



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 3 November 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

30 October 2008

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

Dear Councillors

Urban Planning Committee Meeting – 3 November 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 3 November 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 13 October 2008	1
D2	Built Environment Principal Activity – 1 st Quarterly Management Plan Review – 827.G 08-11	2

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

R1	William Street Paddington – Expansion of permissible Land Uses – 1064.G	33
R2	Commercial Use of Harbour Foreshore – 900.G	69

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 13 October 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 13 October 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 13 October 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

Subject: **Built Environment Principal Activity – First Quarterly Management Plan Review**

Authors: Chris Bluett – Manager Strategic Planning
Tim Tuxford – Manager Compliance
Patrick Robinson – Manager Development Control

File No: 827.G 08-11

Reason for Report: To review the status of services for the Management Plan principal activity of Built Environment for the three months ending 30 September 2008.

Recommendation

- A. That the status of projects for the Built Environment principal activity be noted.
- B. That the 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:

The Built Environment Principal activity section of the Management Plan, with comments on the status of items in each sub-activity.

A table of uncompleted notices of motion relating to the Built Environment principle activity.

This report provides a commentary on variations, changes, exceptions and completed work during the first quarter of 2008-2009. The purpose is to provide Councillors with an overview of the key influences and issues affecting the delivery of projects and services within the Built Environment Principal Activity.

"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.

Environmental Planning

2.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity. Our work in this program during the quarter was directed towards four projects.

Double Bay Commercial Centre business management

Progress of this project has been outlined in previous quarterly reports. During the first quarter two notable events occurred. The Double Bay Partnership constitution was registered with the Department of Fair Trading in July. This was closely followed by the signing of a Memorandum of understanding between the Council on the Double Bay Partnership on 15 August 2008.

The first meeting of the Double Bay Partnership Inc was held on 3 September 2008. An information evening about the Partnership, held on 9 September 2008, was attended by Councillors and staff. Over the quarter we have continued to work with the Partnership's service provider and other members.

Woollahra Comprehensive LEP

Work on this project during the quarter focussed on

- consultation with public authorities and other organisations that may be affected by the LEP,
- review of land use zones and standard definitions,
- analysis of gross floor area and height definitions and comparison against outcomes achieved under current Woollahra LEP and DCP provisions,
- consultation with the Department of Planning,
- review of mapping requirements.

Further work on this project will occur with input from the Strategic Planning Working Party.

Neighbourhood Centres DCP and LEP – William Street Paddington provisions

The William Street Paddington additional land use provisions were originally included in the Neighbour Centres LEP [Draft Woollahra LEP 1995 (Amendment No.60)]. On 25 February 2008 the Council deferred the William Street provisions from the Draft LEP. At the same time the Council resolved to exhibit a new LEP for William Street with amendments to the Paddington HCA DCP.

Draft DCP controls for William Street and a draft LEP were prepared and considered by the Urban Planning Committee on 26 May 2008. The Council resolved on 10 June 2008 to prepare two draft LEPs to reflect options for the location of additional uses within nominated properties in William Street. We reported to the Urban Planning Committee on 25 August 2008 and sought clarification of the Council's decision. A further decision was taken by the Council on 8 September 2008.

Following that decision we commenced preparation of a detailed submission to the Department of Planning's LEP Review Panel. However, in the course of preparing material we identified an issue with the Council's decision and therefore further clarification is required. A report on this matter will be presented to the Urban Planning Committee on 3 November 2008.

Commercial use of the harbour foreshore

In conjunction with the Manager of Public Open Space we produced a short report to the Urban Planning Committee on 8 September 2008 responding to two Council decisions. The matter was deferred by the Council on 13 October 2008. The report will be reconsidered by the Urban Planning Committee on 3 November 2008.

3 Heritage Conservation

3.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity. Our focus in this sub-activity was on three projects.

Paddington Heritage Conservation Area – lofts over garages

This project arose from a review of submissions received when the Draft Paddington DCP 2008 was initially exhibited. The project is being overseen by the Paddington Working Party. In the previous quarter we completed field surveys and property analysis using our GIS data base. These findings were presented to the Working Party on 24 September 2008. A report with recommendations will be submitted to the Urban Planning Committee on 17 November 2008.

Woollahra Comprehensive LEP – heritage provisions

The major part of this project during the quarter involved:

- identification of local heritage provisions for inclusion in the new LEP,
- formatting of the heritage item schedule, with an emphasis on identifying anomalies between the current schedule and map contained in Woollahra LEP 1995.

