



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 27 February 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

23 February 2012

To: Her Worship the Mayor, Councillor Susan Wynne ex-officio  
Councillors Malcolm Young (Chair)  
Chris Howe  
Sean Carmichael  
Lucienne Edelman  
Nicola Grieve  
Ian Plater  
David Shoebridge

Dear Councillors

### **Urban Planning Committee Meeting – 27 February 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 27 February 2012 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
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 30 January 2012	1
D2	Confirmation of Minutes of Meeting held on 13 February 2012	2
D3	Delivery Program 2009 to 2013 & Operational Plan 2011/12 Quarterly Progress Report December 2011 –Goal (4) – Well Planned Neighbourhoods – 1229.G	4

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

R1	Heritage Study of Inter-War Residential Flat Buildings, Arts & Crafts Buildings & Californian Bungalows	9
R2	Draft Educational Establishments Development Control Plan 2012 – 1197.G	13

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 30 January 2012**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 30 January 2012 were previously circulated and considered at the Committee Meeting on 13 February 2012.

The Committee deferred confirmation of the minutes to the next Committee Meeting to seek clarification of the Minute of Item R1 from the Mover of the Motion, Councillor Howe.

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 30 January 2012 be taken as read and confirmed.

Les Windle  
Manager - Governance

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**Note:** The Minutes of the Meeting held on 30 January 2012 contained the following Minute for Item R1 - Draft Educational Establishments Development Control Plan 2012:

*(Howe/Plater)*

**Recommendation**

- A. *That the Draft Educational Establishments Development Control Plan as contained in Annexure 5 of the report to the Urban Planning Committee meeting on 30 January 2012, be placed on public exhibition with the amendments listed in Part C below.*
- B. *That a report on the submissions to the Draft plan be prepared and presented to the Urban Planning Committee following the public exhibition process.*
- C. *That the following amendments be incorporated in the Draft Educational Establishments Development Control Plan for public exhibition:*

**Section 1.9 Definitions**

- *The term "Significant Open Area" be changed to "Significant Open Space" in this Section and wherever it appears in the Draft DCP.*
- *The term "Open area" be changed to "Open space" in this Section and wherever it appears in the Draft DCP.*
- *The definition of "Open space" be reworded to show that the intent of Council is to protect green open space.*

**Section 2.5 Open space (changed from Open area)**

- Control C1 be amended to read:  
“Existing open spaces are to be retained, particularly those which contribute to the amenity of the surrounding location, including those significant open spaces identified in Annexure 1.”

**Section 2.9 Community use**

- Objective O1 be amended to read:  
“To encourage the use of school facilities by the wider community.”
- Original Objective O2 be reinstated and to read:  
“To minimise the adverse effects of community use of an educational establishment on the amenity of the adjacent properties.”

**Section 2.11 Sustainability**

- Objective O1 be amended to read:  
“To reduce energy demand by designing buildings that do not depend on mechanical heating or cooling and that are naturally lit and ventilated.”
- The third dot point of Control C1 be amended to read:  
“Wherever possible (and where there is no negative impact on the significance of a heritage item or heritage conservation area) roof-top solar energy systems are to be installed.”  
(Note: Solar energy system means any of the following systems:  
(a) A photovoltaic electricity generating system,  
(b) A solar hot water system,  
(c) A solar air heating system.)
- Inclusion under Control C1 the following additional dot point:  
“Alternative low emission and renewable energy sources.”

**Annexure 1 Significant Open Spaces (changed from Significant Open Areas)**

- Inclusion of Cranbrook Junior School including Dangar Playing Fields as a Significant Open Space.

**Item No:** D2 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 13 February 2012**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 13 February 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 13 February 2012 be taken as read and confirmed.

Les Windle  
Manager – Governance

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**Item No:** D3 Delegated to Committee

**Subject:** **Delivery Program 2009 to 2013 and Operational Plan 2011/12 Quarterly Progress Report December 2011 – Goal (4) – Well Planned Neighbourhoods**

**Author:** Allan Coker - Director Planning & Development  
Patrick Robinson - Manager Development Control  
Chris Bluett - Manager Strategic Planning

**File No:** 1229. G

**Reason for Report:** To review the status of the priorities and actions in Council's Delivery Program 2009 to 2013 and Operational Plan 2011/12 for the three months ending 31 December 2012.

**Recommendation:**

THAT the December 2011 quarterly progress report on Goal 4 (Well planned neighbourhoods) of Council's Delivery Program 2009 to 2013 and Operational Plan 2011/12 be received and noted and that revised target dates be adopted.

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**Background:**

In May 2011 Council adopted its revised Delivery Program 2009 to 2013 and Operational Plan 2011/12 (DPOP) in line with the new Integrated Planning and Reporting Legislation for NSW Local Government.

As a consequence of the Integrated Planning and Reporting Legislation, the *Local Government Act 1993* was amended to require Council to report on the progress of its Delivery Program at least every six months. In response to the amendments, and in order to ensure that Council's reporting to the community remains transparent, timely and manageable under the legislation, progress reports on the DPOP will continue to be presented quarterly for the end of September, December, March and June each year.

The framework for quarterly progress reports is consistent with the structure of the Delivery Program and Operational Plan developed around the following interrelated themes and supporting goals:

**Theme: Community well-being**  
Goal 1: A connected and harmonious community.  
Goal 2: A supported community.  
Goal 3: A creative and vibrant community.

