

MINUTE PAPER

File Woolloomooloo
"Action" Plan.

Town Clerk's No. 568/68

Dept. No.

Subject: The Woolloomooloo Area Redevelopment Plan

Date 5th December, 1969.

W42

I have been asked to advise as to the legal position arising from the decision of the Council on 11th August, 1969 to accept the abovementioned plan as the Council's plan for the redevelopment of the Woolloomooloo area. I am also asked to advise whether the Council can now reject the plan in whole or in part or vary it in any way.

The Woolloomooloo area redevelopment plan was prepared at the direction of a steering committee, which was set up on the basis of the proposals contained in the letter from the Chairman of the State Planning Authority to the former Chief Commissioner dated 8th February, 1968. The history of this plan and the City of Sydney Planning Scheme are set out in considerable detail in the City Building Surveyor's report dated 5th November, 1969 and need not be recapitulated here. Before considering Council's power to reverse or vary its decision of 11th August last, I will first discuss what legal effect (if any) the Woolloomooloo redevelopment plan appears to possess.

Town planning schemes are prepared in this state under the provisions of Part XIIA of the Local Government Act 1919, as amended. As indicated in the City Building Surveyor's Minute the City of Sydney Planning Scheme has been in the course of preparation for a number of years, and as early as December, 1958 the Council had completed its part in the preparation of this scheme when it submitted it to the Minister for his approval, pursuant to the provisions of Section 342H of the Local Government Act.

The provisions of Part XIIA were substantially amended by the Local Government (Town and Country Planning) Amendment Act 1962 and by the State Planning Authority Act, 1963 which substantially amended the procedure to be followed in the preparation of town planning schemes. However, Section 74 of the State Planning Authority Act, in part, provided as follows:-

"74. (1) Notwithstanding the amendments made by section seventy-two of this Act, a scheme in course of preparation at the commencement of this Part, being a scheme in course of preparation at the commencement of the Local Government (Town and Country Planning) Amendment Act, 1962, and in respect of which the notice required by section 342F of the Principal Act as enacted before the commencement of this Part had been given at the commencement of this Part shall, subject to subsections two and three of this section be dealt with and completed by the Governor, the Minister, the

Authority, the council or councils concerned and any officer or person in all respects as though the amendments made by section five of the Local Government (Town and Country Planning) Amendment Act, 1962, and by Division 1 of this Part had not been made, except that in the application of sections 342I and 342J of the Principal Act as enacted immediately before the commencement of this Part to and in respect of such schemes such sections shall be deemed to be amended by inserting the words "the Authority" in lieu of the words "the Advisory Committee" wherever occurring, and Divisions 12 and 13 of Part XIIA of the Principal Act, as so enacted, shall be deemed to be repealed."

As the City of Sydney Planning Scheme had already been submitted to the Minister in accordance with the former provisions of Section 342H the preparation of this scheme has continued (and still continues) to be governed by the provisions of the Act in the form they took prior to the amendments effected in 1962 and 1963, subject only to the substitution of the State Planning Authority for the former Advisory Committee. The scheme was referred by the Minister to the State Planning Authority for report in accordance with the former Section 342I and on the 31st December, 1964 the scheme was exhibited by the Minister for the purpose of permitting the public and this Council to submit objections in accordance with the former provisions of Section 342J(2). Numerous objections were received and Mr. A. Davis was appointed by the Minister as a Commissioner for the purpose of hearing these objections and reporting to the Minister thereon in accordance with former provisions of Section 342J(3).

Subsections 4 and 5 of the former Section 342J. provide:-

- "(4) Where an objection is allowed in part or in whole by the determination of the Minister the scheme shall be amended by the Minister so as to conform with such determination."
- "(5) Where no objection has been lodged with the Minister in accordance with the provisions of paragraph (a) of subsection (3) of this Section or where the scheme has been amended in accordance with the provisions of subsection (4) of this Section the Minister may recommend the Governor to make an ordinance prescribing the Scheme accordingly."

The former Section 342K then provides that the Governor, on the recommendation of the Minister made in pursuance of Section 342J may make an ordinance prescribing the scheme. By letter dated 17th November, 1967 the authority advised the Council of the Minister's decisions with respect to most of the objections and by notice published in the Government Gazette on the same day the authority advised of the exhibition of the amended scheme in order to:

- (a) publicise the Minister's decisions on the majority of objections;
- (b) to exhibit fresh proposals introduced into the scheme and to permit representations thereon, and
- (c) to permit representations on some matters which had not yet been determined.

Although it would appear to have been entirely within the Minister's competence to invite fresh representations on matters which had yet to be determined, with respect, I would say that there appears to me to be considerable doubt as to the Minister's right to introduce new proposals into the scheme. It seems to me that the 31st December, 1964, being the date on which the City of Sydney Planning Scheme was placed on exhibition, was strictly the last day on which new proposals might be introduced into this scheme as such, although of course new schemes might, after that date, have been introduced for the purpose of implementing new planning proposals. For instance, an area such as the Woolloomooloo area might have been suspended from the provisions of the County of Cumberland Planning Scheme Ordinance pursuant to Section 342Y, an interim development order published effecting the suspended area pursuant to subsection (2) of that subsection and a new scheme varying the provisions of the County Scheme prepared in accordance with Section 342L. Alternatively, the Minister might have issued a direction to the Authority to prepare a scheme in accordance with Section 342G(a).

In my view the same considerations apply to the Woolloomooloo area redevelopment scheme. They appear to me to be fresh proposals prepared for introduction into the City of Sydney Planning Scheme prior to its being prescribed pursuant to the old Section 342K. There does not appear to me to be any provision to authorise their introduction at this stage and I do not consider that they can be supported by any provision which has been enacted since the coming into force of the State Planning Authority Act as, for example, the provisions of the new Section 342J. By Subsection 3 it provides that, where the Minister decides to proceed with the scheme with alterations and considers that the alterations are so extensive, or are otherwise of such a nature as to justify the scheme or any part thereof being referred back to the Council to be dealt with in accordance with Subsection 4, the Minister may direct the authority to refer the scheme, or part thereof, back to the Council. Subsection 4 provides that on the receipt of such a direction the Council will put the scheme (or the relevant part of the scheme) on exhibition and any person having an interest in land affected by any of the alterations to the scheme may, in accordance with Subsection 5, lodge an objection with the Council against the proposed alteration. In accordance with Subsection 6 the Council is obliged to consider all objections received by it, affording to each objector or his representative an opportunity to be heard by the Council, and then submit its recommendations with respect to the objections received by it to the authority. The Authority, in its turn, is required to report to the Minister (with any recommendations it considers appropriate) on the proposed alterations to the scheme and the objections lodged against them and the Council's recommendations with respect to such objections.