Woollahra Conservation Award

The Woollahra Conservation Award is a biennial award with three categories. The Award will be issued in December 2008. Work in the quarter involved preparation and completion of publicity, advertising and invitations.

3.2 Core activities

The two heritage officers dealing with development applications processed their referrals during the quarter largely within our required time frames.

The Strategic Heritage Officer provided comment on several projects being carried out through the Technical Services Division.

4. Urban Design

4.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity. Our work in this program during the quarter was mostly directed towards three projects.

Double Bay Commercial Centre building audit

This project forms part of the Double Bay Business Management project. It involves a visual assessment of the external condition and appearance of all buildings in the commercial centre. Each building will have an inventory sheet and photographic record documenting existing conditions and recommending a range of improvements.

Further survey work and data entry occurred during the quarter. The base inventory sheets have been completed for 100% of the centre and provisional surveys have been completed for approximately 80% of the centre. Predicted completion of this project is December 2008. This material will be presented to the Double Bay Partnership.

Draft Educational Establishment DCP 2008

A new draft DCP for educational establishments was completed in the quarter. A report with the draft DCP will be submitted to the Urban Planning Committee in November 2008.

Woollahra Comprehensive LEP

An analysis of gross floor area and height definitions was carried out to gauge variations in building forms achievable under current Woollahra LEP and DCP controls.

4.2 Core activities

The Urban Designer Planner provided comments on major development applications including:

- 33 Cross Street Double Bay – Part 3A Major Development Application – liaison with the Department of Planning’s Urban Design Panel,
- 2-22 Knox refurbishment – section 96 application,
- 16-22 Bay Street refurbishment
- Double Bay marina

Other work has included:

- advice to Technical Services on the Double Bay Centre and Bellevue Hill Commercial Centre public domain program,
- advice on interpretation signage for the former Glenmore Road picture theatre at Five Ways, Paddington.

5. Development Control

5.1 Core activities

Council is required to fulfil statutory functions as a consent authority under the *Environmental Planning and Assessment Act 1979*. Under Part 4, ‘Development Assessment’ of the Act Council is charged with assessing and determining development applications (DAs), applications to amend development consents (s.96) and applications for review of determinations (s.82A). Within the Development Control section we also assess and determine construction certificates for class 1 and 10 buildings.

We operate in an environment where the community expects and is provided with a high degree of rigour in the environmental assessment of these applications. This is also driven by the reality that our residents can challenge the validity of approvals granted if there is a failure in process.

This environment has resulted in a “belts and braces” approach to development assessment. We have well developed and well documented processes and procedures which support each part of the process.

Our aim is to provide Councillors and the community with high quality development assessment reports. These reports properly inform Team Leaders, Senior Staff, the Application Assessment Panel (AAP), the Development Control Committee (DCC) and full Council to enable informed decisions to be made.

Our performance in the 1st Quarter of the 2008- 2009 period is compared to the 1st, 2nd, 3rd and 4th quarters of 2007-2008 and to the whole of the 2006 – 2007 year in the following table:

	Year 06/07	1 st Qtr 07/08	2 nd Qtr 07/08	3 rd Qtr 07/08	4 th Qtr 07/08	1 st Qtr 08/09
Nett median determination period	72	52.5	57	66	46	43
Gross median determination period	83	69	77	84	56	55
Delegated nett median		40.5	42.5	53	36	34.5
Delegated gross median		46	54	61	40	41
Number of applications in hand at end of each period	464	372	395	308	329	321

Our performance deteriorated marginally in the 2nd Quarter and the 3rd Quarters due largely to an increase in applications in November and December 2007 together with other seasonal factors such as increased demand for staff annual leave during January and February period. That performance recovered significantly in the 4th Quarter despite increased application lodgements towards the end of that quarter.

In the 1st Quarter of the 2008/2009 period it will be noted that although applications lodgements have continued to increase, the substantive improvements in processing obtained in the 4th Quarter of 2007/2008 have been maintained, and indeed improved upon, albeit marginally.

The net (gross, minus 'stop the clock' days) median determination times for the 1st Quarter 2008-2009 was 43 days and the gross median was 55 days across all levels of determination.

These overall average and median figures were largely achieved due to staff delegated approvals, being a net median of 34.5 days and gross median 41 days.

