



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 14 February 2005*

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

10 February 2005

To: The Mayor, Councillor Rundle, ex-officio
Councillor David Shoebridge (Chair)
John Comino
Christopher Dawson
Keri Huxley
Julian Martin
Isabelle Shapiro
Fiona Sinclair King

Dear Councillors

Urban Planning Committee Meeting – 14 February 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 February 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 January 2005	1
D2	Built Environment Principal Activity – 2 nd Quarterly Management Plan Review	2

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

R1	Advanx Site Darlinghurst – Amended masterplan & stage 1 DA – 833.G/Advanx	39
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 31 January 2005**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 31 January 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 January 2005 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Built Environment Principal Activity – Second Quarterly Management Plan Review**
Author: Chris Bluett – Manager Strategic Planning
File No:
Reason for Report: To review the status of services, for the Management Plan principal activity of Built Environment for the three months ending 31 December 2004

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 second 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 Planning
- 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 second quarter of 2004-2005. 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 major focus of the Environmental Planning sub-activity in the 2004-2007 Management Plan is to complete the outstanding placed-based development control plans (DCPs). This follows completion of the Watsons Bay Conservation Area DCP, our DCP for residential areas (RDCP 2003), the Woollahra Heritage Conservation Area DCP, the Rose Bay Town Centre DCP, the Double Bay Town Centre DCP, and Paddington DCP.

Thus, the Management Plan identified the following projects to complete a high quality contemporary planning framework for Woollahra:

- a new DCP for the Edgecliff Town Centre
- new DCPs for our neighbourhood centres

Work on the neighbourhood centres project commenced during the second quarter. A meeting of the Strategic Planning Working Party, held on 15 December 2004, discussed the project outline and viewed preliminary survey work carried out for centres in Vaucluse. (A second meeting of the Working Party to discuss further survey work was held on 2 February 2005.)

No work has been carried out on the Edgecliff Town Centre DCP. Disruptions to the Urban Design program have occurred due to the absence of the Urban Design Team Leader on extended leave during the first quarter and the time it has taken to recruit a suitable candidate to the position of Urban Design Planner. It is expected that the Edgecliff Town Centre DCP project will be carried over to the next financial year.

No work was undertaken on the Rose Bay Car Parks master plan, the Car Parking DCP review or the Residential Strategy review. There has been significant delay to our program arising from non-management plan items, particularly with two discussion papers produced by the Department of Infrastructure, Planning and Natural Resources (DIPNR) and two rezoning applications. The former items dealt with planning issues of varied complexity and required considerable research which resulted in the preparation of submissions to DIPNR.

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

Project	UPC	Reasons for priority
Rezoning of the former Holy Cross College	11/10/04	Unsolicited rezoning application submitted on 28/4/03 and amended 28/1/04
Potential heritage item investigation in Bellevue Hill, Rose Bay [North] and Darling Point – report on preparation of Draft LEP	1/11/04 13/12/04	Final stage in Tanner Study identification of heritage items. Project commenced in 1997 and implemented in stages. This stage carried over from 2003-2004 Management Plan
Discussion Paper – Standard Provisions for Local Environmental Plans in NSW	1/11/04	Submission date by State Government November 2004
Metropolitan Strategy Discussion Paper	15/11/04	Submission date by State Government November 2004
Rose Bay Public School – rezoning request	15/11/04	Unsolicited rezoning application submitted in April 2004 and amended in August 2004
Review of Exempt and Complying Development DCP – report on public exhibition of draft DCP.	29/11/04	Review after 3 years in operation, carried over from 2003 Management Plan

Most of the notices of motion relevant to this sub-activity will be incorporated into and will complement our key projects. The notice of motion relating to rights of way has been listed for inclusion in the 2005-2006 Management Plan as a separate project.

1.2 Heritage Planning

The focus of the heritage planning program in the second quarter has been on the following four projects:

1. Potential heritage items in Bellevue Hill, Rose Bay (north) and Darling Point.

The project is part of a systematic review of potential heritage items identified in the 1997 Tanner Report – *Preliminary Investigation of Heritage Items*. It involved preliminary assessment of the Tanner nominated properties by Council's heritage officers, review by independent heritage consultants, preparation of detailed inventory sheets and finally preparation of a draft LEP. Report on this project was submitted to the Urban Planning Committee on 27 September 2004, 1 November 2004 and 13 December 2004. (Exhibition of a Draft LEP commenced on 4 February 2005.)

