

# Environmental Planning Committee



## Agenda

Monday 15 April 2019

6.00pm

Part One of Two

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

- The Chairperson will call the Meeting to order and ask the Committee Members and/or Staff to present apologies and/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 (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated 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):**

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic planning matters including those initiated at State and Federal Government level.
- Urban design studies.
- Planning proposals and local environment plans.
- Development control plans and guidelines.
- Development contribution plans.
- Heritage conservation studies, assessments and controls.
- Commercial centres' studies.
- Residential studies and strategies.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Flood Management Strategies.
- Recreation Policies and Strategies.
- Sustainability Policies and Strategies.
- Transport Strategies.
- Tree Policies and Strategies.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters requiring supplementary votes to Budget.
- Matters not within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

### **Delegated Authority to be determined at Committee level ("D" Items):**

- 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.
- Statutory reviews of Council's Delivery Program and Operational Plan.
- Any other matter falling within the responsibility of the Environmental Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

**Environmental Planning Committee Membership:** 7 Councillors

**Quorum:** The quorum for Committee meeting is 4 Councillors

# Woollahra Municipal Council

## Notice of Meeting

11 April 2019

To: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio  
Councillors Susan Wynne (Chair)  
Mary-Lou Jarvis (Deputy Chair)  
Luise Elsing  
Nick Maxwell  
Matthew Robertson  
Mark Silcocks  
Toni Zeltzer

Dear Councillors,

### **Environmental Planning Committee – 15 April 2019**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Monday 15 April 2019 at 6.00pm.**

Gary James  
General Manager

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# Meeting Agenda

## Part One of Two Parts

Item	Subject	Page
1.	Leave of Absence and Apologies	
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3.	Declarations of Interest	

### Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 1 April 2019 - 19/43390 .....	7
D2	Delivery Program 2018 to 2021 and Operational Plan 2018/19 (DPOP) Quarterly Progress Report March 2019 against Goal 4 - Well planned neighbourhoods, Goal 7-Protecting our environment, Goal 8 - Sustainable use of resources and Goal 9 - Community focused economic development - 19/52888.....	9
D3	Delivery Program 2018 to 2021 and Operational Plan 2019/20 - 19/54228.....	123

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

R1	Public Exhibition of the Planning Proposal for Heritage Listing of Gaden House, 2A Cooper Street, Double Bay - 19/51333 .....	139
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## **Meeting Agenda Part Two of Two Parts**

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R3	Supplementary report - Proposed Amendments to Woollahra LEP 2014 and Woollahra DCP 2015 including the introduction of an FSR control for low density development - 19/39733 .....	533
R4	Draft Night-time Economy Policy - 19/53973.....	661

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**Item No:** D1 Delegated to Committee  
**Subject:** **CONFIRMATION OF MINUTES OF MEETING HELD ON 1 APRIL 2019**  
**Author:** Sue O'Connor, Secretarial Support - Governance  
**File No:** 19/43390  
**Reason for Report:** The Minutes of the Environmental Planning Committee of 1 April 2019 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 Environmental Planning Committee Meeting of 1 April 2019 be taken as read and confirmed.





**Item No:** D2 Delegated to Committee  
**DELIVERY PROGRAM 2018 TO 2021 AND OPERATIONAL PLAN 2018/19 (DPOP) QUARTERLY PROGRESS REPORT MARCH 2019 AGAINST GOAL 4 - WELL PLANNED NEIGHBOURHOODS, GOAL 7-PROTECTING OUR ENVIRONMENT, GOAL 8 - SUSTAINABLE USE OF RESOURCES AND GOAL 9 - COMMUNITY FOCUSED ECONOMIC DEVELOPMENT**

**Subject:** NEIGHBOURHOODS, GOAL 7-PROTECTING OUR ENVIRONMENT, GOAL 8 - SUSTAINABLE USE OF RESOURCES AND GOAL 9 - COMMUNITY FOCUSED ECONOMIC DEVELOPMENT

**Authors:** Petrina Duffy, Coordinator Integrated Planning & Reporting  
Helen Tola, Manager - Governance & Council Support

**Approvers:** Allan Coker, Director - Planning & Development  
Tom O'Hanlon, Director - Technical Services

**File No:** 19/52888

**Reason for Report:** To review the status of the Priorities and Actions in Council's Delivery Program 2018 to 2021 and Operational Plan 2018/19 for the three months ending 31 March 2019.

**Recommendation:**

THAT the March 2019 Quarterly Progress Report on Goal 4 - Well planned neighbourhoods, Goal 7 - Protecting our environment, Goal - 8 Sustainable use of resources and Goal 9 - Community focused economic development of Council's Delivery Program 2018 to 2021 and Operational Plan 2018/19 be received and noted.

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**1. Background**

Council adopted its Delivery Program 2018 to 2021 and Operational Plan 2018/19 (DPOP) in June 2018 in accordance with the Integrated Planning and Reporting (IP&R) Legislation for NSW Local Government. The Delivery Program and Operational Plan are two of the key strategic planning documents that comprise Council's IP&R framework.

It is a requirement under the IP&R legislation that Council report on the progress of its Delivery Program at least every six months. In response to this requirement, and in order to ensure that Council's reporting to the community is transparent, timely and manageable under the legislation, progress reports on the DPOP are presented to Council quarterly for the periods ending 30 September, 31 December, 31 March and 30 June each year.

The framework for quarterly progress reports is consistent with the structure of the Delivery Program and Operational Plan developed around the following interrelated themes and supporting goals:

**Theme: Community well-being**

Goal 1: A connected, engaged and harmonious community for all ages and abilities

Goal 2: A supported, enabled and resilient community

Goal 3: A creative and vibrant community

**Theme: Quality places and spaces**

Goal 4: Well planned neighbourhoods

Goal 5: Liveable places

Goal 6: Getting around

**Theme: A healthy environment**

Goal 7: Protecting our environment

Goal 8: Sustainable use of resources

**Theme: Local prosperity**

Goal 9: Community focused economic development

**Theme: Community leadership & participation**

Goal 10: Working together

Goal 11: A well-managed Council

Council's Quarterly DPOP Progress Report, as at 31 March 2019, for Goal 4, Goal 7, Goal 8 and Goal 9, being the goals most relevant to the new Environmental Planning Committee, is provided as **Annexure 1**.

Progress comments for all DPOP actions are provided in the tables of **Annexure 1**. Council officers provide updates on these comments on an on-going basis for internal management purposes, with the comments collated at the end of the quarter for reporting to Council and the community.

A tick in the final column of the table in **Annexure 1** headed "Updated Comments" indicates the comments relating to that action have been updated since the previous quarterly report to Council. The purpose of the tick is to enable Councillors and other readers of the report to easily identify where an action status has been updated.

## 2. Adopted notices of motion (NOM)

As previously reported to Council, adopted notices of motion (NOM) which are strategic and/or project based are included as additional actions in the DPOP and reported on through the Quarterly Progress Report.

Goals 1, 2, 3, 5, 6, 10 and 11 being reported to the Finance, Community & Services Committee, and Goals 4, 7, 8 and 9 being reported to the Environmental Planning Committee.

Realignment of the following Notices of Motion has occurred during the third quarter given the synergy with the Environmental Planning Committee structure: New Sub Committee Focusing on Small Business; Creative hoardings; Agent of Change – Sound Attenuation, Hydrogeological report on Double Bay dewatering. These Notices of Motion will be reported via the Environmental Planning Committee rather than the Finance, Community & Services Committee moving forward.

During the period 1 January to 31 March 2019, three (3) new NOMs were adopted by Council which align with the Environmental Planning Committee. **Annexure 2** provides progress comments for NOMs which relate to the Environmental Planning Committee.

## 3. Goal 4 – well planned neighbourhoods

### 3.1 Strategic Planning

#### 3.1.1 Projects and services

During the quarter the strategic planning team focussed on the following matters:

- Managing the community engagement on and preparing the Council's Local Strategic Planning Statement.
- Contributing to preparation of the Community Participation Plan.
- Finalising the work on reintroducing floor space ratios for dwelling houses, dual occupancies and semi-detached dwellings.
- Responding to requests for planning proposals.
- Undertaking further work on amendments to Woollahra LEP 2014 and Woollahra DCP 2015 in response to the Low Rise Medium Density Housing Code.
- Coordinating planning proposals for Dunara Reserve in Point Piper and Gaden House in Double Bay.
- Coordinating the consultants commissioned to carry out the Paddington Hotels Project.
- Coordinating the consultants commissioned to carry out the heritage assessment for Cooper Park.
- Continuing our service of providing heritage and urban design advice on DAs and applicant enquiries.
- Responding to Council's NOM on preparing a Night Time Economy Policy
- Responding to the Council's NOM on Double Bay dewatering.
- Responding to notices of motion.

Reports were presented to the Environmental Planning Committee on the following matters:

Date	Subject
4/02/2019	Reporting advice from the Woollahra Local Planning Panel on the Four in Hand Hotel Planning Proposal
18/02/2019	Second quarter Delivery Program and Operational Plan
4/03/2019	Amendments to Woollahra LEP 2014 and Woollahra DCP 2015 – FSR controls for low density residential development
18/03/2019	Amendments to Woollahra LEP 2014 and Woollahra DCP 2015 – low rise medium density housing

### 3.1.2 District and regional planning - major projects in 2019

We have previously reported to the Environmental Planning Committee on requirements for councils to carry out a number of significant strategic planning actions. These actions are set by provisions in the *Environmental Planning and Assessment Act 1979* and the District Plans. The following table lists these actions and the timelines set by the Department of Planning and Environment or by legislation.

Action		Timeframe
1	Woollahra Plan Review – compliance with the Eastern City District Plan	31 December 2018
2	Local strategic planning statement	1 December 2019
3	Community participation plan	1 December 2019
4	Housing strategy	2 years
5	Local environmental plan amendment	December 2020 submission of planning proposal

Each action is listed in the DPOP (**Annexure 1**) and progress comments are provided. Action 1 has been completed. An assurance approval was issued by the Greater Sydney Commission on 21 December 2018.

Work on the local strategic planning statement proceeded throughout the quarter and included Councillor workshops on 25 February and 25 March 2019.

Strategic Planning staff have contributed to the preparation of the community participation plan which is being produced in the Corporate Services Division.

### 3.1.3 Strategic Planning Department projects and staff resourcing

On 11 March 2019 the Council adopted a notice of motion relating to staff resourcing and projects being undertaken by the Strategic Planning Department. A report on this decision was presented to the Environmental Planning Committee meeting on 1 April 2019. The report included a table of actions with estimates on whether they could be completed by 30 September 2019.

The project target dates provided in the third quarter DPOP report have regard to this approach but importantly are based on current staff establishments. If staff numbers are increased during the next quarter, the project target dates will be reassessed for the fourth quarter DPOP.

## 3.2 Development Control

### 3.2.1 Workload and Productivity

The following table shows the number of DAs and s.4.55 applications lodged compared to the number of DAs determined during this quarter.

Quarter	No. DAs Lodged	No. DAs Determined	No. s.4.55 Lodged	No. s.4.55 Determined
3rd 18/19	105	110	65	69

The following table shows both DAs and modification applications lodged and determined during this quarter.

Quarter	Total applications Received	Total applications Determined
3rd 18/19	170	179

### 3.2.2 Who made the decisions?

The following table shows where decisions on DAs were made during the last quarter

Level of Delegation	Total No of DAs	% of total	Approved	Refused
Staff	77	70%	70	7
Application Review Panel	15	13.5%	15	0
Application Assessment Panel	4	3.5%	4	0
Local Planning Panel	13	12%	11	2
Sydney Eastern City Planning Panel	1	1%	0	1
<b>Total</b>	<b>110</b>	<b>100%</b>	<b>100</b>	<b>10</b>

Note: The above figures do not include DAs which were rejected within 7 days of lodgement or withdrawn. In total 11 DAs were rejected or withdrawn.

### 3.2.3 Appeals

The following table shows the number of appeals lodged and determined during the quarter. Of the five (5) appeals which were upheld four (4) were via a Section 34 Agreement, which was a positive planning outcome. Specific details of all appeals are tabled in the quarterly report to the EPC.

<b>No. of Appeals lodged</b>	<b>12</b>
<b>No. of Appeals determined</b>	<b>8</b>
<b>No. of Appeals upheld</b>	<b>5</b>
<b>No. of Appeals dismissed</b>	<b>0</b>
<b>No of Appeals discontinued</b>	<b>3</b>

### 3.2.4 Turnaround times

**Annexure 3** provides graphical presentations of development activity turnaround times for the December quarter supporting the Progress Comments relevant to Priority 4.1.2 – Deliver high quality and timely development assessment.

The following table provides a summary of the net and gross mean processing times in days for all determinations:

	1 <sup>st</sup> Qtr 17/18	2 <sup>nd</sup> Qtr 17/18	3 <sup>rd</sup> Qtr 17/18	4 <sup>th</sup> Qtr 17/18	1 <sup>st</sup> Qtr 18/19	2 <sup>nd</sup> Qtr 18/19	3 <sup>rd</sup> Qtr 18/19	17/18FY
<b>Overall</b>								
Net Mean	106	121	99	112	104	113	<b>118</b>	<b>109</b>
Gross Mean	137	152	124	141	123	131	<b>133</b>	<b>138</b>
<b>Staff Delegated</b>								
Net Mean	82	79	79	78	67	65	<b>89</b>	<b>80</b>
Gross Mean	115	99	100	106	85	84	<b>104</b>	<b>105</b>
<b>ARP</b>								
Net Mean	151	213	174	137	164	209	<b>233</b>	<b>168</b>
Gross Mean	179	271	205	182	196	233	<b>268</b>	<b>209</b>
<b>AAP</b>								
Net Mean	339	248	254	246	236	290	<b>229</b>	<b>271</b>
Gross Mean	420	281	277	296	242	304	<b>278</b>	<b>318</b>
<b>DCC</b>								
Net Mean	106	213	131	NA	NA	NA	<b>NA</b>	<b>NA</b>
Gross Mean	127	260	143	NA	NA	NA	<b>NA</b>	<b>NA</b>
<b>Council</b>								
Net Mean	180	177	0	NA	NA	NA	<b>NA</b>	<b>NA</b>
Gross Mean	206	345	0	NA	NA	NA	<b>NA</b>	<b>NA</b>
<b>WLPP</b>								
Net Mean			133	195	185	192	<b>149</b>	<b>0</b>
Gross Mean			198	236	200	228	<b>183</b>	<b>0</b>

Note: Net Mean - is the total processing time which excludes the number of days the applicant is given to provide further information (Stop the Clock letter). Gross Mean - is the overall processing time with no deductions.

Overall net and gross mean processing times in the current quarter have slightly increased when compared to the processing times of the previous quarter.

In terms of processing times at each tier of delegation, an increase has occurred for applications being determined under Staff delegation including ARP, whereas a decrease has occurred at both the AAP and LPP tiers of delegation.

The increase in overall processing times can be attributed to the following factors:

- Referral turnaround times are too high, directly affecting processing times.
- A significant increase in the processing times for applications determined under Staff delegation (an increase of 24 days when compared to the previous quarter). This has a direct influence on the overall processing times.

- A significant number of applications were aged applications (>300 days). These have a direct influence on the overall processing times.
- The high number of Class 1 appeals and s.4.55 applications.
- The extended advertising/notification period for DAs lodged during the Christmas/New Year period.
- A high proportion of staff being on extended leave during the Christmas/New Year period.

The above figures clearly illustrate that Council's adopted delivery service standard of 70 days is not currently being met.

In September 2018, Development Control engaged an external consultant, Abraxa Management Consulting, to review the Development Application process with the key objective being to reduce the processing times for the determination of DAs so we can meet Council's adopted target of 70 days. The review was required to:

1. Carry out an overview of Council's development assessment process, including an overview of the following stages:
  - Pre-Lodgement
  - Lodgement
  - Notification and Referrals
  - Assessment
  - Determination
  - Post Determination
2. Examine workloads, resources and turnaround times for each stage.
3. Determine Council's performance against the best practice guidelines published by the Department of Planning.
4. Determine where the future focus should be to improve turnaround times.

A draft report was tabled by Abraxa Management Consulting in late December 2018, and a workshop with key staff including senior management, was held in early February 2019 to discuss its key findings.

In summary, the report concluded that the average processing times are significantly impacted when a referral is required and the number of applications resulting in a referral is also too high. As a result of the current work methods, this again has increased the average processing times significantly.

Furthermore, the key findings and the recommendations in the report, have been reviewed by senior management and relevant procedures/processes are being developed and put in practice. It is anticipated that once the backlog of aged referrals and DAs are cleared, there will be significant improvement in the overall DA processing times but this may not be evident statistically until the 1<sup>st</sup> Quarter in 2019/20.

It should also be acknowledged that considerable additional staff resources have been engaged by Council to address the current backlog of referrals and DAs. Council's Director of Technical Services has provided the following advice:

***Comment from Director Technical Services***

*The review of Council's DA processes conducted by Abraxa Consulting in late 2018 identified a number of process improvements within the management of referrals by the Development Engineering, Traffic and Trees/Landscape teams. These improvements are being worked through presently in conjunction with the Development Control team. In February 2019, having reviewed the findings of the external review and in response to concerns raised by Councillors, senior management formed the view that, notwithstanding the recommended process improvements, existing staff resources would not be sufficient over the long term to deal with the ongoing workload and would definitely not be sufficient to address a critical backlog of open referrals. Consequently, the General Manager authorised the Director Technical Services to deploy whatever additional resources were available in the short term and authorised the recruitment of a new permanent staff member in each of the Development Engineering and Trees/Landscape teams.*

*The following actions have been undertaken to date;*

***Development Engineering & Traffic***

- 1. Staff worked nights and weekends throughout February and March.*
- 2. A consultant traffic engineer was engaged throughout March.*
- 3. A temporary development engineer was engaged through an agency for a six week period. It is noted that there had been numerous attempts to do this over the preceding 12 months without success. In this instance we were fortunate to secure the services of an individual who was transitioning between permanent jobs.*
- 4. A new permanent Development Engineer position was advertised. Advertisements closed on 5 April and are being assessed at the time of writing. The draft 2019/20 budget allows for this position.*

*The effect of these actions is that the total number of open referrals for the Development Engineering and Traffic teams has reduced from 117 at 14 February to 29 as at 8 April. It is the view of the Director Technical Services that, with the backlog effectively dealt with and with an additional permanent resource, the turnaround times in future will remain within acceptable parameters.*

***Landscape and Trees***

- 1. A number of referrals were issued to external consultants. It is noted that the availability of capable consultants is very constrained so the effectiveness of this strategy has been limited.*
- 2. Staff worked additional hours.*
- 3. A new permanent position was advertised. Advertisements closed on 8 April. The draft 2019/20 budget allows for this position.*

*The effect of these actions is that the total number of open referrals for the Trees/ Landscaping has reduced from 83 at 14 February to 45 as at 8 April. It is the view of the Director Technical Services that the backlog needs to be further reduced in the short term. We will therefore continue to deploy additional resources until the new permanent position is filled. If the number of open referrals can be reduced to 20 and a new staff member is engaged, the situation will be sustainable and turnaround times will remain within acceptable parameters.*

#### 4. Goal 7 – protecting our environment

During the quarter, some key highlights achieved included:

- Rose Bay Beach Working Party continues to meet and implement the Water Quality Action Plan. Council has commenced investigations to upgrade the Caledonian Road gross pollutant trap.
- Thirteen environmental education events were held in the local community, covering a wide range of environmental issues, including a microplastics information session, snorkelling with a marine biologist, beach clean-ups and an organic gardening workshop.
- Council commenced a project to develop a comprehensive environmental and biodiversity monitoring program for the Woollahra LGA.

#### 5. Goal 8 – Sustainable use of resources

During the quarter, some key highlights achieved include:

- A lighting upgrade was undertaken at the AIF to reduce energy use, saving approximately \$22,000 and 120kWh of energy per year.
- Two community workshops were held to educate the local community about solar power and other household energy reduction methods, with over 120 participants attending.
- Council commenced a program to phase out single use plastics. This included development of guidelines for single use plastic free events, elimination of single use plastics within the Council chambers, and purchase of sustainable event kits (including cups, plates, cutlery) for staff to use at events.

#### 6. Goal 9 – Community focussed economic development

##### 6.1 Double Bay Place Plan

**Annexure 4 – Double Bay Place Plan** includes Actions under Priority 9.1.5 *Implement the strategies, priorities and actions for which the Council is responsible for in the Double Bay Place Plan*. Council's actions are generally found in themes 1, 2 and 3 relating to *Governance, People* (things to do) and *Planning and Centre Beautification*.

It is pleasing to note that considerable progress continues to be made on the implementation of the Double Bay Place Plan. Actions which have been undertaken in this quarter are identified in **bold** font.

Place Plan Reference	Priorities
<b>Theme 1</b>	<b>A review of the Double Bay Place Plan has been undertaken through the Double Bay Working Party</b>
1.1.1	<ul style="list-style-type: none"><li>• Placemaking Team established</li><li>• <b>The Double Bay Working Party continued to meet on a regular basis</b></li><li>• <b>Improvements have been made to the administration of Working Party meetings</b></li><li>• <b>The Placemaking Team continued to meet on a regular basis</b></li></ul>
1.1.2	<ul style="list-style-type: none"><li>• Staff provided assistance to the organiser of Double Bay Good Food Week</li><li>• <b>Negotiating with Sydney East Business Chamber changes to their 2018/2019 Business Plan in response to Council's funding decision</b></li></ul>
1.2.2	Staff have provided further assistance to the Double Bay and Districts Chamber of Commerce in relation to the development of its 2017/18 business plan and in relation to the preparation of its funding application.
1.3.1	<b>Further development, monitoring and reporting of data through the analysis the free wi-fi service - ongoing</b>



Place Plan Reference	Priorities
2.2.1	Showcasing of works from the small sculpture prize
2.2.1	Decision to not appoint an additional person for arts and cultural activities
2.3.1	Simplification of Council's footway licence process
2.3.1	Simplification of process for display of goods on the footway
2.3.1	Chinese New Year/Cultural Day with food stalls in Knox Lane
2.4.1	Reported on responses to the Placemaking Grants program which resulted in approval of a fashion event in Double Bay
3.2.1	Economic study completed and Council decision on 28/9/15 to review planning controls and prepare an engagement strategy
3.2.1	The development of urban design options using a 3D visualisation model and 3D renders to inform the review of planning controls. Preparation of a draft community impact statement associated with a potential increase in height and FSRs. Preparation of a transport brief to assess the transportation implications of increased building densities.
3.4.1	<ul style="list-style-type: none"><li>• <b>A draft quotation has been prepared for the review of commercial waste practices to improve the amenity of laneways</b></li><li>• <b>Cleaning and sealing of footpaths in Cross and Bay Streets was undertaken</b></li></ul>
3.4.2	<ul style="list-style-type: none"><li>• New late night trading guidelines included in consolidated DCP</li><li>• <b>Work continued on the development of a night time economy strategy</b> Late night trading controls included in chapter F.3 of consolidated DCP.</li></ul>
3.4.3	Council on 9/5/16 decided to procure and install a CCTV network in the Double Bay commercial centre
3.5.1	<ul style="list-style-type: none"><li>• The preparation and adoption of a new comprehensive public domain strategy. Consultation on the proposed upgrade of Guilfoyle Park has been completed.</li><li>• Work on stage 1 of the Guilfoyle Park upgrade has been completed.</li></ul>
3.5.3	Pots and plants have been installed to green New South Head Road
3.5.4	<b>The following actions have been taken to implement the Double Bay Lighting Strategy:</b> <ul style="list-style-type: none"><li>• Bud lighting has been installed in Knox Street and is operational.</li><li>• There have been a series of meetings with the home owners' corporation of the Cosmopolitan Centre and design details for lighting the facade are being finalised for approval.</li><li>• Bud lighting has been installed in Bay Street between the wharf and William Street.</li><li>• Colourful spectrum uplighting has been installed to a significant Moreton Bay fig tree in Steyne Park.</li><li>• Floodlighting to the cenotaph in Steyne Park has been installed and is operational.</li><li>• The 18 Footers sailing club have re-instated soffit lighting adjacent to the wharf.</li><li>• A contract was issued for lighting the Marathon steps.</li><li>• Staff negotiated with two property owners in relation to the installation of façade lighting.</li><li>• Façade lighting of the Cosmopolitan Centre has been completed and is operational.</li><li>• Bud lighting has been installed to an additional two trees in Bay Street near the intersection with Knox Street.</li><li>• The InterContinental Hotel is in discussion with us about installation of bud lighting in two additional trees in Cross Street</li><li>• <b>Presentation to the Double Bay Working Party on lantern options</b></li><li>• <b>Consultation with Ausgrid on replacement of lanterns</b></li></ul>
3.5.6	<ul style="list-style-type: none"><li>• Council entered into a contract for Christmas decorations for 2017</li><li>• Christmas decorations organised throughout the commercial centre</li><li>• <b>Quotation has been prepared for Christmas decorations for 2019</b></li></ul>
3.6.2 & 4.1.4	<b>Further development of a mobile way-finding app.</b>
3.8	<ul style="list-style-type: none"><li>• A charging station for electronic vehicles is to be installed in the Kiaora Place carpark – <b>tender has now been awarded</b></li><li>• Work is being done with the Growers Market operators to discourage the use of single use plastics.</li><li>• Cafes are being encouraged to join the responsible cafes web site – use of BYO cups</li></ul>
3.9.1	General agreement has been reached in relation to the commercial terms between Council and the consortium proposing a cinema development on the Cross Street car park site. Further geotechnical testing has been undertaken as well as further refinement of the design.
4.3.1	<ul style="list-style-type: none"><li>• Reported on responses to the Placemaking Grants program which resulted in approval of networking activities in Double Bay</li><li>• <b>A new on-line platform, 'SmartyGrants' has been introduced for administering the Placemaking Grants program</b></li></ul>

**Place Plan Reference**    **Priorities**

- 5.1.1
- The conduct of a successful Back to Business Week event with Tim Reed in Double Bay on 2/3/17.
  - The conduct of a successful business event, Indisruptable keynote by Michael McQueen on 31/5/17.
  - We have secured funding from NSW Department of Industry as part of Small Business Month (October) for a marketing on social media.
  - Assistance provided to the Sydney East Business Chamber for the conduct of the 2018 Double Bay Street Festival
  - **Partnered with the Sydney East Business Chamber for the Going Local – the new economics of place, Masterclass with Michael Shuman**

## 6.2 Oxford Street Roadmap Report

**Annexure 4, Oxford Street Paddington Placemaking Roadmap Report** includes Actions under Priority 9.1.6 - *Finalise and implement a work program of quick wins and priority initiatives arising from the Oxford Street Placemaking Roadmap Report*. Recommendations arising from the Oxford Street Roadmap Report under the Quick Wins and Priority Initiatives have now been included in the DPOP.

A review of the Oxford Street Roadmap Report is presently underway through the Oxford Street Working Party. The Working Party continued to meet on a regular basis as did the Placemaking Team. Improvements have been made to the way Working Party meetings are administered.

## 7. Conclusion

Progress has been maintained on our Strategic Planning program during the quarter. Work is steadily continuing on a large number of actions.





We continue to progress the actions that are required to implement the Eastern City District Plan and those actions required by the Act.

The turn-around times for applications has slightly increased when compared to the previous quarter for reasons stated above.

During this quarter we have reviewed the key findings and the recommendations in the Abraxa Management Consulting report, and started to develop and implement relevant procedures and processes consistent with the recommendations of this report. Additionally, considerable additional staff resources have been engaged by Council to address the current backlog of referrals and DAs.

The focus of Development Control will be to improve the overall processing times for all tiers of delegation and reduce the number of outstanding applications.

## Annexures

1. Delivery Program & Operational Plan (DPOP) Quarterly report - March 2019 (Environmental Planning Committee) [↓](#) 
2. Notice of Motion (NOM) Status Report as at 31 March 2019 (Environmental Planning Committee) [↓](#) 
3. Annexure 3 - Development Control (DC) Charts - March 2019 (Environmental Planning Committee) [↓](#) 
4. Delivery Program & Operational Plan (DPOP) Double Bay and Oxford Street Placemaking Quarterly report - March 2019 (Environmental Planning Committee) [↓](#) 

Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019



Environmental Planning Committee – 15 April 2019

Item - ANNEXURE 1

## Quarterly Progress Report (March 2019)

*Link to Community Strategic Plan – Woollahra 2030*

Goal 4 : Well planned neighbourhoods  
Goal 7 : Protecting our environment  
Goal 8 : Sustainable use of resources

Goal 9 : Community focused economic development

Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019



*What is our Delivery Program & Operational Plan?*

The Delivery Program 2018 to 2021 and Operational Plan 2018/19 is structured on the Community Strategic Plan – Themes and Goals.

Each broad theme is supported by a number of Goals, Strategies, Priorities and Actions.

Progress reports for each of the five (5) Themes and eleven (11) Goals from our Delivery Program and Operational Plan are reported to the most appropriate Standing Committees on a quarterly basis, being to the Finance, Community & Services Committee or the Environmental Planning Committee. The Priorities and Actions contained in the Delivery Program and Operational Plan are presented by Theme, Goal and Strategy.

*What are Quarterly Progress Reports and what is our reporting structure?*

Our Quarterly Progress reports are designed to provide a snapshot to the Council and the community on the progress against the Priorities outlined in our Delivery Program and annual Actions contained in our adopted *Delivery Program 2018 to 2021 and Operational Plan 2018/19*.

Planning hierarchy definitions



Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019

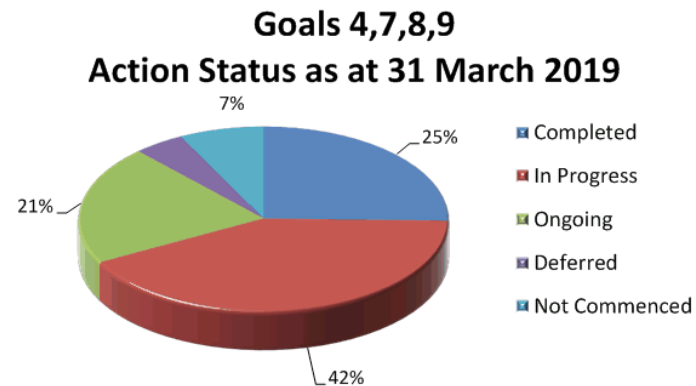


*Quarterly Progress Report Status to end of March 2019*

This report includes Actions included under Goal 4: Well planned neighbourhoods, Goal 7: Protecting our environment and Goal 8: Sustainable use of resources, Goal 9: Community focused economic development.

A snapshot of the Action status by quarter is provided below:

Status	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Completed	3	12	17	
In Progress <sup>1</sup>	32	26	28	
Ongoing	18	18	14	
Deferred	2	3	3	
Not Commenced	9	6	5	
<b>Total Number of Actions</b>	<b>64</b>	<b>65</b>	<b>67</b>	



1. Status of 'In Progress' also includes: 'Preliminary Investigation', 'Works Commenced', 'Tenders or Quotations Called' and 'Design/Scope of Works'. Status of 'Deferred' also includes: 'Works Delayed'.

Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019



TABLE OF CONTENTS			PAGE
<b>THEME : Goal 4</b>	<b>QUALITY PLACES AND SPACES : Well planned neighbourhoods</b>		<b>1</b>
Strategy 2030	4.1	Encourage and ensure high quality planning and urban design outcomes	1
	4.2	Promote sustainable design in future private and public development	17
	4.3	Protect local heritage and residential amenity, including protection of significant architecture and the natural environment	18
	4.4	Encourage diversity in housing choice to suit a changing population	24
	4.5	Enhance the form and function of the local village atmosphere	25
	4.6	Ensure that planning and building requirements are complied with	26
<b>THEME : Goal 7</b>	<b>A HEALTHY ENVIRONMENT: Protecting our environment</b>		<b>28</b>
Strategy 2030	7.1	Protect natural landscapes, systems and biodiversity	28
	7.2	Preserve and restore bushland areas and create wildlife corridor paintings	29
	7.3	Support cleaner, healthier waterways including improved water quality and healthy water catchments, creeks and harbor	30
	7.4	Ensure that premises which have the potential to impact on human health and safety are operated in accordance with relevant standards and statutory requirements	33
<b>THEME : Goal 8</b>	<b>A HEALTHY ENVIRONMENT : Sustainable use of resources</b>		<b>34</b>
Strategy 2030	8.1	Reduce greenhouse gas emissions and ecological footprint	34
	8.2	Monitor and strategically manage environmental risks and impacts of climate change	36
	8.3	Encourage and assist our community to be leaders in waste management and resource recycling	37
	8.4	Reduce local water usage by Council and on private property	40
	8.5	Promote and carry out water sensitive urban design	41

Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019



<b>THEME : Goal 9</b>	<b>LOCAL PROSPERITY : Community focused economic development</b>		<b>42</b>
Strategy 2030	9.1	Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy	42
	9.2	Balance tourism demands with impacts on the community	45
	9.3	Maintain a high quality public domain to support and promote local business	46

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**Quarterly Progress Report**

**THEME : Goal 4 QUALITY PLACES AND SPACES: Well planned neighbourhoods.**

**Strategy 2030: 4.1 Encourage and ensure high quality planning and urban design outcomes.**

**Priority: 4.1.1 Ensure that Council's strategic planning framework, Local Environmental Plans and Development Control Plans are regularly reviewed, are consistent with the Eastern City District Plan and provide a planning and compliance framework which will result in appropriate high quality development.**

**Priority Progress Comments :**

During the quarter our work in regard to this priority was on (1) Preparing the Council's Local Strategic Planning Statement. (2) Contributing to the preparation of the Community Participation Plan. (3) Finalising the work on reintroducing floor space ratios for dwelling houses, dual occupancies and semi-detached dwellings. (4) Responding to requests for planning proposals. (5) Undertaking further work on amendments to Woollahra LEP 2014 and Woollahra DCP 2015 in response to the Low Rise Medium Density Housing Code.

**Responsible Person :**  
Manager Strategic Planning

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
4.1.1.8 Residential opportunity site identification and review	Completed	This project was commenced to identify sites for increased residential dwelling accommodation in response to the State Government's housing target of 2900 additional dwellings for the Woollahra LGA by 2031. This figure was set in the Draft East Subregion Strategy 2007. The project was deferred by the Council to allow staff to complete Woollahra LEP 2014 and Woollahra DCP 2015. The Subregion Strategy evolved into the Eastern City District Plan prepared by the Greater Sydney Commission. This plan was finalised in March 2018 and provides discussion and direction on the provision of additional housing within Woollahra and other LGAs that are located within the District. The District Plan requires the preparation of housing strategies by councils to inform the delivery of additional housing. The opportunity site process can be revisited as part of the work to be carried out in the preparation of Woollahra's housing strategy. There is a separate action for the housing strategy within the Strategic Planning work program. Accordingly, it is considered that action 4.1.1.8 has been completed.	Manager Strategic Planning	30/06/2015	30/06/2019	

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
4.1.1.9 Reclassify Council lands at Dumaresq Road, Rose Bay and Dunara Gardens, Point Piper to enable potential sale.	Completed	This project relates to the reclassification of Council owned land from community land to operational land under the Local Government Act 1993. Work will involve the preparation of a planning proposal under Part 3 of the Environmental Planning and Assessment Act 1979. A public hearing is a mandatory step. A planning proposal for Dunara Reserve Point Piper was prepared and exhibited. A public hearing was held on 14 March 2014 and a chairperson's report was submitted. A staff report on the hearing was considered by the Environmental Planning Committee 2 July 2018. On 16 July 2018 the Council decided not to proceed with the planning proposal. The Minister for Planning has discontinued the planning proposal. This action has been completed. The planning proposal for Dumaresq Road will require a decision of the Council regarding reclassification. This step will need to be arranged through Technical Services and will be then be listed as a new action.	Manager Strategic Planning	31/03/2016	30/06/2019	
4.1.1.10 Review all matters which were deferred from inclusion in Woollahra LEP 2014.	Not commenced	Numerous matters were deferred from the Draft Woollahra LEP 2014 following public exhibition to enable further investigation and consideration. The majority of these relate to changes to planning controls to allow higher density development. Consideration of those matters can be included as part of the housing strategy. The target date is revised to 30 June 2020, but can be amended once a clearer program for the housing strategy is set.	Manager Strategic Planning	30/06/2015	30/06/2020	✔

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
4.1.1.11 Prepare a report to the Urban Planning Committee on the options available for amending Council's planning controls and other requirements for subdivision so that in addition to meeting minimum allotment sizes and objectives for those standards, consideration be given to: 1. the nature of proposed development which may be carried out on the subdivided lots, including its scale, form and intensity, and 2. the possible impacts of that proposed development. [Refer NOM 08/04/2013].	Completed	This action was addressed in a report on Draft Woollahra LEP 2013 which was considered by the Strategic and Corporate Committee meeting on 29 April 2013. The report concluded that no changes be made to the subdivision and allotment size standards. This action has been completed.	Manager Strategic Planning	30/06/2015	31/03/2019	
4.1.1.12 Review planning controls for building envelopes, minimum lot widths, residential car parking rates and excavation. (CM 27/04/2015 and NOM 10/08/2015)	In Progress	Minimum lot widths and residential car parking rates were addressed in a report to the Urban Planning Committee meeting on 29 April 2016. The Council did not resolve to amend the lot widths or car parking rates. This part of the action has been completed. In regard to building envelopes and excavation, a working party comprising practitioners and councillors has been established to assist with the review. The working party has met on numerous occasions with the last meeting occurring on 16 October 2018. The review focusses on Chapter B3 of Woollahra DCP 2015. A report on the review's findings was presented to the Urban Planning Committee on 31 October 2016. On 14 November 2016 the Council resolved to prepare a draft DCP to amend Woollahra DCP 2015. Exhibition of the Draft DCP occurred over the period 23 November 2016 to 17 February 2017. A report on submissions was considered by the UPC on 27 March 2017. Council	Manager Strategic Planning	30/06/2016	30/04/2019	✔

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		resolved on 10 April 2017 to approve amendments to WDCP 2015 and proceed with the introduction of FSRs to be developed through the working party. Work on the FSRs has been finalised subject to comments from the working party. These FSRs will apply to dwelling houses, dual occupancies and semi-detached houses in the R2 and R3 Residential Zones (other than the heritage conservation areas of Watsons Bay, Woollahra and Paddington). A report was presented to the Environmental Planning Committee on 4 March 2019. On 18 March 2019 the Council deferred the matter for a further report. This report is scheduled for 15 April 2019. Revise target date to 30 April 2019.				
4.1.1.13 Review planning controls for the Edgecliff Commercial Centre. (UPC delegated 16/11/2015)	In Progress	The consultant firm SJB Planning was commissioned to undertake the study. Material was presented to the Strategic Planning Working Party on 4 April 2017. The consultants have finalised a draft report which has been reviewed by staff. Refinement of the study, including additional transport investigations, is being carried out before presentation to the Strategic Planning Working Party by the third quarter of 2019.	Manager Strategic Planning	30/06/2016	30/09/2019	
4.1.1.14 Prepare new housing strategy consistent with the guidelines to be issued by the Greater Sydney Commission. (UPC delegated 13/11/2017)	In Progress	This project has commenced. A meeting has been held with the Department of Planning and Environment's Housing Unit. Guidelines for preparing housing strategies were released by the Department of Planning and Environment in October 2018. Work on the strategy will progress using the Department's guidelines. Consultants are being engaged to undertake market and economic research. Progress will be provided through the DPOP quarterly reports. In preparing the strategy, investigations will include research into delivering opportunities for affordable rental housing in the Woollahra LGA. The affordable housing research will address a decision of Council made on 18	Manager Strategic Planning	30/06/2018	30/06/2020	✓

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		December 2017 to investigate and report on opportunities to deliver affordable rental housing, including opportunities on Council-owned land. Work has been placed on hold to focus on the preparation of the Woollahra local strategic planning statement which must be on exhibition by 1 July 2019. The target date is revised to 30 June 2020 but may be further revised subject to priority given to other projects including completion of the LSPS and the community participation plan and directions from the DPE.				
4.1.1.15 Report on measures that can be adopted by Council, both in our planning instruments and in the use of our property portfolio, to increase affordable housing stock in a coordinated and strategic manner across the Woollahra LGA. (NOM 13/03/2017)	Completed	A report was considered by the Urban Planning Committee on 23 October 2017. On 13 November 2017 the Council resolved that two further reports be prepared. The first report is required to provide an overview of the affordable housing provisions in the approved Eastern City District Plan when the Plan is released. The report was presented to the Environmental Planning Committee on 7 May 2018. On 21 May 2018 the Council noted that further reports would be provided to the EPC as additional information is released from the GSC. The second report is required to provide the findings of investigations on opportunities to deliver affordable housing as part of the Council's housing strategy. The second matter is being addressed as part of Woollahra Housing Strategy. It is considered that Action 4.1.1.16 has been completed.	Manager Strategic Planning	30/06/2018	30/06/2019	
4.1.1.16 Review the provisions for roof terraces in Woollahra DCP 2015. (NOM 16/10/2017)	Completed	A report on planning controls for roof terrace and lifts and lift overruns was considered by the Environmental Planning Committee on 4 June 2018. On 18 June 2018 the Council deferred consideration of the matters and required a further report on a range issues. A further report was considered by the EPC on 3 September 2018. On 24 September 2018 the Council resolved to prepare a draft development control plan to amend Woollahra DCP 2015 by	Manager Strategic Planning	30/06/2018	31/12/2018	

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		including new provisions for roof terraces and lifts and lift overruns. Public exhibition of the Draft DCP occurred over the period 3 October to 2 November 2018. A report on the exhibition was presented to the EPC on 19 November 2018. The Council approved the DCP amendment on 26 November 2018. The amendment commenced on 2 January 2019. This action has been completed.				
4.1.1.17 Amend Woollahra DCP 2015 to include provisions for habitable subterranean areas in dwellings. (NOM 30/10/2017)	Completed	A report on this matter was considered by the Urban Planning Committee on 12 March 2018. On 23 April 2018 the Council resolved to prepare a draft DCP to amend Woollahra DCP 2015. The purpose of the amendment is to introduce provisions relating to the internal amenity of dwellings that are located below natural ground level. Public exhibition of the draft DCP closed on 26 October 2018. A report will be presented to the Environmental Planning Committee on 19 November 2018. The Council approved the DCP amendment on 26 November 2018. The amendment commenced on 2 January 2019. This action has been completed.	Manager Strategic Planning	30/06/2018	31/12/2018	
4.1.1.18 Review existing planning controls for lifts and lift overruns. (NOM 23/04/2018)	Completed	A report on planning controls for lifts and lift overruns and roof terraces was considered by the Environmental Planning Committee on 4 June 2018. On 18 June 2018 the Council deferred consideration of the matters and required a further report on a range issues. A further report was considered by the EPC on 3 September 2018. On 24 September 2018 the Council resolved to prepare a draft development control plan to amend Woollahra DCP 2015 by including new provisions for roof terraces and lifts and lift overruns. Public exhibition of the Draft DCP occurred over the period 3 October to 2 November 2018. A report on the exhibition was presented to the EPC on 19 November 2018. The Council approved the DCP amendment on 26 November 2018. The amendment commenced on 2 January 2019. This	Manager Strategic Planning	30/06/2018	31/12/2018	

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		action has been completed.				
4.1.1.19 Prepare a draft voluntary planning agreement policy. (NOM 30/10/2017 and CM 23/04/2018)	In Progress	A preliminary draft VPA policy has prepared. Further specialist advice is being obtained. Subject to the advice a revised draft Policy will be prepared for presentation to the EPC in the second quarter of 2019. Should Council accept the draft policy it will be placed on public exhibition. An estimated completion date is by the end of the third quarter in 2019.	Manager Strategic Planning	30/06/2018	30/09/2019	✓
4.1.1.20 Review Woollahra LEP 2014 to consider the impact of medium density dwelling provisions in the Low Rise Medium Density Housing Code in SEPP (Exempt and Complying Development Codes) 2008. (NOM 21/05/2018)	In Progress	Work has commenced. It is noted, however, that on 5 July 2018 Woollahra Council and 45 other councils across NSW were granted a deferral from the Code until 1 July 2019. A report will be presented to the EPC in the second quarter of 2019.	Manager Strategic Planning	30/06/2018	30/06/2019	✓
4.1.1.21 Review landscaping controls in Woollahra DCP 2015 regarding enhancing the tree canopy and requiring additional trees where sites are redeveloped. (NOM 21/05/2018)	In Progress	Work on this action has commenced. It is being integrated with the review of controls for land in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone. A report was presented to the Environmental Planning Committee on 11 March 2019. The Council deferred the matter on 25 March 2019 and required a further report within one month which would include discussion on tree canopy provisions. A report will be submitted to the EPC on 15 April 2019. The target date is revised to 30 June 2019.	Manager Strategic Planning	30/06/2018	30/06/2019	✓
4.1.1.22 Review LEP 2014 to give effect to the Eastern City District Plan. (CM21/05/2018 and EPC delegated 06/08/2018)	Completed	A report titled "Woollahra Plan Review 2018 - compliance with the Eastern City District Plan" was presented to the Environmental Planning Committee on 15 October 2018. On 29 October 2018 the Council endorsed the review subject to minor amendments. The review was sent to the Department of Planning and Environment. On 21 December 2018 the Greater Sydney Commission issued an Assurance confirming the Council has	Manager Strategic Planning	31/10/2018		

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		complied with Action 77 of the Eastern City District Plan. Action 77 requires (1) an LEP review against the priorities and actions of the District Plan (2) a local context analysis (3) an overview and program for local strategic planning to inform preparation of a local strategic planning statement.				
4.1.1.23 Prepare Local Strategic Planning Statement (CM 21/05/2018 and EPC delegated 06/08/2018)	In Progress	Preliminary work on this action has commenced. Staff from the Strategic Planning Department have attended a series of workshops conducted by the Department of Planning and Environment. A community engagement process commenced at the end of January 2019 and concluded on 29 March 2019. Workshops with Councillors were conducted on 25 February and 25 March 2019. Progress reports will be submitted to the Environmental Planning Committee as the project evolves. Public exhibition of the draft LSPS is required before 1 July 2019. The final document is to be made before 1 December 2019. This timeframe is set by the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017.	Manager Strategic Planning	1/12/2019		✓
4.1.1.24 Prepare Community Participation Plan (CM21/05/2018 and EPC delegated 06/08/2018)	In Progress	Work on this action has commenced. The community participation plan will be integrated with a community engagement strategy being prepared this year. The community engagement strategy will form part of the Council's Community Strategic Plan. The target date for completion of the CPP is 1 December 2019. This date is set by the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017.	Manager Strategic Planning	1/12/2019		
4.1.1.25 Report to the Urban Planning Committee on attracting a public high school to the Edgecliff Commercial Centre Corridor (NOM 27/11/2017).	In Progress	This action will be integrated with the Edgecliff Commercial Centre Study. Information is being gathered to specifically respond to the notice of motion. Discussions have occurred with representatives from the Department of Education, School Infrastructure, and Waverley Council.	Manager Strategic Planning	30/06/2018	30/09/2019	

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**Quarterly Progress Report**

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
4.1.1.26 Prepare a draft affordable housing policy (NOM 26/2/2018)	In Progress	<p>It is preferable that an affordable housing policy is considered as part of the work being undertaken on four major projects:</p> <ol style="list-style-type: none"> <li>1. Woollahra Housing Strategy</li> <li>2. Edgecliff Commercial Centre Corridor</li> <li>3. Double Bay Commercial Centre review</li> <li>4. Review of Woollahra LEP 2014</li> </ol> <p>The review of Woollahra LEP 2014 is a mandatory requirement of the Environmental Planning and Assessment Act 1979. The review is required to ensure that the LEP implements the relevant aspects of the Eastern City District Plan. The District Plan discusses the provision of affordable housing in the context of providing housing diversity and choice. It indicates that housing strategies can inform a council's delivery of affordable housing. The inclusionary provisions within SEPP 70 are associated with areas that have been identified for upzoning and increased residential density. The Edgecliff Commercial Centre Corridor project and the Double Bay Centre planning review have potential to provide increased residential density. However, there has been no decision of Council to change the planning controls in these centres. The delivery of an affordable housing policy for Woollahra needs to be considered in conjunction with the four major projects listed above. The revised timeframe of 30 June 2020 is set for delivering this project. However, that timeframe is linked to the delivery of other projects and will therefore need to be reviewed at a later date.</p>	Manager Strategic Planning	30/06/2018	30/06/2020	✔





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**Quarterly Progress Report**

<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
4.1.1.27 Review Council's existing controls regarding obtrusive effects of outdoor lighting in residential zones and controls for display of lighting on houses, bed and breakfast accommodation, childcare centres, office premises, information and education facilities. (NOM 10/12/2018)	Not commenced	This project has not commenced due to priority given to other projects. The target date is amended to 30 September 2019.	Manager Strategic Planning	30/06/2019	30/09/2019	✓

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**Quarterly Progress Report**

**Priority: 4.1.2 Deliver high quality and timely development assessment.**

**Priority Progress Comments :**

1.0 Introduction

The principal performance indicator for the Development Control Department is that we continue to provide an effective and efficient development control service to all.

Although we report on both the 'net mean' and the 'gross mean' processing times, it is considered that the key performance indicator to rely on is the net mean processing time. This is because the net mean excludes that time which Council waits for information from applicants, that being a variable we have limited control over.

Our business service standard is to process all development applications (DAs) within a net mean of 70 (calendar) days, averaged over all determination levels and measured over the whole of the financial year.

Turnaround performance for the 3rd Quarter 2018-2019 (current quarter) is discussed under the following headings. The analysis is conducted by comparing turnaround times for all levels of DA determination and then individual levels of determination against the performance in the 2nd Quarter of 2018-2019 (previous quarter). As part of that analysis, we also consider general workflow, accumulated matters on hand, productivity and any trends in legal activity.

2.0 Processing Times

2.1 Overall Turnaround Time Outcomes

Overall turnaround times for the current quarter have increased when compared to the turnaround times for the second quarter in terms of overall net mean and gross mean turnaround times.

2.1.1 Net Mean

The net mean determination time for processing all DAs in the current quarter was 118 days. That is an increase to the 113 days recorded in the previous quarter and higher than the previous financial year outcome of 109 days.

2.1.2 Gross Mean

The gross mean time for processing all DAs in the current quarter was 133 days. That is an increase from the 131 days recorded in the previous quarter and lower than the 138 days recorded for the previous financial year.

2.2 Staff Delegated Determination Outcomes

2.2.1 Net Mean

The net mean determination time for DAs resolved under delegated authority in the current quarter was 89 days. That is higher than the 65 days recorded in the previous quarter and higher than the previous financial year outcome of 80 days.

**Responsible Person :**  
Manager Development Control

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2.2.2 Gross Mean

The gross mean determination times for DAs resolved under delegated authority in the current quarter was 104 days. That is higher than the 84 days recorded in the previous quarter and lower than the 105 days recorded in the last financial year.

2.3 Staff delegation subject to Application Review Panel (ARP) Outcomes

2.3.1 Net Mean

The net mean determination time for DAs resolved under delegation subject to ARP review in the current quarter was 233 days which is significantly higher than the 209 days for the previous quarter and higher than the 168 days recorded in the previous financial year.

2.3.2 Gross Mean

The gross mean determination time for DAs resolved under delegation subject to ARP review in the current quarter was 268 days which is higher than the 233 days recorded in the previous quarter, and higher than the 209 days recorded for the previous financial year.

2.4 Application Assessment Panel (AAP) Outcomes

2.4.1 Net Mean

The net mean determination time for DAs resolved by the AAP in the current quarter was 229 days which is lower than the 290 days in the previous quarter and higher than the 271 days recorded for the previous financial year.

2.4.2 Gross Mean

The gross mean determination time for DAs resolved by the AAP in the current quarter was 278 days which is lower than the 304 days recorded in the previous quarter, and lower than the 318 days recorded for the previous financial year.

2.5 Woollahra Local Planning Panel (WLPP) Outcomes

From the 1st of March 2018 Local Planning Panels became mandatory for all councils in Sydney and Wollongong. The development applications which are required to be determined by Local Planning Panels are set out in a Local Planning Panels direction – Development Applications issued by the Minister for Planning under section 9.1 of the Act. The effect of the establishment of a Local Planning Panel has removed DCC and Council from the tiers of delegation.

2.5.1 Net Mean

The net mean determination time DAs resolved by the WLPP in the current quarter was 149 days which is lower than the 192 days recorded in the previous quarter.

2.5.2 Gross Mean

The gross mean determination time for processing all DAs in the current quarter was 183 days which is lower than the 228 days recorded in the previous quarter.

3.0 Conclusion



**Quarterly Progress Report**

3.1 Work flows

In the 3rd Quarter of 2018-19 the total number of applications lodged with Development Control was 105 which is significantly lower than the 151 applications lodged in the 2nd Quarter 2018-2019.

Determined development applications decreased from 136 applications in the 2nd Quarter 2018-2019 to 110 in the 3rd Quarter 2018-2019. In terms of outstanding applications, the total number of outstanding development applications decreased from 249 in the 2nd Quarter to 244 in the current quarter.

3.2 Turnaround Times

Overall net and gross mean processing times in the current quarter have increased when compared to the processing times of the previous quarter.

In terms of processing times at each tier of delegation, an increase has occurred for applications being determined under Staff delegation including ARP, whereas a decrease has occurred at both the AAP and LPP tiers.

The increase in overall processing times can be attributed to the following factors:

1. Referral turnaround times are too high, directly affecting processing times.
2. A significant increase in the processing times for applications determined under Staff delegation (an increase of 24 days)
3. A significant number of applications were aged applications (>300 days). These have a direct influence on the overall processing times.
4. The high number of Class 1 appeals and s4.55 applications.
5. The extended advertising/notification period for DAs lodged during the Christmas/New Year period.
6. A high proportion of staff being on extended leave during the Christmas/New Year period.

The focus of Development Control will be to improve the overall processing times for all tiers of delegation and reduce the number of outstanding applications.

3.3 Legal Activity

Council was served 12 appeals in the 3rd Quarter 2018-19 compared to ten (10) appeals in the 2nd 2018-2019. Three (3) of the appeals directly relate to matters determined by the WLPP.

Given the current number of appeals being dealt with is relatively high, the level of legal activity and staff resourcing (preparation of Statement of Facts and Contentions, Statements of Evidence and Court attendance) is high.

This has a direct influence on Council's processing times.



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**Quarterly Progress Report**

<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
4.1.2.1 Ensure that all planning applications are thoroughly assessed taking into consideration the heads of consideration set out under the EPA Act, including relevant LEPs and DCPs.	Ongoing	<p>The following work practices and procedures are currently in place which have ensured all applications are assessed taking into account the relevant heads of consideration set out under Section 4.15 of the EPA Act including relevant LEPs and DCPs:</p> <ul style="list-style-type: none"> <li>• Standardised report templates which include and identify all the relevant matters for consideration to be taken into account in the assessment of the subject application.</li> <li>• All assessment reports being vetted and signed off by either the Team Leader, Manager Development Control or Director of Planning &amp; Development prior to the finalisation and/or determination of any application.</li> <li>• The ongoing review of Development Control procedures including any new legislation changes and requirements.</li> <li>• The implementation of quality control checksheets.</li> <li>• Ongoing training to all Planning Officers.</li> <li>• Updates on planning legislation from Council's legal panel.</li> </ul>	Manager Development Control	30/06/2019		✓
4.1.2.2 The overall nett mean time for the processing of applications does not exceed 70 days.	In Progress	<p>Council's adopted delivery service standard of 70 days is not currently being met.</p> <p>Development Control engaged an external consultant, Abraxa Management Consulting, to review the Development Application process with the key objective being to reduce the processing times for the determination of DAs so we can meet Council's adopted target of 70 days. The review was required to:</p> <ol style="list-style-type: none"> <li>1. Carry out an overview of Council's development assessment process, including an overview of the following stages: <ul style="list-style-type: none"> <li>• Pre-Lodgement</li> </ul> </li> </ol>	Manager Development Control	30/06/2019		✓

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		<ul style="list-style-type: none"> <li>• Lodgement</li> <li>• Notification and Referrals</li> <li>• Assessment</li> <li>• Determination</li> <li>• Post Determination</li> </ul> <p>2. Examine workloads, resources and turnaround times for each stage.</p> <p>3. Determine Council's performance against the best practice guidelines published by the Department of Planning.</p> <p>4. Determine where the future focus should be to improve turnaround times.</p> <p>A draft report was tabled by Abraxa Management Consulting in late December 2018, and a workshop with key staff including senior management, was held in early February 2019 to discuss its key findings. The key findings, including its recommendations, have been reviewed by senior management and relevant procedures are being drafted and will be implemented by early May 2019.</p>				
4.1.2.3 Appeals to the Land and Environment Court are well managed and results carefully monitored and reported to Council.	Ongoing	<p>All Appeals are:</p> <ul style="list-style-type: none"> <li>• Managed by the respective Team Leaders and Manager of Development Control.</li> <li>• Reported on a quarterly basis to the Environmental Planning Committee.</li> <li>• Accompanied by a Case Outcome report at the completion of the appeal.</li> </ul>	Manager Development Control	30/06/2019		
4.1.2.4 Provide support for the effective operation of Council's Application Assessment Panel and independent panels which determine applications.	Ongoing	<p>Council's AAP and independent panels are provided and supported via:</p> <ul style="list-style-type: none"> <li>• Specialist planning reports.</li> <li>• Attendance by relevant planning officers (AAP).</li> <li>• Attendance by Team Leaders and Manager of Development Control (independent panels).</li> <li>• Governance support.</li> </ul>	Manager Development Control	30/06/2019		

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
4.1.2.5 Implement 3D modelling program in accordance with funding requirements under the Smart Cities and Suburbs Program.	Completed	3D modelling has been implemented and will be utilised in the DA assessment process.	Manager Development Control	30/06/2018	30/06/2019	✓

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**Strategy 2030:**      **4.2**      **Promote sustainable design in future private and public development.**

**Priority:**            **4.2.1**      **Ensure that new development is assessed against the relevant sustainability requirements of our DCPs.**

**Priority Progress Comments :**

As required under relevant planning legislation (LEP and Woollahra DCP 2015).

**Responsible Person :**  
Manager Development  
Control

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**Strategy 2030: 4.3 Protect our heritage, including significant architecture and the natural environment.**

**Priority: 4.3.1 Maintain a program of heritage research and review of existing and potential conservation areas and heritage items.**

**Priority Progress Comments :**

During the quarter our work relating to this priority involved (1) Coordinating the planning proposals to list Dunara Reserve, Point Piper, and Gaden House, Double Bay, as heritage items. (2) Coordinating the heritage assessment of Cooper Park. (3) Coordinating the Paddington Hotels project.

**Responsible Person :**  
Manager Strategic Planning

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
4.3.1.1 Carry out a study of hotels in Paddington to determine and establish more specific conservation controls.	In Progress	On 21 May 2018 the Council resolved to expedite the Paddington Pubs Project, giving urgent priority to it, including the allocation of additional funding and staff resources. A heritage consultant has been engaged and work has commenced. Delivery of the work will be in two stages; the Four in Hand Hotel (as a priority) followed by the remaining hotels. Progress on the Four in Hand Hotel is provided in Action 4.3.1.11. Work on the ten other hotels in the project has advanced to the stage where draft heritage inventory sheets have been completed by the consultants, reviewed by Council's staff and returned to the consultants for completion. Final draft versions are now expected in April. The completed drafts will be sent to the hotel owners for comment. Access to those hotels not previously inspected will be requested at that time. Further reporting to Council will be subject to the scope of changes arising from landowner comments and the availability of access to properties. An indicative target date is now set for 30 June 2019.	Manager Strategic Planning	30/06/2015	30/06/2019	✓
4.3.1.2 Review Wilkinson buildings and determine if they meet the threshold for heritage listing.	Deferred	Research completed at Mitchell Library. Further review of Council's archives required to identify changes to buildings . Project delayed due to commitment to other projects and redirection of resources to other activities in the Division. Council resolved on 24 November 2014 to "defer the study until Council and staff have the capacity to prioritise the study." The target date will need to be revised to	Manager Strategic Planning	31/12/2014	30/09/2019	✓

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		30 September 2019.				
4.3.1.3 Prepare a report on future heritage listing of Arts and Crafts buildings and inter-war residential flat buildings.	Deferred	This project has commenced. Research on Arts and Crafts buildings and inter war residential flat buildings has been undertaken. Completion of the project has been deferred due to redirection of resources to other projects and services. The target date will need to be revised to 30 September 2019.	Manager Strategic Planning	30/06/2015	30/09/2019	✔
4.3.1.4 Update heritage inventory sheets for existing heritage items.	In Progress	This project has commenced. It is an ongoing project which is being undertaken in conjunction with other actions and projects.	Manager Strategic Planning	30/06/2018	30/06/2019	✔
4.3.1.5 Review the infill controls in the Paddington HCA Chapter in Woollahra DCP 2015. (10/04/2017)	In Progress	The project has commenced. Meetings have been held with the Paddington DCP Working Party. Final draft amendments to Chapter C1 of Woollahra DCP 2015 have been prepared and will be presented to the Environmental Planning Committee on 15 April 2019.	Manager Strategic Planning	30/06/2018	30/06/2019	✔
4.3.1.6 Prepare a report reviewing the pavilion extension controls in the Paddington HCA Chapter in Woollahra DCP 2015. (NOM 26/04/2016)	In Progress	The project has commenced. Meetings have been held with the Paddington DCP Working Party. Final draft amendments to Chapter C1 of Woollahra DCP 2015 have been prepared and will be presented to the Environmental Planning Committee on 15 April 2019.	Manager Strategic Planning	30/06/2017	30/06/2019	✔
4.3.1.7 Develop a Heritage Item and Significant Tree Register.	Completed	Council's register for heritage items is contained in Woollahra LEP 2014. This is replicated on the State Heritage Inventory data base which is maintained by the NSW Office of Environment and Heritage. Heritage inventory sheets for local and state items are also maintained on OEH data bases. The significant tree register is maintained by the Open Space and Trees Department. On this basis is it considered that this action has been completed.	Manager Strategic Planning	30/06/2019		✔

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4.3.1.8 Carry out an assessment of heritage significance for Rose Bay Scout Hall (former RAAF Officer's Canteen) in Vickery Avenue, Rose Bay. (NOM 18/06/2018)	In Progress	This project commenced. A consultant brief has been prepared. The target date for presenting a report to the EPC is amended to 30 September 2019.	Manager Strategic Planning	30/06/2018	30/09/2019	✔
4.3.1.9 Rose Bay Scout Hall (former RAAF Officers' Canteen) - proposed Heritage Listing and Upgrade (Investigate and report Council to specifically own and manage the Rose Bay Scout Hall, investigate the potential for upgrading and refurbishing the building and investigate grant funding from the NSW Government for the upgrade and refurbishment of the building and landscaping of its surrounding area).	Not commenced	Scout Hall is leased by Crown Lands to the Scouts Association until October 2021. A report will be submitted to a Council Committee regarding the options once the Community facilities study is completed and advice from Crown Lands is received if this land will be included in the transfer to Council, as contemplated in the Crown Lands Amendment Act.	Manager Property & Projects	30/06/2018	30/06/2019	✔
4.3.1.10 Carry out an assessment of heritage significance for the Sydney Croquet Club building and greens, Woollahra Golf Club clubhouse and George Grimley Pavilion. (NOM 23/04/2018)	In Progress	This project commenced. A consultant brief has been prepared. The target date for presenting a report to the EPC is amended to 30 September 2019.	Manager Strategic Planning	30/06/2018	30/09/2019	✔
4.3.1.11 Carry out an assessment of heritage significance for the Four in Hand Hotel – 105 Sutherland Street Paddington. (NOM 21/05/2018)	In Progress	The project has commenced. A heritage consultant was engaged to carry out an assessment of heritage significance. The project has progress through the completion of the assessment, referral to the land owner for input, reporting to the Environmental Planning Committee ( 4 February 2019), decision of Council to prepare a planning proposal ( 11 February 2019), preparation of a planning proposal, obtaining advice from the Woollahra Local Planning Panel ( 7	Manager Strategic Planning	30/06/2018	30/09/2019	✔

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		March 2019) and a further report to the EPC (1 April 2019). Subject to the Council's decision on 8 April 2019, the planning proposal will be sent to the Department of Planning and Environment for a gateway determination to allow public exhibition. The target date should be revised to 30 September 2019. This date is dependent on the time taken by the DPE to issue an acceptable gateway determination and the outcome of the public exhibition process.				
4.3.1.12 Prepare a report to the Urban Planning Committee on a heritage assessment of Cooper Park to determine heritage listing in Woollahra LEP 2014 and listing on the NSW State Heritage Register (NOM 27/11/2017).	In Progress	A consultant has been engaged to undertake a heritage assessment. Work has commenced. A draft assessment is programmed for mid April 2019. The draft will be reviewed by staff prior to a report being prepared to the Environmental Planning Committee in the second quarter of 2019. The target date is amended to 30 June 2019.	Manager Strategic Planning	30/06/2018	30/06/2019	✔
4.3.1.13 Undertake a heritage assessment of 24 26 Bay Street Double Bay (aka 2A Cooper Street) – Gaden House (NOM 12/2/2018)	In Progress	A heritage consultant has finalised a draft report and assessment of heritage significance at local and state levels. The draft documents were referred to the landowner for comment. A draft planning proposal and the heritage consultant's report and assessment were presented to the Woollahra Local Planning Panel on 13 September 2018. A report was presented to the Environmental Planning Committee on 15 October 2018. On 29 October 2018 the Council resolved to (1) prepare a planning proposal to list Gaden House as a local heritage item (2) make a nomination to list Gaden House on the State Heritage Register. The planning proposal has been prepared and a gateway determination has been issued. Public exhibition occur over the period 27 February to 29 March 2019. A report on submissions will be presented to the EPC on 15 April 2019. A nomination for listing on the SHR has been submitted to the Heritage Division. Awaiting response. The target date is amended to 30 June	Manager Strategic Planning	30/06/2018	30/06/2019	✔

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		2019, but is dependent upon the DPE because the DPE is the authority to make the amending LEP in this instance.				
4.3.1.14 Prepare planning proposal to list as a heritage item the Rose Bay Uniting Church and Wesley Hall – 518a Old South Head Road Rose Bay (CM 21/05/2018 and CM 16/07/2018)	In Progress	The planning proposal has been prepared. Advice was obtained from the Woollahra Planning Panel on 5 July 2018. The planning proposal was endorsed by the Council on 16 July 2018 and referred to the Department of Planning and Environment for a gateway determination. A conditional gateway determination was issued by the DPE on 16 August 2018. Condition 1 of the determination requires the planning proposal to be amended to include a savings provision whereby development applications lodged but not determined before the LEP amendment commences are not subject to the LEP amendments. Such DAs would not be considered and determined under the heritage item provisions of the LEP. A formal request was made by Council to review the condition. This request was considered by the Independent Planning Commission. The IPC advised the DPE that it did not support the removal of condition 1. The DPE has now informed the Council that condition 1 on the planning proposal will be retained. Public exhibition of the planning proposal will proceed over the period 10 April to 10 May 2019. A report on submissions will be presented to a meeting of the EPC in the third quarter of 2019. The target date is amended to 30 September 2019 but is dependent on actions by the DPE. The DPE is the authority to make the amending LEP in this instance..	Manager Strategic Planning	30/06/2019	30/09/2019	✓
4.3.1.15 Prepare a planning proposal to list Dunara Reserve, Point Piper, as a local heritage item (CM 29/10/2018)	In Progress	The planning proposal has been prepared and a gateway determination has been issued. Public exhibition of the planning proposal occurred over the period 6 February to 8 March 2019. A report on the exhibition and submissions was presented to the Environmental Planning Committee on 1 April 2019.	Manager Strategic Planning	30/06/2019		✓

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		Subject to a Council decision on 8 April 2019 the Parliamentary Counsel will be advised to prepare a draft LEP. The Council is authorised to make the LEP in this instance.				
4.3.1.16 Carry out an assessment of heritage significance for the sewerage pumping station and gates at Percival Park, Rose Bay (NOM 12/11/2018)	In Progress	This project has commenced. Investigations have been made with Sydney Water and information from their archives have been requested. The target date is amended to 30 September 2019.	Manager Strategic Planning	30/06/2019	30/09/2019	✓
4.3.1.17 Review current planning controls in Neighbourhood Heritage Conservation Areas in Darling Point, Bellevue Hill, Rose Bay and Vaucluse. (NOM 10/12/2018)	Not commenced	This project has not commenced. The target date is amended to 30 September 2019.	Manager Strategic Planning	30/06/2019	30/09/2019	✓

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**Strategy 2030: 4.4 Encourage diversity in housing choice to suit a changing population.**

**Priority: 4.4.1 Ensure Council's planning documents support housing diversity.**

**Priority Progress Comments :**

During this quarter this priority was addressed through work on the Woollahra Local Strategic Planning Statement .

**Responsible Person :**  
Manager Strategic  
Planning

<i>Actions</i>	<i>Status</i>	<i>Progress Comments</i>	<i>Responsible Person</i>	<i>Original Target Date</i>	<i>Revised Target Date</i>	<i>Comment Updated</i>
4.4.1.1 Double Bay Place Plan - review Woollahra LEP 2014 and Woollahra DCP 2015 in regard to recommendations from Double Bay Centre Housing Economic Study.	In Progress	This project has commenced. Substantial field work and a review of controls has been carried out together with 3D modelling. The project has been informed by the Hill PDA Economic Study. Public comment on the Study occurred in 2016. Traffic and transport issues associated with development options have been considered. An independent transport study for the Double Bay Centre was commissioned and a final report has been submitted. The draft planning options have been considered by the Strategic Planning Working Party. A report on the recommended changes to floor space ratio and height controls will be presented to the Environmental Planning Committee in the third quarter of 2019. The report will include a public engagement strategy. The target date is amended to 30 September 2019.	Manager Strategic Planning	31/03/2016	30/09/2019	✔
4.4.1.3 Support adaptable housing for people with a disability.	Ongoing	As required under relevant planning legislation (Senior's Living, and Affordable Housing SEPPs, Chapter E8 of Woollahra DCP 2015).	Manager Development Control	30/06/2019		

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<b>Strategy 2030:</b>	<b>4.5</b>	<b>Enhance the form and function of the local business centres.</b>	
<b>Priority:</b>	<b>4.5.1</b>	<b>Ensure Council's planning strategies and controls support and promote appropriate development and activities in business centres.</b>	
<b>Priority Progress Comments :</b> Progress comments on the implementation of the Double Bay Place Plan and the Oxford Street Placemaking Roadmap report are reported separately under Goal 9. The Edgecliff Centre corridor study and strategy has been completed by consultants but further work has been commissioned to better understand the transport implications of permitting additional housing. The transport study has been completed and reviewed by Roads and Maritime Services. It is anticipated that the strategy will be presented in the 4th quarter of 2018/19 or the 1st quarter of 2019/20.			<b>Responsible Person :</b> Director Planning & Development
<b>Priority:</b>	<b>4.5.2</b>	<b>Carry out urban design studies for areas, precincts and sites.</b>	
<b>Priority Progress Comments :</b> NA			<b>Responsible Person :</b> Director Planning & Development
<b>Priority:</b>	<b>4.5.3</b>	<b>Ensure that upgrades to infrastructure reinforce the distinctive character of business centres.</b>	
<b>Priority Progress Comments :</b> All infrastructure works which have the potential to affect the appearance of the public domain are subject to a rigorous design process that includes consultation with the local community and community representatives.			<b>Responsible Person :</b> Director Technical Services





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**Strategy 2030: 4.6 Ensure that planning and building requirements are complied with.**

**Priority: 4.6.1 Buildings are constructed in accordance with approval requirements.**

**Priority Progress Comments :**

The certifying authority and Principal Certifier (PC) is responsible for ensuring building work meets public safety and regulatory requirements by; - ensuring proposed works comply with development consents and BCA requirements; - inspecting building work at specific stages to check it is consistent with the consent or complying development certificate and national building standards; and - conducting a final inspection and issuing the occupation certificate if satisfied the building is suitable for occupation or use. Council provides these services, however as reported below, the majority of this work is undertaken by private accredited certifiers in the Woollahra LGA.

**Responsible Person :**  
Manager Compliance

**Priority: 4.6.2 Statutory requirements in relation to the certification of buildings under construction are complied with.**

**Priority Progress Comments :**

The certifying authority and Principal Certifier (PC) is responsible for ensuring building work meets public safety and regulatory requirements by; - ensuring proposed works comply with development consents and BCA requirements; - inspecting building work at specific stages to check it is consistent with the consent or complying development certificate and national building standards; and - conducting a final inspection and issuing the occupation certificate if satisfied the building is suitable for occupation or use. Council provides these services, however as reported below, the majority of this work is undertaken by private accredited certifiers in the Woollahra LGA.

**Responsible Person :**  
Manager Compliance

**Priority: 4.6.3 Council provides cost effective and timely building certification services.**

**Priority Progress Comments :**

During the first quarter Council provided the following building certifications services; - 3 construction certificates (CCs) were received with 2 being determined, representing a market share of 1.6%; - 1 complying development certificate (CDC) was received with 4 being determined, representing a market share of 6.6%; - Council was appointed the Principal Certifier for 2 jobs, representing a market share of 1.4%; and - 4 occupation certificates (OCs) were received with 5 being determined, representing a market share of 5.6%. During the second quarter Council provided the following building certifications services; - 3 construction certificates (CCs) were received with 5 being determined, representing a market share of 3.6%; - 3 complying development certificate (CDC) was received with 1 being determined, representing a market share of 3%; - Council was appointed the Principal Certifier for 6 jobs, representing a market share of 5.5%; and - 1 occupation certificates (OCs) were received with nil being determined, representing a market share of determined OCs of 0%. During the third quarter Council provided the following building certifications services; - 3 construction certificates (CCs) were received with nil being determined, representing a market share of determined CCs of 0%; - Nil complying development certificate (CDC) were received with 1 being determined, representing a market share of determined CDCs of 2.4%; - Council was appointed the Principal Certifier for 3 jobs, representing a market share of 4.3%; and - 2 occupation certificates (OCs) were received with 3 being determined, representing a market share of determined OCs of 3.6%.

**Responsible Person :**  
Manager Compliance

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**Priority:** 4.6.4 Council provides a timely and effective response to unauthorised uses and works.

**Priority Progress Comments :**

During the first quarter Council's Building Control staff; - received 105 customer requests and finalised 102; - served 38 'Notices of intention to give an Order'; - served 19 Orders; - issued 4 penalty infringement notices During the second quarter Council' s Building Control staff; - received 126 customer requests and finalised 102; - served 36 'Notices of intention to give an Order'; - served 11 Orders; - issued 1 penalty infringement notice During the third quarter Council's Building Control staff; - received 101 customer requests and finalised 72; - served 16 'Notices of intention to give an Order'; - served 10 Orders; - Penalty infringement data not available at this time.

**Responsible Person :**  
 Manager Compliance

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<b>THEME : Goal</b>	<b>7</b>	<b>A HEALTHY ENVIRONMENT: Protecting our environment.</b>	
<b>Strategy 2030:</b>	<b>7.1</b>	<b>Protect natural landscapes, systems and biodiversity.</b>	
<b>Priority:</b>	<b>7.1.1</b>	<b>Plan and implement strategies and initiatives to enhance natural landscapes and systems.</b>	
<b>Priority Progress Comments :</b> Actions from Council's Biodiversity Strategy are implemented into the workflow of our Bush Regenerations team. The sustainability team and bush team now work closely to achieve results in this area. Recent examples of this collaboration was planting of Harbourview Park and the Cooper Park Community Garden 1st year celebration.			<b>Responsible Person :</b> Manager Open Space and Trees
<b>Priority:</b>	<b>7.1.2</b>	<b>Implement a prioritised program of capital improvements to natural areas.</b>	
<b>Priority Progress Comments :</b> Capital improvements throughout our natural areas are implemented with the guidance of our asset register and Biodiversity Strategy. Completed projects include the embankment enhancement of Cooper Park Creek, the continued bush regeneration works in Cooper Park and the continued plantings at the ponds in Cooper Park and Trumper Park..			<b>Responsible Person :</b> Manager Open Space and Trees
<b>Priority:</b>	<b>7.1.3</b>	<b>Educate and partner with the community on the protection of natural areas and waterways, including Bushcare.</b>	
<b>Priority Progress Comments :</b> Councils Bushcare program continues to run successfully at the following locations; Cooper Park Gap Park Harbour view Park Parsley Bay Trumper Park Paddington Community Nursery. Council has also launched the Harbourcare program which invites Community and business groups to help remove litter from waterways and Sydney Harbour.			<b>Responsible Person :</b> Manager Open Space and Trees
<b>Priority:</b>	<b>7.1.4</b>	<b>Provide scheduled tree maintenance programs and services and respond to customer needs.</b>	
<b>Priority Progress Comments :</b> We have implemented an upgrade to our tree database software and completed an inspection of all street trees .			<b>Responsible Person :</b> Manager Open Space and Trees
<b>Priority:</b>	<b>7.1.5</b>	<b>Implement actions from the Biodiversity Conservation Strategy.</b>	
<b>Priority Progress Comments :</b> The Environment and Sustainability Team has undertaken a review and re-prioritisation of the actions in the Biodiversity Conservation Strategy. A brief has been prepared for undertaking biodiversity monitoring throughout the LGA, and tender advertised. Individual actions from the Biodiversity Conservation Strategy are being implemented.			<b>Responsible Person :</b> Team Leader Environment and Sustainability

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**Strategy 2030: 7.2 Preserve and restore bushland areas and create wildlife corridor plantings.**

**Priority: 7.2.1 Continue the implementation of the Greenweb Street Tree Strategy.**

**Priority Progress Comments :**

The strategy principles continue to be implemented via our street tree planting program (approx. 200 street and park trees planted annually), bushcare groups (have planted over 5000 plants) and tree planting days. We have also been successful in a \$100K grant from the NSW Government program 5 Million trees grant which we will put towards planting and maintenance of the new trees in the next phase of planting programs.

**Responsible Person :**  
Manager Open Space  
and Trees

<i>Actions</i>	<i>Status</i>	<i>Progress Comments</i>	<i>Responsible Person</i>	<i>Original Target Date</i>	<i>Revised Target Date</i>	<i>Comment Updated</i>
7.2.1.1 Implement street tree planting projects in line with Council's Conservation Biodiversity Strategy and Greenweb.	In Progress	Our planting projects refer to our Biodiversity Plan and the principles of Greenweb. We also follow Council's Tree Management Policy and Street Tree Masterplan. We have been successful in our grant application of \$100K from the Five Million Trees for Greater Sydney Grant Program for the purchase of new trees and maintenance. These will be rolled out during the section planting program in the 4th quarter.	Manager Open Space and Trees	30/06/2019		✔

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**Strategy 2030: 7.3 Support cleaner, healthier waterways including improved water quality and healthy water catchments, creeks and harbour.**

**Priority: 7.3.1 Implement a five year Capital Renewal Program for stormwater drainage infrastructure and Environmental Works Program for water quality improvement.**

**Priority Progress Comments :**  
Capital Projects Implement annual projects requested by Asset Management

**Responsible Person :**  
Manager Capital Projects

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
7.3.1.1 Implement the funded Environmental Works Program for drainage infrastructure.	In Progress	This program is underway and projects approved by Council in the 2018/19 Delivery Program are in investigation, planning, design, procurement or construction phase.  For details on individual projects, please refer to specific project updates in the Capital Works Program Quarterly Progress Report.	Manager Engineering Services	30/06/2019		✔

**Priority: 7.3.2 Undertake water quality monitoring for public waterways.**

**Priority Progress Comments :**  
Beachwatch continues to collect water quality samples at Recreational swimming locations such as Redleaf Pool, Rose Bay Beach, Neilson Park Pool and Watson Bay pool. Council has undertaken water quality monitoring in order to establish the cause of poor water quality at Rose Bay, and has worked with Sydney Water to resolve water quality issues.

**Responsible Person :**  
Manager Open Space and Trees

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
7.3.2.1 Work with State Government and other stakeholders to improve the water quality of Rose Bay.	Ongoing	The Rose Bay Beach Working Party met for the fifth time in February. A Water Quality Action Plan is being implemented by the agencies represented on the Working Party, including Council, RMS, OEH and Sydney Water. The Working Party has received positive feedback regarding achievements to date. Achievements have included identification and rectification of sewer leaks, improved and more frequent litter removal, education for dog owners regarding their responsibilities, improved collaboration between key stakeholders. Council is planning an upgrade of a gross pollutant trap at Caledonian Road to reduce stormwater pollution at	Team Leader Environment and Sustainability	30/06/2019		

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Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
		Rose Bay.				

**Priority: 7.3.3 Provide street cleaning services to prevent litter and dirt entering the stormwater drainage system.**

<p><b>Priority Progress Comments :</b> Maintenance and service program for street cleaning continues on a monthly basis in residential streets.</p> <p>High traffic areas and known 'hot spots' are cleaned on a fortnightly or weekly basis.</p> <p>156 tonnes of street litter has been collected in the third quarter</p>	<p><b>Responsible Person :</b> Manager Civil Operations</p>
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**Priority: 7.3.4 Implement the Stormwater Asset Management Plan.**

<p><b>Priority Progress Comments :</b> Capital Projects Implement annual projects requested by Asset Management</p>	<p><b>Responsible Person :</b> Manager Capital Projects</p>
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Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
7.3.4.1 Implement the funded Stormwater Works Program.	Not commenced	<p>This program is underway and projects approved by Council in the 2018/19 Delivery Program are in investigation, planning, design, procurement or construction phase.</p> <p>For details on individual projects, please refer to specific project updates in the Capital Works Program Quarterly Progress Report.</p>	Manager Engineering Services	30/06/2019		✓

**Priority: 7.3.5 Ensure that erosion and sedimentation controls are in place for new development where there is potential for the escape of sediment into the drainage system.**

<p><b>Priority Progress Comments :</b> During the first quarter 8 customer requests were investigated by Council's Rangers with regard to erosion and sediment control on building sites, with 1 pollution infringement being issued. During the second quarter 15 customer requests were investigated by Council's Rangers with regard to erosion and sediment control on building sites, with no pollution infringement being issued. During the third quarter 6 customer requests were investigated by Council's Rangers with regard to erosion and sediment control on building sites, with 1 pollution infringement being issued.</p>	<p><b>Responsible Person :</b> Manager Compliance</p>
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**Priority:** 7.3.6 Take appropriate and timely action in response to pollution incidents.

**Priority Progress Comments :**

During the first quarter 13 customer requests were investigated by Council's Rangers & Environmental Health Officers relating to potential water pollution, resulting in 1 infringement being issued for a pollution incident. During the second quarter 10 customer requests were investigated by Council's Rangers & Environmental Health Officers relating to potential water pollution, resulting in 1 infringement being issued for a pollution incident. During the third quarter 14 customer requests were investigated by Council's Rangers & Environmental Health Officers relating to potential water pollution, resulting in 1 infringement being issued for a pollution incident.

**Responsible Person :**  
Manager Compliance

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**Strategy 2030: 7.4 Ensure that premises which have the potential to impact on human health and safety are operated in accordance with relevant standards and statutory requirements.**

<b>Priority:</b>	<b>7.4.1</b>	<b>Inspect food premises twice per year to ensure compliance with food safety standards.</b>	<b>Responsible Person :</b> Manager Compliance
<b>Priority Progress Comments :</b> At the end of the first quarter there are currently 374 recorded food premises in the LGA. The following food control activities were completed during the quarter; - 69 primary inspections were carried out; - 19 reinspections were carried out; - 1 warning letter was issued; - 5 customer complaints were investigated. At the end of the second quarter there are currently 365 recorded food premises in the LGA. The following food control activities were completed during the quarter; - 69 primary inspections were carried out; - 26 reinspections were carried out; - 3 customer complaints were investigated. At the end of the third quarter there are currently 367 recorded food premises in the LGA. The following food control activities were completed during the quarter; - 81 primary inspections were carried out; - 51 reinspections were carried out; - 9 customer complaints were investigated.			
<b>Priority:</b>	<b>7.4.2</b>	<b>The necessary certificates are submitted to Council and registers maintained in relation to fire safety, regulated air conditioning systems, hair dressers, mortuaries and skin piercing premises.</b>	<b>Responsible Person :</b> Manager Compliance
<b>Priority Progress Comments :</b> At the end of the first quarter Council's Health Premises and Fire Safety registers confirmed the following; - 83 health premises were recorded; - 56 health premises inspections were carried out; - 43 regulated cooling towers/warm-water systems were recorded; and - 380 annual fire safety statements were lodged with Council. At the end of the second quarter Council's Health Premises and Fire Safety registers confirmed the following; - 85 health premises were recorded; - 5 health premises inspections were carried out; - 51 regulated cooling towers/warm-water systems were recorded. The increase from the first quarter was as a result of NSW Health requiring multiple units on the same premises being identified and recorded separately; and - 311 annual fire safety statements were lodged with Council. At the end of the third quarter Council's Health Premises and Fire Safety registers confirmed the following; - 87 health premises were recorded; - 1 health premises inspection was carried out; - 57 regulated cooling towers/warm-water systems were recorded. The increase from the first quarter was as a result of NSW Health requiring multiple units on the same premises being identified and recorded separately; and - 325 annual fire safety statements were lodged with Council.			
<b>Priority:</b>	<b>7.4.3</b>	<b>Operate an effective swimming pool safety program.</b>	<b>Responsible Person :</b> Manager Compliance
<b>Priority Progress Comments :</b> During the first quarter the following activities were carried out pursuant to Council's swimming pool safety program; - 24 swimming pool inspection requests were determined; - 5 swimming pool exemption applications were determined; - 2 swimming pool fencing customer requests were investigated; and - 22 swimming pool fencing notices/orders were issued. During the second quarter the following activities were carried out pursuant to Council's swimming pool safety program; - 35 swimming pool inspection requests were determined; - 2 swimming pool exemption applications were determined; - 3 swimming pool fencing customer requests were investigated; and - 15 swimming pool fencing notices/orders were issued. During the third quarter the following activities were carried out pursuant to Council's swimming pool safety program; - 13 swimming pool inspection requests were determined; - 2 swimming pool exemption applications were determined; - 2 swimming pool fencing customer requests were investigated; and - 7 swimming pool fencing notices/orders were issued.			

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**THEME : Goal 8 A HEALTHY ENVIRONMENT: Sustainable use of resources.**

**Strategy 2030: 8.1 Reduce greenhouse gas emissions and ecological footprint.**

**Priority: 8.1.1 Provide policy and planning initiatives based on the principles of Ecologically Sustainable Development (ESD).**

**Priority Progress Comments :**  
During the quarter the planning project addressing this priority involved the preparation of the Woollahra Local Strategic Planning Statement .

**Responsible Person :**  
Manager Strategic Planning

**Priority: 8.1.2 Provide programs and projects to reduce local greenhouse gas emissions and ecological footprint.**

**Priority Progress Comments :**  
Council is working in partnership with Waverley Council and Randwick Council to implement the Eastern Suburbs Low Carbon Future Plan . The regional partnership has measured regional emissions and has developed strategies to reduce our emissions. Projects include -  
- Lobbying for performance standards for new developments and increased BASIX targets  
- Solar My School Program  
-Infrastructure for Electric Vehicles  
-Waste reduction strategies such as Compost Revolution and Grow It Local .

**Responsible Person :**  
Manager Open Space and Trees

In December, Rose Bay Public School launched their solar power system, which was installed through the Solar My School program. In the Woollahra LGA to date 3 schools have installed solar, 5 are at tender stage and 4 are at feasibility report stage.

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
8.1.2.1 Provide programs and projects to reduce local greenhouse gas emissions and ecological footprint.	Ongoing	Council is participating in the SSROC Our Energy Future program, which provides education for residents about how to reduce energy use in their homes. A hotline is available to all Woollahra residents seeking energy conservation advice. Workshops to educate the community about solar power and battery use are planned for February and April 2019.	Team Leader Environment and Sustainability	30/06/2019		✓
8.1.2.2 Participate in and implement projects arising from the Three Council Ecological Footprint Project.	Ongoing	Council continues to participate in the 3 Council Regional Environment Program. Solar My Schools continues to be a highly successful program, winning a Cities Power Partnership Award, a LGNSW Environment Award, highly commended at the Green Globe Awards, and a finalist in the Banksia Awards. 58 out of 64 eastern suburbs schools are participating in some form. In the Woollahra area, we	Team Leader Environment and Sustainability	30/06/2019		✓

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Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
		<p>have recently provided environmental grants to two schools to install solar via this program and a number of schools will proceed to implementation in 2019. Rose Bay Primary School has completed their installation and held a celebration event. The 3 Councils Regional Environmental Program is also implementing a project to install electric vehicle charging stations at a number of locations across the region, with the tender awarded in November. A charging station will be installed at Kiaora Place. The 3 Councils are partnering with a new initiative, Grow it Local, to encourage residents to grow edible gardens. An Open Garden Weekend was held in November.</p>				
<p><b>Priority: 8.1.3 Coordinate Council's Environmental Grants Program.</b></p>						
<p><b>Priority Progress Comments :</b> In July 2018 Council awarded grants to 10 projects for the 18/19 Environmental Grants Program. These included grants to local schools, community garden groups and a local beach cleaning group. Implementation of these grant projects is now underway. The next round of grants is now open for applications.</p>					<p><b>Responsible Person :</b> Manager Open Space and Trees</p>	



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**Strategy 2030: 8.2 Monitor and strategically manage environmental risks and impacts of climate change.**

**Priority: 8.2.1 Participate in projects that respond to the effects of climate change, including the effects of sea level rise.**

**Priority Progress Comments :**

Council is continuing to work on the Sydney Harbour Estuary Coastal Management Program and was successful in obtaining a grant to undertake the Eastern Beaches Coastal Management Program in partnership with Waverley and Randwick Councils .

This work includes risk management approach towards the management of sea level rise and coastal inundation.

**Responsible Person :**  
Manager Open Space  
and Trees

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
8.2.1.1 Develop Stage 2 of the Coastal Zone Management Plan.	In Progress	With the commencement of new state legislation, the Coastal Management Act, Council was required to change its approach to coastal management. Coastal Zone Management Plans are no longer adequate, and to meet legislative requirements Council must instead prepare a 'Coastal Management Program'. Work on a Coastal Management Program for the Sydney Harbour Estuary is underway, with a scoping review in draft form. Council has been in discussion with the Sydney Coastal Councils Group and the State Government regarding the need to speed progress on CMP development to ensure equitable and timely access to funding to undertake implementation. Council will also work with Waverley and Randwick Councils to develop the Eastern Beaches Coastal Management Program, which will address Council's area of open coast. Council has been awarded a grant to undertake the first stage of this program.	Team Leader Environment and Sustainability	30/06/2017	30/06/2019	✔
8.2.1.2 Implement actions from the Biodiversity Conservation Strategy.	Ongoing	A brief for the development of a biodiversity monitoring program has been developed and tender advertised. A native bee hive has been installed at Cooper Park Community Garden and a pest management workshop was held. A grant application was submitted for a restoration and rehabilitation project in Cooper Park. The Schools Environmental Sculpture Prize competition was held with the theme 'threatened species in Woollahra'.	Team Leader Environment and Sustainability	30/06/2019		✔

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**Strategy 2030: 8.3 Encourage and assist our community to be leaders in waste management and resource recycling.**

**Priority: 8.3.1 Encourage greater community participation in waste reduction, recycling and composting initiatives.**

**Priority Progress Comments :**

Councils website is regularly updated with detailed information on re-use and recycling options for all waste categories.  
Participation with SSROC in providing regional education campaigns to provide generic communication to all residents and visitors.  
Waste magnets provided to every household outlining clean-up collection dates and providing further re-use/recycling options

**Responsible Person :**  
Manager Civil Operations

Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
8.3.1.1 Carry out the household clean-up collection service.	Completed	522 tonnes of hard waste was collected during the 3rd quarter. Over 90% of this has been diverted from landfill	Business Centres & Street Cleaning Coordinator	30/06/2019		✓
8.3.1.2 Participate in regional waste avoidance/reduction recycling projects.	Completed	Council have joined a new regional recycling campaign aimed at removing plastic bags from recycling. The campaign is called "unbag your recycling" and is a social media based campaign. The unbag your recycling message will be highlighted via a short video in addition to website and other promotional content.	Waste Projects Coordinator	30/06/2019		✓
8.3.1.4 Review the current household clean-up service with the aim to provide an improved level of service and a separate hazardous and e-waste collection service.	In Progress	A review of the clean-up service has been finalised. Expansionary requests to enable the provision of an improved service, including on-call collection of e-waste and a bi-monthly collection service for hazardous waste will be entered into the 2019/2020 draft budget	Business Centres & Street Cleaning Coordinator	30/06/2019		✓
8.3.1.5 Encourage the recycling of E-Waste through our joint collections days with Waverley Council.	Completed	E-waste drop off day was carried out on 25 November at the Woollahra/Waverly integrated facility.	Waste Projects Coordinator	30/06/2019		✓
8.3.1.6 Participate in National recycling week and Clean Up Australia Day.	Completed	National Recycling Week activities were held during the week 12-18 November. Activities included recycling displays at Woolworths and the Farmers Market in Double bay promoting recycling. We also handed out 1,000 re-usable shopping bags with Councils logo to shoppers, which were very well received.	Waste Projects Coordinator	30/06/2019		✓

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
8.3.1.7 Encourage the recycling of organics through the 3 Council Compost Revolution.	Completed	Compost revolution has been upgraded on our website with more products added to the range. This enables more choice when it comes to home composting options.	Waste Projects Coordinator	30/06/2019		✔
8.3.1.8 Encourage the reduction of waste disposal through events such as Second Hand Sunday and The Garage Sale Trail.	Completed	Two events will be held during the 3rd quarter. 2nd Hand Saturday and Clean Up Australia Day. Both these events are held in March	Waste Projects Coordinator	30/06/2019		✔
<p><b>Priority: 8.3.2 Implement programs to educate the community including schools, residents, community groups, businesses and staff on reducing waste and litter and increasing re-use and recycling.</b></p> <p><b>Priority Progress Comments :</b> Council carries out educational programs for schools, residents and businesses as required. These programs are designed to target specific areas of concern for the community using the waste avoidance hierarchy and are aligned to national events, such as Clean Up Australia and local events such as Second Hand Sunday.</p>						
						<b>Responsible Person :</b> Manager Civil Operations
<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
8.3.2.1 Carry out education programs to relevant stakeholders.	Ongoing	Projects currently being run are: 1/ Compost revolution in conjunction with Waverley & Randwick. This includes the purchase of discount compost bins and worm farms and compost workshops which residents can attend at no cost. 2/ Councils Trade Waste business will be working with Waverley to implement a source separated food collection service for restaurants which will divert food organics from landfill. 3/ School programs are run in conjunction with Councils Sustainability team. 4/ Community workshops were held for National recycling week	Waste Projects Coordinator	30/06/2019		✔



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<b>Priority: 8.3.3 Conduct cost effective and efficient waste collection and recycling to residents and businesses.</b>	
<b>Priority Progress Comments :</b> Full waste collection services to all residents continue on a weekly basis. Council has in place a 10 year contract with Veolia Environmental Services that will see 55% of our red lid waste bin processed into compost and diverted from landfill. This will assist Council in meeting the State Govts target of 70% diversion rate. 2,831 tonnes of domestic waste and 690 tonnes of trade waste have been collected in the 3rd quarter	<b>Responsible Person :</b> Manager Civil Operations
<b>Priority: 8.3.4 Conduct organics recycling services.</b>	
<b>Priority Progress Comments :</b> Organics service provided to all residents 1,102 tonnes of organics have been collected in the 3rd quarter	<b>Responsible Person :</b> Manager Civil Operations

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<b>Strategy 2030:</b>	<b>8.4</b>	<b>Reduce local water usage by Council and on private property.</b>	
<b>Priority:</b>	<b>8.4.1</b>	<b>Encourage greater community participation in water savings initiatives.</b>	
<b>Priority Progress Comments :</b> Council organises up to 12 community workshops per year to educate the local community on a range of environmental issues including water conservation. Council also encourages the installation of Rainwater tanks, green walls and green roofs through requirements in Council's stormwater DCP. As part of the 3 Council Regional Environment Program the Eastern Suburbs Water Reduction Plan has been developed . This plan is a long term strategy to reduce water demand across the region.			<b>Responsible Person :</b> Manager Open Space and Trees
<b>Priority:</b>	<b>8.4.2</b>	<b>Implement the Environmental Education Program for each year.</b>	
<b>Priority Progress Comments :</b> The Environmental Education Program is underway for 2018/2019. Monthly sustainability workshops and events are scheduled for community groups, schools, local business and Council staff. This quarter, the following events and workshops took place: Summer Coastal Activities Program, including snorkelling sessions and rockpool rambles with a marine ecologist; microplastics presentation and beach survey at Watsons Bay; beach clean ups; Solar and Batteries workshops; facilitation of the Eastern Suburbs Sustainable Schools Network; presentations to schools and preschools; and liaison and support for community gardens. In addition, regular e-newsletters were sent to our database of subscribers.			<b>Responsible Person :</b> Manager Open Space and Trees
<b>Priority:</b>	<b>8.4.3</b>	<b>Educate the community to reduce use of potable water.</b>	
<b>Priority Progress Comments :</b> Monthly sustainability workshops and events are scheduled for community groups, Schools, local business and Council staff. These workshops include water efficient gardening techniques and sustainable design . The Environment Grants Program also include the installation of rainwater tanks and water saving projects at local schools. Information has been included in Council's Environment E-News.			<b>Responsible Person :</b> Manager Open Space and Trees

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**Strategy 2030:**      **8.5**      **Promote and carry out water sensitive urban design.**

**Priority:**            **8.5.1**      **Integrate water sensitive urban design into local infrastructure and development.**

**Priority Progress Comments :**

Water Sensitive Urban design infrastructure is integrated into Councils Capital works program and infrastructure plans . A new Stormwater harvesting tank has been designed for Christison Park and a Gross Pollutant Trap has been installed as part of the Military Road upgrade project at Watsons Bay. This quarter, raingardens at Bellevue Hill were upgraded, with replacement of filtration media and plants.

**Responsible Person :**  
 Manager Open Space  
 and Trees

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**THEME : Goal 9 LOCAL PROSPERITY: Community focused economic development.**

**Strategy 2030: 9.1 Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy.**

**Priority: 9.1.1 Plan and implement strategies and initiatives to enhance natural landscapes and systems.**

<p><b>Priority Progress Comments :</b> Councils' Environment &amp; Sustainability team continue to implement actions from the Biodiversity Conservation Strategy to enhance natural landscapes and systems. They work closely with Councils' operations team to implement many of these actions. This quarter, a grant application was submitted to improve tree canopy and biodiversity corridors. The Environment &amp; Sustainability Team is also developing an environmental monitoring program, which will identify biodiversity and water quality hotspots and recommend actions to effectively manage them .</p>	<p><b>Responsible Person :</b> Manager Open Space and Trees</p>
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**Priority: 9.1.2 Encourage economic development in business and retail centres.**

<p><b>Priority Progress Comments :</b> Council's placemaking program continues with the implementation of the Double Bay Place Plan and the Oxford Street Roadmap report. Council is also well advanced with the review of planning controls for both the Edgecliff and Double Bay commercial centres .</p>	<p><b>Responsible Person :</b> Director Planning &amp; Development</p>
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Actions	Status	Progress Comments	Responsible Person	Original Target Date	Revised Target Date	Comment Updated
9.1.2.1 Participate in and support the operation of the Double Bay Chamber of Commerce.	Ongoing	This is an ongoing process. Council provides ongoing financial and in kind assistance to the Chamber on a regular basis.	Director Planning & Development	30/06/2019		✓
9.1.2.2 Undertake Oxford Street Paddington business management.	Ongoing	This is an ongoing process. Council provides ongoing financial and in kind assistance to the Paddington Business Partnership on a regular basis.	Director Planning & Development	30/06/2019		✓
9.1.2.3 Support the operation of the Paddington Business Partnership.	Ongoing	This is an ongoing process. Council provides ongoing financial and in kind assistance to the Paddington Business Partnership on a regular basis.	Director Planning & Development	30/06/2019		✓
9.1.2.4 Participate and support the Small Business Friendly Councils Program	Ongoing	Our participation in the Small Business Friendly Councils program is continuing.  We participated Small Business Month, October 2018. This involved successfully applying for \$5,000 funding from the Department of Industry. We conducted a social media campaign comprising production of two 30s videos (Paddington/Oxford Street and Double Bay) plus five individual posts, published on Council's Instagram and Facebook accounts. We have shared the campaign (via tags and links in our posts) with Sydney East Business	Manager Placemaking	30/06/2019		

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
		Chamber, Visit Paddington, City of Sydney, Destination NSW, Wentworth Courier and the small businesses themselves. Additionally, every business was provided with photographed copies of their images, free of charge.				
9.1.2.5 Progress the Cross Street Cinema project EOI.	Completed	With the completion of the Expressions of Interest process further updates will be included under Goal 11 - A Well Managed Council, Action 11.4.3.2.	Manager Placemaking	30/06/2019		
9.1.2.6 Maintain an active placemaking program of events, activities and support for businesses.	Ongoing	<p>Funding for the Sydney East Business Chamber has been reported to Council and multiple year funding has been approved for 2018/2018, 2019/2020 and 2020/2021. Funding includes for events and activities to be undertaken to support businesses.</p> <p>We partnered with the Sydney East Business Chamber in conducting a business forum, Going Local, held at Woollahra Library in February 2019.</p> <p>A new on-line platform, SmartyGrants, has been introduced to improve the efficiency of administering the Placemaking Grants program.</p> <p>A report on applications for Placemaking Grants 2018 resulted in a number of events and activities being approved. Funded events include events and activities to support businesses.</p> <p>Assistance was provided to the Sydney East Business Chamber for the Double Bay Street Fair which was held in November 2018.</p> <p>A social media program was organised as part of Small Business Month.</p> <p>Funding was provided to the Queen Street and West Woollahra Association which included funding to organise its Community Christmas Carols.</p>	Manager Placemaking	30/06/2019		✓

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Original Target Date</b>	<b>Revised Target Date</b>	<b>Comment Updated</b>
9.1.2.7 Support the operation of the Sydney East Business Chamber.	Ongoing	Sydney East Business Chamber funding request and business plan have been evaluated, reported to Council and a decision has been made to provide multiple year funding for 2018/2019, 2019/2020 and 2020/2021.  Continue to meet with Business Chamber representatives regularly to discuss Business Plan progress and other relevant Double Bay matters.  The Business Chamber continues to be represented on the Double Bay Working Party.	Manager Placemaking	30/06/2019		
<b>Priority: 9.1.3 Manage and promote open space and foreshore areas with high visitation rates.</b>						
<b>Priority Progress Comments :</b> The Council website is our major promotional means for Council's open space and foreshore areas. We manage these bookings through a centralised system whereby we balance the community needs against formalised bookings. During this quarter we have processed approx. 1600 open space bookings including 100 weddings.					<b>Responsible Person :</b> Manager Open Space and Trees	
<b>Priority: 9.1.4 Implement the strategies, priorities and actions for which the Council is responsible for in the Double Bay Place Plan.</b>						
<b>Priority Progress Comments :</b> Priority 9.1.4 has been included in the Delivery Program and Operational Plan (DPOP) to facilitate regular review and reporting on the implementation of the Double Bay Place Plan. The Actions are updated quarterly under the Double Bay Place Plan Quarterly Progress Reports . Reporting on the implementation of the Double Bay Place Plan will also be through the Double Bay Working Party . A review of the Double Bay Place Plan has been undertaken by the Double Bay Working Party . A report has been prepared on adopting the draft and will be considered by Council in the 4th quarter 2018/2019.					<b>Responsible Person :</b> Manager Placemaking	
<b>Priority: 9.1.5 Implement the quick wins and priority initiatives for Oxford Street.</b>						
<b>Priority Progress Comments :</b> Priority 9.1.5 has been included in the Delivery Program and Operational Plan (DPOP) to facilitate regular review and reporting on the implementation of the Oxford Street Placemaking Roadmap Report. The Actions are updated quarterly under the Oxford Street Paddington Placemaking roadmap Quarterly Progress Reports. Reporting on the implementation of the Oxford Street Paddington Placemaking Roadmap Report will also be through the Oxford Street Working Party . The Oxford Street Roadmap Report is currently being reviewed through the Oxford Street Working Party . A draft Oxford Street and Paddington Place Plan has been prepared and is expected to be considered by Council for adoption in the 4th quarter 2018/2019.					<b>Responsible Person :</b> Manager Placemaking	

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**Strategy 2030:** 9.2 Balance tourism demands with impacts on the community.

**Priority:** 9.2.1 Ensure planning for high profile tourism areas considers and protects residential amenity.

**Priority Progress Comments :**

There were no strategic planning projects carried out during the quarter which relate to this priority.

**Responsible Person :**  
Manager Strategic  
Planning

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July 2018 - June 2019

**Quarterly Progress Report**

<b>Strategy 2030:</b>	<b>9.3</b>	<b>Maintain a high quality public domain to support and promote local business.</b>	
<b>Priority:</b>	<b>9.3.1</b>	<b>Provide services to meet community expectations in relation to the presentation of business centres and high profile areas.</b>	
<b>Priority Progress Comments :</b> Capital upgrades and maintenance work carried out to schedules and approved budgets.  Horticultural elements of business centres are continually improving with a rollout of planter boxes with seasonal flowers and vegetation included.			<b>Responsible Person :</b> Manager Civil Operations
<b>Priority:</b>	<b>9.3.2</b>	<b>Provide street furniture maintenance services.</b>	
<b>Priority Progress Comments :</b> Street furniture maintenance is carried out to a high standard			<b>Responsible Person :</b> Manager Property & Projects

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Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019



Environmental Planning Committee – 15 April 2019

Item - ANNEXURE 2

## Notices of Motion Quarterly Progress Report

*Link to Community Strategic Plan – Woollahra 2030*

Goal 4 : Well planned neighbourhoods  
Goal 7 : Protecting our environment

Goal 8 : Sustainable use of resources  
Goal 9 : Community focused economic development

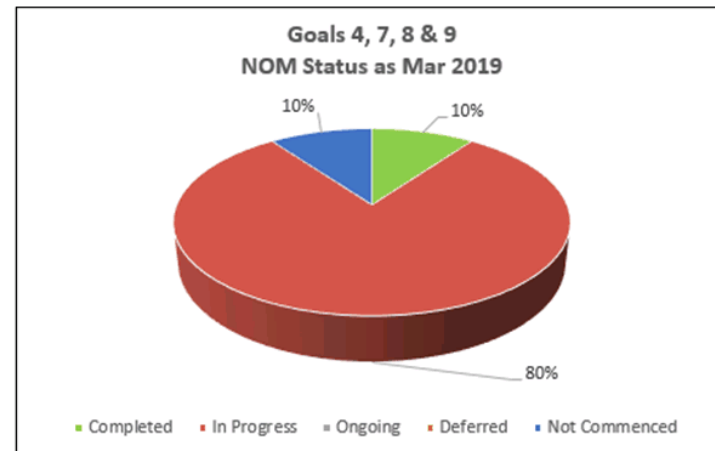
**Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019**



This report provides a summary of Notices of Motion relevant to Goal 4 : Well planned neighbourhoods, Goal 7 : Protecting our environment, Goal 8 : Sustainable use of resources and Goal 9 : Community focused economic development.


A snapshot of the NOM status as at 31 March 2019 is provided below:

Status	New NOM (1 January to 31 March 2019)	Total NOM (at 31 March 2019) * Includes new NOM
Completed	1	3
In progress	2	24
Not commenced	0	3
<b>Total Number of NOMs</b>	<b>3</b>	<b>30</b>



Woollahra Municipal Council

Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
Sir David Martin Reserve	That Council conduct a review of the existing Plan of Management for Sir David Martin Reserve. The review is to consider the following elements: 1. Use of the Sayonara slipway 2. Use of the hardstand area 3. Use of the buildings 4. Use of the Olympic Legacy wharfs.  [NOM 22/06/2015]	In progress	Sir David Martin Reserve Plan of Management is currently being reviewed. All internal stakeholders have been consulted with.  We are now consulting with the local residents and general users of the reserve. Any submissions received will be forwarded onto our Consultants to assist in the review of the Plan. Once the plan is drafted we will present the report to the Environmental Planning Committee.	Manager Open Space & Trees	
Paddington HCA rear pavilion additions	That Council requests staff to: a. Prepare a report reviewing council's controls which relate to rear pavilion additions in Paddington, specifically: C1.3.1 and C1.4.3 of the Woollahra DCP2015. b. Consult with the Paddington DCP Working Party in preparing the review. c. Provide recommendations, where necessary, to improve how the DCP can be applied to best meet its heritage conservation objectives for Paddington.  [NOM 26/04/2016]	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process.(refer to action 4.3.1.6).	Manager Strategic Planning	

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<b>Goals: 4, 7, 8 &amp; 9</b>					
<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
Dillon Street Reserve	<p>That Council:</p> <p>a. NOTES the opportunity to refresh precious open space in Paddington once Council's acquisition of land pursuant to the Voluntary Planning Agreement for the Scottish Hospital Site is complete.</p> <p>b. In the lead up to the acquisition of the land, requests Council staff to prepare a report detailing a landscape plan for the newly enlarged Dillon Street Reserve and council owned adjoining land on the nature strip adjacent to Nield Avenue</p> <p>c. Recognise the enlarged Reserve as an official park of the Woollahra municipality and undertake a process to select a suitable name.</p> <p>[NOM 31/10/2016]</p>	In progress	<p>We have engaged a consultant to commence work on proposed designs. The designs will cater for the uses of the current reserve and the additional land from the VPA. We will be provided with 2 options of a concept design which we will consult with Councillors prior to community consultation.</p> <p>A survey of the current reserve and the new land is currently underway.</p> <p>We will then present a report to Council which will include the naming of the Reserve.</p>	Manager Open Space & Trees	
Transport Feasibility Study	<p>A. That Council undertakes a Transport Feasibility Study for the Woollahra Municipality. This study is to include the identification of the primary drivers of road congestion, the current use of public transport (bus, ferry and rail) and the current use of car share, cycle ways and walking as modes of transport. The study is to also identify the barriers to increased</p>	In progress	<p>The preliminary draft Strategy has been reviewed and updated by Council's Project Steering Group and is now at the graphic design stage for Council reporting and public exhibition purposes.</p> <p>Councillor briefing and report is planned for May 2019.</p>	Manager Engineering Services	

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<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	<p>public transport, car share and cycle ways use, such as infrastructure and service levels. The study is to then identify options and opportunities for enhanced transport efficiency and effectiveness taking into consideration future demographic and technological changes.</p> <p>B. That a preliminary report be completed by 1 July 2017, with full Transport Feasibility Study completed by December 2017. Spending is to be capped at \$200,000 with funding to be identified at the December 2016 Quarterly Budget Review.</p> <p>C. That prior to proceeding with the Study, Council approach the State Government to seek funding assistance.</p> <p>[NOM 12/12/2016]</p>				
Paddington HCA infill development controls	<p>That Council requests staff to urgently prepare a report reviewing the Paddington HCA Development Control Plan's infill controls (C1.3.13) with a view to:</p> <p>a) formalising community expectations and council's intention that infill controls in Paddington apply:</p> <p>i. only to the whole site or lot which is totally devoid of all existing built form and/or heritage fabric; and</p>	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.3.1.5).	Manager Strategic Planning	

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<b>Goals: 4, 7, 8 &amp; 9</b>					
<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
	<ul style="list-style-type: none"> <li>ii. not to any other sites, including those with existing built form and/or fabric where alterations or additions are proposed (including but not limited to breezeways and backyards, and the airspace over single story garage structures).</li> <li>b) recommending a change to the DCP to introduce a definition for land to which the infill provisions will apply;</li> <li>c) fostering design excellence within the Paddington heritage conservation area;</li> <li>d) further minimising bulk and scale permissible under the current infill control set;</li> <li>e) ensuring that the infill controls work in harmony with the DCP provisions for lofts over garages in Paddington.</li> </ul> <p>[NOM 10/04/2017]</p>				
Playgrounds Across Woollahra	<p>THAT Council request staff to prepare a report on the provision of playgrounds across Woollahra, including but not limited to the following:</p> <ol style="list-style-type: none"> <li>1. An audit of all current playground equipment and outdoor recreation facilities across all Woollahra's parks</li> </ol>	In progress	We have engaged 180 Sports Leisure Solutions to undertake a review of our playgrounds throughout the Municipality and develop a strategy. They have currently reviewed all Council data on our playgrounds and undertaken a mapping study.	Manager Open Space & Trees	✓

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<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
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<b>Goals: 4, 7, 8 &amp; 9</b>					
<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
	and public open space; 2. Identification of gaps in the provision of facilities per age group, i.e. 0-5, 5-10 and 10- 15 years old and all ages. 3. Identification of additional council land suitable for siting new playgrounds and small scale eco-play installations, including any road reserves, pocket parks or other available open space. 4. Outlining a process to deliver a Woollahra- wide playgrounds MasterPlan to facilitate staged delivery of new age appropriate facilities across all identified locations, maintenance and upgrade of existing facilities and ongoing management plan for all. 5. Specific consideration of small scale play installations particularly in pocket parks in Paddington and Woollahra 2025 as an urgent priority. 6. Providing a list of childrens playground equipment built in the last 10 years and the cost of each site. 7. Identification of appropriate areas for care givers (i.e. parents, grandparents, nannies) including seats, shade, water fountains and update the Playground Policy March 2002 as part of the audit.		Consultation commenced on 12 February for 4 weeks. We are currently reviewing submissions received and the consultants will have a draft strategy to present to the Environmental Planning Committee.		

