



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 15 November 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

11 November 2004

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 – 15 November 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 15 November 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 1 November 2004	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Rose Bay Public School – Request to rezone part of the site from Special Uses Existing (School) to Residential 2(b) – 513.G	2
R2	Metropolitan Strategy Discussion Paper – 696.G	91
R3	Neighbourhood Centre Strategy – 1168.G	131
R4	Repeal of Woollahra Residential DCP 1999 – 1014.G Stage 2 review	138

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 1 November 2004**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 1 November 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 1 November 2004 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Rose Bay Public School – request to rezone part of the site from Special Uses Existing (School) to Residential 2(b).**
Author: George Losonci - Senior Strategic Planner
Anita Lakeland - Team Leader, Strategic Planning
File No: 513.G
Reason for Report: To respond to a request to amend Woollahra Local Environmental Plan 1995 to rezone part of Rose Bay Public School to Residential 2(b).

Recommendation

- A. THAT following the registration of the minor boundary adjustment of Lot 11, DP 4567 with the Land Titles Office, a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995 to rezone part of Rose Bay Public School known as Lot 11, DP 4567 to Residential 2(b) and apply a maximum floor space ratio of 0.75:1.
- B. THAT following the registration of Lot 11, DP 4567 with the Land Titles Office, a draft development control plan be prepared to amend the maps and plans in Part 4.9 [Rose Bay Precinct] of the Residential DCP 2003.
- C. THAT in resolving to prepare a draft local environmental plan for part of Rose Bay Public School known as Lot 11, DP 4567, and resolving to amend the Residential DCP 2003, the Council is not indicating its acceptance of a development proposal or building works on the site. These matters will need to be assessed separately through the development application process.
- D. 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 and development control plan.

1.0 THE PROPOSAL

1.1 Proposed rezoning

A rezoning application has been received from Peddle Thorpe & Walker Pty Ltd (PTW Planning) on behalf of the Department of Education and Training seeking Council's approval to amend Woollahra LEP 1995 to rezone part of Rose Bay Public School from Special Uses 5 – Existing (School) to Residential 2(b) and to apply a maximum floor space ratio of 0.75:1.

The land to which the rezoning application relates has been declared by the applicant to be surplus to the School's requirements. The land identified as surplus is known as Lot 11, DP 4567 (the site) and is currently not accessible to the children of the School. The Department of Education and Training has indicated by letter dated 26 May 2004 that the Minister has approved the sale of Lot 11, DP 4567 with up to 90% of the net proceeds from the sale being allocated to the provision of a hall at the school (**Annexure 1**).

Detailed concept plans have been submitted with the rezoning application. The concept plans envisage that once rezoned, the site could accommodate a predominantly two-storey residential flat building comprising three dwelling units with underground parking.

This report deals with the assessment of the rezoning proposal. Should the site be rezoned, a development application will need to be submitted and separately assessed. A copy of the rezoning application, including the concept plans for a future development proposal, are attached as **Annexure 2**.

1.2 Site and context

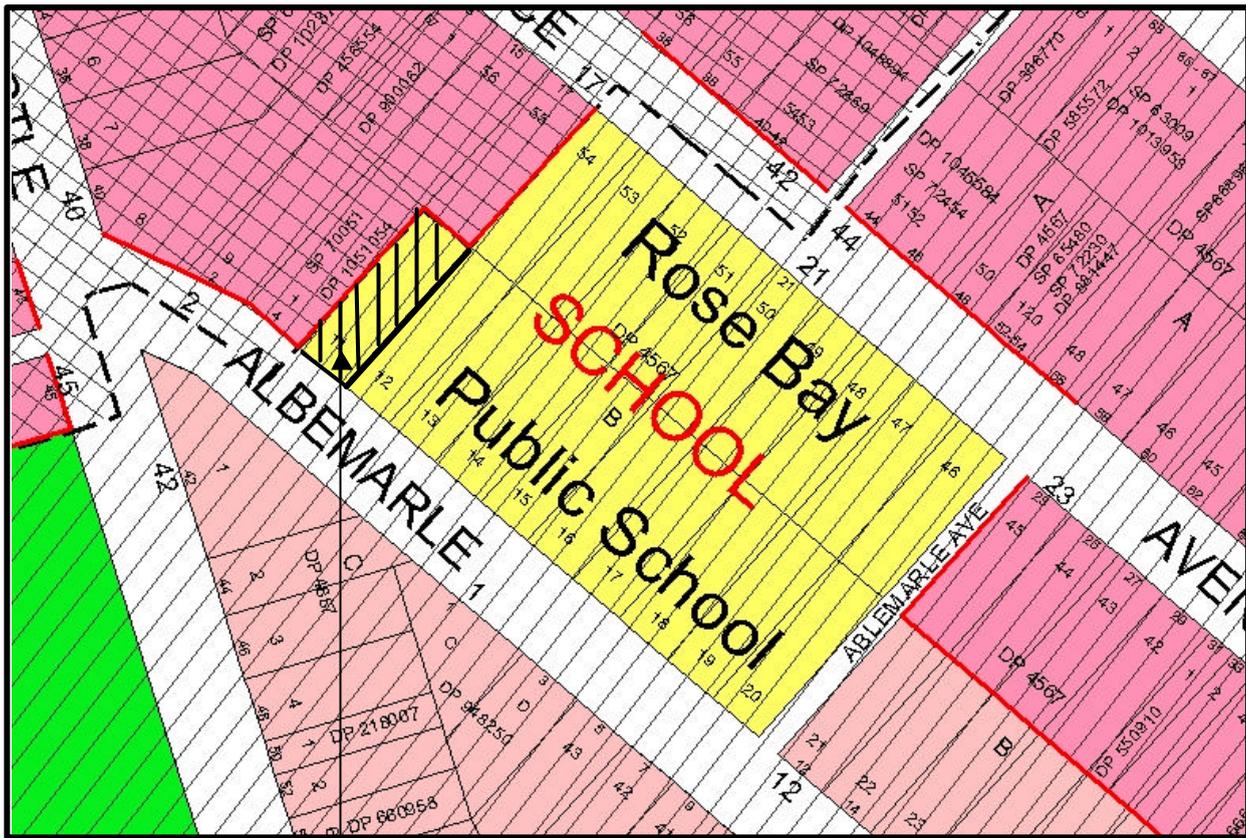
Rose Bay Public School is located between Albemarle Avenue and Wilberforce Avenue Rose Bay, and is bounded to the south-east by Albemarle Lane. The School site currently contains a number of single storey and two-storey school buildings built in the 1960s and used for educational purposes. The School is made up of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 46, 47, 48, 49, 50, 51, 52, 53 and 54 of DP 4567.

The portion of land to which the rezoning application relates is known as Lot 11, DP 4567 (the site). The site is located at the north-western end of the Rose Bay Public School. It has a frontage to Albemarle Avenue and adjoins No. 4 Albemarle Avenue. A minor boundary adjustment to broaden the site width to 15 metres resulting in a site area of 640.5 square metres is proposed by the School. This boundary adjustment is exempt development under the provisions of Woollahra DCP –Exempt and Complying Development and therefore development consent is not required. Should the Council agree to prepare a draft LEP, the boundary adjustment will need to be registered with the Land Titles Office prior to work commencing on the draft LEP.

The site sits approximately three metres above a brick retaining wall to Albemarle Avenue. There is a large concrete fence along the rear boundary and a retaining wall/timber paling fence along the northern boundary. The site is currently not accessible to the School's children and contains redundant playground equipment and two small redundant timber sheds, which are proposed to be demolished.

The area surrounding the School is zoned a mixture of Residential 2(b) and Residential 2(a) consisting of detached dwelling-houses and residential flat buildings. Immediately adjoining the site to the north (No. 4 Albemarle Avenue) the land is zoned Residential 2(b) and contains a part two and three-storey residential flat building. The land to the rear of the site (No. 17 Wilberforce Avenue) is zoned Residential 2(b) and contains a two-storey dwelling-house.

