

Ordinary Council

Monday, 28 April 2025 6:30 PM

Minutes



Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 28 April 2025 at 6:30 PM.

Present: Her Worship the Mayor, Councillor Sarah Swan, ex-officio

Councillors: Sean Carmichael (Deputy Mayor)

James Ardouin Mary-Lou Jarvis

Jeanette Mitchell (via Zoom)

Julian Parmegiani Harriet Price Matthew Robertson

Torsten
Merrill Witt
Hugh Woodgate
Toni Zeltzer

Staff: Craig Swift-McNair - General Manager

Eleanor Banaag - Senior Strategic Heritage Officer (via Zoom)

Jennifer Chenhall - Manager, Governance & Risk

Roger Faulkner - Team Leader, Open Space & Recreation Planning (via

Zoom)

Micaela Hopkins - Team Leader, Environment & Sustainability

Rhys Johnson - Governance Coordinator Sue Meekin - Director, Corporate Performance

Carolyn Nurmi - Governance Officer Scott Pedder - Director, Planning & Place

Tom O'Hanlon - Director, Infrastructure & Sustainability

Patricia Occelli - Director, Community & Customer Experience Anne White - Manager, Strategic Planning & Place (via Zoom)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council of 28 April 2025 open and welcomed Councillors, staff and members of the public who are watching and listening to this evening's meeting.

2. Prayer

The Mayor read the Prayer:

Almighty God, you have given us a beautiful place to live in. We pray for your gift of wisdom that the decisions of this Council may benefit those we serve. Be with us in our deliberations that this Municipality may know your blessing. Amen.

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

The Mayor read the following Acknowledgement of Country:

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

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

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

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

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

Apologies were received from Councillor Andruska and Councillor Regan, and leave of absence granted.

(Councillor Carmichael/Councillor Torsten)

180/2025 Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council Meeting approves the following Councillor participation in the Ordinary Council Meeting of 28 April 2025 via Audio-Visual Link:

Councillor Mitchell

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.

None

For the Motion

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis,

Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten,

Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

6. Confirmation of Minutes

6.1. Confirmation of Minutes Ordinary Council Meeting - 24 March 2025

(Councillor Swan/Councillor Ardouin)

183/2025 Resolved without debate:

THAT the Minutes of the Ordinary Council Meeting of 24 March 2025 be taken as read and confirmed.

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 Against the Motion

Councillor Swan, Councillor Carmichael, None

Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

6.2. Confirmation of Minutes Strategic & Corporate Committee - 22 April 2025

(Councillor Swan/Councillor Ardouin)

185/2025 Resolved without debate:

THAT the Minutes of the Strategic & Corporate Committee of 22 April 2025 be taken as read and confirmed.

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 Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

None

7. Disclosures of Interest

Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in Item 12.1.1, as Councillor Jarvis knows some of the residents of one of the buildings listed in the proposal. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in Item 12.1.1, as Councillor Zeltzer knows some of the residents of one of the buildings listed in the proposal. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Councillor Woodgate declared a Non-Significant, Non-Pecuniary Interest in Item 12.1.1, as Councillor Woodgate knows one of the residents of one of the buildings listed in the proposal. Councillor Woodgate remained in the meeting, participated in debate and voted on the matter.

Councillor Witt declared a Non-Significant, Non-Pecuniary Interest in Item 12.1.1, as Councillor Witt knows one of the residents of one of the buildings listed in the proposal. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in Item 12.1.1, as Councillor Carmichael knows some of the residents of one of the buildings listed in the proposal. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

The Mayor, Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in Item 12.1.1, as the Mayor knows some of the residents of one of the buildings listed in the proposal. The Mayor remained in the meeting, participated in debate and voted on the matter.

Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in Item 12.2.1, as Councillor Carmichael knows one of the residents involved and has been in contact with them for several years. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Councillor Parmegiani declared a Significant, Non-Pecuniary Interest in Item 12.2.1, as Councillor Parmegiani is close friends with, and related to a number of persons named in the public submissions. Councillor Parmegiani left the meeting at this item, did not participate in debate and did not vote on the matter.

Councillor Witt declared a Non-Significant, Non-Pecuniary Interest in Item 12.2.1, as Councillor Witt knows a number persons named in the public submissions. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

Councillor Parmegiani declared a Non-Significant, Non-Pecuniary Interest in Item 12.2.3, as Councillor Parmegiani has previously met the artist named in the report. Councillor Parmegiani remained in the meeting, participated in debate and voted on the matter.

8. Petitions Tabled

9. Mayoral Minute

9.1. Severe Weather Emergency Action Planning

Note: The Mayor, Councillor Swan withdrew the Mayoral Minute.

