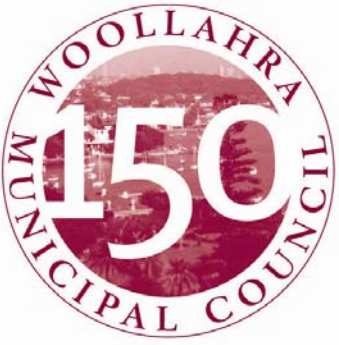


Urban Planning Committee



Agenda: *Urban Planning Committee*

Date: *Monday 28 February 2011*

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).

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.

Delegated Authority (“D” Items)

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- 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 above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

24 February 2011

To: Her Worship The Mayor, Councillor Isabelle Shapiro ex-officio
Councillors Chris Howe (Chair)
Lucienne Edelman (Deputy)
Nicola Grieve
Ian Plater
David Shoebridge
Malcolm Young
Toni Zeltzer

Dear Councillors

Urban Planning Committee Meeting – 28 February 2011

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 **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 28 February 2011 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 14 February 2011	1
D2	Delivery Program 2009 to 2013 and Operational Plan 2010/2011 Quarterly Progress Report December 2010 – Goal 4 (Well planned neighbourhoods) – 1229.G * Annexure 1 distributed under separate cover	2

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

R1	The Draft Parking Development Control Plan – 1184.G	7
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 February 2011**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 14 February 2011 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 14 February 2011 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

Subject: **Delivery Program 2009 to 2013 and Operational Plan 2010/2011
Quarterly Progress Report December 2010 - Goal (4) - Well planned
neighbourhoods**

Author: Patrick Robinson - Acting Director Planning and Development
Chris Bluett – Manager Strategic Planning

File No: 1229.G

Reason for Report: To review the status of the priorities and actions in Council's Delivery Program 2009 to 2013 and Operational Plan 2010/2011 for the three months ending 31 December 2010.

Recommendation

THAT the December 2010 quarterly progress report on Goal 4 (Well planned neighbourhoods) of Council's Delivery Program 2009 to 2013 and Operational Plan 2010/11 be received and noted and that revised target dates be adopted.

Background

In June 2010 Council adopted the Delivery Program 2009 to 2013 and Operational Plan 2010/11 (DPOP) in line with the new Integrated Planning and Reporting Legislation for NSW Local Government.

As a consequence of the Integrated Planning and Reporting Legislation, the *Local Government Act 1993* was amended to require Council to report on the progress of its Delivery Program at least every six months. In response to the amendments, and in order to ensure that Council's reporting to the community remains transparent, timely and manageable under the legislation, progress reports on the Delivery Program and Operational Plan will continue to be presented quarterly for the end of September, December, March and June each year.

The framework for quarterly progress reports is consistent with the structure of the Delivery Program and Operational Plan developed around the following broad interrelated themes and supporting goals:

Theme: Community well-being

- Goal 1: A connected and harmonious community.
- Goal 2: A supported community.
- Goal 3: A creative and vibrant community.

Theme: Quality places and spaces

- Goal 4: Well planned neighbourhoods.
- Goal 5: Liveable places.
- Goal 6: Getting around.

Theme: A healthy environment

- Goal 7: Protecting our environment.
- Goal 8: Sustainable use of resources.

Theme: Local prosperity

Goal 9: Community focused economic development.

Theme: Community leadership and participation

Goal 10: Working together.

Goal 11: A well managed Council.

Annexure 1 to this report is Council's Quarterly Progress Report for the period 1 October to 31 December 2010 for Goal 4, being most relevant to the Urban Planning Committee (UPC).

Progress comments for all Delivery Program Priorities and Operational Plan Actions are provided in the tables of Annexure 1. Council staff update these comments on an ongoing basis for internal management purposes with the comments then collated at the end of the quarter for reporting to Council and the community. Generally, actions included in the Operational Plan relate to the current financial year, however there are a number of actions that extend beyond June 2011, as indicated in the Target Date column.

As this is the second quarterly report for 2010/11, a tick will appear in the final column in the tables headed "Updated Comments" to indicate that the comments relating to that Action have been updated since the previous quarterly report to Council. This will enable Councillors and other readers of the report to easily identify where an Action status has been updated.

