



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 9 September 2013*

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:

- 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.
- Planning Proposals and Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- 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:

- 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

5 September 2013

To: His Worship the Mayor, Councillor Andrew Petrie ex-officio
Councillors Greg Levenston (Chair)
 Ted Bennett
 Luise Elsing
 Elena Kirillova
 Katherine O'Regan
 Matthew Robertson
 Toni Zeltzer (Deputy Chair)

Dear Councillors

Urban Planning Committee Meeting – 9 September 2013

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 9 September 2013 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
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 12 August 2013	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	9A Cooper Park Road Draft Development Control Plan – 1264.G	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 12 August 2013**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 12 August 2013 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 12 August 2013 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **9A Cooper Park Road draft development control plan**
Author: Jacquelyne Della Bosca—Team Leader Strategic Planning
File No: 1264.G
Reason for Report: To obtain Council's approval to exhibit Draft Development Control Plan for 9A Cooper Park Road, Bellevue Hill

Recommendation:

That the Draft Development Control Plan for 9A Cooper Park Road, Bellevue Hill, provided at Annexure 1 of the report to the Urban Planning Committee meeting on 9 September 2013, be placed on public exhibition consistent with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

1. Summary

Land at 9A Cooper Park Road, Bellevue Hill, was recently rezoned¹ to 2(b) Medium Density Residential under the Woollahra Local Environmental Plan 1995 (Woollahra LEP). The LEP also set a maximum building height of 9.5 metres and a floor space ratio of 0.625:1 for the land.

When Council approved the LEP amendment, it also resolved to prepare a site-specific development control plan (DCP) to guide the redevelopment of the land.

This report contains the Draft DCP and recommends that Council endorses the Draft DCP for the purpose of public exhibition.

2. Background

At its meeting of 10 December 2012, Council resolved as follows:

- A. That Council proceeds with the planning proposal for 9A Cooper Park Road, Bellevue Hill, as exhibited and provided in Annexure 1 to the report to the Urban Planning Committee on 26 November 2012, which seeks to—
1. Rezone the land from Zone No. 6 Open Space Zone to Zone 2(b) Residential Zone
 2. Apply a floor space ratio of 0.625:1
 3. Apply a height control of 9.5 metres
 4. Reclassify the land from community land to operational land under the *Local Government Act 1993*

by referring it to the Director-General and Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make arrangements for the drafting of the amendment to Woollahra LEP 1995.

¹ The LEP amendment commenced on 7 June 2013.

- B. That a site-specific development control plan is prepared for land at 9A Cooper Park Road, Bellevue Hill, detailing adequate side boundary setbacks, number of subdivided lots, appropriate FSR allowances, appropriate height allowances, the siting of buildings which protect the amenity of adjoining neighbours and view corridors for properties adjoining to the north-east and looking over and across the site and provision of appropriate green open space.
- C. That the Council, in preparing the site-specific development control plan provisions, and in order to be fully informed regarding future development controls that achieve equitable view sharing, undertake an outlook/view analysis of the potential impact of medium density residential development at a scale and form envisaged in the planning proposal, from the residential properties adjoining to the north-east of the site fronting Bellevue Road.

This report responds to Part B and C of the resolution.

3. Draft DCP for exhibition

The *Environmental Planning and Assessment Act 1979* (the Act), section 74BA, states that the principal purpose of a DCP is to:

- give effect to the aims of any environmental planning instrument that applies to the development,
- facilitate development that is permissible under any such instrument, and
- achieve the objectives of land zones under any such instrument.

We have prepared a site-specific Draft DCP for 9A Cooper Park Road, Bellevue Hill, consistent with the requirements of the Act.

The Draft DCP is proposed for exhibition and provided at **Annexure 1**.

The objectives of the Draft DCP are to:

- facilitate development that is permissible under the provisions of Woollahra LEP; and
- guide the design and location of development to address the amenity of adjoining properties.

The Draft DCP establishes objectives and controls for the following matters:

- setbacks;
- view sharing;
- building material and roof forms;
- pedestrian connections; and
- vehicle and access management.

The controls in the Draft DCP are performance based rather than prescriptive. This approach encourages greater innovation and flexibility; allowing the architect scope to provide a skilful design that responds to the site and achieves design objectives, such as addressing the issue of view sharing.

The Draft DCP responds to the key elements in Council's resolution of 10 December 2012. However, it does not address those matters that are beyond the scope of a DCP. Our response to each element in the resolution is explained below in section 4 of this report.

It is important to note that other existing Council DCPs will also apply to this site, including the Woollahra Residential DCP 2003 (RDCP) which establishes controls for open space and landscaping (clause 5.3), views (clause 5.5), and acoustic and visual privacy (clause 5.8), and the Parking DCP 2011.

