

Urban Planning Committee

Annexures

Agenda: *Urban Planning Committee*

Date: *Monday 2 May 2011*

Item: *R1 – 9A Cooper Park Road, Bellevue Hill –
Opportunity Site Consultation for the
Woollahra Principal Local Environmental Plan*

Annexures 1 & 2

ANNEXURE 1

List of Opportunity Sites

| Site no. | Opportunity site | Status | Approx. net yield |
|---------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------|
| 1a | Vaucluse Village: 1-7 Hopetoun, 22A-24 New South Head Road, 1 Petrarch Avenue | UPC 11 April 2011 | 17 |
| 1b | Vaucluse Village: 77 New South Head Road. Vaucluse | UPC 11 April 2011 | 9 |
| 2 | 30-58 Old South Head Road, Vaucluse | To be reported | |
| 3 | 646-692 Old South Head Road, Rose Bay | To be reported | |
| 4 | 1-9 Caledonian Road and 740-760 New South Head Road, Rose Bay | To be reported | |
| 5 | Ian Street Car Park : 16-18 Dover Road, Rose Bay | To be reported | |
| 6 | 12-30 Albemarle Avenue, Rose Bay | To be reported | |
| 7 | 1-19 Beresford Road and 609-613 New South Head Road, Rose Bay | To be reported | |
| 8 | Cooper Park Bowling Green: 9A Cooper Park Road, Bellevue Hill | Subject of this report | 13 |
| 9 | Sydney Grammar School Tennis Courts: 33 Neild Avenue, Paddington | To be reported | |
| 10 | 27-31 Neild Avenue, Paddington (Dept of Housing) | To be reported | |
| 11 | Scottish Hospital 74 Brown Street, Paddington | See note* | |
| 12 | Hampden Street precinct: 15-21 Hampden Street, 10A, 10 and 23 Royston, 10 Cecil Street and 8 Soudan Lane, Paddington | To be reported | |
| 13 | 52 Hopewell Street, Paddington | To be reported | |
| 14 | 12-14 Wentworth Street and 36 Jersey Road, Paddington | To be reported | |
| 15 | 444 Oxford Street and 22 George Street, Paddington | To be reported | |
| 16 | 1-11 Edgecliff Road and 118 Old South Head Road, Woollahra | To be reported | |
| 17 | Woollahra Station: 17 Edgecliff and Wallaroy Road, Woollahra | See note** | |
| 18 | 30-36 Moncur Street, Woollahra | To be reported | |
| 19 | 38-178 Oxford Street, Woollahra | To be reported | |
| 20 | 6-12 Leura Road, Double Bay | To be reported | |
| 21 | 315-321 and 327-331 New South Head Road, Double Bay | To be reported | |
| 22 | Edgecliff Centre: 203-233 and 235-285 New South Head Road, Edgecliff | See note** | |
| 23 | Eastern Gateway: 240-246 New South Head Road, Edgecliff (Thane Building) | To be reported | |
| 24 | Western Gateway: 73-79 New South Head Road (Service Station) | To be reported | |
| 25 | Western Gateway: 2-14 New South Head Road, Edgecliff | To be reported | |

* Site subject to a separate consultation process in order to formulate a Statement of Planning Principles (application has been declared a project under Part 3A of the Act)

** Due to the Mayoral Minute (dated 23/08/10, which reflects Council's current position, these sites have been removed from the investigative process, and submissions received on these two sites will not be reported to Council. Notwithstanding, on 11 April 2011, the UPC recommended a further report on the Edgecliff Centre.

ANNEXURE 2

Report on Opportunity Site 8: 9A Cooper Park Road, Bellevue Hill and submissions received to section 62 consultation

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1 Land at 9A Cooper Park Road, Bellevue Hill

A report to the Corporate and Works Committee by the Manager Community Development, on 30 March 1998 states the following:

It should be noted that this whole site has been problematic since the sub-division in the early 1990s and has not been used for any purpose since that time.

Thirteen years on this statement remains valid. It is time Council makes a decision about the future of this land.

1.1 Ownership history

The land at 9A Cooper Park Road was previously part of a larger parcel at 9 Cooper Park Road (Lot 4 in DP 221869). No.9 Cooper Park Road is commonly known as the site of the former Bellevue Hill Bowling Club (BHBC) which operated between 1952 and 1980. The BHBC initially leased the land from Council before purchasing it in 1964.

The BHBC sold the land to Water Polo Complex Constructions Pty Ltd (WPCC) in 1980. WPCC intended to build a water polo complex on the site but did not proceed and sold the land to The Scots College in 1983.

Following unsuccessful attempts to establish a preparatory school, the land was rezoned in December 1992 from 5a Special Uses (School) to part Residential 2(b) and part 6(a) Open Space under Woollahra Local Environmental Plan No.64. Concurrent with this, the land was subdivided to create 17 Cooper Park Road (Lot 102 827011) to be developed by Sunlord for townhouses, and 9A Cooper Park Road (Lot 101 DP 827011) which was transferred to Council for open space.

1.2 Site description

The site is 3906m² and is immediately surrounded by land zoned for medium density residential housing that presently contains a mix of dwelling houses and five storey residential flat buildings. Cooper Park is close by and the site connects with Cooper Park via an access handle at its eastern corner.



The site: 9A Cooper Park Road



Aerial of the site and surrounds

Access to the site is from a 3.3 metre access handle off Cooper Park Road between properties at 7 and 11 Cooper Park Road. The site rises approximately 7 metres from the road frontage to the main part of the site.

The main part of the site is relatively flat as a consequence of the cut and fill associated with its previous use for bowling greens. The site inclines along the length of the north-eastern boundary and the adjoining properties at their Bellevue Road frontage are generally 8-10 metres higher than the main part of the site. At the west and south-western boundaries the land falls and affords extensive views to the south across the main valley of Cooper Park towards Bondi Junction.



View of the site looking south to south-west

2 Current planning controls and use of the land

2.1 Current planning and land management controls

The land is currently zoned 6 Open Space under Woollahra Local Environmental Plan 1995 (Woollahra LEP). In this zone land may be developed for community and recreational purposes such as child care centres, or sporting clubs and facilities, with Council consent.

The current LEP does not specify a maximum height or floor space ratio (FSR) for the land. Height and FSR considerations would be based on merit based if a development application was received.

The land is classified as ‘community land’. Under the *Local Government Act 1993* (LGAct) community land cannot be sold, and there are limitations on the leasing or licensing of the land. Community land must also have a plan of management (PoM) applying to it.

No.9A Cooper Park Road is identified in the Draft Cooper Park PoM 2009, which was exhibited in May–June 2009 but not yet adopted. In response to the exhibition, the Final Draft PoM (page 58) states that 9A Cooper Park Road is “not an easy site for which to find an appropriate use”. It does not specify a use for the land but states that “the site is unusable for a community garden due to accessibility, soil quality and poor public amenity”.

2.2 Current land use

The site is vacant. It has been unused since 1992 when Council took ownership of the land.

2.3 A history of attempts by Council to find an appropriate use of the site

Over the last 18 years Council has tried to re-establish recreational uses on the land. However, these attempts have all been unsuccessful, despite numerous and protracted investigations. A summary of the uses considered on the land is set out in the table below.

| Year and Committee | Possible uses of the land reported to Council - none proceeded with |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 April 1995 Finance & Works | Multi-purpose living skills centre for people with intellectual disabilities by the Holdsworth Street Centre |
| 4 November 1996 Corporate & Works | Land use options to be investigated: <ul style="list-style-type: none"> • Sell land for residential purposes and use the funds to improve existing open space • Land exchange with Sunlord at 17A Cooper Park Road • Develop the land for a community use |
| 16 December 1996 Corporate & Works | Further report on options for use of the land. Selling the land as residential real estate or developing for a community use are the preferred options. |
| February - March 1997 | Expressions of interest (EOI) invited for the development of a long day child care centre and cottage on the land. No submissions received for developing a child care centre. However, Cranbrook School states interest in developing the site alone or in association with another party for a community centre and to upgrade the tennis courts |
| 16 June 1997 Corporate & Works | Proposal from adjoining owner at 7 Cooper Park Road (SP 3863) to purchase part of 9A Cooper Park Road |
| 23 February 1998 Community & Environment | Partnership between Cranbrook School, Holdsworth Street Community Centre and the Windgap Foundation to develop a mixed use community facility and upgrade tennis courts |
| 30 March 1988 Corporate & Works | Construct driveway, develop a proposal to put to Cranbrook School on the cost of using the tennis courts and pursue discussions with Holdsworth Street Community Centre and the Windgap Foundation |
| 18 June 2001 Corporate & Works | Proposal by private party to lease land and upgrade the two grass tennis courts, renovate buildings and landscape the area (Mr Jagelman) |
| 3 July 2001 Corporate & Works | EOI invited for developing the land for recreational or community purposes |
| 3 December 2001 Corporate & Works | EOI attracts two submissions, both from private interests: <ul style="list-style-type: none"> • Develop land as a community tennis sporting facility (Mr Jagelman) • Refurbish the existing dwelling for private use or purchase the land subject to rezoning the land to permit low density residential (Metroland Properties P/L) |
| 17 December 2001 Council meeting | Decision on EOI deferred. Girls' Sports Working Party to consider suitability of the site for two netball courts |
| 22 April 2002 Corporate & Works | Girls' Sports Working Party identifies that the site is not suitable. Council to consider Mr Jagelman's proposal or use area for passive recreation |
| 1 July 2002 Corporate & Works | Proposal by private party (Mr Litver from 64 Bellevue Road) to lease land and reconstruct tennis courts, rebuild caretaker accommodation and facilities. 3 options on table: Mr Jagelman, Mr Litver or use area for passive recreation. The report identified Mr Litver's as the preferred option, but no resolution was made. |
| 3 September 2007 Corporate & Works | Consideration to selling land or establishing a long term (99 year) lease over it. Request for updated valuations based on sale or lease options, with or without adjoining land |

2.4 Studies to inform the preferred use of the land

Between 1995 and 2007 Council considered numerous reports on possible uses of the land but did not proceed with any options.

On 25 February 2009, Technical Services staff took the newly elected Council on a Property Asset Tour. Eleven Councillors attended. The tour included a visit to 9A Cooper Park Road to look at possible options for potential disposal of the site.

Various studies have also been undertaken to help inform a decision about the future use of the land. These studies have overwhelmingly found that the site is not suitable for open space recreation and community purposes.

The studies are:

- Recreational Needs Assessment and Strategy by Stratcorp Consulting (2006)
- Property Assets Study by Michael Collins and Associates (2007)
- Report on optimal use for 9A Cooper Park Road by Michael Collins and Associates (2008)
- Contamination Report by Geotechnique (2008)
- Woollahra Child Care Study and Site Assessment: Delivery Options Analysis by MacroPlan Australia (2010)

The Recreational Needs Assessment and Strategy identified that land at 9A Cooper Park Road is “poorly located and undersized for any significant community use or development (enhancement)” (p70) and that Council should “review land holding and assess options for asset management, development or divestment....[and] utilise potential revenue for acquisition of more appropriate open space and/or to fund improvements to existing reserves.” (p4)

The Property Assets Study by land economics and property consultants, Michael Collins and Associates (MCA), also identified that the land has serious accessibility issues and is underutilised. A workshop MCA held with Councillors acknowledged that the site is not suited for a community facility, and that the Councillors’ preferred option was to sell the site or have a long term lease attached to it.

In response to the outcome of the workshop, MCA was engaged to do a feasibility analysis of 9A Cooper Park Road. MCA identified that a 99 year lease is not appropriate due to market aversion to leasehold tenure, but that sale of the land would be favourably received by the market.

A report by Geotechnique provided a contamination assessment and classification of soils for part of the site. The report found that the site contains contaminates. Topsoil and fill materials would need to be removed from the site if the land was used for more sensitive purposes (such as for a park or residential uses) and more detailed site assessment would be warranted.

We also have advice that the site is not suitable for use as a child care centre. MacroPlan Australia recently completed a review of child care needs across the Municipality, looking at the types of child care in demand now and in the future. The study identified that 9A Cooper Park Road is not a suitable site for a child care centre for the following reasons: poor access,

unsuitable site location and elevation, low capacity to establish as a community hub, and high potential for community opposition.

These studies provide clear evidence that there is no potential for establishing a viable recreational use on the site as envisaged by the current 6 Open Space zone. The zoning of the land should reflect and acknowledge these findings. The preparation of the new Woollahra LEP presents us with the catalyst for considering the future use and development potential of the land within the context of the whole Municipality.

3 Proposed planning controls exhibited under opportunity site consultation in June–July 2010

This land was identified as an ‘opportunity site’ in our investigations for preparing the new Woollahra LEP.

We identified that the current controls are not the best fit for the site and proposed to rezone the land to R3 Medium Density Residential as identified in Column 2 of the table below. Concurrent to the rezoning, we also propose to reclassify the land to ‘operational land’. This will remove restrictions on the use and sale of the land.

| | <i>Column 1</i> | <i>Column 2</i> |
|------------------------|----------------------------------------|---------------------------------------------------------------------------------------|
| | Current controls in WLEP 95 | Proposed controls in opportunity site consultation June /July 2010 |
| Zone | 6 Open Space | R3 Medium Density Residential |
| Floor space ratio | – | 0.75:1 |
| Height | – | 9.5m |
| Classification of land | Community land | Operational land |

In June 2010 we notified the land owner of 9A Cooper Park Road (Council’s Technical Services Division) and surrounding residents of these proposed changes. The changes were also exhibited on Council’s website.

3.1 Submissions to opportunity site consultation June-July 2010

Council received 24 submissions regarding the planning changes proposed for 9A Cooper Park Road. The submissions were predominantly from residents in the Bellevue Hill locality as identified in the map on the following page. Copies of the submissions are provided in **Attachment 1**.

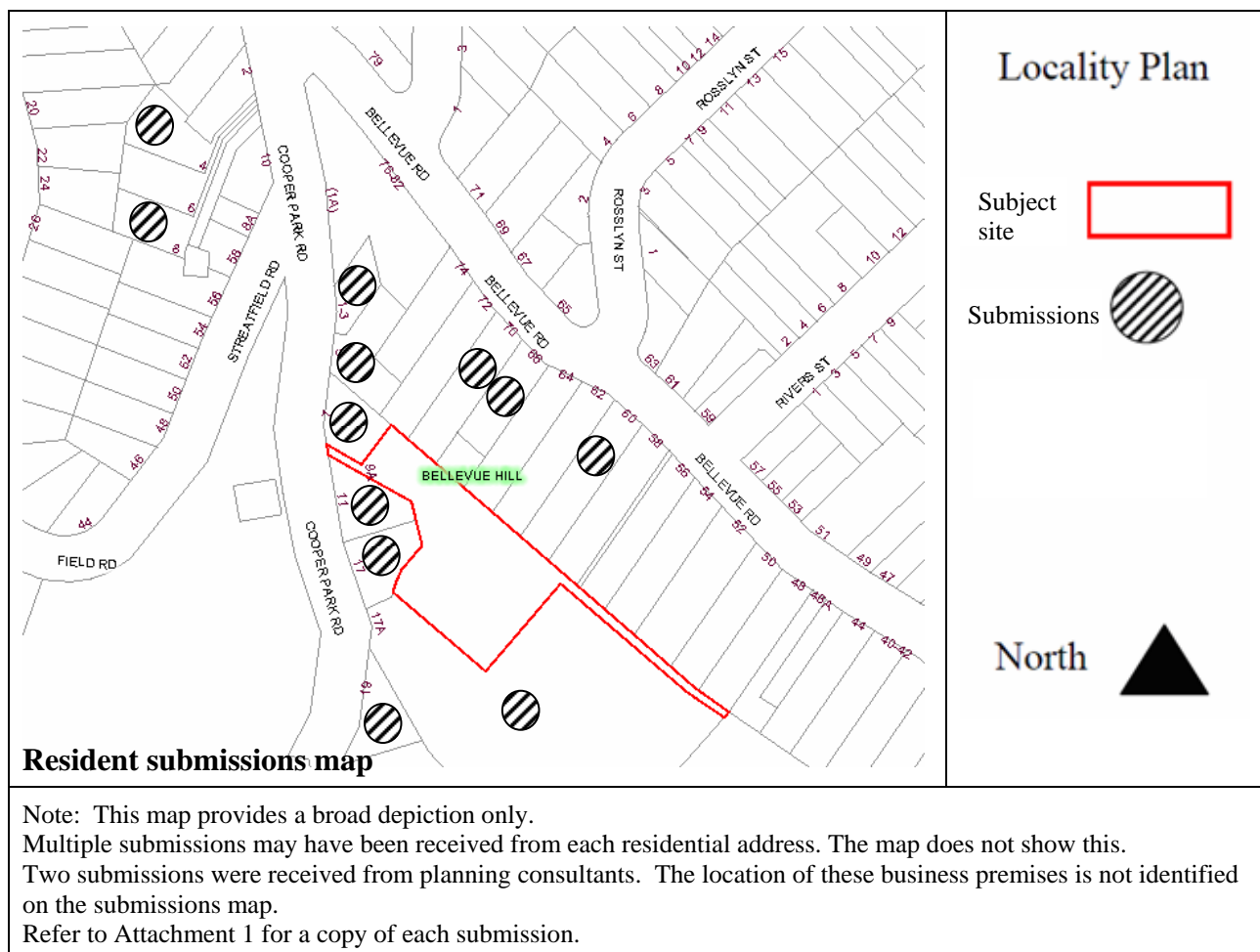
Council’s Technical Services Department which has care, control and management of the land on behalf of the community did not make a submission, but advises that it supports the proposed rezoning and reclassification of the land.

