



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 13 April 2015*

Time: *5.30pm*

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

26 March 2015

To: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio
Councillors Katherine O'Regan (Chair)
Ted Bennett
Anthony Boskovitz
Luise Elsing
James Keulemans
Deborah Thomas (Deputy Chair)
Jeff Zulman

Dear Councillors

Urban Planning Committee Meeting – 13 April 2015

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 13 April 2015 at 5.30pm.**

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 9 March 2015	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Public Exhibition & Approval of the Draft Woollahra Development Control Plan – SC2424 & 1078.G	2
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***Note Annexure 2 Distributed Under Separate Cover**

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 9 March 2015**
Author: Craig Bennett, Manager – Governance & Council Support
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 9 March 2015 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 9 March 2015 be taken as read and confirmed.

Craig Bennett
Manager – Governance & Council Support

Item No: R1 Recommendation to Council

Subject: **Public Exhibition and Approval of the Draft Woollahra Development Control Plan**

Author: Jacquelyne Della Bosca – Acting Manager, Strategic Planning
Anne White – Acting Team Leader, Strategic Planning

File No: SC2424 and 1078.G Draft Woollahra Development Control Plan 2014

Reason for Report: To advise of submissions received to the public exhibition of Draft Woollahra Development Control Plan (DCP) 2014.
To identify proposed amendments to the exhibited version of the Draft DCP arising from practitioner workshops, submissions and internal review.
To obtain Council's decision to approve Draft Woollahra Development Control Plan 2015, as amended.

Recommendation:

That Woollahra Development Control Plan 2015, as provided in **Annexure 2** of the report to the Urban Planning Committee meeting of 13 April 2015, be approved and come into effect on 23 May 2015, being the date that the Woollahra Local Environmental Plan 2014 will commence.

1. Summary

On 7 October 2014 Council resolved to publicly exhibit Draft Woollahra Development Control Plan 2014 (Draft DCP).

The Draft DCP applies to the whole municipality, including all residential areas and business centres. The Draft DCP is based on Council's existing DCPs. It reflects much of the existing content, and also includes some substantial new policy content, as well as other changes to update and fine-tune the controls.

The Draft DCP was on public exhibition for approximately 15 weeks from 20 October 2014 to 30 January 2015. During that period three practitioner workshops on the building envelope controls were held, and 65 submissions to the Draft DCP were received.

This report identifies the key issues raised during the public exhibition, and proposes amendments to the exhibited version of the Draft DCP arising from the practitioner workshops, submissions and internal review. A list of the recommended amendments is provided at **Annexure 1**.

The post exhibition Draft DCP incorporating these amendments is attached for Council's approval at **Annexure 2**.

2. Background

A DCP is a document prepared by Council to guide people when they propose to carry out development. It is also used by Council when it assesses and determines development applications. A DCP contains detailed planning and building design guidelines for new development and for alterations and additions to existing development. A DCP operates with the Council's local environmental plan (LEP).

Why prepare a new DCP?

- To respond to Council resolutions and notices of motion as recorded in the Delivery Program and Operational Plan.
- To update and improve the controls: Many of Council's current DCPs were prepared over 10 years ago. Although most of the existing controls are effective and relevant, some changes are necessary to reflect best planning practice or address legislative changes.
- To meet statutory requirements: Once Council is operating under a Standard Instrument based LEP, section 74C(2) of the *Environmental Planning and Assessment Act 1979* (the Act) requires that only one DCP may apply in respect of the same parcel of land. This means that Council's existing 27 DCPs do not comply with the legislative requirement that only one DCP must apply to a parcel of land. The Draft DCP has been prepared having regard to these statutory requirements.

The Draft Woollahra LEP 2014 was approved by a delegate of the Minister for Planning on 16 January 2015, and published on the NSW legislation website on 23 January 2015 with a deferred commenced date of 23 May 2015, by which Council must have the approved Woollahra DCP ready to commence.

