



Ordinary Council

Monday 26 August 2024

5.30pm

Agenda



Council Meeting

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

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

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

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

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

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

Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

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People connecting to this meeting by conferencing technology or teleconference are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The audio recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

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

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

Quorum: The quorum for Council meeting is 8 Councillors

Woollahra Municipal Council

Notice of Meeting

22 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 – 26 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 26 August 2024 at 5.30pm.**

Members of the Public may:

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

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

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

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

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

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting

Agenda

Page

1.	Opening	
2.	Prayer	
3.	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
4.	Acknowledgement of the Sovereign of the Day (King Charles III)	
5.	Apologies and Applications for a Leave of Absence or Attendance by Audio-Visual Link by Councillors	
6.	Confirmation of Minutes	7
6.1	Confirmation of Council Minutes - 12 August 2024 - 24/139870.....	7
7.	Late Correspondence	Nil
8.	Disclosures of Interest	
9.	Petitions Tabled	
10.	Mayoral Minute	Nil
11.	Public Forum	
12.	General Manager and Officer's Report.....	61
12.1	Report on the allocation of Grant Funding in support of the Bondi Junction Westfield Incident - 24/129652.....	61
13.	Reports of the Committees	Nil
14.	Rescission Motion	Nil
15.	Councillor Reports/Councillor Updates (Section 8.4).....	65
16.	Notices of Motion	67
16.1	Notice of Motion - Litigation Protocol Policy - 24/139845	67
16.2	Notice of Motion - Promoting only Quality Construction - 24/144130.....	69
17.	Questions With Notice	71
17.1	Questions with Notice - Stormwater Harvesting - 24/148951	71
17.2	Questions with Notice - Boats trailers and Other Vehicles Overstaying their Welcome on Our Roads - 24/150759.....	72
18.	Supplementary Responses to Previous Questions with Notice	Nil
19.	Confidential Matters	Nil
20.	Conclusion of the Meeting	

6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION OF COUNCIL MINUTES - 12 AUGUST 2024
Author:	Sue O'Connor, Governance Officer
File No:	24/139870
Purpose of the Report:	The Minutes of the Council of 12 August 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.

Recommendation:

THAT the Minutes of the Council Meeting of 12 August 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Council Meeting Minutes of 12 August 2024 for confirmation.

Discussion:

The Council Meeting 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 Meeting 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 Meeting.

Attachments

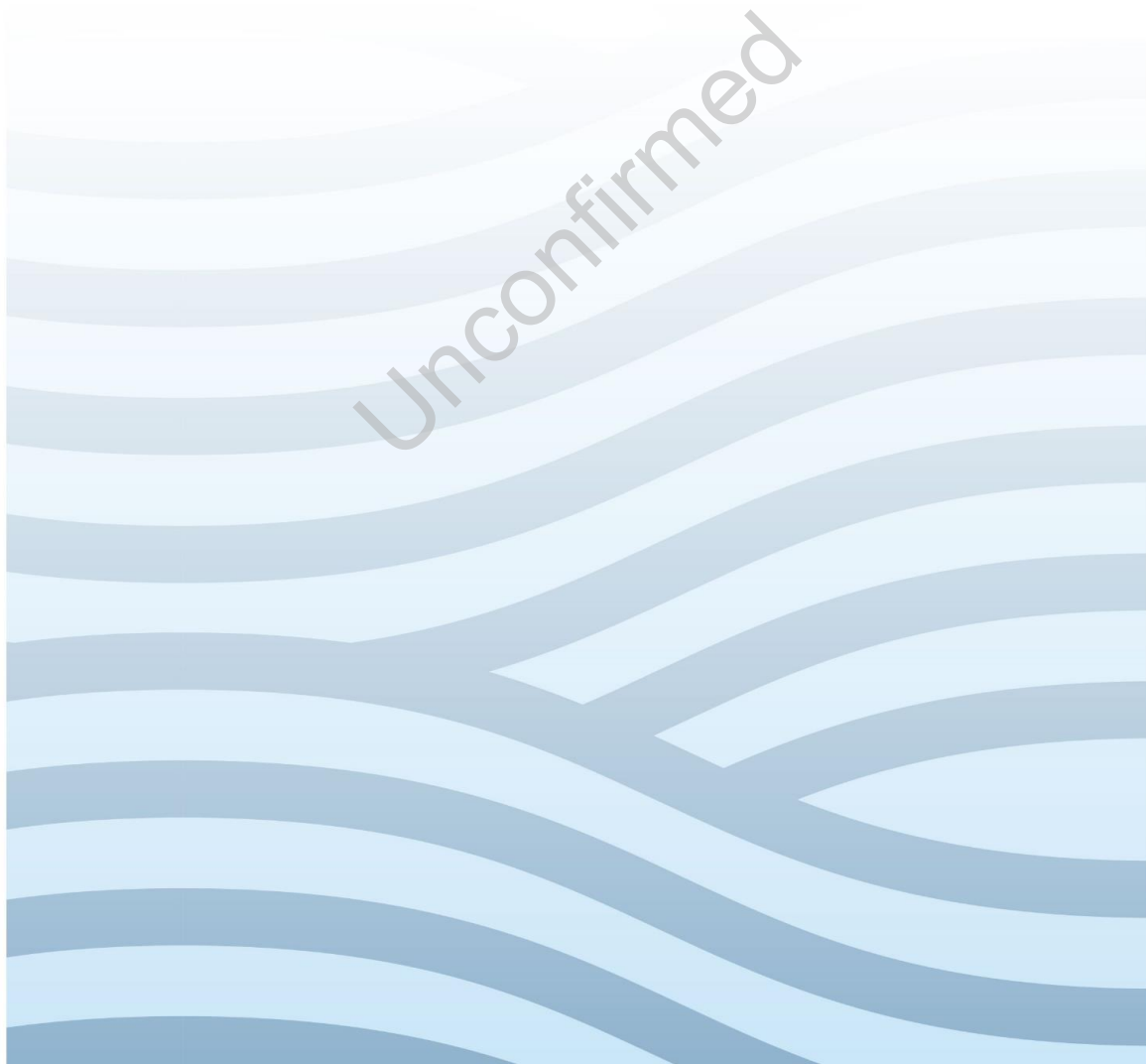
1. Unconfirmed Council Minutes - 12 August 2024 [↓](#) 



