



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 10 March 2008*

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 March 2008

To: His Worship The Mayor, Councillor Geoff Rundle, ex-officio
Councillors John Comino (Chair)
 Claudia Cullen (Deputy Chair)
 Christopher Dawson
 Wilhelmina Gardner
 Keri Huxley
 Julian Martin
 David Shoebridge

Dear Councillors

Urban Planning Committee Meeting – 10 March 2008

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 March 2008 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 25 February 2008	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Paddington DCP lofts over garages - 899.G	2
R2	Centre Management - Double Bay – 1178 & 1179.G	11

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 25 February 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 25 February 2008 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 25 February 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Paddington DCP lofts over garages**
Author: Susan O'Neill - Strategic Heritage Officer
File No: 899.G
Reason for Report: To inform Council about the Paddington DCP Working Party meeting held on 7th February, 2008

Recommendation:

That the report on the Paddington DCP Working Party meeting on 7 February 2008 and actions arising be received and noted.

1. Background

The Urban Planning Committee considered a report on the Draft Paddington Heritage Conservation Area Development Control Plan on 29 October 2007. The Committee's recommendation was considered by the Council on the same night and it was decided that a draft development control plan be prepared to amend the Paddington Heritage Conservation Area DCP 2007 by including provisions for loft structures over garages.

A report responding to the Council's decision to amend the Paddington Heritage Conservation Area DCP 2007 by including provisions for loft structures over garages was presented to the Urban Planning Committee on 26 November 2007 (**annexure 1**). The Urban Planning Committee's recommendation was considered by Council on 17 December 2007 and the following decision was made:

- A. THAT the matter of the controls for lofts over garages in the Paddington Heritage Conservation Area DCP be deferred and referred to the Paddington DCP Working Party for consideration.
- B. THAT the Royal Australian Institute of Architects be requested to nominate a registered architect, practicing in the Woollahra Municipality, to be a member of the working party for this project.
- C. THAT the working party meet prior to early February 2008 to consider the matter.
- D. THAT the recommendations from the working party be referred back to the Urban Planning Committee for consideration.

2. Paddington DCP Working Party

The Paddington DCP Working Party was reconvened in response to Council's decision. The Working Party consists of the following members:

- The Mayor
- Paddington Ward Councillors
- Stephen Buzzacott (RAIA),
- Bill Morrison (The Paddington Society),
- John Richardson (The National Trust),
- Michael Rolfe (Woollahra History and Heritage Society)

Councillor Wilhelmina Gardner was also present and chaired the meeting.

The working party discussed a broad range of issues, including:

- There are limited situations within Paddington where a loft over the rear lane garage is appropriate
- The advantages of a loft is that it provides surveillance over the rear lane and may take up the pressure for expanding the main body of the terrace house
- Potential disadvantages of lofts are overshadowing of neighbours' properties, loss of solar access to the courtyard, detrimental visual impact of rows of garages and lofts to the laneway, the loss of views of the rear elevations of terrace houses from the public domain
- The provision of a loft over the garage could be determined by the following criteria; the size of allotments, the orientation of allotments, the impact of the loft addition to the laneway and the fall of the site.

2.1 Actions arising from the Meeting

The Paddington Society is to provide a photographic survey showing good examples and poor examples of lofts. Council is to do preliminary mapping, using its GIS, to examine allotment size and site orientation with a view to preparing controls based on land characteristics.

A further meeting of the Working Party will be held once sufficient information has been gathered. Recommendations from the Working Party will be referred to the Urban Planning Committee for consideration.

3. Conclusion

The Paddington DCP Working Party was convened to examine the issue of lofts over rear lane garages within Paddington. Further reports with recommendations will be submitted to the Urban Planning Committee in the next quarter.

Susan O'Neill
Strategic Heritage Officer

Chris Bluett
Manager Strategic Planning

ANNEXURES:

1. Report presented to the Urban Planning Committee on 26 November 2007
2. Minutes from meeting of the Paddington DCP Lofts over garages working party, 7 February 2008

Item No: R2 Recommendation to Council
Subject: Centre Management - Double Bay
Author: Allan Coker, Director Planning and Development
File No: 1178 & 1179.G
Reasons for Report:

1. To update Council on the current position in relation to centre management for Double Bay
2. To present for formal adoption the Draft Memorandum of Understanding between Council and the Double Bay Partnership
3. To set out the next steps that are required to establish centre management.

