



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 1 December 2008*

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

27 November 2008

To: His Worship The Mayor, Councillor Andrew Petrie ex-officio
Councillors Toni Zeltzer (Chair)
Sean Carmichael
Lucienne Edelman (Deputy)
Nicola Grieve
Chris Howe
David Shoebridge
Malcolm Young

Dear Councillors

Urban Planning Committee Meeting – 1 December 2008

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 1 December 2008 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 | |
| 3 | Declarations of Interest | |

Items to be Decided by this Committee using its Delegated Authority

| | | |
|----|---|---|
| D1 | Confirmation of Minutes of Meeting held on 17 November 2008 | 1 |
|----|---|---|

Items to be Submitted to the Council for Decision with Recommendations from this Committee

| | | |
|----|---|----|
| R1 | Kiora Lands, Double Bay: To prepare new Draft LEP and DCP – 1133.G Rezoning Submission | 2 |
| R2 | Rezoning Proposal at 4A Nelson Street, Woollahra – Draft Woollahra LEP 1995 (AM.62) – 1064.G | 10 |

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 17 November 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 17 November 2008 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 17 November 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Kiaora Lands, Double Bay - To prepare new draft LEP & DCP**
Author: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Jacquelyne Jeffery, Team Leader Strategic Planning
Tom Jones, Urban Designer/Planner
File No: 1133.G Rezoning submission
Reason for Report: To obtain a decision to prepare a draft LEP and draft DCP for land known as Kiaora Lands in Double Bay.

Recommendations:

- A. That a draft local environmental plan (LEP) be prepared for land known as Kiaora Lands, being that land the subject of Woollahra LEP 1995 (Amendment No. 44).

The purpose of the draft LEP will be to—

- a. replace existing controls that apply to the land, including those set out in the Woollahra LEP 1995 clause 21E and
- b. establish zone and floor space ratio controls consistent with those that apply to adjoining lands, and as outlined in section 5 of this report.

- B. That a draft development control plan (DCP) be prepared to amend provisions in the Double Bay Centre DCP that apply to Kiaora Lands.

The draft DCP will contain performance based controls that guide future development outcomes consistent with Council's objectives for Double Bay in the Double Bay Centre

DCP, and as outlined in section 5 of this report. Including controls that—

- a. recognise the subject land as a landmark site,
- b. enhance and improve the public domain and architectural design outcomes,
- c. provide for sustainable development,
- d. enhance and improve public facilities, and
- e. maintain the centre's commercial viability within the retail market.

- C. In accordance with Council's Fees and Charges, Woolworths be required to pay 100% of the costs incurred by Council for preparing, exhibiting and processing the draft LEP and draft DCP.

- D. That a further report be provided to the Urban Planning Committee that includes the draft LEP and draft DCP for the Committee's consideration prior to public exhibition of the draft plans.

1. Summary

The Kiaora Lands is a key site within the Double Bay Commercial Centre. The existing controls have the effect of sterilising redevelopment of the land. It is suitable for Council to review the existing LEP and DCP controls so that redevelopment of individual parcels is not unreasonably limited.

This report seeks Council's in principle support for preparing a draft LEP and DCP consistent with the key planning controls set out in section 5 of this report.

2. Background

In 2001 Woollahra Council invited expressions of interest (EOI) for the development of the Kiaora Lane and Anderson Street public car parks and associated lands in the Double Bay Commercial Centre, commonly known as the "Kiaora Lands".

The primary aim of the EOI process was to encourage redevelopment of the lands in a manner that provided substantial improvements to the quality of the built environment and public domain of Double Bay and address existing and future needs for public car parking.

A tender jointly prepared by Woolworths and Solotel was selected as the preferred EOI submission.

Subsequently Council, Woolworths and Solotel (all primary land holders for the Kiaora Lands) participated in a collaborative planning process that produced a whole of site masterplan, including LEP and DCP controls for the Kiaora Lands at New South Head Road, Kiaora Road, Kiaora Lane, Anderson Street and Patterson Street (shown in Figure 1).