**Theme: Quality places and spaces**  
Goal 4: Well planned neighbourhoods.  
Goal 5: Liveable places.  
Goal 6: Getting around.

**Theme: A healthy environment**  
Goal 7: Protecting our environment.  
Goal 8: Sustainable use of resources.

**Theme: Local prosperity**

Goal 9: Community focused economic development.

**Theme: Community leadership and participation**

Goal 10: Working together.

Goal 11: A well managed Council.

**Annexure 1** to this report is Council's Quarterly Progress Report for the period 1 October 2011 to 31 December 2012 for Goal 4, being most relevant to the Urban Planning Committee.

Progress comments for all DPOP actions are provided in the tables of **Annexure 1**. Council staff have provided updates on these comments on an ongoing basis for internal management purposes with the comments then collated at the end of the quarter for reporting to Council and the community. Generally, actions included in the Operational Plan relate to the current financial year. However, there are a number of actions that extend beyond June 2012, as indicated in the Target Date column.

As this is the second quarterly report for 2011/12, the final column in the tables headed "Updated Comments" has been updated to indicate that the comments relating to that action have been updated since the previous quarterly report to Council. The purpose of the tick is to enable Councillors and other readers of the report to easily identify where an action status has been updated.

**Adopted notices of motion and other decisions of the Council**

To further improve the efficiency and transparency of Council's Integrated Planning and Reporting procedures, notices of motion and other decisions of the Council which are strategic and/or project based are now included as additional actions in the DPOP and reported on through the Quarterly Progress Report.

Adopted notices of motion which are non-strategic in nature, such as placement of an additional agenda item on a meeting or writing a letter to an organisation, will be monitored administratively.

During the period 1 October 2011 to 31 December 2011, one new notice of motion has been identified as strategic and/or project based in nature. Details of this new action are provided below.

<b>ACTION ARISING FROM A NOTICE OF MOTION</b>	
<b>Action number in 2011/2012 Quarterly Progress Report</b>	<b>Action description</b>
4.1.2.4	Prepare a report for the Development Control Committee reviewing the times before committee's that a matter can be called by a Councillor from the Application Review Panel (ARP) and Application Assessment Panel (AAP) to the Development Control Committee (DCC). [Refer NOM 31/10/2011 - Clrs Carmichael & Petrie].

### **Development activity**

**Annexure 2** provides graphical presentations of development activity turnaround times for the December quarter supporting the Progress Comments relevant to Priority 4.1.2 – Deliver high quality and timely development assessment.

### **Conclusion**

It is recommended that the December 2011 Quarterly Progress Report on Goal 4 (Well planned neighbourhoods) of Council's Delivery Program 2009 to 2013 and Operational Plan 2011/12, be received and noted.

Chris Bluett  
Manager Strategic Planning

Patrick Robinson  
Manager Development Control

Allan Coker  
Director Planning and Development

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### **Annexures:**

- 1 DPOP Quarterly Progress Report December 2011 for Goal 4 (Well planned neighbourhoods) – *distributed separately*
- 2 Graphical presentation of development activity turnaround time for the December quarter.

**Item No:** R1 Recommendation to Council  
**Subject:** **Heritage Study of Inter-War Residential Flat Buildings, Arts and Crafts Buildings and Californian Bungalows**  
**Author:** Sara Reilly - Strategic Heritage Officer  
**File No:**  
**Reason for Report:** To respond to a Council decision made on 28 March 2011 requiring a report on future research, including funding and timetable, for a review of significant examples of Inter-War residential flat buildings, arts and crafts buildings and Californian Bungalows.

## **Recommendation**

- A. That the report on the review of significant examples of Inter-War residential flat buildings, arts and crafts buildings and Californian Bungalows, be received and noted.
- B. That Council endorse the methodology for undertaking the study as set out in the report to the Urban Planning Committee meeting on 27 February 2012.

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## **1.0 Background**

This report follows a resolution from Council dated 28 March 2011 which states, in part:

- B. That a report be submitted to the Urban Planning Committee on future research, including funding and timetable, for a review of significant examples of Inter-War residential flat buildings, arts and crafts buildings and Californian Bungalows.*

This report provides a proposed methodology, a timetable for carrying out the research and review, and a funding guideline.

The objective of the work is to identify potential heritage items in the specific architectural styles of Arts and Crafts, Californian Bungalows (relating generally but not exclusively to single dwelling houses) and also Inter-War residential flat buildings. The latter group could potentially have several architectural styles including Moderne, Art Deco, Mediterranean and Spanish Mission.

This objective dovetails with the broader objectives of the Woollahra LEP 1995, to “identify heritage items and heritage conservation areas and to provide measures for their conservation, protection and enhancement” (Part 1, (2) (g) (i)).

## **2.0 Methodology**

The methodology for carrying out the research, analysis and reporting would follow five main phases: field work, documentary research, analysis, consultation and reporting.

### *2.1 Field work*

The objective of the field work is to locate and identify, and then photograph, catalogue and examine the relevant buildings within the Municipality. This would occur for the most part within specific areas.