Recommendation:

1. That Council endorse the Memorandum of Understanding (MOU) between Woollahra Council and the Double Bay Partnership committing both parties to work collaboratively together to advance Double Bay Commercial Centre as a vibrant and attractive commercial centre.
2. That the Mayor and General Manager be authorised to sign the MOU.
3. That Council transfer its funds, not exceeding \$200,000, to the incorporated association *Double Bay Partnership* to match voluntary contributions from the business community once the General Manager, Mayor and the Double Bay Commercial Centre Working Party are satisfied as to the following:
 - a) that the constitution and rules for the incorporated association are consistent with the provisions of the MOU and that they are satisfied that adequate safeguards are in place within the constitution and rules to ensure that council's contribution will be utilised for the purposes it is made, and
 - b) that in the event of termination of Double Bay Partnership that the balance of any assets will be given to Council to be expended on activities for the benefit of the Double Bay commercial centre, and
 - c) the Association has been properly incorporated under the *Incorporation Act* 1984, and
 - d) voluntary contributions by the business community have been received and deposited into a bank account of the Association.
4. That a Review Committee be established with the roles and functions set out in clause 8 of the MOU.
5. That the Mayor appoint two Councillors to the Review Committee.
6. That the Double Bay Commercial Centre Working Party be wound up following the incorporation of Double Bay Partnership under the *Incorporation Act*, 1984.

1.0 Background:

On 26 November 2007 the Urban Planning Committee considered a report on how we should proceed with the implementation of centre management for the Double Bay commercial centre. Copy of that report is attached as **annexure 1**. The report advised that the Double Bay Chamber of Commerce had consulted with its constituency and will match Council's offer of \$200,000 as seed funding for centre management. It concluded that we should now proceed to put in place the necessary documentation so that an incorporated centre management body can be operational in Double Bay as soon as possible. The following recommendation from the Urban Planning Committee was adopted by Council on 17 December 2007.

- “1. *That Council support the establishment of a Double Bay Centre Management Working Party with a specific charter to oversight the preparation of the documentation required for centre management, including:*
 - *the rules for the Incorporated Association*
 - *the Memorandum of Understanding between Council and the persons who will form the Association*
 - *the proposed service agreement for maintenance*
 - *the business plan*
 - *committee membership of the Association for its first year*
2. *That the working party consist of 2 Councillors, The Director of Planning, 3 Business community members and consultant Jo Kelly.*
3. *That the working party be wound up immediately following the commencement of operation of the Incorporated Association.*
4. *That the documents required for incorporation, the service level agreement and the memorandum of understanding be the subject of a report to the Urban Planning Committee and consideration by Council where required, prior to lodgement with the Department of Fair Trading.*
5. *That following commencement of the operation of the Incorporated Association and subject to 4 above, Council agree to set aside its funds, up to \$200,000 for use by the Incorporated Association on a \$for \$ basis as those funds are contributed by the business community of Double Bay and be released based on an agreed program.*
6. *That Council defer the request for a further year's funding and the issue of a rates levy commencing 1 July 2009 until the Incorporated Association has been established and has operated for a period of 6 months.”*

2. Process to date

2.1 Business Consultation

Since the resolution of 17 December 2007 consultant Jo Kelly has been working with key business representatives to gain support for and financial contributions from the business community for centre management. Many meetings and one on one sessions have been held to explain the concept and benefits and to achieve a core group of 'champions' who will provide ongoing support. It is pleasing that, as a consequence of this process, the business community has pledged to match Council's offer of \$200,000 funding and is keen to proceed with the minimum of delay.

2.2 The Double Bay Centre Management Working Party

In accordance with parts 1 and 2 of Council's resolution of 17 December 2007 the Mayor appointed Councillors Dawson and Petrie to the working party. The business community has been represented by the President of the Double Bay Chamber of Commerce, Kate Dowling, Joshua Berger and John Lewis. Other members of the working party included consultant Jo Kelly from People Places and Partnerships and Allan Coker, Director Planning and Development. The working party met on 14 December 2007, 16 January 2008 and 6 February 2008. The minutes of these meetings are attached as **annexures 2, 3 and 4**.

