



# Ordinary Council

Monday 12 August 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](http://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](mailto: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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**Ordinary and Extraordinary Council Meeting Membership:** 15 Councillors (including the Mayor)

**Quorum:** The quorum for Council meeting is 8 Councillors

# Woollahra Municipal Council

## Notice of Meeting

8 August 2024

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

Dear Councillors,

### Ordinary Council – 12 August 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 12 August 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](mailto: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](mailto:records@woollahra.nsw.gov.au) **by 10.00am on the day of the meeting.**

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[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/council\\_meetings/council\\_agendas\\_and\\_minutes](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

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## 6. Confirmation of Minutes

<b>Item No:</b>	6.1
<b>Subject:</b>	<b>CONFIRMATION OF MINUTES COUNCIL - 22 JULY 2024</b>
<b>Author:</b>	Sue O'Connor, Governance Officer
<b>File No:</b>	24/129442
<b>Purpose of the Report:</b>	The Minutes of the Council of 22 July 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.
<b>Alignment to Delivery Program:</b>	Strategy 11.3: Ensure effective and efficient governance and risk management.

### Recommendation:

THAT the Minutes of the Council Meeting of 22 July 2024 be taken as read and confirmed.

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### Executive Summary:

This report presents the Council Minutes of 22 July 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 by the Council.

### Attachments

1. Unconfirmed Council Minutes - 22 July 2024 [↓](#) 



# Ordinary Council

Monday 22 July 2024  
6.30pm

## Minutes



## Ordinary Council Meeting

**Monday 22 July 2024**

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Woollahra Municipal Council  
Ordinary Council Meeting Minutes

22 July 2024

## Ordinary Council Meeting

### Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 22 July 2024 at 6.30pm

Present: His Worship the Mayor, Councillor Richard Shields ex-officio  
Councillors Sarah Swan (via Zoom)  
Sean Carmichael  
Peter Cavanagh (via Zoom) (joined meeting at 6.35pm during item 6.2)  
Nicola Grieve  
Mary-Lou Jarvis  
Harriet Price  
Lucinda Regan  
Matthew Robertson (via Zoom) (joined meeting at 6.32pm during item 6.1)  
Isabelle Shapiro  
Mark Silcocks  
Merrill Witt  
Susan Wynne (via Zoom)  
Toni Zeltzer

Staff: Jim Allison (Senior Property Officer)  
Jennifer Chenhall (Manager – Governance & Risk)  
Rhys Johnson (Governance Coordinator)  
Zubin Marolia (Manager Property & Projects)  
Sue Meekin (Director – Corporate Performance)  
Patricia Occelli (Director – Community & Customer Experience)  
Sue O'Connor (Governance Officer)  
Tom O'Hanlon (Director – Infrastructure & Sustainability)  
Scott Pedder (Director – Planning & Place)  
Craig Swift-McNair (General Manager)

Also in Attendance: Nil

## 1. Opening

The Mayor declared the Ordinary Council Meeting of 22 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 Councillor Elsing and leave of absence granted.

**General Item No:** 5.1 Attendance by Audio-Visual Link

**(Carmichael/Jarvis)**

107/24

**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 22 July 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Robertson
- Councillor Swan
- Councillor Wynne

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

**For the Motion**

**Against the Motion**

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

Nil

12/0

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## 6. Confirmation of Minutes

**Item No:** 6.1  
**Subject:** CONFIRMATION OF COUNCIL MINUTES - 8 JULY 2024  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 24/123975  
**Purpose of the Report:** The Minutes of the Council of 8 July 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 11.3: Ensure effective and efficient governance and risk management.

(Shapiro/Silcocks)

108/24 Resolved:

THAT the Minutes of the Council Meeting of 8 July 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 Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

13/0

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Ordinary Council Meeting Minutes 22 July 2024

**Item No:** 6.2  
**Subject:** **CONFIRMATION OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MINUTES - 18 JUNE 2024**  
**Author:** Rhys Johnson, Coordinator Governance  
**File No:** 24/118018  
**Purpose of the Report:** The Minutes of the Audit, Risk and Improvement Committee of 18 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 11.3: Ensure effective and efficient governance and risk management.

(Carmichael/Jarvis)

**109/24 Resolved:**

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting of 18 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 Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

14/0

**7. Late Correspondence**

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item 12.1.

**8. Disclosures of Interest**

Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in Item 16.2 (Notice of Motion – Moore Park Golf Course), as Councillor Shapiro is Council's representative on the Greater Sydney Parklands Centennial Park and Moore Park Community Trustee Board. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

22 July 2024

**9. Petitions Tabled**

Nil

**10. Mayoral Minute**

Nil

**11. Public Forum**

Nil

Unconfirmed

Woollahra Municipal Council  
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## 12. General Manager and Officer's Report

**Item No:** 12.1  
**Subject:** **LEASE FOR COOPER PARK TENNIS CENTRE - MINISTERIAL APPROVAL**  
**Author:** Jim Allison, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager Property & Projects  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 24/124958  
**Purpose of the Report:** To seek a Council resolution to apply to the Minister for Local Government for granting of a lease of the Tennis Centre in Cooper Park.  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

**Note:** Late correspondence was tabled by Mr Doron Argaman.

**Note:** Mr Doron Argaman addressed the Council.

**(Grieve/Zeltzer)**

### 110/24 Resolved:

THAT Council make an application to the Minister for Local Government under section 377(1)(s) of the Local Government Act 1993, for consent to grant the proposed lease over the community land described as part Lot 8 in DP215076 and located at 1 Bunna Place, Bellevue Hill to Young Aces Cooper Park Pty Ltd ABN 32 218 483 245 for a term of 7 years with an option to renew for a further period of 7 years for the purpose of operating a Tennis Court Centre under section 46(1)(b)(i) and in accordance with the procedure set under section 47 of the Local Government Act 1993.

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

14/0

#### **Against the Motion**

Nil

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### **13. Reports of the Committees**

Nil

### **14. Rescission Motion**

Nil

Unconfirmed

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## 15. Councillor Reports/Councillor Updates (Section 8.4)

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

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**General Item No:** 15.1 NAIDOC Week  
**Tabled by Councillor:** Councillor Grieve & The Deputy Mayor, Councillor Swan

**Councillor Grieve advised:**

I wish to congratulate the staff and all of the presenters and participants in our NAIDOC Day event. Councillor Swan did a wonderful opening, we had a fantastic day. We did basket weaving, I nearly brought mine along to show you my crafting, we did a walk, which was a little bit slow for me, but I did it. We even had a Tawny Frogmouth (owl) visiting the tree, giving their blessings to us, so it was an extraordinarily fabulous fun-filled day with all the kids' activities outside, and the mobile library that was set up. So congratulations to all those that put their effort into it, it was well worthwhile and it was fantastic.

**The Deputy Mayor, Councillor Swan further advised:**

I wish to thank staff for their excellent organisation of the NAIDOC Week celebration at Cooper Park Community Hall where I represented you and as Councillor Grieve said, we were there together dancing along to Green Hand Band. It was an excellent day, lots of families there, and I know that many of the children enjoyed the weaving. So thank you very much to the staff. It was great that we could use our Council asset for such an important occasion.

---

**General Item No:** 15.2 Club Rose Bay Garden Clubs Australia  
**Tabled by Councillor:** Councillor Jarvis

**Councillor Jarvis advised:**

It was my honour to represent you last week at Club Rose Bay, where the Gardens Clubs of Australia held a lunch. I discovered that Garden Clubs of Australia have 801 Garden Clubs nationally and 54,000 members, it has arguably more members than all of the political parties around this table combined. It was established 74 years ago by Margaret Davis OBE and what I was pleased to hear was that the current National President, Lorraine Emerson actually lives locally in Rose Bay and she also heads up the Vacluse Gardens Club.

They showed us the Margaret Davis Camellia, which for anyone interested in Camellias, it has got a little pink blossom on the end, beautiful. The speaker who was talking to us about Margaret Davis, is Judy Horton and for anyone that is a gardener would know, she is an ABC radio commentator about gardens and what to do.

All in all, it was a fantastic day. There were people from the Caringbah and Concord Garden Clubs that covered all of Sydney, but I was particularly pleased to be told that her Margaret Davis Camellia has won awards both nationally and internationally. The occasion was to launch and support one of their newest projects, fundraising for the Remembrance Driveway Memorial Project to honour the four latest VCs (Victoria Cross) for their valor serving in Afghanistan. Should anyone want to make a donation, you can do that at [www.remembrancedriveway.org.au](http://www.remembrancedriveway.org.au). Every little bit helps.

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**General Item No:** 15.3 Congratulations to Councillor Elsing / Blasé  
**Tabled by Councillor:** Councillor Witt, Councillor Zeltzer &  
The Deputy Mayor, Councillor Swan

**Councillor Witt advised:**

Just briefly, I'd like to congratulate one of our own, Councillor Louise Elsing, who is not here tonight, but had an exhibition last week on the ground floor of the Art Gallery of her considerable work of crochet, that she has done over many years. It was sort of the culmination of quite a tremendous effort and a really, really terrific show. It was terrific to see so many other Councillors there and a big crowd. I think we all had a really fun night, we had the Mayor of Mosman, Carolyn Corrigan speaking, so just well done. Thank you.

**Councillor Zeltzer further advised:**

I also ditto the commendation for Councillor Elsing's exhibition of the most stunning works in crochet. When I was a kid, crochet was usually reserved for grannies and doilies, but it has been elevated to an absolute fine art. I have to congratulate Councillor Elsing. I am sure most of us can recall that on occasion, she has brought the crochet into Council and she believes it makes her concentrate better and perhaps it does. But I think that she did develop the actual exhibition over a period of two decades and the works have got such intricate detail in them. Some of them almost speak of our indigenous population and others have got a very whimsical verdant and garden feel about them.

It is really worth going to see them, there was part of her verbal presentation related to the fact that we all have some kind of creative spirit, but it expresses itself differently in different people and if crochet is your bent, you should work with it and do the best you can with it. On another level, it also improves mental health outcomes and other things. So there is a lot of positives that come out of crochet work, the community vibe where people are interacting and talking about their different styles and it enables your fingers as you get older to remain nimble and then it produces these most beautiful works. So I'd really like to congratulate her for a stunning exhibition and it is wonderful to be using our old library building in that way.

Councillor Grieve and I went many, many years ago to the Art Exhibition Centre in Manly. We took the ferry over and looked at how they did it there and we thought, gosh, I wish we could do it here and I think we have done it. So I thank the Council and the Councillors for using the old library in that way, and I also applaud the fact that one of our own has been able to have an exhibit of that quality there.

**The Deputy Mayor, Councillor Swan further advised:**

I also wish to extend my congratulations to Councillor Elsing. I was in awe of her creativity at her exhibition called Blasé. I did not realise that I liked crochet, it was really astounding and I was so impressed with her creativity and her passion and it was really just a joy to be there and with so many other Councillors as well. So my deepest congratulations to Councillor Elsing on her success.

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**General Item No:** 15.4 Service at Emanuel Synagogue / Upcoming Events  
**Tabled by Councillor:** The Mayor, Councillor Shields

**The Mayor, Councillor Shields advised:**

Councillor Shapiro and I on Tuesday 9 July, went to the Emanuel Synagogue and we attended 'An Evening with Josh Frydenberg' in which he headlined his documentary "Never Again, the Fight Against Antisemitism". It was a powerful speech that Josh Frydenberg gave and he was also answering questions from a former ABC journalist and I would like to acknowledge Councillor Shapiro's presence there, as well as Kellie Sloane MP and Roanne Knox.

Also, I would like to remind Councillors of some upcoming exciting events being the renaming of Gugara Park on the 27 July and also the National Tree Planting Day at Christison Park on Sunday the 28 July.

Thank you.

Unconfirmed

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22 July 2024

## 16. Notices of Motion

**Item No:** 16.1  
**Subject:** NOTICE OF MOTION - BOATS, TRAILERS AND ADVERTISING  
**From:** Councillors Sarah Swan, Mary-Lou Jarvis and Susan Wynne  
**Date:** 09 July 2024  
**File No:** 24/119773

**Note:** The Council amended Part A of the Resolution.

(Swan/Jarvis)

### 111/24 Resolved:

THAT Council staff prepare a report to be tabled at the Traffic Committee and referred to the Finance, Community & Services Committee with a view to:

- A. Reduce the number of boats and trailers parked in our LGA;
- B. Consider whether and where "No parking, motorised vehicles excepted" signage can be implemented across the whole LGA;
- C. Review, and if possible, truncate, the process followed arising from long term parking of boats, trailers and advertising and the impact on amenity;
- D. Note that the State Government reviewed this issue for New South Head Road Vaucluse however no change occurred despite the further increase in boats and trailers;
- E. Request the Mayor write to the relevant Ministers and the Member for Vaucluse and Member for Sydney seeking their support to implement restrictions on State Roads where required.

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

14/0

#### **Against the Motion**

Nil

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

22 July 2024

**Item No:** 16.2  
**Subject:** **NOTICE OF MOTION - MOORE PARK GOLF COURSE**  
**From:** Councillors Richard Shields, Sean Carmichael, Sarah Swan, Susan Wynne, Peter Cavanagh, Mark Silcocks, Merrill Witt, Lucinda Regan, Mary-Lou Jarvis and Toni Zeltzer  
**Date:** 11 July 2024  
**File No:** 24/121331

**Note:** Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in this item as Councillor Shapiro is Council's representative on the Greater Sydney Parklands Centennial Park and Moore Park Community Trustee Board. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

**Note:** The Council added new Part D to the Resolution.

**(Carmichael/Silcocks)**

**112/24 Resolved:**

THAT Council:

- A. Notes recent representations made to Woollahra Council by representatives of the Moore Park Golf Club regarding the NSW Government proposal to reduce the Moore Park Golf Course from 18 holes to 9 holes.
- B. Notes in particular the following information provided by the Club;
  - Of the more than 500,000 visits to the Moore Park Golf facilities each year, 82 percent are by people who live within 10kms
  - Around 10% of users of the Moore Park facilities reside in the Woollahra LGA.
  - A petition to retain the 18 hole course has been signed by 27,000 individuals, 2430 of whom live in the Woollahra LGA.
- C. That the Mayor writes to NSW Premier Chris Minns and Paul Scully M.P., Minister for Planning and Public Spaces, requesting urgent re-consideration of the proposal to reduce the Moore Park Public Golf Course from 18 holes to 9 holes.
- D. Requests that Councillor Shapiro, on behalf of Woollahra Council present the result of this Notice of Motion to the Centennial Park and Moore Park Community Trustee Board.

**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 Jarvis  
Councillor Regan  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

***Against the Motion***

Councillor Grieve  
Councillor Price  
Councillor Robertson

**11/3**

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

22 July 2024

**Item No:** 16.3  
**Subject:** **NOTICE OF MOTION - 40KM WOOLLAHRA**  
**From:** Councillors Nicola Grieve, Sarah Swan and Luise Elsing  
**Date:** 15 July 2024  
**File No:** 24/124106

**(Grieve/Swan)**

**113/24 Resolved:**

THAT Council:

- A. Notes the report on the Queen Street, Woollahra 40km/h High Pedestrian Activity Area which was tabled at the Woollahra Local Traffic Committee meeting of 2 July 2024.
- B. Notes that the QSWWA have regularly requested a 40km zone, most recently at the Cooper Ward Meeting on 18 June 2024.
- C. Requests staff to prepare a report outlining the process required to implement a 40km/h speed limit for all non-arterial roads in the suburb of Woollahra.

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

**For the Motion**

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

**Against the Motion**

Councillor Carmichael

13/1

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

22 July 2024

**Item No:** 16.4  
**Subject:** **NOTICE OF MOTION - INTERNATIONAL HOLOCAUST  
REMEMBRANCE ALLIANCE (IHRA) WORKING DEFINITION OF  
ANTISEMITISM**  
**From:** Councillors Isabelle Shapiro, Sean Carmichael and Richard Shields  
**Date:** 16 July 2024  
**File No:** 24/124769

**Note:** The Council added new Part B to the Resolution.

**(Shapiro/Carmichael)**

**114/24 Resolved:**

THAT Council:

- A. Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of Antisemitism including each of its examples of contemporary antisemitism (all as contained in the background provided with this Notice of Motion) as an important tool in identifying and combating manifestations of antisemitism.
- B. Requests the Mayor write to Ms Jillian Segal AO congratulating her on her appointment as Special Envoy to Combat Anti-Semitism in Australia, and sends Ms Jillian Segal AO a copy of this Notice of Motion.

**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 Jarvis  
Councillor Regan  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

**Against the Motion**

Councillor Grieve\*  
Councillor Price\*  
Councillor Robertson\*

**11/3**

**Note:** \*Councillor Grieve, Councillor Price and Councillor Robertson abstained from voting and is recorded as being against the Motion.

