



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 9 August 2004*

Time: *6.00pm*

Outline Of Meeting Protocol & Procedure:

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

Delegated Authority (“D” Items):

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

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

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

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

5 August 2004

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

Dear Councillors

Urban Planning Committee Meeting – 9 August 2004

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Monday 9 August 2004 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

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

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 26 July 2004	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Public Exhibition of Draft Bondi Junction Strategic Plan – 1162.G	2
R2	Draft Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004 & Draft Sydney Harbour Foreshores & Waterways Area Development Control Plan – 1137.G	95

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 26 July 2004**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 26 July 2004 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 26 July 2004 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF DRAFT BONDI JUNCTION STRATEGIC PLAN**
Author: George Losonci - Senior Strategic Planner
File No: 1162.G
Reason for Report: To inform Council about the exhibition of the Draft Bondi Junction Strategic Plan.
To gain endorsement of a submission regarding the exhibition of the Draft Bondi Junction Strategic Plan.

Recommendation:

- A. THAT Council endorse the submission relating to the exhibition of the Draft Bondi Junction Strategic Plan as contained in **Annexure 1** of the report to the Urban Planning Committee meeting on 9 August 2004 and forward it to Waverley Council.
- B. THAT the Committee's recommendation proceed to the Council meeting on 9 August 2004 as a matter of urgency.

1. BACKGROUND

In March 2003, Waverley Council resolved to prepare the Bondi Junction Strategic Plan (Draft BJSP) as a pilot study within a new community planning framework. Community planning focuses on discussing issues of importance with the community prior to developing policies and actions to address those issues. The Bondi Junction Strategic Plan is described as:

...our shared vision for the future of Bondi Junction and details the objectives and broad strategies that will translate that vision into action. The Bondi Junction Strategic Plan is built from community input through a process known as community planning.

Five consultants were engaged to provide advice and assistance in the preparation of the Draft BJSP in the areas of heritage assessment, economic development, traffic and transport, community consultation and the preparation of the Bondi Junction Urban Design Master Plan.

In September 2003, Waverley Council undertook the task of preparing a 'values and visions' statement regarding the future uses and expectations the community have for the Bondi Junction area. Individuals, organisations and the wider community were informed of the process and invited to participate to identify community issues and suggest improvements for inclusion in the Draft BJSP.

During October/November 2003, Waverley Council undertook direct community consultation through a number of processes including: a community-wide survey; a survey of users of the Bondi Junction Town Centre; a youth specific survey; email; online surveys and web-based media. A series of workshops and focus group meetings with key stakeholders and community representatives were undertaken followed by feedback sessions. Waverley Council invited Woollahra Council officers to attend two focus group meetings (on the 7 October and 11 November 2003) to identify issues from public agencies and local residents.

In February 2004, Waverley Council adopted the draft version of the BJSP for public exhibition and, in a letter dated 22 June 2004, Woollahra Council was notified that the Draft BJSP was formally placed on public exhibition from Monday 7 June 2004 till Monday 2 August 2004. Due to Woollahra's late notification, Waverley Council will accept a late submission. A copy of Council's submission in response to the exhibition of the Draft BJSP is attached (**Annexure 1**).

The exhibition of the Draft BJSP and the associated documents described above, form part of a 'local environmental study' prepared under section 57 of the *Environmental Planning and Assessment Act 1979* (the Act). An environmental study may be prepared for land to which a draft local environmental plan is intended to apply.

The public exhibition comprises the Draft BJSP and associated background documents and technical reports. These background documents are generally reflected in the Draft BJSP and will be further reflected in future specific implementation plans as appropriate, and future amendments to the existing local environment plan and development control plan applying to the commercial centre.

A final version of the BJSP, incorporating the feedback received during the public exhibition, will be considered by the Bondi Junction Committee and then Waverley Council in September 2004. The BJSP will be translated into Waverley Council's three yearly management plan and implemented through changes to the local environmental plan and development control plans.

2. THE DRAFT BONDI JUNCTION STRATEGIC PLAN

The Bondi Junction study area includes the Bondi Junction commercial centre and adjoining residential areas to the south which are impacted by the centre. The area is generally bounded by Syd Einfeld Drive to the north, Birrell Street to the south, York Street to the west and Council Street/Bondi Road to the east. (It should be noted that the study area does not include any land within the Woollahra Municipality and is limited to land within the Waverley local government area only).

The document titled "*Bondi Junction Strategic Plan – guiding us to a stronger future*" (**Annexure 2**) is essentially a vision, issues, strategies and actions document. It identifies a community 'vision' for Bondi Junction. The Draft BJSP contains a number of important themes which were developed from issues raised during the community consultation phase and identifies objectives, strategies, and actions to address those specific issues.

The themes which are addressed within the Draft BJSP and the key issues for each theme are described below. The detailed strategies and actions for each theme are contained in the Draft BJSP in **Annexure 2**.

Theme 1 – Safety

The community was most concerned about safety above any other single issue. Issues associated with this theme include; personal safety, crime and pedestrian road safety.

Theme 2 – Transport

Traffic issues relating to parking, traffic congestion and conflict between pedestrians, cars and buses rated highly in the community survey. Issues associated with this theme include: lack of parking, cost of parking, difficulty accessing public transport and pedestrian amenity.

Theme 3 – Building and environment

The main issues for building and environment include: the need for consistent appearance of buildings; need to improve the mix of buildings; improved maintenance and cleaning of public spaces; and need for a focal point.

Theme 4 – Community well being

The main issues for this theme include: the adequacy of services to cater for the diverse needs of many varying groups within the community who have different needs; lack of recreation; lack of child care; and lack of affordable housing.

