



# Ordinary Council

Monday 26 February 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](mailto:records@woollahra.nsw.gov.au) by 10.00am on the day of the meeting.

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

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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

22 February 2024

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

Dear Councillors,

### Ordinary Council – 26 February 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 26 February 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/council/meetings\\_and\\_committees/having\\_your\\_say\\_at\\_meetings](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/having_your_say_at_meetings) and email the completed form to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) **by 10.00am on the day of the meeting.**
- Submit late correspondence for consideration by Councillors by emailing [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) **by 10.00am on the day of the meeting.**

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](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

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## 6. Confirmation of Minutes

<b>Item No:</b>	6.1
<b>Subject:</b>	<b>CONFIRMATION OF COUNCIL MEETING MINUTES DATED 12 FEBRUARY 2024</b>
<b>Author:</b>	Sue O'Connor, Governance Officer
<b>File No:</b>	24/31522
<b>Purpose of the Report:</b>	The Minutes of the Council of 12 February 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
<b>Alignment to Delivery Program:</b>	Strategy 11.3: Ensure effective and efficient governance and risk management.

### Recommendation:

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

---

### Executive Summary:

This report presents the Council Meeting Minutes of 12 February 2024 for confirmation. The minutes of the meeting are presented as **Attachment 1** for adoption by the Council Meeting.

### Discussion:

The Minutes of the Council Meeting Minutes of 12 February 2024 have been reported to the Council Meeting Minutes of 26 February 2024. 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.

### Attachments

1. Unconfirmed Council Minutes held on 12 February 2024 [↓](#) 



# Ordinary Council

Monday 12 February 2024  
6.30pm

## Minutes

Unconfirmed

## Ordinary Council Meeting

Monday 12 February 2024

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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.**

#### **Environmental Planning Committee held on Monday 05 February 2024**

D1 Confirmation of Minutes of Meeting held on 4 December 2023

#### **Finance, Community & Services Committee held on Monday 05 February 2024**

- D1 Confirmation of Minutes of Meeting held on 4 December 2023
- D2 Woollahra Local Traffic Committee Minutes - 5 December 2023
- D3 Confirmation of Minutes of Arts and Culture Advisory Committee Meeting held on 21 November 2023
- D4 Confirmation of Minutes of the Inclusion (Disability, Aged & Carers) Advisory Committee Meeting held 27 November 2023
- D5 Confirmation of Minutes of the Public Art Panel Meeting held on 22 January 2024
- D6 Confirmation of Minutes of the Woollahra Small Sculpture Prize Committee Meeting held on 8 August 2023

Unconfirmed

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## Ordinary Council Meeting

### Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 12 February 2024 at 6.32pm.

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

Staff: Nick Economou (Manager – Development Assessment) via Zoom  
Alison McNamee (Meetings Officer)  
Sue Meekin (Director – Corporate Performance)  
Patricia Occelli (Director – Community & Customer Experience)  
Sue O'Connor (Governance Officer)  
Tom O'Hanlon (Director – Infrastructure & Sustainability)  
Richard Pearson (Development Manager – Strategic Projects) via Zoom  
Scott Pedder (Director – Planning & Place)  
Craig Swift-McNair (General Manager)  
Helen Tola (Manager – Governance & Risk)  
Anne White (Manager – Strategic, Planning & Place) via Zoom

Also in Attendance: Nil

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## 1. Opening

The Mayor declared the Ordinary Council Meeting of 12 February 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, and we wish him well for a speedy recovery.*

## 5. Apologies and Applications for a Leave of Absence or Attendance by Audio-Visual Link by Councillors

(Swan/Carmichael)

1/24 Resolved:

THAT Council grant Leave of Absence for all meetings of the Council and its Committees to Councillor Robertson for the period from 12 February 2024 to 26 February 2024 inclusive.

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

### **For the Motion**

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

### **Against the Motion**

Nil

14/0

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

**2/24 (Swan/Zeltzer)**

**Resolved:**

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillor participation in the Council Meeting of 12 February 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Elsing.

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

**For the Motion**

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

**Against the Motion**

Nil

**14/0**

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## 6. Confirmation of Minutes

**Item No:** 6.1  
**Subject:** **CONFIRMATION COUNCIL MINUTES - 11 DECEMBER 2023**  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 23/235576  
**Purpose of the Report:** The Minutes of the Council of 11 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.

**(Silcocks/Swan)**

**3/24 Resolved:**

THAT the Minutes of the Council Meeting of 11 December 2023 be taken as read and confirmed.

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

**For the Motion**

**Against the Motion**

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

Nil

14/0

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**7. Late Correspondence**

Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Items R1 and R4, FC&S Items R5 and R6.

**8. Disclosures of Interest**

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in EP Items R1 (Post-Exhibition Report – Planning Proposal for 136-148 New South Head Road, Edgecliff) and R2 (Post-Exhibition Report – Voluntary Planning Agreement for 136-138 New South Head Road, Edgecliff) as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matters.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in EP Items R1 (Post-Exhibition Report – Planning Proposal for 136-148 New South Head Road, Edgecliff) and R2 (Post-Exhibition Report – Voluntary Planning Agreement for 136-138 New South Head Road, Edgecliff) as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matters.

**9. Petitions Tabled**

Nil

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## 10. Mayoral Minute

**Item No:** 10.1  
**Subject:** AUSTRALIA DAY 2024 HONOURS  
**Author:** Richard Shields, Mayor  
**File No:** 24/21115  
**Purpose of the Report:** To inform the Council of the local recipients of the 2024 Australia Day Honours.

(Shields/Shapiro)

### 4/24 Resolved:

A. THAT a letter of congratulations, signed by the Mayor, be forwarded to local residents of the 2024 Australia Day Honours:

- i. Dr Robin Beryl Fitzsimons, AM
- ii. Professor Julian Colin Gold, AM
- iii. Mr Neville Charles Begg, OAM
- iv. Mr Gary Mark Inberg, OAM
- v. Councillor Mary-Lou Jarvis, OAM
- vi. Mrs Rose Temple, OAM

B. THAT a letter also be sent, signed by the Mayor to Dr Lindy Lee, AO, Emeritus Professor Helen Marian Lochhead, AO and Mr Victor Alhadeff OAM sending Council's congratulations and acknowledging their inclusion in the 2024 Australia Day Honours.

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

#### **For the Motion**

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

#### **Against the Motion**

Nil

14/0

### Discussion:

I am pleased to table this Mayoral Minute acknowledging the six Woollahra residents honoured in this year's Australia Day Honours. Each award recipient has been publicly recognised for their unique and significant contribution to our local and wider community.

These outstanding recipients have gone above and beyond to bring positive change to the world and we are immensely proud of their achievements.

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Member (AM) in the General Division:

- i. *Dr Robin Beryl Fitzsimons*  
For significant service to tertiary education, to neurology, and to medical research.
- ii. *Professor Julian Colin Gold*  
For significant service to medicine as a clinical epidemiologist and researcher, and to community health.

Medal (OAM) in the General Division:

- iii. *Mr Neville Charles Begg*  
For service to horse racing as a trainer.
- iv. *Mr Gary Mark Inberg*  
For service to the Jewish community of New South Wales, and to business.
- v. *Councillor Mary-Lou Jarvis*  
For service to local government, and to the community.
- vi. *Mrs Rose Temple*  
For service to the Jewish community.

I wish to take this opportunity to congratulate our councillor colleague, Cr Jarvis on being awarded an OAM, acknowledging not only her services to the Woollahra community but also her time as Councillor on Adelaide City Council. Cr Jarvis has given many hours of her time and energy to many community organisations and her public service is to be commended.

A few other notable mention in this year's awards that are familiar to many of here at Council, which I would like to take the time to acknowledge:

- *Dr Lindy Lee* - For distinguished service to contemporary visual arts as a sculptor and painter, and to arts administration through leadership roles. Dr Lee was awarded an Officer of the Order of Australia (AO). We are lucky to have a piece of Dr Lee's work "One Bright Pearl" in Blackburn Gardens.
- *Emeritus Professor Helen Marian Lochhead* - For distinguished service to architecture and urban design, to building regulation reform, to tertiary education, and to professional organisations. Professor Lochhead was awarded an Officer of the Order of Australia (AO). Professor Lochhead is a member of our Woollahra Local Planning Panel.
- *Mr Victor Alhadeff* - For service to the Jewish community, and to the media. Mr Alhadeff was awarded the Medal of the Order of Australia (OAM). Many former mayors and councillors of Woollahra would have met with Mr Alhadeff's in his role as the CEO of the NSW Jewish Board of Deputies for over 16 years.

**Conclusion:**

We are grateful to each of the recipients for the outstanding contribution to Woollahra and the local community, and we acknowledge how fortunate we are to live in a community where so many people dedicate their time and energy to helping and inspiring others.

Each recipient provides an outstanding example of active community citizenship.

On behalf of Woollahra Council, I offer my congratulations to all of this year's Australia Day Honours recipients, and I will be writing to each of the Woollahra LGA recipients along with Dr Lindy Lee, Emeritus Professor Helen Marian Lochhead and Mr Victor Alhadeff to offer our congratulations and appreciation for their service.

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**11. Public Forum**

Nil

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## 12. General Manager and Officer's Report

**Item No:** 12.1  
**Subject:** **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) - SECTION 9.1  
LOCAL PLANNING PANELS DIRECTION INTERIM APPOINTMENT OF  
MEMBERS**  
**Authors:** Nick Economou, Manager Development Assessment  
Helen Tola, Manager Governance & Risk  
**Approvers:** Scott Pedder, Director Planning & Place  
Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 24/16138  
**Purpose of the Report:** To seek the interim appointment Local Planning Panel members in  
response to the Direction issued by the Minister for Planning & Public  
Spaces on 22 January 2024.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning  
and urban design outcomes.

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

(Grieve/Zeltzer)

### 5/24 Resolved:

THAT Council:

- A. Receives and notes the Direction issued by the Minister for Planning & Public Spaces on 22 January 2024.
- B. Pursuant to Section 23K of the *Environmental Planning and Assessment Act 1979*, appoint the following persons to the Woollahra Local Planning Panel for the interim period between 28 February 2024 to 30 June 2024:

#### Chair & Alternate Chairs

Penelope Holloway (Chair)  
Graham Brown (Alternate Chair)  
Helen Lochhead (Alternate Chair)

#### Experts

Gabrielle Morrish  
Sandra Robinson  
Peter Brennan  
Judith Clark  
Kim Crestani  
Philippa Frecklington  
Megan Jones  
Oliver Klein  
Lee Kosnetter  
Larissa Ozog

#### Community Representative

Kenneth Raphael

- C. Set the following remuneration rates for the panel members (noting this is consistent with the rate paid to the current panel members) for the interim period between 28 February 2024 to 30 June 2024:

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- Chair - \$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings
- Experts - \$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings
- Community Reps- \$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings

**Note:** The above rates do not include GST.

**Note:** The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.

- D. Resolves to undertake an Expression of Interest Process for the appointment and selection of Community Representatives for the new LPP term commencing 1 July 2024, noting that a report will be presented to Council to appoint a new Panel Membership including Community Representatives for the period commencing 1 July 2024.
- E. Resolves that the General Manager writes to members ineligible for re-appointment to the Woollahra Local Planning Panel, thanking them for their contribution to the Woollahra Local Planning Panel since 26 February 2018.
- F. Seeks advice to give consideration to inviting members that have applied as community representatives previously (during the most recent Expression of Interest process of the 23 May 2022).

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

**For the Motion**

**Against the Motion**

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

Nil

**14/0**

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**Item No:** 12.2  
**Subject:** **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) MINUTES - 5 DECEMBER 2023**  
**Author:** Helen Tola, Manager Governance & Risk  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 24/11098  
**Purpose of the Report:** To present the Audit, Risk & Improvement Committee (ARIC) meeting minutes of 20 June 2023 for noting by Council.  
**Alignment to Delivery Program:** Strategy 11.3: Ensure effective and efficient governance and risk management.

(Swan/Wynne)

**6/24 Resolved:**

THAT Council notes the Minutes of the Audit, Risk & Improvement Committee Meeting of 5 December 2023.

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

**For the Motion**

**Against the Motion**

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

Nil

**14/0**

### 13. Reports of the Committees

#### 13.1 Environmental Planning Committee

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

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**Item No:** R1 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT - PLANNING PROPOSAL FOR 136 - 148  
NEW SOUTH HEAD ROAD, EDGECLIFF**  
**Authors:** Wai Wai Liang, 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:** 23/200934  
**Purpose of the Report:** To report on the public exhibition of the planning proposal for 136 – 148  
New South Head Road, Edgecliff.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning  
and urban design outcomes.

**Note:** Late correspondence was tabled by Councillor Witt.

**Note:** Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

**Note:** Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matter.

**Note:** Councillor Jarvis left the meeting, the time being 7.06pm.

**Note:** Councillor Zeltzer left the meeting, the time being 7.06pm.

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

**Note:** Councillor Swan returned to the meeting, the time being 7.43pm.

**(Carmichael/Shapiro)**

**7/24 Resolved:**

THAT Council:

- A. Notes the matters raised during the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. Forwards the submissions, post exhibition report and amended planning proposal for 136-148 New South Head Road to the Department of Planning, Housing and Infrastructure as the local plan-making authority, with a request that the Minister (or delegate) makes the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.



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*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 Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Wynne

**Against the Motion**

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Witt

**7/5**

*Note: Councillor Jarvis and Councillor Zeltzer were not present for the vote.*

---

**Item No:** R2 Recommendation to Council  
**Subject:** **POST-EXHIBITION REPORT - VOLUNTARY PLANNING AGREEMENT FOR 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**  
**Author:** Richard Pearson, Development Manager  
**Approver:** Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/218390  
**Purpose of the Report:** To provide an update of the exhibition of a VPA  
**Alignment to Delivery Program:** Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

**Note:** Late correspondence was table by Richard Pearson, Council's Development Manager, Strategic Projects.

**Note:** Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

**Note:** Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matter.

**Note:** Councillor Elsing left the meeting at 8.17pm.

**Note:** Councillor Elsing returned to the meeting at 8.20pm.

**Note:** The Council amended original Part B, deleted original Part C, amended original Part D which became Part E and added new Part C and D of the Resolution.

**(Carmichael/Shapiro)**

**8/24 Resolved:**

THAT Council:

- A. Note the report which provides an analysis of submissions received on the draft Voluntary Planning Agreement (VPA).

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- B. Note that no changes to the draft Voluntary Planning Agreement (VPA) are proposed, subject to minor drafting amendments.
- C. Note that \$2.7 million is anticipated for affordable housing as part of the Voluntary Planning Agreement (VPA).
- D. Request that the General Manager assess potential Woollahra Council owned sites that would be suitable for delivery of affordable housing.
- E. Authorises the General Manager to enter into the Voluntary Planning Agreement (VPA) prior to the gazettal of the planning proposal.

*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 Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Wynne

**Against the Motion**

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Witt

7/5

*Note: Councillor Jarvis and Councillor Zeltzer were not present for the vote.*

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**Item No:** R3 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT - PLANNING PROPOSAL TO LIST THE ST GEORGE GREEK ORTHODOX CHURCH, ROSE BAY AS A LOCAL HERITAGE ITEM**  
**Authors:** Eleanor Banaag, Senior Strategic Heritage Officer  
Kristy Welfare, Acting Team Leader Heritage  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 23/231325  
**Purpose of the Report:** To report on the public exhibition of the planning proposal to list the St George Greek Orthodox Church, Rose Bay as a local heritage item.  
**Alignment to Delivery Program:** Strategy 4.2: Conserving our rich and diverse heritage.

**Note:** Councillor Jarvis returned to the meeting, the time being 8.34pm.

**Note:** Councillor Zeltzer returned to the meeting, the time being 8.34pm.

**Note:** Councillor Shapiro left the meeting, the time being 8.34pm.

**Note:** Councillor Shapiro returned to the meeting, the time being 8.35pm.

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(Swan/Wynne)

9/24 Resolved:

THAT Council:

- A. Finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 5 February 2024 to list the *St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable relics* at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP 5092) as a local heritage item in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014*.
- B. Make the local environmental plan under section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

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

**For the Motion**

Councillor Cavanagh  
Councillor Elsing  
Councillor Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne

**Against the Motion**

Councillor Carmichael  
Councillor Shapiro  
Councillor Shields  
Councillor Zeltzer

10/4

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**Item No:** R4 Recommendation to Council  
**Subject:** **DELIVERY PROGRAM 2022/23 - 2025/26 & OPERATIONAL PLAN 2023/24 PROGRESS REPORT - DECEMBER 2023**  
**Author:** Petrina Duffy, Coordinator Strategy & Performance  
**Approvers:** Sue Meekin, Director Corporate Performance  
Tom O'Hanlon, Director Infrastructure & Sustainability  
Scott Pedder, Director Planning & Place  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 24/13267  
**Purpose of the Report:** To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 31 December 2023.  
**Alignment to Delivery Program:** Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.  
**Note:** Late correspondence was tabled by Petrina Duffy, Council's Strategy & Performance Coordinator.

(Carmichael/Swan)

10/24 Resolved without debate:

THAT Council receives and notes the December 2023 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

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

**For the Motion**

**Against the Motion**

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

Nil

14/0

Unconfirmed

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### 13.2 Finance, Community & Services Committee

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

**Item No:** R1 Recommendation to Council  
**Subject:** **WOOLLAHRA GRANTS PROGRAM 2024/25 ROUND**  
**Author:** Emma Rodgers-Wilson, Development Officer, Community & Culture  
**Approvers:** Maya Jankovic, Coordinator Community & Culture  
Vicki Munro, Manager Community & Culture  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 23/227735  
**Purpose of the Report:** To endorse the Community and Cultural and Placemaking grant stream themes, to note the proposed dates for the 2024/25 Grants round and to provide feedback on School Citizenship Award program for 2023.  
**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.

(Zeltzer/Grieve)

11/24 Resolved without debate:

THAT Council:

- A. Endorse the themes relating to the 2024/25 Grants round for the Community and Cultural and Placemaking grant streams.
- B. Notes the proposed dates for the implementation of the 2024/25 Grants program.
- C. Notes the update on the School Citizenship Award Program for 2023.

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

**For the Motion**

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

14/0

**Against the Motion**

Nil

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**Item No:** R2 Recommendation to Council  
**Subject:** **MONTHLY FINANCIAL REPORT - 30 NOVEMBER 2023**  
**Author:** Abdullah Rayhan, Team Leader Financial Services  
**Approvers:** Paul Ryan, Chief Financial Officer  
Sue Meekin, Director Corporate Performance  
**File No:** 23/233773  
**Purpose of the Report:** To present the monthly financial report for November 2023.  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

(Zeltzer/Grieve)

**12/24 Resolved without debate:**

THAT Council:

- A. Receive and note the Monthly Financial Report – November 2023.
- B. Note that the Council's 12-month weighted average return for November 2023 on its direct investment portfolio of 4.80% (LM: 4.79%, LY: 2.92%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.18%.
- C. Note that the interest revenue for the year to date November 2023 is \$2.12M, exceeding our revised year to date budget of \$1.06M for the same period.

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

**For the Motion**

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

**14/0**

**Against the Motion**

Nil

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**Item No:** R3 Recommendation to Council  
**Subject:** **MONTHLY FINANCIAL REPORT - 31 DECEMBER 2023  
INVESTMENT HELD AS AT 31 JANUARY 2024**  
**Author:** Abdullah Rayhan, Team Leader Financial Services  
**Approvers:** Paul Ryan, Chief Financial Officer  
Sue Meekin, Director Corporate Performance  
**File No:** 24/9285  
**Purpose of the Report:** To present the monthly financial report for December 2023 and to present a list of investments held as of 31 January 2024.  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

(Zeltzer/Grieve)

**13/24 Resolved without debate:**

THAT Council:

- A. Receive and note the Monthly Financial Report – December 2023.
- B. Note that the Council's 12-month weighted average return on December 2023 on its direct investment portfolio of 4.98% (LM: 4.80%, LY: 3.29%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.26%.
- C. Note that the interest revenue for the year to date December 2023 is \$2.57M, exceeding our revised year to date budget of \$1.36M for the same period.
- D. Receive and note the list of Council's investments held as of 31 January 2024 (provided as late correspondence).

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

**For the Motion**

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

**Against the Motion**

Nil

**14/0**

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**Item No:** R4 Recommendation to Council  
**Subject:** **2023/24 BUDGET REVIEW FOR THE QUARTER ENDED 31 DECEMBER 2023**  
**Authors:** Henrietta McGilvray, Senior Corporate Accountant  
Esther Hii, Senior Corporate Accountant  
Paul Ryan, Chief Financial Officer  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 24/3565  
**Purpose of the Report:** To report on the review of the 2023/24 budget forecast position as at the quarter ended 31 December 2023  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

(Zeltzer/Grieve)

**14/24 Resolved without debate:**

THAT Council:

- A. Receive and note the report on the Budget Review for the quarter ended 31 December 2023.
- B. Note the statement from the Responsible Accounting Officer, Council's Chief Financial Officer that the projected financial position at 31 December 2023, 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 December 2023, resulting in a net operating result before capital grants and contributions of \$4.470 million, a decrease of \$0.485 million from the Quarter Ended 30 September 2023 revised budget. The original approved 2023/24 budget after revotes for Net Operating Result before Capital Grants & Contributions was \$1.079m.

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

**For the Motion**

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

**Against the Motion**

Nil

**14/0**



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**Item No:** R5 Recommendation to Council  
**Subject:** **CAPITAL WORKS PROGRAM - QUARTERLY PROGRESS REPORT  
DECEMBER 2023**  
**Authors:** Petrina Duffy, Coordinator Strategy & Performance  
Henrietta McGilvray, Senior Corporate Accountant  
**Approvers:** Tom O'Hanlon, Director Infrastructure & Sustainability  
Sue Meekin, Director Corporate Performance  
**File No:** 24/13265  
**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  
December 2023  
**Alignment to Delivery Program:** Strategy 11.2: Secure Council's financial position.

**Note:** Late correspondence was tabled by Petrina Duffy, Council's Strategy & Performance  
Coordinator.

(Zeltzer/Grieve)

**15/24 Resolved without debate:**

THAT the Capital Works Program – Quarterly Progress Report for the quarter ended 31 December  
2023 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**

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

**Against the Motion**

Nil

**14/0**

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**Item No:** R6 Recommendation to Council  
**Subject:** **DELIVERY PROGRAM 2022/23 - 2025/26 & OPERATIONAL PLAN 2023/24 PROGRESS REPORT - DECEMBER 2023**  
**Author:** Petrina Duffy, Coordinator Strategy & Performance  
**Approvers:** Sue Meekin, Director Corporate Performance  
Tom O'Hanlon, Director Infrastructure & Sustainability  
Scott Pedder, Director Planning & Place  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 24/13266  
**Purpose of the Report:** To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 31 December 2023.  
**Alignment to Delivery Program:** Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.  
**Note:** Late correspondence was tabled by Petrina Duffy, Council's Strategy & Performance Coordinator.

(Zeltzer/Grieve)

**16/24 Resolved without debate:**

THAT the December 2023 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

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

**For the Motion**

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

**Against the Motion**

Nil

14/0

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**14. Rescission Motion**

Nil

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

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

**General Item No:** 15.1 Condolences - the Hon. Andrew Rogers  
**Tabled by Councillor:** Councillor Swan

### The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I would like to extend my condolences to the Hon. Helen Coonan, in particular, who recently lost her husband, the Hon. Andrew Rogers, who was a Justice of the NSW Supreme Court and made significant reforms to that Court in the 1980s. He was a wonderful man, a resident of Cooper Ward and I wish to extend my condolences to the Hon. Helen Coonan and her family alike.

