



Ordinary Council

Monday 13 May 2024

6.30pm

Agenda



Council Meeting

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

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

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

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
- **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.

Members of the public may also request to address Council meeting via the Public Forum mechanism as outlined in the Code of Meeting Practice, by using the relevant registration form available on Council's website – www.woollahra.nsw.gov.au

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

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

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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

9 May 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 – 13 May 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 13 May 2024 at 6.30pm.**

Members of the Public may:

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

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

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

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

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

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting Agenda

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 - 29 April 2024 - 24/74518	7
6.2	Confirmation of Audit, Risk & Improvement Committee Minutes - 14 March 2024 - 24/78396.....	33
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.....	49
12.1	Response to the Notice of Motion on Reduction in the Number of Councillors - 24/78345.....	49
13.	Reports of the Committees	
13.1	Environmental Planning Committee 6 May 2024.....	63
R1	488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay - Draft Development Control Plan	63
R2	Advice of the Woollahra Local Planning Panel - Planning Proposal to list two school buildings in Rose Bay as local heritage items.....	64
R3	Post Exhibition Report - Updates to the Woollahra DCP 2015 in Response to the Employment Zone Reforms.....	65
13.2	Finance, Community & Services Committee 6 May 2024.....	67
R1	Licence for a Section of Vaucluse Bowling Club & Community Facility with South Eastern Sydney Local Health District (SESLHD) Child and Family Health for use as Child and Family Health Nursing Service	67
R2	Capital Works Program - Quarterly Progress Report March 2024.....	68
R3	2023-24 Budget Review for the quarter ended 31 March 2024	68
R4	Monthly Financial Report - 31 March 2024 Investment held as at 30 April 2024.....	69
R5	Gugara Park - response to Notice of Motion to consider toilet facilities in Gugara Park, Paddington	69
14.	Rescission Motion	Nil
15.	Councillor Reports/Councillor Updates (Section 8.4).....	71

16.	Notices of Motion	73
16.1	Notice of Motion - Feasibility of Further Measures to Protect Tree Canopy on Private Land in the Woollahra LGA - 24/64894	73
16.2	Notice of Motion - Celebrate Woollahra Postcode 2025 - 24/75854	77
16.3	Notice of Motion - Integrity in Local Government - 24/76505.....	79
17.	Questions With Notice	Nil
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 - 29 APRIL 2024
Author:	Sue O'Connor, Governance Officer
File No:	24/74518
Purpose of the Report:	The Minutes of the Council of 29 April 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 29 April 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Council Minutes of 29 April 2024 for confirmation. The minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

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

Options:

Submission of minutes to the Council 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

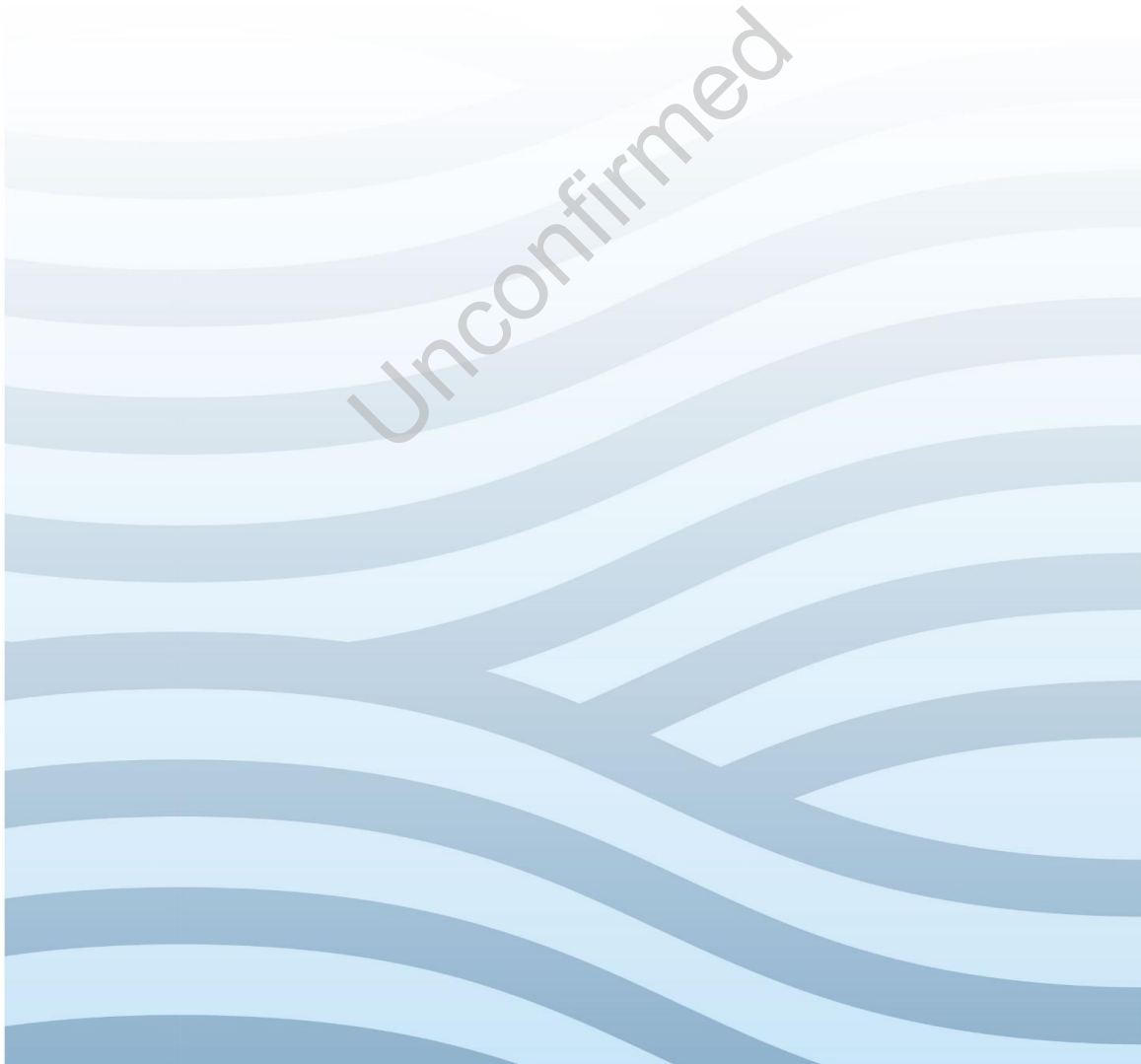
1. Unconfirmed Council Minutes - 29 April 2024 [↓](#) 



Ordinary Council

Monday 29 April 2024
6.30pm

Minutes



Ordinary Council Meeting

Monday 29 April 2024

Table of Contents

	Page
1. Opening	188
2. Prayer	188
3. Acknowledgement of Country (Gadigal People and Birrabirragal People)	188
4. Acknowledgement of the Sovereign of the Day (King Charles III)	188
5. Apologies and Applications for a Leave of Absence or Attendance by Audio- Visual Link by Councillors	188
5.1 Audio Visual Link	188
6. Confirmation of Minutes	189
6.1 Confirmation of Minutes of Council Meeting held 8 April 2024	189
6.2 Confirmation of Minutes of the Strategic & Corporate Committee Meeting held 24 April 2024	190
7. Late Correspondence	190
8. Disclosures of Interest	190
9. Petitions Tabled	190
10. Mayoral Minute	191
10.1 Bondi Junction Westfield - Incident - Saturday 13 April 2024	191
10.2 Remembering Our Anzacs	194
11. Public Forum	195
12. General Manager and Officer's Report	195
R1 Post Exhibition Report on the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy	197
R2 Cross Street Car Park Redevelopment - Next Steps	200
R3 Updates to the Woollahra Section 7.12 Development Contributions Plan 2022 201	201
R4 Draft 2024-2025 Operational Plan, including the Draft 2024-2025 Budget & Draft 2024-2025 to 2033-2034 Long Term Financial Plan	202
13. Rescission Motion	203
14. Councillor Reports/Councillor Updates (Section 8.4)	204
14.1 ANZAC Day Commemorations	204
14.2 Lumiere Sculpture Festival / Plaque Unveiling for Professor Leslie Wilkinson OBE	206
14.3 Acknowledgement of 'The Keeper of the Crossing' Harmainy Abdul Karim	207
14.4 Watson's Bay Seed Library	208
16. Notices of Motion	209
16.1 Notice of Motion - Feasibility of Further Measures to Protect Tree Canopy on Private Land in the Woollahra LGA	209
17. Questions With Notice	209
18. Supplementary Responses to Previous Questions with Notice	209
19. Confidential Matters	209

20. Conclusion of the Meeting209

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 29 April 2024 at 8.36pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (left the meeting 9.43pm during Councillor Updates)
Sean Carmichael
Peter Cavanagh (via zoom)
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson (via zoom)
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne
Toni Zeltzer

Staff: Cathryn Bush (Risk Management Coordinator)
Jennifer Chenhall (Manager – Governance & Risk)
Chinmayi Holla (Strategic Planner)
Rhys Johnson (Governance Coordinator)
Sue Meekin (Director – Corporate Performance)
Patricia Occelli (Director – Community & Customer Experience)
Sue O'Connor (Governance Officer)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Anne White (Manager – Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 29 April 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. Apologies and Applications for a Leave of Absence or Attendance by Audio-Visual Link by Councillors

Nil

General Item No: 5.1 Audio Visual Link

(Swan/Zeltzer)

35/24 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 29 April 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Robertson

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 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 Elsing
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

15/0

6. Confirmation of Minutes

Item No: 6.1

Subject: CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 8 APRIL 2024

Author: Rhys Johnson, Coordinator Governance

File No: 24/66267

Purpose of the Report: The Minutes of the Council of 8 April 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.

(Silcocks/Swan)

36/24 Resolved:

THAT the Minutes of the Council Meeting of 8 April 2024 be taken as read and confirmed.

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

For the Motion

Against the Motion

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

Nil

15/0

Page 189

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

Item No: 6.2
Subject: **CONFIRMATION OF MINUTES OF THE STRATEGIC & CORPORATE COMMITTEE MEETING HELD 24 APRIL 2024**
Author: Rhys Johnson, Coordinator Governance
File No: 24/66597
Purpose of the Report: The Minutes of the Strategic & Corporate Committee of 24 April 2024 reconvened on 29 April 2024 are 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.

(Jarvis/Zeltzer)

37/24 Resolved:

THAT the Minutes of the Strategic & Corporate Committee Meeting of 24 April 2024 reconvened on 29 April 2024 be taken as read and confirmed.

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

For the Motion

Against the Motion

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

Nil

15/0

7. Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda S&C Item R1.

8. Disclosures of Interest

Nil

9. Petitions Tabled

Nil

Page 190

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

10. Mayoral Minute

Item No: 10.1
Subject: **BONDI JUNCTION WESTFIELD - INCIDENT - SATURDAY 13 APRIL 2024**
Author: Richard Shields, Mayor
File No: 24/66491
Purpose of the Report: To honour and acknowledge those affected by the tragic incident at Westfield Bondi Junction on Saturday 13 April 2024.

(Shields/Carmichael)

38/24 Resolved:

THAT Council:

- A. Formally acknowledge the incredible work of the Police, emergency services, medical teams, first responders, shop staff, security personnel and members of the public.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

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

For the Motion

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

Against the Motion

Nil

15/0

Discussion:

I table this Mayoral Minute today to honour the victims of the tragic incident at Westfield Bondi Junction on Saturday 13 April, to offer condolences to their family, friends and colleagues and to commend acts of bravery, care and compassion demonstrated by NSW Police, emergency services, first responders and medical staff and members of the public, during and following this senseless event.

On the afternoon of Saturday 13 April a terrible and tragic event unfolded at Westfield, Bondi Junction. A mentally ill man took the lives of six innocent victims, leaving families, friends and colleagues devastated and our community in shock.

Ashlee Good, Dawn Singleton, Faraz Tahir, Jade Young, Pikria Darchia and Yixuan Cheng. Lives cut short by an act of violence that is difficult to comprehend.

Our thoughts and prayers go to their loved ones at this sad time. We mourn their loss and wish all those recovering from injury and the many witnesses all our love and support.

I would like to formally acknowledge the incredible work of police, emergency services, medical teams, first responders, shop staff, security personnel and members of the public, who all demonstrated such courage and compassion. I have nothing but admiration for Inspector Amy Scott who ran towards danger with the intention of stopping the perpetrator and saving lives. Her act of public service is deserving of formal commendation.

I would like to acknowledge and thank the Mayor of Waverley, Councillor Paula Masselos and Waverley Council staff for the way in which they have responded and for showing such strong leadership during a truly awful time.

As a neighbouring Council I offered our ongoing support to the Mayor of Waverley and that pledge remains open, as the community will take some time to recover from something as tragic as this incident.

I have also contacted Supt. Jodi Radmore from Eastern Suburbs Local Area Command to convey our thanks to her staff who have worked tirelessly in service of our community.

The public support and swift attendance on site by the Prime Minister of Australia, Anthony Albanese and the Premier of NSW, Chris Minns sent a very positive message to our community. Both the Federal Member for Wentworth, Allegra Spender and the State Member for Vacluse, Kellie Sloane have been actively engaged in communicating and supporting our residents and local businesses.

I would like to thank the Deputy Mayor, Councillor Sarah Swan for her support particularly during last weekend. We attended the site together and visited the floral memorial with a contribution on behalf of Woollahra Council and our community. My gratitude also goes to Councillor colleagues for their support, strength and conviction that we will get through this together.