Ordinary Council

Monday 12 August 2024
6.30pm

Minutes



Ordinary Council Meeting

Monday 12 August 2024

Table of Contents

	Page
1. Opening	477
2. Prayer	477
3. Acknowledgement of Country (Gadigal People and Birrabirragal People)	477
4. Acknowledgement of the Sovereign of the Day (King Charles III)	477
5. Leave of Absence, Apologies and Attendance by Audio-Visual Link by Councillors	477
An apology was received and accepted from Councillor Elsing and leave of absence granted.	477
5.1 Attendance by Audio Visual Link	477
6. Confirmation of Minutes	478
6.1 Confirmation of Minutes Council - 22 July 2024	478
7. Late Correspondence	479
8. Disclosures of Interest	479
9. Petitions Tabled	480
10. Mayoral Minute	481
10.1 Congratulations to Olympian and Local Resident, Grae Morris	481
11. Public Forum	482
12. General Manager and Officer's Report	483
12.1 Proposed Supporting Program for Woollahra 2025	483
12.2 Tender for the Design & Construction of Wilberforce Avenue Car Park - 17 Dover Road, Rose Bay NSW 2029	484
12.3 Local Government NSW (LGNSW) Annual General Conference 2024 - Proposed Motions and Attendance	485
13. Reports of the Committees	488
13.1 Environmental Planning Committee 5 August 2024	488
13.2 Finance, Community & Services Committee 5 August 2024	493
14. Rescission Motion	510
15. Councillor Reports/Councillor Updates (Section 8.4)	511
15.1 Never Again, the Fight Against Antisemitism	511
15.2 Mens' Shed	511
15.3 City2Surf	511
15.4 National Tree Planting Day	511
15.5 Raoul Wallenberg Commemoration	512
15.6 Opening of Gugara Park in Paddington	512
15.7 East Rugby Ladies Lunch & Citizenship Ceremony	513
16. Notices of Motion	514
16.1 Notice of Motion - Save our Sydney Harbour	514
16.2 Notice of Motion - Recycling Furniture for Those in Need	515
16.3 Notice of Motion - Promoting only Quality Construction	516
16.4 Notice of Motion - Female Change Rooms - Eastern Suburbs District Rugby Union Football Club	518
16.5 Notice of Motion - No Nuclear	519

Woollahra Municipal Council
Ordinary Council Meeting Minutes 12 August 2024

16.6 Notice of Motion - Bay Street Initiative - December Event.....	521
17. Questions With Notice	522
17.1 Questions with Notice - Change Rooms - Andrew Petrie Oval.....	522
18. Supplementary Responses to Previous Questions with Notice	523
19. Confidential Matters.....	523
20. Conclusion of the Meeting	523

Unconfirmed

Items Determined Under Delegated Authority by Council Committees

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

Environmental Planning Committee held on Monday 05 August 2024

- D1 Confirmation of Minutes of Meeting held on 1 July 2024
- D2 Paddington Heritage Conservation Area Working Party Meeting Minutes - 27 June 2024
- D3 Register of Current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environment and Health Control Matters
- D4 Woollahra Local Planning Panel Register of Planning Decisions and Analysis

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

- D1 Confirmation of Minutes of Meeting held on 1 July 2024
- D2 Woollahra Local Traffic Committee Minutes - 2 July 2024
- D3 Woollahra Local Traffic Committee Minutes - 26 July 2024
- D4 Confirmation of Minutes of Inclusion (Disability, Aged & Carers) Advisory Committee Meeting held on 3 July 2024
- D5 Confirmation of Minutes of the Public Art Panel Meeting held on 20 June 2024
- D6 Confirmation of Minutes of Arts and Culture Advisory Committee held on 15 July 2024

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

Ordinary Council Meeting

**Minutes of the Meeting of Ordinary Council
held at the Council Chambers,
536 New South Head Road, Double Bay, on**

12 August 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)
Nicola Grieve
Mary-Lou Jarvis (via Zoom)
Harriet Price
Lucinda Regan
Matthew Robertson (via Zoom)
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne
Toni Zeltzer (joined meeting at 6.40pm during Item 12.1) (via Zoom)
(left meeting at 10.04pm during Item 16.4)

Staff: Emilio Andari (Manager – Engineering Services)
Jennifer Chenhall (Manager – Governance & Risk)
Zubin Marolia (Manager – Property & Projects) (via Zoom)
Sue Meekin (Director – Corporate Performance)
Carolyn Nurmi (Governance Officer)
Patricia Occelli (Director – Community & Customer Experience)
Tom O’Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager) (via Zoom)
Anne White (Manager – Strategic Planning & Place) (via Zoom)

Also in Attendance: Nil

Note: Item 13.2 - R9 (Closing and Sale of Road Reserve in Willara Lane adjoining 49 & 53 Wunulla Road, Point Piper) was heard after Item 13.2 - R14 (Watsons Bay Permit Parking Trial Review).

1. Opening

The Mayor declared the Ordinary Council Meeting of 12 August 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

(Wynne/Shapiro)

116/24

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 12 August 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Jarvis
- Councillor Robertson
- Councillor Swan
- Councillor Zeltzer

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

Nil

13/0

6. Confirmation of Minutes

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

(Wynne/Silcocks)

143/24 Resolved:

THAT the Minutes of the Council Meeting of 22 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 Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

13/0

Page 478

7. Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item 12.2, FC&S Item R13, NOM 16.1 & Confidential late correspondence FC&S Items R9 & R14.