### The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

### The Mayor, Councillor Shields further advised:

I too, would like to pass on my condolences to the family of the Hon. Andrew Rogers. Councillor Jarvis and I both worked for Mr. Rogers' wife, Helen Coonan. So I would like to send our condolences and make an observation that if anyone from a legal background have heard of Andrew Rogers he was a larger than life figure, and I think there is a quote to say that he revolutionised proceedings in the Commercial List of the Supreme Court. Every lawyer I have talked to that actually appeared before him has the most daunting stories of appearing before him.

My stories aren't like that. My stories are one of a Staffer to Helen Coonan delivering papers and I didn't see the dominating and very efficient Mr. Rogers. I saw the warm, engaging man who was just very willing to be hospitable in his house to visitors and it's that warmth that I remember and it's that warmth that really endeared me to him and I hope a lot of the lawyers that had the professional experience with him also experienced the social experience with him as well. I wish the family of Andrew Rogers and Helen Coonan a long life.

---

**General Item No:** 15.2 Hot Jazz Picnic  
**Tabled by Councillor:** Councillor Swan, Councillor Elsing

### The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship. I would like to extend my congratulations to the organisers of *Hot Jazz Picnic*, it was such a fun day. Someone remarked, Councillor Swan is leaning into the festivities. I was having a great time dancing, hanging out with the vendors, it was a great day so congratulations to all. The artists did an amazing job and the event was run so smoothly and it was a perfect example of how our Grants Program can be used to create an incredible day for the community. It was attended by older, younger, and all in-between, everyone was dressed fabulously and I had the best day. So thank you very much.

### The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

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**Councillor Elsing further advised:**

Thank you, Mr. Mayor. I just want to support Councillor Swan's initiative. I want to talk about the *Hot Jazz Picnic*, I can't say I was dancing or getting into it, but I was there for a while and I thought it was one of the best events that I have seen Council put on. I really want to understand better, and I'm just leaving that in the hands of staff on how to do that, how we can continue to support those type of events and how we can continue to have those sort of events happening in our Municipality. I'm underscoring what Councillor Swan said, it was across the community. There was old, there was young, there was babies, there was young girls in groups, there was couples, everybody was there and I just love those sorts of events. It was very, very, very enjoyable and very successful, and very well managed and it was just a delightful event. I suppose what is going to happen is we will get a report, at some point hopefully up and to Community Services telling us about what the staff thought of the event and the ways that we can support it going forward.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Elsing.

---

**General Item No:** 15.3 Congratulations to Council Staff - Redleaf Gallery  
**Tabled by Councillor:** Councillor Swan

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

Thank you, Your Worship. Congratulations to the artists and also the Director of Redleaf Gallery, Ms Pippa Mott for the two openings over the summer break, they were both excellent. I did not make it to the opening of the second exhibition but I have gone down to see it. As always beautifully curated, congratulations to her and her team.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Swan.

---

**General Item No:** 15.4 Congratulations - Responsiveness of Staff Christmas Day  
**Tabled by Councillor:** Councillor Swan

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

Thank you, Your Worship. A big thank you and congratulations to staff for their responsiveness especially on Christmas Day for the issues in Double Bay. I know that there were problems and they were very responsive, so thank you very much to staff.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Swan.

---

**General Item No:** 15.5 Congratulations - Australia Day Honours  
**Tabled by Councillor:** Councillor Swan, Councillor Shapiro, Councillor Regan

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

Thank you, Your Worship. I also wish to extend my congratulations to Councillor Jarvis for her Australia Day Honours. I know it's been remarked already but I'd like to do so as well and also Dr Robin Fitzsimons, whom I know, because she is in my opinion one of the most intelligent people in the whole Municipality.

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**The Mayor, Councillor Shields in response:**

Thank you, Councillor Swan.

**Councillor Shapiro further advised:**

Thank you, Mr. Mayor. I too would just like to pass on congratulations to Councillor Jarvis, and also to my friend Vic Alhadeff, who all received awards.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Shapiro.

**Councillor Regan further advised:**

Thank you, Mr. Mayor. Just to say congratulations to Councillor Jarvis as well.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Regan.

---

**General Item No:** 15.6 Chanukah at the Bay  
**Tabled by Councillor:** Councillor Shapiro

**Councillor Shapiro advised:**

Thank you, Mr. Mayor. Through you I would like to remark, I know it seems like a long time ago at the end of last year, the Chanukah at the Bay, which was attended by yourself and you made a speech on behalf of Woollahra Council. Councillor Regan, Councillor Carmichael, Councillor Witt, Councillor Elsing got there and Councillor Silcocks. I hope I haven't left anybody out, and Councillor Jarvis, apologies. As always a wonderful evening, a huge communal attendance, certainly not limited to the Jewish Community. Councillor Jarvis, apologies. Congratulations to Chabad Double Bay who every year put this together and again thanks to our Grants Program. Thank you.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Shapiro.

---

**General Item No:** 15.7 Mr. Robert Joyner - Paddington Community Gardens  
**Tabled by Councillor:** Councillor Price

**Councillor Price advised:**

Mr. Mayor, I just wanted to double-check with my fellow Paddington Ward Councillor in relation to the congratulations to Mr. Joyner. I just know that Councillor Cavanagh was very instrumental in the Community Gardens, so whether he wanted to do that congratulations and thank you to Mr. Joyner and his wife. So you are happy with me to go ahead? Yes, thank you very much.

I would also like to thank Mr. O'Hanlon (Director Infrastructure & Sustainability) and his team for alerting all the Paddington Ward Councillors to this and preparing a short resume, I suppose, for Mr. Joyner.

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Rob Joyner has played a key role in the Paddington Community Garden for many years. He chaired the Steering Committee from 2006-2008 that created a vision for the garden and advocated to establish it as Woollahra Council's first Community Garden in 2009.

He was the inaugural president for the garden from 2009-2013, resuming the role in 2016-2018 and again from 2020-2023. His leadership provided stability and inspiration as the garden evolved. Thanks to the efforts of Rob and other garden members, the Paddington Community Garden is now a thriving and productive urban oasis. Built on the old quarry site adjacent to the Trumper Park Tennis centre it hosts over 53 gardeners with 27 individual plots and 10 shared plots for community produce.

The success of this garden has inspired other groups to form Community Gardens such as Cooper Park and Rose Bay.

On behalf of all the Paddington Ward Councillors, we would like to thank Rob for over 15 years of dedicated service to the community garden, helping to inspire its set up, support its development and nurture its ongoing maintenance. Thank you very much, and obviously thank Mr. Joyner and his wife Vicki who has been very much involved as well. Thank you, Mr. Mayor.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Price.

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**General Item No:** 15.8 Australia Day Honours - Dr Robin Fitzsimons and Gary Inberg  
**Tabled by Councillor:** Councillor Jarvis

**Councillor Jarvis advised:**

Thank you, Your Worship. I want to particularly acknowledge tonight two people that I have the good fortune to know that received Australia Day Honours and the first being Dr Robin Fitzsimons AM, who Councillor Swan has already alluded to, and I actually first said was one of the smartest people I know in the Woollahra Municipality

Whilst her background is in medicine and a neurologist and she has an expertise in a thing called, a bit like 'supercalifragilisticexpialidocious', I actually got her to send me an email to how it's described – Facioscapulohumeral muscular dystrophy (FHSD). She has extensive contributions that she's made in terms of education and also in journalism.

In education, she has been honoured at Sydney University where she is highly regarded and a former member of the Senate. But I think also what is extraordinary about this woman is that her contribution to journalism has been quite remarkable. She is an expert on Hong Kong and the Rule of Law under Chinese Sovereignty, and in fact has contributed globally from *The UK (London) Times*, to *The South China Morning Post* and published in our own Australian newspapers such as *The Canberra Times*.

It's an honour to know her, and I extend my congratulations to her, not least of which also she assesses anyone for personal injury in the Commission, so she has a very diverse range of expertise.

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Also, Gary Inberg, who I have the good fortune to have met during my time, since I've been elected to the Council, he lives in a street around the corner from me. He has received an OAM for services to the Jewish Community and to business. It was he that was involved in the establishment of Montefiore Retirement Home in Randwick in 2006, but also at the Burgess Centre which is an aged care, and more broadly in business. He was also a delegate to the Jewish Board of Deputies. His extensive business experience extends to being Vice President of the Sydney Casino, but also NSW Infrastructure, and in particular Sydney Water and the Department of Roads and Transport. He has been the one that's explained to me most succinctly the effect of the Refresh Vacluse Diamond Bay Pumping Stations.

Your Worship, I want to also say thank you very much for the congratulations. I have realised in hearing from the people I have since receiving this honour, that it's been more of an honour about the people I've got to meet in the several decades I've been around where we work together with a common endeavor to achieve outcomes. So I say to all of you it's been an honour to do the Local Government part at least in NSW with all of you and the ones that went before us in the last term. Thank you very much and congratulations.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Jarvis.

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**General Item No:** 15.9 Proposed Changes to Low & Mid Rise Housing Planning  
**Tabled by Councillor:** Councillor Witt

**Councillor Witt advised:**

Thank you, Mr. Mayor. Perhaps an indulgence I would like to thank both the residents and associations and the staff for preparing briefing and submissions for the proposed changes to create low and mid-rise housing. I think it needs to be noted at this Council because this is probably the biggest assault on council planning powers since the forced amalgamations. I am very much looking forward to what the staff have to say and I hope a really strong effort on the part of this Council which will mimic the efforts I think of other councils, alerting people to these proposed changes, and the draconian effect it will have on the livability, local character and potentially the heritage conservation areas of Sydney that we've all fought so hard over the years to protect.

I would also like to congratulate Councillor Jarvis and acknowledge the contribution of her and other Councillors, that nothing as we learn is achieved in this Municipality without a bit of a fight but it's a fight really worth having I really commend anyone to fight really hard to stop these changes.

**The Mayor, Councillor Shields in response:**

Thank you, Councillor Witt.

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**General Item No:** 15.10 Australia Day Celebrations  
**Tabled by Councillor:** The Mayor, Councillor Shields

**The Mayor, Councillor Shields advised:**

I attended a Dawn Reflection Service on Australia Day organised by the Waverley Mayor, Paula Masselos. It was incredible, a very moving event on Australia Day and considering my well-published statement about Australia Day, that it was a day of celebration but also a day of reflection and it was a very moving service and I ask other Councillors if they have time next year at 5.30am in the morning on Australia Day to go Bondi Beach.

We did a Citizenship Ceremony and I would like to acknowledge the work of staff and acknowledge that the Federal Member (Ms. Allegra Spender MP) attended, the two State Members (Ms. Kellie Sloane MP and Mr. Alex Greenwich MP) attended, Councillor Shapiro attended. Someone asked me what is the best part of being Mayor, and it is officiating in that ceremony, it is the most moving ceremony and I want to acknowledge the work of staff. Those things look as though they happen seamlessly, but we know they don't and to Pat Vella who organised that, congratulations.

I did attend with Councillor Jarvis at Camp Cove, recognising the arrival of the boat, it wasn't the First Fleet, the boat skippered by Captain Arthur Phillip.

Thank you for your indulgence.

Unconfirmed



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## 16. Notices of Motion

**Item No:** 16.1  
**Subject:** **NOTICE OF MOTION - COUNCIL SPONSORSHIP- SUPPORT FOR THE ARTS, COMMERCE, EVENTS AND CULTURAL ACTIVITIES WHICH DELIVER A MORE CONNECTED, THRIVING AND PROSPEROUS COMMUNITY IN WOOLLAHRA**  
**From:** Councillors Toni Zeltzer, Sarah Swan, Nicola Grieve, Luise Elsing and Susan Wynne  
**Date:** 06 February 2024  
**File No:** 24/21009

**Note:** Councillor Wynne left the meeting 9.01pm.

**Note:** Councillor Wynne returned to the meeting 9.01pm.

**(Zeltzer/Grieve)**

### 17/24 Resolved:

THAT Council:

- A. Request the General Manager tables a report to the 2<sup>nd</sup> of April 2024 Finance, Community and Services Committee that details how Council could establish a mechanism for the granting of sponsorship to organisations and or events that meet certain criteria.
- B. Note that the request in part A above is not intended to replace the current Grants Process, but is in addition to the Grants Program, for the purpose of Council formally sponsoring certain organisations, long standing initiatives and or events.

**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 Shapiro  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

#### **Against the Motion**

Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Shields  
Councillor Silcocks

9/5

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**Item No:** 16.2  
**Subject:** NOTICE OF MOTION - BAY STREET UPGRADE  
**From:** Councillor Mark Silcocks  
**Date:** 07 February 2024  
**File No:** 24/21471

(Silcocks/Shields)

**18/24 Resolved:**

THAT Council:

- A. Congratulate Staff on the fantastic upgrade to the northern end of Bay Street, Double Bay, in terms of the professionalism, speed, design and quality.
- B. Notes the similarly impressive Double Bay Ferry Terminal upgrade and requests the Mayor to kindly write to Transport for New South Wales to express our sincere appreciation and gratitude.

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

**For the Motion**

**Against the Motion**

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

Nil

**14/0**

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## 17. Questions With Notice

(Wynne/Swan)

19/24 Resolved:

THAT the Questions with Notice be received and noted.

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

**For the Motion**

**Against the Motion**

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

Nil

14/0

**QWN:** 17.1  
**From:** Councillor Regan  
**Subject:** Questions with Notice - Affordable Housing Dwellings

**Councillor Regan asking:**

In the agenda commencing at page 680 of Environmental Planning Committee Meeting of 7 November 2022 tables were produced that set out the number of affordable housing dwellings that were to be provided via approved development applications through various mechanisms in the municipality. It is noted that some of these developments are nearing completion or have been completed. Could an update please be provided in relation to these developments and in relation to arrangements made with respect to those affordable homes that are to be delivered?

Could Council also be updated as to the details of the affordable homes provided, who the manager of these homes is, the length of time that these homes must be provided as affordable rental and the rental being asked of these homes.

I note in particular that the following have completed or will be complete in the next few months:

- 252-256 Old South Head Road Bellevue Hill -  
9 homes to be provided (I note some 2 bed units are being advertised on Domain now for \$1,500 per week).
- 230/32 Newcastle Street, Rose Bay -  
this is not complete but is likely to be in the New Year. 1 dwelling.

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**Executive Planner in response:**

**Update on infill affordable rental housing delivered in Woollahra LGA and approved under the ARH SEPP**

The Environmental Planning Committee report of 7 November 2022 included a list of development approvals with an affordable housing dwelling that have been granted in the Woollahra Local Government Area (LGA) since 2009 under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), or *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP). Both of these SEPPs have been repealed and replaced by the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

The relevant approvals are listed in Table 1 below.

Table 1 : Development approvals with an affordable housing component approved in Woollahra LGA	
DA 271/2020	30-32 Newcastle St, Rose Bay (Seniors housing development containing 10 seniors dwellings, with one affordable place) (Seniors Housing SEPP)
DA 226/2019	351-353 New South Head Road, Double Bay (RFB with 12 units including 5 affordable rental dwellings) (ARH SEPP)
DA 518/2018	164 Victoria Rd, Bellevue Hill (RFB with 6 units, including 2 affordable rental dwellings) (ARH SEPP)
DA 367/2017	252-256 Old South Head Rd Bellevue Hill (RFB with 19 units, including 9 affordable rental dwellings) (ARH SEPP)
DA 169/2017	9A Cooper Park Road, Bellevue Hill (Alterations and additions to approved RFBs and new Building C, including 7 affordable rental dwellings) (ARH SEPP)

At the time of preparing this response (12 January 2024), an occupation certificate has been issued for the development at 252-256 New South Head Road, Double Bay. That certificate was issued on 13 December 2023. Occupation certificates have not been issued for the other four (4) development approvals in Table 1.

As identified in the NOM, dwellings in the development at 252-256 New South Head Road, Double Bay, are being advertised for rent however, these advertisements do not specifically refer to the affordable housing tenancies. Council staff have contacted the real estate agent leasing these properties (Cubic Real Estate Pty Ltd), and Cubic has advised that the rental advertisements do not apply to the apartments nominated as affordable housing. Cubic also advised they are the registered community housing provider for the nominated affordable rental housing, and has provided evidence that the nine affordable rental units are registered with the National Regulatory System of Community Housing. Cubic have also stated that these properties will be managed in accordance with the *NSW Affordable Housing Ministerial Guidelines*, and advised that the nine properties are rented at 20% below market rent of the other two bedroom units in the building.

**Length of time dwellings are to be dedicated as affordable rental housing**

The affordable place approved under the Seniors Housing SEPP at 30-32 Newcastle Street must be retained as affordable housing in perpetuity. Consistent with the Seniors SEPP, section 45 Vertical villages, sections 45(8) and (9), and Council's conditions of consent:

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- a covenant must be registered against the land title concerning the continued provision of the affordable place, and
- the affordable place is to be owned and managed by a registered community housing provider (CHP).

For the four (4) other DAs listed in Table 1 above, the affordable rental housing was approved under the ARH SEPP. Under that SEPP (section 17(1), and consistent with Council's conditions of consent:

- the dwelling(s) must be used for affordable housing for 10 years from the date of the issue of the occupation certificate, and
- the restriction on the use of the dwelling is registered against the land title.

The ARH SEPP, section 17 states:

**17 Must be used for affordable housing for 10 years**

- (1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that—
  - (a) for 10 years from the date of the issue of the occupation certificate—
    - i. the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
    - ii. all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
  - (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.
- (2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.

The ARH SEPP was repealed in November 2021 and replaced by the Housing SEPP. Affordable rental housing approved under the Housing SEPP (Chapter 2, Division 1 In-fill affordable housing) must be used for ARH for at least 15 years (section 21). At the time of preparing this report there have been no DAs approved in Woollahra LGA under the Housing SEPP with an affordable housing component.

**Are there any requirements to notify Council of the community housing provider?**

All of the development approvals listed in Table 1 include a condition of consent requiring that the nominated dwelling(s) are to be used for the purposes of affordable housing and managed by a registered CHP. There is nothing in the ARH SEPP, Seniors Housing SEPP or conditions of consent that requires the applicant (or owner of the land) to provide Council with details of the CHP engaged to manage the affordable dwellings.

If the affordable housing dwellings are not used as affordable housing and also managed by a registered CHP, this would be a breach of consent and enforcement action could be commenced.

When the Housing SEPP replaced the ARH SEPP, supporting amendments were also made to the *Environmental Planning and Assessment Regulation 2021* which introduced new provisions requiring the owner (or applicant) to provide evidence of an agreement with a registered CHP. This addresses the issue of notifying Council. The new provisions are set out below, with relevant sections highlighted:

**82 In-fill affordable housing**

- (1) This section applies to development permitted under *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1, other than—
  - (a) development on land owned by the Land and Housing Corporation, or

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- (b) a development application made by, or on behalf of, a public authority.
- (2) It is a condition of the development consent that before the issue of an occupation certificate for the development—
  - (a) a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
  - (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
  - (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.
- (3) It is a condition of the development consent that during the relevant period—
  - (a) the affordable housing component must be used for affordable housing, and
  - (b) the affordable housing component must be managed by a registered community housing provider, and
  - (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
  - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- (4) In this section—
  - affordable housing component** has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 21.
  - relevant period** means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

#### No requirement to notify Council of the rental price

There is nothing in the ARH SEPP, Seniors Housing SEPP, or the Housing SEPP that requires the applicant (or owner of the land) to provide Council with information on the price that the affordable dwelling is being rented out for.

As set out in the *NSW Affordable Housing Ministerial Guidelines* (page 12 <https://www.facs.nsw.gov.au/download?file=843446>):

*“affordable housing is to be let at a discount of at least 20% of market rent, as market rent is reported in the NSW Government Rent Report  
[https://public.tableau.com/app/profile/facs.statistics/viz/Rentandsales\\_15565127794310/Rent](https://public.tableau.com/app/profile/facs.statistics/viz/Rentandsales_15565127794310/Rent)”*

*Community housing providers may select different approaches to setting the rent for affordable housing including income-based rents, relating rents to the average income level of a target group or rent levels which are a discount to the local market rent.”*

It is the responsibility of the registered CHP to manage the affordable housing, including setting the rent and allocating tenancies consistent with the definition of affordable housing in the ARH SEPP and Seniors Housing SEPP as referred to in the conditions of consent, and set out below:

ARH SEPP, section 6:

**affordable housing** means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

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- (1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household—
- (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
  - (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

Seniors Housing SEPP, section 45(12):

**Definitions** In this clause—

**affordable place**, in relation to seniors housing, means a dwelling for the accommodation of a resident—

- (a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—
 

Very low income household	less than 50%
Low income household	50% or more but less than 80%
Moderate income household	80–120%
- (b) who is to pay rent that does not exceed a benchmark of 30% of the resident's actual household income.

The current income bands based on median incomes for Sydney are set out in Table 2 below.

**Table 2:** Household income eligibility limits for Sydney region: 2023/24

Household Type	Very Low	Low	Moderate
Single	\$32,300	\$51,700	\$77,600
Single + 1	\$42,000	\$67,200	\$100,900
Single + 2	\$51,700	\$82,700	\$124,200
Single + 3	\$61,400	\$98,200	\$147,500
Single + 4	\$71,100	\$113,700	\$170,800
Couple	\$48,500	\$77,600	\$116,400
Couple + 1	\$58,200	\$93,100	\$139,700
Couple + 2	\$67,900	\$108,600	\$163,000
Couple + 3	\$77,600	\$124,100	\$186,300
Couple + 4	\$87,300	\$139,600	\$209,600

Registered CHPs must comply with relevant legalisation, the National Regulatory Code, and the *NSW Affordable Housing Ministerial Guidelines*. Registered CHPs are monitored by the NSW Registrar of Community Housing which for example, can do compliance checks on rents being set.

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## **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 9.15pm.

**We certify that the pages numbered 24 to 60 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 12 February 2024 and confirmed by the Ordinary Meeting of Council on 26 February 2024 as correct.**

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**General Manager**

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**Mayor**

Unconfirmed



## 12. General Manager and Officer's Report

<b>Item No:</b>	12.1
<b>Subject:</b>	<b>AUDIT, RISK &amp; IMPROVEMENT COMMITTEE (ARIC) - PERFORMANCE REPORT - 1 JANUARY 2023 TO 31 DECEMBER 2023</b>
<b>Author:</b>	Helen Tola, Manager Governance & Risk
<b>Approvers:</b>	Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
<b>File No:</b>	24/26840
<b>Purpose of the Report:</b>	To present the Annual Performance Report 2023 for noting by Council.
<b>Alignment to Delivery Program:</b>	Strategy 11.3: Ensure effective and efficient governance and risk management.

### Recommendation:

THAT Council:

- A. Receive and note the Audit, Risk and Improvement Committee Chairperson's Annual Performance Report for the period 1 January 2023 to 31 December 2023.
- B. Thanks the Chair, Mr Jason Masters and Independent Members, Mr Carl Millington, and Mr Deborah Goodyer for their continued work on the Audit, Risk & Improvement Committee.
- C. Acknowledges the attendance and contribution of Councillor Carmichael, Councillor Grieve and Councillor Price as non-voting members on the Audit, Risk & Improvement Committee.

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### Executive Summary:

The purpose of this report is to present the Audit, Risk & Improvement Committee (ARIC) Chair's Annual Performance Report for the period 1 January 2023 to 31 December 2023.

### Discussion:

Under the ARIC Charter, the Chair of the Committee is required to initiate a review of the performance of the Committee at least annually. The review is to be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders (as determined by the Chair).

