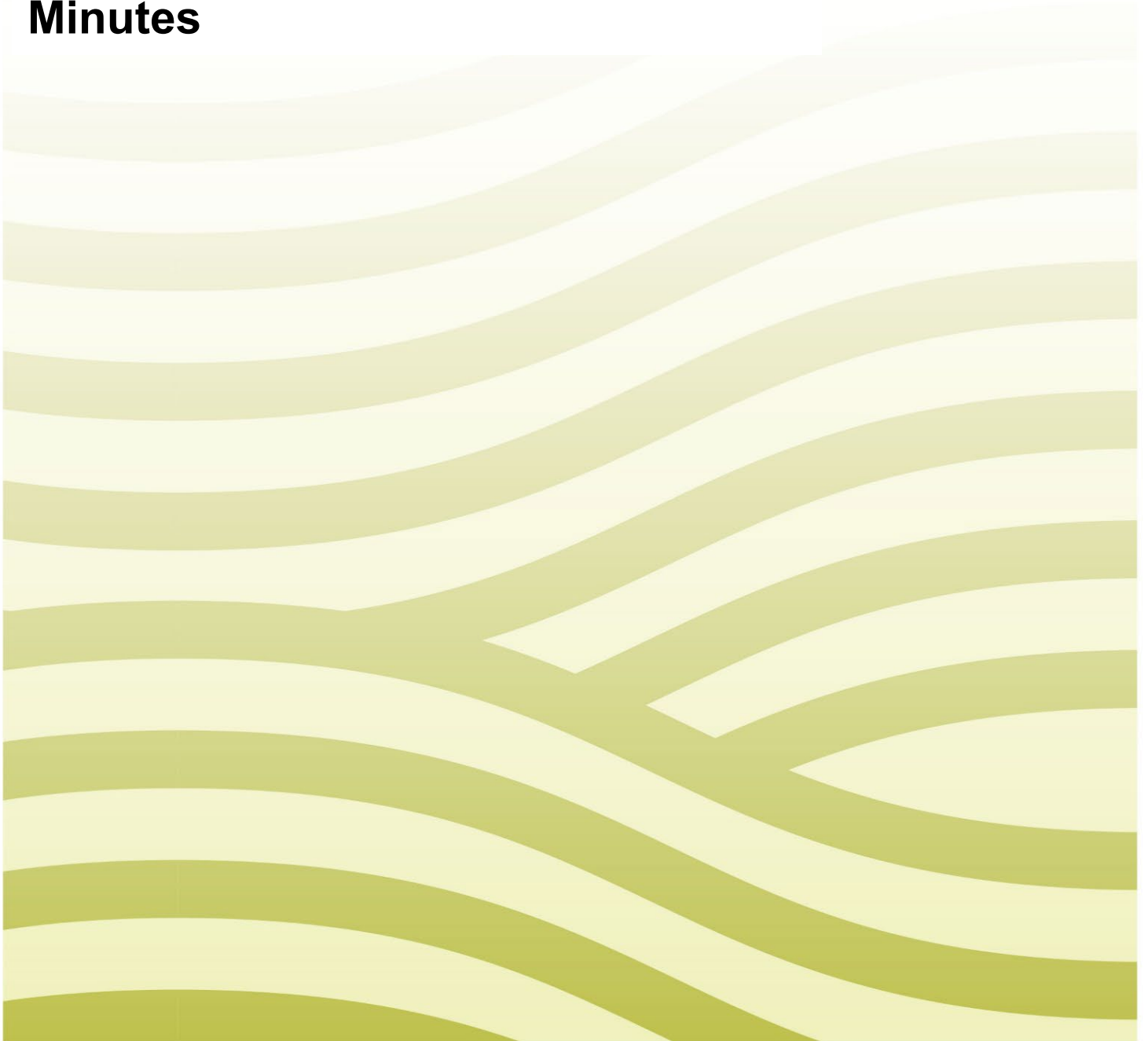




Environmental Planning Committee Meeting

Monday 4 July 2022
6.30pm

Minutes



Environmental Planning Committee Minutes

Monday 4 July 2022

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Environmental Planning Committee

Minutes of the Meeting held on 4 July 2022 at 6.30pm.