8. Disclosures of Interest

Councillor Regan declared a Non-Significant, Non-Pecuniary Interest in Item 16.4 (Notice of Motion - Female Change Rooms - Eastern Suburbs District Rugby Union Football Club), as Councillor Regan's husband is a member of Eastern Suburbs District Rugby Union Football Club. Councillor Regan further disclosed that her daughter's close friend plays First Grade for the Eastern Suburbs Women's Rugby Team. Councillor Regan remained in the meeting, participated in debate and voted on the matter.

Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in Item 13.2 - R13 (Fitzwilliam Road and Burrabirra Avenue, Vaucluse – Traffic Calming Measures Design Plan), as Councillor Carmichael knows one of the residents involved in the matter. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in Item 16.1 (Notice of Motion - Save our Sydney Harbour), as Councillor Carmichael knows one of the persons named in the submissions. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Councillor Price declared a Non-Significant, Non-Pecuniary Interest in Item 13.2 - R13 (Fitzwilliam Road and Burrabirra Avenue, Vaucluse – Traffic Calming Measures Design Plan), as Councillor Price knows one of the persons named in the submissions. Councillor Price remained in the meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in Item 16.1 (Notice of Motion - Save our Sydney Harbour), as Councillor Jarvis knows one of the persons named in the submissions. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in Item 13.1 – R3 (136-148 New South Head Road, Edgecliff – Draft Development Control Plan) as Councillor Jarvis is one of Council's representatives on the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting during this item, did not participate in debate and did not vote on the matter.

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in Item 13.1 – R3 (136-148 New South Head Road, Edgecliff – Draft Development Control Plan), as Councillor Robertson is one of Council's representatives on the Sydney Eastern City Planning Panel. Councillor Robertson left the meeting during this item, did not participate in debate and did not vote on the matter.

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in Item 16.4 (Notice of Motion - Female Change Rooms - Eastern Suburbs District Rugby Union Football Club), as Councillor Swan recently attended the Easts Ladies Day event however, paid for her own entry ticket. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in Item 16.6 (Notice of Motion - Bay Street Initiative - December Event), as Councillor Swan recently attended a launch-event at which she was a guest speaker. Councillor Swan further disclosed that in addition to the launch-event, Councillor Swan recently attended a meeting with the Bay Street group however, paid for her own beverages during that meeting. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

9. Petitions Tabled

Nil

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

(Wynne/Grieve)

117/24 Resolved:

THAT Council acknowledge Grae Morris' 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.

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

13/0

Against the Motion

Nil

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.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

11. Public Forum

Nil

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

12. General Manager and Officer's Report

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

(Swan/Grieve)

116/24 Resolved:

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.

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

Against the Motion

Nil

14/0

Page 483

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

Note: Late correspondence was tabled by Nancy Georges.

Note: The Council added a new Part A and a new Part E to the Resolution.

(Wynne/Carmichael)

THAT the Council resolve to enter into closed session with the press and public excluded to consider the confidential attachment on this matter in accordance with the provisions of Section 10A(2) of the Local Government Act 1993.

Adopted

In Closed Session.

Note: The Council discussed that confidential attachment the time being 6.49pm.

(Wynne/Grieve)

THAT the Council move into "Open Session". Adopted In Open Session, the time being 7.08pm

In Open Session

(Jarvis/Wynne)

117/24 Resolved:

THAT Council:

- A. Confirms our commitment to this project, including the car park and community centre.
- B. 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.
- C. 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.
- D. 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.
- E. Request that the report be brought back to full Council by the end of 2024.

Page 484

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

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.
(Witt/Regan)

118/24 Resolved:

THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:

Amendments to the Environmental Planning and Assessment Act 1979

"That LGNSW lobbies the state government to:

1. *Urgently amend the Environmental Planning and Assessment Act 1979 (EP&A Act) and any related legislation to make State Environmental Planning Policies, (SEPPs) subject to parliamentary scrutiny and disallowance, especially in cases where:*
 - *they significantly override local council planning powers;*
 - *do not demonstrate that they address important objects of the EP&A Act like ecologically sustainable development;*
 - *are not informed by community consultation; and/or*
 - *extinguish third party merit review rights.*

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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:*
- *better protect constitutional principles of democratic oversight and parliamentary sovereignty;*
 - *minimise the potential for executive overreach; and*
 - *restore public confidence in lawmaking processes. ”*

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

(Jarvis/Regan)

119/24 Resolved:

THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:

Greater clarity on the Public Spaces (Unattended Property) Act 2021.

“That the LGNSW Conference asks the NSW state government to:

- 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.*
- 2. Update the Public Spaces (Unattended Property) Act to make it easier for users to enforce compliance including acceptance of photographic evidence generated on local council service request applications.”*

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

Nil

Page 486

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

14/0

(Jarvis/Carmichael)

120/24 Resolved:

THAT Council submits the following motion for consideration by the 2024 Local Government NSW Conference:

Decennial Insurance as another means to promote quality building works.

- A. *“THAT Councils support the introduction of Decennial Liability Insurance (DLI) as another means to promote quality building works.*
- B. *Resolves to:*
- Request the State Government to make Decennial liability Insurance (DLI) a mandatory requirement, which will replace the Statutory Warranty requirement; and*
 - 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.”*

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

13. Reports of the Committees

13.1 Environmental Planning 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: **HYDROGEOLOGICAL AND GEOTECHNICAL STUDY OF THE ROSE BAY AREA AND PROPOSED DCP AMENDMENTS**
Authors: Anne White, Manager Strategic Planning & Place
Emilio Andari, Manager Engineering Services
Approvers: Tom O'Hanlon, Director Infrastructure & Sustainability
Scott Pedder, Director Planning & Place
File No: 24/103121
Purpose of the Report: 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.

