

**Annexure 4**  
**Minutes of the**  
**Paddington DCP Working Party**

15 July 2014

30 September 2014

27 November 2014



Item	Agenda subject	Discussion	Action/ Comment
		cottages, <u>semi-detached houses</u> , freestanding houses, commercial buildings, hotels, former industrial buildings, ecclesiastical buildings and public buildings.	
		1.3.1 Single storey buildings <i>Amend control</i> C2 Retain or reinstate façade details and open <u>verandahs where physical or documentary evidence exists demonstrating an earlier state.</u>	Agreed. No further action.
		1.4.1 Principal building form and street front zone of significant buildings  <i>Amend objective</i> O10 To retain and conserve external original fabric and features characteristic to a traditional terrace <u>house, semi-detached or freestanding house.</u>	Agreed. No further action.
		1.4.1 Principal building form and street front zone of significant buildings  <i>Insert new control</i> <u>C5 Where structural stabilisation is required a sympathetic structural solution that retains original external and internal fabric is encouraged.</u>  Control should be amended to require a sympathetic structural solution that retains original fabric rather than 'encourage'.  This could also be incorporated into changes to the DA Guide.	Agreed. Amend wording of control.
		1.4.1 Principal building form and street front zone of significant buildings  <i>Insert new control</i> <u>C6 Where alterations are required to meet the Building Code of Australia requirements, materials must be consistent with traditional materials and finishes.</u>	Agreed. No further action.
		JN: Following the Hargrave Lane	Staff are to consider this option.

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		<p>LEC Appeal and subsequent demolition of the cottage, the idea of the Paddington HCA DCP incorporating an entire chapter dedicated to timber cottages was suggested. The chapter would sit with other building typology controls such as corner shops.</p> <p>AC: Staff can review this as an option. All timber buildings, not just single storey need to be addressed.</p>	
		<p>KH: There need to be less incentives for the demolition of timber cottages. This should be examined in term of the infill development controls too.</p> <p>The existing subdivision pattern and building footprints should be further protected and retained.</p> <p>The DCP should include an introductory section on workers cottages and the historical significance of these in the development of Paddington.</p> <p>The significance of timber cottages needs to be elevated to that of the terraces in Paddington.</p>	<p>Staff to review infill controls.</p> <p>Staff to investigate existing controls and opportunities to update them.</p> <p>Staff to prepare an introductory section as part of a chapter/ clause on timber buildings.</p> <p>The DCP should not single out one type of building above another.</p>
		<p>Clr W: Consideration of incentives against actions like burning down a cottage such as a requirement that the building be reconstructed as it was.</p> <p>Kate H: The BCA requires that new work meet the current requirements, which could result in the reconstructed not having the same form, materiality, detailing and therefore contribution/ significance that it did originally.</p> <p>JN: Council should engage a BCA expert as a consultant to provide advice on the application of the BCA to timber cottages.</p>	<p>Staff to consider disincentives for demolishing timber buildings and whether expert advice from a BCA consultant would be beneficial.</p>
		<p>JN: If a chapter dedicated to timber</p>	<p>Staff to compare lists of existing</p>

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		<p>cottages is a longer term project, at least in the short term a list of existing timber buildings should be included in the DCP.</p> <p>AC: Listing of properties in a DCP can be confusing. It is important to understand the buildings are not heritage items and the list is not definitive. Elevating one building type above another fragments the significance of the HCA.</p>	<p>timber buildings in the HCA with that compiled by JN and consider including this list in the DCP.</p>
		<p>Clr E: Can we somehow photograph the exteriors and interiors of the timber buildings so that we have documented evidence of the existing state for the purposes of reconstruction in the future?</p> <p>CB: Obtaining internal access to properties is problematic outside the DA process. Access for the purpose of photographic recording is also restricted due to privacy legislation.</p>	
		<p>Clr R: Why are heritage listings of timber cottages appropriate in Watsons Bay and not in Paddington?</p> <p>CB: Explains that there was a deliberate intention to look at Paddington as a whole because it is all contributory.</p> <p>RA: Reiterated that the original intention was that the whole of Paddington is significant and not just a sum of its parts, individual listing is risky.</p>	
		<p>Clr E: The heritage referral template, particularly for Paddington, is misleading when it states at the beginning that the buildings are not heritage items, particularly if the whole HCA is viewed as one large item. It is assumed that the building is therefore less important than a contributory building in Woollahra for example.</p>	<p>Staff to revise and amend the heritage referral template, particularly in relation to heritage items and contributory items.</p>