The land that immediately adjoins and surrounds the site that is zoned Residential 2(b), currently has a maximum density of 0.75:1 and a maximum height limit of 9.5 metres under the provisions of Woollahra LEP 1995.



Lot 11, DP 4567
(the site)

1.3 Background

A preliminary rezoning application was received in April 2004. The application was prepared by PTW Planning on behalf of the Department of Education and Training. The preliminary rezoning application sought to:

- rezone part of the Rose Bay Public School site from Special Uses 5 – Existing (School) to Residential 2(b);
- apply a floor space ratio of 0.875:1 to the site; and
- amend Woollahra LEP 1995 so that clause 10B (1) of the LEP 1995 would not apply to the site, thereby excluding the site from the minimum width requirement for residential flat buildings.

The preliminary rezoning application was reviewed by Council staff who identified the following issues:

- The existing frontage of the site to be rezoned did not meet the minimum site frontage requirements of clause 10B(1) of Woollahra LEP 1995, which requires a minimum 15 metre frontage;
- The proposed floor space ratio of 0.875:1 was not consistent with the existing surrounding density control. Having regard to the density provisions relating to existing Residential 2(b) land in Hamilton Street, Dover Road, Wilberforce Avenue, Carlisle Street, and part of Spencer Street, a more consistent FSR of 0.75:1 was identified; and

- The proposal did not comply with Ministerial Direction G3(ii) regarding Special Use zones – where a draft LEP proposes to amend, alter or remove an existing zoning for Special Uses, approval from the relevant public authority and the Minister for Planning is required.

It was suggested that the applicant contact Council's Senior Strategic Planner to arrange a meeting and discuss the matter further. A meeting between the applicant and Council staff took place on 27 May 2004, following which the applicant subsequently lodged a formal rezoning application (**Annexure 2**).

Separate to the rezoning application, and under the provisions of the *Woollahra Exempt and Complying Development – Development Control Plan*, the applicant has submitted to Council a subdivision application and linen plan to make a minor boundary adjustment to the site to increase its width to 15 metres. On release of this plan by Council, the plan will need to be registered with the Land Titles Office.

1.4 Rezoning application

The rezoning application consists of a planning report prepared by PTW Planning. A summary of the report content and its conclusions is provided below.

Introduction

The report states:

- The land is currently zoned 5 Special Uses: Existing (School) and is proposed to be rezoned to Residential 2(b).
- The land has been determined to be surplus to the School's requirements and as a result needs to be rezoned to enable it to be used for another purpose.
- The site should be rezoned to Residential 2(b), which is the zoning of the adjacent site.
- The planning procedures to be followed for the rezoning of the site include, amongst other things: the submission of the rezoning application to Council; the boundary adjustment being lodged with the Land Titles Office; and Council officers to assess the proposal and report to Council on whether the LEP should proceed.

The site and surrounding area

The report states:

- The site is located with frontage to Albemarle Avenue Rose Bay at the northern end of the school site.
- The site comprises Lot 11 DP 4567, has an area of 640.5m² and width of 15m.
- The site sits 3m above a retaining wall to Albemarle Avenue and slopes 1m from rear to frontage.
- The site is currently not used by the School.
- Buildings located on or adjacent to the site include: a small shed, shelter, toilet block, disused play equipment and vocational out of school care centre, all of which are to be demolished to construct a new school hall and small wash shed.
- No geotechnical or contamination assessment has been carried out.
- There is a major tree on the Albemarle Avenue frontage and the remainder of the site is bitumen and grass. A detailed report is included in Appendix 1 of the rezoning application.
- It is assumed all urban services are available.
- There are no heritage items on the site or in the vicinity.
- Access to the site is via the School grounds due to a 3m-height difference to Albemarle Avenue.

- Properties adjacent to the site to the north, east and south comprise the School, residential flat buildings and dwelling-houses.
- It is proposed to construct a new school hall adjacent to the site. It can be located at least 3m from the boundary of the site and will be approximately 4m in height.
- The adjoining residential flat building is a recently completed 3 storey building with underground car parking.
- The dwelling to the rear of the site is 2 storeys and is set well back from the boundary to the subject site behind an acoustic wall.
- The urban context is essentially a residential area.
- The streetscape is dominated by significant trees.
- There are no significant view corridors.
- There are no significant traffic flows along Albemarle Avenue.
- The site is zoned Special Uses (School). Land to the west and land to the north is zoned Residential 2(b) and to the east is Special Uses (School). Land to the south is Residential 2(a).
- Land zoned 2(b) to the north has a FSR of 0.75:1 and to the west is 0.875:1.
- All the land including the School has a height limit of 9.5m.

Constraints and opportunities

The report states the constraints of the site as being:

- Difficulty of providing access to the site.
- Need to remove the mature tree on the site.
- Privacy issues with adjacent building.
- Acoustic issues with the adjacent School.
- Site area is 640.5m² which would allow only 3 dwellings.

The report states the opportunities for the site as being:

- Surplus to the needs of the School.
- Situated in a residential area.
- The same shape and size as all other sites in the area which have been successfully developed for residential purposes and some for residential flat buildings.
- There is available infrastructure in the area.
- Located in an area which has been developed for medium density residential development.
- The future development of the school hall will provide a buffer between the site and the School.

Land use options

The report states:

Option 1 Current zoning

- The current zoning of the site is no longer appropriate because the site has been declared surplus to the needs of Rose Bay School and it would remain unused.
- It is not likely the site could be used by another public school other than Rose Bay.
- The only other uses permitted on the site would be parks, gardens or community facilities with no indication that there is a need for such uses. Council does not have plans to acquire the land for such uses. There is adequate open space in the vicinity of the site.
- The current zoning of the site is no longer appropriate.

Option 2 Residential zoning

- Most appropriate zoning for site is residential with land on all other sites, apart from the School, currently being residential.
- There is no other use of land immediately surrounding the site other than residential.

- Areas immediately adjoining the site are zoned Residential 2(b). It is considered this would be the most appropriate zoning for the site.
- The site immediately to the west has been developed with a substantial residential flat building, this, and the location of the site adjacent to the school, and the need for excavation to gain access, would detract from the site's potential for a single dwelling.
- The boundary between the school and the site has been adjusted to meet the requirements for a 15m frontage for construction of a residential flat building.

Compliance with Woollahra Council Rezoning Criteria

The report states:

- It is considered that the proposal meets Council's rezoning requirements.
- The land has been declared surplus to the needs of Rose Bay School and as a result the current zoning is inappropriate.
- The proceeds from the sale of the land can be used to pay for the erection of a new hall for the School.
- The rezoning of the site will have a tangible municipal benefit in that the facilities at Rose Bay Public School will be greatly improved.
- The development of the site for a similar medium density use would consolidate the residential character in the area and would comply with the NSW Government policy of urban consolidation in *SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)* [SEPP 32] – a tangible metropolitan benefit.
- The precinct planning for the area is complete and detailed controls for Rose Bay are in the RDCP 2003. Any proposal for the site would generally comply with these controls.
- The site has been declared surplus to the needs of the School and its current zone of Special Uses is inappropriate and could be considered an anomaly, as there are no possible uses for the site under the existing zone.

Height and floor space ratio issues

The report states:

- The current maximum height limit of 9.5 metres applies to the School site and there would appear to be no reason to change this provision.
- There is no FSR applying to the site. A maximum floor space ratio of 0.75:1 that applies to land north of the site would produce a satisfactory outcome for the site.

Possible site development

Part 5 of the applicant's rezoning submission provides a detailed description of the plans of a proposed residential flat building that may be built on the site should it be rezoned. An assessment of the development of the site will be subject to the lodgement of a separate development application to Council.

