



Ordinary Council

Monday 26 February 2024

6.30pm

Minutes



Ordinary Council Meeting

Monday 26 February 2024

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Ordinary Council Meeting

Minutes of the Meeting of Woollahra Municipal Council held using conferencing technology on, 26 February 2024 at 6.30pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Joined at 6.35pm during Item 12.1)
Sean Carmichael
Peter Cavanagh
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price (Joined at 6.34pm during Item 12.1)
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne
Toni Zeltzer

Staff: Fiona Aghili (Strategic Planner)
Rhys Johnson (Governance Coordinator)
Alison McNamee (Council Support Officer)
Sue Meekin (Director – Corporate Performance)
Tom O’Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Risk)
Anne White (Manager – Strategic, Planning & Place)

Also in Attendance: Jason Masters (Chair of Audit, Risk & Improvement Committee) was in attendance for consideration of Item 12.1 (Audit, Risk & Improvement Committee (ARIC) - Performance Report - 1 January 2023 to 31 December 2023).

1. Opening

The Mayor declared the Ordinary Council Meeting of 26 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.

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

Nil

6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION OF COUNCIL MEETING MINUTES DATED 12 FEBRUARY 2024
Author:	Sue O'Connor, Governance Officer
File No:	24/31522
Purpose of the Report:	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.
Alignment to Delivery Program:	Strategy 11.3: Ensure effective and efficient governance and risk management.

(Wynne/Silcocks)

20/24 Resolved:

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

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

For the Motion

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

13/0

Against the Motion

Nil

7. Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda General Manager & Officer Report Item 12.2.

8. Disclosures of Interest

Nil

9. Petitions Tabled

Nil

10. Mayoral Minute

Nil

11. Public Forum

Nil

12. General Manager and Officer's Report

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

Note: Jason Masters, Chair of Audit, Risk & Improvement Committee was in attendance for this Item.

Note: Councillor Price attended the meeting at 6.34pm.

Note: Councillor Swan attended the meeting at 6.35pm.

Note: Councillor Witt left the meeting, the time being 6.37pm.

Note: Councillor Witt returned to the meeting, the time being 6.38pm.

(Cavanagh/Zeltzer)

21/24 Resolved:

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.

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

For the Motion

Against the Motion

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

Nil

15/0

Item No: 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.

Note: Late Correspondence was tabled by Double Bay Residents' Association, The Paddington Society and Lyle Tamlyn, Council's Acting Team Leader Strategic Planning.

Note: Council amended Part B by adding new parts i. and ii. added new Parts C, D, E, F and G to the Resolution.

Note: The Recommendation was dealt with in seriatim (Part H) and then (Parts to A to G).

Note: Councillor Silcocks left the meeting, the time being 7.28pm.

Note: Councillor Silcocks returned to the meeting, the time being 7.47pm.

Note: Councillor Wynne left the meeting, the time being 7.50pm.

Note: Councillor Wynne returned to the meeting, the time being 7.51pm.

Note: Councillor Silcocks left the meeting, the time being 8.08pm.

Note: Councillor Silcocks returned to the meeting, the time being 8.14pm.

Note: Councillor Jarvis left the meeting, the time being 8.08pm.

Note: Councillor Jarvis returned to the meeting, the time being 8.09pm.

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

Note: Councillor Wynne returned to the meeting, the time being 8.11pm.

**Motion moved by Councillor Witt
Seconded by Councillor Carmichael**

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, and:

