



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 26 February 2007*

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

22 February 2007

To: The Mayor, Councillor Keri Huxley, ex-officio
Councillors Geoff Rundle (Chair)
 Isabelle Shapiro (Deputy Chair)
 John Comino
 Christopher Dawson
 Wilhelmina Gardner
 David Shoebridge
 John Walker

Dear Councillors

Urban Planning Committee Meeting – 26 February 2007

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 26 February 2007 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 12 February 2007	1
D2	Built Environment Principal Activity – 2 nd Quarterly Management Plan Review – 827.G 05-08	2

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

R1	Paddington Heritage Conservation Area DCP Peer & Community Review Panel – 899.G	36
R2	Planning & Urban Design Assessment, Woolworths Scheme for Kiaora Lands	45

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 12 February 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 12 February 2007 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 12 February 2007 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

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

Authors: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Tim Tuxford – Manager Compliance
Brett Daintry – Manager Development Control

File No: 827.G 05-08

Reason for Report: To review the status of services for the Management Plan principal activity of Built Environment for the three months ending 31 December 2006.

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 end of year financial review.

Background

Section 407(1) of the *Local Government Act* 1993 requires that Council review the progress of the adopted management plan on a quarterly basis. Included with this report is the second quarterly review of Principal Activity No. 1 of the Management Plan, which is "Built Environment". This principal activity has the following sub-activities:

- 1.1 Environmental Planning
- 1.2 Heritage Conservation
- 1.3 Urban Design
- 1.4 Development Control
- 1.5 Compliance
- 1.6 Management and Administration

Included as annexures to this report are:

1. The Built Environment Principal activity section of the Management Plan, with comments on the status of items in each sub-activity.
2. A table of uncompleted notices of motion relating to the Built Environment principle activity.

This report provides a commentary on variations, changes, exceptions and completed work during the second quarter of 2006-2007. 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.

2. 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 two projects that have arisen from notices of motion and two projects linked to the NSW planning reform process.

Double Bay Commercial Centre and Oxford Street Paddington Business Management

HillPDA and URBISjhd commenced survey work in the Double Bay Commercial Centre and Oxford Street, Paddington commercial area. Shopkeeper and customer surveys were conducted in each centre. Reports from both consultants were submitted in December 2006. The consultants presented their preliminary reports to the Double Bay Chamber of Commerce on 12 December and the Oxford Street Paddington Chamber of Commerce on 19 December 2006.

Final reports will be submitted to a joint meeting of the Oxford Street Paddington and Double Bay Commercial Centre working parties on 6 March 2007.

William Street Paddington – additional land use LEP

This project has been merged with the Neighbourhood Centres Draft LEP. In response to requests from the Department of Planning it was necessary to provide further information about the scope of the additional use provisions. Following this step information under section 64 of the *Environmental Planning and Assessment Act 1979* and a request for the Director-General's delegated functions under section 65 and 69 of the Act were submitted to the Department.

The Director-General has authorised use of the section 65 and 69 delegations. Prior to exhibiting the Draft Neighbourhood Centres LEP a report will be presented to the Urban Planning Committee on the outcome of consultation with the owners of properties in and around William Street. This additional consultation step was required by Council in its decision of 27 March 2006.

We anticipate a report to the Committee in March.

Comprehensive LEP

Work on this project during the quarter was associated with reviewing housing projections for the State Government's Metropolitan Development Program. Statistics from this program are being used by the Department of Planning in the course of preparing the Sub-regional Strategy. In turn, the Sub-regional Strategy will be used as a key directional policy for councils in the eastern subregion when they prepare comprehensive LEPs.

Preliminary work was also undertaken on reviewing the Council's Housing Strategy. The main part of this review will be undertaken in the first half of 2007.