In the same Quarter the number of outstanding DAs, s.96, s.82A and CCs decreased slightly to 321 despite a continued increase in application lodgements in that quarter. The rate of increase in application lodgement reduced from the 4th Quarter of 2007/2008.

To put this into perspective the following table shows the number of applications in hand at the end of each of the years 2003 to 2007:

	2003	2004	2005	2006	2007
No. of applications on hand	525	387	432	455	395

The improvement in performance in the 4th Quarter 2007/2008 and the continued improvement of those performance levels in the 1st Quarter of 2008/2009 can be attributed in part to the introduction of a formalised 'fast track' component within each team. This 'team within a team' approach provides that Senior Planners in each team review small and less controversial matters for assessment officers in place of the Team Leader. Delegation to determine matters less than \$50,000 in value has now been extended to the Senior Planners to deal with those minor matters. This avoids the previous issues of double handling, where Team Leaders were required to determine minor matters even though the senior planner had already reviewed it. The only area where performance has continued to deteriorate is within the gross determination times for those development application, and related, matters which have proceeded to the AAP, DCC or full Council. The gross determination times for those matters was 152 days gross average in the 4th

Quarter of 2007/2008 however rose significantly to 159 days gross average in the 1st Quarter 2008/2009.

Whilst these marked improvements in processing times are welcomed, it is important to continue building on these gains by ongoing refinement of internal procedures. We have recently completed, and are testing a simplified reporting format for minor and no-controversial DAs and s96 applications.

The testing of that template will occur during the 2nd quarter of 2008/2009. Should that testing process demonstrate that the template functions satisfactorily, whilst also retaining its robustness in terms of Council's statutory assessment obligations, work will begin on similarly stream lining the templates related to more complex development applications.

5.2 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 process

The recommendations of the McKinley report on the referrals process have been implemented with significant improvements in referral turnaround times particularly from the Technical Services Division.

The recommendations of the McKinley report are largely being absorbed into the broader review of the DA assessment process which including the simplification of reporting templates, placing time frames and benchmark around critical stages of the process as well as an ongoing review of Council's development control procedures data base

Post determination processes and procedures

A new post determination information package has been prepared but is being fully reviewed to ensure that it is in a form and language which assists 'mum and dad' users of the development process. Subject to competing priorities final implementation has been deferred to December 2008 in order to permit this more focused review.

Post occupation audit of development

The site audits took place on 27 April 2006 with eleven sites inspected. We carried out inspections and completed checklists, reviewing each development against the objectives of the controls.

Staff present included the Director Planning and Development, Manager Development Control, Executive Planner and all three Development Assessment Team Leaders. The Executive Planner is to report on the outcomes but this has been delayed by the Executive Planner's role in assessing several very complex and controversial development applications, including the Rose Bay and Point Piper Marinas and 20 Roslyndale Avenue during the 2006-2007 period. The executive planner has not finalised this as he continues to be diverted to the assessment of major development applications, currently the proposal for redevelopment of the Double Bay marina.

Review and document s.68 Activity Approval Process

This project has not been commenced.

6. Compliance

6.1 Core activities

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

- 25 construction certificates were determined, representing a market share of 12.6%. The number of construction certificates determined and our market share for the quarter was similar to the 2007/08 4th quarter results. However, the number of construction certificates determined was more than 20.6% below the quarterly average for 2007/08 and the market share had significantly fallen from the 2006/07 annual result of 24.2% and 2007/08 annual result of 17%. The median turn-around time for constructions certificates was 41 days, being above the 2007/08 annual result of 19 days.
- 6 complying development certificates were issued, representing a market share of 66.7%. The median turn-around time for complying development certificates was 29 days. The number of complying development certificates issued for the area is generally low at between 24 - 35 applications per year in recent years. The first quarter's market share result is well above the annual results for 2006/07 and 2007/08 where Council issued less than 50% of all complying development certificates.
- Council was appointed as the Principal Certifying Authority (PCA) for 19 new construction projects, representing a market share of 12.3%. The number of appointments was on a par with the 2007/08 4th quarter results, but was about 10.6% below the 2007/08 quarterly average. The market share for the quarter fell from the 2007/08 annual result of 15.9%.
- 55 building certificates were issued, with a median turn-around of 37 days. The number of building certificates determined was about 9.1% above the quarterly average for 2007/08, while the median turn-around time was marginally up from the 2007/08 annual result of 34 days.
- 15 hoarding applications were determined, with a median turn-around of 7 days. The number of hoarding applications determined was about 27.6% above the 2007/08 quarterly average and the median turn-around time was marginally better than the 2007/08 annual result of 8 days.
- 3 Local Government Act activity applications were determined.
- 1 land subdivision and 2 strata subdivision applications were processed.
- 9 new premises were added to the fire safety statements register and 159 annual fire safety statements were received, being comparable with the 2007/08 quarterly average.
- 1 Fire Safety Orders were issued, with 1 Fire Safety Orders finalised.
- 78 Notices and Orders were issued for the rectification of work/unauthorised uses/unauthorised works, being about 21% below the 2007/08 quarterly average.

