



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 28 February 2005*

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

23 February 2005

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

Dear Councillors

Urban Planning Committee Meeting – 28 February 2005

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 28 February 2005 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 14 February 2005	1
D2	Traffic Alterations – Double Bay Commercial Area – 255.G Reports Pt. 13	2

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

R1	13 Lawson Street, Paddington – Request to broaden the range of permissible uses to include a counselling service used in conjunction with Sydney Grammar Preparatory School – 276.13	12
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 February 2005**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 14 February 2005 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 14 February 2005 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **TRAFFIC ALTERATIONS – DOUBLE BAY COMMERCIAL AREA**
Author: S Mack - Consultant Traffic Engineer
File No: 255.G Reports Pt 13
Reason for Report: Council Notice of Motion

Recommendation:

- A. That the proposed closure of Knox Street to all traffic **not** proceed due to its traffic impacts on New South Head Road and the local road system in Double Bay.
- B. That approval be sought from the Traffic Committee for prohibiting right turns onto New South Head Road at Bay Street and Henrietta Street.
- C. That approval be sought from the Roads and Traffic Authority (RTA) for prohibiting right turns from New South Head Road into Bay Street, Gumtree Lane and Henrietta Street.
- D. That Council defer a decision to make Henrietta Street north of Holt Street one-way northbound, subject to a further report following implementation of B and C.
- E. That consideration for the re-phasing of traffic signals at Cross Street/Bellevue Road/New South Head Road, to provide split phases for each side road, be deferred until a further report is submitted to Council on the impacts of the right turn bans, as recommended in B and C above.

Proposal:

Council, at its meeting of 12 July 2004, adopted the following Notice of Motion:

“That a report be brought before the Urban and (sic) Planning Committee with a plan to revitalise the centre of Double Bay considering the following issues:

- 1. *Closure of Knox Street for the creation of a car-free plaza*
- 2. *Change in the traffic management in Double Bay by prohibiting right turns onto New South Head Road at Bay Street and Henrietta Street*
- 3. *The elimination of right turns from New South Head Road into Bay Street, Gumtree Lane and Henrietta Street*
- 4. *Henrietta Street north of Holt Street to be made one-way northbound*
- 5. *The re-phasing of traffic signals at Cross Street/Bellevue Road/ New South Head Road to provide split phases for each side road*
- 6. *Utilisation of the bus cutting for vehicle access from Ocean Street to New South Head Road*
- 7. *The process of implementation*
- 8. *Costing and Programming in Council Budget”.*

Investigations

A Proposed closure at Knox Street

Currently, some 4,000 vehicles per day (vpd) use Knox Street to access the Double Bay commercial area.

Should Knox Street be closed to all traffic between Bay Street and Short Street, most, if not all, of these 4,000 vpd would be distributed to other roads throughout the commercial centre.

Vehicles from the east, along New South Head Road, currently entering the commercial centre at Knox Street (approximately 350 vpd), would have to enter the commercial centre via William Street and then use either Jamberoo Lane or Bay Street to access the shopping area. This would not only increase the traffic volumes on William Street, but also increase traffic movements at the intersections of Cross Street with Jamberoo Lane and Bay Street. Currently, these two intersections are controlled with regulatory signs only and any traffic increase would adversely affect the performance of these two intersections, causing delays and increases in accident risks.

Vehicles currently left turning into the commercial centre from New South Head Road would be diverted to either Bay Street or Cross Street.

Vehicles from Bay Street, currently entering Knox Street to access New South Head Road, would be diverted to Bay Street New/South Head Road intersection or Cross Street or Short Street-Goldman Lane.

Short Street-Goldman Lane is operating one-way eastward. Some 250 vehicles per hour in the PM peak (or an average of 2,200 vehicles per day), which currently use Knox Street to access NSH Road, would divert into this lane-way if Knox Street were closed to all traffic. As Short Street-Goldman Lane is mainly used for loading and access to a public car park, and is too narrow to operate as a two-way thoroughfare, any increase in through traffic would be undesirable and would cause adverse impacts on service and delivery operations.

Increased traffic on Cross Street would inevitably affect its operation at the New South Head Road intersection. As Bay Street is narrow and with parking on both sides of the street, any increase in through traffic on Bay Street would cause operational difficulty at its intersection with New South Head Road.

In addition to the above traffic impacts on the local street system, the proposed closure would have other operational impacts as follows:

1. Loss of parking in Knox Street

30 on-street parking spaces would be lost in Knox Street. It is not considered this loss of parking can be accepted in this location.

2. Relocation of Taxi Rank

The existing taxi rank would need to be relocated if Knox Street, between Goldman Lane and Bay Street, is to be entirely car-free. The existing taxi rank is well utilised and is centrally located within the Double Bay Commercial Centre. It is anticipated that taxi operators and users would have significant objections to the loss of a taxi rank at this location.

3. Service Vehicles

Although most premises along Knox Street have rear access either via Short Street or Knox Lane, some service vehicles will still require access to access Knox Street. Arrangements for service vehicle access and issues regarding vehicle-pedestrian conflicts would require further investigation.

4. Change of Intersection Control at Knox Street/NSH Road Junction

If Knox Street is closed to all traffic between Bay Street and Short Street, the traffic signals at the intersection of Knox Street with NSH Road would need to be modified, since the only traffic using the intersection would be exiting traffic from Knox Street (from Short Street-Goldman Lane). The existing traffic currently entering Knox Street from NSH Road would be diverted to other intersections on NSH Road and will impact on the operations of these intersections.

A previous report, dated 5 February 2002, on the impact of a Shared Zone in Knox Street, conducted for the Local Traffic Committee indicated that some 4,000 vehicles per day (vpd) would be expected to divert onto surrounding streets. This volume significantly exceeds the maximum volume of 300 vpd specified in RTA guidelines as the volume suitable for a Shared Traffic Zone. For a complete road closure, the traffic volume that would be diverted onto other surrounding streets is expected to be significantly greater than that from a Shared Traffic Zone.

Based on the traffic and parking impacts discussed above, the closure of Knox Street between Bay Street and Short Street is not recommended.

B Prohibition of Right Turns onto New South Head Road at Bay Street and Henrietta Street

Right turn movements from Bay Street and Henrietta Street into New South Head Road during peak hours are small (a recent survey indicated approximately 35 vph in the PM peak). However, delays to left-turning traffic are significant as the right-turning vehicles block the left turn movements due to the narrowness of these streets. Moreover, safety concerns, due to high risk of a collision because of limited sight distance, are the main consideration for the proposed prohibition. Site observations indicated some vehicles waiting to turn right in the peak period could not pick a gap and subsequently changed to turning left instead.

Should right turn bans be introduced at these intersections, vehicles currently turning right from these streets onto New South Head Road would be diverted to using Ocean Avenue/Ocean Street or Greenoaks Avenue/Mona Road depending upon their destinations.

