



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 28 May 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

24 May 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 – 28 May 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 28 May 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 14 May 2007 | 1 |
| D2 | Built Environmental Principal Activity – Third Quarterly Management Plan Review – 827.G 05-08 | 2-39 |

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

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 May 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 14 May 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 14 May 2007 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

Subject: **BUILT ENVIRONMENT PRINCIPAL ACTIVITY – THIRD 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 March 2007.

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.

1. 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 third 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 third 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 one project that has 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 submitted their final reports for the Double Bay Commercial Centre and Oxford Street, Paddington commercial area. Meetings of the Joint Working Parties were held on 6 and 27 March 2007. At these meetings the consultants presented their interim study findings, final draft reports and an overview of centre manager options.

Comprehensive LEP

During the quarter further work progressed on our review of housing characteristics and projections. This work is necessary because it will be used in the preparation of the comprehensive LEP and in our response to the Department of Planning's Draft Eastern Subregional Strategy. The Subregional Strategy will be used as a key directional policy for councils in the eastern subregion when they prepare comprehensive LEPs. As part of this work we met with representatives on 10 March 2007 to discuss progress of the Subregional Strategy and Council's current research.

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. The controls and other provisions of each DCP are being extracted and placed by type and location into a data base. Approximately 60% of the work has been completed.

2.2 Report to committees

During the quarter the Strategic Planning section presented the following reports to the Urban Planning Committee.

| Project | Committee | Reasons for project |
|---|------------------|--|
| Draft Woollahra Section 94A Development Contributions Plan 2005 (Amendment No.1) – post exhibition consideration of submissions | UPC 29.1.07 | Response to Ministerial Direction relating to levy rates |
| Draft DCP for Advertising and Notification of Development Applications and Applications to Modify Development Consents (Amendment No. 1) – post exhibition consideration of submissions | UPC 29.1.07 | Council decision to require site notices for DAs |
| Built Environment Principal Activity – second quarter report | UPC 26.2.07 | Report on status of applicable projects |
| Sydney Grammar School tennis court site rezoning | UPC 26.3.07 | Response to adopted notice of motion |

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 DCP review

In response to a decision of the Council on 18 December 2006, we reported to the Urban Planning Committee meeting of 29 January 2007 with a proposed composition for a peer and community review panel. The Council endorsed the members of the panel on 12 February 2007. A progress report, which confirmed the Paddington Society member and community representative, was considered by the Urban Planning Committee on 26 February 2007. The Panel met on 4 April 2007 and 1 May 2007.

Deferred potential heritage items – Woollahra and Rose Bay

Further research has been carried out for No.7 Ocean Street, Woollahra (Temple Emanuel) and 25 Hamilton Street, Rose Bay. A Councillor inspection of No.7 Ocean Street is required before a report can be considered by the Urban Planning Committee. We expect the inspection will be arranged in June.

Architectural work by John R Brogan

This project arose from consideration by the Urban Planning Committee on 25 September 2006 of potential heritage items, one of which was designed by the architect John R Brogan. We have undertaken research on the architect and his works in Woollahra. We will report with our findings and recommendations to a meeting of the Urban Planning Committee in July 2007.

3.2 Core activities

The two heritage officers dealing with development applications processed 118 referrals during the quarter. Completion times for these referrals have largely met required time frames.

3.3 Reports to committees

During the quarter the Heritage Planning team presented the following reports to the Urban Planning Committee.

| Project | Committee | Reasons for project |
|--|------------------|---|
| Draft Paddington Heritage Conservation Area DCP 2006 – Peer and Community Review Panel | UPC 29.1.07 | Part of general review of policy documents; address specific development issues; response to Council decision |
| Draft Paddington Heritage Conservation Area DCP 2006 – Peer and Community Review Panel – progress report | UPC 26.2.07 | Part of general review of policy documents; address specific development issues; response to Council decision |

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

Following exhibition of the Draft DCP in January 2006, Council resolved to defer it to reconsider the possible configuration of building envelopes. Following further consideration by the Strategic Planning Working Party it asked that we report to the Urban Planning Committee on the preferred way of progressing the plan. The report presented to committee on 12 February outlined four possible ways of progressing the draft DCP. Council subsequently resolved to proceed by preparing a 'principles bases' DCP.

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 resubmitted to the Urban Planning Committee on 26/2/07.

Additional Uses in William Street Paddington

The report on William Street Paddington reported on the public consultation process undertaken to canvas community attitudes to a proposal to extent the permissible range of land uses. The outcome of this process was reported to the Urban Planning Committee on 12 March 2007. Council subsequently decided to formally exhibit the draft LEP to expand the range of permissible uses in William Street.

