



Ordinary Council

Monday 8 July 2024
6.30pm

Agenda



Council Meeting

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

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

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

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
<https://www.youtube.com/@woollahracouncil5355/streams>
- **To request to address the Council (pre-register by 10.00am on the day of the meeting)**
Pre-register to address the Committee by 10.00am on the day of the meeting by using the relevant registration form on Council's website - www.woollahra.nsw.gov.au
- **To submit late written correspondence (submit by 10.00am on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting.

The audio recording and late correspondence considered at the meeting will be uploaded to Council's website by 5.00pm on the next business day.

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

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For further information please visit www.woollahra.nsw.gov.au

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

Quorum: The quorum for Council meeting is 8 Councillors

Woollahra Municipal Council

Notice of Meeting

4 July 2024

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

Dear Councillors,

Ordinary Council – 8 July 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 8 July 2024 at 6.30pm.**

Members of the Public may:

- Register to address the meeting (via Zoom or in Person) by completing the relevant form available on Council's website: <https://www.woollahra.nsw.gov.au/files/assets/public/v/1/forms/code-of-meeting-practice-comp-public-forum-registration-form-items-not-on-the-agenda-2023-2024.pdf> and email the completed form to records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**
- Submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**

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

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

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

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

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting

Agenda

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6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION OF COUNCIL MINUTES - 24 JUNE 2024
Author:	Sue O'Connor, Governance Officer
File No:	24/101114
Purpose of the Report:	The Minutes of the Council of 24 June 2024 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 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Recommendation:

THAT the Minutes of the Council Meeting of 24 June 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Council Minutes of 24 June 2024 for confirmation. The Minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Council Minutes are presented as a procedural matter. Any matter arising from the Minutes can be discussed. A copy of the Minutes are provided as **Attachment 1**.

Options:

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

Community Engagement and / or Internal Consultation:

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

Policy Implications:

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

Financial Implications:

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

Resourcing Implications:

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

Conclusion:

The Minutes are presented for confirmation.

Attachments

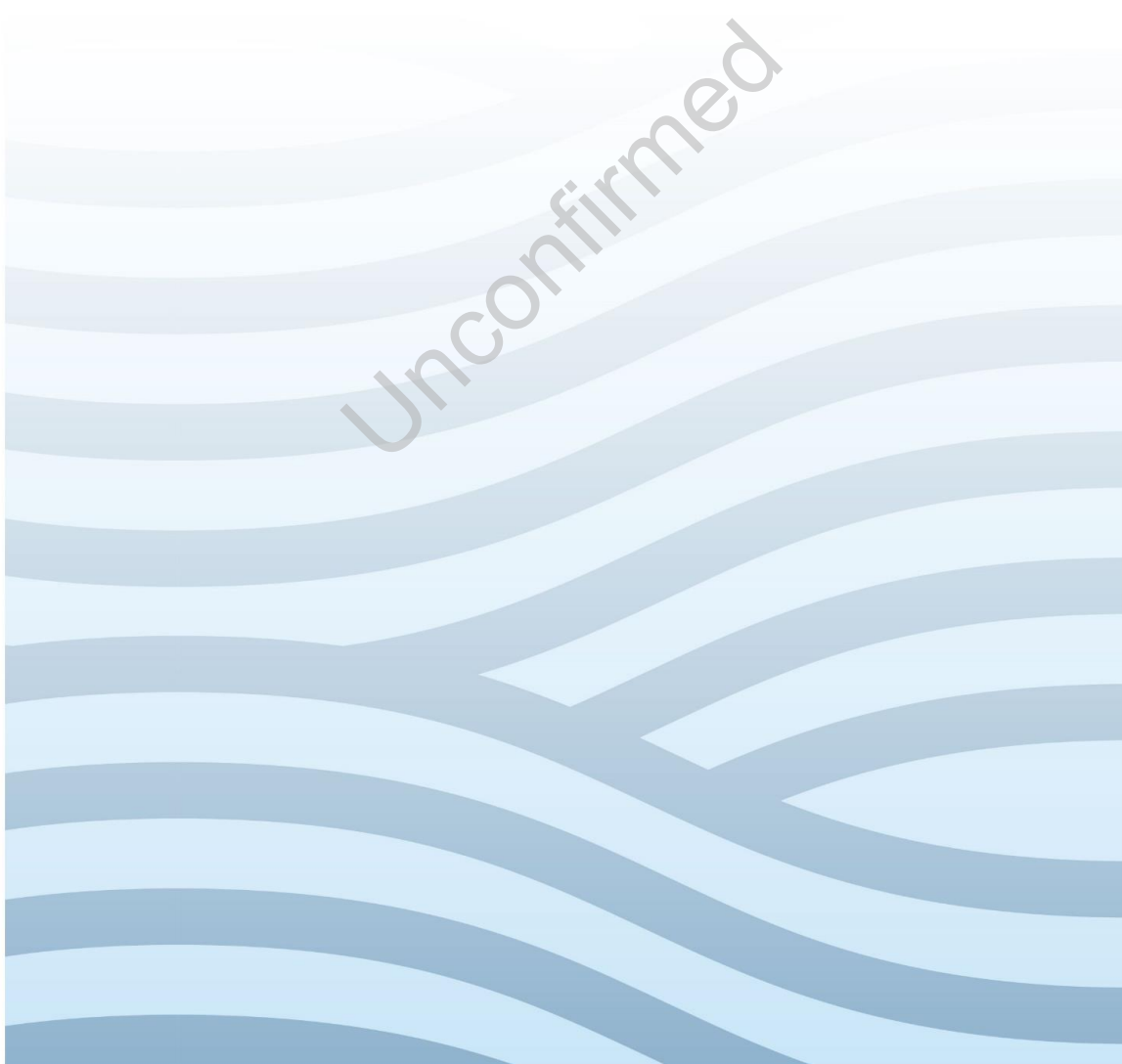
1. Unconfirmed Council Minutes - 24 June 2024 [↓](#) 



Ordinary Council

Monday 24 June 2024
6.30pm

Minutes



Ordinary Council Meeting

Monday 24 June 2024

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Woollahra Municipal Council
Ordinary Council Meeting Minutes

24 June 2024

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 24 June 2024 at 6.30pm

Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Peter Cavanagh (via Zoom) (joined meeting at 6.34pm during Item 6.1)
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson (via Zoom)
Mark Silcocks
Susan Wynne (via Zoom)
Toni Zeltzer

Staff: Jennifer Chenhall (Manager – Governance & Risk)
Rhys Johnson (Governance Coordinator)
Sue Meekin (Director – Corporate Performance)
Vicki Munro (Acting Director – Community & Customer Experience)
Carolyn Nurmi (Governance Officer)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 24 June 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.