We have seen community and faith leaders hosting opportunities for people to come together, to share their emotions and to receive support from each other. This has been heart-warming to witness. Council's Deputy Mayor, Cr Swan and Councillors attended the St Andrew's Cathedral Service of Solemn Prayer on Tuesday 16 April.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

The Deputy Mayor, Councillor Sarah Swan represented Woollahra Council at a Community Candlelight Vigil held on Sunday 21 April at 5.30pm at Bondi Beach. The Vigil honoured the victims of the Bondi Junction tragedy and provided the community the opportunity to come together to grieve and to support each other.

On Monday 15 April we joined the nation in flying our flags at half mast to honour the victims of this terrible tragedy and we postponed our Strategic & Corporate meeting out of respect. Later that evening the Sydney Opera House sails were also lit with a graphic of black ribbon as a tribute to the victims. The Premier declared 15 April as a National Day of Mourning and committed \$18 million to an independent coronial inquiry into the police response, criminal investigation and the offender's interactions with NSW and Queensland agencies.

We have shared information on a wide range of support services and important updates with our community, ensuring this information is current and easily accessible and will continue to do so .

I have been involved in regular briefings with the Department of Premier and Cabinet, government agencies and Waverley Council as we have discussed how best to support the victims loved ones, witnesses and the community. I commend NSW Health for establishing on-site support staff for the community.

I have signed the online condolence message board being facilitated by the NSW Government and I encourage all Councillors and our community to share their messages.

Events like this affect us in different ways and grief can be a very challenging emotion. I encourage Councillors, Council staff and the community to seek help if needed.

Councillors and staff have been informed of Councils free, anonymous and confidential service available to them and their families through our Employee Assistance Program.

Community members can access a range of help and support services including:

Hotline - for Advice and connection to specialist mental health services 1800 011 511.
Lifeline 13 11 14, Kids Helpline 1800 55 1800, Beyond Blue 1300 22 46 36

I have every confidence in the strength and resilience of our community. We will get through this together.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

Item No: 10.2
Subject: **REMEMBERING OUR ANZACS**
Author: Richard Shields, Mayor
File No: 24/70759
Purpose of the Report: To acknowledge the winners of the inaugural Mayoral Anzac Day Writing Competition.

(Shields/Carmichael)

39/24 Resolved:

THAT Council notes and acknowledges the winners and highly commended entries in the Inaugural Mayoral Anzac Day Writing Competition:

- Winner - senior school category: Ashira Naidu, Reddam House Year 8.
- Winner - primary school category: Benjamin Levitt Reddam House Year 5.
- Highly Commended: Radha Kathir Ascham Year 3
- Highly Commended: Mason Gharebpour Sydney Grammar School Edgecliff Year 6.

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

For the Motion

Against the Motion

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

Nil

15/0

Discussion:

On Thursday 25 April after attending a RANSA Darling Point dawn service, I hosted our annual Anzac Day wreath laying ceremony at the Double Bay Cenotaph in Steyne Park from 9am, followed by another moving Ceremony at the Mark Moran Village.

The Council's wreath laying ceremony at Steyne Park was well attended by the Member for Wentworth, Allegra Spender, Member for Vaucluse, Kellie Sloane, Councillors, Consular representatives, Navy representatives, local school student representatives and community members. Together we gathered to honour the service men and women who fought in WW1 and continue to serve our nation in military and peace keeping operations since then.

I would like to thank everyone who joined us.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

It was a pleasure for the Deputy Mayor, Councillor Sarah Swan and I to read out the winning entries for the inaugural Mayor's Anzac Day Writing Competition for local primary and secondary school students. I launched this idea late last year with the intention of providing school students with the opportunity to share content from their curriculum, classroom studies and personal family connections to the Anzacs.

Our younger community will continue to play a very important role in upholding the legacy of the Anzac spirit alive. It was a privilege and honour to read the 130 high quality entries and I would like to formally thank the schools and families for their support and enthusiasm and I commend the students for their thoughtful and well-written responses.

The winner of the senior school category: Ashira Naidu, Reddam House Year 8 received a Certificate and \$200 gift voucher.

The winner of the primary school category: Benjamin Levitt Reddam House Year 5 received a Certificate and \$100 gift voucher.

I also awarded two students with a Highly Commended certificate - Radha Kathir Ascham Year 3 and Mason Gharebpour Sydney Grammar School Edgecliff Year 6.

I read out the entries of the two Highly Commended winners, Radha and Mason at the Anzac Day at Mark Moran, Vacluse, which was attended by Councillor Mary-Lou Jarvis, the residents, family members, staff and the community. I have sent an email to all the entrants, certificates have been presented to the winners and two highly commended entrants.

11. Public Forum

Nil

12. General Manager and Officer's Report

Nil

13.1 Strategic & Corporate Committee

**Items with Recommendations from the Committee Meeting of Wednesday 24 April 2024
(Item R1) & reconvened on Monday 29 April 2024 (Items D2 to D4)
Submitted to the Council for Determination**

Item No:	R1 Recommendation to Council
Subject:	POST EXHIBITION REPORT ON THE DRAFT EDGECLIFF COMMERCIAL CENTRE PLANNING AND URBAN DESIGN STRATEGY
Authors:	Louise Menday, Consultant Strategic Planner Chinmayi Holla, Strategic Planner Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	24/14218
Purpose of the Report:	To report on the public exhibition of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and seek Council's endorsement.
Alignment to Delivery Program:	Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.
Note:	Late correspondence was tabled by Anne White, Council's Manager Strategic Planning & Place, Councillor Toni Zeltzer, Interactive Tax Consultants, Peter & Megan Benjamin, Sam Auld, Bani McSpedden, Anthony & Anna Kwok, Eva Santo, Kristen Sproule, Will Naughton (2 pieces), Cyrus Meher-Homji, Virginia Rundle, Joyce Somm, Christina Ditfurth, Steve Gordon, Barbara Vyden, Chris Yorke, Jim Chryss, Robert Barry, Double Bay Residents Association (2 pieces), Michael Fischer, Diana Yeldham, Amanda Stewart, Tony Bond, Richard Stenlake, David Prentice, Prof Timothy Rohl, Maree Dixon, Avenor – James Paver, Jasmine Steel & David Chan.

**Motion moved by Councillor Carmichael
Seconded by Councillor Swan**

THAT Council:

- A. Receives and notes the submissions received in response to the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.
- B. Receives and notes the post exhibition report on the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and supporting documents.
- C. Endorses the updated Edgecliff Commercial Centre Planning and Urban Design Strategy as provided at **Attachment 1** of the report to the Strategic and Corporate Committee meeting of 24 April 2024, and requests staff to prepare a planning proposal to enact the updated Edgecliff Commercial Centre Planning and Urban Design Strategy and report the planning proposal to a future meeting of the Woollahra Local Planning Panel for advice subject to the following:
 - i. Amend Figure 26 on Page 29 to show a separated cycleway in front of the Edgecliff Centre Site and the Edgecliff Station.
 - ii. Amend Figure 19 on Page 22 to remove western crossing across New South Head Road and show existing crossings only.
 - iii. Make no changes to the current controls or zone to the site at 81-83 New South Head Road Edgecliff.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

- D. Requests staff to prepare an Affordable Housing Contributions Scheme to enable affordable housing contributions to be required in conjunction with uplift, which is progressed concurrently with the planning proposal.
- E. Requests staff to prepare a draft development control plan for the Edgecliff Commercial Centre to complement the provisions in the planning proposal.
- F. Endorses the updated Edgecliff Commercial Centre Public Domain Plan provided at **Attachment 2** of the report to the Strategic and Corporate Committee meeting of 24 April 2024 subject to the following:
- i. Amend Figure 8 on Page 15 to add pedestrians in the footway section to clarify it is a shared pedestrian and cycleway.
 - ii. Amend Figure 29 on Page 32 to show a separated cycleway in front of the Edgecliff Centre Site and the Edgecliff Station.
 - iii. Amend Figure 30 on Page 33 to add a cycleway line around into Ocean Street.
- G. Requests staff to identify how the public domain improvements will be funded including reviewing opportunities to use Section 7.11, Section 7.12 and Voluntary Planning agreements.

**Amendment moved by Councillor Witt
Seconded by Councillor Elsing**

THAT Council:

- A. Staff identify and cost out the additional community infrastructure necessary to support the estimated 1,000 to 1,250 residential dwellings proposed in the Edgecliff Commercial Centre (ECC) Planning Strategy before submitting a Planning Proposal to the WLPP for its review and recommendation.
- B. Ensure that the second tower for the ECC building is reduced from 26 to 14 storeys.

The Amendment was put and lost.

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

For the Motion

Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks
Councillor Witt

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Wynne
Councillor Zeltzer

5/10

The Motion was put and carried.

(Carmichael/Swan)

40/24 Resolved:

THAT Council:

- A. Receives and notes the submissions received in response to the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.
- B. Receives and notes the post exhibition report on the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and supporting documents.
- C. Endorses the updated Edgecliff Commercial Centre Planning and Urban Design Strategy as provided at **Attachment 1** of the report to the Strategic and Corporate Committee meeting of 24 April 2024, and requests staff to prepare a planning proposal to enact the updated Edgecliff Commercial Centre Planning and Urban Design Strategy and report the planning proposal to a future meeting of the Woollahra Local Planning Panel for advice subject to the following:
 - i. Amend Figure 26 on Page 29 to show a separated cycleway in front of the Edgecliff Centre Site and the Edgecliff Station.
 - ii. Amend Figure 19 on Page 22 to remove western crossing across New South Head Road and show existing crossings only.
 - iii. Make no changes to the current controls or zone to the site at 81-83 New South Head Road Edgecliff.
- D. Requests staff to prepare an Affordable Housing Contributions Scheme to enable affordable housing contributions to be required in conjunction with uplift, which is progressed concurrently with the planning proposal.
- E. Requests staff to prepare a draft development control plan for the Edgecliff Commercial Centre to complement the provisions in the planning proposal.
- F. Endorses the updated Edgecliff Commercial Centre Public Domain Plan provided at **Attachment 2** of the report to the Strategic and Corporate Committee meeting of 24 April 2024 subject to the following:
 - i. Amend Figure 8 on Page 15 to add pedestrians in the footway section to clarify it is a shared pedestrian and cycleway.
 - ii. Amend Figure 29 on Page 32 to show a separated cycleway in front of the Edgecliff Centre Site and the Edgecliff Station.
 - iii. Amend Figure 30 on Page 33 to add a cycleway line around into Ocean Street.
- G. Requests staff to identify how the public domain improvements will be funded including reviewing opportunities to use Section 7.11, Section 7.12 and Voluntary Planning agreements.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis

Against the Motion

Councillor Elsing
Councillor Price
Councillor Regan
Councillor Witt

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

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

11/4

Item No: R2 Recommendation to Council
Subject: **CROSS STREET CAR PARK REDEVELOPMENT - NEXT STEPS**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/62358
Purpose of the Report: Advise Council on recommended next steps for the Cross Street Car Park Redevelopment project.
Alignment to Delivery Program: Strategy 9.1: Collaborating to achieve positive outcomes in our local centres which are hubs for jobs, shopping, dining and entertainment.

(Swan/Wynne)

41/24 **Resolved without debate:**

THAT Council:

- A. Notes this confidential report on the Cross Street Car Park Redevelopment project.
- B. Notes that the Consortium of Pallas Group and Assembly Funds Management and Fortis (Fortis Consortium) has formally withdrawn from the Cross Street Car Park Redevelopment Project.
- C. Notes that the General Manager will inform the NSW Office of Local Government of the discontinuation of the Public Private Partnership with the Fortis Consortium for the Cross Street Car Park Redevelopment project.
- D. In light of two unsuccessful Expression of Interest processes now having been undertaken in relation to entering into a Public Private Partnership for the Cross Street Car Park Redevelopment project since 2016, request the General Manager undertake further investigations in relation to the Cross St Car Park Redevelopment project, with a view to providing a confidential report to Council which includes but not limited to consideration of:
 - i. The most appropriate and feasible redevelopment options for the site, having regard to Council's strategic planning and recent and emerging changes to the NSW planning system, particularly relating to the provision of affordable housing and how affordable housing may be funded.
 - ii. The merits of undertaking a Council-led site-specific planning proposal.
 - iii. A future community consultation process.
- E. Notes that this report will remain confidential as it contains commercial in confidence information relating to the Fortis Consortium and includes privileged confidential legal advice provided to Council.

