watching people from their houses and the apartments in Guilfoyle were standing listening and watching and dancing, it was a magical event and despite the weather there were a lot of people there. Thank you, Your Worship for the Christmas party that was put on and to all staff involved.

The Mayor, Councillor Shields in response:

It would be remiss of me not to again acknowledge Councillor Wynne and thank her for her incredible work she has done for the majority of 2023. When she was at the Dogs of Double Bay as the MC I was reminded that whenever I do an event with Councillor Wynne I need to wear my gold chains. Because if I'm not wearing my gold chains she definitely outshines me not only in physical appearance, but also in terms of her intellect and charm. So, thank you very much to Councillor Wynne for her very impressive service through a number of years and through difficult times as well.

General Item No: 15.20 Congratulations to Anthony Weinberg, recipient of the Louise Petchell Memorial Award for Individual Sustainability
Tabled by Councillor: Councillor Zeltzer

Councillor Zeltzer advised:

Thank you, Mr Mayor. Big shout-out and huge congratulations to Anthony Weinberg. Now, for those of you who are in the Sustainability team, Anthony Weinberg is the Manager of the three Council Regional Environmental Program. If you've had anything to do with sustainability at Council you'd know that Waverley, Woollahra and Randwick act together and they make a bigger impression because they act together and I think that the stewardship, and the innovation, and the knowledge that comes Mr Weinberg is second-to-none.

He has now received an award and he's been recognised and he's received from the Local Government of NSW he has received, the Louise Petchell Memorial Award, that's quite an honour. The award actually recognises, this particular award, it's an award of excellence and it recognises individual achievement by a council officer or an elected councillor in contributing to the environmental improvement and sustainability. The award is named in honour of Louise Petchell, who was a former Sustainability Manager at Penrith City Council, who was greatly respected across the whole Government Sector for her work in sustainability. Louise sadly passed away in 2009, so this award is a memorial to her.

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The Local Government NSW website has acknowledged Anthony in this way. It says 'Anthony is a sustainability champion whose collaborative leadership style has inspired many others. He has designed and implemented a number of award-winning and innovative projects such as Solar my School, Solar my Suburb, Energy Smart Cafes, and Leading the Charge. The "Leading the Charge" initiative established extensive public electric vehicle charging infrastructure, while the Solar My School program is now offered in 13 LGAs and over 200 schools.' So talking about making some level of impact and contribution, that's outstanding. So I wish to congratulate him on behalf of Council and our community.

The Mayor, Councillor Shields in response:

Thank you, Councillor Zeltzer.

General Item No: 15.21 Section 15 of the Minutes
Tabled by Councillor: Councillor Shields, Councillor Robertson

The Mayor, Councillor Shields advised:

For 2024 you'll be happy to hear that I might be providing a little bit more structure to Section 15 – Councillor Updates and I will provide some suggested structures to Councillors and workshops, some ideas on how we could probably speed up this process a little bit more. On tonight, I'm very happy to indulge Councillors for going into detail with their thank you, as well as their attendance at many Christmas events.

Councillor Robertson in response:

Mr Mayor, will you indulge me in making a short comment. What we've just been through might be an opportunity for all of us to selectively check our phones, switch off, have a nap, do whatever. Let's be honest, what we just did is the most important part of the meeting and it is what connects us to the community that we represent. I love structure, but I implore you to remember the importance of what this part of the meeting, that is somewhat antiquated, somewhat old-fashioned, but is actually really, really important. For us as representatives to stay connected and grounded in the community we represent. Thank you very much for the opportunity to say that.

The Mayor, Councillor Shields in response:

Hear, hear. I revert back to my statement which I look forward to working with Councillors to come up with a structure that reflects the principles you have just raised. Thank you Councillor Robertson.

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - WOOLLAHRA PHILHARMONIC ORCHESTRA
From: Councillors Nicola Grieve, Sarah Swan and Luise Elsing
Date: 30 November 2023
File No: 23/220904

Note: Councillor Shapiro left the meeting, the time being 7.30pm.

Note: Councillor Shapiro returned to the meeting, the time being 7.33pm.

Note: Councillor Robertson left the meeting, the time being 7.36pm.

Note: Councillor Robertson returned to the meeting, the time being 7.37pm.

**Motion moved by Councillor Grieve
Seconded by Councillor Swan**

THAT Council:

- A. In recognition of the long-standing relationship between Woollahra Council and the Woollahra Philharmonic Orchestra (WPO), provide funding to the WPO of \$7,500 for the commissioning of a new work by the WPO patron, Elena Kats-Chernin (one of Australia's most renowned composers), to be premiered and performed by the WPO in June 2024.
- B. Note that the contribution detailed in Point A. above, would be funded from unexpended 2023-2024 grant funding, of which there is \$18,775.85 across all funding streams.
- C. Note that this one-off contribution sits outside of the existing grants process.
- D. Give consideration in the 2024-2025 budget to allocating a funding contribution to the Woollahra Philharmonic Orchestra (WPO) to the value of \$7,500 (outside of the existing grants process), to help ensure the longevity of the WPO, in recognition of the ongoing support Woollahra Council has been providing the WPO since 1996.

The Motion 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 Motion

Councillor Elsing
Councillor Grieve
Councillor Robertson
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne

6/7 LOST

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Item No: 16.2
Subject: **NOTICE OF MOTION - AIR CONDITIONING IN HERITAGE
CONSERVATION AREAS**
From: Councillor Matthew Robertson
Date: 05 December 2023
File No: 23/223953

(Robertson/Jarvis)

239/23 Resolved without debate:

THAT Council:

- A. Notes the public forum address delivered by Mr Bruce Connell at the Council meeting of 15 November 2023 on the subject of air conditioning units in Heritage Conservation Areas (HCAs).
- B. Requests staff to prepare a report covering issues raised in the address including but not limited to:
- i) Council's enforcement regime for unauthorised air conditioning installations in HCAs and options to make this regime more equitable.
 - ii) Advancements in air conditioning technology (in particular reduced size of condensers and reduced acoustic impacts) and options for updating relevant HCA controls accordingly.

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

For the Motion

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

Against the Motion

Nil

13/0

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Item No: 16.3
Subject: **NOTICE OF MOTION - LANDSCAPING AND PUBLIC SEATING ON THE CORNER OF PEAKER LANE AND MONCUR STREET**
From: Councillors Luise Elsing, Nicola Grieve and Sarah Swan
Date: 05 December 2023
File No: 23/224211

(Elsing/Swan)

240/23 Resolved without debate:

THAT Council staff as soon as possible:

- A. Protect trees (other than Celtis trees) and remove hedging as required from the pocket park on the corner of Peaker Lane and Moncur Street, and
- B. Install public seating in that pocket park.

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

Nil

13/0

17. Questions With Notice

Nil

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

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20. Conclusion of the Meeting

There being no further business the meeting concluded at 7.42pm.

We certify that the pages numbered 949 to 982 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 11 December 2023 and confirmed by the Ordinary Meeting of Council on 12 February 2024 as correct.

General Manager

Mayor

Unconfirmed

10. Mayoral Minute

Item No: 10.1
Subject: AUSTRALIA DAY 2024 HONOURS
Author: Richard Shields, Mayor
File No: 24/21115
Purpose of the Report: To inform the Council of the local recipients of the 2024 Australia Day Honours.

Recommendation:

- A. THAT a letter of congratulations, signed by the Mayor, be forwarded to local residents of the 2024 Australia Day Honours:
- i. Dr Robin Beryl Fitzsimons, AM
 - ii. Professor Julian Colin Gold, AM
 - iii. Mr Neville Charles Begg, OAM
 - iv. Mr Gary Mark Inberg, OAM
 - v. Councillor Mary-Lou Jarvis, OAM
 - vi. Mrs Rose Temple, OAM
- B. THAT a letter also be sent, signed by the Mayor to Dr Lindy Lee, AO, Emeritus Professor Helen Marian Lochhead, AO and Mr Victor Alhadeff, OAM sending Council's congratulations and acknowledging their inclusion in the 2024 Australia Day Honours.

Discussion:

I am pleased to table this Mayoral Minute acknowledging the six Woollahra residents honoured in this year's Australia Day Honours. Each award recipient has been publicly recognised for their unique and significant contribution to our local and wider community.

These outstanding recipients have gone above and beyond to bring positive change to the world and we are immensely proud of their achievements.

Member (AM) in the General Division:

- i. *Dr Robin Beryl Fitzsimons*
For significant service to tertiary education, to neurology, and to medical research.
- ii. *Professor Julian Colin Gold*
For significant service to medicine as a clinical epidemiologist and researcher, and to community health.

Medal (OAM) in the General Division:

- iii. *Mr Neville Charles Begg*
For service to horse racing as a trainer.
- iv. *Mr Gary Mark Inberg*
For service to the Jewish community of New South Wales, and to business.
- v. *Councillor Mary-Lou Jarvis*
For service to local government, and to the community.
- vi. *Mrs Rose Temple*
For service to the Jewish community.

I wish to take this opportunity to congratulate our councillor colleague, Cr Jarvis on being awarded an OAM, acknowledging not only her services to the Woollahra community but also her time as Councillor on Adelaide City Council. Cr Jarvis has given many hours of her time and energy to many community organisations and her public service is to be commended.

