



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 27 August 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

23 August 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 – 27 August 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 27 August 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 13 August 2007	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Draft White City Development Control Plan – 1064.G (Amend 59)	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 13 August 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 13 August 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 13 August 2007 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Draft White City Development Control Plan**
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G (Am59)
Reason for Report: To report on submissions arising from public exhibition of the Draft White City DCP

Recommendation

That Draft White City Development Control Plan, as contained in **annexure 3** of the report to the Urban Planning Committee meeting on 27 August 2007, be approved and come into effect on the date a public notice of Council's approval is placed in the newspaper.

1. Background

On 16 April 2007 the Council resolved:

That Draft White City Development Control Plan as contained in **Annexure 7** of the officer's report to the Council meeting on 16 April 2007 be publicly exhibited as soon as possible in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* and that a colour aerial photograph of the site be attached to the draft DCP.

The decision followed a further stage in the preparation of a development control plan for the White City site.

2. Public exhibition process

Public exhibition of the Draft White City DCP (the Draft DCP) occurred over the period 18 May 2007 to 22 June 2007, inclusive. The exhibition took place at the Council's main offices in Double Bay, within the Customer Service area. Copies of the Draft DCP were made available free of charge. A copy of the Draft DCP and an explanatory note were placed on the Council's website.

Public notice of the exhibition was placed in the Wentworth Courier editions on 16, 23 and 30 May, and 6, 13 and 20 June 2007. Letters about the exhibition were sent to adjoining landowners and owners of land in the vicinity of the site. Notification was also sent to:

- The Paddington Society
- Rose Bay Residents' Association
- ACE Group
- Woollahra History and Heritage Society
- Darling Point Society
- St George Anglican Church, Glenmore Road
- Sydney Grammar School
- John Alexander Clubs
- White City Tennis Club
- Save Glenmore Road Group
- Member for Sydney.

3. Summary and consideration of submissions

Eleven submissions relating to the Draft DCP were received. **Annexure 1** contains a table summarising the submissions. Responses are provided to each submission and where necessary recommended amendments to the Draft DCP are provided.

A copy of each submission is provided in **annexure 2**. An amended version of the exhibited Draft DCP showing deleted and added text is provided in **annexure 3**.

3.1 Summary of submissions

The submissions fell into several categories, the main ones being:

1. Objections to the prescriptive nature of objectives, controls and policies.
2. Requests to provide more stringent protection for the tennis courts and long term operation of a tennis club.
3. Miscellaneous comments on matters such as the consistency of controls, relationship of proposed land uses to LEP provisions and implementation.

3.1.1 Objections to prescriptive nature of objective, controls and policies

Two submissions in the first category were from consultants acting for landowners and developers with interests in the various parcels that comprise the White City site. A third submission was from the White City Tennis Club.

Gardner Wetherill Associates

The submission from Gardner Wetherill Associates (submission 2) on behalf of Crystal Carwash, the owner of the New South Head Road portion of White City site, includes the following requested alterations:

- extension of the building footprint towards the west (if the height control is retained),
- increase in building height from RL 19.5m AHD to RL 22.5m AHD (if the footprint/envelope controls is retained),
- removal of the envelop control and use of a floor space ratio or gross floor area control,
- removal of a precise location for the pedestrian access and inclusion of a general control about an access linkage.

The requested changes have been addressed in **annexure 1**. The submission has not been supported. Councillors will recall that the height control for Building A, which fronts New South Head Road, was considered by the Strategic Planning Working Party and the Urban Planning Committee at length. Early versions of the Draft DCP contained a height control equivalent to the top height of the railway viaduct infrastructure (RL 22.10m AHD). However, Council decided to reduce the height to RL 19.5m AHD, which is approximately midway between the top of the viaduct's balustrade (RL 16.70 m AHD) and the upper height of the superstructure. The reason for doing so was primarily to address views from Glenmore Road and parts of Paddington.

Figure 4, Building A – Building Envelope, shows a structure of three levels within the height limit of RL 19.5m AHD. There are no controls to address parapets, lift overruns, aerials or telecommunication devices. Should the DCP be approved with the exhibited controls for Building A, it is likely that a future application for a three level building will not comply with the height control due to inclusion of roof top structures.

Previous versions of the Draft DCP allowed rooftop structures above the maximum height control. However, these exceptions were removed from the current Draft DCP. It is recommended that Councillors consider the possible reinstatement of a control for rooftop structures. This issue is also relevant to the tennis/recreation club building on the southern part of the site.