Page 200

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 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 Elsing
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

15/0

Item No: R3 Recommendation to Council
Subject: **UPDATES TO THE WOOLLAHRA SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2022**
Authors: Wai Wai Liang, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/164369
Purpose of the Report: To obtain Council's approval to exhibit amendments to the Woollahra Section 7.12 Development Contributions Plan 2022.
Alignment to Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.
Delivery Program:

(Swan/Wynne)

42/24 Resolved without debate:

THAT Council:

- A. Receive and note the report on the *Draft Woollahra Section 7.12 Development Contributions Plan 2022 (Amendment 2)*
- B. Resolve to exhibit the *Draft Woollahra Section 7.12 Development Contributions Plan 2022 (Amendment 2)* as contained in **Attachment 1** of the report to the Strategic & Corporate Committee of 15 April 2024, subject to inserting a new item at Schedule 1 Works Schedule and Map at item 53 (map number 32) being Robertson Park Playground renewal, with a cost of \$476,054 as a short term item, and renumbering the remaining items accordingly.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 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 Elsing
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

15/0

Item No: R4 Recommendation to Council
Subject: **DRAFT 2024-2025 OPERATIONAL PLAN, INCLUDING THE DRAFT 2024-2025 BUDGET & DRAFT 2024-2025 TO 2033-2034 LONG TERM FINANCIAL PLAN**
Authors: Paul Ryan, Chief Financial Officer
Henrietta McGilvray, Senior Corporate Accountant
Petrina Duffy, Coordinator Strategy & Performance
Esther Hii, Acting Senior Corporate Accountant
Approvers: Sue Meekin, Director Corporate Performance
Patricia Occelli, Acting General Manager
File No: 24/53215
Purpose of the Report: To present Council's draft 2024-25 Operational Plan including the Draft 2024-25 Budget and Council's Draft 2024-25 to 2033-34 Long Term Financial Plan for endorsement to place the documents on public exhibition for a period of at least 28 days.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Swan/Wynne)

43/24 Resolved without debate:

THAT Council:

- A. Receive and note the draft 2024-25 Operational Plan (including the draft Budget, draft Rating Structure, draft Fees and Charges) and the draft 2024-25 to 2033-34 Long Term Financial Plan.
- B. Place on public exhibition for a minimum of 28 days, the draft 2024-25 Operational Plan (including the draft Budget, draft Rating Structure, draft Fees and Charges), and draft 2024-25 to 2033-34 Long Term Financial Plan, subject to the following amendments:
 - i. Removes \$120,000 funding for consultants to update the Paddington Place and the Double Bay Plans;

Page 202

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

- ii. Allocates \$60,000 to place making initiatives for Oxford Street, Paddington and \$60,000 to Double Bay.
- C. Request the General Manager whilst the 2024-25 Operational Plan and Budget is on public exhibition, give consideration to including in the final draft budget (that will come back to Council for final consideration in June 2024), a suitable amount of funding to be used for education and support purposes during 2024-25, around the matter of male violence in the community.
- D. That the draft budget related to Capitol Works for playgrounds be amended so that the renewal of Robertson Park occurs in the 2024/25 Financial Year and that Thornton Reserve be given priority thereafter.
- E. Notes its resolution of 26 June 2023 concerning reprioritising the Cecil Street Rushcutters Bay Catchment Area works (the Works); and
 - i. Notes that a revised concept design for the project is nearing completion and is proposed for public consultation early in 2024/25
 - ii. Requests the General Manager to consider bringing forward funding for construction of the project (which is funded through the SRV) to 2025/26. Such consideration to form part of the preparation of the 2025/26 Operational Plan
- F. Note that the draft 2024-25 Operational Plan (including the draft Budget, draft Rating Structure, draft Fees and Charges), and draft 2024-25 to 2033-34 Long Term Financial Plan, together with any submissions received will be further considered by Council before 30 June 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 Elsing
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

15/0

13. Rescission Motion

Nil

Page 203

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

14. 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 ANZAC Day Commemorations
Tabled by Councillor: Councillor Shapiro, Councillor Jarvis, Councillor Zeltzer & The Mayor, Councillor Shields

Councillor Shapiro advised:

Thank you.

I'll mention very briefly as it was ANZAC Day, and I'll let you speak or somebody else about the morning but we attended the Emanuel Synagogue ANZAC Shabbat service, the Mayor, Councillor Swan and Councillor Jarvis and myself, as always it was very moving.

A guest speaker spoke about the spirit of ANZAC, "why I have a duty to serve". That was ADF Chaplain Rabbi Kaiserblueth. The Sunday morning, we had the Jewish NAJEX s (NSW Association of Jewish Service & Ex-Service Men & Women). We laid wreaths, the Mayor, Councillor Carmichael, Councillor Swan, myself, and Norman Rowie AM was the guest speaker because he'd served in Vietnam, and was really wonderful and was very well presented.

The Mayor, Councillor Shields in response:

Thank you.

Councillor Jarvis further advised:

I am pleased to report on three events that really shows how well we bring our community together in various ways.

The first being the ANZAC Day Ceremony that you and I attended at Mark Moran, which each year continues to grow and improve in terms of the number of people, our senior residents that it draws and I want to congratulate you, Your Worship, on your Mayor's ANZAC Day writing competition. We heard, and the residents enjoyed hearing about the stories written by the two commendations.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

Councillor Zeltzer further advised:

Through you Mr Mayor.

I rise to commend you on introducing the inaugural writing the award for the poetry, from students of our local schools, both the primary schools and secondary schools. It added such a poignant layer to the whole proceedings and commemorations down at the Double Bay Cenotaph.

I felt that it was also wonderful to see how large the crowds have grown there, keeping in mind that 10 years ago we didn't have such a service and I can recall because I can recall in 2013, I had already been to ANZAC Cove and it was very, very touching and I found that when I got back to our Cenotaph that year that there was only two hibiscus at the Cenotaph and no one was there.

Page 204

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

So, to have come this far, and I know in that the inaugural one which occurred in 2014 and, I can tell you it was former Councillors, Councillor Levenston, Councillor Thomas, Councillor Zulman and myself under umbrellas with very few people there except Pat Vella (EA to the Mayor/General Manager), who was helping us along, and we had Tim doing the bugle even then so, ten years down the track, and this is the place to be, I think, on ANZAC morning to connect with your local people and your own community and to pay some reverence to those that sacrificed their lives for us.

I thought that the whole commemorative function this last ANZAC Day was very, very moving indeed. I felt that it was very inclusive. I can recall in the old days we had a very simple service. This has become very polished and I am so impressed. We had The Ode and I used to ask Malcolm Turnbull AC to read the first stanza and I'd ask Gabrielle Upton MP as our Member for Vaucluse the second stanza and then, I'd reserve the most well-known stanza for me to represent the people of Woollahra. And you know that stanza, "They will not grow old as we but our left grow old." So that was for the people of Woollahra. And now it's just this wonderful inclusive event. So I'd like to thank Justine Henderson (Manager – Communications & Engagement) and Pat Vella for being involved right from the start. They still have this ability to bring the whole event together and I'd also like to thank Tom O'Hanlon and his groundsman for making that area so beautiful, and the new plantings and those established Rosemary bushes. They weren't there originally, but I just think the place has come along so well and I have a belated thanks to Gabrielle Upton MP for using her influence to actually upgrade that Cenotaph and make it worthy.

I also want to bring to your attention before I close, that when you look at the Cenotaph, please read the names, because you will notice for a fledgling little community like Double Bay, some families devoted three sons to the allied forces. Three sons and some of them did not come home. So three out of one family. It was a major, major contribution to a fledgling community like Double Bay at that time so, thank you very much.

The Mayor, Councillor Shields in response.

Thank you, Councillor Zeltzer.

The Mayor, Councillor Shields further advised:

Thank you.

The ANZAC Day Memorial, I do want to also acknowledge Pat Vella and Justine Henderson for their incredible work in the organisation of that event. I also want to acknowledge Councillor Wynne who introduced a very moving element to the service last year, which was to sing the New Zealand National Anthem. We often forget the NZ in ANZAC but we continued an excellent tradition started by Councillor Wynne the year before. And also I want to acknowledge the efforts of other Councillors to commence such a beautiful service. Someone asked staff as to how many people were there and quick as a flash, they said 440. So I'm not sure if that's correct, but it sounds very good. So that is it for me.

And thank you to the Deputy Mayor, Councillor Sarah Swan who also read out one of the incredible essays that were produced by the schools. So, thank you to the Deputy Mayor for, for assisting me in the ceremony on the 25th.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

General Item No: 15.2 Lumiere Sculpture Festival / Plaque Unveiling for Professor Leslie
Tabled by Councillor: Wilkinson OBE
Councillor Shapiro & Councillor Jarvis

Councillor Shapiro advised:

I will let Councillor Jarvis speak about Lumiere. She opened Lumiere beautifully. Councillor Swan, Councillor Witt, Councillor Grieve, and myself were there. Before we go around the table I'd like to pass congratulations to the two organisers, two community members, Dr. Julian Parmegiani, Michael Gerondis both in mental health, both residents of Watsons Bay, and they put this together on the smell of an oily rag. Council did support them with wavering fees in kind, etc. It was a fairly small exhibition for the first time. The idea being activation of Gap Park is key to the suicide prevention strategy. And what better than having a twilight solar lit exhibition of sculptures along the cliff. So even though it was a really small exhibition, and I know we have had comment from a community member today that they were underwhelmed but I do congratulate the two organisers and I think it's in its infancy. Sculpture by the Sea wasn't huge, I'm sure, when it started and I'm sure. I'm sure this will go from strength to strength.

The Mayor, Councillor Shields in response:

Thank you.

Councillor Jarvis further advised:

The second event, as Councillor Shapiro has alluded to, is I was incredibly honoured to represent you to launch Lumiere a few weeks ago.

This event was really about providing lightness when we had had the darkness of the week before at Bondi Junction. And I think as Councillor Shapiro well knows because of her work in suicide prevention, it creates a different focus for this area that is regrettably renowned for the tragedy that often surrounds it.

I was particularly impressed by Dr Julian Parmegiani, a retired psychiatrist and Michael Gerondis, who's a retired policeman that have worked together for years to try and avoid some of the tragedies that are happening or have happened at Gap Park. And I really want to commend them and congratulate them because it hasn't been an easy path to get to the stage that we got to a few weeks ago as Councillor Shapiro and I know, and I want to congratulate and thank Mr O'Hanlon's team (Infrastructure & Sustainability) because we were met on site on one occasion when things were really looking as though they were going to hit an impasse. And for the staff, thank you for what you did to facilitate this happening. It ran until Sunday, and it was illuminated, but it was intended to be enjoyed 24/7. It was particularly spectacular at sunset, and I imagine if anyone saw it at sunrise, it would have been equally fantastic.

The other thing your Worship, that I did today on your behalf was launch the 45th plaque unveiling in my Ward, Vacluse Ward, to commemorate Professor Leslie Wilkinson OBE, the esteemed architect whose body of work is the largest in our municipality. I was pleased to see a number of locals there today, including the former Mayor of Woollahra, Mr Chris Dawson and Mr Graham Humphreys, an architect well known to us on the planning panel, as it was his nomination that put this forward. I was particularly pleased that it was at Greenway, so named by Professor Wilkinson after the convict architect, Francis Greenway. Professor Wilkinson was the first Professor of architecture in Australia. He was the first Dean of an architectural school in Australia. He was the first registered architect. And he was the first gold medallist of the Royal Australian Institute of Architects. And we have the largest Wilkinson collection of architecture in Australia, right in our backyard.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

General Item No: 15.3 Acknowledgement of 'The Keeper of the Crossing' Harmainy
Tabled by Councillor: Abdul Karim
Price

Councillor Price advised:

It's an end of an era at Glenmore Road Public School. Term 2 starts tomorrow without its beloved and immensely popular School Crossing Supervisor - Harmainy Abdul Karim - affectionately known as 'Mr Harmainy'.

Mr Harmainy has kept thousands of GRPS students safe for over 17 years. With his warm smile and incredible memory, Mr Harmainy personally greeted every student, parent, grandparent or carer as they crossed Gurner Street.

Mr Harmainy worked for many years as a first and business class steward on Singapore Airlines which uniquely prepared him for his role on the crossing.

As he recently explained to the Wentworth Courier; "In business class, it's very important to remember everyone's name, so I would associate each person with something to remind me. ... I do the same with all the children I meet and their parents, grandparents and nannies."

Mr Harmainy has been a constant for a generation of Paddington children - from early preschool days at Peter Pan, to primary school and then onto High School and beyond. It was a special milestone for students to graduate to walk alone to school and most reassuring for families to know that Mr Harmainy was at his post.

Some of those former students (including my own children) now drive past the crossing on their P Plates and receive a custom Mr Harmainy wave and thumbs up.

Since 2007, Mr Harmainy also contributed to the School as a volunteer football coach and generously attended School fetes, fundraisers and working bees. The loudest cheer and applause at the School's annual Recognition Day assembly was always saved for Mr Harmainy.

GRPS School principal, Karen Sinclair recently remarked: "The difference Harmainy has made each and every day is immeasurable. He has been a constant, calm and positive presence in our community, making families feel welcome and reassuring new students. He bookends the school day with kindness."

Mr Harmainy's community connections (and name recognition talents) were not only confined to the School but extended to much of Paddington, especially the residents of Cambridge Street, Norfolk Street, Duxford Street, Cascade Street and 5Ways.

Thank you Mr Harmainy for your service, morale boosting enthusiasm and kind greetings (even on the bleakest of rainy School mornings!) Enjoy your retirement - Paddington will miss you and forever hold fond memories of you as our unique and very special keeper of the crossing.

The Mayor, Councillor Shields in response:

Thank you.

Councillor Robertson further advised:

Thank you.

I just wanted to thank Councillor Price for updating us on "Mr Harmony" and I couldn't agree more that he's been a pivotal part of the Glenmore Road community for many years and I'm very saddened to learn that he is departing for, and I wish him well for his retirement.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

It was only a few weeks ago that I drove over that crossing myself and had to stop and have a chat. He really does have an infectious smile, Mr Mayor. And he really has gone above and beyond in such a simple but crucial role to deliver so much for the community. So I endorse all the comments made by Councillor Price and if you'd be so minded, Mr Mayor if you might write him a letter of congratulations on behalf of the Council, thanking him for his contribution to the community of Paddington I would be most grateful.

Thank you.

The Mayor, Councillor Shields in response:

Thank you. I'll do that and I am aware of his incredible service and I might chat to you and Councillor Price as to a way that we can very adequately acknowledge his efforts. I will talk to you privately about an idea that I have. Wonderful. Thank you.

General Item No: 15.4 Watson's Bay Seed Library
Tabled by Councillor: Councillor Grieve

Councillor Grieve advised:

Thank you Mr. Mayor

I would like to commend Watsons Bay Library on their Seed Library, their initiative, which is a seed library. You can now pop into Watsons Bay Library and borrow some seeds. A lot of the seeds are supplied by the community and our community gardens. Rose Bay delivered a whole bunch and I think Paddington and Cooper also delivered some seeds and, our Bush Regeneration team have been packaging up some seeds.

