

Ordinary Council



Agenda

Monday 25 October 2021

6.00pm

Meeting to be held using conferencing technology (refer to details over page)

Compliance with social distancing requirements to limit the spread of COVID-19 virus at Council and Committee Meetings:

Amendments have been made to the *Local Government Act 1993* to allow councils to meet remotely to reduce the risk of COVID-19 and ensure compliance with the Public Health Order.

In line with social distancing requirements to limit the spread of the COVID-19 virus Woollahra Council will be holding Council (i.e. Ordinary and Extraordinary) and Committee meetings (i.e. Environmental Planning (EP), Finance, Community & Services (FC&S) and Strategic & Corporate (S&C) remotely using conferencing technology (until further notice).

The Mayor, Councillors and staff will be participating in meetings by an audio-visual link instead of attending in person. Meetings will be webcast and member of the public can watch and listen to meetings live (via YouTube) or dial in to listen to the meetings using a telephone.

Members of the public are invited to watch and/or listen to Council meetings live by either using conferencing technology or by teleconference. Public participation online or by phone will be managed in accordance with meeting procedures.

You may also submit late correspondence. Instructions on how to do this are provided below:

- **To watch and/or listen to the meeting live (from 6.00pm)**
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 12noon 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 12noon on the day of the meeting.

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 or Committee 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. 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 and/or listening to a Council or Committee 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

21 October 2021

To: Her Worship the Mayor, Councillor Susan Wynne ex-officio
Councillors Richard Shields (Deputy Mayor)
Peter Cavanagh
Claudia Cullen
Luise Elsing
Mary-Lou Jarvis
Anthony Marano
Nick Maxwell
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Toni Zeltzer

Dear Councillors,

Ordinary Council – 25 October 2021

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held using teleconferencing technology, **on Monday 25 October 2021 at 6.00pm.**

Members of the public are advised that you may watch and listen to the meeting live via Council's website using conferencing technology.

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.

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

The safety of our community, Councillors and our staff is Council's number one priority and we thank you for your patience and understanding at this time.

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

Craig Swift-McNair
General Manager

Meeting Agenda

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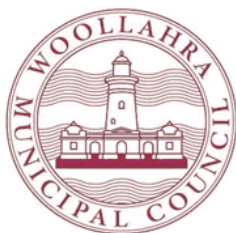
Item No: 5.1
Subject: CONFIRMATION OF MINUTES - COUNCIL - 27 SEPTEMBER 2021
Author: Sue O'Connor, Governance Officer
File No: 21/210280
Reason for Report: The Minutes of the Council Meeting of 27 September 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

THAT the Minutes of the Council Meeting of 27 September 2021 be taken as read and confirmed.

Annexures

1. Unconfirmed Minutes – Council Meeting - 27 September 2021 [↓](#) 



Ordinary Council



Minutes

Monday 27 September 2021

Ordinary Council Meeting

Monday 27 September 2021

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Items Determined Under Delegated Authority by Council Committees

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

Environmental Planning Committee held on Monday 13 September 2021

- D1 Confirmation of Minutes of Meeting held on 12 July 2021
- D2 Ecological Sustainability Taskforce Minutes - 16 August 2021

Finance, Community & Services Committee held on Monday 13 September 2021

- D1 Confirmation of Minutes of Meeting held on 9 August 2021
- D2 Woollahra Local Traffic Committee Minutes - 7 September 2021
- D3 Minutes of the Woollahra Plaques Advisory Committee meeting 27 July 2021
- D5 Investigation of the acquisition of the Charles Wentworth Memorial Church, 32B Fitzwilliam Road, Vacluse
- D6 Monthly Financial Report - August 2021

Unconfirmed



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
27 September 2021 at 6.00pm.**

- Present: Her Worship the Mayor, Councillor Susan Wynne
Councillors: Richard Shields (Deputy Mayor)
Peter Cavanagh
Claudia Cullen (Open to FC&S R6, 16.4, 16.5,
Luise Elsing
Mary-Lou Jarvis
Anthony Marano (Open to 12.6, EP R4, FC&S R2 to end)
Nick Maxwell (Open to 12.7, EP R3 to R6)
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Toni Zeltzer
- Staff: Sue Meekin (Director – Corporate Performance)
Carolyn Nurmi (Governance Officer)
Patricia Occelli (Director–Community & Customer Experience)–via Zoom
Tom O’Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place) – via Zoom
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Council Support)
Anne White (Manager Strategic Planning) – via Zoom (13.1 R4)

Also in Attendance: Nil

Note: Items 12.1 (Election of Mayor – September 2021 to December 2021), 12.2 (Election of Deputy Mayor – September 2021 to December 2021), 12.3 (Delegations of Authority to the Mayor & Deputy Mayor), 12.4 (Appointment of Standing Committees for the period 27 September 2021 to 4 December 2021 and Representation on Other Committees & Organisations), 12.5 (Council and Committee Meeting Schedule October, November & December 2021) and 12.6 (Sydney Eastern City Planning Panel (SECPP) Membership) were considered first.

Item 14.1 (Rescission Motion – Rose Bay Promenade) was considered followed by Item 16.9 (Notice of Motion - Rose Bay Promenade).

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Items 16.4 (Notice of Motion – Afghan), Item 16.5 (Notice of Motion - COVID Safe Elections), Item 16.6 (Notice of Motion - Mask Recycling), Item 16.8 (Notice of Motion - Protected Wash Areas), and Questions With Notice (17.1 to 17.6) will be considered at the 'Adjourned Council Meeting' on Wednesday 6 October 2021 at 6.00pm.

Unconfirmed

Woollahra Municipal Council
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Confirmation of Minutes

Item No: 5.1
Subject: **CONFIRMATION OF MINUTES COUNCIL - 23 AUGUST 2021**
Author: Sue O'Connor, Governance Officer
File No: 21/186047
Reason for Report: The Minutes of the Council of 23 August 2021 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.

(Elsing/Shields)

122/21 Resolved:

THAT the Minutes of the Council Meeting of 23 August 2021 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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Councillor Price

14/1

Woollahra Municipal Council
Ordinary Council Meeting Minutes

27 September 2021

Item No: 5.2
Subject: **CONFIRMATION OF EXTRAORDINARY MINUTES COUNCIL - 13 SEPTEMBER 2021**
Author: Sue O'Connor, Governance Officer
File No: 21/186061
Reason for Report: The Minutes of the Council of 13 September 2021 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.

(Shapiro/Silcocks)

123/21 Resolved:

THAT the Minutes of the Council Meeting of 13 September 2021 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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Leave of Absence and Apologies

Nil

Declarations of Interest

Councillor Robertson declared a Non-Significant, Non Pecuniary Interest in Item 16.4 (Notice of Motion – Afghan), as Councillor Robertson knows Linda Wilhelm, Don White and Rosie White who submitted late correspondence and are members of the Woollahra Greens. Councillor Robertson remained in meeting, participated in debate and voted on the matter.

Councillor Regan declared a Non-Significant, Non-Pecuniary Interest in Item 14.1 (Rescission Motion - Rose Bay Promenade) and Item 16.9 (Notice of Motion – Rose Bay Promenade), as Councillor Regan knows several community members that have submitted late correspondence. Councillor Regan remained in meeting, participated in debate and voted on the matter.

Councillor McEwin declared a Non-Significant, Non Pecuniary Interest in Item 16.4 (Notice of Motion – Afghan), as Councillor McEwin knows Linda Wilhelm, Don White and Rosie White who submitted late correspondence and are members of the Woollahra Greens. Councillor McEwin remained in meeting, participated in debate and voted on the matter.

Councillor Cavanagh declared a Non-Significant, Non-Pecuniary Interest in Item 14.1 (Rescission Motion - Rose Bay Promenade) and Item 16.9 (Notice of Motion – Rose Bay Promenade), as Councillor Cavanagh knows several community members that have submitted late correspondence. Councillor Cavanagh remained in meeting, participated in debate and voted on the matter.

Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in in Item 14.1 (Rescission Motion - Rose Bay Promenade) and Item 16.9 (Notice of Motion – Rose Bay Promenade), as Councillor Shapiro knows several community members that have submitted late correspondence. Councillor Shapiro remained in meeting, participated in debate and voted on the matter.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in in Item 14.1 (Rescission Motion - Rose Bay Promenade) and Item 16.9 (Notice of Motion – Rose Bay Promenade), as Councillor Zeltzer knows several community members that have submitted late correspondence. Councillor Zeltzer remained in meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in Item 14.1 (Rescission Motion - Rose Bay Promenade) and Item 16.9 (Notice of Motion – Rose Bay Promenade), as Councillor Jarvis knows several community members that have submitted late correspondence and is a regular walker on promenade. Councillor Jarvis remained in meeting, participated in debate and voted on the matter.

The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in Item 14.1 (Rescission Motion - Rose Bay Promenade) and Item 16.9 (Notice of Motion – Rose Bay Promenade), as Councillor Wynne knows several community members that have submitted late correspondence. The Mayor Councillor Wynne remained in meeting, participated in debate and voted on the matter.

Councillor Cavanagh declared a Non-Significant, Non Pecuniary Interest in Item 13.1 R1 (Planning Proposal – Heritage Listing of 165 O’Sullivan Road, Bellevue Hill and 16 Bunyula Road, Bellevue Hill), as Hugh Woodgate is Councillor Cavanagh’s number two at the upcoming election. Councillor Zeltzer remained in meeting, participated in debate and voted on the matter.

Councillor Zeltzer declared a Non-Significant, Non Pecuniary Interest in Item 13.1 - R1 (Planning Proposal – Heritage Listing of 165 O’Sullivan Road, Bellevue Hill and 16 Bunyula Road, Bellevue

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Hill), as Councillor Zeltzer knows some of the people putting in there submissions and objections. Councillor Zeltzer remained in meeting, participated in debate and voted on the matter.

Councillor Jarvis declared an Significant, Non-Pecuniary Interest in Item 16.3 (Notice of Motion - Online Mental Health First Aid Training), as her daughter works in the industry and owns a Counselling business. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item EP R1 & R3 - FC&S R6 - NOM 16.4, 16.7, 16.8 & 16.9 & QWN 17.1 & 17.3.

Petitions Tabled

Nil

Public Forum

Nil

(Zeltzer/Jarvis)

124/21 Resolved:

THAT Standing Orders be suspended to allow Council to consider Item 12.1 (Election of Mayor – September 2021 to December 2021), 12.2 (Election of Deputy Mayor – September 2021 to December 2021), 12.3 (Delegations of Authority to the Mayor & Deputy Mayor), 12.4 (Appointment of Standing Committees for the period 27 September 2021 to 4 December 2021 and Representation on Other Committees & Organisations), 12.5 (Council and Committee Meeting Schedule October, November & December 2021) and 12.6 (Sydney Eastern City Planning Panel (SECPP) Membership).

Adopted

The Mayor ruled and permitted the Suspension of Standing Orders.

Note: Please refer to Items 12.1 to 12.6 below for the relevant Council resolution.

(Zeltzer/Jarvis)

125/21 Resolved:

That Standing Orders be resumed.

Adopted

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Mayoral Minute

Item No: 10.1
Subject: COVID ADVOCACY
Author: Susan Wynne, Mayor
File No: 21/173063
Reason for Report: To provide a high-level overview of some of the activity and advocacy being undertaken in relation to COVID-19.

(Wynne/Shapiro)

126/21 Resolved:

THAT Council note the ongoing COVID-19 related advocacy being undertaken on behalf of our community.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

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Item No: 10.2
Subject: **POTENTIAL IMPACT OF THE ENVIRONMENTAL PLANNING & ASSESSMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2021**
Author: Susan Wynne, Mayor
File No: 21/178628
Reason for Report: To inform Council of the potential impact of the Environmental Planning and Assessment Amendment (infrastructure Contributions) Bill 2021.

Note: The Council added new Part C to the resolution.

(Wynne/Zeltzer)

127/21 Resolved:

- A. THAT Council note the information provided in the Mayoral Minute on the potential impact of the Environmental Planning & Assessment Amendment (Infrastructure Contributions) Bill 2021.
- B. THAT Council note that the NSW Minister for Planning & Public Spaces, the Hon. Rob Stokes MP stated in a letter dated Friday 17 September 2021 that he has committed to not progressing the Infrastructure Contributions Bill 2021 until after the full policy package is released for comment.
- C. THAT the Mayor writes to the NSW Minister for Planning & Public Spaces, the Hon. Rob Stokes MP and thanks the Minister for giving consideration to the input of Councils to date and for proposing that he will release a full policy package/paper and release it to the community and Council's for further comment.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

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General Manager and Officer's Report

Item No: 12.1
Subject: **ELECTION OF MAYOR (SEPTEMBER 2021 TO DECEMBER 2021)**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/62447
Reason for Report: To elect the Mayor of Woollahra Municipal Council for the period 27 September 2021 to 4 December 2021 following the postponement of the Local Government Elections.

Note: This Item was considered prior to Mayoral Minutes Items 10.1 and 10.2.

Note: The General Manager as Returning Officer advised that one (1) nomination for the position of Mayor was received by the General Manager by 5.00pm on 27 September 2021 and this was in writing for the position of Mayor.

Given there was only one (1) nomination, Councillor Wynne was elected as Mayor.

(Elsing/Regan)

128/21 Resolved:

THAT the General Manager be appointed as the Returning Officer for the election of the Mayor.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

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(Elsing/Shapiro)

129/21 Resolved:

- A. THAT the General Manager as the Returning Officer proceeds with the election of the Mayor of Woollahra in accordance with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* for the term 27 September 2021 to 12:01am 4 December 2021.
- B. THAT the Election of the Mayor be conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, and the result be declared by the General Manager (as Returning Officer);
- C. THAT the Mayor, Councillor Wynne be congratulated on appointment as the Mayor of Woollahra Municipal Council, serving from Monday 27 September 2021 until 12.01am on Saturday 4 December 2021.

Note: The Returning Officer then asked for a show of hands for the candidate nominated.
The result was as follows:
Councillor Susan Wynne 13 votes

Note: Councillor Susan Wynne was declared the Mayor of Woollahra from September 2021 to 4 December 2021.

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 Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen*
Councillor Robertson

13/2

Note: Councillor Cullen abstained and was recorded against the Motion.*

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Item No: 12.2
Subject: **ELECTION OF DEPUTY MAYOR (SEPTEMBER 2021 TO DECEMBER 2021)**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/186135
Reason for Report: To facilitate the election of Deputy Mayor of Woollahra Municipal Council for the period 27 September 2021 to 4 December 2021 following the postponement of the Local Government Elections.

Note: This Item was considered after Item 12.1.

Note: The General Manager as Returning Officer advised that two (2) nominations for the position of Deputy Mayor were received by the General Manager by 5.00pm on 27 September 2021 and were in writing for the position of Deputy Mayor.

These were:
Councillor Richard Shields
Councillor Matthew Robertson

The Returning Officer then asked for the meeting to determine the method of voting to be used to elect the Deputy Mayor. The Council determined Open Voting.

Note: The Council amended part B and part D of the resolution.

(Regan/Elsing)

130/21 Resolved:

THAT the General Manager be appointed as the Returning Officer for the election of the Deputy Mayor.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks

Nil

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Councillor Wynne
Councillor Zeltzer

15/0

(Elsing/Wynne)

131/21 Resolved:

THAT Council determine the method of voting for the Election of the Deputy Mayor as Open Voting (given more than 1 nomination was received).

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

(Elsing/Shapiro)

132/21 Resolved:

- A. THAT the General Manager as the Returning Officer proceeds with the election of the Deputy Mayor of Woollahra in accordance with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* for the term 27 September 2021 to 12:01am 4 December 2021.
- B. THAT Council determined the method of voting for the Election of the Deputy Mayor as Open Voting.
- C. THAT the Election of the Deputy Mayor be conducted in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, and the result be declared by the General Manager (as Returning Officer);

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- D. THAT the Deputy Mayor, Councillor Shields be congratulated on appointment as the Deputy Mayor of Woollahra Municipal Council, serving from Monday 27 September 2021 until 12.01am on Saturday 4 December 2021.

Note: The Returning Officer then asked for a show of hands for each of the candidates nominated. The result was as follows:

Councillor Matthew Robertson	4 votes
Councillor Richard Shields	10 votes

Note: Councillor Cullen abstained from voting.

Note: Councillor Richard Shields was declared the Deputy Mayor of Woollahra Municipal Council from September 2021 to 4 December 2021.

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 Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Councillor Cullen*
Councillor Price*

13/2

Note: Councillor Cullen abstained and was recorded against the Motion.*

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Item No: 12.3
Subject: **DELEGATIONS OF AUTHORITY TO THE MAYOR & DEPUTY MAYOR**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/188710
Reason for Report: To recommend that the existing delegations of authority to the Mayor and Deputy Mayor be extended to 4 December 2021.

Note: This Item was considered after Item 12.2.

(Elsing/Zeltzer)

133/21 Resolved:

- A. THAT the Delegations to the Mayor and Deputy Mayor contained in **Annexure 1** be adopted and extended until 12:00am on 4 December 2021.
- B. THAT a further review of the Delegations to the Mayor and Deputy Mayor be undertaken in in early 2022, post the Local Government Elections.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

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Item No: 12.4
Subject: **APPOINTMENT OF STANDING COMMITTEES FOR THE PERIOD 27 SEPTEMBER 2021 TO 4 DECEMBER 2021 AND REPRESENTATION ON OTHER COMMITTEES & ORGANISATIONS**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/161990
Reason for Report: To extend the appointment of Councillors to the three (3) Standing Committees and to extend the representation on other Committees & Organisations for the period to 4 December 2021, in light of the postponement of the 2021 Local Government Election.

Note: This Item was considered after Item 12.3.

(Elsing/Cavanagh)

134/21 Resolved:

- A. THAT Council resolve that the Standing Committee membership contained as **Annexure 1** be extended until 4 December 2021 (Local Government Elections) and remains as follows:
- i Finance, Community & Service (FC&S) Committee
Mayor, Councillor Susan Wynne (ex-officio)
Councillor Anthony Marano (Chair)
Councillor Richard Shields (Deputy Mayor)
Councillor Peter Cavanagh
Councillor Claudia Cullen
Councillor Megan McEwin
Councillor Harriet Price
Councillor Lucinda Regan
 - ii Environmental Planning (EP) Committee
Mayor, Councillor Susan Wynne (ex-officio)
Councillor Mary-Lou Jarvis (Chair)
Councillor Nick Maxwell (Deputy Chair)
Councillor Luise Elsing
Councillor Matthew Robertson
Councillor Isabelle Shapiro
Councillor Mark Silcocks
Councillor Toni Zeltzer
 - iii Strategic & Corporate Committee
All Councillors
- B. THAT the existing delegations provided as **Annexure 2** to the Environmental Planning (EP) Committee, Finance, Community & Services Committee and Strategic & Corporate Committee, remain in effect to 4 December 2021.

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- C. THAT Council notes that a report will be prepared for consideration by Council following the Local Government Election to determine the Standing Committee Membership.
- D. THAT the current membership to the existing Working Parties and Sub-Committees be extended until the 4 December 2021 and further review be undertaken post Council Election (i.e. in January 2022).

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

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

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Item No: 12.5
Subject: **COUNCIL AND COMMITTEE MEETING SCHEDULE OCTOBER, NOVEMBER & DECEMBER 2021**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/164453
Reason for Report: To present the Council and Committee Meeting Schedule for the period October, November and December 2021 for endorsement by Council.

Note: This Item was considered after Item 12.4.

(Elsing/Jarvis)

135/21 Resolved:

- A. THAT the Meeting Schedule for October, November & December 2021 presented as **Annexure 1**, be adopted.
- B. THAT a further report be prepared for consideration at the first Council Meeting following the 2021 Local Government Elections.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

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Item No: 12.6
Subject: **SYDNEY EASTERN CITY PLANNING PANEL (SECPP) - MEMBERSHIP**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/188699
Reason for Report: To extend the appointment period of Councillors to the membership of the Sydney Eastern City Planning Panel.

Note: This Item was considered after Item 12.5.

Note: The Council amended part A and part B and added new part C to the resolution.

(Elsing/Zeltzer)

136/21 Resolved:

- A. THAT Council resolves to extend the appointment of Councillor Zeltzer and Councillor Jarvis as the two (2) Councillor members of the Sydney Eastern City Planning Panel (SECPP) until 31 October 2021.
- B. THAT Council resolves to extend the appointment of Councillor Marano and Councillor Elsing as alternative Council members of the Sydney Eastern City Planning Panel (in the event of unavailability of members appointed) until 31 October 2021.
- C. THAT Council staff prepare a further report to the Ordinary Council Meeting on 25 October 2021 to determine any further extensions of the Sydney Eastern City Planning Panel (SECPP) representatives (i.e. from 1 November 2021 to the first meeting of the new Council in January 2022).

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

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Councillor Price

14/1

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Item No: 12.7
Subject: **SUBMISSION ON THE DRAFT NSW ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021**
Author: Louise Munday, Consultant Strategic Planner
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/173231
Reason for Report: To report to Council on the submission to the proposed Environmental Planning and Assessment Regulation 2021
To recommend that Council makes a submission to the proposed Environmental Planning and Assessment Regulation 2021

Note: The Council added Part C to the resolution.

(Elsing/Silcocks)

137/21 Resolved:

- A. THAT the report on the proposed *Environmental Planning and Assessment Regulation 2021* be received and noted.
- B. THAT Council endorse the draft submission to the *Department of Planning, Industry and Environment* as attached at **Annexure 1** of the report to Council of 27 September 2021.
- C. THAT Councillors provide any proposed additions or amendments on the submission to Director Planning and Place by 4 October 2021 for consideration (and if appropriate inclusion) prior to sending final document to the Department of Planning.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: 12.8
Subject: **UPDATE ON COVID-19 SUPPORT INITIATIVES**
Authors: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/180016
Reason for Report: To report on the progress on Council's support initiatives and activities including their budget impact in light of the current and ongoing lockdown due to the COVID-19 pandemic.

Note: The Council added Part C and Part D to the resolution.

(Robertson/Cullen)

138/21 Resolved:

- A. THAT Council note the information as included in this September 2021 COVID-19 Support Initiatives update report.
- B. THAT Council note the estimated financial impact of the current COVID-19 restrictions, including associated support initiatives is \$664,311 for the month of August 2021 and is estimated to be \$2,433,105 for the full 2021-2022 financial year, noting and that it this will increase should the current stay at home restrictions be extended beyond 30 September 2021.
- C. THAT Council requests staff work towards minimising the price charged to the public for accessing New Years' Eve vantage points.
- D. THAT Council staff explore the potential reuse of the 'happy banners' installed previously in our business centres.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 13 September 2021 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF 165 O'SULLIVAN ROAD BELLEVUE HILL AND 16 BUNYULA ROAD, BELLEVUE HILL**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/106822
Reason for Report: To recommend that Council resolves to prepare a planning proposal to list 165 O'Sullivan Road, Bellevue Hill (including interiors and garage) and 16 Bunyula Road, Bellevue Hill (including interiors) as local heritage items in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

Note: Councillor Cavanagh declared a Non-Significant, Non Pecuniary Interest in this Item, as Hugh Woodgate is Councillor Cavanagh's number two at the upcoming election. Councillor Zeltzer remained in 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 some of the people putting in there submissions and objections. Councillor Zeltzer remained in meeting, participated in debate and voted on the matter.

Note: Late correspondence was table by Hugh Woodgate & Paola Di Berardino.

Motion moved by Councillor Jarvis Seconded by Councillor Robertson

- A. THAT a planning proposal be prepared to list the 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill as local heritage items in Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal is referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

Amendment moved by Councillor Silcocks Seconded by Councillor Maxwell

THAT Council takes no further action in relation to the Heritage Listing of 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill.

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The Amendment was put and carried.

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

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Maxwell
Councillor Price
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne

Against the Motion

Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Zeltzer

9/6

**The Amendment became the Motion.
The Motion was put and carried.**

(Silcocks/Maxwell)

139/21 Resolved:

THAT Council takes no further action in relation to the Heritage Listing of 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill.

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

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Maxwell
Councillor Price
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Robertson

9/6

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Procedural Motion

(Wynne/Zeltzer)

140/21 Resolved:

THAT Item R1 – Planning Proposal – Heritage Listing of 165 O’Sullivan Road, Bellevue Hill and 16 Bunyula Road, Bellevue Hill be recommitted for the for further consideration.

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

For the Motion

Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Maxwell
Councillor Price
Councillor Silcocks
Councillor Wynne

10/5

Motion moved by Councillor Silcocks

Seconded by Councillor Maxwell

THAT Council takes no further action in relation to the Heritage Listing of ‘House, including interiors and garage’ at 165 O’Sullivan Road, Bellevue Hill and the ‘House, including interiors’ at 16 Bunyula Road, Bellevue Hill.

Amendment moved by Councillor Zeltzer

Seconded by Councillor Cavanagh

- A. THAT the Heritage Listing of ‘House, including interiors and garage’ at 165 O’Sullivan Road, Bellevue Hill and the ‘House, including interiors’ at 16 Bunyula Road, Bellevue Hill, be deferred to allow staff an opportunity to undertake a further site inspection of the interiors of the property (COVID allowing) and for a further independent Heritage Assessment to be undertaken (as a matter of urgency).
- B. THAT Council staff prepare a further report for consideration at the Environmental Planning Committee (as a matter of urgency).

The Amendment was put and carried.

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

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Zeltzer

Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Silcocks
Councillor Wynne

8/6

**The Amendment became the Motion.
The Motion was put and carried.**

(Zeltzer/Cavanagh)

141/21 Resolved:

- A. THAT the Heritage Listing of 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill, be deferred to allow staff an opportunity to undertake a further site inspection of the interiors of the property (COVID allowing) and for a further independent Heritage Assessment to be undertaken (as a matter of urgency).
- B. THAT Council staff prepare a further report for consideration at the Environmental Planning Committee (as a matter of urgency).

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 Cavanagh
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Zeltzer

Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Silcocks
Councillor Wynne

8/6

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Item No: R2 Recommendation to Council
Subject: **POST-EXHIBITION PLANNING PROPOSAL - HERITAGE LISTING OF HILLCREST, 780-786 NEW SOUTH HEAD ROAD, ROSE BAY**
Authors: Emma Williamson, Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/146125
Reason for Report: To report on the public exhibition of the planning proposal to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.
To obtain Council's approval to proceed with the finalisation of the planning proposal and the preparation of a draft LEP.

Motion moved by Councillor Silcocks
Seconded by Councillor Wynne

- A. THAT Council finalise the planning proposal at **Annexure 1** of the report to the Environmental Planning Committee meeting of 13 September 2021 which seeks to amend Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014* to list Hillcrest, including the Fig Tree, at 780-786 New South Head Road, Rose Bay (SP 30455) as a local heritage item.
- B. THAT Council make the local environmental plan as the local plan making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* as authorised by the Gateway Determination issued on 9 June 2021.

Amendment moved by Councillor Jarvis
Seconded by Councillor Zeltzer

- A. THAT Council finalise the planning proposal at **Annexure 1** of the report to the Environmental Planning Committee meeting of 13 September 2021 which seeks to amend Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014* to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay (SP 30455) as a local heritage item.
- B. THAT Council make the local environmental plan as the local plan making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* as authorised by the Gateway Determination issued on 9 June 2021.

The Amendment was put and carried.

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 Cavanagh
Councillor Elsing

Against the Amendment

Councillor Cullen
Councillor Price

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Councillor Jarvis	Councillor Silcocks
Councillor Marano	
Councillor McEwin	
Councillor Regan	
Councillor Robertson	
Councillor Shapiro	
Councillor Shields	
Councillor Wynne	
Councillor Zeltzer	

11/3

**The Amendment became the Motion.
The Motion was put and carried.**

(Jarvis/Zeltzer)

142/21 Resolved:

- A. THAT Council finalise the planning proposal at **Annexure I** of the report to the Environmental Planning Committee meeting of 13 September 2021 which seeks to amend Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014* to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay (SP 30455) as a local heritage item.
- B. THAT Council make the local environmental plan as the local plan making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* as authorised by the Gateway Determination issued on 9 June 2021.

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 Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Councillor Cullen
Councillor Price
Councillor Silcocks

11/3

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Item No: R3 Recommendation to Council
Subject: **COMMUNICATIONS STRATEGY FOR PUBLIC EXHIBITION OF THE DRAFT CROWN LAND PLANS OF MANAGEMENT, DRAFT RECREATION STRATEGY, & DRAFT PLAY SPACE STRATEGY**
Authors: Roger Faulkner, Team Leader - Open Space & Recreation Planning
Megan Holdsworth, Parks & Recreation Planner
Approvers: Paul Fraser, Manager - Open Space & Trees
Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/168751
Reason for Report: Resolution from Council meeting held on 5/07/2021

Note: Late correspondence was table by Paul Fraser, Council's Manager Open Space & Trees & Jan McCloskey.