10. Public Forum

11. General Manager and Officer's Report

11.1. Response to the request for legal advice for temporary suspension of the changes to low and mid-rise Housing in Rose Bay and Double Bay Confidential Report Circulated Under Separate Cover

Note: In accordance with clause 8.2 of Council's Code of Meeting Practice, Council resolved to move Item 11.1 to be considered after Item 12.2.1

Note: The Council amended Part A and Part B, and added new Part C and Part D to the Resolution.

(Councillor Swan/Councillor Zeltzer)

192/2025 Resolved:

THAT in accordance with Section 10A (2) (g) of the Local Government Act 1993, Council resolve to enter into Closed Session with the press and public excluded to consider the Confidential Report as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Adopted

In Closed Session

Note: The Council discussed the Confidential Report and resolved the matter.

(Councillor Swan/Councillor Jarvis)

Resolved:

THAT the Council move into "Open Session".

Adopted

In Open Session

(Councillor Ardouin/Councillor Zeltzer)

191/2025 Resolved:

THAT Council:

- A. Note the confidential legal advice included in this report.
- B. Notes that Council has made an application under the Government Information (Public Access) Act 2009 (the GIPA request) seeking:
 - Documents evidencing assessments of potential flooding impacts or an increase in flooding risks caused by increasing the supply of housing in moderate to high flood prone areas of Double Bay and Rose Bay under the amendments made in State Environmental Planning Policy (Housing) Amendment (Low and Mid Rise Housing) 2025 (EPI 81); and
 - Documents evidencing the steps the Minister considered appropriate or necessary to be taken before recommending the making of State Environmental Planning Policy (Housing) Amendment (Low and Mid Rise Housing) 2025 (EPI 81) by the Governor; and
 - Documents evidencing the recommendation from the Minister for Planning and Public Spaces to the Governor recommending the making of State Environmental Planning Policy (Housing) Amendment (Low and Mid Rise Housing) 2025 (EPI 81).
- C. Notes that the Department of Planning and Infrastructure have sought an extension of 10 days for their response to the GIPA request to enable them to consult with third parties.
- D. Staff will table a further report to Council as soon as practicable.

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.

None

For the Motion

Against the Motion

Councillor Swan, Councillor Carmichael,

Councillor Ardouin, Councillor Jarvis,

Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson,

Councillor Silcocks, Councillor Torsten,

Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

12. **Reports of the Committees**

12.1. Environmental Planning Committee

12.1.1.Contemporary Building Study - Planning Proposal to List Five Local Heritage Items

Note: Late correspondence was tabled by Eleanor Banaag (Acting Team Leader - Heritage), Amelia Holliday, Alex & Lyndall Mueller, Diane Gosnell, John Varnay, Nigel & Carol Price, Otto Cserhalmi, Ramon & Karen Lerman, Sally Kean, Stephanie Young, William & Denise Reid, and Nina Still.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Jarvis knows some of the residents of one of the buildings listed in the proposal. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Zeltzer knows some of the residents of one of the buildings listed in the proposal. Councillor Zeltzer remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Woodgate declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Woodgate knows one of the residents of one of the buildings listed in the proposal. Councillor Woodgate remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Witt declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Witt knows one of the residents of one of the buildings listed in the proposal. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Carmichael knows some of the residents of one of the buildings listed in the proposal. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: The Mayor, Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this item, as the Mayor knows some of the residents of one of the buildings listed in the proposal. The Mayor remained in the meeting, participated in debate and voted on the matter.

Note: The Council considered each building listed in the proposal, in seriatim.

Note: The Council amended Part B 'ii', the listing of 'Still House'.

(Councillor Jarvis/Councillor Carmichael)

195/2025 Resolved:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 6 March 2025 regarding the planning proposal to list five buildings as local heritage items.
- B. Endorse the Planning Proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 7 April 2025 to list the following five buildings as local heritage items in Schedule 5 and associated Heritage Maps of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - i. "Arlington" building (excluding dwelling interiors) at 351 Edgecliff Road, Edgecliff & 351A Edgecliff Rd, Edgecliff (SP3017 & SP3380)

C. Request the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 f the *Environmental Planning and Assessment Act* 1979.