As I indicated there are no such provisions in the old form of Section 342J and, although the Minister should be considered as having a very wide discretion as to the manner in which he comes to make his final determinations as to a scheme

submitted to him, considerable legal doubt must exist as to the legality of the procedure which has been adopted with respect to the preparation of the Woolloomooloo area redevelopment scheme. If the proposals embodied in the Woolloomooloo area redevelopment scheme are to have any effect, they can have effect only in so far as the Minister chooses to incorporate them into his final determinations.

In view of the opinion I have just expressed there is little to be said of the binding effect on Council of the resolution of the 11th August, 1969. That resolution represented the view of the Council as then constituted with respect to the proposals prepared under the direction of the steering committee. It was not a decision of Council which falls into the limited class of decision, which, once given, is irrevocable. It is open to the Council as now constituted to reject in whole or in part, or vary in any way it seems fit, the terms of the resolution passed on the 11th August last.

I must point out however that, apart from its right to lodge objections against the scheme as exhibited by the Minister and to make representations to the Minister, the Council's work in preparing the City of Sydney Planning Scheme was completed in December, 1958 when it submitted its scheme to the Minister for his approval. All that the Council may now do is make representations to the Minister as to the final form the scheme should take and these representations the Minister may accept or reject entirely as he sees fit.

As to what should now be done with the Woolloomooloo area redevelopment scheme, this will depend on the attitude of this Council to it. If it desires to proceed with the proposals embodied in this scheme, all that it can now do is submit the scheme as now drafted to the Minister (together with the objections it has received to the scheme) and ask the Minister to embody the scheme in the final form of the City of Sydney Planning Scheme as it is to be prescribed.


CITY SOLICITOR

RELEVANT ITEM NO. 9 ON CITY DEVELOPMENT
COMMITTEE AGENDA

T.C. 3475/69

City Building Surveyor's Department,
5th December, 1969.

WILLIAM STREET, SYDNEY - PROPOSED REDESIGN
PREPARATION OF WILLIAM STREET ACTION PLAN NO. 1

W43
THE TOWN CLERK

At the meeting of the City Development Committee on the 24th November, 1969, reference was made by the Vice-Chairman (Alderman Briger) to three (3) major development applications on the Agenda for consideration by the Works Committee on the same date, involving the erection of new multi-storeyed buildings on sites fronting William Street, namely, Nos. 78/108 William Street and other properties, Nos. 134/138 William Street and Nos. 140/146 William Street.

With regard to these applications the Vice-Chairman expressed the view that the redevelopment of William Street was of vital importance to all citizens of Sydney, it being the only street in the City centre having the potential to rival any of the great thoroughfares of the World.

The Vice-Chairman stated that in view of the age of existing buildings in the street it was imperative to determine the Council's policy for the reconstruction of the street into a magnificent boulevard.

The Committee decided that an inter-departmental consortium comprising representatives of the Engineering, Planning, Architectural, Surveying and Parks sections of the Council's Service, be formed immediately for the purpose of jointly analysing and preparing forthwith proposals for the overall treatment of William Street, Sydney, and formulating a plan to be known as the William Street Action Plan No. 1, having regard to the Woolloomooloo Area Redevelopment Plan, the Kings Cross Tunnel proposals and the Eastern Distributor Roadway proposal.

The Committee decided further that the Plan be submitted for consideration at the next meeting of the City Development Committee to be held on the 8th December, 1969, together with the report on the Woolloomooloo Redevelopment Plan.

In seconding the proposition, Alderman Port suggested that when preparing the Plan the Council's officers should keep in mind, inter alia, the question of the design and location, etc., of public amenities such as street lighting, flags, planting in the median strip, etc.

In connection with the above, I wish to report as follows:

The basic theme underlying the proposals for William Street is the "boulevard" concept. For this reason the general appearance is one of symmetry although, of course, a deal of flexibility exists in the possible final forms of the buildings involved.

1. EXISTING INFORMATION

The project has been examined taking into consideration the following information -

- (a) The Woolloomooloo Redevelopment Plan,
- (b) The Department of Main Roads proposals, and
- (c) The submissions made for development consent on five sites on the northern side of William Street.

(a) The Woolloomooloo Redevelopment Plan

Most of the features of this plan, so far as it affects William Street, have been retained. In the time available no consideration could be given to the effect on the remainder of the Woolloomooloo Plan if the William Street section had been drastically altered. In particular, it has been decided to retain the requirement for a complete set back of all buildings of 8 feet and a colonnade of 15 feet. This requirement has also been repeated for the southern side of William Street in order to retain symmetry and to ensure adequate pedestrian space.

It is also indicated that a service road system be incorporated on the southern side, similar to the northern side, to give adequate local vehicular circulation and to enable amalgamation of sites to give adequate space for buildings.

(b) Department of Main Roads proposals

These may be summarized very broadly as follows:

1. Kings Cross Tunnel,
2. William Street expressway overpass,
3. Traffic handling in William Street.
4. Development of air space over the expressway.

In considering these matters the following proposals are put forward -

- (i) The only surface crossing for pedestrians would be at Riley Street.
- (ii) There would be a pedestrian bridge between the two airspace developments over the expressway.
- (iii) There would be a shopping concourse tunnel under William Street east of Forbes Street.
- (iv) A possible pedestrian tunnel could run from the north-western corner of William Street and Victoria Street beneath Darlinghurst Road to the Durbar development.

(c) Development Applications

- (i) The Durbar application is proceeding so that this has been taken as a fixed feature. In any event it is considered to present a most suitable appearance for the purposes of this Scheme.
- (ii) The Bank of New South Wales and the adjoining development have been amended recently and are also included as suitable, subject to any changes necessary should the service road at the rear be altered.
- (iii) The Westfield Development has been included in principle but will need to be amended in regard to its external appearance and its floor space index.

An alternative proposal for the Crown Street diversion has been shown, following certain features of the development application.