5. Leave of Absence, Apologies and Attendance by Audio-Visual Link by Councillors

Apologies were received and accepted from Councillor Shapiro and Councillor Witt and leave of absence granted.

General Item No: 5.1 Audio-Visual Attendance

(Wynne/Swan)

83/24

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 24 June 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Robertson
- Councillor Wynne

12. General Manager and Officer's Report

Item No: 12.1
Subject: **UPDATE REGARDING THE LEASE AND OPERATION OF DUNBAR HOUSE IN ROBERTSON PARK AT WATSONS BAY AS A LICENCED RESTAURANT AND FUNCTION CENTRE**
Author: Jim Allison, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/109579
Purpose of the Report: To inform Council of progress in the matter of the leasing of Dunbar House.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council:

- A. Resolves to initiate a call for Expressions of Interest with view to receiving market information and/or a list of short listed service providers for the leasing and operation of Dunbar House as a licenced restaurant and function centre;
- B. Resolves to initiate a subsequent Request for Tenders from shortlisted service providers for the leasing and operation of Dunbar House as a licenced restaurant and function centre.

Executive Summary:

Dunbar House was leased until 30 June 2023 for use as a licenced restaurant and function centre. It has since been the subject of two Requests for Tender aimed at securing a new tenant for the same use. Council has previously resolved to authorise Officers to negotiate with a particular party and to authorise the General Manager to execute documentation to enter into a lease in certain circumstances. That party has now withdrawn from the negotiations. Having consulted with Council's contracted lawyers and food venue advisors, Officers now propose to call to the market for Expressions of Interest.

Discussion:

On 11 March 2024, Council considered a report detailing the process and result of Request for Tender (RFT) SC7377 for the lease and operation of Dunbar House in Robertson Park at Watsons Bay.

The RFT had produced just one submission, which was from a company called Athol Hill Pty Ltd.

Although Officers considered the submission to be acceptable in most material terms, Athol Hill proposed that the lease be taken by a new entity set up for that purpose. In these circumstances, Council's contracted lawyers advised that Council's best course to ensure compliance with legislation relating to RFTs, was to decline the submission but enter into negotiations with Athol Hill's representatives with a view to reaching an acceptable agreement for the lease and operation of Dunbar House. This was the course of action recommended by Officers, which Council resolved to accept as follows:

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.*

Accordingly, Officers entered into negotiations with Athol Hill's representatives.

Regretfully, Athol Hill's representatives have now withdrawn from the negotiations due to serious illness, and have indicated that they have no further interest in Dunbar House.

RFT SC7377 was the second tender for the lease and operation of Dunbar House since it became vacant following the end of the previous lease in June 2023. The first RFT produced just two submissions, neither of which was compliant with the RFT's terms.

Both RFTs have attracted considerable initial interest from the market but as outlined above, this has not lead to an abundance of submissions.

In these circumstances and having consulted with Council's lawyers and food venue consultants, Officers now intend to call for Expressions of Interest (EoI) – in effect, this will ask the market to indicate its interest and to provide information as to what terms would make the lease and operation of Dunbar house commercially attractive Although open, the EoI will be targeted in particular at the parties that have shown interest in the two RFTs, but have not made a submission (or have made a non-compliant submission).

The EoI will not bind Council or submitting parties in any way and it will be made clear that Council may use information provided in submissions as a basis for subsequently inviting select tenders from shortlisted parties to submit their tenders.

Given the relative failure of the two RFTs, this is considered the best way to now engage with the market and fulfil Council's legislative obligations

The EoI or any subsequent RFT will stipulate that the use of Dunbar House must remain as a licenced restaurant and function centre.

Options:

Council may resolve in line with the recommendation/s as included in this report or, Council may choose to resolve in some other manner.

Community Engagement and / or Internal Consultation:

It is considered that no community engagement or internal consultation was required in writing this report.

In the event that Eols are called for or an RFT is commenced, advertising as appropriate and as necessary to fulfil Council's legal obligations will be undertaken.

Policy Implications:

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

Financial Implications:

The continuing vacancy at Dunbar House represents an ongoing financial loss to Council. Officers are keen to progress the matter of leasing Dunbar House as set out in the report with a view to securing a tenant at the earliest possible date.

Resourcing Implications:

Property and Projects staff will manage the process of calling for Eols or RFTs as necessary. They will be assisted by Council's contracted lawyers, food venue consultants and an external Probity Officer.

Conclusion:

Two RFTs have been undertaken for the leasing and operation of Dunbar House. Both have attracted considerable interest from the market but this has failed to lead to an abundance of submissions. It is considered that in effect, asking the market for information as to acceptable terms and conditions will lead to offers which may prove acceptable to Council.

Attachments

Nil

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 1 July 2024 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 27) - 488-492 OLD SOUTH HEAD ROAD & 30 ALBEMARLE AVENUE, ROSE BAY
Authors:	Charmaine Tai, Strategic Planner Jacquelyne Della Bosca, Executive Planner
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	24/102488
Purpose of the Report:	To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 27) for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay and to seek Council's approval for finalisation.
Alignment to Delivery Program:	Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the post exhibition report on amendments to the *Woollahra Development Control Plan 2015* applying to 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
- B. Approves *Draft Woollahra Development Control Plan 2015 (Amendment No. 27)*, with amendments set out in late correspondence dated 8 July 2024, at **Attachment 1** of the report to the Environmental Planning Committee meeting of 1 July 2024, with commencement of the DCP being subject to the Department of Planning, Housing and Infrastructure approving the planning proposal for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
- C. Notes that if the proposed amendment to the *Woollahra Local Environmental Plan 2014* is not approved by the Department of Planning, Housing and Infrastructure, *Draft Woollahra Development Control Plan 2015 (Amendment No. 27)* will also not proceed, and a public notice will be published outlining the reasons for that decision.
- D. Notes the concerns of the community particularly in relation to potential streetscape and amenity impacts on Albemarle Avenue, and potential impacts on traffic and pedestrian safety arising from increased traffic, parking, delivery and servicing vehicles.

Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 26) - BASKETBALL & SPORTS COURTS CONTROLS**
Author: Eleanor Smith, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/89724
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 26) for planning controls for basketball and sports courts, and to seek Council's approval for finalisation.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Notes the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* on proposed controls for basketball and sports courts.
- B. Approves Draft Woollahra Development Control Plan 2015 (*Amendment No. 26*) at **Attachment 1** of the report to the Environmental Planning Committee of 1 July 2024 as exhibited.

Item No: R3 Recommendation to Council
Subject: **REVIEW OF LOCAL PLANNING CONTROLS TO STRENGTHEN PROVISIONS FOR SENIORS HOUSING DEVELOPMENT**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/79383
Purpose of the Report: To respond to a Council resolution requesting additional planning provisions to address seniors housing.
To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015.
Alignment to Delivery Program: Strategy 4.3: Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.

Recommendation:

THAT Council:

- A. Receives and notes the report on the review of local planning provisions to identify opportunities to strengthen controls for seniors housing development.
- B. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No.32)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 1 July 2024.
- C. Review and report back to Environmental Planning Committee on the application and use of the excavation controls for Seniors Housing Developments within 2 years, or sooner if it is identified that the variation is being misapplied and is inconsistent with the intent.

Item No: R4 Recommendation to Council
Subject: **HOUSING DELIVERY UPDATE - JULY 2024**
Authors: Fiona Aghili, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/54217
Purpose of the Report: The purpose of this report is to provide an update on housing delivery in the Woollahra Local Government Area.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the annual report on housing delivery provided to the Environmental Planning Committee of 1 July 2024.
- B. Request the Mayor write to the NSW Premier, the Hon. Chris Minns MP, the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully MP, the Member for Vaucluse and Member for Sydney explaining:
 - i. That Woollahra Council exceeded its housing target by 82% for the period 2016 to 2021 but was given no carry-over credit;
 - ii. That Woollahra Council has already delivered 60.8% of its net new dwelling target of 500 for 2021-2026;
 - iii. That Woollahra Council is the 7th densest municipality in NSW (77.8% of its dwellings are medium or high density compared to 46% for Greater Sydney);
 - iv. That the previous state government repeatedly advised Woollahra Council that no new significant state infrastructure will be provided to support additional density in the municipality;
 - v. On 29 May 2024, the NSW Government released a new five year completion target of 1,900 new dwellings to be delivered for the period of July 2024 to June 2029 in the Woollahra Local Government Area;
 - vi. The 1,900 new dwelling target does not include our strategy documents, the *Edgecliff Commercial Centre Planning and Urban Design Strategy* and the *Double Bay Centre Planning and Urban Design Strategy* which will produce up to 615 and 300 net additional dwellings respectively; and
 - vii. That due to the high level of development activity over the past decade, Woollahra Council regularly receives complaints from the community regarding traffic congestion, lack of parking, inadequate public transport options, pressure on public parks and community facilities and loss of local character and heritage.
- C. Thanks planning staff for their diligence in collecting and reporting on housing delivery information.
- D. Requests staff to report the next housing delivery update to the Environmental Planning Committee and Council in August 2025.

13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 1 July 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 31 MAY 2024
INVESTMENT HELD AS AT 30 JUNE 2024**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 24/109079
Purpose of the Report: To present the monthly financial report for May 2024 and to present a list of investments held as of 30 June 2024.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council:

- A. Receive and note the Monthly Financial Report – May 2024.
- B. Note that the Council's 12-month weighted average return for May 2024 on its direct investment portfolio of 5.26% (LM: 5.26%, LY: 4.21%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.43%.
- C. Note that the interest revenue for the year to date May 2024 is \$4.78M, exceeding our revised year to date budget of \$3.89M for the same period.
- D. Receive and note the list of Council's investments held as of 30 June 2024 (provided as late correspondence).

Item No: R2 Recommendation to Council
Subject: **REQUEST FOR FEE WAIVER FOR THE UNIVERSITY OF THE THIRD AGE TO HOLD WEEKLY CLASSES AT EJ WARD PADDINGTON COMMUNITY CENTRE**
Author: Susan Murray, Venue Coordinator
Approver: Vicki Munro, Manager Community & Culture
File No: 24/92485
Purpose of the Report: To request Council to waive the venue hire fees for the hire of EJ Ward Paddington Community Centre for The University of the Third Age (U3A) for ongoing weekly classes during school terms during the 2024/25 financial year.
Alignment to Delivery Program: Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

Recommendation:

THAT Council:

- A. Approve a reduction of the venue hire fees at EJ Ward Paddington Community Centre for the University of the Third Age (U3A), from \$1,537.50 per annum to \$615.00 per annum, being the not-for-profit rate for a small-size venue for the 2024/25 financial year.
- B. Advise the University of the Third Age (U3A) that they must apply under Council's Grants Program for any future waiving of Council's community venue hire fees.

Item No: R3 Recommendation to Council
Subject: **REQUESTS FOR TENDER FOR THE LICENCE AND OPERATION OF THE KAYAK HIRE, STORAGE AND COACHING FACILITY IN ROSE BAY PARK AND FOR THE NON MOTORISED WATERCRAFT HIRE AND STORAGE FACILITY LOCATED AT TINGIRA MEMORIAL PARK, ROSE BAY**
Author: Michelle Perez, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/108263
Purpose of the Report: To inform Council of Officers' intention to invite Tenders for the licence and operation of the kayak storage and coaching facility in Rose Bay Park and the for the non motorised watercraft hire and storage facility at Tingira Memorial Park, Rose Bay.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council resolves to initiate Requests for Tender for:

- A. The licence and operation of the kayak hire, storage and coaching facility situated on a 48m² portion of Rose Bay Park.
- B. The licence and operation of the non motorised watercraft hire and storage facility situated on a 114m² portion of Tingira Memorial Park, Rose Bay.

