



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 11 July 2011*

**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

7 July 2011

To: Her Worship The Mayor, Councillor Isabelle Shapiro ex-officio  
Councillors Chris Howe (Chair)  
Lucienne Edelman (Deputy)  
Nicola Grieve  
Ian Plater  
David Shoebridge  
Malcolm Young  
Toni Zeltzer

Dear Councillors

### **Urban Planning Committee Meeting – 11 July 2011**

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 11 July 2011 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 27 June 2011	1
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Woollahra Principal LEP Dwelling Opportunity sites – 1064.G Principal LEP	2
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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 27 June 2011**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 27 June 2011 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 27 June 2011 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** R1 Recommendation to Council  
**Subject:** **Woollahra Principal LEP Dwelling Opportunity Sites**  
**Author:** Chris Bluett - Manager Strategic Planning  
**File No:** 1064.G Principal LEP  
**Reason for Report:** To inform Council about advice from the Department of Planning and Infrastructure on the dwelling opportunity sites and preparation of the Principal LEP.  
To obtain a decision to prepare a planning proposal for 9A Cooper Park Road, Bellevue Hill

## **Recommendation**

- A. That the Council advise the Department of Planning and Infrastructure that it would prefer to proceed with a staged approach to the delivery of additional housing opportunity sites in Woollahra through planning proposals as suggested in the Department's letter of 22 June 2011.
- B. That the Council defer consideration of the remaining opportunity sites or other sites that have or may be brought to the Council's attention until gazettal of the Principal LEP, unless strong and supportable planning reasons are brought forward.
- C. That a planning proposal be prepared for 9A Cooper Park Road, Bellevue Hill incorporating the changes endorsed by the Council in Part A of its resolution of 16 May 2011 relating to the site.

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## **1. Background**

Council is preparing a new comprehensive local environmental plan called the Woollahra Principal LEP. This new LEP is being prepared as part of the planning reforms commenced by the NSW State Government in 2006. Under the planning reform agenda, all councils in NSW are required to prepare a new LEP based on a standardised format known as the Standard Instrument. The new LEP will replace Council's existing LEP, the Woollahra Local Environmental Plan 1995, and will provide a guide to development in Woollahra over a period of 7-10 years.

A major part of the new LEP is the creation of opportunities for additional dwellings and additional jobs. The Draft East Subregional Strategy, prepared by the NSW Department of Planning, contains additional dwelling and employment targets for the Woollahra Local Government Area which must be met by 2031. Woollahra is required to provide 2,900 additional dwellings and 300 additional jobs. As a starting point, the new LEP is required to meet 75% of the housing and employment targets. This amounts to 2,175 additional dwellings and 225 additional jobs.

We have identified latent capacity in the business and medium density residentially zoned land under the current LEP, and estimate that the existing planning control framework could reasonably yield 1,300 new dwellings if that land is developed to its highest and best potential. However, this means our dwelling capacity has a shortfall of approximately 875 new dwellings.

To accommodate the dwelling targets, we identified 24 sites where there are opportunities to change the current planning controls in order to increase the development potential of the site. These sites are referred to as “opportunity sites” as they would provide the capacity to increase development potential.

The opportunity sites were the subject of a report to the Urban Planning Committee on 14 December 2009. The sites were identified following a planning analysis of all land within the Woollahra LGA, and are estimated to yield approximately 1,000 new dwellings. There is sound planning rationale to increase development potential at each of these locations by increasing the maximum building height and floorspace ratio, and for some by rezoning to allow residential flat buildings or mixed use developments.

On 14 December 2009, Council resolved that in preparing the new LEP, consultation under section 62 of the *Environmental Planning and Assessment Act 1979* should include consultation with the owners of the opportunity sites so as to gain comment on the ideas for changes to the planning controls.

The consultation was carried out in June and July 2010. Letters were sent to the owners of each of the opportunity sites, as well as to landowners in the vicinity of the site. Over 6,000 letters were sent in this process. Included with these letters was a one page summary sheet. For those sites located within the Edgecliff Commercial Centre, information on an urban design analysis was also provided. The information was also available on Council’s website. Written submissions were invited and during the consultation period over 500 submissions were received.

