



# Ordinary Council

Monday 13 May 2024

6.30pm

## Minutes



## Ordinary Council Meeting

Monday 13 May 2024

### Table of Contents

	Page
1. Opening.....	236
2. Prayer.....	236
3. Acknowledgement of Country (Gadigal People and Birrabirragal People).....	236
4. Acknowledgement of the Sovereign of the Day (King Charles III) .....	236
5. Apologies and Applications for a Leave of Absence or Attendance by Audio- Visual Link by Councillors .....	236
5.1 Audio Visual Link .....	236
6. Confirmation of Minutes .....	237
6.1 Confirmation of Council Minutes - 29 April 2024 .....	237
6.2 Confirmation of Audit, Risk & Improvement Committee Minutes - 14 March 2024 .....	238
9. Petitions Tabled .....	239
10. Mayoral Minute .....	239
11. Public Forum .....	239
12. General Manager and Officer's Report .....	240
12.1 Response to the Notice of Motion on Reduction in the Number of Councillors.....	240
13. Reports of the Committees .....	242
13.1 Environmental Planning Committee 2 April 2024 .....	242
R1 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay - Draft Development Control Plan .....	242
R2 Advice of the Woollahra Local Planning Panel - Planning Proposal to list two school buildings in Rose Bay as local heritage items.....	244
R3 Post Exhibition Report - Updates to the Woollahra DCP 2015 in Response to the Employment Zone Reforms .....	245
13.2 Finance, Community & Services Committee 6 May 2024.....	247
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 .....	247
R2 Capital Works Program - Quarterly Progress Report March 2024.....	248
R3 2023-24 Budget Review for the quarter ended 31 March 2024 .....	249
R4 Monthly Financial Report - 31 March 2024 Investment held as at 30 April 2024 .....	250
R5 Gugara Park - response to Notice of Motion to consider toilet facilities in Gugara Park, Paddington .....	251
14. Rescission Motion.....	251
15. Councillor Reports/Councillor Updates (Section 8.4) .....	253
15.1 Congratulations to Anthony Tregoning.....	253
15.2 Congratulations to Roanne Knox .....	254
15.3 St. George's Day / German Cultural Day .....	254
15.4 Holocaust Memorial Day.....	255

---

16.	Notices of Motion .....	256
16.1	Notice of Motion - Feasibility of Further Measures to Protect Tree Canopy on Private Land in the Woollahra LGA.....	256
16.2	Notice of Motion - Celebrate Woollahra Postcode 2025.....	257
16.3	Notice of Motion - Integrity in Local Government .....	258
17.	Questions With Notice .....	258
18.	Supplementary Responses to Previous Questions with Notice .....	258
19.	Confidential Matters.....	258
20.	Conclusion of the Meeting .....	259

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## **Items Determined Under Delegated Authority by Council Committees**

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

### **Finance, Community & Services Committee held on Monday 06 May 2024**

- D1 Confirmation of Minutes of Meeting held on 2 April 2024
- D2 Woollahra Local Traffic Committee Minutes - 2 April 2024
- D3 Confirmation of Minutes of the Inclusion (Disability, Aged & Carers) Advisory Committee held 18 March 2024
- D4 Confirmation of Minutes of the Public Art Panel Meetings held on 15 March and 19 April 2024
- D5 Confirmation of Minutes of Arts and Culture Advisory Committee Meeting held on 25 March 2024

### **Environmental Planning Committee held on Monday 06 May 2024**

- D1 Confirmation of Minutes of Meeting held on 2 April 2024
- D2 Register of Current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environmental & Health Control Matters
- D3 Woollahra Local Planning Panel Register of Planning Decisions and Analysis

## Ordinary Council Meeting

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

**13 May 2024 at 6.30pm.**

Present: His Worship the Mayor, Councillor Richard Shields ex-officio  
Councillors Sarah Swan (Deputy Mayor) (via Zoom)  
(joined meeting at 6.33pm during Item 5.1)

Sean Carmichael  
Peter Cavanagh (via Zoom)  
Luise Elsing  
Nicola Grieve  
Mary-Lou Jarvis  
Harriet Price (via Zoom)  
Lucinda Regan  
Matthew Robertson (via Zoom)  
Isabelle Shapiro (via Zoom) (left meeting at 8.10pm during Item 16.1)  
Mark Silcocks  
Merrill Witt  
Susan Wynne (via Zoom)  
Toni Zeltzer

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

Also in Attendance: Nil

## 1. Opening

The Mayor declared the Ordinary Council Meeting of 13 May 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

**General Item No:** 5.1 Audio Visual Link

**(Elsing/Jarvis)**

**44/24 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 13 May 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Price
- Councillor Robertson
- Councillor Shapiro
- Councillor Swan
- Councillor Wynne

*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

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## 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.