We were at the launch of this site, the Seed Library, we were treated to some amazing poetry by Elsa Piper. The author who was fascinating in her choice of poetry, but also the investigation of what a seed is, and there was actually a large contingent of people from all over there. It was a really fabulous day and there was food and drink, and I just think it is another initiative that makes the Watson's Bay Library an extraordinarily special place and I want to commend the staff for their enthusiasm and delivering that.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

Woollahra Municipal Council
Ordinary Council Meeting Minutes

29 April 2024

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - FEASIBILITY OF FURTHER MEASURES TO PROTECT TREE CANOPY ON PRIVATE LAND IN THE WOOLLAHRA LGA
From: Councillor Merrill Witt
Date: 15 April 2024
File No: 24/64894

Note: This matter was withdrawn at this meeting and is referred to the next Council meeting to be held on 13 May 2024.

17. Questions With Notice

Nil

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 10.00pm.

We certify that the pages numbered 185 to 207 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 29 April 2024 and confirmed by the Ordinary Meeting of Council on 13 May 2024 as correct.

General Manager

Mayor

Item No: 6.2
Subject: **CONFIRMATION OF AUDIT, RISK & IMPROVEMENT COMMITTEE MINUTES - 14 MARCH 2024**
Author: Rhys Johnson, Coordinator Governance
File No: 24/78396
Purpose of the Report: The Minutes of the Audit, Risk and Improvement Committee of 14 March 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 Audit, Risk and Improvement Committee (ARIC) Meeting of 14 March 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Audit, Risk and Improvement Committee (ARIC) Meeting Minutes of 14 March 2024 for confirmation. The minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Audit, Risk and Improvement Committee (ARIC) Meeting Minutes are presented to the Council as a procedural matter. Any matter arising from the minutes can be discussed.

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 Minutes - Audit, Risk & Improvement Committee Meeting 14 March 2024





Audit, Risk and Improvement Committee

Thursday 14 March 2024
12.45pm

Minutes

Unconfirmed

Audit, Risk and Improvement Committee Meeting

Held on
Thursday 14 March 2024 at 12.45pm
held using teleconferencing technology (Zoom).

Table of Contents

	Page
1. Opening.....	3
2. Acknowledgement of Country	3
3. Apologies.....	3
4. Disclosures of Interest	3
5. Confirmation of Minutes	3
5.1 Confirmation of Audit, Risk and Improvement Committee (ARIC) Minutes - 5 December 2023	3
Resolved Unanimously:	3
6. Late Correspondence	3
7. Committee Action Items.....	4
7.1 Progress Status Report for ARIC Action Plan	4
7.2 Audit, Risk & Improvement Committee (ARIC) - Performance Report - 1 January 2023 to 31 December 2023	5
8. General Manager's Update	5
8.1 General Manager's Update	5
9. Compliance.....	6
9.1 Workplace Health & Safety Update Report	6
10. Risk Management.....	7
10.1 GAP Analysis Risk Management Framework, Audit, Risk & Improvement Committee Terms of Reference and Internal Audit Charter.....	7
10.2 Risk Appetite Statement and Risk Appetite Ratings.....	8
12. Financial Management.....	9
12.1 Finance Update Report.....	9
13.1 Cyber-Incident December 2023	10
13.2 Cyber Security in Local Government - Audit Office NSW	11
14. Implementation of Strategic Plan, Delivery Program & Strategies.....	11
17.1 Information & Digital Transformation Update	11
17.2 Status Report on Internal Audit.....	12

Audit, Risk and Improvement Committee Meeting

Minutes of the Meeting held on 14 March 2024 at 12.45pm.

Present: Jason Masters (Chair) – via Zoom
Councillor Sean Carmichael (Non-Voting Council Member) – via Zoom
Deborah Goodyer (Independent Member) - via Zoom
Councillor Nicola Grieve (Non-Voting Council Member) - via Zoom
Councillor Harriet Price (Non-Voting Council Member) - via Zoom

Staff: Ben Horn (Manager – Information & Digital Transformation)
Rhys Johnson (Coordinator – Governance)
Alison McNamee (Meetings Support Officer)
Sue Meekin (Director – Corporate Performance)
Patricia Occelli (Director – Community & Customer Experience)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Paul Ryan (Chief Financial Officer) – via Zoom
Helen Tola (Manager – Governance & Risk)

Also in Attendance: Andrew Styles (O'Connor Marsden) – via Zoom
Nestor Tindugan (Prosperity)
Sue Prichard (Audit Office of New South Wales) – via Zoom

Note: Patricia Occelli, Director Community & Customer Experience attended the meeting to present on Divisional Risks in relation to Item 7.1 (Progress Status Report for ARIC Action Plan).

Note: Tom O'Hanlon, Director Infrastructure & Sustainability attended the meeting to present to Item 8.1 (General Manager's Update – Redevelopment of the Cross St Car Park (Double Bay)).

1. Opening

The Chair, Mr Jason Masters opened the meeting and welcomed Committee members.

2. Acknowledgement of Country

At the request of the Chair, Sue Meekin, Director Corporate Performance, acknowledged the traditional custodians of the land, the *Gadigal* and *Birrabirragal* people and the traditional custodians of the various lands upon which we meet virtually.

3. Apologies

Apologies were received from Carl Millington (Independent Member), Craig Swift-McNair (General Manager), and Stephan Moxham (Coordinator – Health, Safety & Injury Management).

4. Disclosures of Interest

Nil

5. Confirmation of Minutes

Item No:	5.1
Subject:	CONFIRMATION OF AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) MINUTES - 5 DECEMBER 2023
Author:	Alison McNamee, Meetings Officer
File No:	24/14587
Purpose of the Report:	The Minutes of the Audit, Risk and Improvement Committee of 5 December 2023 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.

Discussion:

THAT the Minutes of the Audit, Risk and Improvement Committee (ARIC) meeting of 5 December 2023 be taken as read and noted by the ARIC.

Resolved Unanimously:

That the Minutes of the Audit, Risk and Improvement Committee Meeting held on 5 December 2023 be taken as read and confirmed.

6. Late Correspondence

Late correspondence was tabled in relation to Items 12.1 and 14.1 (2 pieces).

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

7. Committee Action Items

Item No: 7.1
Subject: **PROGRESS STATUS REPORT FOR ARIC ACTION PLAN**
Author: Alison McNamee, Meetings Officer
Approvers: Helen Tola, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
File No: 24/14639
Purpose of the Report: To table the ARIC Action Plan Progress Report.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: The Committee removed Part B of the Resolution.

Note: Patricia Occelli, Council's Director Community & Customer Experience attended the meeting to provide a presentation on her division.

Discussion:

The report was taken as read and noted by the Committee.

The Committee discussed particular Items of the ARIC Action Report as of February 2024:

- Item 24: The Committee has not undertaken a risk-based refresh of the Annual Audit Plan recently. This Item needs to be amended to reflect that a four-year Strategic Plan, in addition to a one-year detailed Plan, be completed and approved by the ARIC Committee.
- Item 26: The Director Corporate Performance thanked the Committee for the commentary and agreed that following the development of the four-year Audit Plan would be the appropriate time for Council to form a panel of internal auditors to undertake audits within the plan.
- Item 28: Patricia Occelli, Council's Director Community & Customer Experience (CCE) attended to provide a presentation on the functions and responsibilities, key risks and emerging issues of the CCE.

The presentation was well received by the Committee and it was agreed that the framework used was appropriate moving forward. The Chair thanked Ms Occelli for an excellent presentation.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC) reviewed and noted the current status for the items in the Progress Report included as **Attachment 1**, subject to the comments as per the discussion.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

Item No: 7.2
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) - PERFORMANCE REPORT - 1 JANUARY 2023 TO 31 DECEMBER 2023**
Author: Helen Tola, Manager Governance & Risk
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 24/38866
Purpose of the Report: To present the Audit, Risk & Improvement Committee Chairperson's Annual Performance Report for the period 1 January 2023 to 31 December 2023.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC) received and noted the Audit, Risk and Improvement Committee Chairperson's Annual Performance Report for the period 1 January 2023 to 31 December 2023, as presented to Council on 26 February 2024.

8. General Manager's Update

Item No: 8.1
Subject: **GENERAL MANAGER'S UPDATE**
Author: Craig Swift-McNair, General Manager
Approver: Craig Swift-McNair, General Manager
File No: 24/14619
Purpose of the Report: For the General Manager to provide an update on a range of matters to the Committee
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Tom O'Hanlon, Council's Director Infrastructure & Sustainability attended the meeting to provide a presentation on the Cross Street Car Park Redevelopment.

Discussion:

The report was taken as read and noted by the Committee.

Tom O'Hanlon, Council's Director Infrastructure & Sustainability attended to provide a brief, confidential overview of the project to the Committee, following the request of the ARIC Committee at the meeting of 5 December 2023.

The Committee discussed the confidential information given in the overview and the Chair thanked Mr O'Hanlon for a useful insight and for bringing the Committee up-to-date on the project. The Chair looked forward to a further briefing on the risks and the mitigation measures in the future.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC) received and noted the General Manager's Update report as tabled at this 14 March 2024 ARIC meeting.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

9. Compliance

Item No: 9.1
Subject: **WORKPLACE HEALTH & SAFETY UPDATE REPORT**
Authors: Stephen Moxham, Health, Safety & Injury Management Coordinator
Eva Leszczynska, Manager People, Safety & Performance
Approver: Sue Meekin, Director Corporate Performance
File No: 24/14751
Purpose of the Report: To provide the Committee with an overview of Council's Workplace Health & Safety and Workers Compensation.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

The Director Corporate Performance provided an update on Workplace, Health & Safety (WHS) and Workers Compensation, highlighting:

- i. Key Performance Indicators (KPI) set for 2024;
- ii. That the quarterly WHS & IM report will be reported to the ARIC Committee in June 2024; and
- iii. That Council has nominated our Early Intervention Program for the People, Workplace, Wellbeing category of the NSW Local Government Excellence Awards.

Councillor Grieve congratulated the team responsible for the Early Intervention Program, stating it is exceptional for the staff. The Director Corporate Performance thanked Councillor Grieve and advised that her comments will be passed on to the team.

The Committee noted that KPIs will assist them in measuring certain performance data and a discussion was had regarding KPI data manipulation and what measures the Council has in place to identify and avoid such conduct. The Committee was advised that Council is transparent with KPIs and that the WHS Committee meets monthly with KPIs included in the Agenda. WHS KPI statistics are also presented to the ELT on a quarterly basis.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC) received and noted the Workplace, Health & Safety report.

10. Risk Management

Item No:	10.1
Subject:	GAP ANALYSIS RISK MANAGEMENT FRAMEWORK, AUDIT, RISK & IMPROVEMENT COMMITTEE TERMS OF REFERENCE AND INTERNAL AUDIT CHARTER
Author:	Helen Tola, Manager Governance & Risk
Approver:	Sue Meekin, Director Corporate Performance
File No:	24/41687
Purpose of the Report:	To present a gap analysis against the Risk Management Framework due for implementation from 1 July 2024, update the ARIC Terms of Reference and update the Internal Audit Charter.
Alignment to Delivery Program:	Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: The Committee added new Part D to the Resolution.

Discussion:

The report was taken as read and noted by the Committee.

The Manager Governance & Risk provided an overview of the report, noting that a reduction of the number of Councillors on the ARIC is a key change under the new regulations.

The Committee discussed the changes under the new regulations for a maximum of one non-voting Councillor. Council sought advice from the Office of Local Government who confirmed that the composition and membership in accordance with the legislation should be in place by the 1 July 2024.

The Committee also noted that under the new regulations the Chair cannot sit for more than 8 years on the Committee and therefore becomes ineligible from 1 July 2024. The Chair noted that he would be available to assist during the transition period after his last meeting in June 2024.

The Director Corporate Performance advised that the process for Expressions of Interest for a new independent member for ARIC will be commencing in April 2024.

The Director Corporate Performance acknowledged the comments Deborah Goodyer circulated to the Committee regarding the Draft internal Audit Charter and the ARIC Terms of Reference and suggested that the Committee provide out-of-session feedback to Council's Manager Governance & Risk before 31 March 2024, to allow for final adjustments and agreement on final recommendations to Council.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC):

- A. Noted the Gap Analysis undertaken against the Risk Management Framework (**Attachment 1**), noting the actions arising from the Gap Analysis and endorses the proposed timeframes.
- B. Noted and provided feedback on the New Audit, Risk & Improvement Committee (ARIC) Terms of Reference (**Attachment 2**).
- C. Noted and provided feedback on the New Internal Audit Charter (**Attachment 3**).
- D. Note and provide feedback on the Draft Internal Audit Charter and ARIC Terms of Reference to the Manager Governance & Risk by the 31 March 2024.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

Item No: 10.2
Subject: **RISK APPETITE STATEMENT AND RISK APPETITE RATINGS**
Authors: Andrew Styles, Insurance & Risk Management Consultant
Helen Tola, Manager Governance & Risk
Approver: Sue Meekin, Director Corporate Performance
File No: 24/41834
Purpose of the Report: The purpose of this report is to present to the Audit, Risk & Improvement Committee an initial draft of a Risk Appetite Statement for Council and draft Strategic Risk Appetite Ratings for review and feedback.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Andrew Styles joined the meeting at this Item.

Note: Councillor Grieve left the meeting at 2.07pm.

Discussion:

The report was taken as read and noted by the Committee.