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

22 July 2024

## 17. Questions With Notice

(Silcocks/Jarvis)

115/24 Resolved:

THAT the Questions with Notice be received and noted.

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

**For the Motion**

**Against the Motion**

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

Nil

14/0

**QWN:** 17.1  
**From:** Councillor Grieve  
**Subject:** Questions with Notice - Dog On/Off Leash Plan of Management

**Councillors Grieve & Robertson asking:**

Could I please have an update on the status of the Plans of Management with the updated regulations for dog on/off leash.

**Manager Open Space & Trees in response:**

The review of dog regulations in parks and beaches has been undertaken, including community consultation. Through the exhibition process, Council staff received advice of the requirement to undertake a Review of Environmental Factors (REF) for any change of use to open space. Staff are currently investigating what options are available to progress the changes and what will be required (funding and resources).

At a minimum, an environmental assessment for 8 parks and/or beaches which have environmental sensitivities will be required, which will feed into individual REF's. A further 11 REF's are being developed for those parks that do not have environmental sensitivities. A report will be presented to the relevant Committee in Q2 FY24/25.

**QWN:** 17.2  
**From:** Councillor Jarvis  
**Subject:** Questions with Notice - Celebrating Spring in our Streets

**Councillor Jarvis asking:**

Noting spring is around the corner what steps can the Council take to brighten up our streets with spring foliage?

How might we encourage/permit businesses with shop fronts in our local centres to brighten up their street by including flowers or greenery next to their fronts, whether this be a display of temporary pot plants or hanging baskets?

London streets do this well in Spring.

By way of example the photos below from Ladbrokes Grove in London from last year showing flowers and greenery.



Ladbrokes Grove



These are residential examples - the first around Brompton area near the V&A museum



One the way to the Wallace collection

**Manager Strategic Planning & Place in response:**

From a place making perspective, we support road and footway diversification, interest and incremental urban greening. However, currently certain works (not carried out on behalf of Council) would require a development application (DA), including approval under the Local Government Act.

Council staff are currently in the process of preparing a local approvals policy which could facilitate the type of hanging basket and urban greening identified in this question (without the need for a DA). It would also address and include A frame signs and banner flags.

We are working towards presenting this policy to a meeting of Council by the end of this calendar year.

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**18. Supplementary Responses to Previous Questions with Notice**

Nil

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**19. Confidential Matters**

Nil

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

22 July 2024

## **20. Conclusion of the Meeting**

There being no further business the meeting concluded at 8.02pm.

**We certify that the pages numbered 421 to 439 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 22 July 2024 and confirmed by the Ordinary Meeting of Council on 12 August 2024 as correct.**

\_\_\_\_\_  
**General Manager**

\_\_\_\_\_  
**Mayor**

Unconfirmed



## 10. Mayoral Minute

**Item No:** 10.1  
**Subject:** **CONGRATULATIONS TO OLYMPIAN AND LOCAL RESIDENT, GRAE MORRIS**  
**Author:** Richard Shields, Mayor  
**File No:** 24/137918  
**Purpose of the Report:** For acknowledgement

### Recommendation:

THAT Council acknowledge Grae Morris's fantastic achievement in the 2024 Paris Olympics on winning a silver medal in Windsurfing, and that the Mayor write a letter of congratulations to Mr Grae on this extraordinary achievement.

### Discussion:

Congratulations to Grae Morris, who has become the first Australian since Atlanta 1996 to win an Olympic windsurfing medal, being a silver medal in the iQFOIL class at the 2024 Paris Olympics.

20 year-old Grae (the youngest competitor in his category at the Games), a local resident, attended Cranbrook School throughout his high school years and is also a member of the Woollahra Sailing Club.

The iQFOIL class is a type of windsurfing board which uses a foil to lift the windsurfer out of the water, with windsurfers flying off the water at high speed, sometimes pushing speeds well above 20 knots, or 37 kilometres per hour.

Many locals would be able to attest to seeing the iQFoil's in action on Sydney Harbour at Rose Bay on most weekends, where the speed and skill of the windsurfers provides for an incredible sight.

Congratulations Grae, on this history-making achievement.



Cr Richard Shields  
Mayor of Woollahra



### Attachments

Nil



## 12. General Manager and Officer's Report

<b>Item No:</b>	12.1
<b>Subject:</b>	<b>PROPOSED SUPPORTING PROGRAM FOR WOOLLAHRA 2025</b>
<b>Authors:</b>	James Granter, Coordinator Economic Development Anne White, Manager Strategic Planning & Place Vicki Munro, Manager Community & Culture
<b>Approvers:</b>	Scott Pedder, Director Planning & Place Patricia Occelli, Director Community & Customer Experience Craig Swift-McNair, General Manager
<b>File No:</b>	24/126804
<b>Purpose of the Report:</b>	To provide Council with an update on the proposed supporting program for Woollahra 2025
<b>Alignment to Delivery Program:</b>	Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

### Recommendation:

THAT Council:

- A. Notes the proposed supporting program for Woollahra 2025 as included in this report.
- B. Approve funding the Queen Street and West Woollahra Association with \$25,000 from unspent funds in the Placemaking and Activations budget to support the Woollahra 2025 weekend in March 2025.
- C. Encourage individual businesses and the Queen Street and West Woollahra Association to apply for funding support for other Woollahra 2025 events and activations throughout the year through Council's Grants Program (2025/26) and Outgoing Sponsorship Program (2024), to be assessed on a case by case basis and on their merits.
- D. Requests staff to continue to liaise with local businesses and the Queen Street and West Woollahra Association to provide information and support to assist them with event planning and place activation ideas and advise of other potential non-Council sources of funding.

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### Executive Summary:

On 13 May 2024, Council resolved that staff prepare a report on how best to plan for celebrating Woollahra and its postcode "2025" in 2025, together with suggestions for grant funding to assist with local business and community events in Woollahra during that calendar year. Since this time, staff have been working with local businesses and community groups to prepare a comprehensive program, which includes a suggested open air event, Woollahra Library programming, Council and *Queen Street and West Woollahra Association* (QSWWA) marketing and promotion, and supporting small businesses through Council's Grants. The purpose of this report is to provide an update on the Woollahra 2025 Program.

### Discussion:

#### Background

On 13 May 2024 and in response to a Notice of Motion, Council resolved the following:

*THAT Council staff prepare a report, for consideration by Council, setting out a plan with recommendations for celebrating Woollahra and its postcode “2025”, in 2025, together with suggestions for grant funding to assist with local business and community events in Woollahra during that calendar year.*

Based on feedback from similar events such as Paddington 2021 and Bellevue Hill 2023, the most successful activation results come from a community-led approach. Accordingly, once this resolution was adopted, Council staff commenced informal discussions with members from the QSWWA in late May 2024.

#### Consultation with the Queen Street and West Woollahra Association & local businesses

On 25 June 2024, the QSWWA and Council hosted a meeting to discuss Woollahra 2025 celebration ideas. The meeting was well attended by a total of 21 people including business representatives and also members of the QSWWA. Council staff in attendance were the Director of Planning and Place, Acting Director of Community and Customer Experience, Manager Communications & Engagement, Manager of Strategic Planning & Place, Economic Development Coordinator and two Woollahra Librarians (local history).

Brief presentations were made by Council’s Economic Development Coordinator and Manager Communications & Engagement, which included information on the availability of grant funding for 2025 and the in-kind support Council could offer in terms of communications. The President of the QSWWA facilitated a discussion of ideas from those in attendance, which was a productive process of seeking ideas and input for Woollahra 2025.

Interested businesses and the QSWWA met again on Monday 15 July and Tuesday 30 July to progress the program, with Council’s Economic Development Coordinator. From these two subsequent meetings further details on the proposed program of events and activations were established. These meetings enabled a refinement of the proposed program for Woollahra 2025.

At the meeting on Tuesday 30 July it was discussed that the level of investment committed to by each business would be subject to the level of Council financial and in kind support to the proposed program.

#### Proposed March 2025 Program

It has been agreed that the main focus of the Woollahra 2025 Celebrations should be a weekend event Friday to Sunday, over the last weekend in March 2025 (28-30). It is proposed that the Woollahra carpark (at 107 Queen Street, Woollahra) will be closed during this weekend to facilitate activation of the area with a range of programming events. Should the March event be successful, a further event later in the year could be considered along with other activation and promotions throughout the year.

It is envisioned that along with private sponsorship, future funding opportunities with the NSW State government funding would be considered. If successful, these may enable the expansion in available space for this activation to include temporary closure and activation of Victoria Avenue between Queen Street and James Street.

A copy of the latest concept paper from QSWWA for Woollahra 2025 is at **Attachment 1**. These weekend ideas can be summarised as falling into four categories: Food, Fashion, Design/Interiors and Art/Culture/Music and some potential examples of “events” are provided below noting that these are all subject to funding.

*Food and Dining:*

- Food related night/events with all local food businesses involved

*Fashion and Beauty:*

- Fashion night/events with all local fashion businesses involved

*Design & Interiors:*

- Designs weekend with talks, workshops involving local design & interiors businesses

*Art/Culture/Music:*

- Art and music events with prominent local individuals and organisations
- Open Gardens Day & open-air cinema
- Portrait competition & art trails
- Guided historic walks around Woollahra

In order to support this weekend event, some activations ideas include:

- The Queen Street Car Park (Dorhauer Lane) and/or side streets are closed, from 28-30 March to facilitate the proposed activations including performances, a stage and, family zone.
- Council assists participating businesses to extend their trading area onto the Footway with Transport NSW (where possible).
- Council assists participating licenced businesses to extend their trading area onto the Footway with the Department of Liquor and Gaming (where possible).
- Council support the closure of a section of Queen St for activation should private and/or State or Federal Government funding become available

Other program ideas

In addition to the March 2025 event, the following more general ideas were suggested for inclusion in the program:

- Christmas window display with street lighting
- Use the 25<sup>th</sup> of each month for additional events
- Street Fair blocking off the streets e.g. Queen Street between Moncur and Victoria Avenue
- Creation of a marketing tag line for postcode 2025 celebrations
- Involve Woollahra Public School, Goethe Institute and the local churches and synagogue in celebrations
- Creation of a QSWWA business website specifically targeted at promoting small business membership
- Creation of a passport-sized promotional map of Woollahra businesses for distribution.

Organising Committee(s)

To facilitate the actions under the four themes, the group formed ongoing subcommittees to take the ideas forward with the aim of developing a 2025 program for each stream. The QSWWA will retain a general coordination role and assist individual streams where requested.

Concurrently, Council's Coordinator Economic Development will provide the following assistance to facilitate the Woollahra 2025 Program:

- Support to meet and discuss event ideas
- Guide and clarify applying for funding through Council's grants and sponsorship programs
- Assist with the development of Council applications and permits (where relevant), with such applications and permits to be assessed as per normal Council processes
- Share other potential sources of government funding, if available
- Once a program is established, facilitate a meeting with Destination NSW to establish support and ideas for domestic and international visitor promotion.

### Woollahra Libraries

In addition to the above, Woollahra libraries have proposed the following supporting program for Woollahra 2025, which would be funded via existing budgets.

*Guided local history walk:* This two hour guided walk will focus on Queen Street Woollahra and explore its natural, cultural and built heritage. The walk will feature stories of Queens Street's people, homes, shops and more.

*Display at Paddington Library, Woollahra Library and the Woollahra Customer Service Centre focussing on historical images for of Woollahra:* Install approximately ten images featuring Woollahra scenes to be selected from Woollahra Libraries Digital Archive displayed in both Paddington Library and Woollahra Library.

*Online Exhibition and Gallery:* The Library will collate images and research on Woollahra for a special feature on the Library website. These resources can also be shared on Library and Council social media channels.

*Sparks Truck:* The Woollahra Libraries Team can provide support for the QSWWA Open Street Event which will have a literary stream to the weekend, by activating the Sparks Truck for selected periods during the March weekend. It is proposed the Sparks Truck is also activated twice throughout the year for the Holdsworth playground.

### Council Marketing and Promotion:

In order to market and promote Woollahra 2025, the following are proposed by Council staff (if required/requested):

- Graphic design support for the creation of a brand and tag line for the campaign, which can be distributed to businesses and local community groups to use.
- Promote events through communication channels, including social media, e-news, Wentworth Courier and What's On Woollahra.
- Suggest footpath decals with a QR code to event information, or optional window decals and QR code for distribution (as banners are not available). If required, Council staff could assist with design of the decals.
- Assist the QSWWA preparing a media release to promote events.
- Provide photographs and interviews/content for use on Council's and community social media accounts, consisting of up to 10 local business or community leaders profiles associated with Woollahra 2025 events (list to be provided by QSWWA).

### Use of funded Grants Recipient Projects 24/25

The following funded projects were successful Grant recipients in the 2024/2025 round. Council staff will approach these applicants, and if supported by the applicant (and located in Woollahra in 2025), assist with branding for the Woollahra 2025 supporting program.

- Holdsworth – (not Grant funded but Council funds contribute) in March (Seniors festival) at their Gaden address. They are likely to have other events in March such as a Bikeeast Ride.
- Emanuel Synagogue - Young Adult and intergenerational Gatherings and Dinners
- Heart on my Sleeve Movement – 3 Course Conversations
- Wrap with Love – provide wool to a knitting group in Woollahra at Goodwin Village.
- Yoga walks On Country – whilst these are usually done at Watsons bay, encourage them to use a Woollahra location for one walk.
- Woollahra Community Documentary Society - sharing stories and challenging perspectives - a new way of connecting with our community - Shark Island Institute Woollahra will host 1 event.
- Walking Woollahra - Historic Houses Trust. Grant submission was to run in late 2024 but staff will encourage them to move the event to 2025.

- Toddlerastic - Pop-Up early learning marquee and activities to support families while in Parks/ near business shopping centres. Staff will encourage them to facilitate an event in a Woollahra location in early 2025.

### Options:

Council can resolve to support some or all of the recommendations included in this report or Council may choose to resolve in some other manner.

### Community Engagement and / or Internal Consultation:

Community engagement has included:

- The President and Committee Members of the QSWWA.
- Over 100 businesses in Woollahra have been contacted with 25 actively engaged in planning.
- All Saints Church
- Holdsworth Community Centre
- Emanuel Synagogue
- Produced by Caroline Kemp
- Historic Houses Trust
- Toddlerastic (Children's activity)

Subject to Council's endorsement, this consultation will continue during 2025.

Internal Consultation has included staff in:

- Strategic Planning & Place
- Community and Culture
- Communications and Engagement
- Property & Projects
- Engineering Services
- Woollahra Libraries

### Policy Implications:

The proposed program and activation opportunities are consistent with the following:

- Woollahra Libraries Strategic Plan
  - *Review and update the Library's annual events and program to ensure a responsive approach for Library programs and events*
  - *Develop and promote inclusive and culturally diverse programming*
  - **Collaborate** with Tourism Australia and relevant local partners to promote Woollahra community such as World Pride Month 2023
- Woollahra Community Strategic Plan 2032
  - **Social Strategies:**
    - Goal 1: A connected, harmonious and engaged community for all ages and abilities
    - 1.1 Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.
    - Goal 3: A creative and vibrant community
    - 3.1 Promote opportunities for innovative, creative and cultural initiatives that support the community

- ***Economic Strategies:***  
Goal 9: Community focussed economic development  
9.1 Collaborating to achieve great Placemaking outcomes in our local centres, which are hubs for jobs, shopping, dining, entertainment, and community activities.

### **Financial Implications:**

Similar to the supporting program for the Paddington Night Out, and the year of Bellevue Hill, staff propose to support the Woollahra 2025 March weekend by providing \$25,000 to the QSWWA to assist with funding the weekend event.

A breakdown of some of the estimated costs is contained in **Table 1** below, which also lists other Council support for Woollahra 2025 and some small business event ideas. Existing budgets will be used to accommodate some events in the program e.g. the library program.

This money is available as unspent funds in the Placemaking and Activations budget, which would otherwise be returned to Council's surplus.

The March 2025 event would be used as a trial, for a larger event later in the year, should more funding become available. The QSWWA acknowledge additional resources for advertising to a wider Sydney metro audience will be required, which may be the subject of a grant, or a contribution from the businesses.

Should the organising committee seek to progress a larger event, such as a street fair, the QSWWA would require much larger sources of funding (depending on the nature of the event). Road or lane closures and other development application and permissions may be required. The Transport NSW Vibrant Streets program is one potential future source of funding (should it become available during an appropriate timeframe). If further Council funding is sought, it would need to be the subject of a further report to Council for consideration at the appropriate time and be subject to standard Council budgetary processes, with no guarantee of additional funding.

