



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 2 May 2011*

**Time:** *5.30 pm*

## **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

28 April 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 – 2 May 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 2 May 2011 at 5.30pm.**

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	
3	Declarations of Interest	

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

D1	Confirmation of Minutes of Meeting held on 11 April 2011	1
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	9A Cooper Park Road, Bellevue Hill – Opportunity Site Consultation for the Woollahra Principal Local Environmental Plan – 1064.G Principal LEP	2
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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 11 April 2011**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 11 April 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 11 April 2011 be taken as read and confirmed.

Les Windle  
Manager - Governance

- Item No:** R1 Recommendation to Council
- Subject:** **9A Cooper Park Road, Bellevue Hill – Opportunity site consultation for the Woollahra Principal Local Environmental Plan**
- Author:** Jacquelyne Jeffery– Team Leader Strategic Planning
- File No:** 1064.G Principal LEP
- Reason for Report:**
- To consider the submissions received during the section 62 consultation for the Woollahra Principal Local Environmental Plan – with regards to Opportunity Site 8 being 9A Cooper Park Road, Bellevue Hill.
  - To obtain Council’s approval to include the proposed planning changes identified for this opportunity site in the preparation of the Draft Woollahra Principal Local Environmental Plan.

### **Recommendation**

- 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.

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### **1. Introduction**

Council is undertaking a major review of its planning controls in response to planning reforms initiated by the NSW Government in 2006. This will result in the preparation of a new local environmental plan (LEP) that will apply to the whole of the Woollahra local government area (LGA).

A major requirement of the new LEP is the creation of opportunities for additional dwellings and jobs. This is a State Government requirement and is set out in its “Draft East Subregional Strategy”. Under the Strategy, Woollahra Council must demonstrate that it has the capacity to provide 2,900 additional dwellings and 300 additional jobs by 2031.

Initially, 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.

Based on our current LEP we identified latent capacity in the business and medium density residential zoned land. We 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 still leaves a shortfall of approximately 875 new dwellings.

## 2. Opportunity sites

To meet this shortfall we identified 24 sites where there is opportunity to change the current planning controls to increase development potential. The opportunity sites were reported to the Urban Planning Committee (UPC) on 14 December 2009, as listed in **Annexure 1**.

The opportunity sites were selected following analysis against specific urban design and planning criteria used to indicate opportunity to increase development potential.

On 14 December 2009 Council resolved that we consult with the owners of these opportunity sites to inform considerations of the planning changes before they are incorporated in the Draft Woollahra Principal LEP for exhibition.

This consultation, under section 62 of the *Environmental Planning and Assessment Act 1979* was carried out in June and July 2010. Letters were sent to the owners of the opportunity sites, as well as to landowners in the vicinity of the site. Over 6,000 letters were sent in this process. Information about the proposed planning control changes was also available on the Council website. Written submissions were invited and over 500 submissions were received.

Most submissions related to the identified opportunity sites. However, some submissions nominated additional locations as opportunity sites.

Sites nominated as additional opportunities will be considered by Council's Strategic Planning Working Party later this year. Sites with planning merit will be reported to a future meeting of the UPC and may be recommended for including in the Draft Woollahra Principal LEP for exhibition.

In the meantime we are focused on progressively reporting the submissions received on the opportunity sites to the UPC.

## 3. Opportunity site 8 – 9A Cooper Park Road

The opportunity site addressed in this report is *9A Cooper Park Road, Bellevue Hill*.

This land is owned by Council and was previously part of the Bellevue Hill Bowling Club. The land is zoned 6 Open Space under Woollahra LEP 1995. The land is public land and classified as 'community land' under the *Local Government Act 1993* (LGAAct).<sup>1</sup> In the Cooper Park Plan of Management (PoM) dated February 2001 the land is identified as "a recent addition to the parks land area" (p36) and the purpose for any future development "to be determined" (Table 5 p22).

The PoM was revised and exhibited in May to June 2009. It has not yet been adopted, but in response to the exhibition, the Final Draft PoM (p58) states that 9A Cooper Park Road is "not an easy site for which to find an appropriate use". It does not specify a use for the land but states that

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<sup>1</sup> Under the LGAAct, Part 3, land vested in a council is to be classified as either "community" or "operational". The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means. Community land must not be sold (except in the limited circumstances referred to in section 45 (4)). Community land must not be leased or licensed for more than 21 years and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. No such restrictions apply to operational land. The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.

“the site is unusable for a community garden due to accessibility, soil quality and poor public amenity”.