The controls arising from this master planning process currently apply to the land.

Figure 1:
Land to which the whole of
site masterplan LEP and
DCP controls apply



3. Current planning controls applying to the land

The planning controls for the Kiaora Lands apply to land at—

- 423 – 451 New South Head Road
- 1 – 7 Kiaora Road
- Kiaora Lane Public Car Park
- 2 Patterson Street
- 2 – 4 Anderson Street
- 1 Anderson Street
- Anderson Street Public Car Park
- Land on the corner of Anderson Street and Kiaora Lane (Lot 7 DP 12264)
- Part Kiaora Lane, part Anderson Street and part Patterson Street.

The controls are embodied in—

- Woollahra Local Environmental Plan 1995 (Amendment No. 44) including clause 21E ‘Development on certain land in Double Bay’ and
- Double Bay Centre Development Control Plan (DCP)—Appendix 2 Kiaora Lands.

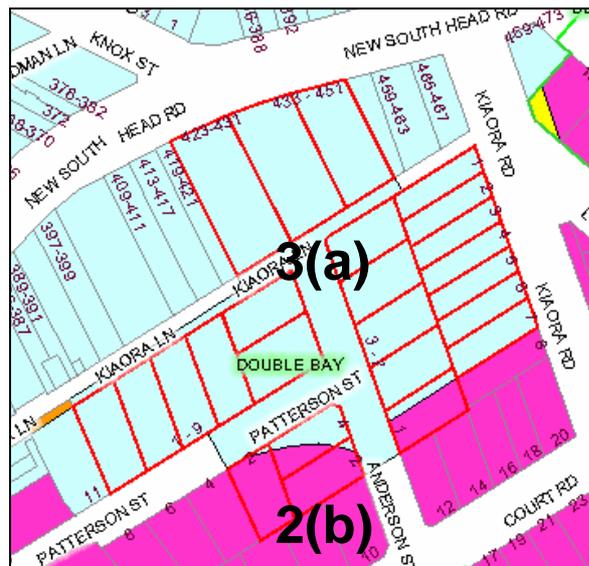
Under Woollahra LEP 1995 (Amendment No. 44) all land in the Kiaora Lands masterplan must be ‘packaged’ together to form a comprehensive development over the lands, notwithstanding the different ownerships. This is a key element of the planning controls; the requirement for a “comprehensive development application” is set out under Woollahra LEP 1995 clause 21E(4) (refer Annexure 1).

Other LEP controls that apply to the Kiaora Lands comprehensive development site include—

- Zone—part 3(a) Business General and part 2(b) Residential
- FSR—maximum gross floor area of 38,000m² applies over the whole site.

Height controls are set out in the DCP in the form of built form envelopes. These provide for heights ranging from 1 storey to 6 storeys over the site.

Figure 2:
Extract of Woollahra LEP
1995 Zoning Map



4. Issues with the current planning controls

The Woollahra LEP 1995 clause 21E and the DCP controls that apply to the Kiaora Lands are prescriptive and were crafted to produce a very specific urban form outcome on the land, consistent with the masterplan.

Under these planning controls—

- there is limited scope for deviation or flexibility in the urban form outcome from the masterplan design concept, as the building footprints and building height are set, and
- no land included in the masterplan area can be separately developed or excluded from a development application relating to the Kiaora Lands, unless it is minor development.

Given that the site will not be redeveloped consistent with the masterplan, the prescriptive planning controls are no longer suitable and affect potential for redeveloping the land. Alternate options for redevelopment need to be considered.

In early 2006 the Urban Planning Committee also briefly discussed the need to review these planning controls. The Committee was aware that the Kiaora Lands masterplan proposal was unlikely to proceed consistent with the requirement for a comprehensive development application due to—

- environmental restrictions on the site, such as removing and treating acid sulfate soils which will significantly increase costs associated with providing below ground level parking identified in the masterplan, and
- unresolved issues between land owners, Woolworths and Solotel, resulting in certain land no longer being available for redevelopment consistent with the requirement for a comprehensive development application.