(Price/Robertson)

143/21 Resolved:

- A. THAT Council receive and note the Communications Strategy for Public Exhibition of the Draft Crown Land Plans of Management, Draft Recreation Strategy, & Draft Play Space Strategy.
- B. THAT Council notes the late correspondence provided to Councillors in relation to the number of responses that were received during previous surveys relating to the Draft Crown Lands Plans of Management, Draft Recreations Strategy, & Draft Play Space Strategy.
- C. THAT the list of Stakeholders referenced in the report be expanded to include all schools and kindergartens as well as tenants of community facilities in open space.
- D. THAT local Members of Parliament be provided a briefing on the exhibited documents.
- E. THAT the pre-recorded digital presentation be provided to Councillors 4 weeks before it goes live.

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

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

13/2

Against the Motion

Councillor Marano
Councillor Maxwell

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Item No: R4 Recommendation to Council
Subject: **DELIVERY PROGRAM 2018 - 2022 AND OPERATIONAL PLAN 2020/21 SIX MONTHLY PROGRESS REPORT - JUNE 2021**
Authors: Petrina Duffy, Coordinator Strategy & Performance
Cheryle Burns, Manager - Business Assurance & Improvement
Approvers: Sue Meekin, Director Corporate Performance
Tom O'Hanlon, Director - Infrastructure & Sustainability
Patricia Occelli, Director Community & Customer Experience
Scott Pedder, Director - Planning & Place
File No: 21/177542
Reason for Report: To review the status of the Priorities and Actions in Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 for the six months ending 30 June 2021.

(Jarvis/Robertson)

144/21 Resolved without debate:

THAT the June 2021 Progress Report on Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 be received and noted.

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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 13 September 2021 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021
Author:	Henrietta McGilvray, Acting Chief Financial Officer
Approvers:	Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
File No:	21/169537
Reason for Report:	To present the Financial Statements for the year ended 30 June 2021 to the Committee, provide commentary on the budget result for 2020/21 and recommend to Council the adoption of Council's Statement in relation to the Financial Statements.

(Shields/Price)

145/21 Resolved without debate:

- A. THAT Council note Council's financial position at 30 June 2021 including:
 - i Net operating surplus for the year from continuing operations of \$627k
 - ii Net operating deficit for the year before grants and contributions provided for capital purposes of \$(4,278k)
 - iii A working funds balance of \$2,170k
- B. THAT Council note that Council exceeded four out of six of the Office of Local Government (OLG) Performance Ratio benchmarks for 2020-2021, being the:
 - i Own Source Operating Revenue Ratio
 - ii Unrestricted Current Ratio
 - iii Rates & Annual Charges Outstanding Percentage Ratio
 - iv Cash Expense Cover Ratio
- C. THAT Council note that the two OLG ratio benchmarks for 2020-2021 that Council did not meet were the:
 - i Operating Performance Ratio, with the result being negative 15.08%, with the OLG benchmark being greater than zero
 - ii Debt Service Cover Ratio, with the result being 0.14x, with the OLG benchmark being >2.00x.
- D. THAT Council note that the above-mentioned two OLG ratio benchmarks that were not met, were negatively impacted by a range of factors, with the two key factors, being the impacts of COVID-19 of \$4,051k and the one-off borrowing costs of \$6,450k which related to the one-off refinancing of some of Councils loans, with the refinancing of the loans adopted by Council on 22 March 2021.

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- E. THAT Council note that excluding the two above-mentioned abnormal items, the Operating Performance Ratio would have been negative 3.45% and the Debt Service Cover Ratio would have been 2.44x.
- F. THAT Council, having noted the statement of confirmation provided in the report by the General Manager and the Acting Chief Financial Officer (Responsible Accounting Officer) and the review by the Audit, Risk & Improvement Committee, adopt the following statement in relation to its Financial Statements for the year ended 30 June 2021:

That, in relation to the General Purpose Financial Statements for the year ended 30 June 2021, Council is of the opinion that:

The General Purpose Financial Statements have been prepared in accordance with:

- i. the Local Government Act 1993 (NSW) (as amended) and Regulations made thereunder;*
- ii. the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board;*
- iii. the Local Government Code of Accounting Practice and Financial Reporting*

and to the best of our knowledge and belief, these Financial Statements:

*present fairly Council's operating result and financial position for the year; and
accord with Council's accounting and other records;
and further, the signatories to the Statement, to the best of our knowledge and belief, are not
aware of any matter that would render the Statements false or misleading in any way.*

- G. THAT Council formally refer the General Purpose Financial Statements for the year ended 30 June 2021 for audit; and
- H. In anticipation of receiving the Auditor's Reports, sets the Finance, Community & Services Committee meeting to be held on Monday 11 October 2021 as the meeting at which the Financial Statements will be presented to the public.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

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Item No: R2 Recommendation to Council
Subject: **DELIVERY PROGRAM 2018 - 2022 AND OPERATIONAL PLAN 2020/21 SIX MONTHLY PROGRESS REPORT - JUNE 2021**
Authors: Petrina Duffy, Coordinator Strategy & Performance
Cheryle Burns, Manager - Business Assurance & Improvement
Approvers: Sue Meekin, Director Corporate Performance
Tom O'Hanlon, Director - Infrastructure & Sustainability
Patricia Occelli, Director Community & Customer Experience
Scott Pedder, Director - Planning & Place
File No: 21/175333
Reason for Report: To review the status of the Priorities and Actions in Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 for the six months ending 30 June 2021.

(Shields/Price)

146/21 Resolved without debate:

THAT the June 2021 Progress Report on Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 be received and noted, subject to the following amendments:

- A. Under priority 6.1.1 (on Page 62 of the DPOP attachment), the action described as *Implement actions from the Integrated Transport Strategy and the Active Transport Plan* should be yellow, not green.
- B. Under the Notice of Motion list as shown on Page 5 of the DPOP attachment, the item relating to SEPP Housing, should be shown as green only, indicating it is in progress, not as completed, being green with a tick.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R3 Recommendation to Council
Subject: **RE-ADVERTISED 2021/22 FEES & CHARGES**
Authors: Henrietta McGilvray, Acting Chief Financial Officer
Petrina Duffy, Coordinator Strategy & Performance
Approvers: Tom O'Hanlon, Director - Infrastructure & Sustainability
Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/176078
Reason for Report: To present to Council the submissions received as a result of the public exhibition of re-advertised 2021/22 Fees and Charges for selected items relating to Dinghy Storage, Filming and Still Photography, Fitness Training, Impounding, Parks and Reserves, Planning Requests, Roads and Footpaths and Traffic & Parking.

(Shields/Price)

147/21 Resolved without debate:

- A. THAT Council note the fourteen (14) submissions received in relation to re-advertised 2021/22 Fees and Charges for selected items relating to Dinghy Storage, Filming and Still Photography, Fitness Training, Impounding, Parks and Reserves, Planning Requests, Roads and Footpaths and Traffic & Parking in response to the public exhibition.
- B. THAT having considered the submissions received, Council adopt the exhibition copy of the re-advertised draft Fees & Charges 2021/22 subject to any other changes agreed at this Council meeting.
- C. THAT the adopted 2021/22 Schedule of Fees of Charges be updated on Council's website to reflect the decisions of this meeting.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R4 Recommendation to Council
Subject: **WILBERFORCE AVENUE CAR PARK REDEVELOPMENT**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/173764
Reason for Report: To seek Council approval to lodge the Development Application for redevelopment of Council's Wilberforce Avenue Car Park.

Note: Late correspondence was tabled by Richard Pearson, Council's Development Manager Strategic Properties.

Motion moved by Councillor Price
Seconded by Councillor Cullen

- A. THAT the Wilberforce Avenue Car Park redevelopment project proceed to lodgement of a Development Application consistent with the concept designs attached to this report.
- B. THAT a public meeting be held prior to the lodgement of the Development Application to explain the project and advise on how impacts are proposed to be managed.
- C. THAT Council note that further consideration is being given to funding options for the construction of the project and further advice will be provided to Council once DA approval has been achieved.
- D. THAT Council note that further consideration is being given to measures to offset the loss of car parking during construction of the project and that further advice will be provided to Council once DA approval has been achieved.
- E. THAT further information be provided to Council regarding suggestions made at the briefing on 16 August 2021.
- F. THAT Council seek advice from the design team on the inclusion of a pop up multi-use court and/or other recreational activities in the roof top to be incorporated into the design and this information be brought to the public meeting.

Amendment moved by Councillor Jarvis
Seconded by Councillor Shapiro

- A. THAT the Wilberforce Avenue Car Park redevelopment project proceed to lodgement of a Development Application consistent with the concept designs attached to this report.
- B. THAT a public meeting be held prior to the lodgement of the Development Application to explain the project and advise on how impacts are proposed to be managed.
- C. THAT Council note that further consideration is being given to funding options for the construction of the project and further advice will be provided to Council once DA approval has been achieved.
- D. THAT Council note that further consideration is being given to measures to offset the loss of car parking during construction of the project and that further advice will be provided to Council once DA approval has been achieved.

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- E. THAT further information be provided to Council regarding suggestions made at the briefing on 16 August 2021.

The Amendment was put and lost.

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

For the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

6/8

The Motion was put and carried.

(Price/Cullen)

148/21 Resolved:

- A. THAT the Wilberforce Avenue Car Park redevelopment project proceed to lodgement of a Development Application consistent with the concept designs attached to this report.
- B. THAT a public meeting be held prior to the lodgement of the Development Application to explain the project and advise on how impacts are proposed to be managed.
- C. THAT Council note that further consideration is being given to funding options for the construction of the project and further advice will be provided to Council once DA approval has been achieved.
- D. THAT Council note that further consideration is being given to measures to offset the loss of car parking during construction of the project and that further advice will be provided to Council once DA approval has been achieved.
- E. THAT further information be provided to Council regarding suggestions made at the briefing on 16 August 2021.
- F. THAT Council seek advice from the design team on the inclusion of a pop up multi-use court and/or other recreational activities in the roof top to be incorporated into the design and this information be brought to the public meeting.

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

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For the Motion

Councillor Cullen
Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

8/6

Item No: R5 Recommendation to Council
Subject: **PADDINGTON GREENWAY FEASIBILITY STUDY**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/173883
Reason for Report: To seek Council's approval to publicly exhibit the Paddington Greenway Feasibility Study.

Note: Late correspondence was tabled by Richard Pearson, Council's Development Manager Strategic Properties.

(Price/McEwin)

149/21 Resolved:

- A. THAT the Paddington Greenway Feasibility Study prepared by Civile Pty Ltd is not publicly exhibited at this time.
- B. THAT Council undertake the:
- i. site investigations and specialists studies; and
 - ii. design development to a level suitable for consultation
- as detailed in the memorandum dated 22 September 2021 to all Councillors.
- C. THAT on completion of the steps outlined in paragraph (B) (above), a further report be submitted to the Finance, Community and Services Committee.
- D. THAT Council prepare a briefing for the land owners of Walker Ave and 400 Glenmore Road to discuss the proposed Paddington Greenway (including but not limited to):
- i. the progress of the Feasibility Study;
 - ii. the further investigations to be carried out (at paragraph B (above)); and
 - iii. likely future steps and approximate timing.
- E. THAT Council notes that construction of the Paddington Greenway will be contingent on obtaining funding from the NSW Government and/or Federal Government and in this regard note that the State Government has identified the project in its 50 Year Vision for Greater Sydney's Open Space and Parkland released in May 2021.

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F. THAT Council write to:

- i. Dave Sharma MP;
- ii. Gabrielle Upton MP;
- iii. Minister Natalie Ward; and
- iv. Minister Rob Stokes

to ascertain what (if any) conditions might be included in the recent state and federal funding grants of \$15 million to the Hakoah Club concerning the creation of an easement on their land to facilitate the construction of the Paddington Greenway.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Item No:	R6 Recommendation to Council
Subject:	MINUTES OF THE INCLUSION (DISABILITY, AGED AND CARERS) ADVISORY COMMITTEE MEETING - 19 AUGUST 2021
Author:	Jacky Hony, Team Leader - Community Development
Approvers:	Vicki Munro, Interim Manager Community & Culture Patricia Occelli, Director Community & Customer Experience
File No:	21/162707
Reason for Report:	To table the Minutes of the inaugural Inclusion (Disability, Aged and Carers) Advisory Committee meeting held 19 August 2021.
Note:	Late correspondence was table by Patricia Occelli, Council's Director Community & Customer Experience.
Note:	The Council amended Part B of the Resolution.

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(Shapiro/Regan)

150/21 Resolved:

- A. THAT the Minutes of the Inclusion (Disability, Aged and Carers) Advisory Committee meeting held 19 August 2021 are received and noted.
- B. THAT the following items raised at the Inclusion (Disability, Aged and Carers) Advisory Committee meeting of 19 August 2021 be investigated by the relevant Council staff and reported back to future Inclusion (Disability, Aged and Carers) Advisory Committee meetings in due course:
- i. potential locations to facilitate access for mobility impaired people to the ocean and/or access to a hydrotherapy pool within the Municipality;
 - ii. potential installation of at least one fully accessible bathroom and toilet (including including adult sized change tables, a hoist, space to change, a shower with a fold down bench for sitting and MLAK locks);
 - iii. installation of handrails and drop down seating at Council outdoor shower facilities to help less able bodied people to use those facilities; and
 - iv. consideration on whether Council playgrounds can be adopted to focus not only on access but inclusion by installation of communication boards to encourage children living with a disability and children living without a disability to play together.
 - v.

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 Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Rescission Motion

Item No: 14.1
Subject: RESCISSION MOTION - ROSE BAY PROMENADE
From: Councillors Anthony Marano, Megan McEwin, Harriet Price and Matthew Robertson
Date: 22 September 2021
File No: 21/188373

Note: Councillor Regan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Regan knows several community members that have submitted late correspondence. Councillor Regan remained in meeting, participated in debate and voted on the matter.

Note: Councillor Cavanagh declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Cavanagh knows several community members that have submitted late correspondence. Councillor Cavanagh remained in meeting, participated in debate and voted on the matter.

Note: Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Shapiro knows several community members that have submitted late correspondence. Councillor Shapiro remained in 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 several community members that have submitted late correspondence. Councillor Zeltzer remained in 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 several community members that have submitted late correspondence and is a regular walker on promenade. Councillor Jarvis remained in meeting, participated in debate and voted on the matter.

Note: The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Wynne knows several community members that have submitted late correspondence. The Mayor, Councillor Wynne remained in meeting, participated in debate and voted on the matter.

Procedural Motion

151/21 (Elsing/Zeltzer)

Resolved:

THAT the Rescission Motion and Notice of Motion 16.9 (Rose Bay Promenade) be considered together.

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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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

14/0

(Marano/McEwin)

152/21 Resolved:

THAT the motion carried at the Extraordinary Council Meeting held on 13 September 2021 being Item Number 4.1 dealing with Rose Bay Promenade be rescinded.

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 Cullen
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Robertson
Councillor Silcocks
Councillor Wynne*

Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Zeltzer

7/7

Note: The Rescission Motion was carried on the casting vote of the Mayor.

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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 Sonja Griegoschewski - Goethe Institute in Australia
Tabled by Councillor: Marano

Cr Marano advised:

I would like to pay tribute to Sonja Griegoschewski former Director of the Goethe Institute in Australia, whose term has expired and she has now gone back to Germany. One of the greatest pleasures I have had in my nine years at Woollahra is working with Sonja. Sonja has been here for six years as the Director with her husband Florian and she was just a pleasure to deal with and whether it was discussing the restoration of the building, which I must say, they have almost finished now and they have put on a new roof and they are restoring the building to its original heritage colours to get rid of all the mission brown. The German Government is spending a couple of million dollars on the building, which is fantastic, and the other projects were the restoration of the Eureka Gardens, the restoration of the fountain that Councillor Elsing was very keen to get done and of course the installation of the incredible 'Berlin Wall' which is the largest piece of the Wall in Australia. We are just hoping that the frogs may come back, who took a vacation.

I regard Sonja as a friend, she was such a friend of Woollahra Council, she was so passionate and inclusive and the cultural events that they did were incredible but unfortunately COVID just ruined everything in her last year and so many events planned and we couldn't do anything. I managed to go to the only event they had this year which was a night of opera, they had 3 opera singers and I went along and it was COVID safe everyone had masks on and it was just incredible and then that was it. Then the lockdown came and everything finished and they wanted to do another event for the 'Berlin Wall' because it was the 30th Anniversary when the actual Wall came down but then that was cancelled and then we talked about doing something smaller and then Sonja was hanging out for the German Cultural Day which was proposed, so it was very sad and then she was going to have farewell lunches and dinners.

We couldn't have a farewell lunch, so the last get together, and I will never forget this, was in the pouring rain, I went into the city to meet Sonja in Hyde Park near the Anzac War Memorial and we stood there with our masks on and our umbrellas where we had a chat in the pouring rain, that's all we could do and we had a takeaway coffee. I have a photo of the 2 of us in our masks and that was it, on Friday she was gone. She is now going to be the Regional Director for the whole of Europe and it is a wonderful promotion for her and her successor is Dr Christoph Mucher who officially started on the 1 September 2021. He is doing his work from his home office in Germany because he hasn't been able to arrive here as yet. So anyway, I am sure we are in good hands but I just wanted to pay tribute to Sonja and thought maybe if the Mayor felt so inclined, with all the other letter she has to write, maybe she could write a letter on behalf of the Council to Sonja.

The Mayor, Councillor Wynne in response:

I would be more than happy to do that.

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General Item No: 15.2 Ideas Exchange
Tabled by Councillor: Price
Cr Price advised:

I had the pleasure of attending the 'Ideas Exchange' which was organised by the Library the topic was 'Racism Bridging Difference in a Pandemic World'.

The Library staff really co-ordinated a very impressive panel which included our current Race Discrimination Commissioner, Chin Tan and Kerry Williams who is ABC Indigenous Affairs Manager and also Thomas Mayor who is a Signatory and also one of the authors of the 'Uluru Statement from the Heart'. The actual panel discussion it was well facilitated by Michaela Kalowski who does a lot of our panel discussions. It was really thought provoking and I think very timely given that we all have just seen the new signs that have been put up around the Local Government Area.

I just wanted to really thank everyone for their involvement and the Library staff and obviously the contribution of the panel members and I congratulate everyone involved.

Procedural Motion

Motion moved by Councillor Elsing
Seconded by Councillor Robertson

THAT the Oxford Street Heritage be considered at this Council Meeting.

The Procedural Motion was put and lost.

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

For the Motion

Councillor Elsing
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis*
Councillor Marano
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

6/7

The Procedural Motion was lost on the casting vote of the Mayor.

Note: Councillor Jarvis abstained and was recorded against the Motion.*

Note: In accordance with the provisions of the Code of Meeting Practice (Cl 326 (a)), the Council determined that the matter not be considered at the Council meeting.

Note: Should Councillors wish to submit a Notice of Motion in relation to this matter for consideration at the Ordinary Council Meeting on the 25 October 2021, this would allow Councillors and the community to further consider this matter, in the event of a Notice of Motion being formally submitted.

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Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - HERITAGE ADVISORY COMMITTEE
From: Councillors Lucinda Regan and Luise Elsing
Date: 23 August 2021
File No: 21/164153

(Regan/Elsing)

153/21 Resolved:

THAT:

- A. Council investigate and report on the opportunity to create a Heritage Advisory Committee with at least 3 Councillor representatives drawn from a cross section of political parties and independents, which will help inform decisions that relate to heritage matters in the municipality and which could preside over grants sought by heritage societies in the community to support their efforts to save heritage.
- B. Consideration be given to tasking the Heritage Advisory Committee to provide strategic advice to Council about the municipality's built, Aboriginal and natural heritage by:
- i reviewing strategic planning processes to ensure that heritage matters are given due consideration;
 - ii assisting to identify, manage, conserve and promote of places of heritage significance; and
 - iii promoting community participation and awareness of heritage issues.
- C. Consideration be given to including representatives on the Committee from:
- i members of the Woollahra community who have expertise, passion and/or skills in relation to heritage;
 - ii local historical, cultural or museum related entities; and
 - iii Heritage NSW, the State Government body.

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

For the Motion

Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

7/6

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Procedural Motion

(Robertson/Elsing)

154/21 Resolved:

THAT the time of the ordinary Council meeting be extended to 11.30pm to consider NOM 16.7 (Draft Edgecliff Commercial Centre Planning & Urban Design Strategy (The Draft Strategy)).

Item No: 16.2
Subject: NOTICE OF MOTION - DEVELOPMENT APPROVALS & CHANGE OF USE FOR PUBLIC ASSETS
From: Councillors Lucinda Regan, Isabelle Shapiro and Matthew Robertson
Date: 23 August 2021
File No: 21/164126

(Regan/Shapiro)

155/21 Resolved without debate:

THAT Council ensure that if Owner's Consent is required in relation to any Development Application or significant S4.55 Modification Application for work to a public property asset within Council ownership and/or control, that Owner's Consent is not granted unless it has been approved at full Council via recommendation from the appropriate Council Standing Committee, noting that Council reserves its rights to conduct community consultation on such a matter if it deems appropriate.

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 Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

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Procedural Motion

(Price/Wynne)

156/21 Resolved:

THAT the Council meeting be extended to 11.40pm, to consider the NOM 16.3 Online Mental Health First Aid Training.

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 Jarvis
Councillor Marano
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Councillor Elsing
Councillor McEwin

11/2

Item No: 16.3
Subject: NOTICE OF MOTION - ONLINE MENTAL HEALTH FIRST AID TRAINING
From: Councillors Isabelle Shapiro and Susan Wynne
Date: 13 September 2021
File No: 21/179791

Note: Councillor Jarvis declared an Significant, Non-Pecuniary Interest in this Item, as her daughter works in the industry and owns a Counselling business. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

(Shapiro/Wynne)

157/21 Resolved:

THAT Council as a matter of urgency, investigates the most appropriate and cost-effective way to offer online Mental Health First Aid courses during the COVID pandemic to Woollahra residents, including Youth Mental Health First Aid and Mental Health First Aid for seniors.

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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 Cavanagh
Councillor Cullen
Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Procedural Motion

THAT the remaining items be considered at the Adjourned Council Meeting on Wednesday 6 October 2021 (i.e. 16.4 (Notice of Motion – Afghan), 16.5 (Notice of Motion – COVID Safe Elections), 16.6 (Notice of Motion – Mask Recycling), 16.8 (Notice of Motion – Protected Wash Areas) and Questions with Notice (17.1 to 17.6).

Item No: 16.4
Subject: **NOTICE OF MOTION - AFGHAN**
From: Councillors Matthew Robertson and Megan McEwin
Date: 16 September 2021
File No: 21/183864

Note: This Notice of Motion will be considered at the 'Adjourned Council Meeting' to be held on Wednesday 6 October 2021 at 6.00pm.

Item No: 16.5
Subject: **NOTICE OF MOTION - COVID SAFE ELECTIONS**
From: Councillors Harriet Price, Lucinda Regan and Luise Elsing
Date: 21 September 2021
File No: 21/187571

Note: This Notice of Motion will be considered at the 'Adjourned Council Meeting' to be held on Wednesday 6 October 2021 at 6.00pm.

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Item No: 16.6
Subject: **NOTICE OF MOTION - MASK RECYCLING**
From: Councillor Harriet Price
Date: 22 September 2021
File No: 21/187851

Note: This Notice of Motion will be considered at the 'Adjourned Council Meeting' to be held on Wednesday 6 October 2021 at 6.00pm.

Item No: 16.7
Subject: **NOTICE OF MOTION - DRAFT EDGECLIFF COMMERCIAL CENTRE PLANNING & URBAN DESIGN STRATEGY (THE DRAFT STRATEGY)**
From: Councillors Harriet Price, Luise Elsing and Lucinda Regan
Date: 22 September 2021
File No: 21/187861

Note: Late correspondence was table by Malcolm Young of Double Bay Residents Association, The Paddington Society, The Darling Point Society, Kathryn Wyer of Montessori East, Graham Cooksley, Colleen Bray, JP Cummings & AM Harrison, Saul Michaelis, Anthony Tregoning of Double Bay Residents Association.

Motion moved by Councillor Price
Seconded by Councillor Elsing

A. THAT Council notes:

- i. its resolution of 26 April 2021;
- ii. the correspondence from the Darling Point Society to the Mayor dated 9 September 2021;
- iii. the correspondence from the Paddington Society to the Mayor, General Manager and Councillors, dated 12 September 2021;
- iv. correspondence from the community;
- v. that the General Manager extended the Public Exhibition of the Draft Strategy to 30 September 2021;
- vi. that on 13 September 2021, the Mayor ruled that the Notice of Motion circulated for consideration at the Extraordinary General Meeting not to be of great urgency; and
- vii. its Community Engagement Policy and Community Participation Plan, specifically that:

*'Council actively seeks out and listens to the views, concerns and aspirations of our community, to help us make decisions that are informed, representative and in the best interest of the whole community.'*¹

- B. THAT Council resolves to extend the public exhibition of the Draft Strategy period from 31 May – 30 September 2021 to 31 May - 12 November 2021, including:
- i. community consultation as provided for in Council's resolution of 26 April 2021; and
 - ii. re-scheduling the pop-up information sessions scheduled for:
 - Rushcutters Bay Park on 14 August 2021;
 - Edgecliff Station (McLean Street Entrance) on 18 August 2021; and
 - Edgecliff Station (New South Head Road entrance) on 19 August 2021.

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1 Woollahra Community Participation Plan 25 November 2019 at p. 3

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 Elsing
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

6/7

Item No: 16.8
Subject: NOTICE OF MOTION - PROTECTED WASH AREAS
From: Councillors Susan Wynne and Toni Zeltzer
Date: 22 September 2021
File No: 21/188399

Note: This Notice of Motion will be considered at the 'Adjourned Council Meeting' to be held on Wednesday 6 October 2021 at 6.00pm.

Item No: 16.9
Subject: NOTICE OF MOTION - ROSE BAY PROMENADE
From: Councillors Anthony Marano, Megan McEwin, Harriet Price and Matthew Robertson
Date: 23 September 2021
File No: 21/189446

Note: This Notice of Motion proceeded given the Rescission Motion was adopted.

Note: Councillor Regan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Regan knows several community members that have submitted late correspondence. Councillor Regan remained in meeting, participated in debate and voted on the matter.

Note: Councillor Cavanagh declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Cavanagh knows several community members that have submitted late correspondence. Councillor Cavanagh remained in meeting, participated in debate and voted on the matter.

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- Note:** Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Shapiro knows several community members that have submitted late correspondence. Councillor Shapiro remained in 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 several community members that have submitted late correspondence. Councillor Zeltzer remained in 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 several community members that have submitted late correspondence and is a regular walker on promenade. Councillor Jarvis remained in meeting, participated in debate and voted on the matter.
- Note:** The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Wynne knows several community members that have submitted late correspondence. The Mayor, Councillor Wynne remained in meeting, participated in debate and voted on the matter.
- Note:** Late correspondence was tabled by Cr Isabelle Shapiro, Cr Mary-Lou Jarvis, Cr Anthony Marano, Cr McEwin, Andrew Moss, Barry Zuckerman, Dianne Cassen, Double Bay Residents Assoc (2 pieces), Dr Sarah Moss – BIKEast, Bicycle NSW, Justin Kirkwood, Janine Adams, Michael & Barby Fischer, Tom Ecker, Hugh Woodgate, John Travas, Barbara Black, Peter Benjamin, Penelope Lysaght, John B Ziegler, Robin & Henri Aram, Sylvia & Lawrence Myers, Jim Chryss, Susan Shaw, Tim Hallam, Lynne Shore, Julian Beaumont, Reina Nicholls, Peter Breed, Joyce Somm, Bruce Bland, Lee Dreyer, Ron Porter, Judy & Michael Green, Karin Olah, Felix Barda, Michael Lawrence, Rowena Hamilton, Jennifer Turner, Kate Dowling, Michele Wearn, Philippa Colman, Jane Buckley, Ann & Gabby Zipser, Dr Gerald Marish, Christina & John Stitt, Anthony Kwok, Di Yeldham, Gavin Thomson, Adrian Boss, Amelia Clark, Vibeke Catts, Malcolm Young, Pauline Su, Peter Frohlich, Brian O'Dowd, Miranda Marshall, Peter Shilton, Dr John Dale, Eva Cermak, L Saunder, Katrina Selig, Luke Colbron, Peter & Maree Colbron, Tony Muston (2 pieces), Liz Antonievich, James Hope, Roslyn Hakim, Jason Millett, Ivan Jelic, Alison Lyssa, Arthur Psaltis, Peter Benjamin and Peter Shilton & Kerry Gillespie.

