

# Urban Planning Committee Minutes

**Monday 26 November 2012**

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# Urban Planning Committee Minutes

**Minutes of the Meeting held on  
Monday 26 November 2012 at 6.05pm**

**Present:** His Worship the Mayor, Councillor Andrew Petrie ex-officio (Part Item R2)  
Councillors Greg Levenston (Chair)  
Ted Bennett  
Luise Elsing  
Elena Kirillova  
Katherine O'Regan  
Matthew Robertson  
Toni Zeltzer

**Staff:** Allan Coker (Director – Planning & Development)  
Jacquelyne Della Bosca (Team Leader – Strategic Planning)  
Tom O'Hanlon (Director – Technical Services)  
Anne White (Senior Strategic Planner)  
Les Windle (Manager – Governance)

**Also in Attendance:** Councillor Anthony Boskovitz (Part Item R2)  
Councillor Jeff Zulman (Part Item R2)  
Stuart McDonald (SJB Planning)  
Neil Howie (Wilshire Webb Staunton Beattie Lawyers)

## **Leave of Absence**

Leave of Absence previously granted by Council: Nil

Apologies: Nil

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## **Late Correspondence**

Late correspondence was submitted to the committee in relation to Items: R1

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## **Declarations of Interest**

Nil

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**Items Decided by this Committee using its Delegated Authority (Item D1)**

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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 12 November 2012**  
**Author:** Les Windle – Manager Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of 12 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.

**(Elsing/O'Regan)**

**Resolved:**

That the Minutes of the Urban Planning Committee Meeting of 12 November 2012 be taken as read and confirmed.

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**Items with Recommendations from this Committee  
Submitted to the Council for Decision (Items R1 to R2)**

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**Item No:** R1 Recommendation to Council  
**Subject:** **9a Cooper Park Road, Bellevue Hill—  
Rezoning and reclassification**  
**Author:** Jacquelyne Della Bosca – Team Leader Strategic Planning  
**File No:** 1064.G Amend 71  
**Reason for Report:** To advise on the exhibition of the planning proposal to rezone and reclassify the land, and provide our assessment of submissions and recommendations.  
To advise on the public hearing into the reclassification of the land and provide the chairperson's findings.  
To obtain Council's approval to proceed with the rezoning and reclassification of the land, and prepare a site-specific development control plan.

**Note:** Late correspondence was tabled by Michael & Hylda Rolfe and Maureen Clark.

**Note:** Michael d'Apice, Torsten Blackwood and Alexi Chellis addressed the Committee.

**Motion moved by Councillor Zeltzer  
Seconded by Councillor O'Regan**

A. That Council proceeds with the planning proposal for 9A Cooper Park Road, Bellevue Hill, as exhibited and provided in **Annexure 1** to the report to the Urban Planning Committee on 26 November 2012, which seeks to-

1. Rezone the land from Zone No. 6 Open Space Zone to Zone 2(b) Residential Zone

2. Apply a floor space ratio of 0.625:1
3. Apply a height control of 9.5 metres
4. Reclassify the land from community land to operational land under the *Local Government Act 1993*

by referring it to the Director-General and Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make arrangements for the drafting of the amendment to Woollahra LEP 1995.

- B. That a site-specific development control plan is prepared for land at 9A Cooper Park Road, Bellevue Hill, detailing side boundary setbacks, the siting of buildings, and view corridors for properties adjoining to the north-east and looking over and across the site.
- C. That the Council, in preparing the site-specific development control plan provisions, and in order to be fully informed regarding future development controls that achieve equitable view sharing, undertake an outlook/view analysis of the potential impact of medium density residential development at a scale and form envisaged in the planning proposal, from the residential properties adjoining to the north-east of the site fronting Bellevue Road.
- D. That the Planning Proposal be amended to also identify in Schedule 2 of the Woollahra LEP, "recreation area" and "community facility" as additional permitted uses on the land.

#### **Amendment moved by Councillor Robertson**

That the current zoning remain in place for 9A Cooper Park Road, Bellevue Hill.

