



Ordinary Council

Monday 11 March 2024
6.30pm

Late Correspondence

Privacy Statement:











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Subject: LATE CORRESPONDENCE - COUNCIL 11 MARCH 2024
Author: Rhys Johnson, Coordinator Governance
File No: 24/42610
Purpose of the Report: To table late correspondence as submitted for consideration by the Mayor and Councillors relevant to the Ordinary Council Meeting held on 11 March 2024.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT Council receives and notes the late correspondence and reads late correspondence in conjunction with the relevant Agenda items.

Please find attached late correspondence relating to matters appearing on the Agenda for Council held on 11 March 2024. Correspondence received is listed below:

Item No.	Matter	Author	Page
13.1 (R1)	Advice of the WLPP - Planning Proposal 8-10 New McLean Street, Edgecliff	Ben Miller & William Clark, Barker Ryan Stewart ↓ 	3
13.1 (R1)	Advice of the WLPP - Planning Proposal 8-10 New McLean Street, Edgecliff	Margaret Smyth ↓ 	13
13.1 (R1)	Advice of the WLPP - Planning Proposal 8-10 New McLean Street, Edgecliff	Ruth Law ↓ 	14
13.1 (R1)	Advice of the WLPP - Planning Proposal 8-10 New McLean Street, Edgecliff	Sam Jaffray ↓ 	15
13.2 (R1)	Rose Bay Community Garden License Renewal	Micaela Hopkins - Team Leader Environment & Sustainability ↓ 	16
13.2 (R2)	Draft Restricted Funds Policy	Paul Ryan - Chief Financial Officer ↓ 	18
13.2 (R5)	Review of Council Policy for Managing Leasing & Licensing of Council Controlled Land	↓ Tom O'Hanlon – Director Infrastructure & Sustainability 	22
13.2 (R6)	Woollahra Oval 2 & 3 Usage Agreement with Cranbrook School	Paul Fraser - Manager Open Space & Trees ↓ 	30
13.2 (R7)	Consideration of Tender Responses for the Lease & Operation of Dunbar House	Tom O'Hanlon – Director Infrastructure & Sustainability ↓ 	33
17.2	QWN - Urban Forest Strategy	Paul Fraser - Manager Open Space & Trees ↓ 	35

Our Ref:240146

11 March 2024

The General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

LATE CORRO	Item: <u>13-1 R1</u>
Previously forwarded to Clrs	<u>8 / N</u>
Meeting:	<u>COUNCIL</u>
Date:	<u>11 / 03 / 2024</u>



ENGINEERING
PLANNING
SURVEYING
CERTIFICATION
PROJECT MANAGEMENT
ABN 26 134 067 842

Dear Sir / Madam,

Submission – PP-2023-1648 – 8-10 New McLean Street, Edgecliff

This submission has been prepared on behalf of the Owners Corporation of SP21608 ('Eastpoint Tower' at 180 Ocean Street, Edgecliff) and the registered owner of the Eastpoint Food Fair located at 235-285 New South Head Road, Edgecliff (Lot 61 DP748554). The submission refers to the Planning Proposal (PP-2023-1648) submitted for 8-10 New McLean Street, Edgecliff (SP20548), and an associated Rezoning Review (RR-2023-22) initiated by the planning proposal applicant (Mount St 4 Pty Ltd).

The relationship of the subject site to our clients' properties are indicated by an aerial view in **Figure 1** below.

It is understood that the subject Planning Proposal/Rezoning Review comprises site-specific amendments to the Woollahra Local Environmental Plan 2014 (WLEP). These include increasing the permitted maximum building height on the site from 10.5m to 36.5m generally across the site and to RL110.00 for a central tower element and increasing the site's maximum floor space ratio (FSR) from 0.75:1 to 4.5:1 (a 600% increase in permitted FSR). The amendments would introduce an additional permitted uses clause applying to the subject site, including *commercial premises, community facility, recreation facility (indoor), and medical centre* as additional permitted uses (these are currently mainly prohibited in the R3 zone and are generally inconsistent with the zone objectives). The amendments would also require preparation of a site-specific DCP prior to future development consent.

It is noted that these changes have been presented to facilitate a mixed-use development incorporating an estimated 256 residential dwellings and 2,000m² of non-residential floor space. The proposal would also comprise approximately 7-10 storeys across the majority of the site and a 23-25 storey 'L-shaped' tower in the middle of the site.

Noting the proximity of our clients' holdings to the subject site (less than 100m), a prior submission to Council's Environmental Planning Committee meeting on 4 March 2024 queried why our clients were not notified on the status of the Planning Proposal/Rezoning Review or given the opportunity to provide comments prior to 29 February 2024. It is appreciated that the opportunity to comment on the proposal for Council's consideration has now been provided.

The Woollahra Local Planning Panel's (WLPP) recommendation on 22 February 2024 that the planning proposal should not be supported by Council and Council's positions regarding the proposal to date (not to proceed as the Planning Proposal Authority) as detailed in the Rezoning Review briefing report and in correspondence are acknowledged.

This detailed submission letter has been prepared for Council's consideration prior to the following meeting to be held on 11 March 2024.

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240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

A review of the Rezoning Review materials has been undertaken and a number of issues raised under separate headings. Key considerations are the Planning Proposal's lack of strategic merit, inappropriate height and scale relative to its context, gross inconsistency with land use zoning and zone objectives, and the critical traffic and parking impacts likely to result from the Planning Proposal's overdevelopment of the site.



Figure 1 – Relationship of Subject Site to Clients' Properties (Source: Nearmap, 2024)

1. Strategic Merit

The site was not identified by Woollahra Municipal Council for inclusion in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy ('ECC Strategy') given it is located to the south of the local centre area and is zoned for residential development (R3 Medium Density Residential) [see **Figure 2**].

The site is isolated in this regard as it does not directly adjoin any commercial or mixed-use zoned land other than that on the opposite side of New McLean Street, including the Edgecliff Centre and our clients' assets.

The Draft Strategy has been prepared to facilitate appropriate uplift within sites that will actively contribute to the identified Edgecliff Commercial Centre (ECC) and to concentrate higher density built forms to mitigate visual and amenity impacts. The subject medium density residential site was not considered to be suitable for uplift within the ECC and the scale of the LEP changes now proposed are unjustified and inappropriate for this residential setting.

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024



Figure 2 – Extract ECC Map of Mixed-Use Uplift Sites (Source: ECC Strategy, dated April 2021)

The Planning Proposal does not demonstrate sufficient strategic merit to justify the scale of changes to the LEP. The applicant's claim that the proposed amendments are consistent with the envelopes afforded to ECC sites to the north is not an appropriate justification, given that the subject site is not within the ECC and comprises a disconnected ad-hoc proposal featuring a 23-25 storey tower that will not provide a suitable interface or transition with adjoining residential and recreational lands in terms of its proposed permitted use or scale, as evident by modelling of the existing and proposed scale of development in **Figure 3** below.

Noting that the subject site is within the Paddington Heritage Conservation Area (HCA), the Planning Proposal's excessive building envelope does not provide an adequate transition to adjoining low-to-medium density housing within the HCA and will directly contradict guiding principles of the ECC Strategy such as those surrounding the built form of the ECC:

New McLean Street serves as a transition between the Commercial Core precinct and the Paddington HCA. The street will be enhanced through active frontages, optimised vehicular access, urban greening and a sensitive built form transition to the Paddington HCA.

G2. Development must ensure that the character of the HCAs is not negatively impacted by the bulk and scale of the built form.

The Planning Proposal will have overshadowing impacts on public open spaces (including the Trumper Park and Oval) and low-to-medium density residences in the HCA and is contradictory to the desired future character affirmed by the ECC Strategy:

New McLean Street will provide a sensitive transition and access to the Paddington HCA. Impacts on views and solar access to existing public open spaces, streets and residential areas will be minimised.