The provisions in the site-specific Draft DCP for 9A Cooper Park Road are supplementary to the other existing DCPs, and in the event of any inconsistency the site-specific provisions in the Draft DCP prevail.

Various State Environmental Planning Policies (SEPPs) also apply, including SEPP No. 65 - Design Quality of Residential Flat Development which contains principles for good design and provides guidance for evaluating the merit of design solutions.

Any development application lodged for the site must have regard to the relevant provisions of the DCPs and SEPPs.

4. How the Draft DCP responds to Part B of Council's resolution

Council's resolution states that the Draft DCP should address the following matters:

- side boundary setbacks;
- number of subdivided lots;
- FSR allowances;
- height allowances;
- siting of buildings which protect the amenity of adjoining neighbours and view corridors for properties adjoining to the north-east and looking over and across the site; and
- provision of green open space.

Our response to these matters in preparing the Draft DCP is provided below.

Side boundary setbacks	
<i>Draft control</i> See Draft DCP: O1, C1 and C2 Minimum 6m setback is established at all boundaries. A 6 metre setback from the site boundary, combined with the building setback on the adjoining property boundary provides an average building separation of at least 10m to existing adjoining residential development ² , with significantly greater setbacks to many of the adjoining properties in Bellevue Road.	<i>Explanation</i> A setback of 6m: <ul style="list-style-type: none">• is sufficient for development to minimise privacy and overshadowing impacts;• can deliver best practice building separation controls in the Residential Flat Design Code³;• is an effective dimension to enable opportunities for private open space in conjunction with landscaping; and• can accommodate substantial and effective landscape planting and screening along boundaries.

² This is based on information in the Urban Planning Committee report of 2 May 2011, Annexure 2 which states that: "properties at 7, 11, 17 and 17A Cooper Park Road have been developed with lesser setbacks (a minimum setback of approximately 2.5 metres and average of 4 metres)."

³ The Code contains detailed information about how development proposals can achieve the design quality principles in SEPP 65.

Number of subdivided lots	
<i>Draft control</i> No control proposed.	<i>Explanation</i> This is an LEP matter, not a DCP matter: <ul style="list-style-type: none">• Woollahra LEP establishes the minimum lot size for the Torrens title subdivision of land in the 2(a) Residential zone. It does not set minimum lot sizes for the 2(b) zone.• Draft Woollahra LEP 2013 sets a minimum lot size of 700m² for the R3 zone (being equivalent to the 2(b) zone). Torrens title subdivision: For 2(b) zoned land, the number of lots the land may be subdivided into is not generally a relevant issue, as the land tends to be developed for medium density housing and therefore subdivided under strata title, not Torrens title provisions. Strata or community title subdivision: Council does not stipulate the size and mix of dwellings (i.e. 1, 2 or 3 bedroom) on a site necessary to establish the maximum (or minimum) number of subdivided lots. This type of prescription is not best practice and not supported by the Department of Planning and Infrastructure.

FSR allowances	
<i>Draft control</i> No control proposed.	<i>Explanation</i> This is an LEP matter, not a DCP matter: <ul style="list-style-type: none">• Woollahra LEP applies a maximum FSR of 0.625:1 to the site.• Draft Woollahra LEP 2013 sets a maximum of 0.63:1. (Note: All FSR controls were required to be rounded up to 2 decimal places under the Standard Instrument LEP format⁴). Section 74C(5) of the Act states that a DCP cannot duplicate or be inconsistent with a control in the LEP.

⁴ Refer to the Strategic and Corporate Committee report, Annexure 4, of 29 April 2013 and Council decision of 13 May 2013.

Height allowances	
<p><i>Draft control</i></p> <p>No control proposed.</p> <p>The built form and scale across the site will be modulated having regard to the controls relating to view sharing principles (see controls below for siting of buildings to address view corridors).</p>	<p><i>Explanation</i></p> <p>This is an LEP matter, not a DCP matter:</p> <ul style="list-style-type: none"> • Woollahra LEP applies a maximum a building height of 9.5m to the site. • Draft Woollahra LEP 2013 sets a maximum of 9.5m. <p>Section 74C(5) of the Act states that a DCP cannot duplicate or be inconsistent with a control in the LEP.</p>