2. Potential heritage items in Watsons Bay and Woollahra

This project arose from investigations for the Watsons Bay and Woollahra Heritage Conservation Area DCPs. Consultants completed their research during the second quarter and submitted recommendations. It is anticipated that reports on these investigations will be presented in the first quarter of 2005-2006.

3. Contemporary heritage items

Clive Lucas, Stapleton and Partners continued their investigations of twenty-four potential contemporary heritage items. This included discussions with architects, site inspections and the preparation of draft inventory sheets. It is anticipated that the report on these investigations will be presented in the fourth quarter of 2004-2005.

4. Paddington DCP review

During the quarter further work on the review was undertaken and redrafting of the document continued. Meetings of the Paddington DCP Working Party were held on 10 November 2004 and 15 November 2004.

All the notices of motion relevant to this sub-activity can be integrated with the above projects. It is still not yet clear, however, when we will be able to complete the notice of motion of 31 May 2004 about the Oxford Street DCP. A meeting was held with a planning director from Sydney City Council in October 2004. Options for advancing the project were discussed, including the integration of the draft Oxford Street DCP, prepared by consultants, with the Paddington DCP. This is our preferred option. We have discussed the option with the Paddington DCP Working Party and they agree with our approach and with our suggestion that the work commence after review of the Paddington DCP has been finalised. This will enable us to concentrate on the review, which has been carried over from the last financial year.

1.3 Urban Design

The three key urban design projects, namely the Neighbourhood Centres Strategies, Edgecliff Centre DCP and the Rose Bay Car Parks are also contained within the Environmental Planning sub-activity. This is because they are projects that will require specialist staff from both teams. Comments on these projects were provided above.

1.4 Development Control

During the second quarter the Development Control section received 332 applications and processed 378 applications within a median time of 67 days. It also conducted 22 pre-lodgment meetings during this period. A report on the performance of the development control section, with statistics, was submitted to the Development Control Committee on 22 November 2004.

Our process of continuous improvement in the section over the second quarter has included changes to development application report templates to address a range of assessment issues, such as:

- view analysis
- use of draft SEPP 1
- acid sulphate soils
- contaminated land
- stormwater disposal [clause 25(2) of Woollahra LEP 1995]

Daily changes occurred to the procedures database to pick up new case law and legislation.

The Development Application Guide was reviewed and the updated version was published in October 2004. Work on new draft conditions of consent continued. However, significant computer system changes (templates and macros) will be required to implement the new consent condition format. A new draft development consent form and covering letter was prepared to address post determination procedures (this process is aimed at rolling up the management plan task of developing a post DA Information Pack).

The electronic legal advice register was finalised in a basic form. All legal advice will be transferred to an indexed and key word searchable database as part of the corporate electronic document management system implementation.

Two class 4 appeals and numerous class 1 appeals were lodged in the Land and Environment Court. During the quarter we reported on the progress of appeals to the Development Control Committee. At the date of this report, judgement for the most significant class 1 matter heard last year, Billgate Pty Ltd v WMC, remains reserved.

1.5 Compliance

During the second quarter the following core services were provided by the Compliance section:

- 52 construction certificates were determined, representing a market share of 30.8%
- 3 complying development certificates were issued, representing a market share of 100%
- Council was appointed as the Principal Certifying Authority (PCA) for 25 new construction projects, representing a market share of 42.9%
- 64 building certificates were issued
- 19 hoarding applications were determined
- 1 activity application was determined
- 3 land and 4 strata applications were processed
- 134 new fire safety statements were registered
- 130 annual fire safety statements were submitted
- 15 fines were issued for failure to submit Annual Fire Safety Statement
- 4 Fire Safety Orders were issued
- 3 Fire Safety Orders were completed
- 61 Notices and Orders were issued for the rectification and unauthorised uses/works.

Review of the section's procedures is on-going.

