



Ordinary Council Meeting

Monday 25 July 2022
6.30pm

Minutes



Ordinary Council Meeting

Monday 25 July 2022

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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 04 July 2022

D1 Confirmation of Minutes of Meeting held on 6 June 2022

Finance, Community & Services Committee held on Monday 04 July 2022

D1 Confirmation of Minutes of Meeting held on 6 June 2022

D2 Woollahra Local Traffic Committee Minutes - 7 June 2022

Ordinary Council Meeting

Minutes of the Meeting of Woollahra Municipal Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 25 July 2022 at 6.30pm.

Present: Her Worship the Mayor, Councillor Susan Wynne ex-officio

Councillors: Isabelle Shapiro (via Zoom)
Sean Carmichael (via Zoom)
Peter Cavanagh (via Zoom)
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson (via Zoom)
Richard Shields
Mark Silcocks
Sarah Swan
Merrill Witt
Toni Zeltzer

Staff: Emilio Andari (Manager – Engineering Services) – (via Zoom)
Sue Meekin (Director – Corporate Performance)
Carolyn Nurmi (Governance Officer)
Patricia Occelli (Director – Community & Customer Experience)
Tom O’Hanlon (Director – Infrastructure & Sustainability) – (via Zoom)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Risk)
Anne White (Manager – Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 25 July 2022 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Prayer

The Mayor read the Prayer:

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

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

3. Acknowledgement of Country (Gadigal People and Birrabirrigal 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 Birrabirrigal 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 (Queen Elizabeth II)

The Mayor read the following Acknowledgement of the Sovereign of the Day (Queen Elizabeth II):

I also acknowledge Queen Elizabeth II.

5. Confirmation of Minutes

Item No:	5.1
Subject:	CONFIRMATION MINUTES - COUNCIL 27 JUNE 2022
Author:	Sue O'Connor, Governance Officer
File No:	22/131253
Purpose of the Report:	The Minutes of the Council of 27 June 2022 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program:	Strategy 11.1: Facilitate community led decision-making that is open, honest and ethical and benefits the broad community.

(Jarvis/Silcocks)

62/22 Resolved:

THAT the Minutes of the Council Meeting of 27 June 2022 be taken as read and confirmed.

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

For the Motion

Against the Motion

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

Nil

15/0

6. Apologies and applications for Leave of Absence or attendance by audio-visual link by Councillors

Councillor Carmichael, Councillor Cavanagh, Councillor Robertson and Councillor Shapiro attended and participated in the meeting via audio-visual link.

7. Disclosures of Interest

Councillor Jarvis declared a Significant, Non-Pecuniary Interest in Item 13.1 R1 (Planning proposal – 136-148 New South Head Road Edgecliff and Reporting the advice of the Woollahra Local Planning Panel) as Councillor Jarvis is a member of the Sydney Eastern City Planning Panel (SECPP), which the matter is likely to come before. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in Item 3.1 R1 (Planning proposal – 136-148 New South Head Road Edgecliff and Reporting the advice of the Woollahra Local Planning Panel) as Councillor Zeltzer is a member of the Sydney Eastern City Planning Panel (SECPP), which the matter is likely to come before. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matter.

8. Late Correspondence

Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item EP Items R1, R3 & R5, NOM 16.1 & 16.3 & QWN 17.2.

9. Petitions Tabled

Nil

10. Public Forum

Nil

11. Mayoral Minute

Item No: 11.1
Subject: **ACKNOWLEDGEMENT OF RETIREMENT OF MEMBER FOR VAUCLUSE, GABRIELLE UPTON**
Author: Susan Wynne, Mayor
File No: 22/135168
Purpose of the Report: To acknowledge the contributions made to our community by the Hon. Gabrielle Upton MP, and to extend our thanks to her for outstanding service and representation on local issues and to wish her well for the future.

(Wynne)

62/22 Resolved:

- A. THAT Woollahra Council notes the decision by the Member for Vacluse and Parliamentary Secretary to the Premier of NSW, the Hon. Gabrielle Upton not to recontest the Seat of Vacluse at the next state election and acknowledges the contributions of service and representation made by the Member for Vacluse during her time in office.
- B. THAT the Mayor of Woollahra, write to the Hon. Gabrielle Upton MP to thank her for her time and commitment to the people of Woollahra LGA and Vacluse Electorate.

