

# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday, 13 August 2007*

**Time:** *6.00pm*

## **Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

## **Delegated Authority (“D” Items):**

- To require such investigations, reports or actions as considered necessary in respect of matters contained with the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below:

## **Recommendation only to the Full Council (“R” Items):**

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic matters, such as:-
  - Town Planning Objectives; and
  - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.
- Urban Design Plans and Guidelines.
- Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- Traffic Management and Planning (Policy) and Approvals.
- Commercial Centres Beautification Plans of Management.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters reserved by individual Councillors, in accordance with any Council policy on "safeguards" and substantive changes.

**Committee Membership:**

7 Councillors

**Quorum:**

The quorum for a committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

9 August 2007

To: The Mayor, Councillor Keri Huxley, ex-officio  
Councillors           Geoff Rundle   (Chair)  
                          Isabelle Shapiro (Deputy Chair)  
                          John Comino  
                          Christopher Dawson  
                          Wilhelmina Gardner  
                          David Shoebridge  
                          John Walker

Dear Councillors

### **Urban Planning Committee Meeting – 13 August 2007**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Monday 13 August 2007 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

### **Items to be Decided by this Committee using its Delegated Authority**

D1	Confirmation of Minutes of Meeting held on 23 July 2007	1
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Centre Management – Double Bay & Oxford Street – 1178 & 1179.G	2
R2	Rezoning Proposal at 4A Nelson Street, Woollahra – 1064.1G	21

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 23 July 2007**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 23 July 2007 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.

**Recommendation:**

That the Minutes of the Urban Planning Committee Meeting of 23 July 2007 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** R1 Recommendation to Council  
**Subject:** Centre Management - Double Bay and Oxford street  
**Author:** John Davies - Strategic Planner  
**File No:** 1178 & 1179.G  
**Reason for Report:** To present to Council a preferred Centre Management model

**Recommendations:**

1. That the Council endorse for discussion, with the Double Bay business community, the model for centre management set out in section 5 of the report on Centre Management to the Urban Planning Committee on 13 August 2007.
2. That the Council engage in dialogue with the Council of the City of Sydney regarding a centre management model for Oxford Street, Paddington and its financing.
3. That Council agrees in principle to match funds raised by the business community (up to \$200,000) as seed funding for centre management in Double Bay for year 1 only.
4. That a special rates levy to fund centre management in Double Bay be further considered following discussions with the Double Bay business community.
5. That Council develop a draft service agreement for maintenance in Double Bay to be used as a basis for discussion with the Double Bay business community.
6. That Council write to the Double Bay business community, via the Chamber of Commerce, suggesting that a business plan to address the marketing requirements of the centre is prepared.

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**1.0 Background:**

The Council is considering how it might play a more active role in improving business function and success in the Double Bay and Oxford Street, Paddington commercial centres. To more fully understand how the centres are currently trading and, if required, what strategies should be implemented to improve business activity it commissioned UrbisJHD and Hill PDA to undertake a study for each centre. Hill PDA looked at Double Bay, URBIS JHD, Oxford Street. The purpose of the studies was to better understand the retail needs, market trends, market demands and local issues facing the centres. Both studies made a number of specific recommendations for each centre.

Both studies recommended that centre management be considered. The purpose of this report is to present to the Urban Planning Committee a detailed draft model for discussion and to describe how it could operate. The two reports, referred to above, were presented to Council on 28 May 2007. The resolution for **Oxford Street**, Paddington was:

- “1. That Council endorse the actions identified in **annexure 3** of the report on the findings of the Oxford Street Paddington Commercial Centre Business Strategy subject to amending the action “Consider the results of traffic studies that support the fact that the traffic numbers do not support three lanes along Oxford Street” on page 3 of the list of Council Actions to read “Consider the results of traffic studies along Oxford Street”.*

2. *That the study be made publicly accessible on the Council's website.*
3. *That a report be submitted to the Urban Planning Committee outlining what steps are required to facilitate:*
  - a. *the appointment of centre managers for the Double Bay and Oxford Street Commercial Centres for a suggested period of 3 years with a review after 12 months.*
  - b. *consideration of reallocating funding from the public domain improvement works to fund the centre managers.*
  - c. *consideration of co-funding models from retailers and land owners.*
  - d. *consideration of the appropriate authorities and management structures required to allow the centre managers to effectively operate.*
  - e. *the parity of times for parking meters in Oxford Street to the parking meters in Double Bay”.*

Council's resolution of 28 May 2007 for **Double Bay** Commercial Centre Retail Study was:

- “1. *That Council endorse the actions identified in **Annexure 3** of the report to the Urban Planning Committee of 14 May 2007 on the findings of the Double Bay Commercial Centre Development Study.*
2. *That the Double Bay Commercial Centre Development Study by HillPDA be made publicly accessible on the Council's website.*
3. *That a report be submitted to the Urban Planning Committee outlining what steps are required to facilitate:*
  - a. *the appointment of centre managers for the Double Bay and Oxford Street Commercial Centres for a suggested period of 3 years with a review after 12 months.*
  - b. *consideration of reallocating funding from the public domain improvement works to fund the centre managers.*
  - c. *consideration of co-funding models from retailers and land owners.*
  - d. *consideration of the appropriate authorities and management structures required to allow the centre managers to effectively operate”.*

The Urban Planning Committee on 9 July 2007 considered a progress report which discussed the work being undertaken by Council staff in exploring centre management. At that meeting we presented a *Powerpoint* presentation on possible centre management models. The committee recommended:

- “1. *That the Urban Panning Committee note the content of this report in relation to centre management for the Double Bay and Oxford Street, Paddington town centres.*
2. *That a further report be presented to the Committee to allow a detailed proposal to be put to landowners with a view to having a meeting with the landowners before the end of August”.*

The above recommendation was presented and adopted by Council, as a matter of urgency, on the same evening.

