



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 23 July 2012*

**Time:** *6.00pm*

## **Outline of Meeting Protocol & Procedure:**

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

## **Recommendation only to the Full Council (“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.

## **Delegated Authority (“D” Items)**

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

**Committee Membership:**

7 Councillors

**Quorum:**

The quorum for a committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

19 July 2012

To: Her Worship The Mayor, Councillor Susan Wynne ex-officio  
Councillors Malcolm Young (Chair)  
Chris Howe  
Sean Carmichael  
Lucienne Edelman  
Nicola Grieve  
Ian Plater  
David Shoebridge

Dear Councillors

### **Urban Planning Committee Meeting – 23 July 2012**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 23 July 2012 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

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

### **Items to be Decided by this Committee using its Delegated Authority**

D1	Confirmation of Minutes of Meeting held on 9 July 2012	1
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Draft Education Establishments Development Control Plan 2012 – 1197.G	2
R2	Draft Parking DCP (Amendment No. 1) 1064.G	71

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 9 July 2012**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 9 July 2012 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Urban Planning Committee Meeting of 9 July 2012 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** R1 Recommendation to Council  
**Subject:** **Draft Educational Establishments Development Control Plan 2012**  
**Author:** Anne White – Senior Strategic Planner  
**File No:** 1197.G  
**Reason for Report:** To report on the public exhibition of the Draft Educational Establishments Development Control Plan 2012.  
To obtain the Council’s approval of the Draft Educational Establishments Development Control Plan 2012.

### **Recommendation**

- A. That the Draft Educational Establishments Development Control Plan contained in **Annexure 5** of the report to the Urban Planning Committee meeting of 23 July 2012 be approved.
- B. That the Educational Establishments Development Control Plan 2012 come into effect on the date notice of the approval is published in the Wentworth Courier.

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### **1. Introduction**

The matter was reported to the Urban Planning Committee on 9 July 2012, and the Committee recommended:

*That consideration of this matter be deferred to the next Urban Planning Committee Meeting on 23 July 2012 so that those people who are away on school holidays can address the Committee on the matter.*

The recommendations in this report have not changed from those reported to the Urban Planning Committee on 9 July 2012. However, Council has received a further submission from *Trustees of the Society of the Sacred Heart of Jesus, Sacred Heart Education Ministry, and Kincoppal Rose Bay – School of the Sacred Heart* which is responded to within this report, and attached at Annexure 3.

### **2. Background**

Educational establishments play an important role in the Woollahra Municipality. They provide a place to learn whilst also providing community meeting points, sporting facilities and employment.

Woollahra’s educational establishments are surrounded by residential areas, and there is a need to balance the requirements of the school or college with the amenity of the surrounding community.

The existing Schools and College DCP was approved in 1995 and Council requested that it be reviewed and updated. In response, we prepared the Draft Educational Establishments Development Control Plan 2012 (Draft Plan).

The key changes provided in the Draft Plan seek to:

- protect open space by removing minimum open space requirements and retain all existing open areas;
- update traffic and parking measures so that all major proposals will require a traffic and pedestrian management plan;

- amend building setback controls to maintain the amenity of adjoining development with regards to privacy, noise and overshadowing;
- ensure new developments maintain significant views and vistas;
- encourage the use of sustainable design and materials whilst maintaining heritage conservation;
- encourage the community use of educational establishments facilities.

The proposed changes were reported to the Urban Planning Committee on 27 February 2012, and on 12 March 2012 the Council resolved:

- A. *That the Draft Educational Establishments Development Control Plan as contained in **Annexure 3** of the report to the Urban Planning Committee meeting on 27 February 2012, be placed on public exhibition, subject to the following changes:*
1. *Objective “ix”. of Section **1.5 Objectives** being amended to read “encourage community uses of educational establishments that do not unreasonably impact on surrounding residents;”*
  2. *The definition of Open space in Section **1.9 Definitions** being amended to read “is the area on the establishment which is used for playgrounds, sport fields or for green or landscaped areas and may include associated structures and vegetation.”*
- B. *That a report on the submissions to the Draft plan be prepared and presented to the Urban Planning Committee following the public exhibition process.*

A copy of the report to the Urban Planning Committee on 27 February 2012 can be found at **Annexure 1**.

