

# Environmental Planning Committee



## Minutes

Monday 2 July 2018

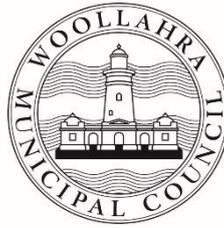


# Environmental Planning Committee Minutes

Monday 2 July 2018

## Table of Contents

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
D1	Confirmation of Minutes of Meeting held on 4 June 2018 .....	608
D2	Study of Paddington Hotels - Progress Report .....	608
R1	Dunara Reserve, Point Piper - Public Exhibition and Public Hearing into the Proposed Changes to the Land Management Controls .....	609
R2	Dunara Reserve Point Piper - Assessment of Heritage Significance .....	610
R3	Public Exhibition of the Planning Proposal for 42-58 Old South Head Road, Vaucluse .....	611



**Minutes of the Meeting held on  
2 July 2018 at 6.00pm.**

Present: Councillors: Mary-Lou Jarvis (Chair)  
Nick Maxwell  
Claudia Cullen  
Luise Elsing  
Matthew Robertson  
Mark Silcocks  
Toni Zeltzer

Staff: Jorge Alvarez (Senior Strategic Planner)  
Chris Bluett (Manager – Strategic Planning)  
Allan Coker (Director – Planning & Development)  
Paul Fraser (Manager – Open Space & Trees)  
Kelly McKellar (Strategic Planner)  
Sue O’Connor (Secretarial Support – Governance)  
Tom O’Hanlon (Acting General Manager)  
Anne White (Team Leader – Strategic Planning)

Session One: 6.00pm to 6.45pm  
Session Two: 8.00pm to 10.10pm

Also in Attendance: Councillor Anthony Marano (Item R1)  
Councillor Harriet Price (Items R3 & D2)  
Stuart McDonald (Consultant for Item R1)  
Chris Betterage (Consultant for Item R2)

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**Note:** Item D2 (Paddington Hotels Progress Report) was heard last in the 2<sup>nd</sup> session as per the agenda order.

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## **Leave of Absence and Apologies**

An apology was received and accepted from Councillor Peter Cavanagh and leave of absence granted.

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## **Late Correspondence**

Late correspondence was submitted to the committee in relation to items D2, R1 & R3

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## **Declarations of Interest**

Councillor Zeltzer declared a Non-Significant Non-Pecuniary Interest in Item R3 (Public Exhibition of the Planning Proposal for 42-58 Old South Head Road, Vaucluse) as Anthony Boskovitz representing the Applicant was a previous Councillor. Councillor Zeltzer does not believe it would affect her vote. Councillor Zeltzer remained in the meeting, participated in the debate and voted on this matter.

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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 JUNE 2018**  
**Author:** Sue O'Connor, Secretarial Support - Governance  
**File No:** 18/94667  
**Reason for Report:** The Minutes of the Environmental Planning Committee of 4 June 2018 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.

(Zeltzer/Cullen)

**Resolved:**

THAT the Minutes of the Environmental Planning Committee Meeting of 4 June 2018 be taken as read and confirmed.

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**Item No:** D2 Delegated to Committee  
**Subject:** **STUDY OF PADDINGTON HOTELS - PROGRESS REPORT**  
**Author:** Chris Bluett, Manager - Strategic Planning  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 18/95744  
**Reason for Report:** To respond to the Council's decision of 18 June 2018 which requires a progress report on the Study of Paddington Hotels

**Note:** Late correspondence was tabled by Council's Manager Strategic Planning, Chris Bluett.

(Robertson/Elsing)

**Resolved:**

- A. THAT the progress report on the Study of Paddington Hotels be received and noted.
- B. THAT Council notes the response from the Honorable Gabrielle Upton MP dated 23 June 2018 and requests that the Mayor writes again to Ms Upton requesting a response to the Council's initial request which asked the State Government to explore the "legislative changes that can be introduced to mirror the legislative reforms recently introduced by the United Kingdom Parliament to protect local pubs".

*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 Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Maxwell  
Councillor Robertson  
Councillor Silcocks  
Councillor Zeltzer

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:** **DUNARA RESERVE, POINT PIPER - PUBLIC EXHIBITION AND PUBLIC HEARING INTO THE PROPOSED CHANGES TO THE LAND MANAGEMENT CONTROLS**  
**Authors:** Kelly McKellar, Strategic Planner  
Anne White, Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 18/92653  
**Reason for Report:** To report on the public exhibition and public hearing of the planning proposal to reclassify the land at Dunara Reserve, Point Piper.  
To obtain Council's approval to proceed with the reclassification of the land and finalise the planning proposal.

**Note:** Late correspondence was tabled by Hylda Rolfe, Penny Broekhuizen, Peter & Victoria Padakis & George Farkas.

**(Zeltzer/Elsing)**

**Recommendation:**

- A. THAT Council note the recommendation of the chair of the public hearing, Stuart McDonald, as identified in the Public Hearing Report dated June 2018 and provided in Annexure 5 of the report to the *Environmental Planning Committee* on 02 July 2018.
- B. THAT Council not proceed with the planning proposal for Dunara Reserve, Point Piper, to reclassify the site from "community land" to "operational land" and not proceed with the preparation of a draft LEP.
- C. THAT Council keep the land in public ownership in perpetuity.

