



Ordinary Council

Monday 12 February 2024

6.30pm

Minutes



Ordinary Council Meeting

Monday 12 February 2024

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Items Determined Under Delegated Authority by Council Committees

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

Environmental Planning Committee held on Monday 05 February 2024

D1 Confirmation of Minutes of Meeting held on 4 December 2023

Finance, Community & Services Committee held on Monday 05 February 2024

D1 Confirmation of Minutes of Meeting held on 4 December 2023

D2 Woollahra Local Traffic Committee Minutes - 5 December 2023

D3 Confirmation of Minutes of Arts and Culture Advisory Committee Meeting held on 21 November 2023

D4 Confirmation of Minutes of the Inclusion (Disability, Aged & Carers) Advisory Committee Meeting held 27 November 2023

D5 Confirmation of Minutes of the Public Art Panel Meeting held on 22 January 2024

D6 Confirmation of Minutes of the Woollahra Small Sculpture Prize Committee Meeting held on 8 August 2023

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 12 February 2024 at 6.32pm.

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

Staff: Nick Economou (Manager – Development Assessment) via Zoom
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)
Richard Pearson (Development Manager – Strategic Projects) via Zoom
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Risk)
Anne White (Manager – Strategic, Planning & Place) via Zoom

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 12 February 2024 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, and we wish him well for a speedy recovery.

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

(Swan/Carmichael)

1/24 Resolved:

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

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

For the Motion

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

Against the Motion

Nil

General Item No: 5.1 Audio Visual Link

2/24 (Swan/Zeltzer)

Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillor participation in the Council Meeting of 12 February 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Elsing.

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

For the Motion

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

Against the Motion

Nil

14/0

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.

(Silcocks/Swan)

3/24 Resolved:

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

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

For the Motion

Against the Motion

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

Nil

14/0

7. Late Correspondence

Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Items R1 and R4, FC&S Items R5 and R6.

8. Disclosures of Interest

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in EP Items R1 (Post-Exhibition Report – Planning Proposal for 136-148 New South Head Road, Edgecliff) and R2 (Post-Exhibition Report – Voluntary Planning Agreement for 136-138 New South Head Road, Edgecliff) as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matters.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in EP Items R1 (Post-Exhibition Report – Planning Proposal for 136-148 New South Head Road, Edgecliff) and R2 (Post-Exhibition Report – Voluntary Planning Agreement for 136-138 New South Head Road, Edgecliff) as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matters.

9. Petitions Tabled

Nil

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.

(Shields/Shapiro)

4/24 Resolved:

- 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.

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

For the Motion

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

Against the Motion

Nil

14/0

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.

11. Public Forum

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.

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

(Grieve/Zeltzer)

5/24 Resolved:

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.
- F. Seeks advice to give consideration to inviting members that have applied as community representatives previously (during the most recent Expression of Interest process of the 23 May 2022).

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

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.

(Swan/Wynne)

6/24 Resolved:

THAT Council notes the Minutes of the Audit, Risk & Improvement Committee Meeting of 5 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 Cavanagh
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

14/0

13. Reports of the Committees

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.

Note: Late correspondence was tabled by Councillor Witt.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Jarvis left the meeting, the time being 7.06pm.

Note: Councillor Zeltzer left the meeting, the time being 7.06pm.

Note: Councillor Swan left the meeting, the time being 7.42pm.

Note: Councillor Swan returned to the meeting, the time being 7.43pm.

(Carmichael/Shapiro)

7/24 Resolved:

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*.

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Witt

7/5

Note: Councillor Jarvis and Councillor Zeltzer were not present for the vote.

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.

Note: Late correspondence was table by Richard Pearson, Council's Development Manager, Strategic Projects.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Elsing left the meeting at 8.17pm.

Note: Councillor Elsing returned to the meeting at 8.20pm.

Note: The Council amended original Part B, deleted original Part C, amended original Part D which became Part E and added new Part C and D of the Resolution.

(Carmichael/Shapiro)

8/24 Resolved:

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, subject to minor drafting amendments.
- C. Note that \$2.7 million is anticipated for affordable housing as part of the Voluntary Planning Agreement (VPA).
- D. Request that the General Manager assess potential Woollahra Council owned sites that would be suitable for delivery of affordable housing.
- E. Authorises the General Manager to enter into the Voluntary Planning Agreement (VPA) prior to the gazettal of the planning proposal.

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Witt

7/5

Note: Councillor Jarvis and Councillor Zeltzer were not present for the vote.

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.

Note: Councillor Jarvis returned to the meeting, the time being 8.34pm.