3.2 Key issues raised

The issues raised in the submissions generally related to:

- Objections to the rezoning and sale of the land
- Concern about the loss of open space
- Inadequate access to the site
- Impacts of medium density development on the adjoining properties and wider locality
- Capacity of road and other infrastructure

Part 4 below provides a more detailed look at the submissions including our analysis and planning responses.



4 Analysis and response to the submissions

4.1 Objections to the rezoning and sale of the land

4.1.1 Legal position and ability to change controls applying to the land

A number of submissions questioned Council's legal position and ability to change the existing controls that guide the use and management of the land.

This sentiment is reflected in the following extracts—

This land was gifted to the residents of Woollahra. How can you take it away?
(Submission 183, Ledingham)

9A Cooper Park Road is part of the Cooper Park Plan of Management
(Submission 203, Ehrlich)

We have previously been advised by council and received legal advice to the effect that the subject land would always remain in council's hands and that it would not be sold off to developers. (Submission 218, Segal)

There is a real and distinct concern relating to the probity of the proposed rezoning.
(Submission 293, Moody)

Planning response

Community land does not have to be retained as a public asset in perpetuity if it is not appropriate.

Both the LGAct and the *Environmental Planning and Assessment Act 1979* (EPAAAct) provide mechanisms for Council to reclassify land, rezone land and amend a PoM.

This legislative framework recognises that community and Council priorities change over time, and as a consequence the direction and future use of land may change. The legislation and supporting policies provide a rigorous and transparent decision making process for making these changes, and in the case of Council-owned land includes requirements for additional information and community consultation, such as a public hearing.

We will comply with all legislative requirements in regards to the consideration of 9A Cooper Park Road.

Recommendation

No action required. Note that Council is following all legislative requirements in considering the proposed changes to the reclassification and rezoning of the land.

4.1.2 The site was given to the people of Woollahra as compensation for 17A Cooper Park Road and should not be sold

Many submissions identified that 9A Cooper Park Road was given to the community for open space in response to the development of adjoining land at 17A Cooper Park Road, and it should remain as public land.

This sentiment is reflected in the following extracts—

We urge you to please stop proceeding further down the path of rezoning and rather look to reinstating the property as a park, for which it is intended when the S94 grant was originally made. (Submission 203, Ehrlich)

The site was zoned as open space, in response to community objections, when the large development of 21 residences was built at 17A Cooper Park Rd. Council assured the community that the site would not be used for residential purposes as 17A was such a large development. (Submission 229, Carling)

Given that the subject site was dedicated to Council as part of a Condition of Consent for the approved medium density development, all monies derived from the sale should be applied to open space provisions in the immediate precinct. (Submission 293, Moody)

Planning response

In 1992 the ownership of land known as 9A Cooper Park Road was transferred to Council in fee simple. This occurred concurrent with the subdivision of 9 Cooper Park Road into 9A and 17A Cooper Park Road and the rezoning of the land from Special Uses 5(a) to Open Space 6(a) and Residential 2(b) respectively.

The land was not acquired as a dedication under section 94 of the EP&A Act through the development application process. However, the transfer of land to Council for open space was directly associated with the redevelopment of 17A Cooper Park Road for medium density housing.

This association is expressed in the aims and objectives of the site specific development control plan for 9 Cooper Park Road, Bellevue Hill which “excludes the land from the application of the Woollahra Section 94 Contributions Plan for the development involving 27 or less dwellings, this on the basis of dedication of part of the site for public open space”.

The approved development on 17A Cooper Park Road was for less than 27 dwellings, therefore, in accordance with the DCP additional contributions were not applied.

After reviewing the Council files it is not evident why Council agreed to the land transfer outside of the section 94 mechanism. It is possible that Council agreed to this approach because it provided a larger amount of open space than what was required under the relevant section 94 contributions plan at that time¹. Through the rezoning, subdivision and land transfer process Council acquired 3,906m² of land for open space. Under the section 94 plan only 2,239m² of land would have been required.

To maintain the spirit of the land transfer arrangement, we recommend that the rezoning and reclassifying of 9A Cooper Park Road is undertaken as if the land was acquired as a

¹ Development Control Plan for the Provision of Public Open Space (1989)

dedication to the extent that, the net proceeds from any future sale of the land are directed into public open space and recreation projects identified in Council's capital works program.

Recommendation

That subject to the land reclassification and rezoning proceeding, a further report will be presented to the Corporate and Works Committee addressing how the proceeds from any future sale of the land are committed to public open space, recreation and community facility projects.

4.2 Concern about the loss of open space

4.2.1 Retain land for open space

All submissions received to this proposal objected to the loss of open space if the land is rezoned and sold.

This sentiment is reflected in the following extracts—

Our area is already over developed with the two new unit buildings that have been erected – open space is vital to this area. (Submission 183, Ledingham)

It would be one more encroachment on the limited open space remaining in Woollahra. Your Council has a history of alienating these precious areas over many years and any loss is irreversible. (Submission 200, Lance)

We object to the loss of open space. Pockets of open space such as this provides [sic] important relief between houses and unit developments, significantly contributing to the open and leafy character of the area. (Submission 218, 17A Cooper Park Road)

We suggest tennis or other open space use or community gardens. (Submission 185, Storch)

It could be dedicated park/community garden giving the existing 40 or so attached dwellings a lovely piece of green (Submission 210, Glick)

Alternative suitable community and/or open space use would be: (a) a dog free exercise area, (b) child day care or (c) community centre for the elderly or other groups. (Submission 239, Spreckley)

Planning response

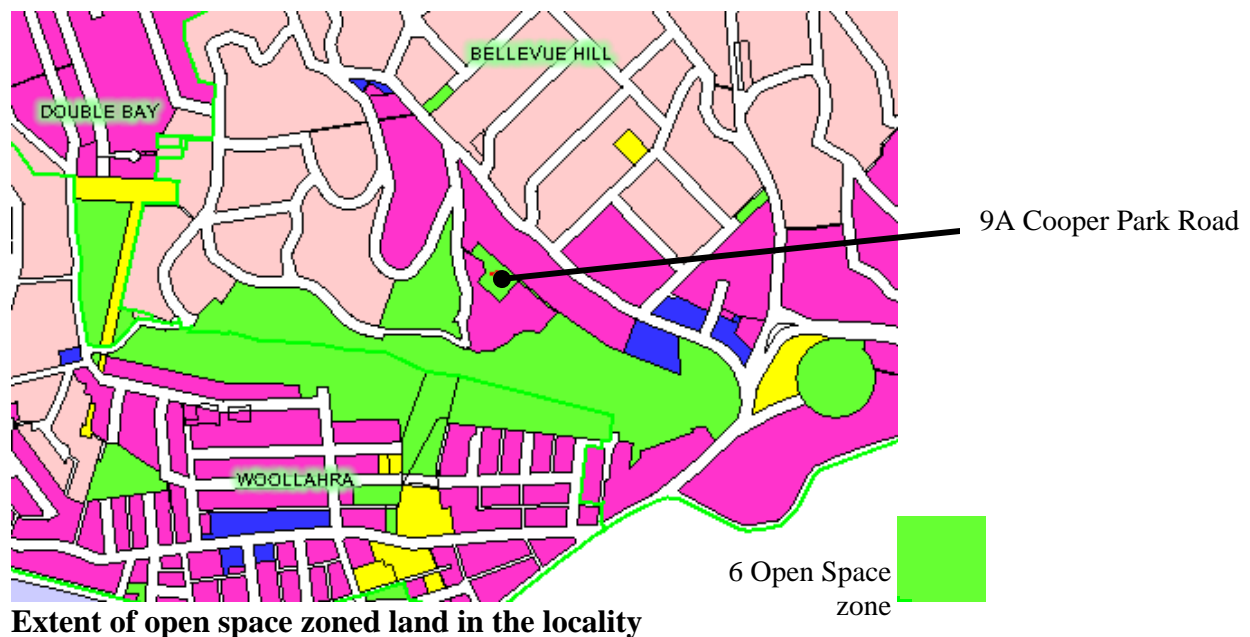
As identified in section 2.4 of this report, numerous consultant studies identify that the land is not suitable for use as open space.

The site is currently vacant and unused. It has not been used for any public or private purpose since Council took ownership of the land in 1992. This hiatus has resulted in significant intrusion of weeds and some vandalism of the site.

Council has not had any success in re-establishing recreational uses on the land over the last 18 years. This is despite numerous and protracted investigations to facilitate use of the land for community or recreational facilities including a tennis and sporting centre and netball courts. Access to the site, the condition of the land and its enclosure by residential properties significantly reduces the useability and quality of the area for open space purposes.

The site is in many ways a ‘white elephant’. The general community has not received any significant public benefit from this Council asset. The general community would be better served if the land was sold and monies directed to open space and recreational opportunities that can be more broadly accessed and enjoyed.

The proposed rezoning of 9A Cooper Park from 6 Open Space to R3 Medium Density Residential will not create a significant loss in open space. Residents in the Bellevue Hill area are very well serviced by existing open space provisions at Cooper Park which is in proximity to the site, as shown in the diagram below. Cooper Park occupies an area of 17.7 hectares and contains 12 hectares of urban bushland as well as a broad range of open space and recreational opportunities such as a tennis centre, sportsfield and grassed areas.



We acknowledge that those residents immediately adjoining the site receive benefit and enjoyment from the land. This benefit is derived by virtue of the greenery and openness that the site in its current vacant state provides. Although some residents would like the land to be used for a community garden, this sentiment is not unanimous as Council received submissions objecting to a community garden on the land during the exhibition of the Draft Cooper Park PoM, and the land would need to be remediated for this use.

It is time we recognise the limited potential for establishing a viable recreational use on the site envisaged by the current 6 Open Space zone, and apply new and more relevant controls.

Based on sound planning considerations we identify that development of the land for medium density housing would be compatible with the adjoining properties and a practical outcome for the site.

This position is also supported by Council’s Technical Services Department. The general community is not benefiting from the Open Space zone on this land and would be better served if the land was sold and monies directed into open space and recreational opportunities that can be more broadly accessed and enjoyed.

Recommendation

As identified in 4.1.2 above.

4.3 Inadequate access to the site**4.3.1 Currently no access to the site**

Numerous submissions raised concern about access restrictions to the site.

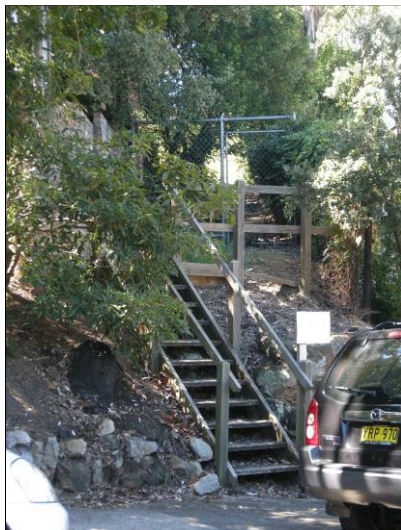
This sentiment is reflected in the following extracts—

Access to the site is not established or desirable in terms of the building on the site and its effects. (Submission 184, Spitzer)

As there are already various properties surrounding the space and no vehicle access, it is obvious that this area is not suitable for a development of any kind. (Submission 219, Cottle)

Currently the only direct access to the site is through a very narrow sloping piece of land that in turn just would not be suitable for what would be needed to accommodate the eventual volume and frequency of cars going to and from the 16 units, if built. (Submission 241, Schaffer)

The very access to those units would be extremely limited if not actually impractical. In this regard, the only direct access at present to 9A Cooper Park Road is through a very narrow steep strip of land that in our opinion simply would not work for the volume and regularity of vehicular access to 16 units or indeed anything more than perhaps a couple of dwellings, if at all. (Submission 253, Kertesz)



View of access from the street

View of access from within the site

**Planning response**

The site has a 3.3 metre wide frontage to Cooper Park Road. Access to the site is currently constrained but this can be addressed by anyone wishing to develop the site.

Council's Engineers identify that a driveway and retaining walls could be constructed to permit single lane vehicle access to the site. Estimates for constructing the driveway are in the order of \$125,000. Alternatively, other locations for site access may also be achieved through land acquisition or establishing a right of way with an adjoining property.

Recommendation

No amendment to the proposed planning controls for the Draft LEP

4.4 Impacts of medium density development on the adjoining properties and wider locality**4.4.1 Too many dwellings**

A number of submissions raised concern with the density proposed for the site. Some also raised a general objection to encouraging additional population in the area.

This sentiment is reflected in the following submissions—

The residents of Cooper Park Road do not want massively more people in Woollahra.
(Submission 172, Redelman)

The suggestion in the letter that up to 16 more units would be built on the site is most undesirable.....a couple of town houses on the site might work (Submission 241, Schaffer)

It seems to me that such a development would be out of character with the surrounds and far too intense. (Submission 253, Kertesz)

Planning response

We initially proposed an FSR of 0.75:1. In planning terms, an FSR of 0.75:1 is not considered high density and would not generate a significant population increase.

However, in response to the submissions we have undertaken further design analysis and identify that an FSR of 0.625:1 is more suitable for providing good urban design outcomes.

Based on a 2 storey pitched roof form on the site, the urban design analysis identified that the following building footprint constraints were important elements to address potential impacts to adjoining residents and to ensure good on-site residential amenity:

- 6 metre boundary setbacks—to address overlooking and overshadowing
- 12 metre on-site building separation—best practice benchmark²

Based on these constraints, an FSR of 0.625:1 is derived.

This FSR is appropriate for the local context. This same FSR that applies to the surrounding land at 7, 11, 17 and 17A Cooper Park Road, but less than the FSR of 0.75:1 that applies to land at Bellevue Road.

Recommendation

For the exhibition of the Draft Woollahra LEP apply an FSR of 0.625:1 instead of 0.75:1.

² Design control taken from the State Government publication Residential Flat Design Code (2002) which provides best practice benchmarks for residential flat building design and supports SEPP 65 Design Quality of Residential Flat Development

4.4.2 Sense of encroachment, decreased amenity and privacy

A number of submissions raised concern about a sense of encroachment, decreased residential amenity and privacy that may arise if the land was redeveloped for medium density housing.

This sentiment is reflected in the following extracts—

Due to the difference in the ground levels between the two properties we are also concerned about the potential loss of privacy should the land be developed in future. (Submission 218, Residents of 17A Cooper Park Rd)

... invasion of privacy (due to the proximity of my complex and the subject land), blockage of sunlight (as the subject land is located 'higher' than my complex) (Submission 304, Leung and Ka)

Planning response

The land is currently unused and locked to restrict public access. Any alternate use will result in an intensification of the site and is likely to create a relative sense of encroachment and a loss of amenity and privacy for the adjoining residents.

In addressing the submissions we have particularly considered the existing building location as well as the orientation and topography of the adjoining properties to the site.

The residents at 58-72 Bellevue Road will not be affected by encroachment and privacy issues.

These properties adjoin 9A Cooper Park Road at their rear boundaries. This means that there will be a building separation distance of at least 17 metres plus the boundary setback that will be established on 9A Cooper Park Road. These properties are also elevated from 9A Cooper Park Road which further minimises potential impacts.



View from site to the north east of medium density residential properties fronting Bellevue Road



View of site along the northern boundary

The properties at 7, 11, 17 and 17A Cooper Park Road have been developed with lesser setbacks (a minimum setback of approximately 2.5 metres and average of 4 metres).

To protect amenity and privacy to these dwellings we are proposing to reduce the FSR from 0.75:1 to 0.625:1.

We will also develop setback and landscape controls to these boundaries when we prepare the DCP controls for this site, with the specific objective of providing privacy for adjoining properties.



View of site to north-western boundary adjoining 7 Cooper Park Road



View of site to south-eastern boundary adjoining 17A Cooper Park Road

Use of the land for medium density housing is likely to create less impact than if the land was redeveloped for a community or recreational use currently permitted under the current 6 Open Space zone.

The height (9.5 metres) and FSR (0.625:1) controls we are proposing will provide for a built form that reflects the scale of residential development in the area. Supplemented by setback and landscaping controls in the DCP, these controls will provide the adjoining residential properties with reasonable protection from encroachment, decreased amenity or loss of privacy.

In addition, any future development applications for residential development would be subject to detailed assessment of the potential neighbour impacts, and such an application may include view line diagrams to demonstrate how privacy impacts are resolved.

| | |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recommendation | <p>No amendment to the proposed planning controls for the Draft LEP.</p> <p>Note that when we prepare the DCP we will develop specific setback and landscape controls to address privacy impacts to 7, 11, 17 and 17A Cooper Park Road.</p> |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

4.4.3 Loss of solar access

Four submissions raised concern about overshadowing impacts if the land is to be developed.

This sentiment is reflected in the following submissions—

A large development ... would tower over our dwelling, affecting our privacy and sunlight.
(Submission 253, Kertesz)

In addition to the potential impact on our open space, the overshadowing also affects sunlight access to our townhouses resulting in the need for more energy for lighting and heating, particularly in the winter month. (Submission 218, Residents of 17A Cooper Park Rd)

Planning response

Currently there is no maximum building height applying to the land. This means that if the site was to be developed for a recreational or community purpose permitted under the current 6 Open Space zone, the maximum height of that development would be a merit based decision.

Under our proposal to rezone the land for medium density housing we would apply a maximum building height of 9.5 metres in the LEP. This is the same height that applies to the surrounding land, except land at 17A Cooper Park Road where a height of 8.2 metres applies.

A height of 9.5 metres will allow solar access to, and visibility from, existing adjoining buildings. It would also be supported by DCP provisions for a two storey height limit and boundary setbacks.