A few other notable mention in this year's awards that are familiar to many of here at Council, which I would like to take the time to acknowledge:

- *Dr Lindy Lee* - For distinguished service to contemporary visual arts as a sculptor and painter, and to arts administration through leadership roles. Dr Lee was awarded an Officer of the Order of Australia (AO). We are lucky to have a piece of Dr Lee's work "One Bright Pearl" in Blackburn Gardens.
- *Emeritus Professor Helen Marian Lochhead* - For distinguished service to architecture and urban design, to building regulation reform, to tertiary education, and to professional organisations. Professor Lochhead was awarded an Officer of the Order of Australia (AO). Professor Lochhead is a member of our Woollahra Local Planning Panel.
- *Mr Victor Alhadeff* - For service to the Jewish community, and to the media. Mr Alhadeff was awarded the Medal of the Order of Australia (OAM). Many former mayors and councillors of Woollahra would have met with Mr Alhadeff's in his role as the CEO of the NSW Jewish Board of Deputies for over 16 years.

Conclusion:

We are grateful to each of the recipients for the outstanding contribution to Woollahra and the local community, and we acknowledge how fortunate we are to live in a community where so many people dedicate their time and energy to helping and inspiring others.

Each recipient provides an outstanding example of active community citizenship.

On behalf of Woollahra Council, I offer my congratulations to all of this year's Australia Day Honours recipients, and I will be writing to each of the Woollahra LGA recipients along with Dr Lindy Lee, Emeritus Professor Helen Marian Lochhead and Mr Victor Alhadeff to offer our congratulations and appreciation for their service.



Cr Richard Shields
Mayor of Woollahra

Attachments

Nil

12. General Manager and Officer's Report

Item No: 12.1
Subject: **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) - SECTION 9.1
LOCAL PLANNING PANELS DIRECTION INTERIM APPOINTMENT OF
MEMBERS**

Authors: Nick Economou, Manager Development Assessment
Helen Tola, Manager Governance & Risk

Approvers: Scott Pedder, Director Planning & Place
Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager

File No: 24/16138

Purpose of the Report: To seek the interim appointment Local Planning Panel members in response to the Direction issued by the Minister for Planning & Public Spaces on 22 January 2024.

Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the Direction issued by the Minister for Planning & Public Spaces on 22 January 2024.
- B. Pursuant to Section 23K of the *Environmental Planning and Assessment Act 1979*, appoint the following persons to the Woollahra Local Planning Panel for the interim period between 28 February 2024 to 30 June 2024:

Chair & Alternate Chairs

Penelope Holloway (Chair)
Graham Brown (Alternate Chair)
Helen Lochhead (Alternate Chair)

Experts

Gabrielle Morrish
Sandra Robinson
Peter Brennan
Judith Clark
Kim Crestani
Philippa Frecklington Megan
Jones Oliver Klein
Lee Kosnetter
Larissa Ozog
Heather Warton

Community Representative

Kenneth Raphael

- C. Set the following remuneration rates for the panel members (noting this is consistent with the rate paid to the current panel members) for the interim period between 28 February 2024 to 30 June 2024:

Chair - \$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings

Experts - \$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings

Community Reps- \$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings

Note: The above rates do not include GST.

Note: The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.

- D. Resolves to undertake an Expression of Interest Process for the appointment and selection of Community Representatives for the new LPP term commencing 1 July 2024, noting that a report will be presented to Council to appoint a new Panel Membership including Community Representatives for the period commencing 1 July 2024.
- E. Resolves that the General Manager writes to members ineligible for re-appointment to the Woollahra Local Planning Panel, thanking them for their contribution to the Woollahra Local Planning Panel since 26 February 2018.

Executive Summary:

The purpose of this report is to update Council on the Local Planning Panels 2024 term and appoint a new panel membership to comply with a Ministerial Direction.

Discussion:

The Woollahra Local Planning Panel (WLPP) has been in operation since the 26 February 2018.

The term of the current panel members (as adopted by Council) expires on 28 February 2024.

A Ministerial Direction was issued on 22 January 2024 with its objective being to extend the approval of chair and members of local planning panels for an interim period from 28 February 2024 to 30 June 2024.

Note: The interim period from 28 February 2024 to 30 June 2024 equates to approximately 8 meetings of the WLPP.

In summary the Direction requires that:

- the appointment of members for the interim period be completed by 28 February 2024.
- interim appointments need to be until 30 June 2024, noting that for the interim period a pool of 15 expert members has been suspended.

A copy of the Direction is presented as **Attachment 1**.

In light of the above, Council will need to appoint a panel membership for the interim period which complies with the Ministerial Direction, including the following outlining steps that Council's with constituted LPPs will need to follow:

LPP Chairs

- *No panel member can sit on a panel for greater than six years.*
- *If a chair has exceeded 6 years on the LPP, they cannot be reappointed for the interim period. Council will need to appoint either their alternate chair for the interim period or if the alternate has also exceeded the 6 year term, appoint an interim Chair from the list issued by the Department of Planning & Environment.*

LPP Experts

- *No panel member can sit on a panel for greater than six years.*
- *Re-appoint your expert members from your existing pool and if you have any experts that have exceeded 6 years, appoint experts from the Expert list issued by the Department of Planning & Environment.*

Current Panel Membership

The following tables presents a list of the current Woollahra Local Planning Panel members, including their role, length of tenure and eligibility to be reappointed for the interim period.

Chairs

Name & Position	Date appointed to WLPP	Length of Tenure as of 28 February 2024	Eligible to be reappointed for interim period (Yes/No)
Annelise Tuor <i>(Chair)</i>	26 February 2018	6 years	No
Peter Wells <i>(Alternate Chair)</i>	26 February 2018	6 years	No
Penelope Holloway <i>(Alternate Chair)</i>	28 June 2021	2 years 8 months	Yes

Experts

Name	Date appointed to WLPP	Length of Tenure as of 28 February 2024	Eligible to be reappointed for interim period (Yes/No)
Sheridan Burke	26 February 2018	6 years	No
John McInerney	26 February 2018	6 years	No
Graham Brown	9 December 2019	4 years 3months	Yes
Gabrielle Morrish	9 December 2019	4 years 3months	Yes
Sandra Robinson	9 December 2019	4 years 3months	Yes
Helen Lochhead	28 June 2021	2 years 8 months	Yes
Peter Brennan	26 June 2023	8 months	Yes
Judith Clark	26 June 2023	8 months	Yes
Kim Crestani	26 June 2023	8 months	Yes
Philippa Frecklington	26 June 2023	8 months	Yes
Megan Jones	26 June 2023	8 months	Yes
Oliver Klein	26 June 2023	8 months	Yes
Lee Kosnetter	26 June 2023	8 months	Yes
Larissa Ozog	26 June 2023	8 months	Yes
Heather Warton	26 June 2023	8 months	Yes

Community Experts

Name	Date appointed to WLPP	Length of Tenure as of 28 February 2024	Eligible to be reappointed for interim period (Yes/No)
Andrew Petrie	26 February 2018	6 years	No
Keri Huxley	26 February 2018	6 years	No
Graham Humphrey	26 February 2018	6 years	No
Kenneth Raphael	26 February 2018	1 year 9 months	Yes

Attachment 2 presents Council and/or Committees Meeting Minutes that relate to the appointment of panel members since the establishment of WLPP in 2018.

Requirements in order to comply with the New Direction

To comply with the above Ministerial Direction including the outlining steps, Council will need to:

1. Appoint the current Alternate Chair (Ms Penelope Holloway) as the new Chair,
2. Appoint two new alternate Chairs from the approved 2021 Chair's list issued by the Department Planning & Environment noting that current Experts can be elevated to Alternate Chairs,
3. Re-appoint all the current Experts who are eligible for the interim period,
4. Re-appoint the current community representative (Mr Kenneth Raphael) as the sole community representative.

New Panel Composition/Membership

Having regard to the above, staff recommend the appointment/re-appointment of the following Chairs, Experts and Community Representative for the interim period, being 28 February 2024 to 30 June 2024:

1. Chair
Penelope Holloway
2. Alternate Chairs
The following WLPP Experts that are eligible for appointment from the approved 2021 Chairs List are Graham Brown, Helen Lochhead and Heather Warton.
Staff recommend that the following Experts be appointed as Alternate Chairs on the grounds of their length tenure on the Woollahra Local Planning Panel:
Graham Brown
Helen Lochhead
3. Experts
Gabrielle Morrish
Sandra Robinson
Peter Brennan
Judith Clark
Kim Crestani
Philippa Frecklington
Megan Jones
Oliver Klein
Lee Kosnetter
Larissa Ozog
Heather Warton

4. Community Representative

Kenneth Raphael

Note: Kenneth Raphael is available for all WLPP meetings during the interim period with the exception of two meetings i.e. 2 March 2024 and 2 May 2024. The absence of a Community Representative does not preclude the panel convening on that date, as a quorum of three members adheres to the WLPP Operational Procedures. There is no option available to Council to appoint any Community Representatives for the interim period.

With respect to current members who are ineligible for re-appointment due to their tenure on the WLPP being 6 years, it is recommended that the General Manager be requested to write to members ineligible for re-appointment to the Woollahra Local Planning Panel, thanking them for their contribution to the Woollahra Local Planning Panel.

New LPP Term (commencing 1 July 2024)

A new LPP term will commence on **1 July 2024**.

On 25 January 2024, the Department of Planning & Environment commenced an Expression of Interest process for the recruitment for the 2024 chair and expert lists. Recruitment is being coordinated by Derwent Search <https://www.derwentsearch.com.au/>. Applications close on 28 February 2024.

