



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 11 February 2008*

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

7 February 2008

To: His Worship The Mayor, Councillor Geoff Rundle, ex-officio
Councillors John Comino (Chair)
 Claudia Cullen (Deputy Chair)
 Christopher Dawson
 Wilhelmina Gardner
 Keri Huxley
 Julian Martin
 David Shoebridge

Dear Councillors

Urban Planning Committee Meeting – 11 February 2008

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 11 February 2008 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

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 29 January 2008	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Draft Woollahra LEP 1995 (Amendment No. 60) – Neighbourhood Centres & William Street Paddington – 1064.G (Amend 60)	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 29 January 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Tuesday 29 January 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.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 29 January 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Draft Woollahra LEP 1995 (Amendment No.60) - Neighbourhood Centres and William Street Paddington**
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G (Amend 60)
Reason for Report: To respond to a Council decision made on 29 January 2008 deferring the Draft LEP for further consideration of item 14 - Schedule 2 Development for certain additional purposes.

Recommendation

- A. That the Urban Planning Committee consider the nature and scope of changes to the William Street Paddington provisions in Draft Woollahra LEP 1995 (Amendment No.60).
- B. That if the proposed alterations to the William Street Paddington provisions require re-exhibition:
- (i) the existing William Street Paddington provisions be deferred from Draft Woollahra LEP 1995 (Amendment No.60) under section 68 (5) of the *Environmental Planning and Assessment Act 1979* and included in a separate draft local environmental plan; and
 - (ii) Draft Woollahra LEP 1995 (Amendment No.60), excluding the deferred matters, be submitted to the Department of Planning for approval by the Minister for Planning.

Background

On 17 December 2007 the Urban Planning Committee considered a report (**annexure 1**) on advice from the Parliamentary Counsel about the commencement date for provisions in Draft Woollahra LEP 1995 (Amendment No.60) [Draft LEP] relating to William Street Paddington. A copy of the exhibited Draft LEP is provided in **annexure 2**.

In addition to considering the Parliamentary Counsel's advice, the Committee discussed the content and interpretation of the proposed clause for allowing additional land uses on certain properties in William Street. The main point of concern related to whether the proposed clause met the original intention of limiting retail activity to the ground floor of the William Street properties. Consequently, the Committee thought the matter required further consideration and recommended deferral. The Council decision made on 29 January 2008 was:

That the matter be deferred for further consideration of amending Clause 14 (Schedule 2, Development for certain additional purposes) to require the upper floor of the premises to be used primarily for residential purposes.

Additional land use provisions for William Street properties

The additional land use provisions proposed in the Draft LEP relate to identified properties and specific land uses. The effect of the provisions is to extend the permissible land uses for the identified properties. The terms of the provisions as set down in the exhibited Draft LEP are:

Land known as Nos.12 to 42, Nos. 48 to 94, Nos.3 to 43 and Nos.45 to 63 William Street, Paddington – fashion shops, shoe shops, jewellery shops, health and beauty shops within the ground floor of the building, with associated storage and office use on the first floor. The upper floor may also be used for residential purposes.

Possible changes to the additional land use provisions

The Committee briefly discussed changes to the provisions. These included:

- Removing reference to “associated storage and office use on the first floor”, and
- Specifying that the shop activities could “only” be carried out within the ground floor of the building.

Other changes may be explored. Section 68 (3A) of the *Environmental Planning and Assessment Act 1979* (the Act) allows a council to make alterations to an exhibited draft LEP that do not relate to a submission on the draft LEP. In all cases, however, the Committee must be mindful that the proposed alteration may trigger the need to re-exhibit the Draft LEP. For instance, re-exhibition would be necessary if the alteration substantially changed the plan in an important way to make it a different plan to one exhibited. Also, the need for re-exhibition can be considered in light of the following tests:

- Would a person who did not make a submission to the provisions when they were first exhibited make a submission if they knew about the proposed alterations? or
- Would the proposed alterations produce different public submissions?

These two tests recognise the public role in the plan-making process.

Initially, the Council will need to confirm the nature and scope of alterations it wishes to make to the Draft LEP. The question of re-exhibition can then be addressed.

The William Street provisions are only a minor aspect of the Draft LEP. Decisions about re-exhibition will therefore have a bearing not only on the eventual delivery time of the William Street provisions, but on the entire timeframe for the Draft LEP. If the Council proposes alterations that need to be re-exhibited, we suggest that the William Street provisions are deferred from the Draft LEP under section 68(5) the Act. Section 68(5) of the Act enables the Council to exclude provisions from a draft LEP which in the Council’s opinion require further consideration. The “deferred matter” can be dealt with in a further draft LEP at a later stage whilst the balance of the original Draft LEP can be sent to the Department of Planning. This action will enable the bulk of the Draft LEP, which deals with the neighbourhood centres, to proceed to gazettal.

Conclusion

The Council will need to establish the changes it wishes to make to the William Street Paddington provisions. Once this is confirmed it will be necessary to determine whether the alterations require re-exhibition. If re-exhibition is necessary, we consider that the altered provisions be removed from the Draft LEP and placed in a new draft LEP. The Draft LEP, which contains the neighbourhood centres provisions, can be sent to the Minister and gazetted.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexures

1. Urban Planning Committee report dated 17 December 2007.
2. Draft Woollahra LEP 1995 (Amendment No.60) – written instrument only.