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

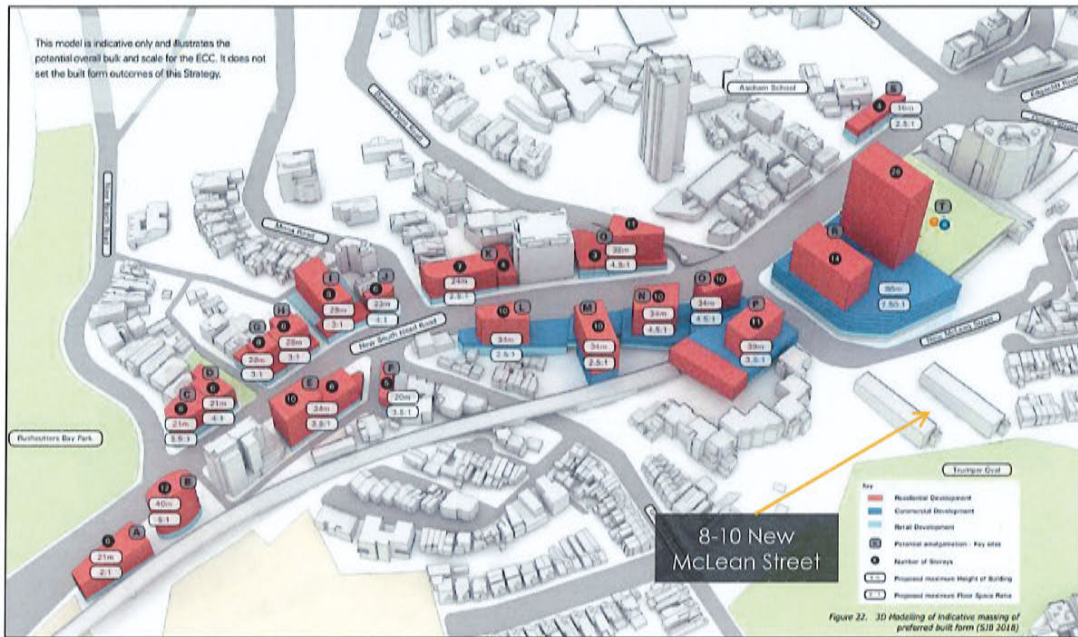


Figure 3 – Extract Indicative Preferred ECC Built Form Modelling (Source: ECC Strategy, dated April 2021)

The proponent / applicant has relied on the provision of additional housing and jobs close to local centres and railway stations to justify the need for development, which is an inadequate justification. Despite the applicant's statement in the Planning Proposal application that the changes and development are reflective of applicable planning strategies, the additional permitted commercial uses in the R3 zone (permitting all types of commercial development and allowing a 4.5:1 floor space ratio for the commercial component as well) would jeopardise the viability of the ECC (including existing development such as our clients' properties). It would also facilitate an unnecessary expansion of the otherwise strategically compact ECC mixed-use and commercial precinct, contributing to a sprawl of large-scale tower development away from major roadways and transport connections.

The Planning Proposal will adversely impact the amenity and economic viability of our clients' properties within the ECC by permitting development on a site outside the ECC that is uncharacteristic with the setting of that site and which will directly contradict and compete with the ECC identified by Council, counteracting the effectiveness of that informed strategy. It is important that as commercial spaces within centres have declined in occupancy as a result in part of the COVID-19 pandemic and the surge in work from home options, providing additional commercial spaces would potentially add to the vacancy in these areas and not encourage the development of the areas best placed to serve the precinct.

The Planning Proposal's economic assessment (prepared by HillPDA Consulting, dated November 2023) identified a notable absence of food services (such as restaurants) in Edgecliff and suggested that the ECC Strategy was likely to fall short of delivering the required additional commercial floor space by 2041 of 6,250m² by 3,500m² owing to the issues of site amalgamations, site access and amenity problems. Whilst consideration of whether the ECC Strategy will achieve its strategic objectives is reasonable, the Planning Proposal is seeking to make up for this projected shortfall on residential land in a HCA outside the ECC, and this proposal will directly contribute to driving investment away from and competing with the ECC as detailed above. This is in addition to non-consideration of the traffic, parking and amenity impacts generated by the proposal, which are discussed further below.

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

2. Height and Scale

As discussed above in a strategic context, the planning proposal seeks to facilitate a built form that will not suitably transition from the ECC to residential development to the east and to the south and open space beyond. This site was not identified as suitable for uplift in the Draft ECC Strategy and the height increase allowing 23-25 storeys will facilitate a building form that will unnecessarily compete with the ECC to the north both functionally and visually within the skyline.

The proposed height limit inclusive of a 23-25 storey tower in the centre of the site is excessive and at odds with the existing and desired future character of the Paddington HCA in which it is located, not to mention the ensuing visual and overshadowing impacts it presents to adjoining development. This excessive height is completely unsympathetic to Trumper Oval and will result in a significant urban design flaw where a 23 storey tower will dominate the established open space provision to the south. Refer to **Figure 4** below which effectively demonstrates this.

As detailed in section 1 above, these are considerations that Council has explored as part of its strategic planning for the Edgecliff locality. The planned built form, bulk, scale and zoning of the ECC has been designed to provide a sympathetic transition to the properties within the Paddington HCA within which the subject Planning Proposal site is located. The ad-hoc Planning Proposal disregards this.



Figure 4 – Proposed concept design showing height of building in context with Edgecliff local centre existing and anticipated built form (Source: Rezoning Review Request, 2023)

Further the site benefits from a defined vegetation corridor adjacent to and through Trumper Oval and Park that extends to the south-east. The site cannot readily accommodate the proposed FSR of 4.5:1 without significant vegetation removal which should not be supported. This vegetation clearing would additionally contradict the following R3 zone objective:

- To ensure development conserves and enhances tree canopy cover.

Whilst the applicant has made the argument that the existing residential flat buildings on the site already exceed the 10.5m height limit applying to the site, this is of limited relevance to a redevelopment of the site and the proposed excessive increase to the allowed maximum building height and FSR on the site under this Planning Proposal. This rationale does not justify why the applicant could not have proposed an increase to the maximum building height limit and scale on the site that would be more suitable for a medium density development and the site's setting and context.

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

Figure 5 below is a current view looking across the Trumper Oval at the site and surrounds from a distance of 145m from the site, extracted from the Visual Impact Assessment Report prepared by Urbaine Design Group for the planning proposal. This extract shows an indicative silhouette of the proposed mixed-use development in cyan and the indicative building envelopes of the ECC Strategy in purple. The proposal will definitively impact this current vista with a bulk and scale that is inappropriate for the location and HCA.

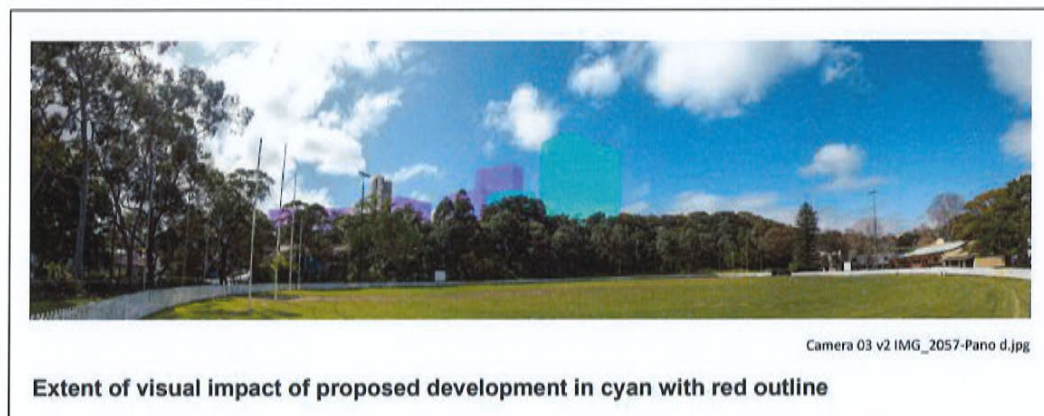


Figure 5 – View across Trumper Oval looking north-east (Source: Urbaine Design Group, dated 15 November 2023)

3. Zoning Inconsistencies

The proposal seeks to provide additional permitted uses, including – *commercial premises, community facility, recreation facility (indoor), and a medical centre*, within the site. This is unjustified, inconsistent with the R3 zoning and will detract from the commercial viability of the established ECC. The applicant is seeking to retain the R3 zoning of the site, despite its inconsistency with the high-density mixed-use development they appear to be aiming to achieve that is more relatable to an R4 zoning of which the WLEP does not include.

