

# Ordinary Council



## Agenda

Monday 26 July 2021

6.00pm

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

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

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

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

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

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

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

- **To watch and/or listen to the meeting live (from 6.00pm)**  
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
- **To submit late written correspondence (submit by 12noon on the day of the meeting)**  
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) by 12noon on the day of the meeting.

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

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

### **Disclaimer:**

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

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

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

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

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

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

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

For further information please visit [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

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

**Quorum:** The quorum for Council meeting is 8 Councillors

# Woollahra Municipal Council

## Notice of Meeting

22 July 2021

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

Dear Councillors,

### Ordinary Council – 26 July 2021

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held using teleconferencing technology, **on Monday 26 July 2021 at 6.00pm.**

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

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

[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/council\\_meetings/council\\_agendas\\_and\\_minutes](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/council_meetings/council_agendas_and_minutes).

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

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

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

Craig Swift-McNair  
General Manager





## Meeting Agenda

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## 5. Confirmation of Minutes

**Item No:** 5.1  
**Subject:** CONFIRMATION OF COUNCIL MINUTES - 28 JUNE 2021  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 21/138760  
**Reason for Report:** The Unconfirmed Minutes of the Ordinary Council Meeting 28 June 2021 are circulated to be formally taken as read and confirmed.

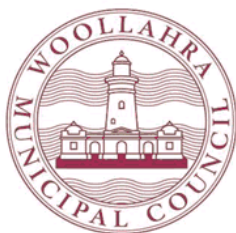
**Recommendation:**

THAT the Minutes of the Council Meeting of 28 June 2021 be taken as read and confirmed.

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**Annexures**

1. Unconfirmed Council Minutes - 28 June 2021 [↓](#) 



## Ordinary Council



## Minutes

Monday 28 June 2021

## Ordinary Council Meeting

Monday 28 June 2021

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## **Items Determined Under Delegated Authority by Council Committees**

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

### **Strategic & Corporate Committee held on Monday 07 June 2021**

Nil 'D' Items

### **Environmental Planning Committee held on Tuesday 15 June 2021**

- D1 Confirmation of Minutes of Meeting held on 10 May 2021
- D2 Ecological Sustainability Taskforce Minutes - 17 May 2021
- D3 Double Bay Working Party Minutes - 25 May 2021
- D4 Oxford Street & Paddington Working Party Minutes - 27 May 2021
- D5 Small Business Working Party minutes - 28 May 2021

### **Finance, Community & Services Committee held on Tuesday 15 June 2021**

- D1 Confirmation of Minutes of Meeting held on 10 May 2021
- D2 Woollahra Local Traffic Committee Minutes - 1 June 2021
- D3 Cultural Committee Minutes Report
- D4 Monthly Financial Report - May 2021

### **Strategic & Corporate Committee held on Monday 21 June 2021**

Nil 'D' Items



## Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, 536 New South Head Road, Double Bay, on  
28 June 2021 at 6.05pm.**

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

Councillors: Richard Shields  
Peter Cavanagh  
Claudia Cullen  
Luise Elsing  
Mary-Lou Jarvis  
Anthony Marano  
Megan McEwin  
Harriet Price  
Lucinda Regan  
Matthew Robertson  
Isabelle Shapiro  
Mark Silcocks  
Toni Zeltzer

Staff:	Nick Economou	(Acting Director – Planning & Place) – via zoom
	Roger Faulkner	(Team Leader Open Space & Recreation) – via zoom
	Paul Fraser	(Manager Open Space & Trees) – via zoom
	Megan Holdsworth	(Parks & Recreation Planner) – via zoom
	Aurelio Lindaya	(Manager Engineering Services)
	Vicki Munro	(Manager Woollahra Libraries) – via zoom
	Sue Meekin	(Acting Director – Corporate Performance) – via zoom
	Patricia Ocelli	(Director – Community & Customer Experience) – via zoom
	Tom O’Hanlon	(Director – Infrastructure & Sustainability) – via zoom
	Craig Swift-McNair	(General Manager)
	Helen Tola	(Manager Governance & Council Support)
	Patricia Vella	(PA to the Mayor and General Manager)
	Anne White	(Manager Strategic Planning) – via zoom

Also in Attendance: Nil



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## Confirmation of Minutes

**Item No:** 5.1  
**Subject:** COUNCIL MINUTES - 24 MAY 2021  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 21/107283  
**Reason for Report:** The Minutes of the Council of 24 May 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(McEwin/Shapiro)

**77/21 Resolved:**

THAT the Minutes of the Council Meeting of 24 May 2021 be taken as read and confirmed.

**Item No:** 5.2  
**Subject:** STRATEGIC & CORPORATE COMMITTEE MINUTES - 7 JUNE 2021  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 21/114952  
**Reason for Report:** The Minutes of the Strategic & Corporate Committee of 7 June 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Price/McEwin)

**78/21 Resolved:**

THAT the Minutes of the Strategic & Corporate Committee Meeting of 7 June 2021 be taken as read and confirmed.

**Item No:** 5.3  
**Subject:** STRATEGIC & CORPORATE COMMITTEE MINUTES - 21 JUNE 2021  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 21/115010  
**Reason for Report:** The Minutes of the Strategic & Corporate Committee of 21 June 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Shapiro/McEwin)

**79/21 Resolved:**

THAT the Minutes of the Strategic & Corporate Committee Meeting of 21 June 2021 be taken as read and confirmed.

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## Leave of Absence and Apologies

An apology was received and accepted from Councillor Nick Maxwell and leave of absence granted.

## Declarations of Interest

Councillor McEwin declared a Non-Significant, Non-Pecuniary Interest in Item 12.1 (Woollahra Local Planning Panel – Chairs, Experts and Community Representatives) as Nicola Grieve a community representative is also a member of the Greens which she is also a member. Councillor McEwin participated in debate and voted on the matter.

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in Item 12.1 (Woollahra Local Planning Panel – Chairs, Experts and Community Representatives) as Nicola Grieve a community representative is also a member of the Greens which he is also a member. Councillor Robertson participated in debate and voted on the matter.

## Late Correspondence

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Items

## Petitions Tabled

Nil

## Public Forum

Nil

**Motion moved by Councillor Zeltzer**  
**Seconded by Councillor Shapiro**

- A. THAT the Council resolves to only consider the following matters listed on the Council Meeting Agenda 28 June 2021, given the current COVID-19 lockdown, as these matters are considered as urgent/time sensitive:
- Item 10.1 – Mayoral Minute – Queens Birthday Honours 2021
  - Item 10.2 – Mayoral Minute - COVID-19
  - Item 12.1 – Woollahra Local Planning Panel – Chairs, Experts and Community Representatives
  - Item 13.1 – R1 – DPOP & Budget for 2021 – 2022

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- Item 13.3 – R1 – Changes to free ticket parking in metred parking areas in Double Bay & Oxford Street, Paddington
- Item 13.3 – R5 – Paddington Library Agreement
- Item 13.3 – R6 – Code of Conduct Review Panel

B. THAT all other items listed on the Council Meeting Agenda 28 June 2021, be deferred to an Extraordinary Council Meeting in July 2021 (date to be confirmed).

**Amendment moved by Councillor Elsing**  
**Seconded by Councillor Robertson**

A. THAT the Council resolves to only consider the following matters listed on the Council Meeting Agenda 28 June 2021, given the current COVID-19 lockdown, as these matters are considered as urgent/time sensitive:

- Item 10.1 – Mayoral Minute – Queens Birthday Honours 2021
- Item 10.2 – Mayoral Minute - COVID-19
- Item 12.1 – Woollahra Local Planning Panel – Chairs, Experts and Community Representatives
- Item 13.1 – R1 – DPOP & Budget for 2021 – 2022
- Item 13.3 – R1 – Changes to free ticket parking in metred parking areas in Double Bay & Oxford Street, Paddington
- Item 13.1 – R4 – Racism not wanted ‘Campaign Street Signs’
- Item 13.3 – R5 – Paddington Library Agreement
- Item 13.3 – R6 – Code of Conduct Review Panel

B. THAT all other items listed on the Council Meeting Agenda 28 June 2021, be deferred to an Extraordinary Council Meeting in July 2021 (date to be confirmed).

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

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

***For the Amendment***

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

***Against the Amendment***

Councillor Cavanagh  
Councillor Jarvis  
Councillor Shapiro  
Councillor Shields  
Councillor Zeltzer

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(Elsing/Robertson)

**80/21 Resolved:**

A. THAT the Council resolves to only consider the following matters listed on the Council Meeting Agenda 28 June 2021, given the current COVID-19 lockdown, as these matters are considered as urgent/time sensitive:

- Item 10.1 – Mayoral Minute – Queens Birthday Honours 2021
- Item 10.2 – Mayoral Minute - COVID-19
- Item 12.1 – Woollahra Local Planning Panel – Chairs, Experts and Community Representatives
- Item 13.1 – R1 – DPOP & Budget for 2021 – 2022
- Item 13.3 – R1 – Changes to free ticket parking in metred parking areas in Double Bay & Oxford Street, Paddington
- Item 13.1 – R4 – Racism not wanted ‘Campaign Street Signs’
- Item 13.3 – R5 – Paddington Library Agreement
- Item 13.3 – R6 – Code of Conduct Review Panel

B. THAT all other items listed on the Council Meeting Agenda 28 June 2021, be deferred to an Extraordinary Council Meeting in July 2021 (date to be confirmed).

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

***For the Motion***

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

***Against the Motion***

Councillor Cavanagh  
Councillor Jarvis  
Councillor Shapiro  
Councillor Shields  
Councillor Zeltzer

9/5

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28 June 2021

## Mayoral Minute

**Item No:** 10.1  
**Subject:** QUEEN'S BIRTHDAY HONOURS 2021  
**Author:** Susan Wynne, Mayor  
**File No:** 21/115767  
**Reason for Report:** To inform Council of the local recipients of the 2021 Queen's Birthday Honours.

(Shapiro/Zeltzer)

### 81/21 Resolved:

THAT a letter of congratulations, signed by the Mayor, be forwarded to the following recipients of the 2021 Queen's Birthday Honours.

- i. Mr Peter Alexander Ivany, AO
- ii. Ms Shayne Ann Brown, AM
- iii. Dr Bronwyn Joy Evans, AM
- iv. Professor Robyn Lesley Richmond, AM
- v. Clinical Associate Professor Gary Fred Sholler, AM
- vi. Ms Charlotte Vidor, AM
- vii. Mr Stephen Julian Cordell, OAM
- viii. Mr Philip Morris Feinstein, OAM
- ix. Dr Michael Newman, OAM
- x. Mr Peter Clement Semmler QC, OAM
- xi. Mr Adrian Joseph Skurnik, OAM
- xii. Mr Malcolm David Young, OAM

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

#### **For the Motion**

#### **Against the Motion**

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

Nil

**14/0**

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**Background:**

I am pleased to advise Council that twelve Woollahra residents were honoured in this year's Queen's Birthday Honours. Each award recipient has been publicly recognised for their unique and significant contribution to our local and wider community.

**Officer in the General Division (AO)**

- i. Mr Peter Alexander Ivany AM  
For distinguished service to the community as a supporter of sporting, arts, film, not-for-profit, and natural science organisations.

**Member in the General Division (AM)**

- ii. Ms Shayne Ann Brown  
For significant service to medicine through orthoptic associations.
- iii. Dr Bronwyn Joy Evans  
For significant service to engineering, to standards, and to medical technology.
- iv. Professor Robyn Lesley Richmond  
For significant service to tertiary medical education, and to public health.
- v. Clinical Associate Professor Gary Fred Sholler  
For significant service to paediatric medicine, and to tertiary medical education.
- vi. Ms Charlotte Vidor  
For significant service to the multicultural community, to tourism, and to urban planning.

**Medal in the General Division (OAM)**

- vii. Mr Stephen Julian Cordell  
For service to the Jewish community.
- viii. Mr Philip Morris Feinstein  
For service to refugees.
- ix. Dr Michael Newman  
For service to ophthalmology.
- x. Mr Peter Clement Semmler QC  
For service to the law.
- xi. Mr Adrian Joseph Skurnik  
For service to the Jewish community.
- xii. Mr Malcolm David Young  
For service to the community of Double Bay.

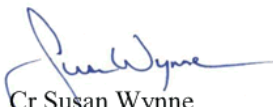
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**Conclusion:**

On behalf of Woollahra Council, I offer my congratulations to the Queen's Birthday 2021 Honours List recipients from within our local community. We are extremely grateful for their individual contribution to Woollahra and we are fortunate to live in a community where so many people dedicate their professional and personal time and energy to helping and inspiring others.

After a challenging 2020, it is so important that personally and collectively these outstanding people are formerly recognised as role models; fostering community engagement and boosting our social, cultural and economic advancement for future generations of Australians.



Cr Susan Wynne  
Mayor of Woollahra

**Annexures**

Nil

Unconfirmed



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**Item No:** 10.2  
**Subject:** COVID-19 UPDATE  
**Author:** Susan Wynne, Mayor  
**File No:** 21/122772  
**Reason for Report:** For the Council to note latest announcements by the NSW Government and our response so far.

(Shapiro/Silcocks)

**82/21 Resolved:**

THAT Council note the information included in this Mayoral Minute relating to the latest COVID 19 outbreak and related stay at home orders and restrictions.

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

**For the Motion**

**Against the Motion**

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

Nil

**14/0**

**Background:**

On Saturday 26 June 2021, the NSW Government announced stay at home orders from 6:00pm Saturday 26 June 2021 until 11:59pm Friday 9 July 2021 for Greater Sydney, including the Blue Mountains, Wollongong, Shellharbour and the Central Coast. This is in response to the increased number of infectious cases.

As noted by the Premier, despite the high level of testing and excellent tracing work being done by NSW Health and pathology teams, the amount of cases is now at concerning levels and the stay at home restrictions are aimed at reducing further community transmissions. NSW Health advice is that we all need to comply with the restrictions if this two weeks of stay at home orders is to be successful. Obviously we all have a responsibility to adhere to the rules and to ensure that the virus is not spread locally or in regional areas.



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In summary, here are the restrictions announced by the NSW Government on 26 June 2021:

- Everyone in Greater Sydney must stay at home unless it is for an essential reason. The reasons you may leave your home include:
  - Shopping for food or other essential goods and services;
  - Medical care or compassionate needs (people can leave home to have a COVID-19 vaccination unless you have been identified as a close contact);
  - Exercise outdoors in groups of 10 or fewer;
  - Essential work, or education, where you cannot work or study from home.
- Community sport will not be permitted during this period.
- Weddings will not be permitted from 11.59pm, Sunday 27 June.
- Funerals will be limited to one person per four square metres with a cap of 100 people.
- Masks must be worn indoors.

In all other parts of NSW the following restrictions will apply:

- People who have been in the Greater Sydney region (including the Blue Mountains, Central Coast and Wollongong) on or after June 21 should follow the stay-at-home orders for a period of 14 days after they left Greater Sydney.
- Visitors to households will be limited to 5 guests – including children;
- Masks will be compulsory in all indoor non-residential settings, including workplaces, and at organised outdoor events;
- Drinking while standing at indoor venues will not be allowed;
- Singing by audiences and choirs at indoor venues or by congregants at indoor places of worship will not be allowed;
- Dancing will not be allowed at indoor hospitality venues or nightclubs however, dancing is allowed at weddings for the wedding party only (no more than 20 people);
- Dance and gym classes limited to 20 per class (masks must be worn);
- The one person per four square metre rule will be re-introduced for all indoor and outdoor settings, including weddings and funerals;
- Outdoor seated, ticketed events will be limited to 50 per cent seated capacity;

Rather than just rely on the information provided here, please continue to check the [NSW Health](#) website for further updates.

From an operational perspective, the following has been put in place and will be in place until such time as the current stay at home orders and restrictions are in force:

- Where practicable, Council staff will be working from home.
- The Customer Service Centre has been closed for the next two weeks. The Customer Service team will still be answering phones and dealing with enquiries as required.
- Libraries have been closed.
- The Woollahra Pre-School is closed for the June/July school holidays in any regard over the coming two weeks and a further assessment will be made on an opening date as further information comes to hand towards the end of the current stay at home orders.
- Our community venues will be closed for the next two weeks.
- Our Rangers / Parking Officers will be reverting to a similar roster as they had during much of COVID, which effectively splits the group into two teams.
- Our Waste Services and Business Centres teams will continue to operate as normal as a key frontline service.

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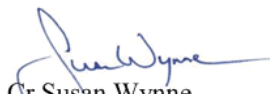
- At this stage there are no Orders for Council to close off our outdoor fitness equipment, playgrounds, or beaches etc. however Council staff will continue to monitor any amended Orders that are released.
- There will be no site visits undertaken by staff during the next two weeks i.e. for building compliance and the like, unless there is some form of emergency.
- Council staff have also written to and / or called Council tenants i.e. at Kiaora Place for example, to ensure lessee's are across the requirements of the most recent Public Health Order (PHO).

With regard to further assistance for our community, we understand that whilst Holdsworth Community has closed their premises and group programs, they are continuing to provide essential food and transport support to members of the community. They can be contacted by email: [info@holdsworth.org.au](mailto:info@holdsworth.org.au).

Further to the above, in recent days as Mayor I have been in contact with the Member for Vaucluse, The Hon Gabrielle Upton MP and the Member for Wentworth, Dave Sharma MP about assistance for local businesses and general issues around the most recent PHO. In light of this, I organised a letter to the NSW Treasurer which was cosigned by the Mayors of Waverley and Randwick, asking for financial assistance for local businesses. A copy of the letter is attached for your information. I will keep Councillors informed of any developments in relation to the above-mentioned request to the NSW Treasurer.

Internal discussions will continue in the coming days in relation to whether there are any relief measures Woollahra Council can offer our residents and businesses during this time, however that may depend on what assistance is forthcoming from the State and Federal governments. In light of our current financial position and commitment to working towards a balanced budget for 2022/23, any relief measures will need to consider the broader and long term impacts on our financial position.

Woollahra Council will continue to work with our local businesses through our Economic Development Coordinator and Manager, Placemaking in an effort to encourage support of local business.



Cr Susan Wynne  
Mayor of Woollahra

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## General Manager and Officer's Report

**Item No:** 12.1  
**Subject:** **WOOLLAHRA LOCAL PLANNING PANEL - CHAIRS, EXPERTS AND COMMUNITY REPRESENTATIVES**  
**Authors:** George Fotis, Acting Manager Development Control  
Helen Tola, Manager - Governance & Council Support  
**Approvers:** Nick Economou, Acting Director Planning & Place  
Craig Swift-McNair, General Manager  
**File No:** 21/98142  
**Reason for Report:** To appoint the Woollahra Local Planning Panel for the period 1 July 2021 to 29 February 2024.

**Note:** Councillor McEwin declared a Non-Significant, Non-Pecuniary Interest in this Item as Nicola Grieve a community representative is also a member of the Greens which she is also a member. Councillor McEwin participated in debate and voted on the matter.

**Note:** Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in this Item as Nicola Grieve a community representative is also a member of the Greens which he is also a member. Councillor Robertson participated in debate and voted on the matter.

**Note:** Late correspondence was tabled by Councillor Luise Elsing, and George Fotis – Acting Manager Development Control and Helen Tola – Manager Governance & Council Support.

### **Motion moved by Councillor Price Seconded by Councillor Cullen**

- A. THAT Council, pursuant to section 23K of the *Environmental Planning and Assessment Act* 1979, appoint the following persons to the Woollahra Local Planning Panel for the period 1 July 2021 to 29 February 2024:

#### ***Chair and Alternate Chairs***

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Ms Penelope Holloway	Alternate Chair

#### ***Experts***

Ms Sheridan Burke  
Mr Graham Brown  
Ms Sandra Robinson  
Ms Gabrielle Morrish  
Mr John McInerney  
Prof. Helen Lochhead

- B. THAT Council notes that the Community Representatives remain unchanged until a time frame within 3 months of 30 September 2021 and are as follows:

Cooper Ward & Paddington Ward - Ms Keri Huxley  
Double Bay Ward - Mr Andrew Petrie  
Vaucluse Ward - Mr Graham Humphrey

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- C. THAT Ms Nicola Grieve be removed as a Community Representative pending advice from the DPIE).
- D. THAT Council set the following remuneration rates for panel members:
- |                |   |   |
|----------------|---|---|
| Chair          | - | \$2,000 per meeting and \$285 per hour for business that is undertaken outside of meetings                          |
| Experts        | - | \$1,500 per meeting and \$214 per hour for business that is undertaken outside of meetings                          |
| Community reps | - | \$500 per item up to a maximum of \$1,500 per meeting and \$71 per hour for business undertaken outside of meetings |

**Note:** The above rates do not include GST.

**Note:** The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.

*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 Cullen  
Councillor Elsing  
Councillor Price  
Councillor Silcocks

***Against the Motion***

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

4/10

**Amendment moved by Councillor Zeltzer  
Seconded by Councillor Shapiro**

- A. THAT Council, pursuant to section 23K of the *Environmental Planning and Assessment Act* 1979, appoint the following persons to the Woollahra Local Planning Panel for the period 1 July 2021 to 30 June 2022 (unless the Minister determines otherwise):

***Chair and Alternate Chairs***

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Ms Penelope Holloway	Alternate Chair

***Experts***

Ms Sheridan Burke

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Mr Graham Brown  
Ms Sandra Robinson  
Ms Gabrielle Morrish  
Mr John McInerney  
Prof. Helen Lochhead

- B. THAT Council notes that the Community Representatives remain unchanged until a time frame within 3 months of 30 September 2021 and noting that the Community Representatives are as follows:
- Bellevue Hill Ward - Ms Nicola Grieve
  - Cooper Ward & Paddington Ward - Ms Keri Huxley
  - Double Bay Ward - Mr Andrew Petrie
  - Vaucluse Ward - Mr Graham Humphrey.
- C. THAT Council set the following remuneration rates for panel members:
- |                 |   |  |
|-----------------|---|--|
| Chair           | - | \$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings  |
| Experts         | - | \$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings  |
| Community Reps- |   | \$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings. |
- Note:** The above rates do not include GST.
- Note:** The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.
- D. THAT the Mayor be requested to write to the Minister for Planning to seek clarification that the new elected Council in March 2022 is given the ability to review the experts (strongly advocating that the term is only 12 months).
- E. THAT Councillors are given the opportunity to review the Experts proposed to be selected in the future to serve our community (i.e. 2024) - In future the elected members be to select them serve our community (taken on notice).

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

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

***For the Motion***

Councillor Cavanagh  
Councillor Jarvis  
Councillor Marano  
Councillor McEwin

***Against the Motion***

Councillor Cullen  
Councillor Elsing  
Councillor Price  
Councillor Regan

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Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

Councillor Silcocks

9/5  
(Zeltzer/Shapiro)

**83/21 Resolved:**

- A. THAT Council, pursuant to section 23K of the *Environmental Planning and Assessment Act* 1979, appoint the following persons to the Woollahra Local Planning Panel for the period 1 July 2021 to 30 June 2022 (unless the Minister determines otherwise):

***Chair and Alternate Chairs***

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Ms Penelope Holloway	Alternate Chair

***Experts***

Ms Sheridan Burke  
Mr Graham Brown  
Ms Sandra Robinson  
Ms Gabrielle Morrish  
Mr John McInerney  
Prof. Helen Lochhead

- B. THAT Council notes that the Community Representatives remain unchanged until a time frame within 3 months of 30 September 2021 and noting that the Community Representatives are as follows:  
Bellevue Hill Ward - Ms Nicola Grieve  
Cooper Ward & Paddington Ward - Ms Keri Huxley  
Double Bay Ward - Mr Andrew Petrie  
Vaucluse Ward - Mr Graham Humphrey.

- C. THAT Council set the following remuneration rates for panel members:

Chair	-	\$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings
Experts	-	\$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings
Community Reps-		\$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings.

**Note:** The above rates do not include GST.

**Note:** The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.

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- D. THAT the Mayor be requested to write to the Minister for Planning to seek clarification that the new elected Council in March 2022 is given the ability to review the experts (strongly advocating that the term is only 12 months).
- E. THAT Councillors are given the opportunity to review the Experts proposed to be selected in the future to serve our community (i.e. 2024) - In future the elected members be to select them serve our community (taken on notice).

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

***For the Motion***

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

***9/5***

***Against the Motion***

Councillor Cullen  
Councillor Elsing  
Councillor Price  
Councillor Regan  
Councillor Silcocks

## Strategic & Corporate Committee

### Items with Recommendations from the Committee Meeting of Monday 7 June 2021 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>DELIVERY PROGRAM 2018 TO 2022 AND OPERATIONAL PLAN 2021/22</b>
<b>Authors:</b>	Henrietta McGilvray, Acting Chief Financial Officer Petrina Duffy, Coordinator Strategy & Performance
<b>Approvers:</b>	Sue Meekin, Acting Director Corporate Performance Craig Swift-McNair, General Manager
<b>File No:</b>	21/101974
<b>Reason for Report:</b>	To present to Council the submissions received as a result of the public exhibition, recommend adoption of the 2018-2022 Delivery Program and 2021-2022 Operational Plan and the making and levying of the 2021/22 rates and annual charges.

**Note:** Late correspondence was tabled by Henrietta McGilvray, Acting Chief Financial Officer.

#### **Motion moved by Councillor Shields Seconded by Councillor Jarvis**

- A. THAT Council note the two submissions received in relation to the Delivery Program 2018 to 2022 and Operational Plan 2021/22 in response to the public exhibition.
- B. THAT having considered the submissions received, Council adopt the exhibition copy of the draft Delivery Program 2018 to 2022 and Operational Plan 2021/22, including the 2021/22 Budget as its Delivery Program 2018 to 2022 and Operational Plan 2021/22, incorporating the following amendments:
- i Deferring to 2022/23 the Rose Bay and lower Bellevue Hill hydrogeological and geotechnical study for \$120,000.
  - ii Final adjustments following the Debt restructure of the NAB Kiaora Redevelopment Loan which impacts borrowing costs and principal loan repayments.
  - iii In the capital budget, removing the Redleaf Access Project and increasing the Knox St Pedestrianisation Project as we received confirmation of funding for these projects under the NSW Public Spaces Legacy program. This change does not alter the total capital budget.
  - iv Other minor adjustments that net to nil (including movements within employee costs, reclassifications within the Art Gallery budget, and changes to operating grant income).
  - v Increasing all second resident parking permits across all categories by the same percentage.
- C. THAT a copy of the Delivery Program 2018 to 2022 and Operational Plan 2021/22 be placed on Council's website in accordance with Section 405 of the Local Government Act 1993 and a link to the document be provided to the Chief Executive of the Office of Local Government.



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- D. THAT Council make and levy the Rates and Annual Charges set out in the Rating Structure for 2021/22, being:

Category / Sub Category	Rating Structure	Amount to be Levied \$	Rates in the \$, Base Amounts & Minimums
<b>Ordinary Rates:</b>			
Residential	Base Charge - 50% Ad Valorem - 50%	32,209,573	\$645.00 (Base Amount) 0.04468 cents in \$
Business	Ad Valorem - subject to a minimum All Ad Valorem - subject to a minimum	1,465,877	0.21971 cents in \$ \$672.44 (minimum)
<b>Business Sub Categories:</b>			
Double Bay		1,834,128	0.25942 cents in \$ \$672.44 (minimum)
Oxford Street Paddington		912,782	0.37067 cents in \$ \$672.44 (minimum)
Rose Bay (New South Head Road)		316,844	0.21705 cents in \$ \$672.44 (minimum)
Edgecliff		417,622	0.30386 cents in \$ \$672.44 (minimum)
Bellevue Hill		33,835	0.21950 cents in \$ \$672.44 (minimum)
Edgecliff / Grosvenor Streets, Woollahra		94,357	0.22756 cents in \$ \$672.44 (minimum)
Five Ways, Paddington		77,840	0.19217 cents in \$ \$672.44 (minimum)
New South Head Road, Vaucluse		49,437	0.22358 cents in \$ \$672.44 (minimum)
Old South Head Road, Rose Bay		57,017	0.15953 cents in \$ \$672.44 (minimum)
Old South Head Road, Vaucluse		15,835	0.11169 cents in \$ \$672.44 (minimum)
Plumer Road, Rose Bay		13,778	0.21787 cents in \$ \$672.44 (minimum)
Queen Street, Woollahra		249,733	0.16034 cents in \$ \$672.44 (minimum)
Watsons Bay		85,269	0.19951 cents in \$ \$672.44 (minimum)
<b>Special Rate:</b>			
Environmental & Infrastructure Renewal Levy (All Categories and sub-categories)	Base Charge - 50% Ad Valorem - 50%	4,492,886	\$85.45 (Base Amount) 0.005864 cents in \$
<b>Total Rates</b>		<b>42,326,813</b>	
<b>Annual Charges:</b>			
Domestic Waste Management Charge	\$557.50	15,443,326	
<b>Stormwater Management Charges:</b>			
Single residential dwelling	\$25.00	265,000	
Residential strata unit	\$12.00	175,000	
Business property	\$25.00 plus \$25.00 per 350m <sup>2</sup> (or part thereof) above 350m <sup>2</sup> in land area	48,000	
Business strata unit	\$5.00	2,500	
<b>Total Annual Charges</b>		<b>15,933,826</b>	
<b>Total Rates &amp; Annual Charges</b>		<b>58,260,639</b>	

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E. THAT Council notes and accepts the information presented in the late correspondence and Council re-exhibits the following fees for a period of 28 days and in the interim the existing fee for 2020-21 is charged:

- Dinghy Storage Fees
  - Resident from \$134 to \$310 one year hire
  - Non Resident from \$242 to \$510 one year hire
- Fitness Training Fees
  - Commercial Fitness Training from \$240 to \$550 per year per site
- Filming Fees
  - Site inspection (New Fee): \$150
  - Catering space from \$70 to \$120 per hour
  - Late fee (low impact) (New Fee): \$100 if within 3 days of shoot
  - Late fee (med/high impact) (New Fee): \$100 if within 3 days of shoot
- Parking work zones
  - Residential Parallel - per linear meter from \$52 to \$75
  - Residential Angle - per linear meter from \$101 to \$140
  - Non Residential Parallel - per linear meter from \$85 to \$100
  - Non Residential Angle - per linear meter from \$173 to \$200
  - Non Residential Parallel with Meter - per linear meter from \$126 to \$150
- Fast track applications
  - No change recommended.
- Permit to Stand
  - Permit to Stand Plant from \$388 to \$500
  - Consecutive Day Fee from \$212 to \$500
- Planning proposal
  - Initial Pre application meeting from \$2,800 to \$3,000
  - Further pre-application meeting from \$705 to \$1,000
  - Minor Planning Proposal fee of \$30,000 to replace the Stage 1 fee of \$17,690 and Stage 2 of \$8,900 (total \$26,860). Should the Planning Proposal not proceed to public exhibition, 30% of the fee will be refunded.
  - Major Planning Proposal fee of \$65,000 to replace the Stage 1 fee of \$43,025 and Stage 2 of \$25,680 (total \$68,705) Should the Planning Proposal not proceed to public exhibition, 30% of the fee will be refunded.
  - Complex Planning Proposal (New Fee) of \$100,000 (this is for more complex zone amendments and/or variations to development standards of greater than 20%. Should the Planning Proposal not proceed to public exhibition, 30% of the fee will be refunded).
  - LEP amendments (major and minor) from \$290 to \$300 per hour
- Impounding costs / Shopping Trolleys
  - no change is recommended.
- Ebikes

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- Penalty infringement notice for shared devices e.g. ebikes and bikes (New Fee) \$500
- Park hiring fees  
Sportsgrounds (Natural Turf)
  - no change is recommended.
- Park Hire (Social Events)
  - no change is recommended.
- Wedding Ceremonies  
Ceremonies (Wedding, Naming, Christening, Wakes etc):
  - 1-50 people: from \$245 to \$285 for the first hour
  - 51-100 people from \$435 to \$470 for the first hour
  - 100+ people from \$515 to \$550 for the first hour
  - Additional Hourly Fee: from \$123 to \$170 for each additional hour
- EV charging (clarification)  
The rate, which is consistent across the 3 Council Regional Environment Program, reflects the cost of electricity.