This report presents a preferred centre management model having regard to the particular circumstances and needs of both Double Bay and Oxford Street.

If council is comfortable with the model the next step is to discuss it with the business community and key stakeholders. Research that has been undertaken indicates that for centre management to be successful the model needs to be developed from the 'grass roots' i.e. partnership and collaborative working with all stakeholders to ensure ownership.

## **2.0 Research Undertaken**

On 9 July 2007 the Urban Planning Committee considered a progress report relating to centre management (**annexure 1**). This report advised the committee that a number of work actions relating to research of centre management models were being undertaken, most notably the study trip on 24 and 25 April 2007 to Melbourne and discussions with the City of Stonnington and the City of Port Philip Council's on their experiences of centre management. The Director of Planning and Development also attended the International Cities, Town Centres and Communities Conference in Auckland New Zealand, which focussed particularly on up to date thinking on revitalising town centres, centre management and how urban design can help influence place-making.

In addition to this, we have undertaken extensive research into different Business Improvement District (BID) models which have been introduced and are currently operating in many centres in the United Kingdom, New Zealand and the United States. We have been assisted in this process by a consultant, Jo Kelly, from *People, Place and Partnership* who specialises in working with Councils who are involved in town centre revitalisation. Jo has worked closely with us to assist in this research and has peer reviewed this report. If council decides to proceed Jo will need to continue to work with us and other stakeholders to assist in setting up centre management.

Both retail centres are well placed to link in with established and distinct cultural precincts, which could help to reinforce the character and vibrancy of the retail centres. For example on Oxford Street the proximity of the local and state wide significant facilities such as Paddington Town Hall (and Metro Screen), College of Fine Arts and the Australian Centre for Photography means that the centre is well placed to build on its design and creative history.

This is highlighted in Council's Cultural Plan, which in its 'Local Identity and Community Spirit' section sets out a strategy that states:

*"Our strategy is to foster a sense of local identity and community spirit across the Woollahra municipality. By emphasising local and municipal heritage, contemporary architecture and encouraging artists to be engaged in site specific art and design projects the result should be interesting and imaginative public spaces, parks and streetscapes"*

For centre management to be truly successful, it will need to reinforce and build on these existing facilities and resources and each centres 'point of difference' and distinctiveness. The Hill PDA and Urbis JHD studies have identified some of the weaknesses and strengths of each centre. With this information strategic business plans need to be prepared to identify how each centre can address its weaknesses and build on its strengths, including the cultural elements identified in our Cultural Plan. This approach with active centre management will help re-establish the centres and provide them with a competitive edge.

## **2.1 Double Bay –strengths**

- Upmarket and unique retail precinct in Sydney with a reputation for international name fashion;
- Potential to build on existing platform as a centre for high fashion

- A unique and attractive high quality village character with activate lively laneways that give the centre a European feel
- Combines a mix of al fresco dining and shopping
- Approvals for major high quality redevelopment on some sites
- Contains a high class international hotel
- Good accessibility by private car or public transport
- Tourist destination.

### **2.2 Double Bay - weaknesses**

- Deficiencies in deli, groceries and convenience shopping
- Many shops, businesses and buildings not well presented
- The public domain is in need of upgrade
- Separation of north and south by New South Head Road
- Poor quality environment behind New South Head Road shops (south side)
- Relatively high retail vacancy rate
- Current poor trading conditions.

### **2.3 Oxford Street, Paddington - strengths**

- Younger trendy market that tends to showcase up and coming designers
- Its high quality heritage streetscape
- Paddington market creates an anchor for visitors and tourists
- Accessible particularly by bus and walking/cycling
- Less emphasis on chain stores, though some do provide an anchor
- LEP amendment will help with dining experience
- Centre for art and design with galleries and the College of Fine Arts, and 'art-house' cinemas
- Tourist destination.

### **2.4 Oxford Street, Paddington – weaknesses**

- Lack of car parking
- Amenity impact of clearways
- Travel distance over full length of shopping strip from Boundary Street to Queen Street.

### **2.5 Current vacancy rates**

The Hill PDA and Urbis JHD reports both noted that vacancy rates in both centres have increased disproportionately to other strips in Sydney. This corresponds with the opening of Westfield Bondi Junction. The Urbis JHD report notes that vacancy rates from June – December 2005 for Oxford Street going from 6.9% to 9.2% and for Double Bay 4.2% – 9.7%. Looking at vacancy rates in late July 2007 it would seem that from a survey of units either for sale or lease, the rates on Oxford Street have reduced to approximately 4.5%. The rates in Double Bay, however, are still relatively high remaining around the 9%.

### **2.6 The case for centre management in Double Bay**

The above vacancy rates indicate, to some extent, that Oxford Street has been able to 'reinvent' itself a little easier than Double Bay and that new retailers are locating in the precinct. The proposed changes to the Woollahra Local Environmental Plan, will allow for improved dining on Oxford Street, thus increasing the diversity and activity on the strip.

