



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Tuesday 14 June 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

9 June 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 – 14 June 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 Tuesday 14 June 2005 at 6.00pm.**

Gary James
General Manager

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 30 May 2005	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Draft Woollahra LEP 1995 (Amendment No. 56) – 13 Lawson Street, Paddington – 1064.G Amend 56	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 30 May 2005**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 30 May 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 30 May 2005 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council

Subject: **Draft Woollahra LEP 1995 (Amendment No. 56) - 13 Lawson Street, Paddington**

Author: George Losonci, Senior Strategic Planner

File No: 1064 G Amend 56

Reason for Report: To report on the public exhibition of Draft Woollahra Local Environmental Plan 1995 (Amendment No. 56) - 13 Lawson Street, Paddington.

Recommendation

THAT Draft Woollahra Local Environmental Plan 1995 (Amendment No. 56), as exhibited and as contained in **Annexure 1** of the report to the Urban Planning Committee meeting of 14 June 2005, be referred to the Department of Infrastructure, Planning and Natural Resources for approval by the Minister and for gazettal.

1.0 BACKGROUND

On 28 February 2005, Council's Urban Planning Committee considered a report regarding a proposal to broaden the range of permissible uses at No. 13 Lawson Street, Paddington, which would permit a counselling service, restricted to the ground floor and used solely in connection with the Sydney Grammar Preparatory School. The report to the Committee recommended that a draft LEP be prepared.

Council, at its meeting of 14 March 2005, resolved the following:

- A. *THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995 to broaden the range of permissible uses at No. 13 Lawson Street, Paddington, to provide a counselling service, restricted to the ground floor and used solely in connection with the Sydney Grammar Preparatory School.*
- B. *THAT as required by the Council's adopted Fees and Charges, the applicant is to pay all costs incurred by Council for the preparation and exhibition of the amending local environmental plan.*

2.0 PREPARATION OF DRAFT WOOLLAHRA LEP 1995 (AMENDMENT NO. 56)

After the Council's decision of 14 March 2005, preparation of the Draft LEP commenced in the manner set out in the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation). The following statutory steps were undertaken during the plan preparation process.

2.1 Section 54(4) notification to DIPNR

Notification to the Department of Infrastructure, Planning and Natural Resources [DIPNR] about Council's decision to prepare the Draft LEP was carried out in the manner required by section 54(4) of the Act and clause 9 of the Regulation.

No direction has been received from the Director-General requiring the Council to prepare a local environmental study relating to the Draft LEP.

2.2 Section 62 consultation

As part of the draft LEP process, section 62 of the Act requires that the Council carry out consultation with those public authorities and bodies that, in the Council's opinion, will or may be affected by the draft LEP, and with the adjoining council, where the draft LEP applies to land on a local government boundary.

Notification of the Draft LEP and a copy of the report to Council's Urban Planning Committee of 28 February 2005 were sent to the NSW Heritage Office.

The NSW Heritage Office has responded and raises no objection to the aims and content of the Draft LEP.

2.3 Section 64 notification

DIPNR was informed in the required manner that the consultation had occurred. A copy of the Draft LEP was included in the correspondence.

2.4 Section 65 certificate

A certificate under section 65 of the Act enabling the Draft LEP to be exhibited was issued under the delegation from the Director-General.

2.5 Consideration of SEPPs, REPs and Ministerial directions

2.5.1 SEPPs and REPs

In the course of preparing the Draft LEP consideration has been given to relevant State environmental planning policies (SEPPs) and regional environmental plans (REPs). The proposed amendment is not inconsistent with the provisions or objectives of any applicable SEPP or REP.

2.5.2 Section 117 directions

Section 117 of the Act provides that the Minister may give directions to a public authority or a person who has functions under the Act or under an environmental planning instrument. Through section 117, the Minister may direct a council to carry out the council's functions in preparing a draft LEP in accordance with principles set out in the direction. Under section 117, the Minister may also direct a council to include provisions in a draft LEP that will achieve or give effect to principles, aims, objectives or policies specified in the direction. In all instances the principles, aims, objectives and policies must be consistent with the Act. No direction has been issued to Woollahra Council specifically for the Draft LEP.

Since the inception of the Act a total of twenty-nine general directions and twenty-eight specific directions have been issued for the preparation of draft LEPs. No directions have been issued specifically for the preparation of the Draft LEP.

In the course of preparing the Draft LEP consideration has been given to section 117 directions as required by the Act. There are no specific directions applicable to the Draft LEP.

3.0 PUBLIC EXHIBITION PROCESS

3.1 Exhibition period and location

The Draft LEP has been exhibited in the manner required by the Act and the Regulation. The exhibition occurred at the Council's Customer Services area over the period Wednesday 13 April 2005 to Friday, 13 May 2005. The content of the exhibited Draft LEP is attached as **Annexure 1**.

3.2 Advertising and notification

Details of the exhibition were notified in the Wentworth Courier editions of 13 April, 20 April, 27 April, 4 May and 11 May 2005.

In accordance with Council's policy of neighbour notification, the owners of the property affected by the Draft LEP and immediately adjoining and surrounding property owners were informed of Council's decision and invited to participate in the public consultation process associated with the exhibition of the Draft LEP.

Following the exhibition of the Draft LEP, no submissions were made.

4.0 STATUTORY PROCESSES

Prior to a draft LEP being approved by the Minister Assisting the Minister for Infrastructure and Planning, an opinion must be obtained from the Parliamentary Counsel that the draft LEP can be legally made. Comments from the Parliamentary Counsel usually relate to matters of legal drafting.

Following receipt of Parliamentary Counsel's opinion, the Draft LEP will be referred to the Department of Infrastructure, Planning and Natural Resources for the Minister's approval and then gazettal. The Draft LEP will come into effect when a notice is placed in the Government Gazette.

5.0 CONCLUSION

Preparation of the Draft LEP has been undertaken in the manner required by the Act and the Regulation. No alterations to the Draft LEP are recommended.

It is recommended that the Draft LEP be forwarded to the Department of Infrastructure, Planning and Natural Resources for gazettal subject to any legal drafting alterations requested by Parliamentary Counsel.

George Losonci
Senior Strategic Planner

Anita Lakeland
Team Leader – Strategic Planning

Annexures

- 1. Draft Woollahra LEP 1995 (Amendment No. 56).**