



# Council Meeting

Monday 28 November 2022  
6.30pm

## Minutes





# Ordinary Council Meeting

Monday 28 November 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 7 November 2022**

- D1 Confirmation of Minutes of Meeting held on 4 October 2022
- D2 Ecological Sustainability Taskforce Minutes - 30 August 2022
- D3 Oxford Street & Paddington Working Party Meeting Minutes 13 October 2022
- D4 Woollahra Local Planning Panel Register of Planning Decisions and Analysis
- D5 Register of Current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environmental and Health Control Matters

### **Finance, Community & Services Committee held on 7 November 2022**

- D1 Confirmation of Minutes of Meeting held on 4 October 2022
- D2 Woollahra Local Traffic Committee Minutes - 4 October 2022
  - Y1 Foster Avenue, Bellevue Hill - Give Way Control Intersection Treatment
  - Y2 Kiaora Lane, Double Bay - Changes to Timed 'No Entry' Restrictions
  - Y3 Cooper Park Road, Bellevue Hill - Traffic Calming Measures Design Plan
- D3 Woollahra Local Traffic Committee Minutes - 1 November 2022
  - Y1 Collins Avenue, Rose Bay - Temporary Parklet Installation
  - Y2 New McLean Street, Edgecliff - Extension of Centre Median Island
  - Y3 Wilberforce Avenue, Rose Bay - Temporary At-Grade Pedestrian Crossing
  - Y4 New Year's Eve 2022 – Traffic Management Plan
- D4 Inclusion (Disability, Aged & Carers) Advisory Committee Minutes - 17 October 2022
- D5 Disability Inclusion Action Plan - Annual Report 2021-22

## Ordinary Council Meeting

### Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 28 November 2022 at 6.30pm.

Present: Her Worship the Mayor, Councillor Susan Wynne  
Councillors: Isabelle Shapiro (Deputy Mayor)  
Sean Carmichael  
Peter Cavanagh (via zoom)  
Nicola Grieve  
Mary-Lou Jarvis  
Harriet Price  
Lucinda Regan  
Matthew Robertson  
Richard Shields (arrived at 6.55pm)  
Mark Silcocks  
Sarah Swan  
Merrill Witt  
Toni Zeltzer

Staff: Rosemary Bullmore (Manager – Legal Compliance & Enforcement)  
Flynn Erich (Meetings Officer)  
Sue Meekin (Director – Corporate Performance)  
Patricia Occelli (Director – Community & Customer Experience)  
Sue O'Connor (Governance Officer)  
Tom O'Hanlon (Director – Infrastructure & Sustainability)  
Craig Swift-McNair (General Manager)  
Helen Tola (Manager – Governance & Risk)  
Anne White (Acting Director – Planning & Place)

Also in Attendance: Nil

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**Note:** Item 12.4 (General Managers Performance Review 2021-2022 & Performance Agreement for 2022-2023 & Appointment of the General Managers Performance Review Panel for 2023-2024) was heard last after Questions with Notice.

**Note:** The Council moved into Closed Session at 8.26pm (in relation to Item 12.4 (General Managers Performance Review 2021-2022 & Performance Agreement for 2022-2023 & Appointment of the General Managers Performance Review Panel for 2023-2024)). The Council moved into Open Session at 8.35pm.

## **1. Opening**

The Mayor declared the Ordinary Council Meeting of 28 November 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 (King Charles III)**

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

*I also acknowledge King Charles III.*

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

An apology was received and accepted from Councillor Elsing and leave of absence granted. Councillor Cavanagh participated in the meeting using audio-visual link.

## 6. Confirmation of Minutes

<b>Item No:</b>	6.1
<b>Subject:</b>	<b>CONFIRMATION MINUTES COUNCIL - 15 NOVEMBER 2022</b>
<b>Author:</b>	Sue O'Connor, Governance Officer
<b>File No:</b>	22/222160
<b>Purpose of the Report:</b>	The Minutes of the Council of 14 November 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.
<b>Alignment to Delivery Program:</b>	Strategy 11.3 Ensure effective and efficient governance and risk management.

**(Robertson/Silcocks)**

**156/22 Resolved:**

THAT the Minutes of the Council Meeting of 14 November 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 Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**13/0**

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## 7. Disclosures of Interest

Nil

## 8. Late Correspondence

Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item 12.2, EP – Item R2 & QWN Item 17.3.

## 9. Petitions Tabled

Nil

## 10. Mayoral Minute

Nil



## 11. Public Forum

The Mayor Councillor Wynne advised that in accordance with Clause 4.1 of Council's Code of Meeting Practice three (3) members of the public registered to address Council via the Public Forum provisions on a matter not listed on the Agenda.

**Note:** Mr Martin Bland of Rose Bay addressed the Council, in relation to Lyne Park Playground Renewal.

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## 12. General Manager and Officer's Report

**Item No:** 12.1  
**Subject:** **CONDUCT OF 2024 LOCAL GOVERNMENT ELECTIONS**  
**Author:** Helen Tola, Manager - Governance & Risk  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 22/221747  
**Purpose of the Report:** To recommend that Council appoint the NSW Electoral Commissioner to administer the 2024 Woollahra Council Local Government election.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

**(Grieve/Zeltzer)**

**157/22 Resolved:**

THAT:

A. Woollahra Municipal Council (the Council) resolves:

- i) Pursuant to Section 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all elections of the Council;
- ii) Pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, that a Council poll arrangement be entered into by contract for the NSW Electoral Commissioner to administer all Council polls of the Council; and
- iii) Pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, that a constitutional referendum arrangement be entered into by contract for the NSW Electoral Commissioner to administer all constitutional referenda of the Council.

B. The General Manager be authorised to enter into the contracts outlined in Part A.

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

Nil

**14/0**

**Item No:** 12.2  
**Subject:** **WOOLLAHRA COUNCIL ANNUAL REPORT 2021-22**  
**Author:** Petrina Duffy, Coordinator Strategy & Performance  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 22/227424  
**Purpose of the Report:** To present to the Council's Annual Report for the period 2021-22 for endorsement.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

**Note:** Late correspondence was table by Petrina Duffy, Council's Coordinator Strategy & Performance.

**Note:** Councillor Carmichael left the meeting, the time being 7.08pm.

**Note:** Councillor Carmichael returned to the meeting, the time being 7.09pm.

**Note:** The Council amended Part A of the Resolution.

**(Price/Zeltzer)**

**158/22 Resolved:**

THAT Council:

- A. Receive and endorse the Woollahra Council Annual Report 2021-22, subject to the amendment contained in the late correspondence.
- B. Note that the Woollahra Council Annual Report 2021-22 will be placed on Council's website, with a link to the relevant documents provided to the Chief Executive of the Office of Local Government by the due date of 30 November 2022.

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

**For the Motion**

**Against the Motion**

Councillor 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

Nil

**14/0**

**Item No:** 12.3  
**Subject:** **COUNCIL'S REVISED INTEGRATED PLANNING & REPORTING DOCUMENTS**  
**Author:** Petrina Duffy, Coordinator Strategy & Performance  
**Approvers:** Sue Meekin, Director Corporate Performance  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
Craig Swift-McNair, General Manager  
**File No:** 22/227449  
**Purpose of the Report:** To adopt the revised Delivery Program 2022/23 – 2025/26, Long Term Financial Plan 2022/23 – 2031/32 and Asset Management Strategy 2022/23 – 2031/32.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

**(Shapiro/Robertson)**

**159/22 Resolved without debate:**

THAT Council:

- A. Note the revised Delivery Program (2022/23 – 2025/26) and Long Term Financial Plan (2022/23 – 2031/32) were placed on public exhibition from 20 October 2022 to 17 November 2022 to reflect the Council resolution of 17 October 2022 to apply to the Independent Pricing & Regulatory Tribunal (IPART) for a Special Rate Variation in early 2023 (that if approved by the IPART would be effective from 1 July 2023) and that there were no submissions from the community in response to the re-exhibition of these documents.
- B. Adopt the revised Delivery Program (2022/23 – 2025/26), the Long Term Financial Plan (2022/23 – 2021/32), the Asset Management Strategy (2022/23 – 2031/32) and supporting Asset Management Plans, noting that the Asset Management Strategy and Plans were not required to be placed on public exhibition as per the Integrated Planning & Reporting Guidelines provided by the NSW Office of Local Government.