Based on the Woollahra Heritage Study by Hughes Trueman and Ludlow in 1984, a number of different areas have been identified as initial areas to investigate for the presence of bungalows:

- On and below Bellevue Road descending to Cooper Park
- On and below Bundarra Road descending to O'Sullivan Road
- Rose Bay: 2 blocks west from Old South Head Road
- Vaucluse: Cambridge Avenue and thereabouts

These areas have been cursorily inspected during the field work for the court case preparation for 12 Olola Avenue in 2011. The field work would involve re-examining in greater depth these areas.

These areas would also be a starting point for the investigation of arts and crafts buildings, the search for which would be likely to be expanded following collation of other information regarding specific architect's known buildings.

Other areas suitable for investigation of Inter-War residential flat buildings are Point Piper east around Longworth Avenue, parts of Woollahra, Bellevue Hill, Double Bay, Darling Point and eastern Vaucluse.

## 2.2 *Documentary research*

The Woollahra Local Studies Library will be a valuable resource and its staff will be involved in the research component of the project, by providing information and guidance as necessary.

The initial investigation into bungalows in 2010 for the court case for 12 Olola Avenue, Vaucluse provides a starting point for books, studies and organisations which are relevant to the topic of bungalows and will be expanded on as required during the documentary research phase of the project:

### 2.2.1 Previous relevant Council studies and other information available includes:

- „Heritage Study for the Municipality of Woollahra“ by Hughes Trueman Ludlow, 1984 (early study which summarised a large variety of architectural styles and provided broad-brush statements suitable as starting points for future studies, and also included a volume of inventory sheets which assisted with the heritage schedule for the Woollahra LEP 1995),
- „Preliminary Heritage Investigation for the Woollahra Residential Development Control Review for 2(a) and 2(b) residential zones of Rose Bay, Bellevue Hill, Darling Point“ prepared for Woollahra Municipal Council in conjunction with Hassell Pty Ltd by Howard Tanner and Associates Pty Ltd, Draft December 1997,
- „Thematic Histories“ of Vaucluse, Rose Bay, Watson's Bay, Bellevue Hill, and Edgecliff by Rosemary Broomham.

As the 2(a) and 2(b) residential zones of Darling Point, Rose Bay, and Bellevue Hill have already been studied by Hassell Pty Ltd and Tanner and Associates in 1997-8, this study should be briefly reviewed to allow exclusion of items which have already been assessed.

Council's archive of building and development applications provides detailed records of architects who have practiced in the Municipality. The files contain original plans and other drawings and documents to support detailed documentary research.

### 2.2.2 Other studies

- Robertson & Hindmarsh Pty Ltd prepared for the National Trust of Australia, “Housing in NSW between the Wars” February 1996,
- WHHS Briefs (Bruce Crosson), part 69 “The Bungalow in Woollahra”, Woollahra History and Heritage Society, and other similar papers,
- A History of Woollahra, Rose Bay, by Bruce Crosson, Woollahra History and Heritage Society, 1998, and other similar papers.

### 2.2.3 Books

- Butler, Graeme “The Californian Bungalow in Australia” Lothian Books, 1992,
- Apperly, Irving and Reynolds “Identifying Australian Architecture” Angus and Robertson 1989,
- Esau, Erika “Images of the Pacific Rim, Australia and California 1850 – 1935” Power Publications,
- Archer, John “The Great Australian Dream: The History of the Australian House” Angus and Robertson, 1987.

### 2.2.4 Organisations

- Australian Institute of Architects,
- Docomomo (Documentation and Conservation of buildings, sites and neighbourhoods of the Modern Movement),
- National Trust of Australia (NSW),
- The Mitchell Library.
- Peddle Thorp and Walker were contacted in 2010 regarding the work of James Peddle, who was an important architect practicing in the Inter-War period and known to have been highly influential in the arrival of the Californian Bungalow style in Sydney. We have a full list of Peddle’s works within the Municipality.

It is expected that a substantial number of further books, studies and documents will come to light during the research component of the project. This report documents the starting point for future research and the investigation to date.

### 2.2.5 Comparative analysis

A comparative analysis of specific architectural types and styles is an integral part of assessing heritage significance. The analysis involves comparing size and scale, details, materials, quality and other variables. Comparative analysis will form an essential part of the review. Some types of comparative analysis that are likely to be used in the study are detailed below.

- (i) The work of a specific architect can be analysed against his or her other works to establish the importance of a specific building within an architect’s body of work.
- (ii) Buildings can be compared to the highest standard of design and execution within that type or style to establish quality of design, construction and materials.

## 2.3 *Analysis – heritage inventory sheets*

Following the identification of potential items and potential areas (if considered necessary), a list of potential items and areas will be created. This list could include definite potential heritage items or areas, possible or potential heritage items or areas, and items where further access is required.

Draft heritage inventory sheets will be prepared using the standard NSW Heritage Office assessment criteria guidelines.

#### *2.4 Owner consultation*

Following the preparation of draft heritage inventory sheets, the owners of properties mentioned in the sheets will be sent a copy of the sheets and relevant information and be invited to comment.

#### *2.5 Recommendations and Reporting*

Following receipt of submissions, a report is to be prepared to document the process of the study and research, tabulate and analyse the findings, including submissions from owners, and make recommendations. These recommendations may include the preparation of a planning proposal to list properties as heritage items.

### **3.0 Estimated time frame**

We are available to commence the project in March 2012. The proposed time frame to complete step 1 (field work), step 2 (documentary research) and step 3 (analysis) is four months.