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4	Consolidated DCP – Paddington chapter	<p>Clr W: Concerned with the controls in the DCP relating to groups and the application of the controls that are resulting in substantial changes to significant buildings that are part of a group where one building has been altered. The controls imply that if it is not an intact group then any development can occur, which is often to the detriment of the entire group.</p>	
		<p>Clr R: Concerns that the DCP is not being applied correctly or the controls are not being applied at all.</p>	
		<p>BM: Expresses a concern that the DCP is getting too complicated and that a simplified version for the timber cottages section would be useful. The most important elements of the DCP should be made more accessible- ie an abridged version.</p>	
		<p>Clr W: Suggests that there be another meeting of the working party when staff have addressed these concerns, perhaps in 4 weeks.</p> <p>CB: We can report back on DCP changes but it needs to be concurrent with the exhibition of the consolidated DCP.</p>	<p>Staff to convene another meeting of the Working Party.</p>
		<p>KH: A brochure for architects, planners, real estate agents and other practitioners should be prepared explaining why Paddington is important.</p> <p>AC: Staff will respond to the DCP comments as a priority. The brochure can be pursued when resources and time are available.</p>	<p>Staff to follow up - at this stage not a priority.</p>

Next meeting 30-September 2014

## Paddington HCA DCP Working Party

### Meeting minutes

**Date**        **Tuesday 30 September 2014**  
**Time**        **6.00pm – 7.30pm**  
**Location**   **Woollahra Council offices**  
 **Committee Room**

Present	Councillors	Peter Cavanagh (Chair) (Clr C) Matthew Robertson (Clr R) Luise Elsing (Clr E) Anthony Marano (Clr M)
	Residents	Robyn Attuell (RA) – The Paddington Society Bill Morrison (BM) – The Paddington Society John Normyle (JM) Keri Huxley (KH)
	Woollahra Council staff	Allan Coker (AC) – Director Planning and Development Chris Bluett (CB) – Manager Strategic Planning Amelia Parkins (AP) – Strategic Heritage Officer Kate Harrison (Kate H)- Heritage Officer

Item	Agenda subject	Discussion	Action/ Comment
1	Apologies	Councillor Levenston Councillor Wise John Richardson – The National Trust Peter Poland – Woollahra History and Heritage Society	Noted. Councillor membership on the PDCP Working Party has recently been reviewed following the Mayoral election. Current Councillor membership at the time of the meeting comprises Clr Cavanagh, Clr Elsing, Clr Wise, Clr Robertson and Clr Zulman.
2	Previous meeting minutes	Minutes of Meeting dated 15 July 2014 moved by KH seconded by Clr R.  KH: The brochure discussed last meeting should not be delayed any further, it has already been delayed 7 years.	No action.
3	Timber buildings chapter	AP provided an overview of the progress to date. CB described the new timber buildings clause for the DCP and the context of the legislative planning framework. The DCP needs to be consistent	No action.

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		<p>with the LEP.</p> <p>Clr R: Has anything been added to the LEP to strengthen the role of the DCP as a result of the new legislation?</p> <p>CB: The format and content of the LEP is largely dictated by the Standard Instrument template. Desired future character statements have been included in the LEP, which links to the DCP.</p>	
		<p>KH: When will the community be consulted on the DCP?</p>	<p>The consolidated DCP will be considered by the UPC 7 October 2014, and Council 29 October 2014. Public exhibition should occur from mid November 2014 until the end of January 2015.</p>
		<p>KH: The infill controls have not been addressed. Staff are often supporting non-compliances, how can we be sure staff will apply/ implement the controls?</p> <p>Clr R: The infill controls are very subjective, do they need to be more prescriptive?</p> <p>CB: Staff follow a template that directs them to consider the controls.</p> <p>AC: The objectives and controls need to be clear. There will always be cases where non-compliance with the controls are sought by applicants. In these cases, staff need to see if the objectives have been met.</p> <p>The Act does not support highly prescriptive LEPs and DCPs eg SEPP 1 process. We cannot mandate compliance with the controls.</p>	<p>No action</p>
		<p>JN: DCPs are very useful documents for architects to show to their clients.</p> <p>Details of appropriate reconstruction or restoration could be incorporated into the DCP as diagrams.</p>	<p>Staff to consider amending clause.</p>