*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***

Nil

**14/0**

**Item No:** 12.4  
**Subject:** **GENERAL MANAGERS PERFORMANCE REVIEW 2021-2022 & PERFORMANCE AGREEMENT FOR 2022-2023 & APPOINTMENT OF THE GENERAL MANAGERS PERFORMANCE REVIEW PANEL FOR 2023-2024**  
**Author:** Craig Swift-McNair, General Manager  
**Approver:** Craig Swift-McNair, General Manager  
**File No:** 22/228679  
**Purpose of the Report:** This report is required as per guidelines provided by the Office of Local Government for the review of the performance of the General Manager.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

**Note:** This matter was heard last on the Agenda.

**Note:** The Council moved into Closed Session at 8.26pm. The Council moved into Open Session at 8.35pm.

### **Procedural Motion**

**(Robertson/Carmichael)**

**Resolved:**

THAT the standing orders be suspended to allow all items on the Agenda to be considered prior to Item 12.4 report on the General Managers Performance Review 2021-2022 and Performance Agreement for 2022-2023 & Appointment of the General Managers Performance Review Panel for 2023-2024.

**The Procedural Motion was put and carried.**

**(Robertson/Carmichael)**

**Resolved:**

THAT in accordance with Section 10 A(2) (a) of the Local Government Act 1993 Council resolve to enter into Closed Session with the press and public excluded to consider the Confidential Report on the General Managers Performance Review 2021-2022 and Performance Agreement for 2022-2023 & Appointment of the General Managers Performance Review Panel for 2023-2024. These matters are to be considered as per Section 10A (2) (a) as they are personnel matters concerning particular individuals (other than Councillors).

The time being 8.26pm.

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

**For the Motion**

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

**Against the Motion**

Nil

Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

**14/0**

**(Silcocks/Zeltzer)**

THAT Council move into “Open Session”.

The time being 8.35pm.

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

**For the Motion**

**Against 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

Nil

**14/0**

**Open Session**

**(Shapiro/Carmichael)**

**160/22 Resolved:**

THAT Council:

- A. Receive and note the 2021-2022 General Managers Performance assessment as approved under delegation by the General Managers Performance Review Panel.
- B. Receive and note the 2022-2023 General Managers Performance Agreement as approved under delegation by the General Managers Performance Review Panel.
- C. Determine the composition of the General Manager’s Performance Review Panel for the period 2023-2024 to consist of the Mayor, the Deputy Mayor, two Councillors nominated by Council (being Councillors Zeltzer & Councillor Robertson) and a Councillor nominated by the General Manager, being Councillor Mark Silcocks.
- D. Delegate to the General Manager’s Performance Review Panel:
  - i. The process of performance management, including a performance review of the 2022-2023 period.

- ii. The reporting to Council of findings and recommendations of review for the 2022-2023 period and any actions that should be taken, noting that any such report would be required to be considered in a confidential closed session.
  - iii. The determination of any new performance agreement for the period 2023-2024.
- E. Approve the General Manager's Performance Review Panel to appoint an external facilitator to assist in the review of the General Managers performance for 2022-2023 and to assist the GMPRP in the development of the General Managers performance agreement for 2023-2024.
- F. Note that as per the *Guidelines for the Appointment and Oversight of General Managers* released by the Office of Local Government in June 2022, this report and related attachments are to remain confidential.

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

**For the Motion**

**Against 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

Nil

**14/0**

## 13. Environmental Planning Committee

### Items with Recommendations from the Committee Meeting of Monday 7 November 2022 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>REGISTER OF CLAUSE 4.6 VARIATIONS</b>
<b>Author:</b>	Nick Economou, Manager Development Assessment
<b>Approver:</b>	Scott Pedder, Director - Planning & Place
<b>File No:</b>	22/176148
<b>Purpose of the Report:</b>	To provide full Council with a register of clause 4.6 variations supported for the period July 2022 to September 2022
<b>Alignment to Delivery Program:</b>	Strategy 4.5 Ensure that planning and building requirements are complied with.

(Jarvis/Shapiro)

#### 161/22 Resolved without debate:

THAT the attached register of Clause 4.6 variations supported for the period between July 2022 to September 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**

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**

Nil

14/0



**Item No:** R2 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT - FLOOR SPACE RATIO AND URBAN GREENING PROVISIONS**  
**Author:** Lyle Tamlyn, Strategic Planner  
**Approvers:** Anne White, Manager - Strategic Planning & Place  
Scott Pedder, Director - Planning & Place  
**File No:** 22/178891  
**Purpose of the Report:** To report on the exhibition period for the proposed suite of floor space ratio and urban greening provisions.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

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

**(Jarvis/Robertson)**

**162/22 Resolved:**

THAT:

- A. The post exhibition report on the proposed suite of floor space ratio and urban greening provisions is received and noted.
- B. Council finalise the updated planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 7 November 2022, which seeks to insert floor space ratio and urban greening provisions into the *Woollahra Local Environmental Plan 2014*.
- C. Council requests the Planning Secretary to make the local environmental plan under section 3.36(1) of the *Environmental Planning and Assessment Act 1979*.
- D. Council approve the updated *Draft Woollahra Development Control Plan 2015 (Amendment 21)*, as at **Attachment 2** of the report to the Environmental Planning Committee meeting of 7 November 2022.

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

Nil

**14/0**

**Item No:** R3 Recommendation to Council  
**Subject:** **POST-EXHIBITION REPORT - PLANNING PROPOSAL - HERITAGE LISTING OF 364 EDGECLIFF ROAD, WOOLLAHRA**  
**Author:** Kristy Welfare, Senior Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning & Place  
Scott Pedder, Director - Planning & Place  
**File No:** 22/201382  
**Purpose of the Report:** To report on the public exhibition of the planning proposal to list "The Corner House" at 364 Edgecliff Road, Woollahra as a local heritage item  
**Alignment to Delivery Program:** Strategy 4.2 Conserving our rich and diverse heritage.

(Jarvis/Shapiro)

**163/22 Resolved without debate:**

THAT

- A. Council finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 7 November 2022 to list *The Corner House (house (including interiors), garage, and garden sandstone fence base)* at 364 Edgecliff Road, Woollahra (Lot 1, DP 224367) as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- B. Council requests the Planning Secretary to make the local environmental plan under section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

*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 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

**14/0**

**Item No:** R4 Recommendation to Council  
**Subject:** **DRAFT WOOLLAHRA ENFORCEMENT POLICY 2022 - POST EXHIBITION REPORT**  
**Author:** Jacquelyne Della Bosca, Executive Planner  
**Approvers:** Rosemary Bullmore, Manager - Legal, Compliance & Enforcement  
Scott Pedder, Director - Planning & Place  
**File No:** 22/134130  
**Purpose of the Report:** To report on the public exhibition of the Draft Woollahra Enforcement Policy 2022 and seek adoption of the Draft Policy  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

(Jarvis/Shapiro)

**164/22 Resolved without debate:**

- A. THAT Council adopt the *Draft Woollahra Enforcement Policy 2022* as amended, at **Attachment 2** of the report to the Environmental Planning Committee meeting of 7 November 2022 subject to amending the Policy to respond to the issues raised at the meeting of the Environmental Planning Committee including notices to certifiers, determining the culpability of the offender and that Councillors be advised of the proposed mechanism of which certifier information is provided to Councillors.
- B. THAT subject to Part A, the *Woollahra Enforcement Policy 2022* will come into effect on the date Council adopts the policy.

