



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 9 May 2005*

**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

5 May 2005

To: The Mayor, Councillor Rundle, ex-officio  
Councillor David Shoebridge (Chair)  
John Comino  
Christopher Dawson  
Keri Huxley  
Julian Martin  
Isabelle Shapiro  
Fiona Sinclair King

Dear Councillors

### **Urban Planning Committee Meeting – 9 May 2005**

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 9 May 2005 at 6.00pm.**

Gary James  
General Manager

## Meeting Agenda

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

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

D1	Confirmation of Minutes of Meeting held on 26 April 2005	1
D2	Built Environment Principal Activity – Third Quarterly Management Plan Review – 827.G 04-07	2

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 26 April 2005**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Tuesday 26 April 2005 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 26 April 2005 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**  
**Author:** Chris Bluett – Manager Strategic Planning  
**File No:** 827.G 04-07  
**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 2005

### **Recommendation**

- A. That the status of projects for the Built Environment principal activity be noted.
  - B. That variations to projects be agreed subject to adoption of the relevant budget variations included in the separately reported quarterly financial review.
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### **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 Planning
- 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.

The balance of this report provides a commentary on variations, changes, exceptions, completed work and achievements during the third quarter of 2004-2005. The purpose is to provide Councillors with an overview of the key influences or issues arising from this quarterly review.

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.

Any changes to the budget required as a consequence of reordered priorities, including notices of motion will be considered in a separate budget report which reviews the overall financial position of the Council at the end of the quarter.

Following is the commentary on each sub-activity.

### 1.1 Environmental Planning

The major focus of the Environmental Planning sub-activity in the 2004-2007 Management Plan is to complete the outstanding placed-based development control plans (DCPs). This follows completion of the Watsons Bay Conservation Area DCP, our DCP for residential areas (RDCP 2003), the Woollahra Heritage Conservation Area DCP, the Rose Bay Town Centre DCP, the Double Bay Town Centre DCP, and Paddington DCP.

Thus, the Management Plan identified the following projects to complete a high quality contemporary planning framework for Woollahra:

- a new DCP for the Edgecliff Town Centre
- new DCPs for our neighbourhood centres

Work on the neighbourhood centres, which was commenced in the second quarter, continued during the third quarter. Further discussion on this project is provided in the section on Urban Design.

No work has been carried out on the Edgecliff Town Centre DCP, the Rose Bay Car Parks master plan, the Car Parking DCP review or the Residential Strategy review. These projects have been rescheduled for 2005-2006.

There has been significant delay to our program in the first two quarters arising from non-management plan items, particularly with two discussion papers produced by the Department of Infrastructure, Planning and Natural Resources (DIPNR) and two rezoning applications. The former items dealt with planning issues of varied complexity and required considerable research which resulted in the preparation of submissions to DIPNR.

The projects/issues that have been addressed and reported on during the quarter are set out in the table below:

Project	UPC	Reasons for priority
Report on clause 25(2) of Woollahra LEP 1995	31/1/05	DA assessment issues arising from decision of the Land and Environment Court regarding 20-22 Roslyndale Avenue
13 Lawson Street, Paddington – request to amend Woollahra LEP 1995 to include an additional use	28/2/05	Unsolicited application submitted in November 2004 and amended on 14 February 2005
Report on section 94 matters including: <ul style="list-style-type: none"> <li>▪ updated contribution rates for Woollahra Section 94 Contributions Plan 2002</li> <li>▪ information on the <i>Environmental Planning and Assessment Amendment (Development Contributions) Bill 2004</i></li> <li>▪ a minor amendment to the Contributions Plan</li> <li>▪ responses to notices of motion</li> </ul>	14/3/05	Update of contribution rates required by March of each year.  Necessary information for Councillors on important proposed changes to section 94 of the <i>Environmental Planning and Assessment Act 1979</i> (the Act)  Need to respond to notices of motion

## **1.2 Heritage Conservation**

The focus of the Heritage Conservation sub-activity work program in the third quarter has been on the following two projects:

### *1. Contemporary heritage items*

Clive Lucas, Stapleton and Partners continued their investigations of twenty-four potential contemporary heritage items. This included discussions with architects, site inspections and the preparation of draft inventory sheets. Preliminary findings for most of the properties were submitted and reviewed. Because of the need for additional research on a number of properties it is now expected that the report on these investigations will be presented in the first quarter of 2005-2006.

### *2. Paddington DCP review*

During the quarter further work on the review was undertaken and redrafting of the document continued. Meetings of the Paddington DCP Working Party were held on 25 January, 15 February, 6 April and 3 May 2005. The dates for completing the review and reporting to the Urban Planning Committee cannot be confirmed at this time. We will be in a better position to determine these times once the cycle of meetings with the Working Party has concluded.

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.

## **1.3 Urban Design**

The three key urban design projects in this sub-activity are the Neighbourhood Centres Strategy, Edgecliff Centre DCP review and the Rose Bay Car Parks. These projects are also contained within the Environmental Planning sub-activity because they will require specialist staff from both teams. Comments on these projects were provided above.

During the quarter, the urban design team focussed primarily on the Neighbourhood Centres Strategy. Research was presented to meetings of the Strategic Working Party on 2 March, 3 February, 14 April and 28 April 2005.

Peter Leyshon, a retail and planning strategist from Leyshon Consulting, was engaged to investigate six neighbourhood centres: Watsons Bay, Hopetoun Avenue, Rose Bay North, O'Sullivan Road and New South Head Road, Queen Street, and Ocean Street, Woollahra. Mr Leyshon made a presentation to the Working Party meeting on 14 April 2005.