- (iv) The Blind Institute site. It is considered that notwithstanding the Woolloomooloo Plan, this site is one that could be developed individually. In fact, it would appear most unlikely that any amalgamation could take place as the adjoining building is substantial and owned by the Department of Technical Education. Alternative proposals for either an office block or a hotel have been submitted.

If either of these are to proceed it is important that the building be positioned to be related to William Street rather than to Boomerang Street, as at present. This building would be the first building on the northern side and would be of vital importance to the "boulevard" concept. The matter has been discussed with the Applicants and they are willing to consider such shape of building as the Council may decide is the most appropriate.

2. PEDESTRIAN AREAS

As a result of widening and colonnading and other open spaces, a great deal of pedestrian area has been created. An area of note is that on the southern side of William Street, at the Kings Cross end. This area is too narrow for development and forms an ideal location for low density building and open space.

Seeing that the whole project is of large scale, it is important that features be incorporated in the open spaces that bring them to a more "human" scale, and ensure life and vitality to these areas. It is therefore important that, where planned in detail, these areas incorporate small shops, seating, lighting, free parking and other features such as are suggested in the way of advertising pylons, fountains etc.

3. LANDSCAPING

The general landscaping proposals are shown on the drawings appended to this Report.

Briefly, it is proposed to plant trees (*Platanus hybrida*) London Planes, at 30' centres with planting boxes in between. The trees chosen are deciduous, and very suitable for the Sydney environment, being robust and comparatively free from disease and having a long life. They have been set back from the kerb so as to provide a continuous 2' wide path immediately at kerbside to service parking meters and allow the installation of the necessary kerbside street furniture (traffic signals, light standards, parking meters).

The planting boxes will be elevated above footpath level and contain annuals and small shrubs. These boxes provide a further barrier between the vehicular traffic and the pedestrian areas.

At selected locations specially designed commercial advertising "bollards" are proposed so that items of interest can readily be brought to the pedestrians attention.

It is pointed out that the site of the tree planting and elevated garden beds is within the area occupied by the present footpath under which are located the service cables and pipes of various Authorities. For the trees to have any opportunity to reach maturity it is desirable that the various services be relocated within the area of the 8 feet setback of the buildings, and, for this to happen, Council will have to acquire this property.

The median strip treatment has been left as is, i.e. 6 feet wide overall. This is to allow the existing 35 feet carriageway to remain unaltered.

In terms of the Woolloomooloo redevelopment proposal, William Street will be bisected by the Eastern Distributor. Special provision should be made to continue the tree planting over this roadway otherwise the Avenue concept will be substantially lost.

4. LIGHTING

The County Council has been consulted but in the time available, no alternative to standard street lighting is proposed at this stage. This lighting has been included on the footpaths rather than the median, to provide pedestrian lighting. This aspect needs further research.

5. FLOOR SPACE INDEX

In view of the time available, no research could be made into this question, and it has been decided to adopt the principles of the Woolloomooloo Plan. This gives a basic floor space index of 5 to 1 with bonuses of 4 times the open space up to a maximum of 2 to 1 and a 2 to 1 bonus for sites over 30,000 square feet or a 3 to 1 bonus for sites over 60,000 square feet. The maximum index is 10 to 1.

For the purposes of illustration, an average index of 7 to 1 has been assumed in depicting possible buildings.

In brief, the main principles of the Scheme incorporate the formation of a major boulevard by means of -

1. The widening of footpath areas and colonnading on each side.
2. Landscaping and lighting.
3. Vehicular-pedestrian separation at suitable points.
4. Control over the design and appearance of the buildings.
5. The imposition of a floor space control.

The various plans and sketches are also presented, giving an idea of the possible future appearance.

It is advised that assistance in preparing certain perspective sketches has been given, without charge, by Frank R. Fox and Associates, and this assistance is gratefully acknowledged.

Recommendation.

It is recommended that the matter be submitted for consideration and further, that, if considered suitable, the proposals be placed on exhibition and comment invited on the principles involved in order that the public may take part not only in the final scheme, but in its early formation.

(Sgd.) J.J.Doran

CITY BUILDING SURVEYOR

on behalf of the various
Departments concerned.

See also attached hereto -

Report by the City Engineer, dated 5th December, 1969, furnishing information regarding present and prospective roadway and footway widths, etc., in William Street.

Att

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Cross Ref
filing

T.C. 568/68

ITEM NO. 8 ON AGENDA PAPER

City Building Surveyor's Department

5th November, 1969.

WOOLLOOMOOLOO AREA REDEVELOPMENT PLAN - REPORTS BY COUNCIL'S
OFFICERS ON ALL ASPECTS

W42

THE TOWN CLERK

At the meeting of the Works Committee on the 13th October, 1969, consideration was given to various Development applications involving properties within the Woolloomooloo Area of the City and in respect of the various applications the City Building Surveyor had invariably recommended that consent should be refused for the reason that the proposal would be likely to prejudice the future redevelopment of the Woolloomooloo Area in accordance with the Redevelopment Plan adopted by Council on the 11th August, 1969.

Following considerable discussion the Committee decided that the City Building Surveyor and the City Engineer be requested to submit, as a matter of urgency, a full and comprehensive joint report on all aspects of the Woolloomooloo Redevelopment Plan and its implications, including a brief history of its preparation and the reasons therefor and the present position with regard to its final adoption and implementation.

It was further decided that advice should be sought from the City Solicitor as to Council's legal position in respect of the decision of the previous Council in accepting the Plan as the Council's Plan for the redevelopment of the Woolloomooloo Area and as to whether the present Council can now reject the Plan in part or its entirety or can amend it or vary it in any way. In this respect the City Solicitor by minute of the 15th October, 1969, has reported that before he can answer the question asked, he will need to be supplied with precise information as to the circumstances under which this Scheme has been prepared and exhibited, how the objections are to be dealt with and the form which the Scheme is to take. In particular, he requests information as to, under what provisions of Part XIIA of the Local Government Act, 1919, as amended, the Scheme is being prepared and whether the relevant provisions of the Act have been complied with. He requests, therefore, that he be given an opportunity of studying both the official file and the reports of the City Engineer and the City Building Surveyor when these are available.

The matter has been the subject of various discussions with the Acting City Engineer and Officers of his Department and, while the direction of Council that a joint report should be submitted has been noted, for purposes of office efficiency, each Department has prepared a report dealing with the aspects in question which are proper to the Department's functions, but it is emphasised that these reports have been prepared in collaboration with the other Department concerned.

