



Ordinary Council

Monday 8 July 2024

6.30pm

Minutes



Ordinary Council Meeting

Monday 8 July 2024

Table of Contents

	Page
1. Opening.....	392
2. Prayer.....	392
3. Acknowledgement of Country (Gadigal People and Birrabirragal People).....	392
4. Acknowledgement of the Sovereign of the Day (King Charles III)	392
5. Leave of Absence, Apologies and Attendance by Audio-Visual Link by Councillors.....	392
5.1 Audio-Visual Attendance	392
6. Confirmation of Minutes	393
6.1 Confirmation of Council Minutes - 24 June 2024.....	393
7. Late Correspondence	394
8. Disclosures of Interest	394
9. Petitions Tabled.....	394
10. Mayoral Minute	394
11. Public Forum	394
12. General Manager and Officer's Report	395
12.1 Update Regards the Lease and Operation of Dunbar House in Robertson Park at Watsons Bay as a Licenced Restaurant and Function Centre.....	395
13. Reports of the Committees	396
13.1 Environmental Planning Committee 1 July 2024.....	396
R1 Post Exhibition Report - Draft Development Control Plan (Amendment No. 27) - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay	396
R2 Post Exhibition Report - Draft Development Control Plan (Amendment No. 26) - Basketball & Sports Courts Controls.....	397
R3 Review of Local Planning Controls to Strengthen Provisions for Seniors Housing Development	398
R4 Housing Delivery Update - July 2024.....	399
13.2 Finance, Community & Services Committee 1 July 2024.....	403
R1 Monthly Financial Report - 31 May 2024 Investment held as at 30 June 2024	403
R2 Request for Fee Waiver for the University of the Third Age to Hold Weekly Classes at EJ Ward Paddington Community Centre.....	404
R3 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	405
R4 Proposed Double Bay Christmas Fair and Organic Food Markets - Grant Funding	406
14. Rescission Motion.....	406
15. Councillor Reports/Councillor Updates (Section 8.4)	407

15.1	Condolences Dr Allan Shell	407
15.2	Queen Street West Annual Dinner	407
15.3	Bay Street Initiative Launch	408
15.4	Australian Local Government Association (ALGA)	408
15.5	C'Est Si Bon Closing	409
15.6	Charging the East	410
15.7	Invitations	410
16.	Notices of Motion	411
16.1	Notice of Motion - Domestic & Family Violence	411
16.2	Notice of Motion - Playing Fields & Netball Courts for Girls Sports	412
16.3	Notice of Motion - Representation of Women	413
16.4	Notice of Motion - Council's Procurement Policy	414
17.	Questions With Notice	415
17.1	Questions with Notice - Installation of Binoculars in Christison Park, Lighthouse Reserve & Gap Park	415
17.2	Questions with Notice - Double Bay Commerical Centre	418
18.	Supplementary Responses to Previous Questions with Notice	420
19.	Confidential Matters	420
20.	Conclusion of the Meeting	420

Items Determined Under Delegated Authority by Council Committees

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

Finance, Community & Services Committee held on Monday 01 July 2024

- D1 Confirmation of Minutes of Meeting held on 3 June 2024
- D2 Woollahra Local Traffic Committee Minutes - 4 June 2024

Environmental Planning Committee held on Monday 01 July 2024

- D1 Confirmation of Minutes of Meeting held on 3 June 2024
- D2 Ecological Sustainability Taskforce Meeting Minutes 28 May 2024

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 8 July 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) (left the meeting at 7.51pm)
Luise Elsing
Nicola Grieve (via Zoom) (left the meeting at 7.45pm)
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Isabelle Shapiro
Mark Silcocks
Merrill Witt (via Zoom)
Toni Zeltzer

Staff: Jennifer Chenhall (Manager – Governance & Risk)
Zubin Marolia (Manager – Property & Projects) (via Zoom)
Sue Meekin (Director – Corporate Performance) (via Zoom)
Vicki Munro (Acting Director – Community & Customer Experience) (via Zoom)
Carolyn Nurmi (Governance Officer)
Sue O'Connor (Governance Officer)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Anne White (Manager Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 8 July 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

An apology was received and accepted from Councillors Matthew Robertson & Susan Wynne and leave of absence granted.