Additionally, the practicality of equitably financing centre management in Oxford Street is more complicated since part of the centre is in Woollahra and part in the City of Sydney. Centre management should operate for both sides of Oxford Street because it needs to assist the centre as a whole without regard to the local government boundaries.

In King Street Newtown the retailers on the Marrickville Council side pay for centre management but the retailers on the City of Sydney side do not. This has raised issues and concerns from those who are paying the levy and is not a good model to follow.

Advice received from the City of Sydney's Economic Development Officer is that at present their Council does not have a policy or practice of funding centre management. In these circumstances there is a need to explore equitable arrangements with the City of Sydney for centre management funding for Oxford Street. Therefore, it is recommended that centre management is progressed only for Double Bay, pending further discussion with the City of Sydney on equitable funding for Oxford Street.

### **3.0 Town Centre Management Models**

There are three types of centre management models:

1. Town Centre Management (TCM)
2. Business Improvement Districts (BID's)
3. Mainstreet programmes.

#### **3.1 Town Centre Management**

Town Centre management arose in the United Kingdom as a response to retail competition experienced by traditional town centres from vehicle accessible out of town centres. They are very similar to BIDs but the local authority usually maintains a higher level of involvement, often directly employing staff and setting, in consultation with the business community, strategic business decisions. Committees set up under this model are generally not incorporated and have less decision making responsibilities.

#### **3.2 BIDs**

Business Improvement Districts (BID's) have become widely used in the United Kingdom, United States and in New Zealand. The BID model provides for a local levy to be raised from businesses in a specific area in order to fund improvements and activities agreed by the businesses themselves. They operate usually as an 'Incorporated Association' which is responsible for the management of a centre, though there is usually a role for both the local Council and the private sector to contribute. Funds are normally agreed for a three-five year period and then renewed.

BID's originated in the USA and also arose as a consequence of competition from large out of town shopping malls. They are normally set up by small and medium sized business centres with the aim of restoring retail vitality. The main control and management of BID's rests with the private sector.

BID's can vary in their size and location and therefore have been established for specific precincts, districts or even a street. The legislation in NSW currently does not specifically cater for the setting up of BID's, however, the recently released *Draft East Subregional Strategy*, in section B3.2 Centres and Corridors, advocates the strengthening of centre management;

*"The Metropolitan Strategy encourages councils to consider the creation of Business Improvement Districts in Sydney's Strategic Centres as a way to engage property owners and businesses in strategic planning of centres and implementation of projects such as beautification, safety measures, infrastructure prioritising and marketing'. Councils are able to utilise special rates on property owners with revenues allocated to priority projects identified by a representative body".*

The Draft Strategy, also in its objectives and actions, states:

*“Department of Planning, Department of Local Government and councils to liaise with councils regarding the implementation of mechanisms for Business Improvement Districts in strategic centres such as Bondi Junction”.*

At the time of writing there was no further information available from the Department of Planning regarding the mechanisms that may be put in place relating to BID's and Department staff seemed to be unaware of legislation in other states that had been enacted to facilitate the setting up, financing and operation of BIDs. It is interesting to note that the *Draft East Subregional Strategy* classifies Double Bay as a Town Centre and Oxford Street Paddington as a village centre.

### **3.3 Main Street program**

Main street programs started in the USA and Canada to revitalise older, more traditional business districts of small and medium sized towns. The main street approach has an emphasis on rejuvenating districts using assets such as distinct architecture and character of an area, a pedestrian friendly environment, a sense of community, and a commitment to personal service.

Main street programs were initially set up in Australia with a focus on heritage conservation and streetscape improvement. Eventually, main street programmes were taken up by the State government agencies and special funding was made available for studies and the employment of main street co-ordinators.

In 1989 the NSW State Government released the *Main Street New South Wales Handbook* as part of the main street programme. This documents sets out a five point approach for improvements: organisation, design, heritage conservation, business development and promotion.

### **3.4 Ownership, partnership and sustainability**

All successful centre management models share the following features:

- A sharing of administration between the local authority and the business community
- The involvement of the business community in decisions about the allocation of resources and priorities for marketing and promotion
- A co-ordinator or manager responsible to a committee
- Funding drawn from a variety of sources including business owners, grants from government and/or direct contributions from local authorities.

The BID model differs from the other two in the following ways:

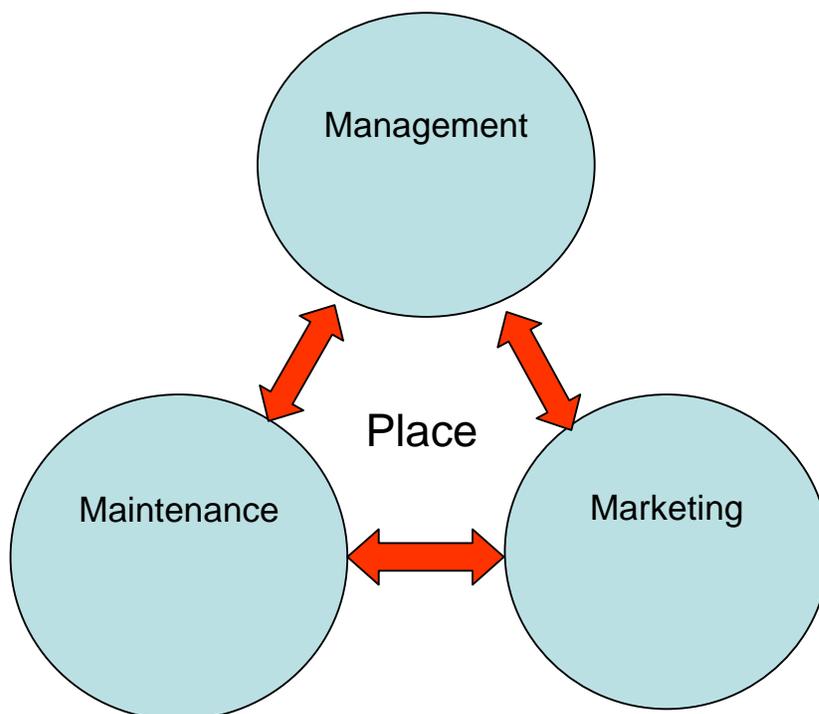
- The town centre management group is incorporated
- They operate for a specific period of time
- They operate within a specifically defined area.