Theme 5 – Economic sustainability

The main issues for this theme include: the lack of night time activities; the current quality and range of shops; and the viability of existing businesses following the opening of Westfield.

2.2 Background documents and technical reports

Accompanying the Draft BJSP is a number of associated background documents and technical reports that are also on public exhibition. The Draft BJSP generally reflects the recommendation and findings of these reports. The key findings and recommendations of each of these reports are described below and extracts of those reports are included as annexures as specified.

Community Information and Feedback Session (CIFS) – Initial Findings Report

Transport, safety and the built environment were most often raised as important issues of concern. Key differences in CIFS findings from the consultation findings include: more focus on built environment, more focus on community facilities including youth, child care, playgrounds etc. Traffic, parking and particularly pedestrian access issues also dominated.

A summary of the issues raised during the community feedback sessions is attached as **Annexure 3**.

Stage 1 Situational Analysis

This document represents the first stage in development of an integrated ‘whole-of-Council’ analysis of future trends, issues and opportunities for Bondi Junction and has been used to inform the development of the Draft BJSP.

It identifies issues relating to: environmental planning; landscape and public open space; identification of current planning controls; location of major development sites; provides a demographic overview; identifies major social issues; and summarises the key findings of the Bondi Junction Traffic and Transport Strategy 2001. It also provides information relating to the availability of affordable housing.

An executive summary of the BJSP Situational Analysis is attached as **Annexure 4**.

Traffic and Transport Review

The traffic and transport assessment:

- identifies issues relating to pedestrian mobility within Bondi Junction including access routes, linkages and any potential safety hazards, including disability access;
- reviews public transport services that serve the Bondi Junction area and identifies any gaps in these services;
- identifies issues relating to private vehicular traffic within and around Bondi Junction, particularly in relation to parking facilities and access issues. Proposes improvements in these facilities where appropriate; and

- has regard to Waverley Council's Bike Plan 2000, identifying issues relating to the provision of bicycle access, bicycle facilities and access routes throughout Bondi Junction.

Significantly, during the course of the study, the consultants spoke with Woollahra Council's Manager of Public Infrastructure (Mr Greg Stewart), to identify issues regarding traffic and transport in Bondi Junction. Key issues raised were:

- Woollahra does not favour the installation of traffic signals at the Edgecliff Road/Adelaide Street intersection. Adelaide Street is a narrow residential street and is not considered suitable for a major increase in traffic flow accessing the junction.
- That Adelaide Street not be used as a main access to the Centre and consideration should be given to closing it. It was noted that previous consideration of this strategy, although supported by Woollahra Council, was rejected by the joint traffic committee.
- The impact of the Cross City Tunnel, due to open by late 2005, needs to be understood although no modelling results have been publicly released.
- Taxi zones will need to be located close to the interchange. Appropriate approach and departure routes will need to be maintained.
- Fletcher Street would be susceptible to further traffic intrusions as a parallel route to Edgecliff Road for access to Woollahra and Double Bay. The numerous traffic junctions along Edgecliff Road contribute to traffic delay and drivers could choose Fletcher Street as an alternative route. This should be monitored.
- The existing Junction Street entry/exit to the Westfield car park may become more popular for access via Edgecliff Road as a means of avoiding the Centre. This should also be monitored.
- The Grafton Street commuter car park fills up very early in the morning indicating that drivers could be travelling from a reasonable distance for a short trip into the city by rail. The future car parking strategy for the Centre needs to consider the most appropriate use of available space for proper functioning of the Centre.

A summary table of the key recommendations of the BJSP Traffic and Transport Review is attached as **Annexure 5**.

Bondi Junction Town Square Precinct – Urban Design Master Plan

Waverley Council appointed a team of independent consultants to identify the most appropriate urban design guidelines for a new town square between the Oxford Street Mall and Spring Street, together with the revitalisation of the surrounding area.

The town square precinct master plan (TSMP) provides detailed urban design guidelines required to rejuvenate and protect the amenity of this precinct. To achieve this, the following primary objectives have been identified:

- Create a landmark element to form a contained and intimate focal point for the community and provide much needed public open space which has a high level of climatic amenity.
- Retain and enhance retail activity at ground level through the introduction of new retail lanes when property is redeveloped.
- Enhance pedestrian accessibility via a sequence of improvements including upgraded circulation paths through Eastgate, Spring Street and the proposed Rowe Street arcade development.
- Protect the public domain from overshadowing and view loss while enhancing better control of adverse wind and wet weather effects on the functioning of the public domain. This will ensure retention of the low-scale heritage characteristics of the northern side of Oxford Street Mall.
- Identify strategic site amalgamations through the introduction of a requirement for future development proposals on specific sites to ensure high quality amenity in the public domain and provide for more efficient and affective floor areas and car park management.
- Discourage amalgamations on specific sites to ensure small business opportunities are maintained.

- Restrict further subdivision of specified sites to ensure a 'living town centre' that can meet future needs and be adapted and changed over time.
- Provide incentives for strategic redevelopment which comply with the TSMP objectives, through the use of (time-framed) development floor space and building height increases, subject to strict sunset limitations.
- Remove through-traffic from Spring Street to reduce pedestrian/vehicular conflict and improve connectivity of the public domain from the future town square to the Eastgate development.
- Upgrade a number of buildings including Waverley Council's open car park in Spring and Newland Streets, with a part conversion to other uses with a refurbished frontage to Spring and part of Newland Street.

A copy of the Draft Town Square Precinct Master Plan controls is attached as **Annexure 6**.

