

# Environmental Planning Committee



## Agenda

Monday 15 July 2019

6.00pm

### **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

10 July 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 July 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 July 2019 at 6.00pm.**

Gary James  
General Manager

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## Meeting Agenda

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

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

D1	Confirmation of Minutes of Meeting held on 1 July 2019 - 19/102947 .....	7
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Planning Proposal - Heritage Listing of the Four in Hand Hotel at 105 Sutherland Street, Paddington - 19/101246 .....	9
R2	Advice of the Woollahra Local Planning Panel - Planning Proposal - Proposed amendments to Woollahra LEP 2014 including the introduction of an FSR control for low density residential development. - 19/102014 .....	119
R3	Small Businesses and Start-Ups - Terms of Reference - 19/96636 .....	329



**Item No:** D1 Delegated to Committee  
**Subject:** **CONFIRMATION OF MINUTES OF MEETING HELD ON 1 JULY 2019**  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 19/102947  
**Reason for Report:** The Minutes of the Environmental Planning Committee of 1 July 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 July 2019 be taken as read and confirmed.





**Item No:** R1 Recommendation to Council  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF THE FOUR IN HAND HOTEL AT 105 SUTHERLAND STREET, PADDINGTON**  
**Author:** Anne White, Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/101246  
**Reason for Report:** To report on the public exhibition of the planning proposal to list the Four in Hand Hotel at 105 Sutherland Street, Paddington as a heritage item in Schedule 5 of Woollahra Local Environmental Plan 2014. To obtain Council's approval to proceed with the finalisation of the planning proposal.

**Recommendation:**

- A. THAT Council proceed with the planning proposal for the Four in Hand Hotel at 105 Sutherland Street, Paddington, 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 his delegate, to make the LEP to list the *Four in Hand Hotel*, including interiors, as a heritage item under Woollahra Local Environmental Plan 2014.

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**1. The Four in Hand Hotel**

This report relates to a planning proposal to list the Four in Hand Hotel, including its interiors, at 105 Sutherland Street, Paddington as a heritage item in Schedule 5 of *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

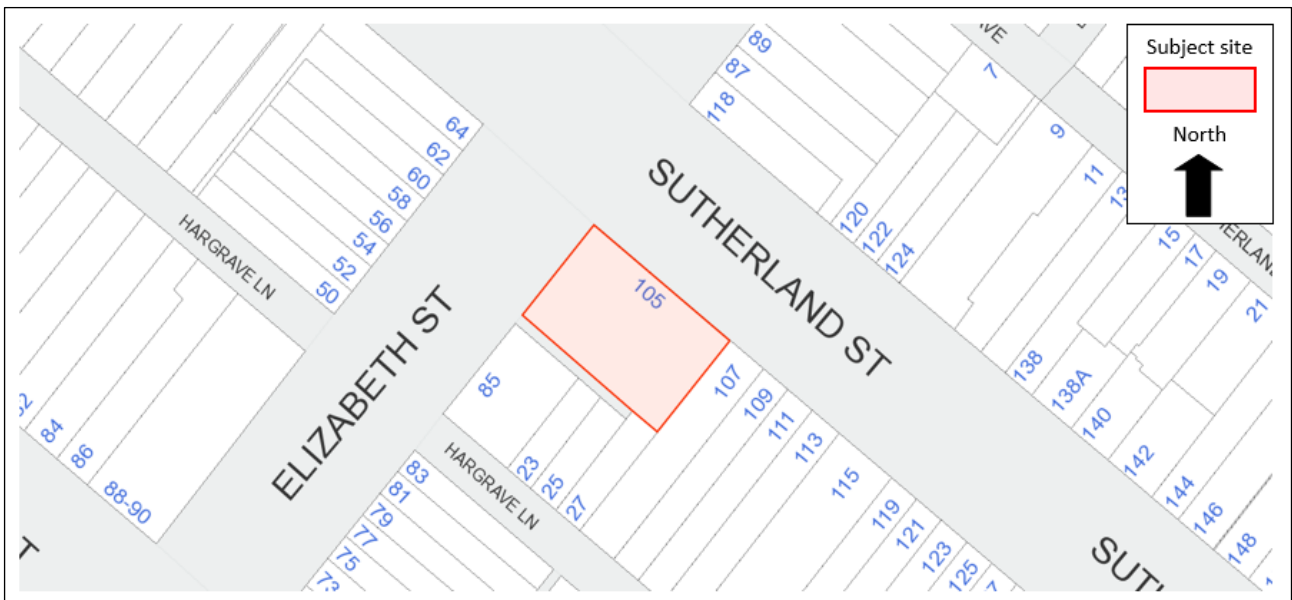
The Four in Hand Hotel is located at the intersection of Sutherland and Elizabeth Streets, Paddington. The building occupies all of the site bounded by Sutherland Street, Elizabeth Street, a small private lane and the neighbouring site at 107 Sutherland Street, Paddington. The site has a street address of 105 Sutherland Street, Paddington, and a land title description of Lot A in DP 330465. Refer to **Figures 1 and 2** below for site and context images.

The Four In Hand Hotel is a landmark corner building constructed in 1878 specifically for use as a hotel. Previously known as Humberstone's Hotel and the Solferino Hotel, it is a two-storey Victorian period hotel building, which through campaigns of additions and alterations over 140 years, has continued in its original use until the present day. Built to address Sutherland and Elizabeth Streets, with its long side elevation to Sutherland Street, the hotel is of rendered brick construction with corrugated iron roofs concealed by the parapets to its street frontages.



**Figure 1: The Four In Hand Hotel as viewed from Sutherland Street, looking towards the north eastern and north western elevations**

*(Source: Robert A. Moore Pty Ltd Architects and Conservation Consultants)*



**Figure 2: Cadastral map showing the Four In Hand Hotel site outlined in red**

*(Source: Council's in-house mapping system)*

## 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 3 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 – Heritage Assessment/Inventory Sheet – Four in Hand Hotel – Robert A Moore Pty Ltd

Appendix 2 – Owners submission – Four in Hand Hotel

Appendix 3 – Response to Owners’ submission by Robert A Moore Pty Ltd

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

On 21 May 2018 the Council adopted the following notice of motion:

*THAT Council:*

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:
  - (a) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and
  - (b) an item on the State Heritage under the Heritage Act 1977;*
2. *Notes the following priorities contained in its Delivery Program 2013 to 2018 and Operation Plan 2017/2018 (the DPOP):
  - (a) 4.3.1 – ‘Develop policies, including a Heritage Item Register and a Significant Tree Register, to maintain cultural and natural heritage item’s; and
  - (b) 4.3.1.1 – ‘Carry out a study of hotels in Paddington to determine and establish more specific conservation controls’ (the Paddington Pub Project);*
3. *Further notes its resolution on 27 November 2017, giving ‘next priority’ to the Paddington Pub Project;*
4. *Expedites the Paddington Pub Project and gives urgent priority to it (including the allocation of additional funding and staff resources);*
5. *In preparing the Paddington Pub Project, gives consideration to:
  - a) including a recommendation to Council on how to protect all pubs in the Paddington Heritage Conservation Area to the same standard; and
  - b) exploring what mechanisms (including but not limited to amending the Woollahra Development Control Plan 2015 (the DCP) are available to ensure that existing controls and protections that currently apply to pubs continue to apply regardless of any change in use;*
6. *Requests that the Mayor write to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to:
  - a) raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales; and*

- b) *request the State Government to explore what legislative changes can be introduced to mirror the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs.*

In addition to the Four in Hand Hotel, there are ten more hotels in the Paddington Pub Project.

	<b>Hotel name</b>	<b>Address</b>	<b>Listed status in Woollahra LEP 2014</b>
1	Bellevue Hotel	157-159 Hargrave Street, Paddington	No
2	Grand National Hotel	33 Elizabeth Street (161 Underwood Street), Paddington	No
3	Imperial Hotel	252 Oxford Street, Paddington	No
4	London Tavern Hotel	85 Underwood Street, Paddington	No
5	Lord Dudley Hotel	236 Jersey Road, Paddington	<b>Yes</b>
6	Paddington Arms Hotel	384 Oxford Street, Paddington	No
7	Paddington Inn Hotel	338 Oxford Street, Paddington	No
8	Royal Hotel	237 Glenmore Road, Paddington	<b>Yes</b>
9	Unicorn Hotel	102-106 Oxford Street, Paddington	No
10	Village Inn Hotel (formerly Dirty Nelly's Hotel and the Rose and Crown Hotel)	9-11 Glenmore Road, Paddington	<b>Yes</b> [listed as the Rose and Crown Hotel]

This report only applies to the listing of the *Four in Hand Hotel*, and interiors, at 105 Sutherland Street, Paddington as a heritage item in Schedule 5 of Woollahra LEP 2014.

### **2.3. Assessment of heritage significance**

In response to parts 1 and 4 of the Council's decision on 21 May 2018, the consultant firm Robert A. Moore Pty Ltd Architects and Conservation Consultants was engaged to carry out an assessment of heritage significance of the eleven hotels in Paddington, with a priority being given to completing the assessment for the *Four in Hand Hotel* at 105 Sutherland Street Paddington. Robert Moore, the director of the firm, is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of heritage assets.

The assessment of heritage significance was undertaken 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 and it recommended listing of the *Four In Hand Hotel*, including its interiors, as a local heritage item in Schedule 5 of the Woollahra LEP 2014. (see **Appendix 1 of Annexure 1**).

## 2.4. Consultation with the land owner

Council has involved the landowner and their consultants in the assessment of heritage significance and reporting stages. This has included:

- Notice of the Council's initial decision made on 21 May 2018 to investigate the heritage significance of the hotel.
- Meeting with the owner to discuss the heritage assessment process.
- A site inspection of the hotel involving the Council's heritage consultant, the landowner and the landowner's consultants.
- Providing a draft version of the assessment of heritage significance to the landowner for comment. The owner's heritage consultant provided a submission dated 21 December 2018 and the Council's heritage consultant provided a response to the submission. (see **Appendix 2** and **3** of **Annexure 1**)
- Inviting the landowner to attend and make a presentation at the meeting of the Council's Environmental Planning Committee meeting on 4 February 2019 and the meeting of the Woollahra Local Planning Panel of 7 March 2019.

## 2.5. Woollahra Local Planning Panel advice

On 7 March 2019, the Woollahra Local Planning Panel considered a report on the planning proposal and provided the following advice to Council:

*THAT the Woollahra Local Planning Panel advises Council that it:*

- A. *Supports the planning proposal to list the 'Four in Hand Hotel' including interiors, at 105 Sutherland Street, Paddington, as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *Supports the planning proposal being forwarded to the Minister or the Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*

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

Having considered the advice of the Woollahra Local Planning Panel, on 8 April 2019, Council resolved:

- A. *THAT Council note the advice provided by the Woollahra Local Planning Panel on 7 March 2019.*
- B. *THAT the planning proposal, as contained in the late correspondence tabled at the Environmental Planning Committee meeting of 1 April 2019 to list the 'Four in Hand Hotel', including interiors, as a heritage item in Woollahra Local Environmental Plan 2014, be forwarded to the Department of Planning and Environment 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 under section 3.36 of the Environmental Planning and Assessment Act 1979.*

## 2.7. Gateway determination

On 11 April 2019 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 17 May 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, 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 29 May 2019 – Friday 28 June 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. Notices of the exhibition in the Wentworth Courier editions for 29 May 2019, 5 June 2019, 12 June 2019, 19 June 2019 and 26 June 2019.
2. A public exhibition page for the planning proposal and supporting material on Council’s website. The exhibition page was visited by 52 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 the *Four in Hand Hotel*.
  - 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 the *Four in Hand Hotel* prior to the public exhibition.
  - The Paddington Society.
  - NSW Office of Environment and Heritage.
  - Heritage Council of NSW.
  - National Trust of Australia (NSW).

## 4. Submissions

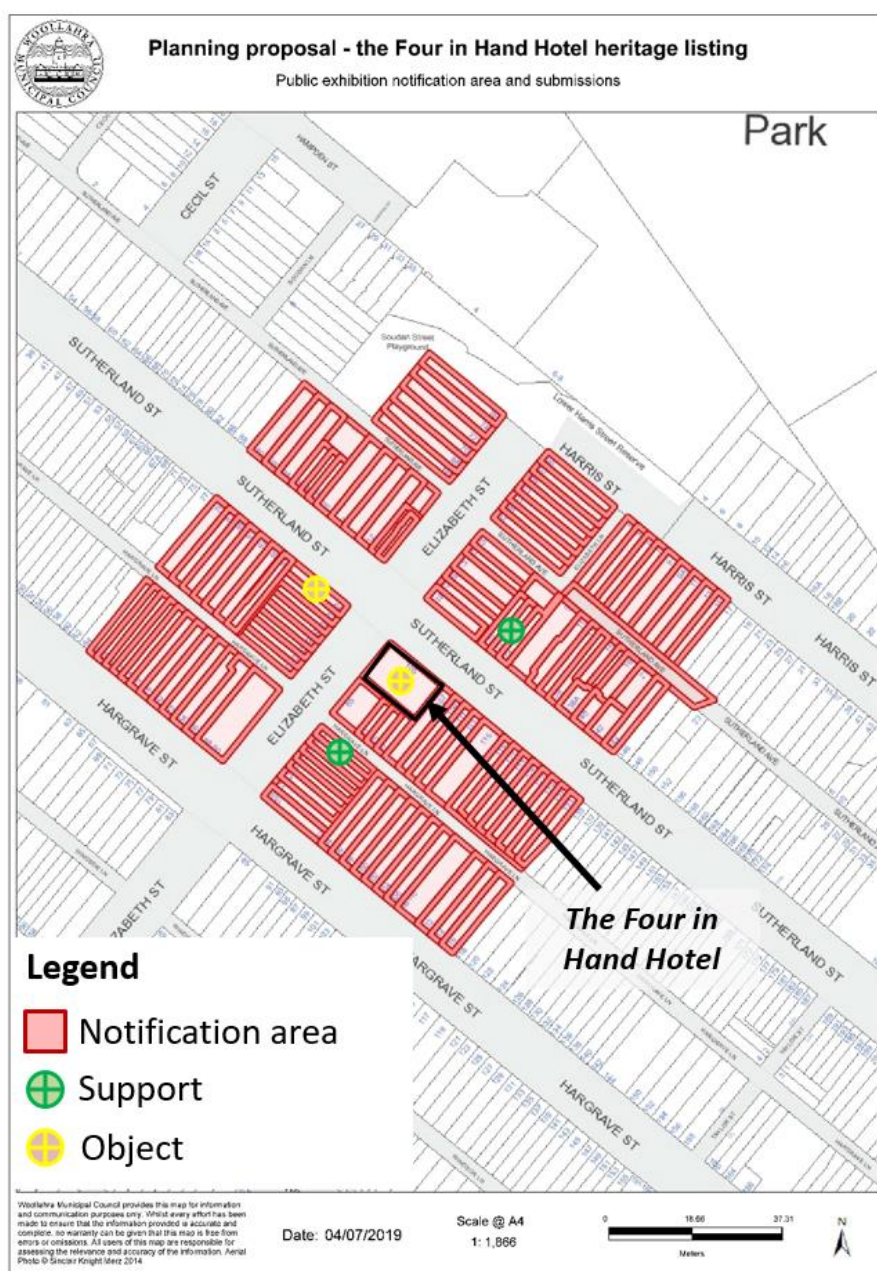
Five submissions were received in response to the public exhibition. Of these submissions:

- One was from the Woollahra History and Heritage Society who support the planning proposal.
- Two were from local residents who support the planning proposal.

- One was from a local resident (and business owner) who, in summary, opposes the planning proposal as “there is nothing inspiring or important” about the property and the listing may affect the owner’s ability to convert the building into a residential use.
- One was from the heritage consultant on behalf of the owner of the property. In summary this submission seeks to have the words “including interiors” deleted from the heritage listing. The submission states that:

*The percentage of the original and early building fabric is small. It is approximately 5-7% of the total interior building fabric.*

Those properties which were notified at public exhibition, and the four submissions that are in the vicinity of the subject site are shown in **Figure 3** below. A redacted copy of all submissions is attached as **Annexure 3**.



**Figure 3: Notification area and submission map**

#### **4.1. Response to submissions**

##### **4.1.1. Support**

The submissions of support are noted

##### **4.1.2. Resident objection**

###### **Summary**

Heritage listing is not appropriate for the building, and it will prevent the property's conversion into a residential use.

###### **Staff response**

The significance of the property was identified through a detailed heritage assessment using the NSW Heritage Branch criteria. The process concluded that the property satisfies the criteria for social significance, aesthetic significance and historical significance and warrants listing as a local heritage item in Woollahra LEP 2014.

The property is located in the Paddington Heritage Conservation Area and is zoned R2 Low Density Residential under Woollahra LEP 2014. Residential land uses, including attached dwellings and dwelling houses, are permissible in the zone.

The heritage listing of the property provides additional protection for the building, but it does not amend the land use zone or those residential land uses permissible within the zone. The heritage listing of the property would not prevent the owners from lodging a development application for a residential use in the future.

The impact on the heritage significance of the property arising from a change of use involving alterations to the building, including internal changes, would be a major factor in any design and would form an important consideration of the application.

***Recommendation:*** No change to the planning proposal.

##### **4.1.3. Owner's objection**

###### **Summary**

The words "including interiors" should be deleted from the heritage listing as there is little original building fabric. Only 5-7% of the building's interior fabric is considered to be original and early fabric. The original and early building fabric, only, should be noted on the heritage listing sheet.

###### **Staff response**

The owner's heritage consultant provided a submission dated 21 December 2018 in regard to the draft heritage inventory sheets for the building prior to the preparation and exhibition of the planning proposal. The submission included comments about the original building fabric. The Council's heritage consultant provided a response to that submission which is relevant to the current submission. (see **Appendix 2** and **3** of **Annexure 1**).

The current submission includes a fabric survey for the building's interior rooms, spaces and elements. The conclusion drawn by the owner's heritage consultant is that only a very small percentage of the interior building fabric is early and original fabric and therefore the heritage listing should not include any reference to interiors.



The Council's heritage consultant, Robert Moore, who carried out the inspection of the building and co-authored the heritage inventory sheets has provided the following comment in response to the submission.

I confirm that I have read Ms. Daniell's submission, and I would concur with many of her observations about the building fabric.

However, what I would say in reply is that her letter precisely shows why it is important that the interiors of the Hotel are nominated in the listing, because they enable the understanding of the building, in complement to its exterior, and the documents and papers which record its history. The story of the building and its changes can be read in the interiors, and as we can only expect that in future, further changes will be considered necessary, those aspects of the interiors which remain important must have the protection that their listing will afford.

The conservation management documents which in future, will guide the ongoing adaptation of the Hotel can establish what spaces and fabric within the building are important, and ensure that change and new requirements are framed around them. Council has indicated its intention to facilitate that process.

In short, the interiors of the Hotel are by no means devoid of significant fabric, which must be considered in future adaptation, and this would only be open to Council's participation if the interiors are listed.

We agree with the comments from Mr Moore and consider that appropriate protection for the building will be achieved if the whole building, including its interiors, is listed as a heritage item. This would not prevent internal changes. However, listing the interiors enables consideration to be given to the nature of proposed change and the impact on the heritage significance of the interiors.

***Recommendation:*** No change to the planning proposal.

## **5. Making the LEP**

On 17 May 2019, the Department of Planning and Environment (DPE) issued a gateway determination to proceed with the public exhibition of the planning proposal. However, the determination did not grant Council delegation for 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 his 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 his delegate, not to proceed under section 3.35(4).

## **6. Conclusion**




The heritage significance of the Four in Hand Hotel has been established through a detailed assessment of heritage significance using best practice heritage criteria. The planning proposal will facilitate the listing of the Four in Hand Hotel, including its interiors, 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.

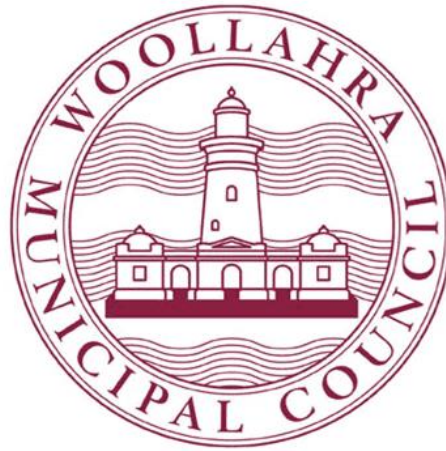
It is considered reasonable and appropriate to list the building and its interiors. This will enable a proper assessment of the impact of proposals on the heritage significance of the remaining original fabric and spaces within the hotel. Accordingly, no change is recommended to the exhibited planning proposal.

Council can proceed to the next step by requesting that the Minister for Planning, or his delegate, make the LEP to list the Four in Hand Hotel, including its interiors, as a local heritage item under Woollahra LEP 2014.

### **Annexures**

1. Planning Proposal - March 2019 [↓](#) 
2. Gateway Determination - 17 May 2019 [↓](#) 
3. All Submissions - Redacted [↓](#) 

## Annexure 1



# PLANNING PROPOSAL

Local heritage listing

Four in Hand Hotel, 105 Sutherland Street,  
Paddington

March 2019



*Image: Unknown (sourced from the Noel Butlin Archives, ANU)*

## Table of contents

<b>Part 1 – Introduction .....</b>	<b>1</b>
1.1 – Description of this planning proposal.....	1
1.2 – Background.....	2
<b>Part 2 – Existing sites and surrounding context .....</b>	<b>8</b>
2.1 – The Four In Hand Hotel.....	8
2.2 – Existing context.....	11
<b>Part 3 – Existing relevant planning controls .....</b>	<b>11</b>
<b>Part 4 – Objective of planning proposal .....</b>	<b>11</b>
<b>Part 5 – Explanation of provisions.....</b>	<b>12</b>
<b>Part 6 – Justification .....</b>	<b>12</b>
6.1 – Need for planning proposal .....	12
6.2 – Relationship to strategic planning framework .....	13
6.3 – Environmental, social and economic impact.....	14
6.4 – State and Commonwealth interests.....	15
<b>Part 7 – Mapping .....</b>	<b>16</b>
<b>Part 8 – Community consultation .....</b>	<b>17</b>
8.1 – Consultation with landowner.....	17
8.2 – Public exhibition .....	17
<b>Part 9 – Project timeline .....</b>	<b>18</b>
<b>Schedules 19</b>	
Schedule 1 – Consistency with state environmental planning policies.....	19
Schedule 2 – Compliance with section 9.1 directions .....	23
<b>Supplementary material .....</b>	<b>1</b>

## Part 1 – Introduction

### 1.1 – Description of this planning proposal

This planning proposal is made in relation to the *Four in Hand Hotel* at 105 Sutherland Street, Paddington. The objective of the planning proposal is to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), to list the *Four in Hand Hotel* as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the building and interiors.

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* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

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: Heritage Assessment/Inventory Sheet – Four in Hand Hotel - Robert A Moore Pty Ltd

Appendix 2: Owners submission – Four in Hand Hotel

Appendix 3: Response to Owners' submission by Robert A Moore Pty Ltd

## 1.2 – Background

On 21 May 2018 the Council adopted the following notice of motion:

*THAT Council:*

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:
  - (a) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and
  - (b) an item on the State Heritage under the Heritage Act 1977;*
2. *Notes the following priorities contained in its Delivery Program 2013 to 2018 and Operation Plan 2017/2018 (the DPOP):
  - (a) 4.3.1 – 'Develop policies, including a Heritage Item Register and a Significant Tree Register, to maintain cultural and natural heritage item's; and
  - (b) 4.3.1.1 – 'Carry out a study of hotels in Paddington to determine and establish more specific conservation controls' (the Paddington Pub Project);*
3. *Further notes its resolution on 27 November 2017, giving 'next priority' to the Paddington Pub Project;*
4. *Expedites the Paddington Pub Project and gives urgent priority to it (including the allocation of additional funding and staff resources);*
5. *In preparing the Paddington Pub Project, gives consideration to:
  - a) including a recommendation to Council on how to protect all pubs in the Paddington Heritage Conservation Area to the same standard; and
  - b) exploring what mechanisms (including but not limited to amending the Woollahra Development Control Plan 2015 (the DCP) are available to ensure that existing controls and protections that currently apply to pubs continue to apply regardless of any change in use;*
6. *Requests that the Mayor write to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to:
  - a) raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales; and
  - b) request the State Government to explore what legislative changes can be introduced to mirror the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs.*

Further to the Council resolution from 21 May 2018, the other ten hotels in the Paddington Pub Project are:

	<b>Hotel name</b>	<b>Address</b>	<b>Listed status in Woollahra LEP 2014</b>
1	Bellevue Hotel	157-159 Hargrave Street, Paddington	No
2	Grand National Hotel	33 Elizabeth Street (161 Underwood Street), Paddington	No
3	Imperial Hotel	252 Oxford Street, Paddington	No
4	London Tavern Hotel	85 Underwood Street, Paddington	No
5	Lord Dudley Hotel	236 Jersey Road, Paddington	<b>Yes</b>
6	Paddington Arms Hotel	384 Oxford Street, Paddington	No
7	Paddington Inn Hotel	338 Oxford Street, Paddington	No
8	Royal Hotel	237 Glenmore Road, Paddington	<b>Yes</b>
9	Unicorn Hotel	102-106 Oxford Street, Paddington	No
10	Village Inn Hotel (formerly Dirty Nelly's Hotel and the Rose and Crown Hotel)	9-11 Glenmore Road, Paddington	<b>Yes</b> [listed as the Rose and Crown Hotel]

However, this planning proposal only applies to the listing of the *Four in Hand Hotel*, and interiors, at 105 Sutherland Street, Paddington as a heritage item in Woollahra Local Environmental Plan 2014.

On 4 February 2019 a report on the Heritage Listing of the *Four in Hand Hotel* at 105 Sutherland Street, Paddington was presented to a meeting of the *Environmental Planning Committee* and on 11 February 2019, Council resolved the following:

- A. *THAT a planning proposal be prepared to list the Four In Hand Hotel at 105 Sutherland Street, Paddington, as a heritage item in the Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal 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.*

On 7 March 2019, the Woollahra Local Planning Panel considered a report on the planning proposal and provided the following advice to Council:

THAT the Woollahra Local Planning Panel advises Council that it:

- A. Supports the planning proposal to list the 'Four in Hand Hotel' including interiors, at 105 Sutherland Street, Paddington, as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.
- B. Supports the planning proposal being forwarded to the Minister or the Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.

### **Assessment of heritage significance**

In response to parts 1 and 4 of the Council's decision on 21 May 2018 the consultant firm Robert A. Moore Pty Ltd Architects and Conservation Consultants was engaged to carry out an assessment of heritage significance of the eleven hotels in Paddington, with a priority being given to completing the assessment for the *Four in Hand Hotel* at 105 Sutherland Street Paddington. Robert Moore, the director of the firm, is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of heritage assets.

The assessment of heritage significance was undertaken 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:

#### **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).

#### **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). **Criterion (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).

#### **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.

#### **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).

#### **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).

#### **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.)

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. An item is considered to be of local or State heritage significance if it meets one or more of the criteria. However, an item that is of local heritage significance might not meet the threshold for listing on the State Heritage Register.

A copy of the assessment prepared by Robert A. Moore Pty Ltd, which includes the assessment against all criteria, is attached as **Appendix 1**.

Table 1 below provides a summary of the assessment of the heritage significance of the *Four In Hand Hotel* against the seven criteria, at the local and State levels.

**Table 1: NSW Heritage assessment criteria summary**

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(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).	✓	x
(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).	✓	x
(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).	✓	x
(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.	✓	x
(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).	✓	x
(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).	✓	x
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> <li>• cultural or natural places, or</li> </ul>	✓	x

Criteria	Meets criteria for heritage listing and grading of significance	
	Local	State
<ul style="list-style-type: none"> <li>• cultural or natural environments, (or a class of the local area's</li> <li>• cultural or natural places, or</li> <li>• cultural or natural environments.)</li> </ul>		

**Statement of heritage significance**

*The Four In Hand Hotel is of historic significance to Paddington and the Woollahra LGA as an early and successful example of Paddington's suburban hotels, having been continuously operational since its construction in 1878. It is a surviving example of the type of landmark corner commercial development that was incorporated into the building of terrace rows during Paddington's boom era of suburban development.*

*It is of social significance as a reference point for community identity, having served as a meeting place for the small Sydney Italian community in the 1880s and 1890s, and for political meetings and rallies for local candidates in Council, state and federal elections, as well as for the Federation debates of the 1890s through to 1900. More recently it has been a place of community activism and home for the intellectual sub-cultures of the mid-20<sup>th</sup> century, including artists, writers and the creative professions who imbued the suburb with a renewed vigour and influenced its re-emergence as a popular, desirable and fashionable area. Its long association with Tooth and Co is well documented archivally in local, state and national repositories.*

*The Four In Hand Hotel is of aesthetic significance as an example of an evolved Late Victorian period hotel still reflecting its original design, re-styled in a late 19<sup>th</sup> century fusion of Victorian utility and the emerging Aesthetic Movement and Edwardian Federation styles. While its interiors have been serially modified and updated, typically evolving over time as tastes and commercial imperatives changed, its exterior remains legible and relatively intact to its 1927 appearance.*

*As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, the Four In Hand Hotel is still a vibrant element of its urban fabric and local streetscapes. The Four In Hand Hotel is now comparatively uncommon, it is arguably rare as well as representative, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings still in operation which are a key element of the character of the Paddington Heritage Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia. As an element of the Paddington Conservation Area, and as one of the group of hotels in Paddington, it may also have significance at a state level.*

(2018, Robert A. Moore Pty Ltd, Draft Heritage Inventory Sheet p.1)

The assessment recommends the listing of the *Four In Hand Hotel* as a local heritage item in Schedule 5 of the Woollahra LEP 2014.

The heritage assessment/inventory sheet provides the following recommendations:

1. *Appropriate Heritage Conservation Management Documents be prepared, so that continuing future use and adaptation support the Hotel's heritage significance;*

2. Council officers be available to liaise with owners prior to developing plans for change or development;
3. The *Four in Hand Hotel* including its interiors be listed as a heritage item in Woollahra LEP 2014;
4. Further investigation be undertaken to determine if the group of remaining hotels in Paddington should be listed as a group item on Woollahra LEP 2014 and on the State Heritage Register; and
5. The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, managed through heritage listing and subject to environmental and heritage impact assessment processes.

*The significant heritage attributes and elements of the Four in Hand Hotel, modified and adapted as outlined above and confirmed through preparation of an appropriate heritage management document (ideally a CMP) should be appropriately conserved, adapted and retained. Proposals for new work should reflect identified conservation policies and demonstrate that they are contributing to the conservation of the Hotel's significance and commercial viability. Council and the Hotel owners should liaise regarding any proposed changes and the management options set out in Clause 5.10 of the Woollahra LEP 2014 remain available.*

*Existing alterations and additions, which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for removal, allowing reconstruction to original or early detail or a more sympathetic treatment. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered to avoid detrimental impacts.*

#### **Other significance listings**

The *Four in Hand Hotel* is in the Paddington Heritage Conservation Area, local item C8 in the Woollahra LEP 2014.

The *Four in Hand Hotel* is in the Paddington Urban Conservation Area identified by the National Trust of Australia (NSW) in 1974 and has been individually classified by the Trust in 2018.

## Part 2 – The site and context

### 2.1 – The Four In Hand Hotel

The hotel is located at the intersection of Sutherland and Elizabeth Streets, Paddington. The building occupies all of the site bounded by Sutherland Street, Elizabeth Street, a small private lane and the neighbouring site at 107 Sutherland Street, Paddington. The site has a street address of 105 Sutherland Street, Paddington, and a land title described as Lot A in DP 330465.