**Amendment moved by Councillor Price**  
**Seconded by Councillor Silcocks**

- A. THAT Council note the two submissions received in relation to the Delivery Program 2018 to 2022 and Operational Plan 2021/22 in response to the public exhibition.
- B. THAT having considered the submissions received, Council adopt the exhibition copy of the draft Delivery Program 2018 to 2022 and Operational Plan 2021/22, including the 2021/22 Budget as its Delivery Program 2018 to 2022 and Operational Plan 2021/22, incorporating the following amendments:
- i. Deferring to 2022/23 the Rose Bay and lower Bellevue Hill hydrogeological and geotechnical study for \$120,000.
  - ii. Final adjustments following the Debt restructure of the NAB Kiaora Redevelopment Loan which impacts borrowing costs and principal loan repayments.
  - iii. In the capital budget, removing the Redleaf Access Project and increasing the Knox St Pedestrianisation Project as we received confirmation of funding for these projects under the NSW Public Spaces Legacy program. This change does not alter the total capital budget.
  - iv. Other minor adjustments that net to nil (including movements within employee costs, reclassifications within the Art Gallery budget, and changes to operating grant income).
  - v. Increasing all second resident parking permits across all categories by the same percentage.
  - vi. The fee for a Pensioners' second resident parking permit is not increased and remains at \$58.
  - vii. That Council's capital works budget is amended to reflect a partial upgrade to the northern end of Yarranabbe Park (taking into account the following):
    - the proposed opening of the seawall and the construction of the harbour stairs is excluded from the design;
    - the current width of the pedestrian promenade is extended;
    - the northern lawn is re-turfed to improve the space for informal recreation and

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- picnics (including low level planting of garden beds);
  - the introduction of additional seating (including seating wall and benches along the promenade) for more opportunities to sit and enjoy the harbour views;
  - that all current lighting at Yarranabbe Park is reviewed to ascertain the viability of upgrading the existing lights to energy efficient lights with low glare (to help reduce light pollution).
- E. THAT Council re-exhibit the following proposed fees and charges (including new fees) for a period of 28 days and in the interim (subject to paragraphs G, H, I (below)), the existing fees and charges for 2020/21 are charged:
- (i) Dinghy Storage:  
Resident - \$310;  
Non-Resident - \$510
  - (ii) Parking Work Zones:  
Residential Parallel - \$75  
Residential Angle - \$140  
Non-Residential Parallel - \$100  
Non-Residential Angle - \$200  
Non-Residential Parallel with Meter - \$150
  - (iii) Permit to Stand:  
Permit to Stand Plant - \$500  
Consecutive Day Fee - \$500
  - (iv) Planning Proposals:  
Initial Pre-Application Meeting - \$3000  
Further Pre-Application Meeting - \$1000  
Minor Planning Proposal - \$30,000  
Major Planning Proposal - \$65,000  
Complex Planning Proposal (new fee) - \$100,000  
LEP Amendments - \$300 per hour
  - (v) Penalty Infringement Notices:  
EBikes (new fee) - \$500
  - (vi) Park Hiring Fees:  
Ceremonies:  
1-50 people - \$285 for the first hour  
51-100 people - \$470 for the first hour  
100+ - \$550 for the first hour  
Additional hourly fee - \$170 for each additional hour
- F. THAT fees and charges for Commercial Fitness Training Activities are reviewed during the consultation on Council's Fitness Training Activities on Public Open Space Policy.
- G. THAT whilst the current stay at home orders are in force (and for 28 days thereafter):
- (i) commercial fitness training activities are exempt from any fee or charge;
  - (ii) footway dining fees are waived; and
  - (iii) parking meter charges remain at 2020/21 rates.

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- H. THAT following 28 days after the current stay at home orders are lifted:
- (i) commercial fitness training activities;
  - (ii) footway dining fees; and
  - (iii) parking meter charges
- will be charged in accordance with the proposed 2021/22 fees and charges document dated, 22 June 2021.

**The Amendment was put and lost.**  
**The Motion was put and carried.**

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

***For the Amendment***

Councillor Cullen  
Councillor Elsing  
Councillor Price  
Councillor Regan  
Councillor Silcocks

***Against the Amendment***

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

5/9

(Shields/Jarvis)

**84/21 Resolved:**

- A. THAT Council note the two submissions received in relation to the Delivery Program 2018 to 2022 and Operational Plan 2021/22 in response to the public exhibition.
- B. THAT having considered the submissions received, Council adopt the exhibition copy of the draft Delivery Program 2018 to 2022 and Operational Plan 2021/22, including the 2021/22 Budget as its Delivery Program 2018 to 2022 and Operational Plan 2021/22, incorporating the following amendments:
- i Deferring to 2022/23 the Rose Bay and lower Bellevue Hill hydrogeological and geotechnical study for \$120,000.
  - ii Final adjustments following the Debt restructure of the NAB Kiaora Redevelopment Loan which impacts borrowing costs and principal loan repayments.
  - iii In the capital budget, removing the Redleaf Access Project and increasing the Knox St Pedestrianisation Project as we received confirmation of funding for these projects under the NSW Public Spaces Legacy program. This change does not alter the total capital budget.
  - iv Other minor adjustments that net to nil (including movements within employee costs, reclassifications within the Art Gallery budget, and changes to operating grant income).
  - v Increasing all second resident parking permits across all categories by the same percentage.
- C. THAT a copy of the Delivery Program 2018 to 2022 and Operational Plan 2021/22 be placed on Council's website in accordance with Section 405 of the Local Government Act

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1993 and a link to the document be provided to the Chief Executive of the Office of Local Government.

- D. THAT Council make and levy the Rates and Annual Charges set out in the Rating Structure for 2021/22, being:

Category / Sub Category	Rating Structure	Amount to be Levied \$	Rates in the \$, Base Amounts & Minimums
<b>Ordinary Rates:</b>			
Residential	Base Charge - 50% Ad Valorem - 50%	32,209,573	\$645.00 (Base Amount) 0.04468 cents in \$
Business	Ad Valorem - subject to a minimum	1,465,877	0.21971 cents in \$ \$672.44 (minimum)
All Ad Valorem - subject to a minimum			
<b>Business Sub Categories:</b>			
Double Bay		1,834,128	0.25942 cents in \$ \$672.44 (minimum)
Oxford Street Paddington		912,782	0.37067 cents in \$ \$672.44 (minimum)
Rose Bay (New South Head Road)		316,844	0.21705 cents in \$ \$672.44 (minimum)
Edgecliff		417,622	0.30386 cents in \$ \$672.44 (minimum)
Bellevue Hill		33,835	0.21950 cents in \$ \$672.44 (minimum)
Edgecliff / Grosvenor Streets, Woollahra		94,357	0.22756 cents in \$ \$672.44 (minimum)
Five Ways, Paddington		77,840	0.19217 cents in \$ \$672.44 (minimum)
New South Head Road, Vacluse		49,437	0.22358 cents in \$ \$672.44 (minimum)
Old South Head Road, Rose Bay		57,017	0.15953 cents in \$ \$672.44 (minimum)
Old South Head Road, Vacluse		15,835	0.11169 cents in \$ \$672.44 (minimum)
Plumer Road, Rose Bay		13,778	0.21787 cents in \$ \$672.44 (minimum)
Queen Street, Woollahra		249,733	0.16034 cents in \$ \$672.44 (minimum)
Watsons Bay		85,269	0.19951 cents in \$ \$672.44 (minimum)
<b>Special Rate:</b>			
Environmental & Infrastructure Renewal Levy (All Categories and sub-categories)	Base Charge - 50% Ad Valorem - 50%	4,492,886	\$85.45 (Base Amount) 0.005864 cents in \$
<b>Total Rates</b>		<b>42,326,813</b>	
<b>Annual Charges:</b>			
Domestic Waste Management Charge	\$557.50	15,443,326	
<b>Stormwater Management Charges:</b>			
Single residential dwelling	\$25.00	265,000	
Residential strata unit	\$12.00	175,000	
Business property	\$25.00 plus \$25.00 per 350m <sup>2</sup> (or part thereof) above 350m <sup>2</sup> in land area	48,000	
Business strata unit	\$5.00	2,500	
<b>Total Annual Charges</b>		<b>15,933,826</b>	

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<b>Total Rates &amp; Annual Charges</b>	<b>58,260,639</b>
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- E. THAT Council notes the information presented in the late correspondence and Council re-exhibits the following fees for a period of 28 days and in the interim the existing fee for 2020-21 is charged:
- Dinghy Storage Fees
    - Resident from \$134 to \$310 one year hire
    - Non Resident from \$242 to \$510 one year hire
  - Fitness Training Fees
    - Commercial Fitness Training from \$240 to \$550 per year per site
  - Filming Fees
    - Site inspection (New Fee): \$150
    - Catering space from \$70 to \$120 per hour
    - Late fee (low impact) (New Fee): \$100 if within 3 days of shoot
    - Late fee (med/high impact) (New Fee): \$100 if within 3 days of shoot
  - Parking work zones
    - Residential Parallel - per linear meter from \$52 to \$75
    - Residential Angle - per linear meter from \$101 to \$140
    - Non Residential Parallel - per linear meter from \$85 to \$100
    - Non Residential Angle - per linear meter from \$173 to \$200
    - Non Residential Parallel with Meter - per linear meter from \$126 to \$150
  - Fast track applications
    - No change recommended.
  - Permit to Stand
    - Permit to Stand Plant from \$388 to \$500
    - Consecutive Day Fee from \$212 to \$500
  - Planning proposal
    - Initial Pre application meeting from \$2,800 to \$3,000
    - Further pre-application meeting from \$705 to \$1,000
    - Minor Planning Proposal fee of \$30,000 to replace the Stage 1 fee of \$17,690 and Stage 2 of \$8,900 (total \$26,860). Should the Planning Proposal not proceed to public exhibition, 30% of the fee will be refunded.
    - Major Planning Proposal fee of \$65,000 to replace the Stage 1 fee of \$43,025 and Stage 2 of \$25,680 (total \$68,705) Should the Planning Proposal not proceed to public exhibition, 30% of the fee will be refunded.
    - Complex Planning Proposal (New Fee) of \$100,000 (this is for more complex zone amendments and/or variations to development standards of greater than 20%. Should the Planning Proposal not proceed to public exhibition, 30% of the fee will be refunded).
    - LEP amendments (major and minor) from \$290 to \$300 per hour
  - Impounding costs / Shopping Trolleys
    - no change is recommended.

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- Ebikes
  - Penalty infringement notice for shared devices e.g. ebikes and bikes (New Fee)  
\$500
- Park hiring fees  
Sportsgrounds (Natural Turf)
  - no change is recommended.
- Park Hire (Social Events)
  - no change is recommended.
- Wedding Ceremonies  
Ceremonies (Wedding, Naming, Christening, Wakes etc):
  - 1-50 people: from \$245 to \$285 for the first hour
  - 51-100 people from \$435 to \$470 for the first hour
  - 100+ people from \$515 to \$550 for the first hour
  - Additional Hourly Fee: from \$123 to \$170 for each additional hour
- EV charging (clarification)
  - The rate, which is consistent across the 3 Council Regional Environment Program, reflects the cost of electricity.

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

***For the Motion***

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

***Against the Motion***

Councillor Cullen  
Councillor Price  
Councillor Silcocks

***11/3***



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**Item No:** R2 Recommendation to Council  
**Subject:** **DRAFT PLAY SPACE STRATEGY FOR PUBLIC EXHIBITION**  
**Author:** Roger Faulkner, Team Leader - Open Space & Recreation Planning  
**Approvers:** Paul Fraser, Manager - Open Space & Trees  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 19/94999  
**Reason for Report:** To seek approval to publicly exhibit the document 'Woollahra Play: Play Space Strategy for Woollahra Council 2021-2031'

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**Item No:** R3 Recommendation to Council  
**Subject:** **DRAFT RECREATION STRATEGY**  
**Author:** Roger Faulkner, Team Leader - Open Space & Recreation Planning  
**Approvers:** Paul Fraser, Manager - Open Space & Trees  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/76601  
**Reason for Report:** To seek approval to place the draft Recreation Strategy on public exhibition

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

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## Environmental Planning Committee

### Items with Recommendations from the Committee Meeting of Tuesday 15 June 2021 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF &amp; PLANNING PROPOSAL - REMOVAL OF THE LAND RESERVED FOR ACQUISITION ALONG NEW SOUTH HEAD ROAD, EDGECLIFF</b>
<b>Author:</b>	Kristy Wellfare, Strategic Heritage Officer
<b>Approvers:</b>	Anne White, Manager - Strategic Planning Nick Economou, Acting Director Planning & Place
<b>File No:</b>	21/73189
<b>Reason for Report:</b>	To present the heritage significance assessment prepared by Council's Strategic Heritage Officer: Kristy Wellfare for the Cadry's building at 133 New South Head Road, Edgecliff. To recommend that Council resolves to prepare a planning proposal to list the Cadry's building (including interiors) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014. To recommend that Council resolves to prepare a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
<b>Note:</b>	This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

<b>Item No:</b>	R2 Recommendation to Council
<b>Subject:</b>	<b>DRAFT DCP TO ENHANCE THE NEIGHBOURHOOD HERITAGE CONSERVATION AREAS CONTROLS</b>
<b>Author:</b>	Flavia Scardamaglia, Strategic Heritage Officer
<b>Approvers:</b>	Anne White, Manager - Strategic Planning Nick Economou, Acting Director Planning & Place
<b>File No:</b>	21/87548
<b>Reason for Report:</b>	To respond to a Notice of Motion adopted by Council on 10 December 2018 requesting a review of the provisions for Neighbourhood Heritage Conservation Areas in the Woollahra Development Control Plan 2015. To obtain Council's approval to exhibit a draft development control plan to amend the Woollahra Development Control Plan 2015.
<b>Note:</b>	This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

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**Item No:** R3 Recommendation to Council  
**Subject:** **DRAFT LOCAL HOUSING STRATEGY, DRAFT AFFORDABLE HOUSING POLICY AND DISCUSSION PAPER: LOCAL CHARACTER IN WOOLLAHRA**  
**Author:** Kelly McKellar, Team Leader Strategic Planning  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/99771  
**Reason for Report:** To present the Draft Woollahra Housing Strategy 2021, Draft Woollahra Affordable Housing Policy 2021 and the Discussion Paper: Local Character in Woollahra.  
To obtain Council's approval to publicly exhibit the Draft Woollahra Housing Strategy 2021 and Draft Woollahra Affordable Housing Policy 2021 concurrently with community consultation on the Discussion Paper: Local Character in Woollahra

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**Item No:** R4 Recommendation to Council  
**Subject:** **PADDINGTON MARKETING STRATEGY**  
**Author:** Kate Burgess, Temp Coordinator Placemaking  
**Approver:** Matthew Gollan, Manager - Placemaking  
**File No:** 21/107300  
**Reason for Report:** To report the Paddington Marketing Strategy, prepared for Council by the Sparrowly Group.

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

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## Finance, Community & Services Committee

### Items with Recommendations from the Committee Meeting of Tuesday 15 June 2021 Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** **CHANGES TO FREE TICKET PARKING IN METERED PARKING AREAS IN DOUBLE BAY CENTRE AND OXFORD STREET, PADDINGTON**  
**Author:** Aurelio Lindaya, Manager Engineering Services  
**Approver:** Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/107292  
**Reason for Report:** To replace the 30 minute free ticket parking in Double Bay and Paddington with dedicated 30 minute non-metered parking spaces

**Note:** Late correspondence was tabled by Aurelio Lindaya, Manager Engineering Services.

#### **Motion moved by Councillor Price Seconded by Councillor Elsing**

- A. THAT pending the end of the current stay at home orders, Council remove the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington and install dedicated 30 minute non-metered parking spaces as detailed in the 'Amended' plans included in the late correspondence from Manager Engineering Services.
- B. THAT affected businesses and residents be notified of the parking changes (after the lifting of the current stay at home orders) for a period of 28 days prior to implementation.
- C. THAT staff explore further opportunities for broader communication strategies to advise business, residents and other road users of the parking change.

#### **Amendments moved by Councillor Shields Seconded by Councillor Cavanagh**

- A. THAT Council remove the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington and install dedicated 30 minute non-metered parking spaces as detailed in the 'Amended' plans included in the late correspondence from Manager Engineering Services.
- B. THAT affected businesses and residents be notified of the parking changes for a period of 28 days prior to implementation.
- C. THAT staff explore further opportunities for broader communication strategies to advise business, residents and other road users of the parking change.

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

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

***For the Amendment***

***Against the Amendment***

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

Councillor Cullen  
Councillor Elsing  
Councillor Price

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(Shields/Cavanagh)

**85/21 Resolved:**

- A. THAT Council remove the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington and install dedicated 30 minute non-metered parking spaces as detailed in the 'Amended' plans included in the late correspondence from Manager Engineering Services.
- B. THAT affected businesses and residents be notified of the parking changes for a period of 28 days prior to implementation.
- C. THAT staff explore further opportunities for broader communication strategies to advise business, residents and other road users of the parking change.

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

***For the Motion***

***Against the Motion***

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

Councillor Cullen  
Councillor Price

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**Item No:** R2 Recommendation to Council  
**Subject:** **HOLDSWORTH COMMUNITY - REPORTING DOCUMENTS AND BUDGET**  
**Author:** Sharon Campisi, Manager - Community & Culture  
**Approver:** Vicki Munro, Acting Director Community & Customer Experience  
**File No:** 21/98436  
**Reason for Report:** To provide Council with Holdsworth Community 2019/20 reporting documents and S356 grant.

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**Item No:** R3 Recommendation to Council  
**Subject:** **COMMUNITY, CULTURAL AND ENVIRONMENTAL GRANTS 2021/22**  
**Authors:** Rachel Bangoura, Community Development Officer  
Michelle Rose, Environmental Education Officer  
Jacky Hony, Team Leader - Community Development  
**Approvers:** Sharon Campisi, Manager - Community & Culture  
Vicki Munro, Acting Director Community & Customer Experience  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/100319  
**Reason for Report:** To give consideration to applications for Section 356 Community and Cultural Grants and Community Environmental Grants from local community groups, services, individuals and schools.

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**Item No:** R4 Recommendation to Council  
**Subject:** **'RACISM NOT WANTED' CAMPAIGN STREET SIGNS**  
**Authors:** Romi Fosco, Community Development Officer  
Jacky Hony, Team Leader - Community Development  
**Approvers:** Sharon Campisi, Manager - Community & Culture  
Vicki Munro, Acting Director Community & Customer Experience  
**File No:** 21/101883  
**Reason for Report:** Report to Committee following Council's adoption of a Notice of Motion on 26 April 2021.

**Note:** Late correspondence was tabled by Vicki Munro, Manager Woollahra Libraries.

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



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**Motion moved by Councillor Elsing  
Seconded by Councillor Robertson**

- A. THAT Council install the 12 'Racism Not Welcome' Campaign Street Signs at the following locations:
- Intersection Bellevue Road and Victoria Road, Bellevue Hill
  - Rushcutters Bay Park, Darling Point
  - Kiaora Lane, Double Bay
  - Guilfoyle Park, Double Bay
  - New South Head Road, Edgecliff (opposite train station)
  - Five Ways, Paddington
  - Wunulla Road, Point Piper
  - Ferry Wharf, Lyne Park, Rose Bay
  - Dover Road, Rose Bay
  - Vacluse Village, Vacluse
  - Ferry Wharf, Military Road, Watsons Bay
  - Cnr Queen and Ocean Streets, Woollahra.
- B. THAT budget in the amount of \$2,100 be approved in the 2021/22 budget.
- C. That staff develop and implement a communications campaign, including to local schools.

**Amendment moved by Councillor Jarvis  
Seconded by Councillor Zeltzer**

THAT Council takes no further action in terms of Racism signage in the Woollahra Council, whilst noting that 'Racism Not Welcome in Woollahra'.

**(Elsing/Robertson)**

**86/21 Resolved:**

- A. THAT Council install the 12 'Racism Not Welcome' Campaign Street Signs at the following locations:
- Intersection Bellevue Road and Victoria Road, Bellevue Hill
  - Rushcutters Bay Park, Darling Point
  - Kiaora Lane, Double Bay
  - Guilfoyle Park, Double Bay
  - New South Head Road, Edgecliff (opposite train station)
  - Five Ways, Paddington
  - Wunulla Road, Point Piper
  - Ferry Wharf, Lyne Park, Rose Bay
  - Dover Road, Rose Bay
  - Vacluse Village, Vacluse
  - Ferry Wharf, Military Road, Watsons Bay
  - Cnr Queen and Ocean Streets, Woollahra.
- B. THAT budget in the amount of \$2,100 be approved in the 2021/22 budget.
- C. That staff develop and implement a communications campaign, including to local schools.

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

**For the Motion**

**Against the Motion**

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

Councillor Cavanagh  
Councillor Jarvis  
Councillor Zeltzer

11/3

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**Item No:** R5 Recommendation to Council  
**Subject:** **RENEWAL OF PADDINGTON LIBRARY AGREEMENT**  
**Author:** Corinna Pierce, Library Customer Service Coordinator  
**Approver:** Vicki Munro, Acting Director Community & Customer Experience  
**File No:** 21/64480  
**Reason for Report:** This report seeks Council's endorsement to finalise the negotiations for the renewal of the Paddington Library Agreement with the City of Sydney Council for the period 1 July 2021 to 30 June 2024 with consideration for a further two year option.

(Marano/Shapiro)

**87/21 Resolved without debate:**

THAT Council authorise the General Manager to finalise negotiations and enter into an agreement with the City of Sydney Council for the management of Paddington Library, for the period 1 July 2021 to 30 June 2024, with consideration for a further two year option.

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

**For the Motion**

**Against the Motion**

Councillor Cavanagh  
Councillor Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Marano  
Councillor McEwin  
Councillor Price  
Councillor Regan

Nil

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Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Silcocks  
Councillor Wynne  
Councillor Zeltzer

14/0

**Item No:** R6 Recommendation to Council  
**Subject:** **CODE OF CONDUCT REVIEW PANEL**  
**Author:** Helen Tola, Manager - Governance & Council Support  
**Approvers:** Sue Meekin, Acting Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 21/99860  
**Reason for Report:** To recommend the appointment of a Code of Conduct Review Panel for a period of two (2) years, with an option to extend for up to a further two (2) years (1 + 1 years), commencing on 16 June 2021.

(Marano/Shapiro)

**88/21 Resolved without debate:**

- A. THAT Council receives and notes the Confidential Tender Recommendation Report from South Sydney Regional Organisation of Councils (SSROC) for the appointment of a Code of Conduct Review Panel for participating SSROC Councils.
- B. THAT Council accept the recommendation from SSROC for the appointment of the following respondents to the Expressions of Interest as Council's Code of Conduct Review Panel for a period of two (2) years subject to satisfactory performance, with an option to extend for up to a further two (2) years (1 + 1 years), commencing on 16 June 2021:
- Centium Pty Ltd
  - CT Management Group Pty Ltd
  - Nemesis Consulting t/a National Workplace Investigations
  - O'Connor Marsden and Associates Pty Ltd (OCM)
  - On Track Investigations Pty Ltd
  - Procure Group Pty Ltd
  - SINC Solutions Pty Ltd
  - Train Reaction Pty Ltd
  - PACK Investigations Pty Ltd as The Trustee for Weir Trading Trust t/a Weir Consulting (National).

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

**For the Motion**

**Against the Motion**

Councillor Cavanagh

Nil

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

**14/0**

Unconfirmed

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## Strategic & Corporate Committee

### Items with Recommendations from the Committee Meeting of Monday 21 June 2021 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>CROWN LAND RESERVES - DRAFT PLANS OF MANAGEMENT (POMS)</b>
<b>Author:</b>	Megan Holdsworth, Parks & Recreation Planner
<b>Approvers:</b>	Paul Fraser, Manager - Open Space & Trees Tom O'Hanlon, Director - Infrastructure & Sustainability Roger Faulkner, Team Leader - Open Space & Recreation Planning
<b>File No:</b>	21/87746
<b>Reason for Report:</b>	To recommend the draft Crown land reserves Plans of Management be forwarded to DPIE for review prior to placing on public exhibition.
<b>Note:</b>	This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

## **Councillor Reports/Councillor Updates (Section 8.4)**

**General Item No:** 15.1 COVID-19 Letter  
**Councillor:** Marano

**Councillor Marano advised:**

Thanks Madam Mayor. Before I get onto the subject of our most recent plaque unveiling, I just wanted to congratulate you on the letter you wrote to the Treasurer, along with the Mayors of Randwick and Waverley. I thought that it excellent and showed good leadership and you were getting ahead of things. So I thought it was very good. So thank you for that.

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

Thank you. There were a lot of people doing the same.

**Councillor Marano in further response:**

Of course, of course. But it was good to see that we did it as well.

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**General Item No:** 15.2 Plaque Unveiling  
**Councillor:** Marano

**Councillor Marano advised:**

Madam Mayor, the other thing was, we had our recent Plaque unveiling, I think it was last week maybe it was the week before.

**The Mayor in response:**

It seems like an eternity ago, doesn't it?

**Councillor Marano further advised:**

Seems like 6 months ago, so much has happened since. But we were so lucky to slip it in before we went back into lockdown but it was incredibly successful and for those of you who may have not known about it, it was to commemorate the series of about 5 or 6 Beatles concerts that were held in the Sydney Stadium in 1964 when they came out here. The Sydney Stadium was a very basic shed of a building with a very basic sound system with AWA speakers nailed to a few wooden pillars and apparently the sound was appalling but all the screaming girls loved it because they couldn't hear it over their screaming. But the Beatles, they tried to book into the Chevron Hotel, the Wentworth, the Sebel Townhouse and one other but they all declined because of this hysteria that followed them wherever they went. So a small hotel in Macleay Street Potts Point, the Sheraton, which is now serviced apartments offered to take them and that's where they stayed and there were like 500 or 600 screaming women on the pavement outside waiting for them to come out onto their balcony, and my mom was one of those screaming girls, and it was one of those special so I just felt a slight connection. Anyway, it was a very successful day and in a way we recreated history because we unveiled the curtain and the Beatles were there. They performed all 5 or 6 songs and I



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managed to track down, what I think is the best Beatles tribute band in the country called “Beatle Magic” and they performed and there was even a story on the Channel 9 News that night that Airlie Walsh did because she interviewed the Mayor and she interviewed the lady who spoke, a doctor who was there at the concert. Anyway, I think that Councillor Cavanagh was there and yourself, Madam Mayor, and it was just a wonderful day. It’s a pity that more of you couldn’t make it on the day because you would have loved it.

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

Can I absolutely congratulate you, Councillor Marano. I know that you absolutely love the Plaques, you do such a great job but I do also have to let everyone know that you also paid for the “Beatle Magic”. It was seriously so much fun and it was an absolute delight and as Councillor Marano said there were suddenly these curtains over the gates and he opened that to the delight of everyone there and Bob Rogers shared (a 94 ½ year old) a very interesting story, which I won’t repeat at a Council meeting but do make sure you ask either myself, or Councillor Marano or Councillor Cavanagh. But it was an absolutely fabulous celebration of our history and our heritage and the Plaques scattered throughout our municipality, particularly now that so many people out walking and everything. I see them all the time. It was absolutely fabulous and your generosity in paying for that Councillor Marano is wonderful. Thank you.

**Councillor Marano in further response:**

Well Madam Mayor I wasn’t going to let a budget deficit get in the way of a good time.

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

You certainly didn’t! And it was absolutely wonderful. Perfect timing, so thank you.

**Councillor Marano in further response:**

You’re welcome.

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<b>General Item No:</b>	15.3 Thank you to staff
<b>Councillor:</b>	The Mayor, Wynne

**The Mayor, Councillor Wynne advised:**

I would like to thank all the staff led our General Manager, for again going into COVID-19 action very smoothly. We were having interesting conversations whilst I was in hospital, so I don’t know if remember all of them. I certainly know that we are in safe hands. I thank the staff who moved so quickly to work from home. These are always challenging times when there is so much work on. The last health orders did not involve us to wear masks indoors. So every single staff member who has come to work, has to wear a mask all the time. I would like to thank your leadership, Mr Craig Swift-McNair, General Manager and also the speed at which you are communicating all that to everyone. So thank you.

**The General Manager in response:**

Thank you Madam Mayor.

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**General Item No:** 15.4New Director Community & Customer Experience  
**Councillor:** The Mayor, Wynne

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

I would also like to welcome Ms Patricia Ocelli, our new Director Community & Customer Experience. Welcome. It is Patricia's first day today. I didn't let everyone know you are online. So I would like to welcome you on behalf of all the Councillors and I am very sad we couldn't do it in person. I know that Craig has a lot of sympathy for you because it took him several months before he met the Councillors face to face. I would like to welcome you to Woollahra Council.

Unconfirmed

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## Notices of Motion

**Item No:** 16.1  
**Subject:** **NOTICE OF MOTION - SYNTHETIC TURF**  
**From:** Councillors Matthew Robertson and Megan McEwin  
**Date:** 01 June 2021  
**File No:** 21/102784

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

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**Item No:** 16.2  
**Subject:** **NOTICE OF MOTION - NET ZERO**  
**From:** Councillors Matthew Robertson and Megan McEwin  
**Date:** 16 June 2021  
**File No:** 21/113931

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

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**Item No:** 16.3  
**Subject:** **NOTICE OF MOTION - CALL FOR STATE GOVERNMENT TO PLAN AND DESIGNATE TRUCK STAGING AREA FOR DEVELOPMENTS IN EASTERN SYDNEY**  
**From:** Councillors Megan McEwin, Anthony Marano and Luise Elsing  
**Date:** 18 June 2021  
**File No:** 21/116108

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

28 June 2021

## Questions With Notice

**QWN:** 17.1  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - O'Sullivan Road Bike Path

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**QWN:** 17.2  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - Greenway - Next Steps

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**QWN:** 17.3  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - Active Transport Plan (ATP)

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**QWN:** 17.4  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - Oxford Street Cycleway

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

**QWN:** 17.5  
**From:** Councillor Regan  
**Subject:** Questions with Notice - DA390/2019 Scots College Application for a Car Park & Increase in Student Cap

**Note:** This Item was deferred and will be considered at the Extraordinary Council Meeting on 5 July 2021.

There being no further business the meeting concluded at 9.31pm.

**We certify that the pages numbered 321 to 365 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 28 June 2021 and confirmed by the Ordinary Meeting of Council on 26 July 2021 as correct.**

\_\_\_\_\_  
**General Manager**

\_\_\_\_\_  
**Mayor**

**Item No:** 5.2  
**Subject:** **CONFIRMATION OF EXTRAORDINARY COUNCIL MINUTES -  
5 JULY 2021**  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 21/138763  
**Reason for Report:** The Unconfirmed Minutes of the Extraordinary Council Meeting 5 July 2021 are circulated to be formally taken as read and confirmed.

**Recommendation:**

THAT the Minutes of the Council Meeting of 5 July 2021 be taken as read and confirmed.

---

**Annexures**

1. Unconfirmed Extraordinary Council Minutes - 5 July 2021 [↓](#) 



## Extraordinary Council



## Minutes

Monday 5 July 2021



## Extraordinary Council Meeting

Monday 5 July 2021

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## Extraordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held using teleconferencing technology, on  
5 July 2021 at 6.00pm.**

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

Councillors: Richard Shields  
Peter Cavanagh  
Claudia Cullen  
Luise Elsing  
Mary-Lou Jarvis  
Anthony Marano  
Nick Maxwell  
Megan McEwin  
Harriet Price  
Lucinda Regan (Not FC&S Item R2)  
Matthew Robertson  
Isabelle Shapiro  
Mark Silcocks  
Toni Zeltzer

Staff:	Nick Economou	(Acting Director – Planning & Place) - via Zoom
	Roger Faulkner	(Team Leader–Open Space & Recreation) - via Zoom
	Paul Fraser	(Manager – Open Space & Trees) - via Zoom
	Matthew Gollan	(Manager – Placemaking) - via Zoom
	Megan Holdsworth	(Parks & Recreation Planner) - via Zoom
	Kelly McKellar	(Team Leader – Strategic Planner) - via Zoom
	Sue Meekin	(Acting Director – Corporate Performance) - via Zoom
	Vicki Munro	(Manager – Libraries) - via Zoom
	Carolyn Nurmi	(Governance Officer)
	Patricia Occelli	(Director – Community & Customer Experience) - via Zoom
	Sue O'Connor	(Governance Officer)
	Tom O'Hanlon	(Director – Infrastructure & Sustainability)
	Craig Swift-McNair	(General Manager)
	Anne White	(Manager – Strategic Planning) - via Zoom

Also in Attendance: Nil

## Leave of Absence and Apologies

An apology was received and accepted from Councillor Nick Maxwell and leave of absence granted.

## Declarations of Interest

Councillor Regan declared a Significant, Non-Pecuniary interest in FC&S Item R2 (Holdsworth Community – Reporting Documents and Budget) as Councillor Regan is a Director of the Holdsworth Community Centre Limited. Councillor Regan left the zoom meeting and did not debate or vote on the matter.

Councillor Price declared a Non-Pecuniary, Non-Significant interest in FC&S Item R3 (Cultural Committee Minutes Report) as Councillor Price knows Amanda Lawson and Michelle Chanique who have applied for grants. Councillor Price remained in the meeting and voted on the matter.

Councillor McEwin declared a Non-Pecuniary, Non-Significant interest in FC&S Item R3 (Community, Cultural and Environmental Grants 2021/22) as Councillor McEwin is a former parent of the Glenmore Road Public School. Councillor McEwin remained in the meeting and voted on the matter.