Adopted Notices of Motion

To further improve the efficiency and transparency of Council's Integrated Planning & Reporting procedures, Notices of Motion which are strategic and/or project based are now included as Actions within the DPOP, rather than as separate Annexure to the quarterly DPOP report, as was the previous practice.

Notices of Motion adopted during the period 1 October 2010 to 31 December 2010 that are strategic and/or project based in nature have been included as additional Actions against the DPOP and reported on via the Quarterly Progress Report. Adopted Notices of Motion which are non-strategic in nature, such as placement of an additional agenda item on a meeting or writing a letter to an organisation, will be monitored administratively.

Further, during the December 2010 Quarter, five new Notices of Motion has been identified as strategic and/or project based in nature and included as new Action. Details of the Action are provided in the following table.

ACTION ARISING FROM AN ADOPTED NOTICE OF MOTION	
Action number in 2010/2011 Quarterly Progress Report	Action description
4.1.1.21	Review Double Bay Centre DCP to investigate suitable planning and economic concessions to encourage a new picture theatre, cinema or hotels. [Refer NOM 1/11/2010 – Clrs Howe & Petrie].
4.1.1.22	Report on effectiveness of current controls in Woollahra LEP 1995 and Residential DCP in limiting excessive site excavation. [Refer NOM 1/11/2010 – Clrs Edelman, Howe, Petrie, Wynne & Young].
4.1.1.28	Prepare a report on clear controls for lofts over garages in the Woollahra Conservation areas so that the controls regarding lofts in this location are brought into accord with those applying to the Paddington Conservation area. [Refer NOM 11/10/2010 – Clrs Zeltzer & Medcraft].
4.1.1.29	Prepare an amendment to the Woollahra Residential Development Control Plan 2003. [Refer NOM 1/11/2010 – Clrs Grieve, Howe & Petrie].
4.3.1.12	Prepare a report on the appropriateness of adding a list of early street names in footpaths throughout the municipality as items to Woollahra Council’s Heritage Register. [Refer NOM 29/11/2010 – Clrs Grieve & Young].

Development activity

Annexure 2 provides graphical presentations of development activity turnaround times for the December quarter supporting the Progress Comments relevant to Priority 4.1.2 – Deliver high quality and timely development assessment.

Conclusion

The Operational Plan includes actions, generally in the form of projects, which seek to achieve identified goals, strategies and priorities. These actions are continually being put forward through various sources and it is appropriate that the Operational Plan is updated regularly so that projects can be monitored.

The December Quarterly Progress Report has a large number of additional projects which fit within Goal 4 of the Delivery Program and Operational Plan.

It is recommended that the December 2010 Quarterly Progress Report on Goal 4 (Well planned neighbourhoods) of Council’s Delivery Program 2009 to 2013 and Operational Plan 2010/11, be received and noted and that revised target dates be adopted.

Patrick Robinson
Acting Director Planning and Development

Chris Bluett
Manager Strategic Planning

Annexure

- 1 DPOP Quarterly Progress Report December 2010 for Goal 4 (Well planned neighbourhoods) – *distributed separately*
- 2 Graphical presentation of development activity turnaround time for the December quarter.

Item No: R1 Recommendation to Council
Subject: **The Draft Parking Development Control Plan**
Author: Brendan Metcalfe – Strategic Planner
File No: 1184.G
Reason for Report: To report on the public exhibition of the Draft Parking Development Control Plan.
To obtain the Council’s approval of the Draft Parking Development Control Plan.

Recommendation

That the Draft Parking Development Control Plan, provided in **Annexure 1** to the report to the Urban Planning Committee on 28 February 2011, be approved by Council.

1. Background

Purpose of the Draft Parking DCP

Council requires that development generating vehicular traffic provides adequate off-street parking. The Development Control Plan For Off-Street Car Parking Provision and Servicing Facilities (current DCP) establishes controls to ensure that development meets the parking and servicing needs of its users, including occupants, employees and visitors.

The current DCP also seeks to ensure the safe and efficient movement of vehicles, minimise disruption to traffic and reduce the visual impact of parked vehicles on the streetscape.

The current DCP originally adopted in 1995 was reviewed during 2010. Following the review the Draft Parking Development Control Plan (Draft Parking DCP) was produced as attached at **Annexure 1**. The Draft Parking DCP will repeal and replace the current DCP.