Should Council proceed with the proposed closure of Knox Street between Bay Street and Short Street, an estimate of some 185 vph currently right turning from Knox Street, Bay Road and Henrietta Street would be diverted to using other streets in the local road network. Some of these movements would right turn at the Darling Point Road or Mona Road intersections to access New South Head Road as a right turn from Ocean Street onto NSH Road is not permitted (some would double back and use Cross Street).

If all the city-bound traffic used the Darling Point Road intersection for right turning into New South Head Road, it would have serious impacts on the operation of this intersection (which currently carries approximately 70 vph right turn movements in the evening peak).

Without the Knox Street closure, the displaced right-turning traffic from Bay Street and Henrietta Street would only be approximately 35 vehicles per hour in the evening peak. This volume can be absorbed by the local street system without significant impacts.

C Elimination of right turns from New South Head Road into Bay Street, Gumtree Lane and Henrietta Street

Gumtree Lane is a narrow one-way (north) service vehicle access lane located at approximately 20m from the Manning Road junction. No traffic had been observed to right turn into Gumtree Lane from NSH Road in peak periods, although some service vehicles were observed attempting this movement in off-peak periods. However, banning this movement will improve traffic safety on New South Head Road.

Currently, approximately 240 vehicles per hour right turn into William Street from New South Head Road east in the evening peak hour. Other traffic right turning into the commercial centre from New South Head Road is estimated to be approximately 75 vph in the PM peak in total (40 vph at Knox Street, 30 vph at Bay Street, and 5 vph at Henrietta Street).

With Knox Street closed to all entry traffic, banning right turns at Gumtree Lane, Bay Street and Henrietta Street would mean that all centre bound right turning vehicles along NSH Road would use the William Street intersection. The evening peak right-turning volume from New South Head Road at this intersection may increase from 240 vph up to approx 315 vph.

The additional right turns at this intersection may require a longer phase time for westbound movements. This would increase the delay to the eastbound evening traffic. The left turn volumes in peak periods would also be expected to increase.

Without the Knox Street closure, the right turns displaced from the prohibition would be shared between William Street and Knox Street. Since there is no right turn phase at the Knox Street intersection, William Street would probably take a higher proportion of right-turning vehicles.

However, the worse impact on William Street with all the diverted traffic would still be significantly less (approximately 275 vph in the PM peak) than the case with Knox Street Closed to all traffic. The right turn at Knox Street is not expected to increase significantly from its current flow of 40 vph in the PM peak.

D Impacts on Local Roads as a result of right turn bans

A major concern is the potential increase in traffic flows at the intersection of Bay Street and Cross Street.

With Knox Street Closure, the potential diversion of traffic to this intersection would prevent this intersection from operating effectively in peak periods without additional traffic management control.

Without Knox Street closure, the potential traffic increase after the implementation of the right turn bans may be as high as 75 vph in the evening peak hour. The potential traffic increase may not immediately affect the operation of this intersection but it needs to be monitored for any required traffic management measures in the future.

It would be unlikely that many drivers would use Jamboree Lane to access the centre in the peaks. However, if increase in through traffic is detected, action may be required to ban right turns from Jamboree Lane onto Cross Street.

Potential traffic increase on Cooper Street and Greenoaks Avenue to gain access to Darling Point Road would be minimal if right turns at Knox Street and New South Head Road are retained.

E One-way proposal for Henrietta Street traffic

With the right turn ban at Henrietta Street, traffic flow on Henrietta Street is expected to reduce. There is minimal benefit of making it one-way north in the section north of Holt Street apart from reducing the turning conflicts at the Holt Street/Henrietta Street intersection. It may, however, increase traffic circulation in the adjacent streets and cause inconvenience to residents accessing properties along this section of Henrietta Street.

It is not considered that the benefits gained by making this section of Henrietta Street one-way would justify the proposed change. The operation of Henrietta Street should be monitored after the implementation of the right turn bans. It is recommended that Council defer its implementation of the proposed one-way operation in Henrietta Street north of Holt Street, until the impacts of the proposed changes can be monitored.

F Re-phasing of signal settings at Cross Street St/Bellevue St/NSH Rd intersection

The proposed re-phasing of signal settings at this intersection into a split phase arrangement for each approach road would increase the number of phases and would increase delays at the intersection. However, the split phase arrangement would significantly increase the safety aspect at this location, particularly in the morning peak.

A discussion with a RTA officer on the proposal indicated that a separate review of the operation of this intersection is required. This will include a full turning movement count at peak hours; an estimate of traffic displaced from the right turn bans; accident statistics and a comparison of the existing operation with the proposed split phase operation.

The Development Consent Condition F.25 for the proposed shopping/residential development by Kiaora Lands requires the developer to examine possible modifications to this intersection to ensure that the "existing levels" of queuing for the right turn movements from New South Head Road into Kiaora Road and Bellevue Road is not exceeded.

In view of the above, it is suggested that consideration for re-phasing of traffic signals at this location be deferred and considered in conjunction with the Kiaora Lands Development Study.

G Utilisation of the bus cutting for vehicle access from Ocean Street to NSH Road

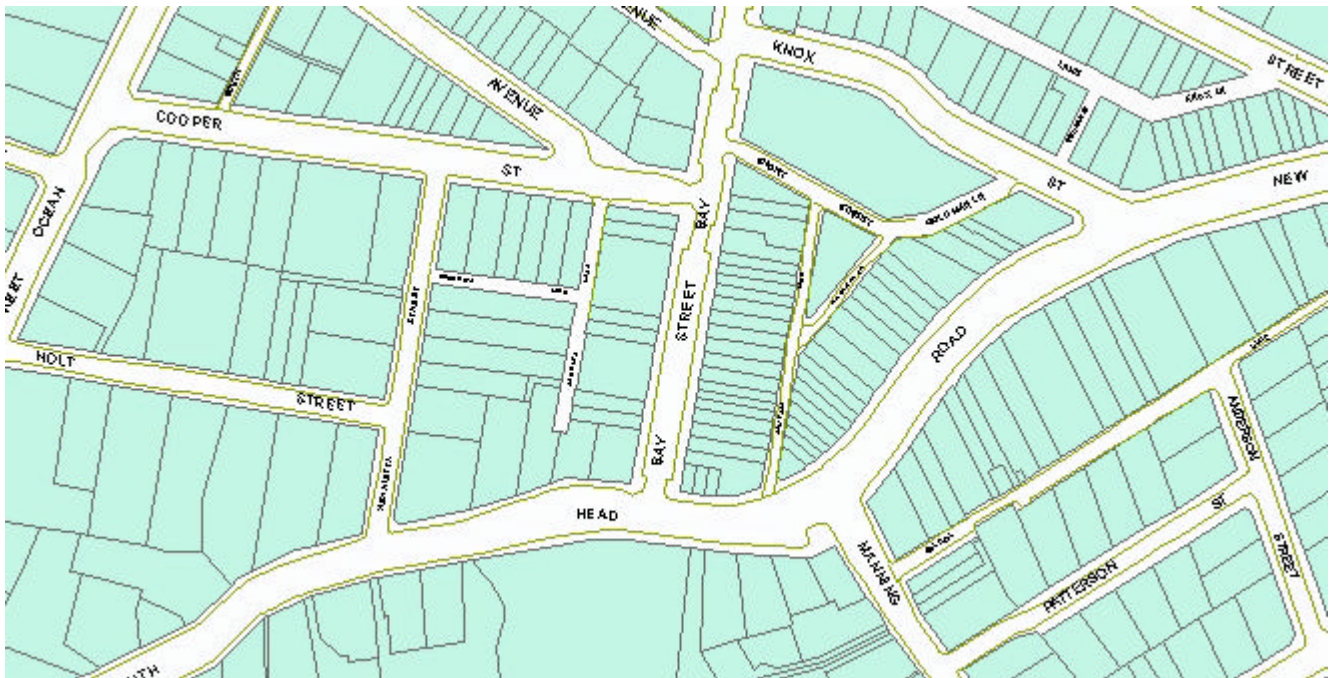
As the cutting is privately owned, the proposal has not been investigated.