Once Council has received the approved 2024 Chairs and Experts members list, a report will be presented to appoint a new Panel Membership including Community Representatives for the period commencing 1 July 2024. In terms of Community Representatives, it should be noted that Council will need to commence an Expression of Interest process over the coming months.

Options:

There are no options available to Council as stated in the report, other than to comply with the Ministerial Direction and appoint a panel composition for the interim period.

Community Engagement and / or Internal Consultation:

There was no community engagement required in writing this report.

Internal consultation occurred between the General Manager, Director Planning & Place, Director Corporate Performance, Manager Development Assessment and Manager Governance & Risk in preparing this report.

Policy Implications:

There are no policy implications as a result of this report.

Financial Implications:

There are no financial implications as a result of this report, noting that existing budget for the operation of the Woollahra Local Planning Panel is in place for the 2023/24 financial year.

Resourcing Implications:



There are no resourcing implications as a result of this report.

Conclusion:

The continuation of the WLPP is essential in ensuring the determination of development applications and planning proposals are conducted as required by legislation. Council is required to comply with the Direction issued by the Minister for Planning & Public Spaces on 22 January 2024.


It is therefore recommended that Council appoint a new panel membership for the interim period 1 March 2024 to 30 June 2025 as detailed in this report. Further it is recommended that Council undertakes a Expression of Interest Process for the appointment and selection of Community Representatives for the new LPP term commencing 1 July 2024, noting that a report will be presented to Council to appoint a new Panel Membership including Community Representatives for the period commencing 1 July 2024.

Attachments

1. Section 9.1 Local Planning Panels Direction Interim Appointment of Members [↓](#) 
2. Extract Council and/or Committees Meeting Minutes that relate to the appointment of panel members since the establishment of WLPP in 2018 [↓](#) 

LOCAL PLANNING PANELS DIRECTION – INTERIM APPOINTMENT OF MEMBERS

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*


The Hon. Paul Scully MP
Minister for Planning & Public Spaces

Dated: 22/1/24

Objective

The objective of this direction is to extend the approval of chair and member pools and appoint existing chairs and members of local planning panels for an interim period from 28 February 2024 to 30 June 2024.

Application

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

1. Direction 1 Continuation of the pools dated 28 February 2021 until 30 June 2024

- 1.1 A council to whom this direction applies must note that the chair/alternate chair pool dated 28 February 2021 is approved until 30 June 2024.
- 1.2 A council to whom this direction applies must note that the expert member pool dated 28 February 2021 is approved until 30 June 2024.

2. Direction 2 Interim appointment from the pool dated 28 February 2021

- 2.1 A council to whom this direction applies is to appoint a new or reappoint the current chair/alternate chair to a local planning panel for the period covering 28 February 2024 to 30 June 2024.
- 2.2 A council to whom this direction applies is to appoint a new or current panel member to a local planning panel for the period covering 28 February 2024 to 30 June 2024.
- 2.3 Any panel member who has served two terms on a specific local planning panel cannot be reappointed, this includes community representatives. In this case, a council to whom this direction applies must appoint a new panel member from the approved pool.
- 2.4 During this interim appointment period a council is permitted to have a reduced number of panel members in their approved pool, that is less than the 15 independent expert members and alternate members (see Local Planning Panels Direction – Appointment of New Members dated 7 December 2022).

3. Direction 3 Appointment of members

3.1 A council to whom this direction applies is to require in their letter of appointment or reappointment of any new or current panel member, that the proposed member agree to abide by the *Code of Conduct for Local Planning Panel Members*, in their acceptance of appointment to the local planning panel. The **Code of Conduct for Local Planning Panel Members** is the code approved by the Minister for Planning under section 28 of Schedule 2 to the Act.

3.2 Before appointing community representatives to a panel, a council must require proposed representatives to complete a statutory declaration stating that they are not:

- a) a councillor of that or any other council, or
- b) a property developer within the meaning of section 53 of the *Electoral Funding Act 2018*, or
- c) a real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*.

Note: these are grounds for ineligibility for membership of a local planning panel under section 2.18 of the Act.

3.3 Before appointing community representatives to a panel, a council must also arrange probity checks for the proposed representatives which must include (but are not limited to):

- a. Search of the Public Register of real estate agents
- b. Bankruptcy Register Search
- c. A Nationally Coordinated Criminal History Check

This direction takes effect on 28 February 2024

Woollahra Municipal Council
Ordinary Council Meeting Minutes

13 November 2017

General Manager and Officer's Report

Item No: 8.1
Subject: MANDATORY LOCAL PLANNING PANELS
Author: Allan Coker, Director - Planning & Development
Approvers: Gary James, General Manager
Allan Coker, Director - Planning & Development
File No: 17/182644
Reason for Report: To provide advice on the mandatory local planning panels and seek approval for a process to select the panel members

(Elsing/Silcocks)

1/17 Resolved:

- A. That Council notes the report to the Council meeting of 13 November 2017 about the mandatory local planning panels which are being introduced by the NSW Government under the *Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017*.
- B. That Council constitutes its own local planning panel for the Woollahra local government area in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
- C. That Council advertise to seek nominations for five (5) community representative panel members (one coming from each ward) and five (5) alternates (one coming from each ward).
- D. That Council delegate to the General Manager and Mayor authority to establish a selection panel chaired by the Mayor and that the selection panel makes a recommendation to Council as to the appointment of two experts and the community representatives to the Woollahra IHAP from the pool of approved candidate.
- E. That Council note that a further report will be presented on how the introduction of the Local Planning Panel and the cessation of the Development Control Committee may impact on current committee arrangements.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

26 February 2018

General Manager and Officer's Report

Item No: 8.1
Subject: ESTABLISHMENT OF THE WOOLLAHRA LOCAL PLANNING PANEL
Author: Allan Coker, Director - Planning & Development
Approvers: Stephen Dunshea, Director Corporate Services
Gary James, General Manager
File No: 18/22512
Reason for Report: To establish the Woollahra Local Planning Panel.

Note: Late correspondence was tabled by Allan Coker Council's Director Planning & Development.

(Robertson/McEwin)

1/18 Resolved:

- A. That Council, pursuant to section 23K of the *Environmental Planning and Assessment Act* 1979, appoint the following persons to the Woollahra Local Planning Panel for a period of three (3) years:

Chair and Alternate Chairs

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Mr Peter Webber	Alternate Chair

Experts

Mr John McInerney
Ms Sheridan Burke
Mr James Colman
Dr Mark Carleton

Community Representatives

Vaucluse Ward

Mr Graham Humphrey	Community representative
Mr Anthony Booth	Alternate community representative

Bellevue Hill Ward

Mr Andrew Petrie	Community representative
Ms Nicola Grieve	Alternate community representative

Cooper Ward

Ms Michelle Falstein	Community representative
Mr Malcolm Young	Alternate community representative

Woollahra Municipal Council
Ordinary Council Meeting Minutes

26 February 2018

Double Bay Ward

Mr Ashley (Ross) Bonthorne Community representative
Ms Sarah Mulcahy Alternate community representative

Paddington Ward

Ms Keri Huxley Community representative
Mr John Normyle Alternate community representative

- B. That Council set the following remuneration rates for panel members consistent with the Remuneration Determination of the Minister, dated 23 February 2018:

Chair	-	\$2,000 per meeting
	-	\$285 per hour for business undertaken outside of meetings
Experts	-	\$1,500 per meeting
	-	\$214 per hour for business undertaken outside of meetings
Community reps	-	\$500 per item up to a maximum of \$1,500 per meeting
	-	\$71 per hour for business undertaken outside of meetings

Note: The above rates do not include GST.

Note: Adopted Unanimously

Woollahra Municipal Council
Ordinary Council Meeting Minutes

9 December 2019

General Manager and Officer's Report

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

(Jarvis/Elsing)

1/19 Resolved:

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

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

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

For the Motion

Against the Motion

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

Nil

15/0

Woollahra Municipal Council
Ordinary Council Meeting Minutes

22 February 2021

Item No: 12.2
Subject: **WOOLLAHRA LOCAL PLANNING PANEL - REAPPOINTMENT OF CHAIR, ALTERNATE CHAIRS & EXPERTS**
Authors: Helen Tola, Manager - Governance & Council Support
Nick Economou, Acting Director Planning & Development
Approver: Don Johnston, Director Corporate Services
File No: 21/25248
Reason for Report: To seek the reappointment of the Woollahra Local Planning Panel Chair, Alternate Chairs and Experts to 30 June 2021.

(Jarvis/Shapiro)

1/21 Resolved:

- A. THAT Council reappoints the current chairs, alternate chairs and expert pool members of the Woollahra Local Planning Panel (WLPP) to the 30 June 2021.
- B. THAT Council notes that the Department is currently seeking applications from candidates to be approved by the Minister for the roles of chair and/or expert member, for councils to appoint to their Local Planning Panels before 1 July 2021.
- C. THAT a further report be prepare to appoint a Panel Chair, Alternate Chairs and Experts from 1 July 2021.

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

For the Motion

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

Against the Motion

Councillor Elsing

13/1

Woollahra Municipal Council
Ordinary Council Meeting Minutes

28 June 2021

General Manager and Officer's Report

Item No: 12.1
Subject: WOOLLAHRA LOCAL PLANNING PANEL - CHAIRS, EXPERTS AND COMMUNITY REPRESENTATIVES
Authors: George Fotis, Acting Manager Development Control
Helen Tola, Manager - Governance & Council Support
Approvers: Nick Economou, Acting Director Planning & Place
Craig Swift-McNair, General Manager
File No: 21/98142
Reason for Report: To appoint the Woollahra Local Planning Panel for the period 1 July 2021 to 29 February 2024.