- i. Incorporate the minor amendments and enhancements suggested by Councillors during the Council meeting of 26 February 2024 and as circulated to staff via email;
 - ii. recognising the importance of keeping our community informed, plus reinforcing Council's strong opposition to the NSW State Government's proposed planning changes; that a Communication Strategy is developed to assist our community in further understanding the changes and how to engage with the NSW State Government.
- C. Opposes the NSW State Government's proposed changes to create low and mid-rise housing in its current proposed form (as set out in the Explanations of Intended Effects referred to in paragraph A) due to the issues raised in Council's draft submission (referred to in paragraph B), especially noting that the proposed "one size fits all" reforms:
 - i. fundamentally abandon best practice, place-based strategic planning;
 - ii. fail to consider the cumulative impacts of unplanned increased density on traffic, parking, heritage, infrastructure capacity, local character and the environment;
 - iii. do not address how the additional infrastructure and essential services, which are the responsibility of the NSW State Government to provide, required to support density and population growth will be adequately funded and delivered; and
 - iv. do not require the onsite delivery of a significant amount of affordable housing in perpetuity.
- D. Affirms that councils are best placed to appropriately plan for increased density in their municipalities in consultation with the NSW State Government and their local communities.
- E. Acknowledges that Woollahra Council is already meeting and exceeding NSW State Government housing targets, and already has a population density that is comparable to other global cities, and which is significantly higher compared to other areas in Greater Sydney.
- F. Writes to NSW Premier the Hon Chris Minns MP, the NSW Minister for Planning the Hon Paul Scully MP, the NSW Member for Vaucluse the Hon Kellie Sloane MP, the NSW Member of Sydney the Hon Alex Greenwich, the Federal Member for Wentworth the Hon Allegra Spender MP and the President of Local Government NSW Cr Darriea Turley AM, to:
 - i. express Council's strong opposition to the proposed changes as set out in the NSW State Government's Explanations of Intended Effects: changes to create low and mid-rise housing, for the reasons set out in Council's draft submission;
 - ii. request their support in ensuring that future planning reforms are developed in consultation with local government to ensure that they:
 - a. recognise and address infrastructure and traffic constraints, the importance of protecting residential amenity, heritage, local character, tree canopy and local natural environment; and
 - b. deliver genuinely affordable housing within a strategic, precinct-based framework supported by proper infrastructure planning; and
 - iii. release or request the release of the modelling and technical studies underpinning the proposed planning reforms for NSW.
- G. Send the draft submission referred to in paragraph B above in as a submission (with such changes as are deemed necessary by staff) to the NSW Legislative Council Inquiry into the development of the Transport Oriented Development Program commenced by the Terms of Reference published on 23 February 2024.
- H. Request the Department of Planning Housing and Infrastructure to hold a public meeting in the Woollahra LGA to inform residents of the consequences of the changes proposed by the Department and if the Department refuses that Woollahra Council hold its own public meeting for the same purpose.

Procedural Motion

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

THAT Recommendation Part H, then Parts A to G together, were considered in seriatim.

The Procedural Motion was put and carried.

**Moved by Councillor Grieve
Seconded by Councillor Robertson**

- H. Request the Department of Planning Housing and Infrastructure to hold a public meeting in the Woollahra LGA to inform residents of the consequences of the changes proposed by the Department and if the Department refuses that Woollahra Council hold its own public meeting for the same purpose.

Part H of the Recommendation was put and lost.

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

For the Motion

Councillor Grieve
Councillor Regan
Councillor Robertson
Councillor Witt

Against the Motion

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

4/11

Parts A to G of the Recommendation was put and carried.

(Witt/Carmichael)

22/24 Resolved:

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, and:
- i. Incorporate the minor amendments and enhancements suggested by Councillors during the Council meeting of 26 February 2024 and as circulated to staff via email;

