



Ordinary Council

Monday 29 April 2024

After the Conclusion of Strategic & Corporate Committee

Agenda



Council Meeting

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

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

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

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
- **To submit late written correspondence (submit by 10.00am on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting.

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

If you are experiencing any issues in joining the meeting please call (02) 9391 7001.

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

Disclaimer:

By using conferencing technology or by teleconference, listening and/or speaking at Council meeting members of the public consent to their voice, image and personal information (including name and address) being recorded and publicly available on Council's website. Councillors, staff and members of the public are advised that meeting are being lived streamed, accessible via a link from Council's website.

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

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

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council or Committee meeting.

Any part of the meeting that is held in closed session will not be recorded.

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

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

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

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

Quorum: The quorum for Council meeting is 8 Councillors

Woollahra Municipal Council

Notice of Meeting

24 April 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 – 29 April 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 29 April 2024 – After the Conclusion of Strategic & Corporate Committee.**

Members of the Public may:

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

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

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

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

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

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting

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| 19. | Confidential Matters | Nil |
| 20. | Conclusion of the Meeting | |

6. Confirmation of Minutes

| | |
|---------------------------------------|---|
| Item No: | 6.1 |
| Subject: | CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 8 APRIL 2024 |
| Author: | Rhys Johnson, Coordinator Governance |
| File No: | 24/66267 |
| Purpose of the Report: | The Minutes of the Council of 8 April 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed. |
| Alignment to Delivery Program: | Strategy 11.3: Ensure effective and efficient governance and risk management. |

Recommendation:

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

Executive Summary:

This report presents the Minutes of the Council Meeting of 8 April 2024 for confirmation.

The Minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Minutes of the Council Meeting of 8 April 2024 are presented to the Council as a procedural matter. Any matter arising from the Minutes can be discussed.

The Minutes of the Council Meeting of 8 April 2024 have been reported to the Council Meeting on 29 April 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 by the Council Meeting 29 April 2024.

Attachments

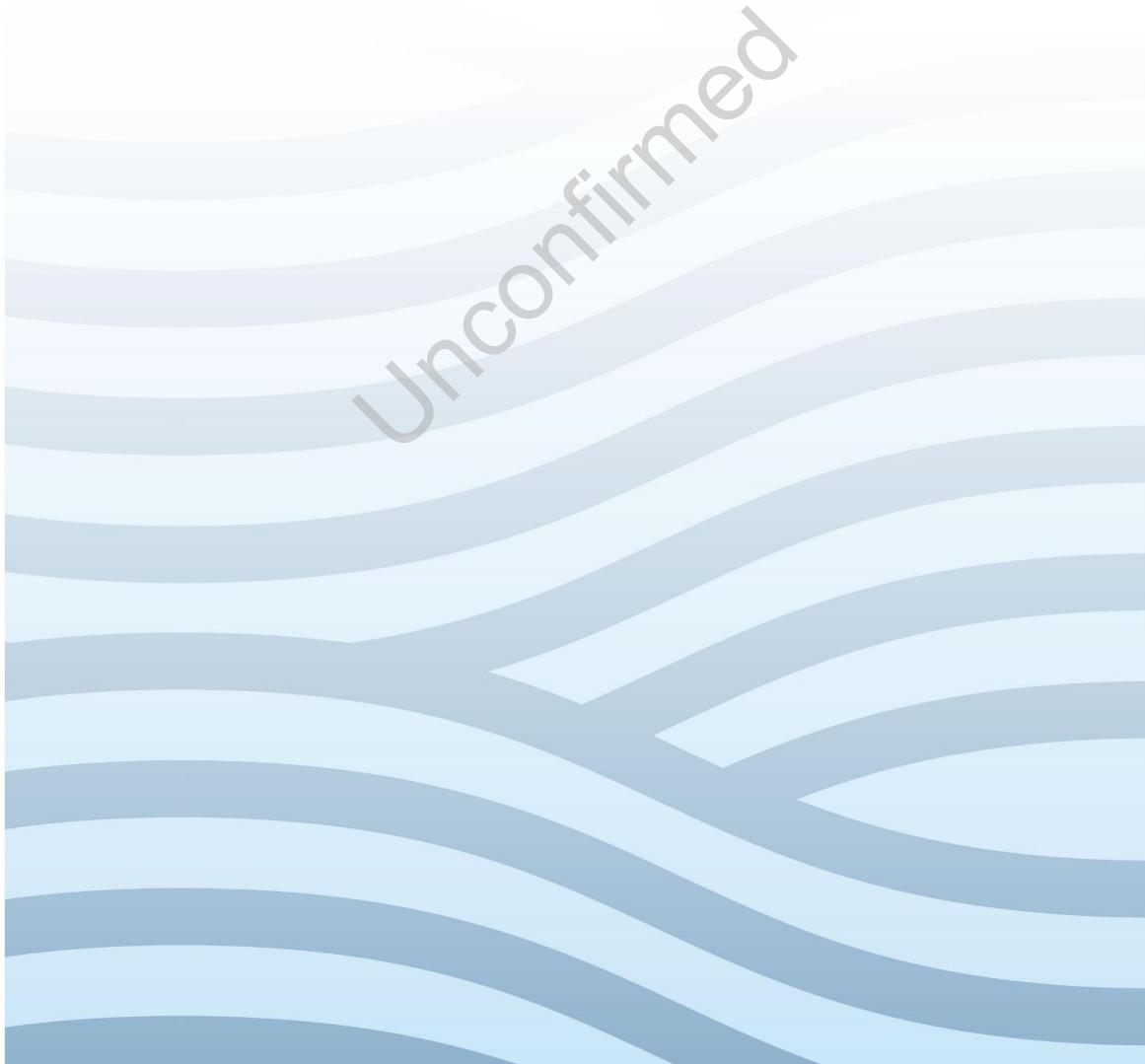
1. Unconfirmed Council Minutes 8 April 2024 [↓](#) 