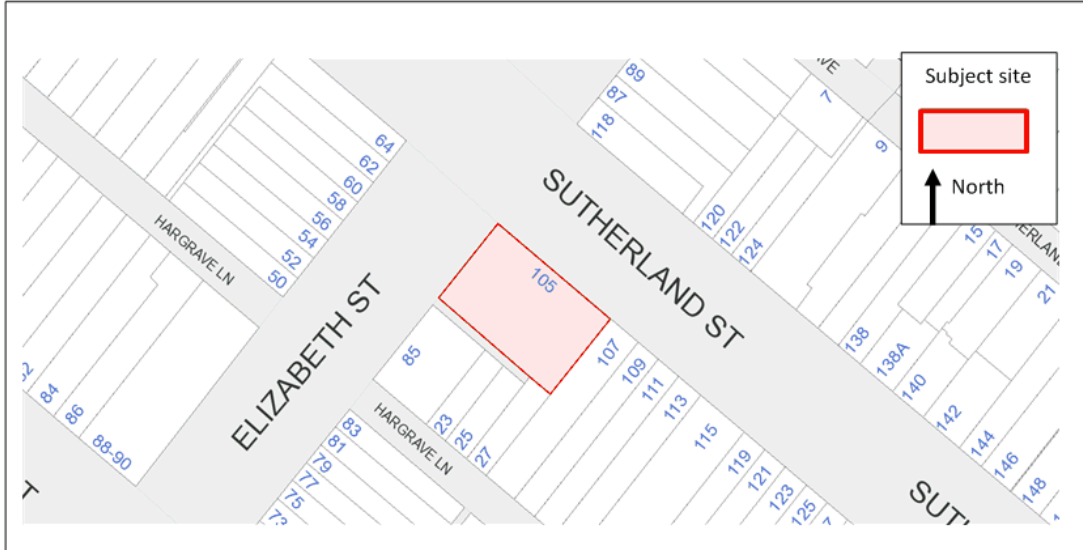
Surrounded by residential properties, the *Four In Hand Hotel* is a landmark corner commercial building constructed specifically for use as a hotel. Constructed in 1878, it has been in continuous operation since its construction. Refer to **Figure 1, 2, 3 4 and 5** below for site and context images.



(Source: Robert A. Moore Pty Ltd Architects and Conservation Consultants)

**Figure 1: The Four In Hand Hotel as viewed from Sutherland Street, looking towards the north eastern and north western elevations**

Initially constructed in 1878, the *Four in Hand Hotel*, previously known as *Humberstone's Hotel* and the *Solferino Hotel*, is a two-storey, corner-sited Victorian period hotel building, which through campaigns of additions and alterations over 140 years, has continued in its original use until the present day. Built to address Sutherland and Elizabeth Streets, with its long side elevation to Sutherland Street, the hotel is of rendered brick construction with corrugated iron roofs concealed by the parapets to its street frontages.



(Source: Council's in-house mapping system)

**Figure 2: Cadastral map showing the Four In Hand Hotel site outlined in red**



(Source: Council's in-house mapping system)

**Figure 3: Aerial map showing the Four In Hand Hotel site outlined in red**



*(Source: Google Street view – July 2017)*

**Figure 4: Image of the adjoining residential properties to the east along Sutherland Street**



*(Source: Google Street view – July 2017)*

**Figure 5: Image of the adjoining properties to the south along Elizabeth Street**

## 2.2 – Existing context

The *Four in Hand Hotel* is located in the centre of the residential precinct of the Paddington Heritage Conservation Area.

The site is zoned R2 Low Density Residential under the Woollahra LEP 2014. *Chapter C1 Paddington heritage Conservation Area*, describes the objectives and controls for the Heritage Conservation Area including the conservation philosophy.

Section C1.3.9 identifies the significance of pubs in the Paddington Heritage Conservation Area

*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.*

## Part 3 – Existing relevant planning controls

The existing relevant planning controls to this planning proposal are heritage planning controls. The *Four in Hand Hotel* is not currently listed as a State or local heritage item. The *Four in Hand Hotel* is located in the Paddington Heritage Conservation Area which is identified as local item C8 in Part 2 (Heritage conservation areas), Schedule 5 (Heritage items) in Woollahra LEP 2014.

## Part 4 – Objective of planning proposal

The objective of the planning proposal is to amend Woollahra LEP 2014, to list the *Four in Hand Hotel*, including its interiors, at 105 Sutherland Street, Paddington as a local 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 *the Four in Hand Hotel*, including its interiors, in Part 1 Heritage Items of Schedule 5 Environmental Heritage. The exact wording of the amendment will be determined by the 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 the *Four In Hand Hotel* at 105 Sutherland Street, Paddington.

## Part 6 – Justification

The planning proposal has strategic merit. The key reasons to amend Woollahra LEP 2014 are that heritage listing of the *Four in Hand Hotel* 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/ inventory sheet, prepared by Robert A Moore Pty Ltd. The report concluded that the *Four in Hand Hotel* meets the criteria for listing as a local heritage item. The report recommended that the *Four in Hand Hotel*, including its interiors, be listed as a heritage item in Woollahra LEP 2014.

#### 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 the *Four in Hand Hotel* at 105 Sutherland Street, Paddington 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. Options, such as adding site-specific objectives and controls to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a development consent for the *Four in Hand Hotel*, 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 Region 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 the *Four in Hand Hotel 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, 54 and 63 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
- Assisting Council in preparing plans for tourism and visitation by protecting heritage to enhance cultural tourism.
- Identifying and protecting scenic and cultural landscapes.

### 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 the *Four in Hand Hotel* 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 / inventory sheet measured the *Four in Hand Hotel* 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 the *Four in Hand Hotel* is of heritage significance at the local level. Table 1 below provides a summary of the assessment of the heritage significance of the *Four In Hand Hotel* against the seven criteria, at the local and State levels.

**Table 1: NSW Heritage assessment criteria summary**

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(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).	✓	x
(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).	✓	x

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(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).	✓	x
(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.	✓	x
(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).	✓	x
(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).	✓	x
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> <li>• cultural or natural places, or</li> <li>• cultural or natural environments, (or a class of the local area's</li> <li>• cultural or natural places, or</li> <li>• cultural or natural environments.)</li> </ul>	✓	x

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 the *Four In Hand Hotel* 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 the *Four in Hand Hotel*. It does not involve amendments to the planning controls that will facilitate intensified development.

The *Four in Hand Hotel* 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?**

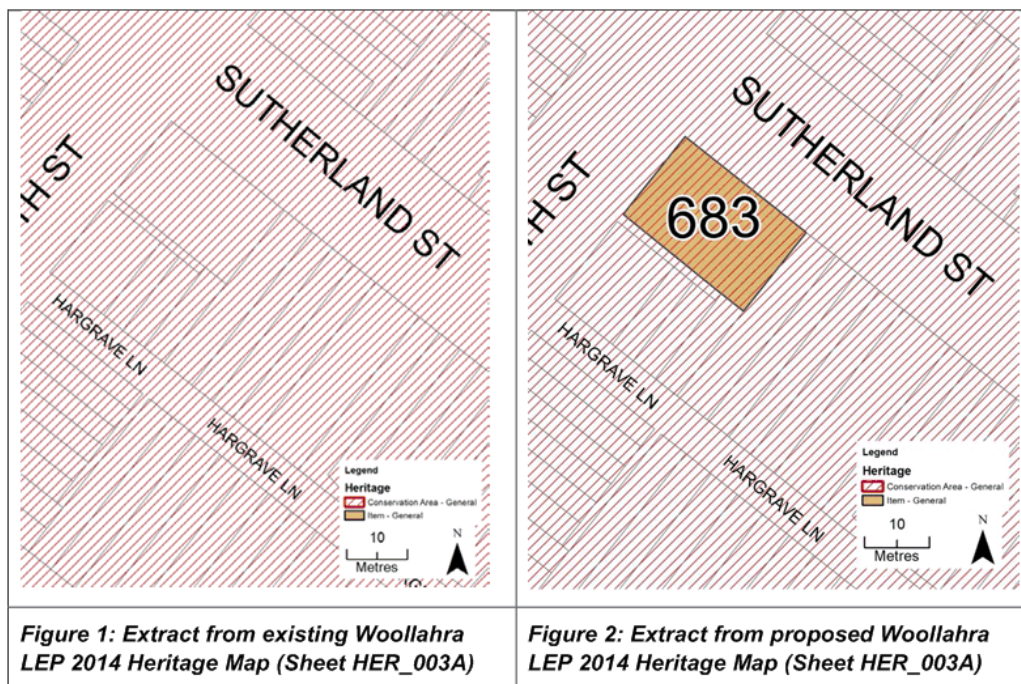
This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

- Office of Environment and Heritage, Heritage Division.
- NSW Heritage Council.
- The National Trust of NSW

**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 *the Four in Hand Hotel*.

Extracts of the existing and proposed heritage maps are shown in Figure 1 and Figure 2.



## Part 8 – Community consultation

### 8.1 – Consultation with landowner

Council has involved the landowner and their consultants in the assessment of heritage significance and reporting stages. This has included:

- Notice of the Council's initial decision made on 21 May 2018 to investigate the heritage significance of the hotel.
- Meeting with the owner to discuss the heritage assessment process.
- A site inspection of the hotel involving the Council's heritage consultant, the landowner and the landowner's consultants.
- Providing a draft version of the assessment of heritage significance to the landowner for comment. The owner's heritage consultant provided a submission dated 21 December 2018 (see **Appendix 2**). The Council's heritage consultant provided a response to the submission (see **Appendix 3**).
- Inviting the landowner to attend and make a presentation at the meeting of the Council's Environmental Planning Committee meeting on 4 February 2019.

### 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 Paddington Society. Bay.

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	March 2019
Council resolution to proceed	March 2019
Gateway determination	May 2019
Completion of technical assessment	Usually none required
Government agency consultation	July 2019
Public exhibition period	July 2019
Submissions assessment	August 2019
Council assessment of planning proposal post exhibition	September 2019
Council decision to make the LEP amendment	October 2019
Council to liaise with Parliamentary Counsel to prepare LEP amendment	November 2019
Forward LEP to Department of Planning and Environment for notification	December 2019
Notification of the approved LEP	February 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



State environmental planning policy	Comment on consistency
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

Sydney regional environmental plans – now deemed State environmental planning policies	Comment on consistency
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 the <i>Four in Hand Hotel</i> will provide ongoing protection and recognition of the heritage significance of the item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal 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	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not 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. Existing flood planning provisions will not be altered by the planning proposal.
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 the <i>Four in Hand Hotel</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 not 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 the <i>Four in Hand Hotel</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: Heritage Assessment/Inventory Sheet – Four in Hand Hotel - Robert A Moore Pty Ltd

Appendix 2: Owners submission – Four in Hand Hotel

Appendix 3: Response to Owners' submission by Robert A Moore Pty Ltd

# Appendix 1

## *Woollahra heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	Four In Hand Hotel		
Other Name/s Former Name/s	Humberstone's Hotel; Healy's Family Hotel; Solferino Hotel		
Item type (if known)	Public House/ Hotel		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels Group		
Street number	105		
Street name	Sutherland Street		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Lot A DP330465		
Owner	Private		
Current use	Hotel with dining room and TAB		
Former Use	Hotel		
Statement of significance	<p>The <i>Four in Hand Hotel</i> is of historic significance to Paddington and the Woollahra LGA as an early and successful example of Paddington's suburban hotels, having been continuously operational since its construction in 1878. It is a surviving example of the type of landmark corner commercial development that was incorporated into the building of terrace rows during Paddington's boom era of suburban development.</p> <p>It is of social significance as a reference point for community identity, having served as a meeting place for the small Sydney Italian community in the 1880s and 1890s, and for political meetings and rallies for local candidates in Council, state and federal elections, as well as for the Federation debates of the 1890s through to 1900. More recently it has been a place of community activism and home for the intellectual sub-cultures of the mid-20th century, including artists, writers and the creative professions who imbued the suburb with a renewed vigour and influenced its re-emergence as a popular, desirable and fashionable area. Its long association with Tooth and Co is well documented archivally in local, state and national repositories.</p> <p>The <i>Four in Hand Hotel</i> is of aesthetic significance as an example of an evolved Late Victorian period hotel still reflecting its original design, re-styled in a late 19th century fusion of Victorian utility and the emerging Aesthetic Movement and Edwardian Federation styles. While its interiors have been serially modified and updated, typically evolving over time as tastes and commercial imperatives changed, its exterior remains legible and relatively intact to its 1927 appearance.</p> <p>As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, the <i>Four in Hand Hotel</i> is still a vibrant element of its urban fabric and local streetscapes. The <i>Four in Hand Hotel</i> is now comparatively uncommon, it is arguably <i>rare</i> as well as <i>representative</i>, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings still in operation which are a key element of the character of the Paddington Heritage Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia.<sup>1</sup> As an element of the Paddington Conservation Area, and as one of the group of hotels in Paddington, it may also have significance at a state level.</p>		
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>	
DESCRIPTION			
Designer	Unknown		
Builder/ maker	Henrich Dorhauer		

<sup>1</sup> Woollahra DCP 2015, Part C, Clause 1.2.3, Character Elements, p.9

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

<b>Physical Description</b>	<p>Initially constructed in 1878, the <i>Four in Hand Hotel</i>, previously known as <i>Humberstone's Hotel</i> and the <i>Solferino Hotel</i>, is a two-storey, corner-sited Victorian period hotel building, which through campaigns of additions and alterations over 140 years, has continued in its original use until the present day. Built to address Sutherland and Elizabeth Streets, with its long side elevation to Sutherland Street, the hotel is of rendered brick construction with corrugated iron roofs concealed by the parapets to its street frontages.</p> <p>Stylistically Late Victorian, the building also has details which reflect the emerging Queen Anne Revival taste of the Late 19<sup>th</sup> and Early 20<sup>th</sup> centuries. This can be seen in its simple primary facades divided into bays with shallow pilasters that extend up into the original curvilinear parapets; its roughcast rendered frieze with moulded string courses; tiled ground floor walls; double hung sash windows with multi-pane upper sashes over single pane lower sashes; and the bracket-supported curved corrugated iron roof over the partly inset balcony overlooking Sutherland Street. The building retains its multiple timber joinery entry doors, though some of the ground floor access points and windows have been changed.</p> <p>Two major extensions to the building are apparent in its street frontages. To the west and upslope facing Elizabeth Street, a two-storey addition carefully matches some details of the existing façade, such as the roughcast frieze, while simplifying other details such as the parapet. To the south, a single storey addition, much plainer in treatment, extends the eastern frontage across the former rear yard access drive.</p> <p>Original plans of the hotel have not been discoverable. The earliest known arrangement of the site and the building's earlier interiors are shown in the set of plans for the extensions (as will be described below) undertaken in 1927 by the (then) new owners Tooth &amp; Co. (Images 4, 5 and 6 and the photograph at Image 7)</p> <p>Originally rectangular, the hotel had a rear paved yard containing lavatories, stores and a laundry accessed from both streets (as shown in the 1886 Sydney Metropolitan Detail Plan, sheet 22, Image 2).</p> <p>The ground floor comprised a Public Bar extending the width of the building inside the Elizabeth Street frontage, set above an excavated basement cellar of the same size, with typical trap-door street access. Behind and separate from the Public Bar, a private hall accessed the main stair to the first floor as well as the central ground floor corridor from which opened two "parlours", the dining room, a store, the kitchen and three bedrooms (for the publican or staff). At the first floor, the stair (against the western rear side) accessed a hall giving onto the partly inset balcony, two substantial bedrooms over the Public Bar (later with interconnecting folding doors) and the central spine corridor from which three further bedrooms, the bathroom and linen cupboard were approached.</p> <p>Successive alterations have greatly changed both the ground and first floor interiors over the building's long life. A descriptive summary of these changes is provided below.</p> <p>The site is now almost totally built upon, with the yard occupied by the 1927-29 dining room addition and subsequent new kitchen and storerooms. The Public Bar has grown to occupy almost half the ground floor with further lounging areas, toilets and storerooms replacing the parlours and bedrooms. The upper flight of the staircase is now approached from a new open stair in the dining room. Of the first floor bedrooms and hallways, the two bedrooms overlooking Elizabeth Street and the main hallway to the Sutherland Street balcony remain, while the other walls, rooms and access hall have been rearranged and rebuilt. The rear balcony is now a store.</p> <p>It is understood the hotel has not offered accommodation "for many years". While the periodic alterations and refits of the bars and dining areas have comprehensively adapted the structure and finishes of the ground and first floor interiors, they remain interpretable through the extensive records of the building, including those held by Council.</p> <p>Images 11-13 show the <i>Four in Hand Hotel</i> today.</p>			
<b>Physical condition and/or Archaeological potential</b>	<p>Most areas of the hotel appear to be in good condition. Standard maintenance requirements evident include the painting of the external joinery to protect timberwork and treatment of corrosion in the steel suspended awning.</p> <p>While the building's fabric is in effect a record of its own evolution, the extent of site redevelopment is likely to have disturbed archaeological evidence of earlier occupation.</p>			
<b>Construction years</b>	<b>Start year</b>	1878	<b>Finish year</b>	<b>Circa</b>
<b>Modifications and dates</b>	<p>The alterations and additions undertaken for Tooth &amp; Co in 1927 appear to be the earliest and most substantial of the building's alteration phases. Extensive alterations and additions were carried out during 1927-29. The walls of the private entrance and stair hallway, dining room and parlour were removed to enlarge the Public Bar and extend the counter from 30ft. to 65ft. The existing storeroom and a portion of the dining room were converted into a storeroom opening directly into the Public Bar. One parlour remained on the ground floor, directly accessible from the Public Bar. A bath was added to the laundry to allow the ground floor bedrooms to be used by staff. The enlarged bar was finished with tiles and the external walls were also tiled at this time.</p>			



## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>On the part of the site facing Elizabeth Street, and formerly occupied by lavatories and storage, a new entrance and dining room, servery, kitchen, and storeroom were constructed with two new bedrooms and a bathroom upstairs. A suspended awning was added and new doorways were added to the Public Bar and parlour and the interior and exterior were painted.</p> <p>In September 1934, having leased the site for 32 years, Tooth &amp; Co purchased the freehold outright, continuing to sub-let the hotel to various licensees.<sup>2</sup> By 1954, Tooth's held the freehold to over 300 hotels across Sydney, 628 throughout NSW.<sup>3</sup> The <i>Four In Hand Hotel</i> was one of 22 hotels owned or under the management of Tooth &amp; Co in the suburb of Paddington.</p> <p>In July 1953 another round of renovations and alterations was proposed, including the conversion of a parlour to a Saloon bar and two store-rooms into a ladies' parlour. Although it does not appear that these works were completed, a new floor of tallowwood was laid, after it was discovered that white ants had damaged the original timber floor. In March 1954, the cellar, cut from the natural rock in 1878, was brick lined and waterproofed. In September 1956 a new 90 seat lounge area with dance floor was created with the removal of internal walls at the back of the public and Saloon bar area, with a buffet bar from the Public Bar to serve the new lounge area. A new women's toilet, with two lavatories was also added in the yard area. The mens' toilets were also remodelled to satisfy a work order by the Licensing Court to provide additional toilets.</p> <p>Small changes and renovations were ongoing through the 1960s, with the Public Bar counter cut back in 1965, a cold-room installed in 1966 and fluorescent lighting added in 1967.<sup>4</sup></p> <p>In 1969, further changes were proposed with the extension of the Saloon bar into part of the lounge. This work included the construction of a new internal wall through the middle of the former lounge and the removal of the lounge into the former dining room fronting Elizabeth Street at the front of the hotel. Parts of the former lounge were then converted to become the women's toilet and a storeroom, with new airlocks and entrances to the men's toilet from the Public Bar and a passageway off the Saloon Bar.<sup>5</sup> A new reinforced concrete floor was laid in the extension at a lower level to match the existing Saloon bar. A new doorway from the bar serving space to the lounge extension was inserted and the existing bar counter was extended. A new external window was created in the Saloon Bar and the bar room tiled to match the Public Bar. The fireplace and chimney in the Saloon Bar were demolished and a new entrance doorway was constructed, re-using existing doors. The cost of the works was shared by Tooth &amp; Co and the publican at the time, Mr G.A. Bowtell.</p> <p>In 1976, the then publican, Justin P Jordan and his wife Penelope, as part of the Croisdale syndicate group approached Tooth &amp; Co to buy the freehold of the hotel. Although the initial offer was refused, Tooth &amp; Co were in the process of re-assessing all their hotels, and a new offer by Jordan, now trading as Glenlusk Pty, was agreed to in February 1978, ending Tooth &amp; Co's 44 year ownership.<sup>6</sup></p> <p>Small works carried out during the 1970s included the removal of a fireplace and chimney in 1975, the opening of an archway between the Public Bar and Saloon bar, allowing direct access in November 1976. The suspended awning roof and box gutter were replaced.</p> <p>The replacement of the timber floors in the Saloon with concrete followed in 1980. In the next year, (1981), the original stairs in the Elizabeth Street entrance were demolished to make way for a new access from the bar to the dining room and replaced with a shortened staircase.</p> <p>Although the first floor was still in use as accommodation in the 1980s, it is understood that the changing demographics of the area and a drop in the use of the bedrooms saw that use discontinued. While the front bedrooms and cross hallway to the balcony remain, the layout of the other rooms has been liberally adapted. No plans for this work have been found. The greater part of the upper floor, east of the stair hall, presents as a flat.</p> <p>The former garage at the rear was transformed into a cool room during the same period, with an upgraded dining room and fit-out for a restaurant reflecting a move towards more refined dining options than the traditional pub had offered.</p> <p>Later changes to the hotel include minor refurbishments and repairs. The pediments above the parapet shown in the 1927 drawings (image 6) have been removed or as they are not shown in the 1930 image, may not have been constructed.</p>
<b>Further comments</b>	Hotels in 19th century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the

<sup>2</sup> Four-in-Hand, Yellow Card, Tooth & Co Collection, Noel Butlin Archives ANU.

<sup>3</sup> Tooth & Co Collection, Noel Butlin Archives ANU.

<sup>4</sup> Four-in-Hand, Yellow Card, Tooth & Co Collection, Noel Butlin Archives ANU.

<sup>5</sup> DA Files, Four-in-Hand, Woollahra Council; N60/6420 Property File, Four-in-Hand Hotel, Tooth & Co Collection, Noel Butlin Archives ANU

<sup>6</sup> N179/154 Tooth & Co Managers Office Files, Four-in-Hand hotel, Tooth & Co Collection, Noel Butlin Archives ANU

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River at Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events. The hotel became a focal point for community, particularly in Sydney's earliest suburbs and towns. They were used for everything from meeting halls for local societies, to inquests and political rallies. This was particularly the case for working class and industrial inner-city suburbs through the 19th century, such as Paddington, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or cornerstone building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the <i>Sands Directory</i> in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.<sup>7</sup> Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether any new publicans license's should be granted in the coming three years, and if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.<sup>8</sup> The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".<sup>9</sup> Around the same time, the three large breweries that dominated the Sydney market, Tooth &amp; Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th century until the 1920s, after which Tooth's took over Resch's and with it, their hotels as well.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th century hotel into larger Public Bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the Public Bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, Public Bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.<sup>10</sup></p> <p>External change to the appearance of hotels was also common during the first decades of the 20th century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p>
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<sup>7</sup> Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

<sup>8</sup> Kelly, op cit, p.181.

<sup>9</sup> from Wikipedia [http://en.wikipedia.org/wiki/Australian\\_pubs](http://en.wikipedia.org/wiki/Australian_pubs) and [http://en.wikipedia.org/wiki/Six\\_o%27clock\\_swill](http://en.wikipedia.org/wiki/Six_o%27clock_swill)

<sup>10</sup> *Freeland op cit p176*

## Woollahra heritage inventory

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	<p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.<sup>11</sup> As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.<sup>12</sup> In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19<sup>th</sup> Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered.</p> <p>In Sydney the compounding land value of inner city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For those pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
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HISTORY	
<b>Historical notes</b>	<p>Paddington is part of the land of the Cadigal people.</p> <p>In 1823, ex-convict James Underwood and two other emancipists, Robert Cooper and Francis Ewan Forbes, combined to establish Sydney's first legal distillery on 100 acres of land granted to them between Old South Head Road (Oxford Street) and Rushcutters Bay.</p> <p>By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Cooper had broken down, and the partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.<sup>13</sup> This grant comprised a quarter of present day Paddington and was chosen for its supply of fine water from the Glenmore Brook near Jersey Road. The area became known as the Underwood Estate, or Underwood's Paddock. It encompassed the land between Oxford, Ormond, Cascade Streets, Glenmore Brook and Jersey Road.</p> <p>Underwood's Paddock was first subdivided in 1839 and was called the Paddington Estate. He called the area after the London Borough where he had property and by the mid-1830s, the name 'Paddington' was in common use. The subdivision ran from Juniper Hall along Oxford Street to Jersey Road and down to Paddington Street. Four streets, Underwood, Paddington, Elizabeth and William, were formed for the subdivision and 80 allotments were offered for sale. The main sales however occurred in the 1870s, when the rest of the estate, totalling over 800 lots was sold.</p> <p>The growth of Paddington had been slow during the early years of the 19th century. Large estates, the relative isolation of the area and an economic slowdown in the early 1840s hampered development. The construction of Victoria Barracks in 1848 was the impetus for the main development of the village, firstly along Oxford Street opposite the new barracks.</p>

<sup>11</sup> Wikipedia [http://en.wikipedia.org/wiki/Australian\\_pubs](http://en.wikipedia.org/wiki/Australian_pubs)

<sup>12</sup> *Freeland J.M. op cit p192*

<sup>13</sup> Parkinson 'The Underwoods: Lock, Stock & Barrel'

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

<p>Victoria Barracks provided the main source of custom for the early hotels, which were mostly within a short distance of the Barracks along Oxford Street, including the Sussex Arms, the Britannia, the Rose and Crown, the Londonderry, the Rifle Butts and Colonel Bloomfield's Arms, the Crab Guns, the Greenwood Tree and the Paddington Inn.</p> <p>The subdivision of the large estates, such as the Underwood Estate, particularly between 1870 and 1890 fuelled a building boom, including houses and hotels across what was to become the suburb of Paddington. The predominant form was the terrace house, built largely by small scale builder developers, in rows of four to six houses. Terraces made maximum use of the narrow suburban blocks, and the sloping topography of the area while still offering enough room for families and small backyards.</p> <p>Paddington was a renter's suburb, with the majority of houses leased to workers who commuted into the city, to the docks or the industries around Sydney's southern fringe.<sup>14</sup> This growing community, with few public halls or restaurants, relied on local hotels for their meeting areas and dining rooms.</p> <p><b>Development of the Four-in-Hand</b></p> <p>The <i>Four in Hand Hotel</i> site was part of the second subdivision and sale of the residue of Underwood's estate. This did not take place until 1875, because of protracted legal battles over Underwood's complicated will following his death in 1844. The subject site was part of Section 3, Lots 108-111, which was offered for sale on 9<sup>th</sup> August 1875.</p> <p>The vacant lots were purchased by Dennis Bennett, who in turn sold them to the builder Henrich Dorhauer in 1876, who already owned Lots 105-107. In 1878 Dorhauer built a row of four terraces fronting Sutherland Street and a hotel on the corner.<sup>15</sup> Dorhauer had previously run a timber yard in the gold fields at Hill End. According to the Paddington Council rate and assessment books, Dorhauer owned Lots 109-111 of Section 3 described as 'land' in 1877 and the following year the property was described as 'hotel'.</p> <p>The hotel first appears in the <i>Sands Directory</i> in 1879 with the proprietor being Mrs M. Humberstone and the hotel known as <i>Humberstone's Hotel</i>. Dorhauer also owned Lots 102-107 in Sutherland Street adjacent to the hotel. He later built four terrace houses on these lots, being numbers 107, 109, 111 and 113 Sutherland Street. A plan of the site drawn in 1886 shows the hotel building on the corner of Sutherland and Elizabeth Streets, with a second, separate building set back from the Elizabeth Street frontage on the same block. [Sydney Metropolitan Detail Series Map Sheet 22- Image 2].</p> <p>The hotel and some properties at the rear fronting the laneway were sold to Susan Bassetti<sup>16</sup> (nee Playfair, sister to John Thomas Playfair, Mayor of Sydney 1885) in 1884. Susan's husband, John Baptiste Bassetti was the proprietor of the hotel and they renamed it the <i>Solferino Hotel</i>. Bassetti had arrived in NSW in 1855 from Camena, in the Italian-speaking Canton of Ticino in Switzerland. After marrying Susan, the Bassetti's moved to Solferino in 1871, a small gold mining town northwest of Grafton. The town had been named by Italian gold seekers after Solferino in Italy, site of a major Italian victory over Austrian troops in 1859 during the struggle for the country's unification. Bassetti opened the first hotel in the town and the first general store. In 1874, Bassetti also built and ran the Royal Hotel at Lionville, 3 miles outside Solferino.<sup>17</sup> He was a shareholder in a number of successful gold claims in the area, spending his time equally between these fields and Sydney. In 1881, Susan returned to Sydney for the birth of her daughter, and after three years John followed her, taking up the license for the hotel in 1884, while maintaining his gold mining interests.<sup>18</sup></p> <p>The <i>Solferino Hotel</i> in Paddington was an important part of the small Italian community in New South Wales during the 1880s. In 1881, there were 521 Italians living throughout New South Wales, with approximately 200 residing in Sydney, including Bassetti as the publican running the <i>Solferino Hotel</i>. His hotel was advertised in the short lived Italian language newspaper <i>L'Italo-Australiano</i>, published in six editions in 1885 (Image 3).<sup>19</sup></p> <p>From as early as the mid-1880s, the hotel was used for political meetings, including municipal meetings, state election campaigns and in the lead up to Federation, the venue became a political hotspot hosting many lively political debates including Mr W. S. Dowel addressing a meeting at the <i>Solferino Hotel</i> in 1897 with Alderman John Dillon.<sup>20</sup> The hotel was also used for campaigning by local Alderman T.J. West in his tilt for State Government in 1901, amongst others.<sup>21</sup></p>
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<sup>14</sup> Kelly, op cit, pp.83-84; pp95-100.

<sup>15</sup> Woollahra Local Studies Collection, Four-in-Hand Vertical File.

<sup>16</sup> Sister of Thomas Playfair, Mayor of Sydney 1885

<sup>17</sup> Four-in-Hand Research File, Woollahra Local Studies Collection

<sup>18</sup> *Australian Town & Country Journal*, 23 May 1885, p.24.

<sup>19</sup> <http://www.coasit.com.au/IHS/journals/Individual%20Journal%20Extracts/Italo-Australiano%20First%20Italian%20newspaper%20from%20IHS%20Journal0029.pdf>

<sup>20</sup> *Sydney Morning Herald*, 17 February 1897, p.8.

<sup>21</sup> *The Australian Star*, 17 June 1901, p.5.

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>When Susan Bassetti died in 1893, her estate described the hotel as, "corner block of land having about frontages of 78 feet to south side of Sutherland Street 105 feet to east side of Elizabeth St and 78 feet to Little Hargrave Street. On it are erected the following premises; - At corner of Sutherland and Elizabeth Streets – The <i>Solferino Hotel</i> of brick, painted, stone foundation, shingle roof and containing bar, cellar, 9 rooms, kitchen, bathroom of wood, wash shed, fuel shed."</p> <p>Without the benefit of inspecting the roof void and in the absence of documentation prior to 1927, it is difficult to know at what point the shingle roof of the Bassetti's original hotel building was changed. The appearance of the hotel's facades may also have changed after construction, because stylistically they appear inconsistent with an 1870s construction date.</p> <p>"As Existing" layout plans from 1927 show the interior plans of the hotel as it was then (Image 4). On the ground floor, the Public Bar occupied the Elizabeth Street end and corner of the building, with two parlours and two bedrooms behind the bar fronting Sutherland Street, and a dining room, store, kitchen and third bedroom behind the bar on the southern side of the building. A laundry and two toilets, plus a men's urinal were in the yard outside and a garage occupied the rear corner of the block. Stairs led to the upstairs from an entrance hall behind the bar. Upstairs on the first floor were five bedrooms, a bathroom and linen cupboard. Without surviving original or earlier plans, it can be assumed these drawings depict the building close to its arrangement as built in 1878.<sup>22</sup> The accommodation served both the public and the publican, as it was then required by law for the publican to live on-site at the hotel.<sup>23</sup></p> <p>Following Susan's death, her estate passed to her husband John, who in turn leased the hotel to Edward Haines in 1898. The following year, 1899, Haines renamed the hotel the <i>Four in Hand</i>, the name it retains to the present day (2018). Tooth &amp; Co took over the lease to the hotel in 1902, sub-letting the hotel to various managers and licensee's, including a number of women such as Mrs E Fowler who held the license between 1907 and 1915, Mrs Catherine Mary Rees who took over when her husband died in 1932 and continued to run it until 1935, Esme Walsh who ran it between 1949 and 1950 or Nina Patterson who did so from 1959-1960.<sup>24</sup> Others ran it jointly with their husbands. The hotels provided women with stable and respectable work, with the Licensing Laws of NSW allowing married women to run the business, in contrast to other professions and public service positions. A full list of licensees of the <i>Four in Hand Hotel</i> is included below.</p> <p>In 1927-1928, the hotel was extensively renovated by Tooth &amp; Co to create a large Public Bar area by combining the former dining room, parlour and private entrance, with a new building erected on the vacant portion fronting Elizabeth Street to create a new dining room and private entrance, with a servery, kitchen and pantry behind on the ground floor, and two new bedrooms and a bathroom on the first floor, with the former first floor corner bedroom converted to a sitting room. The conversion of the former kitchen on the ground floor to a bedroom brought the total to four bedrooms on the ground floor with a passageway entrance and access to the yard. This would bring the total of bedrooms to 10 and bathrooms to three. At the same time a new suspended awning was to be built over the footpath around the trading areas of the hotel. The work was completed by February 1929 (Image 7).<sup>25</sup></p> <p>As has been detailed in the description of modifications section, through successive phases of work across the 20<sup>th</sup> century the interiors of the hotel were altered and adapted to meet evolving trends and demands of pub patrons in fast-changing times. Spatial changes, new functional requirements and decorative schemes within the hotel have had little impact on its exterior, except for the substitution of newer ground floor windows and doors in the 1920's extensions, and some renewal of windows upstairs with inauthentic new joinery. Refer images 8 (1949), 9 (1955) and 10 (c.1960).</p> <p>The layout of the ground floor including the original residential entrance is evident in the pattern of beams and ceiling bays of the ground floor</p> <p>In 2018 the proposal for sale of the <i>Four-in-Hand</i> generated a vocal public campaign by Paddington residents when it was feared the site would be redeveloped for apartments, as had recently occurred with some other older pubs, both nearby and in other earlier suburbs of Sydney. A community group named 'Save the Four' ran an online and local campaign to save the hotel from being closed and redeveloped (Image 14).</p> <p>It is now confirmed that the building has been sold, and the new owners are planning to continue to operate the hotel as a local pub. The 140 years of hotel use in the same building represented by the <i>Four-in-Hand</i> makes the hotel one of Paddington's oldest continually serving hotel and commercial operations.</p>
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<sup>22</sup> City of Sydney Archives 1204/27 New Four-in-Hand, Sutherland & Elizabeth St, Paddington, 1927

<sup>23</sup> Wright, C., *Beyond the Ladies Lounge: Australia's Female Publicans*, Melbourne University Press, Melbourne, 2003, p.24.