Provision for commercial development (including retail premises, food and drink premises etc.) in a defined residential zone should not be supported (it is noted that at present the R3 zone permits business premises, shops and office premises with consent where Clause 6.6 of the WLEP will allow these non-residential uses due to lawful historical commencement and activity).

This R3 zone provides medium density housing opportunities immediately adjacent to R2 Low Density Residential zoned land to the east, and a significant built form uplift of this scale is not compatible with this setting (in addition to the heritage and strategic planning considerations already discussed).

Further to the above the scale of development that would be facilitated by the proposal is certainly not medium density and should not be permitted in the R3 Medium Density Residential zone.

It is noted that the applicant has proposed additional permitted uses that are currently prohibited in the zone in order to facilitate tenancies for new food and drink premises and recreational facility development on the site. The Planning Proposal's justification of a mixed-use development in a defined residential zone is reliant on the following R3 zone objective:

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

It should be noted that the land uses generally referenced in this objective relate to small-scale corner

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

stores and other small-scale facilities. A non-residential floor space of over 2,000m² (suggested in the proposal) is not small scale and given the site is already adjacent to an existing commercial shopping centre and railway station, the additional services are unlikely to be warranted. If the residential redevelopment were to be of a medium density scale suited to the zone, the on-site retail development of a small scale would be unnecessary. Given there is no maximum non-residential floor space proposed, the Planning Proposal will needlessly generate commercial and investment competition that will undermine the growth of the ECC, including our clients' assets in Eastpoint Tower and the Eastpoint Food Fair.

Notwithstanding the suggestion of only 2,000m² of non-residential floor space in the planning proposal, the absence of a maximum commercial floor space component, the proposed LEP amendments and FSR could permit a potential 32,517m² of commercial floor space on a 7,226m² residential site. This change to the LEP is grossly inconsistent with the intent and objectives of the residential zone and, as above, is inconsistent with and counteractive to Council's draft planning strategies which have been informed by continued technical assessment and public consultation.

As stated above, the Planning Proposal will permit development that will not be of a height and scale that will achieve the desired future character of the neighbourhood, with regard to the Paddington HCA and ECC Strategy.

4. Traffic / Parking

One of, if not the most significant issue regarding the Planning Proposal is the traffic and parking ramifications of the proposed changes to the WLEP.

Traffic in New McLean Street has remained an ongoing issue for local residents. Staff and customers at the Eastpoint Food Fair, Eastpoint Tower and the Owners Corporation of SP21608 have major concerns around additional traffic generation resulting from large developments and their associated impacts, especially to the intersection of New McLean Street and New South Head Road.

As discussed above, Council has confirmed that the planning proposal request could facilitate a retail/commercial floor space up to 32,517m² (per the WLPP meeting on 22 February 2024), which would generate higher on and off-site demand for parking and loading docks. This is the result of the proposed additional permitted commercial uses lacking any maximum floor space area.

With traffic assessments being prepared considering a concept development provided for the Planning Proposal (for which there is no guarantee that this concept development will be proposed at DA in the same form or even at all), these factors indicate that the parking numbers could ultimately be subject to significant change post LEP gazettal which is likely to impact traffic in a way that has not been considered in this Planning Proposal.

For example, the Transport Assessment (prepared by JMT Consulting, dated 11/11/2023) makes the assumption that the proposed retail/commercial uses (once no longer prohibited on the site) will be only ancillary and therefore unlikely to generate significant levels of traffic. Despite the broad range of currently prohibited uses proposed to be permitted by the Planning Proposal, including indoor recreational facilities and all types of *commercial premises*, the report provides its assessment based on the concept development. The concept development features only 2,000m² of commercial and retail floor space, assumed to comprise cafés and speciality tenancies.

The potential outcomes of the LEP amendments beyond the concept development supplied by the applicant is not considered by the submitted traffic assessment for the Planning Proposal, which results in modelling and assessment of road network impacts that do not reflect the scales and types of development that the Planning Proposal would permit. Assessment of the concept development is unsuitable and largely ineffective for gauging the effects of this Planning Proposal, given this is proposing amendments to the LEP and this is not a development application. For example, there is no assessment

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

provided regarding the loading/servicing arrangements for potential commercial developments on the site, aside from a statement that the arrangements for the concept development are suitable. This results in an underestimation of level of service of the surrounding road network and the data cannot be relied upon.

It is noted that the above-mentioned Transport Assessment also identifies that the New South Head Road – New McLean Street intersection would be already operating at Levels of Service 'D' and 'E' based on the combined effects of Council's identified ECC and the concept mixed-use development supplied by the applicant (which, as above, proposes an inappropriate commercial floor space well below that which the Planning Proposal would ultimately permit on the site). Per the applicant's Transport Assessment, traffic modelling Level of Service grade 'D' indicates a road network that is operating near capacity, whilst grade 'E' indicates a road network which is at capacity, with incidents causing excessive delays. The degree of saturation (DOS) is identified by the Transport Assessment as another measure of intersection performance:

Another common measure of intersection performance is the degree of saturation (DOS), which provides an overall measure of the capability of the intersection to accommodate additional traffic. A DOS of 1.0 indicates that an intersection is operating at capacity.

Per **Figure 6**, the Planning Proposal's Transport Assessment identified that the New South Head Road – New McLean Street intersection would be already operating close to capacity based on Council's proposed ECC uplift, and worsened by the additional traffic generated by the Planning Proposal's concept development. It is considered that, despite the Planning Proposal not adequately considering the impacts of the LEP amendments, the Planning Proposal will still result in inappropriate traffic outcomes for those who live in, work in or visit the area. This is of immense concern to our clients.

Peak Hour	Existing Conditions (Base)		Existing + surrounding development ('Future Base')		Existing + surrounding development + PP ('Future Base + PP')	
	Degree of Saturation	Level of Service	Degree of Saturation	Level of Service	Degree of Saturation	Level of Service
Weekday AM Peak Hour	0.86	C	0.99	E	0.99	E
Weekday PM Peak Hour	0.79	C	0.91	D	0.97	D
Saturday Peak Hour	0.87	C	0.94	E	0.97	E

Figure 6 – Extract Road Network Performance Modelling (Source: JMT Consulting 2023, via RR-2023-22)

The proposed mixed-use/commercial development on residential-zoned land is inconsistent with planned growth scenarios in the ECC and a proposal of this scale has not been appropriately assessed for traffic and parking impacts. The proposal will increase traffic movements in the already congested intersection of New South Head Road and New McLean Street and should not be supported. It is believed that the Planning Proposal would permit an overdevelopment of the site that would burden adjoining developments and the local community.

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

Conclusion

It was noted from a review of submissions provided to Council's Environmental Planning Committee meeting on 4 March 2024 that ad-hoc planning proposals and overdevelopment of land in the Edgecliff area (such as unsympathetic built forms achieved by developers via the NSW Land and Environment Court) were of great concern to local residents.

Council invested heavily in the preparation of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy ('ECC Strategy') that made recommendations on key built form outcomes for the Edgecliff Commercial Centre informed by technical and strategic assessments and public consultation. The subject land is a medium density residential site that is not located within the Edgecliff Commercial Centre and was not identified for strategic uplift. The high-density mixed-use/commercial redevelopment of the site is not appropriate in this context.

Council and the NSW Department of Planning, Housing and Infrastructure has consistently sought to avoid ad-hoc planning proposals that result in a 'fragmented and uncoordinated approach to planning'. This planning proposal is at odds with this approach and will effectively extend the commercial precinct outside its established New South Head Road boundaries into defined residential land. This is uncharacteristic of both the strategic planning directions for the locality and the heritage conservation area in which the site is located. Further the traffic impacts are likely to be significant and the documentation and assessment submitted to justify traffic impacts does not adequately account for the major planned growth that has been supported by ongoing strategic studies in the immediate locality or the potential development outcomes that the LEP amendments would ultimately permit.

The concept development assessed by the Planning Proposal's traffic assessment is indicated to increase future traffic saturation and levels of service to capacity, yet assessment of the traffic, parking and servicing impacts of higher commercial yields that would be permitted by the Planning Proposal are not considered. This is unacceptable given the concerns that local residents, visitors and landowners such as our clients have with traffic issues in the area, including the intersection performance of New South Head Road and New McLean Street, which would be the primary point of access to the subject site.

The Planning Proposal would facilitate development that is inconsistent with the objectives of the R3 Medium Density Residential zone, as described above. A building height of approximately 88m is not medium density.