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

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Jarvis, Councillor Mitchell, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate, Councillor Ardouin, Councillor Parmegiani

Councillor Zeltzer

11/2

(Councillor Jarvis/Councillor Carmichael)

207/2025 Resolved:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 6 March 2025 regarding the planning proposal to list five buildings as local heritage items.
- B. Endorse the Planning Proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 7 April 2025 to list the following five buildings as local heritage items in Schedule 5 and associated Heritage Maps of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - ii. "Still House" building (excluding dwelling interiors) at 8 Victoria Street, Watsons Bay (Lot 11, DP1004606)
- C. Request the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 f the *Environmental Planning and Assessment Act* 1979.

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

Against the Motion

Councillor Carmichael, Councillor Jarvis, Councillor Price, Councillor Robertson, Councillor Witt, Councillor Woodgate, Councillor Swan, Councillor Ardouin, Councillor Mitchell, Councillor Parmegiani, Councillor Silcocks, Councillor Torsten

Councillor Zeltzer

(Councillor Jarvis/Councillor Carmichael)

208/2025 Resolved:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 6 March 2025 regarding the planning proposal to list five buildings as local heritage items.
- B. Endorse the Planning Proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 7 April 2025 to list the following five buildings as local heritage items in Schedule 5 and associated Heritage Maps of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - iii. "Baxter" building (excluding dwelling interiors) at 85 Drumalbyn Road, Bellevue Hill (SP88065)
- C. Request the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 f the *Environmental Planning and Assessment Act* 1979.

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

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate, Councillor Zeltzer

12/1

Councillor Parmegiani

Motion moved by Councillor Jarvis Seconded by Councillor Carmichael

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 6 March 2025 regarding the planning proposal to list five buildings as local heritage items.
- B. Endorse the Planning Proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 7 April 2025 to list the following five buildings as local heritage items in Schedule 5 and associated Heritage Maps of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - iv. "The Penthouses" building (excluding dwelling interiors) at 58-61 New Beach Road, Darling Point (SP3143)
- C. Request the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 f the *Environmental Planning and Assessment Act* 1979.

Amendment moved by Councillor Witt Seconded by Councillor Torsten

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 6 March 2025 regarding the planning proposal to list five buildings as local heritage items.
- B. Request Staff to organise a meeting with the representatives of "The Penthouses" within the next four weeks to discuss potential amendments to the heritage inventory sheet so that it can be updated before the planning proposal is forwarded to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition.
- C. Endorse the Planning Proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 7 April 2025 to list the following five buildings as local heritage items in Schedule 5 and associated Heritage Maps of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
- iv. "The Penthouses" building (excluding dwelling interiors) at 58-61 New Beach Road, Darling Point (SP3143)
- D. Request the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 f the *Environmental Planning and Assessment Act* 1979.

The Amendment was put and Lost.

For the Amendment

Councillor Swan, Councillor Parmegiani, Councillor Price, Councillor Silcocks, Councillor Torsten, Councillor Witt

6/7

Against the Amendment

Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Robertson, Councillor Woodgate, Councillor Zeltzer

Motion moved by Councillor Jarvis Seconded by Councillor Carmichael

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 6 March 2025 regarding the planning proposal to list five buildings as local heritage items.
- B. Endorse the Planning Proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 7 April 2025 to list the following five buildings as local heritage items in Schedule 5 and associated Heritage Maps of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - iv. "The Penthouses" building (excluding dwelling interiors) at 58-61 New Beach Road, Darling Point (SP3143)
- C. Request the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 f the *Environmental Planning and Assessment Act* 1979.

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 Swan, Councillor Carmichael, Councillor Jarvis, Councillor Robertson, Councillor Woodgate, Councillor Zeltzer

6/7

Against the Motion

Councillor Ardouin, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Silcocks, Councillor Torsten,

Councillor Witt

(Councillor Jarvis/Councillor Carmichael)

194/2025 Resolved:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 6 March 2025 regarding the planning proposal to list five buildings as local heritage items.
- B. Endorse the Planning Proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 7 April 2025 to list the following five buildings as local heritage items in Schedule 5 and associated Heritage Maps of the *Woollahra Local Environmental Plan 2014*, and resolves to forward this to the Department of Planning Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - v. "Bibaringa" building (excluding dwelling interiors) at 349 New South Head Road, Double Bay (SP62056)
- C. Request the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 f the *Environmental Planning and Assessment Act* 1979.

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 Swan, Councillor Carmichael, Councillor Jarvis, Councillor Price,

Councillor Robertson, Councillor Silcocks, Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

9/4

Against the Motion

Councillor Ardouin, Councillor Mitchell, Councillor Parmegiani, Councillor Torsten

12.1.2.Planning Proposal for the Double Bay Centre

Note: Late correspondence was tabled by Anne White (Manager - Strategic Planning & Place).

Note: The Council removed Parts E and F of the Recommendation.

