

Woollahra Local Environmental Plan 1995 (Amendment No.71) - Rezone 9A Cooper Park Road, Bellevue Hill

Proposal Title :	Woollahra Local Environmental Plan 1995 (Amendment No.71) - Rezone 9A Cooper Park Road, Bellevue Hill		
Proposal Summary :	To rezone the land from open space to residential, reclassify the land from community to Operational and apply a Floor Space Ratio of 0.625:1 and Height of 9.5 metres. This is consistent with planning controls of the surrounding land.		
PP Number :	PP_2011_WOOLL_003_00	Dop File No :	11/20410

Proposal Details

Date Planning Proposal Received :	14-Nov-2011	LGA covered :	Woollahra
Region :	Sydney Region East	RPA :	Woollahra Municipal Council
State Electorate :	VAUCLUSE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	9A Cooper Park Road		
Suburb :	Bellevue Hill	City :	Postcode : 2023
Land Parcel :	Lot 101, DP827011		

DoP Planning Officer Contact Details

Contact Name :	Wayne Williamson
Contact Number :	0292286111
Contact Email :	wayne.williamson@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Jacquelyne Della Bosca
Contact Number :	0293917000
Contact Email :	jacquelyne.dellabosca@woollahra.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro East subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The land is zoned Open Space under Woollahra Local Environmental Plan 1995, is owned by Council, and classified as Community Land. The land has been vacant, and despite the open space zone has not been used for recreational or community purposes since 1992 when Council took ownership of the land.**

The site is currently vacant and despite the open space zone has not been used for recreational or community purposes since Council took ownership in 1992. The land was previously used for lawn bowls. The rezoning will not compromise open space opportunities for the residents in the area as Cooper Park is located immediately adjacent to the site and is one of the largest open space areas in the LGA.

Council advises that the general community has not derived any public benefit from the land. The only people that have benefited are those residents who live directly adjacent to the site, and the benefit they have received is limited.

Council has regularly tried to establish recreational uses on the land. However, these attempts have all been unsuccessful, despite numerous investigations with local schools and private recreation providers. Various studies have been undertaken to inform a decision about the future use of the land. Studies have found that the site is not suitable for open space recreation and community purposes, largely due to the location of the land, its proximity to residential uses and restricted access.

Development of the land under a medium density residential zone is compatible with the area and would generate fewer impacts compared to development of the land for a child care centre, sporting club or outdoor recreation facility.

The site also requires a reclassification from community to operational land. Reclassifying the land will establish a position for Council to sell the land. Funds from the sale of the land will be directed to other open space, recreational or community opportunities throughout the LGA.

There has been strong opposition by adjoining land owners, to any proposed use of the site other than a community garden. Sydney Region East has had correspondence from local residents, and a resident has had a meeting with the DDG PMUR and Minister's

advisor in August 2011. Due to these early activities, Council wishes to address the community in the transparent and timely manner that is provided by the planning proposal process, rather than through the principal LEP plan making process.

Timing of LEP

Council received a letter from the Department of Planning and Infrastructure in June 2011 stating that it is willing to consider a staged approach to the delivery of additional housing opportunity sites in Woollahra. This approach was suggested because Council's process for identifying additional housing opportunities was impeding the completion of the Principal LEP by the June 2012 timeframe. The Department suggested that planning proposals could be prepared for specific opportunity sites following completion of the Principal LEP.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objectives of the planning proposal are to amend the Woollahra LEP to:

1. Rezone the land from Open Space to 2(b) Residential (Equivalent to B3 Medium Density Residential)
2. Apply a floor space ratio of 0.625:1 (No FSR currently applies)
3. Apply a height control of 9.5 metres (No height control currently applies)
4. Reclassify the land from Community to Operational Land under the Local Government Act.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Rezoning**
Rezoning the land to a residential medium density zone is compatible with the zone that applies to adjoining properties.

Floor space ratio

An FSR of 0.625:1 is appropriate for the local context. The FSR is based on a 2 storey pitched roof form on the site and a building footprint that provides 6 metre boundary setbacks (to address overlooking and overshadowing of adjoining properties), a 12 metre on-site building separation with a 14 metre building depth (to address internal amenity), a 20% building articulation zone.

The proposed FSR of 0.625:1 is the same as applies to surrounding land at 7, 11, 17 & 17A Cooper Park Road, and less than the 0.75:1 FSR that applies to adjoining land with frontage to Bellevue Road.

Building height

A maximum height of 9.5 metres will be applied. This height will provide for a built form that reflects the scale of residential development in the area.