General 5.1 Audio-Visual Attendance
Item No:

(Swan/Carmicheal)

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 8 July 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Grieve
- Councillor Witt

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

For the Motion

Against the Motion

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

Nil

13/0

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.

(Elsing/Carmichael)

92/24 Resolved:

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

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

For the Motion

Against the Motion

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

Nil

13/0

7. Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Item R1 & R2, FC&S Item R1, NOM 2 & 4 & QWN 17.1.

8. Disclosures of Interest

Councillor Jarvis declared a Significant, Non-Pecuniary Interest in EP Item R1 (Post Exhibition Report - Draft Development Control Plan (Amendment No. 27) - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay) as Councillor Jarvis sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Jarvis left the room at this item, did not participate in debate and did not vote on the matter.

Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in EP Item R1 (Post Exhibition Report - Draft Development Control Plan (Amendment No. 27) - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay) as Councillor Zeltzer sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Zeltzer left the room at this item, did not participate in debate and did not vote on the matter.

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in EP Item R4 (Housing Delivery Update - July 2024) as Councillor Swan has been informed that she has a connection with a person in this business. Councillor Swan remained in the meeting, participated in the debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in FC&S Item R4 (Proposed Double Bay Christmas Fair and Organic Food Markets - Grant Funding) as Councillor Jarvis knows a person who has joined that business, this person having served on a Committee with her for several years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in Notice of Motion 16.2 (Playing Fields & Netball Courts for Girls Sports), as the Principal of Kincoppal has submitted late correspondence on the item, and Councillor Jarvis was on the board of Kincoppal for 10 years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

9. Petitions Tabled

Nil

10. Mayoral Minute

Nil

11. Public Forum

The Mayor, Councillor Shields advised that in accordance with Clause 4.1 of Council's Code of Meeting Practice one (1) member of the public, registered to address Council via the Public Forum provisions on other matters not listed on the Agenda.

Note: Mr Jared Kendler from Moore Park Golf Club Limited addressed Council on the impact upon Woollahra Council residents of the NSW government's proposed plan to reduce Moore Park Golf Course by 50%, repurposing 20 hectares of golf course to unspecified park space.

12. General Manager and Officer's Report

Item No: 12.1
Subject: **UPDATE REGARDS 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.

Note: Council amended Part A and B of the Resolution.

(Jarvis/Swan)

93/24 Resolved:

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, function centre or any use which is consistent with the community land provisions under the Local Government Act.
- 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, function centre or any use which is consistent with the community land provisions under the Local Government Act.

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

For the Motion

Against the Motion

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

Nil

13/0

13. Reports of the Committees

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.

Note: Late correspondence was tabled by Anne White, Council's Manager Strategic Planning & Place.

Note: Councillor Jarvis declared a Significant, Non-Pecuniary Interest in this Item, as Councillor Jarvis sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Jarvis left the room at this item, did not participate in debate and did not vote on the matter.

Note: Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in this Item, as Councillor Zeltzer sits on the East Sydney Planning Panel and the matter is coming back before the Panel as an amendment. Councillor Zeltzer left the room at this item, did not participate in debate and did not vote on the matter.

Note: Councillor Jarvis left the meeting, the time being 7.07 pm.

Note: Councillor Zeltzer left the meeting, the time being 7.07 pm.

(Regan/Carmichael)

94/24 Resolved:

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.

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

For the Motion

Against the Motion

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

Nil

11/0

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.

Note: Late correspondence was tabled by Mr Daniel Barber & Ericka van Aalst of (SCPAG) (2 pieces).

(Carmichael/Swan)

95/24 Resolved without debate:

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.