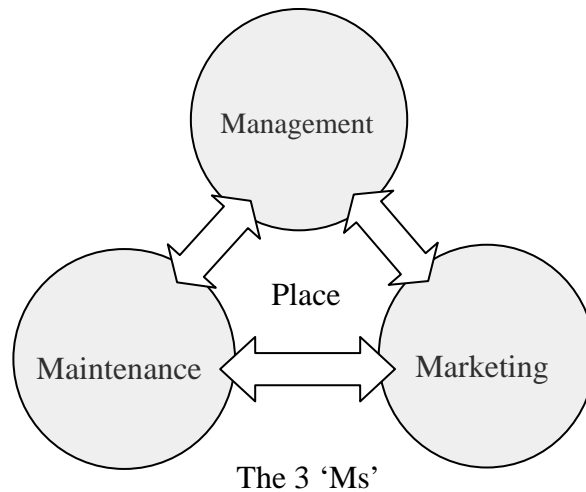
At the first meeting of the working party Kate Dowling provided feedback on current business consultation. Jo Kelly provided an explanation of the required documentation for centre management, including the proposed MOU, the rules for the incorporated association, key elements of the draft business plan and required elements in the proposed service level agreement.

At the second meeting of the working party it worked through the detail of the draft MOU. The working party was generally happy with the draft document.

At the third meeting of the working party it noted the need for some further amendments to the MOU which have now been included in the document. This meeting then focussed on the constitution for the proposed incorporated body. At this stage the constitution and rules have been drafted but have not been finalised.