- D. THAT in accordance with section 3.35(4) of the *Environmental Planning and Assessment Act 1979*, the Council request the Minister or the Greater Sydney Commission to determine that the matter not proceed.

*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 Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Maxwell  
Councillor Robertson  
Councillor Silcocks  
Councillor Zeltzer

Nil

7/0

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**Item No:** R2 Recommendation to Council  
**Subject:** **DUNARA RESERVE POINT PIPER - ASSESSMENT OF HERITAGE SIGNIFICANCE**  
**Author:** Chris Bluett, Manager - Strategic Planning  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 18/94761  
**Reason for Report:** To respond to the Council's resolution of 1 March 2018 to investigate the heritage listing of Dunara Reserve Point Piper.

**Note:** Late correspondence was tabled by Hylda Rolfe, Penny Broekhuizen, Peter & Victoria Padakis & George Farkas.

**Note:** George Farkas, Allan Murray, Virginia Rundle & Renee Ferster Levy, addressed the Committee.

**(Zeltzer/Maxwell)**

**Recommendation:**

- A. THAT Council prepare a planning proposal to list Dunara Reserve Point Piper, being Lot 11 in DP 27451, as a heritage item in *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal describes the item as follows:  
Dunara Reserve – remnant of the residential garden of “Dunara”.
- C. THAT the planning proposal be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.
- D. THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

- E. THAT Council staff prepare a plan of management for Dunara Reserve, Point Piper, which includes:
- i. References to and details within the Council's Biodiversity Conservation and strategy;
  - ii. Maintenance of the reserve as part of a wildlife corridor;
  - iii. Conserving and enhancing the heritage significance of the reserve, including the use of interpretation signage; and
  - iv. A canopy replacement strategy
- F. THAT Council seek access to Dunara Reserve from Dunara Gardens private road to facilitate maintenance and public access.

*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 Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Maxwell  
Councillor Robertson  
Councillor Silcocks  
Councillor Zeltzer

Nil

***7/0***

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- Item No:** R3 Recommendation to Council
- Subject:** **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE**
- Author:** Jorge Alvarez, Senior Strategic Planner
- Approvers:** Anne White, Team Leader - Strategic Planning  
Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development
- File No:** 18/39962
- Reason for Report:** To provide a supplementary report on the public exhibition of the planning proposal for 42-58 Old South Head Road, Vaucluse, addressing potential view impacts.  
To obtain Council's approval to proceed with the finalisation of the planning proposal.
- Note:** Councillor Zeltzer declared a Non-Significant Non-Pecuniary Interest in this Item, as Anthony Boskovitz representing the Applicant was a previous Councillor. Councillor Zeltzer does not believe it would affect her vote. Councillor Zeltzer remained in the meeting, participated in the debate and voted on this matter.
- Note:** Late correspondence was tabled by Anthony Boskovitz, Tony Moody & Stuart Spiteri.

**Note:** Evelyn and Philip Palmer, Anthony Booth, Tony Moody, Stuart Spiteri, Objectors, Jeff Selby in Support, Anthony Boskovitz Solicitor & Dr Lamb Heritage Expert & Stephen Kerr Consultant Town Planner, representing the Applicant, addressed the Committee.

**(Robertson/Elsing)**

**Recommendation:**

- A. THAT Council note the Visual Sharing Assessment prepared by Richard Lamb and Associates, at **Annexure 2** of the report to the Environmental Planning Committee of 02 July 2018.
- B. THAT Council resolve to take no further action in relation to the planning proposal for 42-58 Old South Head Road, Vaucluse for the following reasons:
- i. The proposal will result in significant impacts on adjoining and neighbouring properties including:
    - Bulk and scale.
    - Overshadowing.
  - ii. The proposal fails to achieve view sharing in accordance with the Tenacity Principles set out in the Land and Environment Court judgement for Tenacity Consulting v Warrigah Council.
  - iii. The proposal will result in severe view loss from properties at 21, 23 and 29B Captain Pipers Road, Vaucluse.
  - iv. The proposal will make a wholly negative impact on the streetscape and local neighbourhood character.
  - v. The future desired character of this precinct does not envisage the intensity of development represented by the proposal.
  - vi. The provision of essential infrastructure in the precinct including sewage, parking, traffic and roads, public transport and schools is currently insufficient to deal with the increased residential population which will result from the proposal.
  - vii. The proposal will result in the overdevelopment of the amalgamated site and the precinct as a whole.
  - viii. The proposal is not in the public interest and will undermine the applicable LEP and DCP, zoning and controls, adopted by Council and endorsed by the community as recently as 2014-2015.
- C. THAT in accordance with section 3.35(4) of the *Environmental Planning and Assessment Act 1979*, the Council request the Minister or the Greater Sydney Commission to determine that the matter not proceed.

*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 Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Robertson  
Councillor Silcocks

***Against the Motion***

Councillor Maxwell  
Councillor Zeltzer

There being no further business the meeting concluded at 10.10pm.

**We certify that the pages numbered 605 to 613 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 2 July 2018 and confirmed by the Environmental Planning Committee on 6 August 2018 as correct.**

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**Chairperson**

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**Secretary of Committee**