What's new in the Draft DCP?

The Draft DCP carries over controls from the existing DCPs, but also includes some significant changes to existing policy and substantial new policy for some matters. These changes include:

- New building envelope and floorplate controls that will apply to dwelling houses, semi-detached dwellings, dual occupancies and attached dwellings in all residential suburbs other than those in the Paddington, Woollahra and Watson Bay heritage conservation areas (HCAs). These controls will replace the floor space ratios used in the current Woollahra Residential DCP 2003 for those building types.
- Additional controls in the Paddington HCA for Oxford Street and William Street, as well as for single storey buildings and timber buildings throughout the HCA.
- Various additional controls and modified controls for the Watsons Bay and Woollahra HCAs.
- Additional excavation controls for most residential areas to limit impacts to adjoining and adjacent properties.
- New flood and stormwater controls to mitigate the impacts of potential flooding in areas including Double Bay, Rose Bay and harbour foreshore localities.
- New controls for pubs, small bars, restaurants and other businesses that require a licence under the *Liquor Act 2007*. The controls seek to achieve a more consistent approach to determining trading hours and operating conditions.
- Additional signage controls including controls on the extent of external painting of a building in corporate colours in order to minimise the potential negative impact on the streetscape.

3. Public exhibition of the Draft DCP

The Draft DCP was on public exhibition for approximately 15 weeks from 20 October 2014 to 30 January 2015. The exhibition and notification of the Draft DCP was consistent with the statutory requirements in the Act and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The exhibition material remains available at Council's Customer Services Centre and online at www.woollahra.nsw.gov.au/yourplan/draft_wdcp_2014.

3.1 Exhibition material

The exhibition and supporting information comprised:

The Draft DCP document – seven parts and 34 chapters

Part A: Introduction and Administration

- A1 Introduction
- A2 Advertising and Notification
- A3 Definitions

Part B: General Residential

- B1 Residential Precincts
- B2 Neighbourhood Heritage Conservation Areas
- B3 General Development Controls

Part C: Heritage Conservation Areas

- C1 Paddington Heritage Conservation Area
- C2 Woollahra Heritage Conservation Area
- C3 Watsons Bay Heritage Conservation Area

Part D: Business Centres

- D1 Neighbourhood Centres
- D2 Mixed Use Centres
- D3 General Controls for Neighbourhood and Mixed Use Centres
- D4 Edgecliff Centre
- D5 Double Bay Centre
- D6 Rose Bay Centre

Part E: General Controls for All Development

- E1 Parking and Access
- E2 Stormwater and Flood Risk Management
- E3 Tree Management
- E4 Contaminated Land
- E5 Waste Management
- E6 Sustainability
- E7 Signage
- E8 Adaptable Housing

Part F: Land Use Specific Controls

- F1 Child Care Centres
- F2 Educational Establishments
- F3 Licensed Premises
- F4 Telecommunications

Part G: Site-Specific Controls

- G1 Babworth House, Darling Point
- G2 Kilmory, Point Piper
- G3 Hawthornden, Woollahra
- G4 9a Cooper Park Road, Bellevue Hill
- G5 3-9 Sisters Lane, Edgecliff
- G6 4A Nelson Street and 118 Wallis Street, Woollahra
- G7 Former Royal Women's Hospital, Paddington

Explanatory material – 17 fact sheets

A plain English summary of the Draft DCP was published in a series of fact sheets. These provided an overview of key parts or chapters of the Draft DCP, and the main policy changes proposed.