Walker Corporation

The submission from Walker Corporation on behalf of John Alexander Clubs and Poplar Holdings Pty Ltd includes a number of comments which are addressed in **annexure 1**. Walker Corporation requests several changes:

- increase in building height from RL 12.5m AHD to RL 15.5m AHD or retention of the proposed building height with an amendment which allows non-compliance subject to a proposal meeting relevant objectives,
- allow flexibility to construct outside the prescribed building footprint subject to a proposal meeting relevant objectives,
- delete mandatory requirement for a public viewing platform off Glenmore Road or reword control to encourage provision of the platform,
- review heritage conservation policies to ensure consistency with objectives and controls,
- increase height of centre courts from RL 7.0m AHD to RL 7.6m AHD,
- change the requirement for public accessways across the site to indicate that Council has no legal power to require such access,
- require 10% of building's energy requirements to be sourced from renewable energy instead of the requirement for solar panels to provide energy supply to all common areas.

Perhaps the most critical and controversial issue is the maximum building height. There are several competing objectives in considering an appropriate height control for the site. For the southern part of the site, Councillors have previously placed a priority on maintaining and opening views across the site from Glenmore Road to the valley floor and on to Rushcutters Bay.

The height issue for the designer of a multi-functional club is complicated by the variable floor to floor and floor to ceiling minimum requirements for components such as car parking areas, change rooms, club rooms, function rooms, squash courts and swimming areas. An added complication occurs with the constraint on excavation due to the flood level, high water table and potential acid sulfate soils.

There is also a need for a well designed building, particularly when viewed from Glenmore Road and above. In this situation, the roof becomes an important aesthetic component to the overall design.

Calculations for basic building envelopes were undertaken using industry standard figures, floor heights provided in the Draft DCP and information provided in the submission. Results show that for a two storey building and a height limit of RL 12.5m AHD there will be little scope to accommodate the hipped, raked or curved roof design options suggested in the Draft DCP.

The height control of RL 12.5m AHD has been retained in the Draft DCP. However, it is suggested that Councillors reconsider the restrictive nature of the control. Previous versions of the Draft DCP have included a maximum height of RL 15.0m AHD.

White City Tennis Club

The Club considers the proposed footprint for the tennis/recreation club building will limit innovative design. It submits that the location of buildings should be left to development application assessment and considered against the DCP objectives.

The Club also sought several amendments:

- an increase in the building height on the western boundary from three to four storeys on the basis that heritage and view line objectives could be met,
- removal of the requirement to permanently enclose the centre courts,
- removal of the east-west proposed pedestrian and cycle pathway,
- removal of the prohibition of rooftop tennis courts and allowance for their consideration at the DA stage.

Responses to these matters are provided in **annexure 1**.

3.1.2 More protection for tennis courts and long term operation of tennis club

These submissions were concerned with retention of the maximum number of tennis courts and the retention of grass courts in order to protect the heritage significance of the White City site and the viability of a tennis club. Responses to these matters are provided in **annexure 1**.

3.1.3 Miscellaneous comments

These comments covered a variety of topics including heritage conservation, site interpretation and access from Walker Avenue. Responses to these matters are provided in **annexure 1**.

3.2 Summary of amendments

The table below contains a summary of recommended amendments to the Draft DCP. These changes are also shown in an amended version of the Draft DCP in **annexure 3**. Minor typographical alterations are not shown in the table.

Control/clause/policy – proposed amendment	Reason for amendment
Control C11 in clause 4.2 <i>Building location, design and uses – tennis/recreation club building</i> A publicly accessible viewing platform is to be provided with direct pedestrian access from Glenmore Road. <u>Consider provision of a accessible viewing platform is to be provided with direct pedestrian access from Glenmore Road.</u>	To reflect the legal constraint in requiring public access.
Control C13 in clause 4.2 <i>Building location, design and uses – Tennis/Recreation Club Building</i> Despite C1, a building with a maximum height of three storeys may be considered on the western side of the centre courts if it assists with meeting the heritage objectives of the plan and does not affect the view lines from Glenmore Road. <u>Despite C1, a building with a maximum height of three storeys may be considered on the western side of the centre courts if it assists with meeting the heritage objectives of the plan and does not affect the view lines from Glenmore Road.</u>	To remove possible interpretation issues and confusion with control C1 in clause 4.2.
Control C3 in clause 4.4 <i>Heritage conservation</i> The centre courts are to be retained in their existing location, and if elevated be no higher than RL 7.0m AHD. This height may be exceeded up to a level of RL 7.6m AHD where the Council is of the opinion, based on expert green keeping and structural engineering advice, that a particular soil and subsurface depth is necessary to sustain the proposed grass courts and a particular structural depth is require to support the grass, soil and other subsurface material. <u>The centre courts are to be retained in their existing location, and if elevated be no higher than RL 7.0m AHD. This height may be exceeded up to a level of RL 7.6m AHD where the Council is of the opinion, based on expert green keeping and structural engineering advice, that a particular soil and subsurface depth is necessary to sustain the proposed grass courts and a particular structural depth is require to support the grass, soil and other subsurface material.</u>	To allow minor flexibility in setting a height level based on expert advice.

