



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 10 September 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

6 September 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 – 10 September 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 10 September 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 27 August 2007	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Draft East Subregional Strategy – 1205.G	2
R2	Draft City of Sydney late night trading premises Development Control Plan 2007	45

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 27 August 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 27 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 27 August 2007 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Draft East Subregional Strategy**
Author: Chris Bluett - Manager Strategic Planning
File No: 1205.G
Reason for Report: To inform Council of the Draft East Subregional Strategy
To obtain Council's approval of a submission on the Draft East Subregional Strategy

Recommendation:

That the Council endorse the submission on the Draft East Subregional Strategy contained in **annexure 2** of the report to the Urban Planning Committee meeting on 10 September 2007.

Background:

The NSW Department of Planning (the Department) placed the Draft East Subregional Strategy (the Draft Strategy) on public exhibition on 24 July 2007. The exhibition period closes on 24 September 2007. Copies of the Draft Strategy, explanatory brochures and posters have been displayed in the Council's Customer Services foyer over the past four weeks. Councillors were informed by email on 20 July 2007 of the exhibition and given a copy of the Draft Strategy and explanatory brochure on 23 July 2007. A copy of the explanatory brochure is provided as **annexure 1**.

The Draft Strategy forms part of the subregional planning process undertaken by the Department as a step in implementing the *2005 Metropolitan Strategy – City of Cities: A Plan for Sydney's Future*. To facilitate the subregional planning process, the metropolitan area was divided into ten subregions, which “combine local government areas with similar issues and challenges.” (Draft East Subregional Strategy p. 3). The East Subregion comprises the local government areas of Botany Bay, Randwick, Waverley and Woollahra.

During 2006 the Department conducted three workshops with planning staff from the four east subregional councils. Those workshops covered a variety of themes and issues with particular emphasis on provision by the councils of additional housing and employment opportunities throughout the subregion. By comparison, and disappointingly, the Department offered little direction and commitment towards the provision of infrastructure and services by State Government agencies.

This report and submission on the Draft Strategy have been prepared with input from staff in the Community Services Division, Public Open Space Section, Traffic and Transport Section and Strategic Planning Section.

What are subregional strategies?

Conceptually, subregional strategies are integral to the effective planning of large and diverse metropolitan areas such as Sydney. The preparation of the subregional strategies is therefore a positive action for Sydney's planning. The 2005 Metropolitan Strategy identified key statistics for Sydney's growth over a period of 25 years to 2031. These are - a population increase of 1.1 million people; 640,000 additional dwellings; and increased capacity for 550,000 additional jobs. Each subregion's strategy contributes to the implementation of the Metropolitan Strategy and the delivery of the additional housing and floor space for additional jobs.

The Draft Strategy states that subregional strategies will provide:

- *a vision for the future role of the subregion*
- *clarity on the future roles of centres*
- *staging and prioritisation of renewal*
- *a framework for potential agreements between local governments concerning:*
 - *coordinated planning*
 - *funding and development contributions*
 - *local transport*
 - *open space networks*
 - *biodiversity*
- *a framework for better aligning State Government infrastructure spending with expected growth; and*
- *local government area housing targets and employment capacity targets.*

(Draft East Subregional Strategy p.14)

The Draft Strategy also describes subregional strategies as providing:

a broad framework for the long term development of the area, guiding government investment and linking local and state planning issues. They also provide the detail required to guide the preparation of Principal Local Environmental Plans (LEP)s, which is the key legislation that links local councils and State Government in land use planning for each local government area

These strategies are designed to work at two levels, the Key Directions and Key Actions set the broad framework, and will be regularly monitored to ensure their success in delivering the most important outcomes. The more detailed actions are there to act as a reference and check list to ensure we make the right decisions in the detailed planning of each part of Sydney. (Draft East Subregional Strategy p.4)

In effect, subregional strategies will be more than a “guide” to the preparation of Principal LEPs. Their intended role in the local planning process is clearly set down in the Draft Strategy. Subregional strategies “will be given statutory force through Ministerial directions issued under Section 117 of the *Environmental Planning and Assessment Act 1979*.” (Draft East Subregional Strategy p.18) (see also *Action EA G1.2.4*) This practice has commenced with certain NSW regional strategies. On 4 April 2007 a Ministerial direction was issued in relation to regional strategies for the Far North Coast, Lower Hunter, Illawarra and South Coast Regions. The direction specifies that “Draft LEPs shall be consistent with a regional strategy released by the Minister for Planning.” A draft LEP can be inconsistent with the terms of the direction –

only if council can satisfy the Director- General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:

- (a) *is of a minor significance, and*
- (b) *the draft LEP achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

A similar direction will eventually be issued for Sydney Metropolitan councils. Woollahra will need to demonstrate how those relevant aspects of the East Subregional Strategy, particularly the housing and employment targets, will be achieved in a Principal LEP prepared under the *Standard Instrument (LEPs) Order 2006*.

