

**Item No:** R5 Recommendation to Council  
**Subject:** **VOLUNTARY PLANNING AGREEMENT 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**  
**Author:** Richard Pearson, Development Manager  
**Approver:** Tom O'Hanlon, Director Infrastructure & Sustainability  
**File No:** 23/92570  
**Purpose of the Report:** Seek Council approval to exhibit a draft VPA for the site  
**Alignment to Delivery Program:** Strategy 5.1 Enhance council provided community facilities to foster connections between people and place and enhance quality of life

**Note:** Councillor Jarvis declared a Significant Non-Pecuniary Interest in this Item, as Councillor Jarvis sits on the East Sydney Planning Panel and because a development application for the site may come back to the Planning Panel for consideration. Councillor Jarvis. Councillor Jarvis left the meeting and did not participate in debate or vote on the matter.

**Note:** Councillor Jarvis left the meeting, the time being 8.24pm.

**Note:** Councillor Grieve left the meeting, the time being 8.32pm.

**Note:** Councillor Elsing left the meeting, the time being 8.32pm.

**Note:** Councillor Robertson left the meeting, the time being 8.38pm.

**Note:** Councillor Grieve returned to the meeting, the time being 8.41pm.

**Note:** Councillor Robertson returned to the meeting, the time being 8.41pm.

**Note:** Councillor Elsing returned to the meeting, the time being 9.12pm.

**Note:** Councillor Swan left the meeting, the time being 9.13pm.

**Note:** Councillor Swan returned to the meeting, the time being 9.14pm.

**Note:** The Council amended Part A of the Resolution.

**Motion moved by Councillor Shields**  
**Seconded by Councillor Carmichael**

THAT:

- A. Council approve the draft Voluntary Planning Agreement at Attachment 3 for public exhibition with the Planning Proposal for the site, with the inclusion of a requirement that monetary contributions for community infrastructure go toward the Edgecliff Precinct. Inclusion of this requirement is subject to further legal advice.
- B. Council note that following public exhibition and the consideration of any submissions received the VPA will be reported back to Council for finalisation prior to execution.
- C. Council note that the VPA does not exclude the payment of Section 7.11 or Section 7.12 contributions by the developer which will be payable on the granting of any future development consent for the site.

**Foreshadowed Motion advised by Councillor Robertson**

THAT Council take no further action be taken in relation to the Voluntary Planning Agreement 136-148 New South Head Road, Edgecliff.

**The Motion was put and carried.**

**(Shields/Carmichael)**

**116/23 Resolved:**

THAT:

- A. Council approve the draft Voluntary Planning Agreement at Attachment 3 for public exhibition with the Planning Proposal for the site, with the inclusion of a requirement that monetary contributions for community infrastructure go toward the Edgecliff Precinct. Inclusion of this requirement is subject to further legal advice.
- B. Council note that following public exhibition and the consideration of any submissions received the VPA will be reported back to Council for finalisation prior to execution.
- C. Council note that the VPA does not exclude the payment of Section 7.11 or Section 7.12 contributions by the developer which will be payable on the granting of any future development consent for the site.

*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  
Councillor Silcocks  
Councillor Swan  
Councillor Wynne

***Against the Motion***

Councillor Elsing  
Councillor Grieve  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Witt

**6/6**

***Note:*** The Mayor, Councillor Wynne used her casting vote in support of the Motion.