The Draft Parking DCP differs from the current DCP by:

- reducing the number of land use terms
- revising parking generation rates for land uses including restaurants, medical centres, dwelling houses, educational establishments, certain light industries and certain business, office and retail premises
- refining controls for mechanical parking installations
- recognising the East Woollahra business precinct on Edgecliff Road
- including new tandem parking clauses.

These changes and other differences from the current DCP are detailed in the explanatory notes attached as **Annexure 2**.

The Draft Parking DCP was reported to the Urban Planning Committee (UPC) meeting of 15 November 2010 and Council’s approval to prepare and publicly exhibit the plan was sought.

Council resolves to prepare and exhibit the Draft Parking DCP

At the Council Meeting of 29 November 2010 Council resolved:

- A.** That Council resolve to prepare a development control plan to replace the Woollahra Development Control Plan For Off-Street Car Parking Provision and Servicing Facilities.
- B.** That the Draft Parking Development Control Plan as attached at Annexure 1 of the report to the Urban Planning Committee meeting on 15 November 2010 be exhibited in the manner required by the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* subject to the following amendments:
 1. the parking generation rate for pubs be changed to 22 spaces per 100m²
 2. the parking generation rates for marinas be changed to 0.6 spaces per wet berth, 0.2 spaces per dry storage berth and swing mooring and 0.5 spaces per marina employee
 3. the parking generation rate for licenced/registered clubs be 20 spaces per 100m²
 4. the parking generation rates for bowling clubs be 30 spaces per first green and 15 spaces for additional greens
 5. in the Table 2.1, include a footnote indicating that where variations are sought by an applicant to the required parking for the land uses in 1 to 4, above, a traffic and parking management study is to be submitted with the development application
 6. clause 7.1(b) be changed to clarify that refurbishment of an existing building does not include extension of the building so as to increase site coverage or any other works to increase site coverage, all of which would have the effect of reducing area of a site which might otherwise accommodate conventional car parking arrangements
 7. clause 7.7 be changed to require details of noise output from mechanical parking devices
 8. in clause 1.4(iv), the first sentence under the heading "means of achieving objectives" be changed to read "Require that parking areas associated with residential development, except dwelling-houses, be designed to permit vehicles to enter and leave a property in a forward direction."
 9. clause 5.4(a) be changed to exclude dwelling-houses and the words "unless otherwise agreed to by Council" be altered to read "unless otherwise required by Council".

2. Public exhibition

Following Council's decision of 29 November 2010, the Draft Parking DCP was amended as per Part B of Council's resolution. A public exhibition was held from 8 December 2010 to 11 February 2011 in the manner required by the *Environmental Planning and Assessment Act 1979* (the Act) and *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The Draft Parking DCP was publicly exhibited at Council's main offices in Double Bay in the Customer Service area. The exhibition material was also placed on Council's website during the exhibition period.

The exhibition was held over nine weeks from Wednesday 8 December 2010 to Friday 11 February 2011 inclusive. The exhibition period was extended to nine weeks from the required 28 days, to recognise that people might be away or unable to make a submission as quickly during the new year and school holiday period.

Public notice was given in the Wentworth Courier for the first two weeks and the last five weeks of the exhibition.

Exhibition material included:

- the Draft Parking Development Control Plan (2010)
- explanatory notes providing a plain English description of the changes to the current DCP
- an information brochure explaining the provisions of the Draft Parking DCP
- the Development Control Plan For Off-Street Car Parking Provision and Servicing Facilities (1995)
- the Woollahra Local Environmental Plan (1995)
- the report to the UPC of 15 November 2010
- minutes of the Council Meeting of 29 November 2010 relevant to item R1 of the UPC Meeting of 15 November 2010, approving the Draft Parking DCP to be prepared and publicly exhibited.

3. Submissions to the public exhibition

Two submissions were received during the public exhibition of the Draft Parking DCP and are attached as **Annexure 3**.

3.1 Submission 1 – Car stackers should be excluded from Paddington

The first submission requested that the Draft Parking DCP exclude ‘car stackers’ from the Paddington Heritage Conservation Area. The request to exclude car stackers from Paddington in the Draft Parking DCP was made on the basis that:

- the current Paddington Heritage Conservation Area Development Control Plan (2008) (Paddington DCP) has a ‘strong determination’ that car stackers are not permitted, with the intention to reduce car use and to allow rainwater absorption in Paddington
- Paddington is a densely populated heritage conservation area
- car stackers are inconsistent with the character of Paddington.