The research also highlights that centre management has to be a partnership, usually between the retailers, landowners and local council. There are examples from the United Kingdom where Government has initially paid for centre management for a period of time, but once the funding has come to end, the retailers have become used to the government paying for the centre management services, and are not willing to make a contribution, thus burdening the Government with ongoing costs.

To have a truly successful model it has to be financially sustainable, with ‘buy-in’ from all stakeholders. It will be crucial therefore to ensure that the concept of centre management is clearly articulated to retailers and landowners, and provides them with the opportunity to contribute to the process. This process does not necessarily have to come from Council. It could come from the Business Community (for example the Chamber of Commerce) so that centre management does not come across as something that Council is imposing on local businesses.

#### 4.0 Centre management principles applied to Double Bay

Research indicates that there are three main elements to centre management. We have defined these as the “3M’s”, management, maintenance and marketing, as indicated in **figure 1**.



**Figure 1 The ‘3 M’s**

These three principles are interrelated, and each should have an equal weighting in terms of influencing a successful model for a retail centre. It is the retail centre (or place) which is at the core of the model.

##### *Management*

There needs to be an overall group or committee that is responsible for running centre management. The operation of this group needs to be regulated by a document which clearly sets out management responsibilities. The key responsibility is the preparation and implementation of a strategic business plan setting out actions and priorities for the centre.

##### *Maintenance*

This principle covers not only the cleansing but also other essential services such as prompt responses to repairs and light bulb replacement and small scale construction work. Traditionally this work tends to be the responsibility of the local council. If the streets are not kept clean visitors will have a negative impression of the place and are less likely to return to the centre regardless of any marketing or promotion of the centre.

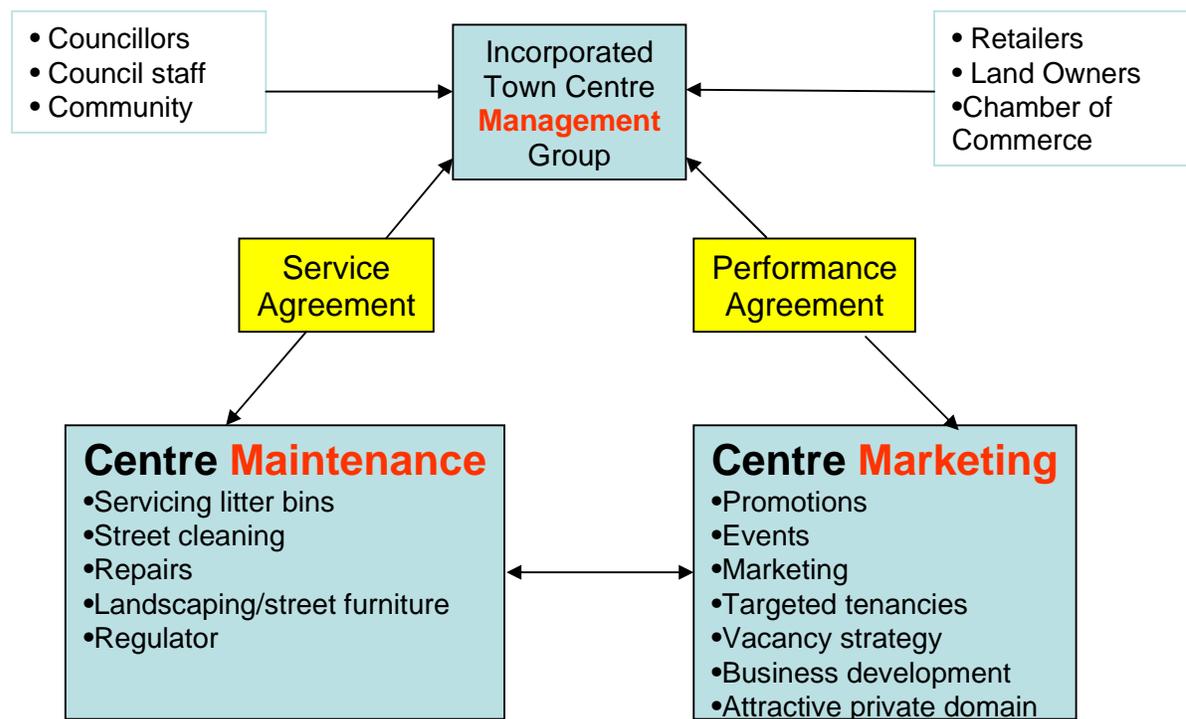
### Marketing

Marketing is not just about an advertising campaign. It involves ‘branding’ the centre and will incorporate events and promotions, targeted tenancies and a vacancy strategy. It will also encourage retailers to take pride and ownership of their centre, for example, with high quality shop fronts, window dressing and good quality outdoor furniture.