Note: Councillor Zeltzer returned to the meeting, the time being 8.34pm.

Note: Councillor Shapiro left the meeting, the time being 8.34pm.

Note: Councillor Shapiro returned to the meeting, the time being 8.35pm.

(Swan/Wynne)

9/24 Resolved:

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*.

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 Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne

Against the Motion

Councillor Carmichael
Councillor Shapiro
Councillor Shields
Councillor Zeltzer

10/4

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.
Note:	Late correspondence was tabled by Petrina Duffy, Council's Strategy & Performance Coordinator.

(Carmichael/Swan)

10/24 Resolved without debate:

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.

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

For the Motion

Against the Motion

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

Nil

14/0

13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 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.

(Zeltzer/Grieve)

11/24 Resolved without debate:

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.

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

For the Motion

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

Against the Motion

Nil

14/0

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.

(Zeltzer/Grieve)

12/24 Resolved without debate:

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.

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

Nil

14/0

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.

(Zeltzer/Grieve)

13/24 Resolved without debate:

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).

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

Nil

14/0

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.

(Zeltzer/Grieve)

14/24 Resolved without debate:

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.

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

For the Motion

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

Against the Motion

Nil

14/0

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.
Note: Late correspondence was tabled by Petrina Duffy, Council's Strategy & Performance Coordinator.

(Zeltzer/Grieve)

15/24 Resolved without debate:

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

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

For the Motion

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

Against the Motion

Nil

14/0

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.
Note: Late correspondence was tabled by Petrina Duffy, Council's Strategy & Performance Coordinator.

(Zeltzer/Grieve)

16/24 Resolved without debate:

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.

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

Nil

14/0

14. Rescission Motion

Nil

15. Councillor Reports/Councillor Updates (Section 8.4)

Note: Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).

General Item No: 15.1 Condolences - the Hon. Andrew Rogers
Tabled by Councillor: Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I would like to extend my condolences to the Hon. Helen Coonan, in particular, who recently lost her husband, the Hon. Andrew Rogers, who was a Justice of the NSW Supreme Court and made significant reforms to that Court in the 1980s. He was a wonderful man, a resident of Cooper Ward and I wish to extend my condolences to the Hon. Helen Coonan and her family alike.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

The Mayor, Councillor Shields further advised:

I too, would like to pass on my condolences to the family of the Hon. Andrew Rogers. Councillor Jarvis and I both worked for Mr. Rogers' wife, Helen Coonan. So I would like to send our condolences and make an observation that if anyone from a legal background have heard of Andrew Rogers he was a larger than life figure, and I think there is a quote to say that he revolutionised proceedings in the Commercial List of the Supreme Court. Every lawyer I have talked to that actually appeared before him has the most daunting stories of appearing before him.

My stories aren't like that. My stories are one of a Staffer to Helen Coonan delivering papers and I didn't see the dominating and very efficient Mr. Rogers. I saw the warm, engaging man who was just very willing to be hospitable in his house to visitors and it's that warmth that I remember and it's that warmth that really endeared me to him and I hope a lot of the lawyers that had the professional experience with him also experienced the social experience with him as well. I wish the family of Andrew Rogers and Helen Coonan a long life.

General Item No: 15.2 Hot Jazz Picnic
Tabled by Councillor: Councillor Swan, Councillor Elsing

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I would like to extend my congratulations to the organisers of *Hot Jazz Picnic*, it was such a fun day. Someone remarked, Councillor Swan is leaning into the festivities. I was having a great time dancing, hanging out with the vendors, it was a great day so congratulations to all. The artists did an amazing job and the event was run so smoothly and it was a perfect example of how our Grants Program can be used to create an incredible day for the community. It was attended by older, younger, and all in-between, everyone was dressed fabulously and I had the best day. So thank you very much.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

Councillor Elsing further advised:

Thank you, Mr. Mayor. I just want to support Councillor Swan's initiative. I want to talk about the *Hot Jazz Picnic*, I can't say I was dancing or getting into it, but I was there for a while and I thought it was one of the best events that I have seen Council put on. I really want to understand better, and I'm just leaving that in the hands of staff on how to do that, how we can continue to support those type of events and how we can continue to have those sort of events happening in our Municipality. I'm underscoring what Councillor Swan said, it was across the community. There was old, there was young, there was babies, there was young girls in groups, there was couples, everybody was there and I just love those sorts of events. It was very, very, very enjoyable and very successful, and very well managed and it was just a delightful event. I suppose what is going to happen is we will get a report, at some point hopefully up and to Community Services telling us about what the staff thought of the event and the ways that we can support it going forward.