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<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	8. Addressing demands in areas for netball and basketball courts.  [NOM 30/10/2017]				
Separated Off-Road Bicycle Path Route From Rose Bay Wharf To Bondi Beach	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>Adopts as a priority the investigation of building a separated off-road bicycle path route from Rose Bay wharf to Bondi Beach (to our LGA boundary).</li> <li>Requests the Mayor to write to Waverley Council seeking their support to deliver this route as a joint initiative.</li> <li>Requests staff to liaise with Waverley Council as appropriate, and prepare a report on the implementation of a separated off-road route (including budget implications) as an alternative to the already-built on-road Route A5: Bondi Beach to Rose Bay Wharf (via O'Sullivan Rd) as detailed in Council's Woollahra Bicycle Strategy 2009.</li> </ol> <p>[NOM 30/10/2017]</p>	Completed	A report was presented to Council's Finance Community and Services Committee on 4 March 2019.	Manager Engineering Services	✓
New Sub-Committee Focussing On Small Business	<p>A. THAT a new sub-committee be formed that focusses on 'small business' and 'start-ups'.</p> <p>B. THAT The Mayor, in consultation with the General Manager, is charged with</p>	In progress	Draft terms of reference have been prepared to assist with part B of the resolution.	Manager Placemaking	✓

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<b>Goals:</b>	<b>4, 7, 8 &amp; 9</b>				
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	determining the Terms of Reference, scope and constitution of this new sub-committee so that it is able to convene as soon as possible.  [NOM 30/10/2017]				
Public high school in the Edgecliff Commercial Corridor	<p>THAT Council notes in principle support for an additional Public High Schools in Sydney's Eastern Suburbs and request staff to submit a report to the Urban Planning Committee as part of the current review of planning controls for the Edgecliff Commercial Corridor (ECC) which considers how to create the best possible environment to attract a public high school (or part thereof) to the ECC including recommendations on necessary changes to:</p> <ol style="list-style-type: none"> <li>1. planning controls in Woollahra DCP 2015 (including Part D 4 Edgecliff Centre and Part F Land Use Specific Controls) and Woollahra LEP 2014 in regard to zoning in the ECC with the objective of identifying a SP2 special purpose zone for educational infrastructure (NSW State Environmental Planning Policy (Infrastructure) 2007) and any other relevant planning provisions; and</li> <li>2. policies regarding operation of provisions of the Environmental</li> </ol>	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.1.1.25).	Manager Strategic Planning	



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<b>Goals: 4, 7, 8 &amp; 9</b>					
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	<p>Planning and Assessment Act 1979 including s94 contributions, s94A levies, s93(F) planning agreements and s94EE special infrastructure contributions.</p> <p>B. THAT Council liaises with Waverley Council to identify an appropriate site for a Public High School in the Eastern Districts.</p> <p>[NOM 27/11/2017]</p>				
Cooper Park Bellevue Hill assessment of heritage significance	<p>THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Cooper Park to Urban Planning Committee to facilitate Cooper Park (and its elements) being:</p> <ol style="list-style-type: none"> <li>1. included in the Woollahra Local Environmental Plan as a heritage item; and</li> <li>2. listed as a heritage item of state significance on the NSW State Heritage Register.</li> </ol> <p>[NOM 27/11/2017]</p>	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.3.1.12)	Manager Strategic Planning	
Urban Tree Canopy Mapping Study	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes that Woollahra's impressive urban forest gives our residential and commercial precincts a desirable leafy character, as well as providing respite from the warming climate and</li> </ol>	In progress	Council staff have been in regular contact with project officers from Office of Environment and Heritage. Council will be receiving a multi-scale urban vegetation cover baseline for Sydney Greater Metropolitan Area which will enable Council	Manager Open Space & Trees	

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<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
	<p>improves our community's health through cleaner air.</p> <p>2. Notes the recent release of the NSW Planning Minister's draft Green Infrastructure policy, Greener Places, and its vision for interconnected networks of open space, parks, bushland and private gardens that are strategically planned and designed to green and cool urban environments.</p> <p>3. Requests staff prepare a report on Council undertaking an urban tree canopy mapping study, including but not limited to:</p> <p>a) accurately mapping Woollahra's urban tree canopy coverage (including trees in bush reserves, parks and open spaces, street trees, and trees on private land);</p> <p>b) reporting on current levels of urban heat banking based on canopy coverage;</p> <p>c) providing baseline data for the purpose of developing recommended canopy replacement targets on an annual basis.</p> <p>[NOM 18/12/2017]</p>		<p>to evaluate the impact on surface temperatures, evaluate the relationship between vegetation cover and land use and monitor vegetation changes between 2014 and 2016.</p> <p>The data is currently behind schedule and we have requested an update on when we are likely to receive the data.</p> <p>Once we have this data we can then engage a Consultant to undertake the study.</p>		

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<b>Goals: 4, 7, 8 &amp; 9</b>					
<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
Gaden House – 2A Cooper Street Double Bay (AKA 24-26 Bay Street) – assessment of heritage significance	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>Notes that a Development Application has been received for alterations and additions to Gaden House, a commercial property located at 24-26 Bay Street, Double Bay.</li> <li>Undertakes a Heritage Assessment of the property and report to the Urban Planning Committee on whether the property qualifies for listing as a Heritage Item.</li> </ol> <p>[NOM 12/02/2018]</p>	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (Refer to action 4.3.1.13).	Manager Strategic Planning	✓
Euroka Reserve	<p>THAT Council undertake repair, maintenance and capital works improvements to elements in the Euroka Reserve including but not limited to the fountain and pond.</p> <p>[NOM 26/02/2018]</p>	In progress	<p>Staff have undertaken a review of the reserve and have undertaken some minor improvements to garden beds and fence repairs.</p> <p>We also completed some works to the trees in October. A report on the pond and fountain has been received.</p> <p>The pond is not functioning and therefore doesn't hold water. The works required are substantial and costly.</p> <p>We have identified some funding in the 19/20 Capital Works Budget for improvements to the Reserve.</p>	Manager Open Space & Trees	✓

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<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
Affordable Housing	<p>THAT Council requests staff to prepare and submit to the Urban Planning Committee by 30 June 2018:</p> <p>A. a draft affordable housing policy which sets out a target for affordable housing in the Woollahra LGA, including the mechanism by which affordable housing could be provided in the Woollahra LGA; together with</p> <p>B. a draft planning proposal, for later adoption by Council, such documents to include:</p> <ol style="list-style-type: none"> <li>1. identification of applicable areas within the LGA where affordable housing under State Environmental Planning Policy No.70 Affordable Housing (Revised Schemes) SEPP 70;</li> <li>2. relevant materials necessary to lodge a planning proposal to give effect to SEPP 70 in the Woollahra LGA;</li> <li>3. mechanisms to encourage new residential developments in the municipality, particularly those developments in the Edgecliff corridor, to give up 5 - 10% of each development as "affordable housing", including consideration of in kind contribution of affordable</li> </ol>	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.1.1.26).	Manager Strategic Planning	

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<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	housing; 4. provisions whereby all new "affordable housing" may be categorised as housing that is managed on a long-term basis by an external community housing provider within the Sydney Metropolitan area, appointed by Council under a relevant management contract; and 5. proposals for Council to utilise/ acquire property to be provided as affordable housing in order to meet Woollahra LGA's affordable housing targets.  [NOM 26/02/2018]				
Sydney Croquet Club Building and Greens Woollahra Golf Club Clubhouse and George Grimley Pavilion – assessment of heritage significance	THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for each of: 1. The Sydney Croquet Club building and greens (having its address in Woollahra Park, O'Sullivan Road, Rose Bay); and 2. The Woollahra Golf Club clubhouse and George Grimley Pavilion (having its address in Woollahra Park at 50 O'Sullivan Road, Rose Bay) to the relevant Council Committee to	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.3.1.10).	Manager Strategic Planning	

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<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	<p>facilitate the Sydney Croquet Club building and greens and the Woollahra Golf Club clubhouse and George Grimley Pavilion (and their elements) being:</p> <ol style="list-style-type: none"> <li>1. Included in the Woollahra Local Environmental Plan as a heritage item; and</li> <li>2. Listed as a heritage item of state significance on the NSW State Heritage Register.</li> </ol> <p>[NOM 23/04/2018]</p>				
Outdoor Dining	<p>A. THAT Council develop a mechanism to streamline the process for businesses in Double Bay and Rose Bay to facilitate footway dining. This mechanism to specifically include an approach whereby outdoor dining is "pre- approved" through a 'global' application in designated locations such that businesses have to simply and easily register the activity prior to commencing. The appropriate mechanism to be developed in consultation with businesses and relevant business organisations.</p> <p>B. THAT Council review its fee for the hiring of public footpaths in order that there is a greater incentive for small business owners to activate their street frontages in front of their restaurants and cafes by the</p>	In progress	The current practice is being reviewed in order to stream line the footway dining applications. A report will be prepared for the Finance, Community & Services Committee following the outcome of the Policy for Nighttime Economy in commercial centers being prepared by the Planning Division.	Manager Property & Projects	✔

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<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	inclusion of footway dining. [NOM 23/04/2018]				
Four In Hand Hotel – 105 Sutherland Street Paddington – assessment of heritage significance	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. Requests staff to undertake an assessment of heritage significance for the 'Four In Hand Hotel' (located at 105 Sutherland Street, Paddington) (the Property) and report to the Environmental Planning Committee on whether the Property has sufficient heritage significance to be listed as:               <ol style="list-style-type: none"> <li>a) a local heritage item in the Woollahra Local Environment Plan 2014 (WLEP); and</li> <li>b) an item on the State Heritage Register under the Heritage Act 1977</li> </ol> </li> </ol> <p>[NOM 21/05/2018]</p>	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.3.1.11).	Manager Strategic Planning	✓
Low Rise and Medium Density Housing – 6 July 2018 changes	<p>A. THAT Council:</p> <ol style="list-style-type: none"> <li>i. recognises that it is responsible for enacting the Woollahra Local Environment Plan (LEP) 2014; and</li> <li>ii. notes the recently announced Low Rise Medium Density Housing Code (Code), which is due to take effect on 6 July 2018.</li> </ol>	In progress	<p>Part B has been actioned.</p> <p>On 5 July 2018 an amendment was made to SEPP (Exempt and Complying Development Codes) 2008 which included deferral of the Low Rise Medium Density Housing Code to numerous local government areas including the Woollahra LGA. The deferral operates until 1 July 2019.</p>	Manager Strategic Planning	✓

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<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	<p>B. THAT Council, through the Mayor and General Manager, write to the New South Wales Planning Minister, Anthony Roberts MP, the member for Vacluse, Gabrielle Upton MP and the member for Sydney, Alex Greenwich MP and request:</p> <ul style="list-style-type: none"> <li>i. a freeze on the approval of any further medium density development under the Code in the municipality until a proper independent assessment has been undertaken to assess community impact;</li> <li>ii. that the State Government halts the application of the Code until Council has an opportunity to consult with the community and review its LEP to ensure development is in line with community expectations; and that approval of such sensitive development proposed under the Code, if implemented, be determined by Council certifiers and to affirm Council's position that it is opposed to private certification of the type of development contemplated by the Code.</li> </ul> <p>THAT Council urgently:</p> <p>A. commences a review of the Woollahra LEP to consider where medium density dwelling provisions in the Code could</p>		<p>Part C has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.1.1.20).</p>		

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<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	adversely affect the community, and in circumstances where those impacts are adverse, remove medium types of dwellings from R2 zones; and R3 zones, it being understood that the reference to medium density dwellings includes dual occupancies, semi-detached dwellings, multi-dwelling housing, manor houses and terrace.  [NOM 21/05/2018]				
Landscape controls to enhance tree canopy	<p>THAT Council's Strategic Division produce a report which reviews Council's DCP Landscaping Controls in order to:</p> <ul style="list-style-type: none"> <li>Determine whether the current objectives and controls are promoting, maintaining and conserving the leafy character of the Municipality</li> <li>Strengthen Council's objectives and controls to further enhance the landscaped character of Woollahra and Paddington, by including a new control which reads as follows:</li> </ul> <p>In the redevelopment of sites, landscaped areas should be planted with species that are compatible with the locality's existing character, and should include canopy trees that are capable of achieving a mature height of 10 metres: When redeveloping sites:-</p>	In progress	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.1.1.21).	Manager Strategic Planning and Team Leader Trees	✔

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Woollahra Municipal Council

Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	i. Sites less than 500 sq. metres may require the introduction of 1 additional tree ii. Sites between 500sq. metres and 1000 sq. metres to introduce 3 additional trees iii. Sites between 1000 sq. metres and 1200 sq. metres to introduce 4 additional trees iv. Sites over 1200 sq. metres – 5 Trees.  [NOM 21/05/2018]				
Rose Bay Scout Hall (Former RAAF Officers' Canteen) - Proposed Heritage Listing and Upgrade	THAT Council: A. Request staff to undertake an assessment of heritage significance for the Rose Bay Scout Hall (former RAAF Officers' Canteen) located in Vickery Avenue, Rose Bay, and report to the Environmental Planning Committee on whether the property has sufficient heritage significance to be listed as: i. a local heritage item in the Woollahra Local Environmental Plan 2014(WLEP), and ii. an item on the State Heritage under the Heritage Act 1977. B. Investigate and report to the relevant Council Committee on the viability of	Not commenced	Part A of this action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.3.1.8).  In regards to Parts B, C and D, a feasibility study for community facilities is being undertaken and this property will be included. The outcome will be presented to the appropriate committee of Council for consideration and adoption. NSW Government has advised that they are not in a position to discuss the future of this site until closer to 2021 when the current Scouts lease expires. This will provide adequate time for Council to formulate its	Manager Strategic Planning – Part A  Manager Property & Projects – Parts B, C and D	✓

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Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
	<p>Council making a submission to the NSW Government for Council to specifically own and manage the Rose Bay Scout Hall (management to be in consultation with Scouts Australia NSW if it so wishes) and its adjacent areas including its car park and surrounds; and</p> <p>C. Investigate the potential for upgrading and refurbishing the building (in accordance with heritage principals) and landscaping its surrounds for community place making and recreational use and commence preliminary design work around this concept; and</p> <p>D. Investigate grant funding from the NSW Government for the upgrade and refurbishment of the building and landscaping of its surrounding areas.</p> <p>[NOM 18/06/2018]</p>		position and approach the NSW Government.		
Creative Hoardings	<p>THAT staff be requested to prepare a report on how Council can introduce requirements for public art on hoardings and scaffolding associated with building and construction work within our commercial centres. The report to consider issues such as:</p> <p>1. The areas and circumstances where public art should be required.</p>	Completed	A report on this NOM was submitted to the Environmental Planning Committee on 18 February 2019. Council, on 25/2/19 resolved to prepare DCP controls and supporting guidelines which establish requirements to provide public artwork in major projects.	Director Planning & Development	✔

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Woollahra Municipal Council

Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	<p>2. The type of artwork, graphics and/or images required, e.g. a heritage image, a creative image and/or façade replication.</p> <p>3. Whether or not a Local Approvals Policy should be produced to set out design and public art requirements.</p> <p>4. Approval processes and procedures, including approval of artwork.</p> <p>[NOM 20/08/2018]</p>				
<p>Sewerage Pumping Station, Percival Park and Gates - Proposed heritage listing (Upgrade and refurbishment of Percival Park)</p>	<p>THAT Council:</p> <p>1. Requests staff to undertake an assessment of heritage significance for the Sewerage Pumping Station located at Percival Park, Rose Bay and the sandstone gates leading into the park and report to the Environmental Planning Committee on whether these items have sufficient heritage significance to be listed as a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP).</p> <p>2. Liaise with Sydney Water with a view to refurbishing Percival Park and landscaping its surrounds for better community and recreational use.</p> <p>[NOM 12/11/2018]</p>	In progress	<p>Part 1 - This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.3.1.16).</p> <p>Part 2 - We are currently liaising with Sydney Water to upgrade the turf and guardian beds. They have given us an indication that these works will be undertaken in January 2019.</p>	<p>Manager Strategic Planning – Part 1</p> <p>Manager of Open Space and Trees – Part 2</p>	<p>✔</p>

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Woollahra Municipal Council

Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
Electric Circuitry	<p>THAT Council:</p> <p>A. Staff review the current DCP and LEP provisions to ascertain what changes, if any, are necessary to ensure that car parks in new residential, mixed use and commercial developments have adequate circuitry to allow for the introduction of electric vehicle charging points.</p> <p>B. Staff review the plans for the Cross Street car park development, the Ian Street car park development and the Wilberforce Ave car park development to ensure those buildings will contain adequate circuitry to allow for the introduction of electric vehicle charging points.</p> <p>[NOM 26/11/2018]</p>	In progress	<p>A report will be presented to the Environmental Planning Committee in response to Part A of this resolution.</p> <p>As no plans have been prepared we are unable to confirm the circuitry. However we will ensure that there is adequate capacity allowed for this in the new car parks.</p>	<p>Director Planning &amp; Development (Part A) See FSCS Report</p> <p>Director Technical Services (Part B) See EP (this) report)</p>	✔
Policy for the Night-time Economy of Double Bay and Our Other Commercial Hubs	<p>THAT Council as a matter of urgency develops a formal policy in regard to the night time economy of Double Bay and our other smaller commercial hubs (noting additional points to be explored in the development of the formal policy include plans of management, renewable conditions and enforcement mechanisms).</p> <p>[NOM 26/11/2018]</p>	Completed	<p>A report on the Night Time Economy is on the agenda for the Environmental Planning Committee of 14/4/19.</p>	Director Planning & Development	✔
Outdoor Lighting Control in Residential	<p>THAT Council requests staff to prepare and submit a report reviewing Council's existing controls and detailing how they may be amended to properly:</p>	Not commenced	<p>This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action</p>	Manager Strategic Planning	

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Woollahra Municipal Council

Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE:</b>		<b>ENVIRONMENTAL PLANNING COMMITTEE</b>			
<b>Goals:</b>		<b>4, 7, 8 &amp; 9</b>			
<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
Zones	<p>i. control the obtrusive effects of outdoor lighting in residential zones in the Municipality;</p> <p>ii. control lighting display on outdoor houses, bed and breakfast accommodation, childcare centres, office premises, information and education facilities), in order to mitigate light nuisance and light pollution in residential zones within the Municipality, and to set firm requirements ensuring a non-obtrusive lit environment. Such a report is to include mechanisms for ensuring compliance with Australian Standards and any other applicable guidelines for avoidance of light pollution in residential zones, and to outline what can be done in relation to existing development as well as what can be done in relation to future development.</p> <p>[NOM 10/12/2018]</p>		4.1.1.27).		
Neighbourhood Heritage Conservation Areas	<p>A. THAT Council review its current planning controls in its Neighbourhood Heritage Conservation Areas (NHCAs) located in Darling Point, Bellevue Hill, Rose Bay and Vaucluse, to determine and establish more stringent conservation controls to maintain the cultural and heritage value of these areas.</p> <p>B. In undertaking this task, that Council consider and explore:</p>	Not commenced	This action has been placed in the DPOP as a new project. All status and reporting comments will be provided through the DPOP quarterly review process. (refer to action 4.3.1.17).	Manager Strategic Planning	

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Woollahra Municipal Council

Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<i>Issue</i>	<i>NOM</i>	<i>Status</i>	<i>Comment</i>	<i>Responsible Person</i>	<i>Comment Updated</i>
	i. whether current controls are strong enough to maintain the heritage of these significant areas; and ii. the mechanisms (including changes that are required to Council's development and planning controls) required to give effect to preservation of the heritage of the built and natural form in these areas, with focus on preservation of existing assets and built fabric.  [NOM 10/12/2018]				
Agent of Change - Sound Attenuation	THAT Council staff investigate, examine and report to Council on the "agent of change" provisions in the Victorian planning legislation, which require buildings erected near existing entertainment venues to include sound attenuation features.  [NOM 10/12/2018]	Completed	This issue is discussed in the report on the proposed Night Time Economy Policy which is on the agenda for the Environmental Planning Committee on 15/4/19.	Director Planning & Development	✔
Hydro geological report on Double Bay dewatering	THAT Council: A. Staff meet with concerned Double Bay residents and outline the approval process that was undertaken in relation to the DA and dewatering at 4-8 Patterson Street, Double Bay and other sites that have been approved to undertake dewatering in Double Bay. B. Follow up with the NSW Department of Primary Industries to ascertain the results of	In progress	In response to Part A, a meeting was held with concerned residents on 28/2/19.  In response to Part B, despite numerous communications with the relevant agency, Water NSW, Council staff have not been successful in obtaining information which will enable us to determine if de-watering conditions on the development at 4-8 Patterson Street were	Director Planning & Development	✔

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<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	<p>their enquiries into this issue. C. Obtain a report from an expert hydro geologist (and/or other appropriate expert) informing Council as to whether there are any short, medium or long-term impacts or risks associated with excavation, subterranean building and dewatering in the Double Bay area on the structural and geological integrity of Double Bay residential and commercial buildings, with a view to informing any amendments required to existing planning controls.</p> <p>[NOM 25/02/2019]</p>		<p>complied with. We have been advised that Water NSW is taking legal advice on the matter and have requested the approval holder to provide a completion report.</p> <p>In response to Part C we are in the process of preparing a brief for this work.</p>		
Building confidence	<p>THAT Council:</p> <p>A. Supports the need to strengthen regulation of building standards and enforcement of controls in New South Wales, as this relates directly to construction and development within the municipality;</p> <p>B. Supports the recommendations set out in the "Building Confidence –Improving the effectiveness of compliance and enforcement systems for the building and construction industry" report dated February 2018 by Peter Shergold and Bronwyn Weir; and</p> <p>C. Requests The Mayor to write to candidates in the 2019 State Government election in the relevant electorates of the municipality asking for a written public statement to be made and</p>	Completed	A letter responding to this NOM was prepared and sent by the Mayor to 13 candidates on 20/3/19. Reference: HPE 19/43899	Director Planning & Development	✔

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<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE:</b>	<b>ENVIRONMENTAL PLANNING COMMITTEE</b>				
<b>Goals:</b>	<b>4, 7, 8 &amp; 9</b>				
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	issued to Council prior to the election outlining the candidates' commitment to ensuring the adoption of the recommendations set out in "Building Confidence –Improving the effectiveness of compliance and enforcement systems for the building and construction industry" report dated February 2018 by Peter Shergold and Bronwyn Weir.  [NOM 11/03/2019]				
Strategic Planning Division	<p>THAT Council:</p> <p>A. Requests the General Manager to give urgent priority to increasing staff resourcing in the Planning and Development division to ensure the completion of the following projects by the end of September 2019:</p> <p><b>DPOP                      Priority Action item</b></p> <p>4.1.1.10    Review all matters deferred from inclusion in Woollahra LEP 2014</p> <p>4.1.1.12    Review planning controls for building envelopes, residential carparking rates and excavation</p> <p>4.1.1.13    Review controls for the Edgecliff Commercial Centre.</p> <p>4.1.1.14    Prepare new housing strategy consistent with guidelines issued by the Greater Sydney Commission</p> <p>4.1.1.19    Prepare a draft Voluntary Planning Agreement policy</p>	In progress	A report on projects and staff resourcing was presented to Environmental Planning Committee meeting on 1 April 2019. A further report is being prepared for a future meeting of the EPC.	Manager Strategic Planning	✔

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Woollahra Municipal Council

Jan 2019 – Mar 2019

<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	4.1.1.20 Review Woollahra LEP 2014 to consider the impact of medium density dwelling provisions in the Low Rise Medium Density Housing Code				
	4.1.1.21 Review landscaping controls in Woollahra DCP 2015 regarding enhancing the tree canopy requirements				
	4.1.1.23 Prepare Local Strategic Planning Statement				
	4.1.1.24 Prepare Community Participation Plan				
	4.1.1.25 Report on attracting a public high school to the Edgecliff Commercial Centre Corridor				
	4.1.1.26 Prepare a draft affordable housing policy				
	4.3.1.1 Paddington Pubs study to determine and establish more specific conservation controls				
	4.3.1.2 Review Wilkinson buildings and determine if they meet the threshold for heritage listing				
	4.3.1.3 Prepare a report on future heritage listing of Arts and Crafts buildings and inter-war residential flat buildings				
	4.3.1.4 Update heritage inventory sheets for existing heritage items				

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<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE: ENVIRONMENTAL PLANNING COMMITTEE</b>					
<b>Goals: 4, 7, 8 &amp; 9</b>					
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	4.3.1.5 Review the infill controls in the Paddington HCA Chapter in Woollahra DCP 2015				
	4.3.1.6 Report reviewing the pavilion extension controls in the Paddington HCA Chapter in Woollahra DCP 2015				
	4.3.1.8 Assessment of heritage significance for Rose Bay Scout Hall (former RAAF Officer's Canteen) in Vickery Avenue, Rose Bay				
	4.3.1.9 Rose Bay Scout Hall (former RAAF Officers' Canteen) - proposed Heritage Listing and Upgrade				
	4.3.1.10 Assessment of heritage significance for the Sydney Croquet Club building and greens, Woollahra Golf Club clubhouse and George Grimley Pavilion				
	4.3.1.12 Report on a heritage assessment of Cooper Park to determine heritage listing in Woollahra LEP 2014 and listing on the NSW State Heritage Register				
	4.3.1.13 Undertake a heritage assessment of Gaden House Double Bay				

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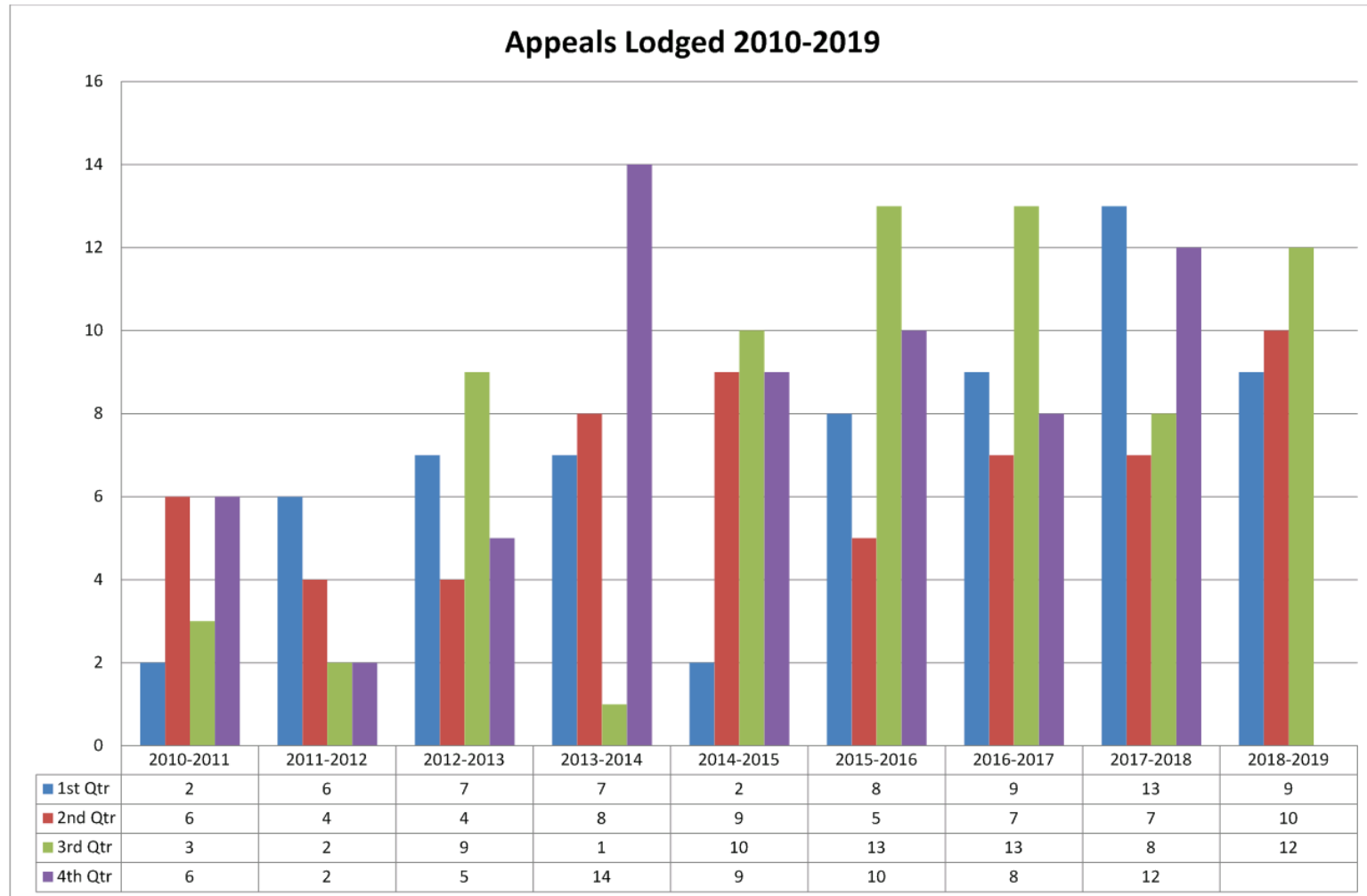
Jan 2019 – Mar 2019

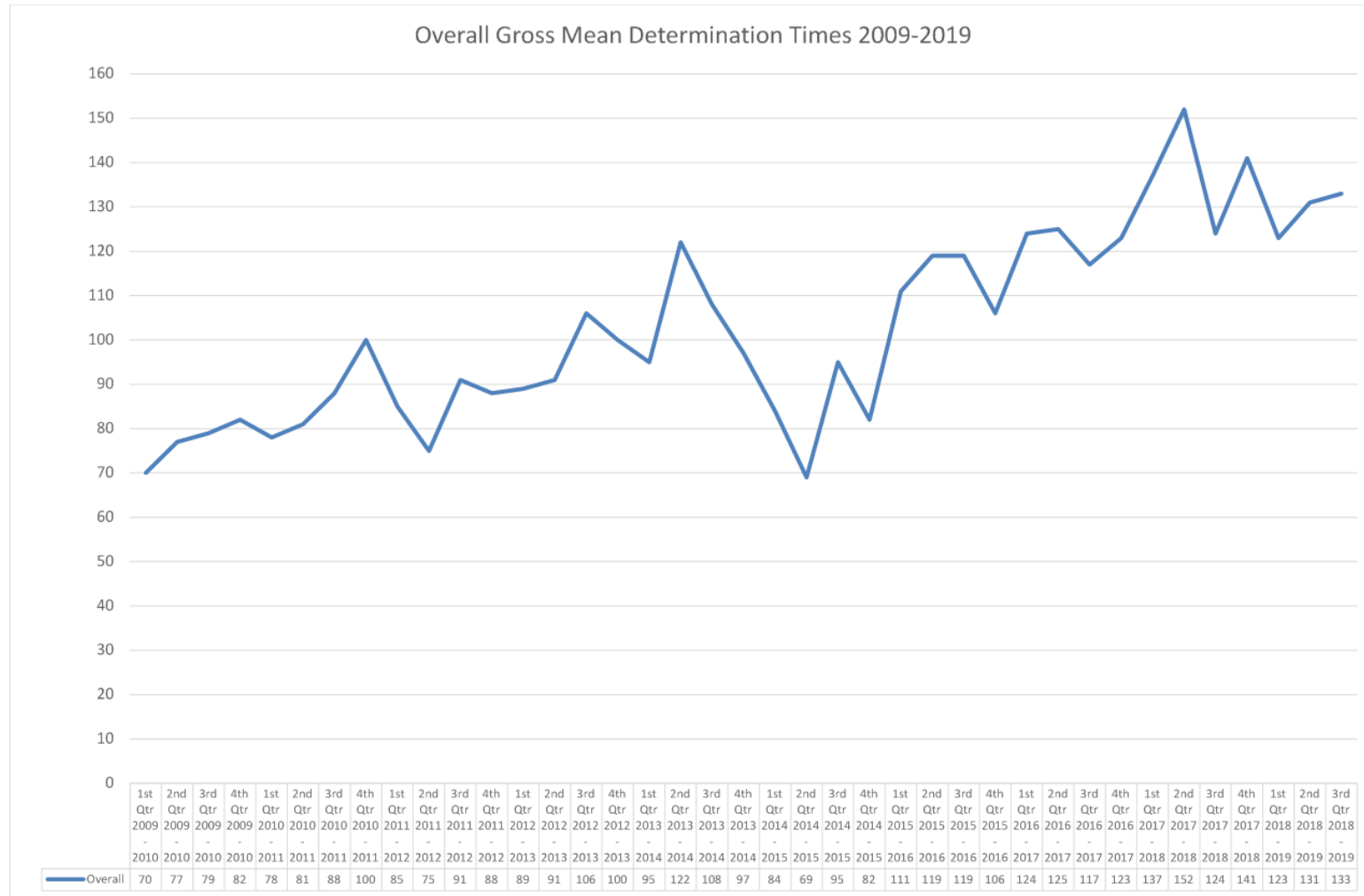
<b>Notices of Motion: Quarterly Progress Report (as at 31 March 2019)</b>					
<b>COMMITTEE:</b>		<b>ENVIRONMENTAL PLANNING COMMITTEE</b>			
<b>Goals:</b>		<b>4, 7, 8 &amp; 9</b>			
<b>Issue</b>	<b>NOM</b>	<b>Status</b>	<b>Comment</b>	<b>Responsible Person</b>	<b>Comment Updated</b>
	<p>4.3.1.14 Prepare planning proposal to list as a heritage item the Rose Bay Uniting Church and Wesley Hall</p> <p>4.3.1.15 Prepare a planning proposal to list Dunara Reserve, Point Piper, as a local heritage item</p> <p>B. In particular, requests the most urgent prioritisation of:</p> <p>i Report on the resolution in relation to the night-time economy and leasing of footpaths and footpath dining by the end of April 2019; and</p> <p>ii All works in relation to the review of DCP controls for the Double Bay commercial centre including all public consultation by 30 the September 2019.</p> <p>C. Notes that the 2018/19 and 2019/20 budget will be impacted (with an estimated expenditure in the vicinity of \$750,000 to \$1,000,000).</p> <p>[NOM 11/03/2019]</p>				

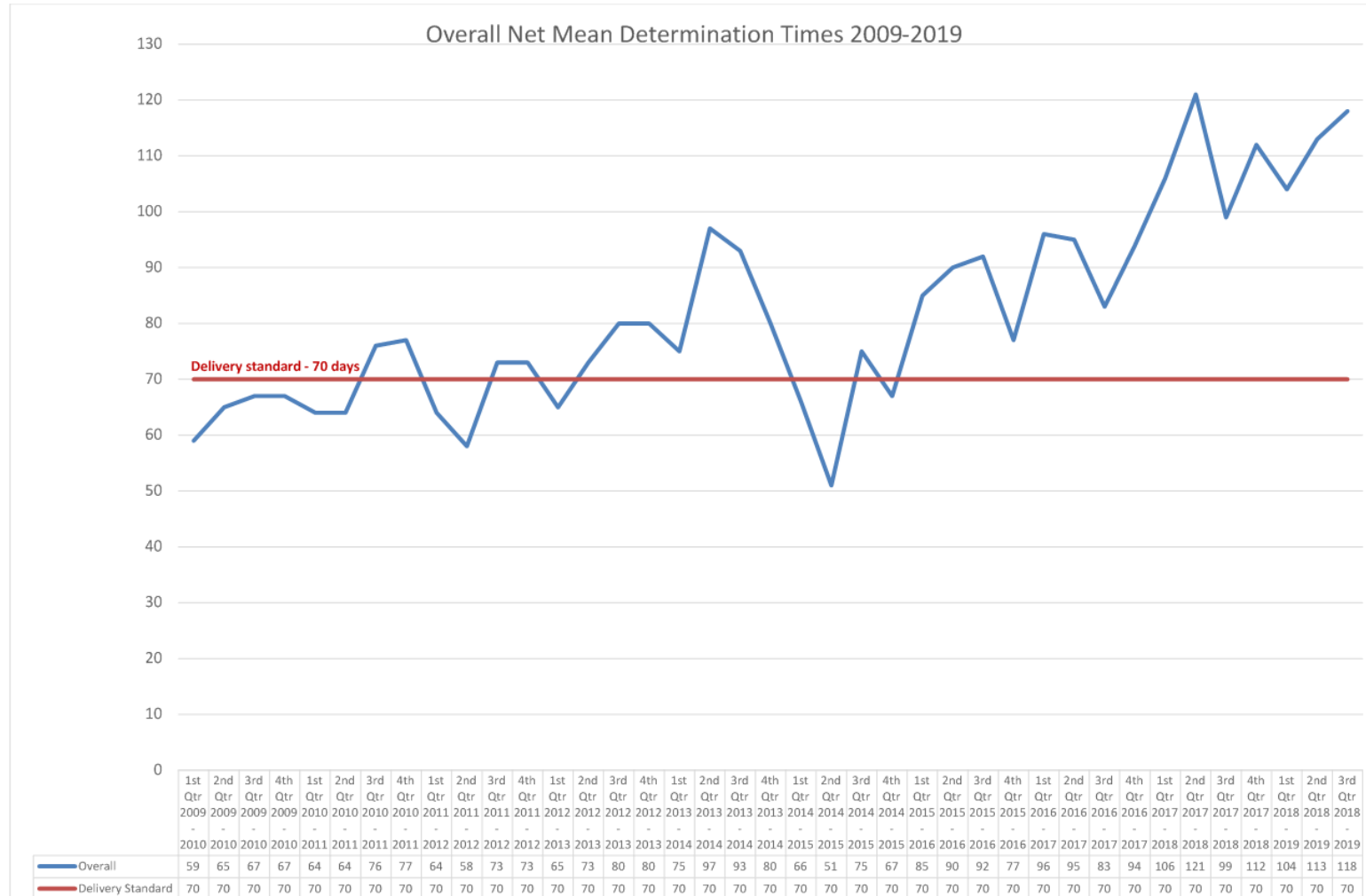
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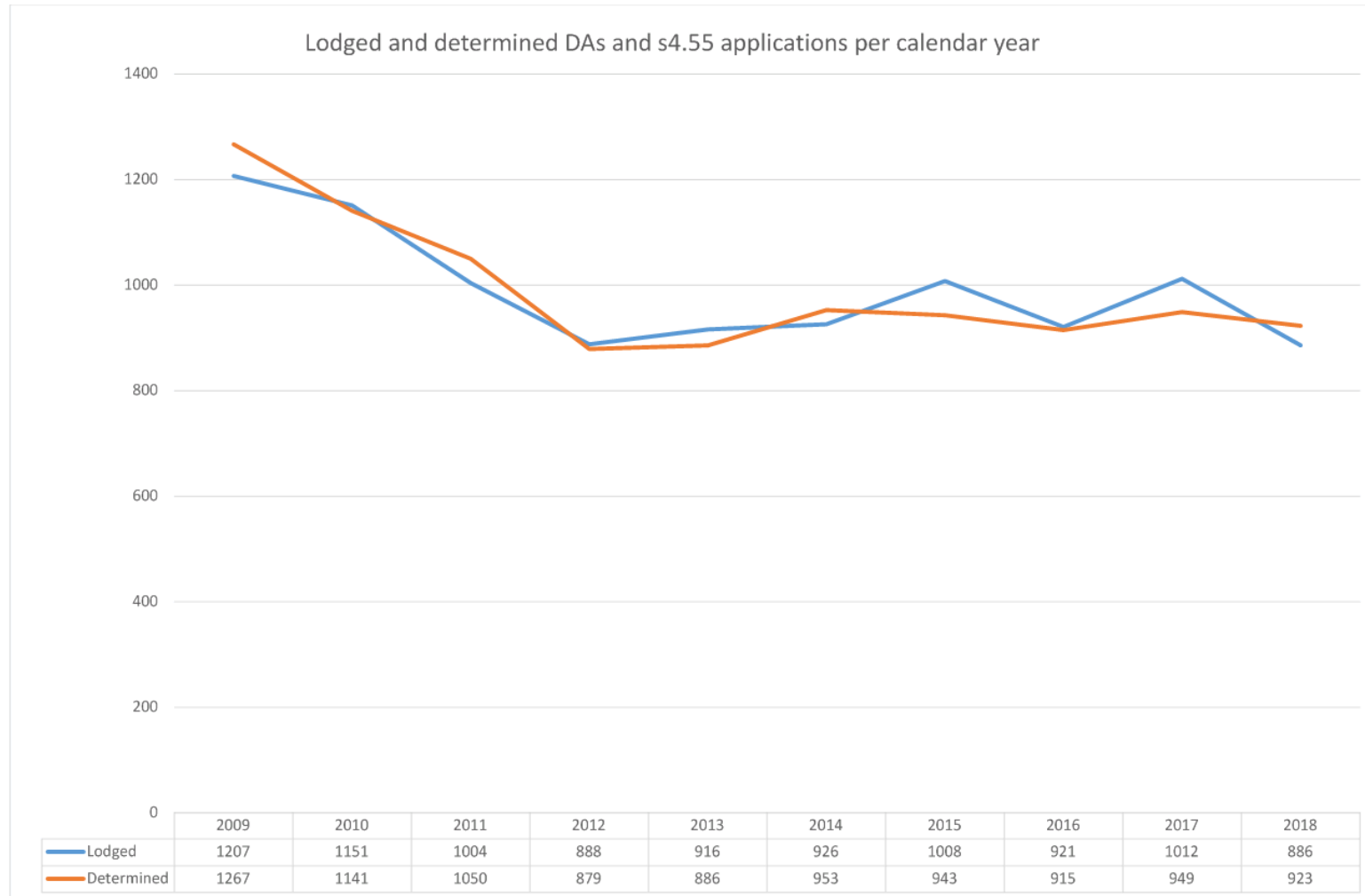
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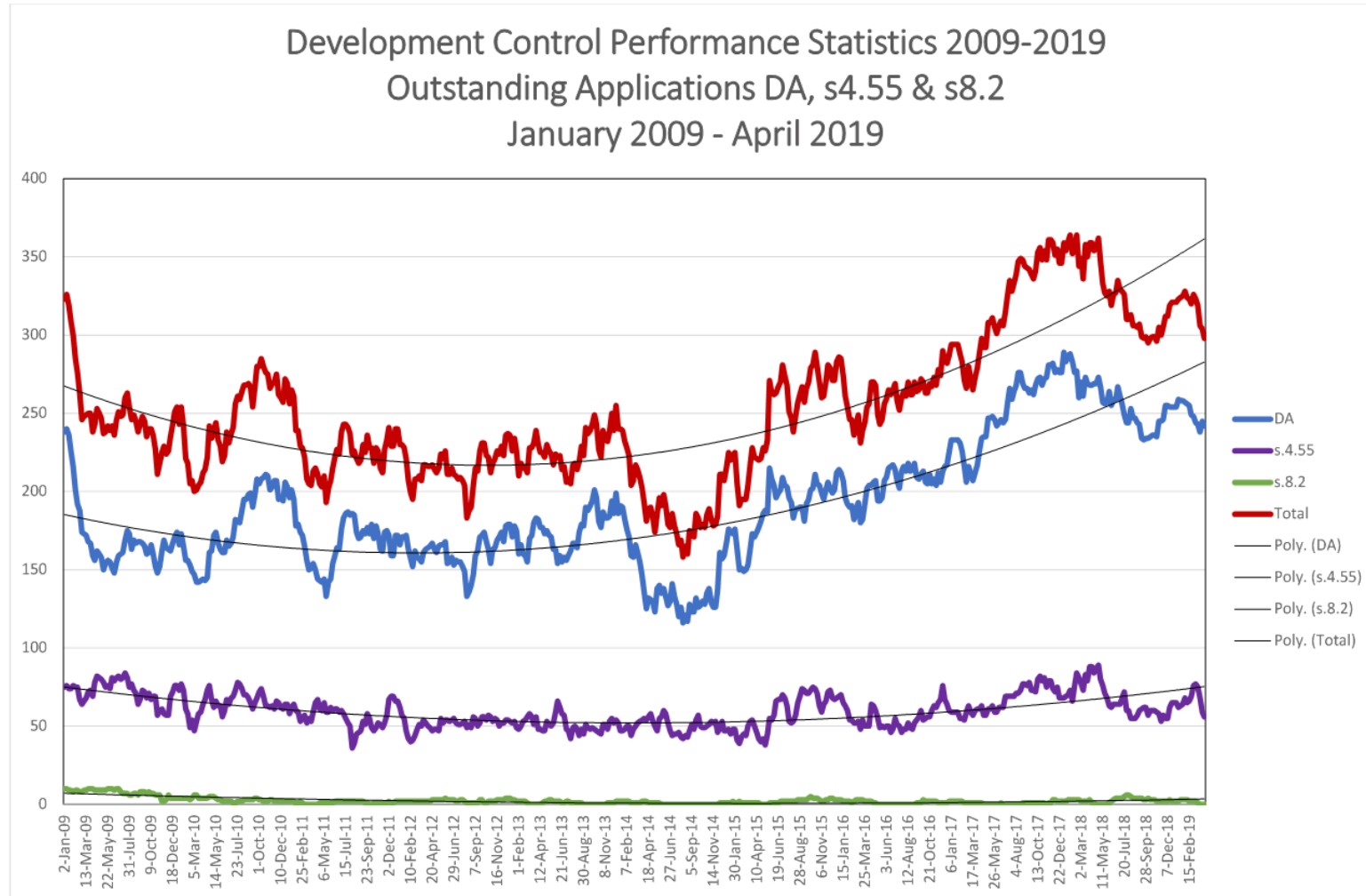














Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019



Environmental Planning Committee – 15 April 2019

Item - ANNEXURE 4

## **Double Bay Place Plan and Oxford Street Paddington Placemaking Roadmap Quarterly Progress Report (March 2019)**

*Link to Community Strategic Plan – Woollahra 2030*

Goal 9 : Community focused economic development

Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019



*What is our Delivery Program & Operational Plan?*

The Delivery Program 2018 to 2021 and Operational Plan 2018/19 is structured on the Community Strategic Plan – Themes and Goals.

Each broad theme is supported by a number of Goals, Strategies, Priorities and Actions.

Progress reports for each of the five (5) Themes and eleven (11) Goals from our Delivery Program and Operational Plan are reported to the most appropriate Standing Committees on a quarterly basis, being to the Finance, Community & Services Committee and/or the Environmental Planning Committee. The Priorities and Actions contained in the Delivery Program and Operational Plan are presented by Theme, Goal and Strategy.

*What are Quarterly Progress Reports and what is our reporting structure?*

Our Quarterly Progress reports are designed to provide a snapshot to the Council and the community on the progress against the Priorities outlined in our Delivery Program and annual Actions contained in our adopted *Delivery Program 2018 to 2021 and Operational Plan 2018/19*.

Planning hierarchy definitions



Delivery Program 2018 – 2021 & Operational Plan 2018 – 2019

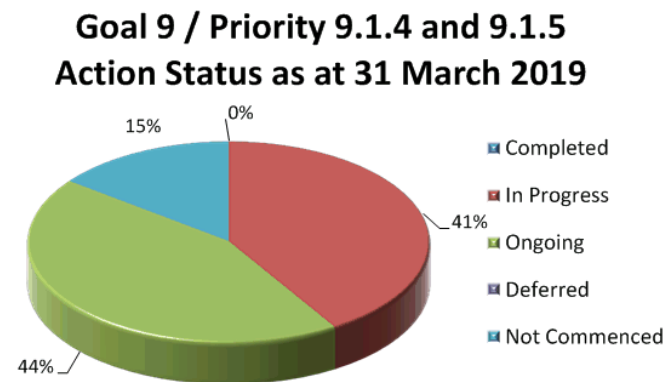


*Quarterly Progress Report Status to end of March 2019*

This report includes Actions included under Goal 9: Community focused economic development and Priority 9.1.4: Implement the strategies, priorities and actions for which the Council is responsible for in the Double Bay Place Plan, Priority 9.1.5: Implement the strategies, priorities and actions for which the Council is responsible for in the Double Bay Place Plan and Priority.

Status	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Completed	1	1	0	
In Progress <sup>1</sup>	9	10	14	
Ongoing	13	17	15	
Deferred	0	0	0	
Not Commenced	8	6	5	
<b>Total Number of Actions</b>	<b>31</b>	<b>34</b>	<b>34</b>	

A snapshot of the Action status by quarter is provided below:



1. Status of 'In Progress' also includes: 'Preliminary Investigation', 'Works Commenced', 'Tenders or Quotations Called' and 'Design/Scope of Works'. Status of 'Deferred' also includes: 'Works Delayed'.

Woollahra Municipal Council

July 2018 - June 2019

**Quarterly Progress Report**

**THEME : Goal 9 LOCAL PROSPERITY: Community focused economic development.**

**Strategy 2030: 9.1 Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy.**

**Priority: 9.1.4 Implement the strategies, priorities and actions for which the Council is responsible for in the Double Bay Place Plan.**

<p><b>Priority Progress Comments :</b> Priority 9.1.4 has been included in the Delivery Program and Operational Plan (DPOP) to facilitate regular review and reporting on the implementation of the Double Bay Place Plan. The Actions are updated quarterly under the Double Bay Place Plan Quarterly Progress Reports . Reporting on the implementation of the Double Bay Place Plan will also be through the Double Bay Working Party . A review of the Double Bay Place Plan has been undertaken by the Double Bay Working Party . A report has been prepared on adopting the draft and will be considered by Council in the 4th quarter 2018/2019.</p>	<p><b>Responsible Person :</b> Manager Placemaking</p>
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Actions	Status	Progress Comments	Responsible Person	Target Date	Comment Updated
9.1.4.1 - [DBPP Priority 2.2.1] - Implement a new literary award.	In Progress	Plans are underway for the 2019 Digital Literary Award. Entries closed on 11 March 2019 and 85 submissions were received across the three categories of Fiction, Non-fiction and poetry. This year we a new category of Poetry was introduced to replace Short/Flash Fiction. The three judges will shortly judge the entries and collate a shortlist which will be announced on 10 May, approximately two weeks before the award night on 31 May 2019.  On Tuesday 19 February 2019 a writing workshop was held in relation to the DLA – A Guide to Digital Publishing for Indie Authors. The event was facilitated by Joel Naoum of Critical Mass Consulting who shared his industry tips with attendees. Positive feedback was received straight after the event with the 12 attendees indicating they are interested in more writing and reading workshops.	Manager Library & Information Services	30/06/2019	✔
9.1.4.2 - [DBPP Priority 2.2.1] - Coordinate Writers and Readers Tea Topics and Children's programs.	In Progress	In Quarter 3 January - March 2019, the following Library programs and events were held at Woollahra Library at Double Bay:  Adults:  *Two talks were held as part of the Tea Topics series during this quarter at Woollahra Library at Double Bay. In March Sam Collins, General Manager of Vertikal, and designer of the Library's green wall spoke as part of the Sydney Design Festival. Many of the attendees were new to the Library and had not visited before and	Manager Library & Information Services	30/06/2019	✔

08 April, 2019



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Woollahra Municipal Council

July 2018 - June 2019

**Quarterly Progress Report**

Actions	Status	Progress Comments	Responsible Person	Target Date	Comment Updated
		<p>the event was fully booked. A total of 70 people attended the Tea Topics talks over February and March despite 156 bookings.</p> <p>* Three evening author talks were held at Woollahra Library at Double Bay with 61 people attending.</p> <p>Childrens and Young people:</p> <p>*Book Babies, a weekly program for 0-18 months, uses a one-to-one approach to parent/child enjoyment of rhyme, language and song. A total of 109 babies and 116 adults were involved over 8 sessions. Attendance has increased at all sessions, reaching near capacity (15 babies) with good participant engagement.</p> <p>* Story Time (3-5 years) recorded 277 children attending 10 sessions at Woollahra Library at Double Bay.</p> <p>* Rhyme Time (0-3 years) attendance recorded 668 children held over 27 sessions at Double Bay.</p> <p>* Coding with Cubetto is a STEM focused program for children aged 4-6 years. 26 children attended over two sessions. The monthly program is presented by the Library staff supported by Duke of Edinburgh students.</p> <p>* Mini Makers Club (6-12 years) consists of STEAM activities (Science, Technology, Engineering, Arts and Mathematics). A total of 10 children attended 2 sessions at Woollahra Library at Double Bay.</p> <p>* Friday Night Flicks is held monthly at Woollahra Library at Double Bay and aimed at families. Three sessions were held with a total of 31 attendees.</p> <p>* A Writers and Readers for Young People (ages 6-12) was presented on 23 January 2019 by author, comedian and primary</p>			

08 April, 2019



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Woollahra Municipal Council

July 2018 - June 2019

**Quarterly Progress Report**

Actions	Status	Progress Comments	Responsible Person	Target Date	Comment Updated
		<p>school teacher Oliver Phommavanh at Woollahra Library at Double Bay. 17 children attended this session, learning how to gather and create funny and engaging storylines.</p> <p>* The January 2019 School Holiday activities at Double Bay featured the following : A Kid's Creative Writing Session with Keith Whelan (17 children), Stories on Stage (20 children), Zoo mobile (50 children) and an 'Oh Rats!' Puppet Show (60 children).</p>			
<p>9.1.4.3 - [DBPP Priority 2.2.1] - Coordinate local history exhibitions.</p>	<p>In Progress</p>	<p>The Local History program encourages the community to recognise and appreciate the unique local identity of the Woollahra LGA.</p> <p>*A total of 96 enquiries, covering a wide variety of aspects of Woollahra's history, was handled during the quarter, either by assisting researchers visiting the Library in person (29) or by undertaking research (67).</p> <p>*The Discover Your Local History program delivered two talks – a pre-launch talk by the editor of Paddington: a history 1 February, and a presentation for International Women's Day on the life and achievements of Elizabeth Macarthur on 7 March 2019. A total of 50 people attended.</p> <p>*Six short workshops (Local History Sessions) were delivered, each focusing on research approaches for a specific record series or database to support the community in their understanding and use of the local History collection.</p> <p>*Walking tours occur biannually. Preparation is underway for the Autumn walks to be held on 1 and 4 May 2019.</p> <p>*Further outreach was undertaken through the delivery of two Local History talks within the Woollahra Libraries 55+ Club program - 'Chinese market gardens of Woollahra' and 'Map resources for the former borough of Vaucluse'. A Local History presentation was also made to visitors from the University of the Third Age as part of a general Library tour.</p>	<p>Manager Library &amp; Information Services</p>	<p>30/06/2019</p>	<p>✓</p>

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Target Date</b>	<b>Comment Updated</b>
		*The 30 year success of Poets' Picnic was celebrated in a photographic exhibition which was displayed at the event on 26 February 2019.			
9.1.4.4 - [DBPP Priority 2.2.1] - Facilitate exhibitions by local artists.	Not commenced	This will occur when St. Brigid's gallery opens.	Cultural Development Coordinator	30/06/2019	✓
9.1.4.5 - [DBPP Priority 3.2.1] - Work with and provide assistance to landowners to implement revised planning controls.	Not commenced	The revised planning controls refer to recommendations from the Double Bay Economic Feasibility Study, by Hill PDA, into creating a more diverse housing mix. The recommendations for planning control changes have been reported to Council on a number of occasions. To date there has been no decision to revise planning controls. This action can not commence until there has been such a decision.	Manager Placemaking	30/06/2019	
9.1.4.6 - [DBPP Priority 3.5.2] - Investigate potential funding mechanisms to gain community and business support.	Ongoing	This relates to the building quality audit. The funding mechanisms are to assist with the implementation of the audit's building improvements recommendations. Placemaking Grants, which are now part of our grants program, could assist with this. Other means of encouraging community and business support have also been investigated.	Manager Placemaking	30/06/2019	
9.1.4.7 - [DBPP Priority 3.6.1] - Subject to the allocation of funds, implement public domain gateway strategies.	Not commenced	Funding of high priority strategies from the Double Bay Public Domain Strategy were costed for consideration in the capital works program. The high priority strategies include: 'Bay Street link - link the centre to the harbour by upgrading paving, street lighting and crossing points and redesign the cul-de-sac terminus'.  No budget funding was included in the capital works budget for this project.  Lighting projects in and around the ferry wharf have been carried out including tree bud lighting along Bay Street, tree uplighting in Steyne Park, Marathon Road steps and the Steyne Park cenotaph.  Other public domain gateway strategies will need to be the subject of future budget considerations.	Manager Placemaking	30/06/2019	✓

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Target Date</b>	<b>Comment Updated</b>
9.1.4.8 - [DBPP Priority 3.6.2] - Subject to the allocation of funds implement the way finding strategy.	In Progress	A way finding application for mobile devices (called 'Ganda') has now been developed and is available on the Apple iStore and Google Play .  Promotion and marketing of the device to occur in the 4th quarter 2018/2019.	Manager Placemaking	30/06/2019	✓
9.1.4.9 - [DBPP Priority 3.7.1] - Subject to the allocation of funds, implement the laneway improvement program.	Ongoing	High priority actions under the Double Bay Public Domain Strategy include: 'Kiaora Lane minor works - encourage tenancies to open up onto the lane and encourage outdoor dining and trading'. This is being achieved by negotiation with applicants for redevelopment of NSH Road properties which extend through to Kiaora Lane as part of the DA process.  Funding of other parts of the laneway improvement program will need to be considered for inclusion in future budget allocations.  \$40K has been allocated for commercial waste management. Quotation is being finalised to engage a consultant to investigate and prepare a commercial waste management strategy to improve laneways.	Manager Placemaking	30/06/2019	✓
9.1.4.10 - [DBPP Priority 3.7.1] - Engage with owners to implement the Kiaora Lane plan.	Ongoing	High priority actions under the Double Bay Public Domain Strategy include: 'Kiaora Lane minor works - encourage tenancies to open up onto the lane and encourage outdoor dining and trading'. This is being achieved by negotiation with applicants for redevelopment of NSH Road properties which extend through to Kiaora Lane as part of the DA process. Resourcing options to engage directly with property owners are being considered.  Urban design options are being prepared for properties which have a frontage/back onto Kiaora Lane as part of a review of DCP controls.	Manager Placemaking	30/06/2019	✓
9.1.4.11 - [DBPP Priority 3.9.1] - If decision to proceed (with new Cinema complex), negotiate with preferred party to achieve mutually acceptable outcomes.	In Progress	See 11.4.3.3 for future updates on this action.	Manager Placemaking	30/06/2019	

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9.1.4.12 - [DBPP Priority 3.5.2] - Initiate owner consultation to encourage implementation of audit recommendations.	Preliminary Investigation	This relates to the building quality audit.  Due to a number of recent major DAs the area is going through a redevelopment phase. A renewal of building stock is occurring/proposed in these instances. The impact in terms of the building quality audit is being monitored.  A range of options for engaging owners is also being developed for consideration/implementation.	Manager Placemaking	30/06/2019	✓
9.1.4.13 - [DBPP Priority 3.5.4] - Implement the lighting scheme as Council funds permit.	In Progress	Priority projects under the Lighting Strategy have now been completed to the extent possible under the initial budget allocation. Completion of other projects will be subject to future budget allocations.  Through the Double Bay Working Party options for replacement of lanterns are being investigated. Replacement of the lanterns will be subject to funding availability. We are holding talks with Ausgrid representatives including lanterns design and other functionality/uses.  There have been discussion with the InterContinental Hotel about installation of bud lighting to trees in Cross Street.	Manager Placemaking	30/06/2019	✓
9.1.4.14 - [DBPP Priority 3.8.1] - Initiate a program to improve the sustainability of existing businesses.	Ongoing	Proposals for photovoltaic to be incorporated into Cosmopolitan Centre and Kiaora Lands are being assessed. This project is ongoing (progress is dependent on securing quotes that can manage the complexities of multiple tenants).  Application of Sustainability Chapter, E6, Woollahra DCP 2015, to new non-residential development proposals at DA stage.  Waste minimisation options to be considered as part of a review of commercial waste management.  A charging station for electronic vehicles is to be installed in the Kiaora Place carpark - tender for this has been awarded. Charging stations installation across the areas involved in the 3 Council's regional Environment Program will begin in January with	Manager Placemaking	30/06/2019	✓

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Actions	Status	Progress Comments	Responsible Person	Target Date	Comment Updated
		<p>completion in the 4th quarter 2018/2019.</p> <p>Cafés are being encouraged to join the responsible cafés web site where customers who use BYO cups are offered a discount. ; The 3 Council's Regional Environment Program has been investigating the potential to offer a separated organic waste collection service to commercial waste customers. If found to be feasible, this would reduce the amount of waste sent to landfill from businesses in Woollahra.</p> <p>Initial discussions with Sydney East Business Chamber for energy saving workshops for local businesses in 2019. It is intended to survey local businesses to find out what training programs they may be interested in to make their businesses more sustainable.</p> <p>Work is being done with the Growers Market operators to discourage the use of single use plastics.</p>			
<p>9.1.4.15 - [DBPP Priority 1.1.2] Determine how the activities of other business representative groups in Double Bay can be better aligned with the delivery of strategies and actions in this plan.</p>	<p>Ongoing</p>	<p>The Sydney East Business Chamber is the main business representative group for the delivery of strategies and actions under the Double Bay Place Plan.</p> <p>The Double Bay Residents Association, the Double Bay Networking Group and the Bay Street Precinct Group are aligned through representation on the Double Bay Working Party to have input into delivery of strategies and actions. Membership of the Working Party has been reviewed to ensure its representativeness with the recent appointment of new State Local Member, Double Bay Residents Association, resident and property owner representatives.</p> <p>Under the Placemaking Grants Program business representative groups may apply for funding to undertake projects - funding was provided in the last round of Placemaking Grants to the Double Bay Networking Group to enable it to continue its activities consistent with the Double Bay Place Plan.</p> <p>Funding was provided to the DBNG through the Placemaking</p>	<p>Manager Placemaking</p>	<p>30/06/2019</p>	<p>✓</p>

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Target Date</b>	<b>Comment Updated</b>
		Grants program.			
9.1.4.16 - [DBPP Priority 3.5.3] - Initiate discussions with RMS with the view to producing a new urban design plan for New South Head Road which reduces traffic speed, makes it safer to cross and increases opportunities for footway activation.	Works Commenced	<p>We unsuccessfully approached RMS for a scramble crossing at the intersection of New South Head Road and Knox Street last year. The Minister's response said that RMS will continue to monitor the intersection for safety and make improvements where required.</p> <p>In response to RMS's intention to change clearway hours in New South Head Road between New Beach Road and Bay Street there has been a review of parking restrictions on some side streets to promote higher turnover of spaces for businesses on New South Head Road.</p> <p>A review of taxi and bus zones and parking on the southern side of New South Head Road resulted in a negative response from the Minister for Transport and Infrastructure due to safety concerns .</p> <p>[Note: changes to the existing taxi zone on the South side of Cooper Street, opposite the Royal Oak Hotel, and a new taxi zone on the North side of Cooper Street are being proposed in consultation with the Police]</p>	Manager Placemaking	30/06/2019	
9.1.4.17 - [DBPP Priority 3.6.1] - Conduct a design competition for creative and artistic getaways from land and water.	Not commenced	Gateway treatments form part of the Double Bay Public Domain Strategy and the Double Bay Public Domain Lighting Strategy. A design competition is subject to the availability of resources.	Manager Placemaking	30/06/2019	
9.1.4.18 - [DBPP Priority 1.3.1] - Develop specific KPIs such as foot traffic measures, trends in business turnover and levels of customer satisfaction.	Ongoing	<p>Council is building a data base of activity levels through the analysis of data collected by the Double Bay free Wi-Fi service. These are being regularly reported to stakeholders through the Double Bay Working Party. Upgrades of the Wi-Fi network are being negotiated with the service provider which will improve the reliability of the data.</p> <p>Also, maintenance of the mobile wayfinding application will give an indication of business turnover levels.</p>	Manager Placemaking	30/06/2019	

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Target Date</b>	<b>Comment Updated</b>
9.1.4.19 - [DBPP Priority 4.2.2] - Establish a Double Bay website, as part of Council's website and use Council's communication channels, such as the Mayor's column, to keep the community informed about the plan and its implementation.	In Progress	Development of a Placemaking presence on our website is underway. This is in the form of a Business Development page to include Double Bay and other commercial centres.  Double Bay Working Party has been added to the sub-committee's page of our web site and is being maintained.  The Mayor's column continues to be used for informing the community about the implementation of the Double Bay Place Plan.  Funding provided to the Sydney East Business Chamber includes maintenance and upgrade of its web site.	Manager Placemaking	30/06/2019	✔
9.1.4.20 - [DBPP Priority 3.2.1] - Amend planning controls (LEP and DCP) as required to encourage new moderate scale housing.	In Progress	This project has commenced. Substantial field work and a review of controls has been carried out together with 3D modelling. The project has been informed by the Hill PDA Economic Study. Public comment on the Study occurred in 2016. Traffic and transport issues associated with development options have been considered. An independent transport study for the Double Bay Centre was commissioned and a final report has been submitted. The draft planning options have been considered by the Strategic Planning Working Party. A report on the recommended changes to floor space ratio and height controls will be presented to the Environmental Planning Committee in the third quarter of 2019. The report will include a public engagement strategy. The target date is amended to 30 September 2019.	Manager Strategic Planning	31/03/2019	✔
9.1.4.21 - [DBPP Priority 3.3.1] - Review Council's Section 94 and Section 94A Plans. Ensure that contributions for car parking are consistent with any decisions made in relation to the Cross Street car park site.	In Progress	This project has commenced. Legal advice has been obtained from Council's lawyers regarding the allocation of funds obtained from section 94 contributions. Completion of the project is subject to further consideration on the Cross Street Car Park project. The target is amended to 30 September 2019.	Manager Strategic Planning	30/06/2019	✔
9.1.4.22 - [DBPP Priority 3.6.1] - Review planning controls for corner sites to better define and activate street corners.	In Progress	This action is being undertaken in conjunction with the review of planning controls for the Double Bay Commercial Centre. Refer to actions 4.4.1.1. The target date is amended to 30 September 2019.	Manager Strategic Planning	31/03/2019	✔

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9.1.4.23 - [DBPP Priority 3.7.1] - Amend the Double Bay DCP to facilitate the new urban design plan for Kiaora Lane.	In Progress	The consultant firm Aspect Studios was commissioned to prepare a public domain strategy for the Double Bay Commercial Centre. The strategy includes recommendations for Kiaora Lane. The strategy was completed in June 2016 and adopted by Council on 8 August 2016. Certain elements of the strategy are being implemented through the capital works program. Minor changes to the Double Bay Centre chapter in Woollahra DCP 2015 will be made to reflect recommendations for Kiaora Lane. The review of planning controls for the Centre will also address building envelopes and elevations for the Lane. Refer to action 4.4.1.1. The target date is amended to 30 September 2019.	Manager Strategic Planning	31/03/2019	✓
9.1.4.24 - [DBPP Priority 3.5.2] - Complete and update the building quality audit conducted by Council staff, including guidelines for building facades to enhance the Double Bay character and visual message.	Ongoing	A review of the audit has been undertaken which shows that it is appropriate and comprehensive and is consistent in its recording of building stock.  Redevelopment is being monitored to gauge its impact on the audit so it can be updated as may be appropriate.	Manager Placemaking	30/06/2019	✓

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**THEME : Goal 9 LOCAL PROSPERITY: Community focused economic development.**

**Strategy 2030: 9.1 Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy.**

**Priority: 9.1.5 Implement the quick wins and priority initiatives for Oxford Street.**

<p><b>Priority Progress Comments :</b> Priority 9.1.5 has been included in the Delivery Program and Operational Plan (DPOP) to facilitate regular review and reporting on the implementation of the Oxford Street Placemaking Roadmap Report. The Actions are updated quarterly under the Oxford Street Paddington Placemaking roadmap Quarterly Progress Reports. Reporting on the implementation of the Oxford Street Paddington Placemaking Roadmap Report will also be through the Oxford Street Working Party. The Oxford Street Roadmap Report is currently being reviewed through the Oxford Street Working Party . A draft Oxford Street and Paddington Place Plan has been prepared and is expected to be considered by Council for adoption in the 4th quarter 2018/2019.</p>	<p><b>Responsible Person :</b> Manager Placemaking</p>
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Actions	Status	Progress Comments	Responsible Person	Target Date	Comment Updated
9.1.5.2 Support property owners and leasing agents to make minor upgrades to properties which could allow for hospitality uses, making them attractive to a broader range of potential tenants.	Ongoing	Team South West streams DAs for minor works as priority approvals. Our Duty Planner provides preliminary advice on works which may be exempt and complying development and approval options.  Placemaking Grants are now part of our grants program and are being offered on an annual basis. Property owners can apply for funding which could be used to support making properties more attractive to a broader range of potential tenants.	Manager Placemaking	30/06/2019	
9.1.5.3 Invite and support art installations and temporary exhibitions in vacant retail spaces and on blank walls along the sides of buildings. Work collaboratively with the City of Sydney to support art on blank walls along the sides of buildings, including the walls surrounding the public carpark on William Street (QWIP 4.1.1.6)	Ongoing	Funding was approved for the Head On Photo Festival 2018 and arrangements were made to temporarily close part of the Perry Lane for festival related activities. A 'paste-up' exhibition took place on the side wall of 266 Oxford Street as part of the Festival. We facilitated a street banner exhibition as part of the Festival. Funding has been approved for the Head On Photo Festivals 2019, 2020 and 2021.  Placemaking Grants are now part of our grants program. Grants are available which could be used for art installations and temporary exhibitions. An application was approved for the painting of art works on the side wall of 264 Oxford St. The side wall was also used for a student poster exhibition demonstrating the adaptability of this space as an artistic hub. The Perry Lane Art Project people received the Citizenship Award for Community and Cultural Arts.	Manager Placemaking	30/06/2019	

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		<p>The City of Sydney have carried out improvements to the southern part of William Street including beatification. They are also presently considering a DA for a public toilet to be installed in this location.</p> <p>The 10th edition of the William Street Festival was held in October 2018 with funding provided to the Paddington Business Partnership. Perry Lane was partially, temporarily closed and activated to coincide with the nearby William Street Festival, including the production.</p>			
9.1.5.4 Advocate with the Paddington Business Partnership and the City of Sydney, the opportunity for integration of the whole of Oxford Street, and as a collection of distinct villages, for placemaking, branding and marketing purposes. (QW 4.1.2.1)	Ongoing	<p>We actively support the Paddington Business Partnership in undertaking marketing of Oxford Street. This includes the production of a way finding map and the Visit Paddington web site.</p> <p>Funding for the Paddington Business Partnership for 2018/2019 included actions for marketing and communication. The Visit Paddington web site has been upgraded.</p> <p>As part of Small Business Month in October we conducted a social media campaign which focused on marketing small businesses in Oxford Street.</p>	Manager Placemaking	30/06/2019	✓
9.1.5.5 Partner with the Paddington Business Partnership and the City of Sydney to design and install playful and unique way finding and welcome signage, as well as unique lighting and street decorations throughout the Oxford Street Paddington Precinct. (QWIP 4.1.2.3)	Ongoing	<p>A contract has been entered into with Envent to develop a mobile way finding application. This is now underway and the application is expected to be available in the 4th quarter 2018/2019.</p> <p>Our banners program welcoming people to Oxford Street is ongoing.</p> <p>In 2018 Christmas decorations in Oxford Street for the 1st time. We collaborated with the City of Sydney on design and timing of Christmas banners with the view to coordinating decorations.</p> <p>The Paddington Business Partnership is developing version 2 of its guide to Paddington Business with assistance of our funding.</p>	Manager Placemaking	30/06/2019	✓

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<b>Actions</b>	<b>Status</b>	<b>Progress Comments</b>	<b>Responsible Person</b>	<b>Target Date</b>	<b>Comment Updated</b>
9.1.5.6 Promote the user friendly footpath trading and outdoor dining permit process to property owners and retailers. (QWIP 4.1.3.1).	Ongoing	Placemaking Grants are now part of our grants program and are available for property owners and retailers to activate their shop frontages and to support footpath trading. Applications for the next round of grants will commence in April 2019.  Council has joined the State Government's (Service NSW/Office of the Small Business Commissioner) Easy to do Business (EtdB) program, making it easier for cafes, restaurants and small bar owners to deal with all levels of government. We are also looking at how to make footpath trading and dining easier through a local approvals policy (LAP) which, if implemented, would reduce the need for footpath approvals under s.68 of the Local Government Act.	Manager Placemaking	30/06/2019	✔
9.1.5.7 Provide ongoing support to traders through the footpath dining and trading permit application process and for those with valid permits (QWIP 4.1.3.2).	Ongoing	Ongoing support is available to traders.	Manager Placemaking	30/06/2019	
9.1.5.8 Attract regular community events (for example free daily exercise classes, Sunday afternoon music events, art classes and art-house film nights) to Juniper Hall and advocate with the City of Sydney to explore similar programs and events in Paddington Reservoir Gardens. (QWIP 4.1.4.1).	Ongoing	Regular events are happening in Perry Lane, nearby to Juniper Hall and the Reservoir Gardens. These have included the Head On Photo Festival and the Perry Lane Art Project. Perry Lane was used to promote Funday Sunday, a recent community event conducted by Paddington Library.  Exhibitions are being regularly held at Juniper Hall through the Moran Arts Foundation.  [Note: A development application is presently being considered for Juniper Hall which includes a new gallery space which, if approved, will increase its capacity for artistic programs and events]	Manager Placemaking	30/06/2019	✔

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9.1.5.9 Advocate with the Paddington Business Partnership, the City of Sydney and RMS to investigate improvements to the pedestrian environment along Oxford Street through traffic calming initiatives, including reducing	Ongoing	The City of Sydney is analysing a transport study by AECOM, which included consideration of Waverly Council's Light Rail Study, and an approach to its recommendations.  TfNSW and RMS have now prepared a technical report for the Oxford Street Road Network Plan. It is an internal RMS working document and not Government Policy. It will not be published and is to be used to inform the development of an Action Plan currently underway by RMS.  The City of Sydney is considering changes to parking restriction in Oxford Street near and adjacent to Victoria Barracks.	Manager Placemaking	30/06/2019	
9.1.5.10 Advocate with the Paddington Business Partnership and the City of Sydney for the introduction of an 'Oxford Street Paddington Precinct' Place Manager. This skilled and highly creative professional would ideally be employed by the new Paddington Business Partnership and drive the delivery of the vision and implementation plan for Oxford Street. (PI 4.2.1.2)	Not commenced	Under the Partnership's current set up it is not in a position to employ a place manager.	Manager Placemaking	30/06/2019	
9.1.5.11 Advocate with the Paddington Business Partnership, the City of Sydney, Paddington Uniting Church and Paddington Markets management to improve the function of the Paddington Markets, building upon its success as an iconic Sydney destination over the past 40 years.	In Progress	The Paddington Business Partnership and ourselves have approached the Uniting Church about a fresh food market. The Church has advised that they are not interested. There is a development application for a 'Chefs Market' in James Street Woollahra. The Paddington Business Partnership are in discussions with the Paddington Public School about holding a produce market in their grounds.	Manager Placemaking	30/06/2019	

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**Item No:** D3 Delegated to Committee  
**Subject:** **DELIVERY PROGRAM 2018 TO 2021 AND OPERATIONAL PLAN 2019/20**  
**Author:** Petrina Duffy, Coordinator Integrated Planning & Reporting  
**Approvers:** Sue Meekin, Chief Financial Officer  
Don Johnston, Director Corporate Services  
Gary James, General Manager  
**File No:** 19/54228  
**Reason for Report:** To provide all Councillors with the opportunity to review Council's Delivery Program 2018 to 2021 and Operational Plan 2019/20 document.

**Recommendation:**

THAT:

- A. The draft Delivery Program 2018 to 2021 and Operational Plan 2019/20 be placed on public exhibition for 28 days from 18 April 2019.
- B. The relevant Goals from the draft Delivery Program 2018 to 2021 and Operational Plan 2019/20 be further considered by the Environmental Planning Committee and Finance, Community & Services Committee on 3 June 2019 together with any community submissions received with a recommendation to Council for adoption on 11 June 2019.

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**Background:**

On 18 June 2018, Council adopted its Community Strategic Plan, *Woollahra 2030*, together with a three year 2018 – 21 Delivery Program and 2018/19 Operational Plan. The Delivery Program set the Council's priorities for its term of office with 2019/20 representing year two of the three years. The draft Delivery Program 2018 to 2021 and Operational Plan 2019/20 (DPOP) continues the strategies and priorities adopted last June. The Actions in the draft reflect the next stage in the implementation of *Woollahra 2030*, and include continuing Actions from the Operational Plan 2018/19, and new Actions arising as appropriate. No changes have been made to the strategies and priorities, which will be reviewed in full in 2021/22 following the next local government election.

Full exhibition copies of the Delivery Program 2018 to 2021 and Operational Plan 2019/20 (DPOP) will be circulated to Councillors prior to it being placed on public exhibition on 18 April 2019.

**Draft Delivery Program and Operational Plan:**

The draft Strategies, Priorities and Actions proposed for the 2019/20 DPOP 2019/20 are attached as **ANNEXURE 1**. The Strategies and Priorities are drawn from *Woollahra 2030* and the 2018 to 2021 Delivery Program adopted by Council in June 2018. Actions also continue from the 2018/19 Operational Plan where they are ongoing or are anticipated to not be completed by June 2019. New Actions have been proposed where relevant to reflect initiatives or projects planned for 2019/20 including expansionary requests included in the draft 2019/20 Budget adopted by Council on 8 April. These Strategies, Priorities and Actions will be incorporated into an exhibition copy of the DPOP which will also include the introductory commentary and performance measures from the current DPOP, updated where necessary, and some infographics to improve readability.

The DPOP needs to be exhibited for 28 days and adopted by Council before 30 June 2019. The recommendation facilitates this by recommending the DPOP be placed on exhibition from 18 April 2019 to 20 May 2019. The draft will be available for comment on Council's Your Say platform for community engagement.


Members of the community are invited to make public submissions expressing their views on the draft DPOP during the public exhibition period. Public submissions received during the exhibition period will be reported to Committees on 3 June 2019 with comments from staff and a recommendation to Council for adoption on 11 June 2019.

**Conclusion:**

The draft DPOP needs to be exhibited for 28 days and adopted by Council before 30 June 2019. The recommendation facilitates this by recommending the draft DPOP be placed on exhibition from 18 April 2019 to 20 May 2019.

Any submissions received will be reported to Committees on 3 June 2019 with a comment from staff and a recommendation to Council for adoption of the DPOP on 11 June 2019.

**Annexures**

1. Draft Strategies, Priorities and Actions for the Delivery Program 2018 to 2021 and Operational Plan 2019-20 for Goals 4,7,8,9 [↓](#) 

Delivery Program 2018 – 2021 & Operational Plan 2019 – 2020



## Delivery Program & Operational Plan by Theme

**Theme: Quality places and spaces**

Goal 4: Well planned neighbourhoods

**Theme: A healthy environment**

Goal 7: Protecting our environment

Goal 8: Sustainable use of resources

**Theme: Local prosperity**

Goal 9: Community focused economic development

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Delivery Program 2018 – 2021 & Operational Plan 2019 – 2020



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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
Theme: Quality places and spaces						
Goal 4: Well planned neighbourhoods						
4.1 Encourage and ensure high quality planning and urban design outcomes						
	4.1.1 Ensure that Council’s strategic planning framework, Local Environmental Plans and Development Control Plans are regularly reviewed, are consistent with the Eastern City District Plan and provide a planning and compliance framework which will result in appropriate high quality development.		Manager Strategic Planning	Quarterly	Ongoing	Function under the EPA Act and ECDP
		Review all matters which were deferred from inclusion in Woollahra LEP 2014.	Manager Strategic Planning	30/06/20	2019-20	WLEP 2014
		Review planning controls for the Edgecliff Commercial Centre.	Manager Strategic Planning	30/09/19	2019-20	CR 16/11/15
		Prepare a new housing strategy consistent with the guidelines to be issued by the Greater Sydney Commission.	Manager Strategic Planning	30/06/20	2019-20	ECDP
		Prepare a draft voluntary planning strategy agreement policy.	Manager Strategic Planning	30/09/19	2019-20	NoM 30/10/17 and CR 23/4/18
		Prepare Local Strategic Planning Statement.	Manager Strategic Planning	31/12/19	2019-20	CR 21/5/18 and EPC 6/8/18
		Prepare Community Participation Plan.	Manager Strategic Planning	31/12/19	2019-20	CR 21/5/18 and EPC 6/8/18

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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
		Report to the Urban Planning Committee on attracting a public high school to the Edgecliff Commercial Centre Corridor.	Manager Strategic Planning	30/09/19	2019-20	NoM 27/11/17
		Prepare a draft affordable housing policy.	Manager Strategic Planning	30/06/20	2019-20	NoM 26/2/18
		Review council's existing controls regarding obtrusive effects of outdoor lighting in residential zones.	Manager Strategic Planning	30/09/19	2019-20	NoM 10/12/18
	<b>4.1.2 Deliver high quality and timely development assessment.</b>		<b>Manager Development Control</b>	<b>Quarterly</b>	<b>Ongoing</b>	<b>Function under the EPA Act</b>
		Ensure that all planning applications are thoroughly assessed taking into consideration the heads of consideration set out under the EPA Act, including relevant LEPs and DCPs.	Manager Development Control	30/06/20	Ongoing	
		The overall nett mean time for the processing of applications does not exceed 70 days.	Manager Development Control	Quarterly Progress Report	Ongoing	
		Appeals to the Land and Environment Court are well managed and results carefully monitored and reported to Council.	Manager Development Control	Quarterly Progress Report	Ongoing	
		Provide support for the effective operation of Council's Application Assessment Panel and independent panels which determine applications.	Manager Development Control	Quarterly Progress Report	Ongoing	



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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
<b>4.2 Promote sustainable design in future private and public development</b>						
	<b>4.2.1 Ensure that new development is assessed against the relevant sustainability requirements of our DCPs.</b>		<b>Manager Strategic Planning</b>	<b>Quarterly</b>	<b>Ongoing</b>	<b>Function under the EPA Act</b>
<b>4.3 Protect our heritage, including significant architecture and the natural environment</b>						
	<b>4.3.1 Maintain a program of heritage research and review of existing and potential conservation areas and heritage items.</b>		<b>Manager Strategic Planning</b>	<b>Quarterly</b>	<b>Ongoing</b>	<b>Function under the EPA Act</b>
		Carry out a study of hotels in Paddington to determine and establish more specific conservation controls.	Manager Strategic Planning	30/06/20	2019-20	
		Review Wilkinson buildings and determine if they meet the threshold for heritage listing.	Manager Strategic Planning	30/06/20	2019-20	
		Prepare a report on future heritage listing of Arts and Crafts buildings and inter-war flat buildings.	Manager Strategic Planning	30/06/20	2019-20	
		Update heritage inventory sheets for existing heritage items.	Manager Strategic Planning	30/06/20	2019-20	
		Carry out an assessment of heritage significance for Rose Bay Scout Hall (former RAAF Officer's Canteen) in Vickery Ave, Rose Bay	Manager Strategic Planning	30/06/20	2019-20	NoM 18/6/18
		Carry out assessment of heritage significance for the Sydney Croquet Club building and greens, Woollahra Golf Club clubhouse and George Grimley Pavilion.	Manager Strategic Planning	30/06/20	2019-20	



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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
		Prepare planning proposal to list as a heritage item the Rose Bay Uniting Church and Wesley Hall at 518a Old South Head Rd, Rose Bay.	Manager Strategic Planning	30/06/20	2019-20	
		Carry out assessment of heritage significance for the sewerage pumping station and gates at Percival Park, Rose Bay.	Manager Strategic Planning	30/06/20	2019-20	NoM 12/11/18
		Review current planning controls in Neighbourhood Heritage Conservation Areas in Darling Point, Bellevue Hill, Rose Bay and Vauluse.	Manager Strategic Planning	30/06/20	2019-20	NoM 10/12/18
		Undertake an assessment of heritage significance for St Andrews Scots Presbyterian Church, corner Dover Rd and Carlisle Street, Rose Bay, Old School Hall, Rose Bay Public School, Albemarle Ave, Rose Bay, and McAuley Catholic School and outbuildings (formerly Christian Brothers College Rose Bay).	Manager Strategic Planning	30/06/20	2019-20	NoM 08/04/19
		Investigate the potential heritage significance of places of worship in the Woollahra Local Government Area in order to identify items of heritage significance at either a local or State level.	Manager Strategic Planning	30/06/20	2019-20	NoM 08/04/19
<b>4.4 Encourage diversity in housing choice to suit a changing population</b>						
	<b>4.4.1 Ensure Council's planning instruments support housing diversity.</b>		<b>Manager Strategic Planning</b>	<b>Quarterly</b>	<b>Ongoing</b>	<b>ECDP</b>

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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
		Review Woollahra LEP 2014 and Woollahra DCP 2015 in regard to the recommendations from Double Bay Centre Housing Economic Study.	Manager Strategic Planning	30/06/20	2019-20	Double Bay Place Plan
		Support adaptable housing for people with a disability.	Manager Development Control	30/06/20	Ongoing	DIAP
<b>4.5 Enhance the form and function of the local business centres</b>						
	4.5.1 Ensure Council's planning strategies and controls support and promote appropriate development and activities in business centres .		Director Planning & Development	Quarterly	Ongoing	DBPP and OSRM report
	4.5.2 Carry out urban design studies for areas, precincts and sites.		Director Planning & Development	Quarterly	Ongoing	Function under the EPA Act
	4.5.3 Ensure that upgrades to infrastructure reinforce the distinctive character of business centres.		Director Technical Services	Quarterly	Ongoing	DB Public Domain Strategy DB Lighting Strategy DBPP OSRM Report
<b>4.6 Ensure that planning and building requirements are complied with</b>						
	4.6.1 Buildings are constructed in accordance with approval requirements.		Manager Compliance	Quarterly	Ongoing	Function under the EPA Act
	4.6.2 Statutory requirements in relation to the certification of buildings under construction are complied with.		Manager Compliance	Quarterly	Ongoing	Function under the EPA Act
	4.6.3 Council provides cost effective and timely building certification services.		Manager Compliance	Quarterly	Ongoing	Function under the EPA Act
	4.6.4 Council provides a timely and effective response to unauthorised uses and works.		Manager Compliance	Quarterly	Ongoing	Function under the EPA Act

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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
Theme: A healthy environment						
Goal 7: Protecting our environment						
Woollahra will be a place where the natural environment will be protected and conserved from adverse impacts, to preserve our vegetation and wildlife habitats						
7.1 Protect natural landscapes, systems and biodiversity						
	7.1.1 Plan and implement strategies and initiatives to enhance natural landscapes and systems.		Manager Open Space & Trees	Quarterly	Ongoing	Environmental Sustainability Action Plan
	7.1.2 Implement a prioritised program of capital improvements to natural areas.		Manager Open Space & Trees	Quarterly	Ongoing	
	7.1.3 Educate and partner with the community on the protection of natural areas and waterways, including Bush care.		Manager Open Space & Trees	Quarterly	Ongoing	
	7.1.4 Provide scheduled tree maintenance program and services and respond to customer needs.		Manager Open Space & Trees	Quarterly	Ongoing	
	7.1.5 Implement actions from the Biodiversity Conservation Strategy.		Team Leader Environment & Sustainability	Quarterly	Ongoing	Biodiversity Conservation Strategy
7.2 Preserve and restore bushland areas and create wildlife corridor plantings						
	7.2.1 Continue the implementation of the Greenweb Street Tree Strategy.		Manager Open Space & Trees	Quarterly	Ongoing	Greenweb Street Strategy
		Implement street tree planting projects in line with Council's Conservation Biodiversity Strategy and Greenweb.	Manager Open Space & Trees	30/06/20	2018-21	Biodiversity Strategy

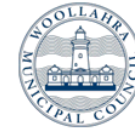
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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
<b>7.3 Support cleaner, healthier waterways including improved water quality and healthy water catchments, creeks and harbour</b>						
	<b>7.3.1 Implement a five year Capital Renewal Program for stormwater drainage infrastructure and Environmental Works Program for water quality improvement.</b>		<b>Manager Capital Projects</b>	<b>Quarterly</b>	<b>Ongoing</b>	
		Implement the funded Environmental Works Program as approved by Council in the 2019/20 Capital Budget. Significant projects in 2019/20 include: <ul style="list-style-type: none"> <li>• Stormwater Harvesting</li> <li>• Cooper Park Rehabilitation</li> <li>• Energy Conservation Projects</li> <li>• Water Sensitive Urban Design Projects.</li> </ul>	Team Leader Environment and Sustainability	30/06/20	2018-21	
	<b>7.3.2 Undertake water quality monitoring for public waterways.</b>		<b>Manager Open Space &amp; Trees</b>	<b>Quarterly</b>	<b>Ongoing</b>	
	<b>7.3.3 Provide street cleaning services to prevent litter and dirt entering the stormwater drainage system.</b>		<b>Manager Civil Operations</b>	<b>Quarterly</b>	<b>Ongoing</b>	
	<b>7.3.4 Implement the Stormwater Asset Management Plan.</b>		<b>Manager Capital Projects</b>	<b>Quarterly</b>	<b>Ongoing</b>	
	<b>7.3.5 Ensure that erosion and sedimentation controls are in place for new development where there is potential for the escape of sediment into the drainage system.</b>		<b>Manager Compliance</b>	<b>Quarterly</b>	<b>Ongoing</b>	<b>Function under the EPA Act</b>
	<b>7.3.6 Take appropriate and timely action in response to pollution incidents.</b>		<b>Manager Compliance</b>	<b>Quarterly</b>	<b>Ongoing</b>	<b>Function under the EPA Act</b>

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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
<b>7.4 Ensure that premises which have the potential to impact on human health and safety are operated in accordance with relevant standards and statutory requirements</b>						
	7.4.1 Inspect food premises twice per year to ensure compliance with food safety standards.		Manager Compliance	Quarterly	Ongoing	
	7.4.2 The necessary certificates are submitted to Council and registers maintained in relation to fire safety, regulated air conditioning systems, hair dressers, mortuaries and skin piercing premises The necessary certificates are submitted to Council and registers maintained in relation to fire safety, regulated air conditioning systems, hair dressers, mortuaries and skin piercing premises.		Manager Compliance	Quarterly	Ongoing	Functions under the EPA Act
	7.4.3 Operate an effective swimming pool safety program.		Manager Compliance	Quarterly	Ongoing	Function under the Swimming Pools Act

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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
<b>Theme: A healthy environment</b>						
<b>Goal 8: Sustainable use of resources</b>						
<b>8.1 Reduce greenhouse gas emissions and ecological footprint</b>						
	<b>8.1.1 Provide policy and planning initiatives based on the principles of Ecologically Sustainable Development (ESD).</b>		<b>Manager Strategic Planning</b>	<b>Quarterly</b>	<b>Ongoing</b>	<b>ESD Principles</b>
	<b>8.1.2 Provide programs and projects to reduce local greenhouse gas emissions and ecological footprint.</b>	Provide programs and projects to reduce local greenhouse gas emissions and ecological footprint.	Team Leader Environment and Sustainability	30/06/20	2018-21	
		Participate in and implement projects arising from the Three Council Ecological Footprint Project.	Manager Open Space & Trees	30/06/20	2018-21	Three Council Ecological Project
	<b>8.1.3 Coordinate Council’s Environmental Grants Program.</b>		<b>Manager Open Space &amp; Trees</b>	<b>Quarterly</b>	<b>Ongoing</b>	
<b>8.2 Monitor and strategically manage environmental risks and impacts of climate change</b>						
	<b>8.2.1 Participate in projects that respond to the effects of climate change, including the effects of sea level rise.</b>	Develop Stage 2 of the Coastal Zone Management Plan.	Team Leader Environment and Sustainability	30/06/20	2018-21	
		Implement actions arising from the Biodiversity Conservation Strategy,	Manager Open Space & Trees	30/06/20	2018-21	Biodiversity Strategy

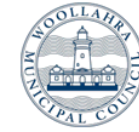


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Theme: A healthy environment

Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
<b>8.3 Encourage and assist our community to be leaders in waste management and resource recycling</b>						
	<b>8.3.1 Encourage greater community participation in waste reduction, recycling and composting initiatives.</b>		<b>Manager Civil Operations</b>	<b>Quarterly</b>	<b>Ongoing</b>	
		Carry out the household clean-up collection service.	Manager Civil Operations	30/06/20	2018-21	
		Participate in the regional waste avoidance/reduction recycling projects.	Manager Civil Operations	30/06/20	2018-21	Regional Waste Avoidance Recycling projects
		Review the current household clean-up service with the aim to provide an improved level of service and a separate hazardous and e-waste collection service.	Business Centre & Street Cleaning Coordinator	30/06/20	2018-21	
		Encourage the recycling of E-Waste through our joint collections days with Waverley Council.	Waste Projects Coordinator	30/06/20	Ongoing	
		Participate in National recycling week and Clean Up Australia Day.	Waste Projects Coordinator	30/06/20	Ongoing	
		Encourage the recycling of organics through the 3 Council Compost Revolution.	Waste Projects Coordinator	30/06/20	Ongoing	
		Encourage the reduction of waste disposal through events such as Second Hand Sunday and The Garage Sale Trail.	Waste Projects Coordinator	30/06/20	Ongoing	
	<b>8.3.2 Implement programs to educate the community including schools, residents, community groups, businesses and staff on reducing waste and litter and increasing re-use and recycling.</b>		<b>Manager Civil Operations</b>	<b>Quarterly</b>	<b>Ongoing</b>	
		Carry out education programs to relevant stakeholders.	Manager Civil Operations	30/06/20	2019/20	



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Theme: A healthy environment

Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
	8.3.3 Conduct cost effective and efficient waste collection and recycling to residents and businesses.		Manager Civil Operations	Quarterly	Ongoing	
	8.3.4 Conduct organic recycling services.		Manager Civil Operations	Quarterly	Ongoing	
<b>8.4 Reduce local water usage by Council and on private property</b>						
	8.4.1 Encourage greater community participation in water savings initiatives.		Manager Open Space & Trees	Quarterly	Ongoing	
	8.4.2 Implement the Environmental Education Program for each year.		Manager Open Space & Trees	Quarterly	Ongoing	
	8.4.3 Educate the community to reduce use of potable water.		Manager Open Space & Trees	Quarterly	Ongoing	
<b>8.5 Promote and carry our water sensitive urban design</b>						
	8.5.1 Integrate water sensitive urban design into local infrastructure and development.		Manager Open Space & Trees	Quarterly	Ongoing	



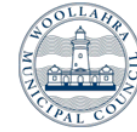
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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
<b>Theme: Local prosperity</b>						
<b>Goal 9: Community focused economic development</b>						
<b>9.1 Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy</b>						
	9.1.1 Plan and implement strategies and initiatives to enhance natural landscapes and systems.		Manager OpenSpace & Trees	Quarterly	Ongoing	
	9.1.2 Encourage economic development in business and retail centres.		Manager Engineering Services	Quarterly	Ongoing	DBPP
		Undertake Oxford Street Paddington business management.	Director Planning & Development	30/06/20	2019/20	
		Support the operation of the Paddington Business Partnership.	Director Planning & Development	30/06/20	2019/20	
		Participate in and support the Small Business Friendly Councils Program	Manager Placemaking	30/12/19	30/06/19	
		Maintain an active placemaking program of events, activities and support for businesses.	Manager Placemaking	30/12/19	30/06/19	
	Support the operation of the Sydney East Business Chamber.	Director Planning & Development	30/06/20	2019/20		
	9.1.3 Manage and promote open space and foreshore areas with high visitation rates.		Manager Open Space & Trees	Quarterly	Ongoing	
	9.1.4 Implement the strategies, priorities and actions for which the Council is responsible for in the Double Bay Place Plan.		Manager Placemaking	Quarterly	Ongoing	
	9.1.5 Implement the quick wins and priority initiatives for Oxford Street.		Manager Placemaking	Quarterly	Ongoing	

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Strategies 2030	Delivery Program Priorities 2018 to 2021	Operational Plan Actions 2019/20	Responsible Person	Milestones	Delivery Plan Years	IP&R – Related Plans, Strategy & Policy
<b>Theme: Local prosperity</b>						
<b>Goal 9: Community focused economic development</b>						
<b>9.2 Balance tourism demands with impacts on the community.</b>						
	9.2.1 Ensure planning for high profile tourism areas considers and protects residential amenity.		Manager Strategic Planning	Quarterly	Ongoing	
<b>9.3 Maintain a high quality public domain to support and promote local business</b>						
	9.3.1 Provide cleaning and waste services which meet community expectations in relation to the presentation of business centres and high profile areas.		Manager Civil Operations	Quarterly	Ongoing	
	9.3.2 Provide street furniture maintenance services.		Manager Property & Projects	Quarterly	Ongoing	

**Item No:** R1 Recommendation to Council  
**Subject:** **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR HERITAGE LISTING OF GADEN HOUSE, 2A COOPER STREET, DOUBLE BAY**  
**Authors:** Jorge Alvarez, Senior Strategic Planner  
Anne White, Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/51333  
**Reason for Report:** To report on the public exhibition of the planning proposal to list Gaden House, 2A Cooper Street, Double Bay as a heritage item in Schedule 5 of Woollahra Local Environmental Plan 2014.  
To obtain Council's approval to proceed with finalisation of the planning proposal.

**Recommendation:**

- A. THAT Council proceed with the planning proposal for *Gaden House*, 2A Cooper Street, Double Bay, to amend Woollahra Local Environmental Plan 2014, as exhibited, and proceed with the preparation of the draft LEP.
- B. THAT Council request the Minister for Planning, or their delegate, to make the LEP to list *Gaden House* as a heritage item under Woollahra Local Environmental Plan 2014.

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**1. Gaden House**

This report relates to a planning proposal to list *Gaden House*, 2A Cooper Street, Double Bay as a heritage item in Schedule 5 of *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). *Gaden House* occupies the entire site bounded by Cooper Street, Bay Street, Brooklyn Lane and the neighbouring site at 16 Bay Street, Double Bay. The site has a street address of 2A Cooper Street, Double Bay and a land title described as lots 11 and 12 in DP 4606. The site is also alternatively known as 24-26 Bay Street, Double Bay.

*Gaden House* is a mixed use commercial building (retail and office), with three-storeys above ground and a lower ground level. *Gaden House* was designed in 1969 by Sydney architect, Neville Gruzman, and was opened by Premier Askin in 1971. Refer to **Figure 1** and **Figure 2** below.



**Figure 1: Gaden House viewed from South Avenue, looking towards north and west elevation and Brooklyn Lane (Source: Anne Warr Heritage Consulting 20 June 2018)**



**Figure 2: Cadastral map showing Gaden House site outlined in red**

## 2. Background

### 2.1. Planning proposal and supporting documents

**Annexure 1** to this report contains the exhibited planning proposal and supporting documents, which are contained as appendices 1 to 8 in the planning proposal. To avoid duplication, these appendices have not been included as individual annexures to this report, however, some of them are referenced in this report.

- Appendix 1 – Council notice of motion 12 February 2018
- Appendix 2 – Heritage Assessment – Anne Warr Heritage Consulting – September 2018
- Appendix 3 – Local heritage data form – Anne Warr – September 2018
- Appendix 4 – State heritage data form – Anne Warr – September 2018
- Appendix 5 – State Heritage Register Nomination Form – September 2018
- Appendix 6 – Submission on behalf of the land owner by Heritage 21 – 12 July 2018
- Appendix 7 – Submission on behalf of the land owner by Heritage 21 – 7 August 2018
- Appendix 8 – Response to Heritage 21 submission – Anne Warr – 28 August 2018

### 2.2. Council decision – assessment of heritage significance

On 12 February 2018, Council adopted the following notice of motion:

*THAT Council:*

1. *Notes that a Development Application has been received for alterations and additions to Gaden House, a commercial property located at 24-26 Bay Street, Double Bay.*
2. *Undertakes a Heritage Assessment of the property and report to the Urban Planning Committee on whether the property qualifies for listing as a Heritage Item.*

### 2.3. Assessment of heritage significance

In response to Council's decision on 12 February 2018, Anne Warr Heritage Consulting was engaged to prepare an assessment of the heritage significance for *Gaden House* (**Annexure 1** – Appendix 2). The assessment was carried out in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance.

The assessment recommends the listing of *Gaden House* as a heritage item at both the local level, in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and at the State level, on the State Heritage Register (SHR).

### 2.4. Consultation with the land owner

The land owner of *Gaden House* is AMA Holdings Pty Ltd. On 28 June 2018, in accordance with Council's standard practices, copies of the assessment report, heritage data forms, and nomination form were sent to the land owner for comment. On 12 July and 7 August 2018, Mr Paul Rappoport of Heritage 21 (Rappoport Pty Ltd) provided submissions to Council regarding the listing of *Gaden House* as a heritage item, on behalf of the land owner. Mr Rappoport agreed that *Gaden House* reaches the threshold of significance for heritage listing at the local level, but does not agree that *Gaden House* has sufficient significance for heritage listing at the State level.

On 28 August Anne Warr provided a response to the submission of 7 August 2018, disagreeing with this submission's assessment. As a result it was not considered appropriate to amend the heritage documentation provided by Anne Warr Heritage Consulting in relation to the assessment of heritage listing of *Gaden House*, either at the local and State levels. (**Annexure 1** – Appendices 6, 7 and 8).

A nomination for listing the item on the State Heritage Register was submitted to the Office of Environment and Heritage (OEH) (as it was then known) on 13 November 2018. This is a separate process to the planning proposal. At the time of writing we had not received a decision about the nomination.

## **2.5. Woollahra Local Planning Panel advice**

On 13 September 2018, the WLPP considered a report on the planning proposal and provided the following advice, in part, to Council:

- A. *THAT the Woollahra Local Planning Panel advises Council that it supports the Planning Proposal to list Gaden House at 2A Cooper Street, Double Bay as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014 subject to the planning proposal being amended in the following ways:*
- (i) *In Part 3 – Existing relevant planning controls, include the land use zone, building height, floor space ratios as contained in Woollahra LEP 2014 and an overview of relevant controls in Woollahra DCP 2015.*
  - (ii) *In item 9 of section 6.3 – Environmental, social and economic impact, include the following statement:  
Economic considerations relating to future changes to the building, including new uses, can be included as part of the preparation of heritage conservation management policies for the building which form part of a future heritage conservation management plan. This process will enable the needs of the landowner to be considered in conjunction with conservation of the building and the impact of changes on the building's heritage significance.*

The two minor amendments advised by the WLPP to the text of the planning proposal were included in the planning proposal. These amendments will not impact the recommendations for the planning proposal.

## **2.6. Council resolution to forward the planning proposal for a gateway determination**

On 29 October 2018, Council resolved, in part:

- B. *THAT the planning proposal, as contained in Annexure 1 of the report to the Environmental Planning Committee meeting on 15 October 2018, be forwarded to the Greater Sydney Commission with a request for a gateway determination to allow public exhibition.*
- C. *THAT Council request delegation from the Department of Planning and Environment in relation to the planning proposal, to carry out the functions of the Greater Sydney Commission under section 3.36 of the Environmental Planning and Assessment Act 1979.*

## 2.7. Gateway determination

On 13 November 2018 the planning proposal was sent to the Department of Planning and Environment with a request for a gateway determination to allow public exhibition and a request for an authorisation for the Council to carry out the plan-making steps under section 3.36 of the *Environmental Planning and Assessment Act 1979* (the Act). On 11 February 2019, the DPE:

- Issued a gateway determination to proceed with public exhibition of the planning proposal.
- Did not grant Council delegation of the plan-making steps, explaining this decision as being due to “...the differences between the land owner and Council in relation to the extent of the heritage listing on the site”.

The gateway determination is included as **Annexure 2** to this report.

## 3. Community consultation

The planning proposal and supporting material were placed on public exhibition for 31 days, from Wednesday 27 February 2019 – Friday 29 March 2019 (inclusive), consistent with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and conditions set out in the gateway determination.

The exhibition involved the following:

1. Five weekly notices in the Wentworth Courier providing details of the exhibition, on the following dates:
  - 27 February 2019
  - 6 March 2019
  - 13 March 2019
  - 20 March 2019
  - 27 March 2019
2. A public exhibition page for the planning proposal and supporting material on Council’s website. The exhibition page was visited by 53 external customers during the exhibition period.
3. Display of exhibition material at the Customer Service counter of the Woollahra Council Chambers at Double Bay, available during normal business hours.
4. Notification letter or email to stakeholders including:
  - The owners of *Gaden House*.
  - Adjoining and nearby property owners (refer to the notification and submissions map at **Figure 3**).
  - All parties who made a submission to Council about the proposed heritage listing of *Gaden House* prior to the public exhibition.
  - The Double Bay Residents’ Association.
  - NSW Office of Environment and Heritage (OEH).

#### 4. Submissions

Thirty-eight submissions were received in response to the public exhibition, from thirty-six individuals. Of these submissions:

- All submission supported the planning proposal.
- The majority of submissions were received as emails and did not nominate a physical address.
- The authors of thirteen submissions identified themselves as architectural practitioners.
- The authors of three submissions identified themselves as tenants of *Gaden House*, as shown in **Figure 3**.
- The author of one submission identified himself as Chris Howe of Howe Architects, acting on behalf of the owner AMA Holdings Pty Ltd. The architectural practice is located in a nearby property on New South Head Road, as shown in **Figure 3**.
- The OEH provided a submission which did not raise any objection to the planning proposal or local heritage listing of *Gaden House*.
- No objections were received.

A redacted copy of all submissions is attached as **Annexure 3**.

In summary, the planning proposal is supported by the community and the OEH. Therefore, it is recommended that Council proceed with the planning proposal by requesting the Minister for Planning, or their delegate, make the LEP to list *Gaden House*, 2A Cooper Street, Double Bay as a heritage item under Woollahra LEP 2014.



**Figure 3: Notification and submissions map**



## 5. Making the LEP

On 1 February 2019, the Department of Planning and Environment (DPE) issued a gateway determination to proceed with public exhibition of the planning proposal. However, the determination did not grant Council delegation of the plan-making steps.




Should Council resolve to proceed with and finalise the planning proposal, staff will forward the planning proposal to the Minister, or their delegate, to request that the LEP be made under section 3.36 of the Act. Alternatively, if Council decides not to finalise the planning proposal, it should resolve to request that the Minister, or their delegate, not to proceed under section 3.35(4).

## 6. Conclusion

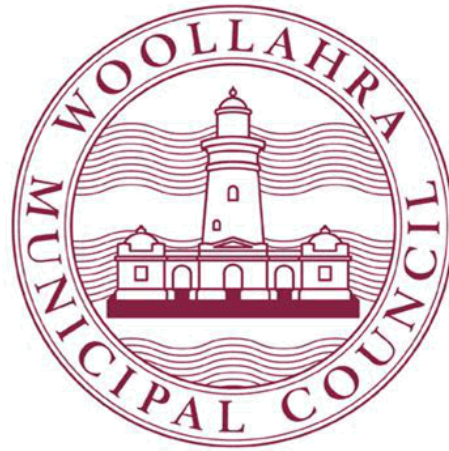
The heritage significance of *Gaden House* has been established through a detailed assessment of heritage significance. The planning proposal will facilitate the listing of *Gaden House* as a local heritage item thereby providing statutory recognition of its heritage significance. Preparation and exhibition of the planning proposal has been undertaken in the manner required by the relevant provisions of the Act and the Regulation.

The planning proposal is supported by the community and OEH. Council can proceed to the next step by requesting that the Minister for Planning, or their delegate, make the LEP to list *Gaden House* as a heritage item under Woollahra LEP 2014.

## Annexures

1. Planning Proposal - February 2019 [↓](#) 
2. Gateway determination - 11 February 2019 [↓](#) 
3. All submission - redacted [↓](#) 

## Annexure 1



# PLANNING PROPOSAL



**Local heritage listing**  
**Gaden House**  
**2A Cooper Street**  
**Double Bay**  
February 2019

*Image: David Moore, 1971*

19/22835

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## Part 1 – Introduction

### 1.1 – Description of this planning proposal

This planning proposal is made in relation to *Gaden House* at 2A Cooper Street, Double Bay. The objective of the planning proposal is to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), to list *Gaden House* as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the building and interiors, including the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning (now only on the second floor), and the external metal clad louvres.

A heritage assessment of *Gaden House* by Anne Warr Heritage Consulting has indicated that *Gaden House* is considered to be of both local and State heritage significance. However, this planning proposal relates only to the local heritage listing of *Gaden House* in the Woollahra LEP 2014.

In a separate process, Council has nominated *Gaden House* for listing as an item of State heritage significance on the State Heritage Register (SHR), under the provisions of the *NSW Heritage Act 1977*. If this nomination is successful and *Gaden House* is listed as a State heritage item before the planning proposal is finalised (ie. before the LEP is made), it is proposed that the amendment to the LEP will reflect this and identify *Gaden House* as an item of State significance. If this nomination is successful and *Gaden House* is listed as a State heritage item after the planning proposal is finalised (ie. after the LEP is made), Council will seek to amend the LEP at a future date to identify *Gaden House* as an item of State significance.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (August 2016) and *A Guide to Preparing Local Environmental Plans* (August 2016).

The requirements for a planning proposal are provided in sections 2 to 9 as follows:

- 2 Existing site and surrounding context
- 3 Existing planning controls
- 4 Objective of planning proposal
- 5 Explanation of provisions
- 6 Justification
- 7 Mapping
- 8 Community consultation
- 9 Project timeline

Supplementary material is provided in the appendices:

Appendix 1 - Council notice of motion 12 February 2018

Appendix 2 – Heritage Assessment – Anne Warr Heritage Consulting – September 2018

Appendix 3 – Local heritage data form – Anne Warr – September 2018

Appendix 4 – State heritage data form – Anne Warr – September 2018

Appendix 5 – State Heritage Register Nomination Form – September 2018

Appendix 6 – Submission on behalf of the land owner by Heritage 21 – 12 July 2018

Appendix 7 – Submission on behalf of the land owner by Heritage 21 – 7 August 2018

Appendix 8 – Response to Heritage 21 submission – Anne Warr – 28 August 2018

## 1.2 – Background

### Development application DA589/2017

On 28 November 2017, a development application was lodged with Council relating to *Gaden House* (DA589/2017). The application was lodged by D Studio Architects Pty Ltd on behalf of the land owners, AMA Holdings Pty Ltd. The application proposed:

External and internal alterations and additions to an existing mixed use development including an additional two storeys (total five storeys plus basement level) accommodating commercial/office floor space, reconfiguration of internal walls/stairs, changes to building facade, new garbage/services room, awnings and A/C units.

The application was publicly exhibited from 13 December 2017 to 10 January 2018 and attracted more than 40 objections. Additionally, an online petition objecting to the application attracted more than 2,000 electronic signatures. The wording of the petition stated:

*Save GADEN HOUSE, Neville Gruzman's modernist masterpiece in Sydney's east.*

*We strongly urge council to refuse the existing Development Application DA589/2017 and consider the views of the many supporters in favour of retaining and restoring this significant example of Australian 20th Century architecture.*

The application was withdrawn by the applicant on 20 April 2018.

### Council decision – assessment of heritage significance

On 12 February 2018, Council adopted the following notice of motion (refer to Appendix 1):

#### **Item No: 11.1**

*THAT Council:*

1. *Notes that a Development Application has been received for alterations and additions to Gaden House, a commercial property located at 24-26 Bay Street, Double Bay.*
2. *Undertakes a Heritage Assessment of the property and report to the Urban Planning Committee on whether the property qualifies for listing as a Heritage Item.*

### Assessment of heritage significance

In response to Council's decision on 12 February 2018, Anne Warr Heritage Consulting was appointed to prepare an assessment of the heritage significance for *Gaden House*. The assessment was carried out in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. It is important to note that heritage inventory sheets are currently alternatively also known as "heritage data forms". A copy of the heritage assessment, dated 20 June 2018, and accompanying forms are attached as follows:

- Appendix 2 – Heritage Assessment – Anne Warr Heritage Consulting – September 2018
- Appendix 3 – Local heritage data form – Anne Warr – September 2018
- Appendix 4 – State heritage data form – Anne Warr – September 2018
- Appendix 5 – State Heritage Register Nomination Form – September 2018

The heritage consultant was required to:

- Prepare a summary statement of significance for *Gaden House*.
- Make a recommendation as to whether *Gaden House* should be listed as a local or State heritage item in Schedule 5 of Woollahra LEP 2014.
- Make a recommendation as to whether *Gaden House* should be listed as an item on the SHR under the *Heritage Act 1977*.

#### **Statement of heritage significance**

The assessment report provides the following statement of significance:

*Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process. Neville Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that the external design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. The achievement of such a creative endeavour in a suburban commercial building in 1970s Sydney is rare.*

*Gaden House challenged the status quo of suburban shopping centres and transformed what could have been an ordinary suburban office and retail building into a work of art, pushing the design boundaries to produce a building that was a sculpture, both as an object in the streetscape at night as well as during the day, and in the interiors as a delightful and environmentally comfortable place to work. Gruzman proved that a small suburban office building could also be a work of art. When the building was opened in 1971 by the Premier of NSW, Mr. Robert Askin, its avant-garde design, combining international modernism to suit local conditions, played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre and has continued to contribute to the community life of Double Bay ever since.*

*Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement by experimenting with materials and new technology, as evidenced by the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both environmentally functional and aesthetically significant. Adding to the creative and aesthetic significance of the building was the work of leading Australian sculptor Michael Kitching, which was an integral part of the original design and survived in-situ until around 2006. Despite the loss of the sculpture, which has the potential to be reconstructed through surviving documentation in the Kitching Archive, the building retains much of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time related to a local interpretation of international modernism. The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.*

(2018, Anne Warr Heritage Consulting, pp.64-65)

The heritage assessment report provides the following recommendations:

1. That as *Gaden House* meets the criteria for local listing, it is recommended that *Gaden House* be listed on the Woollahra LEP 2014.
2. That as *Gaden House* meets the criteria for State listing, it is recommended that *Gaden House* be listed on the SHR.
3. That a heritage data form be prepared for listing of *Gaden House* on the Woollahra LEP 2014.
4. That a heritage data form and nomination for listing on the SHR be prepared for *Gaden House*.
5. That the inventory sheets include a recommendation that a Conservation Management Plan, CMP, be prepared for *Gaden House* to guide any future works on the place.
6. That the CMP include the preparation of a works schedule for the building to ensure that the appropriate maintenance, restoration and reconstruction of significant elements of the building be itemised and detailed. These works would include research into the reconstruction of the Kitching sculpture, the restoration of the external louvres by the removal of the intrusive paint layers, the retention of the specially designed ceiling system on the upper floor and its reconstruction of the lower floor.

In accordance with these recommendations the consultant has prepared the following:

- Appendix 3 – Local heritage data form – Anne Warr – September 2018
- Appendix 4 – State heritage data form – Anne Warr – September 2018
- Appendix 5 – State Heritage Register Nomination Form – September 2018

#### **Other significance listings**

The building is currently listed as number 4702079, on the Australian Institute of Architects Register of Significant Buildings in NSW, April 2018.

## Part 2 – Existing sites and surrounding context

### 2.1 – Gaden House

The planning proposal applies to *Gaden House*, which occupies a site with a street address of 2A Cooper Street, Double Bay and a land title described as lots 11 and 12 in DP 4606. The site is also alternatively known as 24-26 Bay Street, Double Bay. *Gaden House* is a mixed use commercial building (retail and office), with three-storeys above ground and a lower ground level. The existing retail tenancies include a restaurant, gym, convenience store, real estate agent and two clothing stores. The building occupies the entire site bounded by Cooper Street, Bay Street, Brooklyn Lane and the neighbouring site at 16 Bay Street, Double Bay. Refer to Figure 1, 2 and 3 below.

*Gaden House* was designed in 1969 by Sydney architect, Neville Gruzman, and was opened by Premier Askin in 1971. The ground floor level is raised above street level and was designed with seven retail tenancies, five facing Cooper Street and two facing Bay Street. A lobby extends from the Cooper Street frontage to a spiral stair linking the ground floor to the two upper storeys, which are currently used as offices. A separate, external staircase allows access to the lower ground level, which was originally designed for D'Arcy's restaurant and one retail tenancy. Pelicano's restaurant now occupies the entire basement level.



**Figure 1: Gaden House viewed from South Avenue, looking towards north and west elevation and Brooklyn Lane (Source: Anne Warr Heritage Consulting 20 June 2018)**





Figure 2: Cadastral map showing Gaden House site outlined in red



Figure 3: Aerial photograph showing Gaden House outlined in red

## 2.2 – Existing context

*Gaden House* is located within the western boundary of the Double Bay Centre. The Centre relates generally to land zoned B2 Local Centre under the Woollahra LEP 2014. Chapter D5 of the *Woollahra Development Control Plan 2015* (DCP) describes the Centre, specific character areas and individual building within the Centre.

Section D5.2.3 describes the built form of the Centre as follows:

*The building stock in and around the Centre reveals a cross section of architecture of varying quality. The built form of the Centre reflects a mix of periods, building types and scale with no particular period predominating. The architectural and streetscape quality is generally undistinguished, with a few exceptions, and*

*The buildings between New South Head Road, Bay and Short Streets have retained the fine grain evident in the early subdivision pattern.*

*Gaden House* is located in the Bay Street (south) character area of the Centre, as described in D5.4.4 of the DCP. The character area is described as follows:

*Bay Street connects New South Head Road with the harbour. Its north-south orientation results in the street being sunny throughout the day. It is lined by modest buildings on narrow lots, with irregular setbacks at street level and street trees. Together the elements contribute to an intimate and relaxed atmosphere.*

Further, *Gaden House* has been identified as a character building in Section 5.6.3.8 Heritage items of the DCP.

The properties in closest proximity to *Gaden House* are described in Table 1.

**Table 1: Description of nearby properties**

Location	Address	Description
North – opposite side of Cooper Street	28 Bay Street	Royal Oak Hotel - 2 storey hotel (pub)
East – opposite side of Bay Street	Various	1 and 2 storey retail and food premises, including licenced premises and a nursery. Includes a number of converted terraces.
South – directly adjoining <i>Gaden House</i>	18 Bay Street	5 storey modern mixed use building with residential apartments above ground floor retail
West – opposite side of Brooklyn Lane, and North-west – diagonally opposite the intersection of Cooper Street and South Avenue	Various	2 to 3 storey older style and modern single detached dwellings and residential flat buildings

### Part 3 – Existing relevant planning controls

The existing relevant planning controls to this planning proposal are heritage planning controls. *Gaden House* is not currently listed as a State or local heritage item, and is not in proximity to other heritage items. *Gaden House* is not located within or in proximity to a heritage conservation area.

The following Woollahra LEP 2014 controls apply to the site:

- Land use zone – B2 Local Centre
- Height of buildings (HOB) – maximum HOB = 14.7 metres
- Floor Space Ratio (FSR) – maximum FSR = 2.5:1 (cl 4.4) or 3:1 (cl 4.4A, which includes the objective to encourage development on prominent corner sites).

These controls will not be impacted or amended by the planning proposal.

As described in section 2.2 of this report, *Gaden House* is located within the western boundary of the Double Bay Centre. Chapter D5 of the Woollahra DCP 2015 describes the Centre, specific character areas and individual building within the Centre.

*Gaden House* is located in the Bay Street (south) character area of the Centre, as described in D5.4.4 of the DCP. The character area is described as follows:

*Bay Street connects New South Head Road with the harbour. Its north-south orientation results in the street being sunny throughout the day. It is lined by modest buildings on narrow lots, with irregular setbacks at street level and street trees. Together the elements contribute to an intimate and relaxed atmosphere.*

Further, *Gaden House* is identified as character building in section 5.6.3.8 Heritage items and character buildings, of the DCP. This section described character buildings as having a high streetscape value because of their strong architectural character and the way in which they address the street.

The following objective and controls relate to character buildings:

#### Objectives

- O2 Encourage the sensitive adaptation or reuse of buildings that contribute to the spatial definition of the urban spaces they address.

#### Controls

- C1 All new developments and works to existing developments are to be designed to be compatible with the significance of listed heritage items, conservation areas and nominated character buildings.
- C3 Development to a character building is to respect the building and complement and enhance the key characteristics of the building including:
- a) street edge definition;
  - b) its material, detailing and character;
  - c) its holistic building character related to articulation, massing, and patterns and distribution of wall opening.
- C4 Variations to the building envelope will only be considered where it can be demonstrated that the variations support the sensitive adaptive reuse of heritage items relating to the building's massing.

- C5 Where a character building is proposed to be replaced, the architectural quality and streetscape contribution of the proposed building must be at least equal to the quality of the building's material, character and detailing.
- C6 Modifications to character buildings must retain or enhance the architectural streetscape value of the existing building.

These controls will not be impacted or amended by the planning proposal, but will complement the Woollahra LEP 2014 controls relating to the listing of *Gaden House* as a heritage item.

#### Part 4 – Objective of planning proposal

The objective of the planning proposal is to amend Woollahra LEP 2014, to list *Gaden House* at 2A Cooper Street, Double Bay as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

#### Part 5 – Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

- Insert a listing for *Gaden House*, including its interiors, in Part 1 Heritage Items of Schedule 5 Environmental Heritage. The exact wording of the amendment will be determined by Parliamentary Counsel prior to the making of the amending LEP.
- Amend the Heritage Map (Sheet HER\_003A) to identify a heritage item on the site of *Gaden House* at 2A Cooper Street, Double Bay.

#### Part 6 – Justification

The planning proposal has strategic merit. The key reasons to amend Woollahra LEP 2014 are that heritage listing of *Gaden House* will provide ongoing protection and recognition of the heritage significance of the item.

These matters are further discussed below in part 6.1 to 6.3.

##### 6.1 – Need for planning proposal

###### 1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is the result of the recommendations of the Heritage Assessment report, prepared by Anne Warr Heritage Consulting, dated 20 June 2018. The report concluded that *Gaden House* meets the criteria for listing as a local heritage item, and recommended that *Gaden House* be listed as a heritage item in Woollahra LEP 2014 (Appendix 2).

###### 2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. The objective of the planning proposal is to amend the Woollahra LEP 2014, to list *Gaden House* at 2A Cooper Street, Double Bay as a heritage item. The best, and only, means of achieving this objective is through the planning proposal process.

Heritage listing will provide ongoing protection and recognition of the heritage significance of the item. Other means of controls, such as adding site-specific objectives and controls to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a development consent for *Gaden House*, will not provide the same level of heritage protection and recognition.

## 6.2 – Relationship to strategic planning framework

### 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Regional Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *Eastern City District Plan* (2018), as discussed below.

#### **Greater Sydney Regional Plan: A Metropolis of Three Cities**

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: Environmental heritage is identified, conserved and enhanced.

Heritage listing of *Gaden House* will provide ongoing protection and recognition of the heritage significance of the item.

#### **Eastern City District Plan**

The planning proposal is generally consistent with the actions of the *Eastern City District Plan*, particularly actions 20, 38 and 54 by:

- Identifying, conserving and enhancing the environmental heritage of the local area through:
  - engaging with the community early to understand heritage values
  - enhancing the interpretation of heritage to foster distinctive local places
  - managing the cumulative impact of development on the heritage values and character of places
- Providing access to jobs, goods and services in the Double Bay Centre by conserving and interpreting heritage significance.
- Assisting Council in preparing plans for tourism and visitation by protecting heritage to enhance cultural tourism.

**4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2030 – our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well planned neighbourhood) under the theme Quality places and spaces:

4.3 Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.

**5. Is the planning proposal consistent with applicable State environmental planning policies?**

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and other applicable State environmental planning policies (refer to **Schedule 1**).

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

**6.3 – Environmental, social and economic impact**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the item, will be required when development is proposed for *Gaden House* or in the vicinity of the site. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

**9. Has the planning proposal adequately addressed any social and economic effects?**

Yes. The heritage assessment measured *Gaden House* against the criteria for 'cultural significance' as defined in the Australia ICOMOS Burra Charter, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The assessment found that *Gaden House* is of heritage significance at both local and State levels, as it meets all the local and State heritage criteria at moderate to exceptional levels.

Economic considerations relating to future changes to the building, including new uses, can be included as part of the preparation of heritage conservation management policies for the building which form part of a future heritage conservation management plan. This process will enable the needs of the landowner to be considered in conjunction with conservation of the building and the impact of changes on the building's heritage significance.

Therefore, it is considered that the planning proposal will have a positive social and economic effects because:

- Heritage listing will provide ongoing protection and recognition of the social heritage significance of the item.
- Heritage listing will not preclude future development of *Gaden House* which is undertaken in accordance with heritage requirements.
- It is not anticipated that the planning proposal will have any negative social and economic effects which need to be addressed as part of the proposal.

#### 6.4 – State and Commonwealth interests

##### 10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of *Gaden House*. It does not involve amendments to the planning controls that will facilitate intensified development. However, the *Gaden House* site has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site is in proximity to regular and frequent public transport services.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal and appropriate for the requirements of a local centre.

##### 11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

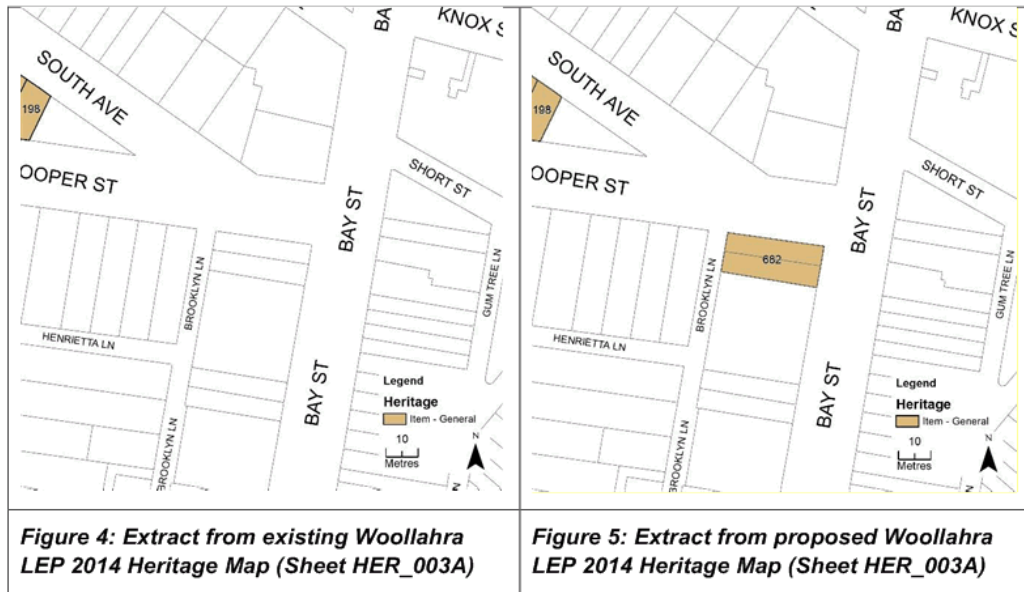
This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

- Office of Environment and Heritage, Heritage Division.
- NSW Heritage Council.

## Part 7 – Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) by applying an “Item – General” classification to *Gaden House*.

Extracts of the existing and proposed heritage maps are shown in Figure 4 and Figure 5.



## Part 8 – Community consultation

### 8.1 – Consultation with landowner

The land owner of *Gaden House* is AMA Holdings Pty Ltd. On 28 June 2018, in accordance with Council's standard practices, a copy of the heritage assessment was sent to the land owner for comment. On 12 July 2018, a submission on behalf of the land owners by Sameh Ibrahim, Executive Chairman of PDS International, supported by Paul Rappoport, Director of Heritage 21 (Rappoport Pty Ltd). A copy of the submission is attached at Appendix 6.

The submission states that:

- Mr Rappoport agrees with most of the recommendations in heritage assessment and believes that the Neville Gruzman design should be kept and conserved.
- Heritage 21 intends to work with the developer on a proposal to add additional floors above *Gaden House* while conserving the key attributes of the existing building.
- Mr Rappoport requests that Council defer any actions towards heritage listing of *Gaden House* for a period of 4 weeks to allow the owner to submit a report about a new direction in the proposed development for the site.

On 7 August 2018, a further submission on behalf of the landowner was submitted to Council. The submission includes a further report from the landowner's heritage consultant (Appendix 7). Mr Rappoport again agreed that *Gaden House* reaches the threshold of significance for heritage listing at the local level, but does not consider it has sufficient significance for heritage listing at the State level.



On 28 August Anne Warr provided a response to the submission of 7 August 2018 (Appendix 8). She disagrees with the submission's assessment that *Gaden House* does not possess sufficient significance for heritage listing at the State level. As a result it is not considered appropriate to amend the heritage documentation provided by Anne Warr Heritage Consulting in relation to the assessment of heritage listing of Gaden House, either at the local and State levels.

## 8.2 – Public exhibition

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*.

The planning proposal will be exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the *Wentworth Courier*) for the duration of the exhibition period.
- A notice on Council's website.
- A letter to the land owner of the site.
- A letter to land owners in the vicinity of the site.
- Local community and business groups such as the Double Bay Residents' Association and the Sydney East Business Chamber.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal, such as relevant Council and consultant reports.

## Part 9 – Project timeline

If Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Local Planning Panel advice	September 2018
Council resolution to proceed	October 2018
Gateway determination	February 2018
Completion of technical assessment	Usually none required
Government agency consultation	March 2019
Public exhibition period	Same time as agency consultation
Submissions assessment	April 2019
Council assessment of planning proposal post exhibition	May 2019
Council decision to make the LEP amendment	June 2019
Council to liaise with Parliamentary Counsel to prepare LEP amendment	July 2019
Forward LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	August 2019
Notification of the approved LEP	September 2019



## Schedules

### Schedule 1 – Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable
SEPP No 19 – Bushland in Urban Areas	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 30 – Intensive Agriculture	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 44 – Koala Habitat Protection	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55 – Remediation of Land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 62 – Sustainable Aquaculture	Not applicable
SEPP No 64 – Advertising and Signage	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Affordable Rental Housing) 2009	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure)	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Miscellaneous Consent Provisions) 2007	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP (State and Regional Development) 2011	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

<b>Sydney regional environmental plans – now deemed State environmental planning policies</b>	<b>Comment on consistency</b>
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable

<b>Sydney regional environmental plans – now deemed State environmental planning policies</b>	<b>Comment on consistency</b>
SREP (Sydney Harbour Catchment) 2005	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p> <p>The sites are not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p>

**Schedule 2 –  
Compliance with section 9.1 directions**

<b>Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of <i>Gaden House</i> will provide ongoing protection and recognition of the heritage significance of the item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	Not applicable. The planning proposal does not apply to land within residential zones.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does affect caravan parks and manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.



<b>Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable. Consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Applicable. Consistent. The site is located in a Flood Planning Area under the Woollahra LEP 2014. However, the planning proposal will not create, remove or alter a zone or provision that affects flood prone land.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced.  Heritage listing of <i>Gaden House</i> will provide ongoing protection and recognition of the heritage significance of the item.  Refer to Section 6.2 of this report and direction 7.1 of this table.

Compliance with section 9.1 directions		
Direction	Applicable/comment	
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	Not applicable. The proposal does not include provisions that require development applications to be referred externally and is not related to designated development.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does allow a particular development to be carried out.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	Applicable. The planning proposal is consistent with the objectives of <i>A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced. Heritage listing of <i>Gaden House</i> will provide ongoing protection and recognition of the heritage significance of the item. Refer to section 6.2 of this report and direction 5.10 of this table.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

### **Supplementary material**

Appendix 1 - Council notice of motion 12 February 2018

Appendix 2 – Heritage Assessment – Anne Warr Heritage Consulting – September 2018

Appendix 3 – Local heritage data form – Anne Warr – September 2018

Appendix 4 – State heritage data form – Anne Warr – September 2018

Appendix 5 – State Heritage Register Nomination Form – September 2018

Appendix 6 – Submission on behalf of the land owner by Heritage 21 – 12 July 2018

Appendix 7 – Submission on behalf of the land owner by Heritage 21 – 7 August 2018

Appendix 8 – Response to Heritage 21 submission – Anne Warr – 28 August 2018

## Appendix 1

Woollahra Municipal Council  
Ordinary Council Meeting Minutes

12 February 2018

### Notices of Motion

**Item No:** 11.1  
**Subject:** NOTICE OF MOTION - GADEN HOUSE  
**From:** Councillors Megan McEwin, Anthony Marano and Matthew Robertson  
**Date:** 31/01/2018  
**File No:** 18/14799

(McEwin/Zeltzer)

**8/18 Resolved:**

THAT Council:

1. Notes that a Development Application has been received for alterations and additions to Gaden House, a commercial property located at 24-26 Bay Street, Double Bay.
2. Undertakes a Heritage Assessment of the property and report to the Urban Planning Committee on whether the property qualifies for listing as a Heritage Item.

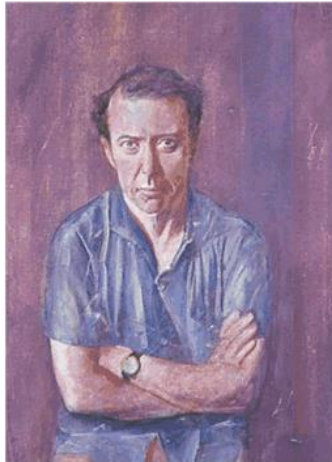
**Adopted**

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## Appendix 2

**GADEN HOUSE  
2A COOPER STREET  
DOUBLE BAY NSW 2028**

### **A Heritage Assessment**



**Prepared for Woollahra Council by  
Anne Warr Heritage Consulting  
04 September 2018**

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**GADEN HOUSE**  
**HERITAGE ASSESSMENT**

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**CONTENTS**

Executive Summary

1. Introduction
2. Description of property
3. History of the property
4. Understanding the Place
5. Assessment of Significance
6. Statement of Significance
7. Recommendations

## EXECUTIVE SUMMARY

### SIGNIFICANCE

Gaden House, located at 2A Cooper Street Double Bay, was designed by leading Sydney architect Neville Gruzman. It is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process. Neville Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that the external design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer and up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. The achievement of such a creative endeavour in a suburban commercial building is rare.

Gaden House challenged the status quo of suburban shopping centres and transformed what could have been an ordinary suburban office and retail building into a work of art, pushing the design boundaries to produce a building that was a sculpture, both as an object in the streetscape at night as well as during the day, and in the interiors as a delightful and environmentally comfortable place to work. Gruzman proved that a small suburban office building could also be a work of art. When the building was opened in 1971 by the Premier of NSW, Mr. Robert Askin, its avant-garde design, combining international modernism to suit local conditions, played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre and has continued to contribute to the community life of Double Bay ever since.

Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement by experimenting with materials and new technology, as evidenced by the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both environmentally functional and aesthetically significant. Adding to the creative and aesthetic significance of the building was the work of leading Australian sculptor Michael Kitching, which was an integral part of the original design and survived in-situ until around 2006. Despite the loss of the sculpture, which has the potential to be reconstructed through surviving documentation in the Kitching Archive, the building retains much of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time related to a local interpretation of international modernism. The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.

## RECOMMENDATIONS

This report has assessed Gaden House as fulfilling the criteria for listing as an item of local significance under Woollahra LEP 2014 and as an item of State Significance on the NSW State Heritage Register.

The following recommendations are an outcome of the assessed level of significance:

1. That as the property, including its interiors, meets the criteria for local listing, it is recommended that the property and its interiors be listed on the Woollahra LEP 2014.
2. That as the property, including its interiors, meets the criteria for state listing, it is recommended that a nomination be made to list the property and its interiors on the State Heritage Register (SHR).
3. That an inventory sheet be prepared for listing of Gaden House and interiors on the Woollahra LEP 2014.
4. That an inventory sheet and nomination for listing on the State Heritage Register be prepared for Gaden House and its interiors.
5. That the inventory sheets include a recommendation that a Conservation Management Plan (CMP) be prepared for the property to guide any future works on the place.
6. That the CMP include the preparation of a works schedule for the building to ensure that the appropriate maintenance, restoration and reconstruction of significant elements of the building be itemised and detailed. These works would include research into the reconstruction of the Kitching sculpture, the restoration of the external louvres by the removal of the paint layers, the retention of the specially designed ceiling system on the upper floor and its reconstruction on the lower floor, and the conservation of the spiral stair and perspex dome above.

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## 1.0 INTRODUCTION

### 1.1 Author identification

This Heritage Assessment has been prepared for Woollahra Municipal Council during March to August 2018 by:

Anne Warr, FRAIA, PhD, Heritage Consultant,  
42 Kent Street  
Millers Point NSW 2000  
mb 0418 619 639  
warr.anne@gmail.com



## 1.2 Project scope

The project scope, as set out by Woollahra Municipal Council in their brief of February 2018 is as follows:

The project comprises an assessment of significance and, if the property is found to be of heritage significance, an inventory sheet if listing in either the Woollahra LEP 2014 or State Register is recommended.

1. Using the New South Wales Heritage Manual heritage assessment criteria carry out a heritage assessment of the subject property to establish its heritage significance at a State and local level. The local significance assessment is to include a comparative analysis with other commercial buildings of the same era and architectural style located within the Woollahra LGA. This will involve undertaking the eight (8) step process detailed in the manual including undertaking detailed historic research on the property as may be required.
2. Prepare a summary statement of significance for the property.
3. Make a recommendation as to whether the property should be listed as a local or State heritage item in Schedule 5 of Woollahra LEP 2014.
4. Make a recommendation as to whether the property should be listed as an item on the State Heritage Register under the Heritage Act 1977.
5. If the recommendation is for listing in Woollahra LEP 2014, prepare the relevant inventory sheet for the property.
6. If the recommendation is for listing on the State Heritage Register under the Heritage Act 1977, prepare the relevant inventory sheet and Nomination for Listing of the State Heritage Register form for the property.

## 1.3 Methodology

Information for this heritage assessment was gained from the following sources:

- Material supplied by Woollahra Council officers and Woollahra Council archives
- Material obtained from the NSW State Heritage Register
- Two site visits undertaken on 20<sup>th</sup> March 2018 and 29<sup>th</sup> March 2018
- *Gruzman, An Architect and His City*, Neville Gruzman & Philip Goad, 2006, Craftsman House Victoria.

- Conversations with Bruce Stafford, leasee of level 2 Gaden House, and Antonia Kitching, wife of sculptor Mike Kitching, both of whom agreed to have their words quoted in this report.

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## 2.0 DESCRIPTION OF PROPERTY

### 2.1 Location

'Gaden House' is located on the site known as 2A Cooper Street, Double Bay (also known as 24-26 Bay Street, Double Bay). The legal description of the land title is Lots 11 &12, DP 4606.

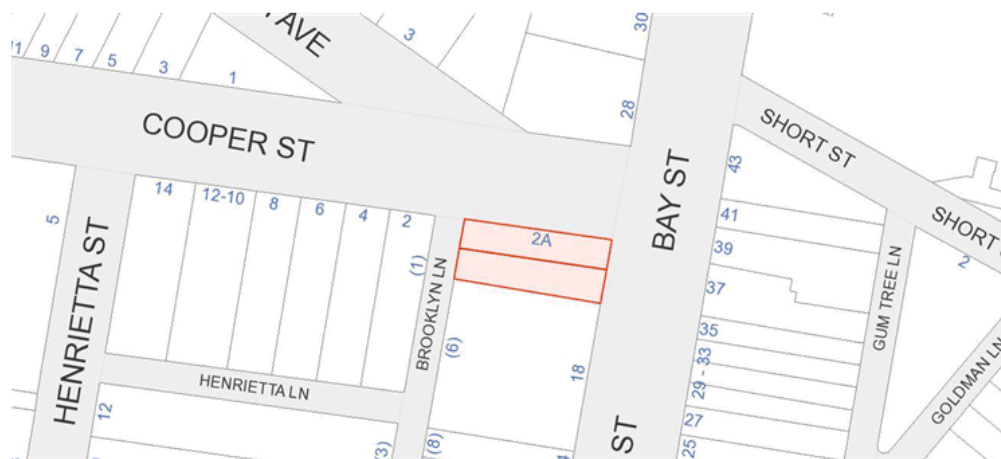


Figure 1.0 Cadastral map showing the subject site outlined in red.

The subject site sits at the apex of a triangle formed by the intersection of three streets: Cooper Street, South Avenue and Bay Street. Opposite the subject site, at 28 Bay Street, is the Royal Oak Hotel.



Figure 2.0 Aerial photograph showing the subject site outlined in red. Google satellite.

## 2.2 Building description

Gaden House is a three-storey commercial building with lower ground level, designed in 1969 by Sydney architect, Neville Gruzman and opened by Premier Askin in 1971. The building is constructed to its three site boundaries on Bay Street, Cooper Street and Brooklyn Lane. The ground floor level is raised above street level and was designed with seven retail tenancies; - two facing Bay Street and five facing Cooper Street. A lobby extends from the Cooper Street frontage to a spiral stair that extends up from the ground floor and accesses the two upper storeys which are currently used as offices. A separate, external stair accesses the lower ground level which was originally designed for D'Arcy's restaurant and one retail tenancy. Pelicano's restaurant now occupies the entire basement level.

Figures 3.0 to 8.0 below show the building as it was in 2006, as drawn by Architect Ted Quinton specifically for the book 'Gruzman, An Architect and His City' by Gruzman & Goad, 2006. Architect Ted Quinton worked in Gruzman's office for several years after graduating with honours in architecture from UNSW in 1997. The photographs, Figures 9.0 to 43.0, following the plans, show the building as it was in March 2018, as photographed by the author of this report.

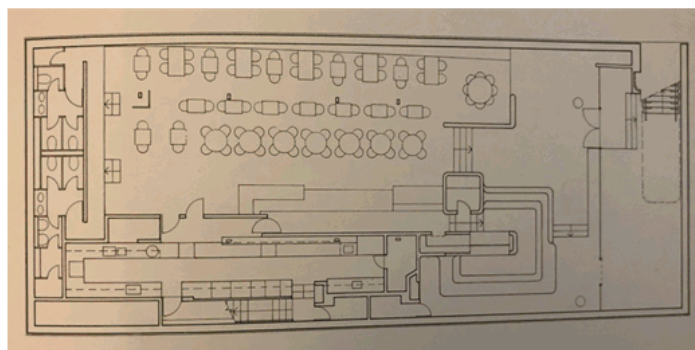


Figure 3.0 Lower Ground floor plan. *Drawn Ted Quinton 2006.*

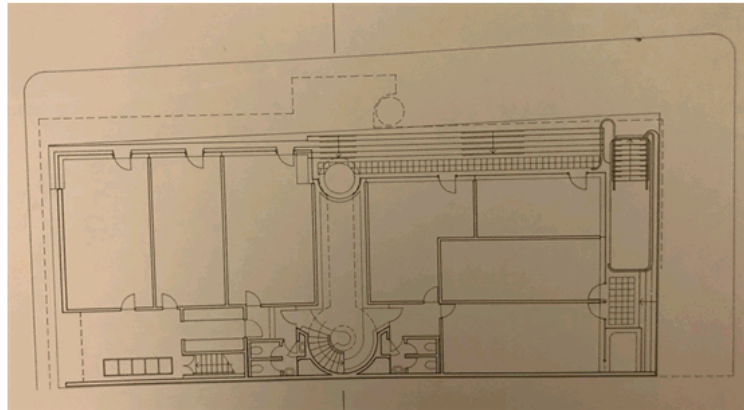


Figure 4.0 Ground floor plan. *Drawn Ted Quinton 2006.*

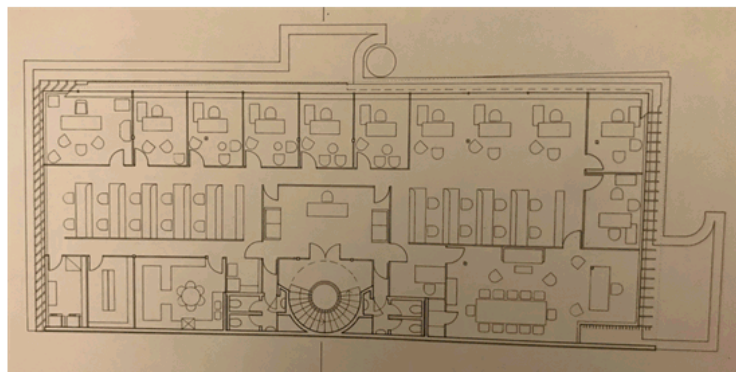


Figure 5.0 First floor plan. *Drawn Ted Quinton 2006.*

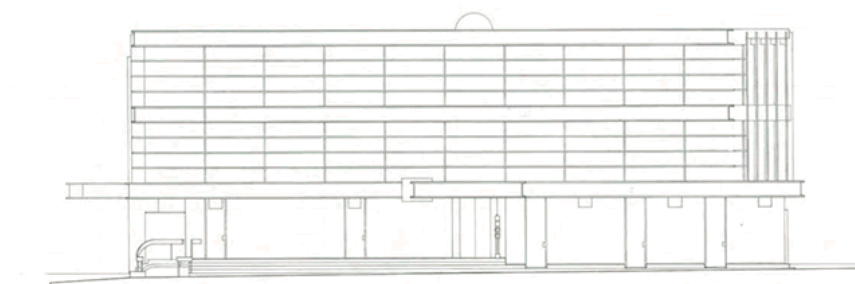


Figure 6.0 North Elevation showing horizontal louvres to the north, and vertical louvres wrapping around façade from western elevation. *Drawn Ted Quinton 2006.*

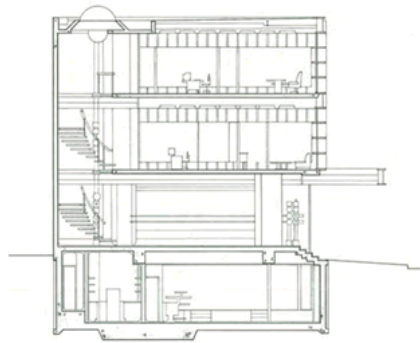


Figure 7.0 Cross section showing spiral stair and perspex dome above, and Mike Kitching sculpture located externally and in the stair well, linked by horizontal elements along the entrance corridor. *Drawn Ted Quinton 2006.*

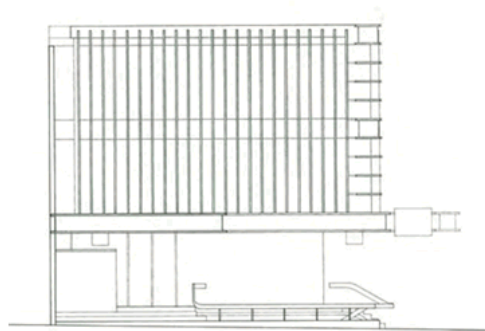


Figure 8.0 East Elevation showing vertical louvres, and curving steel handrail leading down to basement restaurant. *Drawn Ted Quinton 2006.*

### **Streetscape setting**

Figures 9.0 to 13.0 show how the articulation of the ground floor area, with its set-back of shop fronts, long podium and spacious, unobstructed, corner where the stair to basement restaurant descends, all combine to provide a generosity of public spaces around the building, not often found in buildings today which seek to maximise rentable floor area. The result is an area of restful urbanity.