Particular attention will be given to the setbacks at the south-west and to the south-east boundaries adjoining 17A Cooper Park Road to ensure that there are no significant impacts on solar access to existing dwellings adjoining the site.



Interface with development at 17A Cooper Park Road to the south and south-west

In addition, any future development applications for residential development will need to comply with DCP requirements for maintaining solar access, and such an application may include shadow diagrams to demonstrate impacts.

Recommendation

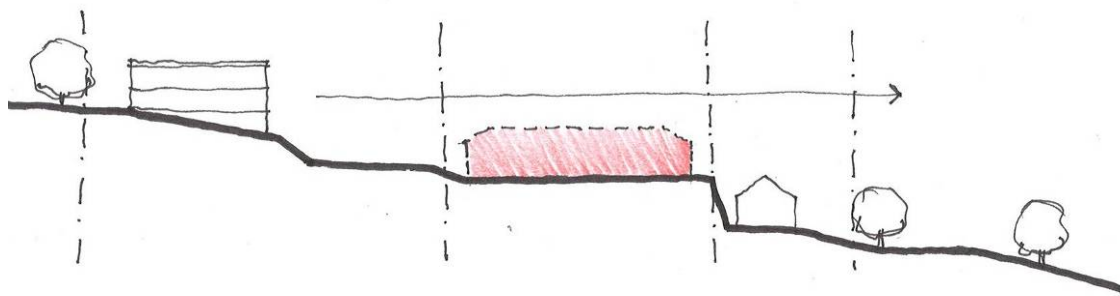
No amendment to the proposed planning controls for the Draft LEP.

4.4.4 View loss

No submissions raised concern with view loss. Notwithstanding, we have considered potential impacts.



View south-west from the site to Bondi Junction



Topography of the site will provide for view corridors and view sharing with adjoining properties at Bellevue Road

Planning response

Much of the site at 9A Cooper Park Road is relatively flat. This is a consequence of the cut and fill associated with its previous use for bowling greens.

We have considered the orientation and topography of the site in relation to the adjoining properties and identify that there will not be significant view impacts if the land is developed for medium density housing.

We are proposing a maximum building height of 9.5 metres with a two storey building form. The view corridors from properties on Bellevue Road will be able to look over any two storey development on the site. There may be some impact on the near view to Cooper Park but this would not be unreasonable, and the distant views to Bondi Junction will be retained.

In addition, any future development applications for residential development on the site will be assessed against the Tenacity Planning Principle to ensure opportunities for view sharing.

| | |
|-----------------------|-------------------------------------------------------------------|
| Recommendation | No amendment to the proposed planning controls for the Draft LEP. |
|-----------------------|-------------------------------------------------------------------|

4.4.5 Noise

Three submissions raised concern about noise impacts if the land is to be developed.

This sentiment is reflected in the following extracts—

The nature of Cooper Park Road at present is a very quiet residential street... a re-zoning would change that dramatically. (Submission 215, Baume)

Currently, if anybody is playing in Cooper Park we can hear them from our property – mainly from our bedrooms. We are concerned that any development of the site would further impact on our privacy. (Submission 447, Condoleon)

Planning response

The land is currently zoned 6 Open Space. In this zone land may be developed for community and recreational purposes such as child care centres, or sporting clubs and facilities, with Council consent. These uses are commonly associated with a range of impacts such as noise.

Development of the land for medium density housing will be compatible with the adjoining residential uses, and create fewer potential noise impacts than if the land was redeveloped for a use permitted under the current zone.

Recommendation

No amendment to the proposed planning controls for the Draft LEP.

4.5 Capacity of road and other infrastructure

4.5.1 Increased traffic/lack of street parking/increased accidents

Most of the submissions raised concern about traffic impacts associated with rezoning the land to allow residential development. The key concerns related to increased demand for on-street parking and increased traffic and demand on a road network which is already at capacity.

These sentiments are reflected in the following extracts—

I have concerns about the increased traffic that would occur if the land was developed. The park and Scout Hall are in constant use by families and any increase in traffic would be hazardous. (Submission 175, Smallbone)

To allow development of this area would place extra stress on the local traffic down Cooper Park Rd, which has already been identified as a speedway having caused the construction of a speed hump. With the local bus route being limited to 1 per hour it is obvious that more cars will be used in this tight space putting more pressure on both the junction at the top of Bellevue Road and that of New South Head Rd. (Submission 210, Glick)

Planning response

Council's traffic engineers have not identified any significant traffic or parking issues that would arise if the land was rezoned for medium density housing.

It is far more likely that the use of the land for sporting or community activities (as permitted under the current zone) would generate greater traffic impacts than a residential development.

If the land is rezoned for medium density housing, any future development will be required to comply with Council's policy for on-site parking requirements. Under the current Parking DCP on-site parking for medium density residential development should be provided at the rate of 2 spaces per 3 bedroom dwelling and 0.25 visitor spaces per dwelling.

Also, the increase in vehicular movements associated with residential development of the land would be minor relative to the existing number of movements in the network and is not expected to increase risk to pedestrians or motorists.

Redevelopment of the land for medium density housing will not result in unreasonable traffic, parking or road safety issues.

| | |
|-----------------------|-------------------------------------------------------------------|
| Recommendation | No amendment to the proposed planning controls for the Draft LEP. |
|-----------------------|-------------------------------------------------------------------|

4.5.2 Inadequate infrastructure

Some submissions raised concern about the capacity of infrastructure to accommodate increased population in the area.

This sentiment is reflected in the following extracts—

The infrastructure cannot cope with the present usage. The sewers, electricity, telephone, roads and traffic are all troublesome in this street. (Submission 172, Redelman)

The area anyway cannot accommodate additional strain on infrastructure such as sewerage, stormwater, cabling, parking, safety of people especially children. (Submission 184, Spitzer)

Planning response

The current level of infrastructure for electricity, water, gas, sewerage systems and public transport servicing this area has capacity to cope with the demand that would be generated from development of 9A Cooper Park Road for medium density housing.

We are consulting with public utility and service providers during the preparation of the new Woollahra LEP. We have not received any advice that the infrastructure capacity could not accommodate additional demand associated with the proposed planning changes.

| | |
|-----------------------|-------------------------------------------------------------------|
| Recommendation | No amendment to the proposed planning controls for the Draft LEP. |
|-----------------------|-------------------------------------------------------------------|

5 Conclusion

The recommendations from this report are:

- Rezone 9A Cooper Park Road from 6 Open Space to R3 Medium Density Residential and
 - Apply a maximum building height of 9.5 metres
 - Apply a maximum FSR of 0.625:1 (instead of 0.75:1)
- Note that Council is following all legislative requirements in considering the proposed changes to the reclassification and rezoning of this land.
- Note that when we prepare the DCP we will develop specific setback and landscape controls to address privacy impacts to 7, 11, 17 and 17A Cooper Park Road.
- Subject to the land being reclassified and rezoned, a further report be prepared on how the proceeds from any future sale of the land are directed into public open space, recreation and community facility projects identified in Council's capital works program.

Attachment 1 – Copy of submissions

| No. | Name | Address | Ref | Submission |
|-----|--------------------------------|----------------------------|-----|------------|
| 1 | Dr M Redelman | 13/17A Cooper Park Road | 172 | Objection |
| 2 | Frances Smallbone | 7 Cooper Park Road | 175 | Objection |
| 3 | A G Ledingham | 4 Cooper Park Road | 183 | Objection |
| 4 | A & M Spitzer | 18/17A Cooper Park Road | 184 | Objection |
| 5 | Caroline Storch | 5 Cooper Park Road | 185 | Objection |
| 6 | John Lance | 8 Cooper Park Road | 200 | Objection |
| 7 | Adam Ehrlich | No Address | 203 | Objection |
| 8 | Barry Glick | 2/17A Cooper Park Road | 210 | Objection |
| 9 | Dr Robert Baume | 11 Cooper Park Road | 215 | Objection |
| 10 | 17A Cooper Park Road | 16-21/17A Cooper Park Road | 218 | Objection |
| 11 | Valli Cottle | No Address | 219 | Objection |
| 12 | Sylvia Carling | 2/1-3 Cooper Park Road | 229 | Objection |
| 13 | Gary Spreckley | 5/60 Bellevue Road | 239 | Objection |
| 14 | Ron Schaffer | 70 Bellevue Road | 241 | Objection |
| 15 | Thomas Kertesz | 17 Cooper Park Road | 253 | Objection |
| 16* | Tony Moody | Suite 102, 25-29 Berry St | 293 | Objection |
| 17 | Kui Ki Leung and Chung Ying Ka | 17/17A Cooper Park Rd | 304 | Objection |
| 18 | Anna Berger | 1/19 Cooper Park Rd | 320 | Objection |
| 19 | Mary Kovari | 2/19 Cooper Park Rd | 321 | Objection |
| 20* | Gary Shiels | 95 Paddington St | 331 | Objection |
| 21 | Mr M and Mrs E Baume | 11 Cooper Park Road | 332 | Objection |
| 22 | Name suppressed | Address suppressed | | |
| 23 | Dr C M & Mrs A P Chong | 1/1-3 Cooper Park Rd | 397 | Objection |
| 24 | J & E Condoleon | 66 Bellevue Road | 447 | Objection |

* Denotes planning consultant submission and is not reflected on the Resident submissions map in section 3.2 of this report.

Dr Margaret Redelman
13/17A Cooper Park Rd
Bellevue Hill NSW 2023
28 June 2010

Woollahra Council
Mr Chris Bluett
Manager Strategic Planning

Dear Mr Bluett,

Re: File Ref: 1064.G.FIRSTCSTN.1

We strongly object to 9A Cooper Park Road being rezoned.

9A Cooper Park Road was given to the people of Woollahra by the Cooper Family as parkland. If trust is to be maintained by people offering to donate to council and the community, wishes must be respected. It would be a great loss to society if people stopped giving because that trust was lost.

Council gave the parkland to Bellevue Hill Bowling Club as a community recreational open land site. However, council allowed the Bowling Club to sell the land in the 1960s thereby losing public open space. Council gave the area of 9A Cooper Park Rd as compensation to the people of Woollahra for the development at 17A Cooper Park Road.

The owners of 17A Cooper Park Road do not want further attrition and loss of public open land. Our further reasons for objecting are:

- 1 The infrastructure cannot cope with the present usage. The sewers, electricity, telephone, roads and traffic are all troublesome in this street.
- 2 The development and increased use of Cooper Park has already increased parking needs.
- 3 There are already bottlenecks mornings and afternoons at both ends of Bellevue Road, New South Head Road and Victoria Road.

We suggest open recreational usage for this site or community gardens which would greatly increase psychological wellbeing and community spirit in the area. Community gardens would greatly benefit the educational needs of the many disenfranchised young children and teenagers in the area. The community gardens at Trumper Park, Woollahra are a huge success and have a waiting list. Many of the residents of Cooper Park Road have met and are keen to help with this scheme.

The Prime Minister states that large numbers of incoming people are not in the best interests of this country. The residents of Cooper Park Road do not want massively more people in Woollahra. We do not want to lose any more open land to developers. Council should be preserving open land for future generations. Once land is lost it is extremely difficult to regain and this land was bequeathed to the public.

We ask that you respect the wishes of the Cooper Family and the residents of Cooper Park Road.
Yours Sincerely

Margaret Redelman, Chairperson Strata 617459, 17A Cooper Park Road

Frances Smallbone <frances@bigpond.net.au>
29/06/2010 04:27 PM
To
records@woollahra.nsw.gov.au
cc

Subject
Proposed changes to zoning of 9A Cooper Park Rd

To Whom It May Concern,

RE 1064 G First CSTN 1

I live at and am the owner of 7 Cooper Park Rd and my rear courtyard adjoins 9A Cooper Park Rd.

I am extremely concerned about and oppose the proposed changes to the zoning of this Open Space. When I purchased this property five years ago I was assured that it could not be built upon as

it had been zoned Open Space to compensate for the relatively high density development further down the street at number 17A . One of my reasons for buying this property was to enjoy its open,

leafy and green surroundings.

I believe that the most appropriate use for this land is to use it as a site for a Community Garden, something for which there is much demand and would be of great benefit to the people of the

eastern suburbs and which would promote ecological awareness in the community. And it would be in keeping with its original zoning of Open Space.

I also have concerns about the increased traffic that would occur if the land was developed. The park and Scout Hall are in constant use by families and any increase in traffic would be hazardous.

Northland Rd is already narrow and without a footpath.

I am also very concerned about how the Council proposes to establish access to this land.

Yours faithfully,

Frances Smallbone.

29/06/2010

183

Site 8

WOOLLAHWA 41 Cooper Park Road
Bellevue Hill NSW 2023
29.6.10

Mr. Chris. Bluett
Manager Strategic Planning
Woollahra Council
30 JUN 2010
05861.10
1064.6 FIRST

Dear Sir,
AC NEWLRP
your ref. 1064.6. First CSTN1

I vehemently oppose the proposed
plan to develop 91A Cooper Park Road.
As it is we have traffic problems
and to introduce another residential
development is highly undesirable.

This land was gifted to the residents
of Woollahra. How can you now take
it away. Our area is already over devel-
oped with the two new unit buildings
that have been erected - when place is
vital to this area.

As mentioned in your letter "There are few
sites in Woollahra of this size that are un-
developed" - why not leave it as such.

I have lived in Cooper Park Rd for 50 years
and have witnessed the increase in traffic
and difficulty in parking.

Please give the residents more thought in
this matter.
Sincerely
Rutha Redingham



20 JUN 2010

Received

SUBMISSION FORM

 Our reference: 1064.G
 Your reference:

WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2010

30 JUN 2010

Name: ALLAN + MADELEINE SPITZER
 Please include contact details so we can inform you when your submission will be reported to Council.
 Date: 30/6/10
 Address: 18/17A COOPER PARK ROAD
BELLEVUE HILL 2023
 Phone: (02) 93283122 / 0417207917 - ALLAN / 0417207911 - MADELEINE
 Email: alspitz@hotmail.com / madsnitz@hotmail.com
☒ Keep me informed throughout the project via email

Area(s) of interest (for example, a specific clause, zoning of particular land):

REZONING OF LAND 9A COOPER PARK ROAD (old Bowring Club) FROM OPEN SPACE
TO MEDIUM DENSITY RESIDENTIAL - COUNCIL'S LETTER OF 3/6/10

Basis of submission (support, oppose, need for clarification etc.):

OPPOSE

Comments:

- 1) LAND WAS BEQUEATHED TO COUNCIL AS OPEN SPACE FOR ALL RESIDENTS BENEFIT, PRESENT AND FUTURE
- 2) OUR PURCHASE OF OUR TOWNHOUSE BLOCK IN 1998/1999 WAS BASED ON ENQUIRIES WE AND OUR SOLICITORS MADE FROM COUNCIL AT THAT TIME WHICH CONFIRMED 1), AND GAVE US CONFIDENCE THAT NO RESIDENTIAL DEVELOPMENT WOULD EVER BE PERMITTED.
- 3) THE DEVELOPER (SUNLORD) WANTED TO BUY THE LAND IN BUBSTON FROM COUNCIL AT THAT TIME, IN ADDITION TO ITS PURCHASE (FROM SLOTS LOWE) OF WHARF WE CURRENTLY LIVE (21 TOWNHOUSES AT 17A COOPER PARK ROAD) AND WERE NOT ALLOWED DUE TO 1) AND 2) ABOVE WHICH SETS THE PRECEDENT.
- 4) THE AREA ANYWAY CANNOT ACCOMMODATE ADDITIONAL STRAIN ON INFRASTRUCTURE SUCH AS, SEWERAGE, STORMWATER, CABLES, PARKING SAFETY OF PEOPLE ESPECIALLY CHILDREN.
- 5) RESIDENTIAL DEVELOPMENT AT THE SITE WHICH IS CONSIDERABLY HIGHER THAN OUR DEVELOPMENT WOULD BE UNSAFE IN TERMS OF STRUCTURAL INTEGRITY AND SAFETY AND WOULD CAUSE UNACCEPTABLE SHADOWING AND NOISE ISSUES TO MANY, IF NOT ALL, OUR 21 TOWNHOUSES.

Please use back of page or attach additional pages if necessary.

Note: You may prefer to make your submission by way of a letter.
 6) ACCESS TO THE SITE IS NOT ESTABLISHED OR DESIRABLE IN TERMS OF THE BUILDING ON THE SITE AND ITS EFFECTS

YOURS SINCERELY

FILE REFERENCE: 1064.G FIRST CSTN. WOLLALUMA SC COOPERS Park Rd
RECORDS

MR CHRIS BLUETT
MANAGER STRATEGIC PLANNING
WOLLALUMA Council.

30 JUN 2010

Bellevue Hill

2023.

Doc 05872-10 28.6.10.

File 1064.G FIRST CSTN

Action

Dear Sir

(185) Site 8 I strongly object to a Cooper Park road being rezoned.

It was given to the people of Wollaluma by the Cooper Family as parkland.

Council gave parkland to Bellevue Hill Bowling club - Council allowed them to sell this land in the 1960s thereby losing public open space.

Then Council gave this land to the people of Wollaluma as compensation for the overdevelopment at HA.

We do not want to lose open space

again.

1. Also the infrastructure cannot cope with the present amount of use.

SEWERS, ELECTRICITY TELEPHONE. ROADS TRAFFIC ARE ALL TROUBLESOME IN THIS STREET.

2. Bottle necks are already, v. bad morning and afternoons and evenings at both ends of Bellevue Rd. i.e. N South Hill Rd and Victoria Rd ends.

We suggest: Tennis or other open space use OR. community gardens - much needed by Bellevue Hill & Double Bay Schools, Redham, Holy Cross, disable adults in Old Scout hall plus all apartment dwellers, Bondi Junction Bellevue Hill and this would be user pays. We know the existing community gardens

in Wollahra (Munster Park) already have
(waiting lists)

Sincerely

Caroline Storch.