In order to deal exhaustively with the question asked by the Committee, the Redevelopment Plan for the Woolloomooloo Area will be considered generally under two heads, namely -

- (1) The procedure adopted in the preparation of this Plan and its relationship to the statutory procedure set out under the relevant provisions of Part XIIA of the Act, and
- (2) The technical aspects of the Plan and, in particular, any criticisms of it which are apparent.

(1) THE QUESTION OF PROCEDURE AND ITS LEGALITY

The City of Sydney Planning Scheme is one of the few remaining Planning Schemes being dealt with under what is termed as the "old system" of Scheme preparation, examination and prescription, i.e., a system which requires two exhibitions, one by the Council and one by the Minister, as distinct from the single exhibition procedure as laid down in what is now referred to as the "streamlined" procedure introduced by the amending legislation of 1962/63.

6 years
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6 years

In brief, the City of Sydney Planning Scheme which was prepared in the City Engineer's Department, was received and approved, in principle, by Council on the 13th October, 1952. Following its exhibition at the Council and the examination and determining of objections lodged, Council by Resolution of the 15th December, 1952, resolved to forward the Scheme to the Minister for his examination and action in accordance with the provisions of Section 342H of the Act, et seq. The Scheme was exhibited by the Minister at the end of 1964 in accordance with the provisions of Section 342J of the Act and notification of such exhibition was published in Government Gazette No. 149 dated the 31st December, 1964, the time for objections being until the 3rd May, 1965. By later Proclamation published in Government Gazette No. 65 dated 30th April, 1965, the date for the receipt of objections was extended until the 1st July, 1965.

At a later date, Mr. A. Davis, at the time Solicitor to the Authority, was appointed as Commissioner by the Minister and Mr. Davis conducted an enquiry into all objections lodged against the Scheme and made his recommendations to the Minister on these objections. A complete file, of course, of these objections and the Commissioner's recommendation thereon is not available to this Council, although considerable correspondence and information in connection with certain objections, particularly those lodged by Council is in the appropriate files.

Following the Commissioner's report, the Minister referred the matters raised therein back to the Authority in accordance with standard procedure and the Authority appointed a Sub-Committee from amongst its members to consider the various objections and the Commissioner's recommendation thereon.

Following the report of the Sub-Committee and then of the Authority itself, the Minister determined the bulk of the objections and by notice published in the Government Gazette of the 17th November, 1967 he advised of the re-exhibition of the Scheme for a period of one month in order to publicise his determination of the objections and also to indicate various matters which were not finally determined and which could be the subject of direct representation, in a manner which was laid down, to the Minister himself.

At this stage, it would appear that the procedure followed had been in accordance with the standard procedure as laid down in the Act and as accepted by all authorities. However, attention is invited to the fact that in the original Exhibition dating from December, 1964 until June, 1965, various areas including the one presently under consideration were designated as being zoned "Comprehensive Redevelopment Area" and in this regard Clause 59 of the Minister's Ordinance as originally exhibited provided that -

- "(i) notwithstanding any other provision of this Ordinance, the responsible authority shall not consent to the carrying out of any development on land zoned within Zone No. 7 without prior concurrence of the Authority unless and until a notice applying to such land has been published by the Minister in the manner hereinafter provided;
- letter submit

- (ii) the Minister may from time to time by notice published in the Gazette and in a Sydney daily newspaper permit development on land within Zone No. 7 subject to such conditions, if any, as may be specified in the notice."

The particular area of Woolloomooloo differed fundamentally from the other areas subject to the same zoning, in that -

- (a) as distinct from the Circular Quay and the Rocks Area it was not suspended under the provisions of Section 342Y from the County of Cumberland Planning Scheme, and
- (b) as distinct from the various Church Glebes indicated to be so zoned which was not held within the one ownership.

The situation obtained, therefore, that, while this Council remained the responsible authority for the control of development it was not clear as to the standards to be applied in controlling such development and, furthermore, the failure of the Council to deal with the Development Application or its refusal of such application could, in theory at least be tested by appeal to the Land and Valuation Court.

Following the Minister's determination of objections it was indicated at the re-exhibition of 1967/68 that the area in question had been re-zoned as County Centre 3(e) but subject to the provisions of a Redevelopment Plan yet to be prepared and in this regard the Authority by letter of the 17th November, 1967, advised that "consideration has been given to the objections lodged by Council, Government Departments, etc., and the Minister has determined almost all of the objections in the manner set out in the enclosed schedule "and documents were supplied which indicated certain proposed amendments to the Minister's Ordinance. In particular, in dealing with the Comprehensive Redevelopment Area zones the Authority advised, inter alia, with regard to the Woolloomooloo Area, "as a result of objections received, the Minister's decision is, that the Comprehensive Redevelopment Area zone at Woolloomooloo, will be deleted from the Scheme and the area will be re-zoned as follows:-

The route to the Eastern Suburbs Railway will be shown as "Special Uses (Railway) Reservation".

The route of the proposed Expressway will be shown as County Road Reservation.

The site of the Sydney Eye Hospital will be zoned "Special Uses (Hospital)" and the balance of the area will be zoned County Centre 3(e).

Consideration is being given as to what measures should be used for the control of development in this area pending prescription of the Scheme"

Furthermore, in the schedule of proposed amendments accompanying this letter, the Authority indicated that in Item No. 29 Clauses 25 and 59 of the Minister's Ordinance would be amended as follows:-

"All Comprehensive Redevelopment Area zones are to be removed from the Scheme Map. The Rocks Area, the Circular Quay Area and Woolloomooloo are to be re-zoned as County Centre and Clause 59 is to be deleted by a special provision to be inserted in the Ordinance to provide that development in these parts of the County Centre shall conform to a Redevelopment Plan to be prepared and approved by the Minister and in the meantime no development should be approved without the concurrence of the Authority."

This course of action is again referred to in the Authority's letter of the 8th February, 1968, relating to a Development Application submitted in connection with premises Nos. 134/130 William

Street corner Bourke Street, Woolloomooloo wherein it is advised -

"2. Following the Minister's determination of the objections lodged to the City of Sydney Planning Scheme, the land in question was incorporated into the County Centre zone, and any redevelopment within the Woolloomooloo area will need to conform to a plan to be prepared by the Authority and approved by the Minister. As yet, no such plan has been prepared.

