

Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 16 December 2013*

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:

- 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.
- Planning Proposals and Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- 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:

- 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

5 December 2013

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

Dear Councillors

Urban Planning Committee Meeting – 16 December 2013

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 16 December 2013 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

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

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 25 November 2013	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Planning Proposal for 240 New South Head Road, Edgecliff – 1064.G Plan Prop 1	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 25 November 2013**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 25 November 2013 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 25 November 2013 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Planning Proposal for 240 New South Head Road, Edgecliff**
Author: Anne White—Senior Strategic Planner
File No: 1064.G Plan Prop 1
Reason for Report: To report on a planning proposal prepared by GSA Planning for 240 New South Head Road, Edgecliff
To obtain Council's approval to forward the planning proposal to the Department of Planning and Infrastructure so that it can be placed on public exhibition.

Recommendation:

- A. That the planning proposal prepared by GSA Planning for 240 New South Head Road, Edgecliff, as contained in Annexure 1 of the report to the Urban Planning Committee meeting of 16 December 2013 including the following amendments, is forwarded to the Minister for Planning and Infrastructure requesting a gateway determination so that it can be placed on public exhibition. The amended controls are:
- Floor Space Ratio 4:1
 - Overall maximum building height 18m
 - Second building height 14m
- B. That when requesting a gateway determination for the planning proposal at point A above, we seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act*.
- C. That all costs associated with the preparation, submission and exhibition of the planning proposal are to be met by the applicant.

1. Summary

A planning proposal including a view analysis for 240 New South Head Road, Edgecliff was submitted to Council by Gary Shiels and Associates Pty Ltd (GSA Planning) on behalf of the owner Peter Thane.

The planning proposal seeks to amend Woollahra Local Environmental Plan 1995 (WLEP 95) by increasing the height and floor space ratio controls to facilitate a 5-6 storey residential development on the site. Overall, we support this planning proposal for the purpose of exhibition, however, we are recommending amendments to the proposed controls. These amendments slightly reduce the floor space ratio (FSR) and introduce a second height limit.

The purpose of this report is to obtain Council's approval of the amended planning proposal for the purpose of referring it to the Department of Planning and Infrastructure (DPI) for a gateway determination. The determination will enable the planning proposal to be placed on public exhibition.

2. The site

The site to which this planning proposal relates is located to the east of the Edgecliff Centre. It is approximately 150m east of the Edgecliff bus and train interchange, and is approximately 500m west of the Double Bay Centre.

The site is triangular in shape and slopes down from west to east. The existing building on the site is built to the boundaries and consists of a two storey commercial building addressing New South Head Road. Pedestrian access to the site is provided via New South Head Road. There is one vehicular access to the site via New South Head Road, and a second entrance off Ocean Avenue is provided via a right of carriageway. This carriageway is shared with three properties to the west being 218-228 New South Head Rd, 230-238 New South Head Road and 4 Ocean Avenue.

A location map for this site is shown below in **Figure 1**.