- **Fact Sheet 1:** An introduction to the exhibition and how to have your say
- **Fact Sheet 2:** Part B overview—overview of the general residential controls including building envelope and floorplate controls
- **Fact Sheet 3:** Paddington HCA
- **Fact Sheet 4:** Woollahra HCA
- **Fact Sheet 5:** Watsons Bay HCA
- **Fact Sheet 6:** Neighbourhood and Mixed Use Centres
- **Fact Sheet 7:** Edgecliff Centre
- **Fact Sheet 8:** Double Bay Centre
- **Fact Sheet 9:** Rose Bay Centre
- **Fact Sheet 10:** Part E overview—overview of the general controls for all development
- **Fact Sheet 11:** Parking and Access
- **Fact Sheet 12:** Stormwater and Flood Risk Management
- **Fact Sheet 13:** Tree Management
- **Fact Sheet 14:** Signage
- **Fact Sheet 15:** Part F overview—overview of land use specific controls, such as child care centres and telecommunications
- **Fact Sheet 16:** Licensed Premises
- **Fact Sheet 17:** Part G overview—overview of site-specific controls which apply to certain sites, such as Babworth House, Darling Point, and 9A Cooper Park Road, Bellevue Hill.

Current LEPs that apply

- Woollahra Local Environmental Plan 1995 (written instrument and maps)
- Woollahra Local Environmental Plan No. 27 (written instrument and maps).

Draft Woollahra LEP 2014

- Written instrument and maps as submitted to the Department of Planning and Infrastructure for approval.

Council report

- Council resolution and Urban Planning Committee report of 7 October 2014 to obtain a decision to endorse the Draft DCP for the purpose of public exhibition.

3.2 Access to exhibition material

The exhibition material could be accessed in the following ways:

Hard copy displays

A hard copy of the exhibition material was available at Council's Customer Services Centre, Double Bay Library, Paddington Library and Watsons Bay Library.

Website

A dedicated website was established for the Draft DCP containing all exhibition information and additional background documents. This website could also be accessed through the Council's homepage. During the exhibition period over 2,500 members of the public visited the DCP website and the webpage containing the Draft DCP and fact sheets was viewed over 4,300 times.

Staff contact

Council staff were available during business hours throughout the exhibition to answer any queries.

3.3 Notification

Notification of the Draft DCP comprised:

Wentworth Courier

Notice of the public exhibition was placed in the Wentworth Courier in the following ways:

- Council's Notice page: Notification was included weekly during the exhibition period, except for the Christmas and New Year period. The publication dates were:
 - 15, 22 and 29 October;
 - 5, 12, 19 and 26 November;
 - 3, 10 and 17 December 2014; and
 - 7, 14, 21 and 28 January 2015.
- Mayoral column: Items published on 26 November 2014 and 21 January 2015.

Website

A notice was placed on Woollahra Council's website homepage for the duration of the exhibition period.

Letter to all property owners and occupiers

A letter on Council letterhead, with Fact Sheet 1 enclosed, was distributed to:

- Each property owner in an envelope labelled with the property owner's mailing address as contained in the Council's rates database. These envelopes were delivered by Australia Post.
- Each residence and business in a separate letter box drop by a private company that distributed the material across the municipality. These letters were delivered by walkers who tracked each delivery route using a GPS.

This process sought to ensure that both property owners and tenants received notice of the exhibition. Consequently, properties with owner occupiers would have received two notifications.

Key stakeholders

The following key stakeholders were separately notified at the beginning of the exhibition period:

- 30 public agencies
- 4 adjoining Councils (Mayors and General Managers)
- State and Federal Government members for Vaucluse, Sydney and Wentworth
- 10 educational establishments
- Planning Institute of Australia and Australian Institute of Architects
- 45 planning practitioners or architects, inviting them to attend a workshop on the proposed building envelope controls
- 14 heritage practitioners
- 13 people who made a submission to the Draft LEP 2014 exhibition regarding a DCP matter
- 69 property owners in William Street, Paddington
- 13 community groups including The Paddington Society, Darling Point Society and The Vaucluse Progress Association
- 10 other groups including the Paddington Business Partnership and the Rose Bay and Double Bay Chambers of Commerce.