An additional timeframe will be prepared if Council decides to prepare a planning proposal.

### **4.0 Resources**

The project will be undertaken by the Strategic Heritage Officer and the two Heritage Officers. The latter staff will be engaged to carry out the project outside the time they are required to contribute to development application projects.

Costs associated with the project will be met through the current financial year's operational budget.

### **5.0 Conclusion**

The study will provide a further layer to Council's heritage investigations and is consistent with the Council's strategic objectives for managing the cultural heritage of Woollahra.

Sara Reilly  
Strategic Heritage Officer

Chris Bluett  
Manager Strategic Planning

**Item No:** R2 Recommendation to Council  
**Subject:** **DRAFT EDUCATIONAL ESTABLISHMENTS DEVELOPMENT CONTROL PLAN 2012**  
**Author:** Anne White – Senior Strategic Planner  
**File No:** 1197.G  
**Reason for Report:** To obtain Council's decision to exhibit the Draft Educational Establishments Development Control Plan 2012.

### Recommendation

- D. That the Draft Educational Establishments Development Control Plan as contained in **Annexure 3** of the report to the Urban Planning Committee meeting on 27 February 2012, be placed on public exhibition.
- E. That a report on the submissions to the Draft plan be prepared and presented to the Urban Planning Committee following the public exhibition process.

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### 1. Background

The current Development Control Plan (DCP) for School and College Development came into force on 21 June 1995. This plan applies to development within the municipality that involves private or public schools and colleges.

To respond to new impacts arising from schools, we have prepared a Draft Educational Establishments Development Control Plan 2012 (Draft DCP). This Draft DCP was presented to a meeting of the Urban Planning Committee (UPC) on 12 December 2011. The Draft DCP was then reported to the UPC on 30 January 2012 (this report is attached at **annexure 1**). At this meeting the protection of open areas within existing educational establishments was discussed at length. As a result of these discussions, a number of amendments to the content of the Draft DCP were considered and the Committee recommended the following:

- A. *That the Draft Educational Establishments Development Control Plan as contained in **Annexure 5** of the report to the Urban Planning Committee meeting on 30 January 2012, be placed on public exhibition with the amendments listed in Part C below.*
- B. *That a report on the submissions to the Draft plan be prepared and presented to the Urban Planning Committee following the public exhibition process.*
- C. *That the following amendments be incorporated in the Draft Educational Establishments Development Control Plan for public exhibition:*

#### **Section 1.9 Definitions**

- *The term "Significant Open Area" be changed to "Significant Open Space" in this Section and wherever it appears in the Draft DCP.*
- *The term "Open area" be changed to "Open space" in this Section and wherever it appears in the Draft DCP.*
- *The definition of "Open space" be reworded to show that the intent of Council is to protect green open space.*

#### **Section 2.5 Open space (changed from Open area)**



- *Control C1 be amended to read:*  
*“Existing open spaces are to be retained, particularly those which contribute to the amenity of the surrounding location, including those significant open spaces identified in Annexure 1.*

#### **Section 2.9 Community use**

- *Objective O1 be amended to read:*  
*“To encourage the use of school facilities by the wider community.”*
- *Original Objective O2 be reinstated and to read:*  
*“To minimise the adverse effects of community use of an educational establishment on the amenity of the adjacent properties.”*

#### **Section 2.11 Sustainability**

- *Objective O1 be amended to read:*  
*“To reduce energy demand by designing buildings that do not depend on mechanical heating or cooling and that are naturally lit and ventilated.”*
- *The third dot point of Control C1 be amended to read:*  
*“Wherever possible (and where there is no negative impact on the significance of a heritage item or heritage conservation area) roof-top solar energy systems are to be installed.”*  
*(Note: Solar energy system means any of the following systems:*
  - (d) A photovoltaic electricity generating system,*
  - (e) A solar hot water system,*
  - (f) A solar air heating system.)*
- *Inclusion under Control C1 the following additional dot point:*  
*“Alternative low emission and renewable energy sources.”*

#### **Annexure 1 Significant Open Spaces (changed from Significant Open Areas)**

- *Inclusion of Cranbrook Junior School including Dangar Playing Fields as a Significant Open Space.*

On 13 February 2012 Council resolved:

*That the Draft Educational Establishment Development Control Plan as contained in Annexure 5 of the report to the Urban Planning Committee meeting on 30 January 2012, be deferred, and a further report submitted to the Urban Planning Committee implementing the recommendation from the meeting on 30 January 2012.*

## **2. Amending the Draft Educational Establishments DCP 2012**

At the UPC meeting on 30 January 2012 the protection of existing open areas within educational establishments was discussed at length.

Having considered all the comments and recommendations it is understood that Councillors wish to protect all open spaces within our educational establishments, and not to limit this protection to those open areas which could be considered as significant. In order to remove the existing hierarchical approach, we recommend the removal of all references to the term “significant open area”. This also includes the removal of Annexure 1- Significant Open Areas which maps these areas.

At the UPC meeting on 30 January 2012 Councillors recommended that the term “open area” be changed to “open space” wherever it appears in the Draft DCP. This change has been made to the revised Draft DCP.

Concern was expressed that the definition of “open space” is not broad enough. It is understood that Councillors want to include additional areas in this definition. This would be achieved by including a reference to “green open space”. The Kincoppal foreshore bushland was used as the primary example to illustrate this point.