3.1.1 Response to the submission

Part 7 of the Draft Parking DCP addresses mechanical parking installations, which is the equivalent term for car stackers in the Paddington DCP. Clause 7.1 of the Draft Parking DCP limits applications for mechanical parking installations as follows:

7.1 Locations and land use

Mechanical parking installations such as car lifts, turntables and car stackers may be permitted for residential and non-residential development where:

- a) the topography or lot size does not allow a simpler parking arrangement,
- b) an existing building is being refurbished and there is no land available for additional parking. Refurbishment does not include extension of the building so as to increase site coverage or any other works to increase site coverage, all of which have the effect of reducing site area which could be used for conventional parking arrangements,
- c) in the case of non-residential development, the installations are for long-stay parking, and
- d) in the case of residential development, the installations are for resident rather than visitor parking.

Notwithstanding clause 7.1, clause 1.5.4 of the Draft Parking DCP states that the Paddington DCP prevails in the event of any inconsistency with the Draft Parking DCP.

Clause 4.2.6 of the Paddington DCP contains provisions relating to car stackers. The Paddington DCP does not permit car stackers. Relevant provisions within clause 4.2.6 include Objective 14 and Control 5:

- O14 To prevent car stackers
- C5 Vertical car stackers are not permitted.

The rationale for the objective and the control is contained in the Explanation section of clause 4.2.6, which states in part:

There may be certain circumstances where a stacker arrangement may be acceptable due to existing site and context characteristics and to the scale and form of an existing building. However, generally, car stackers are not considered acceptable for use in Paddington for several reasons: they require a substantial surge in electrical power to operate and are therefore environmentally unacceptable; vehicle queuing in laneways and streets due to delays in operating the stacker system can cause impacts on traffic and pedestrian movements; out of scale garage structures are required to house the stackers; and excessive excavation is required for basement stackers.

Clause 1.9.4 of the Paddington DCP deals with the relationship of the DCP to other DCPs, policies and codes. Clause 1.9.4 states, in part:

In the event of any inconsistency between this plan and other development control plans, policies and codes, this plan prevails unless otherwise specified in this plan or in other plans, policies and codes.

By virtue of clause 1.9.4 of the Paddington DCP and clause 1.5.4 of the Draft Parking DCP, the provisions of the Paddington DCP prevail. Therefore, no change is required to the Draft Parking DCP, because provisions already exist in the Paddington DCP regarding the circumstances in which car stackers will be considered in Paddington.

3.2 Submission 2 - Paddington should be excluded from the Draft Parking DCP

The second submission recommends:

That the heritage conservation area of Paddington be exempt from the *Woollahra Parking Development Control Plan 2010* and that the *Paddington Heritage Conservation Area Development Control Plan 2008* takes precedence over the proposed DCP.

3.2.1 Response to the submission

The concern raised in this submission is similar to the one captured in Submission 1. Clause 1.9.4 of the Paddington DCP and clause 1.5.4 of the Draft Parking DCP operate collectively to ensure that the provisions of the Paddington DCP prevail. Consequently, no change to the Draft Parking DCP is necessary.

4. Conclusion

The Draft Parking DCP has been prepared and exhibited in the manner required by the Act and Regulation. We recommend that Council approve the Draft Parking Development Control Plan as exhibited and provided at **Annexure 1**.

In accordance with the Regulation, if Council decides to repeal and replace the current DCP, public notice of Council's decision will be given in the *Wentworth Courier* within 28 days. The Draft Parking DCP would come into effect on the day the notice of commencement is given.

Brendan Metcalfe
Strategic Planner

Jacquelyne Jeffery
Team Leader Strategic Planning

Chris Bluett
Manager Strategic Planning

ANNEXURES

1. Draft Parking Development Control Plan
2. Explanatory notes
3. Submissions received during the Draft Parking DCP public exhibition.

**POLITICAL DONATIONS DECISION MAKING FLOWCHART
FOR THE INFORMATION OF COUNCILLORS**