Regulation Reduction Incentive Funding (RRIF)

During the quarter we continued our work on rewriting our planning instruments, principally the DCPs, so that controls for individual properties can be easily accessed through our website. This project also aims to satisfy the requirement of the State Government under the planning reform package for a single DCP per site. In place of the Urban Planning Committee meeting of 23 October 2006 a workshop was held with Councillors.

2.2 Report to committees

During the quarter the following reports were presented to the Urban Planning Committee.

Project	Committee	Reasons for project
Paddington Five Ways Project	UPC 9.10.06	To get approval of the streetscape design for the Five Ways project.
Cr briefing on Regulation Reduction Incentive Funding One DCP per site project	UPC 23.10.06	Response to NSW Government's Planning Reform Package
Submission on Draft Infrastructure State Environmental Planning Policy	UPC 13.11.06	Response to State Government planning action
Built Environment Principal Activity	UPC 27.11.06	To report on the status of applicable projects

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 two projects.

Paddington DCP review

Public exhibition of Draft Paddington Heritage Conservation Area DCP was carried out over the period 29 September 2006 to 13 November 2006. A report on the exhibition and submissions received was presented to the Urban Planning Committee meeting on 18 December 2006. On the same night the Council resolved to defer consideration of the plan until a meeting of the Committee on 12 February 2007. The Council also resolved to circulate an executive summary of the draft DCP and to establish a peer and community group to review the draft plan.

Contemporary heritage items

Additional consultation with property owners was finalised and two detailed reports were presented to the Urban Planning Committee in November. Property owners were given an opportunity to address the Committee. Decisions were taken by the Council on 27 November and 18 December 2006 to prepare a draft LEP listing a number of properties as heritage items.

This project is being merged with the work carried out on potential heritage items in Watsons Bay and in the Woollahra Heritage Conservation Area. Council has previously made decisions to prepare LEPs for those items. A number of properties deferred from previous projects will also be added to the heritage LEP. We will be reporting on those properties in the second quarter of 2007.

3.2 Core activities

The two heritage officers dealing with development applications processed 154 referrals during the quarter. Completion times for these referrals have largely met required time frames.

3.3 Reports to committees

During the quarter the following reports were presented to the Urban Planning Committee.

Project	Committee	Reasons for project
Review of Potential Heritage Items Watsons Bay Heritage Conservation Area	UPC 9.10.06	Part of heritage program to review heritage items.
Contemporary Heritage Items – part 1	UPC 13.11.06	Progress report on research and public consultation
Contemporary Heritage Items – part 2	UPC 27.11.06	Progress report on research and public consultation
Draft Paddington Heritage Conservation Area DCP 2006	UPC 18.12.06	Part of general review of policy documents; address specific development issues

4. Urban Design

4.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity.

During this quarter activities were focussed on White City, Kiaora Lands, William Street Paddington and the Schools and Colleges DCP.

Draft White City DCP

Consideration of JACs amended scheme and staff issues was undertaken at a meeting of the Strategic Planning Working Party on 9/11/06. No consensus was reached and in a report to the Urban Planning Committee on 12/2/07, options to progress the draft DCP were proposed. Council resolved to prepare a 'principles based' DCP which will be presented at a Strategic Planning Working Party meeting on 1/3/07.

Kiaora Lands

A review of Woolworths current scheme was undertaken, together with a consideration of probity issues at a meeting of the Kiaora Lands Working Party on 14/11/06. Following the recommendations of the Working Party, the probity and direct negotiation issues were reported to the Corporate and Works Committee on 19/2/07 and the planning and urban design issues were presented to the Urban Planning Committee on 12/2/07. Consideration of the planning and urban design report was deferred and will be resubmitted to the Urban Planning Committee on 26/2/07.

Additional Uses in William Street Paddington

In accordance with a Council resolution, consultation with affected residents and business owners has been undertaken prior to the public exhibition of the draft LEP. The outcome of this process will be reported to the Urban Planning Committee in March 2007.