(Councillor Zeltzer/Councillor Carmichael)

197/2025 Resolved:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 20 February 2025 regarding the planning proposal to amend the controls for the Double Bay Centre.
- B. Resolves to support the planning proposal as contained at Attachment 1 of the report to the Environmental Planning Committee of 7 April 2025 to revise controls for the Double Bay Centre and that this is forwarded to the Department of Planning, Housing and Infrastructure seeking a Gateway determination to allow public exhibition.
- C. Requests the Minister for Planning and Public Spaces (or delegate) to authorise Council as the local plan-making authority to make the local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979.
- D. Requests staff to carry out updates to the traffic report (prior to a post exhibition report) in relation to the Double Bay Centre incorporating the cumulative impact of the Low and Mid-Rise Housing Policy.

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

Against the Motion

Councillor Witt

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Woodgate, Councillor Zeltzer

12/1

12.1.3. Post Exhibition Report - Draft Development Control Plan (Amendment No. 33) - Updates to **Electric Vehicle Provisions**

(Councillor Robertson/Councillor Zeltzer)

198/2025 Resolved without debate:

THAT Council:

- A. Note the post exhibition report on the Draft Woollahra Development Control Plan 2015 (Amendment No. 33) which seeks to update electric vehicle provisions.
- B. Approves Draft Woollahra Development Control Plan 2015 (Amendment No. 33) which contains one minor post exhibition amendment, and is at Attachment 1 of the report to the Environmental Planning Committee of 7 April 2025.

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 Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks,

Councillor Torsten, Councillor Witt, Councillor Woodgate, Councillor Zeltzer

12/0

None

12.1.4.Draft Biodiversity Conservation Strategy 2025-2035

Note: Late correspondence was tabled by Micaela Hopkins (Team Leader - Environment & Sustainability).

(Councillor Swan/Councillor Ardouin)

186/2025 Resolved without debate:

THAT Council:

- A. Endorse the draft Biodiversity Conservation Strategy 2025-2035 for public exhibition for a period of 28 days.
- B. Note that staff will prepare a further report to Council following the exhibition period.

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.

None

For the Motion Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis,

Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten,

Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

12.2. Finance, Community & Services Committee

12.2.1. Proposed Multi-purpose Courts at Lough Playing Fields and Woollahra Ovals 2 & 3

Note: This item was considered before Item 11.1

Note: Councillor Parmegiani declared a Significant, Non-Pecuniary Interest in this item, as Councillor Parmegiani is close friends with, and is related to a number of persons named in the public submissions. Councillor Parmegiani left the meeting at this item, did not participate in debate and did not vote on the matter.

Note: Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Carmichael knows one of the residents involved and has been in contact with them for several years. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Witt declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Witt knows a number persons named in the public submissions. Councillor Witt remained in the meeting, participated in debate and voted on the matter.

(Councillor Jarvis/Councillor Ardouin)

181/2025 Resolved:

THAT Council:

- A. Notes that the Lough Playing fields site is an acceptable location for multi-purpose courts (for the use of netball and basketball) as per the draft Review of Environmental Factors (REF).
- B. Notes the Budget provision of \$690,000 in the Capital Works budget for 2024/25.
- C. Proceeds to community consultation as proposed in the report on the Lough Playing Fields proposal and invites feedback on measures that might mitigate impacts on adjoining neighbours, subject to satisfactory detailed site investigation and an acceptable REF.
- D. Provides Budget for anticipated courts at Woollahra 2 & 3 in the 2025/26 budget.
- E. Proceeds to community consultation on the Woollahra 2 & 3 proposal and invites feedback to mitigate impacts on adjoining neighbours.
- F. Receives a further report outlining the outcome of community consultation on both projects.

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 Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Woodgate, Councillor Zeltzer

8/4

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Torsten, Councillor Witt

12.2.2.Monthly Financial Report - 28 Feb 2025 Investment held as at 31 Mar 2025

(Councillor Swan/Councillor Ardouin)

187/2025 Resolved without debate:

THAT Council:

A. Receive and note the Monthly Financial Report – February 2025.

- B. Note that the Council's 12-month weighted average return for February 2025 on its direct investment portfolio of 5.02% (LM: 5.07%, LY: 5.14%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.54%.
- C. Note that the interest revenue for the year to date February 2025 is \$3.84M, exceeding our revised budget of \$2.45M for the same period.
- D. Receive and note the list of Council's investments held as of 31 March 2025.

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.