Implementation Procedure

- For prohibition of right turns from Bay Street and Henrietta Street onto New South Head Road, Traffic Committee approval is required.
- For prohibition of right turns from New South Head Road onto Gum Tree Lane, Bay Street and Henrietta Street, RTA approval will be required.

The prohibition of right turns is to be effected by regulatory signs and appropriate line markings. The proposed regulatory control has been discussed and agreed with RTA officers. The locations of the recommended control signs are shown in Figure 1 following.

Figure 1: Proposed locations of recommended signs



Legend:

- | | |
|--------------|---|
| 1 | Advance information sign "Last RIGHT TURN before Darling St." |
| 2,3,4,5 & 15 | NO RIGHT TURN sign (R2-6RB) |
| 6,7,8 & 9 | NO RIGHT TURN" sign (R2-6RA) |
| 10, 11 | Advance Warning sign "NO RIGHT TURN AT NSH Rd" |
| 12, 13 | NO ENTRY" (R2-4A) |
| 14 | NO LEFT TURN (R2-6LA) |

Conclusion:

- 1 Implementation of Knox Street closure between Goldman Lane and Bay Street would cause significant changes in traffic movements accessing and within the Double Bay Centre. Because of its traffic and parking impacts, the proposed closure of Knox Street is not recommended.
- 2 Without Knox Street closure, proposed right turn bans from Bay Street and Henrietta Street into NSH Road are considered feasible, displacing some 35 vph in the evening peak which will be shared by Darling Point Road, Knox Street and other local streets. The impacts are not considered significant.
- 3 Elimination of right turns from NSH Road into Gumtree Lane, Bay Street and Henrietta Street is expected to divert approximately 40 vph to other intersections in the evening peak. Without Knox Street closure, this volume will be shared between William Street and Knox Street (possibly more by William Street) with less impact than presently experienced at Bay Street and Henrietta Street.

- 4 The proposal to change the phasing system to split phases for each side road approach at Cross Street/Bellevue Road/NSH Road intersection requires a more detailed investigation involving traffic counts and traffic modelling to analyse the impact on the intersection operation. It should therefore be examined separately as the impact on the operation of this intersection from the proposed right turn bans alone would not justify the proposed change.
- 5 The traffic operation benefits from proposed one-way operation in Henrietta Street north of Holt Street would not justify the access inconvenience to residents of the adjacent properties and is therefore not recommended.
- 6 RTA has no objections in principle to the proposed prohibition of right turns along New South Head Road to Goldman Lane and to/from Bay Street and Henrietta Street but requires approval of a plan showing the proposed traffic control scheme to effect the prohibition.

Identification of Income & Expenditure:

The cost for implementing the proposed No Right Turns at Bay Street, Henrietta Street and Gumtree Lane is estimated to be approximately \$7,000.00, including costs of all signs and pavement markings.

Stan Mack
Consultant Traffic Engineer

Warwick Hatton
Director Technical Services

Annexures:

Results of peak hour traffic surveys of right turn movements at William Street, Cross Street, Knox Street, Bay Street, Henrietta Street and Darling Point Road.

Results of traffic surveys at William Street, Cross Street, Knox Street, Bay Street, Henrietta Street and Darling Point Road

(Note figures in brackets indicate the adjusted traffic due to discrepancies in average flows between January and normal non-holiday months)

New South Head Road/William Street intersection, Double Bay (Thursday 13th January 2005)

Time Period	William Street	
	RT in	LT out
AM		
8:00 – 8:15	55	35
8:15 – 8:30	62	43
8:30 – 8:45	60	43
8:45 – 9:00	64	53
Total	241 (290)	174 (210)
PM		
4:00 – 4:15	55	68
4:15 – 4:30	61	85
4:30 – 4:45	36	75
4:45 – 5:00	49	80
Total	201 (242)	308 (370)

New South Head Road/Cross Street intersection, Double Bay (Friday 14th January 2005)

Time Period	Cross Street
	RT out
AM	
8:00 – 8:15	17
8:15 – 8:30	14
8:30 – 8:45	8
8:45 – 9:00	12
Total	51 (62)
PM	
4:00 – 4:15	33
4:15 – 4:30	29
4:30 – 4:45	29
4:45 – 5:00	21
Total	112 (135)

Comment: High traffic volumes out of Bellevue in AM restrict RT out of Cross St

**New South Head Road/Knox Street intersection, Double Bay
(Friday 14th January 2005)**

Time Period	Knox Street	
	RT in	RT out
AM		
8:00 – 8:15	2	14
8:15 – 8:30	2	12
8:30 – 8:45	3	17
8:45 – 9:00	4	18
Total	11 (14)	61 (74)
PM		
4:00 – 4:15	6	30
4:15 – 4:30	8	31
4:30 – 4:45	8	33
4:45 – 5:00	3	28
Total	25 (30)	122 (147)

Comment: RT into Knox Street and bus stopped at bus stop effectively reduces westbound traffic to one lane

**New South Head Road/Bay Street intersection, Double Bay
(Friday 14th January 2005)**

Time Period	Bay Street	
	RT in	RT out
AM		
8:00 – 8:15	5	2
8:15 – 8:30	5	2
8:30 – 8:45	3	1
8:45 – 9:00	4	3
Total	17 (21)	8 (10)
PM		
4:00 – 4:15	6	9
4:15 – 4:30	7	3
4:30 – 4:45	5	9
4:45 – 5:00	6	4
Total	24 (29)	25 (30)

**New South Head Road/Henrietta Street intersection, Double Bay
(Friday 14th January 2005)**

Time Period	Henrietta Street	
	RT in	RT out
AM		
8:00 – 8:15	2	1
8:15 – 8:30	1	0
8:30 – 8:45	2	0
8:45 – 9:00	2	0
Total	7 (9)	1 (2)
PM		
4:00 – 4:15	2	1
4:15 – 4:30	1	1
4:30 – 4:45	1	1
4:45 – 5:00	1	0
Total	5 (6)	3 (4)

Comment: Three vehicles attempting to right turn out change their direction to left turn and later turn into Manning Road.