Submission of this Performance Report to the Council is a procedural matter for noting of the report. To clarify, as per advice from the Office of Local Government (OLG), the terms adopt, endorse and note are used to define and reflect the different levels of responsibility of the elected Council as follows:

- Adopt – to accept. This is used to reflect that the Council is fully responsible for the actions within a plan etc.
- Endorse – to support. This is used in instances when a plan may identify responsibilities that fall outside the sole responsibility or role of the Council.
- Note – to take notice of. This is used where the plan or report is provided for the information of the Council and no specific action is required.

A copy of the Annual Performance Report for the period 1 January 2023 to 31 December 2023, is presented as **Attachment 1**.

**Options:**

The report is presented to the Council for noting.

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

No community engagement was required in relation to this report.

A survey of Independent Members and non-voting Councillors was undertaken and feedback was incorporated where appropriate within the Performance Report.

Additionally, consultation with the Chair, Mr Jason Masters, the ARIC independent members and Councillors on the ARIC was conducted via the survey.

Further internal consultation occurred in the preparation of this report specifically with the General Manager, Director Corporate Performance and Manager Governance & Risk.

**Policy Implications:**

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

**Financial Implications:**

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


**Resourcing Implications:**

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

**Conclusion:**

The Council note the Chair's Report on the Operations of the Audit, Risk & Improvement Committee for the calendar year ended 31 December 2023, noting that the Chair, Mr Jason Masters will be in attendance at the Council meeting to present his Report and to answer any questions that the Council may have.

**Attachments**

1. Audit, Risk & Improvement Committee (ARIC) Performance Report - Period 1 January 2023 to 31 December 2023 [↓](#) 



# Woollahra Municipal Council Audit, Risk & Improvement Committee Performance Report 1 January 2023 to 31 December 2023

## 1. Introduction

### Purpose of Performance Report

The purpose of this report is to present the performance of the Audit, Risk & Improvement Committee for the 2023 calendar year (i.e. 1 January 2023 to 31 December 2023).

### Audit, Risk and Improvement Committee

The Woollahra Municipal Council (Council) Audit, Risk and Improvement Committee (ARIC) is a key supporting element of good corporate governance. Its establishment reflects the commitment of Council to industry better practice and high standards of accountability to the community it serves. The ARIC has a key role in Council's governance framework by bringing a systematic and disciplined approach to examination of the effectiveness of audit, risk management, governance, and continuous improvement processes in Council.

The purpose of the ARIC is to provide independent assistance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

The ARIC works under a Charter which aligns with the Office of Local Government Guidelines and industry leading practice.

The ARIC Charter, adopted by Council, 23 August 2021, is available on Council's website.

The ARIC Responsibilities, as detailed in the Charter, are attached to this Report. See Appendix 1.

In accordance with the Charter, the ARIC presents an Performance Report on its activities to Council. The ARIC also provides minutes of its meetings to Council and these minutes are available on Council's website.

The Charter are available on Council's website:







[https://www.woollahra.nsw.gov.au/data/assets/pdf\\_file/0006/275658/Adopted-TOR-Terms-of-Reference-Audit-Risk-and-Improvement-Committee-Charter-8-June-2022.pdf](https://www.woollahra.nsw.gov.au/data/assets/pdf_file/0006/275658/Adopted-TOR-Terms-of-Reference-Audit-Risk-and-Improvement-Committee-Charter-8-June-2022.pdf)

## 2. Committee Meetings and Membership

### Composition

The ARIC comprises of:

- Mr Jason Masters, Chair
- Deborah Goodyer, Independent Member
- Carl Millington, Independent Member
- Councillor Sean Carmichael
- Councillor Nicola Grieve
- Councillor Harriet Price

<p><b>Jason Masters</b> Chair</p> 	<p><b>Deborah Goodyer</b> Independent Member</p> 	<p><b>Carl Millington</b> Independent Member</p> 
<p>Jason is a Chair and non-executive director with over 30 years of non-executive experience gained through serving on the board of approximately 20 private, public and not-for-profit organisations.</p> <p>Jason's primary NED experience is in Governance, Audit, Risk, Technology and Finance. I have held roles in numerous sectors; Financial Services; Technology; Utilities and Infrastructure; Public Sector; Transport and logistics; Manufacturing and Maintenance; Health and Start-up sectors.</p> <p>Jason is a frequent domestic and international speaker on director development, technology, audit, risk, finance, and procurement. I am a Fellow and Graduate Member of the Australian Institute of Company Directors.</p> <p>Jason has extensive experience in Audit, Risk &amp; Improvement Committees both as Chair and Independent Member including for Woollahra Municipal Council, Tamworth Regional Council, Armidale Regional Council, NSW Justice Health &amp; Forensic Mental Health Network, NSW Office of Sports to name a few.</p>	<p>Deborah is a CPA and Certified Internal Auditor with extensive experience in internal audit at a strategic/management level over 28 years within local government and more broadly within state and federal government.</p> <p>She has held roles of Chief Audit Executive and internal audit and corruption prevention manager. She currently undertakes work as an external consultant and as chair of two NSW council ARICs and member of four others including Woollahra.</p> <p>Deborah has experience and expertise in various business and functional areas, including strategic governance, financial and risk management and fraud and corruption management.</p> <p>She provides pragmatic advice and solutions working collaboratively to improve the integrity and sustainability of the organisations she works with.</p> <p>Deborah is qualified to perform external quality assurance reviews of internal audit functions and has established internal audit frameworks including ARICs in accordance with IIA standards within the local government environment and the new OLG guidelines.</p>	<p>Carl provides business advisory, assurance, and governance, risk and compliance services to Not-for-Profit organisations including NSW local government, sports administration organisations, charities, and community-based organisations.</p> <p>Carl is a Senior Consultant with Pitcher Partners Sydney where he is currently Chair of the firm's Risk &amp; Quality Committee, and represents the firm on the Pitcher Partners National Risk &amp; Quality Management Committee.</p> <p>He has more than 40 years' experience auditing and advising local government and is currently an independent member of 5 council ARICs.</p>
<p><b>Councillor</b> <b>Sean Carmichael</b></p> 	<p><b>Councillor</b> <b>Nicola Grieve</b></p> 	<p><b>Councillor</b> <b>Harriet Price</b></p> 

### Meetings

Four (4) meetings were held during 2023.

These included four (4) regular meetings (including Finance related special meeting) as follows:

- 14 March 2023
- 20 June 2023
- 21 September 2023 (including consideration of Financial Statements)
- 5 December 2023

### Attendance

	Meeting Date			
	14 March	20 June	21 September	5 December
<b>Member</b>				
Mr Jason Masters, Chair	✓	✓	✓	✓
Ms Deborah Goodyer, Independent Member	✓	✓	✓	✓
Mr Carl Millington, Independent Member	✓	✓	✓	✓
<b>Councillors (non-voting members)</b>				
Councillor Sean Carmichael	✓	x	✓	x
Councillor Nicola Grieve	✓	✓	x	✓
Councillor Harriet Price	✓	✓	✓	✓

In presenting this report I would like to express my thanks to Ms Goodyer and Mr Millington for their expert independent advice at our Committee meetings. Further I would also like to express my thanks to Councillor Carmichael, Councillor Grieve and Councillor Price for their engagement at ARIC meetings. Your contribution was extremely valuable.

In addition to the voting members, other non-voting attendees include:

- General Manager
- Director Corporate Performance
- Director Infrastructure & Sustainability
- Manager Governance & Risk
- Chief Financial Officer
- Manager Information & Digital Transformation
- Manager People, Safety & Performance
- Health, Safety & Injury Management Coordinator.

Invitations are also extended to the Internal Auditors, External Auditor from the Audit Office NSW and their agent, Prosperity Auditors.

### Disclosures of Interests

Disclosures of Interest are recorded for all ARIC members.

Further disclosures are made at ARIC meetings as required under the provisions of Council's Code of Meeting Practice.

### 3. Year in Review

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#### Committee activity

In the 2023 calendar year the ARIC met four times to review internal audit reports, the financial statements for Woollahra Municipal Council and to be updated on the Council operations by Council's executive team.

#### Presentations and Reports

Presentations and Reports thirty-six (36) reports were tabled to the ARIC over its four meetings during the 2023 calendar year.

Reports and presentations covered:

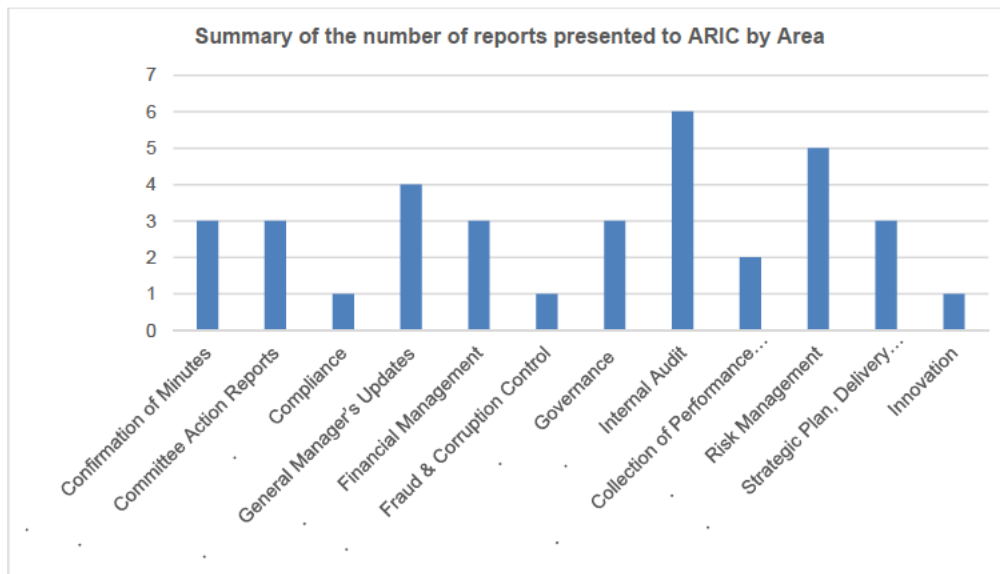
- Confirmation of Minutes
  - Confirmation of Minutes of meeting held on 14 March 2023.
  - Confirmation of Minutes of meeting held on 20 June 2023.
  - Confirmation of Minutes of meeting held on 21 September 2023.
- Committee Action Reports
  - Progress Status Report for ARIC Action Plan (3 reports).
- Compliance
  - Work, Health and Safety Update.
- General Manager's Updates
  - General Manager's Updates (presented to each of the 4 meetings).
- Financial Management
  - Finance Update Reports (presented at each of the 4 meetings).
  - Presentation of the General Purpose Financial Statements for the 12 months ending 30 June 2023.
- Fraud & Corruption Control
  - Draft Fraud & Corruption Policy and Framework.
- Governance
  - Government Information (Public Access) Act 2009 GIPA Statistics.
- Internal Audit
  - Status Progress Reports (Internal Audit).
  - Internal Audit of IT Hardware Asset Acquisition and Ongoing Asset Maintenance.
  - Internal Audit Draft Scopes 2023/24 - Cyber Security and Work, Health & Safety.
  - Internal Audit - Reporting Templates.
  - Performance Report Template.

During the calendar year significant work has been undertaken by management to reduce the number of outstanding internal audit action items from 22 reported in March 2023 to 13 reported in December 2023 (of which 5 have a Low risk rating, 5 High risk rating and 3 of which are suggested improvements). The guidance of ARIC members was instrumental in providing feedback on outstanding internal audit actions to management.

- Collection of Performance Measurement Data
  - Audit, Risk & Improvement Committee (ARIC) - Annual Performance Report 2023.
- Risk Management
  - Enterprise Risk Management (ERM) - Consequence Table.
  - Update on Progress of the Risk Improvement Road Map (including Operational Risk Register).
  - Strategic Risk Register Template.
  - GAP Analysis Risk Management Framework.
  - Strategic Risks Register - Risk Appetite & Road Map Update.
- Strategic Plan, Delivery Program & Strategies
  - Information & Digital Transformation Update.
- Innovation
  - Support for the Service Review Model and reviewed of the outcomes of service reviews.

Additionally, of note during the calendar year was the ARIC improvements in internal controls by a reduction in outstanding internal audit items and also the review and rebuilding/extending of the robust Risk Management System.

A summary of the number of reports presented to ARIC by area is provided below:





Committee report card

Committee charter	Compliance	Chair's Assessment
<b>Committee meetings</b>	A quorum was maintained at every meeting. An invitation to attend meetings was extended to the General Manager, Directors and Managers whose area of responsibility was the topic of an item on the Agenda.	✓
<b>Composition</b>	3 independent members, 3 Councillors.	✓
<b>Broad range of skills and experience</b>	Committee members are diverse with strong local government and commercial experience.	✓
<b>Functional separation</b>	ARIC has no executive powers.	✓
<b>Sufficient time allocated to tasks</b>	The meeting agenda allowed equal time to discuss all audit reviews, the strategic audit plan, and the status of implementation of audit recommendations.	✓
<b>Consultation</b>	The Chair invited General Manager, Directors and Managers to address reports. The General Manager, Director Corporate Performance, Manager Governance & Risk, Chief Financial Officer, External Audit and Council internal audit firms attend meetings as advisers.	✓
<b>Probity</b>	Members declared conflicts of interest if they arose.	✓
<b>Risk management</b>	Enterprise Risk Management (ERM) framework review, including planning, implementation, policy and procedures, are reported to the committee.	✓
<b>Control framework</b>	Controls and policies and procedures are effectively reviewed through audit reports and briefings received.	✓
<b>External accountability</b>	The committee provides input and feedback on the financial statements and control issues identified by the external auditor.	✓
<b>Compliance</b>	Compliance with legislative requirements is considered (where relevant) in every audit included in the 4-year strategic internal audit plan.	✓
<b>Internal audit</b>	Delivery of the internal audit program.	✓



Committee charter	Compliance	Chair's Assessment
<b>External audit</b>	Financial statements are reviewed for compliance with local government regulatory requirements and resolution of audit findings. The Council continues to be one of the first Councils to have their financials cleared by the Audit Office of NSW (AONSW), with minimal to no modifications.	✓
<b>Service delivery</b>	A report from the General Manager was provided to each meeting. Service Reviews were provided for information to the ARIC. Updates from Council's Manager Information & Digital Transformation and Council's Chief Financial Officer were provided either within the General Managers report or as separate reports.	✓
<b>Improvement</b>	The Service Review Framework was presented to the ARIC for consultation. Additionally the outcomes of the reviews undertaken were presented to the ARIC.	✓

#### Achievements of the Committee

During the period, the ARIC covered the following areas:

- (i) Received, periodic briefings on Council operations and developments on the following;
  - Councillor Misconduct Review
  - Special Rate Variation (SRV) Application
  - Service Reviews
  - Model Internal Audit Charter and Model Terms of Reference for the ARIC
  - Emergency Services Levy Increase
  - Cost Shifting Impacts and Report 2022-2023
  - Policy & Procedures Review Update
  - Changes to the Public Interest Disclosures Act 2022 (PID Act 2022)
  - Success at the 2023 Local Government Excellence Awards
  - GM Interview with Local Government Information Unit (LGIU)
  - Establishment of an SSROC Finance Group
  - Review of the Rate Peg Methodology
  - Rate Peg for 2024-2025
  - Grattan Institute report – Potholes & Pitfalls
  - Annual Report 2022-2023
  - Wilberforce Avenue, Rose Bay Car Park Redevelopment
  - Additional Funding for the Office of Local Government (OLG)
  - Cyber Security
  - IT improvements.
- (ii) Received briefing updates on Council's Risk Management practices
- (iii) Reviewed and approved the Annual Internal Audit Plan and monitored progress.

### Internal Audits

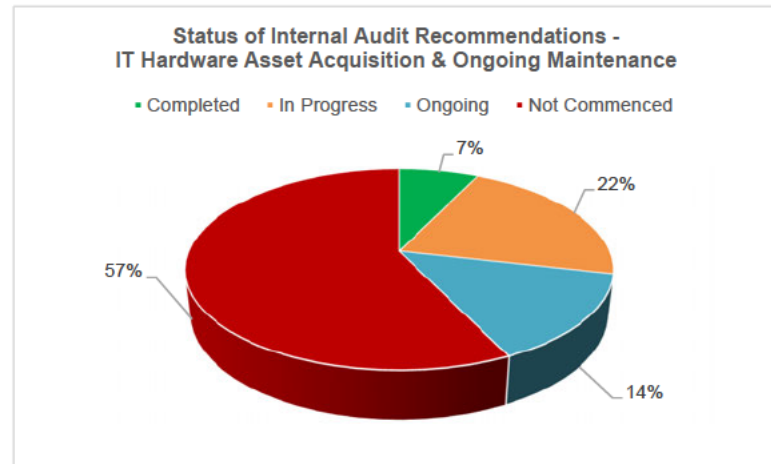
Internal Audit Internal Audits at Council during the period were conducted by BDO.

The following Internal Audits were completed and issued during the 2023 calendar year:

- Internal Audit of IT Hardware Asset Acquisition and Ongoing Asset Maintenance

15 recommendations resulted from the Internal Audit and have been added to the Internal Audit recommendations for action by management.

A snapshot of the implementation is provided below.



Additionally, the following Draft Internal Audit Scopes were presented during the 2023 calendar year:

- Cyber Security
- Work, Health & Safety

A key focus of the ARIC was to review the audit actions and to encourage the finalisation of the outstanding audit actions throughout the course of the year. Additionally, a key recommendation in regard to Internal Audits was to establish an Internal Audit panel to be used in the future audits.

### External Audit - Financial Statements

The External Audit of the Financial Statements for the year ended 2022/23 was conducted by the Audit Office of NSW.

The ARIC considers the findings and recommendations of the Audit Office and assesses Council's performance implementing those findings and recommendations.

The ARIC considers and provides input and feedback on the draft Financial Statement to management and the Audit Office of NSW.

## 4. Self-Assessment Performance

In accordance with the ARIC Charter, the Committee members completed a self-assessment which was designed to assess the performance in the following areas:

- effective committee meetings
- Committees responsibilities in the Terms of Reference (i.e. compliance, risk management, Fraud & Corruption, Financial Management, Governance, Implementation of the Strategic Plan, Delivery Program and strategies, Service reviews) etc.
- Internal Audit
- External Audit etc.

The ARIC Self-Assessment Performance Tool or Survey was undertaken and completed by the independent ARIC members and non-voting Councillors. All Independent Members and non-voting Councillors completed the survey, a total of five responses received.

A summary of the ARIC Self-Assessment Performance Tool or Survey results was presented to the Chair to inform the finalisation of the Performance Report. For clarity, it is noted that the Chair was not required to complete the ARIC Self-Assessment Performance Tool or Survey.

Aggregated responses of the Independent Experts are provided below for the following categories:

- Audit, Risk & Improvement Committee Enablers
- Roles and Responsibilities
- Risk Management
- Internal Audit
- External Audit
- Compliance & Governance
- Fraud & Corruption Prevention
- Other.

### Audit, Risk & Improvement Committee Enablers

With regards to the Audit, Risk & Improvement Committee Enablers, frequency and timing of meetings, forward meeting plan, covering all the Committee's responsibilities, including meeting dates and agenda items, circulation of papers and the effective working relationship with management, including with senior management the Independent members including the Chair agree that the functioning of the Panel is working well and that the panel is supported appropriately.

### Roles and Responsibilities

The Independent members including the Chair agree that the Minutes are prepared for the Audit, Risk & Improvement Committee and circulated to the Chair and Independent Members following the meeting. By way of process Audit, Risk & Improvement Committee meeting minutes are presented to the Council meeting.

Submission of minutes to the Council is a procedural matter for the noting of the minutes.

The Independent Members noted that the Committee received limited feedback from the General Manager (and/or Council), on its performance, including the performance of the Chair and each member, during the year. The Chair noted that on occasion informal feedback was provided by the General Manager to the Chair.

### Risk Management

Various reports in relation to the Risk Management were presented to the Committee including Enterprise Risk Management (ERM) - Consequence Table, update on Progress of the Risk Improvement Road Map (including Operational Risk Register), Strategic Risk Register Template and Strategic Risks Register - Risk Appetite & Road Map Update. The Independent Members Agree or Strongly Agree that the Audit, Risk & Improvement Committee add values to Council when meeting its governance accountabilities listed under the Charter under 'Risk Management'

### Internal Audit

Various reports were presented for consideration by the Audit, Risk & Improvement Committee in relation to Internal Audit status updates of progress throughout the period to provide an update on follow up audit recommendations.

The views of the Independent Members were split whereby one member was not fully satisfied that the committee has been provided with opportunities and information to fully meet the responsibilities relating to Internal Audit, in particularly referencing the Strategic and Annual Internal Audit Plans and Internal Audit/External provider review not having been considered. Whilst another Independent Members felt that responsibilities had been met, other than the in-camera meeting with the internal auditor, and possibly confirmation that an independent review is conducted every 5 years (a bit hard to assess the independent review with a short membership of the committee).

### External Audit

The Independent members agree that the responsibilities of the Audit, Risk & Improvement Committee were met in relation to External Audit.

### Compliance & Governance

The Independent members were divided in their agreement as to whether the all its responsibilities listed in the Charter under 'Compliance and Governance'. Feedback received noted that the member considered that Government Information Public Access Act (GIPA) report were not routinely required unless they related to significant risks or claims against Council.

Matters relating to various compliance and governance matters were raised via either individual reports to the ARIC including GIPA Reports and the Annual Performance Report or via the General Managers updates which referenced some of the following:

- Changes to the Public Interest Disclosures Act 2022 (PID Act 2022)
- Councillor Misconduct Review
- Model Internal Audit Charter and Model Terms of Reference for the ARIC
- Special Rate Variation (SRV) Update
- Service Reviews Update
- Emergency Services Levy
- Cost Shifting
- Policy & Procedures Review Update
- Success at the 2023 Local Government Excellence Awards
- GM Interview with Local Government Information Unit (LGIU)
- Establishment of an SSROC Finance Group
- Finance Update
- Information and Digital Transformation Update
- Public Interest Disclosures Act 2022.

#### Fraud & Corruption Prevention

The Independent members agreed or strongly agreed that the responsibilities listed in the Charter under 'Fraud and Corruption Prevention', noting that there was a report on the Draft Policy and Framework presented and considered by the Committee.

#### Other

The Independent members were satisfied that the ARIC has a strong and effective working relationship with management and that there is very strong base to work from in regard to the Committee adding value to the Council.

## 5. Chair's Summary

The Performance Report was informed by the Audit, Risk & Improvement Committee (ARIC) Self-Assessment Performance Tool as developed and circulated to the all ARIC members to inform this report.

As Chair, I would like to express my thanks to Ms Goodyer and Mr Millington for their expert independent advice at our Committee meetings. Further I would also like to express my thanks to Councillor Carmichael, Councillor Grieve and Councillor Price for their engagement at ARIC meetings. Your contribution was extremely valuable.

I would also like to thank management for their valued contributions and for their openness and transparency in relation to all the matters discussed at the various ARIC meetings held during the year.

It is our combined view that we have completed all of our obligations under our Charter.

I would also like to take this opportunity to thank Woollahra Municipal Council for the opportunity to provide leadership of the ARIC and I look forward to handing over to the new Chair in due course.