1.6 Management and Administration

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

Conclusion

Most projects within the Built Environment principal activity are progressing in a satisfactory manner. However, due to emergent non-Management Plan projects and issues certain projects in the Environmental Planning and Heritage Planning sub-activities will not meet their targeted dates. We have identified that several projects will carry over into the 2005-2006 Management Plan.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexures

1. Status Report, 2nd Quarterly Review, Built Environment Principal Activity.
2. Notices of motion update report

Item No: R1 Recommendation to Council
Subject: **Advanx Site Darlinghurst - Amended masterplan and stage 1 DA**
Author: Margaret Zulaikha
File No: 833.G/Advanx
Reason for Report: To gain Council endorsement of submission on the amended DA

Recommendation:

1. That the submission on the Amended Masterplan and Stage 1 Development Application of the Advanx site in Darlinghurst (**Annexure 5**) be submitted to the City of Sydney.
2. That the Mayor and appropriate staff attend the City of Sydney Council planning meeting to argue strongly against the development in its amended form.

1. Background

At its meeting on 27 September 2004, Council resolved in the following terms:

- A. *That the report on the Masterplan and Stage 1 Development Application of the Advanx site in Darlinghurst (**Annexure 5**) be submitted to the City of Sydney subject to the submission being amended to include the matters discussed at the Urban Planning Committee in relation to the following:*
 - (a) *Council's concern in relation to the proposed density in Section **4.3 Alternative Scheme** being reworded from "too great" to "excessive".*
 - (b) *Council's concern in relation to the provision of Public Open Space,*
 - (c) *Council's concern in relation to Public Access Ways.*
 - (d) *Council's concern regarding appropriate models of urban consolidation as shown in Section **6 Impact on Recreational Facilities and Services** - delete comparison with White City and include reference to Royal Hospital for Women.*
 - (e) *Council's concern in relation to excessive excavation in an area with a very high water table level.*
 - (f) *Council requesting a thorough examination of the geotechnical and hydrogeological issues.*
- B. *That the Mayor and appropriate staff attend the Sydney of City Council planning meeting to argue strongly against the development in its present form.*

In accordance with the above resolution, the submission was amended and sent to the City of Sydney on 1 October 2005. Our submission requested that the City of Sydney refuse the development application. Our submission was made available to the applicant and since that time, amended plans have been provided which partially respond to our concerns relating to built form, ground floor uses and the provision of open space. Reduced copies of the original plans are attached as **annexure 1**. Our original submission is attached as **annexure 2**.

A second submission on the amended development application was sent to the City of Sydney and circulated to Councillors through the Councillor Bulletin. A copy of this submission is attached as **annexure 3**. This submission was discussed at the Urban Planning Committee on 31 January 2005. Councillors indicated that they thought that the submission needed to be stronger in its opposition to the amended application. They requested it be withdrawn and a new submission be prepared for their consideration. Consequently, the City of Sydney was notified that the second submission was to be withdrawn and a new submission prepared.

2. Summary of key issues in Woollahra Council's October submission

Our submission on the original masterplan DA (annexure 2) identified the main areas of concern as follows:

1. The inclusion of a 10 storey apartment building on Neild Avenue was regarded as a non-contextual design response. The proposed height of this building is inconsistent with prevailing heights on the lower slopes of Darlinghurst and its built form would not reinforce the topography. It would obscure views of the Darlinghurst slopes and ridgeline when viewed from the east and overshadow Weigall Sportsground in winter. The remaining buildings within the proposed development ranged in height from 2 to 6 storeys and were considered an appropriate scale.
2. To be a true public benefit, the proposed through-site link should have 24 hour access, active street frontages along its length with clear sightlines, and be open to the sky. The internal courtyard would function as private open space and not form a useful component of the public domain.
3. Home/office spaces on Neild Avenue should be designed for flexibility of use.
4. Corner treatment of Neild Avenue and Boundary Street requires a building that addresses the street and reinforces the corner.
5. The built form on Neild Avenue should form a strong edge to the parkland/open space.
6. There is a need to consider the impact of the Cross City Tunnel on traffic volumes in McLachlan and Neild Avenues and Boundary Street. The re-introduction of a two-way traffic system into these streets should be investigated.
7. The proposed density of the development exceeds the permissible floor space ratio. This has implications on the scale of the development and will impact on existing recreational facilities and infrastructure.