The Mayor, Councillor Shields in response:

Thank you, Councillor Elsing.

General Item No: 15.3 Congratulations to Council Staff - Redleaf Gallery
Tabled by Councillor: Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. Congratulations to the artists and also the Director of Redleaf Gallery, Ms Pippa Mott for the two openings over the summer break, they were both excellent. I did not make it to the opening of the second exhibition but I have gone down to see it. As always beautifully curated, congratulations to her and her team.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.4 Congratulations - Responsiveness of Staff Christmas Day
Tabled by Councillor: Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. A big thank you and congratulations to staff for their responsiveness especially on Christmas Day for the issues in Double Bay. I know that there were problems and they were very responsive, so thank you very much to staff.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.5 Congratulations - Australia Day Honours
Tabled by Councillor: Councillor Swan, Councillor Shapiro, Councillor Regan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I also wish to extend my congratulations to Councillor Jarvis for her Australia Day Honours. I know it's been remarked already but I'd like to do so as well and also Dr Robin Fitzsimons, whom I know, because she is in my opinion one of the most intelligent people in the whole Municipality.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

Councillor Shapiro further advised:

Thank you, Mr. Mayor. I too would just like to pass on congratulations to Councillor Jarvis, and also to my friend Vic Alhadeff, who all received awards.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

Councillor Regan further advised:

Thank you, Mr. Mayor. Just to say congratulations to Councillor Jarvis as well.

The Mayor, Councillor Shields in response:

Thank you, Councillor Regan.

General Item No: 15.6 Chanukah at the Bay
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro advised:

Thank you, Mr. Mayor. Through you I would like to remark, I know it seems like a long time ago at the end of last year, the Chanukah at the Bay, which was attended by yourself and you made a speech on behalf of Woollahra Council. Councillor Regan, Councillor Carmichael, Councillor Witt, Councillor Elsing got there and Councillor Silcocks. I hope I haven't left anybody out, and Councillor Jarvis, apologies. As always a wonderful evening, a huge communal attendance, certainly not limited to the Jewish Community. Councillor Jarvis, apologies. Congratulations to Chabad Double Bay who every year put this together and again thanks to our Grants Program. Thank you.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

General Item No: 15.7 Mr. Robert Joyner - Paddington Community Gardens
Tabled by Councillor: Councillor Price

Councillor Price advised:

Mr. Mayor, I just wanted to double-check with my fellow Paddington Ward Councillor in relation to the congratulations to Mr. Joyner. I just know that Councillor Cavanagh was very instrumental in the Community Gardens, so whether he wanted to do that congratulations and thank you to Mr. Joyner and his wife. So you are happy with me to go ahead? Yes, thank you very much.

I would also like to thank Mr. O'Hanlon (Director Infrastructure & Sustainability) and his team for alerting all the Paddington Ward Councillors to this and preparing a short resume, I suppose, for Mr. Joyner.

Rob Joyner has played a key role in the Paddington Community Garden for many years. He chaired the Steering Committee from 2006-2008 that created a vision for the garden and advocated to establish it as Woollahra Council's first Community Garden in 2009.

He was the inaugural president for the garden from 2009-2013, resuming the role in 2016-2018 and again from 2020-2023. His leadership provided stability and inspiration as the garden evolved. Thanks to the efforts of Rob and other garden members, the Paddington Community Garden is now a thriving and productive urban oasis. Built on the old quarry site adjacent to the Trumper Park Tennis centre it hosts over 53 gardeners with 27 individual plots and 10 shared plots for community produce.

The success of this garden has inspired other groups to form Community Gardens such as Cooper Park and Rose Bay.

On behalf of all the Paddington Ward Councillors, we would like to thank Rob for over 15 years of dedicated service to the community garden, helping to inspire its set up, support its development and nurture its ongoing maintenance. Thank you very much, and obviously thank Mr. Joyner and his wife Vicki who has been very much involved as well. Thank you, Mr. Mayor.

The Mayor, Councillor Shields in response:

Thank you, Councillor Price.

General Item No: 15.8 Australia Day Honours - Dr Robin Fitzsimons and Gary Inberg
Tabled by Councillor: Councillor Jarvis

Councillor Jarvis advised:

Thank you, Your Worship. I want to particularly acknowledge tonight two people that I have the good fortune to know that received Australia Day Honours and the first being Dr Robin Fitzsimons AM, who Councillor Swan has already alluded to, and I actually first said was one of the smartest people I know in the Woollahra Municipality.

Whilst her background is in medicine and a neurologist and she has an expertise in a thing called, a bit like '*supercalifragilisticexpialidocious*', I actually got her to send me an email to how it's described – Facioscapulohumeral muscular dystrophy (FHSD). She has extensive contributions that she's made in terms of education and also in journalism.