None

For the Motion

Against the Motion

Councillor Swan, Councillor Carmichael,

Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

Artwork Donation

12.2.3.Confirmation of Minutes of the Public Art Panel Meeting - 20 March 2025 and Offer of

Note: Councillor Parmegiani declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Parmegiani has previously met the artist named in the report. Councillor Parmegiani remained in the meeting, participated in debate and voted on the matter.

(Councillor Swan/Councillor Ardouin)

188/2025 Resolved without debate:

THAT:

- A. The Minutes of the Public Art Panel Meeting of 20 March 2025 are received and noted.
- B. Council approve the offer of the artwork donation *Quantum* by Ron Robertson-Swann OAM, valued at \$380,000 which is supported by the Public Art Panel.

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.

None

For the Motion Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis,

Councillor Mitchell, Councillor Parmegiani,

Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten,

Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

12.3. Strategic & Corporate Committee

12.3.1.Draft Integrated Planning & Reporting Documents (including draft Operational Plan & Budget 2025-2026) for Public Exhibition

Note: Late correspondence was tabled by Sue Meekin (Director - Corporate Performance).

Note: The Council amended Part D of the Recommendation.

(Councillor Swan/Councillor Carmichael)

200/2025 Resolved:

THAT Council:

- A. Receive and note the draft Community Strategic Plan Woollahra 2035, draft Delivery Program 2025 to 2029, draft Operational Plan 2026-2026 (including the draft Budget, draft Rating Structure, draft Fees and Charges), and draft Long Term Financial Plan 2025-2026 to 2034-2035
- B. Endorse to be placed on public exhibition from 30 April 2025 to 28 May 2025, the draft Community Strategic Plan Woollahra 2035, draft Delivery Program 2025 to 2029, draft Operational Plan 2026-2026 (including the draft Budget, draft Rating Structure, draft Fees and Charges), and draft Long Term Financial Plan 2025-2026 to 2034-2035, subject to the administrative amendments discussed at the Strategic & Corporate Committee Meeting of 22 April 2025.
- C. Note that the documents referred to in Part B above together with any submissions received, will be further considered by Council before 30 June 2025.
- D. Note that the draft 2025-2026 draft Budget includes the creation of a new reserve called 'Capital Projects Reserve'. This reserve is to be used to fund capital projects in future years and the 2025-2026 draft Budget includes a transfer to this reserve of \$3.334m; and
- E. That any capital projects initially budgeted to be funded by unrestricted council funds, but subsequently funded or part funded by state or federal grants, will have the net difference transferred to the Capital Projects Reserve.

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.

None

For the Motion

Against the Motion

Councillor Swan, Councillor Carmichael,

Councillor Ardouin, Councillor Jarvis, Councillor Parmegiani, Councillor Price,

Councillor Robertson, Councillor Silcocks,

Councillor Torsten, Councillor Witt,

Councillor Woodgate, Councillor Zeltzer

12.3.2. Updates to the Woollahra Section 7.12 Development Contributions Plan 2022

(Councillor Swan/Councillor Ardouin)

199/2025 Resolved without debate:

THAT Council:

- A. Receive and note the report on the *Draft Woollahra Section 7.12 Development Contributions Plan 2022 (Amendment 3).*
- B. Resolve to exhibit the *Draft Woollahra Section 7.12 Development Contributions Plan 2022* (Amendment 3) as contained in **Attachment 1** of the report to the Strategic & Corporate Committee of 22 April 2025.

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.

None

For the Motion

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

13. Rescission Motion

14. Notices of Motion

14.1. Election Poster Policy

Note: The Council amended Part A 'i' of the Recommendation.

(Councillor Carmichael/Councillor Swan)

201/2025 Resolved:

THAT Council:

- A. Request the General Manager to draft an Election Poster Policy covering regulation of election posters across our local government area for federal, state and local elections. The policy will explicitly:
 - Allow posters to go up no earlier than 14 days before any pre-polling of an election;
 and
 - ii. Require all posters to be taken down within seven days after polling day.

B. Request the General Manager to present the draft policy to the Finance, Community & Services Committee and then to full Council in August 2025, with a view to placing the draft policy on public exhibition.