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

For the Motion

Against the Motion

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

Nil

13/0

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.

Note: Councillor Jarvis returned to the meeting, the time being 7.08pm.

Note: Councillor Zeltzer returned to the meeting, the time being 7.08pm.

(Jarvis/Regan)

96/24 Resolved:

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.

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

For the Motion

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

Against the Motion

Councillor Swan

12/1

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.

Note: Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Swan has been informed that she has a connection with a person in this business. Councillor Swan remained in the meeting, participated in the debate and voted on the matter.

Note: Councillor Swan left the meeting, the time being 7.19pm.

Note: Councillor Swan returned to the meeting, the time being 7.20pm.

Note: Councillor Shapiro left the meeting, the time being 7.20pm.

Note: Councillor Shapiro returned to the meeting, the time being 7.22pm.

Note: The Council amended Part B iv. of the resolution.

**Motion moved by Councillor Carmichael
Seconded by Councillor Jarvis**

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 state government has 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.

**Amendment moved by Councillor Grieve
Seconded by Councillor Witt**

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 and current state governments 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.

The Amendment was put and lost

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

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Witt

Against the Motion

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

5/8

The Motion was put and carried

(Carmichael/Jarvis)

97/24 Resolved:

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 state government has 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.

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

For the Motion

Against the Motion

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

Nil

13/0

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.

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

(Zeltzer/Jarvis)

98/24 Resolved without debate:

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).

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

For the Motion

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

Against the Motion

Nil

13/0

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.

(Zeltzer/Jarvis)

99/24 Resolved without debate:

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.

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

For the Motion

Against the Motion

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

Nil

13/0

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.

(Zeltzer/Jarvis)

100/24 Resolved:

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.

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

For the Motion

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

13/0

Against the Motion

Nil

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.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Jarvis as Councillor knows a person who has joined that business, this person having served on a Committee with her for several years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

(Zeltzer/Jarvis)

101/24 Resolved:

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.

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

For the Motion

Against the Motion

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

Nil

13/0

14. Rescission Motion

Nil

15. Councillor Reports/Councillor Updates (Section 8.4)

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

Note: Councillor Grieve left the meeting, the time being 7.45pm.

Note: Councillor Cavanagh left the meeting at 7.51pm.

General Item No: 15.1 Condolences Dr Allan Shell
Tabled by Councillor: Swan

Councillor Swan advised:

Dr Allan Shell passed away on Saturday. Dr Shell was previously the Director of Holdsworth and was on the Wolper Hospital Board, and Dr Shell also did a lot of work with the Woollahra Dementia Alliance. By the reaction on the floor of my fellow Councillors to the news of his passing, he was obviously much loved and respected and I wish to pass my condolences onto his family and to all with whom he was close. I understand the funeral will be on Wednesday and I understand that Councillor Shapiro has the details for that and I'm sure she would gladly circulate those.

Councillor Shapiro further advised:

I too, just wanted to express my condolences on the passing of Dr Allan Shaw and I wondered if we could write a letter on behalf of the Council please, he was involved in so many different areas of the community. I worked closely with his wife Roma for many years in the Jewish community and recently when Dr Shell was the Head of the Woollahra Dementia Alliance, we had a number of events in the library where he brought patients with dementia and they had art there for them to enjoy, it was just always a wonderful morning. So I just wanted to express my condolences and as Councillor Swan has said, his funeral is on Wednesday morning at the Chevra Kadisha.

Councillor Regan further advised:

I also want to express my condolences on the passing of Dr Allan Shell, I knew him as a Board Member of Holdsworth and I must say he was a very impressive man, very engaged in the Board and the Woollahra Dementia Alliance. He was very passionate about ageing and I am actually very sad to hear of his loss because it seems like I didn't see him that long ago, but I knew he wasn't well. So I wish to pass on my condolences to his family as well.