In comparison with local government, the status of subregional strategies in the operation of State Government agencies is superficially addressed in the Draft Strategy. There is no statutory obligation on State agencies to implement the key directions.

Content of Draft Strategy

The Draft Strategy comprises three main sections under the following headings:

Introduction – vision statements by the Premier and Minister for Planning; an executive summary; a very brief description of the east subregion and the four LGAs; an overview of the key directions for the east subregion; a structure plan for the subregion showing distribution of commercial centres, employment lands, transport routes, major open space, and sites of attraction.

Background – an overview the role of subregional strategies and the planning framework in which they operate. This includes reference to the 2006 NSW State Plan, the 2006 Urban Transport Statement, the 2005 Metropolitan Strategy, the 2006 State Infrastructure Strategy, the six regional city plans, and the local environmental plan level.

East Subregion - the core of the document which provides seven strategies:

- A Economy and Employment
- B Centres and Corridors
- C Housing
- D Transport
- E Environment, Heritage and Resources
- F Parks, Public Places and Culture
- G Implementation and Governance.

Each strategy has a set of key directions and actions, which on the whole are very broad objective-type statements. The principal action statements are supported by sub-actions, which in some cases provide specific tasks and directions for councils and State Government agencies.

Comment on the Draft Strategy

There are numerous issues with the content of the Draft Strategy in a general sense, and many issues which are specifically relevant to Woollahra. The submission contained in **annexure 2** provides comments on each section of the Draft Strategy. Three aspects of the Draft Strategy are discussed in more detail within this report:

1. Employment targets – contained in the Economy and Employment Strategy
2. Housing targets – contained in the Housing Strategy
3. Centres expansion – contained in the Centres and Corridors Strategy

Each of these matters will influence future planning in Woollahra, particularly with the preparation of the Principal LEP.

Strategy A - Economy and Employment

The key feature of this strategy is the provision of an employment capacity target of 25,000 additional jobs throughout the subregion by 2031. This will result in a total subregional employment figure of 155,000, which represents a 19% increase from 2001 figures (130,000). The specific target figures for each LGA in the subregion are shown below.

Local government area	Employment capacity target to 2031
Botany Bay	16,700
Randwick	5,900
Waverley	2,200
Woollahra	300
Total	25,100

Source: Draft East Subregional Strategy p.22

In addition to these figures, employment capacity targets are set for the following centres and locations:

- Bondi Junction - 4,400 jobs
- Randwick Education and Health Specialised Centre - 2,300 jobs
- Port Botany and Environs - 3,900 jobs
- Sydney Airport and Environs -18,300 jobs (14,300 located in the East Subregion).

The Draft Strategy emphasises the importance of employment lands in the subregion's economy. Employment lands include the traditional industrial areas and business and technology parks. There are no employment lands in Woollahra. The majority of employment lands are located in the Randwick and Botany Bay LGAs.

4.1.1 Issues for Woollahra

The primary issues for Woollahra in the Economy and Employment Strategy relate to:

- the employment capacity target for Woollahra
- the employment capacity target for Bondi Junction and projected floor space increase.

Employment capacity target for Woollahra

Woollahra has a modest employment capacity target of 300 jobs over 25 years. It is expected that this figure will be accommodated by two means:

- floor space growth within existing centres
- home-based employment.

Under current development controls there is scope for floor space growth within the existing "town centres" of Double Bay and Edgecliff, and in the "village" centre of Rose Bay (North). Minor growth may be achieved in the smaller neighbourhood centres spread across the Municipality from Watsons Bay to Paddington.

The role of Edgecliff in providing additional employment opportunities will need to be considered in the Council's proposed review of the centre's planning controls. This project is listed in the Council's 2007-2010 Management Plan.

