



# Environmental Planning Committee Meeting

Tuesday 3 October 2023  
6.30pm

## Minutes



# **Environmental Planning Minutes**

## **Tuesday 3 October 2023**

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## **Environmental Planning Minutes of the Meeting held on Tuesday 3 October 2023 at 6.32pm**

Present: His Worship the Mayor, Councillor Richard Shields ex-officio (Start to during Item R4)

Councillors: Sean Carmichael (Chair)

Sarah Swan

Lucinda Regan

Matthew Robertson

Isabelle Shapiro

Staff:	Micaela Hopkins	(Team Leader - Environment & Sustainability)
	Mitchell Kirsch	(Sustainability Projects Officer)
	Louise Menday	(Consultant Strategic Planner) (via zoom)
	Carolyn Nurmi	(Governance Officer)
	Sue O'Connor	(Governance Officer)
	Scott Pedder	(Director – Planning & Place) (via Zoom)
	Lyle Tamlyn	(Acting Team Leader - Strategic Planning)
	Anne White	(Manager – Strategic Planning & Place)

Also in Attendance: Nil

## **1. Opening**

The Chair declared the Environmental Planning Committee of 3 October 2023 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

## **2. Acknowledgement of Country (Gadigal People and Birrabirragal People)**

The Chair 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.*

## **3. Acknowledgement of the Sovereign of the Day (King Charles III)**

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

*I also acknowledge King of Australia King Charles III.*

## **4. Leave of Absence and Apologies**

Apologies were received and accepted from Councillor Witt & Councillor Wynne and leave of absence granted.

## **5. Late Correspondence**

Late correspondence was submitted to the committee in relation to item R1

## **6. Declarations of Interest**

Nil

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**Items to be Decided by this Committee using its Delegated Authority**

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**Item No:** D1 Delegated to Committee  
**Subject:** **CONFIRMATION OF MINUTES OF MEETING HELD ON 4 SEPTEMBER 2023**  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 23/168826  
**Purpose of the Report:** The Minutes of the Environmental Planning Committee of 4 September 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.

**(Regan/Shapiro)**

**Resolved:**

THAT the Minutes of the Environmental Planning Committee Meeting of 4 September 2023 be taken as read and confirmed with an administrative error corrected on page 15.

*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 Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan

**Against the Motion**

Nil

6/0

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**Items to be Submitted to the Council for Decision with Recommendations from this Committee**

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**Item No:** R1 Recommendation to Council  
**Subject:** **POST EXHIBITION REPORT FOR DRAFT DCP (AMENDMENT NO. 22) FOR 252-254 NEW SOUTH HEAD ROAD, DOUBLE BAY**  
**Authors:** Wai Wai Liang, Strategic Planner  
Lyle Tamlyn, Acting Team Leader Strategic Planning  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 23/162686  
**Purpose of the Report:** To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment 22) for 252-254 New South Head Road, Double Bay and to seek Council's approval for finalisation.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.  
**Note:** Late correspondence was tabled by George Karavanas.

**(Shapiro/Swan)**

**Recommendation:**

THAT Council:

- A. Receives and notes the post exhibition report on Draft Woollahra Development Control Plan 2015 (Amendment 22) on site-specific provisions in Chapter G Site – Specific Controls for 252-254 New South Head Road.
- B. Approve *Draft Woollahra Development Control Plan 2015 (Amendment 22)* at **Attachment 1** of the report to the Environmental Planning Committee meeting of 3 October 2023.

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

***For the Motion***

***Against the Motion***

Councillor Carmichael  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan

Nil

**6/0**

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<b>Item No:</b>	R2 Recommendation to Council
<b>Subject:</b>	<b>DRAFT POLICY FOR MANAGING CONFLICTS OF INTEREST FOR COUNCIL-RELATED DEVELOPMENT - POST-EXHIBITION</b>
<b>Author:</b>	Rachel Ngui, Policy Officer
<b>Approvers:</b>	Helen Tola, Manager Governance & Risk Scott Pedder, Director Planning & Place Craig Swift-McNair, General Manager
<b>File No:</b>	23/160589
<b>Purpose of the Report:</b>	To report on the public exhibition of the Draft Policy for Managing Conflicts of Interest for Council-related Development and to seek Council's adoption.
<b>Alignment to Delivery Program:</b>	Strategy 4.5 Ensure that planning and building requirements are complied with.

**(Swan/Shapiro)**

**Recommendation:**

THAT Council:

- A. Note that no submissions were received in relation to the Draft Policy for Managing Conflicts of Interest for Council-related Development in response to public exhibition (30 August 2023 until 28 September 2023).
- B. Adopts the Policy for Managing Conflicts of Interest for Council-related Development at **Attachment 1**.

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan

Nil

**6/0**

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**Item No:** R3 Recommendation to Council  
**Subject:** **PROPOSED CONTROLS FOR GAS APPLIANCES AND AMENDED CONTROLS FOR SOLAR ENERGY SYSTEMS**  
**Authors:** Mitchell Kirsch, Sustainability Projects Officer  
Tristan Ryan, Senior Strategic Heritage Officer  
Lyle Tamlyn, Acting Team Leader Strategic Planning  
Micaela Hopkins, Team Leader Environment & Sustainability  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/139390  
**Purpose of the Report:** To respond to a Council resolution requesting staff to recommend controls to facilitate a transition from gas to electric appliances, and to seek Council's endorsement to prepare amendments to the Woollahra Development Control Plan 2015 to enhance our solar energy controls.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Note:** The Committee amended Part A & B and added New Part C & D to the Recommendation.