Kind regards,



Jason Masters  
Chair  
Audit, Risk & Improvement Committee (ARIC)  
Woollahra Municipal Council  
21 February 2024



**Item No:** 12.2  
**Subject:** **SUBMISSION TO THE 'EXPLANATION OF INTENDED EFFECT: CHANGES TO CREATE MORE LOW AND MID-RISE HOUSING'**  
**Authors:** Fiona Aghili, Strategic Planner  
Lyle Tamlyn, Acting Team Leader Strategic Planning  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 24/31810  
**Purpose of the Report:** To obtain Council's endorsement of the submission to the Department of Planning, Housing and Infrastructure's exhibition on the Explanation of Intended Effect: Changes to create low and medium-rise housing  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Recommendation:**

THAT Council:

- A. Notes the report on the exhibition on the Explanation of Intended Effect: Changes to create low and medium-rise housing.
- B. Endorses the draft submission at **Attachment 1** of the report to the Council meeting of 26 February 2024 and requests it be submitted to the Department of Planning, Housing and Infrastructure.

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**Executive Summary:**

The purpose of this report is to obtain Council's endorsement of a draft submission prepared in response to the exhibition of the *Explanation of Intended Effect: Changes to create low and medium-rise housing*, prepared by the Department of Planning, Housing and Infrastructure (DPHI).

Staff do not support the proposed reforms, which seek to abandon best practice, placed based strategic planning. They disregard our own local plans, which have been carefully crafted (consistent with the current legislation) to address our agreed housing targets while also protecting local character. Furthermore, our agreed housing targets were met and exceeded for 2016-2021.

Through overriding our existing controls for permissible land uses, the proposed reforms will produce buildings with excessive bulk and scale. Staff also have concerns about impacts on heritage conservation areas (HCAs) and the placement of further strain on infrastructure already serving our very dense local government area (LGA). Council staff recommend that the proposed reforms do not progress, and that the DPHI engages in meaningful collaboration with councils to address the housing crisis.

**Discussion:**

Background

On October 2022, the *National Housing Accord* (Accord) was introduced with a national five year target of one million well-located new homes by June 2029. In August 2023, National Cabinet announced a revised five year target of 1.2 million well-located dwellings from mid-2024. The NSW Government committed to deliver at least 314,000 new homes by mid-2029, with a stretch goal of 377,000 dwellings. The Accord requires the NSW Government work in collaboration with Councils on changes to meet the five year housing target, with an agreement to: *'commit to working with local governments to deliver planning and land-use reforms that will make housing supply more responsive to demand over time, with further work to be agreed under the Accord.'*

On 28 November 2023, a press release from the NSW Government announced planning changes to create new low and mid-rise housing. The following assertions were made in the press release:

- *Sixty percent of R3 zones across Sydney (where multi dwelling housing is appropriate and should be encouraged) presently prohibit residential flat buildings of any scale,*
- *In October (2023) the Government identified a significant gap in the approval of density, with terraces and 1-2 storey unit blocks allowed under R2 zoning in only two of 32 Local Environmental Plans (LEPs) (across Sydney).*

Of note is that in the Woollahra LGA we already permit residential flat buildings (RFBs) and multi-dwelling development in our R3 Medium Density Zone, and dual occupancies in our R2 Low Density Zone.

On 15 December 2023, the *Explanation of Intended Effect: Changes to create more low and mid-rise housing* (EIE) was placed on public exhibition. The proposed controls in the EIE are aimed at encouraging low and mid-rise housing in response to the housing crisis. Reforms focused on transit oriented development were also announced at a similar time, however these do not apply to the Woollahra LGA.

### Proposed reforms

The reforms introduce a number of planning changes that aim to create more low and mid-rise housing in “well-located” areas. The reforms identify mid-rise housing as RFBs and shop-top housing between three and six storeys, and low rise housing as multi-dwelling housing (MDH) such as terraces and townhouses, manor houses and dual occupancies. The changes seek to:

- Expand land use permissibility to allow dual occupancies in the R2 zone (already permissible under the Woollahra LEP 2014)
- Expand land use permissibility to allow manor houses and multi-dwelling housing in the R2 zone, in station and town centre precincts;
- Implement non-refusal standards for height and FSR; and
- Introduce other planning provisions such as changes to the *Apartment Design Guide* (ADG), landscaping provisions and Torrens subdivision of dual occupancies and MDH.

The reforms propose to introduce station and town centre precincts based on the definitions shown below:

- *800m walking distance of heavy rail, metro or light rail stations, 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre, or*
- *800 walking distance of land zoned E1 Local Centre or MU1 Mixed that contain an appropriate level of goods, services and amenities, such as a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.*

Staff consider the above definition of station and town centre precincts is vague and lacks sufficient detail. For example, the definition relies on an 800m walking distance area, not as the ‘crow flies’ distance. The DPHI has confirmed that they do not intend to introduce mapping with the reforms, which raises significant issues as to where exactly the proposed precincts will apply.

Furthermore, elements of the reforms are not supported by existing legislation. For example, there is no definition for a ‘full-line supermarket’. The DPHI is currently seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.

Additionally, staff understand that proponents would be able to use both the above reforms and recent incentives for affordable housing under *State and Environmental Planning Policy (Housing) 2021* (Housing SEPP). These include floor space ratio (FSR) and building height bonuses of up to 30% for projects that include at least 10-15% of gross floor area (GFA) dedicated to affordable housing for 15 years.



## Issues identified

### *Lack of strategic planning*

The DPHI's proposed changes to create more low and mid-rise housing fundamentally abandon place based strategic planning. The reforms do not meet the requirements for strategic planning prescribed under Division 3.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The approach taken by the DPHI, utilising a one-size-fits-all density policy, is not best practice and does not allow councils to appropriately plan for increased density.

The current district strategic plan remains the *Eastern District Plan*, which implements the *Greater Sydney Plan – a Metropolis of Three Cities*. This plan sets our five year housing target (2016/17 to 2020/21). The *Woollahra Housing Strategy 2021*, endorsed by the DPHI on 11 March 2022, sets our 6-10 year housing target. Council exceeded the five year housing target by 70% (+264 new dwellings) and is on track to meet the 6-10 year target. The NSW Government's report, *Budget Estimates 2023-24*, showed we were one of only 13 councils in Greater Sydney that met the five year housing target. Accordingly, we have a strong record of accommodating growth in a coordinated and planned manner.

In contrast, the proposed reforms seek to increase density without consideration of any specific housing target for the Woollahra LGA. This approach has no regard for issues such as infrastructure constraints, housing delivery capacity under existing strategies, value capture mechanisms, and supporting existing initiatives (e.g. tree canopy targets).

The reforms would introduce changes that will override our carefully crafted local plans and strategies. For example, the introduction of non-refusal standards for FSR and building height would override controls in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015), and would rely on a merit based assessment.

Overall, the approach taken by the DPHI through the reforms will introduce unnecessary confusion and complexity in the planning system and does not meet the requirements of the Accord and the EP&A Act.

### *Impacts from non-refusal standards and other planning controls*

The reforms introduce non-refusal standards for mid-rise housing within station and town centre precincts. The proposed changes are outlined in **Table 1** below.

**Table 1:** Proposed non-refusal standards for RFBs and STH within precincts

Non-refusal standard	Within inner (0-400m) station and town centre precincts	Within outer (400-800m) station and town centre precincts
Maximum building height	21m or 6-7 storeys (27.3m or 8-9 storeys with AH* bonus)	16m or 4-5 storeys (20.8m or 6-7 storeys with AH bonus)
Maximum FSR	3:1 (3.9:1 with AH bonus)	2:1 (2.6 with AH bonus)

\*AH bonus refers to affordable housing bonuses as previously discussed.

Other changes proposed relate to adjusted design criteria, such as reduced communal open space, building setback and servicing requirements.

If the changes proceed, the proposed FSR and height of building non-refusal standards would introduce excessive density with no regard for our local plans and strategies that support our future desired character and support our tree canopy targets. At worst, the changes represent a 462% increase on FSR and 221% on building height compared to development standards under Woollahra LEP 2014. Furthermore, the proposed reforms would be in addition to affordable

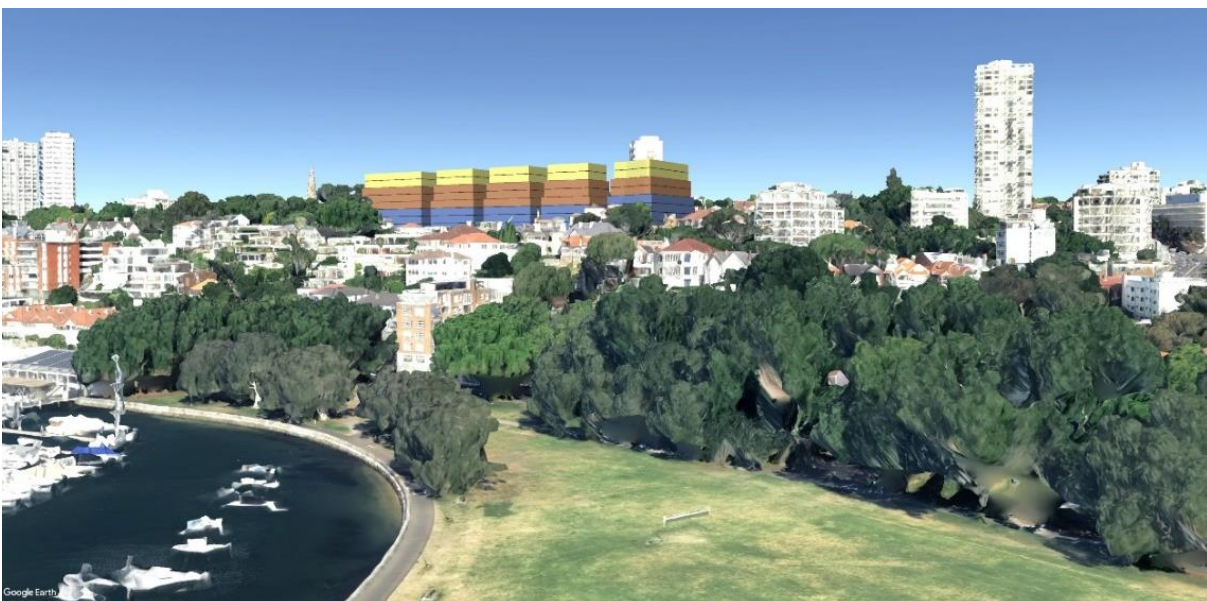
housing bonuses of up to 30% for FSR and building height. This is equivalent to an extra FSR of 0.9:1, and 6.3m building height. The final outcome would be a maximum FSR of 3.9:1 (+600% increase) and building height of 27.3m (+287.4% increase). The EIE provides no evidence base, modelling or economic justification for these figures.

These impacts are demonstrated in some potential reform scenarios below. **Figures 1 and 2** illustrate a model for a site between 33B-35 Mona Road and 20-28 Darling Point Road, Darling Point. **Figures 3 and 4** illustrate a model for a site at 30-50 Epping Road, Double Bay). Both of these areas would be within an inner precinct area (0-400m walking distance).

Further details on the impacts of the reforms are provided in the maps and modelling at **Attachment 1**. The modelling for both scenarios has been applied to five and four amalgamated sites respectively. It does not represent the full extent of the potential implications.



**Figure 1: View south-west to Darling Point Road, Darling Point with indicative building envelopes under existing controls (blue), reforms (orange) and reforms plus Housing SEPP AH bonus (yellow).**



**Figure 2: View east to Darling Point Road, Darling Point with indicative building envelopes under existing controls (blue), reforms (orange) and reforms plus Housing SEPP AH bonus (yellow).**





**Figure 3: View south-west to Epping Road, Double Bay with indicative building envelopes under existing controls (blue), reforms (orange) and reforms plus Housing SEPP AH bonus (yellow).**



**Figure 3: View north-east to Epping Road, Double Bay with indicative building envelopes under existing controls (blue), reforms (orange) and reforms plus Housing SEPP AH (yellow).**

The reforms propose permitting multi-dwelling housing and manor houses in the R2 zone within station and town centre precincts. Key issues identified with this proposal are:

- Unacceptable density impacts from increased FSR (from 0.5:1, up to 0.8:1);
- Significantly reduced tree canopy targets (as low as 20% of site area); and
- Introduction of minimum car parking rates, which in contrast to Council's maximum rates which will worsen congestion issues.

Dual occupancies, which are already permitted in the R2, will also be affected. Under the reforms, they would be subject to less strict requirements on lot size and landscaped areas.

### *Infrastructure and value capture*

The reforms lack consideration of infrastructure constraints. There is no commitment in the EIE to provide Council with any additional means of funding local infrastructure that will be required to meet the demands of a larger residential population. Staff note that Housing and Productivity contributions are now collected when new dwellings are constructed. However, these funds are allocated by NSW Treasury and spent anywhere in Greater Sydney. Accordingly, there is no guarantee that the Woollahra LGA will receive any funding. This is a significant oversight, given section 7.12 revenue is comparably minor and is not intended to support growth on the scale envisaged.

Additionally, there has been no proposal to capture any of the uplift in land values that would be generated from the proposed controls. A complementary contributions scheme could be used to raise money for local infrastructure provision or affordable housing delivery. Instead, private landowners will financially benefit from the reforms, and not the wider community bearing the impacts of increased development.

### *Heritage and environmentally sensitive land*

Under the reforms all other applicable controls in LEPs and DCPs including heritage and environmental considerations will

*“continue to apply to the extent they are not inconsistent with the proposed changes”.*

Staff are unclear what this means in reality. The reforms provide insufficient information on how the changes would address the impacts of increased density on heritage items, HCAs, areas with high Aboriginal cultural significance, or areas with high biodiversity significance. Staff have made several requests to the DPHI to clarify the implications, however no further information has been provided.

The reforms will undermine local provisions that protect heritage and environmentally sensitive land. They will likely lead to the loss of significant fabric from heritage items and contributory buildings, and produce secondary impacts such as overshadowing issues and poor design outcomes.

### Staff recommendations

Whilst staff fundamentally object to the proposed reforms and recommend that they do not progress, we suggest that the minimum requirements for the inclusion of E1 Local centre and MU1 Mixed Use land be updated as follows:

- Exclude all land zoned MU1 Mixed Use;
- Exclude all E1 Local Centres – unless:
  - The centre contains substantial infrastructure or a transport interchange such as a train station or bus interchange with existing capacity and additional capacity for planned population growth;
  - The centre contains at least two full-line supermarkets;
  - The centre must contain a wide range of consumer services, such as banks, hairdressers, medical premises and the like.

The definition for ‘town centre’ should be developed in consultation with councils, using an appropriate evidence based to develop recommended quantities for total employment floor space.

Based on our research, most E1 Local Centre or MU1 Mixed use centres across our LGA do not meet the level of services or infrastructure to sustain the suggested growth. The Edgecliff Commercial Centre may be considered for uplift in principle, however, the non-refusal standards

are not recommended due to infrastructure capacity and built form constraints. Furthermore, the reforms do not account for the uplift and additional dwellings already proposed under the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*.

#### Draft submission

A draft submission is provided at **Attachment 1** for Council's consideration. We note that there are some elements of the draft submission that are yet to be finalised, and these are highlighted in **yellow**. These elements will be finalised prior to lodgement with the DPHI.

In summary, the draft submission indicates Council's strong objection to the EIE, and requests that the proposed reforms do not progress.

The draft submission addresses the following key issues with the proposed reforms:

- They do not adhere to the requirements of the National Accord;
- They erode the planning hierarchy established under the EP&A Act by introducing confusion and complexity through overriding carefully crafted local provisions that support desired future character;
- The reforms will introduce un-certainty into the planning system.
- Uplift of this scale proposed must be delivered through place based planning supported by an evidence base including extensive site modelling and feasibility testing;
- The consultation is wholly inadequate and does not allow sufficient time, detail (e.g. it is not clear where precincts will be introduced), or the evidence base for the community to meaningfully respond to the content of the reforms;
- They introduce one-size-fits-all non-refusal standards that will create excessive bulk and scale;
- The reforms significantly reduce canopy provisions;
- They are accompanied with limited information as to how heritage significance and environmentally sensitive areas will be protected;
- Complexities associated with the assessment of non-refusal standards will delay the processing of development applications; and
- Funding for additional infrastructure has not been considered, which is particularly important given there is no alignment with State infrastructure provision.

#### **Options:**

As a consequence of this report Council may resolve to do one of the following:

1. Endorse the draft submission at **Attachment 1**;
2. Endorse the draft submission at **Attachment 1**, subject to staff making requested changes; or
3. Not make a submission to the exhibition.

If Council proceeds with Option 1 or 2 above, the Council-endorsed submission will be forwarded to the DPHI. The deadline for submissions is 23 February 2024, however staff have sought an extension until 1 March 2024. Accordingly, in order to meet this deadline, any amendments must be considered and agreed to at the Council meeting of 26 February 2024 for inclusion in the submission.

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

The draft submission was prepared by staff across the Planning and Place Department, with significant assistance from Council's Spatial Systems Support Coordinator.

Staff have also placed information on the reforms on the Council's website (home page) to inform the community about these significant reforms.



### Policy Implications:

The DPHI have identified the following implementation schedule in **Table 2**.

**Table 2: Implementation schedule from DPHI.**

Step 1	Step 2	Step 3	Step 4
Exhibition and engagement	Submissions consideration and Report	Policy Drafting (no re-exhibition)	Finalisation
Concludes 23 February 2024	March-April 2024	March –June 2024	July - September 2024

Having regard to the above, amendments to planning legislation may affect the Woollahra LGA as early as July 2024.

### Financial Implications:

There are no financial implications associated with this matter at present. However, Council may have to increase infrastructure funding if the reforms proceed.

### Resourcing Implications:

There have been significant resource implications associated with this matter, as multiple staff have been involved in preparing the draft submission which has impacted their ability to progress other matters.

### Conclusion:

Prompted by the Accord, on 15 December 2023 an EIE was placed on public exhibition with proposed reforms that seek to facilitate infill housing in response to the current housing crisis. Staff have prepared a draft submission that sets out our significant concerns with the changes outlined in the EIE. The proposals will fundamentally undermine the role of Council in planning by overriding local environmental plans, and introducing buildings with excessive bulk that have no regard for local character, heritage significance and infrastructure capacity.

Staff recommend that Council endorses the draft submission at **Attachment 1**, for provision to the DPHI.

### Attachments

1. Submission - EIE Low and Mid-rise Housing - Draft February 2024 [!\[\]\(c045a398c48fcb47adf237d338b1b391\_img.jpg\) !\[\]\(6ea471090ba6b2c70129dc83eb6e6a11\_img.jpg\)](#)

# Woollahra Council Submission



## Department of Planning, Housing and Infrastructure

### Explanation of Intended Effects: Changes to create more low- and mid-rise-housing

February 2024



[23/234590]

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## 1 Executive Summary

### 1.1 Summary

Woollahra Council welcomes the NSW Government's focus on addressing the housing issues the state is facing. However, the Department of Planning, Housing and Infrastructure's (DPHI's) approach to creating new housing under the *Explanation of Effect: Changes to Create Low- and Mid-rise Housing* (EIE) fundamentally undermines the NSW planning framework and local government's role in administering strategies and plans. The reform lacks strategic or economic justification, and has no evidence base to support the one-size-fits-all changes. As such, we strongly object to the low- and mid-rise reforms that will override the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015), creating confusion and complexity in the planning system.

Woollahra Council has successfully delivered on the requirements set out in the *Eastern District Plan*, which implements the *Greater Sydney Plan – a Metropolis of Three Cities*. The reforms have no regard for the strategic planning work of Council in delivering additional housing in our area. We have delivered and exceeded our five year housing target, and we are on track to deliver our 6-10 year housing target. We are implementing the region and district plan through best practice strategic planning using a place based approach to inform local plans and strategies with community consultation at every stage of the process.

If the NSW Government proceeds with the reforms and applies them to their full theoretical extent (introduce station and town centre precincts in all E1 Local Centre and MU1 Mixed Use centres), we would see the majority of land across the Woollahra Local Government Area (LGA) affected, including impacting on nearly all land with heritage significance.

In a wide scale implementation scenario with the introduction of station and town centre precincts in Edgecliff E1 Local Centre, Double Bay E1 Local Centre, Rose Bay E1 Local Centre, and surrounding centres from other Council areas at Bondi Junction, Bondi Beach and Kings Cross, we would see approximately 6,386 lots affected across the Woollahra LGA with 5,910 lots having heritage significance. Additionally, we would see 3,878 R2 Low Density Residential lots affected by dual occupancy provisions (lots over 400m<sup>2</sup>) under the reforms.

We are concerned that the proposed changes would fundamentally undermine our carefully crafted place-based plans that take into account local context, character, heritage conservation and infrastructure capacity. There are also complex implementation issues associated with many parts of the reforms that are likely to result in adverse built form outcomes, such as reduced amenity and excessive bulk and scale.

Furthermore, there is no framework to capture infrastructure or affordable housing contributions from the significant uplift proposed. The proposed reforms also do not explain how state or local additional infrastructure, which would be required to accommodate increased density, would be prioritised for the Woollahra LGA. We are very concerned that if

the reforms proceed, no funds will be captured and no additional infrastructure prioritised to be put towards essential projects.

In summary, we have significant concerns with the reforms and strongly object to their implementation. We urge the NSW Government to recommit to a sound strategic planning framework, aligned with state infrastructure provision, and collaborate with Councils on an alternative best practice planning response to meet the five-year housing target under the National Housing Accord.

## 2 Introduction

Woollahra LGA is a well-established infill area in the Eastern District of Greater Sydney. In 2021, 55.6% of residents lived in apartments, 21% in terraces and townhouses, and only 22.3% in detached houses and 0.9% in other dwelling types (ABS Census 2021).

Information produced by the Australian Bureau of Statistics (ABS), released on 30 March 2021, identifies that the Woollahra LGA is the seventh densest Council area in NSW, with an estimated population density of 4,363 people per km<sup>2</sup> and a total population of 53,496.

The population density and housing composition of the Woollahra LGA creates significant demand for high quality infrastructure, facilities and services. This is essential for maintaining the amenity, safety and economic vitality of the area and the wellbeing of people who live in, work in and visit the Woollahra LGA.

Woollahra Council fundamentally objects to the proposed reforms. We urge the NSW Government to abandon its implementation and collaborate with Councils on an alternative best practice planning response to meet the five-year housing target under the National Housing Accord. We are very concerned that the proposed reforms will erode our place-based plans and the one-size-fits-all changes have no regard for our local character and constraints and how infrastructure will be funded. Our specific concerns are outlined in **Section 3** of this document.

### 2.1 Background to the reforms

In October 2022, the *National Housing Accord* (Accord) was introduced with a national five year target of one million well-located new homes by June 2029 to support collaboration across governments, institutional investors and the construction sector in addressing housing supply of well-located homes and affordability issues.

In August 2023, National Cabinet announced a revised five year target of 1.2 million well-located dwellings from mid-2024. The NSW Government committed to deliver at least 314,000 new homes by mid-2029, with a stretch goal of 377,000 dwellings.

On 28 November 2023, a Ministerial press release announced proposed reforms to create more low- and mid-rise housing in well-located areas across Greater Sydney. The press release stated:

- *Sixty percent of R3 Medium Density Residential zones (R3 zone) across Sydney (where multi dwelling housing is appropriate and should be encouraged) presently prohibit residential flat buildings of any scale,*
- *In October (2023) the Government identified a significant gap in the approval of density, with terraces and 1-2 storey unit blocks allowed under R2 zoning in only two of 32 Local Environmental Plans (LEPs) (across Sydney).*

On 14 December 2023, an amendment to the *State and Environmental Planning Policy (Housing) 2021* (Housing SEPP) implemented changes to encourage affordable and social housing. This included introducing floor space ratio (FSR) and building height bonus of up to 30% for projects that include at least 10-15% of gross floor area (GFA) dedicated to affordable housing (AH) for 15 years.