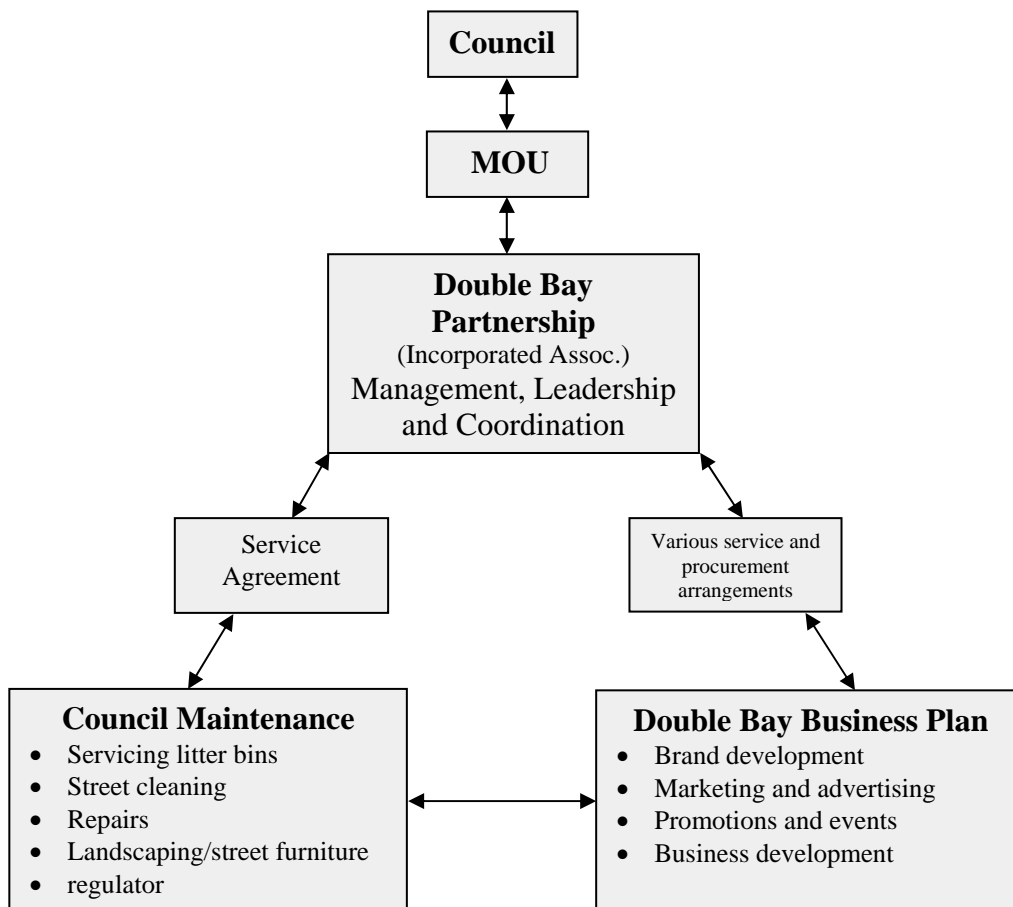
3. Formal Arrangements

The concept of centre management has been outlined in previous reports but is essentially a co-ordinated and pro-active programme that ensures that a holistic approach is taken to the management and operation of retail centres. Successful centre management is dependant on joint partnerships between the public and private sectors and brings together a wide range of business, community and public authority interests to work collaboratively to achieve common objectives. Centre management is based on the concept of place making and is dependant on integrated management, maintenance and marketing. This is conceptually illustrated by the following diagram.



The three essential elements of management, maintenance and marketing each have equal weight and are centred around the concept of place.

The centre management model that has been developed builds on the 3 'Ms' concept and is consistent with the preferred model that Council endorsed on 27 August 2007 for discussion with the business community. It is apparent that following consultation with the business community that the proposed centre management model meets their requirements. The key elements of the model are illustrated in the following diagram:



The various elements and documents which collectively form centre management are described in the following sections of this report.

3.1 Memorandum of Understanding

This is the 'head' document which commits the parties, ie. Council and Double Bay Partnership (the Incorporated Association) to work collaboratively to advance Double Bay as a cultural and commercial hub, through sustainable economic and social growth and to guide the implementation of the Double Bay Partnership Business Plan. The MOU is attached as **annexure 5**. This document needs to be formally adopted by Council as an indication of its ongoing commitment to assist Double Bay implement and achieve the following outcomes:

- enhancement of Double Bay through the implementation of the Double Bay Partnership Business Plan
- the integration of projects and programs by Council and the Double Bay Partnership
- to bring Double Bay commercial centre alive as a local and regional commercial centre by enhancing the quality of goods, services, accommodation and positive business spirit
- to build "community capacity and sense of pride within the Double Bay businesses and wider community by encouraging their engagement and ownership in the future prosperity of the Double Bay Commercial Centre
- to work cooperatively to promote Double Bay Commercial Centre as a premier lifestyle precinct that remains competitive in the local, national and global markets
- to enhance the quality of business presentation, customer service and product offering
- to implement quality urban design outcomes in the public domain and new developments
- to integrate environmentally sustainable principles in new development, and
- promote and support the community's capacity to take ownership, champion and guide the future delivery of all aspects of the Double Bay Partnership Business Plan through Double Bay Partnership and project task groups.

The MOU commits the parties to these outcomes for a period of 3 years but with a review each year. It is open to both parties to renew or extend the life of the agreement. The MOU does not commit the Council to ongoing direct funding but it does commit Council to explore opportunities for grants and to explore opportunities for a special rate to be directed solely to the Double Bay Partnership for the purpose of implementing its business plan.

The MOU commits Council and Double Bay Partnership to the following protocols for working together:

- to co-operate by sharing information
- to consult with each other in relation to the planning, delivery and evaluation of activities and initiatives, wherever necessary
- recognise and complement each others planning and negotiation processes and utilise these processes where appropriate, and
- focus their activities on achieving outcomes that are jointly agreed to by the parties in consultation with the local community.

The operation of the MOU is to be monitored on a regular basis by a review committee to ensure that it continues to operate in a satisfactory manner and that progress is made in meeting its objectives. Other aspects of the MOU include commitments to consultation, communication and cooperation principles, implementation principles and dispute resolution processes.

The MOU has been reviewed by the working party and by the General Manager and is commended to Council for signature.

3.2 Double Bay Partnership

The consultation with the business community indicated that financial contributions would only be made if they could be made to an independent but accountable legal entity separate from the individual members. It was primarily for this reason that we recommended that an incorporated association be established. However, there are also other benefits with incorporated associations insofar as they provide for a certain amount of limited liability for members, they allow the entity to continue regardless of changes to membership and they allow the entity to enter into enforceable contracts. There are also many government grants that are only available to community based organisations if they are incorporated.

