



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 10 December 2012*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Recommendation only to the Full Council (“R” Items)

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic matters, such as:-
 - Town Planning Objectives; and
 - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.
- Urban Design Plans and Guidelines.
- Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- Traffic Management and Planning (Policy) and Approvals.
- Commercial Centres Beautification Plans of Management.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

Delegated Authority (“D” Items)

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

6 December 2012

To: His Worship the Mayor, Councillor Andrew Petrie ex-officio
Councillors Greg Levenston (Chair)
Ted Bennett
Luise Elsing
Elena Kirillova
Katherine O'Regan
Matthew Robertson
Toni Zeltzer

Dear Councillors

Urban Planning Committee Meeting – 10 December 2012

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 10 December 2012 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

| Item | Subject | Pages |
|-------------|---|--------------|
| 1 | Leave of Absence and Apologies | |
| 2 | Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item | |
| 3 | Declarations of Interest | |

Items to be Decided by this Committee using its Delegated Authority

| | | |
|----|---|---|
| D1 | Confirmation of Minutes of Meeting held on 26 November 2012 | 1 |
|----|---|---|

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

| | | |
|----|---|----|
| R1 | Principal LEP – Response to the Minister’s letter regarding the timeframes for preparing & finalising Woollahra’s new LEP – 1064.G Principal LEP draft Woollahra Plan | 2 |
| R2 | Planning Proposal for Weinreich House, 11 Olola Avenue, Vaucluse – 1064.G Amend 73 | 10 |

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 26 November 2012**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 26 November 2012 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 26 November 2012 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council

Subject: **Principal LEP— Response to the Minister's letter regarding the timeframes for preparing and finalising Woollahra's new LEP**

Author: Jacquelyne Della Bosca – Team Leader Strategic Planning
Anne White – Senior Strategic Planner

File No: 1064.G Principal LEP Draft Woollahra Plan

Reason for Report: To advise that the Minister for Planning and Infrastructure has written to Council requesting we finalise the Woollahra Principal LEP as a priority.
To identify our timeframe for preparing and finalising the Woollahra Principal LEP.

Recommendation

- A. That Council notes the timeframe for preparing the Woollahra Principal local environmental plan as provided in the project plan in **Annexure 2** to the report to the Urban Planning Committee on 10 December 2012.
- B. That the project plan is submitted to the Department of Planning and Infrastructure in response to the Minister's letter.
- C. That the Committee's recommendation proceeds to the Council meeting on 10 December 2012 as a matter of urgency so a response can be sent to the Minister before the end of the year.

1. Summary

The Minister for Planning and Infrastructure, the Honourable Brad Hazzard MP, has written to Council because the preparation of our new LEP under the Standard Instrument is significantly delayed. He wants Council to make this work a priority and requests that we submit a timeline for undertaking this work. A copy of the Minister's letter dated 6 November 2012 is provided at **Annexure 1**.

In response, we have prepared a timeline for preparing the new LEP. Under the timeline we expect to report the draft LEP to the Urban Planning Committee in March 2013. The report will seek Council's approval to submit the draft LEP to the Department so that it can be placed on public exhibition.

We anticipate the draft LEP will be exhibited from June to August 2013. Following public exhibition and consideration of submissions, the draft LEP will be reported to Council and the Department. On this basis it is likely the new LEP may be commenced in May 2014. The timeline for progressing the new LEP is set out in the project plan at **Annexure 2**.

2. Timeframes for completing the new LEP

In 2006 the NSW Government introduced the *Standard Instrument (Local Environmental Plans) Order 2005* (the Standard Instrument), which established the LEP template that all councils had to use when preparing the new principal LEPs.

At that time, the NSW Government also established timeframes for which councils had to complete their new principal LEPs. Councils were given 2, 3 or 5 years from March 2006. Woollahra was identified as a 5 year council and was required to have its principal LEP completed by 31 March 2011.

That completion date was recently extended to March 2013. Notwithstanding, Woollahra Council will not meet that timeframe.

Woollahra is now one of the few councils in the Sydney metropolitan area that has not progressed the draft LEP to the public exhibition stage. This is a concern for the Minister and his Department.

3. Our progress on preparing the new LEP

On 26 November 2007 Council resolved to prepare its principal LEP for Woollahra, and Council's Strategic Planning team commenced work shortly after.

Over the last four years we have worked extensively with Council in preparing the new LEP. We have held 21 Strategic Planning Working Party meetings¹, involving a subcommittee of councillors, to discuss planning policy and land use changes proposed in the new LEP. We have also presented numerous reports to the Urban Planning Committee².