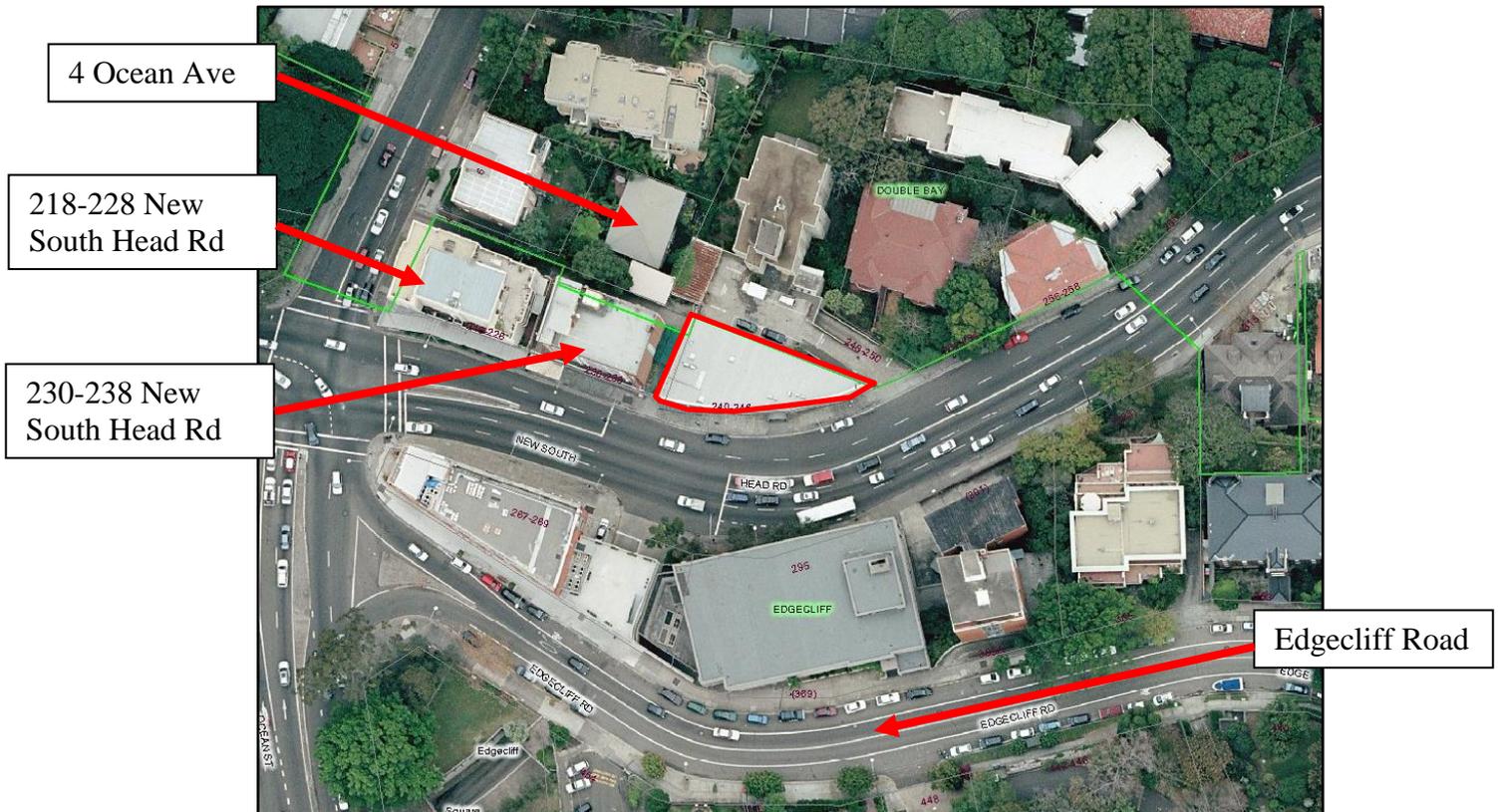


Figure 1: Location of 240 New South Head Road, Edgecliff

It is relevant to note that in June 2010 this site was identified as one of Council's 24 opportunity sites. These were identified for their potential to meet the housing targets set for Woollahra by the State Government subject to planning changes. For this site, we identified that increased development potential would be achieved by increasing the maximum building height and FSR. In relation to this proposal we received 26 submissions during the exhibition period: 3 submissions of support and 23 objections including one petition.

On 25 July 2011 Council resolved to defer further consideration of the opportunity sites in order to focus its resources on the preparation of Draft Woollahra Local Environmental Plan 2013 (Draft WLEP 2013). It was anticipated that the opportunity sites would be further considered after the Draft WLEP 2013 was adopted.

However, on 2 November 2012 the DPI introduced a new review mechanism for planning proposals. This is called a pre-gateway review. It allows an applicant to ask the DPI's Regional Panel to review Council's decision where Council does not support a planning proposal or fails to indicate support within 90 days.

We anticipate that if Council fails to respond to this planning proposal, the applicant will use the new pre-gateway review process and request the DPI reviews its strategic merit. This is not a good approach for Council as it removes Council's role and ability to consider this matter at the local level. Therefore, we recommend Council considers the proposal now.