3. Accordingly, it is considered that the subject application should be deferred, pending the determination of the setting up of a joint steering committee by the Council and the Authority, the object of which is to organise and help in the preparation of a scheme for the redevelopment of the Woolloomooloo area, by the staff of the Authority, in co-operation with the staff of the Council.

Subsequent to the re-exhibition of the Scheme, the Chairman of the State Planning Authority by letter of the 8th January, 1968, to the Chief Commissioner, referred to discussions held in connection with the Woolloomooloo Area and confirmed conclusions reached, that a Steering Committee should be set up for the purpose of preparing a Redevelopment Scheme for Woolloomooloo and the various conditions, etc. relating to the setting up of such Committee are enumerated in the Chairman's letter.

The Deputy Chief Commissioner, J.A.L. Shaw and the Town Clerk Mr. J.H. Luscombe were appointed as Council's representatives to this Committee and various meetings of the Committee were held.

It is not intended, within the scope of this report to recapitulate the deliberations of the Committee and the minutes of the various Committees are in the appropriate file (reference T.C. 568/68). However, attention is invited to one of the conclusions of the meeting of the fourth meeting held on the 22nd October, 1968, concerning the method of presentation of the Plan, wherein the minutes indicated that the Committee agreed that the Redevelopment Plan, when finalised, should be submitted to the Authority for endorsement before forwarding to the City Council; the Council would submit the plan to the Minister, who would send it back to The State Planning Authority for exhibition.

Subsequently, the Plan was completed by the professional Office of the Authority and by letter of the 29th July, 1969, the Chairman of the Authority wrote to the Chief Commissioner and enclosed various documents relating to the Plan and made reference to an Exhibition at the Town Hall. Reference was also made to the Professional Planning Organisation of the Authority having acted as consultants to the Council in the preparation of the Plan.

As has already been noted, the Plan was then submitted to Council by minute from the Chief Commissioner dated 11th August, 1969, and by Resolution of the same date, Council approved and adopted the Plan. It was also recommended that the Plan should be publicly displayed at the Town Hall for a period of two (2) weeks, during which time public comment and representations of land owners and other interested parties may be received.

Various objections and representations regarding the Plan have been received and these are set out in a Schedule to this report.

In view of the history of the matter, various questions arise which raise doubts as to the validity of the procedure up to the present stage and also the force of the Plan itself. These are matters upon which the City Solicitor may care to comment and, in brief, these may be summarised as -

While the procedure in dealing with the City Sydney Planning Scheme was obviously correct up to the time of the Exhibition of the Minister's determination of objections, the procedure with respect to the preparation of this Plan could be queried in as much as it would appear that to date land owners and others affected by the Plan have not been given ample opportunity to have their objections heard and determined by the Minister.

While, as previously noted, the full report of Mr. Commissioner Davis is not available to this Department, it could be presumed that there are now land owners whose properties may be substantially affected by the provisions of the current Scheme and who desire to object against such affectation, who have not been afforded the opportunity of doing so.

In addition, there has been a marked departure from the procedure initially intended, that the Redevelopment Plan should be prepared by the Minister or at least by the Authority on his behalf and approved by him. The Authority's current stance that it has acted simply as a professional consultant to this Council in the preparation of this Plan is not in accord with the determination of the Minister as indicated in November, 1967. Again, even if the Plan is adopted by Council as its Plan for the redevelopment of the Area, it is considered necessary that it should be forwarded to the Minister for his determination and appropriate action, particularly to be incorporated as part of the prescribed Scheme.

Delighted Council took the initiative

This may well be so but before doing so the plan should be revised as necessary.

Finally, no indication has been given as to the procedure to be followed in dealing with the objections which have been received to date. Under the procedure laid down in the Act for dealing with the "old system" Planning Schemes it is not competent for this Council to hear and determine objections to the provisions of the Scheme as exhibited by the Minister, this is the prerogative of the Commissioner appointed by the Minister.

Whether Council should consider the objections lodged and even hear the objectors in person before deciding to adopt the Scheme in question is one which would require legal clarification. In this regard it has been noted that at least one of the objectors has raised the point that the Commissioner's display of the Plan was not bona fide in view of the recommendation to adopt and approve the Plan as soon as it was received.

This may well be so also!

In all of these matters, it should be borne in mind that Council is subject to appeal to the Land and Valuation Court against either its refusal of an application or its failure to deal with any application within forty (40) days and in the event of such appeal being lodged, the validity of Council's actions to date could well be challenged.

It is considered that all these matters are such as should be referred to the City Solicitor for his further opinion and advising.

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Objector	Premises in respect of which objection is made	Nature of objection
Kevin McAloon & Co. Pty. Ltd., 10 Martin Place, Sydney.	1 Maclean Street, Wilson and Pring Streets	Objections against affectation by new road proposals - suggest that acquisition be at market value - request for details of Scheme.
Kevin McAloon & Co. Pty. Ltd., 10 Martin Place, Sydney.	Western side of Victoria Street - in particular 119/125 Victoria Street	Objection to floor area ratio allowed for this site - request for opportunity to place views personally.
Crest Hotel, Kings Cross (by General Manager)	Area generally	Need to ensure maximum passage of light and air to plazas and open spaces.
E.C. and J.R. Banks for Committee of Resistance, 82 Nicholson Street, Potts Point	Area generally <i>What is this organisation?</i>	Objection to scheme generally particularly to - (i) general concept (ii) gross injustice to present owners, submission of alternative Scheme
Isadore Brodsky M.B. 15 Baden Street, Neutral Bay	Area generally	General suggestions to improve Scheme - request for preservation of items of historical interest
Mrs. H. Wilkinson, 18 Crown Street, Woolloomooloo	Area generally, and Bossley Terrace in particular	(i) Objection to details of the Plan. (ii) Failure to preserve significant items, e.g., Bossley Terrace (iii) <u>Lack of provision for hearing objections and that public display is bona fide.</u>
Messrs. Frampton & Co., Solicitors, 235 Macquarie Street, Sydney.	Area generally and in particular that owned by Mrs. B. Frampton, Brougham Street and Rowena Place (reference to 44/50 Brougham Street and 4/6 Rowena Place)	Objection to open space proposals and to aspects of proposed pedestrian circulation. Request for opportunity to present views.
Mainline Corp. Ltd., Box 42, P.O.	176/194 William Street	<u>Objection to lower floor area ratio than that in County Centre generally</u>
Stephen, Jacques & Stephen, Solicitors and Notaries, A.M.P. Building, Circular Quay	Royal Blind Society Building, Boomerang and William Streets	Adverse effect of Scheme on particular site, particularly (i) lack of access; (ii) <u>partial open space rezoning;</u> (iii) low floor area ratios allowed; (iv) <u>arbitrary requirement for site amalgamation and joint development.</u>
Z.P. Cseti Holdings Pty. Ltd., Box 5270, G.P.O. Sydney.	81/89 Victoria Street and 24/26 Brougham Street	(i) Objection to floor area ratio (ii) Objection to introduction of Scheme at this stage

TECHNICAL ASPECTS

Comments are made on the text and plans comprising the Scheme documents.

