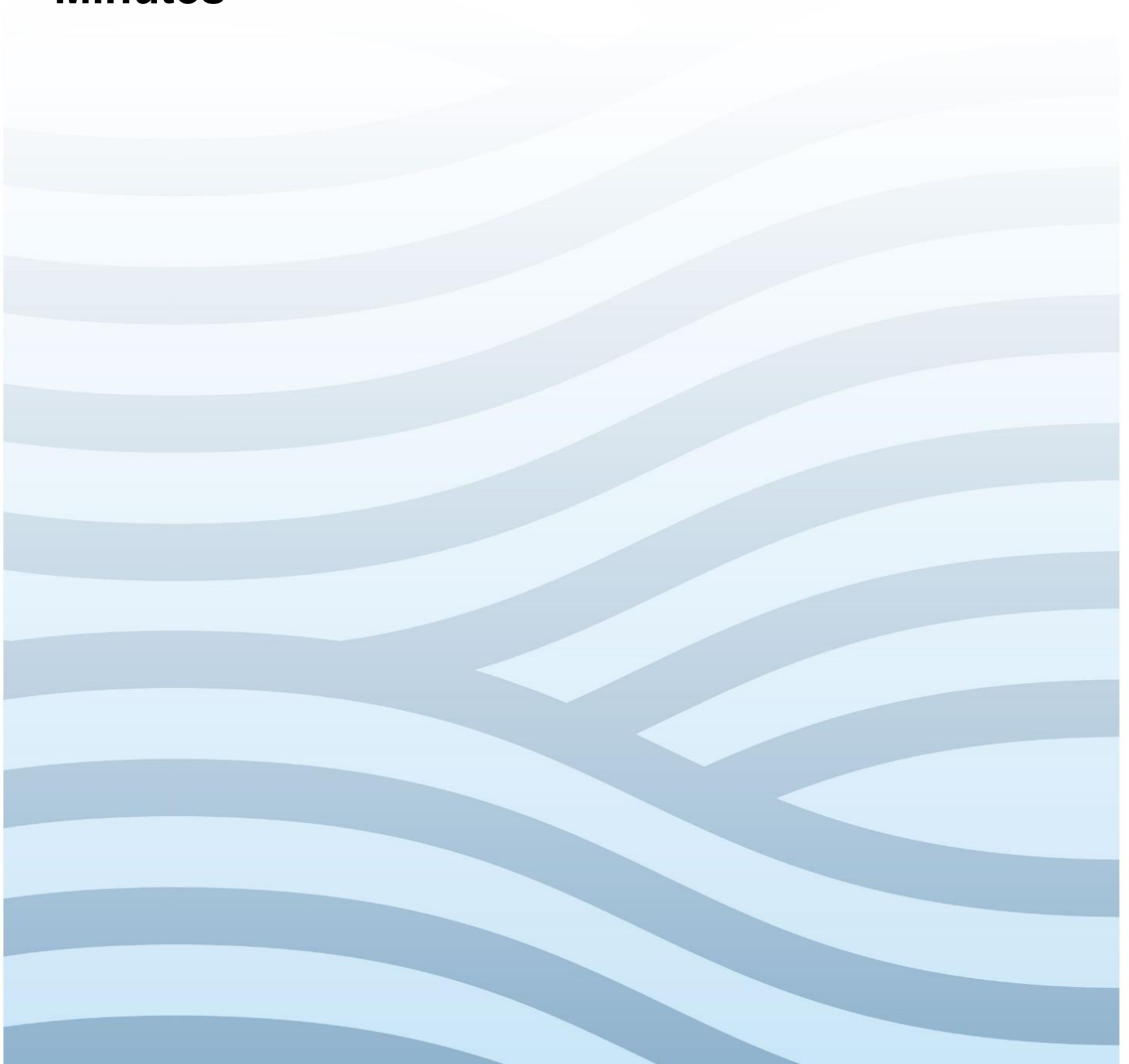




Ordinary Council Meeting

Monday 27 March 2023
6.30pm

Minutes



Ordinary Council Meeting

Monday 27 March 2023

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Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 27 March 2023 at 6.35pm.

Present: Her Worship the Mayor, Councillor Susan Wynne ex-officio
Councillors: Isabelle Shapiro (Deputy Mayor)
Sean Carmichael
Peter Cavanagh (via Zoom)
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis (via Zoom) – (from Item 13.1 (R2))
Harriet Price
Lucinda Regan
Matthew Robertson (via Zoom)
Richard Shields
Mark Silcocks
Sarah Swan
Merrill Witt
Toni Zeltzer

Staff: Flynn Erich (Meetings Officer)
Paul Ryan (Chief Financial Officer) (via Zoom)
Patricia Occelli (Director – Community & Customer Experience)
Tom O’Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
Helen Tola (Manager – Governance & Risk)

Also in Attendance: Nil

1. Opening

The Mayor declared the Ordinary Council Meeting of 27 March 2023 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Prayer

The Mayor read the Prayer:

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

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

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

The Mayor read the following Acknowledgement of Country:

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

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

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

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

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

Councillor Cavanagh, Councillor Jarvis and Councillor Robertson participated in the meeting using audio-visual link.

6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION COUNCIL MEETING MINUTES - 13 MARCH 2023
Author:	Sue O'Connor, Governance Officer
File No:	23/41656
Purpose of the Report:	The Minutes of the Council of 13 March 2023 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program:	Strategy 11.3 Ensure effective and efficient governance and risk management.

(Carmichael/Zeltzer)

33/23 Resolved:

THAT the Minutes of the Council Meeting of 13 March 2023 be taken as read and confirmed.

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

For the Motion

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

14/0

Against the Motion

Nil

7. Disclosures of Interest

Councillor Zeltzer, declared a Non-Significant, Non-Pecuniary Interest in Item 13.1 (R2 - Advice of the Woollahra Local Planning Panel - Planning Proposal - Heritage Listing of Five Places of Worship and State Heritage Nomination of the Sydney Chevra Kadisha) as Councillor Zeltzer is Greek Orthodox. Councillor Zeltzer participated in debate and voted on the matter.

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in Item 16.2 (Notice of Motion - The Uluru Statement from the Heart & the Voice to Parliament), as Councillor Robertson is a colleague of Emeritus Professor Michael Chesterman who submitted late correspondence in relation to this matter. Councillor Robertson participated in debate and voted on the matter.

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in Item 16.2 (Notice of Motion - The Uluru Statement from the Heart & the Voice to Parliament), as Councillor Robertson is a colleague of Professor Megan Davis who is the Co-Chair of the Referendum Working Group. Councillor Robertson participated in debate and voted on the matter.

8. Late Correspondence

Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item 13.1 (EP) – R1 & R2, 13.2 (FC&S) – R2 & R7, (NOM) 16.2, (QWN) 17.1 & 17.3.

9. Petitions Tabled

Nil

10. Mayoral Minute

Nil

11. Public Forum

The Mayor, Councillor Wynne advised that in accordance with Clause 4.3 of Council's Code of Meeting Practice two (2) members of the public, registered to address Council via the Public Forum provisions on matters listed on the Agenda (13.1 - Item R2 Advice of the Woollahra Local Planning Panel - Planning Proposal - Heritage Listing of Five Places of Worship and State Heritage Nomination of the Sydney Chevra Kadisha).