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

For the Motion

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

Against the Motion

Nil

15/0

Item No: 11.2
Subject: **ACKNOWLEDGEMENT CHANEL CONTOS WINNER OF DIANA AWARDS**
Author: Susan Wynne, Mayor
File No: 22/137425
Purpose of the Report: To congratulate Chanel Contos on receiving the prestigious Diana Award.

(Wynne)

63/22 Resolved:

THAT the Mayor writes on behalf of Council to Chanel Contos sending congratulations on receiving the Diana Award and acknowledging her commitment to fostering respectful relationships.

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

For the Motion

Against the Motion

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

Nil

15/0

12. General Manager and Officer's Report

Item No:	12.1
Subject:	LOCAL GOVERNMENT NSW ANNUAL GENERAL CONFERENCE 2022
Author:	Helen Tola, Manager - Governance & Council Support
Approvers:	Sue Meekin, Director Corporate Performance Craig Swift-McNair, General Manager
File No:	22/140022
Purpose of the Report:	To provide Council with the opportunity to nominate motions and voting delegates for the upcoming 2022 Local Government NSW (LGNSW) Conference being held between 23 and 25 October 2022.
Alignment to Delivery Program:	Strategy 11.2: Develop and maintain effective reporting systems that enable Council to measure and report on performance.

Motion moved by Councillor Jarvis Seconded by Councillor Shields

THAT Council:

- A. Give consideration to motions to be tabled at the Local Government NSW (LGNSW) 2022 Annual Conference that relate to primary issues affecting the Woollahra Local Government Area;
- B. Request Councillors provide the General Manager with any proposed motions for the LGNSW 2022 Conference by close of business Friday 12 August 2022, for the purpose of the proposed motions being included in a report to the 22 August 2022 Council meeting for the consideration of Council; and
- C. Defer consideration of nominating Councillor attendance to the Council meeting on 22 August 2022.

Amendment moved by Councillor Grieve Seconded by Councillor Regan

THAT Council:

- A. Give consideration to:
 - i. Motions to be tabled at the Local Government NSW (LGNSW) 2022 Annual Conference that relate to primary issues affecting the Woollahra Local Government Area.
 - ii. The overall number of Councillors able to attend the LGNSW 2022 Annual Conference.
 - iii. Nominating the voting delegates for the LGNSW 2022 Annual Conference.
- B. In line with Part A), above, provide the Mayor and General Manager with any proposed motions for the LGNSW 2022 Annual Conference as well as Councillors self-nominations for attendance and or as voting delegates at the Conference, by close of business Friday 12 August 2022. This information will then be included in a report to the 22 August 2022 Council meeting for the consideration of Council.

The Amendment was put and carried.

For the Amendment

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks
Councillor Witt
Councillor Zeltzer

Against the Amendment

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Wynne

8/7

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

(Grieve/Regan)

64/22 Resolved:

THAT Council:

- A. Give consideration to:
- i. Motions to be tabled at the Local Government NSW (LGNSW) 2022 Annual Conference that relate to primary issues affecting the Woollahra Local Government Area.
 - ii. The overall number of Councillors able to attend the LGNSW 2022 Annual Conference.
 - iii. Nominating the voting delegates for the LGNSW 2022 Annual Conference.
- B. In line with Part A), above, provide the Mayor and General Manager with any proposed motions for the LGNSW 2022 Annual Conference as well as Councillors self-nominations for attendance and or as voting delegates at the Conference, by close of business Friday 12 August 2022. This information will then be included in a report to the 22 August 2022 Council meeting for the consideration of Council.

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

For the Motion

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

Against the Motion

Nil

15/0

Item No: 12.2
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) MINUTES - 22 JUNE 2022**
Author: Tremayne Lilly, Insurance & Risk Coordinator
Approvers: Helen Tola, Manager - Governance & Council Support
Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 22/141143
Purpose of the Report: To present the Audit, Risk & Improvement Committee (ARIC) meeting minutes of 22 June 2022 for noting by Council.
Alignment to Delivery Program: Strategy 11.1: Facilitate community led decision-making that is open, honest and ethical and benefits the broad community.

(Carmichael/Price)

65/22 Resolved:

THAT the Minutes of the Audit, Risk & Improvement Meeting of 22 June 2022 be noted.