Ordinary Council

Monday 8 April 2024
6.30pm

Minutes



Ordinary Council Meeting

Monday 8 April 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.**

Finance, Community & Services Committee held on Tuesday 02 April 2024

- D1 Confirmation of Minutes of Meeting held on 4 March 2024
- D2 Woollahra Local Traffic Committee Minutes - 5 March 2024

Environmental Planning Committee held on Tuesday 02 April 2024

- D1 Confirmation of Minutes of Meeting held on 4 March 2024
- D2 Ecological Sustainability Taskforce Meeting Minutes 12 March 2024, Including Climate Change Risk Assessment and Adaptation Plan

Unconfirmed

Woollahra Municipal Council
Ordinary Council Meeting Minutes

8 April 2024

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 8 April 2024 at 6.30pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Peter Cavanagh (via Zoom)
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson (via Zoom)
Isabelle Shapiro (via Zoom) (attended meeting at 6.36pm during Item 8)
Mark Silcocks
Merrill Witt
Susan Wynne (via Zoom)
Toni Zeltzer

Staff: Jennifer Chenhall (Manager – Governance & Risk)
Rhys Johnson (Governance Coordinator)
Zubin Marolia (Manager – Property & Projects)
Sue Meekin (Director – Corporate Performance)
Carolyn Nurmi (Governance Officer)
Patricia Ocelli (Acting General Manager)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Jody Rodas (Acting Director – Community & Customer Experience)
Anne White (Manager – Strategic Planning & Place) (via Zoom)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 8 April 2024 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Prayer

The Mayor read the Prayer:

Almighty God, you have given us a beautiful place to live in. We pray for your gift of wisdom that the decisions of this Council may benefit those we serve.

Be with us in our deliberations that this Municipality may know your blessing. Amen.

3. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Mayor read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

4. Acknowledgement of the Sovereign of the Day (King Charles III)

The Mayor read the following Acknowledgement of the Sovereign of the Day (King Charles III):

I also acknowledge, the King of Australia, King Charles III.

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

General Item No: 5.1 Audio Visual Link

(Swan/Zeltzer)

23/24

Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillor participation in the Council Meeting of 8 April 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Robertson
- Councillor Shapiro
- Councillor Wynne

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

Nil

14/0

Unconfirmed

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Ordinary Council Meeting Minutes

8 April 2024

6. Confirmation of Minutes

Item No: 6.1
Subject: **CONFIRMATION OF COUNCIL MEETING HELD ON 25 MARCH 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/44354
Purpose of the Report: The Minutes of the Council of 25 March 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Silcocks/Carmichael)

24/24 Resolved:

THAT the Minutes of the Council Meeting of 25 March 2024 be taken as read and confirmed.

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

For the Motion

Against the Motion

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

Nil

14/0

7. Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Item R1 and FC&S Item R7.

8. Disclosures of Interest

The Deputy Mayor, Councillor Swan declared a Significant, Non-Pecuniary interest in Item 13.2 R3 (Holdsworth Community Funding Agreement for 2024/25) as Councillor Swan is currently on the Holdsworth Board of Directors. Councillor Swan left the meeting at this item, did not participate in debate and did not vote on the matter.

Councillor Carmichael declared a Non-Significant, Non-Pecuniary interest in Item 13.2 R7 (Consideration of Tender Responses for the Lease and Operation of the Cooper Park Tennis

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Centre - Tender No. SC7818) as Councillor Carmichael knows a number of the persons named in the late correspondence submissions. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary interest in Item 13.2 R7 (Consideration of Tender Responses for the Lease and Operation of the Cooper Park Tennis Centre - Tender No. SC7818) as Councillor Jarvis knows a number of the persons named in the late correspondence submissions. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Councillor Witt declared a Non-Significant, Non-Pecuniary interest in Item 13.2 R7 (Consideration of Tender Responses for the Lease and Operation of the Cooper Park Tennis Centre - Tender No. SC7818) as Councillor Witt plays tennis at the Cooper Park Tennis Centre. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary interest in Item 13.2 R7 (Consideration of Tender Responses for the Lease and Operation of the Cooper Park Tennis Centre - Tender No. SC7818) as Councillor Zeltzer knows a number of the persons named in the late correspondence submissions. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

9. Petitions Tabled

Nil

10. Mayoral Minute

Nil

11. Public Forum

Nil

12. General Manager and Officer's Report

Nil

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13. Reports of the Committees

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Tuesday 2 April 2024 Submitted to the Council for Determination

| | |
|---------------------------------------|---|
| Item No: | R1 Recommendation to Council |
| Subject: | PLANNING PROPOSAL TO LIST EIGHT LOCAL HERITAGE ITEMS AND ONE HERITAGE CONSERVATION AREA IN AND AROUND THE EDGECLIFF COMMERCIAL CENTRE - ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL |
| Authors: | Eleanor Banaag, Senior Strategic Heritage Officer Kristy Welfare, Team Leader Heritage |
| Approvers: | Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place |
| File No: | 23/192929 |
| Purpose of the Report: | To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to list eight local heritage items and one heritage conservation area in, and around, the Edgecliff Commercial Centre in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014. |
| Alignment to Delivery Program: | Strategy 4.2: Conserving our rich and diverse heritage. |

Note: Late correspondence was tabled by Esther Hayter.