Alignment to Delivery Program: 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.

(Carmichael/Regan)

121/24 Resolved:

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 **Attachment 1**.
- C. Receives and notes the amended study *Rose Bay - Hydrogeological and Geotechnical Impacts* (July 2024) prepared by GHD Pty Ltd, as shown in **Attachment 2**.
- D. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts*, as shown in **Attachment 3**.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor 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

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.
(Carmichael/Regan)

122/24 Resolved:

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.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor 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

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.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Jarvis is one of Council's representatives on the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting during this item, did not participate in debate and did not vote on the matter.

Note: Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Robertson is one of Council's representatives on the Sydney Eastern City Planning Panel. Councillor Robertson left the meeting during this item, did not participate in debate and did not vote on the matter.

Note: Councillor Jarvis left the meeting, the time being 7.40pm.

Note: Councillor Robertson left the meeting, the time being 7.40pm.

Page 490

(Carmichael/Shapiro)

123/24 Resolved without debate:

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.

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

For the Motion

Against the Motion

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

Nil

12/0

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 Occelli, 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.
Note:	Councillor Jarvis returned to the meeting, the time being 7.42pm.
Note:	Councillor Robertson returned to the meeting, the time being 7.42pm.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

(Carmichael/Shapiro)

124/24 Resolved without debate:

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.

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor 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

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

125/24 Resolved without debate:

THAT the annual report covering the period 2023/24 for the Disability Inclusion Action Plan, 2022-2026 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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

126/24 Resolved without debate:

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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 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.

(Silcocks/Shapiro)

127/24 Resolved without debate:

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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

128/24 Resolved without debate:

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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

Note: The Council amended Part A of the Resolution.

(Grieve/Wynne)

129/24 Resolved:

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, subject to the administrative amendments discussed at the Council Meeting of the 12 August 2024.
- 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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

130/24 Resolved without debate:

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).

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

131/24 Resolved without debate:

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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

132/24 Resolved without debate:

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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

Note: Confidential late correspondence was tabled by Anthony Sheedy, Council's Senior Property Officer.

(Shields/Wynne)

THAT the Council resolve to enter into closed session with the press and public excluded to consider the confidential attachment on this matter in accordance with the provisions of Section 10A(2) of the Local Government Act 1993, the time being 9.30pm.

Adopted

In Closed Session.

Note: The Council discussed the confidential late correspondence.

(Wynne/Grieve)

THAT the Council move into "Open Session". Adopted In Open Session, the time being 9.40pm

(Carmichael/Silcocks)

In Open Session

Motion moved by Councillor Jarvis

THAT Council proceed with the sale of the Road Reserve in Willara Lane, Point Piper on a fair and reasonable evaluation taking into account the sale in April 2023 of 49 Wunulla Road, Point Piper for \$68,000,000.

The Motion lapsed for want of a Seconder.

**Motion moved by Councillor Zeltzer
Seconded by Councillor Grieve**

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.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

- 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.

The Motion was put and carried.

(Zeltzer/Grieve)

133/24 Resolved:

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.

Page 502

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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 Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne
Councillor Zeltzer

12/2

Against the Motion

Councillor Jarvis
Councillor Witt

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.

Motion moved by Councillor Witt
Seconded by Councillor Carmichael

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 outside of peak demand periods for tennis.
- 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.

Councillor Carmichael withdrew his seconding of the Motion.
The Motion lapsed for want of a Seconder

Motion moved by Councillor Wynne
Seconded by Councillor Shapiro

Page 503

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

The Motion was put and carried.

(Wynne/Shapiro)

134/24 Resolved:

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.

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

Against the Motion

Councillor Witt

13/1

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

135/24 Resolved without debate:

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.

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor 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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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.

(Silcocks/Shapiro)

136/24 Resolved without debate:

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

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

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.

Note: Councillor Jarvis left the meeting, the time being 8.22pm.

Page 506

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

Note: Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Carmichael knows one of the residents involved in the matter. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Price declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Price knows one of the persons named in the submissions. Councillor Price remained in the meeting, participated in debate and voted on the matter.

Note: Late correspondence was tabled by Arliss Blanch, Dana McChesney-Clark, Lyndi Adler, Ted & Maureen Kremer, Vivien & Maurie Stang, Farid Assaf & Melissa Chew.

Note: The Council amended Part A and added a new Part B to the Resolution.

(Silcocks/Grieve)

137/24 Resolved:

- A. Approve 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).
- B. Request that Council staff investigate the installation of additional greening or water sensitive urban design elements when finalising the design of the proposed kerb extension at the intersection of Fitzwilliam Road and Burrabirra Avenue.

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 Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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: Confidential late correspondence was tabled by Tom O’Hanlon, Council’s Director Infrastructure & Sustainability.

Note: Councillor Jarvis returned to the meeting, the time being 8.31pm.

Note: Councillor Cavanagh left the meeting, the time being 9.12pm.

**Motion moved by Councillor Silcocks
Seconded by Councillor Grieve**

THAT Council:

- A. Request that all existing ‘P15minute Permit Holders Excepted Area WB1’ restrictions in Watsons Bay, be replaced with ‘1P Permit Holders Excepted Area WB1’ restrictions, in order to comply with the published TfNSW Permit Parking Guidelines 2024, and to maintain a balance with preferential treatment for residents and equitable parking for other motorists.
- B. Request that the parking restrictions introduced by TfNSW be monitored over the 2025 summer period (same as the ‘P15minute’ parking monitoring and review) and then Council staff prepare a further report for consideration by Council, which includes staff submissions and any submissions from the Watsons Bay Association regarding the changes; and a recommendation on how to proceed.

