



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday, 12 March 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

8 March 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 – 12 March 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 12 March 2007 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## 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 February 2007	1
----	---	---

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

R1	Retail Uses in William Street, Paddington – 1064.G Amend 60	2
R2	Draft White City DCP – 1064.G Amend 59	20

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 26 February 2007**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 26 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 26 February 2007 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** R1 Recommendation to Council  
**Subject:** **Retail Uses in William Street Paddington**  
**Author:** Margaret Zulaikha - Team Leader Urban Design  
**File No:** 1064 G Amend 60  
**Reason for Report:** To respond to Item 2 of Council's resolution of 24 July 2006 and advise of the outcome of the notification of the draft LEP prior to public exhibition.

**Recommendation:**

1. That the report of the Team Leader Urban Design be received and noted.
2. That Council advises all submitters that their submissions will be considered during the public exhibition of draft Woollahra LEP 1995 (Amendment 60)

---

**1. Background**

On 13 March 2006 the Urban Planning Committee considered a report on unauthorised uses in William Street Paddington and on 27 March 2006, Council resolved in the following terms:

1. *That Council prepare a draft LEP, including any necessary amendments to the Paddington DCP, for those properties identified in Figure 3 of this report in William Street, Paddington to:*
  - *permit with consent additional uses in the residential zoned properties, the uses being fashion, shoes, jewellery, health and beauty shops*
  - *provide criteria to ensure the heritage integrity of the street is not compromised*
  - *maintain the amenity of nearby residential properties.*
2. *That the draft LEP and amendments to the DCP be forwarded to all residents and business owners affected by the proposals and a further report be submitted to the Committee prior to public exhibition of the documents.*

This report responds to Item 2 of the above resolution and advises of the outcome of the notifications of the Draft LEP prior to the public exhibition.

**2. Notification of proposed additional uses in William Street Paddington**

In response to the Council resolution of 27 March 2007, we wrote to affected residents and business owners on 25 January 2007 advising of Draft Woollahra LEP (Amendment 60) that would broaden the range of permissible uses in part of the residential zoned properties in William Street. A copy of the letter is attached as **Annexure 1** and a map of the mailout area is attached as **Annexure 2**. We requested that comments on the Draft LEP be provided by Friday 16 February 2007. It should be noted that this notification process is not a component of the formal public exhibition and so the statutory twenty eight day exhibition period does not apply.

The Council resolution also refers to "any necessary amendments to the Paddington DCP". However, a review of the Paddington DCP indicates that amendments are not required as there are sufficient controls in place to address heritage and amenity issues.

### **3. Submissions received**

We have received 45 written submissions, with 22 submissions supporting the proposed amendment, 18 opposed to it and a further 5 submissions that identified various issues, but did not state a preferred position. A table that summarises the submissions is attached as **Annexure 3**.

We have also received two petitions that support the continuation of retail uses in William Street. Petition A with 19 signatories is attached as **Annexure 4** and petition B with 131 signatories is attached as **Annexure 5**.

### **4. Reasons given for supporting additional uses**

The majority of submissions expressed support for the Draft LEP with some of those submissions qualifying their support with concerns relating to carparking, garbage disposal and other issues. These concerns are addressed at 6.0 below.

#### ***4.1 Unique shopping experience***

William Street has had a history of retailing and has developed into a hub of eclectic fashion and designer boutiques. It provides an alternative experience to the Westfields type of shopping centre in that it offers both retailers and consumers the opportunity of creating a unique village atmosphere in the heart of Paddington.

William Street adds flavour and prestige to the retail landscape in Paddington. The move towards broadening the permissible uses is positive and will help regenerate Paddington, including Oxford Street, as a destination for unusual and individual stores. It will encourage tourists to come to the area. Paddington retailing should be encouraged in every way so that it can compete with the Westfields type of development.

#### ***4.2 Current retailing in William Street boosts the local economy***

The current mix of retailing brings shoppers to the area which has a positive flow-on effect for all of Paddington, including Oxford Street, local pubs, cafes and restaurants.

#### ***4.3 Encourage restoration of terraces***

Some submitters considered that owners would be encouraged to spend more money on facades and restoration of the neglected terrace houses if the Draft LEP proceeds.

#### ***4.4 Generates employment opportunities***

The closure of current uses would lead to job losses and business closures. Permitting legitimate business use in William Street will lead to the creation of more jobs in the local area.

#### ***4.5 Encourages Australian design and creativity***

The broadening of permissible uses in William Street will foster new Australian talent. It has, in the past, been a magnet for young designers as rents are cheaper and many can live above their workplaces.



## **5. Reasons given for opposing additional uses**

### **5.1 Prosecution of unlawful uses**

Some submitters consider that Council should prosecute those trading unlawfully in William Street, rather than considering changes to the planning controls.