4. Practitioner workshops on building envelope controls

The Draft DCP, Chapter B3 General Development Controls, introduces new building envelope and floorplate controls that will apply to dwelling houses, semi-detached dwellings, dual occupancies and attached dwellings. These envelope and floorplate controls will apply instead of floor space ratio (FSR) controls (as the Draft LEP does not apply FSRs to land zoned R2 Low Density Residential) and will replace existing controls in the Woollahra Residential DCP 2003.

To facilitate feedback on the building envelope controls we convened practitioner workshops to inform our review.

The workshops were targeted at architects and town planners who regularly work and lodge development applications with Council. Each workshop was independently facilitated by Rod Simpson, Urban Design Director at the University of Sydney.

The two hour workshops were held during the exhibition period on:

- 26 November 2014
- 2 December 2014
- 9 December 2014.

In total 20 practitioners attended across the three workshops.

The workshops opened with a brief staff presentation to explain the proposed building envelope controls. The workshops then focused on participant feedback about their experiences using Woollahra's existing controls, comments on the proposed controls and suggestions for improvements. The workshop attendees were also invited to make a submission to the exhibition of the Draft DCP.

Various refinements were suggested. However, there was in principle broad support for the building envelope and floorplate controls, and a consistent view that the proposed controls enhanced opportunities for good design outcomes.

In response to the workshops, submissions, and further internal staff review involving the Manager Development Control, we are recommending a number of amendments to the exhibited version of the building envelope controls in Chapter B3 General Development Controls.

These amendments will improve the operation, outcomes and practicality of the controls. The key amendments are outlined below. Further information on these is provided in **Annexure 3**.

Building envelope and floorplate controls

- Front setback: Include additional numeric controls.
- Rear setback: Replace the 25% of the site depth control with a control that establishes the rear setback based on the front setback, site depth and building depth.
- Building depth sliding scale: Insert a sliding scale for determining the maximum permitted building depth. The sliding scale provides for a greater building depth on small lots.
- Side wall articulation: Insert articulation objectives and a control for side elevations.
- Wall height on sloping sites: Delete control allowing variation to the wall height on sloping sites.
- Eaves: Allow eaves to extend beyond the building envelope by up to 450mm if located below the inclined plane.
- Basements and roof terraces: Exclude basements and uncovered balconies, roof terraces and the like from the calculation of the total floorplate.

5. Paddington DCP Working Party

The Draft DCP, specifically Chapter C1 Paddington Heritage Conservation Area, was discussed at the Paddington DCP Working Party. The primary change arising from the working party is the introduction of specific controls to protect timber buildings.

The minutes of the working party for 15 July, 27 November and 30 September 2014 are provided at **Annexure 4**. The matters raised at the working party have been taken as a submission to the Draft DCP. Further information on these issues and our planning response is provided in **Annexure 5** under Submission number 33.

The working party has a consultative role and consists of Councillors and community representatives. The community members of the working party were also invited to make submission to the exhibition of the Draft DCP. In particular, refer to Submission number 44 for the Paddington Society's submission in **Annexure 5**.

6. Submissions

Council received 65 submissions to the exhibition of the Draft DCP.

The submissions predominantly related to the following parts of the Draft DCP:

- Part B: General Residential
- Part C: Heritage Conservation Areas
- Part E: General Controls for All Development (particularly Chapter E1 - Parking and Access)
- Part F: Land Use Specific Controls (particularly Chapter F2 - Educational Establishments and Chapter F3 - Licensed Premises)

A summary of the key intent raised in each of the submissions is provided in the table below.

Further information on the submissions is provided in **Annexure 5**. This annexure contains a summary of the issues raised in the submissions and our planning response, including any recommended amendments to the Draft DCP. A full copy of the submissions was available for Councillors to view on the Councillors' electronic portal.