Similarly, the proposed permissibility of commercial floor space on the site with a potential maximum floor space of 4.5:1 (an increase of 600% from that permitted at present [0.75:1]) would have severe impacts on our clients' economic and commercial viability and amenity, as well as traffic and parking impacts within the local road network. This increase will provide unnecessary competition, increase vacancy rates and draw investment away from the ECC.

In the cover letter of the applicant's application for a rezoning review (prepared by Planning Ingenuity, dated 8 December 2023) stated that –

Any concerns regarding non-residential uses displacing demand from existing commercial centres can easily be resolved via a cap on the quantum of non-residential floor space for the subject site. This is not proposed as part of the Planning Proposal but is an option that can be considered by the applicant.

Notwithstanding, the above is not proposed by the applicant and remains a critical but not the only issue. This should be limited to reflect the context and potential impacts.

The Planning Proposal will also result in overdevelopment of the site that will aggravate existing and projected traffic and parking issues and have adverse visual impacts on the HCA and open space / vegetated areas of the locality.

240146 – 8-10 New McLean Street, Edgecliff

11 March 2024

The development will place unnecessary strain on commercial development within the ECC, create visual impacts, adverse impacts on the HCA, increase traffic on roads, create parking chaos and should not be supported.

Given the applicant has identified the need for their site to undergo redevelopment owing to on-site residential flat buildings being identified as dilapidated assets (per the Planning Proposal Application report dated 31 July 2023 and Rezoning Review request), it is recommended that the applicant consider a compliant residential development, reduce the extent of the LEP changes proposed or further investigate the assessment and incorporation of their site into Council's broader ECC Strategy. Although the latter option may also be untenable if the density of the development is maintained. These options would allow the applicant to instead reach an outcome that is appropriate to the site's context and will be adequate in terms of local amenity, site suitability and traffic and parking capacity and contribute to the area's strategic planning objectives, rather than undermine them.

If you wish to discuss this submission to the planning proposal further or have any questions, please contact the undersigned or our office on 9659 0005.

Yours faithfully,

Ben Miller | Senior Town Planner
Barker Ryan Stewart Pty Ltd

William Clark | Graduate Town Planner
Barker Ryan Stewart Pty Ltd

LATE CORRO	Item: <u>RI</u>
Previously forwarded to Cirs <input checked="" type="checkbox"/> / N	<u>Council (EP)</u>
Meeting: _____	
Date: <u>11 / 3 / 2024</u>	

Sue O'Connor

From: Margaret Smyth - [REDACTED]
Sent: Monday, 4 March 2024 1:06 PM
To: Records
Subject: Woollahra Council Environmental Planning Committee re 8-10 New Mclean St planning proposal meeting 4 March

I live at [REDACTED] I am writing to object strongly to the proposed development at 8-10 New Maclean Street Edgecliff.

In 2021 I submitted my objections to the SC 6270 - Draft Edgecliff Commercial Centre (ECC) Planning and Urban Design Strategy. At the time we were told this would be go before Council in a few months; it has now been three years. In that time developers have rushed to buy up property in the area, and are submitting proposals like this one that greatly impact the area, particularly in terms of infrastructure, and most significantly traffic.

These new developments (including the recently approved one on the corner of New South Head Road and Darling Point Road) will have a disastrous effect on the already unacceptable traffic problem. The Draft Edgecliff Commercial Centre (ECC) Planning and Urban Design Strategy made inadequate proposals for this, and as it did not include the Edgecliff Center itself was not comprehensive. Increased traffic in Edgecliff has implications for the whole of the Eastern Suburbs.

Both Woollahra Council and the NSW State Government assert that their main aim is to provide affordable housing in the area, and this proposal does very little to address it, given that the affordable housing covenant in the proposal is only 15 years.

Others have spoken of the physical implications of it in terms of noise, destruction of the local ecology, the unattractiveness of the design, the lack of provision for deliveries, the overshadowing of and the removal of sunlight from the adjacent heritage residential area. I concur with all these objections.

It is urgent the Council produce a comprehensive plan for Edgecliff so that proposed developments are considered in a wider context, not in isolation and not just on their own merits.

Please accept this as a written submission of rejection to this proposed development 8 - 10 New Maclean Street Edgecliff, 2027.

Thank you
Margaret Smyth

Carolyn Nurmi

From: Ruth Law <[REDACTED]>
Sent: Monday, 4 March 2024 11:14 AM
To: Records
Cc: tony bond
Subject: Att'n: Woollahra Council Environmental Planning Committee re 8-10 New Mclean St planning proposal meeting 4 March

LATE CORRO	Item: <u>RI</u>
Previously forwarded to Cirs <u>01N</u>	
Meeting:	<u>Council (EP)</u>
Date:	<u>11 / 3 / 2024</u>

Dear EPC Members,

I own a modest 2 bedroom terrace on [REDACTED]
I bought this property in 1984 to enjoy the tranquility and serenity along with the beauty of the surrounding neighbourhood, and unique Trumper Park.

In light of the development proposal for the 8-10 New Maclean Street Edgecliff, I believe that if accepted, this space and environs will be destroyed.
8-10 New Maclean St. is a residential property, since 1970, situated only 2 doors from my little terrace, overlooking the park.
With plans for a 25 story tower block, commercial and other uses, this would not only over-power the landscape, but I believe would block sunlight into my living space. Once it is built, the sun is never retrieved.

This area is heritage, and that includes the 8-10 New Maclean Street space.
The ramifications of permitting this development equals destruction of the local residential environment, flora and fauna habitat; traffic congestion, excess noise day and night, and the impact of architectural ugliness.

I note, that Will Naughton, Tony Bond, and each person who has objected to this development, have clearly stated multiple valid reasons to reject.
I agree with each and every one of these objections, and I agree with the Woollahra Council in their rejection also.

Please accept this as a written submission of rejection to this proposed development 8 - 10 New Maclean Street Edgecliff, 2027.
The development proposal is totally unacceptable. It appears to reward the developers only.

Thank you .
Regards,

Ruth Law
[REDACTED]

Sue O'Connor

From: Sam Jaffray [REDACTED]
Sent: Monday, 4 March 2024 11:43 AM
To: Records
Cc: Annabelle Maitland; tony bond
Subject: Attn: Woolharra Council Environmental Planning Committee re 8-10 New McLean Street planning proposal February 22 1pm

LATE CORRO	Item: <u>R1</u>
Previously forwarded to Cllrs M/N	
Meeting:	<u>Council (EP)</u>
Date:	<u>11 / 3 / 2024</u>

Dear EPC Members,

In addition to recent submissions by other residents in relation to the proposed development, rezoning and height changes at 8/10 New Maclean Street, Edgecliff, we submit:

1. We strongly agree with and reiterate those previous submissions regarding negative outcomes including the overshadowing of Trumper Park, destruction of the peaceful park and heritage area, exacerbation of existing traffic congestion on New Maclean Street, New South Head Road and Darling Point Road (and their intersection), and the setting of a shocking precedent for development of Edgecliff and adjacent areas.
2. There have been significant developments including Fortis' Marmont and Mona, and Jom Photography at 136 New South Head, that have already been greenlit. Approval of these developments on an ad hoc basis without a proper strategy being put in place for Edgecliff and adjacent areas is shambolic and will cause major issues for existing infrastructure and amenities, even before 8/10 New Maclean is considered.
3. There should be a general prohibition on all new developments in the area until a proper strategy is put in place to remedy existing issues and plan for the future. Any urban regeneration of Edgecliff and adjacent areas needs to be properly planned, taking into account its natural environment and heritage status, existing infrastructure and amenities (which are already overloaded), and the needs of the existing community.

We strongly oppose 8/10 New Maclean and request that the committee sends a clear message to developers on behalf of the community it represents that future applications will be viewed negatively.