## Late Correspondence

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Strategic & Corporate (7 June 2021) Item R2 & R3, FC&S Item R3, EP Item R4 & Strategic & Corporate (21 June 2021) Item R1.

Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

## Strategic & Corporate Committee

### Items with Recommendations from the Committee Meeting of Monday 7 June 2021 Submitted to the Council for Determination

**Item No:** R2 Recommendation to Council  
**Subject:** **DRAFT PLAY SPACE STRATEGY FOR PUBLIC EXHIBITION**  
**Author:** Roger Faulkner, Team Leader - Open Space & Recreation Planning  
**Approvers:** Paul Fraser, Manager - Open Space & Trees  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 19/94999  
**Reason for Report:** To seek approval to publicly exhibit the document 'Woollahra Play: Play Space Strategy for Woollahra Council 2021-2031'.

**Note:** Late correspondence was tabled by Paul Fraser, Council's Manager Open & Trees (2 pieces).

**Note:** The Council amended Part A final bullet point, as per late correspondence tabled by Paul Fraser, Council's Manager Open Space & Trees.

(Jarvis/Shapiro)

#### 89/21 Resolved:

- A. THAT the draft 'Woollahra Play: Play Space Strategy for Woollahra Council 2021-2031' be approved for a public exhibition period of 28 days plus a further 14 days for comments, subject to the following amendments:
- moving commentary regarding 'lack of space' to the front of the document;
  - the inclusion of a definition 'play space' within the Strategy;
  - the inclusion of time frames for priorities identified within the action plan;
  - include reference to limited/lack of space available within the Local Government Area;
  - include requirement to investigate inclusion of play spaces in the Wilberforce Car Park and Cross Street Car Park Developments;
  - explore the inclusion of temporary regular seasonably summer play facilities on the foreshores; and
  - include requirement to investigate inclusion of play spaces in the Wilberforce Car Park, Cross Street Car Park and Knox Street developments.
- B. THAT the draft 'Woollahra Play: Play Space Strategy for Woollahra Council 2021-2031' be exhibited concurrently with the draft Recreation Strategy and draft Plans of Management for Crown Land Reserves.
- C. THAT after the public exhibition period, the document is amended as appropriate and presented to Strategic & Corporate Committee for recommendation to full Council.

Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

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

**For the Motion**

**Against the Motion**

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

Nil

**14/0**

**Item No:** R3 Recommendation to Council  
**Subject:** **DRAFT RECREATION STRATEGY**  
**Author:** Roger Faulkner, Team Leader - Open Space & Recreation Planning  
**Approvers:** Paul Fraser, Manager - Open Space & Trees  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/76601  
**Reason for Report:** To seek approval to place the draft Recreation Strategy on public exhibition.

**Note:** Late correspondence was tabled by Council's Manager Open Space, Paul Fraser (2 pieces).

**Note:** The Council added new Resolution D.

**(Price/Cullen)**

**90/21 Resolved:**

- A. THAT the draft Recreation Strategy is approved for public exhibition for a period of 28 days plus a further 14 days for comments, with the amended changes recommended in the late correspondence to the Council meeting of 5 July 2021.
- B. THAT the draft Recreation Strategy be exhibited concurrently with the draft Woollahra Play Strategy and draft Plans of Management for Crown Land reserves.
- C. THAT after the public exhibition period, the draft Recreation Strategy be amended as appropriate and presented to the Strategic & Corporate Committee for recommendation to full Council.
- D. THAT the requirement to undertake a review of toilets through passive open space be added to the strategy prior to exhibition.

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Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

Unconfirmed



Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

## Environmental Planning Committee

### Items with Recommendations from the Committee Meeting of Tuesday 15 June 2021 Submitted to the Council for Determination

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF &amp; PLANNING PROPOSAL - REMOVAL OF THE LAND RESERVED FOR ACQUISITION ALONG NEW SOUTH HEAD ROAD, EDGECLIFF</b>
<b>Author:</b>	Kristy Wellfare, Strategic Heritage Officer
<b>Approvers:</b>	Anne White, Manager - Strategic Planning Nick Economou, Acting Director Planning & Place
<b>File No:</b>	21/73189
<b>Reason for Report:</b>	To present the heritage significance assessment prepared by Council's Strategic Heritage Officer: Kristy Wellfare for the Cadry's building at 133 New South Head Road, Edgecliff. To recommend that Council resolves to prepare a planning proposal to list the Cadry's building (including interiors) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014. To recommend that Council resolves to prepare a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.

(Jarvis/Shapiro)

#### 91/21 Resolved:

- A. THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
- C. THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT the heritage significance of the properties at 543-549 Glenmore Road be assessed and recommendations provided regarding the listing of these properties in Schedule 5 of the Woollahra LEP 2014 and on the State Heritage Register.

Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

---

**Item No:** R2 Recommendation to Council  
**Subject:** **DRAFT DCP TO ENHANCE THE NEIGHBOURHOOD HERITAGE CONSERVATION AREAS CONTROLS**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/87548  
**Reason for Report:** To respond to a Notice of Motion adopted by Council on 10 December 2018 requesting a review of the provisions for Neighbourhood Heritage Conservation Areas in the Woollahra Development Control Plan 2015.  
To obtain Council's approval to exhibit a draft development control plan to amend the Woollahra Development Control Plan 2015.

**(Jarvis/Robertson)**

**92/21 Resolved without debate:**

- A. THAT the report on the review of the provisions for Neighbourhood Heritage Conservation areas in the Woollahra Development Control Plan 2015 be received and noted.
- B. THAT Council resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No.19)* as contained in **Annexure 1** of the report to the Environmental Planning Committee on 15 June 2021.

Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

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

**For the Motion**

**Against the Motion**

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

Nil

14/0

---

**Item No:** R3 Recommendation to Council  
**Subject:** **DRAFT LOCAL HOUSING STRATEGY, DRAFT AFFORDABLE HOUSING POLICY AND DISCUSSION PAPER: LOCAL CHARACTER IN WOOLLAHRA**  
**Author:** Kelly McKellar, Team Leader Strategic Planning  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/99771  
**Reason for Report:** To present the Draft Woollahra Housing Strategy 2021, Draft Woollahra Affordable Housing Policy 2021 and the Discussion Paper: Local Character in Woollahra.  
To obtain Council's approval to publicly exhibit the Draft Woollahra Housing Strategy 2021 and Draft Woollahra Affordable Housing Policy 2021 concurrently with community consultation on the Discussion Paper: Local Character in Woollahra.

(Jarvis/Robertson)

**93/21 Resolved without debate:**

- A. THAT the report on the *Draft Woollahra Local Housing Strategy 2021, Draft Woollahra Affordable Housing Policy 2021 and Discussion Paper: Local Character in Woollahra Character* is received and noted.
- B. THAT Council resolves to publicly exhibit the following documents:
- i. *Draft Woollahra Local Housing Strategy 2021* (at **Annexure 1**) subject to updating the indicative timeframes for actions related to housing affordability from 'ongoing' to 'short term / ongoing'.

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Woollahra Municipal Council  
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5 July 2021

- ii. *Draft Woollahra Affordable Housing Policy 2021* (at **Annexure 2**)
- iii. *Discussion Paper: Local Character in Woollahra* (at **Annexure 3**).

C. THAT submissions received during the public exhibition are reported to a future Committee meeting of Council.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

**Item No:** R4 Recommendation to Council  
**Subject:** **PADDINGTON MARKETING STRATEGY**  
**Author:** Kate Burgess, Temp Coordinator Placemaking  
**Approver:** Matthew Gollan, Manager - Placemaking  
**File No:** 21/107300  
**Reason for Report:** To report the Paddington Marketing Strategy, prepared for Council by the Sparrowly Group.  
**Note:** In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the Committee being divided between the Motion (2 votes) and the Amendment (2 votes) and the Committee resolved that both the Motion and the amendment be submitted to Council for consideration.

**Note:** Late correspondence was tabled by Matthew Gollan, Council's Manager Placemaking.

**Motion moved by Councillor Jarvis**  
**Seconded by Councillor Zeltzer**

THAT the Environmental Planning Committee note that Council and other stakeholders will use the Paddington Marketing Strategy as provided at Annexure 1, as a strategic resource to utilise in the promotion of Paddington without endorsing the actions identified in the Paddington Marketing Strategy.

Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

**Amendment moved by Councillor Price  
Seconded by Councillor Elsing**

- A. THAT the analysis and actions in the Paddington Marketing Strategy prepared by the Sparrowly Group in November 2020, are not endorsed.
- B. THAT Paddington Marketing campaign and initiatives which is contained in Annexure 2 of the Environmental Planning Committee Agenda of 15 June 2021 are considered at the next meeting of the Oxford Street Working Party.

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

**For the Amendment**

Councillor Cullen  
Councillor Elsing  
Councillor Marano  
Councillor Price  
Councillor Regan  
Councillor Silcocks

**Against the Amendment**

Councillor Cavanagh  
Councillor Jarvis  
Councillor McEwin  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

6/8

**The Amendment was put and lost.  
The Motion was put and carried.**

**(Jarvis/Zeltzer)**

**94/21 Resolved:**

THAT the Environmental Planning Committee note that Council and other stakeholders will use the Paddington Marketing Strategy as provided at Annexure 1, as a strategic resource to utilise in the promotion of Paddington without endorsing the actions identified in the Paddington Marketing Strategy.

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

**For the Motion**

Councillor Cavanagh  
Councillor Jarvis  
Councillor McEwin  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

**Against the Motion**

Councillor Cullen  
Councillor Elsing  
Councillor Marano  
Councillor Price  
Councillor Regan  
Councillor Silcocks

8/6

Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

## Finance, Community & Services Committee

### Items with Recommendations from the Committee Meeting of Tuesday 15 June 2021 Submitted to the Council for Determination

**Item No:** R2 Recommendation to Council  
**Subject:** **HOLDSWORTH COMMUNITY - REPORTING DOCUMENTS AND BUDGET**  
**Author:** Sharon Campisi, Manager - Community & Culture  
**Approver:** Vicki Munro, Acting Director Community & Customer Experience  
**File No:** 21/98436  
**Reason for Report:** To provide Council with Holdsworth Community 2019/20 reporting documents and S356 grant.

**Note:** Councillor Regan declared a Significant, Non-Pecuniary interest in this Item, as Councillor Regan is a Director of the Holdsworth Community Centre Limited. Councillor Regan left the zoom meeting and did not debate or vote on the matter.

(Marano/Elsing)

**95/21 Resolved:**

- A. THAT Council note the Holdsworth Community 2019/20 Annual Report, Financial Statements, Current Strategic Issues and the proposed 2021/2022 Holdsworth budget.
- B. THAT Council note that Council's proposed 2021/2022 financial contribution to Holdsworth Community is \$1,026,498, as included in Council's draft 2021/2022 budget.
- C. THAT Council undertake a review of the funding agreement between Council and Holdsworth Community by the end of 2021, with a view to ensuring that Council's financial contribution is providing value for money and adequate support to residents of the Woollahra Local Government Area.
- D. THAT Council advise Holdsworth Community of its intention to undertake a review of the Funding Agreement.

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

**For the Motion**

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

**Against the Motion**

Nil

13/0



Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

**Item No:** R3 Recommendation to Council  
**Subject:** **COMMUNITY, CULTURAL AND ENVIRONMENTAL GRANTS 2021/22**  
**Authors:** Rachel Bangoura, Community Development Officer  
Michelle Rose, Environmental Education Officer  
Jacky Hony, Team Leader - Community Development  
**Approvers:** Sharon Campisi, Manager - Community & Culture  
Vicki Munro, Manager Library  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/100319  
**Reason for Report:** To give consideration to applications for Section 356 Community and Cultural Grants and Community Environmental Grants from local community groups, services, individuals and schools.

**Note:** Late correspondence was tabled by Vicki Munro, Council's Manager Woollahra Libraries.

**Note:** Councillor Price declared a Non-Pecuniary, Non-Significant interest in this Item, as Councillor Price knows Amanda Lawson and Michelle Chanique who have applied for grants. Councillor Price remained in the meeting and voted on the matter.

**Note:** Councillor McEwin declared a Non-Pecuniary, Non-Significant interest in this Item, as Councillor McEwin is a former parent of the Glenmore Road Public School. Councillor McEwin remained in the meeting and voted on the matter.

**Note:** The Council amended Part C & added new Part E to the resolution.

**Motion moved by Councillor Jarvis**  
**Seconded by Councillor Zeltzer**

- A. THAT Council approve the selection panel's recommendations for large and small grants under Round 1 of the 2021/22 Community and Cultural Grants Program.
- B. THAT Council approve the selection panel's recommendations for successful 2021/22 Community Environmental Grants.
- C. THAT a report is prepared analysing best practice and making recommendations on how we could invigorate the Council Grants Program (including encouraging a broader cross section of applicants and improving communication and promotion of successful applicants and their programs), prior to the opening of Round 2.
- D. THAT Council advise all past grant applicants and recipients of the upcoming Council Grants Program review.
- E. THAT Council approve the Rotary Club of Rose Bay Incorporated's grant request for 'Doggy Day Out' for \$4,480, subject to meeting Council's requirements and approvals.



Woollahra Municipal Council  
Council Meeting Minutes

5 July 2021

**Amendment moved by Councillor Price  
Seconded by Councillor Elsing**

- A. THAT Council approve the selection panel's recommendations for large and small grants under Round 1 of the 2021/22 Community and Cultural Grants Program.
- B. THAT Council approve the selection panel's recommendations for successful 2021/22 Community Environmental Grants.
- C. THAT a report is prepared analysing best practice and making recommendations on how we could invigorate the Council Grants Program (including encouraging a broader cross section of applicants and improving communication and promotion of successful applicants and their programs), prior to the opening of Round 2.
- D. THAT Council advise all past grant applicants and recipients of the upcoming Council Grants Program review.

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

***For the Amendment***

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

***Against the Amendment***

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

7/7

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

**The Amendment was put and lost.  
The Motion was put and carried.**

**(Jarvis/Zeltzer)**

**96/21 Resolved:**

- A. THAT Council approve the selection panel's recommendations for large and small grants under Round 1 of the 2021/22 Community and Cultural Grants Program.
- B. THAT Council approve the selection panel's recommendations for successful 2021/22 Community Environmental Grants.
- C. THAT a report is prepared analysing best practice and making recommendations on how we could invigorate the Council Grants Program (including encouraging a broader cross section of applicants and improving communication and promotion of successful applicants and their programs), prior to the opening of Round 2.
- D. THAT Council advise all past grant applicants and recipients of the upcoming Council Grants Program review.
- E. THAT Council approve the Rotary Club of Rose Bay Incorporated's grant request for 'Doggy Day Out' for \$4,480, subject to meeting Council's requirements and approvals.

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

***For the Motion***

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

***Against the Motion***

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

7/7

**Note:** The Motion was carried on the casting vote of The Mayor, Councillor Wynne.

Unconfirmed

## Strategic & Corporate Committee

### Items with Recommendations from the Committee Meeting of Monday 21 June 2021 Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** **CROWN LAND RESERVES - DRAFT PLANS OF MANAGEMENT (POMS)**  
**Author:** Megan Holdsworth, Parks & Recreation Planner  
**Approvers:** Paul Fraser, Manager - Open Space & Trees  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
Roger Faulkner, Team Leader - Open Space & Recreation Planning  
**File No:** 21/87746  
**Reason for Report:** To recommend the draft Crown land reserves Plans of Management be forwarded to DPIE for review prior to placing on public exhibition.

**Note:** Late correspondence was tabled by Paul Fraser, Council's Manager Open Space & Trees.

**Note:** The Council amended the Resolution as per late correspondence tabled by Paul Fraser, Council's Manager Open Space & Trees.

**Note:** Councillor Shields took on Amendments to Resolution B by Councillor Price & new Resolution D by Councillor McEwin.

(Shields/Shapiro)

**97/21 Resolved:**

- A. THAT Council forward the draft Plans of Management to the Department of Planning, Industry and Environment (DPIE) as the owner of the land for review, in accordance with the Crown Land Management Act 2016 and Section 39 of the Local Government Act 1993 with the amended changes in the late correspondence to the Council meeting of 28 June 2021.
- B. THAT following approval by DPIE, Council publicly exhibits the draft plans (concurrently with the draft Recreation Strategy and draft Playspace Strategy) for 28 days after the closing of the exhibition period for the affordable Housing Strategy and the Local Character Strategy and that submissions be received for a period of not less than 42 days after the commencement of the exhibition period, in accordance with Section 38 of the Local Government Act 1993.
- C. THAT after the public exhibition period, the documents are amended as appropriate and presented to Strategic & Corporate Committee for recommendation to full Council for adoption.
- D. THAT Council Staff prepare a communications strategy and report back to the Council about engagement with the community prior to exhibition of the Plan.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

Unconfirmed

## **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:** 9.1 Victoria Barracks Open Day  
**Councillor:** Price

**Councillor Price advised:**

I just want to congratulate the Victoria Barracks before the lockdown they had an open day up at Paddington and it's the first of many that they are hoping to have where they invite the community behind the beautiful sandstone walls of Paddington Barrack's. It's a wonderful opportunity for the community to see the amazing heritage buildings and the beautiful grounds that are behind those walls and I do know that the Commander has extended the invitation to all Councillors and they are hoping that after the lockdown it will become a regular Sunday event and I think they are planning to have it every last Sunday of the month.

I will stay in contact with them in relation to future dates but it really was a lovely opportunity for the community to connect to the barracks, so I just wanted to bring that to everyone's attention.

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**General Item No:** 9.2 Paddington in Pictures Exhibition  
**Councillor:** Price

**Councillor Price advised:**

The Paddington and Pictures Exhibition which was street photography of the Paddington area and the Paddington Library exhibited these beautiful photographs and they were on exhibition just prior to the lockdown and hopefully once the lockdown is lifted we will have even more people able to visit the Library to see those beautiful pictures.

The Library hosted a talk with the curator of that exhibition Elizabeth Meryment and that was very well attended and very well received and she spoke about the local Paddington Magazine and Publications that are very popular throughout Paddington and I just wanted to congratulate both Ms Meryment and also the Library working in partnership with that during the Sydney Solstice Festival.

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**General Item No:** 9.3 Sydney Solstice Festival  
**Councillor:** Price

**Councillor Price advised:**

The Sydney Solstice Festival was a 'Visit Paddington Event' they applied for State Government Funding from Destinations New South Wales and they were successful in getting that funding and they held the 5 Ways Festival just prior to the lockdown, they just go in by the skin of their teeth, in terms of that lockdown. It was a COVID Safe event and it was very well attended by the community. It was a bit of a rainy day but we still had a great turnout and I would like to congratulate everyone from Visit Paddington for organising that event, and also for all those small businesses that participated in that event.

Finally to also thank Council staff for working so cooperatively with Visit Paddington because the turnaround time from the date that the funding was announced to the day of the actual event was very tight and I really appreciate all the hard work that the staff did in getting the approval processes in place especially the closure of Thornton Street and Heeley Street it was really fantastic so thanks again to everyone who was involved and congratulations to all.

---

**General Item No:** 9.4 COVID  
**Councillor:** The Mayor, Wynne

**The Mayor, Councillor Wynne advised:**

I just want to congratulate and thank staff as we have gone into lockdown again at the speed of which that has all happened with the communication that has been flowing we got a lovely letter from the Governor thanking council and the staff for all the hard work they do and she said COVID has really highlighted the importance on Local Government and the important role it plays and that our beaches, streets and parks are looking magnificent and I just think it is worth acknowledging the hard work that staff are putting into to all of that, so thank you.

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## Notices of Motion

**Item No:** 10.1  
**Subject:** NOTICE OF MOTION - SYNTHETIC TURF  
**From:** Councillors Matthew Robertson and Megan McEwin  
**Date:** 01 June 2021  
**File No:** 21/102784

**(Robertson/Shields)**

**98/21 Resolved:**

THAT Council notes:

- A. the preliminary research by Dr Scott Wilson from Macquarie University and the Australian Microplastics Assessment Project (AUSMAP) conducted for the Northern Beaches Council AUSMAP survey, indicating that synthetic turf is a source of microplastics pollution in waterways and bushland;
- (i) the high level of concern among the local Woollahra community about the detrimental environmental impacts of plastics in our oceans;
  - (ii) the Departmental Inquiry initiated by NSW Planning Minister Rob Stokes "to investigate sustainable alternatives to synthetic grass amid growing concerns about its environmental and health impacts." SMH March 14th 2021  
<https://www.smh.com.au/national/nsw/fake-grass-may-be-greener-but-much-hotter-and-less-friendly-to-environment-20210312-p57a95.html>; and
- B. THAT following receipt of the aforementioned departmental enquiry, requests staff to prepare a report that identifies;
- (i) the amount of annual refill that is required for the synthetic grass on Woollahra's synthetic playing fields;
  - (ii) whether stormwater runoff is being monitored for leaching of microplastics near these fields;
  - (iii) the effects of the heat impacts of the synthetic turf on Woollahra's synthetic playing fields during the hot summer months; and
  - (iv) request staff to prepare a report that identifies the amount of abrasion style injuries compared to natural turf playing fields and consider options on how to minimise these injuries.
- C. THAT Council resolves to place a moratorium on synthetic grass for any new sporting field within the Woollahra local government area, municipality, until the requested report is presented to Council and Minister Stokes' Departmental report is finalised and considered by Council staff.



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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

Unconfirmed

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**Item No:** 10.2  
**Subject:** **NOTICE OF MOTION - NET ZERO**  
**From:** Councillors Matthew Robertson and Megan McEwin  
**Date:** 16 June 2021  
**File No:** 21/113931

**(Robertson/McEwin)**

**99/21 Resolved:**

THAT Council notes:

- A. Notes its declaration of a state of climate emergency on 9 September 2019 and subsequent report outlining the actions Council is taking to address the climate crisis, including:
- (i) Auditing carbon emissions and obtaining carbon neutral certification under the Federal Government Climate Active program.
  - (ii) Switching to energy efficient LED streetlights
  - (iii) Installing rooftop solar on Council sites such as Double Bay Library (Kiaora)
  - (iv) Retrofitting Council buildings with energy efficient LED lighting and installing occupancy sensors.
  - (v) Sourcing 30% of electricity for our large sites from renewable energy (Moree Solar Farm).
- B. Notes the support it provides to our community to reduce emissions by:
- (i) Assisting schools and clubs to install rooftop solar through the Solar My School, Solar My Club and Community Environmental Grants programs.
  - (ii) Increasing understanding of how to reduce energy use by holding free workshops for residents
  - (iii) Helping apartment blocks reduce energy use by providing an energy assessment and other advice
  - (iv) Providing the 'Kitchen to Compost' service - reducing organic waste sent to landfill reduces greenhouse gas emissions.
- C. Notes the NSW Government's commitment to net zero emissions by 2050:  
<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Climate-change/net-zero-plan-2020-2030-200057.pdf>
- D. Notes the OECD's commitment to net zero emissions by 2050: <https://www.oecd.org/environment/focus-eliminate-emissions-cop19.htm> and the Group of 7's recent commitment to net zero emissions by 2050: <https://www.energyglobal.com/special-reports/15062021/iea-welcomes-g7-net-zero-commitments/>
- E. Calls on the Morrison Government and the Commonwealth Parliament to formally commit Australia to net zero emissions by the year 2050 or sooner.
- F. Requests the Mayor to write to the Prime Minister, the Hon Scott Morrison and all members of the Commonwealth Parliament, copying the NSW Premier the Hon Gladys Berejiklian and Minister for the Energy and Environment, the Hon Matt Kean, as well as Woollahra's local state members and the Mayors of Waverly, Randwick and the City of Sydney Councils.

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

**For the Motion**

**Against the Motion**

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

Nil

**14/0**

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**Item No:** 10.3  
**Subject:** **NOTICE OF MOTION - CALL FOR STATE GOVERNMENT TO PLAN AND DESIGNATE TRUCK STAGING AREA FOR DEVELOPMENTS IN EASTERN SYDNEY**  
**From:** Councillors Megan McEwin, Anthony Marano and Luise Elsing  
**Date:** 18 June 2021  
**File No:** 21/116108

**(McEwin/Marano)**

**100/21 Resolved:**

THAT Council

A. Notes that:

- i Developments in the Woollahra LGA require trucks for excavation, deliveries, and other purposes. These trucks usually have air brakes and large engines which cause considerable noise;
- ii Until recently, Driver Avenue (near Moore Park) served as the staging area for these trucks. Following the closure of Driver Avenue for the rebuild of the football stadium, trucks started using Oxford street as their staging area from the early hours, causing the local residents to lose the quite enjoyment of their residences;
- iii Woollahra Council, Waverley Council and Transport for NSW consulted with residents along Oxford Street and implemented parking restrictions so that trucks cannot park there between 2am-6am.
- iv Despite this, trucks currently have no staging area and therefore continue to park along Oxford street and this has now become an ongoing enforcement issue.

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- B. Write to the Minister for Planning, outlining the issue and calling on the State Government to plan and implement an appropriate truck staging area away from residential areas for developments in Sydney's Eastern Suburbs.
- C. Adopts as part of the development consent process for all developments a designated truck staging area away from residential streets.

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

***For the Motion***

***Against the Motion***

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

Nil

***14/0***

## Questions With Notice

(Marano/Zeltzer)

**101/21 Resolved:**

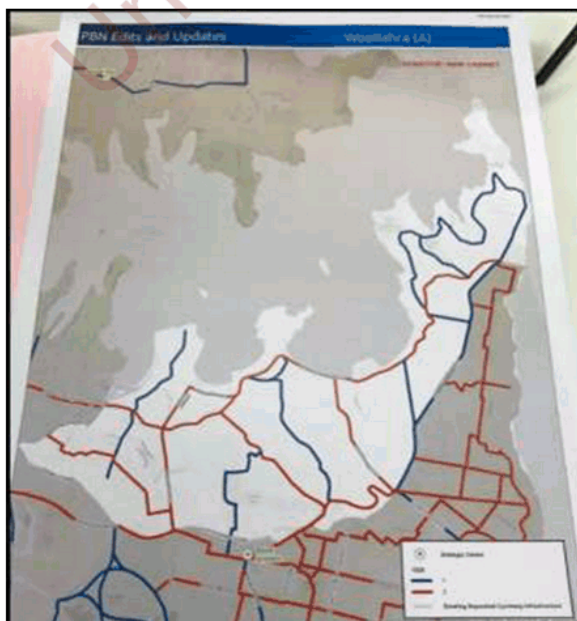
THAT the Questions with Notice be received and noted.

**QWN:** 11.1  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - O'Sullivan Road Bike Path

**Councillor McEwin asking:**

The attached map shows the Transport for NSW PBN bike path route prioritisation map which shows tier 1 and tier 2 routes. On this map, O'Sullivan Road is not considered a tier 1 route. This is important because of funding, with Tier 1 routes attracting more funding than Tier 2 routes. Tier 1 routes may also result in State Government Road User Space Allocation Policies apply so that pedestrians and bike riders are prioritised over cars.

- a. Can staff please advise what input Council has had towards this Designation of Tier 1 or 2 status?
- b. Did Council recommend Tier 1 or 2 status for this route?
- c. Can staff please provide Councillors with copies of all the designs for this bike path, including the original design following the NOM, the pop-up bike path design, the design being put forward by TNSW and the alternate design put forward by staff?



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**Manager Engineering in response:**

- a. Can staff please advise what input Council has had towards this Designation of Tier 1 or 2 status?

*Council staff have provided input into Transport for NSW's (TfNSW) Principal Bike Network (PBN). TfNSW engaged specialist transport consultants to develop a prioritisation matrix for their Principal Bike Network and Council staff provided input into process.*

- b. Did Council recommend Tier 1 or 2 status for this route?

*Council staff have consistently advised TfNSW that the O'Sullivan Road Cycleway is a high priority cycleway route for Council. As detailed above, TfNSW were responsible for the prioritisation matrix for their PBN and were responsible for prioritisation designation for bike routes across Greater Sydney and NSW.*

- c. Can staff please provide Councillors with copies of all the designs for this bike path, including the original design following the NOM, the pop-up bike path design, the design being put forward by TNSW and the alternate design put forward by staff?

*All designs to date relating to the O'Sullivan Road Pop-up cycleway have been developed by TfNSW, noting that Council staff have proposed amendments to the design to minimise parking loss associated with the cycleway design. Council staff have sought advice from TfNSW requesting that the design be made available to Councillors and a further update will be provided once we have heard back from TfNSW.*

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**QWN:** 11.2  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - Greenway - Next Steps

**Councillor McEwin asking:**

Could Council staff please provide an update on the agreed next steps from the last working party meeting - namely:

- Finalisation of feasibility study, concept drawings and QS for reporting to Council (Finance, Community & Services Committee and full Council) in May.
- Public exhibition of the feasibility study likely from June.
- Further detailed discussions with affected land and asset owners, in particular Hakoah, Sydney Grammar and Sydney Water.
- Commencement of Rushcutters Creek detailed design including detailed site investigations.

**Director Infrastructure & Sustainability in response:**

The Paddington Greenway feasibility study is in draft final format, but further discussions are taking place with affected land and asset owners, particularly Hakoah, Sydney Grammar and Sydney Water to ensure that the section of the greenway through the Rushcutters Creek section has support and is able to be delivered. Since the last Paddington Greenway Project Steering Group meeting there have been multiple meetings with Hakoah and a meeting and site inspection with Sydney Grammar. It is anticipated that the feasibility study will be finalised shortly for reporting to Council and public exhibition.

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Detailed site investigations for the Rushcutters Creek section are commencing imminently and Council has appointed Civile Pty Ltd, the consultants undertaking the feasibility study, to coordinate the site investigation studies.

**QWN:** 11.3  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - Active Transport Plan (ATP)

**Councillor McEwin asking:**

- a. Is there a date for when this will be released?
- b. As part of ongoing consultation efforts, will key cycling groups such as BIKEast and BNSW be provided a draft plan prior to public release?
- c. Which projects are shortlisted as priority cycling routes - to be funded and constructed within the next 4 years?
- d. Will the ATP be released prior to upcoming elections and the prior caretaker period?

**Manager Engineering Services in response:**

- a. Is there a date for when this will be released?

*The Draft Active Transport Plan (ATP) is being reviewed by staff and is currently being finalised. A Councillor Briefing on the Draft ATP will be scheduled for July/August 2021.*

- b. As part of ongoing consultation efforts, will key cycling groups such as BIKEast and BNSW be provided a draft plan prior to public release?

*BIKEast and BNSW were consulted as part of the development of the draft ATP. Once Councillors have been briefed and the matter has been reported to Council, the Draft ATP will be publicly exhibited and key stakeholders, such as BIKEast and BNSW, will again be given an opportunity to provide input and feedback on the draft plan. The feedback and comments received will be considered as part of the finalisation of the ATP.*

- c. Which projects are shortlisted as priority cycling routes - to be funded and constructed within the next 4 years?

*Priority cycling routes will be a key consideration in the Councillor Briefing on the Draft ATP and will be detailed in the publicly exhibited report.*

- d. Will the ATP be released prior to upcoming elections and the prior caretaker period?

*The Councillor Briefing on the Draft ATP will occur during the caretaker period and a report will be presented to Council after the elections which recommends public exhibition of the Draft ATP.*



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**QWN:** 11.4  
**From:** Councillor McEwin  
**Subject:** Questions with Notice - Oxford Street Cycleway

**Councillor McEwin asking:**

Can staff please provide an update on this project, including what discussions have been had with CoS?

**Director Infrastructure & Sustainability in response:**

You would be aware from media reports earlier this year that the State and Federal Governments have allocated funds for the installation of an on-road separated cycleway along Oxford Street, from Taylor Square to Paddington Gates. This will connect to the previously announced cycleway between Taylor Square and Hyde Park. Council staff have been liaising with officers of City of Sydney and TfNSW on the proposal and I can advise as follows;

1. The project will be managed and constructed by TfNSW as owners and road authority of Oxford St.
2. City of Sydney have undertaken a study of options for positioning of the cycleway in the roadway and have prepared 'strategic' concept designs to inform the project.
3. As of last week, the City of Sydney study and design package has been provided to Council and TfNSW. TfNSW have advised us that they will now review the work done by City of Sydney prior to organising a workshop with staff from Woollahra and Sydney to discuss options and issues. We understand that this will occur in the next month.
4. TfNSW have been requested to convene a broader stakeholder group to inform the project, with participants nominated by the two Councils and TfNSW. I will provide more information on this in the coming weeks.

We are not in a position at this stage to circulate the study and design package provided by City of Sydney, noting that it has no formal status and has not yet been reviewed by Council staff or TfNSW.

I will update you further following our workshop with TfNSW and City of Sydney next month.