CC The Mayor.

Bellevue Hill Councillors.

P.S. The prime minister states that such
numbers of incoming people is not the
best thing for this country.

we do not want 22,000 more people
in Wollahra.

we do not want to lose any more
open space.

Council should be preserving open
space for future generations.

Please listen to the rate payers
of this area around Cooper Park.

Wollahra Municipal Council
Customer Service Department

30 JUN 2010

Received

"John Lance" <jlance@tpg.com.au>
30/06/2010 06:19 PM
To
<records@woollahra.nsw.gov.au>
cc

Subject
File ref 1064.G - First CSTN 1

For the attention of all Council Members

Dear Mr Bluett,

I wish to object to the proposed rezoning of 9A Cooper Park Rd on the grounds that:

1. It would be one more encroachment on the limited open space remaining in Woollahra. Your Council has a history of alienating these precious areas over many years and any loss is irreversible.

2. The circular to residents is totally inadequate. The map is barely legible and there are no specifics as to the area involved nor alternative uses to which it could be put. Surely your planners could have volunteered a number of alternative uses, including lawn tennis, market garden, community garden, botanic garden, nursery, exotic park, and the like. I'm sure you can add to this list.

3. There is little point in our visiting the site as all one can see is a staircase and locked gate. Why not ask local architects and landscapers to compete with submissions and even advertise an open day, perhaps with an on-site BBQ and display the alternatives, with Council members present? Would this not be more fitting than a one page "fact sheet"?

4. You mention that monies derived could be "directed back to other community open space provisions" but again there are no specifics and this probably means an extra slippery-dip or two and a few young gum trees. The only satisfactory use of the funds would be to buy back an equivalent area and convert it to open space, which is probably not what you have in mind.

5. Woollahra has a poor 'green' record as far as recreational facilities are concerned and this would be one major contribution which would partially redeem the lack of past initiatives.

6. The traffic congestion in the municipality is getting worse by the day and I would question the LEP requirement for 2,175 dwellings, especially away from the main roads, in what used to be quiet suburban streets.

Sincerely,
John Lance
8 Cooper Park Road,
Bellevue Hill

To: <Brendan.Metcalf@woollahra.nsw.gov.au>
From: "Adam Ehrlich" <aehrich@bigpond.net.au>
Date: 06/29/2010 09:22AM
Subject: 1064.G- First CSTN 1 9A Cooper Park Road, Bellevue Hill

RE: 1064.G- First CSTN 1
9 A Cooper Park Road, Bellevue Hill
Dear Mr. Brendan Metcalfe

I am writing as a resident that surrounds 9A Cooper Park Road.

I wish to express that we are strongly opposed to any attempt to rezone 9A Cooper Park Road from 'open space' to any residential zoning.

9A Cooper Park Road is part of the "Cooper Park Plan of Management" and we strongly believe that any attempt to rezone or sell this land to private developers would be a terrible mistake and we would vigorously resist such a proposal.

We urge you to please stop proceeding further down the path of rezoning and rather look to reinstating the property as a park, for which it was intended when the S94 grant was originally made. To do otherwise in our view would be a disservice to the community and an unsound planning decision.

We strongly object to any rezoning of open space and we strongly support any improvements towards maintaining the park.

Thank you for taking the time to consider this matter. Please call me at anytime on 0409901190, or email aehrich@bigpond.net.au

Sincerely,

Adam Ehrlich

SKEB

(210)

WOOLLAHRA MUNICIPAL COUNCIL
RECORDS

Barry Glick
Unit 2, 17a Cooper Park Rd
Bellevue Hill

Woollahra Municipal Council
Ref 1064.G – First CSTN 1

- 1 JUL 2010

29TH JUNE 2010

Doc No 05885.10
File 1064.G FIRST CSTN
Action Newlep/Woollahra.

Dear Council

I wish to propose concern of the proposal to use the space identified in this file for anything other than open space or garden. My understanding is that this space was part of an agreement dating back to the late 1990's when the estate of townhouses I live in was developed. The provision of this open space was to ensure that there would not be an overcrowding of this area. Since that time the "Cooper Peak" building was completed, adding to the population of this quite small area. To add another community of around 16 dwellings will mean that the infrastructure burden on an already congested local area will increase.

This space should be maintained as open space or community gardens. The current access to this block is very tight and it would make a perfect local garden for the surrounding properties adding to the ever-shrinking parkland of the council area. It could be a dedicated park/community garden giving the existing 40 or so attached dwellings a lovely piece of green as well as providing a traffic free haven for families to use.

To allow development of this area would place extra stress on the local traffic down Cooper Park Rd which has already been identified as a speedway having caused the construction of a speed hump. With the local bus route being limited to 1 per hour it is obvious that more cars will be used in this tight space putting more pressure on both the junction at the top of Bellevue Road and that of New South Head Rd.

Please consider this objection,



Barry Glick
Unit 2, 17a Cooper Park Rd

File 8 215

WOOLLAHRA COUNCIL
RECORDS DEPT.

Dr Robert Baume

From: Robert Baume [robbaume@hotmail.com]
Sent: 28 June 2010 20:16
To: Dr Robert Baume

01 JUL 2010
Dec 10 05:02:10
File1064.4 FIRST CSTN
Action.....NEILED

"Dear Mr Bluett

re
9A Cooper Park Road, Bellevue Hill (reference: 1064.G - First CSTN 1)

Thank you for your letter of 3 June 2010 and the attachments to it. My parents live at 11 Cooper Park Road, Bellevue Hill and they have asked me to send this letter on their behalf. They have lived there for over 38 years and are as a result very familiar with the area and surrounding neighbours having witnessed many comings and goings and changes over that time.

They make clear at the outset that they think the proposal for re-zoning of 9A Cooper Park Road, Bellevue Hill is not a sound one and, with respect, is fundamentally misguided.

The 9A Cooper Park Road site is currently zoned Open Space and is classified "community" rather than "operational land". The reason it is zoned as it currently is and has the non-operational status it does, can be traced back to the time when Council originally approved the large scale development currently at No. 17 Cooper Park Rd comprising a large number of units. As part of the original consent for that occurring and instead of there being a financial contribution by the developer, under section 94, as would usually be the case, the land in question here was specifically set aside in lieu of it. By way of evidence for this, I draw to your attention the Development Control Plan of 21 June 1995, which was specifically created for this site and direct your attention to paragraph 3(c) of it. The residential development as will be seen from the plan attached, was zoned 2(b) and what is now 9A Cooper Park Road, was zoned 6(a). The 9A Cooper Park Road site was, in short, dedicated for community use. Nothing has changed in the ensuing period that would warrant such purpose being altered.

The only reason one can draw for wishing to re-zone it which is clear enough in the Opportunity Site Summary document attached to your letter is so that in turn further building could occur on the site (and Council derive income from the initial sale and downstream rates) and it has been suggested in the document that something like 16 units could be built on the site. That would be an extremely unfortunate occurrence and result in a gross overdevelopment of the area around our home and the neighbouring houses along Cooper Park Road.

It seems to them that such a development would be out of character with the surrounds and far too intense. Further and perhaps even more fundamentally, one would ask why would the property be re-zoned when in practice if it were to have units built on it, the very access to those units would be extremely limited if not actually impractical. In this regard, the only direct access at present to 9A Cooper Park Road is through a very narrow steep strip of land that in their opinion simply would not work for the volume and regularity of vehicular access to 16 units or indeed anything more than perhaps a couple of dwellings, if at all. If this access lane was used the considerable traffic through this very narrow laneway would go directly behind their bedrooms which really doesn't seem fair for elderly people who have been living there for so long.

The nature of the site makes it unsuitable for a redevelopment in the fashion proposed.

In addition, were there to be a re-zoning with a view to permitting such a development, a great deal more parking would need to be provided for on the site. We do not know how that could be practically achieved. The parking/cars **issue in turn, would lead to greatly increased traffic in and on Cooper Park Road, not only for** residents of such a new development, but of course, their visitors too.

The nature of Cooper Park Road at present is a very quite residential street, but the addition of such further building consequent upon a re-zoning would change that dramatically.

You should also note that while one side of Cooper Park Road is built up, the other side is a playing area which is adjacent to Cooper Park. That playing area is used extensively by children and particularly on weekends is a site of regular birthday parties and other events, each of which has its own large traffic and parking burden. Finally, we note that the 9A Cooper Park Road site is technically part of Cooper Park itself, being subject to the Cooper Park Plan of Management of February 2001. Note in particular references to it on pages 20, 21, 22 and 36 of that Plan. Cooper Park is a vital community resource that should not be reduced in any way.

Having regard to all of these factors, they strongly oppose a re-zoning of the 9A Cooper Park Road property from Open Space to any operational status. They think that to do so would not serve the interests of the community and in any event would not be a site that could or should practically be redeveloped in all the circumstances."

Robert Baume (son of Max and Edith Baume)



Meet local singles online. [Browse profiles for FREE!](#)

Units 16 – 21
17A Cooper Park Road
Bellevue Hill NSW 2023

1 July 2010

Mr Chris Bluett
Manager Strategic Planning
Woollahra Council

File reference 1064.G - First CSTN 1

Dear Sir

Re: 9A Cooper Park Road, Bellevue Hill – Proposed Rezoning

We refer to the above and council's proposal to rezone 9A Cooper Park Road, Bellevue Hill, from zone 6 open space to R3 Medium Density Residential with a 0.75:1 FSR and 9.5m height limit.

As residents of the townhouse development to the south of the subject property we strongly object to the proposed rezoning for the following reasons;

1. We have previously been advised by council and have received legal advice to the effect that the subject land would always remain in council's hands and that it would not be sold off to developers. We understand the land was in fact bequeathed to council as open space and as far as we know must remain that way.
2. We object to the loss of open space. Pockets of open space such as this provides important relief between houses and unit developments significantly contributing to the open and leafy character of the area. This is supported by the councils residential DCP. The Woollahra Residential DCP 2003 describes the precinct as having "significant parklands and open space" and lists one of the Desired Future Character Objectives as follows; "To reinforce the precinct's landscape setting by minimising alterations to the landform and preserving the existing tree canopy". The area when viewed from the harbour retains a large amount of open space. By developing the small pockets of open space such as this, the character of the area will be detrimentally affected.
3. We object to the suggestion that a Medium Density Development is appropriate for the subject property. To our knowledge this has not been tested by way of any development guidelines or models to determine the potential impacts of any such development.
4. Furthermore, we regard the proposal to allow a development with an FSR of 0.75:1 on a land-locked property as inappropriate and not in-keeping with Part 4.6 - Woollahra Residential DCP 2003, Desired Future Character Objectives - Bellevue Hill South Precinct, clause 04.6.1; "to establish a transition of development scale from the detached dwelling houses of much of Bellevue Hill to the residential flat buildings that address the major streets - Birriga Road, Old South Head Road and Victoria Road – situated along the precinct ridgeline."

5. 9A Cooper Road is immediately to the north of our property separated only by a boundary retaining wall that is approximately 10m to 15m high. The retaining wall significantly overshadows our property throughout the year affecting our north facing private open space, courtyards and balconies. The ground level of 9A Cooper Park Road is at the same level as the top of the retaining wall. Any redevelopment of the subject land will exacerbate the overshadowing problem and detrimentally affect amenity on our property.
6. In addition to the potential impact on our open space, the overshadowing also affects sunlight access to our townhouses resulting in the need for more energy for lighting and heating, particularly in the winter months.
7. Due to the difference in the ground levels between the two properties we are also concerned about the potential loss of privacy should the land be developed in future.

We respectfully request that council immediately remove this site from the list of "Opportunity Sites" in order to preserve the character of the area and to prevent any future development on the property that will have significant environmental impacts on our townhouses.

Yours sincerely

Julian Segal
20/17A Cooper Park Road, Bellevue Hill

For and on behalf of the residents:

Mr KK Wong – Unit 16

Mr KK Leung – Unit 17

Mr A Spitzer – Unit 18

Mr M Kahanovitz – Unit 19

Mr J Segal – Unit 20

Ms L Segal – Unit 21

"Valli" <valli@sydney.net>

01/07/2010 12:31 PM

To

<records@woollahra.nsw.gov.au>

cc

Subject

(REF: 1064.6-1stCSTN1) Re: 9A COOPER PARK ROAD, BELLEVUE HILL (REF: 1064.6-1stCSTN1)

REF: 1064.6-1stCSTN1

Attention: Mr C Bluett
Manager, Strategic Planning
Woollahra Municipal Council
PO Box 61
DOUBLE BAY
NSW 1360

Dear Sir,

RE: PROPOSED REZONING APPLICATION.
COOPER PARK BOWLING GREEN, 9A COOPER PARK ROAD, BELLEVUE HILL.

My email is in relation to the above application. As a resident of Bellevue Hill, I am strongly opposed to the rezoning of the above property to a medium density development.

As there are already various properties surrounding the space and no vehicle access, it is obvious that this area is not suitable for a development of any kind. It is currently zoned as 'open space' so it makes sense to improve the area so that families/children have access to the area and enjoy the greenery and open space. Perhaps the area should be opened up to the public as a picnic site and maintained by the residents. There should be a focus on improving the existing space rather than re-zoning the area.

In summation, I strongly oppose a development of any kind at the above property and believe that it will negatively impact on the area and provide no gain whatsoever. I provide Council with full support to keep the area as a space that can be used by the general public.

I thank you for your time, please consider my comments.

Kind regards,

Valli Cottle

Sylvia Carling
2/1-3 Cooper Park Rd
Bellevue Hill
NSW 2023
July 1, 2010

Anne White
Strategic Planning
Woollahra Municipal Council
536 New South Head Rd
Woollahra
NSW 2028

Dear Ms White:

I am writing in response to the rezoning of 9A Cooper Park Rd from open space to residential.

File Reference is 1064.G-First CSTN 1

The site was zoned as open space, in response to community objections, when the large development of 21 residences was built at 17A Cooper Park Rd. Council assured the community that the site would not be used for residential purposes as 17A was such a large development. I have lived in this street for 10 years and have never received any invitation from the council as to how the land could be used by the community. It would be a perfect site for a community garden set up similarly to the one in Paddington. I'm sure that the local schools would also love to be involved. Once set up, the cost to council would be minimal.

Zoning this site as residential is an unusual move as access to the site is difficult for any vehicle. Does council know how this will be resolved? Current access would make any development of the site impossible. It doesn't make sense to rezone it.

There is little demand for 'medium residential' properties in the street. Of the nine apartments on the Corner of Cooper Park Rd and Bellevue Hill, only three have been sold in the 20 months that they have been on the market.

Look at the success of the playground at North Cooper Park beside the Community Hall! It is very popular with young families and the hall is booked every week end for parties. 9A Cooper Park Rd should be reserved for similar community use, not as another over developed building site.

Sincerely,

Sylvia Carling
0412382012

To: Woollahra Council
From: Gary Spreckley
Date: 1 July 2010
FAX NO: 9391 7044

RE: Opportunity Site 8: Cooper Park Bowling
Green, 9A Cooper Park Road, Bellevue Hill

Message

Dear Sirs

Please find attached to this FAX, my submission form with regard to Opportunity
Site 8: Cooper Park Bowling Green, 9A Cooper Park Road, Bellevue Hill, NSW
2022

Yours sincerely

A handwritten signature in black ink, appearing to be 'Gary Spreckley', written in a cursive style.

Gary Spreckley
5/60 Bellevue Road,
Bellevue Hill
Sydney NSW 2023



Our Reference 1064.G
Your Reference: —

SUBMISSION FORM

WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2010

Name: Gary Spreckley

Please include contact details so we can inform you when your submission will be reported council.

Date: 30 June 2010

Address: 5/60 Bellevue Road
Bellevue Hill NSW 2023

Phone: 9290 0867

Email: gary.speckley@generalpantsgroup.com

☒ Keep me informed throughout the project via email

Area (s) of interest (for example, a specific clause, zoning of particular land):

Opportunity Site 8: Cooper Park Bowling Green, 9A Cooper Park Road, Bellevue Hill

Basis of submission (support, oppose, need for clarification etc):

Oppose – rezoning from Zone 6 Open Space to R3 Medium Density Residential and use of site as an Opportunity Site.

Comments:

1. Cooper Park Bowling Green, 9A Cooper Park Road, Bellevue Hill ("the Site") is currently zoned, Zone 6 Open Space and is classified as Community Land. No other Opportunity Sites identified by Woollahra Council is zoned Open Space or is Community Land. Areas of Open Space and community land should remain so for the benefit of all residents.
2. The most suitable use for the Site would be as a Community Garden, as the Site complies with all the Site Selection Criteria set out in the Council's "Community Gardens Policy" namely:
 - (a) it is consistent with the current zoning and management of the reserve,
 - (b) it would have supportive neighbours and interest,

1/07/2010

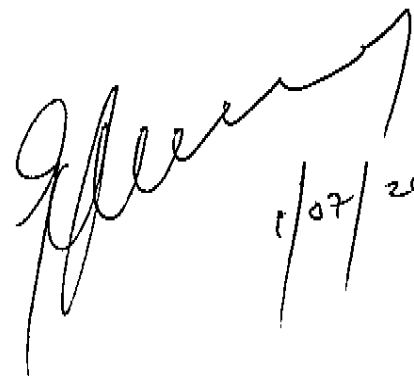
- (c) the site is available and usable as a community garden having previously been a bowling green,
- (d) it is in the middle of a high density living area
- (e) it has perfect soil and drainage as the site was previously a bowling green
- (f) it has sun exposure
- (g) has accessibility to public transport and infrastructure
- (h) is of an area of approx 750m²

The Site is very similar to the first Community Garden in currently approved by Woollahra Council being the Paddington Community Garden.