In terms of the hypothetical development proposal submitted with the rezoning application, the report states the following:

Description of the development envelope

- The proposed building is a predominantly two-storey residential flat building with a small amount of floor space in the roof on part of the site.
- The building comprises three apartments.
- There are landscaped areas around the edge, front and rear of the site.
- Access to the carparking area is proposed from Albemarle Road with seven underground car spaces.

Excavation

- The site is 3m above the road level in Albemarle Avenue, consequently excavation is necessary and this will provide an underground carparking area.
- The excavated area will be slightly larger than the building footprint, within 1.8m and 2.48m of the side boundaries.

Height

- The height of the building at the highest point is 9.4m.

Floor space ratio

- The residential flat building has a gross floor area of approximately 453.4m², which is within the proposed permissible floor space ratio of 0.75:1.

Setbacks

- The building is setback 3.3m from the northern boundary and 3.98m from the southern side boundary. The front setback is 4.97m to the balcony, matching dominant setback of adjacent building. Rear setback is 4.45m to the balcony.

Landscaped area

- Site coverage is approximately 222m², which is 34.6% of site area.

Shadows and access to sunlight

- Shadow diagrams are included.
- There will be no impact on the access to sunlight of the adjacent residential properties.

Acoustic

- The construction of a school hall will provide an acoustic barrier between the School and the flat building.
- An acoustic study will need to be carried out to accompany a development application.
- Measures may need to be taken to ensure that there is no noise disturbance from the School to the dwellings.
- There is an acoustic wall between the school and development on the southern site fronting Wilberforce Avenue.

Visual privacy

- The school hall will provide a visual barrier between the School and the new residential flat building.
- There will be no windows of major living areas on the side of the site adjoining the School.
- The outdoor areas of the apartment can be screened along the facade facing the school.
- The new building will not have any living area rooms facing the windows in the adjacent building. Screening of the windows may be necessary in some cases.

Evaluation of the rezoning proposal

The report states:

State and regional planning controls

- *SEPP 32 Urban Consolidation (Redevelopment of Urban Land)* [SEPP 32] – the proposal complies with this policy as they provide for the use for medium density housing of a site no longer required for the purpose of which it is zoned.
- *SEPP 55 Remediation of Land* [SEPP 55] – unlikely the site will be contaminated as it is in a residential area and has been used for education purposes. A study would be carried out with any development application to confirm this.

- *SEPP 65 Design Quality of Residential Flat Development* [SEPP 65] – does not apply to the proposal, as it is not 3 storeys or more in height.

Woollahra LEP

A detailed compliance table of the development and its ability to comply with the relevant objectives of Woollahra LEP 1995 is provided. Clause 2 of Woollahra LEP 1995 lists the aims and objectives of the plan. An assessment of how the proposal fulfils each of the applicable aims and objectives is provided.

The report states:

- There is only one area where the proposal for the site might conflict with the provisions of the LEP which is in relation to the removal of the existing tree on the site.
- A detailed report on the tree concludes that the tree has a limited life. Also, there are two other trees of the same species in the School grounds.
- The removal of the tree would allow more light.
- The tree does not play a significant visual role in the streetscape.
- The tree is not significant and its removal is not an issue.

Woollahra DCP

An assessment of the concept design has been undertaken by the applicant and demonstrated compliance with the requirements of Council's Residential DCP 2003.

The report states:

- The site can be developed with a building which generally complies with the controls in the DCP except for:
 - The extent of rear setback. The setback is 10.4% of the average length of the site rather than 25%. This is minor as the building is well setback from the rear and there are no shadow impacts to the rear of the development.
 - The extent of excavation. Excavation is 1.2m wider in places that the building footprint along the edge of the site. This is necessary to provide sufficient carparking and manoeuvring. It is not considered to be an issue as the DCP allows excavation within 1.5m of the boundary.

Development impacts

The report states:

- The proposal is similar in bulk and scale to neighbouring buildings and will fit into the streetscape.
- There will be no significant shadow impacts.
- The removal of tree is not significant.
- The proposal will comply with ESD initiatives.
- The construction of school hall will provide acoustic and visual barrier.

Suitability of site

The report states:

- The site is suitable in a residential area with similar developments. There are no physical reasons why the site can't be developed.

Submissions

The report states:

- No public submissions have been made to date.
- Development is supported by the School and associated parents and friends group.

The public interest

The report states:

- The proposal will allow development of the site within a residential area for residential purposes, thereby increasing residential stock.
- The site is surplus to the needs of school. If not rezoned, the site could not be used for any reasonable purpose as the current zone is very restrictive.
- The proceeds from sale will finance construction of a new school hall.

Conclusion

The report states Woollahra Council should agree to:

- rezoning of the site from Special Uses to Residential 2(b);
- retention of the 9.5 metre height limit; and
- application of a floor space ratio of 0.75:1.

2.0 CURRENT PLANNING CONTEXT

Numerous planning documents in the form of legislation, strategies, development control plans, policies and codes 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 proposal. 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.

2.1 State and regional planning

2.1.1 Shaping Our Cities

In 1998 the NSW Government released a planning strategy for the Greater Metropolitan Region which comprises Sydney, Newcastle, Wollongong and the Central Coast. The strategy is titled *Shaping Our Cities* and focuses on providing housing, jobs and travel in a manner that improves the built and natural environment. The document addresses five key strategy areas.

Environment – Built surrounds and natural heritage

Homes – Housing local and choice

Work – Jobs and business opportunities

Travel – Urban structure and access

Action – Leadership and partnership.

Within each of these key areas there are sub-categories, some of which are particularly relevant to the proposal. Briefly, these are:

Environment - urban design principles

- Providing high quality living areas that are safe and secure, but well integrated into lively neighbourhoods.
- Seeking excellence in design and efficiency in employment areas to attract investment and help competitiveness.
- Relating new development to its built and natural context and providing attractive urban spaces.
- Providing convenient and pleasant pedestrian environments made safe by community activity.
- Maintaining local character, cultural identity and continuity with responsive designs in neighbourhoods and heritage areas.

Environment – air quality

- Reducing the need for travel, the length of trips and dependence on the car.

Homes – supply

- Pursuing opportunities for increased housing in transport corridors, centres and close to job concentrations.

Homes – choice

- Employing better urban design solutions to fit new housing types into existing neighbourhoods.

Homes – accessibility

- Increasing residential densities close to public transport to ensure that it is fully utilised.

Travel – urban structure

- Providing higher density housing and employment along new and existing major public transport corridors.

An assessment of the proposal against these strategies is provided in **section 3.1.1** of this report.

2.1.2 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 SEPPs are relevant to the site and to the proposal.