Note: Spero Raissis addressed the Council, in relation to 13.1 - Item R2 Advice of the Woollahra Local Planning Panel - Planning Proposal - Heritage Listing of Five Places of Worship and State Heritage Nomination of the Sydney Chevra Kadisha.

Note: Stephen Davies addressed the Council, in relation to 13.1 - Item R2 Advice of the Woollahra Local Planning Panel - Planning Proposal - Heritage Listing of Five Places of Worship and State Heritage Nomination of the Sydney Chevra Kadisha.

12. General Manager and Officer's Report

Nil

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 6 March 2023 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - HERITAGE LISTING OF FOUR SITES IN DOUBLE BAY COMMERCIAL CENTRE
Author:	Kristy Wellfare, Acting Team Leader Heritage
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	22/253026
Purpose of the 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 four sites in the Double Bay Commercial Centre as local heritage items in Schedule 5 and on the Heritage Maps of the Woollahra Local Environmental Plan 2014. To obtain Council's approval to proceed with the nomination of Gaden House to the State Heritage Register
Alignment to Delivery Program:	Strategy 4.2 Conserving our rich and diverse heritage.
Note:	Late Correspondence has been tabled by Katherine Grinberg, Malcolm Young, Anthony Tregoning President Double Bay Residents Association), and Justin & David Scheinberg.

(Shapiro/Elsing)

34/23 Resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 December 2022 regarding the planning proposal to list four sites in the Double Bay Commercial Centre as local heritage items in Schedule 5 and on the Heritage Maps of the Woollahra Local Environmental Plan 2014.
- B. THAT Council endorse the planning proposal as contained at **Attachment 2** of the report to the Environmental Planning Committee to list the following four sites as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolve to forward this to the Department of Planning and Environment with a request for Gateway Determination to allow public exhibition:
 - i. (former) *InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
 - ii. *Cooper's Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
 - iii. *Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445)*
 - iv. *Shopping building and arcade, 21-25 Knox Street (Lot 1 DP 208922)*
- 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*.
- D. THAT Council endorse a nomination to the State Heritage Register of Gaden House at 24 Bay Street Double Bay (2A Cooper Street) (Lots 11 and 12 in DP 4606).

- E. THAT separately, Council staff investigate a heritage conservation area on the eastern side of Bay Street, in Double Bay and report back to the relevant Committee of Council with the outcomes of that investigation.

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

For the Motion

Against the Motion

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

Nil

14/0

Item No: R2 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - HERITAGE LISTING OF FIVE PLACES OF WORSHIP AND STATE HERITAGE NOMINATION OF THE SYDNEY CHEVRA KADISHA**
Authors: Kristy Wellfare, Acting Team Leader Heritage
Anne White, Manager Strategic Planning & Place
Approver: Scott Pedder, Director Planning & Place
File No: 22/248138
Purpose of the 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 five places of worship as local heritage items in Schedule 5 and on the heritage maps of the Woollahra Local Environmental Plan 2014.
To obtain Council's approval to proceed with the State Heritage Register Nomination for Sydney Chevra Kadisha at 172-178 Oxford Street, Woollahra.
Alignment to Delivery Program: Strategy 4.2 Conserving our rich and diverse heritage.

Note: Councillor Zeltzer, declared a Non-Significant, Non-Pecuniary Interest in this item, as Councillor Zeltzer is Greek Orthodox. Councillor Zeltzer participated in debate and voted on the matter.

Note: Late Correspondence has been tabled by Councillor Witt & Councillor Zeltzer.

Note: Councillor Jarvis attended the meeting (via Zoom), the time being 7.13pm.

Note: Councillor Carmichael left the meeting, the time being 7.20pm.

Note: Councillor Carmichael returned to the meeting, the time being 7.22pm.

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

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 December 2022 regarding the planning proposal to list five places of worship as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- B. THAT Council endorse the planning proposal as contained at **Attachment 3** of the report to the Environmental Planning Committee to list the following five sites as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolve to forward this to the Department of Planning and Environment with a request for a Gateway determination to allow public exhibition:
- i. Paddington Church of Christ complex and setting, including interiors and moveable heritage at 116-122 Paddington Street, Paddington (Lots 20, 21 & 22, Sec 1, DP 180)
 - ii. St Andrews Scots Presbyterian Church complex and setting, including interiors and moveable heritage at 2 Carlisle Street, Rose Bay (Lot 1 DP 724928 & Lot 1 DP 966535)
 - iv. Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862)
 - v. Vaucluse Uniting Church complex and setting - former 1909 Vaucluse Congregational Church building and former 1960 A-frame church building, including interiors and moveable heritage at 3 Russell Street, Vaucluse (Lot 6, Sec 5, DP 4400).
- 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*.
- D. THAT Council endorse a nomination to the State Heritage Register of Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862).
- E. THAT Council request that staff update the heritage inventory sheet for this Sydney Chevra Kadisha, having considered the late correspondence from URBIS that was tabled at the Environmental Planning Committee meeting of 6 March 2023.

**Amendment moved by Councillor Regan
Seconded by Councillor Witt**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 December 2022 regarding the planning proposal to list five places of worship as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- B. THAT Council endorse the planning proposal as contained at **Attachment 3** of the report to the Environmental Planning Committee to list the following five sites as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolve to forward this to the Department of Planning and Environment with a request for a Gateway determination to allow public exhibition:
- i. Paddington Church of Christ complex and setting, including interiors and moveable heritage at 116-122 Paddington Street, Paddington (Lots 20, 21 & 22, Sec 1, DP 180)
 - ii. St Andrews Scots Presbyterian Church complex and setting, including interiors and moveable heritage at 2 Carlisle Street, Rose Bay (Lot 1 DP 724928 & Lot 1 DP 966535)
 - iv. Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862)

- v. Vaucluse Uniting Church complex and setting - former 1909 Vaucluse Congregational Church building and former 1960 A-frame church building, including interiors and moveable heritage at 3 Russell Street, Vaucluse (Lot 6, Sec 5, DP 4400).
- 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*.
- D. THAT Council endorse a nomination to the State Heritage Register of Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862).
- E. THAT Council receives and notes the recommendation for the St George Greek Orthodox Church, and staff further investigate the heritage significance of the complex having regard to the issues raised regarding religious freedoms, and that the community are engaged to establish if there are elements of the building that are appropriate for heritage listing, investigates whether there is an active Development Application (DA) for the site on the corner of Old South Head Road and Newcastle Street, Rose Bay and/or if further legal advice is required.
- F. THAT Council request that staff update the heritage inventory sheet for this Sydney Chevra Kadisha, having considered the late correspondence from URBIS that was tabled at the Environmental Planning Committee meeting of 6 March 2023.

The Amendment was put and carried.

