



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 15 December 2014*

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).

Recommendation only to the Full Council:

- 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.
- Planning Proposals and Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- 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.

Delegated Authority:

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- 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 above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

11 December 2014

To: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio
Councillors Katherine O'Regan (Chair)
Ted Bennett
Anthony Boskovitz
Luise Elsing
James Keulemans
Deborah Thomas (Deputy Chair)
Jeff Zulman

Dear Councillors

Urban Planning Committee Meeting – 15 December 2014

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 **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 15 December 2014 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 Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 24 November 2014	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	White City Planning Proposal, Development Control Plan Review & Height Control Review – 7.30	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 24 November 2014**
Author: Craig Bennett, Manager – Governance & Council Support
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 24 November 2014 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 24 November 2014 be taken as read and confirmed.

Craig Bennett
Manager – Governance & Council Support

Item No: R1 Recommendation to Council
Subject: **White City Planning Proposal, Development Control Plan Review and Height Control Review**
Author: Chris Bluett - Manager Strategic Planning
File No: 7.30
Reason for Report: To respond to decisions of Council made on 11 August 2014 and 24 November 2014
To inform Council about the progress of the White City Planning Proposal

Recommendation

- A. That Council prepare a draft development control plan to amend Woollahra DCP 2014.
- B. That the Draft DCP Chapter C4 White City as contained in annexure 3 of the report to the Urban Planning Committee meeting on 15 December 2014 be endorsed by Council for the purpose of public exhibition.
- C. That a planning proposal be prepared for the White City site with the intention of amending Woollahra LEP 2014 in the following manner:
 - (i) deleting the maximum height development standards for land at 30 Alma Street Paddington, and
 - (ii) deleting clause 4.3B.

1. Background

The Council has made several decisions in 2014 regarding heritage and general planning controls for the White City site¹. Three decisions are particularly relevant.

On 11 August 2014, as part of a decision about Draft Woollahra LEP 2014, the Council resolved:

- B. *THAT a review of the White City DCP examine the maximum building height controls for the site at 30 Alma Street, Paddington and that the review be reported to Council's Urban Planning Committee within 3 months.*

On 8 September 2014 the Council resolved in part:

- A. *That the planning proposal to amend Woollahra LEP 1995 by listing as a heritage item White City Site be adopted subject to Part E.*
- B.
- C. *That a review of the White City DCP 2007 be carried out and reported to the Urban Planning Committee within the next 10 weeks.*
- D.

¹ The White City site comprises land with multiple owners and covers parcels on New South Head Road, Edgecliff, part of the Sydney Grammar School recreation lands, land below the Eastern Suburbs railway viaduct, part of the Sydney Water channel and land owned by the Hakoah Club and Sydney Maccabi Club.

- E. *That the Heritage Inventory Sheet considered as Late Correspondence at the Urban Planning Committee held on 25 August 2014 include the following additional amendments arising from discussion by the Committee:*

vii "Recommendation" section

The following statement be added – "The White City site should be included as a heritage item in the Woollahra Local Environment Plan, specifying that the only three items to be retained and/or adapted are specifically the 1923 Southern grandstand trusses, the Stage 1 Northern grandstand arches and the NSWLTA gates.

The significance of the site, along with the history of the site, should be the subject of an interpretation strategy."

On 24 November 2014 the Council resolved:

- A. *THAT as a matter of urgency, the Mayor and Council officers meet with the Department of Planning and Environment ('DPE') to assess their position with respect to Option 1 (b) of the White City Planning Proposal Report to the Urban Planning Committee of 10 November 2014 (in relation to the proposed listing of three specific, nominated elements being the 1923 Southern Grandstand trusses, the Stage 1 Northern grandstand arches and the NSWLTA gates).*
- B. *THAT, prior to the Council meeting of 24 November 2014, Councillors be provided with copies of all Council submissions to the DPE and correspondence between Council and the DPE in relation to this matter.*
- C. *THAT the White City DCP be progressed on the basis that the three elements (being the 1923 Southern Grandstand trusses, the Stage 1 Northern grandstand arches and the NSWLTA gates) be the only elements to be retained and/or adapted.*
- D. *THAT the White City DCP be finalised and presented to the Urban Planning Committee on 15 December 2014.*

The decision of 24 November 2014 followed consideration of a report by the Urban Planning Committee on 10 November 2014 (**annexure 1**). That report provided progress comments on the planning proposal and information about the White City DCP review.