Motion moved by Councillor Carmichael
Seconded by Councillor Swan

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel from 20 October 2023 regarding the planning proposal to list local heritage items and one heritage conservation area in, and around, the Edgecliff Commercial Centre.
- B. Endorse the planning proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 2 April 2024 to list the following eight local heritage items and one heritage conservation area in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* (subject to the removal of 4 Oswald Street/Lot 12, DP 3893 from the planning proposal) and resolves to forward this to the Department of Planning, Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - i. 'Gruzman House', including interiors at 6–8 Oswald Street, Darling Point (Lot 3, DP 1197166).
 - ii. 'Winston House', including interiors at 20 New South Head Road, Edgecliff (SP 20728, SP 31826).
 - iii. 'Portland Hall', including interiors and gardens at 48 New South Head Road, Edgecliff (Lot 1, DP 82089; Lot 1, DP 1107185; Lot 1, DP 921798).
 - iv. 'Cobham', including interiors and gardens at 166 New South Head Road, Edgecliff (SP 90371).
 - v. 'Brantwood Court', including interiors and gardens at 168 New South Head Road, Edgecliff (SP 11580)

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- vi. 'Brantwood Hall', including interiors and gardens at 170 New South Head Road, Edgecliff (SP 86720)
 - vii. Victorian Georgian Terrace group – three cottages at 543–547 Glenmore Road, Edgecliff (Lots 34, 35 and 36, DP 255233).
 - viii. Phoenix Palms in Oswald Street Reserve, Oswald Street, Darling Point (Road Reserve).
 - ix. The Brantwood Heritage Conservation Area, comprising five buildings between 164-180 New South Head Road, Edgecliff:
 - a. 164 New South Head Road (SP 16897)
 - b. 166 New South Head Road (SP 90371)
 - c. 168 New South Head Road (SP 11580)
 - d. 170 New South Head Road (SP 86720)
 - e. 172-180 New South Head Road (SP 10535)
- C. Requests the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. Requests staff to organise a Councillor site visit for the property at 4 and 6-8 Oswald Street, Darling Point to allow Council to make a decision as to how to proceed with the heritage listing of 4 Oswald Street, Darling Point.

**Amendment moved by Councillor Silcocks
Seconded by Councillor Wynne**

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel from 20 October 2023 regarding the planning proposal to list local heritage items and one heritage conservation area in, and around, the Edgecliff Commercial Centre.
- B. Endorse the planning proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 2 April 2024 to list the following eight local heritage items and one heritage conservation area in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* (subject to the removal of 4 Oswald Street/Lot 12, DP 3893 from the planning proposal) and resolves to forward this to the Department of Planning, Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
- i. 'Gruzman House', including interiors at 6–8 Oswald Street, Darling Point (Lot 3, DP 1197166).
 - ii. 'Winston House', including interiors at 20 New South Head Road, Edgecliff (SP 20728, SP 31826).
 - iii. 'Portland Hall', including interiors and gardens at 48 New South Head Road, Edgecliff (Lot 1, DP 82089; Lot 1, DP 1107185; Lot 1, DP 921798).
 - iv. 'Cobham', including interiors and gardens at 166 New South Head Road, Edgecliff (SP 90371).
 - v. 'Brantwood Court', including interiors and gardens at 168 New South Head Road, Edgecliff (SP 11580)
 - vi. 'Brantwood Hall', including interiors and gardens at 170 New South Head Road, Edgecliff (SP 86720)
 - vii. Victorian Georgian Terrace group – three cottages at 543–547 Glenmore Road, Edgecliff (Lots 34, 35 and 36, DP 255233).
 - viii. Phoenix Palms in Oswald Street Reserve, Oswald Street, Darling Point (Road Reserve).
 - ix. The Brantwood Heritage Conservation Area, comprising three buildings between 164-172 New South Head Road, Edgecliff:

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- a. 166 New South Head Road (SP 90371)
- b. 168 New South Head Road (SP 11580)
- c. 170 New South Head Road (SP 86720)

- C. Requests the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. Requests staff to organise a Councillor site visit for the property at 4 and 6-8 Oswald Street, Darling Point to allow Council to make a decision as to how to proceed with the heritage listing of 4 Oswald Street, Darling Point.

The Amendment was put and lost.

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

For the Amendment

Councillor Silcocks
Councillor Wynne

Against the Amendment

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

The Motion was put and carried.

(Carmichael/Swan)

25/24 Resolved:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel from 20 October 2023 regarding the planning proposal to list local heritage items and one heritage conservation area in, and around, the Edgecliff Commercial Centre.
- B. Endorse the planning proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 2 April 2024 to list the following eight local heritage items and one heritage conservation area in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* (subject to the removal of 4 Oswald Street/Lot 12, DP 3893 from the planning proposal) and resolves to forward this to the Department of Planning, Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
- i. 'Gruzman House', including interiors at 6–8 Oswald Street, Darling Point (Lot 3, DP 1197166).
 - ii. 'Winston House', including interiors at 20 New South Head Road, Edgecliff (SP 20728, SP 31826).