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

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani,

Councillor Torsten, Councillor Woodgate,

Councillor Zeltzer

9/4

Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Witt

14.2. Community communication regarding the Minns Government's Low and Mid-rise Housing Reforms.

(Councillor Ardouin/Councillor Swan)

203/2025 Resolved without debate:

That Council:

- A. Notes the Notice of Motion resolved by Woollahra Council on 24 March 2025 "Temporary Suspension of the Changes to low and mid-rise Housing in Double Bay and Rose Bay".
- B. Notes the continued advocacy of Council staff and the Mayor in relation to the Low and Mid-Rise Housing policy reforms.
- C. Requests the General Manager prepare a report to Council for tabling at the July 2025 Council meeting, on the merits and costs of distributing an information flyer and the holding of a community information session to the residents in and around the vicinity of the areas affected by the recent Low and Mid-Rise Housing policy reforms implemented by the NSW Government.
- D. Requests the Mayor invite Chris Minns MP, Paul Scully MP, Stephen Bali MP, Kellie Sloane MP, Mark Speakman MP, Marjorie O'Neil MP, Lord Mayor Clover Moore, Mayor William Nemesh, to any community information session on the topic of Low and Mid-Rise Housing policy reforms.

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.

None

For the Motion

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

14.3. Quality of Water and Beaches in Double Bay

Note: The Council amended Part B of the Recommendation.

(Councillor Ardouin/Councillor Swan)

202/2025 Resolved:

That Council:

- A. Notes the advocacy undertaken by the Mayor with Sydney Water, Transport for New South Wales and Kellie Sloane MP in relation to the cleanliness of Double Bay Beach.
- B. Requests the General Manager prepare a report to Councillors on the current and prospective activities and / or projects of Woollahra Council to improve the quality of the water and beaches in Double Bay, Rose Bay and Watsons Bay, including options to remedy the debris runoff from the Sydney Water stormwater channel adjacent to the beach, noting the role Sydney Water also play in this matter.

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.

None

For the Motion Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten, Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

14.4. Local Government Financing Facility

Note: In accordance with Clause 18.2 of Council's Code of Meeting Practice the Council extended the time of the meeting for a maximum period of 30 minutes.

(Councillor Ardouin/Councillor Swan)

204/2025 Resolved:

That Council:

- A. Notes Woollahra Council's extensive forward pipeline of capital works (i.e. Cross St and Wilberforce carparks) necessitates investigating options to lower Council's overall cost of debt.
- B. Request the General Manager liaise with the Office of Local Government and Local Government NSW to explore a Council's ability under relevant NSW legislation, in establishing a funding vehicle, similar in form and function to NAB's Local Government Funding Vehicle (delivered in conjunction with the Municipal Association of Victoria) as a collective initiative with other councils and capital providers, which would:
 - Support local governments (including Woollahra Council) to unlock additional flexibility to utilise their balance sheets to invest in community assets that would diversify their income streams;

- ii. Deliver a boost to their local economies through the increased investment in community amenities and infrastructure;
- iii. Assist local governments to invest in the urgent infrastructure needed to facilitate the growth in dwellings and commercial activity as a result of the Low and Medium-rise Housing Policy;
- iv. Increase competitive pressure on the providers of municipal debt, which in turn would lower borrowing costs.

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 Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani, Councillor Silcocks, Councillor Torsten, Councillor Woodgate, Councillor Zeltzer

10/3

Against the Motion

Councillor Price, Councillor Robertson, Councillor Witt

14.5. James Street Woollahra Traffic

Note: A petition was received from the residents of James Street Woollahra however, in accordance with the Council's Code of Meeting Practice, the petition did not meet the required criteria for a formal petition. As a result, it was presented as late correspondence. Further late correspondence was tabled by John Normyle.

(Councillor Swan/Councillor Carmichael)

205/2025 Resolved:

That Council request General Manager provide a report setting out proposals and recommendations to amend the traffic conditions in James Street, Woollahra to improve pedestrian safety, including that James Street become a shared pedestrian zone.

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

Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis, Councillor Mitchell, Councillor Parmegiani,

Councillor Torsten, Councillor Woodgate,

Councillor Zeltzer

9/4

Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Witt

15. Questions With Notice

(Councillor Swan/Councillor Ardouin)

189/2025 Resolved:

THAT the Questions with Notice be received and noted.

The Motion was put and Carried.

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

None

matter.

For the Motion Against the Motion

Councillor Swan, Councillor Carmichael, Councillor Ardouin, Councillor Jarvis,

Councillor Mitchell, Councillor Parmegiani, Councillor Price, Councillor Robertson, Councillor Silcocks, Councillor Torsten,

Councillor Witt, Councillor Woodgate,

Councillor Zeltzer

13/0

15.1. Compliance with Housing SEPP

Councillor Regan asking:

On 15 November 2023 Council passed a Notice of Motion in item 16.2 as follows:

Woollahra Municipal Council Ordinary Council Meeting Agenda

15 November 2023

Item No: 16.2

NOTICE OF MOTION - COMPLIANCE WITH HOUSING SEPP IN Subject: RESPECT OF INDEPENDENT LIVING UNITS FOR SENIORS

HOUSING

From: Councillors Lucinda Regan and Luise Elsing

Date: 17 October 2023 **File No:** 23/190778

Recommendation:

THAT Council:

- Compile a register of all developments approved as independent living units for seniors or those living with a disability under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) in the municipality, identifying the location and type of those developments and the number of independent living units in those developments (Register);
- Confirm that each independent living unit developed as seniors housing under the Housing SEPP in the municipality has a condition of consent which requires it to lodge a positive covenant in favour of Council to comply with the requirements of s.86 of the Housing SEPP (Positive Covenant);
- Confirm that all required Positive Covenants have been lodged and appear on the property title to the relevant independent living units;
- Records the details of all Positive Covenants and their land title registration details in the Register;
- Undertakes a regular audit of all developments approved as seniors housing, independent living units under the Housing SEPP in the municipality, to ensure compliance with the Positive Covenant and report those findings to the relevant Council Committee on an annual basis; and
- 6. Provide advice as to how it is best to monitor and ensure ongoing compliance with the Positive Covenant, as required by the Housing SEPP, and consider what measures may be taken on transfer of title in these properties to ensure compliance on a regular basis.

https://woollahra.infocouncil.biz/Open/2023/11/CO 20231115 AGN AT.PDF#page249

Some developments undertaken under this Housing SEPP have already completed and some are due to complete shortly. Neighbours to these developments have asked what compliance measures Council has in place to ensure occupation is as required by the Housing SEPP, given the unique consent conditions for the construction and occupation of these developments.

Could Council please advise as to when a report will be presented to Council to address the matters raised in the Notice of Motion 16.2 passed on 15 November 2023.

Manager Compliance & Enforcement in response:

Compliance and Enforcement staff have been in the process of creating a register for these developments approved as independent living units or those living with a disability. A report regarding this matter addressing the six (6) recommendations will be presented to Council prior to the end of the financial year.

15.2. Cleanup of Double Bay & Watsons Bay Beaches

The Mayor, Councillor Swan asking:

- 1. How frequently does Council undertake clean up of Double Bay beach?
- 2. How frequently does Council undertake clean up of Watsons Bay beach?
- 3. What communication has Council had with Sydney Water in respect of the cleanliness of Double Bay beach and Watsons Bay beach?

Manager Civil Operations, and Environment & Sustainability Team Leader in response:

1. How frequently does Council undertake clean up of Double Bay beach?

Council attends daily to the western end of Double Bay Beach, our team service all waste bins, conduct a manual litter pick, and remove any large debris as required. In addition to this daily schedule, each beach is mechanically cleaned using a beach rake and tractor at least once a week. It's important to note that tidal conditions play a significant role in beach access, with high tides approximately every second week limiting our ability to safely operate machinery along the foreshore. Council cannot access the eastern end of the beach as there is no public point of entry from the land side.

Following a request from Council, Maritime/TfNSW recently conducted a clean on the eastern end of Double Bay Beach due to access issues.

HarbourCare volunteers have completed 3 clean-ups at Double Bay in the last 12 months.

2. How frequently does Council undertake clean up of Watsons Bay beach?

Council attends daily to Watsons Bay Beach, our team service all waste bins, conduct a manual litter pick, and remove any large debris as required. In addition to this daily schedule, each beach is mechanically cleaned using a beach rake and tractor at least once a week. It's important to note that tidal conditions play a significant role in beach access, with high tides approximately every second week limiting our ability to safely operate machinery along the foreshore.

After the recent storm/high tides, an excavator and backhoe were also used to remove sand from the footpath and remove excessive waste from the beach at Watsons Bay.

HarbourCare volunteers have completed 23 clean ups at Watsons Bay beach in the past 12 months.

3. What communication has Council had with Sydney Water in respect of the cleanliness of Double Bay beach and Watsons Bay beach?

Staff have raised issues with the cleanliness of Double Bay Beach with Sydney Water. Sydney Water own the large stormwater outlet that runs from Lough Playing Fields along

Kiaora Road, Jamberoo lane and Sherbrook Avenue, draining into Double Bay in the eastern corner.

Council staff will be meeting with Sydney Water staff in May to discuss issues with water quality and whether there is potential to install a pollution trap on this stormwater channel. Council has installed pollution traps further up in the catchment, above Cooper Park, and on the drainage line emptying near Double Bay Ferry Wharf.

Council has not discussed cleanliness of Watsons Bay Beach with Sydney Water, as there are no Sydney Water owned stormwater outlets in the area. Council has a pollution trap at Military Road near Watsons Bay Wharf, and another is planned treating stormwater flowing to Gibsons Beach.