- *SEPP No. 1 Development Standards* – applies to the current 9.5 metres maximum height control for the site.
- *SEPP No. 4 Development Without Consent and Miscellaneous Exempt and Complying Development* – applies for the school use for the purpose of the erection and use of portable classrooms. The Policy also applies for conversion of fire alarms as complying development and for the provision of rainwater tanks as exempt development.
- *SEPP No. 8 Surplus Public Land* – applies to the development of land in public ownership which has ceased to be used, or is no longer required for public purposes, or is otherwise surplus to public needs. Clause 2 of the Policy sets out the aims, objectives, policies and strategies:

The aims, objectives, policies and strategies of this Policy are:

- (a) to promote and co-ordinate the orderly and economic use of land in public ownership which:*
 - (i) has ceased to be used for the public purpose (if any) for which it had been used,*
 - (ii) is no longer required for the public purpose (if any) for which it has been used,*
 - (iii) is no longer required for the public purpose (if any) for which it had been intended to be used, or*
 - (iv) is otherwise surplus to public needs,*
- (b) to promote the social and economic welfare of the community by ensuring that the land referred to in paragraph (a) is properly managed and developed,*
- (c) to promote planning of the distribution of population and economic activity within the State,*

- (d) *to identify and enable the identification of land which may be developed in accordance with this Policy, recognising:*
- (i) *that many environmental planning instruments have regulated development of land on the basis of the historic use of that land unmindful of changing demands and needs and the uses to which the land could be put,*
 - (ii) *that particular types of development, including development for public purposes and housing, may be necessary to be carried out as matters of priority, and*
 - (iii) *that the development of certain land for particular types of development, including commercial premises and industry, may be necessary for the economic and social wellbeing of the community and the distribution of population and economic activity within the State,*
- (e) *to specify and enable the specification of purposes for which the land referred to in paragraph (a) may be used, being purposes which are additional to those for which the land may be used under other environmental planning instruments applying to the land and which are appropriate due to changing needs and circumstances, and to thereby enable the achievement of the matters set out in paragraph (a), (b) and (c), and*
- (f) *to enable development of the land referred to in paragraph (a) to be considered from a State perspective rather than from a local perspective.*
- *SEPP No. 9 – Group Homes – will apply where residential flat buildings are permissible with consent.*
 - *SEPP No. 11 – Traffic Generating Development – applies for the school use.*
 - *SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land) – applies to the process of preparing the draft LEP. To the fullest extent practicable the aims and objectives of the policy are to be implemented. Clause 2 of the Policy sets out the aims and objectives:*

This Policy aims:

- (a) *to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and*
- (b) *to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:*
- (i) *the location of housing in areas where there are existing public infra-structure, transport and community facilities, and*
 - (ii) *increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and*
 - (iii) *the reduction in the rate at which land is released for development on the fringe of existing urban areas.*

The objectives of this Policy are:

- (a) *to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and*
- (b) *to ensure that any redevelopment of urban land for multi-unit housing and related development will result in:*
- (i) *an increase in the availability of housing within a particular locality, or*
 - (ii) *a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and*

- (c) *to specify:*
- (i) *the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and*
 - (ii) *the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.*

- *SEPP No. 55 Remediation of Land* – applies to the process of preparing the draft LEP and will apply to future development on the site.
- *SEPP No. 64 Advertising and Signage* – currently applies and will apply to the site.
- *SEPP No. 65 Design Quality of Residential Flat Development* – design quality principles will apply to residential flat development, which includes a residential flat building. A residential flat building is defined as a building that comprises or includes:
 - (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
 - (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.
- *SEPP (Seniors Living) 2004* – will apply to the site should it be rezoned.
- *SEPP (Building Sustainability Index: BASIX) 2004* – will apply to the site should it be rezoned and a development application subsequently lodged to Council.

An assessment of the proposal against these SEPPs is provided in **section 3.1.2** of this report.

2.1.3 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 a rezoning application, particularly where development is proposed.

General direction G3(ii) is relevant to the proposal and the future development of the site. Ministerial Direction G3(ii) applies to Special Use zones and states that draft LEPs shall not create, alter or remove an existing zoning for Special Uses without the approval of the relevant public authority and the Minister for Planning. An assessment of the proposal against this direction is provided in **section 3.1.3** of this report.

2.2 Local planning

2.2.1 Woollahra LEP 1995

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

<i>Land use zone</i>	Special Uses – Existing (School)
<i>Height controls</i>	9.5 metres maximum
<i>Density controls</i>	There are no floor space ratio or minimum allotment size controls applying to the site

The Special Uses zone applies to land that is used or reserved for government and community facilities. These facilities include railways, roads, defence installations, hospitals, schools, churches, police stations and lighthouses. The full description of the zone is therefore related to the specific land use occurring on the land or proposed for the land. In this case the description reflects the current use of the land, namely the existing school. The relevant zone objective in this case is:

To identify land which is used for particular public and community facilities, educational facilities, railway purposes or urban infrastructure.

Woollahra LEP 1995 also contains numerous general planning objectives that are relevant to the site. **Annexure 3** contains an extract from Woollahra LEP 1995 showing these objectives. Those objectives relate to:

- residential development
- community services and facilities
- traffic and transport
- public and private open space, recreation and tourism
- the landscape
- global warming
- urban design
- excavation of land

If the site is rezoned to Residential 2(b), which allows residential flat buildings with consent, the following provisions of Woollahra LEP 1995 would apply:

- Clause 10A – Objectives of site area and site frontage standards for residential flat buildings.
- Clause 10B – Site and frontage standards. For a residential flat building containing three dwellings or less, the minimum site frontage is 15m. No minimum site area requirements apply. For a residential flat building containing four or more dwellings, the minimum site frontage is 21m. The minimum site area is 930m².
- Clause 11AA – Objectives of floor space ratio standards.
- Clause 11 – Floor space ratios.

An assessment of the proposal against the relevant provisions of Woollahra LEP 1995 is contained in **section 3.2.1** of this report.

2.2.2 Woollahra DCPs

Woollahra Residential DCP 2003

The site is located within the Rose Bay precinct in the *Woollahra Residential Development Control Plan 2003* (RDCP). This precinct is characterised by generally rectilinear street block system with consistent regular allotments. Prominent building types include inter-war detached housing and Art Deco apartment buildings. Recent construction of residential flat buildings on amalgamated sites has occurred in the precinct, particularly in Spencer and Carlisle Streets. Alterations and additions to existing dwelling-houses have also occurred. A new two-storey residential flat building with underground parking has been constructed on No. 4 Albemarle Street on the site's northern boundary.

The desired future character objectives for the Rose Bay Precinct are:

- O 4.9.1 To encourage development scale in relation to the function and role of the streets they address: large development scales on the major streets (Old South Head Road and New South Head Road adjacent to the commercial centre) and a range of housing types on the minor streets;*
- O 4.9.2 To reinforce a consistent building scale across both sides of the street;*
- O 4.9.3 To ensure that new development reinforces the precinct's topography;*
- O 4.9.4 To maintain the evolution of residential buildings styles through the introduction of well designed contemporary buildings;*
- O 4.9.5 To differentiate between the development patterns of the Rose Bay commercial centre and the density of the adjacent areas;*
- O 4.9.6 To ensure that residential development addresses the street;*
- O 4.9.7 To protect important views from the public spaces of the precinct to the harbour and to the surrounding districts.*

The RDCP contains precinct-specific controls in relation to:

- Precinct character
- Views and vistas
- Building footprint
- Side boundary setbacks
- Location of garages
- Building articulation
- Deep soil landscape at the frontage
- Front fences
- Street landscape
- Roof form
- Building height – storeys
- Significant vegetation

The RDCP also contains general controls for:

- Streetscape
- Building size and location
- Open space and landscaping

- Views
- Energy efficiency
- Stormwater managements
- Acoustic and visual privacy
- Carparking and driveways
- Site facilities
- Access and mobility.

Should the rezoning of the site be approved, any future development application would have to comply with the relevant provisions in Woollahra RDCP 2003.

An assessment of the rezoning application (excluding the development concept) is contained in **section 3.2.2** of this report.

Other DCPs and plans

DCP for Off-Street Car Parking and Servicing – applies for the purpose of calculating car parking and servicing requirements for non-residential uses on the land. Car parking requirements for residential uses are set out in the general controls of the Woollahra RDCP 2003.

Woollahra DCP for Exempt and Complying Development – applies to the current school use and would also be applicable for any future residential use of the site.

Woollahra Section 94 Contributions Plan 2002 – applicable for a change in use of the site that would result in a net increase in residential dwellings.

