



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 10 October 2005*

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 October 2005

To: The Mayor, Councillor Andrew Petrie, ex-officio
Councillors Keri Huxley (Chair)
 John Comino
 Christopher Dawson
 Wilhelmina Gardner
 Geoff Rundle
 Isabelle Shapiro
 David Shoebridge

Dear Councillors

Urban Planning Committee Meeting – 10 October 2005

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 October 2005 at 6.00pm.**

Gary James
General Manager

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 19 September 2005	1
----	--	---

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

R1	Update – Preparation of Woollahra Childcare DCP – 1177.G	2
R2	Draft Tree Preservation Order 2005 – 262.G	32

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 19 September 2005**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 19 September 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.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 19 September 2005 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Update - Preparation of Woollahra Childcare DCP**
Author: George Losonci, Senior Strategic Planner
File No: 1177.G
Reason for Report: To provide an update on the status of the preparation of the Woollahra Childcare DCP.

Recommendation

THAT the report to the Urban Planning Committee meeting of 10 October 2005 regarding preparation of the Woollahra Childcare DCP be received and noted.

1.0 BACKGROUND

Within the *Woollahra Management Plan 2005-2008* one of the core projects which has been identified for the Built Environment is the preparation of a Development Control Plan (DCP) to provide development controls for childcare centres.

In February this year, the Southern Sydney Regional Organisation of Councils (SSROC) held a planning day where it was identified that common issues existed for councils when dealing with development applications for childcare centres. At that time, it was suggested that a regional model DCP be prepared to deal consistently with the main issues encountered by councils. At a recent SSROC General Managers meeting, however, it was decided that rather than pursuing the preparation of a model DCP, a discussion paper on the main issues be prepared to assist councils in developing their own locally specific DCPs. Council officers from Strategic Planning and Community Services have been undertaking an active role with other member council representatives to assist SSROC in identifying issues and preparing the draft "Discussion Paper on Model Provisions for Childcare Centres".

The draft discussion paper was recently released for council comment at the SSROC Planners Group meeting on Tuesday 4 October 2005 (**Annexure**).

2.0 SSROC DISCUSSION PAPER

The SSROC Planners Group formed a smaller working group headed by Kogarah Council. The group decided that its brief was to:

1. Investigate demand for childcare places;
2. Identify common neighbour objections and develop a model DCP which addresses those objections;
3. Review DCPs and childcare centres that work well and identify the reasons for their success;
4. Work out how DOCS requirements may be satisfied in a streamlined process; and
5. Review the economic implications of planning provisions for childcare operators;

The SSROC draft discussion paper has been prepared to identify key issues for consideration to assist local councils in the preparation of their own DCPs for childcare centres. The key issues of the discussion paper have been summarised under its headings below:

Definition

This section provides a detailed definition of childcare centres which is consistent with the recently released draft LEP template by the NSW Department of Planning.

The definition of childcare centres under the Woollahra LEP 1995 would have to be amended to reflect the more relevant and current definition.

Demand for childcare places

The scarcity of child care places and high unmet demand for care, especially within the 0-2 year's age group has been identified in many council social plans (Woollahra being one). The affordability of childcare is also frequently mentioned.

Objections

Analysis of development applications for childcare centres in the SSROC region revealed that objections from adjoining and surrounding property owners related consistently to the following issues:

- Availability of on-street parking
- Access and safety to and from and within the site
- Traffic, generally and broader traffic implications of these types of uses
- Noise emissions from the site
- Streetscape and building character issues

Planning provisions

Location

This part of the discussion paper offers suggested preferred locations for childcare facilities including: adjacent to parks and ovals where parking facilities are already provided; adjacent to or co-located with existing primary schools; and within existing commercial centres, such as regional shopping areas and town centres.

Number of children

Some councils with existing childcare DCPs have placed restrictions on the number of children (capacity) able to be accommodated at a centre. The purpose of this is to lessen any adverse impact upon the surrounding neighbourhood.

Off-street carparking

One of the most important planning provisions within any childcare DCP is the provision of off-street car parking. This part of the discussion paper highlights the fact that traffic and parking (both off-street and on-street) is the dominant issue for objectors.

