

# Urban Planning Committee Minutes

Monday 19 December 2005

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# Urban Planning Committee Minutes

**Minutes of the Meeting held on  
Monday 19 December 2005 at 6.06pm**

Present: Councillor Keri Huxley (Chair)  
John Comino  
Christopher Dawson  
Wilhelmina Gardner  
Geoff Rundle  
Isabelle Shapiro (Items R1-R3)  
David Shoebridge

Staff: C Bluett (Manager – Strategic Planning)  
A Coker (Director – Planning & Development)  
L Windle (Manager – Governance)  
D Sheils (Manager – Public Open Space)  
J Ayre (Strategic Heritage Officer)  
M Zulaikha (Team leader – Urban Design)

Also in Attendance: Councillor Anthony Boskovitz (R1 – part R2)  
Councillor Tanya Excell (part R1 – R3)

## Leave of Absence

Leave of Absence previously granted by Council: Mayor Councillor Andrew Petrie

Apologies: Nil

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## Late Correspondence

Late correspondence was submitted to the committee in relation to Items: R3

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## Declarations of Interest

Councillor Comino declared a perceived conflict of interest in Item R3 (Draft White City DCP). Councillor Comino advised the perceived conflict of interest relates to his business partner acting for a possible purchaser of land north of the railway viaduct. This parcel of land is only a very small part of the whole site. The Local Government Act defines Pecuniary Interest as “a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated”. Any conveyancing fees that may be associated with the purchase of the land, if it goes ahead, cannot be called appreciable. Councillor Comino further stated that after holding discussions with the Pecuniary Interest Tribunal and the Local Government Association that he would, in accordance with Council’s Code of Conduct, participate in discussion on the matter but not vote on the matter.

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

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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 28 November 2005**  
**Author:** Les Windle – Manager Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of 28 November 2005 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Comino/Shoebridge)

**Resolved:**

That the Minutes of the Urban Planning Committee Meeting of 28 November 2005 be taken as read and confirmed.

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**Items with Recommendations from this Committee  
Submitted to the Council for Decision (Items R1 to R3)**

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**Item No:** R1 Recommendation to Council  
**Subject:** **Tree Preservation Order (2006)**  
**Author:** David Sheils - Manager Public Open Space  
**File No:** 262.G  
**Reason for Report:** To recommend the adoption of a revised Tree Preservation Order

(Rundle/Comino)

**Recommendation:**

A. That the draft Tree Preservation Order (2006) be adopted subject to the following amendments:

(1) Part 5.2.3 being amended to read as follows:

“Consent for pruning or removal of trees associated with development may, if granted, be issued concurrently with the development application consent subject also to any landscaping and streetscaping requirements of any relevant LEP, DCP or Council Policy.”

(2) Additional Part 5.2.4 being added to read as follows:

“Consent for removal of a tree may not be granted unless it complies with the relevant LEP, DCP or Council Policy.”

- (3) The original Part 5.2.4 being renumbered to Part 5.2.5.
- B. That a notation be provided on Council's webpage, and be provided with hard copies of the Exempt and Complying DCP, directing people to the Tree Preservation Order 2006.
- C. That a further report be submitted to the next available Urban Planning Committee meeting on the consequences that the Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 has on the Council amending or adopting new DCP's.

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**Item No:** R2 Recommendation to Council

**Subject:** **Watsons Bay Pool**

**Author:** Jodi Ayre - Strategic Heritage Officer

**File No:** 1080 G Watsons Bay Potential Heritage Items

**Reason for Report:** In response to a Notice of Nomination (10/03/2005) regarding the heritage status of the Watson Bay Baths, this report will determine if Watsons Bay Baths meets the criteria for listing on the NSW State Heritage Register.

(Shoebridge/Rundle)

**Recommendation:**

- A. That Watsons Bay Pool be listed as an item of local cultural significance in the new comprehensive LEP based on the standard LEP template to be released by the NSW Department of Planning.
- B. That prior to listing the Watsons Bay Pool, that consideration be given to including reference in the Inventory Sheet to the legal developments that allowed swimming during daylight hours.

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**Item No:** R3 Recommendation to Council

**Subject:** **Draft White City DCP**

**Author:** Allan Coker

**File No:** 1064.G

**Reason for Report:** To review the draft DCP, as amended, for the White City site.

**Note:** Councillor Comino declared a perceived conflict of interest in Item R3 (Draft White City DCP). Councillor Comino advised the perceived conflict of interest relates to his business partner acting for a possible purchaser of land north of the railway viaduct. This parcel of land is only a very small part of the whole site. The Local Government Act defines Pecuniary Interest as "a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated". Any conveyancing fees that may be associated with the purchase of the land, if it goes ahead, cannot be called appreciable. Councillor Comino further stated that after holding discussions with the Pecuniary Interest Tribunal and the Local Government Association that he would, in accordance with Council's Code of Conduct, participate in discussion on the matter but not vote on the matter. Councillor Comino did not vote on this matter.

**Note:** Late correspondence was tabled at the meeting by Margaret Zulaikha, Council's Team Leader Urban Design.

**(Shoebridge/Rundle)**

**Recommendation:**

1. That the committee note that the draft DCP (**annexure 2**) is consistent with the recommendation of the Strategic and Corporate Committee of 12 December 2005.
2. That the Draft White City Development Control Plan (**annexure 2**) with the amendments made at the Urban Planning Committee meeting on 19 December 2005 be publicly exhibited, as soon as possible, in accordance with the requirements of the *Environmental Planning and Assessment Act Regulation 2000*. The amendments made by the committee are:
  - (i) the following additional objective be added to clause 1.5, "to maintain a petrol station facility on that part of the land known as lot 21 DP 609145 as a desirable land use."
  - (ii) the following words be added to clause 1.6: "This plan does not allow additional land uses to those permitted by Woollahra LEP 1995".
  - (iii) re-insert O4 in section 4.2, "to appropriately relate building forms to both public open spaces and private open spaces and pedestrian/cycle linkages across the site".
  - (iv) delete the reference to "lift structures" and "hydraulic and mechanical exhaust" in C1 in section 4.2.
  - (v) Figure 8 – *Pedestrian and cycle network to be constructed on the site*, be amended by providing for an additional pathway between the proposed car park to Mahoney's Lane, as tabled in late correspondence.
  - (vi) C3 in section 4.7 be amended by deleting the words, "from any publicly accessible place".
  - (vii) C16 in section 4.7 be replaced by the following words: "car parking at ground level only is permitted north of the stormwater channel"
  - (viii) add a new objective O6 to section 4.10, "to prevent adverse impacts on the streetscape and local amenity from excessive advertising and illumination.
  - (ix) add new controls to section 4.10 as follows:

C13 Development does not include animated or flashing signs

C14 A freestanding sign associated with any service station must not exceed a height of 6.0m and an area of 8.0m<sup>2</sup>.

C 15 An assessment of new signage must have regard to:

    - the number of existing signs on the site and within its vicinity, and
    - whether the cumulative impact of signage causes clutter.
3. That a further report be presented to the Urban Planning Committee in February 2006 on the public submissions received in relation to the draft plan.
4. That the recommendation from the Urban Planning Committee be referred to Council as a matter of urgency.

There being no further business the meeting concluded at 7.30pm.

*We certify that the pages numbered 2558 to 2564 inclusive are the Minutes of the Urban Planning Committee Meeting held on 19 December 2005 and confirmed by the Urban Planning Committee on 30 January 2006 as correct.*

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**Chairperson**

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**Secretary of Committee**