A 9.5 metre height limit will also allow solar access to existing adjoining buildings. It will also provide for view corridors from properties on Bellevue Road, as most are elevated and will be able to look over any two storey development on the site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Council have conducted a preliminary investigation in accordance with clause 6 of SEPP 55 and the Department's contaminated land planning guidelines. Council advises that a more detailed study of soil contamination is warranted and will be conducted prior to rezoning of the land.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Adjacent land owners of 9A Cooper Park Road were notified in June-July 2010 of the proposed planning changes when the land was identified as an opportunity site for the new Principal LEP. At that time a number of residents directly adjoining the site voiced strong opposition to the proposed changes. Therefore, Council requests that the planning proposal is exhibited for at least 28 days, as it expects there will be significant localised interest in this matter.

As the proposal involves reclassification of land, a public hearing will be convened after the planning proposal has been exhibited.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The proposal provides adequate information.

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **DP&I agreed Council can concentrate on translating existing controls into the Standard Instrument format. Council to provide a project timeframe to DP&I for consultation. Council advised that first initial (incomplete) draft of dLEP will be forwarded to DP&I before end of 2011.**

Assessment Criteria

Need for planning proposal : This planning proposal is a consequence of findings associated with the preparation of the Woollahra principal LEP (draft LEP). A requirement of the draft LEP is the creation of opportunities for additional dwellings and jobs.

In trying to achieve the dwelling target, council identified 24 sites across the LGA where investigations indicated there is opportunity to change the current planning controls to increase development potential.

In December 2009 Council resolved to consult with the owners of the opportunity sites, to inform considerations of the planning changes, before including the changes in the draft LEP for exhibition. In June and July 2010 Council undertook targeted consultation with owners and local residents on the changes proposed to the opportunity sites. Submissions received to the proposed rezoning of 9A Cooper Park Road were reported to the Urban Planning Committee in May 2011.

This planning proposal is the best approach for dealing with the proposed rezoning and reclassification of the site in terms of transparency and timeliness. Rezoning and reclassifying the land through a planning proposal separate to the process for the draft LEP will ensure that the changes proposed to 9A Cooper Park Road are the focus of any exhibition and consultation.

Consistency with strategic planning framework : The planning proposal is consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and the Draft East Subregional Strategy, specifically in relation to providing opportunities for new housing.

Various studies have been undertaken to help inform a decision about the future use of the land. These studies have found that the site is not suitable for open space recreation and community purposes.

A Recreational Needs Assessment and Strategy (2006) identified that the site is poorly located and undersized for any significant community use or development. The study noted the site's non-suitability for a childcare centre for the following reasons: poor access, unsuitable site location and elevation, low capacity to establish as a community hub, and high potential for community opposition.

In addition, Council's Technical Services Division has recently looked at the suitability of the land for a community garden, which is a use that the landowners immediately adjoining the land support. Technical Services identify that the land does not comply with Council's Community Gardens Policy (2008) site selection criteria and is not suitable for a community garden. Council supports community gardens in high density areas where people typically do not have backyards or room for gardens. The site does not meet these requirements. It also fails to meet other site selection criteria, including soil quality, accessibility to public transport and proximity to supporting infrastructure such as car parking.

Environmental social economic impacts : **Environmental Impacts**
The proposal is not likely to adversely affect critical habitats or threatened species, populations or ecological communities, or their habitats.

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It is likely that the site contains contaminated fill because during the 1930s and 1940s the land was used as a quarry and rubbish dump for ash. A council commissioned report in 2008 provided a contamination assessment and classification of soils for a limited part of the site. The report found that the site contains contaminants and the topsoil and fill materials would need to be removed from the site if the land was used for recreational or residential purposes.

Social and Economic Impacts

The planning proposal provides social and economic benefits to the community. The rezoning and reclassifying the land will provide a net community benefit. The land is worth approximately \$1,310,000 as valued in July 2009. Funds from a future sale of the land will be directed to open space, recreational and community opportunities that can be broadly accessed and enjoyed by the general community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **Yes**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_9A Cooper Park Rd.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

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S.117 directions:

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- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is recommended that:

1. The planning proposal be supported;
2. That the Planning Proposal be considered as routine and exhibited for a period of 28 days;
3. No Consultation is required with State or Commonwealth public authorities;
4. A public hearing is required and be conducted after public exhibition;
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The proposal is consistent with the directions in the Metropolitan Plan 2036 which recommends additional residential development in areas with good access to transport and strategic centres.

Signature:



Printed Name:

ROSALIND LOUIS Date: 24-11-11