



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 14 November 2005*

Time: *6.00 pm*

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

10 November 2005

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

Dear Councillors

Urban Planning Committee Meeting – 14 November 2005

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 14 November 2005 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Pages
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 31 October 2005	1
D2	Built Environment Principal Activity – 1 st Quarter Management Plan Review – 827.G 04-07	2

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

R1	Draft White City LEP & DCP – 1064.G	40
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 31 October 2005**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 31 October 2005 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 31 October 2005 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Built Environment Principal Activity – First Quarter Management Plan Review**
Author: Allan Coker – Director Planning and Development
File No: 827.G 04-07
Reason for Report: To review the status of works, services, and Notices of Motion for the Management Plan principal activity of Built Environment for the three months ending 30 September 2005

Recommendation

- A. That the status of projects for the Built Environment principal activity be noted.
- B. That variations to projects be agreed subject to adoption of the relevant budget variations included in the separately reported quarterly financial review.

Background

Section 407(1) of the *Local Government Act* 1993 requires that Council review the progress of the adopted management plan on a quarterly basis. Included with this report is the first quarterly review of Principal Activity No. 1 of the Management Plan, which is "Built Environment". This principal activity has the following sub- activities:

- 1.1 Environmental Planning
- 1.2 Heritage Conservation
- 1.3 Urban Design
- 1.4 Development Control
- 1.5 Compliance
- 1.6 Management and Administration

Included as annexures to this report are:

- 1. The Built Environment Principal activity section of the Management Plan, with comments on the status of items in each sub-activity.
- 2. A table of uncompleted notices of motion relating to the Built Environment principle activity.

The balance of this report provides a commentary on variations, changes, exceptions, completed work and achievements during the first quarter of 2005-2006. The purpose is to provide Councillors with an overview of the key influences or issues arising from this quarterly review.

Notices of motion which have a major impact on approved Management Plan core activities and projects have been included in the management plan as variations so as to facilitate the changing of priorities in an orderly and transparent manner.

Any changes to the budget required as a consequence of reordered priorities, including notices of motion will be considered in a separate budget report which reviews the overall financial position of the Council at the end of the quarter.

Following is the commentary on each sub-activity.

1.1 ENVIRONMENTAL PLANNING

The Environmental Planning sub-activity for 2005-2008 contains a mix of projects. Some are municipal-wide, some are locality based, and others are specific to particular issues or aspects of a policy.

In the course of this quarter it has become apparent that amendments to the *Environmental Planning and Assessment Act 1979*, which commenced on 30 September 2005, will have a major influence on the content and delivery of numerous projects in our program. A report on these amendments was considered by the Urban Planning Committee on 27 June 2005.

In particular, two aspects of the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 No 43* will impact on the current program and, to varying degrees, the nature of Woollahra's planning framework.

1. Standardisation of local environmental plans and other environmental planning instruments.
2. A requirement that only one development control plan made by the Council may apply in respect to the same land.

Standardisation of LEPs

The first matter is relevant to the following projects:

- Woollahra LEP 1995 operational review
- Neighbourhood centres strategies – in regard to recommended changes to Woollahra LEP 1995
- Edgecliff Commercial Centre LEP/DCP - in regard to recommended changes to Woollahra LEP 1995
- Contemporary heritage items – in regard to listing properties as heritage items
- Potential heritage items, Wilkinson buildings - in regard to listing properties as heritage items
- Review of potential heritage items arising for the Watsons Bay DCP and Woollahra Heritage Conservation Area DCP – in regard to listing properties as heritage items
- Potential heritage conservation area, Fairfax Road Bellevue Hill

The intended operational review of Woollahra LEP will need to be incorporated within the parameters of the standard LEP. A report and submission on the standard LEP was considered by the Urban Planning Committee on 31 October 2005.

In April 2005 the Department of Infrastructure, Planning and Natural Resources (DIPNR) informed Council that DIPNR is “proposing” that Woollahra “have a new local environmental plan within five years”. The new comprehensive LEP must follow the standard template.

Following the letter in April, DIPNR issued a circular on 19 August 2005, which in part addressed the preparation of new instruments and the amendment of existing LEPs. The circular states:

Councils are requested to avoid, where possible, resolving to prepare minor amendments to existing plans. There will be instances, however, where councils can justify preparing a draft amending plan in advance of the new standard instrument. Examples of such exceptions include the following:

- *the amendment is to facilitate an employment generating activity*
- *existing provisions jeopardise or undermine State government policy*

- *the amendment implements agreed strategic direction for development in the area, including land release or preservation of strategic corridors*
- *council has completed strategic work and delays in implementing recommendations would be unreasonable and inefficient.*

When notifying the Director-General under section 54 of the intention to prepare an amending plan, councils will need to demonstrate the need for any proposed amendments. Any LEP amendment will also need to be consistent with the standard template as far as possible, to facilitate consolidation into the new instrument.