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

For the Motion

Councillor Cavanagh
Councillor Grieve
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Wynne

Against the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Zeltzer

7/7

***The Motion was put and lost on the casting vote of the Mayor, Councillor Shields.**

The Motion was put and lost

**Foreshadowed Motion moved by Councillor Jarvis
Seconded by Councillor Witt**

THAT Council seek 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 and that that legal advice be reported to the next full Council Meeting of the 26 August 2024

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

The Foreshadowed Motion was put and lost.

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

For the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Councillor Cavanagh
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Wynne

6/8

**Foreshadowed Motion advised by Councillor Grieve
Seconded by Councillor Silcocks**

THAT Council:

- A. Request all existing 'P15 minute Permit Holders Excepted Area WB1' restrictions in Watsons Bay, be replaced with '1P Permit Holders Excepted Area WB1' restrictions, in order to comply with the published TfNSW Permit Parking Guidelines 2024.
- B. Request that staff undertake community consultation in relation to the timed parking limit changes in the area WB1 with local residents and visitors over the summer period; and that the parking restrictions introduced by TfNSW be monitored over the 2025 summer period (same as the 'P15minute' parking monitoring and review) and that a report be brought back to full Council in 2025.

**The Foreshadowed Motion was put and carried.
The Foreshadowed Motion became the Motion.
The Motion was put and carried.**

(Grieve/Silcocks)

138/24 Resolved:

- A. Request all existing 'P15 minute Permit Holders Excepted Area WB1' restrictions in Watsons Bay, be replaced with '1P Permit Holders Excepted Area WB1' restrictions, in order to comply with the published TfNSW Permit Parking Guidelines 2024.
- B. Request that staff undertake community consultation in relation to the timed parking limit changes in the area WB1 with local residents and visitors over the summer period; and that the parking restrictions introduced by TfNSW be monitored over the 2025 summer period (same as the 'P15minute' parking monitoring and review) and that a report be brought back to full Council in 2025.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

For the Motion

Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne

Against the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Shields
Councillor Zeltzer

9/4

14. Rescission Motion

Nil

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

15. Councillor Reports/Councillor Updates (Section 8.4)

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

General Item No: 15.1 Never Again, the Fight Against Antisemitism
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro advised:

On Friday night, I attended Central Synagogue where Josh Frydenberg was speaking about his concerns for the rise of antisemitism as detailed in his documentary, 'Never Again, the Fight Against Antisemitism'. For those of you who have not seen this, I certainly would encourage everyone to watch this documentary. It's available on YouTube and Sky News.

General Item No: 15.2 Mens' Shed
Tabled by Councillor: Councillor Carmichael

Councillor Carmichael advised:

I was very grateful to deputise for you, to go to the Mens' Shed 11th Anniversary and of course, men's mental health does matter, particularly in older-age, and getting together with woodwork and talking is a very good thing for people. It was a great honour being there.

General Item No: 15.3 City2Surf
Tabled by Councillor: Councillor Wynne

Councillor Wynne advised:

On Sunday, 90,000 people ran, walked, skipped through our streets up New South Head Road and down Old South Head Road through to Bondi. I want to congratulate staff again. You would not know that there was a road race by the time you drove down. I must say I love not seeing boats and trailers down New South Head Road, every single time.

For 16 years I have congratulated staff. They seem to do a better and better job every year. It was cleaned up a lot faster and the roads seemed to be open a lot faster. Could you please pass on thanks and gratitude to all the staff involved. It was thankfully a beautiful day and it was a great event. I did not run in it, I think I was still asleep when they started.

General Item No: 15.4 National Tree Planting Day
Tabled by Councillor: The Deputy Mayor Councillor Swan, the Mayor Councillor Shields & Councillor Grieve

Councillor Swan advised:

On 28 July 2024, I attended with you and many other Councillors, I will not name them all for the sake of time, at the National Tree Planting Day at Christison Park. It was so much fun planting trees and digging holes and all that sort of thing. So congratulations to staff, and thank you very much for getting the community involved in that important project to grow our tree canopy.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

The Mayor, Councillor Shields further advised:

I also was involved in, as part of the National Tree Planning Day, tree planting at Royal Sydney (Golf Club). There was Cranbrook and Kambala Schools, primary school kids were also involved in planting trees at Royal Sydney. It is going to be an amazing spectacle when it is completed at Royal Sydney. Also, as Councillor Swan mentioned, we were at the National Tree Planning Day at Christison Park, and just a shout out to all the Council staff who put in a lot of time for a highly successful event.

In attendance was, from memory Councillor Grieve, Councillor Jarvis and Councillor Swan and apologies if I missed anyone, although I will note that Councillor Grieve did appear to be very knowledgeable about planting trees, but it did prove that Liberals can also hug trees, which I did when I was putting one into the ground.

Councillor Grieve further advised:

Could we thank all the volunteers that were there on the day as well, and Councillor Witt was there, but yes, we should because there were a bunch of the bush regenerating volunteers there on the day.

The Mayor Councillor Shields further advised:

It was an amazing turn-up of people from the community. I have subsequently gone back and it has transformed that particular pocket of Christison Park and of course, acknowledging Council Witt who was also working hard.

General Item No: 15.5 Raoul Wallenberg Commemoration
Tabled by Councillor: Councillor Swan

Councillor Swan advised:

I also represented you (The Mayor) at the Raoul Wallenberg Commemoration at Gaden House, which was very interesting. Also, very important to remember his service and his sacrifice that he made for thousands of families during the Holocaust.

General Item No: 15.6 Opening of Gugara Park in Paddington
Tabled by Councillor: Councillor Robertson & The Mayor Councillor Shields

Councillor Robertson advised:

I was thinking about the City2Surf over the weekend, and I knew that Councillor Wynne would be thanking staff as she has just done so. I do wonder who will be taking over that mantle into the future. However, I just wanted to acknowledge that the planned event that we had for the opening of Gugara Park in Paddington was sadly cancelled due to the very persistent rain and the inclement weather. But I am very happy to report to Council that the park continues to be very well utilised and well loved.