**New South Head Road/Darling Point Road intersection, Darling Point
(Thursday 13th January 2005)**

Time Period	Darling Point Road	
	RT in	RT out
AM		
8:00 – 8:15	12	16
8:15 – 8:30	13	15
8:30 – 8:45	15	17
8:45 – 9:00	16	13
Total	56 (68)	61 (74)
PM		
4:00 – 4:15	23	19
4:15 – 4:30	20	14
4:30 – 4:45	24	16
4:45 – 5:00	15	10
Total	82 (99)	59 (71)

Comment: RT exiting New McLean Street (particularly heavy flows in PM) has combination of filter RT + pedestrian phase – does not give way to Darling Point Road LT or even through traffic - a potential safety problem.

Item No: R1 Recommendation to Council

Subject: **13 LAWSON STREET, PADDINGTON – REQUEST TO BROADEN THE RANGE OF PERMISSIBLE USES TO INCLUDE A COUNSELLING SERVICE USED IN CONJUNCTION WITH SYDNEY GRAMMAR PREPARATORY SCHOOL.**

Author: George Losonci - Senior Strategic Planner

File No: 276.13

Reason for Report: To respond to a request to amend Woollahra Local Environmental Plan 1995 to broaden the range of permissible uses at No. 13 Lawson Street Paddington to include a counselling service used in conjunction with the Sydney Grammar Preparatory School.

Recommendation

- A. THAT a draft local environmental plan be prepared to amend *Woollahra Local Environmental Plan 1995* to broaden the range of permissible uses at No. 13 Lawson Street, Paddington, to include a counselling service, restricted to the ground floor and used solely in connection with the Sydney Grammar Preparatory School.
- B. THAT as required by the Council's adopted Fees and Charges, the applicant is to pay all costs incurred by Council for the preparation and exhibition of the amending local environmental plan.

1.0 BACKGROUND

In June 2003, Council received a letter from Sydney Grammar School advising of its intention to use part of No. 13 Lawson Street, Paddington, which is owned by the School, as office space for the staff of the Preparatory School. The School was advised that based on the information submitted and in accordance with the provisions of Woollahra LEP 1995, the subject property could not be lawfully used for office purposes as requested.

In October 2003, Council received a submission on behalf of the School seeking Council's endorsement to use part of the residence for counselling purposes. In response to this request, Council advised the applicant that the use would be classified as "development for the purpose of a school" and as such the development would not be permissible in the Residential 2(a) zone.

In October 2004, Council staff met with planning consultants Don Fox Planning Pty Ltd (engaged by the School) regarding the information that should be submitted with their application to Council requesting an amendment to Woollahra LEP 1995.

This initial application (**Annexure 1**) and subsequent addendum (**Annexure 2**) proposed to broaden the range of permissible uses to include a counselling service and a meeting room. Part of the ground floor dining room was proposed to function as a meeting room during times when the counselling service did not require the use of that room. The proposed further additional use of that part of the ground floor as a 'meeting room' has subsequently been withdrawn by the applicant (**Annexure 3**). The assessment of the application, minus the meeting room use, is the subject of this report.

In accordance with Council's adopted Fees and Charges, the School has made payment for the preparation of this report.

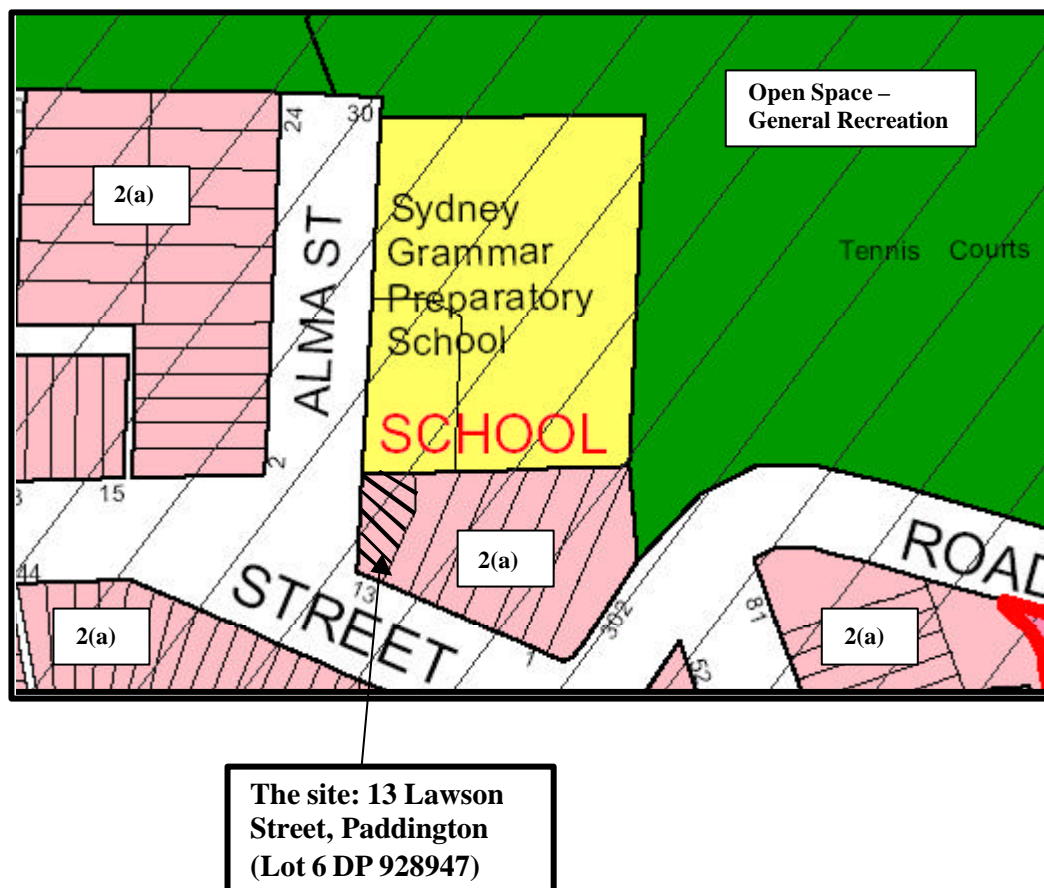
1.2 Site and context

No. 13 Lawson Street, Paddington (the site) is known as Lot 6, DP 92894. The site is located on the corner of Lawson and Alma Streets, Paddington and consists of a two-storey semi-detached residence. The rear northern boundary of the site adjoins Sydney Grammar Preparatory School. An existing opening in the fence allows direct pedestrian access between the rear garden area of the site and the School.

The existing ground floor of the residence comprises a kitchen, bathroom, dining room and living room. The first floor consists of three bedrooms and a second bathroom. An inspection of the site by Council's Senior Strategic Planner on 12 January 2005, confirmed that the internal layout of the building is designed and furnished for residential purposes. Although vacant, the residence is intermittently used to accommodate visiting guests and teachers to the School.