## **2. Reporting on submissions**

To date, we have prepared and presented two reports to the Urban Planning Committee. All people who made submissions in regard to the sites which were the subject of the reports were informed of the relevant Urban Planning Committee meeting and invited to attend.

The first report was considered on 11 April 2011 and dealt with two sites in the Vaocluse Shopping Village:

- Site 1A: 1-7 Hopetoun Avenue, 22A -24 New South Head Road, 1 Petrarch Avenue
- Site 1B: Vaocluse Village: 77 New South Head Road.

The Council’s resolution of 2 May 2011 was:

- A. That the proposed planning changes, for *Opportunity Site 1a: Vaocluse Village: 1-7 Hopetoun Avenue, 22A -24 New South Head Road, 1 Petrarch Avenue, Vaocluse*, be included with amendments in the Draft Woollahra Principal Local Environmental Plan.
- B. That the proposed planning changes, for *Opportunity Site 1b: Vaocluse Village: 77 New South Head Road, Vaocluse*, be included in the Draft Woollahra Principal Local Environmental Plan.
- C. That all persons notified during the Section 62 Consultation stage be notified during the Section 66 Consultation stage and informed of the changes arising from the Section 62 Consultation, irrespective of whether they made a submission or not.
- D. That a further report be presented to the Urban Planning Committee on the inclusion of the Edgecliff Centre site (203-233 and 235-285 New South Head Road, Edgecliff) as an opportunity site.
- E. That a further report be presented to the Urban Planning Committee on the impacts of definition changes to gross floor area and floor space ratio in terms of dwelling yields.

- F. That a further report be presented to the Urban Planning Committee on the options for mandating additional dwellings when additional floor space and height is allowed.

The second report was considered on 2 May 2011 and dealt with land at 9A Cooper Park Road, Bellevue Hill.

The Council's resolution of 16 May 2011 was:

- A. That the proposed planning changes for Opportunity Site 8, *9A Cooper Park Road, Bellevue Hill*, as identified in Column 3 of the Table to the report to Urban Planning Committee of 2 May 2011, be included in the Draft Woollahra Principal Local Environmental Plan for public exhibition.
- B. That it be noted that, subject to the land reclassification and rezoning proceeding, a further report will be presented to the Corporate and Works Committee addressing how the proceeds from any future sale of the land are committed to public open space, recreation and community facility projects.
- C. That Council staff investigate the encroachments identified in the Late Correspondence from Council's Director Planning and Development.

Notice of the Council's decisions has been sent to all people who made submissions.

### **3. Consultation with Department of Planning and Infrastructure**

On 12 May 2011 we met with planning staff from the Sydney East Regional Office of the Department of Planning and Infrastructure. The purpose of our meeting was to discuss a range of planning matters relevant to Woollahra and the sub-region. At that meeting we also enquired about any changes in Government direction or policy in relation to the delivery of housing targets and the Principal LEP in general.

The Department's representatives indicated that the new government is taking a more conciliatory approach, that officers of the Department had been instructed to work collaboratively with councils and that the housing targets set by the previous government may not need to be achieved in the first version of our Principal LEP.

In regard to the matter of dwelling targets, the Department has provided a letter which confirms that it is willing to consider a staged approach to the delivery of additional housing opportunity sites in Woollahra (**annexure 1**). This approach is being suggested if the Council's process for identifying additional housing opportunities "becomes problematic and/or threatens the June 2012 timeframe" for completion of the Principal LEP. The Department suggests that planning proposals could be prepared for specific opportunity sites following completion of the Principal LEP. The Department has not mentioned in either the letter or in conversations with us that the housing targets will be reduced.

### **4. Program for reporting on opportunity sites**

Our program for reporting on submissions arising from the opportunity site consultation process was initially outlined in a report to the Urban Planning Committee meeting on 20 September 2010. The program was revised by a decision of the Council on 13 December 2010 which was in part:

- A. That in relation to the preparation of the new Principal Local Environmental Plan:
- (i) The target date for Action 4.1.1.1 (Prepare a new Principal Local Environmental Plan) be amended to 30/06/2012.
  - (ii) The reports on opportunity sites in the new Local Environmental Plan process including public consultation be at most to every second Urban Planning Committee meeting in 2011.
  - (iii) Notwithstanding Part 5 of the report to the Urban Planning Committee of 20 September 2010, it is not the intention of Council to hold extraordinary meetings of the Urban Planning Committee to accommodate the new standard instrument Local Environmental Plan.