General Item No: 15.2 Queen Street West Annual Dinner
Tabled by Councillor: Swan

Councillor Swan advised:

After the last Council Meeting, Councillor Grieve and I attended the Queen Street West Annual Dinner, which was also attended by Councillor Witt. It was an excellent celebration of the group members where they were able to raise funds. Councillor Grieve and I sold raffle tickets, which was a lot of fun for the organisation. I think that was unexpected, but it was a great way for us to speak to all the attendees and get them involved.

General Item No: 15.3 Bay Street Initiative Launch
Tabled by Councillor: Swan

Councillor Swan advised:

On the 27 June, I represented the Mayor at the Bay Street Initiative launch. Councillors and staff will recall that we have a grant in favour of the Bay Street Initiative and the idea of the group is to continue to activate Double Bay with a whole range of initiatives and events and the focus is on community activation, place activation and business engagement.

General Item No: 15.4 Australian Local Government Association (ALGA)
Tabled by Councillor: Regan

Councillor Regan advised

I attended the Australian Council of Local Government (ALGA) Conference with the General Manager, Councillor Carmichael, Councillor Elsing, Councillor Price and Councillor Jarvis and I know that you were down there on Friday, Mr Mayor, but I didn't see you and we did not cross paths. I must say it was very impressive event and I think that the speeches and the talks that were given were very thought provoking and it certainly gave me cause for thought on a lot of issues that are arising now. It is sort of at a national level and I was actually quite surprised about the commonality that we have with other councils, there being 537 of them nationally.

I found a lot more commonality in the Federal convening than I did actually at the State convening. It was a lot less regional versus city and I think there was a more collegiate atmosphere about the importance of local government and the importance of funding local government. I think that we provide 24% of the services to the community, yet we are 1% of the tax take or 4% of the tax take, which is quite extraordinary and our national body is actually advocating to have at least 1% of the tax take, because we get less than that, we get to 0.5% of it. So I think that certainly is eye opening for our community and the amount of work that we do which is just basically funded by a lot our rates.

I thought that was very, very enlightening and I'm hoping maybe in the next term of Council that some of those initiatives are taken on board that were sort of mooted at that conference. We also had very moving speech by Sam Johnson, which I thought was a really nice way to break up the mood of the meeting and make us all realise how fortunate we are to be going through life with hopefully no major diseases or illnesses and also just recognise and celebrate the power of fundraising.

Councillor Carmichael further advised

Thank you for allowing me to represent you down at the Australian Council of Local Governments in your absence. It was as a federalist, I do find it slightly challenging to be involved in the national sphere with local government being the province of the state and so forth. But I did find it very valuable hearing some of the comments made by Councillor Regan, I would like to echo those. I also note the Governor General, Ms Sam Mostyn AC made her first official presentation to the Australian Council, which was very well put by her I must say, I was very pleasantly surprised. I was sick for part of the conference, unfortunately with a touch of food poisoning. The radio presenter spoke exceptionally well. Annabel Crabb was fantastic as well. The gala ball was very well attended as well, you might be interested that the Prime Minister of Australia and many ministers were sitting up the front. So it is a very clear commitment to local government and so if they are committed, all the better I suppose.

Councillor Jarvis further advised

I also attended the National Local Government Assembly with my Council colleagues over four days last week. Thank you to Councillor Shapiro who nominated me to go in her place. I also appreciated the accommodation, which may have been better than some and I just want to also say that what was really interesting about this was the information that we got back. For example, Linda Scott the outgoing president of the Local Government Association of NSW and it was thanks to her that Councillor Carmichael and myself found ourselves sharing the table of the Minister for Local Government, Kristy McBain MP. I told her about my motion tonight about netball and she said, I think you need to have the Securing Sporting Legacy Grant for women and girls. So I passed it on to the staff that may in fact help us fund that. But also another grant that I was told about was the Urban Precincts and Partnerships, which I suggested to staff might be suitable for Gap Park and our plans for the sculpture or the community centre in Rose Bay that we're hoping will be done as part of the Wilberforce Car Park development.