Edgecliff is well served by public transport and lies within the southern part of the global economic corridor. The Metropolitan Strategy defines this corridor as a major employment and technological band extending from Macquarie Park in the north to Sydney Airport and Port Botany in the south. The southern band takes in the Sydney CBD, Pyrmont-Ultimo, the commercial centres of Edgecliff and Bondi Junction, the Randwick educational and biomedical area, Sydney airport and Port Botany.

Growth within the commercial centres is dependent on several factors beyond normal land use planning measures. For example, redevelopment is influenced by retail and commercial business cycles, financial interest rates and land ownership patterns.

There are two challenges in providing employment opportunities in Woollahra's business centres. First, consideration must be given to meeting growth within the existing boundaries of the centres. The second challenge lies in the competition between commercial and residential uses for potential floor space within each centre. This second challenge is particularly relevant when considering the need to meet the proposed housing target or a revised target.

Outside the commercial centres, home-based employment in the form of home occupations and home industries is a viable option for many small businesses. The Draft Strategy states that "Home-based employment in the East Subregion was 5 per cent in 2001 which is higher than the Sydney average". (Draft East Subregional Strategy p.22). However, the ability to measure these forms of employment and influence their growth is limited. Home occupations in dwelling-houses do not require development consent if they meet specified criteria. Generally these criteria relate to the nature of the business, its intensity and the potential impact on neighbouring properties. Relaxation of the criteria could result in amenity impacts. The *Standard Instrument*, which is the template for Principal LEPs, appears to maintain the current strict criteria for home occupations.

Employment capacity target for Bondi Junction

The target figure of 4,400 jobs for the Bondi Junction Commercial Centre represents significant employment growth which will need to be accommodated in further development. The Draft Strategy mentions that the Centre "could see a rise in retail floor space from 160,000m² up to 220,000m² by 2031" (p.42) and that Waverley Council is planning to increase commercial and retail floor space in the Centre by 100,000m² (p.54). Other than also saying that an area around the transport interchange is being investigated for commercial office development, we do not have information to understand where this growth can be provided. Furthermore, there is no information about the type of retail and commercial uses in which the additional jobs will be provided.

Employment growth and physical expansion of the Centre, within or outside current boundaries, will have mixed impact on Woollahra. In terms of benefits, the growth of jobs will provide employment opportunities for Woollahra residents. On the negative side, further expansion of Bondi Junction has the potential to impact on businesses and growth in Woollahra commercial centres, particularly Double Bay and Edgecliff. This matter is addressed further in section 4.2, below.

Also on the negative side, adjoining residential areas in Woollahra will experience the impact of growth, particularly through increased vehicle movements and their by-products. In view of the substantial increase of floor space projected for the Bondi Junction Commercial Centre a review of the traffic management strategy for the Centre should be undertaken. The Planning Reform Fund, which draws money from development applications, would be one means of financing the study.

Strategy B - Centres and Corridors

The Centres and Corridors Strategy builds on the Metropolitan Centres Policy, which focuses on concentrating activities in centres and along particular transport corridors that link strategic centres. This is a well established planning concept which has merit and benefits for businesses, the broader community and the environment.

The Draft Strategy categories the commercial centres located throughout the subregion into strategic centres and local centres. These two categories are then divided into numerous sub-categories, including global Sydney, regional city, specialised centre, major centre, town centre, village, small village and neighbourhood centre. Hence, Bondi Junction is a major centre, Edgecliff and Double Bay are classified as town centres. Rose Bay (New South Head Road) is a village centre. Bellevue Hill, Five Ways, Rose Bay (Old South Head Road) are small villages and the remainder of Woollahra's centres are neighbourhood centres.

4.2.1 Issues for Woollahra

The primary issues for Woollahra in the Centres and Corridors Strategy relate to:

- the impact of Bondi Junction growth on Woollahra's commercial centres
- planning for housing in centres.

A secondary issue concerns the promotion of business improve districts.

Impact of Bondi Junction growth on Woollahra's commercial centres

The Draft Strategy recognises the impact on Double Bay due to the recent retail expansion at Bondi Junction. However, there is no mention of the likely continued impact due to further expansion of Bondi Junction. The Economy and Employment Strategy and the Centres and Corridors Strategy place a strong emphasis on the growth of strategic centres such as Bondi Junction. The impact of that growth on the business vitality of smaller centres needs to be understood. This will enable appropriate planning and business management strategies to be put in place for the smaller centres. A business study which looks at the impact of Bondi Junctions growth on commercial centres in the subregion would be beneficial. The State Government should provide assistance, including financial assistance, towards such a study. Costs for the study should be drawn from the Planning Reform Fund.