#### ***Comment***

There is an ongoing need for the review and amendment of planning controls to ensure that they are appropriate for current trends and lifestyles. Council's decision to prepare a Draft LEP to broaden the permissible uses in William Street recognises that there is a need to consider the current retailing trends in William Street.

### **5.2 Impact on retail trade in Oxford Street**

Four submitters considered that the rezoning (*sic*) would impact negatively on trade in Oxford Street because there is already an oversupply of retail premises on that strip. In their opinion it was illogical to further increase supply from William Street. The development of Westfields at Bondi Junction was cited as the reason for the high vacancy rate along Oxford Street. It was suggested that the Draft LEP only apply to those buildings in William Street with existing legal and illegal commercial uses.

#### ***Comment***

The Draft LEP does not rezone William Street to commercial uses. It retains the residential zoning but broadens the range of permissible uses to include fashion, shoes, jewellery, health and beauty shops. This boutique retailing is quite different to the retailing on Oxford Street where the floorspaces are larger and there are a number of franchises and chain stores. The types of shops on Oxford Street include a wide range and are not restricted as in the Draft LEP. The Draft LEP will permit a type of retailing that complements the range of shops on Oxford Street rather than competing with it.

Other submitters, including Oxford Street retailers, were of the opinion that retailing in Oxford Street would benefit from the Draft LEP (see 5.1 and 5.2 above).

The proposal to limit the application of the Draft LEP to those premises that are currently used for commercial purposes is difficult to justify on environmental planning grounds. It could also be seen to severely disadvantage those properties that are currently abiding by the existing planning controls.

### **5.3 Impacts on heritage**

Some submitters were concerned that the Draft LEP would lead to an erosion of the heritage integrity of William Street if the facades were modified to accommodate retail uses. The intent of the Draft LEP is to retain the terrace retailing including the preservation of the street frontages as typical Paddington terraces. The Paddington DCP has controls to prevent modifications of the street frontage including the installation of windows, doors and fences. Such works can only be undertaken if there is an approved development application for the works in place. The Paddington DCP also stipulates controls for signage and colour schemes, including the appropriate colour treatment of a row of terraces. Any development in William Street would need to comply with the controls in the DCP.

Recently, there have been instances of unapproved works being undertaken in William Street. Initially, meetings with Council's heritage and regulatory staff and shopkeepers and residents were organised. The meetings were followed up with the issue of notices requiring rectification of the unapproved works. If the unapproved works are not rectified, Council will issue orders which could then be followed by court action.

#### ***5.4 Concern re loss of parking and increased traffic***

Many submitters, including some that support the Draft LEP, expressed concern at both the existing parking situation within the environs of William Street and the potential impacts that the Draft LEP will have on traffic and the availability of parking.

##### ***Comment***

It is acknowledged that there is a shortage of parking within the environs of William Street, but this is due in part, to the high levels of car ownership from the residential population of Paddington, rather than car dependent shoppers. A survey recently undertaken as part of the Oxford Street Business Strategy indicates that 35% of surveyed shoppers came to Oxford Street on foot and another 20% came by bus. This suggests that many shoppers do not rely on the private car to access the area. Additionally, Council's parking meter data indicates that the lack of parking spaces is focussed on Saturdays in particular, rather than through the week. More regular policing of time restricted parking in the residential streets, as suggested by one submitter, would help alleviate the parking shortage.

#### ***5.5 Concern for pedestrian safety***

Concerns were expressed that the footpaths in William Street are too narrow to accommodate any increased pedestrian traffic. There was also concern that if the street became fully commercialised that it would not be safe to walk along at night.

##### ***Comment***

William Street is a major pedestrian thoroughfare between the mid and lower slopes of Paddington and Oxford Street. It already carries a significant volume of pedestrians without any known adverse impacts. The proposed permissible uses and small floorspaces in William Street are unlikely to generate a major increase in pedestrian traffic.

The Draft LEP retains the existing residential zoning, which means that premises on William Street could be fully residential, have retail on the ground floor with residential above or retail on the ground floor with associated storage or office space on the first level. It is highly unlikely that there would be no residential presence in the street and, I note that the residential flat building on the corner of William Street and Underwood Street is not included in the properties affected by the Draft LEP. In addition, its physical characteristics as a short, straight street with two cross streets means that it has good sightlines with easy surveillance.

#### ***5.6 Noise impacts***

Some submitters were concerned that noise levels, derived from sources such as air conditioners, would be increased.

***Comment***

The report to the Urban Planning Committee on 13 March 2006 considered various options for an appropriate course of action for William Street, including the rezoning of the street to Neighbourhood Business 3(c). This option was discounted because it was considered that a business zoning could have too great an impact on the amenity of the immediate residential area. The proposed uses in the Draft LEP do not include noise generating activities, such as cafes and restaurants.