Present: Councillors: Mary-Lou Jarvis (Chair) - (Items D1, R2 to R6)
Richard Shields (Chair) - (Item R1)
Sean Carmichael (via zoom)
Harriet Price
Lucinda Regan (via zoom)
Isabelle Shapiro

Staff: Emilio Andari (Manager – Engineering Services)
Paul Fraser (Manager – Trees & Open Space)
Scott Pedder (Director – Planning & Development)
Louise Menday (Consultant Strategic Planner) – (via zoom)
Carolyn Nurmi (Governance Officer)
Sue O'Connor (Governance Officer)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Anne White (Manager – Strategic Planning & Place)

Also in Attendance: Councillor Grieve (Items R2 to R6)

1. Opening

The Chair declared the Environmental Planning Committee of 4 July 2022 open and welcomed Councillors, staff and members of the public who are watching and listening to this evening's meeting.

2. Acknowledgement of Country (Gadigal People and Birrabirrigal 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 Birrabirrigal 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 (Queen Elizabeth II)

The Chair read the following Acknowledgement of the Sovereign of the Day (Queen Elizabeth II):

I also acknowledge Queen Elizabeth II.

4. Leave of Absence and Apologies

Leave of absence has previously been granted to Councillor Matthew Robertson for the period from 14 June 2022 to 4 July 2022 and an apologies were received from The Mayor Councillor Susan Wynne.

5. Late Correspondence

Late correspondence was submitted to the committee in relation to items R1, R2 & R3

6. Declarations of Interest

Councillor Jarvis declared a Significant Non-Pecuniary Interest in Item R1 (Planning Proposal - 136-148 New South Head Road, Edgecliff and reporting the advice of the Woollahra Local Planning Panel), as Councillor Jarvis is a member of the Sydney Eastern City Planning Panel, which the matter is likely to come before. Councillor Jarvis left the meeting, did not participate in debate or 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 6 JUNE 2022**
Author: Sue O'Connor, Governance Officer
File No: 22/124541
Purpose of the Report: The Minutes of the Environmental Planning Committee of 6 June 2022 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 11.1: Facilitate community led decision-making that is open, honest and ethical and benefits the broad community.

(Carmichael/Shapiro)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 6 June 2022 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 Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Motion

Nil

6/0

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

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL - 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF AND REPORTING THE ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL**
Author: Louise Menday, Consultant Strategic Planner
Approvers: Anne White, Manager - Strategic Planning & Place
Scott Pedder, Director - Planning & Place
File No: 22/72243
Purpose of the Report: To provide Council with the advice of the Woollahra Local Planning Panel on a planning proposal for 136-148 New South Head Road, Edgecliff. To recommend that Council refuses the planning proposal for 136-148 New South Head Road.
Alignment to Delivery Program: Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.

- Note:** Councillor Jarvis declared a Significant Non-Pecuniary Interest in this Item, as Councillor Jarvis is a member of the Sydney Eastern City Planning Panel, which the matter is likely to come before. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.
- Note:** The Chair, Councillor Jarvis vacated the Chair and Deputy Chair, Councillor Shields assumed the Chair at 6.40pm.
- Note:** Late correspondence was tabled by Reid & Vesely, Ingham Planning, Annabelle Maitland, Adam Cagliarini, Will Naughton, Tony Bond, Bill Haskett, Kristen Sproule, Danielle Schlanger, David Prentice, David Liebhold, Councillor Merrill Witt, The Paddington Society, Matthew Hawken, Christopher Lemercier & Dr Karin Hackett.
- Note:** Brett Brown (Ingham Planning), Martin Hill (Hill PDA), Joshua Hollis (Colston Budd), Lisa-Maree Carrigan (Group GSA), Stephen Davis (Urbis), Carl Reid (Solicitor) & Andrew Boyarsky (Anka), for the Applicant, addressed the Committee.