3. Amended Development Application

Reduced copies of the amended DA plans are attached as **Annexure 4**. The primary changes to the Masterplan and Stage 1 development application involve the following:

- The two x 6 storey residential apartment buildings (Buildings A and B) with ground floor commercial uses fronting McLachlan Avenue have been reduced in width to provide reconfigured public open space directly off McLachlan Avenue that is open to the sky,
- The 4 storey residential building central to the site (Building C) has been redesigned and increased in height from 4 to 8 storeys.

- The previous 10 storey residential building (Building D) with ground floor commercial uses fronting Neild Avenue has been split into two buildings and reduced in height to 5 storeys.
- The total number of residential apartments has increased from 191 to 201.
- The number of terrace houses on the southern end of the site has been reduced from 25 to 17.
- The through-site link remains and an additional pedestrian link is provided on Neild Avenue.

4. Assessment of the amended DA

The amendments relate primarily to the built form, the open space arrangements and ground floor uses. It is noted that our concerns regarding traffic, hydrogeology and the impact on recreational facilities have not been addressed. The submission on the amended Masterplan and Stage 1 Development Application is attached as **Annexure 5**.

The submission identifies the main areas of concern as follows:

1. The proposed density of the development exceeds the permissible floor space ratio. This has implications on the scale of the development and will impact on existing recreational facilities and infrastructure.
2. The inclusion of an 8 storey building at the centre of the site is regarded as a non-contextual design response. As with the 10 storey building in the previous scheme, the proposed height of this building is inconsistent with prevailing heights on the lower slope of Darlinghurst and its built form does not reinforce the topography. Although it may not be highly visible from the adjacent streets, it would obscure views of the Darlinghurst slopes and ridgeline when viewed from the east.
3. Corner treatment of Neild Avenue and Boundary Street requires a more substantial building that addresses the street and reinforces the corner.
4. Proposed uses at the western end of the Advanx building and immediately adjacent to the proposed public open space on McLachlan Avenue should have a retail function to ensure that there are active frontages to the public open space.
5. There is insufficient information to support the demolition of the heritage listed buildings on Neild Avenue. The Strategic Heritage Officer has provided comments on the heritage issues associated with the development application. Her comments are contained in **annexure 6**.

The submission expresses support for the proposed amendments to the open space component, the reduction in height of the building on Neild Avenue (Building D) from 10 to 5 storeys, the built form of Building D and the replacement of the home offices with commercial/retail space.

5. Submission from the Paddington Society

The Paddington Society has prepared a submission on the amended plans to the City of Sydney. A copy of their submission is attached as **Annexure 7**.

The Society objects to the proposal on the grounds that it does not comply with:

1. The objectives of the Mixed Use Zoning under the South Sydney Council LEP 1998,
2. The height limit of 12 metres under the South Sydney Council DCP 1997,
3. The floor space ratio of 2:1 under the South Sydney Council DCP 1997,
4. The Design Excellence provisions of the Sydney City LEP 1996, and
5. The principles of SEPP 65

6. Conclusion

We have been advised that the anticipated date for the report to the Central Sydney Planning Committee on the Advanx site is 7 March 2005. Woollahra Council's submission requests that the City of Sydney refuse consent for the amended Masterplan and Stage 1 DA. The reason for this request is that the proposed scale and density represents an overdevelopment of the site. It will not achieve a good urban design outcome and will place a strain on existing infrastructure and facilities in the Rushcutters Bay area. In addition, there is insufficient information available to support the demolition of the heritage buildings on Neild Avenue.

It is recommended that the attached report (**Annexure 5**) be submitted to the City of Sydney for consideration by the Central Sydney Planning Committee in the determination of the Development Application of the Advanx site.

Margaret Zulaikha
Team Leader Urban Design

Allan Coker
Director Technical Services

Annexures:

Annexure 1	Reduced copies of the original plans (June 2004)
Annexure 2	Woollahra Council submission on the original Masterplan and Stage 1 DA
Annexure 3	Withdrawn submission
Annexure 4	Reduced copies of the amended plans (November 2004)
Annexure 5	Woollahra Council submission on the amended Masterplan and Stage 1 DA
Annexure 6	Heritage Assessment by Council's Strategic Heritage Officer
Annexure 7	Paddington Society Submission