For the Amendment

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

10/5

Against the Amendment

Councillor Carmichael
Councillor Shapiro
Councillor Shields
Councillor Wynne
Councillor Zeltzer

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

(Regan/Witt)

35/23 Resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 December 2022 regarding the planning proposal to list five places of worship as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- B. THAT Council endorse the planning proposal as contained at **Attachment 3** of the report to the Environmental Planning Committee to list the following five sites as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolve to forward this to the Department of Planning and Environment with a request for a Gateway determination to allow public exhibition:

- i. Paddington Church of Christ complex and setting, including interiors and moveable heritage at 116-122 Paddington Street, Paddington (Lots 20, 21 & 22, Sec 1, DP 180)
 - ii. St Andrews Scots Presbyterian Church complex and setting, including interiors and moveable heritage at 2 Carlisle Street, Rose Bay (Lot 1 DP 724928 & Lot 1 DP 966535)
 - iv. Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862)
 - v. Vaucluse Uniting Church complex and setting - former 1909 Vaucluse Congregational Church building and former 1960 A-frame church building, including interiors and moveable heritage at 3 Russell Street, Vaucluse (Lot 6, Sec 5, DP 4400).
- 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*.
- D. THAT Council endorse a nomination to the State Heritage Register of Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862).
- E. THAT Council receives and notes the recommendation for the St George Greek Orthodox Church, and staff further investigate the heritage significance of the complex having regard to the issues raised regarding religious freedoms, and that the community are engaged to establish if there are elements of the building that are appropriate for heritage listing, investigates whether there is an active Development Application (DA) for the site on the corner of Old South Head Road and Newcastle Street, Rose Bay and/or if further legal advice is required.
- F. THAT Council request that staff update the heritage inventory sheet for this Sydney Chevra Kadisha, having considered the late correspondence from URBIS that was tabled at the Environmental Planning Committee meeting of 6 March 2023.

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 Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Swan
Councillor Witt

Against the Motion

Councillor Carmichael
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

10/5

Item No: R3 Recommendation to Council
Subject: **PADDINGTON PUBLIC DOMAIN STRATEGY & TECHNICAL MANUAL**
Author: Scott Pedder, Director Planning & Place
Approver: Craig Swift-McNair, General Manager
File No: 23/37211
Purpose of the Report: To provide an update to Council on the development of a Paddington Public Domain Strategy and Technical Manual.
To seek Council's endorsement for the reallocation of funding from the Oxford Street Placemaking Reserve
Alignment to Delivery Program: Strategy 9.1 Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.

Note: The Council amended Part B and added a new Part C to the Resolution.

(Price/Robertson)

36/23 Resolved:

THAT Council:

- A. Note the approach outlined in the report for the preparation of a Paddington Public Domain Strategy & Technical Manual; and
- B. Requests that the Oxford Streets Place Making Reserve is not utilised to fund the preparation of the Paddington Public Domain Strategy and Technical Manual (Strategy).
- C. Gives consideration to the funding of the "Strategy" as part of the 2023/2024 Draft Budget.

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

For the Motion

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

15/0

Against the Motion

Nil

13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 6 March 2023 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	RECYCLING CONTRACT EXTENSION
Author:	Mark Ramsay, Manager Civil Operations
Approver:	Tom O'Hanlon, Director Infrastructure & Sustainability
File No:	23/15899
Purpose of the Report:	To seek approval to extend the Collection, Material Recovery Facility (MRF) and sale of recyclables contract for a period of 1 year
Alignment to Delivery Program:	Strategy 8.4 Encourage and assist our community to be leaders in waste management and resource recycling.

(Zeltzer/Swan)

37/23 Resolved without debate:

THAT Council enter into a Deed of Variation with URM Environmental Services to extend the current contract for the Collection, Material Recovery Facility (MRF) and sale of recyclables for a period of 1 year to 31 July 2024.

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

For the Motion

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

15/0

Against the Motion

Nil

Item No: R2 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 31 JANUARY 2023
INVESTMENTS HELD AS AT 28 FEBRUARY 2023**
Author: Abdullah Rayhan, Team Leader
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 23/21111
Purpose of the Report: To present the monthly financial report for January 2023 and to present a list of investments held as of 28 February 2023.
Alignment to Strategy 11.2 Secure Council's financial position.
Delivery Program:

Note: Late Correspondence has been tabled by Paul Ryan, Chief Financial Officer.

(Zeltzer/Swan)

38/23 Resolved without debate:

THAT the Committee:

- A. Receive and note the Monthly Financial Report – January 2023.
- B. Note that the Council's 12-month weighted average return for January 2023 on its direct investment portfolio of 3.52% (LM: 3.29%, LY: 0.57%) exceeds the benchmark 90-day AusBond Bank Bill Index of 3.08%.
- C. Note that the interest revenue for the year to date 31 January of \$1.39M, exceeding the revised forecast in December of \$560k for the same period.
- D. Receive and note the list of Council's investments held as of 28 February 2023 (provided as late correspondence).

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

For the Motion

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

15/0

Against the Motion

Nil

Item No: R3 Recommendation to Council
Subject: **EVENTS SERVICE REVIEW OUTCOMES**
Authors: Vicki Munro, Manager Community & Culture
Petrina Duffy, Coordinator Strategy & Performance
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 23/14776
Purpose of the Report: To advise Council of the outcomes of the Events Service Review and to seek direction on Council's future Events program.
Alignment to Delivery Program: Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

(Zeltzer/Swan)

39/23 Resolved without debate:

THAT Council:

- A. Receive and note the Events Service Review Report as listed in Attachment 1.
- B. Consider through the 2023/24 budget discussions incorporation of events management expertise within Council with the employment of a full time Events Coordinator.
- C. Agree to the development of a 4 year Events Strategy as part of the 2023-2024 Operational Plan.
- D. Note the remaining operational recommendations of the Events Service Review and that these will be implemented from 1 July, 2023.
- E. Resolve to dissolve the Cultural Day Steering Committee and the Citizenship Awards Committee.
- F. Resolves to cancel the following events, effective immediately:
 - Poets Picnic
 - Library Maker Expo (annual event)
 - Library Parents and Carers (annual event)
 - Community Leaders Reception (annual event)
 - Community Connections Expo (annual event)
 - Garden Awards.

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

For the Motion

Against the Motion

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

Nil

Item No: R4 Recommendation to Council
Subject: **UPDATE ON THE WOOLLAHRA DOMESTIC AND FAMILY VIOLENCE ACCOMMODATION AND SUPPORT PROGRAM - 2022/23**
Author: Vicki Munro, Manager Community & Culture
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 23/34958
Purpose of the Report: To provide an update on the Woollahra Domestic and Family Violence Accommodation and Support Program provided by Women's Housing Company.
Alignment to Delivery Program: Strategy 2.2: Understand needs of our community so that we can facilitate access to support and services.

(Zeltzer/Swan)

40/23 Resolved without debate:

THAT Council receive and note the Update on the Woollahra Domestic and Family Violence Accommodation and Support Program – 2022/23 report.