Overview of issues raised in submissions	DCP amended in response
PART B GENERAL RESIDENTIAL	
<i>Chapter B1 Residential precincts</i>	
Changes to numerous controls in the Double Bay Precinct, Manning Road Precinct and Wallaroy Road precinct regarding overdevelopment, environmental constraints, amenity and character. (<i>Submission 28</i>)	Part change
Changes to the objectives for Wallaroy Precinct. (<i>Submission 63</i>)	No
<i>Chapter B3 General Development Controls</i>	
Overdevelopment in Rose Bay, increased traffic, and need to continue rail line to Watsons Bay/Bondi. (<i>Submission 2</i>)	No
Supports landscape objectives; create a separate chapter for landscaping. (<i>Submission 3</i>)	No
Concern about excavation and overdevelopment in Bellevue Hill. (<i>Submission 7</i>)	No
Include incentives to encourage energy efficient residential building design that goes beyond BASIX. (<i>Submission 11</i>)	No
Increase the minimum lot width for detached dual occupancy. (<i>Submission 19</i>)	No
Clarify if Section 3.8.3 Semi-detached dwellings applies to new or existing dwellings or both. (<i>Submission 20</i>)	No
Landscaping and fencing should not obstruct driver sightlines. (<i>Submission 26</i>)	No
Changes to numerous controls for building envelopes, excavation, setbacks, landscaping to restrict residential development. Changes to restrict the location and scale of medium density development. (<i>Submission 28</i>)	Part change
Include numerous additional controls for foreshore areas, waterways, riparian lands, surface water and groundwater resources. (<i>Submission 57</i>)	No
Reduce restrictions for Inter-war residential flat buildings and a request for a study to clarify their heritage importance. (<i>Submission 58</i>)	No
Draft DCP should not have been based on Council's existing DCPs. (<i>Submission 59</i>)	No

Overview of issues raised in submissions	DCP amended in response
PART C HERITAGE CONSERVATION AREAS	
Properties that win Woollahra Heritage Awards should automatically be contributory items. (<i>Submission 23</i>)	No
Undertake heritage studies to identify the significance of dwellings on battle-axe lots, and Inter-War flat buildings. (<i>Submission 43</i>)	No
Chapter C1 Paddington Heritage Conservation Area	
Controls for shops and commercial buildings on Oxford Street discourage growth and development. (<i>Submission 6</i>)	No
Seeks a right-of-way over Elizabeth Place, Paddington. (<i>Submission 9</i>)	No
Amend controls for contemporary design and contemporary infill to clarify the intent of the controls and further restrict infill development. (<i>Submission 16</i>)	Part change
Controls for timber buildings are excessive. (<i>Submission 21</i>)	No
Allow gardens and trafficable areas on roof tops and reduce restrictions on solar hot water heaters. (<i>Submission 30</i>)	Part change
Further restrictions on infill development, subdivision, timber buildings, demolition, plantings; request a summary version of the DCP and brochure. (<i>Submission 33</i>)	Part change
Reduce duplication of controls for single storey buildings; request to reinstate shopfront diagram; request to introduce more restrictive controls for amenity, infill development, parking; and request to reinstate controls for landscaping and works in the public domain. (<i>Submission 35</i>)	Part change
Numerous refinements and amendments to strengthen the heritage restrictions and/or to clarify the controls (<i>Submission 44</i>)	Part change
Chapter C2 Woollahra Heritage Conservation Area	
Change the description of the Queen Street precinct to reflect the closure of the Post Office. (<i>Submission 13</i>)	Part change
Reduce restrictions or clarify the meaning of controls for single storey development, semi-detached dwellings; and definitions. (<i>Submission 22</i>)	Part change
Amend and clarify controls for lofts, garaging space and development on rear lanes; increase minimum open space requirements for small lots; amend list of contributory items. (<i>Submission 23</i>)	No
Require greater deep soil landscaping, reduce restrictions and clarify controls for garages, reduce restrictions on lofts over garages. (<i>Submission 24</i>)	Part change
Reinstate controls for coffered ceilings. (<i>Submissions 38 and 40</i>)	Part change
De-list 12 Small Street, Woollahra as a contributory item. (<i>Submission 39</i>)	No