Controls governing noise impacts of air conditioners are included in the Paddington DCP and are also governed by the *Protection of the Environment Operations Act 1997* (POEO Act) and the POEO (Noise Control) Regulation 2000.

The relevant controls in the Paddington DCP are located at *5.1.8 Acoustic and Visual Privacy*:

*G3 Electrical, mechanical, hydraulic and plant equipment should be suitably housed so as not to create an “offensive noise”, as defined in the Noise Control Act 1975, at the boundaries of any property at any time of the day or for the occupants of the building.*

*G4 In sensitive locations, such as where commercial, retail or other non-residential buildings adjoin or are adjacent to residential properties, or on busy roads, an acoustic report prepared by a suitably qualified and experienced professional may be required as part of the site and context analysis process.*

***5.7 Increased garbage***

A number of submitters were concerned that the Draft LEP would lead to increased garbage being left on William Street and along the laneway behind William Street and in Cooks Paddock..

***Comment***

All businesses would be required to provide Council with a waste management plan that indicates the frequency and type of garbage disposal service that would be used. Businesses have the option of nominating an external trade waste contractor or using Council’s waste services.

***5.8 Precedent for commercialisation of residential areas***

Some submitters considered that the Draft LEP would lead to “commercial creep” into the residential areas of Paddington.

***Comment***

The Draft LEP will only apply to William Street. At this stage, there is no impetus for a consideration of broadening the range of permissible uses in other residential streets of Paddington.

**6. Oxford Street Business Strategy**

Council commissioned Urbis in November 2006 to assist in developing options to stimulate the economic activity and business development in Oxford Street Paddington, with a separate but similar study being undertaken for the Double Bay Commercial Centre. The results of both studies were discussed by the Joint Oxford Street and Double Bay Working Party on 6 March 2007.

At this meeting, Urbis presented the results of surveys conducted with both shoppers and tenants in Oxford Street. Their recommendations regarding the proposed re-zoning of William Street were that Council should support the existing William Street retailing as it adds to the precinct, but that the process needs careful management. It was proposed that William Street could be treated as an incubator and attract tenants to Oxford Street once they have established.

## **7. Next steps**

The additional use provisions for William Street have been incorporated into the Neighbourhood Centres Draft LEP (Woollahra LEP 1996 (Amendment 60)). Preparation of the Draft LEP has commenced. The Department of Planning has advised that the Director-General has authorised the use of delegated functions under section 65 and 69 of the *Environmental Planning and Assessment Act 1979*. The Council may now place the Draft LEP on public exhibition. The exhibition process will involve:

- notices in the Wentworth Courier and on the Council's website
- letters to land owners (this will include the owners of lands adjoining the William Street properties)
- public exhibition of the Draft LEP and support material in the Council's customer service area
- display of the Draft LEP on the Council's website

Exhibition of the Draft LEP will occur over a six week period. Following completion of the exhibition, a report will be prepared and submitted to the Urban Planning Committee. We anticipate exhibition to commence in April.

## **8 Conclusion**

The notification to residents and business owners of the Draft LEP has prompted a variety of responses that indicates both support for and opposition to it. The summary table of submissions (**Annexure 3**) shows that this mixed response is evident from all stakeholders including nearby residents, William Street residents and traders and Oxford Street retailers. The public exhibition of draft Woollahra LEP 1995 (Amendment 60) will undoubtedly elicit further responses from possibly a larger group of interested parties.

Rather than requiring new submissions from those who have already provided a submission, it is recommended that all submitters be advised that their submissions will be further considered during the public exhibition of draft Woollahra LEP 1995 (Amendment 60).

**Margaret Zulaikha**  
**Team Leader Urban Design**

**Allan Coker**  
**Director Planning and Development**

### **ANNEXURES:**

<b>Annexure 1</b>	Letter of notification dated 25.01.07
<b>Annexure 2</b>	Mailout area for notification letter
<b>Annexure 3</b>	Table of submissions
<b>Annexure 4</b>	Petition A
<b>Annexure 5</b>	Petition B

**Item No:** R2 Recommendation to Council  
**Subject:** **Draft White City DCP**  
**Author:** Margaret Zulaikha - Team Leader Urban Design  
**File No:** 1064G Amend 59  
**Reason for Report:** To respond to the Council resolution of 12 February 2007 and present a principles based draft White City DCP for consideration.

**Recommendation:**

1. That the Draft White City Development Control Plan (**annexure 2**) be publicly exhibited, as soon as possible, in accordance with the requirements of the Environmental Planning and Assessment Act Regulation 2000.
2. That a further report be presented to the Urban Planning Committee on the public submissions received in relation to the draft plan.

