



# Environmental Planning Committee

Monday 3 June 2024  
6.30pm

## Minutes



# Environment Planning Committee Minutes

**Monday 3 June 2024**

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## Environment Planning Committee

### Minutes of Meeting held on

**3 June 2024 at 6.30pm**

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

Councillors: Sean Carmichael (Chair)  
Sarah Swan  
Lucinda Regan  
Matthew Robertson via Zoom  
Isabelle Shapiro  
Merrill Witt  
Susan Wynne via Zoom (joined at 6.58pm during Item R1 left at 7.30pm during Item R2)

Staff: Fiona Aghili (Strategic Planner) via zoom  
Emilio Andari (Manager – Engineering Services)  
Jacquelyne Della Bosca (Executive Planner) via zoom  
Scott Pedder (Director – Planning & Place)  
Sue O'Connor (Governance Officer)  
Eleanor Smith (Executive Planner)  
Craig Swift-McNair (General Manager)  
Lyle Tamlyn (Acting Team Leader - Strategic Planning)  
Kristy Wellfare (Acting Manager–Strategic Planning & Place) via Zoom

Also in Attendance: Councillor Toni Zeltzer Item R2 joined at 7.21pm left 7.52pm  
Velautham Jeyakanthan (Jeya)-GHD Council Consultant - Item R2 via zoom  
Kim Chan - GHD Council Consultant - Item R2 via zoom

## 1. Opening

The Chair declared the Environmental Planning Committee of 3 June 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, Apologies and Attendance by Audio-Visual Link by Councillors

Nil

### 4.1 Attendance by Audio-Visual Link

(Swan/Regan)

**Resolved:**

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, the Committee approves the following Councillors participation in the Environmental Planning Committee Meeting of 3 June 2024 via Audio-Visual Link:

- Councillor Robertson
- Councillor Wynne

*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 Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt

#### **Against the Motion**

Nil

**6/0**

## **5. Late Correspondence**

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

## **6. Disclosures 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 6 MAY 2024**  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 24/82579  
**Purpose of the Report:** The Minutes of the Environmental Planning Committee of 6 May 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.

**(Swan/Shapiro)**

**Resolved:**

THAT the Minutes of the Environmental Planning Committee Meeting of 6 May 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 Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt

***Against the Motion***

Nil

**7/0**

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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:** **SUBMISSION ON PRECINCTS FOR LOW AND MID-RISE HOUSING REFORMS**  
**Authors:** Lyle Tamlyn, Acting Team Leader Strategic Planning  
Fiona Aghili, Strategic Planner  
**Approver:** Scott Pedder, Director Planning & Place  
**File No:** 24/90932  
**Purpose of the Report:** To inform Council of the submission provided to the Department of Planning, Housing and Infrastructure on precinct selection for the low and mid-rise housing reforms.  
**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 Lyle Tamlyn, Council's Acting Team Leader Strategic Planning.

**Note:** Councillor Matthew Robertson left the meeting, the time being 6.55pm.

**Note:** Councillor Matthew Robertson returned to the meeting, the time being 7.08pm.

**(Robertson/Swan)**

**Recommendation:**

THAT Council:

- A. Receives and notes the report to the Environmental Planning Committee of 3 June 2024, and accompanying staff submission at **Attachment 1**, regarding the Department of Planning, Housing and Infrastructure's precinct selection for the low and mid-rise housing reforms across the Woollahra Local Government Area.
- B. Request the Mayor write to the Minister for Planning and Public Spaces, indicating Council's support for the staff submission and continued opposition to the low and mid-rise housing reforms. In doing so, staff are to note the commentary of the Committee Members and Council Staff submit late correspondence in support of this action to the Council Meeting of 11 June 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**

Councillor Carmichael  
Councillor Regan  
Councillor Robertson  
Councillor Shapiro  
Councillor Shields  
Councillor Swan  
Councillor Witt  
Councillor Wynne

**Against the Motion**

Nil

**8/0**

**Item No:** R2 Recommendation to Council  
**Subject:** **HYDROGEOLOGICAL AND GEOTECHNICAL STUDY OF THE ROSE BAY AREA AND PROPOSED DCP AMENDMENTS**  
**Author:** Jacquelyne Della Bosca, Executive Planner  
**Approvers:** Kristy Wellfare, Acting Manager Strategic Planning & Place  
Emilio Andari, Manager Engineering Services  
Tom O'Hanlon, Director Infrastructure & Sustainability  
Scott Pedder, Director Planning & Place  
**File No:** 24/74056  
**Purpose of the Report:** To report on the findings of the hydrogeological and geotechnical study of the Rose Bay area undertaken by GHD Pty Ltd  
To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Note:** Councillor Susan Wynne left the meeting, the time being 7.30pm.

**(Swan/Shapiro)**

**Recommendation:**

THAT Council:

- A. Receives and notes the study *Rose Bay - Hydrogeological and Geotechnical Impacts* (May 2024) prepared by GHD Pty Ltd in **Attachment 1**.
- B. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts* as contained in **Attachment 2** of the report to the Environmental Planning Committee of 3 June 2024. In doing so, staff are to note the commentary of the Committee Members and Council Staff submit late correspondence in support of this action to the Council Meeting of 11 June 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**

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

**Against the Motion**

Nil

**7/0**



**Item No:** R3 Recommendation to Council  
**Subject:** **THE APPLICATION AND EFFECTIVENESS OF THE VOLUME OF EXCAVATION CONTROLS AND RECOMMENDATIONS TO REDUCE EXCAVATION IN DEVELOPMENT APPLICATIONS**  
**Author:** Eleanor Smith, Executive Planner  
**Approvers:** Kristy Wellfare, Acting Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 24/85921  
**Purpose of the Report:** To respond to an Environment Planning Committee resolution seeking a staff report on the application and effectiveness of current excavation controls and recommendations to mitigate the impacts of development applications with increasingly large volumes of excavation.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Motion moved by Councillor Robertson  
Seconded by Councillor Witt**

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.
- D. Request staff to prepare an additional report which investigates the deletion of Control C4 in Section B3.4 (Excavation) of the *Woollahra Development Control Plan 2015*, which currently enables a variation to the volume of excavation control for residential flat buildings to accommodate car parking and storage.

**Amendment moved by Councillor Shapiro  
Seconded by Councillor Swan**

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.

### The Amendment was put and Carried

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 Carmichael  
Councillor Shapiro  
Councillor Shields  
Councillor Swan

**Against the Amendment**

Councillor Regan  
Councillor Robertson  
Councillor Witt

**4/3**

### The Amendment became the Motion The Motion was put and carried

(Shapiro/Swan)

#### Recommendation:

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.

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  
Councillor Witt

**Against the Motion**

Nil

**7/0**

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There being no further business the meeting concluded at 8.13pm.

**We certify that the pages numbered 260 to 268 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 3 June 2024 and confirmed by the Environmental Planning Committee on 1 July 2024 as correct.**

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Chairperson

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Secretary of Committee