



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 11 August 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 August 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 August 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 August 2008 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

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

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

D1	Confirmation of Minutes of Meeting held on 28 July 2008	1
D2	DA Processing regarding hoardings and screening devices – 900.G	2

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

R1	Art of median strip at Bayswater – 9.G	7
R2	Pedestrian and vehicle links in the Rose Bay Centre DCP – 985.G	9

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 28 July 2008**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 28 July 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 28 July 2008 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** D2 Delegated to Committee  
**Subject:** **DA process regarding hoardings & screening devices**  
**Author:** Patrick Robinson – Manager Development Control  
Peter Kauter – Acting Director Planning & Development  
**File No:** 900.G  
**Reason for Report:** For information

**Recommendation:**

That the report on the DA process regarding hoardings & screening devices be noted.

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**Background**

At its meeting of 10 June 2008 Council adopted the following Notice of Motion:

*That Council report to the appropriate Committee of Council on the feasibility of using conditions of consent or other mechanisms through the DA process regarding hoardings and screening devices for commercial and retail developments, with the objectives of improving the visual amenity of construction sites by the use of decorative images or graphics on those hoardings and screening devices.*

**Purpose of Hoardings**

Hoardings are temporary structures erected where the development site adjoins, or is in close proximity to, a public place or thoroughfare.

A hoarding takes one of two forms, either:

A 'Type A' hoarding, located on or in close proximity to a public place used to enclose the site, or

A 'Type B' hoarding, which provides overhead protection for the public and to enclose the site.

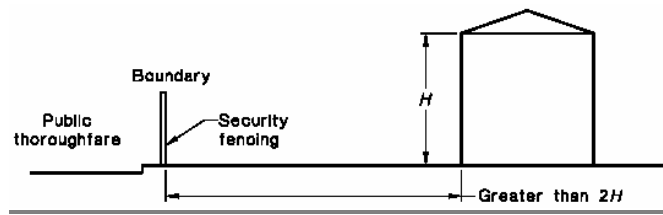
**Current Regulation of Hoardings**

Hoardings may be required by condition of Development Consent granted under the *Environmental Planning and Assessment Act*. Hoardings are also governed by Council's Hoarding Policy, the *Roads Act 1993*, the *Occupational Health & Safety Act* and its Regulation, *Construction Safety Act* and Regulations, the *Local Government Act 1993* and Regulation, The Building Code of Australia and adopted Australian Standards and relevant Workcover Authority Codes of Practice.

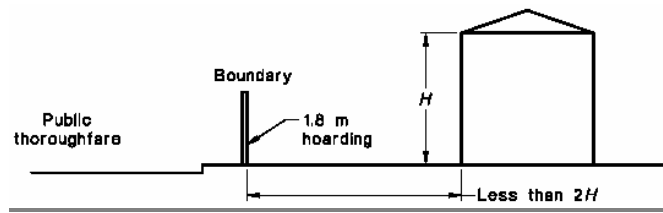
In practice Council applies the following standard condition to all but the most minor development:

**“D.11 Security Fencing, Hoarding and Overhead Protection**

Security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.



Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8 m adjacent to the thoroughfare.

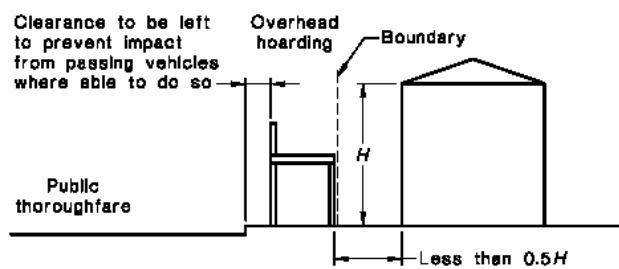


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either

- the vertical height above footpath level of the structure being demolished is less than 4.0 m; or
- the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- have a clear height above the footpath of not less than 2.1 m; terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.



The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:

<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodeofPractice/overheadprotstruc.htm>.

Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.

**Note:** The *principal contractor* or *owner* must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.  
Standard Condition: D11"

Where a hoarding encroaches on the use of the footpath, footway or any air space above a footpath, footway or road, Council as a Road Authority, must grant an approval under the *Roads Act 1993*. The conditions consistently applied in such approvals are that:

1. The absolute minimum width of footway that shall be maintained is not less than 1.5m.
2. That portion of the footway maintained for pedestrians shall have a firm surface free of any trip hazard.
3. Pedestrian diversion shall be effected in accordance with the relevant Australian Standard.
4. Vehicular diversions shall be effected in accordance with the relevant Australian Standard.
5. Hoardings shall be constructed in accordance with Workcover guidelines and mandatory requirements.
6. Hoardings shall be set back not less than 200mm from the nearest point of the kerb or gutter and upon the footway.