Overview of issues raised in submissions	DCP amended in response
Chapter C3 Watsons Bay Heritage Conservation Area	
Insert additional controls to restrict the development of Dunbar House and surrounds. (Submission 4)	No
Support controls that prevent privatisation of the public domain and request for a new contributory item listing. Comments on the relocation of Camp Cove Kiosk. (Submission 29)	No
Increase protection of contributory items. (Submission 32)	No
Improve consistency with Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. Support controls for jetty sharing. Request new controls for light pollution. (Submission 29)	No
Request that the chapter does not apply to HMAS Watson. (Submission 36)	Part change
Identify land managed by the Sydney Harbour Trust on Map 2 and clarify who is responsible for issuing development consent on public land. (Submission 52)	Part change
PART D BUSINESS CENTRES	
Outlines requirements for outdoor dining proposal concurrence. Suggests setback controls for verandas and awning on major roads. (Submission 26)	No
Ensure free operation of bus routes. (Submission 45)	No
Chapter D1 Neighbourhood Centres	
De-list 98B Bellevue Road, Bellevue Hill as a contributory item. (Submission 37)	Part change
Chapter D4 Edgecliff Centre	
Support improved pedestrian links through the centre and activation of New McLean Street frontage. (Submission 25)	No
Chapter D5 Double Bay Centre	
New South Head Road in Double Bay (near Manning Road) is a 'dead' retail space and seeks Council's action to address. (Submission 1)	No
Allow a four storey building over 100% of 1 Transvaal Avenue. (Submission 41)	No
Amend building envelope and increase height at 19-27 Cross Street. (Submission 54)	No
Numerous changes to restrict development and improve amenity in the centre. (Submission 62)	Part change
Increase height in the centre and delete setback on Knox Lane. (Submission 64)	No

Overview of issues raised in submissions	DCP amended in response
PART E GENERAL CONTROLS FOR ALL DEVELOPMENT	
<i>Chapter E1 Parking and Access</i>	
Provide options for electric vehicle charging points on public land directly outside private dwellings. (Submission 5)	No
Reduce parking generation rates for places of public worship and educational establishments. (Submission 18)	No
Additional controls for land adjoining classified roads; reduce car dependency; and new controls for signage adjacent to major roads. (Submission 26)	No
Greater consideration of pedestrians and bicycles in street design, bicycle parking and end-of-trip facilities and trip planning. (Submission 45)	No
Further restrictions on parking and access controls; objection to car sharing schemes; objection to provisions for Double Bay which allow certain new development and changes of use without additional parking. (Submission 65)	Part change
<i>Chapter E2 Stormwater and Flood Risk Management</i>	
Fisheries NSW commends stormwater management measures. (Submission 8)	No
Remove properties in Walker Street, Edgecliff from the Flood Planning Area. (Submission 14)	No
<i>Chapter E3 Tree Management</i>	
New controls to manage privacy hedges. (Submission 12)	No
Allow tree removal. (Submission 55)	No
<i>Chapter E6 Sustainability</i>	
Delete sustainability controls to reduce development cost. (Submission 55)	No
<i>Chapter E7 Signage</i>	
Reminder that certain advertising on signage under the State Environmental Planning Policy 64 (Advertising and Signage) requires referral to the RMS. (Submission 26)	No
Supports new signage controls. (Submission 43)	No
PART F LAND USE SPECIFIC CONTROLS	
<i>Chapter F1 Child Care Centres</i>	
Prohibit child care centres or schools with a direct frontage/access to a classified road. (Submission 26)	No
<i>Chapter F2 Educational Establishments</i>	
Reduce controls that restrict development of educational establishments. (Submission 15, 18, 46, 53)	Part change
<i>Chapter F3 Licenced Premises</i>	
Reduce controls that restrict pubs/licensed premises. (Submission 17, 27, 47, 48, 49, 50, 51)	Part change
Support controls and seek increased restrictions. (Submission 61)	No