Item No: R4 Recommendation to Council
Subject: **PROPOSED DOUBLE BAY CHRISTMAS FAIR AND ORGANIC FOOD MARKETS - GRANT FUNDING**
Author: James Granter, Coordinator Economic Development
Approvers: Anne White, Manager Strategic Planning & Place
Vicki Munro, Manager Community & Culture
Scott Pedder, Director Planning & Place
File No: 24/103983
Purpose of the Report: To respond to a Council resolution requesting a further report on the Double Bay Christmas Fair.
Alignment to Delivery Program: Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Recommendation:

THAT Council:

- A. Approve the staff recommendation to support the Double Bay Christmas Fair 2024 with a grant allocation of \$7,500 from the Placemaking Grant stream.
 - B. Approve a grant application to the value of \$4,006.25 to the Organic Food Markets for financial support in the 2024/25 annual grants round, subject to them holding their event in the first half of 2025.
-

15. Councillor Reports/Councillor Updates (Section 8.4)

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

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - DOMESTIC & FAMILY VIOLENCE
From: Councillor Sarah Swan
Date: 21 June 2024
File No: 24/108246

Recommendation:

THAT Council:

- A. Note the funding allocation of \$20,000 for education and support purposes around the matter of male violence in the community, approved as part of Council's 2024-2025 budget at the 24 June 2024 Council meeting.
- B. Request the General Manager include on Council's web site, promotion of the:
 - i. NSW Government-endorsed campaign '*It's not love, it's coercive control*' campaign: <https://www.nsw.gov.au/media-releases/its-not-love-its-coercive-control>; and the
 - ii. Australian Government's new consent web site at <https://www.consent.gov.au/>
- C. Request the Mayor write to the relevant Ministers at a State and Federal Government level advocating for:
 - i. More funding for specialist Domestic Family and Sexual Violence (DFSV) services (including legal services and services which address adolescents who use violence in the home);
 - ii. More stringent consequences for perpetrators of DFSV;
 - iii. More funding for affordable housing which meets the needs of adult and child victim-survivors of DFSV; and
 - iv. The reinstatement of Federal funding which was recently removed from a local Eastern Suburbs service, with any reinstated funding to remain in the Eastern Suburbs of Sydney to support DFSV services.

Item No: 16.2
Subject: **NOTICE OF MOTION - PLAYING FIELDS & NETBALL COURTS FOR GIRLS SPORTS**
From: Councillor Mary-Lou Jarvis
Date: 26 June 2024
File No: 24/110846

Recommendation:

THAT Council:

- A. Request staff report to Council on opportunities to install more netball courts to benefit the girls who play netball in our area, in particular at the area near Woollahra Ovals 2 & 3 at Rose Bay.
- B. Request that the report propose mitigation measures to reduce any impacts on surrounding neighbours eg increased tree planting around the perimeters to increase tree canopy.

Background

Netball is the number one female team sport in Australia with AusPlay data revealing more than one million people are involved in the sport. <https://netball.com.au/news/netballs-participation-numbers-pass-one-million>.

In our Council area according to the 2021 Census there are 10,628 children aged 5-19 years old so it is reasonable to assume there are at least 5,300 girls. According to that same Census there were approximately 1,930 girls aged between 5-19 year olds living in Vaucluse ward alone. Watsons Bay Vaucluse and Rose Bay.

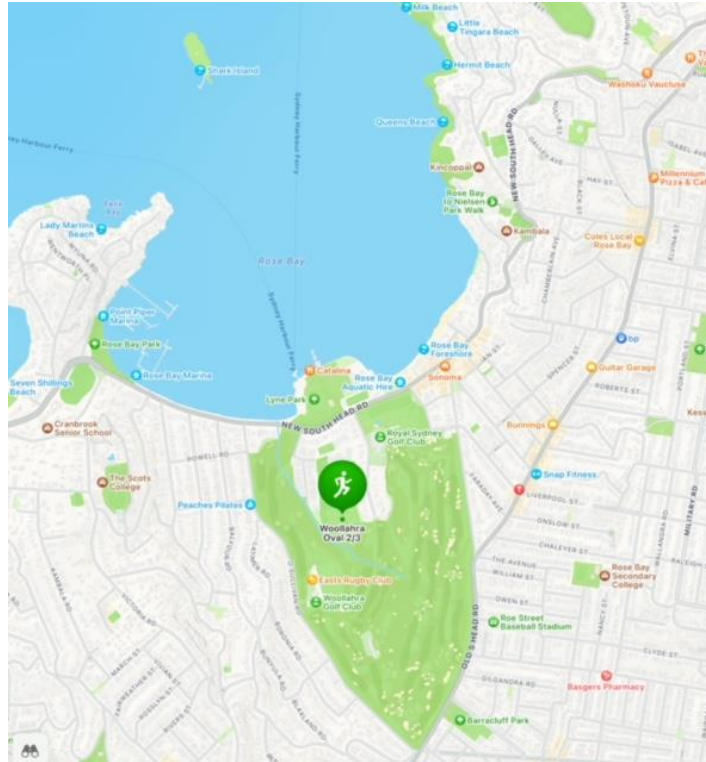
Yet within Vaucluse ward the public space available for playing netball is restricted to two courts at Christison Park, which are dual use and are shared with basketballers and another court at Lynne Park is reserved exclusively for basketball use. There are two girl's school's, Kambala and Kincoppal-Rose Bay. The boy's schools nearby Cranbrook and Scots College School have more space within their grounds for sport and enjoy access to larger public space for their sporting activities.

At Kambala there are three courts and at Kincoppal-Rose Bay there are a few more but all are shared with the school's tennis players. The three local primary schools, Vaucluse Public, Rose Bay Public and MacCauley have even more limited playing space. Woollahra Ovals have the advantage of being within an easy walk from the Rose Bay primary schools and a slightly longer walk from Kambala and Kincoppal-Rose Bay.