Following the November announcement, on 15 December 2023, an exhibition commenced on the *Explanation of Intended Effect: Changes to create more low- and mid-rise housing* (EIE) to encourage infill housing in response to the current housing issues NSW is facing. We understand that the changes outlined in the EIE will apply on top of any Housing SEPP affordable housing bonuses. This submission responds to the matters outlined in the EIE.

## 2.2 Affected land in the Woollahra LGA

Woollahra Council is fundamentally opposed to the rezoning reforms proposed in the EIE including the introduction of precincts in our area with non-refusal standards, reduced design criteria for residential flat buildings (RFBs) and shop top housing (STH), introducing multi-dwelling housing into the R2 Low Density Residential zone (R2 zone) within precincts and increased planning controls for dual occupancies. Notwithstanding our major concerns, the affected lot information and mapping included in this submission demonstrates the potential impact of the reforms on the Woollahra LGA.

A summary of our methodology is outlined below.

- Research the implications of a broad implementation scenario of station and town centre precincts across the Woollahra LGA by locating all E1 Local Centres and MU1 Mixed Use centres, and centres in adjoining Council areas that may impact on land in the Woollahra LGA, and conduct preliminary mapping investigations;
- Based on an evaluation of the station and town centre precinct definition conduct investigations on potential precinct scenario being a Edgecliff E1 Local Centre precinct and a wider precinct application scenario consisting of Edgecliff E1 Local Centre, Double Bay E1 Local Centre, Rose Bay E1 Local Centre; and potential adjoining Council precincts of Bondi Junction E1 Commercial Centre and MU1 Mixed Use, Kings Cross E1 Local Centre and Bondi Beach E1 Local Centre;
- Then, conduct mapping investigations to understand potential affected land to understand the implications of increased density in our low and medium density residential areas, particularly impacts on heritage significance;
- Investigate through mapping the impact of introducing multi-dwelling, multi-dwelling (terraces) and manor houses into the R2 zone within station and town centre precincts;

- Consider mapping issues and constraints, and contact the DPHI for clarification where needed on matters such as the walking distance definition, part lot application, resolving how calculate 0-800m walking distance area with software available etc; and
- Investigate the impact of reducing minimum lot size for dual occupancies in the R2 zone through mapping.

### 2.2.1 Station and Town Centre Precinct – wider application precinct scenario

The reforms propose to introduce station and town centre precincts based on the definitions shown below:

- *800m walking distance of heavy rail, metro or light rail stations, 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre, or*
- *800 walking distance of land zoned E1 Local Centre or MU1 Mixed that contain an appropriate level of goods, services and amenities, such as a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.*

Staff consider the above definition of station and town centre precincts is vague and lacks sufficient detail. For example, the definition relies on an 800m walking distance area, not as the 'crow flies' distance. The DPHI has confirmed that they do not intend to introduce mapping with the reforms, which raises significant issues as to where exactly the proposed precincts will apply

The impact of a wider application of station and town precinct is shown in **Figures 1-2**. These demonstrate the extent of the 0-400m and 400-800m walking distance areas on residential and employment zoned land and heritage significance under the Woollahra LEP 2014.

The wider application precinct scenario looks at the introduction of precincts in the following centres; Edgecliff E1 Local Centre, Double Bay E1 Local Centre, Rose Bay E1 Local Centre, and precincts in adjoining Council areas; Bondi Junction E2 Commercial Centre and MU1 Mixed Use (Waverley Council), Bondi Beach E1 Local Centre (Waverley Council) and Kings Cross E1 Local Centre (City of Sydney)

If the wider application precinct scenario was implemented we have used modelling to demonstrate the potential impacts on our area outlined in **Figure 1**, with approximately 6,386 lots that would be impacted and with over 90% of these lots having heritage significance.

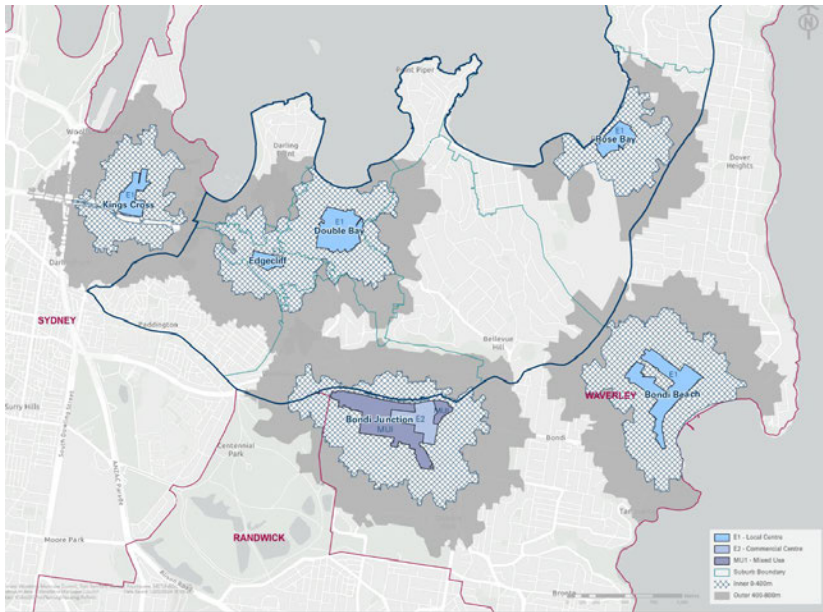


Figure 1: Wider application precinct scenario Map – 400m and 800m walking distance areas

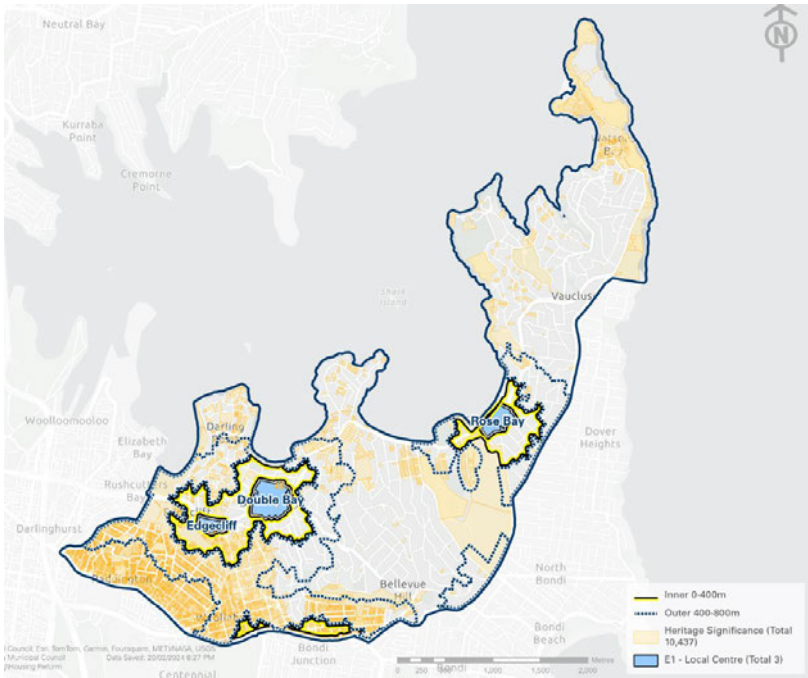


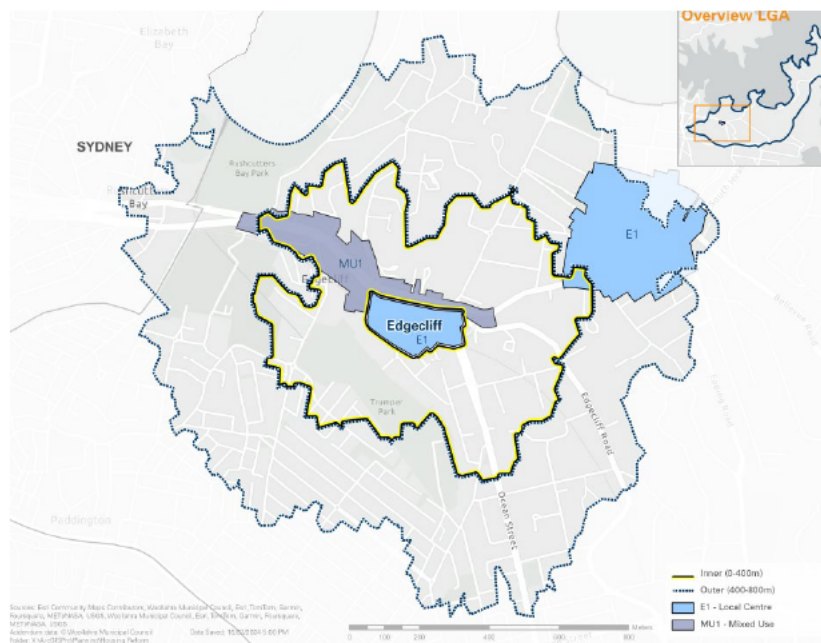
Figure 2: Wider application precinct scenario Map – 400m and 800m walking distance areas with heritage significance

### 2.2.2 Station and Town Centre Precinct – Edgecliff E1 Local Centre precinct scenario

The impact of the introduction of a precinct in the Edgecliff E1 Local Centre zone is shown in **Table 1** below with information on affected lots and **Figures 3** and **Figure 4** demonstrating the extent of the 0-400m and 400-800m walking distance areas on land zoning and heritage significance under the Woollahra LEP 2014.

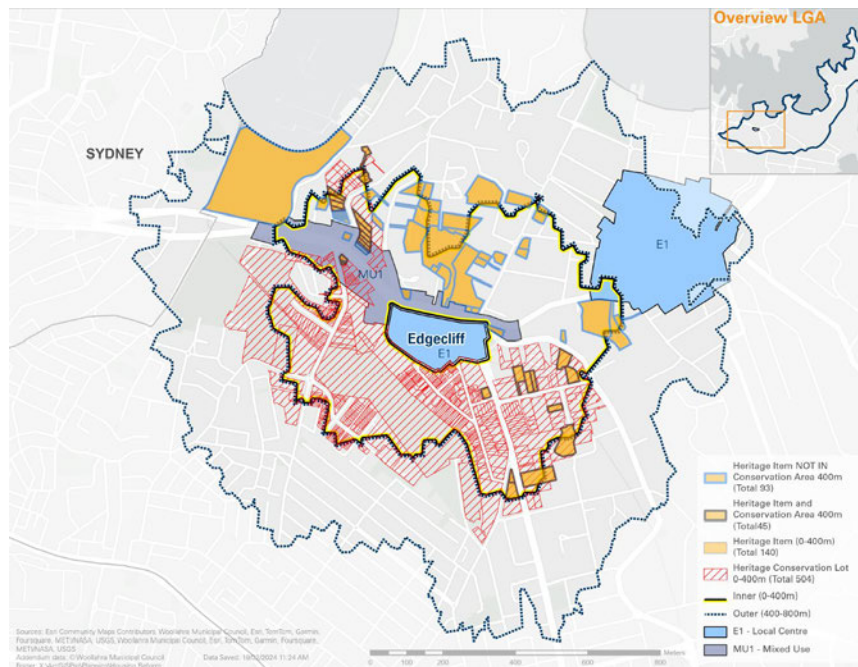
**Table 1: Edgecliff E1 Local Centre Precinct Scenario Affected Lots**

Land type	Total lots affected	Lots affected by Zoning			
0-400m walking distance	816	R2= 257	R3= 369	MU1= 80	E1= 10
400-800m walking distance	1,907	R2= 1,101	R3= 666	MU1=0	E1 = 140
0-800m walking distance with heritage significance	2,582	R2=TBC	R3=TBC	MU1=TBC	E1 = TBC



**Figure 3: Edgecliff E1 Local Centre Precinct Scenario Map – 400m and 800m walking distance areas**





**Figure 4: Edgecliff E1 Local Centre Precinct Scenario Map –Inner area (0-400m) heritage significance**

### 2.2.3 Mid-rise housing – Edgecliff E1 Local Centre Precinct Scenario

A summary of potential affected lots in the R3 Medium Density Residential zone for the inner precinct area (0-400m) and outer precinct area (400-800m) is listed below.

- The precinct inner area (0-400m) has a total of 369 lots and will allow 6-storey RFBs and STH under the reforms or 8-storey RFBs and STH with the addition of the Housing SEPP affordable housing bonus; and
- The outer area (400-800m) has a total of 666 lots zoned that will allow 4 storey RFBs and STH under the reforms or 6-storey RFBs and STH with the addition of the Housing SEPP affordable housing bonus.

### 2.2.4 Multi-dwelling housing and manor houses – Edgecliff E1 Local centre scenario

The reforms propose to expand permissibility for multi-dwelling, multi-dwelling (terraces) and manor houses and introduce these land uses into the R2 zone in station and town centre precincts, and allow torrens subdivision provided a development meets the non-refusal standards.

While we fundamentally object to the reforms, staff have used mapping to investigate the implications of introducing multi-dwelling housing and manor houses into the R2 Low Density Residential zone in station and town centre precinct scenario that only includes the Edgecliff E1 zone. The findings are outlined below in **Table 2**.

**Table 2: Edgecliff E1 Local Centre Precinct Scenario – Multi-dwelling Housing and Manor Housing in R2 Low Density**

Land use type	Total lots affected
<b>Multi-dwelling housing (terraces):</b> minimum lot size 500m <sup>2</sup> and lot width 18m	TBC
<b>Multi-dwelling housing:</b> minimum lot size 600m <sup>2</sup> and lot width 12m	TBC
<b>Manor houses:</b> minimum lot size 500m <sup>2</sup> and lot width 12m	37

### 2.2.5 Dual occupancies

The reforms propose dual occupancies will be permitted in all R2 zoned land and accompanying non-refusal standards including FSR, building height, minimum site area, minimum lot width, car parking and landscaping provisions. Whilst, dual occupancies are already permissible in the R2 zone under the Woollahra LEP 2014 for lots 460m<sup>2</sup> or more, the changes would apply to lots over 450m<sup>2</sup> and have increased impacts on amenity due to the non-refusal standards. The changes will impact approximately 42% of the R2 zone in the Woollahra LGA. The findings are outlined below in **Table 3**.

**Table 3: Dual occupancy impacts on R2 Low Density Residential zone across the Woollahra LGA**

Land use type	Total lots affected
<b>Total R2 lots across LGA</b>	9,182
<b>Total R2 lots across LGA with heritage significance</b>	5,150
<b>Total R2 lots across LGA: equal or greater than 450m<sup>2</sup></b>	3,878 (+52 lots compared to current minimum lot size)
<b>Total R2 lots across LGA: equal or greater than 460m<sup>2</sup></b>	3,826



### 3 Issues

#### 3.1 Strategic Planning issues

The contents of the reforms suggest Greater Sydney has a lower population density when compared to other similar international cities, and there is a lack of dwelling diversity and density in inner city suburbs. The EIE suggests this lack of density is caused by current planning provisions blocking low- and mid-rise in-fill housing in inner suburbs. These statements are incorrect for the Woollahra LGA, and there is no evidence at a LGA or suburb level to justify these claims.

The proposed changes are a one-size-fits-all approach and not a justifiable response to the NSW Government's attempts to address the housing crisis. They would create long lasting impacts on local character, through unmitigated density increase with no regards for existing density. Councils are well aware of local capacity constraints for density and have not been approached at any stage to provide feedback on the crafting of the reforms. The reforms show no place-based evidence or consideration for the impacts of additional density from the proposed floor space and building height, as well as the cumulative impacts on additional traffic, parking, heritage and infrastructure capacity.

##### 3.1.1 National Housing Accord

The Accord was announced in October 2022 to support the target of one million new well-located homes over the next five years from 1 July 2024. In August 2023, the National cabinet endorsed a new national target to build 1.2 million homes with New South Wales to deliver approximately at least 314,000 new homes by 20 June 2029, with an aspirational goal of 377,000 new homes. This is equal to 75,400 new dwellings per year over the next five years. In 2022, NSW delivered approximately 48,000 new dwellings.

The Accord requires the NSW Government to work in collaboration with Councils on changes to meet the five year new dwelling target. The Accord states an agreement to, *'commit to working with local governments to deliver planning and land-use reforms that will make housing supply more responsive to demand over time, with further work to be agreed under the Accord.'*

While Woollahra Council is supportive of steps to address the NSW housing crisis and provide more affordable housing in our area, we do not support the reforms which show no regard for the agreement in the Accord to work in collaboration with Council on creating more housing opportunities through planning and land-use reforms.

##### 3.1.2 Updated Region and District Plans would be the best practice approach

The DPHI's approach to creating well-located housing in response to the Accord, is at odds with strategic planning under the *Environmental Planning and Assessment Act 1979* (EP&A Act). The unprecedented and excessive one-size-fits-all changes are not best practice planning and completely override the place-based planning our Council has developed over the past 20 years in consultation with our community.

The EP&A Act under Division 3.1 Strategic Planning sets out the requirements for the creation of region and district strategic plans, setting housing targets in collaboration with Councils and includes the preparation, content, implementation and the delivery of strategic plans and local strategic planning statements. There is no supporting Greater Sydney Region Plan and accompanying District Plan for our area with no new housing targets. The reforms set up controls that apply state-wide or to the Greater Sydney region, overriding and sidelining local planning controls. The reforms should be implemented through the planning hierarchy of new or updated region and district plans that are created in collaboration with Councils and the community including alignment with the states long term infrastructure strategies. The plans should encompass all aspects relating to land use planning; not limited to a state-wide housing target figure. This revised approach would enable Councils to review current local strategic plans and strategies, including the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (Draft Edgecliff Strategy) and the recently adopted *Double Bay Planning and Urban Design Strategy* (Double Bay Strategy). Then, prepare and implement any necessary updates to meet growth demands and review housing and employment targets and deliver plans that are responsive to our future desired local character in consultation with the community.

The *Local Environmental Plan Making Guidelines* (August 2023) (the Guidelines) provides a detailed explanation of amending LEPs including the requirements for State-led rezoning for precincts. The Guidelines identify the need to outline a set of specific actions and objectives for areas, with precinct planning in a 'coordinated approach by State and Local government' which helps to ensure 'infrastructure such as schools, parks, community facilities, public transport and road upgrades are delivered to support housing'. Further, the Guidelines explain the role of a Local Strategic Planning Statement to set out the priorities and actions and identifies the need for further local strategic planning work (e.g. precinct planning, local housing, employment strategies and infrastructure strategies), prior to implementing LEP amendments.

In summary, the DPHI's approach with the reforms is not best practice planning. We do not support the reforms on this basis. We strongly urge the NSW government to recommit to a sound strategic planning framework as intended under Division 3.1 Strategic Planning of the EP&A Act 1979 as the best practice approach to setting new housing targets in collaboration with Council.

### 3.1.3 Lack of evidence supporting the reforms

The reforms are not supported by an evidence base that demonstrates the changes proposed would fulfil the objective of creating more in-fill low- and mid-rise housing to meet the five year housing target under the Accord, nor do they show any consideration for local character. With the enormity of the changes proposed, there should be a publicly available evidence base that demonstrates the non-refusal controls, statewide land-use permissibility changes and reduced *Apartment Design Guide* (ADG) design criteria such as building separation, setbacks, landscaping provisions, car parking, and access requirements that would be achievable and result in good urban design outcomes. For example, industry feedback and staff research has shown the proposed precinct non-refusal standards for building height and FSR are not achievable; with the proposed FSR not achievable with the recommended building height of 16m and 21m. In preparing this submission we asked for

this evidence. However, it was not provided. Furthermore, at a Departmental webinar it was suggested that Councils could provide their own evidence base.

There is also no information to demonstrate that infrastructure constraints, both current and those expected as a result of the reforms have been considered either at a local or state level. This issue is discussed in **Section 3** below.

Further to the above, there is no economic research that suggests the reforms will deliver new housing in the proposed station and town centre precincts. According to documents prepared by the DPHI, fewer than 10 percent of homes proposed under the NSW government's TOD program would be delivered during the five-year period up to June 2029<sup>1</sup>. We would similarly expect a delayed housing pipeline for the low- and mid-rise changes.

Due to market conditions in our area, the increased FSR and height controls could stagnate dwelling growth for development applications (DAs) with approved RFB and STH buildings in precincts for some time, further interrupting our housing delivery pipeline. The changes will create uncertainty and developers will likely consider options to lodge new DAs with the increased FSR and building height controls, in addition to the Housing SEPP affordable housing bonuses.

The EIE document references two reports from the NSW Productivity Commission; *Building homes where people want to live* (2023) and *Building more homes where infrastructure costs less* (2023) and a 23 year-old report from the Grattan Institute, *The housing we'd choose* (2011). These reports are high level documents with no specific information on how the reforms would work at a local level nor provide any specific justification on the changes proposed.

We have reached out to the DPHI during the consultation period to provide the evidence base in response to these issues mentioned above. No information was provided in relation to our request.

In direct contrast to the reform's one-size-fits-all changes, our Council has worked extensively over the past years on the development of the plans and strategies. These strategies were developed with extensive background studies from consultants and Council staff, including planning and urban design studies involving site testing, heritage studies, transport studies and economic studies that have been made available to community through the various stages of consultation. This evidence base was used by Council staff to develop the built form elements of each strategy such as building heights, street wall height, FSR, built form, land use, amalgamation patterns, active frontages, public domain improvements, parking requirements and active transport.

Based on the issues identified above, the EIE does not have an evidence base to support the changes and the changes could impact on our housing delivery pipeline. The scale of the

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<sup>1</sup> McGowan, M, *Only 10 percent of one of Labor's signature housing policies to be delivered by end of the Housing Accord*, Sydney Morning Herald, 7 February 2024.

proposed changes is unprecedented and should be the result of robust, place-based evidence that informs planning outcomes, not the arbitrary one-size-fits-all changes seen under the reform.

#### 3.1.4 High levels of population density and dwelling density

The reforms rely on findings in the NSW Productivity Commissions 2023 report, *Building More Homes Where People Want to Live*, that state Sydney 'is one of the least dense global cities' and there being insufficient housing stock of low and medium density infill housing in inner suburbs. The report states that terraces, cottages and small apartment blocks account for only 20% of housing stock and also that these housing types are not being allowed under current planning laws. This is not true of the Woollahra LGA, where we have a higher percentage of medium density housing stock, and our local controls already permit dual occupancy in low density residential areas and RFBs are permissible in medium density residential areas.