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 Urban Design Team presented the following reports to the Urban Planning Committee:

| Project | Committee | Reasons for project |
|---|------------------|---|
| Draft White City DCP | UPC 12.2.07 | To present options for progressing the draft plan. |
| Kiaora Lands – Planning and Urban Design Assessment | UPC 26.2.07 | Resubmission of 12.2.07 report following consideration of the probity and direct negotiation issues by the Corporate and Works Committee. |
| William Street, Retail Uses | UPC 12.3.07 | To report on the outcome of the public consultation process prior to public exhibition of a draft LEP. |
| Draft White City DCP | | To present a 'principles based' draft DCP. |

5. Development Control

5.1 Core activities

DA and section 96 turn around times have increased during the third 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 and gross determination times in the second quarter were 82 and 94 days respectively. The net times reflect the time excluded whilst we wait for further information from applicants. This increase reflects the determination of aged applications including the Rose Bay Sea Wall DA withdrawn after being undetermined for more than 1000 days, ongoing staff vacancies in key positions and significant diversion of resource towards problematic developments such as 16-20B Tivoli Avenue, Rose Bay, 38 Fitzwilliam Road, Vaucluse and 376 New South Head Road, Double Bay.

As at 31 March 2007 there were 438 outstanding Development Applications, section 96, section 82A and Construction Certificate applications undetermined. This decreased by 17 from the 455 outstanding at the end of the second quarter. We are still targeting sub 400 as our upper limit. It is worth noting that these figures do not include replacement applications. A detailed report was provided to DCC .

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

DA assessment procedures are constantly under review and our procedures data base is regularly updated to reflect changes in legislation, case law and administration. During the quarter a firm of external management consultants (ABRAXA Management Consulting) carried out a detailed review of the operation of the Development Assessment Review Committee (DARC) and of our internal referrals processes. The recommendations from that review have not yet been implemented.

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 now see the new conditions in committee reports.

Develop and implement new post determination processes and procedures

This project was not commenced in the 3rd quarter. The time of our Executive Planner was and continues to be diverted to major development applications including Cranbrook School, a complex residential flat building in Roslyndale Avenue, lighting for Woollahra ovals 1 and 2 and the Rose Bay and Point Piper Marinas.

Public Performance Reporting

Public performance reporting data has been collected and live data is being maintained in ongoing processes. A Development Control 2000 to 2006 performance report was presented to the DCC on 2 April 2007. The performance data from that report has been placed on a new page in our web site at:

http://www.woollahra.nsw.gov.au/building_and_development/development_applications/our_performance.

Review and document s68 Activity Approval Process

This project has been delayed because of other priority work, including complex development application assessments.

6. Compliance

6.1 Core Activities

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

- 48 construction certificates were determined, representing a market share of approximately 27.7%. The median turn-around time for these applications was 28 days.
- 2 complying development certificates were issued, representing a market share of 33.3%. The median turn-around time for these applications was 37 days.
- Council was appointed as the Principal Certifying Authority (PCA) for 29 new construction projects, representing a market share of approximately 20.6%.
- 58 building certificates were issued, with a median turn-around of 40 days.
- 6 hoarding applications were determined, with a median turn-around of 8 days.
- 3 new Fire Safety Statements were registered.
- 192 Annual Fire Safety Statements were submitted
- No fines were issued for failure to submit an Annual Fire Safety Statement
- 3 Fire Safety Orders were issued
- 1 Fire Safety Order was completed
- 94 Notices and Orders were issued for the rectification of unauthorised uses/works.

With the resignation of our former Fire Safety Officer the numbers of new Fire Safety Statements dropped below our estimated quarterly figure. However the numbers of Annual Fire Safety Statements have significantly jumped this quarter and are well above Council's quarterly estimate. As our new Fire Safety Officer settles in the results in the Fire Safety area will continue to improve.

Council continues to experience difficulties recruiting staff to the Building Section, having failed recently to attract any qualified Building & Compliance Officers for the vacant Area Building & Compliance position. An appointment has been made to the vacant Senior Building & Compliance Officer position, however, the successful applicant is not available to commence duties until July 2007.

With three vacancies in the Building & Compliance Section, we operated with only 70% of the approved staffing level during the quarter. Qualified casual and temporary staff is also difficult to find.

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.

6.2 Management Plan Projects

During the quarter the Compliance Section completed its response to a Notice of Motion on unauthorised uses and completed a review of "Council's policy on Unauthorised Uses, Buildings and Works" adopted on 12 July 1999. A new "Enforcement Policy" was presented to the Urban Planning Committee on 29 January 2007 but deferred to allow for various amendments. Those amendments were carried out and the policy was resubmitted to the committee at its meeting held on 26 March 2007.

6.3 Reports to Committee

During the quarter the Compliance section presented the following reports to the Urban Planning Committee.

| Project | Committee | Reasons for project |
|--|------------------|---|
| Report on unauthorised and illegal works and uses. | UPC 29.1.07 | To respond to a Notice of Motion to advise the means of identifying and prosecuting unauthorised works, our legal position, consents granted without construction certificates following and how we can prevent and control unauthorised works. |
| Draft Enforcement Policy | UPC 26.2.07 | To present a revised Enforcement Policy for approval. |

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. March 2007 Quarterly Review of Principal Activity, Built Environment
2. March 2007 Quarterly Review of Outstanding Notices of Motion, Built Environment