Setting up an Incorporated Association

The process for setting up an incorporated association is regulated by the Department of Fair Trading under the *Associations Incorporation Act 1984* and the *Associations Incorporation Regulation 1999*. The steps that are required to set up and incorporated association are as follows:

Step 1

Five or more persons may authorise a person:

- to apply for incorporation with the Office of Fair Trading
- approve a set of objectives and rules
- nominate at least two people to be the first committee members of the proposed association

Step 2

The person making the application must reserve a name for the incorporated association by lodging an *Application for Reservation of Name* together with the prescribed fee to the Office of Fair Trading. In this case the business community have decided that the name of the association should be called “Double Bay Partnership”. This is in recognition of the partnerships that a necessary to make it a success.

Step 3

The person making the application must apply for incorporation by lodging an *Application for Incorporation*, together with the prescribed fee to the Office of Fair Trading. Under this arrangement the persons comprising the non incorporated committee will become the first members of the association and the person authorised to incorporate the association will become the association’s first public officer, unless the rules state otherwise.

The Draft Constitution

In accordance with the requirements of the Office of Fair Trading a draft Constitution and Rules has been prepared for the Double Bay Partnership based on the Model rules for incorporated associations prepared by the Office of Fair Trading under the *Associations Incorporations Act, 1984*. However, at the time of writing this report the constitution had not been finalised. Work is still continuing on the document to finalise certain provisions, including the management structure of the association. It is currently proposed that the day to day affairs of the association be managed by a board comprising up to 7 persons, but not less than 4 persons who shall be elected or appointed in accordance with the rules of the association. The initial board members will be those who have participated in the setting up of centre management and who are nominated in the *Application for Incorporation*. It is expected that the initial board will therefore comprise, among others, the business representatives who participated in the Double Bay Commercial Centre Working Party, as well as one or two representatives from Council. Matters that are still in the process of being resolved include nomination for membership, the board management structure, membership of the board, the role of the chairperson, meetings of the board, membership criteria and the subsequent election of board members.

Other key elements of the constitution and rules have been well resolved. These include the name, the mission statement, the statement of objectives, powers of the organisation and arrangements for the distribution of assets in the event that the association is wound up.

The Mission statement for the association is:

“The mission of the Organisation, a not for profit association, is to provide business leadership and to work co-operatively for the benefit of Double Bay by advocating, educating, promoting, implementing and facilitating agreed positions and priorities as identified in the Double Bay Partnership Business Plan.”

The objectives of the association are:

- a) *to facilitate the implementation of the Double Bay Partnership Business Plan.*
- b) *work co-operatively with Woollahra Council to fulfil the aims and objectives of the Memorandum of Understanding.*
- c) *to work co-operatively with other key stakeholders.*
- d) *to provide input into the effective management of the public domain, so that it is attractive, safe and accessible to all.*
- e) *to add value and enhance the lifestyle and business community opportunities in Double Bay Commercial Centre in a sustainable way.*
- f) *to improve and enhance the Double Bay Commercial Centre and immediate surrounds, to the benefit of the community in a sustainable way.*
- g) *to help the local businesses to understand, develop and achieve a competitive edge for the Double Bay Commercial Centre.*
- h) *to develop retail and business skills/expertise and awareness by business owners and operators.*
- i) *to organise/promote and encourage mutually supportive, practical partnership between business, service providers, public authorities (including Woollahra Council).*
- j) *to prioritise and adopt strategic directions, actions, roles and responsibilities for the Double Bay Commercial Centre, including but not limited to implementing the Business Plan prepared for Double Bay Partnership and the Woollahra Council*

Since the association is intended to operate as an autonomous body under the 'umbrella' of the MOU it does not need to be formally endorsed by Council. However, we need to be satisfied that it will operate with a constitution and in a manner that reflects the MOU. This is particularly important because significant public funds will be transferred to the association and, in these circumstances, we need to be satisfied that these funds will be used for, and only used for, the purposes they are provided for.

For this reason we have recommended that council funds not be transferred to the Double Bay Partnership until the General Manager and the Mayor and the Double Bay Commercial Centre Working Party are satisfied that the constitution reflects the MOU and includes adequate safeguards to ensure that council funds will be used for, and only for, the purposes for which it is made.