The area immediately adjoining and surrounding the site is zoned a mixture of Special Uses 5 Existing (School), Open Space 6 (General Recreation) and Residential 2(a). Uses of the surrounding land and buildings include the preparatory school to the north, the White City tennis complex and a mixture of detached houses and terrace dwelling-houses. The land use mix of this part of Paddington is such that it is not a typical residential area, but includes an intermix of residential and non-residential uses.

The plan below shows the location of the site and the surrounding zones and land uses.



2.0 THE PROPOSAL

An application to amend Woollahra LEP 1995 has been received from Don Fox Planning Pty Ltd on behalf of the Sydney Grammar Preparatory School. The application seeks Council's approval to amend Woollahra LEP 1995 to broaden the range of permissible uses at No. 13 Lawson Street, Paddington, to use the ground floor of the premises as a counselling service in association with the immediately adjoining Sydney Grammar Preparatory School (the School).

The School intends to provide a counselling service for students, their parents and teachers. The counselling service is proposed to be undertaken by one counsellor operating three days per week (Monday, Tuesday and Thursday) between the hours of 9am and 3pm. The counselling service will provide on average up to five consultations per day and would operate during school terms for a total of 36 weeks per year.

The counselling service will occupy the current ground floor dining room and living room. The dining room will function as a waiting room and the living room will be used for counselling. The first floor will not be used as part of the proposed counselling service.

This report deals with the assessment of the application. Should Council resolve to broaden the permissible uses on the site, a development application for the use of the site for counselling purposes will need to be submitted and separately assessed. A copy of the application to amend Woollahra LEP 1995, including a floor plan layout of the future use of the site, is attached as **Annexure 1**. The amended floor plan layout of the ground floor, which shows the removal of the meeting room use, is shown in **Annexure 3**.

2.1 Application to amend Woollahra LEP 1995

The application to amend Woollahra LEP 1995 consists of a planning report prepared by Don Fox Planning Pty Ltd (the report) and additional information received since the lodgement of the original report.

The report provides a description of the site and the surrounding locality, including photos of the surrounding streetscape and justification for the proposal.

Clause 17 of Woollahra LEP 1995 permits development for certain additional purposes which are listed in Schedule 2 of the LEP. The updated report requests that Council amend Schedule 2 of Woollahra LEP 1995 to include the following description and use:

Land being Lot 6, D.P. 92894, known as 13 Lawson Street, Paddington – counselling service in association with the Sydney Grammar Preparatory School.

In support of the proposal the report puts forward a range of reasons, which are summarised below:

Need for the Proposal

- At present the counselling facilities operate from an office in the main school building which is located beside the main reception/office area of the School and which adjoins part of the main playground area. Consequently, this location lends itself to high levels of activity and noise.
- Due to the small grounds and absence of any vacant offices or floor area, there is no practical alternative to locate the counselling office elsewhere within the existing school buildings.
- If the counselling office were capable of being relocated within the existing school buildings, then this would result in the loss of classroom space or space essential to the School.

- The subject property being separated from the main school grounds provides a higher level of privacy from the activities of the School.
- The site is suitable for the counselling service as it adjoins the existing School and the proposed use will not require any structural alteration to the building.
- The limited size of the existing counselling office (approx. 4 x 4 metres) being relocated will not significantly expand the availability of space within the existing school buildings.

Intentions of the School

- The proposal does not represent any intentions of the School to expand or encroach into the adjoining residential areas.
- This is a one-off proposal and does not form part of a larger plan for amalgamation with the School or the like. The dimensions and site area of the subject property do not lend themselves to amalgamation with the School or future redevelopment for school purposes.

Consistency with Woollahra LEP 1995

- In terms of the objectives in relation to residential development, the site will retain its current Residential 2(a) zoning. The use will not compromise the residential objectives and should the circumstances change in the future, the existing building can be readily converted to a dwelling.
- The proposal will not generate traffic or parking demands greater than that of a dwelling-house.
- In terms of clause 28, the use of the existing building will not alter the appearance of the building nor affect the heritage significance of the Paddington Heritage Conservation Area (HCA).
- Clause 30 of Woollahra LEP 1995 recognises that there are non-residential uses scattered throughout the residential zoned land in the Paddington HCA. The proposal would have similarities with these non-residential land uses and still maintain a residential appearance.
- The proposal is not uncharacteristic of the non-residential uses traditionally found in the Paddington HCA.
- The proposal will maintain the amenity and existing character of the surrounding residential area. The proposal is a low-intensity, non-residential use which is compatible with the residential character of the locality.

Consistency with Paddington DCP

- The Paddington DCP does not directly relate to the proposal and will have more relevance in the preparation and assessment of a development application for the proposed use.
- The proposal to permit the use of the site for counselling service would not undermine the objectives of the DCP and is capable of achieving consistency with those objectives.
- The proposal will enable the character and significance of the Paddington HCA to be retained.
- The proposal would assist in permitting a non-residential use that is consistent with the DCP's intention to "continue to cater for varied uses and building types within the residential area." This can be achieved without affecting the heritage value or residential character of the area.
- Overall, the proposal will permit a use that can achieve consistency with the desired future character statements for the Paddington HCA.

Suitability of the Site

- The use can be retained wholly within the ground floor.
- The subject property immediately adjoins the School providing an internal pedestrian connection with to the rear of the site, without the need to exit the School premises.
- The property is well separated from other dwellings in Lawson Street and Alma Street, reducing the potential for any conflicts with the existing residential development in these streets.
- The proposal will not require alteration to the external appearance of the building that would alter its contribution in the residential streetscape and heritage significance of the locality.

Impacts on Residential Neighbourhood

- Being a corner allotment, the property is well separated from other residential dwellings reducing the potential for conflicts with other residential properties.
- Persons using the counselling service do not need to exit the school grounds to access the subject property, thereby minimising possible impacts to neighbouring dwellings.
- External pedestrian access to the dwelling is from Alma Street and will therefore not interfere with the amenity of the adjoining semi-detached residence at No. 11 Lawson Street.
- The infrequency of movement of students and staff will be sufficiently low so as not to cause any disturbance to the adjoining property.
- The proposed counselling service is a low intensity use, similar to that of a home occupation, which would be compatible within a residential environment.

Section 117 Direction

- The proposal is consistent with all Ministerial directions.

Traffic and Parking

- The proposal would be a low intensity use that will not be a major traffic generating development.
- Because the proposal is a relocation of an existing use from within the School to the adjoining dwelling-house, there is no additional use being established in the locality.
- Only one counselling session will operate at a time.
- Predominant users of the counselling service (teachers and students) are already at the School premises and no additional vehicular movements would arise as a consequence of this use.
- Likely additional traffic movements of the proposed use would relate to a vehicle that might be driven by the councillor or parents of students from the School.
- The Woollahra DCP for off-street parking does not contemplate a specific land use such as this. The proposal is not appropriately classed as a 'commercial or business service' and would not require the provision of 2 car parking spaces.
- Parking on surrounding streets is limited to 2 hours which will be able to adequately cater for the infrequent parking requirements of the people visiting the School (ie: parents) using the counselling service.