2.2.3 Woollahra Housing Study and Strategy 1997

The Woollahra Housing Study and Strategy 1997 was carried out in response to the NSW Government's housing strategy initiatives which included regional and State plans and policies aimed at achieving urban consolidation. The purpose of the study and strategy was to make an objective assessment of the current and likely nature of residential development in the Woollahra Municipality and to determine appropriate strategies and residential actions and controls for future housing. The Council submitted the strategy to the then Department of Urban Affairs and Planning in order to gain exemption from *State Environmental Planning Policy No.53 – Metropolitan Residential Development*.

The study and the strategy consciously employed a methodology that addressed natural and built considerations including those relating to:

- Infrastructure capacity
- Impacts on local amenity
- Protection of scenic and landscape qualities
- Retention of heritage significance.

Hence, the strategy report identified that “As the Municipality is fully developed, the opportunities for further increases in residential densities are limited by the road network, the sewerage and drainage capacity and development impacts on the amenity, economy, environment and architectural character”. (pp. 3-4)

The report provided a set of objectives for future housing provision in Woollahra. The following objectives are relevant to the proposal:

- *To increase residential densities in selective areas, which demonstrate capabilities for development.*

- *To recognise that there is a place for incremental development where appropriate local controls can ensure residential harmony and retain the essential character. (p. 4).*

Eight housing strategy options were identified. These options dealt with particular land use categories (such as dual occupancy and housing for aged or disabled people) and with land use zones (residential, commercial and special use zones).

Option 3 – Land currently zoned for Special Uses – is relevant to the proposal. The strategy action and implementation tasks for option 3 are:

Strategy Action

Consider opportunities for selective alternative uses on sites currently zoned for special uses.

Implementation tasks

- *Undertake a review of all land currently zoned Special Uses under Woollahra LEP 1995 and prepare an inventory of all sites. Priority should be given to sites which are capable of redevelopment and have ceased being used.*
- *Establish a list of development parameters for compliance in the development of a site for an alternative residential use.*
- *Encourage redevelopment of land currently zoned 5(a) Special Uses by not applying a floor space ratio to the site, and allowing instead a merits-based assessment of development proposals.*

An assessment of the proposal against the Woollahra Housing Study and Strategy 1997 is contained in **section 3.2.3** of this report.

3.0 ASSESSMENT OF PROPOSAL

An assessment of the proposal may be carried against the documents, policies, strategies and studies identified in **section 2.0** 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 landscape plans, or by detailed specialist reports and a statement of environmental effects, it is not possible to undertake a full environmental assessment. Notwithstanding this, general comments on the concept plans and its compliance with the numerical standards in Woollahra LEP 1995 and Woollahra RDCP 2003 can be provided.

Should the site be rezoned, a full assessment of a development proposal would be undertaken through the development assessment process. The assessment would include consideration of all relevant environmental issues and comments raised through public notification.

3.1 State and regional planning context

3.1.1 Shaping Our Cities

The proposed rezoning is consistent with those strategies in *Shaping Our Cities* that address the supply and accessibility of housing and the strategies that relate to travel and the provision of a compact urban structure. The proposal would:

- Provide an increase in housing close to a transport corridor, a commercial centre and to job concentrations (housing supply).
- Provide increased residential densities close to public transport, thereby facilitating use of that transport (housing accessibility).
- Provide higher density housing close to an existing major public transport corridor (travel and compact urban structure).

Consistency with the urban design principles set out in the environmental strategy of *Shaping Our Cities* cannot be determined at this stage. Although there is a clear intent by the applicant to demonstrate through the development concept plans that the site can accommodate a residential flat building, there is no certainty that the concept scheme would be taken up by the new owner. Aside from this, the concept scheme contains minimal details and lacks the more refined architectural drawings and support material such as photomontages, that would accompany a development application and illustrate the project's merits.

In conclusion, the proposal can be supported on the basis of a consideration against relevant strategies contained in *Shaping Our Cities*.

3.1.2 State environmental planning policies

Based on the material submitted with the application, the proposal is consistent with relevant SEPPs, in particular SEPP 8, SEPP 32 and SEPP 55.

SEPP 8 and SEPP 32

SEPP 8 promotes the coordinated use of land in public ownership that has ceased to be used or is no longer required for public purposes.

SEPP 32 advocates the provision of additional housing in established urban areas, in particular multi-unit housing. Its application is qualified to urban land "which is no longer required for the purpose for which it is currently zoned or used." Satisfaction of this criterion, in the first instance is fundamental if *SEPP 32* is to be used as a means of justifying a proposal.

In a letter dated 26 May 2004, the NSW Department of Education and Training wrote to Council informing it of the Minister's approval to sell part of the Rose Bay Public School site, being Lot 11 DP 4567, with up to 90% of the net proceeds being allocated to the provision of a hall at the school. The letter also granted permission to PTW Planning to undertake the necessary negotiations with Woollahra Council (**Annexure 1**).

The applicant has demonstrated that the site is no longer required for school purposes and is inaccessible to the students of the School.

SEPP 55

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.

An initial site evaluation has been provided by the applicant which concludes that ".the site was only ever used for school purposes as were the adjacent sites. Prior to this the land was vacant and may have been used as market gardens..."

Clause 6 (1) of SEPP 55 requires that when preparing an environmental planning instrument, Council is not to include in a particular zone any land specified in subclause (4). Part of subclause 4 identifies land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out. Table 1 of the planning guidelines specifically identifies agricultural/horticultural activities as an activity that may cause contamination. Market gardens fall into this category.

Verification of the applicant's conclusions on the historical use of the site was undertaken using a number of sources as listed:

- Local History Search 2000 (identifies the location of past Table 1 activities in the Municipality)
- Thematic History, Woollahra Municipal Council
- The Urban Garden: Double Bay and Rose Bay Between the Wars, Rosemary Broomham
- Rose Bay Public School 1891-1991 Celebrating a Century of Education, Rose Bay Public School

Based on research undertaken using the above sources the following conclusions are drawn:

- The central flat land, occupied by the market gardens and golf course were not available, even if it were suitable for housing. (p:3 Thematic History, Woollahra Municipal Council).
- The golf course, not the school is identified as being previously used for market gardens (Local History Search 2000).
- The Department purchased the land in 1905 and established the school in 1907 forming part of the Cooper Estate. (p10 Rose Bay Public School 1891-1991 Celebrating a Century of Education).
- Vacant allotments (the site) facing Albemarle Avenue at each end of the school were resumed to provide more rooms in 1922. (p15 Rose Bay Public School 1891-1991 Celebrating a Century of Education).

The historical information indicates that market gardens were located on the low lying land currently occupied by the existing golf course and not the school site. The school and the site can therefore be assumed as 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 the proposed residential use of the site.

Accordingly, the proposal can be justified under SEPP 8, SEPP 32 and SEPP 55.

3.1.3 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.

Ministerial Direction G3(ii) applies to Special Use zones and states that draft LEPs shall not create, alter or remove an existing zoning for special use without the approval of the relevant public authority and the Minister for Planning.

A letter received from the Department of Education and Training states that as the registered owner of Lot 11, PD 4567, the Minister approved the sale of the site. Approval from the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) is required under the section 68 and 69 stage of the plan making process. This occurs if the Council endorses the draft LEP after public exhibition and consideration of submissions. It is therefore considered that a decision to prepare a draft LEP for the site based on the proposed rezoning would be consistent with Ministerial Direction G3(ii).

3.2 Local planning context

3.2.1 Woollahra LEP 1995

Based on an assessment of the proposal against the Residential 2(b) zone objectives and general planning objectives that would apply to the site, the following conclusions are formed.

Residential 2(b) Zone

The role of the 2(b) zone, as expressed in the objective, is to provide for areas of medium and high density residential development in appropriate locations, encourage a diversity of dwelling types and tenure and to allow non-residential development of low intensity which is compatible with the residential character and amenity of the locality. The proposed use for residential purposes will be consistent with the relevant objectives of the 2(b) zone.