2. Actions arising from decision of 24 November 2014

Following the Urban Planning Committee recommendation on 10 November 2014, the DPE's regional office was contacted and a meeting was requested to discuss the planning proposal. Staff from the DPE declined to meet with Council representatives stating that they considered it would be inappropriate to hold discussions at this stage whilst an assessment was still being carried out and opinions in the DPE had not been finalised. The Mayor was subsequently informed of this outcome.

In response to item B of the Committee's recommendation, material was placed on the Councillor portal. All Councillors were informed of this action by email on 17 November 2014.

3. White City Planning Proposal

The White City Planning Proposal was submitted to the DPE on 2 October 2014. The planning proposal included a heritage item listing based on the Council's decision of 8 September 2014. The description of the item contained in the planning proposal was:

White City site – but the only three items to be retained and/or adapted are specifically the 1923 Southern grandstand trusses, the Stage 1 Northern grandstand arches and the NSWLTA gates

In our report of 10 November 2014 we provided progress comments on the planning proposal. We mentioned that the DPE had concerns about the description of the planning proposal due to its inconsistency with Planning Practice Note PN 11-001. At that time the DPE was considering two options to rectify this inconsistency.

1. Issue a gateway determination with a condition amending the planning proposal so that the listing is consistent with the practice note. This would probably involve either –
 - (a) Changing the description to relate to the whole site and exclude the specific reference to the three elements. In this way, the three nominated elements are implicitly included with the listing for the whole site.
 - (b) Changing the description to only include the three nominated elements. In this case all other parts and elements, including the grounds, are not listed
2. Decline to issue a gateway determination and ask Council to clarify its intentions having regard to the practice note requirement.

A gateway determination has not been issued at the time of preparing this report. However, we have been advised by the DPE that it is favouring an amendment to the planning proposal in line with option 1(b). This means the heritage listing will only apply to the 1923 Southern grandstand trusses, the Stage 1 Northern grandstand arches and the NSWLTA gates. The DPE's recommendation was considered by the Department's LEP Review Panel on 4 December 2014. The recommendation was endorsed and will be sent to an Executive Director who has delegations to issue a gateway determination.

We understand that advice from the Office of Environment and Heritage has not been received by the DPE at this time. Despite this, the DPE has mentioned that its consideration has been strongly influenced by the Council's decision on 8 September 2014 to single out the three elements. However, if the gateway determination is issued with the suggested amendment, a condition will be applied requiring the Council to justify the heritage significance of the three elements. Expressed in another way, Council is likely to be directed to provide heritage reasons why only three elements should be listed despite the large amount of research and assessment that has consistently found the whole site to have heritage significance at a local level.

This justification will need to be provided as part of the public exhibition material. We do not know whether the DPE will specify the form or detail for the justification. For instance, it would be open to the DPE to require Council to carry out an assessment of significance for each element based on the NSW Heritage Branch's publication "Assessing Heritage Significance". Aside from this, the heritage inventory sheet, which was prepared for the whole site, cannot be included with the exhibited planning proposal because it is likely to cause confusion about the listing.

From planning and heritage perspectives, the implications of a selective listing in the manner suggested by the DPE are:

1. Recognition of the site's heritage significance through local planning measures is substantially reduced.
2. No heritage item protection under the new Woollahra LEP would be afforded to the majority of the site.
3. The extent of the listing for the arches and trusses is unclear. This may lead to different expectations about retention and/or adaption of these elements.
4. Arguably, the ability to require meaningful interpretation of the site's heritage significance through a DCP provision is reduced. This occurs because the proposed description within the LEP schedule of heritage items would be restricted to three elements rather than the whole site.²
5. Some opportunity for interpretation remains because the majority of the site is located within the Paddington Heritage Conservation Area. The Paddington HCA DCP currently mentions the White City site for its important historical and social association with Paddington. However, the former site of the NSW Tennis Association Clubhouse is not within the Paddington HCA. Consequently, future interpretation of this former building might be difficult to achieve.
6. Under the heritage provisions of the new Woollahra LEP, a conservation management plan could only be required for the three elements.

4. White City site height controls

Council's decision of 11 August 2014 required that the maximum building height controls for the site at 30 Alma Street, Paddington, be examined as part of the White City DCP review. The land at 30 Alma Street is generally located between the stormwater channel and Glenmore Road.

The current set of height controls is contained in two planning documents.