Thanks

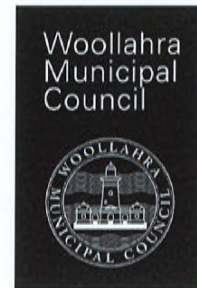
Sam Jaffray and Annabelle Maitland of [REDACTED]

Sam Jaffray
[REDACTED]

Memorandum

Date 11 March 2024
File No. SC2932
To Mayor and Councillors
Craig Swift-McNair – General Manager
CC Tom O'Hanlon – Director, Infrastructure & Sustainability
Scott Pedder – Director Planning & Place
Sue Meekin – Director Corporate Performance
Patricia Ocelli – Director Community & Customer Experience
From Micaela Hopkins – Team Leader Environment & Sustainability
Subject QUESTIONS WITH NOTICE – FINANCE, COMMUNITY & SERVICES ITEM R1 – ROSE BAY COMMUNITY GARDEN LICENCE RENEWAL

LATE CORRO	Item: <u>13.2 R1</u>
Previously forwarded to Clrs	<u>8</u> / N
Meeting:	<u>COUNCIL</u>
Date:	<u>11 / 03 / 2024</u>



ABN 32 218 483 245

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Dear Mayor, Councillors and Directors,

At the Finance, Community & Services Committee meeting on Monday 4 March a question was raised about item R1, in relation to the Rose Bay Community Garden Constitution, specifically the intent of section 4 clause (c), highlighted below:

4 Membership qualifications

A person is qualified to be a member of the Association if, but only if:

(a) the person is a person referred to in section 15(1) (a), (b) or (c) of the Act and has not ceased to be a member of the Association at any time after incorporation of the Association under the Act,

or

(b) the person is a natural person:

(i) who has been nominated for membership of the Association as provided by rule 5, and

(ii) who has been approved for membership of the Association by the committee of the Association; or

(c) is a nominated representative of an organisation which has been approved for membership of the Association by the committee of the Association.

My understanding is that the Rose Bay Community Garden constitution was prepared based on the NSW Government Fair Trading not for profit model constitution (as was current in 2017). Paddington Community Garden constitution contains the same clause.

My interpretation is that a nominated representative of an organisation could only join the Garden if they were approved by the Garden's Committee.

The Deed of Licence section 4.1 (h) (ii) and (iii) states that the licensee must manage the Community Garden in accordance with Council's Community Gardens Policy; the Constitution and the Garden Plan; and that if there is any inconsistency between the Constitution and the Community Gardens Policy, the Policy will prevail.

Our Community Garden Policy would not preclude a representative of an organisation from joining the Garden. An example would be if a representative from a preschool or playgroup was to join.

Circles of Learning (a disability service provider) has previously held a complimentary membership to the Garden under this clause. The Garden also uses this clause to enable membership for PhD students from a number of NSW university campuses doing research at the Garden.

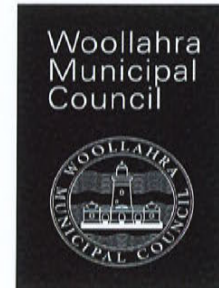
This is consistent with Council's Community Strategic Plan, which acknowledges the importance of access to community facilities to foster connections between people and enhance quality of life.

Micaela Hopkins
Team Leader Environment & Sustainability

Memorandum

LATE CORRO Item: 13.2 R2
Previously forwarded to Clrs 8 / N
Meeting: COUNCIL
Date: 11 / 03 / 2024

Date 11 March 2024
File No.
To The Mayor
All Councillors
Senior Staff
CC
From Paul Ryan, Chief Financial Officer
Subject LATE CORRESPONDENCE - COUNCIL MEETING - 11
MARCH 2024



ABN 32 218 483 245

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Please find attached late correspondence relating to matters appearing on the Agenda for the Council meeting to be held on Monday 11 March 2024. The correspondence received is listed below:

Item	Matter	Author	Approved
13.2 R2	Draft Restricted Funds Policy	Paul Ryan	Sue Meekin

At the Finance, Community & Services Committee meeting of 4 March 2024, a question was asked by the Committee in relation to the listing of Reserves attached to the Draft Reserve Funds Policy and the categorisation of part of the Special Rate Variation (SRV) Reserve as externally restricted with the balance shown as an internally restricted reserve.

Response:

The portion categorised as externally restricted related to Council's Environment & Infrastructure Levy, an externally restricted reserve. Following review and the receipt of advice it has been determined that both the SRV Reserve and Council's Environment & Infrastructure Reserve should be categorised as internally restricted.

The Attachment to the Draft Funds Policy has been updated accordingly with a copy attached.

Regards

Paul Ryan
Chief Financial Officer

Attachment 1: Restricted and Allocated Reserves/Funds

Externally Restricted Reserves/Funds as at March 2024:

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

Reserve Name	Description
Developer Contributions - general	Reserve account for Section 7.11 and Section 7.12 of the Environmental Planning and Assessment Act 1979, enables local councils or other consent authorities to levy monetary contributions for public amenities required as a consequence of development. Developer contributions received throughout the year are transferred to this reserve and transfers are then made out of the Reserve to fund individual projects. Note that there are no more contributions received under the 7.11 plan and the remaining reserve balance is earmarked for certain projects. "To be used in line with the 2002 plan" [That is the old s.94 2002 plan.]
Specific purpose unexpended grants (recognised as revenue) – general fund	Following the introduction of new accounting rules this Reserve will cease to exist once the current balance is used.
Stormwater Management	Reserve account for Stormwater Management Charge Restrictions. Section 496A of the Local Government Act enables council to make and levy an annual charge for stormwater management for each parcel of rateable land for which a stormwater management service is provided. Income received from the Stormwater Management Charge is transferred to this reserve and transfers are made from this reserve to fund individual projects.
Domestic Waste Management (DWM). Includes Employee Leave Entitlements (ELE) balance for DWM employees)	Reserve account for Domestic Waste Management Restrictions. The Local Government Act 1993 provides in sections 496 & 504 that the domestic waste management services of the council must be financed by a specific annual charge made and levied for that purpose alone. This Reserve is used to hold funds that are unused at the end of the financial year. They are then utilised in future years to fund individual projects, including capital, for example the replacement of Council's Waste Collection Trucks.

Internally Allocated Reserves/Funds as at March 2024:

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council to identified programs of works and any forward plans identified by Council.

Reserve Name	Description
Employees Leave Entitlement (ELE)	Reserve account for Employee Leave Entitlement Restrictions. This reserve is required to fund the future payments of employee leave entitlements and is a requirement under both Office of Local Government accounting requirements and accounting standards.
Environmental and infrastructure renewal levy (E&IRL)	Reserve account for E&IRL projects Council has a special rate for the Environmental & Infrastructure Renewal Levy (E&IRL) for ongoing funding of environmental and infrastructure renewal projects. Income received from the E&IR Levy is transferred to this reserve and transfers are made from this reserve to fund individual capital renewal projects. From 2023/24 this reserve has a component related to the SRV approved by IPART in June 2023.
Insurance Reserve	Reserve Account for Insurance Restrictions Council makes allowances for insurance costs within its budget including self-funded losses. The net result of the insurance income/expenditure compared to budget is transferred to/from the reserve at year end and set aside for insurance liabilities.
Information Technology Reserve	Reserve account for Information Technology Restrictions. Reserve used to fund items related to Information Technology. The Library has a component of this reserve, whereby \$66,000 is transferred to the Library reserve each year.
Deposits, retentions and Bonds	Reserve account for Deposits Restrictions Funds held in relation to Security Bonds, Deposits & Retentions held by Council. Many of these are held by Council and used to repair any damage to Council property e.g footpath and gutters. If there is no damage they are usually refunded back to the original payer.
Preschool Reserve (includes Employee Leave Entitlements (ELE) balance for Preschool employees)	Reserve account for Preschool Restrictions This reserve is used for pre-school operations. Preschool fees are charged on a user pays basis to parents. Any net surplus/ deficit in the annual preschool budget is transferred to/ from this reserve at year end. Part of this reserve includes Employee Leave Entitlements (ELE) balance for Preschool employees. These ELE funds cannot be transferred.
Property Reserve	Reserve account for Property Restrictions This reserve receives the proceeds of any property transactions including road sales. They are held in the Reserve and used to fund projects in future years.
Carry over works	Reserve account for Revotes & Rollovers Restrictions This reserve is used to fund items that have been revoted or rolled over from the prior year, via a resolution of Council.
Financial Assistance Grant Prepayment	Reserve account for Financial Assistance Grant Restrictions Future year prepayment of the Financial Assistance Grants is transferred to this reserve at the end of the financial year for use in the following financial year.