Heritage Assessment of the Bondi Junction Area

The aims of the heritage assessment have been to identify and analyse the environmental heritage of the Bondi Junction area and to make practical recommendations for its conservation.

The work for this study has included the identification and assessment of individual items, groups and whole streetscapes that are of notable heritage significance and value. The study encourages the sympathetic retention of original but less intact buildings and tries to improve the streetscape context of surviving pre-war elements.

A copy of the key recommendations of the heritage assessment is attached as **Annexure 7**.

Economic Overview

The key recommendations for future retail development are:

- The redevelopment of retail precincts in Oxford Street and in areas to the west of Newland Street should aim to provide a different retail experience to the intended mall environment.
- High priority should be given to the development of a town square linking Oxford and Spring Streets.
- That part of Oxford Street to the west of Newland Street should focus on attracting new retailers to the Bondi Junction centre.

The key recommendations for future commercial development are:

- That Waverley Council give consideration to adopting a strategy to protect future opportunities for commercial development in Bondi Junction as well as providing incentives to encourage commercial development and redevelopment in the centre.
- Sites with high potential value for office development should be identified and action undertaken to ensure that they are not lost to residential development.
- There should be flexible use of car parking requirements as they apply to commercial buildings.
- Promotion of Bondi Junction as a commercial centre should be established.

A copy of the executive summary prepared by Leyshon Consulting is attached as **Annexure 8**.

Targeted Tenanting Strategy for Bondi Junction

The purpose of this study was:

- To assist Waverley Council to gauge the impact of the new Westfield development on both the existing and future retail mix of the Centre.
- To enable Waverley Council to formulate a strategy for the Centre to promote its future economic well-being, recognising the scale of Westfield and identifying opportunities for retail and commercial development complementing Waverley Council's current public domain works and commitment to the enhancement of public transport in the area.

The key opportunities for Bondi Junction identified in this study include:

- Opportunity for the mall to attract shoppers and businesses who prefer the outside atmosphere to fulfil their shopping needs. The concept of a new town square will further enhance the use of the mall as a pedestrian connection between it and the eastern part of the commercial centre.
- The mall provides for an ideal mix of outdoor dining opportunities which are directly linked to the higher socio-economic profile of most local residents who can afford dining in or take-away meals on a regular basis.
- To improve the attractiveness of parking in the area one or more of the following is suggested: remove or reduce parking charges after 6:00pm and remove or increase parking time restrictions after 6:00pm.
- Potential for Oxford Street west to become a bridge between Paddington and Bondi Junction.
- Bronte Road could be regarded as a convenient access to service other businesses in Bondi Junction.

A copy of the key findings is included as **Annexure 9**.

3. WOOLLAHRA COUNCIL SUBMISSION TO DRAFT BJSP

In response to the exhibition of the Draft BJSP and associated background documents, Council officers have prepared a formal response to Waverley Council (**Annexure 1**). The key comments are summarised below.

- It is not clear whether the Draft BJSP and associated documents form part of a local environmental study under s.57 of the Act.
- The Draft BJSP fails to confirm the regional importance and context of Bondi Junction in relation to the State Government's Major Centres Policy.
- The Draft BJSP has not considered external impacts on Woollahra Municipality in relation to matters such as traffic, parking and its commercial centres.
- There is no specific indication as to which strategies are likely to be implemented by Waverley Council.
- The master planning process is limited and should extend to the entire centre and include three-dimensional modelling and testing of floor space ratio and landuse mix to address the implications on traffic generation.
- Future development scenarios should be prepared, tested and released for public comment.
- Conflicting strategies exist with regard to parking and car usage in the centre.
- Strategies should be employed to reduce car usage and increase alternative modes of transport with parking restraint policies.
- There is too much emphasis on retailing strategies and not enough on retaining/improving commercial opportunities and employment generating activities.
- The inclusion of ESD principles in new development should be mandatory and not one which gains development incentives and bonuses.
- Implementation of some of the strategies could take place as a matter of Council policy and does not require the preparation of a formal LEP/DCP.
- Heritage assessment is incomplete, particularly around Grafton Street.
- Poor exhibition of associated documents which has changed during the exhibition period.

4. IDENTIFICATION OF INCOME AND EXPENDITURE

All costs associated with the preparation of this report and Council's formal response to the exhibition the Draft BJSP are accounted for in the 2004/2005 budget.

5. CONCLUSION

Waverley Council has initiated the preparation of the Draft BJSP to address the future development of the Bondi Junction commercial centre in view of the recent Westfield shopping centre development. The Draft BJSP describes the vision for Bondi Junction and details the broad strategies and actions that will translate that vision into action.

The Draft BJSP in its current form is very broad and does not provide a detailed planning response to any of the proposed strategies and actions described in the documents. Therefore, at this stage Woollahra's issues are generally broad and strategic in response to the exhibition of the Draft BJSP. Despite this, the broad strategies and actions contained in the Draft BJSP are generally supported, subject to the issues of concern raised in the submission contained in **Annexure 1**.

The next stage in the planning process for Bondi Junction should provide a more detailed picture of the future development scenarios and planning outcomes proposed for the area, and the implications for Woollahra Municipality.

It is recommended that the submission contained in **Annexure 1** be forwarded to Waverley Council.