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

For the Motion

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

15/0

Against the Motion

Nil

Item No: R5 Recommendation to Council
Subject: **TERMS OF REFERENCE FOR THE ESTABLISHMENT OF THE ARTS AND CULTURE ADVISORY COMMITTEE**
Author: Vicki Munro, Manager Community & Culture
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 23/37581
Purpose of the Report: To seek Council approval of the Terms of Reference for the new Arts and Culture Advisory Committee
Alignment to Delivery Program: Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

(Zeltzer/Swan)

41/23 Resolved without debate:

THAT Council approve the Terms of Reference for the Arts and Culture Advisory Committee, subject to the Committee membership being amended from The Mayor and up to two (2) Councillors to The Mayor and up to three (3) Councillors.

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

For the Motion

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

15/0

Against the Motion

Nil

Item No: R7 Recommendation to Council
Subject: **CHILD SAFE ORGANISATION**
Author: Eva Leszczynska, Manager People, Safety & Performance
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 23/35423
Purpose of the Report: The purpose of this report is to present to Council the Draft Child Safe Policy and Draft Child Safety Code of Conduct and to seek approval to place these on public exhibition
Alignment to Delivery Program: Strategy 11.3 Ensure effective and efficient governance and risk management.

Note: Late Correspondence tabled by Sue Meekin, Director of Corporate Performance.

Note: The Council amended Part A and deleted Part B of the Resolution.

(Price/Zeltzer)

42/23 Resolved:

THAT Council endorses the Draft Child Safe Policy and Draft Child Safety Code of Conduct as attached in the late correspondence tabled at the Council meeting, for the purpose of public exhibition for a period of 28 days.

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

For the Motion

Against the Motion

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

Nil

15/0

Item No: R8 Recommendation to Council
Subject: **PEAKER LANE - APPEARANCE AND CLEANLINESS**
Author: Tom O'Hanlon, Director Infrastructure & Sustainability
Approver: Craig Swift-McNair, General Manager
File No: 23/35277
Purpose of the Report: To respond to a Notice of Motion regarding the appearance of Peaker Lane, Woollahra.
Alignment to Delivery Program: Strategy 9.1 Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.

(Zeltzer/Swan)

43/23 Resolved without debate:

THAT Council:

- A. Notes the actions contained in the report which have already taken place or are proposed to take place in relation to improving the amenity in Peaker Lane, Woollahra between Spicer Street and Holdsworth Street.
- B. Resolves to consider inclusion of a sum of \$30,000 in the draft 2023/2024 Budget as Council's contribution to townscaping initiatives in Peaker Lane, noting that works or financial contributions will likely be required from affected property owners.

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

For the Motion

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

15/0

Against the Motion

Nil

14. Rescission Motion

Nil

15. Councillor Reports/Councillor Updates (Section 8.4)

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

Note: Councillor Swan left the meeting, the time being 8.22pm.

Note: Councillor Swan returned to the meeting, the time being 8.23pm.

General Item No: 15.1 Thank you Peter Poland
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Wynne advised:

I would like to acknowledge Peter Poland, who is the President of the Woollahra History and Heritage Society, on Wednesday he is stepping down as the President. I would like to acknowledge his work, his dedication and his commitment to the Woollahra History and Heritage. He has been our go to person and he is an extraordinary man, and I think he is in his 90s now, and he is reluctantly stepping down. So I really want to acknowledge him on behalf of everyone at Woollahra Council for incredible work and commitment and thank him.

Councillor Zeltzer advised:

Thank you Madam Mayor. I would really like to reiterate your comments towards Peter Poland and the extensive contribution he has made to heritage protection in our area. I ask you the Mayor, if you could write to him, but also include the period of time that he worked so constructively with his wife June, who had passed away about a decade ago. They were a formidable pair in terms what we see today in our urban landscape and a lot of it would have been lost. I just think there needs to be in his contribution a reference to his good wife and I think he would really agree with that and much delighted in that. Thank you.

The Mayor, Councillor Wynne in response:

Thank you, Councillor Zeltzer. I have an Annual General Meeting on Wednesday afternoon and I will be speaking to that and I have a gift for Mr Poland. I will write to him and he will also be getting a lot of acknowledgment in person.

Councillor Grieve advised:

Thank you, Madam Mayor. Mr Poland was instrumental in the renovation of Signal Station being a former mariner and I think that one of his proudest moments was steering that renovation, and that he would be very chuffed if that was mentioned.

The Mayor, Councillor Wynne in response:

Thank you, Councillor Grieve.

Councillor Robertson advised:

Thank you Madam Mayor. I too would like to add my thanks and gratitude in relation to Mr Poland and his enormous contribution to Woollahra over many decades, and also acknowledging his late wife Mrs June Poland. I believe that Mr Poland was first recognised for his efforts in conserving Woollahra's Heritage as far back as 1995, when he was Woollahra Citizen of the Year and happy to be corrected on that, but I'm pretty sure that that was the case, and I think Mr Poland's example is one that really tells the story of how people who volunteer, their passion and their time and their energy can have such an influence on shaping an area. I certainly never look at a section of sandstone kerb and guttering without thinking about all those many hours of advocacy that June and Peter Poland made towards conserving our areas heritage, and it really is a stellar contribution and I just implore you Madam Mayor at the Annual General Meeting to heap as much praise on to Mr Poland as possible.

The Mayor, Councillor Susan Wynne replied:

Thank you Councillor Robertson. I will absolutely do that.

General Item No: 15.2 Cultural Awareness Training
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Susan Wynne advised:

I attended the Cultural Awareness Training for our Reconciliation Action Plan (RAP) on Friday 24 March 2023, and I want to thank and congratulate staff for organising that. It was the most incredible three hours I have ever experienced and it was truly extraordinary. It was moving, it was eye-opening. I try to stay educated as possible. I learnt things that I was so unaware of and I was saddened, but I was also incredibly touched by Ray who ran this awareness training who spoke beautifully, calmly and without any accusations. I learnt so much about Culture and Spirituality as well and I want to acknowledge Councillor Shapiro, Councillor Price and Councillor Regan as Councillors who also attended so thank you, and thank you to the staff who also attended. I cannot thank Council enough for putting that on for all of us.

Councillor Shapiro advised:

Thank you, Madam Mayor. I just really want to echo your thoughts on Friday's Cultural Awareness Training. I thought it was absolutely superb, so much that I learnt. I would like to thank the staff, including Patricia Occelli, Director Community & Customer Experience and Vicki Munro, Manager Community & Culture for organising it. We had the Directors and senior staff there with us and I know that there was another session that afternoon for other staff. I think it was superb and I was just sorry that we weren't able to accommodate all of the Councillors, and perhaps it's something that we could run at another date because it is something really worthwhile.
Thank you.

The Mayor, Councillor Susan Wynne in response:

Thank you, Councillor Shapiro.

General Item No: 15.3 Pound Paws at the Golden Sheaf
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Susan Wynne advised:

On Sunday 26 March 2023, I attended the Pound Paws at the Golden Sheaf, the Pound Paws at the pub. It was a wonderful event of reminding everyone to “adopt and don’t shop”, and sadly this time Teddy had to stay home as I was heading on to another event, so he didn’t get to walk the red carpet and drive the little mini Bentley and Porsche that was set up for the puppies. I think it was a terrific day and seeing people having their puppies while they’re having lunch mixing with each other and there was the ‘best trick’ and the ‘best dressed’ as well.