Local councils should not impose a moratorium on rezoning, and instead should assess proposals on a case by case basis on their merits, in consultation with the DIPNR regional office. The preference is for minor amendments to LEPs that fall outside the above criteria to be incorporated into the process for a new comprehensive LEP.

It would be impractical to commence work on a new LEP until the final version of the standard LEP is issued. Once this is available we will be able to prepare a project outline, identify the scope of resources needed to carry out the work, and assess the impact on our current program.

In the meantime, we will need to look at our committed and proposed amendments to Woollahra LEP 1995 in the context of DIPNR's circular. Whilst the circular does not suspend the preparation of amending LEPs, DIPNR's intention is to limit minor changes, thereby encouraging councils to direct their resources towards a new comprehensive LEP.

In addition to the exceptions listed in the circular, we will be able to put a case forward for other amendments. However, the process will undergo more rigorous scrutiny by DIPNR than has previously occurred. We have experienced this with the recent amendment to list properties in Jersey Road, Woollahra, as heritage items.

One DCP for a site

This matter is relevant to the following projects:

- Neighbourhood centres strategies – in regard to the preparation of a centres' DCP
- Edgecliff Commercial Centre DCP
- Car Parking DCP review
- Policy on roof terraces – in regard to recommended changes to existing DCPs
- Policy on car stackers – in regard to recommended changes to existing DCPs
- RDCP 2003 review
- Child car centre DCP
- Paddington DCP review
- Heritage item DCP

In addressing the requirement for a single DCP, the legislation's guiding notes provide that a council may prepare one DCP for the whole or its area, or one plan for each precinct or locality in its area, or prepare a plan for a site. In the latter case the site would need to be excluded from the area to which the other plans apply.

Clearly, the legislative changes will result in work additional to that envisaged in the Council's program. In particular, the production of a single DCP will require a review of all the current precinct-based and site specific DCPs. It will also require the union of the municipal-wide DCPs within precinct and site specific DCPs.

Our emphasis during the quarter has been on the following projects:

- Draft Woollahra Section 94A Development Contributions Plan 2005
- Woollahra Sustainability Plan
- White City LEP/DCP
- Double Bay business strategy
- Clause 25(2) of Woollahra LEP 1995

The projects/issues that have been addressed and reported on during the fourth quarter are set out in the table below:

Project	UPC	Reasons for priority
Report on public submissions to exhibition of Draft Woollahra LEP 1995 (Amendment No.54) – Rose Bay Public School	11.7.05	Unsolicited application submitted in April 2004
Report on public submissions to exhibition of Draft Woollahra LEP 1995(Amendment No.57) -zoning of properties in the Five Ways, Paddington	25.7.05	Notice of Motion of 7.7.01
Fourth quarterly report on Built Environment Principal Activity	25.7.05	Quarterly report as required by LGA
Report on heritage listing of 17, 19, 21 and 23 Jersey Road Woollahra	8.8.05	Council decision of 6.6.05 arising from determination of DA 58/2005
Report on program for White City LEP/DCP and Paddington DCP	8.8.05	Arising from consideration of fourth quarterly report on Built Environment Principal Activity
Follow-up report on Draft Woollahra LEP 1995 (Amendment No.54) – Rose Bay Public School	22.8.05	Report on change to Draft LEP made by Parliamentary Counsel directly relating to alteration previously inserted by Council
Report on reclassification of Grafton Street Car Park Bondi Junction	22.8.05	Administrative step for management of Council asset. LEP to be prepared by Waverley Council. Priority driven by Waverley Council's proposed LEP amendment for Bondi Junction
Further report on Draft Woollahra LEP 1995 (Amendment No.54) – Rose Bay Public School	5.9.05	Arising from consideration of action by Parliamentary Counsel
Report on implications and recommended changes to clause 25(2) of Woollahra LEP 1995, including submission of further legal advice	19.9.05	Implications on development assessment process, including legal costs to Council

In addition to the reports presented to the Urban Planning Committee we presented the following major reports to the Strategic and Corporate Committee.

Project	S&CC	Reasons for priority
Woollahra Section 94A Development Contributions Plan	13.9.05	Introduction of new levy provisions and need for Council to put in place a plan to take advantage of the new statutory provisions
Report on Independent Hearing and Assessment Panel	12.9.05	Notice of Motion of 31.1.05

1.2 Heritage Conservation

Work in this sub-activity was disrupted by the absence of the Strategic Heritage Officer who resigned on 27 May 2005. The position was advertised but not filled until 7 November 2005.

1.3 Urban Design

The three key urban design projects in this sub-activity are the Neighbourhood Centres Strategy, Edgecliff Centre DCP review and the Rose Bay Car Parks. These projects are also contained within the Environmental Planning sub-activity because they will require specialist staff from both teams.