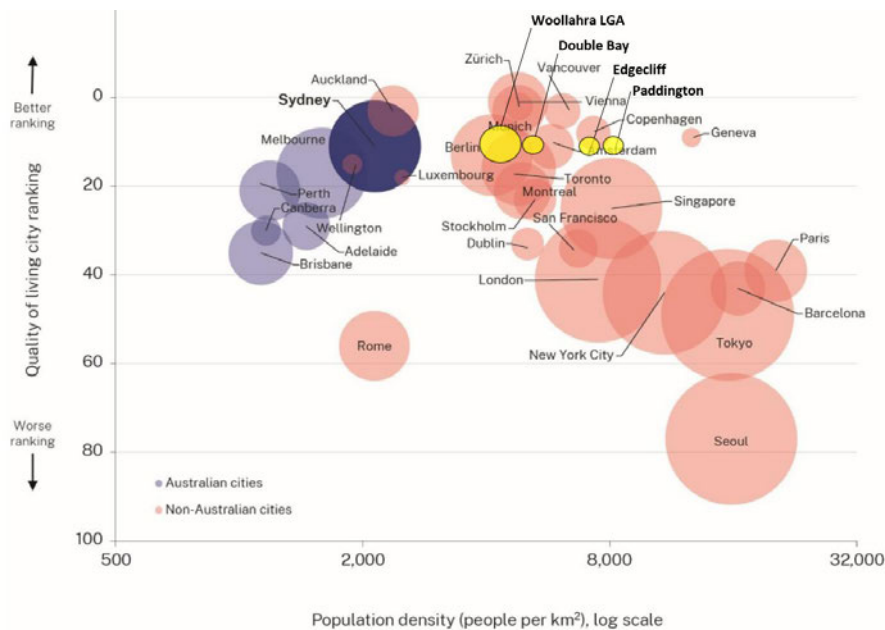
The Woollahra LGA has density on a global scale. In 2021, the population density was 4,363 people per km<sup>2</sup>, already significantly higher compared to Greater Sydney and comparable to other global cities as shown in **Figure 5** below. The population density is shown to be considerably higher for the suburbs of Double Bay (5,886 people per km<sup>2</sup>), Edgecliff (8,061 people per km<sup>2</sup>), Paddington (8,519 people per km<sup>2</sup>) (Woollahra LGA only), Woollahra suburb (5,762 people per km<sup>2</sup>)<sup>2</sup>. Recent development activity in the Woollahra LGA confirms density is rising in our area and will continue to do so into the future.

Dwelling density in the Woollahra LGA exceeds many other comparable areas in Sydney, with 77.8% of dwellings being medium or high density, compared to 46% in Greater Sydney. This is clear to see when walking the streets of our suburbs including Double Bay and Edgecliff, where high density, apartment living is the norm comprising of 68.7% and 69.1% respectively.<sup>3</sup>

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<sup>2</sup> 2021 Census, Australian Bureau of Statistics and 2022 ABS Estimated Residential Population data compiled by Profile ID.

<sup>3</sup> 2021 Census, Australian Bureau of Statistics and compiled by Profile ID.



**Figure 5: Population density comparison of the Woollahra LGA, Sydney and International Cities<sup>4</sup>**

\*This diagram has been included to show population density only and is not intended to make assertions on quality of living

### 3.1.5 Housing target delivery

Woollahra Council has met and exceeded the five year housing target (2016/17 to 2020/21) (+264 new dwellings) and is on track to meet the 6-10 year target. The *Budget Estimates 2023-24, NSW State Government* report showed Woollahra Council was one of the 13 Councils in Greater Sydney and part of the 13% of Council across NSW that met five year housing target (2016/17 to 2020/21).

The reforms do not address the delivery of new dwellings through local plans and strategies in response to housing targets established for the area set through the District Plan and *Woollahra Local Housing Strategy 2022* (Woollahra Housing Strategy). They respectively set a five year target of 300 dwellings for 2016 - 2021 and a 6-10 year target of 500 dwellings for 2021-2026. However, we exceeded our 2016-2021 housing target by 70%, and we have already delivered over 43% of the dwellings required for the 2021-2026 target.

The reforms discuss generic gaps in existing residential zones and controls to encourage and make feasible new housing. As shown above, we have demonstrated that we have

<sup>4</sup> NSW Productivity Commissions report, *Building More Homes Where People Want to Live* (2023). Note, Council staff have added in information relating to the Woollahra LGA (not to scale) taken from Profile ID data (2024).

delivered on our five year housing target and have capacity in our existing local controls to deliver our 6-10 year target. Beyond our housing delivery pipeline, our Council has recently worked on the Draft Edgecliff Strategy and the recently adopted Double Bay Strategy. Both strategies will deliver additional housing through place based planning.

Council remains in full compliance with our housing delivery objectives, and we see no reason why we should be disempowered to make important planning decisions for our community by the proposed reforms.

We await the release of the new Region Plan and Districts Plan, with new housing targets created in consultation with Councils, as per the requirements of the Accord.

**Recommendation 1: Do not proceed with the reforms and take a best practice approach to create additional dwellings in compliance with the Accord and under Division 3.1 of the EP&A Act**

### **3.2 Place-based planning**

The reforms override our local controls in the Woollahra LEP 2014 and Woollahra DCP 2015, and do not account for our local strategies and plans in place such as the Woollahra Strategic Planning Statement 2020 (Woollahra LSPS) and Woollahra Housing Strategy. The reforms have no regard for our vision for Woollahra Council; our future desired character or respect for local issues such as heritage conservation, view sharing and infrastructure capacity.

Council plans for new housing and renewal using a place-based strategic planning approach. This is best practice - delivering new housing in a sustainable and practical way. The proposed changes as exhibited would no longer allow Councils to control development to ensure that growth and development occurs in a planned and coordinated manner consistent with our plans, community expectations and needs. The proposed changes undermines Councils role in considering site-specific planning amendments.

Based on the above, the reforms eliminate Councils from delivering best practice, place-based planning and disregards our work over the last 20 years. The changes will create unnecessary confusion and complexity by overriding local planning mechanisms. We urge the NSW Government to abandon the reforms and collaborate with Councils on alternative measures to deliver the housing targets set by the Accord.

**Recommendation 2: Do not proceed with the reforms and work with Councils to continue the delivery of local plans and strategies that create additional housing through place-based planning**

### **3.3 Lack of community consultation**

The reforms theoretically adhere to the consultation requirements under the EP&A Act for an update to a State Environmental Planning Policy (SEPP). However, we have significant concerns with the lack of adequate community consultation due to the scale of the changes proposed including an insufficient consultation and implementation timeframe and the lack of specific detail provided in the reforms to understand the final outcomes for our area.

The timing of the consultation period through the end of year and new-year holiday period from late December (2023) leaves little time for Council and the community to adequately respond to the reforms. Due to the consultation timeframe there is no time for the community to consider Councils submission to better understand the implications of the reforms locally prior to the end of the consultation period, which is important due to the lack of clarity, evidence base and final detail provided in the reforms.

To give an insight into to the inadequacy of the community consultation. The Guidelines for local planning amendments require planning proposals, to include very specific and comprehensive information such as the justification of the strategy and site-specific merit, supporting studies on the outcomes and maps to identify the areas to which the changes will apply. In contrast, the EIE document provides only high level information with no evidence base to support site-specific merit and outcomes, and does not provide mapping.

Effectively, Councils have been left to complete their own site-specific research to understand the potential impacts of the reforms in our area. However, without knowledge of the final plan for station and town centre precincts in Woollahra, Council cannot fully respond to the impacts of the changes and share this information with our community.

The reforms are stated to be coming into force by 1 July 2024 or in third quarter of 2024. The DPHI has given no indication that there will be further community consultation prior to the implementation of the reforms, or that Councils will be consulted on a final plan for station and town centre precincts in our area or the drafting of an amendment to implement the reforms.

### 3.4 Infrastructure

We have significant concerns with the lack of consideration for infrastructure constraints and analysis provided in the reforms. The economic justification is inadequate with the reforms providing no evidence base on the current and projected local or state infrastructure capacity requirements as a result of the changes or a plan to introduce value capture mechanisms to fund additional infrastructure requirements for rapid population growth.

The reforms use a generalised economic justification for introducing more low- and mid-rise housing opportunities in inner suburbs, stating this approach would reduce infrastructure costs by removing an overreliance on Greenfield areas on the fringes of Sydney to provide new housing. The reforms reference the Productivity Commission's 2023 report, *Building more homes where infrastructure costs less* report which states, 'servicing new housing with infrastructure can be up to \$75,000 more expensive for each home in outer suburbs to the inner suburbs' and assert the overreliance on Greenfield areas has directly led to a lack of affordable housing choices.

We are particularly concerned the reforms show no regard for existing infrastructure capacity and increased demand on infrastructure, such as road traffic network, pedestrian and cyclists, open space provision, schools, utilities, waste collection, which are already under pressure from capacity constraints, and ageing infrastructure. If the reforms proceed,

existing infrastructure capacity must form part of the assessment for the implementation of a station and town centre precinct.

Another issue identified is the changes offer no certainty of the reforms impacts on existing infrastructure contributions and affordable housing contributions schemes, and they do not address how the additional infrastructure required by density increases and subsequent growth in population would be funded. There is no value capture mechanism accompanying the reforms. Our infrastructure is already under pressure and density increase must go hand-in-hand with value capture to provide for additional infrastructure requirements and local delivery mechanisms must not be undermined.

A high level summary of some of the other key issues is provided below:

- **Impacts on housing diversity** – In areas such as Double Bay, local market conditions often result in RFBs comprising a series of large, luxury penthouses. In such localities, larger units sell for more per square metre than smaller units with the same, or a lesser number of bedrooms. If contributions are provided by dwellings only, this will further encourage developers to offer a smaller numbers of units with greater internal floor space. This can only exacerbate the current housing diversity issue and further diminish the supply of smaller, more affordable units in the Woollahra LGA.
- **Car parking** - Due to the high level of development activity over the past decade, Council regularly receives complaints from the community regarding traffic congestion, lack of parking, inadequate public transport options, pressure on parks and community facilities, and loss of local character and heritage. Despite these facts, the previous NSW government repeatedly advised Woollahra Council that no new significant state infrastructure would be provided to support additional density across the area. We note the new Housing and Productivity contributions will require some payments, however these are not linked to new development and may be spent anywhere in Greater Sydney.

**Recommendation 3: The reforms must assess existing infrastructure capacity in the application of station and town centre precincts.**



### 3.5 Station and Town Centre Precinct issues

#### 3.5.1 Station and Town Centre Precinct definition

The reforms state the definition station and town centre precincts as being:

- 800m walking distance of heavy rail, metro or light rail stations, 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre, or
- 800m walking distance of land zoned E1 Local Centre or MU1 Mixed Use but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.
  - The Department is seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.

Staff consider the above definition of station and town centre precincts is vague and lacks sufficient detail and consideration of place based characteristics. For example, the definition relies on an 800m walking distance area, not as the 'crow flies' distance. The DPHI has confirmed that they do not intend to introduce mapping with the reforms, which raises significant issues as to where exactly the proposed precincts will apply. The most significant issues are outlined below.

#### *Town Centre and full-line supermarket definitions*

There is no planning definition for a 'town centre' or a 'full-line supermarket'. There is only the definition of a neighbourhood supermarket that is defined as a supermarket with a floor space less than 1,000m<sup>2</sup>. As a result, the reforms provide no certainty to Council or the community on the precincts where the proposed reforms would apply.

Based on the EIE's definition and the scale of the changes proposed, we recommend the precinct definition should be updated as follows:

- Exclude all land zoned MU1 Mixed Use;
- Exclude all E1 Local Centres – unless:
  - The centre contains substantial infrastructure or a transport interchange such as a train station or bus interchange with existing capacity and additional capacity for planned population growth;
  - The centre contains at least two full-line supermarkets;
  - The centre must contain a wide range of consumer services, such as banks, hairdressers, medical premises and the like.

However, this is just an initial commentary, and staff suggest that the definition for 'town centre' should be developed in consultation with councils, using evidence based research to develop recommended areas for uplift.

#### *Infrastructure capacity should form part of assessment criteria for the application of Station and Town Centres Precincts*

Due to the scale of the changes proposed not all town centres would be appropriate (even if they met an agreed definition). Station and Town Centre precincts should only be considered where they are accompanied by sufficient infrastructure to accommodate population growth. Other infrastructure such as road networks, sewage facilities, water supply, schools, hospital and open space is fundamental to support liveability and new housing.

#### *Application of inner (0-400m) and outer (400-800m) precinct areas*

The precinct definition does not clearly define whether a 0-800m walking distance area applies from a train station entrance or from the edge of land zoned E2 Commercial Centre, SP5 Metropolitan Centre, E1 Local Centre or MU1 Mixed Use. The DPHI provided information during the consultation period that they intend to apply the inner (0-400m) area precinct controls inside town centres, as well as from the edge of centres (the inner (0-400m) and outer (400-800m) precinct area). This will create confusion and inconsistency, and undermines Councils strategies for centres and their surrounds e.g. active street frontages, recommended amalgamation patterns etc.

Our modelling and mapping has taken the approach that precincts areas apply around the edge of the zone, e.g. around the perimeter of an E1 Local Centre zone, rather than the centre itself. One of the key justifications for this is the significant strategic planning work we have recently been doing in preparing the Edgecliff and Double Bay Strategy.

**Recommendation 4: The NSW government update the Station and Town Centre Precinct definition in collaboration with Councils and backed by and evidence base including an employment study**

### **3.5.2 Local and neighbourhood centres**

The Woollahra LSPS identifies a clear hierarchy of centres; local and neighbourhood scale business centres that consist of land zoned either E1 Local Centre or MU1 Mixed Use. The local centres of Double Bay, Edgecliff, Rose Bay, Oxford Street, Paddington and Rose Bay North, and other smaller centres of Rose Bay South and Queen Street Woollahra.

The neighbourhood centres across the Woollahra LGA are characterised with smaller scale retail, business and community uses to serve the surrounding neighbourhood. Some of these areas include; Hopetoun Avenue, Vaucluse, South Head Road Roundabout, Vaucluse, Five Ways, Paddington, Darling Point Road, Darling Point. These areas are not appropriate to provide the level of goods, amenity and services for inclusion as a station and town centre precinct.

Based on our research, most E1 Local Centre or MU1 Mixed use centres across our LGA do not meet the level of services or infrastructure to sustain the suggested growth. The Edgecliff Commercial Centre may be considered for uplift in principle, however, the non-refusal standards are not recommended due to a lack of infrastructure capacity and built form constraints e.g. heritage significance.

**Recommendation 5: No E1 Local centres or MU1 Mixed centres in the Woollahra LGA are suitable for Station and Town Centre Precincts.**

### **3.6 Surrounding precincts**

The reforms do not address the impacts of cross-Council precincts - these are station and town centre precincts in an adjoining Council area that are within 800m walking distance of our area. The most likely centres that may impact on the Woollahra LGA, are the precincts surrounding Bondi Beach and Bondi Junction and Kings Cross. We consider it unlikely that any of the other small centres in Waverley Council and City of Sydney would meet the threshold for inclusion as a precinct.

Council staff have contacted adjoining Councils to discuss this issue. Without information on the final precincts, there is insufficient information to fully understand how the changes will ultimately impact on our area. Council staff have created indicative mapping above in **Section 2** of this submission at **Figures 1-2** that demonstrates the potential impacts of cross- Council precincts in our area, particularly on heritage significance in Woollahra and Paddington.

We strongly object to the introduction of cross-Council precincts. Amongst the other issues identified in our submission, cross- Council precincts completely disregard our local plans and strategies developed from extensive studies and place-based planning.

**Recommendation 6: If the reforms proceed they must address impacts on cross-Council Station and Town Centre Precincts prior to proceeding and we recommend that precincts are not applied cross- Council boundaries**

### 3.7 Urban design outcomes

#### 3.7.1 Residential flat buildings and shop top housing in precincts

The proposed non-refusal standards for RFBs and STP in precincts are set out below in **Table 4**.

**Table 4: Proposed non-refusal standards for RFBs and STH within precincts**

Control	Existing controls	Non-refusal standards
Floor space ratio	As low as 0.65:1	<ul style="list-style-type: none"> <li>3:1 (inner area 0-400m)</li> <li>2:1 (outer area 400m-800m)</li> </ul>
Building height	As low as 9.5m	<ul style="list-style-type: none"> <li>21m, 6-7 storeys (inner area 0-400m)</li> <li>16m, 4-5 storey building (outer area 400m-800m)</li> </ul>

Staff requested the DPHI provide modelling that demonstrates the proposed non-refusal controls would be achievable and development under the changes would have good amenity and environmental outcomes – no evidence was provided. Staff conducted modelling of the proposed non-refusal standards and researched recent DAs, and made the following findings:

- A building height of 21m (6-7 storeys) is consistent with a maximum FSR of closer to 2:1, not 3:1 as proposed; and
- A building height of 16m (4-5 storeys) is consistent with a maximum FSR of closer to 1.5:1, not 2:1 as proposed.

If the changes proceed, the proposed FSR and height of building non-refusal standards of up to 3:1 and 21m respectively, would at worst represent an over 221% increase on FSR and 462% on building height compared to development standards under the Woollahra LEP 2014. The reforms would be in addition to the Housing SEPP's affordable housing bonuses of up to 30% FSR and building height for mid-rise housing in station and town centre precincts.

**Recommendation 7: The NSW government must not proceed with the reforms, as they do not respond to our desired future character and RFB and STH development under the changes will have excessive impacts on amenity and streetscape. If the NSW government proceeds with the reforms the non-refusal standards should be reduced and supported by site-specific modelling and land with heritage significance should be exempted.**

### **3.7.2 RFB development scenario comparative analysis**

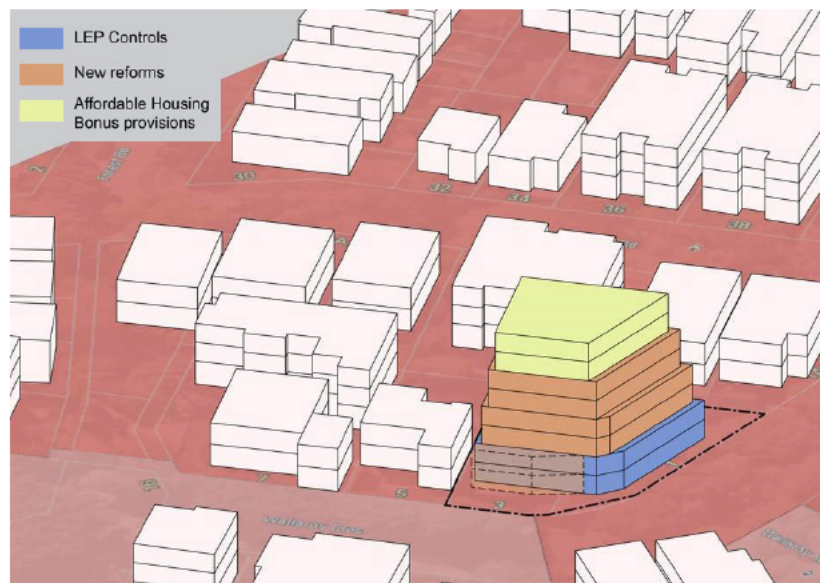
The development scenarios below demonstrate some of the potential impacts of the proposed reforms in our Council area. The scale of the reforms would have severe and unprecedented impacts on our Council area.

#### **Typical lot scenario 1 – inner precinct area (0-400m)**

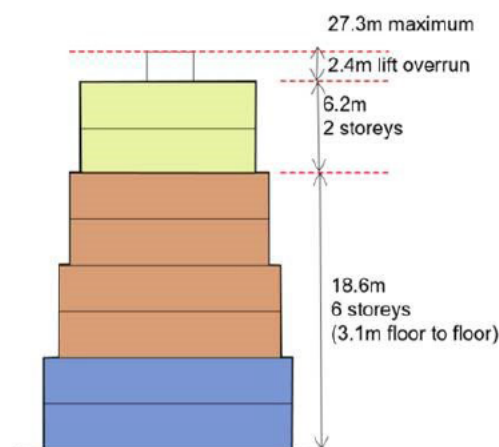
This example looks at the reforms impact on a typical neighbourhood characterised by two-storey residential development at Wallaroy Crescent, Woollahra. The area is relatively flat and within 0-400m walking distance of a station and town centre precinct. The modelling has been applied to one amalgamated site.

Key information:

- **Current controls** - Under the Woollahra LEP 2014 the site is in the R3 Zone and has a FSR of 1:1 and building height of 10.5m (3 storeys). The site is eligible for the new affordable housing bonus of up to 30% for FSR and building height.
- **Reforms** - The site is within the inner precinct area (0-400m), and would be subject to the proposed non-refusal standards with an FSR of 3:1 and building height of 21m (6-7 storeys). This is a 300% FSR increase and 200% building height increase compared to local controls.
- **Reforms and Housing SEPP affordable housing bonus** - The reforms state the affordable and social housing bonus of up to 30% additional building height and FSR would apply on top of the proposed non-refusal standards. The resultant development standards in this scenario would be a FSR of 3.9:1 and building height of 27.3m (10 storeys). This is a 390% FSR increase and 260% building height increase compared to the current controls under Woollahra LEP 2014.



**Figure 6: Existing context view with indicative building envelopes with existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)– Wallaroy Crescent, Woollahra**



**Figure 7: Indicative building envelope section with existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)**



### Typical lot scenario 2– inner precinct area (0-400m)

This example looks at the reforms impact on a typical neighbourhood characterised by two-three storey residential development from the amalgamated sites between 33B-35 Mona Road and 20-28 Darling Point Road, Darling Road. The area is relatively flat on a prominent ridgeline that is viewable from the harbour, and has views towards the city. The site is within 0-400m walking distance of a station and town centre precinct. The modelling has been applied to five amalgamated sites.

Key information:

- **Current controls** - Under the Woollahra LEP 2014 the site is in the R3 zone and has a FSR of 1:1 and building height of 13.5m (3-4 storeys). The site is eligible for the new affordable housing bonus of up to 30% for FSR and building height.
- **Reforms** - The site is within the inner precinct area (0-400m), and would be subject to the proposed non-refusal standards with an FSR of 3:1 and building height of 21m (6-7 storeys). This is a 300% FSR increase and 156% building height increase compared to local controls.
- **Reforms and Housing SEPP affordable housing bonus** - The reforms state the affordable and social housing bonus of up to 30% additional building height and FSR would apply on top of the proposed non-refusal standards. The resultant development standards in this scenario would be a FSR of 3.9:1 and building height of 27.3m (10 storeys). This is a 390% FSR increase and 202% building height increase compared to the current controls under Woollahra LEP 2014.



*Figure 8: View east to Darling Point Road, Darling Point with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)*



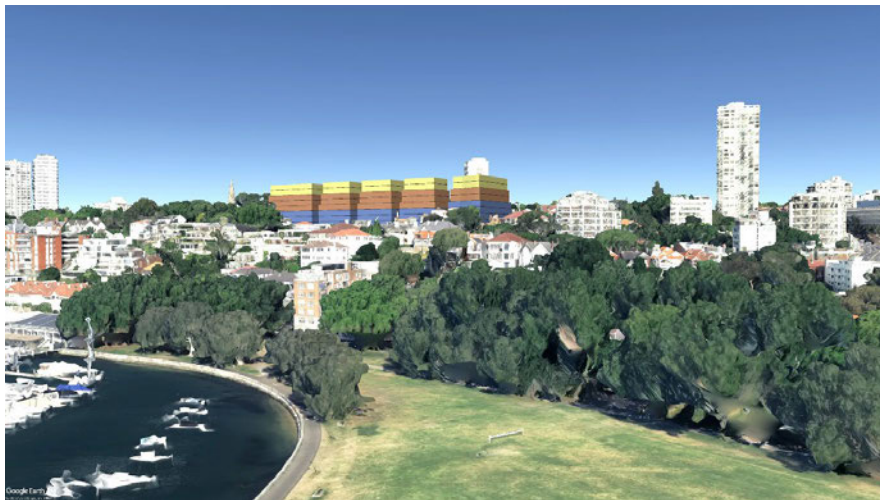
**Figure 9: View west towards Sydney CBD with indicative building envelopes to Darling Point Road, Darling Point with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)**



**Figure 10: View to south towards Edgecliff Centre with indicative building envelopes to Darling Point Road, Darling Point with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)**



**Figure 11: View to north-east with indicative building envelopes to Darling Point Road, Darling Point with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)**



**Figure 12: View to east from Rushcutters Bay with indicative building envelopes to Darling Point Road, Darling Point with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)**



### Typical lot scenario 3– inner precinct area (0-400m)

This example looks at the reforms impact on a typical neighbourhood characterised by one-two storey low density residential development surrounding the amalgamated sites between 30-50 Epping Road, Double Bay. The area has a predominate streetscape of low-rise dwellings and well-established street tree canopy. The area is relatively flat and within 0-400m walking distance of a station and town centre precinct. The modelling has been applied to four amalgamated sites.