Siting of buildings to protect view corridors of adjoining neighbours	
<p><i>Draft control</i></p> <p>See Draft DCP: O2 and C3</p> <p>The controls guide the design and distribution of the built form on the site.</p> <p>The Draft DCP requires the building design to demonstrate that view sharing has been addressed by incorporating matters such as, but not limited to:</p> <ul style="list-style-type: none"> • reduced development intensity on parts of the site; • increased boundary setbacks along parts of some boundaries; • lower building heights on parts of the site; • building modulation including separation of buildings or their components; • articulated roof forms; • suitable location of vegetation, particularly in regard to the height and width of species; • location of aerials and telecommunication devices; • location of photovoltaic panels; and • any other architectural and design solutions. 	<p><i>Explanation</i></p> <p>No property has a right to a view and the development potential of another site should not be unduly restricted to retain views from another site. Notwithstanding, it is reasonable that opportunities for view sharing are considered in the building design process. The Draft DCP provides for this.</p> <p>In preparing the Draft DCP, an outlook/view analysis was undertaken by Council's Urban Designer.</p> <p>The analysis is provided at Annexure 2. It identifies that the degree of potential impact is a consequence of topography and proximity to the site, finding that:</p> <ul style="list-style-type: none"> • for most properties, views will not be affected, or only marginally affected. • for two apartments at 60 Bellevue Road (Units 4 and 5) which directly adjoin and overlook the vacant site, development to the maximum height limit of 9.5 metres will impact on views currently obtained from their main living and open space areas. <p>The controls in the Draft DCP find a balance between:</p> <ul style="list-style-type: none"> • ensuring the site can be developed consistent with the LEP controls (e.g. height of 9.5m and FSR of 0.625:1), and • allowing flexible and responsive architectural design outcomes having regard to view sharing.

	<p>In addition to the Draft DCP, clause 5.5 of the RDCP contains the following controls on private views which will apply to the site:</p> <ul style="list-style-type: none"> • building forms enable a sharing of views with surrounding residences, particularly from the main habitable rooms of surrounding residences; and • awnings and coverings on roof terraces, if provided, must be within the applicable height control and other planning controls and must ensure the sharing of views.
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Siting of buildings to protect amenity of adjoining neighbours	
<p><i>Draft control</i></p> <p>See Draft DCP: O3, C4, C5 and C6</p> <p>The controls particularly respond to:</p> <ul style="list-style-type: none"> • the visibility of the site from public open space in North Cooper Park (located at 12 Bellevue Road); and • the location of adjoining properties on Bellevue Road that overlook the site. 	<p><i>Explanation</i></p> <p>The controls seek to ensure that building materials and roof forms are compatible with the setting and location of the site and protect visual amenity.</p> <p>In addition to the Draft DCP, the following documents contain provisions for amenity that also apply to the site. These include:</p> <ul style="list-style-type: none"> • acoustic and visual privacy provisions in clause 5.8 of the RDCP; and • building separation and building design controls in the Residential Flat Design Code. <p>For example, development on the site will need to meet the visual privacy controls in C5.8.5 of the RDCP which require design solutions to prevent direct sightlines to habitable rooms in adjoining properties.</p>

Green open space	
<p><i>Draft control</i></p> <p>No site-specific controls proposed.</p>	<p><i>Explanation</i></p> <p>Existing provisions in the RDCP for open space and landscaping (clause 5.3) are suitable and will apply to the site. These include:</p> <ul style="list-style-type: none"> • minimum 40% deep soil landscaping; • each dwelling has a private open space area of at least 8m² and a minimum dimension of 2m.

5. Public exhibition of the Draft DCP

The *Environmental Planning and Assessment Regulation 2000* (the Regulation), Part 3, Division 2, sets out the statutory requirements for exhibiting a draft DCP. Amongst other things, the Regulation specifies that a draft DCP must be publicly exhibited for at least 28 days.

We will exhibit the Draft DCP for 28 days. Details of the exhibition will be notified weekly in the *Wentworth Courier* during the exhibition period.

We will notify property owners adjoining and in the vicinity of the site, as well as those people who previously made a submission to the planning proposal or public hearing relating to the rezoning and reclassification of the land.

6. Conclusion

The Draft DCP guides the design and location of development to address the amenity of adjoining properties. In particular, it ensures that any development proposal is to demonstrate that view sharing has been addressed through thoughtful distribution of built form across the site, and well-considered building design and landscaping.

The Draft DCP has been prepared having regard to the matters identified in Council's resolution of 10 December 2012, as well as the statutory provisions of the Act which set the purpose and scope of a DCP.

We seek Council's approval to exhibit the Draft DCP for 9A Cooper Park Road, Bellevue Hill, as provided at **Annexure 1**, for a period of 28 days.

We will exhibit the Draft DCP consistent with the requirements of the Act and Regulation. Submissions to the exhibition will be reported to the Urban Planning Committee following completion of the consultation process.

Jacquelyne Della Bosca
Team Leader Strategic Planning

Tom Jones
Urban Designer

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development

Annexures

1. Draft Development Control Plan for 9A Cooper Park Road, Bellevue Hill
2. Outlook/view analysis for 9A Cooper Park Road, Bellevue Hill

Political Donations – matters to be considered by Councillors at Meetings

