



Council Ref: SC3486-07 22/40146
Your Ref:

2 March 2022

Ms Charlotte Feldman
President
The Darling Point Society Inc
PO Box 1131
EDGECLIFF NSW 2027

Email: darlingpointsoc@hotmail.com

Dear Charlotte

**Your letter dated 19 February 2022
regarding the Skate Park Notice of Motion**

In relation to the minutes of the 14 February 2022 Council meeting, the unconfirmed Council Minutes were uploaded on Council's website on Monday 21 February 2022. We apologise for the delay in posting the Minutes to the website. Our usual practice/service standard is that the Minutes are loaded by the Thursday following the meeting, however given the length of the meeting on 14 February 2022 and the number of matters considered, the preparation of the Minutes on this occasion was delayed.

Thank you for your comments on the Youth Recreation Facility (YRF). Council are very aware of the views of the Darling Point Society on the YRF, however as you are aware, there is a Council resolution in place to deliver the YRF, with work currently taking place around the various heritage assessments required, as you note in your letter.

For clarification, you state in your letter that expenditure to date on the YRF is \$400,000, however as reported most recently on 7 February 2022 to the Finance, Community & Services Committee and subsequently to Council on 28 February 2022, expenditure on this project to 31 December 2021 is \$48,208, so substantially less than the \$400,000 stated in your letter.

On the matter of an increase in rates, I can assure you that if Council are of a mind to consider increasing rates at some point into the future, then there will be broad engagement with the community on this matter.

In relation to your late correspondence for a rescission motion on the YRF, I can confirm that your late correspondence was received and distributed to Councillors for their respective consideration at the meeting in relation to Item 16.9 Notice of Motion – Rushcutters Bay Park Youth Facility. Your late correspondence was also referenced in the Council minutes on page 73 of the minutes as follows:

Note: Late correspondence was tabled by Andrew Woodhouse, Anthony Tregoning of Double Bay Residents Assoc., Lisa Kinahan, Harry & Lisa Kinahan, Peter Scott, Penn Jonesevans, Sarah Ryland, Charlotte Feldman of Darling Point Society.

Also, for clarity, we do not generally read out late correspondence or correspondence in general at a Council meeting at the request of a community member, due to the volume of late correspondence received.

On the issue of your request for a rescission motion, under the provisions of Section 372 of the *NSW Local Government Act 1993* (LG Act) and as repeated in the Council adopted Code of Meeting Practice, Council is able to rescind a decision made at a Council or Committee meeting, however only a Councillor can instigate the formal process of rescinding a previous resolution of Council. A motion to rescind or alter a resolution is the usual means of changing a Council resolution, with these motions needing to be notified in accordance with the LG Act and Council's Code of Meeting Practice. Section 372(4) of the LG Act requires notice of a rescission motion to have the signatures of three (3) councillors if less than three (3) months has passed since the original resolution was made.

The relevant extract of Council's Code of Meeting Practice relating to rescinding or altering resolutions is provided for your information below:

Clause 17.6:

A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

As you can see from the above, a notice of motion to alter or rescind a previous resolution of Council must be signed by 3 x Councillors. If you are wishing for the 2018 decision on the YRF to be rescinded by Councillors, then I would suggest you lobby your Ward Councillors in the first instance, as Councillors are the only people who can put forward a rescission motion at a Council meeting.

You also requested in your letter that the letter itself be read out at the next Council meeting. As I have explained above, Council staff and Councillors do not generally read out correspondence at a Council meeting upon the request of a member of the community, noting that if there is no related item on that particular Council meeting agenda, then it is highly unlikely a Councillor will be able to table anything relating to this matter.

As noted above, all processes and procedures that are followed at Council and Committee meetings are included in the Code of Meeting Practice. Here is a link to our web site that will take you to the Code of Meeting Practice:

https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0013/204025/Corporate_Policy_-_Code_of_Meeting_Practice_2019.pdf

However, if you would like to receive a hard copy of the Code of Meeting Practice please let me know and we will forward one to you.

If you have any questions regarding the information provided above, please let me know.

Yours sincerely



Craig Swift-McNair
General Manager