Figure 9.0 The subject building viewed from the corner of Cooper and Bay Streets, Double Bay. Note the horizontal louvres facing Cooper Street and the vertical louvres facing Bay Street.



Figure 10.0, View from South Avenue, looking towards north elevation and Brooklyn Lane.



Figure 11.0, Looking west along Cooper Street. Note original circular light fittings / shop identifiers.



Figure 12.0, Looking east along the podium towards Bay Street. The horizontal podium and steps and the floating ceiling above provide an atmosphere of generous elegance – encouraging leisurely window shopping.



Figure 13.0, Bay Street elevation showing generous articulation of the corner provided by the shop set-backs, the podium and the spacious corner area devoted to stairs to basement restaurant, giving a sense of openness to the corner. There is no gratuitous or superfluous detailing – all is refined and purposeful.

**External louvre treatment to the three facades**

Figures 14.0 to 17.0 show the variety and subtlety of the louvre treatment, being different for each façade, and wrapping around each corner to provide a sophisticated three-dimensional modelling to the corners.



Figure 14.0, North façade with horizontal louvres to the office space which seem to float above the long run of horizontal podium. The long flight of stairs reflects the horizontal louvres above, combining to create a composition in horizontality.



Figure 15.0, East façade with vertical louvres



Figure 16.0, West façade angled louvres.



Figure 17.0, Junction of east façade and northern louvres, creating an egg-crate effect.



**External Details**

Figures 18.0 to 21.0 show some of the original external details, such as the curvaceous stainless-steel handrail with inset street number, figure 20.0, and the circular terrazzo paving demarcating the location of the original entrance door to the lobby, figure 19.0.



Figure 18.0, Handrail leading to Shops 2 and 3 facing Bay Street.



Figure 19.0, Terrazzo paving demarcating original location of automatic door.



Figure 20.0, Street number inset into handrail



Figure 21.0, Curvaceous handrail detail above basement area.

**Interior – Circular stair**

Figures 22.0 to 31.0 show the sculptural circular stair leading to levels one and two, constructed of pre-cast concrete treads with glass inserts and a bronze-finished stainless-steel handrail. The original Kitching sculpture has been removed and an intrusive tenants sign and post-boxes block the visual appreciation of the stair. The original covered terrazzo skirting detail remains in-situ.



Figure 22.0, Entrance lobby looking towards stair



Figure 23.0, Showing original bracket for fixing the Kitching sculpture.

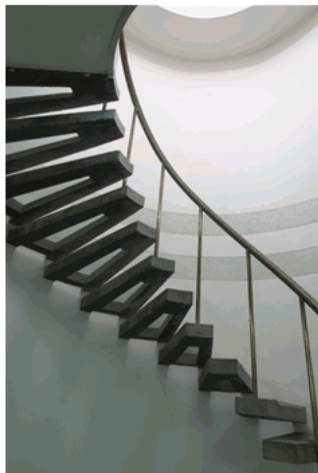


Figure 24.0, The sculptural quality of the stair



Figure 25.0 Showing the play of circular stair and handrail against the horizontal bands of the curved alcove.

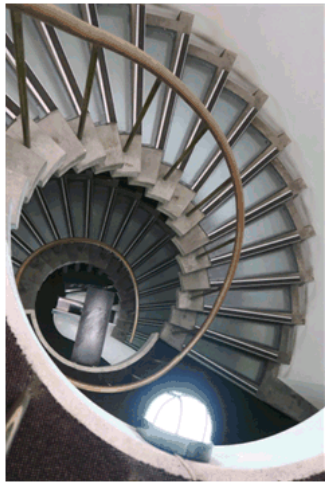


Figure 26.0, Showing later light fitting and original metal bracket for securing Kitching Sculpture.

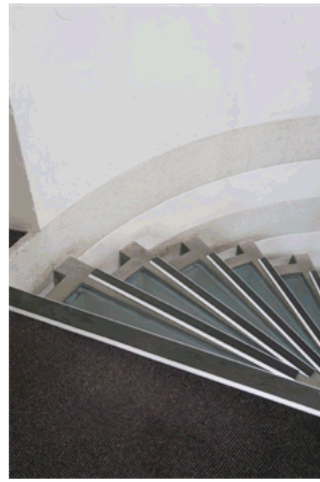


Figure 27.0 The circular stair and wall form satisfying patterns from every viewpoint.



Figure 28.0



Figure 29.0

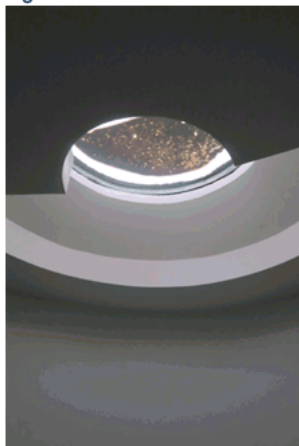


Figure 30.0, The original Perspex dome above the stair needs cleaning.

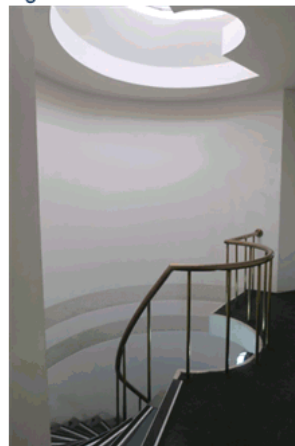


Figure 31.0, The top of the stair at level two.

**Interior – Original ceiling system on top floor**



Figure 32.0, The special ceiling system devised by Gruzman which both lit the spaces and acted as a giant plenum for the air-conditioning system. Note that some new AC registers have been added.

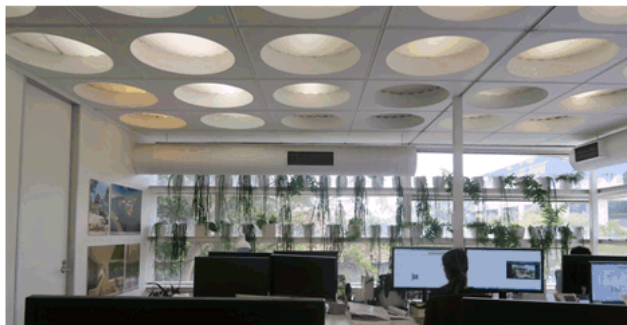


Figure 33.0, Looking towards the northern wall. Note original slender structural column.



Figure 34.0, Ceiling system integrates with partitioning.



Figure 35.0, David Moore photograph, c1971, showing office interior with ceiling system.

**Interior – other original details**



Figure 36.0, North window of north-western upper level tenancy



Figure 37.0, Original concealed floor mounted power-points in upper level office.



Figure 38.0, Corner window detail. There are no opening windows in the building – to maintain the clean lines of the exterior.



Figure 39.0, Entrance to upper level office, showing original aluminium frames and full height door with frosted glass.



Figure 40.0, Level one terrazzo floor showing markings from former partition system



Figure 41.0, West facing louvres showing junction between metal plates, which needs re-fixing. Bronze finished stainless steel sheeted louvres have been painted white, at least 20 years ago. Removal of paint and restoration of original finish should be investigated.

### Basement restaurant



Figure 42.0, Pelicano restaurant



Figure 43.0, Pelicano restaurant

### 3.0 HISTORY

#### 3.1 Development of the site

Figures 44.0 and 45.0 below provide a graphic description of the development of the site during the early twentieth century, up to the construction of Gaden House in 1968.

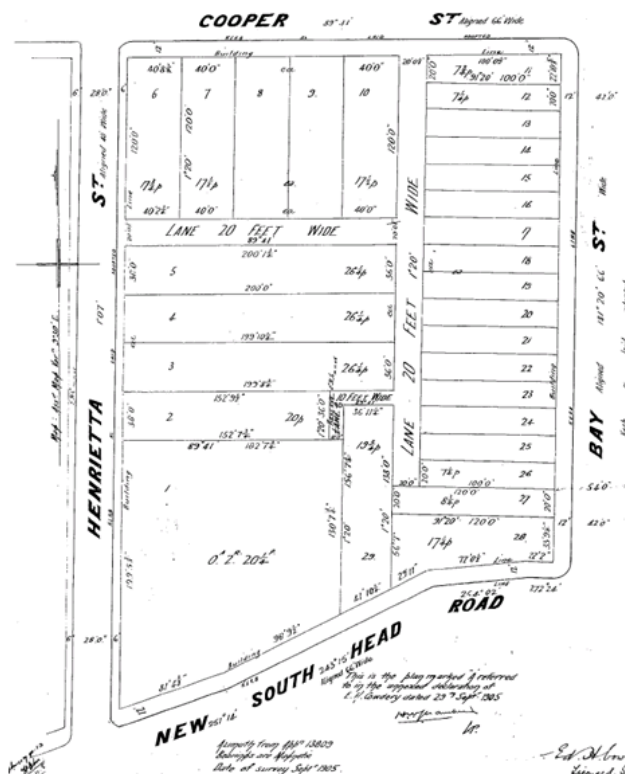


Figure 44.0, Subdivision of the Brooklyn Estate, 1905. The subject site is Lots 11 and 12.

NSW Land and Property Information, DP 4606

The subject site was originally part of just over five acres of land granted to Daniel Cooper in April 1833, and later conveyed to Frances Leonora Mackay in October 1904<sup>1</sup>. The land was subdivided as the "Brooklyn Estate" (Figure 44.0) in 1905 and in 1906, the subject site, Lots 11 and 12 was

<sup>1</sup> NSW Land and Property Information, Primary Application No. 13809 & Certificate of Title Volume 1742 Folio 61.

transferred to Mary Anne Allerton, a widow from Sydney.<sup>2</sup> In 1916 the site was transferred to Samuel Galbraith, Motor Proprietor, and his wife Nellie Josephine Galbraith who developed the land as service station and garage proprietors<sup>3</sup>. From this period onwards, Bay Street began to change from a predominantly residential area to an area of mixed residential, retail and commercial developments, gradually transforming into a thriving retail and commercial area.



Figure 45.0 1943 aerial photograph showing the Motor Garage that occupied the site at this time, and the Royal Oak Hotel on the opposite corner. *SIX maps*

Figure 45.0, the 1943 aerial photograph of the site, shows that the subject site is located at the apex of the junction of three streets, facing a wide triangle of streetscape to the north. The Royal Oak Hotel is located on the opposite side of Cooper Street at 28 Bay Street. Together, the large motor garage and the Royal Oak Hotel acted as a gateway from the residential area to the west into the retail/commercial area around Bay Street and Short Street. The subject site continued to operate as a motor garage, through several ownerships, until the site was purchased in 1968 by Randolph Pty Ltd, of whom Gordon Stewart, a partner in the legal firm of Gaden, Bowen and Stewart, was a Director.

The construction of the Gaden building on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half

<sup>2</sup> NSW Land and Property Information, DP 4606 & Certificate of Title Volume 1742 Folio 61.

<sup>3</sup> NSW Land and Property Information Certificate of Title Volume 1742 Folio 61 & Sands Directory



of the 20<sup>th</sup> century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.

### 3.2 Design of the building

The subject building was developed as a suburban branch office for the established firm of solicitors, Gaden, Bowen and Stewart – hence the building was known as 'Gaden House'. The following description is Gruzman's own account of the beginnings of Gaden House:

*My friend Gordon Stewart was a senior partner in Gadens<sup>4</sup>, a leading legal firm. Gadens had decided to open a Double Bay branch and commissioned me to design a building to house their offices as well as D'Arcy's, a well-known restaurant that was to open in the new building.*

*The Gadens building, though quite small, gave me the opportunity to show how good office space could be created. (Gruzman & Goad 2006: 293).*

Gruzman's Architectural office, then operating from 8 Oswald Street Darling Point, spent over three months working on the design before submitting the revised<sup>5</sup> Development Application to Woollahra Council on the 18<sup>th</sup> March 1969. The letter to the Council accompanying the DA sets out Gruzman's design intent for the building:

*You will note that the building has been carefully planned so that it is a distinct contribution to the amenity of the area and its appearance generally.*

*My client has specifically instructed me to have a basement in the building which will increase the building costs by at least fifteen thousand dollars, so that the building will be more in scale with the existing redeveloped buildings now in Bay Street and for this reason too, the shops fronting on to Bay Street have been designed to relate to the individual small building which is now the present nature of that street.*

*This office has spent more than three months in designing this building so as to ensure that it is successful in itself and successful environmentally. We earnestly hope therefore that the matter of development approval can be given prompt attention so that the job can now be got underway properly. (DA 58/69).*

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<sup>4</sup> Both Gruzman's brothers, Laurence and Des, were lawyers and introduced many of their legal fraternity colleagues to Neville, becoming his clients.

<sup>5</sup> A previous DA had been lodged in 1968.

Figures 46.0 to 51.0 below, show the DA plans submitted in 1969. Gruzman's DA documents contain a minimum of information, so it is significant that the louvres are the main design elements to be shown on the plans.



Figure 46.0, DA plans 1969, **Perspective**. *Woollahra Council Archives*.

Note the streamlined nature of the north façade with the horizontal lines emphasised by the louvres and horizontal podium and steps. The white milky Perspex panel between the first and second floors further emphasizes the horizontality while providing an artistic flourish to the facade. Contrasting with the horizontal lines is the fluid stainless steel handrail leading down to the basement restaurant and the circular revolving door and hood above marking the entrance to the foyer and offices. The set-back of two of the retail shops facing Cooper Street on the corner of Bay Street, elevated above a long podium of steps, indicates the generous and deliberate contribution to the urban life of Double Bay that Gruzman was determined to make.

Gruzman & Goad describe Gruzman's design intent for the building as follows:

*Its form and appearance were intended to stand out. Designed as a piece of light sculpture hovering above a white terrazzo podium, each façade was modelled by deep louvres on the east (angled vertical), north (horizontal) and west (vertical) elevations. Before it was disastrously painted white, the building was sheathed in bronze stainless steel, and opaque white and transparent Perspex. It could be fully illuminated. The exterior and lobby were originally decorated with a Michael Kitching sculpture that made its way inside and up*

*the circular glass, precast concrete and stainless steel stair which led to the two levels of offices. The upper spaces were distinguished by a special ceiling system devised by Gruzman which both uniformly lit the space and acted as a giant plenum for the airconditioning system. The result was a stunning reflective soffit punctuated by luminous circles, without a single ugly air-register to be seen (Gruzman & Goad 2006: 152)*

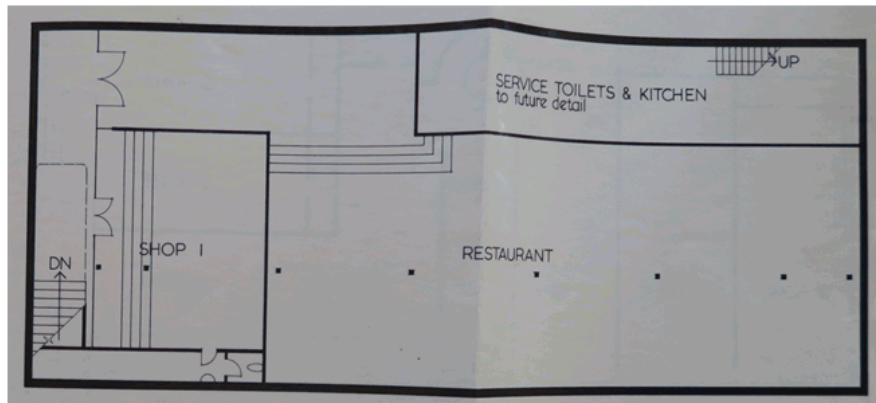


Figure 47.0, DA Plan 1969 - **Lower Ground Floor**. Showing the space set aside for D'Arcy's restaurant, plus an additional Shop 1, facing the under-croft to Bay Street.

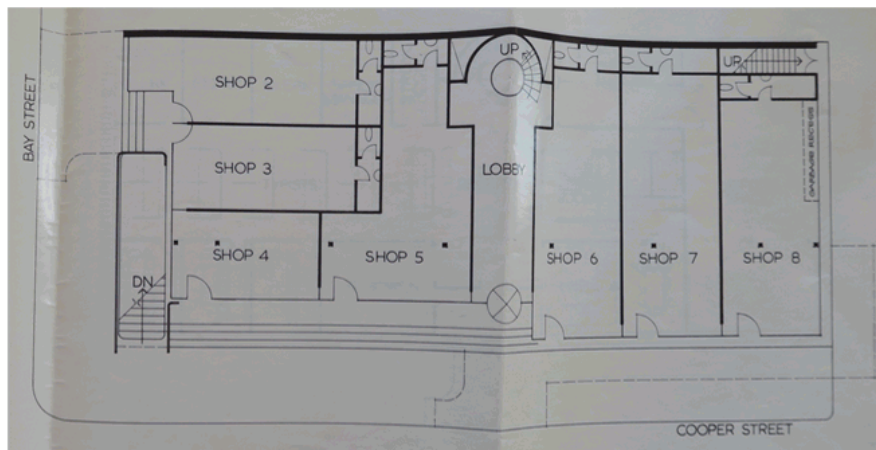


Figure 48.0, DA Plans 1969. **Ground Floor**. Principal Entrance and Shops showing a revolving door at the entrance to the lobby. The ground floor plan shows Shop 2 and Shop 3 facing Bay Street, accessed from a short flight of steps and platform. An enlarged awning protruded into Bay Street to herald the entrance to the 2 shops (not shown on Plans but shown on the Section). Shops 4 and 5 are accessed from a generous podium set back from Cooper Street, as is the main entrance to the lobby leading to the offices upstairs. It appears that a revolving door was

intended to access the lobby – all that remains of this intention is the circular terrazzo inset into the paving. Minimal amenity areas are provided at the rear of the shops. The row of structural columns is set well back from the façade, allowing uninterrupted fully glazed shop fronts. The plan is well-resolved and masterly in its simplicity, with every space contributing to the whole and with no unnecessary corridors or under-utilised areas.

The building expresses horizontality in its structure and detail, delightfully offset by circular flourishes – the stair, revolving door, perspex dome, handrails, circular ceiling system, external light fittings and the final whimsical flourish of the Kitching sculpture, carefully resolved to work with, and nor compete with, Gruzman's overall design.

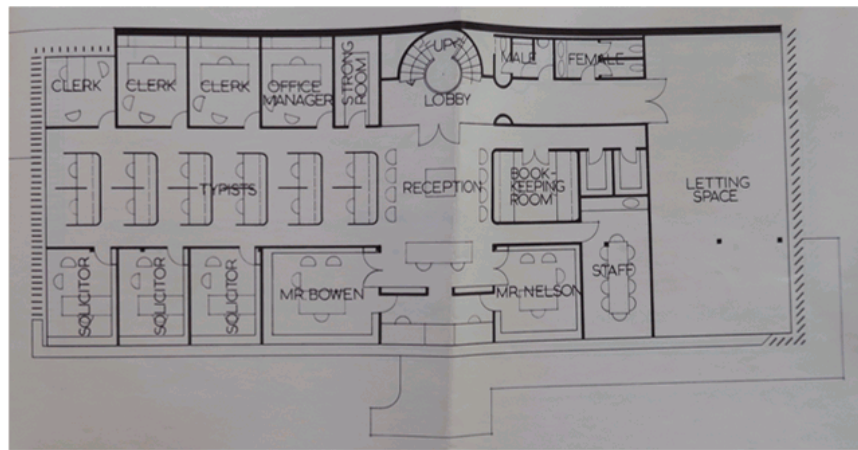


Figure 49.0, DA Plans 1969. **First Floor** offices for Gaden Bowen and Stewart. The first floor was intended to be predominantly occupied by Gaden Bowen and Stewart, with an area to the west being available for letting. The Plan shows the arrangement of the louvres – slightly angled for the western façade, horizontal for the northern façade and vertical for the eastern façade. The manner in which the louvres turn the corners is clearly indicated – the design intent being to establish a three-dimensional modelling to each corner. Intriguingly, the partners' offices are shown as belonging to Mr Bowen and Mr Nelson, - presumably the partners Gaden and Stewart remained at the city office.

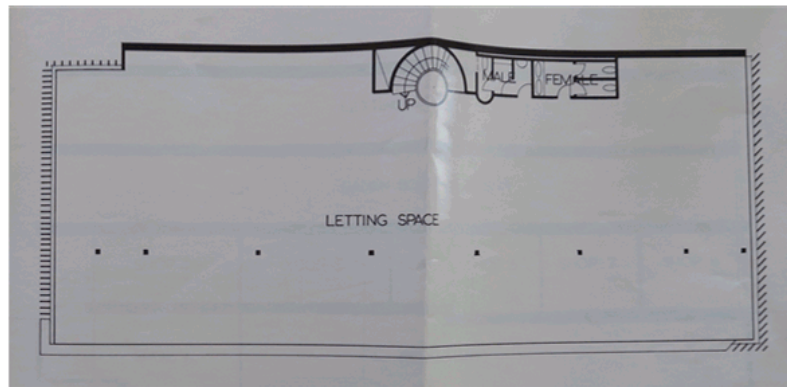


Figure 50.0, DA Plans 1969. **Second floor**, Letting space.

The second-floor plan shows the whole floor as being available for letting. Again, the specific arrangement of louvres is clearly shown, with the recess in the south east corner being deliberately designed to allow the louvres to return around the building façade, creating a three-dimensional modelling effect, rather than having the louvres cut short awaiting the arrival of the adjacent building along Bay Street.

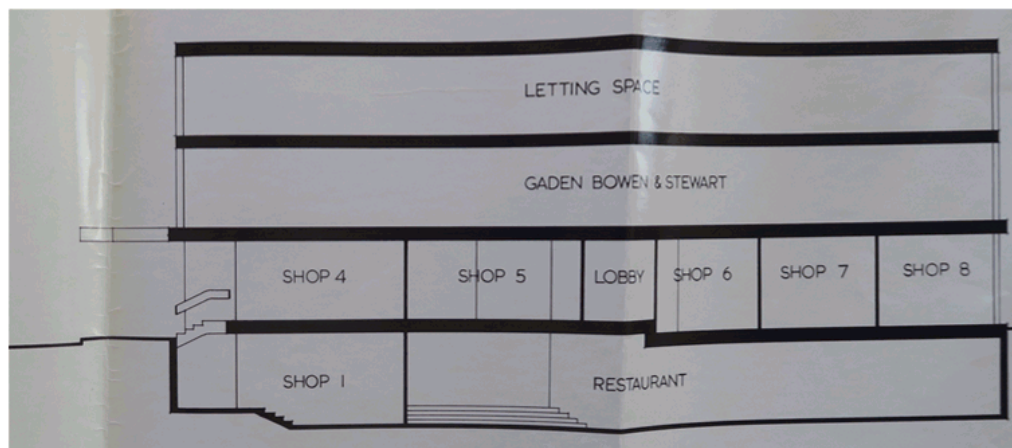


Figure 51.0, DA Plans 1969 - **Section** showing the simple arrangement of floors, the awning extending out over Bay Street to herald the entrance to shops 2 and 3, and the change of level on the ground floor to accommodate the raised podium facing Cooper Street.

The Building and Health Committee report of 5/5/69, prepared by the Planning Officer, gave the following recommendations regarding the plans:

*The character of the existing development in the area is of a mixed motif, being part residential, part shopping and part commercial. The 'Royal Oak' Hotel is located on the opposite corner. In Cooper Street, all development is residential being cottages and residential flat buildings and zoned 2(e).*

*It is considered that the proposed development would not interfere with the preparation of the Redevelopment Plan to be prepared by Council in respect of the 3(d) zone.*

Planning Control Officer's Recommendation:

*That the applicant be invited to amend the plans to provide: -*

- 1. A loading and unloading bay of at least 20' in depth, 15' in width and a clearance of 10', such bay to be located in Brooklyn Lane;*
- 2. A service corridor from the bay to serve all shops within the premises.*
- 3. The location of all mechanical plant to be installed and the aesthetic treatment to be given to any structures or plant located at roof level.*

On 28<sup>th</sup> May 1969, the Town Clerk of Woollahra Council wrote to Gruzman asking him to amend the plans to provide the three items as indicated in the Building and Health Committee report.

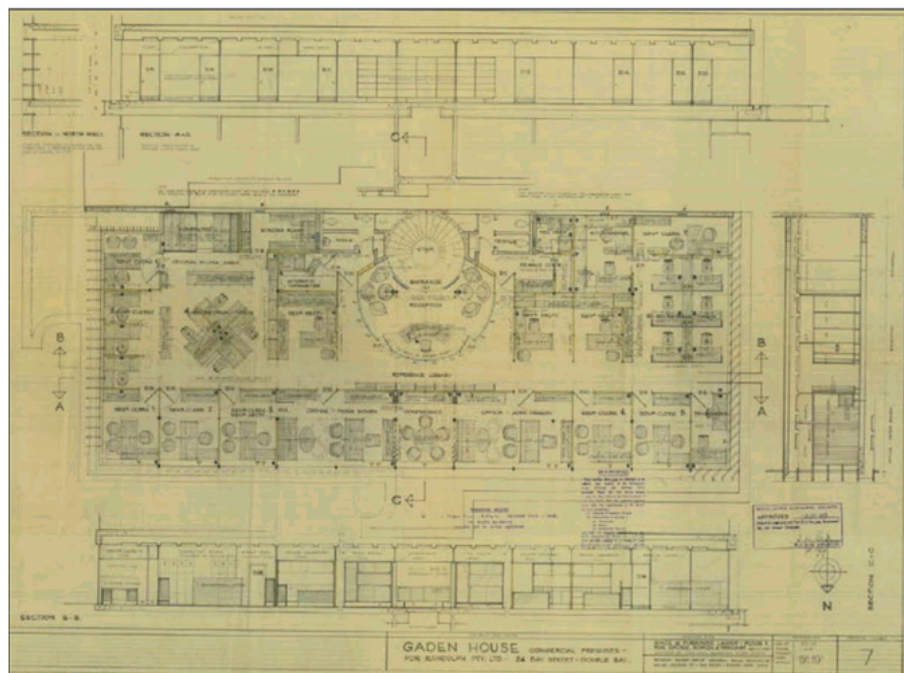


Figure 52.0, Building Application approved in 1970. Woollahra Council Archives

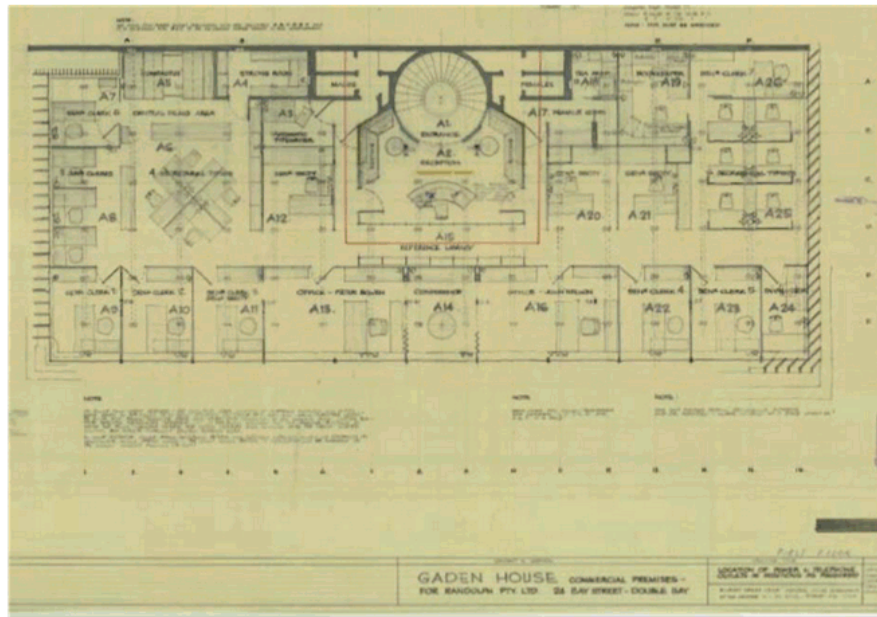


Figure 53.0, Building Application approved in 1971. *Woollahra Council Archives*

Guzman's office amended the DA plans as required by the Council, and between 1969 and 1973 various Development and Building Applications were submitted for individual fitouts including for a jewellery shop in Shop 4 (DA 216, in 1971), a menswear shop in Shop 5 (DA 258, 1971), an interior decorators shop and office in Shop 5 (DA 59 in 1972) and for the use of both shops 4 and 5 as a men's and women's clothing shop (DA 177 in 1973).<sup>6</sup> Figures 52.0 and 53.0 below show BA plans approved by Woollahra Council in 1970 and 1971.

The builders for the project were TC Whittle, and the building was officially opened by the Premier of NSW, Mr Askin, on Thursday November 25 1971, with a guest list of four hundred.

<sup>6</sup> Woollahra Council DA and BA files.

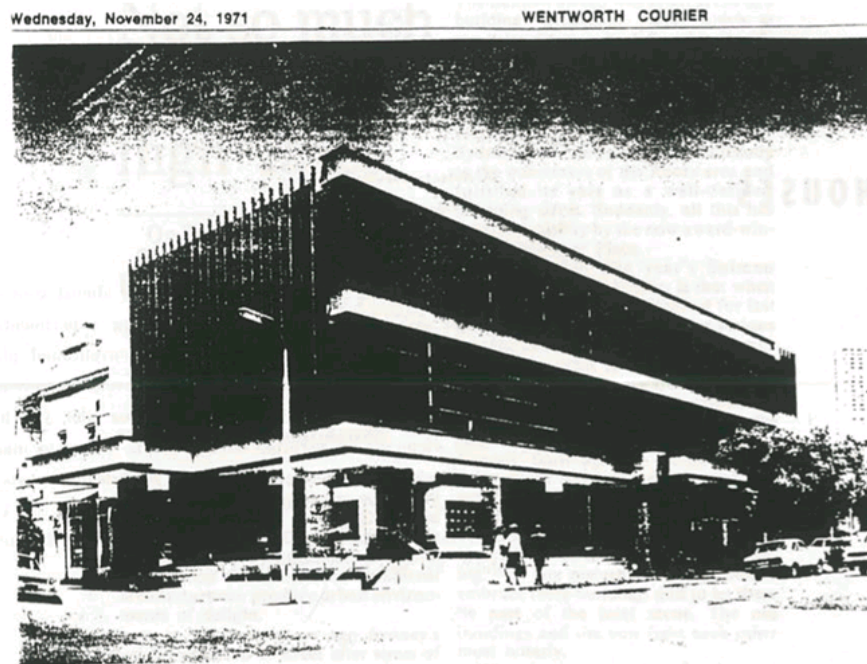


Figure 54.0, Wentworth Courier, Wednesday November 24, 1971. *Gaden House A Trend Setter*

The Wentworth Courier of 24 November 1971, describes Gaden House as:

Setting...a new kind of standard for Double Bay...An entirely new concept in modern building, it features glass and precast concrete stairway – the only one of its kind in Australia – and is topped with a Perspex dome.

The exterior and the lobby are decorated with a sculpture by Michael Kitching. The building itself is decorated on opaque white and transparent Perspex. At night the entire building is illuminated.

Lighting throughout is achieved through a series of circles on the ceiling which distributes a soft, pink, even light. Air-conditioning also comes from these circles, which serve a double purpose.

The whole building is sheathed in bronze and stainless steel and Perspex. The entire lobby is curved and as the glass doors open automatically when you enter, a 'talking machine' announces where each tenant is in the various parts of the building.



### Changes to the building over time

Council records and the land title documents indicate that the building continued to be leased by various retail and commercial tenants and that applications were submitted for change of uses and modifications particularly for the restaurant use and also for change of business hours for the other retail premises from the 1970s to the present. Randolph Pty Ltd retained ownership of the building until 1981 when it was transferred to the Broken Hill Mine Employees Pension Fund Custodian Limited. The building was transferred to Rose Marie Hancock in December 1988<sup>7</sup>, and from that time until the recent sale of the building, little maintenance has been undertaken on the building<sup>8</sup>. The current owners are AMA Holdings Pty Ltd.

The following table indicates changes to the original fabric since construction in 1969:

Original Fabric	Intactness / changes since 1969
<i>Kitching sculpture</i>	Now missing, the sculpture was in-situ in 2006, although external Perspex and glass installation had been painted white. Its current location is unknown, although the original plans are available at the Kitching Archive in Lovetts Bay.
<i>Circular ceiling system for lighting and air-conditioning</i>	Remains in parts of level 2 and has been removed in level 1.
<i>External bronze finished stainless steel cladding to louvres</i>	Has been painted white for at least 20 years, if not longer. The original bronze-finished Stainless-steel louvres remain underneath but require restoration of the original finish and repair and maintenance.
<i>Circular stair, handrail and Perspex dome above</i>	The stair and its elements remain remarkably intact, only the recent addition of Tenant's Panel and post-boxes at the foot of the stairs detract from its aesthetic appearance.

<sup>7</sup> Woollahra Council DA and BA files & NSW Land and Property Information, Certificate of Title Volume 11889 Folio 83

<sup>8</sup> Bruce Stafford, whose architectural office has occupied the top floor for 20 years, attests to the lack of maintenance on the building when Rose Hancock was the owner.

### The Michael Kitching Sculpture

As part of the process of assessing the significance of the Gaden Building, Antonia Hoddle/Kitching, the wife of sculptor Michael Kitching, was contacted for information regarding the sculpture that was originally part of the building design. Notes from a phone conversation between Antonia and the author of this report describes how Mike Kitching was commissioned by Gruzman to design the sculpture for Gaden House<sup>9</sup>:

*Neville approached Mike to design a sculpture for Gaden House. Neville had previously used Mike to design a pink plexiglass sculpture above the stair well in his own house at Darling Point. Adrian Gruzman, Neville's nephew, might know if that sculpture is still in place.*

*Mike wondered how he would design a sculpture to fit within a staircase that was already a sculpture – fitting a sculpture inside a sculpture.*

*The plexiglass was manufactured at a factory that Mike had previously worked with. The sculpture ended up to be extremely delicate, and not coloured so it would reflect and pick up the light and the colours around.*

Antonia has no idea what has happened to the sculpture.

However, she has the complete plans for the sculpture at their archive at Lovett's Bay, so that it would be possible to reconstruct the sculpture. Antonia and a dedicated team have already reconstructed and refurbished several of Mike's sculptures, including the Coats of Arms at the Supreme Cotr building in Macquarie Street.

Antonia regrets what she sees as a lack of integrity amongst the design and construction world today, where there doesn't seem to be the same level of collaboration as there was in the 60s, 70s and 80s.

The following biographical extract of Michael Kitching is taken from Kitching's website, *mikekitching.com*:

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<sup>9</sup> Phone conversation between Anne Warr and Antonia Kitching at her home at Lovett's Bay, 20<sup>th</sup> March 2018.



Figure 55.0 Kitching at work in his Sydney studio 1960's



Figure 56.0 Mike and Antonia, Venice 2016.

**Mike Kitching, Sculptor and Australian Artist**, was born in 1940 in Hull, England, UK and arrived in Australia in 1952 at age 12.

With no formal training, Mike won the Blake Prize in 1964 when he was just 24 years old. He was the youngest artist to win the award and held this title for over 50 years. Winning numerous art prizes, scholarships and awards for his sculptural work, Mike soon established his reputation as a leading Australian sculptor.

He exhibited his work in Australia and abroad throughout the 1960's. Traveling to Europe for inspiration with his wife, Antonia Hoddle, who is also an artist.

In recent years Mike has received numerous commissions including major works for the supreme court building, Sydney Olympic Park Peace Monument and Kingsford Smith Airport, Sydney.

*mikekitching.com*

Kitching's sculpture for Gaden House was known as: 'Corridor and Stairway'. Figures 56.0 to 61.0 below, show the sculpture included in Ted Quinton's 2006 drawings of Gaden House, and the photograph of Gaden House from Gruzman & Goad 2006 shows the external sculpture still intact, although painted white.

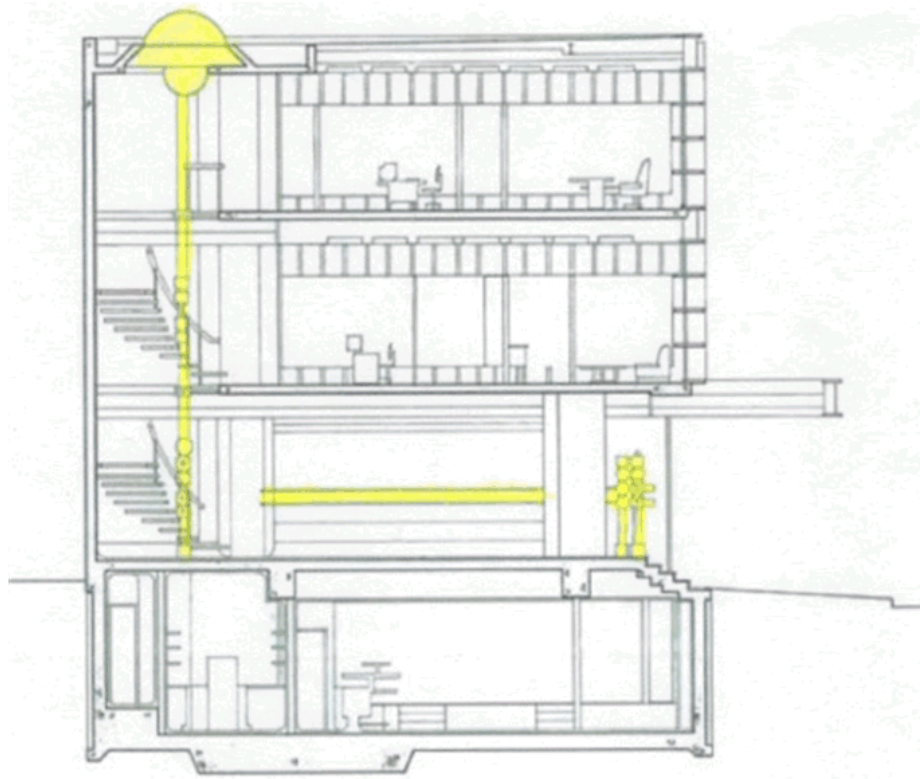


Figure 57.0, Section drawn by Ted Quinton, 2006, showing the Kitching sculpture, shaded yellow for clarity, on the exterior of the building adjacent to the entrance door, running along the entrance corridor as two horizontal elements and then vertically up the middle of the circular stair. By moving from outside the building to inside, the sculpture laces together the circular and horizontal motifs present in Gruzman's design.

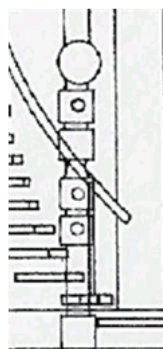


Figure 58.0, Detail of vertical sculptural element in middle of staircase from Quinton's drawing above

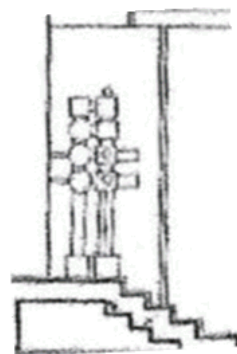


Figure 59.0, Detail of external sculpture from Quinton's drawing above

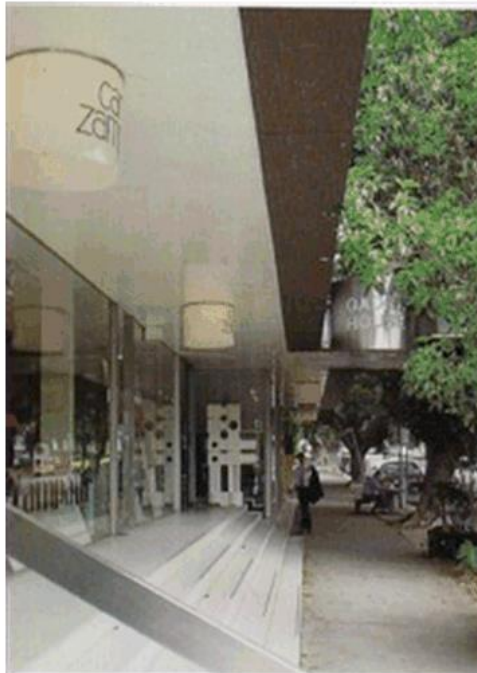


Figure 60.0, Showing Michael Kitching external sculpture intact but painted white in 2006. (Goad 2006: 157)  
Note how the circular lights above each shop entrance reinforce the sculptural qualities of the building as well as fulfilling a functional role.

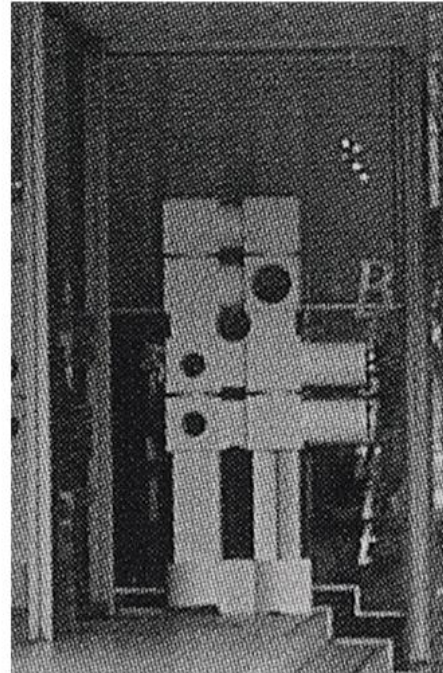


Figure 61.0, Enlargement of David Moore photo of Gaden House, Figure 59.0 opposite. Kitching's sculpture heralds the entrance to the commercial offices like a futuristic robot.



Figure 62.0, Original external location of Kitching sculpture, showing small fixing holes. AW 2018

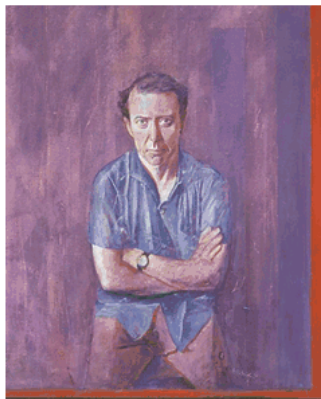


Figure 63.0 Showing original metal fixing for the sculpture which went up the middle of the spiral stair.

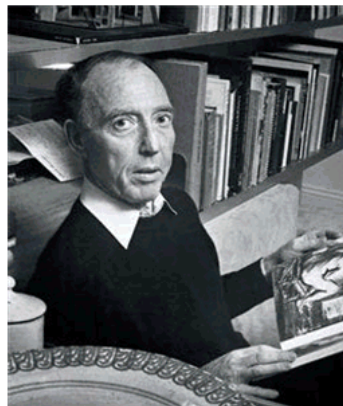
## 4.0 UNDERSTANDING THE PLACE

### 4.1 Neville Gruzman – the man

The three portraits of Gruzman below, figure 64.0, show him firstly as an architect in his prime in 1970, determined to make a difference, then as a cultural man with numerous literary interests and finally as a more reflective man. The portrait by Eric Smith, which won the Archibald Prize in 1970, was commissioned at the same time that the Gaden building was being designed and constructed.



Portrait of Gruzman by Eric John Smith, winner of Archibald Prize, 1970.



Neville Gruzman by Max Dupain



Gruzman. Wikipedia.

Figure 64.0, Three portraits of Neville Gruzman.

The following timeline shows the relevant milestones in Gruzman's life; - his university training, overseas trips and awards. A full biography of Gruzman's life can be found in *Gruzman & Goad* 2006.

Timeline	
1925	Born, Sydney, Australia. Parents of Russian extraction, Sam Gruzman and Rosalind Gunzburg. Two brothers, the eldest Laurence became a barrister and QC, the youngest Des also studied law.
1949	Completed third year of architecture study, The University of Sydney. Designed Lapin House.
1952	Graduated Bachelor of Architecture, The University of Sydney
1954	Commenced private practice in Hunter Street Sydney.
1955	Travelled to Japan

<b>1956-58</b>	Citizen member of the Waverley Council Planning Committee.
<b>1958</b>	Graduated Diploma Town & Country Planning, The University of Sydney.
<b>1959</b>	Four buildings included in the Architecture and Arts awards of the 'Twenty Best Buildings in Australia'.
<b>1967</b>	Graduate Diploma in Landscape Design
<b>1979</b>	Graduated Masters of Town & Country Planning, The University of Sydney.
<b>1980</b>	Commenced Master Degree in Fine Arts
<b>1983</b>	Honoured with retrospective exhibition of his work by the RAIA, Sydney.
<b>1984</b>	Member of Order of Australia
<b>1990</b>	Delivered keynote lecture 'The Failure of Modern Architecture' at the Art Gallery of NSW.
<b>1991-1996</b>	Member of the Board, National Trust of Australia, NSW
<b>1993</b>	Member, Prime Minister's Urban Design Taskforce
<b>1995-96</b>	Mayor, Woollahra Municipal Council
<b>2005</b>	Died, Sydney, Australia

Gruzman died in Sydney in 2005, and the following Obituary, written by long term friend and colleague, Bruce Rickard (1 July 2005), gives the essence of Gruzman, the man:

NEVILLE WAS A complex character with many interests: architecture and town planning (degrees in both), urban design, teaching (adjunct professor at the University of New South Wales), community involvement (Mayor of Woollahra), and writing letters and articles for the Sydney Morning Herald. Whatever his interest he did it with great passion and dedication. Along the way he made many good friends and enemies, for he was single-minded and never compromised.

Among his many friends were his ex-students and ex-staff who respected and admired his work. These included Bruce Eeles, George Guest, Mike Harris, Rob Heath, Mike Hesse, Jorge Hrdina, Geoff Le Sueur, Peter Lonergan, Philip Moore, Glenn Murcutt and Rob Pufflett.

Neville began teaching at the University of New South Wales in the 60s with Basil Beerman, Eric Daniels, Doug Gordon, Harry Howard, Peter Kollar, Bill Lucas, Allan Williams and Andrew Young – all recent graduates and young practitioners at the time. He continued to teach up to 2003. His classes were always popular...

I have always been impressed by Neville's buildings. While they are all different they have several elements in common. They have a beautiful spatial flow, the living areas all face north and they are exquisitely detailed. Several of the houses have particularly moved me – the hexagonal, gridded, organic, bush stone of the Chadwick house with its intimate scale and mysterious passageways; the simple, minimalist but rich Hills house; and the

delicate steel and glass cage of the Holland house floating above its rugged site at Middle Cove...

#### 4.2 Gruzman – his work

Gruzman & Goad (2006) provide a list of Gruzman's Opus, 1949 to 2003, at the end of the book. This list reveals that Gruzman designed 87 houses, 30 commercial buildings, 4 apartment blocks, 4 schools and participated in 6 major urban design projects. The table below lists the commercial and public buildings designed by Gruzman, being of most relevance to this heritage assessment. Gaden House was the 6<sup>th</sup> commercial building designed by Gruzman.

Date	Name	Address
1955	Purnell Motors Pty Ltd	Arncliffe NSW
1957	South head Synagogue	Rose Bay NSW
1961	Fogl Medical Centre	Gladesville NSW
1963-64	Rudy Komon Art Gallery	Paddington NSW
1968	Gregory & Carr Funeral Chapel	Mona Vale NSW
<b>1968</b>	<b>Gaden House</b>	<b>Double Bay NSW</b>
1955	Shops and Surgery, alts and ads	Rose bay NSW
C1955	Series of dress shops	Bankstown NSW and other locations
1961	Wewak Council Chambers	Wewak, Papua New Guinea
1962	Astor Glass Factory	Surry Hills NSW
1962	Commercial Premises	Gladesville NSW
1963	House and Gallery, alts and ads Beecroft Galleries	Beecroft NSW
1964	Chevron Hotel redevelopment proposal	Potts Point NSW
1967	Commercial premises, alts and ads	Annandale NSW
1967	Wentworth Bowling Green	Double Bay NSW
1969	Moruya Post Office & Exchange	Moruya NSW
1969	RG Menzies Building	Double Bay NSW
1970	Neville Gruzman Pty Ltd Office	Woollahra NSW
C1970	Office for Queensland Mines Pty Ltd	Unknown location
1971	Commercial Pemises for Meriton	Double Bay NSW
1972	Double Bay Steak House	Double Bay NSW
1973	Helen Keller House	Woollahra NSW
1973	Saxonvale Winery	Broke NSW
1973	Sussex House	Sydney NSW
1973	Vardis Restuarant	Double Bay NSW
1974	Glenmore Country Club	Glenmore NSW
1974	Kingswood Public School	Kingswood NSW
1977	Building for Slomak properties, alts & ads	Double Bay NSW
1979	Commercial premises for Chadwick Holdings	Lane Cove NSW







Date	Name	Address
1989	Commercial premises, refurbishment	Double Bay NSW
1967	Illaroo Public School	Nowra NSW
1968	Murwillumbah High School	Murwillumbah NSW
C1970	Wagga Agricultural Residential College	Wagga Wagga NSW
1985	Sydney Boys High School, alts and ads	Surry Hills NSW
1962	The Rocks Redevelopment proposal (with Rickard, Douglas Gordon and Ian McKay)	The Rocks NSW
C1964-65	Blacket Square proposal	Double Bay NSW
1975	Victoria Street Redevelopment proposal	Kings Cross NSW
1985	Campbell's Cove Redevelopment proposal	Circular Quay NSW
1987	Overpass and retail development proposal	Double Bay NSW
1988	Martin Place Redevelopment proposal	Sydney NSW
2005	Partial involvement in the redevelopment of Babworth House.	Darling Point NSW


#### Recognition of Gruzman's work

Gruzman's work was held in high esteem by the Architectural community during his lifetime, as evidenced by the two exhibitions held to recognise his work in 1959 and 1983<sup>10</sup>, and by his Order of Australia in 1984.

Although none of Gruzman's work is currently listed as being of State Significance on the NSW State Heritage Register, seven of Gruzman's buildings are listed as items of local significance on LEPs, as shown in the table below. All of these listed items are residential buildings, with none of Gruzman's commercial buildings being recognised to date.

<sup>10</sup> Gruzman agreed to the Retrospective Exhibition following two heart attacks and a quadruple bypass in 1982 (Gruzman & Goad 2006: 298).

Gruzman buildings listed as items of local significance				
Item name	Address	Suburb	LGA & Date listed	
Flat building, Montrose Apartments	439 Alfred Street North	Neutral Bay - North Sydney	North Sydney	
Former Chadwick House and Garden, c 1964	82 Arthur Street	Forestville	Warringah 2014	
House	6 Ruby Street	Mosman	Mosman	
Goodman House, Including interiors, 1956	17 North Arm Road	Middle Cove	Willoughby, 2007	
Item	15 Collins Rd	St. Ives	Ku-ring-gai	

Item name	Address	Suburb	LGA & Date listed	
Item	36 Banks Avenue	North Turramurra	Ku-ring-gai	
Item	104 Burns Rd	Wahroonga	Ku-ring-gai, 1989	

Extracts from the SHI listings for three of his buildings above, describe some of the fundamental characteristics of his work:

#### **Montrose Apartments**

An example of the Post War International Style designed by eminent architect Neville Gruzman that used patented and prefabricated materials in its construction.

The apartment building shows the excitement of new technology and the use of prefabrication. The building has a prismatic form with an expressed structural system and extensive glazing. The patented glazing system at the time of construction would have been more typically associated with industrial buildings but with glass louvres inserted.

#### **Chadwick House**

The Chadwick House is historically significant as a resource to demonstrate the many features of Late Twentieth – Century Organic “Wrightian” architecture and design theory & practice and Neville Gruzman’s contribution to the continuing development of residential design. A remarkable excursion into planning with interlocking hexagons, and building with bush stone, the Chadwick House is one of the most extraordinary Australian houses of the 1960s. The house demonstrates a rare combination of exceptional innovative contemporary design and excellent detailing, both sensitive to the environment and place.

#### **Goodman House**

This house is an interesting example of the work of noted Sydney architect, Neville Gruzman. It is of aesthetic significance for the way its modernist architectural expression is inflected to respond to its bush setting. It is an early instance of the influence of traditional Japanese architecture on local domestic modern architecture.

### Key Elements of Gruzman's work

Based on the existing heritage listings above and writings on Gruzman's work, the following key elements of his work emerge:

- The use of new technology and the use of prefabrication.
- Exemplar of Post War International Style.
- Exemplar of Late Twentieth-Century Organic 'Wrightian' architecture.
- Contribution to the continuing development of residential design.
- Rare combination of exceptional innovative contemporary design and excellent detailing.
- Sensitive to the environment and place.
- Modernist architectural expression inflected to respond to its bush setting.
- Influence of traditional Japanese architecture on local domestic modern architecture.

### Does Gruzman's work fit into stylistic categories?

Architects and their work are often squeezed into stylistic boxes that generally don't fit the originality of the work in question. Apperly, Irving & Reymolds in *Identifying Australia Architecture* (Angus & Robertson 1989) list 66 different categories of Australian styles, proving the point that most buildings don't fit neatly into a style category. Under the heading 'Post-War Period, c 1940 - 1960' are 5 sub-categories, while there are 14 sub-categories under the heading 'Late Twentieth-Century period 1960- '. As shown in the listing descriptions above, Gruzman's work has been described as 'Post-War International Style', 'Late twentieth-century Organic Wrightian' and just plain 'Modern'.

One specific aspect of Gruzman's work which linked him to some of his Australian contemporaries such as Harry Seidler and Bunning and Madden, is his desire to achieve a link between painting, sculpture and architecture. This aspiration was put into practice with one of his earliest commissions - the design of the Purnell Motors showroom at Arncliffe, 1955. Goad describes Gruzman's desire to link painting, sculpture and architecture in this commission:



Figure 65.0, Purnell Showroom. Max Dupain.

*What made it spectacular was Gruzman's collaboration with the painter Eric Smith who had recently moved from Melbourne to Sydney...Smith designed an abstract pattern for the long linear terrazzo floor of the showroom, a mosaic mural for the balustrade of the mezzanine floor which was hung within the space of the glazed box, and a decorative timber screen for Norman Purnell's office. Ribbons of neon lighting then brought this artistically layered volume to life. Gruzman had achieved his desire for a 'direct relationship between painting, sculpture and architecture' (Gruzman & Goad 2006: 20).*

Not only did Gruzman successfully integrate sculptural and artistic elements into his work, but his work as a whole can be described as sculptural:

*...Gaden House, Double Bay (1968) was a startling piece of large-scale environmental sculpture, modelled and lit at night as a giant public ornament. At the same time...Gruzman was experimenting with materials and technology...the precast concrete and glass spiral stair and the reflective ceiling, lighting and air-conditioning systems at Gaden house. In each of these buildings [Rudy Komon Gallery, Gregory and Carr Funeral Chapel and Gaden House], Gruzman also included modern art as a necessary component of his public building project: 'real' art on the walls at Rudy Komon; an amber glass screen by Eric Smith at the Funeral Chapel...and at Gaden House, the extended glass and perspex sculpture of Michael Kitching that made its way from outside to inside and up the stairs to the legal offices above (Gruzman & Goad 2006: 28).*

While Gruzman had aspirations for elevating architecture above the ordinary, often by the inclusion of art and sculpture in his work, he understood the practicalities of his profession and the primary need for a building to be functional, as he himself describes:

*Whilst a building must be beautiful it must also work. Architecture is sculptured space that fulfils a functional role. If it fails as sculpture that is a great pity, but if it fails in its function, that is a disaster for the users of the building.*

*That is what the practice of Architecture is about. The joy of the architect is creating an object of beauty that fits and enhances its context and gives pleasure to those who use, see and visit. My concern has always been to raise the standard of building design in Australia, to develop architecture that is appropriate to our way of life, climate, landscape and context (Gruzman & Goad 2006: 312)*

Gruzman himself was fiercely individual and fought against being squeezed into stylistic boxes. Philip Goad sums up Gruzman's work by saying that he:

*represents a true original. His is a modernism that is personally developed but well informed by a myriad of international sources. It indicates a knowing worldliness at the periphery (Gruzman & Goad 2006:17).*

### **Gruzman and Double Bay**

Gruzman was passionate about the city and urban planning, evidenced by his participation in 6 major urban design projects and his period as Mayor of Woollahra, 1995-96. In his design for Gaden House he wanted to both respect the existing scale of the area and showcase the highest standard of design, as revealed in his letter to Woollahra Council accompanying his DA submission in 1969:

*You will note that the building has been carefully planned so that it is a distinct contribution to the amenity of the area and its appearance generally.*

*My client has specifically instructed me to have a basement in the building which will increase the building costs by at least fifteen thousand dollars, so that the building will be more in scale with the existing redeveloped buildings now in Bay Street and for this reason too, the shops fronting on to Bay Street have been designed to relate to the individual small building which is now the present nature of that street.*

*This office has spent more than three months in designing this building so as to ensure that it is successful in itself and successful environmentally. We earnestly hope therefore that the matter of development approval can be given prompt attention so that the job can now be got underway properly. (DA 58/69).*

As a result of the Gaden Building, Gruzman was asked to design two other buildings in Double Bay Shopping centre, figures 66.0 and 67.0 below, as he describes:

*As a result from the Gaden house project, I was asked to design a four-storey building on the corner of Knox and Bay Streets, and the former Barbara McKewan interiors shop at 11 Bay Street, so I had put into Double Bay three sophisticated buildings (Gruzman & Goad 2006: 293).*



Figure 66.0, Corner Bay St and Knox St



Figure 67.0, Number 11 Bay Street. AW 2018

There is no doubt that Gaden House was a 'trend-setter' when completed in 1971, and together with Gruzman's other two commercial buildings in Bay Street, it contributed to the growing

cosmopolitan and international nature of Double Bay from the 1970s when it embodied a sophistication unknown in most Sydney suburban shopping centres.

Bruce Stafford, who has operated his architectural studio from the second floor of Gaden House since 2004, describes the experience of working in Gruzman's building as being both aesthetically beautiful and functional:

*We moved office from Bondi to Double Bay in 2004. When looking for premises we were immediately attracted to 24 Bay Street because of its beautiful modernist design, which we were thought would complement the image that we would want to project to the public. When we viewed the premises, the stair immediately sold us to moving in and once we viewed suite 5, we were impressed by the fact that it literally was "suspended" in the trees. During our search, we looked at other premises and found that we would need to install blinds to protect our studio members from morning and afternoon sun. At 24 Bay Street, we noticed that the architect had carefully considered the comfort of the occupants and had designed the facades to allow maximum light, yet protecting occupants from direct sunlight. Our premises face north and west and the north façade has horizontal projected sunshade "blades" that cut out direct sunlight from the north. The west façade has vertical, angled deep "blades" that are angled to the south. At no stage in the afternoon, does any direct sunlight penetrate the studio, which works well. The sun control devices must also reduce the heat load for the air-condition and we don't require a lot of air-conditioning in summer and use minimal in winter.*

*In the 14 years that we have been tenants, no external maintenance has been undertaken, which was very sad to witness and we had to employ our own window cleaners to clean the external glass. I have been very impressed by the fact that the building has held up extremely well over the last 14 years.*

*Gaden House has served us well and almost every time clients arrive in our studio, they complement the building, the staircase and particularly the external facades.*

*It is great to work in a largely intact work of one of Sydney's most respected modernist architects<sup>11</sup>.*

**To sum up Gruzman's work:**

Goad describes Gruzman's non-residential 'insertions into Sydney's urban fabric' in the 1960s as 'crafted graftings of startling modernity or shocking guerrilla-like objects such as Gaden House that by their very difference seemed to resonate with significance' (Gruzman & Goad 2006: 28).

The significance of the architecture of Neville Gruzman is the special place that it occupies in the development of postwar architecture in Australia (Gruzman & Goad 2006:17).

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<sup>11</sup> Email from Bruce Stafford to Anne Warr on 5<sup>th</sup> April 2018, with permission granted to reproduce the quote in this report.

### 4.3 Comparative Analysis

#### Guzman and his post-war contemporaries

Goad (2006) describes the many strands of aesthetic thought present in Australia in the 50s and 60s, then hones in on the one overwhelming theme that dominated the national spectrum...

*...that of a constant tension between the desire for an engagement with internationalism and the simultaneous negotiation of local sites, construction practices, and modest budgets that made innovations hard-won victories (Guzman & Goad 2006: 17).*

How does Guzman's work fit into the post-war milieu of emerging modernism as expounded by some of his more famous and recognised contemporaries such as Harry Seidler, Arthur Baldwinson, Syd Ancher, Ken Woolley, Don Gazzard, Michael Dysart, John James, Hugh Buhrich, Bruce Eeles, Glenn Murcutt and Bruce Rickard?

Guzman was an architect who embraced the potential opportunities provided by the introduction of international modernism into the post-war Sydney scene. Modernism is, however, hard to define, with the term being a complex one, with many interpretations, as summed up by Goad:


*Modernism, as it was explored in the 1950s and 1960s, was a complex phenomenon. There were many modernisms... (Guzman & Goad 2006:17).*

#### How well understood and recognised is the work of post-war architects in NSW?

Harry Seidler (1923-2006) is perhaps the best known and most recognised of Guzman's contemporaries. Goad describes Harry Seidler as operating more at the level of an International purity, whereas Guzman's work was 'not so rarefied. It is frankly experimental' (Guzman & Goad 2006: 17). Five of Seidler's buildings are listed as items of State significance on the SHR and 14 are listed as items of local significance on LEPs. Of the 5 Seidler buildings listed on the SHR, four are residential houses and only one is a commercial building – Torin House at Penrith. This lack of commercial post-war buildings on the SHR could be reflective of a number of factors, including the lack of familiarity with buildings of the recent past and the lack of desire of owners of commercial buildings to have them listed as heritage items.

The following table lists the five Seidler buildings which are listed as being of State significance on the SHR:



Seidler buildings listed as items of state significance				
Item name	Address	Suburb	LGA	SHR
Harry and Penelope Seidler House	13 Kalang Avenue	Killara	Ku-ring-gai	01793
Igloo House, The	65 Parriwi Road	Mosman	Mosman	01652
Rose Seidler House	69-71 Clissold Road	Wahroonga	Ku-ring-gai	00261
Thurlow House	9 Stuart Crescent	Blakehurst	Kogarah	01980
Torin Building	26 Coombes Drive	Penrith	Penrith	01796
		<p>Figure 68.0, Torin House at Penrith, 1976. Image by Max Dupain.</p>		

Of the 14 Seidler buildings listed as items of local significance, six are commercial buildings, one is an apartment building and seven are residential houses, as indicated on the table below:




<b>Seidler buildings listed as items of local significance</b>			
<b>Item name</b>	<b>Address</b>	<b>Suburb</b>	<b>LGA</b>
<b>Commercial</b>			
"Australia Square" including Tower and Plaza Buildings, Forecourt, Plaza & Interiors	264-278 George Street (and 87-95 Pitt Street)	Sydney	Sydney
Commercial building	2-2A Glen Street	Milsons Point	North Sydney
Former "Australian Consolidated Press" Façade	189-197 Elizabeth Street	Sydney	Sydney
Former Q Store including interiors	47-49 Bourke Road	Alexandria	Sydney
North Sydney Council Chambers - Wyllie Wing	200 Miller Street	North Sydney	North Sydney
Simsmetal House	41 McLaren Street	North Sydney	North Sydney
<b>Apartment Building</b>			
Blues Point Tower	14-28 Blues Point Road	McMahons Point	North Sydney

<b>Residential</b>			
Cohen House	19-21 Cynthea Road	Palm Beach	Pittwater
Currie House	3 The Avenue	Newport	Pittwater
Fink House	153 Queens Parade	Newport	Pittwater
House (including original interiors) - Meller House	37 The Bulwark	Castlecrag	Willoughby
Post war international style house and garden	16 Wicks Road	North Ryde	Ryde
Rose Seidler House	69-71 Clissold Road	Wahroonga	Ku-ring-gai
Treetops	23 Cynthea Road	Palm Beach	Pittwater
Weinreich House	11 Olda Avenue	Vaucluse	Woollahra





**How well represented on the State Heritage Register are commercial post-war buildings?**




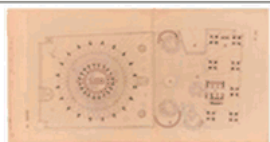


Only three post-war commercial buildings are listed on the State Heritage Register: - Liner House, Qantas House and Torin House as shown on the table below<sup>12</sup>.

<sup>12</sup> A number of residential post-war buildings are also listed on the SHR, but are not shown here

Commercial buildings listed on the SHR – post 1940				
Date	Name & Address	Details	Listing	Image
1959-60	<b>Liner House</b> 13-15 Bridge Street Sydney 2000	<b>Bunning &amp; Madden</b> John Sulman medal, 1961	SHR 1546, (1985).	
1957	<b>Qantas House</b> 68-96 Hunter Street Sydney 2000	<b>Felix Tavener of Rudder Littlemore &amp; Rudder</b>	SHR 01512 (2001)	
1976	<b>Torin House</b> 26 Coombes Drive Penrith	<b>Harry Seidler</b>	SHR 01796	

Fourteen post-war commercial buildings are listed as items of local significance on LEPs, of which 13 have only been listed since 2012, as shown on the table below.

Local Heritage Listings post 1940 in NSW				
Date	Name & Address	Details	Listing	Image
1957/58	<b>MLC Building</b> 105-153 Miller Street, North Sydney 2060	<b>Bates, Smart and McCutcheon</b>	LEP 0854, (1992)	
1961	<b>Kalamazoo Building</b> 182 Blues Point Road McMahons Point	<b>Rupert V Minnett &amp; Cullis-Hill, Peterson &amp; Powell.</b> Eight storeys. Late 20th-Century Structuralist style.	LEP 10422, (2013)	
1973 + 1987	<b>Seidler Offices</b> 2-2A Glen Street Milsons Point	<b>Harry Seidler.</b> Late 20th-Century Late Modern style.	LEP 10531 (2013)	
1964-1967	<b>Readers Digest Bldg</b>	<b>John James &amp; Assoc.</b> 2-4 storey Post-war Modern style sculptural commercial building.	LEP 11488 (2012)	

Date	Name & Address	Details	Listing	Image
1961	<b>Former Tooheys Administration building,</b> 72-82 Mary Street, Surry Hills, NSW 2010.	<b>Oser Fombertaux &amp; Associates.</b> Representative example of a Post-war International style office building.	LEP 11573 (2012)	
1972	<b>SimsMetal House,</b> 41 McLaren Street, North Sydney, NSW 2060	<b>Harry Seidler.</b> Five storey, concrete floor plates, white brick walls. Late 20 <sup>th</sup> Century International style.	LEP 10889 (2013)	
1972	<b>The St Leonards Centre,</b> 28-34 Clarke Street Crows Nest	<b>Kerr &amp; Smith Architects.</b> Late 20 <sup>th</sup> Century, Brutalist style.	LEP 10141 (2013)	
1967	<b>Australia Square</b> 264-278 George Street Sydney	<b>Harry Seidler</b> Sulman medal 1967. Provision of public space.	LEP 11764 (2012)	
1962	<b>AMP Building</b>	<b>Peddle Thorp &amp; Walker.</b> Twenty-five storey Post-war International style office building.	LEP 11662 (2012)	
1955	<b>Montrose Apartments</b> 439 Alfred St Neutral Bay	<b>Gruzman,</b> Post-war International style.	LEP 10542 (2013)	

**Summary of comparative tables above:**

- Gruzman has no works listed as being of State Significance.
- Gruzman has 7 residences listed as being of Local Significance.
- Seidler has 5 works listed as being of State Significance, one of which is a commercial building.
- Seidler had 14 works listed as being of Local Significance, 6 being commercial buildings.
- Only 3 post-war commercial buildings are listed as being of State Significance.
- Fourteen post-war commercial buildings are listed as being of Local Significance, 13 of these since 2012.

**Liner House**

The building which has achieved State Heritage Register listing and that is most comparable to Gaden House is **Liner House**, 13-15 Bridge Street Sydney, designed in 1959 by Architects Bunning and Madden, for which they won the Sir John Sulman Medal in 1961. Like Gruzman's Purnell Motors Showroom of 1955, Liner House integrated a mural screen by a prominent sculptor into the design, as described in the State Heritage Register Listing for Liner House by Clive Lucas Stapleton Architects:



Figure 68.0, Liner House and Mural, Docomomo Australia website.

*Prominent in the design of the Shipping Chamber are the mural screen and spiral staircase. The mural screen was designed by sculptor Douglas Annand and manufactured and executed by Z. Vesley's Metal Products of Marrickville. Measuring 32' by 11' it forms the side wall to the former Passage Department located on the mezzanine floor. Supported by a structural metal framework hung from the floor above, it incorporates 160 different shapes in the materials of brass, copper, aluminium and stainless steel. Variety in the shapes is achieved by use of concave, convex, perforated, non-perforated and beaten patterns.*

*The spiral staircase turns 360 degrees in a height of 12' 6". It is constructed of terrazzo-filled steel tread pans carried off two bracket supported structural steel carriage pieces. (Clive Lucas Stapleton 52-54:1997)*

The DOCOMOMO Australia website gives extensive coverage to Liner House, adding the following evaluation of its social significance:

The social value of Liner house is demonstrated through an ongoing recognition of the building's aesthetic and historic value at the time the building was constructed through the awarding of the Sulman Medal, and more recently through legislative powers aimed at protecting the cultural heritage.

Liner House is of social significance for its ability to exemplify by its modest scale the deliberate decision made by the client not to exploit the site for its maximum financial return but instead to erect a building which was modern and yet sympathetic to the nineteenth and early twentieth century stone faced adjoining buildings.

And of its Cultural & Aesthetic significance:

Liner House is an outstanding and relatively intact example of an International Style, curtain walled office building, distinguished particularly by the quality and consistency of its design, the fineness of its finishes and its sensitivity to its contemporary neighbours and streetscape.

The Docomomo website also gives a graphic account of the threats that may occur when an avant-garde building such as Liner House is sold by the original owners, and the new owners then proceed to make changes to the building without understanding the significance of the original design:

The property was purchased for \$5.8 million by Clute Holdings Pty Ltd in February 1986. Prior to this an Interim Conservation Order (ICO) (No. 391) had been gazetted by the Heritage Council of NSW in April 1985. This action complicated matters for the new owner when a lease was made to James Richardson Pty Ltd for the whole of the Ground and Mezzanine floors from June 1986 for the use as a duty-free retail outlet and office and store. The Clute Holdings application was withdrawn but the screen and stairs were subsequently blocked out and a neon sign erected on the stairs. The Heritage Council subsequently sought to have these alterations removed and charged the architects Richard Mann and Associates and lessees James Richardson Pty Ltd with offences under Section 57(1) of the Heritage Act 1977. Following the expiration of the ICO No. 391 in May 1987 a new ICO (No. 737) was gazetted. In April 1988 a further ICO (No. 845) was gazetted and notice given of a proposal to make a Permanent Conservation Order (PCO) for the building. This was the first time a modern era premises was subject to a Permanent Conservation Order. James Richardson Pty Ltd who continued as the lessee at the time objected to the making of the PCO under Section 41 of the Heritage Act of 1977 in that it would render the premises incapable of 'reasonable or economic use'. This issue was addressed at the subsequent Commission Enquiry. The extent of the unauthorised building work was described as:

- a plasterboard on a metal frame partition structure placed in front of the Douglas Annand mural;
- a wooden enclosure around the spiral staircase;
- a neon light attached to the wooden enclosure around the spiral staircase; and



– a glass covered showcase below the spiral staircase.

The Commissioner of Inquiry, William Simpson, found in October 1988 in favour of upholding the making of the PCO. The alterations were subsequently removed. The current owner purchased the property in February 1997 (Clive Lucas Stapleton 1997:51-57)

Liner House has been listed as being of State Significance for many reasons that are comparable with Gaden House. These include:

- The inclusion of a contemporary work of art by a prominent local artist as an integral part of the building's design.
- The fact that each building did not exploit the site for its maximum financial return but sought to be modern but sympathetic to the surrounding environment in terms of materials and scale.
- Both being outstanding and intact examples of the International style adapted to local conditions, exhibiting a finesse of finishes and detailing that remain largely extant.

### Summary

1. The above discussion indicates an acceptance, and consequent formal recognition, of the value of Seidler's work as being good representations of Post-war Internationalism in Australia. Not so well understood and recognised is the work of locally trained architects such as Gruzman who operated in the Australian context which involved negotiating 'local sites, construction practices, and modest budgets that made innovations hard-won victories' (Gruzman & Goad 2006: 17).
2. Why are post-war International style commercial buildings not more recognized n heritage lists? Many heritage practitioners, when preparing local heritage studies and formal heritage listings, are not generally focussed on the architecture of the recent past and may not be familiar with the attributes that might make a post-war building of heritage significance. Hence the reason that not many post-war buildings have been listed on either the State Heritage Register or on local LEPs. In addition, owners of commercial buildings are often more strongly inclined to vigorously oppose a heritage listing of their property.
3. Is more recognition being given to post-war International style buildings? In 2006, the City of Sydney recognised that Post-war buildings were under-represented on their LEP and proposed an additional 11 items for inclusion in the 2012 LEP, including the Arnaboldi Building in Clarence Street, Former King George Tower and the Selbourne and Wentworth Chambers in Phillip Street.
4. Liner House, listed on the SHR in 1985, is comparable to Gaden House in terms of aesthetics, functionality, architectural features and detailing, innovation and contribution to the streetscape and surrounding retail district.

## 5.0 ASSESSMENT OF SIGNIFICANCE

### 5.1 Existing Heritage Listings

The subject property, Gaden House, is currently *not*:

1. listed on the State Heritage Register (SHR)
2. listed as a heritage item under Schedule 5 of the Woollahra Local Environmental Plan 2014 (LEP)
3. located within a conservation area.
4. classified by the National Trust of Australia (NSW).
5. listed on the DOCOMOMO Australia Register<sup>13</sup>

The property currently *is*:

- recognised by the Australian Institute of Architects Register of Twentieth Century Buildings of Significance. #4702079



Figure 69.0, Portion of Heritage Map 003A, Woollahra LEP 2014, showing that the area around Gaden House is not in a heritage conservation area and does not have any nearby individually listed items, other than a group of residential dwellings in Cooper Street. The blue arrow indicates the location of Gaden House.

<sup>13</sup> When checking with DOCOMOMO Australia about the lack of listing for Gaden House, the reply was simply that the members had not had time to prepare a listing for it.

## 5.2 Process for Assessment

This section considers information from the previous sections to establish the culturally significant attributes of the place. All aspects of significance are discussed and assessed to formulate a clear statement of cultural significance.

'Cultural significance' is defined in the Australia ICOMOS Burra Charter as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. These values are used as the basis for discussion in this report. The Charter further clarifies that cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

With the creation of the State Heritage Register under Part 3A of the Heritage Act, in April 1999, the NSW Heritage Office developed a set of seven criteria against which the cultural significance can be assessed to determine the level of significance, i.e. State or local. At the end of this discussion, the values of the place are tested against these criteria to determine whether it meets the threshold for heritage listing at local or state level. This process follows the guidelines set out in the NSW Heritage Manual document 'Assessing Heritage Significance' (NSW Heritage Office 2001).

### Assessing the item against the seven criteria

An item will be considered to be of NSW State or local significance if it meets one or more of the following seven criteria, as set out in the NSW Heritage Office Guideline 'Assessing Heritage Significance':

NSW heritage assessment criteria	
Criteria	Description
(a) <b>Historic</b>	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
(b) <b>Associative</b>	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
(c) <b>Aesthetic</b>	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
(d) <b>Social</b>	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
(e) <b>Technical/ Research</b>	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

<b>(f) Rarity</b>	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
<b>(g) Representative</b>	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments, (or a class of the local area's cultural or natural places; or cultural or natural environments)

An item is not to be excluded from listing at local or state levels on the ground that items with similar characteristics have already been listed at local or state levels. While all criteria should be referred to during the assessment, only particularly complex items or places will be significant under all criteria. In many cases, items of environmental heritage will be significant under only one or two criteria.

<b>NSW heritage guidelines for inclusion and exclusion</b>		
<b>Criteria</b>	<b>Guidelines for Inclusion</b>	<b>Guidelines for Exclusion</b>
<b>(a) Historic</b>	<ul style="list-style-type: none"> <li>• shows evidence of a significant human activity</li> <li>• is associated with a significant activity or historical phase</li> <li>• maintains or shows the continuity of a historical process or activity</li> </ul>	<ul style="list-style-type: none"> <li>• has incidental or unsubstantiated connections with historically important activities or processes</li> <li>• provides evidence of activities or processes that are of dubious historical importance</li> <li>• has been so altered that it can no longer provide evidence of a particular association</li> </ul>
<b>(b) Associative</b>	<ul style="list-style-type: none"> <li>• shows evidence of a significant human occupation</li> <li>• is associated with a significant event, person, or group of persons</li> </ul>	<ul style="list-style-type: none"> <li>• has incidental or unsubstantiated connections with historically important people or events</li> <li>• provides evidence of people or events that are of dubious historical importance</li> <li>• has been so altered that it can no longer provide evidence of a particular association</li> </ul>

<b>(c) Aesthetic</b>	<ul style="list-style-type: none"> <li>• shows or is associated with, creative or technical innovation or achievement</li> <li>• is the inspiration for a creative or technical innovation or achievement</li> <li>• is aesthetically distinctive</li> <li>• has landmark qualities</li> <li>• exemplifies a particular taste, style or technology</li> </ul>	<ul style="list-style-type: none"> <li>• is not a major work by an important designer or artist</li> <li>• has lost its design or technical integrity</li> <li>• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded</li> <li>• has only a loose association with a creative or technical achievement</li> </ul>
<b>(d) Social</b>	<ul style="list-style-type: none"> <li>• is important for its associations with an identifiable group</li> <li>• is important to a community's sense of place</li> </ul>	<ul style="list-style-type: none"> <li>• is only important to the community for amenity reasons</li> <li>• is retained only in preference to a proposed alternative</li> </ul>
<b>(e) Technical/ Research</b>	<ul style="list-style-type: none"> <li>• has the potential to yield new or further substantial scientific and/or archaeological information</li> <li>• is an important benchmark or reference site or type</li> <li>• provides evidence of past human cultures that is unavailable elsewhere</li> </ul>	<ul style="list-style-type: none"> <li>• the knowledge gained would be irrelevant to research on science, human history or culture</li> <li>• has little archaeological or research potential</li> <li>• only contains information that is readily available from other resources or archaeological sites</li> </ul>
<b>(f) Rarity</b>	<ul style="list-style-type: none"> <li>• provides evidence of a defunct custom, way of life or process</li> <li>• demonstrates a process, custom or other human activity that is in danger of being lost</li> <li>• shows unusually accurate evidence of a significant human activity</li> <li>• is the only example of its type</li> </ul>	<ul style="list-style-type: none"> <li>• is not rare</li> <li>• is numerous but under threat</li> </ul>

	<ul style="list-style-type: none"> <li>• demonstrates designs or techniques of exceptional interest</li> <li>• shows rare evidence of a sig</li> </ul>	
<b>(g) Representative</b>	<ul style="list-style-type: none"> <li>• is a fine example of its type</li> <li>• has the principal characteristics of an important class or group of items</li> <li>• has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity</li> <li>• is a significant variation to a class of items</li> <li>• is part of a group which collectively illustrates a representative type</li> <li>• is outstanding because of its setting, condition or size</li> <li>• is outstanding because of its integrity or the esteem in which it is held</li> </ul>	<ul style="list-style-type: none"> <li>• is a poor example of its type</li> <li>• does not include or has lost the range of characteristics of a type</li> <li>• does not represent well the characteristics that make up a significant variation of a type</li> </ul>

**Grading the item against each of the seven criteria**

Different components of a place may make a different relative contribution to its heritage value.

<b>NSW heritage gradings of significance</b>		
<b>Grading</b>	<b>Justification</b>	<b>Status</b>
<b>Exceptional</b>	Rare or outstanding elements directly contributing to an item's local or state significance	<i>Fulfills criteria for local or state listing.</i>
<b>High</b>	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	<i>Fulfills criteria for local or state listing.</i>
<b>Moderate</b>	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	<i>Fulfills criteria for local or state listing.</i>
<b>Little</b>	Alterations detract from significance. Difficult to interpret.	<i>Does not fulfill criteria for local or state listing.</i>
<b>Intrusive</b>	Damaging to the item's heritage significance	<i>Does not fulfill criteria for local or state listing.</i>

### State Historical Themes

The NSW Heritage Manual identifies a specific set of 'Historical Themes relevant to New South Wales' within which the heritage values of the place can be examined. Relevant themes for Gaden House include:

Historic Themes		
Australian Theme	NSW Theme	Fulfillment of theme by Gaden House
<b>Theme 3</b> Developing local, regional and national economies	<b>Commerce</b> Activities relating to buying, selling and exchanging goods and services.	Constructed to host the offices of the law firm, Gaden, Bowen & Stewart and retail spaces, the original intended use of the building has been maintained since construction. Opening in 1971, the mixed-used building was constructed within the commercial precinct of Double Bay. Although the tenants have changed since construction, the building has continued to serve the local economy. In assessing its contribution to the development of the local, regional and national economies it is apparent that Gaden House continues to generate a contribution to the local economy particularly in being placed within the local Double Bay civic centre and offering a select number of retail and commercial services.
<b>Theme 4</b> Building settlements, towns and cities	<b>Accommodation</b> Activities associated with the provision of accommodation, and particular types of accommodation.	Gaden House challenged the status quo of suburban shopping centres by demonstrating that a suburban office and retail building could become a work of art. Neville Gruzman pushed the design boundaries to produce a building that was both a sculptural object in the streetscape at night as well as during the day. The interiors were not only environmentally comfortable but were visually delightful places in which to work. Not only was the building itself a work of art, but it originally incorporated the work of leading Australian sculptor, Michael Kitching, which survived intact until 2006.
<b>Theme 4</b> Building	<b>Towns, suburbs and villages</b>	The construction of Gaden House on the site in 1971 was a creative leap, transforming what

settlements, towns and cities	Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages.	<p>had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20<sup>th</sup> century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.</p> <p>The extract from the Wentworth Courier (Nov 24, 1971) describing the opening of the building indicates that Gaden House was welcomed as 'a new kind of standard for Double Bay.'</p>
<b>Theme 8</b> Developing Australia's cultural life	<b>Creative Endeavour</b> Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.	<p>Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process.</p> <p>Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that the external design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present.</p> <p>The achievement of such a creative endeavour in a 1970s suburban commercial building in NSW is rare.</p>
<b>Theme 9</b> Marking the phases of life	<b>Persons</b> Activities of, and associations with, identifiable individuals, families and communal groups	<p>Gaden House was designed by prominent architect Neville Gruzman, a prominent figure within the local community, serving as Mayor of Woollahra from 1995 to 1996. Known for his residential buildings, Gaden House led the way for Gruzman to design two other commercial buildings located on Bay Street, Double Bay.</p> <p>Gaden House has been prominent within the Double Bay commercial precinct, receiving local</p>



		<p>recognition for its contribution to the civic centre and the commercial precinct of Double Bay.</p> <p>The building has accommodated prominent professional firms on the upper floors and prominent retail businesses and restaurants on the lower floors. Its covered podium areas facing Cooper and Bay Streets generously makes private space available for public enjoyment.</p>
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### Summary of historic themes

Gaden House represents the values covered in 4 national themes, 5 state themes and 5 local themes, as summarised in the table below, showing correlation of national, state and local themes.

Historic Themes		
National	State (35 themes in total)	Local (35 themes in total)
<b>Theme 3</b> Developing local, regional and national economies	<b>18. Commerce</b> includes banking, retailing	<b>18. Commerce</b> includes banking, retailing
<b>Theme 4</b> Building settlements, towns and cities	<b>24. Housing</b> Accommodation	<b>24. Housing</b> Accommodation
	<b>10. Townships</b> Towns, suburbs and villages	<b>10. Townships</b> Towns, suburbs and villages
<b>Theme 8</b> Developing Australia's cultural life	<b>26. Cultural sites</b> Creative Endeavour	<b>26. Cultural sites</b> Creative Endeavour
<b>Theme 9</b> Marking the phases of life	<b>35. Persons</b>	<b>35. Persons</b>

### 5.3 Assessment of Significance – Evaluation Criteria

#### **Criterion (a) – An item is important in the course, or pattern, of NSW’s cultural or natural history (or the cultural or natural history of the local area)**

Gaden House is an exemplar of the development of Australia’s cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process.

The building demonstrates how an ordinary suburban office building could become a sculptural work in the streetscape, enhancing its corner location at the junction between a residential area and commercial area. The interiors also became sculptural spaces through the quality of finishes such as spiral stair and circular ceiling panels, as well as through the specially commissioned sculpture by Michael Kitching.

The building demonstrates how the principles of International Modernism could be realized at the level of a modestly scaled suburban commercial / retail building. It could be argued that Gaden House lifted the quality of the built environment in Double Bay shopping centre at a time when the area was growing in sophistication and cosmopolitanism as a result of post-war immigration. No other examples of commercial buildings in the Woollahra municipality demonstrate this level of design sophistication.

Gaden House reflects the contemporary form and materials of modern architecture of the period.

<b>Assessment:</b>	<b>High</b>	<b>State</b>
	<b>Exceptional</b>	<b>Local</b>

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**Criterion (b) - An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)**

The current building on the site is associated with Sydney architect and former Councilor and Mayor of Woollahra, Neville Gruzman OAM, who designed the building to accommodate a prominent legal firm and well-known restaurant. The building embodied the close cooperative relationship between architect and sculptor which was an architectural aspiration of the time.

The building was opened in 1971 by the Premier of NSW, Robert Askin, and because of its avant-garde design combining international modernism to suit local conditions, it played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre. It became a sought-after location for legal and architectural firms as well as fashionable design businesses such as Carla Zampatti who leased two shops in the building from 1979 to 1991.

<b>Assessment:</b>	<b>Moderate</b>	<b>State</b>
	<b>Moderate</b>	<b>Local</b>

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**Criterion (c) - An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the cultural or natural history of the local area)**

The Architect's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that the external design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. Although the Kitching sculpture is no longer extant, surviving archival documentation would enable an accurate reconstruction to take place.

Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement in the following areas:

- The whole building, as assessed by leading architectural historian, Dr Philip Goad, is a 'startling piece of large-scale environmental sculpture, modelled and lit at night as a giant public ornament' (Guzman & Goad 2006: 28).
- The building incorporated the sculpture of a leading Australian sculptor, Michael Kitching, which although no longer extant, could be accurately reconstructed.
- The building experimented with materials and technology both internally and externally, as evidenced by the precast concrete and glass spiral staircase, the circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both functional and aesthetically pleasing.

**Assessment:**    **Exceptional**    **State**  
                         **Exceptional**    **Local**

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**Criterion (d) - An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons**

The building has contributed to the community life of Double Bay since its completion in 1971. It has accommodated prominent professional firms on the upper floors and prominent retail businesses and restaurants on the lower floors. Its covered podium areas facing Cooper and Bay Streets generously made private space available for public enjoyment.

Together with the Royal Oak Hotel opposite, Gaden House has formed an urban gateway leading from the predominantly residential area of Cooper Street to the west to the cosmopolitan Double Bay shopping centre to the east.

The construction of Gaden House on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20<sup>th</sup> century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.

**Assessment:**    **Moderate**    **State**  
                         **High**            **Local**

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**Criterion (e) - An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)**

The archaeological potential of the site is considered to be low with any early resources likely to have been highly disturbed by the demolition of the former garage building on the site and the excavation and construction of the existing building.

The building incorporates a simple concrete structure and retains most of its original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.

The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.

These original elements, internally and externally, have the potential to yield information about architectural thinking at the time by demonstrating a local architectural interpretation of the International Modernist style in both the pared-down external elevations and the attention to internal details such as stair, doors, floors and ceiling patterns.

To quote long-term occupant and architect Bruce Stafford: 'It is great to work in a largely intact work of one of Sydney's most respected modernist architects'.

**Assessment:**    **Moderate**        **State**  
                         **High**                        **Local**

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**Criterion (f) - An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)**

When completed in 1971, Gaden House set a standard for Double Bay in terms of quality of aesthetics, functionality and contribution to the surrounding streetscape, which has hardly been matched since. Although Gruzman designed a further two commercial buildings in Bay Street in the 1970s, neither of these structures measures up to the quality of design of Gaden House, although the three buildings as a group contribute to the growing sophistication of Double Bay shopping centre.

The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.

Architectural historian, Philip Goad, describes Gruzman's non-residential insertions into Sydney's urban fabric in the 1960s, such as Gaden House, as 'crafted graftings of startling modernity...that by their very difference seemed to resonate with significance (Gruzman & Goad 2006: 28).'

**Assessment:**    **High**                    **State**  
                         **Exceptional**           **Local**

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**Criterion (g) - An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments. (or a class of the local area's cultural or natural places; or cultural or natural environments)**

Gaden House is:

- A fine example of International Modernism expressed in suburban Sydney.
- A fine and representative example of the work of Neville Gruzman, architect.
- A fine example of the integration of aesthetics and functionality, thereby expressing the characteristics of international modernism.
- A fine example of the modernist design aesthetic which paid attention to all aspects of the design of the building from the external form to the smallest details of the interior, seamlessly integrating form, function and beauty.
- A fine example of environmentally appropriate architecture, designing for climate, orientation and location.
- A fine example of a building that integrates sculpture and architecture
- A representative embodiment of the cosmopolitan nature of Double Bay in the early 1970s.

**Assessment:**    **High**                    **State**  
                         **Exceptional**           **Local**

Summary table of significance gradings		
Criteria	Grading State	Grading Local
(a) Historic	High	Exceptional
(b) Associative	Moderate	Moderate
(c) Aesthetic	Exceptional	Exceptional
(d) Social	Moderate	High
(e) Technical/ Research	Moderate	High
(f) Rarity	High	Exceptional
(g) Representative	High	Exceptional

An item is considered to be of heritage significance if it meets one or more of the above criteria at a moderate level or above. Gaden House can therefore be considered to be of local significance and of NSW State Heritage Significance as it meets all the local and state heritage criteria at Moderate or above levels.

It is therefore considered to be significant at both local and state levels.

## 6.0 STATEMENT OF SIGNIFICANCE

Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process. Neville Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that both the external and internal design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. The achievement of such a creative endeavour in a suburban commercial building in 1970s Sydney is rare.

Gaden House challenged the status quo of suburban shopping centres and transformed what could have been an ordinary suburban office and retail building into a work of art, pushing the design boundaries to produce a building that was a sculpture, both as an object in the streetscape

at night as well as during the day, and in the interiors as a delightful and environmentally comfortable place to work. Gruzman proved that a small suburban office building could also be a work of art. When the building was opened in 1971 by the Premier of NSW, Mr. Robert Askin, its avant-garde design, combining international modernism to suit local conditions, played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre and has continued to contribute to the community life of Double Bay ever since.

Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement by experimenting with materials and new technology, as evidenced by the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both environmentally functional and aesthetically significant. Adding to the creative and aesthetic significance of the building was the work of leading Australian sculptor Michael Kitching, which was an integral part of the original design and survived in-situ until around 2006. Despite the loss of the sculpture, which has the potential to be reconstructed through surviving documentation in the Kitching Archive, the building retains much of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time related to a local interpretation of international modernism. The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.

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## 7.0 RECOMMENDATIONS

### RECOMMENDATIONS

This report has assessed Gaden House as fulfilling the criteria for listing as an item of local significance under Woollahra LEP 2014 and as an item of State Significance on the NSW State Heritage Register.

The following recommendations are an outcome of the assessed level of significance:

1. That as the property, including its interiors, meets the criteria for local listing, it is recommended that the property and its interiors be listed on the Woollahra LEP 2014.
2. That as the property, including its interiors, meets the criteria for state listing, it is recommended that a nomination be made to list the property and its interiors on the State Heritage Register (SHR).
3. That an inventory sheet be prepared for listing of Gaden House and interiors on the Woollahra LEP 2014.




4. That an inventory sheet and nomination for listing on the State Heritage Register be prepared for Gaden House and its interiors.
5. That the inventory sheets include a recommendation that a Conservation Management Plan (CMP) be prepared for the property to guide any future works on the place.
6. That the CMP include the preparation of a works schedule for the building to ensure that the appropriate maintenance, restoration and reconstruction of significant elements of the building be itemised and detailed. These works would include research into the reconstruction of the Kitching sculpture, the restoration of the external louvres by the removal of the paint layers, the retention of the specially designed ceiling system on the upper floor and its reconstruction on the lower floor, and the conservation of the spiral stair and perspex dome above.

Anne Warr B.Arch, M.A (Conservation Studies) PhD MICOMOS  
Heritage Architect  
04 September 2018

## Appendix 3

### Heritage Data Form

ITEM DETAILS			
Name of Item	Gaden House		
Other Name/s Former Name/s			
Item type (if known)	Commercial premises		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name			
Street number	2A		
Street name	Cooper Street		
Suburb/town	Double Bay	Postcode	2028
Local Government Area/s	Woollahra		
Property description	<p>'Gaden House' is located on the site known as 2A Cooper Street, Double Bay (also known as 24-26 Bay Street, Double Bay). The legal description of the land title is Lots 11 &amp; 12, DP 4606.</p> <p>The subject site sits at the apex of a triangle formed by the intersection of three streets: Cooper Street, South Avenue and Bay Street. Opposite the subject site, at 28 Bay Street, is the Royal Oak Hotel.</p> 		
Location - Lat/long	Latitude		Longitude
Location - AMG (if no street address)	Zone	Easting	Northing
Owner	AMA Holdings Pty Ltd		
Current use	Retail and Commercial		

## *Heritage Data Form*

<b>Former Use</b>	Retail and Commercial	
<b>Statement of significance</b>	<p>Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of Architecture as an art form including sculpture as an essential part of the design process. Neville Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that both the external and internal design were both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. The achievement of such a creative endeavour in a suburban commercial building in 1970s Sydney is rare.</p> <p>Gaden House challenged the status quo of suburban shopping centres and transformed what could have been an ordinary suburban office and retail building into a work of art, pushing the design boundaries to produce a building that was a sculpture, both as an object in the streetscape at night as well as during the day, and in the interiors as a delightful and environmentally comfortable place to work. Gruzman proved that a small suburban office building could also be a work of art. When the building was opened in 1971 by the Premier of NSW, Mr. Robert Askin, its avant-garde design, combining international modernism to suit local conditions, played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre and has continued to contribute to the community life of Double Bay ever since.</p> <p>Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement by experimenting with materials and new technology, as evidenced by the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both environmentally functional and aesthetically significant. Adding to the creative and aesthetic significance of the building was the work of leading Australian sculptor Michael Kitching, which was an integral part of the original design and survived in-situ until around 2006. Despite the loss of the sculpture, which has the potential to be reconstructed through surviving documentation in the Kitching Archive, the building retains much of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time related to a local interpretation of international modernism. The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.</p>	
<b>Level of Significance</b>	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

## *Heritage Data Form*

DESCRIPTION						
<b>Designer</b>	Neville Gruzman OAM					
<b>Builder/ maker</b>	TC Whittle					
<b>Physical Description</b>	<p>Gaden House is a three-storey commercial building with lower ground level, designed in 1969 by Sydney architect, Neville Gruzman and opened by Premier Robert Askin in 1971. The building is constructed to its three site boundaries on Bay Street, Cooper Street and Brooklyn Lane. The ground floor level is raised above street level and was designed with seven retail tenancies; - two facing Bay Street and five facing Cooper Street. A lobby extends from the Cooper Street frontage to a spiral stair that extends up from the ground floor and accesses the two upper storeys which are currently used as offices. A separate, external stair accesses the lower ground level which was originally designed for D'Arcy's restaurant and one retail tenancy. Pelicano's restaurant now occupies the entire basement level.</p> <p><i>'Its form and appearance were intended to stand out. Designed as a piece of light sculpture hovering above a white terrazzo podium, each façade was modelled by deep louvres on the east (angled vertical), north (horizontal) and west (vertical) elevations. Before it was disastrously painted white, the building was sheathed in bronze stainless steel, and opaque white and transparent Perspex. It could be fully illuminated. The exterior and lobby were originally decorated with a Michael Kitching sculpture that made its way inside and up the circular glass, precast concrete and stainless-steel stair which led to the two levels of offices. The upper spaces were distinguished by a special ceiling system devised by Gruzman which both uniformly lit the space and acted as a giant plenum for the air-conditioning system. The result was a stunning reflective soffit punctuated by luminous circles, without a single ugly air-register to be seen'</i> (Gruzman &amp; Goad 2006: 152)</p>					
<b>Physical condition and Archaeological potential</b>	<p>The building incorporates a simple concrete structure and retains most of its original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades designed to achieve maximum environmental benefits.</p> <p>The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout. These original elements, internally and externally, have the potential to yield information about architectural thinking at the time.</p> <p>To quote long-term occupant and architect Bruce Stafford: <i>'It is great to work in a largely intact work of one of Sydney's most respected modernist architects'</i>.</p> <p>The archaeological potential of the site is considered to be low, with any early resources likely to have been highly disturbed by the demolition of the former garage building on the site and the excavation and construction of the existing building.</p>					
<b>Construction years</b>	<b>Start year</b>	1970	<b>Finish year</b>	1971	<b>Circa</b>	<input type="checkbox"/>

## *Heritage Data Form*

<b>Modifications and dates</b>	<p>Council records and the land title documents indicate that the building continued to be leased by various retail and commercial tenants and that applications were submitted for change of uses and modifications particularly for the restaurant use and also for change of business hours for the other retail premises from the 1970s to the present.</p> <p>Ownership:</p> <p>1969-1981      Randolph Pty Ltd</p> <p>1981-1988      The Broken Hill Mine Employees Pension Fund Custodian Limited.</p> <p>1988 – 2017      Rose Marie Hancock</p> <p>2017 -            AMA Holdings Pty Ltd,</p> <p>Modifications:</p> <p>C2000            The original bronze-finished stainless steel external louvres painted white</p> <p>C2006            The Michael Kitching sculpture removed. Location unknown.</p> <p>C2000            The original circular ceiling system removed on first floor.</p>
<b>Further comments</b>	

## *Heritage Data Form*

<b>HISTORY</b>	
<b>Historical notes</b>	<p>Gaden House was originally part of just over five acres of land granted to Daniel Cooper in April 1833, and later conveyed to Frances Leonora Mackay in October 1904. The land was subdivided as the "Brooklyn Estate" in 1905 and in 1906, the subject site, Lots 11 and 12 was transferred to Mary Anne Allerton, a widow from Sydney. In 1916 the site was transferred to Samuel Galbraith, Motor Proprietor, and his wife Nellie Josephine Galbraith who developed the land as service station and garage proprietors. From this period onwards, Bay Street began to change from a predominantly residential area to an area of mixed residential, retail and commercial developments, gradually transforming into a thriving retail and commercial area.</p> <p>The subject site continued to operate as a motor garage, through several ownerships, until the site was purchased in 1968 by Randolph Pty Ltd, of whom Gordon Stewart, a partner in the legal firm of Gaden, Bowen and Stewart, was a Director. The construction of the Gaden building on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20th century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.</p> <p>The subject building was developed as a suburban branch office for the established firm of solicitors, Gaden, Bowen and Stewart – hence the building was known as 'Gaden House'.</p> <p>Gruzman's Architectural office, then operating from 8 Oswald Street Darling Point, spent over three months working on the design before submitting the revised Development Application to Woollahra Council on the 18th March 1969.</p> <p>The builders for the project were TC Whittle, and the building was officially opened by the Premier of NSW, Mr Robert Askin, on Thursday November 25 1971, with a guest list of four hundred.</p> <p>The building continued to be leased by various retail and commercial tenants since its opening in 1971. Randolph Pty Ltd retained ownership of the building until 1981 when it was transferred to the Broken Hill Mine Employees' Pension Fund Custodian Limited. The building was transferred to Rose Marie Hancock in December 1988, and from that time until the recent sale of the building, little maintenance has been undertaken on the building. The current owners are AMA Holdings Pty Ltd.</p>

<b>THEMES</b>	
<b>National historical theme</b>	<p>3. Developing local, regional and national economies.                      4. Building settlements, towns and cities.                      8. Developing Australia's cultural life.                      9. Marking the phases of life.</p>
<b>State historical theme</b>	<p>10. Townships (National Theme 4).                      18. Commerce (National Theme 3).</p>

## *Heritage Data Form*

	24. Housing / accommodation (National Theme 4). 26. Cultural sites (National Theme 8). 35. Persons (National Theme 9).
<b>Local historical theme</b>	10. Townships (National Theme 4). 18. Commerce (National Theme 3). 24. Housing / accommodation (National Theme 4). 26. Cultural sites (National Theme 8). 35. Persons (National Theme 9).

## *Heritage Data Form*

<b>APPLICATION OF CRITERIA</b>	
<p><b>Historical significance</b> SHR criteria (a)</p>	<p>Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process.</p> <p>The building demonstrates how an ordinary suburban office building could become a sculptural work in the streetscape, enhancing its corner location at the junction between a residential area and commercial area. The interiors also became sculptural spaces through the quality of finishes such as spiral stair and circular ceiling panels, as well as through the specially commissioned sculpture by Michael Kitching.</p> <p>The building demonstrates how the principles of International Modernism could be realised at the level of a modestly scaled suburban commercial / retail building. It could be argued that Gaden House lifted the quality of the built environment in Double Bay shopping centre at a time when the area was growing in sophistication and cosmopolitanism as a result of post-war immigration. No other examples of commercial buildings in the Woollahra municipality demonstrate this level of design sophistication.</p> <p>Gaden House, externally and internally, reflects the contemporary form and materials of modern architecture of the period.</p>
<p><b>Historical association significance</b> SHR criteria (b)</p>	<p>The current building on the site is associated with Sydney architect and former Councillor and Mayor of Woollahra, Neville Gruzman OAM, who designed the building to accommodate a prominent legal firm and well-known restaurant. The building embodied the close cooperative relationship between architect and sculptor which was an architectural aspiration of the time.</p> <p>The building was opened in 1971 by the Premier of NSW, Robert Askin, and because of its avant-garde design combining International Modernism to suit local conditions, it played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre. It became a sought-after location for fashionable design businesses such as Carla Zampatti who leased two shops in the building from 1979 to 1991.</p>
<p><b>Aesthetic significance</b> SHR criteria (c)</p>	<p>The Architect's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that both the external and internal design were functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. Although the Kitching</p>



## *Heritage Data Form*

	<p>sculpture is no longer extant, surviving archival documentation would enable an accurate reconstruction to take place.</p> <p>Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement in the following areas:</p> <ul style="list-style-type: none"> <li>• The whole building, as assessed by leading architectural historian, Dr Philip Goad, is a 'startling piece of large-scale environmental sculpture, modelled and lit at night as a giant public ornament' (Guzman &amp; Goad 2006: 28).</li> <li>• The building incorporated the sculpture of a leading Australian sculptor, Michael Kitching, which although no longer extant, could be accurately reconstructed.</li> <li>• The building experimented with materials and technology, as evidenced by the precast concrete and glass spiral staircase, the circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both functional and aesthetically pleasing.</li> </ul>
<p><b>Social significance</b> SHR criteria (d)</p>	<p>The building has contributed to the community life of Double Bay since its completion in 1971. It has accommodated prominent professional firms on the upper floors and prominent retail businesses and restaurants on the lower floors. Its covered podium areas facing Cooper and Bay Streets generously made private space available for public enjoyment.</p> <p>Together with the Royal Oak Hotel opposite, Gaden House has formed an urban gateway leading from the predominantly residential area of Cooper Street to the west to the cosmopolitan Double Bay shopping centre to the east.</p> <p>The construction of Gaden House on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20<sup>th</sup> century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.</p>
<p><b>Technical/Research significance</b> SHR criteria (e)</p>	<p>The archaeological potential of the site is considered to be low with any early resources likely to have been highly disturbed by the demolition of the former garage building on the site and the excavation and construction of the existing building.</p> <p>The building incorporates a simple concrete structure and retains most of its original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.</p> <p>The interior retains the original terrazzo flooring, precast concrete and glass open tread</p>

## *Heritage Data Form*

	<p>spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.</p> <p>These original elements, internally and externally, have the potential to yield information about architectural thinking at the time by demonstrating a local architectural interpretation of international modernism in both the pared-down external elevations and the attention to internal details such as stair, doors, floors and ceiling patterns.</p> <p>To quote long-term occupant and architect Bruce Stafford: 'It is great to work in a largely intact work of one of Sydney's most respected modernist architects'.</p>
<p><b>Rarity</b> SHR criteria (f)</p>	<p>When completed in 1971, Gaden House set a standard for Double Bay in terms of quality of aesthetics, functionality and contribution to the surrounding streetscape, which has hardly been matched since. Although Gruzman designed a further two commercial buildings in Bay Street in the 1970s, neither of these structures measures up to the quality of design of Gaden House, although the three buildings as a group contribute to the growing sophistication of Double Bay shopping centre.</p> <p>The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.</p> <p>Philip Goad (2006) describes Gruzman's non-residential insertions into Sydney's urban fabric in the 1960s, such as Gaden House, as 'crafted graftings of startling modernity...that by their very difference seemed to resonate with significance (Gruzman &amp; Goad 2006: 28).'</p>
<p><b>Representativeness</b> SHR criteria (g)</p>	<p>Gaden House is:</p> <ul style="list-style-type: none"> <li>• A fine example of International Modernism expressed in suburban Sydney.</li> <li>• A fine and representative example of the work of Neville Gruzman, architect.</li> <li>• A fine example of the integration of aesthetics and functionality, thereby expressing the characteristics of International Modernism.</li> <li>• A fine example of the modernist design aesthetic which paid attention to all aspects of the design of the building from the external form to the smallest details of the interior, seamlessly integrating form, function and beauty.</li> <li>• A fine example of environmentally appropriate architecture, designing for climate, orientation and location.</li> <li>• A fine example of a building that integrates sculpture and architecture.</li> <li>• A representative embodiment of the cosmopolitan nature of Double Bay in the early 1970s.</li> </ul>
<p><b>Integrity</b></p>	<p>The building retains most of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time.</p>

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	<p>The following significant elements of the original design remain intact:</p> <p><u>Externally</u> The simple concrete structure. Most of the original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.</p> <p><u>Internally</u> The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.</p>
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## *Heritage Data Form*

<b>HERITAGE LISTINGS</b>	
<b>Heritage listing/s</b>	Australian Institute of Architects Register of Twentieth Century Buildings of Significance, #4702079.

<b>INFORMATION SOURCES</b>				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Publication	Guzman, N & Goad, P	Guzman, An Architect and His City	2006	Stanton Library
Archives	Various	Council documents and reports	various	Woollahra Municipal Council Double Bay NSW

<b>RECOMMENDATIONS</b>	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That, as the property meets the criteria for local listing, it is recommended that the property (including its interiors) be listed on the Woollahra LEP 2014.</li> <li>2. That a Conservation Management Plan (CMP) be prepared for the property to guide any future works on the place.</li> <li>3. That the CMP include the preparation of a works schedule for the building to ensure that the appropriate maintenance, restoration and reconstruction of significant elements of the interior and exterior of the building be itemised and detailed. These works would include research into the reconstruction of the Kitching sculpture, the restoration of the external louvres by the removal of the intrusive paint layers, the conservation of the specially designed ceiling system on the upper floor and its reconstruction on the lower floor, the conservation of internal elements such as the original doors and custom</li> </ol>

## *Heritage Data Form*

	designed services outlets and the spiral stair with skylight.
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SOURCE OF THIS INFORMATION			
<b>Name of study or report</b>	Gaden House Heritage Assessment	<b>Year of study or report</b>	2018
<b>Item number in study or report</b>			
<b>Author of study or report</b>	Anne Warr		
<b>Inspected by</b>	Catherine Colville, Strategic Heritage Officer – Woollahra Municipal Council. Anne Warr		
<b>NSW Heritage Manual guidelines used?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
<b>This form completed by</b>	Anne Warr	<b>Date</b>	03.09.18

## Heritage Data Form

**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	Development Application Perspective, Gaden House, 1969				
<b>Image year</b>	1969	<b>Image by</b>	Neville Guzman	<b>Image copyright holder</b>	Woollahra Council



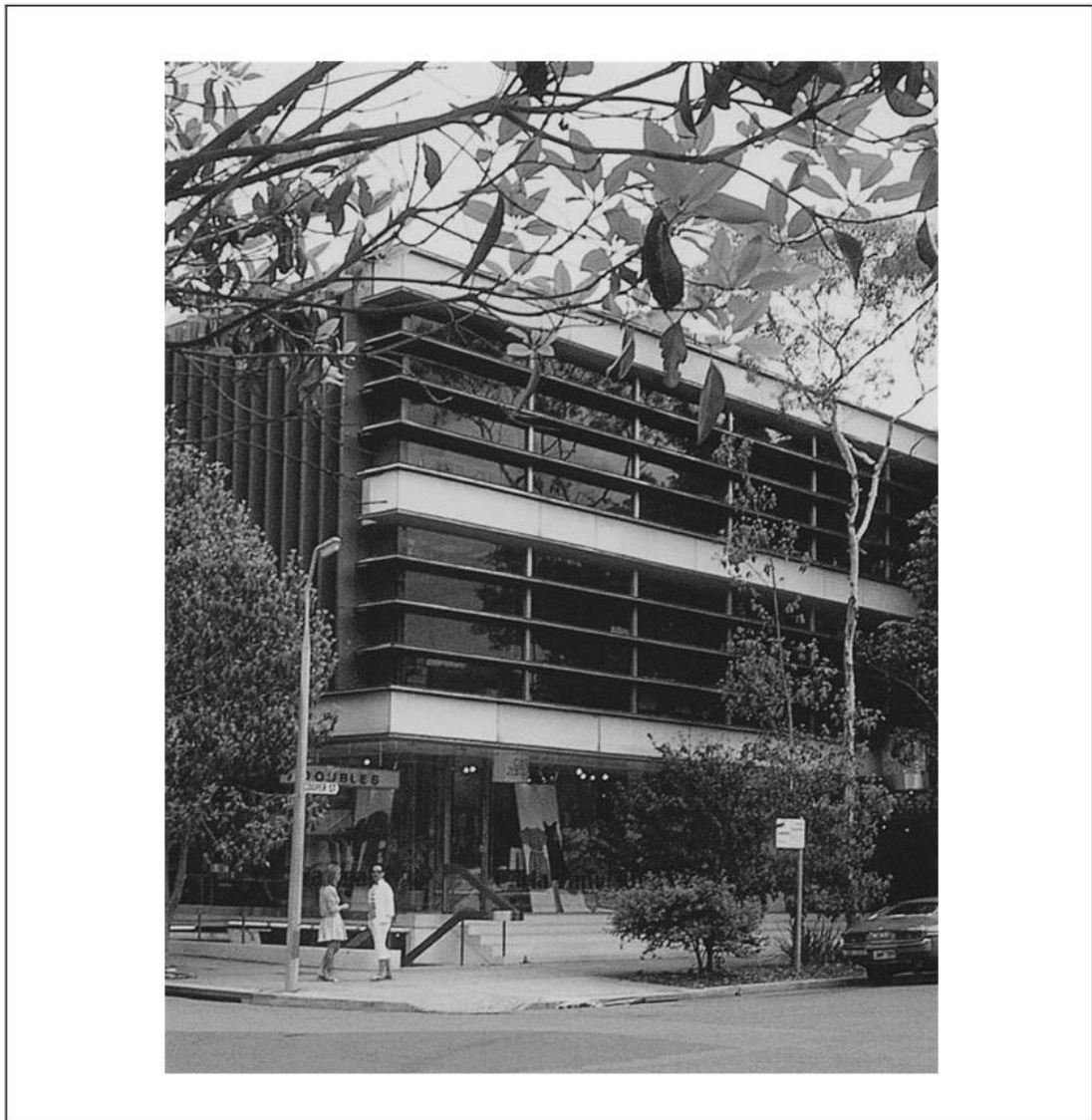
## *Heritage Data Form*

<b>Image caption</b>	Gaden House – A Trend Setter				
<b>Image year</b>	1971	<b>Image by</b>	Wentworth Courier	<b>Image copyright holder</b>	Wentworth Courier



## *Heritage Data Form*

<b>Image caption</b>	Gaden House – North East Elevation				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	





## *Heritage Data Form*

<b>Image caption</b>	Gaden House – North West Elevation				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr



## *Heritage Data Form*

<b>Image caption</b>	Northern podium and Carla Zampatti shop				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	David Moore



## *Heritage Data Form*

<b>Image caption</b>	Northern podium of Gaden House				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr



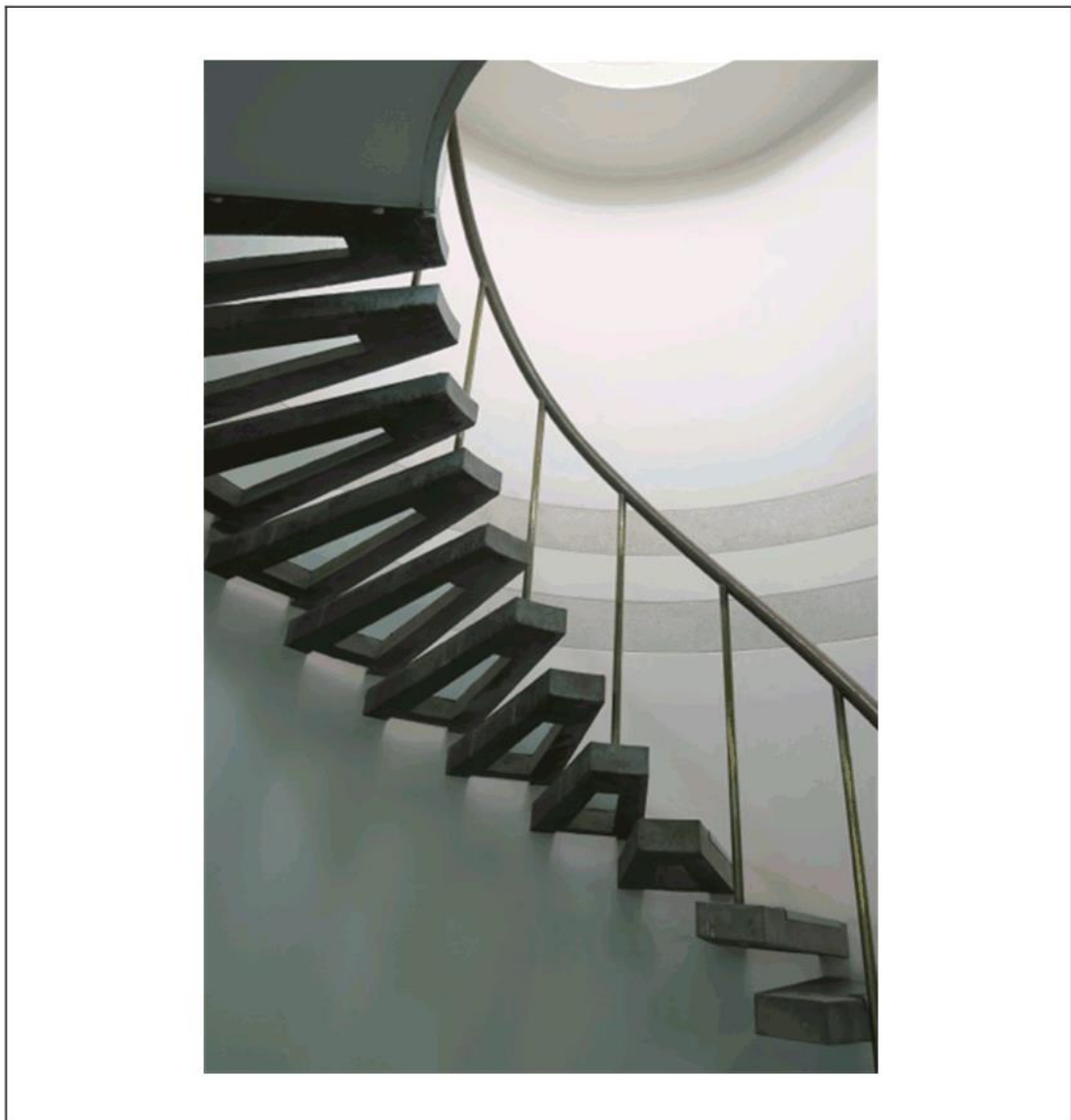
## *Heritage Data Form*

<b>Image caption</b>	Spiral stair and Kitching sculpture				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	David Moore



## *Heritage Data Form*

<b>Image caption</b>	Spiral stair without Kitching sculpture				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr



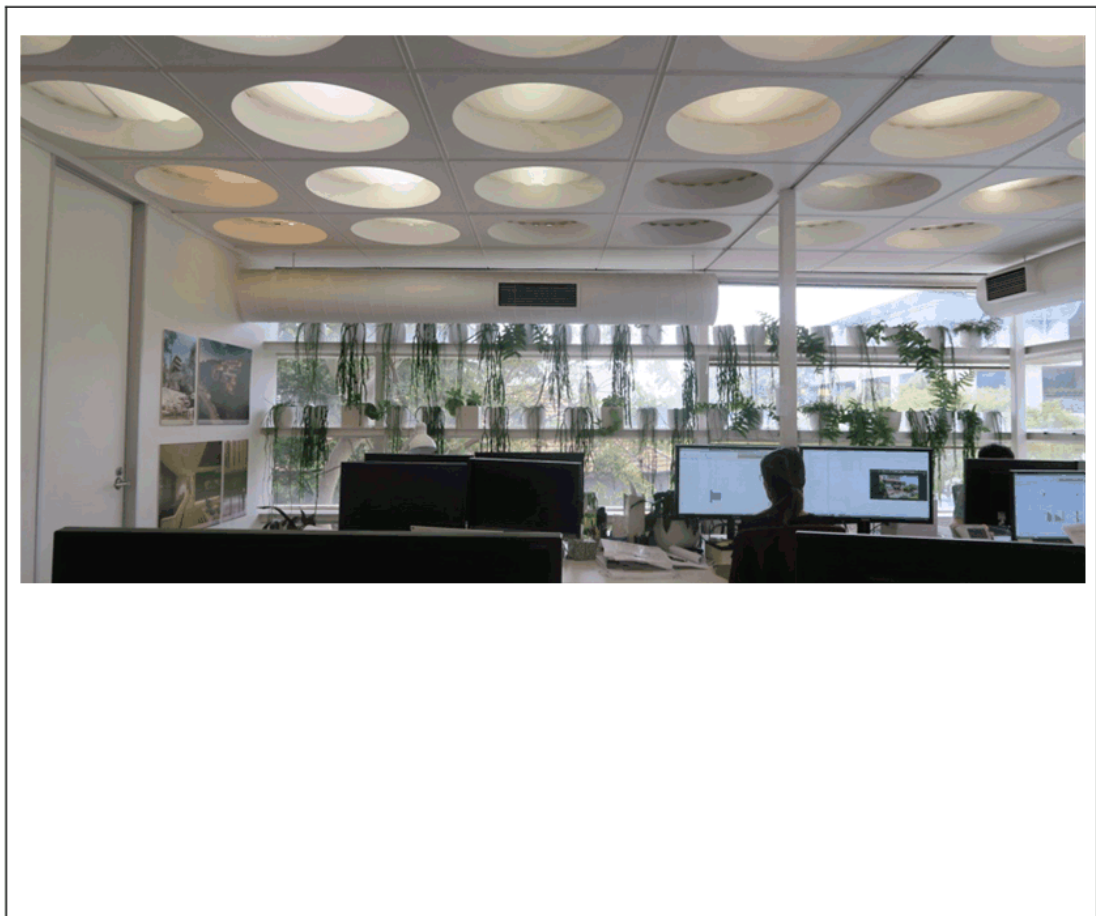
## *Heritage Data Form*

<b>Image caption</b>	Upper floor specially designed ceiling system for uniform lighting and Air con				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	David Moore




## *Heritage Data Form*

<b>Image caption</b>	Upper floor specially designed ceiling system for uniform lighting and Air con				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr



# Appendix 4

## Heritage Data Form

ITEM DETAILS			
Name of Item	Gaden House		
Other Name/s Former Name/s			
Item type (if known)	Commercial premises		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name			
Street number	2A		
Street name	Cooper Street		
Suburb/town	Double Bay	Postcode	2028
Local Government Area/s	Woollahra		
Property description	<p>'Gaden House' is located on the site known as 2A Cooper Street, Double Bay (also known as 24-26 Bay Street, Double Bay). The legal description of the land title is Lots 11 &amp; 12, DP 4606.</p> <p>The subject site sits at the apex of a triangle formed by the intersection of three streets: Cooper Street, South Avenue and Bay Street. Opposite the subject site, at 28 Bay Street, is the Royal Oak Hotel.</p> 		
Location - Lat/long	Latitude		Longitude
Location - AMG (if no street address)	Zone	Easting	Northing
Owner	AMA Holdings Pty Ltd		
Current use	Retail and Commercial		



## *Heritage Data Form*

<b>Former Use</b>	Retail and Commercial	
<b>Statement of significance</b>	<p>Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of Architecture as an art form including sculpture as an essential part of the design process. Neville Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that both the external and internal designs were both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. The achievement of such a creative endeavour in a suburban commercial building in 1970s Sydney is rare.</p> <p>Gaden House challenged the status quo of suburban shopping centres and transformed what could have been an ordinary suburban office and retail building into a work of art, pushing the design boundaries to produce a building that was a sculpture, both as an object in the streetscape at night as well as during the day, and in the interiors as a delightful and environmentally comfortable place to work. Neville Gruzman proved that a small suburban office building could also be a work of art. When the building was opened in 1971 by the Premier of NSW, Mr. Robert Askin, its avant-garde design, combining international modernism to suit local conditions, played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre and has continued to contribute to the community life of Double Bay ever since.</p> <p>Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement by experimenting with materials and new technology, as evidenced by the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both environmentally functional and aesthetically significant. Adding to the creative and aesthetic significance of the building was the work of leading Australian sculptor Michael Kitching, which was an integral part of the original design and survived in-situ until around 2006. Despite the loss of the sculpture, which has the potential to be reconstructed through surviving documentation in the Kitching Archive, the building retains much of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time related to a local interpretation of international modernism. The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.</p>	
<b>Level of Significance</b>	State <input checked="" type="checkbox"/>	Local <input type="checkbox"/>

## *Heritage Data Form*

DESCRIPTION						
<b>Designer</b>	Neville Gruzman OAM					
<b>Builder/ maker</b>	TC Whittle					
<b>Physical Description</b>	<p>Gaden House is a three-storey commercial building with lower ground level, designed in 1969 by Sydney architect, Neville Gruzman, and opened by Premier Robert Askin in 1971. The building is constructed to its three site boundaries on Bay Street, Cooper Street and Brooklyn Lane. The ground floor level is raised above street level and was designed with seven retail tenancies; - two facing Bay Street and five facing Cooper Street. A lobby extends from the Cooper Street frontage to a spiral stair that extends up from the ground floor and accesses the two upper storeys which are currently used as offices. A separate, external stair accesses the lower ground level which was originally designed for D'Arcy's restaurant and one retail tenancy. Pelicano's restaurant now occupies the entire basement level.</p> <p><i>'Its form and appearance were intended to stand out. Designed as a piece of light sculpture hovering above a white terrazzo podium, each façade was modelled by deep louvres on the east (angled vertical), north (horizontal) and west (vertical) elevations. Before it was disastrously painted white, the building was sheathed in bronze stainless steel, and opaque white and transparent Perspex. It could be fully illuminated. The exterior and lobby were originally decorated with a Michael Kitching sculpture that made its way inside and up the circular glass, precast concrete and stainless-steel stair which led to the two levels of offices. The upper spaces were distinguished by a special ceiling system devised by Gruzman which both uniformly lit the space and acted as a giant plenum for the air-conditioning system. The result was a stunning reflective soffit punctuated by luminous circles, without a single ugly air-register to be seen'</i> (Gruzman &amp; Goad 2006: 152)</p>					
<b>Physical condition and Archaeological potential</b>	<p>The building incorporates a simple concrete structure and retains most of its original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades designed to achieve maximum environmental benefits.</p> <p>The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout. These original elements, internally and externally, have the potential to yield information about architectural thinking at the time.</p> <p>To quote long-term occupant and architect Bruce Stafford: <i>'It is great to work in a largely intact work of one of Sydney's most respected modernist architects'</i>.</p> <p>The archaeological potential of the site is considered to be low, with any early resources likely to have been highly disturbed by the demolition of the former garage building on the site and the excavation and construction of the existing building.</p>					
<b>Construction years</b>	<b>Start year</b>	1970	<b>Finish year</b>	1971	<b>Circa</b>	<input type="checkbox"/>

## *Heritage Data Form*

<b>Modifications and dates</b>	<p>Council records and the land title documents indicate that the building continued to be leased by various retail and commercial tenants and that applications were submitted for change of uses and modifications particularly for the restaurant use and also for change of business hours for the other retail premises from the 1970s to the present.</p> <p>Ownership:</p> <p>1969-1981      Randolph Pty Ltd</p> <p>1981-1988      The Broken Hill Mine Employees Pension Fund Custodian Limited.</p> <p>1988 – 2017      Rose Marie Hancock</p> <p>2017 -            AMA Holdings Pty Ltd,</p> <p>Modifications:</p> <p>C2000            The original bronze-finished stainless steel external louvres painted white</p> <p>C2006            The Michael Kitching sculpture removed. Location unknown.</p> <p>C2000            The original circular ceiling system removed on first floor.</p>
<b>Further comments</b>	<p>Australia's most recognised architect of the Post-war International style, Harry Seidler, has five works listed as being of state significance on the NSW SHR, only one of which is a commercial building – Torin House, Penrith. Seidler has 14 works listed as being of local heritage significance, six of which are commercial buildings. There are three Post-war International style commercial buildings on the State Heritage Register – Torin House, Qantas House and Liner House. There are 14 Post-war International style buildings listed as being of local significance, 13 of these since 2012.</p> <p>These statistics highlight the lack of recognition for Post-war International style buildings in NSW, particularly commercial buildings. In 2006, the City of Sydney recognised that post-war buildings were under-represented on their LEP and proposed an additional 11 items for inclusion in the 2012 LEP, including the Arnaboldi Building in Clarence Street, Former King George Tower and the Selbourne and Wentworth Chambers in Phillip Street.</p> <p>While Harry Seidler's work has achieved deserved recognition, the work of locally trained architects such as Neville Gruzman, who operated in the Australian context which involved negotiating 'local sites, construction practices and modest budgets that made innovations hard-won victories' (Gruzman &amp; Goad 2006: 17), have not been so well understood or recognised. As of June 2018, there were no Gruzman works listed as being of state significance, and only six residences and one block of flats (Montrose Apartments Neutral Bay) listed as being of local significance. None of Gruzman's many commercial works have been listed at local or state levels. The reason for this lack of recognition is not necessarily a lack of merit, but more a general lack of focus by heritage practitioners on understanding the architecture of the recent past and the attributes that might make a post-war building of heritage significance.</p>

## *Heritage Data Form*

	<p>Liner House at 13-15 Bridge Street Sydney, designed in 1959 by Architects Bunning and Madden, was listed on the SHR in 1985, due to a perceived threat to the building at that time. Gaden House is comparable to Liner House, at a State Heritage level, in terms of aesthetics, functionality, architectural features, detailing, innovation and contribution to the streetscape and surrounding retail districts. The nomination of Gaden House to the NSW SHR seeks not only due recognition for an architectural work of deserved merit, but also recognition of an architectural style that is under-represented on heritage lists at local and state levels, and therefore at threat from uninformed alterations, additions and potential demolitions.</p>
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## *Heritage Data Form*

<b>HISTORY</b>	
<b>Historical notes</b>	<p>Gaden House was originally part of just over five acres of land granted to Daniel Cooper in April 1833, and later conveyed to Frances Leonora Mackay in October 1904. The land was subdivided as the "Brooklyn Estate" in 1905 and in 1906, the subject site, Lots 11 and 12 was transferred to Mary Anne Allerton, a widow from Sydney. In 1916 the site was transferred to Samuel Galbraith, Motor Proprietor, and his wife Nellie Josephine Galbraith who developed the land as service station and garage proprietors. From this period onwards, Bay Street began to change from a predominantly residential area to an area of mixed residential, retail and commercial developments, gradually transforming into a thriving retail and commercial area.</p> <p>The subject site continued to operate as a motor garage, through several ownerships, until the site was purchased in 1968 by Randolph Pty Ltd, of whom Gordon Stewart, a partner in the legal firm of Gaden, Bowen and Stewart, was a Director. The construction of the Gaden building on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20th century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.</p> <p>The subject building was developed as a suburban branch office for the established firm of solicitors, Gaden, Bowen and Stewart – hence the building was known as 'Gaden House'.</p> <p>Gruzman's Architectural office, then operating from 8 Oswald Street Darling Point, spent over three months working on the design before submitting the revised Development Application to Woollahra Council on the 18th March 1969.</p> <p>The builders for the project were TC Whittle, and the building was officially opened by the Premier of NSW, Mr Robert Askin, on Thursday November 25 1971, with a guest list of four hundred.</p> <p>The building continued to be leased by various retail and commercial tenants since its opening in 1971. Randolph Pty Ltd retained ownership of the building until 1981 when it was transferred to the Broken Hill Mine Employees' Pension Fund Custodian Limited. The building was transferred to Rose Marie Hancock in December 1988, and from that time until the recent sale of the building, little maintenance has been undertaken on the building. The current owners are AMA Holdings Pty Ltd.</p>

<b>THEMES</b>	
<b>National historical theme</b>	<p>3. Developing local, regional and national economies. 4. Building settlements, towns and cities. 8. Developing Australia's cultural life. 9. Marking the phases of life.</p>
<b>State historical theme</b>	<p>10. Townships (National Theme 4). 18. Commerce (National Theme 3).</p>

## *Heritage Data Form*

	24. Housing / accommodation (National Theme 4). 26. Cultural sites (National Theme 8). 35. Persons (National Theme 9).
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## *Heritage Data Form*

<b>APPLICATION OF CRITERIA</b>	
<p><b>Historical significance</b> SHR criteria (a)</p>	<p>Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process.</p> <p>The building demonstrates how an ordinary suburban office building could become a sculptural work in the streetscape, enhancing its corner location at the junction between a residential area and commercial area. The interiors also became sculptural spaces through the quality of finishes such as spiral stair and circular ceiling panels, as well as through the specially commissioned sculpture by Michael Kitching.</p> <p>The building demonstrates how the principles of International Modernism could be realised at the level of a modestly scaled suburban commercial / retail building. It could be argued that Gaden House lifted the quality of the built environment in Double Bay shopping centre at a time when the area was growing in sophistication and cosmopolitanism as a result of post-war immigration. No other examples of commercial buildings in the Woollahra municipality demonstrate this level of design sophistication.</p> <p>Gaden House reflects the contemporary form and materials of modern architecture of the period.</p>
<p><b>Historical association significance</b> SHR criteria (b)</p>	<p>The current building on the site is associated with Sydney architect and former Councillor and Mayor of Woollahra, Neville Gruzman OAM, who designed the building to accommodate a prominent legal firm and well-known restaurant. The building embodied the close cooperative relationship between architect and sculptor which was an architectural aspiration of the time.</p> <p>The building was opened in 1971 by the Premier of NSW, Robert Askin, and because of its avant-garde design combining International Modernism to suit local conditions, it played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre. It became a sought-after location for fashionable design businesses such as Carla Zampatti who leased two shops in the building from 1979 to 1991.</p>
<p><b>Aesthetic significance</b> SHR criteria (c)</p>	<p>The Architect's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that both the external and internal design were functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. Although the Kitching</p>

## *Heritage Data Form*

	<p>sculpture is no longer extant, surviving archival documentation would enable an accurate reconstruction to take place.</p> <p>Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement in the following areas:</p> <ul style="list-style-type: none"> <li>• The whole building, as assessed by leading architectural historian, Dr Philip Goad, is a 'startling piece of large-scale environmental sculpture, modelled and lit at night as a giant public ornament' (Gruzman &amp; Goad 2006: 28).</li> <li>• The building incorporated the sculpture of a leading Australian sculptor, Michael Kitching, which although no longer extant, has the potential to be accurately reconstructed.</li> <li>• The building experimented with materials and technology, as evidenced by the precast concrete and glass spiral staircase, the circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both functional and aesthetically pleasing.</li> </ul>
<b>Social significance</b> SHR criteria (d)	<p>The building has contributed to the community life of Double Bay since its completion in 1971. It has accommodated prominent professional firms on the upper floors and prominent retail businesses and restaurants on the lower floors. Its covered podium areas facing Cooper and Bay Streets generously made private space available for public enjoyment.</p> <p>Together with the Royal Oak Hotel opposite, Gaden House has formed an urban gateway leading from the predominantly residential area of Cooper Street to the west to the cosmopolitan Double Bay shopping centre to the east.</p> <p>The construction of Gaden House on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20<sup>th</sup> century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.</p>
<b>Technical/Research significance</b> SHR criteria (e)	<p>The archaeological potential of the site is considered to be low with any early resources likely to have been highly disturbed by the demolition of the former garage building on the site and the excavation and construction of the existing building.</p> <p>The building incorporates a simple concrete structure and retains most of its original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.</p>



## *Heritage Data Form*

	<p>The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.</p> <p>These original elements, internally and externally, have the potential to yield information about architectural thinking at the time by demonstrating a local architectural interpretation of international modernism in both the pared-down external elevations and the attention to internal details such as stair, doors, floors and ceiling patterns.</p> <p>To quote long-term occupant and architect Bruce Stafford: 'It is great to work in a largely intact work of one of Sydney's most respected modernist architects'.</p>
<p><b>Rarity</b> SHR criteria (f)</p>	<p>When completed in 1971, Gaden House set a standard for Double Bay in terms of quality of aesthetics, functionality and contribution to the surrounding streetscape, which has hardly been matched since. Although Gruzman designed a further two commercial buildings in Bay Street in the 1970s, neither of these structures measures up to the quality of design of Gaden House, although the three buildings as a group contribute to the growing sophistication of Double Bay shopping centre.</p> <p>The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.</p> <p>Architectural historian, Philip Goad, describes Gruzman's non-residential insertions into Sydney's urban fabric in the 1960s, such as Gaden House, as 'crafted graftings of startling modernity...that by their very difference seemed to resonate with significance' (Gruzman &amp; Goad 2006: 28).</p>
<p><b>Representativeness</b> SHR criteria (g)</p>	<p>Gaden House is:</p> <ul style="list-style-type: none"> <li>• A fine example of International Modernism expressed in suburban Sydney.</li> <li>• A fine and representative example of the work of Neville Gruzman, architect.</li> <li>• A fine example of the integration of aesthetics and functionality, thereby expressing the characteristics of International Modernism.</li> <li>• A fine example of the modernist design aesthetic which paid attention to all aspects of the design of the building from the external form to the smallest details of the interior, seamlessly integrating form, function and beauty.</li> <li>• A fine example of environmentally appropriate architecture, designing for climate,</li> </ul>

## *Heritage Data Form*

	<p>orientation and location.</p> <ul style="list-style-type: none"> <li>• A fine example of a building that integrates sculpture and architecture.</li> <li>• A representative embodiment of the cosmopolitan nature of Double Bay in the early 1970s.</li> </ul>
<b>Integrity</b>	<p>The building retains most of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time.</p> <p>The following significant elements of the original design remain intact:</p> <p><u>Externally</u>                  The simple concrete structure.                  Most of the original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.</p> <p><u>Internally</u>                  The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.</p>

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<b>HERITAGE LISTINGS</b>	
<b>Heritage listing/s</b>	Australian Institute of Architects Register of Twentieth Century Buildings of Significance, #4702079.