Property Development Projects reserve	The small balance remaining in this reserve has been allocated to budgeted specific projects and the reserve is expected to close at the end of the 2023/24 year.
Oxford St Placemaking Reserve	This reserve is to be used for Placemaking projects in the Oxford Street Paddington area.
Old Section 94	Old Section 94 "were funds prior to the 2002 plan and not required to be transferred to the Externally Restricted reserve [s.711 Contributions reserve]. At the time of transfer, these Old Section 94 funds were identified to be utilised to fund car parking related projects and will be used accordingly". The funds are expected to be fully expended in 2023/24 at which time the reserve will be closed.
Open Space projects reserve	The balance remaining in this reserve has been allocated to budgeted specific projects and the reserve is expected to close at the end of the 2023/24 year.
Other	Reserves used to fund Specific Projects: <ul style="list-style-type: none"> a) Election Expenses - Council sets aside an amount annually to cover the costs of Council elections. In an election year the reserve balance is utilised. b) General Reserve – Council allocates an amount that includes funds for iPad/iPhone insurance. c) Plant Replacement Reserve - Proceeds from the sale of plant items to be used for plant replacement.
Open Space & Community Facilities Reserve	Reserve account for Open Space & Community Facilities The balance remaining in this reserve has been allocated to budgeted specific projects and the reserve is expected to close at the end of the 2023/24 year.
Kiaora Place Reserve	Reserve account for Kiaora Place investment property. At year end the Surplus/ Deficit of Kiaora Place investment property operations is calculated and transferred to/from this reserve. This reserve funds future capital works of the Kiaora Place investment property.
Public Art Gallery Reserve	Reserve account for Public Art Gallery Money. \$100,000 is set aside each year from s.7.12 Developer Contributions to fund Public Art. If the money is unspent in a particular year it is transferred to this reserve. Any monetary public art donations received are also transferred to this reserve. This reserve is used to fund Public Art purchases.
Special Rate Variation (SRV) Reserve	Reserve accounts for Special Rate Variation (SRV – 2023) This reserve was created for the permanent SRV levied on ordinary and business rates in 2023/24 (+10%) and 2024/25 (+5%). The additional rates collected and unspent in the financial year is transferred to this reserve to fund SRV projects as identified in the SRV application approved in June 2023 by IPART. This reserve and the specific projects funded occur over a 10-year period commencing in 2023/24 and finish at the end of 2033/34.

Memorandum

Date 6 March 2024

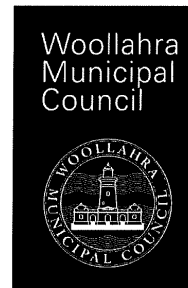
File No. SC317

To Mayor and Councillors
Craig Swift-McNair – General Manager

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

From

Subject FC&S - 4 MARCH 2024 - ITEM R5 – REVIEW OF COUNCIL
POLICY FOR MANAGING LEASING AND LICENSING OF
COUNCIL CONTROLLED LAND



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Dear Mayor, Councillors and Directors,

FC&S 4 March Item R5 – Review of Council Policy for Managing Leasing and Licensing of Council Controlled Land

At the meeting of 4 March 2024, the FC&S Committee resolved as follows;

(Price/Elsing)
Recommendation:

THAT Council:

- A. *Approve the exhibition of the revised Leasing and Licensing of Council Controlled Land Policy for a period of 28 days, subject to the Policy being revised to include a mechanism for Council to;*
- i. Review and define the use under a Lease or License over Community and Crown Land, as per 5.i of the draft revised Policy, prior to tenders being called.*
 - ii. Review and define the use under a Lease or License over Community, Crown or Operational Land, as per 5.iii of the draft revised Policy, prior to Expressions of Interest being called.*
 - iii. Review any proposal to enter into a new Lease or License with an incumbent without reference to an Expression of Interest process, as per 5iii of the draft revised Policy, prior to negotiations with the incumbent commencing.*

- B. *Notes that a further report will be tabled following the conclusion of the exhibition period.*

A revised draft Policy which reflects the FC&S recommendation is attached to this memo, with changes shown at pages 5 and 6. Should Council wish to resolve in line with the FC&S Committee recommendation, the following Motion is recommended;

THAT Council:

- A. *Approve the exhibition of the revised Leasing and Licensing of Council Controlled Land Policy (Draft March 2024), as attached to late correspondence provided by Director Infrastructure and Sustainability, for a period of 28 days.*
- B. *Notes that a further report will be tabled following the conclusion of the exhibition period.*

24/39900



Leasing and Licensing of Council Controlled Land Policy (**draft** March **2024**)

Deleted: February

Adoption Date:	
Review Date:	
Version:	
Division/Department:	Infrastructure & Sustainability/Property & Projects
Responsible Officer:	Manager, Property & Projects
HPE CM Record Number:	24/13026

Leasing and Licensing Council Controlled Land Policy

Contents

Policy Statement	3
1. Objective	3
2. Principles	3
3. Application of this Policy	3
4. Types of Land Over Which Leases and Licenses Occur in Woollahra	4
5. Leasing or Licensing of Council Controlled Land Assets	4

Leasing and Licensing of Council Controlled Land Policy

Policy Statement

1. Objective

The objective of this policy is to ensure that, when considering the leasing or licensing of Council controlled land or land based assets, Council explores possible options for the use of the land, applies processes that are demonstrably equitable, consistent and transparent, complies with appropriate legislative requirements and obtains best value results for the Woollahra community.

2. Principles

All leasing or licensing of Council-controlled land assets will:

- Be consistent with Council's economic, social and environmental objectives,
- Be undertaken in compliance with legislative and other obligations, including Office of Local Government and/or ICAC guidelines,
- Be consistent with adopted Community and Crown Land Plans of Management
- Be informed by relevant strategies adopted by Council
- Be informed, where appropriate, by consultation with affected stakeholders
- Be undertaken with the intention of securing an optimum mix of financial and other benefits for the community,
- Be through a fair and open process and include regular market testing where appropriate
- Be open to public scrutiny while maintaining appropriate levels of commercial confidentiality

3. Application of this Policy

This Leasing and Licensing Policy applies to the Woollahra Council Local Government area and any land or land-based property assets owned by Woollahra Council and Crown Land controlled and/or managed by Woollahra Council on behalf of the Crown or a Trust.

The Policy does not apply to;

- Short term and casual hire of parks, sportsfields and community halls (managed through application process and adopted Fees and Charges)
- Seasonal hire of sportsfields (managed through seasonal application process and adopted Fees and Charges)
- Footway Dining Approvals (managed under separate policy)
- Private encroachments onto Council land (managed under separate policy)

Leasing and Licensing of Council Controlled Land Policy

4. Types of Land Over Which Leases and Licenses Occur in Woollahra

The types of land which are either owned or managed by Council and to which leases and licenses are granted are shown in the following table;

Land Type	Applicable Legislation
Council owned land which is classified as Community	Local Government Act 1993 S25,46
Council owned land which is classified as Operational	Local Government Act 1993 S25
Crown Land which is managed by Council	Crown Land Management Act 2016 S3.23
Road Reserves	Roads Act 1993 S153

5. Leasing or Licensing of Council Controlled Land Assets

Leasing and licensing of Council owned or controlled land assets will generally fall into the following categories;

- Leases and licenses to commercial operators on Community Land or Crown Land
- Leases and licenses to commercial operators on Operational Land
- Leases and licenses to not-for-profit community and / or sporting organisations
- Leases of road reserve

Council's approach to leases and licenses under each of these categories shall be as outlined below:

i. Leases and licenses to commercial operators on Community Land or Crown Land

Council frequently enters into leases for commercial activity on Community Land or Crown Land which is managed by Council. Examples of activities which are currently subject to lease or license are kiosks, cafes and tennis centres in parks and reserves.

The Local Government Act includes specific and prescriptive requirements relating to leasing and licensing of Community land. These relate primarily to the types of leases and licenses that may be entered into and the term of those agreements. These requirements flow through to Crown Land managed by Council as the Crown Lands Management Act requires Council to manage these lands as if they were Community land under the Local Government Act.

Leasing and Licensing of Council Controlled Land Policy

Very importantly, any lease or license to be entered into on Community or Crown land must be expressly authorised in the Plan of Management applying to the land.

In granting any lease or license over Community or Crown land, Council will at all times ensure consistency with S46 of the Local Government Act and S3.23 of the Crown Lands Management Act.