In preparing the new LEP we have taken a broad translation approach by carrying over the policy intent of what is in the current Woollahra LEP. Even so, the template format has imposed various changes, and there has also been a significant amount of work required in updating and refining our current controls so that they align with the Standard Instrument.

Also, we were originally required to demonstrate that the new LEP had the capacity to provide an additional 2,175 new dwellings to meet the housing target the State Government set for Woollahra. The work on addressing the housing targets involved substantial investigations and resources.

The Council at the time objected to the housing targets so we took a conservative approach and tried to limit the areas to rezone or increase density, by minimising planning changes in the low density residential areas and heritage conservation areas.

In 2010, we identified 24 sites where there was potential to rezone or increase the density in the new LEP to meet the housing target with minimal adverse impacts on suburban character. These sites were called "opportunity sites". The Council directed us to consult the community on the proposed changes, and from June to July 2010 over 6,000 letters were sent out to the owners of each of the opportunity sites, as well as surrounding residents. In response to this consultation we received over 500 submissions. Most of these were objections.

In April 2011 we commenced reporting the opportunity site submissions to the Urban Planning Committee. The sites in Vacluse Village being 1-7 Hopetoun Avenue, 22A-24 New South Head Road, 1 Petrarch Avenue, and 77 New South Head Road, Vacluse, were the first reported. In May 2011 we then reported on the opportunity site at 9A Cooper Park Rd, Bellevue Hill.

¹ Refer to Annexure 3 for a list of the Strategic Planning Working Party meetings

² Reports relating to the preparation of the LEP can be viewed on Council's website at

http://www.woollahra.nsw.gov.au/newlep/background_to_the_project/council_reports_and_links

However, on 25 July 2011 Council resolved to defer further consideration of the other opportunity sites. This was in response to a letter we received from the Department of Planning and Infrastructure advising that the new State Government would take a more flexible approach to the housing targets. They were very concerned about the time it was taking Council to progress the new LEP, and recognised that the reporting on opportunity sites was causing a substantial and unreasonable delay.

The Department advised that Council's key objective should be to prepare a Principal LEP under the Standard Instrument format, and that the delivery of the housing targets could be undertaken in a second stage, as an amendment to the Principal LEP.

In response, we refocused attention on the drafting of the LEP and worked with the Department to find ways to accommodate some of our local planning provisions, which are beyond the scope of the Standard Instrument template. Although we have some experienced some frustrations in trying to retain key provisions in the current Woollahra LEP in the translation process, there has been a more co-operative response to our issues and significant progress made in the last six months.

The draft LEP was almost ready for reporting to Council, when Council resolved on 27 August 2012:

B. THAT staff continue with developing the planning projects identified in the standard LEP process but not proceed with any further statutory drafting until further clarification on the Government's Green Paper planning reforms.

The Minister is aware of this resolution, and the message from the Minister and his Department is clear — the delivery of the new standard instrument LEP is required regardless of the planning reforms. The Minister states:

It is important to continue to work on the LEP to allow its finalisation by the end of March 2013. If you believe this target is unachievable, I request you provide the Department with a clear plan indicating the key milestones, including exhibition of the draft Plan and submission to the Department of Planning and Infrastructure for making.

We will not meet the March 2013 timeframe for finalising the new LEP. However, with on-going support and timely input from the Department we are successfully progressing this work.

We have prepared a project plan for progressing the draft LEP (refer to **Annexure 2**). A summary of the critical milestones is identified below:

| | |
|------------------------|--|
| March 2013 | Report to Council requesting that the draft LEP is endorsed for the purpose of submitting it to the Department so they can issue Council a certificate to place the draft LEP on public exhibition |
| June –August 2013 | Public exhibition of the draft LEP |
| September 2013 | Public hearing for reclassification of Council land |
| August – December 2013 | Review submissions and meet with Strategic Planning Working Party |
| February - March 2014 | Report to Council on submissions and request decision to proceed with the new LEP (with or without amendments) |
| May 2014 | Minister approves LEP; LEP is notified and commences |

4. Conclusion

Council has been working on the new LEP since 2008. It is now ready for Council's consideration and then public exhibition.

However, given the new Council comprises a number of new councillors, we are holding a series of Strategic Planning Working Party sessions to explain the changes proposed in the draft LEP. These briefings have commenced and will continue in February 2013, before we report the draft LEP to the Urban Planning Committee in March 2013.

We are confident that given a sound commitment and collaborative effort between this Council and the Department of Planning and Infrastructure, we can progress the new LEP consistent with the timeline in the project plan and have our new Woollahra LEP in place by May 2014.