<sup>24</sup> Four-in-Hand, Yellow Card, Tooth & Co Collection, Noel Butlin Archives ANU.

<sup>25</sup> City of Sydney Archives 1204/27 New Four-in-Hand, Sutherland & Elizabeth St, Paddington, 1927.

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Publicans/Licensees from Sands Directory and Tooth & Co files 1878-1980	
	<p>1878 Mrs M Humberstone: Humberstone's hotel                      1880 George Munn: Humberstone's Family Hotel                      1882 John Healy: Healy's Family Hotel                      1883-84 John Healy: Humberstone's Hotel                      1885- 1898 John B Bassetti: Solferino Hotel                      1899 Edward Haines: Solferino Hotel (Newspapers show 1899 as year name changed to Four-in-Hand)                      1900-1901 Edward Haines: Four-in-Hand Hotel                      1902 Emola R Benton: Four-in-Hand                      1903-1906 Thomas C Kelly [Tooth &amp; Co take over leasehold in 1904 and begin subletting hotel]                      1907-1908 Peter Redmond                      1909-1915 Eveline E Fowler (she took it up in March 1907 and left Feb 1915)                      1916-1921 W Murphy (he took it up July 1915)                      1921-1923 Archibald George Smith 1923-1925 Vincent Henry Blackburn                      1925-1926 Cecil T Burke                      1926- 1934 John O Rees                      1934- 1935 Catherine Mary Rees                      1935 William Henry Scott                      1935-1936 Llewellyn Davis                      1936-1940 John Bastow                      1940-1941 Keith Kelly Kennedy                      1941-1942 John Alfred Allen                      1942-1943 Harry Daniel Daley                      1943-1947 Adrian Cyrus Holdstock                      1947-1948 Colin John Pinch                      1949-1950 Mrs Esme Walsh                      1950-1955 Harley Vigers                      1955-1958 Gordon Douglas Purdue                      1958-1959 Arthur Eric Kilby                      1959-1960 Nina Florence Irene Patterson                      1960-1962 William Randall                      1962-1972 George Arthur and Esme Lillian Bowtell (formerly of the Rose and Crown 1955-1960)                      1972-1974 James Francis Dawson                      1974-1975 Maxwell Prideaux Thomson                      1975 Justin Phillip Jordan                      1978 Jordan as part of Glenlusk syndicate purchase the freehold from Tooth &amp; Co.                      1980 Peter Klaus Nuebler</p>

THEMES	
National historical theme (if known)	<p>Peopling Australia                      Developing local, regional and national economies                      Building settlements, towns and cities                      Developing Australia's Cultural Life</p>
State historical theme (if known)	<p>Commerce                      Towns, Suburbs and villages                      Accommodation                      Labour                      Domestic life                      Social Institutions</p>

APPLICATION OF CRITERIA	
Historical significance SHR criterion (a)	<p>An item is important in the course, or pattern, of Woollahra's cultural or natural history</p> <p>The <i>Four in Hand Hotel</i> is of historic significance as an early example of one of Paddington's suburban hotels, with the hotel having been continuously operational since its construction in 1878. The <i>Four in Hand Hotel</i> is a surviving example of the type of commercial development that was incorporated into the building of terrace rows during Paddington's suburban development in the 1870s. The <i>Four in Hand Hotel</i> was an important meeting place for the small Sydney Italian community in the 1880s and 1890s, and for political meetings and rallies for local candidates in Council, state and federal elections, as well as for the Federation debates of the 1890s through to 1900.</p> <p>Between 1934 and 1978 the hotel was owned and operated by the Sydney brewing company, Tooth &amp; Co, who had first leased the building in 1904. Tooth &amp; Co were owners of 22 hotels in Paddington during this same period and hundreds more across Sydney and NSW, making them one of the largest hotelier companies in NSW history.</p>

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The <i>Four in Hand Hotel</i> remains as one of Paddington's longest serving hotels and longest continual businesses on the same premises.</p>
<p><b>Historical association significance</b> SHR Criterion (b)</p>	<p>An item has strong or special association with the life or works of a person, or group of persons, of importance in Woollahra's cultural or natural history.</p> <p>The documented history of the <i>Four in Hand Hotel's</i> successive licensees and publicans reflects the stories and themes associated with NSW society and its development - the new settlers, the developers, the successful gold rush entrepreneurs, the brewers Tooth and Co, and the new urbanites, all of whom variously contributed to Paddington's emergence, consolidation and endurance as a distinctive and significant place in Sydney's life and urban fabric. Its association with Sydney's early Italian community is well documented, as is its role as a community public house for political meetings and rallies.</p>
<p><b>Aesthetic significance</b> SHR criterion (c)</p>	<p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Paddington and the Woollahra Municipality.</p> <p>The <i>Four in Hand Hotel</i> is of aesthetic significance as an example of an evolved Late Victorian period hotel still reflecting its original design, re-styled in a late 19th century fusion of Victorian utility and the emerging Aesthetic Movement and Edwardian Federation styles.</p> <p>Its significance is heightened by its integration with the then-contemporary residential development of terrace house streetscapes in which it is a structuring, prominent corner landmark, distinctive for its form, scale and responsive compatibility with the housing and commercial development forming its context. While its interiors have been serially modified and updated, typically evolving over time like its competitors, the <i>Four in Hand Hotel</i> remains a significant example of Paddington's urban fabric and environment, which is of interest to the historic suburb's many visitors as well as the reason many of its residents loyally continue to live there.</p>
<p><b>Social significance</b> SHR criterion (d)</p>	<p>An item has strong or special association with a particular community or cultural group in Woollahra for social, cultural or spiritual reasons.</p> <p>The <i>Four in Hand Hotel</i> is of historic and social significance as a community landmark being associated with Paddington's early political history as a place for campaigning and political organising; and more recently in the history of community activism and the intellectual sub-cultures of the mid-20th century, including artists, writers and the creative professions who imbued the suburb with a renewed vigour and influenced its re-emergence as a popular, desirable and fashionable area. The <i>Four in Hand Hotel</i> is a reference point in community identity within the rich urban amenity and mythology which continues to support Paddington's appeal as a place to live.</p> <p>The strength of community regard and attachment to the <i>Four in Hand Hotel</i> has been demonstrated in both its long history of operation, and more recently in the public protest against its threatened closure and conversion to houses or apartments. The organisation of a "Save the Four" campaign during 2018 when the hotel was for sale illustrates the strong ongoing community attachment to the hotel, including a petition of support signed by 12,403 concerned citizens.</p>
<p><b>Technical/Research significance</b> SHR criterion (e)</p>	<p>An item has potential to yield information that will contribute to an understanding of Woollahra's cultural or natural history.</p> <p>The <i>Four in Hand Hotel</i> retains important evidence of its evolution as an exemplar of a distinct building type, the Late 19th Century/20<sup>th</sup> Century Sydney pub. Together with the substantial archival records of its use and adaptation across time, it demonstrates the processes of change in buildings of its genre, responding to the changing society in which it is valued and continues to serve.</p>
<p><b>Rarity</b> SHR criterion (f)</p>	<p>An item possesses uncommon, rare or endangered aspects of Woollahra's cultural or natural history.</p> <p>As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Four in Hand Hotel</i> is uncommon, rare and endangered. Market challenges and an increasingly valuable site, attractive for conversion to housing use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner city suburbs.</p>
<p><b>Representativeness</b> SHR criterion (g)</p>	<p>An item is important in demonstrating the principal characteristics of a class of Woollahra's cultural or natural places or cultural or natural environments.</p> <p>The <i>Four in Hand Hotel</i> has a clear and notable <i>Representative</i> value, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the</p>

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	Paddington Heritage Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia. <sup>26</sup>
<b>Integrity</b>	<p>The degree to which the item retains the aspects which make it significant under the criteria above.</p> <p>Externally, the <i>Four in Hand Hotel</i> is significantly intact, reflecting its original design as a hotel integrated with a row of terrace houses, combined with the principal phase of its alteration and growth in 1927-29. This directly influences and underpins its attributed historic and aesthetic values.</p> <p>While the public interiors of the Hotel have been serially modified and updated, they remain interpretable and reflective of the building's heritage values and a legible record of its history, supported by substantial documentary evidence. In particular, the pattern of beams and ceiling bays in the ground floor public bar reflects the original wall and room planning. This is also true of the building's former bedroom/residential areas on the upper floor, where adaptation has occurred, but the main hall accessing the balcony, and former main bedrooms remain, making possible interpretation and understanding of the hotel's original arrangement .</p>

HERITAGE LISTINGS	
<b>Heritage listing/s</b>	Other Local, State, Commonwealth statutory listing or non-statutory listings for this item.
	The <i>Four in Hand Hotel</i> is within the Paddington Heritage Conservation Area schedule by Woollahra Council in its LEP.
	The <i>Four in Hand Hotel</i> is within the Paddington Urban Conservation Area identified by the National Trust of Australia (NSW) in 1974 and has also been individually CLASSIFIED by the Trust in 2018.

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Written Graphic/Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
Published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	State Library
Published book	Max Kelly	Paddock Full of Houses: Paddington 1840-1890	1978.	Doak Press, Sydney,
Published book	Clare Wright	Beyond the Ladies Lounge: Australia's Female Publicans	2003	Melbourne University Press, Melbourne,
Archives	City of Sydney Archives	Building Applications	var	City of Sydney
Archives	Noel Butlin Archive of Business and Labour	Tooth & Co collection	var	Australian National University library
Photographs	Trove	Photographic collection	var	On line
Article	Francesca Musico	Australia's First Italian Language newspaper	u/d post 2002	IHS 29, CoAsIt On line
Photos, research folders etc	Various	Woollahra Local Studies Collection	var	Woollahra Library

RECOMMENDATIONS	
<b>Recommendations</b>	<p>Suggestions for conservation actions and/or future control, particularly where a threat may exist.</p> <p>It is recommended that:</p> <ul style="list-style-type: none"> <li>• Appropriate Heritage Conservation Management Documents be prepared, so that continuing future use and adaptation support the Hotel's heritage significance;</li> <li>• Council officers be available to liaise with owners prior to developing plans for change or development;</li> <li>• the <i>Four in Hand Hotel</i> including its interiors be listed as a heritage item in Woollahra LEP 2014;</li> </ul>

<sup>26</sup> Woollahra DCP 2015, Part C , Clause 1.2.3, Character Elements, pg.9



## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<ul style="list-style-type: none"> <li>• further investigation be undertaken to determine if the group of remaining hotels in Paddington should be listed as a group item on Woollahra LEP 2014 and on the State Heritage Register; and</li> <li>• the continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, managed through heritage listing and subject to environmental and heritage impact assessment processes.</li> </ul> <p>The significant heritage attributes and elements of the <i>Four in Hand Hotel</i>, modified and adapted as outlined above and confirmed through preparation of an appropriate heritage management document (ideally a CMP) should be appropriately conserved, adapted and retained. Proposals for new work should reflect identified conservation policies and demonstrate that they are contributing to the conservation of the Hotel's significance and commercial viability. Council and the Hotel owners should liaise regarding any proposed changes and the management options set out in Clause 5.10 of the Woollahra LEP 2014 remain available.</p> <p>Existing alterations and additions, which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for removal, allowing reconstruction to original or early detail or a more sympathetic treatment. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered to avoid detrimental impacts.</p>
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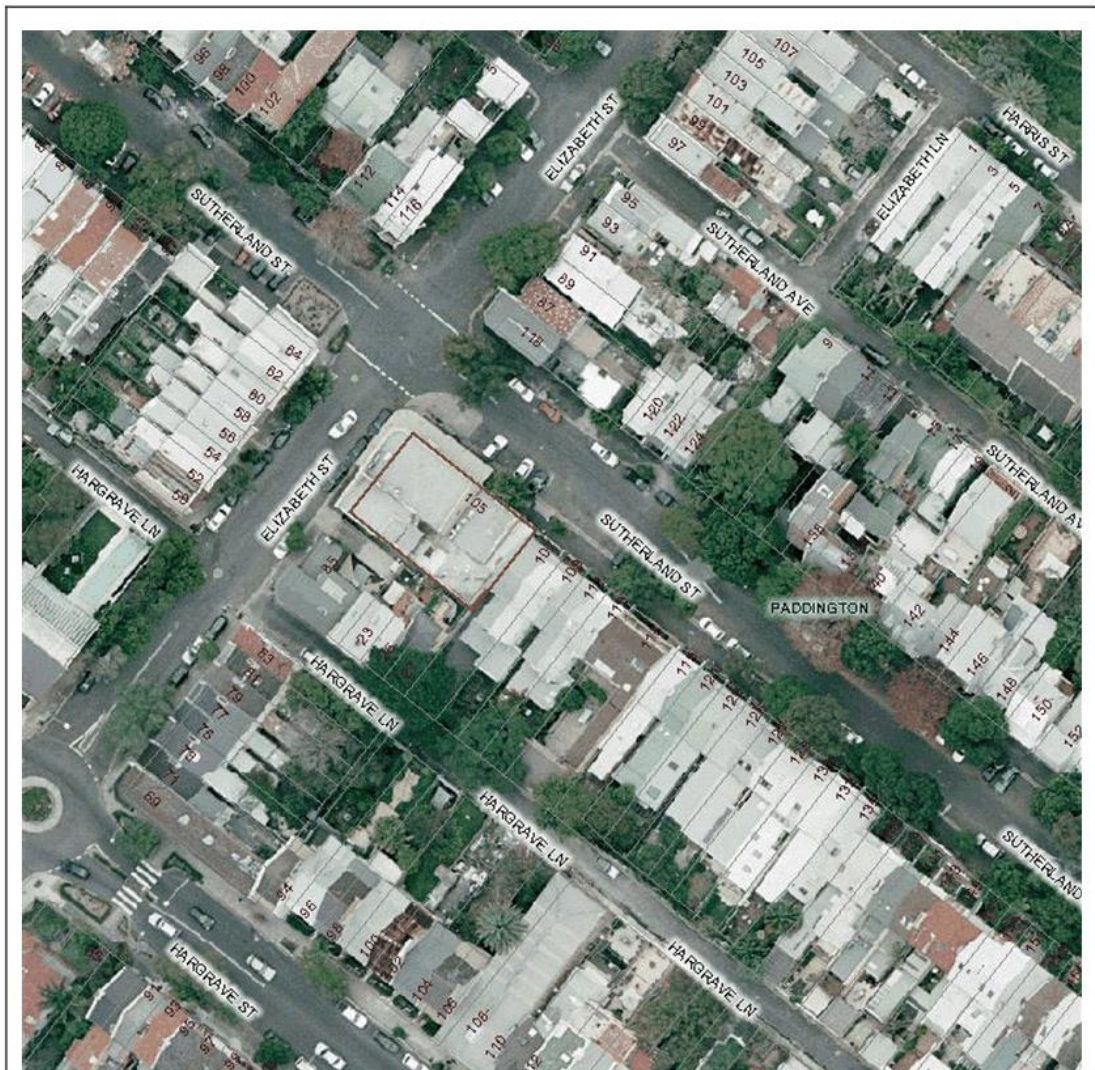
<b>SOURCE OF THIS INFORMATION</b>			
To be completed if this form is part of a heritage study or report			
<b>Name of Study or report</b>	Paddington Hotels Study	<b>Year of study or report</b>	2018
<b>Item number in study or report</b>	#1		
<b>Author of Study or report</b>	Robert A Moore Pty Ltd		
<b>Inspected by</b>	Robert Moore		
<b>NSW Heritage Manual guidelines used?</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>This form completed by</b>	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Reilly for Woollahra Council)	<b>Date</b>	November 2018

## Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGE 1

Image caption	Image 1: Location and setting of the <i>Four In Hand Hotel</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

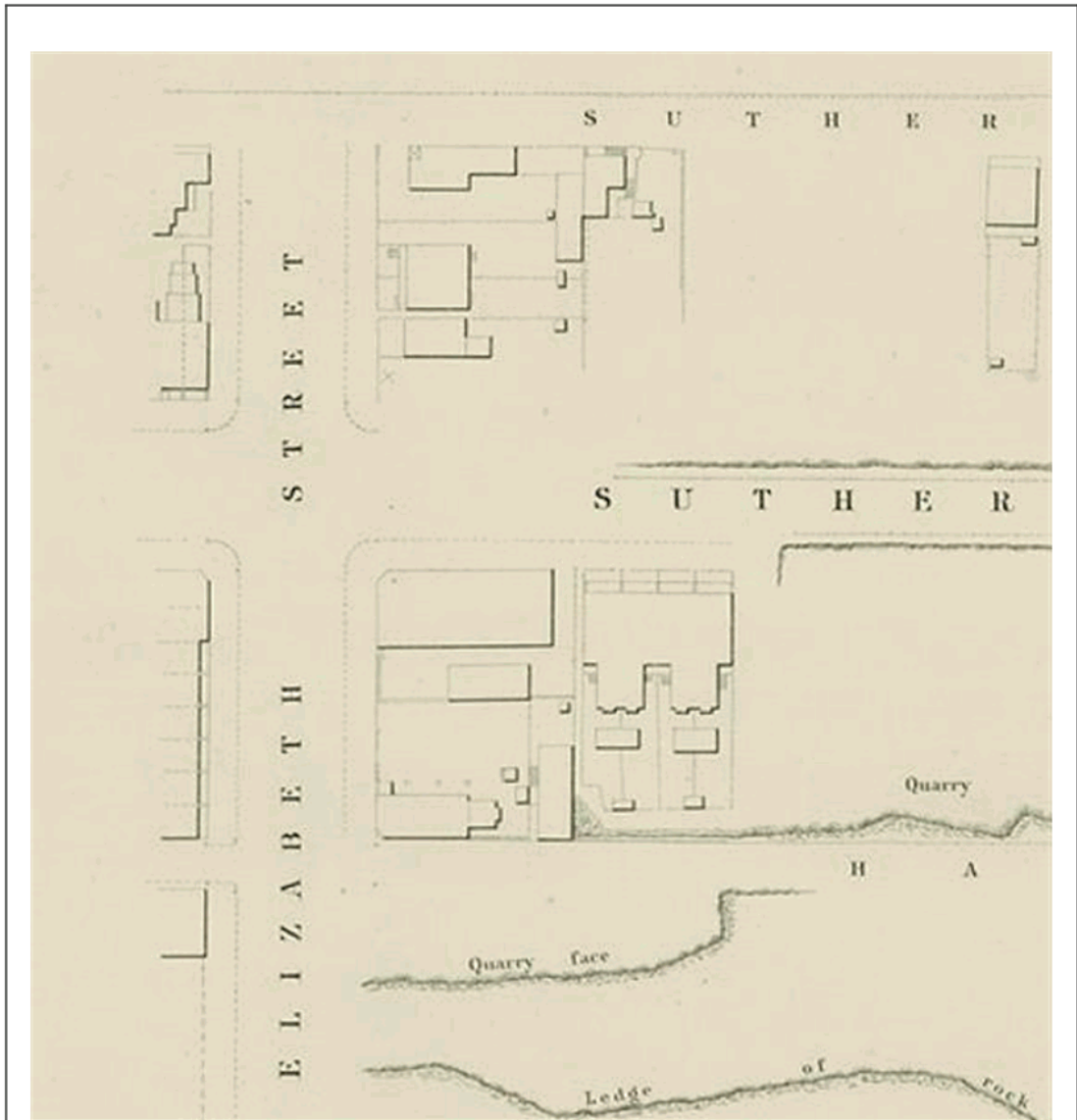


**Woollahra** heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 2**

<b>Image caption</b>	Image 2: Sydney Metropolitan Detail Series Paddington Sheet 22				
<b>Image year</b>	1886	<b>Image by</b>	Surveyor General's Office	<b>Image copyright holder</b>	State Library



**Woollahra heritage inventory**

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 3**

Image caption	Image 3: Advertisement for Solferino Hotel in the first Australian Italian language newspaper, <i>L'Italano Australiano</i> , 1885 (Source: Francesca Musico, <i>L'Italo Australiano: Australia's First Italian Language Newspaper</i> , <i>Italian Historical Society Journal</i> , Vol 26, 2009)			
Image year	1885	Image by		Image copyright holder

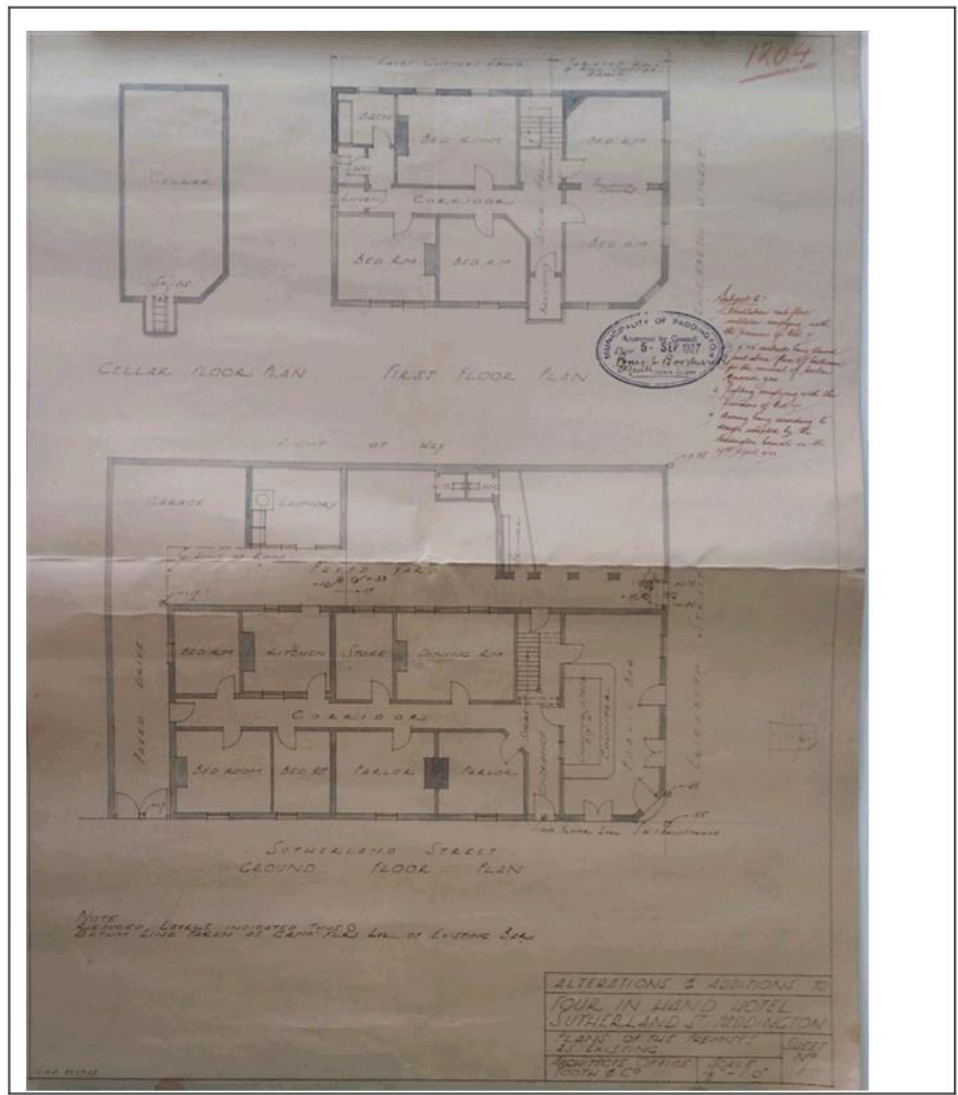


### Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 4**

<b>Image caption</b>	Image 4: The <i>Four in Hand Hotel</i> , 1927 plans for proposed alterations – existing floor plans, prior to the 1927-29 works commissioned by Tooth & Co and prepared in their architect's office.			
<b>Image year</b>	1927-29	<b>Image by</b>		<b>Image copyright holder</b>

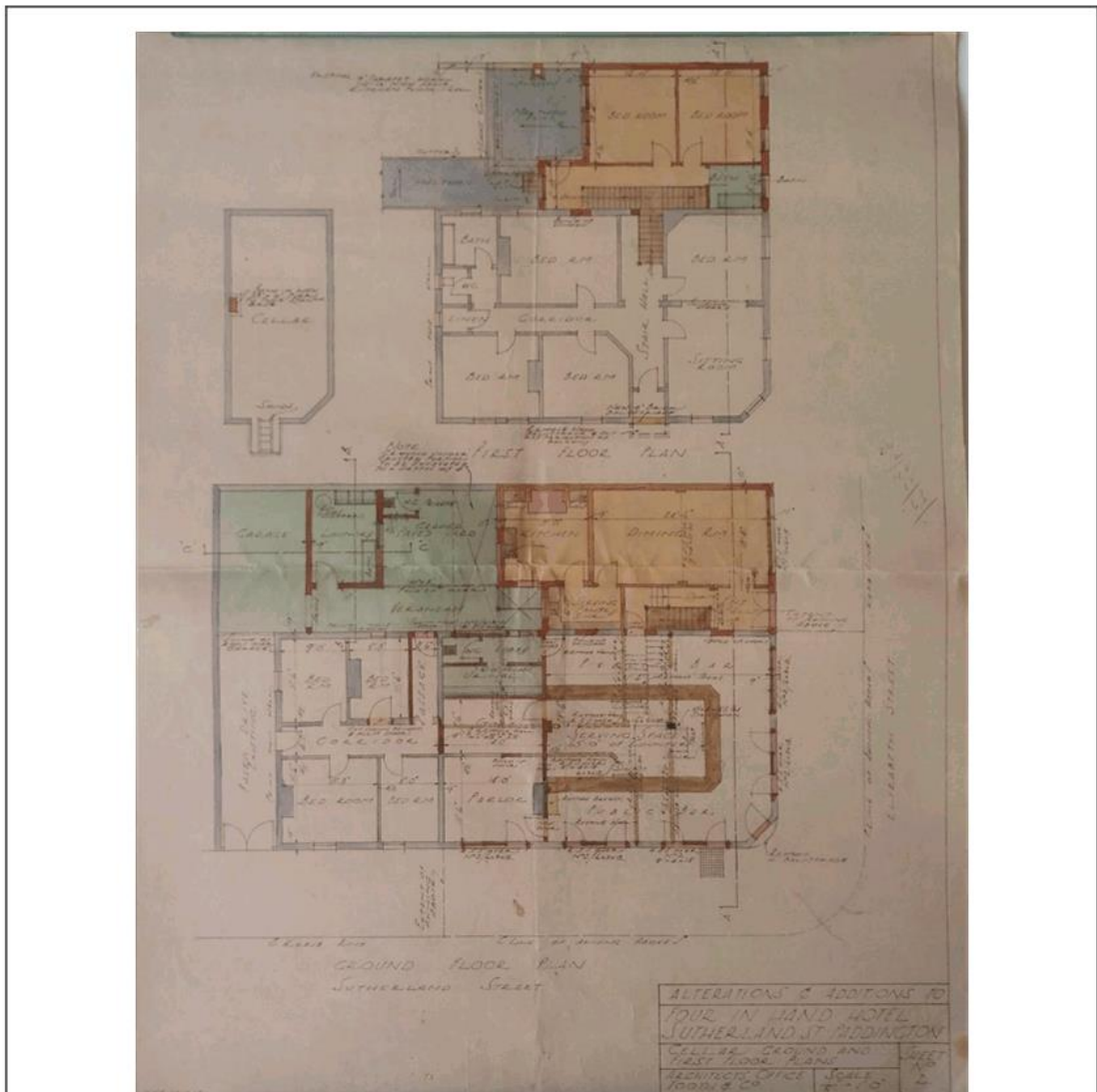


**Woollahra** heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 5**

<b>Image caption</b>	Image 5: The <i>Four in Hand Hotel</i> , 1927 floor plans of proposed alterations which included a garage, storeroom kitchen, servery, dining room and entry with two bedrooms and a bathroom upstairs.				
<b>Image year</b>	1927-29	<b>Image by</b>		<b>Image copyright holder</b>	Noel Butlin Archives, ANU

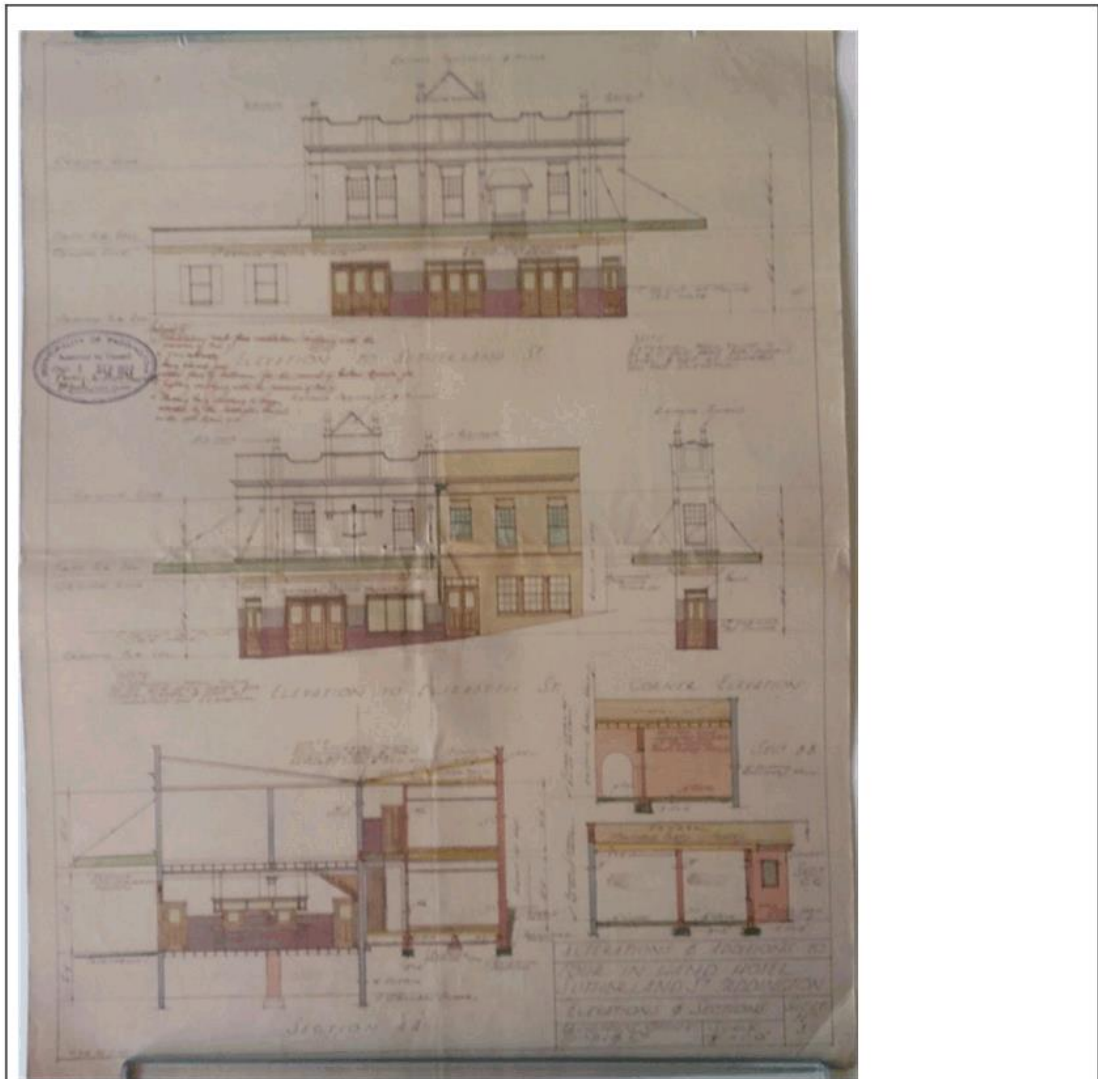


**Woollahra heritage inventory**

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 6**

<b>Image caption</b>	Image 6: The <i>Four in Hand Hotel</i> , 1927 elevation drawings showing alterations by Tooth & Co., including the dining room accessed from Elizabeth Street, and the new suspended awning.  Note: The pediments above the parapets have been removed at some later date, or may never have been constructed.				
<b>Image year</b>	1927-29	<b>Image by</b>		<b>Image copyright holder</b>	