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**QWN:** 6.5  
**From:** Councillor Regan  
**Subject:** Questions with Notice - DA390/2019 Scots College Application for a Car Park & Increase in Student Cap

**Councillor Regan asking:**

To the Director of Planning

Would Council please advise as to the status of this matter?

Would Council please advise specifically as to the status and operation of the DA consent (i.e. whether the approval in the increase in student numbers can be exercised prior to the construction of the car park and other required traffic mitigation measures being proposed by Scots College).

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What steps Council is proposing to take, if any, in relation to the IPP decision on this DA?

**Acting Director Planning & Place in response:**

A brief chronology and status update relating to the DA for Scots College:

**Development Application**

1. The subject Development Application, being DA No 390/2019 was lodged with Council on 11 October 2019. The Application involved the following components:
  - Demolition of the existing tennis courts and associated fencing
  - Construction of a single basement car parking level for 80 cars to be used primarily for staff and school vehicle use
  - Reinstatement of 4 new, enlarged tennis courts including fencing on the roof of the new basement car park
  - Associated tree removal, tree protection and landscaping works
  - Increase in the approved Student Numbers from 1,120 to 1,520.
2. Under Schedule 7 of SEPP – State and Regional Development 2011, the Application must be determined by the Sydney Eastern City Planning Panel (SECPP) as it involves work to an educational establishment with a cost of works over \$5 million.
3. The DA was initially referred to the SECPP on 19 November 2020 with a staff recommendation for refusal. The grounds for refusal, in summary, related to:
  - Traffic and parking impacts
  - Adverse amenity impacts on the locality associated with the intensification of use (student numbers)
  - Insufficient information
  - At its meeting of 19 November 2020, the SECPP resolved to defer the Application.
4. The Application was re-referred to the SECPP for determination on 11 March 2021 with a staff recommendation for refusal. The reasons for refusal were principally identical to the initial reasons for refusal tabled to the SECPP on 19th November 2020 (see paragraph 3).
5. At its meeting of 11 March 2021, the SECPP resolved to approve the Development Application.

**Legal Advice (Operation of the DA Consent)**

6. On 18 May 2021, Council received legal advice from Lindsay Taylor Lawyers relating to “whether the consent granted by the Panel imposes any obligation on the school to proceed to build the carpark.”

In summary, the advice states:

- the consent does not appear to impose any pre-condition to the school taking up the approval for the increase in student numbers. In particular, it does not identify any condition of the consent which requires the carpark to be built before the increase in student numbers occurs. In essence, the approval of the student numbers was given unconditionally.
- there also does not appear to be anything which requires the carpark to be built at any particular point in time thereafter.

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- in order for there to be any basis to require the carpark to be built by a particular time, it would be necessary to identify some kind of breach of the consent that occurs if the building is not built by that time
- there is no case law which stands for the proposition that once a consent is taken up (as here, by the increase in student numbers), that the works approved must be completed within a reasonable time
- it would have been open to the Panel to impose a condition linking the completion of the works to the increase in student numbers, but this was not done

**Class 4 Proceedings (Against the SECPP's decision)**

7. On 2 June 2021, a Class 4 Appeal was filed by Mr Ian Joye through Freehills solicitors in the Land and Environment Court.

**Annexure 1** presents a copy of the filed Class 4 Summons.

In summary, the Class 4 Appeal seeks the following Orders:

- A declaration that the Third Respondent's (Sydney Eastern City Planning Panel) decision made on 11th March 2021 to grant development consent to DA 390/2019/1 is and was at all times invalid and of no effect
- An order setting aside the Development Consent
- An order that the Respondents (The Scots College, The Presbyterian Church (NSW), and the SECPP) pay the Applicant's costs of the proceedings
- Such further or other orders as the Court think fits.

**Note:** The Council is not a Respondent in this Appeal.

8. The Grounds for the Appeal are as follows:

Ground 1 - Errors in relation to the Third Respondent's conclusion that the only alternative to approving the DA was a refusal, followed by Council seeking a Court injunction

Ground 2 – Errors in relation to the finding that the Council had been tardy and not prompt on enforcing the existing conditions of consent

Ground 3 - Breach of Section 4.15(1) relating to the Only Alternative Conclusion finding

Ground 4 – Breach of Section 4.15(1) and absence of information

Ground 5 – cumulative impacts

9. This matter has been **listed for Class 4 Directions hearing on 9 July 2021**.
10. Council staff will keep all Councillors informed of the Class 4 proceedings.

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There being no further business the meeting concluded at 8.25pm.

**We certify that the pages numbered 366 to 396 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 5 July 2021 and confirmed by the Ordinary Meeting of Council on 26 July 2021 as correct.**

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Mayor

Unconfirmed



## 11. Public Forum

**General Item No:** 11.1  
**Person addressing Council:** Commodore Adrian Broadbent and Michael Paull  
**Subject:** Royal Prince Edward Yacht Club (RPEYC) Seabins and Harbour Ecology Initiatives

Commodore Adrian Broadbent and Michael Paull, have registered to address Council on Royal Prince Edward Yacht Club (RPEYC) Seabins and Harbour Ecology Initiatives.

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**General Item No:** 11.2  
**Person addressing Council:** Master Jack MacGonigal  
**Subject:** Passive smoke exposure in high density terrace homes

Master Jack MacGonigal, has registered to address Council on passive smoke exposure in high density terrace homes.

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## 12. General Manager and Officer's Report

**Item No:** 12.1  
**Subject:** COVID-19 SUPPORT INITIATIVES  
**Authors:** Craig Swift-McNair, General Manager  
Sue Meekin, Director Corporate Performance  
**Approver:** Craig Swift-McNair, General Manager  
**File No:** 21/138132  
**Reason for Report:** To report on a suite of proposed support measures for the community and local businesses in light of the current and ongoing lockdown due to the COVID-19 pandemic.

**Recommendation:**

- A. THAT Council note the information as included in this COVID-19 Support Initiatives report.
- B. THAT Council suspend outdoor / footway dining fees for the duration of the current stay-at-home orders, backdated to the commencement of the current stay-at-home-orders, being 26 June 2021.
- C. THAT Council waive outdoor /footway dining fees for a period of 2 x months post the lifting of the current stay-at-home orders.
- D. THAT Council defer rental payments (for commercial tenants in Council owned property) from the commencement of the current stay-at-home orders (being 26 June 2021), until 2 x months post the date of the lifting of the current stay-at-home orders, noting that any deferred rent will be amortised for payment over the remaining months of the 2021-2022 financial year.
- E. THAT Council waive rental payments for community tenants (of Council controlled property) for the period of the current stay-at-home orders, until 1 x month post the lifting of the current stay-at-home orders.
- F. THAT Council implement a Revitalisation Grants program to the value of \$115,000, to be implemented as soon as possible after the lifting of the current stay-at-home orders, with this grants program being a one-off, short-term and time-limited program open to individuals, community groups, community associations and businesses located within or serving residents of the Woollahra Local Government Area, utilising funding already included in Council's 2021-2022 budget, as detailed in this report.
- G. THAT Council note the non-financial relief measures as detailed in this report being:
  - i. The implementation of Business Concierge Web Pages on Councils web site.
  - ii. The continuation of the Small Business Newsletters and Economic Data Sharing.
  - iii. The payment of local suppliers within 14 days until the end of the 2021-2022 financial year.
  - iv. The continued investigation into the feasibility of implementing Business Training Programs with neighbouring Councils and Service NSW.
- H. THAT Council thank Council staff for their dedication in continuing to provide a range of services to the community throughout the current stay-at-home orders, with particular thanks going to the frontline staff who are out in the community doing essential work during this time.



## **Background:**

The purpose of this report is to detail a range of financial and non-financial support initiatives for consideration by Council that will assist the local community post the current COVID-19 lockdown.

COVID-19 has resulted in many challenges for the Woollahra local community and economy since the commencement of the pandemic in 2020. It should be noted that all levels of government have worked in various capacities to support the local community and businesses during this time.

In April 2020, Council introduced a range of COVID-19 support initiatives for the community, many of which extended well into the 2020-2021 financial year. A copy of the 6 April 2020 Mayoral Minute that detailed these support initiatives, can be found at **Annexure 1** to this report.

Further to the above, at the 24 August 2020 Council meeting, Council resolved to implement a further range of support initiatives for the local community. A copy of the 24 August 2020 Council report detailing these further support initiatives, can be found at **Annexure 2** to this report.

Resolution extracts from the meetings held on 6 April 2020 and 24 August 2020, can be found at **Annexure 3** to this report.

Over the 2019-2020 and 2020-2021 financial years, the COVID-19 support initiatives commitment by Council to the community was valued at approximately \$7.9 million, which whilst necessary to support the local community and businesses, had a significant impact on Councils budget for those two financial years. It should be noted that the above-mentioned support initiatives were supplementary to NSW and Federal government support measures available at the time.

Sydney is now facing an outbreak of the COVID-19 Delta variant, which has led the NSW government to impose stay-at-home orders from 26 June 2021 that at the time of writing this report, are extended through to 30 July 2021. These stay-at-home orders are in place across the Greater Sydney area including the Central Coast, Blue Mountains, Wollongong and Shellharbour. Further restrictions were implemented from 18 July 2021, where residents of the Local Government Areas (LGA's) of Fairfield, Liverpool and Canterbury-Bankstown are unable to leave their LGA's until 30 July 2021 (inclusive), except for a range of reasons provided by the government. In addition to the above, a further range of COVID-19 restrictions was also introduced by the NSW government on 18 July 2021 that came into force in the days following their announcement.

In light of the circumstances we now find ourselves in, it is timely for Council to consider further support measures for the local community. These new measures would supplement both the Federal and NSW government support measures recently introduced, noting that the media release from the NSW Premier and NSW Treasurer on these additional measures can be found at **Annexure 4** to this report.

Clearly there is some uncertainty as to the overall economic and social impact of the current pandemic restrictions and the length of the stay-at-home orders, however as noted above, it is timely for Council to now give consideration to any support measures that Council may be able to put in place in the coming months as the community heads out of this lockdown period.

## Proposal:

Detailed in the tables below, are a range of initiatives for Council to give consideration to. These initiatives are being proposed in an effort to assist the community both during lockdown and as the lockdown period ends. The information below is broken into financial and non-financial initiatives, followed by some general information on a range of other matters that are worth noting:

## Financial Support Initiatives:

<b>Item</b>	<b>Measure / Conditions</b>	<b>Estimated Cost</b>
Outdoor Dining Fees	<p>Suspend outdoor dining fees for the period of the stay-at-home orders, backdated to the commencement of the stay-at-home orders.</p> <p>Once the current stay-at-home-orders have been lifted, waive outdoor dining fees for a period of 2 x months.</p>	<p>Approximately \$52,000 per month</p> <p>Total for a 2 month waiver - <b>\$104,000</b></p>
Rent Deferrals (for commercial tenants in Council owned property)	<p>Defer rental payments from 26 June 2021 (commencement of the stay-at-home orders) until 2 x months post the date of lifting of the stay-at-home orders.</p> <p>Deferred rent would be amortised for payment, over the remaining months of the 2021-2022 financial year.</p>	Nil
Rent Relief (for Community tenants in Council controlled property)	<p>Waive rental payments for community tenants of Council controlled property for the period of the current stay-at-home orders and for 1 x month post the end of the current stay-at-home orders.</p>	<p>Approximately \$13,000 per month</p> <p>Total for a 2 month waiver - <b>\$26,000</b></p>
Revitalisation Grants Program	<p>This is a new proposed initiative to revitalise the LGA following the lifting of the current stay-at-home orders.</p> <p>It is envisaged that a Revitalisation Grants program would be a one-off, short-term and time-limited program open to businesses, individuals, community groups and community associations located within or serving the Woollahra LGA, utilising funding already included in Council's 2021-2022 budget.</p> <p>This program would be open for applications from one month post the current stay-at-home orders (or as close to the end of these orders as possible), for a period of 4 weeks only, for delivery of a revitalisation activity through to 31 March 2022.</p> <p>A revitalisation activity could be an innovative community event or program, a wellbeing event or program, or a business or street activation event, all undertaken in a COVID-safe way, to support the needs of the community arising from COVID and to encourage residents to come out and take part in activities to assist in revitalising the community.</p>	

Item	Measure / Conditions	Estimated Cost
	<p>For the purpose of the Revitalisation Grants and for clarity, an event as mentioned above would be for one-off activities / events, whereas a program is considered to be something with broader community benefits beyond just one event i.e. a small program supporting anxiety, or grief, or awareness and engagement with vulnerable members of the community etc.</p> <p>It is envisaged that grants available under this program would be as follows:</p> <ul style="list-style-type: none"> <li>- Small grants of up to <b>\$2,000</b> for individuals, businesses or community groups for programs / events. With the assumption being that applicants would work with other groups / organisations, to leverage the funding available.</li> <li>- Larger grants of up to <b>\$5,000</b> for registered charity or not-for-profit organisations. Individuals and / or unregistered community groups may apply for this larger grant if they are auspiced by a not-for-profit organisation or registered charity. The intent and focus of these larger grants is for the development of programs across the community rather than one-off individual events.</li> </ul> <p>These maximum funding limits have been put in place in an effort to spread available funds as far as possible across the community.</p> <p>The intent of including information on this proposed grants program in this report, is to seek the approval by Council of the concept of the Revitalisation Grants. Following approval of this program, Council staff will finalise development of related evaluation criteria, funding conditions, funding acquittals and funding agreements, to support the information provided above.</p> <p>As noted above, funding for this program would come from existing Council budgets, being budgets for Round 2 of the Community &amp; Cultural grants (<b>\$60,000</b>), which are generally available in the last half of the calendar year and funding from the 2021-2022 Placemaking grants (<b>\$55,000</b>) for total funding of <b>\$115,000</b>.</p> <p>As detailed above, this grants program is intended to be a one-off program only, in response to the current COVID lockdown and is not intended to replace any State or Federal grant funding on offer during this or future lockdown periods, but is focused on reactivation activities across the Woollahra LGA.</p>	

### Non-Financial Support Initiatives:

Item	Support Initiative
Business Concierge Web Pages	Creation of Business Concierge web pages on the Council website. This could be achieved in a reasonably short time frame in order to share all relevant government grant and initiatives information to update businesses across the LGA.
Small Business Newsletters	Council currently produces a small business newsletter, generally on a quarterly basis, with one recently being released with 1,400 views. These could be produced on a bi-monthly basis for the remainder of the 2021-2022 financial year.
Economic Data Sharing	Council has access to a range of economic data, including Spendmapp. This information will continue to be shared with local businesses via Council's web site and the above-mentioned small business newsletter.
Procurement	Cashflow is one of the most important aspects for any business, particularly for any local suppliers that Council uses. To assist local suppliers Council commits to paying our local suppliers within 14 days for the remainder of the 2021-2022 financial year.
Developing & Strengthening Business Training Programs	Council staff have been in ongoing conversations with Service NSW and other Councils around how all parties can work in collaboration on developing and providing high quality business training programs, particularly for Small Business Month in October. To date there is some interest in undertaking this work from neighbouring Councils, so work will continue with Service NSW on what this offering might ultimately look like.

Further to the above financial and non-financial support initiatives, please find following a range of additional matters for interest and or consideration:

#### Parking (Double Bay & Oxford St, Paddington):

- On 28 June 2021, Council resolved to remove the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington and install dedicated 30 minute non-metered parking spaces, with notification of these changes to affected businesses and residents being for a period of 28 days prior to implementation.

It is proposed to defer this notification to affected businesses and residents until the current lockdown period has ended.

It should be noted that the estimated monthly cost of the existing 30 minute free parking is approximately **\$105,000** per month; therefore delays in introducing the 30 minute non-metered parking spaces in place of the 30 minute free parking will continue to have a negative impact on Council's 2021-2022 budget.

#### Commercial Waste Fees & Charges:

- Commercial waste fees & charges are reduced in line with reduced collection requirements, due to many businesses being closed.
- Noting the above information, it is estimated that Councils commercial waste income will be negatively impacted by approximately **\$16,800** per month as a result of reduced collection requirements.

Community Facility Hirers:

- Community hire spaces are currently closed as part of the lockdown, therefore there is no specific reduction in hire fees required at present and as these facilities reopen, Council will charge the fees as recently adopted by Council as part of the 2021-2022 budget.
- Noting the above information, it is estimated that Councils income from community hirers will be negatively impacted by approximately **\$21,000** per month, whilst ever community hire cannot take place.

Sporting Groups:

- The impact of the lockdown on sporting groups is largely unknown at present, however Council staff will continue to work with relevant sports clubs during the next month, to determine any financial impacts and how Council may be able to assist.

Parklets Trial:

- At the Environmental Planning Committee (EPC) meeting held on 12 July 2021, a Parklet trial program was supported, with that item from the EPC being tabled at this meeting of Council for consideration by full Council.

A Parklet is commonly defined as an expansion of an existing outdoor dining space into kerbside parking spaces by a local business. Parklets have traditionally been viewed as a Placemaking response to provide critical public open space in built up inner-city areas around the world.

A Parklet is where kerbside car parking spaces are repurposed into public space ‘pockets’ provide seating, greenery, bike parking facilities, charging ports, and other communal elements. Additionally, due to the impacts of COVID-19 and associated social distancing requirements, parklets have taken on a new role and function as a major business support tool for local food and beverage businesses.

If Council resolves to support the 12 month trial of Parklets as per the EPC report being considered at this Council meeting, then this would be strategically aligned to recent state-wide efforts to support outdoor dining and local businesses in their recovery from the impacts of Covid-19.

Customer Experience Enhancement Project – Development Application (DA) Process:

- This project has been ongoing for some time and to date has included a range of staff from across the organisation. The focus of the project has been on making the DA process as efficient and effective as possible, particularly for small businesses, with a key focus on improving the digital experience for customers. Whilst work is continuing on this project, it is envisaged that once complete, Council will be in a better position to assist residents, businesses and the community during the DA process.

### **Consultation:**

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

### **Options:**

Council has the option to include any or all of the support initiatives included in this report or indeed, Council may suggest other initiatives in addition to those listed, subject to consideration of the financial impact of any additional initiatives on Council's budget.

### **Identification of Income & Expenditure:**

Council's 2021-2022 operating budget (which projects a deficit of \$3.5million), was predicated on the assumption that there were no material financial impacts from COVID-19 and that the changes to the 30 minute free ticket parking in the metered parking areas of Double Bay and Paddington (as detailed earlier in this report) were introduced.

Further, based on Council's experience since the emergence of COVID-19 in March 2020, we anticipate that there will be further adverse impacts on Council's budget from things like reduced car parking usage (i.e. Cross St car park), reduced fire safety and health inspection activity and general reduced activity within other areas of income generation i.e. weddings and ceremonial photography etc.

The initiatives as detailed in the recommendations included in this report and detailed in the table above of financial support initiatives, will impact the 2021-2022 budget to the value of approximately **\$130,000**, noting that the **\$115,000** included for the Revitalisation Grants program is funding already included in the 2021-2022 budget for other grant programs.

In addition to the above and as detailed earlier in this report, the estimated monthly cost of the existing 30 minute free parking is approximately **\$105,000** per month; therefore delays in introducing the 30 minute non-metered parking spaces in place of the 30 minute free parking will continue to have a negative impact on Council's 2021-2022 budget for each month that the implementation of the non-metered parking spaces is delayed.

As also detailed above, income from commercial waste fees is reduced by approximately **\$16,800** per month whilst ever businesses are closed and income from community facility hirers is reduced by approximately **\$21,000** month, whilst ever community facilities are closed and not able to be hired.

In light of the many unknowns that exist around the current stay-at-home-orders, it is too early and too difficult to quantify at this stage, what the overall and full impact will be on Council's 2021-2022 budget. It is anticipated that further information relating to the impact on Council's 2021-2022 budget will be presented as part of the first Quarterly Budget Review Statement for this financial year, due in October / November 2021.







### **Conclusion:**

The initiatives included in this report have been developed with a view to assisting the community bounce back from the COVID-19 lockdown, however with an eye on Council's 2021-2022 budget.

As noted earlier in this report, across the 2019-2020 and 2020-2021 financial years, Council provided a range of COVID-19 support initiatives valued at approximately \$7.9 million. It is therefore considered that in light of Council's current financial deficit position for 2021-2022 that the support initiatives included in this report represent a balanced and manageable response by Council to the ongoing pandemic and in particular this most recent lockdown.

### **Annexures**

1. Mayoral Minute - Council's Response to COVID-19 - 6 April 2020 [↓](#) 
2. Council Report - COVID-19 Update - 24 August 2020 [↓](#) 
3. Resolution extract from meetings held on 6 April 2020 and 24 August 2020 [↓](#) 
4. COVID-19 Fighting Fund Media Release - 13 July 2021 [↓](#) 

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**Item No:**

**Subject:** COUNCIL'S RESPONSE TO COVID-19

**Author:** Susan Wynne, Mayor

**Approver:** Susan Wynne, Mayor

**File No:** 20/56067

**Reason for Report:** To provide Council with an update on Council's response to community concerns in relation to COVID-19.

**Recommendation:**

THAT Council:

- A. Notes Council's response to the COVID-19 pandemic that has focused on protecting the health and well-being of elderly and vulnerable members of the community and our staff has demonstrated leadership to our community and the local government sector.
- B. Expresses Council's gratitude for the incredible efforts of staff in delivering Council's response, including the loyalty, dedication and agility staff have demonstrated in order to continue to serve our community despite increased exposure and to work with each other to create new ways of delivering services.
- C. Notes the support of Councillors and the collaborative efforts of Council's senior staff in shaping Council's ongoing response, underpinned by the Mayor's prioritisation of transparency and inclusivity in decision making notwithstanding crisis conditions.
- D. Notes and endorses all actions taken by the Mayor and General Manager outlined in the Briefing Paper issued on 30 March 2020 attached to this Mayoral Minute as decisions of the Council.
- E. Requests the Mayor and General Manager continue to provide Councillors regular appropriate written briefings detailing Council's ongoing operational response.
- F. Requests the preparation of a report on future budget implications and priorities, at an appropriate time in the future once staff resources can be diverted from delivering Council's immediate operational and strategic response to COVID-19.

**Background:**

From the very start of this pandemic, Council's primary objective of doing what is necessary and appropriate to assist in slowing the spread of COVID-19 was stated. Our approach has a focus on protecting the health and well-being of elderly and vulnerable members of the community and staff, and to assist in broader strategies aimed at minimising the likely impact of the virus on the demands of hospitals and other health and medical services. Our community has among the highest number of infections in the metropolitan area. We have all observed some poor behaviours in response to the Australian Government's social distancing measures and these have reinforced our hard and fast responses and closures. These responses have been detailed in a briefing paper provided to Councillors last Monday which is also attached as **Annexure 1** for the information of the community and the public record.

Since the Federal Government's announcement of even more stringent social distancing requirements, there has been a marked improvement in compliance, most notably in our parks. I hope this continues so we can continue to enjoy the minimised recreational opportunities available to our community.

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**Discussion:**

Council's overall response strategy continues to be guided by a general duty of care to our community and our staff that includes:

- an obligation to our community to be seen to be responding appropriately to reducing the spread of COVID-19, given we have a significant proportion of our community in the age group regarded as most vulnerable.
- complying with safe work legislation in relation to staff.
- a moral obligation to protect our staff, in particular any staff member who may fit within the higher at risk categories if exposed to COVID-19.

To date we have implemented the following closures:

- Libraries and Home Library Service
- Venues (bookings have been postponed or cancelled)
- Beaches and harbour pools (Rose Bay Beach is closed for general beach goers but walking and dog walking are permitted, with visits limited to 30 minutes)
- Outdoor fitness stations
- Playgrounds
- Basketball courts
- Preschool (there were only 3 children in attendance at the time of the closure with most parents choosing not to bring their children)
- Customer Service Centre (appointments can be made to conduct business in a managed way).

What I found most pleasing in relation to our closures is that most of them came into effect several days before Federal Government requirements brought them into effect across the country. We have been ahead of the curve. This is positive reinforcement of the strong leadership Council has demonstrated to date and highlights the need for quick decision making at this time.

There have been significant changes put in place in relation to our staff, including:

- a "work from home" requirement for all staff not identified as critical to attend Council in order to carry out their functions has been implemented from 17 March.
- access to Council's IT systems was provided within 48 hours at homes via staff owned PC's or Council laptops (subject to internet access). We now have 250 staff connecting to Council systems remotely.
- splitting and rostering of work groups, changed starting/finishing locations, and staggered start/finish times have and will continue to be implemented for staff that cannot work from home.
- practices implemented to ensure that there are no Council staff coming to work via public transport.
- onsite inspections protocols involving staff have been reviewed and in most cases delayed. Only essential inspections will take place in line with the updated protocol.

Proudly, we continue to provide services to the community. We are collecting waste, sweeping the streets, maintaining our parks, assessing development applications, paying our suppliers answering an increased number of phone calls. Our Customer Service staff are continuing to respond to customer requests and our staff who are working from home are not only continuing to do their work, they are embracing new ways of working and developing creative solutions to overcome the

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limitations of not being able to interact in the same way with each other and our customers and community. Full details of services and service levels are provided in the briefing paper attached. I will not re-state them here.

It should be noted however, due to Federal and State Government directives around social distancing requirements, that service levels may drop for a short period and we may see productivity decline. There is no doubt that development application assessment times and compliance inspections will be impacted. That said, I echo the comments of many Councillors at last Monday's briefing in relation to the outstanding response from Council staff in responding to these significant changes. There have been some challenges, but also some benefits. This new way of working has seen some reflection on the way that we do things and already we have seen an agility of staff to change processes to best meet the needs of our community and our customers at this time.

I know communication plays a key role in our response to this crisis. We are using a number of communication channels (website, social media, traditional media, enews/electronic direct mail, direct mail, video and advertising) with our website and social media updated as any changes come into effect. External communication to date has concentrated on the distribution of public health messages, government announcements, local council initiatives and changes to services and positive messaging around connecting with each other and celebrating community.

As most of you will have heard, from this week onwards the printed edition of the *Wentworth Courier* is suspended. A revised digital edition will soon be available to subscribers. This presents some challenges for our public notifications, especially on development applications, and we are currently looking at some alternatives.

Looking forward, our next focus will be on mental health and support (for all our people) - how do we connect our people to each other and provide access to existing support networks or create our own for staff. This is a most important issue for all of us and I have the utmost confidence that our staff are well equipped to address this. We continue to engage with community organisations and provide support where and when we can, remembering in many instances we are better off supporting experts in the field rather than doing it ourselves. Both State and Federal Governments have extensive support and stimulus packages in place. Significant amounts of funding have been approved in the areas of mental wellbeing and domestic violence, childcare, jobseeker and business support. Our Community Services staff continue to reach out to the most vulnerable members of our community from our existing databases.

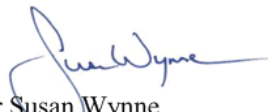
We find ourselves in an extraordinary time, one that changes day by day. I am proud of our response to date and the leadership we have shown. It is gratifying to see that our community is also responding to the measures that have been put in place to reduce the spread of the virus.

I would like to thank those Councillors who have worked in a unified way to support me and our community and staff at this unprecedented time. As elected representatives, we all have a role to play in listening to our communities, providing leadership that empowers and supports our staff and our community and demonstrates strength and kindness.

Reflecting on my twelve years' experience in local government, these are without doubt unprecedented times. We are a strong and resilient community and we will get through this together.

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Cr Susan Wynne  
Mayor of Woollahra

**Annexures**

1. Councillors Briefing COVID-19 Update - 30 March 2020.

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Ordinary Council Meeting

24 August 2020

**Item No:** 12.1  
**Subject:** COVID-19 UPDATE  
**Authors:** Craig Swift-McNair, General Manager  
Allan Coker, Director - Planning & Development  
Lynn Garlick, Director - Community Services  
Don Johnston, Director Corporate Services  
Tom O'Hanlon, Director - Technical Services  
**Approver:** Craig Swift-McNair, General Manager  
**File No:** 20/136606  
**Reason for Report:** Subject of a Mayoral Minute – 27 July 2020

**Recommendation:**

- A. THAT Council note the information as included in this COVID-19 update report.
- B. THAT Council introduce a program of rent relief for Council's small and medium enterprise community tenants, consistent with the National Cabinet Mandatory Code and associated NSW Regulations for a period of six months from 1 October 2020 to 31 March 2021, with a further review of the program to be undertaken and reported to Council in February 2021, noting that any rent relief to be provided by Council will be based on demonstrated Covid-19 related downturn in revenue and in the case of food premises, on Covid-19 related spatial restrictions.
- C. THAT Council authorise the General Manager to implement restrictions on beach access and activity, following consultation with the Mayor, with written advice on any decisions made to be provided to Councillors following any such decisions.
- D. THAT Council authorise the General Manager to turn parking meters back on in Double Bay and Oxford Street Paddington, commencing on 1 November 2020, noting that further consideration of the recommendation from Finance, Community and Services Committee meeting of 16 March 2020 regarding 30 minute free parking will be considered by Council at the 28 September 2020 Council meeting.
- E. THAT Council extend the waiver of footway dining fees from 1 January 2020 to 30 June 2021, noting that the current waiver has already been extended to 31 December 2020.
- F. THAT Council recommence charging interest on overdue rates from 1 January 2021, noting that Council's Financial Hardship policy still remains in place.
- G. THAT Council request the General Manager engage an Economic Development Officer-Small Business on a contract basis as soon as practicable, until 31 December 2021, to be funded from a range of existing budgets, for the purpose of further coordinating Council's support for small business in the Woollahra local government area.
- H. THAT Council, as per s356 of the NSW Local Government Act 1993, place on public exhibition for a period of 28 days, the proposed future financial relief measures as resolved by Council at this 24 August 2020 Council meeting, with a further report to be tabled at a Council meeting following the close of the exhibition period for Council's further consideration, prior to implementing any further relief measures.



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- I. THAT Council continue with monthly Council meetings for the months of October, November and December 2020 with a further review of the Council meeting scheduled to take place in February 2021, with Council utilising the third Monday of the month for Councillor Briefings as required.

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**Background:**

The purpose of this report is to provide an update on the work undertaken by Council in supporting our local community and businesses in response to the COVID-19 pandemic. This follows on from a resolution of Council at the 27 July 2020 Council meeting where it was resolved that an update report would be tabled at the August 2020 Council meeting.

Following the World Health Organisation declaring COVID-19 a worldwide pandemic on 11 March 2020, the Federal and State governments introduced a number of measures on a staged basis to slow the spread of the virus, including travel restrictions, border closures and implementation of strict social distancing requirements. There is no doubt that these unprecedented times have seen immense challenges emerge for our communities.

As previously reported, Council has taken a number of measured precautions in line with Federal and State Government whilst continuing to provide its core services and facilities to the community albeit in potentially different ways. This means that in addition to delivering essential services, Council has continued to maintain the community's assets and infrastructure.

As noted above, this report will detail the work undertaken by Council throughout the pandemic to date and makes recommendations on a potential way forward with the various initiatives and support measures that have been put in place.

**Proposal:**

At an extraordinary Council meeting held on 6 April 2020, a Mayoral Minute was tabled by Mayor Wynne relating to Council's response to COVID-19. As a result of this Mayoral Minute, Council resolved to support a range of relief measures that were detailed in a briefing paper dated 30 March 2020. A copy of the 6 April 2020 Council resolution is below: with a full copy of the Mayoral Minute and the 30 March 2020 briefing paper attached at Annexure 1, noting that some of the information provided in this report is taken directly from the above-mentioned briefing note.

Council resolution from 6 April 2020:

*Moved (Wynne/Jarvis)*

*Resolved:*

*THAT Council:*

- A. Notes Council's response to the COVID-19 pandemic that has focused on protecting the health and well-being of elderly and vulnerable members of the community and our staff has demonstrated leadership to our community and the local government sector.*
- B. Expresses Council's gratitude for the incredible efforts of staff in delivering Council's response, including the loyalty, dedication and agility staff have demonstrated in order to continue to serve our community despite increased exposure and to work with each other to create new ways of delivering services.*

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- C. Notes the support of Councillors and the collaborative efforts of Council's senior staff in shaping Council's ongoing response, underpinned by the Mayor's prioritisation of transparency and inclusivity in decision making notwithstanding crisis conditions.*
- D. Notes and endorses all actions taken by the Mayor and General Manager outlined in the Briefing Paper issued on 30 March 2020 attached to this Mayoral Minute as decisions of the Council.*
- E. Requests the Mayor and General Manager continue to provide Councillors regular appropriate written briefings detailing Council's ongoing operational response.*
- F. Requests the preparation of a report on future budget implications and priorities, at an appropriate time in the future once staff resources can be diverted from delivering Council's immediate operational and strategic response to COVID-19.*
- G. Notes the most recent updates provided to Councillors by the Community Services and Technical Services divisions.*

Further to the above, at the Extraordinary Council meeting held on 6 April 2020 and at the Ordinary Council meeting held on 4 May 2020, a range of COVID-19 related Notices of Motions and Questions on Notice were tabled by Councillors, all dealing with various aspects of the impact of COVID-19 on our community.