Motion moved by Councillor Marano
Seconded by Councillor McEwin

THAT Council:

- A. Notes:
1. the recent easing of some public health orders, including:
 - i. the staggered return to School commencing 25 October 2021;
 - ii. groups of five vaccinated friends allowed to meet for picnics; and
 - iii. the creation of children and young persons 'friendship bubbles'.
 2. the anticipated lifting of public health orders in early October (when vaccination targets of 70% are reached), including the likely:
 - i. re-opening of pubs, restaurants and cafes;
 - ii. re-opening of retail shopping;

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- iii. re-opening of hairdressers, nail salons and gyms; and
- iv. extension of the 5km exercise rule.

3. That as at 21 September 2021, 54.2% of the New South Wales population (aged 16 and over) are fully vaccinated and 83% have received their first dose.

- B. Resolves to commence construction of the cycleway on the Rose Bay promenade on 18 October 2021 (in accordance with the construction plan outlined in the memo from the Director of Infrastructure and Sustainability to all Councillors dated 3 September 2021).

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 Cullen
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Robertson

Against the Motion

Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

5/9

**A further Motion was moved by Councillor Shapiro
Seconded by Councillor Jarvis**

THAT Council resolves to delay commencement of the cycleway construction along the Rose Bay Promenade with works commencing on Monday 4 April 2022 (after day light savings).

The Motion was put and carried.

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 Elsing
Councillor Jarvis
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Robertson

9/5

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(Shapiro/Jarvis)

158/21 Resolved:

THAT Council resolves to delay commencement of the cycleway construction along the Rose Bay Promenade with works commencing on Monday 4 April 2022 (after day light savings).

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 Jarvis
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Councillor Cullen
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Robertson

9/5

Questions With Notice

Note: All Questions With Notice will be considered at the 'Adjourned Council Meeting' to be held on Wednesday 6 October 2021 at 6.00pm.

There being no further business the meeting concluded at 11.38pm.

We certify that the pages numbered 593 to 645 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 27 September 2021 and confirmed by the Ordinary Meeting of Council on 25 October 2021 as correct.

General Manager

Mayor

Item No: 5.2
Subject: **CONFIRMATION OF MINUTES - ADJOURNED COUNCIL - 6 OCTOBER 2021**
Author: Sue O'Connor, Governance Officer
File No: 21/210287
Reason for Report: The Minutes of the Adjourned Council Meeting of 6 October 2021 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.

Recommendation:

THAT the Minutes of the Adjourned Council Meeting of 6 October 2021 be taken as read and confirmed.

Annexures

1. Unconfirmed Minutes - Adjourned Council Meeting - 6 October 2021 [↓](#) 



Adjourned Council



Minutes

Wednesday 6 October 2021

Adjourned Council Meeting

Wednesday 6 October 2021

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Adjourned Council Meeting Minutes

6 October 2021



Adjourned Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the via teleconference, on
6 October 2021 at 6.00pm.**

Present: Her Worship the Mayor, Councillor Susan Wynne, ex-officio
Councillors: Richard Shields (Deputy Mayor)

Peter Cavanagh
Luise Elsing
Anthony Marano
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Toni Zeltzer

Staff: Sue Meekin (Director – Corporate Performance) – via Zoom
Carolyn Nurmi (Governance Officer)
Patricia Occeili (Director – Community & Customer Experience) – via Zoom
Tom O’Hanlon (Director – Infrastructure & Sustainability) – via Zoom
Scott Pedder (Director – Planning & Place) – via Zoom
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Council Support)

Unconfirmed

Woollahra Municipal Council
Adjourned Council Meeting Minutes

6 October 2021

Leave of Absence and Apologies

An apology was received and accepted from Councillor Claudia Cullen, Councillor Mary-Lou Jarvis and Councillor Nick Maxwell and leave of absence granted.

Declarations of Interest

Councillor Robertson declared a Non-Significant, Non Pecuniary Interest in Item 16.4 (Notice of Motion – Afghan), as Councillor Robertson knows Linda Wilhelm, Don White and Rosie White who submitted late correspondence and are members of the Woollahra Greens. Councillor Robertson remained in meeting, participated in debate and voted on the matter.

Councillor McEwin declared a Non-Significant, Non Pecuniary Interest in Item 16.4 (Notice of Motion – Afghan), as Councillor McEwin knows Linda Wilhelm, Don White and Rosie White who submitted late correspondence and are members of the Woollahra Greens. Councillor McEwin remained in meeting, participated in debate and voted on the matter.

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Items NOM 16.4 & 16.5.

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Notices of Motion

Item No: 16.4

Subject: NOTICE OF MOTION - AFGHAN

From: Councillors Matthew Robertson and Megan McEwin

Date: 16 September 2021

File No: 21/183864

Note: Councillor Robertson declared a Non-Significant, Non Pecuniary Interest in this Item, as Councillor Robertson knows Linda Wilhelm, Don White and Rosie White who submitted late correspondence and are members of the Woollahra Greens. Councillor Robertson remained in meeting, participated in debate and voted on the matter.

Note: Councillor McEwin declared a Non-Significant, Non Pecuniary Interest in this Item, as Councillor McEwin knows Linda Wilhelm, Don White and Rosie White who submitted late correspondence and are members of the Woollahra Greens. Councillor McEwin remained in meeting, participated in debate and voted on the matter.

Note: Late correspondence was tabled by Linda Wilhelm and Don & Rosie White.

Note: The Council added Part E to the resolution.

(Robertson/McEwin)

159/21 Resolved:

THAT Council:

- A. Notes the humanitarian crisis in Afghanistan and the particular at-risk status of women, Hazara and other ethnic minorities in Afghanistan, following the Taliban's return to power and the withdrawal of US-led military forces in August 2021.
- B. Welcomes Afghan refugees to settle in the Woollahra local government area.
- C. Stands in solidarity with Afghan members of the Woollahra community and resolves to promote via Council's communication channels ways in which residents of our municipality can support Afghans in need via UNICEF¹ and the UNHCR².
- D. Calls on the Commonwealth Government to urgently resettle 20,000 Afghan refugees in Australia in addition to the number of refugees currently allocated in the existing Humanitarian Program.
- E. Write to Federal Member for Wentworth, Mr Dave Sharma MP to:

¹ <https://www.unicef.org/appeals/afghanistan>

² https://www.unrefugees.org.au/campaigns/afghanistan-crisis/?code=OAWAE0821&utm_source=google&utm_medium=cpc&utm_campaign=AU_PS_EN_generic_UNHCR_Cor_eBrand&dclid=CjwKCAjw7fuJBhBdEiwA2ILMYWG_80o6DKcrawcyi4JHULa8jQYoeW6XJLc6W_Y3Tilly_UxEwWSPxoCmmkQAvD_BwE&gclid=aw.ds

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- i. Inform him of this Notice of Motion.
- ii. Ask what (if any) steps he has taken or intends to take to advocate for the resettlement of Afghan Refugees in Australia (including those Refugees currently awaiting processing as part of the existing humanitarian program).

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

For the Motion

Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

7/5

Unconfirmed

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Adjourned Council Meeting Minutes

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Item No: 16.5
Subject: NOTICE OF MOTION - COVID SAFE ELECTIONS
From: Councillors Harriet Price, Lucinda Regan and Luise Elsing
Date: 21 September 2021
File No: 21/187571

Note: Late correspondence was tabled by Craig Swift-McNair, Council's General Manager.

Note: The Council added Part A (7) and amended Part B (3).

Motion moved by Councillor Price
Seconded by Councillor Elsing

THAT Council:

A. Notes that:

1. As at 31 June 2021, it has a balance of \$360,436 in the election funding reserve.
2. On 11 February 2019, it resolved (in part):
'That Council indicates to the NSW Electoral Commission its preference to have only one pre-poll venue within the Local Government Area (LGA) and to having no pre-poll venues outside the area (other than the Sydney Town Hall).'
3. On or about 23 July 2021, the NSW Electoral Commission (NSWEC) announced that:
 - i. level 4 of the Edgecliff Centre³ (accessed via an elevator); and
 - ii. the Church in the Market Place, Bondi Junction⁴ as the pre-polling venues for the 4 September 2021 local government elections.
4. Amendments have been made to the Local Government (General) Regulation 2005 to facilitate delivery of the 4 December 2021 elections in a COVID safe manner. The criteria for pre-polling has been relaxed allowing any elector to vote during the pre-poll voting period.
5. The NSW Government has provided an additional package of up to \$57million to facilitate COVID-safe elections.⁵
6. The NSWEC is currently 're-securing' pre-polling locations and polling day venues.
7. The General Manager has written to the NSWEC in relation to the Council resolution resolved on 11 February 2019 (outlined in part 2 above) and staff have engaged in other advocacy lobbying the Electoral Commission to reconsider their position to in relation to the location of the pre poll locations.

B. Resolves to request that the General Manager write to the NSWEC:

1. expressing Council's concerns that the Edgecliff Centre is an unsuitable location for pre-polling;
2. expressing Council's preference for only one pre-poll location within the LGA and having no pre-poll venue located outside the LGA;
3. suggesting alternative locations for pre-polling and offering use of Council's facilities including (but not limited to):
 - Level 4 of the Cross Street Car Park;

³ 203-233 New South Head Road, Edgecliff

⁴ 400 Oxford Street, Bondi Junction

⁵ Office of Local Government - Local Government Elections

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- the installation of an open air (similar to the COVID testing clinics at Rushcutters Bay and Lynne Park Car Park).

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 Elsing
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Marano
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

6/6

Note: The Motion was lost on the casting vote of The Mayor, Councillor Wynne (vote against the Motion).

Lost

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Item No: 16.6
Subject: NOTICE OF MOTION - MASK RECYCLING
From: Councillor Harriet Price
Date: 22 September 2021
File No: 21/187851

(Price/Elsing)

160/21 Resolved without debate:

THAT Council

A. Notes:

1. The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No2) 2021 mandating mask wearing;
2. The comments made by the NSW Chief Health Officer, Dr Kerry Chant on 24 August 2021 that 'It may be that we actually have indoor mask wearing for years in certain settings';
3. Waste created by the pandemic (including personal protective equipment (PPE)) has increased dramatically, with much ending up as ocean pollution;
4. The growing availability of zero waste solutions for disposable garments such as PPE;
5. The initiative by Port Stephen Council to sponsor a 'TerraCycle' Zero Waste PPE Collection Hub at their Salamander Bay Recycling Centre;
6. Its proud history of leading the way in waste management and recycling; and
7. Its current waste targets of 75% waste diversion from landfill by 2021-2022.

B. Resolves that staff investigate the feasibility (or otherwise) of:

1. Initiating a trial of collecting and recycling masks through an organisation such as 'TerraCycle';
2. Seeking government grants and support to fund such a trial;
3. Devising an education campaign to encourage and promote mask recycling in the community; and
4. Engaging with Council's large commercial tenants (such as Woolworths) to explore ways to encourage and promote mask recycling.

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 Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

12/0

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6 October 2021

Item No: 16.8
Subject: NOTICE OF MOTION - PROTECTED WASH AREAS
From: Councillors Susan Wynne and Toni Zeltzer
Date: 22 September 2021
File No: 21/188399

Note: The Council amended Part A of the resolution.

(Wynne/Zeltzer)

161/21 Resolved:

- A. THAT Council staff review our standard conditions of consent to determine how they can be strengthened with regards to managing run off from slurry and the requirements around Protected wash off areas.
- B. THAT Council staff look at what further education can be done to educate builders and renovators on the importance of essential erosion and sediment controls to prevent run off from their building sites entering our waterways.
- C. A report is brought back to the Environmental Planning Committee with recommendations and/or actions that can be taken including how we can increase the level of penalties applied.

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 Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

12/0

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Questions With Notice

(Robertson/Zeltzer)

162/21 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 Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

12/0

QWN: 17.1
From: Councillor Jarvis
Subject: Questions with Notice - Trees

Councillor Jarvis asking:

Please advise how many trees the Council has planted in the years:

- 2017/18
- 2018/19
- 2019/20

Do we have records that predate this and indicate a trend in relation to trees planted?

How many Council trees in the past year have died and are they being replaced?
If not why not?

If they were removed for other reasons please advise how many and when will they be replaced?

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Manager Open Space & Trees in response:

- 2017/18 - 167 trees planted
- 2018/19 - 159 trees planted
- 2019/20 - 161 trees planted

Note: For the period of 2017-2019 our tree planting numbers were decreased due to the drought implications and sourcing and maintaining appropriate stock.

Do we have records that predate this and indicate a trend in relation to trees planted?

- 2014/15 - 198 trees planted
- 2015/16 - 215 trees planted
- 2016/17 - 229 trees planted

Note: These tree planting numbers are for large trees in streets and parks and do not include the many thousands of seedlings planted throughout our bush regeneration areas.

**How many Council trees in the past year have died and are they being replaced?
If not why not?**

Manager Open Space & Trees in response:

44 trees were identified as dead last year. Upon removal of a public tree an assessment is undertaken for replanting. The very high majority of removed dead trees are replaced. Reasons for not replacing a tree may include;

- *Extensive overhead canopy, a new planting is likely to be suppressed and not effective.*
- *Closeness of adjoining infrastructure (power poles, drains, other services) or other plantings.*
- *Soil borne diseases.*

If they were removed for other reasons please advise how many and when will they be replaced?

Manager Open Space & Trees in response:

Approximately 100 further trees were removed last year which included trees of poor health, failed structure, damage to public and private infrastructure, and inappropriate plantings. As the Tree Assets Officer works through the LGA he is identifying vacant pits, stumps and new planting opportunities. These go onto a replanting lists for roll-out each year. We currently have over 200 sites for replanting in the 2021-22 planting season.

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QWN: 17.2
From: Councillor Price
Subject: Questions with Notice - COVID-19 Vaccines

Councillor Price asking:

To the General Manager:

I refer to your comments made at Council's meeting on 23 August 2021, concerning Council's approach to the promotion of COVID-19 vaccinations:

"We haven't to date because of the angst that there has been around the roll out and the availability of vaccines and Council not wanting to get necessarily in the middle of that angst that has been in the community when we are simply a conduit for some of that information."

Can the General Manager please: *(responses in italics)*

1. Publish any correspondence between Woollahra Council and/or NSW Health and/or the South Eastern Sydney Local Health District and/or St Vincents Hospital and/or the Office of Local Government:
 - a) offering Council's venues, community facilities and/or public open spaces as vaccination clinics;
 - b) seeking support for a vaccination clinic for year 12 students living in the local government areas of Woollahra, Waverley and Randwick; and
 - c) providing guidance and/or advice on public messaging relating to COVID19 vaccinations.

General Manager in Response:

On the agenda for this 27 September 2021 Council meeting, there is a Mayoral Minute titled COVID Advocacy, which provides details relating to a range of COVID advocacy that has been taking place. I refer Councillors to the above-mentioned Mayoral Minute as it includes information relevant to the questions asked here.

Specifically, included as an attachment to the above-mentioned Mayoral Minute, is a copy of a letter from the Mayors of Woollahra, Waverley and Randwick to the NSW Premier seeking support for a vaccination hub for Year 12 students in the Eastern suburbs. Also attached to the Mayoral Minute is a copy of the response from the NSW Premier to this request.

Also included in the above-mentioned Mayoral Minute, are details relating to the communications/messaging that Council has been undertaking in relation to COVID in general, but also in relation to vaccinations.

The Mayoral Minute also details information relating to a range of other COVID-related advocacy that continues to take place, noting that much of the work being done around COVID and Council's role in this is via a range of online meetings, phone calls, direct requests and the like. Therefore, there is little in the way of formal correspondence to be published, other than what has been mentioned earlier in this response. To a large degree, this demonstrates the very fluid nature of the situation Council continues to deal with when it comes to COVID.

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2. Detail what (if any) steps Council will take to promote via its communication channels the:
 - a) NSW Government's 'Let's Do This' vaccination campaign; and/or
 - b) messaging in the Federal Government's Covid19 'Stakeholders Pack';

General Manager in Response:

Please refer to the response provided to Question 1 above, noting that Council will continue to communicate appropriate COVID-related messaging to the community as it has been doing to date. It should be noted that as at 20 September 2021, 67% of Woollahra residents over the age of 15 are fully vaccinated.

3. Publish Council's communications strategy concerning COVID19 vaccines.

General Manager in Response:

Council does not have a specific communications strategy developed around vaccinations. The vaccination roll-out by the Australian Government and NSW Health, much like all the public health messaging and Public Health Order (PHO) requirements, has not been based on a static communications strategy. New content and announcements emerge daily. Like many Councils in NSW, Woollahra Council has responded to public health messaging as it has emerged and is relevant to our local residents. The Woollahra Council communications team have been in regular contact with the Mayor and General Manager in relation to our messaging on vaccines and all our other COVID-19 responses.

As indicated in the Mayoral Minute that is included in the agenda for this 27 September 2021 Council meeting, the COVID-19 posts with the highest engagement have been local in nature i.e. local spots for walks, exercise, testing clinics in our LGA, local vaccination locations, local profiles and support initiatives. Council has provided a good mix of COVID-19 content and strong leadership on key public health messages and alerts, as outlined in the Mayoral Minute.

It should be noted that Council is not the primary source for public health information and judging from the high vaccination rates in our LGA our residents have responded well to government and health agency messaging on vaccination.

4. Provide details on what (if any) steps Council has taken to encourage its employees to get vaccinated;

General Manager in Response:

Council management has been proactive in promoting staff to get vaccinated since the vaccinations became more widely available earlier this year. This has been done in the form of an ongoing range of messages to all staff from the General Manager and the Human Resources team as well as through communications from Managers in team meetings and the like. We will continue to promote staff vaccinations as we move through the pandemic.

It should be pointed out that apart from any mandatory requirements for authorised workers from LGA's of concern to be vaccinated prior to commencing work, or similar directions included in Public Health Orders (PHO), Council is not able to mandate staff to get vaccinated, as that is a choice each individual is required to make, unless as noted above, they are directed to do so via a PHO.

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5. Publish how many Council employees are vaccinated;

General Manager in Response:

Council has not been gathering any data on the number of employees that are vaccinated. Whilst Council management may wish to ask that question, no employee can be compelled to provide their vaccination status to Council, unless they are instructed to via a PHO.

Further to this, any information collected for this purpose would be confidential and not for publishing.

6. Confirm if COVID19 vaccinations will be made mandatory for Council employees.

General Manager in Response:

There is no ability under the current NSW PHO's for Council management to mandate vaccinations for staff, other than those required to be vaccinated under a relevant PHO. Please refer to the response to Question 4 above.

7. Confirm if being vaccinated will be a condition of entry to Council facilities.

General Manager in Response:

At the time of drafting this response, there is no blanket mandate in place across metropolitan Sydney or NSW more broadly that states that people will be required to be vaccinated as a condition of entry to Council facilities. As NSW moves towards the 'Roadmap to Freedom' there may be guidance provided by the NSW Government as to who will and will not be allowed to participate in certain activities and or attend certain facilities. Council will continue to follow any PHO's in place, whilst balancing access to Council services and facilities by the community and the need to keep Council staff and the community safe.

QWN: 17.3
From: Councillor Price
Subject: Questions with Notice - Woollahra Pre-School

Councillor Price asking:

To the Director of Community and Customer Experience:

Please confirm if the Woollahra Pre-School is eligible for the Commonwealth Support package for early childhood education services impacted by COVID19 and if so, if Council has applied for such support?

Director of Community and Customer Experience in response:

Based on the criteria of accessibility Woollahra Preschool is not eligible for the Commonwealth Support package for early childhood education services impacted by COVID19 and has not received an invitation to apply for the subsidy.

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About the Payment

On 23 August 2021, the Australian Government announced that the viability support payment – or business continuity payment – under the Viability Support Package will be made to eligible services in [Commonwealth declared COVID-19 Hotspots](#) if;

- the Commonwealth hotspot runs for more than 7 days and the state or territory government has limited who can access child care, or
- the Commonwealth hotspot extends beyond 28 days.

The purpose of the viability support payment is to maintain the viability of services and to retain staff, ensuring there is access to child care for those that need it.

Viability support payments are contingent on services:

- having reasonable expectations attendance will fall by 50%
- not accessing other Commonwealth Government-funded business supports
- waiving gap fees for all families whose children are not attending
- maintaining staffing levels, and
- agreeing to a fee freeze for the duration of viability support payments.

This payment is made under section 205C of the *A New Tax System (Family Assistance) (Administration) Act 1999* and Division 1 of Part 4 of Schedule 3 to the *Child Care Subsidy Minister's Rules 2017*.

Eligible providers will be offered a viability support payment calculated from when individual services become eligible, but no earlier than 23 August 2021.

To be eligible to receive the viability support payment in respect of a service, the provider must:

- **be an approved provider under the family assistance law, and be approved in respect of the service;**

In relation to Woollahra Preschool the following is relevant to this criteria:

Woollahra preschool is registered for commonwealth child care subsidy but not approved. This means that some families can claim a small amount of benefit from the Commonwealth but not at the same amount as approved services.

Approved services are:

- Centre Based Day Care, including long day care and occasional care
- Family Day Care
- Outside School Hours Care, including before, after and vacation care
- In Home Care.

Woollahra Preschool is registered as a Community Preschool and receives state based funding.

Woollahra preschool applied for the COVID-19 Free Preschool funding program for community and mobile preschools available through state government.

Under this program funding was provided as a top-up payment to replace a proportion of fee income that was lost as a result of decreasing enrolments due to the COVID-19 pandemic to support families with cost of living pressures and to support the ongoing provision of 600 hours of early childhood education in the year before school.

The preschool through this funding provides 15 hours of free preschool each week to families.

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QWN: 5.4
From: Councillor Price
Subject: Questions with Notice - Hakoah Club

Councillor Price asking:

To the General Manager (*responses in italics*)

On 14 September 2021, Ms Gabrielle Upton MP announced that “the NSW Government will support Hakoah Club’s plans to revitalise White City, Paddington with a \$7.5 million grant.”

Can the General Manager please ascertain (from the Hakoah Club, Ms Upton MP and/or the Minister for Sport, Natalie Ward) how the:

- a. \$7.5 million of public funds will be spent; and

General Manager in Response:

Provided below are links to various announcements/press releases relating to the grant funding of \$7.5 million from the NSW Government to the Hakoah Club that provide some detail on how the public funds will be spent:

<https://hakoah.com.au/nsw-government-funding-confirmed-for-new-sports-facilities-at-white-city/>

<https://www.jwire.com.au/7-5-million-grant-for-hakoah/>

<https://www.dailytelegraph.com.au/newslocal/wentworth-courier/hakoah-club-clarifies-white-city-redevelopment-will-be-open-to-all/news-story/6501e975a41459c35e28cac0e922e9c6>

- b. community will access the Club’s sports facilities. In particular, the terms and cost of membership and the basis on which members of the community will be permitted to use the Club’s facilities.

General Manager in Response:

As detailed in response to an identical question asked at the 23 August 2021 Council meeting in relation to funding of \$7.5 million from the Federal Government to the Hakoah Club, Council has already committed to write to the Hakoah Club seeking details on the terms and cost of membership and which members of the community will be permitted to use the Club’s facilities.

Any subsequent responses to Council’s request for information relating to the grant fund and/or membership and access to the club will be forwarded to all Councillors.

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QWN: 17.5
From: Councillor Elsing
Subject: Questions with Notice - Housing Targets

Councillor Elsing asking:

Update on new dwelling targets of 300 additional new dwellings for 2016 – 2021 and an additional 500 new dwellings for 2021- 2026 and request for information regarding supporting infrastructure.

Background

1. The Greater Sydney Commission Eastern District Plan March 2018 (released in November 2018)⁶

The Plan is prepared pursuant to section 3.4 of the *Environmental Planning and Assessment Act 1979* which requires it to include or identify: the basis for strategic planning in the district, having regard to economic, social and environmental matters; planning priorities that are consistent with the relevant objectives, strategies and actions in the region plan; actions for achieving those planning priorities; and an outline of the basis on which the implementation of those actions will be monitored and reported.⁷

The Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as community strategic plans and policies. The Plan also assists councils to plan for and support growth and change and align their local planning strategies to place-based outcomes. It guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage growth and change. Community engagement on the Plan contributed to a plan for growth that reflects local values and aspirations, in a way that balances regional and local considerations.⁸

The Plan's priority is to create a city including new developments supported by infrastructure (priority E1). A potential indicator is increased % of properties with 30-minute access to a metropolitan centre/cluster.⁹ Which is achieved by aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions.¹⁰ The Plan seeks to achieve more housing in the right locations by identifying clear criteria for where capacity is located.¹¹ Criteria includes major transport, health and education investments, either committed or planned, such as Sydney Metro and the CBD and South East Light Rail, which aligns with Future Transport 2056.¹² Actions included that Woollahra Council prepare a housing strategy which accommodates the targets set in the Plan.¹³

Having regard to infrastructure capacity in the Woollahra Municipality (LGA) the Plan set a target for the period 2016 to 2021 of 300 additional new dwellings in the LGA.¹⁴

Council identified in 2018 that a "key issue is how Council will fund the required infrastructure that will support infill growth, particularly in Centres like Edgecliff and Double Bay which have been identified as precincts in which planning controls should be reviewed".¹⁵

⁶ <https://www.greater.sydney/eastern-city-district-plan>

⁷ Page 15

⁸ Page 14

⁹ Page 12 and Page 13

¹⁰ Page 6

¹¹ Page 40

¹² Page 17

¹³ Page 45

¹⁴ Page 42

¹⁵ Page 504 of R2 paper to Council Meeting held on 15 October 2018

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The Greater Sydney Commission advised Woollahra Council under a letter dated 12 March 2020 that 500 – 600 additional new dwellings were required in the LGA for the period 2021 – 2026.

2. Compliance with the targets set by the Greater Sydney Commission Eastern District Plan

March 2019

(target of 300 new dwellings by 2021 exceeded by 46% or by over 138 additional new dwellings [total 438 new dwellings since November 2016])

Answers supplied to my question with notice in March 2019 indicated that as at March 2019 there were a total of 438¹⁶ additional new dwellings (approved / constructed / complying) in the LGA.

See table below from Agenda for Meeting on 8 April 2019.

October 2020

(target of 300 new dwellings by 2021 exceeded by 259% or by over 479 additional new dwellings [total 779 new dwellings since November 2016])

Answers supplied to my question with notice that the table be provided in the same format at provided in March 2019 were provided in the Minutes of Meeting for 23 November 2020 (see extracted table below).

This information has been incorporated into the table below which is consistent with the format from March 2019:

Net additional dwellings November 2016 to 16 October 2020 ^{*^}				
Ward	Net additional dwellings approved pre 2016 and construction has commenced post November 2016	Net additional dwellings approved post 2016 and construction has commenced or is completed	Net additional approved complying development post November 2016	Net additional dwellings approved post November 2016 where constructions has not commenced (excluding complying development)
Bellevue Hill	54	71	1	104
Cooper	21	15	0	17
Double Bay	82	22	0	126
Paddington	0	29	0	7
Vaucluse	48	144	0	38
LGA Totals	205	292	1	281

^{*}Note: building commencement is judged by construction certificates lodged that signal imminent construction commencement.

[^]Disclaimer: Every reasonable effort has been made to ensure that this data is correct at the time of this report. However, this data is reliant on third party information and what is currently entered into our property records system.

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Between November 2016 to October 2020 Woollahra Council has had construction commence, completed and approved for development of at least 779 additional new dwellings (including complying developments). The target set by the Greater Sydney Commission for the period 2016 to 2021 was 300 additional new dwellings. With one year to conclude the period ending November 2021 Woollahra Council has already exceeded the target by at least 259% or by over 479 additional new dwellings.

April 2021

(target of 300 new dwellings by 2021 exceeded by 285% or by over 554 additional new dwellings [total 854 new dwellings since November 2016])

¹⁶ There was an error in the last provided by Council to the March 2019 response. This total in 4th column should read 290 not 294 and this figure was represented as 442 in contemporaneous material but the correct figure is 438

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Answers supplied to Councillor Regan and my question with notice in April 2021 that the table be provided in the same format as provided in March 2019, were provided in the Minutes of Meeting for 26 April 2021 (see extracted text and table below).

The table provides a breakup of net additional dwellings by ward, including any delivered via Complying Development. The table format is consistent with the format from March 2019 and November 2020.

Net additional dwellings November 2016 to 19 April 2021 ^{*^}				
Ward	Net additional dwellings approved pre 2016 and construction has commenced post November 2016	Net additional dwellings approved post 2016 and construction has commenced or is completed	Net additional approved complying development post November 2016	Net additional dwellings approved post November 2016 where constructions has <u>not</u> commenced (excluding complying development)
Bellevue Hill	65	74	1	90
Cooper	20	19	0	43
Double Bay	85	35	0	98
Paddington	1	8	0	24
Vaucluse	49	153	0	89
LGA Totals	220	289	1	344

^{*}Note: building commencement is based on construction certificates lodged, signalling imminent commencement.