The discussion paper identifies issues and implications associated with the provision of off-street parking and the resulting negative impacts upon the existing residential streetscape.

Importantly, one of the main issues with respect to car-parking is that parking rates for childcare centres are calculated at significantly different rates between councils.

The discussion paper recognises that within the Roads and Traffic Authority's (RTA) *Guide to Traffic Generating Developments*, the parking rate is calculated at 1 space for every 4 children, plus an additional space for the residence (if in a residential area). The RTA guide is currently being reviewed to align with the State Government's policy of discouraging car use for trip-generating developments that have access to public transport. It will now specify the provision of maximum, rather than minimum parking spaces. It should be noted that the RTA document is only a guide and has not been held up in court.

3.0 PREPARATION OF WOOLLAHRA CHILDCARE DCP

The *Woollahra Management Plan 2005-2008* identified that a DCP for childcare centres would be finalised and in place by June 2006. It is proposed to consult with the Woollahra Strategic Planning Working Party (SPWP) during the preparation of the draft DCP. It is expected that a draft DCP will be prepared by early February 2006 for public exhibition. This timeframe will enable approval of the DCP by June 2006.

Once it has been prepared and discussed with the SPWP, the draft DCP will be presented to the Council's Urban Planning Committee for consideration. The preparation of the draft DCP may result in the need to amend Woollahra LEP 1995.

The draft LEP (if required) and the draft DCP will be exhibited in the manner required by the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. A minimum exhibition period of twenty-eight days is required.

Following the statutory exhibition period, a further report addressing submissions will be presented to the Urban Planning Committee.

Consultation between staff in Community Services and Strategic Planning will continue throughout the process.

4.0 CONCLUSION

The preparation of the SSROC draft discussion paper provides valuable information that will assist with the preparation of Woollahra Council's childcare DCP. Consultation between the various members of the SSROC working party will continue until a final discussion paper can be presented to the SSROC member councils. This is expected to take place by November 2005.

George Losonci
Senior Strategic Planner

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexure

SSROC draft discussion paper on model provisions for childcare centres.

Item No: R2 Recommended to Council
Subject: **Draft Tree Preservation Order 2005**
Author: David Sheils - Manager Public Open Space
File No: 262.G
Reason for Report: To publicly exhibit draft Woollahra Tree Preservation Order 2005 and associated amendments to Exempt and Complying DCP

Recommendation:

- A. That the draft Woollahra Tree Preservation Order 2005, be placed on public exhibition for 28 days.
- B. That Council prepare a draft DCP to amend the Exempt and Complying DCP 2005, advising 11, which refers to the Tree Preservation Order.

Background:

The current Tree Preservation Order (TPO), was adopted by Council in November 1997 (Annexure 1) and applies to all trees in the Municipality with a spread of branches greater than 3m and all trees, irrespective of their branch spread, with a height greater than 5m. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, transplanting of such trees, except with the prior written consent of Council, and prohibits the injuring or destruction of trees.

On the 15 April 2002, the Community & Environment Committee resolved that a review of the Tree Preservation Order be undertaken in conjunction with the development of the Woollahra Vegetation Management Strategy.

An analysis of the TPO has been undertaken and a new TPO has been drafted (Annexure 2). This process included:

- a literature review of more than twelve tree preservation orders and policies from various Councils within the greater Sydney area together with those of Melbourne and Brisbane; and
- an examination of a year of completed TPO applications.

Proposal:

The current TPO is difficult for the general public to locate, as it is 'buried' within the Urban Tree Management Policy (1997). As a result the draft TPO has been prepared as a stand-alone document to improve accessibility for the public.

The Woollahra Vegetation Management Strategy (in progress), requires Council to incorporate the principles of bio-diversity in documents such as the TPO. The importance of bio-diversity is now incorporated within the main criteria of the draft TPO, having expanded the order to now include '*any bushland tree or plant irrespective of size*'.

To place greater emphasis on the importance of our significant and heritage trees the main criteria now includes '*any tree or plant, irrespective of size, listed in a register of significant or heritage trees adopted by Council at any time*'.