As detailed in the 30 March 2020 briefing paper, at the commencement of the pandemic, Council developed a Primary Response Strategy (PRS), which focused on doing what was necessary and appropriate to assist in slowing the spread of COVID-19, with a view to making a contribution to the health and well-being of elderly and vulnerable members of the community and staff, and to assist in broader strategies aimed at minimising the likely impact of the virus on the demands of hospitals and other health and medical services.

There were three key points that guided Council's responses in relation to staff and the broader community as follows:

- We must comply with safe work legislation in relation to staff.
- We have a moral obligation to protect our staff, in particular any staff member who may fit within the higher at risk categories if exposed to COVID-19.
- We have an obligation to our community to be seen to be responding appropriately given we have a significant proportion of our community in the age group regarded as most vulnerable.

An internal COVID-19 response team was established to ensure that all the changes required by Council were managed in a controlled way. This team met on a regular basis to discuss, agree and then implement any changes arising from the rapidly changing circumstances, in particular in response to advice from NSW Health, the Department of Health, the Office of Local Government and other authorities as required.

Following are updates and information on a range of initiatives and measures that Council has undertaken since March / April 2020 in relation to COVID-19:

#### **Financial Relief Measures & Impact on the Budget:**

Council's financial responses were in two capacities, firstly as Council and secondly in our capacity as a landlord. The key financial relief measures have been as follows:

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- Waiver of commercial tenants' rent (except Woolworths, NAB and CBA) for 6 months
- Waiver of community tenants' rent for 6 months.
- Waiver of footway dining fees.
- Turning off parking meters in the Double Bay and Oxford Street commercial centres for 6 months (noting that timed parking restrictions remain in force).
- Fire safety statement lodgement, health inspections, activity approvals etc. fees waived for 6 months.

With reference to Council's waiver of commercial tenants' rent, the vast majority of rental waivers relate to Kiaora Place, with the majority of foregone parking meter income coming from Double Bay.

The above-mentioned financial relief measures were implemented by Council within weeks of the pandemic being declared. At the time, these measures were forecast to reduce Councils income by \$5M, spread relatively evenly over two financial year budgets, being 2019-2020 and 2020-2021.

These relief measures were incorporated into the March 2020 quarterly budget review, which also identified a number of other sources of income impacted by the COVID-19 restrictions, such as park and building hire, car parking and Preschool fees. Council also amended our enforcement practices during this time, which has had a significant impact on infringement income of approximately \$1.2M. The March 2020 quarterly budget review also identified a number of savings in expenditure mainly arising from the postponement or cancellation of a range of events and projects. The impact of the above changes on the 2019-2020 budget was \$4.3M.

However, Council has been fortunate in that we have had access to financial reserves (Kiaora Place & Property reserves) to offset the loss of income and reduce the net impact on the budget. Having now finalised the 2019-2020 financial year, the actual net impact on the budget was \$660K, almost \$0.5M less than forecast.

To put the above into more context around the actual impact on the 2019-2020 budget, Councils actual losses of income were:

Rent relief	\$1.6M
Enforcement income	\$1.0M
Parking meters	\$756K
Car parking	\$396K
Sportsfield & building hire	\$312K
Footway dining	\$151K
Other income	\$23K
	<b>\$4.3M</b>

There was an offsetting net reduction in expenditure of \$719K during this time, which together with utilising the \$2.9M from reserves as mentioned above, reduced the bottom line impact to \$660k.

Council's Financial Hardship Policy remains in place and includes measures such as payment arrangements and waivers of interest. With regard to the number of residents who have requested rate relief during the pandemic, at the time of writing this report, we had received 78 requests for assistance. The assistance provided has generally been through deferral, payment plans and interest waiver on rates, noting that the Office of Local Government (OLG) has set the interest rate for overdue rates to 0% through to 31 December 2019. Of the 78 requests received to date, 64 are residential ratepayers and 14 are business ratepayers.

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When Council considered the March 2020 quarterly budget review it adopted staff's recommendation to prepare the 2020-2021 budget using the same measures to manage the impact of COVID-19, that is, using reserves to offset lost income. At the same time Council resolved to postpone the first rates instalment by one month to 30 September 2020.

In adopting the 2020-2021 budget, Council resolved to extend the footway dining fees waiver for a further three months through to 31 December. This added \$152k to the relief measures bringing the total in the 2020/21 budget to \$2.5M.

Further to the above, and following a Notice of Motion on 6 April 2020, Council resolved to increase its funding support of the Woollahra Domestic & Family Violence Accommodation & Support Service by \$270K per annum to a total of \$360K per annum, noting that this program was initiated the previous year on a three year trial.

Included in the 2020-2021 budget was a forecast impact on our interest on investments income as a result of the reduced financial reserve levels (as noted earlier in this report) and deferral of the first rates instalments. The impact of this was forecast to be \$30K.

Council also limited the increase in our Domestic Waste Management Charge to 2.6%, in line with the rate peg. This had no net impact on the budget but forms part of Council's relief offering, reducing the charge by \$30.

In total, the impact of COVID-19 as included in the adopted 2020-2021 budget is approximately \$2.8M. This is to be offset by the transfer of \$2.35M from financial reserves, giving a net impact on the budget of \$450K. It should be noted that any decisions by Council to extend the financial relief measures into the future i.e. past the end of September 2020, will impact further on the 2020-2021 budget, with appropriate adjustments and associated reporting on any revised 2020-2021 budget to be undertaken as required.

In relation to rent relief, as detailed in the table above, the cost of \$1.6M was based on Council offering 100% rent relief to its tenants to 30 June 2020 with a further \$1.6M reduction in income forecast in the 2020/2021 Budget through to the end of September 2020. This particular relief measure is having a large impact on Council's budget, as it is one of Council's key income streams and as such, it is considered that if Council wish to extend some form of rent relief to its commercial tenants past the end of September 2020, then a revised model should be considered.

A potential rent relief revised model could see Council offer rental discounts to Council's small and medium enterprise (SME) and community tenants based on a sliding scale of reductions, depending on demonstrable reduction in turnover compared to same period in 2019 and eligibility under the Jobkeeper Scheme. In the case of food establishments, COVID-19 related reductions in seating capacity could also be considered in determining rent reductions.

The above approach would be consistent with the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles During Covid-19 and the NSW Retail and Other Commercial Leases (Covid -19) Regulation 2020.

Internal modelling, based on assumptions, observations and based on the documents detailed above (noting that there has been no engagement with tenants on this proposal as yet), suggests that the cost of such a relief package would be in the order of \$290k per month, which is approximately 50% of the cost of the previous relief measure. This estimate reflects staff expectations that most tenants will be eligible for reductions in the order of 50%, with some unlikely to be eligible for any

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reduction and a very small number eligible for reductions of up to 80%. As noted above, this figure is subject to movement up or down based on information that will be provided by tenants.

Noting the significant potential impact on Councils budget, it is recommended that a new program of rent relief be offered initially for a period of six months from 1 October 2020 to 31 March 2021, with a further review and report to be provided to Council in February 2021 on the impact of the revised rental relief model.

As noted earlier in this report, parking meters were turned off for 6 months from early April 2020, with the financial impact (as detailed in the table above) being approximately \$756K to 30 June 2020, with a further \$560K forecast in the 2020/2021 budget through to the end of September 2020. In light of the current trading and parking management environments at Double Bay and Paddington, consideration needs to be given to turning the parking meters back on. Information received from local businesses and residents has indicated that parking in Double Bay and Paddington has become more congested than is normal and this is due to the fact that parking meters are not turned on. It should be noted that Council understands that parking meters have been turned back on in neighbouring local government areas.

Further to the above in relation to parking meters, on 16 March 2020, the Finance, Community & Services (FC&S) committee considered a report on parking meter charges and recommended in part:

- A) That Council support the introduction of 30 minute free ticket on-street parking at Double Bay parking meters.*

On 6 April 2020, Council resolved in part:

- A) That Council defers the consideration of the introduction of 30 minute free ticket on-street parking at Double Bay parking meters (to a future meeting of Council post COVID-19), noting the decision to turn off parking meters in commercial centres including Double Bay has already been made in response to COVID-19.*

As can be seen from the above Council resolution, prior to COVID-19, there was discussion around introducing 30 minute free ticket on-street parking in Double Bay. It is accepted that we are not yet in a post COVID-19 world, however if Councillors do wish to resolve to turn parking meters back on, they may wish to give further consideration to the introduction of 30 minutes free ticket on-street parking, as a way of continuing to assist businesses in Double Bay. It may also be appropriate for Council to consider extending the 30 minute free ticket on-street parking to Paddington, noting that parking meters were also turned off in Paddington in March 2020.

It is recommended that parking meters be turned on from 1 November 2020, subject to consideration of the above-mentioned recommendation from the FC&S Committee meeting of 16 March 2020 at the 28 September 2020 ordinary meeting of Council.

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Further to the above financial information and the granting of financial relief to the community, Council must abide by s356 of the NSW Local Government Act 1993, which states the following:

1. *LOCAL GOVERNMENT ACT 1993 - SECT 356*

*Can a council financially assist others?*

2. *356 Can a council financially assist others?*

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) However, public notice is not required if:*
  - (a) The financial assistance is part of a specific program, and*
  - (b) The program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
  - (c) The program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
  - (d) The program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

**Note :** Part 4 of the [Graffiti Control Act 2008](#) deals with graffiti removal work.

The financial relief measures through to the end of September 2020 are currently included in the 2020-2021 budget and formed part of the Delivery Program / Operational Plan (DPOP) that was placed on public exhibition earlier in 2020, prior to adoption by Council in June 2020. These COVID-19 relief measures appeared as a highlight in the budget summary in the DPOP document.

It is important to note that the granting of financial assistance cannot be delegated, therefore if Council is of a mind to extend the COVID-19 financial relief measures in some form and to any level, we will be required to undertake a formal public notice / exhibition process, outlining the relief measures Council wishes to put in place, hence the staff recommendation as included in this report. This exhibition period would need to be for 28 days and would require a further report back to Council to seek Council's final consideration of the relief measures, prior to implementing any extended relief measures.

**Service Delivery Changes:**

Council's first response in relation to social distancing requirements was to close our Libraries on 16 March 2020, which was not only largely supported by our community, but was supported by a Federal government guidelines released on 24 March 2020. This was followed by Council cancelling all our community events that were scheduled to take place in the months following the declaration of the pandemic. Below is a list of closures undertaken at the time:

- Libraries and Home Library Service
- Venues (bookings have been postponed or cancelled)
- Beaches and harbour pools (Please note there is further information relating to beaches detailed further in this report)



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- Outdoor fitness stations
- Playgrounds
- Preschool
- Customer Service Centre

As the Council was previously advised, a number of non-critical maintenance operations were either temporarily ceased or continued on a reduced schedule. These functions were reviewed on a weekly basis by the relevant managers and Director and were re-commenced as it was deemed safe and appropriate to do so. As at the end of June, all maintenance functions were being carried out, albeit under different workplace arrangements and procedures.

The following critical functions of Council continued unchanged throughout:

- Waste management
- Cleaning of hazardous waste
- Storm response
- Public hazard management
- Emergency response
- Critical community services
- Accounts payable
- Payroll
- Risk and safety services
- Communications to residents and staff
- Regulatory functions

**Beach Management:**

On 4 May 2020, Council endorsed (via a Mayoral Minute), the WMC COVID-19 Beach Management Plan, a copy of which can be found at Annexure 2. The Plan was to apply from May to August (if required) and the plan also allowed for amended arrangements for the colder months of June and July. On 27 May 2020, the Mayor advised Council that all restrictions (other than general social distancing guidelines) would be lifted throughout June and July. As at the time of writing this report, that remains the situation.

As noted above, the Beach Management Plan has remained in place and it appears that the attached plan may still be relevant as the weather warms up and COVID infections continue throughout the community. In light of this, Council staff will continue to monitor crowds at the beaches during August and will re-commence discussions with the National Parks & Wildlife Service (NPWS) to ensure there is a consistent approach to beach management between Council and the NPWS wherever possible and the Mayor and General Manager, as well as Council's Local Emergency Management Officer (LEMO), will continue to liaise with other eastern suburbs Councils in relation to their beach management proposals in an effort to gain some consistency of approach.

At the time of writing this report, it is very likely that social distancing and other COVID-19 related guidelines will still be in place during spring and summer. If a decision is made to close beaches into the spring and summer period, then Council should consider engaging independent contractors to manage people at our beaches, rather than this falling to Council staff or community members.

The experience of Council staff during March and April of this year, demonstrated the importance of remaining agile and able to respond to rapidly changing circumstances with beach crowding. It

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is therefore recommended that the General Manager be authorised to implement restrictions on beach access activity, following consultation with the Mayor and written advice to Councillors.

#### **Small Business Initiatives:**

In addition to the financial relief measures detailed earlier in this report, a range of other initiatives to support small business have been put in place by Council as follows:

- In kind support provided for small scale events consistent with the Public Health Order (PHO).
- Funding of \$33,500 provided to the Paddington Business Partnership.
- Information on government support and grant packages provided to our business representative organisations.
- Partnership with *Futurise Insights* to facilitate a small business webinar series, promoted through Woollahra Municipal Council (WMC) media channels.
- Promotion of State and Federal government economic stimulus packages and grant support via social media and local communication channels.
- Support for small business using various media channels:
  - o Advertisement in The Beast magazine (September)
  - o Shop local feature in printed newsletter distributed throughout the LGA (late July)
  - o Support on WMC COVID-19 web page
  - o News items on WMC news page
  - o Story in Woollahra News e-newsletter
  - o Shop Local promotion on August Out & About Poster
  - o Shop Local promotion flyer included with the 2020/21 Rates Notice
- Under the Streets for Shared Spaces Fund, applied to the Department of Planning, Industry & Environment (DPIE) for funding of streetscape and transport projects aimed at improving the pedestrian experience in parts of Double Bay, Rose Bay and Paddington.
- A colourful banner program implemented for Double Bay, Oxford Street and Rose Bay.
- The Sparrowly Group appointed to prepare a marketing strategy for Oxford Street.
- Christmas decorations organised for Double Bay, Oxford Street and Queen Street
- Installation of planter boxes in our commercial centres.
- A small business survey has been prepared for distribution in early September to understand what support small business would like to see from Council.

The Placemaking grants program opened on 1 June 2020, with 10 applications received and reported to the Finance, Community & Services Committee on 10 August 2020. The recommendations from the committee will be considered by Council at the 24 August 2020 Council meeting.

From an economic data perspective as it relates to the Woollahra LGA, Economy ID (when comparing the June 2019 quarter to the June 2020 quarter) have provided the following information:

- A decline of 13.5% in gross regional product.
- A local job change of -9.2%, or 2,333 local jobs.
- A -12% employed resident change, or -18.6% including JobKeeper recipients.

Whilst the above information is a high level summary only, it is evident that there has been a major impact on the local economy as a result of COVID-19. In addition to this, information received from Service NSW is that over 700 local businesses have applied for the NSW governments

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\$10,000 small business grants, with more information on this being made available to Council in September.

In light of the impacts of COVID-19 on the economy of the Woollahra LGA, it is considered appropriate for Council to now focus more heavily on small business and how we might be able to better assist small business within the LGA. To this end, the Mayor and the General Manager have been having ongoing discussions around how Council could best support small business and whilst it is acknowledged that Council has an established Placemaking function that focuses on a range of issues relating to economic development, there needs to be greater focus on support for small business, particularly at this point in time.

As per the recommendation included in this report, it is considered appropriate for Council to engage on a contract basis initially, an Economic Development Officer – Small Business (EDOSB) from now until the end of December 2021. The aim of the EDOSB would be to liaise with small business across the LGA on a regular basis in an effort to understand what matters to small business in our local area and to make recommendations to senior Council management and subsequently to the Small Business Working Group and Council on key issues relating to small business.

It is envisaged that the EDOSB role would also act as a key liaison / concierge for small business Development Applications (DA's) that are lodged with Council, in an effort to ensure the DA process is as smooth as possible for the applicant. For clarity, the EDOSB would not be playing any role in the assessment of DA's, but will simply try to ensure that the process for the DA being assessed within Council is done so in a timely manner.

At the time of writing this report, the General Manager was still undertaking discussions on the funding of the EDOSB role, however it is considered that through a combination of the use of existing budgets across the organisation, this role could be funded from now through to the end of 2021. A review of the effectiveness of the role would take place in the last quarter of the 2021 calendar year, when a decision would be made on the future of the EDOSB role i.e. whether to end the EDOSB role, whether to extend the contract of the EDOSB or whether to consider engaging such a role on a full time basis, subject to budgetary constraints at the time.

### **Community Service Impacts:**

#### *Hire of Community Facilities / Venues*

The pandemic and associated restrictions has significantly impacted the hire activity in community venues and the community's capacity to enjoy the spaces and for people to get together. On 23 March 2020 all venues for hire were closed and larger venues were only opened again on 29 June 2020 to recreational hirers for a maximum of 20 participants or the 4m<sup>2</sup> rule, whichever was the lowest. As a result, there was a reduction in hire income of \$83,000 between March 2020 and June 2020, whilst cleaning costs have increased threefold, due to increases in the frequency and level of cleaning required in the current environment.

Private hire by individuals for parties and private gatherings has not recommenced due to the current COVID-19 restrictions that are in place, with refunds continuing to be processed each month for forward bookings that are being cancelled by hirers.

Community / arts / recreation hirers, many of whom are sole traders or small businesses running activities each term for the community (i.e. ballet, martial arts, yoga, meditation etc.) have also been

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impacted dramatically. Some of these hirers have returned to hire on less days than they were previously, however some have not returned to hire at all.

On a positive note, the closure of venues during this period has meant that planned upgrades could continue in some of Council's facilities, without operational constraints. Upgrades have taken place during this time at Sherbrooke Hall Double Bay and at EJ Ward Paddington. These two facilities are now more accessible to all, are comfortable community spaces and both now have Wi-Fi.

*Woollahra Preschool*

The NSW government provided funding to support a free Preschool program for terms 2 and 3. For term 4 (which commences on 12 October 2020), Council will open the newly completed additional preschool room, which whilst being of great benefit to the community, does increase the operational costs to Council from term 4, however the aim is to continue to operate the Preschool on a cost recovery basis.

*Libraries*

It is clear that our libraries have been important to the community throughout all the phases of the pandemic, from lockdown through to re-opening.

From 16 March 2020 to 9 August 2020, 48,441 digital items were borrowed by library members. This included eBooks, eAudiobooks, eFilms and eMusic. Web page views were up 320% year on year (April 2020 to June 2020). Since reopening and as at the end of July, the libraries have welcomed 645 new members. The move to delivering a range of programs online such as story time and rhyme time have proved popular, with approximately 1,000 views. The library Facebook page has seen a 10% increase in followers during the pandemic and the library eNews was delivered fortnightly during the key transition period between March 2020 and June 2020, delivering a 3% increase in subscribers. In the 10 weeks since reopening from 1 June 2020 to 9 August 2020, the libraries had more than 12,000 visits, 47,166 loans, with public computer bookings and study spot bookings being extremely popular.

For interest, pre COVID, the most popular subject searches on library databases were business, literature, science and genealogy. During COVID, the most popular subject searches were children's e-books, learning a language, newspaper databases and a huge growth in genealogy i.e. from 800 searches to over 7000 searches during the past several months.

There has been a financial impact on the libraries, with a reduction in fine income across all libraries being down \$17,000, a reduction in photocopying / 3D printing income of \$10,000, a reduction in room booking hire income of \$7,000 and a reduction in income as the result of not being able to hold the Bok Fair, which saw income reduction of \$8,000.

In addition to the decreased income at the libraries, there were also cost increases with an additional \$13,000 being spent on Personal Protective Equipment (PPE) and additional cleaning costs linked to the Paddington library of \$24,191.

*Impact on Vulnerable Communities*

Council, in partnership with Oz Harvest, is undertaking the delivery of food packages to 50 vulnerable residents for an 8 week trial. Council's library courier collects the parcels from Oz Harvest and delivers to the residents each week.

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During lockdown, close to 2,000 people received a wellbeing call from Council's community services staff. This led the staff to establish the Friends program. At the time of writing this report, there are 17 people who have submitted an expression of interest for the 'Be a Friend' program.

Over the past 6 months, Council has received information on 9 people sleeping rough in the Woollahra LGA. 4 of the 9 people have been known to services for some time, 1 person has been successfully moved to temporary accommodation, 1 person declined offers of support and Council and relevant agencies have not been able to successfully engage with 3 x people. Council will continue to work with local agencies on the issue of homelessness.

As detailed earlier in this report, from a domestic and family violence perspective, Council provided additional funds to the Domestic & Family Violence Housing Program, which has increased the supply of housing from 3 to 6 units. Council continues to be involved in planning for this next delivery of units with the Women's Housing Company.

#### *Holdsworth Community:*

As Councillors would know, Council supports the Holdsworth Community financially each year, with the Holdsworth Community supporting children and adults living with intellectual disabilities; families with young children; older people who may be frail, ill, lacking mobility, experiencing social isolation or living with dementia; and their families and care givers throughout Sydney and its Eastern Suburbs.

The Chief Executive Officer (CEO) of Holdsworth Community, Ruth Kesterman has provided an overview on the impacts of COVID-19 on the work the Holdsworth Community do and it was considered appropriate to include this information as part of this report considering the important work that Holdsworth Community does across the broader eastern suburbs community. A copy of this overview is available at Annexure 3 to this report.

#### *Community & Cultural Grants*

Of the 2019-2020 Community & Cultural grant recipients, 13 of the 32 successful recipients requested extensions or variances in project delivery of their projects due to COVID-19 and the associated social distancing restrictions. Council continues to work with the recipients in relation to these projects.

In keeping with the cultural theme, it is apparent that the closure of the arts and cultural sector throughout the pandemic has led to a heightened desire for people to obtain access to and take comfort from arts and culture. For example, this year saw more entries in the Digital Literary Award, with the Reader's Choice generating 388 reader votes. There have also been 844 entries for the Woollahra Small Sculpture Prize, which is a record number of entries. Artists also submitted 87 design concepts for the Creative Hoardings expression of interest. With the Woollahra Gallery due for completion in late 2020 / early 2021, Council's ongoing support for arts and culture has been well received by the community.

#### **Council Staff Impacts:**

As noted earlier in this report, there were three key points that guided Council's responses in relation to staff and the broader community as follows:

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- We must comply with safe work legislation in relation to staff.
- We have a moral obligation to protect our staff, in particular any staff member who may fit within the higher at risk categories if exposed to COVID-19.
- We have an obligation to our community to be seen to be responding appropriately given we have a significant proportion of our community in the age group regarded as most vulnerable.

In line with the above, a Work from Home (WFH) requirement for all staff not identified as critical to be physically attending Council in order to carry out their functions was implemented on 17 March 2020 and this largely remains in place today.

Initially, all outdoor operations continued subject to review on a daily basis. At the time it was noted that it was likely that reduced or skeleton staffing would be introduced and this did occur, with the splitting and rostering of work groups, changed starting / finishing locations and staggered start / finish times were implemented for staff that could not work from home. Regardless of this, emergency response and critical services such as waste collection continued.

Within 48 hours of the establishment of the WFH regime, Council's IT systems were provided at homes via staff owned PC's or Council laptops, with over 250 staff connecting to Council's systems remotely.

Other initiatives to help protect staff during this period included limiting the number of staff travelling together in vehicles, plus there has been continued education of staff as to individual responsibilities when it comes to things like hygiene, self-isolation and social-distancing practices.

For those staff that continued to provide essential services and were required to attend a Council Workplace, arrangements were put in place to reduce (as far as possible), the impact of a positive COVID-19 test of a staff member. These measures take advantage of having three depot sites and enabled the physical separation of waste staff (still located at Bourke Road Alexandria) and street cleansing and business centre staff (now in Fletcher Street Depot) who would form backup crews if a waste crew could not attend work.

In relation to regulatory staff, operations moved to a more customer response / safety focused operation. This means Council wound back our proactive parking patrols, moving away from undertaking patrols of time-restricted areas, including resident parking zones, in favour of a focus on safety issues such as 'No Stopping' and 'No Parking' and responding to customer requests and complaints which include work zone, loading zone, disability parking and parking across driveway offences and the like. These arrangements allowed a greater number of smaller teams to be put in place with appropriate rostering to minimise the impact of any forced staff absences.

The above approach also freed up Regulatory staff to undertake the critical work of patrolling parks and beaches and to manage social distancing. It is noted that as the demand for social distance patrols increased, the role of Regulatory staff was complemented by staff from the Technical Services division and external security personnel. It is expected that over the 2020-2021 summer period, there will be greater use of external personnel, allowing Council staff to focus on their key functions.

**COVID-19 Response & Recovery Program:**

For information, an internal COVID-19 Response & Recovery Program (the Program) has been developed in an effort to guide how the organisation approaches and manages various aspects of



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working through the pandemic. The Program includes information around the continued delivery of Council services; support measures for small business; various Placemaking initiatives and community recovery initiatives, with the Program acting as a tracking mechanism of the various measures in place. The Program is regularly updated as information comes to hand or decisions are made in relation to the range of relief measures and initiatives etc.

**Council Meeting Schedule:**

At the 6 April 2020 extraordinary Council meeting, the following was resolved as a result of a Notice of Motion:

*Item No: 16.6*

*Subject: NOTICE OF MOTION - COUNCIL AND COMMITTEE MEETING CYCLE (COVID-19)*

*(Zeltzer/Cavanagh)*

*Resolved:*

- A. That Council move to once a month Council Meeting cycle until 30 September 2020, or an earlier date if the opportunity arises as a consequence of the impact of the Coronavirus guidelines on Council operations (commencing at 6.00pm).*
- B. That the General Manager, in liaison with the Mayor, be requested to review all Committee functions and meeting schedules to accommodate Council Business being limited to statutory, essential or urgent public interest decisions which require resolutions of the Council together with Committees meeting no more than once per month as well.*

*For the Motion*

*Against the Motion*

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

*Councillor Cullen  
Councillor Elsing  
Councillor McEwin  
Councillor Price  
Councillor Regan  
Councillor Silcocks*

*9/6*

As per the above Council resolution, Council has been meeting formally once a month since May 2020, in addition to regular Committee meetings. As the above-mentioned Council resolution states, the revised Council meeting schedule was only put in place to 30 September 2020 or earlier. In light of the fact that 30 September 2020 is just over one month away at the time of writing this report, Council will need to give consideration to the Council meeting schedule prior to the end of September.

In light of the fact that there are regular Committee meetings and currently as a general rule, weekly Councillor briefings on a range of subjects and issues, it is the staff recommendation as included in this report, that monthly Council meetings continue throughout October, November and December 2020 with a further review of the Council meeting cycle to take place in February 2021. With this monthly Council meeting cycle in place, the intention would be to continue to utilise the third Monday of the month for Councillor Briefings, as well as other additional nights for Councillor

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Briefings as required.

When the further review of the Council meeting cycle take place, consideration may need to be given to the implications of recommencing the fortnightly Council meeting cycle, particularly with regard to the formal Council Committee meetings. If the FC&S and Environmental Planning Committees are to meet on the same Monday night as they have done in the past, then there are some technical challenges with this at this point in time. At present, Council can only livestream from the Council Chambers, where one Committee meeting would be held, leaving one Committee meeting without the ability to be livestreamed. There would also be the need for two YouTube channels to be established as opposed to just the one YouTube channel that Council now has in place. This is so that both Committee meetings could be livestreamed at the same time, as required under the relevant legislation.

#### **Mayor's COVID-19 Delegations:**

At the extraordinary Council meeting held on 6 April 2020, in response to a Notice of Motion tabled at that meeting relating to emergency delegations for the Mayor regarding COVID-19, the Mayor was granted certain delegations specifically to address the COVID-19 situation if required. At the 6 April 2020 Council meeting, Council resolved in part, the following:

- E. That the instrument of delegation be in effect until the Extraordinary Council Meeting to elect the Deputy Mayor in September 2020 and/or extended as appropriate by Council resolution.*

As per the above mentioned Council resolution, further information on the Mayor's specific COVID-19 delegations will be tabled at the extraordinary Council meeting scheduled for 21 September 2020, for further consideration by Council.

#### **Identification of Income & Expenditure:**

Details relating to the cost of COVID-19 relief measures provided by Council and the impact on the 2019-2020 and the 2020-2021 budget were detailed earlier in this report. As noted above, in total, the impact of COVID-19 as included in the adopted 2020-2021 budget is approximately \$2.8M. This is to be offset by the transfer of \$2.35M from financial reserves, giving a net impact on the 2020-2021 budget of \$450K.

As also detailed earlier in the report, it should be noted that any decisions by Council to extend the financial relief measures into the future i.e. past the end of September 2020, will impact further on the 2020-2021 budget, with appropriate adjustments and associated reporting on any revised 2020-2021 budget to be undertaken as required.

It is likely that the key source of offsetting available in the 2020-2021 budget to lessen the impact of COVID-19 on the budget will come from reserve funding, notably the Property Reserve. Utilisation of the Kiaora Place Reserve to partly fund current rent relief measures will see that reserve reduced to a level sufficient to meet its intended purpose i.e. to fund capital renewal requirements; however, further utilisation of this reserve could have a detrimental impact on the long term intended purpose of the reserve. This consideration will form part of the September quarterly budget review which will include reporting on any financial decisions made by Council as a result of this or other reports to Council relating to COVID-19.

Further to the above and as detailed earlier in this report, the financial relief measures through to the end of September 2020 are currently included in the 2020-2021 budget and formed part of the

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DPOP that was placed on public exhibition earlier in 2020, prior to adoption by Council in June 2020. These COVID-19 relief measures appeared as a highlight in the budget summary in the DPOP document.

In light of the fact that the granting of financial assistance cannot be delegated, if Council is of a mind to extend the COVID-19 financial relief measures in some form and to any level, we will be required to undertake a formal public notice / exhibition process, detailing the relief measures Council wishes to put in place, hence the staff recommendation as included in this report. This exhibition period would need to be for 28 days and would require a further report back to Council to seek Council's final consideration of the relief measures, prior to implementing any extended relief measures.

**Conclusion:**

The intent of this report has been to detail the work undertaken by Council throughout the pandemic to date and to make recommendations on a potential way forward with the various initiatives and support measures that have been put in place.

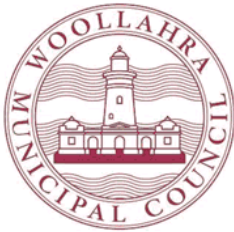
As noted in this report, Council has been very proactive in managing the impacts of COVID-19 on Council and the community. The Mayor, Councillors, Council staff and of course our community are to be congratulated on the way in which everyone has gone about adopting and adapting to the new ways of working due to the pandemic.

As per the recommendations included in this report, Council now needs to give further consideration to the range of financial and other relief measures that were put in place some six months ago, with a view to either amending, extending or ceasing the range of measures currently in place.

What is clear is that the pandemic has presented immense challenges for our community and it is incumbent on Council to continue to find ways to support our residents, businesses and visitors during this period, whilst continuing to deliver our current range of services and maintaining the community's assets and infrastructure.

**Annexures**

1. Mayoral Minute 6 April and Briefing Note 30 March 2020 on COVID
2. WMC Covid-19 Beach Reopening Management Plan
3. Holdsworth - Impact of COVID - August 2020



## Ordinary Council COVID-19 Update



### Resolution Extracts

Monday 6 April 2020

Monday 24 August 2020

**Mayoral Minute – Council’s Response to COVID-19  
Extraordinary Council Meeting  
Resolution – 6 April 2020**

(Wynne/Jarvis)

**1/20 Resolved:**

THAT Council:

- A. Notes Council's response to the COVID-19 pandemic that has focused on protecting the health and well-being of elderly and vulnerable members of the community and our staff has demonstrated leadership to our community and the local government sector.
- B. Expresses Council's gratitude for the incredible efforts of staff in delivering Council's response, including the loyalty, dedication and agility staff have demonstrated in order to continue to serve our community despite increased exposure and to work with each other to create new ways of delivering services.
- C. Notes the support of Councillors and the collaborative efforts of Council's senior staff in shaping Council's ongoing response, underpinned by the Mayor's prioritisation of transparency and inclusivity in decision making notwithstanding crisis conditions.
- D. Notes and endorses all actions taken by the Mayor and General Manager outlined in the Briefing Paper issued on 30 March 2020 attached to this Mayoral Minute as decisions of the Council.
- E. Requests the Mayor and General Manager continue to provide Councillors regular appropriate written briefings detailing Council's ongoing operational response.
- F. Requests the preparation of a report on future budget implications and priorities, at an appropriate time in the future once staff resources can be diverted from delivering Council's immediate operational and strategic response to COVID-19.
- G. Notes the most recent updates provided to Councillors by the Community Services and Technical Services divisions.