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- iii. 'Portland Hall', including interiors and gardens at 48 New South Head Road, Edgecliff (Lot 1, DP 82089; Lot 1, DP 1107185; Lot 1, DP 921798).
 - iv. 'Cobham', including interiors and gardens at 166 New South Head Road, Edgecliff (SP 90371).
 - v. 'Brantwood Court', including interiors and gardens at 168 New South Head Road, Edgecliff (SP 11580)
 - vi. 'Brantwood Hall', including interiors and gardens at 170 New South Head Road, Edgecliff (SP 86720)
 - vii. Victorian Georgian Terrace group – three cottages at 543–547 Glenmore Road, Edgecliff (Lots 34, 35 and 36, DP 255233).
 - viii. Phoenix Palms in Oswald Street Reserve, Oswald Street, Darling Point (Road Reserve).
 - ix. The Brantwood Heritage Conservation Area, comprising five buildings between 164-180 New South Head Road, Edgecliff:
 - a. 164 New South Head Road (SP 16897)
 - b. 166 New South Head Road (SP 90371)
 - c. 168 New South Head Road (SP 11580)
 - d. 170 New South Head Road (SP 86720)
 - e. 172-180 New South Head Road (SP 10535)
- C. Requests the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. Requests staff to organise a Councillor site visit for the property at 4 and 6-8 Oswald Street, Darling Point to allow Council to make a decision as to how to proceed with the heritage listing of 4 Oswald Street, Darling Point.

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

For the Motion

Against the Motion

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

Nil

15/0

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Item No: R2 Recommendation to Council
Subject: **HERITAGE SIGNIFICANCE ASSESSMENT OF COOPER PARK GARAGE AT 104 MANNING ROAD, DOUBLE BAY**
Authors: Sagar Chauhan, Temp Heritage Officer
Kristy Wellfare, Team Leader Heritage
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/21279
Purpose of the Report: To respond to a Council resolution of 14th June 2022 to undertake an assessment of the potential heritage significance of Cooper Park Garage at 104 Manning Rd, Double Bay
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

(Carmichael/Swan)

26/24 Resolved without debate:

THAT Council:

- A. Note the recommendations contained in the Assessment of Heritage Significance prepared at **Attachment 1** of the Environmental Planning Committee report to 2 April 2024, which concludes that 'Cooper Park Garage,' at 104 Manning Rd Double Bay does not meet the threshold for listing as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.
- B. Take no further action to progress listing of Cooper Park Garage, Double Bay in the Woollahra Local Environmental Plan 2014.
- C. Note that this resolution (initiated by a Notice of Motion) is now closed.

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

For the Motion

Against the Motion

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

Nil

15/0

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Item No: R3 Recommendation to Council
Subject: **PROPOSED LOCAL PLANNING CONTROLS FOR BASKETBALL AND SPORTS COURTS**
Author: Eleanor Smith, Strategic Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/35176
Purpose of the Report: To respond to a resolution requesting staff to investigate new controls for basketball courts.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

(Carmichael/Swan)

27/24 Resolved:

THAT Council:

- A. Receive and note the report on proposed local planning controls for basketball and sports courts.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 2 April 2024, subject to making the terminology consistent by referring to "sports courts".

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

For the Motion

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

Against the Motion

Councillor Jarvis
Councillor Wynne
Councillor Zeltzer

12/3

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13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Tuesday 2 April 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **UPDATE ON THE WOOLLAHRA DOMESTIC AND FAMILY VIOLENCE
ACCOMMODATION AND SUPPORT PROGRAM**
Author: Vicki Munro, Manager Community & Culture
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 24/45501
Purpose of the Report: To provide an update on the Woollahra Domestic and Family Violence
Accommodation and Support Program provided by Women's Housing
Company.
Alignment to Delivery Program: Strategy 2.2: Understand needs of our community so that we can
facilitate access to support and services.

(Zeltzer/Grieve)

28/24 Resolved without debate:

THAT Council:

- A. Receive and note the Update on the Woollahra Domestic and Family Violence
Accommodation and Support Program – 2023/24 report.
- B. Request the Mayor write to NSW Government Minister of Communities and Justice to
advocate on behalf of women escaping domestic and family violence that the rental subsidy
applied under the Rent Choice Start Safely Program be increased to better reflect current
rental prices, especially for the Eastern Suburbs.