*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 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

**14/0**

**Item No:** R5 Recommendation to Council  
**Subject:** **AFFORDABLE HOUSING IN THE WOOLLAHRA LOCAL GOVERNMENT AREA**  
**Authors:** Jacquelyne Della Bosca, Executive Planner  
Rosemary Bullmore, Manager - Legal, Compliance & Enforcement  
**Approvers:** Anne White, Manager - Strategic Planning & Place  
Scott Pedder, Director - Planning & Place  
**File No:** 22/142841  
**Purpose of the Report:** To respond to Council requests for information about affordable housing in the Woollahra LGA  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

(Jarvis/Shapiro)

**165/22 Resolved without debate:**

THAT:

- A. Council notes that staff are reviewing internal processes to:
- i. establish a framework for registering and reporting on affordable rental housing and identify the relative merit of units that have been identified as affordable housing under the legislative mechanisms identified in this report.; and
  - ii. record development consents that are modified under section 4.55 of the EP&A Act to change the number and mix of dwelling to reduce smaller sized dwellings in favour of larger sized dwellings.
- B. Council writes to the Department of Planning and Environment to request that they:
- i. establish a single Statewide register and compliance monitoring system for affordable housing across NSW to ensure that the housing is being used as affordable housing;
  - ii. review the housing contributions scheme so that monetary contributions can be collected from a broader range of developments, such as RFB developments;
  - iii. amend *State Environmental Planning Policy (Housing) 2021* so that FSR bonuses and other incentives that apply to affordable housing are enhanced to better facilitate the delivery of affordable housing, and reduce or remove FSR bonuses and incentives that apply to diverse housing;
  - iv. permit provisions in local environmental plans that address unit size mix and no net dwelling loss, to support housing diversity; and
  - v. develop a policy framework and provide incentives to encourage councils to collaborate to address and deliver affordable housing through a sub-regional approach.

*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 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

**Item No:** R6 Recommendation to Council  
**Subject:** **TERMS OF REFERENCE FOR THE SMALL BUSINESS ADVISORY GROUP**  
**Author:** Fiona Aghili, Strategic Planner  
**Approvers:** Anne White, Manager - Strategic Planning & Place  
Scott Pedder, Director - Planning & Place  
**File No:** 22/205172  
**Purpose of the Report:** To report to Council on the Terms of Reference for the Small Business Advisory Group  
**Alignment to Delivery Program:** Strategy 9.1 Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.

(Jarvis/Shapiro)

**166/22 Resolved without debate:**

THAT Council adopt the Terms of Reference for the Small Business Advisory Group, subject to changing the word “activities” to “recommendations” in Part 9 Delegated Authority.

*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 Price  
Councillor Regan  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Zeltzer

**11/3**

***Against the Motion***

Councillor Grieve  
Councillor Robertson  
Councillor Wynne

## 13. Finance, Community & Services Committee

### Items with Recommendations from the Committee Meeting of Monday 7 November 2022 Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** **MONTHLY FINANCIAL REPORT - 30 SEPTEMBER 2022  
INVESTMENTS HELD AS AT 31 OCTOBER 2022**  
**Author:** Abdullah Rayhan, Team Leader  
**Approvers:** Paul Ryan, Chief Financial Officer  
Sue Meekin, Director Corporate Performance  
**File No:** 22/194508  
**Purpose of the Report:** To present the monthly financial report for September 2022 and to present a list of investments held as at 31 October 2022.  
**Alignment to Delivery Program:** Strategy 11.2 Secure Council's financial position.

**(Zeltzer/Price)**

#### 167/22 Resolved without debate:

THAT the Committee:

- A. Receive and note the Monthly Financial Report – September 2022.
- B. Note that the Council's 12-month weighted average return for September 2022 on its direct investment portfolio of 2.15% (LM: 1.86%, LY: 0.47%) exceeds the benchmark 90-day AusBond Bank Bill Index of 1.69%.
- C. Note that the interest for the quarter to September is \$412k, exceeding our original budget of \$83k for the same period.
- D. Receive and note the list of Council's investments held as of 31 October 2022 (provided as late correspondence).

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

#### **For the Motion**

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**

Nil

14/0

**Item No:** R2 Recommendation to Council  
**Subject:** **2022/23 BUDGET REVIEW FOR THE QUARTER ENDED 30 SEPTEMBER 2022**  
**Authors:** Esther Hii, Senior Corporate Accountant  
Paul Ryan, Chief Financial Officer  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 22/202801  
**Purpose of the Report:** To report on the review of the 2022/23 Budget for the quarter ended 30 September 2022  
**Alignment to Delivery Program:** Strategy 11.2 Secure Council's financial position.

**(Zeltzer/Price)**

**168/22 Resolved without debate:**

THAT Council:

- A. Receive and note the report on the Budget Review for the quarter ended 30 September 2022.
- B. Note the statement from the Responsible Accounting Officer, Council's Chief Financial Officer, that the projected financial position at 30 September 2022, based on the forecasts outlined in this report, will remain satisfactory acknowledging that Council has proactively undertaken steps to improve its budgeted position however further measures are required to secure Council's long term financial sustainability.
- C. Adopt the recommended variations to the 2022/23 budget as outlined in this report titled 2022/2023 Budget Review for the Quarter Ended 30 September 2022.

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

***For the Motion***

***Against the Motion***

Councillor 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

Nil

**14/0**

**Item No:** R3 Recommendation to Council  
**Subject:** **CAPITAL WORKS PROGRAM - QUARTERLY PROGRESS REPORT  
SEPTEMBER 2022**  
**Authors:** Petrina Duffy, Coordinator Strategy & Performance  
Esther Hii, Senior Corporate Accountant  
Paul Ryan, Chief Financial Officer  
**Approvers:** Tom O'Hanlon, Director - Infrastructure & Sustainability  
Sue Meekin, Director Corporate Performance  
**File No:** 22/211867  
**Purpose of the Report:** To provide the Committee with an update on the status of projects in the 2022/23 Capital Works Program, for the quarter ended 30 September 2022.  
**Alignment to Delivery Program:** Strategy 11.3 Ensure effective and efficient governance and risk management.

(Zeltzer/Price)

**169/22 Resolved without debate:**

THAT the Capital Works Program – Quarterly Progress Report for the quarter ended 30 September 2022 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 Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

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## **14. Rescission Motion**

Nil



## 15. Councillor Reports/Councillor Updates (Section 8.4)

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

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**General Item No:** 15.1 Reconciliation Action Plan (RAP)  
**Tabled by Councillor:** The Mayor, Councillor Wynne

### **The Mayor, Councillor Wynne advised:**

Today I attended the launch of the Reconciliation Action Plan (RAP). It was a great day, and it was a really important day for Woollahra Council and I recognise the incredible work that's been done for Reconciliation. I know that the Reconciliation Action Plan is stage one and it is a scoping exercise and that will lead to innovate RAP and it is a four stage process.

We had the most incredible young students from our preschool, who sang the most beautiful songs in Dharawal language, and they were the absolute highlight and it just made us realise that as this generation comes through we will not need any action plans, as it will be a part of their everyday language and life.

Councillor Grieve, I want to acknowledge that you were there and thank you for attending, and I want to thank all the staff for being involved. It was an incredible amount of work and it was a large exercise to get to this and Woollahra Council will be leading the way, so I just want to acknowledge everyone who was involved with that.

### **Councillor Grieve further advised:**

Thank you, Madam Mayor. The Reconciliation Action Plan (RAP) today gave me goose bumps and I had tears in my eyes and I would like to particularly thank the General Manager, Craig Swift-McNair and the Director Community & Customer Experience, Patricia Occelli.