**(Elsing/Carmichael)**

**45/24 Resolved:**

THAT the Minutes of the Council Meeting of 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

**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.

**(Carmichael/Elsing)**

**46/24 Resolved:**

THAT the Minutes of the Audit, Risk and Improvement Committee (ARIC) Meeting of 14 March 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**

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## **7. Late Correspondence**

**Note:** Council resolution of 27 June 2011 to read Late Correspondence in conjunction with the relevant Agenda General Managers Report 12.1, EP Item 13.1 (R1) & FC&S 13.2 (R1) and Notice of Motion 16.1.

## **8. Disclosures of Interest**

Councillor Jarvis declared a Significant, Non-Pecuniary Interest in Item 13.1 R1 (488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay - Draft Development Control Plan) as Councillor Jarvis is one of Council's representatives on the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting at this item, did not participate in debate and did not vote on the matter.



Councillor Robertson declared a Significant, Non-Pecuniary Interest in Item 13.1 R1 (488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay - Draft Development Control Plan) as Councillor Robertson is one of Council's representatives on the Sydney Eastern City Planning Panel. Councillor Robertson left the meeting at this item, did not participate in debate and did not vote on the matter.

Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in Item 13.1 R1 (488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay - Draft Development Control Plan) as Councillor Zeltzer is one of Council's representatives on the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting at this item, did not participate in debate and did not vote on the matter.

## **9. Petitions Tabled**

Nil

## **10. Mayoral Minute**

Nil

## **11. Public Forum**

Nil

## 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.

**Note:** Late Correspondence was tabled by Craig Swift-McNair, Council's General Manager, Amanda Stewart, Katherine Grinberg and Barbara Mortimer (Double Bay Residents Association), Esther Hayter (The Paddington Society), and Tony Bond (Edgecliff Residents Association).

**Note:** The Council amended Part B and added new Part C.

### **Motion moved by Councillor Shields Seconded by Councillor Zeltzer**

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. Resolves 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.
- C. Resolves that the following question to be asked in the Constitutional Referendum;

*Woollahra Municipal Council currently has 15 Councillors. Do you favour reducing the total number of Councillors from 15 to 9?*

*Please note that a reduction in the number Councillors will result in a reduction of Wards across the Woollahra Council Local Government Area, likely to be a reduction of 5 Wards to 3.*

### **Amendment moved by Councillor Price Seconded by Councillor Elsing**

THAT Council defers the decision until it seeks further legal advice on the question as to whether a Constitutional Referendum in also required to reduce the number of Wards.

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

**For the Amendment**

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Silcocks  
Councillor Witt

**Against the Amendment**

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

**7/8**

**The Amendment was put and lost.  
The Motion was put and carried.**

**(Shields/Zeltzer)**

**47/24 Resolved:**

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. Resolves 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.
- C. Resolves that the following question to be asked in the Constitutional Referendum;

*Woollahra Municipal Council currently has 15 Councillors. Do you favour reducing the total number of Councillors from 15 to 9?*

*Please note that a reduction in the number Councillors will result in a reduction of Wards across the Woollahra Council Local Government Area, likely to be a reduction of 5 Wards to 3.*

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

**For the Motion**

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

**Against the Motion**

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Silcocks  
Councillor Witt

**8/7**

## 13. Reports of the Committees

### 13.1 Environmental Planning Committee

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

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**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.

**Note:** Late Correspondence was tabled by Mark Skurnik (Rose Bay Action Group).

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

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

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

**Note:** Councillor Jarvis left the meeting, the time being 7.42pm.

**Note:** Councillor Robertson left the meeting, the time being 7.42pm.

**Note:** Councillor Zeltzer left the meeting, the time being 7.42pm.

**Note:** The Council added new Part A and new Part B to the Resolution. Original Part A became Part C and original Part B became Part D with an additional point 'iv' added to Part D.

**(Carmichael/Regan)**

**48/24 Resolved:**

THAT Council:

- A. Further asserts its opposition to the planning proposal for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay, but acknowledges that Council is powerless under the relevant legislation to further object.
- B. Notes the objections to the planning proposal from Cr Jarvis (who is a member of the Sydney Eastern City planning panel) who recommended that the proposal should not be submitted for a Gateway determination as the proposal has not demonstrate strategic merit nor site specific merit.
- C. 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.
- D. 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.
  - iv. the bicycle parking be required to be located within the Woolworths property and not in the buffer zone.
- E. 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.