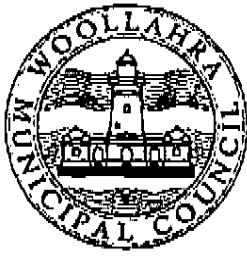
3. Alternative suitable community and/or open space used would be:
- (a) a dog free exercise area,
 - (b) child day care or
 - (c) community centre for the elderly or other groups

to be located on the site of the old bowling club.

4. The Site is not suitable for development as a R3 Medium Density Residential as:
- (a) it has access issues which have not be resolved by a private developer,
 - (b) council can only resolve the access issues by compulsory acquisition of part of No 17 Cooper Park Road for a public purpose such as in Para 1 above, Part of No 17 Cooper Park Road cannot be acquired by a private developer as No 17 Cooper Park Road cannot otherwise be partitioned.
 - (c) should Council rezone and sell the property as R3 Medium Density there is no assurance to Council that a private developer will complete the development as it may be unable to resolve the access issues therefore the rezoning would not achieve the aims of identifying it as an Opportunity Site and no new additional dwellings or jobs would be created.
 - (d) R3 Medium Density development would have negative impacts on the surrounding area and adjoining properties especially in relation to traffic noise and traffic impacts in Cooper Park Road.



1/07/2010



Community Gardens Policy

Our policy

Woollahra Council recognises community gardening as a valuable recreational activity that contributes to health and well-being, positive social interaction, community development, environmental education and sustainable principles, protection and use of open space.

Definition

A 'community garden' is defined as a parcel of public open space operated by the community (with Council assistance), where the site is used for:

- the production of produce for the personal use of its members through allotments or shared plots, and
- demonstration gardening or where other environmental activities are undertaken also encouraging the involvement of schools, youth groups and citizens in gardening activities

Objectives

The objectives of this policy include:

- recognising the need and benefits of community gardens,
- establishing community gardens throughout the Woollahra Municipality on public open space, where feasible and appropriate,
- recognising the value of community gardens as a public amenity
- ensuring that all community gardens are managed in an efficient manner and maintained to an acceptable standard,
- acquiring, sharing and increasing knowledge and practice of organic gardening with various educational institutions and the local community, and
- offering a suitable site for Council environmental workshops and educational days.

How this policy relates to our Management Plan

This policy is prepared in accordance with the objectives of the Parks & Public Space Principal Activity. The objectives include the following:

- To provide open space and recreational facilities, which meet the needs of the community
- To promote appropriate use of open space and recreational facilities for the well-being of the community.

Community Gardens

Council Support for Community Gardens

Woollahra Council supports community gardens by working with community partners, assisting to identify and contribute to site development activities.

Subject to available resources we will:

- promote and raise awareness of community gardening,
- provide information to the public about the operation of community gardens,
- assist interested groups in searching for suitable public land for the development of community gardens,
- assist with site development, such as site planning and design, surveying and site preparation, and
- provide in-kind support where feasible (ie water options, mulch, etc)

Site Selection Criteria

Woollahra Council supports the development of community gardens, particularly in high density areas in the Municipality. Woollahra Council will assist in locating new garden sites, where available land exists, where neighbours are supportive, and where a community group demonstrates interest and commitment. In identifying new sites for community gardens, the following guidelines should be considered:

- Consistency with the relevant Plan of Management for the reserve
- Interest and commitment of a gardening group
- Informed and supportive neighbours
- Availability and usability of site
- Proximity to high density living areas
- Soil quality and drainage
- Sun exposure
- Accessibility to public transport
- Close proximity to supporting infrastructure such as water and car parking
- An area of approximately 750m²

Consideration will also be given to ensure existing park users are not displaced as a result of the installation or citing of a community garden.

Where community gardens are proposed to be created close to adjoining residents, Council will consult with the affected residents and, where objections are raised, report on the matter to Council for its consideration.

User Agreement – Non-Profit Community Group and Community Garden Member

The non-profit organisation agrees to develop, manage and operate the community garden according to a user agreement with their members, which specifies the terms of use, management responsibilities, user fees and access procedures, which include the following:

Community Gardens

- Residents of the Woollahra Municipality will be given priority for membership, however, it will be open to all on a first served basis
- The association may set rules with the assistance of the Office of Fair Trading. Rules must not be inconsistent with Council's Community Garden Policy
- A list of by-laws are developed by the association and must comply with Section 11 of the *Associations Incorporation Act 1984* approved by Council (Staff). Members are required to sign a contract indicating their compliance
- Membership and use of the site can be revoked for non-compliance with the organisations by-laws, the applicable user agreement or this policy
- Gardeners need to commit to work within the communal garden and may need to undertake various courses before being allocated an individual allotment. Gardeners must be nominated by two current members
- Allotment gardens must be maintained to a minimum standard of aesthetics and orderliness. Year-round produce is encouraged
- Produce is to be organically grown and not to be sold for private profit. Excess produce can be donated
- The organisation is to have its own Public Liability Insurance (becoming a member of a Landcare group can reduce the cost of the PLI).
- Allow monitoring and review as stipulated by the agreement.
- No livestock (such as poultry) is to be kept in the garden area.

Management Framework

Community Gardens will be licensed to an incorporated community group with an approved Public Liability Cover of \$10 million that indemnifies Council. This community group will be required to manage safe access in and around the site and, if necessary allocation of garden plots. Management of the site will also need to follow Council's direction in the issue of Environmental Sustainable Development and encourage all members, through its functions and activities, to act more sustainable.

The incorporated community group will liaise with Council staff in regards to any new infrastructure or projects planned for the garden. Prior to erection / installation of any infrastructure, written approval from Council or, where required, Development Consent will be required.

The group will be required to report quarterly to Council on the function of the garden and how they are meeting Council objectives.

Information regarding community gardens will be advertised through Council's website and publications. It will also be advertised to the community at Council's community centres and during Council promotions and events.

Licence/Lease for Use

A licence for use agreement must be signed between Woollahra Council and the organisation for the purpose of developing and maintaining a community garden. The licence agreement would also contain conditions for the use of the site.

At the initial set up of a new garden, a license will be granted for 12 months with an option for a 3 year agreement after this period. All community gardens will operate on a not-for-profit basis.

Implementation

Upon Council receiving a request from the community for a community garden, an assessment will be undertaken in accordance with the above provisions.

Want to know more?

For further information on this policy, contact our Public Open Space Department. Advice is available from Councils:

- Parks and Recreation Coordinator on 9391 7142

Version: draft

Approval date:

This part of our policy provides an overall summary of the intention and reason for a policy. Specific implementation procedures are available on request. The General Manager has approved this policy and the attached procedures.

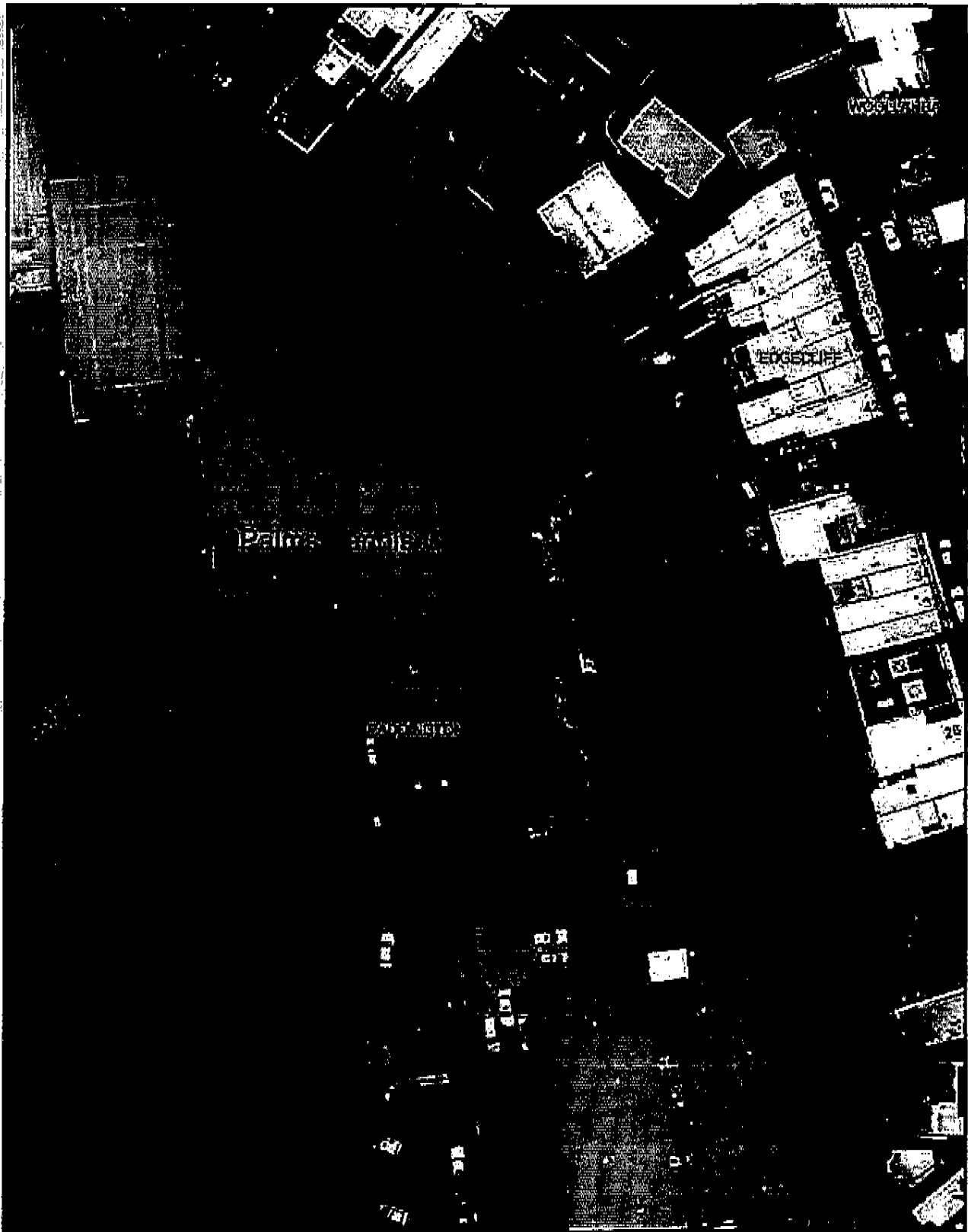
Gary James, General Manager

Community Gardens



Paddington Community Garden

Aerial View



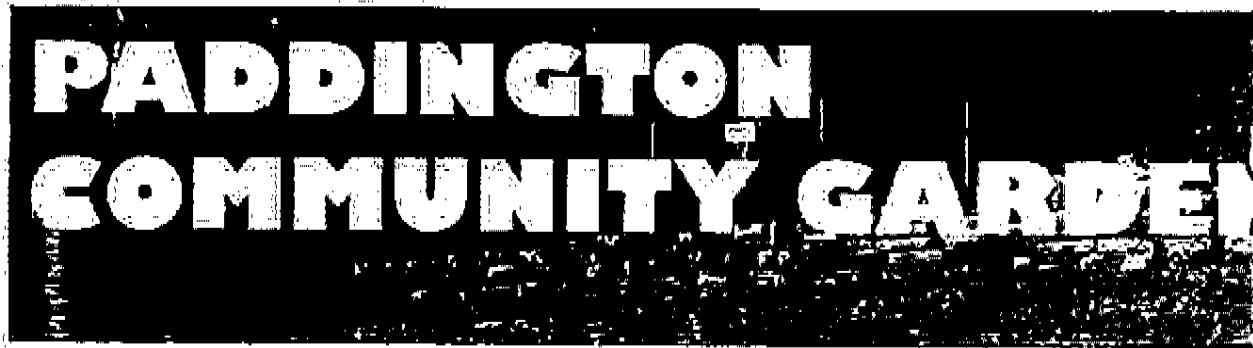
Scale = 1:597

Metres 10 20 30 40

5/05/2008

paul





News

About PCG

Committee

Objectives of
Paddington Community
Garden

What is a community
garden?

Members Information

Organic Principles

Code of Conduct

Composting Guide

Pest Control

No Dig Information

Teams

Calendar

Photo Gallery

Links

Pest Management

Plot Maintenance

Seeds

Other Gardens

Join Us

Location

Contact Us



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About PCG >

Objectives of Paddington Community Gard

A Meeting Place:

A convivial place for people to mix with a group, diverse in age, background which contribute to a sense of community

A Growing Place:

A space in an inner suburb where fresh organic food – vegetables, herbs, fruit locally.

A Learning Place:

To share gardening knowledge with members and visitors about sustainable solar harvesting.

A Healthy Place:

To provide a place for social interaction, physical exercise, nutritious organic

A Beautiful Place:

To create an environment that is in harmony with nature and our neighbours

9A Cooper Park Road, Bellevue Hill (reference: 1064.G - First CSTN 1)
Schaffer, Ron
to: newlep
01/07/2010 09:01 PM
Cc: sean.carmichael, nicola.grieve, isabelle.shapiro

Dear Mr Bluett

Thank you for your letter of 3 June 2010 and the attachments to it.
We live at 70 Bellevue Road, Bellevue Hill. We have lived there for 10 years and in that time have become very familiar with the area and surrounding neighbours having witnessed the comings and goings and changes over that time. Our home backs on to 9A Cooper Park Road, Bellevue Hill ("the site")
We think the proposal for the re-zoning of the site is not well founded and proceeds on a number of wrong premises.

Current Zoning and History

The site is now zoned Open Space. The site is classified "community" not "operational land". Its current zoning and non-operational status goes back to the time Council first approved the large multi - unit development currently at No. 17A Cooper Park Road. That was a departure from the type of building that had been in place in the area at the time.

In order to get Council's consent for that 17A Cooper Park Road development to occur, the developer of that property, rather than making the more common financial contribution, under section 94 of the Local Government Act, as would usually be the case, agreed with Council instead specifically to set the site aside from the overall project. The Development Control Plan of 21 June 1995, specifically created for the project shows precisely what occurred. Paragraph 3(c) of it spells out the nature of the grant by the developer. The 17A Cooper Park Road residential development shown on the plan attached to it, was zoned 2(b) and the site was zoned 6(a). The site was quite clearly then dedicated and set aside for community use. There was a deliberate consideration and decision made then to avoid an overdevelopment in the area and to maintain open space for the neighbourhood. We know of nothing that has since changed to justify that purpose being altered.

The only reason we know of being advanced for a rezoning of the site appears from the 3 June 2010 letter, ie it is for more building to take place on the site to satisfy state government aims for dwelling targets.

The suggestion in that letter that up to 16 more units would be built on the site is most undesirable and would not at all be in keeping with the general surrounds of the site and a bad development decision for the area around our home, the other homes on Bellevue Road backing on to the site and the other houses along Cooper Park Road adjacent to it.

The proposed rezoning would only be done, as mentioned above, if there were then in turn to be a development of the site based on it. That development however that would result would be out of character with the surrounds and far too intense having regard to the number of units proposed.

Problems with the Site

At the root of this however, and harking back to our comment at the start that any rezoning as proposed would be proceeding on a wrong premise, one has to have regard to the practicalities of any consequent development of the site. Were it proposed to build units on it, how could access to the site to do the very building be obtained? The access to the site is extremely narrow (acknowledged in the document accompanying your 3 June 2010 letter) and we doubt that any useful development of the site pursuant to a rezoning could even be practical. Currently the only direct access to the site is through a very narrow sloping piece of land that in turn just could not be suitable for what would be needed to accommodate the eventual volume and frequency of cars going to and from the 16 units, if built.

Practically, a couple of town houses on the site might work, but that would not be consistent with the aims of the state government put forward to create a

large number of new dwellings - in short there are far better and easier development sites available than this site. The nature of the site makes it unsuitable for redevelopment as the state government would hope.

We expect that if access problems were sought to be overcome and we doubt they can, there would need to be substantial excavation of the site. This too would adversely affect the surrounding dwellings

A rezoning and development as proposed would adversely affect the amenity of all the neighbours surrounding the site. For example, we have observed a new home being built at 17 Cooper Park Road that would most directly be affected by any new unit building following a rezoning of the site, as it would be right behind and over that home.

More Cars

Parking and traffic are also problems that would arise if there were a rezoning and development of the site. 16 units would need a lot more parking on the site. That may not even be practically achievable in the site constraints and on street parking would not be solution. Having the cars for the units on the site (and their visitors) continually going to and fro along the narrow access strip to Cooper Park Road from the site would be an ongoing annoyance to all the surrounding neighbours. The cars belonging to owners (and their visitors) of any units built on a rezoned site would in turn lead to greatly increased traffic on Cooper Park Road, a quiet residential street..

Any units built on the site if it were rezoned would significantly change the present character of Cooper Park Road. All the cars from such new units would also need to exit Cooper Park Road, presumably on to Bellevue Road. Bellevue Road is a well known main thoroughfare with an already very heavy traffic load and itself undergoing traffic calming moves. There would certainly be increased problems turning in and out of Bellevue Road for the added Cooper Park Road traffic the resulting development from any rezoning would generate.

As you would be aware, one side of Cooper Park Road has homes on it and opposite is a playing area next to Cooper Park. Children use the playing area extensively. On weekends in particular it is regularly occupied by birthday parties and other social events. They all in turn have their own traffic and parking burdens. Also situated on the other side of Cooper Park Road on the playing area is a community building with people regularly going in and out of it.

A development following any rezoning of the site would exacerbate traffic problems.