### **3. Public exhibition**

The Draft Plan was placed on exhibition from 9 May 2012 to 8 June 2012, consistent with the requirements set out in the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (Regulation). A copy of the Draft Plan as exhibited is attached at **Annexure 2**.

The exhibition material comprised—

*Draft DCP and supporting information:*

- Draft Educational Establishments DCP 2012
- Information brochure
- Explanatory note
- Woollahra Development Control Plan for School and College Development (1995)
- Woollahra Local Environmental Plan 1995

*Council reports and resolutions*

- Council resolution of 12 March 2012
- Report to the Urban Planning Committee 27 February 2012
- Council resolution of 13 February 2012
- Urban Planning recommendation of 30 January 2012
- Report to the Urban Planning Committee 30 January 2012
- Council resolution of 25 June 2007
- Report to the Urban Planning Committee 12 June 2007



Notice of the public exhibition was placed in the Wentworth Courier editions of 9 May, 16 May, 23 May, 30 May and 6 June 2012.

A letter dated 8 May 2012 was sent to 18 educational establishments located in the municipality inviting their submission.

The exhibition took place in the Council's main offices in Double Bay, within the Customer Service Area. Copies of the Draft Plan were available free of charge. The Draft Plan and other exhibition material were also placed on the Council's website for the duration of the exhibition period. Forty-five different users accessed the primary webpage during the exhibition period.

#### 4. Submissions

Council received four submissions to the exhibition of the Draft Plan. These submissions were received from:

- Kambala School 7/06/2012
- Scots College (prepared by JBA Planning) 8/06/2012 and 15/06/2012
- Cranbrook School (prepared by Universal Planning Services Pty Ltd) 15/06/2012
- Trustees of the Society of the Sacred Heart of Jesus, Sacred Heart Education Ministry, and Kincoppal Rose Bay – School of the Sacred Heart (prepared by BBC Consulting Planners) 13/07/2012

A copy of the submissions is provided in **Annexure 3**. The issues identified within these submissions have been summarised, and a detailed response provided. These can be found in **Annexure 4**.

The key issues identified in the submissions are:

- Unreasonable requirement to provide an internal driveway
- Excessive parking and bicycle parking rates
- Lack of reference to *State Environmental Planning Policy (Infrastructure) 2007*
- Inappropriate use of the term "open space"
- Inappropriate referencing to vistas and views

Having considered these submissions 14 changes are proposed to the Draft Plan, and are summarised in Table 1 below. The amended Draft Educational Establishments DCP 2012 incorporating these changes is provided in **Annexure 5**. Deletions are shown with ~~strikethrough~~ and additional text is underlined.

**Table 1: Changes to the Draft Educational Establishment DCP 2012**

	Clause	Amendment
1	1.2 Context	Delete paragraph 2 and replace with proposed text
2	1.2 Paragraph 4	Delete reference to "vistas and views"
3	1.5 Objectives (iii)	Delete " <i>protect views and vistas</i> " and replace with " <i>protect views and vistas from the public domain and encourage view sharing</i> "
4	1.8.5	Correct reference
5	2.2 Siting of development	Separate objective 1 into two objectives
6	2.2 Siting of development	Delete objective 3, and replace with two objectives <i>O4: To protect existing views and vistas from the public domain;</i> <i>O5: To ensure the size and location of buildings allow for the sharing of views from surrounding residences.</i>