Jacquelyne Della Bosca
Team Leader Strategic Planning

Anne White
Senior Strategic Planner

Allan Coker
Director Planning and Development

Annexure

1. Letter from the Minister for Planning and Infrastructure, the Honourable Bard Hazzard MP dated 6 November 2012
2. Project plan for progressing the Woollahra Principal LEP
3. List of Strategic Planning Working Party meetings held in relation to the preparation of the Woollahra Principal LEP

Item No: R2 Recommendation to Council
Subject: **Planning proposal for *Weinreich House*, 11 Olola Avenue, Vaucluse**
Author: Sara Reilly Strategic Heritage Officer
File No: 1064.G Amendment 73
Reason for Report: To present the assessment of submissions received during public exhibition of the planning proposal.
To obtain Council's decision to proceed with the planning proposal process.

Recommendation:

- A. That the planning proposal for *Weinreich House*, 11 Olola Avenue, Vaucluse be referred to the Department of Planning and Infrastructure. The planning proposal aims to list '*Weinreich House* – house, grounds and interiors' as a heritage item.
- B. That the updated heritage inventory sheet contained in **annexure 4** be endorsed and used in the assessment of development applications for the subject property.

1. Background

The Urban Planning Committee considered a report on the heritage significance of 11 Olola Avenue, Vaucluse on 14 May 2012. That report appears at **annexure 1** and contains the background details to the proposed heritage listing.

Council made the following decision on 28 May 2012:

- A. *That the heritage assessment and draft heritage inventory sheet for 11 Olola Avenue be received and noted.*
- B. *That a planning proposal be prepared with the aim of amending Woollahra LEP 1995 to list 11 Olola Avenue, Vaucluse, as a heritage item as the building and site fulfil sufficient heritage assessment criteria to be listed as an item. The listing is to apply to the land, house and its interior.*
- C. *That Council continue to investigate significance of other works by Harry Seidler in the Municipality for possible potential listing as heritage items.*

2. Proposal

A planning proposal was prepared, responding to Part B of the Council resolution. The proposal aims to list '*Weinreich House* – house, grounds and interiors' at 11 Olola Avenue, Vaucluse as a heritage item in Schedule 3 of Woollahra LEP 1995.

The planning proposal was prepared in the manner required by the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation). An interim heritage inventory sheet listing was prepared by Council's Strategic Heritage Officer and is included in Attachment 3 of the planning proposal in **annexure 2**.

The planning proposal was referred to the Department of Planning and Infrastructure with a request for a Gateway Determination under section 56 of the Act. A Determination was issued on 11 September 2012 allowing the planning proposal to be placed on public exhibition.

3. Exhibition of planning proposal

The planning proposal was placed on public exhibition between 19 October and 16 November 2012. Notice of the exhibition was placed in the *Wentworth Courier* editions of 17 October, 24 October, 31 October, 8 November, and 15 November 2012. Notification letters were sent to the owner, the Heritage Branch of the Office of Environment and Heritage, and the owners of land adjoining and in the vicinity of the item.

An information brochure was included with the notification letters sent to the owner, and the adjoining and surrounding land owners.

Exhibition of the planning proposal and supporting material was conducted in the Council's Customer Services foyer. The planning proposal and supporting material, including the heritage inventory sheet, were also placed on the Council's website.

4. Submissions

Two submissions have been received (**annexure 3**). Both submissions expressed support for the listing of the property. Submissions were received from:

- Aneta and Joseph Weinreich, 11 Olola Avenue, Vaucluse on October 31, 2012
- Rachel Buckeridge, 12 Olola Avenue, Vaucluse on 1 November, 2012

Mr and Mrs Weinreich put forward a second name for the item within their submission which has been added to the inventory sheet. The name is 'Halomi', a name of significance to the owners. The inclusion of the additional name is supported.

Due to the support expressed in the submissions, no further changes are necessary to the heritage inventory sheet.

5. Conclusion

The preparation of the planning proposal has involved a detailed study of the building and comparative analysis of the work of Harry Seidler within the Municipality.

Public exhibition of the planning proposal has met all statutory requirements. We have undertaken a consideration of all submissions. No amendment is recommended to the planning proposal which aims to list '*Weinreich House* – house, grounds and interiors' as a heritage item.

One minor amendment, the inclusion of the additional name for the item, is recommended to the heritage inventory sheet following the submissions. We consider the planning proposal can be submitted to the Department of Planning and Infrastructure.

Sara Reilly
Strategic Heritage Officer

Allan Coker
Director of Planning and Development

Annexures:

1. Report to the Urban Planning Committee, 14 May 2012
2. Exhibited planning proposal for 11 Olola Avenue, Vaucluse
3. Submissions following the public exhibition of the planning proposal
4. Updated heritage inventory sheet

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