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

***For the Motion***

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

***Against the Motion***

Nil

**12/0**

- 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.
- Note:** Councillor Jarvis returned to the meeting, the time being 7.56pm.
- Note:** Councillor Robertson returned to the meeting, the time being 7.56pm.
- Note:** Councillor Zeltzer returned to the meeting, the time being 7.56pm.
- (Carmichael/Zeltzer)**

**49/24 Resolved without debate:**

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.”*

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

**For the Motion**

**Against the Motion**

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

Nil

15/0

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**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.

**(Carmichael/Zeltzer)**

**50/24 Resolved without debate:**

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.

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

**For the Motion**

**Against the Motion**

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

Nil

**15/0**



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## 13.2 Finance, Community & Services Committee

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

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**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 Ocelli, 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.

**Note:** Late Correspondence was tabled by Zubin Marolia, Council's Manager Property & Projects.

**Note:** The Council removed Part D of the Resolution.

**(Jarvis/Elsing)**

**51/24 Resolved:**

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.

*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

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**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.  
**(Jarvis/Elsing)**

**52/24 Resolved without debate:**

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

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Cavanagh  
Councillor 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:** **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.

(Jarvis/Elsing)

**53/24 Resolved without debate:**

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.

*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:** **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.

**(Jarvis/Elsing)**

**54/24 Resolved without debate:**

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).

*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:** 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.

(Jarvis/Elsing)

**55/24 Resolved without debate:**

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.

*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**

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## **14. Rescission Motion**

Nil



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

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

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**General Item No:** 15.1 Congratulations to Anthony Tregoning  
**Tabled by Councillor:** Councillor Silcocks, Councillor Grieve, Councillor Witt, the Mayor  
Councillor Shields

**Councillor Silcocks advised:**

Thank you, Mr. Mayor.

I'd like to recognise Anthony Tregoning's contribution to our community. He's stepping down as President of the Double Bay Residents Association. So I'd like to congratulate him on a very successful three years as President. He was, if you like, an accidental President, having been forced by my election to Council and then Malcolm Young's retirement to take over in 2021. He said he would care-take the role for one year, and at the end of one year said he must find a successor within that year. And here we are three years later and he has finally stepped down. As we all know, it's been a very challenging time in Double Bay, endless development applications, planning proposals whilst we've debated our Strategic Plan.

Anthony has held that job and overseen countless submissions, endless panel appearances to ensure that the community's voice is being heard and worked very hard to bring all the various stakeholders together to reach some sort of agreement on our Strategic Plan. He is also this year is to get very professional forums for residents to meet their candidates at both the local and the State elections.

Undoubtedly his greatest achievement was the Clearway heading east along New South Head Road, which he pushed very hard and eventually succeeded in getting that extended to 7pm and over the weekends. So I'd like to thank Anthony for all his commitment and also note that he's going to stay on the DBRA (Double Bay Residents Association) Committee and we should also congratulate his successor, a lady called Katherine Grinberg, who is the new President of the Double Bay Residents Association and I'm sure we'll be seeing a lot more of her.

Thank you.

**Councillor Grieve further advised:**

Thank you, Mr. Mayor.

I'd like to follow on from that and say congratulations and thank you to Anthony Tregoning because we all might complain about the piddly amount of money that we're paid and the huge amount of work, but the conveners or Presidents of resident groups get paid nothing. He did an awful amount of work and I'd like to congratulate and acknowledge that Katherine Grinberg is the first female President of the Double Bay Residents Association and well may she reign and good luck with her presidency.

**Councillor Witt further advised:**

Thank you.

I'd also like to thank Anthony Tregoning. I actually was on the Double Bay Residents Association Committee before I got onto Council and he actually motivated me to run for Council, encouraged me, very professional, very conscientious and very communicative with the public. I really enjoy getting his newsletters so yes, I wish him well. I think he deserves a good retirement.

Thank you.

**The Mayor, Councillor Shields further advised:**

I too would like to acknowledge Mr. Tregoning. He is a passionate representative of the community, and it's occasionally we have differing views but it's all done in a respectful way. I do respect Mr. Tregoning's intellect and his experience. The last 12 months we have been on the same side of many things. It's been joyful to be on the same side of him with the changes to the Double Bay Plan and also on the same page with the New South Wales Government's Planning Proposals. So, congratulations to Mr Tregoning. He is such an incredible and passionate advocate for the area and I'm sure he will still be around.