- ii. recognising the importance of keeping our community informed, plus reinforcing Council's strong opposition to the NSW State Government's proposed planning changes; that a Communication Strategy is developed to assist our community in further understanding the changes and how to engage with the NSW State Government.
- C. Opposes the NSW State Government's proposed changes to create low and mid-rise housing in its current proposed form (as set out in the Explanations of Intended Effects referred to in paragraph A) due to the issues raised in Council's draft submission (referred to in paragraph B), especially noting that the proposed "one size fits all" reforms:
- i. fundamentally abandon best practice, place-based strategic planning;
 - ii. fail to consider the cumulative impacts of unplanned increased density on traffic, parking, heritage, infrastructure capacity, local character and the environment;
 - iii. do not address how the additional infrastructure and essential services, which are the responsibility of the NSW State Government to provide, required to support density and population growth will be adequately funded and delivered; and
 - iv. do not require the onsite delivery of a significant amount of affordable housing in perpetuity.
- D. Affirms that councils are best placed to appropriately plan for increased density in their municipalities in consultation with the NSW State Government and their local communities.
- E. Acknowledges that Woollahra Council is already meeting and exceeding NSW State Government housing targets, and already has a population density that is comparable to other global cities, and which is significantly higher compared to other areas in Greater Sydney.
- F. Writes to NSW Premier the Hon Chris Minns MP, the NSW Minister for Planning the Hon Paul Scully MP, the NSW Member for Vaucluse the Hon Kellie Sloane MP, the NSW Member of Sydney the Hon Alex Greenwich, the Federal Member for Wentworth the Hon Allegra Spender MP and the President of Local Government NSW Cr Darriea Turley AM, to:
- i. express Council's strong opposition to the proposed changes as set out in the NSW State Government's Explanations of Intended Effects: changes to create low and mid-rise housing, for the reasons set out in Council's draft submission;
 - ii. request their support in ensuring that future planning reforms are developed in consultation with local government to ensure that they:
 - a. recognise and address infrastructure and traffic constraints, the importance of protecting residential amenity, heritage, local character, tree canopy and local natural environment; and
 - b. deliver genuinely affordable housing within a strategic, precinct-based framework supported by proper infrastructure planning; and
 - iii. release or request the release of the modelling and technical studies underpinning the proposed planning reforms for NSW.
- G. Send the draft submission referred to in paragraph B above in as a submission (with such changes as are deemed necessary by staff) to the NSW Legislative Council Inquiry into the development of the Transport Oriented Development Program commenced by the Terms of Reference published on 23 February 2024.

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

For the Motion

Against the Motion

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

Nil

15/0

13. Reports of the Committees

Nil

14. Rescission Motion

Nil

15. Councillor Reports/Councillor Updates (Section 8.4)

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

Note: Councillor Silcocks left the meeting, the time being 8.15pm.

Note: Councillor Witt left the meeting, the time being 8.16pm.

Note: Councillor Witt returned to the meeting, the time being 8.18pm.

Note: Councillor Swan left the meeting, the time being 8.20pm.

Note: Councillor Carmichael left the meeting, the time being 8.21pm

Note: Councillor Zeltzer left the meeting, the time being 8.21pm

Note: Councillor Swan returned to the meeting, the time being 8.22pm.

General Item No: 15.1 Jewish Climate Network / Never Again is Now
Tabled by Councillor: Councillor Shapiro & Councillor Jarvis

Councillor Shapiro advised:

Thank you, Mr Mayor.

Last Wednesday night, 21 February 2024 I attended the Jewish Climate Network representing yourself. It's a local, not-for-profit organisation, which aims to educate the community and the new thing was the launch of Project Electrify. It was to teach the community and it was quite a large gathering there, how to electrify and what to do step-by-step. I was very happy to be there, both our State and Federal members were there and spoke. There were a lot of positive comments about Woollahra Council and our contribution to the debate, so I was very happy to be there.

On Sunday, 18 February 2024, together with Councillor Jarvis, and my family, I attended a rally of about 10 to 12,000 people, which was organised by the Christian community, called "Never Again is Now". It is a grassroots movement, a Christian grassroots movement to actively stand against anti-Semitism. This group believe that whatever people's views are on the war in Gaza, that all Australians should stand together in solidarity with the Jewish community. It was held at the Domain, there were people from all walks of life there, from all different communities. It was very comforting to me and to many others and I know there were a lot of many familiar faces from our local Woollahra Community. But it was very comforting to know that despite shocking anti-Semitism that we're seeing on the streets of Sydney and Melbourne, that there are still many decent peace-loving Australians who oppose anti-Semitism and want a safe, inclusive and cohesive society. So I thank Councillor Jarvis for joining me there and I think it was really an interesting event. Thank you.

The Mayor, Councillor Shields in response:

Thank you, Councillor Shapiro.