We have concerns with how the term “green open space” will be interpreted. For example, will a narrow grassed area or a flower bed be interpreted as “green open space”?

As an alternative to introducing the term green open space, we recommend the following definition:

*Open Space*        *is the area on the establishment which is used for playgrounds or sport fields and may or may not include associated structures and vegetation.*

We also suggest that green or vegetated areas of significance can be further protected by amending Control C3 in **Part 2.8: Planting, fencing and hard surfaces** in the following manner:

*C3 Existing green or vegetated areas which contribute to the ~~streetscape~~ public realm must be retained. These areas include, but are not limited to Kincoppal (foreshore bush-land), Vaucluse Public School (open space adjacent to Cambridge Avenue) and Glenmore Public School (vegetated strip adjacent to Glenmore Road).*

The other issues raised at the UPC meeting 30 January 2012 are identified in **annexure 2**, along with a comment on how we respond to these matters in the Draft DCP. The alterations arising from the UPC meeting are identified in the Draft DCP (**annexure 3**).

### 3. Conclusion

The Draft DCP has been amended to respond to Council’s concerns regarding the protection of all open spaces on school land. If Council resolves to exhibit the Draft DCP contained in **annexure 3**, a statutory exhibition process will be commenced.

We recommend that Council resolves to exhibit the Draft Educational Establishment DCP as set out in **annexure 3**.

Allan Coker  
Director Planning and Development

Chris Bluett  
Manager Strategic Planning

Anne White  
Senior Strategic Planner

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### Annexures

1. Report to UPC 30 January 2012
2. Recommendation from UPC 30 January 2012
3. Draft Educational Establishment DCP 2012

**FEBRUARY 2012**

**Draft  
Educational  
Establishments  
Development  
Control Plan 2012**

Date of commencement: .....

Version date: exhibition xxxx

**Draft February 2012**

Alterations arising from the UPC Meeting 30 January 2012 are shown thus:

Deleted text: ~~strike through~~

Added text: underlined



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# Part 1: Preliminary

## 1.1 Introduction

This Development Control Plan (Plan) aims to achieve the rational and orderly development of educational establishments within the Municipality of Woollahra. This plan advocates a balance between providing buildings to meet the educational needs of the community, whilst protecting the amenity of the location and minimising impacts on the neighbouring land.

Council recognises that *State Environmental Planning Policy (Infrastructure) 2007* permits as exempt and complying development a variety of development associated with educational establishments. Notwithstanding the Infrastructure SEPP, issues such as conservation of important buildings, siting of development, building design, open space, arrival and departure, car parking, student numbers, servicing, noise, community use of facilities, planting, fencing and energy efficiency are important to the functioning of educational establishments and their relationship to the general community. Educational establishments are therefore encouraged to work with Council officers in the design and planning stages of proposed development.

## 1.2 Context

Educational establishments have a significant role to play in the Woollahra Municipality. They provide a learning forum whilst also providing community meeting points, sporting facilities and employment. At the time of this DCP's approval, there were 17 educational establishments in Woollahra that occupy around 3% of all land.

Woollahra's educational establishments are surrounded by residential areas, but their functional requirements results in different built forms to residential development, making school campuses notable and distinct. Educational establishments need to carefully consider the adjoining residential uses to ensure that new development and ongoing operations (including traffic and parking) do not negatively impact on the amenity of the surrounding community.

Woollahra's school buildings are significant contributors to the quality of the built environment, and often make a considerable contribution to the quality of the public domain. A number of schools contain heritage items, and established schools are a great source of cultural and heritage significance.

Open playing fields, playgrounds and trees provide attractive aspects onto and through educational establishments. Where physical access is provided, the open space is a valuable shared community asset. Even when the facility can not be publicly accessed, these spaces can be important contributors to the quality of the public and private domain, by virtue of providing vistas and views.

## 1.3 Name of this DCP

This Plan is called the **Educational Establishments Development Control Plan 2012**.

## 1.4 Land and development to which this DCP applies

This DCP applies to all land in the Woollahra Municipality.

This DCP applies to all development for an educational establishment that requires consent under the Woollahra Local Environmental Plan.

## 1.5 Objectives

The objectives of this DCP are to:

- i. establish Council's policy for development relating to educational establishments;
- ii. encourage well designed educational establishments that balance the requirements of students and staff, with the amenity of the adjacent properties;
- iii. protect views and vistas;
- iv. protect and conserve heritage conservation areas, and heritage items located on or adjacent to an educational establishment;
- v. encourage all schools to provide sufficient open spaces on site, and protect existing open spaces;
- vi. encourage a safe, efficient and co-ordinated network, which considers all users;
- vii. ensure sufficient on-site car parking is provided;
- viii. ensure high quality landscaping;
- ix. encourage community uses of educational establishments that do not negatively impact on surrounding residents;
- x. ensure appropriate overland flow, on site detention and reuse of stormwater;
- xi. minimise the generation of waste;
- xii. encourage innovation and efficient use of resources in the design and function of educational establishments.

## 1.6 Approval and commencement

This DCP was approved by Woollahra Municipal Council on XXXXXX and came into force on XXXXXX.