[^]Disclaimer: Every reasonable effort has been made to ensure that this data is correct at the time of this report. However, this data is reliant on third party information and data currently entered into our property records system.

The table provides a breakup of net additional dwellings by ward, including any delivered via Complying Development. The table format is consistent with the format from March 2019 and November 2020.

Whilst the total net dwelling gain has increased we note that the rate of growth has been moderated by unit amalgamations in residential flat buildings. Examples of this are the following DUs in Double Bay: • 28-34 Cross Street (DA2017/617) was approved with 21 units but has been reduced to 15 units • 20-26 Cross Street (DA2015/390) was approved with 34 units but has been reduced to 26 units.

The Double Bay net dwelling gain is also moderated by the DA at 30-36 Bay Street Double Bay being surrendered. An approval for a 100% commercial building on the site has since been issued and the building is now under construction. This is a reduction of 13 dwellings from the previous update.

Staff have also reviewed how DUs were classified in our system for this update. A couple of DUs were found to be listed under an incorrect ward and this has now been rectified. This has not affected the total net dwelling gain for the LGA, only how the total is distributed across the wards, in particular the Cooper, Bellevue Hill, Paddington and Vaucluse wards.

Between November 2016 to April 2021 Woollahra Council has had construction commence, completed and approved for development of at least 854 additional new dwellings (including complying developments). The target set by the Greater Sydney Commission for the period 2016 to 2021 was 300 additional new dwellings. With seven months to conclude the period ending in November 2021 Woollahra Council has already exceeded the target by at least 285% or by over 554 additional new dwellings.

Summary

The Woollahra LGA has sustained growth well over the target of 300 additional dwellings set by the Greater Sydney Commission for the LGA in November 2016 resulting in overdevelopment as at April 2021 to the tune of 285% or 554 dwellings over the target of 300 (total new developments 854).

Target is 300 additional new dwellings from November 2016 to November 2021	% increase from target of 300 new dwellings (2016 -2021)	Number of new dwellings (2016 -2021)	Number of dwellings in excess of target of 300 new dwellings (2016 – 2021)
As at March 2019	147%	442	142
As at October 2020	259%	779	479
As at April 2021	285%	854	554

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	Bellevue Hill	Cooper	Double Bay	Paddington	Vaucluse	Totals
As at March 2019	128 (29%)	34 (8%)	95 (22%)	19 (4%)	162 (37%)	438 ¹⁷
As at October 2020	230 (30%)	53 (7%)	230 (30%)	36 (3%)	230 (30%)	779
As at April 2021	230 (27%)	82 (10%)	218 (26%)	33 (3%)	291 (34%)	854

3. Community concerns about over development in the Woollahra LGA

The draft Woollahra Local Housing Strategy 2021 (which is currently on exhibition together with the Woollahra Affordable Housing Policy 2021

<https://yoursay.woollahra.nsw.gov.au/housingstrategy> together with the Local Character Discussion Paper) (**Housing Strategy**) concludes:

- there are 2.23 people per household. Applying this to the 854 new dwellings since 2016 results in an additional approximately 2,000 people in the LGA (see Snapshot of our local area see also section 4.5) (which means the LGA has already exceeded the DPIE population and household forecast for 2031 [see the Evidence]) and
- 82.9% of households have cars. Applying this to the 854 new dwellings since 2016 means we have at least an additional 712 cars housed in the LGA (see Snapshot of our local area).

Over 60% of the new development as at April 2021 is in Vaucluse and Bellevue Hill followed by Double Bay with 26%.

Community concerns include:

- lack of infrastructure (such as roads, sewerage and stormwater systems),
- poor transport options (including petrol stations),
- congestion and traffic (including significant increases in time taken to commute),
- lack of parking,
- insufficient walking and bike pathways,
- lack of public educational facilities,
- lack of public recreational facilities,
- lack of open space,
- reduction in tree canopy,
- general degradation to the special character of many areas; and
- overall amenity in our suburbs.

The Housing Strategy states that the Future Transport 2056 and NSW Infrastructure Strategy 2018-2 “do not identify any projects in the LGA that would support significant uplift”.¹⁸

Council responded to the question on notice in April 2021 as to whether additional funding sources have been identified to support infrastructure by saying that it is looking for funding by applying for grants and preparing amended contributions plans and that Voluntary Planning Agreements may also provide opportunities to fund infrastructure.¹⁹

It is worth noting that Council currently has a deficit for year ended 2021 of \$3.508m.²⁰

¹⁷ There was an error in the total provided by Council to the March 2019 response. This total in 4th column should read 280 not 284 and this figure was represented as 442 in contemporaneous material but the correct figure is 438

¹⁸ Under chapter heading “What is Affordable Housing”

¹⁹ Council Meeting Minutes of 26 April 2021

²⁰ <https://www.woollahra.nsw.gov.au/news/articles/whats-in-this-years-budget-post-pandemic-financial-recovery-and-investment-in-local-infrastructure>

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Funding opportunities

Relevant recent State and Federal Government funding includes:

- Knox Street Pedestrianization \$4.75m State Government funding subject to meeting targets around speeding up process times for development applicants under the NSW Public Legacy Program,
- Hakoah Club \$15 million - \$7.5m Federal Government funding and \$7.5m State Government funding (not sure what confirmation we have that this facility is available to all Woollahra LGA residents),
- Rose Bay bike path funding from State Government (construction deferred until April 2022),
- Pathway lighting etc at GAP Park funded by the State Government, and
- Upgrade of Cooper Park Community Hall, funded by the Australian Government Local Roads and Community Infrastructure Program (\$480k).

Council notes in the Housing Strategy²¹ that its challenge is to fund local infrastructure to support growth. The challenge includes current restrictions on rates and development levies and that Council continues to advocate for improved funding mechanisms and reform. The Housing Strategy sets out the following relevant goals:

- Goal 7 as a short term and ongoing goal to “work with NSW Government to improve funding”,
- Goal 9 as a short term goal to “review and update development contribution plans”, and
- Goal 10 as an ongoing goal “work with state government to ensure that housing is supported by infrastructure improvements and increased public transport service” which includes increased services (including schools, health care and recreational facilities) and safe walkways and cyclepaths.

Amended Contributions Plans

Council has advocated that the State Government recent plans to divert developer contributions from Council to State Government be reconsidered.²²

4. Communication with relevant authorities regarding the achievement of the 2021 targets and requesting withdrawal of 500 – 600 additional new development from 2021 to 2026 in the Woollahra LGA

Following a unanimous resolution of Council on 26 April 2021 the Mayor Councillor Susan Wynne wrote to Minister Stokes (and other relevant authorities) noting how densified the Woollahra LGA already is, referring to the number of new dwellings already exceeding the set target and requesting that the additional requirement of 500 – 600 additional new dwellings from 2021 to 2026 be withdrawn given the amount of development to date and lack of supporting infrastructure in the Woollahra LGA.

The Federal member Dave Sharma MP supported withdrawing the 2026 targets based on residents’ concerns about pressure on infrastructure, facilities and services such as roads, schools and parking due to “*continually increasing housing and population growth*”. He noted that the area is close to capacity and due to the LGA being a peninsula there are limited opportunities for road expansion and additional public infrastructure.

²¹ Section 3.3 under the heading Funding

²² Mayoral Minute from Council Meeting of 23 August 2021

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State Member for Vaucluse Gabrielle Upton MP, Minister Rob Stokes MP and the Greater Sydney Commission rejected the request to withdraw the 2026 targets.²³ Minister Stokes advised that the 6 - 10 year (2021-2026) housing supply target was developed based on evidence of dwelling projections and housing supply forecasts, as well as consideration of infrastructure capacity.²⁴ The authorities urged Council to progress the Housing Strategy.²⁵

5. Draft Woollahra Local Housing Strategy 2021

The Housing Strategy is required by the State Government, is an action item included in the Plan to accommodate the targets set in the Plan²⁶ and has been prepared in accordance with the Department of Planning, Industry and Environment's "Local Housing Strategy Guideline and Template".²⁷ The purpose of the Housing Strategy is to establish how housing controls will facilitate achieving housing supply targets²⁸ and once finalised Council must give effect to the Housing Strategy.²⁹ The Housing Strategy lays out matters for further consideration to improve planning controls to facilitate development.³⁰ Opportunities identified include Edgecliff Commercial Centre and Cross Street, Double Bay.³¹

The Housing Strategy³² sets the following targets: 2016 – 2021 (300); 2021 – 2026 (500); 2026 – 2036 (400) totalling 1,200.

6. Edgecliff and Double Bay planning strategies

These draft plans indicate that the current controls are sufficient to meet housing targets (300 to 2021 and an additional 500 to 2026) and collectively allow for a further 400 – 500 new dwellings in addition to the current additional capacity of 600 – 750 (Edgecliff) and (300 - 400 Double Bay) facilitating a total of a further 1,000 – 1,250 new dwellings in these locations.³³

Questions

Could staff please:

1. update the information regarding the number of new dwelling in the Woollahra LGA in the same table format as provided for March 2019, October 2020 and April 2021 from November 2016 to September 2021,
2. advise and include in table under a separate column the number of residential dwellings that have been created from conversion from business use to residential use,
3. confirm the relevant recent State and Federal Government funding initiatives outlined above are correct and advise of any other relevant infrastructure funding, and
4. advise whether any additional funding has been identified.

Director Planning & Place in response:

On notice. Given the extent of work required to satisfy this request, we were unable to provide a response for the September Meeting. We will aim to respond at the October Meeting, however if we can complete this earlier we will circulate via email to all Councillors.

²³ Agenda for Council Meeting on 23 August 2021

²⁴ Agenda for Council Meeting on 23 August 2021

²⁵ Agenda for Council Meeting on 23 August 2021

²⁶ Page 45

²⁷ Housing Strategy Chapter "What do we mean by housing?"

²⁸ Housing Strategy Chapter "Executive Strategy"

²⁹ Housing Strategy Chapter "What do we mean by housing?"

³⁰ Housing Strategy Chapter "What is affordable housing?"

³¹ Housing Strategy Chapter "What is affordable housing?"

³² Housing Strategy Chapter 6 under the heading "Housing targets for Woollahra LGA"

³³ Edgecliff Strategy page 22 and for Double Bay - Strategic & Corporate Committee Agenda 19 April 2021 page 17

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QWN: 17.6
From: Councillor Price
Subject: Questions with Notice - Lavery Pathology COVID Testing Clinic

Councillor Price asking:

To the Director Infrastructure & Sustainability (*responses in italics*)

On 30 August 2021, Healus Ltd announced to the Australian Stock Exchange a 22% increase in revenue to \$1,913.1 million for the year ended 30 June 2021.

Can the Director please:

1. Detail Council's costs incurred with respect to the Lavery Pathology COVID Testing clinic at Lynne Park Rose Bay.

General Manager in Response:

The costs to Council to 31 August 2021 for the Lavery Pathology COVID Testing Clinic at Lynne Park Rose Bay are \$55,600. This amount includes costs for shed hire, generator, lights and a toilet.

2. Confirm what (if any) steps Council has taken to recover these costs.

General Manager in Response:

To date Council has not taken any steps to recover these costs directly from Lavery Pathology. However, Council has corresponded with Lavery to determine if they were aware of any financial support from NSW Health or other agencies to assist Council's expenditure on this service. Lavery have advised they are not aware of any Government (or other) funding sources, and also noted that they were also not receiving any funding to provide the service. Lavery have asked for a summary of costs that Council has incurred to date (since April 2021) and discussions with them are ongoing.

It should be noted that whilst not directly related to the costs or the testing facility, the Mayor did write to the Minister for Local Government, the Hon. Shelley Hancock MP on 1 September 2021 (as a result of a resolution of Council from the 23 August 2021 Council meeting), seeking financial support for all Councils impacted by COVID. If such funding were to be provided to Council's across NSW, this would go some way to the recovery of costs such as those imposed on Council by the testing clinic. At the time of writing this response, no response has been provided by the Minister to the Mayor.

There being no further business the meeting concluded at 6.46pm.

We certify that the pages numbered 646 to 669 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 6 October 2021 and confirmed by the Ordinary Meeting of Council on 25 October 2021 as correct.

General Manager

Mayor

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12. General Manager and Officer's Report

Item No:	12.1
Subject:	NEW YEAR'S EVE 2021 MANAGEMENT
Authors:	Roger Faulkner, Team Leader - Open Space & Recreation Planning Shagbol Pourbozorgi, Recreation Officer
Approvers:	Paul Fraser, Manager - Open Space & Trees Tom O'Hanlon, Director - Infrastructure & Sustainability
File No:	21/196970
Reason for Report:	To provide an update on the management of New Year's Eve 2021.

Recommendation:

- A. THAT, noting the uncertainty around a potential Public Health Order (PHO) in relation to compulsory ticketing of New Year's Eve (NYE) vantage points, Council manages traffic restrictions, road closures, parks and vantage points associated with NYE similar to 2019 arrangements.
- B. THAT Council note the following management arrangements for vantage points for NYE 2021:
- i. The sites listed below will be managed with security personnel, temporary fencing, alcohol prohibited, portable toilets and waste services based on maximum of 1 person per 2m²:
 - Rose Bay Foreshore (including Dumaresq Reserve)
 - Redleaf
 - McKell Park
 - Yarranabbe Park
 - ii. Robertson Park, Rushcutters Bay Park and Christison Park will remain open and alcohol prohibited with no event infrastructure. Contractor waste and cleaning services will take place on New Year's Day only. Security will patrol these areas.
 - iii. Duff Reserve, Point Piper will be closed on NYE.
 - iv. The following road closures will be implemented:
 - o Darling Point
 - Special Event Clearways – New Beach Road
 - Road closures (full or partial) – New Beach Road, Loftus Road, Annandale Street, Bennett Avenue, Bayview Lane, Carthona Avenue, Darling Point Road, Goomerah Crescent, Greenoaks Avenue, Hampden Avenue, Lindsay Avenue, Mona Road, Mona Lane, Oswald Street, Yarranabbe Road
 - o Point Piper
 - Road closures (at Police discretion) – St Mervyn's Avenue, Wolseley Road, Wunulla Road
 - o Rose Bay
 - Road closures (full or partial) – Bayview Hill Road, Caledonian Road, Collins Avenue, Dumaresq Road, Tivoli Avenue
 - o Vaucluse
 - Road closures (full or partial) – Hopetoun Avenue, Old South Head Road, Petrarch Avenue, Serpentine Parade, Vaucluse Road
 - o Watsons Bay
 - Road closures (at Police discretion) – Marine Parade, Robertson Place

- C. THAT the General Manager be given delegated authority to make any decision required in relation to the management of New Year's Eve 2021.

Background:

The New Year's Eve (NYE) fireworks is again being managed by the City of Sydney in conjunction with the NSW Government as a COVID safe event, which includes both the 9pm and midnight fireworks.

More information on this year's event can be found on the dedicated City of Sydney NYE website: <https://www.cityofsydney.nsw.gov.au/sydney-new-years-eve>

Last year a Public Health Order (PHO) was in place for the event, which stipulated that if public landholders were to manage a vantage point with event infrastructure then it must be ticketed, have seating and have a COVID Safety Plan. Due to the insufficient time available for Council to implement these requirements, Woollahra Council along with a number of other councils including the City of Sydney, North Sydney Council, Inner West Council, Waverly Council as well as National Parks and Wildlife, closed their harbourside vantage points in order to align with the Department of Premier and Cabinet (DPC) messaging of stay at home.

In recent months we had been advised of the likelihood of a specific PHO in relation to the need to ticket all vantage points for NYE. Due to the strong uptake of COVID vaccinations and the reopening roadmap being endorsed, it is now our understanding that the PHO for ticketing may not be forthcoming, therefore we would revert to our previous management of vantage points. The capacities would be in line with the current general PHO of 1 person per 2m² for outdoor gatherings. These capacities are similar to what was allowed in the 2019 for these sites. We have sought clarification from the DPC on our approach, however, at the time of writing this report, this had not been received.

Proposal:

It is proposed to manage our vantage points similar to the 2019 model which included event infrastructure, security personnel, alcohol prohibited, waste and traffic management.

Management of Vantage Points

Specific arrangements include:

- The sites listed below will be managed with security personnel, alcohol prohibited, temporary fencing, portable toilets and waste services based on maximum of 1 person per 2m²:
 - Rose Bay Foreshore (3000 maximum capacity)
 - Redleaf (1000)
 - McKell Park (1000)
 - Yarranabbe Park (10000)
- Robertson Park, Rushcutters Bay Park and Christison Park will remain open and alcohol prohibited with no infrastructure such as portable toilets. Contractor waste and cleaning services will take place on New Year's Day only. Security will not be rostered at these sites, however they will patrol these areas. These sites have existing public amenities and in the years prior to COVID-19 very few people congregated at these vantage points.

- Duff Reserve was previously a vantage point with a maximum capacity of 100 people. The viewing area is approximately 70m² and would only be able to cater for 35 people. Due to the difficulties around managing this site under the current PHO for a very small number of people it is recommended that Duff Reserve be closed on NYE.
- Alcohol Free Zones will be implemented for NYE along roads/footpaths previously adopted by the FC&S Committee on 7 December 2020.
- Alcohol Prohibited Areas will be implemented at all NYE vantage points similar to previous years, in accordance Section 632A(4) of the NSW Local Government Act 1993.

Traffic Management

In 2020, due to the closure of vantage points, the reduced nature of the fireworks display and the messaging that people should celebrate at home, no road closures or other restrictions were put in place, with local police imposing localised closures on the night if they were deemed necessary for traffic management purposes.

In years prior to COVID-19, special event clearways and road closures (full or partial) have been implemented to facilitate the management of crowds at popular vantage points. In addition to this the Police have the right to close any public road at any time to ensure the safety of crowds.

The following traffic management restrictions include:

- Darling Point
 - Special Event Clearways – New Beach Road
 - Road closures (full or partial) – New Beach Road, Loftus Road, Annandale Street, Bennett Avenue, Bayview Lane, Carthona Avenue, Darling Point Road, Goomerah Crescent, Greenoaks Avenue, Hampden Avenue, Lindsay Avenue, Mona Road, Mona Lane, Oswald Street, Yarranabbe Road
- Point Piper
 - Road closures (at Police discretion) – St Mervyn's Avenue, Wolseley Road, Wunulla Road
- Rose Bay
 - Road closures (full or partial) – Bayview Hill Road, Caledonian Road, Collins Avenue, Dumaresq Road, Tivoli Avenue
- Vacluse
 - Road closures (full or partial) – Hopetoun Avenue, Old South Head Road, Petrarch Avenue, Serpentine Parade, Vacluse Road
- Watsons Bay
 - Road closures (at Police discretion) – Marine Parade, Robertson Place

Consultation:

In preparing these recommendations, Council staff have liaised closely with the City of Sydney, DPC, Police and other harbourside public land managers.

Communication of these proposed actions will be through park signage, resident notification, Council's website and social media. The key messages of the DPC and the relevant PHO will be reinforced.

Identification of Income & Expenditure:

The cost of managing NYE will be approximately \$180,000, which is in line with the funding allocated in the 2021/22 Operating Budget.

Conclusion:

Noting the uncertainty of a potential PHO relating to ticketing of vantage points, it is recommended that we continue with the management of sites as in previous years. The management of vantage points will be in line with the COVID reopening roadmap for 1 December and follow the 1 person per 2m² capacity limits.

Annexures

Nil

Item No:	12.2
Subject:	SYDNEY EASTERN CITY PLANNING PANEL (SECPP) - MEMBERSHIP
Authors:	Helen Tola, Manager - Governance & Council Support Nick Economou, Manager Development Control
Approvers:	Sue Meekin, Director Corporate Performance Scott Pedder, Director - Planning & Place Craig Swift-McNair, General Manager
File No:	21/202560
Reason for Report:	To consider the appointment period of Councillors to the membership of the Sydney Eastern City Planning Panel.

Recommendation:

- A. THAT Council resolves to extend the appointment of Councillor Toni Zeltzer and Councillor Mary-Lou Jarvis as the two (2) Councillor members of the Sydney Eastern City Planning Panel (SECPP) until 4 December 2021.
- B. THAT Council resolves to extend the appointment of Councillor Anthony Marano and Councillor Luise Elsing as alternative Council members of the Sydney Eastern City Planning Panel (in the event of unavailability of members appointed) until 4 December 2021.
- C. THAT Council notes that a further report will be tabled at the first Council meeting following the Local Government Election to consider Councillor Membership to the Sydney Eastern City Planning Panel (SECPP).

Background:

Woollahra Council provides members to the Sydney Eastern City Planning Panel (SECPP). Sydney planning panels are established for each of the six districts within the Greater Sydney Region. The local government areas which fall within the Central District are Bayside, Burwood, Canada Bay, Inner West, Randwick, Strathfield, Waverley and Woollahra.

Council at its meeting on 27 September 2021 resolved as follows:

Resolved:

- A. *THAT Council resolves to extend the appointment of Councillor Zeltzer and Councillor Jarvis as the two (2) Councillor members of the Sydney Eastern City Planning Panel SECPP) until 31 October 2021.*
- B. *THAT Council resolves to extend the appointment of Councillor Marano and Councillor Elsing as alternative Council members of the Sydney Eastern City Planning Panel (in the event of unavailability of members appointed) until 31 October 2021.*
- C. *THAT Council staff prepare a further report to the Ordinary Council Meeting on 25 October 2021 to determine any further extensions of the Sydney Eastern City Planning Panel SECPP) representatives (i.e. from 1 November 2021 to the first meeting of the new Council in January 2022).*

Following consideration of the matter at the Council Meeting on 27 September 2021, Council staff sought clarification on this matter via email, with staff raising questions as to whether DPIE had previously had any Council contacting them with regard to the issue of the Local Government elections and how Council should proceed with Panel representation/membership between the 4 December 2021 and the first Council Meeting.

Provided below (in summary) of the response from DPIE:

DPIE advised that the SECPP will be meeting up to 17 December 2021, noting that DPIE was not aware of any Woollahra matters scheduled for December. There are also currently no Woollahra matters scheduled for January 2022. DPIE advised that in the event that Councillor members are not available or not appointed, in order for panel business to continue, the Panel is able to operate without council's nominees (see section 2.13(6) and Schedule 2, clause 22 of the EP&A Act) and advised also that at any time Council is able to nominate non-councillor members to the Panel to ensure council can meet its obligations to provide two members for the panel (see section 2.13(2)(b) and 2.13(5)) should it so wish.

In light of the above response provided by DPIE, it is considered that Council extends its current Councillor appointments to 4 December 2021, and that a further report be tabled at the first Council meeting following the election.

Annexures

Nil

Item No: 12.3
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE MINUTES - 10 SEPTEMBER 2021**
Author: Cheryle Burns, Manager - Business Assurance & Improvement
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/205371
Reason for Report: To present the Audit, Risk & Improvement Committee meeting minutes of 10 September 2021.

Recommendation:

THAT the Minutes of the Audit, Risk & Improvement Committee meeting held on 10 September 2021 be received and noted.


Background:

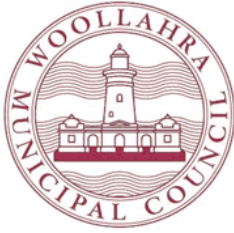
Council's Audit, Risk & Improvement Committee (ARIC) met on the 10 September 2021.

The minutes of this meeting have been circulated to all Committee Members and the Committee Chair has endorsed the minutes as an accurate record of the proceedings.

The minutes of the meeting are submitted as **Annexure 1** for noting by the Council. Submission of minutes to the Council is simply a procedural matter for notation.

Annexures

1. Audit, Risk & Improvement Committee Minutes - 10 September 2021 [!\[\]\(d27edc55493507da2f9b8c7a52b3b96f_img.jpg\)](#) 



Audit, Risk and Improvement Committee



Minutes

Friday 10 September 2021

Audit, Risk and Improvement Committee Meeting

Friday 10 September 2021

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10 September 2021

18 General Business 23



Audit, Risk and Improvement Committee

**Minutes of the Meeting
held using teleconferencing technology on
10 September 2021 at 9.30am.**

Present:	Jason Masters	(Chair)
	John Gordon	(Independent Member)
Staff:	Sasha Athitakis	(Insurance & Risk Officer)
	Cheryle Burns	(Manager – Business Assurance & Improvement)
	Henrietta McGilvray	(Acting Chief Financial Officer)
	Sue Meekin	(Director – Corporate Performance)
	Craig Swift-McNair	(General Manager)
	Helen Tola	(Manager Governance & Council Support)
Also in Attendance:	Mark Griffiths	(Contract Internal Auditor, BDO)
	Luke Malone	(External Auditor, Prosperity)
	Unaib Jeoffrey	(Audit Office of NSW)

Note: The ARIC met with the Internal Auditor, External Auditor and Audit Office of NSW at 9.00am for the purpose of an ‘in camera’ session.

1 Opening

2 Acknowledgement of Country

Note: The Chair acknowledged the traditional custodians of the land (the Gadigal and Birrabirragal people) and the traditional custodians of the lands on which we are all meeting.

3 Apologies

An apology was received and accepted from Councillor Peter Cavanagh.

4 Declarations of Interest

Nil

5 Late Correspondence

Late correspondence was tabled in relation to Item 10.1 (Cyber Security Status at Council) and Item 12.1 (Draft General Purpose Financial Statements for the year ended 30 June 2021).

6 Confirmation of Minutes

Item No: 6.1
Subject: MINUTES OF MEETING HELD ON 3 AUGUST 2021
Author: Cheryle Burns, Manager - Business Assurance & Improvement
Approver: Sue Meekin, Director Corporate Performance
File No: 21/173708
Reason for Report: To adopt the minutes of the previous meeting of the Audit & Assurance Committee.

Discussion:

The Committee out of session confirmed the ARIC minutes and they noted that these were reported to Council on 23 August 2021.

(Masters/Gordon)

Recommendation:

THAT the Minutes of the Audit & Assurance Committee Meeting of 3 August 2021 be formally adopted.

Woollahra Municipal Council
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7 Committee Action Items

Item No: 7.1
Subject: ACTION PLAN PROGRESS REPORT
Author: Cheryle Burns, Manager - Business Assurance & Improvement
Approver: Sue Meekin, Director Corporate Performance
File No: 21/171503
Reason for Report: To table the Audit, Risk & Improvement Committee Action Plan Progress Report as at 31 August 2021.

Discussion:

The Committee noted the change in the format of the Action Plan Progress Report and noted the 'Category' column identifying the source of the 'action' item.

The Committee also noted the advice that this new format 'Action Report' responds to their request for a 'schedule of all actions and progress status' arising out of ARIC meeting deliberations and it will replace the existing Business Plan progress report, subject to the following amendments:

- Separate action items in two separate schedules so it is easy to distinguish whether it is an action item raised in meetings or an action task arising from ARIC's oversight responsibilities set out in their terms of reference. The Committee suggested the latter be in the form of a Checklist with a calendar of when the relevant reports will be presented to the ARIC meeting. This is to assist ARIC meet their responsibilities; and
- Apply a colour coded system to identify the status (using a traffic light system e.g. Green (Completed and reported to previous meeting), White (In progress or outstanding) and Amber (Completed and reported to current meeting).

John Gordon advised he would circulate a copy of the Camden Council ARIC Work Schedule for reference.

In relation to item 30 on the Action Report, the OLG new Risk Management and Internal Audit Framework, the Committee would like to review and provide comment into the Council's submission prior to lodging with OLG. It was also noted that the ARIC may wish to lodge their own submission to the OLG on the Framework.

(Masters/Gordon)

Recommendation:

- A. THAT the Audit, Risk & Improvement Committee Action Plan Progress Report as at 31 August 2021, and notes the following items are to be closed:
- Item 7 (Internal Audit Charter)
 - Item 15 (Policies and Procedures Framework)
 - Item 23 (Matters to be reported to the Committee)
 - Item 24 (Revised agenda and Minutes Templates).

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- B. THAT Council's Risk Management and Internal Audit Draft Submission to the Office of Local Government's (OLG) Risk Management & Internal Audit Guidelines for Local Councils in NSW be circulated to the ARIC for further review and comments prior to submission to OLG (i.e. OLG submission due date 26 November 2021).
-

Woollahra Municipal Council
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8 General Manager's Update

Item No: 8.1
Subject: GENERAL MANAGER UPDATE
Author: Craig Swift-McNair, General Manager
Approver: Craig Swift-McNair, General Manager
File No: 21/157623
Reason for Report: For the General Manager to provide a verbal update to the Committee.