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

For the Motion

Against the Motion

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

Nil

15/0

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Item No: R2 Recommendation to Council
Subject: **PROPOSED OUTGOING SPONSORSHIP PROGRAM TO SUPPORT THE ARTS, COMMERCE, EVENTS AND OTHER CULTURAL ACTIVITIES**
Authors: Vicki Munro, Manager Community & Culture
Helen Tola, Manager Governance & Risk
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 24/48683
Purpose of the Report: To present a draft Outgoing Sponsorship Program to support the arts, commerce, events and other cultural activities for Council's consideration responding to the Notice of Motion adopted 12 February 2024.
Alignment to Delivery Program: Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

(Zeltzer/Grieve)

29/24 Resolved without debate:

THAT Council:

- A. Notes the report detailing how Council could establish a mechanism for the granting of outgoing sponsorship to organisations and/or events that meet certain criteria.
- B. Considers the endorsement of the creation of an Outgoing Sponsorship Program including appropriate resourcing.
- C. Endorses the draft changes to Council's existing Donations and Sponsorship Policy **Attachment 1** and proposed draft Outgoing Sponsorship Program **Attachment 2** in order to establish an Outgoing Sponsorship Program and that these documents be placed on public exhibition for 28 days with a further report to be presented to the Finance, Community & Services Committee and Council following the exhibition period.
- D. Notes the financial and resource implications as detailed in the report including \$50,000 for program funding and \$6,578 for casual staff resources to administer the program.
- E. Supports the budget to deliver the Outgoing Sponsorship Program be considered by Council as part of the development of the 2024-2025 budget, noting that due to the timing of the budget process this will be post public exhibition of the draft budget and as part of final budget consideration in June 2024.

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

For the Motion

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

Against the Motion

Councillor Price

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Councillor Wynne
Councillor Zeltzer

14/1

Item No: R3 Recommendation to Council
Subject: **HOLDSWORTH COMMUNITY FUNDING AGREEMENT FOR 2024/25**
Authors: Emma Rodgers-Wilson, Development Officer, Community & Culture
Maya Jankovic, Coordinator Community & Culture
Approvers: Vicki Munro, Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
File No: 24/19477
Purpose of the Report: This report is to consider Holdsworth Community's 2024/25 funding proposal.
Alignment to Delivery Program: Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Note: The Deputy Mayor, Councillor Swan declared a Significant, Non-Pecuniary interest in this item as Councillor Swan is currently on the Holdsworth Board of Directors. Councillor Swan left the meeting at this item, did not participate in debate and did not vote on the matter.

Note: The Deputy Mayor, Councillor Swan left the meeting, the time being 6.58pm.

(Zeltzer/Grieve)

30/24 Resolved:

THAT Council:

- A. Notes the Holdsworth accountability report for the period of 18 months (2022-23 and 6 month July 2023-December 2024), and funding proposal for 2024 -25 Financial year.
- B. Endorses the 2024/25 funding proposal for Holdsworth Community, totalling \$ 935,272 to be considered in the draft 2024/25 budget as follows:
- i. Navigating the MAC System \$ 227,327
 - ii. Aged Care Wellness Hub trial \$ 250,475
 - iii. Woollahra Dementia Alliance – Action Plan \$ 54,524
 - iv. Woollahra Connect Program \$ 198,220
 - v. Family Services \$ 204,726.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson

Against the Motion

Nil

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Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Witt
Councillor Wynne
Councillor Zeltzer

14/0

Item No: R4 Recommendation to Council
Subject: **WATSONS BAY LIBRARY - ACCESS HOURS PROJECT**
Author: Jody Rodas, Manager Woollahra Libraries
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 24/47070
Purpose of the Report: To seek support for installation of equipment that will allow community access to Watsons Bay Library during unstaffed times.
Alignment to Delivery Program: Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

Note: The Deputy Mayor, Councillor Swan returned to the meeting, the time being 7.02pm.

(Zeltzer/Grieve)

31/24 Resolved without debate:

THAT Council:

- A. Note the results of the community engagement carried out from 5 November 2023 - 11 December 2023 to implement community access hours at Watsons Bay Library in accordance with the Special Rates Variation funding granted.
- B. Agree for staff to proceed with the installation of equipment to enable extended community access to Watsons Bay Library during non-staffed times for a further 19 hours per week within the framework of the current development consent.
- C. Request a report be brought to Council following the operational trial between the period June 2024 – December 2024, to consider any further need for extension of community access hours beyond those proposed in this report.

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks

Nil

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Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

15/0

Item No: R5 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 29 FEBRUARY 2024
INVESTMENT HELD AS AT 31 MARCH 2024**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 24/49873
Purpose of the Report: To present the monthly financial report for February 2024 and to present a list of investments held as of 31 March 2024.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Grieve)

32/24 Resolved without debate:

THAT Council:

- A. Receive and note the Monthly Financial Report – February 2024.
- B. Note that the Council's 12-month weighted average return for February 2024 on its direct investment portfolio of 5.14% (LM: 5.12%, LY: 3.69%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.43%.
- C. Note that the interest revenue for the year to date February 2024 is \$3.44M, exceeding our revised year to date budget of \$1.96M for the same period.
- D. Receive and note the list of Council's investments held as of 31 March 2024 (provided as late correspondence).

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

For the Motion

Against the Motion

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

Nil

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Councillor Zeltzer

15/0

Item No: R6 Recommendation to Council
Subject: **REQUEST FOR TENDERS FOR THE LEASE AND OPERATION OF WATSONS BAY TEA ROOMS AT 8 MARINE PARADE, WATSONS BAY**
Author: Jim Allison, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/53427
Purpose of the Report: To inform Council of Officers' intention to invite Tenders for the lease and operation of Watsons Bay Tea Rooms
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Grieve)

33/24 Resolved without debate:

THAT Council resolves to initiate a Request for Tenders for the lease and operation of Watsons Bay Tea Rooms at 8 Marine Parade, Watsons Bay as a café.