The Manager Governance & Risk provided an overview of the report, to present feedback received from Councillors at a Councillor briefing session and, to present the Draft Risk Appetite Statement and the Draft Risk Appetite Ratings that have been considered by the ELT and by the Councillors at the briefing.

The Chair thanked both the Management and the Councillors for pursuing this and achieving a good outcome.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC):

- A. Noted and accepted the Risk Appetite report.
- B. Noted that a workshop was held with Councillors on 19 February 2024 on Council's Draft Risk Appetite Statement and Ratings.
- C. Reviewed and provided feedback on the draft Risk Appetite Statement and Draft Strategic Risk Appetite Ratings as outlined in the report.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

12. Financial Management

Item No: 12.1
Subject: FINANCE UPDATE REPORT
Author: Paul Ryan, Chief Financial Officer
Approver: Sue Meekin, Director Corporate Performance
File No: 24/14722
Purpose of the Report: To provide the Committee with an update on Council's current financial position
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

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

Discussion:

The Committee noted the report and additional information distributed as Late Correspondence. The Chief Financial Officer (CFO) provided an overview of the Finance Update Report, highlighting the Finance Quarterly Review, the Draft Restricted Funds Policy and the Annual Audit Engagement Plan 2023/24.

Sue Prichard, Audit Office of New South Wales (AONSW) introduced herself to the Committee as the Director on the audit this year. Ms Prichard discussed the Audit Engagement Plan, including the competitive tender process for audit provider, Prosperity being the successful tenderer. It was noted that the contract with Prosperity was four years and that the interim audit has commenced at Council. She also noted that from a high-level point of view the scope is the same as the scope of the previous years' audit.

Ms Prichard introduced Nestor Tindugan, Prosperity to run through the key areas of the audit. Key points mentioned:

- i. Evaluation work regarding infrastructure assets and investment properties;
- ii. IT components and cyber security;
- iii. Interim audit capacity – annual plan; and
- iv. Financial reporting obligations and guidelines.

The Committee discussed cyber security and Information Technology general controls, specifically the controls around data being stored in "the Cloud" and how those controls should meet Australian Standard on Assurance Engagements (ASAE 3150) as a minimum. The AONSW confirmed that cyber security is a key component of the Audit Plan. Ms Prichard stated the AONSW review the controls and policies Council have in place as part of the audit.

The Committee further discussed the use of AI technology generally. The Chair raised the question to the AONSW on their use of AI and Ms Prichard advised that they have pilot projects testing their use of AI in audits and are increasing the use data analytics on audit.

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC):

- A. Received and noted the Finance Update report of 14 March 2024,
- B. Noted that the feedback from ARIC on the attachment to the draft Restricted Funds Policy was incorporated and the draft policy was presented to Council's Finance, Community & Services Committee at their meeting on 4 March 2024.
- C. Received and noted the Annual Audit Engagement Plan from the NSW Audit Office for the 12 months ending 30 June 2024.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

13. Governance

Item No: 13.1
Subject: **CYBER-INCIDENT DECEMBER 2023**
Author: Craig Swift-McNair, General Manager
Approver: Craig Swift-McNair, General Manager
File No: 24/28773
Purpose of the Report: This report provides a confidential high-level overview of the cyber-incident that took place at Woollahra Council in December 2023
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Sue Prichard left the meeting, the time being 2.38pm.

Note: Nestor Tindugan left the meeting, the time being 2.38pm.

Discussion:

The report was taken as read and noted by the Committee.

The Chair requested the Tesserent report be made available to him to read and review.

The Committee noted that the Council's Data Breach Policy and Response Plan is published on the Council's website and that the Privacy Management Plan is currently being updated and reviewed to be presented, with any further updates on the incident, to the ARIC meeting of June 2024.

In relation to the cyber incident, the Committee further discussed liability and indemnity from insurers, noting that Council is waiting on further information from Monitor's forensic investigation (third-party software provider).

Resolved unanimously:

THAT the Audit, Risk & Improvement Committee (ARIC):

- A. Received and noted the confidential report on the December 2023 cyber-incident that impacted Woollahra Council library customers.
- B. Received and noted the Woollahra Council Data Breach Policy & Response Plan.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

Item No: 13.2
Subject: **CYBER SECURITY IN LOCAL GOVERNMENT - AUDIT OFFICE NSW**
Author: Helen Tola, Manager Governance & Risk
Approver: Sue Meekin, Director Corporate Performance
File No: 24/41914
Purpose of the Report: To advise of the pending release of a 'Local Government Cyber Report' by the Audit Office NSW.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The Director Corporate Performance advised that the Audit Office NSW 'Local Government Cyber Report' has not yet been released and will be included at the next ARIC meeting of 18 June 2024.

Recommendation:

THAT the Audit, Risk & Improvement Committee (ARIC) noted the pending release of a Cyber Security in Local Government – Audit Office NSW report and give due consideration once released.

14. Implementation of Strategic Plan, Delivery Program & Strategies

Item No: 14.1
Subject: **INFORMATION & DIGITAL TRANSFORMATION UPDATE**
Author: Ben Horn, Manager Information & Digital Transformation
Approver: Sue Meekin, Director Corporate Performance
File No: 24/14732
Purpose of the Report: To provide the Committee with an update on Council's Information & Digital Transformation Initiatives
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Late Correspondence was tabled by Ben Horn, Council's Manager Information & Digital Transformation.

Discussion:

The Committee noted the report and additional information distributed as Late Correspondence.

The Manager Information & Digital Transformation provided an update to the Committee on Council's Information & Digital Transformation Initiatives, including significant updates to Cyber Security and general departmental updates.

The Committee noted that IT is implementing procedures to help with the transitions taking place in the transformation, including communication management plans for staff, process mapping and dedicating key IT staff to projects.

Resolved unanimously:

THAT the Audit, Risk and Improvement Committee (ARIC) noted the Information & Digital Transformation Update.

Woollahra Municipal Council
Audit, Risk and Improvement Committee Meeting Minutes

14 March 2024

17. Internal Audit

Item No: 17.1
Subject: **STATUS REPORT ON INTERNAL AUDIT**
Author: Helen Tola, Manager Governance & Risk
Approver: Sue Meekin, Director Corporate Performance
File No: 24/14745
Purpose of the Report: To provide the Committee a status report on outstanding internal audit items as at 28 February 2024.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Discussion:

The report was taken as read and noted by the Committee.

The Committee noted the completion of a number of outstanding items and that after a review, some completion dates on other items have been delayed. The Committee discussed that the actions arising from future Internal Audit Reports need to be specific, measurable and have a clear end-date.

Resolved unanimously:

THAT the Audit, Risk and Improvement Committee (ARIC) received and noted the status of the Follow-up Internal Audit Recommendations as at 28 February 2024.

18. General Business

The Director Corporate Performance advised the Committee that Ms Tola is moving on from Woollahra Council to a bigger, larger and very good role at Bayside Council as Manager, Governance & Risk, which is an excellent career move for Helen. The Director Corporate Performance thanked Ms Tola for everything she has done for the Committee and the Internal Audit and congratulated Ms Tola on her new role.

The Chair commented, 'On behalf of the Committee, we have really appreciated your (Ms Tola) work and support over the last few years that you've been with us, thank you very much. Good luck with the Bayside Council.'

Ms Tola responded, 'Thank you all for your support and it has been a great opportunity to work with you all. I just want to thank you and wish you all the very best with your personal and professional future endeavours and I'm sure we will cross paths at some time.'

There being no further business the meeting concluded at 3.19pm.

We certify that the pages numbered 1 to 12 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 14 March 2024 and confirmed by the Ordinary Meeting of Council on 18 June 2024 as correct.

General Manager

Mayor

Page 12

12. General Manager and Officer's Report

Item No:	12.1
Subject:	RESPONSE TO THE NOTICE OF MOTION ON REDUCTION IN THE NUMBER OF COUNCILLORS
Authors:	Jennifer Chenhall, Manager Governance & Risk Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
Approvers:	Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
File No:	24/78345
Purpose of the Report:	The purpose of this report is to respond to a Notice of Motion tabled at the 25 March 2024 Council Meeting.
Alignment to Delivery Program:	Strategy 10.1: Encourage inclusive community participation and build respectful relationships through engagement and input into decision making.

Recommendation:

THAT Council:

- A. Note this report on the response to the Notice of Motion on the reduction in the number of Councillors at Woollahra Council and related matters.
- B. Note that if Council wishes to resolve to hold a constitutional referendum at the 14 September 2024 local government elections in order to seek a binding decision of the electors on a proposal to reduce the number of Councillors from 15 to 9, then Council must also resolve the question to be asked at the election. For example:

The Woollahra Municipal Council currently has 15 Councillors. Do you favour reducing Councillor numbers to 9?

Please note that a reduction in the number Councillors will likely result in a reduction of Wards across the Woollahra Council local government area, from 5 to 3.

Executive Summary:

The purpose of this report is to respond to a Notice of Motion (NoM) tabled at the 25 March 2024 Council meeting seeking information on the processes involved in reducing the number of Councillors and wards across the Woollahra Council Local Government Area (LGA).

Specifically, this report details:

- The relevant legislation and processes that would need to be followed in order to move forward with any reduction in the number of Councillors and / or wards;
- The costs involved in doing the above;
- The interplay between a reduction in the number of Councillors and wards;
- Any potential cost and resource savings as a result of a reduction in the number of Councillors; and
- Information on how Woollahra Council compares to other Councils in relation to the total number of Councillors and the number of Councillors per population.

As detailed in this report, a reduction in the number of Councillors and a reduction in the number of wards, whilst two separate matters, are however intertwined, due to the fact that a reduction in the number of Councillors in an area that is divided into wards, would generally mean that there is a likely reduction in the number of wards required. This report then lays out a series of steps that could be taken by Council in relation to moving towards a reduction in the number of Councillors and wards in future years, either via a poll (non-binding) or a constitutional referendum (binding).

Discussion:

At the Council meeting held on 25 March 2024, Council resolved the following:

THAT Council request the General Manager table a report at the 24 April 2024 Council meeting detailing the following:

- i. The processes and costs involved in holding a non-binding Council Poll of electors at the 14 September 2024 Council election, with the Council Poll aimed at seeking the views of the community on reducing the number of Woollahra Councillors from 15 to 9 in future terms of Council.*
- ii. The interplay between any reduction in the number of Councillors and the likely subsequent reduction in the number of wards and the processes involved in reducing the number of wards, and in doing so having regard for Woollahra's significant heritage conservation areas (i.e. that consideration be given to the unification of the Victorian precincts of Paddington and Woollahra).*
- iii. The potential cost and any resource savings that may result in a reduction in the number of Woollahra Councillors from 15 to 9, as well as any impact in cost of and/or support for a smaller number of Councillors.*
- iv. How Woollahra Council currently compares with other Councils in relation to the total number of Councillors and the number of Councillors per population.*

In response to the above-mentioned resolution of Council, please find below information in relation to the legislative requirements and processes that will be required to be followed in order to give effect to any proposal to reduce Councillor numbers and wards.

The Process for Changing the Number of Councillors

The *Local Government Act 1993* (the Act) sets out the legislative requirements that Council must follow in order to propose a change in Councillor numbers. The key step is that a binding constitutional referendum must be held to action the change in Councillor numbers, should the majority of electors vote in support of the reduction in Councillor numbers. Section 224 of the Act requires that Council must have done both of the following at least 12 months prior to the next ordinary election of Council:

- Held a constitutional referendum under Part 3 of Chapter 4 of the Act, which approved a change in the number of Councillors for the '*following term of office*' (i.e. the term following the election), and
- Determined the changed number of Councillors, being at least 5 and not more than 15 Councillors, including the Mayor.

What is a Council Poll?

Section 14 of Part 3 of the Act distinguishes between a 'poll of electors' (otherwise known as a Council poll) and a 'constitutional referendum'. Section 14 provides that *'[A] Council may take a poll of electors for its information and guidance on any matter'*.

A Council poll can ask any question of the community and Council can choose whether or not to proceed with the matter that is the subject of the Council poll, regardless of the result of the poll, because it is non-binding on the Council.

The Act places no limitations on when a poll of electors may be held, except that section 19 provides that, *'[A] council poll... may be taken on any Saturday, including the Saturday of an ordinary election'*.

What is a Constitutional Referendum?

Section 15 of the Act provides that, *'[A] constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in section 16'*.

Unlike a Council poll, the result of a constitutional referendum is binding. Meaning that a Council must proceed with the change as the result of the vote on a constitutional referendum if there is a majority yes vote, or not proceed if there is a majority no vote.

As per section 16 of the Act, any reduction in the number of Councillors must be dealt with at a constitutional referendum. Section 16 of the Act being as follows:

16 *What matters must be dealt with at a constitutional referendum?*

A council may not do any of the following unless approval to do so has been given at a constitutional referendum:

- (a) divide its area into wards or abolish all wards in its area,*
- (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors),*
- (c) increase or decrease the number of councillors in accordance with the limits under section 224,*
- (d) change the method of ordinary election of councillors for an area divided into wards.*
- (e) (Repealed)*

Holding a Council Poll or Constitutional Referendum

Whilst the purpose of this report is to respond to the 25 March 2024 NoM by providing information on the processes and costs involved in holding a Council Poll of electors at the 14 September 2024 Council election, subsequent to questions asked at the 25 March 2024 Council meeting about why a constitutional referendum could not be held at the 14 September 2024 Council election, Council staff sought legal advice which stated that Council could not hold a constitutional referendum regarding the reduction in the number of Councillors at the September 2024 Council Elections.

In summary, the advice was:

'The determination under s224(2) clearly must occur during the term of office following the 2024 local government elections in order for the determination to have been made 'for the following term of office'.