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

For the Motion

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

Against the Motion

Councillor Elsing
Councillor Regan

13/2

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 4 July 2022 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
- Subject:** **PLANNING PROPOSAL - 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF AND REPORTING THE ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL**
- Author:** Louise Menday, Consultant Strategic Planner
- Approvers:** Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
- File No:** 22/72243
- Purpose of the Report:** To provide Council with the advice of the Woollahra Local Planning Panel on a planning proposal for 136-148 New South Head Road, Edgecliff. To recommend that Council refuses the planning proposal for 136-148 New South Head Road.
- Alignment to Delivery Program:** Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.
- Note:** Late correspondence was tabled by The Paddington Society, Ingham Planning, Double Bay Residents' Assoc, Nizza Siano, Peter Thomson, Joyce Somm, Peter Benjamin, Richard Stenlake, Sarah Harris, Maria Bradley, Shirley & Robert Silverton, Julian Beaumont, Judith Park, Jennifer Dewar, Jasmine Steel, Ross Forsyth, Anthony & Lorraine Jones, Kay Gladstone, Lisa Harrison, Michael & Sara Lawrence, Jane Barnett & Claire Hooper.
- Note:** Councillor Jarvis declared a Significant, Non-Pecuniary Interest in this item as the matter may be considered by the Sydney Eastern City Planning Panel (SECPP) in the future and noting that Councillor Jarvis is a member. Councillor Jarvis left the meeting and did not participate in debate or vote on the matter.
- Note:** Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in this item as the matter may be considered by the Sydney Eastern City Planning Panel (SECPP) in the future and noting that Councillor Zeltzer is a member. Councillor Zeltzer left the meeting and did not participate in debate or vote on the matter.
- Note:** Councillor Mary-Lou Jarvis left the meeting, the time being 7.07pm.
- Note:** Councillor Toni Zeltzer left the meeting, the time being 7.07pm.

(Swan/Grieve)

66/22 Resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
- (i) Increase the maximum height of buildings development standard from 14.5m to 46m
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.

- C. THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021*.
- D. THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* as a potential uplift site.

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 Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Shapiro
Councillor Shields

9/4

Note: Councillor Mary-Lou Jarvis returned to the meeting, the time being 7.41pm.

Note: Councillor Toni Zeltzer returned to the meeting, the time being 7.41pm.

Item No: R2 Recommendation to Council
Subject: **WOOLLAHRA INTEGRATED TRANSPORT STRATEGY**
Author: Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/125352
Purpose of the Report: To seek Council's endorsement of the Woollahra Integrated Transport Strategy following public exhibition.
Alignment to Delivery Program: Strategy 6.1: Facilitate an improved network of accessible and safe alternate transport options.

Note: The Council added iv) to the Resolution.

**Motion moved by Councillor Jarvis
Seconded by Councillor Carmichael**

THAT Council's endorsement of the Integrated Transport Strategy be deferred until after October 2022, to allow staff to:

- (i) Include local transport data from the 2021 Census, which is expected to be published in October 2022;
- (ii) Review the document and amend outdated or obsolete background information such as references to the trial of the Bridj on demand transport program, timetables for Watsons Bay ferries and crash data;
- (iii) Update recommended actions relating to support for electric vehicle charging and use of share cars; and
- (iv) Update the Strategy to reflect that reduced speed limits will be 40km/hr noting that one area will be trialed as a 30km/hr area.

**Amendment moved by Councillor Grieve
Seconded by Councillor Elsing**

THAT Council's endorsement of the Integrated Transport Strategy be deferred until after October 2022, to allow staff to:

- (i) Include local transport data from the 2021 Census, which is expected to be published in October 2022;
- (ii) Review the document and amend outdated or obsolete background information such as references to the trial of the Bridj on demand transport program, timetables for Watsons Bay ferries and crash data;
- (iii) Update recommended actions relating to support for electric vehicle charging and use of share cars.

The Amendment was put and lost.

For the Amendment

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Amendment

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

6/9

The Motion was put and carried.

(Jarvis/Carmichael)

67/22 Resolved:

THAT Council's endorsement of the Integrated Transport Strategy be deferred until after October 2022, to allow staff to:

- (i) Include local transport data from the 2021 Census, which is expected to be published in October 2022;
- (ii) Review the document and amend outdated or obsolete background information such as references to the trial of the Bridj on demand transport program, timetables for Watsons Bay ferries and crash data;
- (iii) Update recommended actions relating to support for electric vehicle charging and use of share cars; and
- (iv) Amend the Strategy to reflect that reduced speed limits will be 40km/hr noting that one area will be trialled as a 30km/hr area.

