

# Strategic & Corporate Committee

**Agenda:** *Strategic & Corporate Committee*

**Date:** *Thursday 23 April 2015*

**Time:** *7.00pm*

## **Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

## **Recommendation only to the Full Council (“R” Items)**

Note: This Committee to function on the basis of referral with considerations to encompass functions and responsibilities from any other Committee.

## **Principal Considerations:**

- Municipal Strategy
- Objectives Setting
- Policies and Codes Development
- Corporate Management
- Corporate Planning
- Woollahra Planning
- Community Services

## **Delegated Authority**

Nil

## **Committee Membership:**

- All Councillors

## **Quorum:**

- The quorum for a committee meeting is 8 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

To: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio  
Councillors Ted Bennett  
Anthony Boskovitz  
Peter Cavanagh  
Luise Elsing  
James Keulemans  
Greg Levenston  
Anthony Marano  
Katherine O'Regan  
Andrew Petrie  
Matthew Robertson  
Deborah Thomas  
Elena Wise  
Susan Wynne  
Jeff Zulman

Dear Councillors

### **Strategic & Corporate Committee Meeting – 23 April 2015**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Strategic and Corporate Committee** to be held in the **Thornton Room, 536 New South Head Road, Double Bay, on Thursday 23 April 2015 at 7.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

# Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

## **Items to be 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	1
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**\*This meeting is a continuation of the discussions held at the Urban Planning Meeting on Monday 13 April 2015. Please bring all papers (comprising three folders) provided for the Urban Planning Meeting to this meeting.**

**Item No:** R1 Recommendation to Council  
**Subject:** **PUBLIC EXHIBITION AND APPROVAL OF THE DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2014**  
**Author:** Anne White – Acting Team Leader Strategic Planning  
**File No:** SC2424 and 1078.G Draft Woollahra Development Control Plan 2014  
**Reason for Report:** To respond to the submissions and proposed amendments put forward at the Urban Planning Committee Meeting on 13 April 2015.  
To obtain Council's decision to approve Woollahra Development Control Plan 2015.

## **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 subject to the amendments identified in **Annexure 1** of the report to the Strategic and Corporate Committee meeting of 23 April 2015.

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On 13 April 2015, the Draft Woollahra Development Control Plan (DCP) 2014 was presented to the Urban Planning Committee. The purpose of this report was to:

- Advise of submissions received to the public exhibition of the DCP;
- Identify proposed amendments to the exhibited version of the DCP arising from practitioner workshops, submissions and internal review;
- Obtain Council's decision to approve the DCP, as amended.

The following individuals addressed the committee and raised a number of issues and proposed amendments: *Keri Huxley, Ester Hayter, Hylde Rolfe, Malcolm Young, Philip Mason, George Karavanas, David O'Donnell, Chris Howe, Brian O'Dowd, Bob Chambers, Peter Rouse and Peter Poland.*

Late correspondence was tabled at this meeting from the following: *Peter Rouse, Hylde Rolfe, Sydney Harbour Association, Double Bay Residents Association, Malcolm Young, Philip Mason, George Karavanas and Brian O'Dowd.*

This item was deferred for further consideration to the Strategic and Corporate Committee of 23 April 2015, to allow all Councillors to attend and to consider any additional submissions from the public.

Attached at **Annexure 1** and **Annexure 2** is a summary of the issues raised at the Urban Planning Committee of 13 April 2015, as well as our response. We recommend further amendments to the Draft Woollahra DCP 2014, and seek Council's approval of the Woollahra DCP 2015.

Anne White  
Acting Team Leader Strategic Planning

Allan Coker  
Director Planning and Development

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**ANNEXURE 1: SUMMARY OF ISSUES RAISED AT THE UPC MEETING OF 13 APRIL 2015, A PLANNING RESPONSE AND RECOMMENDED AMENDMENTS**

**ANNEXURE 2: RESPONSE TO DOUBLE BAY RESIDENTS ASSOCIATION REGARDING SIDE SETBACKS CONTROLS FOR RESIDENTIAL DEVELOPMENT.**

# Annexure 1: Summary of issues raised at the UPC Meeting of 13 April 2015 and late correspondence, a planning response and recommended amendments

## 1. Keri Huxley – Personal

### Chapter: C1 Paddington Heritage Conservation Area

#### Issue 1

**Include detailed and descriptive notes or definitions for the following terms:**

a) *Original*

Original is a word used so many times it's a word difficult to describe what 'original is as it exists', rather than the form it typifies or represents.

b) *Skillion*

The roof slope needs to include a definition that refers to the 'pitch' or degree of fall in the "visible roof form" (visible from rear and 'publicly unseen' vistas). The degree should be between 15° and 20° and clearly identifiable as a roof slope or form.

c) *Pavilion*

Insert definition

#### Response

a) *Original:*

The term 'original' is used throughout the heritage conservation area chapters. This is problematic because not all significant fabric is original. The way that controls and objectives are worded and applied often result in the inappropriate removal of significant fabric that makes an important contribution to the conservation area because it is not 'original'.

The use of the term should be reviewed and updated throughout the DCP.

Insert note below into the following chapters:

B2 Neighbourhood HCAs – 2.1.3 Objectives

C1 Paddington HCA - 1.1.1 Background [Conservation philosophy]

C2 Woollahra HCA - 2.2.6 Conservation philosophy and management policy

C3 Watsons Bay HCA - 3.2.5 Management policy

Note: The term 'original' as used throughout the DCP refers to any significant fabric. This may be from a range of historic periods.

Review of all instances where the term is used.

*b) Skillion:*

Skillion roof is a commonly used architectural term that does not require definition.