*Note: In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.*

***For the Motion***

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

***13/2***

***Against the Motion***

Councillor Elsing  
Councillor Price

**Council Report - COVID-19 Update**  
**Council Meeting**  
**Resolution – 24 August 2020**

(Shields/Shapiro)

**2/20 Resolved:**

- A. THAT Council note the information as included in this COVID-19 update report.
- B. THAT Council introduce a program of rent relief for Council's small and medium enterprise (SME's) and community tenants, consistent with the National Cabinet Mandatory Code and associated NSW Regulations for a period of six months from 1 October 2020 to 31 March 2021, with a further review of the program to be undertaken and reported to Council in February 2021, noting that any rent relief to be provided by Council will be based on demonstrated Covid-19 related downturn in revenue and in the case of food premises, on Covid-19 related spatial restrictions.
- C. THAT Council authorise the General Manager to implement restrictions on beach access and activity, following consultation with the Mayor, with written advice on any decisions made to be provided to Councillors following any such decisions.
- D. THAT Council authorise the General Manager to turn parking meters back on in Double Bay and Oxford Street Paddington, commencing on 1 October 2020, noting that further consideration of the recommendation from Finance, Community and Services Committee meeting of 16 March 2020 regarding 30 minute free parking will be considered by Council at the 28 September 2020 Council meeting.
- E. THAT Council extend the waiver of footway dining fees (rent and/or application fees) from 1 January 2020 to 30 June 2021, noting that the current waiver has already been extended to 31 December 2020.
- F. THAT Council recommence charging interest on overdue rates from 1 January 2021, noting that Council's Financial Hardship policy still remains in place.
- G. THAT Council request the General Manager engage an Economic Development Officer-Small Business on a contract basis as soon as practicable, until 31 December 2021, to be funded from a range of existing budgets, for the purpose of further coordinating Council's support for small business in the Woollahra local government area.
- H. THAT Council, as per s356 of the NSW Local Government Act 1993, place on public exhibition for a period of 28 days, the proposed future financial relief measures as resolved by Council at this 24 August 2020 Council meeting, with a further report to be tabled at a Council meeting following the close of the exhibition period for Council's further consideration, prior to implementing any further relief measures.
- I. THAT Council continue with monthly Council meetings for the months of October, November and December 2020 with a further review of the Council meeting scheduled to take place in February 2021, with Council utilising the third Monday of the month for Councillor Briefings as required.

- J. THAT consideration be given to providing additional parking permits for health professionals in Double Bay (i.e. similar to what was passed at St Vincents' Hospital previously).

*Note: In accordance with Council's adopted Code of Meeting Practice voting on the Motion is noted below.*

***For the Motion***

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

***Against the Motion***

Councillor Elsing  
Councillor Price  
Councillor Regan  
Councillor Silcocks

***11/4***





## **COVID-19 fighting fund to protect businesses, save jobs and support NSW through lockdown**

 [nsw.gov.au/media-releases/covid-19-fighting-fund-to-protect-businesses-save-jobs-and-support-nsw-through](https://nsw.gov.au/media-releases/covid-19-fighting-fund-to-protect-businesses-save-jobs-and-support-nsw-through)

Published: 13 Jul 2021

Released by: The Premier, Treasurer

The NSW Government today announced a comprehensive economic support package worth billions of dollars aimed at helping businesses and people right across the state fight through the current COVID-19 lockdown.

The commitment will now be up to \$5.1 billion, including more than \$1 billion from the Commonwealth as part of a business and employee support program.

The business grants program announced two weeks ago has been expanded, with grants between \$7500 and \$15,000 available to eligible businesses with annual wages up to \$10 million.

A new grant program has also been introduced for smaller micro businesses with turnover between \$30,000 and \$75,000.

Thousands of employees will also be protected with NSW committing half of a new \$2.1 billion business and employee support program to be delivered together with the Commonwealth.

Businesses will benefit from payroll tax waivers of 25 per cent for businesses with Australian wages of between \$1.2 million and \$10 million that have experienced a 30 per cent decline in turnover.

The NSW Government will also cover the disaster recovery payments for areas outside the Commonwealth declared hotspot from week four of the NSW lockdown providing valuable support across the state.

Residential tenants will have greater protection with a targeted eviction moratorium.

Residential landlords who decrease rent for impacted tenants can apply for a grant of up to \$1,500 or land tax reductions depending on their circumstances.

Commercial and retail landlords will need to attempt mediation before recovering a security bond, or locking out or evicting a tenant impacted by the Public Health Order.

Commercial, retail and residential landlords liable for land tax will be eligible for a land tax concession where they reduce the rent of their tenant.

Premier Gladys Berejiklian said the comprehensive package had three key aims - protecting business, saving and keeping jobs through the lockdown and ensuring people had support during an uncertain and difficult time.

"We have always said we will do whatever it takes to protect the people of NSW and keep our economy strong, and that is exactly what we are doing," Ms Berejiklian said.

"While our health and medical staff are fighting COVID-19 on the frontline, this comprehensive support package is aimed at saving jobs and protecting businesses until the lockdown is over."

Treasurer Dominic Perrottet said the Government was offering support in as many areas as possible, with payroll tax cuts for eligible businesses, up to \$75 million in support for the performing arts sector and \$26 million for the accommodation industry.

"We saw last year during the first lockdown the importance of protecting jobs and ensuring people remained connected with their workplace," Mr Perrottet said.

"The value of our business grants package is now up to \$2.1 billion with a 50 per cent increase, there is also a new grant for those smaller businesses turning over between \$30,000 and \$75,000, and payroll tax waivers for eligible businesses with a payroll up to \$10 million that suffer a 30 per cent reduction in turnover.

"This is a mighty package aimed at ensuring the NSW economy bends in the storm but doesn't snap. We will come out the other side with a few scrapes but more determined than ever."

Key components of the 2021 COVID-19 package include:

- An extension to the previously announced business grants program. This means eligible businesses with Australian wages below \$10 million can claim grants between \$7500 and \$15,000 to cover the first three-weeks of restrictions, and takes the potential size of the program to \$2.1 billion;
- Up to \$2 billion committed to the scheme to provide cashflow support to businesses to help them retain staff, to be delivered together with the Commonwealth.
- Payroll tax waivers of 25 per cent for businesses with Australian wages of between \$1.2 million and \$10 million that have experienced a 30 per cent decline in turnover, as well as payroll tax deferrals and interest free repayment plans;
- A new grants program for micro businesses with a turnover of between \$30,000 and \$75,000 which experience a decline in turnover of 30 per cent. The businesses will be eligible for a \$1500 payment per fortnight of restrictions.
- A capped grant of up to \$1500 for residential landlords who are not liable to pay land tax who reduce rent for tenants estimated at \$210 million;
- Land tax relief equal to the value of rent reductions provided by commercial, retail and residential landlords to financially distressed tenants, up to 100 per cent of the 2021 land tax year liability;

- Introduction of legislative amendments to ensure a short-term eviction moratorium for rental arrears where a residential tenant suffers loss of income of 25 per cent due to COVID-19 and meets a range of criteria.
- No recovery of security bonds, or lockouts or evictions of impacted retail and commercial tenants prior to mediation;
- Deferral of gaming tax assessments for clubs until 21 December 2021 and hotels until 21 January 2021;
- A \$75 million support package for the performing arts sector to be administered by Create NSW;
- A support package for the accommodation sector worth \$26 million;
- \$12 million in additional funding for temporary accommodation for those at risk of or experiencing homelessness, and
- \$5.1 million in NSW funding to support mental health.

#### **Related information**

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- [COVID-19 business support 2021](#) →
- [COVID-19 help for businesses](#) →
- [Commonwealth Government: COVID-19 Disaster Payment](#) →
- [COVID-19](#) →

<b>Item No:</b>	12.2
<b>Subject:</b>	<b>CONSULTATION - THE INDEPENDENT PRICING AND REGULATORY TRIBUNAL (IPART) REVIEW OF THE RATE PEG TO INCLUDE POPULATION GROWTH DRAFT REPORT</b>
<b>Author:</b>	Sue Meekin, Director Corporate Performance
<b>Approvers:</b>	Craig Swift-McNair, General Manager Sue Meekin, Director Corporate Performance
<b>File No:</b>	21/139056
<b>Reason for Report:</b>	To seek endorsement of Council's submission to the Independent Pricing and Regulatory Tribunal (IPART) Draft Report on the Review of the Rate Peg to Include Population Growth.

**Recommendation:**

- A. THAT Council authorises the General Manager to make a submission as outlined in this report in response to the Independent Pricing and Regulatory Tribunal (IPART) on the Review of the Rate Peg to Include Population Growth Draft Report.
- B. THAT a further report be prepared to Finance, Community & Services Committee following the release from IPART of the Final Report to the Minister for Local Government.

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**Background:**

Rate pegging has been in place in NSW since 1977. The rate peg is the maximum percentage by which a council may increase its general income for the year.

In late 2020 the NSW Government commissioned the Independent Pricing and Regulatory Tribunal (IPART) to develop a methodology for population growth to be taken into account when it sets the annual rate peg.

On 29 June 2021 IPART released its draft report "*Review of the Rate Peg to include Population Growth*", a copy of which is presented as **Annexure 1**.

IPART is seeking feedback on the Draft Report by way of online submissions until 6 August 2021. A public hearing was conducted on 20 July 2021 which Council staff attended.

IPART are due to present a Final Report to the Minister for Local Government by 14 September 2021.

**Discussion:**

The proposal to allow rates to grow beyond the rate peg based on population growth represents a major reform to the rating system. The draft methodology proposed by IPART is detailed below and although this represents a significant improvement on the current system, it will not fully address the problems resulting from rate pegging. There are other cost drivers and revenue constraints that would not be accounted for by this change. These factors are independent of population growth and include costs driven by the expanding roles and responsibilities of local government, rising community expectations, rising project costs, cost shifting and the ongoing decline in Commonwealth Financial Assistance Grants in real terms. These factors impact on all councils, not just "growth" councils.

In NSW, the amount of revenue councils can raise through rates is limited by the rate peg and increases in rates from supplementary valuations due to changes in land value. However, this additional revenue is insufficient to maintain per capita rates for many councils with growing populations.

Councils can levy developer contributions through development contribution plans to fund development infrastructure but this additional revenue does not cover the ongoing operating or maintenance costs of the infrastructure.

With limited avenues to raise discretionary income from alternative sources to fund new services and infrastructure, some councils have needed to apply to IPART for a 'special variation' so their general income can rise in line with their population growth.

IPART's Draft Report recommends changes to the rate peg to account for population growth to enable councils to provide services for new residents and maintain delivery standards for their communities.

#### *Current Rate Peg*

The rate peg is currently based on the change in the Local Government Cost Index (LGCI), consideration of a productivity factor, and an adjustment for any other relevant factors (e.g in 2021-2022 there was an adjustment for the cost of the 2021 local government elections):

*Rate Peg = change in LCGI – productivity factor + other adjustments*

The LGCI is a price index for councils in NSW and measures price changes over the past year for goods, materials and labour used by an average council. In principle it is similar to the Consumer Price Index (CPI), which is used to measure changes in prices for a typical household.

Historically, under this formula, the rate peg has not included any adjustment for population growth, meaning the additional costs of population growth have been funded within existing rates revenue or by other means.

#### *Population Growth*

The population in NSW is growing and is expected to continue to grow, but the amount of growth varies across the state and therefore varies across Local Government Areas (LGA).

It is acknowledged that the Woollahra LGA has not been subject to large population increases when compared to other LGAs within NSW e.g Camden and Blacktown. However, the draft report from IPART estimates that for every 1% increase in population, NSW councils' expenditure increases by 0.85%. Using Australian Bureau of Statistics (ABS) data, the Woollahra municipality population has increased by 3,426 or 6% over a ten year period from 56,005 in 2010 to 59,431 in 2020. This would suggest that over the same period Council's costs could have increased by 5.1% as a direct result of population growth.

#### *Supplementary Valuation Process*

Councils already receive some revenue outside of the rate peg from population growth through the supplementary valuation process. This involves a new value being assigned to a property due to changes being made to the property. For example:

- land rezoning (eg, the zoning of a property changing from farmland to residential or detached housing to multi-unit apartments), and/or
- changes in the number of rateable properties on the property (eg, through an increase in apartments or subdivision).

Although supplementary valuations do provide some additional revenue they do not fully compensate councils for increased costs.

#### *IPART's Draft Methodology to Include Population Growth*

IPART's proposed draft methodology is based on the premise that existing service levels, represented by the amount of general income (from rates) per capita, is the best indicator of the future costs of servicing population growth. Therefore, maintaining per capita general income will enable councils to maintain existing service levels and provide the services to the growing community.

Based on this, IPART's proposed methodology is to include a factor for population growth in the Rate Peg calculation:

*Rate Peg = change in LCGI – productivity factor + other adjustments + population factor*

IPART proposes that the population factor would be calculated using historical annual Australian Bureau of Statistics (ABS) estimated residential population (ERP) by LGA adjusted by the increase already provided through the supplementary valuations process.

Under IPART's proposed methodology, if the population factor calculation resulted in a negative figure, zero would be used instead.

ABS population data, although backward looking, is an estimate and the data is updated to reflect actual growth after the census every 5 years. In the draft report IPART's analysis indicated the difference between the estimates and the actual census data for most councils would be minimal and as a result they believe that a "true-up" would not be required.

#### *Feedback Requested by IPART*

IPART is seeking feedback on the following questions:

1. Should our methodology be re-based after the census every five years to reflect actual growth?
2. In the absence of a true-up, should we impose a materiality threshold to trigger whether an adjustment is needed on a case-by-case basis to reflect actual growth?
3. Do you have any other comments on our draft methodology or other aspects of this draft report?

#### *Draft Responses to IPART Questions*

Question 1: Should our methodology be re-based after the census every five years to reflect actual growth?

Response: No, in support of ensuring that the process remains straightforward and based on IPART's analysis that the difference between estimates and actual census data would be minimal, we do not believe that an adjustment would be necessary unless there was a material difference.

Question 2: In the absence of a true-up, should we impose a materiality threshold to trigger whether an adjustment is needed on a case-by-case basis to reflect actual growth?

Response: We do not support a "true-up" in any circumstances where it would result in a reduction in a council's income. The population factor should instead remain at zero until the position is corrected.

We do support a threshold to be established where actual population growth exceeds the estimated growth by a material percentage. In general terms we believe a material difference would be 5% or higher.

Question 3: Do you have any other comments on our draft methodology or other aspects of this draft report?

Response:

- a. Although Council supports the draft methodology proposed by IPART it will not fully address the problems resulting from rate pegging. There are other cost drivers and revenue constraints that would not be accounted for by this change. These factors are independent of population growth and include costs driven by the expanding roles and responsibilities of local government, rising community expectations, rising project costs, cost shifting and the ongoing decline in Commonwealth Financial Assistance Grants in real terms. These factors impact on all councils, not just "growth" councils.
- b. Council's view is that the best solution to the problems of rate pegging and its negative impact on a council's long term financial sustainability is to unconditionally remove rate pegging.

### **Identification of Income & Expenditure:**

If the draft methodology is adopted, the inclusion of the population factor in the rate peg calculation will commence from 2022-2023. As noted above, the Woollahra LGA is not been subject to large population increases when compared to other LGAs within NSW so the increase in rates income will not be material.

### **Conclusion:**

The proposal to allow rates to grow beyond the rate peg based on population growth represents a major reform to the rating system. Although the draft methodology proposed by IPART represents a significant improvement on the current system, it will not fully address the problems resulting from rate pegging. There are other cost drivers and revenue constraints that would not be accounted for by this change.

### **Annexures**

1. IPART Review of Rate Peg to Include Population Growth [!\[\]\(91353dea0600335a09362f69ea4eac2b\_img.jpg\) !\[\]\(8ac20398c2287d97d8335789f07d6827\_img.jpg\)](#)





### **Tribunal Members**

The Tribunal members for this review are:

Ms Deborah Cope, Acting Chair  
Ms Sandra Gamble  
Mr Mike Smart

Enquiries regarding this document should be directed to a staff member:

Cameron Shields (02) 9019 1901  
Sheridan Rapmund (02) 9290 8430

### **Invitation for submissions**

IPART invites written comment on this document and encourages all interested parties to provide submissions addressing the matters discussed.

### **Submissions are due by Friday, 6 August 2021**

We would prefer to receive them electronically via our online submission form [Lodge a submission](#)

You can also send comments by mail to:

Review of the rate peg to include population growth  
Independent Pricing and Regulatory Tribunal  
PO Box K35  
Haymarket Post Shop, Sydney NSW 1240

Late submissions may not be accepted at the discretion of the Tribunal. Our normal practice is to make submissions publicly available on our [website](#) as soon as possible after the closing date for submissions. If you wish to view copies of submissions but do not have access to the website, you can make alternative arrangements by telephoning one of the staff members listed above.

We may choose not to publish a submission - for example, if it contains confidential or commercially sensitive information. If your submission contains information that you do not wish to be publicly disclosed, please indicate this clearly at the time of making the submission. However, it could be disclosed under the *Government Information (Public Access) Act 2009* (NSW) or the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW), or where otherwise required by law.

If you would like further information on making a submission, IPART's submission policy is available on our website.

### **The Independent Pricing and Regulatory Tribunal (IPART)**

We make the people of NSW better off through independent decisions and advice. IPART's independence is underpinned by an Act of Parliament. Further information on IPART can be obtained from [IPART's website](#).

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Our draft methodology allows councils' rates revenue to rise with population growth

## 1 Our draft methodology allows councils' rates revenue to rise with population growth

Councils are not adequately compensated for population growth under the current rating system, which disincentivises them from accepting development and population growth.

We have proposed a draft methodology that will enable councils to maintain per capita general income over time as their populations grow. We found that existing service levels, represented by the amount of general income per capita, is the best indicator of the future costs of servicing population growth. Maintaining per capita general income will help councils to maintain existing service levels and provide the services their growing communities expect.

The draft methodology includes a population factor based on the percentage change in residential population in each council area. This approach reflects our findings of a mostly linear relationship between council costs and population growth.

We propose using population data from the Australian Bureau of Statistics (ABS) to determine the change in residential population. While many stakeholders expressed a preference for using population projections rather than the ABS historical estimates, our view is that the ABS data is more accurate than projections and will reduce the need for a true-up.

Councils already receive some revenue outside the rate peg from population growth through supplementary valuations, but the amount varies depending on the type of development and the underlying rate structure in a council area. Our proposed population factor would act as a 'top-up' to the revenue that councils already receive through supplementary valuations.

Our draft methodology applies to all councils experiencing population growth, even at low levels. We modelled the impact our draft methodology would have had on councils over the past 4 years and found it would have increased the total general income of the sector by 0.6%, which amounts to \$116 million.

Our draft methodology will allow rates revenue to increase to better cover the costs of population growth from 2022-23. Councils may need to apply for special variations to catch-up on historic shortfalls in revenue. Rates revenue is one funding source available to councils; there are others including grants and developer contributions that are beyond the scope of this review. We note that there are also reforms proposed to the developer contributions system, and the impact of the changes to the rate peg and infrastructure contributions will be different for each council.

The impact of our draft methodology on ratepayers will also vary from council to council. Councils in NSW have autonomy to set rates and ultimately each council's ratings structure will determine who pays towards growth. While the impact on individual ratepayers may vary, on average new ratepayers will pay most of the additional rates revenue. Given this, our view is additional protections for existing ratepayers are not necessary at this stage.

Our analysis indicates that the relationship between costs and population growth for City of Sydney is not linear and a different approach may be necessary to account for this. We will consult with City of Sydney to better understand the issues.

Our draft methodology allows councils' rates revenue to rise with population growth

We plan to review the performance of our draft methodology within 5 years to ensure it remains appropriate and consistent with its intended purpose to compensate councils for population growth.

### Draft Recommendation



1. Each council's general income on a per capita basis should be maintained as its population grows. The rate peg for each council should be increased by a population factor equal to the annual change in its residential population, using Australian Bureau of Statistics data, with an adjustment for income derived through supplementary valuations. Our proposed method is provided below.

### 1.1 Proposed adjustment to the rate reg for population growth

We propose to maintain each Council's general income on a per capita basis as its population grows as set out below

### Draft rate peg methodology

In November each year, we will publish a rate peg methodology that will apply to NSW local governments based on the following formula:

$$\text{Rate peg} = \text{change in LGCI} - \text{productivity factor} + \text{other adjustments} + \text{population factor}$$

In this formula:

**change in LGCI** means the change in the local government cost index (LGCI).

More information on the LGCI, productivity factor and other adjustments we may make in determining the rate peg is set out in Information Paper 3: The context of our review. We are not considering other changes to the rate peg as part of this review.

### Population factor for 2022–23:

Each year, each council will have a population factor equal to the annual change in its residential population, adjusted for revenue received from supplementary valuations in the previous year.

Our draft methodology allows councils' rates revenue to rise with population growth

The population factor is equal to the maximum of zero or the change in residential population less the supplementary valuations percentage. Councils with negative population growth will have a population factor of zero, ensuring they are no worse off under our methodology. Councils that have recovered more from supplementary valuations than is required to maintain per capita general income as their population grows will also have a population factor of zero. The population factor will be calculated using the following formula:

$$\text{Population factor} = \max(0, \text{change in population} - \text{supplementary valuations percentage})$$

#### Change in population for 2022–23:

We will publish the change in population for each council on our website. The change in population will be calculated using the estimated residential population (ERP) for 2020 and 2019 specified in the Australian Bureau of Statistics (ABS) 'ERP by LGA (ASGS 2020), 2001 to 2020', released March 2021.<sup>1</sup>

The calculation is shown in the following formula:

$$\text{change in population} = \max\left(0, \frac{\text{ERP 2020}}{\text{ERP 2019}} - 1\right)$$

Each year we will update the formula. For example, for the 2023-24 rate peg methodology we will calculate the change in population using ABS data for 2020 and 2021.

#### Supplementary valuations percentage for 2022–23:

The supplementary valuations percentage will be calculated by councils. The calculation is shown in the following formula:

$$\text{supplementary valuations percentage} = \max\left(0, \frac{\text{supplementary valuations}}{\text{notional general income yield}}\right)$$

In this formula:

**supplementary valuations** means the total value of adjustments to council's general income for the previous year (2021–22) that the council made under paragraphs 509(2)(b) and (c) of the *Local Government Act 1993* (LG Act)

**notional general income yield** means the general income of the council for the previous year (2021–22) prior to making adjustment under paragraphs 509(2)(b) and (c) of the LG Act.

Each year we will update the formula. For example, for the 2023-24 rate peg methodology councils will calculate their supplementary valuations percentage based on their supplementary valuations revenue and notional general income yield for 2022-23.

#### Explanatory notes

Important features of the draft methodology include:

- The population factor reflects a linear relationship between population growth and council costs.

Our draft methodology allows councils' rates revenue to rise with population growth

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- The change in population for each council is calculated using ABS estimated residential population data.
- Councils with negative growth will have a population factor of zero. Such councils will receive a rate peg that is determined in same manner as it is now.
- If a council's supplementary valuations percentage exceeds its change in population, indicating the council has recovered more revenue through supplementary valuations than is necessary to maintain per capita general income, the population factor will be zero.

The draft methodology does not change the operation of the supplementary valuation process under the *Valuation of Land Act 1916* or the calculation of notional general income under section 509(2) of the LG Act. Councils will still calculate their notional general income in the same way as they do now. The rate peg methodology will, however, account for the value of supplementary valuations when determining the population factor to be applied.



Councils currently are not adequately compensated for population growth

## 2 Councils currently are not adequately compensated for population growth

### 2.1 The population in NSW is growing

The population in NSW is growing and is expected to continue to grow, but the amount of growth varies across the state.<sup>2</sup> Growth is concentrated in metropolitan areas, although some regional areas are also growing.<sup>3</sup> Information Paper 3: The context for our review provides more information about NSW's population growth, including the impact of COVID-19.

As local communities grow, councils need to provide infrastructure and services to new residents and businesses.

Councils source revenue in a variety of ways



Council revenue sources include:

- property rates
- sale of goods and services, which includes fees and charges for services such as waste management, water and wastewater, recreation, building approvals and parking
- grants from the Australian Government administered through the NSW Grants Commission, and other grants such as capital grants
- other revenue, including levying developer contributions
- interest income.

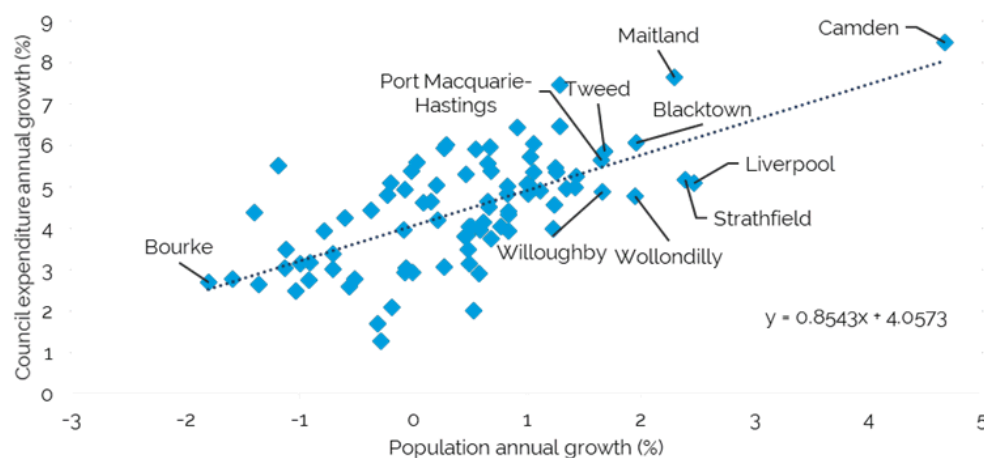
Councils currently are not adequately compensated for population growth

## 2.2 Council costs increase as population grows

Our analysis shows the main driver of a council's costs is the size of its population or number of ratepayers in the area.

Historically, council costs have increased with population growth. For every 1% increase in population, we estimate NSW councils' expenditure increases by 0.85%. Figure 1 shows the relationship between councils' expenditure and population growth.

Figure 1 Population and council expenditure growth in NSW (1999-2019)



a. Excludes LGAs that did not exist for the entire sample period. Excludes Albury, Lithgow and Oberon, whose borders changed in 2004. Excludes The Hills Shire and Hornsby, whose borders changed in 2016.

Source: The CIE, Analysis of rate peg options to account for population growth, 19 May 2021, p.15.

Increased costs are driven by extra people, extra rateable and non-rateable properties, and the increase in community expectations of the functions and services councils provide.

The impact on council costs from population growth varies depending on:

- whether the council is a metropolitan, regional or rural council
- the demographics of the population in the council area
- the type of development that occurs with population growth; that is, greenfield or infill development or an increase in secondary dwellings (such as granny flats)
- the cost mix; that is, whether there is an increase in capital or operating costs.

We found existing service levels, represented by the amount of general income per capita, is likely to be the best indicator of the cost of servicing an additional person. This reflects our findings of a mostly linear relationship between costs and population growth.<sup>4</sup>

Councils currently are not adequately compensated for population growth

We worked with councils to understand how council costs and revenue are impacted by population growth:

- 01 Regional issues**  
We developed a case study showing the issues regional councils face. The case study was based on interviews with Byron Shire Council, Wagga Wagga City Council and Cessnock City Council, and issues raised through stakeholder submissions.
- 02 Greenfield development**  
We worked with Blacktown City Council to understand the costs of servicing a new greenfield development and the associated increase in revenue they receive from new development.
- 03 Infill development**  
We also worked with Bayside Council to understand the costs of servicing infill development. The case study also highlights issues with the ratings system.

These case studies are set out in Information Paper 1: The impact of population growth on council costs and revenue.

## 2.3 Funding the costs of population growth outside the rate peg

Rate pegging has been in place in NSW since 1977. The rate peg is the maximum percentage by which a council may increase its general income for the year. General income is predominantly revenue from rates. The rate peg applies to councils' total income from rates, rather than to individual rates.

Historically the rate peg has not included any adjustment for population growth, meaning the additional costs of population growth have been funded within existing rates revenue or by other means.

Councils may be able to increase their revenue outside the rate peg by:

<b>Special variations</b> Councils can apply to IPART for a special variation to increase their general income above the rate peg	<b>Supplementary valuations</b> When the Valuer General issues a supplementary valuation due to changes in land value (e.g. when land is rezoned or subdivided)	<b>Infrastructure contributions</b> Contributions from developers to fund infrastructure necessary to serve the needs of the development	<b>Government grants</b> Councils can apply for federal and state government grants
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Councils currently are not adequately compensated for population growth

Councils are partly compensated for higher population growth through higher rates revenue, mainly from the supplementary valuations process.



Our analysis indicates councils are currently recovering about 60% of the costs of population growth through supplementary valuations. The amount recovered varies between councils, depending on rate structure, land values and the type of development.

## 2.4 General income may be insufficient to service the costs of population growth

Our analysis shows the costs of growth are not being fully met for NSW councils in general, with faster growing councils tending to be unable to recover additional revenue through general income in proportion to their growth.<sup>5</sup> The outcome is an expenditure gap between the cost of growth and what councils spend.

Councils with fast growing populations have had slower growth in total revenue per capita. We expect councils experiencing high population growth will consequently observe a reduction in rates per capita as their population grows.

Submissions from councils supported our finding, indicating the costs of servicing growth outstrip the revenue that councils can recover through rates to service growth.

We expect under-recovery of the costs of growth will mean growing councils will be unable to maintain their service levels. This may result in councils relying on special variations to fund growth or exploring other forms of revenue raising.

We propose to maintain Councils' general income on a per capita basis

### 3 We propose to maintain Councils' general income on a per capita basis

#### 3.1 We propose to add a population factor to the rate peg to adjust for population growth

We examined councils' revenue and costs to investigate options to maintain councils' general income on a capita basis. The two options we considered in developing our draft methodology to adjust the rate peg for population growth involve either:

- **Option 1:** using the percentage change in population or rateable properties to determine the population factor, or
- **Option 2:** applying the percentage change in population or rateable properties to a per capita cost variable to determine the population factor.

These options are described in more detail in Information Paper 2: How we propose to adjust the rate peg for population growth.

Although both options are viable, we prefer option 1 as:

- It recognises service levels and costs are different across councils. Option 1 accounts for population growth by referring to the current costs per capita in each council.
- Our analysis found a largely linear relationship between council costs and population growth. This relationship suggests the added complexity of implementing option 2 may be unnecessary.
- Option 2 may be difficult to implement on a council-by-council basis.

Our preferred approach is summarised in Box 1.

#### Box 1 Our proposed adjustment to the rate peg for population growth

Our preferred approach is to implement a methodology that:

- maintains total per capita general income over time
- reflects a linear relationship between population growth and council costs
- is based on the change in residential population for each council
- applies to all councils, including those experiencing low growth.

We propose to maintain Councils' general income on a per capita basis

### 3.2 Our draft methodology maintains per capita general income

Our draft methodology has been designed to maintain per capita general income. This approach reflects our findings of:

- a mostly linear relationship between council costs and population growth
- that existing service levels, represented by the amount of general income per capita, is the best indicator of the cost of servicing an additional person.

### 3.3 We have used residential population rather than service population

Many submissions to our Issues Paper highlighted the costs incurred by councils where their serviceable population is higher than their residential population. Councils may have larger service populations due to tourism or because they are employment, business or cultural hubs.

We concluded it would not be appropriate to include service populations within a population factor as:

- It is challenging to accurately measure service populations.
- There is some benefit to business ratepayers from a larger serviceable population. However, ultimately ratepayers across all rating categories, including residential ratepayers, would pay for the additional costs to councils.
- Where practical, councils should make use of user pays approaches to collect additional revenue from service populations.

Councils can come to IPART for a special variation if they require additional revenue to increase rates to accommodate their service populations. We discuss the use of special variations for population related issues in section 4.3.1 of this Draft Report.

### 3.4 Using ABS data to measure changes in residential population

Although there was support in submissions and at council workshops for using population projections to measure population growth, our view is that the ABS estimated residential population data is the best data source for measuring changes in population.

We found the ABS data, which is a backward-looking estimate, to be more accurate than the Department of Planning, Industry and Environment's (DPIE) population projections, reducing the need for a true-up in our draft methodology. The ABS data is also easy to understand and publicly available.

We also considered using third party population projections, but concluded this is not appropriate because the relationship between third party providers and councils is not independent. We prefer an estimate that is derived at 'arm's length' from councils' processes.

We propose to maintain Councils' general income on a per capita basis

### 3.5 Adjusting for revenue from supplementary valuations

Councils are currently able to increase general income up to a maximum amount (called councils' notional general income) that is adjusted for supplementary valuations issued by the Valuer General. The Valuer General issues supplementary valuations when there are changes in land value outside the usual 3 to 4-year general valuation cycle (e.g. where land has been rezoned or subdivided).