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

For the Motion

Against the Motion

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

Nil

15/0

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Item No: R7 Recommendation to Council
Subject: **CONSIDERATION OF TENDER RESPONSES FOR THE LEASE AND OPERATION OF THE COOPER PARK TENNIS CENTRE - TENDER NO. SC7818**
Author: Jim Allison, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/46698
Purpose of the Report: To consider the tender for the Lease and Operation of the Cooper Park Tennis Courts, tender no. SC 7818
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Late correspondence was tabled by Alexandra Wenderoth, Evelyn & Mash, Jake Wakil, Fleur Lazarus, Kieran Newton, Nicki Waldner, Nick O'Sullivan, Alan Schliemann, Inken Martin, Neil Midalia, Cooper Park Tennis Team, Amanda Richardson, Sally Goodchild, Marianne Lacey, Andrew Parson, Colleen Kent, William Painter, Rudi Bakti, Judith Schulz, Michael & Mary Ann Buhagiar, Titto Chu, Amnon Gale, Brian Haddock, Jeremy Resnik, Philip Palmer, Larissa Cook, Barbara & Mark Tindale, Ralph Hilmer, Roger Sebel, Liberty Waldner, Michael McMahon, Alexander Berney, Michael Scarf, Merrill Du Boiesee, Marcus Fantl, Friends of Cooper Park, Zephyr Bloch-Jorgensen, Gary Donnison, Jill Jones, Mark Ridalgh, Antonela Masiello, Nimali Silva, Giuliana Testa, Caroline O'Brien, John & Sue Heffernan, David Goldstein, Stephen Fenton, Michelle O'Brien, Gerhard Benz, Christa Pritchard, Stephen Farrer, Sylvia Enfield, Graham Bookallil, Gill Nabarro, Nicholas Lucas, Lesley & Alan Goulburn, Mark Pritchard, Anthony Gleeson, Michael Ellis, Michael Bodey, Phil & Deborah Moliver, Philip Sewell, Annie Iredale, Dr Bruce Lackenby, Beatrice & Manfred Zimmer, Waverley College, Honza Cabejsek, Janice Eldershaw, Dr Shalini Loomba, Nathan Heazlewood, Wayne Mason, Don Livingstone, Lucy Walker, Shauna Anderson, Julie-Anne Scott, Sophie Macpherson, Harvey Carter, Keith Maloon, Irene Grootendorst, Michael Gottlieb, Phil Mendoza Jones, Theresa Power, Michael Fabian, Matthew Butler, Edmund Walkley, Marjorie Maydwell, Jane Prout, Mark Sheldon, Catherine Reitz, Sarah Morante, Mark Forstmann, Rebecca Caldwell, Tom Hodson, Richard Sebel, Carmel Doherty, and Doran Argaman.

Note: Councillor Carmichael declared a Non-Significant, Non-Pecuniary interest in this item as Councillor Carmichael knows a number of the persons named in the late correspondence submissions. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary interest in this item as Councillor Jarvis knows a number of the persons named in the late correspondence submissions. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Witt declared a Non-Significant, Non-Pecuniary interest in this item as Councillor Witt plays tennis at the Cooper Park Tennis Centre. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary interest in this item as Councillor Zeltzer knows a number of the persons named in the late correspondence submissions. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

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**Motion moved by Councillor Zeltzer
Seconded by Councillor Price**

THAT Council:

- A. Accepts the tender submitted by SSMG Voyager Operations Pty Ltd and enters into a lease agreement for a seven (7) year initial term plus a seven (7) years option term, at a commencement rent of \$290,000 per annum plus GST, with CPI annual increases and a review to market upon exercise of the option.
- B. Ensures the lease agreement includes a refurbishment commitment of \$926,408 plus GST, subject to any necessary development approval.
- C. Authorises the General Manager to execute all legal agreements required to enter into a lease agreement with SSMG Voyager Operations Pty Ltd.

The Motion was put and lost.

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

For the Motion

Councillor Cavanagh
Councillor Price
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Carmichael
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Swan
Councillor Witt

5/10

**A Foreshadowed Motion was advised by Councillor Jarvis
Seconded by Councillor Swan**

THAT Council:

1. In accordance of s178 (1) (b) of the *Local Government (General) Regulation 2021*, declines to accept any of the tender submissions for the lease of the Cooper Park Tennis Courts and Café, known as Tender SC7818.
2. Resolves in accordance with section 178 (3) (e) of the *Local Government (General) Regulation 2021* to enter into negotiations with Young Aces Cooper Park with a view to entering into a contract in relation to the lease and operation of the Cooper Park Tennis Centre on similar specifications as Tender SC7818 for reasons including the following:
 - i. Young Aces Cooper Park was ranked second in tender SC7818, which respects the tender process and responds to community sentiment; and
 - ii. It is a small-medium local business rather than a large organisation.

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3. In accordance with section 178 (4) of the *Local Government (General) Regulation 2021*, declines to invite fresh tender submissions as two tender processes have failed to determine an acceptable tenderer for Council.
- 4 Affirms its Resolution of 15 November 2023 that there be no multi-use sports use of the Centre and that this be specified in the draft lease.
5. Places great consideration on the supplier engendering a sense of community i.e. for our local community, and for future as well as current users, no matter what their proficiency or age.

The Foreshadowed Motion was put and carried.