**Motion moved by Councillor Shapiro
Seconded by Councillor Carmichael**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. THAT Council endorse the planning proposal as contained in **Attachment 1** of the report to the Environmental Planning Committee of 4 July 2022 to amend the Woollahra Local Environmental Plan 2014 to:
- (i) Increase the maximum height of buildings development standard from 14.5m to 46m
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
- C. THAT Council staff prepare an addendum to the planning proposal to identify that any increase in the maximum height of buildings and maximum floor space ratio development standards be permitted by way of an exception to the mapped development standards and subject to satisfactory consistency with the provisions of a specific clause in the Woollahra Local Environment Plan 2014 which includes:
- (i) Site amalgamation (with one development over the entire site).
 - (ii) Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.
 - (iii) Specifying a minimum quantum of non-residential Floor Space Ratio.
 - (iv) Provision of Affordable Housing consistent with Council's adopted policy (as a percentage of the additional residential floor space).
 - (v) Design Excellence (to be achieved through a competitive design process).
 - (vi) Commitments to sustainability beyond those required by BASIX (including registration with the Green Buildings Council of Australia and Green Star Buildings Rating).
 - (vii) A specified mix of apartment sizes.
 - (viii) Provision of, or contribution towards, community infrastructure.
- D. THAT the applicant be requested to submit a further urban design and traffic analysis to address:
- (i) Whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and
 - (ii) Defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.
 - (iii) The cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.

- E. THAT when the revised urban design and traffic analysis is received, Council forwards the planning proposal to the Department of Planning and Environment with a request for a Gateway Determination to allow public exhibition.
- F. 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.
- G. THAT prior to exhibition, Council adopt a site specific Draft Development Control Plan that provides detail on the design of any development on the site, including, but not limited to:
 - (i) Conservation of the heritage item
 - (ii) Car parking
 - (iii) Vehicle access and egress
 - (iv) Defining a building envelope in the form of a podium with tower.
 - (v) Building envelope that is commensurate with the maximum height and floor space
- H. THAT any planning agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.
- I. THAT should a Gateway Determination be received, the planning proposal, site-specific draft development control plan and any draft planning agreement must be publicly exhibited concurrently

**Amendment moved by Councillor Regan
Seconded by Councillor Price**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
 - (i) Increase the maximum height of buildings development standard from 14.5m to 46m
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
- C. THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021*.
- D. THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* as a potential uplift site, addressing matters such as:
 - (i) Site amalgamation (with one development over the entire site).
 - (ii) Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.
 - (iii) Specifying a minimum quantum of non-residential Floor Space Ratio.
 - (iv) Provision of Affordable Housing consistent with Council's adopted policy (as a percentage of the additional residential floor space).
 - (v) Design Excellence (to be achieved through a competitive design process).
 - (vi) Commitments to sustainability beyond those required by BASIX (including registration with the Green Buildings Council of Australia and Green Star Buildings Rating).
 - (vii) A specified mix of apartment sizes.
 - (viii) Provision of, or contribution towards, community infrastructure.

The Amendment was put and lost

For the Amendment

Councillor Price
Councillor Regan

Against the Amendment

Councillor Carmichael
Councillor Shapiro
Councillor Shields

2/3

The Motion was put and carried

(Shapiro/Carmichael)

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. THAT Council endorse the planning proposal as contained in **Attachment 1** of the report to the Environmental Planning Committee of 4 July 2022 to amend the Woollahra Local Environmental Plan 2014 to:
 - (i) Increase the maximum height of buildings development standard from 14.5m to 46m
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
- C. THAT Council staff prepare an addendum to the planning proposal to identify that any increase in the maximum height of buildings and maximum floor space ratio development standards be permitted by way of an exception to the mapped development standards and subject to satisfactory consistency with the provisions of a specific clause in the Woollahra Local Environment Plan 2014 which includes:
 - (i) Site amalgamation (with one development over the entire site).
 - (ii) Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.
 - (iii) Specifying a minimum quantum of non-residential Floor Space Ratio.
 - (iv) Provision of Affordable Housing consistent with Council's adopted policy (as a percentage of the additional residential floor space).
 - (v) Design Excellence (to be achieved through a competitive design process).
 - (vi) Commitments to sustainability beyond those required by BASIX (including registration with the Green Buildings Council of Australia and Green Star Buildings Rating).
 - (vii) A specified mix of apartment sizes.
 - (viii) Provision of, or contribution towards, community infrastructure.
- D. THAT the applicant be requested to submit a further urban design and traffic analysis to address:
 - (i) Whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and
 - (ii) Defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.
 - (iii) The cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.
- E. THAT when the revised urban design and traffic analysis is received, Council forwards the planning proposal to the Department of Planning and Environment with a request for a Gateway Determination to allow public exhibition.