During the quarter, the urban design team was focussed on the preparation of the draft White City LEP and DCP. Since the Council resolution of 14 June 2005 to prepare the draft White City plans, four meetings have been held with the Strategic Planning Working Party to discuss White City. These meetings were held on 25 August, 8 September, 22 September and 20 October 2005. A report that presents the draft White City LEP and DCP will go to the Urban Planning Committee on 14 November 2005.

During the quarter, the urban design team also continued with the preparation of the Neighbourhood Centres Strategy. A draft DCP was presented for discussion to meetings of the Strategic Planning Working Party on 21 July and 25 August.

Peter Leyshon's report on the economic and retail analysis of the Neighbourhood Centres was finalised in August 2005.

The Urban Design team also provided comments on several large development proposals.

1.4 Development Control

1.4.1 Work Volume and productivity

The factors influencing determination times are relatively low lodgements, increasing complexity, AAP and DCC deferrals, referral turnaround times and loss of four assessment staff.

During the first quarter the Development Control Section received 470 applications (DAs, s96 modifications, s82A reviews and construction certificates [class 1 and 10 buildings]). This quarter saw a decrease of 70 in lodgements from 540 in the last quarter. A total of 495 applications were determined being an increase of 7 from the 488 determined in the previous quarter. Low lodgements have allowed us, despite being down four assessment officers, to manage work loads and continue to reduce the number of outstanding applications.

The median processing times in the quarter were:

Development Applications

July	87
August	81
September	92
Year to date	90

Section 96 Applications

July	34
August	56
September	48
Year to date	56

Section 82A Applications

July	127
August	96
September	NIL
Year to date	167

Construction Certificates

July	6
August	23
September	13
Year to date	18

Referral turnaround times 1st Quarter 2005-2006

Referral	Completed	Outstanding	Median Days
Council Engineer (inclusive of traffic)	58	29	38
Trees and Landscape	49	31	44
Property Manager	1	1	318
Health Inspector	21	6	8
Heritage Officer	38	22	12
Urban Designer	3	4	27
Fire Safety Officer	16	16	31
Community Services	2	1	52

In relation to complexity, clause 25(2) of Woollahra Local Environmental Plan 1995, is having a significant impact, in particular, upon referral turn-around times from our engineers. Unavoidably, Clause 18 in relation to excavation is having similar impacts. Applicants are failing, despite good pre-DA advice, to address, excavation, flooding and overland flow path issues in addition to stormwater easement issues. This means that our engineers are spending a lot of time reviewing details, asking applicants for more information and then assessing the additional information.

Delays in the tree and landscape referrals have been driven by referral volume and vacancies in key staff resources. The increased referral times from our Fire Safety Officer have been driven by a significant increase in the volume of referrals arising from the better identification of fire safety issues by assessment officers with change of use or alterations and additions to existing buildings requiring assessment under clause 93 and clause 94 of the *Environmental Planning and Assessment Regulation 2000* respectively.

We are very pleased with the referral performance of the Heritage Officers and Environmental Health Officers (Acid Sulphate Soils, Contaminated Land and other health matters).

Senior Management is aware of the issues of complexity and resource issues afflicting our Engineers and Trees & Landscaping referrals. Councillors are aware of the clause 25(2) issues. Our Manager - Compliance has been made aware of the increased work load placed upon our sole Fire Safety Officer as a result if the clause 93 and clause 94 referral increases.

1.4.2 Management Plan Projects

The projects identified in the management plan are aimed at achieving continuous improvement of development control services. These are ongoing. The specific projects underway are:

Review DA Assessment Procedures

DA procedures are under constant review as new planning principles, controls, changes to environmental planning instruments, changes to State agencies and specific Land and Environment Court judgements affect the way we must assess development applications. These are maintained in our procedures database. A number of procedures relating to the application of the Land and Environment Court's planning principles were updated during the quarter.

Review DA Guide

The guide was updated to reflect new BASIX requirements and Council's resolution on swimming pool covers.

The restructure of standard conditions

The restructure of standard conditions is complete but for the resolution of issues related to the implementation of the latest version of Microsoft Word, new templates, styles and autotext.

Post Determination Processes and Procedures

A new Notice of Determination format has been introduced and will be followed by the introduction of a post determination information package.

Public Performance Reporting

Crystal Reports have been written and linked to *Authority* so that live data is available to management. The next step is to publish key performance data in an easy to read graphical format on our website.

Post Occupation Audit of Development

Councillors and staff have been consulted as to the sites they wish audited. A final list will be circulated. Audit criteria have been prepared and will be finalised and the audits undertaken early in the new year (subject to Councillor preference).

Develop a post consent "DA Information Pack" for applicants

A draft package has been prepared for review by the Manager and Director prior to production and printing.

Electronic Register of Legal Advices

Completed and in operation.