1. Statement of State Planning Authority

It has been assumed that private enterprise will bring about the degree of site consolidation necessary for the implementation of many of the principles envisaged because of the economic advantages to be obtained by doing so."

Comment From preliminary discussions held with developers interested in the area, the correctness of the above assumption is doubtful for two main reasons -

- (a) Private enterprise has to depend on purchase, having no resumption powers and so will experience inflated prices when it is well known that site amalgamation is required. One developer has stated that he has options on a number of sites, but an adjoining one, needed in the light of the Scheme has been offered to him at \$300,000 having been purchased by the present owner about 4 years ago for approximately \$14,000.
- (b) Because of inflated prices the total capital outlay for amalgamation will be high in an area in which rental values and subsequent returns are not well established. The lack of certainty of return will no doubt cause difficulty in the raising of finance.
- (c) The economic advantages in terms of additional floor space are present because of bonuses for site amalgamation, but these advantages do not begin to accrue until the particular development is of large proportions. The economic advantages therefore will be available only to the largest developers.
- (d) An essential part of the pedestrian movement network is the provision of bridges over public ways. No bonus in floor space is envisaged for the provision of these bridges, so that the economic advantages will be hard to establish.

But of course is the aim in any case!
This could be verified.

2. Statement of State Planning Authority

"Certain elements of the proposals are fundamental and cannot be subject to substantial change. These elements are:-

The new pattern of streets providing the main local distribution of traffic throughout the area;

Also require re-location of Services!

Comment It has been ascertained from officers of the State Planning Authority that this statement refers to the major roads as shown on Map No. 9, but does not refer to what are called "local service roads". These local service roads are to be located having regard to the pattern of amalgamation of sites which emerges in the future.

This particular aspect is probably the most important part of the scheme from the point of view of administration. If it is to be the position that local service roads have a somewhat indefinite location, then two objections arise -

- YES (i) The scheme is too broad in principle. Individual areas between fixed roads are too large to control development adequately when such development requires amalgamation by private enterprise.

- (ii) It is unfair to property owners to be put in a position of not knowing whether their property are or will be affected. The whole of town planning legislation in this State is based on a system of exhibitions etc. in which individual owners have an opportunity to gain full knowledge of the scheme. This present proposal would be in conflict with these principles.

Agree. Street and open space patterns should be set.

The City Engineer has prepared a map of all roads in the scheme and it is considered that this should be the basis of any adoption.

3. Statement of State Planning Authority

"The principle of the pedestrian movement network is fundamental and cannot be subject to substantial change."

Comment Whilst quite a lot of the pedestrian access will not be difficult to achieve by way of open plazas, arcades, etc., no incentive (as stated before) is given to link these areas together by way of bridges, etc. Unless some encouragement is given to this factor, lack of separation of vehicles and pedestrians will destroy the concept of pedestrian movement

Agree - give bonus for bridge construction.

4. Floor Area Ratio

The principles adopted for the calculation of floor area ratio are those as proposed to this Council in April 1969. These proposals were not adopted and have not been acted upon. It is understood that the whole question of floor area ratio control is under consideration by the Minister, in considering the whole of the City Scheme. It is therefore premature to adopt a system of control which may well be a variance with the scheme for the remainder of the City. There also appears to be an inconsistency in the Scheme in that bonuses for open space and amalgamation of sites do not apply to the Residential 2(c) zone in Victoria Street, whereas these bonuses apply in all other parts to some extent.

Ministerial decision

to be considered -

5. Open Space

No clear indication is given of which parts of the open space shown are to be public open space and which are simply the curtilage of development sites. This should be clarified. It will also be extremely difficult to obtain unbuilt areas similar in principle to those shown as in all probability the development of large areas will take place in stages. This will mean that some owners will be called upon to provide a much larger proportion of open space than others.

6. Government Ownership

Although other Government Departments were approached with regard to the proposal, no clear undertakings have been given that they will be party to the Scheme. Of major importance in this respect is the proposal of the Navy Department to build naval stores. It is understood that the Department undertook to study the problem but no firm decision is evident. The Navy Department as far as was known intended to build a very large six-storey store building. The schematic buildings shown for this site bear no relationship to this intention. If the stores were built as previously intended, the appearance of the building, and its resultant traffic, would destroy much of the benefit of the scheme.

to check with the Navy Department.

It is also noted that the Department of Technical Education own a building in William Street, next to the Blind Institute site. These two sites are shown amalgamated, yet there is no evidence that this is a possibility.

There is no need to amalgamate these sites is there?

Sabemo project.

Further there is no indication from any source that the traffic access to and from Garden Island Dockyard would be acceptable. ||

It is assumed that the work shown on the Overseas Shipping Terminal would be to the later designs of the Maritime Services Board.

7. Property Boundaries

In some instances, property boundaries have been adjusted in such a way as to preclude staged development. An example of this is the Blind Institute site in William Street. Unless this site were developed with those adjacent sites fronting Crown Street, this site would be left with no street frontage due to the closure of Boomerang Street. YES!

This type of problem will arise with many small sites having frontage only to streets proposed to be closed, where it is proposed to develop the block in stages over a long term. Transition difficulties.

8. Site Dimensions

Crown Street is to be diverted to run parallel with William Street and it is contended by developers holding interests in this area that the resultant space between William Street and Crown Street is insufficient in depth to allow for buildings of the character desired. This is not possible to check until plans of the buildings are prepared but it is a factor which should be considered when the final position of the roads is determined. YES we are doing this now.