Discussion:

The General Manager provided an update on the following key issues:

- COVID-19 and the Public Health Order's advising the Committee that staff are currently working on the NSW Government's Roadmap to Freedom to determine the impact on Council's operations.
- Woollahra has been coordinating with Randwick Council and Waverley Council in regards to the COVID-19 impact and the community gatherings within the area, for example in relation to beach management
- This year's New Year's Eve could be different to last year, for example facilities may remain open and tickets may be required to attend events. Any associated costs will need to be considered.
- Mayoral and Deputy Mayoral elections will be taking place at the Council Meeting on 27 September 2021.
- In planning for the Local Government Elections in December 2021, a New Councillors Candidate session has been arranged for 13 October 2021. Work has also commenced on the preparation of an induction plan. Declaration of the Poll is schedule to occur between the 21 to 23 December 2021. Within three weeks of the poll we are required to have an election of the Mayor.
- Governance processes across the organisation are being reviewed and enhanced.

(Masters/Gordon)

Recommendation:

- A. THAT the update from the General Manager be received and noted.
- B. THAT consideration be given to implementing training to assist staff in dealing with 'Difficult and/or Aggressive Behaviour' when communicating and directing members of the public using Council's recreational and other facilities in line with Public Health Orders.

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9 Compliance

Item No: 9.1
Subject: **COMPLIANCE CALENDAR 2021/22**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/162029
Reason for Report: For the Committee to note the release of the Calendar of Compliance and Reporting Requirements for the period 2021/22.

Discussion:

The report was taken as read and noted.

(Masters/Gordon)

Recommendation:

THAT the Calendar of Compliance and Reporting Requirements 2021/22 be received and noted.

Item No: 9.2
Subject: **GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009
NSW (GIPA) QUARTERLY REPORT STATISTICS**
Author: Helen Tola, Manager - Governance & Council Support
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/162037
Reason for Report: To table GIPA statistics for noting by the ARIC Committee.

Discussion:

The report was taken as read and noted.

The Chair sought clarification on the difference between Formal and Informal GIPA requests. The Manager Governance & Council Support provided an explanation.

The Chair commented that he is not in favour of use of spreadsheets and queried whether GIPA requests can be transferred and adapted through the iConcierge platform rather than excel spreadsheets.

(Masters/Gordon)

Recommendation:

- A. THAT the GIPA Year to Date Statistics for the period 1 July 2021 to 31 August 2021 be received and noted.

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- B. THAT the high level summary of GIPA applications for the period from 2016/17 Financial Year to present be received and noted (noting that a further report will be furnished and presented at the next ARIC Committee in relation to the Annual Report statistics for the 2020/21 Financial Year).
 - C. THAT further consideration be given to utilising iConcierge for GIPA requests and refining our policy with regards to informal and formal GIPA's and how and when such determinations are made.
-

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10 Risk Management

Item No: 10.1
Subject: **CYBER SECURITY STATUS AT COUNCIL**
Author: Nabil Saleh, Chief Information Officer
Approver: Sue Meekin, Director Corporate Performance
File No: 21/171005
Reason for Report: To provide the Audit, Risk & Improvement Committee with a report that explains the Council's cyber security controls and their alignment to the Australian Cyber Security Centre's (ACSC) "Essential Eight Maturity Model".

Note: Late correspondence was tabled by the Director Corporate Performance.

Discussion:

The report was taken as read and noted.

The Chief Information Officer informed the Committee of the following:

- Council had established a partnership with the Australian Cyber Security Centre (ACSC) in April 2021.
- The partnership provides Council with further intelligence and support around cyber threats and training for IT staff.
- Council adopted the ACSC's Essential 8 Model for managing Council's cyber security.
- An overview of Council's existing cyber security controls in place.

The Committee raised the issue of ransomware and provided a scenario where a virus, in an unnamed organisation, was planted 6 months in advance and was not discovered immediately. The past 6 months backups were not useful for data recovery as they contained the virus. In such a scenario, using a backup as a recovery system control was not possible. The organisation was forced to pay the ransom money to recover its data.

The Committee asked if Council has a cyber insurance policy to protect itself in case of a similar scenario. Council is currently considering cyber insurance as it relates to ransomware.

The Committee commended the Council on its Cyber Security Policy.

(Masters/Gordon)

Recommendation:

- A. THAT the Audit, Risk & Improvement Committee note the report on Cyber Security Status at Council.
- B. THAT the Chief Information Officer provides an update and assessment to a future ARIC meeting on the level of maturity against the ACSC's Essential 8 Model.
- C. THAT the Manager Governance & Council Support review the current Delegations of the General Manager to determine whether the position under delegation has power to respond and manage a ransomware incident.

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Item No: 10.2
Subject: **RISK MANAGEMENT FRAMEWORK REVIEW**
Author: Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 21/171603
Reason for Report: For the Committee to note the draft scope for the review of Council's Risk Management Framework.

Discussion:

The report was taken as read and noted.

The Chair asked when the Council would be undertaking the review. The General Manager advised that a 'Request for Quotation' will be undertaken to engage a suitable contractor to undertake the review and following this it is anticipated that the review would be undertaken in the next quarter.

The Committee requested that the wording of the scope be amended.

(Masters/Gordon)

Recommendation:

THAT the Committee endorsed the draft scope for the review of Council's Risk Management Framework, subject to the following amendments:

- The addition of the words "automated and/or manual" to dot point 1 to read as follows:
Determine the suitability of the RMF and related tools (automated and/or manual) and methods currently used to manage risks across the organisation.
- The addition of the words "automated and/or manual" to dot point 2 to read as follows:
Determine whether the tools (automated and/or manual) and methods currently used as part of the RMF are able to provide a clear understanding of the organisation's risks.
- The addition of the words "separation of the Strategic from the day-to-day decision-making" to dot point 4 to read as follows:
Determine how the RMF currently facilitates the integration of risk management into the decision-making of the organisation (separation of the Strategic from the day-to-day decision-making), including in risk management plans, the annual Operational Plan and various other plans that are in place.
- The addition of the words "Determine strengths & weaknesses" to dot point 5 to read as follows:
Determine strengths & weaknesses of risk reporting to management, the Audit, Risk & Improvement Committee and Council.

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Item No: 10.3
Subject: **OFFICE OF LOCAL GOVERNMENT (OLG)
RISK MANAGEMENT & INTERNAL AUDIT GUIDELINES FOR
LOCAL COUNCILS IN NSW AUGUST 2021
DRAFT SUBMISSION ITEMS**
Author: Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 21/171906
Reason for Report: To present to the Committee the OLG Risk Management & Audit Guidelines for Local Councils in NSW August 2021 including draft comments to be incorporated into Council's submission.

Discussion:

The report was taken as read and noted.

The General Manager advised that submissions on the OLGs' Draft Risk Management and Internal Audit Guidelines close on 26 November 2021. A draft submission is currently being prepared for presentation to Council at their Meeting on 25 October 2021.

It was agreed the draft submission be forwarded to the ARIC Committee members to enable them to make comment prior to the final draft being considered by Council on the 25 October 2021. The General Manager advised he will circulate this by 24 September 2021. Both independent ARIC Committee members indicated that they would make their own submission.

(Masters/Gordon)

Recommendation:

- A. THAT the Committee note the OLG Risk Management & Internal Audit Guidelines for Local Councils in NSW August 2021 (the Guidelines) and the draft submission comments.
- B. THAT Council's draft submission to the OLG on the Draft Risk Management and Internal Audit Guidelines be forwarded to the Committee to enable them to provide suggested amendments.
- C. THAT a further report be presented to the Committee at its meeting in December 2021 detailing Council's final submission to the Guidelines.

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11 Fraud & Corruption Control

Item No: 11.1
Subject: **FRAUD & CORRUPTION - CENTIUM REPORT: REVIEW AND PLAN FORWARD**
Authors: Helen Tola, Manager - Governance & Council Support
Cheryle Burns, Manager - Business Assurance & Improvement
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/162035
Reason for Report: To present the Centium Report on the outcome of the Code of Conduct training completed and Fraud and Corruption Risk workshops and present a review of these and a forward plan.

Discussion:

The report was taken as read and noted. It was also noted there were no fraud and corruption incidences reported to Council.

(Masters/Gordon)

Recommendation:

- A. THAT the action plan presented as Annexure 1 be received and noted.
- B. THAT a further progress report be presented to the ARIC meeting in March 2022.

12 Financial Management

Item No:	12.1
Subject:	DRAFT GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021.
Author:	Henrietta McGilvray, Acting Chief Financial Officer
Approvers:	Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
File No:	21/162046
Reason for Report:	To present the General Purpose Financial Statements for the year ended 30 June 2021 to the Committee and seek its support of staff's recommendation to the Finance, Community & Services Committee on 13 September 2021.

Discussion:

The ARIC noted that the net operating surplus of \$627k for the year included the investment property fair value increase of \$11,755k (predominantly Kiaora Place). This is a non cash item and does not reflect the day to day operations of Council. Excluding this fair value increment, the net operating result from continuing operations would have been a deficit of \$11,128k and the net operating deficit for the year before grants and contributions provided for capital purposes would have been \$16,033k.

The Operating Performance Ratio and Debt Service Cover Ratio remain unchanged as the fair value increment is not included in the ratio calculations.

The Audit Office of NSW advised that the two significant items, being the borrowing costs and the fair value increment on the investment property, were reviewed and their treatment found to be in accordance with the applicable accounting standards.

The ARIC members also discussed with the Audit Office of NSW the appropriateness of disclosures in relation to the COVID-19 impact and were satisfied with the Council's presentation and the Audit Office's response.

Further reference was made to the user access review (Information Technology controls), raised previously in past audits, noting these points were substantially resolved. No Final Management Letter will be issued (as no further issues were found). The Audit Office of NSW also referenced that their report for this year, will be released as early as February 2022. The key topics which will be covered this year include Cyber Security, Internal Audit Function, ARIC changes, AASB1059 (Service Concession Arrangements), Early Close Procedures and Rural Fire Service Assets.

As of the ARIC meeting date, the Audit Office of NSW advised that there were no material issues and the audit report on Council's Financial Statements would be unmodified..

The ARIC Committee accepted the report and noted the update from the Audit Office of NSW as read and that the previous Audit recommendation regarding Information Technology has been resolved.

The ARIC Committee also noted the reports and thanked finance staff for their efforts.

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(Masters/Gordon)

Recommendation:

- A. THAT the ARIC supports the staff recommendation to the Finance, Community & Services Committee on 13 September 2021 regarding the adoption of Council's Statement on the General Purpose Financial Statements for the year ended 30 June 2021, subject to the following minor amendments as agreed at the ARIC meeting for incorporation into the draft financial statements:
- i. Page 4 of the draft financial statements (Page 105 of the FC&S Agenda) – COVID Impact. Under the table insert the wording:

Council has had grant funding approved of \$4.75m under the NSW Public Spaces Legacy Program and \$1.74m under the Local Roads and Community Infrastructure Program. These Government infrastructure programs are designed to promote economic and jobs stimulus in response to the COVID-19 pandemic. As at 30 June 2021 Council has expended \$130k of this capital grant funding which has been recognised as capital grant income in the income statement.
 - ii. Page 71 of the draft financial statements (Page 172 of the FC&S Agenda) – Additional explanation to the commentary on the 2020/21 result for the Operating Performance Ratio:

These include Productivity Improvements/Service Reviews to identify cost savings and income generation opportunities.
- B. THAT the ARIC endorses the report to the Finance, Community & Services Committee, subject to the minor amendments agreed at the ARIC meeting.
- C. THAT the ARIC thanks the Audit Office of NSW and their agent 'Prosperity Advisers' for their work this year.
- D. THAT the ARIC recognises and thanks Council's Finance staff for preparing an excellent set of accounts (noting that it is likely that Woollahra Council is the first Council to have their accounts signed off).
- E. THAT it be noted that the ARIC had a closed "in Camera" session with both the Internal and External Auditor on 10 September 2021, where the ARIC members raised some issues and that the ARIC was satisfied with the responses received from the Internal Auditor, External Auditor and their agent.

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Item No: 12.2
Subject: **PROGRESS ON COVID-19 INITIATIVES**
Author: Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 21/167834
Reason for Report: To provide the Audit, Risk & Improvement Committee with a report which details the progress on Council's support initiatives and activities including their budget impact in light of the current and ongoing lockdown due to the COVID-19 pandemic.

Discussion:

The report was taken as read and noted.

(Masters/Gordon)

Recommendation:

THAT the Audit, Risk & Improvement Committee note the report on Progress on COVID-19 Initiatives.

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13 Governance

Item No: 13.1
Subject: **ARIC CHARTER & INTERNAL AUDIT CHARTER**
Author: Cheryle Burns, Manager - Business Assurance & Improvement
Approver: Sue Meekin, Director Corporate Performance
File No: 21/171858
Reason for Report: To advise the ARIC of the Council's resolution dated 23 August 2021

Discussion:

The report was taken as read and noted.

(Masters/Gordon)

Recommendation:

THAT the Committee note the:

- A. Council resolution from their meeting dated 23 August 2021.
- B. Committee now operates under the new name of Audit, Risk and Improvement Committee (ARIC).
- C. ARIC Charter and Internal Audit Charter were adopted.

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16 Collection of Performance Measurement Data by Council

Item No: 16.1
Subject: **PERFORMANCE MEASUREMENT FRAMEWORK**
Author: Sue Meekin, Director Corporate Performance
Approver: Craig Swift-McNair, General Manager
File No: 21/162042
Reason for Report: To provide information on the development of a Performance Measurement Framework for Woollahra Council.

Discussion:

The report was taken as read and noted.

The Business Assurance and Improvement Department are currently meeting with Managers to develop a set of draft Performance Measures for their area of responsibility and these will be presented to the ELT group in September 2021.

(Masters/Gordon)

Recommendation:

THAT the Committee receive and note the information provided on the development of a Performance Measurement Framework for Woollahra Council.

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17 Internal Audit

Item No: 17.1
Subject: **INTERNAL AUDIT OF TRADE WASTE AND RECYCLING MANAGEMENT**
Author: Cheryle Burns, Manager - Business Assurance & Improvement
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/162024
Reason for Report: To enable the Committee to review the Internal Audit of Trade Waste and Recycling Management report completed by BDO.

Discussion:

The report was taken as read and noted.

Mark Griffiths from BDO provided an overview of the findings in relation to Internal Audit of Council's Trade Waste and Recycling management. Council's Manager Civil Operations confirmed and agreed that the report reflects accurately the management position.

The Committee raised whether this operation is considered a cost effective service.

Manager Civil Operations and Director Infrastructure & Sustainability advised that the service had been impacted during COVID-19 however during normal operations it has been a cost effective service.

The Chair requested an update to a future meeting on the recycling management and whether Council applies for EPA grants to enhance capabilities in this area and have a process of acquitting those grants.

(Masters/Gordon)

Recommendation:

THAT the Committee:

A. Receive and note the "Internal Audit of Trade Waste Management August 2021" report that includes Council's management responses to the one (1) recommendation relating to controls and opportunities for improvement as **ANNEXURE 1**.

B. Note the Report's conclusion that:

"Based on our assessment of the residual risks in WMC's Trade Waste / Recycling Management, we have assigned an overall rating of LOW for the Internal Audit."

Rationale for the Risk Rating - there were no extreme or very high issues identified during the Internal Audit and only one suggested enhancement to internal controls for consideration which has already been actioned by Management. "

C. Receive an update on the recycling management and whether Council applies for EPA grants to enhance capabilities in this area and have a process of acquitting those grants.

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Item No: 17.2
Subject: **INTERNAL AUDIT PUBLIC TREES MANAGEMENT**
Author: Cheryle Burns, Manager - Business Assurance & Improvement
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/162049
Reason for Report: To enable the Committee to review the Internal Audit of Public Tree Management report completed by BDO.

Discussion:

The report was taken as read and noted.

Mark Griffiths from BDO provided an overview of the findings in relation to the public tree management internal audit (noting that it did not include management of private trees). He advised the overall internal audit rating of 'high' was the subject of discussions with management who felt the rating of 'high' was not appropriate. He explained that the rating is a reflection of the cost and frequency of claims arising from these assets.

The Director Infrastructure and Sustainability advised management was in agreement with the report findings and drew attention to the current risk matrix and the use of the term of "high" as a rating score of 10 out of a possible 80 attracts a rating of "high". In this review the risk rating level was identified as 'high' however there are robust internal controls in place for tree management.

The Director noted that ELT will be undertaking a review of the risk matrix including the terminology used.

The Committee asked whether there have been challenges arising from the staff vacancies given the number of trees in the municipality and high risk in events such as storms.

The Director Infrastructure and Sustainability advised that vacancies had occurred due to the current COVID-19 situation, as many staff reside within a Local Government Area of concern and that a lot of the qualified people in this industry are from overseas and had returned home.

The Manager Parks & Open Space confirmed that Council will be advertising the vacancies and that in the event of the need to address emergency services arising from storm events etc we are able to arrange for contractors to attend.

(Masters/Gordon)

Recommendation:

THAT the Committee:

- A. Receive and note the "Internal Audit of Public Tree Management August 2021" report that includes Council's management responses to the two (2) recommendations as **ANNEXURE 1**.
- B. Note the Report's conclusion that:

"Based on our assessment of the residual risks in WMC's Public Tree Management, we have assigned an overall rating of 'high' for the Internal Audit."

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Rationale for the Risk Rating - there were no extreme or very high issues identified during the Internal Audit and only one suggested enhancement to internal controls for consideration which has already been actioned by Management. ”

Item No: 17.3
Subject: **THREE YEAR ANNUAL AUDIT PLAN 2018 TO 2021 AND AUDIT RECOMMENDATIONS TO BE COMPLETED**
Author: Cheryle Burns, Manager - Business Assurance & Improvement
Approver: Sue Meekin, Director Corporate Performance
File No: 21/168752
Reason for Report: To table the Executive Summary – Status of Internal Audit Recommendations Report and Progress Report along with an additional report showing Audit Recommendations to be completed by Division/Department Report.

Discussion:

The Chair noted that there were some open action items are still listed arising from 2016 internal audits and the need to be more diligent as a Committee in progressing these.

The Chair noted that quite a few of the internal audits scheduled as part of the Strategic Internal Audit Plan 2018 to 2021 have been deferred due to COVID-19 and noted that the Committee is mindful of the need to demonstrate they have fulfilled their oversight responsibilities and internal audit function which is a key responsibility.

With this in mind, the Chair suggested that an out of session meeting be organised with BDO and the Executive Leadership Team to create a short term plan for this year, to coordinate an Internal Audit Plan moving forward so internal audits can be carried out.

The General Manager agreed and advised that there was work to be done in this area.

The Manager Business Assurance and Improvement advised that BDO are currently performing a follow up review of past internal audit recommendations and it is anticipated that a number of these will be signed off as completed by internal auditor.

(Masters/Gordon)

Recommendation:

- A. That the Committee receive and note the Executive Summary Report as at 31 August 2021 pertaining to the three year annual audit plan and annual audit plan for 2020/2021.
- B. That the Committee receive and note the Three Year Internal Audit Plan for 2018 to 2021 and Annual Audit Plan that incorporates progress reporting.
- C. That the Committee receive and note Audit Recommendations to be completed by Division/Department Report as at 30 July 2021.
- D. That the General Manager organise a workshop with the ARIC (possibly with the ELT or separately) to create a short term Internal Audit Plan for the remaining year to 30 June 2022.

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18 General Business

Nil

There being no further business the meeting concluded at 12.30pm.

Item No: 12.4
Subject: **UPDATE ON COVID-19 SUPPORT INITIATIVES**
Authors: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 21/206299
Reason for Report: To report on the progress on Council's support initiatives and activities including their budget impact in light of the current and ongoing lockdown due to the COVID-19 pandemic.

Recommendation:

- A. THAT Council note the information as included in this October 2021 COVID-19 Support Initiatives update report.
- B. THAT Council note the estimated financial impact of the current COVID-19 restrictions, including associated support initiatives is \$729,156 for the month of September 2021 and is estimated to be \$3,157,150 for the full 2021-2022 financial year.
- C. THAT Council note the information as included in this October 2021 COVID-19 Support Initiatives update report on the NSW Governments recently released Alfresco Restart Package.

Background:

A report was presented to Council at its meeting on 26 July 2021 outlining the impact at that time of the outbreak of the COVID-19 Delta variant. The outbreak had led the NSW government to impose Stay-At-Home Orders (SAHO) from 26 June 2021 which eased on 11 October 2021 for those who were fully vaccinated with a full lifting of restrictions for everyone from 1 December 2021. A number of support measures by Council that would supplement both the Federal and NSW government support measures that had been introduced, were outlined in the report. In response to this, Council resolved a number of initiatives as detailed below.

The purpose of this report is to address Council resolution H) detailed below, which is to provide progress of the support initiatives in response to the current and ongoing lockdown due to the COVID-19 pandemic including budget impacts. This is the third and final progress report with the first presented to Council at its meeting on 23 August 2021 and the second presented to Council at its meeting on 27 September 2021.

Based on Council's experience since the emergence of COVID-19 in March 2020 and in addition to the recently resolved relief initiatives, Council officers anticipate that there will be further adverse impacts on Council's budget from things like reduced car parking usage (i.e. Cross St car park), reduced fire safety and health inspection activity and general reduced activity within other areas of income. Details of these and other estimated impacts on Council's budget are also outlined in this report.

Following is the Council resolution relating to the latest COVID-19 support measures from 26 July 2021:

- A. *THAT Council note the information as included in this COVID-19 Support Initiatives report.*

- B. *THAT Council suspends the footway dining approvals until such time as footway dining becomes permissible.*
- C. *THAT Council waive footway dining fees for a period of 2 x months after footway dining becomes permissible.*
- D. *THAT Council offer deferred rental payments for commercial tenants in Council owned property (other than Woolworths & Dan Murphy, the National Australia Bank and the Commonwealth Bank) from the commencement of the current Stay-At-Home Orders (SAHO), being 26 June 2021, until 2 x months post the date of lifting of the current SAHO, noting that any deferred rent will be amortised for payment over the remaining months of the 2021/22 financial year.*
- E. *THAT Council waive rental payments for community tenants (of Council controlled property) for the period of the current stay-at home orders and until 1 x month post the lifting of the current SAHO.*
- F. *THAT Council implement a Revitalisation Grants program to the value of \$115,000, to be implemented as soon as possible after the lifting of the current SAHO, with this grants program being a one-off, short-term and time-limited program open to individuals, community groups, community associations and businesses located within or serving residents of the Woollahra Local Government Area, utilising funding already included in Council's 2021-2022 budget, as detailed in this report.*
- G. *THAT Council note the non-financial relief measures as detailed in this report being:*
 - i. *The implementation of Business Concierge Web Pages on Councils website.*
 - ii. *The continuation of the Small Business Newsletters and Economic Data Sharing.*
 - iii. *The payment of local suppliers within 14 days until the end of the 2021-2022 financial year.*
 - iv. *The continued investigation into the feasibility of implementing Business Training Programs with neighbouring Councils and Service NSW.*
- H. *THAT a report be tabled to each Council meeting between now and the end of October 2021 detailing the progress and/or updates on COVID support initiatives and the budget impact of these, noting that when considering the monthly report Council may review these COVID support initiatives and/or implement changes to them as required to better reflect NSW Public Health Orders relating to the COVID-19 pandemic as at the date of the monthly review.*
- I. *THAT further to the resolution adopted on 28 June 2021, Council move forward with notifying businesses and residents in relation changes to the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington.*
- J. *THAT Council continue to seek funding from State and Federal Governments in relation to commitments made by Council in the 2021-2022 budget.*
- K. *THAT Council thank Council staff for their dedication in continuing to provide a range of services to the community throughout the current stay-at-home orders, with particular thanks going to the frontline staff who are out in the community doing essential work during this time.*

Current Situation:

During the month that has passed since the 27 September 2021 COVID-19 progress report was presented to the Council, NSW has seen a lifting of the SAHO's for Greater Sydney and an easing of restrictions for fully vaccinated people from 11 October 2021. At the time of writing this report restrictions were scheduled to ease for all people, whether vaccinated or not, on 1 December 2021.

Budget Impact

1. Support Measures

The support measures adopted in July are having a direct impact on Council's budget and are detailed in Council's recommendations B), C) and E) above from the 26 July 2021 Council Meeting.

In addition, as previously reported to Council in the September report, on Friday 13 August 2021, the NSW Government announced that it has re-introduced the National Cabinet's Mandatory Code of Conduct for Commercial Leasing to mandate rent relief for eligible tenants impacted by COVID-19. The Retail and Other Commercial Leases Regulation (COVID-19) Regulation 2021 requires landlords to renegotiate rent having regard to National Cabinet's Code of Conduct. The Code of Conduct requires landlords to provide rent relief in proportion with their tenant's decline in turnover. Of the rent relief provided, at least 50 per cent must be in the form a waiver, and the balance a deferral.

At the time of writing this report, requests for assistance had been received by 27 SME Commercial tenants seeking various levels of assistance including rent relief, partial rent relief, rent deferral or a combination of these. The final position for each tenant is still being established as it requires confirmation of the reduction in their trading results, however at the time of writing this report it is estimated to be **\$70,737** per month. It should also be noted that the Regulations are effective until 15 January 2022 but at this stage only the months of July to September 2021 have been included.

The estimated budget impact of support measures and the commercial leasing relief is outlined in **Table 1** below. In summary it shows that the budget impact for the month of September was **\$139,787**, noting that there have also been some minor adjustments to prior months where the financial results have now been finalised. With the lifting of the SAHO's from 11 October 2021, the total budget impact of these specific support measures is estimated at **\$565,040**.

Table 1 – Support Measures

	Actual July \$	Actual Aug \$	Actual Sept \$	Estimate Oct \$	Estimate Nov \$	Estimate Dec \$	Estimate Total \$
<u>Loss of Income</u>							
Outdoor Dining Fees (Resolution B&C)	52,066	52,066	52,066	52,066	52,066	16,795***	277,124
Community Rental Waiver* (Resolution E)	20,302	16,939	16,485	16,485	5,495**		75,706
Commercial Leasing Relief	70,737	70,737	70,737				212,210
Total Support Measures	143,105	139,741	139,287	68,551	57,561	16,795	565,040

*From 26 June 2021

**To 11 November 2021

***To 11 December 2021

2. Other COVID 19 Financial Impacts:

As previously noted, based on Council's experience since the emergence of COVID-19 in March 2020, we anticipate that there will be further adverse impacts on Council's budget from the current SAHO's from a range of areas that whilst not specifically part of the relief measures Council has resolved to put in place, are impacted by the SAHO's.

Table 2 below summarises the other COVID-19 budget impact areas, which for the month of September 2021 was **\$589,869**. We have also made some minor adjustments to prior months and recognised reductions in direct expenses where the financial results have now been finalised. With the lifting of SAHO's from 11 October 2021 the total budget impact is estimated at **\$2,457,110**. Following is detail relating to these other COVID-19 budget impacted areas, followed by the summary of these impacts as found in **Table 2** below.

Infringement Income

Council's Regulatory staff were initially impacted with the changed working arrangements as a consequence of the COVID-19 situation, with a reduced number of available staff due to the locking down of a number of LGAs, resulting in a reduction of overall shifts and a move away from our regular proactive parking patrols in the metered parking areas and time restricted parking areas, including commercial and resident parking zones, with this approach being in support of the fact that the majority of people are working from home. In recent times the Regulatory staff were classified as 'Authorised Workers', with Officers residing in LGAs of concern being allowed to return to work before the relaxing of some of the COVID restrictions.

Modified rosters remain in operation to allow staff to work in two (2) distinct and separate teams.

During this time Council's Parking Enforcement staff have been focusing on:

- Safety issues such as 'No Stopping' and 'No Parking' zones;
- Responding to customer requests and complaints in relation to work zone, loading zone, disability parking and parking across driveway offences; and
- Undertaking additional proactive patrols of Council's public spaces such as parks and reserves due to the increase patronage and dog usage.

Commencing the week of 18 October 2021, staff moved to recommence proactive parking patrols in our commercial areas and the residential streets adjoining the commercial areas, which will include the metered parking areas of Double Bay and Paddington. However, with work from home provisions largely remaining in place until 1 December 2021, there will still be limited proactive patrols of resident parking zones.

The above changes introduced in response to COVID-19 resulted in a reduction of our parking fine / infringement income. For the month of September this was **\$334,751**.

With a reintroduction of proactive patrols in the commercial areas we will see an increase in our parking fine income, however this may not be evident until December 2021 or later, due to the lag between issuing an infringement and receiving the associated income.

Therefore it is predicted that October may result in a marginally higher net loss than September as our expenditure for the month increases with an increase in the number of infringements issued, meaning we will not receive the financial benefit of these additional infringements in October. November 2021 will hopefully have an improved net loss, although it may not be significant due to the time lag between issuing an infringement and receiving the associated fine income and may come in close to the **\$240,000** (net of associated expenses) monthly average estimated in the previous report for each month of lockdown.

In relation to infringements Council issues for building sites and other work sites it has been estimated at the end of the 1st quarter that income has fallen by \$25,000, representing an annual reduction of 12.5%. This reduction in income reflects the reduction in the number of 1st quarter infringements issued by Council's Rangers due to the impact of the COVID-19 restrictions and rules including, closure of building sites for a period of time, amendment of construction days to permit work on Saturday, Sunday & Public Holiday and revised staff rosters.