<b>INFORMATION SOURCES</b>				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Publication	Guzman, N & Goad, P	Guzman, An Architect and His City	2006	Stanton Library
Archives	Various	Council documents and reports	various	Woollahra Municipal Council Double Bay NSW

<b>RECOMMENDATIONS</b>	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That a nomination for listing on the State Heritage Register be prepared for Gaden House and its interiors.</li> <li>2. That as the property meets the criteria for state listing, it is recommended that the property, including its interiors, be listed on the State Heritage Register (SHR).</li> <li>3. That a Conservation Management Plan (CMP) be prepared for the property to guide any future works on the place.</li> <li>4. That the CMP include the preparation of a works schedule for the building to ensure that the appropriate maintenance, restoration and reconstruction of significant elements of the interior and exterior of the building be itemised and detailed. These works would include research into the reconstruction of the Kitching sculpture, the restoration of the external louvres by the removal of the intrusive paint layers, the conservation of the specially designed ceiling system on the upper floor and its reconstruction on the lower floor, the conservation of internal elements such as the original doors and custom designed services outlets</li> </ol>

## *Heritage Data Form*

	and the spiral stair with skylight.
--	-------------------------------------

SOURCE OF THIS INFORMATION			
<b>Name of study or report</b>	Gaden House Heritage Assessment	<b>Year of study or report</b>	2018
<b>Item number in study or report</b>			
<b>Author of study or report</b>	Anne Warr		
<b>Inspected by</b>	Catherine Colville, Strategic Heritage Officer – Woolahra Municipal Council. Anne Warr		
<b>NSW Heritage Manual guidelines used?</b>	Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>
<b>This form completed by</b>	Anne Warr	<b>Date</b>	03.09.18

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**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	Development Application Perspective, Gaden House, 1969				
<b>Image year</b>	1969	<b>Image by</b>	Neville Guzman	<b>Image copyright holder</b>	Woollahra Council



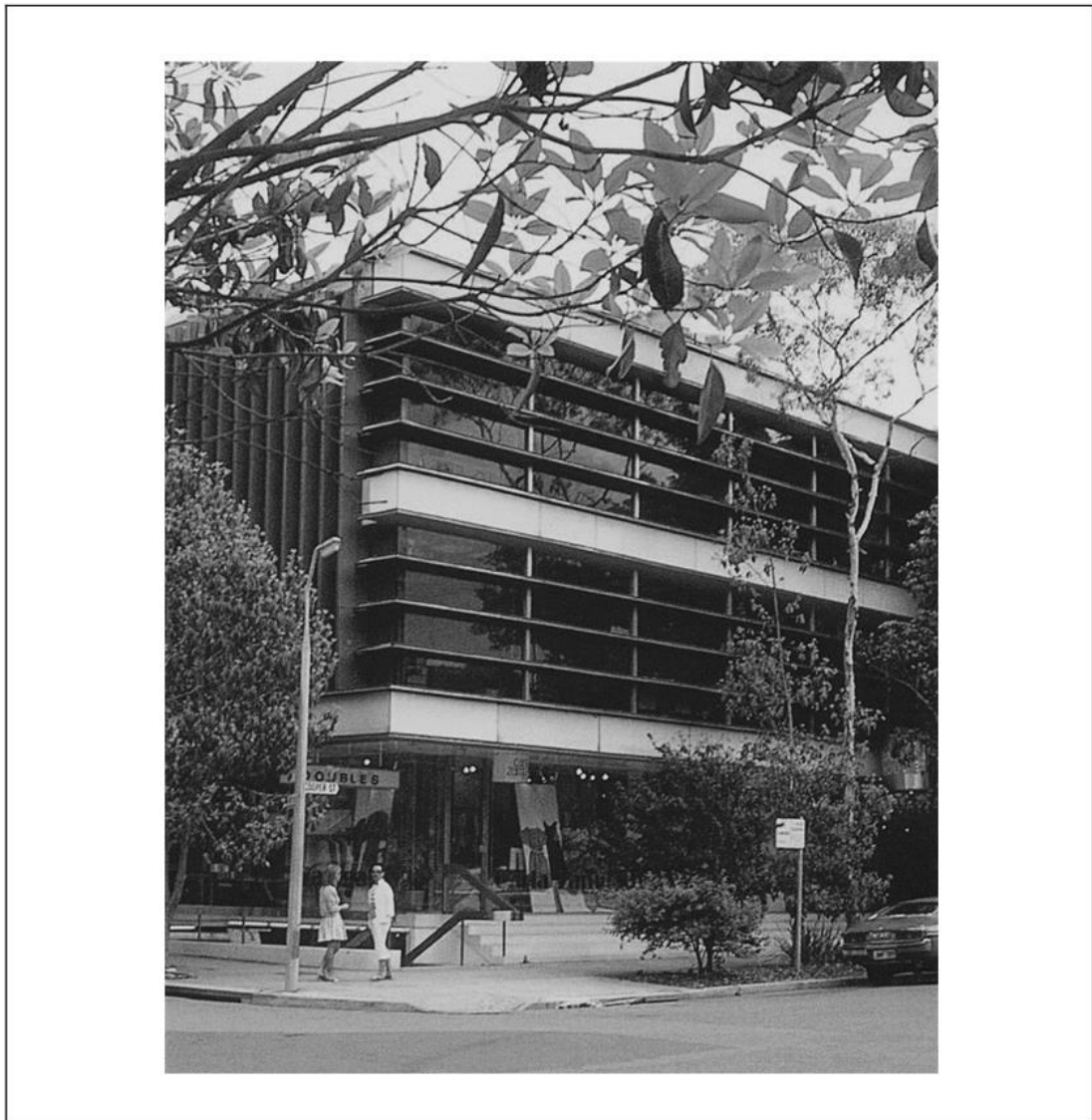
## *Heritage Data Form*

<b>Image caption</b>	Gaden House – A Trend Setter				
<b>Image year</b>	1971	<b>Image by</b>	Wentworth Courier	<b>Image copyright holder</b>	Wentworth Courier



## *Heritage Data Form*

<b>Image caption</b>	Gaden House – North East Elevation				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	



## *Heritage Data Form*

<b>Image caption</b>	Gaden House – North West Elevation				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr





## *Heritage Data Form*

<b>Image caption</b>	Northern podium and Carla Zampatti shop				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	David Moore



## *Heritage Data Form*

<b>Image caption</b>	Northern podium of Gaden House				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr



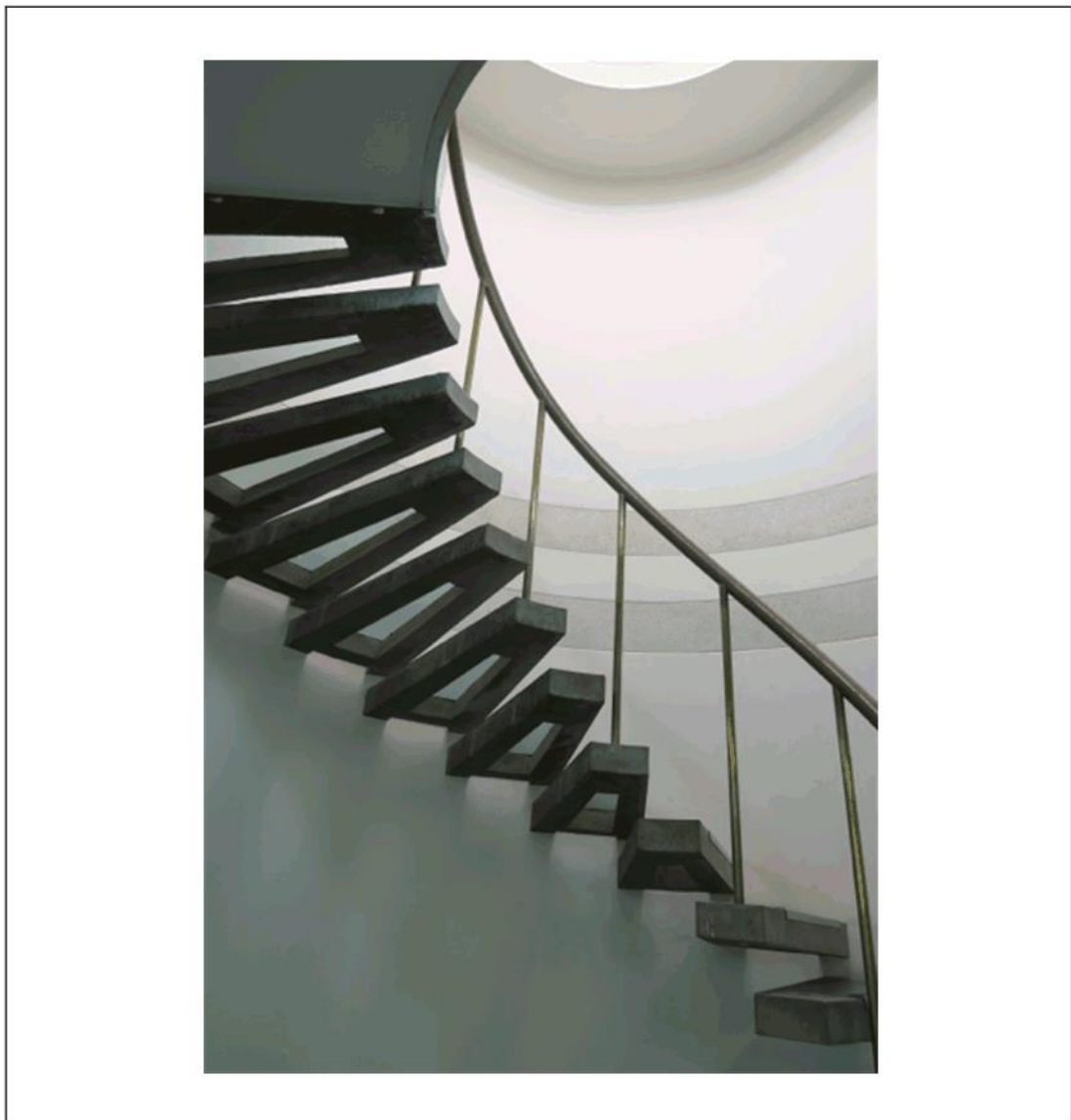
## *Heritage Data Form*

<b>Image caption</b>	Spiral stair and Kitching sculpture				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	David Moore



## *Heritage Data Form*

<b>Image caption</b>	Spiral stair without Kitching sculpture				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr



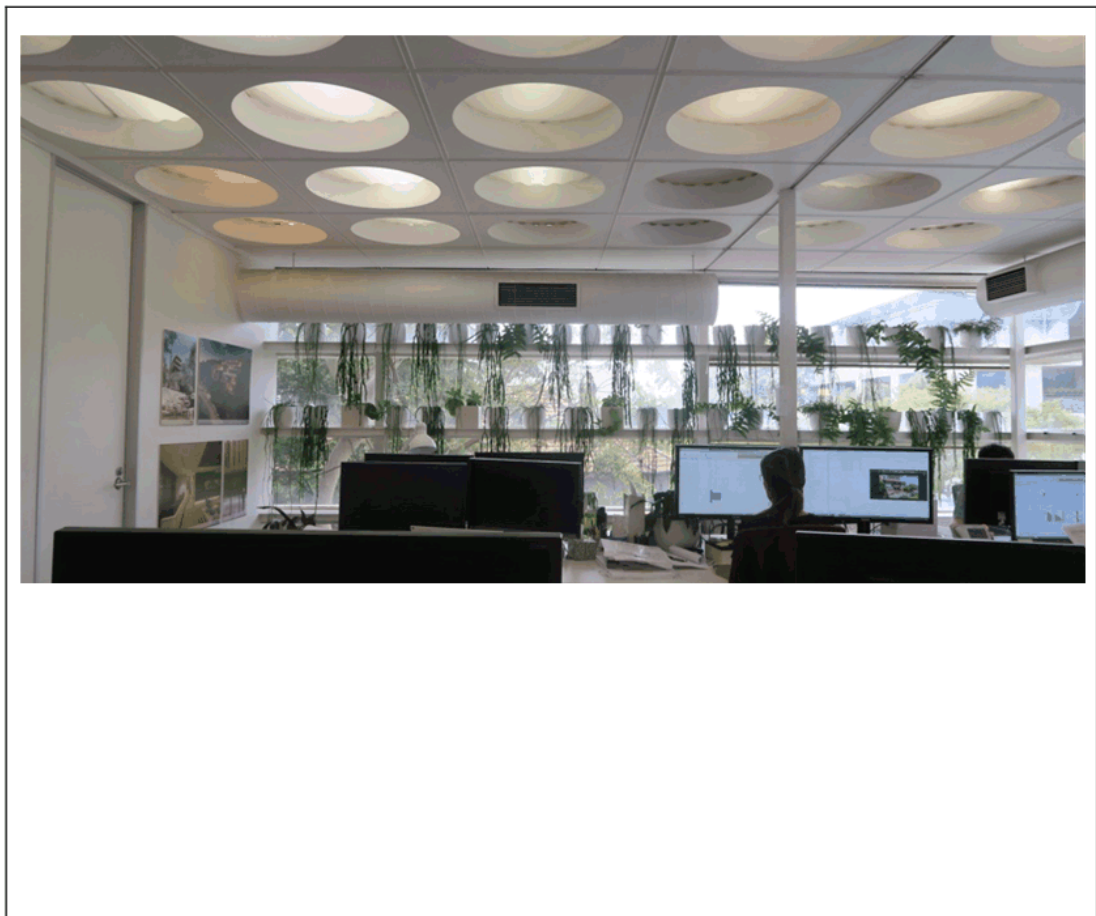
## *Heritage Data Form*

<b>Image caption</b>	Upper floor specially designed ceiling system for uniform lighting and Air con				
<b>Image year</b>	1971	<b>Image by</b>	David Moore	<b>Image copyright holder</b>	David Moore



## *Heritage Data Form*

<b>Image caption</b>	Upper floor specially designed ceiling system for uniform lighting and Air con				
<b>Image year</b>	2018	<b>Image by</b>	Anne Warr	<b>Image copyright holder</b>	Anne Warr



# Appendix 5



## State Heritage Register Nomination Form

### Important notes for nominators

Before completing this form, read the *Guideline for Nominations to the State Heritage Register*\* to check whether a nomination is appropriate.

You should only nominate an item you believe to be particularly important in the context of all of NSW, beyond the local area or region.

This is because only items of *state* heritage significance are eligible for listing on the State Heritage Register.

When completing this form note that:

- It must be completed and submitted electronically.\*
- Follow the guideline\* to fill out the form accurately.
- **YELLOW sections** of this form are mandatory for your nomination to be accepted for consideration.
- **BLUE sections** of this form are recommended, but are not essential, unless otherwise indicated in the form.
- The completed form must show *how* the nominated place is *state* significant to meet the criteria for listing on the register.
- Incomplete nominations, or those with insufficient information, may not be accepted.
- A complete and accurate nomination form, with a clear assessment of state significance of the place or object, will assist in the timely consideration of your nomination.

\* Download this form and guideline at: [www.heritage.nsw.gov.au/nominating](http://www.heritage.nsw.gov.au/nominating)

### A. Nominated place

#### 1. Name

Name of place / object:	Gaden House
Other or former name(s):	

#### 2. Location

Street address*:	2A Cooper Street (no.)	(street name)
	Double Bay NSW (suburb / town)	
Alternate street address:	24-26 (no.)	Bay Street (street name)
	Double Bay NSW 2028 (suburb / town)	
Local government area:	Woollahra	
Land parcel(s)*:	11 & 12 (Lot no/s)	(section no.) 4606 (DP no.)
	(Lot no/s)	(section no.) (DP no.)
	(Lot no/s)	(section no.) (DP no.)
Co-ordinates*:	(Latitude)	(Longitude) (Datum)

\*At least one of these three location details must be provided. For a movable object, enter its principal location. If the place has no street number, provide land parcels. If it has no land parcels, provide Co-ordinates and a map.

#### 3. Extent of nomination

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<b>Source of map or plan:</b>	Google maps + Anne Warr overlay
<b>Boundary description (in words):</b>	The subject site is bounded by Cooper Street, Bay Street and Brooklyn Lane, Double Bay NSW 2028. The site is known as 2A Cooper Street and 24-26 Bay Street Double Bay.

## 4. Ownership

<b>Name of owner(s):</b>	AMA Holdings Pty Ltd	
<b>Contact person:</b>	Michael Xu	
<b>Contact position:</b>	General Manager ORO Group Pty Ltd	
<b>Postal address:</b>	Office B, level 1, 2 Short Street (street address or postal box)	
	Double Bay (suburb or town)	
	NSW (state)	2028 (post code)
<b>Phone number:</b>	(02) 9363 9977	
<b>Ownership explanation:</b>		

## B. Significance

### 5. Why is it important in NSW?

<b>Statement of state significance:</b>	<p>It is of State heritage significance because..</p> <p>Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of Architecture as an art form including sculpture as an essential part of the design process. Neville Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that both the external and internal design was functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. The achievement of such a creative endeavour in a suburban commercial building in 1970s Sydney is rare.</p>
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## State Heritage Register Nomination Form



	<p>Gaden House challenged the status quo of suburban shopping centres and transformed what could have been an ordinary suburban office and retail building into a work of art, pushing the design boundaries to produce a building that was a sculpture, both as an object in the streetscape at night as well as during the day, and in the interiors as a delightful and environmentally comfortable place to work. Neville Gruzman proved that a small suburban office building could also be a work of art. When the building was opened in 1971 by the Premier of NSW, Mr. Robert Askin, its avant-garde design, combining international modernism to suit local conditions, played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre and has continued to contribute to the community life of Double Bay ever since.</p> <p>Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement by experimenting with materials and new technology, as evidenced by the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both environmentally functional and aesthetically significant. Adding to the creative and aesthetic significance of the building was the work of leading Australian sculptor Michael Kitching, which was an integral part of the original design and survived in-situ until around 2006. Despite the loss of the sculpture, which has the potential to be reconstructed through surviving documentation in the Kitching Archive, the building retains much of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time related to a local interpretation of international modernism. The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.</p>
<p><b>Comparisons:</b></p>	<p>Australia's most recognised architect of the Post-war International style, Harry Seidler, has five works listed as being of state significance on the NSW SHR, only one of which is a commercial building – Torin House, Penrith. Seidler has 14 works listed as being of local heritage significance, six of which are commercial buildings. There are three post-war international style commercial buildings on the State Heritage Register – Torin House, Qantas House and Liner House. There are 14 post-war international style buildings listed as being of local significance, 13 of these since 2012.</p> <p>These statistics highlight the lack of recognition for post-war international style buildings in NSW, particularly commercial buildings. In 2006, the City of Sydney recognised that post-war buildings were under-represented on their LEP and proposed an</p>

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	<p>additional 11 items for inclusion in the 2012 LEP, including the Arnaboldi Building in Clarence Street, Former King George Tower and the Selbourne and Wentworth Chambers in Phillip Street.</p> <p>While Harry Seidler’s work has achieved deserved recognition, the work of locally trained architects such as Neville Gruzman, who operated in the Australian context which involved negotiating ‘local sites, construction practices and modest budgets that made innovations hard-won victories’ (Gruzman &amp; Goad 2006: 17), have not been so well understood or recognised. As of June 2018, there were no Gruzman works listed as being of state significance, and only six residences and one block of flats (Montrose Apartments Neutral Bay) listed as being of local significance. None of Gruzman’s many commercial works have been listed at local or state levels. The reason for this lack of recognition is not necessarily a lack of merit, but more a general lack of focus by heritage practitioners on understanding the architecture of the recent past and the attributes that might make a post-war building of heritage significance.</p> <p>Liner House at 13-15 Bridge Street Sydney, designed in 1959 by Architects Bunning and Madden, was listed on the SHR in 1985, due to a perceived threat to the building at that time. Gaden House is comparable to Liner House at a State Heritage level in terms of aesthetics, functionality, architectural features, detailing, innovation and contribution to the streetscape and surrounding retail districts. The nomination of Gaden House to the NSW SHR seeks not only due recognition for an architectural work of deserved merit, but also recognition of an architectural style that is under-represented on heritage lists at local and state levels, and therefore at threat from uninformed alterations, additions and potential demolitions.</p>
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### C. Description

#### 6. Existing place or object

<b>Description:</b>	<p>Gaden House is a three-storey commercial building with lower ground level, designed in 1969 by Sydney architect, Neville Gruzman and opened by Premier Askin in 1971. The building is constructed to its three site boundaries on Bay Street, Cooper Street and Brooklyn Lane. The ground floor level is raised above street level and was designed with seven retail tenancies; - two facing Bay Street and five facing Cooper Street. A lobby extends from the Cooper Street frontage to a spiral stair that extends up from the ground floor and accesses the two upper storeys which are currently used as offices. A separate, external stair accesses the lower ground level which was originally designed for D’Arcy’s restaurant and one retail tenancy. Pelicano’s restaurant now occupies the entire basement level.</p>
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	<p>'Its form and appearance were intended to stand out. Designed as a piece of light sculpture hovering above a white terrazzo podium, each façade was modelled by deep louvres on the east (angled vertical), north (horizontal) and west (vertical) elevations. Before it was disastrously painted white, the building was sheathed in bronze stainless steel, and opaque white and transparent Perspex. It could be fully illuminated. The exterior and lobby were originally decorated with a Michael Kitching sculpture that made its way inside and up the circular glass, precast concrete and stainless steel stair which led to the two levels of offices. The upper spaces were distinguished by a special ceiling system devised by Gruzman which both uniformly lit the space and acted as a giant plenum for the airconditioning system. The result was a stunning reflective soffit punctuated by luminous circles, without a single ugly air-register to be seen' (Gruzman &amp; Goad 2006: 152)</p>
<p><b>Condition of fabric and/or archaeological potential:</b></p>	<p>The building incorporates a simple concrete structure and retains most of its original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.</p> <p>The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original Perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.</p> <p>These original elements, internally and externally, have the potential to yield information about architectural thinking at the time.</p> <p>To quote long-term occupant and architect Bruce Stafford: 'It is great to work in a largely intact work of one of Sydney's most respected modernist architects'.</p> <p>The archaeological potential of the site is considered to be low with any early resources likely to have been highly disturbed by the demolition of the former garage building on the site and the excavation and construction of the existing building.</p>
<p><b>Integrity / intactness:</b></p>	<p>The building retains most of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time.</p> <p>The following significant elements of the original design remain intact:</p> <p>Externally The simple concrete structure</p>

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	<p>Most of the original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.</p> <p>Internally The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.</p>
<b>Modifications Dates:</b>	<p>Council records and the land title documents indicate that the building continued to be leased by various retail and commercial tenants and that applications were submitted for change of uses and modifications particularly for the restaurant use and also for change of business hours for the other retail premises from the 1970s to the present.</p> <p>Ownership: 1969-1981      Randolph Pty Ltd 1981-1988      The Broken Hill Mine Employees Pension Fund Custodian Limited. 1988 – 2017      Rose Marie Hancock 2017 -          AMA Holdings Pty Ltd,</p> <p>Modifications: C2000    The original bronze-finished stainless steel external louvres painted white C2006    The Michael Kitching sculpture removed. Location unknown. C2000    The original circular ceiling system removed on first floor.</p>
<b>Date you inspected the place for this description:</b>	March 2018
<b>Current use*:</b>	Commercial
<b>Original or former use(s)*:</b>	Commercial
<b>Further comments:</b>	

Illustrations can be inserted as images in section J.

\* These details must be entered if you are basing the significance of the place or object on its past or present use.

### D. Historical outline

#### 7. Origins and historical evolution

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<b>Years of construction*:</b>	1970 (start year)	1971 (finish year)
<b>Designer / architect*:</b>	Neville Gruzman	
<b>Maker/ builder:</b>	TC Whittle	
<b>Historical outline of place or object:</b>	<p>Gaden House was originally part of just over five acres of land granted to Daniel Cooper in April 1833, and later conveyed to Frances Leonora Mackay in October 1904 . The land was subdivided as the 'Brooklyn Estate' in 1905 and in 1906, the subject site, Lots 11 and 12 was transferred to Mary Anne Allerton, a widow from Sydney. In 1916 the site was transferred to Samuel Galbraith, Motor Proprietor, and his wife Nellie Josephine Galbraith who developed the land as service station and garage proprietors . From this period onwards, Bay Street began to change from a predominantly residential area to an area of mixed residential, retail and commercial developments, gradually transforming into a thriving retail and commercial area.</p> <p>The subject site continued to operate as a motor garage, through several ownerships, until the site was purchased in 1968 by Randolph Pty Ltd, of whom Gordon Stewart, a partner in the legal firm of Gaden, Bowen and Stewart, was a Director. The construction of the Gaden building on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20th century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.</p> <p>The subject building was developed as a suburban branch office for the established firm of solicitors, Gaden, Bowen and Stewart – hence the building was known as ‘Gaden House’.</p> <p>Gruzman’s Architectural office, then operating from 8 Oswald Street Darling Point, spent over three months working on the design before submitting the revised Development Application to Woollahra Council on the 18th March 1969.</p> <p>The builders for the project were TC Whittle, and the building was officially opened by the Premier of NSW, Mr Askin, on Thursday November 25 1971, with a guest list of four hundred.</p> <p>The building continued to be leased by various retail and commercial tenants since its opening in 1971. Randolph Pty Ltd retained ownership of the building until 1981 when it was transferred to the Broken Hill Mine Employees’ Pension Fund Custodian Limited. The building was transferred to Rose Marie Hancock in December 1988, and from that time until the recent sale of the building, little maintenance has been undertaken on the building. The current owners, AMA Holdings Pty Ltd, are proposing to undertake changes to the building for ongoing retail, residential and commercial use.</p>	

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\* These details must be entered (as shown in the guideline) if you are basing the significance of the place or object on its architectural or technical qualities or its historical period of construction.

Historical maps, photographs or other illustrations that help to explain the history of the place can be inserted in section J.

### 8. Historical themes represented

<p><b>National theme(s):</b> <i>Select one or more of 1-9.</i>  <i>New line for each selected.</i></p>	<p>3. Developing local, regional, national economies 4. Building settlements, towns and cities 8. Developing Australia's cultural life 9. Marking the phases of life</p>
<p><b>State theme(s):</b> <i>Select one or more for each above selected National theme 1-9.</i>  <i>New line for each selected.</i></p>	<p><i>Within National themes 1-3:</i> 3. Commerce</p> <p><i>Within National themes 4-9:</i> 4. Towns, suburbs and villages 4. Accommodation 8. Creative endeavour 9. Persons</p>

## E. Criteria

### 9. Assessment under Heritage Council criteria of state significance

<p><b>A. It is important in the course or pattern of the cultural or natural history of NSW.</b></p>	<p>It meets this criterion of State significance because...</p> <p>Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process.</p> <p>The building demonstrates how an ordinary suburban office building could become a sculptural work in the streetscape, enhancing its corner location at the junction between a residential area and commercial area. The interiors also became sculptural spaces through the quality of finishes such as spiral stair and circular ceiling panels, as well as through the specially commissioned sculpture by Michael Kitching.</p> <p>The building demonstrates how the principles of International Modernism could be realised at the level of a modestly scaled suburban commercial / retail building. It could be argued that Gaden House lifted the quality of the built environment in Double Bay shopping centre at a time when the area was growing in sophistication and cosmopolitanism as a result of post-war immigration. No other examples of commercial buildings in the Woollahra municipality demonstrate this level of design sophistication.</p>
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	Gaden House reflects the contemporary form and materials of modern architecture of the period.
<b>B. It has a strong or special association with the life or works of a person, or group of persons of importance in the cultural or natural history of NSW.</b>	<p>It meets this criterion of State significance because...</p> <p>The current building on the site is associated with Sydney architect and former Councillor and Mayor of Woollahra, Neville Gruzman OAM, who designed the building to accommodate a prominent legal firm and well-known restaurant. The building embodied the close cooperative relationship between architect and sculptor which was an architectural aspiration of the time.</p> <p>The building was opened in 1971 by the Premier of NSW, Robert Askin, and because of its avant-garde design combining International Modernism to suit local conditions, it played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre. It became a sought-after location for fashionable design businesses such as Carla Zampatti who leased two shops in the building from 1979 to 1991.</p>
<b>C. It is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.</b>	<p>It meets this criterion of State significance because...</p> <p>The Architect's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that the external design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. Although the Kitching sculpture is no longer extant, surviving archival documentation would enable an accurate reconstruction to take place.</p> <p>Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement in the following areas:</p> <ul style="list-style-type: none"> <li>• The whole building, as assessed by leading architectural historian, Dr Philip Goad, is a 'startling piece of large-scale environmental sculpture, modelled and lit at night as a giant public ornament' (Gruzman &amp; Goad 2006: 28).</li> <li>• The building incorporated the sculpture of a leading Australian sculptor, Michael Kitching, which although no longer extant, has the potential to be accurately reconstructed.</li> <li>• The building experimented with materials and technology, as evidenced by the precast concrete and glass spiral staircase, the circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both functional and aesthetically pleasing.</li> </ul>

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## State Heritage Register Nomination Form



<p><b>D. It has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.</b></p>	<p>It meets this criterion of State significance because...</p> <p>The building has contributed to the community life of Double Bay since its completion in 1971. It has accommodated prominent professional firms on the upper floors and prominent retail businesses and restaurants on the lower floors. Its covered podium areas facing Cooper and Bay Streets generously made private space available for public enjoyment.</p> <p>Together with the Royal Oak Hotel opposite, Gaden House has formed an urban gateway leading from the predominantly residential area of Cooper Street to the west to the cosmopolitan Double Bay shopping centre to the east.</p> <p>The construction of Gaden House on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner through the first half of the 20th century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.</p>
<p><b>E. It has potential to yield information that will contribute to an understanding of the cultural or natural history of NSW.</b></p>	<p>It meets this criterion of State significance because...</p> <p>The archaeological potential of the site is considered to be low with any early resources likely to have been highly disturbed by the demolition of the former garage building on the site and the excavation and construction of the existing building.</p> <p>The building incorporates a simple concrete structure and retains most of its original external fabric including the terrazzo base, glazed shop walls, external lighting circles heralding shop entrances, stainless steel handrail leading to basement level and metal-clad louvres on each of the facades.</p> <p>The interior retains the original terrazzo flooring, precast concrete and glass open tread spiral stair, original perspex dome at the top of the stair, most of the original circular ceiling system on the top floor, original full-height aluminium frosted glass entrance doors to offices, some original floor-mounted power-points and most of the original layout.</p> <p>These original elements, internally and externally, have the potential to yield information about architectural thinking at the time by demonstrating a local architectural interpretation of international modernism in both the pared-down external elevations and the attention to internal details such as stair, doors, floors and ceiling patterns.</p> <p>To quote long-term occupant and architect Bruce Stafford: 'It is great to work in a largely intact work of one of Sydney's most respected modernist architects'.</p>

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## State Heritage Register Nomination Form



<p><b>F. It possesses uncommon, rare or endangered aspects of the cultural or natural history of NSW.</b></p>	<p>It meets this criterion of State significance because...</p> <p>When completed in 1971, Gaden House set a standard for Double Bay in terms of quality of aesthetics, functionality and contribution to the surrounding streetscape, which has hardly been matched since. Although Gruzman designed a further two commercial buildings in Bay Street in the 1970s, neither of these structures measures up to the quality of design of Gaden House, although the three buildings as a group contribute to the growing sophistication of Double Bay shopping centre.</p> <p>The fact that Gaden House has survived in a relatively intact manner, both internally and externally, since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.</p> <p>Architectural historian, Philip Goad, describes Gruzman's non-residential insertions into Sydney's urban fabric in the 1960s, such as Gaden House, as 'crafted graftings of startling modernity...that by their very difference seemed to resonate with significance' (Gruzman &amp; Goad 2006: 28).</p>
<p><b>G. It is important in demonstrating the principal characteristics of a class of cultural or natural places/ environments in NSW.</b></p>	<p>It meets this criterion of State significance because...</p> <p>Gaden House is:</p> <ul style="list-style-type: none"> <li>• A fine example of International Modernism expressed in suburban Sydney.</li> <li>• A fine and representative example of the work of Neville Gruzman, architect.</li> <li>• A fine example of the integration of aesthetics and functionality, thereby expressing the characteristics of International Modernism.</li> <li>• A fine example of the modernist design aesthetic which paid attention to all aspects of the design of the building from the external form to the smallest details of the interior, seamlessly integrating form, function and beauty.</li> <li>• A fine example of environmentally appropriate architecture, designing for climate, orientation and location.</li> <li>• A fine example of a building that integrates sculpture and architecture.</li> <li>• A representative embodiment of the cosmopolitan nature of Double Bay in the early 1970s.</li> </ul>

### F. Listings

#### 10. Existing heritage listings

Check one box for each of the following listings:

Listed	Not listed	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local environmental plan (LEP) - heritage item (call the local council to confirm)

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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Regional environmental plan (REP) - heritage item</b> (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>LEP - Conservation area</b> (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Draft LEP - Draft heritage item</b> (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Draft LEP - Draft conservation area</b> (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>State Heritage Register</b> (search the register at <a href="http://www.heritage.nsw.gov.au">www.heritage.nsw.gov.au</a> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>National Trust register</b> (call the National Trust to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Aboriginal heritage information management system</b> (by Dept. of Environment & Conservation)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Royal Australian Institute of Architects Register of 20<sup>th</sup> Century Architecture</b> (call the RAlA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>National shipwreck database</b> (search <a href="http://maritime.heritage.nsw.gov.au/public/welcome.cfm">maritime.heritage.nsw.gov.au/public/welcome.cfm</a> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Engineers Australia list</b> (call Engineers Australia to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>National Heritage List</b> (search Australian Heritage Database <a href="http://www.deh.gov.au/cgi-bin/ahdb/search.pl">www.deh.gov.au/cgi-bin/ahdb/search.pl</a> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Commonwealth Heritage List</b> (search above Australian Heritage Database)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Register of the National Estate</b> (search above Australian Heritage Database)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>NSW agency heritage and conservation section 170 register</b> (call owner or occupier Agency)
<b>Other listings:</b>		

### G. Photograph

#### 11. Image 1



<b>Subject of photo:</b>	Gaden House viewed
<b>Date of photo:</b>	March 2018
<b>Photographer:</b>	Anne Warr
<b>Copyright holder:</b>	Anne Warr

Include additional photographs and images in section J.

If possible, please also provide a high resolution, publication-quality copy of this image saved to disk (or as non-digital prints) with the signed hard-copy of the nomination form.

### H. Author

#### 12. Primary author of this form

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## State Heritage Register Nomination Form

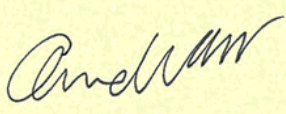


<b>Your name:</b>	Ms	Anne (first)	Warr (family)
<b>Organisation:</b>	Anne Warr Heritage Consulting		
<b>Position:</b>	Director		
<b>Daytime phone number:</b>	0418619639		
<b>Fax number:</b>	-		
<b>Postal address:</b>	42 Kent Street (street address or postal box)		
	Millers Point (suburb or town)		
	NSW (state)	2000 (post code)	
<b>Email address:</b>	warr.anne@gmail.com		
<b>Date form completed:</b>	23 August 2018		

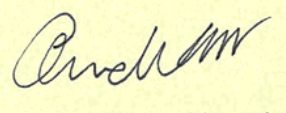
### 13. References used for completing this form

	Author	Title	Publisher	Repository / location	Year published
1.	Guzman, N & Goad, P	Guzman, An Architect and His City	Craftsman House	Victoria	2006
2.	Woollahra Municipal Council	Archives		Double Bay	
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

### 14. Signed by author

 Author (sign and print name)	04 SEPT 2018 Dated
---	-----------------------

### 15. Signed by copyright holder(s) of image(s)

 Image copyright holder (sign and print name)	04 SEPT 2018 Dated
---	-----------------------

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## State Heritage Register Nomination Form



Image copyright holder (sign and print name)	Dated
Image copyright holder (sign and print name)	Dated

Signing 14 and 15 confirms the author of this form and copyright holder(s) of images give permission for the Heritage Branch to use non-confidential information and images entered in this form for any purpose related to processing the nomination. Possible uses include (but are not limited to) publication on the Heritage Branch website, newsletter, reports or other publications. The author of the form, image copyright holder(s) and photographer(s) will be acknowledged when published.

### I. Nominator

#### 16. Nominator to be contacted by Heritage Branch

<b>Name:</b>	Ms	Catherine (first)	Colville (family)
<b>Organisation:</b>	Woollahra Municipal Council		
<b>Position in organisation:</b>	Strategic Heritage Officer - Strategic Planning		
<b>Daytime phone number:</b>	(02) 9391 7062		
<b>Fax number:</b>	(02) 9391 7044		
<b>Postal address:</b>	536 New South Head Road (street address or postal box)		
	Double Bay (suburb or town)		
	NSW (state)	2028 (post code)	
<b>Email address:</b>	catherine.colville@woollahra.nsw.gov.au		

<b>Alternate contact name:</b>	Mr	Chris (first)	Bluett (family)
<b>Position in organisation:</b>	Manager Strategic Planning		
<b>Daytime phone number:</b>	(02) 9391 7083		
<b>Fax number:</b>	(02) 9391 7044		
<b>Postal address:</b>	536 New South Head Road Double Bay NSW 2028		
<b>Email address:</b>	chris.bluett@woollahra.nsw.gov.au		

#### 17. Reasons for nomination

<b>Background or reasons for nomination:</b>	An assessment of significance has been undertaken on the property in accordance with the OEH guidelines 'Assessing Heritage Significance' (NSW Heritage Office 2001) and the property has been assessed as meeting the criteria for listing at State level.
--	---

#### 18. Form signed by nominator for submitting

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## State Heritage Register Nomination Form



Nominator (sign and print name)	Dated
---------------------------------	-------

### CHECKLIST

[Spell check your form - double click here \(or F7\)](#)

Before submitting this form, check that you have:

- completed all yellow sections, and other sections marked as essential.
- completed blue sections wherever possible.
- explained why the place or object is *state* significant in the statement of state significance.
- explained *how* one or more of the criterion has been fulfilled for listing.
- inserted photographs, maps and other illustrations as digital or scanned images.
- acknowledged all sources and references you used.
- signed and dated this form.
- obtained the nominator's and image copyright holders' signatures.
- if possible, attached a disk (or non-digital prints) for posting select image/s of high resolution, suitable for publication.

### TO SUBMIT THIS NOMINATION:

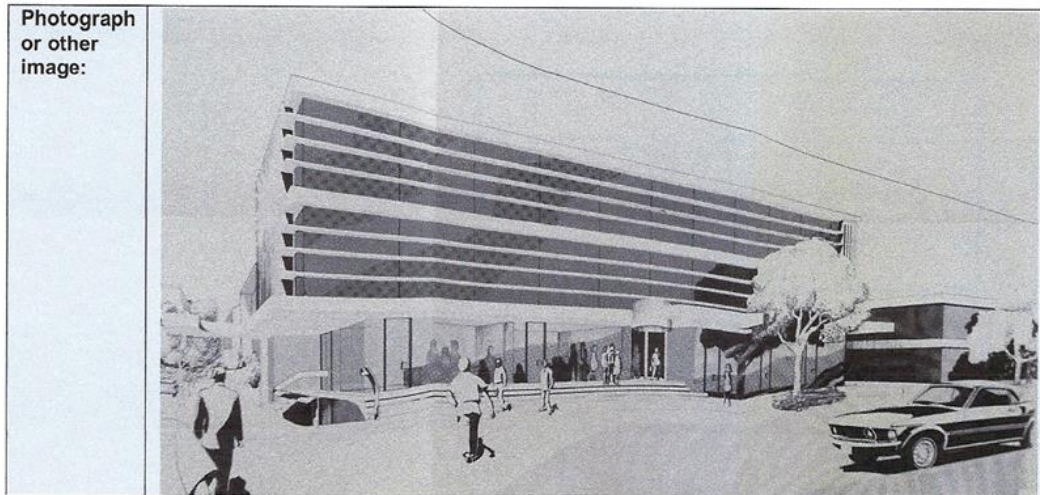
<p><b>Post all of the following:</b></p> <ol style="list-style-type: none"> <li>1. a signed hard-copy of the form;</li> <li>2. an electronic copy of the completed form saved to disk (unless you prefer to email it separately); and</li> <li>3. other attachments, such as high-resolution copies of photographs suitable for publication.</li> </ol>	<p><b>Addressed to:</b></p> <p>The Director Heritage Branch NSW Department of Planning Locked Bag 5020 Parramatta NSW 2124</p> <hr/> <p><b>If an electronic copy of the form is not posted, email it instead to:</b></p> <p><a href="mailto:nominations@planning.nsw.gov.au">nominations@planning.nsw.gov.au</a></p>
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# State Heritage Register Nomination Form



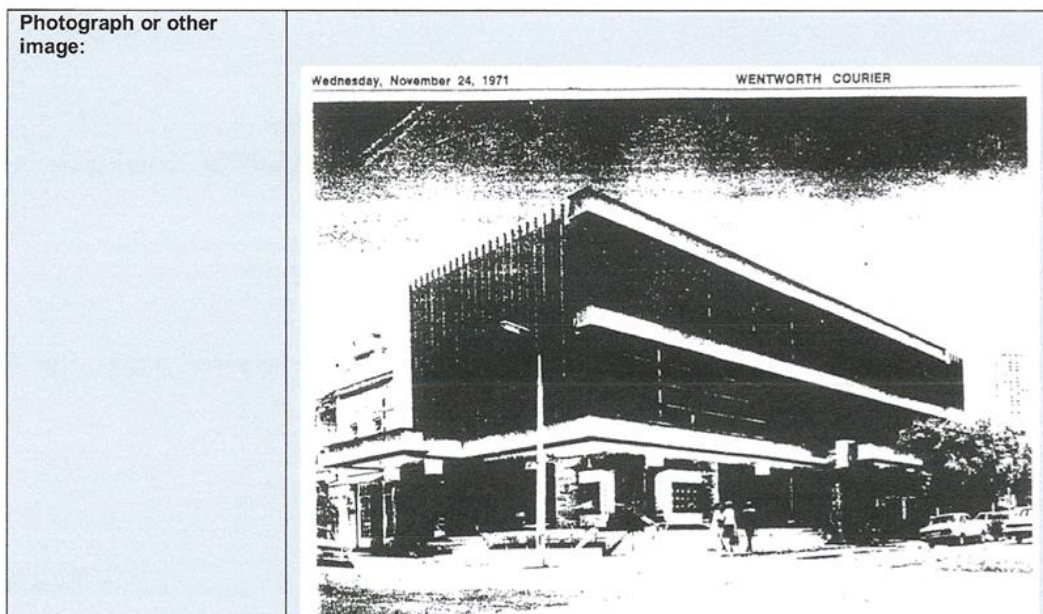
## J. Additional photographs, maps or other images

Image 2



<b>Subject of image:</b>	Woollahra Council DA 58/69, Perspective by Neville Gruzman Architect showing northern façade of proposed Gaden House, Double Bay.
<b>Date of image:</b>	18 March 1969
<b>Photographer or author:</b>	Neville Gruzman Architect
<b>Copyright holder:</b>	Woollahra Municipal Architect

Image 3



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<b>Subject of image:</b>	Gaden House - A Trend Setter
<b>Date of image:</b>	24 November 1971
<b>Photographer or author:</b>	Wentworth Courier
<b>Copyright holder:</b>	Wentworth Courier

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Issue of 16/06/2008  
Design by C. Loffi

# State Heritage Register Nomination Form

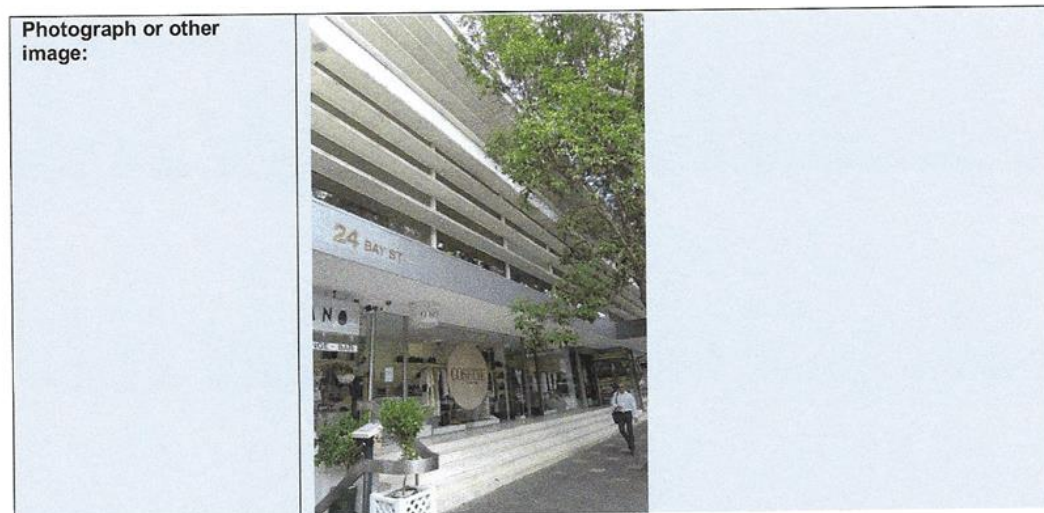


**Image 4**



<b>Subject of image:</b>	Architectural Section through Gaden House, with Michael Kitching sculpture highlighted in yellow.
<b>Date of image:</b>	2006
<b>Photographer or author:</b>	Ted Quinton
<b>Copyright holder:</b>	Craftsman House, Victoria

**Image 5**



<b>Subject of image:</b>	Northern podium of Gaden House
<b>Date of image:</b>	March 2018
<b>Photographer or author:</b>	Anne Warr
<b>Copyright holder:</b>	Anne Warr

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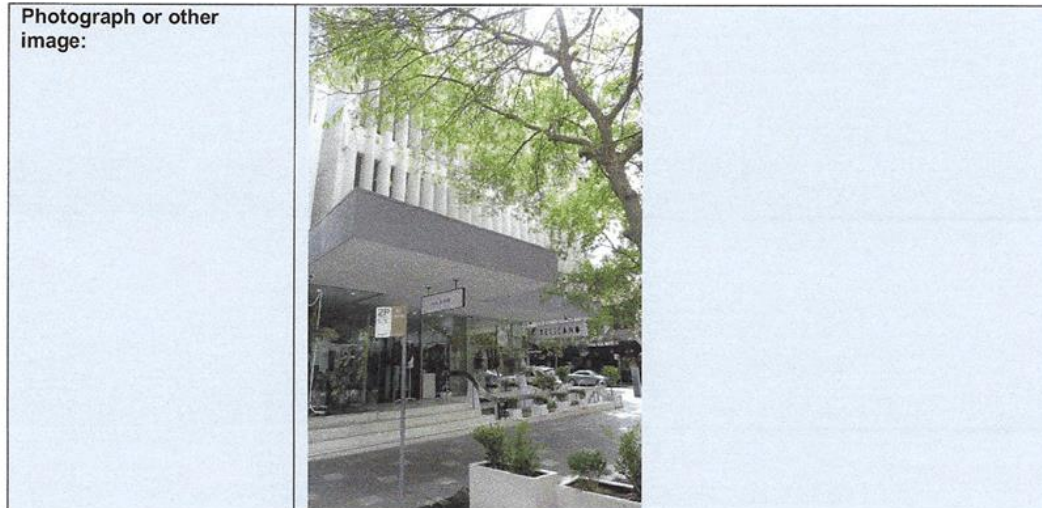
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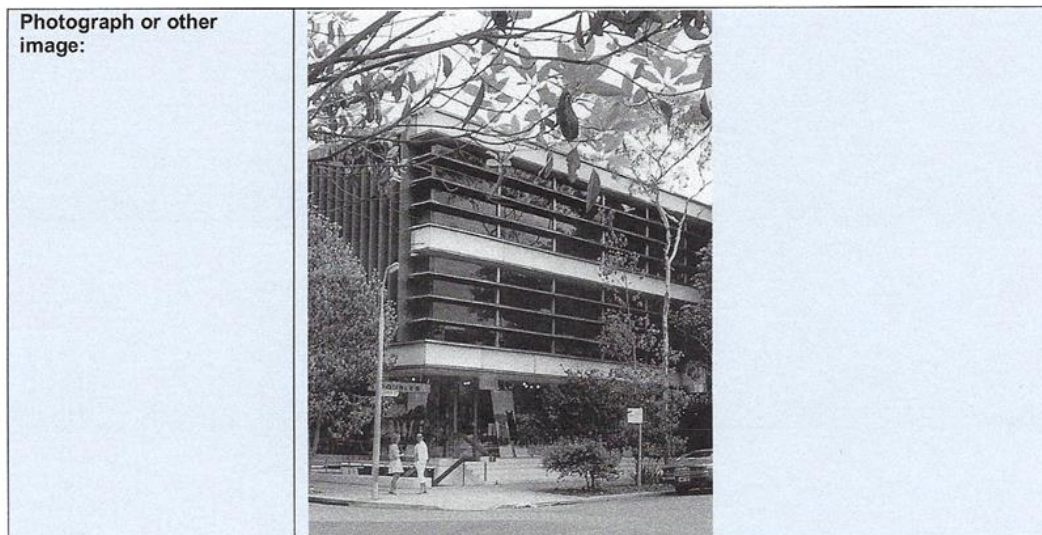


**Image 6**



<b>Subject of image:</b>	Bay Street elevation, Gaden House
<b>Date of image:</b>	March 2018
<b>Photographer or author:</b>	Anne Warr
<b>Copyright holder:</b>	Anne Warr

**Image 7**



<b>Subject of image:</b>	Gaden House - North East Elevation
<b>Date of image:</b>	1971
<b>Photographer or author:</b>	David Moore
<b>Copyright holder:</b>	

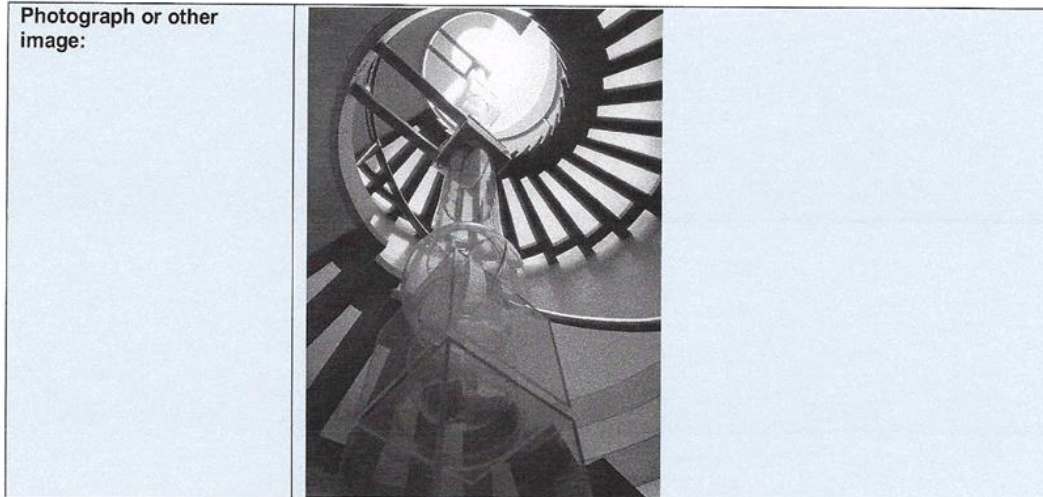
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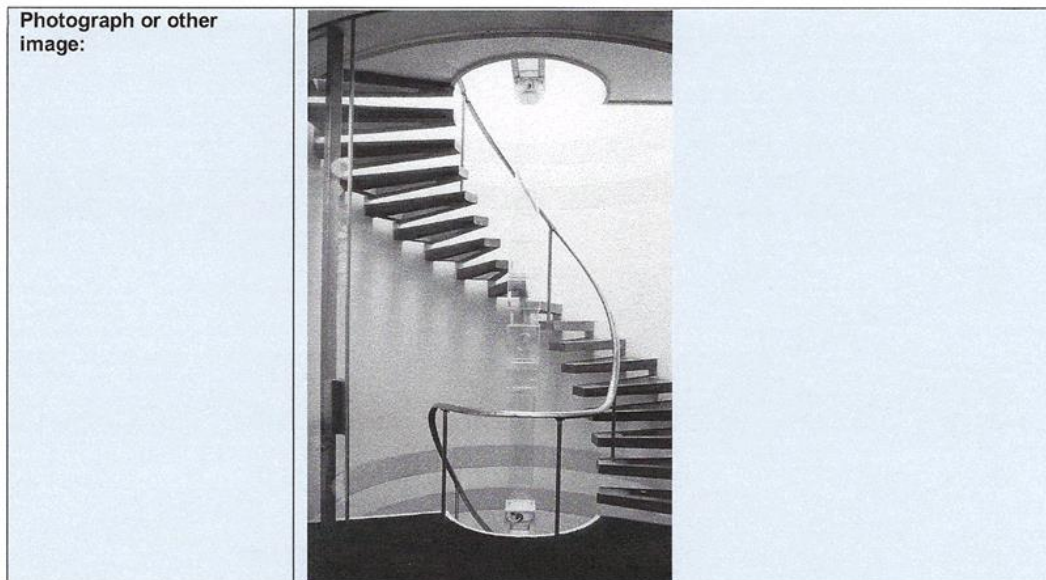


**Image 8**



<b>Subject of image:</b>	Spiral stair and Kitching Sculpture
<b>Date of image:</b>	1971
<b>Photographer or author:</b>	David Moore
<b>Copyright holder:</b>	David Moore

**Image 9**

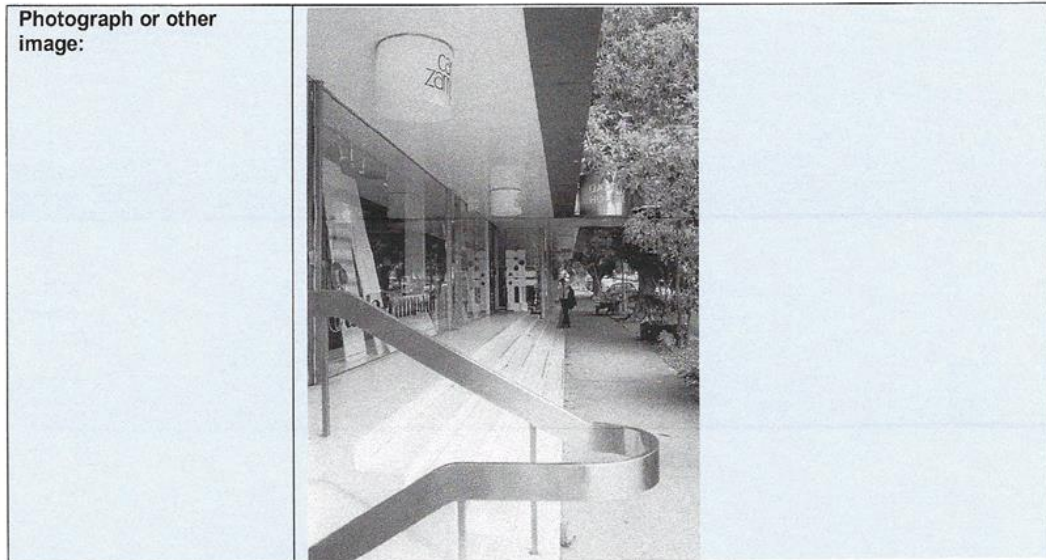


<b>Subject of image:</b>	Spiral stair and Kitching sculpture
<b>Date of image:</b>	1971
<b>Photographer or author:</b>	David Moore
<b>Copyright holder:</b>	David Moore

# State Heritage Register Nomination Form

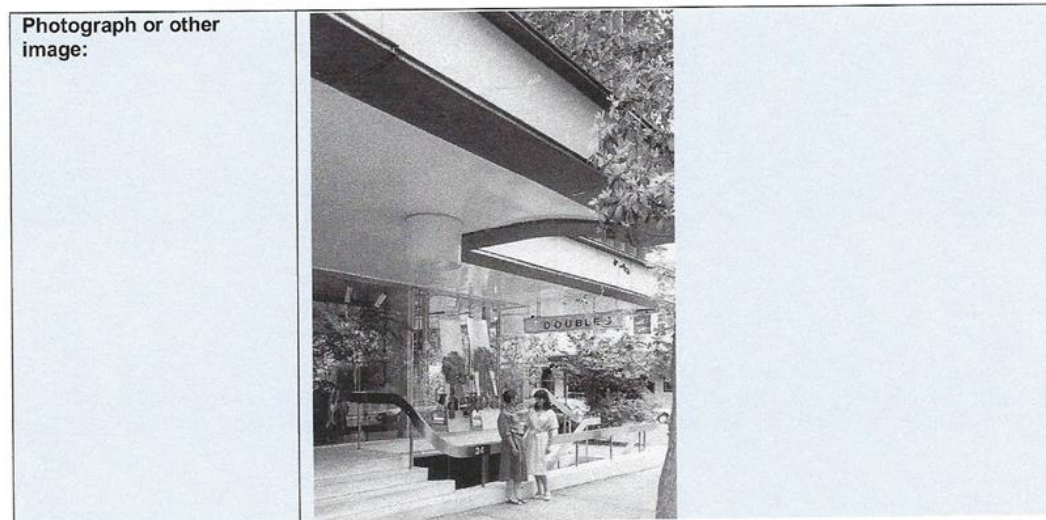


**Image 10**



<b>Subject of image:</b>	Northern podium and Carla Zampatti shop
<b>Date of image:</b>	1971
<b>Photographer or author:</b>	David Moore
<b>Copyright holder:</b>	David Moore

**Image 11**



<b>Subject of image:</b>	Bay Street elevation
<b>Date of image:</b>	1971
<b>Photographer or author:</b>	David Moore
<b>Copyright holder:</b>	David Moore

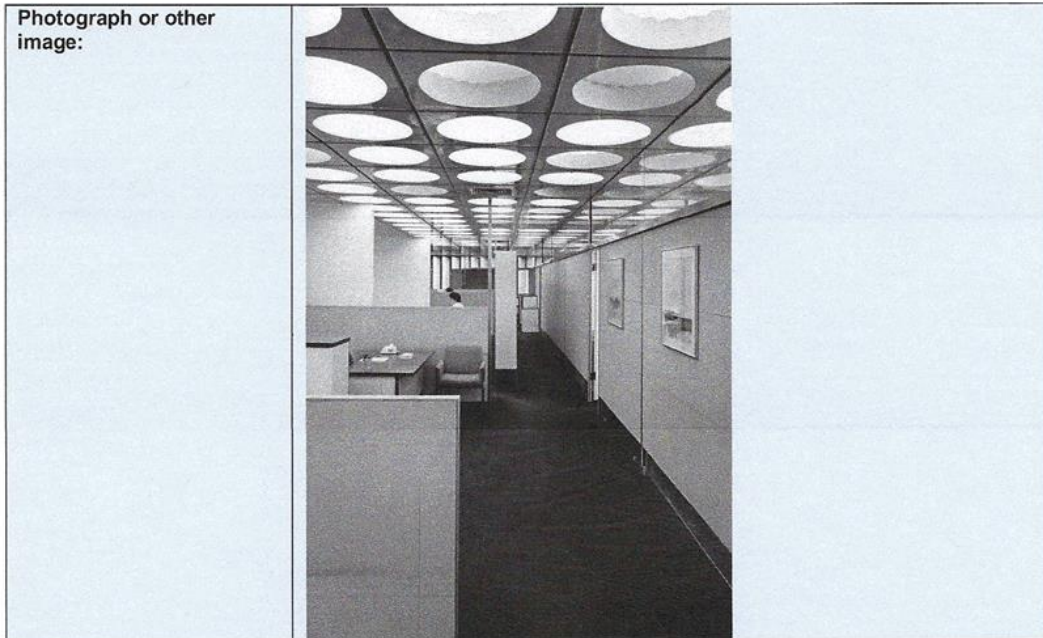
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# State Heritage Register Nomination Form



**Image 12**



<b>Subject of image:</b>	Upper floor specially designed ceiling system for uniform lighting and Air con.
<b>Date of image:</b>	1971
<b>Photographer or author:</b>	David Moore
<b>Copyright holder:</b>	David Moore

**Image 13**

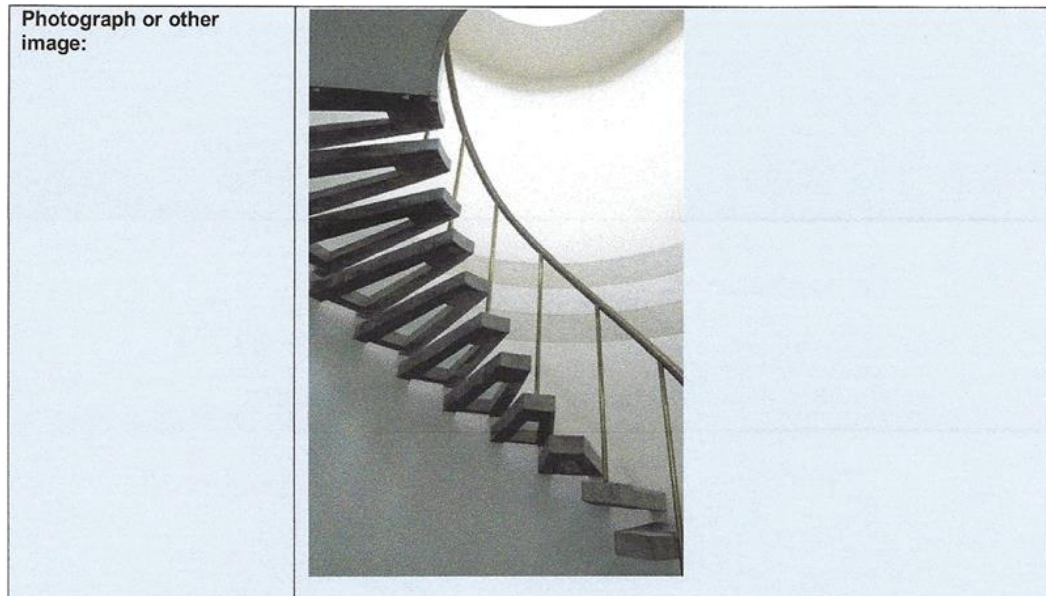


<b>Subject of image:</b>	Upper level ceiling system
<b>Date of image:</b>	March 2018
<b>Photographer or author:</b>	Anne Warr
<b>Copyright holder:</b>	Anne Warr

## State Heritage Register Nomination Form

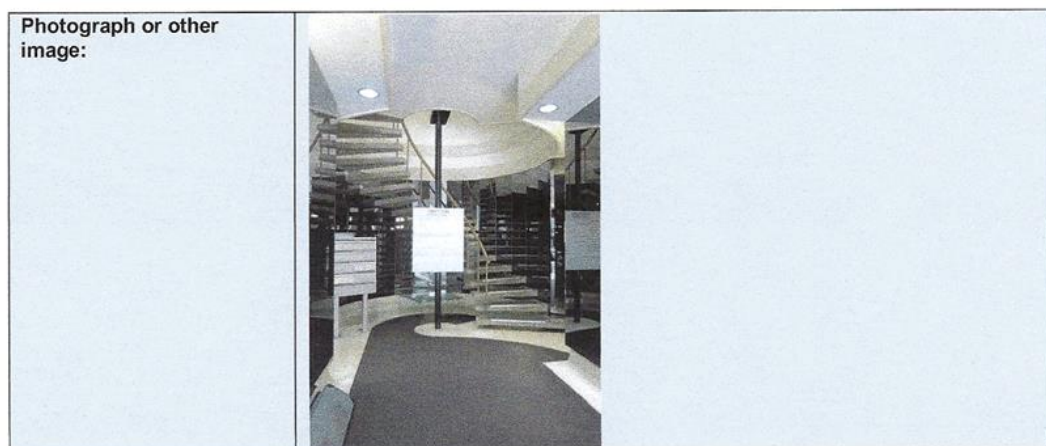


**Image 14**



<b>Subject of image:</b>	Spiral staircase
<b>Date of image:</b>	March 2018
<b>Photographer or author:</b>	Anne Warr
<b>Copyright holder:</b>	Anne Warr

**Image 15**



<b>Subject of image:</b>	Spiral Staircase at lobby entrance
<b>Date of image:</b>	March 2018
<b>Photographer or author:</b>	Anne Warr
<b>Copyright holder:</b>	Anne Warr

12<sup>th</sup> of July 2018

## Appendix 6

Woollahra Council  
536 New South Head Road  
Double Bay NSW 2028  
Ph: 9391 7000  
E: [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)

To whom it may concern,

### **Heritage 21 – Letter to Council**

2A COOPER STREET, DOUBLE BAY

This is to confirm that Heritage 21 has been appointed as the heritage architects for the proposed development at 2A Cooper St, Double Bay. Heritage 21 has perused the report of Gaden House as produced by Anne Warr, we agree with most of the recommendations in the Anne Warr report and believe that the Neville Gruzman design should be kept and conserved.

Accordingly, we intend to work with the developer in order to add additional floors above Gaden House while conserving the key attributes of the existing building.

Naturally new services will have to be introduced such as lifts, parking and related services and we intend to work with the developer and his architect to ensure that these services are introduced in a manner least deleterious to the heritage attributes of the building.

Heritage 21 intends to undertake a thorough assessment of the heritage attributes of the building by undertaking a schedule of conservation works in which each element will be identified and assessed in terms of its significance and graded through the OEH criteria as follows;

- Exceptional
- High
- Moderate
- Little
- Intrusive

While this assessment is being prepared, we suggest that Council does not list the item either as a local or State listed item as recommended by Anne Warr in her June 2018 report.

Given the complexity of the new direction we request an additional 4 weeks from Council in order to return with a report identifying the changed direction with the proposed new development.

Yours sincerely,



**Paul Rappoport – Heritage Architect  
Director**

B. Arch., AIA, MURP, M. ICOMOS, IHBC  
Registered Architect No. 5741 - NSW Architects Registration Board  
Master of Urban & Regional Planning (Hons) - MURP  
Member of Society of Architectural Historians - SAHANZ  
Member of Australia ICOMOS – M. Australia ICOMOS  
Member of The Institute of Historic Building & Conservation - IHBC  
Member of International Planning History Society – IPHS  
Member of The Twentieth Century Heritage Society of NSW Inc.

**Heritage21**

[www.heritage21.com.au](http://www.heritage21.com.au)

Suite 48, 20-28 Maddox Street  
Alexandria



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RAPPOPORT PTY LTD

TEL: 9519-2521

[reception@heritage21.com.au](mailto:reception@heritage21.com.au)

## Appendix 7



07.08.18

Chris Bluett  
Manager Strategic Planning  
Woollahra Municipal Council  
536 New South Head Road  
Double Bay, NSW 2028

### **GADEN HOUSE, 2A COOPER STREET, DOUBLE BAY**

---

#### **PROPOSED HERITAGE LISTING**

Dear Mr Bluett,

We have been instructed to review the report by Anne Warr Heritage Consulting, "Gaden House 2A Cooper Street, Double Bay: A Heritage Assessment" prepared on 20 June 2018 and provide our professional advice as to whether the report establishes adequate grounds for a state or local listing. We have undertaken a detailed inspection of the property and reviewed all available material. We also note that further detail structural and fire safety assessments are afoot at the owner's instructions by others.

Heritage 21 does acknowledge that Gaden House attains the requisite standards of significance for historic, associational, aesthetic, social, technical, rarity and representative significance at a local level. The values which attain the requisite standards of significance at a local level are attributed to the presentation of the building to the street, particularly the façade, the history of the building and the architectural style and the association with the architect, Neville Gruzman.

We note that the Heritage Assessment produced by Anne Warr links the subject site to the following historic themes outlined in the NSW Heritage Manual:

- Theme 4: Building settlements, towns and cities: Accommodation; Local Theme; Activities associated with the provision of accommodation, and particular types of accommodation.
- Theme 4: Building settlements, towns and cities: Towns, Suburbs and villages; Local Theme; Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages.
- Theme 8: Developing Australia's Cultural Life: Creative Endeavour; Local Theme; Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.

---

Heritage21  
20-28 Maddox Street, Alexandria  
www.heritage21.com.au



Page | 1 of 4

TEL: 9519-2521  
reception@heritage21.com.au



However, in Heritage 21's opinion, in assessing the subject building against the Historic Themes framework, the links to the state themes, are in our opinion, tenuous. The subject building does not attain the requisite standards of significance warranting National or State listing. It is Heritage 21's opinion that the subject site is closely linked to the following local historic themes:

- Local Theme 3: Activities relating to buying, selling and exchanging goods and services.

Constructed to host the offices of the law firm, Gaden, Bowen & Stewart and retail spaces, the original intended use of the building has been maintained since construction. Opening in 1971, the mixed-used building was constructed within the commercial precinct of Double Bay. Although the tenants have changed since construction, the building has continued to serve the local economy. In assessing its contribution to the development of the local, regional and national economies it is apparent that Gaden House continues to generate a contribution to the local economy particularly in being placed within the local Double Bay civic centre and offering a select number of retail and commercial services.

- Local Theme 4: Activities associated with creating, planning and managing urban functions, landscapes, and lifestyles in towns, suburbs and villages.

The extract from the Wentworth Courier located within the Anne Warr report indicates that the building was welcomed as "a new kind of standard for Double Bay." As such, Neville Gruzman was even invited to construct two additional commercial buildings within Bay Street, Double Bay. Gruzman was regarded as a prominent figure within the Double Bay community, even eventually serving as Mayor of Woollahra. Although Gruzman has been well regarded throughout NSW, the commercial buildings within Double Bay sought to serve the local community and is tied to the local development of the commercial precinct of Double Bay.

- Local Theme 8: Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.

Gaden House was designed by Neville Gruzman, challenging the traditional form and styles of mixed-use buildings. However, the comparative analysis provided by Anne Warr indicates that mixed-use buildings constructed during a similar period, such as Liner House, also sought to challenge the traditional forms and introduced creative detailing. Gaden House has been prominent within the Double Bay commercial precinct, receiving local recognition for its contribution to the civic centre and the commercial precinct of Double Bay.





- Activities of, and associations with, identifiable individuals, families and communal groups

Gaden House was designed by prominent architect Neville Gruzman, a prominent figure within the local community. Known for his residential buildings, Gaden House led the way to Gruzman then designing two other commercial buildings located on Bay Street, Double Bay.

Gaden House was important in the development of Double Bay, particularly with regard to the innovative design and its placement within the commercial precinct of Double Bay. However, in assessing its contribution to the economy and the development of retail within New South Wales, Heritage 21 believes that its contribution is at a local level at best, but certainly not elevated into the echelons of State significance. In this regard, we believe that the Anne Warr report inaccurately conflates local themes with state themes. The significance of the architectural style of the building, whilst creative and progressive for the period in which it was constructed, is closely associated with the architect, Neville Gruzman. Gruzman’s work was confined mainly to the suburbs of Sydney - the majority of which was in houses as opposed to commercial buildings. Gruzman’s buildings were not constructed all over the state of NSW. They were confined mainly to the Eastern suburbs of Sydney and the North Shore. As such, the significance of the subject building is tied to its contribution to the local economy and prominence within the commercial precinct of Double Bay.

As assessed above, it is of our opinion that whilst the building is significant to the local community and notably the development of Double Bay, it does not attain the requisite standards of significance to the state of New South Wales which are listed as follows;

NSW Historic State Themes	Does the subject building qualify?
Environment (natural)	No
Aboriginal cultures	No
Convict	No
Ethnic Influences	No
Migration	No
Agriculture	No
Commerce	No
Communication	No
Communication	No
Cultural Landscape	No
Events	No
Exploration	No
Fishing	No
Forestry	No
Health	No
Industry	Yes, but not at a state level.
Mining	No



Pastoralism	No
Science	No
Technology	Yes, but not at a state level.
Transport	No
Towns, suburbs and villages	Yes, but not at a state level.
Land tenure	No
Utilities	No
Accommodation	Yes, but not at a state level.
Labour	No
Education	No
Defence	No
Government and administration	No
Law and order	No
Welfare	No
Domestic Life	No
Creative endeavor	Yes, but not at a state level.
Leisure	No
Religion	No
Social institutions	No
Sport	No
Births and death	No
Persons	Yes, but not at a state level.

As can be seen from the table above, there is little about the subject building that one could say is State-representative as opposed to locally representative.

Heritage 21 would agree with Anne Warr that a Conservation Management Plan should be written for the site. However, at this stage, Heritage 21 does not believe that the site attains the requisite standards for listing Gaden House on the State Heritage Register.

Yours sincerely,

**Paul Rappoport – Heritage Architect  
CEO**

B. Arch., AIA, MURP, M. ICOMOS, IHBC  
Registered Architect No. 5741 - NSW Architects Registration Board  
Master of Urban & Regional Planning (Hons) - MURP  
Member of Society of Architectural Historians - SAHANZ  
Member of Australia ICOMOS – M. ICOMOS  
Member of The Institute of Historic Building & Conservation - IHBC  
Member of International Planning History Society – IPHS  
Member of The Twentieth Century Heritage Society of NSW Inc.

Heritage21  
20-28 Maddox Street, Alexandria  
www.heritage21.com.au



Page | 4 of 4

TEL: 9519-2521  
reception@heritage21.com.au

## Appendix 8

**GADEN HOUSE**  
**2A Cooper Street**  
**Double Bay NSW**

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### Comments on Heritage 21 report on Proposed Heritage Listing

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#### 1.0 Introduction

This report has been prepared by Anne Warr Heritage Consulting following a request by Woollahra Municipal Council to review the document 'Gaden House. Proposed Heritage Listing' prepared by Paul Rappoport of Heritage 21 dated 7<sup>th</sup> August 2018.

#### 2.0 Abbreviations

H21 Heritage 21  
AW Anne Warr Heritage Consulting  
GH Gaden House

#### 3.0 Comments on Heritage 21 Report

H21 comments	AW response
<i>H21 acknowledges that GH meets requisite standards for significance at a local level (H21 2018: 1).</i>	Agreed.
<i>The values for local listing include 'presentation of the building to the street, particularly the façade' (H21 2018: 1).</i>	GH includes significant interiors, as well as a significant façade. A significant portion of the original custom designed internal finishes survive intact, making the building of historic, technical and aesthetic importance for its interiors as well as external facade.  The fact that a large portion of the original architectural detailing survives internally elevates the building to a level of state significance for Criteria (e) – the item having potential to yield information that will contribute to an understanding of NSW's cultural or natural history.
<i>H21 includes Local Theme 3 as part of Local significance.</i>	Agreed. This omission should be rectified in AW report.
<i>'...the commercial buildings within Double bay sought to serve the local community</i>	Just because an item is important to a local community, doesn't preclude it from being of State significance.

<p><i>and is tied to the local development of the commercial precinct of Double Bay.'</i></p>	
<p><i>'However, the comparative analysis provided by Anne Warr indicates that mixed-use buildings constructed during a similar period, such as Liner House, also sought to challenge the traditional forms and introduced creative detailing. Gaden House has been prominent within the Double Bay commercial precinct, receiving local recognition for its contribution to the civic centre and the commercial precinct of Double Bay.'</i></p>	<p>Not sure what H21 is disputing here.</p> <p>The fact that other buildings at the time, such as Liner House, sought to challenge traditional forms and introduce creative detailing should not preclude Gaden House from being listed for its similar significance.</p> <p>According to the NSW Heritage Division Guidelines: 'An item is not to be excluded from listing at local or state levels on the ground that items with similar characteristics have already been listed at local or state levels.'</p>
<p><i>Gaden House was designed by prominent architect Neville Gruzman, a prominent figure within the <b>local</b> community.</i></p>	<p>Gruzman's work was held in high esteem by the wider NSW architectural community during his lifetime, as evidenced by the two exhibitions held in 1959 and 1983 by the NSW chapter of the RAI to recognise his work, by his Order of Australia in 1984, and by his membership of the Prime Minister's Urban Design Taskforce in 1993.</p>
<p><i>Known for his residential buildings, Gaden House led the way to Gruzman then designing two other commercial buildings located on Bay Street, Double Bay.</i></p>	<p>Gruzman was known for much more than his residential buildings.</p> <p>Gruzman &amp; Goad (2006) provide a list of Gruzman's Opus, 1949 to 2003, at the end of the book. This list reveals that Gruzman designed 87 houses, 30 commercial buildings, 4 apartment blocks, 4 schools and participated in 6 major urban design projects; - proof that Gruzman was known for a wide opus of work, which included commercial as well as residential buildings. Purnell Motors, a commercial building completed in 1955, was one of Gruzman's earliest, finest and most acclaimed buildings.</p>
<p><i>However, in assessing its contribution to the economy and the development of retail within New South Wales, Heritage 21 believes that its contribution is at a local level at best, but certainly not elevated into the echelons of State significance. In this regard, we believe that the Anne Warr report inaccurately conflates local themes with state themes.</i></p>	<p>H21 seems to be basing their assessment of significance purely on grounds of the number of NSW Historic State themes that the building qualifies under. Analysis of the State Historic themes is not sufficient to determine if a building is significant or not.</p> <p>No arguments are put forward to dispute the analysis of Gaden house under the 5 assessment criteria provided in Anne Warr's Assessment, which conclude that the building is of local and state significance.</p>

<p><i>The significance of the architectural style of the building, whilst creative and progressive for the period in which it was constructed, is closely associated with the architect, Neville Gruzman. Gruzman's work was confined mainly to the suburbs of Sydney - the majority of which was in houses as opposed to commercial buildings.</i></p>	<p>The fact that a building is located in the suburbs does not preclude it from state significance. This argument would imply that only buildings in the CBD can therefore be considered of state significance, and buildings designed in the suburbs can only ever be of local significance; - a flawed argument not substantiated by Heritage divisions guidelines on state significance.</p> <p>The fact that Gruzman may have designed 87 houses and only 30 commercial buildings does not mean that his commercial buildings are any less significant. Even if GH was the one and only commercial building designed by Gruzman, that would not necessarily preclude it from listing at State level – it may, in fact, be the very factor to warrant its inclusion at State level on the grounds of rarity.</p>
<p><i>Gruzman's buildings were not constructed all over the state of NSW. They were confined mainly to the Eastern suburbs of Sydney and the North Shore. As such, the significance of the subject building is tied to its contribution to the local economy and prominence within the commercial precinct of Double Bay.</i></p>	<p>This is a very spurious argument. NSW Guidelines for State significance do not require that an architect have designed buildings all over the state before any of their structures can be considered of state significance. Harry Seidler did not design buildings all over NSW. Quantity and location are not a test of significance.</p>
<p><i>State Themes:</i></p> <p><i>H21 list 6 state themes that they believe GH qualifies for.</i></p>	<p>Agree that GH qualifies under the 6 state themes identified by H21. In addition, GH qualifies under the theme 'Commerce' and 'Cultural Landscape'. GH is a commercial building and this should be the foremost theme it is listed under. In all, there are 4 National Themes and 5 state themes GH qualifies under; - a significant number.</p>
<p><i>Heritage 21 would agree with Anne Warr that a Conservation Management Plan should be written for the site.</i></p>	<p>This is a major concession from H21. A CMP would not normally be required to be undertaken for a building of only local significance. CMPs are generally reserved for places of state significance.</p>

### General Comments on H21 report

The H21 report argues that GH is only of local significance, not of state significance, for the following reasons:

- The building's values 'are attributed to the presentation of the building to the street, particularly the facade' (H21: 1). **This analysis fails to recognise the importance of the original internal detailing, a large proportion of which survives intact, including the circular staircase, perspex dome, custom-designed ceiling system, aluminium door system etc.**

- Gruzman is only 'a prominent figure within the local community.' **Not true.**
- Gruzman's work was 'mainly confined to the suburbs of Sydney.' **Not relevant**
- The majority of Gruzman's work was 'in houses as opposed to commercial buildings'. **Not relevant**
- 'Gruzman's buildings were not constructed all over the state of NSW'. **Not relevant.**
- Because Gruzman's buildings were 'confined mainly to the Eastern suburbs of Sydney and the North Shore...the significance of the subject building is tied to its contribution to the local economy and prominence within the commercial precinct of Double Bay'. **Locality is not a determinant of significance.**

The H21 report seems to be arguing that if a building is located in a suburb, then it can only be of local significance, and that an architect's buildings need to be located across the state in order to be of state significance. Clearly these are fallacious arguments. The location of a building does not necessarily determine its level of significance, with buildings of state significance being located in suburbs, in rural areas as well as in central Sydney. An architect is not required to have a body of work located across the state, or a body of work in commercial buildings for a commercial building to be considered of state significance.

Anne Warr's Assessment highlights Criteria (c) for demonstrating GH as being of Exceptional significance at a State and Local levels.

*Criteria (c): An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);*

The NSW Heritage Office document, 'Assessing Significance', gives the following guidelines for inclusion of an item at state or local levels for Criteria (c):

Guidelines for INCLUSION	GH compliance
• shows, or is associated with, creative or technical innovation or achievement	The building experimented with materials and technology, as evidenced by the precast concrete and glass spiral staircase, the circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both functional and aesthetically pleasing.
• is aesthetically distinctive	The whole building, as assessed by leading architectural historian, Dr Philip Goad, is a 'startling piece of large-scale environmental sculpture, modelled and lit at night as a giant public ornament' (Gruzman & Goad 2006: 28).  The building incorporated the sculpture of a leading Australian sculptor, Michael Kitching, which although no longer extant, could be accurately reconstructed.
• has landmark qualities	The construction of Gaden House on the site in 1971 was a creative leap, transforming what had been a pragmatic suburban subdivision with a motor garage on the corner

	through the first half of the 20 <sup>th</sup> century, into a sculptural object at the junction of three streets in the increasingly sophisticated and cosmopolitan post-war shopping centre of Double Bay.
<ul style="list-style-type: none"> <li>• exemplifies a particular taste, style or technology</li> </ul>	The Architect's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that the external design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. Although the Kitching sculpture is no longer extant, surviving archival documentation would enable an accurate reconstruction to take place.

The Sydney Morning Herald of 13<sup>th</sup> August 2018, featured an article regarding a plan by the City of Sydney 'to preserve some of its most prominent modernist architecture', highlighting the lack of protective listing for many of Sydney's important post-war modern buildings. The full article is included in the Appendix to this report.

Anne Warr FRAIA PhD MICOMOS  
 42 Kent Street  
 Millers Point NSW 2000  
 28th August 2018.

**Appendix – SMH 13 August 2018.**

Towers of concrete and glass are among buildings that will be saved from the wrecking ball under a City of Sydney council plan to preserve some of its most prominent modernist architecture.

The council is proposing to heritage list office blocks, a church and playground sculpture as examples of Modern Movement design that should be protected from the city's development rush.

Among them is the MLC Centre in Martin Place and the former Sydney County Council building on George Street, as well as the brutalist buildings of Town Hall House and the Sydney Masonic Centre.

The proposal also takes in lesser known examples including St Peter Julian's Catholic Church and Monastery in Haymarket and Anita Aaron's *Earth Mother* play sculpture in Cook and Phillip Park.

The plan is set to revive the debate over preserving the city's modern architecture that was sparked by the push to save Sydney's most famous brutalist building, Sirius in the Rocks, from destruction.

Modern Movement architecture produced some of the 20th century's most important architecture, including styles known as modern, brutalist and Sydney school, the Heritage Council of NSW said.

A heritage study, commissioned by the council, has recommended nine sites for heritage listing on Sydney's local environment plan.

The Ausgrid building on George Street in Sydney, formerly the Sydney County Council building, is among modernist buildings Clover Moore's council wants to preserve.

The listing would ensure any future development took the building's heritage into account as part of the application process, in a bid to retain significant building features and maintain its character.

Councillors called for the study "in response to increasing development pressure on central Sydney's post-war architecture of potential heritage significance", the report said.

Sydney lord mayor Clover Moore said the Modern Movement era was an important chapter in the city's architectural history and should be preserved.



"Sydney is home to many rare examples of post-war modern architecture, built while the city was experiencing major change in the decades after World War II.

"Architects of the Modern Movement were reformers, responding to the social, political and economic upheaval caused by industrialisation and world wars and this architecture reflects a key moment in Sydney's history."

Cr Moore said many buildings from that period had "sadly been demolished or modified beyond recognition".

"It is essential we preserve these important contributions to our city's architecture for future generations."

Only five Sydney buildings erected in the post-war period between 1945 and 1975 had been listed on state, national or world heritage lists, she said. That included the Opera House, which gained world heritage status in 2007.

The Central Sydney Planning Committee, made up of representatives from the state government and City of Sydney, will consider the proposal at a meeting next month.

If approved, the plan will be weighed by the Greater Sydney Commission and put on public exhibition.

The director of heritage conservation in the faculty of architecture, design and planning at the University of Sydney, Cameron Logan, said while some people viewed modernist architecture as "an attack on the civic decorum of the city" or "just plain ugly", it had gained greater acceptance.

"I think what is fundamentally important, and has often been missed, is that many buildings of this period had a strong civic intent and presence, and Town Hall House is an excellent example.

"We need to reimagine or redefine our past in terms of citymaking, it can't be a dead letter, fixed idea."



## Annexure 2

### Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_WOOLL\_003\_00):** to list a new heritage item at 2A Cooper Street, Double Bay (also known as 24-26 Bay Street, Double Bay).

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Minister of Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to list a new heritage item at 2A Cooper Street, Double Bay (also known as 24-26 Bay Street, Double Bay) should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
  - (a) update the project timeline; and
  - (b) clearly reference that state heritage listing is separate to this LEP amendment.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the Office of Environment and Heritage (OEH) under section 3.34(2)(d) of the Act. OEH is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The time frame for completing the LEP is to be **nine months** following the date of the Gateway determination.

Dated *11<sup>th</sup>* day of *February* 2019.

  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Minister of Planning**

PP\_2018\_WOOLL\_003\_00 (IRF18/6173)

## Annexure 3

**From:** [Adrian Bonomi Architect](#)  
**To:** [Records](#)  
**Subject:** SC4429 Submissions  
**Date:** Wednesday, 27 February 2019 11:37:42 AM  
**Attachments:** [A+ colour.jpg](#)

---

Dear Council,

I support this submission and the heritage listing of Gaden House and its interiors.

Kind regards, Adrian

adrian bonomi architect

m: [REDACTED]  
t: [REDACTED]  
w: [REDACTED]

[REDACTED]  
Architect Registered in Victoria No.16748



**From:** [Tim Holmes a Court](#)  
**To:** [Records](#)  
**Subject:** SC4429 - Gaden House  
**Date:** Wednesday, 27 February 2019 2:07:42 PM

---

I would like to voice my support of the proposal to list Gaden House, including its interiors as a heritage item.

Kind Regards

Tim Holmes a Court

**From:** [Les Houlton](#)  
**To:** [Records](#)  
**Subject:** gaden house. cooper Street Double Bay  
**Date:** Wednesday, 27 February 2019 3:11:47 PM

---

I am in full support for your proposal to Heritage Listing of this fine well designed and built office retail building. Wolfe Houlton [REDACTED] [REDACTED]

Sent from my Samsung Galaxy J1 2016 on the Telstra Mobile Network

RORY TOOMEY SC4429

Re GARDEN HOUSE  
COOPER STREET  
DOUBLE BAY

I am in full support  
of your local heritage  
status proposal

For many years I have  
admired this building  
& contribution it makes  
to its setting/streetscape

L. H. H. H.

retired former member  
Royal Institution of  
Chartered Surveyors.

**From:** [Rory Toomey](#)  
**To:** [Records](#)  
**Subject:** Ref No. SC 4429  
**Date:** Thursday, 28 March 2019 5:27:22 PM  
**Attachments:** [image003.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

---

Attention:  
The General Manager  
Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Yours faithfully



**Rory Toomey**  
Principal Design Excellence  
Architect NSW Registration 7743

**Government Architect NSW**



cid:image008.jpg@01D46A1E.D5CF6910



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**From:** [REDACTED]  
**To:** [Records](#)  
**Subject:** Garden house  
**Date:** Friday, 29 March 2019 8:39:59 AM

---

To whom it may concern

NSW is not doing enough to preserve its outstanding architectural styles, allowing buildings to be knocked down and concrete rabbit warrens being put up in their place.

These historic buildings contain precious materials no longer available, so we lose not only those buildings but the embodied energy which went into building them.

Please ensure Gaden House is heritage listed and saved into the future as an example of excellent architecture and building skills.

Yours faithfully,  
Keelah Lam

[REDACTED]

Sent from my iPhone

**From:** [Annalisa Capurro](#)  
**To:** [Records](#)  
**Subject:** Re: Ref SC 4429 -Gaden House  
**Date:** Friday, 29 March 2019 2:00:23 AM

---

Attention:

*General Manager, Woollahra Council*

Re: Ref SC 4429 -Gaden House

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully,*

*Annalisa Capurro*

**From:** [john.downie](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429  
**Date:** Thursday, 28 March 2019 11:06:43 PM

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully*

John Downie

Lifelong eastern suburbs resident Architecture student

**From:** [Sam Marshall](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429  
**Date:** Friday, 29 March 2019 7:30:07 AM

---

The General Manager  
Woollahra Council

I fully support for the proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

Neville Guzman was an early father of early Modernism in Australia. Few examples exist of public buildings of his work and others such as architects like Gaden House. Woollahra Council should be proud to have such a fine example in its municipality.

Regards

Sam Marshall

Nominated Architect Sam Marshall ARB 4644  
ABN 88003637401



**From:** [Duncan Gibbs](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Thursday, 28 March 2019 11:06:53 PM  
**Attachments:** [DG\\_Instagram.png](#)

---

Attention:  
The General Manager  
Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

There is a paucity of listings of our more recent modernist heritage and listing Gaden House would be of great service to the cause of more generally protecting our build environment, encouraging sensitive adaptive reuse and reducing building waste and CO2 production.

I hope the Council comes to the same conclusion many of us in the NSW design community has. We are agents of change, so when we speak out against the destruction of a building or landscape we do not do so lightly.

Kindest regards  
Duncan



ABN: 59 519 081 278



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**From:** [Larry Melocco](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Thursday, 28 March 2019 11:07:36 PM

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully*

Larry Melocco  
Director | Brewster Hjorth Architects  
Registered Architect 5418



**From:** [Andreas Antoniadis](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Friday, 29 March 2019 8:48:48 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)  
[image004.png](#)

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Attention: The General Manager

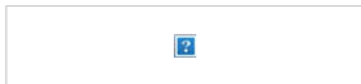
Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage. The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Yours Sincerely

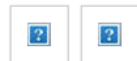
Andreas Antoniadis

Andreas Antoniadis | Principal



[Redacted text]

Nominated Architect: Andreas Antoniadis | NSW Reg. 7954 | VIC Reg. 19449 | ACT Reg. 2401



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P Please consider the environment before printing this e-mail

**From:** [john.bohane](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429  
**Date:** Friday, 29 March 2019 9:22:41 AM

---

*Re Ref SC 4429*

Attention:

The General Manager

Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

I am a design Architect and find it a stunning and inspiring example of early environmentally considered design.

It would be a great loss to our shared cultural heritage if it was demolished. In time, I believe it will be more recognised and valued.

Yours faithfully

John Bohane NSW Registered Architect 9404



**From:** [Cristy](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Friday, 29 March 2019 9:21:26 AM

---

Attention:

The General Manager  
Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Garden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposal amendment will recognize and protect a unique and significant example of modernist architecture by an important Sydney architect.

Yours faithfully,

Cristina Andrade

**From:** [ti.coleing](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429 Save Gaden House as heritage for Woollahra & Sydney  
**Date:** Friday, 29 March 2019 9:33:55 AM

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully*

Ti Coleing  
Former long-time Woollahra resident

**From:** [Wei J](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Friday, 29 March 2019 9:35:36 AM

---

Attention:

The General Manager

Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Yours faithfully

Weixu Ji

**From:** [Jacki Bennett](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Friday, 29 March 2019 9:39:16 AM

---

*Attention: The General Manager,*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect. It is vitally important that we, as a community, take firm action to ensure that our recent heritage is protected and cared for. It is an unfortunate situation that we are losing too many of our wonderful buildings from the last 30-80 years as they are often not considered to have historical importance.*

*It is my view that our recent building stock is of great value, as it reflects who we were at the time, who we thought we were and aspired to be, what the world was like at that time. The Architecture of the recent past is a tangible record of the social, political, technological and artistic aspects of their time, and so should be given the highest level of protection.*

*I hope that your actions in protecting Gruzman's work can help bring attention to the wider importance of valuing and protecting our recent heritage.*

*Yours faithfully*

Kind regards,

Jacki Bennett

.....  
Jacqueline Bennett  
NSW Registered Architect 6536  
Bennett Murada Architects

[Redacted signature block]

**From:** [Elise Nguyen](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429 - Save GADEN HOUSE, Neville Gruzman's modernist masterpiece in Sydney's east  
**Date:** Friday, 29 March 2019 9:57:09 AM

---

Attention:

The General Manager

Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Yours faithfully

Elise Nguyen | Graduate Architect

**From:** [Amanda Stewart](#)  
**To:** [Records](#)  
**Subject:** re:SC4429 Submissions - Gaden House, 2A Cooper Street, Double Bay  
**Date:** Friday, 29 March 2019 10:10:53 AM

---

RE: SC4429 Submissions - Gaden House, 2A Cooper Street, Double Bay

[REDACTED]

Woollahra Municipal Council,  
The General Manager,  
PO Box 61,  
Double Bay NSW 1360

Dear General Manager,

We are writing to express our strong support for the above SC4429 Submission to heritage list both the interiors and exterior of Gaden House and to require the restoration of features that have been damaged or destroyed so that this important building is restored and preserved for future generations.

Gaden House is an important example of Australian modernist architecture by renowned Sydney architect, Neville Gruzman. It has been an iconic building in Double Bay for decades since it was constructed in the 1960's, enhancing the beauty and sophistication of the Double Bay village. We were horrified to learn that a DA had been lodged which would threaten this status with proposals to demolish its beautiful terra exterior terrazzo steps, vertical and horizontal sun shades and its interior spiral staircase and add an additional two stories which would completely destroy the character of the building. We were relieved when the DA was withdrawn.

We applaud Council for seeking to protect this unique and extraordinary building for posterity and very strongly support the whole building being heritage listed and restored as much as possible, both inside and outside, as originally designed. Gordon Stewart from Gaden, Bowen and Stewart (as Gaden was originally called) was one of the main instigators of this building which I had the pleasure of seeing constructed when I was a child so Gaden House is of particular significance to our family. However, irrespective of this, the building remains a very important example of Australian 60's modernist architecture of the highest quality and creative innovation and must be preserved for the future. Given its uniqueness and fascinating integration of architectural

and sculptural elements, the building is of state and national significance as well.

We strongly support the listing of all remaining original interior and external features as well as the re-instatement and remediation of those original features that have been altered or removed. The Mike Kitching sculpture work that flowed through the building should be re-instated, the perspex dome maintained and bronze and stainless steel features that remain returned to their original form. Smaller features should also be listed to enable as comprehensive preservation of the building features as possible.

We strongly support the proposals in Woollahra Council's planning proposal to amend Woollahra Local Environmental Plan 2014 (woollahra LEP 2014) to list Gaden House, including its interiors as a heritage item so that ongoing protection and recognition of the heritage significance of the entire building is achieved.

This building should also be a candidate for State and National listing, given how intact it remains as an important example of Australian modernist architecture from the 1960's.

Thank you for considering our submission.

Yours Sincerely,

Amanda Stewart

**From:** [Samuel Russo](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Friday, 29 March 2019 10:11:59 AM

---

The General Manager  
Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Kind Regards,  
Samuel Russo





**From:** [Kevin Purdy](#)  
**To:** [Records](#)  
**Subject:** re:SC4429 Submissions - Gaden House, 2A Cooper Street, Double Bay  
**Date:** Friday, 29 March 2019 10:46:45 AM

---

Woollahra Municipal Council,  
  
The General Manager,  
  
PO Box 61,  
  
Double Bay NSW 1360

Dear General Manager,

I am writing to express my strong support for the above SC4429 Submission to heritage list both the interiors and exterior of Gaden House and preserve this important building for future generations.

As an example of 1960's Australian modernist architecture, the building is of state and national significance as well as remaining an iconic building which adds to the attractiveness and sophistication of Double Bay.

I am very pleased that Council is proposing to make sure that this is important building is protected for posterity and support the re-instatement and restoration of all damaged or destroyed features, in particular the Mike Kitching sculptural elements integral to the building.

I very strongly support Woollahra Council's planning proposal to amend Woollahra Local Environmental Plan 2014 (woollahra LEP 2014) to list Gaden House, including its interiors as a heritage item so that ongoing protection and recognition of the heritage significance of the building and interiors is achieved.

Yours Sincerely,

Kevin Purdy

--

Musician / producer / composer / selector / musicologist / etc  
Soft Records - manager



**From:** [Anna Antoniadis](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429  
**Date:** Friday, 29 March 2019 11:09:30 AM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

---

Attention: The General Manager

Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Kind Regards,

Anna Antoniadis  
principal  
NSW architects registration number 8687

ant residential design



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**From:** [Ray Fitz-gibbon](#)  
**To:** [Records](#)  
**Subject:** Gaden House Heritage Listing  
**Date:** Friday, 29 March 2019 11:09:06 AM  
**Attachments:** [image001.jpg](#)

---

Woollahra Council,

I fully support and urge Council to have Gaden House and its interiors included on Woollahra Council's heritage register.

I remember being very impressed by the quality of design of this building as a your Architect

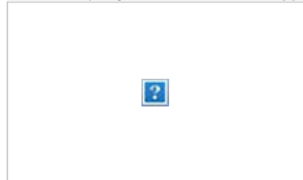
Regards

Ray Fitz-Gibbon

Ray Fitz-Gibbon  
Registered Architect 5718

[Redacted contact information]

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**From:** [Fatemeh Mohaghegh](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Friday, 29 March 2019 12:20:36 PM

---

Attention:

The General Manager

Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Yours faithfully

FatemehMohaghegh

**From:** [Alex Cameron](#)  
**To:** [Records](#)  
**Subject:** Support for GADEN HOUSE  
**Date:** Friday, 29 March 2019 3:17:32 PM

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully*

--  
---

Alex Cameron

**From:** [Tedharkness](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429 GADEN HOUSE  
**Date:** Friday, 29 March 2019 2:23:10 PM  
**Attachments:** [image.png](#)

---

The General Manager

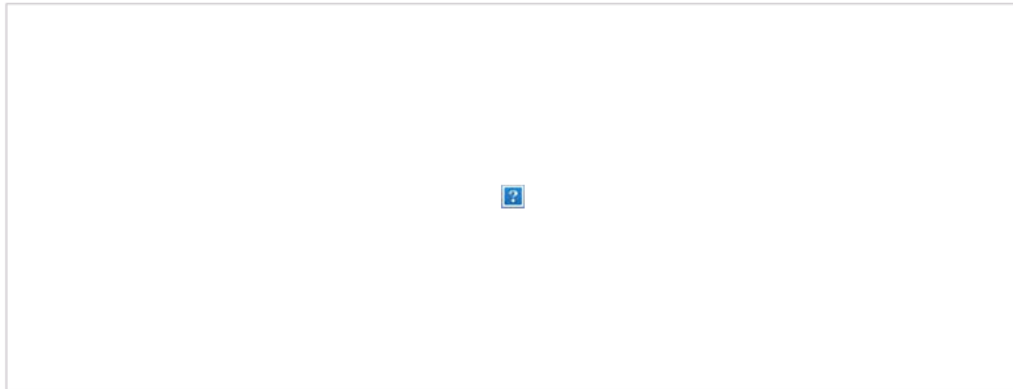
Woollahra Council

Please amend the Woollahra LEP 2014 to include Gaden House and its interiors

in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The building and its architect are highly regarded.

Yours faithfully



**From:** [Andrew Becher](#)  
**To:** [Records](#)  
**Subject:** Re Ref SC 4429  
**Date:** Friday, 29 March 2019 2:35:56 PM

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully*

*Andrew Becher*

**From:** [Bruce Stafford](#)  
**To:** [Records](#)  
**Subject:** GADEN HOUSE : SUPPORT FOR COUNCIL  
**Date:** Friday, 29 March 2019 2:50:29 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)

---

I have been a tenant in Gaden house for the past 15 years. I can testify that this building is a fine example of modernist architecture, is environmentally responsible, sustainable and most worthy of listing as a Local and State Heritage Item.

I support Council's proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect, Neville Gruzman.

Regards,



Bruce Stafford | Director

**studio\_bsa** Bruce Stafford Architects



cid:image002.jpg@01D495F8.636D1BF0



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**From:** [Phillip Arnold](#)  
**To:** [Records](#)  
**Subject:** Your reference SC4429, re Gaden House, 2A Cooper St, Double Bay  
**Date:** Friday, 29 March 2019 3:57:17 PM

---

I write in relation to support the planning proposal for Gaden House, 2A Cooper St, Double Bay.

I would also like to congratulate Council on their action to protect this important item of heritage significance.

I have become aware of a CDC that has been issued to demolish significant parts of the interior and to instal a new stair. I encourage Council to examine promptly whether an Interim Heritage Order can be put in place.

I also understand that part of the CDC documentation shows a lift shaft extending well outside the existing building. This being the case can you please explore whether or not the CDC is valid.

I would appreciate being kept informed about both the planning proposal and your investigations into the CDC.

Regards

Phillip

±  
[Plus Minus Design](#)  
[Phillip Arnold](#)

Nominated Architect  
NSW ARB 10101



**From:** [Venti, Laura](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429  
**Date:** Friday, 29 March 2019 4:04:16 PM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.gif](#)  
[image004.gif](#)

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully,*  
Laura

**Laura Venti**  
Director - Design  
9Powered



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**From:** [Laura Venti](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429  
**Date:** Friday, 29 March 2019 4:05:19 PM

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully,*  
Laura

**LAURA VENTI**



**From:** [Nikki Arya](#)  
**To:** [Records](#)  
**Subject:** REF: Ref SC 4429  
**Date:** Friday, 29 March 2019 4:20:56 PM

---

REF: Ref SC 4429

BODY TEXT:

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

Regards,  
Nikki Arya

**From:** [Sean Royle](#)  
**To:** [Records](#)  
**Subject:** Garden house  
**Date:** Friday, 29 March 2019 4:13:08 PM

---

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully,*

*Sean Royle*

**From:** [Alexandra Koszo](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429  
**Date:** Friday, 29 March 2019 4:32:49 PM

---

Attention:

The General Manager: Woollahra Council

I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.

The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.

Yours faithfully,

Alexandra Koszo

**From:** [David Boyle](#)  
**To:** [Records](#)  
**Subject:** Ref SC 4429 Gaden House  
**Date:** Saturday, 30 March 2019 7:01:09 PM

---

*Re Ref SC 4429*

*Attention:*

*The General Manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully,*

*David Boyle*

*Registered Architect*







The General Manager  
Woollahra Municipal Council  
533 New South Head Road  
Double Bay  
NSW 2028

29<sup>th</sup> March 2019

RE: Planning Proposal, Local heritage listing of Gaden House, 2A Cooper Street Double Bay

We advise that we act for AMA Holdings Pty Ltd, owners of 2A Cooper Street, who have requested we respond to Council on their behalf regarding the Planning Proposal to amend the Woollahra Local Environment Plan ( WLEP ) to include Gaden House as a local heritage in the item in the WLEP.

We confirm the previous submission to Council by the owner's heritage consultant Paul Rappaport on 7<sup>th</sup> August 2018, that Gaden House reaches the threshold of significance for heritage listing at the local level, but Mr Rappaport does not consider it has sufficient significance for heritage listing at the State level.

We also confirm our support of the assertion at paragraph 2 of page 12 of the Planning Proposal *"...that the planning proposal will have a positive social and economic effects because:*

- *Heritage listing will provide ongoing protection and recognition of the social heritage significance of the item.*
- *Heritage listing will not preclude future development of Gaden House which is undertaken in accordance with heritage requirements.*
- *It is not anticipated that the planning proposal will have any negative social and economic effects which need to be addressed as part of the proposal.*

Consequently we wish to advise on behalf of the owners AMA Holdings Pty Ltd, that we support the Planning Proposal to include Gaden House as a local heritage in the item in the WLEP.

Yours sincerely



Chris Howe  
Director  
Nominated Architect NSW Reg 6758  
Registered Architect NZ Reg 2973  
AIA, NZIA, ATA, AUSES, USGBC

c.c. Michael Xu, General Manager AMA Holdings Pty Ltd  
Brett Daintry, Daintry Associates  
Paul Rappaport, Heritage 21

howe  
architects





**From:** [Juliet Byrnes](#)  
**To:** [Records](#)  
**Subject:** SC4429 Submissions  
**Date:** Friday, 29 March 2019 6:24:06 PM

---

Hi

Whilst I believe in progress, In this instance I support listing of Gaden House for its condition, architecture and reflection of Sydney in that era combined with its architect.  
Thanks

Sent from my iPhone

**From:** [Jackson Wray](#)  
**To:** [Records](#)  
**Cc:** [REDACTED]  
**Subject:** Ref SC 4429  
**Date:** Friday, 29 March 2019 10:09:18 PM

---

*To whom this may concern and the general manager*

*Woollahra Council*

*I am writing to express my strong support for this proposal to amend the Woollahra LEP 2014 to include Gaden House and its interiors in Part 1 Heritage Items of Schedule 5 Environmental Heritage.*

*The proposed amendment will recognise and protect a unique and significant example of modernist architecture by an important Sydney architect.*

*Yours faithfully,*

*Jackson Wray*

--  
Jackson Wray

**From:** [Zara Khalil](#) on behalf of [Steven Meredith](#)  
**To:** [Catherine Colville](#); [Anne White](#)  
**Cc:** [Jorge Alvarez](#)  
**Subject:** Gaden House heritage listing planning proposal submission  
**Date:** Monday, 8 April 2019 9:59:44 AM

---

Dear Ms Colville & Ms White,

Thank you for the opportunity to comment on the proposed local heritage listing of Gaden House at Bay Street, Double Bay on the heritage schedule of the Woollahra Municipal Council LEP.

The Heritage Division does not object to the listing and notes that the proposal is supported by the 2018 *Heritage Assessment – Gaden House* prepared by Anne Warr of Anne Warr Heritage Consulting.

If you have any further queries please do not hesitate to contact Natalie Blake, Senior Heritage Operations Officer, Southern Region at the Heritage Division, Office of Environment and Heritage on [REDACTED] or [REDACTED].

Regards Steve,

*Yata wiiija (be well)*  
**Steve Meredith**  
Regional Manager  
Southern  
Heritage Division  
**Office of Environment & Heritage**



*I acknowledge and respect the traditional custodians and lands I work across*  
***Protect, celebrate and share our history***

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**Item No:** R2 Recommendation to Council  
**Subject:** **REVIEW OF PADDINGTON HERITAGE CONSERVATION AREA CONTROLS**  
**Author:** Catherine Colville, Strategic Heritage Officer  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/53558  
**Reason for Report:** To obtain a Council decision to prepare a draft development control plan to amend Woollahra Development Control Plan 2015.  
To obtain a Council decision to refer the draft development control plan to the Woollahra Local Planning Panel for advice.

**Recommendation:**

- A. THAT a draft development control plan be prepared to amend Woollahra Development Control Plan 2015, as described in detail in Annexure 2 of the report to the Environmental Planning Committee meeting on 15 April 2019.
- B. THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

---

**1. Background**

This report responds to two primary decisions of the Council regarding controls in Woollahra DCP 2015 that apply to the Paddington Heritage Conservation Area (HCA).

First, on the 26 April 2016, Council adopted the following notice of motion:

*THAT Council requests staff to:*

- a) *Prepare a report reviewing council's controls which relate to rear pavilion additions in Paddington, specifically: C1.3.1 and C1.4.3 of the Woollahra DCP2015;*
- b) *Consult with the Paddington DCP Working Party in preparing the review;*
- c) *Provide recommendations, where necessary, to improve how the DCP can be applied to best meet its heritage conservation objectives for Paddington.*

The notice of motion arose from concerns by some Councillors about the bulk, scale and siting of pavilion additions to single storey buildings as well as the proportions of the structure which linked the pavilion to the main building.

The second decision occurred on 10 April 2017, when the Council adopted the following notice of motion:

*THAT Council requests staff to urgently prepare a report reviewing the Paddington HCA Development Control Plan's infill controls (C1.3.13) with a view to:*

- a) *formalising community expectations and council's intention that infill controls in Paddington apply:*

- i) *only to the whole site or lot which is totally devoid of all existing built form and/or heritage fabric; and*
- ii) *not to any other sites, including those with existing built form and/or fabric where alterations or additions are proposed (including but not limited to breezeways and backyards, and the airspace over single story garage structures).*
- b) *recommending a change to the DCP to introduce a definition for land to which the infill provisions will apply, including articulation of where the infill controls will not apply;*
- c) *fostering design excellence within the Paddington heritage conservation area;*
- d) *further minimising bulk and scale permissible under the current infill control set;*
- e) *ensuring that the infill controls work in harmony with the DCP provisions for lofts over garages in Paddington.*

In response to Council's resolutions of 26 April 2016 and 10 April 2017, staff drafted amendments to the relevant sections of the Woollahra DCP 2015 in regard to rear pavilion additions, infill and side addition developments within the Paddington HCA. Staff then met with the Paddington HCA Working Party (formerly Paddington DCP Working Party) on three occasions to workshop the draft amendments. The Paddington HCA Working Party is a reference group which draws its membership from Councillors appointed by the Mayor, and representatives of The Paddington Society, the National Trust and the Woollahra History and Heritage Society. The Working Party provides input and comments on the preparation and review of heritage conservation controls applying to the Paddington HCA. The Minutes of the Working Party Meetings are attached at **Annexure 1**.

Input to the review has also involved the Woollahra Local Planning Panel (WLPP). Since it commenced in March 2017, the WLPP has determined local DAs that fall within the following categories: conflict of interest, contentious development, departure from development standards and sensitive development. In considering these DAs, the WLPP has provided staff with comments on the current suite of controls and internal procedures. One of the issues raised by the WLPP has been the use of contemporary materials in the Paddington HCA. The WLPP noted that *Table 7 Materials and details in C1.5.8* of Chapter C1 of the Woollahra DCP 2015 identifies appropriate materials for building components such as roofs, walls, windows, verandahs and so on. Materials for infill development are listed, but are not all explicitly described as "contemporary materials". The WLPP has recommended that, for clarity to the community, staff and applicants, a list of appropriate contemporary materials for infill development in the Paddington HCA should be clearly articulated in Chapter C1.

The comments from the WLPP regarding a materials schedule for infill development and several other policy matters were reported to the Environmental Planning Committee (EPC) on 4 February 2019. On 11 February 2019 the Council resolved, in part:

- A. *THAT the report on the comments from the Woollahra Local Planning Panel (WLPP) is received and noted.*
- B. *THAT a list of appropriate contemporary materials for the Paddington Heritage Conservation Area be considered by the Paddington HCA Working Party.*

The following sections of this report deal specifically with the proposed amendments to the Woollahra DCP 2015 arising from the two adopted notices and motion and the comments from the WLPP.

## 2. Proposed amendments to the Woollahra DCP 2015

In summary, the proposed amendments to the Woollahra DCP 2015 are:

Control	Woollahra DCP 2015 Chapter and clause	Chp page Nos.
New definition - courtyard	Chapter A3	A3 pg.3
Amended definition - infill development	Chapter A3	A3 pg.5
Amended definition - pavilion	Chapter A3	A3 pg.8
Amended controls - pavilion additions to the rear of single storey buildings	Chapter C1 clause C1.3.1	C1 pg.14-20
New controls - side additions to multi-storey terrace style housing	Chapter C1 clause 1.3.4	C1 pg.25-28
Amended controls - infill development (new development), including new guidelines for the use of materials (Table 2)	Chapter C1 clause C1.3.13	C1 pg.45-53
Various minor miscellaneous amendments to the Woollahra DCP 2015 that have arisen as a result of the proposed amendments for rear pavilion additions, infill and side additions, and materials for infill development	Chapter C1 clause C1.2.3 Chapter C1 clause C1.4.2 Chapter C1 clause C1.4.3 Chapter C1 clause C1.4.8 Chapter C1 clause C1.5.7 Chapter C1 clause C1.5.8	C1 pg.10 C1 pg.61-62 C1 pg.65-66 C1 pg.77-81 C1 pg.112 C1 pg.114-120

**Annexure 2** shows a draft version of the proposed amendments to the Woollahra DCP 2015, as outlined above. The amendments are shown as follows:

- inserted text is identified in blue and underlined
- deleted text is identified in red and strikethrough.

## 3. Consultation with the Paddington HCA Working Party

At the meetings held with the Working Party, Council staff presented draft amendments on the matters listed in the table above.

The majority of amendments, with some minor changes which emerged through discussion at the meetings, were supported. However, there was disagreement between Council's staff and the Working Party members on the topic of pavilion additions.

The Working Party considers that a pavilion structure must only be allowed where the structure is separated from the principal building by a courtyard. Hence, the Working Party has recommended the following definition for a pavilion:

*Pavilion – a structure which:*

- *must be wholly located at the rear of the existing principal building,*
- *must be separated from the principal building by a courtyard,*
- *may be separated by a narrow lightweight linking structure, and*
- *must be subsidiary in height, form and scale to the principal building.*

*A pavilion is not infill development, or a garage, or a loft over a garage, or a studio.*

Council staff consider the courtyard should not be an absolute requirement and in support of this position they presented a discussion paper to the Working Party meeting on 14 March 2019 (**Annexure 3**). The discussion paper outlines the research and considerations made by Council's planning and heritage staff on the requirement for a courtyard, including the practicalities of providing such a feature with a pavilion addition in Paddington.

The research undertaken by staff had regard to numerous factors, including:

- the average lot size and dimensions of properties in Paddington,
- the minimum area and dimensions of courtyards in order to provide usable spaces,
- the orientation of lots, which is particularly relevant in providing good solar access and amenity to a courtyard which may be used as part of the private open space requirement,
- the need to consider impact on adjoining properties, particularly where a pavilion structure is pushed beyond the rear alignment of those adjoining properties,
- the private open space and deep soil landscaping requirements in Chapter C1 of Woollahra DCP 2019 which apply to the Paddington HCA,
- the other legal options of providing additional floor space in a detached built form through the use of a secondary dwelling or a loft over a garage or studio,
- the 9.5m statutory height limit applying to the R2 Low Density Residential Development zone in the Paddington HCA.

As part of the research Council staff tested a range of development applications for single storey buildings in the Paddington HCA to establish how a courtyard would be incorporated. The size of the courtyards varied from 22m<sup>2</sup> to 12m<sup>2</sup>. This allowed a space which could accommodate a table, chairs, benches and circulation area. A larger area could be provided, but there are issues. A smaller area might be possible, however it would need to be useable.

The outcomes of the investigations were:

- The pavilion and courtyard combination extended development further to the rear of a site.
- In some cases the extended development broke the rear alignment of adjoining development.
- Breaching the rear alignment would represent a non-compliance with controls and would also raise the issue of privacy and amenity impacts to adjoining properties.
- If the pavilion was limited to a single storey, the amount of additional floor space was substantially reduced.
- A two storey pavilion or a pavilion with an attic level would be needed to provide a reasonable amount of habitable floor space.
- Depending on its size and configuration, the courtyard of a pavilion could form part of the required private open space and deep soil landscape area. However, a pavilion without a courtyard would not prevent usable private open space or deep soil landscape area being provided elsewhere on a site. Such spaces are required irrespective of whether a courtyard is provided.
- Potential overshadowing of the courtyard by the existing house, the pavilion and adjoining properties compromised its amenity.
- The amount of residual land which could be used for additional open space and deep soil landscaping was reduced, particularly if the lot also included off-street parking.

If a pavilion addition coupled with a courtyard is not an achievable option alternative options which place greater pressure on the principal building will be sought. These alternatives include attached extensions and roof space conversions.



Because of the sensitivity of single storey buildings, there should be a range of acceptable and practical options to accommodate additional floor space. A pavilion addition without a courtyard may be the best heritage conservation outcome in some cases.

We strongly recommend that a courtyard not be an absolute requirement where a pavilion addition is sought. This would not prevent a courtyard option in appropriate circumstances. Our amended definition for a pavilion is shown below and is included in the set of amendments provided in **Annexure 2**.

*Pavilion – a structure which:*

- *must be wholly located at the rear of the existing principal building,*
- *may be separated from the principal building by a courtyard,*
- *may be separated by a narrow lightweight linking structure, and*
- *must be subsidiary in height, form and scale to the principal building.*

*A pavilion is not infill development, or a garage, or a loft over a garage, or a studio.*

Aside from the above recommended change to the definition of pavilion in Chapter A3 (Definitions), all other changes recommended by the Working Party have been incorporated into the proposed draft DCP amendments. It should be noted that changes recommended to the diagrams have not yet been made, pending the EPC's recommendation on courtyards and the definition of pavilion.

A number of minor miscellaneous amendments have been identified following the latest meeting of the Working Party on 14 March 2019. These are also shown in the **Annexure 2**.

#### **4. Next steps**

If Council supports the amendments, the next step is to prepare a draft DCP to amend Woollahra DCP 2015.

Given that the Woollahra LPP has recommended that amendments be made to the Woollahra DCP 2015 to clarify appropriate materials for infill development in the Paddington HCA, the draft DCP will be referred to the Woollahra LPP for its advice. The advice will then be provided to a meeting of the EPC and the Committee's recommendation will be considered by the Council.

The draft DCP will then be exhibited. The outcome of the public exhibition will be reported to a future meeting of the EPC for consideration.

#### **5. Conclusion**

A review of controls for pavilion additions and infill development has been completed with input from the Paddington HCA Working Party. In undertaking the review for these two topics associated controls in Chapter A3 (Definitions) and Chapter C1 (Paddington HCA) have also been reviewed.

The review has resulted in recommended changes to:




- Pavilion additions to the rear of single storey buildings (Clause C1.3.1).
- Side additions to multi-storey terrace style housing (Clause C1.3.4).
- Infill development (new development), including new guidelines (Table 2) for the use of materials (Clause C1.3.13).
- Chapter A3 (Definitions) in regard to the definitions for a courtyard, infill development and a pavilion.

- Various minor miscellaneous amendments that have arisen as a result of the proposed amendments for rear pavilion additions, infill and side additions, and materials for infill development.

The Working Party supports and has contributed to the majority of changes. However, the Working Party does not support the recommended change for the definition of a pavilion which would facilitate a courtyard in a suitable location where circumstances allow. Instead, the Working Party considers a courtyard must be provided in all cases where a pavilion addition is proposed. For reasons expressed in section 3 of this report and in **Annexure 3** we do support this approach.

Our recommendation is that Council agree to the preparation of a draft DCP to amend Woollahra DCP 2015 to accommodate the changes set out in **Annexure 2**.

### Annexures

1. Paddington HCA (formerly DCP) Working Party meeting minutes - 25 July 2017, 1 May 2018, 14 March 2019 [↓](#) 
2. Proposed DRAFT amendments to Woollahra DCP 2015 [↓](#) 
3. Discussion Paper - Discussion on pavilion extensions (8 November 2018) [↓](#) 

# MINUTES

# Annexure 1

## PADDINGTON HCA WORKING PARTY MEETING

Tuesday 25 July 2017

6.00pm – 7.30pm

Woollahra Council – Thornton Room

Present	Apologies
Chris Bluett ( <i>Acting Director – Planning &amp; Development, Woollahra Council</i> ) George Fotis ( <i>Team Leader – Development Control, Woollahra Council</i> ) Catherine Colville ( <i>Strategic Heritage Officer, Woollahra Council</i> ) Councillor Matthew Robertson Councillor Anthony Marano Councillor Luise Elsing Bill Morrison ( <i>The Paddington Society</i> ) John Richardson ( <i>representing the National Trust of Australia [NSW]</i> ) Peter Poland ( <i>Woollahra History &amp; Heritage Society</i> ) John Normyle ( <i>Resident</i> ) Keri Huxley ( <i>Resident</i> ) Esther Hayter ( <i>The Paddington Society</i> )	Councillor Toni Zeltzer ( <i>Mayor</i> ) Councillor Susan Wynne ( <i>Deputy Mayor</i> ) Councillor Peter Cavanagh Councillor Andrew Petrie Allan Coker ( <i>Director – Planning &amp; Development, Woollahra Council</i> ) Robyn Attuell ( <i>The Paddington Society</i> )

Item	Subject	Discussion
1	<b>Welcome</b>	Chris Bluett welcomed those in attendance. Councillor Robertson opened the meeting at 6.00pm.
2	<b>Election of Chairperson</b>	Keri Huxley moved that Councillor Robertson be nominated as Chairperson. John Normyle seconded the motion. The motion was carried unanimously.
3	<b>Apologies</b>	The apologies were noted (as above).

Item	Subject	Discussion
4	<b>Scope of the Review and Process</b>	<p>Chris Bluett outlined the scope of the Paddington DCP Review. The Working Party noted that the scope of the review is limited to the two Notices of Motion (included in the Meeting papers) – specifically the review of the current controls for Infill and Pavilion extensions.</p> <p>The review process will include an overview of examples of infill and pavilion extension developments that have been previously approved by Council and a discussion to identify the issues in relation to the existing DCP controls, with possible changes identified. These will be reported to Council.</p>
5	<b>Identification of Issues – Pavilion extensions to single storey buildings</b>	<p>The Working Party discussed the examples the following opinions were expressed:</p> <ul style="list-style-type: none"> <li>• The approved examples do not represent pavilions (a separate structure with a link). The examples are out of character with existing building and adjoining development. The examples don't respect floor levels or the roof lines. The examples are out of context with the Paddington character (cottages) and that character should be preserved.</li> <li>• The bulk of link structure is an issue. A pavilion should be a detached structure. In some cases, the linking structure is almost indistinguishable – is a numeric control needed for the connective link to achieve a distinctly separate structure? (e.g. percentage of floor area; distance/length of link – although this could impact neighbours). There needs to be a clear distinction as to what constitutes a "pavilion" and what constitutes an "addition".</li> <li>• Various non-compliances with CI 1.3.1 Single storey buildings (WDPC 2015 Pt C1) were identified: <ul style="list-style-type: none"> <li>- C9(c) – height 300mm below ridge of principal building</li> <li>- C11(b) - visibility from street either directly or obliquely</li> <li>- C12 – pavilions should generally be single storey</li> <li>- C13 – two storey pavilion allowed if meets C11</li> <li>- C14 – linkage structure below eaves of principal building.</li> </ul> </li> <li>• External finishes – visibility from street.</li> <li>• High level of glazing – visibility from street.</li> <li>• All of the above considerations need to be looked at from the public domain (not just from the main street frontage).</li> <li>• Definition of "public domain" needs to be reviewed, looking at the possibility of amending C11(b) (not visible from "any part" of the public domain - does this include roof form?).</li> <li>• Review the definition of "pavilion" – one view is that the link should be accommodating a courtyard min 4m x 4m.</li> <li>• There appears to be a contradiction between C12 (single storey) and - take out C13. (Note: "loft over garage" has separate controls – to avoid misinterpretation, the distinction needs clarification).</li> <li>• There were differing opinions in regard to permitting two storey pavilions – review how high should they be permitted. Two storey pavilions do not necessarily need to be ruled out, but the key issue here is visibility.</li> <li>• The controls need to explicitly state that the extensions should not be permitted to the side elevation;</li> <li>• The controls need to explicitly state that pavilion additions must be single storey and be defined by height dimensions;</li> <li>• Corner sites – these are very visible from the public domain. There is a question as to what defines the "rear" of a corner block? For example, No. 2 Cascade Street (could be used as a model to define this).</li> <li>• Walker Avenue – flood prone land (RL 4.3) – there is a need to raise the pavilion addition which makes them higher. This is a unique situation, but do materials matter here? Should these properties be considered differently?</li> </ul>

Item	Subject	Discussion
6	<b>Identification of Issues – Infill development</b>	<p>The Working Party discussed the examples and the following opinions were expressed:</p> <ul style="list-style-type: none"> <li>• The infill controls are being applied in situations not contemplated at the time of drafting – they are usually associated with atypical sites that do not have specific building type controls e.g. corner sites, or an undeveloped lot on a double lot.</li> <li>• There is a need for it to be made clear in the DCP as to where and when the infill provisions are used – infill development should be defined as a separate development on a separate allotment of land. The definition of “infill” needs correcting/clarifying – “demolition of existing building” (invites demolition). Strengthen the requirement that an “infill” should be a separate building (not a connected addition);</li> <li>• Infill must be properly described in relation to the adjoining properties (e.g. 11 Stevens Street and the impact on 9 Stevens St). Information regarding the proposed interface, particularly in regard to party walls, needs to be provided with the DCP documentation – precise information needed (such as the profile for adjoining properties, RLs for adjoining properties, accurate survey, the structural relationship with adjoining properties, and how the development meets the infill controls).</li> <li>• Clauses/controls are missing for the requirement to show how the buildings will “meet” each other;</li> <li>• There is a need to include provisions as to where the infill provisions do not apply (e.g. There were opinions that 64 Paddington Street is not an example of an infill building) - any infill needs to be a “self sustaining building on its own lot” (definition of a vacant legal allotment).</li> <li>• Many of the examples are out of context with the character of the Paddington HCA e.g. pitched roof form;</li> <li>• Grand pairs of terraces need specific controls to protect them. The side open spaces are part of their character and are valued open spaces (e.g. 64 Paddington Street). Recognise that the voids are important spaces in the historic context and development of Paddington – there may be a need to turn the explanatory sections (that define the values) of the DCP into controls.</li> <li>• The curtilage of these properties needs to be carefully looked at. There needs to be a control that refers to the significance (including its curtilage) of the building being retained.</li> <li>• The question needs to be asked: should infill development be viewed as “filling in the void”?</li> <li>• Aesthetics of infill development – these are difficult to regulate other than by means of controls that deal with building bulk, scale, and form, and materials. There needs to be a focus on materials.</li> <li>• There is ambiguity in the provisions. There is a need to ensure that the DCP provisions are imposed, not side-stepped.</li> <li>• Diversity of dwellings is important.</li> <li>• Landscaping is of importance – green walls and roof top gardens can die and may therefore not be appropriate.</li> </ul>
7	<b>Suggested changes to the Paddington HCA DCP – NEXT STEPS</b>	<ul style="list-style-type: none"> <li>• The issues identified by Working Party will be distributed. In particular, the definitions and the entire chapter need to be tightened to remove ambiguities – examples are to be sent in to Chris Bluett and Catherine Colville by the Working Party members;</li> <li>• If members of the Working Party identify any additional issues, please send them through to Chris Bluett and Catherine Colville;</li> <li>• If members of the Working Party have specific recommendations for changes to the Paddington HCA DCP, please mark them up on a copy of the DCP controls and send them through to Chris Bluett and Catherine Colville;</li> <li>• Council Planning staff will draft some changes and send them through to Working Party members and Councillors prior to the next meeting (the draft will be sent through before the end of August) with an aim to reporting proposed amendments to the DCP at the second Urban Planning meeting of the newly elected Council.</li> </ul>
8	<b>Meeting Closed</b>	The meeting was closed at 7.39pm.