<p>Control C3 in clause 4.5 Vehicular access Traffic volumes <u>in Alma Street</u> generated from the development in Alma Street <u>on the site</u> must not result in the environmental capacity of Alma Street as a local road being exceeded outside of peak hour use (8.00-9.00am and 3.00-4.00pm weekdays).</p>	<p>To improve interpretation.</p>
<p>Explanatory section to clause 4.6 - Pedestrian and cycle access <u>Alternative transport options to and from the site are encouraged.</u> <u>Provision for buses and bicycle storage will assist with these options.</u></p>	<p>To provide suitable introduction and rationale for objectives and controls.</p>
<p>Control C2 in clause 4.6 Pedestrian access A pedestrian/cycle path must be provided <u>Consideration must be given to the provision of a pedestrian/cycle path</u> between New South Head Road and Alma Street. It should have a <u>minimum</u> width of 3 metres, to allow for safe and convenient combined use.</p>	<p>To remove conflict with control C1 in clause 4.6. To reflect the legal constraint in requiring public access. To reflect the consent granted to DA 20/2006 for subdivision of land at 30 Alma Street which included a 7.3 metre wide right of carriageway between the stormwater channel and Alma Street.</p>
<p>Control C5 in clause 4.6 - Pedestrian and cycle access <u>Secure and accessible</u> bike storage is to be provided. <u>The number of spaces is to meet the requirements set down in the publication titled <i>Guide to Traffic Engineering Practice Part 14 – Bicycles</i>, second edition 1999, Austroads Publications.</u></p>	<p>To ensure secure and accessible bicycle storage areas are provided. To specify the number of spaces required.</p>
<p>Control C7 in clause 4.12 Stormwater management Development can be constructed adjacent to the floodway (within the flood storage zone) provided that:</p> <ul style="list-style-type: none"> – all habitable floors are to be constructed not less than 300mm (minimum) - 500mm (desirable) above the 100 year ART flood; – all non-habitable floors are to be constructed not less than 150mm (minimum) - 300mm (desirable) above the 100 year ARI flood except for parking areas in structures which <u>may have a finished floor level located no lower</u> can be located not less than 200mm below the 100 year ART flood. <u>In all cases</u> clear evacuation routes away from the flood must be available. 	<p>To improve interpretation.</p>
<p>Policy 29 in Annexure 1 – White City conservation policy statements <i>The Centre Court arena and the containment of the space should be enclosed to interpret and reflect the raked forms of the former grandstands.</i> In order to conserve the significance of the Centre Courts and ensure its continued use, it is important that the sense of arena in the historic layout (1) is interpreted and reflected in any new design. This could be achieved by:</p> <ul style="list-style-type: none"> – raking back the built form to interpret the profile of the original stands or – stepping back the built form combined with an interpretation of the stands at the lower level. This should include access, public seating and awnings to interpret the former structures and to provide a human scale around the courts. Seating and awnings should be centred on the Centre Courts and not extend the full extent of the building. The containment of the east and western sides could be achieved with open seating and landscape if there is no development in these areas. <p>the height of development along the Glenmore Road boundary, should be limited to not exceed the height of a three storey Paddington terrace house.</p> <ul style="list-style-type: none"> – ensure any new work is in harmony with the architecture of adjacent buildings of heritage significance. <p>(1) Southern Stand 1923, Northern Stand 1930, original east and west open stands erected 1940.</p>	<p>To remove conflict with controls in clause 4.1 <i>Site layout and views</i> and clause 4.2 <i>Building location, design and uses</i>.</p>

<p>Policy 35 in Annexure 1 – White City conservation policy statements If linear runs associated with the NSWLTA Clubhouse are located, aim to retain in situ, or <u>if</u> required, remove after both measured drawings and photographic recording <u>have been completed to Council's standards</u>. Development on the site should include interpretation of the former Lawn Tennis Clubhouse, its former use and historical context. A contemporary architectural style would be appropriate.</p>	<p>To improve interpretation and ensure that recording is carried out to a standard acceptable to the Council. This standard meets the NSW Heritage Office requirements.</p>
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Conclusion

Preparation of the Draft DCP and its exhibition have been carried out in the manner required by the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Consideration has been given to submissions received in response to the public exhibition of the Draft DCP and a range of amendments is recommended. The amendments are not considered to be of such magnitude to warrant re-exhibition of the Draft DCP.

The main issues relate to the prescriptive nature of controls and the consequent constraint on redevelopment. In particular, redevelopment issues for the southern part of the site are compounded by flood issues, a high water table and potential acid sulfate soils.

The Draft DCP provided in **annexure 3** retains the overall height controls for Building A and the tennis/recreation club building. However, it is suggested that Councillors give further consideration to the height limits in light of the submissions.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

ANNEXURES

1. Table of submissions
2. Copy of public submissions
3. Draft White City DCP, post exhibition with alterations