	<b>Clause</b>	<b>Amendment</b>
<b>7</b>	2.2 Siting of development	Delete, control 4 and replace with <i>C4: Site new development to maintain views and vistas from the public domain;</i> <i>C5: Site new development to enable a sharing of views with surrounding residences.</i>
<b>8</b>	2.3 Building and urban design	Insert new objective 3: <i>“To encourage flexibly designed buildings which are capable of being used for a variety of purposes;”</i>
<b>9</b>	2.3 Building and urban design	Control 1: delete <i>“compatible”</i> and replace with <i>“consistent”</i>
<b>10</b>	2.4 Heritage Conservation	Delete Control C2 and replace with the following two objectives. <i>C2 Siting of new development should not detract from the heritage item;</i> <i>C3 Siting of new development should preserve existing views to and from the item from the public domain, and enable a sharing of views to and from the item from surrounding residences.</i>
<b>11</b>	2.4 Heritage Conservation	Delete Control 3.
<b>12</b>	2.6 Arrival and departure	Requirement 1: delete the examples of major development
<b>13</b>	2.7 Parking and servicing	Control 6: delete <i>“must”</i> and replace with <i>“should”</i>
<b>14</b>	2.9 Community Use	Delete Control C1 and replace with <i>“Any adverse impacts on adjacent properties from the use of an educational establishment must be minimised”</i>

## 5. Conclusion

The Draft Plan was prepared and exhibited in the manner required by the Act and Regulation. Three submissions were received.

We have considered the submissions and recommend that Council approves the Draft Plan subject to the 14 amendments identified in section 3 above. The amended version of the Draft Plan incorporating these changes is provided for Council to approve in **Annexure 5**.

If approved, the plan will then come into effect on the date notice of the approval is published in the Wentworth Courier.

Allan Coker  
Director Planning and development

Chris Bluett  
Manager Strategic Planning

Anne White  
**Senior Strategic Planner**

### Annexures

1. Report to Urban Planning Committee meeting on 27 February 2012
2. Draft Educational Establishments Development Control Plan 2012 as exhibited
3. Submissions
4. Responses to the issues identified within the submissions
5. Draft Educational Establishments Development Control Plan 2012 as amended and recommended for approval (with deletions shown as strikethrough and additions underlined)

**Item No:** R2 Recommendation to Council  
**Subject:** **Draft Parking DCP (Amendment No.1)**  
**Author:** Brendan Metcalfe – Strategic Planner  
**File No:** 1064.G  
**Reason for Report:** To report on the public exhibition of the Draft Parking DCP (Amendment No. 1).  
To obtain the Council’s approval of the Draft Parking DCP (Amendment No.1) with amendments to include savings and transitional provisions.

### **Recommendation**

- A. That Council approves the Draft Parking DCP (Amendment No.1) as amended and contained in Annexure 3 of the report to the Urban Planning Committee meeting of 23 July 2012.
- B. That the Draft Parking DCP (Amendment No.1) come into effect on the date notice of the approval is published in the Wentworth Courier.

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### **1. Background**

Council planning staff prepared a report for the Urban Planning Committee (UPC) on 26 March 2012 to amend eight development control plans (DCPs) to apply *maximum* residential parking generation rates. A copy of the report can be found at **Annexure 1**.

On 16 April 2012 Council resolved:

*That a DCP be prepared to amend the Parking DCP, Residential DCP 2003, Watsons Bay Heritage Conservation Area DCP, Double Bay DCP 2003 and the Neighbourhood Centres DCP as outlined in the report to the Urban Planning Committee on 26 March 2012, subject to the following amendments:*

- a) *Control C.5.9.5 of clause 5.9 (Car Parking and driveways) in the Residential DCP 2003 be changed to read:  
Dwelling houses on separate lots may only provide the maximum rate of two on-site parking spaces where this can be achieved within the precinct controls for the location of garages. The second space may be provided in tandem. For further detail on tandem parking see clause 2.2.4 of the Parking Development Control Plan regarding tandem parking.*
- b) *Equivalent changes for all types of residential development be made to cognate parts of the Residential DCP 2003, the Parking DCP, the Double Bay Centre DCP and the Neighbourhood Centres DCP as appropriate.*
- c) *Footnote references to tables within DCPs which set out residential parking generation rates be changed to read:  
Round to the nearest whole number, with halves (i.e.0.5) to be rounded up.*

In response to that resolution the Draft Parking Development Control Plan (Amendment 1) (the Draft DCP) was prepared and exhibited.