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

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

9/6

Item No: R3 Recommendation to Council
Subject: **DRAFT WOOLLAHRA ACTIVE TRANSPORT PLAN**
Author: Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/105951
Purpose of the Report: To seek Council's endorsement to place the Draft Woollahra Active Transport Plan on public exhibition.
Alignment to Delivery Program: Strategy 6.1: Facilitate an improved network of accessible and safe alternate transport options.

Note: Late correspondence was tabled by Helen Tola, Council's Manager Governance & Risk.

**Motion moved by Councillor Jarvis
Seconded by Councillor Carmichael**

THAT Council:

- A. Endorse the Draft Woollahra Active Transport Plan 2022 for public exhibition for 28 days subject to reference to 30km/hr in the Walking Priority Projects being amended to read 40km/hr (but with one of the five Walking Priority Projects being trialled at 30km/hr).
- B. Note that a further report will be prepared for the Environmental Planning Committee following the close of the public exhibition period and assessment of submissions received has been undertaken.

**Amendment moved by Councillor Grieve
Seconded by Councillor Elsing**

THAT Council:

- A. Endorse the Draft Woollahra Active Transport Plan 2022 for public exhibition for 28 days.
- B. Note that a further report will be prepared for the Environmental Planning Committee following the close of the public exhibition period and assessment of submissions received has been undertaken.

The Amendment was put and lost.

For the Amendment

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Amendment

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

6/9

**Amendment moved by Councillor Swan
Seconded by Councillor Witt**

THAT Council:

- A. Endorse the Draft Woollahra Active Transport Plan 2022 for public exhibition for 28 days subject to reference to 30km/hr in the Walking Priority Projects being amended to read 30km/hr and/or 40km/hr.
- B. Note that a further report will be prepared for the Environmental Planning Committee following the close of the public exhibition period and assessment of submissions received has been undertaken.

The Amendment (Swan/Witt) was lost.

For the Amendment

Councillor Robertson
Councillor Silcocks
Councillor Swan
Councillor Witt

Against the Amendment

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

4/11

The Motion was put and lost.

For the Motion

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

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks
Councillor Swan
Councillor Witt

7/8

Note: *The Amendments and Motions were lost. Therefore no decision has been made by Council in relation to this matter.*

Item No: R4 Recommendation to Council
Subject: **REPLACEMENT TREE AT 23 HAMPDEN STREET, PADDINGTON**
Author: Paul Fraser, Manager Open Space & Trees
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/124548
Purpose of the Report: To report on Community Consultation
Alignment to Delivery Program: Strategy 5.4: Protect trees, streetscapes and landscapes.

Note: The Council added Part D to the Resolution.

(Robertson/Jarvis)

68/22 Resolved:

- A. THAT the replacement tree for the removed Hill's Fig at 23 Hampden Street, Paddington be an advanced *Waterhousia floribunda* 'Green Avenue' (Weeping Lilly Pilly) in line with the adopted Street Tree Masterplan (STMP) and planted as follows;
- i. In the vicinity of the removed Hill's Fig
 - ii. Planted in a 'blister' island with appropriate landscaping
 - iii. Installation of an appropriate barrier system to assist to control root growth
- B. THAT the STMP remains unchanged for Hampden Street, Paddington.
- C. THAT Council continue to progress an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.
- D. THAT Council notes the love that the local community has for Hill's Figs in Hampton Street and surround and request staff to undertake regular care and maintenance to ensure their health and longevity.

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

For the Motion

Against the Motion

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

Nil

15/0

Item No: R5 Recommendation to Council
Subject: **CHRISTMAS DECORATIONS PROGRAM 2022/2023 -
RECOMMENDATIONS FOR QUEEN STREET WOOLLAHRA**
Author: Matthew Gollan, Manager - Placemaking
Approver: Scott Pedder, Director - Planning & Place
File No: 22/121664
Purpose of the Report: To provide an update on the Christmas decorations proposed for Queen Street, Woollahra
Alignment to Delivery Program: Strategy 3.3: Lead, celebrate and recognise the creativity and vibrancy of our community.

Note: Late correspondence was tabled by Anne White, Council's Manager Strategic Planning & Place.

Note: The Council amended Part A of the Resolution.