A constitutional referendum held in conjunction with the 2024 election is not one which precedes the term of office that will follow the Council determining the number of councillors but rather is one that will precede the term of office in what that determination will be made.

Put simply, in our view, a proper reading of the LG Act requires the two steps in the process of changing the number of councillors, that is to say, firstly, the constitutional referendum, and, secondly, the Council's determination, to both occur in the Council term preceding the term in which the change will take effect.'

Following analysis of the Office of Local Government (OLG) Circular on Constitutional Referendums and Council Polls released in January 2024 (**Attachment 1**) and due to inconsistencies between the above-mentioned legal advice and the Circular, a meeting was then held with the NSW Electoral Commission (NSWEC) to determine if Council could hold a binding Constitutional Referendum at the 14 September 2024 Council election. Council also sought further advice from the OLG, who referred Council again to the above-mentioned January 2024 Circular.

The NSWEC confirmed that Council could hold either a Council Poll or a Constitutional Referendum at the 14 September 2024 Council election that if supported by the electors would take effect from the 2028 local government elections. They also advised that although the statutory due date that council must notify the Electoral Commissioner of the question to be asked at the constitutional referendum is by no later than 12 noon on the closing date for that election (on 5 August 2024), for logistical purposes they would prefer the information no later than 30 June 2024.

1. A Non-Binding Poll at the 14 September 2024 Council Election:

Council could resolve to hold a non-binding Council poll at the upcoming 14 September 2024 local government elections, noting that a resolution of Council is required in order for a Council poll to take place.

However that Council poll cannot be held to be a step in '*giving effect*' to the change in the number of Councillors, i.e. the Council poll is informational only (not binding), and so a constitutional referendum would still need to be held at a later date in order to comply with the Act.

Therefore, assuming a Council poll on the proposed reduction in the number of Councillors was held at the same time as the 14 September 2024 local government elections, then post the September 2024 election, if the Council of the day did wish to seek to reduce the number of Councillors, they would then need to resolve to hold a constitutional referendum on the matter.

2. Hold a Binding Constitutional Referendum

As noted earlier in this report, if Council were to resolve at the appropriate time to hold a constitutional referendum on the matter that is the subject of this report, then in summary:

- a. Based on advice from the OLG and NSWEC, Council can hold a constitutional referendum at the upcoming September 2024 local government elections and if there was majority support by the electors for a reduction in Councillor numbers, then the reduced number of Councillors would take effect from the 2028 local government elections.

- b. If the referendum is not held at the September 2024 elections, for a reduction in the number of Councillors to be effective from the September 2028 local government election, a constitutional referendum would need to be held outside of the current Council election cycle, and must be completed at least 12 months prior to the September 2028 election date. At the referendum there would need to be a majority of voters supporting a reduction in the number of Councillors for this to take effect.
- c. Alternatively and simply for noting, if a constitutional referendum was held with the September 2028 local government elections and there was majority support by the electors for a reduction in Councillor numbers, then the reduced number of Councillors would take effect from the 2032 local government elections.

Should Council wish to hold a binding constitutional referendum at the upcoming 14 September 2024 Council elections, a resolution of Council is required from Council supporting the holding of the constitutional referendum in order for it to take place. A resolution of Council will also be required as to the question/s that are to be asked at the constitutional referendum.

Again, as noted earlier in this report, the result of a constitutional referendum is binding, meaning that a Council must proceed with the change as the result of the vote on a constitutional referendum if there is a majority yes vote, or not proceed if there is a majority no vote.

Estimated Costs of Holding a Council Poll or Constitutional Referendum

In relation to the costs of holding a Council poll and or a constitutional referendum, back on 28 November 2022, Council considered a report on the conduct of the 2024 Council elections and as a result, Council resolved to appoint the NSW Electoral Commission (NSWEC) to run the 2024 election. Part of that resolution was that the NSWEC would also run any Council polls or constitutional referenda up to and including September 2024.

The NSWEC has provided a cost estimate for the holding of a Council poll or constitutional referendum at the same time as the 2024 local government elections. The cost is estimated to be an additional \$52,760 (excluding GST) for either the poll or the referendum, noting that this is only an estimate and is subject to change. According to the NSWEC, a Council poll or constitutional referendum will generally be 10% of the cost incurred for that particular Council election, therefore if the cost of the overall election changes, so too would the cost of conducting the Council poll.

The NSWEC has also provided a cost estimate for the holding of a Council poll or constitutional referendum as a standalone election process i.e. held outside of an ordinary Council election. This cost would be approximately 80% of the cost of conducting an ordinary Council election. Using the 2024 Woollahra Council election cost estimate as a guide (being approximately \$527,609), it is estimated that cost of a standalone Council poll or constitutional referendum would be approximately \$422,087 (excluding GST).

The interplay between a reduction in the number of Councillors and Council Wards

A reduction in the number of Councillors and a reduction in the number of wards are two separate matters, however they are also intertwined, because a reduction in the number of Councillors in an area that is divided into wards, can mean that there is a likely reduction in the number of wards required.

In relation to any changes being considered to the number of wards of a Council area, Sections 210 & 210A of the Act states:

210 Division of areas into wards

- (1) *The council may divide its area into divisions, called "wards".*
- (2) *The council may abolish all wards.*
- (3) *The council may alter ward boundaries.*
- (4) *The council may name or rename a ward.*
- (5) ***A council must not divide an area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.***
- (6) *A by-election held after an alteration of ward boundaries and before the next ordinary election is to be held as if the boundaries had not been altered.*
- (7) ***The division of a council's area into wards, or a change to the boundaries of a ward, must not result in a variation of more than 10 per cent between the number of electors in each ward in the area.***

210A Consultation, public notice and exhibition of proposals regarding ward boundaries

- (1) *Before dividing a council's area into wards or altering a council's ward boundaries, the council must:*
 - (a) *consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate districts (within the meaning of the Electoral Act 2017) and census districts, and to ensure that the proposed boundaries comply with section 210(7), and*
 - (b) *prepare and publicly exhibit a plan detailing the proposed division or alteration (the ward boundary plan).*
- (2) *The council must give public notice of the following:*
 - (a) *the place at which the ward boundary plan may be inspected,*
 - (b) *the period for which the plan will be exhibited (being a period of not less than 28 days),*
 - (c) *the period during which submissions regarding the ward boundary plan may be made to the council (being a period of not less than 42 days after the date on which the ward boundary plan is placed on public exhibition).*
- (3) *The council must, in accordance with its notice, publicly exhibit the ward boundary plan together with any other matter that it considers appropriate or necessary to better enable the plan and its implications to be understood.*
- (4) *Any person may make a submission to the council regarding the ward boundary plan within the period referred to in subsection (2)(c).*
- (5) *The council must consider submissions made in accordance with this section.*

Therefore should the number of Councillors reduce from 15 to 9 as a result of a binding constitutional referendum, then subsequently Council will need to give consideration to a reduction in the number of Wards from 5 to 3.

Legal advice received in relation to whether a constitutional referendum was required to alter the number of Wards indicated that a referendum was required. This was based on the interpretation that the proposed change in Ward numbers was a 're-division' rather than an 'alteration' of the boundaries. Staff subsequently met with the NSWEC who stated that a reduction in the number of Wards from 5 to 3 is an alteration and therefore a constitutional referendum is not required.

The NSWEC also stated that the steps required under Section 210A of the Act (as detailed above) to alter the Ward boundaries should be undertaken post the constitutional referendum, noting that all steps would need to be completed at least 12 months prior to the following ordinary Council election, which in this case would be the election of September 2028.

The NSWEC recommended that the proposal to reduce the number of Wards form part of the question to be included in the Council poll or constitutional referendum in an effort to ensure there is transparency to electors of the full implications of the reduction in Councillor numbers.

In relation to Part (ii) of the 25 March 2024 resolution of Council, an initial review of changes to Ward boundaries to reduce the number of Wards from the existing 5 to 3 following the reduction in the number of Councillors from 15 to 9, could potentially achieve the unification of the Victorian precincts of Paddington and Woollahra. Further work would be required on the Ward boundaries post any binding result from a constitutional referendum to reduce the number of Councillors, noting also that any Ward boundary changes would be subject to consultation with the Electoral Commissioner, the Australian Statistician and would include a community consultation process.

Potential Cost and Resource Savings

In response to Part (iii) of the 25 March 2024 resolution of Council, if Council was to move forward with a proposal to reduce the number of Councillors from 15 to 9 and this was ultimately enacted, there would be an expected cost saving per annum of \$208,000 (in 2024 dollars) from the Councillor’s allowance and expenses, noting that any such savings would only be made post the 2028 Council election.

In addition there may be some workload reductions for staff involved in the support of Councillors due to the reduction in Councillor numbers, however it is difficult to accurately estimate this. Having said that, following a reduction in Councillors there would be a higher population to Councillor ratio, which may require additional support to Councillors.

Woollahra Council Councillor Numbers Comparison to Other Councils

In response to Part (iv) of the 25 March 2024 resolution of Council, following are some tables that show how Woollahra Council compares to other NSW Councils in relation to the total number of Councillors and the number of Councillors per population. The data used for these tables was sourced from the OLG and specifically the Time Series Data for 2021-2022, which is the latest such data available from the OLG:

Number of Councillors across NSW Councils:

Data	Number	%
Number of NSW Councils	128	
Councils with 7 x Councillors	11	8.60%
Councils with 8 x Councillors	3	2.35%
Councils with 9 x Councillors	59	46.10%
Councils with 10 x Councillors	14	10.94%
Councils with 11 x Councillors	6	4.69%
Councils with 12 x Councillors	9	7.04%
Councils with 13 x Councillors	8	6.25%
Councils with 14 x Councillors	1	0.78%
Councils with 15 x Councillors	13	10.16%
Councils in Administration	4	3.13%

NSW Councils with 15 x Councillors: (Shown by population / number of Councillors ascending)

Council	OLG Group	Council Area (km ²)	Population	No. Councillors	Population/ Number of Councillors
Woollahra	2	12.3	53,891	15	3,593
Randwick	3	36.3	135,275	15	9,018
Georges River	3	38.3	152,703	15	10,180
Bayside	3	50.6	176,061	15	11,737
Campbelltown	7	311.4	177,689	15	11,846
Inner West	3	35.2	183,772	15	12,251
Penrith	7	404.7	219,149	15	14,610
Sutherland	3	333.6	230,903	15	15,394
Cumberland	3	72.7	236,996	15	15,800
Parramatta	3	83.8	258,315	15	17,221
Northern Beaches	3	254.2	264,481	15	17,632
Canterbury-Bankstown	3	110.2	372,322	15	24,821
Blacktown	3	238.8	399,711	15	26,647

Group 2 Councils: (Shown by population / number of Councillors ascending)

Council	OLG Group	Council Area (km ²)	Population	No. Councillors	Population/ Number of Councillors
Hunters Hill	2	5.7	13,591	7	1,942
Woollahra	2	12.3	53,891	15	3,593
Mosman	2	8.7	28,461	7	4,066
Lane Cove	2	10.5	39,601	9	4,400
Burwood	2	7.1	40,397	7	5,771
Strathfield	2	14.0	45,930	7	6,561

Southern Sydney Regional Organisation of Councils (SSROC):

(Shown by population / number of Councillors ascending)

Council	OLG Group	Council Area (km ²)	Population	No. Councillors	Population/ Number of Councillors
Woollahra	2	12.3	53,891	15	3,593
Burwood	2	7.1	40,397	7	5,771
Waverley	3	9.4	69,388	11	6,308
Strathfield	2	14.0	45,930	7	6,561
Randwick	3	36.3	135,275	15	9,018
Canada Bay	3	19.9	89,667	9	9,963
Georges River	3	38.3	152,703	15	10,180
Bayside	3	50.6	176,061	15	11,737
Inner West	3	35.2	183,772	15	12,251
Sutherland	3	333.6	230,903	15	15,394
Sydney	1	26.7	214,851	10	21,485
Canterbury-Bankstown	3	110.2	372,322	15	24,821

Options:

Council can resolve in line with the recommendations included in this report or Council may choose to resolve in some other manner.

Community Engagement and / or Internal Consultation:

There has been no community engagement undertaken in the writing of this report, however internal consultation has taken place with the Manager Governance & Risk, Director Corporate Performance and the General Manager.

External consultation has taken place with Lindsay Taylor Lawyers, the OLG and the NSWEC.

Policy Implications:

There are no direct policy implications as a result of the information contained in this report. However, if Council choose to move forward with the process around seeking a reduction in the number of Councillors and / or wards, then there may be a range of policy implications that will need to be considered at that time.

Financial Implications:

As noted earlier in this report, the cost to hold a Council poll or a constitutional referendum at the 14 September 2024 Council elections is approximately an additional \$52,760 (excluding GST), noting that this cost is an estimate only and is subject to change.

The estimated cost to hold a Council poll or a constitutional referendum outside of the cycle of an ordinary Council election is estimated to be 80% of the cost of the ordinary Council election. Therefore, based on the estimated cost of the 2024 Council election being \$527,609 (excluding GST), 80% of that cost is \$422,087 (excluding GST).

Council's current budget includes an annual allocation for election expenses which are then set aside in Council's Election Reserve to cover the costs of the local government election held every four years. The current allocation is insufficient to also absorb the costs of a referendum outside of an ordinary Council election, so future consideration would need to be given as to how Council would fund a poll or referendum held outside of the current election cycle.

If Council resolves to hold a constitutional referendum at the September 2024 local government election Council will need to give consideration in the 2024/25 budget for costs that would be incurred in educating the community about the impact of the proposed reduction in Councillor numbers and the number of Wards.

