



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 17 May 2004*

Time: *6.00pm*

Outline Of Meeting Protocol & Procedure:

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

Delegated Authority (“D” Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained with the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below:

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

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

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

13 May 2004

To: The Mayor, Councillor Rundle, ex-officio
Councillor David Shoebridge (Chair)
Anthony Boskovitz
John Comino
Christopher Dawson
Keri Huxley
Julian Martin
Isabelle Shapiro

Dear Councillors

Urban Planning Committee Meeting – 17 May 2004

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Monday 17 May 2004 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 3 May 2004	1
D2	Review of Outstanding Notices of Motion – 900.G	2

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

R1	State Environmental Planning Policy (Seniors Living) 2004 – 696.G	9
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 3 May 2004**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 3 May 2004 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 3 May 2004 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Review of Outstanding Notices of Motion**
Author: Les Windle - Manager Governance
File No: 900.G
Reason for Report: For the Committee to review the status of the outstanding Notices of Motion concerning matters that fall within the responsibility of the Urban Planning Committee.

Recommendation:

That the status of the outstanding Notices of Motion concerning matters that fall within the responsibility of the Urban Planning Committee be noted.

Background:

At the meeting held on 11 November 2002, Council adopted the following Notice of Motion:

That during the next round of committee meetings each committee review the status of relevant outstanding Notices of Motion and then conduct a regular review in conjunction with management plan quarterly reviews.

A list of outstanding Notices of Motions that fall within the responsibility of the Urban Planning Committee is attached for review by the Committee.

Les Windle
Manager Governance

ANNEXURES:

1. List of outstanding Notices of Motion – Urban Planning Committee matters

Item No: R1 Recommendation to Council
Subject: **State Environmental Planning Policy (Seniors Living) 2004**
Author: Chris Bluett - Manager Strategic Planning
File No: 696.G
Reason for Report: To inform Council about the recent gazettal of State Environmental Planning Policy (Seniors Living) 2004

Recommendation

THAT the report regarding State Environmental Planning Policy (Seniors Living) 2004 be received and noted.

1. Background

State Environmental Planning Policy (Seniors Living) 2004 was gazetted on 31 March 2004 and is effective from that date. A copy of the Policy is attached to this report as **annexure 1**. A fact sheet prepared by the Department of Infrastructure Planning and Natural Resources (DIPNR) is attached as **annexure 2**.

Preparation of the Policy follows concern raised by numerous councils about the operation of *State Environmental Policy No.5 – Housing for Older People or People with a Disability* (SEPP No.5). In particular, the use of *SEPP No.5* in some cases by developers was seen as a means of circumventing existing land use zoning controls.

In response to these concerns, Planning NSW commenced a review process that included consultation with councils, the development industry and various associations. In March 2002, Planning NSW released guidelines for assessing requests by councils for exemption from *SEPP No.5*.

On 18 February 2004 the Minister for Infrastructure and Planning, Craig Knowles, announced that *SEPP No.5* would be replaced by a new strategy, which focuses on balancing growing demand for accommodation with maintaining the character and feel of local neighbourhoods. The new approach is called the Seniors Living Policy.

The new Policy aims to encourage housing that will increase the supply and diversity of residences for seniors, being people aged 55 years or more, or people with a disability. The Policy also aims to encourage housing that makes efficient use of existing infrastructure and services, and is of good design.

The Policy applies to land zoned primarily for urban purposes and land on which development for the following purposes is permitted:

- dwelling-houses
- residential flat buildings
- hospitals
- development identified on land zoned special uses, such as churches, convents, educational establishments and schools.

Certain lands defined as environmentally sensitive land are excluded from the policy. These include lands identified in an environmental planning instrument (such as a local environmental plan) with descriptions such as “coastal protection”, “conservation” (but not heritage conservation area), “critical habitat”, “environment protection”, “open space” or “scenic”. The last category, “scenic”, does not include land within a residential zone in which development of two storeys or more is permitted or land that is adjacent to a residential zone (also identified as scenic) where development of two storeys or more is permitted.

With the exception of transitional provisions, the Policy repeals *SEPP No.5*. The transitional provisions relate to:

- applications made under *SEPP No.5* before 18 February 2004, but not determined before 31 March 2004
- applications that relate to development that was approved under *SEPP No.5*
- the carrying out of development for which a consent was granted under *SEPP No.5* before it was repealed or that is granted under *SEPP No.5* as it continues under the transitional provisions.

