



Environmental Planning Committee

Monday 6 May 2024
6.30pm

Minutes



Environmental Planning Committee Minutes

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Environmental Planning Committee

Minutes of the Meeting held on 6 May 2024 at 6.30pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio

Councillors: Sean Carmichael (Chair)
Sarah Swan
Lucinda Regan
Merrill Witt
Susan Wynne

Staff: Eleanor Banaag (Senior Strategic Heritage Officer)
Nick Economou (Manager – Development Assessment) (via zoom)
Carolyn Nurmi (Governance Officer)
Sue O'Connor (Governance Officer)
Scott Pedder (Director – Planning & Place)
Charmaine Tai (Strategic Planner)
Kristy Wellfare (Team Leader – Heritage)
Anne White (Manager – Strategic Planning & Place) (via zoom)

Also in Attendance: Nil

1. Opening

The Chair declared the Environmental Planning Committee of 6 May 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 from Councillor Robertson & Councillor Shapiro.

5. Late Correspondence

Nil

6. Declarations of Interest

Nil

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 2 APRIL 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/57179
Purpose of the Report: The Minutes of the Environmental Planning Committee of 2 April 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.

(Wynne/Shields)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 2 April 2024 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 Regan
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Wynne

Against the Motion

Nil

6/0

Item No: D2 Delegated to Committee
Subject: **REGISTER OF CURRENT LAND AND ENVIRONMENT COURT MATTERS FOR DEVELOPMENT APPLICATIONS AND REGISTER FOR COURT PROCEEDINGS FOR BUILDING, ENVIRONMENTAL & HEALTH CONTROL MATTERS**
Authors: Nick Economou, Manager Development Assessment
Rosemary Bullmore, Manager Legal, Compliance & Enforcement
Approver: Scott Pedder, Director Planning & Place
File No: 24/66647
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.

(Swan/Wynne)

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 February 2024 to April 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 Shields
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

6/0

Item No: D3 Delegated to Committee
Subject: **WOOLLAHRA LOCAL PLANNING PANEL REGISTER OF PLANNING DECISIONS AND ANALYSIS**
Author: Nick Economou, Manager Development Assessment
Approver: Scott Pedder, Director Planning & Place
File No: 24/66654
Purpose of the Report: To provide the EPC with the Woollahra Local Planning Register of Planning Decisions and Analysis 15 February 2024 to 21 March 2024
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

(Wynne/Shields)

Resolved:

THAT Council note and receive the register of planning decisions of matters determined by the Woollahra Local Planning Panel (WLPP) for the period 15 February 2024 to 21 March 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 Shields
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

6/0

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

Item No: R1 Recommendation to Council
Subject: **488-492 OLD SOUTH HEAD ROAD AND 30 ALBEMARLE AVENUE, ROSE BAY - DRAFT DEVELOPMENT CONTROL PLAN**

Authors: Charmaine Tai, Strategic Planner
Jacquelyne Della Bosca, Executive Planner

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

File No: 24/59351

Purpose of the Report: To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015 to add a site-specific chapter for land at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

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

Note: The Committee added new Part B i to iii and original Part B became Part C and New Part D added.

(Regan/Witt)

Recommendation:

THAT Council:

- A. Receives and notes the report on provisions for Part G Site-Specific Controls of the *Woollahra Development Control Plan 2015* applying to 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
- B. Amends the Part G site-specific controls referred to in A above as set out in Attachment 1 to require the following in respect of development of the site:
 - i. implementation of a trolley wheel locking system to be installed at all exit points of the shopping centre to prevent trolleys being removed from the centre;
 - ii. installation of specific safety measures for pedestrians at all vehicular entry and exit points of the centre such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures; and
 - iii. to ensure that any fencing of garden or open area is open fencing such that the garden areas can be viewed substantially from the streetscape and contribute to the streetscape.
- C. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 27)* with changes as set out in paragraph B above, as contained at **Attachment 1** of the report to the Environmental Planning Committee of 6 May 2024.
- D. That staff consider whether the controls could require there to be an open gate for public access to the green garden area during daylight hours, with the applicant being required to maintain the area during those hours.

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 Shields
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

6/0

Item No: R2 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL TO LIST TWO SCHOOL BUILDINGS IN ROSE BAY AS LOCAL HERITAGE ITEMS**
Authors: Eleanor Banaag, Senior Strategic Heritage Officer
Kristy Wellfare, Team Leader Heritage
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/68571
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 two school buildings in Rose Bay as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

Note: The Committee amended Part B of the Recommendation.

(Regan/Witt)

Recommendation:

THAT Council:

- A. Note the advice provided by the Woollahra Local Planning Panel on 18 April 2024 regarding the planning proposal to list two school buildings in Rose Bay as local heritage items.
- B. Endorse the planning proposal as contained at **Attachment 1** of the report to the Environmental Planning Committee of 6 May 2024 to list the following two school buildings as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolves to forward this to the Department of Planning, Housing and Infrastructure with a request for Gateway Determination to allow public exhibition:
 - i. 'Rose Bay Public School – Building E, including interiors' at 21 Wilberforce Avenue, Rose Bay (Lot 49-53, DP 4567).
 - ii. 'McAuley Catholic Primary School – former Christian Brothers College building, including interiors' at 12 Carlisle Street, Rose Bay (Lots A and B, DP 80580).
- 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 environment plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Note: The following sentence is to be added to the Planning Proposal at page 13:

“Within the Lots containing Building E are two mature Palm Trees. Research undertaken suggests that the trees date from at least 1970 and possibly as early as 1955. While the trees are not historically associated with Building E, the Study recognises that they contribute to the landscape setting of the Building.”

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 Shields
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

6/0

Item No: R3 Recommendation to Council
Subject: **POST EXHIBITION REPORT - UPDATES TO THE WOOLLAHRA DCP 2015 IN RESPONSE TO THE EMPLOYMENT ZONE REFORMS**
Authors: Joahna Doolan, Student - Strategic Planning & Place
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/177988
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment 24) for employment zone amendments, and seek Council’s approval for finalisation.
Alignment to Delivery Program: Strategy 4.5: Ensure that planning and building requirements are complied with.

(Swan/Wynne)

Recommendation:

THAT Council:

- A. Receives and notes the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment 24)* that contains amendments in response to the employment zone reforms.
- B. Approves *Draft Woollahra Development Control Plan 2015 (Amendment 24)* as exhibited.

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 Shields
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

6/0

There being no further business the meeting concluded at 7.04pm.

We certify that the pages numbered 208 to 216 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 6 May 2024 and confirmed by the Environmental Planning Committee on 3 June 2024 as correct.

Chairperson

Secretary of Committee