At this time we have reported on three opportunity sites. We estimate a further 17 to 22 meetings of the Urban Planning Committee will be required to enable consideration of reports on submissions relating to the balance of the opportunity sites. Based on this schedule, and in light of the Council's decision of 13 December 2010, completion of the Principal LEP would not meet the timeframe of June 2012 set by the Department.

Even after the opportunity sites component is removed from the process we consider the June 2012 timeframe set by the Department is unachievable. This opinion is based on a number of factors including:

1. Further reporting to Council on the content of the Principal LEP needs to occur. Whilst the Principal LEP is following a translation approach using the Standard Instrument as a base document, at this stage our reporting has been limited to discussion on the land use zones and floor space definitions.
2. There are several unresolved issues with the Department concerning the retention of existing local provisions within the Principal LEP.
3. Work programs are generally disrupted during the Christmas and New Year period.
4. The Principal LEP process involves numerous steps outside the Council's control which have potential to impact on timeframes. These include the necessary reviews of the draft plan at various stages by the Department and input by the Parliamentary Counsel.

Once a revised program for completing our work on the Principal LEP is prepared, we will need to have further discussions with the Department on a suitable timeframe.

## **5. Suggested amendments to delivery timeframe for housing targets**

The opportunity sites component of the Principal LEP is deflecting work on other aspects of the plan. This will occur irrespective of a longer completion date for the LEP should one be successfully negotiated with the Department.

Taking into account the Department's letter of 22 June 2011, we suggest that Council defer consideration of the remaining opportunity sites or other sites that have or may be brought to its attention until gazettal of the Principal LEP, unless strong and supportable planning reasons are brought forward.

This approach allows the opportunity sites already determined by the Council to be taken up in the Principal LEP.

## 6. Site at 9A Cooper Park Road, Bellevue Hill

As mentioned in section 2 of this report, the Council has considered the opportunity site at 9A Cooper Park Road, Bellevue Hill, and has resolved to include the following planning changes in the Principal LEP.

- Rezone the land from 6 Open Space to R3 Medium Density Residential
- Apply a floor space ratio of 0.625:1 (there is no FSR currently applying to the land)
- Apply a height control of 9.5 metres (there is no height control currently applying to the land)
- Reclassify the land from community to operational under the *Local Government Act 1991*.

The Director of Technical Services, Mr O'Hanlon, representing the Council as landowner, has asked for the site at 9A Cooper Park Road, Bellevue Hill, to be removed from the Principal LEP process and dealt with as a separate planning proposal. Mr O'Hanlon submits:

The decision by Council to rezone the site as R3 Medium Density Residential recognises that the land is currently providing no benefit to the community and that the current zoning of 6 Open Space is inappropriate as the land is unsuitable for any open space or recreational purpose. The decision to re-zone the land presents an opportunity to realise significant and much needed revenue which will be used to upgrade public open space, recreation and community facilities throughout the municipality.

Rezoning and reclassification of the land through a separate planning proposal will enable Council to realise this opportunity in a timely manner, avoiding any delays which may be associated with the completion of the Principal LEP.

There is no legal impediment to Council preparing a separate planning proposal for the land. We also note:

1. Consultation has occurred with the owners of land adjoining and in the vicinity of the site as part of the opportunity site process.
2. The Council has considered submissions from land owners in the course of making its decision on 16 May 2011 to rezone and reclassify the land.
3. Further consultation with land owners will form part of the planning proposal process.
4. A public hearing on the reclassification of the land is required, thereby allowing another avenue for community consultation.

We support the request by the Director of Technical Services for a planning proposal. We note that a planning proposal can be completed within a much shorter timeframe when compared with that for the Principal LEP. We also note that the planning proposal will enable consultation with adjoining property owners.

## 7. Conclusion

The Department of Planning and Infrastructure has confirmed that it is willing to consider a staged approach to the delivery of additional housing opportunity sites in Woollahra. We support this approach because it will enable our resources to be directed to finalising the Principal LEP.

Chris Bluett  
Manager Strategic Planning

Allan Coker  
Director Planning and Development

### **ANNEXURE**

Letter from Department of Planning and Infrastructure dated 22 June 2011.

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