### **Outgoing Sponsorship Program**

On 11 June 2024 Council adopted the amended Donations and Sponsorship Policy which included an Outgoing Sponsorship Program. This Outgoing Sponsorship Program will support the arts, commerce, events and other cultural activities. It is noted that there is a total of \$50,000 available for sponsorship for the remains of the 2024/2025 financial year, with up to \$20,000 available to any one application. All funding will be made available via an EOI process. Accordingly, no application for sponsorship funding can be guaranteed.

The criteria for the Outgoing Sponsorship Program for 2024/2025 was reported to the Finance, Community & Services Committee on 5 August 2024, and subject to Council's endorsement (with this item being on the agenda of this Council meeting), will be open for EOIs in September. A report on the EOIs will then be presented back to the Council in November 2024, with the proposed events to be held from December 2024 until 30 June 2025.

The organising Committee of Woollahra 2025 may consider applying for further funding via Council's Sponsorship program. However, we note that no sponsorship funding can be guaranteed and will be subject to a decision of Council.

**Table 1: Indicative supporting budget for Woollahra 2025 – March weekend**

Activity	Comments	Existing Council Budget	Proposed Council Funding	Small Business Funding
Car Park Activation	Risk management plan, waste services, fencing, rangers		\$3,000	
	Stage, marquee, traffic management plan, tables and seating		\$12,000	
General Activation	Brand design, decal design, branded tote bags	Existing budget	\$4,000	
Mayoral Opening	Audio visual, smoking ceremony, kids activities, entertainment		\$6,000	
	Library spark truck	Existing budget		
Food and Dining	Hosting events in restaurants, wine & food tasting events			Businesses Own Expense
Fashion and Beauty	Late night openings & in store events			Businesses Own Expense
Design & Interiors	Late night openings & in store events			Businesses Own Expense
Art/Culture/Music	In venue events, Portrait competition and art trails			Businesses Own Expense
	Guide local history walks	Existing budget		
	Display at Paddington/Woollahra Library and online exhibition	Existing budget		
<b>Total</b>			<b>\$25,000</b>	

### Resourcing Implications:


Council staff resources will be associated with supporting QSWWA, small businesses and other organisations as they progress the Woollahra 2025 program including some marketing, some promotion and investigating opportunities for further funding.

### Conclusion:

Council staff have been working closely with the QSWWA and local businesses to support a program of events to support Woollahra 2025. Initially this would consist of events taking place over the weekend of 28-30 March 2025, with the Library and marketing/ communications activity and other grant events occurring throughout the year.

Staff recommend that Council notes the proposed program and approve funding QSWWA with \$25,000 from unspent funds in the Placemaking budget to support the Woollahra 2025 weekend in March 2025.

### Attachments

1. QSWWA Woollahra 2025 Celebrations Concept Paper 23 July 2024 [📄](#) 



**The Queen Street & West Woollahra Association**

## **Woollahra 2025 Celebrations**



### **Concept Paper Version 1.3 20240723**

Prepared by: The Queen Street & West Woollahra Association



## The Queen Street & West Woollahra Association

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*Note: unless otherwise captioned, photographs in this paper are from the Woollahra Festival of Arts and Ideas which ran from 2010 to 2012 to illustrate what Queen Street can look like. See <https://www.facebook.com/woollahrafestival/photos>.*



## The Queen Street & West Woollahra Association

### Woollahra 2025 Celebrations Concept Paper Version 1.1 20240718

#### 1. Context

##### 1.1 Background

The Council has helped "postcode" celebrations in 2021 for Paddington and in 2023 for Bellevue Hill. With 2025 coming up next year, the Council is working with the Queen Street & West Woollahra Association ('QSWWA') and local businesses on plans to celebrate Woollahra and our postcode 2025 with initiatives that both involve and excite the local community and help local business attract new customers and deepen relationships with existing ones. This 'concept paper' summarises the output from a series of meetings between the Council, the QSWWA and local businesses to discuss opportunities, understand the types of costs involved and identify potential sources of funding. The intention is that this is a "living document", which will continue to be developed and expanded over the coming months and details added as they become available but can at any time be used as the basis to write a grant application should the opportunity arise, or a sponsorship proposal. Preliminary ideas generated during discussions and potential venues are presented in Section 2, promotional activities are outlined in Section 3 and potential funding and estimated costings, to the extent known, are presented in Section 4.

##### 1.2 Street closure constraints

Many people have very fond memories of the Queen Street Fair that the QSWWA used to run between 1972 and 1985, which closed off Queen Street between Ocean Street and Oxford Street and attracted very large crowds. Sadly, the funding required to do that today, with very different legal constraints and authorisations required, is far more than council grants and local sponsorship is likely to provide. However, for 2024, the State government provided grants to councils for up to \$150,000 for street closures and community and business events very similar to what is being planned for Woollahra 2025. There is no guarantee that these will be offered again in 2025 and there is unlikely to be much advanced notice of when grant applications will open if they are offered. For this year, they opened in January 2024. For this reason, this concept paper considers two scenarios for the main weekend event:

1. An event where there one or more side streets ( eg. Spicer Lane, Victoria Avenue and/or Halls Lane) and/or the Dorhauer Car Park are closed to run community events such as live music, talks, demonstrations etc and the local retailers can use the pavement outside their premises for stalls etc but Queen Street remains open.
2. An event where State government sponsorship allows the closure of part of Queen Street (eg. between Moncur Street and Victoria Avenue, avoiding the 389 bus having to detour), which would allow a more extended program of community events and greater opportunities for the businesses with increased space.



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## The Queen Street & West Woollahra Association

### 1.3 Funding constraints

In addition to the uncertainty regarding State government funding, there is also a level of uncertainty about what level of funding can be raised through Council grants and sponsorship from local businesses. One of the purposes of this paper is to be able to develop enough detail regarding costs for various events so that we can decide:

1. What program of events can we deliver with what might be a minimum level of funding?
2. What additional events would we add and in what order if available funding was to increase, including if we manage to obtain State government funding.





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## The Queen Street & West Woollahra Association

### 2 Possible Program

#### 2.1 Overview

Queen Street and surrounds has a very diverse range of businesses, both retail and commercial, all of which could have their own program. The consensus view is that Woollahra 2025 Celebrations should focus on a weekend event, Friday to Sunday, over the last weekend in March 2025, the 28-30<sup>th</sup>, while the weather is still warm and its daylight saving, when a series of different events for different businesses and community groups can be run. With a potentially limited budget, this will provide maximum "bang for buck" in attracting both locals and new visitors to Woollahra. Should the opportunity arise for additional events during the year, these can then be promoted under the Woollahra 2025 branding and benefit from the positive impressions generated by this main event.

The following section details potential ideas for different business and community groups. Please note that at this stage, no timings have been considered, as some of these may depend on when street spaces may be accessed.

#### 2.2 Open Air Events

Assuming a covered platforms outside in the Dorhauer Car Park and/or side streets, open air events could include a selection of the following, subject to budget:

- Event opening and welcome by the Mayor
- Smoking ceremony and Welcome to Country
- Live music on stage
- Accordion player walking up and down the street
- Children's activities eg. Bouncy castle, face painting
- Stilt walkers, clowns
- Aboriginal dance exhibition
- Live demonstrations & talks eg. cooking, art, gardening, local history etc
- Local dog show eg. best dressed and/or most creatively dressed dog, most like owner etc
- Choral performance by Woollahra Public School
- Ballet performance by local children's ballet school
- Open air Cinema
- 'Antique Road Show' event
- Group exercise class
- Stalls for those businesses between Moncur and Holdsworth Street where is impractical to have one outside the premises due to too much pedestrian traffic.
- The Sparks Truck - a Library truck run by Woollahra Libraries and provides fun, stories, songs, activities and playtime for children 0-5 years of age

In addition to the above, should closing Queen Street be possible:

- Two or three covered stages
- All of the above, rather than just a selection
- Classic car display



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## The Queen Street & West Woollahra Association

- Dinner in the middle of Queen Street for 2-300 people, catered for by local restaurants
- Greater space for business stalls
- Greater space for listening and dancing to music

### 2.3 Art, Culture and Music Events

The Art, Culture and Music events planned include the following:

- Woollahra Book Weekend – a literary event to be held as two half day events on the Saturday and Sunday, to maximise bringing people to Woollahra. Would consist of 3 sessions each day, typically an hour each, of either one on one interviews or panel discussions with local and national authors.
- Portrait competition and prize. Currently in discussion with Tim Olsen, which might also include using the Olsen gallery for displaying entries.
- Guided local history tours by Woollahra Library historians
- Organ recital at All Saints Church
- Possible classical music concert.

### 2.4 Food and dining

Food related events to support and promote the Woollahra 2025 weekend, which may include:

- Guided tasting walk around local food retailer and restaurants
- Special menus for the weekend to celebrate 2025
- Hosting events in restaurants eg. breakfast event for the Woollahra Book Weekend
- Gala dinner in one or more locations (in the open air in Queen Street if receive funding from State government)
- Wine tasting events at local bottle shops
- Cheese tasting and similar events

### 2.5 Fashion & Beauty

Mainly instore events to support and promote the Woollahra 2025 weekend, which may include:

- Late night Friday opening
- Instore fashion shows
- Fashion talks instore or at external venue
- Make up master classes
- Hair styling master classes
- Fragrance selection master classes
- 'How to become a model' talks (possible breakfast or lunch talk in a restaurant)
- Weekend special discounts

### 2.6 Design & Interiors

Events involving architects, interior designers, suppliers and home ware retailers, which may include:



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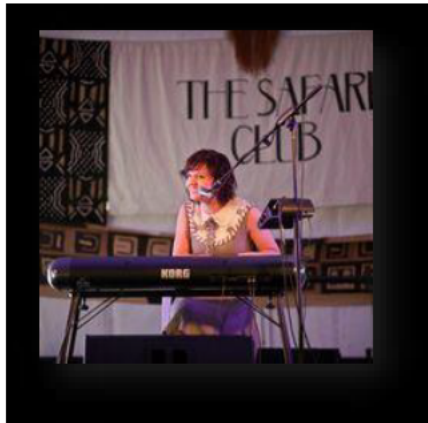
## The Queen Street & West Woollahra Association

- Late night Friday opening
- Instore talks on architecture, interior design, rugs etc
- Decorative tour around art and decorative businesses
- Weekend special discounts

### 2.7 Potential Venues

The list below is not exclusive but a number require discussion with the owners.

- Queen Street Lounge, Woollahra Hotel (100-120 people seated?)
- National Council of Jewish Women Australia Hall, Queen Street (170 people seated. Kosher catering)
- All Saints Church, Ocean Street (700 people seated)
- St Columba Uniting Church, cnr of Forth and Ocean Streets (150-200 seated???)
- Goethe Institut, Ocean Street
- Upstairs in The Apartment, The Centennial Hotel (48 seated for meal, 80 for cocktail)
- Upstairs at the Lord Dudley Hotel, Jersey Road.
- Chiswick Park, Ocean Street
- Moncur Reserve
- Holdsworth Centre
- Kilminster Playground, Kilminster Lane



*The current Woollahra Library Sparks Truck*

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Woollahra 2025 Celebrations Concept Paper Ver 1.320240723.docx



## The Queen Street & West Woollahra Association

### 3 Advertising & Promotion

#### 3.1 Promotional Activities

A powerful and effective promotional program will be key to the success of this event.

Potential activities include:

- Potential sponsorship from a major lifestyle magazine eg. Belle or Vogue, with advertising and potential articles on Woollahra 2025, individual retailers, restaurants, interior designers etc.
- Articles in the Village Voice
- Promotion by the Council through their media channels
- Promotion through the QSWWA Facebook and Instagram accounts and on the Woollahra Village website
- Promotion via Destination NSW
- Media releases to local and Sydney-wide press
- Decals in individual shop windows with QR codes
- Banners prominently displayed in Queen and Moncur Streets
- Promotion by individual businesses via their customer lists.
- Promotion through asking other community associations eg. Double Bay Resident's Association, The Darling Point Society, The Paddington Society, to send flyer to their members.
- Potential Woollahra Business Directory booklet and walking map.





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## The Queen Street & West Woollahra Association

### 4 Finances

#### 4.1 Sources of funding

It is expected that events undertaken by individual businesses will be funded by themselves. However, there are a large number of activities identified above that will require additional funding. Potential sources of funding include:

- Ticketing for selected events where would aim to at least break even eg. Literary Festival talks, open air cinema,
- Ticketing for selected street activities eg face painting, bouncy castle
- Council grants
  - Woollahra Council Sponsorship Program. Details of program to be advised from 12 August 2024 post Council meeting. Funds of up to \$20k per project will be available for eligible projects.
  - Small and Large Grants from \$3K-7500K (community and culture, environmental, placemaking)
  - Business Support Grants up to \$10K
- QSWWA sponsorship
- Local business sponsorship eg. business sponsor for one or more street spaces eg Dorhauer Car park, where can have own advertising plus own exclusive marquee for guests, or reserved seats at open air cinema.
- State Government funding through the Vibrant Streets program

#### 4.2 Costs

*Under development.*



## The Queen Street & West Woollahra Association

### Appendices

#### Appendix 1 – Previous Festivals in Queen Street

##### The Queen Street Fair, 1972 – 85

The Queen Street Fair in Woollahra, Sydney was a one-day event running from 1972 to 1985, run by the Queen Street & West Woollahra Association. Queen Street was closed between Ocean and Oxford Streets and was filled with over 100 stalls, music and throngs of people. A 5 minute video and photographs are available at <https://www.woollahravillage.com.au/The-Queen-Street-Fair> .

##### The Woollahra Festival of Arts and Ideas, 2010-12

The Woollahra Festival of Arts and Ideas was a weekend event held in late November from 2010 to 2012 run by Festival Director Carmel Dwyer and Artistic Director Ros Horin. Its major sponsor was Investec and was also supported by significant individual donations. The 2012 weekend, and possibly the 2011 as well, included a dinner in the middle of Queen Street. Photographs are available at <https://www.facebook.com/woollahrafestival/photos> .

##### The Woollahra Village Weekend, 2013

The Woollahra Village Weekend was held in 2013 and organised by the Queen Street & West Woollahra Association focused on talks, fashion, food, busking, antiques collectors corner and a farmers' market.

*Photographs from the Queen Street Fair*





## The Queen Street & West Woollahra Association

### Appendix 2 - Council Involvement

The Council advised the meeting that they can assist in various ways, including:

1. **Areas of support offered by James Granter, Coordinator, Economic Development:**
  - a. Guidance and clarification support on applying for funding through Council's grants and sponsorship programs
  - b. Assistance provided to the QSWWA in with seeking business and community support by offering to meet and discuss event ideas
  - c. Assistance with Council applications and permits associated with a successful grant application
  - d. Sharing other potential sources of government funding with the QSWWA
  - e. Once the QSWWA have decided on what kind of events they would like to proceed with and have an agreed purpose (eg. generating visits and spend from out of area), facilitate a meeting with Destination NSW to establish support and ideas for domestic and international tourism promotion.
2. **Areas of support offered by Council's marketing and communication team:**
  - a) promoting the *Woollahra 2025* events through its communication channels, including social media, e-news, advertorial in the *Wentworth Courier*/mention in the Mayor's column, *What's On Woollahra* (printed event booklet produced every two months), poster in Council's community noticeboard locations x12, optional placement of horizontal banners at Foster Park/Lyne Park (to be supplied by organisation), digital display boards at our Customer Service Centre, Libraries and Woollahra Gallery at Redleaf, inclusion in speech content by the Mayor attending other local events, regular Eastside Radio interviews.
  - b) graphic design support can be provided to the QSWWA if requested for the creation of a brand and tag line for the campaign and these design files can be made available to the Association for use and distribution to businesses and local community groups.
  - c) In lieu of street banners, the QSWWA, may consider including footpath decals with a QR code to event information as part of any grant application, or optional window decals and QR code for distribution. Council could assist with design of the decals if that is helpful. Production and installation costs would need to be included in a grant application and installation locations to be discussed and agreed to.
  - d) Assisting the QSWWA with preparing a media release to promote the events – all information and approved endorsement quotes to be supplied to Council for use in preparing the release.
  - e) Council to provide photographs and interviews/content for use on Council's and community social media accounts. Profile of 10 local business or community leaders associated with *Woollahra 2025* – why they love having a business in Woollahra, local history, iconic experiences, reasons to visit. Please note Council is unable to promote or endorse specific business or commercial offerings. Leaders to be agreed to and details supplied by the QSWWA to ensure a diverse mix of profiles and to reinforce whatever purpose and call to action the Association lands on for the campaign. This content can be used for other promotional purposes eg. inclusion in the *Village Voice* and other print or digital media.
3. **Areas of support offered through Council's Grant and Sponsorship Programs:**

There are three potential grant and sponsorship programs you might like to consider:

  - a) Small and Large Grants from \$3K-7500K (community and culture, environmental, placemaking)



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## The Queen Street & West Woollahra Association

- b) Business Support Grants up to \$10K  
More info and criteria [here](#).