Councillor Jarvis further advised:

As Councillor Shapiro mentioned, there were at least over 10,000 people at “Never Again is Now” in relation to Christian communities supporting the Jewish community in relation to what is undoubtedly an increase in anti-Semitism. And we were saying “not, now, never”. It was pleasing to see our locals there, including the Reverend Michael Jensen and other dignitaries, including various politicians such as Jacqui Lambie, who gave quite outstanding speeches, as did Scott Morrison and Senator Hollie Hughes. Thank you.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.2 Marks Park Rise Memorial
Tabled by Councillor: Councillor Swan

The Deputy Mayor, Councillor Swan advised:

Thank you, Your Worship.

On the 24 February 2024, I attended Marks Park Rise Memorial at that park, with Councillor Carmichael, as well as members of the Bronte Surf Lifesaving Club. It was a memorial organised by that club, to commemorate the sufferings of so many innocent people in our community and to celebrate the progress towards a stronger society, and to commit to ongoing vigilance against all forms of prejudice, hate crimes and family violence. It was a particularly moving morning given recent news of violence and murder in the home. For many in the community, this is deeply shocking, including for me. I just wanted to congratulate the Bronte Surf Lifesaving Club for an excellent organisation and moving ceremony.

The Mayor, Councillor Shields in response:

Thank you, Councillor Swan.

General Item No: 15.3 Condolences to family and friends of Jesse Baird and Luke
Tabled by Councillor: Davies
Councillor Robertson and Councillor Witt

Councillor Robertson advised:

Thank you, Mr Mayor.

On behalf of my Paddington Ward colleagues, Councillor Cavanagh and Councillor Price, I would like to extend our deepest sympathies and condolences to the family and friends of Jesse Baird and Luke Davies, whose lives were tragically cut short just over a week ago. We would like to thank local residents for their cooperation with the ongoing police investigations, those who have led tributes at the Brown Street terrace, and donated to a GoFundMe page.

We would like to acknowledge that the ripple effects of this tragedy are far reaching and our hearts go out to all of those impacted, especially to the broader LGBTIQ+ community at this difficult time. Thank you, Mr Mayor.

The Mayor, Councillor Shields in response:

Thank you, Councillor Robertson.

Councillor Witt further advised:

Thank you, Mr Mayor.

I would just like to support Councillor Robertson's acknowledgement of this terrible tragedy in Paddington and also to commend our Police Force. I know it must be incredibly trying time for them as well. I think most of us, I'm sure all of us would agree we're very well served by our Police in this area and my heart just goes out to everyone who's been impacted by this terrible tragedy. Thanks.

The Mayor, Councillor Shields in response:

Thank you, Councillor Witt.

General Item No: 15.4 Acknowledgement of Woollahra Libraries / Author Vincent Silk
Tabled by Councillor: Councillor Price

Councillor Price advised:

Thanks very much, Mr Mayor.

I just wanted to acknowledge Woollahra Libraries. On Saturday 25 February 2024, I attended an author talk. It was Vincent Silk, who did a piece with the Youth Librarian, Lillian Silk, and it was to discuss his novel "Sisters of Diversity". It was really great to attend. I just wanted to thank everyone else who attended especially a lot of the LGBTIQ+ community and also their families. Thanks, Mr Mayor.

The Mayor, Councillor Shields in response:

Thank you, Councillor Price.

General Item No: 15.5 Condolences to the family of the Hon. Andrew Rogers / Rose Bay
Tabled by Councillor: Beach Working Party
Councillor Jarvis

Councillor Jarvis advised:

Thank you, Your Worship. There are a couple of things I wish to report on.

The funeral of the Honourable Andrew Rogers that was held with about 600 people present at St. Stephen's Church in the City on the 15th of February 2024. You, your Worship, myself and Councillor Swan I noticed were there where we went to support his family including his widow, the Honourable Helen Coonan. Officiating at the funeral was the Reverend Christopher Waterhouse, one of our locals, who is the rector at St. James. We heard from his daughters, Karen and Nicole, as well as the Chief Justice of the Supreme Court, the Honourable Justice Bell. I obviously extend all my condolences to Andrew's family. We were all touched by the fact that this was a remarkable man who had done much to improve the efficiency of law and mediation law in this State, and mediation around the world.