**Woollahra heritage inventory**

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGE 7

<b>Image caption</b>	Image 7: The <i>Four in Hand Hotel</i> c 1930, showing the recently completed alterations and additions fronting Elizabeth Street and the new suspended awning.  Note : Multi-pane upper sash windows to all upper floor windows ; sash windows to the Elizabeth Street extension (dining room) and access door to the Sutherland Street ; and the pediments above the parapet, shown in the 1927 plans, have been removed or were not constructed.				
<b>Image year</b>	1930 (?)	<b>Image by</b>	unknown	<b>Image copyright holder</b>	Noel Butlin Archives, ANU





### *Woollahra heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 8**

<b>Image caption</b>	Image 8: The <i>Four in Hand Hotel</i> , 1949, comparatively unchanged from 1930.				
<b>Image year</b>	1949	<b>Image by</b>	Tooth & Co	<b>Image copyright holder</b>	Noel Butlin Archives, ANU

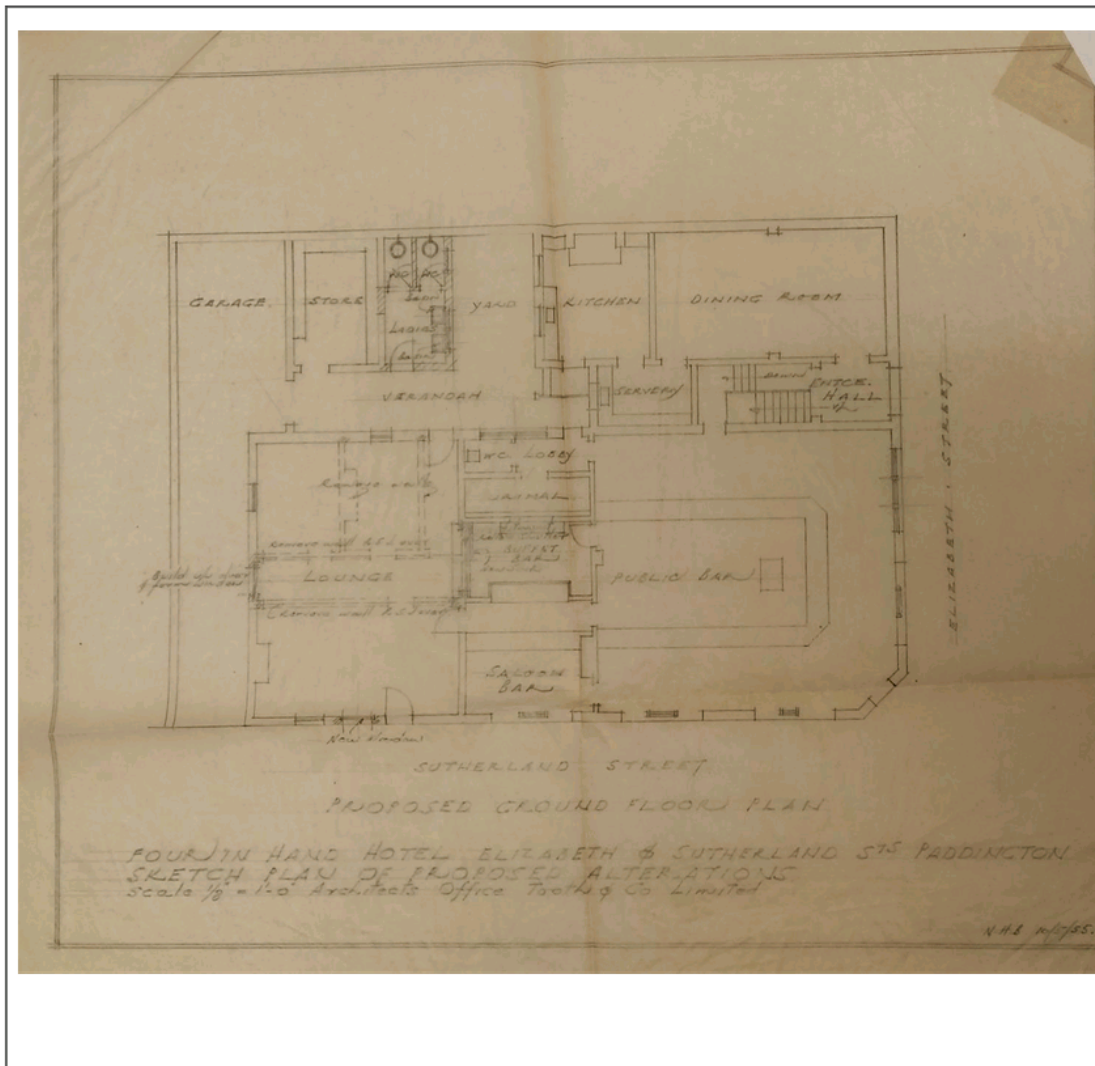


**Woollahra** heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 9**

<b>Image caption</b>	Image 9: The <i>Four in Hand Hotel</i> , 1955 sketch of proposed ground floor alterations showing the creation of an enlarged lounge area through removal of the former rear hallway and original ground floor bedroom walls.				
<b>Image year</b>	1955	<b>Image by</b>		<b>Image copyright holder</b>	Noel Butlin Archives, ANU

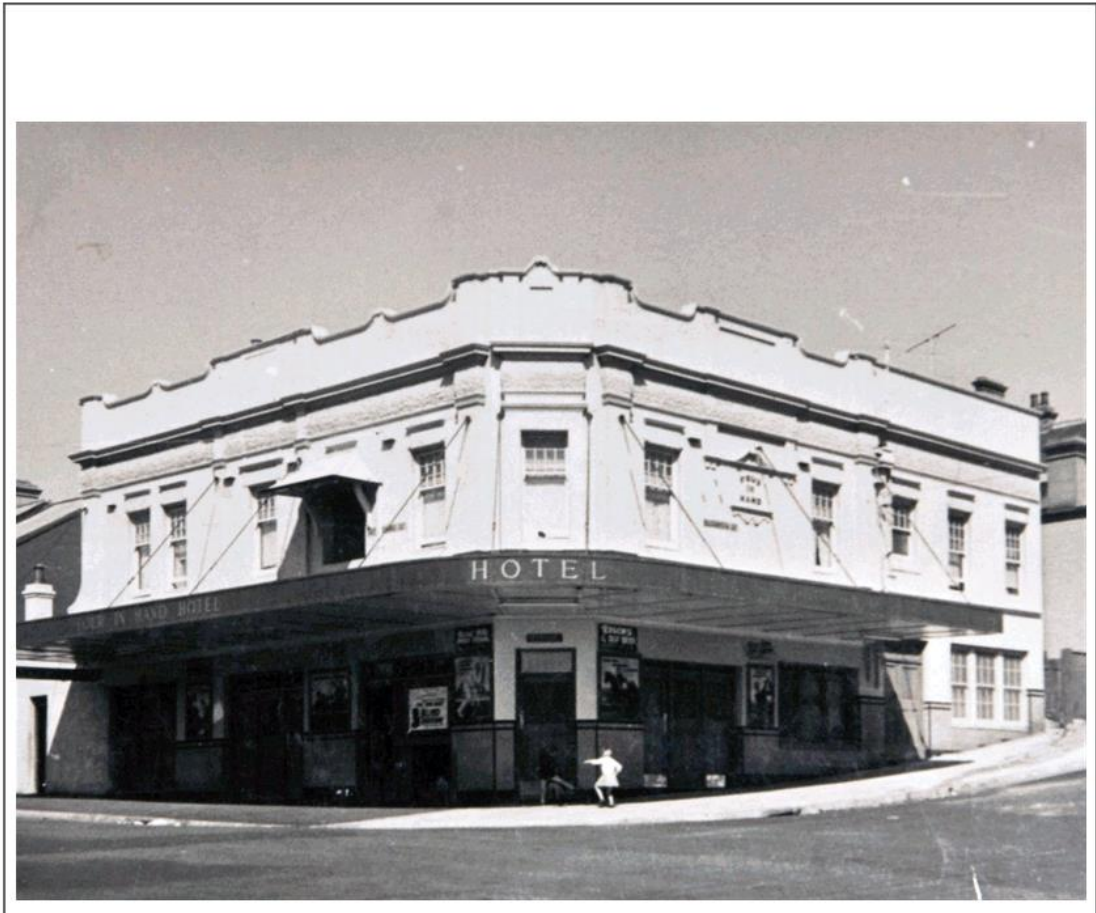


**Woollahra** heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 10**

Image caption	Image 10: The <i>Four in Hand</i> Hotel c 1960				
Image year	Undated c1960?	Image by	Unknown	Image copyright holder	Noel Butlin Archives, ANU



### *Woollahra heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 11**

<b>Image caption</b>	Image 11: The <i>Four in Hand Hotel</i> , 2018 view from Sutherland Street. Three of the sash windows have been replaced with 4/4 paned sashes instead of the original (or earlier) 12/1pane sashes.				
<b>Image year</b>	July 2018	<b>Image by</b>	Sheridan Burke	<b>Image copyright holder</b>	RA Moore



### *Woollahra heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

**IMAGE 12**

Image caption	Image 12: The <i>Four in Hand Hotel</i> : 2018 View of Public Bar showing pattern of supporting beams where walls have been removed to enlarge the bar. All finishes and fitments are recent.				
Image year	July 2018	Image by	Sheridan Burke	Image copyright holder	RA Moore

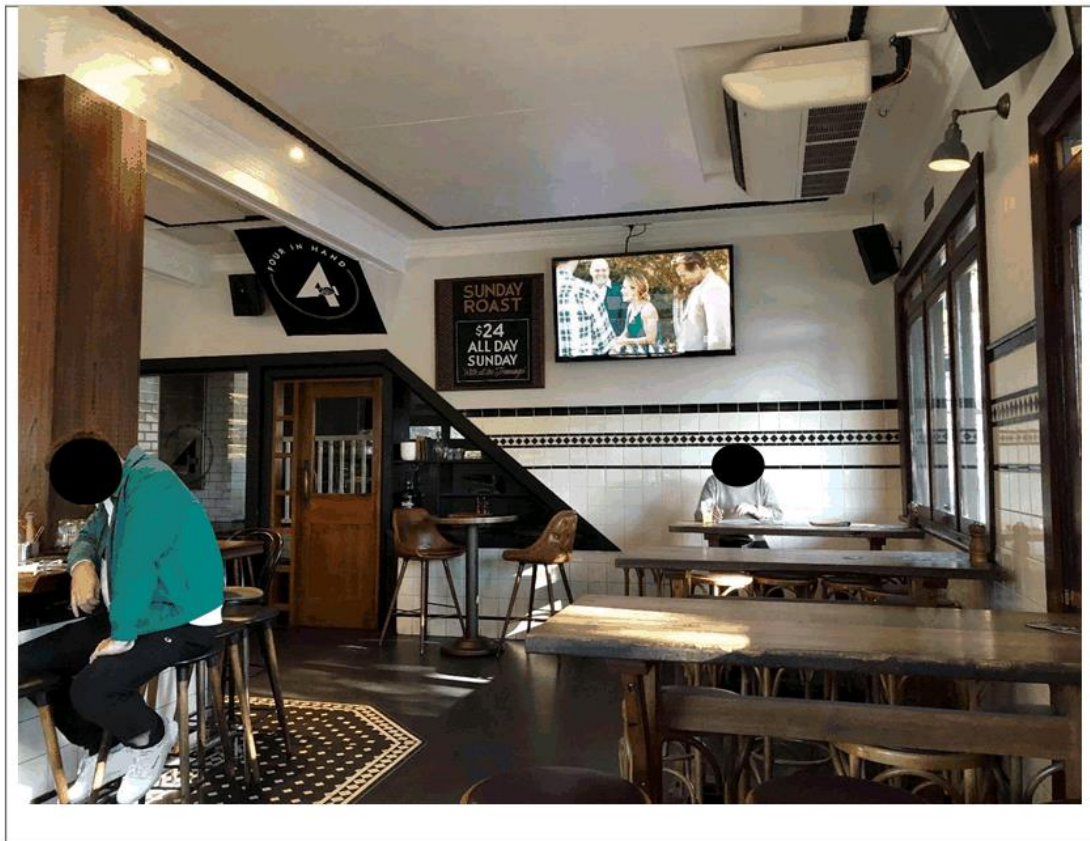


**Woollahra heritage inventory**

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGE 13

Image caption	Image 13: The <i>Four in Hand Hotel</i> : View from Public Bar to door through to dining room; the angled line reflects the stair to the upper floor beyond this partition wall				
Image year	July 2018	Image by	Sheridan Burke	Image copyright holder	RA Moore



### Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGE 14

Image caption	Image 14: The Four in Hand Hotel: protest posters in the vicinity of the pub				
Image year	July 2018	Image by	Sheridan Burke	Image copyright holder	RA Moore



## Appendix 2



Ruth Daniell *B. Arch (hons) LLB*

ABN 71 575 099 221

0408 649 854 rdaniell@jhug.com.au

42 Glenmore Road Paddington NSW

21 December 2018

Mr Gary James  
The General Manager  
Woollahra Municipal Council  
PO Box 61  
Double Bay  
NSW 1360

Attention: Catherine Colville

Dear Catherine,

**RE: SUBMISSION ON THE HERITAGE LISTING SHEET FOR THE FOUR IN HAND  
HOTEL, SUTHERLAND STREET PADDINGTON**

We appreciate the opportunity to make a submission on the heritage inventory sheet for the Four in Hand Hotel, Sutherland Street Paddington.

This submission has been prepared by Ruth Daniell. The owner of the building, supports heritage and particularly has regard for the buildings contribution to the history and the significance of the Paddington Conservation Area.

**Overarching concerns**

It is my professional opinion that the listing of the Four in Hand, prior to the completion of "The 'Paddington Hotels Group" study, is not well planned. The procedure in amending the Woollahra LEP 2014 has a strict legislative framework and not to be undertaken lightly. There was an urgency for listing when the hotel was recently listed for sale and the Councillors responded appropriately to the local residents' concerns.



However, the current ownership continues the hotel use and the building retains its historic use.

I question whether the current listing sheet for the hotel, without the benefit of the completed study, where there is possibility of a group listing and the comparative analysis, is a good basis for listing and an amendment to the LEP for an individual item,

My reasons are:

- A heritage inventory sheet should be factual
- A Statement of significance should be concise and set out the facts supporting the heritage significance.
- The listing sheet contains supposition in the statement that: "the 'Paddington Hotels Group' could have significance at 'State Level.'"
- The Four in Hand hotel is the first and only hotel studied and the study of the "Paddington Hotels Group".
- Individually the Four in Hand would not be of "State Significance"
- The level of significance, Local or State, should not be determined until the study is complete, when the group can be assessed using the accepted criteria and necessary comparative significance to determine this.
- Paragraph 4 in the 'Statement of Significance' the conclusion about the rarity or the comparative uncommonness should not be drawn until the "Paddington Hotels Group" study is complete.

### **The Approval Process**

The listing on the State Heritage Register requires a more complex, two tier, approval process for Development Applications. It takes longer, with additional fees.

The aim in Paddington is to maintain functioning hotels within the conservation area. Complicating the heritage management may have the effect of deterring hotel ownership leading to the further demise of hotels in the Paddington Conservation Area.

The approval process and applicant/council communication is more direct if the building is a local heritage item. Council encourages this.

We submit, other than finding to the contrary at the completion of the study, that the hotel is listed a local item or as part of a group and the requirements for a Heritage Impact Statement with a requirement for fabric analysis in the area where works take place is undertaken as part of Heritage Impact Statement.

### **Requirement for heritage management documents**

The listing sheet for the Four in Hand, still favours a Conservation Management Plan for any works to the hotel .

There are other "Management Documents" listed in the Guidelines on Conservation Management Plans and other Management Documents, which are:

- Conservation Management Plans (required for State Items)
- Conservation Management Strategies

- Heritage Impact Statements (required by the Woollahra LEP 2014); with assessment against and the applicable WDCP provisions:

The time and cost of the preparation of conservation management documents is exponential, from bottom to top of this list. Hotels are a type of building where significant change occurs due to licensing and legislation requirements there is substantial modification. During a site visit conducted with council staff and consultants, it was concurred that there was little heritage fabric remaining in the interior. However, with the current proposed listing sheet the onus is placed on the owner of the building to prove otherwise to the level of a Conservation Management Plan.

My submission is that the heritage inventory sheet should identify the significant building fabric.

#### **History and Physical Development**

There is some confusion between the appearance of the hotel as originally constructed and the building retaining early and significant building fabric and the physical evidence evidenced by the building as exists today. The physical evidence should be reconciled with the history.

In conclusion, we would welcome to discuss any of these matters raised in this submission.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Tina', written in a cursive style.

## Appendix 3

ROBERT A. MOORE PTY LTD  
Architects and Conservation Consultants

25 Cobar Street, Willoughby, NSW 2068, Australia  
Tel : 61 2 9958 7755

Email : robertamoore@ozemail.com.au

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Incorporated in New South Wales - ACN 003 546 423  
Nominated architect Robert Allan Moore Reg. No. 4478

ABN 27 003 546 423

21<sup>st</sup> January 2019

Ms. Catherine Colville  
Woollahra Municipal Council

By email  
cc. Mr. Chris Bluett

Dear Catherine

Re : *Four in Hand Hotel* – response from Ruth Daniell to the proposed listing  
and inventory sheet

---

I refer to the letter to Council of 21<sup>st</sup> December 2018 from Ms. Ruth Daniell, engaged by the new owners of the *Four in Hand Hotel* to advise them. Thank you for the opportunity to reply to the comments Ms. Daniell makes, which I have kept in a concise form to maximise their utility at this point in time.

- We do not agree that the proposed listing of the *Four in Hand* has not been well planned. The listing investigation has proceeded in the context of a wider listing consideration of the group of hotels of concern to Council, and while the initial concern (to the community) over the *Four in Hand's* future has had a response in the owners' stated intentions to keep the Hotel trading, the listing process has started and proceeded both appropriately and professionally.
- The conclusions reached about the *Four In Hand* have been informed by the wider study. There has been an opportunity for comparative analysis within the wider Study, and while that study is not yet finalised, a position is emerging in relation to the concept of a group listing of State Significance. The *Four in Hand* is not the only Hotel studied as asserted ; it was the first of the Hotels considered, because of its circumstances at commencement.
- There was no "supposition" in the listing sheet ; it reflects informed expert opinion at the time of its preparation.

- As we have concluded in the report, we do not consider the *Four in Hand* to be of State Significance. We note that it is Ms. Daniell's opinion that the *Four in Hand* would not be of State Significance.
- The level of significance, and attributed rarity of the Hotel, have been informed by the larger study of eleven pubs.

..12

2.

- We do not agree that it is acceptable for a conclusive fabric analysis of the *Four in Hand* to take place within a Heritage Impact Statement. Such statements are often assembled after a particular strategy has been devised for a building, and we firmly believe that what is necessary is a simple Conservation Management Document to properly analyse the current condition of the building, and establish guidelines for a responsible strategy to be prepared to address it. This must be a focused, concise document addressing the issues. Council has agreed that the historical research covered in the reports prepared for Council, including the *Four in Hand*, can be used in future conservation planning for the hotels. Council has also offered to offer advice in the process.
- At the site meeting facilitated by the new owners, at which you, Ms. Daniell and I were present, I do not recall agreeing that "there was little heritage fabric remaining in the interior". There is significant structural and spatial fabric, and while there has been extensive intervention, there are significant elements extant and it is to properly plan for the future evolution of the Hotel that a comprehensive consideration ( in a CMD) must be made.
- The identification and assessment of significant building fabric is beyond the remit and capacity of a heritage inventory sheet. Our expert opinion of the Hotel's fabric formed within the Inventory Sheet's preparation has appropriately informed the conclusions and recommendations offered.
- There is no "confusion" as to the building as originally constructed and its current condition. Quite appropriately in conservation planning, questions can be asked about what further information might be helpful, if it exists, to assist the understanding of the building. If any of these observations were critical in the listing proceeding forward, they would have been appropriately investigated.

I hope these comments assist, and I am happy to discuss them further.

Yours sincerely



Robert Allan Moore

## Annexure 2



### Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_WOOLL\_001\_00):** to list a new heritage item known as the 'Four in Hand Hotel' at 105 Sutherland Street, Paddington.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Minister for 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 known as the 'Four in Hand Hotel' at 105 Sutherland Street, Paddington should proceed subject to the following conditions:

1. 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).
2. 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.
3. 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).
4. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated                      day of    2019.





Amanda Harvey 17/5/19  
Director Sydney Region East  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Minister for Planning**

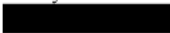
PP\_2019\_WOOLL\_001\_00 (IRF19/2803)

## Annexure 3

**From:** [Caz Lederman](#)  
**To:** [Records](#)  
**Subject:** SC4755 Submissions  
**Date:** Wednesday, 5 June 2019 1:14:36 PM

---

I support the amendment to Woollahra Local Environmental Plan 2014 to list the Four in Hand Hotel as a heritage item.

Sincerely  
Carolyn Lederman  
  
Paddington

Sent from my iPad

**From:** [Rabbi Jeffrey Kamins](#)  
**To:** [Records](#)  
**Subject:** SC4755  
**Date:** Wednesday, 5 June 2019 8:23:55 PM

---

I live opposite the Four in Hand and write in support of the amendment to the Woollahra Local Environmental Plan 2014 to list the Four in Hand Hotel as heritage item, to provide ongoing and protection of the heritage significance of the building and its interiors. Thank you for your consideration.

Sincerely

**Jeffrey B. Kamins OAM**

  
[Paddington 2021](#)



## Woollahra History and Heritage Society Inc

ABN 17 597 074 575

WHHS

DOUBLE BAY NSW 1360

whhs 19015

5 June 2019

Reference SC4755 Submissions

Mr Gary James,  
General Manager  
Woollahra Municipal Council

Dear Mr James,

**PLANNING PROPOSAL FOR  
THE FOUR IN HAND HOTEL, 105 SUTHERLAND STREET, PADDINGTON**

The Woollahra History and Heritage Society has studied the documentation relating to this Planning Proposal to list the Four in Hand Hotel as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

The Society supports Council's Planning Proposal.

Yours sincerely,

Peter Poland OAM  
President

**From:** [REDACTED]  
**To:** [Records](#); [Peter Cavanagh](#)  
**Cc:** [Todd Barlin](#); [REDACTED]; [Robyn Bromby](#)  
**Subject:** From Todd Barlin URGENT REPLY TO submission Number SC4755  
**Date:** Monday, 17 June 2019 2:02:50 PM  
**Importance:** High

---

Dear Woollahra Council Members & Mayor Cavanagh

I am writing in reference to the submission Number SC4755 to Heritage Lost the Four in Hand Pub on Elizabeth Street Paddington. I understand that going back a few months there was A lot of noise by a few social media savvy residents who wanted the Pub Heritage listed because the last time it came up for sale there was talk about the pub being transformed into a residential properties. I want you to clearly know that there are also people who DO NOT AGREE with the Pub being Heritage Listed & unable to switch use of the property to residential. There is nothing inspiring or important about “ one more tired old pub “ with issues of noise & antisocial behavior in a residential area. I don’t want the Pub Heritage Listed by the force of a couple noisy people, I would love to see the pub turned into a beautiful residential property like the old Winsor Castle Pub further up the street. A good residential development at the FOUR IN HAND would make the area so much better for residents, the 25 years I have lived here at [REDACTED] Elizabeth Street directly across from the pub it has been a long time of the sad tired pub being sold every few years & with each owners improvements but it remains today to be sad tired pub with advertising signs and lights like a cheap Las Vegas bar. Please don’t Heritage List it and ruin the chance that future owners might turn it into a residential property That would bring a new look & now drunks fighting or vomiting on the footpath outside my home & art gallery.

You have been pushed into this but what is really the best for the neighborhood ? An endless changing of pub owners & signage with a sad old pub never being successful or a clean new place for people to live ? This is a very important decision

Thank you for your consideration.

Sincerely

Todd Barlin

Owner of [REDACTED] Elizabeth Street Paddington, I live & have had my art gallery here for 25 years !

Ruth Daniell *B. Arch (hons) LLB*



ABN 71 575 099 221

Paddington NSW

28 June 2019

The General Manger  
Woollahra Council  
E [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)  
536 New South Head Road, Double Bay NSW 2028

Dear Sir,

**RE: PLANNING PROPOSAL IN RELATION TO THE FOUR IN HAND HOTEL AT 105  
SUTHERLAND STREET, PADDINGTON [LOT A IN DP 330465] (SC4755 Submissions)**

This submission on the above planning proposal has been prepared by Ruth Daniell on behalf of the owner Mr John Azar and Good Brewing Company.

This submission seeks to have the words 'including interiors' deleted from the heritage listing which is subject of the planning proposal.

This is consistent with the previous submissions made on behalf of the owner and in consultation with Woollahra Council by the owner's planning and heritage consultant. During the process we asked that significant original or early building fabric be itemised on the heritage listing sheet.

To support this submission a building fabric survey was undertaken in June 2019 by Ruth Daniell to determine the extent of original and early building fabric.

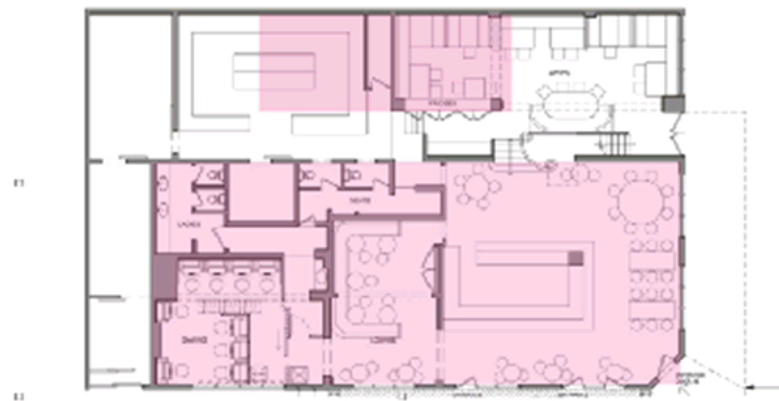
As background Ruth Daniell is a specialist conservation architect with extensive experience in conservation and its management. Ruth has been involved in architectural projects, urban design projects, main street projects, conservation management plans, photographic archival recordings and heritage impact assessments. Ruth has worked for local government at Woollahra Council as the Heritage Officer, and was the project director for the Paddington Development Control Plan and Waverley Council's Imperial Avenue DCP. Ruth has worked for State Government at the NSW Heritage Office. Ruth has a Bachelor of Laws degree.

**The Four in Hand Summary of Fabric Survey**

The Four in Hand Hotel has been subject to extensive alterations since the construction of the building. The documentary evidence in the plans in the Heritage Inventory Sheet prepared by Robert Moore have been used to assess the change to the hotel and to determine the areas of significant original and early building fabric.

This is augmented by a physical fabric survey of the building documented by 65 photographs, which are presented at Annexure A.

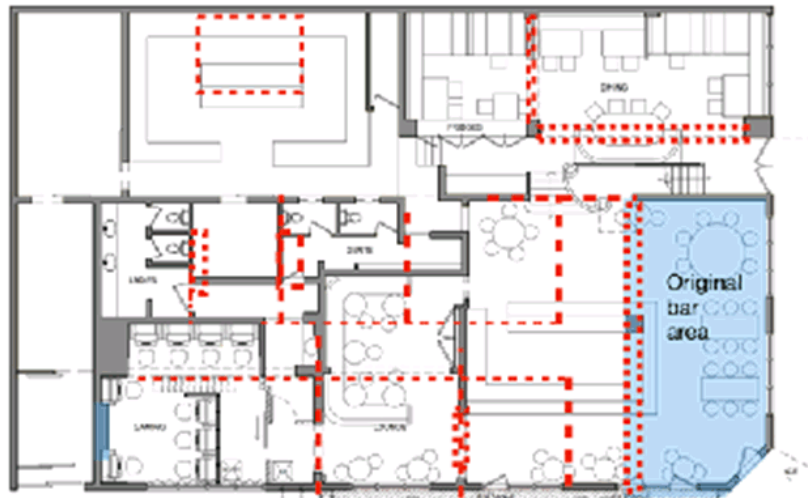
The plans below indicates the extent of change.



**1887 BUILDING FOOTPRINT**

Overlay on the existing plan showing the extent of the Four in Hand in 1886 based on the Metropolitan Detail Series Map of 1886. This overlay indicates





The existing The Ground floor plan overlaid with the plan showing the existing plan c.1927 before the alterations to the hotel in the 1927-1929. This dotted red lines indicate the walls that have been removed.

#### **Four in Hand Summary of Fabric Survey**

The Four in Hand Hotel has been subject to extensive alterations since the construction of the building. The plans in the Heritage Inventory Sheet have been used to assess the change to the hotel.

The following table lists building fabric from the recent survey, undertaken by the author of this submission, that provides evidence of the historic development of the building.

TABLE I.



Building Element	Building Fabric	Evidence	Notes
<b>The Ground Floor Main Bar Area as existing</b>		The space dates from the period 1927 to 1929.	Apart from the building fabric listed below all finishes and fixtures date from later period and are not original. The space is not the original bar space
Ceilings beams, ceilings and cornices	Ceilings beams, ceilings and cornices  Refer to photographs 16, 17, 18, 19, 20, 41, 42 and 43.	The beams below the ceiling, and the ceilings and cornices within this frame work provides evidence of the original ground floor layout indicated on the Image 4 (Robert Moore Inventory Sheet) The <i>Four in Hand Hotel</i> , 1927 plans for proposed alterations – existing floor plans, prior to the 1927-29 works commissioned by Tooth & Co and prepared in their architect's office.	These elements assist in interpreting the early room layout of the ground floor of the home.
Remnant brickwork on the eastern wall of the current gaming room.	Remnant brickwork on the eastern wall of the current gaming room of a chimney breast but now covered with timber board cladding.  Refer to photograph 15.	Evidence that there was once an operating fireplace in this room.  This evidence does not have the importance of the grid of ceiling beams.	The room, which would originally have provided context has been stripped of detail and fixtures and fitting date from a later period. the chimney flue on the first floor level does not remain and the fireplace will never be operational.
<b>Stairs</b>			
The Stair to the First Level	Timber newell posts and timber balustrade and possibly the treads and risers (concealed under the carpet). Refer to photographs 26, 27, 37, 45, 47 and 48.	The stair was installed in the 1925-1927 works and survives indicating a fairly typical stair from this period.	The stair does not exhibit aesthetic characteristics on the level to satisfy the Heritage Assessment Criteria published by the NSW Heritage Office.

