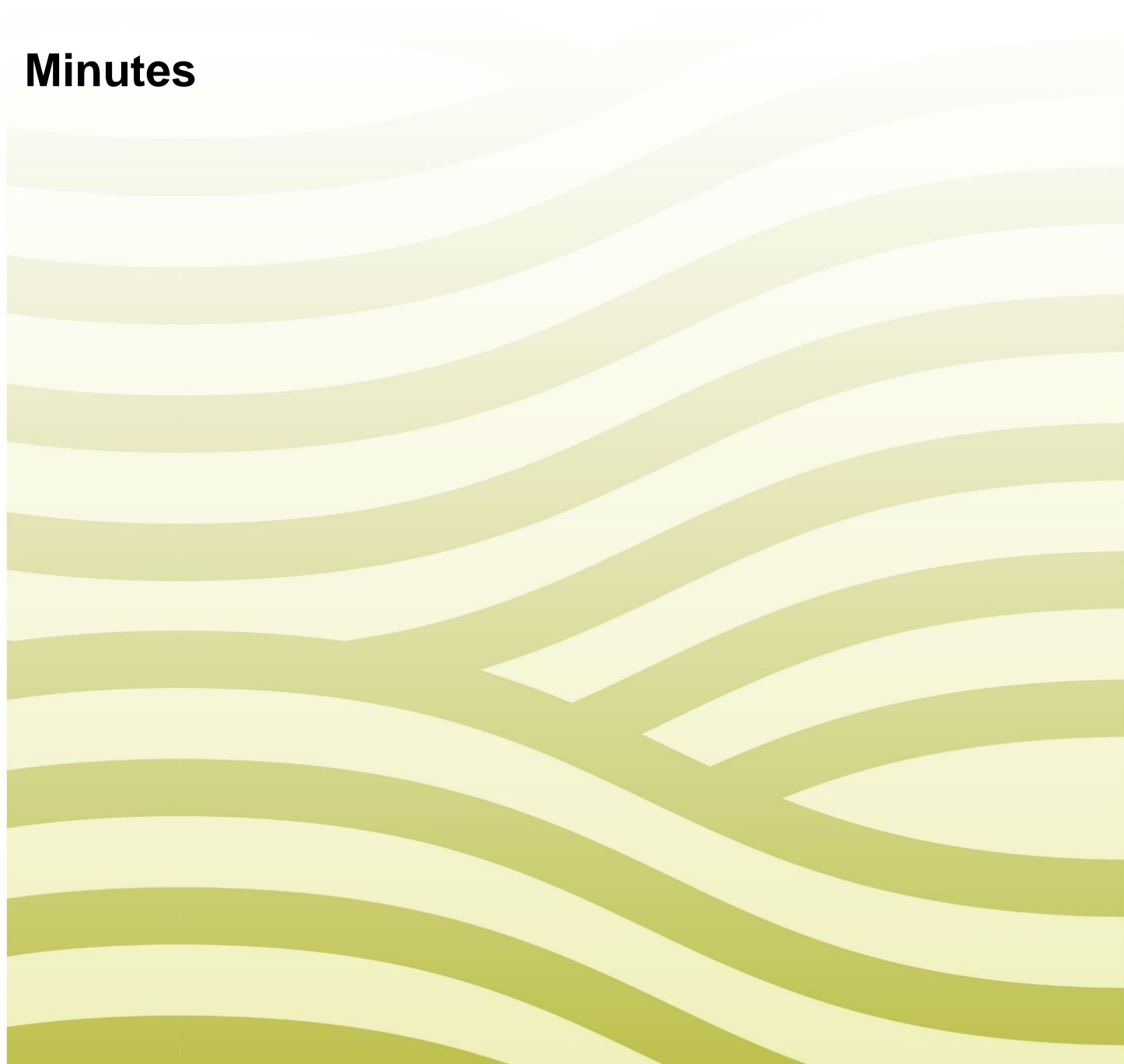




Environmental Planning Committee

Monday 4 March 2024
6.30pm

Minutes



Environmental Planning Committee Minutes

Monday 4 March 2024

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Environmental Planning Committee Minutes of the Meeting held on 4 March 2024 at 6.30pm