## 1.7 Applications to which this DCP applies

Except as provided in clause 1.9, this DCP applies to development applications, applications to modify development consents under section 96 of the *Environmental Planning and Assessment Act 1979* (the Act) and applications for review under section 82A of the Act which are made to Woollahra Council as the consent authority on or after the commencement of this DCP.

## 1.8 Relationship to the Act, the Regulation, and to other plans and policies

- 1.8.1 *Environmental Planning and Assessment Act 1979* (Act) and the *Environmental Planning and Assessment Regulation 2000* (Regulation). This DCP has been prepared under Part 3, Division 6 of the Act and Part 3 of the Regulation.
- 1.8.2 *State Environmental Planning Policy (Infrastructure 2007)* applies to infrastructure across NSW, including educational establishments. The SEPP identifies certain works that may be carried out with or without consent. Development consent is required for other types of alterations and additions which are not exempt or complying development or development without consent under the SEPP.



- 1.8.3 *State Policies.* State environmental planning policies may apply to the land to which this DCP applies. Where this occurs the statutory provisions of those policies and plans prevail over this DCP.
- 1.8.4 Woollahra Local Environment Plan 1995 (WLEP). WLEP applies to the land to which this DCP applies. WLEP is a statutory instrument that contains specific provisions relating to the land use, building height, heritage impact and building density. The provisions of WLEP prevail over this DCP. This DCP contains more detailed provisions than the WLEP.
- 1.8.5 Other Woollahra DCPs, policies and codes. In the event of inconsistency between this DCP and other development control plans, policies and codes, this DCP prevails unless otherwise specified in this DCP or in the other plans, policies and codes. Except as provided in clause 1.9, this DCP repeals the Woollahra DCP for Schools and College Development which came into force on 21 June 1995.

## 1.9 Definitions

In this DCP certain terms have the meaning defined in the Act, the Standard Instrument and in the Woollahra LEP 1995.

<i>Significant Open Area</i>	<del>An area within an Educational Establishment that is of significance to the local area, either because it facilitates iconic or significant views and/or because it makes a significant contribution to the public realm.</del>
<i>Educational establishment</i>	means a building or place used for education (including teaching), being (a) a school, or (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.
<i>Open space</i>	is the area on the establishment which is used for playgrounds or sport fields <u>and may or may not include associated structures and vegetation.</u>
<i>Playgrounds</i>	are external spaces used by students during play and break times, and may be partly covered by shade structures.
<i>School</i>	means a government or non-government school within the meaning of the <i>Education Act 1990</i> .
<i>Sports fields or courts</i>	are any open spaces, open to the air, used for sport and physical education and includes outdoor courts such as tennis or netball courts.
<i>Streetscape</i>	means the combination of elements that create the urban form and character of that street, including in the public domain elements such as kerbs and pavements, landscaping and street furniture, and private domain elements fronting the street such as building facades, awnings, gardens and the like.

## 1.10 Savings and transitional provisions

Woollahra Development Control Plan for School and College Development (1995) continues to apply (in respect of land to which this DCP applies) to development applications, applications to modify consents under section 96 of the Act, and applications for the review of determinations under section 82A of the Act, that were made prior to but not determined by or on the date of commencement of this DCP.

# Part 2: Development controls

## 2.1 Introduction

In assessing development applications for educational establishments Council will consider each of the matters listed below, and each matter must be addressed by an applicant. The response to these matters, plus any other relevant statutory and policy matters, will be considered by Council when assessing the acceptability of the development.

For each matter, specific objectives are given together with the controls to achieve those objectives. Alternative ways to achieve the stated objectives, will be considered when, in the opinion of Council, the outcome is better in terms of the impact on the public domain or adjacent properties than strict compliance with the stated controls.

## 2.2 Siting of development

### **Objectives**

- O1 To protect and promote open spaces and sunlight access in relation to the site and on neighbouring land;
- O2 To protect and promote the amenity of the public domain;
- O3 To protect and enhance existing views and vistas from public and private spaces.

### **Controls**

- C1 Street setbacks are to meet the minimum setback requirements that are applicable to the adjoining properties as contained in the relevant DCP;
- C2 Non street fronting rear and side setbacks of the building must be setback:
  - to maintain the amenity of the adjoining development taking into account privacy and noise generation;
  - so that sunlight is provided:
    - to 50% or 35sqm (with minimum dimension 2.5m), whichever is smaller of the main ground level private open space of adjacent properties , and
    - for a minimum of two hours between 9am and 3pm on June 21;
- C3 Where existing educational establishments overshadow greater than that specified in C2, sunlight access is not to be further reduced;
- C4 Site new development so that significant views and vistas are maintained.

## 2.3 Building and urban design

### *Objectives*

- O1 To encourage buildings with a high standard of architectural design, materials and detailing appropriate to the building type and location;
- O2 To encourage buildings which positively contribute to the streetscape and character of the location;
- O3 To physically integrate the educational establishment into the surrounding neighbourhood, whilst protecting acoustic and visual privacy.

### *Controls*

- C1 Development is to be compatible with nearby and adjoining residential development in terms of scale, bulk, site coverage, character and materials;
- C2 Development must provide visual privacy to adjoining properties by appropriate design, vegetative screening, window and door offset, location of external areas such as roof top terraces, screening devices, separation distances and other mechanisms;
- C3 Development of educational establishments should be flexibly designed to facilitate future use by the wider community;
- C4 The development is to have a clearly distinguishable street entry point which contributes to the streetscape of which it is a part.

