

Urban Planning Committee Minutes

Monday 1 December 2008

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Urban Planning Committee Minutes

**Minutes of the Meeting held on
Monday 1 December 2008 at 6.01pm**

Present: His Worship The Mayor, Councillor Andrew Petrie ex-officio
Councillors Toni Zeltzer (Chair)
Sean Carmichael
Lucienne Edelman
Nicola Grieve
Chris Howe
David Shoebridge (Items R1 to R2)
Malcolm Young

Staff: C Bluett (Manager – Strategic Planning)
A Coker (Director – Planning & Development)
J Jeffery (Team Leader – Strategic Planning)
H Tola (Acting Manager – Governance)
A White (Senior Strategic Planner)

Also in Attendance: Nil.

Leave of Absence

Leave of Absence previously granted by Council: Nil.

Apologies: Nil.

Late Correspondence

Late correspondence was submitted to the committee in relation to Items: Nil

Declarations of Interest

Councillor Carmichael declared a pecuniary interest in Item R1 (Kiaora Lands, Double Bay - To prepare new draft LEP & DCP) as his present employer is a land holder within Kiaora Lands precinct and left the meeting and did not participate in the debate or vote on the matter.

Items Decided by this Committee using its Delegated Authority (Item D1)

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 17 November 2008**
Author: Les Windle – Manager Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of 17 November 2008 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.

(Grieve/Edelman)

Resolved:

That the Minutes of the Urban Planning Committee Meeting of 17 November 2008 be taken as read and confirmed.

**Items with Recommendations from this Committee
Submitted to the Council for Decision (Items R1 to R2)**

Item No: R1 Recommendation to Council
Subject: **Kiaora Lands, Double Bay - To prepare new draft LEP & DCP**
Author: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Jacquelyne Jeffery, Team Leader Strategic Planning
Tom Jones, Urban Designer/Planner
File No: 1133.G Rezoning submission
Reason for Report: To obtain a decision to prepare a draft LEP and draft DCP for land known as Kiaora Lands in Double Bay.

Note: Councillor Carmichael declared a pecuniary interest in this item as his present employer is a land holder within Kiaora Lands precinct and left the meeting and did not participate in the debate or vote on the matter.

**Motion moved by Councillor Shoebridge
Seconded by Councillor Young**

That the Recommendation printed in the business paper be adopted subject to the following amendments:

That part b of recommendation A be amended to read:

- b. establish zone, height and floor space ratio controls consistent with those that apply to adjoining lands and that recognise the transitional nature.

That recommendation B be amended to read:

- B. That a draft development control plan (DCP) be prepared to amend provisions in the Double Bay Centre DCP that apply to Kiaora Lands.

The draft DCP may contain performance based controls that guide future development outcomes consistent with Council's objectives for Double Bay in the Double Bay Centre DCP, and as outlined in section 5 of this report.

Including controls that—

- a. recognise the subject land as a significant local site,
- b. enhance and improve the public domain and architectural design outcomes,
- c. provide for sustainable development,
- d. enhance and improve public facilities,
- e. maintain the centre's commercial viability within the retail market, and
- f. controls that are consistent with Council's resolution of the 28 July 2008 which reads :

That a prompt report be submitted to the appropriate Committee of Council regarding the development on the Kiaora Lands site, and any development that Council leases or obtains possession of as a result of any redevelopment of its Kiaora lands site so that it considers the question of adopting the Australian best practice in terms of its environmentally sustainable design; and also would meet the 6 Star Green Star rating in accordance with the standards set by the Green Building Council of Australia.

The Recommendation was put and carried.

Note: In accordance with section 375A of the Local Government Act and the Committee's resolution of 13 October 2008 a Division of votes is recorded on this planning matter.

For the Recommendation

Against the Recommendation

Councillor Edelman
Councillor Grieve
Councillor Howe
Councillor Shoebridge
Councillor Young
Councillor Zeltzer

Nil

6/0

(Shoebridge/Young)

Recommendation:

- A. That a draft local environmental plan (LEP) be prepared for land known as Kiaora Lands, being that land the subject of Woollahra LEP 1995 (Amendment No. 44).