1.5 Compliance

During the first quarter the following core services were provided by the Compliance Section:

- 47 construction certificates were determined, representing a market share of 29%. The median turn-around time for the Council issued construction certificates was 15 days.
- 3 complying development certificates were issued, representing a market share of 50%. The median turn around time for the Council issued complying development certificates was 4 days.
- Council was appointed as the Principal Certifying Authority (PCA) for 82 new construction projects, representing a market share of 40.7%.
- 59 building certificates were issued with a median turn around time of 73 days.
- 22 hoarding applications were determined, with a median turn around time of 14 days.
- 2 activity applications were determined
- 6 land and 6 strata applications were processed
- 31 new fire safety statements were registered
- 170 annual fire safety statements were submitted
- 10 fines were issued for failure to submit Annual Fire Safety Statement
- 4 Fire Safety Orders were issued
- 4 Fire Safety Orders were completed
- 53 Notices and Orders were issued for the rectification and unauthorised uses/works.

Worth noting from the above results is the number and percentage of projects that Council has been appointed the PCA for over the past quarter. In 2004/2005, Council was only appointed the PCA for 121 projects, representing a market share of 22%. As can be seen, our market share has jumped significantly over the past quarter, achieving our target figure of over 40%. Further, the number of projects we have been appointed PCA for is 64% higher than our quarterly estimate of 50 projects.

The change in Council's PCA market share could be a result of the legislative changes that were introduced under the *Environmental Planning & Assessment Amendment (Quality of Construction) Act 2003* (QOC Act) and specifically the introduction of mandatory critical stage inspections. When the QOC Act was initially introduced, transitional provisions applied which allowed for mandatory inspections to be carried out by a person considered by the PCA to be suitably qualified (but who was not necessarily an accredited certifier). As from 1 July 2005, the QOC Act's full provisions applied and all mandatory inspections must now be carried out by the PCA or an accredited certifier.

The above trend will need to be closely monitored over the coming months to see if it continues or if it was a one-off response to the end of the transitional provisions of the QOC Act.

1.6 Management and Administration

All planning, rates and outstanding notices certificates were issued within the applicable time frames.

Allan Coker
Director Planning and Development

Annexures

1. September 2005 1st Quarter Review, Built Environment Principal Activity
2. September 2005 Notices of Motion update report

Item No: R1 Recommendation to Council
Subject: Draft White City LEP and DCP
Author: Margaret Zulaikha
File No: 1064.G
Reason for Report: To present a draft White City LEP and DCP following Council's resolution of 14 June 2005.

Recommendation:

1. That draft Woollahra LEP 1995 (Amendment No) (**Annexure 1**) be used for the purpose of public authority consultation under Section 62 of the Environmental Planning and Assessment Act 1979.
2. Following consultation with the relevant public authorities, the draft Woollahra LEP 1995 (Amendment No) (**Annexure 1**) and Draft White City Development Control Plan (**Annexure 2**) be placed on public exhibition (provided that the authorities not require substantial amendments to the plan).
3. That the Draft LEP and DCP be exhibited concurrently.

1. Background

At the meeting of 14 June 2005, Council resolved in the following terms:

1. *That, subject to the public benefit considerations in Part 2, Council prepare a draft LEP for the White City site to:*
 - a) *rezone (the carpark site 81-83 New South Head Road) from Zone 6 – Open Space to a zone that allows mixed commercial and residential development with a floor space ratio, or maximum gross floor area, that at no point exceeds the predominant built density and height of existing development east of the site excluding the Bayside apartments.*
 - b) *Lists the White City site, or elements of it, as a heritage item, and*
 - c) *incorporates appropriate special provisions for the development of the White City site in accordance with the open space zoning of the valley floor and the existing and proposed business zoning on New South Head Road.*
2. *That Council only proceed with the submission of the draft LEP to the Minister, insofar as it applies to the rezoning of the carpark part of the site, if a public benefit acceptable to Council, is achieved. Public benefits are to include:*
 - a) *appropriate public use and public access through and across the carpark and the balance of the White City site,*
 - b) *a green entrance way to the Municipality,*
 - c) *a positive relationship with the balance of the White City site,*
 - d) *sufficient building spacing between the Bayside apartments and any building on the site to allow view lines to and from the valley floor,*
 - e) *retaining view lines from Paddington over the concrete structure of the viaduct, and*

- f) *heritage interpretation of the site*
3. *That Council does not support development of the intensity recommended by Mr Peter Walsh, Chairman of the White City Public Hearing.*
 4. *That a draft White City DCP be prepared for the whole site, including,*
 - a) *controls for the carpark and service station sites on New South Head Road*
 - b) *controls including, but not limited to, the matters set out in the resolution of 9 May 2005.*
 5. *That a further report be submitted to the Committee on the hydrological aspects of the land.*
 6. *That the draft plans be developed with the input of the Strategic Planning Working Party.*

In addition, the following Notice of Motion was adopted by Council on 24 May 2005:

That a report be submitted to the Urban Planning Committee on the merit of listing, as heritage, the main arena and its surrounding grandstands of the White City Complex.