A skillion roof should have a pitch greater than 5 degrees (this is to allow water to shed from a traditional corrugated profile). A range of skillion roof forms is appropriate in different situations. It is not appropriate to put an absolute range in the definition without a

*c) Pavilion:*

The terms 'pavilion style extension' or 'pavilion type form' are used in the Paddington, Woollahra and Watsons Bay HCA Chapters. The meaning of pavilion in these situations is an independent structure that is linked to but reads as separate from the principal building. The term pavilion does not relate to a particular style or materiality.

We support inserting a definition of pavilion into Chapter A3 Definitions.

A proposed definition for pavilion is:

Pavilion: A structure, usually located at the rear, which is separated from the principal building by a lightweight linking structure.

**Recommendation** Change

**Issue 2****Pavilions**

1. A pavilion should comply with Clause 11 A-E – and must be at the rear.
2. Control C12 should be amended to read: “A pavilion extension ~~should generally be~~ is single storey in height”
3. C14 should read: “the height of the linking structure must be below the first floor fascia ~~eaves of the principal building form~~; and As the existing control would suggest a two storey pavilion is permitted.
4. C13 should be amended to read: “Two storey pavilions are not permitted”.
5. If alterations and additions involving skillion roofs or pavilions are visible from the public domain they should not be permitted.

**Response**

We do not support changing the controls relating to pavilions for the following reasons:

1. The controls relating to pavilion additions in the Paddington HCA chapter clearly relate to additions at the rear of the property.
2. In some instances a two storey pavilion extension is an appropriate outcome. Pavilion style extensions are described in Chapter 1.3.1 Single storey buildings and in many cases a two storey addition separate from the single storey building is required to facilitate the ongoing use of the building. A two storey pavilion may be a better outcome than an attic extension or addition that alters the roof form of the single storey building.
3. The eaves of a building include the fascia and account for a variety of configurations, including exposed rafters which protrude below the fascia. For this reason it is appropriate that the linking structure is below the eave, which will ensure it is always below the lowest point of the roof structure.

As discussed above, a two storey pavilion extension is sometimes appropriate and therefore should be permitted by the controls.

4. As above.
5. The controls describe a pavilion style extension as an appropriate means of developing a site in a sensitive way that separates the addition from the significant building. The DCP should be encouraging good design solutions that recognise and respect the heritage value of the subject building and heritage conservation area. This should occur regardless of whether it is visible from the public domain.

**Recommendation** No change

**Issue 3****Section 1.3.7 Building in the William Street B4 Mixed Use zone, introduction.**

1. William Street is of boutique/residential character. The description of William Street should be amended to include the following: “William Street is a transition zone between the high street of Oxford Street, and, residential streets of Hopetoun, Dudley, Underwood and Paddington Streets.”
2. Insert: A fine-grained architecturally detailed Victorian heritage conservation area precinct, the vision for the street is of a ‘mixed residential and retail boutique heritage street that forms a transition from the ‘high or main street commercial character of Oxford Street (‘gazetted’ a state government street), and residential areas of Hopetoun, Paddington, Underwood, and Dudley.

**Response****1.3.7 Buildings in the William Street B4 Mixed Use zone**

William Street has the same land use zone (B4 Mixed Use) as Oxford Street. In essence, it is not a transition zone. The intention of the DCP is to maintain the residential built character of William Street. However, the DCP cannot regulate land uses and therefore it cannot ensure the retention of boutique/residential character. We do not support the proposed amendments which replicate information already contained in this section. Proposed amendments as follows:

Insert new bullet point:

- ▶ residential buildings

Insert “dwellings and” into the second sentence of paragraph four:

“This requirement is sought to retain the small scale and low key nature of dwellings and shops within the terraces by preventing amalgamation of buildings.”

Insert the word “commercial” into O6:

To ensure that ground floor commercial uses contribute to William Street’s boutique retailing character.

**Recommendation** Change

<p><b>Issue 4</b></p>	<p><b>Signage in William Street is hung at a minimum height and does not interrupt pedestrians.</b></p> <p>Insert the following additional control: <u>“A projecting sign should be no lower than 2.2 – 2.5m off pavement, and no higher than the height of the awnings or the fascia board between the floor of the verandah and the shop front window at ground floor level.</u></p> <p>Control C11, C)iv, delete the word ‘unreasonable’: iv) is mounted at a height that does not <del>unreasonably</del> interfere with pedestrian traffic and safety (generally at least 2.6m above natural ground level).</p>
<p><b>Response</b></p>	<p>Support deleting iv)</p> <p><del>Is mounted at a height that does not unreasonably interfere with pedestrian traffic and safety (generally at least 2.6m above natural ground level).</del></p> <p>And replace with:</p> <p>c) one projecting wall sign that:</p> <p><u>iv) is no lower than 2.6m off the pavement, and no higher than the partywall corbelling.</u></p>
<p><b>Recommendation</b></p>	<p>Change</p>
<p><b>Issue 5</b></p>	<p><b>Section 1.3.7 Building in the William Street B4 Mixed Use zone, delete C11 a)</b></p> <p>Delete the existing control: “one single sign with a maximum dimension of 700mm high by 450mm wide mounted adjacent to the front door; or” and replace with: <u>“one single sign with a maximum dimension of 500 high by 450 wide mounted or painted or positioned on wall alongside front door; or”.</u></p>
<p><b>Response</b></p>	<p>Support amending control C11(a) as follows:</p> <p>One single sign with a maximum dimension of <del>700mm</del><u>500mm</u> high by 450mm wide mounted <u>or painted</u> adjacent to the front door.</p>
<p><b>Recommendation</b></p>	<p>Change</p>
<p><b>Issue 6</b></p>	<p><b>The development application assessment process be amended to include full detail of all non-compliances to enable a complete understanding of what is being proposed.</b></p>
<p><b>Response</b></p>	<p>This is a procedural matter, and not a matter that can be addressed in the Draft Woollahra DCP 2014.</p>
<p><b>Recommendation</b></p>	<p>No change</p>