9. Victoria Street

It is noted that the plans appear to indicate a multi-storey building to be erected over Victoria Street. This is contrary to Council's past policy of restricting structures over the public way to bridges and similar construction, allowing for as little obstruction as possible. A considerable precedent would be established if a building of the form proposed was to be constructed. This same building also intrudes into the area zoned Residential 2(c) in Kings Cross. This could result in the destroying of some of the desired effect of the zoning in this vicinity, particularly in regard to density control.

RECOMMENDATION:

It is recommended that the matter be submitted to Council for consideration in conjunction with the report of the Acting City Engineer.

(S'gd) J. Doran
CITY BUILDING SURVEYOR

A copy of the report by the City Engineer, dated 7th November, 1969, is attached.

WOOLLOOMOOLOO AREA REDEVELOPMENT PLANTHE TOWN CLERK.

The past history leading up to the preparation of the Woolloomooloo Area Redevelopment Plan by officers of the State Planning Authority and its subsequent adoption by Council are dealt with on pages 1 to 6 inclusive of the City Building Surveyor's report. The City Building Surveyor has also extensively described the procedure adopted in the preparation of the plan and its relationship to the statutory procedure set out under the relevant provisions of Part XIIA of the Local Government Act and considers that these matters should be referred to the City Solicitor for his further opinion and advising.

As indicated above, the Woolloomooloo Redevelopment Plan has been prepared by the Professional Planning Organisation of the State Planning Authority of New South Wales in co-operation with and on behalf of the Council of the City of Sydney.

To outline the objectives of the Plan, the Authority prepared statements of guide lines which influenced their determinations and these booklets, marked "A" and "B", are submitted for the information of Council. Plans are also available for examination by Council which indicate the type of redevelopment proposed for the Woolloomooloo area.

The Plan envisages a complete remodelling of the existing street system and the encouragement of large-scale block development by the amalgamation of individual properties.

Some of the salient features of the plan are as follow:-

Surface Roads -

A new street system is proposed. This includes the reduction of the number of streets at present joining William Street from the north, and the provision of a new north-south roadway by the widening of McElhone Street immediately north of William Street and its deviation into Dowling Street.

A new east-west connection is proposed by the construction of the Plunkett Street Viaduct which would connect Plunkett Street and Victoria Street, Potts Point, at the higher level.

Following the adoption of the Woolloomooloo Plan by Council on 11th August, 1969, Council subsequently approved of all necessary steps being taken for the widening of Hughes Street, Potts Point between Victoria Street and Macleay Street, by the realignment method.

Should these proposals be eventually implemented, they will provide important traffic facilities for vehicles proceeding between the Kings Cross and Potts Point area and the City.

W42

How much co-operation was there in practice?

Who is to pay for this expensive elevated viaduct?

In the meantime a market town has been imposed on properties in Hughes Street and this road will not become available to traffic in its original state for many years to come.

Under the scheme, approximately 430,000 square feet of existing roadway area would be closed and, after taking into account the additional area to be added to the existing streets to form the new street system, a nett area of 260,000 square feet of former roadway would be available for incorporation into the areas to be redeveloped or provided for open space. These areas exclude the area reserved for the construction of the Eastern Distributor Expressway.

Open Space Park -

A large public park is provided immediately south of the Plunkett Street Viaduct between Dowling Street and Brougham Street and it could be anticipated that the acquisition of this area would become the responsibility of Council. After excluding the area occupied by the Woolloomooloo Playground (94-124 Dowling Street), the present improved capital valuations of the remaining portions required for the park amounts to approximately \$535,000. The park would measure approximately 400 feet by 240 feet. *this is very expensive indeed.*

Open Space Adjoining the Eastern Suburbs Railway -

In connection with the construction of the Eastern Suburbs Railway Viaduct across Woolloomooloo, certain residues will be available following the completion of the construction work. Council has already made representations to the Department of Railways for these areas to be placed under Council's control for park purposes and it may be advisable for Council to purchase additional adjoining areas to regularise the boundary of the open space under Council's control. This will conform with the objectives of the Woolloomooloo Plan which provide for extensive open space area adjacent to the Eastern Suburbs Railway Viaduct. However, the acquisition of these areas would not be fully Council's responsibility as portions of this unbuilt on land would be in private ownership and represent curtilage of the building sites. *At what price?*

William Street Widening -

The aim of the plan with regard to William Street is to achieve a boulevard concept in architectural and visual design terms; this is to be achieved by widening William Street by 8 feet on either side and obtaining an additional 15 feet set-back on either side by providing a continuous covered pedestrian walk. The main north-south through traffic will be carried by the Eastern Distributor Expressway which passes under William Street and absorbs the whole street block between Palmer Street and Bourke Street.

As stated above, the number of north-south streets leading off William Street will be reduced. At the present time there are nine (9) such intersections and it is proposed that these will be reduced to five (5). The streets retained are as follows:-

McElhone Street

Forbes Street

Bourke Street

Palmer Street

Riley Street.

to be amalgamated into Expressway under/pass.

The following comments are made with reference to the street connections to be eliminated:-

(a) Brougham Street -

The existing intersection of Brougham Street and William Street is very close to Kings Cross and service to Brougham Street can be arranged by a semi-circular diversion from McElhone Street via what is at present portion of Brougham Lane.

The area of Brougham Street adjacent to William Street would be acquired for building development and a typical design for such a development was shown on the plan.

The portion of Brougham Street being retained will provide an important service roadway to the development between Victoria Street and Dowling Street. It is at present 40 feet wide and has been retained at this width in the Redevelopment Plan. However, it is considered that this portion of Brougham Street should be widened to 50 feet to more adequately serve the needs of the adjoining development.

(b) Dowling Street:-

Dowling Street becomes a dead-end north of William Street because of the design of the Eastern Suburbs Railway. It is envisaged that this portion of Dowling Street will be acquired by adjoining large development projects, but, temporarily, it has been extended in a north-easterly direction to connect with McElhone Street.

McElhone Street is to be widened from an existing width of 40 feet to 66 feet from William Street to approximately above the Eastern Suburbs Railway construction and then diverted by an easy curve to connect with Dowling Street at the intersection of Cathedral Street. Dowling Street then continues north and will remain a major street in the Woolloomooloo street system. Cathedral Street will also remain as at present, passing under the Eastern Distributor and thence towards the City. The other dead-end portion of Dowling Street south of Cathedral Street to the Eastern Suburbs Railway will also be available for consolidation with adjacent major development projects.