**The key dates for 2025/2026 for both the above are:**

- Early April 2025 - grant applications open
- Early May 2025 - grant applications close
- Late June 2025 - grants announced
- 1 July 2025 - grant projects can commence.

- c) Council recently endorsed a new potential round of funding called a Sponsorship Program. Details of program to be advised from 12 August 2024 post Council meeting. Funds of up to \$20k per project will be available for eligible projects.



**Item No:** 12.2  
**Subject:** **TENDER FOR THE DESIGN & CONSTRUCTION OF WILBERFORCE AVENUE CAR PARK - 17 DOVER ROAD, ROSE BAY NSW 2029**  
**Author:** Zubin Marolia, Manager Property & Projects  
**Approver:** Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 24/139507  
**Purpose of the Report:** To provide a progress report to Council on the tender evaluation for construction of the Wilberforce Car Park Project.  
**Alignment to Delivery Program:** Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

**Recommendation:**

THAT Council:

- A. In accordance of s178 1 (b) of the NSW Local Government (General) Regulation 2021, declines to accept any of the tender submissions for the design and construction of Wilberforce car park, known as Tender SC7881.
- B. Resolves in accordance with section 178 (3) (e) of the NSW Local Government (General Regulation) 2021 to enter into negotiations with Growthbuilt Pty Ltd with a view to entering into a contract in relation to the design and construction of Wilberforce car park for reasons including the following:
  - i. Growthbuilt was ranked highest in tender SC7881, which respects the tender process;
  - ii. Growthbuilt's tender response presented a more favourable risk proposition; and
  - iii. Growthbuilt provided the lowest tender price and represents the best value offer.
- C. Notes that a further report on the outcome of tender negotiations and a review of the funding strategy for the project will be presented to Council.

---

**Executive Summary:**

This report provides an overview of tender SC7881 for the design and construction of the Wilberforce Avenue Car Park at 17 Dover Road, Rose Bay, NSW. Three tenders were received from Growthbuilt Pty Ltd, Lipman Pty Ltd, and Taylor Construction Group Pty Ltd after an initial selection of five contractors, with two withdrawing due to workload constraints.

The Tender Evaluation Panel assessed the submissions based on cost, experience, methodology, program adherence, management systems, environmental plans, and financial capability. All three tender submissions were of a high quality and demonstrated an in-depth appreciation of the project. Growthbuilt Pty Ltd emerged with the highest overall score and lowest bid, demonstrating strengths in methodology and program understanding.

The report concludes with a recommendation to proceeding into a preferred contractor status with Growthbuilt to refine the project scope and explore cost reductions through value engineering.

The report also notes that, based on the tender outcome, the projected cost of the project exceeds currently available funding. It is recommended that a further report be provided to Council following the conclusion of contract negotiations and a review of the funding strategy for the project.

## **Background:**

Development Application for the redevelopment of Wilberforce car park located at 17 Dover Road Rose Bay was approved by the Sydney Eastern City Planning Panel on 9 November 2023. The proposed redevelopment includes the construction of a multi-story parking facility and community centre, with small complementary retail spaces within the commercial centre.

The Wilberforce Avenue DA includes a multi-storey car park (229 spaces), community centre (812m<sup>2</sup>), ground floor retail (316m<sup>2</sup>), and public toilets. Existing public car parking will more than double with inclusion of 105 new public car parking spaces – a total of 200 compared to the 95 spaces currently available at the site – with an additional 29 new spaces for the retail and community centre component. The project has been designed by leading architects AJ+C and includes a high quality lightweight civic design, new pedestrian-friendly laneway and sustainability initiatives including green wall. Public art will be a centre piece in accordance with Council's Public Art Policy.

The Works Under Contract includes the following generally:

- *Finalise the Preliminary Design for Construction.*
- *Fulfillment of Development Application (DA) conditions.*
- *Assessment and investigations regarding Aboriginal heritage and archaeology.*
- *Coordination and implementation of public art as per DA conditions.*
- *Obtaining necessary authority and services approvals and achievement of compliance with requirements.*
- *Payment of all associated fees in accordance with the Contract.*
- *Relocation, diversion, modification and capping of necessary existing services.*
- *Addressing deferred commencement condition related to neighbouring works.*
- *Resolving encroachment and drainage issues at specific locations.*
- *Removal and relocation of Ausgrid light poles and completion of new substation*
- *Demolition of existing structures.*
- *Earthworks.*
- *Structural works.*
- *Construction of a multi-level carpark, community centre, retail spaces, public toilets, and all associated external works.*
- *Building services such as electrical, mechanical, fire, hydraulic, etc.*
- *Civil and public domain works.*
- *Green wall and curtain wall.*
- *Landscaping works.*
- *Completion of community centre to a warm shell and retail spaces to a cold shell.*
- *Effectively managing the public interface and communication during construction.*
- *Supervision of carpark operator installation.*
- *Wayfinding signage and line marking.*
- *Commissioning*

## **Tender Process:**

Council has resolved that a probity adviser was to be included during the tender assessment stage which is the protocol for high risk, high value or sensitive projects. This contract was deemed to meet this definition and John Pinhorn, Senior Probity Officer of Procure Group Pty Ltd was engaged as the independent Probity Advisor to oversee this tender.

An Evaluation & Probity Plan was prepared to document a fair, unbiased, rational and transparent evaluation process for the assessment of proposals submitted for the tender. The plan set-out the processes, framework and controls for the evaluation panel to adhere to and apply in recommending for approval the proposal which best meets the evaluation criteria.

The Tender Evaluation Panel ("TEP") consisted of Gerard Sleiman- Chief Operating Officer of Impact Group, Niall McSweeney President Cost& Project Management of Altus Group and Zubin Marolia, Manager Property & Projects. Other non-voting advisers were appointed to provide specialist support as required.

Tender documentation was prepared by specialist consultants including drawings, specifications and supporting documents. The design was fully documented by the client's consultant team. A draft version of the proposed amended AS4902 General Conditions of Contract was also prepared by Council's legal representative for the project and included the documentation distributed to the tenderers.

A list containing five tenderers were selected from the NSW Supply Contract Pre-Qualification list. Given the trend of tenderers withdrawing from tenders, five tenderers were selected to allow a minimum of three tenderers to be submitted which was deemed to represent fair market coverage. The selection was based on the contractor's interest in the project; experience with similar sized projects and of a similar nature; their organisation size and capability to undertake the works; their locality in proximity to the project; and their capacity to service the project.

The five contractors were contacted and following ascertainment of their interest in the project and conformance to the requirements stated above, the below contractors were selecting for invitation to tender:

1. Growthbuilt Pty Ltd
2. ADCO Constructions Pty Ltd
3. Richard Crookes Constructions Pty Ltd
4. Lipman Pty Ltd
5. Taylor Construction Group Pty Ltd

The Tender SC7881 was issued to the above-listed tenderers on 27 March 2024 through Council's VendorPanel tender website. Tender issue and Requests for Information (RFI's) were managed via Council's VendorPanel platform.

ADCO withdrew from the tender on 3 April 2024 and Richard Crookes Constructions withdrew from the tender on 10 April 2024. Both contractors cited their current workload as the cause for withdrawal.

A mandatory pre-tender Meeting was held at 10:30am on 17 April 2024. Tenderers were invited to attend, and questions raised by the tenderers were answered. The record from the pre-tender meeting was issued to the tenderers via Vendor Panel.

Addenda 1 to 6 were issued during the tender period.

Following the issue of Addenda 5 and 6, all three tenderers requested through VendorPanel an extension to the tender period of 3 weeks. Following formal authorisation from Director Infrastructure & Sustainability, Tender Close was extended to 3 June 2024.

### **Tenders Received**

The Tender Closed at 3:00pm on 3 June 2024. Three conforming tenders were received prior to the closing time and date.

Receipt of Tenderers List
Lipman Pty Ltd
Taylor Construction Group Pty Ltd
Growthbuilt Pty Ltd

### **Tender Evaluation:**

See confidential attachment.

The independent probity advisor, Procure Group Pty Ltd has submitted their Probity Report, concluding that the tender process has been conducted in a fair and equitable manner with due regard to probity. A copy of this is attached at Attachment 2.

### **Options:**

In accordance with section 178 of the Local Government (General) Regulation 2021, Council must either:

- a) Accept the Tender Submission that, having regard to all the circumstances, appears to it to be the most advantageous, or
- b) Decline to accept any of the Tender Submissions.

Taking the above two options into account, it must be noted that the anticipated project cost (including contingency and fit out of the community centre) is higher than expected and budgeted for in Council's current long term financial plan. On this basis, Council is not in a position to accept any tender submissions.

However, should Council resolve to not accept any of the tender submissions, It is recommended that in accordance with s178 3 (e) of the Regulation, Council resolve to enter negotiations with a selected party with a view to entering into a contract.

It is recommended that Council enter direct negotiations with the highest ranked tenderer, being Growthbuilt, with a view to exploring possible cost savings through value engineering. Concurrent to the direct negotiation process, Council staff will undertake a review of the current funding strategy for the project to address the higher than anticipated project costs.

The outcome of the negotiations and the review of the funding strategy will be the subject of a further report to Council.

### **Community Engagement and / or Internal Consultation:**

It is considered that no community engagement or internal consultation was required in writing this report which relates to the tender for construction. It is noted that there has been extensive community consultation over many years in relation to this project.

### **Financial Implications:**

As noted in the confidential attachment, based on the tender outcome, the anticipated project cost (including contingency and fit out of the community centre) significantly exceeds the funding available in Council's current Long Term Financial Plan. The funding strategy is currently being reviewed to address the higher than anticipated project costs and should Council resolve to enter into negotiations with a preferred tenderer, a revised funding proposal will be included in a further report that would be brought to Council at the end of that process.

### **Policy Implications:**

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


### **Resourcing Implications:**

Property & Projects in conjunction with project managers Impact Group will manage the process of negotiation with Growthbuilt. They will be assisted by the external lawyers that prepared the draft contract documentation that was included as part of the tender documentation

### **Conclusion:**

The tender panel has recommended Growthbuilt Pty Ltd as the preferred contractor based on their highest score, lowest price and comparatively favourable risk position. However, since the tenders received significantly exceeds the available funding it is recommended that Council should enter into negotiations with Growthbuilt as the preferred contractor, whilst reviewing the funding strategy for the project. Once an optimal design and cost are determined in partnership with Growthbuilt, a further report will be presented to Council, including funding options.

### **Attachments**

1. Tender Evaluation (circulated under separate cover) (*circulated under separate cover*) - **Confidential**
2. Probity report [!\[\]\(ca56b3b861c353975a4bf80556683c8c\_img.jpg\)](#) 



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Statement of Responsibility

This probity report has been prepared for the purpose of assisting Woollahra Municipal Council in its decision making regarding the RFT for the Design and Construction of Wilberforce Avenue Carpark Project. Procure has compiled the report on the basis of:

- a. information it has been given and which it has reviewed;
- b. the processes and procedures it has observed; and
- c. the issues raised with it.

The conclusion stated in section 2 of this report is based upon the work performed as documented in it. While Procure has identified probity risks and considered the controls, environment and action taken by Woollahra Municipal Council to address those risks, probity issues may nevertheless have arisen that have not been identified.

As the probity advisor, Procure has focussed solely on probity aspects of the process. Procure does not provide, nor does it purport to provide, nor can it be construed to have provided legal, commercial, procurement or technical advice. It is Woollahra Municipal Council's responsibility to obtain appropriate advice and ensure compliance with relevant legislative and policy requirements.

While Procure may provide input into processes followed, Woollahra Municipal Council retains responsibility for the probity of its personnel and processes. The report cannot be relied upon by any other party or for any other purpose.

# 1 INTRODUCTION

## 1.1 Our Engagement

Procure Group Pty Ltd (Procure) has been engaged by Woollahra Municipal Council (Council) to provide independent probity advisory services in relation to the RFT for the Design and Construction of Wilberforce Avenue Carpark. Further detail regarding our scope of service is included in section 3.

This report sets out our work performed and observations from a probity perspective relating to the procurement process followed by Woollahra Municipal Council, within the context of the framework provided by the NSW Independent Commission Against Corruption's (ICAC) probity fundamentals.

## 1.2 Project Summary

The Council was seeking Tenders from experienced commercial Tenderers to design and to construct the Wilberforce Avenue Carpark. A competitive select Request for Tender (RFT) process was undertaken, and the invitations were issued to identified selected Tenderers who had a track record in designing, constructing and delivering comparable carpark projects. The RFT was open for a period of 69 days closing at 2.30pm on Monday 3 June 2024.

At the RFT closing time of 2.30pm on 3 June 2024, Council received 3 Tenders. The RFT Evaluation Panel (EP) has completed its assessment in accordance with the approved Evaluation and Probity Plan and has prepared an Evaluation Report recommending a Preferred Tenderer for contract award. The Evaluation Report was finalised and approved by the EP members on 7 August 2024.

## 1.3 Summary of Key Activities and Dates

ACTIVITY	DATE
RFT issue date	27 March 2024
Mandatory Pre-Tender meeting on site	17 April 2024
Deadline for requests of information by Tenderers	29 May 2024
RFT Closing date	3 June 2024 at 2.30pm
Tender opening	3 June 2024
Evaluation Panel meetings	6 June 2024 30 July 2024
Evaluation Report finalised	7 August 2024

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Woollahra Municipal Council  
RFT for the Design and Construction of Wilberforce Avenue Carpark – Probity Report

PROCURE<sup>+</sup>  
GROUP

## 2 CONCLUSION

Based upon our work performed and detailed in this report, no issues of a probity nature have come to our attention that would lead us to conclude that the process followed by Woollahra Municipal Council in the evaluation of the Tender for the appointment of an appropriately experienced contractor for the design and construction of Wilberforce Avenue Carpark has not been conducted in a fair and equitable manner with due regard to probity.

## 3 SCOPE AND METHODOLOGY

### 3.1 Probity Advisor's Role

#### 3.1.1 Role of Probity Advisor

Attachment A provides a detailed description of the role of the probity advisor as well as a definition of probity, taken from relevant publications of the ICAC. In short, a probity advisor is engaged to observe, review, and provide guidance on the integrity of procedures and processes, focusing on the means, rather than the ends, of the project in question.

#### 3.1.2 Probity Fundamentals

In undertaking the probity advisory role, Procure has had regard to the "probity fundamentals" identified by the ICAC. These probity fundamentals are:

- + Maintaining accountability and transparency;
- + Maintaining impartiality;
- + Managing conflicts of interest;
- + Maintaining confidentiality; and
- + Obtaining value for money.

Further detail describing these probity fundamentals is included in Attachment A.

Section 4 of this report outlines our work performed to monitor the application of the probity fundamentals.

### 3.2 Scope of Work

Procure was engaged on 8 February 2024 by Woollahra Municipal Council to act as probity advisor in regard to the RFT for the Design and Construction of Wilberforce Avenue Carpark. In accordance with our proposal, our scope of work included the following:

- + Attend an initial meeting with Council to understand the requirements of the project;
- + Review and provide comment on the procurement strategy, RFT documents, Tender advertising, and Evaluation Plan;
- + Review conflict of interest arrangements, review confidentiality arrangements and review records maintained by the Council;
- + Attend on site pre-Tender meeting (including preparation);
- + Review and monitor communications with Tenderers throughout the process including addenda and post Tender clarifications;
- + Attend evaluation meeting to shortlist Tenderers;
- + Attend interviews with shortlisted Tenderers;
- + Attend final evaluation meeting;
- + Review Evaluation Report and provide comment from a probity perspective;
- + Provide ad-hoc probity advice to address any issues raised that relate to the probity of the process;
- + Prepare a probity report; and
- + Attend debriefs with unsuccessful Tenderers.

In providing the above services, Procure has employed a range of approaches, including:

- + Consideration of relevant Council Procurement Guidelines;
- + Consideration of ICAC Guidelines for managing public sector projects;
- + Review of relevant NSW legislation including the *Local Government Act 1993* and *Local Government (General) Regulation 2021*;

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- + Review of Department of Premier and Cabinet (Local Government) – Tendering Guidelines for Local Government;
- + Review of and input into relevant RFT documentation to maintain accountability and transparency;
- + Provision of advice regarding probity risk assessment in consultation with Woollahra Municipal Council;
- + Observation of key meetings, activities, and processes; and
- + Discussions with relevant representatives of the project team and provision of advice on issues arising.

### 3.3 Probity Risk Assessment

Procure has adopted a risk based approach to the provision of its probity services. At the commencement of the engagement, Procure identified typical probity risks and mitigation strategies. This was refined with client input to address project specific risks and mitigation controls.