Schools and Colleges DCP

A discussion of issues associated with the Schools and Colleges DCP was presented to the Strategic Planning Working Party on 30/1/07. The Working Party recommended that a number of amendments be made to the DCP and a revised draft DCP will be presented to a future meeting of the Urban Planning Committee.

4.2 Reports to Committees

During the quarter the following reports were presented to the Urban Planning Committees:

Project	Committee	Reasons for project
Kiaora Lands Working Party	UPC 12.2.07 26.2.07	Progress report with Working Party minutes
Draft White City DCP	UPC 12.2.07	Progress report with Working Party minutes

5. Development Control

5.1 Core activities

There has been an improvement in DA and section 96 turn around times over the second quarter of 2006-2007. The net and gross determination times in the first quarter were 74 and 85 days respectively. The net and gross determination times in the second quarter were 63.5 and 78 days respectively. The net times reflect the time excluded whilst we wait for further information from applicants.

As at 30 June 2006 there were 464 outstanding Development Applications, section 96, section 82A and Construction Certificate applications undetermined. This increased to 491 by the end of the first quarter on the back of increased lodgements spiking with the impending and more onerous BASIX requirements which commenced at the beginning of the second quarter. This declined to 455 at the end of the second quarter, down by 9 from the beginning of the first quarter and down by 36 over the last quarter. We are still targeting sub 400 as our upper limit. It is worth noting that these figures do not include replacement applications.

A separate and more detailed Development Control Performance Report will be provided to the Development Control Committee in March 2007.

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 of DA assessment procedures

An initial review of the process has occurred. A firm of management consultants has been commissioned to commence a more detailed review of the Development Assessment Review Committee (DARC). The DARC is a staff committee responsible for determining the extent of referrals required for each application. This review is near completion and administrative changes are expected to be recommended to improve referral turn around times.

Restructure standard development consent conditions

This project is complete and ongoing as conditions are added, amended or deleted as legislative or other policy change occurs. Councillors will see the new conditions appearing in committee reports.

Develop and implement new post determination processes and procedures

This project was not commenced in the 2nd quarter. Council Executive Planner's time has been diverted at this date to major development applications including Cranbrook School, a complex residential flat building in Roslyndale Avenue and the Rose Bay and Point Piper Marinas.

Public Performance Reporting

The public performance reporting data has been collected and live data is being maintained in ongoing processes. The draft performance reporting web page has been drafted. A development control 2000 to 2006 performance report will be placed before DCC in March 2007. The performance data will then be placed on Council's new web site.

Review and document s68 Activity Approval Process

Council's Executive Planner has commenced his review of the existing Local Government Act approval processes but this project will be put back because of other priority work including complex development application assessments.

6. Compliance

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

- 34 construction certificates were determined, representing a market share of approximately 19.3%. The median turn-around time for these applications was 18 days.
- 4 complying development certificates were issued, representing a market share of 50%. The median turn-around time for these applications was 24 days.
- Council was appointed as the Principal Certifying Authority (PCA) for 23 new construction projects, representing a market share of approximately 17.2%.
- 48 building certificates were issued, with a median turn-around of 27 days.
- 15 hoarding applications were determined, with a median turn-around of 18 days.
- 2 activity applications were determined for temporary structures associated with the Australian Open Golf tournaments.
- 5 new Fire Safety Statements were registered.
- 62 Annual Fire Safety Statements were submitted
- 1 fine was issued for failure to submit an Annual Fire Safety Statement
- 4 Fire Safety Orders were issued
- No Fire Safety Orders were completed
- 96 Notices and Orders were issued for the rectification of unauthorised uses/works.

During the second quarter the Compliance Section recruited a new Fire Safety Officer who commenced in November 2006. Operating without a Fire Safety Officer for several months has resulted in the number of new Fire Safety Statements registered and Annual Fire Safety Statements submitted being well below out projected level. It is considered our results in these areas will significantly improve over the next quarter.