Building Element	Building Fabric	Evidence	Notes
Stairs from the first floor main stair landing to the first floor function rooms.	Timber newell posts and timber balustrade and the treads and risers and skirting board. Refer to photograph 63.	The stair dates from the period 1927 to 1929.	
<b>First Floor the northern section of the hotel</b>			
Small corridor adjacent to the small stairs at the entrance to the function rooms.	One door and highlight panel over that provides entry to the current office.  Refer to photograph 67.	<ul style="list-style-type: none"> <li>As a space that dates from the period 1927 to 1929.</li> <li>A doors that dates from the period 1927 to 1929.</li> </ul>	
Remnant corridor leading to the balcony.	Refer to photograph 57.	<ul style="list-style-type: none"> <li>As evidence of the early layout.</li> </ul>	The openings on to the corridor have been significantly enlarged.
Doors leading onto the balcony.	Glass and timber door. Refer to photograph 51.		
The existing computer room.	Access was not possible on the recent site survey .However the room was viewed when council visited the site.	<ul style="list-style-type: none"> <li>Small areas of earlier building fabric that has generally been removed through the first floor rooms.</li> </ul>	
The two rooms to the west of the corridor leading to the balcony.		Not of significant building fabric but of a spatial arrangement.	Note that the corner room has significant building fabric alterations. The second room was not able to be photographed in the June survey.
<b>First Floor over the dining room</b>			
	Ceiling and cornice. Refer to photograph 40.	<ul style="list-style-type: none"> <li>As a ceiling that dates from the period 1927 to 1929.</li> </ul>	
	Varnished timber and glass doors to the dining room. Refer to photograph 68.	<ul style="list-style-type: none"> <li>As doors that dates from the period 1927 to 1929.</li> </ul>	


**Conclusion**

The percentage of original and early building fabric is small. It is approximately 5-7 % of the total interior building fabric.

We submit that the planning proposal listing excludes "interiors" and the original and early building fabric be noted on the Heritage Listing sheet.

Please contact the author of this submission if you have any questions or require further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ruth Daniell', written over a horizontal line.

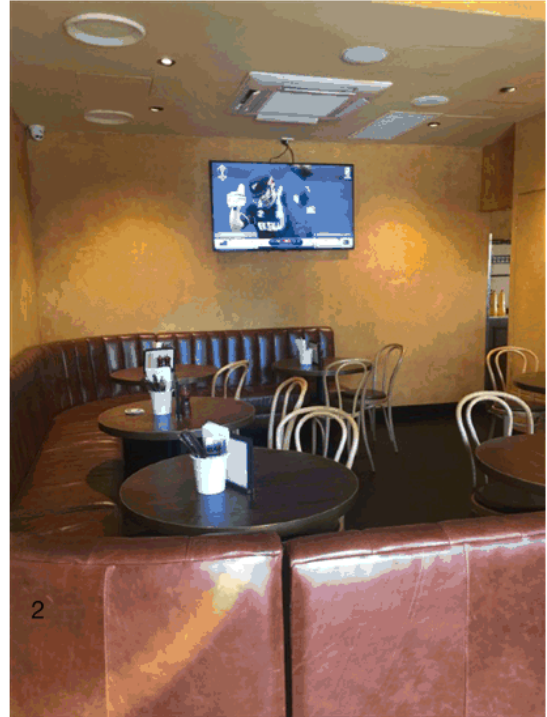
Ruth Daniell

Attachments:

Annexure A

FOUR IN HAND HOTEL

SUBMISSION ON BEHALF OF THE OWNER

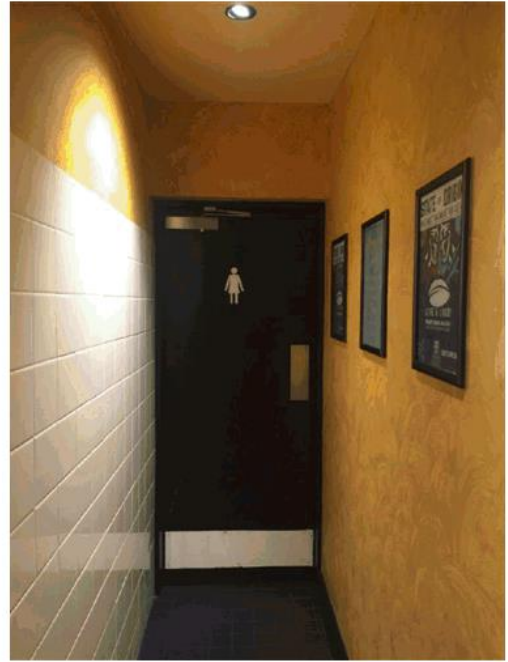


FOUR IN HAND HOTEL

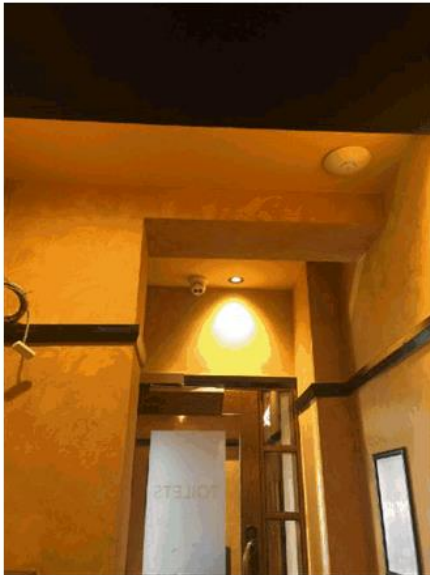
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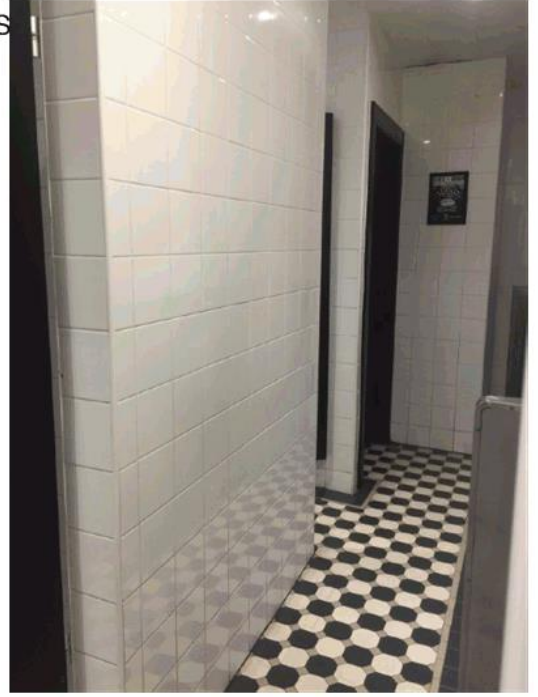


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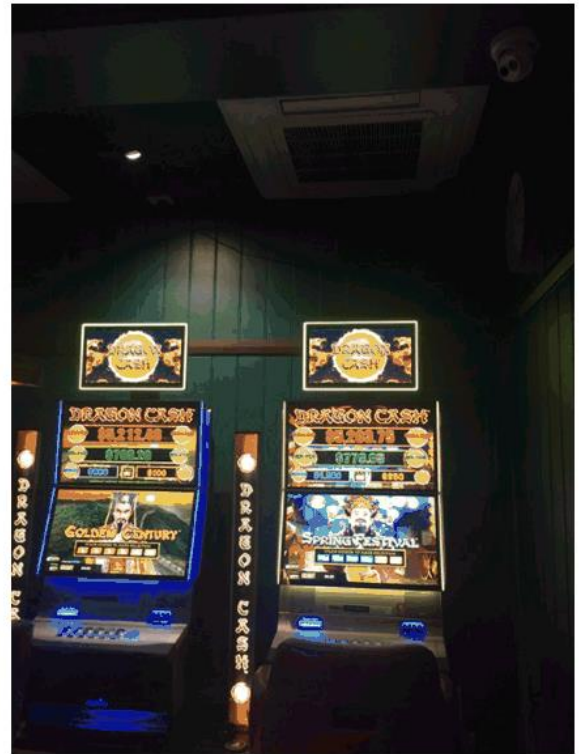
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FOUR IN HAND HOTEL

SUBMISSION ON BEHALF OF THE OWNER



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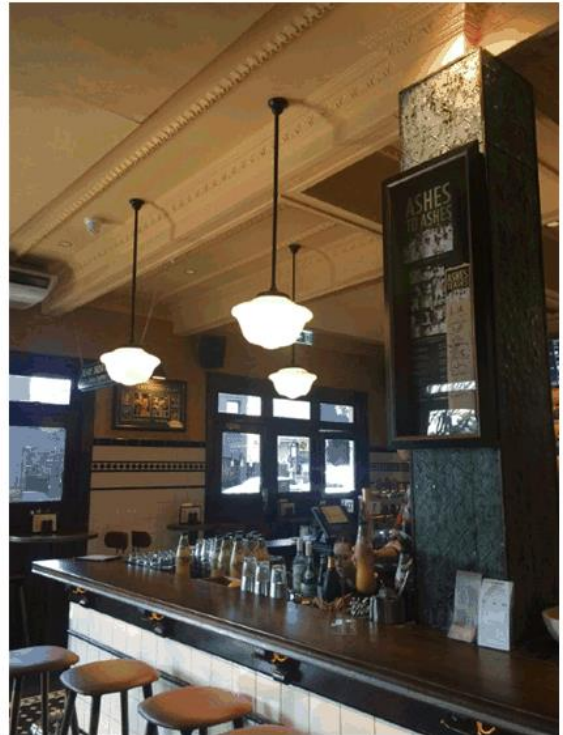
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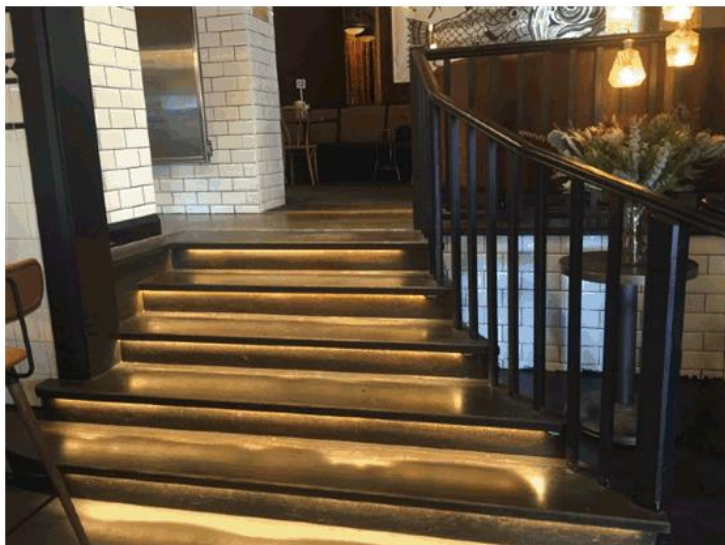
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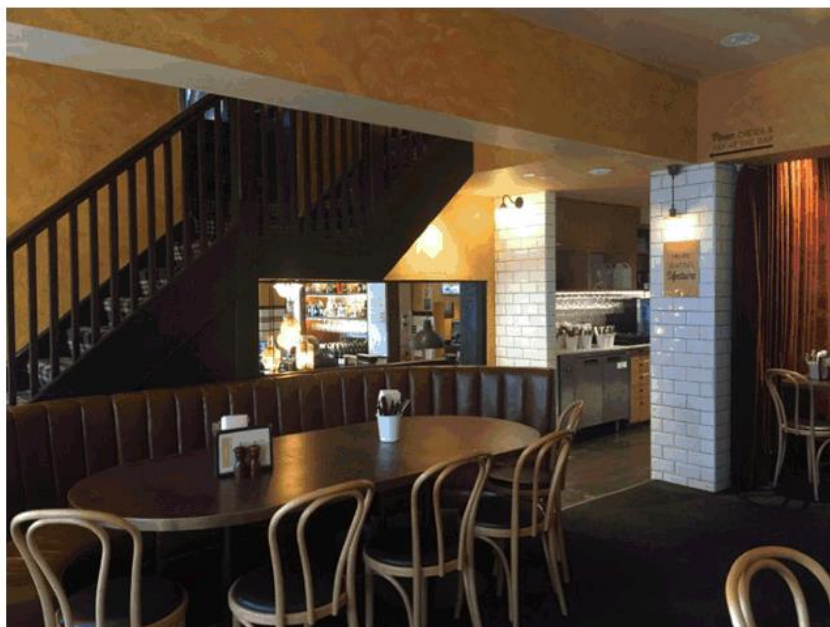
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SUBMISSION ON BEHALF OF THE OWNER



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FOUR IN HAND HOTEL

SUBMISSION ON BEHALF OF THE OWNER



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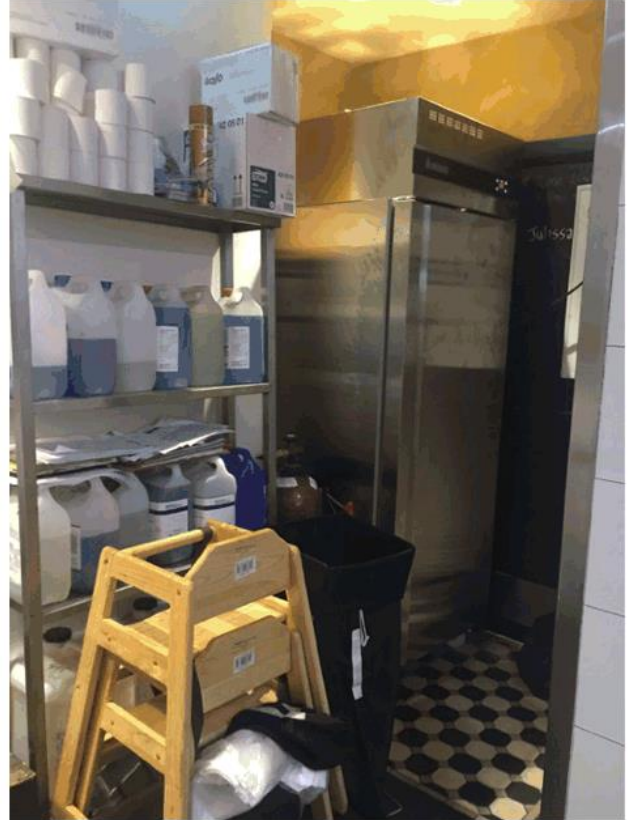
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SUBMISSION ON BEHALF OF THE OWNER



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SUBMISSION ON BEHALF OF THE OWNER



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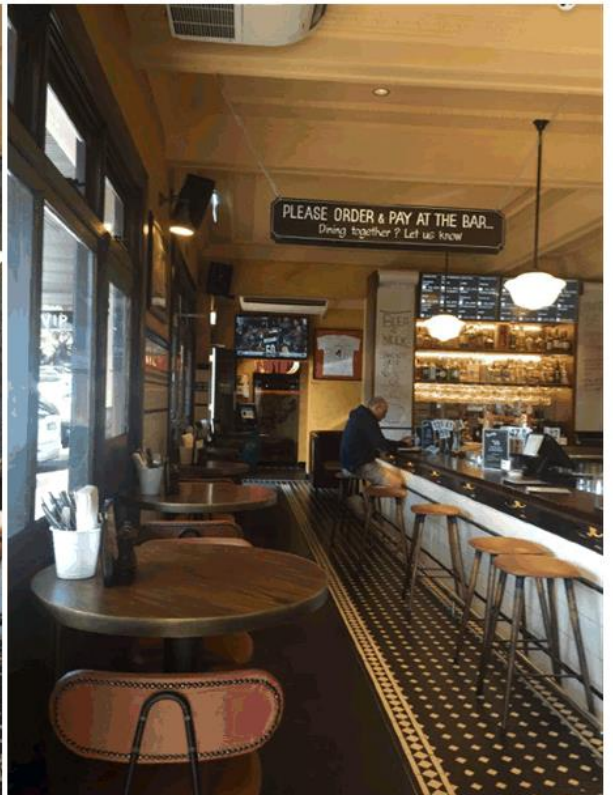


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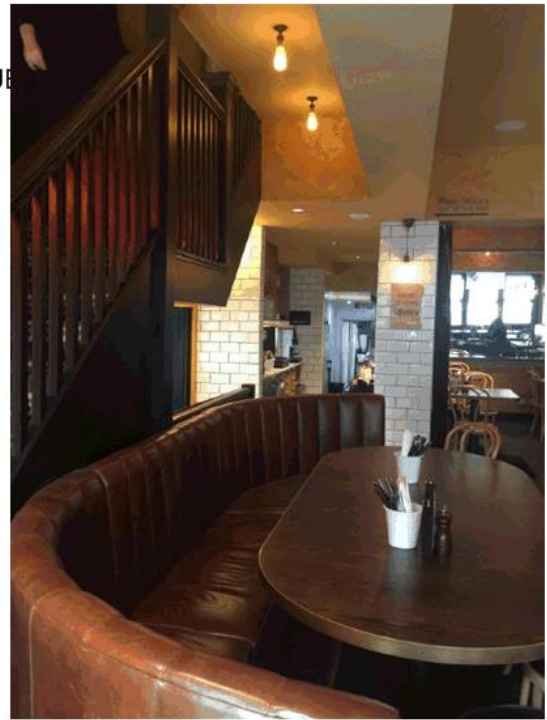
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FOUR IN HAND HOTEL

SUBMISSION ON BEHALF OF THE OWNER



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SUBMISSION ON BEHALF OF THE OWNER



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FOUR IN HAND HOTEL

SUBMISSION ON BEHALF OF THE OWNER



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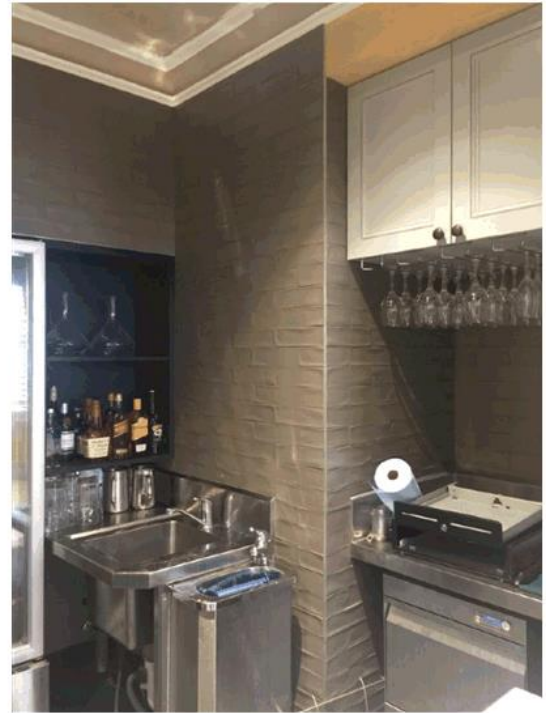
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FOUR IN HAND HOTEL

SUBMISSION ON BEHALF OF THE OWNER



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FOUR IN HAND HOTEL

SUBMISSION ON BEHALF OF THE OWNER



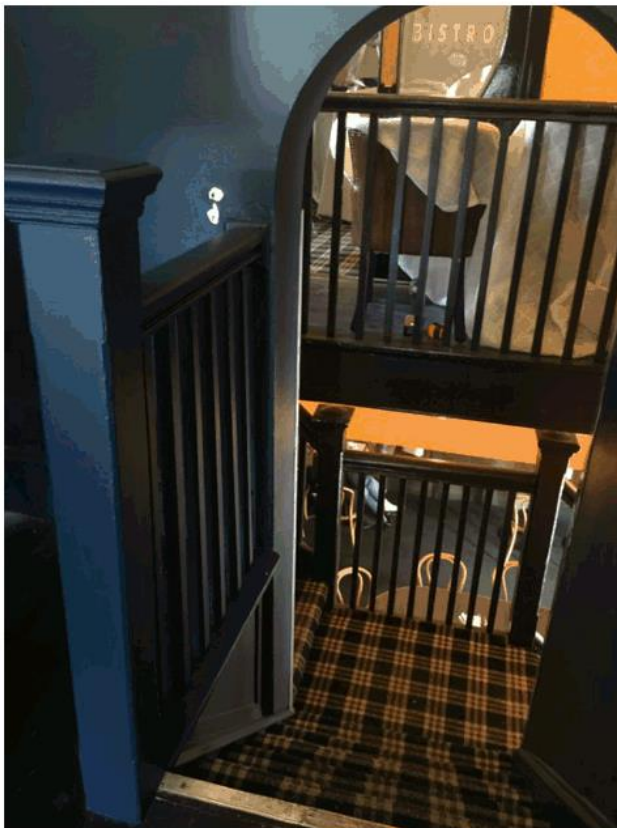
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**Item No:** R2 Recommendation to Council  
**Subject:** **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 INCLUDING THE INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT.**  
**Author:** Anne White, Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/102014  
**Reason for Report:** To report the advice made to Council by the Woollahra Local Planning Panel.

To obtain Council's approval to proceed with the planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development.

To obtain Council's approval to proceed with a draft development control plan to amend Woollahra Development Control Plan 2015.

**Recommendation:**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 27 June 2019.
- B. THAT Council note that the planning proposal attached at **Annexure 1** has been amended as a consequence of the advice provided by the Woollahra Local Planning Panel on 27 June 2019, by including:
  - i. an FSR control of 0.55:1 for low density residential development on sites of 400m<sup>2</sup> or greater.
  - ii. an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with associated controls in *Woollahra Development Control Plan 2015*.
- C. THAT the altered planning proposal described above be forwarded to the Department of Planning and Environment (as the delegate for the Minister for Planning), requesting a gateway determination to allow public exhibition.
- D. THAT Council request the Minister for Planning authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan, under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- E. THAT Council publically exhibit the draft development control plan to amend various sections of *Woollahra Development Control Plan 2015*, attached at **Annexure 2** and amended in accordance with the advice provided by the Woollahra Local Planning Panel on 27 June 2019.

## 1. Background

In preparing Woollahra LEP 2014, FSR controls were not applied to low density residential development. It was considered that the Standard Instrument (SI) definition for gross floor area (GFA), and consequently FSR, would produce buildings of greater bulk because certain building elements, such as voids, mezzanine areas, large balconies and the thickness of external walls are not included in the definition of GFA.

Instead of an FSR control in Woollahra LEP 2014, a maximum floorplate control was introduced in Woollahra DCP 2015. The floorplate control applies to dwelling houses, dual occupancies or semi-detached dwellings and is currently determined via a two-step methodology:

1. The buildable area is established by applying the front, rear and side setbacks
2. 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 of the development. 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 council staff, customers and practitioners, particularly for sites with irregular boundaries and battle axe allotments.

Over the last 18 months, and in collaboration with a practitioner working party, Council staff have been researching an appropriate suite of controls to apply to low density residential development. The focus of this research was the introduction of floor space ratios.

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>1</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.

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<sup>1</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.



The primary conclusions of this work were:

- Delete the current 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 zone.

On 4 March 2019 the Environmental Planning Committee (EPC) considered a report on proposed amendments to Woollahra LEP 2014 and Woollahra DCP 2015 including the introduction of an FSR control for low density residential development (see **Annexure 3**). 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.*

On 15 April 2019 the Environmental Planning Committee considered a further report providing additional data and explanations regarding the matters identified in the resolution (see **Annexure 4**).

On 29 April 2019 Council resolved:

- A. *THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:*
1. *A maximum FSR of 0.5:1 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.*
- G. *THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).*

## **2. FSR controls for small lots**

Consistent with the current floorplate controls in *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) staff are recommending a range of maximum FSRs for low density residential development on small lots in the R2 Low Density Residential 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. This approach for small sites is commonly used across NSW, and a similar concept is contained in both the *Waverley Local Environmental Plan 2012* and the *Randwick Local Environmental Plan 2012*.

On 29 April 2019 Council resolved to seek the advice of the Woollahra LPP in relation to this matter, and the best methods to apply FSR controls to small lots in the R2 Low Density Residential and R3 Medium Density Residential zones.

It is suggested that part of the Councillors' concerns with the small sites table is that by having a "stepped approach" a smaller site would have a greater permissible FSR and therefore could have a greater development potential than a larger site.

In response to these concerns, staff drafted an alternative FSR table. This table identifies an FSR control but also contains a maximum yield for each lot size (see Table 1 in **Annexure 1**). The permissible floor space is then determined by whichever is the lesser of the two controls. This approach avoids a smaller site obtaining a greater yield. This table was also reported to the Woollahra Local Planning Panel.

### 3. Woollahra Local Planning Panel advice

On 27 June 2019 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal (see **Annexure 5**). At that meeting the Woollahra LPP provided the following advice:

*THE Panel has considered the Council staff report including the proposed planning proposal and amendments to the Woollahra DCP 2015 and evidence provided by submitters at the meeting. The panel generally supports the deletion of the building floorplate controls and their replacement with an FSR control. Based on the Council staff reports and work undertaken with the practitioner working group, the panel considers that a baseline FSR of 0.55:1 for sites 400m<sup>2</sup> or greater is appropriate.*

*The Panel in principle support the small sites sliding FSR scale, with a maximum GFA yield, but considers that further work and testing needs to be done by staff to ensure that the numerical FSR controls proposed in the table are appropriate.*

Subsequently the Woollahra LPP resolved:

*THAT the Woollahra Local Planning Panel advises Council that it:*

- A. *Supports the planning proposal to amend the Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to the amendment of the FSR to 0.55:1 for low density residential development on sites of 400m<sup>2</sup> and greater.*
- B. *Supports the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m<sup>2</sup>. The panel requests that staff provide Council with an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with relevant associated controls in the Woollahra Development Control Plan 2015 including the proposed amendments such as the deep soil landscaped area control in B3.6 External Areas.*
- C. *Subject to staff adequately analysing and modelling the small sites sliding scale, the panel supports the planning proposal as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 (as amended in response to A and B) being forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*
- D. *Supports the amendments to the Woollahra Development Control Plan 2015 as contained in **Annexure 4** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to:*
  - i. *B3.1.3: Inserting a colon at the end of the second sentence (instead of a full stop)*
  - ii. *B3.1.5: Deleting the word “Note” from the final paragraph*
  - iii. *B3.7.1: Amend Objective 2 to read as follows:*
    - *To ensure that lot widths facilitate a built form with a bulk and scale that is consistent with the desired future character of the area*
  - iv. *B3.8: Deleting the word “Note” from C3*
  - v. *Amending chapter to ensure consistency by referring to “neighbouring properties” where relevant rather than “adjoining residents” or “adjoining properties”.*

### 3.1. Response to the advice from the Woollahra Local Planning Panel

In response to part B and C of the resolution from the Woollahra LPP on 27 June 2019, Council staff have been in the process of analysis and modelling the recommended small lots sliding scale. In particular, how these controls will effectively coordinate with relevant associated controls in the amended Woollahra DCP 2015. Staff have been modelling the relationship between the proposed variable FSRs for small lots and the following controls in Woollahra LEP 2014 and Woollahra DCP 2015.

#### Woollahra LEP 2014 controls

- Maximum building height

#### Woollahra DCP 2015 controls

- Existing front and rear and proposed side setbacks
- Wall height and inclined planes
- On site parking requirements, and
- Deep soil landscaped area.

A summary of our analysis and a copy of the modelling is attached at part 10 of the planning proposal at **Annexure 1**.

It should be noted that in Zone R2 Low Density Residential and outside the Heritage Conservation Areas:

- Over 90% of parcels are larger than 400m<sup>2</sup> and
- Over 96% of parcels are larger than 300m<sup>2</sup>.

In summary, the small lots sliding scale applies to relatively few parcels.

Having carried out the analysis and modelling on these small lots, Council staff are satisfied that the proposed small lots sliding scale (with a maximum GFA yield) in conjunction with Woollahra DCP 2015 controls, is an appropriate suite of controls for low density residential development on small lots. The built form outcomes are consistent with the desired future character of our low density residential areas, whilst allowing flexibility of design on smaller lots.

### 4. Planning proposal

Consistent with the advice of the Woollahra LPP, a planning proposal to amend Woollahra LEP 2014 has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018). The planning proposal is attached at **Annexure 1**.

The objective of the planning proposal is to apply an FSR control to certain residential land currently subject to floorplate controls in Woollahra DCP 2015. This will make it:

- Easier for applicants to understand by removing the complicated floorplate controls, and replacing it with an FSR control.
- More consistent with the Standard Instrument by using an FSR control.
- Easier to calculate potential development yield.
- More consistent and effective for staff to assess development applications.
- Simpler to understand the relationship between site size and development yield.

This planning proposal does not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

The planning proposal will amend Woollahra LEP 2014 by introducing the following controls:

- A maximum FSR of 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
- 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.

## 5. Proposed amendment to Woollahra DCP 2015

The proposed amendments to Woollahra LEP 2014 require a number of consequential and administrative amendments to *Chapter A1 Introduction and Administration* and *Chapter B3 General Development Controls* of Woollahra DCP 2015. The amendments to *Chapter B3* include the deletion of the floorplate and site depth controls and changes to the deep soil landscaping controls.

Other changes are recommended to *Chapter B3* as a result of a review of our current excavation controls, and changes responding to issues raised by the Woollahra LPP, Council's development assessment officers and the Council's lawyers. The following additional changes to Woollahra DCP 2015 are proposed:

- 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.
- Administrative amendments to correct errors and inconsistencies.

A draft development control plan has been prepared (see **Annexure 2**). The draft DCP amends *Chapter A1* and *Chapter B3* in accordance with Division 1, Part 3 of the *Environmental Planning and Assessment Regulation 2000*. Further changes requested by the Woollahra LPP on 27 June 2019 have been clearly identified in the document.

The amendments will create a control set which:

- Is consistent with the proposed FSR controls for low density residential development.
- Enhances the deep soil area landscaping requirements.
- Removes the complicated floorplate controls and is therefore easier for applicants to understand.
- Provides an effective assessment framework for staff.
- Improves the way in which development compliance can be determined.

## 6. Proposed amendment to Woollahra DCP 2015

Further to Council’s resolution of 29 April 2019 to apply a maximum FSR of 0.5:1, staff recognise that there are different opinions on the appropriate FSR control for low density residential development. In order to allow Council to make an informed decision, staff have prepared a table summarising the positive and negatives of each option (see Table 1 below).

<b>Table 1: Positives and negatives of the two FSR options</b>	
<b>0.5:1</b>	<b>0.55:1</b>
<ul style="list-style-type: none"> <li>✓ Consistent with the pure numerical control used in Waverley and Randwick</li> <li>✓ Potentially more articulated buildings within existing envelope controls</li> <li>✓ Smaller buildings within DCP envelope</li> </ul>	<ul style="list-style-type: none"> <li>✓ Maintains current density (a translation from existing floorplate controls)</li> <li>✓ Meets desired future character objectives for residential precincts</li> <li>✓ Supported by practitioner group</li> <li>✓ Supported by Woollahra LPP</li> <li>✓ Evidence based and supported by numerous site studies</li> <li>✓ Meets strategic merit test</li> <li>✓ Likely to create less cl 4.6 objections and is therefore more efficient</li> <li>✓ More likely to be justified in Court on appeal</li> <li>✓ Easier for development control staff to consistently apply</li> </ul>
<ul style="list-style-type: none"> <li>✗ Not supported by practitioner group</li> <li>✗ Not supported by Woollahra LPP</li> <li>✗ Not evidenced based for Woollahra</li> <li>✗ Likely to be challenged through cl. 4.6 objections</li> <li>✗ Potential increase in number of DAs to Woollahra LPP</li> <li>✗ Difficult to justify in Court on appeal</li> <li>✗ Strategic merit test to support FSR not met for Woollahra</li> <li>✗ Likely to generate more modifications to consents</li> <li>✗ Consistency with other councils is not a basis for application to Woollahra</li> </ul>	<ul style="list-style-type: none"> <li>✗ Inconsistent with Council resolution of 29/4/19</li> <li>✗ Inconsistent with pure numerical control used in adjoining councils</li> </ul>

## 7. Next Steps

Subject to the Council’s decision, the planning proposal will be referred to the Department of Planning and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition. Should Council resolve to endorse an FSR of 0.5:1 for low density residential development, staff will amend the planning proposal consistent with that decision.

## 8. Public exhibition

The public exhibition of the planning proposal and draft DCP will be undertaken concurrently and in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the Regulation and for the planning proposal, the gateway determination.

The gateway determination will specify the minimum duration of the public exhibition period for the planning proposal. This period is usually a minimum of 28 days, which is the mandatory exhibition periods required under the Act for planning proposals and draft DCPs, and is consistent with Council's standard practice.

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.