George Losonci
Senior Strategic Planner

Anita Lakeland
Team Leader
Strategic Planning

Annexures:

1. Woollahra Council's submission in response to exhibition of Draft Bondi Junction Strategic Plan.
2. Draft Bondi Junction Strategic Plan.
3. Summary pages of Community Information and Feedback Session – Initial Findings Report.
4. Executive summary of the BJSP Situational Analysis
5. Summary table of the BJSP Traffic and Transport Review.
6. Draft Town Square Precinct Master Plan controls.
7. Key recommendations of the Heritage Assessment.
8. Executive summary of Economic Overview prepared by Leyshon Consulting (as originally exhibited).
9. Key findings of Targeted Tenanting Strategy.

Item No: R2 Recommendation to Council

Subject: **Draft Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004 and Draft Sydney Harbour Foreshores and Waterways Area Development Control Plan**

Author: Anita Lakeland - Team Leader Strategic Planning

File No: 1137 G

Reason for Report: To report on the exhibition of Draft Sydney Regional Environmental Plan (Sydney Harbour catchment) 2004 and Draft Sydney Harbour Foreshores and Waterways Area Development Control Plan.
To gain endorsement for Woollahra Council's submission relating to the draft REP and DCP.
To report on the Waterways Authority's Rose Bay Framework Plan.

Recommendation:

- A. That Council endorse the submission relating to the Draft Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004 and Draft Sydney Harbour Foreshores and Waterways Area Development Control Plan as contained in **Annexure B** of the report to the Urban Planning Committee meeting on 9 August 2004.
- B.. That the Committee's recommendation proceed to the Council meeting on 9 August 2004 as a matter of urgency.
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1.0 BACKGROUND

The former Department of Urban Affairs and Planning (now Department of Infrastructure, Planning and Natural Resources (DIPNR)), published the ten point *Sharing Sydney Harbour Regional Action Plan* (the Action Plan) in September 2000. At its inaugural meeting in August 2001, the Sydney Harbour Councils Executive formed an Executive Working Party to identify issues and programs for the newly formed Sydney Harbour Councils Group to consider. The Working Party identified *Project 9 – Sydney Harbour Regional Environmental Plan* of the Action Plan as a priority project for the Sydney Harbour Councils. Project 9 is concerned with simplifying and improving the statutory planning framework for Sydney Harbour

The councils considered that a new Sydney Harbour Regional Environmental Plan (REP) was essential and urgently needed because of the complex arrangement of overlapping statutory instruments which are confusing, add to costs and leave councils open to legal challenge. This is illustrated in Woollahra where, as a consequence of the existing statutory instruments, development applications are commonly required to be assessed under the following instruments:

- Woollahra LEP 1995, which includes specific clauses relating to harbour foreshore scenic protection, and foreshore building lines;
- Detailed design criteria in the Residential DCP 2003, Watsons Bay DCP, Double Bay DCP, Rose Bay DCP and Edgecliff Commercial Centre DCP;
- Sydney REP 23 – Sydney and Middle Harbours (SREP 23);
- Detailed design criteria within the DCP for SREP 23;
- SEPP 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56);
- SREP 14 – Eastern Beaches (where relevant) (SREP 14).

SREP 23

SREP 23 applies to the Sydney and Middles Harbours. The SREP identifies the waterway zones, development tables for each zone and those development applications or draft plans that need to be referred to the Foreshores and Waterways Planning and Development Advisory Committee. The SREP also includes heritage provisions and identifies matters for consideration in determining development applications within the SREP 23 boundary.

DCP for Sydney and Middle Harbours (SREP 23)

The DCP applies to all development proposals within the area to which SREP 23 applies. It principally relates to the waterways and adjoining land, however the principles and performance criteria also apply to development proposed within the areas beyond the foreshore covered by SREP 23. The DCP contains ecological controls, landscape controls and design guidelines.

SEPP 56

SEPP 56 applies to the Harbour and its tributaries and land on the foreshore. The SEPP contains a set of guiding principles which must be considered in the assessment of all development applications to which the SEPP applies and to the plan making process. The SEPP identifies a number of strategically important foreshore sites and sites of state significance. Within Woollahra, Strickland House, Vaucluse is listed as a State significant site and HMAS Watson is listed as a strategically important foreshore site. A masterplan must be prepared for these strategically important and state significant sites, as a precursor to the granting of development consent.

SREP 14

SREP 14 applies to certain land in Watsons Bay and Vaucluse, being primarily open space. The SREP is supported by the Design and Management Guidelines which must be considered in the preparation of local environmental plans and the assessment of development applications.

The Sydney Harbour Councils have strongly supported the review of these plans and the preparation of a single instrument to better integrate the strategic and statutory planning system for Sydney Harbour.

Workshops conducted by the Sydney Harbour Councils identified a number of key matters which needed to be addressed and / or included in the new statutory planning framework. A planning working party comprising council planners and DIPNR (formerly DUAP) staff was formed to contribute to the development of the new REP once Parliamentary Counsel had prepared a working draft. A working draft REP was prepared for discussion with government agencies and the Sydney Harbour Councils.

1.1 Working draft version

A working draft version of the plan was released to the Sydney Harbour Councils in February 2003. A joint submission identifying a number of key issues of concern about the working draft was submitted to DIPNR by the Councils.

A number of broader fundamental issues were raised in a series of workshops by the Sydney Harbour Councils. Questions were raised whether the purpose of the plan was being achieved. In particular there were concerns about the effective consolidation and simplification of planning instruments, and the structure and content of the working draft (see **Annexure A** for submission). It was clearly expressed to DIPNR that the working draft REP did not adequately support the key principles for reforming and improving the NSW planning system and did not simplify the existing multi-layered planning controls. Concerns were also raised about the failure of DIPNR to consult with the Sydney Harbour Councils early in the drafting process. The submission concluded, amongst other things, that the working draft REP should be abandoned and a fresh approach adopted because of the following broad concerns:

- the failure to provide a simplified, integrated statutory planning framework designed from the point of view of the user;
- the confusion of strategic and statutory control provisions;
- the numerous and vague principles which would need to be applied to the assessment of development applications;
- the failure to give full effect to the *Sharing Sydney Harbour Regional Action Plan*;
- the failure to reserve regionally significant land required to implement the *Integrated Land and Water Action Plan*;
- the evident lack of rationale for the boundaries of the Foreshores and Waterways Area.