Note: Councillor McEwin declared a Non-Significant, Non-Pecuniary Interest in this Item as Nicola Grieve a community representative is also a member of the Greens which she is also a member. Councillor McEwin participated in debate and voted on the matter.

Note: Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in this Item as Nicola Grieve a community representative is also a member of the Greens which he is also a member. Councillor Robertson participated in debate and voted on the matter.

Note: Late correspondence was tabled by Councillor Luise Elsing, and George Fotis – Acting Manager Development Control and Helen Tola – Manager Governance & Council Support.

Motion moved by Councillor Price Seconded by Councillor Cullen

- A. THAT Council, pursuant to section 23K of the *Environmental Planning and Assessment Act* 1979, appoint the following persons to the Woollahra Local Planning Panel for the period 1 July 2021 to 29 February 2024:

Chair and Alternate Chairs

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Ms Penelope Holloway	Alternate Chair

Experts

Ms Sheridan Burke
Mr Graham Brown
Ms Sandra Robinson
Ms Gabrielle Morrish
Mr John McInerney
Prof. Helen Lochhead

- B. THAT Council notes that the Community Representatives remain unchanged until a time frame within 3 months of 30 September 2021 and are as follows:

Cooper Ward & Paddington Ward - Ms Keri Huxley
Double Bay Ward - Mr Andrew Petrie
Vaucluse Ward - Mr Graham Humphrey

Woollahra Municipal Council
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28 June 2021

- C. THAT Ms Nicola Grieve be removed as a Community Representative pending advice from the DPIE).
- D. THAT Council set the following remuneration rates for panel members:
- | | | |
|----------------|---|---|
| Chair | - | \$2,000 per meeting and \$285 per hour for business that is undertaken outside of meetings |
| Experts | - | \$1,500 per meeting and \$214 per hour for business that is undertaken outside of meetings |
| Community reps | - | \$500 per item up to a maximum of \$1,500 per meeting and \$71 per hour for business undertaken outside of meetings |

Note: The above rates do not include GST.

Note: The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.

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

For the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor McEwin
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

4/10

**Amendment moved by Councillor Zeltzer
Seconded by Councillor Shapiro**

- A. THAT Council, pursuant to section 23K of the *Environmental Planning and Assessment Act* 1979, appoint the following persons to the Woollahra Local Planning Panel for the period 1 July 2021 to 30 June 2022 (unless the Minister determines otherwise):

Chair and Alternate Chairs

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Ms Penelope Holloway	Alternate Chair

Experts

Ms Sheridan Burke
Mr Graham Brown
Ms Sandra Robinson
Ms Gabrielle Morrish
Mr John McInerney
Prof. Helen Lochhead

- B. THAT Council notes that the Community Representatives remain unchanged until a time frame within 3 months of 30 September 2021 and noting that the Community Representatives are as follows:
- Bellevue Hill Ward - Ms Nicola Grieve
 - Cooper Ward & Paddington Ward - Ms Keri Huxley
 - Double Bay Ward - Mr Andrew Petrie
 - Vaucluse Ward - Mr Graham Humphrey.
- C. THAT Council set the following remuneration rates for panel members:
- | | | |
|-----------------|---|--|
| Chair | - | \$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings |
| Experts | - | \$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings |
| Community Reps- | | \$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings. |
- Note:** The above rates do not include GST.
- Note:** The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.
- D. THAT the Mayor be requested to write to the Minister for Planning to seek clarification that the new elected Council in March 2022 is given the ability to review the experts (strongly advocating that the term is only 12 months).
- E. THAT Councillors are given the opportunity to review the Experts proposed to be selected in the future to serve our community (i.e. 2024) - In future the elected members be to select them serve our community (taken on notice).

**The Amendment was put and carried.
The Amendment became the Motion.
The Motion was put and carried.**

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

For the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

9/5

(Zeltzer/Shapiro)

1/21 Resolved:

- A. THAT Council, pursuant to section 23K of the *Environmental Planning and Assessment Act 1979*, appoint the following persons to the Woollahra Local Planning Panel for the period 1 July 2021 to 30 June 2022 (unless the Minister determines otherwise):

Chair and Alternate Chairs

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Ms Penelope Holloway	Alternate Chair

Experts

Ms Sheridan Burke
Mr Graham Brown
Ms Sandra Robinson
Ms Gabrielle Morrish
Mr John McInerney
Prof. Helen Lochhead

- B. THAT Council notes that the Community Representatives remain unchanged until a time frame within 3 months of 30 September 2021 and noting that the Community Representatives are as follows:

Bellevue Hill Ward - Ms Nicola Grieve
Cooper Ward & Paddington Ward - Ms Keri Huxley
Double Bay Ward - Mr Andrew Petrie
Vaucluse Ward - Mr Graham Humphrey.

- C. THAT Council set the following remuneration rates for panel members:

Chair	-	\$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings
Experts	-	\$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings

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28 June 2021

Community Reps- \$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings.

Note: The above rates do not include GST.

Note: The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.

- D. THAT the Mayor be requested to write to the Minister for Planning to seek clarification that the new elected Council in March 2022 is given the ability to review the experts (strongly advocating that the term is only 12 months).
- E. THAT Councillors are given the opportunity to review the Experts proposed to be selected in the future to serve our community (i.e. 2024) - In future the elected members be to select them serve our community (taken on notice).

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

For the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

9/5

12. General Manager and Officer's Report

- Item No:** 12.1
Subject: **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) - UPDATE FOLLOWING EXPRESSION OF INTEREST PROCESS**
Authors: Helen Tola, Manager - Governance & Council Support
Nick Economou, Manager Development Control
Approvers: Scott Pedder, Director - Planning & Place
Craig Swift-McNair, General Manager
File No: 22/75699
Purpose of the Report: To provide Council with an update on the progress following the recent call for Expressions of Interest for WLPP Community Representatives.
Alignment to Delivery Program: Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.
Note: Late correspondence was tabled by Councillor Toni Zeltzer (2 pieces), Councillor Luise Elsing, Helen Tola, Council's Manager Governance Council Support & Nick Economou, Manager Development Control.
Note: The Council amended Part B of the resolution.

(Zeltzer/Shapiro)

1/22 Resolved:

- A. THAT the update on the Expressions of Interest process for the Woollahra Local Planning Panel (WLPP) be received and noted.
- B. THAT in the spirit of being inclusive, so that all councillors have input into the decision and acknowledging the critical role community representatives play on the Local Planning Panel:
- That senior planning staff present the list of all applicants that have met the eligibility criteria.
 - That the senior planning staff list the applicants in the order they believe to reflect each applicant's efficacy in this role, knowing the requirements go beyond knowledge of the local controls.
 - That the final ordered list, which includes all written applications, be presented to the Committee of the Whole, in closed session, so that a decision is made in regard to the choice of applicant and the number of community representatives.
- C. THAT the current three (3) Community Representatives to the WLPP be in place until 31 May 2022 or until such time as the EOI assessment process and appointment of new Community Representatives has been completed.
- D. THAT a further report be tabled to the 23 May 2022 Ordinary Council meeting recommending the selection and appointment of Community Representatives to the WLPP.

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

For the Motion

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

Against the Motion

Councillor Elsing
Councillor Price
Councillor Regan
Councillor Witt

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26 April 2022

Councillor Wynne
Councillor Zeltzer

10/4

Woollahra Municipal Council
Ordinary Council Meeting Minutes

23 May 2022

- Item No:** 12.4
Subject: **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) COMMUNITY REPRESENTATIVES**
- Authors:** Nick Economou, Manager Development Control
Helen Tola, Manager - Governance & Council Support
- Approvers:** Scott Pedder, Director - Planning & Place
Craig Swift-McNair, General Manager
- File No:** 22/97523
- Purpose of the Report:** For Council to consider and appoint Community Representative(s) to the Woollahra Local Planning Panel (WLPP).
- Alignment to Delivery Program:** Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.
- Note:** Councillor Price declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Price knows a number of people who have applied for the Community Representative position through connections with Residents First. Councillor Price remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Jarvis declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Jarvis knows a number of people who have applied for the Community Representative position. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Witt declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Witt knows a number of people who have applied for the Community Representative position. Councillor Witt remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Shields declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Shields knows a number of people who have applied for the Community Representative position. Councillor Shields remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Swan declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Swan knows a number of people who have applied for the Community Representative position. Councillor Swan remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Grieve declared a Non-Significant, Non-Pecuniary interest in this Item as Councillor Grieve knows a number of people who have applied for the Community Representative position. Councillor Grieve 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 a number of people who have applied for the Community Representative position. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.
- Note:** Councillor Regan declared a Non-Significant, Non-Pecuniary interest in this Item 1 as Councillor Regan knows a number of people who have applied for the Community Representative position through connections with Residents First. Councillor Regan 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 knows a number of people who have applied for the Community Representative position. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Woollahra Municipal Council
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23 May 2022

Note: The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary interest in this Item as The Mayor, Councillor Wynne knows a number of people who have applied for the Community Representative position. The Mayor, 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 a number of people who have applied for the Community Representative position. Councillor Price remained in the meeting, participated in debate and voted on the matter.