## 4 WORK PERFORMED & OBSERVATIONS

### 4.1 Maintaining Accountability and Transparency

In advising and monitoring the process in relation to *Maintaining Accountability and Transparency*, Procure has undertaken the following tasks:

#### 4.1.1 Pre receipt of Tenders:

- + Noted that invitations to Tender were issued to identified selected Tenderers who had a track record in designing, constructing and delivering comparable carpark projects;
- + Noted that Council prepared an Evaluation and Probity Plan for this RFT, and this was approved by the EP members on or before 8 May 2024;
- + Attended the mandatory Pre-Tender briefing on 17 April 2024, held on site for registered potential Tenderers and provided a probity briefing to attendees. Noted that participation at the meeting was a requirement for submitting a conforming Tender. Observed that there were no probity issues raised at the meeting;
- + Conducted a probity review of the questions and answers provided for the RFT on the VendorPanel website;
- + Confirmed that the Evaluation and Probity Plan for the evaluation of Tenders was developed by Council's Manager Property and Projects with probity advice from Procure. The Evaluation and Probity Plan included, among other things, the following:
  - + Introduction, including purpose and objectives of the document;
  - + Summary of roles and responsibilities of the EP members, including decision making;
  - + Evaluation Protocols;
  - + Confidentiality;
  - + Conflicts of interest;
  - + Record keeping;
  - + Communication with Tenderers;
  - + Evaluation process; and
  - + Weightings to be applied to evaluation criteria;
- + Noted that Council had decided not to publish the evaluation criteria weightings and sub-weightings in the Evaluation and Probity Plan as a measure to ensure their confidentiality and the integrity of the evaluation process;
- + Further confirmed and noted that the evaluation criteria weightings and sub-weightings were provided to the EP members upon distribution of the received Tenders and at the EP meeting held on 6 June 2024;
- + Noted that membership of the EP comprised persons that had appropriate skills and experience to conduct the evaluation;
- + Reviewed the RFT documentation issued to Tenderers to confirm that evaluation criteria and submission requirements were appropriately documented;
- + Reviewed all Council Tender addendums issued during the RFT period to ensure they met probity requirements; and
- + Observed that the evaluation criteria included in the scoring worksheets were used in the assessment of Tenders in accord with the Evaluation and Probity Plan and RFT documentation.

#### 4.1.2 Receipt and evaluation phase:

- + Noted the VendorPanel platform did not permit submissions after the Tender submission deadline;
- + Noted however one Tenderer had experienced technical difficulties with uploading the Tender returnable schedules due to the file size and their submission was received in part before the Tender cutoff deadline.
- + Further noted there was documented evidence of several failed attempts by the Tenderer to upload documents and the provision of outstanding documents was made within an hour of the deadline. It

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- was determined as a matter of fairness to allow the late submission of the outstanding returnable schedules.
- + Noted that the secure electronic VendorPanel directory was opened on 3 June 2024 and confirmed that three Tenders were received;
  - + Noted that each EP member had undertaken an individual assessment of Tenders and had completed the scoring worksheets prior to attending the EP meeting held on 6 June 2024. Noted that the EP members used an evaluation sheet which outlined the pre-determined selection criteria, as per the RFT documentation, including the mandatory requirements, non-cost criteria and cost criteria;
  - + Attended the first EP consensus scoring meeting held on 6 June 2024, at which individual EP members were provided with the evaluation criteria weightings and sub-weightings and proceeded to score each Tender against each specified criterion;
  - + Noted robust discussion amongst EP members, in which individual scores were discussed and initial consensus scores agreed for each Tender;
  - + Noted that the EP determined to shortlist all three Tenders and sought to obtain extensive clarifications from each of the respective Tenderers. The EP prepared clarification questions for the Tenderers and a probity review was conducted;
  - + Attended post tender clarification interviews conducted by the EP with the Tenderers on 12 June 2024. Observed that all the Tenderers were given the same opportunity to provide a presentation on their proposed Tenders and to respond to clarification questions;
  - + Observed that one EP member could not attend the first post tender clarification interview and at the conclusion of all the interviews their fellow EP members briefed them on the first interview using the interview meeting minutes;
  - + Noted that the EP post tender interviews informed further Tender clarifications which were issued to all shortlisted Tenderers and a probity review was carried out of the draft clarification requests;
  - + Attended the second EP consensus scoring meeting held on 30 July 2024 and noted that the EP reviewed all the further Tenderer clarification responses;
  - + Observed robust and detailed discussion over key technical and financial considerations and witnessed the EP undertake consensus re-scoring of the Tenders against the evaluation criteria. The EP after further deliberation confirmed its consensus scoring and made its final recommendation regarding the Tender award;
  - + Confirmed with the EP that it had sufficient time and information to consider the Tenders, that assessment had been carried out in accordance with the Evaluation and Probity Plan, and that the EP was not aware of any outstanding probity issues;
  - + Reviewed the Evaluation Report prepared by the EP and confirmed that it accurately reflected the evaluation process followed and conclusions of the EP. The Evaluation Report was endorsed by each member of the EP on or before 7 August 2024;
  - + Reviewed the scoring calculations included in the Evaluation Report. No errors were noted; and
  - + Confirmed through observation of the evaluation process and review of documentation maintained that the EP members at the meetings held on 6 June 2024 and 30 July 2024, and during their email exchanges had followed the Evaluation and Probity Plan in all material respects.

## 4.2 Maintaining Impartiality

In advising and monitoring the process in relation to *Maintaining Impartiality*, Procure has undertaken the following tasks:

- + Confirmed that on 6 June 2024, the EP agreed to seek extensive clarifications in regard to the non-price criteria from all three shortlisted Tenderers. The request for clarifications did not provide an opportunity to improve each Tenderer's pricing or to improve on their responses to non-price criteria;
- + Noted following short listed Tenderer interviews that the EP sought further clarifications from all the Tenderers seeking responses to Addenda 5 and 6;
- + Conducted a probity review of the clarifications requests prior to issue and noted there was no unfair advantage provided or opportunity to improve on Tender submissions;
- + Noted that the EP on 30 July 2024, reviewed all Tenderer clarification responses which informed consensus re-scoring against the evaluation criteria and led to the EP recommending its Preferred Tenderer;

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- + Confirmed that each Tenderer was assessed against the same evaluation criteria. These criteria were those included in the RFT documentation issued to Tenderers;
- + Noted that the highest-ranking Tenderer for both non-price and price evaluation criteria was recommended as the Preferred Tenderer to Council;
- + Observed the evaluation process and confirmed that the process afforded fair and equitable treatment of Tenderers, in accordance with the Evaluation and Probity Plan; and
- + Noted that each member of the EP was present when scoring of Tenders was discussed and consensus was arrived at on the Preferred Tenderer recommendation.

### 4.3 Managing Conflicts of Interest

In advising and monitoring the process in relation to *Managing Conflicts of Interest*, Procure undertook the following tasks:

- + Noted that no probity issues were raised in relation to the RFT process.
- + Confirmed that the EP members had signed individual Conflicts of Interest and Confidentiality Declarations and noted that there were no perceived or actual Conflicts of Interest declared;
- + Confirmed at the EP meetings held on 6 June 2024 and 30 July 2024, that no member was aware of any conflict of interest;
- + Confirmed by review of original documents that each of the EP members had signed the Conflict of Interest Declaration document prior to the receipt of Tenders; and
- + Confirmed at the final EP meeting held on 30 July 2024, that no member was aware of any conflict of interest.

### 4.4 Maintaining Confidentiality

In advising and monitoring the process in relation to *Maintaining Confidentiality*, Procure has undertaken the following tasks:

- + Advised the EP members that they were under a general requirement to maintain strict confidentiality and noted that documentation considered to be confidential was kept in restricted access drives;
- + Noted the application and use of confidentiality controls during the distribution of Tenders to EP members and that the restrictions on access were consistent with the Evaluation and Probity Plan;
- + Emphasised confidentiality obligations to EP members when attending the EP meetings on 6 June 2024 and 30 July 2024;
- + Confirmed at the EP meetings that confidentiality requirements during the RFT process were handled in accordance with the Evaluation and Probity Plan and further confirmed that EP members were not aware of any breach of confidentiality;
- + Confirmed at the final EP meeting held on 30 July 2024, that EP members were not aware of any breach of confidentiality; and
- + Confirmed that no breach of confidentiality has been brought to the attention of the probity advisor.

### 4.5 Obtaining Value for Money

In advising and monitoring the process in relation to *Obtaining Value for Money*, Procure has undertaken the following tasks:

- + Noted that the Council allocated for Cost and Pricing a [REDACTED] weighting, a [REDACTED] weighting for demonstrated experience and capability including the proposed Project Structure, Key Personnel and Resourcing; Experience and Qualifications of key personnel to perform services, a [REDACTED] weighting for Methodology, [REDACTED] for Programme, [REDACTED] for Management Systems, [REDACTED] for Environmental Management Plan, Sustainability and Waste Disposal, and a [REDACTED] weighting for Financial Capability and Viability;
- + Observed at the EP meetings on 6 June 2024 and 30 July 2024, robust and exhaustive evaluation of all proposals against value for money-based evaluation criteria;

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- + Noted at the EP meeting held on 30 July 2024, that it was the final consensus position that the recommended Preferred Tenderer represented best value for money, and this was confirmed in the EP Evaluation Report;
- + Noted that the Preferred Tenderer was the highest ranked when assessed against the non-pricing criteria;
- + Noted that the Preferred Tenderer's price was [REDACTED] (Excl GST) which was the lowest price submitted;
- + Noted that the EP had confidence in the Preferred Tenderer's price and proposal given it had accepted a higher level of scope, responsibility and risk comparatively to the other Tenderers. Further, during the Post Tender Interview, the EP noted that the Preferred Tenderer had demonstrated a through understanding of the scope, sequencing, methodology and site constraints which showed its capability to undertake the works; and
- + Noted that the Evaluation Report showed consideration against all the selection criteria and confirmed that the Preferred Tenderer overall represents best value for money.

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## Attachment A – Key Terms & Definitions

Key Terms	Definition
Probity Advisor	In its publication <i>'Probity and Probity Advising'</i> (November 2005) the ICAC describes a probity advisor as: <i>"an individual or organisation engaged to observe, review and provide guidance on the probity framework and/or processes of a project. Agencies use internal or external probity advisors to verify that the processes followed are consistent with government regulations, policies, guidelines and best practice principles. A probity advisor provides opinions and guidance on probity risks and issues that may arise during the process and confirms, in writing, whether the concluded process is consistent with the requirements outlined in a probity plan as well as general probity fundamentals. If probity requirements are not being or have not been met, the advisor identifies the non-conformities and any reasons for these in a written report, and if necessary, suggests solutions and monitors their implementation."</i>
Probity	Probity may be defined as: <i>"integrity, uprightness, honesty"</i> (Macquarie Dictionary). Within the public sector, the word "probity" is often used in a general sense to refer to an "appropriate process". Government seeks to conduct its commercial dealings with integrity. Public officials (and their advisors) must be able to demonstrate high standards of probity while pursuing the stated project objectives.
Maintaining Accountability & Transparency	Public sector accountability requirements are intended to save money, resources and time in the long term and prevent corruption, maladministration and substantial waste of public resources. All persons with responsibilities in relation to a project should be accountable for their actions associated with the project. All key activities and decision-making associated with the project should be recorded. Transparency helps ensure that a process is conducted with integrity, thus enhancing competition and the delivery of value for money, as well as reducing opportunities for corruption, maladministration and substantial waste of public money. An evaluation process should be applied consistently and conducted in accordance with an appropriate methodology. Processes should be well documented and reviewable.
Maintaining Impartiality	Individuals and organisations involved in preparing and submitting proposals for large public sector contracts often invest considerable time, effort and resources in doing so. In return, they are entitled to expect impartial treatment at every stage of the process. If they do not consider the process to be impartial and honest, they may withhold valuable ideas or be deterred from bidding in the future. Any form of bias, whether driven by personal interests or not, could jeopardise the integrity of the project.
Managing Conflicts of Interest	Conflicts of interest arise when there is a conflict between a public official's public duty and private interests, where those private interests could improperly influence the performance of their official duties and responsibilities. Advisors and other consultants working on the project must comply with public sector conflict of interest requirements.  Failure to declare and/or effectively manage conflicts of interest can damage the integrity of the project, therefore eroding public or market confidence in the outcomes. Inadequate systems for identifying and dealing with conflicts of interest provide opportunities for corruption, maladministration and serious waste of public resources.
Maintaining Confidentiality	Accountability and transparency are fundamental to the work of public sector organisations and public officials. However, there is some information that needs to be kept confidential, at least for a specified period of time, in order to protect the integrity of a process and give private sector participants the confidence to do business with government. This information can include the content of proposals, intellectual property and pricing and profit structures. Importantly, much of the information relating to a project needs to be kept confidential up to the point where a contract is signed.
Obtaining Value for Money	Value for money is achieved by fostering an open competitive environment in which private sector participants can make attractive, innovative proposals with the confidence that they will be assessed on their merits. Lapses in probity often end with one or more parties obtaining unreasonable financial gains at the expense of the public interest.  Value for money does not necessarily mean lowest price. Agencies need to consider non-price elements of proposals (including risk) and devise criteria that allow them to be evaluated.

**Item No:** 12.3  
**Subject:** **LOCAL GOVERNMENT NSW (LGNSW) ANNUAL GENERAL CONFERENCE 2024 - PROPOSED MOTIONS AND ATTENDANCE**  
**Author:** Jennifer Chenhall, Manager Governance & Risk  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 24/140021  
**Purpose of the Report:** To consider proposed motions for the upcoming 2024 Local Government NSW (LGNSW) Conference being held between 17 and 19 November 2024.  
**Alignment to Delivery Program:** Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

**Recommendation:**

THAT Council:

- A. Give consideration to the proposed motions to be tabled at the Local Government NSW (LGNSW) 2024 Annual Conference as included in this report and resolve to consider each proposed motion in seriatim at this Council meeting, for forwarding to LGNSW if so resolved by Council.
- B. Authorise the General Manager to make minor editorial amendments to the adopted motions if required, prior to them being submitted to LGNSW.
- C. Request the General Manager undertake an Expression of Interest (EOI) to Councillors for attendance at the LGNSW 2024 Annual Conference, post the 14 September 2024 Local Government elections, to be presented to Council in October 2024.

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**Executive Summary:**

The purpose of this report is to present to Council for consideration potential motions to be tabled at the upcoming Local Government NSW (LGNSW) 2024 Annual Conference (the Conference) being held between 17 and 19 November 2024 in Tamworth.

The LGNSW Conference brings Councillors together from across NSW and provides an opportunity to share ideas, seek inspiration, and help determine the sector's policy directions for the coming year.

Each year, LGNSW members submit a range of motions to the Conference. Proposed motions should be strategic and relate to local government issues which affect members state-wide and introduce new or emerging policy issues. They are debated and resolved by Conference delegates, with successful resolutions guiding LGNSW's advocacy priorities for the year ahead.

**Discussion:**

The LGNSW Annual Conference is the signature event of the year for all NSW Councils and provides a forum in which to debate important issues pertinent to our local communities. It also provides the opportunity to hear from State and Federal Government leaders, business representatives, community groups and academics.

Due to the Local Government election on 14 September 2024 and the dates of the Conference, the Expression of Interest (EOI) process for the nomination of Councillors as voting delegates for Motions before the LGNSW 2024 Conference, will be conducted post the 14 September 2024 election, with a report being brought to Council at a meeting in October 2024.

To allow for preparation of the Business Paper before the conference, LGNSW is requesting Council's submit motions by Friday 16 August 2024. However, in line with the LGNSW rules, the latest date motions can be accepted for inclusion in Conference business paper is Sunday 20 October 2024.

### **Proposed Motions**

The Mayor and Councillors were invited to submit potential motions for consideration by Council via an email from the General Manager on 19 July 2024. This report presents the motions as submitted by Councillors for consideration by Council. Below is a table summarising the short title of the proposed motion, the names of the Councillors proposing the motion and the proposed motion wording for consideration by Council.