# MINUTES

## PADDINGTON HCA WORKING PARTY MEETING

Tuesday 1 May 2018

6.00pm – 7.30pm

Woollahra Council – Thornton Room

Present	Apologies
Allan Coker ( <i>Director – Planning &amp; Development, Woollahra Council</i> ) Chris Bluett ( <i>Acting Director – Planning &amp; Development, Woollahra Council</i> ) George Fotis ( <i>Team Leader – Development Control, Woollahra Council</i> ) Catherine Colville ( <i>Strategic Heritage Officer, Woollahra Council</i> ) Councillor Peter Cavanagh ( <i>Mayor</i> ) Councillor Matthew Robertson Councillor Anthony Marano Councillor Luise Elsing Councillor Megan McEwin Councillor Harriet Price Councillor Mary-Lou Jarvis Bill Morrison ( <i>The Paddington Society</i> ) John Richardson ( <i>representing the National Trust of Australia [NSW]</i> ) Peter Poland ( <i>Woollahra History &amp; Heritage Society</i> ) John Normyle ( <i>Resident</i> ) Esther Hayter ( <i>The Paddington Society</i> ) Robyn Attuell ( <i>The Paddington Society</i> )	Councillor Susan Wynne ( <i>Deputy Mayor</i> ) Councillor Mark Silcocks Councillor Isabelle Shapiro Councillor Nick Maxwell Councillor Lucinda Regan Keri Huxley ( <i>Resident</i> )

Item	Subject	Discussion
1	Welcome	Allan Coker welcomed those in attendance. The Mayor opened the meeting at 6.00pm.
2	Apologies	The apologies were noted (as above).

Item	Subject	Discussion
3	<b>Process Update</b>	<p>Chris Bluett outlined the background of the Paddington DCP Review. The Working Party noted that the scope of the review is limited to the two notices of motion (included in the Meeting papers) – specifically the review of the current controls for Infill and Pavilion extensions.</p> <p>The review process previously looked at several examples of both issues. Controls have been reviewed and new controls drafted for discussion at this meeting.</p>
4	<b>Discussion – Draft Paddington HCA DCP Amendments - Pavilion extensions to single storey buildings</b>	<p>The Working Party discussed the draft amendments. The following opinions were expressed and recommended amendments were made in the working draft DCP document:</p> <p><i>Definition of Pavilion:</i></p> <ul style="list-style-type: none"> <li>• The Working Party members indicated that they would like numerical controls relating to the definition. Council staff indicated that this is not possible as lot sizes can vary.</li> <li>• There is confusion over “studio” and “pavilion addition” – there may need to be a separate definition for “studio”. Council staff indicated that currently a “studio” could be defined as an “outbuilding”. Challenges for assessment officers regarding the definitions of these structures will need more thought. Council staff confirmed that not many applications are lodged for these types of structures.</li> <li>• Current legislation allows for secondary dwellings and includes provisions that limit the size of this type of development to an area of 60m<sup>2</sup> or 5% of the total floor area of the principal building whichever is the greater.</li> <li>• It was suggested that the rationale of a pavilion addition approach is to have an addition that attaches to the existing building with minimal intervention to the fabric.</li> <li>• There may be different “definitions” and interpretations for pavilions and studios based on the use and layout of the structure, as opposed to the structure type (i.e. studios are more for a study with small lounge, whilst a pavilion is a larger habitable space). There was a suggestion that rather than define them by the form of the structure, they should be defined by use of the structure.</li> <li>• George Fotis confirmed that these structures are controlled through rear building alignments, private open space and lot size.</li> <li>• A suggestion was made that a definition is needed for “courtyard”. It was further suggested that a plain English definition of “courtyard” could be applied and further controls borrowed from the current controls for garages and parking in the Paddington Chapter.</li> <li>• It was noted that there is no legal definition for “pavilion” within a statutory instrument such as an LEP. However, the definition in the DCP can be revised.</li> <li>• The Working Party agreed to the wording of the draft definition for “pavilion” (Chapter A3 Definitions) as per the amendments discussed.</li> </ul> <p><i>Draft Objectives and Controls:</i></p> <ul style="list-style-type: none"> <li>• There was discussion regarding the issue of heights of pavilion additions, in particular regarding the height of pavilions along laneways.</li> <li>• It was noted that the Working Party members are under the impression that these pavilion controls would also be carried over into multi-storey terraces as well.</li> <li>• Discussion about linking structure – covered enclosed walkway, should not be habitable or usable – only usable as a connection between the building and the pavilion. Courtyard needs to be between the building and the pavilion.</li> <li>• In regard to the points raised above, it is important that new drafted controls do not conflict with existing controls. The staff will review these points and draft additional controls.</li> <li>• The controls for dormers on pavilions will also be reviewed and will draw on the current controls for dormers (i.e. permitting dormers where a pavilion is wider than 6m).</li> <li>• Agreed wording of the draft objectives and controls (Chapter C1 Paddington HCA) are notated in the draft document, as per the amendments discussed by the Working Party.</li> </ul>

Item	Subject	Discussion
6	<b>Discussion – Draft Paddington HCA DCP Amendments - Infill development</b>	<p>The Working Party discussed the draft amendments. The following opinions were expressed and recommended amendments were made in the working draft DCP document:</p> <p><i>Definition:</i></p> <ul style="list-style-type: none"> <li>• The question was asked whether the demolition of buildings is being encouraged with the inclusion of the second dot point in the definition: <i>constructed on an allotment that becomes vacant due to the demolition of a building or buildings.</i></li> <li>• Council staff will re-look at the definition of "infill" regarding demolished buildings on a separate allotment, with particular attention paid to infill that should: "Respect the lowest adjoining contributory development", with cues taken from the 19<sup>th</sup> Century development (refer to C4 Scale and C10 Siting)</li> <li>• It was identified that the selection of materials can be an issue when assessing infill development proposals (staff provided recent examples). The Working Party agreed that a list of acceptable "contemporary" materials should be included in Clause C1.3.13. Council staff will prepare a draft list of appropriate materials for infill development.</li> </ul>
7	<b>Discussion – Draft Paddington HCA DCP Amendments - Additional Supplementary Amendments</b>	<p>This matter was deferred until the next meeting due to time constraints.</p>
	<b>Discussion – Additional Items</b>	<p>Chris Bluett invited Bill Morrison to raise his matter (as per his email sent) regarding concerns over the height of front balcony railings on terrace houses being raised above traditional heights in order to comply with current National Construction Code standards. The Working Party noted that there are appropriate ways for this to be achieved and maintain the pattern of street elevations.</p> <p>It was decided that Working Party will take photos of examples where this work has been undertaken appropriately to provide good examples. The DCP can include a guideline for this type of work for when it is necessary to meet the National Construction Code provides guidelines on the appropriate approach. Council staff will draft the wording following receipt of the photos from Working Party members.</p> <p>It was noted that Council's South West Planning Team had raised two points in regard to current planning legislation (Section 13 of the Greater Sydney Plan) and the Burra Charter. It was decided that these matters will be discussed at the next meeting.</p>
8	<b>Meeting Closed</b>	<p>The meeting was closed at 8.20pm.</p>



# MINUTES

## PADDINGTON HCA WORKING PARTY MEETING

Thursday 14 March 2019

6.00pm – 7.30pm

Woollahra Council – Thornton Room

Present	Apologies
Councillor Matthew Robertson Councillor Anthony Marano Councillor Harriet Price Allan Coker ( <i>Director – Planning &amp; Development, Woollahra Council</i> ) Chris Bluett ( <i>Manager - Strategic Planning, Woollahra Council</i> ) Catherine Colville ( <i>Strategic Heritage Officer, Woollahra Council</i> ) Keri Huxley ( <i>Resident</i> ) Bill Morrison ( <i>The Paddington Society</i> ) John Richardson ( <i>representing the National Trust of Australia [NSW]</i> ) Peter Poland ( <i>Woollahra History &amp; Heritage Society</i> ) John Normyle ( <i>Resident</i> ) Esther Hayter ( <i>The Paddington Society</i> ) Robyn Attuell ( <i>The Paddington Society</i> )	Councillor Peter Cavanagh ( <i>Mayor</i> ) Councillor Megan McEwin George Fotis ( <i>Team Leader – Development Control, Woollahra Council</i> )

Item	Subject	Discussion
1	<b>Welcome</b>	Allan Coker welcomed those in attendance. Councillor Robertson chaired the meeting and opened the meeting at 6.00pm.
2	<b>Apologies</b>	The apologies were noted (as above).

Item	Subject	Discussion
3	<b>Minutes of the Previous Meeting</b>	The Minutes of the Meeting held 1 May 2018 were adopted.
3	<b>Process Update</b>	Chris Bluett outlined the background of the Paddington DCP Review. A discussion paper has been prepared on Pavilions which is on the Agenda for discussion. Further work has been undertaken on appropriate materials for infill development, the matter having been raised previously by the Working Party and via comments provided by the Woollahra Local Planning Panel. As a result, additional changes have been made to Table 7 Materials and a new table inserted (Table 2) into Chapter C1.3.13 Infill development (new development). Amendments have also been drafted for Side Additions to Multi Storey Terraces.
4	<b>Discussion – Draft Paddington HCA DCP Amendments - Pavilion additions to single storey buildings</b>	<p>The Working Party discussed the draft amendments. The following opinions were expressed and recommended amendments were made in the working draft DCP document:</p> <ul style="list-style-type: none"> <li>• Definition of Pavilion: MAY include a linking structure – define linking structure. Pavilions are used for residential accommodation and internal space – without weather protection between the pavilion and the principal building form, utility and amenity is adversely affected. A linking structure may include a covered walkway (for amenity), an accessway or an enclosed link and must meet accessibility standards.</li> <li>• Definition of Pavilion: MUST include a courtyard – the Working Party noted the definition of “courtyard” in the Discussion Paper but resolved to replace “air” with “sky”. Can examples (including minimum area/square metres) be included?</li> <li>• The Working Party noted that there is a distinction between lightwells and courtyards. This distinction needs to be recognised by amending the heading of C1.4.8 Private open space, swimming pools, lightwell courtyards and landscaping.</li> <li>• The requirement that an addition to the rear of a single storey building must be located 300mm below the height of the principal building is problematic in achieving headroom. The control should require that additions MUST be subsidiary in height and not be able to be seen over the roof of the principle building.</li> <li>• Skillion roof pitch is an issue – examples of 2 degree pitches are problematic as, visually, they are nearly flat. A minimum pitch of 6 degrees should be required and where an unchanged established pattern exists at the rear should match pattern. Staff will draft an additional control for this.</li> <li>• The permitted dormer within either the front or rear of pavilion addition must provide for privacy. Include a reference to C1.4.10 to ensure this occurs.</li> <li>• Definition of a courtyard – a minimum of 22 square metres is needed in order to be “usable space” and a functional courtyard. Staff will draft an additional control to require this. The courtyard must also meet the minimum controls for private open space and deep soil requirements, but can be included in the calculations for private open space.</li> <li>• Amend definition of Courtyard to: “An area that is open to the sky, surrounded by glazed walls or garden walls and of sufficient size to be used as a private open space. A courtyard does not include a lightwell or a breezeway”.</li> <li>• Minor amendments are required to the diagrams.</li> </ul> <p>Resolved amendments were made on screen during the discussion and were viewed by and agreed to by the Working Party.</p>

Item	Subject	Discussion
6	<b>Discussion – Draft Paddington HCA DCP Amendments - Infill development</b>	<p>The Working Party discussed the draft amendments. The following opinions were expressed and recommended amendments were made in the working draft DCP document:</p> <ul style="list-style-type: none"> <li>• Distinguish that infill development can only occur on a separate allotment – add the word “registered” into the definition.</li> <li>• Minor amendments to permitted materials were made.</li> <li>• There was discussion over whether the wording “vacant allotments” is encouraging demolition. It was concluded that this was not the case as there may be existing inappropriate developments that may be demolished and replaced with more appropriate infill development.</li> <li>• There was discussion over ensuring that infill development MUST fit in with existing development and that other parts of the DCP are not ignored. A consensus was reached that this was covered sufficiently and that other sections of the DCP are sufficiently cross referenced.</li> </ul> <p>Resolved amendments were made on screen during the discussion and were viewed by and agreed to by the Working Party.</p>
7	<b>Discussion – Draft Paddington HCA DCP Amendments - Additional Supplementary Amendments</b>	<p>The Working Party discussed the draft amendments. The following opinions were expressed and recommended amendments were made in the working draft DCP document:</p> <p>Side additions:</p> <ul style="list-style-type: none"> <li>• It was agreed that side additions should be ancillary and subservient to the principal building and be clearly distinguishable from the original building.</li> <li>• Correction is needed on Page 27 Siting – C7 and C8 are missing and need renumbering.</li> <li>• Page 27 Siting C9 – amend to require that side additions are set back well behind the principal building form (not the balcony). Applies to C10 as well.</li> <li>• The controls in C1.4.2 (Side Elevations to streets and lanes) also need to be tightened up to match C9 and C10.</li> <li>• Page 28 C13 Amend terminology for “lightwell courtyard”.</li> <li>• In the “Note” (boxed): Require that the survey includes the RLs and gutters etc of the adjoining properties – staff to insert in DA guides and DCP.</li> </ul> <p>Resolved amendments were made on screen during the discussion and were viewed by and agreed to by the Working Party.</p>
	<b>Discussion – Where to from here</b>	<ul style="list-style-type: none"> <li>• Following the meeting, the Minutes and draft amendments to the DCP will be finalised in accordance with the Working Party discussions.</li> <li>• The Minutes will be emailed out to Working Party members.</li> <li>• The matter will be reported to Council’s Environmental Planning Committee.</li> <li>• The matter will also be referred to the Chair of the Woollahra Local Planning Panel (LPP) and attention drawn to those amendments that have been made as a result of the LPP comments provided.</li> <li>• The draft amendments to the DCP will be publicly exhibited and reported back to Council with a summary of submissions.</li> </ul>
8	<b>Meeting Closed</b>	<p>The Chair thanked the Working Party for their assistance with the project and their preparation prior to the meeting. The meeting was closed at 8.06pm.</p>

## Annexure 2

REVISED CHAPTER FOR THE ENVIRONMENTAL PLANNING COMMITTEE  
MEETING OF 15 APRIL 2019

Insertions - identified in blue and underlined

~~Deletions – identified in red and strikethrough~~



### Chapter A3 Definitions

Part A ► Introduction and Administration

CHAPTER A3 APPROVED ON 27 APRIL 2015

AND COMMENCED ON 23 MAY 2015

### A3.1 Definitions

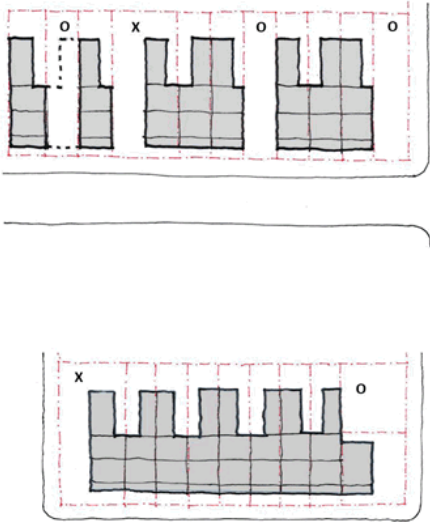
<b>adaptation</b>	as defined in the Burra Charter. Note: Means changing a place to suit the existing use or a proposed use.
<b>aesthetic significance</b>	as defined in NSW Heritage Manual, Heritage Office & Department of Urban Affairs and Planning, Sydney, 1996 (NSW Heritage Manual) - Assessing Heritage Significance. Note: Important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement.
<b>alter</b>	in relation to a heritage item or to a building or work within a heritage conservation area means: <ul style="list-style-type: none"> <li>▶ make structural changes to the outside of the heritage item, building or work, or Inter-War flat building, or</li> <li>▶ make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, but not changes that involve the maintenance of the existing detail, fabric, finish and appearance of the outside of the heritage item, building or work.</li> </ul>
<b>amenity</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: Refers to qualities of usefulness, comfort and pleasure in items and areas of the environment. Heritage arguments are often used incorrectly to defend items or areas when amenity considerations are more relevant and appropriate.
<b>attached dwelling</b>	as defined in Woollahra LEP 2014. Note: Within the Paddington, Woollahra and Watsons Bay HCA contexts, this commonly takes the form of a building known as a terrace, where the terrace is part of a group of three or more dwellings.
<b>attic</b>	as defined in Woollahra LEP 2014.
<b>boat shed</b>	as defined in Woollahra LEP 2014.
<b>Building Code of Australia (BCA)</b>	the Building Code of Australia (BCA) is Volumes One and Two of the National Construction Code (NCC). The BCA has been given the status of building regulation by all States and Territories.  The BCA contains technical provisions for the design and construction of buildings and other structures, covering such matters as structure, fire resistance, access and egress, services and equipment, and energy efficiency as well as certain aspects of health and amenity.
<b>building envelope</b>	the three-dimensional space within which a building is to be confined.

<b>building height</b>	as defined in Woollahra LEP 2014.
<b>building line</b>	as defined in Woollahra LEP 2014.
<b>Burra Charter (and its guidelines)</b>	the charter adopted by Australia International Council on Monuments and Sites (ICOMOS), which establishes the nationally accepted principles for the conservation of places of cultural significance.
<b>character</b>	the combination of features and qualities of a place.
<b>coastal inundation</b>	the storm-related flooding of coastal lands by ocean waters due to elevated still water levels (storm surge) and wave run-up.
<b>compatible use</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: A use for a heritage item which involves no change to its culturally significant fabric, changes which are substantially reversible or changes which make a minimal impact.
<b>conservation</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: All the processes of looking after an item so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.
<b>conservation policy</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: A proposal to conserve a heritage item arising out of the opportunities and constraints presented by the statement of heritage significance and other considerations.
<b>context</b>	the particular built, natural, historical and/or social characteristics of a building or place's setting.
<b>contributory building</b>	a building that makes an important and significant contribution to the character and significance of the heritage conservation area. It has a reasonable to high degree of integrity and dates from a key development period of significance of a heritage conservation area. A building which: <ul style="list-style-type: none"> <li>▶ due to its materials, detailing, finishes, scale, form, siting and landscaping makes a positive impact and contribution to the streetscape character and to the cultural significance of the heritage conservation area; and</li> <li>▶ due to its materials, detailing, finishes, scale, form, siting and landscaping makes a positive impact and contribution to the streetscape character and to the cultural significance of the heritage conservation area; and</li> </ul>

	<ul style="list-style-type: none"> <li>▶ is from a significant historical period and is highly or substantially intact; or</li> <li>▶ is from a significant historical period and is altered yet recognisable and reversible.</li> </ul>
<b>contributory item</b>	a building, work, archaeological site, tree or place and its setting, which contributes to the heritage significance of a conservation area.
<b><u>courtyard</u></b>	<a href="#"><u>an area that is open to the sky, surrounded by glazed walls or garden walls and of sufficient size to be used as private open space. A courtyard does not include a lightwell or a breezeway.</u></a>
<b>cultural landscape</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: Those areas of the landscape which have been significantly modified by human activity. They include rural lands such as farms, villages and mining sites, as well as country towns.
<b>cultural plantings</b>	plants including native plants that were planted for a deliberate purpose (see also 'significant cultural plantings').
<b>curtilage</b>	as defined in Woollahra LEP 2014.
<b>deep soil landscaped area</b>	the area of the site that contains landscaped area which has no above ground, ground level or subterranean development. Note: 'landscaped area' is defined in Woollahra LEP 2014.
<b>demolish</b>	as defined in Woollahra LEP 2014.
<b>dormer</b>	a structure comprising a window, roof and side walls projecting from a sloping roof.
<b>dual occupancy</b>	as defined in Woollahra LEP 2014.
<b>dwelling</b>	as defined in Woollahra LEP 2014.
<b>dwelling house</b>	as defined in Woollahra LEP 2014.
<b>Eastern suburbs banksia scrub</b>	vegetation within the Watsons Bay, Camp Cove and Sydney Harbour National Park areas, which is endemic to these areas.
<b>ecologically sustainable development</b>	has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .
<b>educational establishment</b>	as defined in Woollahra LEP 2014.

<b>excavation permit</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: A permit issued by the Heritage Council of New South Wales under section 60 or section 140 of the <i>Heritage Act 1977</i> to disturb or excavate a relic.
<b>fabric</b>	physical material or substances. In the case of a building, fabric would include materials such as brick, stone, timber, mortar, glazing, iron, steel, terracotta and slate.
<b>façade</b>	the elevation of a building facing the street/s.
<b>floor space ratio</b>	as defined in Woollahra LEP 2014.
<b>form</b>	in relation to a building, means its overall shape and configuration of components.
<b>freeboard</b>	a factor of safety typically used in relation to the setting of flood planning levels. It compensates for uncertainties in the estimation of flood levels across the floodplain, such as wave action, localised hydraulic behaviour and impacts that are specific event related, such as levee and embankment settlement, and other effects such as sea level rise.
<b>gross floor area</b>	as defined in Woollahra LEP 2014.
<b>ground level (existing)</b>	as defined in Woollahra LEP 2014.
<b>group</b>	a number of related buildings that form a group, that may include pairs of buildings and terrace groups.  Groups of related buildings display shared characteristics such as an original builder, architectural style, form, scale and details.  In some instances, terrace groups can include sub-groups where a group comprises a range of buildings, e.g. corner commercial buildings integrated into terrace house groups.
<b>habitable room</b>	as defined in the Building Code of Australia (BCA). Note: Habitable room means a room used for normal domestic activities, and:  a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but  b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.



heritage conservation area	as defined in Woollahra LEP 2014.
heritage conservation management plan	as defined in Woollahra LEP 2014.
heritage impact statement	as defined in Woollahra LEP 2014.
heritage item	as defined in Woollahra LEP 2014.
heritage significance	as defined in Woollahra LEP 2014.
infill development	<p><del>is new development, usually a whole new building, within the context of an existing built up area. Infill development may occur where an existing building is to be demolished or where there is a vacant lot.</del></p> <p>is the erection of a building that is:</p> <ul style="list-style-type: none"> <li>► <u>constructed on an existing vacant registered allotment of land; and</u></li> <li>► <u>does not include side, rear or front alterations and additions to an existing building.</u></li> </ul>  <p><u>O = Acceptable infill site</u></p> <p><u>X = Unacceptable infill site</u></p>

<b>integrity</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: A heritage item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage are still largely intact.
<b>Inter-War flat building</b>	a building of two or more storeys and containing two or more dwellings, constructed in the period from c.1918 to c.1950.
<b>intrusive development</b>	development which is inappropriate to the significant heritage character of a heritage conservation area due to its form, scale, bulk, materials and proportions and which adversely affects adjoining buildings, the streetscape and general character of the area.
<b>jetty</b>	as defined in Woollahra LEP 2014.
<b>landscaped area</b>	as defined in Woollahra LEP 2014.
<b>LEP</b>	Woollahra Local Environmental Plan 2014.
<b>local significance</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: Items of heritage significance which are fine examples, or rare, at the local community level.
<b>loggia</b>	an open sided, roofed space attached to the side of a building.
<b>maintenance</b>	as defined in Woollahra LEP 2014.
<b>mixed use development</b>	as defined in Woollahra LEP 2014.
<b>movable heritage</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: Heritage items not fixed to a site or place (for example, furniture, locomotives and archives).
<b>multi dwelling housing</b>	as defined in Woollahra LEP 2014.
<b>native vegetation</b>	has the same meaning as in the <i>Native Vegetation Act 2003</i> .
<b>natural ventilation</b>	ventilation by natural airflow, unassisted by mechanical means, through doors, operable windows and louvres.

<b>neutral buildings</b>	<p>a buildings that does not contribute or detract from the significant character of the heritage conservation area.</p> <p>Neutral buildings are:</p> <ul style="list-style-type: none"> <li>▶ from a significant historical period, but altered in form, unlikely to be reversed;</li> <li>▶ sympathetic contemporary infill; or</li> <li>▶ from a non-significant historical period but do not detract from the character of the heritage conservation area.</li> </ul>
<b>non-habitable room</b>	<p>refer 'habitable room' in the Building Code of Australia (BCA).</p> <p>Note: A non-habitable room is a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.</p>
<b>north facing</b>	the orientation range within 20° west and 30° east of true solar north.
<b>NSW Heritage Manual</b>	a document prepared by the NSW Heritage Office which comprises a series of publications explaining the three steps of the NSW Heritage Management System and how they can be applied.
<b>objectives</b>	define the intention of each control element and/or indicate the desired outcomes to be achieved in the completed development.
<b>original significant fabric</b>	<p>the physical materials and substances belonging to the initial construction phase of a place that contribute to heritage significance.</p> <p>In the case of a building, original significant fabric would include all the original materials of the principal building form and extant external materials of the secondary wing, if the form is intact and the external materials are substantially intact.</p>
<b>parapet</b>	an upstanding wall or barrier placed at the edge of a platform, balcony or roof.
<b>passive solar design</b>	design principles that aim to prevent unwanted heat, in the form of sunlight, entering the building during summer and to maximise solar access into the building during winter. Building orientation, the location and treatment of glazing, thermal mass, insulation, and ventilation all work to exclude and dissipate heat in summer and retain and capitalise on heat in winter.

<p><b>pavilion</b></p>	<p><del>A structure which must be located at the rear of the existing building, which is separated from the principal building by a lightweight linking structure</del></p> <p>A structure which:</p> <ul style="list-style-type: none"> <li>▶ <a href="#">must be wholly located at the rear of the existing principal building;</a></li> <li>▶ <a href="#">may be separated from the principal building by a courtyard;</a></li> <li>▶ <a href="#">may be separated by a narrow lightweight linking structure; and</a></li> <li>▶ <a href="#">must be subsidiary in height, form and scale to the principal building.</a></li> </ul> <p><a href="#">A pavilion is not infill development, or a garage or a loft over a garage, or a studio.</a></p>
<p><b>place</b></p>	<p>as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: A site, area or landscape or group of works, together with associated structures, contents and surrounds.</p>
<p><b>preservation</b></p>	<p>as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: Maintaining the fabric of a place in its existing state and retarding deterioration.</p>
<p><b>principal elevation</b></p>	<p>the elevation of a building that faces a public space. Buildings may contain more than one principal presenting elevation such as an A-typical triangular shaped lot.</p>
<p><b>principal roof form</b></p>	<p>the principal roof plane/s located over the principal building form (predominantly the front building section).</p>
<p><b>private domain</b></p>	<p>all land which is privately owned and which is not included in the public domain.</p>
<p><b>private open space</b></p>	<p>as defined in Woollahra LEP 2014.</p>
<p><b>public domain</b></p>	<p>all land which is owned by a public authority and includes roads, footpaths, laneways and parks.</p>
<p><b>rarity</b></p>	<p>as defined in Assessing Heritage Significance (NSW Heritage Manual). Note: Possesses uncommon, rare or endangered aspects of the area cultural or natural history.</p>
<p><b>reconstruction</b></p>	<p>as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: Returning a place as nearly as possible to a known earlier state by the introduction of new or old materials into the fabric (not to be confused with conjectural reconstruction).</p>

<b>representativeness</b>	as defined in <i>Assessing Heritage Significance</i> (NSW Heritage Manual). Note: It is important in demonstrating the principal characteristics of a class of the area's cultural or natural places or cultural or natural environments.
<b>residential flat building</b>	as defined in Woollahra LEP 2014.
<b>restoration</b>	as defined in <i>Heritage Terms and Abbreviations</i> (NSW Heritage Manual). Note: Returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
<b>reverse skillion</b>	where the presenting outer edge of an attached skillion roof form is located at a height above the point of attachment or in the case of a single unattached roof plane where the highest presenting end of the roof plane contains an eave overhang.
<b>reviewable condition</b>	as defined in the <i>Environmental Planning and Assessment Act 1979</i> (s80A) Note: means any of the following: a) a condition that permits extended hours of operation (in addition to other specified hours of operation), b) a condition that increases the maximum number of persons permitted in a building (in addition to the maximum number otherwise permitted).
<b>roof terrace</b>	a trafficable roof of a building (or part thereof) (including a garage or carport) which has the potential to be used for the purpose of private open space, storage or roof garden and which is either open to the sky or partly covered by a non-continuous shade device.
<b>roofscape</b>	a view or expanse of roofs including their pitch and form, and elements such as chimneys, parapets, party walls, guttering and roof materials.
<b>row</b>	a continuous line of buildings. Attached housing or terrace style housing is predominantly constructed in rows.
<b>sandstone heath</b>	heath and scrub which is found on shallow exposed sandstone-derived soils which border the sea coast, and extend to varying distances inland, or where drainage is impeded by rock shelves or shale lenses.
<b>scale</b>	the size of a building and its relationship with surrounding buildings and landscape.
<b>seawall</b>	a structure placed partially or wholly along the land/water interface to protect the land from the sea or to stop accelerated erosion of the shoreline, but does not include a breakwater.

<b>secondary elevation</b>	those elevations behind the principal building form.
<b>semi-detached dwelling</b>	as defined in Woollahra LEP 2014. Note: Within the Paddington and Woollahra HCA contexts, this commonly takes the form of a building known as a terrace, where the terrace is attached to only one other dwelling.
<b>sensitive marine environment</b>	the environment in which any of the following ecological communities exist along the harbour foreshore within the Woollahra Municipality, as identified in the Development Control Plan for <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> : <ul style="list-style-type: none"> <li>▶ rocky intertidal;</li> <li>▶ sandy intertidal;</li> <li>▶ grassland;</li> <li>▶ seagrass beds;</li> <li>▶ mixed sandy intertidal and rock shelf; and</li> <li>▶ mixed rocky intertidal and sand.</li> </ul>
<b>setback</b>	as defined in Woollahra LEP 2014 (refer to building line or setback).
<b>shopfront elevation</b>	the elevation to the street including the areas above and below an awning.
<b>side boundary fence</b>	a fence separating allotments or on a side street, in the case of a corner site, but does not include a fence within the street front zone.
<b>significant cultural plantings</b>	plants including native plants that were planted for a deliberate purpose and which reflect the taste or fashion of a particular period or were associated with a person or event of historical significance.
<b>significant tree</b>	a tree identified on Council's significant tree register.
<b>significant views</b>	views and vistas from streets and public reserves which strongly contribute to a sense of place and cultural identity.
<b>site area</b>	as defined in Woollahra LEP 2014.
<b>soffit</b>	the lower face or visible surface of a ceiling, eave, projecting slab or the like.
<b>solar access</b>	the amount of direct access to sunlight enjoyed by a building, room or open space.
<b>spa pool</b>	as defined in the <i>Swimming Pools Act 1992</i> .

<b>State heritage significance</b>	as defined in the <i>Heritage Act 1977</i> .
<b>storey</b>	as defined in Woollahra LEP 2014.
<b>street alignment</b>	the horizontal shape of the street reserve boundary.
<b>street front zone</b>	comprises the front building elevation and visible roof, front yard, the side boundary fences in the front yard and the street boundary fence.
<b>street name inlays</b>	the (usually) red lettering insert in footpaths, kerbs or gutters found at many intersections to indicate the name of the respective street.
<b>streetscape</b>	encompasses both the public and private domain and includes the street design, its landscaping, traffic management treatments, surfaces, utility installations, all buildings abutting the street and their facades, associated landscaping, fences, paths, driveways and the like. The arrangement and integration of these components and their visual appearance determine the streetscape character.
<b>swimming pool</b>	as defined in the <i>Swimming Pools Act 1992</i> .
<b>terrace</b>	is a style of housing. The buildings share a similar design and form and are linked by common party walls. In Woollahra LEP 2014, a terrace is defined as: <ul style="list-style-type: none"> <li>▶ a semi-detached dwelling (where the terrace is only attached to only one other dwelling); or</li> <li>▶ an attached dwelling (where the terrace is part of a building that containing 3 or more dwellings).</li> </ul>
<b>unaltered</b>	in relation to a building or group of buildings means that the building or group of buildings has retained its original form and character but may have minor changes including changes to windows and doors and some loss of detail that may be reversible.
<b>unbuilt upon area</b>	the area of the site not covered by the building footprint and any roofed structures, but excludes uncovered parking areas and driveways. Uncovered parking areas and driveways are not to be calculated as unbuilt upon area.

REVISED CHAPTER FOR THE ENVIRONMENTAL PLANNING COMMITTEE  
MEETING OF 15 APRIL 2019

Insertions - identified in blue and underlined

~~Deletions – identified in red and strikethrough~~



## Part C ► Heritage Conservation Areas

WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015



# Chapter C1 Paddington Heritage Conservation Area

Part C ► Heritage Conservation Areas

CHAPTER C1 APPROVED ON 27 APRIL 2015  
AND COMMENCED ON 23 MAY 2015

## Chapter C1 ▶ Paddington HCA

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## C1.1 Introduction

### C1.1.1 Background

Paddington is a unique urban area of outstanding national heritage significance and the conservation of Paddington and its heritage significance should be the foremost outcome of development.

The special character of Paddington is derived from its historical development and associations. This unique character is also evident in its interrelationship of buildings, spaces, topography, landscape settings and land uses. Paddington's sense of place and its significance results from a multi-layered interrelation of various built forms and spaces and historical and social values.

Paddington needs to be understood as a whole precinct. Some of the individual buildings and sites within the precinct are heritage items, however all other buildings (except for intrusive buildings) are contributory buildings as they make a positive contribution to the character of the area. For Paddington, the whole is greater than the sum of its parts.

Paddington is a living place which will continue to undergo change; appropriate contemporary design is encouraged and necessary if change is to occur in a manner which respects the significant characteristics of Paddington.

#### Conservation philosophy

The controls for the Paddington Heritage Conservation Area (HCA) contained in this chapter are based on the Paddington Heritage Conservation Area DCP 2008. The Paddington Heritage Conservation Area DCP 2008 was the culmination of a review of the Paddington DCP 1999. The review of the Paddington DCP 1999 included input from a working party comprising representatives from The Paddington Society, the National Trust of Australia (NSW), the Woollahra History and Heritage Society, the NSW Heritage Office and Woollahra Councillors.

This chapter of the DCP adopts the conservation philosophy embodied in the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter).

The Burra Charter is widely accepted by Government agencies at all levels and by private industry as the standard philosophy for heritage conservation practice in Australia. The Charter sets down principles, processes and practices for the conservation of significant places. Certain terms used in the Burra Charter are also used in this chapter and are defined in Section C1.1.6.

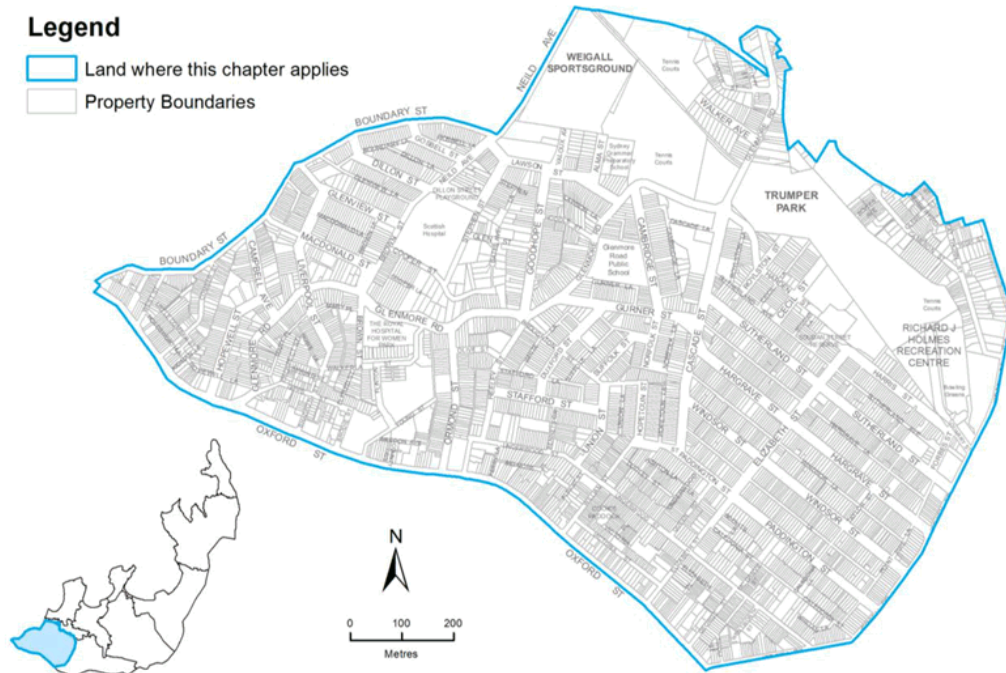
Note: The term 'original' as used throughout the DCP refers to any significant fabric. This may be from a range of historic periods.

### C1.1.2 Land where this chapter applies

This chapter applies to the Paddington HCA as identified in Map 1.

Parts of the suburbs of Edgecliff and Woollahra are located in the Paddington HCA; this chapter applies to those parts.

**MAP 1** Paddington Heritage Conservation Area boundary map



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### C1.1.3 Development to which this chapter applies

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This chapter applies to development that requires consent under Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014).

Generally this will be residential or commercial development, but may include other permitted uses such as child care centres, community facilities, educational establishments and places of public worship.

### C1.1.4 Objectives

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The objectives of this chapter are:

- O1 To facilitate the implementation of the objectives and provisions relating to heritage conservation contained in Woollahra LEP 2014.
- O2 To acknowledge and conserve the unique National heritage significance of Paddington.
- O3 To conserve the significant types of buildings within the Paddington Heritage Conservation Area.
- O4 To provide guidelines and controls which seek to protect the significant character of Paddington and which encourage contemporary design which responds appropriately to that character.
- O5 To encourage and promote public awareness, appreciation and knowledge of heritage conservation.
- O6 To enhance amenity and heritage values within Paddington.
- O7 To ensure that development is consistent with the heritage significance of the Paddington Heritage Conservation Area.

### C1.1.5 Relationship to other parts of the DCP

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This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- Part B: Chapter B3 General Development Controls, but only if the proposal is for a dual occupancy development (refer to Section B3.8 Additional controls for development other than dwelling houses).
- Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.
- Part F: Land Use Specific Controls - this part contains chapters on Child Care Centres, Educational Establishments, Licensed Premises and Telecommunications.

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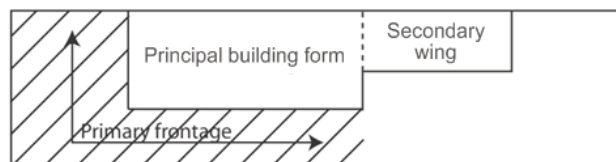
### C1.1.6 Definitions

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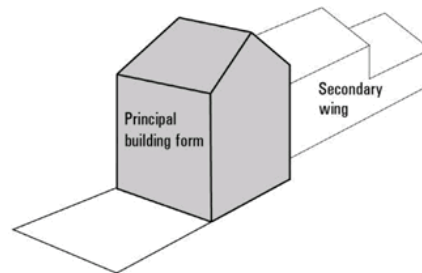
The definitions below define words and expressions for the purpose of this chapter.

These definitions apply in addition to the definitions in Part A Chapter A3 of the DCP, the Environmental Planning and Assessment Act and Woollahra LEP 2014.

<b>ancillary development</b>	a building or structure, other than a dwelling house, dual occupancy, semi-detached dwelling, mixed development, attached housing, multi-dwelling housing, residential flat building or other housing type, but including sheds, pool houses, detached garages, gazebos, separate laundries, pagodas, swimming pools and pergolas.
<b>balconet</b>	is an area incorporating a guard rail only and a very minor projection from the outer wall of a building, fronting windows with deep sashes or inward opening doors, preventing people from falling.
<b>breezeway</b>	an unenclosed passage or void between the side boundary and rear wing.
<b>missing elements</b>	based on known evidence, including where the missing elements exist to related properties rather than speculation).
<b>primary frontage (corner lots)</b>	that part of the site in the street front zone and the part between the side street and the principal building form (see diagram).



**principal building form** the original front building section and main roof, which contains the main rooms (see diagram).



### C1.1.7 How to use this chapter

The provisions of this chapter are to be used by applicants in the sequence set out below.

**TABLE 1** How to use this chapter

Steps to be considered for all development	
<b>Step 1</b>	<p><b>Understanding the context</b></p> <ul style="list-style-type: none"> <li>▶ Read the statement of significance for the Paddington HCA in Section 1.2.1.</li> <li>▶ Read the desired future character statement for the Paddington HCA in Section 1.2.4.</li> <li>▶ Development is to achieve the outcomes expressed in the desired future character statement. Applications will be assessed against their ability to satisfy those outcomes relevant to the proposal, amongst other matters.</li> </ul>
<b>Step 2</b>	<p><b>Investigating heritage significance</b></p> <ul style="list-style-type: none"> <li>▶ Identify whether the subject building or site is a heritage item as identified in Woollahra LEP 2014.</li> <li>▶ All other buildings within the Paddington HCA are ‘contributory buildings’ as they make a positive contribution to the character of the area. The only exception to this is for ‘intrusive buildings’ which are inappropriate to the character of Paddington in regard to scale, proportions, materials and design.</li> <li>▶ Consider the history and relationship of the subject site and surrounding sites, having particular regard to the building type/s to which the development applies. The history and relationships are to be conserved.</li> <li>▶ Identify the key building fabric relevant to the building type and the site. Original key fabric is to be conserved.</li> </ul>
<b>Step 3</b>	<p><b>Addressing the objectives and controls</b></p>



For all development, each section must be read and the relevant controls applied:

- ▶ Section C1.3 Building types: There are 14 building types, each with specific objectives and controls. Note, more than one building type may apply to your development.
- ▶ Section C1.4 General controls for all development. This section applies to all development including existing buildings and infill development.
- ▶ Section C1.5 Specific policy for building and site elements: Specific controls for building and site elements on residential and non-residential buildings.
- ▶ Section C1.6 Public domain: Applies to land owned and/or managed by Council or other public authorities.

## C1.2 Understanding the context

### C1.2.1 The significance of the Paddington Heritage Conservation Area

Paddington is a unique urban area which possesses historical, aesthetic, technical and social significance at a National and State level. An important factor in the significance of Paddington is its exceptional unity, encompassing scale, character, history, architecture and urban form.

The built environment of Paddington is an excellent example of the process of 19th century inner city urbanisation of Sydney which was largely completed by 1890. The predominant Victorian built form is an excellent representative example of the phenomena of land speculation and a 'boom' building period between 1870 and 1895.

The terraces of Paddington clearly trace the evolution of the imported English Georgian and Regency terrace models into the distinct Australian style evident in the Victorian era terraces.

Paddington retains many significant types of buildings that represent all phases of the suburb's historical development. These building types range from modest, small-scale, single storey timber and masonry cottages, to remnant examples of former gentry mansions, boom style middle-class terrace houses, apartment blocks and contemporary infill development, all of which are set in a varied network of streets, lanes and pedestrian accessways which reflect the phases of subdivision and development.

Paddington has a multitude of important historical and social associations. It is linked with the early transport routes along South Head Road (Oxford Street) and Point Piper Road (Jersey Road), the construction of Victoria Barracks in the 1840s, the gentry estates, prominent figures of the early colony, the speculative building boom between 1870 and 1890, and the development of Australian tennis at the White City site. Its historical and social associations extend to the periods of occupancy by immigrant groups and minority groups including the Chinese market gardeners, the Jewish community around the turn of the century, the European immigrants in the 1950s and an alternative artistic and intellectual population in the 1960s and 1970s. Today Paddington has a high level of social esteem and is regarded as one of Sydney's most desirable inner-city urban areas. The changing sociology of Paddington demonstrates phenomenal variations in status and changes in community attitudes to the 19th century suburb.

Paddington has important associations with the evolution of the conservation movement in Australia, in particular with the actions by the National Trust and the Paddington Society, which ensured its conservation at a time of redevelopment threat in the 1960s. It is significant as the first suburb classified by the National Trust, a community based, non-government organisation committed to promoting and conserving Australia's heritage.

Paddington has a unique aesthetic significance due to the superimposition of the built form on a sloping topography which overlooks Sydney Harbour and its foreshores. The coherent and extensive Victorian built form comprising groups of terrace buildings on narrow allotments which step down hills, turn corners or sit in ranks along tree lined streets produces a singularly recognisable image.

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Paddington provides vast opportunity for research, education and interpretation through the physical layout of its road network, its subdivision pattern and the varied form of buildings.

These buildings provide an excellent record of past technologies and domestic lifestyles through features such as original external and internal building fabric, detailing and room layouts. Terrace houses, semi-detached dwellings, flat buildings and freestanding houses all show the evolving attitudes towards families and the home from the early 19th to the late 20th century.

### C1.2.2 Building types in Paddington

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The built environment of Paddington reveals the historic development of the area. Building types and styles exemplify stages of development and support the overall cultural significance of the area.

Examples of the 1840 to 1870 phase of development include small workers' cottages and boldfaced terraces from the original Paddington village, and grand mansions from the large gentry estates built along the ridgelines, such as Juniper Hall. Rows of Victorian boom style terraces were built between 1870 and 1910 on the subdivisions of the early land grants and large estates.

Later development which occurred on further subdivisions, vacant blocks, or on redeveloped sites includes Federation era terraces, Inter-War apartment buildings, 1960s and 1970s high rise style units, and more recently some excellent examples of contemporary infill.

The building types most commonly found in Paddington include multi-storey and single-storey terrace house rows, single-storey timber and masonry houses, freestanding houses, mixed commercial and residential buildings, commercial and industrial buildings, pubs and contemporary infill buildings. To ensure that development proposals recognise and respect the particular characteristics of particular building types, Section C1.3 of this chapter sets out specific objectives and controls for these and other building types.

### C1.2.3 Character elements

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The character elements represent the distinguishing features of the area that are to be retained. Applications to change the character elements will be assessed against the desired future character controls.

#### Introduction

Paddington has a valuable historic and predominantly 19th century residential character, which is represented by late-Victorian terrace houses, modest workers' cottages, including single-storey timber and masonry houses, and former mansions. It contains a mix of shops and pubs, commercial buildings and a few surviving light industrial and warehouse buildings, with many being adapted to residential uses.

To protect the heritage significance of Paddington it is important to retain and conserve the many building types that represent the significant phases of the suburb's historical development.

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These are important buildings and many have original outbuildings, fences and garden settings that are important elements to preserve.

Other townscape features such as significant trees and historical sandstone kerbs and gutters also contribute to the significance of the Paddington HCA.

It is particularly important to conserve the significant fabric and layout of the original front building section which contains the main rooms. This section, including its roof, is referred to as the “principal building form”, and commonly faces the street front, with a secondary section behind. The main rooms often contain the most significant details such as plaster work, timber joinery and fireplace surrounds.

Many terrace houses have a small setback from the street. This area, referred to as the “street front zone”, provides an important setting for buildings. The setting for freestanding buildings, including timber cottages, is established with their front, side and rear setbacks.

Additions and alterations to existing buildings and the construction of new buildings should be designed with respect to the architectural character of the building and the context of the significant streetscapes of the Paddington HCA. Retention of original fabric and detail is key.

Reconstruction and reinstatement of missing details and building elements is important and encouraged. This includes the removal of inappropriate building elements.

Even small changes to buildings in Paddington require careful consideration. This is critical when changes are visible from the street or from other public spaces.

Alterations to the rear of properties require detailed consideration so as not to alter the proportion, scale and the cohesion in groups of buildings. Due to the topography and the subdivision patterns, rear elevations are often highly visible from the public domain.

In Paddington, the aim should always be to establish a cohesive relationship between new work and the existing building fabric. Contemporary design must respond appropriately to relevant aspects of the historical context.

#### Natural and built character elements

The existing distinguishing natural and built character elements of the Paddington HCA include:

- A topographical form which is shaped into a natural amphitheatre facing north over flatlands and former swamps allowing views to Rushcutters Bay, Sydney Harbour and westwards to the city. This land form also enables internal views of secondary ridges and gullies.
- A variable and intricate street, lane and pedestrian network. The western side of Paddington, originally the Paddington Village, is characterised by short, angled narrow roads with closed vistas and dogleg junctions influenced by the boundaries of early land grants. Dense rows of cottages and terrace housing often have zero setback.

Later street patterns in the eastern half of Paddington were laid out in the Victorian building boom period. The subdivisions are more strictly ordered with alternating wide streets and rear lanes and are set out on a rectangular grid. Development on corner sites is usually sensitive to the pivotal position they occupy in both streetscapes. Streets provide long vistas. Road surfaces are asphalt and kerbing and guttering is a mix of sandstone and concrete.

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- ▶ A strong pedestrian character which is reflected in the multitude of passageways, rear and side interconnecting lanes, narrow streets and intermix of residential and non-residential uses. Footpath pavement material is a mixture of asphalt, fly ash concrete and modern concrete.
  - ▶ A land use character which is predominantly residential but which also contains a mix of shops and pubs (often located on corners), some commercial buildings, and a few remaining light industrial and warehouse style buildings.
  - ▶ [Evidence of the evolution of building styles which reflect historical patterns of growth and land use.](#)
  - ▶ Terrace housing which forms continuous facades along the streets and steps down the hillside.
  - ▶ Modest housing forms such as single-storey timber and masonry cottages.
  - ▶ Variable building heights between terrace groups, one-off buildings and different building types, including timber and masonry cottages.
  - ▶ Terrace housing, predominantly in distinguishable groups, which displays similar character in terms of form but variation in architectural styles, surface decorative details, verandahs and balcony design, window, door, roof forms and chimney treatments.
  - ▶ A strong contrast between the formal and frequently more decorative front of the terrace to the street and the simple and utilitarian back of the terrace.
  - ▶ A street front which in many terraces is characterised by a cast iron palisade fence returning to form side party fencing, a small front garden and path, recessed verandah on the ground floor and balcony on the upper level enclosed by a cast iron balustrade. Other terraces have only a small setback from the street, no front garden, and a cast iron fence to the verandah. Some terraces are built to the front boundary and have an upper floor balcony which cantilevers the footpath. Many Victorian boom style terraces terminate with a street front parapet.
  - ▶ Some laneways which retain culturally significant fabric including paling fencing, pedestrian gates, brick lavatories and backyard planting.
  - ▶ A restricted palette of materials including stone, painted stucco, cast iron and tessellated tiles, corrugated roof materials and slate, nearly universal to all street frontages.
  - ▶ A perceived homogeneity of a Victorian era terrace built form which on close examination is made up of a diversity of building types reflecting the historical development of Paddington.
  - ▶ A variety of open space and landscape features which are represented in:
    - flatland parks and playing fields - Trumper Oval, Weigall Sportsground, White City;
    - escarpment areas - Trumper Park;
    - public open space created by street closures;
    - early municipal street tree plantings;
    - pocket parks often created on gap sites within the terrace streetscape;
    - remnant established gardens from earlier gentry estates such as the former Scottish Hospital grounds;
    - private open space within institutions - Sydney Grammar's Weigall Grounds, White City; and
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- private gardens which contribute significantly to the townscape quality of streets and laneways.

#### C1.2.4 Desired future character

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The desired future character is a vision statement about the future image and function of the Paddington HCA. Applications will be assessed, among other matters, against their ability to satisfy those outcomes relevant to the development proposal.

This chapter seeks to achieve a desired future character for the Paddington HCA which:

- a) retains the unique national heritage significance of Paddington and recognises it as a rare and distinctive urban area;
- b) reinforces the area as a special residential precinct;
- c) retains and promotes evidence of the historical development of the area and enables interpretation of that historical development;
- d) retains the cohesive character evident in the low scale, high density built form;
- e) retains distinctive features such as parapets, chimneys, mixture of roofs, complex of roads, laneways and alleyways, consistency of colours, subdivision patterns and buildings which follow the landform and the distinctive patterns of terrace house groups;
- f) continues to cater for varied uses and building types within the residential area;
- g) retains the diversity of building types including multi-storey and single-storey terrace house rows, modest scale timber and masonry cottages, semi-detached dwellings, dwelling houses, commercial buildings, pubs, former industrial buildings, places of public worship and public buildings;
- h) enables people to walk or cycle to shops, public transport, schools, parks and entertainment facilities in a safe, pleasant and healthy environment;
- i) provides attractive and vibrant shopping areas for locals and tourists;
- j) provides for sharing of views and vistas; and
- k) exhibits contemporary design excellence.

As Paddington is a living place and will be subject to change over time, Council seeks to encourage new development of a high design standard which respects the significance of the area.

The statement below on contemporary design emphasises the role that modern day design plays in the evolution of Paddington. Issues of contemporary design are relevant to development in the public and private domains.

#### C1.2.5 Contemporary design in Paddington

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Contemporary design provides the basis for the continuing enrichment of the historic interpretation of Paddington by adding to our understanding of contemporary life as expressed in

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the built environment. Issues of contemporary design are relevant to new development of a minor and major nature in the both the public and private domains. Quality architectural design must form the basis of any proposed new works. Contemporary design must be respectful of the HCA.

Paddington is characterised by rows of 19th century buildings. Paddington has a number of significant buildings and building elements that represent the changing character of design from the 19th century-21st century. The presence of buildings and building elements representing the various design elements of the 20th and 21st centuries enrich the character of Paddington and the interpretative aspects of its history.

A range of contemporary design approaches, philosophies and techniques can be employed in Paddington. These are encouraged in appropriate locations and circumstances.

Council does not advocate replication of previous architectural styles in cases of infill development. However, infill development should be based on a contemporary design approach which respects the context, especially the predominant scale, form and articulation of buildings that characterise an area. New contemporary design should respect the historic built form of the Paddington HCA.

Certain types of new work require a traditional design approach. Such an approach may be appropriate where alterations and additions are proposed for those areas of a building which have original significant fabric.

A thorough understanding of the physical and historical aspects of the site and its context will act as a guide to the appropriateness of the design approaches. Applicants must demonstrate that contemporary design techniques, materials or idioms provide an appropriate response to relevant aspects of the physical and historical context. Applications are required to demonstrate that contemporary design techniques, materials and design elements provide an appropriate response to the relevant aspects of the historical and physical context.

The use of contemporary design approaches, particularly to infill development, work to an intrusive building, work to the public domain, and work to buildings or building elements of heritage significance, must achieve a cohesive relationship between new and existing urban fabric, and respect and respond to the context of the HCA.

### C1.3 Building types

To protect the heritage significance of Paddington it is important to retain and conserve the many building types that represent the significant phases of the suburb's historical development.

The applicant is to identify which of the building types listed below are relevant to the proposal, and comply with the objectives and controls for those building types.

Where development involves an existing building, more than one building type control may apply. For example:

- ▶ for single storey dwellings— the building type controls for single storey buildings and dwelling houses apply;
- ▶ for a single storey corner shop— the building type controls for single storey buildings, corner shops and corner commercial buildings, and commercial and industrial buildings apply;
- ▶ for a single storey freestanding dwelling house— the building type controls for single storey buildings and dwelling houses apply.

#### Building types

The building types in this section are:

- ▶ 1.3.1 Single storey buildings (applies to residential and non-residential buildings)
- ▶ 1.3.2 Timber buildings
- ▶ 1.3.3 Corner buildings:
  - Corner terrace houses
  - Corner shops and corner commercial buildings
- ▶ 1.3.4 Multi-storey terrace style housing (defined in Woollahra LEP 2014 as either semi-detached dwellings or attached dwellings)
- ▶ 1.3.5 Dwelling houses
- ▶ 1.3.6 Residential flat buildings and multi dwelling housing
- ▶ 1.3.7 Buildings in the William Street B4 Mixed Use Zone
- ▶ 1.3.8 Commercial and industrial buildings including shops
  - All commercial buildings
  - Commercial development in Oxford Street
- ▶ 1.3.9 Pubs
- ▶ 1.3.10 Places of public worship and educational establishments
- ▶ 1.3.11 Public buildings
- ▶ 1.3.12 Existing contemporary infill
- ▶ 1.3.13 Infill development (new development)
- ▶ 1.3.14 Intrusive buildings



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### C1.3.1 Single storey buildings

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Single storey buildings include timber, stone, brick and weatherboard cottages, terraces, semi-detached houses and single storey shops.

Architectural styles include Georgian, Victorian and Federation. The scale of buildings generally range from the typical small and narrow fronted buildings to medium to large houses ranging in date from 1840s to 1920s.

Single storey buildings, in particular the timber cottages, are significant because of their rarity. Many single storey buildings are also significant because of their historical association with the evolution of the early Paddington village and the artisan community that developed at the junction of Glenmore Road and New South Head Road.

Additions to these single storey buildings need to be carefully considered to conserve their scale and form (see Objectives, Controls and Figure 1). Refer to Figures 2 and 3 for examples of intrusive and non-intrusive extensions.

#### Objectives

- O1 To retain and conserve single storey buildings.
- O2 To conserve the settings of single storey buildings.
- O3 To ensure that the scale and form of single storey buildings are retained and that alterations and additions do not dominate the building.

#### General Controls

These controls apply to all alterations and additions to single storey buildings, including pavilion additions:

- C1 Principal building forms and original external materials are to be retained.
- C2 Retain or reinstate façade details and open verandahs where physical or documentary evidence exists demonstrating an earlier state.
- C3 Where alterations are required to meet the ~~Building Code of Australia~~ [National Construction Code](#) requirements materials must be consistent with traditional materials and finishes.
- C4 Additional storeys are not permitted to the principal building form where the existing roof height will be increased, and changes to the existing roof pitch and eaves height will occur.
- C5 Roof space within the principal building form may be used where there will be no change to the existing roof height, roof pitch, eaves height or ceiling below. No change to the rear roof plane is permitted to the principal building form with the exception of a compliant dormer and skylight.

Note: Control C5 is included to ensure that the rear roof of the principal building is not raised to incorporate a higher extension or higher link structure to a pavilion.

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- C6 The addition of dormers or skylights in the rear roof slope of the principal building form is to comply with controls in Section 1.5.1 Dormers and skylights.
- C7 Ground floor additions and pavilion ~~extensions~~ additions to the rear of a single storey ~~cottages~~ building must not compromise the form of the principal building ~~form of the cottage~~.
- C8 Existing setbacks from the front and side boundaries for the principal building form are to be retained.
- C9 Additions at the rear of buildings must not extend beyond the predominant rear building setbacks at any level of a group or row of buildings.
- ~~C9~~ C10 Additions of an appropriate form and scale are permitted at the rear of the principal building form if:
- ~~the addition is consistent with the traditional pattern for secondary wing extensions~~ a ground floor rear addition attached to the principal building below the existing eave or employs a pavilion style ~~extension~~ addition (refer to controls below); and
  - for additions other than pavilion additions, the addition ~~has an appropriate roof form that is consistent with the principal building form of the building and its roof;~~ incorporates a skillion roof. Reverse skillion roofs are not permitted.
  - ~~the addition, other than a pavilion extension, does not exceed a height 300mm below the ridge level of the principal building form; and~~
- ~~C10~~ C11 Additions to single storey semi-detached and terrace groups must not compromise the architectural character of the pair, or the group of houses.

*Rear Pavilion extension additions*

A pavilion is not an infill development or a loft over a garage or a studio. Controls for infill development are included in C1.3.13. Controls for a loft over a garage or studio are included in C1.5.7.

- ~~C11~~ C12 A pavilion ~~extension~~ addition may be permitted if:
- it would not have an adverse impact on the heritage significance of the existing building, adjoining properties, or the group of buildings, where the building forms part of a group;
  - it is not visible, directly or obliquely, from any part of the street to which the property's street front zone abuts and from the front yard within the street front zone;
  - it will have a negligible impact on the amenity of neighbouring properties in terms of loss of sunlight, ventilation and privacy;
  - it will not adversely affect the setting of the existing building; and
  - it is ancillary subsidiary to the existing building and will not dominate the existing building in terms of bulk, height and scale.
- ~~C12~~ C13 A pavilion ~~extension~~ addition ~~should generally~~ must be single storey in height, be subsidiary in height to the ridge height of the principal building (not including chimneys), and must not be able to be seen over the roof of the principal building.

~~C13 – A two-storey pavilion extension may be permitted if it meets the requirements of C11.~~

C14 A pavilion addition must be wholly located at the rear of the existing principal building. Additions that wrap around the principal building are not appropriate.

**C14 C15** Where a pavilion ~~extension~~ addition is appropriate:

- a) a linking structure ~~should~~ may be provided between the principal building form and the pavilion addition;
- b) the height of the linking structure must be single storey and below the eaves of the principal building form; ~~and~~
- c) the dimension of the link between the two buildings should be a minimum length of 1m between the gutter edge on each building, or a minimum of 2m between the outer walls where eaves and gutters are not provided;
- d) the linking structure ~~should use~~ must be a lightweight construction to differentiate the new work from the original. Lightweight construction should comprise appropriate materials, roof form and overall design. Appropriate materials include glass, steel and timber. Very minor masonry material may be included;
- e) it may include a usable courtyard provided that a compliant rear building alignment can be achieved and the bulk and scale of the addition does not result in adverse privacy and overshadowing impacts on adjoining properties; and
- f) The inclusion of a courtyard must comply with the controls and minimum requirements in Section C1.4.8 Private open space, swimming pools, courtyards and landscaping.

~~C15 Where proposed as part of a dwelling house, a pavilion extension is to be designed so that it is not capable of being used as a separate dwelling.~~

C16 The roof of the pavilion addition must:

- a) be an appropriate response to the traditional roof form and pitch of the principal building. Skillion roofs must comprise a single roof plane. Curved roofs, flat roofs, mansard roofs, parapet roofs and reverse skillion roofs are not permitted; and
- b) match the pitch of roofs where an unchanged established pattern of rear roofs exists or, where an unchanged pattern does not exist, must be a minimum pitch of 6 degrees.

C17 Provided that C12 and C15 are satisfied, a contemporary design for the pavilion may be used.

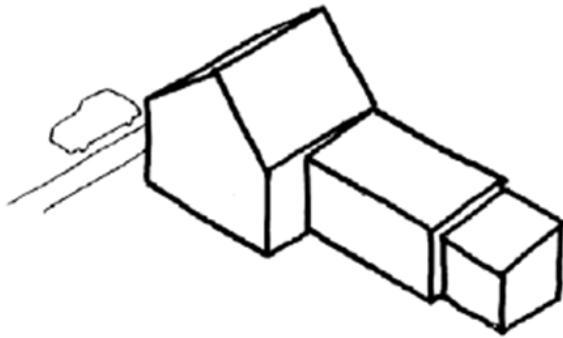
C18 An attic is permitted within the roof space of the pavilion addition provided that:

- a) satisfactory floor to ceiling height standards are achieved;
- b) the form and pitch of the pavilion addition roof matches the form and pitch of the roof of the principal building;
- c) Only one dormer is permitted (in either the front or rear roof plane). Where the width of the addition is greater than 6m, a second dormer may be permitted provided each dormer is identical in type, size and no greater than 1.2m maximum width overall. The top of the dormer must be set below the main ridge by at least 300mm. The inclusion of a dormer must comply with the controls in Section C1.4.10 Acoustic and visual privacy; and

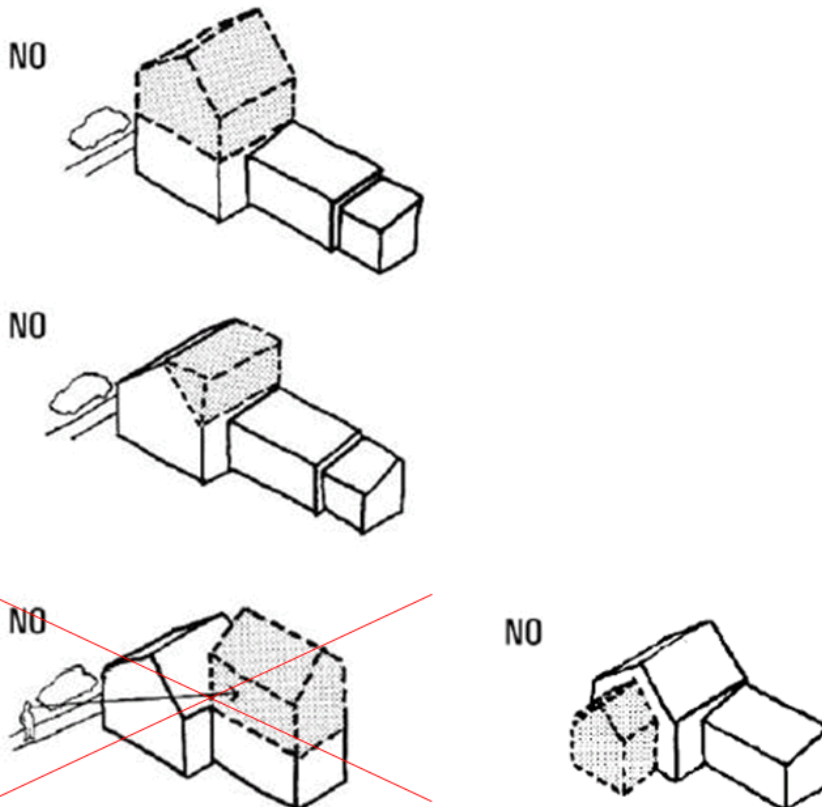
- d) No more than 2 skylights (compliant with the controls for Skylights in C1.5.1 Dormers and Skylights) are located within the entire roof plane.

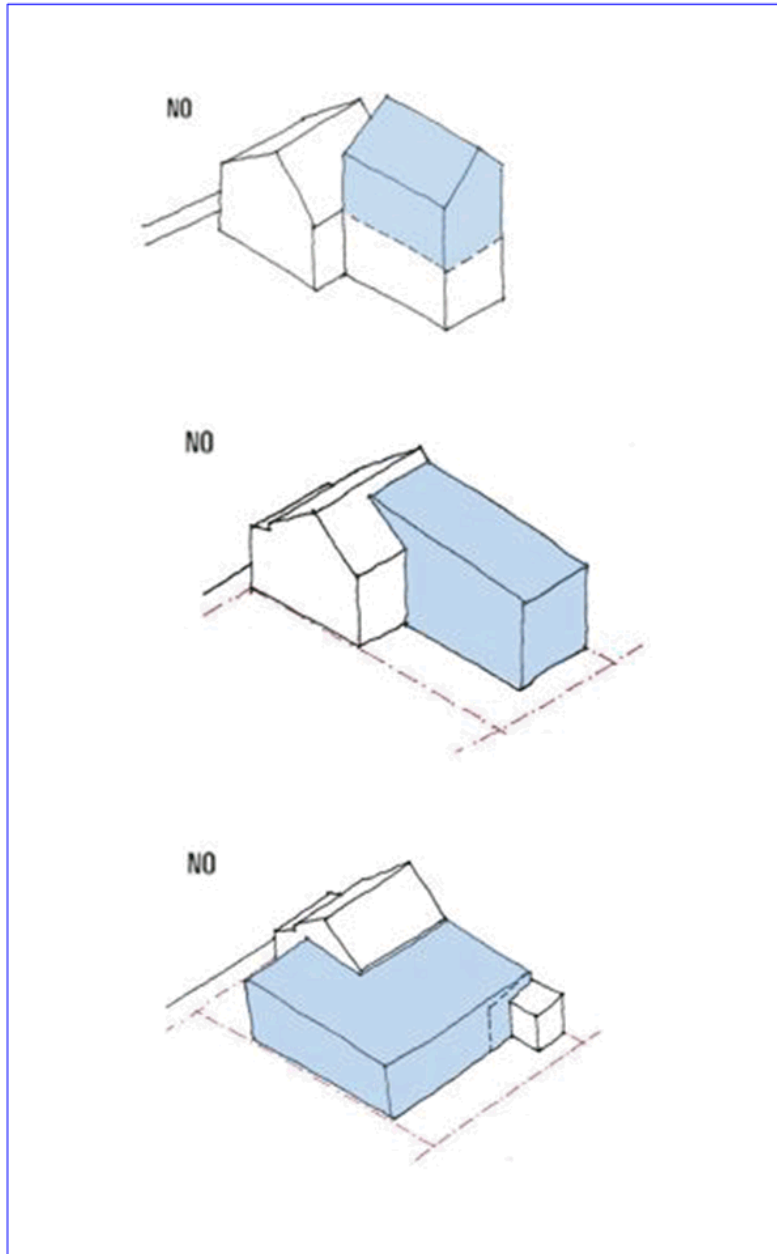
C19 Roofing materials must comply with C1.5.8.

**FIGURE 1** Generic version of a single storey terrace

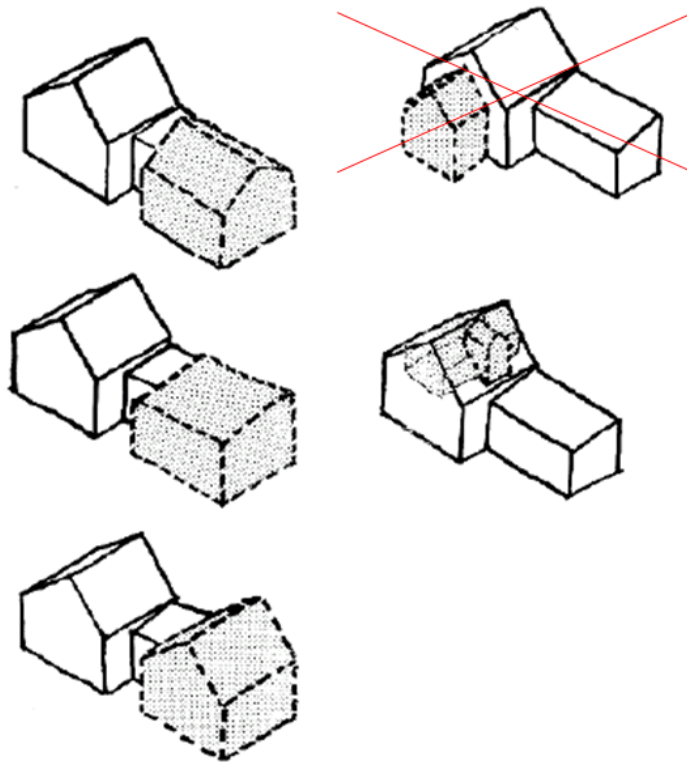


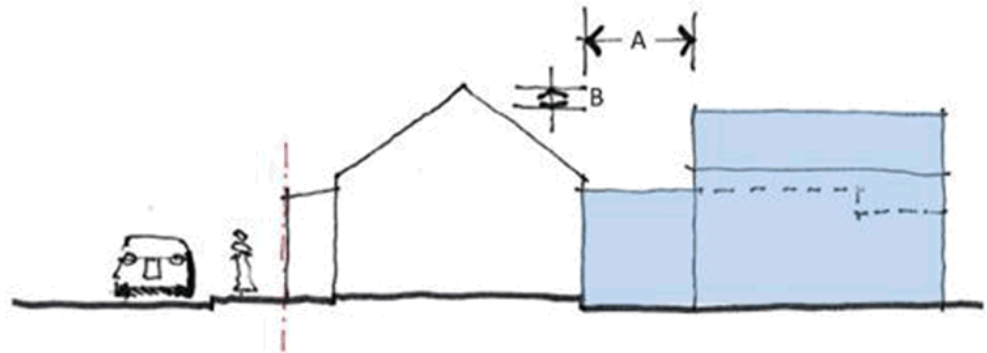
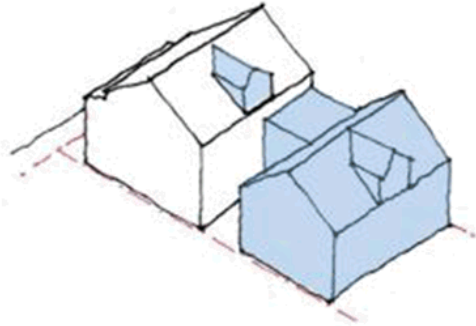
**FIGURE 2** Intrusive ~~development~~ additions





**FIGURE 3** Non-intrusive development





**Measurement A:** minimum length of 1m between the gutter edge on each building, or a minimum of 2m between the outer walls where eaves and gutters are not provided

**Measurement B:** at least 300mm lower than the ridge height of the principal building

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### C1.3.2 Timber buildings

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Timber buildings within the Paddington Heritage Conservation Area include single storey Victorian workers' cottages, two storey Victorian workers' houses, Early Victorian single storey cottages, Late Victorian terraces and semi-attached timber houses.

All forms of timber buildings contribute to the diverse character of Paddington streetscapes and the aesthetic value of the conservation area. Timber buildings are also significant because of their rarity and historical association with the evolution of the Paddington Heritage Conservation Area.

The vast majority of timber buildings in Paddington are single storey workers' cottages constructed between 1840 and 1870. These buildings were built to accommodate local artisans and working class families who played an important role in the development of the Paddington village.

Timber buildings are vulnerable to change and many have been modified over time, are in a deteriorated condition or suffer from structural instability. Despite these changes timber buildings in Paddington continue to make an important contribution to the character of the conservation area and should be conserved.

#### Objectives

- O1 To retain and conserve timber buildings and their setting.
- O2 To retain, restore and conserve the special characteristics and details of timber buildings.
- O3 To restore and reconstruct missing elements of the principal building form within the street front zone.
- O4 To retain and conserve significant side and rear forms of timber buildings.
- O5 To retain, restore and promote the significance, contribution and relationship of a timber building within the context of the conservation area.

#### Controls

- C1 Additional storeys are not permitted to the principal building form of timber buildings.
- C2 When works are proposed to the principal building form or original significant elevations visible from the street or lane, Council strongly encourages and may require restoration or reconstruction of missing elements appropriate to the architectural style of the building or reversal of uncharacteristic elements where:
  - a) original render has been stripped from an external wall surface;
  - b) balconies or verandahs have been enclosed and details such as balustrade panels, rails, columns, friezes and fringes have been removed;
  - c) original door or window types and patterns have been removed;
  - d) roof cladding is in a unsympathetic material;



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e) details are missing from chimneys; and

f) inappropriate reconstruction of period detail and elements has occurred.

Note: Reconstruction and restoration may be guided by traditional models and physical or documentary evidence of an earlier state of the building or architectural style.

- C3 Existing setbacks from the front and side boundaries of the principal building form are to be retained.
- C4 Alterations and additions to the rear of buildings must not dominate or compete with the form, height, proportions or scale of the timber building.
- C5 Where structural stabilisation of a timber building is necessary, a sympathetic structural solution that ensures the conservation of as much original external and internal fabric as possible is required.
- C6 Where alterations to timber buildings are required to meet the provisions of the Building Code of Australia, materials must be consistent with traditional materials and finishes.
- C7 Refer to relevant objectives and controls in section 1.3 - Building types, section 1.4 - General policy for existing buildings and infill development and section 1.5 - Specific policy for building and site elements.

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### C1.3.3 Corner buildings

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#### *Corner terrace houses*

Corner terrace housing terminates a terrace row at an intersection street or lane. The form of corner terraces makes an important contribution to views and vistas at street intersections.

Generally they are built to the street boundary, having no setback at all on the side. Frequently the side gable end walls are blank, but sometimes there are windows and balconies.

Materials include stone, brick, stucco, render, cast iron and terracotta.

#### Objectives

- O1 To retain and conserve the architectural detail and special character of corner terraces.
- O2 To ensure that traditional side elevations, forms and alignments are retained.
- O3 To ensure that side additions are of a sympathetic design and construction to the original building.

#### Controls

- C1 Refer to objectives and controls in Section C1.4 General controls for all development and Section C1.5 Specific policy for building and site elements.

#### *Corner shops and corner commercial buildings*

Corner shops and corner commercial buildings are typically one or two storeys in height and are often located at cross streets. Corner shops are usually the corner terrace of a row of terraces, but may be a corner building on their own. Often they have an angled entry elevation, as well as elevations on two street sides, all of which are built to the boundary.

Many corner shops remain as shops but others have been changed to restaurants, cafes, galleries and residences. The typical shop windows are large and face the streets on either corner with the entrance at the corner. Building materials include stone, brick, stucco, render, cast iron, terracotta and some timber.

Corner shops and commercial buildings reflect the neighbourhood evolution of Paddington and have a high social and historical significance.

Note: The controls and objectives in this section apply in addition to the objectives and controls for 'All commercial buildings'. If there are any inconsistencies, these corner controls take precedence.

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### Objectives

- O1 To retain and conserve corner shops and corner commercial buildings as distinct building forms and as evidence of the evolution of Paddington.
- O2 To retain and conserve corner shops and corner commercial buildings because of the service they provide to residential neighbourhoods and because they provide a positive contribution to the pedestrian environment of Paddington.
- O3 To encourage the reinstatement of suitable retail and commercial uses within existing shops and commercial buildings in recognition of the social and historic significance of these types of uses and their role in the neighbourhood evolution of Paddington.

### Controls

- C1 Retain original shopfront windows, joinery and architectural details irrespective of a building's use.
- C2 Shopfront windows must remain as showcases and not be obscured by walls or partitions.
- C3 Refer to the objectives and controls in Section 1.3.1 Single storey buildings, Section 1.3.8 Commercial and industrial buildings including shops, Section C1.4 General controls all development and Section C1.5 Specific policy for building and site elements.

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### C1.3.4 Multi-storey terrace style housing

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Multi-storey terrace housing includes mostly two and three storey terraces, some containing additional basement and attic levels. This housing was traditionally built in uniform rows; occasionally containing distinct subgroups or individual buildings within groups.

The lot width and configuration is the main determinant of the terrace house size, scale and arrangement pattern, with the three storey terraces generally occurring on the larger lots.

Architectural styles and the periods of construction vary and include Georgian, Victorian and Federation.

Predominantly terraces have front verandahs and balconies built to address the street, and party walls which separate the dwellings.

Groups of terrace houses occasionally contain subgroups of varying building widths and detailing, or may be terminated by an individual end terrace (see Section 1.3.3 Corner buildings) or mixed residential/corner shops and commercial buildings (see Sections 1.3.3 and 1.3.8 ).

#### Objectives

- 01 To retain and conserve the principal building forms of rows and groups of terraces.
- 02 To retain significant rear and side forms.
- 03 To retain the rear forms of unaltered pairs and groups of terraces.
- 04 To retain the shared distinctive characteristics of groups of buildings.
- 05 To retain, restore and promote the significance, contribution and relationship of a building within the context of a group of buildings.
- [06 To ensure that side additions to existing buildings are designed and located to achieve a cohesive relationship between the existing buildings, and which retains and enhances the cultural significance of the heritage conservation area.](#)
- [07 To ensure that side additions respect the scale and setting of adjacent contributory buildings.](#)
- [08 To protect the amenity of adjoining or adjacent residential uses.](#)

#### Controls

##### [All multi storey terrace style development](#)

- C1 Refer to objectives and controls in Section C1.4 General controls for all development and Section C1.5 Specific policy for building and site elements.

##### [Side additions between buildings](#)

##### [Character](#)

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C2 Side additions must:

- a) maintain the significant features and qualities that combine to represent the character of the neighbourhood and area;
- b) make a positive contribution to the character of the neighbourhood and area; and
- c) maintain a contextual relationship between the existing building to which it is attached, the adjoining buildings and the streetscape in which it will be located.

Scale

C3 Side additions must not overwhelm the context and should be consistent with the predominant scale of the building to which it is attached, significant development adjoining the site and in the group/row in terms of:

- a) maximum height pattern (measured to the uppermost ridge of the principal building to which it is attached [or the base of the parapet where existing], not including chimneys); and
- b) massing (building volume and size).

C4 Additional storeys are not permitted within the side addition.

Form

C5 Side additions must be consistent with the predominant built form (volume and configuration) of the building to which it is attached and significant development adjoining the site and in its immediate area in terms of aspects including, but not limited to:

- a) roof forms and pitch;
- b) three dimensional modelling of neighbouring buildings;
- c) modulation and articulation;
- d) relationship of solids and voids;
- e) fenestration patterns; and
- f) relationship of floor to ceiling heights and horizontal alignment of features (especially ground and first floor levels of the existing buildings to which it is attached).

Refer also to Section 1.4.4 Roofs and roof forms, Section 1.4.5 Building height, bulk, form and scale, and Section 1.4.6 Site coverage, setbacks and levels.

Siting

C6 Side additions must adopt the established orientation pattern of the existing building to which it is attached.

C7 Where there is a uniform building front setback, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached and adjoining buildings.

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C8 Where building front setbacks vary, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached.

C9 If the side addition occurs on a corner site, the controls in C1.4.2 apply.

C10 Rear and side setbacks (including side passages) must align with existing patterns, where visible from the public domain.

C11 Side additions must be sited to:

a) include sufficient deep soil landscaped area; and

b) have no adverse impact on significant trees on the site or adjoining land, including public land.

Refer also to Section 1.4.8 Private open space, swimming pools, courtyards and landscaping.

Materials, finishes, textures and colours

C12 Materials, finishes, textures and colours must be appropriate to the historic context. They must be similar to the characteristic materials, finishes, textures and colours of the existing building to which it is attached and existing contributory buildings within the streetscape.

C13 Contemporary materials are permitted where their proportions, detailing, quantities and location on the building are in keeping with the character elements (refer to C1.2.3) and the desired future character of the heritage conservation area (refer to C1.2.4).

Refer also to Section 1.5.8 Materials, finishes and details and Section 1.5.9 Exterior colours.

C14 Side additions must:

a) use render, masonry and/or timber;

b) avoid large expanses of glass and reflective wall cladding;

c) use roof cladding which matches the existing building to which it is attached;

d) not have solid masonry front boundary walls; and

e) use colour schemes which respect the character of the neighbourhood.

Note:

For side additions between buildings, a draft site and context analysis is to be submitted to Council for comment as part of a predevelopment application meeting between Council representatives and the applicant.

The following information is to be submitted for comment prior to the lodgement of the development application:

► design options explored and the applicant's preferred design proposal;

- ▶ [a statement outlining the proposed measures to minimise the adverse impact of the side addition on neighbouring lands, including the public domain;](#)
- ▶ [the philosophy of how the design elements relate to the proposal's context in terms of architectural form, materials and character; and](#)
- ▶ [the historic context and impact sections of a draft statement of heritage impact.](#)

[For development applications, applicants are required to provide the following information, not limited to:](#)

- ▶ [design options and final preferred design;](#)
- ▶ [a detailed site and context analysis;](#)
- ▶ [profiles of adjoining development;](#)
- ▶ [RLs for the subject site and adjoining properties;](#)
- ▶ [an accurate survey \(including accurate RLs, and the accurate location of eaves/gutters, chimneys and other structures on adjoining properties\);](#)
- ▶ [the structural relationship with the existing building and any adjoining properties \(including shared party walls, footings and chimneys\); and](#)
- ▶ [the final version of the statement of heritage impact.](#)

[Other required documentation to be submitted with the development application can be found in the Development Application Guide.](#)

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### C1.3.5 Dwelling houses

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There is a range of freestanding dwelling houses in the Paddington HCA, including Victorian manor houses, timber cottages and freestanding buildings with terrace style form.

However, freestanding dwelling houses in the context of the Paddington HCA are generally constructed in a terrace style form, and though they tend to abut adjoining buildings they do not share a common party wall with the adjoining dwelling. To that end, these dwelling houses are freestanding, and are distinguished from semi-detached dwellings and attached dwellings as defined in Woollahra LEP 2014.

The dwelling houses include small timber, brick and stone cottages to larger stone and brick mansions. These range from workers' cottages, middle class housing and mansions built on original gentry estates. Examples include single storey buildings, two storey or multi-storey buildings.

A garden setting is often associated with freestanding houses. Within the curtilage there may be associated culturally significant outbuildings.

Refer also to Section 1.3.1 Single storey buildings for additions to single storey cottages.

#### Objectives

- O1 To retain and conserve dwelling houses, their curtilage and settings.
- O2 To ensure that additions to multi-storey dwelling houses do not compromise or dominate the original main front section of the house, and are suited to the architectural style of the building.

#### Controls

- C1 Refer to objectives and controls in Section C1.4 General controls for all development and Section C1.5 Specific policy for building and site elements.



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### C1.3.6 Residential flat buildings and multi dwelling housing

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Residential flat buildings and multi dwelling housing in Paddington generally consist of small two, three and four storey buildings dating from the 1930s to 1950s, taller buildings dating from the 1960s to 1970s, and the infill buildings of the 1990s. This includes some public housing built during the 1950s.

Early building materials include brick and terracotta with the later buildings constructed from masonry, concrete and glass.

Some of these buildings, because of their scale, bulk and materials, are intrusive elements in the general context of Paddington, and therefore are not contributory buildings.

#### Objectives

- 01 To retain contributory examples of residential flat buildings and multi dwelling housing.
- 02 To mitigate the effects of intrusive residential flat building and multi dwelling housing development.
- 03 To encourage redevelopment or modification of intrusive development.

#### Controls

- C1 Redevelopment or modification of intrusive development must be to a design that is appropriate to the relevant aspects of the historic context.
  - C2 Alterations may be made to the external finishes of residential flat buildings, if appropriate to the building type.
  - C3 Alterations are permitted that reverse any unsympathetic works to residential flat buildings and multi dwelling housing.
  - C4 Alterations and additions must not adversely affect the form or character of contributory buildings.
  - C5 Additions are limited to undercroft areas, roof spaces and the provision of balconies.
  - C6 Alterations or additions to the original forms, details or materials of the principal elevations of contributory buildings are not permitted.
  - C7 Alterations and additions to an individual unit must not adversely affect the cohesiveness of the principal building form of the building.
  - C8 Alterations to windows and external doors of contributory buildings are not permitted except where they would not be visually prominent, such as to rear ground floor flats or below street level.
  - C9 Enclosure of balconies and verandahs of contributory buildings is not permitted.
  - C10 Alterations to improve accessibility (including lifts, ramps and stairs) must retain the original character and design of the building and setting.
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- 
- C11 Skylights are not permitted where visible from the public domain.
  - C12 Dormer windows are not permitted.
  - C13 Ancillary development must be no higher than one storey and should be constructed of materials in the style and character of the principal building.
  - C14 Ancillary development should be located behind the principal building form.
  - C15 Shade structures including awnings and canopies are not permitted to the street front elevation of the building.
  - C16 Privacy screens must be discreet, must not be visible from the street and must not adversely affect the overall character of the building.
  - C17 Services upgrading and fire safety works must minimise adverse visual impact and damage to original building fabric.
  - C18 Existing ground level landscaped spaces must not be reduced in area, or screen the principal elevation of the building.
- Note: Refer also to Section 1.2.5 Contemporary design in Paddington and Section 1.3.14 Intrusive buildings.

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### C1.3.7 Buildings in the William Street B4 Mixed Use Zone

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The controls in this section apply to land in William Street zoned B4 Mixed Use under Woollahra LEP 2014. The building types in this B4 Zone include:

- ▶ residential buildings
- ▶ purpose built commercial buildings;
- ▶ residential buildings which have been lawfully altered for a non-residential use; and
- ▶ residential buildings that retain their residential external appearance and are used for a commercial purposes.

William Street contains a mix of residential terrace buildings as well as shopfronts with residences above; these unite the busy retail promenade of Oxford Street with the dense residential terrace housing of Paddington. Since the 1980s William Street has grown to become a popular location for small fashion specialty shops, and shops with a boutique or artisan character.

It is important that the built form in William Street retains its mix of residential and non-residential building facades. In particular, development of a residential terrace for a commercial use must be undertaken in a sensitive manner to ensure that the overall character of the original building is retained, and that particular elements of the terrace house are sympathetically addressed.

The use of the terrace houses in William Street must ensure that development does not involve the demolition of common walls. 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.

The ground floor non-residential uses should contribute to, and reinforce, William Street's boutique retailing character. Development should retain and enhance the heritage character of the street, with particular regard to the use of sympathetic external colour schemes and signage.

#### Objectives

- 01 To ensure that work to any building in William Street is consistent with the original character of the building type and its architectural style, and makes a positive contribution to the streetscape.
- 02 To ensure that a premises originally designed and built for a residential purpose retains a distinctive residential character.
- 03 To provide a varied streetscape by retaining a mix of residential and commercial external facades.
- 04 To ensure that development retains and enhances the heritage character of the street.
- 05 To minimise the impact of non-residential uses on the heritage significance of the street.
- 06 To ensure that ground floor commercial uses contribute to William Street's boutique retailing character.
- 07 To ensure that security devices do not detract from traditional architectural elements, and the amenity and visual presentation of the streetscape.

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### Controls

- C1 The use of a residential building for a commercial use is to retain the traditional residential appearance at the street frontage.
- C2 Development must not involve the removal of internal party walls, external common walls or dividing fences between attached terrace buildings, whether or not those buildings are on separate lots.
- C3 Development is to respect the existing traditional façade of the building and not detract from its heritage character through inappropriate materials, finishes, external colours and character elements and the like.
- C4 Traditional architectural elements, including sash windows, inward opening timber panelled front doors, balcony doors, balustrades and palisade fences are to be retained.
- C5 The following works to the street front elevation are not supported:
  - a) replacement of timber double hung sash windows with other window types, such as single sheet glass windows or windows with false glazing bars and the like;
  - b) widening of window and door openings;
  - c) replacement of multiple window openings with a single window opening; and
  - d) replacement of original front doors.
- C6 Fully glazed shopfronts are not permitted on residential buildings.
- C7 Display of goods and all business operations are confined to the building. (Note, in the case of residential terraces, verandahs and balconies are deemed to be external to the building.)
- C8 An outward opening security door in front of a traditionally panelled front door may be permitted if the design complies with Section 1.5.3 Windows, doors, shutters and security.
- C9 Signage is to be integrated with the building and is not to intrude upon the Victorian character of the area. Traditional colours for signwriting include: light brown, rich brown, Indian red, and chrome green. Overly bright colours will not be permitted.
- C10 Individual business branding and identity in external painting and colour schemes is to be subordinate to the main colour schemes in the street.
- C11 In a residential building, signs for shops or other commercial uses are limited to a maximum of two signs per building, being:
  - a) one single sign with a maximum dimension of 500mm high by 450mm wide mounted or painted adjacent to the front door; or
  - b) one single flush mounted wall sign or painted sign within the ground floor verandah blind arch; or
  - c) one projecting wall sign that:
    - i) has a maximum area of 300mm x 300mm;
    - ii) does not project more than 500mm from the building façade;
    - iii) does not impact on the decorative stucco of the party wall; and
    - iv) is no lower than 2.6m off the pavement, and no higher than the partywall corbelling.

### C1.3.8 Commercial and industrial buildings including shops

Retail and commercial buildings have always been a major feature of Paddington.

For example, Oxford Street is a homogenous Victorian commercial precinct established since the 1860s and is the main shopping area of Paddington. A smaller group of retailers is located at Five Ways, which was established by 1910. More recently, William Street, as an extension of Oxford Street, has emerged as a boutique retailing street adapted from residential terraces.

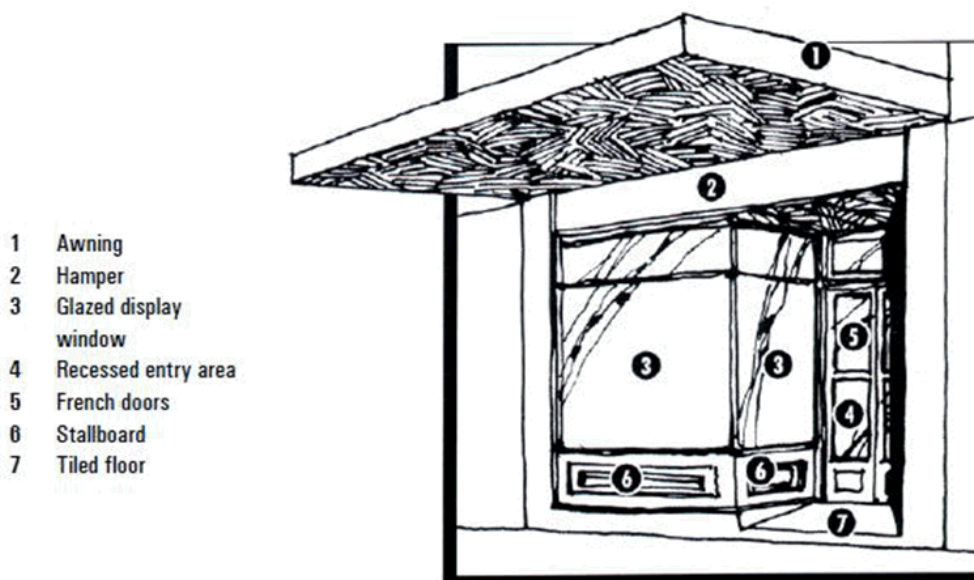
Other shops are scattered throughout Paddington, mostly on street corners. These shops have survived; many with changed uses and most have a high degree of integrity.

In Oxford Street the general cohesiveness of the streetscape comes from the original above-awning elevations. Decorative parapets are common. Architectural styles include Victorian, Federation and Inter-War and date from the early 1860s to the 1940s. Building materials include stone, brick, stucco, render and timber.

Shops are typically one or two storey in height and include single storey and two storey residential terraces with shopfronts. Shopfronts are stylistically diverse. They include original Victorian shopfronts, and Federation, Inter-War and Post War shopfronts.

Commercial and industrial buildings are also spread throughout the area, with mixed architectural forms and varying degrees of integrity. Industrial buildings include garages, workshops, service stations and light industry factories. These buildings include large single storey buildings constructed from brick and corrugated iron.

**FIGURE 4** Traditional shop front



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*All commercial buildings*

**Objectives**

- O1 To retain and conserve forms, significant elevations, details and finishes of commercial, industrial and retail buildings.
- O2 To retain and conserve good representative examples of significant architectural styles in the historic development of commercial retail and industrial buildings in Paddington.
- O3 To retain and conserve original shopfronts.
- O4 To ensure that security devices do not detract from the traditional architectural elements and the amenity and visual presentation of the streetscape.

**Controls**

*General*

- C1 Principal building forms are to be retained.
- C2 Significant architectural elevations and significant finishes and details are to be retained.
- C3 Works for the adaptive re-use of a building must be consistent with the overall character of the building type, its architectural style and its context within the HCA.
- C4 Refer to the objectives and controls in Section 1.2.3 Character elements, Section 1.3.1 Single storey buildings, Section 1.3.3 Corner buildings and Section C1.5 Specific policy for building and site elements.

*Shopfront elevation*

- C5 Shopfronts that are examples of significant architectural styles in the historical development of Paddington are to be retained.
- C6 New work to significant shopfronts is to be consistent with the style and character of the building and the streetscape.
- C7 Original windows above the awning are to be retained and not altered in size.
- C8 Shopfronts must not be amalgamated. Where internal spaces of buildings are amalgamated, individual shopfront elements and features such as shop windows and doors must be retained.
- C9 For new buildings and existing buildings where no significant fabric or layout is present in the shopfront, contemporary design is permitted if it is consistent with the building's historic streetscape context in terms of:
  - a) materials, colours and finishes;
  - b) proportions of windows and doorways, including the division of windows with their bases and vertical sections;

- c) detailing; and
- d) signage.

- C10 Reconstruction of original shopfronts may be permitted where a shopfront forms part of a group or where sufficient evidence exists showing the original shopfront design.
- C11 Removal of original shopfronts or elements of an original shopfront is not permitted except for the purposes of restoration.
- C12 When work is proposed to an intrusive shopfront, reconstruction, restoration or contemporary interpretation according to C6 is required.
- C13 Where awnings are a characteristic element in the streetscape, the awnings must complement the existing streetscape character.

*Additional controls for the Five Ways*

- C14 For land zoned B1 Neighbourhood Centre in the Five Ways, regardless of the building type, the replacement of timber double hung sash windows with a single street glass window to the street front elevation may be permitted if consistent with the streetscape context and the characteristics of related buildings.

**Commercial development in Oxford Street**

**Character statement**

Oxford Street, Paddington, is positioned on the ridge running from the City of Sydney to Bondi Junction. A traditional main street has developed along the north side of Oxford Street for almost 1.5km from Boundary Street in the west, to Queen Street in the east.

The centre is a predominantly Victorian and Edwardian (Federation) commercial precinct established since the 1860s and is the main shopping area for Paddington. Oxford Street has attracted fashion shops in the last two decades and has transformed from a strip serving the local population to a destination shopping location.

The north side of Oxford Street is characterised by continuous development with a very consistent architectural scale and character. The built form in Oxford Street consists of shopfronts with a cohesive streetscape established by the original above awning elevations. Decorative parapets are common. Architectural styles are predominantly Victorian and Edwardian buildings with some later Inter-War buildings. Building materials include stone, brick, stucco and timber.

The south side of the road is in the City of Sydney local government area. It contains a number of institutional and civic buildings, interspersed by small groups of commercial buildings. A popular Saturday market also operates on the south side of Oxford Street within the Paddington Public School and the Uniting Church.

Increasing traffic on Oxford Street has impacted on the pedestrian environment, which compromises the interrelationship between the north and south sides of Oxford Street.

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### Desired future character

The character of Oxford Street is defined by its heritage items and contributory buildings generally in the form of two storey buildings with parapet façades establishing a consistent street wall. There are also some distinctive and contributory buildings interspersed amongst the regular shops, including the Post Office building, Juniper Hall and the Imperial Hotel.

The street is part of the Paddington Heritage Conservation Area, and the desired future character is to retain the existing built form and established urban character. Development will primarily involve the adaptive re-use of existing buildings and rear additions.

To ensure the conservation and enhancement of heritage items and contributory buildings, development is to respect the design of neighbouring buildings and the conservation area generally in regard to significant fabric and façade characteristics, scale, massing, materials, details, orientation and setbacks.

The retail vitality of Oxford Street needs to be reinforced. Oxford Street is a destination precinct, attracting shoppers to its boutiques and designer fashion shops from outside the local area. There is a need to continue to encourage fashion retail uses, supported by cafes and restaurants and other active ground floor uses, and to re-establish the strip's role in serving the local community. The development of residential uses may occur as part of mixed use buildings on upper levels.

### Objectives

- 01 To reinforce and build on the precinct's reputation as a boutique shopping main street.
- 02 To provide for a mix of active ground floor uses that contribute to the vitality and viability of the centre.
- 03 To retain and restore the original shopfront windows, joinery and architectural details.
- 04 To maintain the consistent street wall and frontage height of Oxford Street.
- 05 To ensure that building materials, details, colours, materials and finishes are sympathetic to the conservation values of the street.
- 06 To ensure that roof and parapet forms contribute to the established character of Oxford Street.
- 07 To ensure that side elevations, particularly those that are visually prominent, do not detract from the visual character of the street.
- 08 To ensure that corner buildings are designed to provide important elements in the physical pattern of the street and contribute to the perception of distinct blocks and groups of buildings.
- 09 To ensure that awnings provide a consistent element within the streetscape.
- 010 To provide shade and wet weather protection for pedestrians.



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- O11 To encourage opportunities for rear development on deep and narrow sites, particularly those sites with rear lane access.
  - O12 To provide a sympathetic transition in built form and uses between the residential areas and the Oxford Street commercial strip.
  - O13 Infill development is to respect the design of neighbouring buildings and the character of the conservation area in regards to scale, massing, materials, details, orientation and setbacks.
  - O14 To ensure that advertising signs and structures respect the heritage and architectural character of individual buildings and the street as a whole.

#### Controls

- C1 The ground floor must contain active uses that add to the pedestrian experience on the street:
  - a) retail uses including fashion boutiques and cafes; and
  - b) non-retail uses, such as entertainment facilities, must provide strong visual connection with the street and retain and conserve the traditional shopfronts established by the predominant retail frontages.
- C2 The adaptive re-use of a building must be consistent with the overall character of the building type, its architectural style and its context within the heritage conservation area.
- C3 Uses must protect existing shopfronts and street elevations and must not compromise the established pattern and rhythm of frontages and the heritage character of the street.
- C4 The height of development must conform to the predominant heights of adjacent buildings and the prevailing wall height in the streetscape.
- C5 Development must respect the relationship of building heights to view corridors and the skyline.
- C6 New balconies are not encouraged on the Oxford Street frontage other than to reinstate an original awning/balcony and support columns.
- C7 Alterations and additions to heritage items and contributory buildings must retain original shopfronts. Fully glazed shopfronts are not permitted.
- C8 Sympathetic use of contemporary design and materials may be considered.
- C9 Uncharacteristic elements or structures should be removed, and missing elements reinstated.
- C10 The range of colours, materials and finishes of new building work should complement existing heritage and contributory buildings, particularly above the awning line.
- C11 Colour schemes are to be appropriate to the individual building and the street as a whole. Extreme colour schemes diminish unity and detract from the streetscape, particularly if above the awning line.

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- C12 Colour schemes to the under awning façade may have greater variety and visual interest, but should not detract from the established streetscape character.
- C13 The diversity of pub buildings and their significant internal and external fabric is to be retained and missing elements reinstated.
- C14 Parapet height and rhythm is to be consistent. Parapets should predominantly be masonry.
- C15 Infill development should include parapets and roof forms that respect the existing conditions in terms of parapet height, pitch and shape of roofs.
- C16 Architectural elements of side elevations are to be retained, restored or reconstructed.
- C17 Corner sites are to be designed to maintain visual prominence in the street wall of Oxford Street. This is generally achieved through architectural elements such as parapet walls.
- C18 New corner buildings are to address both street frontages.
- C19 Awnings are reinstated in the original location, where evidence of the original structure exists.
- C20 Rear extensions should be designed to:
- improve casual surveillance and vibrancy of rear lanes;
  - minimise impact to significant landscape elements; and
  - protect the privacy and amenity of adjoining or adjacent residential uses.
- C21 New buildings must maintain and reflect:
- the established patterns and proportions of existing elevations which consist of a horizontal orientation below the awning line and a more vertical character above the awning line;
  - the consistency of horizontal and vertical façade features such as window heights and widths, bay widths, awning and parapet lines;
  - the established rhythm and pattern in the street arising from the original subdivision pattern; and
  - existing setbacks (generally zero setbacks) to front and side boundaries.
- C22 Above awning advertising signs are not permitted.
- C23 Signs and advertising must comply with the controls for advertising signs on buildings in Part E of this DCP, Chapter E7 Signage.

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### C1.3.9 Pubs

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Most pubs in Paddington are substantial buildings ranging in height from two to four storeys. They date from the 1840s through to the 1940s and are prominent place markers, often located on corner sites.

The pubs have an imposing presence with distinctive parapet profiles, modulated façades, window and door openings and ornate architectural detailing. Building materials include stone, brick, stucco, timber, glazed tiles and terracotta. The pubs display a diverse range of architectural styles including Victorian, Federation and Inter-War buildings.

Some buildings exhibit original elevation detail and a few retain their original interior detail.

Pubs owe their survival to their ability to offer the latest in comfort, service and amenities, consistent with the demands of their customers. To meet these situations and to also comply with legislative requirements relating to matters such as trading hours and public amenity, alterations and additions to pubs occur from time to time. Despite the fact that pubs are prone to physical change, a number of Paddington pubs remain close to their original configuration, appearance and use.

#### Objectives

- 01 To conserve the diversity of pubs and their significant internal and external details associated with all periods of construction.
- 02 To retain original names of pubs as part of the historical and social significance of Paddington.
- 03 To retain residential accommodation within pubs
- 04 To facilitate the continued role and presence of pubs in Paddington.

#### Controls

##### *Internal*

- C1 Significant interior features are to be retained.
- C2 Missing significant internal elements, details and finishes should be restored or reconstructed. These include:
  - a) decorative ceilings;
  - b) tiles;
  - c) joinery, including stairways;
  - d) fittings, including light fittings; and
  - e) traditional signs and advertising.
- C3 Original room configurations must remain discernible. Where new openings are proposed, interpretation of original wall positions and room proportions should be provided.

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**External**

- C4 Original elevations must be retained and conserved.
- C5 Face brick and tiles are not to be painted over, rendered or retiled.
- C6 Significant external features are to be retained. Where appropriate, missing elements, details and finishes should be restored or reconstructed. These include:
  - a) pressed metal ceilings to awnings;
  - b) awnings and balconies;
  - c) wall tiles; and
  - d) traditional signage.
- C7 The restoration of missing detail or reversal of unsympathetic work to street front elevations is required when work is undertaken to the principal elevations.
- C8 The original name of a pub must be retained and displayed appropriately in signage.
- C9 Traditional hotel signage and product advertising, such as painted glass panels advertising beer brands, should be retained, protected and displayed.
- C10 The prominence of parapets and roof lines must be retained.
- C11 The original massing and scale, pattern and modulation of façades and the proportions of openings must be retained.

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### C1.3.10 Places of public worship and educational establishments

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Since the 1840s Paddington has always had a strong church and school presence but over time many church and school buildings have been demolished and have been replaced with other types of buildings.

The remaining churches include St George Anglican Church built in 1888 and The Church of Christ built in 1901. Both are masonry with the latter being a much smaller building.

Schools in Paddington include Glenmore Road Public School built of stone and brick in 1884, and Edgecliff Preparatory School built of masonry.

#### Objective

- O1 To ensure that any new work is carried out with due regard to the significance of the building and its setting.

#### Controls

- C1 Refer to objectives and controls in Section 1.2.3 Character elements, Section C1.4 General controls for all development and Section C1.5 Specific policy for building and site elements.
- C2 Work undertaken on heritage items must comply with the management policies in a conservation management plan, where such a plan is required by Council.
- C3 For schools, refer also to objectives and controls in Part F of this DCP, Chapter F2 Educational Establishments.

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### C1.3.11 Public buildings

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Remaining public buildings in Paddington include the post office and the police station (former courthouse).

The post office is a two storey stuccoed masonry building in the Victorian Free Classical style. Built in 1885, its features include a parapet tower on the western end and a colonnaded loggia between the tower on the west and the curved corner pier on the east.

The former court house building was designed in the Victorian Italianate style and built in the 1880s. Situated between terrace houses it has a recessed portico with a central entrance. Main materials are stuccoed brickwork.

#### Objectives

- O1 To ensure that any new work is carried out with regard to the significance of the building.
- O2 To encourage the ongoing use of public buildings.

#### Controls

- C1 Refer to objectives and controls in Section 1.2.3 Character elements, Section C1.4 General controls for all development and Section C1.5 Specific policy for building and site elements.
- C2 Work undertaken on heritage items must comply with the management policies in a conservation management plan, where such as plan is required by Council.

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### C1.3.12 Existing contemporary infill

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Existing contemporary infill refers to buildings (generally 1970 to the present) that occur between terrace style housing. Materials often include rendered brickwork, concrete and glass and architectural styles referred to as modern, 'Sydney School', contemporary or post-modern.

#### Objectives

- O1 To ensure that any new work has regard to the building's context.
- O2 To ensure that any new work does not detract from the architectural merit the building may possess.

#### Controls

- C1 Refer to relevant objectives and controls in Section 1.2.3 Character elements, Section C1.4 General controls for all development, Section 1.1.13 Infill development (new development) and Section C1.5 Specific policy for building and site elements.
- C2 Where the building is not intrusive, additions are to be consistent with the character of the existing building and the massing of existing development within the streetscape.

### C1.3.13 Infill development (new development)

The term 'infill development' ~~refers to new development within an existing urban context.~~ is defined as the erection of a building that is:

- constructed on an existing vacant registered allotment of land; and
- does not include side, rear or front alterations and additions to an existing building.

Note:

Demolition is generally not supported. All proposals for demolition of a building must be approved via a thorough planning process that includes an assessment of the contribution the building is making to the Paddington heritage conservation area, a fabric analysis and an assessment of the impact that the loss of the building may have on the significance of the heritage conservation area.

Infill development ~~in Paddington~~ provides the chance for the continuing enrichment of ~~the area~~ Paddington by adding new built form which is an expression of contemporary life.

Opportunities for infill buildings may occur where existing buildings have been demolished or where vacant allotments exist or have been created. Demolition and subdivision will require assessment through the development application process.

As the opportunities for infill development are rare, designs for such sites are required to demonstrate an appropriate response to context and an approach which enhances the character of Paddington and its cultural significance.

Infill development should not ~~replicate historical architectural styles.~~ be a 'faux' representation of an historical architectural style. Rather, Council requires a contemporary design approach which respects:

- the historic context;
- siting; and
- architectural forms (including roof form, roof pitch, height, scale, massing, alignment, modulation, articulation and materials);

and achieves a cohesive relationship between the existing and new urban fabric.

Note:

~~For infill development, applicants are required to provide a detailed site and context analysis.~~

~~A draft site and context analysis is to be submitted to Council for comment as part of a predevelopment application meeting between Council representatives and the applicant.~~

A Pre-DA Meeting is recommended between Council representatives and the applicant for infill development proposals.

The following information is to be submitted for comment ~~prior to the lodgement of the development application~~ for discussion at the Pre-DA Meeting:

- a draft site and context analysis;
- design options explored and the applicant's preferred infill design proposal;



- ▶ a statement outlining the proposed measures to minimise the adverse impact of the infill development on neighbouring lands, including the public domain;
  - ▶ the philosophy of how the design elements relate to the proposal's context in terms of **built architectural** form, materials and character; and
  - ▶ [the historic context and impact sections of a draft](#) statement of heritage impact.
- [For development applications, applicants are required to provide the following information, not limited to:](#)
- ▶ [design options and final preferred design;](#)
  - ▶ [a detailed site and context analysis;](#)
  - ▶ [profiles of adjoining development;](#)
  - ▶ [RLs for the subject site and adjoining properties;](#)
  - ▶ [an accurate survey for the subject site \(including levels of adjoining buildings and their architectural elements\);](#)
  - ▶ [a schedule of materials, finishes and colours. Where contemporary materials are proposed, a statement must be provided that outlines how the contemporary materials are in keeping with the character elements and desired future character of the heritage conservation area, particularly in terms of solid-to-void ratios, detailing and proportions, textures and finishes;](#)
  - ▶ [the structural relationship with adjoining properties \(including shared party walls, footings and chimneys\); and](#)
  - ▶ [the final version of the statement of heritage impact.](#)
- [Other required documentation to be submitted with the development application can be found in the Development Application Guide.](#)

#### Objectives

- O1 To encourage development on infill sites which reflects contemporary values and employs contemporary design, and through a design idiom, materials and construction technique provides an appropriate response to relevant aspects of the historical context of Paddington.
- O2 To ensure new development on infill sites is designed and located to achieve a cohesive relationship between new and existing urban fabric, and which retains and enhances the cultural significance of the [heritage conservation](#) area.
- O3 To ensure infill development respects the scale and setting of adjacent contributory buildings.
- O4 To protect the amenity of adjoining or adjacent residential uses.

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## Controls

### General

- C1 Infill development is to comply with all relevant objectives and controls listed elsewhere in this chapter of the DCP. These objectives and controls are contained in sections including (but not limited to) C1.4 and C1.5.
- C2 If development is for a dual occupancy, the additional controls for dual occupancies in Part B, Chapter B3 General Development Controls of this DCP also apply (refer to Section B3.8 Additional controls for development other than dwelling houses).

### Character

- C3 Infill development must:
- maintain the significant features and qualities that combine to represent the character of the neighbourhood and area; and
  - make a positive contribution to the character of the neighbourhood and area.

### Scale

- C4 Infill development must not overwhelm its context and should be consistent with the predominant scale of significant [contributory](#) development adjoining the site ~~and in its immediate area or within the group/row.~~ [The scale of infill development must respect and take cues from the lowest adjoining contributory 19<sup>th</sup> Century development](#) in terms of ~~aspects including, but not limited to:~~
- [maximum height pattern \(measured to the uppermost ridge of the principal buildings \[or the base of the parapet where existing\], not including chimneys\); and](#)
  - ~~dominant ridge line; and~~
  - [b\) massing \(building volume and size\). On sloping streets, the stepped transitional height pattern must be achieved.](#)

Refer also to Section 1.4.5 Building height, bulk, form and scale.

### Form

- C5 Infill development must be consistent with the predominant built form (volume and configuration) of significant [contributory](#) development adjoining the site and in its immediate area in terms of aspects including, but not limited to:
- roof forms [and pitch](#);
  - three dimensional modelling of neighbouring buildings;
  - [modulation and articulation](#);
  - ~~c~~-relationship of solids and voids;
  - ~~d~~-fenestration patterns; and

- f) ~~e~~-relationship of floor to ceiling heights [and horizontal alignment of features](#) (especially ground and first floor levels of existing buildings on sloping sites and streets).

Refer also to Section 1.4.4 Roofs and roof forms, Section 1.4.5 Building height, bulk, form and scale, and Section 1.4.6 Site coverage, setbacks and levels.

#### *Siting*

- C6 Infill development must adopt the established orientation pattern of the streetscape.
- C7 Where neighbouring buildings are orientated to face the street, infill development is to adopt the existing pattern of orientation.
- C8 Orientation across the site is not permitted unless there is a dominant pre-existing pattern in the street.
- C9 Where there is a uniform building front setback, the infill development must align with the existing setbacks of adjoining buildings.
- C10 Where building front setbacks vary, the following apply:
- a) If there is a dominant pattern and the infill development adjoins that pattern, the infill development must align with that pattern.
  - b) If there is no dominant pattern, the infill development must align with the existing adjoining development whose scale is more compatible with the proposed infill development. [The pattern of setbacks must respect and take cues from the nearest contributory 19<sup>th</sup> Century development and ensure that infill is recessive and does not visually dominate the streetscape.](#)
  - c) If there is an existing stepped pattern, the infill development must be consistent with the pattern and proportion of the step.
  - d) If the infill development occurs on a corner site, the infill development must be sited on the street property boundaries to define the corner.
- C11 Rear and side setbacks [\(including side passages\)](#) must align with existing patterns, where visible from the public domain.
- C12 Infill development must be sited to:
- a) include sufficient deep soil landscaped area; and
  - b) have no adverse impact on significant trees on the site or adjoining land, including public land.

Refer also to Section 1.4.8 Private open space, swimming pools, **lightwell** courtyards and landscaping.

#### *Materials, finishes, textures and colours*

C13 Materials, finishes, textures and colours must be appropriate to the historic context. They must be similar to the characteristic materials, finishes, textures and colours of the **original existing** contributory buildings within the streetscape.

C14 Traditional materials may be used.

~~C14~~C15 Contemporary materials ~~are~~ **may be** permitted **for infill development but only** where their proportions, detailing, ~~and~~ quantities **and location on the building** are in keeping with the **character elements (refer to C1.2.3)**, the desired future character ~~of the area (refer to C1.2.4)~~ **and the heritage significance of the conservation area.**

~~Refer also to Section 1.5.8 Materials, finishes and details and Section 1.5.9 Exterior colours.~~

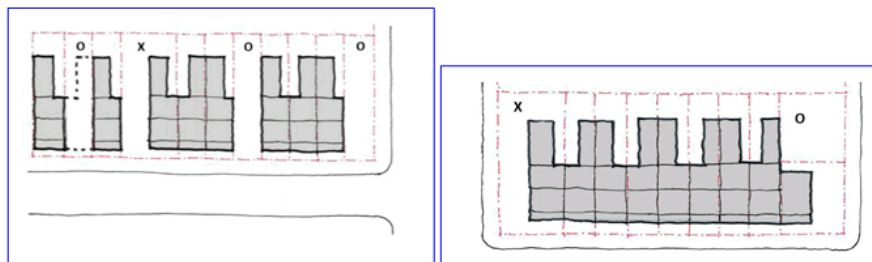
Note for C13-C15:

Table 2 below sets out appropriate materials and finishes permissible for infill development. Refer also to Section 1.5.8 Materials, finishes and details and Section 1.5.9 Exterior colours.

C15-C16 Infill development must:

- use render, masonry and/or timber;
- avoid large expanses of glass, ~~and~~ reflective **and metal** wall cladding;
- use roof cladding which conforms with contributing neighbouring development;
- not have solid masonry front boundary walls; and
- use colour schemes which respect the character of the neighbourhood.

~~The applicant must demonstrate to Council that materials that diverge from traditional materials are an appropriate response to the historic context.~~



O = Acceptable infill site X = Unacceptable infill site

**TABLE 2** Materials and details for infill development

<u>Building component</u>	<u>External building materials</u>
<b>Roofs</b>	
<u>Permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Traditional roof materials including Welsh slate and South Australian slate, corrugated galvanised iron in short lengths and associated galvanised details and fixings, or unglazed terracotta tiles.</u></li> <li>▶ <u>Pre-painted corrugated steel in light to mid grey tones, similar in appearance to traditional corrugated iron.</u></li> <li>▶ <u>Copper sheeting, zinc sheeting (traditional standing seam profile).</u></li> <li>▶ <u>Contemporary corrugated profile sheeting in appropriate colours and subject to low reflectivity.</u></li> </ul>
<u>Intrusive - not permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Concrete roof tiles.</u></li> <li>▶ <u>Tray profile metal sheeting (including flat zinc sheets, clip-lock and tray deck sheeting).</u></li> <li>▶ <u>Glass (other than permitted in skylights).</u></li> </ul>
<b>Walls</b>	
<u>Permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Traditional wall materials including sandstone blocks, timber weatherboard and brick.</u></li> <li>▶ <u>Corrugated galvanised iron, zinc coated corrugated steel ripple iron for small expanses only. Must be in appropriate colours and subject to low reflectivity.</u></li> <li>▶ <u>Rendered brick, with or without inscribed ashlar coursing where appropriate.</u></li> <li>▶ <u>Fibrous cement sheeting with a rendered and painted finish - for rear additions but only if window reveals of minimum 100mm external depth are achieved.</u></li> </ul>
<u>Intrusive - not permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Smooth, textured or profiled face brick and exposed concrete blocks.</u></li> <li>▶ <u>Stripped sandstock brickwork.</u></li> <li>▶ <u>Circular pattern render (mock Spanish) or rough textured render.</u></li> <li>▶ <u>Glazed walls and glass bricks.</u></li> </ul>

<u>Building component</u>	<u>External building materials</u>
<u>Windows</u>	
<u>Permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Timber frames.</u></li> <li>▶ <u>Steel frames on rear ground floor only.</u></li> <li>▶ <u>Metal frames for ground floor shops and commercial premises where appropriate.</u></li> <li>▶ <u>Plain clear glass.</u></li> <li>▶ <u>Coloured and patterned glass for replacement in appropriate situations.</u></li> <li>▶ <u>Fine metal frames in neutral tones.</u></li> </ul>
<u>Intrusive - not permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Window walls.</u></li> <li>▶ <u>Bubble glass.</u></li> <li>▶ <u>Glass blocks.</u></li> <li>▶ <u>Timber or metal frames not reflecting traditional proportions.</u></li> <li>▶ <u>Roller shutter security and sunscreen windows.</u></li> <li>▶ <u>Horizontally sliding windows.</u></li> <li>▶ <u>Aluminium framed windows within the front elevation and at the upper levels at the rear</u></li> </ul>
<u>Doors</u>	
<u>Permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Timber-framed panelled doors.</u></li> <li>▶ <u>Glazed timber-framed doors.</u></li> <li>▶ <u>Glazed steel-framed doors.</u></li> <li>▶ <u>Glazed doors with film/frosted detailing.</u></li> </ul>
<u>Intrusive - not permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Aluminium framed windows within the front elevation and at the upper levels at the rear</u></li> <li>▶ <u>Roller shutter doors to residential houses, retail and commercial premises.</u></li> </ul>
<u>Shutters</u>	
	<ul style="list-style-type: none"> <li>▶ <u>Timber louvered shutters are applicable for windows and French doors on some building types.</u></li> </ul>

<u>Building component</u>	<u>External building materials</u>
<b><u>Verandahs</u></b>	
<u>Permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Traditional flooring materials including stone flagging, marble, tessellated tiles, terrazzo, slate, timber.</u></li> <li>▶ <u>Polished concrete and large form modern tiles.</u></li> <li>▶ <u>Traditional post materials including stone, cast iron or timber.</u></li> <li>▶ <u>Materials similar to traditional materials but without elaborate detailing.</u></li> </ul>
<u>Intrusive - not permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Pebble-crete.</u></li> <li>▶ <u>Polycarbonate or similar type material for roofs.</u></li> <li>▶ <u>Glass roofs to street elevations.</u></li> </ul>
<b><u>Balconies</u></b>	
<u>Permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Traditional materials including corrugated iron roofing, slate roofing, timber framing, timber floors, timber balustrades/handrails, cast iron balustrades/handrails or modern-day equivalents.</u></li> <li>▶ <u>Pre-painted corrugated steel in light to mid grey tones, similar in appearance to traditional corrugated iron.</u></li> <li>▶ <u>Copper sheeting, zinc sheeting (traditional standing seam profile).</u></li> <li>▶ <u>Contemporary corrugated profile sheeting in appropriate colours and subject to low reflectivity.</u></li> <li>▶ <u>Masonry and metal.</u></li> </ul>
<u>Intrusive - not permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Smooth, textured or profiled face brick and exposed concrete blocks.</u></li> <li>▶ <u>Corrugated and other profiled metal sheeting balustrading.</u></li> <li>▶ <u>Wire balustrading.</u></li> <li>▶ <u>Fibrous cement sheeting balustrading.</u></li> <li>▶ <u>Glass balustrading.</u></li> </ul>
<b><u>Front Fences</u></b>	
<u>Permitted</u>	<ul style="list-style-type: none"> <li>▶ <u>Traditional fences but with consideration to building style and context, including rendered masonry with ashlar coursing, timber (picket or paling), iron palisade on sandstone, brick or rendered bases, brick and timber, or brick with iron inserts.</u></li> <li>▶ <u>Contemporary interpretation of traditional fence details and materials such as iron palisade and timber.</u></li> </ul>

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<u>Building component</u>	<u>External building materials</u>
<u>Intrusive - not permitted</u>	<ul style="list-style-type: none"><li>▶ <u>Smooth, textured or profiled face brick, exposed cement blocks, Ti Tree (brush), or sheet metal fences.</u></li><li>▶ <u>Angled vertical blade pallisade fencing.</u></li><li>▶ <u>Full height brick fences.</u></li><li>▶ <u>Materials and forms that are inappropriate to the style of the building.</u></li></ul>



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### C1.3.14 Intrusive buildings

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Intrusive buildings within Paddington are generally 20th century buildings constructed after World War II. These are characterised by scale, proportions, materials and design idioms which are inappropriate to the significant historic character of Paddington.

Intrusive development adversely affects adjoining buildings, the streetscape and the general character of Paddington.

#### Objectives

- O1 To mitigate the adverse impact of intrusive development.
- O2 To encourage appropriate redevelopment of identified intrusive development.

#### Controls

- C1 Alterations must mitigate the impact of the scale, proportions, materials and design idioms of intrusive buildings and improve the relationship of these buildings to the streetscape.
- C2 Design for development on intrusive sites must demonstrate the application of contemporary design techniques, materials and finishes, scale, form, massing, details orientation and setting that respect the character of the adjacent historical context. The design must make a positive contribution to the character of Paddington.
- C3 Alterations must retain existing setbacks from side and front boundaries.

## C1.4 General controls for all development

This section applies to all development, including existing buildings and infill development.

The objectives and controls in this section seek to ensure that development is designed to respect the architectural character of the building and the context of the streetscape within Paddington.

The matters addressed in this section are:

- ▶ 1.4.1 Principal building form and street front zone of contributory buildings;
- ▶ 1.4.2 Side elevations to streets and lanes;
- ▶ 1.4.3 Rear elevations, rear additions, significant outbuildings and yards;
- ▶ 1.4.4 Roofs and roof forms;
- ▶ 1.4.5 Building height, bulk, form and scale;
- ▶ 1.4.6 Site coverage, setbacks and levels;
- ▶ 1.4.7 Excavation;
- ▶ 1.4.8 Private open space, swimming pools, **lightwell** courtyards and landscaping;
- ▶ 1.4.9 Views;
- ▶ 1.4.10 Acoustic and visual privacy; and
- ▶ 1.4.11 Land subdivision and site amalgamations.

The controls in this section are to be read in conjunction with the controls in:

- ▶ Section C1.3 Building types; and
- ▶ Section C1.5 Specific policy for building and site elements.

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### C1.4.1 Principal building form and street front zone of contributory buildings

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Paddington is located in a natural amphitheatre with a variable and intricate street and laneway pattern, so views towards and within Paddington are often characterised by the juxtaposition of terrace houses responding to the changes in direction or slope.

Architectural detail and landscaping elements of the principal building form and street front zone may be individual to a particular building or repeated within a distinct group of terrace buildings. There exists subtle variation in these details throughout the heritage conservation area.

The loss of significant original fabric, in particular of the principal building form and street front zone, weakens the integrity of the heritage conservation area. Where work is proposed to the principal building form and the street front zone, reconstruction or restoration of missing elements and the removal of unsympathetic elements is encouraged. New work should be carefully designed sympathetically within the significant historic fabric.

#### Principal building form

The principal building form is the original front building section within a street frontage (see definition). The principal building form, particularly the front façade, is an aspect of exceptional significance of the heritage conservation area, facilitating the understanding of the significant development of the terraced suburb from the mid 19th century onwards.

The principal building form includes the fronts, sides, rears and roofscapes of the original front building section, and is often two rooms deep extending the full width of the property beneath a pitched roof.

External elements of the facades which are of importance include balconies and decorative balustrades, fin walls and arched recesses and original doors and windows. External elements of the roof which are of importance include, but are not limited to, original roof cladding and stepped flashing, parapets, decorative detail such as urns and ridge cappings, chimney stacks, chimney pots, form and scale.

#### Interiors

The interior of the principal building form is also of significance to the heritage conservation area. Surviving original fabric and layouts have the ability to demonstrate the significant 19th century character. Original elements which are considered of significance include, but not limited to, timber floors, fireplaces, decorative plasterwork and distinctive joinery.

Council does not support the gutting of interiors of terrace houses that contain significant original fabric. The objectives and controls in this part of the DCP identify approaches that applicants should take to prevent loss of significant fabric.

The objectives and controls also address the potential impact of weakening key internal walls through partial or total removal, in particular walls lateral to the party or common walls. The internal walls offer lateral bracing to the party walls and are an important element in the overall structural integrity of the terrace house and its neighbours in the terrace group. Accordingly, the removal of these walls essentially weakens the fabric of both the individual terrace house and of the terrace group.

While the retention of internal walls is important to interpret the historic layout of the building, their retention is also important in order to retain structural stability for terrace buildings. Partial demolition of internal cross walls within the principal building form may be considered where suitable interpretation of the position of walls and room proportions is provided and the structural integrity of the buildings is not compromised.

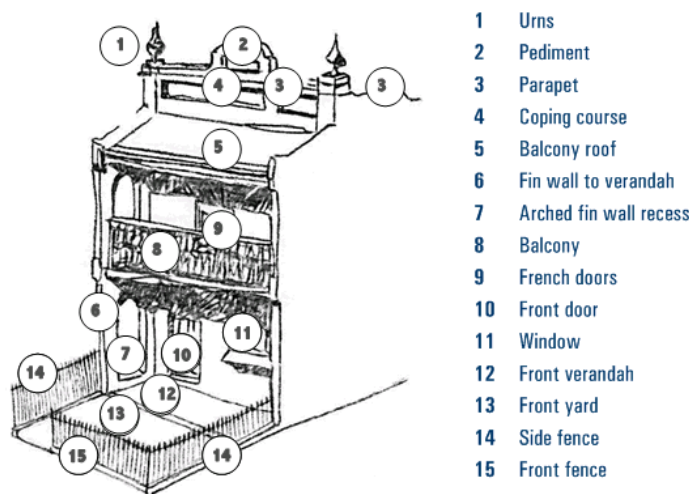
**Street front zone of contributory buildings**

The street front zone establishes the connection between the private and the public domain. The predominant building form in Paddington is terrace style housing (generally attached dwellings or semi-detached dwellings as defined in Woollahra LEP 2014), which usually forms a continuous street front along the streets and steps down the hillside. The street front zone comprises the front building elevation and visible roof, front yard, the side boundary fences in the front yard and the street boundary fence.