The Foreshadowed Motion became the Motion.

The Motion was put and carried.

(Jarvis/Swan)

34/24 Resolved:

THAT Council:

1. In accordance of s178 (1) (b) of the *Local Government (General) Regulation 2021*, declines to accept any of the tender submissions for the lease of the Cooper Park Tennis Courts and Café, known as Tender SC7818.
2. Resolves in accordance with section 178 (3) (e) of the *Local Government (General) Regulation 2021* to enter into negotiations with Young Aces Cooper Park with a view to entering into a contract in relation to the lease and operation of the Cooper Park Tennis Centre on similar specifications as Tender SC7818 for reasons including the following:
 - i. Young Aces Cooper Park was ranked second in tender SC7818, which respects the tender process and responds to community sentiment; and
 - ii. It is a small-medium local business rather than a large organisation.
3. In accordance with section 178 (4) of the *Local Government (General) Regulation 2021*, declines to invite fresh tender submissions as two tender processes have failed to determine an acceptable tenderer for Council.
- 4 Affirms its resolution of 15 November 2023 there be no multi-use sports use of the Centre and that this be specified in the draft lease.
5. Places great consideration on the supplier engendering a sense of community i.e. for our local community, and for future as well as current users, no matter what their proficiency or age.

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 Silcocks

Against the Motion

Councillor Price
Councillor Shields
Councillor Zeltzer

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Councillor Swan
Councillor Witt
Councillor Wynne

12/3

14. Rescission Motion

Nil

Unconfirmed

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 Neighbour Day / Congratulations to Belinda Johnson and
Tabled by Councillor: Michelle Rose
Councillor Grieve

Councillor Grieve advised:

Thank you, Mr Mayor.

I have one brief congratulations. I'd like to congratulate the President of Rose Bay Community Garden, Belinda Johnson, all of her team and the executive team on delivering what is being spoken about as the most successful Neighbour Day with thanks to Woollahra Council for their sponsorship, for their help with providing some food for the barbeque, and also provided the wonderful Michelle Rose (Environmental Education Officer), who was in attendance all day and contributed a fantastic amount to the day. There were children, there was over 80 people there across the day. Everyone had a great time. Eight people signed up on the day and there were more who were coming who said they would commit and come and join us. So it was a fantastic day. It's what, I would say apart from the fun activities it was the best example of community and also the principles behind Neighbour Day. So thank you to all, especially to the executives down there.

The Mayor, Councillor Shields in response:

Thank you, Councillor Grieve.

General Item No: 15.2 Congratulations to Staff
Tabled by Councillor: Councillor Witt

Councillor Witt advised:

Just briefly, I did express this to Tom O'Hanlon (Director – Infrastructure & Sustainability), but I would like to would lay on the record because I was up at Christison Park on Saturday, and as everyone knows, we had torrential downpour and there was an incident where a big brick wall had fallen down. I just want to congratulate the staff because they're up there this morning addressing the issue. I phoned the out-of-hours line, I called it in and they were really gracious on the phone. I know they would have been incredibly busy. So I just really just wanted to thank the staff for what I'm sure was a really busy weekend for a lot of them addressing the problems in the Municipality. Thank you.

Thank you, Councillor Witt.

The Mayor, Councillor Shields further advised:

I will also reinforce the comments of Councillor Witt.

I felt like it was a damaging weekend with a couple of very important observations around my new home in Vacluse. But all jokes aside, one being a very serious concern, which was a live wire on the road at Old South Head Road. I called Mr O'Hanlon and within the course of half an hour there were emergency services vehicles, SES, electricity providers, utilities companies, and the area was cordoned off and within a few hours it was all complete. To Councillor Witt's point about the brick structure near the grandstand that had actually fallen down and torrents of water, these

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have been reported to Sydney Water but some of these problems take a while to address. But my point is that Mr O'Hanlon and his team and the SES acted very efficiently in addressing these and making safety measures the most important thing.

General Item No: 15.3 Local Government NSW
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

I had a meeting with the Local Government NSW President and the CEO of Local Government NSW, with staff as well in which we raised a number of key issues impacting our Council including the low to medium rise proposals by the New South Wales Government. Also we spoke about cost shifting and the position that this Council took, which was in alignment with Local Government NSW.

General Item No: 15.4 Easts Rugby Union Club Season Launch
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

On Friday I attended the East Rugby Season Launch which was a great event.

General Item No: 15.5 JCA Fundraising Event
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor, Councillor Shields advised:

Councillor Shapiro and I attended a JCA (Jewish Communal Appeal) event at the Opera House yesterday and the focus of that was to raise money to address ostensibly a huge rise in anti-Semitism that has impacted this community since October 7. JCA is a body that raises money for all different elements of the Jewish community. There was some fascinating speakers talking about anti-Semitism and the rise of anti-Semitism after October 7. And also, addressing that was a presentation by the former Minister for Foreign Affairs, Alexander Downer, and the former Prime Minister of Canada. So that was a very powerful event that Councillor Shapiro and I attended. Thank you.

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16. Notices of Motion

Nil

17. Questions With Notice

Nil

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 8.44pm.

We certify that the pages numbered 137 to 163 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 8 April 2024 and confirmed by the Ordinary Meeting of Council on 24 April 2024 as correct.