It is heartfelt, it is genuine and it's not just lip service and you can see that from what's happening and I am very proud to be a member of this Council and that we are again punching above our weight and not just talking the talk, but we are walking the walk. I wish I had the language taught to me when I was at school because it is really important and it was gorgeous to see the children sing in language and then ask how you say it in language and they can repeat it back to you and it's amazing to see how they know the animals now.

### **The Mayor, Councillor Wynne in response:**

Thank you, Councillor Grieve.

---

**General Item No:** 15.2 Bushcare Volunteers  
**Tabled by Councillor:** The Mayor, Councillor Wynne

### **The Mayor, Councillor Wynne advised:**

I would like to acknowledge the Bushcare volunteers. There was a little gathering on the weekend to say thank you for all the hard work they do. They are a wonderful group of people who do an amazing job, and do incredible work, and they are kind of almost like the forgotten ones in some of the volunteering work that occurs in Woollahra.

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**General Item No:** 15.3 Fido and Fido Santa Photos in Guilfoyle Park  
**Tabled by Councillor:** The Mayor, Councillor Wynne

**The Mayor, Councillor Wynne advised:**

On Saturday, there was the Fido and Fido Santa in Guilfoyle Park. I was Santa's helper and Teddy was a reindeer. There were queues for an hour, and it was \$25 to get your dog's photo taken with Santa and all of that went to the RSPCA. There was Christmas music playing and our former Councillor, Anthony Marrano was the master of ceremony (MC).

You could imagine how fabulous he was, and he did call out and say "what type of dogs do we have here and are there any Chihuahuas? And specifically any Chihuahuas called Phoenix?, because if there are they can leave immediately". But when we talk about bringing the community together, I would have to say that nothing brings the community together like Christmas and dogs.

There were children, there were adults, older people, and it was hilarious.

The dogs were all well-behaved and some of the dogs like the children were scared of Santa. It was a wonderful event and I would like to congratulate everyone who was involved.

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**General Item No:** 15.4 "Powering Wentworth"  
**Tabled by Councillor:** The Mayor, Councillor Wynne

**The Mayor, Councillor Wynne advised:**

On Sunday, there was an event hosted by Allegra Spender MP, "Powering Wentworth". I would like to thank all of our staff for their involvement with that. It was a collaboration between all levels of government, with local councils including Woollahra, Waverley, and Randwick, and the Members for Coogee, Vaucluse and Sydney as well as Allegra Spender. It was really about engaging with the community and helping them to understand how every action at the local level can make a difference. There were speeches and I got to speak, where I went after the Waverly Mayor and managed to gazump her and remind her that our targets are far more ambitious than Waverley and I was very proud of the work that Woollahra has done as you all should. It was a fabulous day!

**Councillor Grieve further advised:**

Thank you, Madam Mayor. You kind of stole a lot of my thunder. I would like to pay homage to your speech, it was amazing at the "Powering Wentworth" event. I would like to really congratulate Allegra, as she clearly listened to the electorate and is delivering to them, and she heard that renewables and climate change, and all of these issues that are really core to our belief's here in Wentworth.

We heard at one point that 25% of the solar uptake was from the "Solar my school" project that you have mentioned before, so the "Solar my school" program which has been run by the Council in conjunction with the others is responsible for 25% of the solar in our area. It's a phenomenal figure. I do think we are delivering and punching above our weight and staff have to be commended for what they are doing and achieving and also to the Councillors for driving this at every opportunity. It was a really fantastic event.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Grieve.

**Councillor Witt further advised:**

I would also like to say that I enjoyed the forum very much yesterday, and I think we learnt that we have had a great uptake in electric vehicles (EV's), and that we are one of the best performing Councils in Sydney, however, we are one of the poorer performing Councils in terms of solar uptake and that has got a lot to do with a lot of us living in apartment dwellings and that it's quite difficult to retrofit strata buildings in particular for solar panels.

Tomorrow night Rotary is hosting with a grant from Woollahra Council a special presentation to strata management on how they can start to incorporate that into their buildings and that is an excellent initiative that we are supporting.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Witt.

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**General Item No:** 15.5 Long Service Awards  
**Tabled by Councillor:** The Mayor, Councillor Wynne

**The Mayor, Councillor Wynne advised:**

The long service awards were held last week, there were 575 years combined in total, and it was really wonderful. The Directors spoke beautifully about their staff and shared some really fabulous anecdotes about their personalities and the history. I think the longest serving member of staff was with Council for 40 years and you can imagine what life was like before they first started 40 years ago. I would like to congratulate all the staff for being here for such a long time.

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**General Item No:** 15.6 "Doggy day out" at Lyne Park  
**Tabled by Councillor:** The Mayor, Councillor Wynne

**The Mayor, Councillor Wynne advised:**

Doggy day out was held at Lyne Park. Unfortunately it was a very windy day and it was put on by Rotary. It was a beautiful day, and I got to judge the cutest oldest dog and the best dressed and all the dogs are out and sadly with the wind it was pretty tricky, but as you walk around the corner to Plumer Road they had their festival on, which was heaving, absolutely heaving and I know Council has been responsible for providing all these community grants, including dogs in the park in Rushcutters Bay again also run by Rotary. I judged plenty of dogs along with Teddy's assistance.

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**General Item No:** 15.7 Vaucluse Public School "Solar my school" program and farewell to Principal Maureen Halloran  
**Tabled by Councillor:** The Mayor, Councillor Wynne

**The Mayor, Councillor Wynne advised:**

The Vaucluse Public School "Solar my school" program and the farewell to the former Principal, Maureen Halloran, who left a year ago in the middle of COVID, so no one got to say goodbye. The school is amazing, Vaucluse Public School. My children went there and it did not look like that when my children were there, but also seeing the little kids and their understanding about the difference it will make in terms of the cost and environmental impact, and in particular saying goodbye to Maureen, who has dedicated the last decade of her life to the children of Vaucluse Public School, which was very special and I would like to take the opportunity to thank Deputy Mayor, Councillor Shapiro for stepping in while I was dealing with a family emergency and to all the Councillors who have stepped in and helped with speeches and all the other things.

**Councillor Jarvis further advised:**

To hear about to the forum that you went to Councillor Grieve with the Mayor. I'm very proud to think that 25% of our emissions come from solar from the "Solar my school" program which was one of my election promises to expand that and I feel a degree of pride in that and that we have got to look at more places like the clubs, where we get large roof spaces which have great capacity to provide for solar.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Jarvis.

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**General Item No:** 15.8 The Honourable Gabrielle Upton's farewell speech at NSW Parliament  
**Tabled by Councillor:** Councillor Carmichael

**Councillor Carmichael advised:**

Thank you, Madam Mayor. I would like to advise that I went last week to Gabrielle Upton's farewell speech at the New South Wales Parliament. She ran through a lot of things that she had been doing and has done, and it was really quite impressive how much she actually had got done as our local state member. In particular I would like to single out the fact that she did manage to get the Edgecliff lift funded in the Edgecliff Centre, which happened a few years ago. This was something I was lobbying for last time I was on Council, as Chair of the Access Committee and it had been sitting on the books for decades, and that was one particular thing she had got done during her term. She also got the \$80 million funding for the Dover Heights stormwater and sewage and it was another thing, and we will never see that sort of money come into the area ordinarily but regardless I would like to thank her for her service and say that she did a job well done.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Carmichael.