7. Management and Administration

During the quarter a new on-line certificate system was implemented. The new electronic system will improve our service to those customers requiring planning, rates and notices and orders certificates.

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

Conclusion

Our Environmental Planning, Urban Design and Heritage Conservation programs have proceeded in a satisfactory manner in the context of ongoing staffing difficulties and adjustment of priorities during the quarter.

In the final quarter of 2007/2008 processing statistics for Development Control demonstrate a marked improvement. Although processing times are still improving, the rate of processing time improvements reduced in the first quarter of 2008/2009. The internal review found that officers are working at or near capacity, and many of the fast track work flow changes implemented and refined in the 2nd and 3rd Quarter of 2007/2008 arguably gave rise to the outstanding results in the final Quarter.

Therefore whilst the continued improvement in processing times during the 1st Quarter of 2008/2009 is a positive outcome, it is unrealistic to expect that the substantial processing time reductions would continue into this Quarter. Further the increase in processing times for matters proceeding to AAP; DCC and Council for determination have eroded some of the gains made by the improved fast track procedures. If improvements in processing times are to continue, focus will need to be brought on processes and procedures associated with non-delegated matters.

The majority of staff vacancies in Development Control have now been filled. However the loss of a team leader and an ongoing senior assessment officer vacancy may also have compromise productivity in the first quarter of 2008/2009. Replacements for those positions have now been recruited and Development Control will enter the second Quarter of 2008/2009 with good levels of staffing.

The Compliance Section focussed on the delivery of its core services, with the recruitment of qualified staff remaining an issue. One of the five Building & Compliance positions remains vacant. Our market share with regard to certification work is consistent with our 2007/08 4th quarter results, however it is below our 2007/08 annual results for both construction certificate and Principal Certifying Authority services. As previously reported, this could be linked to our increased compliance activity and it is proposed that we investigate this trend with surrounding Council's including Waverley and Randwick.

The median determination time for Construction and Complying Development Certificates has increased during the quarter and this will be monitored closely over the coming months to ensure the trend does not continue.

The median determination time for Building Certificates is consistent with our 2007/08 results, however at 37 days it still exceeds our target figure of 14 days. This departure is largely due to the fact that some building certificate applications are submitted to regularise illegal building work and, in many cases, we have to wait for works as executed plans, engineering certification and, in some cases, section 96 applications for retrospective approval. Furthermore, some building certificates have to be deferred pending the completion of required works. For this reason there is merit in developing more applicable targets recognising that building certificates submitted to regularise unauthorised work will take more than 14 days. On the other hand, building certificates which are submitted as part of the normal process associated with land transactions should not take longer than 14 days.

Chris Bluett
Manager Strategic Planning

Patrick Robinson
Manager Development Control

Tim Tuxford
Manager Compliance

Annexures

1. September 2008 Quarterly Review of Principal Activity, Built Environment
2. September 2008 Quarterly Review of Outstanding Notices of Motion, Built Environment

Item No: R1 Recommendation to Council
Subject: **William Street Paddington - Expansion of Permissible Land Uses**
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G
Reason for Report: To clarify a decision of the Council made on 8 September 2008.

Recommendation

- A. That draft local environmental plans be prepared for two options incorporating the matters deferred from Draft Woollahra LEP 1995 (Amendment 60) as follows:
- Option 1 - the draft local environmental plan attached as **annexure 7** to the report to the Urban Planning Committee on 3 November 2008. This plan applies to Nos. 12 to 42, Nos. 48-94, Nos. 3 to 43 and Nos. 45-63 William Street, Paddington. The additional uses are restricted to within the ground floor of the building. The upper floor may only be used for residential purposes.
- Option 2 - the draft local environmental plan attached as **annexure 8** to the report to the Urban Planning Committee on 3 November 2008. The plan applies only to Nos. 32, 34, 36, 40, 50, 52, 64, 70, 76, 78, 80, 84 and Nos. 3, 5, 9, 11, 15, 17, 19, 21, 23, 53, and 59 William Street, Paddington. These properties were identified by survey on 15 August 2008 as being occupied by a proposed additional permissible use nominated in the draft LEP attached as annexure 8. The ground and upper floor restrictions as set out in option 1 do not apply.
- B. That a draft development control plan be prepared to amend the Paddington Heritage Conservation Area DCP based on the proposed provisions contained in annexure 5 of the report to the Urban Planning Committee meeting on 26 May 2008 and additionally preventing amalgamation of lots and uses in William Street, Paddington.