Councillor Shields further advised:

It is good to hear, Councillor Robertson that it is open although not officially, but it is good to know it is being utilised.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

General Item No: 15.7 East Rugby Ladies Lunch & Citizenship Ceremony
Tabled by Councillor: The Mayor Councillor Shields

The Mayor Councillor Shields advised:

I went to an Easts Rugby Ladies lunch fundraising event with Councillor Swan.

Also, probably the favourite part of being the Mayor was officiating at a Citizenship Ceremony on Wednesday last week. There is nothing better than seeing the delight on people's faces when they become new Australians.

Unconfirmed

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

Note: Councillor Cavanagh returned to the meeting, the time being 9.14pm.

Note: Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Carmichael knows one of the persons named in the submissions. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Jarvis knows one of the persons named in the submissions. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Note: Late correspondence was tabled by Bernard Remond, Julieanne Mills & Mary Curran.

(Regan/Witt)

139/24 Resolved:

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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

(Swan/Shields)

140/24 Resolved:

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.

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

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

(Jarvis/Carmichael)

THAT the Council resolve to enter into closed session with the press and public excluded to consider the confidential attachment on this matter in accordance with the provisions of Section 10A(2) of the Local Government Act 1993, the time being 9.53pm.

Adopted

In Closed Session.

Note: The Council discussed the report.

(Grieve/Wynne)

THAT the Council move into "Open Session". Adopted In Open Session, the time being 10.00pm

In Open Session

Note: Council referred this Notice of Motion to the Next Ordinary Council Meeting of 26 August 2024.

Note: **Council referred this Notice of Motion to the Next Ordinary Council Meeting of 26 August 2024.**

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.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

- 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.
-

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

Note: Councillor Zeltzer left the meeting, the time being 10.04pm.

Note: Councillor Regan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Regan's husband is a member of Eastern Suburbs District Rugby Union Football Club. Councillor Regan further disclosed that her daughter's close friend plays First Grade for the Eastern Suburbs Women's Rugby Team. Councillor Regan remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Swan recently attended the Easts Ladies Day event however, paid for her own entry ticket. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

(Swan/Shields)

141/24 Resolved:

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.

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

Nil

13/0

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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

**Motion moved by Councillor Robertson
Seconded by Councillor Grieve**

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.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

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 develop publicly funded nuclear power and particularising the following specific issues:
3.
 - 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

The Notice of Motion was put and lost.

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

For the Motion

Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Witt

Against the Motion

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

5/8

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

Item No: 16.6
Subject: **NOTICE OF MOTION - BAY STREET INITIATIVE - DECEMBER EVENT**
From: Councillor Sarah Swan
Date: 08 August 2024
File No: 24/141606

Note: Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Swan recently attended a launch-event at which she was a guest speaker. Councillor Swan further disclosed that in addition to the launch-event, Councillor Swan recently attended a meeting with the Bay Street group however, paid for her own beverages during that meeting. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

(Swan/Shields)

116/24 Resolved:

THAT Council:

- A. Supports in principle the proposal presented by the Bay Street Initiative for a street and precinct activation in Double Bay for two days in early December 2024.
- B. Notes that grant funding has already been provided to the Bay Street Initiative in the 2024/25 round and no further funding is being requested from Council.
- C. Requests staff to support the Bay Street Initiative to navigate the processes required to close Bay Street and enable activation on Bay Street, Double Bay for a two-day period in December 2024, noting that subject to the proposed program, all relevant approvals must be obtained from Council and other NSW Government authorities for the activation to proceed.

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 Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne

Against the Motion

Councillor Price

12/1

17. Questions With Notice

(Wynne/Robertson)

143/24 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 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.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

12 August 2024

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 10.36pm.

We certify that the pages numbered 473 to 523 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 12 August 2024 and confirmed by the Ordinary Meeting of Council on 26 August 2024 as correct.

General Manager

Mayor

Unconfirmed

12. General Manager and Officer's Report

Item No:	12.1
Subject:	REPORT ON THE ALLOCATION OF GRANT FUNDING IN SUPPORT OF THE BONDI JUNCTION WESTFIELD INCIDENT
Author:	Jamie Adams, Development Officer, Community & Culture
Approvers:	Vicki Munro, Manager Community & Culture Patricia Occelli, Director Community & Customer Experience Craig Swift-McNair, General Manager
File No:	24/129652
Purpose of the Report:	To provide an update on the use of Council's \$20,000 grant funding in response to the 13 April, 2024 Bondi Junction Westfield incident.
Alignment to Delivery Program:	Strategy 2.2: Understand needs of our community so that we can facilitate access to support and services.

Recommendation:

THAT Council note and receive the report on the allocation of grant funding in support of the Bondi Junction Westfield incident.

Executive Summary:

The purpose of this report is to update Council on the allocation of the grant funding provided to local community organisations to response to the Bondi Westfield incident of 13 April 2024 as requested in Council's adopted resolution of 29 April 2024. Table1 as included in this report provides a summary of the projects.

Discussion:

On 29 April 2024, following consideration of a Mayoral Minute, Council resolved the following:

THAT Council:

- A. *Allocate \$20,000 from the Materials and Services budget, to the Community Grants Program to be made available for applications from 6 to 17 May 2024, for the provision of community support to local eligible registered charitable organisations to support the health and wellbeing of the local community in response to the critical incident at Bondi on Saturday the 13 April 2024.*
- B. *Delegate to the General Manager (under section 377(1A) of the Local Government Act 1993) the responsibility to administer the granting of the financial assistance through the Community Grants Program, to ensure that there is the required accountability, governance and ease of access.*
- C. *That the General Manager notify relevant local organisations of the availability of such funds and of the grants process to apply for the financial assistance.*
- D. *That the General Manager bring a report back to Council at the Ordinary Council Meeting on 26 August 2024, updating Council on the allocation of the grants.*

Following Council's resolution, a letter was sent to 12 suitable local eligible registered charitable organisations who might possibly support the health and wellbeing of the local community in response to the Bondi Westfield incident on Saturday 13 April 2024. The one-off grants program was also promoted through via local State and Federal Members of Parliament, Schools, Council's website, the Mayoral Column, Council newsletters and via Council's social media platforms.

