

Urban Planning Committee Minutes

Monday 8 August 2005

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Urban Planning Committee Minutes

**Minutes of the Meeting held on
Monday 8 August 2005 at 6.00pm**

Present: His Worship the Mayor, Councillor Rundle, ex-officio
Councillor David Shoebridge (Chair)
John Comino
Christopher Dawson
Keri Huxley
Julian Martin
Isabelle Shapiro

Staff: C Bluett (Manager – Strategic Planning)
B Daintry (Manager – Development Control) (R1 - R3)
A Coker (Director – Planning & Development)
L Thom (Heritage Officer)
L Windle (Manager – Governance)

Also in Attendance: Councillor Gardner
Councillor Excell (R1 – R3)
Councillor Walker (part R2 – R3)

Leave of Absence

Leave of Absence previously granted by Council: Nil

Apologies: Apologies were received and accepted from Councillor Sinclair King and Leave of Absence granted.

Late Correspondence

Late correspondence was submitted to the committee in relation to Items: R2 & R3

Declarations of Interest

Councillor Comino declared a Pecuniary Interest in Item R1 (Strategic Planning Projects - Paddington DCP & White City DCP/LEP) as a client of his business partner purchased part of the White City site north of the viaduct. Although this area relates to only part of the report, Councillor Comino stated that, as the items in the report could not be separated out, he could not participate in debate or voting on the matter. He thereupon left the meeting room for the whole of the item.

Councillor Martin declared a Non Pecuniary Interest in Item R1 (Strategic Planning Projects – Paddington DCP & White City DCP/LEP) as he is the owner of 1 Lawson Street Paddington and is a member of the White City Tennis Club.

Councillor Gardner declared a Non Pecuniary Interest in Item R1 (Strategic Planning Projects – Paddington DCP & White City DCP/LEP) as she is a member of the White City Tennis Club.

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

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 25 July 2005**
Author: Les Windle – Manager Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of 25 July 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/Shapiro)

Resolved:

That the Minutes of the Urban Planning Committee Meeting of 25 July 2005 be taken as read and confirmed.

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

Item No: R1 Recommendation to Council
Subject: **Strategic Planning Projects – Paddington DCP & White City DCP/LEP**
Author: Chris Bluett - Manager Strategic Planning
File No: 827.G 04-07
Reason for Report: To respond to a decision of the Council of 25 July 2005 arising from consideration of the Built Environment Principle Activity fourth quarter Management Plan review

Note: Councillor Comino declared a Pecuniary Interest in this item as a client of his business partner purchased part of the White City site north of the viaduct. Although this area relates to only part of the report, Councillor Comino stated that, as the items in the report could not be separated out, he could not participate in debate or voting on the matter. He thereupon left the meeting room for the whole of this item.

Note: Councillor Martin declared a Non Pecuniary Interest in this item as he is the owner of 1 Lawson Street Paddington and is a member of the White City Tennis Club.

Note: Councillor Gardner declared a Non Pecuniary Interest in this item as she is a member of the White City Tennis Club.

(Huxley/Martin)

Recommendation:

A. That Council note the proposed arrangements, timeframes and milestones for completion of the Paddington DCP and White City DCP and LEP projects.

- B. That membership of the Strategic Planning Working Party be expanded to include the three Paddington Ward Councillors for the White City DCP and LEP project.
- C. That the completion of the Paddington DCP take priority over the work on the Double Bay Targeted Tenancy project.

Item No: R2 Recommendation to Council
Subject: 17, 19, 21, 23 Jersey Road, Woollahra
Author: Louise Thom, Heritage Officer
File No: 253.21
Reason for Report: Respond to Council decision of 14 June 2005 regarding the heritage significance of properties in Jersey Road.

Note: Late correspondence was tabled from Norman Waterhouse Lawyers.

Note: Mr G Morris the owner of 21 Jersey Road, Mr J Roberts the owner of 23 Jersey Road, Mr F Robertson the owner of 19 Jersey Road and Ms E Loxton the owner of 17 Jersey Road, addressed the Committee.