Key information:

- **Current controls** - Under the Woollahra LEP 2014 the site is in the R3 zone and has a FSR of 0.75:1 and building height of 9.5m (3 storeys). The site is eligible for the new affordable housing bonus of up to 30% for FSR and building height.
- **Reforms** - The site is within the inner precinct area (0-400m), and would be subject to the proposed non-refusal standards with an FSR of 3:1 and building height of 21m (6-7 storeys). This is a 400% FSR increase and 221% building height increase compared to local controls. The maximum front setback of 6m, sees the removal of an existing tree on site.
- **Reforms and Housing SEPP affordable housing bonus** - The reforms state the affordable and social housing bonus of up to 30% additional building height and FSR would apply on top of the proposed non-refusal standards. The resultant development standards in this scenario would be a FSR of 3.9:1 and building height of 27.3m (10 storeys). This is a 520% FSR increase and 287% building height increase compared to the current controls under Woollahra LEP 2014.



*Figure 13: View to north-east with indicative building envelopes to Epping Road, Double Bay with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)*



**Figure 14: View south-west with indicative building envelopes to Epping Road, Double Bay with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP affordable housing bonus (yellow)**



**Figure 15: View north-east with indicative building envelopes to Epping Road, Double Bay with indicative building envelopes under existing controls (blue), reforms (orange) and Housing SEPP AH bonus (yellow)**

### 3.7.3 Multi-dwelling housing

In station and town centre precincts the reforms propose to expand permissibility for multi-dwellings, multi-dwelling (terraces) and manor houses into the R2 zone and permit Torrens subdivision. The Woollahra LEP 2014 currently permits multi-dwelling housing (terraces and manor houses) in the R3 zone, which is the appropriate location for these types of medium density residential types.

Manor houses will be characterised as 2-storey RFBs (excluding any habitable roof) and they will not be limited to 3 or 4 dwellings as they currently are under the Codes SEPP. It is justified there is a need to achieve more and diverse housing while managing their impacts on surrounding priorities, the local environment and neighbourhood. There is no evidence of place-based studies on the impact of introducing multi-dwelling housing permissibility into low density residential areas, and it is not explained how the proposed non-refusal standards manage the impacts on amenity and future desired character. If the changes are implemented, Council cannot calculate the final impact of the changes until station and town centre precincts have been finalised in each LGA.

An introduction of controls of this nature should be subject to rigorous testing of local implications and extensive community consultation, such as would be seen through the process of an LEP amendment.

### **Recommendation 8: Multi-dwelling should not be introduced into the R2 zone**

### 3.7.4 Design Criteria

The proposed ADG design criteria changes are not supported by an evidence base to demonstrate good urban design and amenity outcomes are achievable under the reduced criteria for setbacks, vehicle access, visual privacy, communal open space, landscaping and car parking. We are significantly concerned with the impacts from these changes on our desired future character and in particular the conservation and preservation of heritage significance.

#### *Building separations and setbacks*

The reforms reduce 5-6 storey building separation requirements to those for 4-storey buildings and side and rear buildings setback requirements will increase by an additional 1m for every 2-storey difference in height of neighbouring buildings. These controls override our local controls that manage good design outcomes such as maintaining streetscapes, managing the impacts of bulk and scale and ensuring tree canopy targets are achievable. It is unclear how local provisions will be able to manage the impacts of reduced building separations and setbacks, particularly in areas with heritage significance which have specific provisions outlined in the Woollahra DCP 2015.

#### *Visual privacy*

The reforms propose visual privacy to be managed through the modified building and separation provisions discussed above. It is unclear what these modifications would be

beyond the reduced building separation and setbacks mentioned in the reforms, which would not increase visual privacy outcomes in their current form.

#### *Vehicle access*

The reforms remove the requirement for the design of basement and ground floor for RFBs and STH to accommodate large vehicles entering or turning around within the site and state the waste collection method to be detailed in Waste Management Plan. This will have impacts on waste servicing and unintended disruption impacts and increased servicing costs for Council or residents of these developments. We do not recommend changing the current vehicle access requirements, which would leave the impacts to be managed by merit assessment.

#### *Car parking*

The reforms propose minimum car parking. The introduction of minimum car parking rates would have cumulative impacts on traffic movement and implications on the congestion pinch points in the Woollahra LGA. Our local provisions identify maximum parking rates to promote housing that is more affordable and to encourage public transport use and walking, which should be a focus given this housing is being encouraged around public transport and centres. For our LGA we anticipate developers would want to excavate extensively to provide car parking to cater for our unique housing market, this may be particularly problematic on smaller lots around floodplains.

### **3.7.5 Dual Occupancies**

Dual occupancies are proposed to be permitted with consent across all land zoned R2 and the torrens subdivision of new developments under the changes. Dual occupancies are already a permissible land use in the R2 zone (and R3 zone) under the Woollahra LEP 2014, however the proposed non-refusal standards do not align with our local provisions as set out below in **Table 5**.

**Table 5: Proposed dual occupancy non-refusal standards and other provisions**

Control/land use	Reforms	Local provisions
<b>Permissibility</b>	Introduce dual occupancy to R2 zone	Already permissible
<b>Building height</b>	9.5m	9.5m
<b>FSR</b>	0.65:1	<ul style="list-style-type: none"> <li>0:5:1 for lots equal to or greater than 400m<sup>2</sup> for dual occupancy development in the R2 and R3 zones.</li> <li>The FSR controls do not apply to a dual occupancy in the Paddington, Watson Bay or Woollahra HCAs, which is guided by provisions in the WDCP 2015.</li> </ul>
<b>Minimum site area</b>	450m <sup>2</sup>	<ul style="list-style-type: none"> <li>460m<sup>2</sup> for attached dual occupancies in the R2 and R3 zones and detached dual occupancies in the R3 zone</li> </ul>



		<ul style="list-style-type: none"> <li>930m<sup>2</sup> for detached dual occupancies in the R2 zone.</li> </ul>
<b>Minimum Lot Width</b>	12m	<ul style="list-style-type: none"> <li>No minimum lot width applies to an attached dual occupancy</li> <li>Detached dual occupancy – 21m</li> </ul>
<b>Car Parking</b>	Minimum 1 space per dwelling	Maximum 2 spaces per dwelling

On 14 July 2023, an amendment to the Woollahra LEP 2014 introduced new FSR development standards for low density residential and urban greening requirements for all residential development. Through extensive site testing on the relationship between FSR, deep soil landscaping and tree canopy area, a maximum FSR standard of 0.51 was introduced for low density development for attached dual occupancy's over 400m<sup>2</sup> or detached dual occupancies over 930m<sup>2</sup>. Our dual occupancy provisions do not apply to land in the Paddington, Watsons Bay and Woollahra HCAs. These proposed changes involved extensive community consultation and were endorsed by the Department.

The non-refusal standard proposed for dual occupancy would result in increased density in our low density residential areas and override the extensive work undertaken by Council recently to introduce specific controls relating to dual occupancy development that:

- ensure bulk and scale of development is compatible with the desired future character of the area;
- minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain; and
- make adequate provision for deep soil planting, tree canopy cover and private open space.

Based on the above, we have significant concerns with the changes that would override our carefully-crafted local controls. If the reforms proceed, our Council has demonstrated an extensive and recent evidence base on dual occupancy standards in the low density residential area that respond to our local character and included an exemption for HCAs. As such we recommend the non-refusal standards should not apply to Councils who have existing land use permissibility and local provisions for dual occupancy.

Further to the above, the non-refusal standards for dual occupancies do not distinguish between attached and detached dual occupancies, and only identify application in the R2 zone. In the Woollahra LGA dual occupancy is a permissible land use in the R3 zone. While we do not support the proposed changes, applying the non-refusal standards to the R2 zone only, will create further inconsistency and confusion in the planning system.

**Recommendation 9: Non-refusal standards for dual occupancies should not override local provisions where this land use is already permissible in the R2 zone and R3 zone**

### 3.8 Impacts on Heritage Significance and Environmentally Sensitive Areas

The reforms provide insufficient information on how the changes would address the impacts of increased density and the proposed reduced ADG requirements (such as building setbacks, landscape provisions etc.) on heritage items, heritage conservation areas (HCAs), areas with high Aboriginal cultural significance or sensitivity, or areas with high biodiversity significance, such as our C1 National parks and Nature Reserves and C2 Environmental Conservation land.

Under the reforms all other applicable controls in LEP and DCP's including heritage and environment considerations will *continue apply to the extent they are not inconsistent with the proposed changes*. Staff are unclear what this means in reality. It is understood that they are not intended to erase local heritage provisions, but rather only prevent refusals that pertain to building height and FSR. Such that a six-storey development could not be refused because it was too tall, but could be refused because it, for example, had unacceptable impacts on heritage significance item or environmentally sensitive areas. This must be made explicit.

If this is made explicit, then in theory the direct impact on heritage items and HCAs would in theory be relatively minimal, because height *in itself* is generally not a major concern for heritage conservation. However, in practice this would lead to increased confusion on the part of applicants, and potentially challenges in court concerning refusals premised on, at least, the following impacts:

- Overshadowing, including of significant trees;
- Loss of fabric required for structural changes to accommodate additional height; and
- Poorly designed alterations and additions that seek to increase height.

The reforms therefore risk diminishing the local provisions that protect local heritage and undermining Council's and the community's conservation efforts. The DPHI must amend the provisions to clearly state that the demolition of, inappropriate alteration to, and loss of significant fabric from heritage items and contributory items in HCAs are acceptable reasons for refusal, regardless of height or FSR. It must also be made clear whether secondary impacts from height and bulk, including; overshadowing impacts, loss of fabric, and poor design outcomes, are acceptable reasons for refusal in HCAs.

Additionally, the reforms do not address how impacts on areas of, or in proximity to high Aboriginal cultural significance and environmentally sensitive areas will be managed. To address the potential unintended and excessive impacts on these areas, if the reforms proceed they must explicitly outline requirements for DAs on or in proximity to these areas, must respond to potential for adverse impacts. This approach will protect and manage excessive impacts and loss of amenity and from developments under the reforms.

#### Heritage conversation areas in Woollahra

The reforms pose a risk of significant impacts on all HCAs across the Woollahra LGA. These are unique urban areas which possess historical, aesthetic, technical and social significance at a local and State level. An important factor in the significance of these HCAs is their urban

form, characterised by distinctive architectural typologies, such as the Victorian terrace house in Paddington.

58% of our HCA's are located within the proposed precincts, and we have provisions carefully crafted within the Woollahra LEP 2014 and Woollahra DCP 2015 that guide development on land identified within a HCA. For example, a recent amendment to the Woollahra LEP 2014 in 2023, introduced cl. 4.4E(4), which exempts HCAs from exceptions to FSR for dwelling houses, dual occupancies and semi-detached dwellings in the R2 and R3 zones. The purpose of this is to allow Council officers to consider each proposal on its merits and in accordance with the Woollahra DCP 2015, something that the proposed reforms would make impossible. In exact opposition to our approach, the reforms propose to introduce blanket non-refusal standards, including FSR in HCAs which will essentially override our recent LEP amendment on this matter.

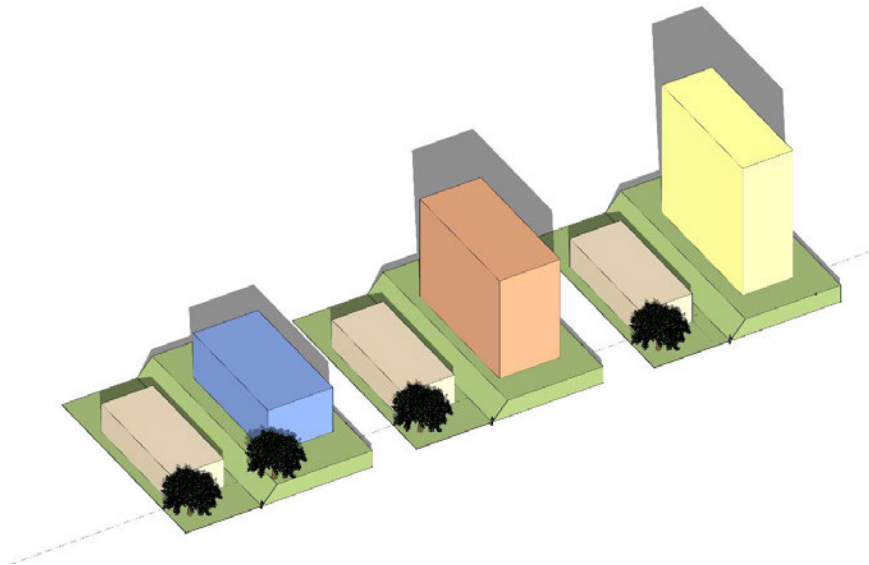
The uncertainty of the application of the changes and impacts on heritage significance, including unity, encompassing scale character, history, architecture and urban form, has been raised by staff in several requests to the DPHI to clarify the protection of these areas under the reforms – no information was provided beyond the information in the EIE. It remains uncertain how the changes would interact with local provisions and operate at DA level. In the section below, we have made key recommendations to ensure heritage significance is protected if the plans proceed.

#### **Typical lot scenario 4 – inner precinct area (0-400m) adjoining heritage item**

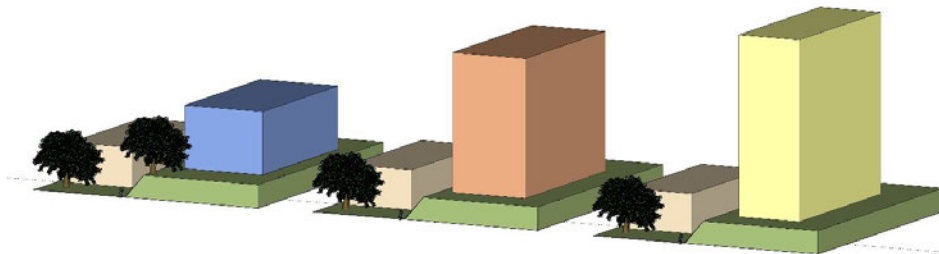
This example looks at the reforms impact to heritage significance, in a typical neighbourhood scenario which is characterised by two-three storey residential development with the subject site, adjoining a part one and two story dwelling house identified as a local heritage item as shown in **Figure 16** and **Figure 17** below. The site has existing cut and fill with the adjoining site with the heritage item giving a 2m greater ground height. The site is 0-400m walking distance of a Station and Town Centre Precinct.

Key information:

- **Current controls** - Under the Woollahra LEP 2014 the site is in the R3 zone and has a FSR of 0.65:1 and building height of 9.5m (2-3 storeys). The site is eligible for the new affordable housing bonus of up to 30% for FSR and building height.
- **Reforms** - The site is within the inner precinct area (0-400m), and would be subject to the proposed non-refusal standards with an FSR of 3:1 and building height of 21m (6-7 storeys). This is a 462% FSR increase and 221% building height increase compared to local controls.
- **Reforms and Housing SEPP affordable housing bonus** - The reforms state the affordable and social housing bonus of up to 30% additional building height and FSR would apply on top of the proposed non-refusal standards. The resultant development standards in this scenario would be a FSR of 3.9:1 and building height of 27.3m (8-9 storeys). This is a 600% FSR increase and 287% building height increase compared to the current controls under Woollahra LEP 2014.



**Figure 16: Indicative building envelopes 3D view – existing heritage item (beige), existing planning controls (blue), low- and mid-rise reforms (orange), and reforms plus Housing SEPP affordable housing bonus (yellow)**



**Figure 17: Indicative building envelopes 3D view – existing heritage item (beige), existing planning controls (blue), low- and mid-rise reforms (orange), and reforms plus Housing SEPP affordable housing bonus (yellow)**

Overall, the example demonstrates the excessive impacts posed by development under the reforms on heritage significance. The reduced setbacks see the loss of a significant tree in the front setback and create an inconsistent streetscape, and the impacts of bulk and scale under the reforms is increased by the topography of the land, which slope down to the heritage item with a 2m ground height difference.



**Recommendation 10** – If the reforms proceed they must include clauses on the conservation and protection of heritage significance, particularly to prevent demolition and excessive impacts from the non-refusal standards, and a clause to mitigate adverse impacts of loss of amenity from development on, or within proximity of high Aboriginal cultural significance and environmentally sensitive areas.

### 3.9 Tree canopy

The reforms proposes to introduce landscaping provisions for low and mid-rise housing that override local provisions and would reduce our urban tree canopy. The reforms are completely contrary to recent work undertaken by the DPHI through a report prepared by Gallagher Studio in 2021 on urban tree canopy targets and planning controls to enhance urban canopy across NSW.

Privately owned land is the largest ownership in most LGAs, it is also the land where canopy is lost due to development pressure. In terms of canopy cover, any reforms bought out by the State government are the best opportunity to embed canopy provisions for private property in planning instruments. Canopy targets need to be ambitious and our comparative analysis below at **Table 5** shows the proposed reforms fall short of our own research and in some cases research commissioned by the NSW government.

There is another body of relevant research lead by the DPHI that has the goal *to establish achievable future tree canopy targets for inclusion across a range of policies and planning instruments* which should be taken into account in the development of any new canopy (or other) controls.

A comparative analysis between the proposed reforms and Woollahra's urban greening provisions for low and medium density residential development are set out in **Table 5** and **Table 6** below.

#### Low rise housing

The proposed reform figures for canopy targets are reduced compared to Council's DCP provisions which will be an impediment for Council in achieving its 30% target.

**Table 6: Landscape provisions for low-rise housing**

Dual Occupancy (applies to the whole R2 Low Density Residential zone)				
Site area	Tree canopy target (min % site area)		Tree-planting rate	
	Reforms	WDCP 2015	Reforms	Woollahra provisions
< 300m²	15%	35%	1 small tree per dwelling	<ul style="list-style-type: none"> <li>Key priority supported by WLEP 2014 cl. 6.9 Tree canopy cover in R2 and R3 zones</li> </ul>
300m²-600m²	20%	35%	1 small tree: 200m², or part thereof	

>600m²	25%	35%	1 medium tree: 225m²*, or part thereof	<ul style="list-style-type: none"><li>Urban greening and tree canopy guidelines in WDCP 2015 to meet specified tree canopy targets.</li><li>Woollahra Urban Forest Strategy 2022</li></ul>
Multi-dwelling housing (terraces) (applies to station and town centre precincts)				
Site area	Tree canopy target (min % site area)		Tree-planting rate	
	Reforms	WDCP 2015	Reforms	WDCP 2015
<1,000m²	20%	30%	1 small tree: 350m², or part thereof	<ul style="list-style-type: none"><li>Key priority supported by WLEP 2014 cl. 6.9 Tree canopy cover in R2 and R3 zones</li><li>Urban greening and tree canopy guidelines in WDCP 2015 to meet specified tree canopy targets</li><li>Woollahra Urban Forest Strategy 2022</li></ul>
1,000m²-3,000m²	25%	30%	1 medium tree: 350m², or part thereof	
> 3,000²	30%	30%	2 medium tree or 1 large tree: 575m²*, Or part thereof	
Manor Houses (applies to station and town centre precincts)				
Site area	Tree canopy target (min % site area)		Tree-planting rate	
	Reforms	WDCP 2015	Reforms	Woollahra provisions
<300m²	20%	30%	1 small tree: 200m²*	<ul style="list-style-type: none"><li>Key priority supported by WLEP 2014 cl. 6.9 Tree canopy cover in R2 and R3 zones</li><li>Urban greening and tree canopy guidelines in WDCP 2015 to meet specified tree canopy targets.</li><li>Woollahra Urban Forest Strategy 2022</li></ul>
300m²-600m²	25%	30%	1 medium tree: 250m², or part thereof	
Greater than 1,500m²	30%	30%	2 medium tree or 1 large tree: 350m², or part thereof	

### Mid-rise housing

The comparative analysis at **Table 7** below shows the proposed canopy percentage reforms are substantially less than our local provisions. The table also shows that for the most part, the proposed reforms are not in line with the findings of the research commissioned by the DPHI.

**Table 7: Landscape provisions for mid-rise housing**

**Residential flat buildings (RFB) and Shop top housing (STH) – R3, MU1 and E1 (applies to station and town centre precincts)**

Site area	Tree canopy target (min % site area)		Tree-planting rate	
	Reforms	WDCP 2015	Reforms	Woollahra provisions
Less than 650m <sup>2</sup>	15%	30%	1 small tree: 350m <sup>2</sup> , or part thereof	<ul style="list-style-type: none"> <li>Key priority supported by WLEP 2014 cl. 6.9 Tree canopy cover in R2 and R3 zones</li> <li>Urban greening and tree canopy guidelines in WDCP 2015 to meet specified tree canopy targets.</li> <li>Woollahra Urban Forest Strategy 2022</li> </ul>
Less than 650m <sup>2</sup> - 1,500m <sup>2</sup>	15%	30%	1 medium tree: 350m <sup>2</sup> , or part thereof	
Greater than 1,500m <sup>2</sup>	20%	30%	2 medium tree or 1 large tree: 575m <sup>2</sup> m, or part thereof	

**Tree size**

The terminology used in the EIE, 'small tree', 'medium tree' and 'large tree', lacks the specificity needed to achieve the tree canopy targets. For example, in the Woollahra DCP 2015 a canopy tree is defined as a 'tree that attains a minimum height of 8 metres and minimum crown diameter of 8 metres at maturity, and is planted in a deep soil landscaped area with a minimum dimension of 4 metres'. As the reforms appear to have generally been developed in line with the Gallagher report, the tree sizes should be update to include clear definitions if the changes progress, as shown in **Table 8** below.

**Table 8: Tree size information (Gallagher Studio, 2021)**

Tree size	Crown diameter	Crown area
Small	6m	28m <sup>2</sup>
Medium	8m	50m <sup>2</sup>
Large	12m	113m <sup>2</sup>

Overall, the proposed tree-planting rates for low and mid-rise housing types lacks suitable detail to achieve the aspirational tree canopy targets (minimum % of site area coverage). There is no evidence provided to demonstrate how the tree canopy and deep soil target can be met with the increased building footprints for low- and mid-rise housings under the controls proposed in the reforms such as FSR, building height, reduced setbacks etc. The reforms will reduce the provision of much needed outdoor space and sufficient deep soil

area, and compromise the provision of canopy coverage and the ability to provide on-site stormwater absorption contrary to other state objectives to increase canopy cover.

**Recommendation 11: If the reforms proceed existing landscaping provisions in LEPS and DCPs should prevail to the extent of an inconsistency, and the State government must update the recommended landscaping provisions in line with the Gallagher report (2021)**

### 3.10 Other Issues

#### 3.10.1 Edgecliff E1 Local centre Station and Town Centre Precinct scenario

Notwithstanding our lack of support for the proposed reforms, the land zoned E1 Local Centre in Edgecliff (see **Figure 4** above) is the only centre in the Woollahra LGA that may meet the precinct definitions. However, the application of a precinct in Edgecliff is not appropriate as Council is already preparing a Strategy to guide development for the whole of the Edgecliff commercial centre. The Draft Edgecliff Strategy is being informed and supported by a heritage study, economic modelling, a traffic and transport study and urban design studies. It has also been informed by significant engagement with our community and would facilitate approximately 490-600 new dwellings.

The proposed approach within the reforms would undermine the strategic planning work that has been carried out to inform this Strategy.