Notification of the public exhibition will be sent to:

- City of Sydney, Randwick, and Waverley Councils
- Sydney East Business Chamber
- Double Bay Residents Association
- Darling Point Society
- Queen Street & West Woollahra Association
- Rose Bay Residents Association
- Watsons Bay Association
- Eastern Design and Planning Professional Alliance
- Members of the practitioners working party

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.
- Supplementary information relied upon by the planning proposal.
- A draft DCP

## 9. Making the draft LEP under delegated authority

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department for a gateway determination under section 3.34 of the Act.

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act.

Following public exhibition, if Council resolves to proceed with and finalise the planning proposal, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.

Alternatively, if Council decides not to finalise the planning proposal, it should resolve to request that the Minister, not proceed with the planning proposal, under section 3.35(4) of the Act.

## 10. Adopting the draft DCP

Following public exhibition, if Council resolves to proceed with and adopt the draft DCP, staff will update the relevant sections of Woollahra DCP 2015. Alternatively, Council may resolve not to adopt the draft DCP.

## 11. 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 conclusion of this work is to delete the floorplate control from Woollahra DCP 2015 and replace it with an FSR control in Woollahra LEP 2014 for Low Density Residential development. A planning proposal has been prepared to amend Woollahra LEP 2014 by inserting an FSR control for low density residential development.






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. To achieve this, a draft DCP has been prepared to amend Chapter A1 and Chapter B3

On 27 June 2019, the Woollahra LPP provided advice to Council that it:

- Supports the planning proposal subject to the amendments of the FSR to 0.55:1 for low density residential development on sites of 400m<sup>2</sup> or greater.
- Supports the concept of a sliding scale FSR for small lots with a site area less than 400m<sup>2</sup>, subject to staff carrying out some additional testing and modelling on the small lots sliding scale.
- Supports the draft DCP subject to some minor changes.

Since the meeting of the Woollahra LPP, staff have carried out additional testing and modelling in order to test the small lot sliding scale and its application in conjunction with other relevant existing and proposed controls in both the Woollahra LEP 2014 and Woollahra DCP 2015. Staff are satisfied that the proposed control set is appropriate for small lots in our low density residential zone. The Council may now proceed with referring the planning proposal to the Department of Planning and Environment (as delegate for the Minister for Planning) requesting a gateway determination to allow public exhibition. Public exhibition will be carried out concurrently with the Draft DCP (as amended).

## Annexures

1. Planning Proposal - Introduction of FSR for low density residential development (Amended) [↓](#) 
2. Draft Woollahra DCP 2015 - Amendment 6 [↓](#) 
3. Report to the Environmental Planning Committee - 4 March 2019 (Annexure 5 removed) [↓](#) 
4. Report to the Environmental Planning Committee - 15 April 2019 (Annexures removed) [↓](#) 
5. Woollahra Local Planning Panel report - 27 June 2019 (Annexures removed) [↓](#) 





## Introduction of floor space ratio controls for low density residential development

Prepared July 2019

*Changes as a consequence of the meeting of the Woollahra Local Planning Panel on 27 June 2019:*

Insertions - identified in blue and underlined

~~Deletions – identified in red and scored through~~

## Table of Contents

Supporting information (as separate attachments).....	3
Part 1 – Introduction .....	4
Part 2 – Background .....	5
Part 3 – Existing planning controls .....	8
3.1.    Woollahra LEP 2014.....	8
3.2.    Woollahra DCP 2015.....	8
Part 4 – Objective of planning proposal.....	9
Part 5 – Explanation of provisions .....	10
5.1.    FSR control for low density residential development .....	10
5.2.    FSR identified for the Wolseley Road area .....	10
5.3.    FSR exceptions for small sites .....	10
5.4.    Testing the small lots sliding scale .....	11
5.5.    Anticipated amendments to clause 4.4 Floor space ratio .....	12
Part 6 – Justification.....	13
6.1 Need for planning proposal.....	13
6.2    Relationship to strategic planning framework.....	15
6.3    Environmental, social and economic impact.....	16
6.4    State and Commonwealth interests.....	17
Part 7 – Land Application Map.....	18
Part 8 – Community consultation .....	20
Part 9 – Project timeline .....	21
Part 10 – Analysis and modelling of the small lots sliding scale .....	22
Schedules .....	28
Schedule 1 – Consistency with state environmental planning policies .....	28
Schedule 2 – Compliance with section 9.1 directions.....	31

### Supporting information (as separate attachments)

1. Report to the EPC meeting 4 March 2019 (annexure 5 removed)
2. Report to the EPC meeting 15 April 2019 (annexures removed)

## Part 1 – Introduction

This planning proposal seeks to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to apply floor space ratio (FSR) controls to low density residential development which comprises dwelling-houses, dual occupancies and semi-detached dwellings. However, this planning proposal does not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

The planning proposal has been prepared in accordance with section 3.33 of *Environmental Planning and Assessment Act 1979* (the Act) and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The planning proposal will amend Woollahra LEP 2014 by introducing the following controls:

- a) A maximum FSR control of ~~0.5~~ 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- b) A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
- c) A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.

These controls will be supported by new objectives and other associated provisions.

The low density residential development referred to above is currently subject to a maximum floor plate control in Woollahra Development Control Plan 2015 (Woollahra DCP 2015). The proposed amendments to Woollahra LEP 2014 require a number of consequential and administrative amendments to Woollahra DCP 2015. The amendments to Woollahra DCP 2015 include the deletion of the floorplate and site depth controls and changes to the deep soil landscaping controls. A Draft DCP will be exhibited concurrently with the planning proposal.

## Part 2 – Background

In preparing Woollahra LEP 2014, FSR controls were not applied to low density residential development. It was considered that the Standard Instrument (SI) definition for gross floor area (GFA), and consequently FSR, would produce buildings of greater bulk because certain building elements, such as voids, mezzanine areas, large balconies and the thickness of external walls are not included in the definition of GFA.

Instead of an FSR control in Woollahra LEP 2014, a maximum floorplate control was introduced in Woollahra DCP 2015.

The floorplate control applies to dwelling house, dual occupancy or a semi-detached dwelling and is currently determined via a two-step methodology:

1. The buildable area is established by applying the front, rear and side setbacks
2. 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 of the development.

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 council staff, customers and practitioners, particularly for sites with irregular boundaries and battle axe allotments.

Over the last 18 months, and in collaboration with a practitioner working party, Council staff have been researching an appropriate suite of controls to apply to low density residential development. The focus of this research was the introduction of floor space ratios.

The primary conclusions of this work were:

- Delete the current floorplate control from Woollahra DCP 2015, and replace it with an FSR control of ~~0.5~~ 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 zone.

On 4 March 2019 the Environmental Planning Committee (EPC) considered a report on proposed amendments to Woollahra LEP 2014 and Woollahra DCP 2015 including the introduction of an FSR control for low density residential development. 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.*

On 15 April 2019 the Environmental Planning Committee considered a further report providing additional data and explanations regarding the matters identified in the resolution.

On 29 April 2019 Council resolved:

- A. *THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:*
  1. *A maximum FSR of 0.5:1 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.*
- G. *THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).*

On 27 June 2019 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal and the Woollahra LPP provided the following advice:

THE Panel has considered the Council staff report including the proposed planning proposal and amendments to the Woollahra DCP 2015 and evidence provided by submitters at the meeting. The panel generally supports the deletion of the building floorplate controls and their replacement with an FSR control. Based on the Council staff reports and work undertaken with the practitioner working group, the panel considers that a baseline FSR of 0.55:1 for sites 400m<sup>2</sup> or greater is appropriate.

The Panel in principle support the small sites sliding FSR scale, with a maximum GFA yield, but considers that further work and testing needs to be done by staff to ensure that the numerical FSR controls proposed in the table are appropriate.

Subsequently the Woollahra LPP resolved the following:

THAT the Woollahra Local Planning Panel advises Council that it:

- A. Supports the planning proposal to amend the Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to the amendment of the FSR to 0.55:1 for low density residential development on sites of 400m<sup>2</sup> and greater.
- B. Supports the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m<sup>2</sup>. The panel requests that staff provide Council with an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with relevant associated controls in the Woollahra Development Control Plan 2015 including the proposed amendments such as the deep soil landscaped area control in B3.6 External Areas.
- C. Subject to staff adequately analysing and modelling the small sites sliding scale, the panel supports the planning proposal as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 (as amended in response to A and B) being forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.
- D. Supports the amendments to the Woollahra Development Control Plan 2015 as contained in **Annexure 4** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to:
  - i. B3.1.3: Inserting a colon at the end of the second sentence (instead of a full stop)
  - ii. B3.1.5: Deleting the word "Note" from the final paragraph
  - iii. B3.7.1: Amend Objective 2 to read as follows:
    - To ensure that lot widths facilitate a built form with a bulk and scale that is
    - consistent with the desired future character of the area
  - iv. B3.8: Deleting the word "Note" from C3
  - v. Amending chapter to ensure consistency by referring to "neighbouring properties" where relevant rather than "adjoining residents" or "adjoining properties".

### Part 3 – Existing planning controls

The existing local planning controls for low density residential development on land to which this planning proposal applies are contained in Woollahra LEP 2014 and Woollahra DCP 2015.

#### 3.1. Woollahra LEP 2014

Relevant provisions for low density residential development are provided in various parts and clauses of Woollahra LEP 2014. These provisions address -

- Land use zones in which permissible and prohibited development is listed
- Development standards for -
  - the minimum subdivision lot sizes
  - the minimum lot sizes on which buildings can be constructed
  - height of buildings
- Flood planning
- Development on foreshore areas
- Subdivision of dual occupancies

The planning proposal does not seek to change these provisions. There are currently no FSR controls in Woollahra LEP 2014 that apply to low rise residential development which is permitted on land to which this planning proposal applies.

#### 3.2. Woollahra DCP 2015

Relevant provisions for low density residential development are provided in various parts of Woollahra DCP 2015. Matters addressed include -

- building envelope - setbacks and wall heights
- floor plate
- excavation
- on-site parking
- landscaping and private open space
- amenity impact
- view sharing

The planning proposal does not seek to change these provisions. However, the planning proposal will introduce FSRs for low density residential development which will replace the floor plate control. An amendment to Woollahra DCP 2015 will remove the floor plate control.

#### **Part 4 – Objective of planning proposal**

The objective of the planning proposal is to apply an FSR control to certain residential land currently subject to floorplate controls in Woollahra DCP 2015.

This will make it:

- Easier for applicants to understand by removing the complicated floorplate controls, and replacing it with an FSR control.
- More consistent with the Standard Instrument by using an FSR control.
- Easier to calculate potential development yield.
- More consistent and effective for staff to assess development applications.
- Simpler to understand the relationship between site size and development yield.

This planning proposal does not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.



## Part 5 – Explanation of provisions

This planning proposal applies to the land identified on the map in **Part 7**.

### 5.1. FSR control for low density residential development

The planning proposal is to insert an FSR control of ~~0.5~~ 0.55:1 for low density residential development in both the R2 Low Density Residential zone and the R3 Medium Density Residential zone (see Area 2 and 3 in Part 7 below).

### 5.2. FSR identified for the Wolseley Road area

For the Wolseley Road area, the planning proposal inserts an FSR of 0.75:1 for low density residential development (see Area 1 in Part 7 below). The higher FSR responds to the existing built form in this precinct.

### 5.3. FSR exceptions for small sites

Consistent with the current floorplate controls in Woollahra DCP 2015, the planning proposal inserts a range of maximum FSRs for low density residential development on small lots.

[On 29 April 2019 the Council resolved to seek the advice of the Woollahra LPP in relation to this matter, and the best methods to apply FSR controls to small lots in the R2 Low Density Residential and R3 Medium Density Residential zones.](#)

[It is suggested that part of the Councillors' concerns with the small sites sliding scale was that by having a "stepped approach" a smaller site would have a greater permissible FSR and therefore could have a greater development potential than a larger site.](#)

[In response, staff prepare a new FSR table. This new table identifies an FSR control but also a maximum yield for each lot size. The permissible floor space is then determined by whichever is the lesser of the two controls. This approach avoids a smaller site obtaining a greater yield.](#)

The table below identifies the recommended approach, and would apply to all small residential lots in Zone R2 Low Density Residential and Zone R3 Medium Density Residential (see Area 2 and 3 in Part 7).

Table 1: proposed FSRs for small residential lots		
Site area (square metres)	<u>Whichever is the lesser</u>	
	Floor space ratio (FSR)	<u>Yield (square metres)</u>
350 to <400	<del>0.55</del> <u>0.6</u> :1	<u>220</u>
300 to <350	<del>0.65</del> <u>0.7</u> :1	<u>210</u>
250 to <300	<del>0.75</del> <u>0.8</u> :1	<u>200</u>
200 to <250	<del>0.85</del> <u>0.9</u> :1	<u>190</u>
150 to <200	<del>0.95</del> <u>1</u> :1	<u>180</u>
Under 150	<del>1.05</del> <u>1.1</u> :1	<u>150</u>

#### 5.4. Testing the small lots sliding scale

As identified in Part 2 above, at the meeting of 27 June 2019, the Woollahra LPP resolved to advise Council that it supported the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m<sup>2</sup>. However, the panel requested staff to provide Council with an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with relevant associated controls in the Woollahra Development Control Plan 2015 including the proposed amendments such as the deep soil landscaped area control in B3.6 External Areas. Subject to staff adequately analysing and modelling the small sites sliding scale, the panel would support the planning proposal being forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.

In response to part B and C of the resolution, Council staff have analysed and modelled the recommended small lots sliding scale. In particular, how these controls will effectively coordinate with relevant associated controls in the amended Woollahra DCP. Staff have modelled the relationship between the proposed variable FSRs for small lots and the following controls in Woollahra LEP 2014 and Woollahra DCP 2015.

#### Woollahra LEP 2014 controls

- [Maximum building height](#)

#### Woollahra DCP 2015 controls

- [Existing front and rear and proposed side setbacks](#)
- [Wall height and inclined planes](#)
- [On site parking requirements and](#)
- [Deep Soil landscaped area.](#)

A summary of the analysis and a copy of the modelling is included in Part 10. It should be noted that in Zone R2 Low Density Residential and outside the Heritage Conservation Areas:

- [Over 90% of parcels are larger than 400m<sup>2</sup> and](#)
- [Over 96% of parcels are larger than 300m<sup>2</sup>.](#)

Accordingly, the small lots sliding scale applies to relatively few parcels (see **Table 2** below).

Lot Size	Watsons Bay	Vaucluse	Rose Bay	Bellevue Hill	Point Piper	Woollahra	Double Bay	Darling Point	Total	
400>	19	1717	360	1379	188	115	71	27	3876	90%
350<400	2	56	15	45	3	12	7	2	142	3%
300>350	4	48	4	30	5	6	9	3	109	3%
250<300	3	32	5	32	3	1	8	1	85	2%
200<250	0	22	3	5	1	0	13	0	44	1%
150<200	0	8	0	0	0	0	16	0	24	1%
Under 150	0	0	0	0	0	0	9	0	9	0%

*Note: In Paddington and Edgecliff there are no lots in Zone R2 Low Density Residential outside of an HCA.*

Having carried out the analysis and modelling on these small lots, Council staff are satisfied that the proposed small lots sliding scale (with a maximum GFA yield) in conjunction with Woollahra DCP 2015 controls, is an appropriate suite of controls for low density residential development on small lots. The built form outcomes are consistent with the desired future character of our low density residential areas, whilst allowing flexibility of design on smaller lots.

**5.5. Anticipated amendments to clause 4.4 Floor space ratio**

To accommodate the FSR controls identified above, it is envisioned that the following type of amendments could be made to clause 4.4 in Woollahra LEP 2014.

Insertions - underlined

~~Deletions – scored through~~

**4.4 Floor space ratio**

- (1) The objectives of this clause are as follows:
- a) for development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential:
    - (i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and
    - (ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and
    - (iii) to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,
  - (b) for buildings in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, and Zone B4 Mixed Use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- ~~(2A) Despite subclause (2), the floor space ratio for a building on land shown on the Floor Space Ratio Map does not apply to a building that is a dwelling-house, dual occupancy or semi-detached dwelling.~~
- (3) Despite subclause (2), the maximum floor space ratio for a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density is not to exceed:
- a) ~~0.5~~ 0.55:1, or
  - b) 0.75:1 for land in Area 1
- (4) Despite subclause (2), the maximum floor space ratio for a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density must not exceed the floor space ratio shown in column 2 or the maximum yield identified in column 3 opposite the area of the site shown in column 1 – whichever is the lesser.

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Floor space ratio	Yield (square metres)
<u>350m<sup>2</sup> to &lt; 400m<sup>2</sup></u>	<del>0.55</del> <u>0.6:1</u>	<u>220</u>
<u>300m<sup>2</sup> to &lt; 350m<sup>2</sup></u>	<del>0.65</del> <u>0.7:1</u>	<u>210</u>
<u>250m<sup>2</sup> to &lt; 300m<sup>2</sup></u>	<del>0.75</del> <u>0.8:1</u>	<u>200</u>
<u>200m<sup>2</sup> to &lt; 250m<sup>2</sup></u>	<del>0.85</del> <u>0.9:1</u>	<u>190</u>
<u>150m<sup>2</sup> to &lt; 200m<sup>2</sup></u>	<del>0.95</del> <u>1:1</u>	<u>180</u>
<u>Under 150m<sup>2</sup></u>	<del>1.05</del> <u>1.1:1</u>	<u>150</u>

## Part 6 – Justification

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are that:

- The planning proposal is consistent with the objectives of *A Plan for Growing Sydney* and the initiatives of the *Eastern City District Plan*.
- The planning proposal will work in conjunction with the controls in Woollahra DCP 2015, and is consistent with Council's *Community Strategic Plan, Woollahra 2030*.
- The planning proposal is consistent with applicable section 9.1 directions.
- The planning proposal is the result of a two year strategic review of Woollahra Council's density controls for low density residential development.
- The planning proposal is consistent with the SI and all other applicable *State Environmental Planning Policies*.
- The planning proposal does not apply to land identified with critical habitat areas, threatened species, populations or ecological community of their habitats.
- The planning proposal was the result of collaboration between development assessment officers and a practitioner working party.
- The planning proposal will simplify the planning controls, and make them easier for applicants to understand, and staff to apply.
- The planning proposal will allow a site's development yield to be more easily calculated.

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. This planning proposal is the result of a two year strategic review of Woollahra Council's density controls for low density residential development.

#### Woollahra DCP 2015 Working Party

On 27 April 2015, Council resolved to establish a working party to review Chapter B3 General Development Controls (Chapter B3) of Woollahra DCP 2015. In particular the review would look at the controls relating to building bulk, scale and envelopes, floorplates, setbacks and site excavation. The working party consisted of staff from the planning and development team, Councillors and four practitioners.

Concerns had been raised by development assessment officers, customers and private practitioners that the calculations for existing floorplate control set in Woollahra DCP 2015 are complex and confusing. This was an issue highlighted for sites with irregular boundaries and battle axe allotments in particular.

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 and advocate potential new approaches to controlling building bulk in the Woollahra LGA.

In response to these concerns and in preparation for the meetings of the working party, staff investigated alternatives to the floorplate control. This research included a comparison with the controls used in other Sydney metropolitan Councils, most of which are FSR controls under the SI LEP. Both Randwick and Waverley Council use a FSR of 0.5:1 in their R2 Low Density Residential zone.

Having reviewed alternative controls, both staff and the practitioners supported the implementation of an FSR control for low density residential development. The benefits of introducing a FSR control are:

- It is familiar to and understood by customers, practitioners and development assessment officers.
- It is commonly used in LEPs in Sydney and across NSW.
- It is more consistent with the NSW SI LEP.
- It has statutory weight which is greater than the existing DCP floorplate controls.
- There is a direct and simple relationship between site area and development yield.

#### **Determining the FSR**

In order to identify an appropriate FSR control for low density residential development the following tasks were undertaken:

- The approximate gross floor areas (GFA) 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.

The planning proposal is to insert an FSR control of ~~0.5~~ 0.55:1 to apply to low density residential development in both the R2 Low Density Residential and R3 Medium Density Residential zones (see Area 2 and 3 in Part 7 below).

#### **Wolseley Road area**

In crafting the proposed FSR control, consideration was given to the Wolseley Road area in Point Piper because of its particular built form and scale (see Area 1 in Part 7 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 the planning proposal inserts an FSR of 0.75:1 to low density residential development. The existing built form in this precinct is denser than 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.

#### **FSR exceptions for small sites**

Consistent with the current controls in Woollahra DCP 2015, the planning proposal inserts a range of maximum FSRs for low density development on small lots. Small lots require a higher FSR to ensure they can accommodate low density dwellings with appropriate levels of contemporary internal amenity.

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

Yes. This planning proposal is the best means of achieving the objectives. Under the SI approach, an FSR control cannot be included in Woollahra DCP 2015. Therefore, a planning proposal is needed to apply a maximum FSR in Woollahra LEP 2014 for low density residential development.

FSR is a development standard, and changes to these standards are made through a planning proposal.

The Council at its meeting of 29 April 2019 endorsed this approach. Accordingly, a planning proposal is the most appropriate way of achieving the intended outcome.

**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 Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *Eastern City District Plan* (2018).

**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 12 – Great places that bring people together.  
The use of FSR controls will simplify density controls for low density residential land whilst maintaining the place-based approach to planning.
- Objective 40 – Plans refined by monitoring and reporting  
Over the last 18 months, and in collaboration with a practitioner working party, Council staff have been researching an appropriate suite of controls to apply to low density residential development. The planning proposal is the result of monitoring the application of the existing control set used in the Woollahra Municipality.

**Eastern City District Plan**

Planning Priority

The planning proposal is consistent with the actions of the Eastern City District Plan, specifically action 18.

- *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*
  - a. *prioritising a people-friendly public realm and open spaces as a central organising design principle*
  - b. *recognising and balancing the dual function of streets as places for people and movement*
  - c. *providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
  - d. *integrating social infrastructure to support social connections and provide a community hub*
  - e. *recognising and celebrating the character of a place and its people*

The proposed FSR controls have been developed in collaboration with a practitioner working party and Council staff in order to come up with an appropriate suite of controls to apply to low density residential development. The use of FSR controls will simplify density controls for low density residential land whilst maintaining the place-based approach to planning in the Woollahra Municipality.

**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 strategies within *Goal 4: Well planned neighbourhoods* under the theme *Quality places and spaces*

- 4.1 Encourage and ensure high quality planning and urban design outcomes.
- 4.6 Ensure that planning and building requirements are complied with.

**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 all 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. The planning proposal translates the existing floorplate controls in Woollahra DCP 2015 for low density residential development to an FSR development standard in Woollahra LEP 2014. The affected land is located in a previously developed part of Eastern Sydney.

The proposal will not adversely impact on critical habitat, threatened species, populations or ecological communities or their habitats.

**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. The planning proposal will not affect the protection of environmentally sensitive areas in Woollahra Municipality or affect the application of the State environmental planning policies.

Other environmental effects that might arise through the redevelopment of the sites would be identified through the development application process. Good design and conditions of consent will limit these effects.

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

Yes. The planning proposal will have no social and economic effects, in that it translates the existing floorplate controls in Woollahra DCP 2015 into development standards in Woollahra LEP 2014.

#### **6.4 State and Commonwealth interests**

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

Yes. The planning proposal seeks to maintain the existing residential development in the R2 Low Density Residential and R3 Medium Density Residential zones. No uplift is proposed.

If required by the gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

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

Consultation with public authorities will be conducted in accordance with the conditions of the Gateway Determination.



### Part 7 – Land Application Map

The planning proposal applies to land zoned R2 Low Density Residential and R3 Medium Density Residential, but does not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

As identified in Part 5 above, it is suggested that provisions of this planning proposal could be applied by nominating three areas (see Figures 1 and 2 below).

An FSR control will not apply to roads in these areas.

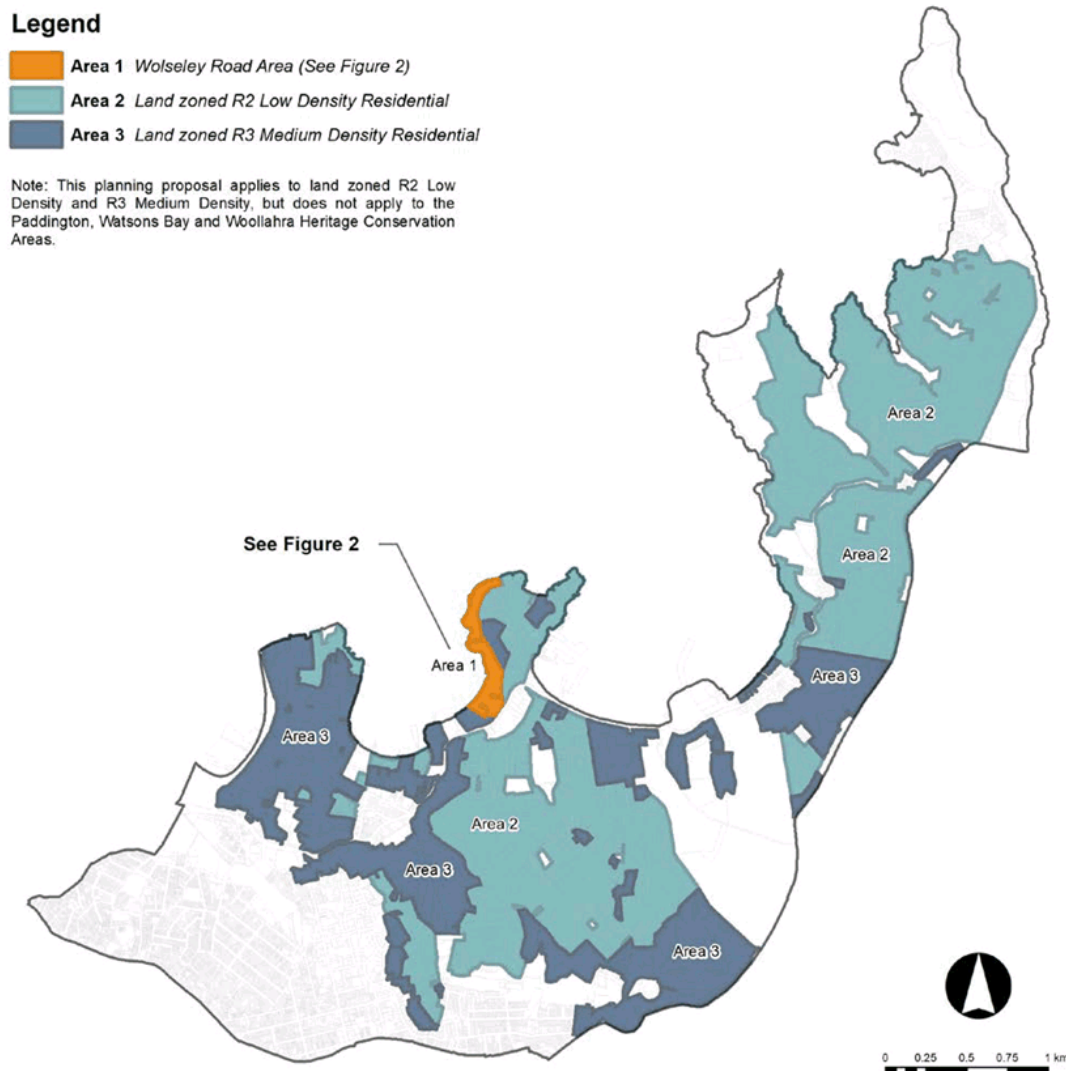


Figure 1: Land Application Map

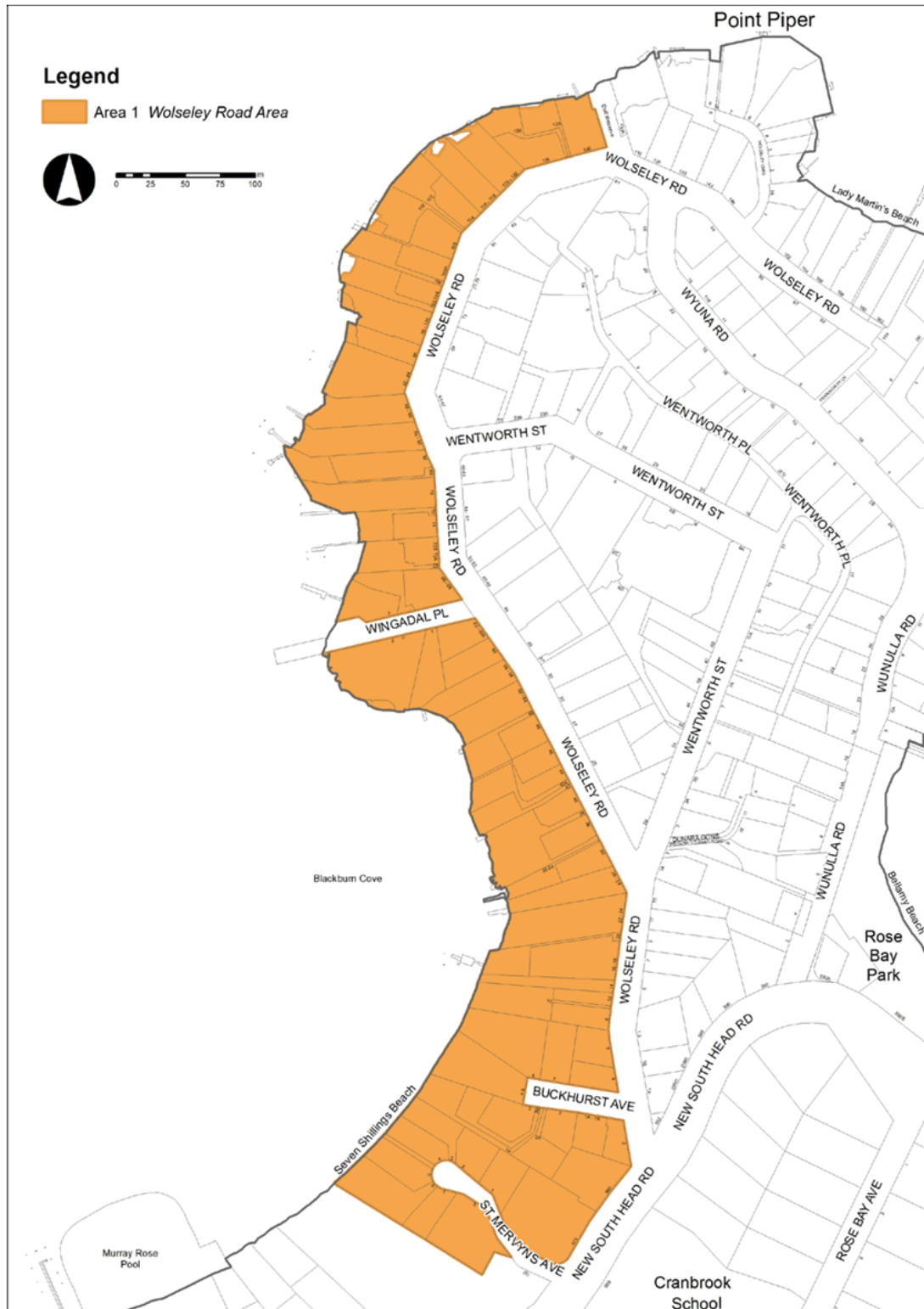


Figure 2: Wolseley Road Area

## Part 8 – Community consultation

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000*, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and the gateway determination.

The Act requires a minimum public exhibition period of 28 days unless otherwise specified in the gateway determination. This is consistent with Council's standard practice for the exhibition of a planning proposal of this type.

Additionally, the draft DCP to amend Chapter B3 of Woollahra DCP 2015 will be placed on public exhibition concurrently with the exhibition of the planning proposal.

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.
- Notice to the members of the practitioner working party
- Notice to local community, resident and business groups.

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.
- A copy of the gateway determination.
- Information relied upon by the planning proposal, such as relevant Council reports, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and a copy of Woollahra LEP 2014.
- A Draft DCP amending Chapter B3 General residential controls of Woollahra DCP 2015.