In light of the above, Woolworths prepared a new development concept and in November 2007 made a submission to Council seeking amendments to the LEP 95 and DCP. The proposed amendments applied only to land owned by Woolworths and Council. That is, it excluded land at 423-431 New South Head Road (the Sheaf Hotel) and land at Nos. 2-7 Kiaora Road.

Council's staff undertook a preliminary review of Woolworth's proposal. Staff identified that the proposal did not adequately reflect urban design, public domain and community benefit objectives for the site, which are fundamental driving elements for Council in any redevelopment of the lands. This included concern with the relationship of the development to Double Bay Commercial Centre, the nature of the public domain and the interface impacts with existing residential areas in Patterson and Anderson Streets.

These matters were raised with Woolworths in meetings held over the last year regarding their proposal.

During this process it became apparent that there are greater public benefits derived if Council's staff prepare the draft LEP and draft DCP. By taking this approach Council can be proactive and clearly stipulate its preferred controls for the lands. This represents a sound alternative to responding to a rezoning proposal initiated by an applicant, which facilitates the proposal preferred by the applicant.

5. Proposed draft LEP and draft DCP and approach to preparing the new controls

The Kiaora Lands is a key site within the Double Bay Commercial Centre. In reviewing the planning controls it is necessary to recognise the significance of the site within the Double Bay centre and ensure that redevelopment has wide community benefit. Redevelopment should also make substantial improvements to the quality of the built environment, public domain and viability of the centre.

The key planning matters that will provide Council's staff with direction in preparing the draft LEP and DCP are set out below.

5.1 Land to which the draft LEP and draft DCP will apply

The draft planning controls will apply to all land currently known as Kiaora Lands and to which Woollahra LEP 1995 (Amendment No. 44) currently applies. That is, it will apply more widely than the Woolworth's proposal and therefore be more comprehensive in its scope and context.

5.2 *Planning approach to reviewing the controls and preparing draft LEP and draft DCP*

The nature of new draft planning controls will be guided by—

- the current LEP and DCP controls that apply to adjoining lands,
- previous LEP and DCP controls that applied to the subject land before being replaced by the masterplan controls set out in Woollahra LEP 1995 (Amendment No. 44) and the Double Bay Centre DCP, Appendix 2 Kiaora Lands,
- environmental site constraints, such as acid sulfate soils and flooding,
- building sustainability measures, and
- economic feasibility of redeveloping the site, including provision of material community benefits (such as additional public car parking and community facilities, including a library.)

Proposed planning controls for the draft LEP will address—

- Zoning—land to be zoned 3(a) Business General, to reflect predominant zone of adjoining lands. In most instances the zoning of land will not need to be changed, excepting land at Nos. 1, 2 and 4 Anderson Street and No.2 Patterson Street, which is currently zoned part 3(a) Business General and part 2(b) Residential. Investigations will be carried out to establish whether these sites should be zoned 3(a) General Business.
- Floor space ratio (FSR)—up to 2.5:1. The FSR will reflect adjoining FSR controls which range from 1:1 (at Patterson Street) to 2.5:1 (at New South Head Road). This will be a change from the current LEP 95 controls which do not provide site by site FSR controls, but set a total GFA of 38,000m² that may be achieved over the whole of the Kiaora Lands, consistent with the masterplan redevelopment concept.
- Roads—The development status of the public roads in Council ownership.
- Other LEP provisions—clause 21E ‘Development on certain land in Double Bay’ will be deleted from Woollahra LEP 1995. This clause amongst other matters includes the requirement for all sites comprising the Kiaora Lands to be developed as a comprehensive development application.