Because of limited space in our area, most netball practice and competition is presently played at Maroubra and weekend games involves travel to as far away as Frencham in the southern highlands.

Meanwhile at Woollahra Ovals 1,2 & 3 the open space is available for cricket, rugby and soccer with the perimeter to the ovals devoted to cricket practice nets, a community garden, Council sheds and parking. All of which is surrounded by the public golf course, a rugby and a croquet playing field.

A preliminary site meeting took place at Woollahra Ovals 2 & 3 with the Director of Infrastructure & Sustainability, and Manager of Open Space on 25 June 2024. While my preference would be to install 2 courts at that location, if only one is considered feasible other locations within walking distance to the schools mentioned above such as Lyne Park or Samuel Park should be considered.





Item No: 16.3
Subject: **NOTICE OF MOTION - REPRESENTATION OF WOMEN**
From: Councillors Luise Elsing and Lucinda Regan
Date: 26 June 2024
File No: 24/111579

Recommendation:

THAT Council:

- A. Request that the Arts and Culture Advisory Committee revise the current Woollahra Council plaque criteria to include words to the effect of *“each year’s nominations will be considered in respect to ensuring diversity that reflects the Woollahra Community including aiming for equal representation of women”*.
- B. Request that the Arts and Culture Advisory Committee consider the nominations of *Dame Constance D’Arcy* a pioneer obstetrician, gynaecologist and activist and *Estelle Barnes* a 1906 graduate of Sydney University who became one of Sydney’s first female dentists, in the 2023-24 cycle of nominations for installation in the 25-26 financial year allocation of plaques noting that the nomination period has closed.

Background

The placing of monuments, plaques and statues in public places where people regularly walk past and see them, legitimises and reinforces a narrative of gender inequality and makes it normal. This can make the injustices of historic female exclusion they represent easier to defend and make the injustices of current misogyny harder to see¹. Not seeing females represented also undermines women and girl’s confidence. “Each time a girl opens a book and finds a womanless history, she learns she is worth less”².

The Woollahra plaques scheme is community driven program. New plaques are added based on the nominations received from the community. These are assessed against selection criteria and researched by a Local History Librarian.

The Woollahra Council Plaque Scheme honours exceptional local people/events and includes that the *“Scheme should be open to reflecting the rich variety of Australian life by including representatives of every social group and sphere of endeavour.”*

In 2019 the selection criteria was reviewed and revised.

This revision included:

- a criteria of ‘good moral character’ (personal history of honesty, fairness and respect for the rights of others and legislation);
- a change to the criteria to clarify the need for nominated people or events to have made a ‘significant’ contribution to the development of Australia and its culture and/or ‘the local area’; and
- a statement regarding Plaque nominations which meet the Selection Criteria, but are not a priority for a given year. The same Plaque nominations can be resubmitted in the following year.

Woollahra has installed 44 plaques under this scheme: 30 men, 5 events and only 9 women – representing only 20% of all nominations _ this does not demonstrate gender equality.

¹ Stiem, T., 2018. Statue Wars: What Should We Do With Troublesome Monuments?

² Myra Pollack Sadker

Council currently installs four plaques each financial year – next year’s plaques were endorsed at the 25 March 2024 Arts and Culture Advisory Committee, and these plaques are currently in production. These include two women, Indigenous Leader Nanny Nellola (who will be jointly recognised with Thomas Tamara) and Dr Fanny Reading, medical practitioner and Jewish community leader. The 2023/2024 nominations are currently under consideration include two female nominations.

Reasons for how this imbalance has occurred may include the historical and ongoing underrepresentation/invisibility of women, and most importantly the historic lack of insight as to the terrible implications of not recognising and representing the equal importance of women in our community. Raising community profile and awareness of the scheme and the active promotion of women representation is needed.

There are many women who would be suitable for plaques including the famous students of the Reviere College for ladies once situated in the Hughenden Hotel such as *Dame Constance D’Arcy* a pioneer obstetrician, gynaecologist and activist and *Estelle Barnes* a 1906 graduate of Sydney University who became one of Sydney’s first female dentists³.

Woollahra Council supports victims of domestic violence but we can do more in **preventing** Violence Against Women (VAW) by **promoting gender equality**⁴. Evidence shows that community interventions promoting gender equality can prevent VAW by challenging stereotypes that give men power over women⁵.

We need to respond to the number of women killed so far in 2024 which is an increase of around 30% from 2023⁶ following a similar increase in 2023 from 2022⁷. Currently one in four women have experienced violence by an intimate partner or family member since the age of 15 and one in five women have experienced sexual violence and stalking⁸.

Significant drivers of VAW include the unequal distribution of power and resources between men and women, and an adherence to rigidly defined gender roles and identities⁹. The increase in the online dissemination of misogynistic beliefs that a women’s place is in the home, men are providers and protectors¹⁰, boys and men are victims of feminist gains and acts of “male supremacy” are needed to restore the natural gender order¹¹ has been linked to the increased VAW.

The community is wanting institutional responses and tens of thousands of people marched in rallies over the April 2024 demanding immediate action to reduce VAW¹². The Federal Government held a National cabinet meeting in May 2024 announcing a suite of mechanisms to combat gender-based violence.

³ Woollahra: A History of Queen and West Woollahra, Luise Elsing

⁴ World Health Organisation paper “Promoting Gender Equality to Prevent Violence Against Women”

⁵ Australian Government National Plan to Reduce Violence Against Women and Their Children

<https://plan4womenssafety.dss.gov.au/resources/what-is-violence-against-women/#:~:text=Research%20has%20shown%20that%20the,to%20be%20masculine%20and%20feminine>

World Health Organisation’s paper Promoting Gender Equality to Prevent Violence Against Women

⁶ <https://www.abc.net.au/news/2024-04-24/eleven-more-women-have-died-violently-compared-to-last-year/103759450>

⁷ There are no official statistics but numbers are tracked by <https://australianfemicidewatch.org/> and

<https://www.facebook.com/p/Counting-Dead-Women-Australia-100063733051461/>

Australian Institute of Criminology report Homicide in Australia 2022–237 indicates that of 247 homicide victims, 75 were women. 87% of those women were killed by a male offender and 49% of those women were killed by a current or former male intimate partner