Additional specific key issues of concern with the working draft version identified in the submission can be summarised below:

Planning principles

- If the draft REP is to adopt principles for both Part 3 (Environmental Planning Instruments) and Part 4 (Development Assessment), it should clearly indicate those which are relevant to Part 3 and those relevant to Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act).
- There is no accepted methodology available to determine whether or not the principles will be satisfied.
- There are practical difficulties in assessing cumulative impacts at the DA stage. This is a matter that should be dealt with under Part 3 of the Act.
- Objection is raised to the requirements that 41 principles must be considered in the assessment of every development application, whether minor or major (specific issues were raised with the principles – see **Annexure A**, section 4.2)

Zoning system for the waterway

- Zoning control over the waterways is strongly supported but the Zone No. W1 – General Waterways is too general and allows just about anything.

Heritage

- Heritage provisions must be integrated with local controls – the only items that should be listed in the REP are those that do not fall within a local government area.

Wetlands

- Wetland provisions are supported but where relevant should be clearly mapped and incorporated in LEPs.

Following the Sydney Harbour Council's joint submission on the working draft, DIPNR decided not to proceed with the working draft version. A number of Sydney Harbour Council's workshops were held to discuss a range of issues and a new draft REP was prepared.

1.2 Public exhibition of Draft Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004 and Draft Sydney Harbour Foreshores and Waterways Area Development Control Plan 2004

DIPNR has released Draft Regional Environmental Plan (Sydney Harbour Catchment) 2004 (Draft REP) and Draft Sydney Harbour Foreshores and Waterways Area Development Control Plan 2004 (Draft DCP) for public exhibition. The Draft plans have been exhibited from Monday 21 June 2004 to Friday 6 August 2004. Given the number and length of the documents on exhibition, an extension for submissions has been granted to Woollahra and other council's including Sydney City Council.

The draft REP is supported by a number of background studies (refer to part 4, page 11 of the explanatory material to the draft REP distributed separately). The existing development control plan (DCP) for Sydney and Middle Harbours and the Parramatta River has also been revised, but only to ensure consistency with the new draft REP.

2.0 THE DRAFT REP

2.1 Structure and content

The Draft REP contains 7 Parts, maps and 5 schedules. This document and the draft DCP are contained in **Annexure C and D** (circulated separately).

Part 1 Preliminary

The Draft REP proposes to consolidate and repeal current planning instruments to overcome inconsistencies in the existing planning framework. It also proposes a more robust and strategic approach to decisions affecting the use of the harbour and its catchment. The Draft REP proposed to repeal:

- SEPP No. 56 – Sydney Harbour Foreshores and Tributaries;
- Sydney Regional Environmental Plan No. 22 – Parramatta River;
- Sydney Regional Environmental Plan No. 23 – Sydney and Middle Harbours.

Note: The Draft REP does not propose to repeal SREP 14.

The Draft REP applies to the Harbour in a range of ways:

- Hydrological catchment: the Draft REP establishes a set of planning principles for the hydrological catchment of the Harbour;
- Foreshores and Waterways Area: the Draft REP contains a set of matters for consideration for the Foreshores and Waterways Area. The Foreshores and Waterways Area includes the waterways of the Harbour and its tributaries as well as land within the immediate foreshore area (generally one street back) from the foreshore, including strategic foreshore sites.
- Waterways: the Draft REP includes a zoning system suited to differing characteristics of the waterways of the Harbour and its tributaries.

The consent authority for land-based development or land / water interface development is the council of the relevant local government area. The consent authority for water based development is the Minister administering the *Marine Safety Act 1998*.

Part 2 Planning principles

The Draft REP contains a set of planning principles relating to land within the Sydney Harbour catchment. These principles require certain matters to be considered in the preparation of environmental planning instruments and development control plans under Part 3 of the Act and the preparation of environmental studies and masterplans for the purpose of the Act.

Part 3 Foreshores and Waterways Area

The Draft REP identifies the Foreshores and Waterways Area as an area covering the waterways and land with the greatest relationship to, and potential impact on, the Harbour. The Draft REP contains provisions to guide development decisions in this area. Nine waterway zones are proposed for the waterways and tributaries. Each zone contains objectives and a development table specifying the forms of development that are permitted without development consent, only with development consent and that are prohibited. A matrix of landuses and zones has been prepared for easy reference as **Annexure E**. Following is a list all the waterways zones:

- Zone W1 – Maritime Waters
- Zone W2 – Environmental Protection
- Zone W3 – Naval Waters
- Zone W4 – Aviation
- Zone W5 – Water Recreation
- Zone W6 – Scenic Waters: Active use
- Zone W7 – Scenic Waters: Casual Use
- Zone W8 – Scenic Waters: Passive Use
- Zone W8 (a)- National Parks

Note: The waters off Woollahra Municipality are proposed to be zoned the following (see zoning maps distributed separately with the Draft REP):