We have also added more tree species regularly approved to be removed due to either their environmental weed characteristics, or undesirable growth habits, to the list of tree species exempt from the TPO. These being:

Botanic Name	Common Name	Rational for species exemption
<i>Ailanthus altissima</i>	Tree of Heaven	A fast growing tree, a prolific seed producer, a persistent stump and root sprouter, and an aggressive invader of gardens and bushland reserves.
<i>Cupressocyparis leylandii</i>	Leyland Cypress	A large growing species often planted to create dense screening or view barrier between properties.
<i>Ficus elastica</i> #	Rubber Tree	A fast growing tree, a prolific seed producer, a persistent stump and root sprouter, and an aggressive invader of gardens and bushland reserves.
<i>Gleditsia triacanthos</i>	Honey Locust	A fast growing tree, a prolific seed producer, a persistent stump and root sprouter, and an aggressive invader of gardens and bushland reserves.
<i>Lagunana patersonii</i>	Norfolk Is. Hibiscus	Produces fibres that cause respiratory and skin irritations.
<i>Ligustrum lucidum and cvs.</i> #	Large Leaf Privet	A fast growing tree, a prolific seed producer and an aggressive invader of gardens and bushland reserves.
<i>Ligustrum sinense</i> #	Small Leaf Privet	A fast growing tree, a prolific seed producer and an aggressive invader of gardens and bushland reserves.
<i>Olea europea var. africana</i>	African Olive	A fast growing tree, a prolific seed producer and an aggressive invader of gardens and bushland reserves.
<i>Salix spp</i>	Willow	Once used in damp areas. Tree invades natural water courses and is highly susceptible to failure.
<i>Schefflera actinophylla</i>	Umbrella Tree	A fast growing tree, a prolific seed producer and an aggressive invader of gardens and bushland reserves.
<i>Syagrus romanzoffianum</i>	Cocos Palm	Commonly planted in the 1980's, this 'fad' species is an invader of gardens and bushland reserves. Native palm species are more appropriate.

Denotes current TPO exemption

The expanded list of tree species that can be removed will assist to reduce weed infestation in natural bushland areas together with self-sown trees within private or public land.

Annexure 3 contains the exemptions proposed in table format together with the rational for each exemption created. The exemptions have been separated into two sections, the first encompassing 'Removal Exemptions', while the other covers the 'Pruning Exemptions'. Many of the exemptions are statutory requirements, whilst the other exemptions proposed allow for the ongoing maintenance requirements of private tree owners and the protection of bushland areas.

We also propose to make the TPO less onerous for residents by creating 'Pruning Exemptions'. The 'Pruning Exemptions' consider the ongoing maintenance requirements of private trees owners such as branch pruning to clear power lines or building alignments.

Related amendments

Advising 11 of the Exempt and Complying Development DCP 2005, refers to the current TPO. Therefore, this advising will need to be amended to be consistent with the updated TPO.

Consultation:

The proposed TPO 2005, has been developed by staff in conjunction with the Vegetation Management Strategy Working Party. The Working Party contains members who are tree, landscape and heritage specialists. On 15 September 05, the Working Party endorsed the draft TPO. Dr Lindsay Taylor from Lindsay Taylor Lawyers, has also reviewed the document.

We propose to publicly exhibit the draft Order for a period of 28 days. Community members will be encouraged to review the draft document and make a submission assisted by:

- advertisements placed in the local newspaper;
- Woollahra Council's web page; and
- a copy being available for viewing at the Council Chambers.

Following the exhibition period all submissions will be reviewed and a further report prepared for Council consideration.

Conclusion:

The proposed TPO will be clearer and less onerous for residents seeking to remove weed species, or where branch clearances to buildings for safety and property protection are sought. It will facilitate Council's ability to prevent inappropriate tree pruning and removal and to pursue breaches.

David Sheils
Manager Public Open Space

Warwick Hatton
Director Technical Services

Annexures:

1. Extract of Urban Tree Management Policy (1997), which contains reference to Tree Preservation Order.
2. Draft Tree Preservation Order 2005
3. Exemption rational table