A draft centre management model for Double Bay has been developed based on these three essential components.

### 5.0 The recommended model

The draft centre management model is outlined in **figure 2** below.



**Figure 2 – Draft Centre Management Model**

The model shows the ‘3M’s’ and their interrelationship. This model operates as an Incorporated Association with an elected board who has authority over centre management activities. This elected board, comprising of about 6 to 8 persons, will be made up from representatives from the Council, (Councillors, staff and the local community), retailers, Chamber of Commerce and landowners.

The group will be responsible for providing guidance and direction for centre management. Such activities could include;

- monitor the production and implementation of a 'strategic management plan'
- act as the conduit for liaison between the centre, council and centre management
- review and 'sign off' on key performance indicators and outcomes for town centre management
- monitor the performance of centre marketing
- monitor the production of an annual marketing plan
- assist with determining the budget for centre management
- make recommendations to council on required public works
- assist in determining appropriate service levels for the provision of council provided cleaning waste and regulatory services.

### **5.1 Council responsibilities**

Council's biggest responsibility (but not exclusively) will be those services which are already being supplied such as cleaning, landscaping, repairs, infrastructure maintenance as well as regulatory functions such as parking enforcement and environmental health.

Council is already well placed to ensure that these essential services are being carried out through the business centre teams, which comprise 18 staff who are solely responsible for servicing the Municipality's retail centres. This is a team of skilled staff, who are trained not only in cleansing responsibilities but also to undertake repairs and small scale construction projects, such as planter boxes, repairing pavers, painting and bench installation.

The research has also shown that maintenance activities should be regularly seen within the centre. This shows that the Council is being pro-active in the area and therefore sending a message that the area is being looked after and well maintained. In some cases in the United States maintenance staff wear distinctive uniforms that make them visible in the centre thus emphasising that someone is maintaining the centre.

It is likely that some form of service agreement between the maintenance teams and the management group would need to be set up. This agreement will set the service standards for things like street cleaning, waste removal, responses to maintenance requests, etc.

In addition to providing maintenance and waste services Council will have a key role in collecting the revenue that is required for sustainable funding.

### **5.2 Businesses responsibilities**

Already discussed is the need for the business community to take ownership of centre management. Their input to address the specific needs of the centre are crucial, they being as it were 'at the coalface' are more acutely aware of what needs to be done.

Their ultimate aim is a successful business, of which there are many contributors, though it is primarily through attracting customers and providing the goods and services that customers want. Well considered and targeted marketing, promotion and events will greatly assist in attracting people to the centre. These should draw on the special and unique attributes of the centre.

This principle was highlighted in the Hill PDA's report for Double Bay, which states:

*"...Double Bay was living on its name and image from the past. A total absence of any active or contemporary marketing campaign for the Commercial centre against aggressive marketing campaigns of other surrounding centre has left Double Bay in a scenario whereby it has failed to attract a lot of key retailers and has lost many of its younger shoppers".*

The centre also needs to promote itself as a destination; not only to visitors but also key high quality retailers who may be interested in locating in the precinct. This may be achieved by working with landowners and real estate agents on a targeted tenancy strategy.

### **5.3 Benefits of the model**

#### **5.3.1 Stakeholder participation**

A key element of the preferred model is that it engages the landowners and business community in the development of appropriate strategies and priorities for their own centre. The council is not involved other than through its representation in the Town Centre Management Group. Thus the local business community will be able to determine priorities for expenditure on marketing, promotions, events and general advertising. It also provides the opportunity for local business to have a say in the development of service agreements for Council provided services. However, the decision on levels of service to be provided will remain with Council.

#### **5.3.2 Transparent and ‘democratic’ control**

The setting up of a Town Centre Management Group as an Incorporated Association with representation from Council and local stakeholders will provide for a high level of accountability. A model with an incorporated association responsible for centre management is recommended for the following reasons:

- we have been advised that Double Bay land owners will not make voluntary contributions unless their contributed funds are managed by an incorporated association
- conflicts of interests can be better managed if funds are allocated by an incorporated association at arms length from Council
- there may be increased opportunities for other private sector funding if funds are managed by an incorporated association
- an incorporated association provides a high level of accountability and transparency in the way funds are allocated and expended.

#### **5.3.4 Sustainable**

For centre management to be truly successful, it has to be sustainable, not only financially but also through management and partnerships with all stakeholders. By adopting an approach that ensures stakeholder involvement it is more likely to gain stakeholder support both in the short and long term.

## **6.0 Application of the Model**

### **6.1 Sustainable Funding**

As discussed earlier it is essential that centre management is provided with secure and sustainable funding. The most widely used method of funding is through special rates levies.