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**General Item No:** 15.2 Congratulations to Roanne Knox  
**Tabled by Councillor:** Councillor Jarvis

**Councillor Jarvis advised:**

Thank you worship.

On the subject of congratulations, I would like to congratulate Roanne Knox who was this week, selected and endorsed as the Liberal candidate for Wentworth at the coming election. She's a very strong, capable candidate and we look forward as Liberals to supporting her. I will note for the record too, that she is the first Liberal woman to be selected to run in the seat of Wentworth.

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**General Item No:** 15.3 St. George's Day / German Cultural Day  
**Tabled by Councillor:** Councillor Jarvis & the Mayor, Councillor Shields

**Councillor Jarvis advised:**

Your Worship, yesterday of course, we were at the Greek Orthodox Church, St. George's (Rose Bay) with Miss (Roanne) Knox, celebrating the first Sunday after Easter and St. George's Day. And I want to congratulate the congregation, the celebration really of so many things. And again, bringing together of community and their ability to make fabulous gyros, which I believe you would have enjoyed as well, your worship.

In the same vein and in terms of bringing people together, I may have mentioned this on the last occasion, the German Cultural Day. I want to congratulate those that came. Your Worship, Councillor Swan, Councillor Grieve, Councillor Elsing, myself, the Consulate General Felix Schwarz and Christoph Meucher (CEO Goethe Institute). It was great. We had music like you've never heard before. The music of the bells was fantastic. We had the German film producer who had arrived to launch the German Film Festival, who gave a very interesting talk to those that were interested. We enjoyed Bratwurst and all-in-all a great day, so I wish to say thank you to the Goethe Institute for inviting so many of us and allowing us to be here.

Thank you.



**The Mayor, Councillor Shields further advised:**

I also want to say thank you to the organisers of the St George's Day yesterday.

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**General Item No:** 15.4 Holocaust Memorial Day  
**Tabled by Councillor:** The Mayor, Councillor Shields

**The Mayor, Councillor Shields advised:**

I want to talk about the Holocaust Memorial Day that I attended with Councillor Carmichael and Councillor Shapiro and also Roanne Knox. She's everywhere the new Liberal candidate for Wentworth. It was a moving tribute to the six million Jews that were killed in World War Two and it shames me to say that anti-Semitism is alive and well in our community. And when I talk about when my children are telling my wife not to use her name when she's ordering coffee, because she has an Israeli name, when I hear stories of children saying to their parents, "Please remove mezuzahs from doorways", there is a problem. And it is pertinent to remember what happens when anti-Semitism reaches its evil zenith, and that is what happened in Europe.

We must stamp out any form of racism, irrespective as to who it is. Racism is evil, anti-Semitism is evil. Sorry to finish on such a sour note, but it is something that I am feeling personally. I am feeling personally anti-Semitic attacks. And let me tell you, I will not falter. I will not be intimidated by anti-Semitic attacks.

Thank you.

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## 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:** Late Correspondence was tabled by Alison Pert, Clare Crawford, David Jacobs, Kim Foltz and Rebecca Lynch.

**Note:** Councillor Shapiro left the meeting, the time being 8.10pm.

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

**(Witt/Regan)**

**56/24 Resolved:**

THAT Council:

- A. Request staff prepare a report on the potential for further development controls requiring retention of established trees on private property when applicants are submitting development applications.
- B. Request staff recommend to Council any other measures that may be implemented, having regard to what other Councils are doing to arrest the decline of tree canopy cover on private properties proposed for redevelopment.

**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 Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Zeltzer

***Against the Motion***

Councillor Cavanagh  
Councillor Jarvis  
Councillor Shields  
Councillor Wynne

**10/4**

**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

**(Swan/Elsing)**

**57/24 Resolved:**

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.

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

Nil

**14/0**

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

**(Swan/Elsing)**

**58/24 Resolved:**

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.

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

***Against the Motion***

Nil

**14/0**

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**17. Questions With Notice**

Nil

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

Nil

**19. Confidential Matters**

Nil

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

There being no further business the meeting concluded at 8.42pm.

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**We certify that the pages numbered 232 to 259 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 13 May 2024 and confirmed by the Ordinary Meeting of Council on 11 June 2024 as correct.**

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**General Manager**

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**Mayor**