## 2.4 Heritage Conservation

### *Objectives*

- O1 To protect buildings, works, relics, or places of heritage significance which form part of, or which are in the vicinity of an educational establishment;
- O2 To ensure that new development is sympathetic to the heritage significance of heritage items and, where applicable, is sensitive to the streetscape qualities of heritage conservation areas.

### *Controls*

- C1 New development should respond sympathetically to the heritage significance of items and heritage conservation areas in terms of architectural style and design, colours, materials, proportions and scale;
- C2 Siting of new development should not detract from the heritage item and should preserve existing views and vistas to and from the item;
- C3 The siting of new development should seek to 'open up' new views or vistas to a heritage item, especially from public places.

### *Requirements*

- R1 As part of a development application relating to, or in the vicinity of, a heritage item the Council may require the submission of a heritage impact statement or conservation management plan or both.

## 2.5 Open Spaces

### Objectives

- O1 To protect and retain existing open spaces, particularly where that space has significant amenity value to the educational establishment and/ or the wider community;
- O2 To encourage the provision of additional open spaces where the existing open space on site is deficient;
- O3 To ensure that new educational establishments provide adequate open spaces to cater for the active and passive needs of students.

### Controls

- C1 Existing open spaces are to be retained. ~~Particularly those which contribute to the amenity of the surrounding location, including those significant open areas identified in Annexure 1 are to be retained;~~
- C2 Vehicle access and parking is not permitted on any part of the site considered as open space;
- C3 New educational establishments and major development of existing establishments must provide open spaces and maximise the use of existing open spaces having regard to an overall plan for the siting, amenity impacts, usability and accessibility of such spaces;
- C4 Playgrounds must be provided on site. Playgrounds must contain suitably designed meeting, seating, shade and play equipment to meet the relevant requirements of the Australian Standards;
- C5 Sports fields are, where possible, to be provided on site.

## 2.6 Arrival and departure

### Objectives

- O1 To provide a safe and effective circulation network that prioritises pedestrians and provides for cars, disabled access, emergency vehicles and servicing vehicles;
- O2 To minimise conflict between vehicles and pedestrians, particularly at entrances;
- O3 To encourage staff and students to use public transport;
- O4 To minimise the impact of students arriving and departing on the surrounding community.

### Controls

- C1 Pedestrian access is to be provided to all frontages that adjoin the public domain. All pedestrian access must be segregated from vehicular access with clearly defined paths;
- C2 Pedestrian areas are to be provided at key entry points to accommodate concentrations of pedestrians e.g. parents pick up time;
- C3 Equitable access is to be provided in accordance with the requirements of Councils Access DCP;
- C4 New educational establishments must provide an internal driveway for vehicles that are picking-up and dropping-off students;
- C5 Major development of existing establishments should provide an internal driveway for vehicles that are picking-up and dropping-off students.

### **Requirements**

- R1 Any major proposal must as part of the development application, provide a traffic and pedestrian management plan (TPMP). Examples of major development include proposals to increase student numbers and proposals which impact on the existing arrival and departure arrangements.

The objective of the TPMP is to identify potential impacts to the surrounding road network, specifically in relation to pedestrian safety and vehicle traffic, and to recommend a course of action to address these impacts. The TPMP is to be prepared by a suitably qualified traffic consultant.

*The report must address at a minimum:*

- (a) The age and number of students;
- (b) Measures to enhance pedestrian safety when entering or crossing roads;
- (c) Pedestrian desire lines;
- (d) Public Buses, School buses and lay-by areas;
- (e) Measures to encourage the use of sustainable means of transport;
- (f) Strategies to discourage students from driving to school;
- (g) Strategies to minimise the impact of students arriving and departing (such as staggering school start and finish times and minimising the use of amplified devices);
- (h) The numbers and type of vehicles used to transport students to and from school;
- (i) An analysis of the surrounding road network;
- (j) Provision of drop off/pick up areas;
- (k) Parking (see section 2.5).

## **2.7 Parking and servicing**

### **Objectives**

- O1 To provide the required off-site parking for staff, visitors, delivery/service/emergency vehicles and tertiary students, while having regard to pedestrian safety;
- O2 To provide parking spaces for people with a disability;
- O3 To provide bicycle parking;
- O4 To ensure that all servicing, including that associated with a community use of the site, is sufficient and does not negatively impact on the neighbourhood.

### **Controls**

- C1 All car parking and servicing arrangements (including proposals for a community use) are to be provided in accordance with the Woollahra Parking Development Control Plan including Parking Rates (as well as rates for Off-street loading and servicing facilities);
- C2 The design of parking on-site and servicing must comply with all the relevant Australian Standards;
- C3 Provisions are to be made on-site for service and emergency vehicles;
- C4 In addition to parking for staff and visitors, on site car parking for students is to be provided at tertiary institutions and is to be provided at a rate of one car space per 10 students<sup>1</sup>;

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<sup>1</sup> Rates taken from *AusRoads Part 11 – Brisbane City Council* (Feb 2008)

- C5 Parking for disabled persons should be provided at a minimum rate of one car space per 50 car spaces or part thereof. The design and location of this parking is to comply with the relevant Australian Standard;
- C6 Secondary Schools and Tertiary education establishments must provide dedicated secure bicycle parking at the following rates:
- 5% of staff numbers;<sup>2</sup>
  - 10% of full time student numbers;
- at a central location with associated changing rooms and showers;
- C7 Any excess or shortfall from the above requirements in **C1-C6** will be considered with regard to the alternatives proposed by a qualified traffic consultant. To justify any variation from the Council's requirements, traffic reports should assess the requirement for parking generated by staff and students based on; the educational establishments location; catchment and proximity to public transport and use rates.