This site is also the subject of a notice of motion (NoM) adopted by Council on 12 April 2010—

*That, having regard to Council land at 9A Cooper Park Road being in Council's possession and vacant and unused since 1992, a report be submitted to the Corporate and Works Committee canvassing:*

- i) history of attempts by Council to find an appropriate use of the site*
- ii) options and constraints for future community use*
- iii) benefits or otherwise in rezoning the land to an "operational" classification to enable its possible disposal.*
- iv) any other matters relevant to assist the council in its deliberations, including the possible strategic acquisition of adjoining land.*

This report responds to parts i), ii) and iii) of the NoM. A further report to the Corporate and Works Committee will address part iv), subject to the outcome of this report.

### **3.1 Proposed planning controls**

We are proposing to rezone this land to R3 Medium Density Residential in the Draft Woollahra Principal LEP. We also seek to reclassify the land to operational land in this LEP process, which will remove restrictions on the management of the land, including its sale.

### **3.2 Key planning justifications for proposed changes**

We seek to rezone and reclassify the land for the following reasons:

- The site is currently vacant and has been unused since 1992 when Council took ownership of the land. Council has not had any success in re-establishing recreational uses on the land over the last 18 years. This is despite numerous Council reports and protracted investigations to facilitate use of the land for community or recreational facilities including a tennis and sporting centre and netball courts.<sup>2</sup>
- Various studies<sup>3</sup> identify that the land is not suitable for use as open space. We too should acknowledge that there is no potential for establishing a viable recreational use on the site as envisaged by the current 6 Open Space zone.
- Only those residents living directly adjacent to the land have received some benefit from this public asset, and this benefit is limited to the fact that the land is vacant. The general community has received no public benefit since Council took ownership in 1992. A more prudent use of land at 9A Cooper Park Road should be found.
- Permitting medium density housing on the land is suitable, practical and consistent with the surrounding residential land, and is likely to create fewer impacts (such as traffic or noise) than if the land was redeveloped for a use permitted under the current zone such as child care centre or sporting club and recreation facility.
- The land can be redeveloped for medium density housing in a manner that will maintain reasonable solar access, privacy and views for the existing surrounding residential properties.
- The rezoning will not compromise open space opportunities for the residents in the area as Cooper Park is located in the vicinity of the site and is one of the largest open space areas in the Municipality.
- Reclassifying the land to operational land will establish a position for Council to sell the land.

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<sup>2</sup> Refer to Annexure 2, section 2.3 ‘A history of attempts by Council to find an appropriate use of the site’

<sup>3</sup> Refer to Annexure 2, section 2.4 ‘Studies to inform the preferred use of the land’

- The general community would be better served if the land was sold and monies directed to open space and recreational opportunities that can be more broadly accessed and enjoyed.

### 3.3 Submissions to the proposed changes

In June 2010 we notified the land owner and surrounding residents of the proposed planning changes. Council's Technical Services Department, which represents the Council as land owner, supports the proposed changes.

However, we received 24 public submissions objecting to the proposal. The issues raised in the submissions generally related to objections to the rezoning and sale of the land, concern about the loss of open space, inadequate access to the site, impacts of medium density development on the adjoining properties and wider locality, and capacity of road and other infrastructure

These submissions and the issues raised are addressed in detail at **Annexure 2 (Parts 3 and 4)**.

## 4. Conclusion

The land at 9A Cooper Park Road, Bellevue Hill has been unused since 1992 when Council took ownership of the land. The preparation of the new Woollahra LEP presents us with the catalyst for considering the future use and practical development potential of the land.

We identify that the current 6 Open Space zone is not suitable and propose to rezone the land to zone R3 Medium Density Residential.

We maintain our overall support to rezone and reclassify the land, but in response to the submissions and further urban design analysis recommend that the floor space ratio (FSR) for the site is reduced from 0.725:1 to 0.625:1, which will improve urban design outcomes through increased boundary setbacks and on-site building separation.

We recommend that Council endorse the controls in Column 3 of the table to include in the Draft Woollahra LEP that will be placed on public exhibition for further comment.

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<b>Current controls in WLEP 95</b>	<b>Proposed controls in opportunity site consultation June /July 2010</b>	<b>Recommended controls for Draft WLEP exhibition</b>
Zone	6 Open Space	R3 Medium Density Residential	R3 Medium Density Residential
Floor space ratio	–	0.75:1	0.625:1
Height	–	9.5m	9.5m
Classification of land	Community land	Operational land	Operational land

Subject to the land being reclassified and rezoned under the Woollahra Principal LEP, we recommend that a further report is 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.

Jacquelyne Jeffery  
Team Leader Strategic Planning

Chris Bluett  
Manager Strategic Planning

Allan Coker  
Director Planning and Development

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### **Annexures**

1. List of Opportunity Sites
2. Report on Opportunity Site 8: 9A Cooper Park Road, Bellevue Hill and submissions received to section 62 consultation

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