- *W2 Environmental Protection: around Lady Bay, Camp Cove, Shark Bay and Hermit Bay;*
- *W3 Naval Waters: off Shark Bay, Point Piper, Darling Point and Rushcutters Bay;*
- *W4 Aviation: off Rose Bay;*
- *W5 Water Recreation: at Rose Bay, Double Bay and Rushcutters Bay;*
- *W6 Scenic Waters: Active Use at Woollahra Point;*
- *W8 Scenic Waters: Passive Use: around Watsons Bay, Parsley Bay, Vaucluse Bay, Felix Bay and Darling Point.*

The Draft REP contains definitions for both ‘commercial marinas’ and ‘private marinas’. The intent of these definitions is to distinguish between marinas that provide facilities and services available to the boating public, and those that can alienate the foreshore and waterway through private use, such as marinas that are for the exclusive use of the residents of an adjoining development. The zoning provisions in the Draft REP make commercial marinas permissible with consent in four zones (W1, W4, W5 and W6). Private marinas are restricted to built-up residential waterfront areas and are permissible in zone W6.

It should be noted that DIPNR and the Waterways Authority have recently released a Boat Storage Policy for Sydney Harbour. The Policy notes that upon gazettal of the Draft REP, it is expected that the State Government will lift the current moratorium on marina developments.

Part 3 contains matters for consideration applying to the Foreshores and Waterways Area. These matters must be considered by the consent authority in assessing development applications under Part 4 of the Act and by public authorities and others in carrying out proposed activities under Part 5 of the Act. The matters for consideration include bio-diversity, ecology and environmental protection; public access to foreshores and waterways; maintenance of a working waterfront; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views; and boat storage facilities.

The Draft REP retains the advisory committee originally established under SREP 23. The role of the committee is to provide advice on a range of matters including significant development proposals, draft LEPs, draft DCPs, guidelines for waterfront land and plans of management prepared under the National Parks and Wildlife Act 1974.

The Draft REP also contains provisions for the subdivision of existing and future public domain identified on master plans, commercial marinas in zone W1 – Maritime Waters, public utilities, acid sulfate soils consideration, land in waterways adjoining national parks and land in the vicinity of national parks.

Part 4 Strategic foreshore sites

The Draft REP identifies 23 sites in the Foreshores and Waterways Area as strategic foreshore sites. They are sites that are strategically significant due to factors such as their prominent location, size and / or potential for landuse change and therefore warrant specific planning provisions. The draft REP requires a master plan to be prepared prior to consent being granted for most forms of development on a strategic foreshore site. Certain minor developments do not require a master plan. The Draft REP defines what a master plan is and the procedures for its preparation, exhibition, adoption and amendment. The Minister may waive the requirement for a masterplan in certain circumstances. The Council is the consent authority for strategic foreshore sites. Woollahra has two strategic foreshore sites: Strickland House and HMAS Watson.

Part 4 specifies that development consent must not be granted for the carrying out of State significant development on a strategic foreshore site unless a masterplan has been prepared and considered. The Minister may waive the requirement for a masterplan in certain circumstances. The consent authority for State significant development is the Minister. State significant development is defined in section 76A(7) of the *Environmental Planning and Assessment Act 1979*.

Part 5 Heritage provisions

The Draft REP generally adopts the model heritage provisions prepared by the Heritage Office. One hundred and fifty one heritage items have been identified and mapped and include items that are either in the waterway, at the land-water interface or have a historic relationship with the waterway. The draft REP lists items that are not included in other local planning instruments. Many of the items are currently identified as heritage items under SREP 23. There are twenty nine heritage items for Woollahra listed in the Draft REP, however five of these sites are also listed in Woollahra LEP 1995 and are recommended for removal from the Draft REP.

Part 6 Wetlands

The Draft REP identifies wetland protection areas comprising wetland habitats and a 40-metre buffer zone to address movement and seasonal variation. The Draft REP requires consent for development on land within a wetland protection area and lists matters for consideration by the consent authority when assessing an application for such development. The majority of Harbour waters abutting the Woollahra foreshore have been mapped as wetland protection areas.

Part 7 Miscellaneous

Schedule 1 Maps incorporated in plan:

- Strategic foreshores site map (identifies strategic foreshore sites)
- Sydney Harbour catchment map (identifies the area subject to the Draft REP)
- Foreshores and Waterways Area map (identifies the area subject to special provisions in the REP)
- Zoning map (identifies the waterways zones)
- Heritage map (identifies heritage items and heritage conservation areas subject to special provision in the REP)
- Wetlands protection area map (identifies wetland protection areas subject to special provisions in the REP)

2.2 Comparison between Draft REP and SEPP 56 / SREP 23

The table in **Annexure F** describes the provisions contained in SEPP 56 and SREP 23 and how they relate to the provisions in the Draft REP.

When compared to SEPP 56 and SREP 23 the Draft REP has a number of key changes:

- The separation of strategic and statutory control provisions;
- Planning principles need only be considered in plan making, not development assessment;
- Matters for consideration only apply to development assessment in the Foreshores and Waterways Area.
- State significant development sites and State significant development types are not specified. HMAS Watson is no longer identified as a state significant site where the Minister as the consent authority. HMAS Watson is identified as a strategic foreshore site and the Council is the consent authority.
- Additional landuse types for waterway zones, as 'telecommunication facilities' and 'residential development' have been included.
- Marinas are defined as either 'commercial marina' or 'private marina'. Commercial marinas are permissible in four zones and private marinas are permissible one zone;
- Five waterways zones have been expanded to nine zones.
- Wetland maps and provisions have been introduced.

2.3 Draft REP response to issues raised by Sydney Harbour Councils

The exhibited Draft REP has been significantly revised from the working draft REP. It is pleasing to note that many of the issues raised in the joint submission by the Sydney Harbour Councils have been satisfactorily addressed.