⁸ <https://theconversation.com/national-cabinet-has-committed-to-a-range-of-strategies-to-stop-violence-against-women-but-has-it-done-enough>

⁹ Australian Government National Plan to Reduce Violence Against Women and Their Children

<https://plan4womenssafety.dss.gov.au/resources/what-is-violence-against-women/#:~:text=Research%20has%20shown%20that%20the,to%20be%20masculine%20and%20feminine>

¹⁰ Masculinity and Violent Extremism (2022) Joshua M. Roose, Michael Flood, Alan Grieg, Mark Alfano, Simon Copland

¹¹ Make me a Sandwich <https://theconversation.com/make-me-a-sandwich-our-surveys-disturbing-picture-of-how-some-boys-treat-their-teachers-228891>

¹² <https://www.smh.com.au/politics/federal/albanese-admits-domestic-violence-is-national-crisis-20240428-p5fn2d.html>

Item No: 16.4
Subject: **NOTICE OF MOTION - COUNCIL'S PROCUREMENT POLICY**
From: Councillors Richard Shields and Isabelle Shapiro
Date: 03 July 2024
File No: 24/115585

Recommendation:

THAT Council:

- A. Re-affirms its support for Council's Procurement Policy (as operationally adopted by the General Manager), in particular the following key purpose statements found within the Policy:
 - i. Meet legislative requirements in line with the NSW Local Government Act 1993.
 - ii. Deliver best value for money, including effectively and sustainably procuring items, whilst delivering best value to Council's long term outcomes; generating economic, social and environmental value; and avoiding unnecessary consumption.
- B. Requests the General Manager ensure that no changes are made to Council's Procurement Policy that incorporate principles that are in alignment with the racist Boycott, Divestment and Sanctions campaign; and
- C. Condemns the Boycott, Divestment and Sanctions campaign and recognises its racist origins and intent.

Background

City of Sydney - Boycott, Divestment and Sanctions Motion

The City of Sydney at its meeting of 24 June 2024 passed a motion, inter alia, that:

"The Chief Executive be requested to prepare a report for Council on divestments that have or may be undertaken to ensure that Council's Investment Policy 2023 fully consider companies involved in, or profiting from, any human rights violations including the illegal occupation of the settlements of Palestinian territories, and the supply of weapons."

The motion was moved by Greens Councillor Sylvie Ellsmore and supported by Lord Mayor Clover Moore. The motion was opposed by Liberal Councillors, Shauna Jarrett and Lyndon Gannon.

According to The Australian newspaper dated 25 June 2024:

"City of Sydney Mayor Clover Moore has voted to support the anti-Israel Boycott, Divestment and Sanctions campaign...."

What is Boycott, Divestment and Sanctions (BDS)?

The origins of the Australian BDS movement according to authors Philip Mendes and Nick Dyrenfurth go back to May 2002 and:

"...shared the chauvinistic views of the global BDS movement in favour of the global BDS movement in favour of the elimination of the State of Israel to be replaced by an ethnocentric Arab state of Greater Palestine."

The authors also warned:

*“That the BDS movement’s racial hatred of Israeli Jews was extending to Australian Jews.”
Under the IHRA (International Holocaust Remembrance Alliance) working definition of antisemitism, which Australia has adopted, an example of antisemitism is:*

Applying double standards by requiring of Israel a behaviour not expected or demanded of any other democratic nation.

17. Questions With Notice

Recommendation:

THAT the Questions with Notice be received and noted.

Background:

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

The following Questions with Notice for the Council Meeting on 8 July 2024 have been received.

QWN: 17.1
From: Councillor Jarvis
Subject: Questions with Notice - Installation of Binoculars in Christison Park, Lighthouse Reserve & Gap Park

Councillor Jarvis asking:

To Directors of Infrastructure & Sustainability & Community & Customer Experience

1. This year's Council budget 2023/24 made provision for binoculars to be installed along the cliff top at Vaucluse so that locals and visitors to our area can get a better view of whales passing along the coast during their migration season and also watch the sea and the passing of ships throughout the year. While signage has now gone up about their forthcoming installation can we please be advised when they will be installed and any reasons for an ongoing delay?



Manager Open Space & Trees in response:

The binoculars have been received from overseas and will be installed in the next two weeks. The delay has been noted in the previous capital works reporting, due to the binoculars being procured from overseas.

The last comment in the Capital Works report was:

'The procurement of the binoculars are complete for the three locations. Notification on these locations will commence in Q4 (which includes the new location to pick up the seal colony at the base of the cliff). It is hoped that installation will occur in Q4, however this will depend on the arrival of the binoculars which come from overseas. The draft signage has been finalised and is currently in production.'

2. Given the incredible popularity of Council's guided Whale watching walks, one has already been held and sold out within hours of release of tickets and others to be held on 30 June and 14 July were sold out with only wait lists on offer. Is there a possibility of adding more events and/or increasing the number who can attend, either this year or commencing in 2025?