Essentially the aim of the current regulatory regime for hoardings is to allow demolishers and builders to carry out construction work in a manner which maintains the safety and convenience of the public. Consequently, conditions relate to technical and safety matters, and are silent in relation to visual amenity and aesthetics.

### **Introducing Urban Design Control for Hoardings**

Hoardings are most commonly required where significant developments are proposed within commercial precincts, or large flat development within suitably zoned residential precincts. Construction fencing will usually suffice in other cases.

Commercial and retail centres also tend to provide the identity of a precinct, and as such, hoardings can be visually intrusive even though such structures are temporary. For this reason it is reasonable that some regulation be applied to the urban design aspects of hoardings.

Given that these are matters of aesthetics, it is appropriate that any such condition be applied to a development consent pursuant to s80A of the *Environmental Planning and Assessment Act*.

## **New Standard Condition of Consent**

Arising from Council's Notice of Motion it is considered reasonable that a new standard condition be applied to new construction or demolition within commercial, retail centres which aim to:

- Provide hoardings that contribute as positively as possible to the streetscape.
- Inform pedestrians about proposed development.

A suitable condition to achieve these objectives is offered as follows:

*Any hoarding must ensure that its facia is treated in a manner which provides complete and coordinated graphic design or be painted in muted earthy tones. The facia may depict the following information;*

- *The relevant elevational image depicting the proposed development,*
- *information of community interest,*
- *artwork and graphic material of visual interest,*
- *photomontage, or*
- *decorative patterns drawing, texts and illustrations.*

*The facia may not be treated with graphics, artworks or the like, which are dominated by primary colours, fluro colours or the like.*

*The graphic design must not constitute advertising other than by way of general depiction of the development proposed for the site.*

## **Validity of the Condition**

Newbury District Council v Secretary of State for the Environment [1981] AC578 remains the test as to whether Council may validly apply a condition. The threefold test under Newbury is:

1. It must be for a planning purpose

### **Comment**

Ensuring that a hoarding integrates and is not discordant with its built environment is a planning purpose.

2. It must relate to the development being permitted.

### **Comment**

There is a direct relationship between a hoarding and the development.

3. It must be reasonable (within the Newbury reasonable is held as not being '*not so unreasonable that no reasonable planning authority could have imposed it*').

## **Comment**

Requiring appropriate treatment of a hoarding in order that it does not detract from the visual amenity of the neighbourhood is not an onerous requirement and could not be said to be either unreasonable in the general sense or in the Newbury sense.

## **Conclusion**

By Notice of Motion Council has asked if a condition can be imposed on a development consent where hoardings are likely to be erected so that the visual impact of those structures can be improved. Particular reference was made to hoardings in commercial and retail precincts.

On investigation it is concluded that it is open to Council to impose such a condition under s.80A of the *Environmental Planning and Assessment Act*. Further an appropriate condition meeting the underlying objectives of Council's Notice of Motion has been drafted and is offered for Council's consideration.

## **Recommendation**

That Council resolve to adopt the following new condition of consent, which may be applied to development consents requiring the erection of hoardings in a commercial or retail area.

*Any hoarding must ensure that its facia is treated in a manner which provides complete and coordinated graphic design or be painted in muted earthy tones. The facia may depict the following information:*

- *The relevant elevational image depicting the proposed development*
- *Information of community interest*
- *Artwork and graphic material of visual interest*
- *Photomontage*
- *Decorative patterns drawing, texts and illustrations*

*The facia may not be treated with graphics or artworks which are dominated by primary colours, fluro colours or the like.*

*The graphic design must not constitute advertising other than by way of general depiction of the development proposed for the site.*

Patrick Robinson  
**Manager Development Control**

Peter Kauter  
**Acting Director Planning and Development**

**Item No:** R1 Recommendation to Council  
**Subject:** Art of Median Strip at Bayswater  
**Author:** Tom Jones  
**File No:** 9--.G  
**Reason for Report:** Resolution of Urban Planning Committee

**Recommendation:**

1. That a Public Art section be incorporated into the future revised Edgecliff DCP, in accord with the Public Art Policy October 2006. This section of the DCP should look at the potential for Public Art to contribute to the public domain along the entire section of New South Head Road from Bayswater to the west side of Double Bay.