Council still has a vacant Area Building & Compliance Officer position and a vacant Senior Building & Compliance Officer position. Temporary and casual staff are being used to cover these vacant positions at this time.

As stated last quarter, many councils are experiencing similar recruiting difficulties with the private sector continuing to drain the public sector of experienced building surveyors. Such shortages continue to add significant pressure to our current staff.

7. Management and Administration

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

Allan Coker
Director Planning and Development

Chris Bluett
Manager Strategic Planning

Brett Daintry
Manager Development Control

Tim Tuxford
Manager Compliance

Annexures

1. December 2006 Quarterly Review of Principal Activity, Built Environment
2. December 2006 Quarterly Review of Outstanding Notices of Motion, Built Environment

Item No: R1 Recommendation to Council
Subject: **Paddington Heritage Conservation Area DCP Peer and Community Review Panel**
Author: Chris Bluett - Manager Strategic Planning
File No: 899.G
Reason for Report: To provide a status report on the review process

Recommendation

That the progress report on the Paddington Heritage Conservation Area DCP Peer and Community Review Panel be received and noted.

Background

At its meeting on 29 January 2007 the Urban Planning Committee considered a report on the Draft Paddington Heritage Conservation Area DCP, which included comment on a peer and community review panel (**annexure 1**). The Council made the following decision on 12 February 2007:

- A. THAT the information brochure circulated to all properties in the Paddington Ward be noted.
- B. THAT the composition of the Peer and Community Review Panel be the experts identified in section 3.1 of the report, a representative of The Paddington Society and a community member, preferably who made representations to the Urban Planning Committee, as determined by the Chair of the Urban Planning Committee on the recommendation of staff, and that the workshops be co-ordinated as outlined in the project timeline contained in **annexure 4**.
- C. THAT a further report be brought to the Urban Planning Committee at the conclusion of the workshops with the Peer and Community Review Panel, to report on the expert advice received in relation to Clause 4.1.1 and 4.1.6 of the Draft Heritage Conservation Area Development Control Plan 2006.
- D. THAT written submissions be invited to be made to the Peer and Community Review Panel.

This report provides an update of actions taken in relation to items B and D of the Council's decision.

Peer and Community Review Panel

The report of 29 January 2007 referred to three experts who had been approached as members of the panel: Susan MacDonald – Director - Policy and Heritage Management, NSW Heritage Office; Howard Tanner – Director, Tanner Architects; and Dr Felix Barda - Civil Engineer, Alba and Associates Pty Ltd. All three have now confirmed their availability to participate on the Panel.

We have also confirmed John Mant as The Paddington Society representative and Richard d'Apice as a community member. Mr Mant is the president of The Paddington Society. Mr d'Apice is a resident of Double Bay and has a background in heritage conservation issues. He was a member of the Council's Urban Conservation Advisory Committee and most recently he was on the selection panel for the 2006 Woollahra Conservation Award. At the request of the chairman of the Urban Planning Committee a second community member, Ruth Daniell, was asked to join the Panel. Ms Daniell, is a former staff member and one of the authors of the current Paddington DCP. She attended the Committee's meeting on 18 December 2006 and made a presentation. Ms Daniell has accepted the invitation.

Submissions to the Panel

Item D of the Council's decision invited submissions to the Panel. An advertisement providing a brief background to the DCP review and the Council's decisions, together with an invitation for submissions to the Panel has been placed in the Wentworth Courier edition of 28 February 2007. The time period for submissions closes on 23 March 2007.

Revised timetable

In order to co-ordinate a suitable time for the Panel members and to accommodate item D of the Council's decision of 12 February 2007, we have revised the timetable (**annexure 2**). The first meeting of the Panel is now proposed for the last week of March. A precise date has not been confirmed.

Conclusion

Steps have been taken to implement the Council's decisions of 18 December 2006 and 12 February 2007. Members of the Peer and Community Review Panel have been confirmed. The timeframe for reporting to the Committee has been extended due to an additional consultation step contained in the decision of 12 February 2007.