I want to congratulate all involved on such a worthy cause and Vet HQ for their incredible commitment to ensuring that we “adopt and don’t shop”.

General Item No: 15.4 Vaucluse Neighbour Day
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Susan Wynne advised:

On Sunday afternoon, 26 March 2023, I attended the Vaucluse Neighbour Day in Derby Reserve and again a beautiful community who do great things on Derby Reserve. They were incredibly welcoming and grateful. Lots of thanks to Woollahra Council for the grant that we do give them as well. It was wonderful.

General Item No: 15.5 Wilberforce Carpark Redevelopment Community Meeting
Tabled by Councillor: The Mayor, Councillor Wynne & Councillor Witt

The Mayor, Councillor Susan Wynne advised:

I want to acknowledge Council staff in particular for attending a Rose Bay Community Meeting and Councillor Witt who was also there and Councillor Jarvis I gave your apologies. There has been a lot of angst around the misinformation that has been going around the community and the businesses around the development of the Wilberforce car park. It was a really fantastic meeting. Staff gave up their time and it was very well received. Businesses felt heard, they were very grateful, and no one is denying that we need a car park and they recognise the challenges. They had not been aware, I guess around some of the considerations and challenges and there has also been a lot of misinformation out in the community that we were able to make sure that we gave them the facts. As a result of that they felt heard and they are really grateful. I was inundated with messages the next day saying thank you and how fantastic it was. A huge thanks and credit to staff as well.

Councillor Witt advised:

Thank you Madam Mayor. I would like to congratulate the Mayor, Councillor Susan Wynne for how well she ran the meeting last week about the Wilberforce Car Park Redevelopment. I think it was just really good to have people in the room and the theme of this Council meeting has been community consultation and I just think that is an example of how brilliantly it worked and I’d also just like to thank the General Manager and his team for also being there and being available to ask questions, to reassure all the shop owners and the residents and attend to their concerns. It was really just a reminder how we how lucky we are, that we have this wonderful community still of exciting, boutique small shop owners in Rose Bay and really as a Council we really we want to look after them and to ensure their wishes respected and accommodated as much as possible.

I think by the end of it most of them were really thrilled about the idea of the car park and I just really think it'll be a terrific addition to the community and obviously there are issues to be resolved in terms of temporary parking in the interim and I am hoping that we can come up with a good resolution to that. So thanks again.

The Mayor, Councillor Susan Wynne replied:

Thank you Councillor Witt.

General Item No: 15.6 Thank you Deputy Mayor, Councillor Shapiro
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Susan Wynne advised:

I want to thank Councillor Shapiro for stepping in for me while I was away, cage diving with great white sharks. So thank you for attending a lot of things on my behalf, and I do really appreciate that. A Deputy Mayor is often an unsung hero and I am very grateful that I actually had the luxury to take some time out, and I also had no Internet or cell reception, which was quite nice actually, but I knew everything was in good hands. So thank you.

General Item No: 15.7 Congratulations to all of the Vaocluse Candidates
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Susan Wynne advised:

I want to congratulate all the candidates running for Vaocluse. We saw democracy at its best, and I had the police driving around and I had spoke to them on a number of occasions, and they had said that it was a very calm electorate and that there was no dramas or hassles. I am sure many of you were working on the booths, and I found it to be very calm and very respectful which was wonderful. At this point in time, it has not been declared, so I cannot congratulate any successful candidate just yet, but I just want to acknowledge every single candidate for putting their hands up and ran.

General Item No: 15.8 German Cultural Day at the Goethe Institute
Tabled by Councillor: The Mayor, Councillor Wynne

The Mayor, Councillor Susan Wynne advised:

Lastly, I would just like to remind everyone that on Saturday, 1 April 2023 we have the German Cultural Day at the Goethe Institute from 1.00pm until 9.00pm. If you can please come along it would be fantastic to see you and tell your friends and family. If you are coming, I will be doing a speech around 1.00pm, so Councillor please let Patricia Vella know so I can acknowledge you. I want to acknowledge all the hard work that has occurred in putting that on.

General Item No: 15.9 Congratulations to Kellie Sloane
Tabled by Councillor: Councillor Carmichael

Councillor Carmichael advised:

Thank you, Madam Mayor. I will venture slightly further in that Anthony Green and the ABC have essentially called the seat of Vacluse as Kellie Sloane being the victor, while there is the asterix of the Returning Officer finally declaring it, but nevertheless I would very much like to congratulate the Liberal member elect for Vacluse. I would like to congratulate her and note that the State Government has appeared to change over to a Labor Government which could very much have implications for our Council in the future. I just ask Council to reflect on this going forward and the changed dynamics that we now work in. Thank you.

The Mayor, Councillor Susan Wynne replied:

Thank you Councillor Carmichael.

General Item No: 15.10 Thank you to Michelle Rose

Tabled by Councillor: Councillor Swan

Councillor Swan advised:

Thank you Madam Mayor. I would like to pass on my congratulations to Michelle Rose for her organisation of the Community Park Garden Day which I attended yesterday Sunday 26 March 2023. It was a very fun and informative event and I would also like to congratulate Mitch from the Sustainability Taskforce in Randwick and I learnt a lot about polyps and budding them up for seed propagation which was great.

The Mayor, Councillor Susan Wynne in response:

Thank you, Councillor Swan.

General Item No: 15.11 Congratulations to Alex Greenwich
Tabled by Councillor: Councillor Price

Councillor Price advised:

Thank you, Madam Mayor. It would be remiss of me not to stand up and also congratulate Alex Greenwich MP, the Member for Sydney who has been returned with a huge swing of eleven percent (11%) in his favour and it's a resounding victory, and a resounding victory for the independent movement. I had the pleasure of polling and pre-polling with him and his team last week, and also had the pleasure of managing the Five Ways booth in Paddington. What I would look like to comment on Madam Mayor is being part of the democracy and actually seeing the day unfold, which actually ended up with me also scrutineering for Mr Greenwich in the Church hall and physically seeing people counting votes. I think we are so privileged to live in a society where we can be in a Church hall and have big boxes of cardboard and pieces of paper all over his desk and we see it gets done in a way that there is no violence and it's the integrity of our system and am so proud to be a part of that. Liberal, Labor, Animal Justice Party, The Greens and members for the Alex Greenwich team stood in the pouring rain for about three hours and basically all friendly and a collegiate atmosphere and I really think it's fantastic that we are able to be a part of that. My sincere congratulations to Mr Greenwich and I look forward to the Council working with him cooperatively over the next four years.

The Mayor, Councillor Susan Wynne in response:

Thank you, Councillor Price. It was absolutely remiss of me, and I have so much respect for Mr Alex Greenwich MP. He is a wonderful member and a strong advocate for Woollahra Council. So my apologies and it is welcome news to have him back.