Commercial Waste Fees & Charges

Commercial waste fees & charges have reduced in line with reduced collection requirements, due to many businesses being closed. For September this totalled approximately **\$71,300** (net impact of \$36,000 after allowing for a reduction in direct expenses). It is anticipated that collection requirements will have returned to normal from 11 October 2021 when the SAHO's were lifted.

Fire Safety and Food & Health Premises Inspections

With SAHO's in place there was an inability for inspections to be undertaken and any infringements associated with non-compliance to be issued. The impact in September was a reduction in income of **\$13,300**.

Community Facility Hire

Community hire spaces were closed as part of the SAHO's. The impact on revenue for September was **\$21,435** (net impact of \$8,529 after allowing for a reduction in direct expenses). Since the lifting of the SAHO's from 11 October 2021, venues have progressively opened to permanent hirers.

Parking Meter Income

There has been a reduction in Parking Meter income as a result of reduced usage during the current SAHO's. For September 2021, this totalled **\$85,813** (net impact of \$80,813 after allowing for a reduction in direct expenses). This is anticipated to revert to normal levels following the lifting of the SAHO's.

Car Park Income

Council's car parks experienced a significant decline in their usage as well as a reduction in the amount of time people are parking, with people usually leaving the car parks within the free parking period. For September 2021, this totalled **\$126,665** (net impact of \$89,530 after allowing for a reduction in direct expenses). This is anticipated to revert to normal levels following the lifting of the SAHO's.

Other Impacted Income Items

Other areas of Council's income have been impacted by the SAHO's including library income, sportsfield hire and wedding and ceremonial photography income. For September 2021, this totalled **\$100,617** (net impact of \$63,875 after allowing for a reduction in direct expenses). These are anticipated to revert to normal levels following the lifting of the SAHO's.

Additional Expenditure

Additional expenditure will be required for the continued and increased use of Variable Message Signs (VMS) at various locations within the LGA as well as the site shed, toilets and generator at the testing clinic at Lyne Park. For September 2021, this totalled **\$13,161**. This is anticipated to continue at an average of **\$13,161** per month until the testing clinic is no longer required which we have assumed to be 1 December 2021.

Table 2 – Other Budget Areas Impacted

	Actual July \$	Actual Aug \$	Actual Sept \$	Estimate Oct \$	Estimate Nov \$	Estimate Dec \$	Estimate Total \$
<u>Loss of Income</u>							
Infringement Revenue	137,500	240,024	334,751	375,000	300,113	300,113	1,687,500
Commercial Waste Fees & Charges	92,000	66,700	71,300				230,000
Fire Safety, Health Inspections	11,800	11,300	13,300				36,400
Community Facility Hire	21,000	21,000	21,435				63,435
Parking Meter Income	101,197	102,990	85,813				290,000
Car Park Income	191,008	129,127	126,665				446,800
Other areas e.g sportsfield hire, library income	100,617	100,617	100,617				301,850
<u>Additional Expenditure</u>							
Testing Clinic & VMS Board Expenses	13,161	13,161	13,161	13,161	13,161		65,805
<u>Reduced Expenditure</u>							
Infringement Revenue	-20,000	-50,000	-50,000	-60,000	-45,000	-45,000	-270,000
Processing Charges							
Commercial Waste – Tipping Charges	-40,000	-24,700	-35,300				-100,000
Community Facilities Expenses	-12,644	-12,644	-12,906				-38,195
Parking Meter Collection Charges	-5,000	-5,000	-5,000				-15,000
Car Park Collection Fees	-55,999	-37,857	-37,135				-130,990
Other areas	-36,832	-36,832	-36,832				-110,495
Total	497,808	517,886	589,869	328,161	268,274	255,113	2,457,110

Customer Service Centre:

The Customer Service Centre (CSC) will reopen from Monday 25 October 2021, with the normal hours of 8.00am to 4.30pm. Until 1 December 2021 (when at the time of writing this report, restrictions around those who are unvaccinated are eased), to reduce multiple entry points into the main Chambers / Administration building at Double Bay, the main reception doors on the ground floor will be closed and signs will be directing people down stairs to the CSC. The signs also advise customers to contact the CSC via the main phone number if they require assistance accessing the CSC, with staff then able to assist them to do so. It should be noted that a Justice of the Peace service will be offered from 9.00am until midday every day.

Library:

Woollahra Libraries opened to the community on Monday 18 October 2021. Normal opening hours apply at Woollahra Library at Double Bay, Paddington and Watsons Bay libraries, and each facility will be operating at a 1 person per 4 square metre capacity as per the current PHOs. Computer bookings and casual seating are available, with all events and programs remaining online until the end of 2021.

In line with the PHOs for indoor venues, all customers over the age of 16 must be fully vaccinated, and under 16s who are not fully vaccinated will have to be accompanied by a fully vaccinated household member.

The Select and Collect service that has been running since Monday 27 September 2021 ceased on Sunday 17 October, with the opening of the Libraries on Monday 18 October 2021.

The Home Library Service resumed deliveries on 6 October 2021.

Woollahra Gallery at Redleaf:

Following delays due to Covid we are holding an in-person opening of both the Gallery and the Woollahra Small Sculpture Prize and 20th anniversary exhibition on Wednesday 3 November, 2021.

These events will be in keeping with the State Government's PHO of the day and the Gallery's COVID Management Plan.

At the time of writing this report and subject to any PHOs in place at the time, the Gallery will be open to the public from Thursday, 4 November, 2021.

The initial exhibitions will be as follows.

- **Woollahra Small Sculpture Exhibition** to be held for 5 weeks.
Wed 3 November to Sun 5 December 2021
- **Youth Photographic Award and Short Film Prize** to be screened as a virtual exhibition, similar to 2020
Wed 17 November – Sun 28 November
- **First Expression of Interest Exhibition**
Wed 8 December to Sun 3 January 2022 covering the Christmas / New Year Period.

Revitalisation Grants Program:

Woollahra Council's [Revitalisation Grants Program](#) of \$115,000 is part of Council's support package for the community. This program is open to businesses, non-profit organisations, individuals and community groups. Grants of up to \$5,000 are available for innovative projects that help to rejuvenate our area and benefit the local community.

Submissions opened Monday 11 October 2021 and will close on Monday 8 November 2021. All proposed projects must be undertaken by 31 March 2022. Applications are made via the SmartyGrants platform and can be accessed on [Council's webpage](#).

New Year's Eve 2021:

As reported to Council in the September report, Council staff have been working through the arrangements for New Year's Eve. There is a separate report on this 25 October 2021 Council meeting Agenda in relation to this matter.

Support for Payment of Rates

A number of initiatives undertaken by Council staff to draw attention to Council's hardship policy were outlined in the September report. These included a DL flyer (a copy is included below), to be sent with Council's rates instalment notices in late October. A similar message will be included in Mayoral columns around the same time.



Management of Beaches:

The most recent iteration of the PHO (at the time of writing this report was dated 15 October 2021), allows for fully vaccinated residents to undertake outdoor recreation within Greater Sydney in groups of up to 50. In practical terms, this allows for general beach and open space activity to continue as long as appropriate social distancing is maintained.

Assuming the current PHO remains unchanged as it relates to outdoor recreation for the Woollahra LGA, the beach management plan (which was enacted from 18 October 2021) will have the following key elements:

- Crowds at key sites will be monitored to ensure that numbers do not exceed recommended safe capacity. Based on current advice, this will be set at 1 person/2m².
- Where safe capacity is likely to be exceeded, entry will be restricted as necessary to maintain safe levels. Previous experience suggests that this is not likely to occur at any of Council's sites.

- Signage in the form of VMS Boards will continue to be placed at appropriate locations advising of capacity at key sites.
- Adequate staffing, in the form of Council staff and trained security personnel, will be deployed to support the plan.
- Staff and security personnel will be in regular liaison with NSW Police, who will be solely responsible for enforcement of PHOs.

The estimated staff and security costs should we need to monitor beaches weekends & public holidays from 4 September 2021 through to the last weekend in February 2022 is **\$135,000**.

Alfresco Restart Package:

As NSW continues to reopen after the recent lockdowns, the NSW Government committed to supporting Councils to drive locally-led economic and social recovery from the pandemic. To this end, on Thursday 14 October 2021, the Government announced the Alfresco Restart Package (the Package) to provide additional, improved and activated public space to support community well-being and economic recovery. According to the Government, the key aims of the Package are to provide more room for getting out, meeting friends and helping local businesses, all while keeping our distance and staying outdoors.

There are a range of initiatives being rolled out from November 2021, including the following:

- The Festival of Place is a program to revitalise local streets with murals, art installations, laneway cinemas and more to kick-start a 24-hour economy. The festival includes the Long Summer Nights Program, the Streets as Shared Spaces Program, the Summer Night Fund Program, and the Open Streets Program.
- Changing the outdoor dining planning rules permanently to allow pubs and small bars to implement outdoor dining more easily following a successful trial.
- Supporting Councils and businesses to bounce back by changing the rules for alfresco dining on public and private land.
- Offering \$5,000 grants for hospitality businesses to get their outdoor dining ventures in a park or public space off the ground.

The NSW Government are implementing these initiatives aimed at generating much needed social and economic activities in local communities as part of the Reopening NSW roadmap as vaccination rates increase. A summary of these programs is included below, noting that under The Festival of Place, there are four programs as follows:

- The Open Streets Program (\$6.5 million):

The Department Planning, Industry & Environment (DPIE) is seeking to partner with the 12 former LGAs of concern and the City of Sydney in areas most impacted by lockdowns to open streets across Greater Sydney for community events and activities, to commence as soon as possible. *Please note that this particular program is not open to Woollahra Council.*

- The Summer Night Fund Program:

This program offers all NSW Councils up to \$15,000 from the Summer Night Fund for free, COVID-Safe activations or events in public spaces in local centres. This program is open to Woollahra Council, with Council staff currently gathering ideas and opportunities for implementation of this program, however at the time of writing this report, that work is still being undertaken.

It should be noted that Expressions of Interest (EOI) for this fund close on 15 November 2021, with programs to run in the evening or night time (from 4pm onwards) from 1 January 2022 until the end of April 2022.

- The Streets as Shared Spaces Program (Round 2) (\$20 million):

This program is offering grants of up to \$500,000 to Councils across NSW for trial projects that test permanent changes that strengthen the amenity, accessibility and economic vitality of a high street and surrounding area.

For information, in June 2020, Council made an application under Round 1 of the Streets as Shared Spaces Grant Program. Council's application were for Category 1 – Delivery of the O'Sullivan Road Pop-Up Cycleway and for Category 2 – Delivery of the Woollahra Pedestrianisation Program being Pedestrianisation of Commercial Centres in Double Bay, Rose Bay & Paddington. Council was advised in August 2020 that we were not successful in attracting grant funding from the DPIE for the abovementioned funding submissions. It is Council staff's understanding that there were a large volume of applications for the \$15 million program available under Round 1 of the program, with 146 applications received from 99 Councils.

Council staff are currently gathering ideas and opportunities for application under this program, however at the time of writing this report, that work is still being undertaken.

There is a two-stage application process for this program, which has been designed in recognition of the significant resourcing required to prepare an application. The EOI stage i.e. the first stage, is open to all Councils. Councils will be asked to articulate their proposal early in its development, to identify how it meets the program objectives and timeframes as well as any likely transport approvals. The second application stage will only be open to Councils that are shortlisted through the EOI stage. Shortlisted Councils will then be asked to provide all information required to address the assessment criteria.

Successful projects will be announced in March 2022, with the projects / trials to be live by the end of September 2022. The trial 'live' means that the project is constructed and the trial has commenced on the ground, meaning it is available for community use.

- The Long Summer Nights Program:

The Rocks, Darling Harbour, and The Domain will celebrate summer with re-imagined and newly created areas with outdoor dance floors, live music, theatre and comedy shows under the stars. *Please note that this particular program is not open to Woollahra Council.*

Changes to Outdoor Dining:

The NSW Government has announced that following a successful outdoor dining trial, the Government is changing the planning rules to permanently enable pubs and small bars across the State to implement outdoor dining as exempt development.

This means all pubs and small bars can apply to use the footpath and public spaces to serve diners alfresco under exempt development. These changes align pubs and small bars with the existing planning rules for cafes and restaurants.

Temporary Alfresco Dining Measures:

As part of the NSW Government support for Councils and businesses to bounce back from the lockdowns, there are changes being implemented for the rules around alfresco dining on public and private land, to include parks, registered clubs and open spaces.

The aim of these measures is to have an easier application process for hospitality providers. Similar to the outdoor dining trial, hospitality businesses will be able to apply to setup alfresco dining as exempt development with landowner's consent. These temporary measures will run for seven months from now until 18 April 2022. These temporary measures mean that:

- Existing bars and pubs can use adjacent sites such as carparks or open space to serve food and drinks.
- Councils can setup popup outdoor venues to serve food and drinks on public land.
- Registered clubs can temporarily repurpose their outdoor spaces such as car parks, bowling greens to serve food and drinks.

All sites will be subject to development standards to manage environmental impacts such as hours of operation, patron capacity, safety and waste management. The changes are supported by equivalent legislative changes prepared by Liquor & Gaming NSW to amend liquor licenced boundaries.

In support of the above, the Office of Local Government (OLG) is currently updating guidelines around outdoor dining to support Councils to increase outdoor dining opportunities in their local communities.

According to the NSW Government, the above-mentioned changes mean that there is no need for a planning approval to have outdoor dining, making it easier, faster and cheaper for businesses to focus on recovering from the pandemic. Having said that, all venues must seek landowner or Council approval to have outdoor dining. If it is on Council land, outdoor dining applications are to be considered against Council's outdoor dining policies and guidelines. Other approvals are also still required under the Roads Act 1993, the Local Government Act 1993 and any changes to liquor licences issued under the Liquor Act 2007.

One of the aims of these changes is that consent authorities (usually meaning Councils) can approve outdoor dining more quickly and at a lower cost to pub and bar owners and to help speed up the application process, the DPIE has also created an online platform on the planning portal that allow Councils to receive an online lodgement for outdoor dining.

The above-mentioned changes to outdoor dining have been enabled by the NSW Government amending the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) to make the exempt development pathway for outdoor dining available to small bars and pubs permanently.

Importantly, Councils are to continue to assess applications for outdoor dining against their outdoor dining policies. Councils will also continue to manage venues under the approvals they grant under the Roads Act 1993 and Local Government Act 1993. These approvals are then fast-tracked to Liquor & Gaming NSW which approve new liquor licence boundaries.

It should be stated that whilst the amendments to outdoor dining and alfresco dining measures are most welcomed, it is difficult to detail here what specific impact these changes will have on hospitality businesses across the Woollahra LGA. This is due to the bespoke nature of each outdoor dining / alfresco dining site across the LGA, meaning that each site is often different, with one outdoor dining application not necessarily being the same as the next one. However, Council staff are continuing to seek clarity from the DPIE and the Office of Local Government on the announced changes so that staff can fully understand and implement the changes that have been made.

In addition to all of the above, the NSW Government is offering \$5,000 grants for hospitality businesses to get their outdoor dining ventures in a park or public space off the ground. Council plays no role in this grant funding process, noting that the \$5,000 grant is open to the first 5,000 businesses that successful apply. Council has already included relevant information about this grant funding opportunity on Council's web site and through our range of existing networks.

Identification of Income & Expenditure:

Council's 2021-2022 operating budget, which projects a deficit of **\$4.1million** (increased from the original \$3.5million by \$0.6million in net budget rollovers from 2020-2021), was predicated on the assumption that there were no material financial impacts from COVID-19.

The support initiatives committed by Council in response to the current COVID-19 Delta outbreak and other anticipated budget impacts are, at the time of writing this report, estimated to be **\$729,156** for the month of September and **\$3,157,150** for the financial year as detailed in **Table 3** below, which includes the information contained in **Tables 1 & 2** above and the additional expenditure required for beach management. This will bring Council's estimated 2021-2022 budget deficit to **\$7.25million**. It should be noted that this does not include non-COVID potential impacts on Council's budget for the 2021-2022 year and these will be included in the Quarterly Budget Review which will be presented to the Finance, Community & Services Committee at its meeting on 8 November 2021.

Table 3 – Total Estimated Budget Impact

	Actual July \$	Actual Aug \$	Actual Sept \$	Estimate Oct \$	Estimate Nov \$	Estimate Dec \$	Estimate Total \$
Support Measures	143,105	139,741	139,287	68,551	57,561	16,795	565,040
Other Budget Areas Impacted	497,808	517,886	589,869	328,161	268,274	255,113	2,457,110
Beach Management Costs							135,000
Total Estimated Budget Impact	640,913	657,627	729,156	396,712	325,834	271,908	3,157,150

Consultation:

Consultation in relation to this report has taken place with the General Manager and Directors of Woollahra Council. No external consultation has taken place in the development of this report.

Options:

As per Council resolution H) as detailed above from the Council meeting held on 26 July 2021:

“...when considering the monthly report Council may review the COVID support initiatives and/or implement changes to them as required to better reflect NSW Public Health Orders relating to the COVID-19 pandemic as at the date of the monthly review.”

In light of the above-mentioned Council resolution, Council has the option of amending, ceasing or adding to the range of support initiatives as previously resolved by Council.

Conclusion:

Over the 2019-2020 and 2020-2021 financial years, the COVID-19 support initiatives commitment by Council to the community was valued at approximately **\$7.9 million**, which was a combination of support initiatives provided to the community as well as the impact of reduced income across a range of sources. Whilst necessary to support the local community and businesses, these initiatives had a significant impact on Councils budget for the two financial years of 2019-2020 and 2020-2021. It should be noted that the above-mentioned support initiatives were supplementary to NSW and Federal government support measures available at the time.

As noted earlier in this report, the COVID-19 support initiatives introduced in response to the current Delta outbreak as well as the net impact of reduced income across a range of sources total **\$729,156** for the month of September 2021 and **\$3,157,150** for the financial year. This will bring Council's estimated 2021-2022 budget deficit to **\$7.25million**. It should be noted that this does not include non-COVID potential impacts on Council's budget for the 2021-2022 year and these will be included in the Quarterly Budget Review which will be presented to the Finance, Community & Services Committee at its meeting on 8 November 2021.

Annexures

Nil

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 11 October 2021 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING, INCLUDING INTERIORS, AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF**
Author: Kristy Wellfare, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/178381
Reason for 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 the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff, and the building at 549 Glenmore Road, Edgecliff including interiors as a local heritage items in Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 supporting a planning proposal to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff and the building at 549 Glenmore Road, Edgecliff including interiors as local heritage items in Woollahra Local Environmental Plan 2014.
 - B. THAT the planning proposal, as contained in **Annexure 4** of the report to the Environmental Planning Committee meeting of 11 October 2021 be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.
 - C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
-

- Item No:** R2 Recommendation to Council
- Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF MAGET HOUSE AT 66 VICTORIA ROAD, BELLEVUE HILL**
- Authors:** Shona Lindsay, Heritage Officer
Anne White, Manager - Strategic Planning
- Approver:** Scott Pedder, Director - Planning & Place
- File No:** 21/178403
- Reason for Report:** To present the heritage significance assessment prepared by Rebecca Hawcroft and Kieran McInerney for Maget House at 66 Victoria Road, Bellevue Hill.
To recommend that Council resolves to prepare a planning proposal to list Magnet House, including front garden, front driveway/ pedestrian path at 66 Victoria Road, Bellevue Hill as a heritage item on the Heritage Map and in Schedule 5 of the Woollahra Local Environmental Plan 2014.
- Note:** In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the Committee being divided between the Motion (3 votes) and the Amendment (3 votes) and the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration on 25 October 2021.

As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, both the Motion and Amendment are referred to Council for consideration.

Motion to Council

THAT Council take no further action in relation to the heritage listing of Maget House at 66 Victoria Road, Bellevue Hill.

Amendment to Council

- A. THAT a planning proposal be prepared to list Maget House, including front garden, front driveway/ pedestrian path at 66 Victoria Road, Bellevue Hill at as a local heritage item on the Heritage Map and Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
 - B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
 - C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
-

Item No: R3 Recommendation to Council

Subject: **EARTHWORKS AND DEWATERING PROVISIONS IN THE WOOLLAHRA LEP 2014 AND WOOLLAHRA DCP 2015, AND THE PROHIBITION OF EXCAVATION AND DEWATERING IN THE DOUBLE BAY SETTLEMENT ZONES.**

Authors: Kelly McKellar, Team Leader Strategic Planning
Anne White, Manager - Strategic Planning

Approver: Scott Pedder, Director - Planning & Place

File No: 21/95851

Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend the Woollahra Local Environmental Plan 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering.
To obtain Council's approval to proceed with the planning proposal as amended based on the advice of the Woollahra LPP
To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No.18) – Groundwater (Hydrogeology) and to obtain Council's approval of the Draft DCP.
To respond to Council's resolution to investigate mechanisms to prohibit excavation and dewatering in the most impacted zones in the Double Bay settlement zones.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 20 May 2021 for the planning proposal to amend the Woollahra Local Environmental Plan 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering.
- B. THAT the planning proposal, as contained in **Annexure 1** of the report to the Environmental Planning Committee of 11 October 2021, be forwarded to the Department of Planning, Industry and Environment requesting a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No. 18)* as attached at **Annexure 2** of the report to the Environmental Planning Committee meeting of 11 October 2021.
- E. THAT Council staff provide a further report on how we can limit excavation and dewatering in the most impacted zones in the Double Bay Floodplain (see the Double Bay Settlement area in Figure 1 of the planning proposal attached to the Environmental Planning committee of 11 October 2021) and Rose Bay Floodplain (for example limiting the volume of excavation).

Item No: R4 Recommendation to Council
Subject: **CITIES RACE TO ZERO CAMPAIGN**
Author: Micaela Hopkins, Team Leader Environment & Sustainability
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/198524
Reason for Report: To recommend that Council join the Cities Race to Zero Campaign ahead of the International Climate Conference (COP26) being held in November.

Recommendation:

A. THAT Council joins the Cities Race to Zero campaign and endorses the pledge as follows:

1. Publicly endorse the following principles:
 - We recognise the global climate emergency.
 - We are committed to keeping global heating below the 1.5°Celsius goal of the Paris Agreement.
 - We are committed to putting inclusive climate action at the centre of all urban decision-making, to create thriving and equitable communities for everyone.
 - We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognising the global climate emergency and help us deliver on science-based action to overcome it.
2. Pledge to reach (net)-zero in the 2040s or sooner, or by mid-century at the latest, in line with global efforts to limit warming to 1.5°Celsius.
3. In advance of COP26, explain what steps will be taken toward achieving net zero, especially in the short-to medium-term. Set an interim target to achieve in the next decade, which reflects a fair share of the 50% global reduction in CO2 by 2030 identified in the IPCC Special Report on Global Warming of 1.5°Celsius.
4. Immediately proceed to planning at least one inclusive and equitable climate action as listed on www.citiesracetozero.org that will help to place your city on a resilient pathway consistent with the 1.5°Celsius objective of the Paris Agreement and begin implementation no later than 2022.

Council staff to tick the box 'lead by example with municipal renewable energy projects maximising the potential of municipal assets for onsite generation with the aim to cover municipal electricity demand by 100% renewables by 2025

5. Report progress annually, beginning no later than 2022 to your usual or the recommended reporting platform.

B. THAT Council commits to an aspirational target of net zero emissions for the Woollahra Municipality by 2030.

Item No: R5 Recommendation to Council
Subject: **REGISTER OF CLAUSE 4.6 VARIATIONS**
Author: Nick Economou, Manager Development Control
Approver: Scott Pedder, Director - Planning & Place
File No: 21/172743
Reason for Report: To provide full Council with the “2020 Audit Report on councils’ use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan and with a register of clause 4.6 variations supported for the period between 1 January 2021 to 30 September 2021.

Recommendation:

- A. THAT the attached ‘2020 Audit Report on councils’ use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan’ be received and noted;
- B. THAT the attached register of Clause 4.6 variations supported for the period between 1 January 2021 to 30 September 2021 be received and noted.
- C. THAT Council agree to implement the recommendations made by the Department of Planning, Industry and Environment in the 2020 Audit Report to:
 - Provide a report to a meeting of the Council of the variations approved under delegation by staff at least quarterly; and
 - Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of each quarter.

Item No: R6 Recommendation to Council
Subject: **HERITAGE GAP ANALYSIS**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/70530
Reason for Report: To respond to a Council Notice of Motion dated 9 December 2019
To recommend that Council receives and notes the Draft Woollahra Heritage Gap Analysis, and endorses the proposed Action Plan.

Recommendation:

- A. THAT Council notes the high value that the community puts on its heritage and local character.
- B. THAT Council notes the validity of all resolutions of Council to undertake heritage studies, notwithstanding their delay.
- C. THAT Council receives and notes the action plan contained in part seven of the Gap Analysis and requests the General Manager to prepare a revised action plan at 7.1 that achieves the stated high priority actions within 18 months, and the medium term actions within 3 years, and a resource strategy be prepared to achieve this work.

Item No: R7 Recommendation to Council

Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL -
PLANNING PROPOSAL - REMOVAL OF LAND ACQUISITION
RESERVATIONS IN EDGECLIFF COMMERCIAL CENTRE**

Authors: Emma Williamson, Strategic Planner
Kelly McKellar, Team Leader Strategic Planning

Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place

File No: 21/186468

Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with a planning proposal to amend the Woollahra Local Environmental Plan 2014 to remove the land acquisition reservations from certain sites in the Edgecliff Commercial Centre.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 for the planning proposal to amend the Woollahra Local Environmental Plan 2014 to remove the land acquisition reservations from certain sites in the Edgecliff Commercial Centre.
- B. THAT the planning proposal, as contained in **Annexure 3** of the report to the Environmental Planning Committee meeting of 11 October 2021 be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Item No: R8 Recommendation to Council

Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL -
PLANNING PROPOSAL - BUS SHELTER ADVERTISING AS
EXEMPT DEVELOPMENT**

Authors: Lady Afraku, Student Strategic Planner
Kelly McKellar, Team Leader Strategic Planning

Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place

File No: 21/178383

Reason for 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 permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 for the planning proposal to permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.
- B. THAT the planning proposal, as contained in **Annexure 3** of the report to the Environmental Planning Committee meeting of 11 October 2021 be forwarded to the Department of Planning, Industry and Environment with a request for gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environment plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. THAT Council requests staff to exclude from consideration any heritage style bus shelters and any bus shelters in heritage conservation areas (excluding Oxford Street, Paddington).
- E. THAT Council staff circulate late correspondence prior to the Council meeting on 25 October 2021 in relation to the 40 bus shelters that may permit advertising.

13.2 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 18 October 2021 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	POST EXHIBITION REPORT FOR DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO.19) - NEIGHBOURHOOD HERITAGE CONSERVATION AREAS
Author:	Flavia Scardamaglia, Strategic Heritage Officer
Approvers:	Anne White, Manager - Strategic Planning Scott Pedder, Director - Planning & Place
File No:	21/162984
Reason for Report:	To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No.19) – Neighbourhood Heritage Conservation Areas. To obtain Council's approval of Draft DCP No.19 to enhance the provisions for the Neighbourhood Heritage Conservation Areas.

Recommendation:

THAT Council approve *Draft Woollahra Development Control Plan 2015 (Amendment No19)*, as amended post exhibition, and attached at **Annexure 3** of the report to the Environmental Planning Committee meeting of 18 October 2021, which strengthen controls so as to maintain the heritage and cultural values of the suburbs of Darling Point, Bellevue Hill, Rose Bay and Vaucluse subject to:

- i. Amending Control 29 to read as follows "Roof additions and utilities, such as skylights, dormers and solar panels, are not to be visible from the street front zone (and side front zone for corner buildings).
- ii. Staff reviving and retaining the existing references to significant architects, and staff to undertake that work before the Council meeting.

Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT WOOLLAHRA LOCAL HOUSING STRATEGY 2021, DRAFT WOOLLAHRA AFFORDABLE HOUSING POLICY 2021 & LOCAL CHARACTER DISCUSSION PAPER.**
Author: Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/189455
Reason for Report: To report on the public exhibition of the Draft Woollahra Local Housing Strategy 2021, Draft Woollahra Affordable Housing Policy 2021 and Discussion Paper: Local Character in Woollahra Character
To obtain Council's approval of the Woollahra Local Housing Strategy 2021 and Woollahra Affordable Housing Policy 2021.

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the Committee being divided between the Motion (3 votes) and the Amendment (3 votes) and the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration on 25 October 2021.

As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, both the Motion and Amendment are referred to Council for consideration.