## 2. Changes proposed by the Draft Parking Development Control Plan (Amendment 1)

The Draft DCP proposes amendments to eight DCPs, summarised below:

Summary of proposed DCP changes
<b>Parking DCP</b> <ul style="list-style-type: none"><li>Clarify how parking generation rates should be rounded</li><li>Require justification for variation to parking generation rates</li><li>Apply a parking generation rate of two spaces per dwelling for dual occupancy development</li><li>Correct two footnote numbering references</li><li>Include savings and transitional arrangements</li></ul>
<b>Woollahra Residential DCP 2003</b> <ul style="list-style-type: none"><li>Apply maximum residential parking generation rates</li><li>Clarify how parking generation rates should be rounded</li><li>Require justification for variation to parking generation rates</li><li>Remove dual occupancies rates</li><li>Include savings and transitional arrangements</li></ul>
<b>Double Bay Centre DCP</b> <b>Neighbourhood Centres DCP</b> <ul style="list-style-type: none"><li>Apply maximum residential parking generation rates</li><li>Clarify how parking generation rates should be rounded</li><li>Require justification for variation to parking generation rates</li><li>Include savings and transitional arrangements</li></ul>
<b>Watsons Bay Heritage Conservation Area DCP</b> <ul style="list-style-type: none"><li>Delete residential parking generation rates and refer applicants to rates in the Parking DCP</li><li>Include savings and transitional arrangements</li><li>Note: Although residential parking rates are deleted, controls regarding parking provision and heritage conservation are retained in the Watsons Bay HCA DCP</li></ul>
<b>Rose Bay Centre DCP</b> <b>Woollahra Heritage Conservation Area DCP</b> <b>Paddington Heritage Conservation Area DCP</b> <ul style="list-style-type: none"><li>Clarify how parking generation rates should be rounded</li></ul>

The rationale for the changes is outlined in sections 2.1 to 2.4 below.

### 2.1 Apply maximum residential parking generation rates in Council's precinct DCPs

The main purpose of the Draft DCP is to apply maximum parking generation rates to residential land uses in relevant precinct DCPs. The Draft DCP also provides consistency across DCPs on a range of matters.

The Parking DCP commenced on 23 March 2011. It applies maximum parking generation rates<sup>1</sup> for residential development except dual occupancies<sup>2</sup>. Applying a maximum rate is intended to limit the amount of on-site parking and, among other things, avoid extra excavation and hard surface run-off which may occur with additional parking spaces. Council has requested that this approach to parking is applied to other DCPs for residential development.

<sup>1</sup> The term 'parking generation rate' refers to the number of parking spaces Council's DCPs require development to provide. Residential parking generation rates are usually based on the number of bedrooms in a dwelling.

<sup>2</sup> The rate for dual occupancy development is currently not specified as a maximum or minimum figure.

To that end, the Draft DCP amends three DCPs—the Woollahra Residential DCP (RDCP), Double Bay Centre DCP and the Neighbourhood Centres DCP—to apply maximum residential parking generation rates.

For the Watsons Bay Heritage Conservation Area DCP, existing minimum residential parking generation rates are proposed to be deleted. Applicants will be referred to the maximum residential parking generation rates in the Parking DCP.

## **2.2 Require justification for variances to parking generation rates**

The Draft DCP establishes provisions that require applicants to justify why providing more or less than the maximum parking generation rate is acceptable. Currently only applications that provide less than the required parking rates need to justify why fewer spaces should be permitted.

The Draft DCP proposes to include references in our DCPs to the matters applications must address when seeking to provide more or less parking than the base parking generation rate specified. For instance, the provision of parking may be limited by considerations such as heritage, site width, site area or the location of existing significant trees. Applications that propose to provide more or less parking would be required to address these considerations.

## **2.3 Clarify how parking calculations should be rounded**

Most of Council's DCPs round residential parking calculations to the nearest whole number but some are silent on how to round parking calculations.

The Draft DCP proposes a consistent approach across all relevant DCPs by stating that residential parking calculations must be rounded to the nearest whole number, with halves (i.e. 0.5) to be rounded up.

## **2.4 Applying a single parking generation rate for dual occupancy development**

The RDCP and the Parking DCP set different parking generation rates for dual occupancy development. The RDCP can require up to five spaces for a dual occupancy development (two spaces for each dwelling and one space for visitors). The Parking DCP currently requires one space per dwelling.