This report responds to the two Council resolutions.

2. Current ownership of White City site

Tennis NSW put the sale of the White City site to tender in March 2005. The land to the north of the railway viaduct has been purchased by Crystal Carwash and Sydney Grammar School now owns the entire site to the south of the railway viaduct. Sydney Grammar intends to develop the land to the north of the canal for sporting facilities and has commercial arrangements for the development of the remainder of the site to the south of the canal with a consortium consisting of John Alexander Clubs, the Maccabi Club and the White City Tennis Club.

3. Strategic Planning Working Party meetings

Since the Council resolution of 14 June 2005, there have been four meetings of the Strategic Planning Working Party to discuss White City. These meetings were held on 25 August, 8 September, 22 September and 20 October 2005.

At the first meeting on 25 August 2005, a draft White City DCP and LEP were tabled. The initial meeting focussed on the objectives of the plan (Section 1.5). There was also considerable debate on the proposed building envelopes for the clubhouse facilities (Site B) surrounding the centre courts. Concern was expressed about the potential floor area permissible by the envelopes and the impact on views from Glenmore Road.

At the second meeting on 8 September 2005, three development options for the clubhouse building were presented as a set of graphics of the site's constraints and opportunities: view corridors; heritage significant spaces, landscape principles, pedestrian and vehicular accessways. These were built up in layers over which the options were shown. Option 1 was the preferred scheme of the majority of the Working Party. Option 1 provided three buildings surrounding the centre courts in a similar location to the existing northern, western and southern grandstands. It was seen as important that B1 and B2 be expressed separately so that the length of the western elevation and the roof form could be broken into smaller units.

At the third meeting on 22 September 2005, presentations were made by Sydney Grammar, John Alexander Clubs and Crystal Carwash. They provided a broad overview of their intended uses of the site.

At the meeting on 20 October 2005, after further discussion of building envelopes for Site B and the proposed envelopes for the building on the carpark site on New South Head Road (Building A), there was agreement from the Working Party to finalise the draft DCP and LEP.

4. Heritage of the White City site

The White City site was listed on the Register of the National Estate in 2001. Although the site falls within the Paddington Heritage Conservation Area, neither the site nor elements of it are currently listed as heritage items on the State Heritage Register or Woollahra LEP 1995. In July 2002, Council resolved to nominate the site for inclusion in the State Heritage Register. We have advised the NSW Heritage Office of the Council resolution and a formal nomination will be undertaken following Council's adoption of a Conservation Management Plan for the site. The draft LEP (**Annexure 1**) lists the site as a heritage item.

The *White City Conservation Management Plan (CMP)* (2004) prepared by Conybeare Morrison identifies the White City site as being of State significance. Its cultural significance is largely derived from its association with international tennis competitions and contributions to Australia's international sporting image. The CMP also identifies elements of the site that are of high significance:

- Rushcutters Bay Stormwater Channel No 84 and its association with the former Glenmore Creek.
- Centre Courts playing surfaces, the contained space and their association with the Davis Cup and International tennis greats.
- 1923 section of Southern Grandstand.
- Northern Stand Stage 1.
- Moveable heritage.
- Views to and from White City.
- Green and open valley floor including the tennis courts of White City, Weigall Sportsground and Trumper Park.
- Low lying topography which permits an understanding of the evolution of the original swamplands and the extent of the Thomas Grant

The draft White City LEP and DCP have been prepared in accordance with the policy directions of the CMP. Similarly, a development application would need to be undertaken in accordance with the policies of an adopted CMP. The *White City Conservation Management Plan* has not been adopted by Council and it is proposed that it be presented for adoption following the public exhibition of the amending LEP and draft DCP.

5. Outline of Draft Woollahra LEP 1995 (Amendment No.)

The draft LEP (**Annexure 1**) has incorporated the elements set down in the Council's decision of June 2005. This draft plan can be used as a guide for consultation with public authorities and other bodies as required under Section 62 of the Environmental Planning and Assessment Act 1979 prior to exhibition. The final draft plan may vary in its content depending on the outcome of that consultation. In summary the key provisions of the draft LEP are:

Rezoning

Along New South Head Road (carpark site - 81-83 New South Head Road)

- from Zone No. 6 – (the Open Space Zone) to Zone No.3(b) – (the Special Business “B” Zone)

Note: A broad range of uses is permissible within this zone including dwellings attached to commercial and retail buildings. The objectives of the 3 (b) Zone are:

- (a) *to establish a commercial zone allowing a mix of commercial, residential and tourist accommodation purposes,*
- (b) *to prohibit all retail and high service generating uses which result in traffic, parking and vehicle access constraints, and*
- (c) *to allow residential development both independently of and mixed with non-residential development in order to promote urban consolidation.*

The 3(b) zone is consistent with the adjacent sites, namely the service station and the Bayside Apartments. The land use provisions are considered appropriate for the carpark site.