It is important to note that the proposed motions and/or background information constitute the views of the identified Councillors. Consideration of each proposed motion is to take place at this meeting of Council, with the intention being for each Councillor who has put forward a motion, to be provided the opportunity to talk to their proposed motions for the consideration by Council. Below is a table that includes the proposed motions:

#	Proposed Motion	Proposed by Councillors	Proposed Motion wording
1	Amend the <i>Environmental Planning and Assessment Act 1979</i> and any other related legislation to make State Environmental Planning Policies subject to parliamentary scrutiny and disallowance.	Councillor Witt Councillor Regan	<p>THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:</p> <p>"That LGNSW lobbies the state government to:</p> <ol style="list-style-type: none"> <li>1. Urgently amend the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) and any related legislation to make State Environmental Planning Policies, (SEPPs) subject to parliamentary scrutiny and disallowance, especially in cases where: <ul style="list-style-type: none"> <li>• they significantly override local council planning powers;</li> <li>• do not demonstrate that they address important objects of the EP&amp;A Act like ecologically sustainable development;</li> <li>• are not informed by community consultation; and/or</li> <li>• extinguish third party merit review rights.</li> </ul> </li> <li>2. Revisit, strengthen and enact the recommendations of the 2021 Inquiry into the SEPPs that was conducted by the Regulations Committee of the Legislative Council. This Inquiry heard evidence that the current statutory mechanisms for the control and scrutiny of SEPPs are in need of reform in order to: <ul style="list-style-type: none"> <li>• better protect constitutional principles of democratic oversight and parliamentary sovereignty;</li> <li>• minimise the potential for executive overreach; and</li> <li>• restore public confidence in lawmaking processes.<sup>1</sup></li> </ul> </li> </ol> <p><b>Note: Background information is presented as Attachment 1.</b></p>

<sup>1</sup> NSW Legislative Council, Regulations Committee: [Report from the Inquiry into the Environmental Planning Instruments \(SEPPs\)](#) (Inquiry into SEPPs Report) 10 August 2021, page1.

#	Proposed Motion	Proposed by Councillors	Proposed Motion wording
2	Ease the administrative burden and provide greater clarity on the <i>Public Spaces (Unattended Property) Act 2021</i> .	Councillor Jarvis	<p>THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:</p> <p>“That the LGNSW Conference asks the NSW state government to:</p> <ol style="list-style-type: none"> <li>1. Provide greater clarity as to what amounts to interference with public amenity, obviating the need to monitor vehicles for 28 days and then send a further notice to the registered owner.”</li> </ol> <p><b>Note: Background information is presented as Attachment 1.</b></p>
3	Decennial Insurance as another means to promote quality building works.	Councillor Jarvis	<p>THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:</p> <ol style="list-style-type: none"> <li>A. “THAT Councils support the introduction of Decennial Liability Insurance (DLI) as another means to promote quality building works.</li> <li>B. Resolves to: <ol style="list-style-type: none"> <li>1. Request the State Government to make Decennial liability Insurance (DLI) a mandatory requirement, which will replace the Statutory Warranty requirement; and</li> <li>2. Request that should the State Government make DLI mandatory, that the production of such a certificate of insurance will be made a mandatory requirement for planning consent and/or a precondition to commencement of building works.”</li> </ol> </li> </ol> <p><b>Note: Background information is presented as Attachment 1.</b></p>

### Options:

It is open for Council to consider whether it wishes to submit motions for consideration at the 2024 LGNSW Annual Conference.

### Community Engagement and / or Internal Consultation:

There was no requirement for community engagement to be undertaken as part of this report.

### Policy Implications:

There are no policy implications in relation to this report.

### Financial Implications:

There are no financial implications in relation to this report.

### **Resourcing Implications:**

There are no resourcing implications in relation to this report.

### **Conclusion:**

It is recommended the Council give consideration to the draft proposed motions outlined in this report and determines whether it would like to submit any of these motions for consideration at the LGNSW 2024 Annual Conference, noting that a report will be tabled at a meeting of Council in October 2024, regarding the EOI for nominations from Councillors to attend the 2024 LGNSW Conference.

### **Attachments**

1. Proposed Motions - LGNSW Conference 2024 [↓](#) 

**ATTACHMENT – Local Government NSW Annual General Conference 2024 (Proposed Motions)**

Please find below background information submitted by Councillors in support of Proposed Motions for consideration by Council for submission to the LG NSW Local Government Conference 2024.

#	Councillor	Title	Proposed Motion	Motion Background
1	Cr Witt Cr Regan	Amend the Environmental Planning and Assessment Act 1979 and any other related legislation to make State Environmental Planning Policies subject to parliamentary scrutiny and disallowance.	<p>THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:</p> <p><i>“That LGNSW lobbies the state government to:</i></p> <ol style="list-style-type: none"> <li><i>1. Urgently amend the Environmental Planning and Assessment Act 1979 (EP&amp;A Act) and any related legislation to make State Environmental Planning Policies, (SEPPs) subject to parliamentary scrutiny and disallowance, especially in cases where:</i> <ul style="list-style-type: none"> <li><i>• they significantly override local council planning powers;</i></li> <li><i>• do not demonstrate that they address important objects of the EP&amp;A Act like ecologically sustainable development;</i></li> <li><i>• are not informed by community consultation; and/or</i></li> <li><i>• extinguish third party merit review rights.</i></li> </ul> </li> <li><i>2. Revisit, strengthen and enact the recommendations of the 2021 Inquiry into the SEPPs that was conducted by the Regulations Committee of the Legislative Council. This Inquiry heard evidence that the current statutory mechanisms for the control and scrutiny of SEPPs are in need of reform in order to:</i> <ul style="list-style-type: none"> <li><i>• better protect constitutional principles of democratic oversight and parliamentary sovereignty;</i></li> <li><i>• minimise the potential for executive overreach; and;</i></li> <li><i>• restore public confidence in lawmaking processes. ”</i></li> </ul> </li> </ol>	<p>SEPPs are made by the Governor and apply to either the whole of the State or special areas of the State.</p> <p>SEPPs are an important instrument that can play a significant role in the planning system by providing certainty and consistency. Under Section 3.14 of the EP&amp;A Act, SEPPs may make provision for a wide range of environmental actions, such as protecting the environment and controlling development. They are also used to make provision with respect to affordable housing, public spaces or buildings such as hospitals, schools and railways, declare any development or class of development as State significant, and to specify what types of development can be carried out with or without development consent.<sup>1</sup></p> <p>No statutory requirements are in place to subject SEPPs to scrutiny by Parliament, although the EP&amp;A Act does contain a few provisions relating to scrutiny and transparency of SEPPs - for example, SEPPs must be published on the NSW Government legislation website, and the Planning Secretary is required to keep SEPPs 'under regular and periodic review' in order to ensure that they are achieving the objects of the EP&amp;A Act and to determine whether a SEPP needs to be updated every five years.</p> <p>SEPPs are not required to be tabled in Parliament or reviewed by a parliamentary committee, and they are not subject to disallowance under their enabling legislation, the Interpretation Act 1987, the Subordinate Legislation Act 1989 or the Legislation Review Act 1987.<sup>2</sup></p>

<sup>1</sup> NSW Legislative Council, Regulations Committee: [Report from the Inquiry into the Environmental Planning Instruments \(SEPPs\)](#) (Inquiry into SEPPs Report) 10 August 2021, page 2.

<sup>2</sup> Ibid, page 16

			<p><i>Note: Background information is presented as Attachment 1.</i></p>	<p>Further, where inconsistency between a SEPP and other environmental planning instruments exists, the general presumption is that a SEPP will prevail over a Local Environment Plan (LEP) or another planning instrument.<sup>3</sup></p> <p>If a SEPP overrides a LEP, it may disempower those who have been involved in councils' prescribed community consultation processes for the LEP. This is true especially in cases where the Minister exercises his discretion not to conduct public consultation for a proposed SEPP, as was the case for the recently implemented Transport Oriented Development (TOD) SEPP.<sup>4</sup></p> <p>A 2021 Legislative Council Inquiry into the use of SEPPs found that their use is increasing and that they can be made with few restrictions, little scrutiny and in many instances have the power to override other instruments.<sup>5</sup></p> <p>This Inquiry quoted evidence from legal authorities explaining how, under section 3.16 of the EP&amp;A Act, a SEPP may exempt its subject matter from any other law in New South Wales, which includes primary legislation enacted by Parliament. This exemption was described by the legal experts as "a sweeping or breathtaking ability to essentially override existing rules with really no parliamentary oversight", effectively transforming "a SEPP into a 'super law' with 'quasi-constitutional' status."<sup>6</sup> This exemption is also contrary to the advice of the Parliamentary Counsel's Office, which says that "substantive lawmaking should be confined to primary legislation to the greatest extent practical."<sup>7</sup></p>
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<sup>3</sup> Ibid, page 3

<sup>4</sup> Legislative Council Planning and Environment Committee, [Inquiry into the Transport Oriented Development \(TOD\) Program, Uncorrected Transcript, Hearing, 24 July 2024](#). Testimony from Ms Kiersten Fishburn, Secretary, Department of Planning, Housing and Infrastructure, re lack of public consultation on the TOD SEPP, page 3.

<sup>5</sup> Inquiry into SEPPs Report, page 6: The Regulations Committee also heard that SEPPs are being used more frequently. For example, Dr Neudorf, Associate Professor of Adelaide Law School, University of Adelaide, told the Committee that in the last three years more SEPPs have been made by the executive than Acts passed by Parliament, which he considered part of a trend of delegated legislation becoming 'the principal form of lawmaking in New South Wales'.

<sup>6</sup> Ibid, page 6

<sup>7</sup> Environmental Defenders Office (EDO), Submission to the Inquiry into environmental planning instruments (SEPPs) 21 May 2021, page 5

				<p>One of the strongest criticisms of the recently implemented TOD SEPP and the proposed “Diverse and well-located homes - Low and mid-rise housing” reforms to the Housing SEPP 2021 is that because these SEPPs are being applied unilaterally across the Six Cities region and are one-size-fits-all, they undermine councils’ detailed strategic and community informed planning documents that have been carefully crafted to uplift density in areas best equipped to accommodate additional growth. This view was reinforced by evidence heard at the ongoing Legislative Council Inquiry into the TOD Program.<sup>8</sup></p> <p>The Regulations Committee’s 2021 Inquiry into the SEPPs included the following recommendations:</p> <ul style="list-style-type: none"> <li>• Require the Planning Minister to undertake consultation for all SEPPs, with consultation to include the following elements: <ul style="list-style-type: none"> <li>○ publication of a comprehensive, plain English explanation of intended effect;</li> <li>○ publication of the draft text of the SEPP for a minimum consultation period of 28 days from the publication of the draft SEPP;</li> <li>○ explanation of how feedback gathered during the consultation process has been considered; and</li> <li>○ details of how and when the SEPP will be reviewed by the department.</li> </ul> </li> <li>• Provide that all future SEPPs are subject to a sunset period of five years, noting that because SEPPs are not defined as ‘statutory rules’, they are not subject to the five year default sunset period for delegated legislation under the Subordinate Legislation Act 1989.<sup>9</sup></li> </ul>
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<sup>8</sup>Legislative Council Planning and Environment Committee, Inquiry into the TOD Program, Uncorrected Transcript, Hearing, 24 July 2024, see testimony from Mr Todd Carney, Mayor, Penrith City Council: “Our analysis shows that the TOD SEPP would not deliver additional density but instead may further limit the viability of land use outcomes by artificially raising expectations regarding development outcomes and driving up land values. For these reasons, our own established centres planning model, which provides the foundation for decision-making and sound policy development in a stakeholder-driven, evidence-based and place-based process, underpinned by infrastructure delivery, is the preferred direction to guide growth and change in St Marys into the future.” page 21

<sup>9</sup> Inquiry into SEPPs Report, page vii

				<ul style="list-style-type: none"> <li>Make clear that third-party review rights are not extinguished when a SEPP deems a development to be 'State significant'.</li> </ul> <p>The Inquiry's Report, however, reflected a lack of unanimity from members on the Regulations Committee about whether SEPPs should have to comply with the general rule that all delegated instruments of a legislative nature should be disallowable in order to better protect the constitutional principles of democratic oversight and parliamentary sovereignty.</p> <p>A dissenting opinion from the Committee's Deputy Chair noted that no compelling reason was put forward to the Inquiry for why this general rule should be abandoned in the case of SEPPs. On the contrary, given that SEPPs cover a wide variety of issues, can override primary legislation and can have a direct and significant impact on the rights and interests of individuals, the case for disallowance provisions of the to apply to all SEPPs is particularly strong.<sup>10</sup></p> <p>Further, it was noted in evidence to the Inquiry that New South Wales is an outlier in relation to the narrow disallowance powers given to its parliament, and despite other jurisdictions within Australia allowing disallowance powers over instruments similar to SEPPs, the Inquiry heard no evidence to back up the Government's assertion that the disallowance provision would lead in practice to significant delay or uncertainty, and certainly not to an extent which would justify a departure from the usual democratic principles which should govern law-making in NSW.<sup>11</sup></p> <p>In fact, the introduction of a disallowance provision for the SEPPs would be a useful deterrent against the potential overreach of executive power, as it would likely encourage the Minister to take into account the risk of disallowance when determining how robust the consultation process should be in relation to a particular SEPP. This change could go a long way in alleviating concerns about the adequacy of the consultation process and whether or not</p>
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<sup>10</sup> Ibid. Appendix 4 Dissenting statement from the Deputy Chair of the Regulations Committee, Ms Abigail Boyd MLC, The Greens, page 33

<sup>11</sup> Ibid

				particular SEPPs should have some expiry or mandatory review date.
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#	Councillor	Title	Proposed Motion	Motion Background
2	Cr Jarvis	Ease the administrative burden and provide greater clarity on the Public Spaces (Unattended Property) Act 2021.	<p>THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:</p> <p><i>“That the LGNSW Conference asks the NSW state government to:</i></p> <ol style="list-style-type: none"> <li>1. Provide greater clarity as to what amounts to interference with public amenity, obviating the need to monitor vehicles for 28 days and then send a further notice to the registered owner.”</li> </ol>	<p>The Public Spaces (Unattended Property) Act that came into force on November 1 2022 and section 19 of the Act provides:</p> <p>“An authorised officer may take possession of an item if the officer reasonably believes—</p> <ol style="list-style-type: none"> <li>(a) the item is unattended, and</li> <li>(b) the item—</li> </ol> <p>... (iii) is interfering with public amenity,</p> <p>Noting the high cost and time in administration to Councils in monitoring vehicles under the regulations, whereby in addition to any alert from members of the public on apps such as Snap Send Solve, Council staff are required to monitor vehicles on two occasions, being 28 days apart and then write to the registered owner of the vehicle.</p> <p>That the Government make such photographic evidence on snap send solve as sufficient evidence of commencement of 28 days so that Council staff only need to confirm the presence of the vehicle after 28 days has elapsed.</p> <p>That the Government provide greater clarity as to what amounts to interference with public amenity, perhaps obviating the need to monitor for 28 days and then send a further notice to the registered owner. For example the regular parking of boats trucks trailers in areas around parks and open spaces where in Woollahra there can be as many of 37 such vehicles lined up along an arterial road.</p>

#	Councillor	Title	Proposed Motion	Motion Background
3	Cr Jarvis	Decennial Insurance as another means to promote quality building works.	<p>THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:</p> <p>A. "THAT Councils support the introduction of Decennial Liability Insurance (DLI) as another means to promote quality building works."</p> <p>B. Resolves to:</p> <ol style="list-style-type: none"> <li>1. "Request the State Government to make Decennial liability Insurance (DLI) a mandatory requirement, which will replace the Statutory Warranty requirement; and</li> <li>2. Request that should the State Government make DLI mandatory, that the production of such a certificate of insurance will be made a mandatory requirement for planning consent and/or a precondition to commencement of building works."</li> </ol>	<p>Decennial (ten year) liability insurance (DLI) is being consulted on by the NSW Government</p> <p>DLI is currently optional but may transition to a mandatory requirement with the intent of DLI is to replace the statutory warranty requirement. The benefit of DLI is that insurers take on the risk, and are therefore only going to issue cover to reputable builders.</p> <p>Councils support the introduction of BCI for building projects as a way to ensure that the quality of new buildings is maintained and provide redress for purchasers beyond statutory and defects liability periods.</p>



## 13.1 Environmental Planning Committee

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

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>HYDROGEOLOGICAL AND GEOTECHNICAL STUDY OF THE ROSE BAY AREA AND PROPOSED DCP AMENDMENTS</b>
<b>Authors:</b>	Anne White, Manager Strategic Planning & Place Emilio Andari, Manager Engineering Services
<b>Approvers:</b>	Tom O'Hanlon, Director Infrastructure & Sustainability Scott Pedder, Director Planning & Place
<b>File No:</b>	24/103121
<b>Purpose of the Report:</b>	To provide responses to Councillor questions included in the Council resolution of 11 June 2024. Further responses are also provided for a number of related questions also raised by Councillors and noted by staff at the EPC meeting held on 3 June 2024 or received from Councillors via email.
<b>Alignment to Delivery Program:</b>	To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015. Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.
<b>Recommendation:</b>	
THAT Council:	
A.	Receives and notes the responses to the questions included in the Council resolution at the 11 June 2024 Council meeting, and associated questions received from Councillors during this period.
B.	Notes the previous report to Council tabled at the 11 June 2024 Council meeting, as shown in <b>Attachment 1</b> .
C.	Receives and notes the amended study <i>Rose Bay - Hydrogeological and Geotechnical Impacts</i> (July 2024) prepared by GHD Pty Ltd, as shown in <b>Attachment 2</b> .
D.	Resolves to exhibit <i>Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts</i> , as shown in <b>Attachment 3</b> .