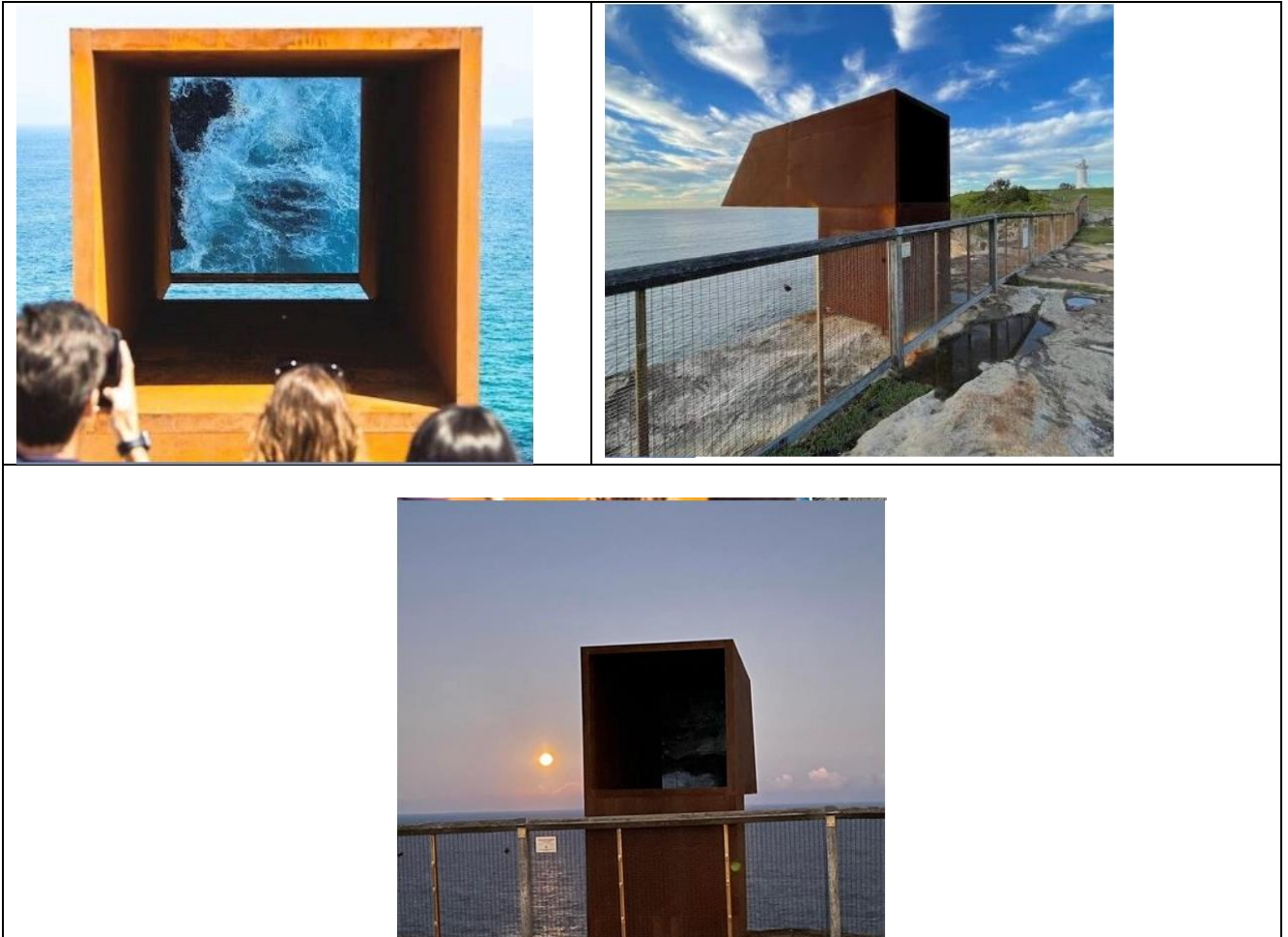
Manager Open Space & Trees in Response:

The first two whale watching walks sold out quickly with the third walk taking a few weeks to sell out. It is our opinion that this indicates that the number of walks are about right. As the presenters are internal staff we will investigate the possibility of offering an additional session in 2025 and if popular it can be resourced into the future.

The maximum capacity is 30 people which is manageable from a risk point of view and for the participants to be able to hear the presenter. We would not recommend increasing the group size.

One of the main reasons for installing the new binoculars and associated signage is for people to visit the site and whale watch at their leisure. We are currently working on a self-guided whale walk highlighting the 3 locations with signage and binoculars and connecting to the sign content and a couple of key heritage notes for the locations. This should be ready for the 2025 season.

3. Following the entry of a sculpture “Viewfinder” in the annual Sculptures by the Sea, it was offered on loan to the Council and installed in around 2021 along the cliff top walk, offering a spectacular view down the cliff face to the sea crashing on the rocks. According to the artist Joel Adler it was removed in around May after storm damage and had reached the end of its maintainable life but he has shared with the Council details for a permanent version. Can Councillors please be advised of how this offer is being considered and how this sculpture might be returned to the walk on a permanent basis?



Acting Director Community & Customer Experience in response:

The sculpture, Viewfinder by Joel Adler, was loaned to Council from early 2021 and unfortunately needed to be de-installed from Lighthouse Reserve in Vaucluse on 24 May 2024 due to irreversible deterioration of the exterior panels of the artwork, compromising the integrity and safety of the work.

Following its removal, Joel Adler has been in the early stages of discussion with the Council’s Public Art staff regarding a more permanent version, Viewfinder II. He proposes to reimagine the sculpture with “an emphasis on longevity and increasing the viewing angle for shorter people and people with disabilities”.

At the Public Art Panel meeting on 20 June 2024, Panel members were informed that the proposal for Viewfinder II will be presented for consideration later in 2024. Council staff are working with the artist on further developing his Viewfinder II proposal. It is proposed to submit a report to the Public Art Panel meeting, scheduled in November/December 2024. The strong positive endorsement of the de-installed sculpture Viewfinder by the members of the community will be included in the report.

Should the proposal be supported by the Public Art Panel and the technical issues of material and maintenance resolved, Viewfinder II could be installed during 2025, pending the artist's availability, fabrication and installation timelines.

QWN: 17.2
From: Councillor Silcocks
Subject: Questions with Notice - Double Bay Commercial Centre

Councillor Silcocks asking:

I've had reports of some of the large developments in the Double Bay Commercial Centre, which had Plant Equipment contained in their basements in accordance with their conditions of consent, applying to reposition that equipment onto their roofs through the submission of Section 4.55s.

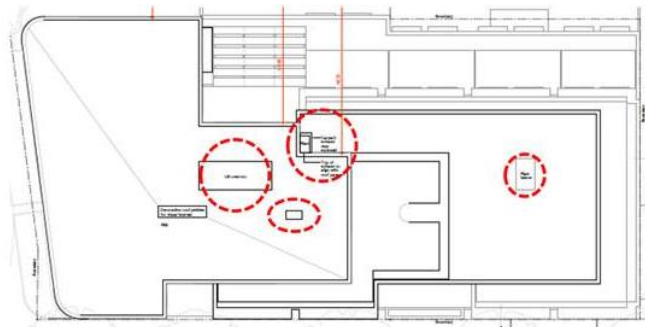
Please could Staff confirm this and, if valid, comment on whether, or why, Council would permit this change, given both view impacts on the DB amphitheater and noise impacts on surrounding residences. I seem to remember we tightened our controls a while back to ensure such equipment was as hidden from view as possible on both private and commercial developments.