The purpose of the draft LEP will be to—

- a. replace existing controls that apply to the land, including those set out in the Woollahra LEP 1995 clause 21E and

- b. establish zone, height and floor space ratio controls consistent with those that apply to adjoining lands and that recognise the transitional nature.
- B. That a draft development control plan (DCP) be prepared to amend provisions in the Double Bay Centre DCP that apply to Kiaora Lands.

The draft DCP may contain performance based controls that guide future development outcomes consistent with Council's objectives for Double Bay in the Double Bay Centre DCP, and as outlined in section 5 of this report.

Including controls that—

- a. recognise the subject land as a significant local site,
- b. enhance and improve the public domain and architectural design outcomes,
- c. provide for sustainable development,
- d. enhance and improve public facilities,
- e. maintain the centre's commercial viability within the retail market, and
- f. controls that are consistent with Council's resolution of the 28 July 2008 which reads :

That a prompt report be submitted to the appropriate Committee of Council regarding the development on the Kiaora Lands site, and any development that Council leases or obtains possession of as a result of any redevelopment of its Kiaora lands site so that it considers the question of adopting the Australian best practice in terms of its environmentally sustainable design; and also would meet the 6 Star Green Star rating in accordance with the standards set by the Green Building Council of Australia.

- C. In accordance with Council's Fees and Charges, Woolworths be required to pay 100% of the costs incurred by Council for preparing, exhibiting and processing the draft LEP and draft DCP.
- D. That a further report be provided to the Urban Planning Committee that includes the draft LEP and draft DCP for the Committee's consideration prior to public exhibition of the draft plans.

Item No: R2 Recommendation to Council
Subject: Rezoning Proposal at 4a Nelson Street, Woollahra Draft Woollahra LEP 1995 (Am.62)
Author: Anne White – Senior Strategic Planner
File No: 1064.G
Reason for Report: To report on the exhibition of the rezoning proposal
 To obtain Council's approval of the rezoning proposal

Motion moved by Councillor Shoebridge
Seconded by Councillor Howe

That the rezoning proposal at 4A Nelson Street, Woollahra Draft Woollahra LEP 1995 (Am.62) be amended to include zoning for 2A and special uses.

Councillor Howe withdrew seconding of the Motion.
The Motion lapsed for want of a seconder.

**A further Motion moved by Councillor Howe
Seconded by Councillor Edelman**

- A. That the Recommendation printed in the business paper be adopted.
- B. That retaining a special use zone for aged care/community facility for the site, be considered in the course of the compilation of the new principal LEP.

The Recommendation was put and carried.

Note: In accordance with section 375A of the Local Government Act and the Committee's resolution of 13 October 2008 a Division of votes is recorded on this planning matter.

<i>For the Recommendation</i>	<i>Against the Recommendation</i>
Councillor Carmichael	Nil
Councillor Edelman	
Councillor Grieve	
Councillor Howe	
Councillor Shoebridge	
Councillor Young	
Councillor Zeltzer	

7/0

(Howe/Edelman)

Recommendation:

- A. That Draft Woollahra Local Environmental Plan 1995 (Amendment No. 62) as contained in **annexure 2** of the report to the Urban Planning Committee meeting on 1 December 2008, be referred to the NSW Department of Planning for approval by the Minister for Planning and for gazettal, subject to any legal drafting alterations by the Parliamentary Counsel.
- B. That retaining a special use zone for aged care/community facility for the site, be considered in the course of the compilation of the new principal LEP.

There being no further business the meeting concluded at 6.55pm.

We certify that the pages numbered 3973 to 3979 inclusive are the Minutes of the Urban Planning Committee Meeting held on 1 December 2008 and confirmed by the Urban Planning Committee on 27 January 2009 as correct.

Chairperson

Secretary of Committee