**The Amendment lapsed for the want of a seconder.**

**The Motion was put and adopted.**

**(Zeltzer/O'Regan)**

#### **Recommendation**

- A. That Council proceeds with the planning proposal for 9A Cooper Park Road, Bellevue Hill, as exhibited and provided in **Annexure 1** to the report to the Urban Planning Committee on 26 November 2012, which seeks to-
  - a. Rezone the land from Zone No. 6 Open Space Zone to Zone 2(b) Residential Zone
  - b. Apply a floor space ratio of 0.625:1
  - c. Apply a height control of 9.5 metres
  - d. Reclassify the land from community land to operational land under the *Local Government Act 1993*

by referring it to the Director-General and Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make arrangements for the drafting of the amendment to Woollahra LEP 1995.

- B. That a site-specific development control plan is prepared for land at 9A Cooper Park Road, Bellevue Hill, detailing side boundary setbacks, the siting of buildings, and view corridors for properties adjoining to the north-east and looking over and across the site.

- C. That the Council, in preparing the site-specific development control plan provisions, and in order to be fully informed regarding future development controls that achieve equitable view sharing, undertake an outlook/view analysis of the potential impact of medium density residential development at a scale and form envisaged in the planning proposal, from the residential properties adjoining to the north-east of the site fronting Bellevue Road.
- D. That the Planning Proposal be amended to also identify in Schedule 2 of the Woollahra LEP, "recreation area" and "community facility" as additional permitted uses on the land.

*Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

***For the Recommendation***

Councillor Bennett  
Councillor Kirillova  
Councillor Levenston  
Councillor O'Regan  
Councillor Zeltzer

***Against the Recommendation***

Councillor Robertson  
Councillor Elsing

5/2

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**Item No:** R2 Recommendation to Council  
**Subject:** **Modification to the definition of 'Height' and 'Existing Ground Level' in the Woollahra Local Environmental Plan 1995**  
**Author:** Patrick Robinson - Manager Development Control  
**File No:** 1064.G (Amend. 74)  
**Reason for Report:** To provide additional advice to support the recommendation to the Urban Planning Committee Item R2, Agenda of 12 November 2012

**Note:** Adam Ehrlich addressed the Committee.

**(Kirillova/Robertson)**

That the Committee resolve into "Closed Session" and the meeting closed to the press and public in accordance with section 10A(2) of the Local Government Act.

**Adopted**

**In Closed Session**

The Committee discussed the legal advice.

**(Elsing/Kirillova)**

**Recommendation:**

- A. That Council resolve to prepare a planning proposal under section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) to amend the definition of ‘height’ and ‘existing ground level’ contained in Schedule 1 of the *Woollahra Local Environmental Plan 1995* (WLEP 1995).
- B. To provide certainty as to how building height is to be measured the planning proposal adopt the definition of ‘height’ and ‘existing ground level’ generally in accordance with Standard Instrument – Principal Local Environmental Plan

**(Zeltzer/O’Regan)**

That the Committee move into “Open Session”.

**Adopted**

**In Open Session**

**(Elsing/Kirillova)**

**Recommendation:**

- A. That Council resolve to prepare a planning proposal under section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) to amend the definition of ‘height’ and ‘existing ground level’ contained in Schedule 1 of the *Woollahra Local Environmental Plan 1995* (WLEP 1995).
- B. To provide certainty as to how building height is to be measured the planning proposal adopt the definition of ‘height’ and ‘existing ground level’ generally in accordance with Standard Instrument – Principal Local Environmental Plan

*Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

***For the Recommendation***

***Against the Recommendation***

Councillor Ted Bennett  
Councillor Luise Elsing  
Councillor Elena Kirillova  
Councillor Greg Levenston  
Councillor Katherine O’Regan  
Councillor Andrew Petrie  
Councillor Matthew Robertson  
Councillor Toni Zeltzer

Nil

***8/0***

There being no further business the meeting concluded at 7.20pm.

*We certify that the pages numbered 3222 to 3229 inclusive are the Minutes of the Urban Planning Committee Meeting held on 26 November 2012 and confirmed by the Urban Planning Committee on 10 December 2012 as correct.*

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**Chairperson**

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**Secretary of Committee**