Community Park

The site is part of Cooper Park itself. There are express references to the site in the Cooper Park Plan of Management of February 2001 (pages 20, 21, 22 and 36). Cooper Park is a vital community resource that should not be reduced in any way. The Council should, consistently with that, rather look to finding a public use for the site, as was intended originally. It is not just about finding new houses, but the state government is also committed to protection of the environment.

Having regard to all of the above, we wish you to note our emphatic opposition to a rezoning of the site as proposed from open space or to any operational status. It would not serve the interests of the community and as we have made clear above in any event it is not a site that could or should practically be redeveloped in all the circumstances.

We should also point out that we have consulted Mr Tony Moody, a town planner, about the merits of the proposal and he will be making further formal submissions on our behalf (and on behalf of other neighbours) to supplement these, but we wished for now to put on the record our views from the lay perspective.

Regards

Ron & Melissa Schaffer

File

8

253

Fw: FW:
Records Desk to: NewLEP

02/07/2010 10:24 AM

----- Forwarded by Records Desk/Woollahra Council on 02/07/2010 10:23 AM -----



Thomas Kertesz
<t_kertesz@hotmail.com>
01/07/2010 05:58 PM

To <records@woollahra.nsw.gov.au>
<isabelle.shapiro@woollahra.nsw.gov.au>,
cc <nicola.grieve@woollahra.nsw.gov.au>,
<sean.carmichael@woollahra.nsw.gov.au>
Subject FW:

Please forward this email to Records if it is an official Council Document.
Records will register it for you

Ms Anne White
Woollahra Council

RE: FILE REF NO 1064G
Dr Thomas Kertesz

17 Cooper Park Rd

Dear Ms White,

I write to you as the concerned resident of 17 Cooper Park Rd Bellevue Hill. I purchased this property in 2004 and am currently 16 months into its comprehensive renovation. These major life events were undertaken by my wife and I with the assumption that the land behind us (9A Cooper Park Rd) was zoned for public use and not for the purposes of a large development which would tower over our dwelling, affecting our privacy and sunlight, as well as increasing dramatically the traffic through our street - a street used continually by small children (including our own 3) on their way to the scout hall for birthday parties. I should therefore make clear at the outset that I think the proposal for re-zoning of 9A Cooper Park Road is not a sound one and, with respect, is fundamentally misguided.

The 9A Cooper Park Road site is currently zoned Open Space and is classified "community" rather than "operational land". The reason it is zoned as it currently is and has the non-operational status it does, can be traced back to the time when Council originally approved the large scale development currently at No. 17A Cooper Park Rd comprising 21 town houses.

As part of the original consent for that occurring and instead of there being a financial contribution by the developer, under section 94, as would usually be the case, the land in question here was specifically set aside in lieu of it. By way of evidence for this, I draw to your attention the Development Control Plan of 21 June 1995, which was specifically created for this site and direct your attention to paragraph 3(c) of it. The residential development as will be seen from the plan attached, was zoned 2(b) and what is now 9A Cooper Park Road, was zoned 6(a). The 9A Cooper Park Road site was, in short,

dedicated for community use. Nothing has changed in the ensuing period that would warrant such purpose being altered.

The only reason one can draw for wishing to re-zone it which is clear enough in the Opportunity Site Summary document attached to your letter is so that in turn further building could occur on the site (and Council derive income from the initial sale and downstream rates) and it has been suggested in the document that something like 16 units could be built on the site. That would be an extremely unfortunate occurrence and result in a gross overdevelopment of the area around our home and the neighbouring houses along Cooper Park Road.

It seems to me that such a development would be out of character with the surrounds and far too intense. Further and perhaps even more fundamentally, one would ask why would the property be re-zoned when in practice if it were to have units built on it, the very access to those units would be extremely limited if not actually impractical. In this regard, the only direct access at present to 9A Cooper Park Road is through a very narrow steep strip of land that in our opinion simply would not work for the volume and regularity of vehicular access to 16 units or indeed anything more than perhaps a couple of dwellings, if at all. The nature of the site makes it unsuitable for a redevelopment in the fashion proposed.

In addition, were there to be a re-zoning with a view to permitting such a development, a great deal more parking would need to be provided for on the site. I do not know how that could be practically achieved and while it may be said that this is a downstream, not a planning concern, one must be practical about these matters and look at the like consequences of decisions too. The parking/cars issue in turn, would lead to greatly increased traffic in and on Cooper Park Road, not only for residents of such a new development, but of course, their visitors too.

The nature of Cooper Park Road at present is a very quite residential street, but the addition of such further building consequent upon a re-zoning would change that dramatically. Also, there would be a funnelling out of cars on to and from Bellevue Road, the main and a very busy thoroughfare, and attendant difficulties turning in and out of Bellevue Road itself. Again, assuming some means were worked out to access the land for development (and, as we have said, we doubt that there is a practical solution it to) substantial excavation would be required. This too would adversely affect the surrounding dwellings. We have spent a great deal of time and funds rectifying major drainage issues caused by run-off from above and feel anxious about the implications of further development "upstream" from us.

Finally, I note that the 9A Cooper Park Road site is technically part of Cooper Park itself, being subject to the Cooper Park Plan of Management of February 2001. Note in particular references to it on pages 20, 21, 22 and 36 of that Plan. Cooper Park is a vital community resource that should not be reduced in any way.

Having regard to all of these factors, I vehemently oppose a re-zoning of the 9A Cooper Park Road property from Open Space or to any operational status. I think that to do so would not serve the interests of the community and in any event would not be a site that could or should practically be redeveloped in all the circumstances.

Thank you for your consideration,

Dr Thomas Kertesz

MOODY & DOYLE

TOWN PLANNERS

Tony Moody BTP (UNSW), LL.B (UTS) (Hons.)
Lance Doyle M.Plan (UTS) B.App Sc. (UWS) MPIA

OUR REF: TM: CH:10068TM
YOUR REF: 1064.G – First CSTN 1

2 July, 2010

Mr C Bluett
Manager, Strategic Planning
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Email: records@woollahra.nsw.gov.au

cc: C Bluett - chris.bluett@woollahra.nsw.gov.au
R Schaffer - rschaffer@claytonutz.com
A Ehrlich - aehrlich@bigpond.net.au

Dear Sir,

RE: **PROPOSED REZONING APPLICATION, YOUR REF: 1064.G – FIRST
CSTN 1,
PPTY: COOPER PARK BOWLING GREEN, 9A COOPER PARK ROAD,
BELLEVUE HILL.**

I refer to the abovementioned Rezoning Application.

I was requested by a number of adjoining owners to examine the proposed rezoning and to provide my comments on the proposed rezoning.

I confirm that I have made a detailed inspection of the subject site and perused relevant documents and plans including an inspection of Council's files relating to the history of the subject site.

In my professional view, I consider that the proposed rezoning is not supportable for the reasons outlined in this submission. I provide this submission based on my background and experience. I am a Consultant Planner with 15 years experience in 3 Local Government Councils, including 9 years as Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW, Sydney and also a Bachelor of Laws Degree (Hons) from the University of Technology, Sydney including a High Distinction in Environmental Studies. I have appeared as an Expert Planning Witness for 9 Councils in the Land and Environment Court (including Woollahra Council) and I have also appeared as a

Moody & Doyle Pty. Ltd.
ACN 102 593 215 / ABN 24 102 593 215

First floor, Suite 102, 25 - 29 Berry Street,
North Sydney, N.S.W 2060
Telephone: (02) 9922 1655 Facsimile: (02) 9922 3544
Email: mdplanning@mdplanning.com.au

Court Appointed Planning Expert in numerous Appeals (a number involving Woollahra Council).

My objections are as follows:-

1. Prior Decision of Woollahra Council

As noted in Council's own document entitled "Cooper Park – Plan of Management" (POM), Council gained ownership of the subject site "as part of a Developer's compliance with Section 94 of the Environmental Planning and Assessment Act 1979". Thus, instead of the Developer paying Council the standard Section 94 Contribution, Council accepted the dedication of the subject site as payment "in kind". It must be stressed that the dedication of the subject site was expressed as Condition of Consent for the adjoining medium density development and, presumably, Council would not have granted approval of the application but for the dedication. The decision of Council to accept dedication of the subject site was a clear representation by Woollahra Council to establish a park on the subject site not only to the future occupants of the approved medium density development but also to adjoining owners.

In my view, any decision to now rezone the subject site for medium density development is clearly contrary to the abovementioned representation by Woollahra Council not only to future occupants of the approved medium density development (which is now built) but also to adjoining owners.

2. Suitability of Subject Site for a Park

The subject site is clearly suitable for a park rather than for a medium density development. This is not only my professional view but is the view of Woollahra Council based on Council's numerous previous decisions and comments relating to the subject site. These decisions and comments include the following;

- The first Council decision was in 1992 when Council accepted dedication of the subject site instead of accepting a monetary contribution for parks pursuant to Section 94 of the Environmental Planning Assessment Act, 1979.
- The Council decision to rezone the subject site for "Open Space" is a clear and unequivocal statement by Council that the subject site is suitable for a park.
- I note at page 36 of the POM containing the recommendation of Council for "a call for expressions to utilise the site under lease or licence for an appropriate recreational or community use should be pursued". The current proposed rezoning is in stark contrast to the above recommendation of Council on 2 grounds:-
 - (i) The above Council recommendation clearly states that the subject site should be retained in Council ownership. The current Rezoning Application involves sale of the subject site.

- (ii) The current Rezoning Application will result in a medium density development on the subject site and not a “recreational or community use” as recommended by Council Officers and Council.

- At page 36 of the POM, I note the following Council comment:-

“The land has a 3 metre wide access to Cooper Park Road and a similar narrow access to the main body of Cooper Park along the northern perimeter of the site. The site affords extensive views to the south across the main valley of the park towards Bondi Junction. Due to its shape, steep and narrow access, proximity to residences, and poor visibility into the land from the street, it is not an easy site for which to find an appropriate use. Considering the park’s importance as a bushland remnant, it is probably best managed as an extension of the parks vegetated area concentrating on the maintenance and enhancement of biodiversity”.

Two (2) important points arise from the above Council comment:-

- (i). The abovementioned comment by Council itself clearly evidences the significant constraints of the subject site for any form of development, other than a park. The abovementioned comment demonstrates Council’s view that the subject site is not appropriate for residential development due to the constraints on the subject site.
- (ii). The abovementioned comment by Council itself also evidences the fact that Council considers that the subject site has qualities and “importance as a bushland remnant”. Thus, Council considers that the subject site is important as part of its open space system.
- There has been no study or report prepared by Council and placed on public exhibition which has questioned the validity/feasibility of the subject site for a park.
- As noted above, access to the subject site is severely constrained. In fact, the document entitled “Opportunity Site Summary” prepared by Council itself states the following;

“Access to the site is restricted and the matter of vehicular access to the site will need to be satisfactorily resolved to allow redevelopment of any type on the site”.

I wish to make 3 points;

- (i) The abovementioned comment by Council itself acknowledges the “restricted” access to the subject site. I support such a comment. In fact, I consider that the access to the subject site is severely constrained and well below the standards required under the Roads and Traffic Authority Guidelines for any form of medium density development.

- (ii) Council in its document entitled “Opportunity Site Summary” states that “the matter of vehicular access to the site will need to be satisfactorily resolved to allow redevelopment of any type on the site”. This is a most curious statement. Any form of medium density development requires satisfactory access and this matter should be resolved now before any contemplation of proposed rezoning for medium density development. It is not a proper planning approach to defer an essential matter for later resolution. If the application for rezoning had been lodged by a private developer, Woollahra Council would not have contemplated such a proposed rezoning until such time as all important matters are resolved, particularly the issue of vehicular access. Why should Council itself apply a different standard to its own property when it would not support a rezoning of a property with “restricted” vehicular access?
- Council also adopted a Site Specific Development Control Plan for the subject site entitled “9 Cooper Park Road, Bellevue Hill – Development Control Plan” which nominated the subject site as Open Space 6(a). By such action, Council openly declared its view that the subject site was appropriate for Open Space and not for medium density development. If Council had a view that the subject site was appropriate for medium density development, then it would have zoned the subject site for medium density development (and not Open Space) at the time of adoption of the Site Specific DCP.

3. No Proper Planning Analysis

As part of any Rezoning Application, there must be proper Planning Analysis which seeks to justify the proposed rezoning. The need for a proper Planning Analysis is particularly important in this case due to the constraints of the subject site acknowledged by Council itself in Council's POM and “Opportunity Site Summary” documents. No such proper Planning Analysis has been undertaken by Council. If such an analysis has been undertaken, such analysis has not been placed on public exhibition for public comment. Until such time as a proper Planning Analysis has been undertaken by Council, I consider that Council should not proceed with the proposed rezoning. I should add that the document entitled “Opportunity Site Summary” is a superficial document which does not represent, in any way, a proper Planning Analysis of the proposed rezoning.

4. Potential Impacts on Adjoining Properties and Adjoining Street System.

As acknowledged by Council's own documents, the subject site is a constrained one with restricted vehicular access. Characteristics of the subject site include the following;

- The irregular shape of the subject site.
- The steep nature of the subject site.
- The narrow and restricted access.

- Proximity to residences.

The abovementioned characteristics of the subject site have the potential to create adverse impacts on adjoining properties and adjoining street system should a medium density development be established. The adverse impacts include, but are not limited to, the following:-

- Potential traffic hazard due to restricted access.
- Potential impacts on adjoining properties due to the “proximity to residences” (in the words of the POM).
- Potential adverse impact on bushland remnant should a medium density development be established on the subject site.

The current Rezoning Application has not, in any way, considered potential impacts on adjoining properties and adjoining street system. If a private developer had lodged a Rezoning Application for the subject site, Council would have ordinarily required a Planning Analysis of the potential impacts on adjoining properties and the adjoining street system before considering the application. Please refer to additional comments in Section 3. above.

5. No Alternative Open Space Land

There is a comment in Council's document entitled “Opportunity Site Summary” that *“Council will need to ensure that monies derived from the redevelopment of the site is directed back to other community open space provisions”*. I have 2 concerns relating to this comment;

- Council is keenly aware that a Section 94 Contribution must be directly related to a proposed development and the contribution applied to facilities or services which are able to be used by occupants of the approved development. In this case, Council justifiably accepted the subject site in full consideration of the normal monetary contribution required under Section 94 as the subject site is in very close proximity to the approved development site. However, Council is now proposing to sell the subject site but there is no identified alternative Open Space land within a reasonable distance from the subject site as required under Section 94 of the Environmental Planning and Assessment Act. Simply put, Council must not dispose of the subject site without providing equivalent alternative land within easy walking distance of the subject site.
- Council states that it will *“need to ensure that monies derived from the redevelopment of the site is directed back to other community open space provisions”*. This comment is unclear as to whether all monies derived from the sale of the subject site will be directed to other community open space provisions. The comment is unclear as to what percentage of the monies from the sale will be directed back to other community open space provisions. Given that the subject site was dedicated to Council as part of a Condition of Consent for the approved medium density development, all

monies derived from the sale should be applied to open space provisions in the immediate precinct.

6. Contrary to Section 117 Directions

The proposed rezoning (i.e. to remove the current Open Space Zone) is contrary to the Objective of the Section 117 Ministerial Direction relating to "Recreation Zones".

7. Probity Issue

There is a real and distinct concern relating to the probity of the proposed rezoning. Clearly, the proposed rezoning relates to Council land and Council is, in effect, the determining authority as to whether the rezoning application proceeds or not subject to the ultimate approval of the Minister for Planning. At the very least, Council will assess all submissions and will decide whether the rezoning will proceed. On this point, there is a Directive from the Department of Planning relating to such circumstances entitled "Best Practice Guideline LEPs and Council Land". The proposed rezoning is contrary to such Directive for the following reasons;

- At Section 2.1.1 of the Best Practice Guideline document, the Department of Planning states that a *"written statement must be provided which describes Council's interest in the land"* and that the statement must include a comment as to whether *"any aspect of the LEP forms part of the agreement to dispose of the land and the terms of any such agreement"*. If applicable, no such statement has been provided to the public.
- Section 2.1.4 relates to "Financial Implications" of the proposed rezoning. The Department of Planning states as follow;

"In some cases the increase in land value resulting from an LEP may be one of the reasons why Councillors decided to prepare the LEP...the community should be aware of the financial implications of changing Planning Controls, especially when they are more than a minor consequence of the change. While it may be inappropriate to make known all financial details (in the interests of protecting commercial advantage) Council must at least provide an indication of the magnitude of any financial gains or losses".

Clearly, the Department of Planning requires Councils to fully disclose the financial gain likely to be achieved. No such information has been provided to the public.

CONCLUSION

I consider that the proposed rezoning should not be supported for the abovementioned reasons.

Thank you for considering this submission.

Yours faithfully,



TONY MOODY
MOODY & DOYLE PTY LIMITED

Encl:
M&D/10068TM/2 July, 2010-LTR

K K Leung and C Y Ka
17/17A Cooper Park Road
BELLEVUE HILL NSW 2023

2 July 2010

Attn: Mr Chris Bluett
Manager Strategic Planning
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

By Facsimile Transmission: (02) 9391-7044 [2 pages]

Dear Sirs,

Re: Proposed planning control changes to properties in your area
Reference number: 1064.G – First CSTN 1

We refer to the above matter and to your letter dated 3 June 2010. We note that Woollahra Municipal Council ("**the Council**") is intending to re-zone the land at 9A Cooper Park Road, Bellevue Hill, which is currently zoned as Zone No. 6(a) (Open Space Zone).