Overview of issues raised in submissions	DCP amended in response
Part G Site Specific Controls	
Chapter G4 9A Cooper Park Road	
Clarify the location of traffic signals to manage access to 9A Cooper Park Road, Bellevue Hill. (<i>Submission 26</i>)	No
Chapter G6 4A Nelson Street and 118 Wallis Street Woollahra	
Increase heritage controls regarding landscaping, and reinstate controls for through site pedestrian links. (<i>Submission 56</i>)	Part change
OTHER COMMENTS	
Commends Draft DCP as being a well thought through, detailed and comprehensive plan, and acknowledges the effort that went into public consultation. (<i>Submission 10</i>)	N/A
Supports submission from Sydney Harbour Association. (<i>Submission 34</i>)	N/A
Supports the creation of a new consolidated DCP, raises no objections to the changes from previous DCPs. (<i>Submission 60</i>)	N/A
NOT A DCP MATTER	
Question about the zoning of Halls Lane, Woollahra. (<i>Submission 23</i>)	N/A
Suggests ways to improve access to healthy food, encourage use of active transport and increase physical activity, and improve pedestrian safety. (<i>Submission 25</i>)	N/A
Applications for the Kiaora Lane Plaza and Rose Bay Square should be referred to RMS for comment. (<i>Submission 26</i>)	N/A
Rezone 752-760 New South Head Road, Rose Bay for medium density development. (<i>Submission 42</i>)	N/A

7. Internal staff review

During the exhibition period staff have further reviewed the Draft DCP and identified some changes to refine, improve or clarify some of the controls. A list of the key amendments is provided below. Further information on these is provided in **Annexure 6**.

PART B GENERAL RESIDENTIAL
Chapter B3 General Development Controls
<ul style="list-style-type: none"> • Building envelope and floorplate controls: Various amendments to the controls (see section 4 above and Annexure 3 for details). • Excavation: Insert excavation control that will apply to uses other than a dwelling house, dual occupancy, semi-detached dwelling, residential flat building, multi dwelling housing, or attached dwelling development. Such uses may include aged care, boarding houses, or places of public worship. • Overshadowing: Amend control C2 to identify that it applies to all lots and not just lots that are oriented lot east/west. • Assessing roof terraces and upper level decks: Insert control stating that the acceptability of any elevated balcony, deck, or terrace will depend on the extent of its impact, its reasonableness and its necessity.

- **Separation distances for roof terraces and upper level decks:** Amend the existing control addressing separation and sight lines between roof terraces and upper levels decks so that it is consistent with the Land and Environment Court judgement from Geoform Design Architects Pty Ltd v Woollahra Municipal Council [2012] NSWLEC 1278.
- **Deep soil landscaped area in the rear setback:** Insert control requiring at least 50% of the rear setback to comprise deep soil landscaped area.
- **Private gates adjoining public open space:** Amend control to allow a gate from a private property to a public park or reserve provided the gate does not encroach on the public land.
- **Development on a battle-axe lot:** Insert control requiring a minimum lot size of 950m² for development other than a dwelling house on a battle-axe lot in the R3 Medium Density Residential Zone. This control was in the exhibited Draft Woollahra LEP 2013, however it was deleted by the Department of Planning and Environment in the approved version of the LEP. We will be seeking to reinstate this control in the LEP, in the meantime the control has been inserted into the DCP.

PART C HERITAGE CONSERVATION AREAS

Chapter C2 Woollahra Heritage Conservation Area

- **Breezeways:** Insert definition for breezeway definition and enhance controls to retain breezeways.
- **Boundary to boundary extensions:** Amend controls to clarify that boundary to boundary rear extensions are permitted on the ground floor only (not the first floor).
- **General controls for all development:** Insert new objective regarding amenity.
- **Building height form and character:** Modify objectives to make it clear these apply to all development and not just infill development.
- **Garage roof forms:** Simplify by combining four different terms relating to garage roof forms into two and insert definition for each.
- **Contributory items:** Insert a note identifying that heritage items in the Woollahra LEP are also contributory items.