Councillor Robertson advised:

Thank you Madam Mayor. I do want to congratulate Mr Alex Greenwich MP, the Member for Sydney, we of course straddle two electorates in our Local Government Area and you know I have had the pleasure of working with Mr Greenwich since his election way back in 2012 and it's a credit to him and the work he has done for advocating for our community here in Woollahra, as well as the LGBTQIA+ community that he been endorsed with a strong swing towards him.

I hope that and I trust that our strong relationship with him and Woollahra Council will continue into the future. Thank you.

The Mayor, Councillor Susan Wynne replied:

Thank you, Councillor Robertson.

16. Notices of Motion

Item No: 16.1
Subject: NOTICE OF MOTION - DA ADVERTISING IN WENTWORTH COURIER
From: Councillors Isabelle Shapiro, Susan Wynne, Toni Zeltzer and Richard Shields
Date: 20 March 2023
File No: 23/50874

Note: Councillor Jarvis left the meeting, the time being 8.30pm.

Note: The Council added new Part B to the Resolution.

(Shapiro/Zeltzer)

44/23 Resolved:

THAT Council:

- A. In order to assist in reducing the time frames for determining DAs, and to expedite the commencement of notifying applications, that Council no longer advertises DAs in the *Wentworth Courier*; and that the Woollahra Community Participation Plan be amended to reflect this change.
- B. Places an advert in the *Wentworth Courier* or in Council's Mayoral Column on how and where to find new Development Applications (DAs) and Development Application Determinations on Council's website.

Motion was put and vote was 7 for and 7 against the Motion.

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

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 Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Carmichael
Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Witt

7/7

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

Item No: 16.2
Subject: **NOTICE OF MOTION - THE ULURU STATEMENT FROM THE HEART & THE VOICE TO PARLIAMENT**
From: Councillors Harriet Price, Matthew Robertson and Toni Zeltzer
Date: 21 March 2023
File No: 23/51496

Note: Late Correspondence was tabled by Councillor Zeltzer, Councillor Carmichael, Councillor Robertson, Anthony Tregoning (Double Bay Residents Association), Margot Cunich, Amy Denmeade, Nicole Abadee, Sally Snow, Siobhan Ferguson, Joann Cogrove, Stephen Alchhin, Cathy Stanton, Dr Jack Frisch, Penelope Johnston, Vivienne Skinner, Trish Sherbon, Janet Gale, Ann Sloan, Shubha Prasan, Kathryn Refshuage, Michael Chesterman, Dr Tonie Robertson, and Kay Vernon.

Note: Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Robertson is a colleague of Emeritus Professor Michael Chesterman who submitted late correspondence in relation to this matter. Councillor Robertson participated in debate and voted on the matter.

Note: Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Robertson is a colleague of Professor Megan Davis, who is the Co-Chair of the Referendum Working Group. Councillor Robertson participated in debate and voted on the matter.

Note: Councillor Regan and Councillor Witt left the meeting, the time being 8.46pm.

Note: Councillor Regan and Councillor Witt returned to the meeting, the time being 8.48pm.

Note: Councillor Jarvis returned to the meeting, the time being 9.07pm.

Note: Councillor Jarvis left the meeting, the time being 9.18pm.

Note: Councillor Jarvis returned to the meeting, the time being 9.30pm.

(Price/Robertson)

45/23 Resolved:

THAT Council:

A. Notes:

1. Its Community Strategic Plan and long term vision for Woollahra to have a 'connected, harmonious and engaged community';
2. Its adoption of the Reflect Reconciliation Action Plan (RAP) of 27 September 2022;
3. Its close ties with the La Perouse Local Aboriginal Land Council (the LLALC), the Gujaga Foundation and the Gamay Rangers;
4. That a referendum around constitutional recognition through a Voice to Parliament for Aboriginal and Torres Strait Islander People will take place in late 2023 (the Voice).
5. That many individuals, local and state governments, politicians, universities, charities, a number of religious organisations, sporting codes, corporations, banks and professional associations have endorsed the Voice and support a 'YES' vote in the referendum, including:
 - i. All Australian State Premiers;

- ii. Many local Councils (including Waverley Council, Randwick Council, City of Sydney Council and the Inner West Council);
 - iii. Alex Greenwich MP;
 - iv. Allegra Spender MP;
 - v. Two former Chief Justices of the High Court of Australia, the Hon Murray Gleeson AC and the Hon Robert French AC;
 - vi. Another former Justice of the High Court of Australia, the Hon Kenneth Hayne AC;
 - vii. The Anglican Church of Australia, the Australian Catholic Bishops Council, the Australian National Imams Council, the Australian Sangha Association, the Executive Council of Australian Jewry, the Hindu Council of Australia, the National Council of Churches in Australia, the National Sikh Council of Australia and the Uniting Church in Australia Assembly;
 - viii. The Australian Football League, the National Rugby League, Rugby Australia, Netball Australia, Cricket Australia and Tennis Australia;
 - ix. The St Vincent de Paul Society, the Paul Ramsay Foundation and World Vision;
 - x. The University of New South Wales;
 - xi. The National Australia Bank, the Commonwealth Bank of Australia, the ANZ Bank;
 - xii. LendLease, BHP, Rio Tinto, Wesfarmers, Woolworths and Coles; and
 - xiii. The Australian Medical Association and The Law Council of Australia.
6. That 40 Mayors around Australia have committed to informing and educating communities about the Voice and starting conversations about how the referendum can deliver real reconciliation for First Nations people.

B. Resolves:

- 1. To support the Uluru Statement from the Heart in full (Truth, Treaty and Voice) and the Voice to Parliament (the Yes Vote);
- 2. That the General Manager prepares a report on developing a Council information and community education strategy on the Voice (the YES Strategy), including but not limited to:
 - i. hosting civil forums based on the 'Ideas Exchange' Library Model;
 - ii. promoting dialogue;
 - iii. educating the community on what the Voice will mean for Indigenous people and Australia as a nation;
 - iv. providing a platform for First Nations voices to be heard;
 - v. seeking collaboration with other relevant and interested community and civil society organisations that are undertaking similar education programs;
 - vi. preparing and making available online and print resources;
 - vii. Preparing communications via Council's usual channels; and (social media, Mayoral Column and the Woollahra Newsletter).
- 3. To consult with the LLALC, the Gujaga Foundation and the Gamay Rangers on the development of the YES Strategy; and
- 4. Inform the Prime Minister and Leader of the Opposition of the passage of this motion.

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

For the Motion

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

Against the Motion

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

9/6

Note: *Councillor Swan abstained and is recorded as against.

Item No: 16.3
Subject: NOTICE OF MOTION - PROCEDURE FOR A PLANNING PROPOSAL
From: Councillors Toni Zeltzer, Matthew Robertson and Mary-Lou Jarvis
Date: 22 March 2023
File No: 23/52383

Note: The Council amended the Resolution.

(Zeltzer/Robertson)

46/23 Resolved:

THAT Council requests that a report be presented to the Council Meeting of 24 April 2023 investigating any unintended consequences of resolving that Planning Proposals go to the Environmental Planning Committee before they are presented to the Woollahra Local Planning Panel for advice.