In addition, the following specific approach shall be followed prior to granting of leases and licenses to commercial operators on Community or Crown Land;

1. The market shall be tested through an open tender process.
2. In recognition of the strong community interest that is often associated with these activities, the results of the tender process shall be reported to Council and the granting of the lease or license shall be subject to Council resolution and not delegated to the General Manager.
3. Prior to the calling of tenders, a report which details the proposed use under a lease or license will be brought before Council. Tenders shall not be called until Council has approved the use.
4. The maximum term of leases and licenses shall be 15 years, including any option for extension.

Deleted:

ii. Leases and licenses to commercial operators on Operational Land

Council owns a number of sites which are classified as Operational land and over which leases and licenses may be granted. Examples include the Kiaora Place site in Double Bay and the Cross Street Car Park and Cosmopolitan Centre in Double Bay.

For Operational land, there are no special restrictions under the Local Government Act relating to the granting of leases and licenses. Management of these sites is effectively the same as for privately owned land.

In managing retail and commercial leases on operational land, Council's principal objective will be to efficiently achieve optimum commercial benefit over the long term, noting that effective management of a large retail/commercial leasing portfolio requires a high degree of agility and ability to capitalise on appropriate commercial offers as they arise.

For the majority of retail and commercial sites on Operational land, leases and licenses will be granted under delegation to the General Manager and will be subject to an appropriate market testing process which may be in the form of an expression of interest/tender or through attainment of advice from a specialist retail consultant or centre manager.

Leasing and Licensing of Council Controlled Land Policy

The exception to this will be for leases and licenses which have a term of greater than 15 years (including any option for extension) or annual income of greater the \$1m. In these instances, the General Manager will not have delegation to grant these leases and licenses, with the granting of such leases or licenses to be subject to a resolution of Council.

iii. Leases and licenses to not-for-profit community and / or sporting organisations

Council grants leases and licenses to not for profit sporting and community organisations. These typically occur on Community [and Crown](#) land but may also occur on Operational land. Current examples include: Woollahra Golf Course, Woollahra Park sports facilities, baby health centres and leases over the Drill Hall and Royal Australian Naval Sailing Association (RANSA) sites in Darling Point.

Generally, granting of leases and licenses to not-for-profit sporting and community organisations shall be subject to an expression of interest process with defined selection criteria which shall reflect community benefit and consistency with adopted Council strategies and policies. [Prior to calling for expressions of interest, a report which details the proposed use under a lease or license will be brought before Council. Expressions of interest shall not be called until Council has approved the use.](#)

Deleted:

It is however recognised that some existing not-for-profit lessees and licensees have strong historical, social and recreational ties to the facilities they use. In some cases, the lessee or licensee may have contributed cash or in-kind to the development of these facilities. Examples of this are the three community gardens and the Colleagues and Easts Rugby Clubs. In such cases, Council may opt to enter into a new lease or license with the incumbent without reference to an expression of interest process. These cases will be subject to a report to Council which outlines the reasons for the continuation of the arrangement with the incumbent. [Negotiations with the incumbent shall not be commenced until such time as Council has resolved to enter negotiations.](#)

All leases and licenses to not-for-profit community and sporting organisations shall be subject to a Council resolution and will not be delegated to the General Manager for approval.

iv. Leases of road reserve

In accordance with S153 of the Roads Act, Council may grant leases over unused portions of road reserve to the owner or lessee of land adjacent to the road reserve. In the Woollahra context, these leases are relatively uncommon and have usually been entered into in order to formalise existing encroachments (which are the subject of a separate policy) or to allow for parking of private vehicles on unused portions of road reserve.

Leasing and Licensing of Council Controlled Land Policy

Such leases shall be limited to a five year period and will be subject to market assessment and a resolution of Council. Granting of leases over road reserve will not be delegated to the General Manager.

Policy Amendments

Date	Responsible Officer	Description
February 2024		Original creation
<u>March 2024</u>		<u>Revised for consideration by Council on 11 March 2024</u>

Memorandum

Date 8 March 2024

File No.

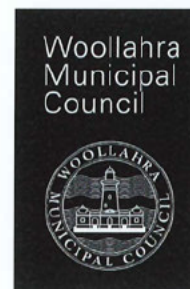
To Mayor and Councillors
Craig Swift-McNair – General Manager

CC Tom O'Hanlon – Director, Infrastructure & Sustainability
Scott Pedder – Director Planning & Place
Sue Meekin – Director Corporate Performance
Patricia Ocelli – Director Community & Customer Experience

From Paul Fraser - Manager Open Space & Trees

Subject LATE CORRESPONDENCE – WOOLLAHRA OVAL 2 & 3 USAGE AGREEMENT WITH CRANBROOK SCHOOL

LATE CORRO	Item: <u>13.2 R6</u>
Previously forwarded to Ctrs	<u>0/N</u>
Meeting:	<u>COUNCIL</u>
Date:	<u>11 / 03 / 2024</u>



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Dear Mayor, Councillors and ELT,

Councillor Grieve asked the following questions at the Finance, Community & Services Committee on 4 March 2024 relating to R6 Woollahra Oval 2 & 3 Usage Agreement with Cranbrook School.

- 1. Cranbrook lease expires 31 March 2024 yet Clause 7 on page 153 of the papers states we must give 90 day's notice to Cranbrook to replace the turf with synthetic?**

Council staff held discussions with Cranbrook School, following the 8 May 2023 Council Resolution, which resolved that the Cranbrook agreement be extended for 12 months (until the completion of the 2023-24 cricket season). Further consultation has occurred in the lead up to this report since October 2023 whereby we have communicated the recommendations included in the 4 March 2024 FC&S report.

Essentially, given our on-going discussions date back to the May 2023 resolution, Council staff are comfortable that we have met this condition. Cranbrook have confirmed during our on-going discussions that it will remove the turf wicket area and reinstate the single concrete and synthetic grass cricket wicket prior to the commencement of the 2024-25 cricket season in six months. The timing of this work will most likely be during the July school holidays when it has the least impact on bookings.

In addition to this, Clause 15.11 Good Faith, notes that each party must act in good faith towards all other parties and use its best endeavours to comply with the spirit and intention of the Agreement.

- 2. What is the value of the turf pitch as an asset to Council?**

The cost of installing a turf cricket wicket similar to what exists at Woollahra Ovals 2 & 3 is approximately \$75K. These figures are verified by previous staff experience in building turf cricket wickets and discussions with Council's turf cricket wicket contractor, Green Options.

We note however the material costs for a turf cricket wicket is its ongoing maintenance, preparation and renewal.

- 3. What is the income difference from a turf pitch vs a synthetic pitch?**

As per Council's current Fees and Charges for seasonal summer hire:

- Hire fee for Turf Cricket Wicket - \$714 per day
- Hire fee for Synthetic Cricket Wicket - \$77 per hour

The total income based on a 22-week season is as follows:

- Turf Cricket wicket (includes outfield) – \$15,704.
- Synthetic Cricket Wicket (includes outfield) – \$15,246
(Note: based on 9 hours per day, Saturday morning booking 8am-12pm and Saturday afternoon booking 1pm-6pm).

4. Where are the costings to back the \$50,000 maintenance figure on P 144?

We have referenced the costs for the maintenance of the Woollahra Oval 2 & 3 turf cricket wicket with the actual costs to maintain the existing Trumper Oval turf cricket wicket. These costs were also verified with Council's current turf cricket wicket contractor, Green Options (who are also the contractor for Cranbrook undertaking the current maintenance of the turf wicket and oval).

As stated above the main elements included in the maintenance of a turf cricket wicket is an annual spring renovation, preseason turf wicket preparation, and weekly cricket wicket preparation for 22 weeks of the year.

5. Why is a turf pitch not a community asset (p144)?

The sentence in the report states in full:

"Reinstating the previous infrastructure offers several advantages, including reduced maintenance costs for the Council and the provision of a community asset that can be utilised for both seasonal and casual hire without the necessity of expensive wicket preparation works."

This was to outline the advantages of a synthetic cricket wicket which include;

- Reduced maintenance costs
- That it can be used for both seasonal and casual hire without expensive preparation works.

This sentence in the report does not mean to imply that the turf wicket is not a community asset, it is already considered a community asset.