The street front zone also has a landscaped character, with features which enhance the architectural character of the building and contribute to the historic streetscape.

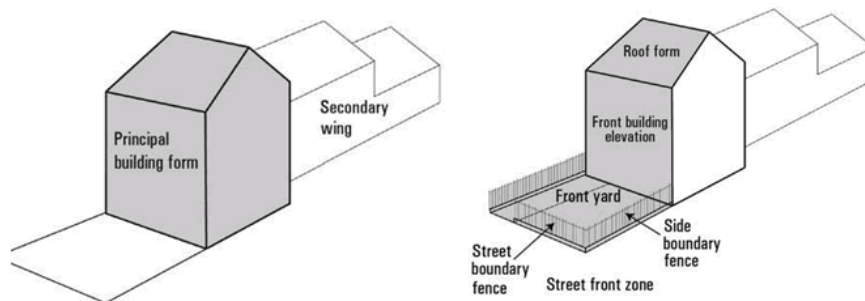
There are many variations in the relationship of the building to the street. Some simple Georgian style buildings are built on the edge of the pavement. Others are set back from the street with gardens. A typical Victorian period terrace has an iron palisade fence, a small garden, a path and a verandah, the latter two elements often incorporating decorative tiling. Its principal street front elevation is embellished with a high concentration of detail.

**FIGURE 5** Typical Victorian street front elevation



- 1 Urns
- 2 Pediment
- 3 Parapet
- 4 Coping course
- 5 Balcony roof
- 6 Fin wall to verandah
- 7 Arched fin wall recess
- 8 Balcony
- 9 French doors
- 10 Front door
- 11 Window
- 12 Front verandah
- 13 Front yard
- 14 Side fence
- 15 Front fence

**FIGURE 6** Principal building form, secondary wing and street front zone.



### Objectives

- O1 To retain and conserve the principal building forms and street front zones.
- O2 To restore or reconstruct missing elements of the principal building forms and within the street front zone.
- O3 To encourage the removal of uncharacteristic elements or structures.
- O4 To promote design that conforms to the existing character of the area.
- O5 To reverse inappropriate reconstruction work.
- O6 To retain the distinctive shared characteristics of groups of buildings.
- O7 To retain, restore and promote the significance, contribution and relationship of a building within the context of a group of buildings.
- O8 To conserve the significant original fabric of terrace houses, terrace groups and free standing buildings of similar age and character.
- O9 To ensure the structural integrity of individual buildings and groups.
- O10 To retain and conserve external original fabric and features characteristic to a traditional terrace semi-detached dwellings or dwelling house.
- O11 To retain and conserve internal significant original fabric and features characteristic to a traditional terrace house.
- O12 To retain the historic framework of the building both as essential structure and as evidence of original patterns of construction and use.
- O13 To provide protection for potential heritage artefacts.

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**Controls**

***Principal building form***

*Exterior controls*

- C1 The significant external elements of a principal building form are to be retained and conserved, that is:
- a) significant external fabric is to be retained and conserved;
  - b) characteristic elements such as roof pitches, eave heights and chimneys are to be retained and conserved;
  - c) no external alterations or additions are to be made to the significant elevations, details, materials or finishes of the principal building form except to allow for restoration or reconstruction;
  - d) the main rear wall to the principal building form should be left largely intact; and
  - e) significant verandahs and balconies are not to be infilled or enclosed.
- C2 When works are proposed to the principal building form or original significant elevations visible from the street, Council encourages, and may require, reconstruction or restoration of missing elements (where physical or documentary evidence of an earlier state exists) or reversal of uncharacteristic elements where:
- a) original render has been stripped from an external wall surface;
  - b) balconies or verandahs have been enclosed and details such as balustrade panels, rails, columns, friezes and fringes have been removed;
  - c) original door or window types and patterns have been removed;
  - d) roof cladding is in a unsympathetic material;
  - e) details are missing from chimneys; and
  - f) inappropriate reconstruction of period detail and elements has occurred.
- C3 Where a building forms part of a group, any work to the principal building form must be designed to retain the contribution and relationship of that building to the other buildings or building which comprise the group.
- C4 Where the building contains an existing basement level at the street front, no alterations or additions are to be made to the street front basement elevation or external staircase, except for the purposes of restoration or reconstruction of missing elements.
- C5 Where structural stabilisation is required, a sympathetic structural solution that retains original external fabric is required.
- C6 Where alterations are required to meet the Building Code of Australia, materials must be consistent with traditional material and finishes.

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*Interior controls*

- C7 The significant original internal elements of the principal building form, in particular distinctive joinery, fireplaces and decorative plasterwork, are generally to be retained.
- C8 New openings in internal walls and floors and ceiling structures lateral to party walls must retain the structural integrity of the building and its neighbours, and should retain the significant original ceilings and cornices. Interpretation of original wall positions and room proportions should be provided. The revised structure may incorporate suitable portal frames.
- C9 Where structural stabilisation is required, a sympathetic structural solution that retains original internal fabric is required.

*Street front zone*

- C10 The location, form and materials of original stairs must be retained. Risers and treads may be reconfigured to conform with BCA requirements.
- C11 All original windows and doors including those to basement levels are to be retained.
- C12 Non-original doors and windows shall be reconfigured to a traditional type consistent with the architectural style of the building and, where evidence exists of the original doors and windows, they are to be replicated.
- C13 Original fences that have been replaced by intrusive fences should be replaced.
- C14 When works are proposed in the street front zone Council encourages, and may require reconstruction or restoration of missing elements or reversal of uncharacteristic elements.
- C15 Where a building forms part of a group, any work in the street front zone must be designed to retain the contribution and relationship of that building to the other buildings or building which comprise the group.

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### C1.4.2 Side elevations to streets and lanes

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Side elevations or secondary elevations are less detailed than the main street front elevations. Side elevations of Victorian terrace houses are often built to the street boundary with a strong gabled form reflecting the pitch of the main roof and a lower skillion section at the rear.

Due to the high visibility from streets and laneways, changes to side elevations and additions require an approach that retains the architectural form and character of the building.

Refer also to corner terrace style houses in Section 1.3.3 Corner buildings.

#### Objectives

- O1 To retain and conserve the architectural character of side elevations of contributory buildings.
- O2 To ensure that side additions are of sympathetic design and construction to the original building.
- O3 To ensure that side additions to existing buildings are designed and located to achieve a cohesive relationship between the existing buildings, and which retains and enhances the cultural significance of the heritage conservation area.
- O4 To ensure that side additions respect the scale and setting of adjacent contributory buildings.
- O5 To protect the amenity of adjoining or adjacent residential uses.

#### Controls

##### *Side elevations - street and lane*

- C1 Original side elevations of contributory buildings including original fabric, side entrance doors, windows, balconies and other details are to be retained and conserved.
- C2 Minor alterations to a side elevation of the principal building form or the secondary wing will be permitted if they do not significantly impact on the architectural form.
- C3 Changes to the roof pitch of the principal building form of contributory buildings are not permitted.

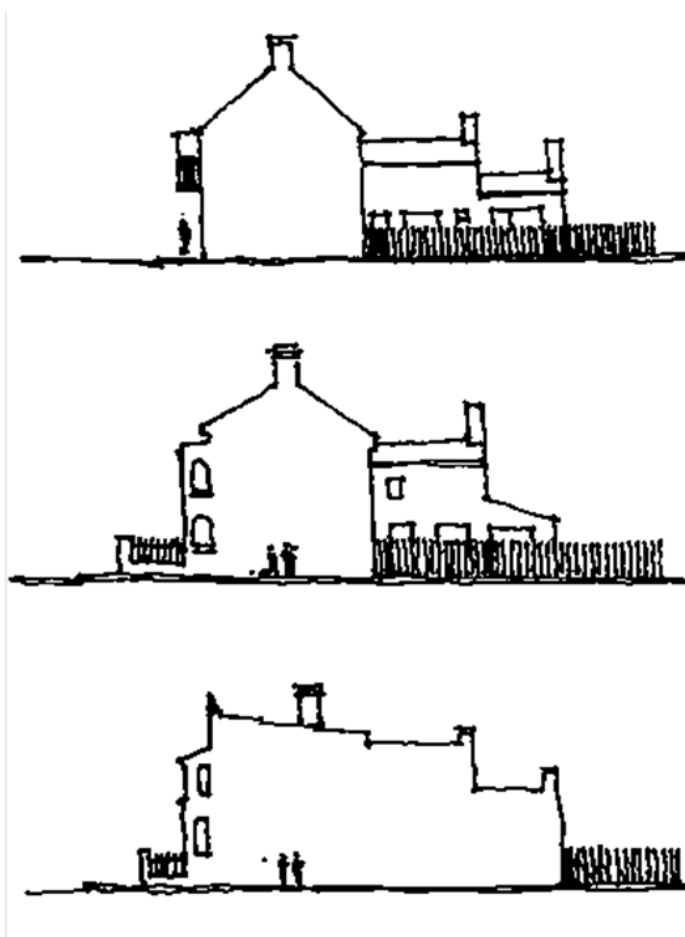
##### *Side additions - street and lane*

- C4 Additions must be consistent with traditional patterns and proportions of openings and the materials and detailing of the existing building.
- C5 The overall length of any addition is to be less than, and appear as a form secondary to, the existing building.



- C6 The addition of balconies is not permitted when the building is built to the side street boundary.
- C7 Additions must retain the profile of existing traditional party walls and their associated parapets.
- C8 Additions shall reflect the existing setbacks.
- C9 Where there is a uniform building front setback, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached and adjoining buildings.
- C10 Where building front setbacks vary, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached.
- C9 C11** Side boundary fencing shall reference traditional height, forms and materials.

**FIGURE 7** Side elevations



There is a variety of shapes and forms, but the general treatment of visible side elevations is simpler than the front elevations.

Ornamentation is rare and in the expanse of walls, fenestration is limited.

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### C1.4.3 Rear elevations, rear additions, significant outbuildings and yards

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There is a distinct visual contrast between the front and the rear of houses.

In a typical Victorian terrace, the highly decorative front contrasts with the restrained and utilitarian finish at the rear. Traditional rear additions are smaller in scale than the main house, with simple forms punctuated with vertically proportioned window openings. The rear of the Victorian style double storey terrace is often characterised by a one or two storey structure, commonly under a single pitched or skillion roof which maintains a side breezeway. The simple pitched or skillion roof form on rear elevations is visible, unlike the front elevation roof which may be screened by a parapet. Street corner buildings sometimes employ a parapet to both front and side elevations. Frequently rear elevations are paired with a neighbouring property.

There is a distinct typology of rear building forms within Paddington. Due to the elevated siting and topography of Paddington, many rear forms of buildings are highly visible.

Some rear building forms survive in unaltered groups of houses and contribute significantly to the character of the heritage conservation area.

An unaltered group is defined as a building or group of buildings that has retained its original form and character, there may be some minor changes to windows and doors or the loss of some original detail, but notwithstanding the original form and character of the group is generally retained.

Traditionally the rear yard of 19th century housing was utilitarian in use and character, usually enclosed by a paling fence with a gate leading to a laneway. Many groups of houses such as terrace houses had a rear passageway for servicing outdoor rear yard brick toilet structures. The remaining 'night soil passageways' and rear yard outdoor toilet structures are a significant element in Paddington. Remnant stable structures are rare.

#### Objectives

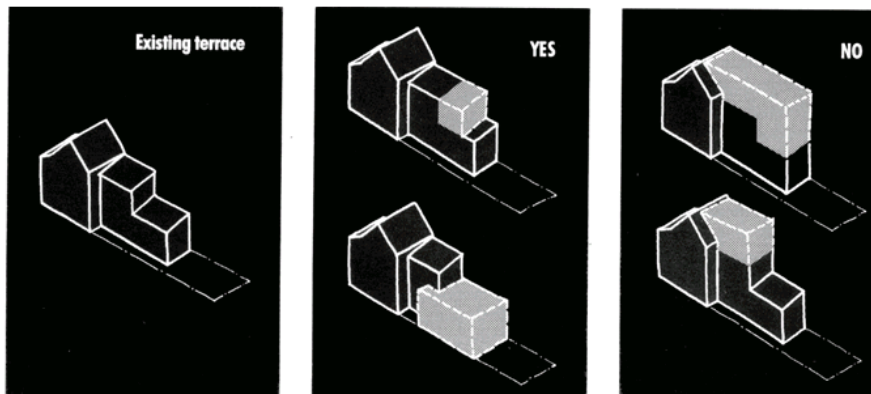
- O1 To retain the forms and character of traditional rear elevations of contributory buildings, particularly where they exist in unaltered groups.
- O2 To ensure that rear alterations and additions are of sympathetic design and construction.
- O3 To ensure that the distinctive shared characteristics of groups of contributory buildings are retained and enhanced.
- O4 To enable sympathetic contemporary design and use of contemporary materials in appropriate circumstances.
- O5 To ensure that significant outbuildings are retained and conserved.

**FIGURE 8** Rear elevations



Where a coherent group of rear elevations exist, any development should occur within the existing envelopes. New development which ignores its context will not be permitted.

**FIGURE 9** Rear additions



Rear extensions should respect the traditional hierarchy of scale and form. Greater freedom is permitted of the architectural treatment of ground floor extensions than for visible upper floor additions.

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## Controls

### Rear additions

- ~~C1~~ ~~The height of an alteration and addition to the rear of a single storey building must be below the ridgeline of the main roof of the existing building.~~
- ~~C2~~ C1 The height of an alteration and addition to the rear of a double storey or higher building must be below the gutter line of the main roof of the existing building.
- ~~C3~~ C2 Alterations and additions to a building which comprises one of a group must be designed with regard to the overall balance of the group in terms of height, alignment, form, scale, breezeway pattern and architectural character and detail.
- ~~C4~~ C3 The roof of an extension or the new roof for an existing component must be of traditional form appropriate to the building type.
- ~~C5~~ C4 Roofs must be visible and not screened partly or wholly be features such as parapets. The exception may be corner sites. Parapet roof forms may only be considered appropriate where it can be demonstrated that a parapet form is consistent with the bulk, scale and character of the existing building and group.
- ~~C6~~ C5 Alterations and additions at the rear of buildings must:
- not dominate or otherwise adversely compete with the form, height, proportions and the scale of that part of the building which is to be retained;
  - not reproduce or match a building which in terms of its height, bulk, scale and detailing is inappropriate to the heritage character of the area;
  - retain traditional solid to void ratios on elevations visible from the public domain;
  - not employ large areas of glass on upper levels;
  - be designed to minimise or avoid an adverse impact on neighbouring properties in terms of overlooking, loss of sunlight and ventilation;
  - not extend beyond the predominant rear building setbacks at any level of a group or row of buildings; and
  - retain all original chimneys.
- ~~C7~~ C6 Building boundary to boundary on the ground floor level is permissible provided that:
- the development does not adversely affect the privacy, ventilation, light and the amenity of the adjoining properties; and
  - the development does not disrupt an existing pattern of a group of unaltered contributory buildings.
- ~~C8~~ C7 Additions are not permitted where single or double storey rear skillion forms exist in an unaltered group. In such cases alterations are to occur within the existing building envelope.
- ~~C9~~ C8 Where significant original decorative internal elements exist outside of the principal building form they are generally to be retained.

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*Unaltered groups*

~~C10~~ **C9** Unaltered groups with single storey rear wings must retain their single storey form. Single storey, pavilion style additions with attic rooms may be permitted, where the addition does not result in view loss of the main wing from the public domain.

*Contemporary design*

~~C11~~ **C10** Sympathetic contemporary design may be permitted at the rear where:

- a) intrusive fabric or fabric of low significance exists;
- b) the proposal will achieve an aesthetically cohesive relationship between new and existing fabric; and
- c) the proposal is consistent with the character of the site, the streetscape and the precinct in which it is contained.

*Significant structures and areas at the rear*

~~C12~~ **C11** If development is in the form of a dual occupancy, the additional controls for dual occupancies in Part B, Chapter B3 General Development Controls of this DCP also apply (refer to Section B3.8 Additional controls for development other than dwelling houses).

~~C13~~ **C12** Significant backyard toilet structures on rear laneways are to be retained in place if they are one of a group of at least two adjacent original toilets.

~~C14~~ **C13** Significant 'night soil' passageways are to be retained in place and interpreted without additional structures other than fencing.

~~C15~~ **C14** Significant ancillary structures including stables, coach houses and wells in the rear yard are to be retained in place.

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▶ C1 pg.66

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#### C1.4.4 Roofs and roof forms

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Main roof forms vary with building types and architectural styles. Cottages have hipped or gable roof forms, or a combination of the two. In terrace housing there are two predominant roof forms. Some roofs are pitched both ways from a central ridge. This is often articulated by the projecting gabled party walls. Corner terraces have segmented hipped forms which address the corner site or composite roofs concealed behind a parapet. Less common is the skillion roof form terrace with a parapet to the street front that steps down along the side elevation.

Below main roof forms there are verandah roofs. Some are stepped down from the main roof. They have distinct profiles and include convex or concave and skillion profiles depending on the architectural character of the building.

There are also secondary roof forms. Lower roofs to rear additions are generally skillion forms. When paired with a similar property, roofs produce patterns of gabled forms to the rear of properties. The simple pitched or skillion roof form on rear elevations is visible, unlike the front elevation roof which may be screened by a parapet.

The earliest roofs in the original Paddington village were covered in timber shingles. Later materials used throughout Paddington are slate, corrugated galvanised iron and zinc coated corrugated steel. Consistent with the style, roofs of Federation period buildings have the characteristic unglazed terracotta tiles.

Associated with the roof and the roofscape are a number of important elements such as traditional flashings, barge rolls, eaves and ridge detailing.

The arrangement of terraces stepping down the hills of Paddington affords views to the roofs. As a consequence, the roofscape is a significant element in the urban character of Paddington.

Replacement of original roofing materials with concrete tiles or glazed tiles, and the replacement of original roof details such as the covering over of lower verandah roof profiles are eroding Paddington's roofscape.

#### Objectives

- O1 To retain and conserve the character of the original roofscape of Paddington.
- O2 To restore or reconstruct missing roof elements.
- O3 To ensure that contemporary roof forms are consistent with the historic roofscape character of Paddington.

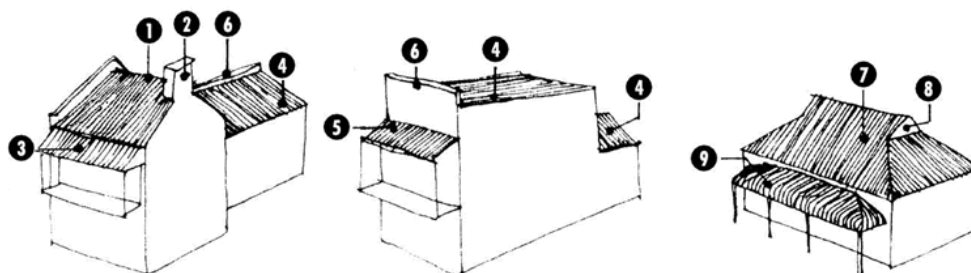
#### Controls

- C1 The removal of original roofing materials and their details is not permitted unless deteriorated materials are replaced by the same or similar materials and details.
- C2 Existing patterns of roof forms within groups of unaltered buildings must be retained.

- C3 The roofscape of the principal building form of contributory buildings is to be retained. The possible exceptions are:
- a) a dormer and skylight to the rear roof slope where permitted under Section 1.5.1 Dormers and skylights; and
  - b) a dormer to the front roof slope where permitted under Section 1.5.1 Dormers and skylights.
- C4 Missing roof elements must be reinstated when unsympathetic roofs are replaced.
- C5 Secondary or rear roof forms must not be raised or altered if the rear skillion forms part of a group of similar roof forms. The possible exception is a dormer and a skylight to the rear roof slope. Refer to Section 1.5.1 Dormers and skylights.
- C6 Roof forms are to be consistent with appropriate traditional roof forms, which reflect the diminishing scale of roofscapes towards the rear of buildings.
- C7 Reverse skillion roof forms are not permitted to contributory buildings.
- C8 Roofs are to be clad in materials with profiles that are appropriate to the architectural style of the building. Appropriate materials are described in Section 1.5.8 Materials, finishes and details.
- C9 Unsympathetic roofing materials must only be replaced by roof cladding in either traditional materials or in contemporary materials, which are similar in appearance and profile to traditional materials.
- C10 Rear roof planes are not to incorporate more than 25% transparent material. This includes the area of skylights and dormer windows.

**FIGURE 10** Roof elements

- |                 |                         |                           |
|-----------------|-------------------------|---------------------------|
| 1 Gable roof    | 4 Skillion roof         | 7 Hipped roof             |
| 2 Chimney stack | 5 Skillion balcony roof | 8 Gablet                  |
| 3 Balcony roof  | 6 Parapet               | 9 Bullnosed verandah roof |



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### C1.4.5 Building height, bulk, form and scale

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Building heights in Paddington vary with the type of building but generally there is a predominance of two and three storeys. An important part of the character of a group of buildings can be its uniform height particularly when viewed from the street frontage.

Less prevalent in numbers are single storey terrace groups and individual single storey buildings. Many of these single storey buildings and groups are highly significant because of their rarity and because they represent a particular building type in the early historic development of the area.

The bulk, form and scale of buildings in Paddington are also important contributing elements to the character of the area generally and to the character and significance of groups of buildings.

The height bulk, form and scale of new development have the potential to adversely impact on the amenity of private and public lands.

#### Objectives

- O1 To retain the distinctive height, bulk, form and scale of particular building types.
- O2 To retain the existing heights of single storey buildings.
- O3 To maintain the visual consistency of established heights in historically significant streetscapes.
- O4 To ensure that the height of new development conforms to the appropriate heights in the street or lane and the historic character of the street or lane.
- O5 To minimise the impact of new development on the access to sunlight for private properties and public places such as neighbourhood parks.
- O6 To protect the amenity of adjoining or adjacent residential uses.

#### Controls

- C1 The height of existing buildings on street frontages must not be increased.
- C2 Upper floor additions to significant single storey buildings, which will result in an increased building height, are not permitted. This will apply irrespective of whether the single storey building adjoins or is located between higher buildings.
- C3 The height, bulk, form and scale of infill and new development must be consistent with the predominant height, bulk, form and scale of appropriate adjoining buildings. Conformity with adjoining buildings is not appropriate in circumstances where the development site adjoins a building which is a substantially taller landmark building, or is a building considered to be intrusive due to its excessive height and incompatible design.



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- C4 Infill development and alterations and additions must be designed and sited so that sunlight is provided to at least 50% or 35m<sup>2</sup> with minimum dimensions of 2.5m, whichever is the lesser, of the main ground level private open space of adjoining properties for a minimum of two hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced.
  - C5 Where adjoining dwellings have greater than three hours of sunlight to a habitable room, the north facing windows to the habitable room are not to have sunlight reduced to less than three hours between 9am and 3pm on 21 June.
  - C6 New dwelling houses are to have at least one habitable room with windows which receive at least three hours of sun over a portion of their surface between 9am and 3pm on 21 June.
  - C7 Storey heights must conform to those of appropriate adjacent buildings.

#### C1.4.6 Site coverage, setbacks and levels

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Paddington is notable for a predominant pattern of repetitive terrace building types on long rectangular blocks running between streets and laneways.

The prevalent street alignment is close to the street. Setbacks from street boundaries vary overall from nil to setbacks that allow the establishment of large gardens.

Within rows of buildings there are varied front and rear alignments depending on whether the building is one of a group of similar buildings, a pair or an individual building. Occasionally a building is a one-off building located on a corner site.

Terraces with east-west orientation step down reflecting the topography of the hills.  
Terraces with north-south orientation sometimes incorporate a basement level taking up the fall of the site.

Terraces were a speculative building type where the group of terraces usually relies on the structural integrity of the group. The footings to a row of terraces may be considered minimal by

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current building standards and subfloor drainage poor. Structural and groundwater alterations to one terrace may have an adverse impact on others in the area.

#### Objectives

- O1 To maintain setbacks along the street frontage.
- O2 To retain established building alignments, setbacks and levels.
- O3 To ensure that new development continues the established alignments and setbacks of the established historic development in the streetscape.
- O4 To ensure that the siting of new development responds appropriately to levels established by relevant historic development in the streetscape.
- O5 To retain and protect front yards and their significant fabric.
- O6 To encourage the retention or creation of useable open space at the rear of sites.

#### Controls

##### *Site cover*

- C1 The proportion of building footprint is to be consistent with similar properties in the immediate vicinity.

##### *Setbacks*

- C2 Existing setbacks on street frontages are to be maintained.
- C3 Siting and setbacks of all structures are to continue the immediate established patterns.
- C4 New development outside a commercial area is not to be built forward of existing building alignments.
- C5 The existing siting pattern within the commercial area is to be maintained.
- C6 Additions at the rear of buildings in the commercial areas must not extend beyond the rear setbacks of adjacent contributory buildings. In such cases, balconies may project beyond the rear setback.

##### *Levels*

- C7 New development is to be consistent with ground and first floor levels established by existing buildings and topography in the context of a sloping site.

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### C1.4.7 Excavation

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The geology of the Paddington area varies from sandstone, loose sandy soils or a combination of sandy soils overlaying a sandstone stratum. Other foundation materials are very rare and less problematic than the worst case of sand over rock.

There are some site typologies where excavation for the purposes of establishing a basement may be considered reasonable. However, it should be recognised that the majority of the site typologies in Paddington do not lend themselves to excavation. The objectives and controls in this section are informed by an understanding of the methods involved, and potential impact, of excavating certain foundation types.

The majority of the common walls between terrace style housing in Paddington are constructed of sandstock bricks and lime mortar on brick footings or on sandstone blocks. The density of development in Paddington has resulted in many buildings, primarily groups of terrace row style housing, with a shared structural system of footings, common party walls and lateral cross walls. These walls are interconnected and interdependent brick walls set over a number of properties.

Excavation together with alteration of these footing systems can have detrimental effects on an individual property and also impact on neighbouring properties within a terrace group. The original footings and walls, built to differing standards, cannot tolerate any foundation movement without cracking and sometimes structural failure. Council's records provide evidence that excavation works under and near common wall footings have caused damage to the significant original fabric of many buildings in Paddington.

The objectives and controls below apply to any excavation proposed under the principal building form (refer to Section 1.4.1 Figure 6), secondary wing, or any other location on a property. The controls require an understanding of the subsurface conditions, and seek to protect the structural integrity of the individual building, the row of houses of which it is a part, adjoining properties, and their heritage significance.

Excavation is controlled in order to preserve the heritage fabric and structural integrity of buildings that collectively contribute to the significance of Paddington.

Excavation and below ground construction can also impact on natural groundwater flows, resulting in potential damage to buildings. Most masonry terrace houses and Victorian cottages do not have cavity walls or damp proof courses, which may result in rising damp and the potential for mould internally. Maintaining subfloor ventilation is an important part of controlling damp for it allows soil moisture to evaporate beneath the floors and to pass out through the air vents in the walls.

Replacing a timber floor with an on-ground concrete slab within a building without damp proof courses will usually direct the soil moisture towards the walls, creating a rising damp problem. Changing the natural groundwater pattern other than by controlling the direction of groundwater by through-site systems may result in a 'damming effect', which may result in rising damp problems.

The objectives and controls contained in this part have adopted the principle of precautionary behaviour, one of several principles that form the basis of ecologically sustainable development.

Note:

The following information must be submitted with the development application:

- A geotechnical report that identifies surface and substratum conditions and survey levels of original footings and walls. The report must be prepared in accordance with Council's guidelines.
- A structural report that cross-references the geotechnical report and identifies the structural systems to be employed to maintain structural integrity.
- Construction details for any new wall in the vicinity of any original external wall. Surveyed levels of the original building fabric are to be included.

In granting a development consent, Council may impose a condition requiring the preparation and submission of pre-commencement and post-completion dilapidation reports for properties adjoining and neighbouring the development.

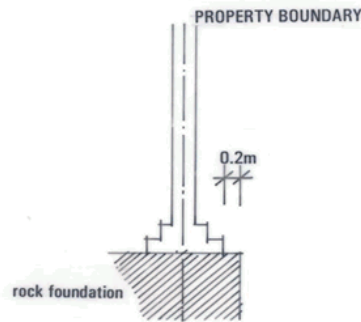
Applicants may also require consent under the *Heritage Act 1977* or the *National Parks and Wildlife Act 1974* for the excavation of land which is known or suspected to have archaeological potential.

### Objectives

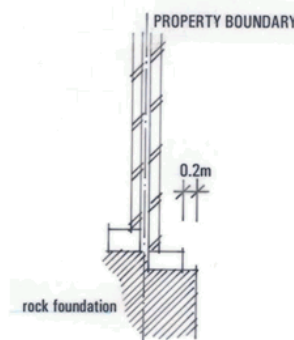
- O1 To ensure the structural integrity and stability of individual buildings and the terrace of buildings of which they are a part, and neighbouring properties.
- O2 To protect the original fabric of the buildings significant to the area both during and after excavation.
- O3 To ensure that objectives O1 and O2 are achieved by limiting the circumstances where excavation may occur.
- O4 To limit the impact of excavation on the natural landform and vegetation.
- O5 To relate development to the existing topography and existing ground levels.
- O6 To avoid potential damage to all buildings and structures during and after excavation.
- O7 To ensure that any new floor levels resulting from excavation and development do not compromise external heritage features of the building or those of its neighbours.
- O8 To ensure that habitable rooms created by excavation are supplied with adequate natural light and ventilation in order to meet sustainable building principles.
- O9 To maintain natural subsurface ground water flows.
- O10 To recognise the protection necessary for potential archaeological objects.

**FIGURE 11** Guidelines for excavation

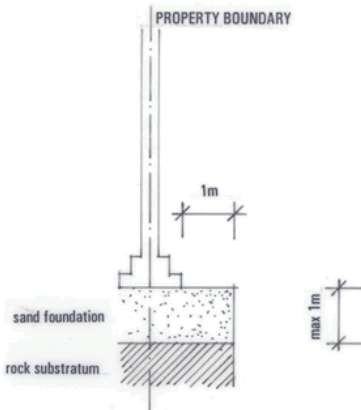
Common party wall



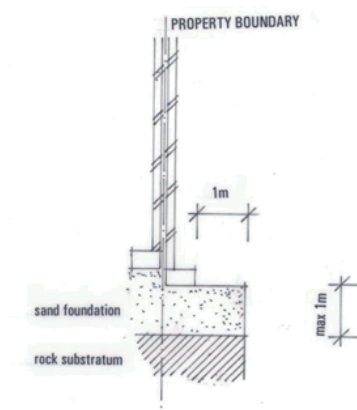
Freestanding boundary wall



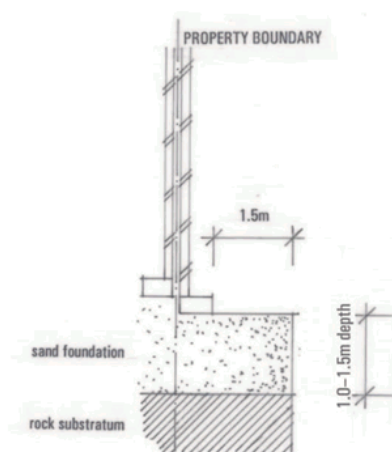
Common party wall



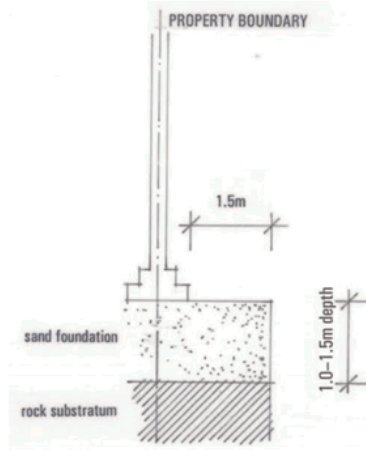
Freestanding boundary wall



Common party wall



Freestanding boundary wall



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## Controls

### General

- C1 Excavation will not be permitted if:
- a) it will occur under common walls and footings to common walls, or freestanding boundary walls, or under any other part of adjoining land; and
  - b) it will occur under or forward of the front façade; and
  - c) the outer edge of the excavation is within 0.2m of the footings of the front wall, party walls, or freestanding boundary walls, where the existing footing has bearing directly on rock foundation; or
  - d) the outer edge of the excavation is within 1m of the footing of the front walls, party walls, or freestanding boundary walls, where the existing footing has bearing on sand foundation or sandy soils up to 1m deep over a rock substratum; or
  - e) the outer edge of the excavation is within 1.5m of the footing of the front wall, party walls, or freestanding boundary walls, where the existing footing has bearing on sand foundation or sandy soils of a depth greater than 1m but not more than 1.5m over a rock substratum;
  - f) the rock substratum is greater than 1.5m below original footings; and
  - g) habitable rooms formed from the excavation:
    - do not have at least one external wall fully above existing ground level; and
    - will not receive adequate natural light and ventilation; and
  - h) a geotechnical and structural report cannot ensure that the works will not have any adverse effect on the neighbouring structures. The report must be prepared in accordance with the Council’s publication ‘Guide for preparing Geotechnical and Hydrogeological Reports’;
  - i) the removal of the existing floor structure above the excavation is required in order to carry out the excavation other than the temporary, partial removal of floor boards to allow exploratory investigation of subsurface conditions.
- Note: The above diagrams are not definitions but are provided to assist with interpretation of the controls. Front façade includes the outer edge of balconies and verandahs.
- C2 In order to prevent damp problems for the subject building or any neighbouring properties, all buildings that do not have damp proof courses within their party walls, must have timber floor at the lowest floor level.
- C3 For a subsurface structure, an effective groundwater drainage system must be incorporated within the design. This will not be required in cases where the applicant demonstrates through a hydrogeological report that:
- a) the works will not affect groundwater flows; and
  - b) the proposed development will not have an adverse impact on the existing moisture level of an original external wall of an adjoining building which contributes to the significance of Paddington, especially those without existing damp proof courses.

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C4 The ground and first floor levels of alterations and additions and infill development are to be consistent with the levels established by existing buildings and topography on adjoining sites.

C5 Despite C1, minor excavation may be allowed in the following cases:

- a) maintenance or replacement of existing footings and subfloor walls;
- b) maintenance or repair of existing essential services or the introduction of new essential services.

Note: Services include sewer and drainage.

*Excavation for garage structures*

C6 Boundary to boundary excavation may be permitted for garage structures on rear laneways if:

- a) the structure complies with Section 1.5.6 On-site vehicle parking, garages, carports, driveway access and servicing facilities;
- b) the structure does not adjoin the principal building form or secondary wing of a building constructed on the common boundary of an adjoining site; and
- c) no original footings on adjoining sites will be disturbed.

*Excavation for other structures beyond the principal building form or secondary wing*

C7 Excavation may be permitted for structures such as pools, spas, or other permissible development if:

- a) for properties less than 6m in width, the outer edge of excavation is setback from side boundaries by at least 900mm;
- b) for properties 6m or more in width, the outer edge of excavation is setback from side boundaries by at least 1.5m;
- c) the lowest habitable room, if any, of the proposed development has at least one external wall fully above the existing ground level;
- d) no original footings on an adjoining property will be disturbed; and
- e) a geotechnical report ensures that works will not have any adverse effect on the neighbouring structures. The report must be prepared in accordance with Council's guidelines.

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#### C1.4.8 Private open space, swimming pools, ~~lightwell~~ courtyards and landscaping

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Paddington's characteristically small lots with boundary to boundary buildings provide limited opportunities for ground level open space and landscaped areas.

In many instances with residential properties, a small landscaped area occurs in the street front zone. This area creates an open appearance and provides visibility to and from the street, both of which are important to the setting of each building and to the streetscape. There is greater scope for useable private open space and landscaping at existing ground level at the rear of residential properties, and Council requires that the principal area of private open space is located at the rear.

For residential flat buildings, including those built as infill development or those which adapt existing buildings, open space may be provided as private and communal areas. In these buildings private open space may be provided at ground or above ground level. The latter may comprise balconies and verandahs.

Roof terraces are not characteristic of Paddington and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform of Paddington, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.

The amount and composition of landscaped open space play important roles in stormwater management, energy efficiency of developments and access to sunlight. Trees and vegetation can support indigenous wildlife populations and habitat.

Deep soil landscaped area is an important element of the overall landscape capabilities on a site. To be effective, deep soil landscaped area needs to be a suitable size, configuration and location to sustain medium to large vegetation. This means there needs to be adequate width and depth of soil profile for root volumes and long term stability of vegetation.

Refer to Section 1.5.10 Gardens and trees for specific objectives and controls for gardens and trees.

#### Objectives

- 01 To maintain open areas at the front of buildings and their visibility from the street.
- 02 To retain and reinstate traditional landscaping and open areas at the front of buildings.
- 03 To maintain an area at the rear of each site which enables planting at natural ground level and assists on-site drainage.
- 04 To ensure that provision is made for accessible and useable private open space at the rear of properties.
- 05 To ensure the provision of semi-permeable and permeable areas of open space in rear gardens to assist with on-site drainage.



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- O6 To ensure that the design and use of private open space areas has regard to environmental impact, impact on the fabric of adjoining properties, infrastructure, and on the amenity of the occupiers of adjoining properties.
  - O7 To ensure that trees and other vegetation do not have an adverse impact on the fabric of buildings, and that works have no or minimal adverse impact on the amenity of the occupiers of properties.
  - O8 To ensure adequate and reasonable acoustic and visual privacy for neighbours.
  - O9 To ensure provision of adequate deep soil landscaped area capable of sustaining medium to large vegetation.

#### Controls

##### *Open and unbuilt upon area and deep soil landscaped area*

- C1 The open and unbuilt upon area within the street front zone must be retained and is to remain visible from the street.
- C2 Traditional landscaped and open areas in the street front zone are to be retained.
- C3 The design of new open space areas in the street front zone must use features and materials that are appropriately scaled and consistent with the architectural character of the building and the group, where the building forms part of a group.
- C4 A dwelling that is a dwelling house, dual occupancy, semi-detached dwelling or an attached dwelling is to provide the following: an unbuilt upon area including a principal open space area to be located at the rear, and deep soil landscaped area in accordance with Table 2.
- C5 A new residential flat building or multi dwelling housing, or the adaptive reuse of a building as a residential flat building or multi dwelling housing is to be provided with private open space, unbuilt upon area and deep soil landscaped area in accordance with Table 3, except where compliance would require demolition of significant structures.
- C6 Each new dwelling within a mixed use development is to be provided with private open space and deep soil landscaped area in accordance with Table 3.
- C7 Deep soil landscaped area must be in a location and have an adequate soil profile depth to allow for root volumes and the long term stability and health of vegetation.
- C8 Appropriate vegetation types are to be planted in the deep soil landscaped areas having regard to the dimensions of the area and the nature of subsurface soil and rock profiles. Note: Advice from an arborist/horticulturist is recommended.
- C9 Part of the private open space must be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play area and should be directly accessible from the main living area of the dwelling.

- C10 Stairways and ramps may be used to provide access from the building to the open space in cases of sloping sites and grade variations.
- C11 The raising of open space areas to provide level access from a building is not permitted if there would be an adverse impact on adjoining properties and the significance of the property generally.
- C12 Private and communal space is generally not permitted in the form of a roof terrace.

**TABLE 2.3** Minimum unbuilt upon area and deep soil landscaped area requirements for a dwelling that is: a dwelling house, dual occupancy, semi-detached dwelling or an attached dwelling

Lot size	Minimum unbuilt upon area for each dwelling	Minimum deep soil landscaped area for each dwelling
Up to and including 100m <sup>2</sup>	▶ 10% of site area	5m <sup>2</sup>
More than 100m <sup>2</sup> and less than 180m <sup>2</sup>	▶ 16% of site area ▶ Principal rear area—minimum area of 15m <sup>2</sup> ▶ Principal rear area to have a minimum dimension of 3m	8% of site area
180m <sup>2</sup> and above	▶ 18% of site area ▶ Principal rear area—minimum area 35m <sup>2</sup> ▶ Principal rear area to have a minimum dimension of 3m	12% of site area

Note: The unbuilt upon area includes areas such as the deep soil landscape area, courtyards, unroofed swimming pools or tennis courts and the like. Uncovered parking areas and driveways are not to be calculated as unbuilt upon area.

**TABLE 3.4** Minimum private open space, unbuilt upon area and deep soil landscaped area requirements for residential flat buildings, multi dwelling housing and mixed use developments

Residential type	Minimum unbuilt upon area	Minimum deep soil landscaped area required	Minimum private open space required for each dwelling
<b>New development</b>			
Residential flat building or multi dwelling housing	40% of site area	20% of site area	(See below for dwellings)
Each new dwelling within the development	N/A	N/A	<ul style="list-style-type: none"> <li>▶ Minimum area of 8m<sup>2</sup></li> <li>▶ Minimum dimension of 2m in the form of a courtyard, balcony or verandah</li> </ul>
<b>Adaptive re-use of an existing building</b>			
Adaptive re-use of a building for a residential flat building or multi dwelling housing	N/A	<ul style="list-style-type: none"> <li>▶ 8% of site area where site less than 180m<sup>2</sup></li> <li>▶ 12% of site area where site is at least 180m<sup>2</sup></li> </ul>	(See below for dwellings)
Each new dwelling within the development	N/A	N/A	<ul style="list-style-type: none"> <li>▶ Minimum area of 8m<sup>2</sup></li> <li>▶ Minimum dimension of 2m in the form of a courtyard, balcony or verandah</li> </ul>
<b>Mixed use development</b>			
Mixed use development	N/A	<ul style="list-style-type: none"> <li>▶ 8% of site area where site less than 180m<sup>2</sup></li> <li>▶ 12% of site area where site is at least 180m<sup>2</sup></li> </ul>	(See below for dwellings)
Each new dwelling within the mixed use development	N/A	N/A	<ul style="list-style-type: none"> <li>▶ Minimum area of 8m<sup>2</sup></li> <li>▶ Minimum dimension of 2m in the form of a courtyard or verandah</li> </ul>

Note: The unbuilt upon area includes areas such as the deep soil landscaped area, courtyards, unroofed swimming pools, or tennis courts located at or near ground level, and the like. Uncovered parking areas and driveways are not to be calculated as unbuilt upon area.

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*Swimming pools and spa pools*

- C13 Pools are to be located at the rear of properties.
- C14 For corner lots, and where the property has two street or lane frontages, pools are not to be located in the primary frontage (that is, they may be located in the secondary frontage).
- C15 Pools must not have an adverse impact on the fabric of adjoining properties or an adverse impact on the amenity of the occupiers of adjoining properties in terms of noise from pool equipment, flood lighting and discharge of backwash.
- C16 Pools will not be permitted if:
- a) construction of the pool would result in the removal of a tree that is a prescribed tree; or
  - b) the deep soil landscaped area requirement cannot be satisfied.
- C17 Pool coping must be flush with or not higher than 300mm above the existing ground level and no portion of the pool casing is to be visible from the public domain or an adjoining property.

*Lightwell Courtyards*

- C18 *Lightwell Courtyards and lightwells* must have an adequate system of stormwater drainage to avoid flooding of the property and adjoining properties in the event of one system being blocked, and to provide more efficient drainage when excessive stormwater occurs, such as double systems or long strip drainage.

*Landscaping*

- C19 Trees and shrubs at maturity should not have an adverse impact on the fabric of buildings, infrastructure, powerlines or other structures, and have only a minimal adverse impact on the amenity of the occupiers of properties.
- C20 Where prescribed trees are to be retained, structures are setback so they do not impact on the health of the tree.
- C21 Where possible, vegetation should be located to improve privacy between dwellings.
- C22 For infill development, trees are to be selected and located to contribute to energy efficiency and amenity by providing substantial shade in summer, especially to west facing windows, and by admitting sunlight to indoor and outdoor living areas in winter.
- C23 Landscaping must ensure the retention of adequate sight lines for pedestrians and vehicles, especially at street corners.

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### C1.4.9 Views

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Paddington's sloping topography and the orientation of streets and subdivisions combine to offer panoramic and lesser views of the harbour, distant foreshores and city skyline from private properties and public areas. Views from private and public lands also take in the built landscape, including the stepped development pattern of terraces, roofscapes and winding streets.

Public views from streets, footpaths, parks and other public areas are among Paddington's prized assets and are significant features of the area's character. Protection of public views allows people to see and interpret the landscape and landmark features.

The height, bulk, form and scale of new developments have the potential to adversely impact on views gained from private and public lands. For private lands, the concept of view sharing is promoted. View sharing controls seek to strike a reasonable balance between new development and access to views from existing development.

**Note:** Refer to Section 1.6.2 Views and vistas for further information on views from public spaces and a map showing a selection of public views.

#### Objectives

- O1 To minimise the impact of new development on views from existing development.
- O2 To promote the concept of view sharing from private properties as a means of ensuring equitable access to views.
- O3 To protect and enhance views from streets and other public spaces.
- O4 To provide additional views from streets and other public spaces where opportunities arise.

#### Controls

- C1 New development must enable view sharing with surrounding development, particularly from main habitable rooms of that development.
- C2 Views from public open spaces to the harbour, foreshore areas and city skyline are to be preserved.
- C3 Location of new trees should enable views to be framed and protected when the trees reach maturity.

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#### C1.4.10 Acoustic and visual privacy

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The predominant terrace building style in Paddington has resulted in a dense urban environment. Potential noise sources associated with more people living, working and recreating closer to each other often raises issues relating to acoustic and visual privacy.

Acoustic and visual privacy are major determinants of the ability of residents to enjoy their homes. Issues of acoustic and visual privacy are compounded in Paddington due to the historic mix of land uses, which may find retail, commercial and residential uses existing side by side.

The acoustic and visual privacy needs of residents should influence all aspects of design, including the location of new building works, building scale, the placement of windows, the location of main living rooms in a building, and the type of materials and construction techniques.

Various design solutions are possible for maintaining and improving acoustic and visual privacy. Solutions need to be considered having regard to matters such as the likely impact on heritage significance, the impact on bulk and scale, and the impact on the amenity of adjoining properties, including overshadowing.

Landscaping with vegetation is not considered to be an effective screening measure or a means of maintaining and improving privacy and is not a preferred solution. This is because it cannot be guaranteed that vegetation will be suitably and continually maintained by current and future owners, the long term health of vegetation is dependent on climatic conditions and the absence of disease, future building works can pose a threat to vegetation despite careful design, and effective vegetation screening often has to be of such a size and density which can create issues with proximity to buildings and structures and impact on light to living and recreation areas.

Note: An acoustic report prepared by a suitably qualified and experienced professional may be required as part of the site and context analysis process.

#### Objectives

- O1 To ensure an adequate degree of acoustic and visual privacy in building design.
- O2 To minimise the impact of new development on the acoustic and visual privacy of existing development on neighbouring lands.

#### Controls

- C1 Sound attenuation measures such as acoustic glazing and insulation are to be provided for new development close to high noise sources, such as busy roads and the Eastern Suburbs railway line.
- C2 In sensitive locations, such as where commercial, retail or other non-residential buildings adjoin or are adjacent to residential properties, or on busy roads, designs must meet the criteria for the Southern Sydney Regional Organisation of Councils Code for Road, Rail Noise Levels - External Noise Insulation Requirements for Multi Unit Residential Housing Against Road and Rail Noise.

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- C3 Windows to bathrooms and toilet areas must have translucent glazing if they have a direct view to and from habitable rooms and private open space on adjoining and adjacent properties.
- C4 Direct overlooking of the main living areas and private open space areas of adjoining and adjacent properties should be minimised by the sensitive location of windows, balconies, and screening devices.
- C5 Rear and side balconies must not impact on:
- a) the privacy and amenity of the building occupants; or
  - b) on the amenity of the occupants of adjoining and adjacent properties.
- C6 Privacy screens are to be designed with regard to the architectural style of the building and relevant aspects of the historic context.
- C7 Privacy screens must minimise view loss from other buildings and not unreasonably impact on solar access to neighbouring properties. (Refer to solar access requirements in Section 1.4.5. Building height, bulk, form and scale).

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### C1.4.11 Land subdivision and site amalgamations

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The distinct street pattern of Paddington arose out of the historic stages of the area's development. The earliest development on the western side of Paddington evolved as the Paddington village along cart tracks and is characterised by short angled narrow roads with closed vistas and dogleg junctions influenced by the boundaries of early land grants. Dense rows of cottages and terrace housing often have zero setbacks.

Later street patterns in the eastern half of Paddington were laid out in the Victorian boom period. The subdivisions are more strictly ordered with alternating wide streets and rear lanes (for night soil) and set out in the rectilinear grid. Development on corner sites is usually sensitive to the pivotal position they occupy in both streetscapes.

Generally there are narrow allotments with pairs, groups, and rows of housing which have similar setbacks and alignments. Within the allotments there are typical building footprints. In the commercial area, shops adjoin each other in terrace style arrangements. The buildings are aligned to the footpath edge.

Note:

- i) Woollahra LEP 2014 sets the minimum lot size for subdividing land.
- ii) Where a proposal for subdivision or site amalgamation involves the creation of a new lot or a number of lots and that lot or lots are capable of accommodating new buildings, the development application should be accompanied by at least a conceptual plan of the new buildings.

#### Objectives

- O1 To retain existing subdivision and building patterns.
- O2 To retain public lanes and public passageways which service Paddington's pedestrian network.
- O3 To ensure that subdivision or amalgamation of sites provides an appropriate response to the relevant historic character of Paddington and the relevant aspects of its historical pattern of development.

#### Controls

- C1 A proposed subdivision of an existing lot to create a new lot or an amalgamation of a number of lots must be of a size in area and dimensions which reflects the characteristics of historically relevant allotments adjoining and in the vicinity of the site.
- C2 Subdivision or site amalgamation must not compromise:
  - a) the significant features of the existing building on the site including outbuildings;
  - b) the setting of the existing site including significant fences and landscape elements; or
  - c) the setting of the building on adjoining sites.
- C3 Public lanes and public pedestrian passageways are not to be amalgamated with private land.



### C1.5 Specific policy for building and site elements

This section contains specific controls for building and site elements on residential and non-residential buildings, as relevant. The objectives and controls in this section apply to alterations and additions to existing buildings, and when constructing a new building.

The building and site elements addressed in this section are:

- ▶ 1.5.1 Dormers and skylights
- ▶ 1.5.2 Chimneys
- ▶ 1.5.3 Windows, doors, shutters and security
- ▶ 1.5.4 Verandahs and balconies
- ▶ 1.5.5 Fences, walls and gates
- ▶ 1.5.6 Onsite vehicle parking, garages, carports, driveway access and servicing facilities
- ▶ 1.5.7 Lofts over garages
- ▶ 1.5.8 Materials, finishes and details
- ▶ 1.5.9 Exterior colours
- ▶ 1.5.10 Gardens and trees
- ▶ 1.5.11 Satellite dishes, aerials and site facilities

The controls in this section are to be read in conjunction with the controls in:

- ▶ Section C1.3 Building type; and
- ▶ Section C1.4 General controls for all development.

### C1.5.1 Dormers and skylights

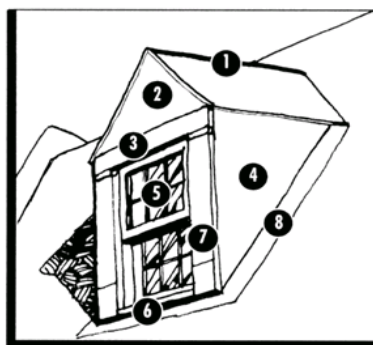
Adaption of the roof void areas of the principal building forms of Victorian and Federation period dwellings was a traditional building method to increase the area available for bedrooms. Typically light and ventilation was provided to these attic level rooms by constructing a dormer window located vertically within the principal roof planes.

Notwithstanding, more numerous are the houses which exist without dormers to the street front elevations. Dormers to the street front significantly alter the character of the streetscape. Skylights located in highly visible positions, large skylights and skylights with protruding profiles can also detract from Paddington's roofscape.

Current pressures for accommodation make the use of the roof space desirable. Where the principal roof form has sufficient slope and height an attic room may be possible with a dormer in the rear slope of the principal roof form.

Using the roof space is possible if the original ceilings are retained, except where interrupted by a new stair or ladder access. To maintain the consistency of new dormers, traditional models for Victorian and Federation period buildings, with specific proportions and dimensions, are provided in this section.

**FIGURE 12** Dormer - typical elements



- 1 Dormer roof
- 2 Pediment
- 3 Lintel
- 4 Cheek
- 5 Double hung window
- 6 Sill
- 7 Pilaster
- 8 Flashing

#### Objectives

- O1 To minimise the impact of dormers and skylights on the form, appearance and fabric of the principal roof form.
- O2 To ensure that dormers to Victorian and Federation period terraces and cottages are traditional in form, proportions, scale and materials.
- O3 To ensure that new attic spaces do not unnecessarily impact on original significant fabric, especially original ceilings.

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## Controls

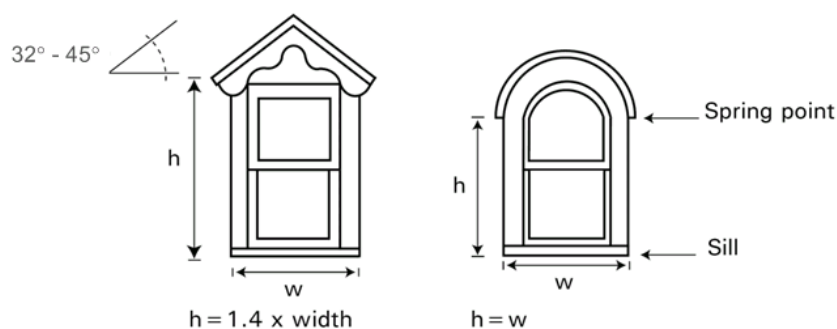
### *Dormers - general*

- C1 Dormers must not be added to street front and side elevations of the principal form of contributory buildings unless documentary evidence sufficiently shows that an original dormer or dormers existed in these locations as part of the original design. In these instances the design of the reconstructed dormer window is to conform to the documentary evidence.
- C2 Attic spaces in a Victorian or Federation period building that contributes to the significance of Paddington may be permitted if the original ceiling to the principal form remains intact except for the provision of a stair or access ladder.
- C3 A dormer may be located within the rear slope of the principal roof form only if this would have no impact or negligible impact on:
  - a) the architectural integrity and style of the main roof form;
  - b) the building's significance;
  - c) the group's significance, where the building forms part of a group; and
  - d) the significance of the heritage conservation area.
- C4 More than one dormer may be located within the rear slope of the principal roof form subject to:
  - a) the width of the roof being greater than 6m;
  - b) each dormer being identical in type, size and no greater than 1.2m maximum width overall; and
  - c) consideration of the impact on the building's significance, on the group's significance where the building forms part of a group, and on the streetscape.
- C5 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 13 and 14).
- C6 Dormers must be arranged symmetrically on the roof plane.
- C7 Dormers must not incorporate balconies, balconets or Juliet balconies.
- C8 Pediment infill and side cheeks to traditional and contemporary dormers must not be glazed.
- C9 Pediments may be infilled with flush fitting timber ventilators.

*Dormers to Victorian period cottages, semi-detached dwellings and terraces*

- C10 For buildings 4m wide or wider, a dormer, or each dormer where more than one is possible due to roof width, must not exceed 1.2m in width.
- C11 Where buildings are less than 4m wide, a single dormer must not exceed one third of the width of the roof or 1m overall, whichever is the lesser.
- C12 For a dormer with a pitched roof:
- a) the height of a window is to be 1.4 times its width, as measured from the head of the window to the bottom of the sill; and
  - b) the roof pitch is to be between 32° and 45°.
- C13 For a round headed dormer, the height of a window measured from the bottom of the sill to the springing point of the rounded head is to be equal to the overall width of the dormer.
- C14 The top of a dormer must be below the main roof ridge by at least 300mm.
- C15 The top of the dormer window sill must be set at least 400mm above the finished floor level.
- C16 The roof of the dormer must be clad with corrugated metal sheeting and flashing that matches the existing roof colour. The roof sheeting and bargeboard must not exceed a 150mm overhang. Dormers must have a timber pilaster facing and no wall cladding below the sill. Cheeks must be clad in timber weatherboards.
- C17 Where dormers are reconstructed on street front elevations (as allowed under C1), they must use traditional windows appropriate to the building style. Documentary evidence must be provided to support the appropriateness of the window type.

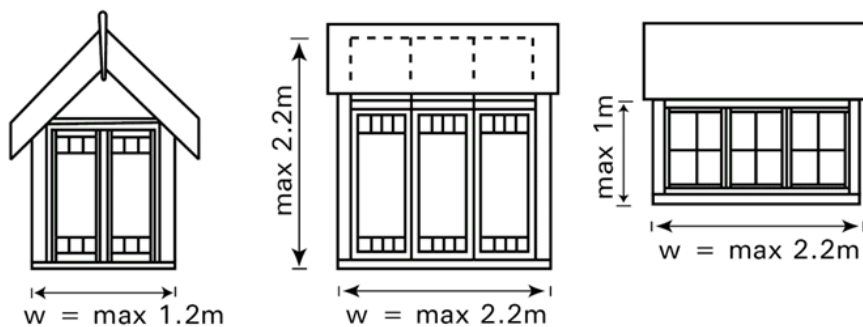
**FIGURE 13** Traditional 'Victorian' period dormers



*Dormers to Federation period cottages, semi-detached dwellings and terraces*

- C18 Dormers to Federation period contributory buildings should be appropriate to the architectural style of the building.
- C19 Vertically proportioned Victorian period dormers with double hung or casement windows are permitted if they comply with the proportions and location of C10 or C11, and C12 to C15.
- C20 Horizontally proportioned dormers with casement windows are permitted with eyelid or hipped roof forms if:
- designed appropriately to the building's type;
  - the top of the dormer is located at least 600mm below the main roof ridge line;
  - the top of the sill is set at least 900mm above the gutter line;
  - the dormer width is limited to 2.2m;
  - the window height is limited to 1m maximum or 2.2m maximum depending on the window type (see Figure 14); and
  - the dormer complies with Figure 14.

**FIGURE 14** Federation period dormers



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*Dormers to infill buildings*

- C21 A contemporary styled dormer may be located within the rear roof plane of the principal roof form of an infill building where:
- a) there would be no impact or negligible impact on the heritage significance of the adjoining buildings and on the significance of the heritage conservation area;
  - b) the proportions comply with C10 or C11, and C12 to C15; and
  - c) the provisions of C6, C7, C8 and C9 are met.
- C22 More than one dormer may be located within the rear slope of the principal roof form subject to:
- a) the width of the roof being greater than 6m;
  - b) each dormer being identical in type, size and no greater than 1200mm maximum width overall;
  - c) the height of each dormer complying with C12 to C15;
  - d) the provisions of C6, C7, C8 and C9 being met; and
  - e) consideration of the impact on the significance of the adjoining properties and on the streetscape.

*Skylights*

- C23 Skylights are not to be placed in front or side facing roofs of the principal roof form.
- C24 A single skylight may be placed in the rear facing slope of the principal roof form by itself, or with a single dormer.
- C25 A maximum of two skylights may be placed in the rear facing slope of the principal roof form provided:
- a) they are arranged symmetrically; and
  - b) there is no dormer.
- C26 Two skylights may only be placed non-symmetrically where it can be demonstrated that their location is essential to internal amenity.
- C27 No skylights may be placed in the rear facing slope of the principal roof form where there are two or more dormers.
- C28 Skylights must be of a low profile and should be flush with the roof surface. They should have simple, unobtrusive detailing and be non-reflective. Colouring must merge with the roofing material.
- C29 A skylight on the principal roof form is to not to exceed an area greater than 1.5m<sup>2</sup>.
- C30 Rear roof planes are not to incorporate more than 25% transparent material. This includes the area of skylights and dormer windows.

### C1.5.2 Chimneys

Chimneys are important elements within the heritage conservation area. They add vertical emphasis to the roofscape and richness by the variety of forms and detail.

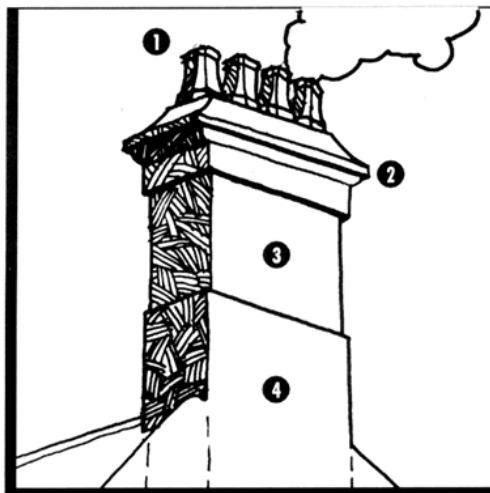
#### Objectives

- O1 To retain and conserve original chimneys and their details.
- O2 To encourage reinstatement of missing chimney elements.

#### Controls

- C1 Original chimneys and their details must be retained.
- C2 When works are proposed to the roof of the principal form of the building, missing details from existing chimneys, where substantiated by evidence, are to be reinstated and repairs to existing chimneys are to be undertaken in a traditional manner.

**FIGURE 15** Typical chimney stack



- 1 Chimney pot
- 2 Coped and moulded cornice
- 3 Shaft
- 4 Stump

### C1.5.3 Windows, doors, shutters and security

The majority of window types available in the late 19th and early 20th century were double hung timber framed sashes. Windows were commonly rectangular in shape and vertically proportioned. Where a larger opening was desired, windows were set in groups. Rear windows were vertically proportioned and relatively plain.

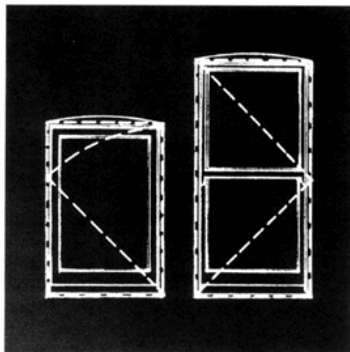
Casement windows became fashionable in the early 20th century. Often these were grouped in threes. Glazing bars, glazing and the number of panes reflected stylistic fashions and advances in the manufacture of the size of sheets of glass. Both casements and double hung windows were sometimes embellished with coloured and patterned glass. This decorative treatment is usually located on the street front location. Rear glazing is comparatively plain.

The front door was the most elaborately detailed timber door of the house. Commonly it featured moulded and recessed panels and good quality hardware. The quality and level of detail diminished in secondary areas of the house. Doors to verandahs at the first floor level were usually timber French doors with solid lower panels.

Louvered timber shutters were commonly used for windows and doors to assist with cooling buildings and providing privacy and security. In two storied or higher buildings, shutters might only have been fitted to the ground floor windows and French doors.

Security devices which conceal the windows and doors to the street front elevations of a building adversely affect the visual character of the building.

**FIGURE 16** New windows



**Window 1**

**Window 2**

Traditional vertical proportions of fenestration should be maintained. New windows should be vertical in proportion, preferably within the range suggested. The width of a window should not be greater than the height given by the radius of the diagonal, as shown on **Window 1**. The height of the window should not exceed twice the width, as shown in **Window 2**.

These controls are applicable for new windows in existing walls and additions to existing buildings. Greater freedom of interpretation is permitted for infill development.



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### Objectives

- O1 To retain and conserve original windows, and doors and their associated detailing and joinery components including original shutters on significant elevations of the principal building form, such as street fronts and side elevations facing streets.
- O2 To reinstate traditional windows, doors, and shutters consistent with the architectural style of the building on significant elevations facing streets.
- O3 To retain the visual prominence of windows and door openings visible from the public domain.

### Controls

#### *Windows and doors*

- C1 Original windows, doors and shutters on the elevations of the principal building form and side elevations facing the street are to be retained.
- C2 When works are proposed to the street front elevations on the principal building form and on side elevations facing the street, unsympathetic windows and doors on those elevations are to be removed and replaced with windows and doors that are consistent with traditional elements of known earlier configuration in terms of size, proportion, materials and detail.
- C3 Traditional shutters to windows and French doors should be reinstated where they have been known to exist previously where visible from the public domain.
- C4 New doors and window openings must be consistent with traditional materials and patterns, use vertically proportioned openings appropriate to the building type and comply with Section 1.4.3 Rear elevations, rear additions, significant outbuildings and yards.
- C5 Where rear wings are extended boundary to boundary at the ground floor, new doors and windows must be vertically proportioned, but may use contemporary detailing.
- C6 New doors replacing a rear window opening at the upper level of a rear wing are to be limited to the size of a set of traditional French doors.

#### *Security*

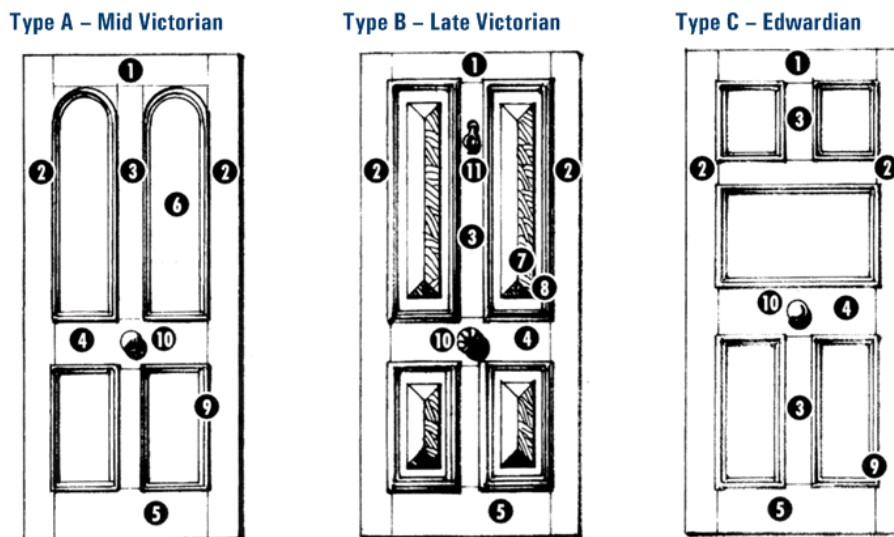
- C7 Security should be provided by the least obtrusive method such as the use of mortice deadlocks, window and door locks, an alarm system or internal security bars, internal timber window shutters or security film attached to the internal face of glazing, and other measures in preference to external security grilles.
- C8 External metal security doors and window grilles are permitted where they use simple, unembellished, rectangular bars in a vertical pattern or a pattern that reflects the configuration of the glazing bars, and are painted in recessive colours that match the colour of the door or window frame.

- C9 Highly visible grilles embellished with pseudo period detail over windows and doors are not permitted.
- C10 Roller shutters will not be permitted to windows or doors.
- C11 Motorised window sunscreens are permitted only to ground floor windows not visible from the public domain.

*Door types*

Some common examples of front doors are shown. All are panelled doors with stiles and rails. Type A and Type B are four panel doors, while Type C is a high-waisted Edwardian door.

**FIGURE 17** Door types



Some common examples of front doors are shown. All are panelled doors with stiles and rails. Type A and Type B are four panel doors, while Type C is a high-waisted Edwardian door.

- 1 Top rail
- 2 Stile
- 3 Muntin
- 4 Mid rail
- 5 Bottom rail
- 6 Sunken panel
- 7 Raised field panel
- 8 Bolection mould
- 9 Lamb's tongue mould
- 10 Knob
- 11 Knocker

### C1.5.4 Verandahs and balconies

Many buildings obtain their visual interest from verandahs and balconies, which create a strong pattern of light and shade by their projection, decorative timber or cast iron and the covering balcony roof. Verandahs that are traditionally located on the front elevation are an important element in the streetscape and should be conserved.

Note: Balconies associated with dormers are not permitted, as addressed in Section 1.5.1 Dormers and skylights.

**FIGURE 18** Verandahs and balconies



- 1 Ogee gutter
- 2 Timber mouldings
- 3 Cast iron lace frieze
- 4 Handrail
- 5 Cast iron lace balustrade panel
- 6 Balcony timber floor
- 7 Bead moulding
- 8 Dentils
- 9 Stop-chamfered verandah beam
- 10 Cast iron frieze panel
- 11 Stop-chamfered frieze
- 12 Cast iron lace frieze
- 13 Cast iron bracket
- 14 Fin wall

**FIGURE 19** Types of balconies

**Suspended balcony**

Usually present on Georgian or early Victorian terraces and restored



**Balcony between fin walls**

Typical for mid or late Victorian and Edwardian terraces



**Enclosed balconies**

Enclosed balconies are intrusive and they should be re-opened



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### Objectives

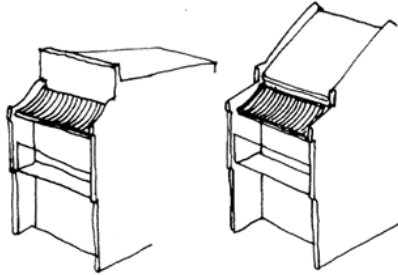
- O1 To retain and conserve original verandahs and balconies and their associated detailing and components.
- O2 To encourage the reinstatement of traditional open balconies and verandahs where verandahs and balconies have been altered or removed.
- O3 To promote sympathetic contemporary design of new rear balconies and verandahs that responds to the historic character of the area.

### Controls

- C1 Original verandahs and balconies are not to be altered except for the reinstatement of original detail, and the reversal of unsympathetic alterations. Patterns of replacement cast iron should be based on physical or documentary evidence of original cast iron elements on the building or in the group.
- C2 Verandahs and balconies may be reinstated where they have been known to exist at an earlier date. The design must be consistent with the architectural style, materials and detailing of the building and the group, where the building is part of a group.
- C3 The step down from the main roof to the balcony roof must be retained or reinstated where a new or replacement balcony or reinstatement of a balcony is proposed.
- C4 The heights of original balustrade panels and rails must conform to the heights of original and appropriate balustrades within Paddington. Balustrade heights may only be increased by inserting a fine horizontal bar above the existing balustrade, supported behind the existing balustrade.
- C5 New verandahs and balconies are not permitted at the upper levels if the building is part of an unaltered group of buildings.
- C6 If the building is part of an altered group of buildings, a rear balcony is permitted where:
  - a) the original rear window opening is widened to a maximum of 1.2m to accommodate a pair of traditionally scaled French doors;
  - b) the balcony width does not exceed the width of the door opening by more than 300mm and must not have a depth greater than 600mm;
  - c) the balcony is a similar form to a traditional balcony, but is detailed in a contemporary manner; and
  - d) a glass balustrade is not used.
- C7 New rear upper floor balconies and verandahs must be designed with regard to the amenity of adjoining and adjacent properties. Privacy screens may be required to reduce the impact of new balconies.
- C8 Verandahs and balconies on infill buildings must be of a contemporary design and materials that demonstrate an appropriate response to the relevant aspects of the historic context.

**FIGURE 20** Balcony roofs

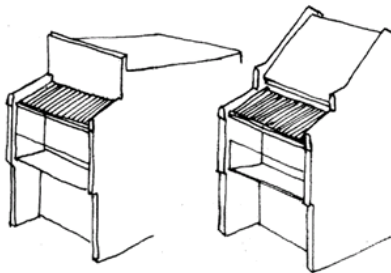
**Concave balcony roof**  
Convex was also common



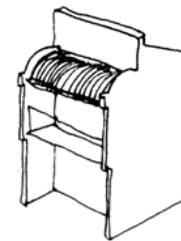
**Ogee balcony roof**  
This form is often reversed



**Skillion balcony roof**  
This form is rare on late Victorian terraces

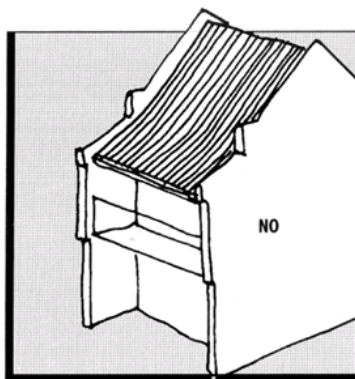


**Bullnosed balcony roof**  
This form is common on late Victorian terraces



**FIGURE 21** Intrusive balcony roof

In the 50s and 60s many terraces were re-roofed, mainly using terracotta or concrete tiles, removing the separation between the roof and the main balcony roof. Renovators are encouraged to reverse this intrusive trend.



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### C1.5.5 Fences, walls and gates

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In Paddington, the majority of houses with a setback from the street originally had a front fence. As well as performing the usual range of functions the fence presented the household to the street. Through pickets and iron palisade fences the passer-by could obtain glimpses of gardens and the house.

Each architectural period or building type had an associated style of fence, so the materials and the design of the front fencing varied. Typical Victorian terraces had an iron palisade fence on a sandstone base. Cottages often had a timber picket fence.

Front fences enriched the visual appeal to the street. Side and rear fences were usually rough sawn timber palings or brick and performed a utilitarian function.

Fences play an important role in forming the character of a house. A well designed fence will complement and enhance the qualities of a building. Too often the appeal of a house will be considerably diminished by a fence of inappropriate design and materials. The blank masonry fence on the street front elevation is an example of an unsympathetic fencing type.

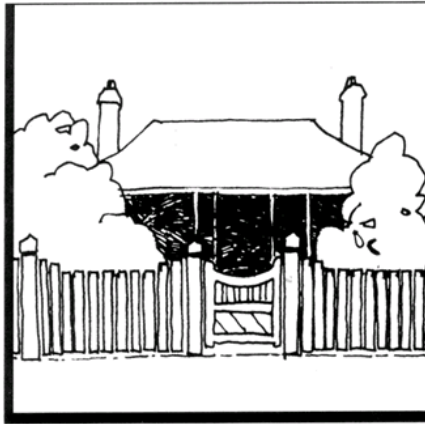
Where groups of buildings were elevated, a boundary wall was constructed using local sandstone, with a traditional fence on top. Often these changes in level occurred beside old quarry sites. Where these street walls are high, they form significant townscape elements.

Note: For garage doors and associated gates refer also to Section 1.5.6 On-site vehicle parking, garages, carports, driveway access and servicing facilities.

#### Objectives

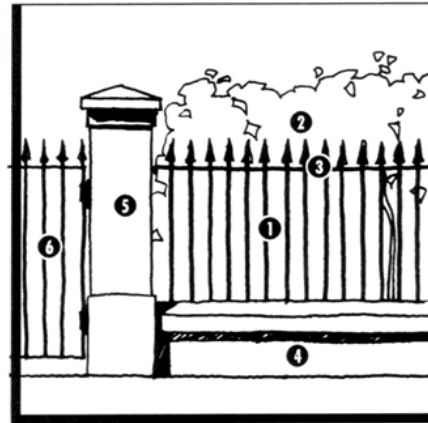
- O1 To retain and conserve original fences and gates.
- O2 To reinstate traditional fences and gates on street frontages and side streets of an appropriate architectural style to existing buildings.
- O3 To maintain traditional heights of fences and their elements.
- O4 To ensure fences and gates for infill development respond in a contemporary manner to the relevant aspects of the historic context.
- O5 To retain views towards the rear of properties from the laneways or over side fences.
- O6 To ensure fences are built with regard to the topography of sloping sites.
- O7 To ensure boundary fences between allotments provide visual privacy without adversely affecting the amenity of adjoining properties in terms of views and sunlight.
- O8 To retain and conserve significant sandstone walls.

**FIGURE 22** Picket fences



Early Colonial and Edwardian buildings are associated with timber picket fences. Picket designs varied from Colonial times through to Edwardian times from small rounded tops, to scalloped, spear-ended and flat tops.

**FIGURE 23** Palisade fence



Detailing of iron palisade fences varied from Colonial to early 20th century times.

- 1 Iron palisade bar
- 2 Iron spearhead top
- 3 Top rail
- 4 Coped masonry plinth
- 5 Masonry pier
- 6 Iron gate

### Controls

#### *General - all areas*

- C1 Fences and gates must be constructed to the boundary or, where the adjoining owner's consent has been obtained, on the boundary (except for public land where no encroachment must occur).
- C2 Gates must not encroach over or onto public land when opening and closing.
- C3 Gates must be constructed in line with fences.
- C4 The configuration, finishes and details of original sandstone walls must be retained and conserved. Alterations for the purpose of maintenance, reinstatement or reinstatement of missing elements may occur.

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*Street front zone*

- C5 There is to be no alteration to original fences and gates, except for maintenance, reconstruction or the reinstatement of missing elements.
- C6 Unsympathetic fences, walls and gates must be removed and replaced by fences, walls and gates that are of the form, height, details, materials, finishes and quality appropriate to the architectural character of the building and group, where the building forms part of a group.
- C7 New and replacement fences and gates must be consistent with the architectural style of the building and be an appropriate traditional height. If part of a group, a fence must match the original fence in the group.
- C8 In the street front zone, traditional types of fencing permitted for Victorian or Federation buildings comprise one or a combination of the following:
  - a) iron or steel palisades on sandstone or rendered bases;
  - b) timber pickets; and
  - c) low brick fences (for Federation type buildings).
- C9 The configuration, finishes and details of original sandstone retaining walls located in the street front zone are to be retained and conserved.
- C10 Breaching an original sandstone retaining wall to incorporate an opening for parking is not permitted.
- C11 New or replacement fences must incorporate root barriers at the street front boundary where street trees occur.
- C12 On corner sites, new fences and gates must allow good visibility for pedestrian and vehicular traffic. This may be achieved by low fences and gates or designs with at least 50% transparency.
- C13 Fences and gates on infill sites should be a contemporary design and of a form, height, detail, finish and materials that demonstrate an appropriate response to the physical and historical context of the streetscape.



**FIGURE 24** Palisade fence in the streetscape



Palisade fences were common for Victorian terraces

**FIGURE 25** Boundary masonry fence



Contemporary high masonry walls as front fences are intrusive in the streetscape and they are not permitted

*Side boundary*

- C14 Side boundary fencing must be consistent with traditional fence, forms and materials.
- C15 The height of side boundary fencing is not to exceed 1.8m.
- C16 On sloping sites, the height of side boundary fences may be averaged and fences may be regularly stepped.

*Rear boundary and side street*

- C17 New fences and gates to side and rear streets and rear lanes are to be of a design and height, and are to use materials and details, which are consistent with the building's context and with the controls contained in Table 4 and in Section 1.5.8 Materials, finishes and details.

**TABLE 4.5** Rear boundary and side street fence and gate controls

	Scale	Materials
<b>Fences</b>	<ul style="list-style-type: none"> <li>▶ Side street fence maximum height of 1800mm, unless building is designed to face both front and side streets.</li> <li>▶ Side street fence where building is designed to face both front and side, maximum height consistent with architectural style of building and appropriate traditional height.</li> <li>▶ Rear fence maximum height 1800mm.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Rear and side fences should be timber palings.</li> <li>▶ Fully transparent or semi-transparent materials such as lattice are not permitted.</li> <li>▶ Palisade fences to side streets may be permitted where the building is designed to face both front and side streets.</li> <li>▶ Bagged or rendered brick walls may be permitted if appropriate to the context.</li> </ul>
<b>Rear street or laneway gates</b>	<ul style="list-style-type: none"> <li>▶ Maximum gate height 1800mm.</li> <li>▶ Maximum gate width 1200mm.</li> <li>▶ Minimum gate width 900mm.</li> <li>▶ Maximum double gates width 2400mm.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Lugged and braced timber gates.</li> <li>▶ Timber painted bi-fold gates.</li> </ul>
<b>Side street gates</b>	<ul style="list-style-type: none"> <li>▶ Maximum gate height 1800mm, unless lower height required to match fence height for building designed to face both front and side streets.</li> <li>▶ Maximum gate width 1200mm.</li> <li>▶ Double gates maximum width 2400mm.</li> <li>▶ Minimum gate width for pedestrian gates 900mm.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Materials to relate to context.</li> <li>▶ Palisade style gate where palisade fence used.</li> </ul>

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### C1.5.6 On-site vehicle parking, garages, carports, driveway access and servicing facilities

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Garages, carports and onsite parking areas for motor vehicles were not elements incorporated into Victorian buildings and their sites. Garages emerged as a building structure with the advent of the motor vehicle just prior to World War I. By the 1930s garages were proliferating and being constructed on the street frontages and rear lanes. Garages were generally of a size allowing single car access only and were treated as secondary or utilitarian buildings with little embellishment. During the late 1960s, double garage doors and roller shutters and carports became common. Two car families and the desire for vehicle security have created pressure for large garages and car spaces within sites in Paddington.

The rear lanes of Paddington are now often lined with garage doors and brick walls. They form an impenetrable and unattractive barrier between private gardens and the public spaces, and have an adverse effect on the character and use of laneways. Their height and mass prevent views towards the rear of buildings, whose forms contribute to the character of the lane. There is an alienation of the pedestrian in these spaces. High solid walls and fences on the rear boundaries can also provide opportunities to screen burglars. This section of the DCP aims to readdress the treatment of these forms.

The demands for car spaces have resulted in a reduction of landscaped area and useable open space to the rear of properties. Consequently, there has been a reduction in trees and a loss of permeable surface, which is increasing the pressure on surface drainage systems. Additionally sandstone kerbing, which forms part of the laneway character, has been removed to provide driveway crossovers.

The pressure for parking has also resulted in proposals for alternate means of providing onsite parking. One alternative involves the use of car stackers. There may be certain circumstances where a stacker arrangement may be acceptable due to the existing site and context characteristics and the scale and form of an existing building. However, generally car stackers are not acceptable in Paddington. Stackers require a substantial surge in electrical power to operate and are therefore environmentally unacceptable, lead to vehicles queuing in laneways and streets due to delays in operating the stacker system which can cause impacts on traffic and pedestrian movements, generally require out of scale garage structures to accommodate the stackers, and involve excessive excavation for basement stackers.

#### Objectives

- O1 To conserve original elements and structures on street frontages and laneway boundaries, including coach houses, stables and rear lane toilets.
  - O2 To ensure that contributory buildings rather than vehicular access and parking structures remain the dominant element in the streetscape.
  - O3 To improve the character of laneways where unsympathetic earlier development such as high brick walls and full width garages has eroded the quality of these urban spaces.
  - O4 To ensure that the designs of garages, carports, fences and gates are sympathetic in their massing, form and scale to the relevant aspects of the historic context and setting of the building and allow visual connectivity to the principal building form of a significant group.
-

- 
- O5 To encourage development that is scaled for the pedestrian in terms of height, articulation and modulation.
  - O6 To provide off street car parking and servicing facilities where feasible.
  - O7 To retain sandstone kerbing on streets and laneways where feasible.
  - O8 To ensure that the amount and quality of deep soil landscaped area and private open space are not compromised by providing on-site parking and servicing areas.
  - O9 To minimise vehicle and pedestrian conflicts.
  - O10 To ensure there is no net loss of vehicle parking spaces in the area.
  - O11 To ensure that use and quantity of on street parking spaces is not adversely affected.
  - O12 To prevent vehicle car stackers.
  - O13 To minimise overshadowing, loss of privacy and the impact of building bulk on adjoining properties.
  - O14 To minimise excavation.

#### Controls

##### *General*

- C1 Onsite parking areas, parking structures and servicing areas such as loading facilities are not a mandatory requirement. In addition, and subject to circumstances listed in the following controls, on-site parking will only be permitted or may only be required where:
  - a) the parking area, servicing area or structure will not have a detrimental impact on:
    - the amenity of adjoining properties;
    - the architectural character or significance of a building, including original coach houses, stables or rear lane toilets (where the toilets occur on adjoining properties);
    - the character of a streetscape or laneway; or
    - the health of a significant tree;
  - b) vehicle entries and exits will not have a detrimental impact on pedestrian movements, traffic movements, Council infrastructure or service authority infrastructure;
  - c) the parking area, servicing area or structure will comply with the current Australian Standard 2890.1-2004;
  - d) a driveway will comply with AS 2890.1 - 2004;
  - e) extensive excavation is not required and the excavation controls in Section 1.4.7 are met;
  - f) private open space and deep soil landscaped area controls are met;

- 
- g) there are adequate sight distances to allow safe vehicle movement into and from the site;
  - h) there is no net loss of vehicle parking spaces in the immediate area; and
  - i) the use and quantity of on-street parking spaces is not adversely affected.
- C2 No further vehicle crossings are permitted at street frontages that form part of the street front zone.
- C3 No parking is permitted on that area of the site which forms part of the street front zone or within or beneath the principal building form.
- C4 Vertical car stackers are not permitted.
- C5 The design and location of car parking spaces and structures must allow an 85th percentile vehicle to manoeuvre into and out of a space without the loss of on-street parking opposite or abutting the proposed vehicle entry. This is particularly relevant where the street or lane is less than 5m between kerbs.
- Note: Vehicle turning paths are to be determined in accordance with Australian Standard 2890.1.2004. The 85th percentile vehicle is a standardised vehicle based on the significant characteristics of various vehicle types operating on Australian roads. More information about the 85th percentile vehicle, including its dimensions, can be found in AS 2890.1.2004.
- C6 Garages and carports must comply with the dimensions, settings, forms and materials shown in Tables 5 and 6.

*Street front zone*

- C7 A single uncovered car space, single carport or single garage, may be permitted if:
- a) an approved vehicle crossing exists on the street frontage;
  - b) the existing building is setback from the side boundary which adjoins another building by a minimum of 3m in the case of a proposed uncovered car space or carport, and a greater distance in the case of a proposed garage;
  - c) the car space, carport or garage is setback behind the outer front wall of a building in the street front zone, excluding any projecting balconies or decks; and
  - d) the general controls C1-C6 can be met.
- C8 Where parking is permitted under C7, new garage and carport structures are to be of a design and in materials that respond to the relevant aspects of the historic context. An appropriate contemporary design is permitted and should not be an historic imitation.

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*Rear lane or rear street*

- C9 Rear lane or rear street vehicle access and associated on-site parking are permitted if:
- the distance from the rear of the building, whether existing or proposed, to the rear boundary is 10m or more;
  - the block width is 3.4m or more;
  - the lane or street width between kerbs is 4.8m or more, but if less the applicant can demonstrate to Council that access can be achieved by compliance with C6 and C1(d); and
  - the general controls of C1-C6 can be met.
- C10 Where rear lane or street parking is permitted under C9, and the property is 4.7m or more in width, proposals must provide an acceptable interface between the private and public domain by incorporating elements such as pedestrian gates or fencing a minimum of 1200mm wide along rear boundaries. Where possible, gateways on adjoining properties should be grouped.
- C11 Where rear lane or street parking is permitted under C9, double garages, double carports, double car spaces are permitted only where the property is a least 7.1m wide and a 1.2m wide gateway is provided. Structures must not exceed a width of 6m.
- C12 Any loss of on-street parking due to construction of a new driveway access must be compensated by an equivalent number, or more, of onsite parking spaces.
- C13 Laneway garages with roof landscaping are permitted only where:
- the property slopes steeply to the rear;
  - the floor level of the roof landscaping is below the floor level of the existing lowest floor of the principal building form;
  - the roof is non-trafficable except for garden maintenance purposes;
  - there is compliance with the deep soil landscaped area requirement; and
  - the roof landscaping area, including planter boxes, parapets and landscaping will not adversely impact on adjoining and adjacent properties.

*Residential parking rates*

- C14 For residential parking requirements refer to Chapter E1 Parking and Access.
- C15 Onsite parking must comply with the provisions of C1-C13. Maximum parking may not be permitted where non-compliance with the provisions of C1-C13 will occur.

*Retail, commercial and other non-residential parking and servicing rates*

- C16 For retail, commercial and other non-residential development, the average number of onsite parking spaces and servicing facilities must comply with the controls in Chapter E1 Parking and Access.

C17 Onsite parking and servicing facilities must comply with the provisions of C1-C13. Maximum parking may not be permitted where non-compliance with the provisions of C1-C13 will occur.

**TABLE 5.6** Dimensions for garages and carports

Rear lane, rear street and existing street-front access locations (unless otherwise specified)

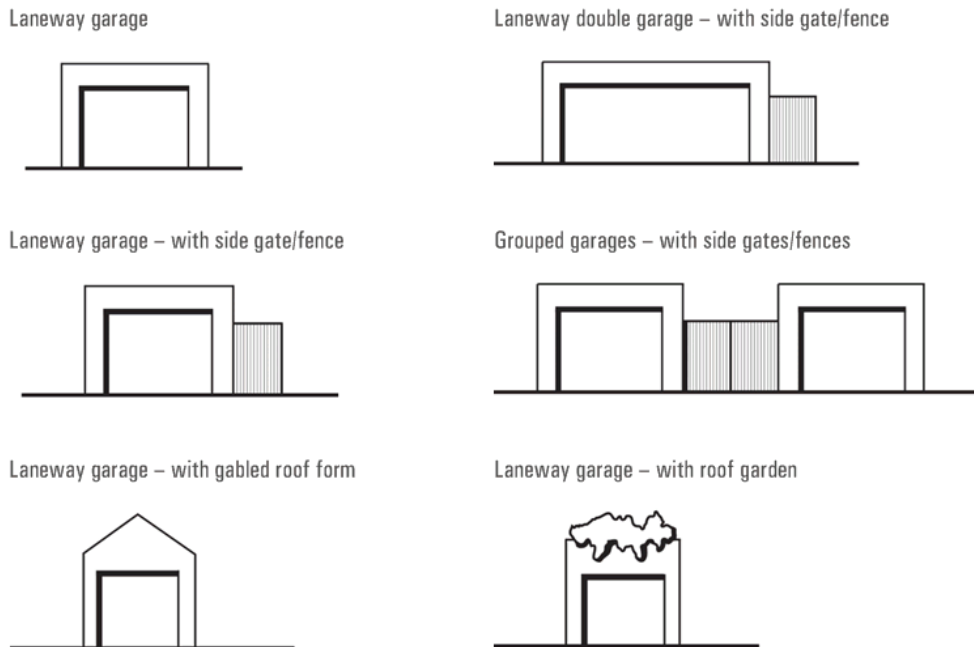
Garage carport type		Width	Height		Door			Piers	
		Max	Max to top parapet <sup>1</sup>	Max wall height below eave	Height	Max width	Min width <sup>2</sup>	Min width	Max width
Garage - flat roof parapet form <sup>3</sup>	Single space	4340	2800	2800	2200	3400	2400	350	470
	Double space	6000	2800	2800	2200	5000	N/A	470	600
Garage - pitched roof form <sup>4</sup>	Single space	4340	N/A	2700	2200	3400	2400	350	470
Garage - with garden roof <sup>5</sup>	Single space	4340	3000	3000	2200	3400	2400	350	470
	Double space	6000	3000	3000	2200	5000	N/A	470	600
Carport - flat roof form <sup>3</sup>	Single space	4340	N/A	2700 <sup>6</sup>	2200	3400	2400	350	470
	Double space	6000	N/A	2700 <sup>6</sup>	2200	5000	N/A	470	600
Carport - pitched roof form <sup>3</sup>	Single space	4340	N/A	2700 <sup>6</sup>	2200	3400	2400	350	470

Notes:

All dimensions in millimetres

1. Top of parapet from lane or street level
2. Doorway width will vary depending on road/lane width. Refer to C5 in Section 1.5.6. The minimum acceptable doorway width is 2400mm.
3. Double space garage and carport (adjoining or tandem) not permissible in front yard
4. Pitched roof form only permitted for single space garage and single space carport
5. Landscaped roof form only permitted in rear lane and rear street
6. Column or pier height for carport

**FIGURE 26** Garage and carport design diagrams



**TABLE 6 7** Setting, form and materials for garages and carports rear street

	Setting	Form	Materials
<b>Rear lane and rear street garages parapet and gabled roof form</b>	<ul style="list-style-type: none"> <li>▶ Build on rear boundary.</li> <li>▶ Minimise ramp up to garage.</li> <li>▶ Provide an acceptable interface on laneway (refer to C10).</li> </ul>	<ul style="list-style-type: none"> <li>▶ Horizontal parapet (flat roof) or pitched roof form.</li> <li>▶ Corner sites to have pitched roof form.</li> <li>▶ Pitched roof to match appropriate traditional roof pitch.</li> <li>▶ Double garages to have horizontal parapet form only.</li> <li>▶ A masonry to door ratio 1:1 is preferred.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Rendered and painted masonry walls.</li> <li>▶ Corrugated steel roofing.</li> <li>▶ Timber or metal bi-fold doors, timber sliding doors, panel-lift doors or roller shutters.</li> <li>▶ Roller shutter and panel lift doors only if set within a masonry surround.</li> <li>▶ Paint finish to all doors (dark colour recommended)</li> </ul>



	Setting	Form	Materials
<b>Rear lane and rear street garages with garden roof</b>	<ul style="list-style-type: none"> <li>▶ Build on rear boundary.</li> <li>▶ Minimise ramp up to garage.</li> <li>▶ Provide an acceptable interface on laneway (refer to C10).</li> </ul>	<ul style="list-style-type: none"> <li>▶ Flat roof form only.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Rendered and painted masonry walls.</li> <li>▶ Concrete slab to roof garden.</li> <li>▶ Timber or metal bi-fold doors, timber sliding doors, panel-lift doors or roller shutters.</li> <li>▶ Roller shutter and panel-lift doors only if set within a masonry surround.</li> <li>▶ Paint finish to all doors (dark colour recommended).</li> <li>▶ Simple timber or metal balustrade set behind masonry parapet if required.</li> </ul>
<b>Rear lane and rear street carport</b>	<ul style="list-style-type: none"> <li>▶ Build on rear boundary.</li> <li>▶ Minimum ramp up to carport.</li> <li>▶ Where site widths allow, a row of more than two carports must be interspersed with fencing or pedestrian gates.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Flat or pitched roof form.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Timber or metal posts or masonry reveals.</li> <li>▶ Timber, metal or masonry fascia.</li> <li>▶ Timber or metal bi-fold doors, timber sliding doors, panel-lift doors or roller shutters.</li> <li>▶ Paint finish to all posts, reveals and fascias.</li> </ul>

	Setting	Form	Materials
<b>Single garage or carport with existing street front zone access</b>	<ul style="list-style-type: none"> <li>▶ Behind outer front wall of building (refer to C8 for other criteria).</li> <li>▶ Minimum ramp up to garage or carport.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Horizontal parapet (flat roof) or pitched roof form.</li> <li>▶ Pitched gabled roof form to match appropriate traditional gable roof pitch.</li> <li>▶ A masonry to door ratio 1:1 is preferred.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Garage walls to be rendered and painted masonry.</li> <li>▶ Roof material to be slate, terracotta tile or corrugated steel appropriate to the building with which the garage or carport is associated.</li> <li>▶ Timber and metal posts to be paint finished.</li> <li>▶ Timber or metal bi-fold doors, panel-lift doors or roller shutters.</li> <li>▶ Roller shutter and panel-lift doors only if set within a masonry surround.</li> <li>▶ Paint finish to all doors (dark colour recommended).</li> </ul>
<b>Rear lane and rear street garage with loft</b>	<ul style="list-style-type: none"> <li>▶ Build on rear boundary.</li> <li>▶ Minimise ramp up to garage.</li> <li>▶ Provide an acceptable interface on laneway or street (refer to C10).</li> </ul>	<ul style="list-style-type: none"> <li>▶ Gable ended to rear laneway, rear street and rear yard along allotment axis.</li> <li>▶ Single loft only.</li> <li>▶ Traditionally proportioned double hung sash windows.</li> <li>▶ Skylights to be flat version.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Rendered and painted masonry walls.</li> <li>▶ Corrugated steel roof.</li> <li>▶ Paint finish to all laneway and street doors (dark colour recommended).</li> <li>▶ Timber windows to loft.</li> </ul>

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### C1.5.7 Lofts over garages and studios

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There is a demand for additional structures located over single storey garages and studios located at the rear of properties. Lofts provide benefits such as added accommodation, surveillance to laneways, increased public and private security and safety, and in some instances improvements to a laneway appearance.

However, there are many parts of Paddington where loft structures are inappropriate. To determine whether a loft structure over a single storey garage or a studio would be acceptable, consideration must be given to the significance of the existing rear building form and lot size, the relationship to the adjoining properties, the laneway characteristics and impacts on privacy.

#### Objectives

- O1 To ensure that loft structures over garages or studios are sympathetic in their location, massing, form and scale to the traditional rear elevations, yards, and laneways.
- O2 To ensure that loft structures over garages or studios do not detract from the significance of unaltered groups of buildings.
- O3 To ensure that loft structures over garages or studios do not impact on the privacy of adjoining properties.
- O4 To ensure that loft structures do not result in a non-compliance with the private open space and deep soil landscaped area requirements.
- O5 To ensure that loft structures are appropriately orientated to minimise overshadowing on adjoining/adjacent open space.
- O6 To minimise the visual impact of loft structures when viewed from public areas and private land.

#### Controls

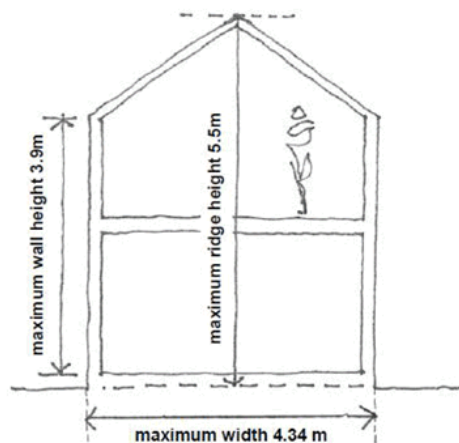
- C1 Loft structures may be permitted where:
  - a) the site dimensions are a minimum of 30m long and 5.24m wide and where the structure will not adversely impact on the traditional character of the rear elevations, yards, and laneways;
  - b) the structure will not adversely impact on the amenity, visual privacy and overshadowing of the property, neighbouring properties and public open space (the controls in Section 1.4.5 Building height, bulk, form and scale apply);
  - c) the structure does not require the footprint of the garage or studio to be extended so that the controls in Section 1.4.8 Private open space, swimming pools, **lightwell** courtyards and landscaping cannot be satisfied. Where there is an existing non-compliance with these controls, the existing private open space and deep soil landscaping is not to be further reduced;
  - d) all access to the loft is provided internally;

- e) habitable room windows within the loft with a direct sightline to the habitable room windows in the existing building on the site and neighbouring buildings have a separation distance of at least 9m;
- f) the structure extends over only a single space garage or studio;
- g) the loft and garage (or studio) structure is a maximum of 4.34m wide;
- h) the roof structure is gable ended to the laneway, with a maximum ridge height of 5.5m and maximum wall height of 3.9m (on or adjacent to a side boundary);
- i) windows are located only in the centre of gable ends and must be either: a single double hung sash window, or inward opening window of traditional proportions;
- j) does not include balconies, decks, or other similar cantilevered structures;
- k) a maximum of two skylights per roof plane, provided they comply with controls C28, C29 and C30 in Section 1.5.1 Dormers and skylights; and
- l) the ground floor level of the principal building form is higher than the natural ground level at the rear boundary.

C2 Loft structures will not be permitted:

- a) over garages or studios in the street front zone;
- b) if the subject property is part of an original row of houses, comprising an unaltered group, and the proposal demonstrates an adverse impact on this group;
- c) if the rear of the property is orientated towards the north between NNE and NNW (true north) (see Appendix 1);
- d) with a dormer window; and
- e) over a multiple space garage.

**FIGURE 27** Loft structure design example including dimensions



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### C1.5.8 Materials, finishes and details

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Buildings in Paddington were constructed from a distinct and limited range of materials. Similarly, there is a pronounced repetition of detailing in surface treatments and building components.

Materials, finishes and detailing are two important elements which unite the area and contribute to Paddington's character. The repetitive combination of materials and the manner in which they were used for specific parts of buildings also forms part of Paddington's significant character.

The use of modern day materials and contemporary design approaches can be successfully employed in Paddington provided the relevant aspects of context are respected.

The table following the objectives and controls below sets out traditional external materials found within Paddington. It lists materials suitable for new development, alterations and additions. Additionally it lists materials which are intrusive elements, either by their very nature or if used in inappropriate situations.

#### Objectives

- O1 To retain and conserve traditional materials, finishes and details.
- O2 To promote high quality design, materials, finishes and detailing which is appropriate to the architectural style, building type, and historic context.
- O3 To conserve original external finishes.

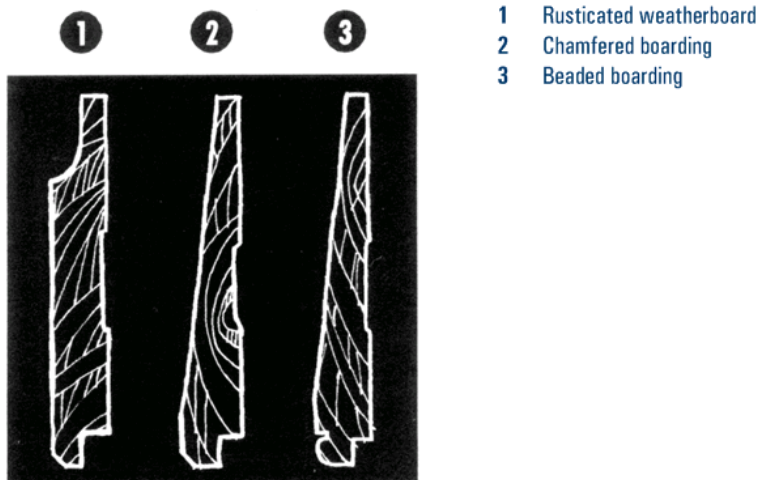
#### Controls

- C1 Surviving original materials, finishes, textures and details on street front elevations are to be retained and conserved.
- C2 Original brickwork, sandstone, terracotta, glazed or tessellated tiling that is unpainted or unfinished by other mediums must not be rendered, bagged, painted or otherwise refinished in a manner inappropriate to the architectural style of the building.
- C3 Render must not be removed from the exterior face of buildings unless it is proposed to re-render the surface immediately. Where original render has been removed from the exterior face of a building, new render must be applied and painted. Special consideration will be given to a building in a group.
- C4 New materials, finishes, textures and details on the principal building form and elevations visible from a public space, must be traditional and appropriate to the architectural style of the building. Intrusive materials are not permitted.

Table 7.8 below sets out traditional external materials found within Paddington and those materials permissible for new development, including ~~infill development and~~ alterations and additions.

- 
- C5 New external materials and details to additions must complement the architectural character of the existing building and minimise the apparent bulk of the addition.
  - C6 Infill buildings must use materials, finishes, textures and details appropriate to the building type and style but should not replicate traditional details.

**FIGURE 28** Traditional cladding profiles



**TABLE 7.8** Materials and details

Building component	External building materials
<b>Roofs</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Welsh slate and South Australian slate. Later Victorian or Edwardian terraces occasionally had traditional ornamental patterns which may have been in contrasting colours.</li> <li>▶ Corrugated galvanised iron in short lengths and associated details and fixings.</li> <li>▶ Unglazed terracotta tiles on Federation period buildings and post- Federation buildings.</li> </ul>
New roofs to existing buildings - replacement and additions ( <a href="#">including pavilion additions and lofts over garages</a> )	<ul style="list-style-type: none"> <li>▶ Galvanised corrugated steel with associated galvanized gutter details and fixings.</li> <li>▶ Pre-painted corrugated steel in light to mid grey tones, similar in appearance to traditional corrugated iron.</li> <li>▶ Traditional roof materials as outlined above.</li> <li>▶ <a href="#">Copper sheeting, zinc sheeting (traditional standing seam profile)</a>.</li> </ul>
<del>Roofs for infill development</del>	<ul style="list-style-type: none"> <li><del>▶ Traditional roof materials as outlined above.</del></li> <li><del>▶ Pre-painted corrugated steel in light to mid grey tones, similar in appearance to traditional corrugated iron.</del></li> <li><del>▶ Copper sheeting, zinc sheeting (traditional standing seam profile).</del></li> <li><del>▶ Contemporary corrugated profile sheeting in appropriate colours subject to low reflectivity.</del></li> </ul>
Intrusive roofs for existing buildings - replacement and additions, <del>and infill development</del>	<ul style="list-style-type: none"> <li>▶ Concrete roof tiles.</li> <li>▶ Metal roofing sheets or panels in inappropriate colours.</li> <li>▶ Tray profile metal sheeting (including flat zinc sheets, <a href="#">clip-lock and tray deck sheeting</a>).</li> <li>▶ Terracotta tiles on pre-Federation period buildings.</li> <li>▶ Glass (other than permitted in skylights).</li> </ul>

Building component	External building materials
<b>Walls</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Sandstone blocks for walls or as a base course to brick walls.</li> <li>▶ Timber weatherboards (depending on the building type). The profiles vary depending on the construction date.</li> <li>▶ Brick, which was usually rendered in Victorian era buildings and was often inscribed with ashlar coursing.</li> <li>▶ Face brickwork on Edwardian and late Federation style buildings. The associated details may include tuck pointing on the principal elevation and areas of roughcast render.</li> <li>▶ Corrugated galvanised iron, zinc coated corrugated steel ripple iron and weatherboards on sides of dormer windows and outbuildings.</li> </ul>
New walls to additions - <del>additions and infill development</del>	<ul style="list-style-type: none"> <li>▶ <a href="#">Traditional wall materials including sandstone blocks, timber weatherboard or brick.</a></li> <li>▶ <a href="#">Corrugated galvanised iron, zinc coated corrugated steel ripple iron for small expanses only. Must be in appropriate colours and subject to low reflectivity.</a></li> <li>▶ Rendered brick, with or without inscribed ashlar coursing where appropriate.</li> <li>▶ <del>Timber weatherboards.</del></li> <li>▶ Fibrous cement sheeting with a rendered and painted finish - for rear additions but only if window reveals of minimum 100mm external depth are achieved.</li> <li>▶ <a href="#">For dormer windows, corrugated galvanised iron, zinc coated corrugated steel ripple iron, weatherboards and corrugated steel on sides of dormer windows and outbuildings.</a></li> </ul>
Intrusive walls for existing buildings - and additions <del>and infill development</del>	<ul style="list-style-type: none"> <li>▶ Stripped sandstock brickwork.</li> <li>▶ Circular pattern render (mock Spanish) or rough textured render.</li> <li>▶ <a href="#">Glazed walls and glass bricks.</a></li> </ul>
<b>Windows</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Timber framed, double hung sash windows, plain or multi-paned windows.</li> <li>▶ Plain glass, traditional patterned or coloured glass in some building types.</li> </ul>



Building component	External building materials
New windows to existing building (replacement and additions) <b>and infill development</b>	<ul style="list-style-type: none"> <li>▶ Timber frames.</li> <li>▶ Steel frames on rear ground floor only.</li> <li>▶ Metal frames for ground floor shops and commercial premises where appropriate.</li> <li>▶ Plain clear glass.</li> <li>▶ Coloured and patterned glass for replacement in appropriate situations.</li> <li>▶ Fine metal frames in neutral tones to infill buildings.</li> </ul>
Intrusive windows	<ul style="list-style-type: none"> <li>▶ Metal frames (including steel) to the principal building form and original secondary wings.</li> <li>▶ Window walls.</li> <li>▶ Bubble glass.</li> <li>▶ Timber <b>or</b> metal frames not reflecting traditional proportions.</li> <li>▶ Roller shutter security and sunscreen windows.</li> </ul>
<b>Doors</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Timber solid core; principal doors are often panelled; utilitarian doors are often ledged and braced.</li> <li>▶ Etched or frosted glass in the top panels of late Victorian style doors and small coloured glass panes in Federation style doors.</li> </ul>
New doors to existing building (replacement and additions) <b>and infill development</b>	<ul style="list-style-type: none"> <li>▶ Solid core framed timber panelled doors to match original doors are required for reconstruction work.</li> <li>▶ Solid core timber framed, glazed timber-framed doors, glazed steel frame in appropriate locations.</li> <li>▶ <a href="#">Glazed timber-framed doors.</a></li> </ul>
Intrusive doors	<ul style="list-style-type: none"> <li>▶ Fully glazed doors to the street front elevation of residential properties.</li> <li>▶ Hollow core and timber doors with detail and panels are inappropriate to the architectural style of the building.</li> <li>▶ Roller shutter doors to residential houses, retail and commercial premises.</li> </ul>
<b>Shutters</b>	
	<ul style="list-style-type: none"> <li>▶ Timber louvred shutters are applicable for windows and French doors on some building types.</li> </ul>

Building component	External building materials
<b>Verandahs</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Floors of stone flagging, marble, unglazed multi-coloured tessellated tiles.</li> <li>▶ Slate, timber and sandstone edging.</li> <li>▶ Cast iron posts of a flat profile or circular in section, cast iron friezes.</li> <li>▶ Timber posts and associated timber details for early Victorian buildings and Federation period buildings.</li> </ul>
New verandahs - reconstruction - <b>Infill development</b>	<ul style="list-style-type: none"> <li>▶ Traditional materials for reconstruction.</li> <li>▶ Materials similar to traditional materials for infill but without elaborate detailing.</li> </ul>
Intrusive verandahs	<ul style="list-style-type: none"> <li>▶ Pebble-crete, modern concrete, large form modern tiles for original building types.</li> <li>▶ Polycarbonate or similar type material roofs.</li> <li>▶ Glass roofs to street elevations.</li> </ul>
<b>Balconies</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Corrugated iron or slate roofs where appropriate to the style of the building.</li> <li>▶ Timber for floors and timber framing for the underside of verandah roofs.</li> <li>▶ Cast iron friezes and balustrade panels with iron or timber handrails for Victorian period buildings.</li> <li>▶ Timber balustrades for early Victorian buildings and Federation period buildings.</li> </ul>
New balconies - reconstruction <b>and infill development</b>	<ul style="list-style-type: none"> <li>▶ As with traditional materials for reconstruction on original building types or with modern-day equivalents.</li> <li>▶ Masonry and metal.</li> </ul>
Intrusive balcony materials	<ul style="list-style-type: none"> <li>▶ Smooth, textured or profiled face brick and exposed cement blocks.</li> <li>▶ Corrugated and other profiled metal sheeting.</li> <li>▶ Wire fencing.</li> <li>▶ Fibrous cement sheeting.</li> <li>▶ Glass balustrading.</li> </ul>

Building component	External building materials
<b>Fences</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Occasionally rendered masonry with inscribed ashlar coursing.</li> <li>▶ Timber post, rail and paling.</li> <li>▶ Iron palisade, on sandstone or rendered bases.</li> <li>▶ Timber pickets.</li> <li>▶ Brick and timber fences or brick with iron inserts on Federation period buildings.</li> </ul>
New fences - additions and infill development	<ul style="list-style-type: none"> <li>▶ As with traditional fences but with consideration to building style and context.</li> <li>▶ Appropriate traditional materials for reinstatement of fences on original building types.</li> <li>▶ Contemporary interpretation of traditional fence details and materials such as iron palisade and timber for infill development.</li> </ul>
Intrusive fences	<ul style="list-style-type: none"> <li>▶ Smooth, textured or profiled face brick, exposed cement blocks, Ti Tree (<a href="#">brush</a>), <a href="#">colourbond</a> or sheet metal fences.</li> <li>▶ Full height brick fences.</li> <li>▶ Materials and forms that are <a href="#">in</a>appropriate to the style of the building.</li> </ul>

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### C1.5.9 Exterior colours

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Colour schemes make important contributions to the character of individual buildings and groups of buildings. Colour schemes can influence the cohesiveness of a group of buildings and an entire streetscape. They can be used to enhance important building features and reduce intrusive features. The use of historic based colour schemes is appropriate where an original colour scheme contributed to the architectural style of a building.

Exterior colours used on buildings constructed between 1850-1895 and 1895-1915, and even during the Inter-War period were from a comparatively narrow range. These colours were used to enhance the architectural style and to enhance the natural colours of construction materials. A range of exterior colours was used on buildings constructed in the early, mid and late Victorian period and in the Edwardian period. Colours were often used to enhance the architectural style and to highlight particular features and building components.

In determining a colour scheme the architectural style of the building must be considered. Georgian style buildings tended to have simply decorated exterior surfaces with only two or three colours. By the late Victorian period, when buildings were designed with a profusion of decoration, six or eight colours may have been used. Edwardian and Federation buildings used one or two lighter tones with a darker contrasting colour to enhance the unpainted brickwork. A wider range of colour finishes and a higher level of gloss were used for door and window joinery, verandah posts, valances, bargeboards and ornamental work.

For signwriting, trimmings and metal finishes typical colours included light brown, rich brown, Indian red, chrome green, and in rare instances Prussian blue, black and dark tints, and slate grey.

Special roof paints were available in the 19th century in a variety of colours. Common colours for roofs that were originally painted were light stone, slate grey and Indian red. Original colours schemes may be determined by the careful scraping of protected difficult to paint areas. They may survive under hardware, behind eaves, under window sills and on the more protected elevations of a building. Care should be taken to distinguish layers of paint finishes from undercoats.

Old photographs can provide valuable evidence of the original paint treatment, particularly in regard to the use of contrasting colours and tonal relationships for the various elements of the building.

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### Objectives

- O1 To promote colour schemes that are appropriate to the character of the individual buildings, groups of buildings, the historic context.

### Controls

- C1 Colour schemes must be appropriate to the building type and style.
- C2 The use of fluorescent paints and primary colours are not permitted.
- C3 New buildings and additions in both the residential and commercial areas are to use colour schemes that have hue and tonal relationships with traditional colour schemes.
- C4 The intensity and hue of colour must relate to the style of the building and the streetscape context.
- C5 The whole face of the dividing party wall between attached buildings including terraces must be painted one colour. Painting with different colours to the centreline of a party wall is not permitted.
- C6 Matching buildings in a terrace row must be painted colours that are consistent in tone with the group.
- C7 Where terraces step down a hill, the colour of the front elevations of a terrace and its lower party wall including the return face and chimney above the roof line must be the same colour.
- C8 Where terraces are set back in plan, the forward terrace must be the colour of the exposed party wall, including the return face, up to the adjacent party wall.
- C9 Where it is proposed to introduce new exterior paint colours or modify the existing external paint scheme a colour board to be submitted to Council.

Note: Section 1.5.8 Materials, finishes and details specifies that original brickwork, sandstone, terracotta, glazed or tessellated tiling that is unpainted or unfinished by other mediums must not be rendered, bagged, painted or otherwise refinished in a manner inappropriate to the architectural style of the building.

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### C1.5.10 Gardens and trees

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The private gardens in Paddington have a considerable effect on the townscape quality. Both streets and lanes are enhanced by significant landscaping from adjacent private properties. Development, including excavation and landfill, can impact on the conditions in which trees grow. Remnant established gardens, parks and street trees make an important contribution to the character of the area.

#### Objectives

- 01 To retain traditional planting schemes and hard landscape elements where they exist.
- 02 To promote landscaping that is consistent with the character of the individual building, the characteristics of a group of distinctive buildings and the character of the heritage conservation area.
- 03 To ensure that front gardens are planted with a species selection that relates to the building type and is appropriate to the size and aspect of the garden space.
- 04 To create zones of rear planting with appropriate species of trees and shrubs.
- 05 To ensure that trees and shrubs do not have an adverse impact on the fabric of buildings and do not have an unreasonable impact on the amenity of occupiers or properties such that would warrant refusal or modification.

#### Controls

- C1 Significant gardens, or remnants of gardens with original planting schemes and hard landscape elements, such as paving and associated decorative elements, are not to be removed.
- C2 Significant trees are to be retained in place.
- C3 Front gardens should include original pathways and low formal planting which is appropriate to the building type, and allows views of the street front elevation to be maintained.
- C4 Rear gardens are to include one medium sized tree.
- C5 New trees must be a species which is suitable for a Paddington garden. The tree selection should have regard to matters such as size and orientation of the garden-
- C6 Excavation and landfill must not impact on the current and future health of significant trees that are located on the development site or on adjoining sites.

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### C1.5.11 Satellite dishes, aerials, air conditioning units and other site facilities

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Paddington's roofscape is an integral component of its overall significance. The introduction of unsympathetic and uncharacteristic elements such as satellite dishes and aerials can have a detrimental impact on the aesthetic significance of individual buildings and on the area generally.

The fixing of these structures on roofs and chimneys can also contribute to physical damage and possible loss of original fabric and detail.

Note: Solar energy systems such as photovoltaic electricity generating systems, solar hot water systems, or solar air heating systems are addressed in Chapter E6, Section 6.3 Solar energy systems.

#### Objectives

- O1 To retain the character of the original roofscape of Paddington.
- O2 To protect the original fabric and details of roofs and chimneys.
- O3 To ensure that satellite dishes, air handling systems, external hot water heaters, air conditioning units, aerials and other site facilities do not detrimentally impact on the character and significance of individual buildings and the streetscape.

#### Controls

##### *Satellite dishes, aerials and similar devices*

- C1 Satellite dishes, aerials and other similar devices:
  - a) are to be designed and scaled to minimise their visual impact and impact on the amenity of adjoining properties;
  - b) must not be located on any part of a roof or chimney which is visible from the street frontage or the public domain; and
  - c) must not have a detrimental impact on the architectural style or significance of the building to which they are attached.

##### *External condenser and air conditioning units*

- C2 Condensers and units must be located:
  - a) behind the outer front wall of the building and not be visible from the public domain;
  - b) a minimum of 3m from all other property boundaries (including party walls) and not less than 5m from a bedroom window in an adjoining residential property; and
  - c) at existing ground level or at the ground level above a basement level or part underground level (but not on a roof).
- C3 Condensers and units must not be visible from an adjoining property.

- 
- C4 External conduits must not exceed 3m in length and not be visible from the public domain.
  - C5 External conduits must be bundled and concealed by matching the colour of the external surfaces of the building.
  - C6 Condensers, units and conduits must not have a detrimental impact on the architectural style or significance of the building to which they are attached.

*Internal air conditioning systems and packaged air conditioning systems*

- C7 Any associated wall opening must be:
  - a) behind the front setback and not be visible from the public domain; and
  - b) no higher than 600mm above the ground level abutting the wall containing the new opening.

*Site facilities*

- C8 Site facilities, including mail boxes, external storage facilities, clothes drying areas and laundry facilities, should be unobtrusively integrated into new development.

Note: Information relating to specific requirements for garbage and recycling is in Part E of this DCP, Chapter E5 Waste Management and in Council's DA Guide.



## C1.6 Public domain

The public domain describes those areas of land owned and/or managed by Council or other public authorities. The public domain includes roadways, gutters, kerbs, footpaths, street name inlays, retaining walls, landscaped verges and reserves, natural landforms and other elements located beyond private property boundaries.

Historically, the streetscapes of Paddington were characterised by a restricted use of materials, including paving, kerbing, street trees and street furniture. The simplicity of this palette allowed the built form to dominate, with embellishment being restricted to the often intricate detailing within the architecture.

The public domain plays a significant role in determining the overall character of the HCA. In addition to the following provisions, the general development objectives and controls in Section C1.4 also apply within the public domain.

### C1.6.1 Kerbs and gutters

The texture and colour provided by the sandstone kerbs and gutters in Paddington is an important characteristic of many streets and further defines the simplicity of the street geometry. Sandstone kerbs and gutters were deliberately introduced by the Paddington Council after 1871 as part of a works program aimed at improving the standard of public roads. These features therefore have historical and social significance as well as aesthetic significance.

#### Objectives

- O1 To retain the original sandstone kerbs and gutters.
- O2 To limit the range of materials used in kerbs and gutters to sandstone and concrete.
- O3 To ensure a homogeneity of colour and texture in materials when introducing or replacing kerbs and gutters.
- O4 To replace existing sandstone kerbs at the end of their useful life with new sandstone kerbs.
- O5 To re-establish sandstone kerbs and gutters where possible.

#### Controls

- C1 All original sandstone kerbs and gutters should be retained and, where possible, reinstated. If sandstone kerbs and gutters are required to be removed (for example in instances of new crossovers) they should be stockpiled for reuse in new works.
- C2 Where new sandstone kerbing is used it should be detailed to match the existing kerbing.
- C3 Where concrete kerbs are to be used, preference should be for precast segmental elements.

▶ Part C | Heritage Conservation Areas

C1 | Paddington HCA

- 
- C4 Damaged original sandstone kerbs and gutters should be restored where possible or replaced with new sandstone kerbs and gutters.
  - C5 Vehicle crossings and chicanes are discouraged as they interrupt the original line of the streets and sandstone kerbing.
  - C6 Maintain the line of kerbs parallel to the building line to preserve the character of the streets.
  - C7 Where footpaths are widened, original sandstone kerbs should be left in their original position so that the earlier street form can be understood.
  - C8 The profile of all new kerbs should reflect the traditional kerb detail.

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▶ C1 pg.127

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### C1.6.2 Views and vistas

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Paddington is characterised by panoramic views and closed vistas. Panoramic views result from the suburb's dramatic topography and position in relation to the harbour and City skyline.

The closed vistas are created by the street configuration which is strongly defined by the terraces with their zero setbacks from street and lane junctions.

The skylines along the southern and eastern edge of the heritage conservation area are formed by the profile of buildings on the Oxford Street and Jersey Road ridges. Landmarks do not feature on the horizon with notable exceptions such as the Royal Hospital for Women chimney and occasional contemporary multi-storey buildings.

Downhill panoramic views from points west of Cascade Street can extend as far as the Harbour especially from elevated viewpoints. Views of the harbour do not occur from points below the level of the Scottish Hospital or from east of Cascade Street.

Views of the City skyline and especially known landmarks such as Centrepoint Tower can be seen from many of the streets with east-west and north-west orientation. Views towards Paddington from New South Head Road and from the ridge along Jersey Road are panoramic and reveal the close-textured fabric of Paddington.

Closed vistas are characterised by the stepped alignments of terrace houses following a change in street direction or up a slope and punctuated by gable walls and corner shops on corners. The closed vista skyline is notable for the fine serrated profile of gabled parapet walls and chimney stacks.

#### Objectives

- O1 To retain existing vistas and create opportunities for new views where possible.
- O2 To ensure street tree planting enhances views both to and from Paddington.

#### Controls

- C1 New development and street tree planting should respect existing view corridors.
- C2 New development in the public and private domain should be designed and located to minimise the impact on existing vistas or improve existing vistas where possible.
- C3 Removal of trees and demolition of contributory buildings, in whole or part, for the sole reason of creating or improving views and vistas will not be supported.

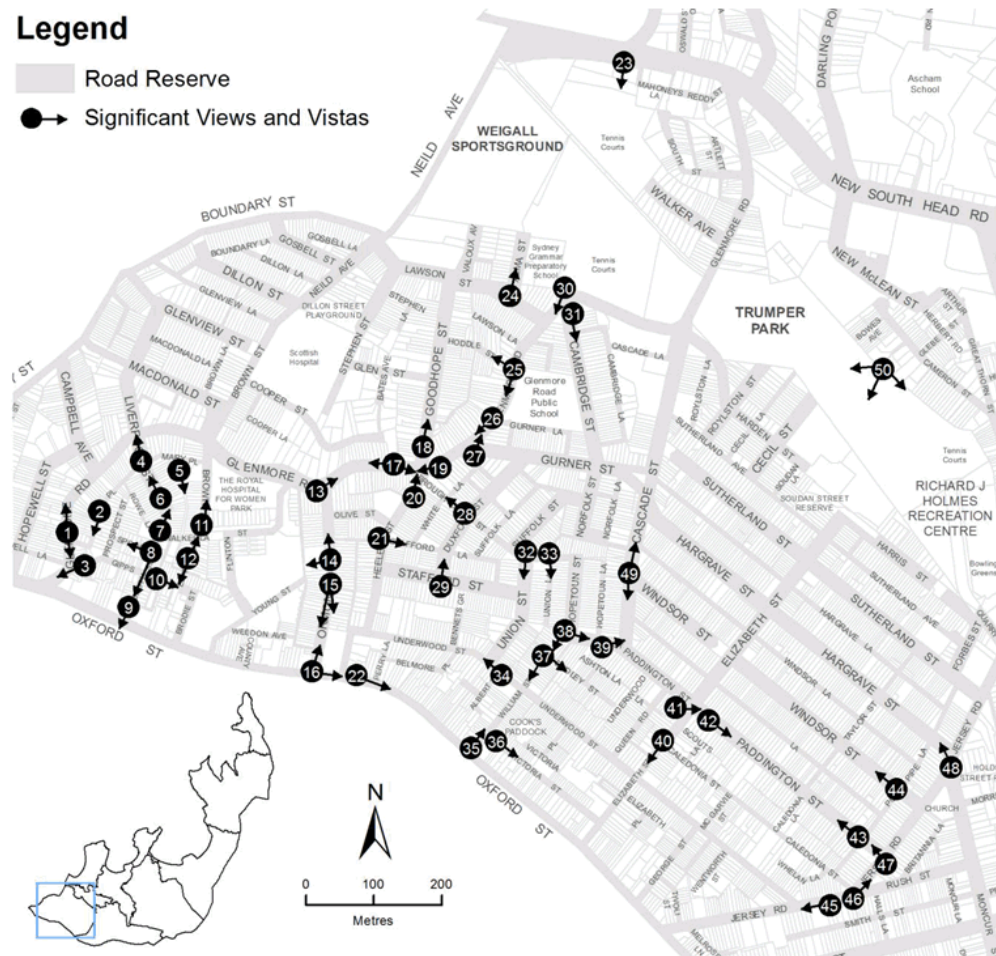
Significant views and vistas

MAP 2 Significant views and vistas

Note: The following diagrams show a selection of significant views and vistas. These diagrams are not intended to represent all the significant views and vistas.

Legend

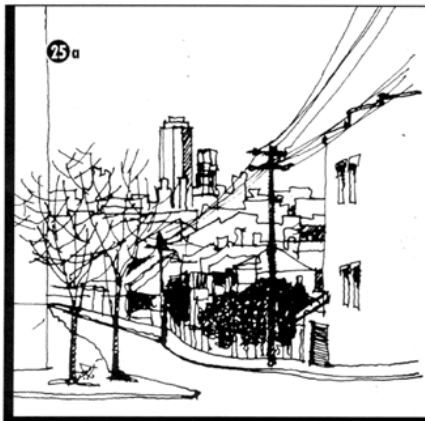
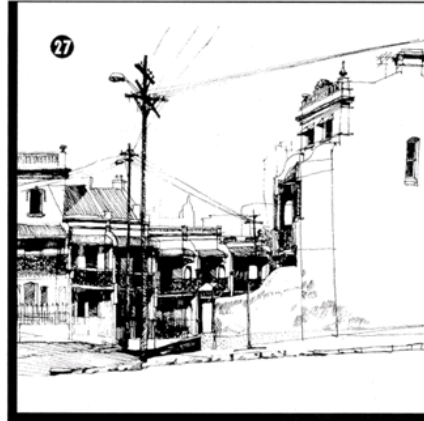
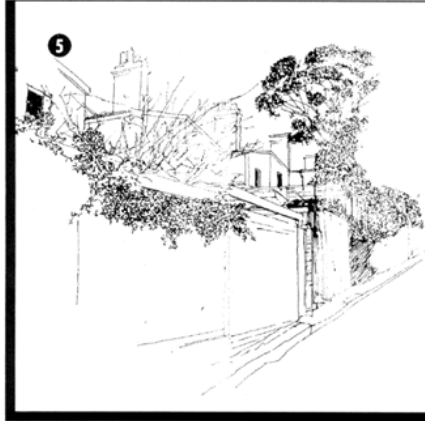
-  Road Reserve
-  Significant Views and Vistas



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### Significant views and vistas

- 1 (a) Glenmore Road - View north from Mary Place  
(b) Glenmore Road - View south to Gipps St corner
- 2 Mary Place - View south
- 3 Gipps St - View to Oxford St from Bethel Lane
- 4 Liverpool St - View north from Mary Place
- 5 Laneway west of Brown St - View from Mary Place
- 6 Liverpool St - View north
- 7 Liverpool St - View north from Rowe Lane
- 8 (a) Spring St - View from Shadforth St to Prospect St  
(b) Shadforth St - View to Oxford St from Spring St
- 9 Shadforth St - View to Oxford St from Gipps St
- 10 Gipps St - View east from MacLaughlin Pl
- 11 Brown St - View north from Walker Lane
- 12 (a) Alfred St - View from Walker Lane to the south  
(b) Alfred St - View north
- 13 Glenmore Rd - View east from Ormond St
- 14 (a) Ormond St - View north  
(b) Ormond St - View to the front wall of Engehurst
- 15 (a) Ormond St - View south-east  
(b) Ormond St - View south
- 16 (a) Oxford St - Looking west from Ormond St  
(b) Ormond St - View from Oxford St
- 17 (a) Glenmore Rd - View west from Five Ways  
(b) Five Ways - Looking east from Glenmore Rd
- 18 Goodhope St - View north from Five Ways
- 19 Five Ways - View west along Glenmore Rd
- 20 Five Ways - View north from the corner of Heeley St
- 21 Olive St - View from Heeley St
- 22 Oxford St - Looking west from Underwood St
- 23 Paddington from New South Head Rd
- 24 Alma St - View from Lawson St
- 25 (a) Hoddle St - View west from Glenmore Rd  
(b) Glenmore Rd - Looking south from Hoddle St
- 26 Glenmore Rd - Looking south to the corner of Gurner St and Five Ways
- 27 Corner Glenmore and Gurner Rds - Looking north
- 28 Broughton St - View to Five Ways
- 29 Stafford St - View from Duxford St
- 30 Corner of Glenmore Rd and Cambridge St
- 31 Cambridge St - View from Glenmore Rd
- 32 Union St - View from Broughton St
- 33 Union Lane - View from Broughton St
- 34 Underwood St - View from William St
- 35 William St - View north from Victoria St
- 36 Victoria St - View to Elizabeth St
- 37 (a) William St - View from Duxford St looking south  
(b) Dudley St - View from William St
- 38 (a) William St - View south from Paddington St  
(b) Paddington St - View from William St
- 39 Cnr Paddington St and Cascade St - View east from Paddington St
- 40 Elizabeth St - View south from Caledonia St
- 41 Paddington St - Close view from Elizabeth St
- 42 Paddington St - Looking east from Elizabeth St
- 43 Paddington St - View east from Jersey Rd
- 44 Windsor St - View west from Point Piper Lane
- 45 Jersey Rd - Looking south from Underwood St
- 46 Jersey Rd - View north from Rush St
- 47 Cnr Paddington and Jersey Rds
- 48 Cnr Jersey Rd and Hargrave St
- 49 (a) Cascade St - View north from Windsor St  
(b) Cascade St - View south from Windsor Lane
- 50 Trumper Park - Panoramic view



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### C1.6.3 Public art

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Paddington has a special cultural, social and educational value associated with the 1950s Bohemian movement and a number of outstanding Australian 20th century artists. The large number of art galleries and resident artists in the suburb are symbolic of Paddington's importance to the art world.