We further refer to the Council's *Cooper Park – Plan of Management* ("**the Plan**") issued on or about February 2001, which states that 9A Cooper Park Road:-

*"Due to its shape, steep and narrow access, proximity to residences, and poor visibility into the land from street, it is not an easy site for which to find an appropriate use... considering the total amelioration of the soil profile in part of the site it may be appropriate to utilize that part for '**general community use**' in the form of a '**community garden**' based on ecologically sustainable management practices."*

We regret to note that the Council wishes to re-zone the subject land from Zone 6(a) to Zone R3 (Medium Density Residential), as this indicates that this 'community garden' may be developed as private residences (subject to council's final approval) and the current local residents will lose an important open space which was initially planned to be developed for recreational and/or community purposes.

As we are the residents at 17A Cooper Park Road, we strongly believe that, except for the public loss of open space, the re-zoning and/or redevelopment of the subject land

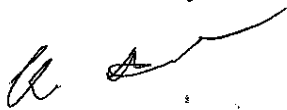
will adversely affect us, including but not limited to the invasion of our privacy (due to the proximity of my complex and the subject land), blockage of sunlight (as the subject land is located 'higher' than my complex) and very likely increase of traffic flow to Cooper Park Road (which will worsen the current traffic conditions for the street). We could not foresee any benefits to either ourselves or the local residents should the Council re-zone the subject land.

We **strongly disagree and oppose** such re-zoning proposal prepared by the Council and we believe that the current zoning (Zone 6(a)) will be the best suitable option for the local community. We wish that the Council would endeavour to preserve the open land for our future generations, as the size/quantity of open land in our area has been gradually reducing in recent years. We believe that Woollahra Council will justly balance the advantages and disadvantages to the local residents with its zoning plan and our respectful council will always put the local residents' benefits at the first priority.

Should you wish to discuss further with this response, please do not hesitate to contact me on 0412-267-276.

We thank you in anticipation.

Yours faithfully,



Kui Ki Leung



Chung Ying Ka

The General Manager,
Woollahra Municipal Council,
536 New South Head Road,
DOUBLE BAY N.S.W. 2028

1st July 2010

Re: 9a Cooper Park Road. Bellevue Hill.

We wish to object to Council's proposed development of the above site.

It is already difficult for Cooper Park Road traffic to turn into and from Bellevue Road in peak hours. Adding more residences, and therefore more cars, will simply make the situation impossible.

Council approved a development of 9 units on the corner of Cooper Park Road and Bellevue Road, of which 6 are still unsold. We are concerned that adding another block of units or townhouses on a battle-axe block, which is difficult to access, will simply produce yet another White Elephant, which will have a negative impact on all the properties in Cooper Park Road.

In the notice of proposal we received the site is labelled 'Cooper Park bowling green'. In fact, it hasn't been a bowling green for over 2 decades. When Council divided the Bowling Club site into 2 separate parcels, it gave the larger portion (now known as 17a Cooper Park Road) over to residential development. The smaller parcel was set aside, under Council ownership, for open space. Several of the surrounding residents expressed reservations at the time about the way the land was divided, citing the problem of access to the portion Council chose to retain. However, following assurances by Council that the open space portion would be made accessible for public use and would be well maintained, the residents accepted the division offered in good faith. We trusted that Council would continue to protect public amenity as promised.

We therefore urge Councillors to maintain the current Open Space zoning of the parcel of land and not to increase development in the immediate vicinity of Cooper Park Road. Cooper Park is a very special public asset which should not be further whittled away.

Yours faithfully

Mary Kovari
Unit 2, 19 COOPER PARK ROAD
BELLEVUE HILL N.S.W. 2023.

Anna Berger
Unit 1, 19 COOPER PARK ROAD
BELLEVUE HILL N.S.W. 2023.

The General Manager,
Woollahra Municipal Council,
536 New South Head Road,
DOUBLE BAY N.S.W. 2028

1st July 2010

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Mary Kovari
Unit 2, 19 COOPER PARK ROAD
BELLEVUE HILL N.S.W. 2023.

Anna Berger
Unit 1, 19 COOPER PARK ROAD
BELLEVUE HILL N.S.W. 2023.

Our Ref: 10132 Ltr1
Council Ref: 1064.G First CSTN 1

2 July 2010

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ABN 18 003 667 963

Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attention: Mr Chris Bluett

Dear Chris,

**RE: OBJECTION TO PROPOSED REZONING
NO. 9A COOPER PARK, ROAD, BELLEVUE HILL**

On behalf of the owners of No. 11 Cooper Park Road, Bellevue Hill, we hereby object to the proposed rezoning of the abovementioned property. In our consideration of the proposal we have inspected the site and surrounds and reviewed the current relevant statutory and non statutory controls. We believe that there are four (4) reasons why this land should not be rezoned from 6 Open Space to R3 medium Density Residential. Our reasons for the objection to the proposed rezoning include the following:

1. Contrary to the Metropolitan Strategy;
2. Contrary to the Cooper Park Plan of Management;
3. Contrary to Council's Cooper Park Road, Bellevue Hill DCP;
4. Suitability of the Site; and
5. Amenity Impacts.

In the following sections we will provide a brief site analysis, a description of the current statutory controls, a justification for our objection, and a conclusion.

1.0 SITE ANALYSIS

1.1 The Site

The subject site is located on the eastern side of Cooper Park Road, between Bellevue Road and Cooper Park and is known as 9A Cooper Park Road, Bellevue Hill.

The site incorporates an open space area of 3096m², which is the former Bellevue Hill Bowling Club, and is accessed through a 3m wide path off Cooper Park Road. The site is also accessed through a narrow path located along the northern boundary of the Park.

1.2 Our Client's Site

Our Client's site is located on the eastern side of Cooper Park Road and is known as No. 11 Cooper Park Road, Bellevue Hill.

The site is a triangular parcel of land comprising a two storey residential flat building with flat roof. A double driveway provides vehicular access to the site from Cooper Park Road. The site is adjoined by the access handle of No. 9A Cooper Park Road to the north and the open space area adjoins it to the east.

1.3 The Surrounds

To the north of the site, at Nos 56, 58, 60, 62 and 64 Bellevue Road, are part two and part three storey dwellings with frontage to Bellevue Hill Road. To the north east are part three and part four storey residential flat buildings with frontage to Bellevue Hill Road.

To the east and south of the site, at No. 17A Cooper Park Road, is a gated residential complex containing two storey town house style dwellings. Access to this site is through a driveway off Cooper Park Road. Further to the east is Cooper Park. To the west of the site

To the west of the site is No. 17 Cooper Park Road. The site is currently under construction and has approval for a dwelling. Further to the west is Cooper Park Road and public parkland.

2.0 EXISTING AND PROPOSED STATUTORY AND NON STATUTORY CONTROLS

2.1 Woollahra Local Environmental Plan (LEP) 1995

The opportunity site at No. 9A Cooper Park Road is zoned No. 6 Open Space under the Woollahra Local Environmental Plan (LEP) 1995, which was gazetted on 10 March 1995 (see Figure 1). Our Client's site is zoned Residential 2(b) under the LEP.



Figure 1: Excerpt from Woollahra LEP Zoning Map

2.2 9 Cooper Park Road, Bellevue Hill Development Control Plan (DCP)

The 9 Cooper Park Road, Bellevue Hill DCP came into force on 21 June 1995 and applies to the subject site and land known as No. 17a Cooper Park Road (see Figure 2).

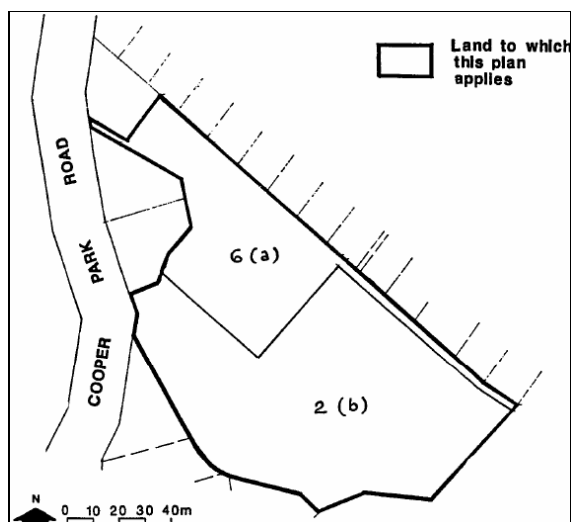


Figure 1: Excerpt from DCP

Clause 3 of the DCP provides the aims and objectives of the Plan and states, inter alia:

The aims and objectives of this plan are:-

- a) to provide more detailed controls for the development of land to which Woollahra Local Environmental Plan 1995 applies;
- b) to restrict the maximum number of dwellings on the land zoned Residential 2(b) to 27 dwellings;
- c) to exclude the land from the application of the Woollahra Section 94 Contributions Plan for development involving 27 or less dwellings, this on the basis of dedication of part of the site for public open space; and
- d) to specify requirements for the provision of landscape mounding along the south-western boundary of the land in order to protect the amenity of the neighbouring lands.

Clause 4 provides the requirements for the part of the Cooper Park land zoned Residential 2(b). As the subject site is zoned No. 6 Open Space, these requirements do not apply. Accordingly, there are no specific controls contained the DCP for the site.

2.2 Council's Proposed Rezoning

Council is currently reviewing its planning controls and preparing a new LEP. As part of this process, Council has identified the subject site, being No. 9A Cooper Park Road, as an opportunity site. The proposed planning changes under the draft Woollahra LEP are summarised in the table below.

| Table 1: Summary of Proposed Changes | | |
|---------------------------------------------|----------------|-------------------|
| Control | Current | Proposed |
| Zone | 6 Open Space | R3 Medium Density |
| Floor Space Ratio | - | 0.75:1 |
| Height | - | 9.5m |

3.0 JUSTIFICATION FOR OUR OBJECTION TO PROPOSED REZONING

In our view, there are a number of compelling reasons why the subject site should not be rezoned from No. 6 Open Space to R3 Medium Density Residential. These include the following:

6. Contrary to the Metropolitan Strategy;
7. Contrary to the Cooper Park Plan of Management;
8. Contrary to Council's Cooper Park Road, Bellevue Hill DCP;
9. Suitability of the Site; and
10. Amenity Impacts.

These will now be discussed below.

3.1 Contrary to the Metropolitan Strategy

The Sydney Metropolitan Strategy *City of Cities: A Plan for Sydney's Future* was released in December 2005. The Strategy estimated that Sydney's population is expected to grow by 1.1 million people between 2004 and 2031, from a current population of 4.2 million to 5.3 million by 2031. To cater for this growth, the State Government has predicted Sydney will require 640,000 new homes that will differ significantly from the existing housing stock.

The Metropolitan Strategy is divided into sub strategies, including the *Parks and Public Places Strategy*, which provides a strategic approach to ensuring that Sydney will have fair access to quality parks and public places for leisure, sport and recreation for the local community and visitors.

The objectives of the *Centres and Corridors Strategy* are stated, inter alia:

- F1 Increase access to quality parks and public places.
- F2 Provide a diverse mix of parks and public places.
- F3 Improve Sydney's major sporting and cultural event facilities

No. 9A Cooper Park Road is an existing open space area that has largely been neglected by Council over the past few years. The site offers an opportunity to provide a small public park in an urban environment with improvements to its access and quality essential for its success. Retaining the 6 Open Space zoning is consistent with the aims of the Parks and Public Places Metro Strategy.

The East Subregional Strategy translates the Metro Strategy at local level and applies to the Woollahra government area. A key element of the East Sub-regional strategy is to ensure equitable access to parks and public places for residents in the subregion.

The Strategy has identified the entire area of Cooper Park as an urban Park. Section F2 of the Strategy relates to providing a diverse mix of parks and public places. The initiatives contained in this section state that Councils should to maintain or enhance the provision of local open space and consider modifying under used open space for informal activities.

The rezoning of No. 9A Cooper Park Road to R3 medium Density Residential would remove a local park from the locality. The site, which is presently under utilized, has potential for significant improvements and modifications to meet the needs of local residents, such as skating, basketball, netball or football. The existing zoning as open space is consistent with the objectives of the Metro Strategy and the initiatives of the Subregional Strategy.

3.2 Contrary to the Cooper Park Plan of Management 2001

The Cooper Park Plan of Management states that Council gained No. 9A Cooper Park Road as part of a developer's (Sunlord's) compliance with Section 94 of the *Environmental Planning and Assessment Act 1979*. That is, in lieu of receiving the standard monetary contribution under Section 94, Council accepted a dedication of part of the development site for public open space.

The Plan of Management states that the park is important as a bushland remnant and is probably best managed as an extension of the park's vegetated area concentrating on the maintenance and enhancement of biodiversity. The Plan of Management recognises the biodiversity of this open space area and considers that an appropriate use of the site might be for general community use in the form of a community garden, based on ecologically sustainable management practices.

The rezoning of No. 9A Cooper Park Road for medium density residential development would remove important remnant bushland and severely impact on the biodiversity of this area. The proposed rezoning is inconsistent with the management practices contained in the POM and removes an open space area experience for future users of the site.

3.3 Contrary to the Cooper Park Road, Bellevue Hill DCP

Cooper Park Road, Bellevue Hill DCP relates to No. 9 Cooper Park Road Bellevue Hill. Aim (c) of this Plan is to exclude No. 9 Cooper Park Road from the application of the Woollahra Section 94 Contributions Plan for development involving 27 or less dwellings on the basis of dedication of part of the site for public open space. The subject site, No. 9A Cooper Park Road has been dedicated by Council as open Space land.

Council accepted a dedication of the land as a condition of consent of the adjoining medium density development and this is considered to be, in our opinion, a commitment to establish an area of public open space on the subject site for use by all local residents.

The rezoning of the subject site from 6 Open Space to R3 Medium Density Residential is inconsistent with the commitment made by Council to dedicate the land as open space and is contrary to the aims and objectives of the Cooper Park Road DCP.

3.4 Unsuitability of the Site

The subject land is tucked behind the residential developments fronting Cooper Park Road and has a number of site constraints, including restricted access, topography and vegetation. The Plan of Management for the site states, inter alia:

Due to its shape, steep and narrow access, proximity to residences, and poor visibility into the land from the street, it is not an easy site for which to find an appropriate use.

The site is accessed through a 3m wide approach off Cooper Park Road and a narrower handle located along its northern boundary (see Photograph 1). The Australian and New Zealand Parking Standards 2890.1: 2004 provides the guidelines for parking facilities, including off-street parking. Table 3.2 provides minimum access driveway widths and states that for residential and domestic parking, a width of 3.0m-5.5m (combined entrance/exit) is required. As the access is only 3m wide, a driveway for any future medium density residential development is unlikely to meet this standard. Vehicular access would need to be reasonably resolved in order to redevelop the site for residential purposes. Accordingly, in our opinion, the site is more suitable for parkland with pedestrian access.



Photograph 1: Access to 9A Cooper Park Road, as viewed from Cooper Park Road

In addition, the park contains bushland remnant and is significant from a biodiversity point of view. The site is not suitable for residential development and is probably best managed as an extension of the park's vegetated area. According to the Plan of Management, a more appropriate use for the site might be a community garden or park.

Given the constraints of the subject land and the existing use as open space, it is considered that the site is unsuitable for medium density residential development and that the most appropriate use is parkland.

3.5 Amenity

No. 9A Cooper Park Road is a quiet and tranquil location. The amenity offered by the proposed rezoning would include two storey buildings, a car park access and increased traffic. The rezoning is not conducive to public open space.

The proposed rezoning for medium density residential development will generate a major increase in traffic over and above what would have been generated by the existing open space use. Future development on the site would eliminate the pedestrian access and replace it with a driveway adjoining our client's site. The rezoning is likely to generate additional traffic and create unreasonable levels of noise and air pollution. The rezoning is also likely to impact on the safety of exiting and future residents at our Client's site.

The current zoning of No. 9A Cooper Park Road reflects the objectives DCP, which aims to restrict residential development and dedicate part of the land as open space. A change in zoning to this site would impact on the relationship of the park to Cooper Park to the east and the residential development surrounding the site.

4.0 CONCLUSION

In conclusion, in our opinion, there are strong planning reasons why No. 9A Cooper Park Road should not be rezoned. The proposed R3 zone is inconsistent with the Metropolitan Strategy and the East Subregional Regional Strategy for Parks and Public Places. If the subject site is rezoned, it would result in the loss of an important urban park in the locality.

The proposed rezoning will result in access issues and increased traffic, which is not conducive to the tranquil character of local parkland. The site contains remnant bushland and is important from a biodiversity point of view. The Open Space zoning protects this bushland and is a more appropriate and use of the land. The site's constraints are unsuitable for medium density residential development.

It is for the above reasons that we consider a change in zoning to No. 9A Cooper Park Road to be unjustified and inappropriate from a planning point of view.

We would welcome the opportunity to discuss this matter further with Council and look forward to actively being part of the strategic process. Should you have any queries or require further information please do not hesitate to contact our office.

Regards

A handwritten signature in black ink, appearing to read 'Gary A. Shiels'. The signature is stylized with a large, looped initial 'G' and a cursive 'A'.

Gary A. Shiels

Our Ref: 10132 Ltr1
Council Ref: 1064.G First CSTN 1

2 July 2010

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ABN 18 003 667 963

Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attention: Mr Chris Bluett

Dear Chris,

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1.2 Our Client's Site

Our Client's site is located on the eastern side of Cooper Park Road and is known as No. 11 Cooper Park Road, Bellevue Hill.

The site is a triangular parcel of land comprising a two storey residential flat building with flat roof. A double driveway provides vehicular access to the site from Cooper Park Road. The site is adjoined by the access handle of No. 9A Cooper Park Road to the north and the open space area adjoins it to the east.