## 2.8 Planting, fencing and hard surfaces

### Objectives

- O1 To conserve existing landscaping which contributes to the streetscape;
- O2 To promote a high standard of new landscape treatments that are co-ordinated with the local streetscape, building design and open spaces;
- O3 To provide landscaping that provides shade for play, screening of buildings, an improved microclimate, soil stabilisation, and visual quality;
- O4 To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species;
- O5 To encourage planting and fencing which enables open spaces and existing vistas and views to contribute to the public domain;
- O6 To conserve fences and gates having heritage significance.

### Controls

- C1 All significant trees on the site are to be retained;
- C2 Development must not damage significant trees located on land adjoining the site;
- C3 Existing vegetated area which contributes to the ~~streetscape~~ public realm must be retained. E.g. Including: Kincoppal (foreshore bush land), Vaucluse Public School (open space adjacent to Cambridge Avenue) and Glenmore Public School (vegetated strip adjacent to Glenmore Road);
- C4 Landscaping shall respond to adjoining developments and local streetscape character;
- C5 Plant species shall be chosen that support indigenous fauna;
- C6 Planting or fencing should not be used to block significant views or open spaces from adjacent public domain or private property;
- C7 50% transparent fencing should be used to facilitate views and vistas of open spaces from the public domain.

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<sup>2</sup> Rates taken from *the NSW Planning Guidelines for Walking and Cycling Dec 2004*

- C8 Existing fences identified as having heritage significance are to be preserved. New development in the vicinity of these fences should respond to the heritage significance with a sympathetic design and finish.

## 2.9 Community use

### Objectives

- O1 To encourage the appropriate use of school of facilities by the wider community;
- O2 To minimise the adverse effects of community use of an educational establishment on the amenity of the adjacent properties.

### Controls

- C1 The use of an educational establishment for a community use must not negatively impact on the amenity of adjacent properties.

### Requirements

- R1 Development applications for a community use of an educational establishment must be accompanied by a Plan of Management;
- R2 A Plan of Management is to be prepared by a suitably qualified individual and must address the objectives listed above, the proposed operations as well as the following issues:
- (a) Pedestrian and Vehicular Access;
  - (b) Parking and Servicing;
  - (c) Capacity;
  - (d) Hours of operation;
  - (e) Lighting;
  - (f) Noise;
  - (g) Security and safety.

## 2.10 Stormwater and Waste Disposal

### Objectives

- O1 To control stormwater quality and quantity and avoid discharge impacts on adjoining properties and natural waterways;
- O2 To minimise water consumption and encourage water conservation through the safe retention and reuse of stormwater;
- O3 To reduce waste disposal, encourage recycling and ensure the appropriate handling, storage and management of waste.

### Controls

- C1 Proposal's must ensure that the Stormwater Disposal mechanisms are in accordance with Council's Stormwater Drainage and Flood Risk Management DCP;
- C2 Provide garbage and recycling facilities in accordance with Council's Waste Not DCP;
- C3 Provide facilities in kitchens and canteens to encourage the composting of materials.

## 2.11 Sustainability

### Objectives

- O1 To ~~encourage a reduction in~~ reduce energy demand by designing buildings that do not depend on mechanical heating or cooling and that are naturally lit and ventilated;
- O2 To promote environmentally sustainable design.

### Controls

- C1 Development must be designed to provide for best practice environmentally sustainable design outcomes as may be established through the Green Star Certificate Rating system or NABERS or a similar tool.

Examples of environmentally sustainable design include:

- Wherever possible, incorporate passive solar design principles in building design to avoid the need for additional heating and cooling;
- All buildings should be designed to achieve natural ventilation;
- Alternative low emission and renewable energy sources;
- Wherever possible (and where there is no negative impact on the significance of a heritage item or heritage conservation area) roof-top solar ~~heating panels~~ energy panels are to be installed;
- Where appropriate green roofs are encouraged;
- Windows are to be suitably shaded to restrict summer sun whilst permitting winter sun;
- Utilise recycled and/or low embodied energy building materials;
- Minimise excavation.



# Annexure 1: Significant Open Areas

The following spaces have been identified as being of particular significance to the local area, either because they facilitate iconic or significant views and/or because they make a significant contribution to the public realm.

Due to the contribution these sites make to the amenity of the location, a development application should ensure the retention of these spaces.

The aerial photographs below illustrate each of these significant spaces in the context of its educational establishment. The dotted line marks the extent of the educational establishment, whilst the solid line indicates the significant space.

## **Kincoppal**

*New South Head Road, Rose Bay*



## **Kambala**

*New South Head Road, Rose Bay*



## **Cranbrook Senior School**

*Victoria Road, Bellevue Hill*



## **Sydney Grammar Preparatory School**

*Alma Street, Paddington*



## **Scots College Senior School**

*Victoria Road, Bellevue Hill*



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