Council has broad powers under Section 495 of the *Local Government Act* (1993) to levy ‘special rates’. Section 495 states:

*“495(1)A council may make a special rate for or towards meeting the cost of any works, services, facilities or activities provided or undertaken, or proposed to be provided or undertaken, by the council within the whole or any part of the council’s area, other than domestic waste management services..*

*(2) The special rate is to be levied on such rateable land in the council’s area as, in the council’s opinion:*

- (a) benefits or will benefit from the works, services, facilities or activities, or*
- (b) contributes or will contribute to the need for works, services, facilities or activities, or*
- (c) has or will have access to the works, services, facilities or activities”.*

### **6.1.2 Environmental and Infrastructure Renewal Levy**

Council has received Ministerial approval and is levying a special rate to finance an accelerated environmental and infrastructure renewal works program. This rate is levied across all categories and sub-categories of Council’s rating structure and has been approved for a five year period to 2012/2013.

### **6.1.3 Proposed further rate increases**

If a special rate is to be applied to Double Bay it will need to be on top of the special rate levied for the combined environmental and infrastructure renewal works program. Such additional rate, ie. for Double Bay, will take us over the permissible rates increase as set out by the Minister for Local Government. This does not mean that Council cannot apply to exceed the permissible rate, but it is likely that it will have to be demonstrated very clearly why the application is being made, what the funds are going towards and that there is a majority of affected rate payers who are in favour.

### **6.1.4 The process for further rates increases**

While it is likely that most affected rate payers will support the concept of centre management it remains to be seen whether or not we will be able to gain support for a special rates levy, since to raise funds in the order of \$200k to \$400k will involve substantial increases in rates as follows:

<b>Levy</b>	<b>\$100k</b>	<b>\$200k</b>	<b>\$300k</b>	<b>\$400k</b>
<b>% increase</b>	8.2%	16.04%	24.05%	32.08%
<b>Average increase</b>	\$409	\$819	\$1,229	\$1,638

The above figures are indicative only.

The financial implications for a centre with 244 rateable commercial properties are considerable. Therefore, council will most likely have to consult extensively with affected property owners and demonstrate the benefits of centre management and special rates levy to get their support. Even if this support is forthcoming there is no guarantee that the Department of Local Government will support rate increases of this magnitude. It would therefore be prudent to obtain further advice from the Department in this regard. If a special rate is sought it must be included in the draft 2008/2009 Management Plan thus giving the wider community of Woollahra the opportunity to comment prior to a decision being made.

In the case of the City of Stonnington (Melbourne) they held a local referendum to establish support for their centre management projects. Council may need to follow a similar approach to demonstrate the level of ratepayer support.

### **6.2 Interim year one funding**

Centre management is a new service area for the Council, and the associated costs are outside the existing portfolio of work undertaken by the Council. However, to move this forward it is suggested that Council agrees to seed fund centre management for Double Bay on a dollar for dollar basis for one year only. The advice we have is that a minimum amount of \$400,000 is required per year to provide a meaningful marketing and advertising program with regular events and activities. Therefore, council will need to commit in the order of \$200,000 for year 1 if it wants to proceed with the BID model for centre management. Funding for subsequent years should be by a special rate.

## **7.0 Next steps**

It is proposed that Council consult with the Double Bay commercial centre landowners to determine

- their support for the concept of centre management
- whether or not they support the model described in this report (or alternative model)
- whether or not they would be prepared to make voluntary contributions, in the order of \$200,000 to partly meet the costs of setting up centre management
- whether or not they would be prepared to support a special rates levy to be applied for a specified period from 2008/2009.

We propose to report back to the Urban Planning Committee at the conclusion of the initial consultation. If the business community supports the concept we will develop the centre model in detail with the supporting documentation. However, if there is insufficient support from the business community there will be no need to go any further other than to report back.

## **8.0 Conclusion:**

This report provides the Urban Planning Committee with a recommended draft centre management model that has been developed through research from current best practice theory in town centre management. The model we recommend is based on the widely used and successful BID model except that we propose that council continue to provide cleaning and maintenance services managed directly by council through our current arrangements. This is because there is no demonstrated need to radically change the way these services are provided or managed.

We have recommended that centre management be provided through an incorporated association since it provides for a high level of accountability and transparency, better avoids conflicts of interest in the way resources are allocated, removes council from the day to day responsibility of providing centre management services and because the business community is unlikely to make voluntary contributions unless those contributions are managed by an incorporated association.

We now seek council's endorsement to present this model to the business community of Double Bay to test their support for both voluntary funding to partly fund year one and to test their support for a special rates levy. To demonstrate council's commitment to the process we recommend that council agree in principle to match voluntary funds up to a maximum of \$200,000 for year one only.

An ongoing commitment to centre management should await the outcome of the proposed consultation with land owners.

Since centre management for Oxford street needs to operate for the whole centre, across local government boundaries, centre management needs to be developed in consultation with the City Council. We have recommended that a decision on Oxford Street be postponed until further discussions are held with the City of Sydney.

John Davies  
Strategic Planner

Allan Coker  
Director Planning and Development

## **ANNEXURES:**

Report to UPC 9 July 2007

**Item No:** R2 Recommendation to Council  
**Subject:** Rezoning Proposal at 4A Nelson Street, Woollahra  
**Author:** John Davies - Strategic Planner  
**File No:** 1064.1G  
**Reason for Report:** To respond to issues raised at the site inspection on 2 July 2007

**Recommendation:**

- A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995, to change the zoning of 4A Nelson Street from Special Use 5 (Integrated Housing for Aged Persons/Community Facility) to Residential 2(a).
- B. THAT in order to retain the heritage significance of the site, the current allotment size be retained and no minimum allotment size be set under the Woollahra LEP 1995. All subdivision proposals are subject to development consent and will be assessed with regard to impact on heritage significance.
- C. THAT in resolving to prepare a draft local environmental plan the Council is not indicating its acceptance of a development proposal or building works on the site or other sites from which Jewish Care (the owner) operates or intends to operate. These matters will need to be assessed separately through the development application process.
- D. THAT as required by the Council's adopted Fees and Charges, the applicant is to pay all costs incurred by Council for the preparation and exhibition of the amending local environmental plan, including the assessment of the rezoning application report.