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**General Item No:** 15.9 "Ukraine Undefeated" exhibition at Woollahra Gallery  
**Tabled by Councillor:** Councillor Swan

**Councillor Swan advised:**

Thank you, Madam Mayor. Last week, I represented you at the "Ukraine Undefeated" gallery exhibition, and I would just like to extend my congratulations to all staff, but in particular, Sebastian Goldspink, the Woollahra Gallery Director. His efforts were nothing short of super human, working through the night to install the exhibition and he noted during his speech that he normally when putting up an exhibition he is looking for beautiful art, but with this exhibition, he was particularly moved because he was putting up people's lives, and that really stands true in relation to that exhibition. This is not just about putting faces on a wall, it is about showing our continued support and solidarity in standing with Ukraine and our local Ukrainian community.

The Honourable Mark Coure MP, the Minister for Multicultural Affairs was also in attendance and he also gave a speech and the exhibition depicts the ongoing genocide of the Ukrainian people by the Russian government and its initial emphasis was on the 1932 to 1933 genocide of Holodomor, but the exhibition also depicted the present-day genocide and it captured images of war as recently as July this year, and that was really moving as especially as we had people in attendance who were and have been directly affected by the war and who have come to Australia from Ukraine, fleeing the war. So it really was a story of bravery, resilience, heartbreak, resolve and the recognition of the need to fight for humanity, safety and our freedom.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Swan.

**Councillor Witt further advised:**

I would like to say how moved I was by attending the "Ukraine Undefeated" exhibition on Wednesday night and I would like to thank Councillor Swan for her very moving speech and I thought that she represented the Council really well.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Witt.

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**General Item No:** 15.10 Digital Literacy Awards  
**Tabled by Councillor:** Council Jarvis

**Councillor Jarvis advised:**

Thank you, Madam Mayor. I had the privilege of representing you on 22 November 2022 at the Digital Literacy Awards which I had not been to before and I would have to say it's a bit like this Woollahra Small Sculpture Prize awards, you realise the difference that these sort of programs and awards make to the cultural life of our community. The total prize money was \$7,750.

I would like to congratulate, in particular one of the judges, Vanessa Berry, she was one of the inaugural winners of these awards. She said it gave her the impetus to keep going in what she wanted to do, so do not underestimate that \$2,500 doesn't go a long way with some artists.

I would also like to thank all the other judges as well, Julie Jansen, Vanessa Berry, Ally Whitelock (whose face was familiar because she is often at the Poets Picnic) and Brett Orman. It was delight that Michaela Kalowski was the MC. Michaela is well known in literary circles as the commentator, and I remember her once many years ago interviewing Margaret Atwood and the delight that I felt as her mother, Jo and I are in the same book group, so it was little community, but a great community and it made me very proud to think what we do as a Council to contribute to the cultural life of this area and beyond.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Jarvis.

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**General Item No:** 15.11 Bushcare Christmas Picnic  
**Tabled by Councillor:** Councillor Jarvis

**Councillor Jarvis advised:**

Thank you, Madam Mayor. I would also like to thank you for all the fun that you, Councillor Grieve and I had at the Bushcare Christmas Picnic on Sunday and to congratulate Rudi Adlmayer, Council's Bushcare Liaison Officer. I was particularly interested having been living in this area for 20 years to discover Rob who looks after Bushcare at Parsley Bay and they go down every Thursday to do the weeding and the like and they drop the tools and pick up the snorkels at midday, and they go snorkelling in Parsley Bay to look at the sea horses and other sea life. So if the weather is good this Thursday, that's where you are going to find me and I would encourage a lot of other people to come along as well.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Jarvis.

**Councillor Witt further advised:**

It is interesting because you mentioned Rob Hitchings from Bushcare. I would also like to acknowledge his work and I went to the "Save our Sanctuaries" rally and Councillor Grieve was also there. It was a really a wonderful reminder that National Parks don't stop at the water's edge and that we really need to push collectively for a Sydney Marine Park and it was really wonderful to actually to hear from Rob Hitchings because he has been down there for 40 years as a Vaucluse local, and he has introduced his children, his grandchildren to this wonderful wild sea life sanctuary and Parsley Bay, and it was a revelation to me to actually realise that there is something like 165 fish and animal species in that little bay alone and I think that the Council has also been involved with it.

One thing I did want to mention because it was kind of exciting, a scientific fact, that they (Australian Museum) are using water samples from Parsley Bay to find DNA in the sea water and that has helped them to identify their 165 fish and animal species just in Parsley Bay alone. So this is very much worth protecting.

**The Mayor, Councillor Wynne in response:**

Thank you, Councillor Witt.

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## 16. Notices of Motion

**Item No:** 16.1  
**Subject:** NOTICE OF MOTION - SOFT PLASTICS  
**From:** Councillors Harriet Price, Luise Elsing and Lucinda Regan  
**Date:** 16 November 2022  
**File No:** 22/225152

**Note:** The Council amended Part B of the resolution.

**(Price/Regan)**

### 170/22 Resolved:

#### A. Notes:

1. The recent decision by Coles and Woolworths to suspend the REDcycle soft plastics recycling program (the REDcycle Service);
2. The widespread community disappointment that less soft plastics will be diverted from landfill;
3. The extra costs associated with collecting increased soft plastic waste from residents' red bins;
4. Its proud history of leadership in waste management and recycling;
5. Its current waste target of 75% waste diversion from landfill by 2021/2022; and
6. The importance of ensuring community confidence in recycling generally.

#### B. Resolves:

1. That the Mayor writes to Woolworths, Coles and the Federal and State Environment Ministers expressing disappointment that the REDcycle Service has been suspended and urge that all stakeholders:
  - i. seek an urgent and long term sustainable solution to soft plastics recycling;
  - ii. support a global agreement to end plastic pollution by 2040, including binding targets to phase out plastic waste products; and
  - iii. support a commitment to ensure 100 per cent of plastic packaging is recyclable, reusable or compostable.
2. To set a target in its procurement budget to spend on products made from recycled materials.
3. To consider and review its waste diversion from landfill target.
4. To provide reassurance to the community that its current recycling programs are diverting waste from landfill by publishing particulars of those services.

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

#### **For the Motion**

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

#### **Against the Motion**

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

**8/6**

**Item No:** 16.2  
**Subject:** **NOTICE OF MOTION - URBAN FOREST STRATEGY**  
**From:** Councillors Matthew Robertson, Nicola Grieve and Toni Zeltzer  
**Date:** 23 November 2022  
**File No:** 22/229773

**Note:** The Council amended Part B (1) and Part B (3) of the Resolution

**(Robertson/Grieve)**

**171/22 Resolved:**

THAT Council:

A. Notes

1. The high value our local community places in our municipality's urban forest of over 40 thousand trees.
2. Statutory and Council-endorsed instruments that guide and control the maintenance of Woollahra's trees:
  - Part E General Controls for all Development, Chapter E.3 Tree Management
  - Woollahra Tree Management Policy
  - Woollahra Tree Management Street Tree Masterplan
  - Masterplans for parks and reserves
  - Significant Tree register.
3. That an urban forest strategy is an additional, best-practice instrument that is generally inclusive of the following objectives:
  - (i) mandates tree canopy and vegetation targets for land owned or administered by council,
  - (ii) captures Council's long term vision for canopy management and urban greening
  - (iii) mechanisms, structures and processes to maintain and improve the quality and quantity of the area's urban forest;
  - (iv) provide and integrate strategic and systematic planning processes to maximise the benefits of the urban forest; and
  - (v) educate and promote the benefits of the urban forest to the community.
4. Its resolution of 29 September 2020, in connection with the introduction of canopy controls for R2 zoned private land, in the following terms:

*F. THAT Council prepare an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.*

B. Requests the General Manager

1. Undertake a broad strategic review of Council's overall Open Space and Trees section of Council as part of the service review program for 2022-2023 (incorporating any work already undertaken with regard to maintenance operations of the Open Space & Trees section) and that this review include a focus on consideration of how Council will best implement the objectives of its urban forest strategy.
2. Provide a briefing to Councillors on the draft urban forest strategy in February/March 2023 with a view of tabling the Urban Forest Strategy to the Environmental Planning Committee.