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		<p>A list of the timber buildings and/ or a photographic study of them should be made available.</p> <p>C2 should be amended to delete the text 'encourages, but may'.</p>	
		<p>KH: C5 text should be amended to replace 'is required' with 'is ensured' to make the control stronger.</p>	<p>Staff to consider amending clause.</p>
		<p>Clr R: Even though the Act says that in the case of a discrepancy between the LEP and DCP the LEP takes precedence, there is no legal reason not to make changes to the DCP that are inconsistent with the LEP</p> <p>Clr E: The strength of the DCP is in its consistent application of controls. The ability to consistently apply the controls gives it a better chance of holding up in the Land and Environment Court. It is preferable to strengthen enforceable controls than things that cannot be defended in court.</p>	<p>No action.</p>
		<p>Clr M: It is important that the DCP and Council advertise Paddington as an important heritage area.</p> <p>KH: The document needs to be strengthened by adding a section at the beginning that is very clear about the conservation philosophy that clearly explains that demolition is not acceptable.</p>	<p>Staff to review.</p>
		<p>RA: C2 should be amended as discussed in the correspondence provided by John Richardson (JR).</p> <p>BM: The ability to interpret the significance of timber buildings should also be included in the control.</p> <p>CB: In response to the submission by JR we have amended the control C2 to read:</p> <p><u>When works are proposed to the principal building form or original significant elevations visible from</u></p>	<p>Staff to consider amending clause.</p>

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		<p><u>the street or lane, Council encourages, but may require, reconstruction or restoration of missing elements or reversal of uncharacteristic elements where:</u></p> <p><u>a) original render has been stripped from an external wall surface;</u></p> <p><u>b) balconies or verandahs have been enclosed and details such as balustrade panels, rails, columns, friezes and fringes have been removed;</u></p> <p><u>c) original door or window types and patterns have been removed;</u></p> <p><u>d) roof cladding is in a unsympathetic material;</u></p> <p><u>e) details are missing from chimneys; and</u></p> <p><u>f) inappropriate reconstruction of period detail and elements has occurred.</u></p> <p><u>Note: Reconstruction and restoration may be guided by the existence of physical or documentary evidence of an earlier state of the building or group, if the building forms part of a group.</u></p> <p>RA: We would like reference to a requirement for physical and documentary evidence removed, as suggested by JR.</p> <p>KateH: Amending the control to state 'Council requires' in lieu of 'encourages, but may require' and also removing the reference to physical and documentary evidence may result in conjectural reconstruction work that is inappropriate.</p> <p>BM: We need to ensure that the timber cottages can be interpreted as timber cottages, sometimes physical and documentary evidence does not exist.</p>	<p>Staff to consider further amendments to the clause.</p>

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		<p>Kate H: Physical and documentary evidence can be from secondary sources, including evidence from other buildings of the same architectural style.</p> <p>JN: Any change to the building details should be appropriate to the architectural style and period of the building. Appropriate detailing can be described through drawings in the DCP.</p>	
		<p>KH: There needs to be an introductory section added that explains the significance of timber buildings in the historic development of Paddington.</p>	<p>Staff to add to the introductory section of the clause.</p>
		<p>Clr R: Can we be more explicit about what the development issues are and what buildings they apply to?</p>	<p>Staff to amend the introductory section to be clearer.</p>
		<p>KH: The conservation philosophy from the beginning of the DCP should be duplicated in the front of the timber buildings chapter.</p> <p>CB: Care needs to be taken not to overly emphasize one building type at the expense of others in the HCA.</p>	<p>Conservation policy applies to entire DCP not just timber buildings. It is not appropriate to duplicate the section.</p>
		<p>CB: This chapter, with amendments discussed tonight, can go to the UPC as late correspondence.</p> <p>We have not scheduled another meeting of the working party yet, this could occur during the exhibition of the consolidated DCP.</p> <p>Comments can be made as submissions to the consolidated DCP when it goes on public exhibition.</p>	<p>No action.</p>