3. The planning proposal

The planning proposal submitted by GSA Planning seeks to amend WLEP 95 by increasing the height and floor space ratio standards to facilitate a 5-6 storey residential development on the site. A summary of the current and proposed controls are below:

	WLEP 95	Planning proposal
FSR	0.875:1	4.09:1
Height	9.5m	18m

A preliminary concept design included with the planning proposal demonstrates what could be built on the site under the proposed controls. The concept drawing shown below in **Figures 2 and 3** indicates a built form of five storeys addressing New South Head Road, with six storeys to the rear accommodating 19 apartments.



Figure 2: Concept drawing - view of the frontage to New South Head Road



Figure 3: Concept drawing - view of the northern façade

4. Review of the planning proposal

Section 55 of the Act sets out what information a planning proposal is to include when submitted for a gateway determination. The DPI has prepared the document titled *A guide to preparing planning proposals* (the guidelines) dated October 2012.

We have reviewed the planning proposal in accordance with section 55 of the Act and the guidelines (see **Annexure 3: Review of the Planning Proposal**). The review identifies where:

- amendments are to be made to the planning proposal, and
- additional information is to be included in the planning proposal.

The key issues identified in our review are below.

4.1 Strategic merit

We identify that the planning proposal has strategic merit and we provide in principle support. The site is well located for additional residential development due to its close proximity to the Edgecliff railway and bus interchange. This is consistent with the well-established planning practice to increase development potential in and around our centres to promote more sustainable and public transport-orientated development.

Based on the concept drawings, view analysis and support material in the GSA submissions, the proposal for a 5-6 storey building is appropriate in this location, and of a scale in keeping with the surrounding buildings.

4.2 Previously identified in the opportunity site consultation

In June 2010 this site was identified as one of Council's 24 opportunity sites. Planning staff identified that the site could accommodate increased development potential. Planning changes proposed for this site were:

	WLEP 95	Opportunity site proposal
Zone	2(b) Residential	B4 Mixed Use
FSR	0.875:1	4.8:1
Height	9.5m	24.9m (part 6-7 storeys)

The issues raised during the consultation included impacts on views, noise, traffic, loss of property values and parking. Having regard to the submissions on view impacts, staff recognised that the proposal required further consideration. An assessment of the issues raised in the submissions is included in **Annexure 3: Review of the Planning Proposal**.

GSA Planning has sought to address the key issue of view loss in the planning proposal. This was achieved by reducing the overall height and FSR from that which was proposed in the opportunity site process.

We have not notified those residents who made a submission to the opportunity site consultation in 2010 for the following reasons:

1. Their submissions related to a previous proposal, and
2. They will be notified when the planning proposal is placed on public exhibition, and they will have the opportunity to make comments on the amended controls.

4.3 Amendments to the proposed FSR and height controls

Height

The applicant proposes a maximum building height of 18m across the site. A height of 18m would facilitate a 5-6 storey residential flat building, a scale generally in keeping with neighbouring buildings.

However, due to the sloping nature of the site and the potential impacts on views, we recommend that a second height limit of 14m is also applied to the site. Second height limits apply at the highest part of the site, which for this site would be the south-western corner adjoining New South Head Road. A second height limit of 14m would restrict the built form to provide certainty that the building can extend to a height no greater than indicated in the view analysis.

Floor space ratio

The applicant proposes an FSR of 4.09:1 for the site, based on a 5 storey residential flat building with 100% site coverage. We do not support an FSR of 4.09:1.

Instead, we have looked at the principles of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* (SEPP 65) which aim to improve the design quality of residential flat development in New South Wales. SEPP 65 recommends that a well designed building should be articulated and fill no more than 80% of the overall building envelope. We have taken this approach in determining the maximum FSR for the site. Applying a figure of 80% results in an FSR of 4:1.