(Jarvis/Elsing)

Resolved:

THAT in accordance with Section 10A of the *Local Government Act 1993* the Committee resolve to enter into Closed Session with the press and public excluded to consider the Confidential Report. These matters are to be considered in Closed Session in accordance with (a) personnel matters concerning particular individuals (other than Councillors). The time being 9.50pm.

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

13/0

(Shields/Jarvis)

Resolved:

THAT Council resolve into Open Session. The time being 10.55pm.

Open Session

(Shields/Jarvis)

1/22 Resolved:

THAT Council:

- A. In accordance with Section 23K of the *Environmental Planning and Assessment Act 1979*, appoint the following persons to the Woollahra Local Planning Panel (WLPP), as Community Representatives from 1 June 2022 to 29 February 2024:

- Keri Huxley
- Andrew Petrie

Woollahra Municipal Council
Ordinary Council Meeting Minutes

23 May 2022

- *Graham Humphrey*
- *Kenneth Raphael*

- B. Notes the remuneration rate for Community Representatives on the WLPP as \$500 plus GST per item, up to a maximum of \$1,500 plus GST.
- C. Notes that the current Community Representatives will be advised of the final resolution of Council on this matter and will be thanked for their service as Community Representatives, if not reappointed.
- D. Note that all persons who submitted an Expression of Interest be thanked and advised of the outcome of their application.
- E. Request the General Manager advise the Department of Planning and Environment (DPE) of the appointed Community Representatives, in accordance with the Panel Member Selection Guide for Councils as provided by the DPE.
- F. THAT the report remain confidential until 19 May 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 Jarvis
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Silcocks
Councillor Witt

7/6

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting) Minutes

3 November 2022

Item No: D2
Subject: **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) DELEGATIONS ASSUMED CONCURRENCE**
Author: Nick Economou, Manager Development Assessment
Approver: Scott Pedder, Director - Planning & Place
File No: 22/202697
Purpose of the Report: To delegate to Council's Planning Staff the WLPP function to determine specific applications for a period of 18 months
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Resolved:

THAT the Woollahra Local Planning Panel (Panel) under the provisions of section 2.20(8) of the *Environmental Planning and Assessment Act 1979* (the 'Act') delegates to Council's Planning staff its function to determine Development Applications for a period 18 months where:

- there is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan 2014 and the development application does not result in an increase in the non-compliance, or
- there is a pre-existing non-compliance of more than 10% for floor space ratio under clause 4.4 of the Woollahra Local Environmental Plan 2014 and the development application does not:
 - a) result in changes to the extent of the building envelope, and
 - b) is only a minor increase to the gross floor area e.g. balcony closure or similar.

Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.

For the Motion

Against the Motion

Helen Lochhead
Gabrielle Morrish
Andrew Petrie
Annelise Tuor

4/0

Woollahra Municipal Council
Ordinary Council Meeting Minutes

11 April 2023

Item No: 12.2
Subject: **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) ADDITIONAL EXPERTS**
Authors: Helen Tola, Manager Governance & Risk
Nick Economou, Manager Development Assessment
Approvers: Scott Pedder, Director Planning & Place
Craig Swift-McNair, General Manager
File No: 23/57350
Purpose of the Report: To appoint additional experts to the Woollahra Local Planning Panel (WLPP) from 24 April 2023 to February 2024 to comply with a Ministerial Direction.
Alignment to Delivery Program: Strategy 4.5 Ensure that planning and building requirements are complied with.

(Zeltzer/Grieve)

Resolved:

THAT Council resolves to enter into closed session with the press and public excluded to consider confidential discussions regarding the persons named in the report, under the provisions of clause 10A(2) of the Local Government Act. The time being 7.07pm.

Adopted

In closed Session

(Grieve/Silcocks)

Resolved:

THAT Council move into Open Session, the time being 7.38pm.

Adopted

In Open Session

(Grieve/Shapiro)

1/23 Resolved:

- A. THAT consideration of the Woollahra Local Planning Panel (WLPP) Additional Experts be deferred for a Confidential Briefing of Councillors as soon as practicable noting the directive is effective on the 24 April 2023.
- B. THAT the Mayor writes to the new Minister of Planning outlining Council's dissatisfaction on the changes with regards to ability for applicants to meet with the operation of Local Planning Panels.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

11 April 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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

26 June 2023

Item No: 12.2
Subject: **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) ADDITIONAL EXPERTS**
Authors: Nick Economou, Manager Development Assessment
Helen Tola, Manager Governance & Risk
Approvers: Rosemary Bullmore, Acting Director Planning & Place
Craig Swift-McNair, General Manager
File No: 23/66196
Purpose of the Report: To appoint additional experts to the Woollahra Local Planning Panel (WLPP) from 26 June 2023 to February 2024 to comply with a Ministerial Direction.
Alignment to Delivery Program: Strategy 4.5 Ensure that planning and building requirements are complied with.

(Shapiro/Carmichael)

1/23 Resolved:

THAT Council, pursuant to section 23K of the *Environmental Planning and Assessment Act 1979*, appoint the following persons as Experts to the Woollahra Local Planning Panel for the period 26 June 2023 to February 2024:

- Peter Brennan
- Judith (Judy) Clark
- Kim Crestani
- Phillipa Frecklington
- Megan Jones
- Oliver Klein
- Lee Kosnetter
- Larissa Ozog
- Heather Warton.

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 Swan
Councillor Witt
Councillor Wynne

Nil

14/0

Item No: 12.2
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) MINUTES - 5 DECEMBER 2023**
Author: Helen Tola, Manager Governance & Risk
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 24/11098
Purpose of the Report: To present the Audit, Risk & Improvement Committee (ARIC) meeting minutes of 20 June 2023 for noting by Council.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT Council notes the Minutes of the Audit, Risk & Improvement Committee Meeting of 5 December 2023.

Executive Summary:

The purpose of this report is to present to Council the Audit, Risk & Improvement Committee (ARIC) meeting minutes of 5 December 2023.

Discussion:

The Woollahra Council ARIC met on the 5 December 2023. In accordance with the ARIC Charter, the minutes of this meeting were confirmed by the Chair and Independent Members of the ARIC meeting via electronic circulation.

Submission of minutes to the Council is a procedural matter for the noting of the minutes. To clarify, as per advice from the Office of Local Government (OLG), the terms adopt, endorse and note are used to define and reflect the different levels of responsibility of the elected Council as follows:

- Adopt – to accept. This is used to reflect that the Council is fully responsible for the actions within a plan etc.
- Endorse – to support. This is used in instances when a plan may identify responsibilities that fall outside the sole responsibility or role of the Council.
- Note – to take notice of. This is used where the plan or report is provided for the information of the Council and no specific action is required.

The minutes of the meeting are presented as **Attachment 1** for noting by the Council.

Options:

There are no options presented in this report.

Community Engagement and / or Internal Consultation:

Consultation in relation to this report has taken place with the members of the ARIC, the General Manager, Director Corporate Performance and Manager Governance & Risk. No external consultation has taken place in the development of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes of the Audit, Risk & Improvement Committee (ARIC) meeting held on 5 December 2023 are attached for noting by the Council.

Attachments

1. Draft Audit, Risk & Improvement Committee Minutes - 5 December 2023 [↓](#) 



Audit, Risk and Improvement Committee

Tuesday 5 December 2023
12.00pm

Minutes

Draft

Audit, Risk and Improvement Committee Meeting

Held on

Tuesday 5 December 2023 at 12.00pm.

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Audit, Risk and Improvement Committee Meeting

Minutes of the Meeting held on 5 December 2023 at 12.00pm.

Present: Jason Masters (Chair) - via Zoom
Deborah Goodyer (Independent Member) - via Zoom
Councillor Nicola Grieve (Non-Voting Council Member) - via Zoom
Carl Millington (Independent Member)
Councillor Harriet Price (Non-Voting Council Member)

Staff: Ben Horn (Manager Information & Digital Transformation) – via Zoom
Rhys Johnson (Coordinator Governance)
Alison McNamee (Meetings Support Officer)
Sue Meekin (Director – Corporate Performance)
Stephen Moxham (Coordinator Health Safety & Injury Management - via Zoom)
Paul Ryan (Chief Financial Officer) - via Zoom

Also in Attendance: Andrew Styles (O'Connor Motion – Item 10.1) - via Zoom

1. Opening

The Chair, Mr Jason Masters opened the meeting and welcomed Committee members.

2. Acknowledgement of Country

At the request of the Chair, Sue Meekin, Director Corporate Performance, acknowledged the traditional custodians of the land, the *Gadigal* and *Birrabirragal* people and the traditional custodians of the various lands upon which we meet virtually.

3. Apologies

Apologies were received and accepted from Councillor Carmichael and the General Manager, Craig Swift-McNair.

4. Declarations of Interest

Nil

5. Late Correspondence

Nil

6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION OF AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) MINUTES - 21 SEPTEMBER 2023
Author:	Alison McNamee, Meetings Officer
File No:	/188596
Purpose of the Report:	The Minutes of the Audit, Risk and Improvement Committee of 21 September 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.

Discussion:

THAT the minutes of the Audit, Risk and Improvement Committee (ARIC) meeting of 21 September 2023 be taken as read and noted by the ARIC.

Resolved Unanimously:

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting of 21 September 2023 be taken as read and confirmed.