Resourcing Implications:

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

Conclusion:

The purpose of this report has been to respond to a Notice of Motion tabled at the 25 March 2024 Council, meeting seeking information on the processes involved in reducing the number of Councillors and wards across the Woollahra Council LGA.

As noted throughout this report, there are a detailed range of legislative steps that are required to be followed in order to move forward with one or both proposals, with those proposals being a reduction in Councillor numbers and a reduction in the number of wards.

If Council is of a mind to hold a non-binding Council poll or constitutional referendum at the 14 September 2024 Council election, then it should be noted that for logistical reasons the NSWEC has requested all relevant information in relation to the Council poll and question/s by 30 June 2024, including a copy of the Council resolution to hold a Council poll or constitutional referendum and the question/s to be posed.

Attachments

1. OLG Circular January 2024 Constitutional referendums and council polls [↓](#) 

Circular Details	24-01 / 18 January 2024 / A857671
Previous Circular	20-39 Constitutional referendums and council polls
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Constitutional referendums and council polls

What's new or changing

- Councils are reminded to inform the NSW Electoral Commissioner (NSWEC) if they have resolved for the NSWEC to administer a constitutional referendum or poll in conjunction with the September 2024 local government elections.

What this will mean for your council

- Under section 16 of the *Local Government Act 1993*, a council must obtain the approval of its electors at a constitutional referendum to do each of the following:
 - divide a council area into wards or abolish wards
 - change the number of councillors
 - change the method of electing the mayor
 - change the method of election for councillors where the council's area is divided into wards.

Key points

- Councils should notify the NSWEC as soon as possible if they wish to enter into an arrangement for the administration of a referendum or poll.
- If a council resolves that a constitutional referendum or poll is to be conducted, it must comply with the notification requirements contained in Schedule 10 of the *Local Government (General) Regulation 2021*.
- Any changes approved at a constitutional referendum held in September 2024 will come into effect at the September 2028 local government elections.

Where to go for further information

- For councils considering, or that have resolved to have the NSWEC conduct a constitutional referendum or poll, contact Steve Robb at the NSW Electoral Commission on telephone 9290 5431 or Steve.Robb@elections.nsw.gov.au.
- See attachment to this Circular for further information.



Douglas Walther
A/Deputy Secretary, Local Government

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Attachment

Conducting a constitutional referendum

If a council resolves to conduct a constitutional referendum it must comply with the notification requirements contained in Schedule 10 of the *Local Government (General) Regulation 2021*.

This includes notifying the Electoral Commissioner within 21 days of council resolving to conduct a constitutional referendum. Where the constitutional referendum is to be held in conjunction with the 14 September 2024 ordinary election of councillors, the council must notify the Electoral Commissioner of the question to be asked at the constitutional referendum by no later than 12 noon on the closing date for that election on 5 August 2024.

It is critical that the referendum question or questions are carefully worded to ensure workable outcomes. Questions should be clear, concise, and be capable of being responded to with a 'yes' or 'no' answer.

If more than one question is asked on a subject, then extra care needs to be taken to ensure that the possible combinations of 'yes' and 'no' answers do not produce a conflicting decision.

Councils are responsible for the preparation and publicity of the required explanatory material. Councils must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum.

Dividing an area into wards or abolishing all wards

Under section 210(5) of the *Local Government Act 1993* (the Act), a council must not divide its area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.

After receiving elector approval at a constitutional referendum, and before dividing its area into wards, a council must undertake the consultation required by section 210A of the Act. This includes consulting with the Electoral Commissioner and the Australian Statistician together with public exhibition of the proposal. (Compliance with section 210A is not required where approval has been given by electors at a referendum to abolish wards.)

Changes to wards approved at a constitutional referendum conducted in September 2024 come into effect for the electoral term commencing in September 2028.

Changing the number of councillors

Section 224(2) of the Act requires that not less than 12 months before an ordinary election the council must determine the number of its councillors for the following term.

If a council has determined to change the number of its councillors, it must obtain approval at a constitutional referendum. Approval at a constitutional referendum conducted in September 2024 changes the number of councillors for the electoral term starting September 2028.

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If a reduction in councillor numbers is approved at a referendum and has not yet taken effect, a casual vacancy in the office of a councillor (but not a mayor elected by the councillors), must not be filled if the number of councillors will remain at or above the number approved at the referendum (section 294B of the Act).

Changing the method of electing the mayor

The Act provides two methods for electing a mayor — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum.

Councils with wards are reminded that sections 280(2) and 281(2) of the Act require the same number of councillors to be elected for each ward. A popularly elected mayor is not included in this count. In such circumstances, councils should be mindful that changing the method of electing the mayor could result in an increase or decrease in the number of councillors to be elected.

If following the September 2024 election, electors approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2028.

Changing the method of electing councillors

The councillors for an area divided into wards are to be elected in accordance with either method of election prescribed under section 280 or 281 of the Act.

The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force, which requires the method of election to be conducted under section 281 (method 2).

The decision made at a constitutional referendum to alter the method of election to method 2 must also specify the number of councillors to be elected by the ward electorate and the number of councillors to be elected by the area electorate.

If electors at a constitutional referendum conducted in conjunction with the 2024 ordinary elections approve a change to the method for electing councillors, this will come into effect for the electoral term commencing in September 2028.

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13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 6 May 2024 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	488-492 OLD SOUTH HEAD ROAD AND 30 ALBEMARLE AVENUE, ROSE BAY - DRAFT DEVELOPMENT CONTROL PLAN
Authors:	Charmaine Tai, Strategic Planner Jacquelyne Della Bosca, Executive Planner
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	24/59351
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 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay
Alignment to Delivery Program:	Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the report on provisions for Part G Site-Specific Controls of the *Woollahra Development Control Plan 2015* applying to 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
- B. Amends the Part G site-specific controls referred to in A above as set out in Attachment 1 to require the following in respect of development of the site:
 - i. implementation of a trolley wheel locking system to be installed at all exit points of the shopping centre to prevent trolleys being removed from the centre;
 - ii. installation of specific safety measures for pedestrians at all vehicular entry and exit points of the centre such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures; and
 - iii. to ensure that any fencing of garden or open area is open fencing such that the garden areas can be viewed substantially from the streetscape and contribute to the streetscape.
- C. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 27)* with changes as set out in paragraph B above, as contained at **Attachment 1** of the report to the Environmental Planning Committee of 6 May 2024.
- D. That staff consider whether the controls could require there to be an open gate for public access to the green garden area during daylight hours, with the applicant being required to maintain the area during those hours.

Item No: R2 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL TO LIST TWO SCHOOL BUILDINGS IN ROSE BAY AS LOCAL HERITAGE ITEMS**
Authors: Eleanor Banaag, Senior Strategic Heritage Officer
Kristy Welfare, Team Leader Heritage
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/68571
Purpose of the Report: To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to list two school buildings in Rose Bay as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

Recommendation:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 18 April 2024 regarding the planning proposal to list two school buildings in Rose Bay as local heritage items.
- B. Endorse the planning proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 6 May 2024 to list the following two school buildings as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolves to forward this to the Department of Planning, Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - i. 'Rose Bay Public School – Building E, including interiors' at 21 Wilberforce Avenue, Rose Bay (Lot 49-53, DP 4567).
 - ii. 'McAuley Catholic Primary School – former Christian Brothers College building, including interiors' at 12 Carlisle Street, Rose Bay (Lots A and B, DP 80580).
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environment plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Note: The following sentence is to be added to the Planning Proposal at page 13:

“Within the Lots containing Building E are two mature Palm Trees. Research undertaken suggests that the trees date from at least 1970 and possibly as early as 1955. While the trees are not historically associated with Building E, the Study recognises that they contribute to the landscape setting of the Building.”

Item No: R3 Recommendation to Council
Subject: **POST EXHIBITION REPORT - UPDATES TO THE WOOLLAHRA DCP 2015 IN RESPONSE TO THE EMPLOYMENT ZONE REFORMS**
Authors: Joahna Doolan, Student - Strategic Planning & Place
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/177988
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment 24) for employment zone amendments, and seek Council's approval for finalisation.
Alignment to Delivery Program: Strategy 4.5: Ensure that planning and building requirements are complied with.

Recommendation:

THAT Council:

- A. Receives and notes the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment 24)* that contains amendments in response to the employment zone reforms.
- B. Approves *Draft Woollahra Development Control Plan 2015 (Amendment 24)* as exhibited.

13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 6 May 2024 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	LICENCE FOR A SECTION OF VAUCLUSE BOWLING CLUB & COMMUNITY FACILITY WITH SOUTH EASTERN SYDNEY LOCAL HEALTH DISTRICT (SESLHD) CHILD AND FAMILY HEALTH FOR USE AS CHILD AND FAMILY HEALTH NURSING SERVICE
Authors:	Vicki Munro, Manager Community & Culture Zubin Marolia, Manager Property & Projects
Approver:	Patricia Occelli, Director Community & Customer Experience
File No:	24/32843
Purpose of the Report:	To seek authorisation for the General Manager to enter into a licence of a section of Vaucluse Bowling Club & Community Facility with South Eastern Sydney Local Area Service (SESLHD) for the delivery of a Child and Family Health Nursing Service.
Alignment to Delivery Program:	Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Recommendation:

THAT Council:

- A. Enters into a licence for a five (5) year term plus a further five (5) year option period at a peppercorn rent (\$1 if demanded) including the payment of associated outgoing costs for cleaning, electricity and water with South Eastern Sydney Local Health District (SESLHD) Child and Family Health for the provision of a Child and Family Health Nursing Service at the newly renovated Vaucluse Bowling Club & Community Facility at 80-82 New South Head Road, Vaucluse.
- B. Accepts the financial contribution of \$200,000 excluding GST towards the development of the site which will be payable at the execution of the legal agreement.
- C. Authorises the General Manager to execute all legal documents required to enter into a lease agreement with South Eastern Sydney Local Area Health Service.
- D. Notes the Woollahra Local Planning Panel is considering the Development Application on 2 May 2024. The outcome will be provided through late correspondence.

Item No: R2 Recommendation to Council
Subject: **CAPITAL WORKS PROGRAM - QUARTERLY PROGRESS REPORT MARCH 2024**

Authors: Petrina Duffy, Coordinator Strategy & Performance
Henrietta McGilvray, Senior Corporate Accountant

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

File No: 24/72617

Purpose of the Report: To provide the Committee with an update on the status of the projects in the FY2023-24 Capital Works Program, for the quarter ended 31 March 2024

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

Recommendation:

THAT the Capital Works Program – Quarterly Progress Report for the quarter ended 31 March 2024 be received and noted.

Item No: R3 Recommendation to Council
Subject: **2023-24 BUDGET REVIEW FOR THE QUARTER ENDED 31 MARCH 2024**

Authors: Henrietta McGilvray, Senior Corporate Accountant
Esther Hii, Acting Senior Corporate Accountant
Paul Ryan, Chief Financial Officer

Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager

File No: 24/38670

Purpose of the Report: To report on the review of the 2023-24 budget forecast position as at the quarter ended 31 March 2024

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

Recommendation:

THAT Council:

- A. Receive and note the report on the budget review for the quarter ended 31 March 2024.
- B. Note the statement from the responsible accounting officer, Council's Chief Financial Officer that the projected financial position at 31 March 2024, based on the forecasts outlined in this report, will remain satisfactory.
- C. Adopt the recommended variations to the 2023-24 budget as outlined in this report titled 2023-2024 Budget Review for the quarter ended 31 March 2024, resulting in a net operating deficit before capital grants and contributions of (\$2.299) million, a decrease of \$6.769 million from the quarter ended 31 December 2023 revised budget. The original approved 2023-24 budget after revotes for net operating result before capital grants & contributions was \$1.079m.
- D. Establish a new internally restricted reserve for the Urban Forest Strategy and approve a one off transfer of \$3m to this reserve.

Item No: R4 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 31 MARCH 2024
INVESTMENT HELD AS AT 30 APRIL 2024**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 24/68344
Purpose of the Report: To present the monthly financial report for March 2024 and to present a list of investments held as of 30 April 2024.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Recommendation:

THAT Council:

- A. Receive and note the Monthly Financial Report – March 2024.
- B. Note that the Council's 12-month weighted average return for March 2024 on its direct investment portfolio of 5.20% (LM: 5.14%, LY: 4.11%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.42%.
- C. Note that the interest revenue for the year to date March 2024 is \$3.88M, exceeding our revised year to date budget of \$2.27M for the same period.
- D. Receive and note the list of Council's investments held as of 30 April 2024 (provided as late correspondence).

Item No: R5 Recommendation to Council
Subject: **GUGARA PARK - RESPONSE TO NOTICE OF MOTION TO CONSIDER
TOILET FACILITIES IN GUGARA PARK, PADDINGTON**
Author: Paul Fraser, Manager Open Space & Trees
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/67846
Purpose of the Report: To respond to Notice of Motion – Dillon Street Reserve aka Gugara Park
Alignment to Delivery Program: Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

Recommendation:

THAT Council:

- A. Note the previous consultation undertaken prior to the redesign of Gugara Park and the recent requests raised by community members relating to the addition of a toilet in the park.
- B. Undertake community consultation on the proposed toilet and report those findings back to the Finance, Services and Community Committee.
- C. Request that staff propose two (2) or three (3) alternative feasible sites within the park for the placement of the toilets to be included as part of the public exhibition and consultation process.