Our analysis indicates councils are recovering about 60% of the costs of population growth from increases in general income due to supplementary valuations, although the amount recovered does vary between councils.<sup>6</sup>

Our preferred option includes an adjustment to the population factor to account for the increase in rates revenue already obtained by councils from supplementary valuations.



Our proposed adjustment for supplementary valuations will maintain per capita general income as councils' populations grow

Without this adjustment, some councils would be overcompensated for population growth (up to double in some cases).<sup>7</sup>

### 3.6 Our draft methodology is forward-looking

Many council submissions referred to councils needing to 'catch up' on past growth. We recognise that some councils may need additional revenue to address the impact of past population growth.

Our proposed adjustment to the rate peg for population growth does not include an adjustment for past growth. We have taken this approach because the need for and quantum of any catch up would need to be determined on a case-by-case basis to consider each council's:

- financial sustainability
- past income from supplementary valuations
- productivity and operating environment
- impact of any special variations.

Our view is this assessment is best undertaken through the special variations process (see section 4.3.1). We expect use of the special variations process for this purpose would be most suited to councils that have experienced high population growth that has caused per capita general income to decline.



We propose to maintain Councils' general income on a per capita basis

### 3.7 Councils general income will change in line with population growth

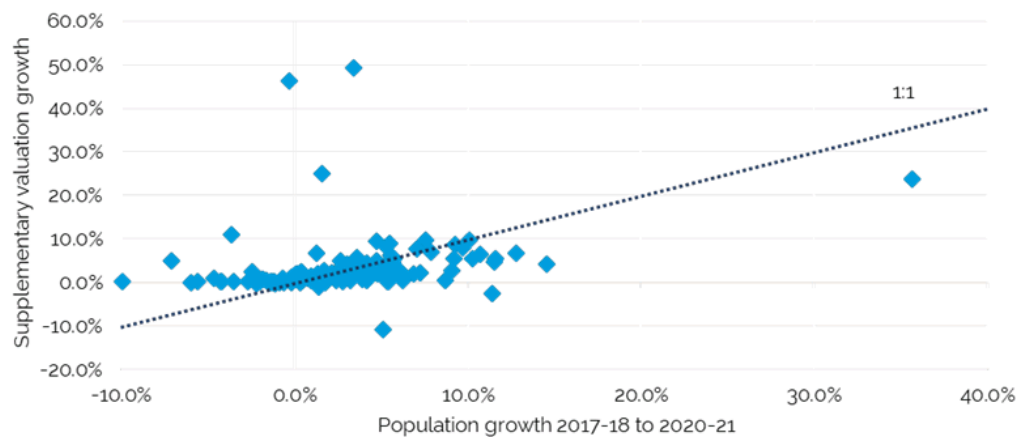
To estimate the impact on councils of our draft methodology to adjust the rate peg for population growth we modelled the outcomes if the proposed adjustment to the rate peg had been implemented for the past four years (2017-18 to 2020-21). We do not have reliable forecasts of the additional revenue councils receive through supplementary valuations to model the impact of our draft methodology going forward.

We found that our draft methodology would have:

- Increased the total general income of 96 of the 129 NSW councils
- increased the total general income of the local government sector by 0.6%, that is an additional \$116 million.<sup>a</sup>

The impact of our draft methodology is shown in the following figures. Figure 2 shows the percentage increase in councils' revenue per person from supplementary valuations against population growth over the past four years. Figure 3 shows the percentage increase in councils' revenue, after adjusting for our draft methodology, against population growth over the past four years. Our proposed methodology ensures councils can at least maintain general income on a per capita basis over time.

Figure 2 Percentage increase in councils' revenue per person from supplementary valuations versus population growth (2017-18 to 2020-21)

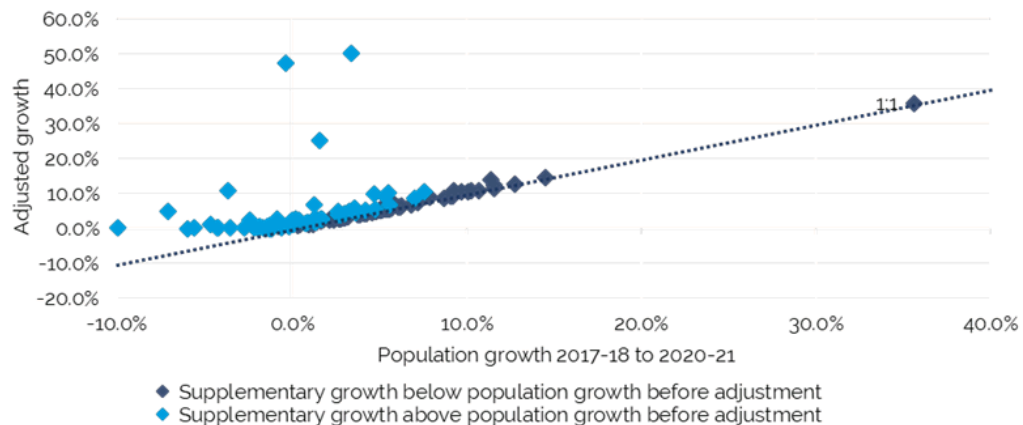


Source: OLG data and IPART analysis.

<sup>a</sup> Our estimate of \$116 excludes the impact of special variations over this time period, which increased councils' general income by about \$20 million over the four years.

We propose to maintain Councils' general income on a per capita basis

Figure 3 Percentage increase in councils' revenue per person from adjusted growth in revenue versus population growth (2017-18 to 2020-21)



Source: OLG data and IPART analysis.

### 3.8 Council rating structures determines who pays for population growth

Our draft methodology maintains per capita general income as population grows. While the impact on individual ratepayers may vary, on average rates will stay the same. We considered if we could implement a draft methodology and ensure the additional revenue that councils receive is paid for by new ratepayers. We found:

- **Who pays for population growth will vary from council to council:** The structure of a council's rates and the type of development that occurs with population growth will ultimately determine how much new ratepayers pay. Illustrative worked examples are set out in Information Paper 2: How we propose to adjust the rate peg for population growth.
- **Councils have limited ability to impose different rates for new ratepayers:** Generally, new ratepayers will pay the same rates as existing ratepayers in the relevant rating category or subcategory. Recent legislative changes to rating subcategories will provide some additional flexibility for councils to set rates to ensure new ratepayers pay their fair share, but only in limited circumstances.

If councils were only able to obtain revenue from new ratepayers, there would be a shortfall in revenue to meet the costs of growth. This shortfall would perpetuate the under-recovery of the costs of growth that our draft methodology has been designed to address. Councils would likely continue to rely on special variations to fund growth.

Existing ratepayers will also likely benefit from improvements to services and infrastructure to service population growth.

We propose to maintain Councils' general income on a per capita basis

### 3.9 Our methodology should be reviewed within 5 years

We plan to review the performance of our draft methodology within 5 years to ensure it remains appropriate and consistent with its intended purpose to align councils' general income with population growth. Reviewing the methodology again within 5 years will allow us to analyse its impact and make changes if necessary.

### 3.10 We propose to monitor the impact on councils to determine whether a 'true-up' is needed to reflect actual population growth

ABS population data, although backward looking, is an estimate. The data is updated to reflect actual growth after the census every 5 years. We are considering whether it would be appropriate to re-base the population factor in the rate peg every 5 years following the census to reflect actual growth.

Councils, in their submissions and at the workshops, supported a true-up mechanism in the methodology. Some councils argued existing estimates are inaccurate and under-report population growth. This was more common for regional councils than metropolitan councils.

The census data does result in a re-basing of past population estimates, to reflect actual growth. However, for most councils we found the impact is minimal. Given this, our draft methodology does not provide for any 'true-up' or re-basing of population estimates. The added complexity of doing this may outweigh any benefit from increased accuracy. However, we are open to hearing from stakeholders about our proposed approach.

In the absence of a true-up, we propose to monitor the impact on councils of the re-basing of the ABS population data after the next census. Where there is a material impact on a council because actual population growth was significantly different to the ABS estimate, we may consider on a case-by-case basis whether an adjustment to the council's population factor is required.

#### We seek stakeholder feedback



1. Should our methodology be re-based after the census every five years to reflect actual growth?



2. In the absence of a true-up, should we impose a materiality threshold to trigger whether an adjustment is needed on a case-by-case basis to reflect actual growth?

We propose to maintain Councils' general income on a per capita basis

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### 3.11 We are consulting with City of Sydney

Our analysis shows that City of Sydney's rates income is largely from business rates rather than residential rates. Varying its total general income to account for population growth may overstate the additional revenue it needs to service any increase in population.

We are considering whether a different approach may be needed for City of Sydney. We are consulting with City of Sydney to better understand their cost drivers.

Our draft methodology will not address all stakeholder concerns

## 4 Our draft methodology will not address all stakeholder concerns

### 4.1 Changes to the statutory minimum rate amount may be needed



Councils told us they need more flexibility in setting higher minimum rates<sup>8</sup>

Currently, councils wishing to set minimum rates higher than the statutory minimum rate amount<sup>9</sup> must obtain approval from IPART. Councils with minimum rates already above the statutory minimum amount may increase minimum rates by an amount equivalent to their rate peg percentage or special variation percentage.

The statutory minimum rate amount is updated annually. In the past, the statutory minimum rate amount has been increased annually in line with the rate peg. We are considering whether a different approach may be needed in the future for minimum rates given our draft methodology would result in each council having a different rate peg. Stakeholders will be consulted on this issue as part of our review of the special variation process (see section 4.3.1).

### 4.2 Some issues raised by stakeholders are outside the scope of this review

Stakeholders raised a range of concerns about important issues that are outside the scope of this review. These issues include:

- **Ad valorem rates should be based on capital improved value (CIV):** In our 2016 review of the local government rating system, we recommended CIV be mandated as the basis for setting ad valorem rates in metropolitan areas. The NSW Government did not accept this recommendation. Many submissions to our Issues Paper expressed a preference for using CIV. Regional councils generally only supported a move to CIV if it was optional for regional councils.
- **Emergency services levy:** At both workshops councils raised the issue of whether the emergency services levy should be funded from general income. This levy is a significant cost for some councils, particularly regional councils.
- **Stormwater management charges:** Councils commented that stormwater management charges have not changed since 2007 and do not reflect the costs to councils of providing those services.
- **Depreciation costs:** Councils have significant depreciation costs associated with ageing assets, such as buildings, roads, footpaths and parks. Some councils suggested linking a population factor with depreciation costs.

Our draft methodology will not address all stakeholder concerns

- **Cost burden of non-rateable properties:** Many stakeholders were concerned about the cost burden on ratepayers from non-rateable properties. These can take many forms:
  - secondary dwellings, such as granny flats or short-term holiday lets being built on farmland
  - community housing
  - retirement properties, which may fall under a single title.The burden of funding service provision for these properties falls on other ratepayers.
- **Rating categories are not sufficiently flexible to account for different uses:** Several councils told us they have significant numbers of residential properties in their area used for Airbnb and other holiday lettings. Although these properties are operated as a business, they are charged residential rates. Councils indicated they need flexibility to charge business rates for these properties.
- **Pensioner rebates:** Many councils have older populations and consequently have higher cost burdens associated with funding councils' portion of the pensioner rebate. The burden of paying for the rebate falls on other ratepayers.

### 4.3 Other funding sources remain important for councils to fund growth

Our draft methodology will not solve all issues raised by councils. Other funding sources will therefore remain important for councils to fund growth.

#### 4.3.1 Using special variations for population-growth related issues

We expect our draft methodology will reduce, but not eliminate, the need for special variations. We expect councils will continue to use the special variation process to address some population growth-related issues including:

- to 'catch up' on past population growth, where this is significant and has reduced per capita general income over time
- where per capita general income does not accurately reflect the costs of servicing the population and a one-off adjustment to the rate base is required
- to fund capital costs of infrastructure to service population growth that cannot be met while maintaining per capita general income or through other revenue sources (such as infrastructure contributions)
- where increases in general income are needed to accommodate a large service population.

IPART is reviewing its special variation process to simplify and streamline the process. We will be consulting with stakeholders as part of the review of the special variations process.

Our draft methodology will not address all stakeholder concerns

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#### 4.3.2 Making effective use of infrastructure contributions

Councils should use infrastructure contributions to fund infrastructure needed to service development. To ensure contributions plans are used most effectively, councils should regularly review and update their contributions plans.

The NSW Government has developed a roadmap to implement reforms to the infrastructure contributions system in NSW.<sup>10</sup> The proposed reforms are based on recommendations made by the NSW Productivity Commissioner following his review of the infrastructure contributions system in NSW. The NSW Government's proposed reforms aim to, among other things, enhance the capacity of councils to support growth and better align infrastructure contributions and strategic planning and delivery.<sup>11</sup>

#### 4.3.3 Role of state and federal government grants

We expect that some councils will remain reliant on state and federal government grants, such as those with declining populations and those with populations less able to afford rate increases.<sup>12</sup> Where government funding is intended to fund capital or operating costs associated with population growth, funding should remain targeted to those councils that need it most.



## 5 How to provide your feedback

We welcome feedback on all aspects of this report and our draft methodology. You can provide feedback through written submissions and/or by attending the public hearing.



We seek your written feedback on the following questions:

1. Should our methodology be re-based after the census every five years to reflect actual growth?
2. In the absence of a true-up, should we impose a materiality threshold to trigger whether an adjustment is needed on a case-by-case basis to reflect actual growth?
3. Do you have any other comments on our draft methodology or other aspects of this draft report?

### Have your say

We are holding a public hearing on Tuesday 20 July 2021.

We are accepting written submissions until Friday 6 August 2021.

You can submit your feedback or register for the public hearing using the links.

[Submit feedback »](#)

[Attend the public hearing »](#)

How to provide your feedback

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How to provide your feedback

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- <sup>1</sup> Australian Bureau of Statistics (ABS), ERP by LGA (ASGS 2020), 2001 to 2020, March 2021.
  - <sup>2</sup> ABS, [National, state and territory population](#), December 2020.
  - <sup>3</sup> ABS, [National, state and territory population](#), December 2020; DPIE, [NSW population projections](#), December 2019.
  - <sup>4</sup> The CIE, *Analysis of rate peg options to account for population growth*, 19 May 2021, p 15.
  - <sup>5</sup> The CIE, *Analysis of rate peg options to account for population growth*, 19 May 2021, pp 23 and 30-31.
  - <sup>6</sup> IPART analysis of council financial statements (data provided by OLG)
  - <sup>7</sup> IPART analysis of council financial statements (data provided by OLG)
  - <sup>8</sup> Workshop with metropolitan councils on 28 May 2021; council submissions.
  - <sup>9</sup> This amount is the amount specified in section 126 of the *Local Government (General) Regulation 2005* for the purposes of section 548(3)(a) of the *Local Government Act 1993*.
  - <sup>10</sup> DPIE, [NSW Government Response to NSW Productivity Commission's Review of Infrastructure Contributions in NSW](#), March 2021.
  - <sup>11</sup> DPIE, [Infrastructure contributions reform webpage](#), accessed 22 June 2021.
  - <sup>12</sup> NSW Productivity Commission, [Review of infrastructure contributions in New South Wales](#), p 42.

**Item No:** 12.3  
**Subject:** **WOOLLAHRA COMMUNITY ENGAGEMENT POLICY**  
**Author:** Juliana Yu, Community Engagement Coordinator  
**Approvers:** Justine Henderson, Manager - Communications & Engagement  
Craig Swift-McNair, General Manager  
Patricia Occelli, Director Community & Customer Experience  
**File No:** 21/123996  
**Reason for Report:** To report on the public exhibition of the Draft Woollahra Community Engagement Policy.

**Recommendation:**

THAT Council adopt the revised Woollahra Community Engagement Policy.

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**Background:**

On Monday 22 March 2021 Council endorsed the Draft Woollahra Community Engagement Policy (Item 12.1) for the purpose of public exhibition. The draft policy was subsequently exhibited for a period of five weeks, from Monday 12 April to Monday 17 May 2021, on the Your Say Woollahra platform at [yoursay.woollahra.nsw.gov.au/community-engagement](https://yoursay.woollahra.nsw.gov.au/community-engagement)

As a refresher, the revised Woollahra Community Engagement Policy as found in **Annexure 1** formalises our commitment and approach to community engagement. It includes the following:

- Woollahra Council's definition of community engagement,
- The aims and guiding principles behind community engagement practices at Woollahra,
- Our model for a scalable community engagement approach, and
- Details around when Council will facilitate community participation and when it will not.

The exhibition was advertised via several channels and linked back to Your Say:

- Mayoral Column published in the Wentworth Courier on 14 April 2021
- Print notification published in the Wentworth Courier on 21 April 2021
- Shared post on the Woollahra Council Facebook page
- News item in the May edition of Woollahra News
- News item in the May edition of the Your Say Woollahra e-Newsletter
- Direct email to 67 contacts from community and resident groups inviting comment
- Sent to 31 IAP2-trained Council staff and all managers for further comment and review.

*IAP2 is the peak body for the community and stakeholder engagement sector. Its mission is to advance the practice of public participation through internationally-recognised professional development, certification, standards of practice and core values.*

We received a total of 12 submissions from the community in response to the exhibition. This low number of responses was in line with expectations for an exhibition of this type, which does not relate to a specific project or have an immediate tangible impact on the community or Council's service provision. The Your Say platform also indicates that 98 people opened the exhibition document but chose not to comment.

The submissions that were received indicated a high level of interest and investment in Council's engagement practices on the part of those community members. Many shared suggestions for specific actions that Council could take to deliver better engagement programs. As this policy is not a prescriptive document on how each engagement project is to be run, these comments are considered out of scope for this particular document. Nevertheless, they provide valuable insight and will be considered when delivering future engagement programs.

Feedback that was out of scope but will be of interest included requests for:

- More physical notices displayed in public locations such as parks
- Higher frequency in publication of the Your Say Woollahra Newsletter
- Printed mail outs of the Your Say Woollahra Newsletter sent to residences
- Inclusion of the closing time as well as the day and month for extra clarity on submission deadlines
- Letters and notifications set to notify participants on a project of ongoing meetings related to the project.

We note that while these comments will not be addressed in the revised policy, they will be used to inform our engagement delivery where possible.

Relevant and in scope feedback from the community, Councillors and staff has been integrated into the revised policy wherever possible. Revisions include:

- Clarifying how Council will 'strengthen community capacity' through engagement, adding 'by building the community's understanding of how local government operates, how decisions are made, and how they can participate'.
- Inclusion of engagement methods that Council may use, including but not limited to: 'notification letters, letterbox drops, online engagement, surveys, displays, pop-ups, onsite forums, focus groups, stakeholder meetings and co-design workshops'
- Extended definition of what the policy does not apply to, adding 'applications to modify a development consent, planning proposals, development control plans, contribution plans, draft policies and any other planning matters, to which the Community Participation Plan applies'
- A commitment to open engagement for a minimum of 28 days wherever possible, with the exception of engagement resulting from Federal or State Government requirements, where the engagement period is outside of Council's control.

It should also be noted that a significant portion of the feedback, at least eight of the 12 submissions, appear to come from a prompt by the Save Christison Park Action Group (SCPAG) and are similar in nature or similarly worded. Council has an extensive history of dealing with this resident group and acknowledge their dissatisfaction with the process and outcomes of previous Council projects. The feedback from this group of respondents either requested specific commitments to engaging on Crown Land matters, or provided comments that can be interpreted as negative sentiment stemming from previous Council projects rather than suggestions to the current policy.

While these comments are out of scope for this exhibition and will not be addressed in the revised policy, Council staff continue to be in regular dialogue with SCPAG and are committed to working with them to ensure their views are sought and heard in future projects of interest to them.

The small, concentrated response to this exhibition is a reflection of the challenges faced in community engagement, where we cannot assume that all residents will engage with us on all issues. In our engagement experience, most people will only engage with topics or projects that are of particular interest or have a direct impact on them. While acknowledging this, we will continue to explore methods and strategies to increase our reach across all sections the community over time, supported by the adoption of a Community Engagement Policy.

In light of the minimal changes made to the policy following the public exhibition period, we recommend that the Community Engagement Policy be adopted and finalised.

The adopted policy will be rolled out to staff supported by a suite of updated supporting operational resources, including an updated community engagement resource toolkit, a community engagement calendar and further training opportunities. The adopted policy will be available on Council's website and as a linked document on the Your Say Woollahra homepage. It will also be shared in the subsequent Your Say Woollahra newsletter and in a direct email to all participants in the engagement process.

### **Identification of Income & Expenditure:**

Community engagement is a critical part of planning for projects and actions included in the Delivery Program & Operational Plan (DPOP), with the costing for engagement for specific projects or actions forming part of related operational and capital budgets. It is best practice to include community engagement in the initial stages of all project management to ensure the best possible results.

Adequate resourcing in terms of staff time and practical engagement tools (e.g. brochures, display materials, pop-up stands, advertising, catering, incentives, etc.) support high quality engagement opportunities and are purchased on an as needs basis.

Council also has a full time permanent Community Engagement Officer who works across the organisation to plan and deliver engagement and assist sections of Council with their engagement plans as well as with the online engagement platform, Your Say.

### **Conclusion:**

It is recommended that Council adopt the updated *Community Engagement Policy* to support and promote Woollahra Council's ongoing commitment to high quality community engagement.

The material content of this policy is reflected in the work that Council is already doing in the community consultation and engagement space. Endorsing and rolling out an official policy will further strengthen and support our community engagement program going forward.

Since the policy has been finalised, Council has completed training of a further 16 staff in IAP2 Foundations to ensure Council skills and confidence in engagement. It should also be noted that despite the restrictions associated with the pandemic, Council staff have been proactive in running pop-ups and other face to face engagement opportunities that have been well received by the community.

### **Annexures**

1. Community Engagement Policy - July 2021 [!\[\]\(09885fa7dbc7efea01a3982f2e00fbcd\_img.jpg\) !\[\]\(efbba78d414c0d979a2d6cb4f74c9442\_img.jpg\)](#)



## Community Engagement Policy

Adoption Date:	
Review Date	
Version:	2.0
Division/Department:	Communications and Engagement
Responsible Officer:	Community Engagement Coordinator
HPE CM Record Number:	21/20469



## 1 Policy Statement

Woollahra Council proactively engages the community using appropriate, effective and inclusive methods to facilitate public participation in decision-making that affects residents and the people who work in and visit Woollahra.

## 2 Application

### Purpose

The purpose of this policy is to detail Woollahra Council's commitment and approach to community engagement.

Through community engagement Council will:

- **Ensure Council decisions reflect the whole community** by incorporating the community's views, concerns and aspirations into the decision-making process.
- **Increase community confidence and trust** in Council by building or improving relationships with the community through on-going, open and meaningful two-way conversations.
- **Encourage the community** to actively participate in civic life and to take responsibility for identifying and providing solutions to their concerns.
- **Strengthen community capacity** by building the community's understanding of how local government operates, how decisions are made, and how they can participate.

### Scope

This policy outlines Council's commitment to engaging the local community when developing policies, strategies and plans for the purpose of determining its activities, other than routine administrative and operational matters.

With specific regard to planning matters, Council will engage the community in accordance with its *Community Participation Plan*.

This policy is relevant to all departments of Council.

Council will actively encourage community participation in decision-making when:

- required to comply with a statutory obligation
- a proposed change to Council activities or strategic direction may significantly affect the community in terms of lifestyle, environment, wellbeing, amenity or the economy
- developing new or updating existing policies<sup>1</sup>, strategies or plans, wherever legislated, resolved by Council or deemed appropriate due to the nature of the project
- introducing a new service, discontinuing an existing service, or substantially changing or reviewing a service that may significantly affect service provision

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<sup>1</sup> Other than routine administrative and operational matters

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Community Engagement Policy

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- proposing to enhance the way in which public space looks, is used or is enjoyed
- planning and developing major projects and capital works, including public buildings, centres or other infrastructure
- making urban development/redevelopment proposals that may significantly alter the existing amenity or characteristics of an area
- Council needs more information or evidence to make an informed decision.

This policy does not apply to:

- notification of development applications<sup>2</sup>, applications to modify a development consent, planning proposals, development control plans, contribution plans, draft policies and any other planning matters, to which the Community Participation Plan applies
- Council project partners, sponsors, or grant recipients
- general communications between Council and the community
- Council's routine administrative and operational duties
- emergencies and situations that impact public safety.

Council may choose to not engage the community on matters that are not subject to statutory consultation requirements when it:

- is confident there is sufficient existing community data or feedback to proceed with a project or service
- already has an adopted plan, which is the result of community engagement
- is bound by existing legislation, commercial or legal constraints.

This policy derives from the amendment made to the NSW *Local Government Act 1993* by the section 402A of the *Local Government Amendment (Governance and Planning) Act 2016*, and section 8A(3) of the *Local Government Act 1993*. This policy does not replace any obligation in the amending Act or in any other relevant Act for Council to communicate, consult or engage with the community. In the event of amendments to relevant Acts that result in this policy being inconsistent with said Acts, this policy will be altered to make it consistent with the Act.

This policy is aligned to Council's Community Strategic Plan, *Woollahra 2030*.

## Overview

### What is community engagement?

Community engagement is the practice of involving the community in Council's decision-making process.

Engagement is a two-way exchange in which the community is invited to share their views, aspirations, concerns, needs and values with the purpose of shaping Council's policy development, planning, service delivery and assessments.

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<sup>2</sup> Notification of development applications are covered by Council's Development Control Plan (DCP) and the *Local Government Act 1993*

Information sharing, community consultation and public participation are all part of the engagement process.

Community engagement plays an important role in helping to make Woollahra a place where you can live, learn, work, play and invest. Council actively seeks out and listens to the views of the community to help Council make decisions that are informed, representative and in the best interests of the whole community, noting that there will be times when decisions are made that not everyone will agree with.

### **Our approach**

Council values the community as a source of local expertise and actively seeks community feedback and input to help shape decisions that affect residents and people who visit, work or go to school in Woollahra. In line with our adoption of the NSW Government's *Child Safe Standards* (standard 2), this includes providing opportunities for children under the age of 18 to voice their opinions in decisions that affect their lives, and to have those opinions taken seriously.

Council also commits to making access to engagement opportunities easy and equitable. Whenever possible community engagement will not be held during, or will be extended to account for, school holiday periods and especially the December-January holiday period, when typically residents may be away from the local area and unable to participate. Some exceptions to this may occur as a result of government funding requirements and deadlines.

Not all decisions require the same level of community engagement. Council uses The International Association for Public Participation (IAP2)'s Public Participation Spectrum as a best practice guideline for identifying appropriate levels of community engagement according to resources and the scale and impact of the decision.

*IAP2 is the peak body for the community and stakeholder engagement sector. Its mission is to advance the practice of public participation through internationally-recognised professional development, certification, standards of practice and core values.*

Council's scalable community engagement approach aims to ensure people:

- are well informed about issues, strategies or plans that may affect them directly or indirectly
- understand how and when Council will consult them, and when Council will make decisions on their behalf (without consultation)
- are engaged in an effective, appropriate and relevant manner by Councillors, Council employees or agents of Council
- are offered genuine opportunities to participate in Council's decision-making process
- understand how their contributions affect the decision-making process and are informed of outcomes of the engagement process
- are connected, active, informed and engaged.

### **Guiding principles and values**

This policy is aligned with Council's values, IAP2 Australian and international best practice principles for community engagement, and the principles of social justice.

IAP2 Core Values for Public Participation:

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process
2. Public participation includes the promise that the public's contribution will influence the decision, noting that Councillors are elected by the community to represent the community in that final decision-making process.
3. Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers
4. Public participation seeks out and facilitates the involvement of those potentially affected by, or interested in, a decision
5. Public participation seeks input from participants in designing how they participate
6. Public participation provides participants with the information they need to participate in a meaningful way.

### Implementation

The implementation of this policy is supported by operational resources, including a methodology guide, which has been developed to help staff successfully deliver community engagement programs. Council staff, and agents acting on the behalf of Council, who are responsible for undertaking community engagement activities, will be provided with training on this policy and associated operational resources and they will act in accordance with Council's Code of Conduct.

How Council delivers engagement will vary with each project, depending on factors such as timing, impact, reach of issue and what level of engagement is most appropriate for the needs of the project and the community (i.e. whether Council is informing, involving, consulting, collaborating or empowering as outlined in the IAP2 Public Participation Spectrum).

Staff will make informed decisions to design a tailored engagement strategy for each project. Engagement methods may include, but will not be limited to: notification letters, letterbox drops, online engagement, surveys, displays, pop-ups, onsite forums, focus groups, stakeholder meetings and co-design workshops.

## 3 Community Strategic Plan, Delivery Program and Operational Plan

This policy corresponds to the theme 'Community leadership and participation' in Council's Community Strategic Plan *Woollahra 2030*. Projects with elements of community engagement are identified in the annual Operational Plan.

## 4 Related Policies and Procedures

Related Policy or Procedure	HPECM Reference
Delivery Program 2018-2022 and Operational Plan 2020-2021	20/140907
Community Strategic Plan, <i>Woollahra 2030</i>	18/123729
Woollahra Municipal Council Code of Conduct	18/209692

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Community Engagement Policy

Community Participation Plan	20/116898
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This policy may also have minor administrative changes made to it that are in the spirit of this policy, as approved by the General Manager from time to time.

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**Policy Amendments**

Date	Responsible Officer	Description
	Community Engagement Coordinator	





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<b>Item No:</b>	12.4
<b>Subject:</b>	<b>BUS SHELTER ADVERTISING</b>
<b>Authors:</b>	Aurelio Lindaya, Manager Engineering Services Anne White, Manager - Strategic Planning
<b>Approvers:</b>	Tom O'Hanlon, Director - Infrastructure & Sustainability Scott Pedder, Director - Planning & Place
<b>File No:</b>	21/129660
<b>Reason for Report:</b>	To obtain Council's approval to proceed with a planning proposal to make advertising on bus shelters exempt development under the Woollahra Local Environmental Plan 2014.

**Recommendation:**

- A. THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.
- B. THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.
- C. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.

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**Background:**

As advised in previous briefings and reports to Council in relation to the position of the budget, bus shelter advertising provides an opportunity to significantly increase Council's annual revenue stream and reduce the current and future Operating Deficit (currently at \$3.508m).

Woollahra is one of the few remaining councils in Sydney not to have advertising on its bus shelters. All neighbouring councils adjoining Woollahra (Waverley, Randwick and the City of Sydney) have bus shelter advertising contracts in place.

Given the location and demographics of Woollahra, bus shelter advertising in Woollahra is an attractive proposition for the market.

To assist Council in examining the opportunity for bus shelters advertising in the Woollahra local government area, specialist consultants Nexusfactor were engaged to provide specialist infrastructure advertising advice. Nexusfactor have experience in providing expert advertising, commercial modelling, planning and contract consultancy advice to various local and state government authorities and public transport organisations around Australia.



## Bus Shelter Advertising

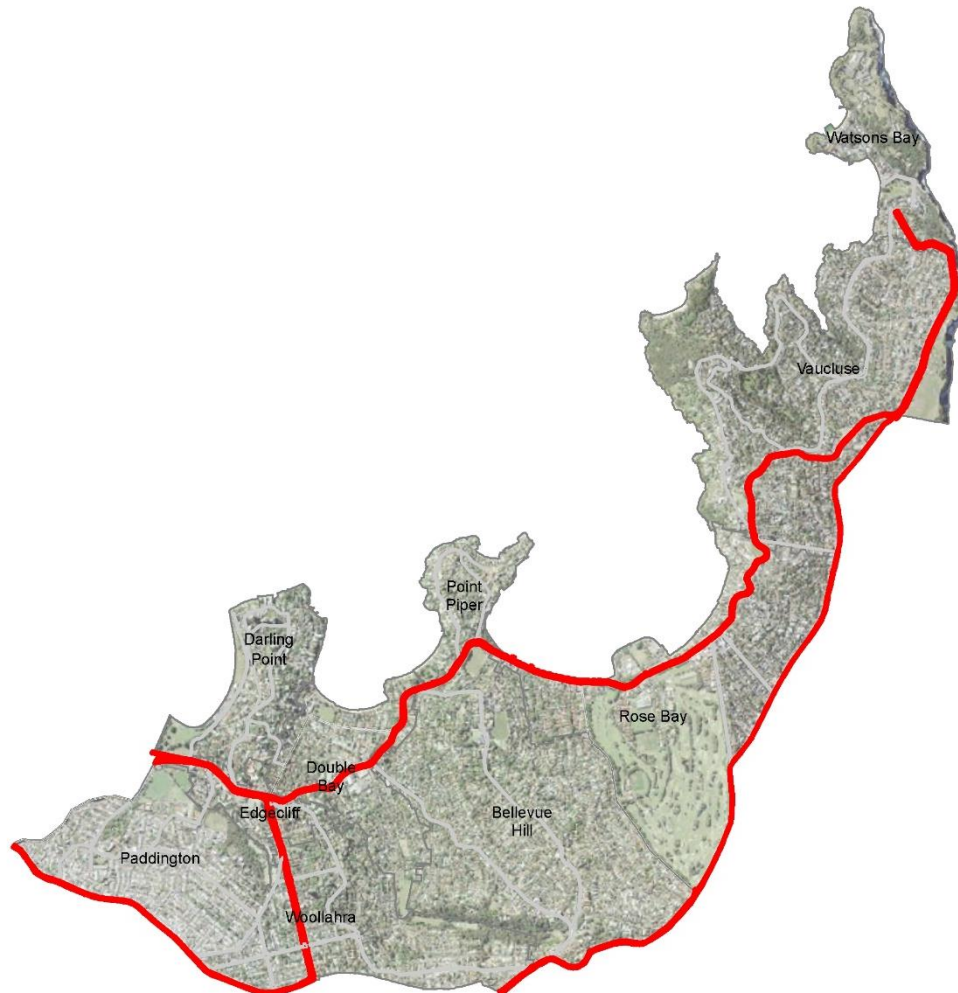
Advertising on bus shelters is generally through display panels located on the bus shelter. These display panels can be retrofitted into existing bus shelters or incorporated into new propriety (off-the-shelf) bus shelters. In addition to standard advertising material, these display panels also provide an opportunity for Council to display community services, safety and other important types of messaging.