General Manager

Mayor

| | |
|---------------------------------------|--|
| Item No: | 6.2 |
| Subject: | CONFIRMATION OF MINUTES OF THE STRATEGIC & CORPORATE COMMITTEE MEETING HELD 24 APRIL 2024 |
| Author: | Rhys Johnson, Coordinator Governance |
| File No: | 24/66597 |
| Purpose of the Report: | The Minutes of the Strategic & Corporate Committee of 24 April 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed. |
| Alignment to Delivery Program: | Strategy 11.3: Ensure effective and efficient governance and risk management. |

Recommendation:

THAT the Minutes of the Strategic & Corporate Committee Meeting of 24 April 2024 be taken as read and confirmed as Late Correspondence.

Executive Summary:

This report presents the Minutes of the Strategic & Corporate Committee Meeting of 24 April 2024 for confirmation. The Minutes of the meeting are presented as **Late Correspondence** for adoption.

Discussion:

The Minutes of the Strategic & Corporate Committee Meeting of 24 April 2024 are presented to Council as a procedural matter. Any matter arising from the Minutes can be discussed. A copy of the Minutes are provided as **Late Correspondence** due to their preparation occurring subsequent to the publication of the Council Agenda for April 29 2024.

Options:

Submission of Minutes to the Council Meeting is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

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

Financial Implications:

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

Resourcing Implications:

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

Conclusion:

The Minutes are presented for confirmation by the Council Meeting 29 April 2024.

Attachments

Nil

10. Mayoral Minute

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

Recommendation:

THAT Council:

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

Discussion:

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

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

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

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

I would like to formally acknowledge the incredible work of police, emergency services, medical teams, first responders, shop staff, security personnel and members of the public, who all demonstrated such courage and compassion.

I have nothing but admiration for Inspector Amy Scott who ran towards danger with the intention of stopping the perpetrator and saving lives. Her act of public service is deserving of formal commendation.

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

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

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

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

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

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

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

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

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

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

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

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


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

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

Hotline - for Advice and connection to specialist mental health services 1800 011 511.

Lifeline 13 11 14, Kids Helpline 1800 55 1800, Beyond Blue 1300 22 46 36

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



Cr Richard Shields
Mayor of Woollahra

Attachments

Nil

Item No: 10.2
Subject: **REMEMBERING OUR ANZACS**
Author: Richard Shields, Mayor
File No: 24/66491
Purpose of the Report: To acknowledge the winners of the inaugural Mayoral Anzac Day Writing Competition.

The Mayor, Councillor Richard Shields will table this Mayoral Minute as Late Correspondence prior to the Council Meeting.

13.1 Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Wednesday 24 April 2024 Submitted to the Council for Determination

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| Item No: | R1 Recommendation to Council |
| Subject: | POST EXHIBITION REPORT ON THE DRAFT EDGECLIFF COMMERCIAL CENTRE PLANNING AND URBAN DESIGN STRATEGY |
| Authors: | Louise Menday, Consultant Strategic Planner Chinmayi Holla, Strategic Planner Lyle Tamlyn, Acting Team Leader Strategic Planning |
| Approvers: | Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place |
| File No: | 24/14218 |
| Purpose of the Report: | To report on the public exhibition of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and seek Council's endorsement. |
| Alignment to Delivery Program: | Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes. |
| Note: | The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination. |
| Note: | A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website. |

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| Item No: | R2 Recommendation to Council |
| Subject: | CROSS STREET CAR PARK REDEVELOPMENT - NEXT STEPS |
| Author: | Richard Pearson, Development Manager |
| Approver: | Tom O'Hanlon, Director Infrastructure & Sustainability |
| File No: | 24/62358 |
| Purpose of the Report: | Advise Council on recommended next steps for the Cross Street Car Park Redevelopment project. |
| Alignment to Delivery Program: | Strategy 9.1: Collaborating to achieve positive outcomes in our local centres which are hubs for jobs, shopping, dining and entertainment. |
| Note: | The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination. |
| Note: | A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website. |

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

Note: The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination.

Note: A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website.

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

Note: The outcome and Recommendation from the Strategic & Corporate Committee of 24 April 2024 in relation to this matter will be tabled as Late Correspondence and will be referred to this meeting for final determination.

Note: A copy of the Strategic & Corporate Committee Agenda dated 24 April 2024 is available via Council's website.

15. Councillor Reports/Councillor Updates (Section 8.4)

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

16. Notices of Motion

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

Recommendation:

The purpose of the Notice of Motion is to request that Council staff report back on the feasibility of:

- A. Requiring DA applicants to submit a pre-DA assessment, in accordance with the Australian Standard AS 4970 – Protection of Trees on Development Sites, located onsite and adjacent to the property for which a DA for demolition or major alterations and/or additions is being contemplated.

The purpose of the pre-DA assessment is to ensure that:

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

- B. Recommend any other measures that can further arrest the decline of tree canopy cover on private properties proposed for redevelopment.

Discussion

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

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

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

Unfortunately, the Urban Forest Strategy also acknowledges that matching the NSW Government's target of a 40% canopy cover across our Council area is unrealistic, primarily because not enough plantable space across the Council area (including public and private land) is available to plant the number of trees needed to achieve the target of 40%.

As a consequence, a still ambitious but more realistic target of 30% tree canopy cover by 2050 has been adopted.

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

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

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

Recent initiatives to increase tree canopy cover on private land

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