- F. 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.
- G. THAT prior to exhibition, Council adopt a site specific Draft Development Control Plan that provides detail on the design of any development on the site, including, but not limited to:
- (i) Conservation of the heritage item
 - (ii) Car parking
 - (iii) Vehicle access and egress
 - (iv) Defining a building envelope in the form of a podium with tower.
 - (v) Building envelope that is commensurate with the maximum height and floor space
- H. THAT any planning agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.
- I. THAT should a Gateway Determination be received, the planning proposal, site-specific draft development control plan and any draft planning agreement must be publicly exhibited concurrently

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 Shapiro
Councillor Shields

Against the Motion

Councillor Price
Councillor Regan

3/2

Item No: R2 Recommendation to Council
Subject: **WOOLLAHRA INTEGRATED TRANSPORT STRATEGY**
Author: Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/125352
Purpose of the Report: To seek Council's endorsement of the Woollahra Integrated Transport Strategy following public exhibition.
Alignment to Delivery Program: Strategy 6.1: Facilitate an improved network of accessible and safe alternate transport options.

Note: The Deputy Chair, Councillor Shields vacated the Chair and the Chair, Councillor Jarvis assumed the Chair at 8.45pm.

Note: Late correspondence was tabled by BIKeast.

**Motion moved by Councillor Price
Seconded by Councillor Regan**

- A. THAT Council endorses the Woollahra Integrated Transport Strategy as shown in Attachment 1, subject to following amendments:
- (i) Include local transport data from the 2021 Census, which is expected to be published in October 2022;

- (ii) Review the document and amend outdated or obsolete background information such as references to the trial of the Bridj on demand transport program, timetables for Watsons Bay ferries and crash data; and
 - (iii) Update recommended actions relating to support for electric vehicle charging and use of share cars.
- B. Council staff consider the actions identified in the Woollahra Integrated Transport Strategy as part of future budget deliberations and future Capital Works program development; and
- C. Council staff explore funding opportunities from NSW Government and the Australian Government to assist in delivering key actions identified in the Woollahra Integrated Transport Strategy.

The Motion was withdrawn.

**Motion moved by Councillor Carmichael
Seconded by Councillor Shapiro**

THAT:

- A. Council endorse the Woollahra Integrated Transport Strategy as shown in Attachment 1, subject to following amendments:
- (i) Investigate and implement a 30km/hr and/or 40km/hr high pedestrian activity area.
- B. Council staff consider the actions identified in the Woollahra Integrated Transport Strategy as part of future budget deliberations and future Capital Works program development; and
- C. Council staff explore funding opportunities from NSW Government and the Australian Government to assist in delivering key actions identified in the Woollahra Integrated Transport Strategy.

**Amendment moved by Councillor Price
Seconded by Councillor Shields**

THAT Council's endorsement of the Integrated Transport Strategy be deferred until after October 2022, to allow staff to:

- (i) Include local transport data from the 2021 Census, which is expected to be published in October 2022;
- (ii) Review the document and amend outdated or obsolete background information such as references to the trial of the Bridj on demand transport program, timetables for Watsons Bay ferries and crash data; and
- (iii) Update recommended actions relating to support for electric vehicle charging and use of share cars.

The Amendment was put and carried.

For the Amendment

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Amendment

Nil

6/0

**The Amendment became the Motion.
The Motion was put and carried.**

(Price/Shields)

Recommendation:

THAT Council's endorsement of the Integrated Transport Strategy be deferred until after October 2022, to allow staff to:

- (i) Include local transport data from the 2021 Census, which is expected to be published in October 2022;
- (ii) Review the document and amend outdated or obsolete background information such as references to the trial of the Bridj on demand transport program, timetables for Watsons Bay ferries and crash data; and
- (iii) Update recommended actions relating to support for electric vehicle charging and use of share cars.

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 Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Motion

Nil

6/0

Item No: R3 Recommendation to Council
Subject: **DRAFT WOOLLAHRA ACTIVE TRANSPORT PLAN**
Author: Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/105951
Purpose of the Report: To seek Council's endorsement to place the Draft Woollahra Active Transport Plan on public exhibition.
Alignment to Delivery Program: Strategy 6.1: Facilitate an improved network of accessible and safe alternate transport options.