General objectives of Woollahra LEP 1995

Residential development

The ability of the proposal to satisfy the residential development objectives is adequately justified. In particular, the proposed rezoning and residential density will provide a diversity of dwelling types and density within a suitable location.

Community services and facilities

The Special Use Zone currently applying to the site caters for a community facility to meet the educational needs of the population. The Minister for Education and Training has approved the sale of the site on the basis that it is surplus to the current and future educational needs.

The proposed rezoning will affect only a small proportion of the School site and will not compromise the future use or development of the remaining school site for educational purposes in the short and long term. The retention of the school use on the remaining school site fulfils the Special Uses zone objectives of the school.

Traffic and transport

Compliance with these objectives cannot be fully assessed until a detailed development proposal has been submitted to Council.

Public and private open space, recreation and tourism

Compliance with these objectives cannot be fully assessed until a detailed development proposal is submitted. However, the concept plans provided in the proposal indicate that development of the site will provide deep soil landscaped area and potential for an increase in vegetation.

The landscape

There are concerns about the proposal's ability to meet one of the objectives in this category which relates to protection of trees and significant vegetation. The concept plan's intention to locate underground parking facilities in the Albemarle Avenue frontage would result in the loss of an existing tree (a Yellowwood) on the site and a small Brush Box on the footpath. The condition of the tree, its life expectancy under current conditions, and its contribution to the streetscape are discussed in a tree report provided in the rezoning application.

An assessment of the applicant's tree report has not been carried out to determine whether its conclusions are valid. This would need to occur as part of the development application process.

This issue, by itself, is not considered sufficient to refuse the rezoning application. Retention of the trees could eventuate with a different development concept. Alternatively, suitable replacement trees could be planted.

Global warming

Compliance with these objectives cannot be fully assessed until a detailed development proposal is submitted. At that time the applicant would need to ensure that energy-efficient building design measures were used and that the proposal demonstrated energy conservation measures.

Urban design

Consistency with the urban design objectives of the Woollahra RDCP 2003 cannot be determined at this stage. Although there is a clear intent by the applicant to demonstrate through the development concept plans that the site can accommodate a residential flat building, there is no certainty that the concept scheme would be taken up by the new owner.

Excavation of land

Compliance with these objectives cannot be fully assessed until a detailed development proposal is submitted. However, as the site is three metres above the road level in Albemarle Avenue, excavation will be necessary to provide an underground carparking area.

Consideration of geotechnical issues and impact of excavation and construction on adjoining properties will be assessed at the development application stage.

Standards within Woollahra LEP 1995

Site area and frontage standards

The applicant has lodged a subdivision plan that proposes a minor boundary adjustment, the effect being a site area of 640.5m² and a site frontage of 15 metres. The new site frontage dimension would comply with Council's minimum requirements for the development of land for a residential flat building containing a maximum of three dwellings.

Floor space ratio

As part of the preparation of the Woollahra RDCP 2003, Council undertook a review of existing floor space ratios affecting residential properties in Rose Bay (see **section 3.3** of this report) and reduced some areas from 0.875:1 to 0.75:1. The proposed FSR of 0.75:1 will be consistent with the new floor space ratio controls for surrounding residential properties.

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.

3.2.2 Woollahra Residential DCP 2003

A full assessment under *Woollahra Residential DCP 2003* is not possible because detailed plans, and specialist reports have not been provided with the application. However, the application does contain development concept plans (Appendix 4 of the rezoning application) that demonstrate general compliance with the numerical requirements of the DCP except that site excavations will be slightly larger than the building footprint in order to provide the required carparking. A full assessment against relevant numerical and performance-based controls can be made when a development application has been submitted to Council.

3.2.3 Woollahra Housing Study and Strategy

Option 3 of the Strategy, as mentioned in section 2.2.3 of this report, is relevant to the proposal. The strategy action for this option establishes that opportunities for selective alternative uses of sites currently zoned Special Uses should be considered. However, the Strategy specifies that priority should be given to sites that are capable of being redeveloped and have ceased being used for the purpose for which they are zoned. In addition to this criterion, proposals for additional housing would need to satisfy the broader housing objectives in the strategy document relating to:

- The suitability of the site and area for increases in residential densities.
- The retention of important local character elements.

The declaration by the Department of Education and Training that the site is surplus to their needs and is no longer used or accessible to school children, qualifies the site for consideration for selective alternative use. Priority consideration should be granted to this site as it is capable of being redeveloped and has ceased being used for the purpose of which it is currently zoned.

The rezoning also satisfies the strategies in the Woollahra Housing Study and Strategy for the following reasons:

- The site is capable of supporting a future residential development.
- The area is suitable for a modest increase in the residential density.
- Use of the remainder of land for school purpose will not cease.
- The applicant has demonstrated the proposal will not have a detrimental impact on the future use and development of the remainder of the school site.

3.3 Council's rezoning criteria

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

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.*

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 Department of Education and Training has stated a commitment to improving the facilities at Rose Bay Public School with the funds received from the sale of the site. Up to 90% of the net proceeds of the sale are proposed to be used to fund the construction of a new hall for the School.

The improvement of the school facilities with the construction of a school hall will result in a clear and tangible benefit, extended to the broader municipality. Specifically, the benefit will result in an additional facility on the remainder of the School site which is capable of being used not just by the School but also by the broader community.

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 relevant to the extent that Council has recently reviewed the planning controls applying to the residential land in Rose Bay. In its review, Council resolved to amend the density provisions applying to certain land surrounding the site [Woollahra LEP 1995 (Amendment No. 46)]. Density provisions in Wilberforce and Albemarle Avenues were reduced from 0.875:1 to 0.75:1. The review did not consider the School site being unaware of it being surplus land. However, the proposed FSR provisions of 0.75:1 is consistent with the review recommendations and FSR amendments undertaken by Council.

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 Special Uses (School) under Woollahra statutory planning instruments since December 1972 when the first local planning instrument, the Woollahra Planning Scheme, was gazetted. The current Special Use (School) Zone under Woollahra LEP 1995 is appropriate for the remainder of Rose Bay Public School.

The specific nature of the Special Uses (School) zone precludes use of the site for purposes other than a school, local community facilities, drainage, parks and gardens and roads. The applicant has stated the site to be surplus to its need and to the needs of the School.

Local community facilities can be accommodated within the remainder of the School's site. A new school hall will broaden opportunities for community use. Parks and gardens, drainage and roads are purposes permissible under the Residential 2(b) zone.

For these reasons, retention of the Special Use (School) zone for the site is not considered too critical for local planning.

4. AMENDMENT TO WOOLLAHRA RESIDENTIAL DCP 2003

If Council decides to rezone the site, minor changes will be needed to the Residential DCP 2003. These changes relate to the location plans and maps contained in the Rose Bay Precinct Controls – part 4.9 of the DCP.

5.0 CONCLUSION

The applicant seeks Council's agreement to rezone part of the Rose Bay Public School to Residential 2(b). The land to be rezoned has been declared surplus to the School's needs. The net proceeds of the sale are proposed to be used to fund for the construction of a new hall for the School.

The rezoning of the site does not compromise the remainder of the site being used for school purposes.

The future development of the site for residential purposes would be subject to the submission of a formal development application to Council. However, based on the concept plans submitted with the rezoning application, the land could be developed in a manner that would be generally compliant with the numerical requirements of Woollahra LEP 1995 and the Woollahra Residential DCP 2003.