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

For the Motion

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

Against the Motion

Nil

14/0

Item No: 16.4
Subject: **NOTICE OF MOTION - RECOMMENDATIONS FROM STANDING COMMITTEES TO COUNCIL MEETING**
From: Councillors Matthew Robertson, Toni Zeltzer and Nicola Grieve
Date: 22 March 2023
File No: 23/53103

Note: Councillor Jarvis was not present for this item.

(Robertson/Grieve)

47/23 Resolved:

THAT Council:

- A. Request the General Manager implement further efficiencies to the formal Standing Committee and Council meeting cycle, by tabling reports from the formal Standing Committees (being the Finance, Community & Services Committee, the Environmental Planning Committee and the Strategic & Corporate Committee) to the next Council meeting in the Council meeting cycle, rather than the last Council meeting of the month as is the current practice.
- B. Note that the exception to the request in A) above, is in circumstances when there is substantial further work required of staff on a matter that has been tabled at a formal Standing Committee of Council, prior to that matter being tabled at a Council meeting. In such cases, the matter will be tabled at the last Council meeting of the month at the discretion of the relevant standing committee.

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

For the Motion

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

Against the Motion

Councillor Elsing
Councillor Witt

12/2

17. Questions With Notice

(Carmichael/Regan)

48/23 Resolved:

THAT the Questions with Notice be received and noted.

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

For the Motion

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

Against the Motion

Nil

14/0

QWN: 17.1
From: Councillor Regan
Subject: Questions with Notice - The Scots College

Note: Late Correspondence tabled by Nick Economou, Manager of Development Assessments.

Councillor Regan asking:

I refer to DA 390/2019/1 and the matter The Scots College vs. Woollahra Municipal Council currently before the Land and Environment Court.

Would the Director please provide Council with an update in relation to the appeal by Scots College against the conditions of consent of an application for the demolition of existing tennis courts at The Scots College, excavation to create underground car parking and associated facilities with new tennis courts above, a new (re-located) entry from Cranbrook Lane, and an increase in the approved student numbers from 1,120 to 1,520.

Specifically would the Director please update Council:

1. on the status of the joinder application made by Mr Ian Joye in the matter and its effect on the current court proceedings;
2. as to whether the matter will be conciliated or determined by the court; and
3. on the status concerning student numbers currently approved at The Scots College.

Manager Development Assessment in response:

1. On the status of the joinder application made by Mr Ian Joye in the matter and its affect on the current court proceedings;

Mr Joye was removed as a party to the Appeal on 23 February 2023 and he has no further involvement in the current court proceedings.

2. As to whether the matter will be conciliated or determined by the court; and

A s34 Conciliation Conference was held on 24 March 2023 and it appears that there are no longer any issues in dispute. As such, it is likely that this matter will be conciliated by the Court.

It should be noted that Appeal relates to the initial DA which was determined by the Sydney Eastern City Planning Panel Planning Panel and under the provisions of Division 8.15(4) of the EP&A Act, 1979, the Council is the respondent to the Appeal but is subject to the control and direction of the panel in connection with the conduct of the Appeal.

3. On the status concerning student numbers currently approved at The Scots College.

The Applicant (Scots College) has amended their Application so as to remove the proposed increase to the cap in student numbers (from 1,120 to 1,520). As such, the student numbers would remain at the approved number of 1,120.

Note: A Case Outcome report prepared by Council's solicitors, Lindsay Taylor Lawyers will be circulated to all Councillor's at the conclusion of this Appeal.

QWN: 17.2
From: Councillor Price
Subject: Questions with Notice - White City Development

Councillor Price asking:

I refer to the White City development, Paddington (the Development).
Can the Director please particularise:

1. All complaints that Council has received about the Development since construction began; and
2. What (if any) steps Council and /or the Hakoah Club has taken to resolve these complaints?

Director of Planning and Place in response:

All complaints that Council has received about the Development since construction began and steps undertaken to resolve complaint are provided in the table below:

Reference	Issue	Date	Steps undertaken to resolve complaint
51987	Building Sites Noise	21/03/2023	Ongoing Regulatory patrols.
51985	Building Sites Noise	21/03/2023	Ongoing Regulatory patrols.
51280	Building Sites Noise	14/03/2023	Regulatory attended site. No activity at time.
51277	Building Sites Noise	14/03/2023	Regulatory attended site. No activity at time.

Reference	Issue	Date	Steps undertaken to resolve complaint
50965	Building Sites Hours of Work	10/03/2023	Regulatory attended site. Unforeseen equipment failure. 2 weeks of daily patrols requested by Suzy Rich.
50932	Building Sites Hours of Work	9/03/2023	Regulatory attended site. Unforeseen equipment failure. 2 weeks of daily patrols requested by Suzy Rich.
50923	Building sites - Air pollution	9/03/2023	Daily inspections by Regulatory. No dust visible.
50922	Road / Footpath Obstruction	9/03/2023	Daily inspections by Regulatory for trucks obstructing. None sited.
50787	Building Sites Damage to adjoining land	9/03/2023	Request by resident for concerns to be noted only. Damage is a private civil matter.
23/43757	Dust, noise, truck movements and asbestos	8/03/23	Review undertaken by senior staff and response provided to Sydney Grammar.
50513	Building Sites Noise	7/03/2023	Regulatory attended daily for 2 weeks. No activity noted.
23/41926	Notification of asbestos removal to neighbouring residents	7/03/2023	Response provided to neighbours regarding obligation to notify. Refer to Safe Work Australia.
	Building Sites Damage to Adjoining	13/02/2023	Vibration concerns followed up with Project Manager to investigate vibration monitors.
46728	Building Sites Hours of Work	25/01/2023	Inspection by regulatory. No excavation at time.
46696	Building site Road / Footpath Obstruction	25/01/2023	Regulatory attended site. No trucks blocking road, traffic control present.
46259	Building Sites Noise	19/01/2023	Regulatory patrols each morning.
46038	Unauthorised building works private property	18/01/2023	Email sent to Project Manager regarding DA Consent compliance. Email sent to customer.
46008	Building Sites Noise	17/01/2023	Regulatory attended site. Confirmed 15 minute breaks for jack hammering.
45050	Private Trees TPO Breach	5/01/2023	Tree Officer attended site. Confirmed trees removed approved in DA Consent issued by Court.
41454	Building sites - Air pollution	22/11/2022	Regulatory attended site. No excavation after 4pm, no dust visible.
40948	Building Sites Noise	17/11/2022	Call to customer from Regulatory to confirm 21 patrols conducted to inspect for DA Consent breaches. No excavation, only machinery in operation at the permitted times.
40501	Other	14/11/2022	Email to customer from Colin De Costa regarding what constitutes excavation and advised regular patrols being conducted by Regulatory.
40256	Building Sites Noise	10/11/2022	Regulatory attended site. No excavation at time
40194	Building Sites Hours of Work	9/11/2022	2 weeks of daily inspections. Warning letter issued 22/11/22 to Parkview. Advised it was structural collapse to make safe for public