## 2. Ester Hayter – Paddington Society

### Chapter: C1 Paddington Heritage Conservation Area

**Issue 1**                      **Solar access requirements to private open space should not have been reduced from three to two hours.**

**Response**                      No change to the Draft DCP. Solar access requirements to adjoining private open space have been reduced from a minimum of three hours to two hours. This is consistent with solar access controls applied to other areas in the municipality (generally characterised by larger lot sizes) where sunlight to adjoining properties can be more readily achieved. Applying at least the same controls to the Paddington HCA is a practical response to the small lot sizes in Paddington.

**Recommendation**      No change

**Issue 2**                      **Controls for solar hot water systems, pool heating etc have been moved to chapter E6 under ‘solar devices’. The section heading should identify the development it addresses.**

**Response**                      Support amending the title of section E6.3 Solar energy systems to: Solar energy systems (including solar panels, solar hot water systems and solar heating systems) to improve cross-referencing.

**Recommendation**      Change

**Issue 3**                      **1.5.8 Materials, finishes and details, controls C6**  
The clause should be amended to allow the same materials to be used, but should not allow finishes, textures and details to be copied and poorly replicated.

**Response**                      Current control: C6 Infill buildings must use materials, finishes, textures and details appropriate to the building type and style. They must be similar to, but should not copy, the characteristic materials, finishes and textures of buildings within the streetscape.  
Support amending C6 in 1.5.8 as follows:  
Infill buildings must use materials, finishes, textures and details appropriate to the building type and style but should not replicate traditional details. ~~They must be similar to, but should not copy, the characteristic materials, finishes and textures of buildings within the streetscape.~~

**Recommendation**      Change

<p><b>Issue 4</b></p>	<p><b>1.3.2 Timber buildings</b></p> <p>Control C2 or its note should be amended, as the current wording may allow demolition of timber buildings where no physical or documentary evidence of an earlier state of the building or group can be found.</p> <p>Better wording is found in 1.5.1 Dormers and skylights, page 77 C5 which states:</p> <p>“The design, proportions and materials of new dormers, where permitted, must be based on traditional models and must be appropriate to the architectural style of the building and the building’s context (see Figures 12 and 13).”</p>
<p><b>Response</b></p>	<p>Support amending the note to state:</p> <p>Note: Reconstruction and restoration may be guided by <u>traditional models</u> <del>the existence of</del> <u>and</u> physical or documentary evidence of an earlier state of the building or architectural style <del>group</del>, if the building forms part of a group.</p>
<p><b>Recommendation</b></p>	<p>Change</p>
<p><b>Issue 5</b></p>	<p><b>Signage</b></p> <p>It is unclear if flashing signage is permitted in heritage conservation areas. This should be clarified in E7.3 Heritage conservation areas and on heritage items.</p>
<p><b>Response</b></p>	<p>Chapter E7, Section 7.2.1 Building identification signs and business identification, Control C35 states that signage must not involve:</p> <ul style="list-style-type: none"> <li>a) mechanical or animated flashing, pulsing or moving parts;</li> <li>b) neon tubes or fluorescent lighting (located either externally or in a shopfront window); or</li> <li>c) banners, flags or spotlights.</li> </ul> <p>This control applies to all areas including heritage conservation areas, therefore flashing signage is not permitted in heritage conservation areas.</p>
<p><b>Recommendation</b></p>	<p>No change</p>

<b>Issue 6</b>	<p><b>1.3.8 Commercial and industrial buildings including shops</b></p> <p>Control C21 states that “New buildings must maintain and reflect: D) existing setbacks (generally zero setbacks) to front and side boundaries.”</p> <p>Rear setbacks are not mentioned. Does this mean that development may build to the rear boundary? If so, controls for deep soil landscaping and open space are needed to address amenity considerations of development along Oxford Street that seek to build shop top housing at the rear of existing commercial development.</p>
<b>Response</b>	<p>Development on the rear boundary of shops along Oxford Street is permissible.</p> <p>We recognise that there are limited controls which relate to providing deep soil landscaping or courtyard areas in this location. We support reviewing the existing controls, however, this review cannot be undertaken prior to the meeting of the Strategic and Corporate Committee on 23 April 2015.</p>
<b>Recommendation</b>	No change

### 3. Hylde Rolfe – Sydney Harbour Association

#### Chapter: Chapter B3 General Controls

<b>Issue 1</b>	<p><b>The wording in DCP should allow consistency with Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</b></p> <p>Development should maintain AND enhance the foreshore, as opposed to maintain OR enhance.</p>
<b>Response</b>	<p>Recommend the following amendments to 3.10.2 Harbour foreshore development:</p> <p>O1 To protect <u>and enhance</u> the scenic quality of the natural landscape and built environment, particularly as viewed from Sydney Harbour.</p> <p>O3 To protect <u>and enhance</u> natural habitats and minimise disturbance on ecological communities.</p> <p>C1 Development as viewed from Sydney Harbour follows the natural topography and maintains <del>or</del> <u>and</u> enhances vegetation cover.</p> <p>C19 The existing tree canopy is maintained <del>or</del> <u>and</u> enhanced.</p>
<b>Recommendation</b>	Change

#### 4. Hylde Rolfe - Personal

##### Chapter: C3 Watsons Bay Heritage Conservation Area

**Issue 1**                      **In the controls for contributory items, the use of the word ‘ensure’ is inappropriate as the DCP has not ensured outcomes in a number of DAs.**

**Response**                      We note the outcome for certain contributory items has not reflected the literal wording of certain objectives. However, the assessment of each development application has been made using all relevant controls. Having regard to these controls, the site and its context, particular recommendations and decisions have been made.