These were one-off grants which were available for up to \$20,000 for the period June to December 2024. The criteria for the grants were:

Applications must:

1. Be from local eligible charitable organisations;
2. Offer psycho social support to address the health and wellbeing of the Woollahra community in response to the critical incident at Bondi Junction, through the provision of trauma informed services and in the form of either individual, group or community support or development and delivery of resources;
3. Have demonstrated experience in delivering improved health and wellbeing through trauma informed services; and
4. Be able to deliver the service by 31 December 2024.

The call for submissions to the grants was open from 6 May 2024 until 17 May 2024. Three organisations applied for grants and all three were awarded funding to implement their respective projects. The following table provides a summary of the projects:

Table 1: Summary of projects and deliver to date.

Organisation	Funding Applied For	Funding awarded	Projects and delivery to date
Bondi Beach Cottage Inc.	\$20,000	\$12,047	<p>Based on approximately \$100 cost per session, this grant supports up to 120 counselling/support sessions including:</p> <ol style="list-style-type: none"> 1. Assessment 2. Acute Stress Stabilisation 3. Psychoeducation on trauma 4. Occasional Care for Children to enable women to access service and/or participate in recovery activities 5. Referral as required 6. Casework as required 7. Psychoeducation on parenting children who are impacted by the critical incident <p>This project in progress at the time of writing this report.</p>
Lifeline Direct Ltd – Lifeline Eastern Suburbs Bondi	\$4,953	\$4,953	<p>After receiving a surge in demand for Lifeline’s support following 13 April 2024, Lifeline Eastern Suburbs requested grant funding to support 127 Woollahra individuals or greater Eastern Suburbs community via 13 11 14 hotline at their call centre in Westfield Bondi Junction.</p> <p>This funding has now been expended.</p>
Art of Living Foundation	\$3,000	\$3,000	<p>Provision of 7 Healing, Resilience and Empowerment (HRE) workshops. These are low-threshold workshops to address the psychosocial consequences of conflict and violence, releasing acute and basic stress and fears, improving sleep and providing relief.</p> <p>The HRE workshop is a basic International Association for Human Values (IAHV) intervention program that can reach a large number of individuals while still resulting in strong personal benefits.</p> <p>The grant funding requested covers venue hire and food. Workshops already delivered as follows:</p>

Organisation	Funding Applied For	Funding awarded	Projects and delivery to date
			<ul style="list-style-type: none"> • 25 July: Woollahra Library at Double Bay (55 attendees) • 15 August: Woollahra Library at Double Bay (43 attendees) <p>With the following workshops still to be delivered:</p> <ul style="list-style-type: none"> • 19 September: Woollahra Library at Double Bay • 10 October: The Bay Room, Double Bay • 31 October: The Bay Room, Double Bay • 21 November: Woollahra Library at Double Bay • 5 December: Woollahra Library at Double Bay

Options:

This report is for noting only.

Community Engagement and / or Internal Consultation:

A letter was sent to 12 suitable local eligible registered charitable organisations who might support the health and wellbeing of the local community in response to the Bondi Westfield incident on Saturday 13 April 2024. The Grants program was open from 6 to 17 May 2024 and promoted in a range of ways as detailed earlier in this report. Council has ongoing contact with the recipients of the grant funding, noting that some projects will continue until December 2024.

Policy Implications:

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

Financial Implications:

Council resolved at its meeting 29 April 2024, to provide an additional allocation of \$20,000 to the existing grants program budget to fund the one-off grant funding program to support the health and wellbeing of the local community in response to the Bondi Westfield incident on Saturday 13 April 2024. There are no further financial implications as a result of this report.

Resourcing Implications:

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

Conclusion:

Council's allocation of \$20,000 funding to address the Bondi Junction Westfield community trauma incident is being utilised effectively by three key organisations in the Woollahra area to provide a variety of supports, with all organisations expressing their gratitude to Woollahra Council for funding such supports in the community's time of need.

Attachments

Nil

15. Councillor Reports/Councillor Updates (Section 8.4)

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

16. Notices of Motion

Item No: 16.1
Subject: **NOTICE OF MOTION - LITIGATION PROTOCOL POLICY**
From: Councillors Matthew Robertson, Isabelle Shapiro and Susan Wynne
Date: 07 August 2024
File No: 24/139845

Recommendation:

THAT Council:

- A. Notes Council's adopted Litigation Protocol Policy has been in operation since late 2022.
 - B. Requests that going forward, the General Manager present a six-monthly report in February and August of each year to Council (via the Environmental Planning Committee) on the operation of the Litigation Protocol Policy and any live legal matters captured by the Litigation Protocol Policy and any other related matters deemed appropriate by Councillors.
-

Item No: 16.2
Subject: **NOTICE OF MOTION - PROMOTING ONLY QUALITY CONSTRUCTION**
From: Councillor Mary-Lou Jarvis
Date: 13 August 2024
File No: 24/144130

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. Request the Mayor 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. Request the General Manager writes to Charas Constructions Pty Ltd and advise that Woollahra Council notes that the Woollahra Council award that their website promotes does not appear to have been awarded to Charas Constructions and that it should remove all endorsement by or reference to the Council award.
- D. Request the General Manager table a report at a future meeting of Council detailing building works in the Woollahra Council area that have been subject to orders by the Commission so that the public and in particular owners or prospective property purchasers can be informed of relevant building work orders in our area.

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.