In education, she has been honoured at Sydney University where she is highly regarded and a former member of the Senate. But I think also what is extraordinary about this woman is that her contribution to journalism has been quite remarkable. She is an expert on Hong Kong and the Rule of Law under Chinese Sovereignty, and in fact has contributed globally from *The UK (London) Times*, to *The South China Morning Post* and published in our own Australian newspapers such as *The Canberra Times*.

It's an honour to know her, and I extend my congratulations to her, not least of which also she assesses anyone for personal injury in the Commission, so she has a very diverse range of expertise.

Also, Gary Inberg, who I have the good fortune to have met during my time, since I've been elected to the Council, he lives in a street around the corner from me. He has received an OAM for services to the Jewish Community and to business. It was he that was involved in the establishment of Montefiore Retirement Home in Randwick in 2006, but also at the Burgess Centre which is an aged care, and more broadly in business. He was also a delegate to the Jewish Board of Deputies. His extensive business experience extends to being Vice President of the Sydney Casino, but also NSW Infrastructure, and in particular Sydney Water and the Department of Roads and Transport. He has been the one that's explained to me most succinctly the effect of the Refresh Vaucluse Diamond Bay Pumping Stations.

Your Worship, I want to also say thank you very much for the congratulations. I have realised in hearing from the people I have since receiving this honour, that it's been more of an honour about the people I've got to meet in the several decades I've been around where we work together with a common endeavor to achieve outcomes. So I say to all of you it's been an honour to do the Local Government part at least in NSW with all of you and the ones that went before us in the last term. Thank you very much and congratulations.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.9 Proposed Changes to Low & Mid-Rise Housing Planning
Tabled by Councillor: Councillor Witt

Councillor Witt advised:

Thank you, Mr. Mayor. Perhaps an indulgence I would like to thank both the residents and associations and the staff for preparing briefing and submissions for the proposed changes to create low and mid-rise housing. I think it needs to be noted at this Council because this is probably the biggest assault on council planning powers since the forced amalgamations. I am very much looking forward to what the staff have to say and I hope a really strong effort on the part of this Council which will mimic the efforts I think of other councils, alerting people to these proposed changes, and the draconian effect it will have on the livability, local character and potentially the heritage conservation areas of Sydney that we've all fought so hard over the years to protect.

I would also like to congratulate Councillor Jarvis and acknowledge the contribution of her and other Councillors, that nothing as we learn is achieved in this Municipality without a bit of a fight but it's a fight really worth having I really commend anyone to fight really hard to stop these changes.

The Mayor, Councillor Shields in response:

Thank you, Councillor Witt.

General Item No: 15.10 Australia Day Celebrations
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

I attended a Dawn Reflection Service on Australia Day organised by the Waverley Mayor, Paula Masselos. It was incredible, a very moving event on Australia Day and considering my well-published statement about Australia Day, that it was a day of celebration but also a day of reflection and it was a very moving service and I ask other Councillors if they have time next year at 5.30am in the morning on Australia Day to go Bondi Beach.

We did a Citizenship Ceremony and I would like to acknowledge the work of staff and acknowledge that the Federal Member (Ms. Allegra Spender MP) attended, the two State Members (Ms. Kellie Sloane MP and Mr. Alex Greenwich MP) attended, Councillor Shapiro attended. Someone asked me what is the best part of being Mayor, and it is officiating in that ceremony, it is the most moving ceremony and I want to acknowledge the work of staff. Those things look as though they happen seamlessly, but we know they don't and to Pat Vella who organised that, congratulations.

I did attend with Councillor Jarvis at Camp Cove, recognising the arrival of the boat, it wasn't the First Fleet, the boat skippered by Captain Arthur Phillip.

Thank you for your indulgence.

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

Note: Councillor Wynne left the meeting 9.01pm.

Note: Councillor Wynne returned to the meeting 9.01pm.

(Zeltzer/Grieve)

17/24 Resolved:

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.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Shapiro
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shields
Councillor Silcocks

9/5

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

(Silcocks/Shields)

18/24 Resolved:

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.

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

Nil

14/0

17. Questions With Notice

(Wynne/Swan)

19/24 Resolved:

THAT the Questions with Notice be received and noted.

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

For the Motion

Against the Motion

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

Nil

14/0

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 legislation, 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.

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 9.15pm.

We certify that the pages numbered 24 to 60 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 12 February 2024 and confirmed by the Ordinary Meeting of Council on 26 February 2024 as correct.

General Manager

Mayor