**Item No:** R2 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 31) - AMENDING CONTROLS TO REDUCE EXCAVATION**  
**Author:** Eleanor Smith, Executive Planner  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 24/122016  
**Purpose of the Report:** To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 31) which seeks to amend the excavation provisions with the aim of reducing excavation in new development.  
**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. 31)* on proposed amendments to the excavation provisions.
- B. Approves Draft Woollahra Development Control Plan 2015 (*Amendment No. 31*), as amended, at **Attachment 1** of the report to the Environmental Planning Committee of 5 August 2024 as exhibited.

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**Item No:** R3 Recommendation to Council  
**Subject:** **136-148 NEW SOUTH HEAD ROAD, EDGECLIFF - DRAFT DEVELOPMENT CONTROL PLAN**  
**Authors:** Wai Wai Liang, Strategic Planner  
Jacquelyne Della Bosca, Executive Planner  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 22/225170  
**Purpose of the Report:** To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015 to add a site-specific chapter for land at 136-148 New South Head Road, Edgecliff  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Recommendation:**

THAT Council:

- A. Receives and notes the report on provisions for Part G Site-Specific Controls of the *Woollahra Development Control Plan 2015* applying to 136-148 New South Head Road, Edgecliff.
- B. Resolves to exhibit Draft Woollahra Development Control Plan 2015 (Amendment No. 28) as contained at **Attachment 1** of the report to the Environmental Planning Committee of 5 August 2024.

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**Item No:** R4 Recommendation to Council  
**Subject:** **DELIVERY PROGRAM 2022/23 TO 2025/26 AND OPERATIONAL PLAN 2023/24 PROGRESS REPORT JUNE 2024**

**Author:** Petrina Duffy, Coordinator Strategy & Performance  
**Approvers:** Sue Meekin, Director Corporate Performance  
Scott Pedder, Director Planning & Place  
Patricia Ocelli, Director Community & Customer Experience  
Tom O'Hanlon, Director Infrastructure & Sustainability

**File No:** 24/133365  
**Purpose of the Report:** To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 30 June 2024.

**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 June 2024 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

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## 13.2 Finance, Community & Services Committee

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

**Item No:** R1 Recommendation to Council  
**Subject:** **DISABILITY INCLUSION ACTION PLAN - ANNUAL REPORT 2023/24**  
**Author:** Grant Cummins, Development Officer, Community & Culture  
**Approvers:** Maya Jankovic, Coordinator Community & Culture  
Vicki Munro, Manager Community & Culture  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 24/121613  
**Purpose of the Report:** To inform Council of progress implementing Council's Disability Inclusion Action Plan 2022-2026 for the Financial Year 2023/24  
**Alignment to Delivery Program:** Strategy 2.2: Understand needs of our community so that we can facilitate access to support and services.

**Recommendation:**

THAT the annual report covering the period 2023/24 for the Disability Inclusion Action Plan, 2022-2026 be received and noted.

**Item No:** R2 Recommendation to Council  
**Subject:** **POST PUBLIC EXHIBITION - CHILDREN, YOUTH & FAMILIES STRATEGY AND FOUR YEAR ACTION PLAN**  
**Authors:** Jamie Adams, Development Officer, Community & Culture  
Maya Jankovic, Coordinator Community & Culture  
**Approvers:** Vicki Munro, Manager Community & Culture  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 24/114992  
**Purpose of the Report:** To present the Children, Youth & Families Strategy and Action Plan to Council for adoption, following public exhibition.  
**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. Note the submissions received in relation to the Draft Children, Youth & Families Strategy and Four Year Action Plan report that was placed on public exhibition from 21 June to 18 July 2024.
- B. Adopt the Children, Youth & Families Strategy and Four Year Action Plan (**Attachment 1**), subject to the administrative amendments made at the Finance, Community & Services Committee Meeting held on 5 August 2024.

**Item No:** R3 Recommendation to Council  
**Subject:** **OUTGOING SPONSORSHIP PROGRAM IMPLEMENTATION**  
**Authors:** Emma Rodgers-Wilson, Development Officer, Community & Culture  
Maya Jankovic, Coordinator Community & Culture  
**Approvers:** Vicki Munro, Manager Community & Culture  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 24/103014  
**Purpose of the Report:** To endorse the Outgoing Sponsorship Program Criteria and Priority for 2024/25 and to note the proposed dates for the 2024/25 round.  
**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. Endorse the following Priorities for Sponsorship for the 2024/25 Outgoing Sponsorship Program:
  - i. Cultivating a vibrant Woollahra through initiatives that enhance opportunities for residents and visitors to actively participate in major community and cultural activities, with special focus on performing arts.
  - ii. Long standing initiatives that have enabled the growth of social capital and delivered community building outcomes.
- B. Note that funding for 2024/25 will not be provided for projects which have already being funded through the 2024/25 Grants program.
- C. Note the proposed dates for the implementation of the 2024/25 Outgoing Sponsorship Program.

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**Item No:** R4 Recommendation to Council  
**Subject:** **DRAFT EVENTS POLICY AND DRAFT EVENTS STRATEGY FOR PUBLIC EXHIBITION**  
**Author:** Linda Caporusso, Event Coordinator  
**Approvers:** Justine Henderson, Manager Communications & Engagement  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 24/131386  
**Purpose of the Report:** To provide members of the FC&S Committee with the amended Events Policy and the draft Events Strategy for feedback and endorsement.  
**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. Endorse the draft Events Policy presented as **Attachment 1** for the purpose of public exhibition for a period of 28 days.
- B. Endorse the draft Events Strategy presented as **Attachment 2** for the purpose of public exhibition for a period of 28 days.

**Item No:** R5 Recommendation to Council  
**Subject:** **DRAFT WOOLLAHRA ARTS AND CULTURE STRATEGY AND ACTION PLAN, 2024-2028**  
**Author:** Vicki Munro, Manager Community & Culture  
**Approver:** Patricia Occelli, Director Community & Customer Experience  
**File No:** 24/134825  
**Purpose of the Report:** To present the Draft Woollahra Arts and Culture Strategy and Action Plan, 2024-2028 to Council to be placed on public exhibition for a period of 28 days.  
**Alignment to Delivery Program:** Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

**Recommendation:**

THAT Council:

- A. Endorse the Draft Woollahra Arts and Culture Strategy and Action Plan, 2024-2028 presented as **Attachment 1** for the purpose of public exhibition for a period of 28 days.
- B. Notes that a further report will be tabled at a future meeting of Council on submissions received to the Draft Woollahra Arts and Culture Strategy and Action Plan.

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**Item No:** R6 Recommendation to Council  
**Subject:** **MONTHLY FINANCIAL REPORT - 30 JUNE 2024 INVESTMENT HELD AS AT 31 JULY 2024**  
**Author:** Abdullah Rayhan, Team Leader Financial Services  
**Approvers:** Paul Ryan, Chief Financial Officer  
Sue Meekin, Director Corporate Performance  
**File No:** 24/125457  
**Purpose of the Report:** To present the monthly financial report for June 2024 and to present a list of investments held as of 31 July 2024.  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

**Recommendation:**

THAT Council:

- A. Receive and note the Monthly Financial Report – June 2024.
- B. Note that the Council's 12-month weighted average return for June 2024 on its direct investment portfolio of 5.25% (LM: 5.26%, LY: 4.28%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.41%.
- C. Note that the interest revenue for the year to date June 2024 is \$5.22M, exceeding our revised year to date budget of \$4.69M for the same period.
- D. Receive and note the list of Council's investments held as of 31 July 2024 (provided as late correspondence).

**Item No:** R7 Recommendation to Council  
**Subject:** **CAPITAL WORKS PROGRAM STATUS REPORT - JUNE 2024  
INCLUDING 2023-24 BUDGET ROLLOVERS AND REVOTES**

**Authors:** Petrina Duffy, Coordinator Strategy & Performance  
Henrietta McGilvray, Senior Corporate Accountant  
Esther Hii, Acting Senior Corporate Accountant  
Paul Ryan, Chief Financial Officer

**Approvers:** Sue Meekin, Director Corporate Performance  
Tom O'Hanlon, Director Infrastructure & Sustainability

**File No:** 24/79564  
**Purpose of the Report:** To provide the Committee with an update on the status of projects in the 2023-24 Capital Works Program and to report on the 2023-24 Budget rollovers and revotes

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

**Recommendation:**

THAT Council:

- A. Note and receive the Quarterly Progress Report – Capital Works Program for June 2024.
- B. Approve the items identified as “Revote” in Attachment 1 totalling \$822,751 and in Attachment 2 totalling \$1,630,432 to the 2024-25 Budget.
- C. Note that the net impact of the operational rollovers is a decrease in Council's 2024-25 Net Operating Result before Capital Grants & Contributions of \$1.228m to a surplus of \$485k.

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**Item No:** R8 Recommendation to Council  
**Subject:** **DELIVERY PROGRAM 2022/23 TO 2025/26 AND OPERATIONAL PLAN 2023/24 PROGRESS REPORT JUNE 2024**

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

**File No:** 24/133354  
**Purpose of the Report:** To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 30 June 2024.

**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 June 2024 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

**Item No:** R9 Recommendation to Council  
**Subject:** **CLOSING AND SALE OF ROAD RESERVE IN WILLARA LANE  
ADJOINING 49 & 53 WUNULLA ROAD, POINT PIPER (SC5969)**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager Property & Projects  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 24/20562  
**Purpose of the Report:** To consider the closing and sale of road reserve in Willara Lane adjoining  
49 & 53 Wunulla Road, Point Piper  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

**Recommendation:**

THAT Council:

- A. Proceed with the sale of Willara Lane road reserve to the adjoining owners 49 & 53 Wunulla Road, Point Piper Point with the following conditions:
  - i. A purchase price of \$10,455 per square metre (excl GST) for proposed lot 101 being an estimated 140.5 sqm road reserve portion and equating to \$1,468,182 (excl GST), subject to final survey.
  - ii. A purchase price of \$10,455 per square metre (excl GST) for proposed lot 102 being an estimated 31.76 sqm road reserve portion and equating to \$331,818 (excl GST), subject to final survey.
  - iii. A 10% deposit of \$146,893 is paid to Council by the purchaser of proposed lot 101, and \$33,205 by the purchaser of proposed lot 102 within 28 days of Council approval.
- B. Subject to A above, in accordance with Section 38D Roads Act, 1993 Council approve the closing of the subject 172.26 sqm of Willara Lane road reserve adjoining 49 and 53 Wunulla Road, provided that each purchaser enters into a conditional Contract of Sale with the Council.
- C. Approve entering into easements with utility providers Jemena, and Sydney Water; and with owner No's 49 and 53 regarding Council Stormwater pipe (easement to drain water), plus the creation of an easement for a Right of Carriageway across the full width of Willara Lane.
- D. Subject to points A to C above, Council authorise the Mayor and General Manager to execute and affix the Council Seal to all necessary documentation to effect the Road closure and sale, e.g. Plan of Road Subdivision and closing, Transfer document etc.
- E. That a condition of the sale be included that any fencing erected not impede the public view of the harbour.

**Item No:** R10 Recommendation to Council  
**Subject:** **REQUEST FOR TENDERS FOR THE LEASE AND OPERATION OF  
LYNE PARK TENNIS CENTRE AT 550 NEW SOUTH HEAD ROAD  
ROSE BAY**  
**Author:** Michelle Perez, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager Property & Projects  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 24/121789  
**Purpose of the Report:** To inform Council of Officers' intention to invite Tenders for the lease and operation of Lyne Park Tennis Centre  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

**Recommendation:**

THAT Council:

- A. Resolves to initiate request for Tenders for the lease and operation of Lyne Park Tennis Centre at 550 New South Head Road Rose Bay comprising the six (6) courts and operation of the cafe in connection with use of the courts.
- B. Includes provisions in the Tender to allow for multi-sport use of two courts, ensuring diverse activities can take place to optimise usage of the courts.
- C. Includes provisions that the public toilet building be included in the Tender as a separable portion with Tenderers to make submissions on its use.

**Item No:** R11 Recommendation to Council  
**Subject:** **CONSIDERATION OF TENDER RESPONSES FOR THE LEASE AND OPERATION OF WATSONS BAY TEA ROOMS AT 8 MARINE PARADE, WATSONS BAY - TENDER SC7974**  
**Authors:** Jim Allison, Senior Property Officer  
Michelle Perez, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager Property & Projects  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 24/129350  
**Purpose of the Report:** To consider responses to the tender for the Lease and Operation of Watsons Bay Tea Rooms, tender no. SC7974  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

**Recommendation:**

THAT Council:

- A. Accepts the tender submitted from Baithouse Watsons Bay Pty Ltd for the sum of \$56,818.18 excl. GST per annum for rent and enters into a Lease and Deed of Agreement for the Operation of Watsons Bay Tea Rooms Cafe, 8 Marine Parade, Watsons Bay for an initial term of five years plus a five-year option term with CPI annual rent increases and a review to market.
- B. Requires a comprehensive work, health and safety plan specific to the use of the premises to be submitted prior to formalising any lease agreement.
- C. Authorises the General Manager to execute all legal documents required to enter into a Lease and Deed of Agreement with Baithouse Watsons Bay Pty Ltd.

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**Item No:** R12 Recommendation to Council  
**Subject:** **REVIEW OF COUNCIL'S PRIVACY MANAGEMENT PLAN**  
**Author:** Jennifer Chenhall, Manager Governance & Risk  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 23/2397  
**Purpose of the Report:** To present to Council for consideration the Draft Privacy Management Plan  
**Alignment to Delivery Program:** Strategy 11.3: Ensure effective and efficient governance and risk management.

**Recommendation:**

THAT Council adopts the revised Privacy Management Plan as shown at **Attachment 1** to this report.

**Item No:** R13 Recommendation to Council  
**Subject:** **FITZWILLIAM ROAD AND BURRABIRRA AVENUE, VAUCLUSE - TRAFFIC CALMING MEASURES DESIGN PLAN**  
**Author:** Ever Fang, Traffic & Transport Team Leader  
**Approver:** Emilio Andari, Manager Engineering Services  
**File No:** 24/139471  
**Purpose of the Report:** To improve road safety address local flooding issues.at this intersection.  
**Alignment to Delivery Program:** Strategy 6.1: Facilitate an improved network of accessible and safe active transport options.

**Note:** In accordance with Council's meeting procedures and policy, this matter is referred to full Council on 12 August 2024, due to a division of votes, 3 for the Motion and 3 against the Motion.

**Recommendation:**

THAT the design plan for the proposed kerb extension and infrastructure upgrades at the intersection of Fitzwilliam Road at Burrabirra Avenue, Vaucluse, and installation of 'Give Way' control with associated signs and line markings (as per attached Attachment 1 – Design Plan) be approved.

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**Item No:** R14 Recommendation to Council  
**Subject:** **WATSONS BAY PERMIT PARKING TRIAL REVIEW**  
**Author:** Ever Fang, Traffic & Transport Team Leader  
**Approver:** Emilio Andari, Manager Engineering Services  
**File No:** 24/139473  
**Purpose of the Report:** To review the trial permit parking scheme  
**Alignment to Delivery Program:** Strategy 6.2: Management of public parking on-street and off-street.

**Note:** In accordance with Council's meeting procedures and policy, this matter is referred to full Council on 12 August 2024, due to a substantive change of the Committee's Recommendation.

**Recommendation:**

THAT the matter be referred to the next Council Meeting of the 12 August 2024 in order for staff to obtain a cost-estimate on seeking legal advice on the question of the legality of the new guidelines as advised by TfNSW; i.e. whether they were duly authorised under the relevant legislation.

## 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).

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## 16. Notices of Motion

**Item No:** 16.1  
**Subject:** **NOTICE OF MOTION - SAVE OUR SYDNEY HARBOUR**  
**From:** Councillors Lucinda Regan, Luise Elsing and Merrill Witt  
**Date:** 23 July 2024  
**File No:** 24/129632

### Recommendation:

THAT Council:

- A. Notes the ePetition lodged by the Waterfront Action Group together with other concerned groups with the NSW Legislative Assembly, concerning the NSW State Government's failure to take proper care of Sydney Harbour particularly in terms of pollution by redundant, decaying vessels and orphaned infrastructure:
- B. Supports the above petition; and
- C. Will promote the above petition through Council's website and social media, noting the petition is open until 26 December 2024.