There was a book full of Councillor Motion, in fact 161 and I did read every single one of them. Representing the council, I had the voting papers, the voting rights, and I just want to indicate to you that we agreed with most things that were put forward, but there were two I felt the need to speak out on our behalf and based on the Council's record. The first was motion number 80, which was in relation to, banning gas in new homes. I took comfort in the fact that we have had that debate in our Council and we decided that we were for choice, that we were going to allow people to make up their own mind. I was able to say at that particular moment, which was four o'clock on that day, our country was dependent upon 10% gas. Anyway, very pleased that that was voted down. The second one was the attempt by another Council, Newcastle Council from memory, to re-prosecute the voice. I referred to the Council that the Governor General had referred to the fact that there is a need for kindness and care and I suggest that it was neither caring nor kind to re-prosecute this matter which had caused a lot of hurt to the indigenous population.

Similarly, I'm pleased to say that the majority, a clear majority of the conference agreed with that position. Also in the spirit of working together, I'm pleased to say that we seconded, or I seconded on your behalf the motion put forward by Waverley Council in relation to strategic partnerships with Governments to provide infrastructure for our local communities, which perhaps the State Government might take note of and on that note too, I wish that the Premier had been there to hear what the Prime Minister said. The Prime Minister bookended the event, we had the Governor-General giving her first address as Councillor Carmichael indicated, in fact it was her first official function she told us, or her first meeting rather, was with the Mayor of Lismore in relation to their disaster recovery. So I think that highlights the importance that she's going to give to Local Government. The issue is that the Prime Minister said "that Local Government is the best vehicle to deliver local priorities and it's vital, he said to us that you drive the local agenda from your local community". So you can imagine Your Worship, the dismay that we had felt only earlier that week when the Premier of the New South Wales government at least had sought fit to intervene on the eve of our meeting of the Traffic Committee to advise that they had decided that they knew better than us.

General Item No: 15.5 C'Est Si Bon Closing
Tabled by Councillor: Jarvis

Councillor Jarvis advised

On a happy, sad note I wish to advise that we needed to say goodbye to Nadia and Laurent at C'Est Si Bon Rose Bay on Saturday 29 June. We really need to thank them for all that they have done for our community over many years, in fact 24 years. We all got to go to their little café, it was absolutely crowded out with locals on that Saturday. I would like to recognise that they have given us a delicious taste of France over the years with their breads, croissants, brioche, quiche, croquembouche, pies and pastries. Many of us gathered to wish them well and toast them with real French champagne.

They have contributed so much to the vibrancy of Rose Bay over the past 24 years just to name a few of the things that they've done. Their famous, Bastille Day dinners making us aware of the importance of our French culture, the Street Fair, the 2019 Bastille Day Festival which they organised with a grant from Woollahra Council, which was held in Pannerong Reserve and most especially the little things, the creation of the garden on Dover Road at the verge in front of their shop. I am grateful that Mr O'Hanlon met with some local residents, Professor and Mrs Thom last Thursday to talk about how that will be maintained, I was unable to go because I was in Canberra. I think that's testimony to them going forward and I wish them all the best on their long overdue holiday in France.

Councillor Witt further advised:

I would also just like to acknowledge the contribution that Nadia and Laurent have made to Rose Bay through C'Est Si Bon. I couldn't attend Saturday's event because I was travelling, but I did go down and visit them and thank them personally. I'm not sure how I'm going to survive without their tomato and goats cheese quiche and the other delicious items on their menu. I also just want to say it's been a tough few months or probably six months for Rose Bay as a whole. While it's great to see this initiative to revive Double Bay, Rose Bay has been having its own travail, especially from what we have heard, the bookshop is looking for new premises, we have lost charcoal fish. Of course the art shop burnt down, so I do want to congratulate the staff on some of the Placemaking measures down there, especially the colourful arcades. I think that's really, really helping to enliven the spirit. But there's, I think a lot everyone would probably agree, a lot more work to be done to really realise Rose Bay's full potential.