**Recommendation 12: We do not recommend any centres in the Woollahra LGA are appropriate for inclusion as Station and Town Centre Precincts.**

#### 3.10.2 Delays in Development Assessment

The reforms do not discuss how Councils would be expected to facilitate the extra staff required for the assessment of increased DAs and the extra time required for merit assessments under the reforms. Councils are already under immense pressure from the volume of DAs received. It's expected that assessment times would be impacted by the non-refusal standards and the reforms lack of clarity on how Council would conduct a merit assessment, especially on developments that exceed non-refusal standards and/or have heritage significance. For these reasons, we anticipate the changes would result in an increase in deemed refusals for DAs that aren't assessed within 40 days and an increase in Land and Environment Court appeals. Having these decisions played out in the court forum with precedents set, will further erode our local planning provisions and our ability to deliver our local strategies and plans.

The reforms are in direct contrast to their broader objective to '*speed up DAs*' and then they would increase complexity and assessment timeframes in the planning system. On this basis we fundamentally do not support the reforms.

#### 3.10.3 Non-refusal standards and clause 4.6

The reforms do not address if a DA complies with a non-refusal standard, if the consent authority cannot refuse the development on that grounds. A cl. 4.6 written request for variation would not be required to be prepared for non-compliance with a principal

development standard in an LEP where compliance with the non-refusal standard is achieved, or even when a development exceeds the non-refusal standard.

In the absence of applying cl. 4.6, staff will have to rely on a merit assessment, which will be time consuming and apply further pressure on the workload of Councils. On this basis, we do not support the implementation of the reforms that unnecessarily increase complexity in the planning system and would weaken operation of cl. 4.6.

#### **3.10.4 Net dwelling loss**

We are concerned about the implications of net dwelling loss as a result of the reforms. Net dwelling loss may be broadly defined as a reduction in the total number of dwellings on a site as a result of new development. This is an absolute, or actual, dwelling loss compared to the number of existing dwellings on the proposed development site.

Net dwelling loss is an emerging issue being experienced by inner Sydney LGAs including Woollahra, Waverley and Sydney City. These LGAs contain high value land and when sites containing older building stock (such as older RFBs) are redeveloped or extensively renovated, the smaller sized dwellings (such as studios, 1 or 2 bedroom dwellings) are often amalgamated or replaced by larger dwellings (such as 3 bedroom or penthouse style apartments). This not only results in a reduction in the total dwelling yield on the site, but also means that the new housing stock delivered is more expensive and the mix of dwelling sizes is less diverse.

The reforms proposed in the Low- and Mid-rise Housing EIE do not include any mechanisms to avoid net dwelling loss, and in their current form would override any local provisions on net dwelling loss and housing diversity. They may even have unintended the effect of facilitating redevelopment of sites that results in net dwelling loss and loss of housing stock that is relatively more affordable. The NSW Government needs to recognise and respond to this issue in order to ensure that land for housing is being used efficiently, particularly in the inner metropolitan areas of Sydney where land values are high.

**Recommendation 13 – If the reforms proceed there must be a clause to ensure development under the changes does not result in net dwelling loss**

#### **3.10.5 Commercial floor space**

The introduction of the precincts would diminish Councils ability to protect commercial floor space through the Woollahra LEP 2014 and Woollahra DCP 2015, this is a significant concern for our E1 Local Centres and MU1 Mixed Use centres. An action of the Woollahra LSPS 2020 is to protect and enhance floor space for commercial, retail, business, health and community uses, particularly in Double Bay and Edgecliff. The proposed changes could encourage the building of STH with only token ground floor retail spaces. If the NSW government proceeds this should be addressed in the drafting.

**Recommendation 14 – Commercial floor space must be protected. The non-refusal standards should not apply to land within employment centre zones such as E1 Local Centre and MU1 Mixed Use and a provision included that states DAs must provide**

**equal or greater total retail and commercial floor space than the existing development.**

#### **3.10.6 Value capture**

The reforms lack consideration of infrastructure constraints. There is no commitment in the EIE to provide Council with any additional means of funding local infrastructure that will be required to meet the demands of a larger residential population. Staff note that Housing and Productivity contributions are now collected when new dwellings are constructed. However, these funds are allocated by NSW Treasury and spent anywhere in Greater Sydney. Accordingly, there is no guarantee that the Woollahra LGA will receive any funding. This is a significant oversight, given section 7.12 revenue is comparably minor and is not intended to support growth on the scale envisaged.

Additionally, there has been no proposal to capture any of the uplift in land values that would be generated from the proposed controls. A complementary contributions scheme could be used to raise money for local infrastructure provision or affordable housing delivery. Instead, private landowners will financially benefit from the reforms, and not the wider community bearing the impacts of increased development.

**Recommendation 15 – If the reforms proceed they must include a value capture contribution for all new developments.**

## 4 Implementation Recommendations

As outlined in **Section 3** we have fundamental concerns surrounding the validity of the approach in the EIE, the significant impacts from introducing increased density on such a large scale with no regard for local plans and strategies and the ability of the reforms to result in delivering create low- and mid-rise housing in our area.

### **First Option Scenario – Best practice approach to create more low- and mid-rise housing by June 2029 to meet the NSW wide five year housing target under the Accord (preferred approach)**

Due to the significant issues outlined in **Section 3** we recommend the reforms do not proceed, and the DPHI take a best practice approach to land use planning to deliver more new homes in accordance with Division 3.1 of the EP&A Act. This would be achieved as follows:

- Adhere to the requirements of the Accord to collaborate with Councils on new housing targets to fulfil the five-year housing target set for NSW;
- The DPHI implement a new region and district plan with new housing targets set in collaboration with Councils with place based planning. The station and town centre precincts concept should be further developed and backed by an evidence base (e.g. employment studies to develop definition of a 'town centre');
- Councils can implement the region and district plans through place-based planning. Councils investigate for local suitability for Station and Town Centre precincts e.g. appropriate precinct areas, planning controls such as FSR and building height, and respond to existing local plans and provisions;
- Council update local housing strategies once the work above has been completed; and
- The proposed controls are the subject of rigorous and robust public consultation.

### **Second Option Scenario – If the NSW Government proceeds with the reforms**

Notwithstanding Woollahra Council's complete objection to the reforms, should the NSW government proceed with the reforms our recommendations are set out below.

- **Stations and Town Centre Precincts not appropriate for the Woollahra LGA:** the centres in the Woollahra LGA are not appropriate for the introduction of station and town centre precincts for the reasons discussed in **Section 3**. Further as demonstrated, there are significant infrastructure capacity constraints at Edgecliff centre, although the centre has a rail station we recommend not to introduce a precinct in this area. The DPHI should consider the work already done in progressing draft Edgecliff Centre Strategy and adopted Double Bay Strategy.
- **Exemption from dual occupancy changes:**  
The proposed non-refusal standards should not apply to Councils who have existing permissibility for dual occupancy in the R2 and R3 zone;
- **Exemption for heritage significance:** The non-refusal standards and planning provisions should not apply to land with heritage significance, being a heritage item



or within a HCA, and must be supported by specific clauses to ensure conservation and protect heritage significance from demolition;

- **Introduce a value capture mechanism for additional infrastructure requirements** - the DPHI must implement the plans in conjunction with a plan for value capture to cater for additional infrastructure requirements in collaboration with Councils;
- **Updated landscaping provisions** – landscaping provisions in local environmental plans and development plans must prevail, or the changes should be updated in line with greater detail and increased tree canopy targets; and
- **Updated car parking** – minimum car parking rates must be replaced by maximum car parking rates.
- **Finalisation consultation with Council** – the DPHI must consult with Council and the community on final station and town centre precincts and collaborate with Councils on the draft instrument to implement the reforms to reduce unintended consequences and complexity.



## 5 Conclusion

As outlined above, the proposed changes wholly undermine the role of Councils in carrying out best practice strategic planning. The proposed permissibility changes and non-refusal standards would create excessive density that does not support the desired future character of our area and erodes the role of Council's in the plan-making process undermining the planning hierarchy. A summary of the most significant issues with the reforms are below:

- They do not adhere to the requirements of the National Accord;
- They erode the planning hierarchy established under the EP&A Act by introducing confusion and complexity through overriding carefully crafted local provisions that support desired future character;
- The reforms will introduce un-certainty into the planning system.
- Uplift of this scale proposed must be delivered through place based planning supported by an evidence base including extensive site modelling and feasibility testing;
- The consultation is wholly inadequate and does not allow sufficient time, detail (e.g. it is not clear where precincts will be introduced), or the evidence base for the community to meaningfully respond to the content of the reforms;
- They introduce one-size-fits-all non-refusal standards that will create excessive bulk and scale;
- The reforms significantly reduce canopy provisions;
- They are accompanied with limited information as to how heritage significance and environmentally sensitive areas will be protected;
- Complexities associated with the assessment of non-refusal standards will delay the processing of development applications; and
- Funding for additional infrastructure has not been considered, which is particularly important given there is no alignment with State infrastructure provision.

Based on these considerations, staff strongly oppose the proposed changes that would have severe impacts on our desired future character. We urge the NSW government to abandon implementation of the reforms and follow best practice planning to create more low- and mid-rise housing in collaboration with Councils and the community.



## **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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## 17. Questions With Notice

### Recommendation:

THAT the Questions with Notice be received and noted.

### Background:

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

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

**QWN:** 17.1  
**From:** Councillor Price  
**Subject:** Questions with Notice - White City Development

### Councillor Price asking:

To the Director of Planning and Place:

I refer to the White City development, Paddington (the Development). Further to my Questions with Notice of 27 March 2023, can the Director please particularise:

1. All complaints that Council has received about the Development since construction began;
2. What (if any) steps Council and /or the Hakoah Club has taken to resolve these complaints;
3. The extent to which any Penalty Infringement Notices or any other fines have been issued to Parkview Constructions and/or the Hakoah Club since construction began;
4. The outcome of complaints made by various residents to Council concerning construction works alleged to have occurred on Sunday, 24 December between approximately 7am to 10.30am?

### Director of Planning & Place in response:

1. *All complaints that Council has received about the Development since construction began;*

A table is provided below.

Reference Number	Service Request Category	Action Officer Department	Action Officer Section	Status	Service Request Received Date	Service Request Finalised Date
80744	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	2/02/2024	5/02/2024
78418	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	10/01/2024	13/01/2024
77085	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	27/12/2023	27/12/2023
77007	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	24/12/2023	2/01/2024
77006	Other	Customer Experience		Finalised	24/12/2023	27/12/2023

Reference Number	Service Request Category	Action Officer Department	Action Officer Section	Status	Service Request Received Date	Service Request Finalised Date
76558	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	19/12/2023	19/12/2023
76533	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	19/12/2023	19/12/2023
76503	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	18/12/2023	19/12/2023
76499	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	18/12/2023	19/12/2023
76307	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	18/12/2023	18/12/2023
76306	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	18/12/2023	18/12/2023
76296	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	18/12/2023	18/12/2023
76295	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	18/12/2023	18/12/2023
76293	Operational development consent breaches	Building and Compliance	Compliance	Finalised	18/12/2023	31/01/2024
76267	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	16/12/2023	18/12/2023
76266	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	16/12/2023	18/12/2023
75634	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	12/12/2023	23/12/2023
75409	Building sites - Air pollution	Building and Compliance	Regulatory Services	Finalised	11/12/2023	12/12/2023
75352	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	9/12/2023	12/12/2023
73718	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	24/11/2023	25/11/2023
73150	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	20/11/2023	20/11/2023
69829	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	18/10/2023	23/10/2023
69828	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	18/10/2023	23/10/2023
68870	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	6/10/2023	9/10/2023
68784	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	6/10/2023	17/10/2023
68746	Building sites - Water pollution	Building and Compliance	Regulatory Services	Finalised	5/10/2023	5/10/2023
67663	Operational development consent breaches	Building and Compliance	Compliance	Awaiting final engineers report re sediment controls	21/09/2023	
66492	Unauthorised use private property	Building and Compliance	Compliance	Finalised	8/09/2023	21/09/2023
66411	Air pollution	Building and Compliance	Regulatory Services	Finalised	7/09/2023	14/09/2023
66342	Building Sites Sediment Control	Building and Compliance	Regulatory Services	Finalised	6/09/2023	6/09/2023

Reference Number	Service Request Category	Action Officer Department	Action Officer Section	Status	Service Request Received Date	Service Request Finalised Date
66313	Air pollution	Building and Compliance	Regulatory Services	Finalised	6/09/2023	14/09/2023
66270	Unauthorised building works private property	Building and Compliance	Regulatory Services	Finalised	6/09/2023	28/09/2023
66137	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	5/09/2023	5/09/2023
66124	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	4/09/2023	5/09/2023
66123	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	4/09/2023	5/09/2023
65971	Building sites - Air pollution	Building and Compliance	Regulatory Services	Finalised	2/09/2023	3/09/2023
65962	Building sites - Air pollution	Building and Compliance	Regulatory Services	Finalised	2/09/2023	5/09/2023
65902	Stormwater runoff private property	Civil Operations	Fletcher St Depot	Finalised	1/09/2023	3/10/2023
65164	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	24/08/2023	15/11/2023
61636	Building sites - Air pollution	Building and Compliance	Regulatory Services	Finalised	14/07/2023	15/07/2023
61320	Building Sites Damage to Adjoining	Building and Compliance	Building and Compliance	Finalised	11/07/2023	17/07/2023
60852	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	4/07/2023	6/07/2023
60795	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	4/07/2023	5/07/2023
59282	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	15/06/2023	15/06/2023
56109	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	9/05/2023	9/05/2023
54584	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	21/04/2023	21/04/2023
54043	Operational development consent breaches	Building and Compliance	Building and Compliance	Finalised	14/04/2023	24/05/2023
53881	Building Sites Sediment Control	Building and Compliance	Regulatory Services	Finalised	12/04/2023	17/07/2023
53654	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	11/04/2023	13/04/2023
53653	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	11/04/2023	11/04/2023
53517	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	6/04/2023	7/04/2023
52888	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	29/03/2023	1/04/2023
52616	Unauthorised building works private property	Building and Compliance	Building and Compliance	Finalised	27/03/2023	31/03/2023
52400	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	24/03/2023	24/03/2023
51987	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	21/03/2023	22/03/2023

Reference Number	Service Request Category	Action Officer Department	Action Officer Section	Status	Service Request Received Date	Service Request Finalised Date
51985	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	21/03/2023	22/03/2023
51280	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	14/03/2023	14/03/2023
51277	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	14/03/2023	15/03/2023
50965	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	10/03/2023	10/03/2023
50932	Other	Building and Compliance	Regulatory Services	Finalised	9/03/2023	10/03/2023
50923	Building sites - Air pollution	Building and Compliance	Regulatory Services	Finalised	9/03/2023	14/03/2023
50922	Road / Footpath Obstruction	Building and Compliance	Regulatory Services	Finalised	9/03/2023	20/03/2023
50787	Building Sites Damage to Adjoining	Building and Compliance		Finalised	9/03/2023	9/03/2023
50513	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	7/03/2023	10/03/2023
48405	Building Sites Damage to Adjoining	Building and Compliance	Compliance	Finalised	13/02/2023	22/02/2023
46750	Operational development consent breaches	Building and Compliance	Compliance	Finalised	27/01/2023	1/02/2023
46728	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	25/01/2023	25/01/2023
46696	Building site Road / Footpath Obstruction	Building and Compliance	Regulatory Services	Finalised	25/01/2023	25/01/2023
46259	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	19/01/2023	24/01/2023
46038	Unauthorised building works private property	Building and Compliance	Compliance	Finalised	18/01/2023	10/02/2023
46008	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	17/01/2023	20/01/2023
45050	Private Trees TPO Breach	Open Space and Trees	Tree Management	Finalised	5/01/2023	16/01/2023
41454	Building sites - Air pollution	Building and Compliance	Regulatory Services	Finalised	22/11/2022	23/11/2022
40948	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	17/11/2022	28/11/2022
40501	Other	Customer Experience		Finalised	14/11/2022	14/11/2022
40256	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	10/11/2022	10/11/2022
40194	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	9/11/2022	3/11/2023
40129	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	9/11/2022	9/11/2022
40025	Unauthorised building works private property	Building and Compliance	Compliance	Finalised	8/11/2022	10/02/2023
39978	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	8/11/2022	8/11/2022



Reference Number	Service Request Category	Action Officer Department	Action Officer Section	Status	Service Request Received Date	Service Request Finalised Date
39690	Building Sites Noise	Engineering Services	Traffic and Transport	Finalised	4/11/2022	4/08/2023
39641	Building Sites Damage to Adjoining	Building and Compliance	Compliance	Finalised	3/11/2022	7/11/2022
39071	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	27/10/2022	28/10/2022
38565	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	21/10/2022	22/10/2022
37955	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	14/10/2022	19/10/2022
37848	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	14/10/2022	14/10/2022
37835	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	13/10/2022	18/10/2022
37495	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	10/10/2022	10/10/2022
37491	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	10/10/2022	10/10/2022
37387	Private Trees TPO Breach	Open Space and Trees	Tree Management	Finalised	10/10/2022	20/10/2022
37269	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	7/10/2022	7/10/2022
37030	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	5/10/2022	10/10/2022
36115	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	23/09/2022	23/09/2022
36109	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	23/09/2022	24/09/2022
36107	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	23/09/2022	24/09/2022
33555	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	22/08/2022	23/08/2022
31663	Unauthorised building works private property	Building and Compliance	Compliance	Finalised	25/07/2022	28/07/2022
31544	Unauthorised building works private property	Building and Compliance	Compliance	Finalised	22/07/2022	28/07/2022
31273	Building Sites Hours of Work	Building and Compliance	Regulatory Services	Finalised	19/07/2022	19/07/2022
24460	Building Sites Noise	Building and Compliance	Regulatory Services	Finalised	14/04/2022	14/04/2022
24382	Illegal parking	Building and Compliance	Regulatory Services	Finalised	13/04/2022	13/04/2022

2. *What (if any) steps Council and /or the Hakoah Club has taken to resolve these complaints*

- Council staff have attended the site in response to each complaint. Penalty notices have been issued where appropriate. Formal warnings have also been given.
- Rangers have undertaken forty seven proactive checks of the site.
- Senior Council staff have met with representatives of Parkview Construction, the Hakoah Club and the private certifier for the site in late 2022. At this meeting issues at the site were discussed and improvements were agreed.
- Notably, Council staff have worked with Parkview Construction to improve their dust suppression system and sediment and erosion controls. Including the rebuilding of the

cattlegrid and a new drain to direct runoff from the existing pit to mitigate dust and sediment spillage.

3. *The extent to which any Penalty Infringement Notices or any other fines have been issued to Parkview Constructions and/or the Hakoah Club since construction began*

Penalty notices issued to Parkview Construction

Date of Offence	Offence Short Title	Suburb	Street	Penalty Amount
23/01/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
3/07/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
6/09/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
17/10/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
23/11/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
7/12/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
16/12/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
18/12/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000
24/12/2023	Development not accord consent - any other case - Corporation	PADDINGTON	ALMA STREET	\$6,000

4. *The outcome of complaints made by various residents to Council concerning construction works alleged to have occurred on Sunday, 24 December between approximately 7am to 10.30am?"*

Rangers attended the site and a penalty notice was issued for \$6,000.

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**QWN:** 17.2  
**From:** Councillor Price  
**Subject:** Questions with Notice - Mulch & Other Garden Supplies

**Councillor Price asking:**

Can the Director please outline Council's arrangements for purchasing mulch and other garden supplies. What (if any) steps does Council take to ensure that mulch purchased is free from any contaminants?

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

Following on from my e-mail to all Councillors on 15 February 2024 regarding WMC mulch usage we have been monitoring the situation since early January following the Rozelle Parklands issue and are ensuring proper processes are in place when dealing with third party products such as garden and playground mulch.

The majority of mulch that we utilise comes from our own Arborist team or a Council contracted Arborist company (therefore no third party is involved).

On those occasions that we do use externally supplied mulch, it is usually in sealed bag quantities therefore limiting contamination risks. For recent projects where externally supplied mulch was used our trained staff undertook visual inspections of the mulch at the time of spreading and no contamination was found. In addition, we have re-inspected those sites since January 2024.

I can confirm that checks carried out to date with our external suppliers have identified no association with mulch being sourced from the Greenlife Resource Recovery Facility and importantly we do not utilise recycled mulch products. In light of media reporting today, we will now be asking our suppliers to more thoroughly check their supply chains.

Our staff are highly aware of asbestos matters and do visual inspections of these products as they are used. If any suspect material was found appropriate actions would be taken at the time.

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**QWN:** 17.3  
**From:** Councillor Price  
**Subject:** Questions with Notice - Watsons Bay Trial Parking Arrangements

**Councillor Price asking:**

I refer to the trial 15 minute parking arrangements in Watsons Bay (the Trial Parking Arrangements) and the article in the Guardian dated 3 January 2024 stating that:

*‘... the government is now pursuing amendments to the overarching guidelines to ensure parking time limits cannot be set for less than one hour in these circumstances.’*

Can the Director of Infrastructure and Sustainability please outline what (if any) knowledge Council has of these proposed amendments and the impact any changes will have to the Trial Parking Arrangements?

**Director Infrastructure & Sustainability in response:**

TfNSW staff have verbally advised Council staff that they are currently reviewing the TfNSW Permit Parking Guidelines and will advise Councils of the updated Permit Parking Guidelines when published. There was no information provided to indicate what type of changes may be made, and therefore whether this will impact the current restrictions being trialled in Watsons Bay.

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**QWN:** 17.4  
**From:** Councillor Price  
**Subject:** Questions with Notice - Making the Harbour more Swimmable

**Councillor Price asking:**

Can the Director of Infrastructure and Sustainability please provide an update on the status of the Feasibility Study into making the harbour more swimmable (including but not limited to any water testing results).

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

Late last year water testing was undertaken by Sydney Water through the Urban Plunge Program. Various tests were conducted including Microbial Quality, Bacteria, Algae, Temperature, Chemical and Turbidity. The three locations that were tested were Yarranabbe Park, McKell Park and Steyne Park.

The results have been received and rate McKell Park and Yarranabbe Park with the best water quality, meeting the primary contact guidelines for swimming. These are the two locations that we will move forward with.

We have now been briefed on the results and the next step is to engage a suitable consultant to undertake some further feasibility studies (including ecological, physical hazards, heritage) and develop some broad concept designs and project costings. This request for quotation closes on 23 February 2024.

If reference to the original Notice of Motion, the City of Sydney will be consulted as part of the feasibility study.

We hope to be in a position to present the findings to Council in July 2024.

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**QWN:** 17.5  
**From:** Councillor Price  
**Subject:** Questions with Notice - Former Paddington Bowling Club Site

**Councillor Price asking:**

On 14 February 2022, Council resolved to initiate dialogue with the La Perouse Local Aboriginal Land Council to discuss their priorities and vision for the former Paddington Bowling Club Site and offer any appropriate support (including):

1. Seeking Federal or State funding and/or other grant opportunities for Aboriginal site conservation and education; and
2. Exploring other means of enhancing and protecting the heritage sensitivity of the Site.

Can the Director please outline how this resolution has been actioned?

**Director of Community and Customer Experience in response:**

Council continues to work collaboratively with La Perouse Aboriginal Land Council and meets regularly to discuss opportunities.

On the 20 February 2024, CEO Chris Ingrey advised the Director of Community and Customer Experience in respect to the former Paddington Bowling Club Site "We are waiting the outcome of the court proceedings before we consider any future use of the site. If the land is transferred to La Perouse we will be in touch with Woollahra to meet."

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