(Martin/Dawson)

Recommendation:

1. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995 in the following manner:
 - i. By including the following properties as heritage items in Schedule 3:

<i>Jersey Road,</i>	<i>Woollahra</i>	<i>19</i>	<i>'Selby', house, stables and grounds</i>
<i>Jersey Road,</i>	<i>Woollahra</i>	<i>21</i>	<i>'Orama', house</i>
 - ii. By including the following properties as a heritage item group in Schedule 3:

<i>Jersey Road,</i>	<i>Woollahra</i>	<i>17, 19, 21 23</i>	<i>Houses</i>
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2. THAT the report entitled Assessment of cultural heritage significance: 19 Jersey Road Woollahra by Kim Ketelbey of Design Plus Consultancy be used to inform the assessment of development applications for that property.
3. THAT the report entitled Assessment of cultural heritage significance: 21 Jersey Road Woollahra by Kim Ketelbey of Design Plus Consultancy be used to inform the assessment of development applications for that property.
4. THAT the report entitled Assessment of cultural heritage significance: Group of four houses 17, 19, 21, 23 Jersey Road Woollahra by Kim Ketelbey of Design Plus Consultancy be used to inform the assessment of development applications for those properties.
5. THAT the owners of those properties listed in 1 above be advised of Council's decision and informed of the opportunity to participate in the public consultation process associated with the exhibition of the draft LEP.

6. THAT in the event that Council receives advice that the use of any photographs breaches any Privacy Acts, that the photographs be removed from the material to be exhibited with the draft LEP.
7. THAT the recommendations of this report proceed directly to the Council meeting on 8 August 2005 due to the need to commence the LEP process before the pending Land and Environment Court appeal regarding development at 21 Jersey Road, Woollahra.

LATE ITEM

Item No: R3 Recommendation to Council
Subject: 21 Jersey Road, Woollahra – Prospects of success
Author: Brett Daintry – Manager Development Control
File No: DA 58/2005/1
Reason for Report: For Council to consider confidential legal advice on the prospects of defending Council’s decision.

Note: Late confidential correspondence was tabled at the meeting by Brett Daintry, Manager Development Control.

(Rundle/Comino)

That the Committee resolve into “Closed Session” in accordance with section 10A(2)(g) of the Local Government Act to consider confidential legal advice with the press and public excluded from the meeting.

Adopted

(Rundle/Comino)

That the Committee resolve to move back to “Open Session”.

Adopted

IN OPEN SESSION

(Huxley/Shapiro)

Recommendation:

1. THAT Council instruct its solicitors to defend the appeal and rely on the heritage evidence of Mr Lucas, and obtain a full statement of evidence from him, and the evidence of Ms Ketelby, and obtain a full statement of evidence from her, forthwith (if they are available to give such evidence).

2. THAT this memorandum and Mr Hemmings two (2) advice remain privileged and confidential on the ground of legal professional privilege and because allowing inspection of the documents would, on balance, be contrary to the public interest in accordance with section 12(6) of the Local Government Act, 1993.
 3. THAT restriction of access to this memorandum and Mr Hemmings two (2) advice be reviewed and the restriction of access to these documents removed within three months of the judgement of the Court in the appeal in accordance with section 12A of the Local Government Act 1993 unless a further appeal arises in relation to the judgement.
 4. THAT if the evidence of Mr Lucas is not forthcoming, the matter be referred to the Mayor and General Manager to determine the matter under delegated authority.
 5. THAT the recommendations of this report proceed directly to the Council Meeting on 8 August 2005 due to the Land & Environment Court hearing being scheduled for 18 August 2005.
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There being no further business the meeting concluded at 7.25pm.

We certify that the pages numbered 1440 to 1446 inclusive are the Minutes of the Urban Planning Committee Meeting held on 8 August 2005 and confirmed by the Urban Planning Committee on 22 August 2005 as correct.

Chairperson

Secretary of Committee