(Jarvis/Swan)

69/22 Resolved:

THAT Council:

- A. Note that Council staff have liaised with Council's electrical contractor to determine how electricity can be sourced along Queen Street, rather than relying on solar infrastructure, which would be subject to an application and approval process through Ausgrid, and also note that staff are in the process of arranging a meeting with an appropriately qualified electrical contractor so that the installation application process can commence.
- B. Approve the proposed Queen Street Christmas decoration program as detailed in **Attachment 1**.
- C. Request staff to liaise with businesses and property owners on Queen Street Woollahra (between Moncur and Holdsworth Streets) to investigate use of awning structures and building facades in the 2022/2023 Christmas decorations program.
- D. Request Council staff undertake preliminary assessments of any trees included in the scope of the 2022/2023 Christmas decorations program prior to the installation of any decorations to ensure suitability.

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

For the Motion

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

Against the Motion

Nil

15/0

Item No: R6 Recommendation to Council
Subject: **RESILIENCE IN PLANNING - ADVOCACY TO THE NSW PLANNING MINISTER**
Authors: Emma Williamson, Strategic Planner
Anne White, Manager - Strategic Planning & Place
Approver: Scott Pedder, Director - Planning & Place
File No: 22/107547
Purpose of the Report: To provide Council with correspondence on behalf of the Minister for Planning and Minister for Homes outlining the State-led initiatives that are in place to address resilience in planning
Alignment to Delivery Program: Strategy 4.2: Promote sustainable design in future private and public development.

(Jarvis/Zeltzer)

70/22 Resolved without debate:

THAT the correspondence on behalf of the Minister for Planning and Minister for Homes outlining the State-led initiatives that are in place to address resilience in planning dated 27 June 2022 (as attached at **Attachment 2** to the report of 4 July 2022) 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 Carmichael
Councillor Cavanagh
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

15/0

Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 4 July 2022 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - MAY 2022
INVESTMENTS HELD AS AT 30 JUNE 2022**
Author: Toby Andreassen, Financial Accountant
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 22/109919
Purpose of the Report: To present the monthly financial report for May 2022 and to present a list of investments held as at 30 June 2022.
Alignment to Delivery Program: Strategy 1.1: Provide and facilitate a range of community projects, programs and events.

(Zeltzer/Grieve)

71/22 Resolved without debate:

THAT the Committee:

- A. Receive and note the Monthly Financial Report – May 2022.
- B. Note that Council's 12-month weighted average return for May 2022 on its direct investment portfolio of 0.81% exceeds the benchmark 90 day AusBond Bank Bill Index of 0.09%.
- C. Note that the interest income for the eleven months to 31 May of \$411k is trending ahead of our revised March forecast for the same period of \$357k.
- D. Receive and note the list of Council's investments held as at 30 June 2022

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

For the Motion

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

Against the Motion

Nil

15/0

Item No: R2 Recommendation to Council
Subject: **DEVELOPMENT OF THE GRANTS PROGRAM POLICY**
Author: Alanna Duggan, Community Development Officer
Approvers: Vicki Munro, Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
File No: 22/116529
Purpose of the Report: To review submissions received following public exhibition of Council's draft Grants Policy and Guidelines
Alignment to Delivery Program: Strategy 2.1: Foster and build community partnerships and networks.

(Zeltzer/Grieve)

72/22 Resolved without debate:

THAT Council:

- A. Notes the submissions received in relation to the Draft Grants Policy and Guidelines in response to public exhibition.
- B. Having considered the submissions received, adopt the amended draft Grants Policy as Attachment 1 and Draft Grants Guidelines as Attachment 2 for implementation from 1 July 2022.
- C. Request the General Manager investigate, as soon as practicable, ways to increase the Environmental Grants annual budget from \$25,000, either from Council's general budget and/or the existing overall grants budget of \$225,500.
- D. Request the General Manager ensure that a copy of the adopted Grants Policy and Guidelines, along with relevant information relating to Council's 2022/ 2023 grant round, be placed on Council's website.
- E. Request the General Manager undertake a review of the adopted Grants Policy and Guidelines after 12 months from the implementation date and report back to Council on the outcomes of the Review including the impact of:
 - a) 'in kind' expenses being included in the grant application
 - b) "other" grants made through Councillor Notice of Motion process
 - c) "events" grants;and details of the total amount available for all grants.