State Environmental Planning Policy No. 55 – Remediation of Land

- The subject property is occupied by a 2 storey dwelling constructed around the turn of the century.
- The subject property is not known to have been used for any other purpose than residential.

Council's LEP amendment criteria

Criteria 1 – The project, quite apart from its incidental advantage to the applicant, should produce some clear and tangible metropolitan or municipal benefit.

- The proposed amendment to Woollahra LEP 1995 is to provide a low scale counselling facility used in association with the Grammar School. Although the proposed use is in itself a very specific benefit to the School, the School does, however, service the wider community and not just the immediate community. Approximately 60% of pupils reside outside the Woollahra local government area and the proposal is intended to benefit students, parents and teachers.
- The counselling service being relocated within the residence and being specifically restricted to a use in conjunction with the School will be beneficial to the students and their parents in providing a comfortable environment for such a use that is detached from the main school building/s.

- The counselling service has a direct benefit to the educational welfare of the students which provides a benefit to individuals rather than necessarily benefiting the School. The students and the School which forms part of the community will therefore derive a benefit from the proposal.

Criteria 2 – That generally proposals for suspension [rezoning] should only be considered by the Council where precinct planning has reached the stage of adoption by the Council as a policy.

- The planning for the precinct has already been undertaken and is in the form of the Paddington DCP. An analysis of the proposal against the objectives of the Paddington DCP has been discussed in section 4.2 of the application (**Annexure 1**).
- Generally the proposal would not undermine the objectives of the DCP and is capable of achieving consistency with the DCP's objectives.

Criteria 3 – That [rezoning needs to be considered] where there appears to be anomalies in the existing planning controls which are confirmed by carrying out a localised study.

- There are no anomalies in the existing planning controls that have prompted the proposal nor is the current Residential 2(a) zone redundant. The current zoning of the site will be maintained. Also, the proposal will not create any anomalies with either Woollahra LEP 1995 or the Paddington DCP.

An assessment of the proposal and comment on the applicant's submission are provided in **section 4.0** of this report.

3.0 CURRENT PLANNING CONTEXT

There are numerous planning documents in the form of legislation, strategies, development control plans, policies and codes that are applicable to the site in either a direct or general way. Many of these documents establish a planning framework that can be used to assess the proposed amendment to Woollahra LEP 1995. They also form important guidelines and directions for establishing a planning outcome for the site that balances owner needs with broader local, municipal and regional needs and requirements.

3.1 State and regional planning

3.1.1 State environmental planning policies

The Environmental Planning and Assessment Act 1979 (the Act) requires councils to consider State environmental planning policies (SEPPs) as part of the draft LEP process. When reporting to the Director-General of Planning after the public exhibition phase, councils must provide a statement that specifies those SEPPs that have been taken into consideration and whether the draft LEP is consistent or justifiably inconsistent with the SEPPs. The following SEPP is relevant to the site and to the proposal.

- *SEPP No. 55 Remediation of Land* – applies to the process of preparing the draft LEP and will apply to future development on the site.

An assessment of the proposal against this SEPP is provided in **section 4.1.1** of this report.

3.1.2 Directions under s117

Section 117 of the Act provides that the Minister for Planning may give directions to a public authority or a person who has functions under the Act or under an environmental planning instrument. Through section 117, the Minister may direct a council to carry out the council's functions in preparing a draft LEP in accordance with principles set out in the direction. Under section 117, the Minister may also direct a council to include provisions in a draft LEP that will achieve or give effect to principles, aims, objectives or policies specified in the direction. In all instances the principles, aims, objectives and policies must be consistent with the Act.

Since the inception of the Act, twenty-nine general directions and twenty-eight specific directions have been issued for the preparation of draft LEPs. No directions have been issued specifically for the site.

Although these directions apply to the preparation of draft LEPs, and therefore are envisaged to be used once a decision has been made to prepare the draft LEP, it is prudent to use them as a form of consideration for such applications, particularly where development is proposed.

An assessment of the proposal against the directions is provided in **section 4.1.2** of this report.

3.2 Local planning

3.2.1 Woollahra LEP 1995

Under Woollahra LEP 1995 the following provisions currently apply to the site:

<i>Land use zone</i>	2(a) Residential "A"
<i>Height controls</i>	9.5 metres maximum
<i>Density controls</i>	Minimum allotment size of 230m ²

The Residential 2(a) zone applies to land that is used for residential purposes. Other permissible uses include home occupations; child-care centres and utility installations. The relevant zone objective in this case are:

- *to maintain the amenity and existing characteristics of areas predominantly characterised by dwelling-houses,*
- *to allow certain non-residential development of low intensity which is compatible with the residential character and amenity of the locality,*

The subject site is located within the Paddington Heritage Conservation Area. Clause 2(2)(g) of Woollahra LEP 1995, specifies the aims and objectives of the plan in relation to heritage conservation for development carried out within a heritage conservation area.

An assessment of the proposal against local planning provisions is provided in **section 4.2.1** of this report.

3.2.2 Council's LEP amendment criteria

Council has adopted three criteria for assessing applications that seek amendments to local statutory planning instruments such as Woollahra LEP 1995. The specific criteria are:

1. *The project, quite apart from its incidental advantage to the applicant, should produce some clear and tangible metropolitan or municipal benefit.*

2. *That generally proposals for suspension [rezoning] should only be considered by the Council where precinct planning has reached the stage of adoption by the Council as a policy.*
3. *That [rezoning needs to be considered] where there appears to be anomalies in the existing planning controls which are confirmed by carrying out a localised study.*

An assessment of the proposal against the three criteria is provided in section 4.2.2 of this report.

3.2.3 Woollahra DCPs

The Paddington DCP will be relevant during the assessment of any future development application. The existing natural and built character elements of Paddington are listed in part 2.2 of the Paddington DCP. In relation to this proposal the following elements are worth noting:

- *A strong pedestrian character which is reflected in the multitude of passageways, rear and side interconnecting lanes, narrow streets and intermix of residential and non-residential uses. Footpath pavement material is a mixture of asphalt, fly ash concrete and modern concrete;*
- *A land use character which is predominantly residential but which also contains a mix of shops and hotels, many of which are located on corners, some commercial buildings and a few remaining light industrial and warehouse style buildings; and*
- *A variety of open space and landscape features.*

Desired future character objectives of Paddington are listed in part 2.3 of the Paddington DCP. In relation to this proposal the following objectives are relevant:

- *retains the unique National heritage significance of Paddington and recognises it as a rare and distinctive urban area*
- *reinforces the area as a special residential precinct*
- *retains and promotes evidence of the historical development of the area and enables interpretation of that historical development*
- *retains the cohesive character evident in the low scale, high density built form*
- *continues to cater for varied uses and building types within the residential area*

An assessment of the proposal against the relevant provisions of the Paddington DCP is provided in **section 4.2.3** of this report.