Planning for housing in centres

Action EA B2.1.1 refers to Waverley and Woollahra investigating opportunities for mixed-use development within walking catchment (generally 400m) of the Bondi Junction station. The only area where mixed-use could occur in Woollahra is within the small Edgecliff Road commercial centre. Mixed-use development is currently permissible under Woollahra LEP 1995 in the Edgecliff Road centre at a density compatible with surrounding residential areas. The intensity of development was recently reviewed as part of the neighbourhood business centre study and minor amendments are proposed. Rezoning of areas adjoining the Edgecliff Road commercial area would not be appropriate due to the impact on their heritage conservation status.

Action EA B2.1.1 should be amended to remove reference to Woollahra Council investigating opportunities for mixed-use development within walking catchment of Bondi Junction station.

Promotion of business improvement districts

Action B3.2 mentions the creation of business improvement districts (BIDs) in strategic centres. The BIDs are described as a way to engage property owners and businesses in the planning of centres, implement capital works projects and facilitate business marketing. Mention is made of special rates gathered from property owners to fund projects identified by a BID's representative body.

Woollahra's business improvement projects for Double Bay and Oxford Street Paddington are consistent with many aspects of the BID concept. The two projects demonstrate how a BID or similar concept can be used for smaller centres. The Draft Strategy should be amended to recognise the role of BIDs in managing different types of centres.

Whilst it is possible for councils to introduce special rates under provisions of the *Local Government Act 1993*, there are limitations and difficulties in doing so. Ideally, new legislation similar to that used in Victoria should be enacted.

Strategy C - Housing

The key feature of this strategy is the provision of a housing target of 20,000 additional dwellings throughout the subregion by 2031. The specific target figures for each LGA in the subregion are shown below.

Local government area	Extra dwellings target to 2031
Botany Bay	6,500
Randwick	8,400
Waverley	2,200
Woollahra	2,900
Total	20,000

Source: Draft East Subregional Strategy p.63

The Draft Strategy mentions that the "subregional dwelling target is an indicative target which will be reviewed on a five-yearly basis and will be informed annually through the Metropolitan Development Program." (p.63). The footnote to Table 9 in the Draft Strategy states that the "LGA targets have been based on discussion with Council Officers and have not been endorsed by Council." (p.63) Discussion on the housing targets did occur with Council staff at the three subregional planning workshops. However, Department of Planning staff were repeatedly advised that the target for Woollahra was considered unrealistic for several reasons:

- development constraints
- projections carried out by Council for housing approvals and constructions
- housing market indicators.

The Draft Strategy suggests that the majority of future dwelling growth will occur "in centres, ranging from neighbourhoods to major centres, with good public transport" (p63) and along transport corridors.

Various actions are listed in the Draft Strategy to facilitate and monitor increased housing and housing choice. These include:

- preparation of an assessment program to analyse capacity, feasibility and take up rates for housing in existing and proposed zones (Department of Planning MDP action)
- preparation of a housing market demand and supply analysis (council action)
- review of seniors living housing (Department of Planning action).

4.3.1 Issues for Woollahra

The figure of 2,900 additional dwellings over the period of 2031 represents a net increase of just over 120 dwellings per annum. Using the 2001 ABS average occupancy rate of 2.2 people per dwelling, the target figure would realise 6,380 additional people. However, due to declining occupancy rates over a period of 25 years this figure could fall below 6,000 people.

Opportunities in Woollahra for additional dwellings under current land use zones are available in the following locations and forms:

Planning instrument/location	Housing type
Woollahra LEP 1995	
Residential 2(a)	<ul style="list-style-type: none"> ▪ Subdivision of land to dwelling-house lots (subject to minimum allotment sizes) ▪ Dual occupancies (except in a heritage conservation area) (detached dual occupancy subject to minimum allotment size and minimum frontage)
Residential 2(b)	<ul style="list-style-type: none"> ▪ Residential flat buildings (subject to minimum allotment sizes and minimum frontages) ▪ Subdivision of land to dwelling-house lots (subject to minimum allotment sizes) ▪ Dual occupancies (except in a heritage conservation area) (detached dual occupancy subject to minimum allotment size and minimum frontage) ▪ Boarding houses
Business General 3(a)	<ul style="list-style-type: none"> ▪ Mixed development – dwellings with non-residential; boarding houses with non-residential
Special Business 3(b)	<ul style="list-style-type: none"> ▪ Mixed development ▪ Subdivision of land to dwelling-house lots in heritage conservation areas (subject to minimum allotment sizes)
Restricted Special Business 3(b1)	<ul style="list-style-type: none"> ▪ Subdivision of land to dwelling-house lots (subject to minimum allotment sizes)
Neighbourhood Business 3(c)	<ul style="list-style-type: none"> ▪ Mixed development ▪ Subdivision of land to dwelling-house lots (subject to minimum allotment sizes)
Heritage incentive provisions – all zones	<ul style="list-style-type: none"> ▪ Dwelling-houses ▪ Residential flat buildings ▪ Mixed development
State Environmental Planning Policy (Seniors Living) 2004	
Residential 2(a), Residential 2(b), Special use zones	<ul style="list-style-type: none"> ▪ Residential care facilities ▪ Hostels ▪ Groups of self contained dwellings

The above table does not include new housing that may occur due to rezoning of lands where sites have become surplus to needs. Generally these situations arise with government-owned land or land owned by private institutions.

Based on trends, we expect most opportunities for new residential development will be in the Residential 2(b) zone and the General Business zone lands in the Double Bay and Rose Bay centres. The Double Bay centre, in particular, has experienced mixed residential and non-residential development in recent years.

In the past decade housing figures in Woollahra have been boosted by major developments in Bondi Junction, subdivision and adaptive reuse of several large heritage sites and redevelopment of surplus lands such as the Royal Hospital for Women site. The former Vaucluse High School site, which is the subject of a SEPP (Seniors Living) development proposal, is a recent example of surplus land redevelopment. However, these sites have diminished and cannot be relied on for regular input to housing increases in the future.

As part of our process in preparing the Principal LEP we have commenced a review of our housing strategy. To assist with this task we have engaged BIS Shrapnel to carry out a residential market analysis. BIS Shrapnel provides research and forecasting for a range of industry sectors including the housing market.

Based on our research and work carried out by BIS Shrapnel to date, we have significant reservations about achieving the annual and final target figures. Some points about demand and supply of housing that can be mentioned at this stage are:

- for the past five years (2001-2005) we have approved 322 additional dwellings. This is only 64 additional dwellings per annum. (The figure represents approvals not constructions)
- there is a small trend with the refurbishment of existing older style unit blocks to amalgamate units, resulting in a net decline of dwellings
- during the next five years in Woollahra, demand for housing is expected to be weighted towards owner occupier construction because yields on investment properties will remain low
- subject to improved rental yields and other factors including interest rates, increases in investor financed construction of new dwellings may occur after the next five years
- as the population of Woollahra continues to shift to the 65 years and above groups it is likely that couples and individuals will move from detached housing to medium or higher density housing
- there are tensions between the provision of employment opportunities and additional dwellings in commercial centres. This is particularly relevant for the Double Bay and Rose Bay commercial centres.

Despite anticipated movements in the housing market, the preliminary forecast for Woollahra to 2031 is substantially less than the target set in the Draft Strategy. Firmer conclusions will be available when the final report from BIS Shrapnel is submitted later this month and we have completed our review of housing opportunities under existing planning controls.

At this stage we consider the housing target figure for Woollahra should be opposed for several reasons:

1. The figure provided in the Draft Strategy is not based on up-to-date information.
2. Preliminary research by Council and BIS Shrapnel shows that the annual target figures are unlikely to be achieved on a regular basis.
3. There are recognised shortfalls in infrastructure and essential services to meet demand for the existing Woollahra population. Drainage systems and roads require substantial upgrading. Open space and recreation areas, particularly sports fields, are under substantial pressure. There are insufficient services in the Municipality for childcare, preschool children, the elderly and people with a disability.
4. No commitment has been shown by the State Government in the Draft Strategy towards improving or contributing to the improvement of infrastructure and community services.

Whilst the Draft Strategy refers to annual and five-yearly reviews of targets (p.63), the ability for councils to reduce the dwelling figures is not accommodated. It is more likely councils will be required to introduce additional planning measures to provide opportunities for increased housing, or the planning horizon will be extended, or a combination of these actions will occur.