Some of these have resulted in the demolition of contributory items, or alterations and additions of varying degrees. This approach is commonly applied for development in our heritage conservation areas and to the balance of the municipality.

**Recommendation**      No change

**Issue 2**                      **Contributory items 23 and 25 Victoria Street have been demolished, remove references to the houses. If relevant, retain references to the gardens.**

**Response**                      3.4.8 Precinct H: Victoria Street Waterfront

Support removal of the demolished houses from the list of contributory items, but retain references to the remaining vegetation.

23 Victoria Street  
~~Single storey interwar cottage ‘Villa Rose’, Palms, coral tree and Norfolk Island pine in beachfront garden~~

25 Victoria Street  
~~Single storey Mediterranean styled cottage Norfolk Island pines and coral tree in beachfront garden~~

**Recommendation**      Change

**Issue 3****Chapter C3 Watsons Bay Heritage Conservation area, 3.5.5 Built form**

If the rear setbacks of sites adjoining contributory items are 'under-developed', this should not facilitate redevelopment.

**Response**

In Section 3.5.5 Built form, control C18 establishes that rear setbacks are to relate to the existing building pattern. However, C19 identifies that there are opportunities to vary a rear setback in appropriate circumstances. For example, where a site directly adjoins properties which are underdeveloped and determining the rear setback based on the under developed sites may be unreasonable. Subclause c) identifies that the deeper rear setback is not to unreasonably impact on privacy, solar access or views of the adjoining properties. It is not reasonable to preclude development at the rear of a contributory item. Development to the rear of a contributory item is a more appropriate outcome than development at the front or side.

Each application would be assessed on its merit.

**Recommendation** No change

## 5. Malcolm Young - Double Bay Residents' Association

### Chapter: B3 General Development Controls

**Issue 1**                      **Include detailed provisions on acid sulphate soils (ASS) in the Draft DCP.**

**Response**

The presence of acid sulfate soils does not preclude excavation and additional provisions are not required in the Draft DCP.

The class of acid sulfate soils across the LGA is identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map. Clause 6.1 Acid sulfate soils of Woollahra LEP 2014 addresses this issue and identifies in which circumstances development consent is required. Development consent must not be granted unless an acid sulfate soils management plan has been prepared.

The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual 1998, which includes the Acid Sulfate Soils Assessment Guidelines.

The guidelines state that early consideration should be given to alternatives which avoid disturbance of acid sulfate soils. However, where development will occur in acid sulfate soil, the guidelines also identify how suitable environmental outcomes can be achieved.

The LEP provisions, Acid Sulfate Soil Manual and the Acid Sulfate Soils Assessment Guidelines are best practice measures and are applied throughout NSW. As these documents address the management of acid sulfate soils, this matter should not be duplicated with additional provisions in the Draft DCP. Further, under s74C of the *Environmental Planning and Assessment Act 1979* a provision in a DCP that duplicates or is substantially the same as the provision in an LEP has no effect.

**Recommendation**    No change

**Issue 2**                      **Increase side setback controls for residential development**

**Response**                      See Annexure 2

**Recommendation**    No change

## 6. Philip Mason – Double Bay Residents' Association

### Chapter: E7 Signage

<b>Issue 1</b>	<p><b>Include a new clause that does not permit buildings to be painted in garish colours. Suggest additional sub-clause in 7.2.1:</b></p> <p><i>The external painting of a building is taken to constitute a wall sign if any of the following apply:</i></p> <p><i>d) The use of loud, bright colours aims to create visual dominance and/or is in conflict with the character of the Double Bay Centre and the Vision Statement that "Double Bay is Sydney's stylish bayside village".</i></p>
<b>Response</b>	<p>Buildings can be painted as exempt development under Subdivision 27 Minor building alterations (external), of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP)</i>.</p> <p>The SEPP prevails over the DCP. Therefore if we included provisions which prevent a building being painted in corporate or garish colours, the provisions would be of no effect.</p> <p>The existing controls in Chapter E7 apply to the entire LGA and establish Council's strong opposition to this form of signage. It is not appropriate to include a site-specific clause relating to the Double Bay Centre.</p>
<b>Recommendation</b>	No change

## 7. George Karavanas and David O'Donnell – on behalf of the owner of Brougham

### Chapter: G6 4A Nelson Street and 118 Wallis Street

<b>Issue 1</b>	<p><b>Insert controls and objectives to encourage pedestrian access from 4A Nelson Street to the landscaped area which is part of 118 Wallis Street.</b></p>
<b>Response</b>	<p>A site specific DCP was prepared for 118 Wallis Street at the time of its proposed subdivision and redevelopment. That subdivision and development have now occurred. Relevant provisions of the DCP have been brought across to the new DCP, with recognition of the current subdivision ownership.</p> <p>It is not appropriate or necessary for the DCP to contain controls which encourage pedestrian access across private land in different ownership. The three overarching objectives of the DCP Chapter, including the conservation of Brougham and its mature garden setting, can be achieved without requiring pedestrian access between Brougham and the lawn area.</p> <p>The provision of pedestrian access across the site is not precluded by any provision in the DCP. It is a private matter between the adjoining land owners.</p>
<b>Recommendation</b>	No change