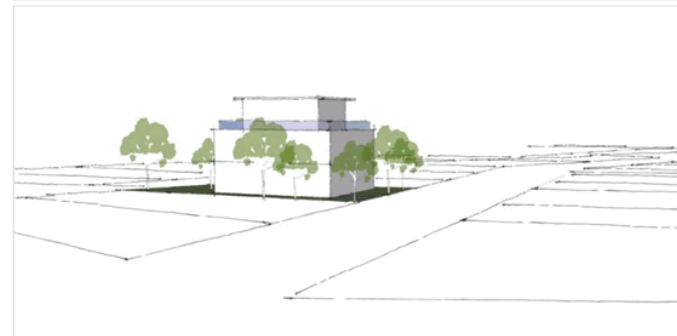
## Part 9 – Project timeline

As 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:

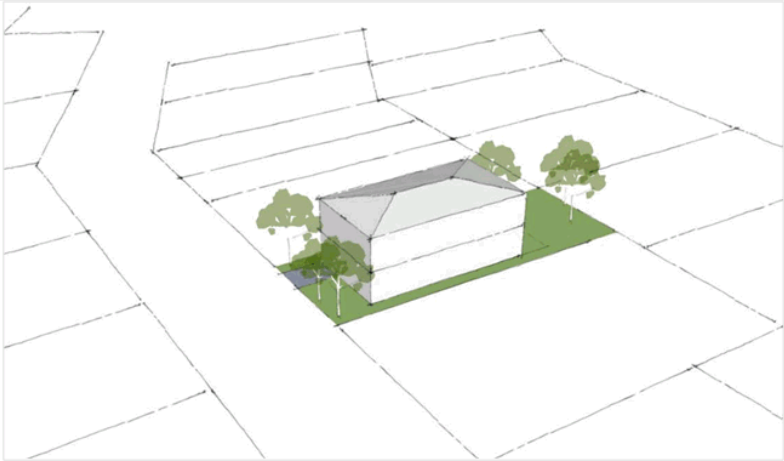
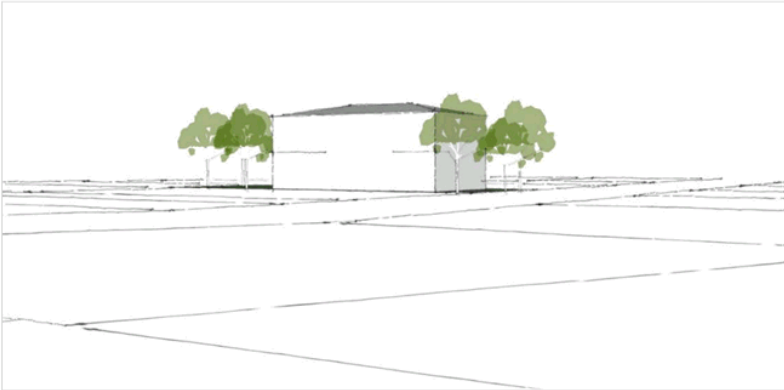
Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	15 April 2019
Council resolution to prepare planning proposal	29 April 2019
Woollahra Local Planning Panel provides advice to Council	27 June 2019
Council resolution to proceed	August 2019
Gateway determination	September 2019
Completion of technical assessment	None anticipated
Government agency consultation	See below
Public exhibition period	October – November 2019
Submissions assessment	November-December 2019
Council assessment of planning proposal post exhibition	February 2020
Council decision to make the LEP amendment	March 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	April 2020
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	May 2020
Notification of the approved LEP	May 2020

**Part 10 – Analysis and modelling of the small lots sliding scale**

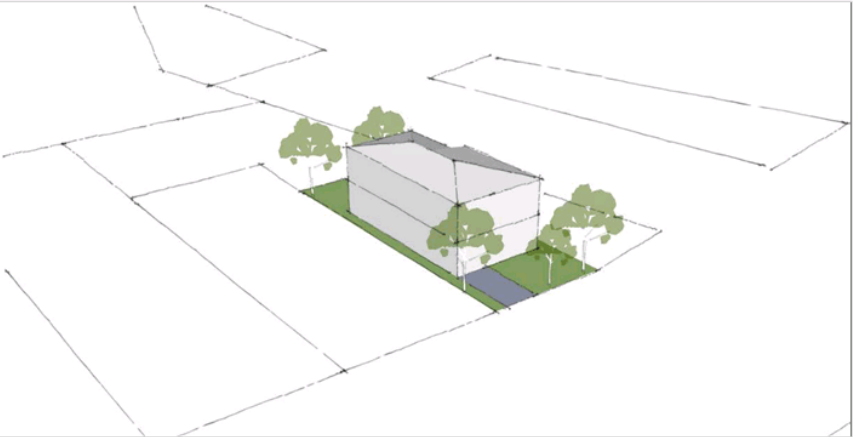
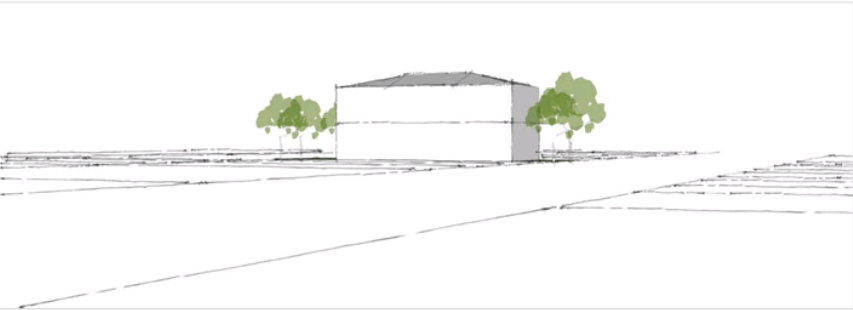
Category 1: Size area: 350 <400 m <sup>2</sup>			
Site conditions: Area 383m <sup>2</sup> , width 18m, depth 22 – 29m			
<b>Key Controls (E = existing &amp; P = Proposed)</b>	<b>Woollahra LEP 2014</b>		<b>Complies</b>
	E	Height – 9.5m	✓
	P	FSR Control 0.6:1 or max yield = 220m <sup>2</sup>	✓
	<b>Woollahra DCP 2015</b>		
	E	Front Setback	✓ (4m)
	E	Side setback = 2.3m	✓
	P	Rear setback 25% = 6.4m	✓ (9.5m)
	E	Wall height & inclined plane	✓
	E	On-site parking	✓
	P	Deep soil landscaped area (33% or 126.4m <sup>2</sup> )	✓ (52%)
<b>Calculations based on:</b>			
<ul style="list-style-type: none"> <li>• Three storey dwelling house</li> <li>• Front setback consistent with predominant front setback</li> <li>• Parking for two cars proposed in building envelope</li> </ul>			
<b>Assessment:</b>			
<ul style="list-style-type: none"> <li>• 2-3 storey existing context</li> <li>• 4-5m predominant front setback</li> <li>• Average rear setback ranges from 4-10m</li> <li>• Average side setback ranges from 1-4m</li> <li>• Mix of contemporary and earlier dwelling houses.</li> <li>• Mix of dwellings with pitched and flat roof character</li> <li>• Proposed built form is consistent with existing and desired future character</li> </ul>			
<b>Achieved Yield: 220m<sup>2</sup> FSR of 0.57:1</b>			



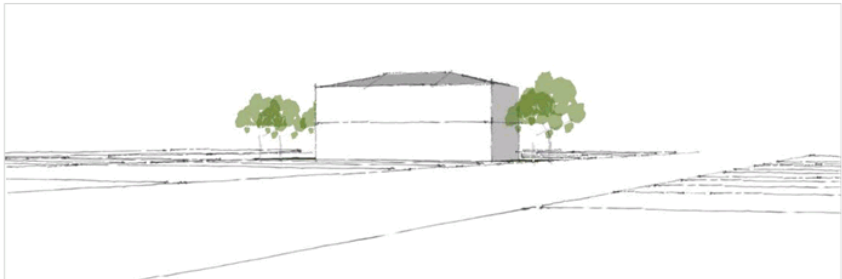
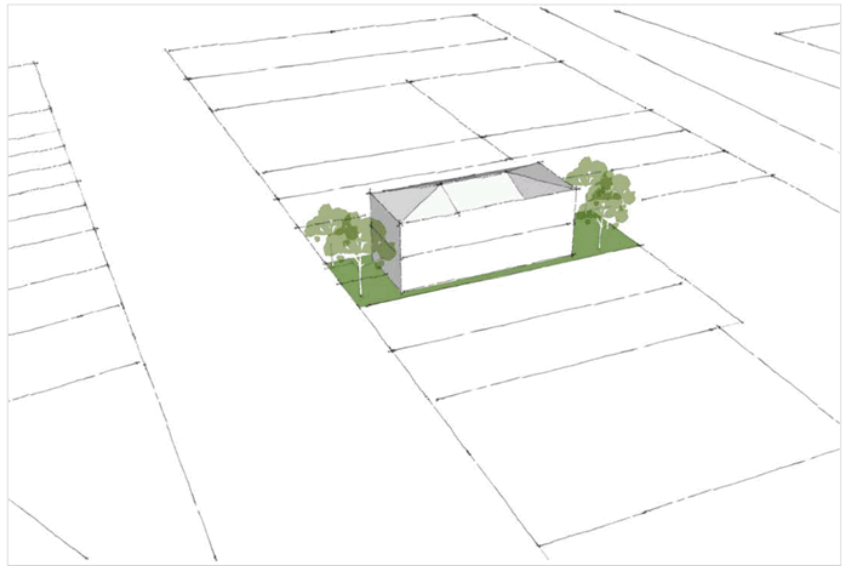
Category 2: Size area: 300 <350 m <sup>2</sup>			
Site conditions: Area 344m <sup>2</sup> , width 11.1m, depth 30m			
<b>Key Controls (E = existing &amp; P = Proposed)</b>	<b>Woollahra LEP 2014</b>		<b>Complies</b>
	E	Height – 9.5m	✓
	P	FSR Control 0.7:1 or max yield = 210m <sup>2</sup>	✓
	<b>Woollahra DCP 2015</b>		
	E	Front Setback	✓ (4m)
	E	Side setback = 1.3m	✓
	P	Rear setback 25% = 7.5m	✓ (10.5m)
	E	Wall height & inclined plane	✓
	E	On-site parking	✓
	P	Deep soil landscaped area (30% or 103.2m <sup>2</sup> )	✓ (55%)
<b>Calculations based on:</b>			
<ul style="list-style-type: none"> <li>• Two storey dwelling house</li> <li>• Front setback consistent with predominant front setback</li> <li>• Parking for two cars proposed in building envelope</li> </ul>			
<b>Assessment:</b>			
<ul style="list-style-type: none"> <li>• 2-3 storey existing context</li> <li>• 4-5m predominant front setback</li> <li>• Average rear setback ranges from 4-10m</li> <li>• Average side setback ranges from 1-4m</li> <li>• Mix of contemporary and earlier dwelling houses</li> <li>• Mix of dwellings with pitched and flat roof character</li> <li>• Proposed built form is consistent with existing and desired future character</li> </ul>			
<b>Achieved Yield: 210m<sup>2</sup> FSR of 0.61:1</b>			

Category 3: Size area: 250 <300 m <sup>2</sup>			
Site conditions: Area 287m <sup>2</sup> , width 10.8m, depth 28m			
Key Controls (E = existing & P = Proposed)	<b>Woollahra LEP 2014</b>		<b>Complies</b>
	E	Height – 9.5m	✓
	P	FSR Control 0.8:1 or max yield = 200m <sup>2</sup>	✓
	<b>Woollahra DCP 2015</b>		
	E	Front Setback	✓ (6m)
	E	Side setback = 1.1m	✓
	P	Rear setback 25% = 7m	✓
	E	Wall height & inclined plane	✓
	E	On-site parking	✓
	P	Deep soil landscaped area (25% or 71.75m <sup>2</sup> )	✓ (50%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>• Two storey dwelling house</li> <li>• Front setback consistent with predominant front setback</li> <li>• Parking for one car proposed in building envelope</li> </ul>			
<b>Assessment:</b> <ul style="list-style-type: none"> <li>• 2-3 storey existing context</li> <li>• 5-8m predominant front setback</li> <li>• Average rear setback ranges from 7-15m</li> <li>• Average side setback ranges from 1-3m</li> <li>• Immediate context consists of dwelling houses with pitched roof</li> <li>• Proposed built form is consistent with existing and desired future character</li> </ul>			
<b>Achieved Yield: 200m<sup>2</sup> FSR of 0.69:1</b>			

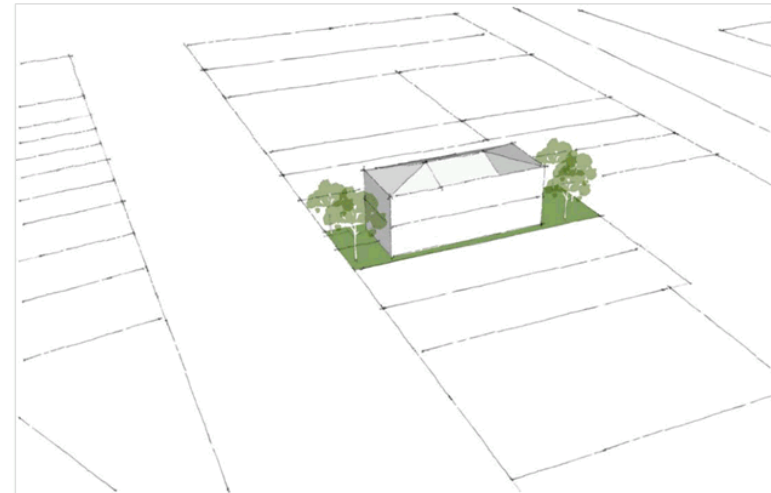
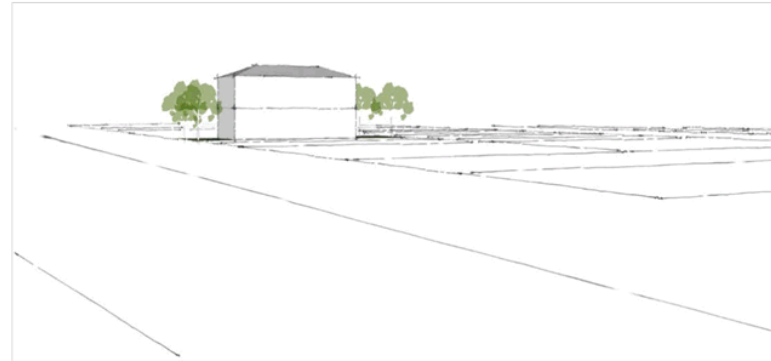



Category 4: Size area: 200 <250 m <sup>2</sup>			
Site conditions: Area 222m <sup>2</sup> , width 8.4m, depth 26m			
Key Controls (E = existing & P = Proposed)	<b>Woollahra LEP 2014</b>		
	E	Height – 9.5m	Complies ✓
	P	FSR Control 0.9:1 or max yield = 190m <sup>2</sup>	Complies ✓
	<b>Woollahra DCP 2015</b>		
	E	Front Setback	✓ (4m)
	E	Side setback = 0.9m	✓
	P	Rear setback 25% = 6.5m	✓
	E	Wall height & inclined plane	✓
	E	On-site parking	-
	P	Deep soil landscaped area (20% or 44.4m <sup>2</sup> )	✓ (46%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>• Two storey dwelling house</li> <li>• Front setback consistent with predominant front setback</li> <li>• On-street parking (no parking on-site)</li> </ul>			
<b>Assessment:</b> <ul style="list-style-type: none"> <li>• 1-2 storey existing context</li> <li>• 2-6m predominant front setback</li> <li>• Average rear setback ranges from 2-7m</li> <li>• Average side setback ranges from 0-2m</li> <li>• Mix of dwelling houses, attached dwellings and semi-detached dwellings</li> <li>• Proposed built form is consistent with existing and desired future character</li> </ul>			
<b>Achieved Yield: 189m<sup>2</sup> FSR of 0.85:1</b>			

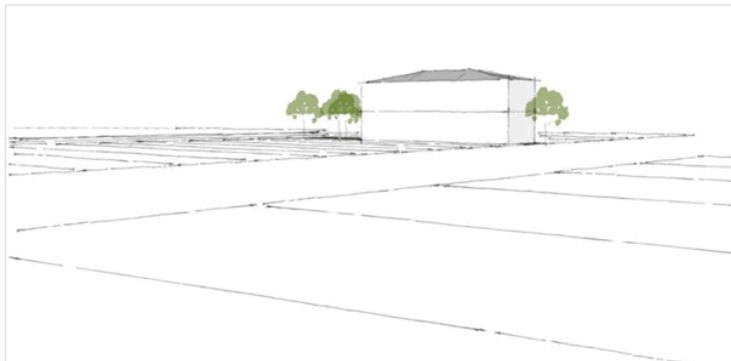
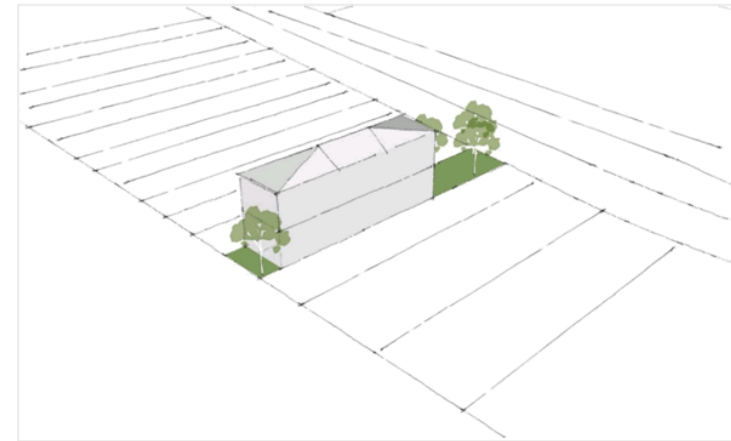





Category 5: Size area: 150 <200 m <sup>2</sup>			
Site conditions: Area 172m <sup>2</sup> , width 7.6m, depth 22m			
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 1.1:1 or max yield = 180m <sup>2</sup>	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (4m)
	E	Side setback = 0.9m	✓
	P	Rear setback 25% = 5.5m	✓
	E	Wall height & inclined plane	✓
	E	On-site parking	-
	P	Deep soil landscaped area (15% or 25.8m <sup>2</sup> )	✓ (46%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>Two storey dwelling house</li> <li>Front setback consistent with predominant front setback</li> <li>On-street parking (no parking on-site)</li> </ul>			
<b>Assessment:</b> <ul style="list-style-type: none"> <li>2-3 storey existing context</li> <li>2-6m predominant front setback</li> <li>Average rear setback ranges from 2-7m</li> <li>Average side setback ranges from 0-2m</li> <li>Context consists of a mix of dwelling houses with pitched roof and contemporary residential flat buildings with flat roofs.</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>			
<b>Achieved Yield: 135m<sup>2</sup> FSR of 0.78:1</b>			



Category 6: Size area: Under 150 m <sup>2</sup> (Pearce St, Double Bay)			
Site conditions: Area 146m <sup>2</sup> , width 4.7m, depth 30m			
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 1.1:1 or max yield = 150m <sup>2</sup>	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (2m)
	E	Side setback = Nil	-
	P	Rear setback 25% = 7.5m	✓ (10.7m)
	E	Wall height & inclined plane	✓
	E	On-site parking	-
	P	Deep soil landscaped area (10% or 14.6m <sup>2</sup> )	✓ (35%)
<b>Calculations based on:</b>			
<ul style="list-style-type: none"> <li>Land use type: Attached dwelling</li> <li>Front setback consistent with predominant front setback</li> <li>Average setback to rear laneway 5-10m</li> <li>On-street parking (no parking on-site)</li> </ul>			
<b>Assessment:</b>			
<ul style="list-style-type: none"> <li>1-2 storey existing context</li> <li>2-3m predominant front setback</li> <li>Nil side setback</li> <li>10.7m rear setback</li> <li>Context consists of a mix of attached dwellings, semi-detached dwellings and dwelling houses with minimal side setbacks. Pitched roof character.</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>			
<b>Achieved Yield: 150m<sup>2</sup> FSR of 1.02:1</b>			



## Schedules

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

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable. Exceptions to development standards are considered under Clause 4.6 of Woollahra LEP 2014.
SEPP No 19 – Bushland in Urban Areas	The planning proposal will not affect the application of the SEPP.
SEPP No 21 – Caravan Parks	Not applicable. The proposal will not affect caravan park developments.
SEPP No 33 – Hazardous and Offensive Development	The planning proposal will not affect the application of the SEPP.
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	Not applicable. The proposal does not include a canal estate.
SEPP No 55 – Remediation of Land	The planning proposal will not affect the application of the SEPP for the purpose of promoting the remediation of contaminated land and reducing the risk of harm to human health or any other aspect of the environment.  The planning proposal is consistent with the SEPP.
SEPP No 64 – Advertising and Signage	The planning proposal will not affect the application of the SEPP.
SEPP No 65 – Design Quality of Residential Apartment Development	The planning proposal will not affect the application of the SEPP.
SEPP No 70 – Affordable Housing (Revised Schemes)	The planning proposal will not affect the application of the SEPP.
SEPP (Aboriginal Land) 2019	Not applicable

State environmental planning policy	Comment on consistency
SEPP (Affordable Rental Housing) 2009	The planning proposal will not change the land uses permissible in the zone and will not affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Coastal Management) 2018	The planning proposal will not affect the application of the SEPP.
SEPP (Concurrences) 2018	The planning proposal will not affect the application of the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	The planning proposal will not affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal will not affect the application of the SEPP.
SEPP (Gosford City Centre) 2018	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal will not change the land uses permissible in the zone and will not affect the application of the SEPP.
SEPP (Infrastructure) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Primary Production and Rural Development) 2019	The planning proposal will not affect the application of the SEPP.
SEPP (State and Regional Development) 2011	The planning proposal will not affect the application of the SEPP.
SEPP (State Significant Precincts) 2005	There are currently no identified state significant sites located in the Woollahra Municipality.

State environmental planning policy	Comment on consistency
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	There are currently no potential urban renewal precincts in Woollahra Municipality which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	The planning proposal will not affect the application of the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
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
SREP (Sydney Harbour Catchment) 2005	<p>Applicable</p> <p>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>

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

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

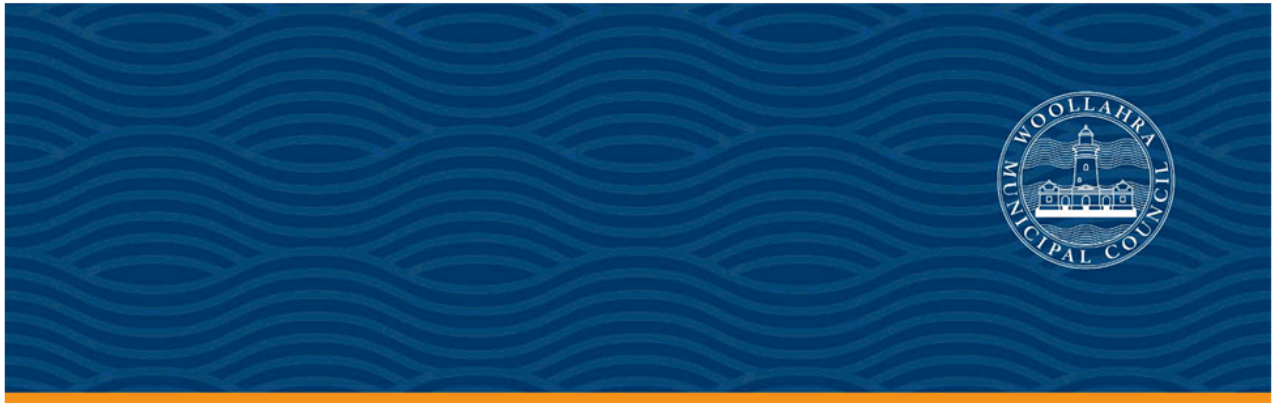
<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	The planning proposal does not apply to business or industrial zoned land.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	The planning proposal will not reduce provision in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra Municipality or affect the application SREPs for the Sydney Harbour Catchment Area. The planning proposal is broadly consistent with the direction
2.2	Coastal protection	The planning proposal is consistent with the objects of the <i>Coastal Management Act 2016</i> , and does not rezone land which would enable increased development or more intensive land-use on land.
2.3	Heritage conservation	The planning proposal will not reduce provision in Woollahra LEP 2014 for heritage conservation in the Woollahra Municipality or the Sydney Harbour Catchment Area.
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>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>	<b>Applicable/comment</b>	
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	The planning proposal translates the existing floorplate control in Woollahra DCP 2015 into Woollahra LEP 2014 as development standards. The planning proposal will not impact on the type and scale of residential development in the residential zones, and does not contain provisions which will reduce the permissible residential density of land.
3.2	Caravan parks and manufactured home estates	Not applicable.
3.3	Home occupations	The planning proposal will not alter existing provisions that permit home occupations to be carried out in dwelling houses without the need for development consent. The planning proposal is consistent with the direction.
3.4	Integrating land use and transport	The planning proposal translates the existing floorplate control in Woollahra DCP 2015 into Woollahra LEP 2014 as development standards. The planning proposal does not alter or remove a zone or provisions relating to urban land.
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	The planning proposal will not intensify land uses on land affected by acid sulfate soils or affect the application of controls that ensure that significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils are avoided. The planning proposal is consistent with the direction.
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	The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property. The planning proposal is consistent with the direction.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
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 12 and 40 (see section 6.2).
5.11	Development of Aboriginal Land Council land	Not applicable
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	The planning proposal seeks to translate the existing residential floorplate DCP provisions into a FSR control. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
6.2	Reserving land for public purposes	The planning proposal does not amend reservations of land for public purposes. The planning proposal is consistent with the direction.
6.3	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls or relate to a particular development. The planning proposal is consistent with the direction.
<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 the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 12 and 40 (see section 6.2).
7.2- 7.10	Strategies 7.2-7.10	Not applicable. These strategies do not apply to the Woollahra LGA.



## Annexure 2



# Draft Woollahra Development Control Plan 2015 (Amendment 6)

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Prepared Date:	July 2019
Adopted:	TBC
Commenced:	TBC
Division/Department:	Planning and Development/Strategic Planning
HPE CM Record Number:	19/101830



## Contents

<b>Part 1 Preliminary .....</b>	<b>5</b>
1.1 Background .....	5
1.2 Name of plan.....	6
1.3 Objectives of this plan.....	6
1.4 Land to which plan applies .....	7
1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments .....	8
1.6 Approval and commencement of this plan .....	8
<b>Part 2 Amendment of Woollahra Development Control Plan 2015 .....</b>	<b>9</b>
2.1 Chapter A Clause A1.1.9 Savings and transitional provisions relating to development applications.....	9
2.2 Chapter A Clause 1.4.....	9
2.3 Chapter B3 General Development Controls .....	10

## Draft Woollahra Development Control Plan 2015 (Amendment No. 6)

### Part 1 Preliminary

#### 1.1 Background

Over the last 18 months, and in collaboration with a practitioner 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 focus of this research was the introduction of floor space ratios.

The primary conclusions of this work were:

- Delete the current floorplate control from the Woollahra DCP 2015, and replace 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.
- 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 zone.

The Draft Woollahra Development Control Plan 2015 (Amendment 6) [the Draft DCP] has been prepared in response to Council's resolution of 29 April 2019:

- A. *THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:*
1. *A maximum FSR of 0.5:1 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.*

- G. *THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).*

The proposed amendments to Woollahra LEP 2014 require a number of consequential amendments to *Chapter B3 General Development Controls* (Chapter B3) of the Woollahra DCP 2015. These include the deletion of the floorplate and site depth controls and amendments to the deep soil landscaping controls.

Other changes to Woollahra DCP 2015 arise from a review of current excavation controls, comments obtained from the Woollahra Local Planning Panel and matters identified as part of the development application assessment processes.

In summary these additional changes to Woollahra DCP 2015 are:

- New objectives and controls for excavation, including controls to encourage cut and fill
- A new design excellence criterion which requires applicants to consider if a more skilful design would achieve a better environmental outcome.
- New objectives to articulate the purpose of the minimum lot width control.

In addition to the changes to Chapter B3, administrative amendments are required to *Chapter A1 Introduction and Administration*.

### **1.2 Name of plan**

This plan is called Draft Woollahra Development Control Plan 2015 (Amendment No. 6).

### **1.3 Objectives of this plan**

The objectives of this plan are:

- To facilitate the introduction of floor space ratio controls in Woollahra LEP 2014 for low rise residential development.
- To promote design excellence and better environmental outcomes.
- To minimise the impact of excavation.
- To clarify controls for minimum lot width, battle axe lots and ancillary developments (outbuildings).
- To make various administrative amendments.

### 1.4 Land to which plan applies

This plan applies to land identified on Figure 1 below. The land comprises the 10 Residential Precincts and 11 Neighbourhood Heritage Conservation Areas.

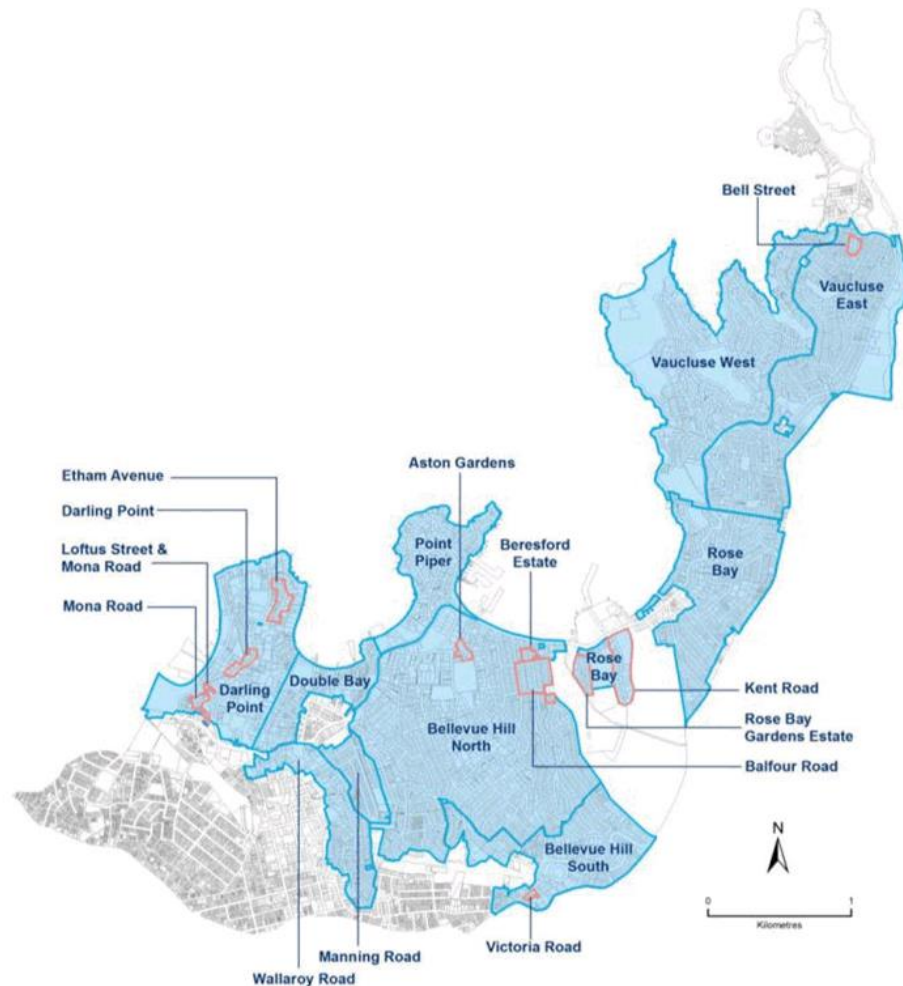


Figure 1: Land to which plan applies (extract from Section B3.1.1 Woollahra Development Control Plan 2015)

**1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments**

This plan has been prepared under Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Woollahra LEP 2014 applies to land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

**1.6 Approval and commencement of this plan**

This plan was approved by Woollahra Municipal Council on ..... and came into effect on .....

## Part 2 Amendment of Woollahra Development Control Plan 2015

This plan amends Woollahra Development Control Plan 2015 as follows.

### 2.1 Chapter A Clause A1.1.9 Savings and transitional provisions relating to development applications

Insert the following after the existing paragraphs:

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determinations under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 6 to this DCP.

### 2.2 Chapter A Clause 1.4

Insert new row at the end of the clause table:

Amendment	Date of approval and commencement	Description of amendment
No 6	<i>Date approved –</i> <i>Date commenced -</i>	<p>Amend Chapter B3 General Development Controls by modifying and inserting various controls for general development in the following manner:</p> <ul style="list-style-type: none"> <li>• Delete all references to the floorplate control</li> <li>• Amend design excellence objectives</li> <li>• Amend rear setback control to be 25% of the site depth</li> <li>• Amend excavation objectives and controls</li> <li>• Insert and consolidate controls relating to parking structures</li> <li>• Insert tables identifying the permissible percentage of deep soil landscaped area based on the site size</li> <li>• Delete deep soil area precinct variations</li> <li>• Insert figure identifying the Woleseley Road area</li> <li>• Insert objectives to articulate the purpose of the minimum lot width control</li> <li>• Minor amendments to the battle axe lot controls.</li> <li>• Insert various administrative amendments including notes, and cross references</li> </ul>



## 2.3 Chapter B3 General Development Controls

Delete the chapter and inset instead the chapter attached as **Attachment 1**.