We have not undertaken a study to determine what changes to current planning controls might be recommended to achieve the target figure. There are many market and economic factors outside the influence of Council which will affect housing supply. These factors need to be considered in conjunction with possible changes to planning controls. The report from BIS Shrapnel will help to inform further actions.

In addition to the above points, there are several aspects of the housing strategy that should be changed. These are taken up in the submission and deal with:

- description of the housing character and choice in Woollahra.
- constraints to additional housing in Woollahra
- timing of housing market supply and demand studies
- contradictions in the preferred locations for additional housing
- recognition of market conditions in supply of housing mix
- urban design guidelines and further layers to the development assessment process.

Strategy D - Transport

The Transport Strategy is critical to the subregion's activities and conditions and its interrelationship with other subregions. Effective transport infrastructure and services contribute to the orderly and sustainable growth in housing, population and employment.

The Transport Strategy covers a range of issues and actions, many of which are directly relevant to Woollahra. Comments on the transport strategy have been provided by the Council's Traffic and Transport Planner. The comments cover a range of matters including:

- integrating transport services
- improving operation and pedestrian safety for Bondi Junction interchange
- the role of the ferry service
- providing safe and reliable public transport for on and off peak services
- recognising the full range of transport modes when improving access between centres
- lifting the profile of walking and cycling infrastructure
- continuing the Sharing Sydney Harbour Access Program
- the role of a metropolitan parking policy
- promoting travelsmart voluntary behaviour change programs
- further improvements to State Government transport planning
- promoting increased use of rail systems for freight transport.

These matters are discussed in the attached submission (**annexure 2**).

Strategy E - Environment, Heritage and Resources

The Environment, Heritage and Resources Strategy addresses a range of topics including water and air quality, climate change and cultural heritage.

Comments on this strategy have been provided by the Council's Environmental Protection Co-ordinator and Manager Strategic Planning. The comments cover the following issues:

- failure of the 2031 Vision for the East to incorporate references to the environment and sustainable development
- the need to expand the aims for subregional planning to include integration of transport, sustainability and the implementation of regional natural resource management
- the need to provide direct reference to the environment and sustainability in *Table 1 – Key Actions for the East Subregion*
- the need to make reference to the Vaucluse, Diamond Bay and Rose Bay Sewerage Improvement project within the Draft Strategy as a significant action for improving the water quality of the East Subregion
- managing the environmental impact of Sydney Airport and Botany Bay
- managing the impact of land and water-based development on Sydney Harbour
- expanding the list of environmental challenges to address development pressures
- recognising the importance of Sydney Harbour
- expanding the list of threatened species
- reducing sewage impacts on the subregions water quality
- the role of the Sydney Metropolitan Catchment Action Plan
- the role of the Department of Primary Industries
- the role of the Department of Environment and Climate Change
- implementing water saving action plans
- implementing energy saving action plans
- managing and conserving State-owned heritage properties
- providing heritage conservation training for the development industry

Strategy F - Parks, Public Places and Culture

The Parks, Public Places and Culture Strategy covers local and regional open space, urban civic space, and cultural facilities. Comments on this strategy have been provided by the Manager Public Open Space, the Director Community Services and the Cultural Development Co-ordinator. The comments deal with the following issues:

- clarifying the description and categorisation of certain public open space areas
- clarifying cultural facilities and activities in Woollahra
- impact of population growth in City of Sydney Region on East Subregion open space and recreation facilities
- recognising Watsons Bay as an iconic place
- maintaining the Sharing Sydney Harbour Access Program
- recognising major cultural events held in Woollahra
- providing reference to the LGSA/NSW Government's Third Cultural Accord
- recognising Paddington as tourism precinct.

Strategy G - Implementation and Governance

The Implementation and Governance Strategy attempts to show the links between the 2005 Metropolitan Strategy, the subregional strategies, asset and infrastructure planning, State budget allocation and project delivery. The commentary for *Action G3* states that "The Metropolitan Strategy and this Subregional Strategy will inform state investment decisions over the medium and long-term by influencing the composition and priorities of the State Infrastructure Strategy." (p.115)

The concern with this statement is that the Draft Strategy lacks the depth to influence infrastructure planning and project delivery to meet the essential requirements for growth. The Draft Strategy has numerous shortfalls, including:

1. It makes no reference to major infrastructure deficiencies, traffic issues, and community service deficiencies experienced in the East Subregion. It therefore fails to provide a balanced view of the subregion and the constraints to growth.
2. There is no evidence in the key directions and key actions about improvements to fundamental infrastructure and services to meet *current* demands. There is an apparent assumption that all infrastructure and services are adequately meeting current demand or have capacity to meet growth.