General Item No: 15.6 Charging the East
Tabled by Councillor: Shields

The Mayor Councillor Shields advised:

I attended a promotion opportunity with the Mayors of Randwick and Waverley. So we had the three food groups well represented with a Labor, Green and Liberal Mayors. We were talking and celebrating the Charging the East, which is a three Council programme, which has just received one million dollars in NSW government grant funding, to expand the existing vehicle charging network.

Councillor Price you will be interested to know that the charging station at Goodhope Street has one of the best charge rates out of any charging facilities in Australia. It is one of the most utilised charging stations that is in Paddington.

General Item No: 15.7 Invitations
Tabled by Councillor: Shields

The Mayor Councillor Shields further advised:

I also attended a reception on the USS Emory at the invitation of the US Consulate General.

I also had a meeting with the Japanese Consulate General and I attended the ALGA Conference on Friday 5 July. I saw a number of Councillors there and the part of the conference I attended was excellent.

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

(Swan/Carmichael)

102/24 Resolved:

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.

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

For the Motion

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

Against the Motion

Nil

11/0

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

Note: Late correspondence was tabled by Heidi Jones, Erica Thomas & Daniel Barber.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this matter, as the Principal of Kincoppal has submitted late correspondence, Councillor Jarvis was on the board of Kincoppal for 10 years. Councillor Jarvis remained in the meeting, participated in the debate and voted on the matter.

(Jarvis/Carmichael)

103/24 Resolved:

- A. Request staff report to Council on opportunities to install more netball courts in addition to those currently being considered, 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 relating to Woollahra Ovals 2 & 3 at Rose Bay, include mitigation measures to reduce any impacts on surrounding neighbours, eg increased tree planting around the perimeters to increase tree canopy.

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

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Zeltzer

Against the Motion

Councillor Witt

10/1

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

Note: Council added new Part C to the Resolution.

(Elsing/Regan)

104/24 Resolved:

- 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 promoting 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.
- C. Give consideration to a plaque being installed in honour of the late Lady Sonia McMahon at an appropriate time in the future.

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

For the Motion

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

Against the Motion

Nil

11/0

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

Note: Late correspondence was tabled by Michelle Fox & John & Helene Nemesh.

(Shields/Shapiro)

105/24 Resolved:

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.

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

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Jarvis
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

*Councillor Price

10/1

****Note Councillor Price abstained from the vote which is considered a vote against***

17. Questions With Notice

(Carmichael/Swan)

106/24 Resolved:

THAT the Questions with Notice be received and noted.

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

For the Motion

Against the Motion

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

Nil

11/0

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

Note: Late correspondence was tabled by Ms Ericka van Aalst (SCPAG).

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 Vaocluse 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?



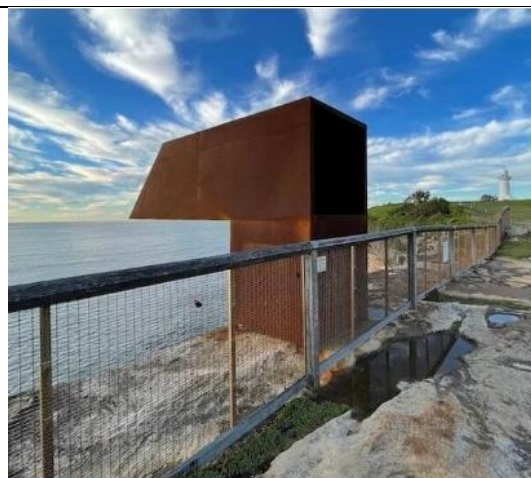
Manager Open Space & Trees in Response:

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 Commerical 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.

