

Item No: R4 Recommendation to Council

Subject: **COMPLIANCE AND ENFORCEMENT OF UNAUTHORISED WORK, INCLUDING A REVIEW OF COUNCIL'S ENFORCEMENT POLICY 2007**

Author: Jacquelyne Della Bosca, Executive Planner

Approvers: Tim Tuxford, Manager - Compliance
Scott Pedder, Director - Planning & Place

File No: 22/42564

Purpose of the Report: To respond to a Notice of Motion requesting a review of Council's Enforcement Policy including options to better protect heritage items. To respond to a NOM requesting ways to make private certifiers more accountable for addressing unauthorised work. To obtain Council's approval to exhibit Draft Woollahra Enforcement Policy 2022.

Alignment to Delivery Program: Strategy 4.6: Ensure that planning and building requirements are complied with.

Note: Staff to provide late correspondence to the Council Meeting 26 April 2022 outlining a proposed amendment to the draft policy which provides that Council will forward complaints received by the community, where appropriate, to the relevant certifiers.

(Shapiro/Carmichael)

Recommendation:

THAT Council:

- A. Receive and note the report on the review of Council's Enforcement Policy and approach to unauthorised work on heritage items, and private certifiers.
- B. Endorse exhibition of the Draft Woollahra Enforcement Policy 2022 as contained at Attachment 2 of the report to the Environmental Planning Committee of 4 April 2022 for a period of 28 days.
- C. Note that a further report be submitted to Council following the conclusion of the exhibition period for final consideration and adoption of a new Enforcement Policy.

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 Robertson
Councillor Shapiro
Councillor Shields

Against the Motion

Nil

7/0

Item No: R5 Recommendation to Council
Subject: **SMOKE-FREE ENVIRONMENT LEGISLATION AND SMOKING IN LICENSED PREMISES**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 22/48619
Purpose of the Report: To respond to Council resolutions seeking options to address second-hand smoke in relation to licensed premises and dwelling houses.
Alignment to Delivery Program: Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.

**Motion moved by Councillor Robertson
Seconded by Councillor Shields**

- A. THAT the report on the smoke-free environment legislation and planning options for addressing smoking in licensed premises be received and noted.
- B. THAT Council writes to the Minister for Health requesting the State Government strengthen the smoke-free environment legislation to address matters identified in the report to the Environmental Planning Committee of 4 April 2022.
- C. THAT Council continues to identify opportunities to advocate for improvements to the *Smoke-free Environment Act 2000* to achieve genuine smoke-free environments.

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

- A. THAT the report on the smoke-free environment legislation and planning options for addressing smoking in licensed premises be received and noted.
- B. THAT Council writes to the Minister for Health requesting the State Government strengthen the smoke-free environment legislation to address matters identified in the report to the Environmental Planning Committee of 4 April 2022.
- C. THAT Council continues to identify opportunities to advocate for improvements to the *Smoke-free Environment Act 2000* to achieve genuine smoke-free environments.
- D. THAT Council move to make the amendment to the LEP and DCP.

The Amendment was put and lost

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 Price
Councillor Regan
Councillor Robertson

Against the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Shapiro
Councillor Shields

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The Motion was put and carried.