This cultural component of Paddington can be expressed through the incorporation of art works within its public domain.

Although the built form of Paddington maintains a remarkable uniformity, there is a wealth of incidental decoration within the articulation of the buildings. The detailing within a row of terraces was typically the work of a single builder, and as such, this handiwork now stands as a signature of that builder. Similarly, there is a richness of individual expression within the built form of Paddington that could be replicated within public spaces.

Note: Provision of public art is subject to Council's Public Art Policy.

#### Objectives

- O1 To enrich and enliven the experiential quality of the public domain through the provision of high quality works of contemporary art.
- O2 To provide opportunities for professional artists and the community to develop and manifest skills and capabilities.
- O3 To reinforce the unique qualities of Paddington through the provision of site-specific art work.

#### Controls

- C1 Selection of artworks should favour innovation and diversity.
- C2 Opportunities to showcase art by young designers may appear in places where transient displays are appropriate.
- C3 Artwork should have resonance and meaning to the community of Paddington.
- C4 Proposals should be low maintenance and vandal resistant.

**Appendix 1: Orientation of lots in the Paddington HCA**

Note: This map is indicative only.





## Annexure 3

### Discussion on pavilion extensions

The concept of a pavilion extension was discussed at length at the last Working Party meeting.

Some of the main points raised were:

- the definition of a pavilion
- the height of the structure and the separation from the principal building
- the suitable dimensions of a link
- a strict requirement for provision of a courtyard between the principal building and the pavilion
- the use of a covered accessway between the principal building and the pavilion
- relationship of a courtyard space to the required provision of on-site open space
- visibility of a pavilion from the public domain, including a main street and a laneway
- competing building types such as secondary dwellings and lofts over garages and studios.

The current definition of a pavilion is provided in Part A of Woollahra DCP 2015 as:

*A structure which must be located at the rear of the existing building, which is separated from the principal building by a lightweight linking structure.*

There was discussion about the definition of a pavilion in architectural terms. Hence, a pavilion could include a smaller building separated from or attached to a main building. It could also be a structure in a park, a summer house with a wall of opening doors, a small garden outbuilding and a pool house (such as a cabana). Studios and outbuildings which could be used for a variety of permissible residential purposes and which might be located at the rear of a lot were also brought into the discussion.

It was generally thought that a pavilion should be subsidiary in form and scale to a main or principal building. As such, there was a view by some people that a pavilion should only be a single storey structure. Amendments were made to the controls to reflect this view. However, due to the sloping topography of Paddington a two storey pavilion may be acceptable in some circumstances. Removing the option of a two storey pavilion could also put greater pressure on larger attached extensions to the principal building.

In considering the separation distance between a pavilion and the principal building the provision of a courtyard was seen to be a beneficial requirement. This, however, raised the question of defining a courtyard and ensuring it provided a usable space.

At the end, the Working Party agreed to the following definition for a pavilion:

*Pavilion*

*A structure which:*

- *must be wholly located at the rear of the existing principal building;*
- *must be separated by a courtyard;*
- *may be separated from the principal building by a lightweight linking structure; and*
- *must be subsidiary in height, form and scale to the principal building.*

*Pavilion additions are not infill development, and do not include a garage or a loft over garage.*

There are several aspects about this revised definition which we think should be considered.

First, the requirement for a courtyard is onerous and may not be achievable in all circumstances. Consequently, the option of using a pavilion extension, which may be the best approach for some sites, would not be realised.

Whilst courtyards have benefits, there are difficulties in requiring them in all cases. Consideration must be given to the size of a lot, its width, orientation and the alignment of adjoining buildings.

We have tested a range of development applications for single storey buildings in the Paddington HCA to establish how a courtyard would be incorporated.

We adopted a very simple definition for a courtyard - a space enclosed on four sides and open to the sky. In the case of the predominantly narrow Paddington lots, we used a courtyard with three sides formed by abutting rooms and an enclosed corridor. The fourth side was formed by a boundary wall or fence. The length of the corridor was dictated by the courtyard's dimensions.

The size of the courtyards varied from 22m<sup>2</sup> to 12m<sup>2</sup>. This allowed a space which could accommodate a table, chairs, benches and circulation area. A larger area could be provided, but there are issues – see below. A smaller area might be possible. However, it would need to be useable. Hence, a lightwell which could accommodate paving and a few potted plants would not be of sufficient size to qualify as a courtyard. Similarly, a breezeway was not considered to fit the purpose.

Our investigations also had regard to the private open space and deep soil landscaping requirements in Chapter C1 of the Woollahra DCP 2015. These requirements apply to dwelling houses (terraces) in the Paddington HCA and contain objectives and controls for matters including:

- The provision of accessible and useable private open space at the rear of properties.
- The size and quality of private open space and deep soil landscaped area.
- The location of private open space so that it is accessible from main living areas.

In regard to the second point, the DCP contains the following table for unbuilt upon area and deep soil landscaped areas.

**TABLE 2** Minimum unbuilt upon area and deep soil landscaped area requirements for a dwelling that is: a dwelling house, dual occupancy, semi-detached dwelling or an attached dwelling

Lot size	Minimum unbuilt upon area for each dwelling	Minimum deep soil landscaped area for each dwelling
Up to and including 100m <sup>2</sup>	▶ 10% of site area	5m <sup>2</sup>
More than 100m <sup>2</sup> and less than 180m <sup>2</sup>	▶ 16% of site area ▶ Principal rear area—minimum area of 15m <sup>2</sup> ▶ Principal rear area to have a minimum dimension of 3m	8% of site area
180m <sup>2</sup> and above	▶ 18% of site area ▶ Principal rear area—minimum area 35m <sup>2</sup> ▶ Principal rear area to have a minimum dimension of 3m	12% of site area

Note: The unbuilt upon area includes areas such as the deep soil landscape area, courtyards, unroofed swimming pools or tennis courts and the like. Uncovered parking areas and driveways are not to be calculated as unbuilt upon area.

Private open space would form part of the unbuilt upon area.

The numerical requirements are relevant when considering the provision of a courtyard if it is to be included as part of the unbuilt upon area.

The outcomes of our investigations were:

- The pavilion and courtyard combination extended development further to the rear of a site.
- In some cases the extended development broke the rear alignment of adjoining development. This would represent a non-compliance with controls and would also raise the issue of amenity impacts to adjoining properties.
- If the pavilion was limited to a single storey, the amount of additional floor space was substantially reduced.
- A two storey pavilion or a pavilion with an attic level would be needed to provide a reasonable amount of habitable floor space.
- Potential overshadowing of the courtyard by the existing house, the pavilion and adjoining properties compromised its amenity.
- The amount of residual land which could be used for additional open space and deep soil landscaping was reduced, particularly if the lot also included off-street parking.

The second matter to be considered, which is mentioned above, is the potential floor space yield. A usable courtyard reduces the amount of habitable floor space. If the pavilion is to be “subsidiary in height, form and scale to the principal building” and comply with other controls relating to rear building alignment and amenity impact, it may not be a viable option if a courtyard is required.

A third point to consider is the availability of other options to provide additional floor space in a detached form. There are two options available:

- a secondary dwelling
- a loft over a garage or studio

A secondary dwelling is defined in Woollahra LEP 2014 as:

a self-contained dwelling that:

- a) is established in conjunction with another dwelling (the principal dwelling), and
- b) is on the same lot of land as the principal dwelling, and
- c) is located within, or is attached to, or is separate from, the principal dwelling.

Secondary dwellings are permitted with the Council’s consent in the R2 Low Density Residential Zone and the R3 Medium Density Residential Zone. Both zones apply to the Paddington HCA with the R2 zone being the dominant residential zone.

The size of secondary dwellings is regulated in clause 5.4(9) of Woollahra LEP 2014:

**(9) Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- a) 60 square metres,
- b) 5% of the total floor area of the principal dwelling.

Because the maximum statutory height limit for buildings in Paddington is 9.5m, a two storey secondary dwelling could be allowed on a Paddington residential lot.

A loft over a garage or studio is a type of development that can be accommodated on some properties in the Paddington HCA. Clause 1.5.7 of Chapter C1 of Woollahra DCP 2015 contains objectives and controls for lofts, including numerical requirements.

A loft can provide additional residential floor space, albeit that space is usually not connected to the principal building.

Neither a secondary dwelling nor a loft are subject to the requirement of a courtyard. Both building types are, however, required to comply with the unbuilt upon area and private landscape controls.

After further investigation and consideration we have the following suggestions:

1. The draft definition of pavilion should be changed to say that a pavilion may be separated rather than must be separated from the principal building by a courtyard. This makes the pavilion a discretionary option which can be taken up if site and neighbouring conditions are appropriate. The revised definition is:

*Pavilion*

*A structure which:*

- a) *must be wholly located at the rear of the existing principal building,*
- b) *may be separated from the principal building by a courtyard or a lightweight linking structure, or both,*
- c) *must be subsidiary in height, form and scale to the principal building.*

A pavilion is not infill development, a garage or a loft over a garage or a studio.

2. The following draft definition for courtyard should be provided:

*Courtyard*

*An area that is open to the air, surrounded by rooms or walls and of sufficient size to be used as a private open space. A courtyard does not include a lightwell or a breezeway.*

No dimensions for a courtyard need to be specified as site circumstances will vary.

A traditional definition of a courtyard being an open space enclosed by four rooms or walls is not generally achievable on a narrow Paddington lot.

**Item No:** R3 Recommendation to Council  
**Subject:** **SUPPLEMENTARY REPORT - PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 AND WOOLLAHRA DCP 2015 INCLUDING THE INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY DEVELOPMENT**  
**Author:** Anne White, Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/39733  
**Reason for Report:** To obtain a Council decision to prepare a planning proposal to amend Woollahra LEP 2014. To obtain a Council decision to prepare a draft development control plan to amend Chapter B3 General Development Controls of Woollahra DCP 2015. To obtain a decision to refer the planning proposal and draft development control plan to the Woollahra Local Planning Panel for advice.

**Recommendation:**

- A. THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:
1. A maximum FSR of 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
  2. A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in *Figure 1* in the report to the Environmental Planning Committee meeting on 4 March 2019.
  3. A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 4 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.
  4. Specific objectives and other associated amendments to facilitate 1, 2 and 3.
- The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.
- C. THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in *Annexure 2* of the report to the Environmental Planning Committee meeting on 15 April 2019.
- D. THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.
- E. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- F. THAT staff organise a Councillor workshop in May 2019 to discuss the proposed landscaping controls.

## 1. The purpose of this report

On 4 March 2019 the Environmental Planning Committee (EPC) considered a report on proposed amendments to *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) including the introduction of an FSR control for low density residential development (see *Annexure I*). On 11 March 2019 Council resolved:

*THAT the matter be deferred for a period of one (1) month to allow staff to prepare a further report to the Environmental Planning Committee which addresses:*

- *the re-examination of the Gross Floor Area (GFA) calculations (pre and post the commencement of Woollahra LEP 2014 including the preparation of a comparison table);*
- *the re-examination of deep soil landscaping controls (following re-examination of GFA calculations);*
- *the Notice of Motion relating to canopy trees (Action 4.1.1.21); and*
- *whether 35% deep soil landscaping could become a development standard in Woollahra LEP 2014.*

The relevant Notice of Motion referred to in the third bullet point was adopted on 21 May 2018 where Council resolved:

*THAT Council's Strategic Division produce a report which reviews Council's DCP Landscaping Controls in order to:*

- *Determine whether the current objectives and controls are promoting, maintaining and conserving the leafy character of the Municipality*
- *Strengthen Council's objectives and controls to further **enhance** the landscaped character of Woollahra and Paddington, by including a new control which reads as follows:*

*In the redevelopment of sites, landscaped areas should be planted with species that are compatible with the locality's existing character, and should include canopy trees that are capable of achieving a mature height of 10 metres:*

*When redeveloping sites:-*

- i. Sites less than 500 sq. metres may require the introduction of 1 additional tree*
- ii. Sites between 500sq. metres and 1000 sq. metres to introduce 3 additional trees*
- iii. Sites between 1000 sq. metres and 1200 sq. metres to introduce 4 additional trees*
- iv. Sites over 1200 sq. metres - 5 trees.*

## 2. Re-examination of the gross floor area calculations

In preparing Woollahra LEP 2014, floor space controls<sup>1</sup> (FSR) were not applied to low density residential development<sup>2</sup>. This was due to concerns that the Standard Instrument<sup>3</sup> (SI) definition for gross floor area (GFA), and subsequently FSR, would produce buildings of greater bulk due to the fact that certain building elements are not included in the definition of GFA under the SI definition.

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<sup>1</sup> Floor space ratio is defined in clause 4.5(2) of Woollahra LEP 2014 as "Floor space ratio of buildings on a site is the ratio of the gross floor area of buildings within the site to the site area."

<sup>2</sup> Low density residential development comprises dwelling-houses, dual occupancies and semi-detached dwellings.

<sup>3</sup> The Standard Instrument (which includes definitions) is the state-wide template that all Councils must use in preparing their LEP

The SI definition of GFA differs in several ways to the definition contained in Woollahra LEP 1995 which was the LEP applying to the Woollahra LGA prior to Woollahra LEP 2014. The SI definition of GFA excludes built form elements which can contribute to building bulk, such as voids, mezzanine areas, large balconies and the thickness of external walls.

## 2.1. Definitions of GFA

The definition of GFA under Woollahra LEP 1995 was as follows:

*gross floor area, in relation to a building, means the sum of the areas of each level of the building, including:*

- (a) *the thickness of the external walls, and*
- (b) *the area of voids, staircases and lift shafts, counted at each level, and*
- (c) *that part of the area of balconies and verandahs which is in excess of 20m<sup>2</sup> per dwelling in the case of a building used or intended for use for residential purposes, or in excess of 10% of the site area in the case of a building used or intended for use for non-residential purposes, and*
- (d) *any other areas of the building where the height of those areas exceeds 1.5 metres above ground level,*  
*and excluding:*
  - (e) *car parking to meet the requirements of the Council and any vehicular access to the car park, and*
  - (f) *any area used or intended for use as a car parking station, and*
  - (g) *uncovered roof terraces, and*
  - (h) *any area used or intended for use as an arcade.*

The definition of GFA under Woollahra LEP 2014 (using the SI definition) is as follows

*gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*

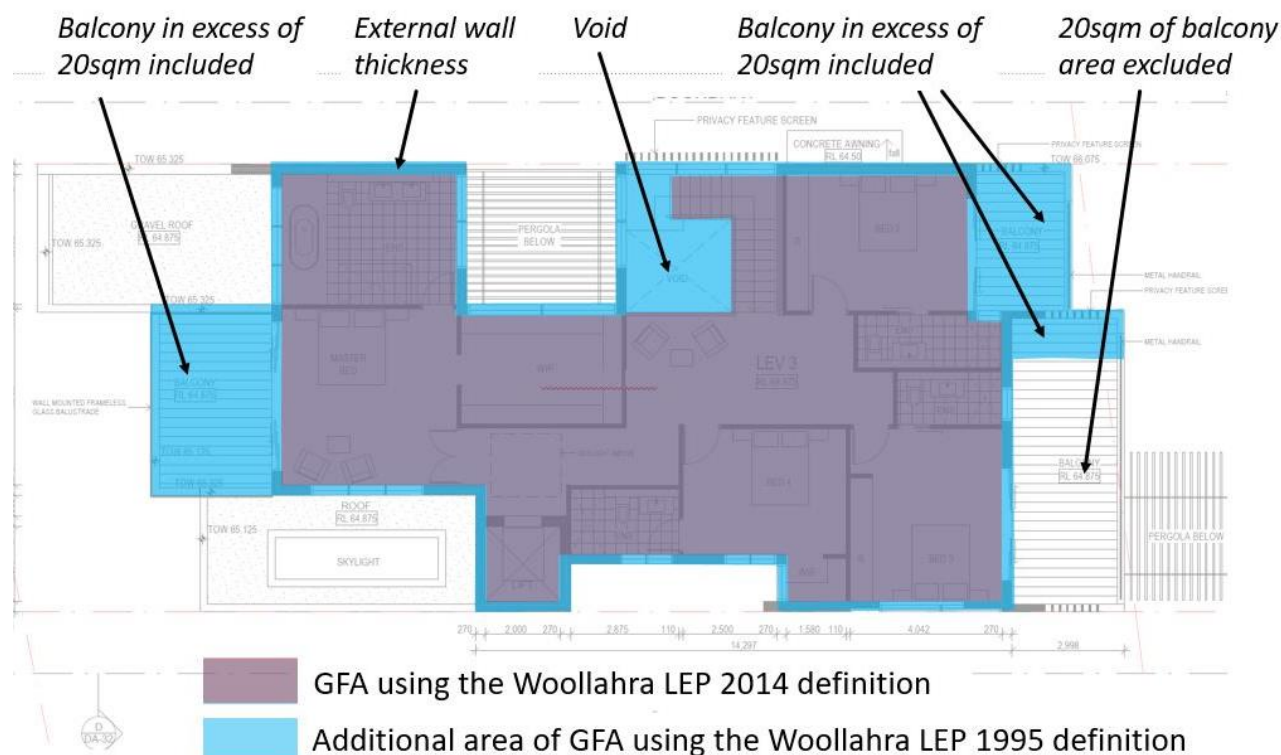
- (a) *the area of a mezzanine, and*
- (b) *habitable rooms in a basement or an attic, and*
- (c) *any shop, auditorium, cinema, and the like, in a basement or attic,*  
***but excludes:***
  - (d) *any area for common vertical circulation, such as lifts and stairs, and*
  - (e) *any basement:*
    - (i) *storage, and*
    - (ii) *vehicular access, loading areas, garbage and services, and*
  - (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
  - (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
  - (h) *any space used for the loading or unloading of goods (including access to it), and*
  - (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
  - (j) *voids above a floor at the level of a storey or storey above.*

**Table 1** below shows the key differences between the two definitions of GFA.

Elements of built form included in the GFA calculation.	Woollahra LEP 1995	Woollahra LEP 2014 (using the SI definition)
External walls	✓	✗ (GFA measured to the internal face)
Voids	✓	✗
Balcony area greater than 20m <sup>2</sup> per dwelling	✓	✗ (GFA excludes all balconies with outer walls less than 1.4m high – there is no control or limit to balcony size)
Non habitable rooms/storage in a basement or attic	✓	✗ (GFA excludes bathrooms, laundries, walk in wardrobes and corridors if located in a basement or attic)

**Table 1: Key differences between Woollahra LEP 1995 and Woollahra LEP 2014 calculation of GFA**

The figure below provides a plan view illustrating the building elements included in the Woollahra LEP 2014 definition of GFA and those additional areas counted as GFA using the Woollahra LEP 1995 definition. In summary, the GFA in Woollahra LEP 2014 definition is a measure of development yield or rentable area, not building bulk.



**Figure 1: Plan view showing the differences between Woollahra LEP 1995 and Woollahra LEP 2014 GFA definitions for low density residential development**



## 2.2. What impact could the Woollahra LEP 2014 definition of GFA have on low density residential development in Woollahra?

**Table 1** above identifies that there are four building and design elements that contribute to the bulk and scale of housing which are included in the Woollahra LEP 1995 GFA definition but not included in the GFA definition under Woollahra LEP 2014.

To illustrate the difference in GFA calculation and subsequently the FSR, the GFA of ten recently approved development proposals was calculated applying the Woollahra LEP 1995 definition of GFA and the Woollahra LEP 2014 definition. Development proposals were chosen for sites in Bellevue Hill and Vaucluse. This is because the difference in GFA definition is most evident in localities characterised by larger sized lots on sloping topography which commonly provides views and which attracts multi-storey housing with large balconies. The results are shown in **Table 2** below.

Address	Site Area	GFA Calculation		Additional floor area not counted as GFA in WLEP 2014 definition	FSR Calculation	
		under WLEP 1995	under WLEP 2014		under WLEP 1995	under WLEP 2014
24 Bulkara Rd, Bellevue Hill	794m <sup>2</sup>	541.6m <sup>2</sup>	455m <sup>2</sup>	86.6m <sup>2</sup>	0.68:1	0.57:1
42 Kambala Rd, Bellevue Hill	892m <sup>2</sup>	617m <sup>2</sup>	461 m <sup>2</sup>	156m <sup>2</sup>	0.69:1	0.52:1
16 March St, Bellevue Hill	1277m <sup>2</sup>	912m <sup>2</sup>	665m <sup>2</sup>	247m <sup>2</sup>	0.71:1	0.52:1
36 Rivers St, Bellevue Hill	590m <sup>2</sup>	449m <sup>2</sup>	354m <sup>2</sup>	95m <sup>2</sup>	0.76:1	0.60:1
123 Victoria Rd, Bellevue Hill	759m <sup>2</sup>	587m <sup>2</sup>	431m <sup>2</sup>	156m <sup>2</sup>	0.76:1	0.56:1
174 Hopetoun Ave, Vaucluse	711.4m <sup>2</sup>	527m <sup>2</sup>	393m <sup>2</sup>	134m <sup>2</sup>	0.75:1	0.55:1
18 Kings Rd, Vaucluse	840.7m <sup>2</sup>	529m <sup>2</sup>	440m <sup>2</sup>	89m <sup>2</sup>	0.63:1	0.52:1
514b Old South Head Road, Vaucluse	625m <sup>2</sup>	398m <sup>2</sup>	299m <sup>2</sup>	99m <sup>2</sup>	0.63:1	0.47:1
10 Ophert Ave, Vaucluse	601.7m <sup>2</sup>	411.5m <sup>2</sup>	338.5m <sup>2</sup>	73m <sup>2</sup>	0.69:1	0.56:1
43 Village High Rd, Vaucluse	881.9m <sup>2</sup>	723m <sup>2</sup>	468m <sup>2</sup>	255m <sup>2</sup>	0.82:1	0.53:1

**Table 2: GFA and FSR calculations of recently approved development proposals under both Woollahra LEP 1995 and Woollahra LEP 2014**

## 2.3. Determining an FSR control

Having further examined the gross floor area calculations, and its impact on FSR, staff maintain their recommendation, consistent with the recommendation to the EPC meeting of 4 March 2019 (as attached at **Annexure 1**) that an FSR control of 0.55:1 is appropriate to apply to low density residential development as it:

- Is consistent with the development yield currently permissible under the floorplate control.
- Is consistent with the desired future character of our low density residential precincts.
- Allows reasonable development opportunities.

It is important to note that the proposed FSR control will work in conjunction with the package of other building envelope controls in both the Woollahra LEP 2014 and Woollahra DCP 2015. These controls address matters such as:

*Set by Woollahra LEP 2014*

- Maximum building height

*Set by Woollahra DCP 2015*

- Front, side and rear setbacks;
- Maximum wall height;
- Inclined plan;
- Landscaped area and deep soil landscaping.

Staff also maintain the recommendation that:

- an FSR control of 0.75:1 be applied to low density residential development in the Wolseley Road Area.
- A range of maximum FSRs be applied to low density residential development on small lots in the R2 Low Density Residential Development Zone and R3 Medium Density Residential Zone.

### **3. Re-examination of the deep soil landscape controls**

As a consequence of the proposed FSR controls, amendments to the deep soil landscaped area controls are required. Currently, for low density residential development, the area required for deep soil landscaping is 50% of that part of the site area outside of the buildable area<sup>4</sup>. However, if the floorplate control is replaced by an FSR control (and the buildable area is removed) the deep soil landscaped control can be simplified.

The proposed deep soil landscaped control will be a percentage of the site area. Consequently, there is a direct and simplified correlation between the area of the site and the amount of deep soil landscaping required.

It is noted that the current deep soil landscaping control equates to approximately 28% of the total site area. In preparing the amendments to Chapter B3, we recommend a minor increase. For a standard lot<sup>5</sup> in the LGA the deep soil landscaped area is proposed to be 35% of the site area<sup>6</sup>. This increase to the deep soil landscaped area will facilitate a larger area in which to plant medium sized trees. It will also provide a stronger control to protect and enhance our leafy green character and tree canopy.

In response to Council's resolution from 11 March 2019, Council staff have re-examined the proposed deep soil landscaping controls. The percentage of the site providing deep soil landscaping in twenty recently approved development proposals was calculated. These examples are low density residential development and the results are shown in **Table 3** below.

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<sup>4</sup> The buildable area is established by calculating the front, rear and side setbacks.

<sup>5</sup> A standard lot equates to a lot with a site area of 400m<sup>2</sup> to 700m<sup>2</sup>.

<sup>6</sup> For lots greater than 700m<sup>2</sup> a deep soil landscaped area control of 38% is proposed.

Whilst the amount of deep soil landscaped area varies between the sites, on average the area of deep soil landscaped area proposed is 35% of the site area. **Figure 2** below provides an example of a site which has reasonably accommodated an area of 35% for deep soil landscaping. The deep soil landscaping has been accommodated in conjunction with other ancillary residential elements such as swimming pools, driveways and decks.

Having carried out this re-examination, Council staff are satisfied that a deep soil landscaped area of 35% is an appropriate and practical control for low density residential development.

Address	Development types*	Site Area (sqm)	Deep Soil (sqm)	Deep soil as % of the site area
24 Bulkara Rd, Bellevue Hill	DH	794	226	37
4 Latimer Rd, Bellevue Hill	DH	790.5	255	32
18 Lennox St, Bellevue Hill	DH	464.5	158	34
52 Drumalbyn Rd, Bellevue Hill	DH	746.1	317	42
75 Bay St, Double Bay	DH	1096.7	353	32
93 Manning Rd, Double Bay	DH	661.7	204.5	31
63 Wallaroy Rd, Edgecliff	DH	821.7	232	28
69 Wallaroy Rd, Edgecliff	DH	869.0	315	34
158 Wolseley Rd, Point Piper	DH	999	313	31
20 Wunulla Rd, Point Piper	DH	981.7	294.2	30
883 New South Head Rd, Rose Bay	DH	854	377	44
1 Dudley Rd, Rose Bay	DH	739.8	378	51
174 Hopetoun Ave, Vaucluse	DH	711.4	306	43
216 Old South Head Rd Vaucluse	DH	609.7	192	31
18 Kings Rd, Vaucluse	DH	840.7	333.6	40
18 Clairaux Rd, Vaucluse	DO	515.9	188.2	36
4 & 6 Captain Pipers Rd, Vaucluse	SD	604.5	171	28
214B Old South Head Rd, Vaucluse	DH	625.2	202.9	32
2A Vaucluse Rd, Vaucluse	DH	1265	365	38
13 Vaucluse Rd, Vaucluse	DH	993.6	438	44

\*Note: The following acronyms have been used for development types. DH – Dwelling House; DO – Dual Occupancy; SD – Semi detached dwelling

**Table 3: Percentage of the site provided as deep soil landscaping in recently approved development applications.**

### 3.1. Deep soil landscape control as a development standard in Woollahra LEP 2014

In response to the Council’s resolution from 11 March 2019, Council staff have investigated whether the proposed deep soil landscaping control could be incorporated into Woollahra LEP 2014 as a development standard. As part of this investigation, Council staff liaised with representatives from the Department of Planning and Environment (DPE).

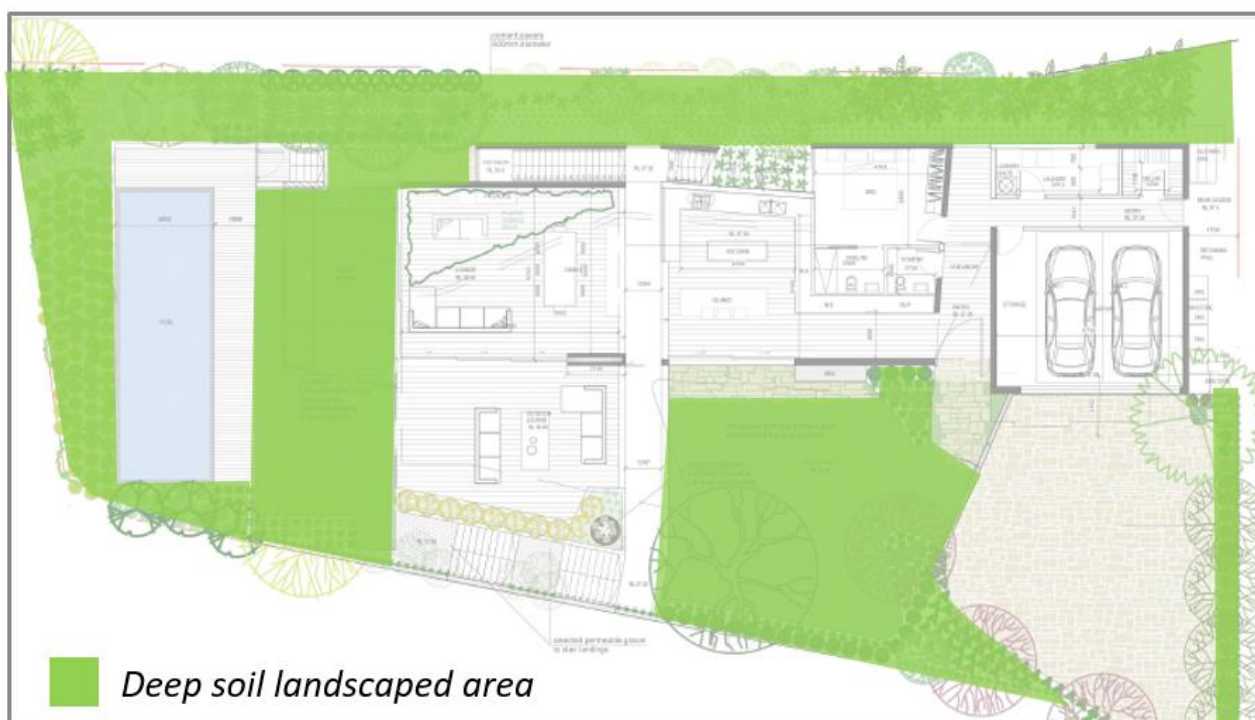
The DPE advised that whilst there is a precedent for a deep soil landscaping control as an LEP development standard (as in the Sutherland LEP 2015), it is more appropriate to integrate a control of this detailed nature into a DCP.

It is noted that the implementation of the landscaping control into the Sutherland LEP 2015 has had significant resource implications. Since the commencement of that plan, a large number of development applications have required clause 4.6 *Exceptions to development standards* variations as a result of existing non-compliances with the landscaped area.

Where this non-compliance is greater than 10%, the development application has to be referred to the Sutherland Local Planning Panel (LPP) for determination. This referral criterion does not differentiate between applications where there is a pre-existing non-compliance with a development standard and applications where the development proposed causes the non-compliance.

Since February 2018, approximately 40% of all applications to the Sutherland LPP has been due to an existing non-compliance with development standards of greater than 10%. Over 90% of these related to the landscape area control.

The Sutherland experience illustrates that for well-established Sydney suburbs, a deep soil landscaping control is not appropriate as an LEP development standard.



**Figure 2: Plan view showing how an area of deep soil landscaping of 35% can be reasonably accommodated on a site.**

#### **4. Tree canopy control**

On 21 May 2018 Council resolved the following:

*THAT Council's Strategic Division produce a report which reviews Council's DCP Landscaping Controls in order to:*

- *Determine whether the current objectives and controls are promoting, maintaining and conserving the leafy character of the Municipality*
- *Strengthen Council's objectives and controls to further **enhance** the landscaped character of Woollahra and Paddington, by including a new control which reads as follows:*

*In the redevelopment of sites, landscaped areas should be planted with species that are compatible with the locality's existing character, and should include canopy trees that are capable of achieving a mature height of 10 metres:*

*When redeveloping sites:-*

- i. Sites less than 500 sq. metres may require the introduction of 1 additional tree*
- ii. Sites between 500sq. metres and 1000 sq. metres to introduce 3 additional trees*
- iii. Sites between 1000 sq. metres and 1200 sq. metres to introduce 4 additional trees*
- iv. Sites over 1200 sq. metres - 5 trees.*

Council staff support the introduction of a control to enhance our tree canopy cover and landscaped character, and have investigated the controls used by other councils across Sydney.

Having considered the controls used by other Sydney councils, Council staff are concerned that the recommended approach adopted by Council on 21 May 2018 does not address matters such as:

- The number, species, size and health of trees that are currently located on the development site.
- The type and scale of the development proposal. That is, whether it is a new dwelling or alterations and additions to an existing dwelling.
- The typical subdivision pattern and standard sized lots in the Woollahra LGA.
- The capacity of sites to contain trees in an effective and productive manner.
- The impact that the additional trees could have on the amenity of adjoining properties. This can include impacts on views and solar access.

Council staff have liaised with consultants who specialise in urban forestry. This has allowed a review of best practice tree canopy controls used in other councils in NSW, Victoria, Queensland and overseas.

In summary, Council staff recommend investigating an alternative control to the tree number control. One suggestion is a tree canopy control.

A tree canopy control could be expressed as a percentage of the site area, and unlike a tree number control, a tree canopy or green cover control is directly linked to the amount of canopy on the site, and would be a more practical way of meeting the objective of preserving and enhancing tree canopy across our LGA.

Similar to our response in 3.1 above, Council staff would not support a tree canopy control as an LEP development standard, but we would investigate integrating a control of this detailed nature into the Woollahra DCP 2015.

In order to progress this concept, Council staff recommend holding a workshop with Councillors, attended by an urban forestry consultant.

## **5. Summary of proposed amendments to Woollahra LEP 2014**

Having re-examined the proposed control set, we recommend preparing a planning proposal to amend Woollahra LEP 2014 by introducing the following controls:

- A. A maximum FSR of 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- B. A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
- C. A range of maximum FSRs for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones (*excluding land in the Paddington, Woollahra and Watson Bay Heritage Conservation Areas*).

These amendments will be supported by new objectives and other associated provisions.

## 6. Consequential changes to Woollahra DCP 2015

If Council agrees with the proposed amendments to Woollahra LEP 2014, consequential amendments to Chapter B3 of Woollahra DCP 2015 will be required and a draft DCP will need to be prepared. In particular, the floorplate and site depth controls which will be replaced by the proposed FSR control, will need to be deleted.

An updated Chapter B3 is attached at **Annexure 2**. The aim of the amended chapter is to create a control set which:

- Is consistent with the proposed FSR controls for low density residential development.
- Allows a site's development yield to be easily calculated.
- Enhances the deep soil area landscaping requirements.
- Is easy for applicants to understand.
- Provides an effective assessment framework for staff.
- Allows development compliance to be easily determined.

Over 50 changes are proposed to Chapter B3. A summary of the key changes to the chapter is provided below. In addition to the changes in the table below, a number of minor administrative changes are proposed.

Topic	Amendment
<i>B3.1.3 Design Excellence</i>	Insert objective to require applicants to consider if a more skilful design would achieve a better environmental outcome.
<i>B3.1.5 How to use this chapter</i>	Insert note to clarify that the precinct-specific controls in Chapter B2 take precedence where there is an inconsistency with the controls in Chapter B3.
<i>B3.2.1 Where the building envelope controls apply</i>	<ol style="list-style-type: none"> <li>1. As a consequence of introducing an FSR control into Woollahra LEP 2014, delete all references to the floorplate control.</li> <li>2. Amend introduction to clarify where the proposed FSR controls will apply.</li> </ol>
<i>B3.2.4 Rear Setback</i>	<ol style="list-style-type: none"> <li>1. Amend introduction to clarify how the rear setback is measured.</li> <li>2. Delete building depth control and insert a simplified rear setback control of 25%.</li> <li>3. Delete building depth diagram and insert a new diagram illustrating the rear 25% rear setback.</li> </ol>
<i>B3.3 Floorplate</i>	<p>As a consequence of introducing an FSR control into Woollahra LEP 2014, delete this section (and all references to the floorplate).</p> <p>Note: The current controls relating to parking structures have been consolidated with section <i>B3.5 On-site parking</i>.</p>
<i>From this part of the revised Chapter B3 - numbering amended accordingly</i>	
<i>B3.3 Excavation</i>	<ol style="list-style-type: none"> <li>1. Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area.</li> <li>2. Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.</li> <li>3. Insert objective and control addressing the retention of natural and landscape features.</li> <li>4. Insert objective and control identifying that material used as fill on the site is excluded from the maximum excavation volumes.</li> </ol>

Topic	Amendment
<i>B3.5 On-site parking</i>	1. Insert and consolidate the current controls relating to parking structures contained in section <i>B3.3 Floorplate</i> .
<i>B3.6.1 Landscaped areas and private open space</i>	<ol style="list-style-type: none"> <li>1. Insert three tables which identify the permissible percentage of deep soil landscaped area consistent with the new FSR controls.</li> <li>2. Delete deep soil area precinct variations.</li> <li>3. Delete control which duplicates the definition of deep soil landscape area and insert as a note.</li> <li>4. Insert figure identifying the location of the Wolseley Road area.</li> <li>5. Insert note containing the definition of deep soil landscaped area.</li> </ol>
<i>B3.6.4 Ancillary development - outbuildings</i>	<ol style="list-style-type: none"> <li>1. Insert note containing the definition of outbuildings.</li> <li>2. Insert note containing a cross reference to section <i>B3.5 On-site parking</i>.</li> </ol>
<i>B3.7.1 Minimum lot width</i>	Insert additional objectives to clearly articulate the purpose of the control.
<i>B3.8 Additional controls for development on battle axe lots</i>	Minor amendments to controls to simplify and ensure consistency with the proposed FSR controls.

## 7. Next Steps

If Council decides to support amending Woollahra LEP 2014 and Woollahra DCP 2015, the next step is to prepare a planning proposal in accordance with NSW Government Guidelines. A draft DCP to amend Chapter B3 of Woollahra DCP 2015 will also be prepared.

The planning proposal and the draft DCP will be referred to the Woollahra LPP for its advice. The advice will then be provided to a meeting of the *Environmental Planning Committee* (EPC).

If Council resolves to proceed with the planning proposal it will be referred to the Department of Planning and Environment (DPE) for a gateway determination. This will allow the planning proposal to be placed on public exhibition. It is recommended that when requesting the gateway determination that Council seek the delegation of the plan -making steps under section 3.36 of the *Environmental Planning and Assessment Act 1979*. The planning proposal and draft DCP will be exhibited concurrently.

The outcome of the public exhibition will be reported to a future meeting of the EPC for consideration. If Council resolves to proceed with the LEP amendment it will be forwarded to the NSW Parliamentary Counsel Office and the DPE for legal drafting and finalisation. The new planning controls in Woollahra LEP 2014 will come into effect after the LEP is notified on the NSW Legislation website.

Subject to Council's decisions, the DCP amendment will be scheduled to come into effect on the same date as the LEP amendment.

In order to progress the work on Tree Canopy Controls, a Councillor workshop will be held in May, facilitated by an external urban forestry consultant.

## 8. Conclusion

Over the last 18 months Council staff have been researching an appropriate suite of controls to apply to low density residential development (dwelling houses, dual occupancies and semi-detached dwellings). In response to a Council resolution from 11 March 2019 staff have re-examined the proposed approach to FSR and deep soil landscaping. However, we have maintained our conclusions which are:

- Delete the floorplate control from Woollahra DCP 2015, and replace it with an FSR control of 0.55:1 in Woollahra LEP 2014 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- Introduce an FSR of 0.75:1 for low density residential development in an area of Wolseley Road, Point Piper.
- Introduce a range of FSRs for small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.

The FSR controls will provide a new approach to controlling building bulk for low density residential development and provide an amended control set which:

- Is easy for applicants to understand.
- Is consistent with the Standard Instrument.
- Allows development yield to be easily calculated.
- Provides an effective assessment and consistent framework for staff.
- Provides a consistent relationship between site size and development yield.

The proposed amendments to Woollahra LEP 2014 will require a number of consequential and administrative amendments to Chapter B3 of Woollahra DCP 2015. This includes the deletion of the floorplate and site depth controls and amendments to the deep soil landscaping controls.



We are also proposing the following changes to Woollahra DCP 2015:

- Amendments to the excavation controls, including new objectives and controls.
- Amendments to the excavation controls to encourage cut and fill (where compliance with other relevant controls can be met).
- Inserting a new design excellence criterion which requires applicants to consider if a more skilful design would achieve a better environmental outcome.
- Inserting new objectives to more clearly articulate the purpose of the minimum lot width control.

In order to progress Council's Tree Canopy or Green Cover controls, Council staff will organise a Councillor workshop in May 2019, facilitated by an external urban forestry consultant.

We recommend preparing a planning proposal to amend Woollahra LEP 2014, and a draft DCP to amend Woollahra DCP 2015. We recommend that both the planning proposal and amending DCP are reported to a meeting of the Woollahra LPP for advice, and that this advice is reported back to Council prior to submission of the planning proposal to the DPE to allow public exhibition.

## Annexures

1. EPC Agenda - 4 March 2019 (annexures removed - refer to original EPC agenda of 4 March 2019) [↓](#) 
2. Annotated Copy of Amended Chapter B3 General Development Controls [↓](#) 



Woollahra Municipal Council  
Environmental Planning Committee Agenda

# Annexure 1

4 March 2019

**Item No:** R1 Recommendation to Council

**Subject:** **PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 AND WOOLLAHRA DCP 2015 INCLUDING THE INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT**

**Author:** Anne White, Team Leader - Strategic Planning

**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development

**File No:** 19/12247

**Reason for Report:** To provide a progress report on the latest meetings of the working party established to review Chapter B3 General Development controls of the Woollahra DCP 2015.  
To obtain a Council decision to prepare and exhibit a planning proposal to amend the Woollahra LEP 2014.  
To obtain a Council decision to prepare and exhibit a draft development control plan to amend Chapter B3 General Development Controls of Woollahra DCP 2015.  
To obtain a Council decision to refer the planning proposal and draft development control plan to the Woollahra Local Planning Panel for advice.

**Recommendation:**

- A. THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:
1. A maximum FSR of 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
  2. A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in **Figure 1** in the report to the Environmental Planning Committee meeting on 4 March 2019.
  3. A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 11 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.
  4. Specific objectives and other associated amendments to facilitate 1, 2 and 3.
- The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.
- C. THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in **Annexure 5** of the report to the Environmental Planning Committee meeting on 4 March 2019.
- D. THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.

- E. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

## 1. The purpose and structure of this report

This report provides an overview of investigations into –

- the introduction of statutory floor space ratios<sup>1</sup> which will replace the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) floor plate controls for low density residential development<sup>2</sup> in the R2 Low Density Residential Zone and the R3 Medium Density Residential Zone across the Woollahra LGA (but excluding land in the Paddington, Woollahra and Watson Bay Heritage Conservation Areas)<sup>3</sup>
- changes to the Woollahra DCP 2015 required in association with the introduction of floor space ratios
- the review of excavation controls
- miscellaneous changes responding to issues raised by the Woollahra Local Planning Panel, Council’s development assessment officers and the Council’s lawyers

This report includes -

- a background of relevant Council decisions and a summary of meetings held by the practitioner working party
- the methodology for determining FSRs including those for small lots.

## 2. Background

This project has been undertaken in two stages which are outlined below.

### 2.1. Stage 1 – Council decisions and working party meetings April 2015 – April 2017

On 27 April 2015, Council resolved to establish a working party to review *Chapter B3 General Development Controls* (Chapter B3) of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015). In particular, the review would look at the controls relating to building bulk, scale and envelope, floorplates, setbacks and site excavation. The working party consists of staff from the planning and development team, Councillors and four practitioners.

Between 2015 and 2017 the working party met seven times, and provided a productive forum to discuss the strengths and weaknesses of the existing planning controls in Chapter B3 and advocate potential new approaches to controlling building bulk in the Woollahra LGA. The key themes discussed are identified below:

Working party meeting	Theme
1. 15 September 2015	<ul style="list-style-type: none"><li>• Concerns using floorplate control and stringency of excavation controls</li></ul>
2. 13 October 2015	<ul style="list-style-type: none"><li>• Practical application of building envelope and excavation controls</li></ul>

<sup>1</sup> Floor space ratio is defined in clause 4.5(2) of Woollahra LEP 2014 as “Floor space ratio of buildings on a site is the ratio of the gross floor area of buildings within the site to the site area.”

<sup>2</sup> Low density residential development comprises dwelling-houses, dual occupancies and semi-detached dwellings.

<sup>3</sup> For simplicity, these heritage conservation areas are not mentioned in further sections of this report. However, it is understood they are excluded from the current FSR exercise. The recommendation of this report notes their exclusion.

Working party meeting	Theme
3. 5 November 2015	<ul style="list-style-type: none"> <li>• Delete floorplate control and replace with either:                             <ul style="list-style-type: none"> <li>○ Precinct-specific FSR controls or,</li> <li>○ Alternative controls in the DCP</li> </ul> </li> </ul>
4. 3 February 2015	<ul style="list-style-type: none"> <li>• Alternatives to the floorplate control:                             <ul style="list-style-type: none"> <li>○ Majority of Sydney councils use FSR - group support further research into FSR</li> <li>○ Investigate short term solution to FSR control.</li> </ul> </li> </ul>
5. 2 March 2016	<ul style="list-style-type: none"> <li>• Refinement of the site coverage control</li> <li>• Simpler approach to calculating setbacks</li> <li>• Objectives to address design excellence</li> </ul>
6. 21 April 2016	<ul style="list-style-type: none"> <li>• Ongoing discussions regarding excavation controls</li> <li>• Car parking – minimum versus maximum parking rates</li> <li>• Lot width controls</li> </ul>
7. 4 August 2016	<ul style="list-style-type: none"> <li>• Ongoing discussions regarding excavation controls</li> <li>• Practitioners recommended the deletion of the volumetric excavation controls.</li> </ul>

As a consequence of these meetings, a progress report was prepared for the Urban Planning Committee (UPC) on 31 October 2016. The report recommended updates to the contents of Chapter B3. Subsequently, on 14 November 2016 Council resolved:

- A. *That the overview of the Woollahra DCP 2015 Working Party meetings held on 2 March 2016, 21 April 2016 and 4 August 2016 is received and noted.*
- B. *That Council resolve to prepare and exhibit a draft development control plan to amend Chapter B3 General Development controls of the Woollahra Development Control Plan 2015.*
- C. *That the draft chapter as contained in Annexure 8 of the report to the Urban Planning Committee of 31 October 2016 be used for the purpose of preparing the draft DCP.*
- D. *That staff report on the submissions received during the public exhibition to a future meeting of the Urban Planning Committee.*

In response to the Council resolution of 14 November 2016, *Draft Woollahra DCP (Amendment No 2)* was prepared. The Draft DCP was exhibited from 23 November 2016 until 17 February 2017 and contained the following key changes:

- I. *Amended objectives to encourage and facilitate design excellence*
- II. *Simplified front and side building setback controls*
- III. *Simplify rear building setback controls*
- IV. *Clarification of possible variations to the inclined plane and wall height controls*
- V. *Replacement of the “floorplate” control with a “footprint” control*
- VI. *Amended excavation controls to clarify inclusions to volumetric calculations, and clarify basement wall side setbacks*
- VII. *Minor amendments to acoustic privacy, on-site parking, landscaping, fence and battle-axe lot controls*

*Note: Items III. & V. were not approved post exhibition.*

On 27 March 2017 the UPC considered a report on the public exhibition of the Draft DCP (see *Annexure I*) and on 10 April 2017 Council resolved the following:

- A. THAT Council approve Draft Woollahra Development Control Plan 2015 (Amendment No. 2) – Chapter B3 General Development Controls as attached at Annexure 1 to the report to the Urban Planning Committee of 27 March 2017.
- B. THAT Council proceed with the introduction of floor space ratio controls to apply to low density residential development.
- C. THAT in regard to Chapter B3 General Development Controls Council continue the working party process to investigate appropriate fine grained design excellence controls, floor space ratio and revised excavation controls.
- D. THAT a report be presented to the Urban Planning Committee with the findings and recommendations of the working party in relation to floor space ratio and excavation controls.
- E. THAT Council acknowledge and thank the members of the working party and the EDPPA for their contribution to the preparation of the revised Chapter B3 General Development Controls.

Chapter B3 (Amendment No 2) commenced on 19 April 2017.

## **2.2. Stage 2 – Council decisions and working party meetings April 2017 – March 2019**

In response to part B of the Council resolution from 10 April 2017, considerable research has been carried out into determining appropriate FSRs for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones. This has included two further meetings with the working party.

### **2.2.1. Meeting 13 December 2017**

This meeting was held between practitioners and Council staff. The discussion focused on the proposed research and methodology used to craft precinct-specific FSR controls. Practitioners welcomed the research, but raised a number of concerns with the proposed methodology.

The practitioners requested further investigations of recently approved development applications (DAs) which demonstrate a good outcome, and the potential to include a more fine-grained approach which is crafted on a street-by-street basis. Furthermore, some practitioners questioned the weight that FSR should be given to control building bulk and scale. They suggested that good design outcomes could be achieved through negotiation despite breaches of FSR.

### **2.2.2. Meeting 16 October 2018**

This meeting of the practitioner working party was attended by three practitioners, two Councillors, and five members of staff. The minutes of the meeting are attached (see *Annexure 2*).

At the meeting, the discussion was initially focused on the proposed FSR controls for low density residential development in the R2 and R3 residential zones. Staff presented their research and recommendations being:

- A maximum FSR control of 0.55:1 for low density residential development in the R2 and R3 residential zones,
- A maximum FSR control of 0.75:1 for the Wolseley Road Area,

- A range of FSRs for low density residential development on small sites in the R2 and R3 residential zones.

Practitioners queried the proposed FSR controls and the methodology used to achieve those figures. However, they expressed their overall support for an FSR control providing that it maintains a similar development potential as the current floorplate control.

Staff then presented the key amendments to the Woollahra DCP 2015 as a consequence of implementing the proposed FSR controls. Overall the practitioners were supportive of these controls, subject to some refinement.

Staff summarised the difference in opinion between practitioners and staff on the current excavation controls (see *section 5* below).

The final item on the agenda was the existing design excellence objectives, and how these could be improved. Councillors, practitioners and staff supported the enhancement of these objectives.

### 2.2.3. Practitioner submission

Following the workshop on 16 October 2018, the minutes and latest research prepared by staff were circulated to the practitioners for their response. On 17 December 2018, Bruce Stafford (architect and member of the working party) provided an individual submission (see *Annexure 3*). In response to this submission, staff have made further amendments to the revised Chapter B3. A summary of the issues raised by Mr Stafford, which includes a response from staff, is attached at *Annexure 4*. Comments provided by Mr Stafford regarding excavation are addressed in *section 5*.

### 3. Current floorplate control

In preparing Woollahra LEP 2014, FSR controls were not applied to low density residential development. This was due to concerns that the Standard Instrument definition for gross floor area (GFA), and subsequently FSR, was not appropriate for controlling building bulk in relation to dwelling houses, dual occupiers and other types of low density residential development. The Standard Instrument definition of GFA excludes built form elements which can substantially contribute to building bulk, such as voids, mezzanine areas, large balconies and the thickness of external walls.

Instead, the development potential for low density development is currently determined via a two-step methodology. Firstly, the buildable area is established by applying the front, rear and side setbacks. The maximum amount of development permitted on the site is then determined by multiplying the buildable area by a factor of 1.65 (165%). This is the maximum permitted total floorplate, which is measured across each level.

However, an ongoing concern with the existing floorplate control set is the complexity associated with calculating the permissible floor area and development potential for the site. This issue has been consistently raised by internal development assessment officers, customers and the practitioners, particularly for sites with irregular boundaries and battle axe allotments.

#### **4. Proposed floor space ratio (FSR) control**

##### **4.1. Why use an FSR control?**

The difficulties and limitations of the floorplate control and the discussions by the working party about alternative controls, including FSR, were mentioned in *sections 2* and *3* above.

In the course of investigating alternatives to the floorplate control, the controls used in other Sydney metropolitan Councils were examined. It is noted that the majority of Council's use FSR to control building bulk for all types of residential accommodation. Both Randwick and Waverley Council use an FSR of 0.5:1 in their residential zones.

The benefits of introducing an FSR control for low density residential development in the Woollahra LEP 2014 are:

- It is well used and understood by customers, practitioners and development assessment officers.
- It is commonly used in LEPs in Sydney and across NSW.
- It has statutory weight.
- It would be supported by the *Department of Planning and Environment* as it is consistent with the standardisation of local controls used in the Standard Instrument which is the template LEP used in NSW.
- There is a direct and simple correlation between the area of the site, and the permissible floor space (or yield) that can be achieved.

##### **4.2. Determining the FSRs**

In order to identify an appropriate FSR control for low density residential development the following tasks were undertaken:

- The approximate gross floor areas (GFA)<sup>4</sup> and FSRs of existing low density residential development across different residential precincts were identified using the GFA definition contained in Woollahra LEP 2014.
- A selection of low density residential developments approved and constructed since March 2015 was identified.
- The existing floorplate yield for those developments was identified and translated to an approximate GFA using the Woollahra LEP 2014 definition for GFA.
- This GFA was then used to calculate the FSR for those sites.
- The developments were examined to gauge their consistency with the desired future character of the precinct.
- The maximum permissible floorplate yield for low density residential development was translated into an approximate FSR (using the definitions of GFA and FSR in Woollahra LEP 2014).
- Consultation occurred with the development assessment officers and the practitioner working party.

In summary, staff recommend an FSR control of 0.55:1 to apply to low density residential development as it:

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<sup>4</sup> The GFA definition in Woollahra LEP 2014 is different to the one used in Woollahra LEP 1995 and previous LEPs. Notably, the Woollahra LEP 1995 definition included elements such as the thickness of all external walls, the area of voids and lift shafts on all levels, basement storage and garbage areas and a percentage of balcony areas. Hence, the GFA and FSR of a building approved prior to 2014 would be higher than the GFA and FSR if they had been calculated under the Woollahra LEP 2014 definition.

- Is consistent with the development yield currently permissible under the floorplate control.
- Will work in conjunction with the existing suite of controls in the Woollahra LEP 2014 and Woollahra DCP 2015.
- Is consistent with the desired future character of our low density residential precincts.
- Allows reasonable development opportunities.

#### 4.3. Low density residential development in the Wolseley Road area

In crafting the proposed baseline FSR control, it was identified that the only residential precinct which varies from the baseline is the Wolseley Road area in Point Piper (see blue area in *Figure 1* below).

The R2 Low Density Residential zone applies to the northern part of this area, and the R3 Medium Density Residential zone applies to the southern portion. No FSR currently applies to the area covered by the R2 Low Density Residential zone. An FSR of 1:1 applies to the R3 Medium Density Residential zone, but it is expressly excluded from a building that is a dwelling house, dual occupancy or semi-detached dwelling. Therefore, in the R3 Medium Density Residential zone, no FSR applies to low density residential development.

For the whole of the Wolseley Road area we recommend applying an FSR of 0.75:1 to low density residential development (which includes dwelling houses, semi-detached development and dual occupancies). The existing built form in this precinct is denser than our other R2 Low Density Residential areas.

The FSR of 1:1 for other residential types in the R3 Medium Density Residential zone will be retained.

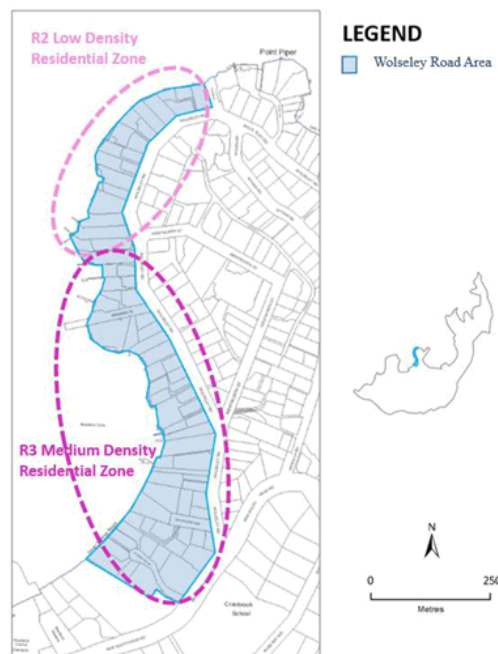


Figure 1: Wolseley Road Area

#### 4.4. FSRs for small sites

Consistent with the current controls, we recommend a range of maximum FSRs for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones. Small lots require a higher FSR to ensure they can accommodate low density dwellings with appropriate levels of contemporary internal amenity. The proposed table is illustrated below in *Figure 2*<sup>5</sup>.

Site area (square metres)	Floor space ratio
350 to < 400	0.6:1
300 to < 350	0.7:1
250 to < 300	0.8:1
200 to < 250	0.9:1
150 to < 200	1:1
Under 150	1.1:1

*Figure 2: Proposed FSR table for small lots*

#### 4.5. Summary of proposed amendments to Woollahra LEP 2014

In summary, we recommend preparing a planning proposal to amend Woollahra LEP 2014 by introducing the following controls:

- A. A maximum FSR of 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- B. A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
- C. A range of maximum FSRs for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.

These amendments will be supported by new objectives and other associated provisions.

#### 4.6. Consequential changes to Woollahra DCP 2015

If Council agrees with the proposed amendments to Woollahra LEP 2014, consequential amendments to Chapter B3 of the Woollahra DCP 2015 will be required. In particular, the floorplate and site depth controls which will be replaced by the proposed FSR control, will need to be deleted.

A draft DCP to amend Chapter B3 of the Woollahra DCP 2015 will need to be prepared. The scope of these changes is set out in *section 8* below. The draft DCP will be exhibited concurrently with the planning proposal to amend Woollahra LEP 2014.

<sup>5</sup> In preparing consequential changes to the Woollahra DCP 2015, we ensured there is a direct correlation between the permissible FSR of low density residential development on small lots, and the area of deep soil landscaping required.



#### 4.6.1. Deep soil landscaping

As a consequence of the proposed FSR controls, amendments to the deep soil landscaped area controls are required. Currently, for low density residential development, the area required for deep soil landscaping is 50% of that part of the site area outside of the buildable area. However, if the floorplate control is replaced by an FSR control (and the buildable area is removed) the deep soil landscaped control can be simplified.

The proposed deep soil landscaped control will be a percentage of the site area. Consequently, there is a direct and simplified correlation between the area of the site and the amount of deep soil landscaping required.

It is noted that the current deep soil landscaping control equates to approximately 28% of the total site area. In preparing the amendments to Chapter B3, we recommend a minor increase. For a standard lot<sup>6</sup> in the LGA the proposed deep soil landscaped area is proposed to be 35% of the site area. This increase to the deep soil landscaped area will facilitate a larger area in which to plant medium sized trees. It will also provide a stronger control to protect and enhance our leafy green character and tree canopy.

#### 5. Excavation controls

On 10 April 2017 the Council resolved in part,

- C. *THAT in regard to Chapter B3 General Development Controls Council continue the working party process to investigate appropriate fine grained design excellence controls, floor space ratio and revised excavation controls.*
- D. *THAT a report be presented to the Urban Planning Committee with the findings and recommendations of the working party in relation to floor space ratio and excavation controls.*

Whilst excavation is a frequent element of development in the Woollahra Municipality, Council has recognised that the processes associated with excessive excavation can have many negative impacts including noise, vibration, dust, land destabilisation, property damage, impact on ground water flows and impact on landform including topographical features such as rock outcrops.

In response to concerns regarding excessive excavation, numerical volumetric excavation controls were added to the Woollahra Residential Development Control Plan 2003 in September 2012. These controls were then translated into Chapter B3 of the Woollahra DCP 2015. During the working party meetings, the practitioners have continued to maintain their opposition to the excavation objectives and controls. Their objections are:

- Excavation can result in positive outcomes to building occupants and the public over the long term improving amenity and achieving the principles of ecologically sustainability.
- Risk to adjoining properties, infrastructure and the public is not affected by the quantum of excavation, but rather the methodology by which it is carried out.
- Allowing additional excavation for on-site car parking (without adding to the bulk and scale) improves the quality of the street and public spaces by reducing the demand for street parking.
- Current objectives and controls are not based on scientific or geotechnical evidence.
- Development approvals for excavation issued by Council have varied by up to four and five times the controls.

<sup>6</sup> A standard lot equates to a lot with a site area of 400m<sup>2</sup> to 700m<sup>2</sup>.

We do not support deleting or reducing the numerical volumetric excavation controls for the following reasons:

- Ecologically sustainable buildings can be constructed without the need for excessive excavation.
- Council's development assessment staff have advised that in their experience, the risks from excavation to adjoining properties are influenced by the type of sub-surface material, the topography, the proximity of works to the adjoining properties and the depth and volume of material excavated.
- There is no evidence to suggest that allowing additional excavation for on-site car parking would decrease the demand for street parking.
- Since the Woollahra DCP 2015 was introduced, the majority of DAs have complied with the volumetric excavation controls. The research also reveals there are non-compliances to varying degrees. However, in those circumstances the amount of variation was considered acceptable in the circumstances of the case.
- The approval of variations does not imply that the controls are impractical and ineffective assessment tool. Variations to the volumetric control can be approved as the DCP provides flexibility based on a merit assessment for each circumstance and compliance with the relevant objectives.
- Without volumetric excavation controls, and subject to satisfactory engineering, any amount of excavation could be permissible on a site.

In addition to the general comments about excavation raised by the practitioners at the working party meetings, the submission from Mr Stafford identified the matter of cut and fill. This is addressed below.

#### **5.1. Practitioner submission – excavation and variation for cut and fill**

In his submission, Mr Stafford has reiterated his objection to the volumetric objection controls (see *Annexure 3*). He states:

*The deletion of the excavation control will give designers the ability to “bury bulk” and reduce the above ground bulk and scale of a development, which is what most of the Councillors are trying to achieve in any event.*

In his submission, Mr Stafford goes on to suggest it is unlikely that Council would support the deletion of the excavation controls. Accordingly, he recommends that the excavation volumes are varied by 30% to facilitate service areas such as bin rooms, plant rooms, PV equipment, security equipment rooms, lift motor rooms, motor vehicle turntables, and access to stairs and lifts.

We do not support a variation to the excavation volumetric controls. The current excavation controls already allow for a reasonable and practical amount of excavation to facilitate on-site parking, storage and non-habitable rooms including service areas. Furthermore, we do not think the types of facilities referred to in the submission are common to all forms of residential accommodation.

Mr Stafford also suggested that opportunities for distributing “fill” from excavated areas reduces the need to truck the excavated material off site, and that the use of “cut and fill” should be encourage.

We are aware that “cut and fill” is a necessary and desirable component of development on sloping sites, and that it provides opportunities to:

- Retain excavated material on site, and
- Minimise truck movements and associated impacts including road damage, safety, noise and traffic.

In response to the submission, we support amendments to the excavation controls for cut and fill, where compliance with other relevant controls can be met. These amendments have been incorporated in the amended Chapter B3 at *Annexure 5*.

## 5.2. Comments from the Woollahra Local Planning Panel (Woollahra LPP)

On 4 February 2019, the *Environmental Planning Committee* considered a report on the comments from the Woollahra LPP, and on 11 February 2019 Council resolved, in part,

- C. *THAT staff report a Draft DCP to a future meeting of the Environmental Planning Committee to amend Chapter B3 General Development Controls of Woollahra Development Control Plan 2015 addressing the Panel's concerns*

The principal function of the Woollahra LPP is to determine local DAs that fall into particular categories. On 1 November 2018, the Woollahra LPP considered *DA 2017/605/1* which sought consent to demolish the existing dwelling house at 4 and 6 Bayview Hill Road, Rose Bay and construct a new dwelling house, swimming pool and landscape works.

In summary, the Woollahra LPP refused the DA due to its visual impact when viewed from Sydney Harbour and the volume and nature of the excavation. As a consequence of that decision, the Woollahra LPP identified that the current excavation objectives and controls contained in Chapter B3 should be enhanced to address matters relating to the:

- Bulk and scale of development arising from redevelopment associated with substantial excavation
- Impact on, and consistency with the desired future character
- Nature of the use of the excavated area
- Removal of natural and landscape features which make important contributions to an area's character

In response to the comments from the Woollahra LPP, we recommend the following amendments to enhance the existing excavation objectives and controls contained in part *B3.4 Excavation* of Chapter B3:

- Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area.
- Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.
- Insert an objective and control addressing the retention of natural and landscape features.

## 6. Design Excellence

At several working party meetings, the practitioners requested that the controls should have a greater focus on facilitating and achieving design excellence in development. The practitioners submitted that this could be achieved by including a set of over-arching objectives at the beginning of the chapter which confirm the Council's commitment to design excellence. These criteria were included as part of *Chapter B3 (Amendment No 2)*, which commenced on 19 April 2017.

Further to the practitioner working party on 16 October 2018 (see minutes at *Annexure 2*), and the submission from Bruce Stafford, we support a new criterion for part B3.1.3 which requires applicants to consider if a more skilful design would achieve a better environmental outcome. The recommended additional criterion is:

*Development must be of a skilful design that provides high levels of public benefit including the protection of the amenity of neighbouring properties, enhancing the public domain and integrating with the scenic character of Sydney Harbour.*

*Proposals must demonstrate how the design of the development is the best option for achieving these outcomes.*

## 7. Other issues

### 7.1. Minimum lot width

Council’s assessment officers are currently involved in two DA appeals which involve the development of land with a site frontage less than the requirements contained in section B3.8.1 *Minimum lot width* of Chapter B3 of the WDCP 2015. The DAs are:

- DA 2018/220/1 - 76 Drumalbyn Road, Bellevue Hill – Demolition of the existing dwelling and retention of the existing swimming pool, construction of a new residential flat building with automatic parking system, swimming pool, landscaping and site works.
- DA 2018/518/1 - 164 Victoria Road, Bellevue Hill – Demolition of existing dwelling and construction of residential flat building with 50% of the gross floor area comprising of affordable housing.

Council’s lawyers consider that the current objectives of section B3.8.1 *Minimum lot width* should be enhanced to more clearly articulate the purpose of this control. In consultation with Council’s assessment officers we recommend amending the objectives as follows:

Current objective	Proposed objectives
O1 <del>To ensure that sites have a minimum width to provide for the amenity of occupants and adjoining properties.</del>	O1 <u>To ensure that sites have a minimum width to provide sufficient space between buildings to allow satisfactory amenity for occupants and adjoining residents and for effective landscaping and pedestrian access.</u>
	O2 <u>To ensure that lot widths support development envisaged under this Plan.</u>
	O3 <u>To ensure there is adequate width for efficient on-site car parking.</u>
	O4 <u>To ensure that excavation can be adequately set back from boundaries and to prevent excessive excavation.</u>
	O5 <u>To encourage consolidation of allotments in appropriate locations to enable the development of a diversity of dwelling types.</u>

Figure 3: Proposed objectives for section B3.8.1 *Minimum lot width*

## 7.2. Rear Setback

The existing rear setback control is based on a formula which uses a site depth sliding scale. As a consequence of the proposed FSR control, and in response to comments from Council's assessment officers about the complexity of the control, the revised Chapter B3 includes a simplified rear setback. The new control introduces a fixed figure of 25% of a site's depth.

## 8. Summary of key changes proposed to Chapter B3 General Development Controls of Woollahra DCP 2015

An updated Chapter B3 which provides a new approach to controlling building bulk in the Woollahra LGA has been prepared (see *Annexure 5*). The aim of the amended chapter is to create a control set which:

- Is consistent with the proposed FSR controls for low density residential development.
- Allows a site's development yield to be easily calculated.
- Enhances the deep soil area landscaping requirements.
- Is easy for applicants to understand.
- Provides an effective assessment framework for staff.
- Allows development compliance to be easily determined.

Over 50 changes have been made to the revised Chapter B3. A summary of the key changes to the chapter is provided below. In addition to the changes in the table below, a number of minor administrative changes are proposed.

Topic	Amendment
<i>B3.1.3 Design Excellence</i>	Insert objective to require applicants to consider if a more skilful design would achieve a better environmental outcome.
<i>B3.1.5 How to use this chapter</i>	Insert note to clarify that the precinct-specific controls in Chapter B2 take precedence where there is an inconsistency with the controls in Chapter B3.
<i>B3.2.1 Where the building envelope controls apply</i>	<ol style="list-style-type: none"> <li>1. As a consequence of introducing an FSR control into Woollahra LEP 2014, delete all references to the floorplate control.</li> <li>2. Amend introduction to clarify where the proposed FSR controls will apply.</li> </ol>
<i>B3.2.4 Rear Setback</i>	<ol style="list-style-type: none"> <li>1. Amend introduction to clarify how the rear setback is measured.</li> <li>2. Delete building depth control and insert a simplified rear setback control of 25%.</li> <li>3. Delete building depth diagram and insert a new diagram illustrating the rear 25% rear setback.</li> </ol>
<i>B3.3 Floorplate</i>	<p>As a consequence of introducing an FSR control into Woollahra LEP 2014, delete this section (and all references to the floorplate).</p> <p>Note: The current controls relating to parking structures have been consolidated with section <i>B3.5 On-site parking</i>.</p>
<i>From this part of the revised Chapter B3 - numbering amended accordingly</i>	
<i>B3.3 Excavation</i>	<ol style="list-style-type: none"> <li>1. Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area.</li> <li>2. Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.</li> <li>3. Insert objective and control addressing the retention of natural and landscape features.</li> <li>4. Insert objective and control identifying that material used as fill on the site is excluded from the maximum excavation volumes.</li> </ol>

<b>Topic</b>	<b>Amendment</b>
<i>B3.5 On-site parking</i>	1. Insert and consolidate the current controls relating to parking structures contained in section <i>B3.3 Floorplate</i> .
<i>B3.6.1 Landscaped areas and private open space</i>	1. Insert three tables which identify the permissible percentage of deep soil landscaped area consistent with the new FSR controls. 2. Delete deep soil area precinct variations. 3. Delete control which duplicates the definition of deep soil landscape area and insert as a note. 4. Insert figure identifying the location of the Wolseley Road area. 5. Insert note containing the definition of deep soil landscaped area.
<i>B3.6.4 Ancillary development - outbuildings</i>	1. Insert note containing the definition of outbuildings. 2. Insert note containing a cross reference to section <i>B3.5 On-site parking</i> .
<i>B3.7.1 Minimum lot width</i>	Insert additional objectives to clearly articulate the purpose of the control.
<i>B3.8 Additional controls for development on battle axe lots</i>	Minor amendments to controls to simplify and ensure consistency with the proposed FSR controls.

## 9. Next Steps

If Council decides to support amending the Woollahra LEP 2014 and Woollahra DCP 2015, the next step is to prepare a planning proposal in accordance with NSW Government Guidelines. A draft DCP to amend Chapter B3 of the Woollahra DCP 2015 will also be prepared.

The planning proposal and the draft DCP will be referred to the Woollahra LPP for its advice. The advice will then be provided to a meeting of the *Environmental Planning Committee* (EPC).

If Council resolves to proceed with the planning proposal it will be referred to the Department of Planning and Environment (DPE) for a gateway determination. This will allow the planning proposal to be placed on public exhibition. It is recommended that when requesting the gateway determination that Council seek the delegation of the plan-making steps under section 3.36 of the *Environmental Planning and Assessment Act 1979*. The planning proposal and draft DCP will be exhibited concurrently.

The outcome of the public exhibition will be reported to a future meeting of the EPC for consideration. If Council resolves to proceed with the LEP amendment it will be forwarded to the NSW Parliamentary Counsel Office and the DPE for legal drafting and finalisation. The new planning controls in the Woollahra LEP 2014 will come into effect after the LEP is notified on the NSW Legislation website.

Subject to Council's decisions, the DCP amendment will be scheduled to come into effect on the same date as the LEP amendment.

## 10. Conclusion

Over the last 18 months, and in collaboration with the working party, Council staff have been researching an appropriate suite of controls to apply to low density residential development (dwelling houses, dual occupancies and semi-detached dwellings).

The primary conclusions of this work are:

- Deleting the floorplate control from the Woollahra DCP 2015, and replacing it with an FSR control of 0.55:1 in the Woollahra LEP 2014 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- Introducing an FSR of 0.75:1 for low density residential development in an area of Wolseley Road, Point Piper.
- Introducing a range of FSRs for small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.

The FSR controls will provide a new approach to controlling building bulk for low density residential development and provide an amended control set which:

- Is easy for applicants to understand.
- Is consistent with the Standard Instrument.
- Allows development yield to be easily calculated.
- Provides an effective assessment and consistent framework for staff.
- Provides a consistent relationship between site size and development yield.






The proposed amendments to Woollahra LEP 2014 will require a number of consequential and administrative amendments to Chapter B3 of the Woollahra DCP 2015. This includes the deletion of the floorplate and site depth controls and amendments to the deep soil landscaping controls.

We are also proposing the following changes to Woollahra DCP 2015:

- Amendments to the excavation controls, including new objectives and controls.
- Amendments to the excavation controls to encourage cut and fill (where compliance with other relevant controls can be met).
- Inserting a new design excellence criterion which requires applicants to consider if a more skilful design would achieve a better environmental outcome.
- Inserting new objectives to more clearly articulate the purpose of the minimum lot width control.

In summary, we recommend preparing a planning proposal to amend Woollahra LEP 2014, and a draft DCP to amend Woollahra DCP 2015. We recommend that both the planning proposal and amending DCP are reported to a meeting of the Woollahra LPP for advice, and that this advice is reported back to Council prior to submission of the planning proposal to the DPE to allow public exhibition.

## Annexures

1. Urban Planning Committee Agenda - 27 March 2017 [↓](#) 
2. Building Envelope Controls - Workshop 8 - Minutes - 16 October 2018 [↓](#) 
3. Submission from Bruce Stafford - 17 December 2018 [↓](#) 
4. Staff response to submission from Bruce Stafford [↓](#) 
5. Annotated copy of amended Chapter B3 General Development Controls [↓](#) 

## Annexure 2

### **Annotations:**

Insertions - identified in blue and underlined

~~Deletions—identified in red and scored through~~

Notes in the right hand margin identify whether the proposed amendments arose from:

- *Recommending an FSR control for Low Density Residential development in the Woollahra LEP 2014, and the subsequent deletion of the floorplate control from the Woollahra DCP 2015*
- *Comments from the Woollahra Local Planning Panel*
- *Comments from Council's legal team*
- *Comments from practitioners*
- *Supplementary comments from Council's development assessment officers or*
- *Administrative changes.*

## Chapter B3 General Development Controls

### Part B ▶ General Residential

~~CHAPTER B3 APPROVED ON 10 APRIL 2017~~

~~AND COMMENCED ON 19 APRIL 2017~~

DRAFT - 4 March 2019



## Chapter B3 ▶ General Development Controls

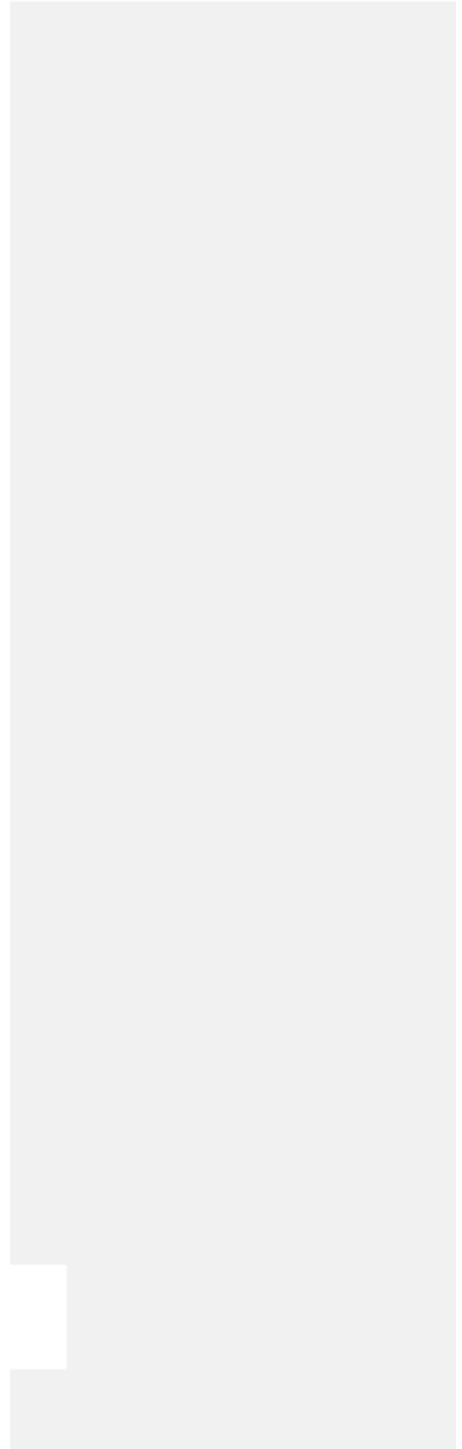
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B3 | General Development Controls

▶ Part B | General Residential



### B3.1 Introduction

This is Chapter B3 of the Woollahra Development Control Plan 2015 (DCP), Part B General Residential. The controls in this chapter must be read in conjunction with the controls in Chapter B1 Residential Precincts and Chapter D2 Neighbourhood Heritage Conservation Areas (HCAs).

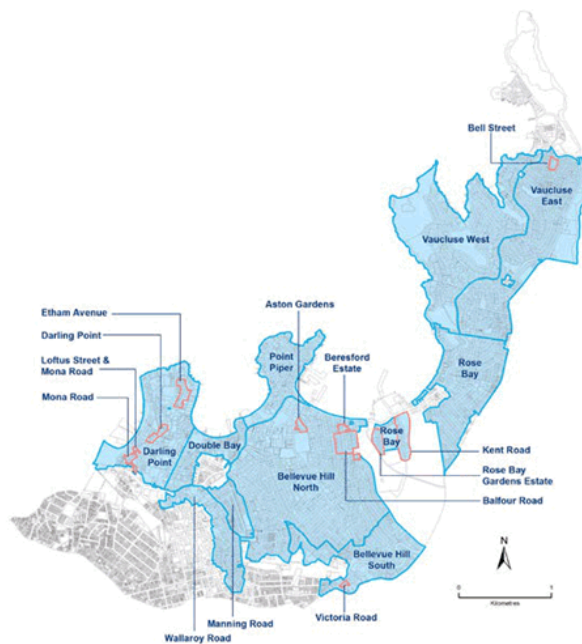
The Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) includes building height controls, floor space ratios in the R3 Medium Density Residential Zone and the minimum lot size required for subdividing or developing land.

The controls in this chapter guide the scale and bulk of development so that is compatible with site conditions and the desired future character of the location where the development is proposed.

#### B3.1.1 Land where this chapter applies

This chapter applies to land identified on Map 1 below.

**MAP 1** The land where this chapter applies



The area comprises:

**10 Residential Precincts**

- ▶ Darling Point
- ▶ Double Bay
- ▶ Wallaroy
- ▶ Manning Road
- ▶ Point Piper
- ▶ Bellevue Hill South
- ▶ Bellevue Hill North
- ▶ Rose Bay
- ▶ Vaucluse West
- ▶ Vaucluse East

**11 Neighbourhood HCAs**

- ▶ Etham Avenue, Darling Point
- ▶ Darling Point Road, Darling Point
- ▶ Mona Road, Darling Point
- ▶ Loftus Road and Mona Road, Darling Point
- ▶ Aston Gardens, Bellevue Hill
- ▶ Victoria Road, Bellevue Hill
- ▶ Balfour Road, Rose Bay
- ▶ Beresford Estate, Rose Bay
- ▶ Rose Bay Gardens Estate, Rose Bay
- ▶ Kent Road, Rose Bay
- ▶ Bell Street, Vaucluse

**B3.1.2 Development to which this chapter applies**

This chapter applies to development that requires development consent. This includes new development and additions and alterations.

Generally this will be residential development, but may include other permitted uses such as child care centres, community facilities, educational establishments, neighbourhood shops and places of public worship, and other uses permitted in Woollahra LEP 2014.

This area is predominantly zoned R2 Low Density Residential and R3 Medium Density Residential, but also includes land zoned SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and Nature Reserves and E2 Environmental Conservation.

**Note:** Those provisions in Woollahra DCP 2015 that specify requirements, standards or controls that relate to certain matters which are listed in clause 6A of the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) have no effect in the assessment and determination of a development application for development to which SEPP 65 applies.

Residential apartment development is defined in clause 4 of SEPP 65. It comprises residential flat buildings, shop top housing and mixed use development with a residential accommodation component. The building must be at least three or more storeys (excluding levels below existing ground level or levels that are less than 1.2m above existing ground level that provide car parking). The building must contain at least four or more dwellings.

All other provisions of Woollahra DCP 2015 apply to the assessment and determination of a DA for development to which SEPP 65 applies.

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### B3.1.3 Design Excellence

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Woollahra Council has a strong commitment to design excellence. Design excellence may be achieved by development that meets the following criteria, as well as all other relevant objectives and controls in this chapter.

1. Development contributes positively to the desired future character of the relevant residential precinct described in section B1 of this DCP.
2. Development respects the natural, built and cultural significance of the site and its location.
3. Development conserves and protects established trees and plantings of landscape value and deep soil landscaping and, where possible, enhances plantings and deep soil landscaping.
4. Development responds to the topography.
5. Development contributes positively to the streetscape.
6. Development provides high levels of amenity for both the private and public domain.
8. Development incorporates the principles of ecologically sustainable development, such as:
  - minimising energy consumption,
  - reducing potable water use,
  - using energy and water efficient appliances,
  - using environmentally friendly products, and
  - enhancing indoor environmental quality.

[9. Development must be of a skilful design that provides high levels of public benefit including the protection of the amenity of neighbouring properties, enhancing the public domain and integrating with the scenic character of Sydney Harbour. Proposals must demonstrate how the design of the development is the best option for achieving these outcomes.](#)

**Commented [DCP1]:** Proposed new criteria addressing "a more skilful design" in response to feedback from the Woollahra DCP Review working party & submission from Bruce Stafford.

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### B3.1.4 Relationship to other parts of the DCP

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This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- ▶ Part B: Chapter B1 Residential Precincts OR Chapter B2 Neighbourhood HCAs, depending on the location of the proposed development.
- ▶ Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.
- ▶ Part F: Land Use Specific Controls - this part contains chapters on Child Care Centres, Educational Establishments, Licensed Premises and Telecommunications.

**B3.1.5 How to use this chapter**

This chapter establishes controls for the following topics:

- ▶ building envelopes;
- ▶ **floorplate;**
- ▶ excavation;
- ▶ built form and context;
- ▶ on-site parking;
- ▶ external areas;
- ▶ additional controls for development other than a dwelling house;
- ▶ additional controls for development on a battle-axe lot; and
- ▶ additional controls for development in sensitive locations (for example harbour foreshore development and land adjoining public open space).

The controls in this chapter comprise the following elements:

▶ **Explanation of the topic:**

This provides background information on why the topic is important, how it is relevant to building design, and how the controls should be applied.

▶ **Table of objectives and controls:**

The objectives describe the outcomes that proposed development is required to achieve. Applicants need to demonstrate how their development fulfils the relevant objectives for each topic. The controls represent specific ways in which a development proposal can meet the objectives. The intent of the controls must be interpreted in the context of the topic's objectives.

Development is required to address all the relevant controls. **Where there is a disparity between these general controls and the precinct specific controls in Chapters B1 and B2, those specific controls take precedence over the general controls.**

**Note: Where there is an inconsistency between these general controls and the precinct specific controls in Chapter B2, those specific controls in Chapter B2 take precedence over the general controls.**

**Commented [DCP2]:** Floorplate control replaced by proposed FSR control in Woollahra LEP 2014

**Commented [DCP3]:** Proposed administrative correction: There are no controls in B1 (desired future character statements) only objectives

**Commented [DCP4]:** Administrative change. Amended wording to reflect correction above.

**B3.2 Building envelope**

**B3.2.1 Where the building envelope controls apply**

The building envelope is a three dimensional space within which a building is to be located. The maximum floor space permitted within the building envelope is determined by the floor space ratio (FSR) in Woollahra LEP 2014. All development must comply with the applicable FSR control.

Development in the R2 Low Density Residential Zone and development for dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone

The building envelope (as shown in Figure 1) is established by applying the following controls:

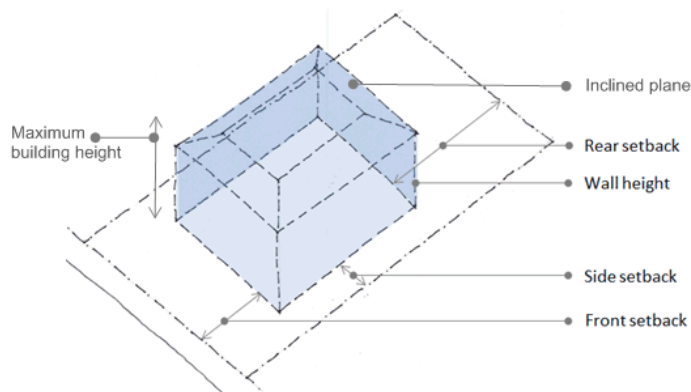
- ▶ front, side and rear setbacks;
- ▶ maximum wall height of 7.2m;
- ▶ inclined plane of 45° taken from the maximum wall height; and
- ▶ maximum building height set by Woollahra LEP 2014

The building is to be contained within the building envelope, but is to occupy only a percentage of the building envelope (as determined by the floorplate controls in Section B3.3 Floorplate).

All elements of the building (including decks, balconies, entry porches, verandahs, porte-cocheres, undercrofts and the like) are to be contained within the building envelope. There is an allowance for eaves outside the building envelope as long as the protrusion is below the inclined plane (where one applies).

Note: Additional controls apply to development on a battle-axe lot (refer Section B3.9).

**FIGURE 1** Building envelope



**Commented [DCP5]:** Floorplate control replaced by proposed FSR control.  
Amend introduction to clarify that all residential development is to comply with the applicable FSR control in Woollahra LEP 2014.

**Commented [DCP6]:** Floorplate control replaced by proposed FSR control in Woollahra LEP 2014

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~~Development for dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone~~

~~In the R3 Medium Density Residential Zone, an FSR control does not apply to dwelling houses, semi-detached dwellings and dual occupancies in Woollahra LEP 2014 (clause 4.4(2A)). The development potential for these uses is determined by the same building envelope that applies to the development in the R2 Low Density Residential Zone (see above).~~

All other Development in the R3 Medium Density Residential Zone

In the R3 Medium Density Residential Zone, an FSR control applies to all development ~~except dwelling houses, semi-detached dwellings and dual occupancies.~~

Where an FSR control applies, In the R3 Medium Density Residential Zone (for development other than dwelling houses, semi-detached and dual occupancies) the building envelope is established by applying the following controls:

- ▶ front, side and rear setbacks;
- ▶ maximum building height set by Woollahra LEP 2014.

The wall height ~~and~~ inclined plane ~~and floorplate~~ controls do not apply.

~~The development, such as a residential flat building, is to be contained within the building envelope. However, the proposed building may only occupy a portion of the building envelope as determined by the maximum FSR control in the LEP.~~

**Commented [DCP7]:** Amend introduction to clarify that the proposed FSR control will apply to all forms of residential development (including dwelling houses, semi-detached dwellings and dual occupancies).

**Commented [DCP8]:** Amend introduction to clarify that the proposed FSR will apply to all forms of residential development (including dwelling houses, semi-detached dwellings and dual occupancies).

**Commented [DCP9]:** Floorplate control replaced by proposed FSR control in the Woollahra LEP 2014.

**Commented [DCP10]:** Amend introduction to clarify that the proposed FSR will apply to all forms of residential development - see new information above included in the introduction.

▶ B3 pg.6

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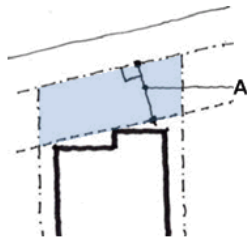
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### B3.2.2 Front setback

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Front setbacks establish the position of buildings in relation to the street boundary. They create the spatial proportions of the street and can contribute to the streetscape character by providing consistency.

Buildings and plantings on private land form essential parts of the streetscape. Front setbacks should be used to enhance the setting for the building, providing landscaped areas and access to the building.



**FIGURE 2**  
Front setback measurement  
Example  
A = Front setback measured at 90° to the front boundary

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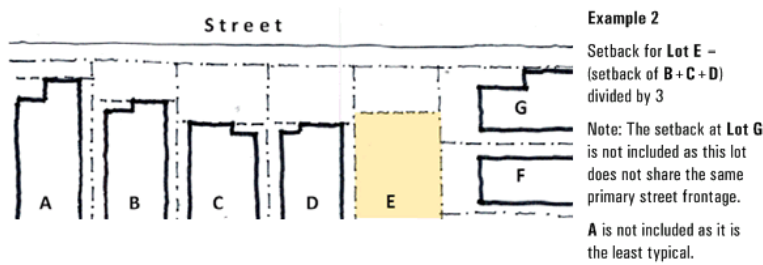
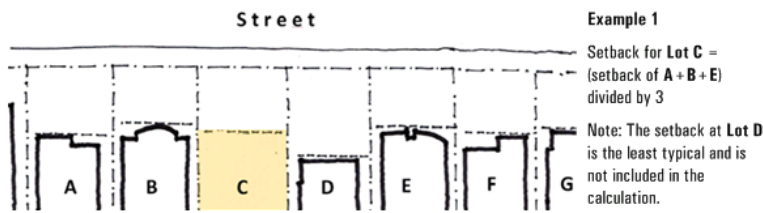
B3.2 Building envelope ▶ 3.2.2 Front setback	
Objectives	Controls
<p>O1 To reinforce the existing streetscape and character of the location.</p> <p>O2 To provide consistent front setbacks in each street.</p> <p>O3 To provide for landscaped area and deep soil planting forward of the building.</p>	<p>C1 The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street (refer to Figure 3).</p> <p>Note: The setback is determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures).</p> <p>Note: The front setback is the horizontal distance between the building envelope and the primary street boundary, measured at 90° from the boundary (refer to Figure 2).</p> <p>Note: On corner lots, the shortest frontage to a street is typically where the front setback applies.</p> <p>Note: These controls do not apply to battle-axe lots (refer to Section B3.9).</p>
<p>O4 To ensure that buildings are well articulated and positively contribute to the streetscape.</p>	<p>C2 The building has a maximum unarticulated width of 6m to the street frontage.</p>

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**FIGURE 3**

Setbacks of the four closest residential buildings are determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures).



**B3.2.3 Side setbacks**

The side setback control seeks to ensure that the distance of a building from its side boundaries protects the amenity of both the neighbours and the proposed development.

The minimum side setback requirement varies according to the lot width and building type.

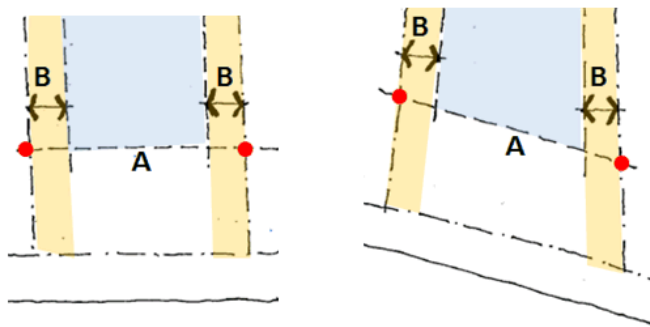
B3.2 Building envelope ▶ 3.2.3 Side setbacks	
Objectives	Controls
O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.	C1 The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 5A
O2 To ensure the side elevation of buildings are well articulated.	C2 The minimum side setback for residential flat buildings, attached dwellings and multi-dwelling housing is determined by the table in Figure 5B
O3 To protect the acoustic and visual privacy of residents on adjoining properties.	C3 The minimum side setback for any other land use not addressed in controls C1 to C2 above is determined by the table in Figure 5B
O4 To facilitate solar access to habitable windows of adjoining properties.	<p>Note: The side setback is the horizontal distance between the side property boundary and the building envelope, measured at 90° from the boundary at the front setback, as shown in Figure 4</p> <p>Note: For controls C2 and C3 setbacks include any basement piling or similar structured forms</p>
O5 To facilitate views between buildings.	
O6 To provide opportunities for screen planting.	<p>C4 The building has a maximum unarticulated wall length of 12m to the side elevation.</p> <p>Note: A reduced side setback may be considered where zero or significantly reduced setbacks are characteristic of the immediate streetscape. These streets may be specifically identified in Chapter B1 Residential Precincts or Chapter B2 Neighbourhood HCAs.</p>
O7 To allow external access between the front and rear of the site.	

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B3.2 Building envelope ▶ 3.2.3 Side setbacks	
Objectives	Controls
O8 To recognise built form characteristics of semi-detached dwellings and attached dwellings.	C5 Notwithstanding C1 to C3 above, the following variations apply: a) For a semi-detached dwelling—a zero setback applies at the common boundary between the pair of semi-detached dwellings. b) For attached dwellings—a zero setback applies at the common boundary between each dwelling within the development.

**FIGURE 4**  
 Side setback measurement, B depends on A



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▶ B3 pg.11

**FIGURE 5A**

Side setback table for dwelling houses, semi-detached dwellings and dual occupancies

A. Site width measured along front setback line in metres	B. Side setback in metres
< 9.0	0.9
9.0 - < 11.0	1.1
11.0 - < 13.0	1.3
13.0 - < 15.0	1.5
15.0 - < 17.0	1.9
17.0 - < 19.0	2.3
19.0 - < 21.0	2.7
21.0 - < 23.0	3.1
23.0 +	3.4

**FIGURE 5B**

Side setback table for residential flat buildings, multi dwelling housing and attached dwellings, and any other land use not addressed in controls C1 to C2 of Section 3.2.3 Side setbacks

A. Site width measured along front setback line in metres	B. Side setback in metres
<18.0	1.5
18.0 - < 21.0	2.0
21.0 - < 28.0	2.5
28.0 - < 35.0	3.0
35.0 +	3.5

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**B3.2.4 Rear setback**

The rear setback control seeks to ensure that the distance of a building from its rear boundary provides amenity to both the neighbouring sites and the proposed development. The building (including decks, balconies, entry porches, verandahs, porte-cocheres, undercrofts and the like) must not be located within the rear setback.

In particular, the rear setback provides useable land for private open space and landscaping, which significantly contributes to amenity for the occupants.

The rear setback is the horizontal distance between the building envelope and the rear property boundary. measured parallel to the side boundaries (refer to Figure 6). The rear setback is a consequence of the front setback, site depth and building depth.

**Commented [DCP11]:** Proposed amendment in response to feedback from development assessment staff.  
Insert clarification to identify how the rear setback is measured.

**Commented [DCP12]:** Proposed amendment in response to feedback from development assessment staff (see above).

B3.2 Building envelope ▶ 3.2.4 Rear setback	
Objectives	Controls
O1 To provide private open space and landscaped areas at the rear of buildings.	C1 <u>The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary (see Figure 6). The building must not encroach on the minimum rear setback.</u>
O2 To provide acoustic and visual privacy to adjoining and adjacent buildings.	
O3 To avoid an unreasonable sense of enclosure.	<u>The rear setback is a consequence of the site depth, front setback and building depth as set out in the formula at Figure 6.</u>
O4 To provide separation between buildings to facilitate solar access to private open space.	
O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.	C2 <u>The building depth is determined by the sliding scale in Figure 7 and applies to:</u> a) <u>development in the R2 Low Density Residential Zone; and</u> b) <u>a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone.</u>
O6 To contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat.	C3 <u>For development in the R3-Medium Density Residential Zone where an FSR applies, the building depth is 60% of the site depth.</u> C4 <u>Notwithstanding C1 above, the minimum rear setback is 3m.</u> C2 <u>If 'end to end' amalgamation occurs, the building envelope will be determined as if</u>

**Commented [DCP13]:** Proposed amendment in response to the proposed FSR control, and feedback from development assessment staff.  
The existing rear setback control is based on a site depth sliding scale. Proposal includes a simplified rear setback which is 25% of the site depth.

**Commented [DCP14]:** As a consequence of simplifying the rear setback control (see above) the building depth control is no longer required.

**Commented [DCP15]:** Administrative amendment to reflect deleted controls.

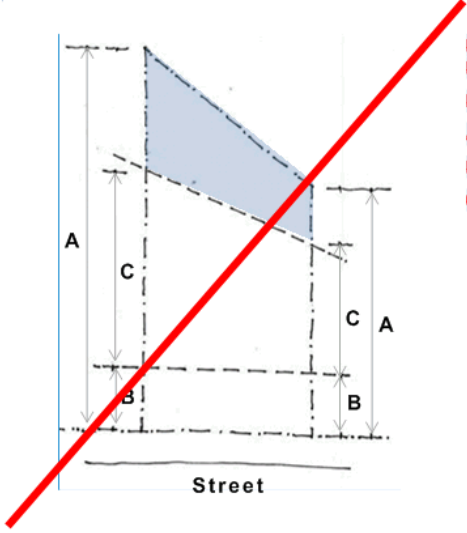
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B3.2 Building envelope ▶ 3.2.4 Rear setback

Objectives	Controls
	they were separate lots (refer to Figure 8 <a href="#">7</a> ).

Commented [DCP16]: Administrative change to reflect amended Figure numbers.



**FIGURE 6**  
Formula for determining the rear setback  
Rear setback = A - C - B  
A = Site depth  
B = Front setback  
C = Building depth (A x % for A on the building depth sliding scale)

Commented [DCP17]: As a consequence of simplifying the rear setback control (see above), Figure is no longer applicable.

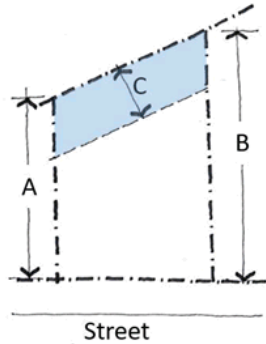
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**FIGURE 6**  
Formula for determining the rear setback

A = Side boundary 1

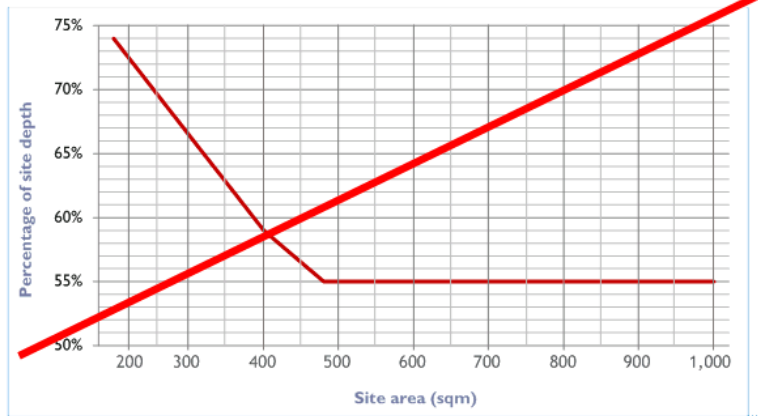
B = Side boundary 2

C = Rear setback

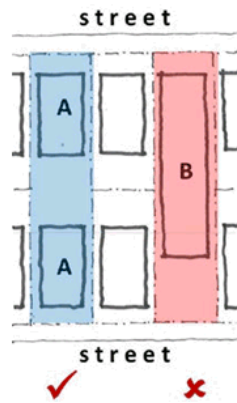
$$C = (A + B) / 2 \times 25\%$$

Commented [DCP18]: New Figure inserted to represent the simplified rear setback control.

**FIGURE 7**  
Building depth sliding scale



Commented [DCP19]: As a consequence of simplifying the rear setback control (see above), Figure no longer applicable.



**FIGURE 8.7**

Setbacks for end to end amalgamation

When lots are amalgamated end to end, as illustrated in A and B, the rear setback requirement remains as if it were two lots, as illustrated in A. Not as illustrated in B.

Commented [DCP20]: Administrative change

**B3.2.5 Wall height and inclined plane**

The wall height control only applies to:

- ▶ development on land in the R2 Low Density Residential Zone; and
- ▶ dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone.

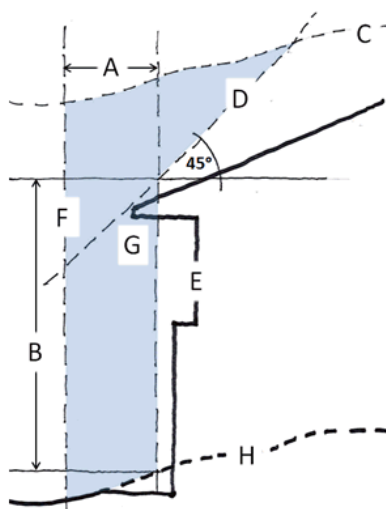
A wall height of 7.2m (accommodating two storeys) and an inclined plane of 45° applies to the front, side and rear elevations. These controls respond to the typical pitched roof house form, but also potentially accommodate three storey flat roof housing forms with a reduced top storey.

B3.2 Building envelope ▶ 3.2.5 Wall height and inclined plane	
Objectives	Controls
O1 To limit the bulk, scale and visual impact of buildings as viewed from the street and from adjoining properties.	C1 On land zoned R2 Low Density Residential and for a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone: <ul style="list-style-type: none"> <li>a) the wall height is 7.2m above existing ground level; and</li> <li>b) an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and</li> <li>c) roof eaves may protrude into the setback if below the inclined plane.</li> </ul> (Refer to Figure 8.)
O2 To limit overshadowing of adjoining properties across side boundaries.	
O3 To limit overshadowing to south facing rear yards.	
O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.	
O5 To facilitate views between buildings.	
	C2 A variation to the wall height of 7.2m may be considered where the slope of the site within the building envelope is greater than 15 degrees.  The variation will only be considered to walls located nearest to the downslope section of the building envelope, i.e. the section with the lowest existing ground level.

Commented [DCP21]: Administrative change

**B3.2 Building envelope** ▶ 3.2.5 Wall height and inclined plane

Objectives	Controls
	<p>A request for a variation must demonstrate that the increased wall height is consistent with the objectives of this section of the DCP, consistent with the objectives for development within the zone in which the development is proposed to be carried out, and there are sufficient environmental planning grounds to justify the variation.</p> <p>Note: The statutory building height control in the Woollahra LEP 2014 applies.</p>



**FIGURE 9.8**  
 Section view of the building envelope with the setbacks and inclined plane

- A** - Side setback
- B** = 7.2m maximum wall height
- C** = Maximum building height: 9.5m above existing ground level
- D** - Inclined plane: 45degrees to horizontal
- E** - Potential built form
- F** = Site boundary
- G** = Roof eaves may protrude into the setback if below the inclined plane
- H** = Existing ground level

**B3.3 Floorplate**

The floorplate control only applies to:

- ▶ development on land in the R2 Low-Density Residential Zone; and
- ▶ dwelling houses, semi-detached dwellings and dual-occupancies in the R3 Medium-Density Residential zone.

Note: The floorplate controls do not apply to land or development types where an FSR applies, such as residential flat buildings, multi-dwelling housing, or attached dwellings on land zoned R3 Medium-Density Residential.

**Floorplate determines amount of development**

The development potential for a site is determined by the total floorplate. This is calculated as a percentage of the buildable area.

The **buildable area** is the area of the site that is identified once the front, rear and side setbacks have been established (refer to Figure 10).

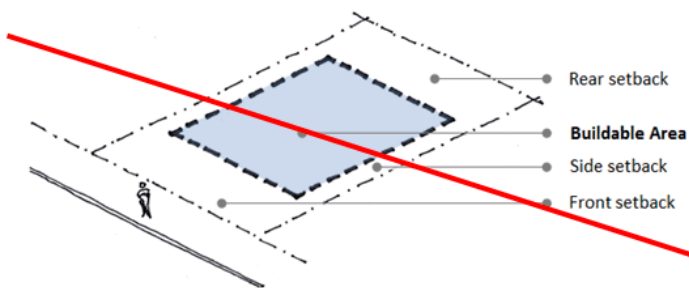
The maximum amount of development permitted on the site is determined by multiplying the buildable area by a factor of 1.65 (165%). This is the maximum permitted total floorplate.

For example if the buildable area is 150m<sup>2</sup> the maximum floorplate yield is:  
150m<sup>2</sup> x 1.65 = 247.5m<sup>2</sup>

The floorplate is measured at each level. A level is defined as the space between a floor and a level above. If any part of a level is above 1m above exist ground level that area of the level is counted as floorplate (refer to Figures 11 and 12).

The total floorplate may be distributed over multiple levels, but must be wholly contained within the building envelope.

**FIGURE 10** Buildable area



Commented [DCP22]: Floorplate control in Woollahra DCP 2015 replaced by proposed FSR control in Woollahra LEP 2014.

**Measuring floorplate**

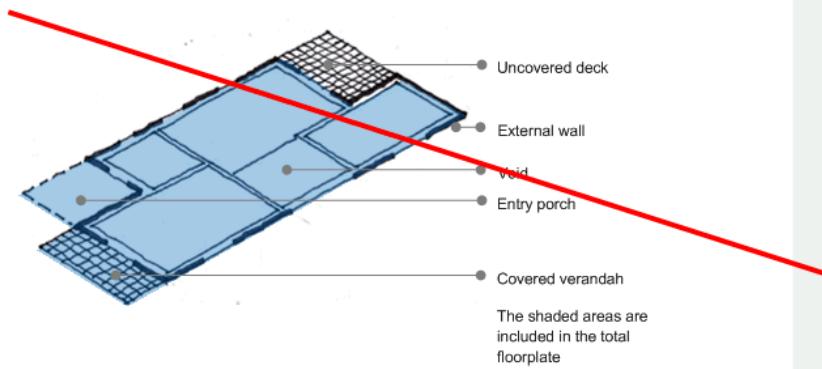
Floorplates are measured to include:

- ▶ the area within the external face of the external walls measured at each level, and
- ▶ the external floorplate which includes covered decks, covered balconies, entry porches, verandahs, porte-cocheres, under crofts and the like (refer to Figures 11 and 12).

but excludes:

- ▶ uncovered external areas, such as terraces, decks and balconies, and
- ▶ levels below 1m above existing ground level (refer Figure 12)
- ▶ eaves.

**FIGURE 11** Measuring floorplate (aerial view)

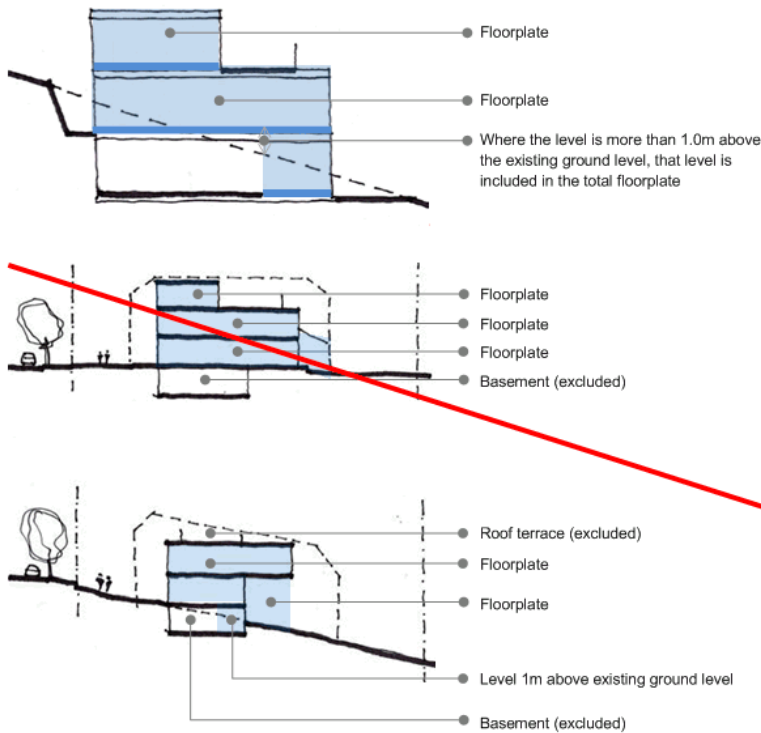


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**FIGURE 12 Measuring floorplate (section view)**

The following examples illustrate elements of the built form that are included in the calculation of the floorplate:



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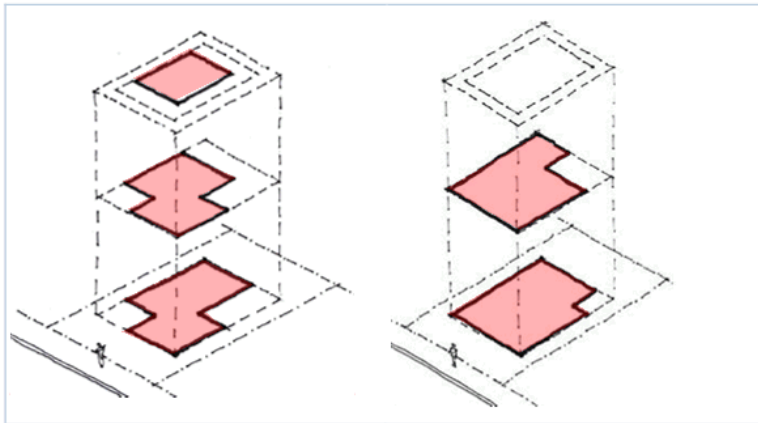
**Applying the floorplate to development**

Dwelling houses, dual occupancies, semi-detached and attached dwellings may have one, two or three storeys, depending on the proposed building design and the desired future character of the area.

The proposed development must be located within the building envelope.

The area of the floorplates is calculated at each level of the building. The total area of all floorplates must not be more than 165% of the buildable area.

**FIGURE 13** The same floorplate distributed differently within the same building envelope



**B3.3 Floorplates**

Objectives	Controls
O1— To ensure the bulk and scale of buildings are consistent with the desired future character of the area.	C1— The total floorplate of a development does not exceed 165% of the buildable area.
O2— To ensure the size and location of buildings allow for the sharing of views and minimise impact on the privacy and sunlight access to neighbouring properties.	C2— New floorplate is to be wholly within the building envelope (refer to C6 for exceptions). C3— The floorplates at each level are distributed to: a) respond to the predominant character of the immediate streetscape; b) retain public views; and c) provide for view sharing of private views.



B3.3 Floorplates	
Objectives	Controls
	<del>C4— The built form complies with solar access and privacy controls in Section 3.5.2 Overshadowing and Section 3.5.4 Acoustic and visual privacy.</del>
<del>O3— To encourage the design and location of car parking within the building envelope.</del>	<del>C5— Where car parking is provided within the building envelope, the garage area (up to 40m<sup>2</sup>) is added to the permitted total floorplate.</del>
<del>O4— To allow, in certain circumstances, development outside the building envelope.</del>	<del>C6— Notwithstanding C2, the following buildings are permitted outside the building envelope:</del>
<del>O5— To allow development to respond to the topography and context.</del>	<del>a) an outbuilding; parking structures but only where;                     <ul style="list-style-type: none"> <li>— there is rear lane access; or</li> <li>— the site is located on sloping land and garaging forward of the building line is a reasonable response to the topography (as set out in Section B3.5 On-site parking, control C6)</li> </ul>                     the existing streetscape in the immediate vicinity of the site is characterised by parking structures forward of the building line (as set out in Section B3.5 On-site parking, control C9 and C10).                 </del>
<p>Objectives and controls moved and consolidated into section <i>B3.5 On-site parking</i></p>	
<p>These buildings are only permitted when:</p> <ul style="list-style-type: none"> <li>b) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.6.1 Landscaped areas and private open space; and</li> <li>c) solar access and privacy requirements within the site, and to the adjoining properties, are met as set out in Section 3.4.2 Overshadowing and Section 3.4.4 Acoustic and visual privacy.</li> </ul>	

**Commented [DCP23]:** The floorplate controls have been deleted, with the exception of this part which relates to development outside the building envelope.  
Administrative change: As these control all relate to parking structures, controls, these have been moved and consolidated into section B3.5 On-site parking.

**B3.3 Excavation**

Excavation is an accepted part of development in the Woollahra Municipality where the topography varies. Excavation allows buildings on the sloping sites to be designed to step down and sit into the hillside, and it also enables cars and storage to be accommodated on site in an unobtrusive manner.

However, there are significant environmental impacts associated with extensive excavation, as well as external impacts, such as amenity impacts to adjoining properties during the excavation process.

Council has determined that the volume excavated from a given site should be limited to that which might reasonably be required for car parking and domestic storage requirements, and to allow the building to respond to the site topography in an appropriate manner.

B3.3 Excavation	
Objectives	Controls
O1 To allow buildings to be designed and sited to relate to the topography, <u>and ensure that the bulk and scale of the built form is consistent with the desired future character of the area.</u>	C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 9A.
O2 To minimise excavation <u>and facilitate only car parking and storage below the existing ground level.</u>	C2 For a residential flat building, multi dwelling housing, or attached dwelling development (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 9B.
<u>O3 To avoid the removal of natural features and vegetation of landscape value.</u>	
O4 To ensure the cumulative impacts of excavation do not adversely impact land stabilisation, ground water flows and vegetation.	C3 For any other use (including attached and detached garaging) not addressed in C1 and C2 above—the maximum volume of excavation permitted is no greater than the volume shown in Figure 9B.
O5 To minimise structural risks to adjoining structures.	
O6 To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.	C4 A variation to the volume shown in Figures 9A and 9B will be considered, however the maximum volume of excavation permitted will only be the amount needed to accommodate: <ul style="list-style-type: none"> <li>a) car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council; and</li> <li>b) storage at a rate of 20m<sup>3</sup> (cubic metres) per dwelling if for a dwelling house, dual occupancy, semi-detached dwelling or attached housing; or</li> </ul>

**Commented [DCP24]:** In response to comments from the Woollahra LPP:

- Amend objectives to address bulk and scale of development and its consistency with the desired future character of the area.
- Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.
- Insert objective addressing the retention of natural and landscape features.

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B3.3 Excavation	
Objectives	Controls
	<p>c) storage at a rate of 8m<sup>3</sup> (cubic metres) per dwelling if for a residential flat building or multi dwelling housing development.</p> <p>C5 The volume controls in C1 and C2 above do not apply to backyard swimming pools and tennis courts located outside the building envelope. Note: Separate controls apply which limit excavation, refer to Section 3.6.4 Ancillary development - swimming pools, tennis courts and outbuildings).</p> <p><a href="#">C6 Excavation retains natural features and vegetation of landscape value.</a></p> <p>C7 Basement walls are no closer to the boundary than permitted by the setback controls (refer to Figure 10).</p> <p>C8 Notwithstanding C7, basement walls for residential flat buildings, multi dwellings housing and attached dwellings are no closer to the boundary than 1.5m (see Figure 11).</p> <p>C9 Excavation in relation to an existing attached dwelling, semi-detached dwelling, or attached dual occupancy is not to occur under: a) common party walls; b) footings to common party wall; c) freestanding boundary walls; d) footings to freestanding boundary walls.</p> <p>C10 Excavation below 2m and/or within 1.5m of the boundary may be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on neighbouring structures. Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines.</p>

**Commented [DCP25]:** In response to comments from the Woollahra LPP, insert control addressing the retention of natural and landscape features.

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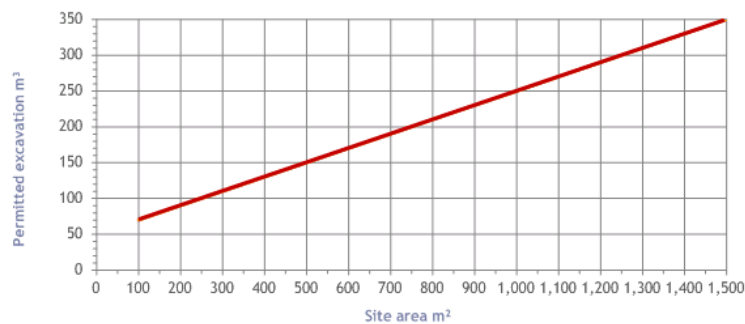
B3.3 Excavation	
Objectives	Controls
	As a condition of a development consent, Council may also require the preparation and submission of a dilapidation report for properties neighbouring the development.
07 <a href="#">To minimise the removal of excavated material from site.</a>	<p><b>C11</b> <a href="#">Subject to compliance with C6 - C10, excavated material (cut) which is used as fill on the subject site is excluded from the maximum volume permitted by Figure 9A and 9B.</a></p> <p><a href="#">The adjustment to the landscape profile resulting from the on-site fill is not to have any adverse amenity impacts on adjacent properties</a></p>

**Commented [DCP26]:** In response to feedback from Bruce Stafford, insert objective and control to the minimise the removal of excavated material from site.

**FIGURE 9A**

Maximum volume of excavation for the site of:

- a dwelling house
- dual occupancy development
- a semi-detached dwelling



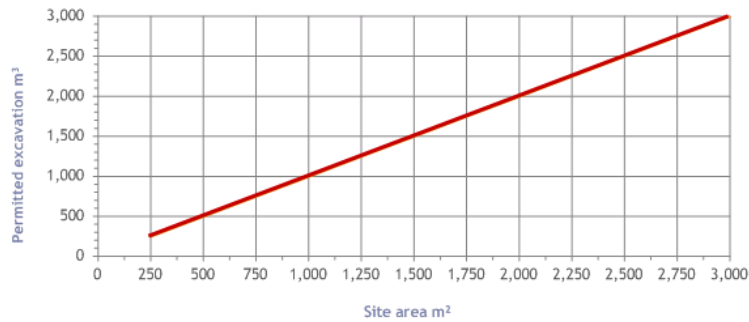
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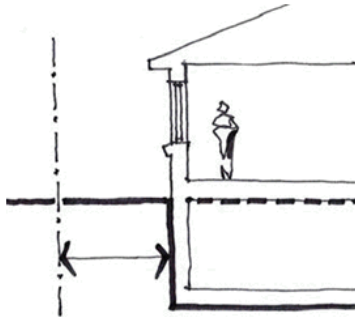
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**FIGURE 9B**

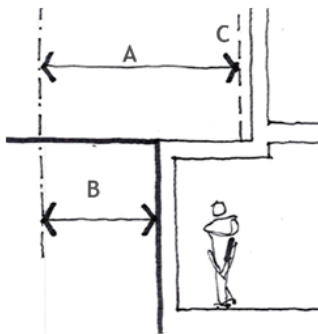
Maximum volume of excavation for the site of:

- a residential flat building
- multi dwelling housing
- attached dwellings
- any other land use not addressed in controls C1 to C2 of Section B3.3 Excavation





**FIGURE 10**  
For a dwelling house, dual occupancy development and semi-detached dwellings basement walls can be no closer to the boundary than the required setback (refer to Figure 5A).



**FIGURE 11**  
For a residential flat building, multi dwelling housing, attached dwellings and any other land use not addressed in controls C1 to C2 of Section B3.3 Excavation, basement walls can be no closer to the boundary than 1.5m.

- A- Refer Figure 5B
- B- Minimum excavation setback 1.5m
- C- Building envelope

**B3.4 Built form and context**

**B3.4.1 Streetscape and local character**

A quality streetscape provides good public amenity and contributes to the character and identity of the locality. As character can vary from street to street, it is important that development recognises predominant streetscape qualities, such as building form to ensure a cohesive streetscape character.

B3.4 Built form and context ▶ 3.4.1 Streetscape character	
Objectives	Controls
O1 To ensure that the built form is compatible with the streetscape and the desired future character of the area.	C1 The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.
O2 To ensure that development is of high visual quality and enhances the street.	Note: Chapters B1 and B2 in this part of the DCP define the desired future character for each precinct or HCA, and identify special streetscape character, heritage and key elements within each precinct.
O3 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.	C2 Development retains vegetation of landscape value. C3 Development steps down sloping sites and follows the topography of the land. C4 External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided. C5 Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches, and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building. C6 The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).
O4 To ensure that roof forms are consistent with the existing predominant roof forms in the street and minimise impacts to neighbouring properties.	C5 In heritage conservation areas or where the existing the immediate streetscape is predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.

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**B3.4 Built form and context** ▶ 3.4.1 Streetscape character

Objectives	Controls
	C6 Roof materials are non-reflective and do not cause excessive glare to adjacent properties.
O5 To ensure buildings improve the safety of the public domain.	C7 The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.

**B3.4.2 Overshadowing**

Building bulk should be distributed to minimise overshadowing to neighbouring properties.

Development is to be sited and designed to maximise midwinter solar access to neighbouring properties, having regard to slope, views and existing vegetation.

**B3.4 Built form and context** ▶ 3.4.2 Overshadowing

Objectives	Controls
O1 To minimise overshadowing to adjoining properties.	<p>C1 The development is designed so that:</p> <ul style="list-style-type: none"> <li>a) sunlight is provided to at least 50% (or 35m<sup>2</sup> with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and</li> <li>b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.</li> </ul> <p>C2 Lot orientation may make C1 above difficult to achieve so a reduced amount of solar access may be considered, provided the proposed building complies with all setback controls.</p>

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B3.4 Built form and context ▶ 3.4.2 Overshadowing	
Objectives	Controls
	Note: For land adjoining open space also refer to Section 3.9.1.

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**B3.4.3 Public and private views**

Views are a special element of Woollahra's unique character. The sloping topography, leafy setting and harbour frontage combine to offer dramatic bushland and water views which contribute to the amenity of both private dwellings and the public domain.

In addition, the municipality's frontage to Sydney Harbour places responsibilities upon the Woollahra community, to ensure development maintains the scenic beauty of the foreshore and headland areas when viewed from the water and from the land.

**Public views**

Public views from streets, footpaths, parks and other public areas are among Woollahra's most prized assets and are key elements of the municipality's identity.

These views may take the form of discrete views between buildings and vegetation, more open views across the harbour and local landscape from public parks, or more defined vistas along streets terminating at Sydney Harbour or local landmarks. Important views and vistas are identified on the precinct maps in Chapters B1 and B2 in this part of the DCP.

The preservation and, wherever possible, enhancement of public views helps to maintain legibility within Woollahra by allowing people to see and interpret the surrounding landscape and landmark features. Public views also allow Woollahra's scenic beauty and special character to be appreciated.

**Private views**

View sharing concerns the equitable distribution of views between properties. The view sharing controls in this DCP seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties.

Development should be designed to reflect the view sharing principles in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

B3.4 Built form and context ▶ 3.4.3 Public and private views			
Objectives		Controls	
O1	To protect and enhance existing views and vistas from the public domain.	C1	Development is sited and designed so that the following public views are maintained or enhanced: a) significant views and vistas identified in the precinct maps in this Chapter B1 Residential Precincts and Chapter B2 Neighbourhood HCAs of this DCP; and b) views from other public open space areas, particularly from ridgelines to Sydney Harbour and the Sydney CBD skyline.
O2	To provide additional views and vistas from streets and other public spaces where opportunities arise.		

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**B3.4 Built form and context** ▶ 3.4.3 *Public and private views*

Objectives	Controls
	<p>C2 Vistas along streets are preserved or enhanced through sensitive development location and form.</p> <p>C3 Development on the low side of the street preserves district, iconic and harbour views from the street by:</p> <ul style="list-style-type: none"> <li>a) providing substantial breaks between buildings, front fences, car parking and other structures; and</li> <li>b) incorporating fences with transparent or open end panels at each side boundary to provide for views.</li> </ul> <p>C4 Roof forms on the low side of streets are designed to allow public views and add interest to the scenic outlook. Flat expansive roofs with vents, air conditioning units, plant equipment (including lifts and lift overruns) and similar structures are inappropriate.</p>
<p>O3 To encourage view sharing as a means of ensuring equitable access to views from private property.</p>	<p>C5 Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from the habitable rooms (refer to Figures 12 and 13).</p> <p>C6 Development steps down the hillside on a sloping site.</p> <p>C7 The design of the roof form (including roof terraces, lifts, lift overruns, stairwells, access hatches, screens, and other like structures) provides for view sharing.</p> <p>C8 Roof terraces are uncovered to provide for view sharing. All elements on roof terraces are to comply with the maximum building height control.</p>

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B3.4 Built form and context ▶ 3.4.3 Public and private views	
Objectives	Controls
	Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roofs.
O4 To ensure that views are not compromised by landscaping.	<p>C9 The location and species of new tree planting frames and preserves public and private views. Planting must not be used to block views.</p> <p>C10 In sloping areas, the location of new tree planting frames and preserves public views. This may be achieved:</p> <ul style="list-style-type: none"> <li>a) on the high side of streets—by concentrating new tree planting at the front of buildings within the side setbacks; and</li> <li>b) on the low side of streets—by concentrating new tree planting at the front of buildings outside the side setbacks (refer to Figure 13).</li> </ul>

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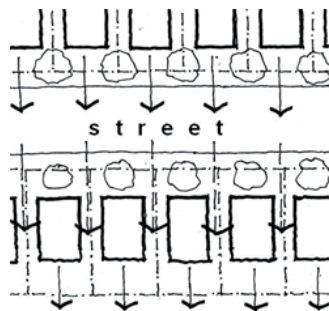
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**FIGURE 12**  
View sharing



**FIGURE 13**  
Where to locate vegetation to accommodate  
view paths

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#### B3.4.4 Acoustic and visual privacy

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Privacy refers to both acoustic and visual privacy. The privacy needs of residents and neighbours should influence all stages of design, from the location of buildings and the placement of windows and private open space through to the selection of materials and construction techniques.

This section contains objectives and controls for acoustic and visual privacy for buildings that have the potential to impact on adjoining and adjacent residential development.

It is important to note however, that privacy issues are an inherent component of urban living. In many cases some degree of mutual overlooking and/or noise from property to property is unavoidable.

##### Acoustic privacy

The level of acoustic privacy depends upon the location of habitable rooms relative to noise sources such as habitable rooms, decks, terraces, driveways, air conditioning units, swimming pool pumps and major roads.

Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings. This may be achieved by:

- ▶ ensuring that bedrooms of one dwelling do not share walls with the habitable rooms (excluding bedrooms) or parking areas of the adjacent dwelling;
- ▶ locating bedroom windows at least 3m from streets, shared driveways and parking areas of other dwellings; and
- ▶ separating bedrooms, by way of barriers or distance, from on-site noise sources such as active recreation areas, car parking area, vehicle accessways and service equipment areas.

##### Visual privacy

The visual privacy controls apply to habitable rooms. This includes rooms such as a bedroom, living room, lounge room, kitchen, dining room and the like. Maintaining visual privacy within and from these types of habitable rooms is most important, as these are the common living areas in a dwelling. The controls also address the private open spaces of dwellings.

The controls establish a hierarchical framework for addressing privacy and overlooking. In this hierarchy glazed fixed windows and windows with high sills are the least preferred option and should only be considered in limited circumstances when all other options have been exhausted.

Note:

- ▶ Under the BCA, habitable rooms exclude a bathroom, laundry hallway, lobby, and other like spaces of a specialised nature occupied neither frequently nor for extended periods.
- ▶ Nothing in this section restricts a person from replacing a window with another window, where the replacement window is in the same location and of the same or a smaller size.

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**B3.4 Built form and context** ▶ **3.4.4 Acoustic and visual privacy**

Objectives	Controls
<p>O1 To ensure adequate acoustic privacy for occupants and neighbours.</p>	<p>C1 Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings.</p> <p>C2 Dwellings located close to high noise sources, such as a busy road or railway line are to:</p> <ul style="list-style-type: none"> <li>a) be designed to locate habitable rooms and private open space away from the noise source; and</li> <li>b) include sound attenuation measures, such as acoustic glazing and insulation.</li> </ul> <p>Note: Shared walls and floors between dwellings must be designed in accordance with the sound transmission and insulation criteria of the Building Code of Australia.</p> <p>C3 Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the <i>Environment Operations Act 1997</i> either within or at the boundaries of any property at any time of the day.</p>
<p>O2 To ensure adequate visual privacy for occupants and neighbours while balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes.</p>	<p>C4 New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m.</p> <p>This may be achieved by options including, but not limited to (in order of preference):</p> <ul style="list-style-type: none"> <li>a) Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries.</li> <li>b) Layout and separation—offsetting windows from the windows/private open spaces of the adjoining dwelling to limit views between the windows/private open space.</li> <li>c) Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter</li> </ul>

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B3.4 Built form and context ▶ 3.4.4 Acoustic and visual privacy	
Objectives	Controls
	<p>boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.</p> <p>d) Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.</p> <p>e) Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.</p> <p>Note: Applicants may be required to demonstrate how privacy impacts are resolved by way of view line diagrams, photographs and other suitable means.</p> <p>C5 Windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.</p> <p>C6 Architectural design solutions and screening devices referred to in C4 (c) above are integrated with the overall design and contribute to the architectural merit of the building, having particular regard to:</p> <p>a) aesthetics of the building including impacts on visual bulk;</p> <p>b) compliance with minimum boundary setback controls;</p> <p>c) appearance from adjoining properties; and</p> <p>d) views from adjoining or adjacent properties.</p>

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**B3.4 Built form and context** ▶ **3.4.4 Acoustic and visual privacy**

Objectives	Controls
O3 To minimise the impacts of private open space.	<p><b>C7</b> Private open spaces and the trafficable area of roof terraces (at or below the second storey) (refer to Figure 14) are to be suitably located and screened to prevent direct views to neighbouring:</p> <ul style="list-style-type: none"> <li>a) habitable rooms (including bedrooms) within 9m; and</li> <li>b) private open space within 9m.</li> </ul> <p>Note: Private open space includes an area external to a building including land, terrace, balcony or deck.</p> <p><b>C8</b> For a dwelling house, dual occupancy, semi-detached dwelling, or attached dwelling—the acceptability of any elevated balcony, deck, or terrace will depend on the extent of its impact, its reasonableness and its necessity.</p> <p>Note: Refer to <i>Super Studio vs Waverley Council, (2004) NSWLEC 91</i></p> <p><b>C9</b> Windows and balconies of an upper-level dwelling are designed to prevent overlooking of the private open space of a dwelling below within the same development.</p> <p><b>C10</b> The trafficable area of a roof terrace (above the second storey) (refer to Figure 14) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to:</p> <ul style="list-style-type: none"> <li>a) neighbouring private open space within 12m; or</li> <li>b) windows of habitable rooms in neighbouring dwellings within 12m.</li> </ul>

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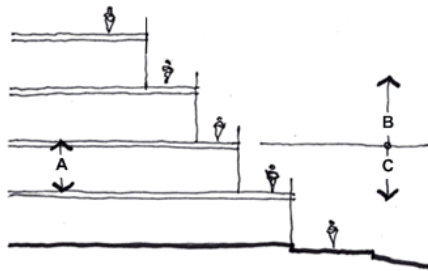
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B3.4 Built form and context ▶ 3.4.4 Acoustic and visual privacy	
Objectives	Controls
	<p>C11 Lighting installations on a roof terrace or upper level deck are:</p> <ul style="list-style-type: none"> <li>a) contained within the roof terrace area and located at a low level; or</li> <li>b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.</li> </ul> <p>Note: Lighting of roof terraces must be designed in compliance with <i>Australian Standards 4282-1997 Control of obtrusive effects of outdoor lighting</i>.</p>
<p>O4 To ensure that where roof terraces are inserted into roofs, they do not impact on the roof profile.</p>	<p>C12 For a roof terrace within the roof a building:</p> <ul style="list-style-type: none"> <li>a) no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and</li> <li>b) the roof terrace and opening within the roof are clearly subservient in form and size when compared with the roof plane in which they are located.</li> </ul> <p>Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impact on views or overshadowing of adjoining properties.</p>

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**FIGURE 14**  
Application of the visual privacy controls to roof terraces

- A - Second storey
- B - Refer to B3.5.4 C10
- C - Refer to B3.5.4 C7

### B3.4.5 Internal amenity

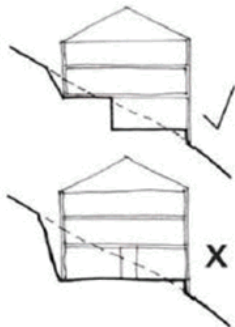
Solar and daylight access and natural ventilation are important for providing pleasant and healthy indoor environments for people to live. This is particularly important for designing comfortable habitable rooms and other areas that are occupied for extended periods.