Next meeting during exhibition of the consolidated DCP (Nov 2014- Jan 2015)



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		<p>people to the planning documents.</p> <p>KH: The brochure should explain the role of conservation and direct people to the planning documents.</p> <p>JN: It is important to include a brief history of Paddington.</p> <p>Clr E: Is it more a project for the marketing and communications team, with input from heritage?</p> <p>KH: Will raise the idea at the next Corporate Works meeting.</p>	
3	Draft DCP Paddington chapter	<p>Timber buildings clause-</p> <p>JN: Supports the section as amended.</p> <p>KH: Supports section but would like it moved forward, to C1.3.2 after single storey buildings.</p>	Staff to include change in submission to the DCP.
		<p>Infill controls-</p> <p>KH: Made comments on amendments to the infill controls.</p> <p>CB: It would be helpful if the comments were emailed to us for discussion. We can meet to discuss and then circulate to the Working Party for comment.</p> <p>JN: There is an absence of controls in infill that exist for alterations and additions.</p>	<p>Staff to circulate comments by KH on infill controls to the Working Party.</p> <p>Staff to consider.</p>
		<p>Demolition clause-</p> <p>KH: Are there any clauses preventing demolition? Or providing disincentives for demolition?</p> <p>CB: Demolition is covered in the LEP. As described in S74C of the Act, the DCP must be consistent with the LEP.</p> <p>KH: When a building is demolished the new building should be on the same footprint as the original building.</p> <p>CB: There is nothing stopping the owner lodging an additional DA for additions.</p> <p>KH: The DCP needs to remove any economic incentive for demolition.</p>	<p>Staff to investigate existing demolition clauses in the DCP.</p> <p>Staff to consider a new control possibly in both timber buildings and infill chapters that is a disincentive for demolition.</p>

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		<p>Clr E: Timber buildings are the ones most at risk of demolition, these are the ones that require a disincentive.</p> <p>VR: Not just timber buildings, substantial demolition and alterations to a Federation brick building was recently categorised as 'infill'.</p>	
		<p>Public domain-</p> <p>JR: Why have some of the sections under Public Domain been removed from the DCP? What if a DA requires replacement of part of the footpath?</p> <p>CB: The Public Domain section has been reduced substantially because a lot of the works to the public domain do not require development consent.</p> <p>Technical Services Department are preparing guidelines for streetscape works in Paddington. This has been done in consultation with Bill Morrison (Paddington Society).</p> <p>Any remedial works relating to a footpath that result from works to private land are carried out under the infrastructure bond.</p> <p>JR: When will the guidelines be publically exhibited?</p>	<p>Staff to report back to the working party a date for public exhibition of the document.</p> <p>Advice has been obtained from the Director of Technical Services that draft of public domain guidelines has been with the Paddington Society for some time and council is awaiting their response.</p>
		<p>List of appropriate plants-</p> <p>JR: The list should be reinstated, the consistency of plantings are important character elements in the streetscape.</p> <p>CB: The Standard Instrument LEP provides provisions for tree approvals, which do not always involve development consent.</p> <p>Often trees in the list are not appropriate on all sites. The tree officers will continue to look at each application on a case by case merit basis.</p> <p>Tree officers are investigating a website to show appropriate plantings.</p> <p>The sustainability team are</p>	<p>No action.</p>

Item	Agenda subject	Discussion	Action/ Comment
		investigating native plantings.	
		<p>General-</p> <p>Clr E: How do we implement the changes discussed in the meetings?</p> <p>CB: We can include the minutes of the meetings as a submission to the DCP and include them in a report to Council.</p>	Staff to prepare a report to the Urban Planning Committee and a submission to the DCP.

Next meeting: no date discussed.