Development Standards

- a maximum gross floor area of 1620m² for the business zone (Lot 22 DP 609145) and maximum height limits (RLs to AHD) of 13.5m and 19.5m for the business zone and 15.0 and 7.5m for the open space zone.

Heritage Provisions

- list site as a heritage item (excluding the stormwater channel)

Note: Refer to Section 4 of this report.

Special Development Provisions

- requirements for a comprehensive development application
- requirement for the provision of public accessways
- Note: This provision takes into account the need for site-specific controls rather than the use of those generic controls applying to other lands in the municipality
- requirement for consideration of conservation management plan
- requirement for consideration of applications against the White City DCP
- allowance for the additional uses of restaurants and shops, but only at ground floor level, for development along New South Head Road

Note: Restaurants and shops are prohibited in the Business 3(b) zone. Notwithstanding this, it is considered reasonable to allow these uses at the ground floor level of development along New South Head Road in order to facilitate better public usage of the pedestrian accessways that open onto New South Head Road.

6. Outline of Draft White City DCP (November 2005)

The draft White City Development Control Plan November 2005 (**Annexure 2**) was prepared to provide detailed development controls for the site. The draft DCP sets out principal objectives, a desired future character, design principles, guidelines and controls that reflect the outcomes of an analysis and review process.

Controls were established for the unique parts of the site having regard for their particular public and open space context, the environmental and technical limitations of the site and having consideration of the site as a whole and as part of a larger open space network. The principal objectives, as set out in the draft DCP, are as follows:

- to provide a range of urban design, planning and heritage controls
- to ensure that the White City site is maintained primarily as an open space resource within the Municipality of Woollahra, and particularly within the Paddington area
- to facilitate the development of a multi-purpose tennis/sporting facility on the site
- to encourage a broad range of recreation facilities which promote the physical, cultural and social welfare of persons within the community
- to support community access to the site and its recreation facilities
- to provide access ways through the site for pedestrians and cyclists that are useable, safe and of a high built quality
- to facilitate the development of an appropriately scaled and designed commercial building on the site of the existing carpark on New South Head Road
- to control the scale, form, location and design of development so that it will satisfactorily integrate with the surrounding areas
- to require a high standard of architectural and landscape design in new development
- to minimise the impact of development on adjoining lands and land uses
- to ensure that new development minimises the impact on existing stormwater infrastructure and on water supply
- to minimise the reliance of development on non-renewable energy sources
- to promote development that achieves the principles of ecologically sustainable development
- to support the establishment of a child care facility that is available to the public
- to conserve the heritage significance of the White City site in the context of its cultural landscape

The proposed development controls and guidelines are expressed as illustrated *building envelopes*, and, in written form, as *objectives* and *controls*. The draft DCP's building envelopes are not intended to be read as buildings, but as volumes within which the permitted gross floor area can be contained. Generally, to provide good articulation, the permissible floor space per building (as defined in the LEP) should be between 80% and 90% of achievable floor space of the building envelope.

6.1 The Site Plan and Desired Future Character

The draft DCP sets out how future development is to be arranged and located on the site. It also describes the existing and desired future character of the site.

The existing character elements of the site are:

- the open nature of the site, which contributes to the green, continuous valley floor that begins at Rushcutters Bay and merges with the Weigall Sportsground and Trumper Park
- the stormwater channel, tennis courts and the low lying grassed terrain, which form part of a significant cultural landscape that demonstrates the evolution of lower Paddington from the original land grant to the tennis grounds known as White City
- the predominantly undeveloped nature of the site, which together with Rushcutters Bay Park, forms a green gateway to the New South Head Road approach to the eastern suburbs
- the strong sense of enclosure to the central courts
- the significant views into and through the site and the significant views from the site taking in the Paddington amphitheatre, the city silhouette and the treeline in Rushcutters Bay Park.

The desired future character for the site is to:

- reinforce the gateway location of the site on its New South Head Road frontage
- ensure that new buildings or structures employ a design idiom, scale, massing, materials, details and construction techniques which provide an appropriate response to the heritage character of Paddington and the western slopes of Edgecliff
- retain the heritage significance of the centre courts, the lawn tennis court to the north of the clubhouse, the stormwater channel and the grassed low-lying valley floor
- retain the spatial quality of the central courts
- maintain the visual curtilage of the open valley floor
- interpret the historic evidence of the original clubhouse on the northern area of the site
- retain and enhance views from:
 - Neild Avenue across Weigall Sports Ground into and through the site
 - Glenmore Road across the site to the treeline in Rushcutters Bay Park
 - Alma Street across the site.