Acting Manager Development Assessment in response:

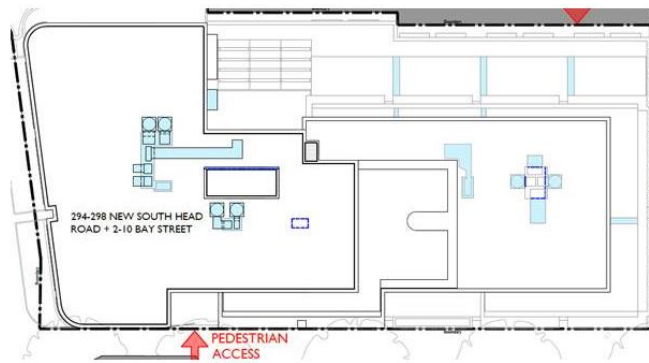
I have carried out a review of the relevant DAs and the subsequent s4.55 applications of these addresses. A summary is set out below for your reference.

2 Bay Street

- Original Development Application - DA280/2022/1 for Demolition of existing buildings and construction of a new commercial building with basement parking was approved by the Land and Environment Court on 11/5/2023. Plant, exhaust and lift overrun are shown on the approved roof plan (see below extract in red dotted circles).

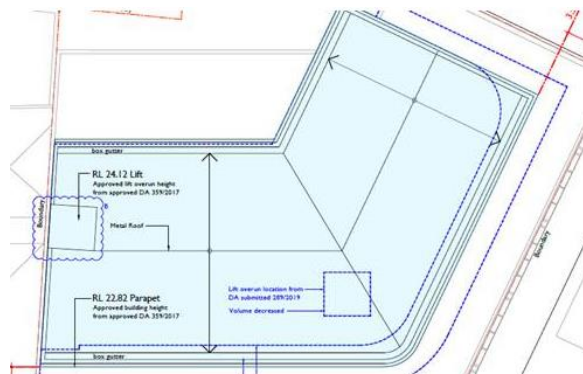


- Mod - DA280/2022/2 for Modification of conditions relating to deferred commencement and staging of construction certificates was approved on 16/8/2023. (No works proposed)
- Mod - DA280/2022/3 for Internal and external modifications to the approved commercial development was lodged on 16/2/2024. External modification works include new plant and relocating plant on the roof (see below extract in blue). This application is currently under assessment.

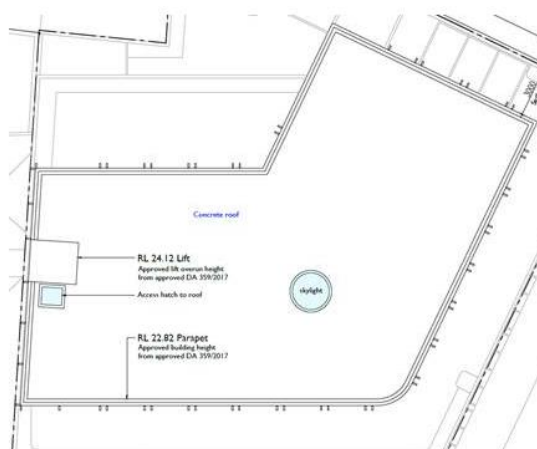


30-36 Bay Street (corner of Bay Street and Guilfoyle Avenue)

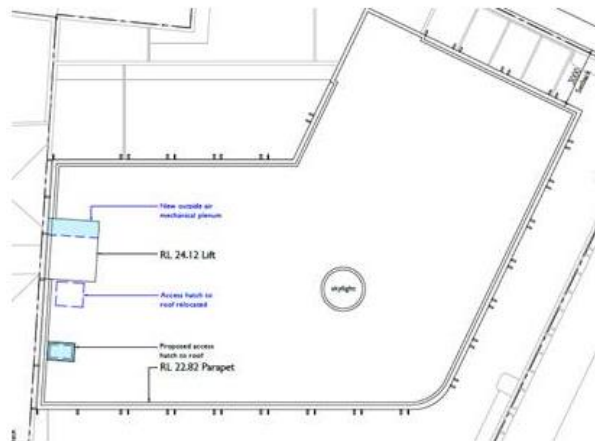
- Original Development Application - DA289/2019/1 for Alterations and additions to the existing commercial building including two additional levels and car parking was approved by the WLPP on 7/5/2020. Lift overrun is shown on the approved roof plan (see below extract in blue cloud).



- Mod - DA289/2019/2 for Modification of condition C.1 was approved on 11/6/2020. (No works proposed)
- Mod - DA289/2019/3 for Internal and external modifications was approved on 7/10/2020. External modification works include new skylight and access hatch on the roof (see below extract in blue).



- Mod- DA289/2019/4 for Internal and external modifications was approved on 23/12/2020. External modification works include new air mechanical plenum and relocation of access hatch on the roof (see below extract in blue).



- Mod- DA289/2019/5 for Internal and external modifications to the approved commercial building including amendments to retail tenancy 1 at the ground floor level; infill of the terrace on the fourth level; a new terrace and minor extension to the approved commercial tenancy at the fifth floor level; and associated façade changes was approved by the WLPP on 18/3/2021. (No new works on roof proposed)
- Mod- DA289/2019/6 for Removal of planter at Level 4 and extension of the approved A/C plant room was approved on 14/2/2022. (No new works on roof proposed)

Based on my above review, I have the following observation:

- For 2 Bay Street, there is a current s4.56 application which involves works on the roof to accommodate new plant equipment and relocating some plant equipment which was originally approved on the roof. This application is currently under assessment, which will take into account the relevant objectives and controls prescribed in the DCP. This s4.56 will need to be determined by the WLPP.
- For 30-36 Bay Street, other than a small portion 'air mechanical plenum' being added to the side of the approved lift overrun on the roof (approved under DA289/2019/4), there is no significant plant equipment added to the roof in the subsequent s4.55 applications.