In summary, our recommendations are as follows:

	WLEP 95	Planning proposal	Recommendation
FSR	0.875:1	4.09:1	4.1
Height	9.5m	18m	18m
Second height limit	–	–	14m

4.4 View analysis for public exhibition

A key issue associated with this planning proposal is the potential impact on views from neighbouring buildings to the south of the site. In order to assist with an assessment of the potential view impacts, GSA Planning submitted a view analysis as an addendum to the planning proposal (see **Annexure 2**).

Having reviewed this view analysis we are satisfied that the planning proposal has sufficient merit to be placed on public exhibition for comment. Whilst the overall scale and bulk of the building envelope contained in this planning proposal may have impacts on views, these impacts appear to be minor. The view analysis will form part of the planning proposal placed on exhibition to provide information for the community to assess the potential impacts on their properties and make a submission to Council for our further consideration.

4.5 Additional information to be submitted

Section 55(2) of the Act outlines the components a planning proposal must contain. The planning proposal submitted by GSA Planning has generally been prepared in accordance with the Act. However, there are certain components that have not been addressed or do not contain sufficient information to submit the planning proposal for a gateway determination.

The additional information that must be included in the planning proposal relate to:

- the proposed community consultation including which public agencies should be consulted,
- the indicative project timeline, and
- four maps identifying the current and proposed FSR and height controls.

These matters are all addressed in **Annexure 3: Review of the planning proposal for 240 New South Head Road, Edgecliff**.

5. Options for proceeding

Council has three options for proceeding with this planning proposal:

Option 1: Forward the planning proposal as submitted by GSA Planning to the DPI requesting a gateway determination.

Option 2: Forward the planning proposal subject to amendments to height, FSR and various other matters identified in Annexure 3 to the DPI requesting a gateway for determination. This is our preferred approach.

For options 1 and 2 above, Council will forward the planning proposal to the DPI requesting a gateway determination under section 58(2) of the Act. A gateway determination will then be issued by the Minister specifying whether the planning proposal is to proceed and if so, in what circumstances. The gateway determination will confirm the information and consultation required before the planning proposal can be placed on public exhibition.

Under section 59 of the Act, if a planning proposal is of local significance Council can seek the delegation of the plan-making steps. This planning proposal is considered to have local significance only, and we would seek the delegation of the plan-making steps under section 59 of the Act. This delegation will be to the position of General Manager, and sub-delegated to the position of Director Planning and Development, as per Council's resolution of 29 November 2012. Delegation of a planning proposal removes duplication and streamlines the plan-making process.

Option 3: Notify the applicant that the planning proposal is not supported.

In the event that Council does not support the planning proposal or does not indicate its support within 90 days, the applicant can ask the DPI's Regional Panel to prepare an independent review of the strategic merit of the planning proposal. This is not our recommended approach as it removes our ability to consider this matter at the local level.

6. Identification of income

When a planning proposal is not initiated by Council, under section 11 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) we can request payment of all costs and expenses incurred in relation to the planning proposal. Council's hourly cost of \$233.65 is set out in the Delivery Program 2013-2017 and Operation Plan 2013-2014. We recommend that the applicant is responsible for all costs associated with the planning proposal.

7. Conclusion

In principle this planning proposal has merit and, subject to amendments, we recommend that Council forwards the planning proposal for 240 New South Head Road, Edgecliff to the Minister for Planning requesting a gateway determination so that it can be placed on public exhibition for comment.

As this matter is of local significance, we recommend seeking delegation of the plan-making steps under section 59 of the Act.

If the gateway determination recommends that the planning proposal proceeds, it should be exhibited for a minimum of 28 days in accordance with the Act and any conditions imposed by the gateway.

Submissions to the exhibition will be reported to the Urban Planning Committee for Council's further consideration.

Anne White
Senior Strategic Planner

Jacquelyne Della Bosca
Team Leader Strategic Planning

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexures

1. Planning proposal for No. 240 New South Head Road, Edgecliff *prepared by GSA Planning, April 2013*
2. Addendum to planning proposal - View analysis *prepared by GSA Planning, November 2013*
3. Review of the planning proposal for 240 New South Head Road, Edgecliff

Political Donations – matters to be considered by Councillors at Meetings