7. Committee Action Items

Item No: 7.1
Subject: **PROGRESS STATUS REPORT FOR ARIC ACTION PLAN**
Authors: Helen Tola, Manager Governance & Risk
Alison McNamee, Meetings Officer
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/199036
Purpose of the Report: To table the ARIC Action Plan Progress Report.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The Committee noted the Progress Report and additional information distributed as Late Correspondence.

The Committee discussed separating the Progress Report into two parts; one part being the Action Plan and the second part being any items that are identified as a one-off requests. It was agreed that this could be reviewed at the time of developing the annual ARIC Workplan.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee reviewed and noted the current status for the items in the Progress Report included as **Attachment 1** subject to amendment of the status for action items 7 and 20 to "Delayed".

8. General Manager's Update

Item No: 8.1
Subject: GENERAL MANAGER'S UPDATE
Authors: Craig Swift-McNair, General Manager
Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 23/199045
Purpose of the Report: For the General Manager to provide an update on a range of matters to the Committee
Alignment to Strategy 11.3: Ensure effective and efficient governance and risk management.
Delivery Program:

Discussion:

The report was taken as read and noted by the Committee.

The Chair requested that current Service Review reports and future Service Review reports be shared with the ARIC.

The Chair suggested the General Manager provide an update to the ARIC in 2024 regarding the Cross Street Carpark Redevelopment.

The impact of cost shifting and the strategic actions Council can take by advocating through various channels, including Local Government NSW and State and Federal members is noted.

The Committee noted that there are many positives in the General Manager's report and congratulated the Manager of Information & Digital Transformation Ben Horn on his outstanding results in Capture the Flag Cyber competition.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC) received and noted the General Manager's Update report.

9. Compliance

Item No:	9.1
Subject:	WORKPLACE HEALTH & SAFETY UPDATE REPORT
Authors:	Stephen Moxham, Health, Safety & Injury Management Coordinator Eva Leszczynska, Manager People, Safety & Performance
Approver:	Sue Meekin, Director Corporate Performance
File No:	23/216264
Purpose of the Report:	To provide the Committee with an overview of Council's Workplace Health & Safety and Workers Compensation.
Alignment to Delivery Program:	Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

The Coordinator of Health Safety & Injury Management provided an update on Workplace, Health & Safety (WHS) and Workers Compensation, highlighting the updates to Council's centralised safety management system and the benefits of early Council intervention program.

The Committee noted the number of actions undertaken to raise the profile of WHS, such as the Mock Court, where staff participated in a scripted real-life staged case.

The Chair noted that claims are low for psychosocial issues. The Coordinator of Health Safety & Injury Management advised that Council has implemented procedures to address psychosocial risks based on Council's Code of Conduct and Risk Assessments and has implemented a number of health and well-being initiatives.

General discussion was had in relation to clarification of the insurance coverage for ARIC members as an advisory body of Council. The Committee requested that future updates include any incidents that were reported to SafeWork NSW.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee received and noted the Workplace, Health & Safety November 2023 report.

10. Risk Management

Item No:	10.1
Subject:	RISK APPETITE STATEMENT AND RISK APPETITE RATINGS
Authors:	Andrew Styles, Insurance & Risk Management Consultant Helen Tola, Manager Governance & Risk
Approvers:	Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
File No:	23/199125
Purpose of the Report:	The purpose of this report is to present to the Audit, Risk & Improvement Committee an initial draft of a Risk Appetite Statement for Council and draft Strategic Risk Appetite Ratings for review and feedback.
Alignment to Delivery Program:	Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

The Committee supports that some risks can be positive and that Risk Appetite Statements should use positive language.

The Committee noted that a briefing with Councillors will be held in early 2024 to cover broad aspects of risk, progress against Council's Risk Improvement Roadmap and Council's draft Risk Appetite Statement & Ratings. Following this the draft Risk Appetite Statement and Ratings will be brought back to the ARIC for input.

Resolved unanimously:

THAT the Committee received noted and the Risk Appetite report including that the next step in the development of Council's Risk Appetite Statement and Ratings will be the briefing with Councillors in the first quarter of 2024.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

5 December 2023

Item No: 10.2
Subject: **GAP ANALYSIS RISK MANAGEMENT FRAMEWORK**
Authors: Sue Meekin, Director Corporate Performance
Helen Tola, Manager Governance & Risk
Approver: Craig Swift-McNair, General Manager
File No: 23/199115
Purpose of the Report: To present a gap analysis as undertaken by staff of compliance with the proposed Risk Management Framework due for implementation from 1 July 2024.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

The Director of Corporate Performance advised that the gap analysis undertaken was against the draft Office of Local Government (OLG) guidelines and the Local Government (General) Regulation 2022 has since been amended to give statutory force. Due to the timing of the meeting a full review of any changes and an update of the gap analysis against the amended Regulations had not been completed.

The Committee agreed that the gap analysis should be updated to reflect the final Regulations and requested that staff seek clarification from the Office of Local Government (OLG) on the composition of the Committee noting that Council currently has three Councillors(non-voting) on the Committee which is higher than under the Regulation which state one Councillor.

The Committee noted that the ARIC and Internal Audit Term of Reference (ToFR) were to be reviewed before June 2024 to ensure compliance with the OLG models. Ms Goodyer noted that some changes to the Internal Audit model ToFR may need to be considered and said she'd share details of these with the Committee and staff.

Resolved unanimously

THAT ARIC noted the Gap Analysis undertaken against the Risk Management Framework presented at **Attachment 1** subject to the following:

- A. That the gap analysis be updated against the final Regulations and Guidelines, and
- B. That staff seek clarification from the Office of Local Government (OLG) on the composition of the Committee.

12. Financial Management

Item No: 12.1
Subject: **FINANCE UPDATE REPORT AND DRAFT RESTRICTED FUNDS POLICY**
Author: Paul Ryan, Chief Financial Officer
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/199054
Purpose of the Report: To provide the Committee with an update on Council's current financial position
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: An adjournment was called at 12.55pm and the meeting returned at 1.00pm.

Discussion:

The report was taken as read and noted by the Committee.

The Chief Financial Officer provided an overview of the report. The Committee provided feedback on the draft restricted Funds Policy and suggested for consideration by staff that:

- The detail in the attachment which outlines each Reserve be reduced and focus on being more descriptive of the purpose and use of the Reserve, and
- Consideration be given to amending the current draft to be two documents – a Policy and an separate Procedure.

Resolved unanimously:

THAT the Committee receive and note the Finance Update report of 5 December 2023 and Draft Restricted Funds Policy.

13. Governance

Item No: 13.1
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) - ANNUAL PERFORMANCE REPORT 2023**
Authors: Helen Tola, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 23/199122
Purpose of the Report: To present the Annual Performance Report 2023 for noting by the ARIC prior to reporting to Council.
Alignment to Strategy 11.3: Ensure effective and efficient governance and risk management.
Delivery Program:

Discussion:

The report was taken as read and noted by the ARIC.

The Committee endorsed a survey to assist in the completion of Annual Performance Report and requested that it be forwarded to the independent members and Councillors to complete. Following this the draft Annual Performance Report would be distributed to the Committee out of session for finalisation.

Resolved unanimously:

THAT the Audit Risk & Improvement Committee received and noted the progress of the Chairperson's Annual Performance Report for the period 1 January 2023 to 31 December 2023.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

5 December 2023

14. Implementation of Strategic Plan, Delivery Program & Strategies

Item No: 14.1
Subject: **INFORMATION & DIGITAL TRANSFORMATION UPDATE**
Author: Ben Horn, Manager Information & Digital Transformation
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/199038
Purpose of the Report: To provide the Committee with an update on Council's Information & Digital Transformation Initiatives
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Councillor Grieve left the meeting, the time being 2.20pm.

Discussion:

The report was taken as read and noted by the Committee.

The Director of Corporate Performance acknowledged the Information & Digital Transformation team in terms on their nominations for a number of Awards at Council's recent Rewards and Recognition Awards Day.

The Manager Information & Digital Transformation provided an update to the committee on a number of actions undertaken to improve Council's overall IT security.

Resolved unanimously:

THAT the Audit, Risk and Improvement Committee noted the Information & Digital Transformation Update.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

5 December 2023

17. Internal Audit

Item No: 17.1
Subject: **INTERNAL AUDIT DRAFT SCOPES 2023/24 - CYBER SECURITY AND WORK, HEALTH & SAFETY**
Authors: Helen Tola, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 23/199025
Purpose of the Report: To present to the Committee draft scopes for two internal audits to be completed during 2023/24.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

The Committee discussed the draft internal audit scopes noting that they were quite large in their remit noting the resource levels available. The Committee endorsed the drafts subject to review and amendment by Management to potentially reduce some of the scope whilst ensuring there was sufficient focus on higher risk areas.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee endorsed the draft scopes subject to the review and potential amendment as discussed at the meeting

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

5 December 2023

Item No: 17.2
Subject: **STATUS PROGRESS REPORT ON INTERNAL AUDIT**
Authors: Helen Tola, Manager Governance & Risk
Alison McNamee, Meetings Officer
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/198978
Purpose of the Report: To provide the ARIC with a Short Term Internal Audit Status Report as at 31 October 2023.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

The Committee discussed the number of legacy items included in the status update and requested Management review and recommend closure where the specific action had not been completed but other action had been implemented addressing the issue. The Committee also noted that future internal audit recommendations should be practical and actionable.

Resolved Unanimously:

THAT the Audit, Risk and Improvement Committee received and noted the status of the Follow-up Internal Audit Recommendations as at 1 November 2023.