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

For the Motion

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

Against the Motion

Nil

15/0

Item No: R3 Recommendation to Council
Subject: **DRAFT REFLECT RECONCILIATION ACTION PLAN**
Author: Vicki Munro, Manager Community & Culture
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 22/72190
Purpose of the Report: To recommend that the Draft Reflect Reconciliation Action Plan be placed on public exhibition for a period of 28 days.
Alignment to Delivery Program: Strategy 2.1: Foster and build community partnerships and networks.

(Zeltzer/Grieve)

73/22 Resolved without debate:

THAT Council:

- A. Endorse the Draft Reflect Reconciliation Action Plan as Attachment 2 for the purpose of public exhibition for a period of 28 days.
- B. Consider submissions received and, where appropriate, incorporate changes into the final Reflect Reconciliation Action Plan, which will be further considered by Council at a future meeting, following public exhibition.

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

For the Motion

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

Against the Motion

Nil

15/0

Item No: R4 Recommendation to Council
Subject: **VAUCLUSE ROAD, VAUCLUSE - EXTENSION TO NO STOPPING RESTRICTIONS**

Author: Ever Fang, Traffic & Transport Engineer
Approvers: Caitlin Bailey, Acting Team Leader - Traffic & Transport
Emilio Andari, Manager Engineering Services

File No: 22/130956

Purpose of the Report: To respond to requests from local residents.

Alignment to Delivery Program: Strategy 6.1: Facilitate an improved network of accessible and safe alternate transport options.

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a Substantive change of the Committee's recommendation.

Motion moved by Councillor Zeltzer
Seconded by Councillor Grieve

THAT Council take no action in relation to the extension of the existing 'No Stopping' restrictions on the bend of Vauclose Road, Vauclose, in front of property No. 20A Vauclose Road, Vauclose.

The Motion was put and lost.

For the Motion

Councillor Elsing
Councillor Grieve
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Wynne

7/8

Foreshadowed Motion moved by Councillor Wynne
Seconded by Councillor Jarvis

THAT the existing 'No Stopping' restrictions on the bend of Vauclose Road, Vauclose, in front of property No. 20A Vauclose Road, Vauclose, be extended, as shown in Attachment 1, in order to assist with two-way traffic flow and improve traffic safety at this location.

The Foreshadowed Motion was put and carried.

For the Foreshadowed Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Wynne

Against the Foreshadowed Motion

Councillor Elsing
Councillor Grieve
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

8/7

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

(Wynne/Jarvis)

74/22 Resolved:

THAT the existing 'No Stopping' restrictions on the bend of Vaucluse Road, Vaucluse, in front of property No. 20A Vaucluse Road, Vaucluse, be extended, as shown in Attachment 1, in order to assist with two-way traffic flow and improve traffic safety at this location.

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

For the Motion

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

Against the Motion

Councillor Grieve
Councillor Shields
Councillor Silcocks
Councillor Zeltzer

11/4

Procedural Motion

Note: Councillor Shields, Councillor Jarvis and Councillor Zeltzer under the provisions of clause 17.11 submitted a request to the Mayor to reconsider 13.1 Item R3 (Draft Active Transport Plan) as a matter of urgency.

The Mayor, Councillor Wynne ruled that the matter out of order .

No decision of Council was made in relation to 13.1 Item R3 (Draft Active Transport Plan) and that advice from the Office of Local Government would be requested.

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 Rose Bay Rotary Annual Changeover Dinner
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro Advised:

Thank you Madam Mayor. I was really pleased to attend the Rose Bay Rotary Annual Changeover Dinner on your behalf some weeks ago. Councillor Carmichael was also with me and it was a thoroughly enjoyable evening.

I would like to congratulate the new president Ms Margaret Morisi and congratulate the outgoing President Mr Michael Fisher. Just a sideline quick story, three of the guests of the new President have become really close friends, as they met as volunteers at the Woollahra Art Gallery and they met there every week and they have become really close friends and they explained to me what an important role at the Woollahra Art Gallery plays in their lives. I just wanted to pass that on to Sebastian Goldspink and everyone at the Woollahra Art Gallery, as I think it just so lovely for us to know the importance it has in people's lives.

The Mayor, Councillor Wynne in response:

Thank you Councillor Shapiro. I appreciate you stepping in for me whilst I was in hospital.