A further concern lies in the role of subregional plans in the operation of State agencies. Whereas councils will be subject to Ministerial directions to consider and implement directions and actions set by subregional plans, State Government agencies are not bound by the similar directions.

The submission contained in **annexure 2** provides further comment on these matters and also addresses:

- redistribution of the Planning Reform Fund into the East Subregion
- insufficient consideration of social services to meet current and projected demand.

Conclusion

Preparation of subregional strategies is a positive action which should be supported. They fill a void that has existed between the broader metropolitan strategies and local plans prepared over past decades.

However, it is considered that the subregional strategy process for the East Subregion and the Draft Strategy document have missed an opportunity to provide a valuable planning exercise and planning tool for the subregion and the metropolitan area.

The primary purpose of the Draft Strategy appears to be the delivery of housing and employment targets which will be mandated through Ministerial direction for implementation at the local government level. The narrow focus on the delivery of housing and employment targets is evident throughout the document.

There was little evidence from the Department that its housing and employment targets were developed in conjunction with an awareness of current infrastructure conditions or environmental and social service capacities. These concerns were expressed to Department representatives at the subregion workshops and in a submission by SSROC in July 2006.

The ability for Woollahra to deliver the housing target under current planning, infrastructure and service conditions is highly questionable. Further research on housing opportunities in Woollahra is being carried out to provide supporting documentation to the submission contained in **annexure 2**.

Chris Bluett
Manager Strategic Planning

ANNEXURES:

1. Draft East Subregion explanatory brochure
2. Woollahra Council submission on the Draft East Subregional Strategy

Item No: R2 Recommendation to Council
Subject: **Draft city of Sydney Late Night Trading Premises Development Control Plan 2007**
Author: John Davies – Strategic Planner
File No:
Reason for Report: To provide a submission to the City of Sydney Council on their Draft Late Night Trading Premises Development Control Plan

Recommendation:

That the submission on Draft Late Night Trading Premises Development Control Plan 2007 be submitted to the Chief Executive Officer at the City of Sydney Council.

1.0 Background:

The City of Sydney has prepared a Draft Late Night Trading Premises Development Control Plan (Draft DCP) which aims to manage the impacts of late night trading premises on the amenity of residential neighbourhoods, whilst encouraging vibrancy and diversity in defined late night character areas in the City of Sydney local government area (LGA). The Draft DCP is being publicly exhibited from 20 August 2007 – 1 October 2007.

This report provides the Urban Planning Committee with an overview of the Draft DCP, and likely impacts on the Woollahra Council LGA. A draft submission from Woollahra Council to the City of Sydney is at **annexure 1**.

2.0 Aims of the Draft DCP

The Draft DCP identifies appropriate locations for night trading premises within the City of Sydney, to minimise the cumulative effects on existing residential uses.

The City recognises that crime and social problems arising from alcohol consumption are multi-faceted and that planning provisions (in a development control plan) cannot address all of these problems. The Draft DCP, therefore, provides planning provisions as part of a suite of strategies that the City can use to address the impacts of night trading premises.

The main aims of the draft DCP are to enable late night trading, but to manage the impacts of late night trading premises on the amenity of residential neighbourhoods and the City at large. The planning controls set flexible limits on late night trading hours based on ‘good management’ of late night trading premises. This good management will be determined through a series of successful trial periods. The purpose of the trial is for premises to demonstrate sustained good practice over a period of time. The controls can restrict late night trading hours for premises that are poorly managed and allow for longer trading hours for premises that have been managed well.

The Draft DCP also aims to encourage a broad mix of night time uses with wide community appeal, catering to the diverse night-time recreational needs of people who work and live in the City, as well as people who visit the City.

Clover Moore in her capacity as State MP has been reported to be introducing a private member's bill in September 2007 calling for an overhaul of liquor licensing fees in NSW. The Draft DCP will support this bill in that it encourages premises that are not primarily venues to drink alcohol, but promotes premises where alcohol consumption is either secondary to their primary use, such as restaurants. These are often small low impact or 'niche' places that contribute to night time diversity rather than usurp it.