<b>Issue 2</b>	<b>A Landscape Heritage Management Plan and Impact Statement for the overall Building Curtilage heritage garden is to be submitted with any development application proposing landscaping works.</b>
<b>Response</b>	<p>An amendment to refer to a heritage landscaping plan has already been incorporated into part 6.3.4 Open space and landscaping, control C3 which states:</p> <p>“The two Norfolk Island Pins and the Camphor Laurel Tree (as identified in Section 6.2.1 of this chapter) are to be retained. The mature gardens are also to be retained and may be added to subject to a detailed heritage landscaping plan approved by Council.”</p>
<b>Recommendation</b>	No change
<b>Issue 3</b>	<p><b>Reinstate Comments from Conservation Management Plan</b></p> <p><b>Reinstate the following comments from the Conservation Management Plan:</b></p> <ul style="list-style-type: none"> <li>• <b>"The house and mature plantings should be retained."</b></li> <li>• <b>"No new developments should remove any of the existing mature 19th century planting from the site."</b></li> <li>• <b>"In any subdivision of the site the heritage significance of Brougham House must not be detrimentally affected."</b></li> </ul>
<b>Response</b>	<p>In response to the first two suggestions, Section 6.3.4: Open space and landscaping already suitably addresses this matter, and existing control C1 states:</p> <p>"The 19th century mature gardens in the centre of the site should be retained as a focus and enhanced to provide an appropriate setting to link and formalise the space between Brougham and new development."</p> <p>With regards to the subdivision, controls relating to subdivision are not in the Draft DCP as minimum subdivision standards are in the Woollahra LEP 2014. Furthermore, the impact of subdivision on the heritage significance of Brougham must be assessed under clause 5.10 (4) of Woollahra LEP 2014.</p>

## 8. Chris Howe – Building envelope controls

### Chapter: B3 General Development Controls

<b>Issue 1</b>	<b>Building envelope controls should be deferred and reconsidered.</b>
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<b>Response</b>	<p>The building envelope and floorplate controls 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 Woollahra LEP 2014 does not apply FSRs to land zoned R2 Low Density Residential (or to certain uses, including dwelling houses, in the R3 Medium Density Residential zone).</p> <p>In formulating these new controls, we reviewed recent development applications. In particular, applications that were approved despite a number of non-compliances with our current controls. This review allowed us to identify where our existing controls need adjusting, and where there are inconsistencies between the existing envelope controls and the relevant FSR controls. The proposed building envelope controls are a more accurate reflection of appropriate built form outcomes.</p> <p>In response to practitioner workshops, submissions, and further internal staff review, we have recommended a number of amendments to the exhibited version of the building envelope controls. These amendments will improve the operation, outcomes and practicality of the controls. The proposed building envelope and floorplate controls are an appropriate set of controls in the absence of an FSR control.</p> <p>The Woollahra LEP 2014 will commence on 23 May 2015. In accordance with the <i>Environmental Planning and Assessment Act 1979</i>, the new DCP must also be ready to commence on this date. Should Council defer the building envelope controls from the DCP, Council will have no mechanism for controlling built form for various dwelling types in the R2 Low Density Residential zone and the R3 Medium Density Residential zone.</p> <p>Should Council resolve to investigate a new approach to controlling building bulk, there should be a considered and detailed review after the new DCP has commenced. For example, to insert an FSR control would require an amendment to the Woollahra LEP 2014, involving the preparation of a planning proposal including a statutory public exhibition period.</p>
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<b>Recommendation</b>	No change
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**Issue 2****Practitioners did not provide broad support****Response**

Council officers have been reviewing and refining the suite of building envelope controls since 2009.

We presented the proposed building envelope controls to meetings of Councils' Strategic Planning Working Party on:

- 11 February 2014
- 27 August 2014 and
- 10 February 2015

To facilitate proactive feedback on the proposed controls we convened three practitioner workshops during the exhibition period to inform our review. These workshops were targeted at architects and town planners who regularly work and lodge development applications with Council, and were facilitated by Mr Rod Simpson, an independent and respected architect and urban designer. In total 20 practitioners attended these workshops.

Mr Chris Howe was one of five practitioners who attended the first workshop on 26 November 2014. The participants in this first workshop were the most critical of the proposed building envelope controls. Mr Howe expressed support for some elements of the controls e.g. setbacks, and concerns with others. As an alternative, Mr Howe suggested we introduce an FSR control. A FSR control would be a statutory control in the Woollahra LEP 2014. Another practitioner suggested setbacks, deep soil landscape and height controls. However, it should be noted that in 2009 Council resolved that the FSR controls should not apply to our residential zones, and Council should instead apply building envelope controls. The Department of Planning then directed that an FSR control must continue to apply to Zone R3 Medium Density, but Council can use building envelope controls to Zone R2 Low Density Residential.

During the practitioner workshops we received useful suggestions and critical feedback on elements of the proposed controls, however, there was no consensus on an alternative approach. Accordingly, we used the concerns and comments in the workshops to amend and improve the existing suite of controls. The amendments are identified in the covering report (and Annexure 3) to the UPC Meeting of 13 April 2015.

**Recommendation** No change

**Issue 1**

**Urban design should feature more prominently in the DCP**

- Reforms of the *Environmental Planning and Assessment Act 1979* will be likely, any new act will include design guides
- The professionally considered approach is to defer the amended DCP until any new planning act is delivered along with its attendant policies
- All authorities espouse design guides
- Banish the word control from the restriction of planning and design as it reflects the legacy and capture of building
- Distinct need for fresh view of planning, Council need a “big picture” approach
- The proposal is a regurgitation of the past 30 years
- DCP is meddling in triviality and the miniscule

**Response**

The Draft DCP is Council's main non-statutory document for regulating development and gives effect to the aims of the Woollahra LEP 2014. The Draft DCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The controls in the Draft DCP advocate a balance between well-designed buildings that are consistent with the desired future character of the area, and the amenity of adjoining residents.