Motion submitted to Council

- A. THAT Council approves the *Woollahra Affordable Housing Policy 2021* as contained in **Annexure 2** of the report to the Environmental Planning Committee meeting of 18 October 2021 subject to including an amendment that the aspirational target for affordable housing is 10%.
- B. THAT Council staff commence preparation of a local character statement which will update and strengthen our existing character provisions which are currently contained in the *Woollahra Development Control Plan 2015* and that this is informed by the relevant matters raised in submissions made to the public exhibition.

Amendment submitted to Council

- A. THAT the report on the public exhibition of the *Draft Woollahra Local Housing Strategy 2021, Draft Woollahra Affordable Housing Policy 2021 and Discussion Paper: Local Character in Woollahra Character* is received and noted.
- B. THAT Council approves the *Woollahra Local Housing Strategy 2021* and *Woollahra Affordable Housing Policy 2021* as contained in **Annexure 1** and **Annexure 2** of the report to the Environmental Planning Committee meeting of 18 October 2021 subject to the following:

Woollahra Local Housing Strategy 2021 (Annexure 1):

- i. Insert into *Part 4: The Evidence* information on density as released by the Australian Bureau of Statistics in March 2021, and that the Woollahra LGA is unable to accommodate growth without upgrades to infrastructure.

- ii. Action 13: Insert reference to advocate for best heritage practice which prevents facadism.
- iii. Action 17: Reorder bullet points so that bullet point four regarding the provisions of affordable housing in perpetuity is reordered as bullet point one.

Woollahra Affordable Housing Policy 2021 (Annexure 2):

- i. Include an amendment that the aspirational target for affordable housing is 10%.
- C. THAT Council resolves to submit the *Woollahra Local Housing Strategy 2021* to the NSW Department of Planning, Industry and Environment for endorsement.
- D. THAT Council staff commence preparation of a local character statement which will update and strengthen our existing character provisions which are currently contained in the *Woollahra Development Control Plan 2015* and that this is informed by the relevant matters raised in submissions made to the public exhibition.

Item No: R3 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF THE DRAFT ROSE BAY PLACE PLAN**
Author: Matthew Gollan, Manager - Placemaking
Approver: Scott Pedder, Director - Planning & Place
File No: 21/106918
Reason for Report: To provide Council with the Draft Rose Bay Place Plan with a recommendation that Council publically exhibit the draft plan as detailed in the report.

Recommendation:

- A. THAT the report on the *Draft Rose Bay Place Plan* is received and noted.
- B. THAT Council resolves to publicly exhibit the *Draft Rose Bay Place Plan 2022-2025*, as contained in **Annexure 1** to this report.
- C. THAT the submissions received during the public exhibition are reported to a future meeting of Council.

13.3 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 11 October 2021 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **LICENCE OF CAMP COVE KIOSK, CLIFF STREET, WATSONS BAY - TENDER SC5403**
Author: Caroline Tunney, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/188681
Reason for Report: To consider the tender for the License of Camp Cove Kiosk, Watsons Bay

Recommendation:

- A. THAT Council, in accordance with Clauses 178 (1)(b) of the Local Government (General) Regulation 2021, declines the tender from Denim Collaborations Pty Ltd due to non-conformance with the mandatory requirement of the tender to replace the southern window.
 - B. THAT Council, in accordance with Clause 178 (3)(e) of the Local Government (General) Regulation 2021, enters into negotiations with Denim Collaborations Pty Ltd, for Licensing Camp Cove Kiosk and outdoor seating area, to consider alternatives for not replacing the southern window, and accepting the scope of licensee works proposed, with an annual rent of at least \$60,0000 ex GST, subject to further advice relating to probity and the impact on the South Head Heritage Trail.
 - C. THAT should the negotiations with Denim Collaborations Pty Ltd fail to reach agreement, Council authorises the General Manager to enter into negotiations with other suitably qualified persons, in accordance with Clause 178 (3)(e) of the Local Government (General) Regulation 2021.
-

Item No: R2 Recommendation to Council
Subject: **LANDOWNER'S CONSENT FOR CHANGE OF USE AND AMENDMENT TO PRACTICE FACILITY AT WOOLLAHRA GOLF COURSE**
Author: Zubin Marolia, Manager - Property & Projects
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/198539
Reason for Report: To seek Council approval to grant landowner's consent for submission of a DA.
Recommendation:

- A. THAT Council, in its capacity as owner of the Woollahra Golf Club, grant landowner consent to Woollahra Golf Club to lodge a DA for the Practice Facility Change of Use Application as per the plans included at Annexure 1 of this report, with the following amendment:
 - i. the noise absorbent panels at the rear of the hitting area be extended to form a 'return' at the northern end of the new structure.
- B. THAT operation of the facility be limited to the hours 7am – 6pm.
- C. THAT no lighting other than safety lighting be permitted within the facility.
- D. THAT no alcohol may be consumed within the practice facility.

Item No: R3 Recommendation to Council
Subject: **CLOSING AND SALE OF ROAD RESERVE ADJOINING 16 WUNULLA ROAD, POINT PIPER (SC 6056)**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/180795
Reason for Report: To consider the closing and sale of a portion of Wunulla Road reserve to the adjoining owner 16 Wunulla Road, Point Piper

Recommendation:

- A. THAT Council proceed with the sale of the road reserve adjoining 16 Wunulla Road, Point Piper with the following conditions:
 - i. A purchase price of \$6,500 per square metre (incl GST) for the estimated 20 sqm road reserve portion, subject to final survey.
 - ii. A 10% non-refundable deposit of \$13,000 being received by Council.
 - iii. The balance of the purchase price is to be paid in full to Council upon Gazettal of the road closure and completion of the sale.
- B. THAT subject to A above, in accordance with Section 38D Roads Act, 1993 Council approve the closing of a portion of Wunulla Road adjoining 16 Wunulla Road, provided that the purchaser enters into a conditional Contract of Sale with the Council.
- C. THAT Council authorise the Mayor and General Manager to execute and affix the Council Seal to all necessary documentation to effect the Road closure and sale, i.e. Plan of Road Subdivision and closing, Transfer document etc.

Item No: R4 Recommendation to Council
Subject: **ROAD LEASE - 42 CRANBROOK ROAD, BELLEVUE HILL (SC6620)**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/189630
Reason for Report: To consider the renewal of the lease for road reserve portion adjoining 42 Cranbrook Road, Bellevue Hill

Recommendation:

- A. THAT in accordance with Section 157 of the Roads Act, 1993 Council grant the owner 42 Cranbrook Road, Bellevue Hill a road lease for occupation of an estimated 105 sqm portion of Council's road reserve adjoining 42 Cranbrook Road; subject to the following terms and conditions:
- i. Lease term of 5 years.
 - ii. Payment of a lease commencement rent of \$8,400 per annum plus GST, with an annual review to CPI.
 - iii. Public Liability insurance of minimum \$20 Million.
 - iv. The applicant agreeing to pay all Council's costs associated with lease preparation.
- B. THAT the Councils General Manager be authorised to execute all documents required to finalise this matter.

Item No: R5 Recommendation to Council
Subject: **UPDATE REPORT ON THE EASTERN REGION LOCAL GOVERNMENT ABORIGINAL AND TORRES STRAIT ISLANDER FORUM (ERLGATSIF) AND DEVELOPMENT OF A RECONCILIATION ACTION PLAN**
Author: Jacky Hony, Team Leader - Community Development
Approvers: Vicki Munro, Interim Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
File No: 21/126558
Reason for Report: To provide an update on the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF) and to seek Council's support for the development of a 'Reflect' Reconciliation Action Plan, through Reconciliation Australia.

Recommendation:

- A. THAT Council receive and note the report and expedite our transition to 'Innovate RAP'.
- B. THAT Council support the development of an initial Reconciliation Action Plan (RAP), known as a Reflect RAP, through Reconciliation Australia.
- C. THAT a further report be presented to Council following the development of the draft Reflect RAP.
- D. THAT the annual funding, previously allocated to Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF) in the 2021/22 budget, be re-allocated to the development of a Reconciliation Action Plan.

Item No: R6 Recommendation to Council
Subject: **PUPPIES IN THE PARK EVENT**
Authors: Rachel Bangoura, Community Development Officer
Jacky Hony, Team Leader - Community Development
Approvers: Vicki Munro, Interim Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
File No: 21/177566
Reason for Report: In response to a Notice of Motion resolved at the Council meeting 23 August 2021 regarding the former 'Puppies in the Park' event.
Recommendation:

- A. THAT Council receive and note the report.
- B. THAT Council not proceed to hold a separate 'Puppies in the Park' event in 2022 but continue to partner with the three dog events, already planned for 2022, namely Pound Paws Day at the Golden Sheaf in Double Bay; Dog Show in Rushcutters Bay Park; and Doggy Day Out in Lyne Park.
- C. THAT staff provide an evaluation report to Council by end December 2022 to evaluate the success of the above events and outline future opportunities for dog / pet related events in the Woollahra Local Government Area.

Item No: R7 Recommendation to Council
Subject: **HOLDSWORTH COMMUNITY FUNDING AGREEMENT FOR 2022/23**
Author: Vicki Munro, Interim Manager Community & Culture
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 21/194624
Reason for Report: To obtain Council direction on the development of a Holdsworth Community Funding Agreement for 2022/2023.
Recommendation:

- A. THAT Council enter into a new 3 year Agreement with Holdsworth Community (the full terms of which are to be reviewed and approved by Council) with draft funding for the draft 2022/23 budget of \$1,040,372 as follows:
 - i. Navigating the MAC System \$204,600
 - ii. Aged Care Wellness Hub trial \$402,688
 - iii. Woollahra Dementia Alliance – Action Plan \$50,250
 - iv. Woollahra Connect Program \$182,390
 - v. Family Services \$200,444.
- B. THAT Council advise Holdsworth Community in writing of the outcome of the Funding Agreement review.
- C. THAT future funding for Holdsworth Community for 2023/24 and 2024/25 be determined on an annual basis and the proposed budget reported to Council with the Holdsworth Community's Annual Business Plan, Strategic Plan, and Audited Financial Statements and Annual Report by 31 December each year, providing 6 months written notice of the upcoming proposed Funding Agreement.

- D. THAT Council urgently advocate to State and Federal Governments, in support of Holdsworth Community, in the areas of Aged Care Reform and Supported Playgroup funding as outlined in the report.
- E. THAT Council staff prepare a report to Councillors on the use of Council's logo and branding as provided by clause 6.2 of the current funding agreement.

Item No: R8 Recommendation to Council
Subject: **PRESENTATION OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021 TO THE PUBLIC**
Authors: Henrietta McGilvray, Corporate Accountant
Paul Ryan, Chief Financial Officer
Approver: Sue Meekin, Director Corporate Performance
File No: 21/196775
Reason for Report: To present the Financial Statements for the year ended 30 June 2021 to the public.

Recommendation:

- A. THAT the General Purpose Financial Statements for the year ended 30 June 2021, as presented to the public, be received and noted.
- B. THAT as a matter of urgency Council will continue to take proactive action to address the negative impact to the Operating Performance Ratio including from recent COVID-19 related expenses, and improve Council's long term financial sustainability.

14. Rescission Motion

Item No: 14.1
Subject: **RESCISSION MOTION - PLANNING PROPOSAL - HERITAGE LISTING OF 165 O'SULLIVAN ROAD, BELLEVUE HILL AND 16 BUNYULA ROAD, BELLEVUE HILL**
From: Councillors Mark Silcocks, Susan Wynne and Harriet Price
Date: 29 September 2021
File No: 21/194968

Note: The Rescission Motion was received on Wednesday 29 September 2021.

THAT the Motion carried at the Extraordinary Council Meeting held on 27 September 2021 being Item Number 13.1 (R1) dealing with the Planning Proposal – Heritage Listing of 165 O'Sullivan Road, Bellevue Hill and 16 Bunyula Road, Bellevue Hill be rescinded and THAT Council takes no further action in relation to the Heritage Listing of 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill.

Background:

The following resolution was adopted by Council on 27 September 2021:

Item No: R1 *Recommendation to Council*
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF 165 O'SULLIVAN ROAD BELLEVUE HILL AND 16 BUNYULA ROAD, BELLEVUE HILL**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/106822
Reason for Report: *To recommend that Council resolves to prepare a planning proposal to list 165 O'Sullivan Road, Bellevue Hill (including interiors and garage) and 16 Bunyula Road, Bellevue Hill (including interiors) as local heritage items in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.*

(Zeltzer/Cavanagh)

141/21 Resolved:

- A. *THAT the Heritage Listing of 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill, be deferred to allow staff an opportunity to undertake a further site inspection of the interiors of the property (COVID allowing) and for a further independent Heritage Assessment to be undertaken (as a matter of urgency).*
- B. *THAT Council staff prepare a further report for consideration at the Environmental Planning Committee (as a matter of urgency).*

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

For the Motion

Councillor Cavanagh
Councillor Marano
Councillor McEwin
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Zeltzer

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Jarvis
Councillor Price
Councillor Silcocks
Councillor Wynne

8/6

The purpose of this report is to rescind the decision made on the 27 September 2021.

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 - OXFORD STREET HERITAGE LISTING
From: Councillors Luise Elsing, Anthony Marano and Megan McEwin
Date: 28 September 2021
File No: 21/192640

THAT Council:

- A. Notes that the property at 2a-14a Queen Street Woollahra is identified as a contributory item (being part of the heritage conservation area of West Woollahra in the C2.1.2 of the Woollahra DCP 2015) and that the building being opposite Centennial Park has a positive contribution to the streetscape and architectural character of the area and must be retained and conserved.
- B. Requests staff to undertake, as a matter of urgency, a report to investigate the potential heritage significance of the building in order to identify whether the site warrants a listing as:
 - i. a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and/or
 - ii. an item on the State Heritage Register under the Heritage Act 1977.
- C. Notifies the vendors of this resolution, the process going forward and timing.

Background

Council is concerned to list items that warrant a heritage listing and to ensure that vendors and purchasers are made aware of interest in heritage listing properties especially where commentary indicates that the property is capable of development. Centennial Flats has been identified by the property investment community as being capable of accessing the increasing height limits proposed for Oxford Street.

The following is an extract from “urban developer.com” dated 23 September 2021 under heading “hammer to fall on landmark old lady”:

Directly opposite the main entry to World Heritage-listed Centennial Park, the building stands at the gateway to two of Sydney’s most prestigious suburbs, Woollahra and Paddington.

“Eastern suburbs trophy assets have remained highly sought-after as high-net-worth individuals look to invest, searching for stabilised and risk-free income streams underpinned by capital growth,” Colliers’ investment services national director, Miron Solomons, said. The property is due to be auctioned on October 2021.

Meanwhile, a bold plan to revitalise the once-bustling Oxford Street precinct between Paddington and Surry Hills is set to encourage higher density and boost the \$4-billion night-time economy.

The approved Oxford Street Creative and Cultural Precinct plan would [unlock up to 11,000sq m of new creative space](#).

According to City of Sydney Council documents “the planning proposal provides the potential to unlock the redevelopment of sites within the precinct, which may be constrained by the existing height controls, and increase cultural and creative floor space”.

Under the precinct plan, building heights of up to 80m would be allowed on larger sites focused on the southern side of the street and western end due to its proximity to Central Sydney.¹



¹ <https://www.theurbandeveloper.com/articles/hammer-to-fall-on-landmark-old-lady->

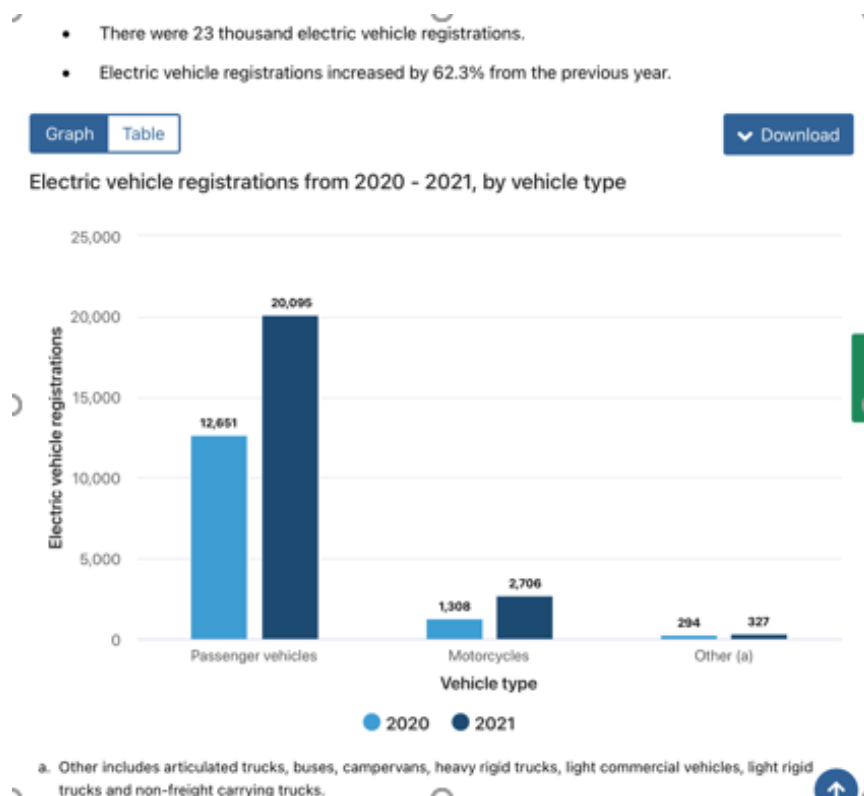
Item No: 16.2
Subject: **NOTICE OF MOTION - ELECTRIC VEHICLE CHARGING STATION & COUNCIL FLEET**
From: Councillors Mary-Lou Jarvis, Peter Cavanagh, Isabelle Shapiro, Toni Zeltzer and Nick Maxwell
Date: 14 October 2021
File No: 21/206430

THAT Council:

- a. notes the initiatives of the NSW Government to promote increased usage of Electric Vehicles (EV);
- b. resolves to move the Council fleet to EV where ever possible;
- c. seeks to take advantage of the NSW government incentives available for Council to ensure widespread EV charging;
- d. given the highest uptake of EVs in Vaucluse an EV charging station be investigated in a convenient location as soon as possible;
- e. Funding via an ARENA grant be investigated with provisions in the 20/21 budget being the fall back position; and
- f. that any savings be applied to the purchase of EVs in the Council fleet.

Background

The size of the EV fleet in Australia grew by 62.3% in 2020 (Australian Bureau of Statistics (ABS) statistics released 30.6.21) (<https://www.abs.gov.au/statistics/industry/tourism-and-transport/motor-vehicle-census-australia/latest-release#fuel-type>).



As recently reported in the SMH ‘With the majority of traditional carmakers confirming they will phase out and eventually cease to manufacture combustion-engine cars, with target dates around 2030–35, the switch to electric vehicles is inevitable’ . It also notes the Grattan Institute has stated that transportation accounts for 24% of all emissions globally. (<https://www.drive.com.au/caradvice/electric-vehicles-are-coming-whether-we-like-it-or-not/>)

As part of its commitment to assist in residents and businesses transitioning from diesel and petrol vehicles to electric vehicles Woollahra Council has led the way and installed two EV charging stations to date. One is at Kiora Carpark at Double Bay and another is at Norwich Road Rose Bay. Council recently resolved to provide for another in Goodhope Street Paddington which is in progress.

A report by The Institute of Sensible Transport In July indicates that apart from the Sydney CBD the highest uptake of EV in NSW is in Vaucluse. <https://sensibletransport.org.au/project/passenger-evs-registered-in-2020/> Yet there is no charging station in the suburb of Vaucluse.

Arguably owners of property can install their own charging stations. However despite perceptions almost 40% of Vaucluse residents live in flats or apartments where it may be difficult to provide the electricity supply to EVs, especially in older buildings. Furthermore 26% of Vaucluse residents rent their homes and it may not be affordable or possible to add the necessary infrastructure to the property themselves.

In Vaucluse (State Suburbs), 88.1% of private dwellings were occupied and 11.9% were unoccupied.

View the data quality statements for: [Dwelling type \(DWTD\)](#) [Dwelling Structure \(STRD\)](#)

Dwelling structure	Vaucluse		New South Wales		Australia	
Occupied private dwellings		%		%		%
Separate house	1,549	49.5	1,729,820	66.4	6,041,788	72.9
Semi-detached, row or terrace house, townhouse etc	278	8.9	317,453	12.2	1,055,016	12.7
Flat or apartment	1,248	39.9	519,390	19.9	1,087,434	13.1
Other dwelling	47	1.5	23,580	0.9	64,425	0.8

Of occupied private dwellings in Vaucluse (State Suburbs), 49.5% were separate houses, 8.9% were semi-detached, row or terrace houses, townhouses etc, 39.9% were flat or apartments and 1.5% were other dwellings.

[View the data quality statement for Dwelling structure \(STRD\)](#)

Locations need to be convenient and visible to local residents, and suitable locations might be in high traffic areas such as Vaucluse shops or around Christison Park. Possible locations are highlighted below where they are proximate but not within the shopping and recreation areas so to not impact parking turnover for local businesses.



Provision has been made in the Council's 2020/21 Budget for more EV stations. Furthermore an ARENA Grant is intended to provide another 5 stations in the eastern suburbs.

Across NSW some positive news was delivered in the June Budget when then Treasurer announced a \$500m electric vehicle package which abolished stamp duty on battery-powered cars under \$78,000. That took effect last month on all vehicles purchased after September 1. Furthermore in its Electric Vehicle Strategy, the NSW Government is targeting key areas of action to make New South Wales the easiest place to buy and use an EV in Australia. The Strategy includes rebates, phased removal of stamp duty for EVs, targets for NSW Government fleet, incentives for council and private fleets and major investment to ensure widespread, world-class EV charging coverage. The Strategy is intended to increase EV sales to 52% by 2030–31 and help NSW achieve net-zero emissions by 2050. (<https://www.environment.nsw.gov.au/topics/climate-change/net-zero-plan/electric-vehicle-strategy>)

As part of Woollahra Council's commitment to reduce emissions we must continue to provide leadership to encourage ongoing up take of electric vehicles by providing the infrastructure required and moving our own fleet to EV.

Item No: 16.3
Subject: **NOTICE OF MOTION - AUSGRID PRUNING**
From: Councillors Matthew Robertson, Megan McEwin, Toni Zeltzer, Anthony Marano and Lucinda Regan
Date: 14 October 2021
File No: 21/206622

THAT Council:

1. Notes that Woollahra's street tree canopy makes up an impressive element of our area's urban forest and that our community values the many benefits that trees provide.
 2. Notes the canopy loss associated with Ausgrid's clearance pruning:
 - a. reduces the absorption of atmospheric carbon dioxide and releases carbon sequestered in branches,
 - b. has occurred regularly over a number of years notwithstanding the efforts of council staff in working with Ausgrid to mitigate this loss
 3. Requests the Mayor to liaise with the Mayors of Waverley, Randwick and the City of Sydney and seek their support to advocate jointly, through SSROC if practicable, to Ausgrid for a review of clearance pruning guidelines and reforms to minimise canopy loss based on international arboriculture best practice.
-

Item No: 16.4
Subject: NOTICE OF MOTION - PADDINGTON URBAN DOMAIN STRATEGY
From: Councillors Matthew Robertson and Peter Cavanagh
Date: 18 October 2021
File No: 21/208589

THAT Council:

1. Notes:
 - a. Paddington is a unique urban area which possesses historical, aesthetic, technical and social significance at a National and State level;
 - b. an important factor in the significance of Paddington is its exceptional unity, encompassing scale, character, history, architecture and urban form;
 - c. the built environment of Paddington is an excellent example of the process of 19th century inner city urbanisation of Sydney which was largely completed by 1890;
 - d. the predominant Victorian built form is an excellent representative example of the phenomena of land speculation and a 'boom' building period between 1870 and 1895;
 - e. the historical development of Paddington is reflected in the livability of present-day Paddington, its human scale and walkability being highly desired lifestyle features of the locality.
2. Its role in the Oxford Street and Paddington Place Plan at theme 3 'conserve and celebrate heritage' and the associated action items, as well strategy 2.5: Improve the environment of Oxford Street making it a place for people and action 2.5.1 *Approach RMS and the City of Sydney about working with stakeholders to develop a strategy for improving the liveability of Oxford Street adopting 'movement & place' principles. The strategy to include a comprehensive and integrated landscape/ urban design/beautification and heritage conservation plan and measures for traffic calming and accommodating cyclists.*
3. Its resolution of Council on 12 April 2010 in relation to Paddington mix.
4. Resolves to develop a Public Domain Strategy for the Paddington Heritage Conservation Area.
5. Requests the General Manager provide a recommendation to Council about how best to develop a public domain strategy for the Paddington Heritage Conservation Area, inclusive but not limited to the following:
 - a. developing a uniform heritage palette for all public domain elements for which council is responsible, including but not limited to: kerb, gutter and footpath treatments, street furniture, signage, traffic calming elements including islands and wornof-treatments, placement of public art, monuments and other significant heritage fabric, etc.
 - b. prioritising the preservation and restoration of heritage streetscapes, including by way of limiting signage pollution and traffic markings where possible, to ensure the public domain of Paddington bests reflects, celebrates and respects the original street layout inclusive of all public domain elements and heritage fabric.
 - c. prioritising urban greening (including increasing canopy coverage) and reviewing the current Street Tree Masterplan designations.
 - d. developing a uniform approach to the treatment of nature strips and like areas which encourages resident participation to improve the public domain.

- e. encouraging vehicular traffic calming and building on Paddington's Victorian human scale to maximise pedestrian linkages and activity.
 - f. an appropriate community engagement strategy to involve residents and the Paddington Society in the development of the public domain strategy.
 - g. collaboration with relevant experts in history, heritage and heritage landscape.
-

Item No: 16.5
Subject: **NOTICE OF MOTION - COUNCIL'S HERITAGE ASSESSMENT PROCEDURES**
From: Councillors Harriet Price and Toni Zeltzer
Date: 19 October 2021
File No: 21/209651

A. THAT Council notes:

1. Its Community Participation Plan, which specifies that:
 - i. decisions about planning and development matters affect the lives of residents;
 - ii. community participation is vital to support transparent and appropriate planning and development outcomes that are informed by an engaged community.
2. Its Strategic Plan 'Woollahra 2030', which specifies that:
 - i. Council will listen and respond to requests and concerns through open communication and engagement;
 - ii. Council will be open and accountable to all stakeholders and encourage participation in decision making; and
 - iii. Council's approach to community engagement is guided by the principles of social justice.
3. It is currently considering the preparation of a draft Heritage Gap Analysis to provide a coordinated and proactive approach to heritage conservation in Woollahra.
4. That some residents claim:
 - i. they have been unaware that Council was assessing their home as an item of potential heritage significance; and
 - ii. Council issued a section 10.7 Planning Certificate, which did not include a clear and direct notification concerning a potential heritage listing.

B. THAT Council resolves to:

1. Immediately audit its procedures, so that if Council is currently assessing an item for heritage significance (if it has not already done so), sends a notification letter to the current owner(s) of that item, informing them of the assessment; and
2. Update its procedures, so that any items being assessed in the future for heritage significance (including any items identified in the draft Heritage Gap Analysis), include:
 - i. the preparation of a notification letter to current owner(s) informing them of the assessment;
 - ii. any section 10.7 Planning Certificate issued by Council, include a clear and direction notification confirming the assessment; and
 - iii. any other mechanisms to ensure transparent, appropriate notification and disclosure, guided by the principles of social justice and good governance.

Item No: 16.6
Subject: **NOTICE OF MOTION - PADDINGTON GREENWAY AND THE WEIGALL SPORTS COMPLEX**
From: Councillor Harriet Price
Date: 19 October 2021
File No: 21/210074

A. THAT Council notes:

1. The proposed Paddington Greenway is a project which will establish a green corridor, active transport links and potential naturalisation between Rushcutters Bay, Trumper Park and Centennial Park (**the proposed Greenway**);
2. That it has received a grant of \$300,000 from the State Government under the Metropolitan Greenspace Program (matched dollar for dollar in kind) for planning and design of the Rushcutters Creek section of the proposed Greenway;
3. The NSW State Government has established a policy direction to develop Sydney's Green Grid;
4. The Greater Sydney Region Plan and the Eastern Sydney District Plan includes Green Grid Links (including the proposed Greenway);
5. The proposed Greenway is included as a key project in the Government's 50-Year Vision for Greater Sydney's Open Space and Parklands;
6. That Sydney Grammar School (**the School**) is seeking approval from the Independent Planning Commission (**the Commission**) to construct and operate a new sports complex located at the Weigall Playing Fields, Rushcutters Bay (**the Development**);
7. The Development includes construction of a three storey sports complex building including swimming pools, multipurpose courts, spectator seating and associated a single-storey split level car park building and associated landscaping;
8. That the Commission is the declared consent authority;
9. The NSW Department of Planning, Industry and Environment (DPIE) has prepared an assessment report and draft conditions of consent dated September 2021 (**DPIE's Report and Proposed Conditions of Consent**) which (relevantly) include the preparation of a Green Travel Plan including the:
 - i. the promotion and use of active and sustainable transport modes;
 - ii. provision of bicycle maintenance equipment in the bicycle parking facility; and
 - iii. provision of charging equipment for ebikes in the bicycle storage area to enable and encourage their charging; and
10. The Commission has invited further submissions on the Department's Report and Proposed Conditions of Consent.