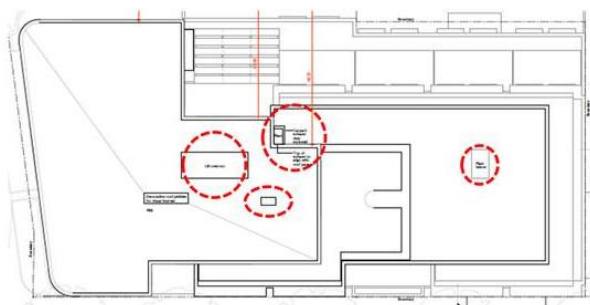
Please could Staff confirm this and, if valid, comment on whether, or why, Council would permit this change, given both view impacts on the DB amphitheater and noise impacts on surrounding residences. I seem to remember we tightened our controls a while back to ensure such equipment was as hidden from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

Acting Manager Development Assessment in response:

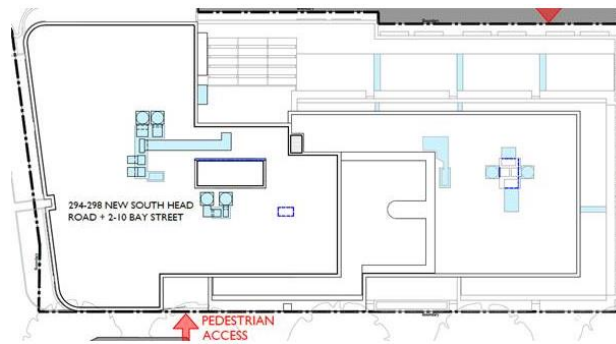
I have carried out a review of the relevant DAs and the subsequent s4.55 applications of these addresses. A summary is set out below for your reference.

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).

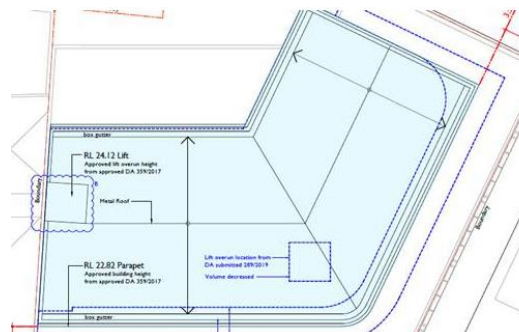


- Mod - DA280/2022/2 for Modification of conditions relating to deferred commencement and staging of construction certificates was approved on 16/8/2023. (No works proposed)
- Mod - DA280/2022/3 for Internal and external modifications to the approved commercial development was lodged on 16/2/2024. External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

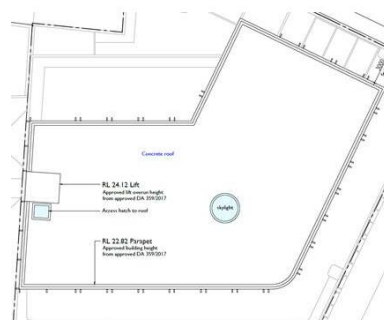


30-36 Bay Street (corner of Bay Street and Guilfoyle Avenue)

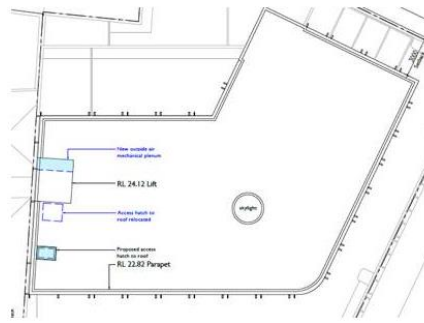
- Original Development Application - DA289/2019/1 for Alterations and additions to the existing commercial building including two additional levels and car parking was approved by the WLPP on 7/5/2020. Lift overrun is shown on the approved roof plan (see below extract in blue cloud).



- 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 of 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.

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 8.39pm.

We certify that the pages numbered 388 to 420 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 8 July 2024 and confirmed by the Ordinary Meeting of Council on 22 July 2024 as correct.

General Manager

Mayor