The DCP contains provisions which will give effect to the aims of the Woollahra LEP 2014 which commences on 23 May 2015. Deferring the DCP is not appropriate.

A key objective of the DCP is to establish controls that provide a balance between flexibility and certainty in the development assessment process.

The DCP character statements provide the context for urban design across the municipality. Context statements are provided in Part B, Chapter B1 Residential precincts, Part C Heritage Conservation Areas and Part D Business Centres. These articulate the desired future character, encouraging high quality urban design that complements the existing character, whilst also allowing contemporary development where appropriate.

**Recommendation** No change

## 10. Bob Chambers – BBC Planners, Golden Sheaf and Paddington Inn

### Chapter: F3 Licenced premises

**Issue 1**                      **A definition for ‘intensification’ should be included in the DCP regarding licensed premises.**

**Response**                      The post exhibition amendment is sufficient to address this issue. Amended section “3.1.2 Development to which this chapter applies” states the following:  
“This chapter does not apply to the current operating conditions of existing licensed premises. Current operating conditions will only be considered where relevant to the determination of a DA. For example, a DA seeking the intensification of the current use such as extended trading hours or increased patron numbers.”

**Recommendation**      No change

## 11. Peter Rouse

### Chapter:

#### Issue 1

**Due to the proximity to residential uses, the risk rating for licensed premises in zone B4 Mixed Use should be medium to high (not low).**

#### Response

We note that the risk rating for the following land uses in the B4 Mixed Use zone is already “High”

- Hotels and clubs (irrespective of their capacity)
- On premises with a capacity of more than 100 patrons.

It is appropriate for the risk rating of on-licenses and small bars in the B4 Mixed Use zone to be “low”, due to their smaller scale of operation.

If an application for a small bar in the B4 zone is received (which directly adjoins land zoned for a residential use) Council may decide to restrict trading hours in a manner which is more restrictive than provided in the DCP. We support inserting a note into Section F3.3 Objectives and Controls to identify that the base hours shown in the table are not as of right.

*Note: The base and extended trading hours referred to in the above table are not an ‘as of right’. Where licensed premises are located in close proximity to low density residential zones, Council may impose more restrictive trading hours than those shown in the table.*

Further, as the Licensed Premises chapter of the draft DCP introduces land use controls that have not previously applied in the Woollahra LGA, it is appropriate to monitor its success and application e.g. a review 12 months after it commences.

The risk rating for small bars in the B4 Mixed Use zone is appropriate having regard to the zone objectives and the limitations on the capacity of small bars and other operating restrictions, e.g. no gambling.

**Recommendation** Change

<b>Issue 2</b>	<b>It is important for the local community to understand at what level would there be a prohibitive level of licensed premises in a B4 Mixed Zone, e.g. would 1 in 6 shops being used as licensed premises be seen as excessive.</b>
<b>Response</b>	An acceptable density of licensed premises cannot be simply quantified. Under Chapter F3 Licensed Premises, the assessment of any new application needs to take into account the cumulative impacts and the density of licensed premises in that particular situation. This will entail consideration of the number, nature and amenity impacts of existing licensed premises.
<b>Recommendation</b>	No change
<b>Issue 3</b>	<b>The trading hours for licensed premises in the B4 Mixed Use zone should be based on a 10pm closure.</b>
<b>Response</b>	The trading hours for licensed premises in the B4 Mixed Use zone, based on the risk ratings in the Licensed Premises Chapter, are appropriate having regard to the zone objectives.
<b>Recommendation</b>	No change
<b>Issue 4</b>	<b>When reviewing the Objectives and Controls the need to take into account NSW Police submissions, density and cumulative impacts of licensed premises is supported.</b>
<b>Response</b>	Noted. Control C1(i) of Chapter F3 Licensed Premises states that applications for licensed premises will be referred to NSW Police for comment. Any comments provided must be considered as part of the determination.
<b>Recommendation</b>	No change
<b>Issue 5</b>	<b>The impact of patrons from the nearby CBD Entertainment precinct spilling over into Oxford Street</b>
<b>Response</b>	The CBD Entertainment Area is outside the Woollahra Local Government Area. Should the movement of patrons from the CBD Entertainment Area into Oxford Street become problematic, advice from NSW Police is considered in the assessment of any development application.
<b>Recommendation</b>	No change

<b>Issue 6</b>	<b>A shift in the mix of shop fronts (an increase in licensed premises) would have a serious impact on the local amenity of residents.</b>
<b>Response</b>	Market forces will largely determine the mix of shops/uses. The permissibility of a broader range of uses, including an increase in properly operated licensed premises uses, is a potential outcome of the B4 Mixed Use zone. Diversity of land uses, including food and drink premises, is a key element in achieving vibrant and active centres.
<b>Recommendation</b>	No change
<b>Issue 7</b>	<b>The impact of operations associated with activities such as deliveries and rubbish removal outside of trading hours need to be considered</b>
<b>Response</b>	Objectives O4 and O5 and controls C7, C9, C10 and C11 of Chapter F3 Licensed Premises seek to address the amenity of the surrounding area including ancillary activities such as deliveries and waste collection
<b>Recommendation</b>	No change