The Urban Design team also provided comments on several large development proposals.

## **1.4 Development Control**

During the quarter the Development Control Section received 381 and processed 373 applications (DAs, s96 modifications, s82A reviews and construction certificates [class 1 and 10 buildings]) with a median processing time of 67 days. It also conducted 19 pre-lodgement meetings with potential applicants. A report on the performance of the Section, with statistics, was submitted to the Development Control Committee on 21 January 2005. A further detailed statistical performance report is under preparation for the Development Control Committee and will be placed on the agenda in May 2005.

### 1.4.1 Continuous improvement

Our process of continuous improvement in the Development Control Section over the third quarter has included:

#### 1. Training

Assessment Officer training sessions with Jeremy Bingham, Senior Partner of Deacons, Michael Connell, General Counsel and Jane Hewitt Partner of Michell Sillar to review:

- changes to Court rules
- changes to Court practice directions
- planning principles set out in recent judgements of the Court and now published on the Court's website  
[http://www.lawlink.nsw.gov.au/lawlink/lec/ll\\_lec.nsf/pages/LEC\\_planningprinciples](http://www.lawlink.nsw.gov.au/lawlink/lec/ll_lec.nsf/pages/LEC_planningprinciples)
- review in particular of [Stockland Development Pty Ltd v Manly Council \[2004\] NSWLEC 472 revised - 01/10/2004](#) and [Billgate Pty Limited v Woollahra Municipal Council And Anor \[2005\] NSWLEC 61](#)

#### 2. Procedures

Changes to development application report templates and new and amended procedures to address a range of assessment issues. The changes included:

- review of the advertising and notification procedure to ensure compliance with the Act and the *Environmental Planning and Assessment Regulation 2000* (the Regulation);
- review of the referral's procedure to ensure compliance with the Act and the Regulation;
- review of the SEPP 1 procedure to ensure draft SEPP (Application of Development Standards) 2004 is addressed;
- a new procedure "Development Assessment - Non-compliance with Development Controls" which applies [Stockland Development Pty Ltd v Manly Council \[2004\] NSWLEC 472 revised - 01/10/2004](#) and details how the Court will determine the weight given to development controls and other planning principles. This will form part of the Councillor workshop on 21 April 2005 to be chaired by Jeremy Bingham, Senior Partner Deacons.
- further revisions to the DA Guide to address:
  - Land and Environment Court Practice Direction No.2 of 2005
  - clarification of survey plan requirements
  - clarification of need for colouring and highlighting of plans to comply with Australian Standard 1100
  - requirements for assessment of acid sulfate soil issues under clause 25D of Woollahra LEP 1995
  - general review.
- review of acid sulphate soils procedure with the commencement of clause 25D of Woollahra LEP 1995. (This clause was introduced in Woollahra LEP 1995 (Amendment No 39), gazetted on 11 March 2005 ).
- review of assessment procedures to address stormwater disposal (clause 25(2) of Woollahra LEP 1995).

Daily changes continue to the procedures database to pick up new case law and legislation.

A new development consent form and covering letter have been completed and implemented to address post determination procedures. This process is aimed at rolling up the management plan task of developing a post-DA Information Pack.

### 3. *Performance reporting*

Improvements to performance reporting have been introduced through the use of statistical reports that summarise application determinations for each assessment officer.

### 4. *Legal data base*

The electronic legal advice register has been replaced with an indexed Lotus Notes database. The data transfer has commenced. All legal advice will be transferred to this indexed and key-word search database by the end of April 2005.

## **1.4.2 Submissions**

Submission was made to the Chief Justice of the Land and Environment Court in relation to Practice Direction No.2 of 2005.

## **1.4.3 Appeals**

Two class 4 appeals remain afoot and numerous class 1 appeals were lodged in the Land and Environment Court as reported to each Development Control Committee in the Legal List. The judgement for the most significant class 1 matter heard last year, Billgate Pty Ltd v WMC, was handed down with the appeal dismissed and the development application rejected on merit by the Court.

## **1.5 Compliance**

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

- 52 construction certificates were determined, representing a market share of 34.66%
- 3 complying development certificates were issued, representing a market share of 75%
- Council was appointed as the Principal Certifying Authority (PCA) for 25 new construction projects, representing a market share of 19%
- 54 building certificates were issued
- 23 hoarding applications were determined
- No activity applications were determined
- 4 land and 5 strata applications were processed
- 93 new fire safety statements were registered
- 108 annual fire safety statements were submitted
- 18 fines were issued for failure to submit Annual Fire Safety Statement
- 6 Fire Safety Orders were issued
- 9 Fire Safety Orders were completed
- 40 Notices and Orders were issued for the rectification and unauthorised uses/works.

Review of the section's procedures is on-going.

## **1.6 Management and Administration**

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

## **Conclusion**

Whilst work on projects in the Built Environment has progressed satisfactorily during the quarter, it is apparent that certain projects in Environmental Planning and Heritage Conservation will not meet their targeted dates. This is attributable to several factors including the continued impact from disruptions to the program in the second quarter, the need for additional research and review with the heritage projects, and further emergent non-Management Plan projects. We have identified that several projects in these sub-activities will carry over into the 2005-2006 Management Plan.

Chris Bluett  
Manager Strategic Planning

Allan Coker  
Director Planning and Development

## **ANNEXURES**

1. Status Report, 3rd Quarterly Review, Built Environment Principal Activity.
2. Notices of motion update report