---

**1. Background**

At its meeting on 12 February 2007, the Urban Planning Committee considered a report that presented a number of options to progress the draft White City DCP. On the same night, Council adopted the Committee's recommendations and resolved in the following terms:

- A. *That a principles based draft DCP for White City be prepared for the consideration of a future meeting of the Urban Planning Committee.*
- B. *That the Strategic Planning Working Party meet as a matter of priority in the development of the principles.*

This report responds to the above resolution and presents a principles based draft DCP for White City to be considered by the Committee.

**2. Strategic Planning Working Party**

The Strategic Planning Working Party met on 1 March 2007 to discuss the February 2007 version of the draft White City DCP. The minutes of the meeting are attached as **Annexure 1**. This draft DCP was essentially the same as the April 2006 version of the DCP except that the envelope controls for Buildings B1, B2 and B3 (Clubhouse) were deleted and replaced with a set of performance based controls for the design, siting and layout of the clubhouse building. The Working Party agreed to several amendments to the document which are itemised in the following table:

**Table 1: Proposed amendments to Draft White City DCP (February 2007)**

Page No	Amendment	Discussion
3	1.5 Objectives of this plan dot point 4 to be deleted	Dot point 4 lists the types of recreational facilities to be encouraged. This objective is to be deleted because it could be interpreted as Council requiring <u>all</u> of the specified facilities, rather than it being a list of permissible uses. This could result in a very large development being proposed, rather than one that provides lesser facilities but is at a more acceptable scale. Furthermore, all of the listed facilities are permissible within the Open Space zone in the LEP, so repeating them in the DCP is largely redundant.
6	1.8 – Advising that a design review panel may be established at pre DA and DA stage	Will assist with the achievement of design excellence
12	Fig 2 - reinstate view line from Glenmore Road across centre courts	This view line was deleted in the Feb 07 version because it was considered to be overly prescriptive and may preclude certain design outcomes. However, the Working Party were all of the opinion that this view line should be reinstated
16	Fig 4 – Option B be deleted	Three storey option preferred. (Note: Council has previously adopted Option A as the preferred option. Figure 4 showing the two options in Feb 07 version was included in error).
17	O4 – add “establish”	Recognises that some desirable view lines do not currently exist.
17	C1 - max height to be two storeys, not three and RL12.5 added	Keeps development below the level of Glenmore Road, ensuring the view lines across the site are not blocked.
17	C8 – replace the word “domed ” with “curved”. This control is further altered to allow tennis courts to be located on roof tops of single storey elements of the building.	Tennis courts on single storey components may allow development to maximise number of tennis courts.
17	C10 be altered to delete “the eastern end”	To encourage views from any part of Glenmore Road.
17	C12 be deleted	RL 12.5m would mean that the building was not able to address the street.
17	New control added: “A building of 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”	To encourage articulation and three dimensional modelling of the building mass.
18	Control required to ensure that an adequate set back is provided for the Hills Figs on Glenmore Road	
20	C3 is qualified by adding that the centre courts are to be “no higher than RL 7.0m”	To ensure that there is a maximum single storey elevation of the centre courts.
27	O2 - add “and nearby residents”.	

The Working Party adopted the following recommendation:

*That the Draft White City DCP (Feb 07) be amended as agreed by the Strategic Planning Working Party on 1 March 2007 and be presented to the Urban Planning Committee so that it may be placed on public exhibition.*

### **3. Draft White City DCP (March 2007)**

The March 2007 version of the draft White City DCP incorporates the amendments listed in **Table 1** and is attached as **Annexure 2**.

It should be noted that the Working Party nominated a maximum height of two storeys for the clubhouse building at RL12.5m. The reason for nominating a relative level of RL12.5m was to ensure that development is kept below the level of Glenmore Road and that views are not blocked by buildings. However, one of the objectives of the DCP is that the buildings and their roofs are well articulated. Previous research into flood levels at White City indicates that the ground floor level of a building adjacent to the centre courts needs to be at RL3.8 which means that the maximum height of the building will be 8.7m. This height range will not readily accommodate two levels of recreational space and an articulated roof form and so will not allow development to meet the built form objectives of the DCP. For this reason, a maximum height of RL15.0m is recommended.

### **4. Conclusion**

The deletion of the envelope controls for the clubhouse building(s) constitutes a significant change to the previously exhibited document. For this reason, the amended draft DCP will need to be readvertised. It is recommended that we proceed with the public exhibition of the principles based DCP as soon as possible and that a further report be brought to the Urban Planning Committee on the outcome of the exhibition process.

**Margaret Zulaikha**  
**Team Leader Urban Design**

**Allan Coker**  
**Director Planning and Development**

### **ANNEXURES:**

**Annexure 1** Minutes of Strategic Planning Working Party meeting on 1 March 2007.  
**Annexure 2** *Draft White City DCP (March 07 version)*