I want to report pleasingly, that today the Rose Bay Beach Working Party met for the first time since December 2022. A report I gathered will be coming up to the Environmental Planning Committee but relevantly, I think for all Councillors is the New South Wales Labor Government's proposal to pass the cost of Beachwatch, a program which monitors the state of our beaches and particulate pollution onto local Councils. We indicated our objection, which was twofold firstly, that Sydney Harbour knows no boundaries in terms of Council areas, and it really needs a whole-of-government approach. And secondly, in response to the Government's claims that the non-metropolitan Councils pay for the cost of Beachwatch.

Of course, those regional Councils manage the sewerage and therefore they take responsibility as does the State Government in relation to sewerage in our local areas.

The Mayor, Councillor Shields in response:

Thank you, Councillor Jarvis.

General Item No: 15.6 Ascham Primary School / Lysicrates Event / Pride Progress Flag
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

It was a pleasure for me to address the Ascham Primary School this morning talking about the role of the Mayor and the role of local Councillors in the very important third tier of government. I reinforced that we are a particularly progressive Council as far as gender representation. The girls were very excited when I said that the majority of Councillors of Woollahra are women. So, they are very excited by that. I also presented swimming awards.

Yesterday I went to the eighth Lysicrates event, which is attended by the Governor General, by the Governor, by the Premier, and other dignitaries. It's an amazing event, which goes through three plays that are done in a short period of time, and then you have to vote to see which is the best play in the traditional ancient Greek tradition, which was done thousands of years ago, so well done to the Chair, a fellow called John Azarias, who has led the way with this great artistic festival.

Also, a week and a half ago, I was accompanied by a number of Councillors to raise the Pride Progress flag. I did get a lot of apologies because it was done a little bit on short notice. I'll say that the people that were there were Kelly Sloane MP was there, Councillor Shapiro, Councillor Carmichael, I was there and I was also joined by David from Dayenu, which is a group that stands up for members of the Jewish LGBTQI+ community. I also had apologies from Councillor Robertson, Ms Spender MP, and Mr Greenwich MP. It was a particularly moving moment. I met a lady with a number "78-ers" on her t-shirt and I very embarrassingly said "Is that anything to do with the NBA?" And no, she was very proud to say that she first marched in the first gay and lesbian march in 1978. So it was a learning moment for me, I'm constantly learning. So it was good that I was educated in such a way.

I think we've touched on this before, we are blessed in that our members of the LGBTQI community predominantly are accepted and of course, there will always be an element of negativity. But we have progressed as a society, that if we look at where we've come from in 1978, to where we are now, we have moved along in leaps and bounds. It just further reinforces that any form of discrimination in our community is unacceptable and I was very proud to actually fly both the Israeli flag and the Pride Progress flag together. We can have debates about what's going on in the Middle-East but at this stage, with our community, the Jewish community experiencing in Australia a 738% rise in anti-Semitism, the Israeli flag represents a feeling of hope for Jewish people around the world that if anti-Semitism ever develops to such an extent as it did in World War Two, there is always a home for Jews. So I'm going to steer away from the tragedy that is happening in the Middle-East on both sides and I will just move towards the important democratic principles and the important safety principles, and tolerance principles that both flags represent.

16. Notices of Motion

Nil

17. Questions With Notice

(Wynne/Robertson)

23/24 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 Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

12/0

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
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	21/09/2023	

66492	Unauthorised use private property	Building and Compliance	Compliance	sediment controls 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
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	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	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	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
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

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.

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.

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 trialed in Watsons Bay.

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.

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."

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 8.30pm.

We certify that the pages numbered 61 to 84 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 26 February 2024 and confirmed by the Ordinary Meeting of Council on 11 March 2024 as correct.

General Manager

Mayor