3. Give urgent consideration to remedying the high proportion of vacant street tree pits or dead trees in the Cooper Ward, and along Old South Head Road and New South Head Road.

*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 Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

**Against the Motion**

Councillor Silcocks

**13/1**

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## 17. Questions With Notice

**(Robertson/Carmichael)**

**172/22 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 Grieve  
Councillor Jarvis  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Swan  
Councillor Witt  
Councillor Wynne  
Councillor Zeltzer

Nil

**14/0**

**QWN:** 17.1  
**From:** Councillor Elsing  
**Subject:** Questions with Notice - Housing Targets

**Councillor Elsing asking:**

Could staff please:

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

**Background**

This request is for an update on compliance with new dwelling targets set by Greater Sydney Commission of 300 additional new dwellings for 2016 – 2022 and an additional 500 new dwellings for 2021- 2026 (including target imposed in the Woollahra Council Housing Strategy of a further 400 new dwellings by 2036). And a request for information regarding supporting infrastructure.

*The Greater Sydney Commission Eastern District Plan March 2018 (released in November 2018)*

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

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

The Plan's priority is to create a city including new developments supported by infrastructure (priority E1). A potential indicator is increased % of properties with 30-minute access to a metropolitan centre/cluster. Which is achieved by aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions. The Plan seeks to achieve more housing in the right locations by identifying clear criteria for where capacity is located. Criteria includes major transport, health and education investments, either committed or planned, such as Sydney Metro and the CBD and South East Light Rail, which aligns with Future Transport 2056 . Actions included that Woollahra Council prepare a housing strategy which accommodates the targets set in the Plan.

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

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

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

*Previous reporting of compliance with the 2016 – 2021 new development targets set by the Greater Sydney Commission*

Questions with notice have been made and responded to by Council in March 2019, October 2020, April 2021 and November 2021 on compliance with new dwellings targets (see Annexure A).

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

Target is 300 additional new dwellings from 2016 to 2021	% increase from target of 300 new dwellings (2016 -2021)	Number of new dwellings (2016 -2021)	Number of dwellings in excess of target of 300 new dwellings (2016 – 2021)
As at March 2019	147%	442	142
As at October 2020	259%	779	479
As at April 2021	285%	854	554
As at October 2021	300%	889	589

	Paddington	Cooper	Bellevue Hill	Double Bay	Vaucluse	Totals
As at March 2019	19 (4%)	34 (8%)	128 (29%)	95 (22%)	162 (37%)	438 <sup>1</sup>
As at October 2020	36 (3%)	53 (7%)	230 (30%)	230 (30%)	230 (30%)	779
As at April 2021	33 (3%)	82 (10%)	230 (27%)	218 (26%)	291 (34%)	854
As at October 2021	31 (3%)	92 (10%)	229 (26%)	253 (28%)	284 (33%)	889

*Requests for updates of new infrastructure*

Questions with notice have been made and responded to by Council in November 2021 (see Attachment B).

**Director Planning & Place in response:**

We are unable to provide a response to this Question with Notice at this time given the significant work required to be undertaken and the nature of the report required in response. Staff will look to provide a response to this Question with Notice as soon as possible.

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**QWN:** 17.2  
**From:** Councillor Price  
**Subject:** Questions with Notice - Carbon Offsets

**Councillors Price & Witt asking:**

**To the Director of Infrastructure and Sustainability:**

Council has a target of 30% reduction in greenhouse gas emissions by 2025 (on 2003/2004 levels (4132 co2-e)).

In 2020, Council was the third local government organisation in New South Wales to reach 'net zero emissions' and be certified as carbon neutral by Climate Active. This was achieved with the help of purchasing carbon offsets.

Can the Director please:

1. Outline the total amount Council has spent on purchasing carbon offsets (including the name and nature of each project)?
2. Detail the cost to Council of purchasing the following carbon offsets in 2020/21?:
  - a. 2367 co2-e in the Kamuthi Solar Power project in India; and
  - b. 3250 co2-e in the Ximeng Zheligentu Wind Farm Project in China.
3. Confirm if Council has a Policy to guide its approach to purchasing carbon offsets (including but not limited to?):
  - a. the assessment process for selecting high quality and high integrity offsets; and
  - b. what (if any) priority is given to purchasing Australian based offsets.

**Team Leader Environment & Sustainability on behalf of Director of Infrastructure and Sustainability in response:**

The details of the carbon offsets purchased by Council are included in the table below, including name and nature of project, number of offsets purchased and the cost.

**Carbon Offsets Purchased**

Offset Project Name	Detail	Date Purchased	Quantity	Cost
Solar PV VCU Carbon Credit, Gujarat, India	Grid interactive solar photovoltaic power generation project in Gujarat, India. Supporting renewable energy projects through solar photovoltaic or wind power generation has better environmental and social outcomes than hydroelectricity or biomass power generation. India's renewable energy industry is poorly funded and needs financial assistance from developed countries to move the centralised grid away from primarily coal fired power generation. The solar project has increased employment and infrastructure in the region.	May 2020 for FY18/19  October 2020 for FY19/20	7413  4399	10,748.85
Mytrah Wind Power Project VCU Carbon Credit, India	As well as providing a source of clean energy, the Mytrah Energy Wind Power Project improves the overall well-being of local communities, contributing to the United Nations Sustainable Development Goals as it provides employment, clean water and sanitation, improved agricultural techniques, and opportunities for everyone - including women and youth.	October 2020 for FY19/20	1498	3,145.80
Ghani Solar Renewable Power Project by Greenko Group	The main purpose of this project is to generate a clean form of electricity through renewable solar energy sources. The project involves installation of a 500MW solar power project in Andhra Pradesh state of India. Greenko Group is committed to practical and sustainable advancement as part of being accountable towards their economic, environmental and social responsibilities. They have launched the Suryamitra Skill Development Program in collaboration with State Nodal Agencies at various locations across India. Under this scheme they have introduced a Solar Skill Development Certification Program for students of the local communities to enhance their skills for employability and so far have provided employment to over 100 trainees of the Development Program. Greenko Group have also organised free general medical camps and eye camps across India in association with local hospitals to help provide quality health care to local communities.	October 2020 for FY19/20	543	429.20
Kamuthi Solar Power Project, India	The solar PV plant is part of the world's largest single location solar power project of 648 MW capacity. The project will lead to emission reductions of around 8.65 million tCO <sub>2</sub> -e during the life of the project. The project also helps to improve the local community by providing permanent employment, rural infrastructure, community health benefits such as health camps which provide free treatment and medicine, and education initiatives.	July 2021 for FY20/21 and FY21/22	3250	8385

Inner Mongolia Ximeng Zheligentu Wind Farm Phase I Project	This is a renewable energy (wind) project in Inner Mongolia. The proposed project is to replace grid-connected fossil fuel-fired power plants in the North China Power Grid, and thus reduce fossil fuel consumption and avoid CO2 and pollutant emissions, such as sulfur dioxide and dust. The local community benefit from the creation of new jobs, and tourism.	July 2021 for FY20/21	3250	8125
Three Gorges New Energy Jiuquan Co., Ltd Guazhou 100MW Solar Power Project	The project is a 100.5MWp solar photovoltaic power plant. It is located in Guazhou County, which has one of China's lowest average incomes, and where 67% of the population live on farms. It is connected to the Chinese northwest power grid and avoids thermal generation. The project benefits the local community in several ways - through long- and short-term employment; a stable power supply and increased investment in local education.	November 2021 for 21/22	4740	27,397.20
<b>TOTAL</b>				<b>65,489.40</b>

Council does not have a policy guiding the selection of offsets, staff obtain quotes from the market in alignment with Council's procurement policy and select offsets based on consideration of economic and environmental cost benefit. Focus has been on supporting renewable energy projects that involve solar photovoltaic or wind power generation, as they have better environmental and social outcomes than hydroelectricity or biomass power generation.