An important component of the Draft DCP is that if the Council determines that a trial period has been unsatisfactory (e.g. non-compliance with a Plan of Management or other determining factors such as substantiated complaints regarding unacceptable amenity impacts, anti-social or criminal behaviour linked to the operation of the premises) then trading hours will revert to the "base" late night trading hours.

2.1 High and low impact late night trading premises

Late night trading premises are categorised into two types in the Draft DCP and are defined in terms of their potential impacts, 'high' and 'low'. The Draft DCP includes more stringent controls in relation to trading hours and management for 'high impact' premises than for 'low impact' premises.

High impact premises include hotels, nightclubs, clubs, karaoke lounges, and other large premises that provide for the consumption of alcohol. Low impact, are primarily commercial premises that are licensed restaurants or permit the consumption of alcohol on site (e.g. cafes and restaurants, BYO etc.). It may also include other premises that do not provide for the consumption of alcohol but may create neighbourhood disturbance late at night from relatively high patronage.

3.0 What will be the Impact on Woollahra?

The only geographical area within the Woollahra LGA affected by this Draft DCP is Oxford Street, Paddington. It is classified as a category B 'Local Centre Area' (**Annexure 2**). The Draft DCP will only apply to the south side of Oxford Street, being within the City of Sydney LGA.

A 'Local Centre Area' (LCA) is defined as:

... 'active places of commercial and cultural focus.... primarily located within shopping streets and retail spines... that are vibrant places at night but intensity of activity is distinctly lower than the Late Night Management and City Living areas...'

Premises in the LCA are characterised by having shorter trading hours due to their proximity to either residential or other sensitive land uses. They also have good access to public transport at night to support the increased night time activity.

The Draft DCP proposes that some premises in the Oxford Street LCA can trade til midnight at weekends, with the emphasis on safe places to go at night, catering mostly for people who live and work in the area. These premises typically sell cultural products such as books, music, and artwork etc. A good example of this is the area adjacent to the Palace and Verona Cinemas with the location of Berkelouw and Ariel bookshops that complement the cinemas.

The Draft DCP also requires that issues such as noise, parking safety, waste collection and access to public transport are addressed in the development application. Additionally, requirements for issues such as parking and residential amenity are also already addressed in the *South Sydney Development Control Plan 1998*.

It is noted that there is only one hotel on the City of Sydney side of Oxford Street (Rose Shamrock and Thistle) whereas there are five hotels (Light Brigade, Paddington Arms, Paddington Inn, Imperial, and The Unicorn) on the Woollahra side of Oxford Street plus the Paddington RSL. The Paddington Arms is open until 3am Friday and Saturday nights.

Based on the above it is considered that the Draft DCP should have no adverse impacts for Woollahra residents, and will assist in effectively regulating late night premises in the City of Sydney side of Oxford Street.

4.0 Woollahra's Submission to the City of Sydney

Annexure 1 provides a copy of the draft submission from Woollahra Council. It is recommended that the submission is endorsed by Council and submitted to the City of Sydney. The main point is highlighting the changes to the Woollahra LEP 1995 to make licensed restaurants a permissible use on Oxford Street. This will ensure some compatibility with the City of Sydney controls.

Additionally, the aim of the Draft DCP would also support an increase in night time activity which will support some of the findings in the recently commissioned Oxford Street, Paddington Commercial Centre Business Strategy. The submission to the City also requests that they look to extend the Local Centre Areas to include all *No 10 Mixed Use* properties on Oxford Street as noted in the *South Sydney Local Environment Plan 1998*.

5.0 Conclusion

The City of Sydney's *Draft Late Night Trading Premises Development Control Plan* provides a positive step towards managing the diversity of late night trading. Planning controls alone cannot address all problems associated with late night trading, but it does seek to provide a structure from which late night trading can be managed.

The shared Woollahra Municipal Council and City of Sydney Council boundary is the only area affected by this Draft DCP. The Draft DCP proposes to classify the area as a Local Area Centre with a maximum trading time of midnight, and will not impact on the amenity of local residents. The majority of existing late night premises are within the Woollahra LGA. It is unlikely, therefore, that this Draft DCP will adversely impact on any Woollahra residents.

John Davies
Strategic Planner

ANNEXURES:

Annexure 1 Draft Submission to the City of Sydney

Annexure 2 Map of Local Area Centre of Oxford Street, Paddington