



Extraordinary Council



Minutes

Monday 5 July 2021

Extraordinary Council Meeting

Monday 5 July 2021

Table of Contents

	Page
Extraordinary	367
Council Meeting	367
Leave of Absence and Apologies	368
Declarations of Interest.....	368
Late Correspondence	368
Strategic & Corporate Committee..... 7 June 2021	369
R1 Draft Play Space Strategy for Public Exhibition	369
R2 Draft Recreation Strategy	370
Environmental Planning Committee..... 15 June 2021	372
R1 Planning Proposal - Heritage Listing of the Cadry's building at 133 New South Head Road, Edgecliff & Planning Proposal - Removal of the land reserved for acquisition along New South Head Road, Edgecliff.....	372
R2 Draft DCP to Enhance the Neighbourhood Heritage Conservation Areas Controls	373
R3 Draft Local Housing Strategy, Draft Affordable Housing Policy and Discussion Paper: Local Character in Woollahra	374
R4 Paddington Marketing Strategy	375
Finance, Community & Services Committee	377
R1 Holdsworth Community - Reporting Documents and Budget.....	377
R2 Community, Cultural and Environmental Grants 2021/22	378
Strategic & Corporate Committee..... 21 June 2021	381
R1 Crown Land Reserves - Draft Plans of Management (POMS).....	381
Councillor Reports/Councillor Updates	383
11.1 Victoria Barracks Open Day	383
11.2 Paddington in Pictures Exhibition.....	383
11.3 Sydney Solstice Festival	384
11.3 COVID	384
Notices of Motion.....	385
5.1 Notice of Motion - Synthetic Turf	385
5.2 Notice of Motion - Net Zero	387
5.3 Notice of Motion - Call for State Government to Plan and Designate Truck Staging Area for Developments in Eastern Sydney	388
Questions With Notice	390
6.1 Questions with Notice - O'Sullivan Road Bike Path.....	390
6.2 Questions with Notice - Greenway - Next Steps	391
6.3 Questions with Notice - Active Transport Plan (ATP).....	392
6.4 Questions with Notice - Oxford Street Cycleway.....	393
6.5 Questions with Notice - DA390/2019 Scots College Application for a Car Park & Increase in Student Cap	393



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.

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.

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.

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

Environmental Planning 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:	PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF & PLANNING PROPOSAL - REMOVAL OF THE LAND RESERVED FOR ACQUISITION ALONG NEW SOUTH HEAD ROAD, EDGECLIFF
Author:	Kristy Wellfare, Strategic Heritage Officer
Approvers:	Anne White, Manager - Strategic Planning Nick Economou, Acting Director Planning & Place
File No:	21/73189
Reason for Report:	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.

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.

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'.

- 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.

**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

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

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.

**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.

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.

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.

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

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.

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.

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.

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.
-

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: 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.

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: 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.

- 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:

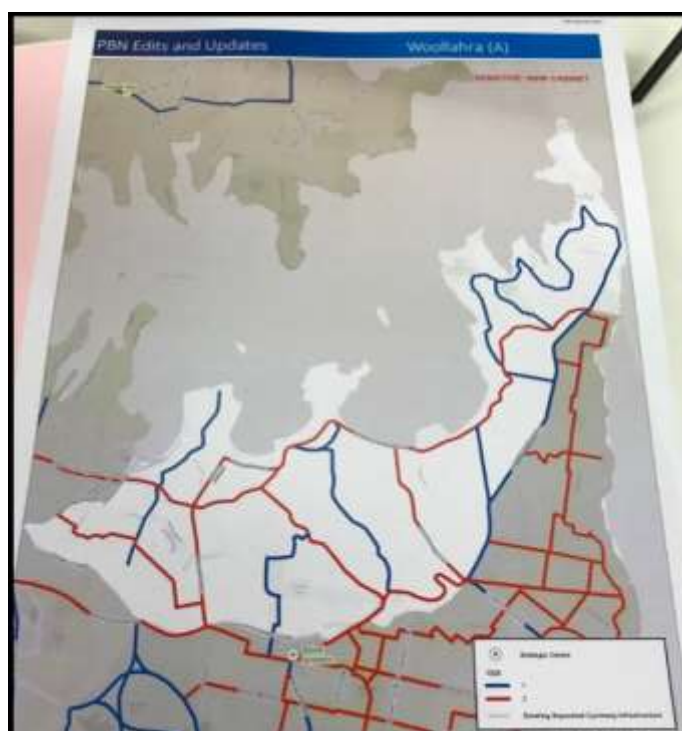
THAT the Questions with Notice be received and noted.

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?



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.

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:

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

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.

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.

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).

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.

- 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.

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