The Draft DCP proposes to remove the inconsistency between these DCPs and apply a single rate of two spaces per dwelling in the Parking DCP primarily because:

- each dwelling in a dual occupancy development is similar to a dwelling house, which has a parking generation rate of two spaces
- above ground parking can detract from the streetscape and increase hard surface area
- underground parking can require considerable excavation.

The rate in the Parking DCP applies to the entire municipality; therefore the dual occupancy parking generation rates in the RDCP can be deleted to avoid duplication.

## **3. Public exhibition**

The Draft DCP was placed on exhibition from Wednesday 13 June to Friday 13 July 2012. A copy of the Draft DCP as exhibited is attached at **Annexure 2**.

The public exhibition was held in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), and the *Environmental Planning and Assessment Regulations 2000* (the Regulation).

The exhibition material comprised—

*Draft DCP and supporting information:*

- Draft Parking DCP (Amendment 1)
- Information Brochure
- Parking DCP
- Woollahra Local Environmental Plan 1995
- A link to Council's other DCPs

*Council reports and resolutions:*

- Report to the UPC meeting on 26 March 2012
- Council resolution of 16 April 2012

Notice of the public exhibition was placed in the *Wentworth Courier* weekly during the exhibition period.

The Draft DCP and supporting material were on exhibition in our Customer Service Area and were also placed on Council's website. The website attracted 37 different users to the webpage during the exhibition period.

#### **4. Submissions**

One submission was received. This was from the Double Bay Partnership. A copy of the submission is provided at **Annexure 4**.

The submission was generally supportive of the change to maximum residential parking rates, but suggested that this should be accompanied by a review of the car parking generation rates for the residential component of development in the Double Bay Centre. The submission also suggested applying applying maximum parking generation rates for non-residential development in the Double Bay Centre.

The matters raised in the submission are beyond the scope of the exhibited amendments, and no changes to the Draft DCP are recommended in response to this submission.

Notwithstanding, the matters raised are noted and may be considered if Council undertakes a detailed parking demand analysis of the Double Bay Centre. At this time there is no budget allocation to undertake such a study.

#### **5. Savings and transitional arrangements**

During the exhibition we identified that the Draft DCP does not contain savings and transitional provisions. Savings and transitional arrangements state whether an amended DCP, or the DCP in force prior to the amendment, applies when assessing certain development applications.

We recommend that the Draft DCP should be amended to include savings and transitional arrangements so that the current Parking DCP applies to:

- development applications that are awaiting determination at the commencement of the new DCP
- s96 applications to those applications
- s82A reviews to those applications.

These savings and transitional provisions should apply to all the DCPs amended by the Draft DCP, except for the Woollahra HCA DCP, the Paddington HCA DCP and the Rose Bay Centre DCP (as the amendments to these DCPs only clarify Council's existing position on rounding of parking generation rates).

The changes to the exhibited version of the Draft DCP to include savings and transitional provisions are not significant and re-exhibition of the Draft DCP is not necessary.

A copy of the Draft DCP as amended with the clauses for savings and transitional provisions is attached at **Annexure 3**.

## **6. Conclusion**

The Draft DCP was prepared and exhibited in the manner required by the Act and Regulation. We received one submission. The issues raised in the submission are noted, but do not require amendment to the Draft DCP.

We recommend that Council approves the Draft DCP with amendments to include savings and transitional provisions. If approved by Council, the plan will come into effect on the date notice of the approval is published in the Wentworth Courier.

Chris Bluett  
Manager Strategic Planning  
Brendan Metcalfe  
Strategic Planner

Jacquelyne Della Bosca  
Team Leader Strategic Planning

## **Annexures**

1. Report to the Urban Planning Committee of 26 March 2012
2. Draft Parking DCP (Amendment No.1) as exhibited
3. Draft Parking DCP (Amendment No.1) as recommended for adoption
4. Submission for the Double Bay Partnership 13 July 2012

**POLITICAL DONATIONS DECISION MAKING FLOWCHART  
 FOR THE INFORMATION OF COUNCILLORS**