The site plan would retain the open valley floor by locating new development at the edges of the site on New South Head Road and Glenmore Road. The location of the building envelopes around the centre courts replicates the form of the existing grandstands and whilst it is acknowledged that the form of the new buildings would be different to that of the grandstands the sense of enclosure would be retained.

6.2 Building A - New South Head Road

The site at New South Head Road comprises two parcels of land with a main frontage length of 90 metres. The site is bounded to the east by Mahoneys Lane, a minor one way street, and to the south by the Eastern Suburbs Railway viaduct, a major engineering structure which dominates views across the site and separates the New South Head Road allotments from the rest of the site. Opposite the site is the Rushcutters Bay Park, lined at New South Head Road with large Moreton Bay fig trees. The site should contribute to the “green” entrance to the Woollahra Municipality.

The built form addressing New South Head Road to the east of Rushcutters Bay Park and White City, has historically been in the form of three to five storeys, street-addressing buildings. Interruptions to this typology and scale have occurred at a number of sites most significantly the Bayside Apartments adjacent to the White City site.

The building envelope of Building A is located within the existing carpark site. It provides a three storey street addressing building that must be “of outstanding architectural quality”. The finished height of the building is RL 19.5m (AHD) which is approximately halfway between the top of the hoop and the concrete parapet on the railway viaduct. The proposed height would effectively obscure the railway viaduct from New South Head Road, but retain views of the treeline in Rushcutters Bay Park from Paddington. An alternative option is included in the DCP that provides a stepped building of two and three storeys. It is intended that following exhibition of the draft DCP, the preferred option would be included in the final plan.

It is noted that the finished height of Building A as presented to the Strategic Planning Working Party on 20 October 2005 was RL 18.5m, that is, one metre lower than the finished height in the draft plan. There is a two metre fall across the site (RL8.0 – RL10.0m). To achieve a good relationship between the ground floor retail and the public footpath, the groundfloor level should marry with the footpath level for a significant portion of the frontage. A finished height of RL 19.5m allows greater flexibility to achieve this objective and provide a three storey building with appropriate floor to ceiling heights.

The street frontage of Building A aligns with the Bayside Apartments which leaves a substantial setback (6-10m) from the kerbline. This generous setback would be planted with large street trees of a similar scale to the trees in Rushcutters Bay Park. The building envelope allows a four metre setback to Mahoneys Lane for the construction of a footpath. The footpath would provide a direct link between the pedestrian crossing at New South Head Road and the proposed footways across the site.

The draft DCP allows capacity for the retention of the service station on New South Head Road but not as a major built element. The form of a service station development is to be that of a building which sits as an object within the open space, and is not to form a large physical edge to New South Head Road. The building would be limited to a canopy structure sited to the west of the building envelope.

Controls relating to vehicular access and minimum car parking provision are outlined in the draft DCP.

6.3 Buildings B1, B2 and B3 – Tennis/Recreation Club facilities

A number of factors have been taken into consideration in preparing the building envelopes for the Clubhouse facilities including:

- the need to facilitate the development of a multi-purpose tennis/sporting facility on the site.
- the policy directions of the *White City Conservation Management Plan (CMP)*.
- the retention of existing views from Glenmore Road and the creation of new view corridors.
- the retention of the existing Hills Figs on Glenmore Road

The CMP identifies the centre courts and their containment as an arena as being of high significance. The CMP provides options for the development of the courts including one that retains the centre courts and provides sensitive development around it to interpret the sense of arena and existing uses. It recommends that an interpretation of the grandstands could be achieved by stepping back the built form in combination with an interpretation of the stands at the lower level. The envelope controls in the draft DCP will achieve this recommended built form.

The draft DCP proposes three separate buildings (Buildings B1, B2 and B3) that surround the centre courts in approximately the same location as the northern, southern and western stands. An envelope has not been provided in the location of the existing eastern stand because it was considered important to open up views across the site from Glenmore Road. Buildings B1, B2 and B3 are to reflect the alignment of the existing grandstands and tiered seating is to be incorporated within their design. The finished height of Buildings B1 and B2 is RL15.0m which provides for a 12.0m high building (2-3 storeys). The height of Building B3 which runs adjacent to Glenmore Road is RL 12.0m (two storeys). A publicly accessible landscaped viewing platform is to be provided on the roof of this building with direct access from Glenmore Road. At the western end of Building B3, there is a setback sufficient to ensure that the large fig tree at the site's south western corner is protected.

Access to the club facility and car park is to be through Alma Street off Lawson Street. The size, functions and hours of operation of the tennis club have the potential to adversely affect the amenity of these local streets. Therefore, limitations on the traffic volumes are imposed through the controls to ensure that traffic volumes generated by the development do not exacerbate existing amenity of the local streets.

The draft DCP nominates a carparking area on the site of the existing carpark with access off Alma Street.