Broad concerns satisfactorily addressed

- The Draft REP has been redrafted into a simpler document. It clarifies those strategic principles which must be considered in plan making under Part 3 of the Act for the greater Sydney Harbour Catchment and those statutory controls which need only be considered in the development assessment process for the defined Foreshores and Waterways Area.

The Draft REP provides a more strategic approach to planning in the catchment, relying on local plans to be consistent with the planning principles and to provide the appropriate objectives and development controls. As a result, for the Sydney Harbour catchment area (excluding the Foreshores and Waterways Area), only one plan (local plans) will apply to the development assessment process. This approach is strongly supported.

- A more rational and consistent approach to the inclusion of land within the Foreshores and Waterway Area has been taken in the Draft REP by using the concept of ‘one street back’ from the foreshore, rather than extending to the dominant ridgeline. The new approach focuses attention on the land with the greatest relationship to, and potential impact on, the Harbour. However, concern is raised about the boundary along Rose Bay (see **Annexure B**, section 4.3 for further detail).

Planning principles

- The planning principles applying to plan making under Part 3 of the Act are specific to three areas: Sydney Harbour catchment; Foreshores and Waterways Area; and Heritage conservation.
- The cumulative environmental impact of development must now be considered during the plan making stage under Part 3 of the Act, not at the DA stage. It is not clear, however, which aspects of the catchment require consideration of cumulative environmental impacts. It is also not clear how cumulative environmental impacts will be assessed for water based activities, as local plans will not apply to this development (see **Annexure B**, section 4.2 for more detail).
- The planning principles which apply to the assessment of development applications are now ‘matters for consideration’ which must be considered by the consent authority prior to granting consent to development under Part 4 or Part 5 of the Act. Concern is raised with the quantity of these considerations and their drafting, as they are not outcome focussed. They fail to direct a development to achieve certain outcomes, (see **Annexure B**, section 4.4 for more detail).

Zoning system for the waterway

The waterways zoning system has been expanded to 9 new zones. The General Waterways zone has been split into 5 separate zones and covers private and public development of the waterway. The revision of the waterways zoning system is supported, particularly the splitting of the general waterways zone. Concerns are raised, however, with the zoning of certain waters in Woollahra and the consistency of zoning with other matters such as wetlands protection (see **Annexure B** section 4.3 for more detail).

Heritage

The schedule of heritage items has been revised with the intention of only including those items within the waterway and those within the land/water interface not already listed in other environmental planning instruments. This approach is supported, however, certain heritage items in the Draft REP are also listed in Woollahra LEP 1995. These should be removed from the Draft REP (see **Annexure B**, section 4.5 for more detail).

Wetlands

The Draft REP identifies wetland protection areas and specific matters for consideration that apply to development proposals within a wetlands protection area. The protection of wetland areas is supported, however, concern is raised about the application of the wetland provisions to minor land based development (see **Annexure B**, section 4.4 for more detail).

2.3 Outstanding issues

On review of the Draft REP in detail, additional issues have been identified. The key issues are summarised below and are detailed in Woollahra’s submission in **Annexure B**.

- The Foreshores and Waterways Area will continue to have multiple layers of planning controls.
- SREP 14 – Eastern Beaches will not be repealed by the draft REP in so far as it overlaps the draft REP.
- The Draft REP fails to reserve regionally significant land required to implement the *Integrated Land and Water Action Plan*.

- The Foreshores and Waterways boundary at Rose Bay is not consistent with the wetland protection mapping.
- The Draft REP needs to define more precisely the cumulative impacts which must be considered.
- The legal drafting of the 'matters for consideration' are ambiguous.
- There are inconsistencies between the proposed waterways zones and permissible land use activities in environmentally sensitive areas, such as wetland protection areas.
- Certain heritage items listed in the draft REP are also listed in Woollahra LEP 1995, thereby duplicating assessment processes.
- There are inconsistencies between the mapping of wetland protection areas and the ecological communities mapping in the draft DCP.
- There is an apparent lack of strategic planning in identifying appropriate locations for marina development based on environmental constraints.
- The DCP does not address the visual impacts of telecommunication facilities on the waterways.
- The range and extent of commercial activities which are permissible with consent in the W 8 zone.
- Extent of W5 Water Recreation and W4 Aviation zone at Rose Bay is excessive.
- The Draft DCP requires review to ensure consistency with the Draft REP

2.4 Issues raised by Sydney Harbour Foreshores Committee

The Sydney Harbour Foreshores Committee (Mr. Michael Rolfe) has faxed to Council a number of submissions commenting on the Draft REP (attached for Council's information as **Annexure G**). These submission have not been addressed in detail due to the deadline for the preparation of this business paper.

3.0 THE DRAFT DCP

The Draft DCP represents a partial revision of the current DCP for Sydney and Middle Harbours. The only difference between the existing DCP and the Draft DCP is the inclusion of additional design guidelines and visual assessment criteria for boat storage (marinas). It is disappointing that DIPNR did not provide a comprehensive package of revised planning documents. DIPNR has advised that a complete review of the DCP is planned for the future.

The Draft DCP only applies to the Foreshores and Waterways Area as defined in the Draft REP, not the entire Sydney Harbour catchment. The Draft DCP contains the following key components:

- Part1 Introduction
- Part 2 Ecological assessment;
- Part 3 Landscape assessment;
- Part 4 Design guidelines for water-based and land-water interface developments;
- Part 5 Design guidelines for land based developments;
- Appendices and maps.