## 12. Peter Poland

### Chapter C3 Watsons Bay HCA

<b>Issue 1</b>	<b>Page 8 – Defence Insert 'Base of the winch house'</b>
<b>Response</b>	Support clarifying that at Green (Laings) Point the remnants are the base of a Winch House. Amend text to state:  An anti-torpedo and midget submarine boom net stretching across Sydney Harbour was also constructed at Green (Laings) Point during World War II, evidence of which can be seen in the remnants <u>of the base</u> of a Winch House.
<b>Recommendation</b>	Change
<b>Issue 2</b>	<b>3.2.4 Key heritage values - item 6 page 11 Insert: 'Governor Phillip'</b>
<b>Response</b>	Support amending the reference to Governor Phillip. Amend text to state:  Strong sense of history represented in historic road alignments, built character and monuments such as South Road obelisk, <u>Governor Phillip</u> Memorial.
<b>Recommendation</b>	Change

<b>Issue 3</b>	<b>3.4.19 Precinct T, page 126.</b> <b>Paragraph one replace “cottage” with “cottages”</b>
<b>Response</b>	Support change to clarify that there are two cottages in this location. Amend text to state:  The natural topography of the west (harbour) edge and the peninsula (South Head) is marked by the historic Hornby Light and associated lighthouse keeper’s cottages.
<b>Recommendation</b>	Change

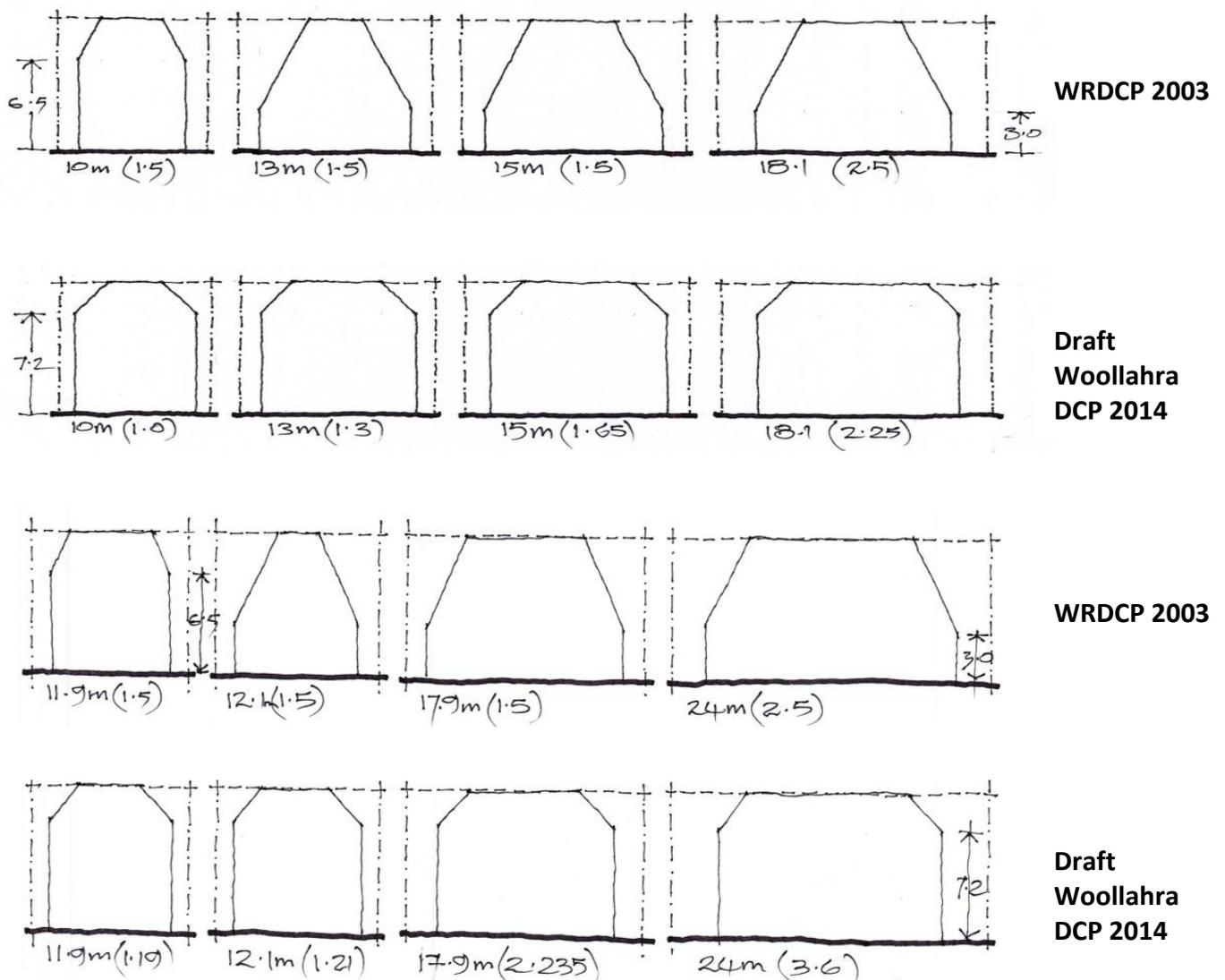
## Annexure 2: Response to Double Bay Residents' Association regarding side setback controls for residential development

A comparison of the side setback controls between the Woollahra Residential DCP 2003 and Draft Woollahra DCP 2014 is provided below. The comparison diagrams below (and Table 1 containing all the setbacks) illustrate comparative setbacks for the Manning Road precinct in Double Bay.

This comparison illustrates that the proposed side setbacks at ground level are both less and greater than those in the WRDCP 2003. This is because we are proposing to replace the current side setback controls with a side setback sliding scale which is a percentage of site width. To fully understand the effect of the side setback on the whole building, the setbacks at ground, first, second and roof levels all need to be considered, and not just the side setbacks at 7.2m above ground level (as identified in the submission from Mr Young).