18. General Business

Discussion regarding date for next meeting in March 2024. Thursday, 14 March 2024 was decided upon by the committee.

There being no further business the meeting concluded at 2.58pm.

We certify that the pages numbered 1 to 13 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 5 December 2023 and confirmed by the Ordinary Meeting of Council on 19 March 2024 as correct.

General Manager

Mayor

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 5 February 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL FOR 136 - 148
NEW SOUTH HEAD ROAD, EDGECLIFF**
Authors: Wai Wai Liang, Strategic Planner
Chinmayi Holla, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/200934
Purpose of the Report: To report on the public exhibition of the planning proposal for 136 – 148
New South Head Road, Edgecliff
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning
and urban design outcomes.

Recommendation:

THAT Council:

- A. Notes the matters raised during the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. Forwards the submissions, post exhibition report and amended planning proposal for 136-148 New South Head Road to the Department of Planning, Housing and Infrastructure as the local plan-making authority, with a request that the Minister (or delegate) makes the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Item No: R2 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - VOLUNTARY PLANNING AGREEMENT
FOR 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/218390
Purpose of the Report: To provide an update of the exhibition of a VPA
Alignment to Delivery Program: Strategy 5.1: Enhance council provided community facilities to foster
connections between people and place and enhance quality
of life.

Recommendation:

THAT Council:

- A. Note the report which provides an analysis of submissions received on the draft Voluntary Planning Agreement (VPA).
- B. Note that no changes to the draft Voluntary Planning Agreement (VPA) are proposed.

- C. Prior to the next meeting of Council on the 12 February 2024, request that staff obtain further advice from our lawyers to ensure there are no concerns about the interpretation of certainty in Schedule 1.
- D. Subject to the advice identified in Part C, authorise the General Manager to enter into the Voluntary Planning Agreement (VPA) prior to gazettal of the Planning Proposal.

Item No: R3 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL TO LIST THE ST GEORGE GREEK ORTHODOX CHURCH, ROSE BAY AS A LOCAL HERITAGE ITEM**

Authors: Eleanor Banaag, Senior Strategic Heritage Officer
Kristy Welfare, Acting Team Leader Heritage

Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place

File No: 23/231325

Purpose of the Report: To report on the public exhibition of the planning proposal to list the St George Greek Orthodox Church, Rose Bay as a local heritage item.

Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

Recommendation:

THAT Council:

- A. Finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 5 February 2024 to list the *St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable relics* at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP 5092) as a local heritage item in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014*.
- B. Make the local environmental plan under section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

Item No: R4 Recommendation to Council
Subject: **DELIVERY PROGRAM 2022/23 - 2025/26 & OPERATIONAL PLAN 2023/24 PROGRESS REPORT - DECEMBER 2023**

Author: Petrina Duffy, Coordinator Strategy & Performance

Approvers: Sue Meekin, Director Corporate Performance
Tom O'Hanlon, Director Infrastructure & Sustainability
Scott Pedder, Director Planning & Place
Patricia Occelli, Director Community & Customer Experience

File No: 24/13267

Purpose of the Report: To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 31 December 2023.

Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Recommendation:

THAT Council receives and notes the December 2023 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 5 February 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **WOOLLAHRA GRANTS PROGRAM 2024/25 ROUND**
Author: Emma Rodgers-Wilson, Development Officer, Community & Culture
Approvers: Maya Jankovic, Coordinator Community & Culture
Vicki Munro, Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
File No: 23/227735
Purpose of the Report: To endorse the Community and Cultural and Placemaking grant stream themes, to note the proposed dates for the 2024/25 Grants round and to provide feedback on School Citizenship Award program for 2023.
Alignment to Delivery Program: Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Recommendation:

THAT Council:

- A. Endorse the themes relating to the 2024/25 Grants round for the Community and Cultural and Placemaking grant streams.
 - B. Notes the proposed dates for the implementation of the 2024/25 Grants program.
 - C. Notes the update on the School Citizenship Award Program for 2023.
-

Item No: R2 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 30 NOVEMBER 2023**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 23/233773
Purpose of the Report: To present the monthly financial report for November 2023.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council:

- A. Receive and note the Monthly Financial Report – November 2023.
- B. Note that the Council's 12-month weighted average return for November 2023 on its direct investment portfolio of 4.80% (LM: 4.79%, LY: 2.92%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.18%.
- C. Note that the interest revenue for the year to date November 2023 is \$2.12M, exceeding our revised year to date budget of \$1.06M for the same period.

Item No: R3 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 31 DECEMBER 2023
INVESTMENT HELD AS AT 31 JANUARY 2024**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 24/9285
Purpose of the Report: To present the monthly financial report for December 2023 and to present a list of investments held as of 31 January 2024.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council:

- A. Receive and note the Monthly Financial Report – December 2023.
- B. Note that the Council's 12-month weighted average return for December 2023 on its direct investment portfolio of 4.98% (LM: 4.80%, LY: 3.29%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.26%.
- C. Note that the interest revenue for the year to date December 2023 is \$2.57M, exceeding our revised year to date budget of \$1.36M for the same period.
- D. Receive and note the list of Council's investments held as of 31 January 2024 (provided as late correspondence).

Item No: R4 Recommendation to Council
Subject: **2023/24 BUDGET REVIEW FOR THE QUARTER ENDED 31 DECEMBER 2023**
Authors: Henrietta McGilvray, Senior Corporate Accountant
Esther Hii, Senior Corporate Accountant
Paul Ryan, Chief Financial Officer
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 24/3565
Purpose of the Report: To report on the review of the 2023/24 budget forecast position as at the quarter ended 31 December 2023
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council:

- A. Receive and note the report on the Budget Review for the quarter ended 31 December 2023.
- B. Note the statement from the Responsible Accounting Officer, Council's Chief Financial Officer that the projected financial position at 31 December 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 31 December 2023, resulting in a net operating result before capital grants and contributions of \$4.470 million, a decrease of \$0.485 million from the Quarter Ended 30 September 2023 revised budget. The original approved 2023/24 budget after revotes for Net Operating Result before Capital Grants & Contributions was \$1.079m.

Item No: R5 Recommendation to Council
Subject: **CAPITAL WORKS PROGRAM - QUARTERLY PROGRESS REPORT
DECEMBER 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: 24/13265

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 31 December 2023

Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT the Capital Works Program – Quarterly Progress Report for the quarter ended 31 December 2023 be received and noted.

Item No: R6 Recommendation to Council
Subject: **DELIVERY PROGRAM 2022/23 - 2025/26 & OPERATIONAL PLAN
2023/24 PROGRESS REPORT - DECEMBER 2023**

Author: Petrina Duffy, Coordinator Strategy & Performance

Approvers: Sue Meekin, Director Corporate Performance
Tom O'Hanlon, Director Infrastructure & Sustainability
Scott Pedder, Director Planning & Place
Patricia Occelli, Director Community & Customer Experience

File No: 24/13266

Purpose of the Report: To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 31 December 2023.

Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Recommendation:

THAT the December 2023 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

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).

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - COUNCIL SPONSORSHIP- SUPPORT FOR THE ARTS, COMMERCE, EVENTS AND CULTURAL ACTIVITIES WHICH DELIVER A MORE CONNECTED, THRIVING AND PROSPEROUS COMMUNITY IN WOOLLAHRA
From: Councillors Toni Zeltzer, Sarah Swan, Nicola Grieve, Luise Elsing and Susan Wynne
Date: 06 February 2024
File No: 24/21009

Recommendation:

THAT Council:

- A. Request the General Manager tables a report to the 2nd of April 2024 Finance, Community and Services Committee that details how Council could establish a mechanism for the granting of sponsorship to organisations and or events that meet certain criteria.
- B. Note that the request in part A above is not intended to replace the current Grants Process, but is in addition to the Grants Program, for the purpose of Council formally sponsoring certain organisations, long standing initiatives and or events.

Background:

During 2022 and 2023, Council reviewed the way in which it grants were managed and following community consultation and further consideration by Council, a revised grants policy and guidelines were adopted by Council on 26 June 2023.

It is acknowledged that Council's revised grants policy and guidelines were developed to ensure that organisations did not automatically receive funding each year in perpetuity i.e. the expectation being that grants would be used as seed funding and that applicants would grow in skills and capacity and move to self-sustaining practices, thereby eliminating the need for ongoing grants to be provided. It should be noted that the Councillors named on this Notice of Motion support this overarching grants philosophy.

Nonetheless it is also recognised that there is currently no formal mechanisms for opportunities where Council may seek to support new initiatives or long standing and proven association, organisation, event or cultural programs beyond those that the community are applying for through the grants program. Long standing initiatives have enabled the growth of social capital and delivered much in community building over decades. There are many positive flow-ons as a result of these initiatives, including a more connected and more prosperous community, an appreciation of arts and culture, reduction in isolation and improvement in physical and mental health.

During 2022-2023, Council undertook an events service review where one of the recommendations included: *An event sponsorship process with an exchange agreement for events not organised by Council be set up, in addition there is recognition that Council may wish to invest in other initiatives, cultural organisations and proven programs that enable Woollahra to thrive.*

Whilst Council has invested and supported the arts through some events programming; through support of the Woollahra Gallery at Redleaf and through public art, it does not have a program of support for the performing arts, cultural events and other longstanding initiatives that collectively harness the social capital of Woollahra.