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## 1.0 Background

On 25 June 2007 the Urban Planning Committee considered a report that dealt with a rezoning proposal by Jewish Care for their property at 4A Nelson Street, Woollahra, also known as 'Brougham'. Currently, the property is zoned *Special Use 5 (Integrated Housing for Aged Persons /Community Facility)*. Jewish Care has requested that the property is rezoned to *Residential 2(a)*. A copy of that report, which provides a comprehensive assessment of the proposal, is at **annexure 1**.

After considering the report, the Committee, on 25 June 2007, recommended:

*That consideration of the matter be deferred and a site inspection be conducted at 8.00am on Monday 2 July 2007 and that a Council Heritage Officer be present at the site inspection.*

This recommendation was endorsed by Council on 9 July 2007.

This report provides an update on matters raised at the site inspection, which was held at 8am on Monday 2 July 2007. Councillors Huxley, Shapiro, Comino and Rundle were in attendance. Brett Daintry and John Davies provided officer support. Council's heritage planner was unable to attend the meeting but provided a written assessment of the property.

## 2.0 Issues raised

The Councillors at the site inspection on Monday 2 July 2007 recommended:

1. Staff advise what the minimum lot size is under *Woollahra Local Environmental Plan 1995*.
2. Staff review the consent that permitted the subdivision of the site into Lots 1, 2 and 3 in DP270205 and advise the Committee whether any special conditions prohibit the fencing of the northern and western boundary of Lot 2 in DP270205.
3. Staff advise the Committee of the ownership of Lot 1 in DP270205 and any easement benefiting Lot 2 in DP270205 and any restrictions on the title that restrain its development or use.
4. The applicant provide to Council a copy of any agreement, memorandum of understanding, deed of agreement, contract or the like which sets out terms in relation to reciprocal rights of access, boundary fencing and use.

The Councillor's main discussion (and concerns) focused on how the rezoning of the site could result in a future home owner erecting a boundary fence or wall along the northern and western boundary of *Brougham*, shown as Lot 3 in DP270205 (**annexure 2**).

Currently the occupants of both Lots 2 and 3 have open access to each lot. There is no boundary fence or wall between Lots 2 and 3, though there is a small retaining wall for the change in levels between *Brougham* and the main garden area to the north of the property, which is now a croquet lawn (**annexure 2**). Lot 1 is titled 'Community Property' which also allows access to Lots 2 and 3 (**annexure 3**).

The croquet lawn is the largest area of open space and is accessible as open space to both lots. It also serves as visual additional curtilage to Lot 3 but does not form part of Lot 3.

The erection of a fence or wall around *Brougham* would require development consent since the building, grounds and three pines trees are collectively listed as a heritage item.

### Response to Item 1

The site is zoned *Special Uses 5 (Integrated Housing for Aged Care Persons/Community Facility)*. There are no FSR or minimum allotment sizes for such zones.

The densities for the surrounding sites vary, with the eastern side of Nelson Street being a maximum floor space ratio of 0.875:1. The site immediately to the north of 4A Nelson Street and the properties to the west of the site have a 230m<sup>2</sup> minimum allotment size. The remaining properties to the north of Nelson Street have a minimum allotment size of 400m<sup>2</sup>. The maximum building height for this area is 9.5m.

The property does not currently have a minimum allotment size for land subdivision because of its zoning. The majority of adjacent properties zoned Residential 2 (a) have been allocated minimum allotment sizes ranging from 230m<sup>2</sup> or 400m<sup>2</sup>. In order to retain a suitable setting for the heritage building, further subdivision of the site may not be appropriate. Therefore, nominating a statutory minimum allotment size is not recommended. This approach is consistent with the heritage listed "Swifts" site in Darling Point.

Any subdivision proposal would need to be carefully assessed through the development application process. At that time, consideration would be given to the likely impact on the heritage significance of *Brougham*.

## Response to Item 2

A condition of consent (number 63) for the development application (DA 94/282) to construct the Emmanuel Gardens development on Lot 2 states:

*That Lot 1 DP 196790 and Lot 1 DP 218298 are to be consolidated to form one lot prior to building consent being issued by Council to recognise the heritage significance of the site and preclude the fragmentation of development.*

There were no conditions relating to fencing between the lots.

Should a development application for fencing be submitted, it would need to be assessed against the planning controls in the *Woollahra Heritage Conservation Area Development Control Plan* and the *Development Control Plan for 118 Wallis Street*. Consideration would also need to be given to the impact on the heritage significance of *Brougham* and its setting.

The following extracts from the Woollahra HCA DCP and the DCP for 118 Wallis Street set out relevant objectives and controls which would be used in assessing a DA for a fence around *Brougham*.

### ***Woollahra Heritage Conservation Area Development Control Plan***

#### 3.1.4 Nelson Precinct

- C1 Remnant landscape features from the early significant housing estates including the mature trees, terraced gardens and front fences are to be retained.
- C2 development of the early significant houses and their existing curtilages will be permitted where a CMP has been prepared for the landholding adopted by the Council. The CMP must identify master planning options for sympathetic additional development that will not adversely affect the significance of the property or the precinct.