- White City DCP 2007
- Draft Woollahra LEP 2014

This is a transitional situation which will eventually disappear when Draft Woollahra LEP 2014 commences operation. At that time, the height controls in the LEP will prevail. For this reason we have also reviewed the height controls as proposed within the Draft LEP. If the Council decides to change the height controls in the LEP or remove them, a planning proposal will need to be prepared.

4.1 White City DCP 2007 height controls

The height controls in the White City DCP are expressed in two ways.

² The relationship of a DCP provision and those of an LEP are relevant here. An overview of this relationship is provided in the report of 10 November 2014 (annexure 1).

- as reduced levels (RLs)³ in metres relative to Australian Height Datum⁴ ;
- as building storeys.

The use of RLs differs from the more common practice of prescribing a maximum height in metres above existing ground level. The choice of RLs arose from the detailed master planning for the entire White City site which was carried out with the preparation of a development concept on land at 30 Alma Street. This process foreshadowed a development application for a new recreation and tennis centre. The master planning exercise involved a thorough investigation of site conditions, including a detailed view impact analysis. It also involved extensive public participation.

Height controls for the whole White City site are provided in clause 4.2 of the 2007 DCP (**annexure 2**) and are summarised in the following table.

Location	Height control
73-79 New South Head Road, Edgecliff (currently occupied by a service station)	RL 13.5 m AHD
81-83 New South Head Road, Edgecliff, (currently occupied by a car wash business)	RL 19.5 m AHD; maximum 3 storeys
30 Alma Street, Paddington (land south of the stormwater channel owned by Hakoah Club and Sydney Maccabi Club)	RL 12.5 m AHD; maximum 2 storeys for a tennis/recreation club building Maximum 3 storeys on western side of centre courts subject to meeting heritage and view impact criteria

4.2 Draft Woollahra LEP 2014

In preparing Draft Woollahra LEP 2014 all height controls were brought across from Woollahra LEP 1995 in their existing form or a slightly modified form. Those height controls in existing DCPs were also placed in the Draft LEP.

In the case of the White City DCP, the heights were translated from RLs or storeys to figures expressed in metres above existing ground level. These heights are shown on the LEP height map and are summarised in the following table.

Location	Height control
73-79 New South Head Road, Edgecliff (currently occupied by a service station)	6.5m
81-83 New South Head Road, Edgecliff, (currently occupied by a car wash business)	10.5m
30 Alma Street, Paddington (land south of the stormwater channel owned by Hakoah Club and Sydney Maccabi Club)	9.5m; additional height of 11.5m set out in clause 4.3B of the LEP

The additional height controls for 30 Alma Street are provided in clause (4.3B) which states:

³ RL is the height or elevation of a survey point with reference to a datum point.

⁴ Australian Height Datum is a system of control points for height based on a network of levelling measurements that covered the whole of Australia and was fitted to mean sea level, as measured at tide gauges distributed around the Australian coast, over a period 1968-1970 (Source: NSW Land and Property Information)

4.3B Area I (White City Tennis Club) – height of buildings [local provision]

- (1) The objectives of this clause are as follows:
 - (a) To retain views from Glenmore Road over the site,
 - (b) To permit a greater maximum building height on part of the site, subject to certain criteria,
 - (c) To protect the visual privacy and amenity of nearby residences,
 - (d) To conserve and recognise the heritage significance of the existing centre courts.
- (2) This clause applies to land shown in “Area I” on the Height of Buildings Map.
- (3) Despite clause 4.3, the maximum height of a building on land in Area I is 11.5m if:
 - (a) the building is located on the western side of the centre courts, and
 - (b) the consent authority is satisfied that the development does not affect view lines from Glenmore Road, and
 - (c) the building maintains the heritage significance of the site.

4.3 Review of height controls

Our review of the height controls for 30 Alma Street has been carried out with regard to site conditions, certain key objectives and information limitations.

Site conditions

- The land is part of the Paddington valley floor and provides an important open landscape setting.
- The land is subject to flooding. Development is required to meet stormwater management controls contained in chapter E2 of the new Woollahra DCP 2014. This will include incorporating building floor levels (freeboards) to minimise threats to human safety and property damage and measures to mitigate existing flooding and drainage problems for the site and adjoining lands.