Notices of Motion

Item No: 16.1
Subject: **NOTICE OF MOTION - SENIORS HOUSING IN R2 ZONES**
From: Councillors Isabelle Shapiro and Sean Carmichael
Date: 18 July 2022
File No: 22/139620

Note: Late correspondence was tabled by The Paddington Society.

Note: The Council added Part B to the Resolution.

(Shapiro/Carmichael)

75/22 Resolved:

- A. THAT Council requests staff, as a matter of urgency, write to the Premier and the Minister for Planning and Homes expressing Council's concern and disappointment with the recent retrograde decisions which ignores and overrides Councils local planning controls to drive housing at the expense of our local communities by making significant changes to the *State Environmental Planning Policy (Housing) 2021*, in particular:
- i. Council requests that the *Department of Planning and Environment* reinstates the exclusion to prevent seniors housing: independent living units being carried out by any person under *State Environmental Planning Policy (Housing) 2021* on R2 Low Density zoned land in the Woollahra LGA.
 - ii. Consistent with Woollahra's submission, Council requests that the *Department of Planning and Environment* permanently exclude seniors housing permitted under the *State Environmental Planning Policy (Housing) 2021* from Woollahra's Heritage Conservation Areas.
- B. THAT Council staff review the applicable planning provisions (including both objectives and controls) and prepare a report identifying opportunities to strengthen and enhance our planning provisions in relation to seniors housing.

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

For the Motion

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

Against the Motion

Nil

15/0

Item No: 16.2
Subject: **NOTICE OF MOTION - IMPACTS OF SITE CONTAMINATION**
From: Councillors Nicola Grieve and Matthew Robertson
Date: 19 July 2022
File No: 22/140343

Note: Late correspondence was tabled by Jennifer Dewar, Double Bay Residents' Association, BIKEast & Tom Pongrass.

Note: The Council amended Part A and added Part B (iv) to the Resolution.

(Grieve/Robertson)

76/22 Resolved:

THAT Council:

- A. Notes the impact of waste water and site contamination from construction sites and the need to protect in particular our municipality's parks, green spaces, bush reserves, waterways, marine environment and biodiversity from the impacts associated with poor disposal, pollutants, spillage, and overflow of site contaminated water, as well as neighbouring properties during construction.
- B. Requests staff prepare a report to Council including recommendations to:
- i. strengthen Council's planning controls regarding site contamination and disposal of contaminated site water during construction;
 - ii. develop standard conditions of consent with respect to disposal of site water during construction;
 - iii. develop particular controls for disposal of site water during construction for development sites adjacent to Council's parks, open spaces, bush reserves, waterways, sensitive marine environments and areas identified as high biodiversity value; and
 - iv. Develop particular controls for the management of water and disposal of water during construction for neighbouring properties adjacent to construction sites to attempt to mitigate flow of water or contaminated water onto neighbouring properties during flood events.

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

For the Motion

Against the Motion

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

Nil

15/0

Item No: 16.3
Subject: **NOTICE OF MOTION - ANGLED REAR TO KERB CAR PARKING IN DOUBLE BAY**
From: Councillor Susan Wynne
Date: 20 July 2022
File No: 22/141178

Note: Late correspondence was tabled by Jennifer Dewar, Double Bay Residents' Association, BIKEast and Tom Pongrass.

Note: The Council amended the Resolution.

(Wynne/Jarvis)

77/22 Resolved:

THAT further to the Car Parking Investigation Study undertaken in 2020, Council request staff to investigate and then report back to the appropriate committee, on the feasibility (including costs) of implementing angled rear to kerb car parking in Double Bay, for the purpose of addressing the loss of parking and revenue in Knox Street due to the proposed pedestrianisation, noting staff would consider any impact on building a safe cycle network.

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

For the Motion

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

Against the Motion

Councillor Elsing

14/1

Questions With Notice

(Jarvis/Zeltzer)

78/22 Resolved:

THAT the Questions with Notice be received and noted.

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

For the Motion

Against the Motion

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

Nil

15/0

QWN: 17.1
From: Councillor Carmichael
Subject: Questions with Notice - Tyre Pump Facility to EV Charging Sites

Councillor Carmichael asking:

Would it be relatively straightforward for Council to theoretically add a tyre pump facility to an EV charger site, where considered appropriate?

Realise they can potentially be noisy and likely undesirable for some sites, but am also mindful of the gradual loss of petrol stations translating to a drop in the number of tyre pumps conveniently available.