Provision of natural light and ventilation reduces the reliance on artificial lighting, heating, air-conditioning and mechanical ventilation. This improves energy efficiency and residential amenity.

Note: Habitable rooms exclude bathrooms, corridors, hallways, stairways, lobbies, and other like spaces of a specialised nature occupied neither frequently nor for extended periods.

B3.4 Built form and context ▶ 3.4.5 Internal amenity		
Objectives	Controls	
O1 To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.	C1	All habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening,
O2 To encourage buildings that are designed to maximise natural light provision in habitable rooms.	C2	All habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation,
	C3	The area of unobstructed window openings should be equal to at least 20%

B3.4 Built form and context ▶ 3.4.5 Internal amenity	
Objectives	Controls
	of the room floor area for habitable rooms,
	C4 Light wells must not be the primary air source for habitable rooms, and
	C5 Any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) is limited to a maximum room depth of 2 X the ceiling height.



**FIGURE 14A**  
 Dwellings should be designed to locate rooms primarily above existing ground level to maximise the provision of natural light from unobstructed window openings.

**B3.5 On-site parking**

On-site parking, including garages, carport, hardstand areas and driveways, must be carefully designed to not detract from the appearance of the development and the streetscape.

In particular, on-site parking should not dominate the street frontage, and driveway openings should be limited to protect pedestrian safety and to preserve streetscape amenity such as trees and on-street parking. On-site parking should also be designed to limit the extent of impervious surfaces and excavation and to allow landscaped area in the front setback.

Note: The number of on-site parking spaces for a development is set out in Part E, Chapter E1 Parking and Access.

B3.5 On-site parking	
Objectives	Controls
O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.	C1 On-site parking is designed and located so that it <ul style="list-style-type: none"> <li>a) <u>is located within the building envelope.</u></li> <li>b) <u>does not dominate the street frontage;</u></li> <li>c) <u>preserves trees and vegetation of landscape value; and</u></li> </ul>
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.	
O3 <u>To allow, in certain circumstances, parking structures outside the building envelope.</u>	C2 <u>Notwithstanding C1, parking structures are permitted outside the building envelope but only where;</u> <ul style="list-style-type: none"> <li>a) <u>there is rear access (via a lane or street); or</u></li> <li>b) <u>the site is located on sloping land where:</u> <ul style="list-style-type: none"> <li>• <u>the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 15A); and</u></li> <li>• <u>the car parking structure is incorporated into a podium or street wall; and</u></li> <li>• <u>the car parking structures is not more than 40m<sup>2</sup> in area.</u></li> </ul> </li> <li>c) <u>the existing streetscape in the immediate vicinity of the site is</u></li> </ul>
O4 To minimise loss of on-street parking.	
O5 To retain trees and vegetation of landscape value.	
O6 To facilitate on-site parking on steeply sloping sites.	
O7 To ensure that on-site parking is designed and integrated with the principal building on the site.	
O8 To ensure that on-site parking does not detract from the streetscape character and amenity.	

**Commented [DCP28]:** Administrative change: Control subsections reordered in priority order.

**Commented [DCP27]:** Administrative change: Objective relocated from floorplate section.

**Commented [DCP29]:** Administrative change: Control relocated from the floorplate section and consolidated with existing controls in this section.

**Commented [DCP30]:** Administrative change: Subsections relocated from C6 below.

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B3.5 On-site parking	
Objectives	Controls
	<p><u>characterised by parking structures forward of the building line and</u></p> <ul style="list-style-type: none"> <li>• <u>For separate structures, the roof form, materials and detailing complement the principal building.</u></li> <li>• <u>Garage doors are designed to complement the building design and any important character elements within the street.</u></li> </ul> <p><u>C3 Parking structures are only permitted when:</u></p> <ol style="list-style-type: none"> <li><u>minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.6.1 Landscaped areas and private open space; and</u></li> <li><u>solar access and privacy requirements within the site, and to the adjoining properties, are met as set out in Section 3.4.2 Overshadowing and Section 3.4.4 Acoustic and visual privacy.</u></li> </ol> <p>C4 For car parking structures facing the street frontage— the maximum car parking structures width is no greater than 40% of the site frontage width or 6m, whichever is the lesser.</p> <p>C5 Where possible on-site parking is to be accessed from the rear. The width of parking structures can occupy 75% of the rear frontage or 6m (whichever is the lesser). The site area of the parking structure can be no greater than 40m<sup>2</sup> and the height a maximum of 3.6m.</p> <p><del>C4 Where there is no rear lane access, on-site parking is located within the building envelope.</del></p> <p>C6 Development involving three or more dwellings provides basement parking.</p>

Commented [DCP31]: Administrative change: Subsections relocated from C9 below.

Commented [DCP32]: Administrative change: Subsections relocated from C10 below.

Commented [DCP33]: Administrative change: Control consolidated into C2 above.

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B3.5 On-site parking	
Objectives	Controls
	<p><del>C6</del> Notwithstanding <del>C4</del>, car parking structures may be located in the front setback (i.e. outside the building envelope) where:</p> <ul style="list-style-type: none"> <li>a) the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 15A); and</li> <li>b) the car parking structures is incorporated into a podium or street wall; and</li> <li>c) the car parking structures is not more than 40m<sup>2</sup> in area.</li> </ul> <p>C7 For car parking structures located in the front setback, the maximum height of the structure is 2.7m above the footpath level. If the existing height of the retaining/street wall or the two adjoining car parking structures is higher than 2.7m, that greater height may be permitted (refer to Figure 15B).</p> <p>C8 For car parking structures on the high side of the street—balustrading to trafficable areas on top of the structure is setback at least 1m from the front boundary, and is of an open or transparent form (refer to Figure 15B).</p>
	<p><del>C9</del> For separate structures, the roof form, materials and detailing complement the principal building.</p> <p><del>C10</del> Garage doors are designed to complement the building design and any important character elements within the street.</p>

Commented [DCP34]: Administrative change: Control consolidated into C2(b) above.

Commented [DCP35]: Administrative change: Control consolidated into C2(c) above.

Commented [DCP36]: Administrative change: Control consolidated into C2(c) above.

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B3.5 On-site parking	
Objectives	Controls
O9 To minimise the visual and environmental impacts of driveways and other hard stand areas associated with car parking.	<p>C11 The width of driveways is minimised. Generally the width is no more than the minimum width required to comply with the relevant Australian Standards (see Section E1).</p> <p>C12 Only one driveway entrance is provided. For example, development involving more than one dwelling shares the driveway access.</p> <p>C13 Where soil and drainage conditions allow, semi-porous surfaces are used for uncovered car parking and driveway areas to facilitate on-site stormwater infiltration and reduce limit the visual impact of hard-surface areas.</p>

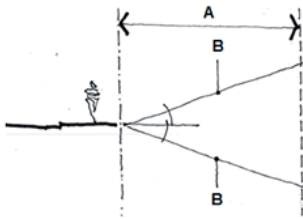
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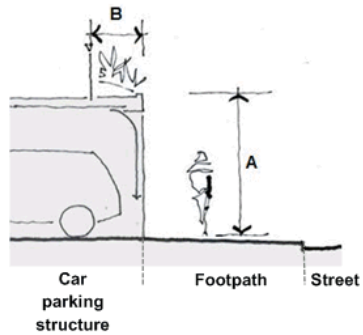
**FIGURE 15A**  
Car parking structures in front setback

On sites where the gradient measured to a distance of 7m (A) from the street frontage is greater than 1 in 3 (B), Council may permit car parking structures forward of the building line if incorporated into a podium/street wall.



**FIGURE 15B**  
Car parking structures at front boundary

A = The car parking structure's height at the front boundary is to be no more than 2.7m above the pavement  
B = Any balustrading on the car parking structure is to be set back 1m



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## B3.6 External areas

### B3.6.1 Landscaped areas and private open space

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Open space and landscaping play important roles in the preservation of wildlife habitat, the establishment of community identity, the provision of recreation opportunities and stormwater management.

#### Private open space

Private open space contributes towards the amenity of individual dwellings and should be clearly delineated from public and communal areas. Private open space may be provided at or above ground level. Above ground open space may comprise balconies or rooftop areas.

#### Communal open space

Communal open space comprises shared open space available for use by all residents of a housing development. Communal open space may include landscaped areas, swimming pools or tennis courts and is typically controlled by a body corporate.

#### Landscaping

Landscaped area is defined in Woollahra LEP 2014 to mean “a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area”.

Deep soil landscaped area is the part of a site that contains landscaped area which has no above ground, ground level or subterranean development.

Landscaped areas within developments may comprise both communal and private open space areas. Landscape treatment helps to determine the amenity of individual dwellings, define private and public areas, reinforce or screen views and define streetscape character.

The amount and composition of landscaped area also plays an important role in stormwater management, the energy efficiency of developments and access to sunlight. Existing trees and vegetation may support significant indigenous wildlife populations and habitat.

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B3.6 External areas ▶ 3.6.1 Landscaped area and private open space

Objectives	Controls
O1 To ensure that the areas outside the floorplate building contribute to the desired future character of the location.	<del>C1 The deep soil landscaped area for development in the R2 and R3 residential zones must not be less than the percentage of the site area indicated in the relevant Figure 16, 17 or 18.</del>
O2 To provide sufficient deep soil landscaped area to support substantial vegetation.	<del>For development in the R2 and R3 residential zones—at least 50% of the site area outside the buildable area is deep soil landscaped area.</del>
O3 To provide for on-site stormwater absorption.	<p>C2 At least 40% of the front setback comprises deep soil landscaped area, and:</p> <p>a) for a residential flat building or multi dwelling housing in the Wallaroy, Manning Road, Darling Point, Bellevue Hill South, Bellevue Hill North or Rose Bay precinct—at least one consolidated area of the deep soil area is at least 20m<sup>2</sup>; and</p> <p>b) for a residential flat building or multi dwelling housing in the Double Bay or Point Piper precinct—at least one consolidated area of the deep soil area is at least 12m<sup>2</sup>.</p> <p><del>C3 Control C2 above does not apply to land in Rose Bay between Caledonian Road and Vickery Avenue zoned R3 Medium Density Residential.</del></p> <p><del>C4 At least 50% of the rear setback comprises deep soil landscaped area.</del></p> <p><del>C5 The deep soil landscaped area is free of garaging, paving, outbuildings, tennis courts, swimming pools, above ground and below ground structures including stormwater works.</del></p>

**Commented [DCP37]:** Floorplate control has been deleted as a consequence of the proposed FSR.

**Commented [DCP38]:** As the floorplate control has been replaced by the proposed FSR control (and the buildable area has been removed) an amendment to the deep soil landscaped control is required.

Insert new control identifying that the amount of deep soil required is now related directly to the site area.

**Commented [DCP39]:** As the floorplate control has been replaced, delete control and replace with control above.

**Commented [DCP40]:** As a consequence of feedback from Council's DA officers, proposed deletion of the precinct variations, which are considered impractical and overly prescriptive.

**Commented [DCP41]:** As a consequence of feedback from Council's DA officers, proposed deletion of deep soil landscaped area rear setback control, which is duplicating other controls.

**Commented [DCP42]:** Administrative change.

Delete control as it duplicates the definition of deep soil landscaped area as contained in Part A of the WDCP 2015, which states:

*Deep soil landscaped area - the area of the site that contains landscaped area which has no above ground, ground level or subterranean development.*

**FIGURE 16:**  
Deep soil landscaped area requirements for development in the R2 Low Density Residential zone and dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone.

Site area in square metres	Minimum percentage of site area that is deep soil landscaped area
700 +	38
400 - < 700	35
350 - < 400	33
300 - < 350	30
250 - < 300	25
200 - < 250	20
150 - < 200	15
< 150	10

**Commented [DCP43]:** Amendment as a consequence of the proposed FSR control. Insert table identifying the minimum percentage of deep soil landscaped area per site size.  
This table recognises that on smaller sites it is more difficult to facilitate deep soil landscaped areas.

**FIGURE 17:**  
Deep soil landscaped area requirements for development in the R2 Low Density Residential zone and dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone in the Wolseley Road area (see Figure 19)

Site area in square metres	Minimum percentage of site area that is deep soil landscaped area
All sites	25

**Commented [DCP44]:** Amendment as a consequence of the proposed FSR control.  
Insert table identifying the minimum percentage of deep soil landscaped area in the R2 Low Density Residential zone and dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone in the Wolseley Road area.

**FIGURE 18:**  
Deep soil landscaped area requirements for residential development in the R3 Medium Density Residential zone, other than dwelling houses, semi-detached dwellings and dual occupancies

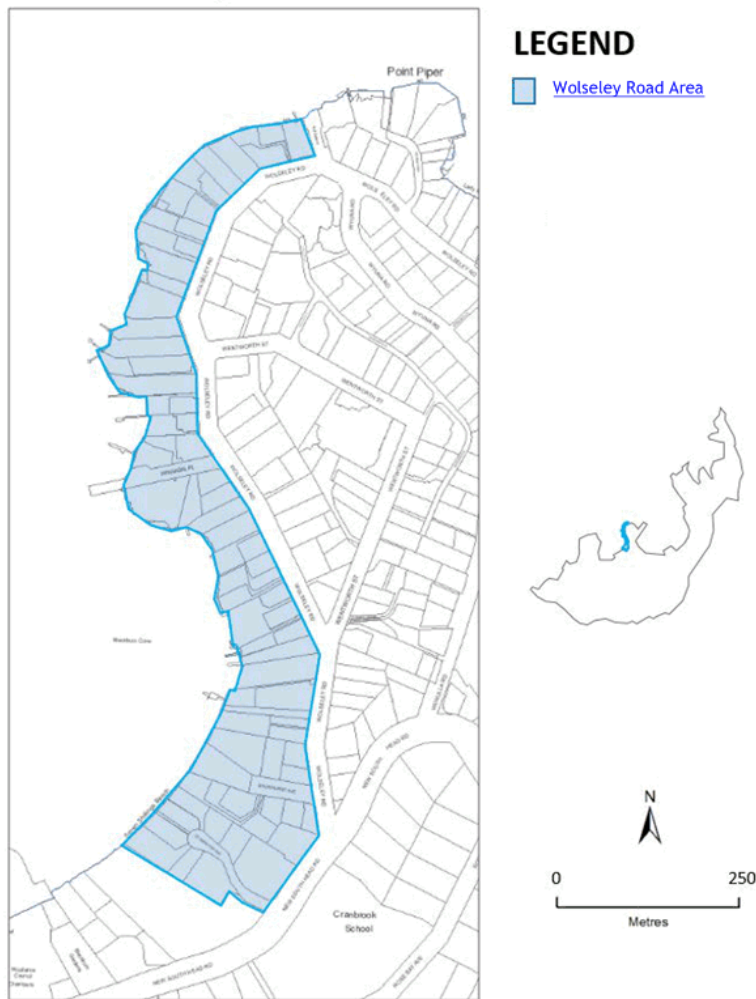
Site area in square metres	Minimum percentage of site area that is deep soil landscaped area
All sites	25

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**FIGURE 19:**  
Sites subject to the 25% minimum deep soil landscaped area for dwelling houses, semi-detached dwellings and dual occupancies

**Commented [DCP45]:** Amendment as a consequence of the proposed FSR controls.  
Insert diagram identifying the Wolseley Road area.



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B3.6 External areas ▶ 3.6.1 Landscaped area and private open space	
Objectives	Controls
O4 To ensure the adequate provision of accessible and useable primary open space.	C6 For a dwelling house—a primary open space area of at least 35m <sup>2</sup> is provided.
	C7 For each dwelling within a semi-detached dwelling, dual occupancy or attached dwelling—a primary open space area of at least 35m <sup>2</sup> is provided.
	C8 The primary open space area in C6 and C7 above has a gradient of no more than 1 in 10 (refer to Figure 20).
	C9 Excavation or fill is permitted to achieve the required level area of primary open space up to 1.2m from existing ground level (refer to Figure 20).
O5 To ensure that dwellings in residential flat buildings and multi dwelling housing are provided with adequate private open space that enhances the amenity of the dwellings.	C10 Part of the primary open space area is directly accessible from a habitable room.
	C11 For residential flat building or multi dwelling housing—each dwelling is provided with private open space which has a minimum area of 8m <sup>2</sup> and minimum dimensions of 2m x 2m. For dwellings above ground level, this may be in the form of a balcony, verandah or uncovered roof terrace and the like.
O6 To ensure that private open space areas are well-designed.	C12 Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use.
	C13 Private open space is clearly defined for private use through planting, fencing or landscape features.
	C14 The location of private open space: <ul style="list-style-type: none"> <li>a) takes advantage of the outlook and natural features of the site;</li> <li>b) reduces the adverse privacy and overshadowing impacts; and</li> </ul>

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B3.6 External areas ▶ 3.6.1 Landscaped area and private open space	
Objectives	Controls
	<p>c) addresses surveillance and privacy where private open space abuts public space.</p> <p>C15 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.4.4 Acoustic and visual privacy.</p>
07 To retain important existing mature trees, vegetation and other landscape features.	C16 Existing trees and vegetation of landscape value are incorporated into the landscape area and treatment.
08 To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.	C17 Native species are preferred, and landscape designs are encouraged to provide at least 50% of the plants as native species.
09 To ensure that landscaping contributes positively to the streetscape and the amenity of adjoining residents.	C18 Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering.
010 To ensure that landscaping allows view sharing.	<p>Note: Vertical layering, by planting a variety of vegetation in different sizes and heights provides more cover and feeding opportunities for wildlife species.</p> <p>C19 Landscaping facilitates the linking of open space reserves through wildlife corridors and reduces habitat fragmentation and loss.</p> <p>C20 The landscape design:</p> <ul style="list-style-type: none"> <li>a) uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality;</li> <li>b) uses vegetation types that will not block views;</li> <li>c) does not adversely affect the structure of the proposed building or buildings on adjoining properties;</li> <li>d) considers personal safety by ensuring good visibility along paths and</li> </ul>

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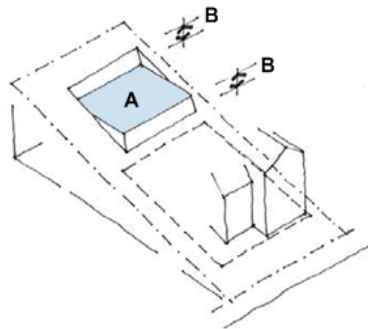
B3.6 External areas ▶ 3.6.1 Landscaped area and private open space	
Objectives	Controls
	driveways and avoiding shrubby landscaping near thoroughfares; e) contributes to energy efficiency and amenity by providing substantial shade in summer, especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and living areas and other habitable rooms; f) improves privacy between dwellings;
	g) minimises risk of damage to overhead power lines and other services; and h) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections.
	<p><u>Note: Deep soil landscaped area means:</u>                      The area of the site that contains landscaped area which has no above ground, ground level or subterranean development.</p>

**Commented [DCP46]:** Administrative change.  
 In response to feedback from Council DA officers, insert note containing the deep soil landscaped area definition as per the Woollahra DCP 2015.

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**FIGURE 20**  
Provision of level area of primary open space  
A = Minimum area 35m<sup>2</sup>, maximum gradient 1:10  
B = Primary open space is to be no more than 1.2m above or below existing ground level

### B3.6.2 Fences

Fences and walls play major roles in determining the appearance of developments and their contribution towards the streetscape. Carefully designed fences and walls help to integrate developments into the existing streetscape. However, when poorly designed they can unduly dominate the streetscape and reduce opportunities for neighbourhood surveillance and social interaction.

This DCP seeks to recognise both the importance of fences and walls to the privacy and security enjoyed by individual properties and the potential of fences and walls to contribute to creating or enhancing attractive streetscapes.

B3.6 External areas ▶ 3.6.2 Fences	
Objectives	Controls
O1 To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.	C1 Fencing is designed and located to protect the inhabitants of the property, and allows for casual surveillance from the building to the street.
O2 To ensure that fences and walls are not visually intrusive in the streetscape and to enhance pedestrian safety.	C2 The arrangement of built form, fences, landscaping and other features clearly defines any public, common, and private space.

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**B3.6 External areas ▶ 3.6.2 Fences**

Objectives	Controls
O3 To ensure that fences and walls do not unreasonably restrict views and vistas from streets and other public spaces.	C3 Front fences and walls assist in defining building entrances.
O4 To ensure that development creates well defined areas of public and private space.	C4 The height of front fences does not exceed: a) 1.2m if solid; or b) 1.5m if 50% transparent or open; unless otherwise specified in the precinct controls in Chapters B1 and B2 of this part of the DCP.  Note: Chapters B1 and B2 define the desired future character for each precinct, and identify any special heritage, streetscape character and key elements within each precinct.
	C5 Fences and gates on the low side of the street adjacent to each side boundary incorporate transparent or open panels to preserve district, iconic and harbour views from the street.

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B3.6 External areas ▶ 3.6.2 Fences	
Objectives	Controls
	<p>C6 On the high side of streets where there is an increase in ground level in excess of 1.2m on the property side of the street alignment– the height of front fences and walls may increase to 1.2m from the level of the high side (refer to Figure 21).</p> <p>C7 Gates do not encroach over the street alignment when opening or closing.</p> <p>C8 Where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.2m—a 45° splay or its equivalent is provided either side (as applicable) of the entrance to ensure driver and pedestrian vision. The splay is to have minimum dimensions of 2m x 2m (refer to Figure 22).</p>
<p>O5 To ensure boundary fences between sites provide visual privacy without affecting the amenity of those sites in terms of views and sunlight.</p>	<p>C9 The rear and side fences:</p> <ul style="list-style-type: none"> <li>a) are located behind the building front setback; and</li> <li>b) do not exceed 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary.</li> </ul> <p>C10 Where there is a difference in ground level in excess of 1.2m either side of the boundary—the height of fences and walls may increase to 1.2m from the level of the high side (refer to Figure 23).</p>
<p>O6 To ensure fences and walls are sympathetic to the topography.</p>	<p>C11 For sloping streets—the height of fences and walls may be averaged and fences and walls may be regularly stepped.</p>

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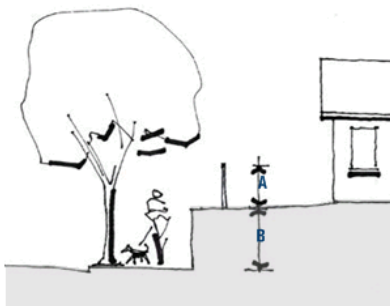
▶ B3 pg.57

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**B3.6 External areas ▶ 3.6.2 Fences**

Objectives	Controls
<p>O7 To protect and retain fences and walls that are important character elements for the precinct.</p>	<p>C12 Remnant sandstone and garden walls are retained and adequately maintained.</p>
<p>O8 To ensure materials used in fences and walls are a high quality and in keeping with the existing streetscape character and character of the building.</p>	<p>C13 Existing retaining walls that are important character elements in the street or precinct are retained.</p> <p>C14 Existing fences, particularly those constructed from sandstone, that are significant or represent important character elements in the street or precinct are retained.</p> <p>C15 The design and materials of front fences and walls are compatible with those fences and walls that contribute positively to the streetscape, (and the heritage context in the case of heritage conservation areas), and satisfy the desired future character and precinct controls in Chapters B1 and B2 of this DCP.</p> <p>C16 Fences and walls made from corrugated iron, barbed wire, and the like are not permitted.</p>



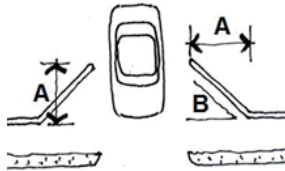
**FIGURE 21**  
Front fences on the high side of streets  
A - 1.2m maximum  
B - Increase in ground level greater than 1.2m

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**FIGURE 22**  
Splays for driveway entrances where fence height exceeds 1.2m

A = 2m minimum

B = 45° splay



**FIGURE 23**  
Side and rear boundary fences where levels change between properties

A - Increase in ground level greater than 1.2m

B = 1.2 maximum

**B3.6.3 Site facilities**

Some site facilities including lift overruns, mail boxes, clothes drying areas and laundry facilities are essential or common features in contemporary residential development. Others such as radio aerials and satellite dishes are less frequently required. The potential impacts of site facilities on the overall appearance of developments and the local streetscape must be considered.

B3.6 External areas ▶ 3.6.3 Site facilities	
Objectives	Controls
O1 To ensure that mail boxes are suitably located and designed.	C1 Lockable mail boxes are provided close to the street and are integrated with front fences or building entries.
O2 To provide adequate storage facilities in residential development.	C2 Lockable storage space of at least 8m <sup>3</sup> per dwelling is provided.
O3 To encourage the use of natural resources to dry clothes.	C3 Development that includes a residential component provides opportunity for at least one external clothes drying area.
O4 To ensure external clothes drying areas are suitably located.	C4 External clothes drying areas have access to sunlight, and are located in a secure place away from public spaces and screened from public view.  Note: External drying areas may be located in the deep soil landscaped area.
O5 To ensure that aerials, antennae, and communications dishes must be thoughtfully integrated into development and are unobtrusive.	C5 Developments involving three or more dwellings share one common television antennae or satellite dish.
	C6 The design and location of aerials, antennae, and communications dishes: a) do not have an unreasonable impact on the architectural character of the building to which it is attached; b) are not visually intrusive within the streetscape; and c) do not have an unreasonable impact on the amenity of adjoining and adjacent properties.

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**B3.6 External areas ▶ 3.6.3 Site facilities**

Objectives	Controls
<p>O6 To ensure that mechanical plant equipment including lift overruns, air-conditioning units and external condensers, do not have adverse streetscape or amenity impacts.</p>	<p>C7 Mechanical plant equipment (including lift overruns) are not be visible from the streetscape or public domain.</p> <p>C8 Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.</p> <p>C9 Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to adjoining properties.</p> <p>Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the <i>Protection of the Environment Operations Act 1997</i> apply.</p>
<p>O7 To protect the air quality and residential amenity.</p>	<p>C10 New fireplaces burn non-solid fuels, e.g. gas or electricity.</p>
<p>O8 To ensure that development incorporates adequate garbage and recycling collection areas.</p>	<p>C11 Refer to Part E of the DCP, Chapter E5 Waste Management.</p>
<p>O9 To ensure that site services do not have a negative impact on the streetscape.</p>	<p>C12 Site services including hydrants, boosters and meters are incorporated into the landscape design and are not visually intrusive within the streetscape.</p>

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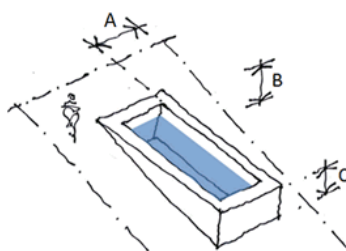
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**B3.6.4 Ancillary development – swimming pools, tennis courts and outbuildings**

**Swimming pools**

A swimming pool is an impermeable structure capable of holding water to a depth greater than 300mm for swimming or other recreation purposes, but does not include a spa pool.

B3.6 External areas ▶ 3.6.4 Ancillary development - swimming pools	
Objectives	Controls
O1 To provide for recreational opportunities for swimming without compromising the amenity of the adjoining properties.	C1 The swimming pool does not occupy the deep soil landscaped area.
O2 To limit excavation.	C2 Excavation beyond the controls in Section B3.3 is permitted to accommodate a backyard swimming pool, where the pool is outside the building envelope.  Note: This concession does not apply to a swimming pool in a basement area.
O3 To retain trees and vegetation of landscape value.	C3 The swimming pool (measured from the water edge) is at least 1.8m from property boundaries.  C4 The swimming pool surrounds are no more than 1.2m above or below the existing ground level.  C5 The swimming pool is no deeper than 2m from the pool surround level (refer to Figure 24).  C6 The location and design of the swimming pool and associated works do not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).



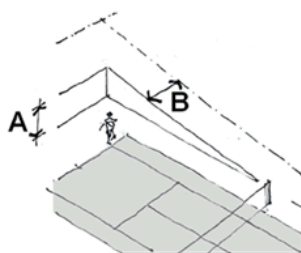
**FIGURE 24**  
Provision of private swimming pools  
A is a minimum of 1.8m  
B – pool depth is a maximum of 2m  
C is to be a maximum of 1.2m



**Tennis courts**

Tennis courts are rectangular recreational areas, approximately 24m x 11m, with a low net stretched across the centre. They are usually fenced to retain balls on the court during play.

B3.6 External areas ▶ 3.6.4 Ancillary development - tennis courts	
Objectives	Controls
O1 To provide recreational opportunities for playing tennis without compromising the amenity of adjoining and adjacent properties.	C1 The tennis court level is a maximum of 1.2m above or below the existing ground level (refer to Figure 25).
O2 To limit excavation.	C2 The tennis court is at least 1.5m from property boundaries (refer to Figure 25).
O3 To retain trees and vegetation of landscape value.	C3 The court playing surface is made from a material that minimises light reflection.
	C4 The height and location of court fencing does not unreasonably compromise: <ul style="list-style-type: none"> <li>a) sharing of views from surrounding properties; or</li> <li>b) solar access to adjoining properties.</li> </ul>
	C5 Fencing material is a recessive colour.
	C6 Where floodlighting is proposed, the lighting does not unreasonably impact on the amenity of adjoining or adjacent properties.
	C7 The location of the tennis court and associated works does not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).



**FIGURE 25**  
Provision of private tennis courts on residential sites  
A is to be a maximum of 1.2m  
B is to be a minimum of 1.5m

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**Outbuildings**

Although development outside the building envelope is generally not permitted, small outbuildings such as a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or the like, may be located within the rear the setback.

B3.6 External areas ▶ 3.6.4 Ancillary development - outbuildings	
Objectives	Controls
O1 To ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the adjoining properties.	C1 The outbuilding is located within the building envelope or the rear setback.
	C2 Maximum height of the outbuilding is 3.6m and the outbuilding is to be sited a minimum of 1.5m from the side and rear boundaries.
O2 To ensure that the required deep soil landscaped area and level area of private open space are achieved.	C3 The outbuilding, if located outside the building envelope, does not reduce the deep soil landscaped area and the private open space areas below the minimum required for development, as specified in Section 3.6.1 Landscaped areas and private open space.
<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Outbuilding means any of the following: cabana, cubby house, fernery, garden shed, gazebo or greenhouse, carport that is detached from a dwelling house, garage that is detached from a dwelling house, rainwater tank (above ground) that is detached from a dwelling house, shade structure that is detached from a dwelling house, shed.</li> <li>Controls for outbuildings which comprise parking structures are contained in section B3.5</li> </ul>	

**Commented [DCP47]:** Administrative change.  
In response to feedback from Council staff, insert definition of outbuilding.

**Commented [DCP48]:** Administrative change.  
In response to feedback from assessment officers, Insert cross reference.

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### B3.7 Additional controls for development other than dwelling houses

This section includes additional controls for the following types of development:

- ▶ secondary dwellings;
- ▶ semi-detached dwellings;
- ▶ dual occupancies;
- ▶ attached dwellings;
- ▶ residential flat buildings and multi-dwelling housing;
- ▶ Inter-War flat buildings; and
- ▶ post-1950s residential towers.

These controls apply in addition to the controls in Sections B3.1-B3.5.

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**B3.7.1 Minimum lot width**

The minimum lot width, as measured from the street frontage, is the minimum required to accommodate development on a site.

The controls below apply to detached dual occupancies, attached dwellings, residential flat buildings and multi dwelling housing, recognising that these forms of development require a minimum width to ensure that each dwelling in the development can be designed to provide reasonable amenity having regard to issues such as privacy, building separation and open space.

B3.7 Additional controls ▶ 3.7.1 Minimum lot width	
Objectives	Controls
<p><b>O1</b> To ensure that sites have a minimum width to provide <a href="#">sufficient space between buildings to allow satisfactory for the amenity of for occupants and adjoining properties residents and for effective landscaping and pedestrian access.</a></p> <p><b>O2</b> To ensure that lot widths support development envisaged under this Plan.</p> <p><b>O3</b> To ensure there is adequate width for efficient on-site car parking.</p> <p><b>O4</b> To ensure that excavation can be adequately set back from boundaries and to prevent excessive excavation.</p> <p><b>O5</b> To encourage consolidation of allotments in appropriate locations to enable the development of a diversity of dwelling types.</p>	<p><b>C1</b> The parent lot has a minimum width at the street front alignment as follows:</p> <ul style="list-style-type: none"> <li>a) detached dual occupancy—21m;</li> <li>b) attached dwellings—24m;</li> <li>c) residential flat building or multi dwelling housing containing three dwellings—15m; and</li> <li>d) residential flat building or multi dwelling housing containing four or more dwellings—21m.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>• No minimum lot width applies to a dwelling house, semi-detached dwelling or attached dual occupancy.</li> <li>• The parent lot refers to the development site before any subdivision (if relevant).</li> <li>• These controls do not apply to battle-axe lots (refer to Section B3.8).</li> </ul>

**Commented [DCP49]:** In response to feedback from Council's lawyers, insert additional objectives to the minimum lot width control.

**B3.7.2 Secondary dwellings**

Under Woollahra LEP 2014, secondary dwelling means a self-contained dwelling that:

- a) is established in conjunction with another dwelling (the principal dwelling);
- b) is on the same lot of land as the principal dwelling; and
- c) is located within, or is attached to, or is separate from, the principal dwelling.

Clause 5.4 of Woollahra LEP 2014 sets the maximum size of a secondary dwelling, being 60m<sup>2</sup>, or not more than 5% of the total floor area of the principal dwelling.

B3.7 Additional controls for development other than dwelling houses	
3.7.2 Secondary dwellings	
Objectives	Controls
<p>O1 To ensure that amenity is provided to the occupants of the principal dwelling, secondary dwelling and to adjoining properties.</p>	<p>C1 The secondary dwelling is located within the building envelope <del>and is calculated in the footprint</del> <u>and is subject to the FSR control.</u></p> <p>Note: Only a secondary dwelling approved under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> may be located outside the building envelope.</p> <p>C2 Both the principal and secondary dwellings have direct access to private open space.</p>

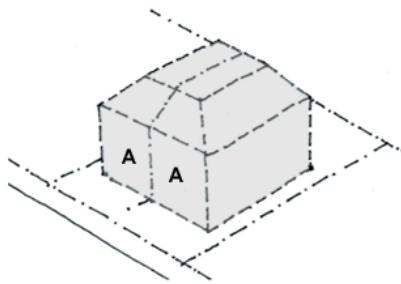
**Commented [DCP50]:** As the Floorplate control is replaced by the proposed FSR control in the Woollahra LEP 2014, amend control accordingly.

**B3.7.3 Semi-detached dwellings**

Under Woollahra LEP 2014, a semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling (refer to Figure 26).

This section includes controls relating to:

- ▶ new semi-detached dwelling development; and
- ▶ alterations and additions to existing semi-detached dwellings.



**FIGURE 26**  
Semi-detached dwellings  
A - Semi-detached dwellings

B3.7 Additional controls for development other than dwelling houses	
▶ 3.7.3 Semi-detached dwellings	
Objectives	Controls
<b>For new development</b>	
O1 To encourage semi-detached dwellings to present as a uniform built form.	C1 Both dwellings in the development have an integrated design and are complementary to each other in terms of style, design, materials, roof form and colour scheme.

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B3.7 Additional controls for development other than dwelling houses	
▶ 3.7.3 Semi-detached dwellings	
Objectives	Controls
<b>For alterations and additions to existing semi-detached development</b>	
O2 To ensure that a proposal to redevelop one semi-detached dwelling in a pair does not adversely affect the development potential of the unaltered dwelling.	<p>C2 Alterations and additions to one semi-detached dwelling in a pair do not unreasonably prevent the redevelopment of the remaining semi-detached dwelling at a later date.</p> <p>C3 Windows facing the common elevation between each semi-detached dwelling are avoided.</p>
O3 To ensure that the original streetscape contribution and character of semi-detached dwellings is retained and enhanced.	<p>C4 First floor additions are set back beyond the apex or main ridge of the existing principal roof form.</p> <p>C5 Existing chimneys are retained.</p> <p>C6 Dormers are not located in the street elevation of the building.</p> <p>C7 The key architectural elements of the original building are retained.</p>
O4 To ensure that additions and alterations to one semi-detached dwelling respects the scale, detailing and characteristics of the pair.	<p>C8 Alterations and additions to one of a pair of semi-detached dwellings does not dominate or compromise the uniformity or geometry of the principal or street front elevation.</p> <p>Where symmetry is the dominant characteristic it should be respected; where asymmetry gives the appearance of a single building this should be respectfully acknowledged in the design to maintain that character.</p> <p>C9 The style, pitch, material, profile and colour of the proposed roof form matches, complements and extends the existing roof form of the building. Uncharacteristic roof forms and details that detract from the character of the adjoining semi-detached dwelling are avoided.</p>

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**B3.7 Additional controls for development other than dwelling houses**

▶ 3.7.3 *Semi-detached dwellings*

Objectives	Controls
	C10 Roof design does not adversely impact on the adjoining semi-detached dwelling or create stormwater spillover.
	C11 External colour schemes and materials are sympathetic to the character of the original building and the other semi-detached dwelling.

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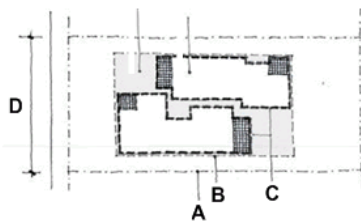
**B3.7.4 Dual occupancy**

A dual occupancy means two dwellings on one lot of land (refer to Figure 27).

Under Woollahra LEP 2014, dual occupancies are defined as:

- ▶ **dual occupancy (attached)** means two dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
- ▶ **dual occupancy (detached)** means two detached dwellings on one lot of land, but does not include a secondary dwelling.

Clause 4.1A of Woollahra LEP 2014 sets the minimum lot size of dual occupancies.



**FIGURE 27**  
Example layout of detached dual occupancy within the building envelope  
A = Lot boundary  
B = Building envelope  
C = Extent of building  
D = 21m minimum frontage

B3.7 Additional controls for development other than dwelling houses	
▶ 3.7.4 Dual occupancy	
Objectives	Controls
O1 To ensure that the development presents as an integrated design.	C1 Both dwellings in the development complement each other in terms of style, design, materials, roof form and colour scheme.
O2 To ensure useable and well located areas of private open space.	C2 Private open space areas are not located within the front setback area.
	C3 Each dwelling has direct access to its own private open space area.
	C4 Private open space areas are not overlooked by the other dual occupancy dwelling in the development.

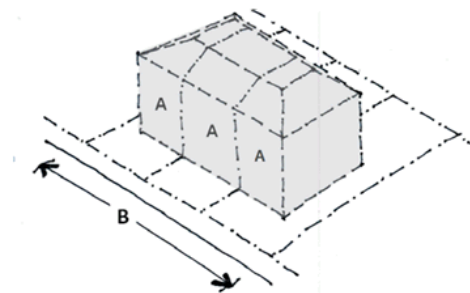
O3	To ensure that on-site parking does not detract from the streetscape character and amenity.	C5	Both dual occupancies share a common driveway cross-over. Separate cross overs may be considered on corner lots, where the access is from separate streets.
O4	To minimise loss of on-street parking.		

**B3.7.5 Attached dwellings**

Under Woollahra LEP 2014, attached dwelling means a building containing three or more dwellings, where:

- a) each dwelling is attached to another dwelling by a common wall;
- b) each of the dwellings is on its own lot of land; and
- c) none of the dwellings are located above any part of another dwelling.

Refer to Figure 28.



**FIGURE 28**  
Attached dwellings  
A – Attached dwellings  
B – 24m minimum frontage

B3.7 Additional controls for development other than dwelling houses			
▶ 3.7.5 Attached dwellings			
Objectives	Controls		
O1	To ensure that the development presents as an integrated design.	C1	All dwellings in the development complement each other in terms of style, design, materials, roof form and colour scheme.
O2	To ensure that on-site parking does not detract from the streetscape character and amenity.	C2	If basement parking is not provided, at grade parking is located at the rear.

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Parking structures addressing the street are not encouraged.

### B3.7.6 Residential flat buildings and multi dwelling housing

Woollahra LEP 2014 defines the following types of residential accommodation:

- ▶ **residential flat building** means a building containing three or more dwellings, but does not include an attached dwelling or multi dwelling housing.
- ▶ **multi dwelling housing** means three or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

In addition to the DCP controls, the NSW Government's *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development* (SEPP 65) is also a mandatory consideration for all applications for residential flat buildings and multi dwelling housing that is three or more storeys and contains four or more self-contained dwellings.

SEPP 65 contains principles for good design and provides guidance for evaluating the merit of design solutions, and is supported by the Residential Flat Design Code. The Code contains detailed information about how development proposals can achieve the design quality principles in the SEPP, addressing matters such as building separation and building configuration.

Where SEPP 65 applies, the development application must be accompanied by a design verification from a qualified designer, confirming that:

- ▶ he or she designed, or directed the design, of the development; and
- ▶ the design quality principles set out in SEPP 65 are achieved for the development.

#### B3.7 Additional controls for development other than dwelling houses

##### ▶ 3.7.6 Residential flat buildings and multi dwelling housing

Objectives	Controls
O1 To ensure that dwellings within the development provide good amenity.	C1 Internal layout and window placement achieves good natural ventilation.
	C2 Single aspect dwellings are limited in depth to 8m from a window.
	C3 The back of the kitchen is no more than 8m from a window.
	C4 The width of a cross-over or cross-through dwelling over 15m deep is 4m or greater. Deep and narrow dwelling layouts are avoided.

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B3.7 Additional controls for development other than dwelling houses	
▶ 3.7.6 Residential flat buildings and multi dwelling housing	
Objectives	Controls
	<p>C5 Where practical, habitable rooms excluding bedrooms are oriented to the north for maximum solar access.</p> <p>C6 Light wells as the main source of lighting and ventilation to dwellings is avoided.</p>
<p>O2 To ensure useable and well located areas of private open space that provide good amenity for residents.</p>	<p>C7 Each dwelling has direct access to its own private open space area.</p> <p>C8 Private open space areas are located and designed to minimise overlooking from other dwellings in the development.</p> <p>Note: For requirements for adaptable housing in residential flat buildings and mixed use developments refer to Part E8 of the DCP.</p>

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### B3.7.7 Inter-War flat buildings

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Inter-War flat buildings were constructed in many parts of the Woollahra LGA. Many of these buildings make an important historic, aesthetic, social and technical contribution to the character of areas and to the historical development of the area.

Inter-War flat buildings are defined as two storeys or more and containing two or more dwellings, constructed in the period circa 1918 to circa 1950.

This definition includes years outside the recognised 'Inter-War period' of 1918 to 1939. This is to recognise a building type and not exclusively buildings constructed between certain years. This building type is distinguishable by common characteristics and styles. There are many examples of residential flat buildings with these characteristics that were constructed after 1939.

There are numerous cohesive groups and one-off examples that demonstrate the key characteristics of architectural styles of the Inter-War period including Art Deco, Mediterranean, Georgian Revival, Spanish Mission, Skyscraper Gothic and Functionalist. Many of the Inter-War flat buildings across the LGA were designed by prominent architects such as Leslie Wilkinson, Emil Sodersten, Aaron Bolot, Eric Clarke Pitt, John R. Brogan and Samuel Lipson.

Externally, many buildings and their settings are substantially intact. Modern day renovation trends that include rendering or bagging face brick, altering window patterns and enclosing balconies have detrimental impacts on the character of these buildings, particularly their aesthetic values, and also on the general streetscape.

#### Streetscape

The streetscape is the connection between the private and public domain. The character of the Inter-War flat building streetscapes is their consistency in architectural style, scale, form, front and side setbacks, finishes and materials. In streets characterised by Inter-War residential building development, the subdivision pattern and regular separation of buildings often provides public views to surrounding areas and landmarks.

#### Landscaped area

The landscaped garden setting is an important element of Inter-War flat buildings and contributes to the character of the building and its setting. The garden setting usually comprises perimeter planting in narrow strips along the front of the buildings and along the side boundary fences framing a small lawn area in front of the buildings.

#### Building form

The predominant plan form of principal buildings is of a stepped nature with bays, indents, verandahs, balconies and other elements to break up the mass of the building and in particular the street front elevation.

Highly characteristic detailing defines each style within the Inter-War period and contributes to the building's character. Each style can be characterised by the following elements:

- ▶ Art Deco: Face brickwork, vertical and horizontal brick fins, decorative stepped parapets, symmetry, three dimensional massing, geometric curves.

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- ▶ Mediterranean: Rendered and lime washed walls, round or Marseille tiles, accents of classical detail such as round arches, timber shutter, ornate fine ironwork railings.
- ▶ Georgian Revival: Symmetry, fine face brickwork, 12 pane windows, repetitive fenestration, semi-circular headed windows, classical columns and pediments.
- ▶ Spanish Mission: Plain rendered or textured stucco with concentrations of ornament, gabled roofs with curved parapets, half-round terra cotta tiles, triple arch windows, 'barley-sugar' columns.
- ▶ Skyscraper Gothic: Medieval motifs, tall tower elements, vertical fins, stepped parapets.
- ▶ Functionalist: Asymmetrical massing of simple geometric shapes, steel-framed windows, contrasting horizontal and vertical motifs, large areas of glass.

#### Building height

The height of Inter-War flat buildings is generally consistent within the streetscape. The buildings are usually 2 or 3 storeys, but may be up to 10 or 12 storeys.

#### Materials

Materials characteristic of Inter-War flat buildings are:

- ▶ walls—brick, render/stucco;
- ▶ windows—timber double hung or casement; and
- ▶ roofs—glazed terracotta tile.

#### Alterations, additions and repairs

Alterations and additions to Inter-War flat buildings should have regard to the existing character of the building and its setting.

Where external elevations and internal common areas are intact, applicants are encouraged to confine alterations to internal areas of individual apartments.

Services and fire upgrades must be carefully planned and detailed. To avoid damage to characteristic internal and external details, repairs to building elements are to retain existing detailing and be equal to the original quality and design of material finishes, fixtures and fittings.

#### Roofscapes and chimneys

The roof is an important characteristic of Inter-War flat buildings and is generally a hipped or gabled form with a tiled roof structure and decorative parapet features. It contributes strongly to the overall form, proportions and character of the building.

Chimneys are an important characteristic of pre-1950 residential flat buildings and add to the character of the overall building form and area. For example, chimneys may relate to a centralised incinerator system, reflecting a previous technology that is of historic interest.

Dormer windows to the existing roof forms are inappropriate and out of character with Inter-War flat buildings and are intrusive in the roof form. Skylights are intrusive in roof forms and are restricted to areas that are not visibly prominent.

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#### Fences, gates and mailboxes

The front fences of Inter-War flat buildings are usually low scale and constructed of masonry, often incorporating or repeating details used in the building. Gates are generally wrought iron with fine craftsmanship in a design appropriate to the character of the building, and also match external balcony balustrades.

Mailboxes are often timber in a masonry enclosure and located at or near the front fence, or within or near the main entrance to the building.

#### Ancillary structures

Ancillary structures for Inter-War flat buildings are those buildings that are not the principal building and include, but are not limited to: carports, garages, garbage areas and laundries.

#### External materials, details and finishes

External materials, details and finishes and the way they in which these are used are important elements that contribute to the overall character of a building. Face brickwork is a key characteristic of Inter-War flat buildings. The use of masonry patterns including two-tone brickwork, squints (corner bricks), textured bricks and herringbone brickwork can contribute to aesthetic value to an Inter-War flat building.

#### Verandahs and balconies

Existing verandahs and balconies are an important characteristic of Inter-War flat buildings, in addition to being functional and adding visual interest to the exterior by creating shadows. The addition of new balconies can have a highly negative visual impact on the character of the building. Where external elevations are intact and the building displays distinctive characteristic detailing, verandah additions should be limited to building elevations that are not highly visible from the street.

#### Security devices

In some cases the original door and window hardware does not provide the necessary level of security for contemporary requirements. Additional security devices can be provided sympathetically whilst retaining original hardware and the character of the building.

#### Fire protection upgrading

To comply with BCA and other requirements, it is sometimes necessary to upgrade the building with additional fire protection equipment or measures. Where characteristic internal and external detailing exists, fire protection upgrading should be sympathetically incorporated to minimise adverse impacts to original fabric and characteristic features of the building, such as doors and fireplaces.

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**Objectives and controls for alterations and additions to Inter-War flat buildings**

Note: The controls below apply in addition to the general residential controls in this chapter. Where there is an inconsistency, the controls below take precedence.

B3.7 Additional controls for development other than dwelling houses	
▶ 3.7.7 Inter-War flat buildings	
Objectives	Controls
<b>Streetscape</b>	
O1 To ensure that the significant characteristics of Inter-War flat buildings, in regard to their presentation to the street, are retained and protected.	C1 For Inter-War flat buildings that are heritage items or located in a HCA—No alterations or additions to the significant and/or original forms, details, fabrics, materials or finishes of the principal building elevations, except for restoration or reconstruction.
O2 To conserve the principal street elevations of the Inter-War flat buildings that contribute to the character of the area.	C2 For Inter-War flat buildings that contribute to the character of the area, are not heritage items or located in a HCA—Alterations or additions to the significant forms, details, materials or finishes of the principal building elevations are sympathetic to the style and period of the building, and do not dominate the building.
O3 To ensure that the architectural character of Inter-War flat buildings that contribute to the character of the area is not compromised.	C3 The articulated, stepped and faceted plan form of the building is not altered or obscured, particularly at the street elevation.
O4 To ensure that the character of original roofscapes, including key elements such as chimneys, is maintained.	C4 Alterations and additions are no higher than the existing roof level, and generally retain the original roof form of the building.
O5 To ensure that alterations and additions to the roofs are discrete and do not detract from the original character, proportions or key elements.	C5 The roof maintains traditional roofing materials of the area, such as glazed terracotta tiles. Any replacement or repair matches the original roofing in type, profile, colour and materials. Concrete roofing tiles and corrugated metal roofing are not appropriate.



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**B3.7 Additional controls for development other than dwelling houses**

▶ **3.7.7 Inter-War flat buildings**

Objectives	Controls
	<p>C6 Dormer windows or skylights are not visually prominent from the public domain or the principal elevations of the building.</p> <p>C7 Skylights are flush with the roof surface.</p> <p>C8 Original chimneys and their details are retained.</p>
<p>O6 To conserve the established garden settings, including significant elements and features.</p>	<p>C9 Characteristic front gardens, and their elements, are retained with minimal alteration.</p> <p>C10 Structures are not erected in the front garden that detract from the feeling of openness, or restrict or impact on the principal elevations of the building (including secondary fences and hedges).</p> <p>C11 Structures erected in the front garden do not significantly reduce or compromise the landscaped area or key elements and features.</p>
<p>O7 To ensure that parking does not detract from the character of the streetscape.</p>	<p>C12 Car parking and garage structures are located at the rear, with access from the rear lane or side driveway.</p>
<p>O8 To ensure that external alterations, additions and repairs do not detract from the original character and form of the building.</p>	<p>C13 External alterations and additions do not impact on the overall form and character of the building, and are not visually prominent from the public domain.</p> <p>C14 External windows and doors are repaired or replaced to match the style, materials and finishes of the original building.</p> <p>C15 Privacy screens are discreet and do not impact on the overall character of the building, and are visible from the street.</p> <p>C16 Shade structures, including awnings and canopies, are not located on the principal building elevations.</p>

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**B3.7 Additional controls for development other than dwelling houses**

▶ 3.7.7 Inter-War flat buildings

Objectives	Controls
	C17 Alterations to improve accessibility (including lifts, ramps and stairs) are sympathetically integrated with the original building and retain the original character and design of the building and landscape areas.
O9 To ensure that external materials, details and finishes respect and complement the original building.	<p>C18 Materials are similar in type and finish to those on the original building and sympathetically integrate with the fabric of the building.</p> <p>C19 Individual materials do not dominate the original materials of the building.</p> <p>C20 Original face brickwork is not painted, rendered or coated.</p> <p>C21 Windows are timber double hung or casement with the glazing pane size to be conserved and match the original windows.</p> <p>C22 Original leadlight, glass blocks, etched and patterned glazing are retained and conserved.</p>
O10 To ensure that works to balconies and verandahs do not detract from the character and form of Inter-War flat buildings.	<p>C23 Original verandas and balconies to the principal elevation of the building are not enclosed, glazed, or otherwise altered, except to reinstate original detailing.</p> <p>C24 New verandahs and balconies: a) respect the character of the existing building; and b) are sympathetically integrated with the character and form of the building.</p>
O11 To ensure that fences, gates and mailboxes are consistent with the character of Inter-War flat buildings.	C25 Original fencing, gates and mailboxes are retained and conserved.

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**B3.7 Additional controls for development other than dwelling houses**

▶ **3.7.7 Inter-War flat buildings**

Objectives	Controls
	<p>C26 Fences to the front building alignment are a height of between 400mm and 900mm. The height, style, form, materials and finishes match the principal building and the streetscape.</p> <p>C27 Gates are constructed in a height, style, form, materials and finishes to match the principal building and streetscape. Aluminium gates are avoided.</p> <p>C28 Fencing to side and rear boundaries is in the form of a timber paling fence.</p> <p>C29 Mailboxes are constructed in style, form, materials and finishes to match the principal building and streetscape.</p> <p>C30 Mailboxes are discreetly located and do not impact on the character of the building.</p>
O12 To ensure that internal additions, alterations and repairs retain and respect internal common areas and significant internal character elements.	C31 Internal common areas and significant character elements are retained. This includes: entry doors, foyer areas and fittings, mailboxes, noticeboards, staircases, balustrades, carpets, wall details, light fittings, internal doors and the like.
O13 To ensure that the installation and maintenance of security devices does not detract from the character and form of Inter-War flat buildings.	<p>C32 Original door and window hardware is retained, where practical. New additional security elements are in character with the building.</p> <p>C33 Security bars are:                      a) fitted internally;                      b) respect the existing glazing patterns; and                      c) painted in a dark recessive colour.</p>

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**B3.7 Additional controls for development other than dwelling houses**

▶ 3.7.7 Inter-War flat buildings

Objectives	Controls
	<p>C34 Security intercom systems are discreetly located and in a style and materials complimentary to the character of the building.</p> <p>C35 Alarm bell boxes and the like, are not attached to the principal building elevations.</p>
<p>O14 To ensure that additions and alterations for fire upgrading and safety are discrete, and retain and respect the original and significant building fabric.</p>	<p>C36 New or upgraded services are discreetly and sensitively located to minimise visual impact.</p> <p>C37 New or upgraded services, such as rising mains and wiring, are located within existing ducts, behind cornices or bulkheads or within external lightwells that are not visually prominent.</p> <p>C38 Wiring or other services are housed in concealed conduits.</p> <p>C39 Original timber staircases are retained and smoke isolated, if necessary.</p> <p>C40 Where the height of the original stair balustrades is modified for fire safety—the modification is discreet and sympathetically integrated with the existing stair balustrade.</p> <p>C41 Stair treads applied to existing stairs are discrete.</p> <p>C42 New lifts are designed and located so that the addition:</p> <ul style="list-style-type: none"> <li>a) is located outside the principal building form, if practical; and</li> <li>b) does not require significant alterations to existing common areas.</li> </ul> <p>C43 Existing original external and internal doors and door hardware are retained and upgraded rather than replaced.</p>

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**B3.7 Additional controls for development other than dwelling houses**

▶ **3.7.7 Inter-War flat buildings**

Objectives	Controls
	<p>C44 Existing original fanlights and other openings are retained and sealed from behind, if necessary.</p> <p>C45 Emergency and exit lighting is incorporated into existing original light fittings, where practical.</p> <p>C46 Smoke and/or thermal detectors are discreetly located and do not impact on decorative plaster cornices and ceilings.</p>
<p>O15 To ensure that ancillary development does not detract from the style and character of Inter-War flat buildings and their settings.</p>	<p>C47 Ancillary development, such as garages and laundries, constructed at the same time as the building are retained. Any modifications are sympathetic to the original building.</p> <p>C48 New ancillary development:</p> <ul style="list-style-type: none"> <li>a) is smaller in scale than the principal building;</li> <li>b) is not located between the principal building and the street front, and generally located at the rear behind the principal building;</li> <li>c) is constructed in a style, form, materials and finishes that match the principal building;</li> <li>d) is single storey with a maximum clear internal height of 2.4m; and</li> <li>e) is sympathetic in scale and style to traditional forms of ancillary structures.</li> </ul>
<p>O16 To promote restoration and reconstruction works to restore significance.</p>	<p>C49 Unsympathetic additions and modifications to the building, and its grounds, are removed and replaced with sympathetic works, or reinstatement of original forms and matching fabric.</p>

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▶ B3 pg.83

**B3.7.8 Post-1950s residential towers**

The post-1950s residential towers are generally between 10 and 25 storeys high, and set on large sites with significant setbacks providing a garden setting to the street. These towers generally occur on the ridges of Darling Point and Point Piper and are visually prominent, particularly from Sydney Harbour.

**B3.7 Additional controls for development other than dwelling houses**

▶ 3.7.8 Post-1950s residential towers

Objectives	Controls
<p>O1 To ensure that additions and alterations do not have an unsympathetic impact on the architectural style of the original building.</p> <p>O2 To ensure that additions and alterations do not detract from the character of the area or have an unreasonable impact on surrounding properties.</p>	<p>C1 Alterations and additions to post-1950s residential towers have regard to:</p> <ul style="list-style-type: none"> <li>a) their visual prominence;</li> <li>b) impacts on views from public spaces;</li> <li>c) impacts on view sharing from private properties;</li> <li>d) the architectural integrity of the existing building; and</li> <li>e) the materials and finishes of the existing building.</li> </ul>

**B3.7.9 Non-residential development**

A number of non-residential land uses, such as child care centres, community facilities, educational establishments and places of public worship are permitted within the residential zones.

Where a non-residential use is proposed, the development must be compatible with the desired future character of the area in terms of building scale, location and design, and the impacts arising from the use must not unreasonably compromise residential amenity.

Notes:

- ▶ On-site parking rates and design requirements are in Part E of the DCP, Chapter E1 Parking and Access.
- ▶ Additional controls are in Part F of the DCP, Chapters F1 Child Care Centres and Chapter F2 Educational Establishments.

B3.7 Additional controls for development other than dwelling houses	
▶ 3.7.9 Non-residential development	
Objectives	Controls
<p>O1 To ensure that non- residential development is consistent with the desired future character of the area and does not have an unreasonable impact on surrounding properties</p>	<p>C1 The built form complies with the building envelope, footprint, excavation and built form and context controls in Sections B3.2-B3.3.</p> <p>Note: The minimum side setback for non-residential development is determined by the table in Figure 5B and is measured at 90 degrees to the side boundary (refer Figure 4).</p> <p>C2 The development is compatible with the streetscape and the desired future character of the street. For example, buildings in residential areas must maintain a scale consistent with the streetscape.</p> <p>Note: Chapters B1 and B2 in this Part of the DCP define the desired future character for each precinct, and identify any special heritage, streetscape character and key elements within each precinct.</p> <p>C3 Lighting, noise, hours of operation, and intensity of the use do not unreasonably impact on the residential amenity of adjoining properties, the street, or precinct.</p>

B3 | General Development Controls

▶ Part B | General Residential

**B3.7 Additional controls for development other than dwelling houses**

▶ **3.7.9 Non-residential development**

Objectives	Controls
	<p>C4 A management plan may be required to be submitted with the DA identifying the proposed uses on the site, and how the impacts of those uses will be managed and minimised. Matters that may need to be addressed in the management plan include:</p> <ul style="list-style-type: none"><li>a) pedestrian and vehicular access;</li><li>b) parking and servicing;</li><li>c) capacity;</li><li>d) hours of operation;</li><li>e) lighting;</li><li>f) noise; and</li><li>g) security and safety.</li></ul>
	<p>C5 For any non-residential development (including attached and detached garaging) the maximum volume of excavation permitted is no greater than the volume shown in Figure 9B.</p>

Commented [DCP51]: Administrative change.

▶ B3 pg.86

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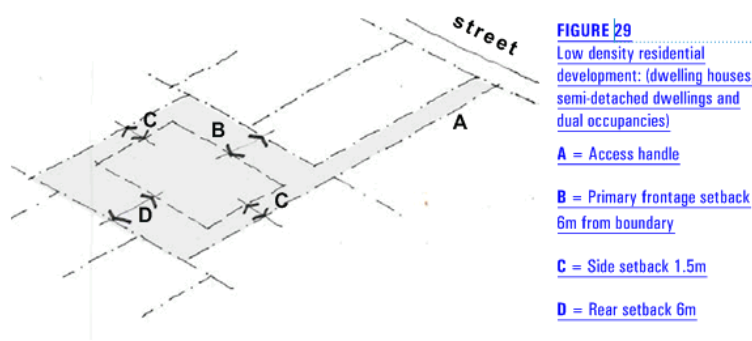
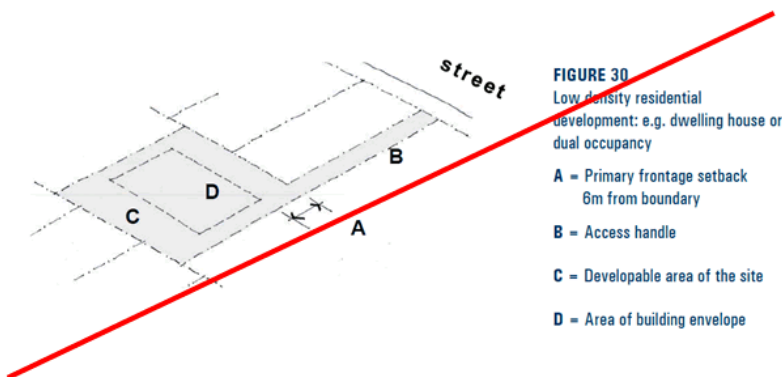


**B3.8 Additional controls for development on a battle-axe lot**

A battle-axe lot is a lot that is connected to a road by an access handle. It does not have a street frontage, and directly adjoins other properties at all boundaries.

The controls below recognise that development on battle-axe lots needs to particularly consider the amenity of both the occupants and the adjoining properties, having regard to privacy, solar access, open space and the like.

Note, under Woollahra LEP 2014 the maximum height for development on a battle-axe lot is 9.5m.

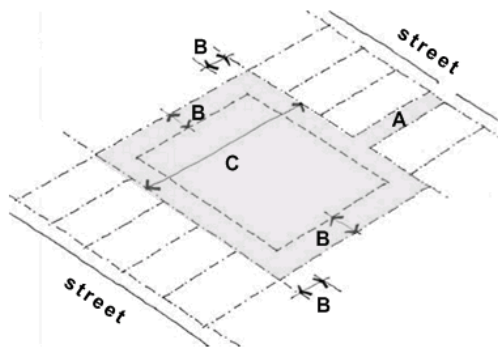


**Commented [DCP52]:** As the building depth control has been replaced by a rear setback control, the proposed battle axe lot controls have been simplified:

- site depth has been deleted
- side setback control has been simplified to 1.5m
- rear setback control simplified to 6m

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**FIGURE 30**  
R3 zone and development (other than a dwelling house, semi-detached dwelling or dual occupancies) must be on a site with a minimum area of 950m<sup>2</sup>

**A** – Access handle  
**B** = 6m setback required to each boundary  
**C** – Minimum site dimension

Commented [DCP53]: Administrative change: Insert semi-detached dwelling as a form of low density residential development.

B3.8 Additional controls for development on a battle-axe lot	
Objectives	Controls
O1 To ensure that the battle-axe lot is of a size that can provide for the amenity of occupants and adjoining properties.	C1 For development (other than a dwelling house or dual occupancy) in the R3 Medium Density Residential Zone—the minimum lot size is 950m <sup>2</sup> .
	C2 The lot, excluding the access handle, has minimum dimension in any direction, as follows: a) for a detached dual occupancy—21m b) for development involving three or more dwellings—24m. Note: The access handle of a battle-axe lot is included in calculating the lot size.
O2 To ensure adequate building separation to provide for the amenity of occupants and adjoining properties.	C3 A 6m setback applies to the primary frontage (refer to Figure 29) for: a) development in the R2 Low Density Residential Zone. b) a dwelling house or dual occupancy in the R3 Medium Density Residential Zone.

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**B3.8 Additional controls for development on a battle-axe lot**

Objectives	Controls
	<p data-bbox="715 631 1023 745"><a href="#">Note: The primary frontage is the boundary closest to the access handle leading to the street; and side and rear setbacks in Sections 3.2.3 and 3.2.4 apply.</a></p> <p data-bbox="667 757 1040 1003">C4 For development in the R3 Medium Density Residential Zone (other than a dwelling house or dual occupancy) a 6m setback applies to all boundaries (refer to Figure 30).  A reduced setback may be considered where there is no unreasonable impact on the amenity of adjoining properties having regard to privacy, solar access, sense of enclosure and view sharing.</p>

Commented [DCP54]: Administrative/format change.

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▶ Part B | General Residential

B3.8 Additional controls for development on a battle-axe lot	
Objectives	Controls
	<p>C5 Notwithstanding C3, a setback of 12m applies to:</p> <ul style="list-style-type: none"> <li>a) land at 327, 327C, 327D, 337, and 337A, Edgecliff Road (being Lot 4 DP 320118, Lot 1 DP 566991, Lot X DP 101456, Lot C DP 323192, and Lot 12 DP 851270,) and 14, 20, and 22 Roslyndale Avenue (being Lot 101 DP 738428, Lot 6 DP 9477 and Lot 7 DP 9477) along the eastern most boundary that directly adjoins R2 zoned land; and</li> <li>b) land at 345 Edgecliff Road (Lot E DP 331031) along the southern most boundary that directly adjoins R2 zoned land.</li> </ul> <p>Note: The 6m setback applies to all other boundaries.</p>

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B3.8 Additional controls for development on a battle-axe lot	
Objectives	Controls
<p>O3 To ensure that development does not unreasonably affect adjoining properties in terms of privacy and sense of enclosure.</p>	<p>C6 Primary living areas, such as a living room, lounge room, kitchen and dining room, are located on the ground floor. Habitable rooms other than bedrooms, on the upper floors will only be considered where there is:</p> <ul style="list-style-type: none"> <li>a) no unreasonable impact on the privacy of adjoining properties; and</li> <li>b) no overlooking into the private open space areas of adjoining properties.</li> </ul> <p>C7 In the R2 zone, where habitable rooms other than bedrooms are located on the upper floor, the windows to these rooms are setback at least 4.5m from any boundary.</p> <p>C8 Balconies, decks and the like, on the upper floors will only be considered where there is:</p> <ul style="list-style-type: none"> <li>a) no unreasonable impact on the privacy of adjoining properties; and</li> <li>b) no overlooking into the private open space areas of adjoining properties.</li> </ul>

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**B3.9 Additional controls for development in sensitive locations**

**B3.9.1 Development on land adjoining public open space**

This section applies to land that directly adjoins land zoned RE1 Public Recreation, E1 National Parks and Nature Reserves, and E2 Environmental Conservation.

Parks, reserves and other public open space areas contribute significantly to the amenity and well-being of the community.

Many of these areas are close to the harbour foreshore and provide an important contribution to scenic quality. Some of these parks and reserves contain remnant vegetation and ecological communities worthy of protection.

Development, including landscaping, on private property adjoining public open space areas needs to consider its relationship to the public land and be sensitively managed to minimise potential impacts on the amenity of these public open space areas.

**B3.9 Additional controls for development in sensitive locations**

▶ **3.9.1 Development on land adjoining public open space**

Objectives	Controls
O1 To ensure that development on land adjoining public open space areas does not compromise the public use or amenity of the land.	<p>C1 Development does not conflict with any plan of management applying to public land.</p> <p>C2 Development does not have an unreasonable impact on the public open space area in terms of:</p> <ul style="list-style-type: none"> <li>a) overshadowing;</li> <li>b) scale or sense of enclosure; and</li> <li>c) loss of significant views.</li> </ul> <p>C3 Fencing and landscaping along any common boundary makes a positive contribution to the public open space area.</p>
O2 To improve opportunities for passive surveillance into public open space areas.	C4 Where practical, the building is designed to have an outlook to the adjoining public open space area.
O3 To protect and enhance public access to public open spaces.	C5 Development does not reduce existing public access to public open space areas. When possible, development increases opportunities for public access.

▶ Part B | General Residential

B3 | General Development Controls

**B3.9 Additional controls for development in sensitive locations**

▶ **3.9.1 Development on land adjoining public open space**

Objectives	Controls
O4 To ensure that development does not have an adverse impact on the ecology of adjoining parks, reserves or other public open space areas.	C6 A gate or the like, providing direct access from a private property to the public park or reserve opens inward toward the private property and does not encroach on public land.
O5 To ensure that development adjoining open space provides for a continuation and support of native vegetation and habitat areas.	C7 For new plantings, 90% of the plants in the landscape design are native species. However, where the land adjoins bushland to which <i>State Environmental Planning Policy No 19–Bushland in Urban Areas</i> applies, 100% of the plants are locally occurring native species.
O6 To ensure that development does not impact on the environmental processes of the public land, such as soil erosion, siltation, and the like.	C8 Landscaping provides a diversity of native species and a complexity of habitat through vertical layering.  Note: Refer to the DA Guide for suggested vegetation species.

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### B3.9.2 Harbour foreshore development

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Sydney Harbour is an outstanding natural and public asset of national significance with unique environmental qualities that are world renowned. Woollahra Council has a shared responsibility with the State government and other councils with harbour foreshore land to ensure its protection for existing and future generations.

In 2005 the State Government introduced the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Harbour REP) to provide clear planning framework and better environmental outcomes for Sydney Harbour. The Harbour REP applies not only to the waterways and foreshores of the harbour, but to the wider hydrological catchment.

The provisions in this part of the DCP supplement the Harbour SREP, and particularly address scenic and environmental protection issues. These DCP provisions apply to:

- ▶ land that has a boundary to the Sydney Harbour foreshore;
- ▶ land adjoining the Sydney Harbour foreshore which is zoned E1 National Parks and Nature Reserves or RE1 Public Recreation; and
- ▶ any land visible from Sydney Harbour.

#### Scenic protection

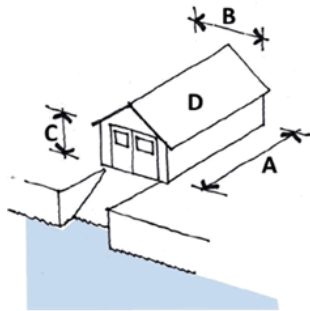
The appearance of development when viewed from Sydney Harbour is an important consideration for development.

Scenic protection is not just relevant to land immediately adjacent to the foreshore, but applies to development on any land that is visible from Sydney Harbour. This is because building form, scale, materials and vegetation cover of development located along the slopes and ridgelines visible from the harbour are also important in contributing to, and protecting, the harbour's scenic qualities.

#### Ecological communities and protection of the natural foreshore

The harbour foreshore supports a vast array of flora and fauna communities. It is important to minimise the impact of development to preserve natural ecosystems and protect the natural foreshore character.





**FIGURE 31**  
Design considerations for boat sheds

- A = Maximum length 5m
- B = Maximum width 3.7m
- C = Maximum wall height 2.5m
- D = Minimum roof pitch 30°

**B3.9 Additional controls for development in sensitive locations**

3.9.2 Harbour foreshore development

Objectives	Controls
O1 To protect the scenic quality of the natural landscape and built environment, particularly as viewed from Sydney Harbour.	C1 Development as viewed from Sydney Harbour follows the natural topography and maintains or enhances vegetation cover.
	C2 Roofs are below the tree canopy and maintain the prominence of the treed skyline.
	C3 Development as viewed from Sydney Harbour, is designed and constructed to blend with the natural landscape setting and the existing built environment through the use of materials, colours, wall articulation, building form and landscaping. Glass elevations and excessive use of windows resulting in reflectivity and glare are avoided.
	C4 Pergolas, boatsheds, other outbuildings and structures are designed and constructed to complement the overall appearance of the development. Such structures are no more than one storey in height.
	C5 Swimming pools and spa pools are not elevated more than 1.2m above ground level and complement the character of the harbour and foreshore.
	C6 Swimming pool and spa pool walls are suitably treated to complement the natural foreshore,

B3.9 Additional controls for development in sensitive locations	
▶ 3.9.2 Harbour foreshore development	
Objectives	Controls
	and where visible, are sandstone clad and incorporate suitable screen landscaping.
	C7 The boatshed is designed to directly relate to the water, with openings and access facing the water.
	C8 Boatsheds are used solely for the storage and/or maintenance of boats.
	C9 Boatsheds have maximum plan dimension of 6m x 3.7m. Boatsheds are sited so that the minimum dimension fronts the harbour (refer to Figure 31).
	C10 Boatsheds incorporate gable pitched roofs with a minimum pitch of 30°. The use of roofs as sun decks, patios or the like is not permitted (refer to Figure 31).
	C11 Boatsheds are single storey and have a maximum wall height of 2.5m (refer to Figure 31).
	C12 Boatsheds are constructed of stone or timber. Excessive use of glazing is avoided.
	C13 Jetties are constructed of hardwood, are of minimum size and are designed to be as unobtrusive as possible. The sharing of jetties between properties is encouraged and, where possible, jetties are constructed on common boundaries to limit the proliferation of structures along the foreshore.

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B3.9 Additional controls for development in sensitive locations	
▶ 3.9.2 Harbour foreshore development	
Objectives	Controls
<p>O2 To minimise impacts on natural coastal processes, including sea level rises and flooding.</p>	<p>C14 Boundary fences are not permitted within 8m of the mean high water mark.</p> <p>C15 Within the foreshore area:</p> <ul style="list-style-type: none"> <li>a) fences are not more than 1.5m in height above the existing ground level, and are constructed of open weave materials (such as wire or lattice to enable vines, creepers or hedges) to provide natural cover;</li> <li>b) boundary planting is not higher than 1.5m when fully mature; and</li> <li>c) hard surfaces and artificial surfaces, such as paving, are minimised and generally limited to swimming pool surrounds or modest walkways between the residential building and foreshore structures, such as swimming pools or boat ramps.</li> </ul> <p>Note: Foreshore area means the land in foreshore area 12 and 30 in Woollahra LEP 2014.</p>
<p>O3 To protect natural habitats and minimise disturbance on ecological communities.</p>	<p>C16 Development on foreshore properties maintains or reduces current levels of site stormwater or sediment run-off entering the harbour.</p> <p>C17 Development is not located within seagrass communities and avoids shading of seagrass communities.</p> <p>C18 Development and construction does not disturb seabed contaminants.</p> <p>C19 The existing tree canopy is maintained or enhanced.</p>

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B3.9 Additional controls for development in sensitive locations	
▶ 3.9.2 Harbour foreshore development	
Objectives	Controls
O4 To reinforce the natural character of the foreshore and limit disturbance to the natural land and water interface.	C20 Development on foreshore properties does not significantly alter the topography and preserves natural foreshore features including cliffs, rock outcrops, rock shelves and beaches.
	C21 Seawalls or retaining walls are not permitted in areas where the foreshore is in its natural state.
	C22 Where seawalls or retaining walls are permitted, these are: <ul style="list-style-type: none"> <li>a) constructed of coarse, rock-faced stone or with stone facing (preferably sandstone);</li> <li>b) no more than 1m above the mean high water mark; and</li> <li>c) be designed and built to improve the environmental value of seawalls and seawall-lined foreshores (refer to Environmentally Friendly Seawalls: A Guide to Improving the Environmental Value of Seawalls and Seawall-lined Foreshores in Estuaries, published by the Department of Environment and Climate Change NSW on behalf of Sydney Metropolitan Catchment Management Authority).</li> </ul>
	C23 Slipways and stairs are designed and constructed to closely conform to the character of the natural foreshore.

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**Item No:** R4 Recommendation to Council  
**Subject:** **DRAFT NIGHT-TIME ECONOMY POLICY**  
**Author:** Jacquelyne Della Bosca, Executive Planner  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 19/53973  
**Reason for Report:** To respond to a Notice of Motion to develop a formal policy in regards to the night-time economy for the Double Bay centre and other smaller centres

**Recommendation:**

- A. That Council notes the report to the Environmental Planning Committee meeting of 15 April 2019 on the Draft Night-time Economy Policy.
- B. That Council resolves to concurrently exhibit the following documents regarding the night-time economy:
- i. Draft Night-time Economy Policy at **Annexure 1**
  - ii. proposed amendments to Woollahra DCP 2015 as set out in **Annexures 2, 3 and 4**, consistent with the requirements in the *Environmental Planning and Assessment Act 1979*
  - iii. proposed additions to the DA Guide as set out in **Annexures 5 and 6**.

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**1. Reason for report**

This report responds to the following notice of motion (NOM) adopted by Council on 26 November 2018:

*THAT Council as a matter of urgency develops a formal policy in regard to the night time economy of Double Bay and our other smaller commercial hubs (noting additional points to be explored in the development of the formal policy include plans of management, renewable conditions and enforcement mechanisms).*

The Council agenda dated 26 November 2018 also included the following background to the NOM:

*Given the increasing popularity of the Double Bay commercial centre as a night-time venue and Council's stated intention to continue to grow the night-time economy in what is a shared commercial and residential area, it is imperative that we develop a formal policy to assist in setting regulations, monitoring, policing and enforcing compliance and imposing penalties as and when required. The policy will provide consistency for traders and certainty for local residents.*

*As a matter of urgency, Council develops a formal policy in regard to the night time economy of Double Bay and our other smaller commercial hubs. This policy is to enable licensed premises and other businesses to operate at night in a way that is complementary to our long term strategic plan to increase residential densities within the Double Bay Commercial precinct and its surrounds.*

*The night time economy should be in balance with the need for residential amenity. To this end, the new policy for the night-time economy in commercial precincts should include and not be limited to the following set of parameters:*

1. *Regulations on footpath dining;*
2. *Restriction on the licensing of public footpaths for the use of de facto beer gardens;*
3. *Private furniture on public footpaths and the timely removal of seats and tables from the public footpath when the dining activity ceases;*
4. *Timing of deliveries and garbage collection to reduce impact on residents of the commercial village so the liveability is ensured;*
5. *Regulations on amplified music and live bands;*
6. *More reasonable and consistent hours of operation across all night time businesses with consideration given to hours of operation which fulfil the need to create liveable precincts in line with current and future increases to residential density; and*
7. *A stated means by which to log complaints about breaches to conditions of consent, developing a consistent means and timeframe by which to deal with complaints etc.*

## **2. What is the night-time economy?**

The NSW State Government identifies that the night-time economy involves social and business activities that take place from 6pm to 6am.

These activities include retail, theatre, film, culture, education, service industries, restaurants, hotels, clubs, cafes, small bars, markets, sport, live music, concerts, festivals and other participatory events. However, it is generally accepted that the night-time economy is driven by three core areas: entertainment, food and drink.

The night-time economy can be identified by distinct time periods\*:

- Twilight economy:
  - Early Evening 6pm-9pm
- After dark economy:
  - Evening 9pm-11pm
  - Night 11pm-2am
  - Late-night 2am-6am

These periods are often characterised by different activities and age groups. The role of alcohol and impacts of the activities associated with licensed premises also changes significantly through the night.

\* NSW Department of Planning and Environment "Guide for Establishing and Managing Night-Time Economy" (2018) and City of Sydney "Open Sydney: Future Direction for Sydney at Night" (2011)

## **3. What are licensed premises?**

Licensed premises are businesses licensed to serve alcohol under the *Liquor Act 2007*.

Licensed premises, such as pubs, small bars, restaurants and clubs etc, are a fundamental part of the social fabric of the community and provide venues for social interaction and entertainment for a large cross section of the community.

Licensed premises contribute to the night-time economy and the business community derives a broad range of benefits from the operation of venues, employment in hospitality, entertainment and tourist industries, the supply of food, drink and other related services. Licensed premises are also venues for artistic and cultural expression for established and emerging musicians and other artists.

While licensed premises can make positive contributions they can also be the source of neighbourhood disturbance and anti-social behaviour, particularly within the night and late-night periods (i.e. 11pm to 6am). This becomes more problematic when the licensed premises are located near residencies.

For a successful night-time economy, it is important to realise the economic and social benefits from licensed premises while minimising and managing potential negative impacts.

#### **4. Night-time economy policy**

A Draft Night-time Economy Policy has been prepared in response to Council's NOM and is provided at **Annexure 1** for Council's consideration. The policy statement from the Draft Policy is set out below.

##### **Policy statement**

Woollahra Council supports an active and safe night-time economy that contains a diverse range of uses and appeals to different age groups. As part of this diversity Council recognises the important role of licensed premises and the sector's contribution to the vitality and vibrancy of the centres at night.

In the Woollahra Municipality night-time economy businesses generally operate in centres comprising a mix of commercial and residential uses. Redevelopment within these centres is resulting in increased residential uses, and Council anticipates this will continue.

It is therefore important that businesses operating at night do so in a manner that is responsible and complementary to Council's policy of encouraging mixed uses within centres.

Council acknowledges that residents living in centres will generally experience a higher outdoor ambient noise environment than those living in low density residential areas. However Council does not condone intrusive and unreasonable noise levels associated with the night-time economy, particularly between 10pm to 7am. Noise from patron activities, live and amplified music, waste collection and other delivery and service vehicles requires specific consideration having regard to the need to balance the operations and functions of businesses with the amenity of nearby residential uses.

The use of public footpaths for outdoor dining contributes to vibrant streets. Outdoor dining is to be for genuine dining purposes where the serving of liquor is ancillary to meals, and the use of footpaths for dining should not interfere with pedestrian activity or diminish public amenity.

Council works collaboratively with other agencies including NSW Police and Liquor & Gaming NSW to regulate activities in the night-time economy and to ensure that businesses, including particularly licensed premises, support the ongoing viability and vibrancy of the centres whilst respecting the public amenity and liveability of adjoining and nearby residences.

We recommend that the Draft Policy is placed on public exhibition concurrent with amendments proposed to the Woollahra Development Control Plan 2015 (DCP) which are identified in section 5 of this report.

#### **4.1 Scope of the draft policy**

The Draft Policy sets out Council's broad position on the night-time economy with a particular focus on the activities and impacts of licensed premises. It specifically seeks to address the NOM 18/192049 which was prepared in response to concerns raised by some residents and Councillors about night-time economy activities in the Double Bay Centre.

It is important to note that this Draft Night-time Economy Policy is not a night-time economy strategy. A strategy would look at all types of activities and businesses that contribute to the night-time economy and would involve a systematic approach to analysing each of the key centres including significant engagement with a range of stakeholders (including users and non-users of the centres) to inform the development of specific strategies and implementation actions.

#### **5. Responses to parameters identified in the NOM**

Within the background to the NOM Council also identified specific parameters to be addressed. Our responses to each of these matters are identified below.

##### **5.1 Regulating the use of Council footpaths**

*Parameters for consideration as identified in the NOM background*

1. Regulations on footpath dining
2. Restriction on the licensing of public footpaths for the use of de facto beer gardens
3. Private furniture on public footpaths and the timely removal of seats and tables from the public footpath when the dining activity ceases

*Discussion*

The use of footpaths for outdoor dining is currently controlled through Council's Footway Approval Policy and a requirement for an approval under section 125 of the *Roads Act* 1993. Activities must be conducted in accordance with the relevant approval.

The relevant provisions of the *Roads Act* 1993, are:

##### **125 Approval to use footway for restaurant purposes**

- (1) A council may grant an approval that allows a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in the council) to use part of the footway for the purposes of the restaurant.
- (2) An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the council determines.
- (3) An approval may not be granted in respect of a footway of a classified road except with the concurrence of RMS.
- (4) The term of an approval is to be such period (not exceeding 7 years) as is specified in the approval.
- (5) An approval lapses at the end of its term or, if the part of the footway the subject of the approval ceases to be used for the purposes of a restaurant, when that use ceases.

Under the *Roads Act* 1993 "restaurant" means premises in which food is regularly supplied on sale to the public for consumption on the premises. It is of interest to note that under this definition it is sufficient that food is regularly supplied.



Council has raised concern that in some cases the approved outdoor dining areas are acting as de facto beer gardens rather than dining areas where the principal activity is the consumption of a meal with alcohol being ancillary to the dining purpose. A focus of concern has been in Bay Street, Double Bay.

We identify that there is scope within the Footway Approval Policy to be more specific about Council's position that outdoor dining is to be for genuine dining purposes, and to include additional provisions to ensure that outdoor dining does not unreasonably interfere with the use of footpaths for pedestrian activity, alienate public space or diminish public amenity.

*Proposed implementation and actions*

Council's Property Team is in the process of preparing a new Footway Approval Policy and Guidelines for the operation of footway restaurants.

The new Policy and Guidelines will collectively provide that:

- the approved footpath dining area is used for genuine dining purposes where the serving of liquor is ancillary to meals (consistent with the Roads Act definition of a restaurant).
- patrons must be seated and be there for the purpose of consuming a meal
- portable structures and furnishings are to be packed away in a timely manner after the footpath dining trading hours cease.

The new Footway Approval Policy will be presented to a future meeting of the Environmental Planning Committee.

## **5.2 Deliveries and waste collection services**

*Parameter for consideration as identified in the NOM background*

4. Timing of deliveries and garbage collection to reduce impact on residents of the commercial village so the liveability is ensured

*Discussion*

Council has received complaints from some residents living in the Double Bay Centre about noise from delivery and waste collection vehicles operating late at night and in the early hours of the morning.

In response to these concerns Council's Civil Operations Team changed the times of the daily commercial waste services in Bay and Short Streets and Gumtree and Goldman Lanes so that trade waste is collected after 7.00am Monday to Friday and after 8.00am Saturday and Sunday. This change took effect about 6 months ago.

Council's Development Control Team has also recently created a new standard condition of consent which applies to development approvals for commercial uses located either within the Double Bay centre zoned B2 and located north of New South Head Road, or on any other land that directly adjoins residential uses and noise from waste collection is likely to be a problem. The condition is:

Standard condition of consent- I.16 Garbage Area and Containers

General waste collection is to be undertaken ONLY between the hours of:  
7.00am to 9.00pm Monday to Friday, and  
8.00am to 8.00pm Saturday, Sunday and Public Holidays

This condition complements another existing standard condition – I.17 which is also imposed to protect the amenity of neighbouring residents:

Standard condition of consent- I.17 Glass Sorting and Collection

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.

No bottle or glass sorting, recycling or collection shall take place between 8.00pm and 8.00am Sunday to Friday and between 9.00pm Saturday and 10am Sundays and Public Holidays.

These standard conditions are relevant to current and future DAs. However, there are existing businesses operating under previously issued consents that do not stipulate these hours for collection. In these cases there is no legislative mechanisms for Council to retrospectively apply these more restrictive hours.

*Proposed implementation and actions*

In relation to future development, we identify there is scope to amend the Woollahra DCP, *Chapter E5 Waste Management* to enhance the up-front consideration of waste collection at the DA stage to help reduce noise and amenity impacts.

The draft DCP amendments seek to address nuisance and noise arising from delivery, waste and recycling collection vehicles while also having regard to the need to balance the operations and functions of businesses with the amenity of nearby residential uses.

The proposed changes to the Woollahra DCP are set out in **Annexure 2**. Amendments to the DCP will need to be publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979*.

### **5.3 Amplified music and live bands**

*Parameter for consideration as identified in the NOM background*

#### **5. Regulation on amplified music and live bands**

*Discussion*

Across the Woollahra Municipality land zoned B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use, permits residential development in mixed use and shop top developments. Typically such development contains ground level retail, business or offices uses, with the levels above accommodating residential uses.

To address amenity and reduce conflict between uses the Woollahra DCP chapter on licensed premises contains an objective “to minimise impacts to the amenity of surrounding residential and other uses” including a provision to require an acoustic report (Chapter F3 Objective O5, C11), and the chapter on the Double Bay Centre includes building siting and layout controls for acoustic privacy (Chapter D5 s5.6.5.2).

Notwithstanding, sometimes there can be tension between residential amenity and the functioning of viable centres particularly when the night-time activities involve amplified or live music.

Noise impacts are regulated under the *Protection of the Environmental Operations Act 1997* which places time restrictions on noise that should not be audible inside habitable rooms of residential premises.

The operation of a licensed premises should not generate “offensive noise” at any time, as defined by the *Protection of the Environment Operations Act 1997* and should not lead to a disturbance to a neighbourhood. The following is provided on the website of Liquor & Gaming NSW with regard to ‘disturbance complaints’:

*A disturbance complaint is when you let us know in writing that the peace and quiet of your neighbourhood is being upset by:*

- *how a licensed premises conducts its business*
- *the behaviour of patrons after leaving the licensed premises.*

For licensed premises, Liquor & Gaming NSW manages music and patron noise from uses such as pubs, through noise conditions included on the liquor licence. These conditions usually require that noise should not be heard inside any home between 12am and 7am on any night.

In addition Council also has standard conditions of consent which may be imposed on licensed premises to mitigate amenity impacts on the neighbourhood. These conditions have been recently updated in consultation with the NSW Police local area command and Council’s expert acoustic consultant, Mr Renzo Tonin. The relevant noise conditions are:

Standard condition of consent- I.13 Noise Limiters

- a) All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management or their nominee.

OR

- b) Approved noise limiters must be installed in the entertainment area. The limiters must be calibrated and set by the project acoustical consultant to ensure compliance with Council’s noise emission criteria. The project acoustical consultant must certify that the limiters are installed and calibrated to satisfy the requirement of Council’s noise criteria. The calibration levels and assessment background levels must be reported on calibration sheets for each area (if necessary) and submitted to Council. The noise limiters must be installed in a locked cabinet located in a secure area. Access to noise limiter post calibration must be restricted to the Licensee of the premises and made available to Council officers upon request.
- c) All on-stage and front of house sound equipment must be connected in such a manner to the one system so that the noise levels produced can be effectively controlled by the noise limiter referred to above and the house mixer/sound engineer.

Standard condition of consent- I.56 Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the *Protection of the Environment Operations Act 1997*.

Standard condition of consent- I.58 Noise from Licensed Premises

The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5dB(A) between 07:00 am and 12:00 midnight at the boundary of any affected residence.

The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.

Council's standard conditions reflect the noise conditions often imposed by Liquor & Gaming NSW, as well the standards in the "Noise Guide for Local Government" and the "Noise Policy for Industry" published by the NSW Environment Protection Authority.

Despite these noise related conditions on both the liquor licenses and development consents, there is concern that some licensed premises in the Double Bay centre, particularly in Bay Street, are causing noise disturbances from amplified music, djs and live bands.

Responsibility for enforcing noise controls is shared between various agencies. Council is currently working with the NSW Police, and Liquor & Gaming NSW. In relation to the noise concerns in Bay Street, Double Bay, Council has also engaged an acoustic consultant to measure and assess noise levels from licensed premises to determine if the noise levels breach conditions of consent. This is subject to an ongoing investigation.

*Proposed implementation and actions*

The current noise concerns in the Double Bay Centre relate to existing licensed premises and compliance issues.

In relation to mitigating noise impacts from, and to, future development we identify there is scope to amend the Woollahra DCP by taking a two-pronged approach:

1. Amend Chapter F3 Licensed Premises to expand the objectives of the chapter to include amenity considerations, and amend the requirements in the DA Guide for acoustic reports and management plans to provide more detail on the matters that should be considered in relation to noise mitigation.
2. Amend Chapter D5 Double Bay Centre to expand the existing controls for acoustic privacy treatments for dwellings in the centre to help mitigate potential noise impacts from night-time economy activities. Such treatments could include double glazing of external doors and windows, shielding glazing with solid concrete/masonry balcony upstands and the use of sound absorbing material to reduce noise bouncing off the balcony soffits.

This is a balanced and pragmatic approach having regard to:

1. licensed premises - the need for licensed premises to operate in a reasonable and responsible manner while being economically viable;

2. zoning of land - the B2 Local Centre zone accommodates a range of land uses, including night-time activities which have helped establish the Double Bay Centre as a vibrant and active place. Land zoned for business purposes in the centre should not be sterilised or alienated from night-time economy activities, including activities involving live or amplified music;
3. character of the Double Bay Centre - the centre contains a range of retail, commercial, office, community and residential uses. This mix of uses and activity of people within the street contributes to its character;
4. residential uses - the need to share responsibility for noise mitigation and attenuation and respond to the fact that noise will be generated by night-time economy activities and the outdoor ambient noise in the Double Bay Centre will be higher than areas zoned for low density residential uses;
5. the cost and quality of apartments - new mixed use developments in the Double Bay Centre, are upscale products with luxury appointments sold at premium prices. It is reasonable to require acoustic privacy treatments as any additional building cost would be a very small percent of the total cost of the build.

This approach reflects the ‘agent of change’ principle in a broad and general manner. Under the agent of change principle, the party introducing the new use is responsible for managing its impact. This principle was introduced into Victorian state planning system in 2014 to protect established music venues by placing the onus on the applicant proposing a new use or development to mitigate any external effects. For example, a proposal involving residential uses located near an existing late-night music venue would need to provide suitable noise attenuation measures in the building design to ensure that the new residents are not adversely affected by the venue. Similarly, if a music venue seeks to expand the applicant would be responsible for attenuating noise impacts arising from that change.

The proposed changes to the Woollahra DCP are in **Annexure 3 and 4**. Amendments to the DCP will need to be publicly exhibited in accordance with the EP&A Act.

Proposed changes to the DA Guide are in **Annexures 5 and 6**. Although changes to the DA Guide do not require public exhibition and can be made at the discretion of the Director of Planning and Manager Development Control, we recommend that these changes are exhibited concurrently with the Draft Night-time Economy Policy and the Draft Woollahra DCP.

#### *Notations on planning certificates about licensed premises*

There will always be potential for tension between night-time economy activities and the residents of dwellings located in or near centres. Although it is important for the control set to ensure that night-time economy activities occur in a responsible manner, it is also important for residents who choose to live in centres to have reasonable expectations about the level of activities and noise that may occur.

Wollongong City Council uses planning certificates to advise people about night-time economy activities in its centre. The advice seeks to improve awareness and help manage expectations about the level of residential amenity associated with living in a centre. Woollahra Council could take a similar approach.

Planning certificates are issued under section 10.7 of the EP&A Act and specify planning requirements and restrictions that apply to a parcel of land, such as the zoning, as at the date of the certificate.

A section 10.7 (2) certificate includes planning information that Council **must** address in the certificate. These matters are prescribed by the Environmental Planning and Assessment Regulation 2000. A section 10.7 (5) certificate includes other additional information affecting the land that Council **may** decide to provide. Council is not obliged to provide this information, and does so in good faith.

Council could include on its planning certificates advice that it has adopted a night-time economy policy. This matter will be addressed in a further report to Council following exhibition of the Draft Night-time Economy Policy.

#### 5.4 Reasonable and consistent hours of operation across all centres

*Parameter for consideration as identified in the NOM background*

6. More reasonable and consistent hours of operation across all night-time economy businesses with consideration given to hours of operation which fulfil the need to create liveable precincts in line with current and future increases in residential density.

#### *Discussion*

The Woollahra DCP, Chapter F3 Licensed Premises Control C2 sets out the trading hours for licensed premises. The trading hours are determined according to the “risk rating” of the premises and establish the base and extended trading hours for internal and external areas.

<b>Trading hours table</b>				
Risk rating	Internal (fully enclosed)		External (not fully enclosed)	
	Base	Extended	Base	Extended
High	8am – 10pm	8am - midnight	8am – 8pm	8am – 10pm
Low	8am - midnight	8am – 2am	8am -10pm	8am – midnight

Licensed restaurants require an ‘On-premises’ licence. Therefore, under the DCP the trading hours for footway restaurants (being external areas) are as follows:

<b>Restaurant patron capacity (total internal and external)</b>	<b>Risk Rating</b>	<b>Zone</b>	<b>Base Hours</b>	<b>Extended Hours</b>
> 100	High	Anywhere	8am – 8pm	8am – 10pm
< 100	High	R2 & R3	8am – 8pm	8am – 10pm
< 100	Low	B2, B4, SP3 & RE1	8am – 10pm	8am – midnight

Hotels and clubs, irrespective of their capacity, are rated as high risk. Therefore, footway restaurants associated with hotels or clubs have extended hours limited to 10.00pm.

The DCP states that the base and extended trading hours are not an ‘as of right’ and where licensed premises are located in close proximity to low density residential zones, Council may impose more restrictive trading hours.

The consents for licensed premises will, by condition, limit trading hours so that they do not exceed the trading hours as shown in the trading hours table.

*Proposed implementation and actions*

Setting out the trading hours in the DCP provides a consistent and transparent approach to determining trading hours for licensed premises including footway restaurants.

The trading hours in the DCP are reasonable and seek to promote a vibrant, safe and viable night-time economy whilst respecting the amenity and liveability of adjoining and nearby residential uses. It is also the case that the trading hours in the DCP are sometimes more restrictive than the hours during which alcohol can be sold as set out in the liquor licence issued by Liquor & Gaming NSW. To support an active night-time economy the existing trading hours should not be further restricted.

We acknowledge there are existing inconsistencies in the trading hours of some licensed premises. For example, some venues including Pelicano, the Royal Oak Hotel and the Golden Sheaf Hotel operate beyond midnight on some nights despite the controls for trading hours in the DCP. This situation arises because these businesses operate under old consents. There is no legislative mechanism available to Council to retrospectively apply more restricted trading hours than those which are contained in the relevant development consent. However, Council may revoke an approval under the *Roads Act 1993* and it may also issue new approvals with changed trading hours.

All current and future DAs for licensed premises will be dealt with under a consistent framework as set out in the DCP and in accordance with the new Footway Policy and Guidelines in the course of preparation.

## **5.5 Complaints process**

*Parameter for consideration as identified in the NOM background*

7. A stated means by which to log complaints about breaches to conditions of consent, developing a consistent means and timeframe by which to deal with complaints etc.

*Discussion*

Various agencies have a role in ensuring licensed premises are compliant. In particular, Liquor & Gaming NSW, the NSW Police and Council have fundamental but sometimes overlapping roles.

Council's website has recently been updated to include a page on "Licensed premises - disturbance complaints" which was developed in consultation with the local Licensing Police to help people identify who is the best person to direct their concerns to. The following is the relevant link to our website:

[https://www.woollahra.nsw.gov.au/services/neighbourhood\\_issues/noise\\_complaints](https://www.woollahra.nsw.gov.au/services/neighbourhood_issues/noise_complaints)

The website outlines a 4 step process for people to follow when they have a disturbance complaint about a licensed premises:

- Step 1: Ring the premises and express your concern to the licensee or management at the time of the disturbance. There is an expectation that licensees or management will make every effort to address disturbance complaints immediately.
- Step 2: If contact cannot be made at the time, send an email complaint to the licensed premises and 'cc' Woollahra Council at [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au).
- Step 3: If the issue still hasn't been resolved, contact the Licensing Police at the Eastern Suburbs Local Area Command. Licensing Police have specialised training in liquor industry matters and can help resolve disturbance issues with a licensee. If emailing, 'cc' to Council for record purposes.

Step 4: If the disturbance still hasn't been resolved and is ongoing, there is legislative provision to lodge a formal disturbance complaint under section 79 of the *Liquor Act 2007* to the Director-General of Liquor & Gaming.

Licensed premises have an obligation to maintain a complaints register and to record the action initiated in response to any complaint lodged directly with the licensed premises. The register can be accessed by the Licensing Police and will be used if any action was initiated by Liquor & Gaming NSW.

Council also records complaints with regard to licensed premises. To that end, a specific category for complaints regarding licensed premises has been created in Council's Customer Relationship Management system (CRM). This provides a consistent method for logging complaints and will assist in identifying those premises that fail to adequately respond to complaints and highlight trends relevant to specific premises.

It is difficult to establish a consistent timeframe by which complaints are dealt with, however Council staff will endeavour to acknowledge receipt of complaints within 2 business days and provide customers with the CRM reference number. Council's actions are limited to breaches of development consent and breaches of the *Protection of the Environment Operations Act 1997* and Regulations.

Issues of anti-social behaviour, property damage, violence and the like are Police matters. Residences can also consider lodging a general 'disturbance complaint' with Liquor & Gaming NSW who, through the Secretary of the Department of Industry, have a more extensive arsenal of legal tools to that of Council to resolve 'disturbance complaints'. Where a conclusion is reached under the disturbance complaint rules of the *Liquor Act 2007*, the Secretary can:

- impose a condition on the liquor licence;
- vary or revoke an existing condition on the liquor licensee;
- adjourn a complaint conference so the licensee can solve the issue;
- give the licensee a warning;
- take no further action; and
- in extreme circumstances revoke a liquor licence.

The types of conditions that the Secretary can impose on a liquor licence are far reaching and can include:

- noise emission restrictions;
- trading restrictions including lockouts or curfews;
- restrictions on the sale and supply of liquor;
- putting security, or additional patrols, in and around a licensed venue; and
- insisting that a licensee join a local liquor accord.

We acknowledge that the resolution of complaints can some items seem protracted, but investigating complaints associated with licensed premises are complex and can require the gathering of evidence by external experts such as acoustic consultants. To facilitate the process it is helpful if the party making the complaints maintains accurate records of the disturbance and provides the licensee with timely information relating to the disturbance.



*Response*

Council's website and CRM process have recently been updated to provide relevant information and processes for lodging complaints. The changes have been made in direct response to Councillor concerns and have included direct input from the local Licensing Police. The recent changes will be monitored and fine-tuned as necessary.

## **5.6 Management plans**

*Parameter for consideration as identified in the NOM background*

### **8. Requirements for Plans of Management**

*Discussion*

A management plan for a licensed premises is a written commitment by an applicant identifying measures to control the external effects of the operation of licensed premises on the community on a day to day basis. The measures included in the plan are aimed at:

- protecting the amenity of surrounding residential and other sensitive uses, and
- protecting the wellbeing of patrons and staff.

A management plan is required to be submitted for a DA involving licensed premises with a "high risk rating" such as a hotel or pub. A management plan may also be imposed as a condition of development consent irrespective of the risk rating if there are concerns about the extent of impacts that may be generated.

Once approved, the licensee has an obligation to ensure that they, and their employees, are aware of its contents and comply with the requirements of the plan.

Council's DA Guide Annexure 7 sets out information to be included in a management plan:

- the type of licence under the *Liquor Act 2007* in respect of the premises, details of the licensee and the terms applying to the licence and to the development consent
- security arrangements including the number of security staff, frequency of patrols and electronic surveillance systems inside and outside the premises
- handling large groups of people during peak trading periods, e.g. queuing of people wanting to access the premises
- details of the House Policy on how violence, anti-social behaviour and crime will be dealt with through the responsible service of alcohol and the promotion of the House Policy to patrons and staff
- the monitoring/control of patron behaviour within and outside the premises particularly at closing time
- surveillance of smoking areas to avoid the excessive emission of noise, and to facilitate the responsible disposal of cigarette butts
- availability of parking, public transport and any courtesy transportation and the means of increasing the awareness of patrons of transportation options in order to assist with the efficient and orderly movement of people away from the premises
- a complaints/incidents handling system to record complaints/incidents and the response to such complaints/incidents
- details of proposed special events
- details of the provision of music including the frequency and hours of entertainments provided by live bands, live music (DJ), amplified music and any other forms of entertainment
- details of the maximum number of patrons to be permitted on the premises

- lighting within the boundaries of the site
- general rubbish storage and removal arrangements including hours of pick up
- bottle storage removal arrangements including hours of pick up
- noise attenuation measures (if applicable)
- details of the management of patrons who are smoking

*Response*

We have reviewed the DA Guide and identified opportunities to include a few additional requirements to help address potential noise impacts associated with the operation of a licensed premises. The proposed changes are in **Annexure 5**.

**5.7 Reviewable conditions**

*Parameter for consideration as identified in the NOM background*

9. The operation of reviewable conditions.

*Discussion*

Under section 4.17 of the EP&A Act the consent authority can impose reviewable conditions in relation to hours of operation and patron capacity on licensed premises where it is uncertain about the impacts of the proposal.

This provision enables the consent authority to approve a DA to permit an increase in the trading hours, or maximum number of persons permitted at premises, above those contained in the standard conditions of consent on the basis that these increases will be reviewed at a time specified in the consent. The consent authority then has the power to reduce the hours or capacity to a lower level following a review if the impacts of the licensed premises are unacceptable.

EP&A Act s4.17(10B) Review of extended hours of operation and number of persons permitted

A development consent that is granted subject to a reviewable condition may be granted subject to a further condition that the consent authority may review that condition at any time or at intervals specified by the consent and that the reviewable condition may be changed on any such review.

(10C) The regulations may make provision for or with respect to the kinds of development that may be subject to a further condition referred to in subsection (10B), the matters that must be included in such a condition and the procedures for a review under such a condition.

(10D) A decision by a consent authority to change a reviewable condition on a review is taken to be a determination of a development consent for the purposes of this Act.

Note. Accordingly, an application for review or appeal under Part 8 may be made in relation to a decision to change a reviewable condition.

(10E) For the purposes of subsections (10B)–(10D), a **reviewable condition** means any of the following:

- (a) a condition that permits extended hours of operation (in addition to other specified hours of operation),
- (b) a condition that increases the maximum number of persons permitted in a building (in addition to the maximum number otherwise permitted).

*Response*

The Woollahra DCP, Chapter F3 Licensed Premises, Controls C4 and C6 identify the circumstances that reviewable conditions may be applied; these are consistent with the EP&A Act. There is no opportunity for Council to use reviewable conditions outside that framework.

## 6. Conclusion

The Draft Night-time Economy Policy at **Annexure 1** establishes a broad position on the night-time economy with a particular focus on the activities and impacts of licensed premises.

This policy has been prepared to reflect Council's NOM adopted on 26 November 2018 which responded to concerns raised by some residents and Councillors about activities in the Double Bay Centre. In the background to the NOM Council included nine (9) specific matters that required attention. These matters are discussed in section 5 of this report and amendments to the Woollahra DCP and DA Guide are proposed as set out in **Annexures 2 to 6**. The following table provides a short summary of how each of the nine (9) matters have been or will be addressed.







Item No.	Subject	Status
1	Regulations on footway dining	A draft Night Time Economy policy is contained within this report. Council's Property Team will present a new Footway Policy to the Environmental Planning Committee following adoption of the Late Night Economy Policy.
2	Use of footways as beer gardens	As above
3	Removal of footway furniture	As above
4	Timing of deliveries and garbage collection	New standard conditions of consent have been implemented and new objectives and controls are proposed in the WDCP 2015 Chapter E5, Waste Management are proposed (Annexure 2).
5	Regulations on amplified music	Revised standard conditions of consent have been developed and implemented in consultation with the NSW Police and Council's noise consultant. Minor changes are also proposed to Chapter D5 of the Woollahra DCP 2015 (annexure 4) and to our DA Guide for acoustic reports (annexure 5).
6	Hours for footway restaurants	Minor changes to the objectives and controls of Chapter F3 of the Woollahra DCP 2015 are proposed. (Annexure 3). No changes are proposed to the hours of operation for licensed premises as specified in Chapter F3 of the Woollahra DCP (see section 5.4 of this report).
7	Complaints management	A new internal complaints process has been implemented and improved information about complaints provided on Council's website.
8	Plans of Management	Minor changes are proposed to our DA Guide (annexure 5).
9	The operation of reviewable conditions	No change. Reviewable conditions must operate within the framework of the EPA Act.

The proposed amendments help fine-tune and focus consideration of noise attenuation and mitigation in regards to licensed premises and residential uses. Substantial changes are not proposed because the existing controls provide a suitable framework for considering potential impacts of new development and establishing relevant consent conditions to mitigate those impacts.

Notwithstanding, there are opportunities to improve the controls and we recommend that Council resolves to concurrently exhibit the Draft Night-time Economy Policy and proposed amendments to the Woollahra DCP and DA Guide as set out in **Annexures 1 to 6**. Following exhibition a further report will be put to the Environmental Planning Committee.

It should be noted that any DCP amendments will apply to new DAs only; existing businesses (some of which are the source of residents' concerns) will continue to operate under existing conditions of consent. To that end, the proposed changes will not have any effect in mitigating impacts from these existing businesses, although Liquor & Gaming NSW through the Secretary of the Department of Industry can amend and, in extreme circumstances, revoke liquor licences.

### Annexures

1. Draft Night-time economy policy [↓](#) 
2. Proposed amendments to Woollahra DCP, Chapter E5 Waste Management [↓](#) 
3. Proposed amendments to Woollahra DCP, Chapter F3 Licensed Premises [↓](#) 
4. Proposed amendments to Woollahra DCP, Chapter D5 Double Bay Centre [↓](#) 
5. Proposed amendments to DA Guide Acoustic Report [↓](#) 
6. Proposed amendments to DA Guide Management Plan [↓](#) 



# Night-time Economy Policy

Adoption Date:	[date] by Council Resolution
Review Date:	
Version:	
Division/Department:	Planning and Development
Responsible Officer:	Executive Planner
HPE CM Record Number:	19/32264

Insert Policy Name

## 1 Purpose

This Policy sets out Woollahra Council's position on the night-time economy with a particular focus on the activities and impacts of licensed premises.

This Policy has been prepared in response to Council's notice of motion (NOM) adopted on 26 November 2018:

*THAT Council as a matter of urgency develops a formal policy in regard to the night time economy of Double Bay and our other smaller commercial hubs (noting additional points to be explored in the development of the formal policy include plans of management, renewable conditions and enforcement mechanisms).*

The NOM sought to reflect the concerns of some residents and Councillors about night-time economy activities in the Double Bay Centre, particularly those associated with licensed premises.

## 2 Application

### What is the night-time economy?

The NSW State Government identifies that the night-time economy involves social and business activities that take place from 6pm to 6am.

These activities include retail, theatre, film, culture, education, service industries, restaurants, hotels, clubs, cafes, small bars, markets, sport, live music, concerts, festivals and other participatory events. However, it is generally accepted that the night-time economy is driven by three core areas: entertainment, food and drink.

The night-time economy can be identified by discrete time periods:

- Twilight economy:
  - Early Evening 6pm-9pm
- After dark economy:
  - Evening 9pm-11pm
  - Night 11pm-2am
  - Late-night 2am-6am

The twilight and after dark economies are generally characterised by different age groups and activities. The role of alcohol and impacts of the activities associated with licensed premises can also change significantly through the night.

### What are licensed premises?

Licensed premises are businesses licensed to serve alcohol under the *Liquor Act 2007*.

Licensed premises, such as pubs, small bars, restaurants, and clubs etc. are a fundamental part of the social fabric of the community and provide venues for social interaction and entertainment for a large cross section of the community.

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Night-time economy policy

Licensed premises contribute to the night-time economy and the business community derives a broad range of benefits. These include the operation of venues, employment in hospitality, entertainment and tourist industries, the supply of food, drink and other related services. Licensed premises are also venues for artistic expression for musicians and other artists.

While licensed premises can make positive contributions they can also be the source of neighbourhood disturbance and anti-social behaviour, particularly within the night and late-night periods (i.e. 11pm to 6am). This becomes more problematic when the licensed premises are located near residencies.

For a successful night-time economy, it is important to realise the economic and social benefits from licensed premises while minimising and managing potential negative impacts.

### **3 Policy statement**

Woollahra Council supports an active and safe night-time economy that contains a diverse range of uses and appeals to different age groups. As part of this diversity Council recognises the important role of licensed premises and the sector's contribution to the vitality and vibrancy of the centres at night.

In the Woollahra Municipality night-time economy businesses generally operate in centres comprising a mix of commercial and residential uses. Redevelopment within these centres is resulting in increased residential uses, and Council anticipates this will continue.

It is therefore important that businesses operating at night do so in a manner that is responsible and complementary to Council's policy of encouraging mixed uses within centres.

Council acknowledges that residents living in centres will generally experience a higher outdoor ambient noise environment than those living in low density residential areas. However Council does not condone intrusive and unreasonable noise levels associated with the night-time economy, particularly between 10pm to 7am. Noise from patron activities, live and amplified music, waste collection and other delivery and service vehicles requires specific consideration having regard to the need to balance the operations and functions of businesses with the amenity of nearby residential uses.

The use of public footpaths for outdoor dining contributes to vibrant streets. Outdoor dining is to be for genuine dining purposes where the serving of liquor is ancillary to meals, and the use of footpaths for dining should not interfere with pedestrian activity or diminish public amenity.

Council works collaboratively with other agencies including NSW Police and Liquor & Gaming NSW to regulate activities in the night-time economy and to ensure that businesses, including particularly licensed premises, support the ongoing viability and vibrancy of the centres whilst respecting the public amenity and liveability of adjoining and nearby residences.

#### 4 Where the policy applies

This Policy applies to land in the Woollahra Municipality where licensed premises and other night-time economy businesses are currently operating, or where such uses are permissible under *Woollahra Local Environmental Plan 2014* (Woollahra LEP).

Most night-time economy businesses are located in centres i.e. land zoned B2 Local Centre, B4 Mixed Use and B1 Neighbourhood Centre under Woollahra LEP. However there are night-time economy businesses, including restaurants and pubs, which operate on residential zoned land, particularly in heritage conservation areas.

Within the Municipality the primary night-time economy precinct is the Double Bay Centre which contains numerous licensed premises including pubs, bars, nightclubs, cafes and fine dining restaurants and the InterContinental Hotel. Other areas with a night-time economy businesses include the Rose Bay Centre; Oxford Street, Paddington; William Street, Paddington; Five Ways, Paddington; and Queen Street, Woollahra.

#### 5 How the policy will be implemented

This Policy will inform Council plans and policies that contain detailed controls and requirements for licensed premises and other development and activates within centres. These include, but are not limited to:

- Woollahra Development Control Plan 2015 (Woollahra DCP) and associated documents such as the DA Guide and standard conditions of consent
- Woollahra Footway Approval Policy.

In considering the nature and scope of any proposed changes Council will also have regard to other existing adopted policies and resolutions, specifically:

- Double Bay Place Plan 2014
- Oxford Street Paddington, Placemaking Roadmap 2014
- NOM 18/200266 adopted 10 December 2018:
  - That Council staff investigate, examine and report to Council on the “agent of change” provisions in the Victorian planning legislation, which require buildings erected near existing entertainment venues to include sound attenuation features.
- NOM 18/92734 adopted 18 June 2018:
  - A. THAT Council immediately instate a presence in the Double Bay commercial centre to enforce the conditions of consent related to noise, particularly arising from licensed premises. This noise includes but is not limited to amplified music
    - and the smashing of glass bottles after closing time, which emanates from numerous sites.
    - B. THAT Council immediately assess the numerous private contractors that pick up garbage from the centre overnight, up to 7 nights a week, sometimes working as early as 3 am and cause sleep deprivation to local residents living in the centre on an ongoing basis.
    - C. THAT Council monitor its own garbage trucks in the Double Bay commercial centre to make sure that the pick-up times, every morning are consistent and meet its own obligation to control noise and produce liveable environments for residents.



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Night-time economy policy

- D. THAT a formal procedure for reporting of noise complaints be prepared.
- NOM 18/59326 adopted 23 April 2018:
  - That Council develop a mechanism to streamline the process for businesses in Double Bay and Rose Bay to facilitate footway dining. This mechanism to specifically include an approach whereby outdoor dining is “pre-approved” through a ‘global’ application in designated locations such that businesses have to simply and easily register the activity prior to commencing. The appropriate mechanism to be developed in consultation with businesses and relevant business organisations.
  - That Council review its fee for the hiring of public footpaths in order that there is a greater incentive for small business owners to activate their street frontages in front of their restaurants and cafes by the inclusion of footway dining. Council Fee for Footway Application and rental being discussed in the forthcoming report.

Any changes proposed to the Woollahra DCP or Footway Approval Policy will be publicly exhibited in accordance with relevant statutory requirements and reported back to Council for consideration before changes take effect.

## 6 Community Strategic Plan, Delivery Program and Operational Plan

This Policy relates to Themes, Goals and Strategies outlined in Council’s Community Strategic Plan Woollahra 2030 and Priorities outlined in Council’s Delivery Program and Operational Plan, specifically:

Theme: Quality places and spaces

- Goal 4 Well planned neighbourhoods
  - Strategy 4.5 Enhance the form and function of the local business centres
  - Strategy 4.6 Ensure that planning and building requirements are complied with
- Goal 5 : Liveable places
  - Strategy 5.5 Enhance the physical environment of our local suburbs, neighbourhoods and town centres

Theme: Local prosperity

- Goal 9: Community focused economic development
  - Strategy 9.1 Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy
  - Strategy 9.3 Maintain a high quality public domain to support and promote local business

## 7 Relevant Legislation

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Liquor Act 2007*

## 8 Documentation/References

	<b>HPECM Reference</b>
NOM 26 November 2018	18/192049
NOM 10 December 2018:	18/200266
NOM 18 June 2018	18/92734
NOM 23 April 2018:	18/59326

## 9 Related Policies and Procedures

	<b>HPECM Reference</b>
Woollahra Development Control Plan 2015	SC2432
DA Guide	15/65848
Woollahra Footway Approval Policy	18/144417
Double Bay Place Plan 2014	15/93180
Oxford Street Paddington, Placemaking Roadmap 2014	15/57361

This Policy will be reviewed every year or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Any amendment to this Policy must be by way of a Council Resolution.

## Policy Amendments

<b>Date</b>	<b>Responsible Officer</b>	<b>Description</b>

Woollahra Municipal Council

## ANNEXURE 2

### Proposed amendments to Woollahra DCP – Part E General Controls for all Development – Chapter E5 Waste Management

DCP clause	Purpose of amendment
E5.1.4 Objectives	Insert new objective O4
E5.3 On-site waste and recycling controls for all development	Amend objective O4 to insert reference to safety and amenity
	Insert new control C11 regarding forward movement of collection vehicles
E5.4 Dwelling houses, semi-detached dwellings and dual occupancies	Update controls C3 and C4 for the bin sizes and types in Paddington and West Woollahra to reflect the current requirements of Council's Waste Team.
E5.6 Commercial and non-residential developments	Insert introduction paragraph to highlight the need to manage noise from waste collection services
	Insert new objective O3
	Insert additional matters to include in the SWMMP

Below are extracts from the Woollahra DCP to identify the proposed amendments within the context of the current DCP controls. The amendments are shown in **highlighted and bold font**.

#### E5.1 Introduction

##### E5.1.4 Objectives

The objectives of this chapter are:

- O1 To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
- O2 To identify on-site requirements for waste and recycling storage and management, having regard to access and amenity.
- O3 To ensure waste management systems are compatible with collection services.
- O4 To minimise noise and nuisance arising from waste and recycling collection having regard to the need to balance operational needs and functions of businesses with the amenity of nearby residential uses.**

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### E5.3 On-site waste and recycling controls for all development

Objectives	Controls
O4 To ensure that waste and recycling collection points are suitably located <b>in regards to safety and amenity.</b>	<b>C11 Waste and recycling collection points are located to allow collection vehicles to move in a continuous forward movement. Reversing should be avoided as it creates noise (from reverse beeping/alarms) and can also be less safe. If reversing is required the SWMMP accompanying the DA must justify why a continuous forward movement for collection cannot reasonably be accommodated.</b>

### 5.4 Dwelling houses, semi-detached dwellings and dual occupancies

Objectives	Controls
O1 To promote reuse and recycling in dwelling houses, semi-detached dwellings and dual occupancies.	<p>C3 For a dwelling located in an area other than Paddington or West Woollahra, the size of the waste and recycling area accommodates:</p> <p>a) 1 x 120L general waste bin; 1 x 240L green waste bin; and <b>2 x 55L recycling crates- 1 x 120L or 240L recycling bin.</b></p> <p>C4 For a dwelling located in Paddington or West Woollahra—the size of the waste and recycling area accommodates:</p> <p>b) 1 x 120L general waste bin <b>or 1 x 55L bin;</b> and <b>1 x 120L or 55L green waste bin</b></p> <p>2 x 55L recycling crates <b>or 1 x 120L recycling bin.</b></p>

### E5.6 Commercial and non-residential developments

Developments containing a range of different non-residential uses present unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

**Noise from waste management activities needs to be managed where commercial uses are located near residential and other noise sensitive uses. For example, noise when bins are emptied into collection vehicles, especially glass, and the reversing alarms of collection vehicles, can be particularly disturbing when these occur at noise sensitive times, such as late at night or in the early hours of the morning when most people are sleeping.**

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Objectives	Controls
<p><b>O3</b> To minimise nuisance and noise impacts on adjoining or nearby residential uses, from waste management associated with a pub, registered cub, or other type of licensed premises with a capacity of 100 or more patrons</p>	<p><b>C7</b> The SWMMP submitted with the development application includes:</p> <ul style="list-style-type: none"> <li>a) glass and recycling collection and sorting areas which are to be shown on the DA plans. Note the installation of a glass crushing machine is encouraged to minimise noise from glass sorting.</li> <li>a) waste management collection times and operating procedures that minimise noise and disturbances to residential amenity, especially between 8pm to 8am.</li> </ul>

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### ANNEXURE 3

#### Proposed amendments to Woollahra DCP - Part F Land Use Specific Controls - F3 Licensed Premises

DCP clause	Purpose of amendment
F3.1.3 Objectives	Insert new objectives O4, O5 and O6 to expand the scope of the Chapter's objectives.
F3.3 Objectives and controls	In control C1 insert reference to external (not fully enclosed areas) to highlight that particular consideration needs to be given to the location and size of external areas having regard to the potential for noise impacts from these areas.

Below are extracts from the Woollahra DCP identifying the proposed amendments within the context of the current DCP controls. The amendments are shown in **highlighted and bold font**.

#### F3.1 Introduction

##### F3.1.3 Objectives

The objectives of this chapter are:

- O1 To standardise the way we assess DAs and other related applications for licensed premises.
- O2 To provide certainty to applicants, residents and other stakeholders regarding our approach to, and planning requirements for, dealing with DAs and other related applications for licensed premises.
- O3 To achieve a more consistent approach to determining trading hours and operating conditions for licensed premises.
- O4 To recognise the important role of licensed premises in contributing to the vitality and vibrancy of the centres at night while minimising potential negative impacts from activities associated with licensed premises.**
- O5 To provide for the safety of patrons and the general public.**
- O6 To ensure noise from the activities of licensed premises is not intrusive and does not unreasonably impact on the amenity of adjoining and nearby residential uses.**

#### F3.3 Objectives and controls

Objectives	Controls
O1 Minimise the impact of licensed premises on the amenity of residential or other sensitive land uses.	C1 Before deciding on an application involving licensed premises, the following matters are considered: <ul style="list-style-type: none"> <li>a) the location of the premises and the proximity of residential and other sensitive uses, <b>including any external (not fully enclosed areas);</b></li> </ul>

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## ANNEXURE 4

### Proposed amendments to Woollahra DCP - Part D Business Centres – D5 Double Bay Centre

DCP clause	Purpose of amendment
Section 5.6.5.2 Acoustic privacy	Insert new paragraph into the introduction of this section to include reference to night-time economy
Controls	In control C1 insert examples of how buildings can be designed to reduce noise transmission
	Add control C2 on how to minimise the impact of external noise sources on dwellings near noise sources

Below are extracts from the Woollahra DCP identifying the proposed amendments within the context of the current DCP controls. The amendments are shown in **highlighted and bold font**.

#### D5.6 Development controls

##### 5.6.5.2 Acoustic privacy

**The Double Bay Centre is a vibrant place that contains a range of uses however sometimes there can be tension between the business activities and residential amenity particularly when there is an active night-time economy.**

Acoustic privacy is an important consideration in relation to the residential component of the centre, and neighbours adjacent to the centre, because it is a major determinant of amenity.

##### Controls

- C1 Building siting and layout, particularly with regard to the location of courtyards, terraces and balconies and the like, should minimise the transmission of noise to other buildings and private open space on the site and on adjacent land. The use of openings, screens and blade walls, and the choice of materials, should also be designed to minimise the transmission of noise. **For example this may include:**
- a) **using solid concrete/masonry balcony upstands to shield noise**
  - b) **using absorbent material to reduce sound bouncing off the balcony soffits.**
- C2 Minimising the impact of external noise sources on dwellings near noise sources by:
- a) addressing New South Head Road with recessed balconies, enclosed balconies, kitchens and/or living rooms; and
  - b) locating bedrooms away from noise sources;
  - c) **designing and constructing dwellings with sound attenuation measures such as double glazed external doors and windows.**

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## ANNEXURE 5

### DA Guide – section 5 Additional information – 5.14 Acoustic Report

Proposed amendments to the DA Guide are shown in the tables below.

Council may ask for an acoustic report for any application that has the potential to create a noise impact such as licenced premises. An acoustic report must be prepared by a suitably qualified consultant and should include:

1. Identification of nearby noise-sensitive locations such as residential or commercial properties
2. Existing acoustic conditions in relevant locations within and around the site such as background noise measurements at the boundaries of the site
3. Discussion of relevant standards
4. Identification of noise sources within the proposal and assessment of likely noise impact on noise-sensitive locations
5. A statement identifying how the proposal will comply with the relevant standards including details of any noise attenuation measures to be included.

For a licensed premises involving a pub, registered club, or other type of licensed premises with a capacity of 100 or more patrons and/or with live or amplified music, or other “high risk” premises, we recommend that the following matters could be added to the requirements for acoustic reports to provide specific direction to consider these matters:

Proposed amendment
All tests must be conducted under conditions which are typical of the actual operation (or proposed operation) of the premises. This requires assessment of all noise producing elements associated with the activities of the licensed premises including, but not limited to, noise from: <ul style="list-style-type: none"><li>• internal areas of the premises</li><li>• patrons seated at any open windows</li><li>• patrons in outdoor seating areas</li><li>• plant and equipment installed on the site</li><li>• patrons entering and leaving the premises.</li></ul>

The DA Guide identifies that the acoustic report should include noise mitigation measures. We propose that the following questions could be added as prompts so that the applicant provides particular consideration of these matters in relation to noise mitigation:

Proposed amendment
<ul style="list-style-type: none"><li>• What specialist sound insulation and other changes to the building structure may be appropriate to sufficiently control noise?</li><li>• Which windows are opening and which are non-opening, and what seals and glazing is required, and any subsequent requirements for artificial ventilation?</li><li>• Will the entrance doors be fitted with self closers?</li><li>• Will a noise limiter be installed to control amplified noise levels?</li><li>• What is the location of speakers used to amplify music and other noise?</li><li>• Will there be a monitoring system established to demonstrate compliance with noise conditions, e.g. after 10pm an hourly check of music noise levels at specified locations?</li></ul>

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## ANNEXURE 6

### DA Guide - Attachment 7 Management Plans

Proposed amendments to the DA Guide are shown in the table below.

The DA Guide identifies matters to be included in a management plan. A management plan is a written commitment by an applicant for development involving licenced premises of measures to control the external effects of the operation of licenced premises on the community on a day to day basis. The measures included in the plan are aimed at:

- protecting the amenity of surrounding residential and other sensitive uses, and
- protecting the wellbeing of patrons and staff.

A management plan needs to be submitted for DAs (and other related applications) involving licenced premises with a 'high risk rating'. The preparation of management plans may be imposed as a condition of development consent for licenced premises irrespective of its risk rating.

We propose that the following matters could be included in the list of matters to be addressed in the management plan so that the applicant provides particular consideration of these matters in relation to noise mitigation:

Proposed amendment
<ul style="list-style-type: none"><li>• How and when entrance doors, windows and other openings will be closed to minimise noise disturbance after 10pm</li><li>• Location of speakers used to amplify music, and any other relevant matters e.g. how speakers are mounted to reduce transmission through the building structure</li><li>• Installation of electronic noise limiters to control amplified noise levels</li><li>• How management will regulate the use of any outside areas and how patrons will be prevented from accessing these areas outside of approved hours</li><li>• Details about general rubbish storage and removal arrangements including hours of pick up consistent with the SWMMPP</li><li>• Details about bottle and glass storage, sorting and removal arrangements including hours of pick up consistent with the SWMMP</li></ul>

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Woollahra Municipal Council

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**Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings**