At the conclusion of the Panel's considerations a report will be prepared to the Committee setting out the Panel's conclusions and recommending further actions.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

ANNEXURE

1. Report to Urban Planning Committee 29 January 2007 (excluding annexures)
2. Revised timetable

Item No: R2 Recommendation to Council
Subject: **Planning and Urban Design Assessment, Woolworths Scheme for Kiaora Lands**
Author: Margaret Zulaikha - Team Leader Urban Design
Allan Coker - Director Planning and Development
File No:
Reason for Report: Recommendation from the Urban Planning Committee on 12 February 2007 to defer consideration of the report on Kiaora Lands.

Recommendation:

1. That, if Council decides to have further discussions with Woolworths, (after considering the report to the Corporate and Works Committee on probity and direct negotiation issues) that Woolworths be requested to commission a full traffic report, including computer simulation modelling to determine the acceptability of the proposed traffic circulation, loading and unloading and parking arrangements of their proposed scheme for development of the Kiaora Lands site.
2. That the traffic report be reported back to a future meeting of the Kiaora Lands Working Party.
3. That, subject to that study confirming the acceptability of the proposed traffic circulation, loading and unloading and parking arrangements, Council indicates that it is prepared to work with Woolworths in the further design development of the proposed scheme.
4. That a further report be prepared that includes the alternative processes available to obtain other adjoining parties interest in the development of Council's land, including this process running parallel with the consideration of the Woolworths proposal.
5. That a report be prepared that identifies appropriate land uses for the properties on Kiaora Road that formed part of the approved Kiaora Lands scheme, excluding 1 Kiaora Road.

Background:

A report on the planning and urban design assessment of Woolworth's scheme for Kiaora Lands was presented to the Urban Planning Committee on 12 February 2007 (**Annexure 1**). The Committee recommended that consideration of the report be deferred until after the Corporate and Works Committee has considered the report on probity and direct negotiations as follows:

That consideration of the matter be deferred until after the Corporate and Works Committee has received and considered the report, as required by Council's resolution of 24 July 2006, on the probity and direct negotiation issues that arise from Woolworth's approach to develop the Kiaora lands site.

The report on probity and direct negotiations was considered at the Corporate and Works Committee meeting on 19 February 2007. The Committee adopted the following recommendation:

1. *That Council agree to discussions with Woolworths in relation to Council's Kiaora Lands site.*
2. *That direct negotiations with Woolworths be deferred until Council can determine whether or not the Woolworths scheme will satisfy the guidelines and principles set out by the ICAC in its publication, Direct Negotiations: Guidelines for Managing Risks in Direct Negotiations (May 2006), including whether or not the scheme will deliver best value for money.*
3. *That a further report be presented to the working party on how the process should be managed to comply with ICAC and Public Private Partnerships Guidelines including criteria for determining best value for money.*
4. *That a copy of this report be provided to the Department of Local Government.*
5. *That Staff provide a prompt report on:*
 - *Potential and process for an Expression of Interest for the development of the Kiaora Lands site.*
 - *The possible content of an EOI including the desired public benefit and urban design outcome for the site.*
 - *How the Kiaora Lands project fits in with the overall strategy for Council's property portfolio.*

The above recommendation will be considered by Council on 26 February 2006.

Conclusion

The report to the Urban Planning Committee on 12 February 2007 is attached as **Annexure 1**. For the reasons outlined in that report, it is recommended that we continue to work with Woolworths to develop and further test the current scheme, subject to traffic modelling confirming that the proposed arrangements for traffic circulation, loading and unloading and parking will operate in a satisfactory manner.

Margaret Zulaikha
Team Leader Urban Design

Allan Coker
Director Planning and Development

ANNEXURES:

Annexure 1 Report re Kiaora Lands to Urban Planning Committee on 12 February 2007