**Motion moved by Councillor Shields**  
**Seconded by Councillor Shapiro**

THAT Council:

- A. Receives and notes the report on the proposed amendments to the *Woollahra Development Control Plan 2015*.
- B. Requests Staff not to make any changes to the *Woollahra Development Control Plan 2015* with regards to the future use of natural gas.
- C. Requests staff to prepare and exhibit a draft development control plan to amend the *Woollahra Development Control Plan 2015* by making the administrative changes identified on pages in parts 6.1.3 and 6.1.6
- D. Requests staff to prepare and exhibit a draft development control plan to amend the *Woollahra Development Control Plan 2015* by updating the existing controls for solar energy systems subject to deleting the proposed C2(d) relating to the negative impact on the heritage significance of an item or the heritage conservation area.

**Amendment moved by Councillor Robertson  
Seconded by Councillor Regan**

THAT Council:

- A. Receives and notes the report on the proposed amendments to the *Woollahra Development Control Plan 2015* to introduce new controls for gas appliances and amend existing controls for solar energy systems.
- B. Requests staff to prepare and exhibit a draft development control plan to amend the *Woollahra Development Control Plan 2015* to include new controls for gas appliances and amend the existing controls for solar energy systems, subject to amending E6.3 - C2(d) by replacing the words "Does not have a negative impact" with "Minimises negative impacts".
- C. Requests staff to organise a meeting of the *Paddington Heritage Conservation Area Working Party* to consider and provide feedback on the proposed controls.
- D. Requests staff to consider preparing controls for gas appliances in new commercial development, and that this is reported back to a future meeting of Council.

**The Amendment was put and lost.**

*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 Regan  
Councillor Robertson

**2/4**

**Against the Amendment**

Councillor Carmichael  
Councillor Shapiro  
Councillor Shields  
Councillor Swan

**The Motion was put and carried.**

**(Shields/Shapiro)**

**Recommendation:**

THAT Council:

- A. Receives and notes the report on the proposed amendments to the *Woollahra Development Control Plan 2015*.
- B. Requests Staff not to make any changes to the *Woollahra Development Control Plan 2015* with regards to the future use of natural gas.
- C. Requests staff to prepare and exhibit a draft development control plan to amend the *Woollahra Development Control Plan 2015* by making the administrative changes identified on pages in parts 6.1.3 and 6.1.6
- D. Requests staff to prepare and exhibit a draft development control plan to amend the *Woollahra Development Control Plan 2015* by updating the existing controls for solar energy systems subject to deleting the proposed C2(d) relating to the negative impact on the heritage significance of an item or the heritage conservation area.



*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 Shapiro  
Councillor Shields  
Councillor Swan

**Against the Motion**

Councillor Regan  
Councillor Robertson

**4/2**

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**Item No:** R4 Recommendation to Council  
**Subject:** **SUBMISSION TO THE LEGISLATIVE INQUIRY INTO THE PLANNING SYSTEM AND THE IMPACTS OF CLIMATE CHANGE ON THE ENVIRONMENT AND COMMUNITIES**  
**Authors:** Lyle Tamlyn, Acting Team Leader Strategic Planning  
Micaela Hopkins, Team Leader Environment & Sustainability  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/164362  
**Purpose of the Report:** To obtain Council's endorsement of the submission to the legislative inquiry into the planning system and the impacts of climate change on the environment and communities.  
**Alignment to Delivery Program:** Strategy 8.3 Prepare for and adapt to the impacts of climate change.

**Note:** The Committee amended Part B of the Recommendation.

**(Swan/Shapiro)**

**Recommendation:**

THAT Council:

- A. Notes the report on the inquiry into the planning system and the impacts of climate change on the environment and communities.
- B. Endorses the submission which is to be signed by the *Director Planning & Place* at **Attachment 1** of the report to the Environmental Planning Committee of 3 October 2023 and requests it be forwarded to the inquiry for consideration, subject to providing more information in the submission regarding the following:
  - i. Council action on:
    - 1. protected wash areas and management of construction waste
    - 2. waterways for swimming
    - 3. preparation of an Urban Forest Strategy
  - ii. Creation of a State Government body to coordinate the management of Sydney Harbour
  - iii. Prevalence of electricity substations and greater State Government leadership needed on this issue.
  - iv. Increasing the sustainability requirements of BASIX.

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Swan

Nil

**5/0**

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**Item No:** R5 Recommendation to Council  
**Subject:** **UPDATES TO THE WOOLLAHRA DCP 2015 IN RESPONSE TO THE EMPLOYMENT ZONE REFORMS**  
**Authors:** Fiona Aghili, Strategic Planner  
Lyle Tamlyn, Acting Team Leader Strategic Planning  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 23/159378  
**Purpose of the Report:** To obtain Council's approval to prepare and exhibit a draft development control plan to amend the Woollahra Development Control Plan 2015 in response to the employment zone reforms.  
**Alignment to Delivery Program:** Strategy 4.5 Ensure that planning and building requirements are complied with.

**(Swan/Shapiro)**

**Recommendation:**

THAT Council:

- A. Receives and notes the report on the updates required to the Woollahra Development *Control Plan 2015* in response to the employment zone reforms.
- B. Resolves to prepare and exhibit a draft development control plan to amend the *Woollahra Development Control Plan 2015* to include updated references to land use zones.

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

**For the Motion**

**Against the Motion**

Councillor Carmichael  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Swan

Nil

**5/0**

There being no further business the meeting concluded at 7.38pm.

**We certify that the pages numbered 702 to 711 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 3 October 2023 and confirmed by the Environmental Planning Committee on 6 November 2023 as correct.**

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**Chairperson**

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**Secretary of Committee**