The following diagrams illustrate and compare the side setback controls of WRDCP 2003 and Draft WDCP 2014, as they apply to residential parcels of various widths.

Note: these images show the building envelope and **not** the built form



The side setback controls are one part of an integrated set of building envelope controls, and it is not possible to alter one control without considering the impacts on all other related controls.

It is important to note that the building is only able to occupy a portion of the building envelope, and the diagrams above are not the actual building. Accordingly, the side setbacks identified are a “minimum”, which will need to be increased based on the particular site conditions. For example, a house must be positioned within the envelope to take into account:

- streetscape character
- view sharing
- solar access
- articulation
- privacy
- topography and
- retention of significant vegetation.

### **Side setback sliding scale**

The proposed side setback sliding scale is appropriate because:

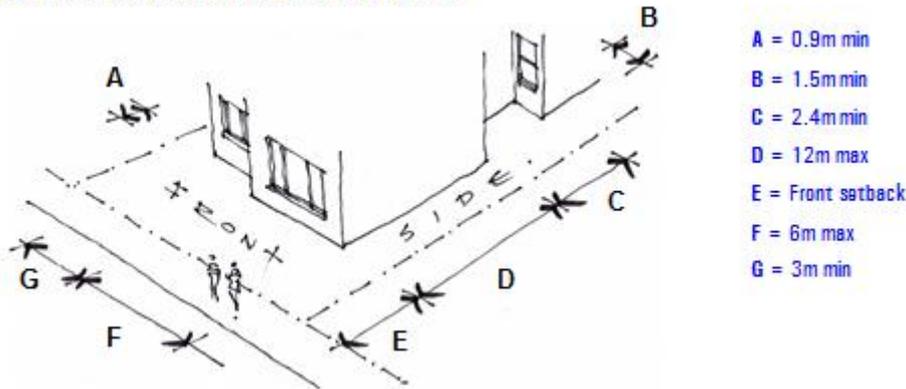
1. A side setback that is proportional to the site width creates a building envelope which is proportional to the size of the site.
2. The current stepped or “wedding cake” side setbacks, produce an impractical built form where the external wall is not on top of the wall below. This creates small roofs or balconies that face the immediate neighbours, resulting in amenity issues such as overlooking. The stepped side setbacks are therefore not enforced, resulting in buildings with reduced side setbacks.
3. The current side setback requirements change significantly when the site width is over 12m. As shown in Table 1 below, a small increase in site width can dramatically increase the setback requirement on the upper levels. There is no reasonable justification for this, and it is therefore difficult to enforce. The same disparity occurs at 18m when the 1.5m side setback increases to 2.5m (in some precincts 3.0m). The proposed controls are more equitable and provide consistency.
4. The current 1.5m minimum side setback is not practical on narrower sites where the side setback can account for a third of the site width. This can reduce the building to the width of a single room width. The Building Code of Australia (BCA) requires a setback of 0.9m when there is an opening in the wall. The new controls are consistent with the BCA, requiring a minimum side setback of 0.9m for sites with a width of 9m or less.
5. The current side setback controls are confusing and can be interpreted in a number of different ways. The use of “pro rata basis” and “part thereof” confuses the intention of the control. The proposed side setback controls provide certainty.

### Additional controls

In response to issues raised during the public exhibition period, the building envelope controls were refined to protect and improve the amenity of adjoining dwellings.

1. A new sidewall articulation control was introduced. This control requires the wall of the building to be setback a further 1.5m beyond the side setback when the building is more than 12m deep. (see diagram below) [B3.2.3.C5].

Articulation requirements to front and side elevations



2. A new control regarding the orientation of windows from habitable rooms was introduced. This control requires habitable rooms to face the front or rear boundaries. This separates the windows of habitable rooms, so mitigating impacts associated with privacy and solar access. B3.5.4.C4(a)

The proposed side setback controls are appropriate and practical, and respond to the issues currently experienced with the Woollahra Residential DCP 2003 (WRDCP 2003).

Height of setback above ground		Site width m							
		10.0	11.9	12.1	13.0	15.0	17.9	18.1	23.0
0.0m	WRDCP 2003	1.5	1.5	1.5	1.5	1.5	1.5	2.5	2.5
	Draft WDCP 2014	1.0	1.19	1.21	1.3	1.65	2.22	2.28	3.45
3.0m	WRDCP 2003	1.5	1.5	1.5	1.5	1.5	1.5	2.5	2.5
	Draft WDCP 2014	1.0	1.19	1.21	1.3	1.65	2.22	2.28	3.45
6.0m	WRDCP 2003	1.5	1.5	3.0	3.0	3.0	3.0	4.0	4.0
	Draft WDCP 2014	1.0	1.19	1.21	1.3	1.65	2.22	2.28	3.45
7.2m	WRDCP 2003	1.85	1.85	3.6*	3.6*	3.6*	3.6*	4.6	4.6
	Draft WDCP 2014	1.0	1.19	1.21	1.3	1.65	2.22	2.28	3.45
9.5m	WRDCP 2003	3.0	3.0	4.75	4.75	4.75	4.75	5.75	5.75
	Draft WDCP 2014	3.3	3.49	3.51	3.6	3.95	4.52	4.58	5.75

**Table 1: Side setback controls in the WRDCP 2003 and Draft WDCP 2014**

- \* this is a different figure to the figure of 4.0m in the submission from Mr Malcolm Young. Council officers usually consider that the “pro rata basis” in control C5.2.5 means it applies to the height as well as the setback.

**Political Donations – matters to be considered by Councillors at Meetings**