Reference	Issue	Date	Steps undertaken to resolve complaint
40129	Building Sites Noise	9/11/2022	Regulatory attended site. No excavation at time. Demolition only which is permitted.
40025	Unauthorised building works private property	8/11/2022	Customer advised of compliance with DA Consent.
39978	Building Sites Noise	8/11/2022	Regulatory attended site. No excavation at time. Demolition only which is permitted.
39690	Building Sites Noise	4/11/2022	Response to customer regarding Transport NSW approval for trucks at 3:30am.
39641	Building Sites Damage to Adjoining	3/11/2022	Customer provided Private Certifier details for concerns.
39071	Building Sites Hours of Work	27/10/2022	Regulatory attended site. No activity at time.
38565	Building Sites Noise	21/10/2022	Regulatory attended site. No activity at time.
37955	Building Sites Hours of Work	14/10/2022	Regulatory attended site. No excavation at time. Demolition only which is permitted.
37848	Building Sites Hours of Work	14/10/2022	Project Manager contacted. Advised reports of excavation. Advised only demolition which is permitted.
37835	Building Sites Hours of Work	13/10/2022	Regulatory attended site. No activity at time
37495	Building Sites Noise	10/10/2022	Regulatory attended site. No excavation at time. Demolition only which is permitted.
37491	Building Sites Hours of Work	10/10/2022	Regulatory attended site. No excavation at time. Demolition only which is permitted.
37387	Private Trees TPO Breach	10/10/2022	Tree Officer attended site. Trees removed approved as part of S34 agreement.
37269	Building Sites Hours of Work	7/10/2022	Regulatory attended site. No activity at time. Customer advised to report by phone at time of activity.
37030	Building Sites Noise	5/10/2022	Regulatory attended site. No activity at time
36115	Building Sites Noise	23/09/2022	Regulatory attended site. Noise from Sydney Grammar works, not White City.
36109	Building Sites Noise	23/09/2022	Regulatory attended site. Noise from event set up, not construction noise.
36107	Building Sites Noise	23/09/2022	Regulatory attended site. Noise from event set up, not construction noise.
33555	Building Sites Noise	22/08/2022	Private Certifier Ivan Boule & Project Manager involved in correspondence with customer.
31663	Unauthorised building works private property	25/07/2022	Request for Dilapidation reports received.
31544	Unauthorised building works private property	22/07/2022	Request for Dilapidation reports received.
31273	Building Sites Hours of Work	19/07/2022	Parkview cautioned for breach of Consent & advised Regulatory will monitor regularly

Additional actions taken by Council includes:

- The majority of complaints responded to have not identified breaches of the development consent or environmental laws. Where a breach was identified the following action was taken by Regulatory staff:
 - Warning letter sent to Parkview for DA Breach of Consent - Hours of work for incident dated 18 November 2022.
 - Penalty Infringement Notice issued for DA Breach of Consent - Hours of work related to offence dated 23rd January 2023.
- The role of Legal, Compliance and Enforcement to date has been engaging in discussions involving the Principal Certifier, developer regarding matters raised by interested community members and following up matters with the Principal Certifier as required. For instance there were concerns regarding non-friable asbestos being located during excavation (although largely a Safework NSW matter) with advice provided detailing what has occurred. The Principal Certifier was suggested to engage with the residents directly which subsequently occurred.
- Compliance and Regulatory staff have responded to other matters involving vibration monitoring and the relevant condition regarding jack hammering condition which have also been reviewed with responses provided.
- Legal, Compliance and Enforcement staff have investigated alleged unauthorised filling works which it was discovered as part of the investigation being for the purposes of construction carpark/access road. Filling was found to be compliant with changes being made to the filling material to minimise potential impacts of the works on the drainage system. This work was undertaken in consultation with Development Assessment staff.
- A meeting was held between Director of Planning and Place, Manager of Legal, Compliance and Enforcement and representatives of Parkview Constructions, Ivan Boulle and Hakoah Club to discuss compliance issues with the site, truck movements and obligation to provide ongoing consultation with the community.

QWN: 17.3
From: Councillor Grieve
Subject: Questions with Notice - Vacant Street Tree Pits in Cooper Ward

Note: Late Correspondence was tabled by Paul Fraser, Manager of Open Space & Trees.

Councillor Grieve asking:

On 28 November 2022 Council resolved to give urgent consideration to remedying the high proportion of vacant street tree pits and dead trees in the Cooper Ward, and along Old South Head Road and New South Head Road.

Will staff kindly update the community on progress to date and future actions to be taken?

Manager Open Space & Trees in response:

The planting seasons for new trees occurs during April to September due to the more favourable weather conditions for the establishment of new trees.

In response to the NOM staff commenced a further review of these areas to ascertain some of the easy planting opportunities for the remainder of the 22/23 planting season budget and for the future planting seasons.

Our records show the following;

- Old South Head Road has 14 vacant pits and no dead trees.
- New South Head Road has 28 vacant pits and 3 dead trees.
- Cooper Ward has 42 vacant pits and 7 dead trees. Noting the Cooper Ward has a tree population of approximately 5800 trees.

Staff will focus on vacant tree pits and dead trees in these areas.

As the Council have resolved to focus on these 3 areas some of the other planting opportunities and replacement plantings have been deferred to future planting programs.

QWN: 17.4
From: Councillor Robertson
Subject: Questions with Notice - Urban Forest Strategy

Councillor Robertson asking:

Would the General Manager kindly provide an update on progress towards implementation of Part B of Council's resolution of 28 November 2022 in relation to the development of an Urban Forest Strategy:

Undertake a broad strategic review of Council's overall Open Space and Trees section of Council as part of the service review program for 2022-2023 (incorporating any work already undertaken with regard to maintenance operations of the Open Space & Trees section) and that this review include a focus on consideration of how Council will best implement the objectives of its urban forest strategy.

General Manager in response:

In early 2023 the scope of works for the above-mentioned service review for the Open Space & Trees section was developed and subsequently a request for quotation process was undertaken to appoint a suitable external, independent consultant. A consultant to undertake this work was appointed in mid-March 2023 and staff are currently in the process of providing the consultant with a range of background information relating to the Open Space & Trees section, with the service review to formally commence week of 3 April 2023.

The initial work being undertaken by the consultant includes internal stakeholder engagement i.e. across staff from various sections of the organisation. This engagement will also include Councillors, who will have the opportunity to meet with the consultants in the coming week/s if they wish to.

If the process of the service review goes to plan, then it is anticipated that a report to Council on recommendations to come from the service review will be tabled at a June 2023 Council meeting for consideration by Council.

One key matter that should be noted in relation to the Notice of Motion as detailed above, is around the implementation of the objectives of the Urban Forest Strategy (UFS). As Councillors would be aware, a briefing was recently held with Councillors on the draft UFS, with a view to tabling the draft UFS at the May 2023 Environmental Planning Committee. It is most likely that the UFS will still be in draft form as the service review for Open Space & Trees comes to an end; however the consultant engaged to undertake the service review will incorporate what it can at the time of the completion of the service review, around implementation of the objectives of the draft UFS.

There being no further business the meeting concluded at 9.52pm.

We certify that the pages numbered 121 to 157 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 27 March 2023 and confirmed by the Ordinary Meeting of Council on 11 April 2023 as correct.

General Manager

Mayor