Proposed planning controls for the draft DCP will include a suite of controls that address matters such as, but not limited to—

- Height—up to 16.5 metres. The height will reflect adjoining height controls which range from 12 metres (at Patterson Street) to 16.5 metres (at New South Head Road). Height controls will be located in the DCP, not the LEP, consistent with other business zoned land in the Double Bay centre.
- Landmark site—recognise the civic significance of the site by requiring high quality architectural design and built form and strong public domain outcomes.
- Land uses—identify preferred land uses, such as civic purposes and additional public car parking facilities, and the preferred location of these within the site.
- Active frontages—require continuous active frontages at ground level to New South Head Road, Kiaora Lane and arcades.
- Site permeability, access and circulation—improve pedestrian arcade design, links and safety. This includes providing a major public arcade between New South Head Road and Kiaora Lane of a character, scale and proportion that reflects its importance, and role in expanding the public domain and location in the centre.
- Interface with adjacent sensitive uses—land use buffers, setbacks, and building height and bulk transitions will be used to minimise impacts of new development on heritage buildings and residential zoned land.
- Building sustainability—development involving Woolworths and Council land must apply sustainable development principles. This includes achieving a minimum Green Star Rating of 4 stars under the Green Building Council of Australia rating system.

(Note: A Notice of Motion adopted on 28 July 2008, required in respect of the Kiaora Lands a minimum Six Star Green Star Rating for any development that Council leases or acquires as a result of the redevelopment. To meet a Six Star rating, a development project needs to demonstrate 'world leadership' in sustainable building design. A Four Star rating is 'best practice' and Five Star represents 'Australian excellence'.)

6 Initial consultation with key stakeholders

The primary land holders, Woolworths and Solotel, will be advised of Council's intent to prepare a new draft LEP and DCP for the Kiaora Lands and invited to submit any ideas, proposed plans and comments. This input will be considered in conjunction with Council's priorities and objectives for the Double Bay centre.

Councillors will be involved in preparing the new controls through the Strategic Planning Working Party.

Further consultation with the community and other stakeholders will be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* under section 62 (Consultation) and section 66 (Public exhibition of draft local environmental plan).

7. Conclusion

The Kiaora Lands is a key site within the Double Bay Commercial Centre. The planning controls that currently apply to land known as Kiaora Lands are no longer suitable and have the unintended consequence of sterilising redevelopment of the land.

Council's staff propose to prepare a draft LEP and draft DCP that recognise the significance of the site within the Double Bay centre and ensure that redevelopment has wide community benefit and makes substantial improvements to the quality of the built environment, public domain and viability of the whole of the Double Bay Centre. The draft LEP and draft DCP, once prepared, will be referred back to the Urban Planning Committee for comment and endorsement before being further progressed and exhibited.

It is therefore recommended that Council resolve to prepare a draft LEP and draft DCP for land known as Kiaora Lands consistent with the course of action outlined in this report.

Allan Coker
Director Planning and Development

Chris Bluett
Manager Strategic Planning

Jacquelyne Jeffery
Team Leader Strategic Planning

Tom Jones
Urban Designer/Planner

ANNEXURE:

1. Woollahra LEP 1995 Clause 21(E)

Item No: R2 Recommendation to Council
Subject: **Rezoning Proposal At 4a Nelson Street, Woollahra**
Draft Woollahra LEP 1995 (Am.62)
Author: Anne White – Senior Strategic Planner
File No: 1064.G
Reason for Report: To report on the exhibition of the rezoning proposal
To obtain Council's approval of the rezoning proposal

Recommendation

That Draft Woollahra Local Environmental Plan 1995 (Amendment No. 62) as contained in **annexure 2** of the report to the Urban Planning Committee meeting on 1 December 2008, be referred to the NSW Department of Planning for approval by the Minister for Planning and for gazettal, subject to any legal drafting alterations by the Parliamentary Counsel.

Background

The rezoning proposal at 4A Nelson Street, Woollahra has been considered by the Urban Planning Committee (UPC) on 3 occasions.

UPC 25 June 2007

The report prepared for Council recommended the preparation of a draft local environmental plan to amend Woollahra Local Environmental Plan 1995, to change the zoning of 4A Nelson Street from Special Use 5 (Integrated Housing for Aged Persons/Community Facility) to Residential 2(a). The Committee recommended that the consideration of this matter be deferred subject to a site inspection.