15.3. Upgrades to the Watsons Bay Ferry Wharf

The Mayor, Councillor Swan asking:

Please could staff provide the most recent information from Transport for New South Wales as to the progress of the upgrade to the Watsons Bay ferry wharf?

Manager Open Space & Trees in response:

The following advice from Transport for NSW in April 2025 was;

Funding has not been confirmed for further planning or delivery of the project. Also no decision has been made regarding the preferred design – Transport will consider community and stakeholder feedback, project objectives and passenger outcomes before making any decisions.

https://www.transport.nsw.gov.au/projects/current-projects/watsons-bay-wharf-upgrade

16. Supplementary Responses to Previous Questions with Notice

17. Confidential Matters

18. Councillor Reports/Councillor Updates (Section 8.4)

The Mayor, Councillor Swan:

- 2025 Woollahra Festival
- ANZAC Day 2025
- Remembering Bondi Junction Attack
- Plaque Unveiling for Donald Richmond Horne AO

The Mayor, Councillor Swan advised that she recently attended the 2025 Woollahra Festival, stating that it was a great weekend of activities starting with the opening Event at Parterre, lunch on Victoria Street and the many activities planned around Woollahra. The Mayor thanked James Granter (Coordinator - Economic Development), Justine Henderson (Manager - Communications & Engagement) and all the Council staff involved in supporting the Queen Street West Woollahra Association in holding this fabulous celebration of Woollahra.

The Mayor further advised that on 25 April 2025 she had the honour to have hosted the Council's ANZAC Day Wreath Laying Ceremony at Steyne Park. This special ceremony was attended by eight (8) local schools, Consular representatives, local community and resident groups, and had Alexander He read his winning piece from the Mayor's ANZAC Day writing competition. The Mayor extended her thanks to all staff involved.

The Mayor shared with Council that one year on from the Bondi Junction attack she gathered with staff to remember those affected by the Bondi Junction Attacks. The Mayor stated that it was a moving time to remember and reflect. There was a gathering at Parliament House and a moving ceremony at the Bondi Junction Mall. The Mayor laid a floral tribute for Council and for the Woollahra Community.

On 1 April 2025, the Mayor unveiled a plaque marking the life and career of Donald Richmond Horne AO - a journalist, editor, author and academic, cultural critic, social analyst and one of Australia's foremost and most influential public intellectuals. The Mayor thanked Library staff for organising another successful plaque.

On 25 April 2025, the Mayor attended an ANZAC service at the Royal Sydney Golf Course, and attended a Dawn Service with the Royal Australian Naval Sailing Association (RANSA) where she was honoured to lay a wreath on Council's behalf. The Mayor also attended the Mark Moran Village Annual ANZAC Service. The Mayor expressed that it was an honour to attend the Service and read the two highly-commended entries from the Mayor's ANZAC Writing Competition.

Councillor Silcocks:

Remembering Bondi Junction Attack

Councillor Silcocks joined the Mayor in remembering the Bondi Junction attack one year on. Councillor Silcocks honoured all the victims, including those enduring long-term injuries and those who may have been forgotten over time.

Councillor Witt:

- ANZAC Day 2025
- Experimental Choreographic Showing at Drill Hall

Councillor Witt thanked the Mayor and all the staff involved in the ANZAC Day Service at Steyne Park, praising it as one of the best she had ever attended.

On 12 April 2025, Councillor Witt attended the Experimental Choreographic Showing at Drill Hall, Darling Point. Councillor Witt was overwhelmed with the amount of people in attendance and described the performance a wonderful showcase of performing art talent.

Councillor Jarvis:

- ANZAC Day 2025
- Queen Street Literary Festival
- Opening of Double Bay Sailing Club Ramp

Councillor Jarvis added to the her fellow Councillor's remarks on the 2025 ANZAC Day Services and shared a brief comment on the plans unveiled at the Rose Bay RSL Club site. Councillor Jarvis stated that the plans mean a great new venue is coming for Rose Bay.

Councillor Jarvis praised staff for their work on the Queen Street Literary Festival, and congratulated local author Diana Reid on the upcoming release of her third book.

Councillor Jarvis congratulated staff on the successful opening of the Double Bay Sailing Club ramp, acknowledging all of the engineering challenges that went into making it happen.

Conclusion of	f the Meeting
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				meeting			

We certify that the Minutes of the Ordinary Meeting on 28/04/2025 and confirmed by the Ordinary Correct.	Meeting of Council on 26/05/2025 as				
General Manager	Mayor				