4.0 ASSESSMENT OF PROPOSAL

An assessment of the proposal has been carried out against the documents, policies, strategies and Council's criteria identified in **section 3.0** of this report. This material can be grouped under three topics:

- State and regional planning context
- Local planning context, and
- Council's criteria for assessing proposals to amend planning instruments.

Because the proposal does not take the form of a development application, and is therefore not accompanied by the necessary detailed specialist reports and a statement of environmental effects, it is not possible to undertake a full environmental assessment. Notwithstanding this, an assessment of the future proposed use and its compliance with Woollahra LEP 1995 and the Paddington DCP can be provided as the proposed use is intrinsically linked to this application for the broadening of the permissible uses.

4.1 State and regional planning context

4.1.1 State environmental planning policies

Under clause 6 (1) (a) of SEPP 55, consideration needs to be given when preparing an environmental planning instrument as to whether the land is contaminated and if it is contaminated whether the land requires remediation to make it suitable for the proposed use.

A statement addressing the provisions of SEPP 55 has been provided by the applicant stating that “..The subject property including the dwelling house is not known to have been used for any purpose other than residential purposes. Given the residential land use history of the subject property and that the Residential 2(a) zone applying to the site will remain, it is considered that the site is suitable for the proposed use...”

Verification of the applicant’s conclusions based on the historical use of the site was undertaken using information available at Council’s Local History Library. Council’s Local History Librarian, Libby Watters, provided a comment concerning the historical use of the subject site which is attached as **Annexure 4**.

The historical information indicates that activities that may cause contamination (such as market gardens) were located on the low lying land currently occupied by Rushcutters Bay Park and not on the existing school site or immediately adjoining land. The 1880’s and 1890 maps of Paddington indicate vacant land on the subject site. Although the date of construction can not be confirmed the first property owner of the subject land was registered in 1908.

The school and the site can therefore be assumed as having been vacant prior to its use as a school. It can therefore be concluded that the site does not require further consideration under SEPP 55, and is suitable for its existing residential use and the future proposed of the site for counselling purposes.

Consequently, based on the material submitted with the application and Council’s own assessment of the historical use of the subject site, the proposal is consistent with SEPP 55.

4.1.2 Ministerial Directions

Under section 117(2) of the Act, Council must satisfy the current Ministerial directions relating to the preparation and content of a draft LEP.

There are no specific or general directions that would apply to the preparation of a draft LEP that would broaden the permissible use of the site to include a counselling service.

4.2 Local planning context

4.2.1 Woollahra LEP 1995

The applicant has put forward arguments which will be assessed against the Residential 2(a) zone objectives and general planning objectives. These arguments may be grouped into three categories:

- the need for the proposal / intentions of the school;
- consistency with WLEP 1995; and
- impact on residential neighbourhood

Need for the proposal / intentions of the school

The Residential 2(a) zone applying to No. 13 Lawson Street is not redundant as the building could continue to function as a dwelling-house. Rather, the argument put forward by the applicant relates directly to the School's inability to adequately accommodate a counselling service on the school site. This argument is the basis of the applicant's request for an extension of school-related uses into the residential zone.

The applicant has provided an explanation and plan of the school buildings to demonstrate that the current layout of classrooms and floor space does not cater for the needs of the counselling facility, particularly the need for a discreet waiting room. It is considered that the explanation and plans have adequately demonstrated that the existing location of the counselling service does not meet the needs of the School and that, without compromising other services and functions, there are no other spaces within the School to adequately meet those needs.

The applicant submits that the proposal does not represent an intention of the School to generally expand its activities into the adjoining residential area. Whilst it may be accepted there is no genuine intention of the School to expand its operation in a broad manner, the proposal does represent expansion, albeit in a very minor way. The issue is whether such an expansion in planning terms is acceptable. The following sections of this report provide an assessment of the proposal and address the issue.

Consistency with WLEP 1995

Residential 2(a) zone

The application proposes to extend school-related uses outside the Special Use zone into the Residential 2(a) zone. Despite the proposed retention of the 2(a) zone and the flexibility for future residential use of the site, the proposal will effectively remove the residential use of the site.

Two objectives of the Residential 2(a) zone are: to maintain the amenity and existing characteristics of areas predominantly characterised by dwelling-houses; and to allow certain non-residential development of low intensity which are compatible with the residential character and amenity of the locality. A home occupation is permissible in a dwelling-house without development consent, provided the amenity of the neighbouring area is not compromised.

The applicant's submission that the proposed use of the site is similar in intensity to a home occupation is generally supported, as a home occupation may include a health care professional such as a naturopath, dentist or the like. In particular, these uses may operate on any day with no specified time limits subject to meeting amenity considerations.

It is agreed that the area in which the site is situated, and Paddington as a whole, comprises a land use mix of both residential and non-residential activities. It is also agreed that clause 30 of Woollahra LEP 1995 provides for a land-use mix in heritage conservation areas, but only where buildings have a history of lawfully commenced non-residential uses and have been lawfully constructed or altered for non-residential use. This clause, however, cannot be applied to the site, as the building on the site is a purpose built residential building with no history of a lawfully commenced non-residential use. Notwithstanding this, the provisions of Clause 30 recognise the diversity of land use in heritage conservation areas, particularly Paddington.

The proposed counselling service will be a low intensity use due to its restricted nature. The use is similar to a home occupation, which is currently permitted on the site without development consent. The proposed retention of the 2(a) zone will ensure the site may be used for residential purposes in the future.

No internal or external alterations are proposed to the building. As a result the built character and heritage significance of the building and that of the heritage conservation will not be altered.

The nature of the proposed counselling service, the limited hours of operation (regular school hours) and the limited period of operation (the school term) will result in little adverse impact upon the amenity of adjoining and surrounding residents. In particular, it will have no greater impact than a health professional operating as a home occupation within a Residential 2(a) zone. Therefore, the objectives of the 2(a) zone will be upheld by the proposal and the amenity of the neighbourhood will be maintained.

In order to maintain the amenity of adjoining and surrounding properties, it is suggested that if Council approves the broadening of permissible uses on the site, the additional use should be limited to the ground floor. In addition, the proposed additional use should be restricted to be solely used in connection with the School and not by other parties.

Impact on residential neighbourhood

The site's location, being on a corner and backing onto the school grounds, together with the proposed pedestrian access to the building from the rear via the school grounds or via Alma Street, will not cause an impact in relation to pedestrian movements and conflict with adjoining residential properties. In particular, the adjoining semi-detached dwelling at No. 11 Lawson Street will not be impacted on by pedestrian activity as its entrance is from Lawson Street. The level of noise expected to be generated from the proposed use is considered to be no greater than that of a home occupation or residential use.

General objectives of Woollahra LEP 1995

Traffic and transport

Although compliance with these objectives cannot be fully assessed until a detailed development proposal has been submitted to Council, the future proposed use of the site as a counselling service would require compliance with Council's DCP for Off-Street Car Parking Provision and Servicing Facilities.