6.4 Landscape

The majority of the areas currently occupied by the existing tennis courts are proposed to remain as unbuilt land. This will ensure that the site is maintained as an open space resource which is justified by the heritage significance of the site as a major tennis complex, the high significance of the centre courts and, to a lesser extent, the lawn tennis courts at the north of the existing club. Moreover, the site is liable to flooding.

Special landscape treatment will be required to ensure that:

- Views are achieved from Glenmore Road, Walker Avenue and Alma Street
- The arena like quality of the centre courts is maintained
- Screening of the south side of the railway viaduct is achieved.
- A green gateway concept is achieved on New South Head Road
- A landscaped viewing platform is provided on Glenmore Road.

6.5 Heritage Conservation

The draft DCP recognises the heritage significance of the White City tennis centre in the context of its cultural landscape. Consequently, new development is limited to New South Head Road and an enclosure of the space around the centre courts.

The draft DCP requires that a Conservation Management Plan (CMP) that has been adopted by Council be submitted with a development application. The White City Tennis Centre, its contiguous lawn tennis courts and centre court are to be retained and conserved in accordance with the policies contained in the CMP. The draft DCP also requires that a statement of heritage impact, an archaeological assessment and an interpretation policy be provided.

6.6 Traffic and Parking

The draft DCP recognises that the local streets at the southern end of the White City site have little capacity in terms of amenity to accommodate additional traffic volumes. The size, functions and hours of operation of the Tennis clubhouse have the potential to adversely affect the amenity of local streets. The draft DCP requires that detailed information about the operation of the clubhouse be provided with a development application. The RTA's *Guide to Traffic Generating Developments* provides guidelines for assessing traffic generation and parking requirements associated with any future development of the club.

The controls in the draft DCP stipulate that traffic volumes in Alma Street must not result in the environmental capacity of Alma Street, as a local road, being exceeded outside of peak hour use (8.00-9.00am and 3.00-4.00pm). The RTA's *Guide to Traffic Generating Developments* nominates a maximum of 300 vehicles per hour for a local road. Traffic generation in Alma Street already exceeds this maximum during peak hour use, due to Sydney Grammar School's drop off and collection activities. Therefore, it is reasonable that controls be applied that will limit the capacity and operation of the club to a level that will not increase traffic generation and congestion in Alma Street during the morning and evening peak periods, (ie. when Alma street is used by Sydney Grammar for student drop off or pick up).

The draft DCP also stipulates that traffic volumes in Glenmore Road must not result in the environmental capacity of Glenmore Road, as a collector road being exceeded. A collector road has a maximum of 500 vehicles per hour.

6.7 Pedestrian and Cycle Ways

The White City site has the potential of significantly increasing open space connections within the lower Paddington precinct. Of particular importance is the potential connection between Trumper Park and Rushcutters Bay Park through the site. The draft DCP nominates a pedestrian/cycle network that incorporates the following routes:

- Shared bicycle and pedestrian pathway connecting Alma Street and New South Head Road – 3.0m wide
- Path connecting Walker Avenue with New South Head Road
- Path adjacent to the stormwater channel from Glenmore Road to the site.

The draft DCP also identifies linkages to public transport routes.

6.8 Stormwater Management

Parts of the White City site are intermittently flooded, as are some of the properties in Walker Avenue. The draft DCP locates Buildings B at the edge of the floodplain in what is technically known as the flood storage area. This is an area that floods to a certain depth but is not necessary to convey the flood flow as would be the case within the channel itself or immediately adjacent to the channel.

The draft DCP contains controls to ensure that development is designed to minimise threats to human safety and property damage within the site and nearby properties. The building envelope drawings nominate ground floor levels for each building that comply with the controls contained in Section 6.12 *Stormwater Management*. The draft DCP requires that a flood management system and suitable modelling be provided to ensure that there are no adverse impacts.

7. Conclusion

Following much community opposition to the previous rezoning application, Woollahra Council in May 2004, resolved to not rezone any part of the valley floor of the White City site for residential purposes. In June of this year, the Council further resolved to prepare a draft amending LEP and a draft DCP for the White City site. The purpose of the draft plans was to provide for appropriate commercial development on New South Head Road, to facilitate the development of a new multi-purpose tennis/sporting facility on the site and to ensure that public access is achieved through the site.

The Strategic Planning Working Party worked with Council staff to form development principles for the site which have been incorporated into the draft plans. The principles envisage that a quantum of development can be satisfactorily integrated within the site whilst maintaining the site's heritage significance and role as an open space resource. It is recommended that the draft plans be used for the purpose of public authority consultation as required under Section 62 of the Environmental Planning and Assessment Act.

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Annexures:

- Annexure 1** Draft Woollahra LEP 1995 (Amendment No.)
Annexure 2 Draft White City Development Control Plan (November 2005)