Chapter C3 Watsons Bay Heritage Conservation Area

- **18 Cliff Street:** The property is a contributory item and was incorrectly removed from the schedule of contributory items. Reinsert 18 Cliff Street, Watsons Bay, in the list of contributory items.
- **Robertson Place:** Amend precinct specific guidelines to reflect that a plan of management and a conservation management plan have been prepared and apply to the land.
- **Excavation:** Amend excavation objectives and controls so these are consistent with the excavation controls that apply to Chapter B3: General Development Controls (Section 3.4 Excavation).

PART E GENERAL CONTROLS FOR ALL DEVELOPMENT

Chapter E6 Sustainability

- **Commercial and non-residential buildings:** Amend objective O1 to clarify its intent.

Chapter E7 Signage

- **Illumination controls in HCAs and heritage items:** Insert new objective for lighting and illumination of signs and identify that neon signs or signs with neon lettering are generally inappropriate and may only be considered if the sign is inside the shop. Delete the provision that allows internally illuminated signs.

8. Conclusion

Draft Woollahra DCP 2015 was prepared and exhibited consistent with the requirements of the Act and Regulation.

During the exhibition period 65 submissions were received, and three practitioner workshops on the building envelope controls were held.

Having regard to the submissions, discussions at the practitioner workshops, and further internal review of the controls, we identified various amendments to the exhibited version of the Draft DCP. These amendments seek to refine, improve or clarify the controls and generally do not substantially alter the intent of the controls, as exhibited.

The list of recommended amendments is provided in **Annexure 1**. The post exhibition Draft DCP incorporating these amendments is attached for Council's approval at **Annexure 2**.

It is important to note that the Woollahra LEP 2014 was published on the NSW Legislation website on 23 January 2015 with a four month deferral date. This means that the new LEP will commence on 23 May 2015. In accordance with the Act, the new DCP must also be ready to commence on that date.

Subject to Council approving the Woollahra DCP 2015 on 27 April 2015, staff will have approximately three weeks to prepare for the significant policy, procedural, reporting and website changes associated with implementing the new LEP and DCP controls. Such a lead time is necessary as the new planning controls will affect many teams across Council's Planning and Development, Technical Services and Community Services Divisions. For the public, a revised DA Guide and other general information will be prepared to support applicants with the transition to Council's new LEP and DCP controls. Councillors will also be provided with a briefing on the new controls.

To promote awareness of the commencement date for the new Woollahra LEP and DCP we will publish two notices in the Wentworth Courier prior to 23 May 2015. We will also notify everyone who made a submission to the Draft DCP or attended a practitioner workshop. Council's website will also provide advice on the commencement of the new suite of planning controls.

The Draft DCP responds to actions in Council's DPOP, reflects best planning practice, is consistent with statutory requirements, and will supplement the recently published Woollahra LEP 2014. In light of the mandatory commencement date of 23 May 2015 we seek Council's approval of the Woollahra DCP 2015, as provided at **Annexure 2**.

Jacquelyne Della Bosca
Acting Manager Strategic Planning

Anne White
Acting Team Leader, Strategic Planning

Allan Coker
Director Planning and Development

Annexures:

1. Consolidated list of recommended amendments to the exhibited version of Draft Woollahra Development Control Plan 2014
2. Draft Woollahra Development Control Plan 2015 incorporating recommended amendments (SEPARATELY CIRCULATED)
3. Explanation of recommended amendments to the exhibited version of the building envelope controls
4. Minutes of the Paddington DCP Working Party for 15 July, 27 November and 30 September 2014
5. Summary of submissions to the exhibition of the Draft Woollahra Development Control Plan 2014 and planning responses, including recommended amendments
6. Explanation of recommended amendments arising from internal staff review during exhibition period

Political Donations – matters to be considered by Councillors at Meetings