At this time, the cost of purchasing Australian offsets is substantially higher than off-shore offsets. Purchasing offsets from other countries supports positive economic, environmental and social outcomes (eg job creation) in those countries, and enables the establishment of renewable energy generation.

As Council continues to reduce emissions through projects such as installing solar, the number of carbon offsets Council needs to purchase is decreasing. There will be a significant decrease in 2022-23 due to the commencement of Council's 100% renewables PPA.

The table below demonstrates the reduction in emissions over the time that Council has been certified carbon neutral by Climate Active.

**Emissions since base year of Climate Active certification**

	Base year: 2018-19	Year 2: 2019-20	Year 3: 2020-21
Total tCO <sub>2</sub> -e	7,412.1	6,439.3	5,616.2

Staff are currently preparing the information required for submission to Climate Active to maintain our certification under the Climate Active Carbon Neutral Standard for the 2021-22 financial year.

**QWN:** 17.3  
**From:** Councillor Witt  
**Subject:** Questions with Notice - Development Mix in the Double Bay Commercial Centre

**Councillor Witt asking:**

1. Could the Council staff please confirm how many DAs have recently been approved and/or are pending for commercial buildings in the Double Bay Centre?
2. Could the Council staff please confirm how many of the above DAs that have been approved and/or pending are replacement DAs for buildings previously approved for shop top housing?
3. Could the Council staff please advise if the recent trend of DAs for commercial only buildings in the Double Bay Commercial Centre has implications with respect to Council's ability to achieve its 2021 - 2026 target of approximately 500 net new dwelling targets in areas of the municipality best suited to accommodate future housing growth?

**Discussion**

In recent submissions, the Double Bay Residents Association has commented on the number of DAs that have recently been lodged and/or approved for substantial commercial buildings only in Double Bay. They include those listed in the below table:

Recent approved and/or pending DAs for Commercial Only buildings in Double Bay	Relevant prior DA refusal or approval for a top shop residential development	Prior development consents or refusals	Comments
49 - 53 Bay Street DA371/2022 Pending  Demolition of existing 2 storey buildings and construction of a new six storey commercial building with a roof terrace and two-basement parking levels on the subject site for 36 cars, 32 bicycles and 4 motorcycles, accessible from a new driveway on Knox Lane.	49 - 53 Bay Street DA25/2018 Refused  Demolition of existing 2 storey buildings and construction of six storey shop top housing comprising 5 levels of residential apartments with 22 units, two basement levels for 32 car parking spaces as well as bicycle and motorcycle parking, with vehicular access from Knox Lane.	49 - 53 Bay Street DA25/2018 Refused by the LEC. See <a href="#">Ricola Pty Ltd v Woollahra Council 2021</a> [2021] NSWLEC 1047	Potential net loss of 22 new apartments. Replacement DA2022/371 is for a commercial building only.
19 - 27 Bay Street DA 535/2021. Refused, under appeal  Demolition of 4 amalgamated sites and construction of a five-storey commercial development with four levels of providing for 75 vehicles, ground floor restaurant tenancy, and commercial office tenancies on the upper four level, including a large ground floor restaurant tenancy which will address both street frontages.	21 - 27 Bay Street DA33/2018  LEC approval for the demolition of the existing buildings and construction of a five storey, mixed use development with 15 residential units on the subject site. See <a href="#">Thing Net Pty Limited v Woollahra Municipal Council</a> [2020] NSW LEC 106318	19 - 27 Bay Street DA 535/2021 On appeal. Subject to LEC hearing. 21 - 27 Bay Street DA14/2021 LEC approval (S34 Conciliation Conference) for a 5 storey building including one level of retail space, four levels of commercial space, three levels of basement parking accessed from Gumtree Lane. See <a href="#">Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council</a> [2021] NSWLEC 1585	Loss of 15 net new apartment dwellings in Double Bay because approved DA33/2018 for a shop top residential development was replaced with an approved DA for a commercial only building.

<p>294-298 New South Head Road 2-10 Bay Street, Double Bay DA280/2022 Approval pending</p> <p>Amalgamation of existing sites and construction of five-storey commercial development that consists of food and beverage/retail tenancies at the lower and upper ground floor level, and commercial tenancies at the upper ground floor to Level 4. Three levels of basement parking are proposed at Basement Levels 1-2 and part of the lower ground floor level.</p>	<p>294-298 New South Head Road 2-10 Bay Street, Double Bay DA 69/2021. Approved.</p> <p>5 storey mixed-use development with three stepped levels of basement car parking. The mixed-use development comprises six (6) retail units and 44 residential units: 12 x one-bedroom (27.3%) 20 x two-bedroom (45.4%) 12 x Three bedroom (27.3%) Total Parking 52 parking spaces comprising: 42 x residential spaces, 9 x residential visitor spaces 1 x retail spaces 56 bicycle spaces.</p>	<p>294-298 New South Head Road 2-10 Bay Street, Double Bay (DA 69/2021) Appeal upheld with amended plans. See <a href="#">Loftex Commercial Pty Ltd v Woollahra Municipal Council</a> [2021] NSWLEC 1697</p>	<p>Potential loss of 44 new apartment dwellings, including a number of small to moderate scale dwellings, which could have contributed to housing diversity in Double Bay. Replacement DA is for a commercial only building</p>
<p>24 Bay Street otherwise known as 2A Cooper Street - DA 68/2021</p> <p>Alterations and additions to an existing 3 storey commercial building, including the addition of two new levels</p>		<p>DA 68/2021. Appeal upheld by LEC. See <a href="#">Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council</a> NSWLEC 1048.</p>	<p>Existing heritage-listed commercial only building</p>
<p>30-36 Bay Street DA289/2019 approved by the Woollahra Local Planning Panel. Alterations and additions (including two additional levels) to the existing commercial building at Nos. 30- 36 Bay Street</p>		<p>Approved by the WLPP</p>	<p>Commercial building only</p>
<p>55 Bay Street on the corner of Bay Street</p> <p>Section 4.55 453/2022 for alterations and additions to the approved commercial development including a new level.</p>	<p>DA40/2021 Approved</p> <p>Five storey commercial only building including 4 retail tenancies, 4 office tenancies and 4 car spaces.</p>	<p>DA40/2021 Appeal upheld.(S34 Conciliation Conference). See <a href="#">Doonside Holdings Pty Ltd v Woollahra Municipal Council</a> [2021] NSWLEC 1736.</p>	<p>Commercial building only</p>
<p>53 Cross Street on the corner of Bay Street DA 58/202 Approved</p> <p>Substantial alterations and additions to an existing four-storey building to accommodate additional floor area and internal reconfigurations to allow ground floor retail premises on the levels above; two (2) additional storeys including office premises, a roof</p>		<p>DA58/2021 Appeal upheld. See <a href="#">Roche Group Pty Limited v Woollahra Municipal Council</a> [2022] NSWLEC 1199</p>	<p>Commercial building only</p>



terrace, internal amenities and services, and substantial alterations to the two existing basement levels to accommodate eight (8) additional on-site car parking spaces (resulting in a total of 39 on-site parking spaces), five motorbike parking spaces, bicycle parking.			
30-36 Bay Street DA289/2019 Approved  Alterations and additions (including two additional levels) to the existing commercial building.		DA289/2019. Approved by WLPP	Commercial building only

As the above table highlights, approved DAs for approximately 59 new apartments will no longer be delivered in Double Bay because these DAs have been replaced with DAs (either approved or pending) for commercial only buildings. A replacement DA for a shop top development at 49 - 53 Bay Street DA25/2018 (15 apartments) that was refused by the Land & Environment Court is now subject to a replacement DA for a commercial only building.