6. Would Cranbrook stop using it if the Turf pitch is maintained p145?

Cranbrook School expressed their willingness to continue with the full maintenance of the oval and turf wicket in return for their current usage agreement. Council staff do not support this as it potentially precludes other user groups and the general community.

7. Eastern Suburbs Cricket would prefer a turf wicket.

East's Cricket initially expressed an informal interest in utilising and taking up the maintenance responsibilities for the turf wicket. They subsequently advised that it would not be cost effective for them to do this without an expansion of the wicket area and the utilisation of the field most Sundays.

Council could not support the expansion of the wicket area due to the impact on the surrounding rugby pitches and the increased formal use on most Sunday's due to the loss of this area for use by the community.

Once East's Cricket advised they wouldn't pursue the turf wicket discussed above, they informed Council staff that if the synthetic cricket wicket is reinstated, they would be interested in exploring the option of hiring the sporting fields for their Under 14 girls' team on Saturday afternoons. Council staff are supportive of this use and are committed to further discussions with the Club on the matter.

8. Why can't the girls play on a turf pitch P145?

Girls can play on cricket turf wickets. Easts Cricket informed Council staff that they would be interested in exploring the option of hiring Woollahra Oval 2 & 3 for their Under 14 girl's junior cricket team if it has a synthetic wicket, as they play their competition on smaller fields with synthetic grass wickets and reduced game lengths compared to senior cricket.

In reference to Girls Cricket, it is mainly high level, senior Premier Cricket teams that have a requirement to play on turf cricket wickets, which usually is played on a Saturday. Easts Cricket are yet to form a senior women's team and are focussing on trying to develop their junior girl's program.

Memorandum

Date 11 March 2024

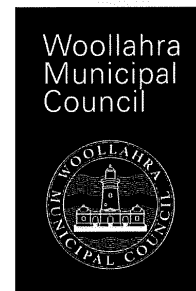
File No. SC7377

To Mayor and Councillors
Craig Swift-McNair – General Manager

CC Scott Pedder – Director Planning & Place
Sue Meekin – Director Corporate Performance
Patricia Occelli – Director Community & Customer Experience

From Tom O’Hanlon – Director, Infrastructure & Sustainability

Subject LATE CORRESPONDENCE - FC&S COMMITTEE ITEM R7 -
TENDER FOR OPERATION OF DUNBAR HOUSE



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At the FC&S Meeting of 4 March 2023, the Committee considered a report on the outcome of a tender for operation of Dunbar House at Watsons Bay. The Committee vote was split so two recommendations are before Council, these being;

Motion to Council

THAT Council:

- A. Pursuant to section 178(1)(b) of the Local Government Regulations 2005, declines the tender submitted by Athol Hall Pty Ltd on the basis that Athol Hall proposes that the lease be entered into by a different entity rather than by Athol Hall itself;
- B. Enters into negotiations with the three equal shareholders in Athol Hall Pty Ltd, namely Christopher Drivas, Jacqueline Worrall and Philip Beauchamp with a view to agreeing lease terms with a newly formed entity in the form envisaged by the Request for Tenders;
- C. To satisfy section 178(4) of the Local Government Regulation 2021, declares that its reason for declining to invite fresh tenders and to negotiate with the persons identified at recommendation (B) is that, while no tender was received that was both capable of acceptance without negotiation and provided best commercial return for the Council, a submission was received that with negotiation is likely to be an offer capable of acceptance by Council;
- D. Provided that negotiations with the persons identified at recommendation (B) produce an agreement that is the equal of, or better than the lease offer contained in Athol Hall Pty Ltd’s tender, authorises the General Manager to execute all legal documents required to enter into the lease.

Amendment to Council

THAT Council:

Defer the decision on this tender until such time that more information is provided to Councillors on the requirements for a change of use at this site.

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

For the Amendment

Councillor Grieve
Councillor Jarvis
Councillor Price

Against the Amendment

Councillor Elsing
Councillor Silcocks
Councillor Zeltzer

The following advice is provided in relation to the Amendment to Council. Noting that there is no specific new use nominated at this stage, the advice provided is necessarily high level. If a specific change of use was identified at a future time, more precise advice could be provided.

In general, use of the site is governed by the relevant Plan of Management and any applicable Development Consent.

The Plan of Management defines a category of land use for the site and authorises any lease or license over the site. The land on which Dunbar House sits is categorised as Park and the Plan of Management authorises leases for the current use. In the unlikely event that a future proposed use of the site was inconsistent with the Park category, the use could only be authorised if the Plan of Management was amended to change the category. This is a complex process that would involve exhibition of the amendment and a public hearing. In the event that a proposed new use was consistent with the Park category but was to be subject to a lease, the Plan of Management would need to be amended to authorise a lease for the new use. This is a less complex process but would still require exhibition of the amendment.

If a new proposed use was inconsistent with the currently approved Development Consent, a new DA process would need to be undertaken. This process would be expected to take approximately 6 months. The most recent Development Consent for the site, dating from 2010, approves a range of alterations and additions to the existing function centre. Confirmation of detail of the original consent for use as a function centre would require further research and retrieval of archived files, noting that the site has been used as function centre since the early 1950s.

Tom O'Hanlon
Director – Infrastructure & Sustainability response:

Memorandum

Date 8 March 2024

File No.

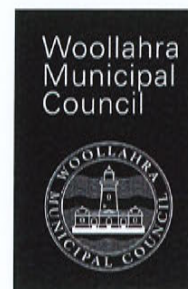
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Patricia Occelli – Director Community & Customer Experience

From Paul Fraser – Manager Open Space & Trees

Subject LATE CORRESPONDENCE – QUESTION WITH NOTICE –
URBAN FOREST STRATEGY

LATE CORRO	Item: <u>17.2</u>
Previously forwarded to Clrs	<u>Y</u> / N
Meeting:	<u>COUNCIL</u>
Date:	<u>11 / 03 / 2024</u>



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Dear Mayor, Councillors and ELT,

Councillor Robertson has asked the following Question with Notice regarding the Urban Forest Strategy.

QWN:
From: Councillor Robertson
Subject: Questions with Notice - Urban Forest Strategy

Councillor Robertson asking:

UFS next steps

In December 2023, following years of careful development, Council endorsed its Urban Forest Strategy - an overarching policy that will guide the greening of our LGA over coming decades.

Will the General Manager please outline the next steps in the implementation of the Urban Forest Strategy, including the review of the Street Tree Master Plan, and a timeline of key milestones?

Manager Open Space & Trees in response:

The next key steps in the implementation of the Urban Forest Strategy follow the recommendations noted in the Strategy (Part 4);

Next Steps	Detail	Draft Timeline
Engagement of the UFS team.	Engagement of the three roles to support the implementation of the Urban Forest Strategy being the UFS Program Manager, Program Support Officer and a Stakeholder Communication / Engagement Support Officer. All position descriptions are complete with the advertising	Currently underway Complete by July 2024

	<p>for the UFS Program Manager to commence this week.</p> <p>Once the recruitment process has been finalised for the UFS Program Manager the other two positions will be advertised.</p>	
Review of Street Tree Masterplan	Review the Street Tree Master Plan as identified in the UFS Action Plan; 'Review species list within Street Tree Master Plan with consideration to climate risk and increased diversity based on current best practice and research'.	Complete by September 2024
Commence development of Tree Champions	Further to the community engagement activities outlined in the Urban Forest Strategy, commence development of a program of community 'Tree Champions' who can assist with the ongoing monitoring, care and maintenance of new trees. The program, which will involve induction and training of community members, will seek to draw on and expand Council's existing network of volunteers.	Program developed by December 2024
Tree Asset Management	Improve the current Tree Asset Management System to allow for further analysis of urban forest data and to increase efficiency of management operations.	Currently underway Implemented by September 2024
Consultation Strategy	Prepare a public consultation strategy for public tree plantings and legacy species renewals.	Implemented by December 2024
Tree stock investigation	Secure tree stock and ensure availability by providing long lead times to suppliers	Currently underway
Tree planting locations	<p>Prioritise the tree planting locations and establishment of trees to assist with our canopy targets.</p> <p>Prepare Tree Planting Plans for iconic parks and priority locations (planting locations /maintenance).</p>	<p>Currently underway</p> <p>Our current planting programs are in line with the UFS</p>