Objectives

- The protection of existing public views into, through and over the site particularly from Glenmore Road and other public areas. This is consistent with:
 - the existing and desired future character of the site as set out in the current DCP,
 - objectives within the current DCP,
 - a predominant community desire identified in previous public participation exercises carried out during the preparation of the DCP.
- Restricting the impact on views from private properties.
- Maintaining the general open nature of the valley floor as an important landscape feature of the Paddington Heritage Conservation Area.

Limitations

- Development concept plans for the land do not show sections and elevations with full maximum building heights.
- Ancillary building components that are likely to impact on views, including lift towers, lighting towers, photovoltaic systems and telecommunication devices are not shown on the concept plans.

In the absence of a new master planning exercise and more detailed concept plans, it is difficult to prescribe numeric height controls for the land. Therefore, the approach taken in the revised DCP is to use a combination of objectives and controls together with a desired future character statement. These relate to matters including

- Protecting and enhancing public views.
- Minimising impacts on views from private land.
- Minimising impact on privacy of adjoining and neighbouring properties.

The flooding conditions can be accommodated within these considerations. Building heights would not need to be substantially increased to meet the freeboards set in the Woollahra DCP 2014 for habitable and non-habitable building areas.⁵

If the Council supports this approach a planning proposal will need to be prepared to remove the height control provisions in Woollahra LEP 2014.

5. White City DCP 2007 review

A copy of the current White City DCP is provided in **annexure 2**. A review of the DCP has been completed and a revised set of controls has been prepared (**annexure 3**). The revised controls are written in the form of a chapter for the new consolidated Woollahra DCP.

The main changes to the current DCP are:

- The Preliminary section is now referred to as an introduction and has been modified to be consistent with other chapters in the consolidated DCP.
- The objectives of the plan and the planning principles have been merged to a single clause titled objectives.
- Definitions are provided in the body of the chapter.
- The Site Layout and Views clause has been merged with the clause titled Building Location, Design and Views
- Building and storey heights have been removed.
- References to the alignment of new buildings with the existing centre court arrangement have been deleted.
- Whilst reference to the site's history has been retained, heritage conservation controls have been substantially altered. This was necessary to avoid inconsistency with the DPE's modified draft planning proposal.
- Heritage conservation controls will relate to the three elements contained in the proposed heritage item description and to the associations the White City site has with the Paddington Heritage Conservation Area.
- The Landscape clause has been slightly changed to reflect the recent removal of two fig trees in the south-western corner of 30 Alma Street and to remove possible conflicts with view retention objectives.
- The parking generation rates provided in the Car Parking and Servicing clause have been deleted and replaced with the rates contained in Woollahra DCP 2014 chapter E1 Parking and Access.

⁵ The flood planning level for habitable floor areas is the 100 year ARI flood level plus a 0.5 metre freeboard. The flood planning level for non-habitable floor areas is the 100 year ARI flood level plus a 0.3 metre freeboard

- The Stormwater Management introduction and objectives have been retained with minor changes. The associated controls have been removed and replaced by a cross reference to the controls in Woollahra DCP 2014 chapter E2 Stormwater Management and Flood Risk Management.
- The Contaminated Land Management clause has been removed. All contaminated land management issues will be addressed through Woollahra DCP 2014 chapter E4 Contaminated Land.
- The Potentially Hazardous Development clause has been deleted. This clause applied to the service station located on New South Head Road. State and Commonwealth legislation and guidelines are applicable and will prevail in the event of applications of the service station.

6. Conclusion

We anticipate that a gateway determination for the White City Planning Proposal will result in the White City heritage item being altered to refer only to the three elements that Council has decided should be retained and/or adapted. However, this change will be conditional up the Council justifying the significance of these elements. The amended planning proposal has the effect of substantially limiting statutory heritage recognition and protection for the White City site.

The height control review for land at 30 Alma Street has resulted in a recommendation to remove the numerical development standards in Woollahra LEP 2014. This will require the preparation of a planning proposal. The height of buildings and structures on the land will be managed by various statements, objectives and controls that apply to matters including public and private view impacts. The DCP review has resulted in numerous changes. These changes have been made for several reasons. First, in terms of heritage conservation matters, they reflect the Council's decisions of 8 September and 24 November 2014 regarding the proposed heritage elements. Second, they respond to the amendments made by the DPE to the planning proposal. Lastly, they are made to meet the format and content for chapters in the new Woollahra DCP 2014.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexure

1. Report to Urban Planning Committee on 10 November 2014.
2. White City DCP 2007.
3. Draft DCP Chapter C4 White City.

Political Donations – matters to be considered by Councillors at Meetings