1.3 The Surrounds

To the north of the site, at Nos 56, 58, 60, 62 and 64 Bellevue Road, are part two and part three storey dwellings with frontage to Bellevue Hill Road. To the north east are part three and part four storey residential flat buildings with frontage to Bellevue Hill Road.

To the east and south of the site, at No. 17A Cooper Park Road, is a gated residential complex containing two storey town house style dwellings. Access to this site is through a driveway off Cooper Park Road. Further to the east is Cooper Park. To the west of the site

To the west of the site is No. 17 Cooper Park Road. The site is currently under construction and has approval for a dwelling. Further to the west is Cooper Park Road and public parkland.

2.0 EXISTING AND PROPOSED STATUTORY AND NON STATUTORY CONTROLS

2.1 Woollahra Local Environmental Plan (LEP) 1995

The opportunity site at No. 9A Cooper Park Road is zoned No. 6 Open Space under the Woollahra Local Environmental Plan (LEP) 1995, which was gazetted on 10 March 1995 (see Figure 1). Our Client's site is zoned Residential 2(b) under the LEP.



Figure 1: Excerpt from Woollahra LEP Zoning Map

2.2 9 Cooper Park Road, Bellevue Hill Development Control Plan (DCP)

The 9 Cooper Park Road, Bellevue Hill DCP came into force on 21 June 1995 and applies to the subject site and land known as No. 17a Cooper Park Road (see Figure 2).

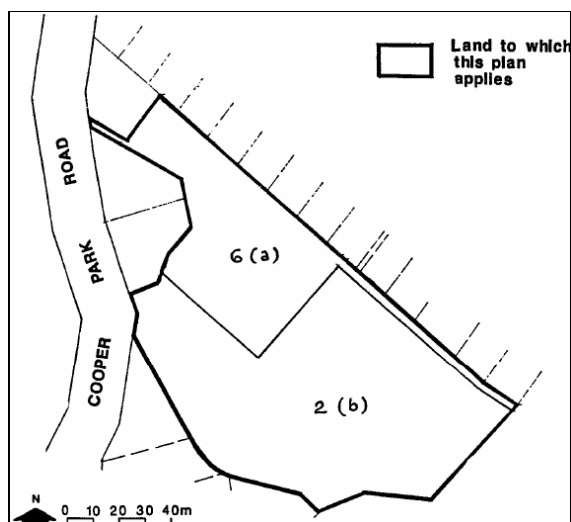


Figure 1: Excerpt from DCP

Clause 3 of the DCP provides the aims and objectives of the Plan and states, inter alia:

The aims and objectives of this plan are:-

- a) to provide more detailed controls for the development of land to which Woollahra Local Environmental Plan 1995 applies;
- b) to restrict the maximum number of dwellings on the land zoned Residential 2(b) to 27 dwellings;
- c) to exclude the land from the application of the Woollahra Section 94 Contributions Plan for development involving 27 or less dwellings, this on the basis of dedication of part of the site for public open space; and
- d) to specify requirements for the provision of landscape mounding along the south-western boundary of the land in order to protect the amenity of the neighbouring lands.

Clause 4 provides the requirements for the part of the Cooper Park land zoned Residential 2(b). As the subject site is zoned No. 6 Open Space, these requirements do not apply. Accordingly, there are no specific controls contained the DCP for the site.

2.2 Council's Proposed Rezoning

Council is currently reviewing its planning controls and preparing a new LEP. As part of this process, Council has identified the subject site, being No. 9A Cooper Park Road, as an opportunity site. The proposed planning changes under the draft Woollahra LEP are summarised in the table below.

| Table 1: Summary of Proposed Changes | | |
|---------------------------------------------|----------------|-------------------|
| Control | Current | Proposed |
| Zone | 6 Open Space | R3 Medium Density |
| Floor Space Ratio | - | 0.75:1 |
| Height | - | 9.5m |

3.0 JUSTIFICATION FOR OUR OBJECTION TO PROPOSED REZONING

In our view, there are a number of compelling reasons why the subject site should not be rezoned from No. 6 Open Space to R3 Medium Density Residential. These include the following:

6. Contrary to the Metropolitan Strategy;
7. Contrary to the Cooper Park Plan of Management;
8. Contrary to Council's Cooper Park Road, Bellevue Hill DCP;
9. Suitability of the Site; and
10. Amenity Impacts.

These will now be discussed below.

3.1 Contrary to the Metropolitan Strategy

The Sydney Metropolitan Strategy *City of Cities: A Plan for Sydney's Future* was released in December 2005. The Strategy estimated that Sydney's population is expected to grow by 1.1 million people between 2004 and 2031, from a current population of 4.2 million to 5.3 million by 2031. To cater for this growth, the State Government has predicted Sydney will require 640,000 new homes that will differ significantly from the existing housing stock.

The Metropolitan Strategy is divided into sub strategies, including the *Parks and Public Places Strategy*, which provides a strategic approach to ensuring that Sydney will have fair access to quality parks and public places for leisure, sport and recreation for the local community and visitors.

The objectives of the *Centres and Corridors Strategy* are stated, inter alia:

- F1 Increase access to quality parks and public places.
- F2 Provide a diverse mix of parks and public places.
- F3 Improve Sydney's major sporting and cultural event facilities

No. 9A Cooper Park Road is an existing open space area that has largely been neglected by Council over the past few years. The site offers an opportunity to provide a small public park in an urban environment with improvements to its access and quality essential for its success. Retaining the 6 Open Space zoning is consistent with the aims of the Parks and Public Places Metro Strategy.

The East Subregional Strategy translates the Metro Strategy at local level and applies to the Woollahra government area. A key element of the East Sub-regional strategy is to ensure equitable access to parks and public places for residents in the subregion.

The Strategy has identified the entire area of Cooper Park as an urban Park. Section F2 of the Strategy relates to providing a diverse mix of parks and public places. The initiatives contained in this section state that Councils should to maintain or enhance the provision of local open space and consider modifying under used open space for informal activities.

The rezoning of No. 9A Cooper Park Road to R3 medium Density Residential would remove a local park from the locality. The site, which is presently under utilized, has potential for significant improvements and modifications to meet the needs of local residents, such as skating, basketball, netball or football. The existing zoning as open space is consistent with the objectives of the Metro Strategy and the initiatives of the Subregional Strategy.

3.2 Contrary to the Cooper Park Plan of Management 2001

The Cooper Park Plan of Management states that Council gained No. 9A Cooper Park Road as part of a developer's (Sunlord's) compliance with Section 94 of the *Environmental Planning and Assessment Act 1979*. That is, in lieu of receiving the standard monetary contribution under Section 94, Council accepted a dedication of part of the development site for public open space.

The Plan of Management states that the park is important as a bushland remnant and is probably best managed as an extension of the park's vegetated area concentrating on the maintenance and enhancement of biodiversity. The Plan of Management recognises the biodiversity of this open space area and considers that an appropriate use of the site might be for general community use in the form of a community garden, based on ecologically sustainable management practices.

The rezoning of No. 9A Cooper Park Road for medium density residential development would remove important remnant bushland and severely impact on the biodiversity of this area. The proposed rezoning is inconsistent with the management practices contained in the POM and removes an open space area experience for future users of the site.

3.3 Contrary to the Cooper Park Road, Bellevue Hill DCP

Cooper Park Road, Bellevue Hill DCP relates to No. 9 Cooper Park Road Bellevue Hill. Aim (c) of this Plan is to exclude No. 9 Cooper Park Road from the application of the Woollahra Section 94 Contributions Plan for development involving 27 or less dwellings on the basis of dedication of part of the site for public open space. The subject site, No. 9A Cooper Park Road has been dedicated by Council as open Space land.

Council accepted a dedication of the land as a condition of consent of the adjoining medium density development and this is considered to be, in our opinion, a commitment to establish an area of public open space on the subject site for use by all local residents.

The rezoning of the subject site from 6 Open Space to R3 Medium Density Residential is inconsistent with the commitment made by Council to dedicate the land as open space and is contrary to the aims and objectives of the Cooper Park Road DCP.

3.4 Unsuitability of the Site

The subject land is tucked behind the residential developments fronting Cooper Park Road and has a number of site constraints, including restricted access, topography and vegetation. The Plan of Management for the site states, inter alia:

Due to its shape, steep and narrow access, proximity to residences, and poor visibility into the land from the street, it is not an easy site for which to find an appropriate use.

The site is accessed through a 3m wide approach off Cooper Park Road and a narrower handle located along its northern boundary (see Photograph 1). The Australian and New Zealand Parking Standards 2890.1: 2004 provides the guidelines for parking facilities, including off-street parking. Table 3.2 provides minimum access driveway widths and states that for residential and domestic parking, a width of 3.0m-5.5m (combined entrance/exit) is required. As the access is only 3m wide, a driveway for any future medium density residential development is unlikely to meet this standard. Vehicular access would need to be reasonably resolved in order to redevelop the site for residential purposes. Accordingly, in our opinion, the site is more suitable for parkland with pedestrian access.



Photograph 1: Access to 9A Cooper Park Road, as viewed from Cooper Park Road

In addition, the park contains bushland remnant and is significant from a biodiversity point of view. The site is not suitable for residential development and is probably best managed as an extension of the park's vegetated area. According to the Plan of Management, a more appropriate use for the site might be a community garden or park.

Given the constraints of the subject land and the existing use as open space, it is considered that the site is unsuitable for medium density residential development and that the most appropriate use is parkland.

3.5 Amenity

No. 9A Cooper Park Road is a quiet and tranquil location. The amenity offered by the proposed rezoning would include two storey buildings, a car park access and increased traffic. The rezoning is not conducive to public open space.

The proposed rezoning for medium density residential development will generate a major increase in traffic over and above what would have been generated by the existing open space use. Future development on the site would eliminate the pedestrian access and replace it with a driveway adjoining our client's site. The rezoning is likely to generate additional traffic and create unreasonable levels of noise and air pollution. The rezoning is also likely to impact on the safety of exiting and future residents at our Client's site.

The current zoning of No. 9A Cooper Park Road reflects the objectives DCP, which aims to restrict residential development and dedicate part of the land as open space. A change in zoning to this site would impact on the relationship of the park to Cooper Park to the east and the residential development surrounding the site.

4.0 CONCLUSION

In conclusion, in our opinion, there are strong planning reasons why No. 9A Cooper Park Road should not be rezoned. The proposed R3 zone is inconsistent with the Metropolitan Strategy and the East Subregional Regional Strategy for Parks and Public Places. If the subject site is rezoned, it would result in the loss of an important urban park in the locality.

The proposed rezoning will result in access issues and increased traffic, which is not conducive to the tranquil character of local parkland. The site contains remnant bushland and is important from a biodiversity point of view. The Open Space zoning protects this bushland and is a more appropriate and use of the land. The site's constraints are unsuitable for medium density residential development.

It is for the above reasons that we consider a change in zoning to No. 9A Cooper Park Road to be unjustified and inappropriate from a planning point of view.

We would welcome the opportunity to discuss this matter further with Council and look forward to actively being part of the strategic process. Should you have any queries or require further information please do not hesitate to contact our office.

Regards

A handwritten signature in black ink, appearing to read 'Gary A. Shiels'. The signature is stylized with a large, looped initial 'G' and a cursive 'A'.

Gary A. Shiels

Site 8

(341)

Heidrun & Torsten Blackwood

7A Cooper Park Road

BELLEVUE HILL NSW 2023

WOOLLAHRA COUNCIL
RECORDS DEPT.

Woollahra Municipal Council

PO Box 61

Double Bay NSW 1360

15 JUL 2010

Doc No 06108.10.
File 1064.G FIRST CSTN
Action NEW LEP.

To whom it may concern

Re: 1064.G - First CSTN 1

We refer to your correspondence dated 3 June 2010 regarding the proposed planning control changes to 9/9A Cooper Park Road, Bellevue Hill and the new Local Environmental Plan (LEP) for Woollahra Municipal Council (the Council) and the consultation process with the residents pursuant to section 62 of the *Environmental Planning and Assessment Act* (the Act).

We live in 7A Cooper Park Road and oppose the proposed planning control changes for the following reasons:

9/9A does not have access:

As noted in the correspondence sent by Council, redevelopment of this site is "subject to resolution of access issues". As a neighbouring property we are extremely concerned about the inferences of this sentence. We have acquired 7a Cooper Park Road only recently and in good faith. We seek further clarification of what Council means by "access issues" and how they are intended to be resolved

9/9A Cooper Park is zoned Open Space:

The 1995 Development Control Plan (1995 DCP) to 9/9A Cooper Park Road make it abundantly clear that the open space zoning for 9A Cooper Park Road was zoned public open space (zoned 6a) in lieu of section 94 contributions of the Act. This prior exchange of an open space zoning in lieu of a section 94 contribution has created a constructive trust and Council can not simply rezone this area, as proposed, to medium density residential zone (3a) and sell this land, as this is contrary to the original intent and purpose of the open space zoning.

9/9A Cooper Park should be used for a public purpose:

We are aware that there are impediments to finding a public use for this site. This has been adequately summarised in the Cooper Park of Management, 2001:

Due to its shape, steep and narrow access, proximity to residences, and poor visibility into the land from the street, it is not an easy site for which to find an appropriate use.

However, as it is documented in the 2001 Cooper Park Management Plan:

...it may be appropriate to utilize that part for 'general community use' in the form of a 'community garden' based on ecologically sustainable management practices. The periphery of the site could still contain a bushland element that could be maintained as part of the operation of the garden providing a diverse experience for probable participants.

We support that 9/9A Cooper Park Road be used as public open space, as was intended by Council in 1992. Any rezoning would be contrary to the public purpose of this space and will be vigorously opposed by the affected residents.



We invite the Council to instead advance the plans of a community garden, which would correspond with current zoning of the land. Using the land for a community garden would also be a measure to reduce the ecological footprint of Sydney. Whilst it is understood that the Council has been asked to find increased housing sites, there are other challenges that have to be equally addressed. One of the five key aims of *Metropolitan Strategy Review: Sydney - Towards 2036* is the protection of the environment, see page 7, Table 2, at: <http://www.metrostrategy.nsw.gov.au/LinkClick.aspx?fileticket=K3OvHZ6LP-1%3d&tabid=286&language=en-AU>

Cooper Park Community Hall:

Cooper Park Community Hall is licensed to Miroma, a day care centre that provides programs for adults with disabilities on week days and is let to the general community at other times. The result of the community hall being licensed and hired out is that North Cooper Park is heavily patronised on weekends with many small children attending the adjacent playground and the community hall and attended by adults with disabilities during the week. Cooper Park Road, for this reason alone, should have traffic restrictions. Any medium density residential zone would introduce further traffic flow into the area, which would create safety and congestion concerns.

Furthermore, pedestrian access to the North Cooper Park is impeded by the fact that Northland Street does not have a continuous footpath. Council would need to consider creating safe passage for this increased flow of pedestrians that would be competing with the increased flow of vehicular passage.

Yours faithfully,

Heidrun Blackwood & Torsten Blackwood

30 June 2010

1 July 2010

Attn: Chris Bluett

Manager Strategic Planning

Woollahra Municipal Council

PO Box 61

DOUBLE BAY NSW 1360

WOOLLAHRA COUNCIL
1 JUL 2010

- 8 JUL 2010

Doc No 06232-1P
File 1064-9 FIRST CSTN
Action Newlep
.....

Dear Sir

PROPOSED PLANNING CONTROL CHANGES TO COOPER PARK ROAD BELLEVUE HILL

We are the owners of 1/1-3 Cooper Park Road, Bellevue Hill 2023, and refer to Council's letter of 3 June 2010 advising of proposed planning control changes to properties in our area of Cooper Park Road.

We have lived in this area for five years, and whilst we understand that the State Government has generally directed all NSW councils to prepare a new LEP for their local government area, we feel that there is no need for any planning control changes for any properties on Cooper Park Road.

The mix of properties at the moment is very well suited to Cooper Park Road. We have a mixture of single houses, duplexes, strata terraces and apartments all surrounding the park, which provides an ideal density mix for all current residents to enjoy. Any increase in density to this area will spoil the nice equilibrium currently enjoyed by all and nature. The park is just large enough for the current residents to enjoy without the sense of overcrowding. The open space currently available should be left as is, because any further development will tip the balance over to create imbalance between the residents, community feel and nature.

Please maintain Cooper Park Road as is. It does not make sense to change something which is just right, just to satisfy State Government directives. If Council considers a need to review its planning controls for this area, perhaps Council can consider a community garden for open spaces to foster more community spirit.

Thank you for your attention to the matter. We look forward to Council's feedback on these proposals.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C M Chong', with a long horizontal stroke extending from the bottom of the 'g'.

Dr. C M & Mrs A P Chong

A handwritten signature in black ink, appearing to read 'A P Chong', with a large circular loop at the beginning and a horizontal stroke at the end.

9A Cooper Park Road, Bellevue Hill (reference: 1064.G - First CSTN 1)
Eva Condoleon

to:

newlep

23/07/2010 04:06 PM

Show Details

Dear Mr Bluett,

We are writing to you as concerned residents regarding 9A Cooper Park rezoning.

We have been residing at 66 Bellevue Rd for 11 years and we object to the re-zoning of the Cooper Park land. It will have significant impact on our property and we are particularly concerned about the noise.

Currently, if anybody is playing in Cooper Park...we can hear them from our property-mainly from our bedrooms.We are concerned that any development of the site would further impact on our privacy.

This land was zoned as community land in order for the large 17A Copper park development to go ahead. This land is meant to be used by the community. Cooper park was already reduced and we are opposed to this proposed rezoning. The space should be used as for the benefit of the community,as was originally intended .

Regards,

James and Eva Condoleon
66 Bellevue Rd
Bellevue Hill
93631559