Council's DCP requires the provision of 0.5 spaces per 100m² of gross floor area for Primary Schools. Rationalised to the nearest parking space, the site would require at least 1 space for the proposed use. Vehicular access to the site would be available from Alma Street.

The applicant's argument (see **section 2.1 Traffic and Parking**) that the proposal involves a relocation of existing facilities from the School to the site is not supported. The proposed use would effectively extend school-related uses into the residential area and would generate a demand on off-street car parking by virtue of its increase in gross floor area associated with the school and location outside the School.

The applicant argues that on some occasions (approximately 2 to 3 times a week) the counselling service will be available to parents who (if driving to the site) will be able to park on local streets to the same extent as any other visitor to any of the neighbouring properties can park. Currently there is predominantly 2 hour residential parking that would adequately cater for the intermittent arrival of parents to the counselling service.

Due to the intensification of use and notwithstanding the proposed removal of the residential use of the site, it may be reasonable to require the provision of off-street parking on the site for visitors (ie: parents) who may use the counselling services. Whilst this will be assessed at the development application stage, it is noted that vehicular access is available to the site from Alma Street via an existing crossing and off-street car parking is possible.

The remaining general objectives of Woollahra LEP 1995 are applicable to a future development proposal if building works would be proposed.

Standards within Woollahra LEP 1995

Height

The retention of the site's height control of 9.5 metres is consistent with the existing maximum height controls for surrounding residential properties.

4.2.2 Council's LEP amendment criteria

Criterion 1 - The project, quite apart from its incidental advantage to the applicant, should produce some clear and tangible metropolitan or municipal benefit

The following guidelines were used to assist in the assessment under this criterion.

A **"benefit"** in a planning sense would be the provision of a service or facility, an improvement of some type, or something for the good of people or a thing (such as the natural environment). It should not be something that is normally expected of new development such as good design, or something that would be required under planning controls such as the conservation of significant items and areas or the mitigation of environmental impact. It should also not be the retention of an "existing" benefit.

A **"clear and tangible"** metropolitan or municipal benefit must be:

- Real or actual, rather than imaginary or visionary.
- Definite, not vague or illusive.
- In the case of an asset, capable of being possessed or realised.

The assessment of the proposal against this criterion is difficult as the counselling service directly benefits the School, being students, teachers and parents only. Notwithstanding this, planning requires the consideration of a number of aspects which contribute to the well-being of the environment and the community as a whole, including social, built and natural aspects. In this regard, it is considered that the school contributes to the social make-up of the community and satisfies a broader municipal and metropolitan need for educational facilities. Therefore, it may be argued that the school's need to relocate its counselling service to provide a better service will result in a broader social benefit for the community, and therefore, justify the extension of school related uses outside the existing school zone.

The applicant's arguments that:

- the counselling service has a direct benefit in the educational welfare of the students which provides a benefit to the individuals rather than benefiting the school, and
- the students and the school, which form part of the community, will derive a benefit from the proposal is generally supported.

Criterion 2 - That generally proposals for suspension [rezoning] should only be considered by the Council where precinct planning has reached the stage of adoption by the Council as a policy

This criterion is only relevant to the extent that Council is currently reviewing the Paddington Development Control Plan which applies to the site. The review does not address land use changes, but focuses on the character of the heritage conservation area and on controls for conservation of the built and natural environment.

The proposal does not involve changes to the building's exterior and therefore the existing form and character will be retained. To this extent the proposal meets the criterion.

Criterion 3 - That [rezoning needs to be considered] where there appears to be anomalies in the existing planning controls which are confirmed by carrying out a localised study

The site has been zoned Residential 2(a) under Woollahra statutory planning instruments since December 1972 when the first local planning instrument, the Woollahra Planning Scheme, was gazetted. The current Residential 2(a) zone under Woollahra LEP 1995 is appropriate for the current residential use of the site. There are no anomalies in the existing planning controls applying to the land.

The proposal does not request a rezoning of the site, or a comprehensive look at the extent of the existing School zone. The broadening of permissible uses on the site may appear to create an anomaly with the Residential 2(a) zone, however, Woollahra LEP 1995 has provision for additional uses on specific sites where they can be justified.

4.2.3 Paddington DCP

A full assessment of the application under the *Paddington DCP* is not possible because detailed plans and specialist reports have not been provided at this stage. However, the application does contain development concept plans (Appendix B of the application) that demonstrate general compliance with the requirements of the DCP. A full assessment against the relevant numerical and performance-based controls can be made when a development application has been submitted to Council.

In the mean time however, a preliminary assessment of the proposal and its fulfilment of the objectives of the Paddington DCP can be made.

The existing natural and built character elements of Paddington as listed in part 2.2 of the Paddington DCP will be maintained. The proposed development will not detract or adversely affect the strong pedestrian character.

The land use character, which is predominantly residential but which also contains a mixture of land use types, will not be adversely affected by the proposal. Existing open space and landscape features will not be affected.

Desired future character objectives of the Paddington DCP will also be maintained. The unique National heritage significance of Paddington will not be affected. The proposal will retain the historical development of the area and the predominant character element, which is low scale built form.

5.0 CONCLUSION

It is considered that the broadening of permissible uses at No. 13 Lawson Street, Paddington to include counselling services on the ground floor to be used solely in connection with the Sydney Grammar Preparatory School can be supported for the following reasons:

- The applicant has adequately demonstrated a need for the proposal and the resultant broadening of permissible uses at No. 13 Lawson Street, Paddington;
- The type and intensity of use is considered to be compatible with the Residential 2(a) zone and will not impact on the amenity or character of the area to any greater extent than a home occupation;
- The proposal is very restrictive and specific in its use and connection with the Sydney Grammar School;
- The proposal is consistent with the relevant aims and objectives of Woollahra LEP 1995, in particular the Residential 2(a) zone;
- The proposal satisfies criteria 1 and 2 of Council's LEP amendment criteria;
- The proposal will satisfy the aims and objectives of the Paddington DCP;
- The proposal is consistent with the desired future character objectives of the Paddington DCP;
- The proposal is consistent with the provisions of relevant State environmental planning policies. In particular, the proposal will satisfy the aims and objectives of SEPP 55;
- In its conceptual form the future development of the site will be limited to minor internal alterations which will not alter the appearance of the building nor affect the heritage significance of the Paddington Heritage Conservation Area;
- The proposal is consistent with Ministerial Directions under s.117(2) of the Environmental Planning and Assessment Act 1979.
- The retention of the Residential 2(a) zone provides flexibility for use of the site for residential purposes.

GEORGE LOSONCI
SENIOR STRATEGIC PLANNER

ANITA LAKELAND
TEAM LEADER, STRATEGIC PLANNER

Annexure

1. Submission for amendments to Woollahra LEP 1995 – 13 Lawson Street Paddington- Don Fox Planning – November 2004.
2. Addendum to submission – Don Fox Planning – 14 February 2005.
3. E-mail from Don Fox Planning confirming removal of 'meeting room' component of application – 22 February 2005.
4. Memo from Local History Librarian dated 1 February 2005.