B. THAT Council resolves:

1. To write to the Commission to encourage it to require that Sydney Grammar School submits a “commitment letter” pertaining to the Greenway including (but not limited to) the:
 - i. School’s support for the proposed Greenway; and
 - ii. updating its Green Travel Plan in the future if the Greenway Project proceeds.
-

Item No: 16.7
Subject: **NOTICE OF MOTION - DEMOLITION OF CONTRIBUTORY HERITAGE ITEMS**
From: Councillors Matthew Robertson and Peter Cavanagh
Date: 19 October 2021
File No: 21/210527

THAT Council:

1. Notes the loss of heritage fabric and the contributory heritage item at 14 Glen St, Paddington, by way of demolition approved under staff delegation at the Application Assessment Panel on 8 June 2021.
 2. Requests the Mayor to liaise with the NSW Minister for Planning and Place, the Hon Rob Stokes MP seeking the referral criteria be amended to ensure that the demolition of contributory items must be determined by a Local Planning Panel, or alternatively makes an exemption for the Woollahra LGA on the basis of the prevalence of heritage built form, HCAs and contributory items including the Paddington HCA which comprises the largest intact exemplar of Victorian architecture anywhere in the world.
 3. Notes the decision and planning principle espoused in *Helou v Strathfield Council* [2006] NSWLEC 66.
 4. Requests staff seek legal advice and prepare a report outlining options available to Council to further embed and the relevant planning principle within Woollahra's planning instruments with respect to demolition of contributory items in the Woollahra LGA and all heritage buildings in the Paddington HCA, including but not limited to the introduction of a threshold test for demolition whereby demolition is only permitted in extreme cases where a real and not practically remedial risk to public safety is clearly established.
-

Item No: 16.8
Subject: NOTICE OF MOTION - ELECTRIC VEHICLES
From: Councillors Matthew Robertson and Megan McEwin
Date: 20 October 2021
File No: 21/211185

THAT Council:

1. Notes that transformation of Australia's private vehicle fleet from petrol to electric vehicles powered by renewable energy represents a crucial opportunity to reduce carbon emissions in response to the global climate emergency.
2. Notes the comparatively high level of electric vehicle ownership in the Woollahra LGA.
3. Resolves to take a leadership role at local government level in advocating for rapid electrification of Australia's private vehicle fleet by:
 - (a) ensuring an affordable and competitive EV market that positions everyone to transition to a low emission vehicle.
 - (b) a regulatory framework at all levels of government which mandates strong vehicle emissions standards and regulations which encourage manufacturers to import EVs to the Australian market
 - (c) promotes increased awareness of the benefits and savings of EVs and encourages rapid uptake.
4. Notes NSW government's Electric Vehicle Strategy.
5. Note Council's resolution of 24 May 2021 to develop a strategy for the roll out of EV public charging stations in the Woollahra LGA.
6. Requests Council staff prepare a report covering:
 - (a) a timeline to expedite the roll out of the public charging station strategy including budget implications
 - (b) investigation of smart pole conversion to provide public charging points
 - (c) prioritises delivery of installation of public charging stations in commercial centres
 - (d) options for sensitive placement of charging points in Heritage Conservation Areas
 - (e) investigates and models options for providing discounted and zero parking fees for registered electric vehicle users
 - (f) options to electrify council's vehicle fleet as soon as practically feasible.
7. Requests the Mayor to write to the Deputy Prime Minister Minister for Infrastructure, Transport and Regional Development, the Hon Barnaby Joyce MP, the NSW Transport Minister, Rob Stokes MP, and copying local members Dave Sharma MP, Gabrielle Upton MP and Alex Greenwich MP to convey the passage of this motion and outlines Woollahra's leadership role and advocacy vision.

Background

For further details about registered electric vehicle ownership and EV infrastructure, visit: <https://nationalmap.gov.au/>.

Item No: 16.9
Subject: **NOTICE OF MOTION - INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC) REPORT**
From: Councillors Matthew Robertson and Megan McEwin
Date: 20 October 2021
File No: 21/212468

THAT Council:

1. Notes the release on 9 August 2021 of the Intergovernmental Panel on Climate Change (IPCC) report, described as a ‘code red’ for humanity and in particular:
 - a. Warning that there is a narrowing window of opportunity to prevent catastrophic climate change.
 - b. That ‘it is unequivocal that human influence has warmed the atmosphere, ocean and land’, and that this is making extreme climate events (including heat waves, heavy rainfall, and, in some regions, droughts) more frequent and severe;
 - c. Stressing that only **rapid, near term** reduction in emissions of carbon dioxide, methane, and other greenhouse gases, can limit warming to 1.5 degrees Celsius;
 - d. Warning that the impacts of a warming of 2 degrees or more would lead to a substantial increase in the likelihood of extreme heat waves, heavy precipitation, and droughts (both agricultural and ecological).
2. Notes Australia’s obligations under the Paris Agreement as follows:
 - a. As a participating country, must act with the highest possible ambition in reducing emissions;
 - b. to substantiate this ambition by submitting increasingly ambitious Nationally Determined Contributions (NDCs) every five years, and that the Federal Government, which in December 2020, resubmitted the original NDC made in 2015, has thus failed to fulfil its obligation to that Agreement.
 - c. that in accordance with the Paris Agreements terms which ‘will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of differential national circumstances’, Australia ought, as a wealthy country, to act before those who are less wealthy, not least as a sign of good faith for further international cooperation.
3. Welcomes the leadership and commitment of the NSW government to achieving net zero emissions by 2050 and notes:
 - a. that NSW is on track to meet a mid-term target of 47-52% reduction on 2005 emissions by the year 2030.
 - b. NSW Net Zero plan will ensure a substantial increase in renewable generation, dispatchable generation, ongoing jobs and grid stability for NSW.
 - c. that Australia can become a global leader for clean, renewable, energy and exports, and, with the right policies, could replace all of our fossil fuel jobs with clean jobs – some reports estimate that more than one million jobs could be created throughout our country – while cleaning up our air, and diversifying our economy.
4. Notes the actions Council has taken over many years (including through collaboration and empowerment of resident action) to and its commitment to achieving a safe climate future for all, including:
 - a. its own declaration of global climate emergency made on 9 September 2019;

- b. achievement of carbon neutrality certification in August 2020;
 - c. its resolution of 5 July 2021 to request the Commonwealth government commit to net zero emissions by 2050 before the COP25 climate conference;
 - d. commitment to its aspirational target for the Woollahra community to reach net zero emissions by 2030.
5. Notes that at the time of lodgement of this motion (20 October 2021) the Morrison coalition government is yet to endorse a target for Australia to achieve net zero carbon emissions by the year 2050 ahead of the COP 25 conference.
6. Notes the calls of His Royal Highness, Prince Charles, that the COP 25 UN Climate Conference to be held in Glasgow, Scotland next month represents *‘a last chance saloon, literally’* for world leaders to commit to meaningful action to avoid the catastrophic impacts of climate change.
7. Calls on the Australian Government to take an ambitious plan to COP 25, which at a minimum will commit to a reduction in emissions of at least 75% by the year 2030.
8. Requests the Mayor to write to the Prime Minister and the Commonwealth Energy Minister Angus Taylor, copying all members of the Commonwealth Parliament, outlining the passage of this motion and urging them to take ambitious 2030 and 2050 targets to COP26 UN Climate Change Conference in November 2021 to modernise Australian industry and create jobs and most of all, to ensure a safe climate for future generations.

Background:

Woollahra Council’s climate actions include:

- (i) Auditing carbon emissions and obtaining carbon neutral certification under the Federal Government Climate Active program.
- (ii) Switching to energy efficient LED streetlights
- (iii) Installing rooftop solar on Council sites such as Double Bay Library (Kiaora)
- (iv) Retrofitting Council buildings with energy efficient LED lighting and installing occupancy sensors.
- (v) Sourcing 30% of electricity for our large sites from renewable energy (Moree Solar Farm).

Woollahra Council has worked with its residents to reduce emissions by:

- (i) Assisting schools and clubs to install rooftop solar through the Solar My School, Solar My Club and Community Environmental Grants programs.
- (ii) Increasing understanding of how to reduce energy use by holding free workshops for residents
- (iii) Helping apartment blocks reduce energy use by providing an energy assessment and other advice
- (iv) Providing the ‘Kitchen to Compost’ service - reducing organic waste sent to landfill reduces greenhouse gas emissions

Full details of the NSW government’s Net Zero plan are here:

<https://www.environment.nsw.gov.au/topics/climate-change/net-zero-plan>

The NSW Government has released the NSW Climate Change Policy Framework, which commits NSW to the aspirational objectives of achieving net zero emissions and helping NSW to become more resilient to a changing climate. The NSW government has adopted targets of 35% cut in emissions by 2030 from 2005 levels and net zero emissions by 2050.

Within this framework, the \$750 million Net Zero Industry and Innovation Program aims to help carbon intensive industries transition to clean energy. This is complemented by the NSW Electricity Infrastructure Roadmap, the NSW Government's legislated plan to bring online 12 gigawatts of renewable energy and two gigawatts of storage by 2030 and creating 6,300 construction and 2,800 ongoing jobs.

The IPCC's latest report - AR6 Climate Change 2021: The Physical Science Basis is located here: <https://www.ipcc.ch/report/ar6/wg1/>

This report is a comprehensive assessment of the physical science of climate change. It is the most important climate science update for almost a decade.

The IPCC is the most authoritative international body on climate science. Established in 1988, the group publishes Assessment Reports every five to eight years. The United Nations Secretary-General, Antonio Guterres, described the report as a "code red for humanity".

The report shows there is a narrow path to avoiding climate catastrophe, but only through immediate, deep and sustained emissions reductions. This may be our final warning. It is clear that the scale and pace at which humans are altering the climate system has almost no precedent. The changes are being driven by burning fossil fuels.

Item No: 16.10
Subject: NOTICE OF MOTION - COOPER PARK ROAD TREE REMOVAL
From: Councillors Megan McEwin and Matthew Robertson
Date: 20 October 2021
File No: 21/211206

THAT Council:

- A. Notes that:
- i. on or around the 7 November 2019 a Council tree outside 1A Cooper Park Road was lopped without permission. It is alleged that Council staff apprehended the party undertaking the tree lopping and this person was allegedly caught using falsified papers authorising the lopping of the tree.
 - ii. Since that date, relevant staff have advised that enforcement action is being undertaken however, due to confidentiality concerns, no details of the enforcement action has been provided to residents or Councillors despite repeated requests for details.
 - iii. The statute of limitations timeline applies to this matter and the limitation date is nearing which means Council has a rapidly approaching deadline for taking enforcement action in relation to this matter.
- B. Urgently be provided with a confidential and detailed briefing by the relevant legal advisors as to:
- i. What action has been taken in relation to this matter;
 - ii. What parties have been or are the subject of investigation and action; and
 - iii. The prospects for successful enforcement action.
-

Item No: 16.11
Subject: **NOTICE OF MOTION - DRAFT GREATER SYDNEY PARKLANDS TRUST BILL 2021**
From: Councillors Luise Elsing, Harriet Price and Lucinda Regan
Date: 20 October 2021
File No: 21/212351

THAT Council:

Notes:

1. That the Woollahra Local Government Area has a deficiency of open space,
2. The Draft Recreation Strategy acknowledging:
 - i. that the Municipality has a challenge to meet the needs of its community through the provision of adequate open space and recreation infrastructure and
 - ii. the need for strategic alliances with other key land managers to help resolve current and likely future shortages in open space for both passive recreation and sporting activities and
3. The findings from the draft Plans of Management community consultation process including:
 - i. the high demand for public open space,
 - ii. the importance of open space for escape, enjoyment, exercise, inspiration and reflection and
 - iii. Community concern about the loss of green open space, over development and encroachments on public land.

Resolves:

THAT the Mayor and General Manager write to the Premier Dominic Perrottet, the Minister for Planning, Public Spaces and Transport, Rob Stokes, and local State Members, Alex Greenwich MP and Gabrielle Upton MP:

- i. setting out the importance of Moore Park and Centennial Park to residents of the Woollahra Municipality,
- ii. outlining relevant findings from the draft Recreation Strategy and draft Plans of Management,
- iii. stating that the residents of Woollahra are concerned about the implications of the draft Greater Sydney Parklands Trust Bill 2021 to their enjoyment of parklands and their access to spaces for exercise and passive recreation and associated mental health benefits,
- iv. asking for assurances that the draft Greater Sydney Parklands Trust Bill 2021 will not curtail residents' access to or enjoyment of the entirety of Moore Park and Centennial Park,
- v. advocating for the rejection of the draft Greater Sydney Parklands Trust Bill 2021 in its current form, and
- vi. copies of the correspondence to and from the addressees are provided to Council.

Background

During COVID we have all become much more aware of the importance of our open spaces and parklands and the role of government in maintaining and protecting community enjoyment of these places for exercise, passive recreation and mental health. The increased appreciation and use of our open spaces and parklands brings with it an expectation for increased quality and access to open spaces.

The draft Greater Sydney Parklands Trust Bill 2021:

- allows for the alienation and privatisation of lands and buildings within the five parklands through up to 50 year leases,
- opens the door for further commercialisation and inappropriate developments such as hotels, business hubs and transport infrastructure on our parklands,
- includes the power to compulsorily acquire public and private land and to form, or participate in, the formation of private subsidiary corporations and joint ventures, and
- concentrates decision-making power in the hands of the Greater Sydney Parklands agency and the Minister of the day.

Given Woollahra's geography and lack of open spaces our community is particularly dependent on the parklands adjacent to the Municipality and vulnerable to any negative changes. Residents are worried that the current draft Greater Sydney Parklands Trust Bill 2021 will not provide any protections for Moore Park and Centennial Park.

The State Government must prioritise public open space and Council should advocate to protect and expand the parks estate adjacent to our Municipality. Parks are for the people and should be above politics.

17. Questions With Notice

Recommendation:

THAT the Questions with Notice be received and noted.

Background:

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

The following Questions with Notice for the Council Meeting on 25 October 2021 have been received.

QWN: 17.1
From: Councillor Shapiro
Subject: Questions with Notice - White City Redevelopment & The Paddington

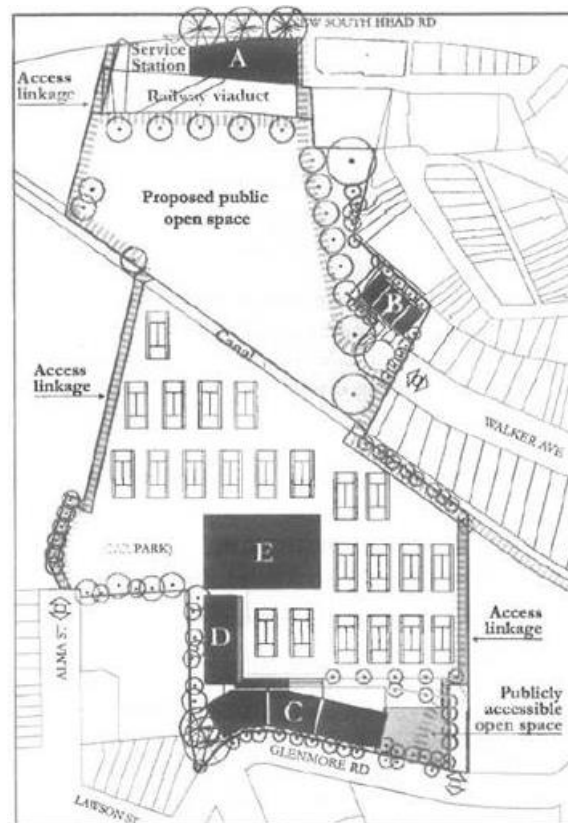
To the Director Infrastructure & Sustainability & the Director Planning & Place:

Can the Directors please detail a brief history of the White City redevelopment (as it was previously known) specifically with regard to what previous opportunities Council had to secure a potential route for the Paddington Greenway, noting that previous reports on the redevelopment of the White City complex dating back to at least 2003, detail a need to secure open space in perpetuity for approved pedestrian and cycle linkages between Paddington and the harbour foreshore?

Director Planning & Place in response:

The White City matter has a long and complex history. With regard to the securing of open space at White City, it is assumed that this refers to the Council resolution of 22 June 2002 to prepare a draft local environmental plan (LEP) and draft development control plan (DCP) for the White City site which was that year.

An extract of the draft DCP (showing the proposed open space and public access ways) is provided below:



The draft plans proposed:

- residential zonings at Glenmore Road and extension to Walker Avenue;
- commercially zoned land on New South Head Road;
- the retention of open space zoning for the majority of the site (approximately 85% of the site);
- the proposed land dedication of the open space between the railway viaduct and the canal as public open space (1.45 hectares);
- new public access linkages through the site from Glenmore Road, Alma Street, Walker Avenue and New South Head Road; and
- new publicly accessible open space off Glenmore Road to preserve significant views across the site.

The draft plans at that time also sought to recognise the heritage significance of the site.

The draft planning framework that was exhibited required the owner, Tennis NSW, to provide an open space dedication of 1.45ha of the White City site, and links in perpetuity over the land connecting New South Head Road through the White City site to Glenmore Road, Alma Street and Walker Avenue – the connections now being considered as part of the Paddington Greenway.

The dedication of land and public links were required to be resolved prior to the making of the LEP and DCP.

Following the exhibition of the draft LEP and draft DCP, a public hearing was held in accordance with the provisions of s68 of the *Environmental Planning & Assessment Act 1979*, resulting in a report by Peter Walsh, the appointed independent chairperson. The report of the Public Hearing was endorsed by Council at its meeting of 3 November 2003 and, as part of that resolution, requested further amendments to the draft LEP and DCP in accordance with the report's recommendations; to undertake a comprehensive Conservation Management Plan for the whole of the site; and that a land transfer deed be finalised in draft form for the dedication of the public open space.

However, subsequent to the decision from 3 November 2003, Council at its meeting of 3 May 2004 adopted a Notice of Motion to not proceed with the rezoning and land dedication.

In early 2005, Tennis NSW advertised the sale of the site by tender. The Council through a further Notice of Motion on 29 March 2005 wrote to the Premier of the day to request that the State Government purchase the land. This did not occur. It was sold that year to a consortium led by Sydney Grammar School and consisting John Alexander Clubs, White City Tennis Club and Sydney Maccabi Tennis Club. The land at New South Head Road was sold to Crystal Car Wash.

QWN: 17.2
From: Councillor Jarvis
Subject: Questions with Notice - Solar MySchool

Councillor Jarvis asking:

I refer to my question on notice in November 2020 about progress with the highly successful Solar MySchools initiative which aims to help schools reduce energy bills, educate students and shrink their carbon footprint with solar power.

Can we please be advised of the progress since the program was officially launched in the Woollahra Council area at Kincoppal Rose Bay school (on June 7 2017) and in particular:

1. the uptake or expansion to other private and public schools;
2. energy and savings generated;
3. grants that the NSW Government/Council has provided to the schools to assist with the update of the program; and
4. details of the number of environmental awards'.

Team Leader Environment & Sustainability in response:

In reference to the question from Councillor Jarvis the following response is provided.

The Solar My School program, established in 2016, is an initiative of the 3 Council Regional Environment Program to facilitate community uptake of solar PV systems. Since its inception, all schools in the Woollahra, Randwick and Waverley LGAs have been invited to participate and the program now been expanded to other council areas.

In Woollahra, a total of 258kW of solar has been installed at the following schools:

School	Solar Installed	Annual Cost Saving
Kincoppal Rose Bay	99 kW	\$14,500
Bellevue Hill Public School	15 kW	\$3,630
Rose Bay Public School	20 kW	\$5,165
Double Bay Public School	30 kW	\$6,610
Woollahra Public School	40 kW	\$8,040
Glenmore Road Public School	23 kW	\$5,200
Holy Cross Primary School	31 kW	\$6,000

These installations save a total 323 tonnes of carbon dioxide emissions per year, which is the equivalent of running 1818 computers, and saving \$49,145.

In addition to the above completed installations, there are another 3 schools which the program is actively working with to help install solar:

School	Status	Planned Solar
Vaucluse Public School	Awaiting tender	20 kW
Cranbrook Junior School	Awaiting funding allocation	99 kW
Kambala	Awaiting tender	68 kW

The Solar My School program has received a total of \$105,750 in grant funds for Woollahra schools, comprising of:

- \$93,500 received in Community Building Partnership Grants for 4 schools: Woollahra Public School, Double Bay Public School, Glenmore Road Public School, Vaucluse Public School.
- \$6,250 from the Purryburry Trust for Vaucluse Public School
- \$6,000 from the Woollahra Council Environmental Grants Program for Woollahra Public School, Double Bay Public School and Vaucluse Public School.

Across the eastern suburbs, 60 out of 64 schools have been engaged with the Solar My School program. As of July 2021, 38 schools have installed a total of 1.95MWh of solar. This is 6% of the total solar installations on all buildings in the eastern suburbs. The electricity savings from the solar total \$383,000 per annum and result in a reduction of 2258 tonnes of carbon dioxide emissions per year. A total of \$386,750 has been received in grants. 7 schools are at tender stage, so it anticipated that a further 376kW will be installed in the next six months.

The success of the program has seen it expand outside of the eastern suburbs, with a further 131 schools engaged across 13 council areas. Solar has been installed on 26 of these schools to date and another 25 installations are expected by the end of 2021.

The Solar My School program has received the following awards:

- Winner in Public Service Design – Good Design Awards (2020)
- Winner of the National Environmental Leadership and Sustainability Award – LG Professionals Association (2019)
- Winner of Public Sector Leadership Award – NSW Green Globe Awards (2019)
- Winner of Renewable Energy Award – Keep Australia Beautiful Sustainable Cities (2019)
- Winner of Climate Change Action Award in Excellence in Environment Awards – Local Government NSW (2019)
- Winner of Renewable Energy Achievement Award – Cities Power Partnership (2018)
- Finalist in Government category – Banksia Sustainability Awards (2018)
- Best school project - National 350.org Australia Report Heroes building Australia's Low Carbon Economy (2018).

QWN: 17.3
From: Councillor Price
Subject: Questions with Notice - Local Housing Strategy (LHS)

Councillor Price asking:

To the Director of Planning and Place.

Can the Director please outline the precise advice provided to Council by the NSW Department of Planning, Industry and Environment (DPIE) concerning the consequences of:

- (a) not preparing a Local Housing Strategy (LHS); and
- (b) preparing a LHS that:
 - (i) concludes there is no capacity for further development beyond 2026; and
 - (ii) does not include a strategy for the 2026-2036 period.

Manager Strategic Planning in response:

Under section 3.8 of the *Environmental Planning and Assessment Act 1979*, Council is required to give effect to any applicable regional strategic plans. The Greater Sydney Region Plan and the *Eastern City District Plan* both apply to the Woollahra LGA, and these identify that all councils must prepare a local housing strategy.

It is also noted that Action 25 of the *Woollahra Local Strategic Planning Statement (LSPS) 2020* states that Council will prepare a local housing strategy.

To date, 30 of the 33 councils in Greater Sydney have had their local housing strategy endorsed by the NSW Department of Planning, Industry and Environment (DPIE) subject to conditions. In response to this QWN, the DPIE has advised there is no official position on the consequences for not having a local housing strategy. However, we note the following advice from Minister Stokes circulated in September 2020, in response to concerns raised by Ku-ring-gai Council about how housing targets should be implemented:

“... if councils don’t want to lead planning for growth at a local level, it will simply mean the Government will need to take more direct action. If Ku-ring-gai Council doesn’t want to take on that responsibility, they are welcome to ask the Government to do the work for them. So let’s continue the good work on new strategic plans for councils across Greater Sydney and NSW.”

Should Council resolve not to endorse the *Draft Woollahra Local Housing Strategy 2021*, it places Council at risk. In particular, there will be a limited strategic basis to assess, justify or defend planning proposals. In this event, the *Eastern City District Plan* and the *Woollahra LSPS 2020* will form the only strategic basis for consideration.

Should Council resolve not to endorse the *Draft Woollahra Local Housing Strategy 2021*, the following key matters of concern have been identified:

- **Rezoning reviews for developer initiated proposals**
In the event that Council does not have an adopted local housing strategy, it is anticipated that developers will lodge planning proposals in areas which would otherwise not be appropriate for rezoning, and to a scale which is inconsistent with the desired future character. Subsequent to this, rezoning reviews considered by the relevant Regional Panel/DPIE will only have regard to the District Plan and LSPS. It is anticipated that these rezoning reviews are more likely to be approved in the absence of a clear strategy to guide the location and scale of future housing.
- **Council led planning proposals which seek to limit development**
Without an adopted local housing strategy which identifies growth, Council will have difficulty justifying why council led planning proposals which seek to constrain development on certain sites should proceed. Council staff have previously been advised by the DPIE that the local housing strategy needs to identify how any reduction in housing capacity from Council led planning proposals would be offset to ensure that the LGA can provide new and diverse housing that meets demand, and contributes to district housing supply targets. Examples include the Low Residential FSR / Tree canopy project, the rezoning of Riddell Street, Bellevue Hill, and the proposal to introduce a 1200sqm minimum lot size for dual occupancies (attached).
- **Identification of housing growth in updates to the regional strategic plans**
The Greater Sydney Commission (GSC) has commenced a review in order to update the regional strategic plans for Sydney. In the absence of a local housing strategy it is anticipated that the GSC will determine what future housing growth should be accommodated in Woollahra. It is noted that in the GSC assurance letter to the Woollahra LSPS (March 2020), the GSC recommended a 5-10 year housing target of 500-600 dwellings be investigated.

In summary, not adopting the *Draft Woollahra Local Housing Strategy 2021* may put Council at risk of being unable to defend developer initiated planning proposals, and ultimately the State Government will determine how and where housing growth will proceed in Woollahra.

QWN: 17.4
From: Councillor Elsing
Subject: Questions with Notice - Centennial Parklands Trust

Councillor Elsing asking:

Can Council staff please provide an update on progress with respect to Notice of Motion passed at the Council meeting held on 24 August 2020 requesting:

THAT Council write to the New South Wales Minister for Planning and Public Spaces the Hon Rob Stokes MP and the Premier Ms Gladys Berejiklian, to urge them to:

- i. commit to ensuring the objects of the Agency are directed towards preserving and protecting open green space and the public parklands;*
- ii. ensure a governance model for the Agency that allows for a sufficient level of local community input into the management of the parklands, specifically Centennial Park, Moore Park and Queens Park;*
- iii. provide increased protection to maintain Centennial Park, Moore Park and Queens Park as public open spaces;*
- iv. ensure that monetary savings resulting from establishment of the Agency be preserved solely for the parklands' upkeep;*
- v. ensure that funding models for the parklands remove the need for over commercialisation of valuable open space (especially important to the densely populated suburbs surrounding Centennial Park, Moore Park and Queens Park); and*
- vi. ensure there is sufficient recurrent NSW State Government funding for the parklands, such that they do not need to rely on the over commercialisation of those public parklands.*

And

THAT Council staff review the NSW Government's draft vision for Greater Sydney's open space and parkland that is currently open for public consultation and that Council make a submission with reference to priorities raised in paragraph above.

Background

The Centennial and Moore Park Trust was established in 1983 to oversee the long term strategic planning of the parklands as well as the day-to-day management of Centennial Park, Moore Park and Queens Park. On 17 July 2020, the NSW State Government launched a new 50-year vision for greater Sydney's network of parklands and green open spaces. The draft vision is open for public comment until 11 September 2020. The "vision" will be overseen by a new Greater Sydney Parklands government agency ("Agency") that will amalgamate the Centennial and Moore Park Trust, Parramatta Park Trust, Western Sydney Parklands Trust, Callan Park and Fernhill Estate. Combined, the Agency will oversee more than 6,000 hectares of parklands across Sydney.

Manager Open Space & Trees in response:

On Notice.

QWN: 17.5
From: Councillor Elsing
Subject: Questions with Notice - Update on affordable housing allocations in the Woollahra Municipality

Councillors Elsing asking:

Could Council staff please advise:

1. how many affordable homes have been delivered in the Municipality since the affordable housing development incentives issued by the State Government have been in place (such as the increased FSR uplift for SEPP seniors developments),
2. how much uplift has been granted to development in response to affordable housing claims in development applications,
3. how much affordable housing has been delivered to date and
4. any forecasts or other information relevant to the amount of affordable housing in the Municipality.

Director Planning & Place in response:

On Notice.

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