When work is not done to a workmanlike standard the impact of new development can also extend to neighbouring properties when fences fall into sites or worse creates movement in the adjoining properties, especially where there is deep soil excavation.

227 projects were accepted into Project Intervene and of those 200 building inspection findings were issued, a further 126 draft building work rectification orders made and 75 developer deed polls 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>

Charas Constructions Pty Ltd is displaying on its website the “Woollahra Design Excellence Awards 2019”. Council does not have a record of this award being granted to Charas Constructions Pty Ltd. The display of this award implies that Charas Constructions Pty Ltd is the recipient of this award. The references to the award should be removed from the website of Charas Constructions Pty Ltd.

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-workorders?page=1>

Of the 144 orders listed on the register, at least 3 are in the Woollahra LGA being:

1. 9A Cooper Park Rd, Bellevue Hill
2. 49 Drumalbyn Rd, Bellevue Hill
3. 6-8 Richmond Road, Rose Bay

17. Questions With Notice

Recommendation:

THAT the Questions with Notice be received and noted.

Background:

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

The following Questions with Notice for the Council Meeting on 26 August 2024 have been received.

QWN: 17.1
From: Councillor Robertson
Subject: Questions with Notice - Stormwater Harvesting

Councillor Robertson asking:

Would Council staff please provide an overview of Council's current approach to storm water harvesting and comment on future opportunities which could be pursued in this space with respect of the objectives of the following:

1. Managing Urban Stormwater Harvesting and Reuse, Department of Environment and Conservation NSW (2006).
2. Stormwater-harvesting-how-to-collect-and-re-use-stormwater-from-sw-stormwater-system, Sydney Water (SW9 07/13).
3. Rainwater harvesting in urban environments: solutions for limited space - Smart Water 18 August 2024
<https://smartwateronline.com/news/rainwater-harvesting-in-urban-environments-solutions-for-limited-space?srsltid=AfmBOosUqCn0jkvZQ8UYOjzPCP9ljKJbCsL7Ef52-nUT9FXiUhUdLqT>

Team Leader Environment & Sustainability in response:

Council's approach to stormwater harvesting is two-pronged.

For Council's own sites, rainwater tanks have been installed and we have a number of other stormwater harvesting systems. For example, currently we are installing a second large tank at Christison Park to increase the amount of stormwater we can capture and reuse on the playing fields. We are also capturing some extra water through drainage improvements in the area.

Recently, a water conservation study was completed for Rushcutters Park, Yarranabbe Park and Lyne Park, our highest water using sites. The Study identified a number of improvements to stormwater capture that will be undertaken over the coming year, including maintenance on existing rainwater capture systems.

Larger scale stormwater harvesting systems are not often feasible, due to substantial costs and the need for large underground tanks which are not possible to install from a topographic perspective. An example of a smaller system is the stormwater harvesting system planned for Collins Avenue Rose Bay, where stormwater will be diverted for use in the amenities block at Percival Park.

For stormwater harvesting on private property, Chapter E2 of Council's DCP has the objective 'to encourage ecologically sustainable stormwater management and the use of water sensitive urban design.' Controls include encouraging pervious surfaces to enable filtration of rainwater and the use of rainwater tanks to reuse rainwater onsite. In addition, the NSW Government BASIX standards (State Environmental Planning Policy (Sustainable Buildings) 2022) requires development to reduce potable water use by 40% from a benchmark. One way of achieving this is to use an alternative source of water such as rainwater or stormwater.

Council's Environmental Sustainability Action Plan includes actions relating to stormwater harvesting. For example, the Climate Change Mitigation and Adaptation section contains an action to install additional rainwater tanks and other water reuse systems at Council facilities where opportunities are identified.

QWN: 17.2
From: Councillor Jarvis
Subject: Questions with Notice - Boats trailers and Other Vehicles Overstaying their Welcome on Our Roads

Councillor Jarvis asking:

I refer to my question on notice answered on 15 November 2023 regarding action taken by Council regarding the Council boats and trailers parked on New South Head for weeks, possibly months and were being addressed under the Public Spaces (Unattended Property) Act and regulations.

Can staff please provide Council with updated figures from the last response provided by staff (November 2023) to the present time on the following questions:

1. How many fines by Woollahra Council have been issued since the Public Spaces (Unattended Property) Act and regulations since the date the last advice was given?
2. How many items of property have been impounded in our area since the new Act and regulations came into effect on 1 November 2022 and since the date of the last advice?
3. Of the overall investigations how many boat trailers or other vehicles have been found to be unregistered and what action has been taken since the last advice?
4. What is the total monetary amount of such fines imposed and any amounts recovered where property has been impounded since the last advice?
5. Is it possible to identify the cost of enforcement or at least the number of staff allocated to compliance within the Council area since the last advice?
6. More specifically in Vaucluse around Ray Reserve and Johnston's lookout, in response to the requests I submitted on 15 May 2024, on the Woollahra Council app (request 91173) where on 19 May staff marked 37 vehicles boats and trailers on New South head Road Vaucluse primarily between Ray Ave and Giralang; how many were eventually issued with infringement notices and fines (and the monetary amount) under the new rules, noting that in the last report 5 parking infringements were issued and a further 3 were being investigated as potentially "unattended vehicles".

7. Noting that on 21 June there were 35 such vehicles and by 24 June on New South Head Road the number had increased to 37 vehicles again, mostly boats and trailers but also one large truck and a caravan (12 around Johnston’s lookout, 18 around Ray Reserve and 7 around St Michaels / Kincoppal). What action has been taken most recently?
8. More specifically on Wentworth Road on May 15 2024 (request 91175) regarding parked boat trailers, the advice on June 19 was that *“all trailers have been added to a separate IC each. This one will be finalised, the others are remaining open to send letters to registered owner”*. What action has been taken since then?

June 24 at Johnston’s lookout



June 21 around Ray Reserve



Regulatory Coordinator in response:

On Notice.