The transitional provisions do not apply so as to allow the enlargement, expansion or intensification of development referred to in these three cases or to redevelopment.

2. Key features of the Policy

2.1 Structure

The policy comprises four chapters and three schedules.

Chapter 1 - Preliminary

Chapter 1 sets down the aims, definitions, application of the Policy, relationship to other instruments and transitional provisions.

Chapter 2 – Key concepts

Chapter 2 identifies seniors as people aged 55 years or more and identifies seniors housing as residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability.

The chapter also identifies the types of seniors housing, being:

- residential care facilities
- hostels
- self-contained dwellings
- in-fill self-care housing
- serviced self-care housing.

Chapter 3 – Development for seniors housing

Chapter 3 comprises the bulk of the Policy. It establishes the development consent provisions for seniors housing, allowing seniors housing to occur despite the provisions of other environmental planning instruments, such as LEPs, if development is carried out in the manner set out in the Policy.

Chapter 3 also establishes the occupation restrictions for seniors housing, restrictions on the use of seniors housing in commercial zones, subdivision provisions, and consultation requirements with the NSW Heritage Council in the case of development proposed in heritage conservation areas or in the vicinity of heritage items where the area or item is of State or regional significance.

Other provisions of Chapter 3 deal with matters including:

- *Site-related requirements*, including proximity to services and facilities and access standards (such as land gradients for roads and paths to and from those services and facilities).
- *Design requirements*, including a requirement for site analysis, and, in the case of infill self-care housing, consideration of the publication titled *Seniors Living Policy: Urban Design Guidelines for Infill Development* (see **annexure 3**).
- *Design principles* for neighbourhood amenity and streetscape, visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility, and waste management.
- *Development standards*, both general and specific to the types of seniors housing.
- *Development standards* that, if met by the development proposal, cannot be used as grounds to refuse consent.

In the case of development standards, the Policy includes cross references to relevant Australian Standards such as AS 1428-1 –2001 *Design for access and mobility* and AS 4299 – 1995 *Adaptable housing*.

Chapter 4 – Miscellaneous

Chapter 4 establishes provision for amendments to the bush fire evacuation risk map prepared by the Director-General.

Schedule 1 – Environmentally sensitive land

Schedule 1 identifies categories of environmentally sensitive land that are excluded from the Policy.

Schedule 2 – Consequential amendment to other State Environmental Planning Policies

Schedule 2 sets out amendments to SEPP No.9 – Group Homes and SEPP No.10 – Retention of Low-Cost Rental Accommodation.

Schedule 3 – Special provisions relating to certain land

Schedule 3 contains provisions that restrict the persons who may make development applications under the Policy in regard to land located in certain local government areas.

3. Application for Woollahra

The Policy will apply across the Woollahra Municipality with the exception of land zoned open space and properties listed on the State Heritage Register under the *Heritage Act 1977*.

Consequently, multiple occupancy development in the form of seniors housing may, subject to consent, occur in areas currently zoned Residential 2(a), Residential 2(b), Business or Special Uses. However, the ability of development to occur in Woollahra is likely to be constrained by the lack of suitable sites, land values and the highly prescriptive standards contained in the Policy for aspects such as location and access, site size and site frontage, building height, affordable housing provision, and occupancy.

The Policy package, which comprises the statutory document and guidelines, addresses similar planning and design issues covered by the Council's recently approved Residential DCP 2003 and Access DCP. These issues include neighbourhood character, streetscape impact, building scale and form, landscaping and deep soil planting zones, resident amenity, garaging, solar access, setbacks, and access.

The main differences between the Council's two documents and the Policy package lie in the detailed design requirements for purpose-built accommodation set down in the Policy material.

4. Conclusion

The Policy package facilitates provision of housing for seniors or people with a disability. Current and future demand for these types of housing across Sydney has been well established. Demands are likely to increase in Woollahra due to its aging population. As such, the provision of housing for seniors or people with a disability forms an integral part of Woollahra's housing strategy. Whilst the Policy will apply to a wide area of Woollahra, opportunities for this type of housing are likely to be limited due to the shortage of suitable sites, economic issues and prescriptive controls.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexures

1. State Environmental Planning Policy (Seniors Living) 2004
2. Department of Infrastructure, Planning and Natural Resources - Fact sheet for State Environmental Planning Policy (Seniors Living) 2004
3. Department of Infrastructure, Planning and Natural Resources, 2004, *Seniors Living Policy: Urban Design Guidelines for infill Development*