Marinas (commercial and private)

The Draft DCP contains general objectives and guiding principles for the location, design and layout, facilities and services, visual impact, environmental management, health and safety for commercial and private marinas. It also contains specific principles for private marinas. Some of the principles are currently contained in the existing DCP. The Draft DCP contains guidelines on how to undertake a visual impact assessment for marinas.

3.1 Key issues contained in Woollahra's submission to the Draft DCP

The introduction of additional guiding principles for the development of marinas is supported, particularly in relation to their visual impacts and environmental management. Concern is raised, however, that the guiding principles state that marinas are not to reduce the number of publicly available single moorings. This policy can lead to a piecemeal increase in boat storage without a broader consideration of the cumulative environmental and visual impacts.

Because the current DCP has not been comprehensively reviewed, some inconsistencies between the mapping and the ecological communities and the wetland protection areas appear in the document. A full review of the DCP is recommended to ensure that the document directly supports the new REP. In particular, the criteria contained in the DCP must relate to and support the objectives, controls and heads of consideration set down in the REP.

4.0 WATERWAYS AUTHORITY -ROSE BAY FRAMEWORK PLAN

In December 2003 Woollahra Council was given short notice by the Waterways of a workshop to prepare the Rose Bay Framework Plan (the Plan). The Department of Infrastructure, Planning and Natural Resources (DIPNR) initiated the process of Framework Plans in 2001 as a way to gather information and assess specific concerns for a variety of locations and areas of change around Sydney Harbour. The purpose of the framework plan is to guide the Authority in determining any applications it may review for changes to marinas or other structures in or over the Bay. The Plan is not a statutory document and Council is not required to adopt the Plan or make changes to its own plans or policies.

Two Council Officers, a community representative, Sydney Harbour and Foreshores Committee representative, DIPNR, the Waterways and the marina operators from the various marinas in Rose Bay, attended the workshop.

The concept of a Framework Plan in Rose Bay is supported as it provides an opportunity to better understand the full range of issues facing Rose Bay. It also provides an opportunity to bring together all the relevant agencies and stakeholders to ensure a sustainable outcome is achieved. A draft version of the Rose Bay Framework Plan was forwarded to Council in March 2004. Council officers responded to the draft Plan and raised a number of important fundamental issues (see **Annexure H** for submission). Most importantly the following issues were raised:

- The approach and process adopted by the Waterways in preparing the Rose Bay Framework Plan has not produced a rigorous plan based on proper planning process, consultation and research.
- The draft Framework Plan is preliminary in nature and represents the results of a workshop, which had limited representation, and exploration of issues.
- The draft Framework Plan is not the result of considerable research, analysis or consultation which should be undertaken to guide future development in Rose Bay.
- Query the role of the document in the development assessment process without it having a statutory basis.
- The term "framework plan" is misleading, and rather it should be an issues paper.
- Further investigation of the issues raised at the workshop is required, particularly in relation to future boat storage arrangements.
- The Framework Plan should not be limited to the western end of Rose Bay but should extend to the east.
- Workshop focussed on industry issues, a broader representation and consultation is required from other agencies.

- Additional background research and studies are required prior to formulating the plan.
- Council and community issues raised at the workshop are not adequately reflected in the document.
- The Framework Plan uses conclusive statements about future marina development in Rose Bay.
- The Framework Plan should be prepared in a recognised planning process.

A final version of the Rose Bay Framework Plan was received from the Waterways Authority on 28 June 2004 (see **Annexure I**). It is noted that although the broader fundamental issues raised in Woollahra Council's submission to the draft appear to have not been considered, a number of issues and future development opportunities have been identified in the Plan.

A thorough review of this document will be undertaken over the coming weeks and a detailed report will be submitted to the Urban Planning Committee.

5.0 CONCLUSION

The amalgamation of SREP 23 and SEPP 56 into the Draft REP will assist to reduce duplication of development assessment processes and processing times. The Draft REP will reduce the necessity for development applications to be assessed under a number of planning instruments for the majority of land to which the Draft REP applies, excluding the Foreshores and Waterways Area. The Foreshores and Waterways Area will be affected by multiple layers of plans in the form of the REP, its associated DCP, and local plans. Consequently, development applications in the Foreshores and Waterways Area will be subject to a multitude of controls and considerations. SREP 14 will continue to apply to certain land in Watsons Bay and Vaucluse which is mostly open space. Notwithstanding this, one layer of planning has been removed from these areas with the amalgamation of SREP 23 and SEPP 56.

The Draft REP in exhibited form is generally supported, subject to the issues contained in this report and the submission in **Annexure B** being adequately addressed in the final review. The minor amendments to the Draft DCP with the inclusion of additional marina provisions is supported. However, a comprehensive review of the DCP is required prior to the gazettal of the Draft REP.

It is therefore recommended that the submission contained in **Annexure B** be forwarded to DIPNR as a matter of urgency.

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Annexures:

- A. Joint Submission by the Sydney Harbour Councils on Draft SREP 32 – Sydney Harbour Catchment.
- B. Woollahra Council's Submission in Response to Draft REP (Sydney Harbour Catchment) and Draft Foreshores and Waterways DCP.
- C. Draft Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004 – circulated separately.
- D. Draft Sydney Harbour Foreshores and Waterways Area Development Control Plan 2004 – circulated separately.
- E. Waterways zones development table matrix.
- F. Comparison table between SREP 23, SEPP 56 and the draft REP.
- G. Sydney Harbour Foreshores Committee submissions.
- H. Woollahra Council's staff response to the Waterways Authority – Rose Bay Framework Plan.
- I. Rose Bay Framework Plan – Waterways Authority.