

# **Urban Planning Committee Minutes**

**Monday 28 April 2008**

## **TABLE OF CONTENTS**

D1	Confirmation of Minutes of Meeting held on 14 April 2008 .....	1342
D2	Building Certificates – ‘Notice of Motion’ dated 26 November 2007 .....	1342
R1	Centre Management - Double Bay .....	1343
R2	Draft Paddington Heritage Conservation Area Development Control Plan .....	1344

# Urban Planning Committee Minutes

**Minutes of the Meeting held on  
Monday 28 April 2008 at 6.00pm**

Present: His Worship the Mayor, Councillor Geoff Rundle, ex-officio (Chair Items D1 – R1)  
Councillors John Comino (arrived during Item R1)(Chair Item R2))  
Christopher Dawson  
Wilhelmina Gardner (arrived during Item D2)  
Keri Huxley  
Julian Martin  
David Shoebridge

Staff: C Bluett (Manager – Strategic Planning)  
A Coker (Director – Planning & Development)  
L Windle (Manager – Governance)  
T Tuxford (Manager Compliance) (Items D1-D2)

Also in Attendance: Councillor Andrew Petrie (Items D1 – part R2)  
Councillor Tanya Excell

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## **Leave of Absence**

Leave of Absence previously granted by Council: Nil

Apologies: Apologies were received and accepted from Councillor Claudia Cullen and Leave of Absence granted.

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## **Late Correspondence**

Late correspondence was submitted to the committee in relation to Item: R2

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## **Declarations of Interest**

Councillor David Shoebridge declared a non pecuniary interest in item R2 (Draft Paddington Heritage Conservation Area Development Control Plan) as Dr Felix Barda (Peer and Community Panel member) has at a previous time provided geotechnical advice to himself and his wife.

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**Items Decided by this Committee using its Delegated Authority (Items D1 to D2)**

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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 14 April 2008**  
**Author:** Les Windle – Manager Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of 14 April 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.

**(Huxley/Dawson)**

**Resolved:**

That the Minutes of the Urban Planning Committee Meeting of 14 April 2008 be taken as read and confirmed.

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**Item No:** D2 Delegated to Committee  
**Subject:** **Building Certificates – ‘Notice of Motion’ dated 26 November 2007**  
**Author:** Tim Tuxford, Manager - Compliance  
**File No:** 885.G Part 10  
**Reason for Report:** This report is in response to a ‘Notice of Motion’ adopted at the Council meeting of 26 November 2007.

**(Shoebridge/Huxley)**

**Resolved:**

That Council write to the Director – General of the NSW Department of Planning formally seeking an amendment of Section 149E of the *Environmental Planning and Assessment Act 1979* so that any building certificate that has been issued in reliance on an inaccurate or incorrect survey report, is set aside and in such circumstances a council **is not** prevented;

“(a) *from making an order (or taking proceedings for the making of an order or injunction) under this Act or the [Local Government Act 1993](#) requiring the building to be repaired, demolished, altered, added to or rebuilt, and*

(b) *from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council”.*

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**Items with Recommendations from this Committee  
Submitted to the Council for Decision (Items R1 to R2)**

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<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>Centre Management - Double Bay</b>
<b>Author:</b>	Allan Coker, Director Planning and Development
<b>File No:</b>	1178 & 1179.G
<b>Reasons for Report:</b>	<ol style="list-style-type: none"><li>1. To present for Council's adoption the Memorandum of Understanding between Council and the Double Bay Partnership.</li><li>2. To present for Council's information the draft Constitution and Rules of the Double Bay Partnership</li></ol>

**Motion moved by Councillor Huxley  
Seconded by Councillor Dawson**

That the recommendation be adopted subject to part 1 of the recommendation being amended to read as follows:

1. That Council note 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 through sustainable economic and social growth.

**Amendment moved by Councillor Shoebridge  
Seconded by Councillor Martin**

That the recommendation be adopted subject to part 1 of the recommendation being amended to read as follows:

1. That Council note the Memorandum of Understanding (MOU) between Woollahra Council and the Double Bay Partnership and notes further that it is the current intention of Council to comply with the Memorandum of Understanding (MOU).

**The Amendment was put and lost.  
The Motion was adopted.**

**Recommendation:**

1. That Council note 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 through sustainable economic and social growth.
2. That the Mayor and General Manager be authorised to sign the MOU after the incorporation of the Double Bay Partnership.
3. That Council note the Constitution and Rules of the Double Bay Partnership.
4. That Council transfer matching funds, not exceeding \$200,000 to the Double Bay Partnership, when the General Manager, Mayor and the Double Bay Commercial Centre Working Party are satisfied as to the following:

- a) that the Constitution and Rules of the Double Bay Partnership will provide a satisfactory framework for the operation of centre management under the umbrella of the MOU.
  - b) that the Double Bay Partnership has been incorporated as an association under the *Associations Incorporation Act 1984*
  - c) voluntary contributions by the business community of at least \$125,000 have been received and deposited into a bank account of the Double Bay Partnership Incorporated
  - d) that, in the event of termination of the Double Bay Partnership, the balance of any assets will be given to Council to be expended on activities for the benefit of the Double Bay commercial centre.
5. That Council establish a Review Committee with the roles and functions set out in clause 8 of the MOU.
  6. That the Mayor appoint two Councillors to the Review Committee.
  7. That the Double Bay Commercial Centre Working Party be wound up following the incorporation of Double Bay Partnership under the *Associations Incorporation Act, 1984*.

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**Item No:** R2 Recommendation to Council  
**Subject:** **Draft Paddington Heritage Conservation Area Development Control Plan**  
**Author:** Chris Bluett - Manager Strategic Planning  
**File No:** 899.G  
**Reason for Report:** To report on the further public exhibition of the Draft DCP.  
To obtain the Council's approval of the Draft DCP.

**Note:** Councillor David Shoebridge declared a non pecuniary interest in this item as Dr Felix Barda (Peer and Community Panel member) has at a previous time provided geotechnical advice to himself and his wife.

**Note:** Late correspondence was tabled by the Woollahra History & Heritage Society Inc.

**Note:** Mr T Blackburn, a Paddington resident, Mr B Morrison, Vice President of The Paddington Society and Ms R Atwell, President of The Paddington Society addressed the meeting.

**(Huxley/Shoebridge)**

### **Recommendation**

THAT Draft Paddington Heritage Conservation Area Development Control Plan 2008 as contained in **annexure 2** of the report to the Urban Planning Committee meeting on 28 April 2008 and subject to alterations listed in that report (including **annexure 5**) be approved and come into effect on the date a public notice of Council's approval is placed in the newspaper.

There being no further business the meeting concluded at 7.12pm.

*We certify that the pages numbered 1339 to 1345 inclusive are the Minutes of the Urban Planning Committee Meeting held on 28 April 2008 and confirmed by the Urban Planning Committee on 12 May 2008 as correct.*

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**Chairperson**

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**Secretary of Committee**