The rezoning of Lot 11, DP 4567 is recommended for approval for the following reasons:

- The proposal fulfils Council's rezoning assessment criteria.
- The proposed rezoning is consistent with the provisions of relevant State environmental planning policies. In particular, the proposed rezoning will fulfil the aims and objectives of SEPP 8 and SEPP 32.
- In its conceptual form the future development of the site is consistent with those strategies in *Shaping Our Cities* that address the supply and accessibility of housing and the strategies that relate to travel and the provision of a compact urban structure.
- The proposed rezoning is consistent with Ministerial Directions under s.117(2) of the Environmental Planning and Assessment Act 1979.
- The proposed rezoning is consistent with the relevant aims and objectives of the Woollahra LEP 1995.
- The proposed rezoning is consistent with the relevant strategies of the Woollahra Housing Study and Strategy for the consideration of alternative uses for sites currently zoned for Special Uses.

GEORGE LOSONCI
SENIOR STRATEGIC PLANNER

ANITA LAKELAND
TEAM LEADER, STRATEGIC PLANNER

Annexure

1. Letter from Department of Education and Training – 26 May 2004.
2. Rezoning submission from PTW Planning – August 2004.
3. Extract from Woollahra LEP 1995.

Item No: R2 Recommendation to Council
Subject: **Metropolitan Strategy Discussion Paper**
Author: Chris Bluett - Manager Strategic Planning
File No: 696.G
Reason for Report: To inform Council of the Metropolitan Strategy Discussion Paper
To obtain Council's approval of a submission on the Metropolitan Discussion Paper

Recommendation

That the Council endorse the submission on the Metropolitan Strategy Discussion Paper contained in **annexure 2** of the report to the Urban Planning Committee meeting on 15 November 2004.

1.0 Background

The NSW Government announced preparation of a new metropolitan strategy in April 2004. In September 2004 the Minister for Infrastructure and Planning and the Minister for Natural Resources, Craig Knowles MP, launched the Metropolitan Strategy Discussion Paper (**annexure 1**). This Paper forms part of the process of preparing a new strategic plan for the Greater Metropolitan Region, which is to be released in 2005.

The Greater Metropolitan Region (GMR) is a substantial and diverse area bounded by the Tasman Sea and the Great Dividing Range and stretching from Port Stephens to Kiama. It comprises the regions of Sydney, the Central Coast, Lower Hunter and the Illawarra.

Regional strategic plans for the Sydney Metropolitan Area have evolved over the last fifty years commencing with the 1951 *County of Cumberland Plan*, a statutory instrument applying to a smaller area than the current GMR. There followed the 1968 *Sydney Region Outline Plan* (revised in 1980), the 1988 plan titled *Sydney into its Third Century*, and the 1998 strategy *Shaping Our Cities*, all non-statutory documents.

Work on the new strategy commenced in May 2004 with the Sydney Futures Forum involving discussions with 360 representatives from State and Local Government, business parties and community representatives. Discussions addressed ways of managing growth, housing supply, the economy, the environment, transport, and infrastructure funding and financing. These issues were then explored at a Local Government forum in June 2004 to obtain an understanding of how they occurred and impacted on areas across the GMR in a local context.

Further consultation is proposed in the next few months. Community representatives will be invited to a series of special meetings throughout the GMR to discuss the issues at a local level. These meetings have already been held in Sydney City and at Parramatta. A second Sydney Futures Forums is proposed at the end of 2004.

2.0 What is the Metropolitan Strategy?

Like its predecessors, the new Metropolitan Strategy is intended to be a whole-of-government strategic document to guide major decision making and plan making. The NSW Government proposes to use the Strategy "to respond to the growth and change that will occur over the next 30 years." (p.2). There will be four main components within the document:

1. *A vision of what kind of city we want to live in.*
2. *Directions and strategies on how the growth and change will be managed and how the cities in the Greater Metropolitan Region will work together.*
3. *Implementation – this is the action that Government will take through its plans, budget decisions and future choices.*
4. *A management process to keep the strategy up to date. (p.3)*

3.0 Discussion paper

The Discussion Paper comprises six main sections under the following headings:

1. *What is the Metropolitan Strategy?* – a general summary of the Strategy's purpose and current Government projects already underway.
2. *The Greater Metropolitan Region* – very broad demographic statistics for the four regions comprising the GMR and for the Sydney sub-regions.
3. *A snapshot of Sydney* – very broad population, housing, employment, transport and natural resource statistics for the Sydney Region.
4. *Getting the balance right* – a single page graphic dealing with sustainable development.
5. *What are the key issues facing Sydney* – a summary of key issues under eight themes identified during the Sydney Futures Forum.
6. *Directions for managing the changing region* – nine strategy directions that respond to the key issues.

The Paper contains a broad overview of issues and directions, intermixed with references to current and proposed infrastructure and capital works projects. Those issues mentioned in the Paper that are particularly relevant to Woollahra are:

- sustainable development
- declining residential occupancy rates
- an ageing population
- provision of housing choice.

Directions within the Discussion Paper confirm an intention to largely maintain the current State Government planning policy for metropolitan development. This policy focuses growth within and around existing centres and transport corridors.

Comment on the Paper is provided in the submission contained in **annexure 2**. An overview of the submission is provided in the following section.

4.0 Submission

Comments within the submission focus on the issues and proposed strategy directions set out in the Strategy. General comments and discussion on implementation are also provided. The following points provide a summary of the main comments.

Introduction

- Preparation of a new strategic plan for the Greater Metropolitan Region is supported in general.
- Strong support is stated for those elements of the Discussion Paper that promote sustainable development.

Planning and environmental issues

- The issues and strategy directions should recognise the importance of local built and natural character so that they are not compromised by broad-based regional policies and actions.

- The lack of community facilities, particularly for pre-school age children and older people, and the lack of open space and recreation facilities within inner-city areas, such as Woollahra, need to be recognised.
- The Strategy should contain a strong social planning dimension which provides a framework for the delivery of community services.
- The general concept of strengthening employment opportunities within centres serviced by good public transport is support.
- The role of employment outside centres, especially in service industries and in health and educational facilities needs to be recognised.
- The limited discussion on environmental issues is disappointing, particularly in light of the sustainable development objectives expressed in the Paper.
- The Strategy should provide for directions and actions that address a wider range of environmental issues including:
 - air pollution arising from all motor vehicles using petroleum based fuels, and from industries
 - stormwater runoff impacts
 - water quality
 - solid waste disposal
 - land contamination
 - degradation of urban bushland
 - degradation of urban built and natural character.
- The Strategy should provide a framework for rectifying the deficiencies and poor standard of existing basic community services and facilities, and infrastructure works, particularly within inner-city areas.
- The simplistic way in which transport issues have been discussed is disappointing.
- The Strategy should allow for transport alternatives such as light rail systems, alternatively fuelled buses, bus services using smaller vehicles, and additional bicycle routes.
- The impact of commercial freight movements on road systems should be investigated.
- The Strategy should allow for extensions to heavy rail systems linking important employment and service areas. One example, in the eastern region is the extension of the Bondi Junction line to service the University of New South Wales and Prince of Wales Hospital.

Strategy directions

- Strong support is given to BASIX and its water and energy conservation objectives.
- The Strategy must set the priority for additional natural resource conservation measures. It must provide more detail about these measures and the timing for their introduction.
- The sustainability of concentrating housing growth in established areas is questionable unless adequate services and infrastructure is provided to meet demand and existing environmental qualities are protected.
- Concentration of employment in major and secondary centres is supported in part, subject to provision of adequate servicing and infrastructure.
- Future planning for major and secondary centres should include economic retail and commercial studies that investigate the likely impact on smaller centres within the catchment areas.
- Alternate means of transport directly to commercial centres, to transport nodes, and as links to existing services needs to be investigated and introduced. These alternatives can include light rail systems, bus services using smaller vehicles, and bicycle routes.
- The Strategy needs to include provision of transport connections and general access to locations other than centres where jobs, services and facilities occur. These include Sydney's major health facilities, such as regional hospitals, and its technological and higher education facilities, such as the universities and educational hospitals.