The concept of a sponsorship program could enable Council to provide annual funding for events, programs and organisations that celebrate local culture, the arts, and that help stimulate our local economy as an addition to the existing grants program. This would potentially allow Council to provide direct funding under very specific criteria so there is clear direction and accountability around any Council funding.

Item No: 16.2
Subject: **NOTICE OF MOTION - BAY STREET UPGRADE**
From: Councillor Mark Silcocks
Date: 07 February 2024
File No: 24/21471

Recommendation:

THAT Council:

- A. Congratulate Staff on the fantastic upgrade to the northern end of Bay Street, Double Bay, in terms of the professionalism, speed, design and quality.
 - B. Notes the similarly impressive Double Bay Ferry Terminal upgrade and requests the Mayor to kindly write to Transport for New South Wales to express our sincere appreciation and gratitude.
-

17. Questions With Notice

Recommendation:

THAT the Questions with Notice be received and noted.

Background:

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

The following Questions with Notice for the Council Meeting on 12 February 2024 have been received.

QWN: 17.1
From: Councillor Regan
Subject: Questions with Notice - Affordable Housing Dwellings

Councillor Regan asking:

In the agenda commencing at page 680 of Environmental Planning Committee Meeting of 7 November 2022 tables were produced that set out the number of affordable housing dwellings that were to be provided via approved development applications through various mechanisms in the municipality. It is noted that some of these developments are nearing completion or have been completed. Could an update please be provided in relation to these developments and in relation to arrangements made with respect to those affordable homes that are to be delivered?

Could Council also be updated as to the details of the affordable homes provided, who the manager of these homes is, the length of time that these homes must be provided as affordable rental and the rental being asked of these homes.

I note in particular that the following have completed or will be complete in the next few months:

- 252-256 Old South Head Road Bellevue Hill -
9 homes to be provided (I note some 2 bed units are being advertised on Domain now for \$1,500 per week).
- 230/32 Newcastle Street, Rose Bay -
this is not complete but is likely to be in the New Year. 1 dwelling.

Executive Planner in response:

Update on infill affordable rental housing delivered in Woollahra LGA and approved under the ARH SEPP

The Environmental Planning Committee report of 7 November 2022 included a list of development approvals with an affordable housing dwelling that have been granted in the Woollahra Local Government Area (LGA) since 2009 under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), or *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP). Both of these SEPPs have been repealed and replaced by the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

The relevant approvals are listed in Table 1 below.

Table 1 : Development approvals with an affordable housing component approved in Woollahra LGA	
DA 271/2020	30-32 Newcastle St, Rose Bay (Seniors housing development containing 10 seniors dwellings, with one affordable place) (Seniors Housing SEPP)
DA 226/2019	351-353 New South Head Road, Double Bay (RFB with 12 units including 5 affordable rental dwellings) (ARH SEPP)
DA 518/2018	164 Victoria Rd, Bellevue Hill (RFB with 6 units, including 2 affordable rental dwellings) (ARH SEPP)
DA 367/2017	252-256 Old South Head Rd Bellevue Hill (RFB with 19 units, including 9 affordable rental dwellings) (ARH SEPP)
DA 169/2017	9A Cooper Park Road, Bellevue Hill (Alterations and additions to approved RFBs and new Building C, including 7 affordable rental dwellings) (ARH SEPP)

At the time of preparing this response (12 January 2024), an occupation certificate has been issued for the development at 252-256 New South Head Road, Double Bay. That certificate was issued on 13 December 2023. Occupation certificates have not been issued for the other four (4) development approvals in Table 1.

As identified in the NOM, dwellings in the development at 252-256 New South Head Road, Double Bay, are being advertised for rent however, these advertisements do not specifically refer to the affordable housing tenancies. Council staff have contacted the real estate agent leasing these properties (Cubic Real Estate Pty Ltd), and Cubic has advised that the rental advertisements do not apply to the apartments nominated as affordable housing. Cubic also advised they are the registered community housing provider for the nominated affordable rental housing, and has provided evidence that the nine affordable rental units are registered with the National Regulatory System of Community Housing. Cubic have also stated that these properties will be managed in accordance with the *NSW Affordable Housing Ministerial Guidelines*, and advised that the nine properties are rented at 20% below market rent of the other two bedroom units in the building.

Length of time dwellings are to be dedicated as affordable rental housing

The affordable place approved under the Seniors Housing SEPP at 30-32 Newcastle Street must be retained as affordable housing in perpetuity. Consistent with the Seniors SEPP, section 45 Vertical villages, sections 45(8) and (9), and Council's conditions of consent:

- a covenant must be registered against the land title concerning the continued provision of the affordable place, and
- the affordable place is to be owned and managed by a registered community housing provider (CHP).

For the four (4) other DAs listed in Table 1 above, the affordable rental housing was approved under the ARH SEPP. Under that SEPP (section 17(1)), and consistent with Council's conditions of consent:

- the dwelling(s) must be used for affordable housing for 10 years from the date of the issue of the occupation certificate, and
- the restriction on the use of the dwelling is registered against the land title.

The ARH SEPP, section 17 states:

17 Must be used for affordable housing for 10 years

- (1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that—
 - (a) for 10 years from the date of the issue of the occupation certificate—
 - i. the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
 - ii. all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
 - (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.
- (2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.

The ARH SEPP was repealed in November 2021 and replaced by the Housing SEPP. Affordable rental housing approved under the Housing SEPP (Chapter 2, Division 1 In-fill affordable housing) must be used for ARH for at least 15 years (section 21). At the time of preparing this report there have been no DAs approved in Woollahra LGA under the Housing SEPP with an affordable housing component.

Are there any requirements to notify Council of the community housing provider?

All of the development approvals listed in Table 1 include a condition of consent requiring that the nominated dwelling(s) are to be used for the purposes of affordable housing and managed by a registered CHP. There is nothing in the ARH SEPP, Seniors Housing SEPP or conditions of consent that requires the applicant (or owner of the land) to provide Council with details of the CHP engaged to manage the affordable dwellings.

If the affordable housing dwellings are not used as affordable housing and also managed by a registered CHP, this would be a breach of consent and enforcement action could be commenced.

When the Housing SEPP replaced the ARH SEPP, supporting amendments were also made to the *Environmental Planning and Assessment Regulation 2021* which introduced new provisions requiring the owner (or applicant) to provide evidence of an agreement with a registered CHP. This addresses the issue of notifying Council. The new provisions are set out below, with relevant sections highlighted:

82 In-fill affordable housing

- (1) This section applies to development permitted under *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1, other than—
 - (a) development on land owned by the Land and Housing Corporation, or
 - (b) a development application made by, or on behalf of, a public authority.
- (2) It is a condition of the development consent that before the issue of an occupation certificate for the development—
 - (a) a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and

- (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
 - (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.
- (3) It is a condition of the development consent that during the relevant period—
- (a) the affordable housing component must be used for affordable housing, and
 - (b) the affordable housing component must be managed by a registered community housing provider, and
 - (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
 - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- (4) In this section—
- affordable housing component** has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 21.
- relevant period** means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

No requirement to notify Council of the rental price

There is nothing in the ARH SEPP, Seniors Housing SEPP, or the Housing SEPP that requires the applicant (or owner of the land) to provide Council with information on the price that the affordable dwelling is being rented out for.

As set out in the *NSW Affordable Housing Ministerial Guidelines (page 12 <https://www.facs.nsw.gov.au/download?file=843446>)*:

“affordable housing is to be let at a discount of at least 20% of market rent, as market rent is reported in the NSW Government Rent Report
https://public.tableau.com/app/profile/facs.statistics/viz/Rentandsales_15565127794310/Rent

Community housing providers may select different approaches to setting the rent for affordable housing including income-based rents, relating rents to the average income level of a target group or rent levels which are a discount to the local market rent.”

It is the responsibility of the registered CHP to manage the affordable housing, including setting the rent and allocating tenancies consistent with the definition of affordable housing in the ARH SEPP and Seniors Housing SEPP as referred to in the conditions of consent, and set out below:

ARH SEPP, section 6:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

- (1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household—
 - (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

- (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

Seniors Housing SEPP, section 45(12):

Definitions In this clause—

affordable place, in relation to seniors housing, means a dwelling for the accommodation of a resident—

- (a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—

Very low income household	less than 50%
Low income household	50% or more but less than 80%
Moderate income household	80–120%

- (b) who is to pay rent that does not exceed a benchmark of 30% of the resident’s actual household income.

The current income bands based on median incomes for Sydney are set out in Table 2 below.

Table 2: Household income eligibility limits for Sydney region: 2023/24

Household Type	Very Low	Low	Moderate
Single	\$32,300	\$51,700	\$77,600
Single + 1	\$42,000	\$67,200	\$100,900
Single + 2	\$51,700	\$82,700	\$124,200
Single + 3	\$61,400	\$98,200	\$147,500
Single + 4	\$71,100	\$113,700	\$170,800
Couple	\$48,500	\$77,600	\$116,400
Couple + 1	\$58,200	\$93,100	\$139,700
Couple + 2	\$67,900	\$108,600	\$163,000
Couple + 3	\$77,600	\$124,100	\$186,300
Couple + 4	\$87,300	\$139,600	\$209,600

Registered CHPs must comply with relevant legalisation, the National Regulatory Code, and the *NSW Affordable Housing Ministerial Guidelines*. Registered CHPs are monitored by the NSW Registrar of Community Housing which for example, can do compliance checks on rents being set.

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