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**Background:**

On 26.02.2007 the Urban Planning Committee resolved as follows:

*That a report be brought to the appropriate Committee regarding the Council commissioning some public art on the median strip at Bayswater. The report to also include consideration of erecting a welcome to Woollahra sign and screening of the electrical substation.*

The situation has changed since this resolution was made; the welcome sign has been erected, the electrical substation has been removed and replanting of the median strip has occurred. The Public Art component of this resolution is considered in this report.

This location is not considered ideally suited to Public Art for the following reasons:

- The site is at a part of New South Head Road where traffic is speeding up rather than slowing down.
- The great majority of viewers are travelling in cars. This means that there is a short viewing time.
- The median strip is already occupied by very substantial road signs which public Art would need to compete with.
- The planting treatment could obscure the view of the Public Art.

None of the above conditions eliminate the possibility of placing Public Art on the median strip. However, there may be more suitable places for Public Art in the locality, which are exposed to more viewing time from both pedestrians and vehicle borne viewers. These locations would enable the Public Art work to give a particular place a sense of identity, an objective which is embraced in the Public Art Policy October 2006.

Presently The Woollahra Public Art Advisory Committee is determining the winning submission for the Double Bay Gateway Public Art commission. This is the first time Woollahra Council has commissioned public art for the external public domain, using a competitive open design process. So far, the process appears to be heading towards a successful result.

**Conclusion:**

It is concluded that no action should be taken regarding potential public art on the median strip, before a coordinated approach to public art along New South Head Road is developed. The locating of public art should be considered in the forthcoming Edgecliff DCP revision, in which there should be a plan for the locating and commissioning of public art which reinforces the identity of this part of the LGA. The public art section of the DCP should be in accord with the Woollahra Public Art Policy October and the Public Art Policy Implementation Plan October 2006.

Tom Jones: Urban Design Planner

Peter Kauter: Manager, Planning and Development (acting)

**Item No:** R2 Recommendation to Council  
**Subject:** **Pedestrian and Vehicle Links in the Rose Bay Centre DCP**  
**Author:** Tom Jones  
**File No:** 985.G  
**Reason for Report:** Urban Planning Committee Resolution

**Recommendation:**

1. That Council retain the *design principles and guidelines and controls* relating to pedestrian and vehicle links in the Rose Bay Centre DCP as they are.

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**Background:**

On 14 .08.2006 the Urban Planning Committee resolved as follows:

*3. That a further report be submitted to the Committee in relation to the pedestrian and vehicle links contained in the DCP including the rationale behind them, their links to future development, streetscape impact and potential conflict with the landscaping controls*

This report investigates the rational behind the pedestrian and vehicle links designated in the Rose Bay Centre DCP (RBC DCP).

Pedestrian and vehicle links are referred to in the RBC DCP as through block connections. There are two types of through block connections in the RBC DCP; those shared by vehicles and pedestrians, and those only accessible by pedestrians. These are illustrated on page 86 of the RBC DCP.

**DETAILED LOCATION PLAN**  
red- Pedestrian link  
orange- Vehicular /  
pedestrian link



The pedestrian only links are mainly to the north of New South Head Road and link the shopping Centre to the shore of the Harbour. A pedestrian only link is designated in the block contained by Dover Road, New South Head Road, Newcastle Street and the Ian Street Car Park. This link runs north south and is envisaged as a future arcade which would both; increase the centre's pedestrian permeability and allow additional retail frontage.

There is also a shared link shown in this block that runs in an east west direction and fulfills a servicing requirement in this retail dominated *core* block. Rear access is considered desirable because it reduces the need for access points on the principle retail frontage which would interrupt pedestrian movement and the continuous activated retail frontage.

The shared connections in the predominantly *transition* block contained by Norwich Road, New South Head Road, Newcastle Street and Richmond Road are understood to be the principle concern of this resolution and it is these connections which this report concentrates on.

### **The Rose Bay Centre DCP Guidance on Through Block Connections**

The RBC DCP distinguishes between *core* and *transition* areas in the Rose Bay Centre. The guidelines and controls in the *Transition* areas encourage a development which:

- Is seen as a *buffer* and presents a mixed use character to the street including: residential flat buildings, commercial buildings and residences over shops.
- A *less continuous building frontage* to the street when compared to the *core* area
- Has a *strong landscape presence* which is promoted by controls with a substantial proportion of soft landscaping at ground level.

