



Environmental Planning Committee

Monday 5 August 2024
6.30pm

Minutes

Unconfirmed

Environmental Planning Committee Minutes

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Environmental Planning Committee

Minutes of the Meeting held on 5 August 2024 at 6.30pm

Present: Councillors: Sean Carmichael (Chair)
Sarah Swan
Lucinda Regan
Isabelle Shapiro
Merrill Witt (Left the meeting at 7.37pm during Item R3)

Staff: Emilio Andari (Manager Engineering Services)
Rosemary Bullmore (Manager Legal, Compliance & Enforcement)
Jacquelyne Della Bosca (Executive Planner) via Zoom
Micaela Hopkins (Team Leader Environment & Sustainability)
Wai Wai Liang (Strategic Planner)
Carolyn Nurmi (Governance Officer)
Sue O'Connor (Governance Officer)
Scott Pedder (Director – Planning & Place)
Eleanor Smith (Executive Planner)
Craig Swift-McNair (General Manager)
Anne White (Manager – Strategic Planning & Place)
Thomass Wong (Acting Manager Development Assessment) via Zoom

Also in Attendance: Ashok Peiris - GHD - Council Consultant (Item R1)

1. Opening

The Chair declared the Environmental Planning Committee of 5 August 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

An apology was received and accepted from Councillor Wynne and Councillor Robertson, and leave of absence granted.

5. Late Correspondence

Late correspondence was submitted to the committee in relation to item R2

6. Disclosures of Interest

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in Item D3 (Register of Current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environment and Health Control Matters), as Councillor Swan knows the Tavakoli family listed on page 33 of the Agenda. Councillor Swan remained in the meeting, participated in debate and voted 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 1 JULY 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/114813
Purpose of the Report: The Minutes of the Environmental Planning Committee of 1 July 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.

(Regan/Witt)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 1 July 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 Shapiro
Councillor Swan
Councillor Witt

Against the Motion

Nil

5/0

Item No: D2 Delegated to Committee
Subject: **PADDINGTON HERITAGE CONSERVATION AREA WORKING PARTY MEETING MINUTES - 27 JUNE 2024**
Author: James Granter, Coordinator Economic Development
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/103899
Purpose of the Report: To report the minutes of the Paddington Heritage Conservation Area Working Party that took place on 27 June 2024.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

(Swan/Shapiro)

Resolved:

THAT Council receive and note the minutes of the Paddington Heritage Conservation Area Working Party meeting that took place on 27 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

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Swan
Councillor Witt

Nil

5/0

Item No: D3 Delegated to Committee
Subject: REGISTER OF CURRENT LAND AND ENVIRONMENT COURT MATTERS FOR DEVELOPMENT APPLICATIONS AND REGISTER FOR COURT PROCEEDINGS FOR BUILDING, ENVIRONMENT AND HEALTH CONTROL MATTERS
Authors: Thomass Wong, Acting Manager Development Assessment
Rosemary Bullmore, Manager Legal, Compliance & Enforcement
Approver: Scott Pedder, Director Planning & Place
File No: 24/120618
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.

Note: Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Swan knows the Tavakoli family listed on page 33 of the Agenda. Councillor Swan remained in the meeting, participated in debate and voted on the matter.

(Shapiro/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 April 2024 to 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

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Swan
Councillor Witt

Nil

5/0

Item No: D4 Delegated to Committee
Subject: **WOOLLAHRA LOCAL PLANNING PANEL REGISTER OF PLANNING DECISIONS AND ANALYSIS**
Author: Thomass Wong, Acting Manager Development Assessment
Approver: Scott Pedder, Director Planning & Place
File No: 24/121264
Purpose of the Report: To provide the EPC with the Woollahra Local Planning Register of Planning Decisions and Analysis 18 April 2024 to 20 June 2024
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

(Shapiro/Regan)

Resolved:

THAT Council note and receive the register of planning decisions of matters determined by the Woollahra Local Planning Panel (WLPP) for the period 18 April 2024 to 20 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

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Swan
Councillor Witt

Nil

5/0

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

Item No: R1 Recommendation to Council
Subject: **HYDROGEOLOGICAL AND GEOTECHNICAL STUDY OF THE ROSE BAY AREA AND PROPOSED DCP AMENDMENTS**
Authors: Anne White, Manager Strategic Planning & Place
Emilio Andari, Manager Engineering Services
Approvers: Tom O'Hanlon, Director Infrastructure & Sustainability
Scott Pedder, Director Planning & Place
File No: 24/103121
Purpose of the Report: To provide responses to Councillor questions included in the Council resolution of 11 June 2024. Further responses are also provided for a number of related questions also raised by Councillors and noted by staff at the EPC meeting held on 3 June 2024 or received from Councillors via email. 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: Ashok Peiris, Council's Consultant from GHD, addressed the Committee.

(Shapiro/Regan)

Recommendation:

THAT Council:

- A. Receives and notes the responses to the questions included in the Council resolution at the 11 June 2024 Council meeting, and associated questions received from Councillors during this period.
- B. Notes the previous report to Council tabled at the 11 June 2024 Council meeting, as shown in **Attachment 1**.
- C. Receives and notes the amended study *Rose Bay - Hydrogeological and Geotechnical Impacts* (July 2024) prepared by GHD Pty Ltd, as shown in **Attachment 2**.
- D. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts*, as shown in **Attachment 3**.

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
Councillor Witt

Against the Motion

Nil

5/0

Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 31) - AMENDING CONTROLS TO REDUCE EXCAVATION**
Author: Eleanor Smith, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/122016
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 31) which seeks to amend the excavation provisions with the aim of reducing excavation in new development.
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 Double Bay Residents Association.

(Witt/Swan)

Recommendation:

THAT Council:

- A. Notes the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* on proposed amendments to the excavation provisions.

- B. Approves Draft Woollahra Development Control Plan 2015 (*Amendment No. 31*), as amended, at **Attachment 1** of the report to the Environmental Planning Committee of 5 August 2024 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

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Swan
Councillor Witt

Against the Motion

Nil

5/0

Item No: R3 Recommendation to Council
Subject: **136-148 NEW SOUTH HEAD ROAD, EDGECLIFF - DRAFT DEVELOPMENT CONTROL PLAN**
Authors: Wai Wai Liang, Strategic Planner
Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 22/225170
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 136-148 New South Head Road, Edgecliff
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Councillor Witt left the meeting, the time being 7.37pm.

(Regan/Shapiro)

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 136-148 New South Head Road, Edgecliff.
- B. Resolves to exhibit Draft Woollahra Development Control Plan 2015 (*Amendment No. 28*) as contained at **Attachment 1** of the report to the Environmental Planning Committee of 5 August 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 Shapiro
Councillor Swan

Against the Motion

Nil

4/0

Item No: R4 Recommendation to Council
Subject: **DELIVERY PROGRAM 2022/23 TO 2025/26 AND OPERATIONAL PLAN 2023/24 PROGRESS REPORT JUNE 2024**
Author: Petrina Duffy, Coordinator Strategy & Performance
Approvers: Sue Meekin, Director Corporate Performance
Scott Pedder, Director Planning & Place
Patricia Occelli, Director Community & Customer Experience
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/133365
Purpose of the Report: To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 30 June 2024.
Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

(Shapiro/Regan)

Recommendation:

THAT the June 2024 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

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

4/0

Against the Motion

Nil

There being no further business the meeting concluded at 7.41pm.

We certify that the pages numbered 440 to 448 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 5 August 2024 and confirmed by the Environmental Planning Committee on 4 November 2024 as correct.

Chairperson

Secretary of Committee