Note: Late correspondence was tabled by BIKeast.

(Shapiro/Carmichael)

Recommendation:

THAT Council:

- A. Endorse the Draft Woollahra Active Transport Plan 2022 for public exhibition for 28 days, subject to the following amendment:
 - i) Reference to 30km/hr in the Walking Priority Projects be amended to read 30km/hr and/or 40km/hr.

- B. Note that a further report will be prepared for the Environmental Planning Committee following the close of the public exhibition period and assessment of submissions received has been undertaken.

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 Jarvis
Councillor Shapiro
Councillor Shields

Against the Motion

Councillor Price
Councillor Regan

4/2

Item No: R4 Recommendation to Council
Subject: **REPLACEMENT TREE AT 23 HAMPDEN STREET, PADDINGTON**
Author: Paul Fraser, Manager Open Space & Trees
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/124548
Purpose of the Report: To report on Community Consultation
Alignment to Delivery Program: Strategy 5.4: Protect trees, streetscapes and landscapes.

Note: The Committee amended Part A of the Recommendation.

(Shapiro/Shields)

Recommendation:

- A. THAT the replacement tree for the removed Hill's Fig at 23 Hampden Street, Paddington be an advanced *Waterhousia floribunda* 'Green Avenue' (Weeping Lilly Pilly) in line with the adopted Street Tree Masterplan (STMP) and planted as follows;
- i. In the vicinity of the removed Hill's Fig
 - ii. Planted in a 'blister' island with appropriate landscaping
 - iii. Installation of an appropriate barrier system to assist to control root growth
- B. THAT the STMP remains unchanged for Hampden Street, Paddington.
- C. THAT Council continue to progress an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.

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 Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Motion

Nil

6/0

Item No: R5 Recommendation to Council
Subject: **CHRISTMAS DECORATIONS PROGRAM 2022/2023 -
RECOMMENDATIONS FOR QUEEN STREET WOOLLAHRA**
Author: Matthew Gollan, Manager - Placemaking
Approver: Scott Pedder, Director - Planning & Place
File No: 22/121664
Purpose of the Report: To provide an update on the Christmas decorations proposed for Queen Street, Woollahra
Alignment to Delivery Program: Strategy 3.3: Lead, celebrate and recognise the creativity and vibrancy of our community.

Note: The Committee amended Part A of the Recommendation.

(Shapiro/Shields)

Recommendation:

THAT Council:

- A. Note this report on Christmas decorations for Queen Street Woollahra with staff submitting late correspondence with regards to potential electricity supply and consultation with Ward Councillors.
- B. Approve the proposed Queen Street Christmas decoration program as detailed in **Attachment 1**.
- C. Request staff to liaise with businesses and property owners on Queen Street Woollahra (between Moncur and Holdsworth Streets) to investigate use of awning structures and building facades in the 2022/2023 Christmas decorations program.
- D. Request Council staff undertake preliminary assessments of any trees included in the scope of the 2022/2023 Christmas decorations program prior to the installation of any decorations to ensure suitability.

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 Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Motion

Nil

6/0

Item No: R6 Recommendation to Council
Subject: **RESILIENCE IN PLANNING - ADVOCACY TO THE NSW PLANNING MINISTER**
Authors: Emma Williamson, Strategic Planner
Anne White, Manager - Strategic Planning
Approver: Scott Pedder, Director - Planning & Place
File No: 22/107547
Purpose of the Report: To provide Council with correspondence on behalf of the Minister for Planning and Minister for Homes outlining the State-led initiatives that are in place to address resilience in planning
Alignment to Delivery Program: Strategy 4.2: Promote sustainable design in future private and public development.

(Shields/Price)

Recommendation:

THAT the correspondence on behalf of the Minister for Planning and Minister for Homes outlining the State-led initiatives that are in place to address resilience in planning dated 27 June 2022 (as attached at **Attachment 2** to the report of 4 July 2022) 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 Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields

Against the Motion

Nil

6/0

There being no further business the meeting concluded at 8.58pm.

We certify that the pages numbered 573 to 585 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 4 July 2022 and confirmed by the Environmental Planning Committee on 1 August 2022 as correct.

Chairperson

Secretary of Committee