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 - FEASIBILITY OF FURTHER MEASURES TO PROTECT TREE CANOPY ON PRIVATE LAND IN THE WOOLLAHRA LGA**
From: Councillor Merrill Witt
Date: 15 April 2024
File No: 24/64894

Recommendation:

THAT Council:

- A. Request staff to prepare a report to Council on the feasibility of requiring applicants to submit a pre-DA assessment of established trees - in accordance with the Australian Standard AS 4970: Protection of Trees on Development Sites - located onsite and adjacent to the property for which a DA for demolition or major alterations and/or additions is being contemplated;
- B. Request staff recommend to Council any other measures that can further arrest the decline of tree canopy cover on private properties proposed for redevelopment.

Discussion

The purpose of the pre-DA assessment of established trees on private properties is to ensure that:

- at the first instance, developments are designed to minimise or avoid potential conflict between trees and proposed new structures by taking into account existing and future tree growth both above and below ground;
- established trees of high and moderate retention value are retained and incorporated as part of the design; and
- new development does not result in the net loss of tree canopy at maturity.

Council's Urban Forest Strategy presents sobering statistics about the loss of tree canopy throughout the municipality

Woollahra Council's Urban Forest Strategy is focused on protecting and enhancing its urban forest to ensure that the unique leafy character of its municipality is maintained and that established canopy cover is preserved and improved for future generations.

The Urban Forest Strategy presents some sobering statistics regarding the recent loss of tree canopy in the Woollahra LGA. Between 2010 and 2021, for example, every suburb experienced a loss of canopy cover, contributing to overall loss across the whole Council area (estimated to be the approximate size of Edgecliff).

Unfortunately, the Urban Forest Strategy also acknowledges that matching the NSW Government's target of a 40% canopy cover across our Council area is unrealistic, primarily because not enough plantable space across the Council area (including public and private land) is available to plant the number of trees needed to achieve the target of 40%. As a consequence, a still ambitious but more realistic target of 30% tree canopy cover by 2050 has been adopted.

Loss of tree canopy cover is mainly due to redevelopment on private land

The reduction in tree canopy cover across the Woollahra municipality has predominantly been driven by losses on private land. Even in suburbs where canopy cover increased on public land - Bellevue Hill, Edgecliff, Paddington and Rose Bay - these gains were outpaced by new tree removal on private land resulting in overall canopy losses.

The Urban Forest Strategy recognises the importance of collaborating with private land owners and managers to achieve a greener, cooler, and healthier urban environment for current and future generations, noting that 64% of land in the Woollahra municipality is privately owned and managed.

Recent initiatives to increase tree canopy cover on private land

Recently, the Woollahra LEP was amended to introduce a Floor Space Ratio (FSR) of 0.5:1 for most single dwellings, semi-detached dwellings and dual occupancies in the R2 low-density and R3 medium-density residential zones in order to create more space for landscaping, deep soil planting and tree canopy cover.

A new Clause 6.9 in the Miscellaneous Provisions of the Woollahra Local Environment Plan (LEP) was also added to include local provisions for urban greening to land in R2 Low Density Residential and R3 Medium Density Residential zones (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas). It states that:

- (3) *Development consent must not be granted to development on the land unless the consent authority has considered whether the development—*
 - (a) *incorporates planning and design measures to enable **the retention** and planting of trees to minimise the urban heat island effect, and*
 - (b) ***will avoid, minimise or mitigate adverse impacts on the existing tree canopy.***

Control C1 of B3.7 *External areas 3.7.1 Landscaped area and private open space* in the Woollahra DCP was also strengthened and now specifies a Tree canopy area of at least:

- a) *35% of the site area for dwelling houses, dual occupancies, semi-detached development and attached dwellings, with the exception of the Wolseley Road area, or*
- b) *30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings, or*
- c) *25% of the site area for all residential development in the Wolseley Road area.*

These controls apply to development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes.

The advantages of further strengthening provisions to ensure more tree canopy is retained on private land when properties are redeveloped

Despite the welcomed recent strengthening of landscaping and tree canopy provisions, Council still continues to receive a significant number of DAs that propose removing a substantial number of established trees in order to make way for new development.

Under current rules, DA applicants are required to submit a landscape plan prepared by a qualified landscape architect or designer. These plans detail the proposed landscape design and include an assessment of the existing and proposed tree canopy cover. They must address the required percentage of tree canopy cover and deep soil area relevant to the subject site in accordance with Section B3.7 External Areas of the Woollahra DCP 2015. DCP objectives and controls with respect to Design Excellence also address the importance of conserving and protecting established trees:

2. *Development respects the natural, built and cultural significance of the site and its location.*
3. *Development conserves and protects established trees and plantings of landscape value and deep soil landscaping and, where possible, enhances plantings and deep soil landscaping.*

In cases where trees with moderate or high retention values may be impacted by a proposed development, the landscape plan must be accompanied by an arboricultural report identifying all existing trees within and adjacent to the subject property including the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all of the trees to be retained or removed. The retention value is based on the tree's "Useful Life Expectancy" and "Landscape Significance" with consideration to its health, structure, condition and site suitability.

Typically, however, the landscape plan and the accompanying arboricultural report are prepared **after** the architectural plans have been developed. As a consequence, many established trees of moderate retention value are often earmarked for removal in DAs because their retention interferes with proposed new structures.

A recent DA Assessment Report for 7 Pacific Street, Watsons Bay, for example, highlights the difficulty of challenging landscape/arborists reports submitted with DA applications. The two mature Sydney Snow Gums in the photo below were recommended for removal in the Arboricultural Report even though they are located on the side boundary of the property:

2.3.6 Trees 8 and 9 are both semi-mature Eucalyptus pauciflora, or Snow Gums located adjacent to the site's eastern boundary. These trees are likely to have been planted here as part of the site's earlier works and have established relatively well here. Tree 8 is the largest of the pair and located on the upper portion of the site topography. Both are supported on trunks of over 50cm in diameter and will have root systems that will have been affected by both site topography and construction. Moderate Value. Remove.¹



¹ Arboricultural Impact Assessment and Tree Protection Specification, prepared by George Palmer, Botanics P/L July 2022, page 5

The Council's DA Assessment Report agreed with the recommendation to remove the two trees, with the reasons for supporting the recommendation highlight the problem of ensuring that the DA applicant has "exhausted all other design options" for the retention of established trees with good canopy cover after plans have already been submitted:

The trees were noted in good health and condition. The trees are visible from the street and the surrounding properties and provide a moderate contribution to the amenity and canopy cover of the immediate area. The trees have also been rated as having Medium Landscape Significance and Medium Retention Value.

Trees rated as being of Medium Retention Value are generally considered less critical for retention. However, their retention should be a priority with removal considered if all design options have been exhausted and adversely affecting the proposal.

It is noted that the trees are proposed for removal as it is located within the footprint of the new building. Alternative design options to allow for their retention are not considered practical as it would significantly restrict construction works towards the front of the property and have effects on other more important trees to be retained.

These trees are supported for removal subject to replacement planting being undertaken in accordance with the Landscape Plans.²

The introduction of a pre-DA assessment of established trees on a property will put the protection of trees with decent tree canopy at the forefront of the DA process, and also send a clear signal to DA applicants that they must adhere to canopy controls and objectives in the LEP and the DCP with respect to Design Excellence, Landscape Area and Open Space, Onsite Parking and Ancillary Structures.

This initiative will likely also speed up the assessment of DAs as it will encourage more environmentally respectful designs that are less likely to attract objections from neighbours.

² Local Planning Panel Development Application Assessment Report, 16 November 2023, page 105

Item No: 16.2
Subject: **NOTICE OF MOTION - CELEBRATE WOOLLAHRA POSTCODE 2025**
From: Councillors Sarah Swan, Luise Elsing and Nicola Grieve
Date: 01 May 2024
File No: 24/75854

Recommendation:

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

Background

In 2025, the residents and business community of Woollahra, particularly in the Queen Street West Woollahra area, will have the opportunity to celebrate the overlap between year and postcode.

In Paddington, the overlap between its postcode and 2021 was successfully celebrated with a number of events that occurred during that calendar year (for example, the Paddington 2021 Night Out).

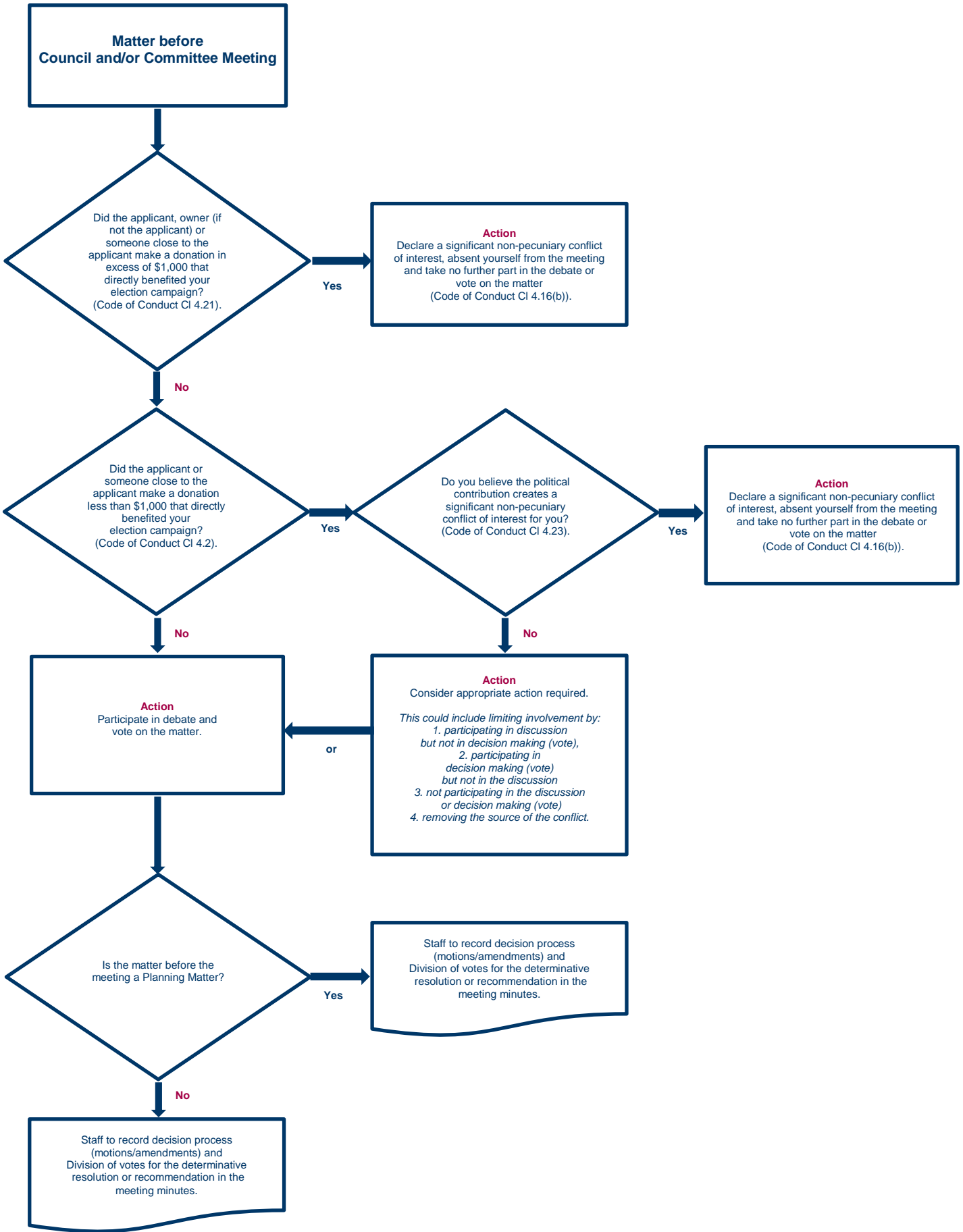
Similarly, in 2023, Bellevue Hill and its postcode were celebrated with events in that year.

Item No: 16.3
Subject: **NOTICE OF MOTION - INTEGRITY IN LOCAL GOVERNMENT**
From: Councillor Sarah Swan
Date: 02 May 2024
File No: 24/76505

Recommendation:

THAT Council request the General Manager write to the NSW Office of Local Government (OLG) and the NSW Minister for Local Government, The Hon. Ron Hoenig affirming Council's support for increasing integrity in local government and seeking confirmation from the OLG on when they will release for consultation a draft Lobbying Policy following consultation undertaken by the OLG previously on lobbying guidelines in 2022.

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings



Matter before Council and/or Committee Meeting

Did the applicant, owner (if not the applicant) or someone close to the applicant make a donation in excess of \$1,000 that directly benefited your election campaign? (Code of Conduct Cl 4.21).

Yes

Action
 Declare a significant non-pecuniary conflict of interest, absent yourself from the meeting and take no further part in the debate or vote on the matter (Code of Conduct Cl 4.16(b)).

No

Did the applicant or someone close to the applicant make a donation less than \$1,000 that directly benefited your election campaign? (Code of Conduct Cl 4.2).

Yes

Do you believe the political contribution creates a significant non-pecuniary conflict of interest for you? (Code of Conduct Cl 4.23).

Yes

Action
 Declare a significant non-pecuniary conflict of interest, absent yourself from the meeting and take no further part in the debate or vote on the matter (Code of Conduct Cl 4.16(b)).

No

Action
 Participate in debate and vote on the matter.

or

Action
 Consider appropriate action required.
 This could include limiting involvement by:
 1. participating in discussion but not in decision making (vote),
 2. participating in decision making (vote) but not in the discussion
 3. not participating in the discussion or decision making (vote)
 4. removing the source of the conflict.

Is the matter before the meeting a Planning Matter?

Yes

Staff to record decision process (motions/amendments) and Division of votes for the determinative resolution or recommendation in the meeting minutes.

No

Staff to record decision process (motions/amendments) and Division of votes for the determinative resolution or recommendation in the meeting minutes.