Council 9 July 2007

The Council endorsed this recommendation.

UPC 13 August 2007

Following a site inspection, an addendum to the report was prepared which provided an update and response to those matters raised at the site inspection. This report concluded that there are sufficient controls in place to ensure that, should a development application for a fence or wall to surround Brougham be lodged, the integrity of the building and its heritage listing are protected. At this meeting the Committee recommended that the matter be referred back to the UPC to explore the possibility of obtaining a binding planning agreement, investigating whether the public benefit is enforceable and the protection of the curtilage of the heritage property.

Council 27 August 2007

The Council endorsed this recommendation.

UPC 8 October 2007

A further report was then provided which addressed those additional matters raised (report attached at **annexure 1**) these being:

- the possibility of obtaining a binding planning agreement;
- to investigate whether the public benefit is enforceable;
- the protection of the heritage property's curtilage.

Having carried out research into these matters, none of the recommendations from the report for the UPC on the 25 June 2007 were altered. The UPC adopted the recommendations within this report.

Council 29 October 2007

The UPC's recommendation was considered by Council on 29 October 2007 and the Council resolved:

- A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995, to change the zoning of 4A Nelson Street from Special Use 5 (Integrated Housing for Aged Persons/Community Facility) to Residential 2(a).
- B. THAT in order to retain the heritage significance of the site, the current allotment size be retained and no minimum allotment size be set under the Woollahra LEP 1995. All subdivision proposals are subject to development consent and will be assessed with regard to impact on heritage significance.
- C. THAT in resolving to prepare a draft local environmental plan the Council is not indicating its acceptance of a development proposal or building works on the site or other sites from which Jewish Care (the owner) operates or intends to operate. 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, including the assessment of the rezoning application report.

This report contains an outline of the public exhibition process. It also provides responses to submissions received during the exhibition period.

Public exhibition process

Exhibition of Draft Woollahra LEP 1995 (Amendment No. 62) occurred over the period from the 2 May 2008 until 30 May 2008 inclusive. Documents were exhibited in the Council's Customer Services foyer and on the website. Notices were placed in the Council's advertising page of the Wentworth Courier on 30 April, 7 May, 14 May, 21 May and the 28 May 2008.

Letters regarding the exhibition were also sent to the owners of 53 properties in the vicinity of the subject site. The Council also wrote to the Department of Planning – Heritage Branch, who indicated that they had no objection to the proposed rezoning of the subject land.

A copy of the exhibited Draft LEP is contained in **annexure 2**.

Summary and consideration of submissions

Three written submissions on the proposed rezoning were received. One submission was received from a neighbouring resident, one submission was received on behalf of the Body corporate of an adjacent property, and one submission was received from a solicitor on behalf of an adjacent Owner-Strata Plan (61424). Copies of these submissions can be found at **annexure 3**, and a summary of each of the issues raised within the submissions and responses to these issues, are provided below:

On 21 November, Council received a letter on behalf of the Owners–Strata Plan 61424 withdrawing their original objection (see **annexure 4**). Submission B below has therefore been withdrawn.