Developers have also opted for commercial only DAs on many other Cross Street and Bay Street sites.

**Manager Development Assessment and Manager Strategic Planning & Place in response:**

Staff provide the following response with respect to the matters identified in the Question with Notice:

1. *Could the Council staff please confirm how many DAs have recently been approved and/or are pending for commercial buildings in the Double Bay Centre?*

**See table below.**

2. *Could the Council staff please confirm how many of the above DAs that have been approved and/or pending are replacement DAs for buildings previously approved for shop top housing?*
3. *The table below indicates all the recently approved or pending approved DAs including the relevant details.*

**NOTE:** DA number and property address shown in **Bold and Blue** are for commercial buildings previously approved for shop top housing

DA Number	Property Address	Description of Proposal	Determination	Comments
<b>Current DAs for Commercial Buildings in Double Bay Centre</b>				
DA535/2021/1	19-27 Bay Street	Demolition of the existing buildings and construction of a five-storey commercial development with four levels of basement parking	Pending Judgement by the LEC	<ul style="list-style-type: none"> <li>DA33/2018/1 (at 21-27 Bay Street) for shop top housing was refused by SECPP on 4/10/2018. The subsequent appeal was upheld (with amended plans) by the LEC on 18/2/2020.</li> <li>DA14/2021/1 (at 21-27 Bay Street) for a new commercial building was refused by LPP on 15/7/2021. The subsequent appeal was upheld (with amended plans) by the LEC on 6/10/2021.</li> </ul>
280/2022/1	2 and 4-10 Bay Street & 294-296 & 298 New South Head Road DOUBLE BAY	Demolition of existing buildings and construction of a new commercial building with basement parking	To be determined by LPP on 1/12/2022	DA69/2021/1 for shop top housing was refused by LPP on 19/8/2021. The subsequent appeal was upheld (with amended plans) by the LEC on 17/11/2021.
DA371/2022/1	49-53 Bay Street	Demolition of existing buildings and construction of a new six storey commercial building with two levels of basement parking below	To be determined (under assessment)	Former DA25/2018/1 was refused by LPP on 15/8/2019. The subsequent appeal (Ricola) was dismissed by the Land and Environment Court on 28/1/2021
DA453/2022/1	55 Bay Street	Alterations and additions to the approved commercial development including a new level	To be determined (under assessment)	DA40/2021 for a 5 storey commercial building was approved by the LEC on 6/12/2021.
DA65/2022/1	17 Bay Street	Substantial alterations and additions of an existing commercial building to facilitate a shop top housing development consisting of two-levels of commercial and two-level residential dwelling with rooftop terrace	To be determined (under assessment)	
<b>Approved DAs for Commercial Buildings in Double Bay Centre</b>				
DA243/2020/1	384 New South Head Road	Demolition of the existing building and construction of a new four storey commercial building	AAP Approved on 23/3/2021	The former DA140/2017/1 for shop top housing was approved by LPP on 6/9/2018.

<b>DA261/2021/1</b>	<b>357-359 New South Head Road (Corner At Manning Road)</b>	Demolition of existing building and construction of a new commercial building with basement parking and new signage	LPP Approved on 16/12/2021	The former DA303/2017/1 for shop top housing was approved by LPP on 4/10/2018. The consent was surrendered on 25/8/2022.
<b>DA289/2019/1</b>	<b>30-36 Bay Street</b>	Alterations and additions to the existing commercial building including two additional levels and car parking	LPP approved on 7/5/2020	The former DA359/2017/1 (at 30-36 Bay Street and 2 Guilfoyle Ave) for shop top housing was refused by LPP on 15/8/2019. The subsequent appeal (Anka) was upheld (with amended plans) by the LEC on 8/2/2019. The consent (DA359/2017/1) was surrendered on 1/4/2021
<b>DA118/2020/1</b>	<b>2 Guilfoyle Avenue</b>	Major refurbishment of the existing commercial building including internal and external modifications	ARP approved on 22/7/2020	The former DA359/2017/1 (at 30-36 Bay Street and 2 Guilfoyle Ave) for shop top housing was refused by LPP on 15/8/2019. The subsequent appeal (Anka) was upheld (with amended plans) by the LEC on 8/2/2019. The consent (DA359/2017/1) was surrendered on 1/4/2021
DA40/2021	55 Bay Street	Substantial demolition of the existing commercial building, construction of new upper levels for a new commercial building	LEC approved on 6/12/2021	The DA was originally refused by LPP on 17/6/2021. The subsequent appeal was upheld (with amended plans reducing the height of building to 5 storeys) by the LEC on 6/12/2021.
DA68/2021/1	24 Bay Street (aka Gaden House, 2A Cooper Street)	Alterations and additions to the existing commercial building including two additional levels above the existing building	LEC approved on 3/2/2022	The DA was originally refused by LPP on 15/7/2021. The subsequent appeal was upheld (with amended plans reducing the height of building to 5 storeys) by the LEC on 3/2/2022.
DA58/2021/1	55 Cross Street	Alterations and additions to the existing four storey commercial building with basement parking, including two new upper levels	LEC approved on 20/4/2022	The DA was originally refused by LPP on 15/7/2021. The subsequent appeal was upheld (with amended plans) by the LEC on 20/4/2022.

DA14/2021/1	21-27 Bay Street	Demolition of existing buildings and construction of a new five-storey commercial premises building including three basement levels, vehicular access via Gumtree Lane and provision of a through-site pedestrian link	LEC approved on 6/10/2021	<ul style="list-style-type: none"> <li>• This DA was originally refused by LPP on 15/7/2021. The subsequent appeal was upheld (with amended plans) by the LEC on 6/10/2022.</li> <li>• DA14/2021/1 (at 21-27 Bay Street) for shop top housing was refused by SECPP on 4/10/2018. The subsequent appeal was upheld (with amended plans) by the LEC on 18/2/2020.</li> </ul>
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4. *Could the Council staff please advise if the recent trend of DAs for commercial only buildings in the Double Bay Commercial Centre has implications with respect to Council's ability to achieve its 2021 - 2026 target of approximately 500 net new dwelling targets in areas of the municipality best suited to accommodate future housing growth?*

It is not anticipated that the recent trend of DAs for commercial only buildings will have implications with respect to Council's ability to achieve its 2021 to 2026 target.

**QWN:** 17.4  
**From:** Councillor Carmichael  
**Subject:** Questions with Notice - Cross Street Car Park

**Councillor Carmichael asking:**

Could we please have a brief status update to the progress of Cross Street car park?

**Director of Infrastructure & Sustainability in response:**

Since Council appointed the Fortis Consortium as its development partner in April, Council staff have established regular Steering Group meetings with the Consortium to work through design issues raised by Council and to develop the contractual arrangements to guide the project through its planning and development phases. Meetings have also been held between the Consortium team and Council planning staff to understand the process and requirements for the Planning Proposal and DA stages.

Council staff are currently finalising a draft Heads of Agreement (HOA) in consultation with the Consortium and Council's legal advisors for reporting to Council early in 2023. The HOA will be a non-binding document but will establish the key deliverables and timeframes for the project, which will be further developed in a legally binding Project Delivery Agreement later in 2023. The proponent's response to design issues raised by Council will be reported to Council at the same time as the HOA.

Council staff are also liaising with the Office of Local Government regarding requirements to satisfy the Office's Public Private Partnership Guidelines in relation to the project.

There being no further business the meeting concluded at 8.43 pm.

**We certify that the pages numbered 1 to 43 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 28 November 2022 and confirmed by the Ordinary Meeting of Council on 12 December 2022 as correct.**

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**General Manager**

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**Mayor**