Present: Councillors: Sean Carmichael (Chair)
Sarah Swan (Deputy Chair)
Lucinda Regan
Matthew Robertson via Zoom (joined at 6.33pm)
Isabelle Shapiro

Staff: Nick Economou (Manager Development Assessment) via Zoom
Micaela Hopkins (Team Leader Environment & Sustainability)
Rhys Johnson (Governance Coordinator)
Sue O'Connor (Governance Officer)
Scott Pedder (Director – Planning & Place)
Charmaine Tai (Strategic Planner)
Anne White (Manager – Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Chair declared the Environmental Planning Committee of 4 March 2024 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 The Mayor Councillor Shields and Councillor Wynne and leave of absence granted.

General 4.1 Audio-Visual Link

(Swan/Shapiro)

Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillors participation in the Environmental Planning Committee of 4 December 2023 via Audio-Visual Link:

- Councillor Robertson

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 Shapiro
Councillor Swan

Against the Motion

Nil

4/0

5. Late Correspondence

Late correspondence was submitted to the committee in relation to Item R1.

6. Disclosures of Interest

The Chair, Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Advice of the Woollahra Local Planning Panel - Planning Proposal - 8-10 New McLean Street, Edgecliff) as Councillor Carmichael was once a resident at 8-10 New McLean Street, Edgecliff in 2014 to 2015 but has no current connection to the site. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

The Deputy Chair, Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Advice of the Woollahra Local Planning Panel - Planning Proposal - 8-10 New McLean Street, Edgecliff) as Councillor Swan knows Christopher Lemercier, being one of the public speakers. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Advice of the Woollahra Local Planning Panel - Planning Proposal - 8-10 New McLean Street, Edgecliff) as Councillor Robertson is the Council's representative on the Sydney Eastern City Planning Panel. Councillor Robertson left the meeting during this item, did not participate in debate and did not vote on the matter.

Items to be Decided by this Committee using its Delegated Authority

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 5 FEBRUARY 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/24933
Purpose of the Report: The Minutes of the Environmental Planning Committee of 5 February 2024 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.

(Shapiro/Regan)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 5 February 2024 be taken as read and confirmed.

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 Swan

Against the Motion

Nil

5/0

Item No: D2 Delegated to Committee
Subject: **WOOLLAHRA LOCAL PLANNING PANEL REGISTER OF PLANNING DECISIONS AND ANALYSIS**
Authors: Nick Economou, Manager Development Assessment
Helen Tola, Manager Governance & Risk
Approver: Scott Pedder, Director Planning & Place
File No: 24/24751
Purpose of the Report: To provide the EPC with the Woollahra Local Planning Register of Planning Decisions and Analysis 5 October 2023 to 21 December 2023
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

(Swan/Shapiro)

Resolved:

THAT Council note and receive the register of planning decisions of matters determined by the Woollahra Local Planning Panel (WLPP) for the period 5 October 2023 to 21 December 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 Swan

Nil

5/0

Item No: D3 Delegated to Committee
Subject: REGISTER OF CURRENT LAND & ENVIRONMENT COURT MATTERS FOR DEVELOPMENT APPLICATIONS & REGISTER FOR COURT PROCEEDINGS FOR BUILDING, ENVIRONMENTAL & HEALTH CONTROL MATTERS
Author: Nick Economou, Manager Development Assessment
Approver: Scott Pedder, Director Planning & Place
File No: 24/24760
Purpose of the Report: To provide the EPC with an update of all legal matters
Alignment to Delivery Program: Strategy 4.5: Ensure that planning and building requirements are complied with.

(Robertson/Swan)

Resolved:

THAT Council receive and note the attached register of current Land and Environment Court matters for Development Applications and for Court proceedings for Building, Environmental and Health Control matters for the period October 2023 to February 2024.

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

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

Item No: R1 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL -
PLANNING PROPOSAL - 8-10 NEW MCLEAN STREET, EDGECLIFF**

Authors: Charmaine Tai, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning

Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place

File No: 24/30993

Purpose of the Report: To provide Council with the advice of the Woollahra Local Planning Panel on the planning proposal request for 8-10 New McLean Street, Edgecliff, and to recommend that Council refuse the request to prepare a planning proposal.

Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: The Chair, Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Carmichael was once a resident at 8-10 New McLean Street, Edgecliff in 2014 to 2015 but has no current connection to the site. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Note: The Deputy Chair, Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Swan knows Christopher Lemercier, being one of the public speakers. Councillor Swan remained in the meeting, 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 the Council's representative on the Sydney Eastern City Planning Panel. Councillor Robertson left the meeting during this item, did not participate in debate and did not vote on the matter.

Note: Late correspondence was tabled by The Paddington Society, Ben Miller of Barker Ryan Stewart, Annabelle Maitland, Christopher Lemercier, David Templeton, Lyn Kaplan, Leon Kaplan, Will Naughton & Kristen Sproule.

Note: Charlene Baston, Tony Bond (via zoom), David Chan (via zoom) & Christopher Lemercier, Objectors, addressed the Committee.

Note: Councillor Robertson left the meeting, the time being 6.45 pm.

Note: The Committee amended Recommendation Part B and added new parts i. through to vii. to Part B.

(Swan/Regan)

Recommendation:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 22 February 2024 regarding the planning proposal for 8-10 New McLean Street, Edgecliff.

- B. Refuse the request to prepare a planning proposal for 8-10 New McLean Street, as contained at Attachment 1 of the Environmental Planning Committee report dated 4 March 2024 as it does not demonstrate strategic or site-specific merit as detailed in the staff assessment, and for the following key reasons:
- i. That the site is not identified for inclusion in the Draft Edgecliff Commercial Centre planning and urban design strategy which was extensively considered, researched and exhibited.
 - ii. That the proposal does not demonstrate any strategic merit to justify the scale of change sought by the proponent.
 - iii. That the proposal reduces current affordable housing that is existing and has insurmountable traffic issues that haven't been specifically addressed.
 - iv. That Woollahra Municipal Council has already achieved, and is overachieved against its established housing targets, and that any uplift to this area has already been considered in the Draft Edgecliff Commercial Centre planning and urban design strategy, and that this proposal is not consistent with that.
 - v. That the proposal hasn't specifically looked at the environmental impacts to wildlife and the corridor leading from Edgecliff ridge line to Trumper Park.
 - vi. The significant impact that the proposed excavation will cause not only to the environment, but to surrounding properties in the area.
 - vii. There will be a significant impact with the interface with surrounding properties in the heritage conservation area.
 - viii. That there is no additional need for commercial floor space on this site, and any further commercial floor space would undermine the commercial floor space in the Edgecliff commercial centre.
- C. Notify the proponent that Council has refused the planning proposal request in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021*.
- D. Note that should a Gateway determination be received:
- i. Any planning agreement proposed by the proponent be prepared in accordance with the adopted *Woollahra Voluntary Planning Agreement Policy 2020*. Any affordable housing should be dedicated at 5% of the total gross floor area instead of 5% of residential gross floor area afforded by the uplift.
 - ii. The planning proposal and any draft voluntary planning agreement should be exhibited concurrently.
 - iii. The proponent pays the relevant site specific development control plan fee as identified in Council's adopted Fees and Charges for 2023/24.

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 Shapiro
Councillor Swan

Against the Motion

Nil

4/0

Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - ENVIRONMENTAL SUSTAINABILITY ACTION PLAN**
Author: Micaela Hopkins, Team Leader Environment & Sustainability
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/20103
Purpose of the Report: To present the Environmental Sustainability Action Plan 2023-2028 to Council for adoption.
Alignment to Delivery Program: Strategy 8.3: Prepare for and adapt to the impacts of climate change.

Note: Councillor Robertson returned to the meeting, the time being 7.35pm.

Note: Councillor Swan left the meeting, the time being 7.35pm.

Note: Councillor Swan returned to the meeting, the time being 7.36 pm.

(Robertson/Regan)

Recommendation:

THAT Council:

- A. Receive and note the Post Exhibition Report for the Environmental Sustainability Action Plan.
- B. Adopt the *Environmental Sustainability Action Plan 2023-2028*.

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 Swan

Against the Motion

Nil

5/0

There being no further business the meeting concluded at 7.43pm.

We certify that the pages numbered 85 to 93 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 4 March 2024 and confirmed by the Environmental Planning Committee on 2 April 2024 as correct.

Chairperson

Secretary of Committee