| Author | Comment | Response |
|--|---|--|
| A: J & T Ashton 21 Nelson Street 27 May 2008 | 1. The site is a community asset. | It is recognised that the site is currently used as a facility for the community. However, the current site facilities are overly restrictive for the use, and the care provided at this site would be more appropriately provided at an alternative site at Saber Street, Woollahra. |
| | 2. It would be unacceptable for the site to be redeveloped, and if the site is not resumed for the general community, it should be rezoned for residential and preserved in its current state. | The proposed rezoning will allow the property on the site to return to its former residential use. The existing heritage provisions in Woollahra LEP require proposals for development on the site of an item of environmental heritage to be assessed in regard to the impact on the heritage significant of an item. The existing provisions allow for the use and conservation of Brougham House, and it will therefore be appropriately protected. |
| B: Graham Cochran Solicitor on behalf of the Owners-Strata Plan 61414 118 Wallis Street, 28 May 2008 | 1. The subject site comprises Lot 3 of the Community Association, and therefore the application to Council has to be executed under Seal of the Community Association, as it is not, the application is deficient. | The application for rezoning must be accompanied by the consent of the property owner. This consent was provided. There is no requirement under the Environmental Planning and Assessment Act 1979 (the Act), for the application to be executed under Seal of a Community Association. |
| | 2. The community management plan that applies to the site indicates that the Brougham House lot can only be used to establish and conduct a long day child care centre or for other Community Facilities approved by Council. | There is no requirement under the Act for a rezoning proposal to be consistent with the contents of a community management plan. The consent and operation of the management plan are matters for the property owners to consider. |
| | 3. Part of the By Laws also indicates that part of Brougham House must be set aside and made available to the local community, unless the House is used for other Community Facilities. | There is no requirement under the Act for a rezoning proposal to be consistent with the contents of any by laws. The content and operation of by-laws are matters for the property owners to consider. |
| | 4. The Council may therefore wish to extend the submission period in order to: a) Enabling Lot 3 in DP270205 to propose an amendment of the Community Management Statement; or | The rezoning process (including the extent of the exhibition period) has been carried out in accordance with the Act and the Environmental Planning and Assessment Regulations 2000. |

| Author | Comment | Response |
|--|---|--|
| | b) Terminating the Community Association. | Amendment of the community management statement is a matter for the property owners and may occur at any time. |
| C: P.G.Lowe on behalf of the Body Corporate of Strata Plan 21221 (DP 75285) 4 Nelson Street, 29 May 2008 | 1. There is a "Community Plan" which relates to the subject site and two of the adjoining properties. Some of the provisions within this plan have not been adhered to. This plan has not been mentioned within the rezoning application. The Council should consider the contents of the "Community Plan" before any further consideration is given to the application. | There is no requirement under the Act for the contents of the community management plan to be considered as part of the rezoning proposal. |
| | 2. There is no mention of several easements across the site, in particular with regards to rights to access and use of the gardens for recreation and other purposes. The Council needs to consider the easement situation. | It is recognised that there are easements across the site. However the proposed rezoning will not affect these easements, which are registered on the title. |
| | 3. There is concern about the fragmentation of the heritage aspects across the house and the gardens. | The proposed rezoning will allow the property on the site to return to its former residential use. The existing planning provisions allow for the use and conservation of Brougham House, and it will therefore be appropriately protected. |
| | 4. It is unclear whether the house has access to the gardens on Lot 2, and the new owners of the property may believe they have the right to use the gardens, even if there is not such right on the Title. | Should the existing owners seek to sell the property, it is proposed that the Title documents would contain all relevant information, and clarify all access rights. |
| | 5. There is concern that Brougham House may not be a viable family residence. | The concern is noted, however the viability of the property to function as a family residence is a matter for the owners of the property, and there is no requirement under the Act for this matter to be considered as part of the rezoning proposal. |
| | 6. It is recommended that the house in the gardens should become a retirement entity, which would be in keeping with the Community Property Act. | There is no requirement under the Act for the contents of the community management plan to be considered as part of the rezoning proposal. |

Conclusion

Public exhibition of the Draft DCP has occurred in the manner required by the Act and Regulation. After assessing these submissions, there is no reason to amend the Draft LEP. The heritage status of Brougham is not altered by the Draft LEP and provisions for its conservation are contained in Woollahra LEP 1995 and Woollahra Heritage Conservation Area DCP. Issues about consistency of the Draft LEP with a community management plan and by-laws are civil matters that need to be resolved by the property owners. They are not matters that impede further stages of the Draft LEP.

Anne White
Senior Strategic Planner

Chris Bluett
Manager Strategic Planning

ANNEXURES

1. Report to Urban Planning Committee 29 October 2007
2. Exhibited Draft LEP
3. A copy of the submissions received

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