Introduction

The purpose of this report is to obtain a revised decision of the Council about the preparation of two draft local environmental plans for properties in William Street Paddington. These draft LEPs aim to expand the permissible land uses to include a nominated list of retail uses. The relevant decision to prepare the draft LEPs was taken by the Council on 8 September 2008 and is in the following terms:

- C. *That draft local environmental plans be prepared for two options incorporating the matters deferred from Draft Woollahra LEP 1995 (Amendment 60) as follows:*
- Option 1 - the draft local environmental plan attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008, including the words, "the upper floor may only be used for residential purposes" and the list of permissible additional uses being extended to include florists and artists' studios.*
- Option 2 - the draft local environmental plan attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008, excluding the words, "the upper floor may only be used for residential purposes" and subject to:*

- (i) *the list of permissible additional uses being extended to include florists and artists' studios, and*
- (ii) *the plan applying only to Nos.32, 34, 36, 40, 50, 52, 64, 70, 76, 78, 80, 84 and Nos. 3, 5, 9, 11, 15, 17, 19, 21, 23, 53, and 59 William Street. This list of properties being those identified by survey on 15 August 2008 as being occupied by a proposed additional permissible use nominated in the draft LEP attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008 and as extended by uses set out in this resolution.*

D. *That a draft development control plan be prepared to amend the Paddington Heritage Conservation Area DCP based on the proposed provisions contained in annexure 5 of the report to the Urban Planning Committee meeting on 26 May 2008 and additionally preventing amalgamation of lots and uses in William Street, Paddington.*

The matter requiring clarification relates to option 2. This option requires deletion from the draft LEP of the words “the upper floor may only be used for residential purposes.” The intention being that the non-residential uses may be carried out within the whole premises. However, the draft LEP submitted for the Committee’s consideration on 26 May 2008 contained another provision that allowed the non-residential uses “within the ground floor of the building”. This provision was not deleted from the draft LEP. Hence, the altered draft LEP will not meet the intention of option 2.

Background

The proposed expansion of permissible land uses in William Street Paddington arises from the consideration of options to address the illegal commencement of retail uses within certain residential premises which are zoned Residential 2(a). These businesses have established a small, boutique-style retail enclave which focuses on clothing, jewellery and health and beauty shops. The previous Council formed a view that it would be reasonable to allow a limited range of retail uses in certain premises along William Street.

The Council’s consideration of this matter corresponded with the preparation of the neighbourhood centres draft LEP and draft DCP. Consequently, the proposal to expand permissible uses in William Street was initially incorporated with Draft Woollahra LEP 1995 (Amendment No.60). However, the William Street provisions were later removed from Draft Woollahra LEP 1995 (Amendment No.60) and are being addressed through separate draft LEPs.

There has been a substantial amount of research and debate about the William Street properties, which is illustrated in the summary provided in the table below.

13 March 2006	Report to Urban Planning Committee on unauthorised uses in William Street and Elizabeth Streets Paddington (annexure 1).
27 March 2006	Decision of Council to prepare a draft LEP and amendment to the Paddington DCP for selected properties in William Street to allow nominated land uses (annexure 2).
11 May 2006	Submission of LEP information to the Department of Planning under section 54(4) of the <i>Environmental Planning and Assessment Act 1979</i> .
10 January 2007	Written authorisation from Director-General Department of Planning to exercise delegations under section 65 and 69 of the Act. This authorised certification by Council of a draft LEP for exhibition purposes.
25 January 2007	Letter to owners of properties in and adjoining William Street about Council’s decision and inviting comments prior to exhibition of draft LEP.