A typical example of a bus shelter with advertising is shown in Figure 1 below.



*Figure 1 - Example of a bus shelter with advertising in Lane Cove*

From an advertising perspective, bus shelter advertising should be located in highly visible locations with high levels of passing traffic. Given this, the following high traffic main roads in Woollahra would be appropriate for advertising - New South Head Road, Ocean Street, Old South Head Road and Oxford Street (west of Ocean Street) (see Figure 2).



*Figure 2 – Map of main roads suitable for Bus Shelter Advertising*

There are approximately 285 bus stops in the Woollahra LGA, of which approximately 72 have existing heritage, non-heritage and standard (steel and glass) bus shelters. However, not all these bus stops and bus shelters are suitable for advertising as there are a number of criteria discussed below which should be taken into consideration.

Noting previous resolutions of Council in relation to the protection of heritage and heritage style bus shelters in the Heritage Conservation Areas (HCAs) of Paddington and Woollahra, it is proposed to exclude these types of bus shelters and areas (with the exception of Oxford Street, which already contains bus shelter advertising on the southern side which is within the City of Sydney local government area) from bus shelter advertising. See Figures 3 - 6.





*Figure 3 & 4 – Example of Heritage and Heritage Style Shelters (not proposed for bus shelter advertising)*



*Figure 5 & 6 – Bus Shelter Advertising on southern side of Oxford Street (CoS LGA)*

Nexusfactor have undertaken an assessment of the potential for advertising on bus shelters which has been based on the following selection criteria:

- Retrofitting advertising displays in existing selected standard (Steel and Glass) bus shelters.
- Replacement of aluminium prefabricated bus shelters.
- New bus shelters with advertising at selected bus stops without bus shelters.

There are a number of suitable standard bus shelters, aluminium bus shelters and bus stops on high traffic main roads that can be used for bus shelter advertising. Some typical examples of such bus shelters and locations are detailed below.

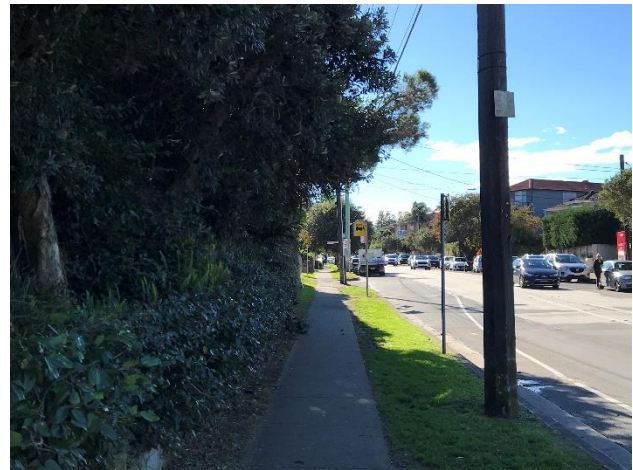




*Figure 7 – Example of Standard (steel and glass) Bus Shelter*



*Figure 8 – Example of Aluminium Bus Shelter which can be replaced with a new bus shelter*



*Figure 9 & 10 – Examples of suitable bus stops without bus shelters*

Details of the Nexusfactor's assessment, including the estimated revenue of various bus shelter advertising options, is attached as a **Confidential Annexure**. This attached report is confidential, as ultimately Council staff recommend entering into a competitive tender process, and the details contained in this attachment are commercial in nature.

### **Planning Considerations:**

To enable bus shelter advertising to progress, changes must be made to Council's planning controls to permit advertising on bus shelters. The following summarises the key relevant matters for consideration.

#### State Environmental Planning Policy 64 – Advertising and Signage

As per clause 10 of the *State Environmental Planning Policy 64 – Advertising and Signage* (SEPP 64), the display of advertisements (other than business or building identification signs) is prohibited under SEPP 64 in the following land use zones or descriptions:

- environmentally sensitive areas
- heritage area (excluding railway stations)
- natural or other conservation area
- open space
- waterway
- residential (but not including a mixed residential and business zone, or similar zone)
- scenic protection areas
- national park
- nature reserve

It is noted that the majority of land within the Woollahra LGA is located in areas where advertising is prohibited. Accordingly, Council is prohibited from placing advertising in these areas.

Despite clause 10, clause 16 of SEPP 64 allows the display of advertising with development consent on transport corridor land, when it is by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW.

It is noted that under clause 6(2) of SEPP 64, the above provisions do not apply to signage that is identified as exempt development under any applicable environmental planning instrument (which in our case would be the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014)).

#### Woollahra Local environmental Plan 2014

Under the Woollahra LEP 2014, advertising on bus shelters would either be defined as ‘signage’ or ‘advertising structure’ where advertising structures are a type of signage. The definitions are as follows:

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
  - (b) a building identification sign,
  - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

**advertising structure** has the same meaning as in the [Act](#).

(*Note. The term is defined as a structure used or to be used principally for the display of an advertisement*)

Having reviewed the Land Use Table of Woollahra LEP 2014, these two land uses are not currently permissible in any of the land use zones of the Woollahra LGA.

#### Next Steps in the Statutory Planning Process

Should Council seek to permit advertising on bus shelters, an amendment is required to Woollahra LEP 2014 to allow the use of bus shelter advertising as a permissible land use. This could be done either with consent, or as exempt development i.e. the works could occur without the need for a development application.

Making the land use permissible as exempt development would give Council greater flexibility by streamlining the application process. It would also overcome the limitations of SEPP 64 which prohibits signage in certain areas. Other Councils that have taken this approach include Canada Bay, Sutherland Shire and Port Macquarie.

To facilitate advertising on bus shelters, a planning proposal must be prepared to amend *Schedule 2: Exempt development* of Woollahra LEP 2014 to allow advertising on bus shelters as exempt development. Due to the number of steps involved, this will take a minimum of nine months to implement.

If Council supports the preparation of a planning proposal, the next steps are:

- Prepare a planning proposal under section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014,
- Refer the draft planning proposal to the Woollahra Local Planning Panel for advice;
- Report the advice received from the Woollahra Local Planning Panel to the Environmental Planning Committee. This step will be undertaken at the next available meeting of the Woollahra LPP should Council decide to prepare a planning proposal.

### **Bus Shelter Advertising Tender**

Should Council's planning controls be amended to permit bus shelter advertising as exempt development, Council can call tenders for the service.

Bus shelter advertising contracts can be structured in a number of ways. Factors such as advertising fee structure, the number of new shelters with advertising and without advertising, cleaning and maintenance regimes of bus shelters, and the inclusion of Council endorsed messaging relating to community services and safety can be incorporated into the advertising contracts.

This will all be considered in the formulation of the tender specification.

### **Consultation:**

Community consultation will occur as part of the planning proposal process. The planning proposal to permit bus shelter advertising as exempt development will be placed on public exhibition and the outcomes of the public exhibition period will be reported to a future meeting of Council's Environmental Planning Committee.

### **Identification of Income & Expenditure:**

Bus shelter advertising has the potential to provide significant revenue for Council. Further details on the estimated potential revenue from bus shelter advertising can be found in the attached **Confidential Annexure**.

### **Conclusion:**

It is recommended that Council endorse the proposed bus shelter advertising as detailed in the report as it provides an opportunity to significantly increase Council's annual income and reduce the current and future Operating Deficit (currently at \$3.508m).

To progress this matter, a planning proposal should be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014. This planning proposal should be referred to the Woollahra LPP for advice.

Once Council's planning controls have been amended, it is recommended that tenders be called for bus shelter advertising in the Woollahra LGA.

#### **Annexures**

1. Bus Shelter Advertising Opportunity Evaluation - Nexusfactor (*circulated under separate cover*) - **Confidential**



## 13.1 Environmental Planning Committee

### Items with Recommendations from the Committee Meeting of Monday 12 July 2021 Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** WOOLLAHRA ABORIGINAL HERITAGE STUDY  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/97199  
**Reason for Report:** To obtain Council's endorsement of the Draft Woollahra Aboriginal Heritage Study.

#### Recommendation:

- A. THAT Council endorses the Draft Woollahra Aboriginal Heritage Study as contained in **Annexure 1** to the Environmental Planning Committee of 12 July 2021.
- B. THAT Council:
- (i) Thank the *La Perouse Local Aboriginal Land Council* for their collaboration in producing the study, and their subsequent endorsement.
  - (ii) Note Council's role in implementing the NSW Aboriginal heritage management procedures as both the consent authority and a land manager.
  - (iii) Congratulates Dr Paul Irish and Council staff on an outstanding study that represents an exemplar for local government in Aboriginal heritage management best practice.
  - (iv) Requests the Mayor to share this study with our neighbouring councils, with Local Government NSW and other bodies as appropriate.
  - (v) Notify the relevant minister at both the State and Federal Level.

**Item No:** R2 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:** 21/122505  
**Reason for Report:** To respond to a Notice of Motion – Hill's Fig Trees lining Hampden Street, Paddington dated 24 May 2021.

#### Recommendation:

THAT the replacement tree for the removed Hill's Fig at 23 Hampden Street, Paddington be deferred to allow for full notification to occur, noting the level of public interest as evidenced by the number of attendees at the site visit and to allow Council to demonstrate that we mean business around effecting good community consultation, which is important in this case given the issues which arose from the initial notification of the removal in very early January this year.

**Item No:** R3 Recommendation to Council  
**Subject:** **MATTERS DEFERRED PRIOR TO THE ADOPTION OF WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014**  
**Authors:** Kelly McKellar, Team Leader Strategic Planning  
Emma Williamson, Strategic Planner  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/105166  
**Reason for Report:** To present the outcome of staff's assessment and recommendations for matters deferred prior to the adoption of the Woollahra Local Environmental Plan 2014, including the Opportunity Sites.

**Recommendation:**

THAT no further action is taken on the matters deferred for consideration prior to the adoption of the *Woollahra Local Environmental Plan 2014*, including the Opportunity Sites.

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**Item No:** R4 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT FOR DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO.14) AND DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO.16)**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/96336  
**Reason for Report:** To report on the public exhibition of the Draft Woollahra Development Control Plan 2015 (Amendment No.14) – Inter-War flat buildings in the Woollahra LGA and timber buildings in Paddington and Watsons Bay Heritage Conservation Areas.  
To report on the public exhibition of the Draft Woollahra Development Control Plan 2015 (Amendment No.16) – Numerical controls for multi-storey development in the Paddington Heritage Conservation Area.  
To obtain Council's approval of the Draft DCPs.

**Recommendation:**

- A. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No.14)* as attached at **Annexure 4** of the report to the Environmental Planning Committee meeting of 12 July 2021.
- B. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No.16)* as attached at **Annexure 5** of the report to the Environmental Planning Committee meeting of 12 July 2021.

**Item No:** R5 Recommendation to Council  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF 'SUNNY BRAE, INCLUDING INTERIORS' AT 40 FITZWILLIAM ROAD, VAUCLUSE**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/112554  
**Reason for Report:** To provide Council with the advice of the Woollahra Local Planning Panel.  
To obtain Council's approval to proceed with the planning proposal to list 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vacluse as a local heritage item in Woollahra Local Environmental Plan 2014.

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

**Motion to Council**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 17 June 2021 for the planning proposal to list 'Sunny Brae, including interiors', at 40 Fitzwilliam Road, Vacluse as a local heritage item in Woollahra Local Environmental Plan 2014.
- B. THAT the planning proposal, as contained in **Annexure 3** of the report to the Environmental Planning Committee meeting of 12 July 2021 be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

**Amendment to Council**

THAT Council defer the further consideration of the Planning Proposal to heritage list "Sunny Brae", including interiors at 40 Fitzwilliam Road, Vacluse until such time that a site visit can occur attended by the members of the EPC and a further report is brought back to a meeting of the Environmental Planning Committee.

**Item No:** R6 Recommendation to Council  
**Subject:** **REVIEW OF THE LAND USE ZONING OF RIDDELL STREET, BELLEVUE HILL**  
**Author:** Kelly McKellar, Team Leader Strategic Planning  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/107717  
**Reason for Report:** To present the planning and urban design review undertaken by consultants Studio GL of the land use zoning of Riddell Street, Bellevue Hill.

**Recommendation:**

- A. THAT the planning and urban design review of the land use zoning of Riddell Street, Bellevue Hill prepared by consultants *Studio GL* and contained in **Annexure 1** of the report to the Environmental Planning Committee of 12 July 2021 is received and noted.
- B. THAT a planning proposal is prepared to amend the *Woollahra Local Environmental Plan 2014* to:
  - i. rezone the following properties from R3 Medium Density Residential to R2 Low Density Residential:
    - a. 13, 15, 17, 19, 21, 23, 25 and 27 Riddell Street, Bellevue Hill
    - b. 14 and 15 Buller Street, Bellevue Hill.
  - ii. Amend *Schedule 1 – Additional Permitted Uses* to permit development for a residential flat building on the site at 21 & 23 Riddell Street, Bellevue Hill.
- C. THAT the planning proposal is referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel is reported to a future Committee meeting of Council.
- E. THAT a draft development control plan is prepared to accompany the planning proposal amending Chapter B1 and Chapter B3 of the *Woollahra Development Control Plan 2015* to:
  - i. incorporate the land proposed to be rezoned R2 Low Density Residential into the Bellevue Hill North character precinct
  - ii. insert an additional clause for front setbacks.
- F. THAT a further report be prepared to examine the possible rezoning from R3 to R2 of numbers 1-11 Riddell Street, Bellevue Hill.

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**Item No:** R7 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT - DRAFT WOOLLAHRA SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2021**  
**Author:** Kelly McKellar, Team Leader Strategic Planning  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/108797  
**Reason for Report:** To report on the public exhibition of the Draft Woollahra Section 7.12 Development Contributions Plan 2021  
To obtain Council's approval of the Draft Woollahra Section 7.12 Development Contributions Plan 2021 which will repeal and replace the Woollahra Section 94A Development Contributions Plan 2011.

**Recommendation:**

THAT Council approve the *Draft Woollahra Section 7.12 Development Contributions Plan 2021*, as attached at **Annexure 1** of the report to the Environmental Planning Committee meeting of 12 July 2021, which will repeal and replace the *Woollahra Section 94A Development Contributions Plan 2011*.

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**Item No:** R8 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT - DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 17) - PROVISIONS FOR FIRE HYDRANT AND BOOSTER INSTALLATIONS**  
**Authors:** Emma Williamson, Strategic Planner  
Kelly McKellar, Team Leader Strategic Planning  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place  
**File No:** 21/109339  
**Reason for Report:** To report on the public exhibition of the Draft Woollahra Development Control Plan 2015 (Amendment No. 17).  
To obtain Council's approval of the Draft DCP to enhance the provisions for fire hydrant and booster installations.

**Recommendation:**

THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No. 17)* as attached at **Annexure 1** of the report to the Environmental Planning Committee meeting of 12 July 2021.

**Item No:** R9 Recommendation to Council  
**Subject:** **PARKLET TRIAL**  
**Author:** Jin Young Kim, Economic Development Officer  
**Approver:** Matthew Gollan, Manager - Placemaking  
**File No:** 21/119259  
**Reason for Report:** To recommend that Council endorse the implementation of a 'parklet trial program' to support local businesses, improve streetscape vibrancy and activate public space in the Woollahra LGA.

**Recommendation:**

- A. THAT the report on the introduction of repurposed road space (parklets) for additional outdoor dining space in the Woollahra Local Government Area (LGA) be received and noted.
  - B. THAT Council endorse the implementation of a 'parklet trial program' to support local businesses, improve streetscape vibrancy, create jobs and activate public space
  - C. THAT Council endorse the issuing of twenty (20) permits enabling successful applicants to install and operate a parklet for a trial period of six (6) months.
  - D. THAT Council approve the waiving of application and outdoor dining fees for approved parklets for a period of six (6) months.
  - E. THAT Council endorse a public notification period of seven (7) days for parklet applications.
  - F. THAT Council conduct a review of the parklet trial program following the completion of a 12 month application window.
-

**Item No:** R10 Recommendation to Council

**Subject:** **SENIORS HOUSING IN THE WOOLLAHRA LGA - LOCATION, COMPARATIVE SALES AND JUSTIFICATIONS FOR EXEMPTION TO THE SENIORS HOUSING SEPP**

**Authors:** Jacquelyne Della Bosca, Executive Planner  
Kelly McKellar, Team Leader Strategic Planning

**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place

**File No:** 21/89957

**Reason for Report:** To respond to a NOM from 22 February 2021 seeking information about the location and sales prices of seniors housing in the Woollahra LGA and measures to exempt Woollahra LGA from providing housing under the Seniors Housing SEPP.  
To obtain Council's approval to request an exemption from the Seniors Housing SEPP.

**Recommendation:**

- A. THAT the report on seniors housing be received and noted.
  - B. THAT Council requests an amendment to the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* so that its provisions will not apply to land zoned R2 Low Density Residential under the *Woollahra Local Environmental Plan 2014*.
  - C. THAT Staff include in the material for full Council a report addressing appropriate conditions.
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## 13.2 Finance, Community & Services Committee

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### Items with Recommendations from the Committee Meeting of Monday 12 July 2021 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **CONSULTATION - DRAFT MODEL SOCIAL MEDIA AND COUNCILLOR AND STAFF INTERACTION POLICIES**  
**Author:** Ashoor Khan, Temp Senior Governance Officer  
**Approvers:** Helen Tola, Manager - Governance & Council Support  
Justine Henderson, Manager - Communications & Engagement  
Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 21/107297  
**Reason for Report:** To seek endorsement of Council's submission to the Office of Local Government in regard to the Draft Model Social Media Policy and Draft Model Councillor and Staff Interaction Policy.

**Recommendation:**

- A. THAT Council endorses the draft submission to the Office of Local Government in regard to the Consultation Drafts for the Model Social Media Policy and the Model Councillor and Staff Interaction Policy presented as **Annexure 4**, subject to modifying the submission to reference the discussion at the FC&S meeting.
  - B. THAT a further report be prepared to Finance, Community & Services Committee following the finalisation of the relevant policies by the Office of Local Government.
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**Item No:** R2 Recommendation to Council  
**Subject:** **AUDIT & ASSURANCE COMMITTEE (ARIC) - EXTENSION OF TERM AND PERFORMANCE REPORT**  
**Author:** Cheryle Burns, Manager - Business Assurance & Improvement  
**Approvers:** Sue Meekin, Director Corporate Performance  
Craig Swift-McNair, General Manager  
**File No:** 21/107271  
**Reason for Report:** To present information to the Council to enable it to review the AAC operations performance for the period ending 30 June 2021 and to re-appoint its independent members for a period of 12 months.

**Recommendation:**

- A. THAT the performance of the activities of the Audit & Assurance Committee for period ending 30 June 2021, including the Independent Chairperson's Report dated June 2021 be received and noted.
- B. THAT Council:
  - i Notes Section 10 of the Assurance Committee Charter (the Charter) which provides for an annual performance review of the Audit & Assurance Committee (AAC) and its members;
  - ii Notes that the last review of the AAC and its members was reported to the then Corporate & Works Committee on 19 February 2018 (for the period November 2014 to October 2017); and
  - iii Requires timely reporting by the AAC and its members (as set out in the Charter).
- C. THAT the Finance, Community & Services Committee note that the minutes presented at **Annexure 2** of the Audit and Assurance Committee meeting of 2 September 2020 were consistent with current Council practice, however do not contain enough detail or particulars to be received or noted.
- D. THAT Council re-appoint Mr John Gordon and Mr Jason Masters to serve as the Independent Members of Council's Audit, Risk & Improvement Committee for a further one (1) year ending 30 June 2022.
- E. THAT Council appoint Mr Jason Masters as the Chair of Council's Audit, Risk & Improvement Committee for one (1) year ending 30 June 2022.
- F. THAT the fee paid to Mr Jason Masters as Chair be \$1,500 per meeting exclusive GST and the fee paid to Mr John Gordon be \$1,300 per meeting exclusive of GST.
- G. THAT Council thank Mr John Gordon for his Report on the operation of AAC and for his role as Chairperson and thank all other Committee Members (i.e. Mr Jason Masters and Councillor Cavanagh) for their work and contribution.
- H. THAT staff prepare a report on ways to better inform Councillors as to how Council's risks are being reported, managed and mitigated.

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**Item No:** R3 Recommendation to Council  
**Subject:** **COMPLAINT AND UNREASONABLE COMPLAINANT POLICY**  
**Author:** Anthony Crimmings, Manager Customer Experience  
**Approver:** Patricia Occelli, Director Community & Customer Experience  
**File No:** 21/126237  
**Reason for Report:** To report on the public exhibition of the Draft Complaint and Unreasonable Complainant Policy and recommend adoption.

**Recommendation:**

- A. THAT Council notes that the Draft Complaint & Unreasonable Complainant Policy was placed on public exhibition for a period of 28 days, noting that no submissions were received.
- B. THAT the Complaint & Unreasonable Complainant Policy provided as **Annexure 1** be adopted.

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**Item No:** R4 Recommendation to Council  
**Subject:** **WOOLLAHRA LIBRARIES STRATEGIC PLAN 2021 – 2026**  
**Authors:** Corinna Pierce, Library Customer Service Coordinator  
Vicki Munro, Manager - Woollahra Libraries  
**Approver:** Patricia Occelli, Director Community & Customer Experience  
**File No:** 21/126055  
**Reason for Report:** To report on the public exhibition of the Draft Woollahra Libraries Strategic Plan 2021-2026 and recommend approval of the Plan.

**Recommendation:**

- A. THAT Council notes that the Draft Woollahra Libraries Strategic Plan 2021-2026 was placed on public exhibition for a period of 28 days, with two submissions received.
- B. THAT the Woollahra Libraries Strategic Plan 2021-2026 presented as **Annexure 1** be adopted.

**Item No:** R5 Recommendation to Council  
**Subject:** **CRANBROOK SCHOOL EASEMENT AND RIGHT OF WAY - 5 VICTORIA ROAD, BELLEVUE HILL**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/115855  
**Reason for Report:** To consider the proposed easement and positive covenant for new works on Council land to benefit Cranbrook School, 5 Victoria Road, Bellevue Hill and for Council to accept the benefit of a public Right of Way for public access on the school owned land

**Recommendation:**

- A. THAT pursuant to State Significant Development consent by the Minister for Planning and Public Services Application SSD 8812, Council grant an Easement for occupation by Cranbrook School for a portion of adjoining road reserve in Rose Bay Avenue, Bellevue Hill as shown in Annexure 3 of this report, subject to:
- i. Payment of Easement compensation to Council for the amount of \$24,000 plus GST.
  - ii. Payment of all costs incurred by Council for review of the encroachment application and preparation and registration of documents, including but not limited to legal, valuation and administrative costs.
- B. THAT Council accepts the benefit of a public Right of Way easement from Cranbrook School as shown in Annexure 3. The easement to be registered by Cranbrook School on its Title.
- C. THAT the General Manager be authorised to sign all necessary documentation for execution and registration of the Easement for Cranbrook School's occupation of Rose Bay Avenue, Bellevue Hill.

**Item No:** R6 Recommendation to Council  
**Subject:** **CLOSING AND SALE OF ROAD RESERVE ADJOINING 5-7 EASTBOURNE ROAD, DARLING POINT (SC6058)**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/115871  
**Reason for Report:** To consider the closing and sale of road reserve adjoining 5-7 Eastbourne Road, Darling Point.

**Recommendation:**

- A. THAT Council proceed with the sale of the road reserve adjoining 5-7 Eastbourne Road, Darling Point with the following conditions:
- i. A purchase price of \$2,000 per square metre (plus GST) for the estimated 203 sqm road reserve portion, subject to final survey.
  - ii. A 10% non-refundable deposit of \$40,600 being received by Council.
  - iii. The balance of the purchase price is to be paid in full to Council upon Gazettal of the road closure and completion of the sale.
- B. THAT the proposal to close and sell the road reserve adjoining 5-7 Eastbourne Road, Darling Point be subject to a storm water pipe easement and restrictive covenants for limiting tree heights and building structures, within the following areas at a maximum RL height of RL 32.5m (Zone A), RL 35.0m ( Zone B) and RL 39.95m (Zone C), noting the late correspondence submitted by Council's Senior Property Officer.
- C. THAT subject to A & B above, in accordance with Section 38D Roads Act, 1993 Council approve the closing of a portion of Eastbourne Road adjoining 5-7 Eastbourne Road, provided that the purchaser enters into a conditional Contract of Sale with the Council.
- D. THAT Council authorise the Mayor and General Manager to execute and affix the Council Seal to all necessary documentation to effect the Road closure and sale, i.e. Plan of Road Subdivision and closing, Transfer document etc.

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**Item No:** R7 Recommendation to Council  
**Subject:** **WASTE COLLECTION CYCLES**  
**Author:** Mark Ramsay, Manager - Civil Operations  
**Approver:** Tom O'Hanlon, Director - Infrastructure & Sustainability  
**File No:** 21/115405  
**Reason for Report:** Response to Notice of Motion

**Recommendation:**

THAT Council defers consideration of the review of waste collection services, with a view of giving consideration to the full review of our waste collection services as part of the 2022/23 budget preparation.

**Item No:** R8 Recommendation to Council  
**Subject:** **BUSINESS CHAMBER FUNDING POLICY**  
**Authors:** Matthew Gollan, Manager - Placemaking  
Jin Young Kim, Economic Development Officer  
**Approver:** Craig Swift-McNair, General Manager  
**File No:** 21/121496  
**Reason for Report:** To consider the Draft Business Chamber Funding Policy and recommend for public exhibition

**Recommendation:**

THAT Council resolves to publicly exhibit the draft Business Chamber Funding Policy for a period of 28 days, with a further report to be tabled at a future meeting of the Finance, Community & Services Committee for consideration of any public submissions received, subject to Manager Placemaking updating the guidelines and application to ensure consistency.



## **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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## 16. Notices of Motion

**Item No:** 16.1  
**Subject:** NOTICE OF MOTION - CONSTABLES COTTAGE, CAMP COVE  
**From:** Councillor Claudia Cullen  
**Date:** 06 July 2021  
**File No:** 21/128525

- A. THAT Council request the General Manager write to the National Parks & Wildlife Service (NPWS) to commence discussions on any future plans the NPWS may have for the Constables Cottage, Camp Cove and to explore any opportunities for Council, the NPWS and the NSW government to partner in the future development of the Constables Cottage into a Kiosk / Café (including toilets) to service users of Camp Cove.
  - B. THAT Council request a report be tabled at the October 2021 Council meeting detailing costs and resources involved in developing a master plan for the Camp Cove precinct which would include issues like the removal and replacement of the existing toilet block and the future development of a new Kiosk / Café and related matters.
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**Item No:** 16.2  
**Subject:** **NOTICE OF MOTION - ENFORCEABLE DA CONDITIONS  
RELATING TO FOOTPATHS**  
**From:** Councillor Susan Wynne  
**Date:** 20 July 2021  
**File No:** 21/139637

THAT Council staff prepare a report by end December 2021 to investigate the feasibility of additional enforceable conditions of any Development Application (DA) which requires all footpaths to be maintained in a manner that provides a safe path including but not limited to ensuring any cracks are covered and rubble removed and any objects that are positioned across a footpath (e.g. cement pipes are clearly marked and managed in a way that does not cause trip hazard).

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### **Background**

It is noted that anyone undertaking works effectively pays a bond which ensures any damage to footpaths is rectified at the completion of a development, however often the footpaths throughout a project are left in a dangerous and hazardous state creating safety issues for pedestrians.

This Notice of Motion seeks to request that Council staff investigate the feasibility of additional enforceable conditions of any Development Application (DA) which requires all footpaths to be maintained in a manner that provides a safe path including but not limited to ensuring any cracks are covered and rubble removed and any objects that are positioned across a footpath e.g. cement pipes are clearly marked and managed in a way that does not cause trip hazard.

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## 17. Questions With Notice

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### Recommendation:

THAT the Questions with Notice be received and noted.

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### Background:

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

The following Questions with Notice for the Council Meeting on 26 July 2021 have been received.

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**QWN:** 17.1  
**From:** Councillor Regan  
**Subject:** Questions with Notice - 9A Cooper Park Road, Bellevue Hill

### Councillor Regan asking:

To the General Manager, Director of Planning & Place and Manager of Compliance:

1. I refer to the recent article published in the Sydney Morning Herald regarding the development at 9A Cooper Park Rd Bellevue Hill.

<https://www.smh.com.au/national/nsw/developer-forced-to-stop-work-on-bellevue-hill-apartments-due-to-defects-20210709-p5889d.html>

I note that there have been a series of complications with this project, which was once Council land and which was sold by Council for development 7 years ago. Would Council please advise as to the status of the matter including outlining the number of DAs and variation applications lodged over those years and the number of times that matters in relation to the development have gone to the Land and Environment Court.

2. Can Council please confirm the status of the most recent variation application that has been filed with Council, which I understand a number of residents have objected to.
3. Would Council please advise as to the status of the developer, Parker Logan and its related entity Maryland Developments and as to who now owns or controls the development site.
4. Residents have advised that no work has been done on site since approximately mid-May 2021 when the Building Commissioner issued various show cause notices and finally issued the stop work orders referred to in the SMH article on 8 July 2021 (see attached). Is Council aware of what arrangements are envisaged for completion of the works and what finance is in place for completion?



5. Is there anything Council can do in this regard and is Council involved with the building commissioner in relation to it?
6. What are the implications for surrounding neighbours who have been enduring construction on this site for the better part of 4 years and is there anything that Council can do for them?
7. Is Council in a position to invite the applicant of the current variation application to the works and its architect to meet with residents to set out their future plans for changes and to discuss their vision for completion of the project in order that neighbouring residents may get a full understanding of what is proposed to complete the project? It is possible for Council to obtain some enforceable undertakings from the applicant in this regard?

**Director Planning & Place in response:**

On Notice.

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**QWN:** 17.2  
**From:** Councillor Robertson  
**Subject:** Questions with Notice - Deceased Tree

**Councillor Robertson asking:**

Would staff please outline, step by step, the process they follow when a resident notifies Council of a deceased street tree, including the average time between receipt of the notification and the removal of the deceased tree, as well as the average time between removal and planting of a replacement tree. Please comment on whether any formal processing turnaround times form part of this process and if so, outline those turnaround times.

**Manager Open Space & Trees in response:**

On Notice.

**QWN:** 17.3  
**From:** Councillor Price  
**Subject:** Questions with Notice - Former Paddington Bowling Club Site

**Councillor Price asking:**

I refer to the memorandum from the Director of Infrastructure and Sustainability to all Councillors dated 29 June 2021 concerning the former Paddington Bowling Club site (the Site).

Can the Director please:

1. Confirm what (if any) further steps have been taken to explore opportunities with officers at Crown Lands, the relevant Minister and the lessee to take over the lease and return the Site to public hands.
2. Make enquiries to confirm:
  - a. if the relevant Minister has (retrospectively) provided consent for the change in the lessee's shareholding structure.
  - b. what (if any) steps have been taken by the relevant Minister to explore the following undetermined Aboriginal Land Claims on the Site lodged by:
    - i. the La Perouse Local Aboriginal Land Council on:
      - 22 September 2009 (Claim No. 20657);
      - 3 September 2010 (Claim No. 29716);
      - 19 December 2016 (Claim No. 42494); and
    - ii. the NSW Local Aboriginal Land Council on 19 December 2016 (Claim No. 42493).

**Director Infrastructure & Sustainability in response:**

On Notice.

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