3.3 Double Bay Partnership Business Plan

Consultant Jo Kelly has been commissioned by the business community to prepare a strategic business plan for Double Bay. This is a high level plan which identifies key focus areas for the improvement of Double Bay. This plan will be supplemented by more detailed implementation plans reflecting yearly budgets and priorities.

A draft plan, identifying five key focus areas has been prepared and is attached as **annexure 6**.

The five focus areas are:

1. ***Management leadership and co-ordination*** (growing Double Bay Partnership's capacity to provide effective leadership through robust planning, the delivery of valued programs and effective communication).
2. ***Brand development, marketing and advertising*** (raise the profile of Double Bay as a premier retail destination)
3. ***Promotions and events*** (undertake promotions and events that attract people to Double Bay)
4. ***Attract, retain and improve business*** (growing the capacity of Double Bay's businesses)
5. ***Street beautification*** (foster improved amenity within the physical environment of Double Bay)

A well developed business plan and implementation plan is essential to the success of centre management since these plans set the direction for all activities of the Double Bay Partnership. The draft plan contains an appropriate mix of initiatives which reflect the objectives of the MOU.

3.3 Service Level Agreement

High level maintenance of the commercial centre is an essential element for successful centre management. This covers not only cleansing but also other essential services such as prompt responses to repairs, light bulb replacement and small scale construction work. If streets are not kept clean visitors will get a negative impression of the place and are less likely to return to the centre regardless of marketing and promotion. It is proposed that centre maintenance remain with the Council but that a service level agreement is established between Double Bay Partnership and the Council. This agreement is intended to set out minimum service standards for things like servicing litter bins, street cleaning, repairs, maintenance of landscaping and street furniture, etc. A draft service level agreement has not yet been prepared but this is something that will need to be pursued once Double Bay Partnership has been incorporated.

4. The next steps

Since Council's decision of 17 December 2007 there has been good progress in obtaining the support of the business community and in putting together the necessary documentation for centre management in Double Bay. To progress centre management Council should 'sign off' on the MOU. The Double Bay Partnership also needs to resolve its constitution and rules so that it can be incorporated as soon as possible. When these steps are completed funds will be able to be transferred to the Double Bay Partnership by both the business community and by Council.

- Step 1** - Council signs MOU
- Step 2** - The constitution and rules of the Double Bay Partnership are finalised
- Step 3** - The General Manager, Mayor and the Double Bay Commercial Centre Working Party review and 'sign off' on the constitution and rules for the Double Bay Partnership.
- Step 4** - The Double Bay Partnership is incorporated under the *Incorporation Act*, 1984.
- Step 5** - Funds are transferred from the business community into a bank account of Double Bay Partnership Incorporated.
- Step 6** - Council transfers matching funds to a bank account of Double Bay Partnership Incorporated.
- Step 7** - Double Bay Partnership commences operation under the umbrella of the MOU and in accordance with the constitution and rules of Double Bay Partnership Incorporated.
- Step 8** - The progress of Double Bay Partnership Incorporated in achieving the objectives of the MOU and of the Double Bay Business plan will be reviewed by the Review Committee established under clause 8 of the MOU.

It is anticipated that the constitution and rules for the operation of Double Bay Partnership will be completed in less than 2 weeks and that the association will be incorporated by mid March. Once this occurs it will be able to commence operation and focus its attention on implementing the Double Bay Business Plan.

5. Conclusion

Council's 'sign off' on the MOU and the incorporation of the Double Bay Business Partnership will facilitate the transfer of funds from both the business community and council and thus enable the Double Bay Business Partnership to commence operation as a fully functional centre management body responsible for the revitalisation of Double Bay as a vibrant, attractive and successful commercial centre.

This is an important milestone in the rejuvenation of Double Bay.

The recommendations reflect the steps outlined in section 4 above.

Allan Coker
Director Planning and Development

ANNEXURES:

1. Report to Urban Planning Committee on 26 November 2007
2. Minutes of the 1st Double Bay Commercial Centre Working Party meeting held on 14 December 2007.
3. Minutes of the 2nd Double Bay Commercial Centre Working Party meeting held on 16 January 2008.
4. Minutes of the 3rd Double Bay Commercial Centre Working Party meeting held on 6 February 2008.
5. Memorandum of Understanding between Woollahra Council and Double Bay Partnership
6. Double Bay Partnership Draft Business Plan.