- Investigations into alternate ways of funding services and infrastructure are supported.
- Public and private partnerships are considered to be effective and mutually beneficial arrangements for funding services and infrastructure.
- Options to raise funds outside the development application scenario need to be pursued. These could include environmental levies and special purpose funds that are invested within the locality and region in which they were raised.

General comments

- The Paper is too broad and simplistic in its presentation of the issues and directions.
- A “one size fits all” approach is not suitable for all planning strategies and has the potential to compromise local planning policies that have been developed with regard to local conditions and with local community input.

Implementation

- There is concern about whether the Strategy can be effectively integrated within the culture of NSW Government departments, particularly those responsible for areas such as public transport and infrastructure services.
- The effective integration of the Strategy into State, regional and local statutory and policy planning is a further concern.
- It is too early to determine whether the State government’s reform package for the planning system, released in September 2004, will assist with implementing the Metropolitan Strategy.

5.0 Conclusion

Preparation of a new Metropolitan Strategy is a positive step, which is necessary for the effective planning of the Greater Metropolitan Region. Therefore, the intent of preparing a new strategy should be supported. In particular, promotion of sustainable development through the Strategy should be strongly supported.

The Discussion Paper deals with issues and strategy directions at a broader context and is very succinct in its presentation. Little attention has been given to conditions, constraints and impacts at the sub-regional and local levels or to the way in which the Strategy will be implemented through government agencies. The Woollahra submission provided in **annexure 2** contains comments on these deficiencies.

Further consultation on the Strategy is proposed by DIPNR in November. The submission recommends that additional detail on the nine directions be prepared for public comment and released at the forthcoming second Sydney’s Future Forum.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexures:

1. Metropolitan Strategy Discussion Paper
2. Woollahra Council submission on Metropolitan Discussion Paper

Item No: R3 Recommendation to Council
Subject: **Neighbourhood Centre Strategy**
Author: Team Leader Urban Design
File No: 1168.G
Reason for Report: To obtain Council's endorsement of the brief for the Neighbourhood Centres Strategy

Recommendation:

1. That the Council endorse the brief for the Neighbourhood Centres Strategy (**Annexure 1**)

1.0 Background

There are a number of neighbourhood centres scattered throughout the Woollahra municipality which supplement the retail and commercial services of the major shopping centres of Double Bay, Rose Bay and Edgecliff by providing facilities for their local communities. The Neighbourhood Centres Strategy has been listed as a project in Council's 2004/2005 Management Plan. The strategy will apply to sixteen centres that have either a Business Neighbourhood (c) zoning under Woollahra LEP 1995 or are located within heritage conservation areas where they are permitted to have retail uses under Clause 30 of the LEP.

2.0 Project purpose

The principal objective of the strategy is to develop urban design guidelines which comprehensively address the elements of structure, form and character for each of the neighbourhood centres. However, these guidelines are to be underpinned by economic, social, parking and public transport considerations. As a final output of the strategy, the guidelines will be translated into a draft Development Control Plan and a Public Domain Improvements Plan. A brief for the Neighbourhood Centres Strategy is attached as **Annexure 1**.

3.0 Project Steering Committee

The Strategic Planning Working Party will provide guidance towards the strategy. Meetings with the Working Party will be required at the completion of critical milestones. The draft terms of Reference for the Strategic Planning Working Party are attached as **Annexure 2**.

4.0 Project delivery

The draft DCP and Public Domain Improvements Plan will be prepared in-house by the urban design team with input from the relevant sections of Council, including strategic planning and technical services. The urban design team will be responsible for the coordination of the Working Party and specialist staff input.

5.0 Conclusion

The neighbourhood centres provide essential retail and commercial services for their local communities. They are often the focus of these communities and are located within walking distance of a specific residential area. It is important that their character and urban form reflects community objectives and that the long term viability of these centres is maintained.

Margaret Zulaikha
Team Leader Urban Design

Allan Coker
Director Planning and Development

Annexures:

Annexure 1 Brief for the Neighbourhood Centres Strategy
Annexure 2 Draft Terms of Reference for the Strategic Planning Working Party

Item No: R4 Recommendation to Council
Subject: **Repeal of Woollahra Residential DCP 1999**
Author: Chris Bluett - Manager Strategic Planning
File No: 1014.G Stage 2 review
Reason for Report: To obtain a decision of Council to repeal the Residential DCP 1999 as it applies to part of the Watson Bay Heritage Conservation Area.

Recommendation

That Council repeal Woollahra Residential DCP 1999 for the land that forms the extension to the Watsons Bay Heritage Conservation Area as contained in Woollahra Local Environmental Plan 1995 (Amendment No.47) for the reason that Woollahra Residential DCP 1999 is redundant due to the approval and commencement of the Watsons Bay Heritage Conservation Area Development Control Plan.

1.0 Background

On 7 October 2003 the Council approved the Watsons Bay Heritage Conservation Area Development Control Plan (HCA DCP). The DCP became operational in two stages. The first occurred on 15 October 2003, with application to the HCA as it existed at that date. The second stage occurred on 20 February 2004, when Woollahra LEP 1995 (Amendment No.47) was gazetted. Amendment No.47 dealt with an extension to the Watsons Bay HCA. A copy of the LEP map, which shows the extended area, is attached as an **annexure**. The extension takes in:

- Part of Salisbury Street, Old South Head Road, Marine Parade, and Palmerston Street.
- Nos. 2, 4, 6, 8 and 12 Salisbury Street.
- No. 182 Hopetoun Avenue (corner Salisbury Street and Hopetoun Avenue).
- Nos. 292 and 292A Old South Head Road.

It is normal practice to repeal superseded DCPs and other policy documents when a new DCP is approved. This usually occurs through special provisions within the new DCP which list the documents that are to be repealed. In the case of the Watsons Bay HCA DCP no provision was included to repeal Woollahra Residential DCP 1999 (RDCP 1999), as that plan applies to the land that comprises the extended HCA. Similarly, there is no provision within the Residential DCP 2003 to repeal Woollahra RDCP 1999, as it applies to the extended HCA. Consequently, the extended area is affected by both the Watsons Bay HCA DCP and Woollahra Residential DCP 1999. This is an oversight that requires correction.

2.0 Repeal of Woollahra Residential DCP 1999

Woollahra Residential DCP 1999 may be repealed by the preparation of another DCP or by resolution of the Council and public notice. Given that it was intended to repeal RDCP 1999 as part of preparing and approving the Watsons Bay HCA DCP, it is suggested that the Council follow a process of repeal by resolution and notice. This process is set down in clauses 22 and 23 of the *Environmental Planning and Assessment Regulation 2000*.

22. How may a development control plan be amended or repealed?

- (1) A council may amend a development control plan by a subsequent development control plan.
- (2) A council may repeal a development control plan:
 - (a) by a subsequent development control plan, or
 - (b) by public notice in a local newspaper of its decision to repeal the plan.

23. Procedure for repealing a development control plan by public notice

- (1) Before repealing a development control plan by public notice in a local newspaper, the council must give public notice in a local newspaper:
 - (a) of its intention to repeal the development control plan, and
 - (b) of its reasons for doing so.
- (2) Publication of the notice of intention must take place at least 14 days before publication of the notice of repeal.
- (3) The repeal of a development control plan by public notice in a local newspaper takes effect on the date of publication of the notice.

3.0 Identification of income and expenditure

Expenditure arising from notification within the Wentworth Courier can be met from funds within the 2004-2005 budget.

4.0 Conclusion

Repeal of the RDCP 1999 as it applies to part of the Watsons Bay HCA is required to remove all doubt that the DCP does not apply to the HCA. This was originally intended when the Watsons Bay HCA DCP was prepared, but was not undertaken at the time due to oversight. The RDCP 1999 is redundant due to the area-specific controls contained in the Watsons Bay HCA DCP.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexure

Woollahra LEP 1995 (Amendment No.47) map