The RBC DCP has the following controls relating to *through block connections*:

### **6.6.3 VEHICLE ACCESS**

#### ***Guidelines and controls***

*In the Transition Areas vehicular access must be via a rear lane, rear right of way, or side street where such access is available.*

### **6.7.2 THROUGH BLOCK CONNECTIONS**

#### ***Design principles***

*Improve the pedestrian circulation in the Centre by providing arcades, through shop links, and shareways in key locations, as identified in figure Areas Designated for Through Block Connections and Detailed Location Plan.*

*Maximise views to the harbour from the public domain.*

*Facilitate rear site access for car parking and servicing to avoid vehicular crossings on principal streets by providing new laneways and rights of way, as identified in figure Areas Designated for Through Block Connections and Detailed Location Plan.*

#### ***Guidelines and controls***

*Through block connections are encouraged by Council on the following basis:*

- *Through block connections must be located in the areas designated, (refer figure Areas Designated for Through Block Connections and Detailed Location Plan.)*
- *Through block connections must provide a clear sightline from one end to the other, for surveillance and accessibility, in any of the locations identified in figure.*
- *Through block connections must have a minimum width of 3 metres, clear of any obstruction, except for connections through shops.*
- *Retail frontages are to be maximised along arcades.*
- *Natural lighting and ventilation of arcades is highly desirable.*
- *Paving must be coordinated with public footpaths. (Refer to the Rose Bay Centre Public Domain Improvements Plan.)*
- *Public use of through block connections should be available at least between the hours of 6.00am and 10pm daily.*
- *Pedestrian safety and the security of adjacent businesses, particularly street level lighting at night, should be considered in the design of through block connections*
- *Lanes must have a minimum width of 3 metres if one way, and 5 metres if two way.*
- *Carriageways and drainage should be coordinated between developments that collectively create new lanes.*
- *Lanes must provide rear service access to properties fronting New South Head Road, Dover Road or Newcastle Street to sites which currently have only one vehicular frontage.*
- *Buildings should address new lanes to provide surveillance.*
- *Applicants must demonstrate that the proposed service lane will be of benefit to the traffic circulation system in the Rose Bay Centre as a whole.*

## **Urban Design Review**

The benefits of mixed use through block connections in the transition area are that:

- They increase pedestrian permeability, which increases the amount of destinations users of the centre can reasonably reach on foot.



- Rear lane vehicle access reduces the need for frontage crossovers. Crossovers and the associated break in the frontage, cause fragmentation and a reduction in the efficiency of a shopping street. They also cause an interruption for, and a hazard to, pedestrians on the pavement. Crossovers reduce the kerb side parking capacity.
- They provide vehicle access where it would otherwise be constrained by restrictions on access from the primary frontage, particularly where properties front a main road, such as New South Head Road. Crossovers are not approved where they might cause an unreasonable driving hazard.

The potential concerns regarding these through block connections are that:

- Vehicle activity may adversely impact on the quality of the consolidated landscaped area to the rear of the building envelopes, both aurally and visually.
- The provision of rear lane access makes it difficult to control parking accessed from back lanes utilising the deep soil area required by the controls.
- Security issues are raised by the provision of rear access.

### **Conclusion**

Looking at the pre-existing condition and the number of strata properties in the west part of the discussed block, any shared access that complies with the controls in the RBC DCP seems unlikely. The provision of rear access, as indicated in the RBC DCP would, however, be beneficial to properties which are being redeveloped and need to accommodate parking and provide service access.

If the controls in the RBC DCP are applied there would still be a substantial consolidated deep soil area to the centre of this block

There are potential planning benefits of the rear lane access to the east end of the block which is fronting Newcastle Street and which is part of the core area. This portion of the site is dealt with in detail in the report to the Urban Planning Committee 14.08.2006 which is annexure #1 to this report. Having reviewed this report and I agree with the conclusion it draws regarding through block connections. It is therefore suggested that the controls can reasonably be left as they are.

Tom Jones - Urban Design Planner      Peter Kauter - Director, Planning and Development (acting)

### **Annexures:**

#1 Report to UPC: 14 August 2006 REVIEW OF ROSE BAY CENTRE DCP (Rose Bay Lands)