The explanation paragraph of 3.2 states:

*When a property has been identified as a significant item, the listing includes all original fences, landscaping, trees, gardens and outbuildings as well as any building. This plan therefore includes objectives and controls that apply to these important elements of the buildings settings.*

The relevant objectives listed in the *Woollahra Heritage Conservation Area DCP* are:

#### 3.2.1 Conservation of significant item and group significant items:

- O1 To ensure those significant items, outbuildings and their curtilages and settings are retained.
- O4 To ensure that alterations and additions to heritage items are to be undertaken in a manner that retains their heritage significance.

#### 3.2.5 Significant landscape elements:

- O1 To retain the significant trees and landscape elements of significant items.
- O2 To encourage landscaping to be appropriate to building type and period of construction and to contribute to the character of the HCA.

#### 3.4.5 Materials finishes and colours:

- O1 To achieve external materials, finishes and colour schemes appropriate to the context.

3.4.6 Open Space and landscaping:

- O2 To retain important existing mature trees vegetation and other landscape features.

3.4.7 Fences gates and retaining walls:

- O2 To ensure fences, walls and gates contribute positively to the streetscape and improve safety and amenity for residents.

Under each objective or set of objectives there are controls which would need to be considered by an applicant when preparing a proposal and by the Council when assessing a DA.

***Development Control Plan for 118 Wallis Street***

Section 1.1 (preamble) states:

*The plan seeks to achieve a high standard of development on the site and ensure that any development on the site will have regard to the heritage significance of Brougham, its mature garden setting and the surrounding neighbourhood amenity*

The relevant objectives in section 2 (Objectives) of the DCP are:

- *To ensure the conservation of Brougham and its mature garden setting;*
- *To ensure the protection of significant trees located on the site; and*
- *To require that any new development or work is in harmony with the design, scale, form and character of Brougham and its mature garden setting.*

The relevant controls in section 3.0 (Heritage conservation) of the DCP are:

Clause 3.2 (in part)

- *The existing Brougham gardens and landscape areas are to be conserved and enhanced.*

Clause 3.4

*The cultural significance of Brougham and its setting requires that any new development must comply with the following constraints:*

- *The house and the existing mature 19<sup>th</sup> Century plantings should be retained;*
- *No new additions or adjoining development should significantly conceal the form and features of the original building; and*
- *New works or activities within the setting of the building should be carefully located, designed and formulated having regard to their impact on the cottage and garden setting.*

The relevant objective in section 4.5 (Open space and landscaping) is:

*To ensure the retention and enhancement of the mature 19<sup>th</sup> Century gardens and setting of Brougham because of their heritage significance and to achieve the following:*

- *The creation of a buffer between Brougham and the proposed development;*
- *The provision of a reasonable level of privacy for all users on the site; and*
- *The provision of a landscaped setting that could act as a link to integrate Brougham and new development.*

The area used as the croquet lawn, (the open space north of *Brougham* that fronts Nelson Street, see **annexure 2**) is part of Lot 2. **Annexure 4** shows that there is an easement for access and recreation purposes. This area will retain its zoning, *Special Use5 (Integrated Housing for Aged Care Persons/Community Facility)*.

### **Response to Item 3**

**Annexure 3** shows Lot 1 as 'Community Property' which is jointly owned by Lots 2 and 3 (**annexure 5**).

There are a number of easements across Lots 1 and 2, which relate to sewerage, stormwater and access and recreation purposes. These easements are noted in **annexures 3** and **4**.

### **Response to Item 4**

The applicant has provided an analysis of the titles for Lots 1, 2 and 3, as at **annexure 5**. This analysis confirms that there are no agreements or memoranda of understanding setting out any terms in relation to reciprocal rights of access between the three lots. **Annexure 5**, states that:

*Lot 1 DP 27020 is owned by the Community Association of [sic] which has a representative from Lots 2 and 3 as per the 'Act'. Lot 1 has various services for gas, water, electricity and stormwater crossing it for the benefit of Lot 2.*

and:

*There are no rights noted on the title between Lots 2 and 3 for fencing agreements or rights of access or any other reciprocal rights across each others boundary other than the sewerage easement and joint rights/use of Lot 1.*

### **3.0 Conclusion**

The curtilage of *Brougham* has been reduced by the subdivision which allowed for the construction of Emmanuel Gardens. There are sufficient planning controls in place to ensure that, should a development application for a fence or wall to surround *Brougham* be lodged, the integrity of the building and its heritage listing are protected.

The merits of the rezoning request have been set out in the report to the Urban Planning Committee meeting on 25 June 2007. The recommendation is to prepare a draft LEP to rezone 4A Nelson Street from Special Use 5 (Integrated Housing for Aged Persons/Community Facility) to Residential 2(a).

John Davies  
Strategic Planner

Chris Bluett  
Manager Strategic Planning

### **ANNEXURES:**

Annexure 1 Report to Urban Planning Committee 25 June 2007.

Annexure 2 Detail Plan Lot map.

Annexure 3 Community Property Plan for Lot 1.

Annexure 4 Plan indicating easement for access and recreation.

Annexure 5 Analysis provided by applicant on the title for Lots 1, 2 and 3.