Team Leader Environment & Sustainability on behalf of Director response:

Staff are not aware of any chargers on the market with tyre pumping facilities incorporated, however in terms of electrical infrastructure staff anticipate that it may be possible to incorporate a tyre pumping mechanism alongside an EV charger.

As the EV chargers are largely located on-street there may be some issues with safety. The person pumping the tyres would need to be on the roadway to do so, and the long cord could be a trip hazard, particularly if not packed away correctly. This is also a vandalism risk. Further, the bays adjacent to the EV chargers are restricted to 'No Parking - Electric Vehicles Excepted Only While Charging', and we would not wish to encourage non-EVs to park in these bays. There may also be issues for the surrounding community with noise from the air pump.

It is anticipated that service stations will not entirely disappear as they provide other important services for drivers, and will potentially play a role in providing future EV charging services. If there is a decrease, an alternative solution may be installing tyre pumping facilities in shopping centre / public off-street carparks, where a safer pumping area can be planned.

QWN: 17.2
From: Councillor Grieve
Subject: Questions with Notice - 9A Cooper Park Road

Councillor Grieve asking:

- a) Can Council refuse an application to become a Principal Certifier?
- b) What risks or costs to Council are taken into consideration before accepting the role?

Team Leader Compliance in response:

In relation to a), yes, Council can refuse an application to become a private certifier other than in certain circumstances where the Registration Secretary approves the Council as the replacement certifier (Development Certification Regulation ss68(1) & (4)).

A. summary of the requirements is provided below:

- a. a principal certifier must be appointed by the person having the benefit of a development consent before any building work authorised by the consent can commence (see EPA Act, s6.6(1)),
- b. the Council may refuse to accept an initial appointment as a principal certifier by the person having the benefit of a development consent,
- c. the principal certifier (not being the Council) may only be replaced if one of the following occurs:
 - i. the Registration Secretary gives written approval and the Council and consent authority are notified before the replacement occurs, or
 - ii. the current principal certifier, the proposed principal certifier and the person having the benefit of the consent agree.
- d. It follows that:
 - i. if the Council is the initial principal certifier or a replacement principal certifier whose appointment was not approved by the Registration Secretary, it may be replaced by a replacement principal certifier subject to agreement with the replacement principal certifier and person having the benefit of the development consent,
 - ii. the Council may refuse to accept appointment as replacement principal certifier if the Registration Secretary does not intervene to approve the appointment of the Council as the replacement principal certifier (see Development Certification Reg, ss 68(1) & (4)),
 - iii. the Council may not refuse to accept an appointment as a replacement principal certifier where the Registration Secretary approves the Council as the replacement certifier (see *Development Certification Reg*, ss 68(1) & (4)).

B. Prior to accepting the appointment as the Principal Certifier, Council must ensure that it has appropriately accredited and registered officer(s) as prescribed in the Building and Development Certifiers Regulation 2020 to undertake certification work having regard to the scale of the development. A formal contract must then be entered into by the parties as required by the Act. Council must ensure that it will be able to fulfil its responsibilities under the Act to act as the Principal Certifier and issue the Final Occupation Certificate prior to entering into this agreement.

Council Registered Certifiers and their work are subject to review and audit by the Department of Fair Trading and the Office of the Building Commissioner. Any dereliction of the role of the Principal Certifier may result in civil actions against the individual as a registered Certifier and the Council.

Council's Principal Certifiers fees are based upon the cost of works and does not enable total cost recovery for the appointment.

QWN: 17.3
From: Councillor Grieve
Subject: Questions with Notice - 56 & 58 Bellevue Road

Councillor Grieve asking:

- a) What are Councils liabilities and responsibilities with regard to Councils public right of way between 56 & 58 Bellevue Road?
- b) Who is responsible for the ongoing maintenance of the access?
- c) Are there any restrictions on access, either the times of access or who has access?

Manager Property and Projects response:

The public Right of Way in question is owned by Council and is classified as Drainage Reserve. As with all Council owned assets, Council has full maintenance responsibility over this access way. There are no access restrictions for either time or who can access. This access way is currently being upgraded by the developer of 9 Cooper Park Road in compliance with their DA Consent.

There being no further business the meeting concluded at 9.58pm.

We certify that the pages numbered 597 to 627 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 25 July 2022 and confirmed by the Ordinary Meeting of Council on 8 August 2022 as correct.

General Manager

Mayor