(c) Crown Street -

Although Crown Street is used extensively at present for north-bound traffic approaching the Cahill Expressway and the Sydney Harbour Bridge, this traffic will eventually use the Eastern Distributor when it is constructed and Crown Street will then become part of the local street pattern.

Perhaps even after the William St Bridge is constructed & before Expressway is completed? It is considered, therefore, that ultimately, when the Eastern Distributor has been constructed, that the crossing of Crown Street at William Street can be eliminated. The Woolloomooloo Redevelopment Plan envisages the portion of Crown Street just north of William Street being incorporated into adjacent development and a 30 ft. wide pedestrian way only being retained through this site. Crown Street, from a point north of William Street, is connected to Forbes Street by a new 66 ft. wide east-west roadway. This new roadway would over-pass the Eastern Distributor and would serve local traffic circulating in the Woolloomooloo area north of William Street.

(d) Boomerang Street:-

The plan provides for the eventual elimination of Boomerang Street between William Street and Haig Avenue and the consolidation of the two (2) adjoining areas of Cook Park and Phillip Park. It is obvious that this portion of Boomerang Street could not be eliminated for many years or until the Eastern Distributor has been constructed and also the Plunkett Street Viaduct from Forbes Street to Victoria Street.

This is so if it has to rely on Viaduct. Expressway will come soon.

Traffic between the City and the Kings Cross-Elizabeth Bay areas would then be able to use College Street, Doomerang Street to Haig Avenue, Haig Avenue, Sir John Young Crescent, and thence via the Plunkett Street Viaduct to the Kings Cross area. Those vehicles proceeding further east would require to turn at the College Street - William Street intersection where there is ample width for a necessary safe traffic design.

Cowper Wharf Roadway -

To ask Naval Authorities
Portion of Cowper Wharf Roadway between Forbes Street and Dowling Street is shown as being closed but an alternative connection between the western end of Cowper Wharf Roadway and the Captain Cook Dock and Wylde Street, Potts Point, is provided by means of a remodelled street system in this area. However, no indication is given as to whether this changed means of access to the dockyard would be acceptable to the naval authorities.

Wharves built?
In the area over Cowper Wharf Roadway extending between Victoria Street, Potts Point, and a suggested new Passenger Shipping Terminal to be constructed in Woolloomooloo Bay, vehicular and pedestrian access is envisaged as part of the new wharf development. The exact arrangements in this regard would depend on the final design of the Shipping Terminal but the objective is a greater improvement to the circulation of vehicular and pedestrian traffic in this area.

Pedestrian Circulation Generally -

The Redevelopment Scheme envisages the construction of numerous pedestrian over-street connections linking the plazas and adjacent large-scale developments. The principle behind these over-head pedestrian connections is to encourage the creation of pedestrian walkways segregated from interference by vehicular traffic. It has also been suggested that a pedestrian connection should be provided from the Dowling Street - Cathedral Street area through to the concourse of the Kings Cross Railway Station.

With regard to the implementation of the scheme, the brochure prepared by the State Planning Authority states as follows:-

"It has been assumed that private enterprise will bring about the degree of site consolidation necessary for the implementation of many of the principles envisaged because of the economic advantages to be obtained by doing so. Involvement by public authorities has been assumed to be minimal although in certain areas problems of implementation may arise depending on the circumstances at the time, and calling for limited action by the City Council to facilitate site consolidation.

In general, a good deal of flexibility exists in the actual form of the total concept. Certain elements of the proposals, however, are fundamental and cannot be subject to substantial change. These elements are:- The new pattern of streets providing the main local distribution of traffic throughout the area; the principle of the pedestrian movement network; the general disposition of major parking areas; proposals for the Kings Cross area, Woolloomooloo Bay area, and William Street; and density and environmental standards throughout the area."

A plan has been prepared by this Department which shows:-

- EXAMINATION
- (a) by pink tint the new street system proposed for the Woolloomooloo area;
 - (b) by brown tint the area already reserved for the construction of the Eastern Distributor Expressway;
 - (c) by blue tint the existing streets which may be closed to encourage major site amalgamations.
 - (d) by mauve tint the extent of the acquisitions by the Department of Railways for the construction of the Woolloomooloo Railway Viaduct.
- It is anticipated that any residues remaining after the construction

of the viaduct will be available for park purposes.

- (e) by green tint the proposed Woolloomooloo Park located on the southern side of the Plunkett Street Viaduct between Dowling Street and Brougham Street.

A copy of this plan is contained in the relevant file.

By adopting the Redevelopment Plan, Council no doubt accepts responsibility for the re-arrangement and eventual construction of the new street system and for the provision of the public open space. These would be expensive undertakings but the redevelopment would, of necessity, be spread over a considerable period of time.

Certain aspects of the Redevelopment Plan which can make it more difficult to implement are brought to the attention of Council.

Seek
approval
of Gov.
Dept.
Residents

A considerable proportion of the property in the Woolloomooloo area is used for residential purposes and it may be safely assumed that much of this property is subject to the provisions of the Landlord and Tenant Act. It could prove difficult and costly to re-house these residents and this factor could make it difficult to achieve the desired site amalgamations. Much of the land is owned by the Commonwealth and State Governments and it may well be difficult to obtain the agreement of these Authorities to the redevelopment proposals.

Very
expensive
\$6 million
dollars.

Little mention is made of parking in the Redevelopment Study but in the illustrated brochure multi-level car parks to accommodate 6,000 vehicles are suggested. The cost of this for building alone could be of the order of \$6,000,000 and it is doubtful whether this expenditure on parking would be profitable and even more doubtful as to whether or not another 6,000 vehicles should be attracted to the area.

As requested by Council, the matter has also been referred to the City Solicitor for advising as to this Council's present legal position in respect of the decision of the previous Council on the 11th August, 1969, in accepting the plan as Council's Plan for the Redevelopment of the Woolloomooloo Area.

It is therefore recommended that this report, together with the report of the City Building Surveyor, be referred to the City Solicitor for his information. After which the combined reports might be submitted to Council for consideration.

(SGD.) A. EDGE

ACTING CITY ENGINEER

A bit
late for
our
meeting.

It is anticipated that the report by the City Solicitor with regard to the Council's legal position in respect of the Plan will be available for circulation to the members of Council on Monday, 8th December, 1969.