12 March 2007	Report to Urban Planning Committee with submissions received from property owners, traders and interested parties.
26 March 2007	Decision of Council to note report on submissions.
11 May – 22 June 2007	Public exhibition of Draft Woollahra LEP 1995 (Amendment No.60) and Draft Neighbourhood Centres DCP.
8 October 2007	Report to Urban Planning Committee on submissions arising from public exhibition process.
29 October 2007	Decision of Council to submit exhibited Draft LEP to Department of Planning for Minister's approval and gazettal. Several changes were made to the Draft LEP, including addition of a clause delaying operation of provisions for William Street until an amendment to the Paddington DCP had commenced.
17 December 2007	Report to Urban Planning Committee on the outcome of consultation with the Department of Planning and Parliamentary Counsel about the intention to delay operation of the William Street provisions (annexure 3).
29 January 2008	Decision of Council to defer consideration to require the upper floor of the subject William Street premises to be used primarily for residential purposes.
11 February 2008	Report to Urban Planning Committee responding to decision of 29 January 2008 (annexure 4).
25 February 2008	Decision of Council to: defer William Street provisions from Draft Woollahra LEP 1995 (Amendment No.60); include William Street provisions in a separate draft LEP with restriction that the upper floor of premises "may only be used for residential purposes."
26 May 2008	Report to Urban Planning Committee responding to Council's decision on 25 February 2008 (annexure 5)
10 June 2008	Decision of Council to prepare two draft LEPs, one of which excludes the words "the upper floor may only be used for residential purposes."
25 August 2008	Report to Planning Committee seeking clarification of Council's decision of 10 June 2008 (annexure 6).
8 September 2008	Decision of Council –as above.

Suggested amendment to Council's decision on 8 September 2008

In order to meet the intent of Council's decision of 8 September 2008 a minor change to the proposed draft LEP option 2 is recommended. The alteration deletes reference to non-residential uses being restricted within the ground floor and also deletes use of the upper floor only for residential purposes (see below).

Woollahra Local Environmental Plan 1995 is amended by inserting at the end of Schedule 2:

Land known as Nos. 32, 34, 36, 40, 50, 52, 64, 70, 76, 78, 80, 84 and Nos. 3, 5, 9, 11, 15, 17, 19, 21, 23, 53 and 59 William Street, Paddington – fashion shops, shoe shops, jewellery shops, health and beauty shops, florists and artists' studios ~~within the ground floor of the building. The upper floor may only be used for residential purposes.~~

The provisions of clause 30 prevail for those William Street properties that satisfy the criteria of clause 30 prior to the commencement of these additional use provisions.

The provisions of clause 30 do not operate for the William Street properties that gain consent under these additional use provisions.

A copy of proposed draft LEP option 1, which is based on the Council's decision on 8 September 2008 is provided in **annexure 7**.

A copy of proposed draft LEP option 2, with the suggested alteration, is provided in **annexures 8**.

Conclusion

The Council has given substantial consideration to allowing a range of low intensity non-residential uses in William Street Paddington. It has recommended two options which can be placed on public exhibition for comment. The alteration to option 2, as suggested in this report, will clarify the intention of the Council's decision made on 8 September 2008.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexures

1. Report to Urban Planning Committee 13 March 2006
2. Council resolution to prepare draft LEP 27 March 2006
3. Report to Urban Planning Committee 17 December 2007
4. Report to Urban Planning Committee 11 February 2008
5. Report to Urban Planning Committee 26 May 2008
6. Report to Urban Planning Committee 25 August 2008
7. Proposed draft LEP – option 1
8. Proposed draft LEP - option 2

Item No: R2 Recommendation to Council
Subject: **Commercial Use of Harbour Foreshore**
Author: Chris Bluett - Manager Strategic Planning
File No: 900.G
Reason for Report: To resubmit the report for consideration of the Urban Planning Committee as requested by Council's decision on

Recommendation

That the report on policy for commercial use of the harbour foreshore be noted.

Background

The Urban Planning Committee considered a report on commercial use of the harbour foreshore at its meeting on 8 September 2008.

The Committee's recommendation was considered by the Council on 13 October 2008 and the following decision was made:

That the matter be deferred and resubmitted to the Urban Planning Committee for further consideration.

A copy of the report, which was considered by the Committee on 8 September 2008 is annexed.

Conclusion

The report of 8 September 2008 is resubmitted for consideration in response to the Council's decision on 13 October 2008. The report's recommendation has not changed.

Chris Bluett
Manager Strategic Planning

Annexure

Report to Urban Planning Committee 8 September 2008.

**POLITICAL DONATIONS DECISION MAKING FLOWCHART
FOR THE INFORMATION OF COUNCILLORS**