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### Background

Waterfront Action Group (WAG) together with several other concerned groups has lodged an ePetition with the NSW Legislative Assembly (refer to link below) concerning the Government's failure to take proper care of Sydney Harbour, which is being polluted by redundant, decaying vessels and orphaned infrastructure.

<https://www.parliament.nsw.gov.au/la/pages/epetitiondetails.aspx?q=DqXN3A0U4R3g8W25kiQwMw>

This waste pollutes the waterways and harbour floor and impacts on public amenity. WAG has the support of many Members of Parliament, other Sydney councils such as North Sydney and City of Sydney as well as Clean Up Australia.

Sydney Harbour is a public asset used and enjoyed by millions of people each year. In 2013 the harbour was recognised as Australia's 16th national landscape. Australia's National Landscapes program recognises places of great cultural, natural and spiritual significance including World Heritage-listed sites.

Woollahra Council has a proud tradition of seeking to protect those parts of the harbour foreshore that fall within its municipal control, through its establishment of active beach working parties (like the Rose Bay Beach Working Party) and through its participation in Clean Up Australia days along its harbour foreshores. It is therefore well placed to support this petition and to inform its residents of the petition.

See also "An 'embarrassment' to Sydneysiders: Our harbour junkyard revealed" Carrie Fellner SMH 19 July 2024:

<https://www.smh.com.au/national/nsw/an-embarrassment-to-sydneysiders-our-harbour-junkyard-revealed-20240719-p5juy6.html>

**Clean Up Australia Day letter in support of the petition:**



23<sup>rd</sup> May 2024

Dear Stuart,

Clean Up Australia is pleased to endorse the Save Our Sydney Harbour campaign and encourages the community to get behind it by signing the e-petition. Congratulations to you and your community for taking action to clean up Sydney Harbour for current and future generations.

Over the past three decades, Clean Up Australia's success has been a testament to the power of community action. With over 21 million Australians participating in our activities and events, we have evolved to provide practical solutions for sustainable living throughout the year. Thanks to the support of communities like yours, we are proud to be one of the country's most recognised, credible, and trusted environmental charities.

Our mission is to inspire and work with communities to clean up, fix up, and conserve our environment. Today, our focus is not only on removing the rubbish that has already accumulated but also on preventing it from entering our environment in the first place.

We deeply appreciate your group's efforts to keep our iconic Sydney Harbour free from pollution. Your environmental contributions are commendable and a perfect reflection of our mission. We stand with you in this important endeavour.

We wish you all the very best as the campaign moves forward. Clean Up Australia is proud to support this important initiative to preserve the beauty and health of Sydney Harbour.

Yours sincerely,

Jenny Geddes  
CEO, Clean Up Australia

**Clean Up Australia Ltd**  
ACN 003 884 001 ARN 93 003 884 001  
Level 4, 233 Castlereagh St Sydney NSW 2000

E: [cleanup@cleanup.com.au](mailto:cleanup@cleanup.com.au) T: (02) 8197 3400 W: [cleanup.org.au](http://cleanup.org.au)

**Item No:** 16.2  
**Subject:** **NOTICE OF MOTION - RECYCLING FURNITURE FOR THOSE IN NEED**  
**From:** Councillor Sarah Swan  
**Date:** 06 August 2024  
**File No:** 24/139300

**Recommendation:**

THAT Council request the General Manager table a report at a November 2024 Council meeting on how Council can partner with charities such as Relove with a view to collecting high-quality, functioning furniture that is currently left out as part of scheduled Council clean-ups and providing this furniture for those in need, with that furniture otherwise being sent to landfill.

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**Background**

On 8 July 2024 Council unanimously resolved to provide further support for victims of family violence.

Relove is a registered charity supporting women and children impacted by family violence, people experiencing homelessness, men and women coming out of incarceration and people seeking asylum.

Relove provides good quality rescued furniture and household items at no cost direct to families in crises.

Everybody deserves the chance to re-start and as a Council, we should be assisting families creating safe, liveable homes. The primary goal is to provide for those in need, with a secondary environmental benefit that high-quality functioning furniture will not end up in landfill.

It is expected that the report would cover opportunities related to our existing scheduled Council clean-ups and or opportunities to have separate clean-up days dedicated to this cause outside the ordinary council clean-up schedule.

One of the challenges faced by charities such as Relove is manpower, and it is requested that the report would also consider whether furniture which is sufficiently high-quality could be delivered to the charities who wish to be involved.

It is expected that there will be other organisations which may benefit from a program like this.



**Item No:** 16.3  
**Subject:** **NOTICE OF MOTION - PROMOTING ONLY QUALITY CONSTRUCTION**  
**From:** Councillor Mary-Lou Jarvis  
**Date:** 06 August 2024  
**File No:** 24/139341

**Recommendation:**

THAT Council:

- A. Applauds the work of the Building Commissioner David Chandler OAM and regrets that his term as Building Commissioner expires in August. Woollahra Council particularly thanks him for his examination and action in relation to poor or defective building work in the Woollahra Council area.
- B. Writes to the Minister for Better Regulation and Fair Trading to:
  - i. Urge the NSW Government to continue the important work of Project Intervene upon the appointment of a new Building Commissioner noting that registrations for that project are now closed yet defective building work will continue;
  - ii. Note that given the target of 1900 net additional dwellings required by the NSW Government, which will be mostly apartment buildings and a handful of dual occupancies, we anticipate instances of defective work will no doubt multiply and it is important owners have redress;
  - iii. Support a future focus work by the Builder Commissioner on class 1 buildings as well (being single dwelling Housing) to ensure that defective buildings can be remediated.
- C. Writes to Charas Constructions Pty Ltd and advise that Woollahra Council notes that the Woollahra Council award their website promotes was presented to MHN Design for the building in Spencer Street, Rose Bay called Belgravia. The winners were the designers MHN Architects and not the developers or builders Charas Constructions and that it should remove all endorsement by or reference to the Council.
- D. Staff report to Council on other building works in the Woollahra Council area that have been subject to Project Intervene or orders by the Commission so that the public and in particular owners or prospective property purchasers can be informed of defective work by builders operating in our area.

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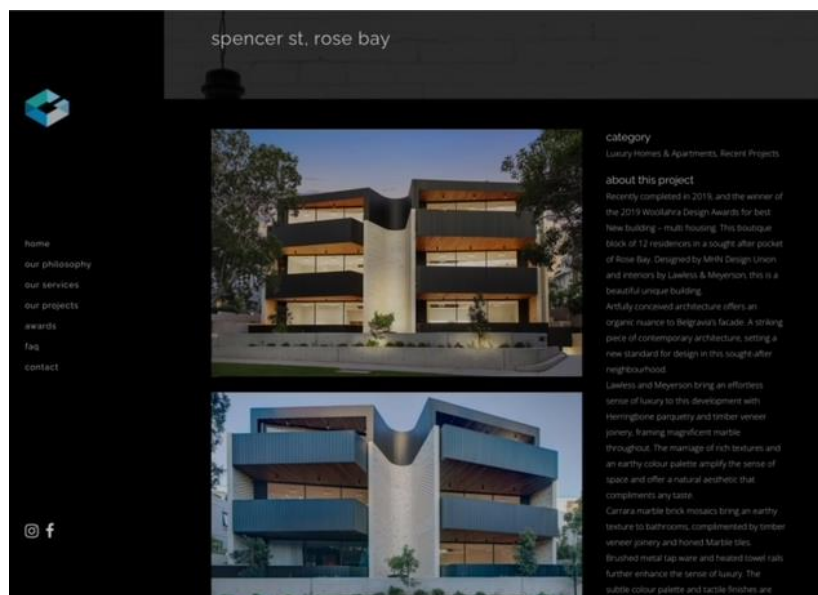
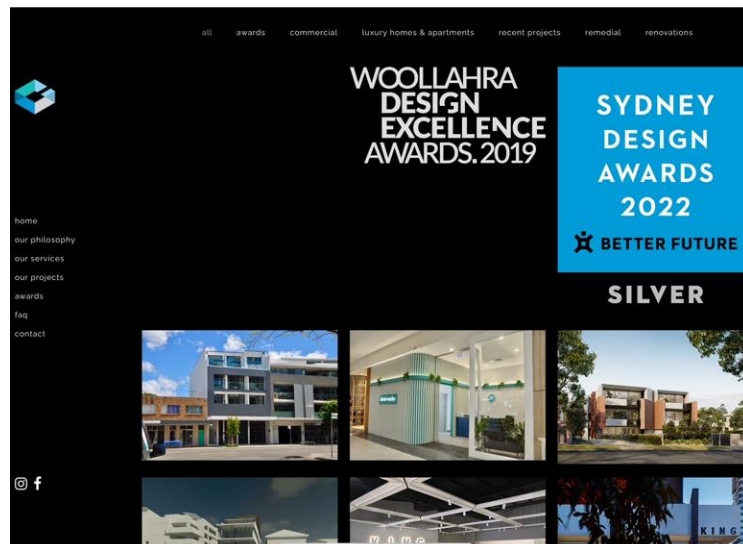
**Background**

The Building Commission NSW is the building regulator, ensuring the quality of residential buildings. Led by NSW Building Commissioner, David Chandler OAM the Commission oversees and regulates the construction industry. Mr Chandler was appointed by the Berejiklian NSW Government in 2019 and has been responsible for an initiative - Project Intervene - established in August 2022 by the then Minister for Fair Trading to respond to serious defects in recently completed and occupied apartment buildings.

When our residents approach us as Councillors with complaints about the quality of building works there is very little we can do in response to defective work especially where a private certifier states it is to a satisfactory standard. Yet it is cause of angst to them to discover they are living in defective new buildings especially apartment buildings. There is often protracted fights with the builder beyond defects liability periods. Project Intervene applies to projects serious defects in the common property of residential apartment buildings that are up to ten years old.

222 projects were accepted into Project Intervene and of those 200 building findings were issued, a further 126 rectification orders made and 75 deeds to rectify have been signed by builders. Despite the results and efforts to resolve serious defects in residential apartment buildings regrettably registrations for the project have now been closed:  
<https://www.nsw.gov.au/departments-and-agencies/building-commission/project-intervene>

This particular building project is in Spencer Street Rose Bay. It is one where the builder Charas Constructions advertises that it ‘builds better’ and its website prominently includes a reference to Woollahra Council design excellence award in 2019 as appears below:



The 2019 award was presented to MHN Design for the building in Spencer Street, Rose Bay called Belgravia. The winners were the designers MHN Architects and not the developers or builders Charas Constructions. It is suggested that the Council should dissociate itself from the building project and that the Council endorsed the architectural design not the building quality as the site might mislead prospective clients.

The Building commission also maintains a register of in-force prohibition orders, building work rectification orders, and stop work orders for buildings with residential apartments :

<https://www.nsw.gov.au/departments-and-agencies/building-commission/register-of-building-work-orders?page=1>

Of the 144 orders listed on the register at least a further 2 are in Vaucluse ward. There are no doubt others in our Council area.



**Item No:** 16.4  
**Subject:** **NOTICE OF MOTION - FEMALE CHANGE ROOMS -  
EASTERN SUBURBS DISTRICT RUGBY UNION FOOTBALL CLUB**  
**From:** Councillors Sarah Swan, Richard Shields and Susan Wynne  
**Date:** 07 August 2024  
**File No:** 24/139827

**Recommendation:**

THAT Council request the General Manager table a report at an October 2024 Council meeting that details options for Council to contribute \$500,000 towards the construction of female change rooms at the Woollahra Council owned land at Eastern Suburbs District Rugby Union Football Club.

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**Item No:** 16.5  
**Subject:** **NOTICE OF MOTION - NO NUCLEAR**  
**From:** Councillors Matthew Robertson and Nicola Grieve  
**Date:** 07 August 2024  
**File No:** 24/140218

**Recommendation:**

THAT Council:

A. Notes:

1. Tuesday, 6 August 2024 is Hiroshima Day and the 79th anniversary of the first use of nuclear weapons in warfare.
2. The Bulletin of the Atomic Scientists Doomsday Clock was moved forward and set at 90 seconds to midnight, the closest it has ever been to global catastrophe.
3. The risks posed to the environment and human health associated with nuclear waste resulting from nuclear power generation as well as the devastating impacts resulting from the use of nuclear weapons.
4. Randwick City Council is a declared nuclear free zone since 1981.
5. Waverley Council is a declared nuclear free zone since at least 2006.

B. Resolves to:

1. Declare the Woollahra LGA a nuclear free zone
2. Commit support to the International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal, which supports the UN-adopted Treaty on the prohibition of Nuclear Weapons, as follows: *"Our city/town is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment."*
3. Oppose the AUKUS nuclear submarine agreement.
4. Request staff to
  - a. Prepare a report covering:
    - i. Council's support for the ICAN Cities Appeal
    - ii. the erection of signage at entrances to the municipality, including along our marine boundaries; and
    - iii. any other budgetary implications
  - b. deliver appropriate promotion of this resolution to communicate Council's nuclear free zone declaration to residents and the wider community ,

C. Requests the Mayor to:

1. Write to the Prime Minister, the Hon Anthony Albanese, the Deputy Prime Minister and Minister for Defence, the Hon Richard Marles, the Foreign Affairs Minister, Penny Wong, the Leader of the Opposition, the Hon Peter Dutton, the Shadow Minister for Defence, the Hon Andrew Hastie, and the Shadow Foreign Affairs Minister, the Hon Simon Birmingham, and the Australian Greens Defence spokesperson, Senator David Shoebridge, to express Council's strong concerns and opposition to the AUKUS agreement; and to copy this correspondence to the Member for Wentworth, Allegra Spender MP, the Member for Sydney, Alex Greenwich MP, the Member for Vaucluse Kelly Sloane MP, and the Mayors of Waverley and Randwick Councils.

2. Writes to the Leader of the Opposition Peter Dutton and the Shadow Minister for Energy, the Hon Ted O'Brien, copying the Prime Minister, Anthony Albanese and the Minister for Energy the Hon Chris Bowen, the Member for Wentworth, Allegra Spender MP, the Member for Sydney, Alex Greenwich MP, and the Member for Vaucluse Kelly Sloane MP, to express Council's strong concerns about the Liberal Party's policy to
3. develop publicly funded nuclear power and particularising the following specific issues:
  - Nuclear waste
  - Expense and economic infeasibility
  - Lack of consultation
  - Environmental impacts
  - Lack of a developed nuclear industry in Australia
  - Australia's 1998 nuclear ban imposed by the Howard Government

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## Background

The declaration of a nuclear free zone is a symbolic statement banning nuclear weapons and nuclear power. It does not prohibit radiopharmaceuticals used in nuclear medicine.

Over 100 local government areas have declared themselves nuclear free zones. Wollongong has a longstanding commitment as a nuclear free zone, having first made that declaration in 1980 and renewing the commitment several times.

Nuclear power and nuclear weapons pose a serious threat to human and environmental health and safety. An uncontrolled nuclear reaction can cause widespread contamination of air and water, something which has occurred most notably in Fukushima in Japan and Chernobyl in Ukraine. To date, 1.5% of all nuclear power plants ever built have melted down to some degree. Nuclear power also creates radioactive waste that remains dangerous to human health for thousands of years. Nuclear weapons cause catastrophic harm and are a threat to the safety and security of all life on earth. They are the most destructive, inhumane and indiscriminate weapons ever created. A world without nuclear weapons is a world that is safer and more secure.

Further information about the International Campaign to Abolish Nuclear Weapons (ICAN) is available here: <https://www.icanw.org/>

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## 17. Questions With Notice

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### Recommendation:

THAT the Questions with Notice be received and noted.

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### Background:

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

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

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**QWN:** 17.1  
**From:** Councillor Regan  
**Subject:** Questions with Notice - Change Rooms - Andrew Petrie Oval

### Councillor Regan asking:

To the Director Infrastructure and Sustainability regarding the women's change rooms to be constructed by Easts Rugby Club at Woollahra Oval.

Could the Director please provide:

1. an update as to the status of delivery by the Easts Rugby Club of the women's change rooms at Woollahra Oval; and
2. any information as to when such a facility is likely to be delivered, having regard to development approval provided by Council for this facility.

### Director Infrastructure and Sustainability in response:

As reported to Council in November 2023, the previous Development Consent for the change rooms servicing Andrew Petrie Oval is proposed to be superseded by a new Development Application for a revised and scaled down scheme. The new Development Application will be considered by the Woollahra Local Planning Panel on 15 August 2024. No information is currently available regarding timing of construction, noting that the project is managed by Easts Rugby and not Council. Council officers understand that Easts Rugby are currently seeking to source additional funding for the project to complement a grant received by the NSW Office of Sport.

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