The Draft DCP proposes over 50 changes to *Chapter B3: General Development Controls*. A summary of the key changes 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>As a consequence of introducing an FSR control into Woollahra LEP 2014, delete all references to the floorplate control.</li> <li>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>Amend introduction to clarify how the rear setback is measured.</li> <li>Delete building depth control and insert a simplified rear setback control of 25%.</li> <li>Delete building depth diagram and insert a new diagram illustrating the simplified rear 25% rear setback control.</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><i>Note: The current controls relating to parking structures have been consolidated with section 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>Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area.</li> <li>Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.</li> <li>Insert objective and control addressing the retention of natural and landscape features.</li> <li>Insert objective and control identifying that material used as fill on the site is excluded from the maximum excavation volumes.</li> </ol>
<i>B3.5 On-site parking</i>	<ol style="list-style-type: none"> <li>Insert and consolidate the current controls relating to parking structures contained in section <i>B3.3 Floorplate</i> (which is to be deleted).</li> </ol>
<i>B3.6.1 Landscaped areas and private open space</i>	<ol style="list-style-type: none"> <li>Insert three tables which identify the permissible percentage of deep soil landscaped area consistent with the new FSR controls.</li> <li>Delete deep soil area precinct variations.</li> <li>Delete control which duplicates the definition of deep soil landscape area and insert as a note.</li> <li>Insert figure identifying the location of the Wolseley Road area.</li> <li>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>Insert note containing the definition of outbuildings.</li> <li>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.

**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 (Woollahra LPP)*
- *Comments from Council's legal team*
- *Comments from practitioners*
- *Supplementary comments from Council's development assessment officers or*
- *Administrative changes.*

Further changes requested by the Woollahra LPP on 27 June 2019 - **identified in yellow**

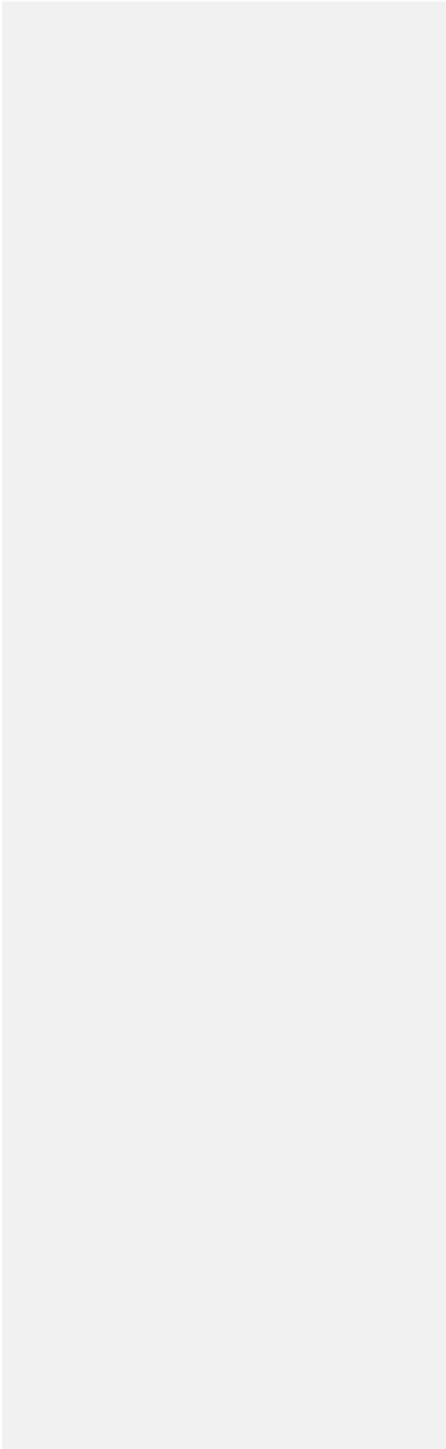
## Chapter B3 General Development Controls

### Part B ▶ General Residential

~~CHAPTER B3 APPROVED ON 10 APRIL 2017~~

~~AND COMMENCED ON 19 APRIL 2017~~

DRAFT - 10 July 2019



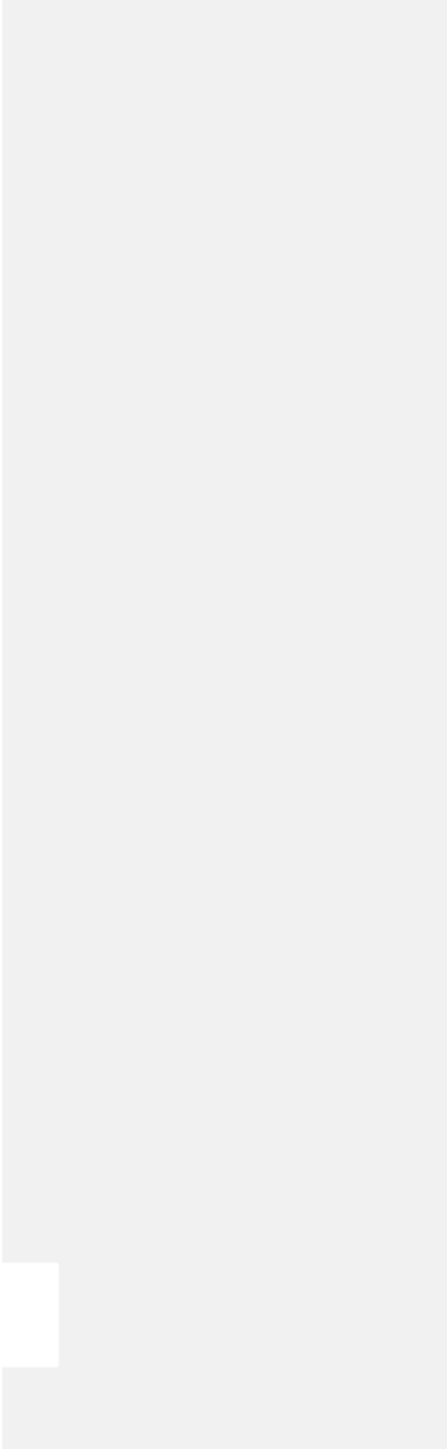
## Chapter B3 ▶ General Development Controls

### Contents

<b>B3.1 INTRODUCTION</b> .....	1
B3.1.1 Land where this chapter applies .....	1
B3.1.2 Development to which this chapter applies .....	2
B3.1.3 Design Excellence .....	3
B3.1.4 Relationship to other parts of the DCP .....	3
B3.1.5 How to use this chapter .....	4
<b>B3.2 BUILDING ENVELOPE</b> .....	5
B3.2.1 Where the building envelope controls apply .....	5
B3.2.2 Front setback .....	7
B3.2.3 Side setbacks .....	10
B3.2.4 Rear setback .....	13
B3.2.5 Wall height and inclined plane .....	17
<b>B3.3 FLOORPLATE</b> .....	19
<b>B3.3 EXCAVATION</b> .....	24
<b>B3.4 BUILT FORM AND CONTEXT</b> .....	29
B3.4.1 Streetscape and local character .....	29
B3.4.2 Overshadowing .....	30
B3.4.3 Public and private views .....	32
B3.4.4 Acoustic and visual privacy .....	36
B3.4.5 Internal amenity .....	41
<b>B3.5 ON-SITE PARKING</b> .....	43
<b>B3.6 EXTERNAL AREAS</b> .....	48
B3.6.1 Landscaped areas and private open space .....	48
B3.6.2 Fences .....	55
B3.6.3 Site facilities .....	60
B3.6.4 Ancillary development - swimming pools, tennis courts and outbuildings .....	62
<b>B3.7 ADDITIONAL CONTROLS FOR DEVELOPMENT OTHER THAN DWELLING HOUSES</b> .....	65
B3.7.1 Minimum lot width .....	66
B3.7.2 Secondary dwellings .....	67
B3.7.3 Semi-detached dwellings .....	68
B3.7.4 Dual occupancy .....	71
B3.7.5 Attached dwellings .....	72
B3.7.6 Residential flat buildings and multi dwelling housing .....	73
B3.7.7 Inter-War flat buildings .....	75
B3.7.8 Post-1950s residential towers .....	84
B3.7.9 Non-residential development .....	85
<b>B3.8 ADDITIONAL CONTROLS FOR DEVELOPMENT ON A BATTLE-AXE LOT</b> .....	87
<b>B3.9 ADDITIONAL CONTROLS FOR DEVELOPMENT IN SENSITIVE LOCATIONS</b> .....	92
B3.9.1 Development on land adjoining public open space .....	92
B3.9.2 Harbour foreshore development .....	94

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).

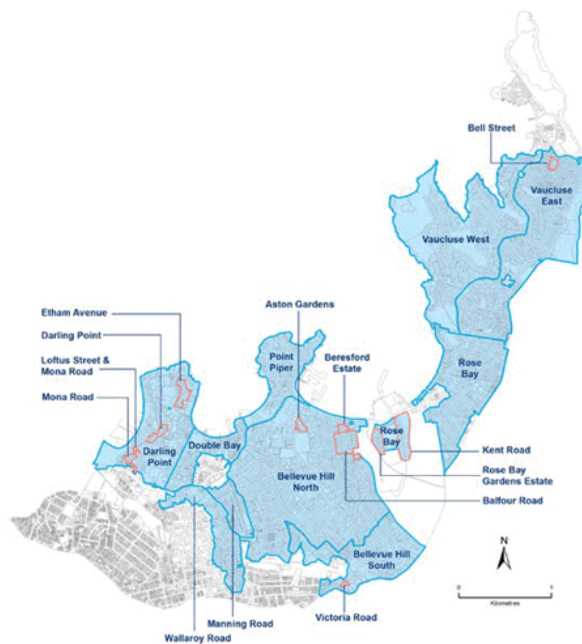
The Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) includes building height controls, floor space ratios in the R3 Medium Density Residential Zone and the minimum lot size required for subdividing or developing land.

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.

---

### 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.

---

### B3.1.4 Relationship to other parts of the DCP

---

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:

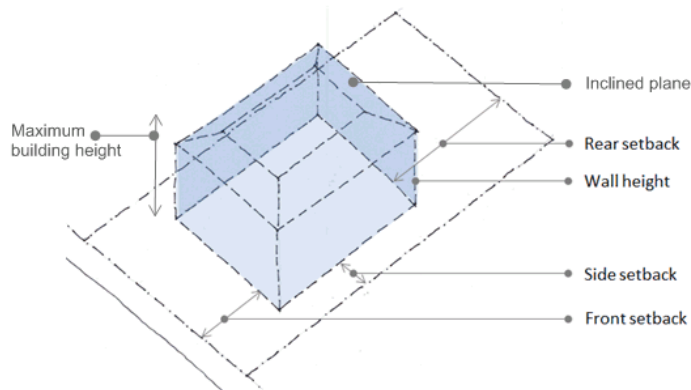
- ▶ front, side and rear setbacks;
- ▶ maximum wall height of 7.2m;
- ▶ inclined plane of 45° taken from the maximum wall height; and
- ▶ maximum building height set by Woollahra LEP 2014

~~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

B3 | General Development Controls

Part B | General Residential

~~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

Draft March 2019  
Woollahra Development Control Plan 2015

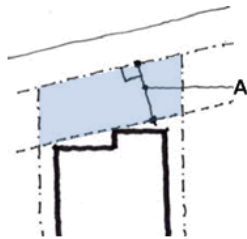
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### B3.2.2 Front setback

---

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

B3 | General Development Controls

▶ Part B | General Residential

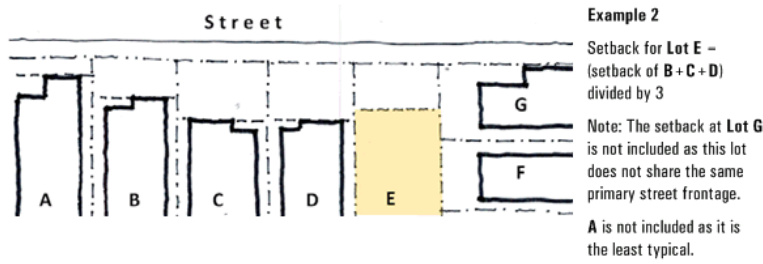
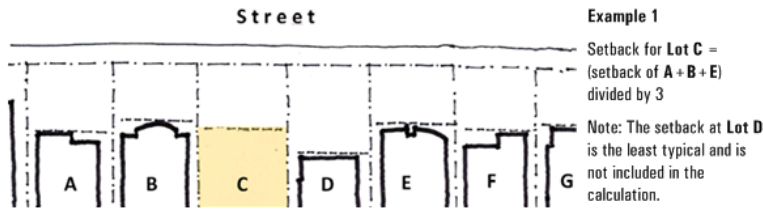
B3.2 Building envelope ▶ 3.2.2 Front setback	
Objectives	Controls
<p>O1 To reinforce the existing streetscape and character of the location.</p> <p>O2 To provide consistent front setbacks in each street.</p> <p>O3 To provide for landscaped area and deep soil planting forward of the building.</p>	<p>C1 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>

▶ B3 pg.8

Draft March 2019  
 Woollahra Development Control Plan 2015

**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.

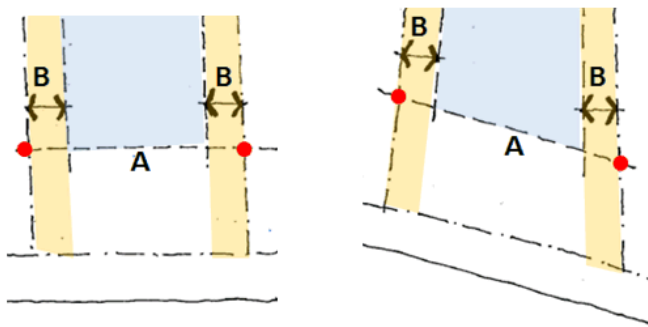
B3.2 Building envelope ▶ 3.2.3 Side setbacks	
Objectives	Controls
O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.	C1 The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 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 neighbouring 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 neighbouring properties.	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
O5 To facilitate views between buildings.	
O6 To provide opportunities for screen planting.	Note: For controls C2 and C3 setbacks include any basement piling or similar structured forms
O7 To allow external access between the front and rear of the site.	
	C4 The building has a maximum unarticulated wall length of 12m to the side elevation.
	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.

▶ Part B | General Residential

B3 | General Development Controls

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



Draft March 2019  
 Woollahra Development Control Plan 2015

▶ 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

**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.

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 neighbouring 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 [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).

**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.

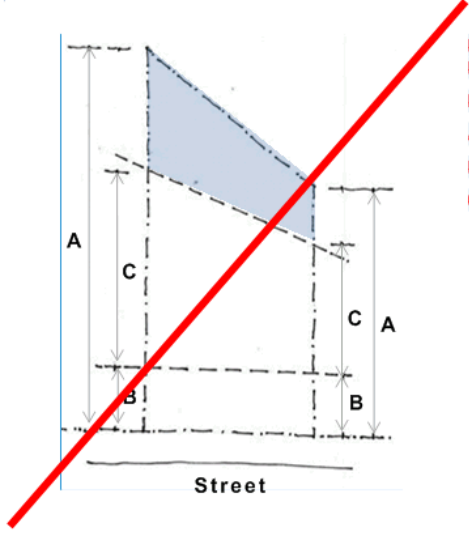
B3 | General Development Controls

Part B | General Residential

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)

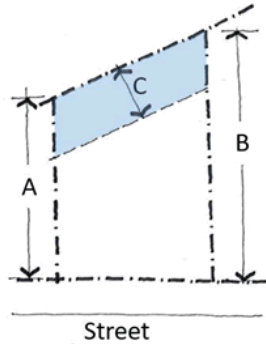
Commented [DCP17]: As a consequence of simplifying the rear setback control (see above), Figure is no longer applicable.

▶ B3 pg.14

Draft March 2019  
Woollahra Development Control Plan 2015

Part B | General Residential

B3 | General Development Controls



**FIGURE 6**  
 Formula for determining the rear setback

A = Side boundary 1

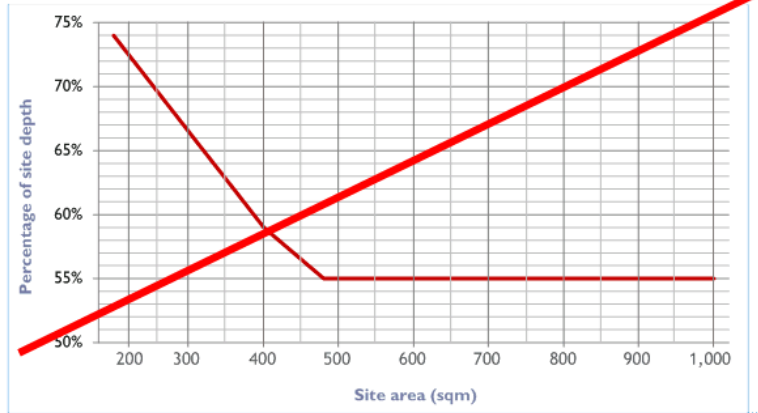
B = Side boundary 2

C = Rear setback

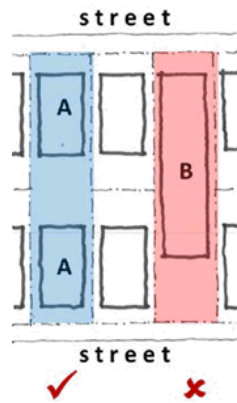
$$C = (A + B) / 2 \times 25\%$$

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:

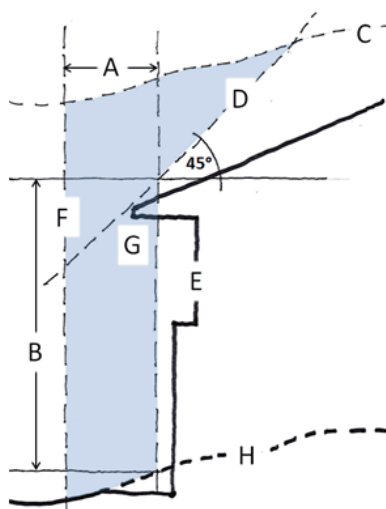
- ▶ development on land in the R2 Low Density Residential Zone; and
- ▶ dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone.

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 neighbouring 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:
O2 To limit overshadowing of adjoining neighbouring properties across side boundaries.	a) the wall height is 7.2m above existing ground level; and
O3 To limit overshadowing to south facing rear yards.	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
O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.	c) roof eaves may protrude into the setback if below the inclined plane.
O5 To facilitate views between buildings.	(Refer to Figure 8.)
	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).

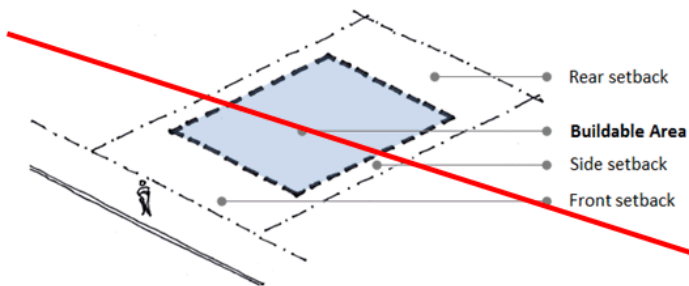
The maximum amount of development permitted on the site is determined by multiplying the buildable area by a factor of 1.65 (165%). This is the maximum permitted total floorplate.

For example if the buildable area is 150m<sup>2</sup> the maximum floorplate yield is:  
 $150\text{m}^2 \times 1.65 = 247.5\text{m}^2$

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**

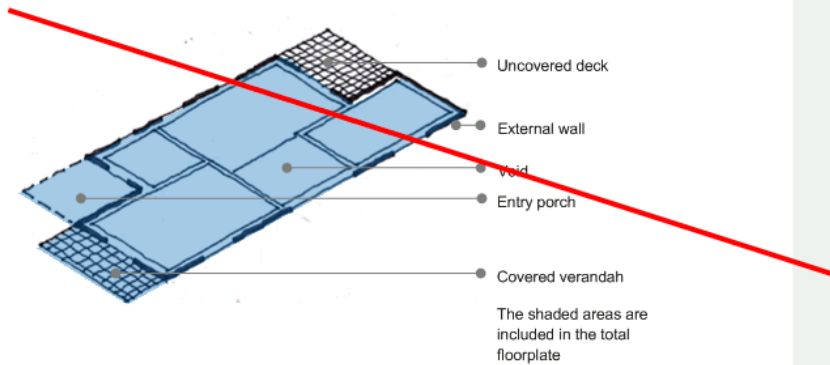
Floorplates are measured to include:

- ▶ 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)

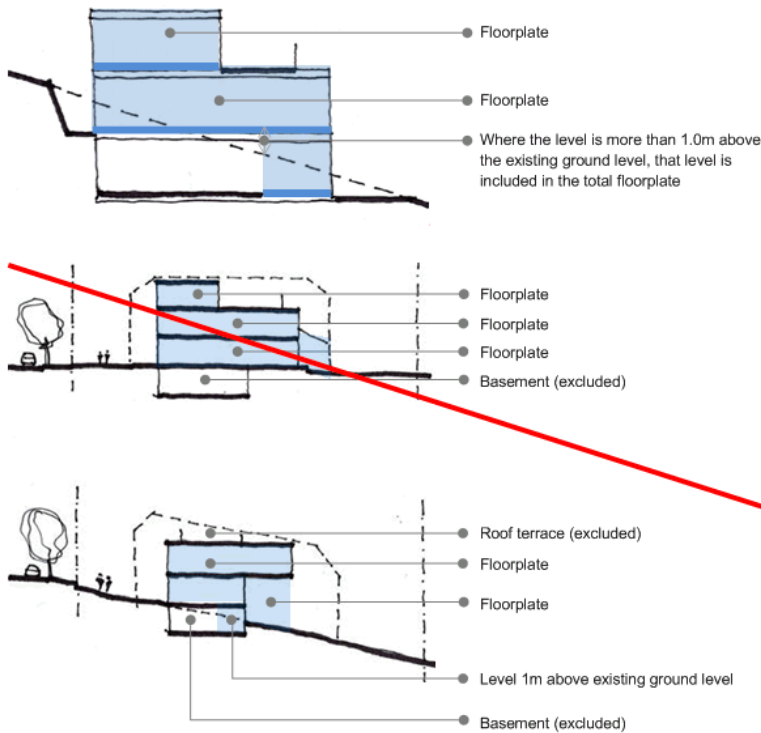


Part B | General Residential

B3 | General Development Controls

**FIGURE 12 Measuring floorplate (section view)**

The following examples illustrate elements of the built form that are included in the calculation of the floorplate:



Draft March 2019  
Woollahra Development Control Plan 2015

B3 pg.21

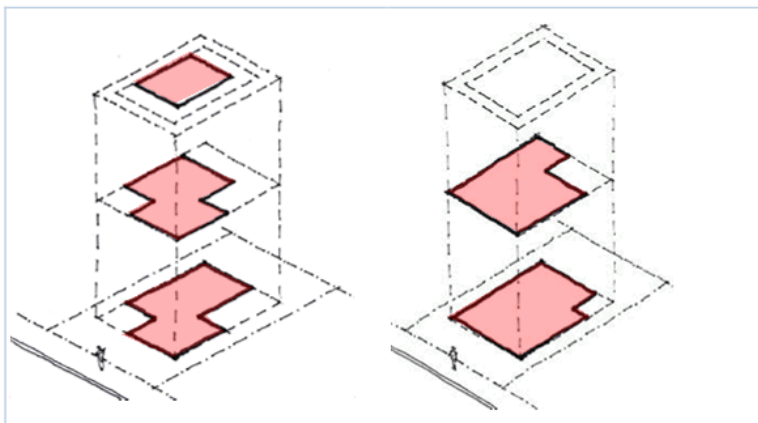
**Applying the floorplate to development**

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.

Part B | General Residential

B3 | General Development Controls

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>
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">                     Objectives and controls moved and consolidated into section B3.5 On-site parking                 </div>	
These buildings are only permitted when: <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 neighbouring** 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.
O3	<u>To avoid the removal of natural features and vegetation of landscape value.</u>	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.
O4	To ensure the cumulative impacts of excavation do not adversely impact land stabilisation, ground water flows and vegetation.	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: 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 b) storage at a rate of 20m <sup>3</sup> (cubic metres) per dwelling if for a dwelling house,
O5	To minimise structural risks to adjoining structures.		
O6	To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.		

**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.

▶ Part B | General Residential

B3 | General Development Controls

B3.3 Excavation	
Objectives	Controls
	<p>dual occupancy, semi-detached dwelling or attached housing; or</p> <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><u>C6 Excavation retains natural features and vegetation of landscape value.</u></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</p>

**Commented [DCP25]:** In response to comments from the Woollahra LPP, insert control addressing the retention of natural and landscape features.

B3 | General Development Controls

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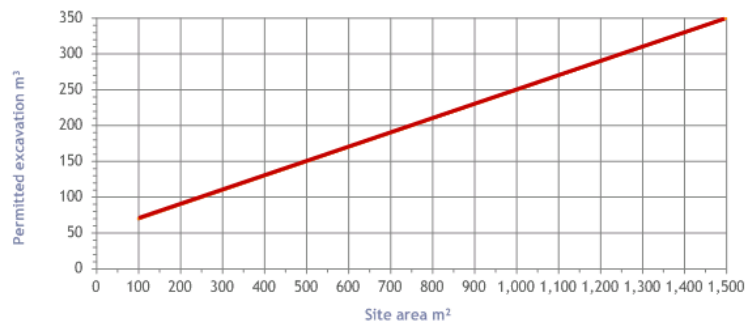
B3.3 Excavation	
Objectives	Controls
	required. All reports must be prepared in accordance with Council's guidelines. As a condition of a development consent, Council may also require the preparation and submission of a dilapidation report for properties neighbouring the development.
07 <a href="#">To minimise the removal of excavated material from site.</a>	<p>C11 <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



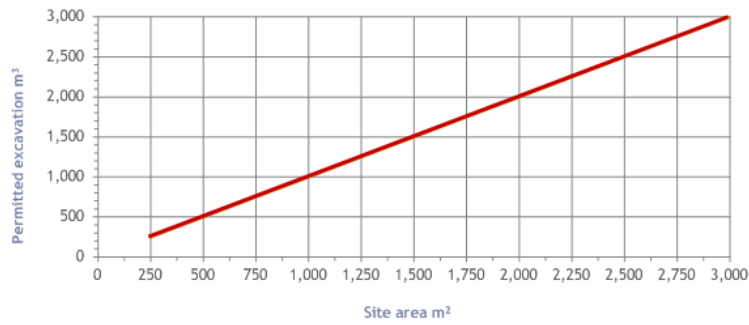
▶ B3 pg.26

Draft March 2019  
Woollahra Development Control Plan 2015

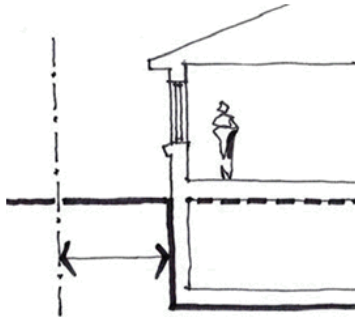
**FIGURE 9B**

Maximum volume of excavation for the site of:

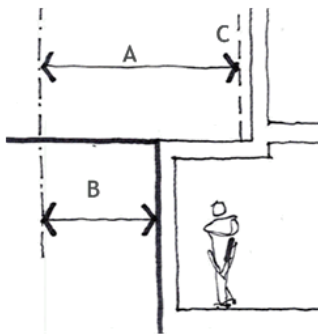
- a residential flat building
- multi dwelling housing
- attached dwellings
- any other land use not addressed in controls C1 to C2 of Section B3.3 Excavation







**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 <del>the</del> immediate streetscape is predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.

B3 | General Development Controls

▶ Part B | General Residential

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 neighbouring 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>

▶ B3 pg.30

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Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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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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Draft March 2019  
Woollahra Development Control Plan 2015

▶ B3 pg.31

**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:
O2	To provide additional views and vistas from streets and other public spaces where opportunities arise.	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.

▶ Part B | General Residential

B3 | General Development Controls

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>

Draft March 2019  
 Woollahra Development Control Plan 2015

▶ B3 pg.33

B3 | General Development Controls

▶ Part B | General Residential

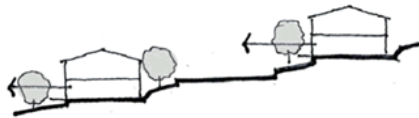
B3.4 Built form and context ▶ 3.4.3 Public and private views	
Objectives	Controls
	Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roofs.
O4 To ensure that views are not compromised by landscaping.	<p>C9 The location 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>

▶ B3 pg.34

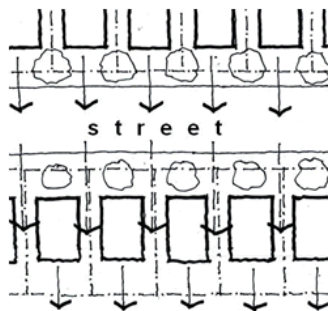
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Part B | General Residential

B3 | General Development Controls



**FIGURE 12**  
View sharing



**FIGURE 13**  
Where to locate vegetation to accommodate  
view paths

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Woollahra Development Control Plan 2015

► B3 pg.35



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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.

▶ Part B | General Residential

B3 | General Development Controls

**B3.4 Built form and context** ▶ **3.4.4 Acoustic and visual privacy**

Objectives	Controls
O1 To ensure adequate acoustic privacy for occupants and neighbours.	<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>
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>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>

Draft March 2019  
Woollahra Development Control Plan 2015

▶ B3 pg.37

B3 | General Development Controls

▶ Part B | General Residential

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 <b>adjoining-neighbouring</b> properties; and</p> <p>d) views from adjoining or adjacent properties.</p>

▶ B3 pg.38

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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>C7 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>C8 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>C9 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>C10 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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 Woollahra Development Control Plan 2015

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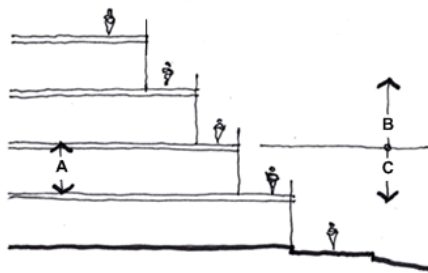
B3 | General Development Controls

▶ Part B | General Residential

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 <u>adjoining neighbouring</u> properties.</p>

▶ B3 pg.40

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 Woollahra Development Control Plan 2015



**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

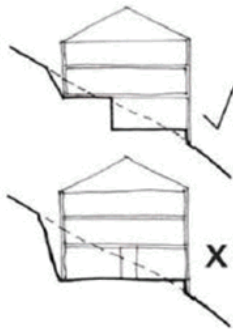
Solar and daylight access and natural ventilation are important for providing pleasant and healthy indoor environments for people to live. This is particularly important for designing comfortable habitable rooms and other areas that are occupied for extended periods.

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.



B3 | General Development Controls

► Part B | General Residential

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 neighbouring 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.

► B3 pg.44

Draft March 2019  
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► Part B | General Residential

B3 | General Development Controls

B3.5 On-site parking	
Objectives	Controls
	<p><del>C6</del> Notwithstanding C4, 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.

B3 | General Development Controls

▶ Part B | General Residential

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.	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).
	C12 Only one driveway entrance is provided. For example, development involving more than one dwelling shares the driveway access.
	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.

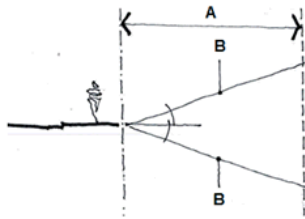
▶ B3 pg.46

Draft March 2019  
Woollahra Development Control Plan 2015

**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.

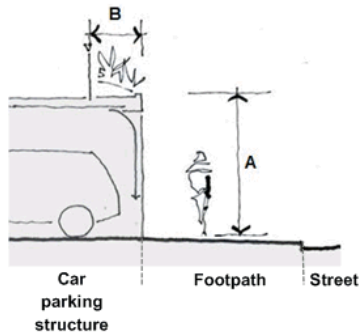


**FIGURE 15B**

**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.

Part B | General Residential

B3 | General Development Controls

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.*

B3 | General Development Controls

Part B | General Residential

**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

B3 pg.50

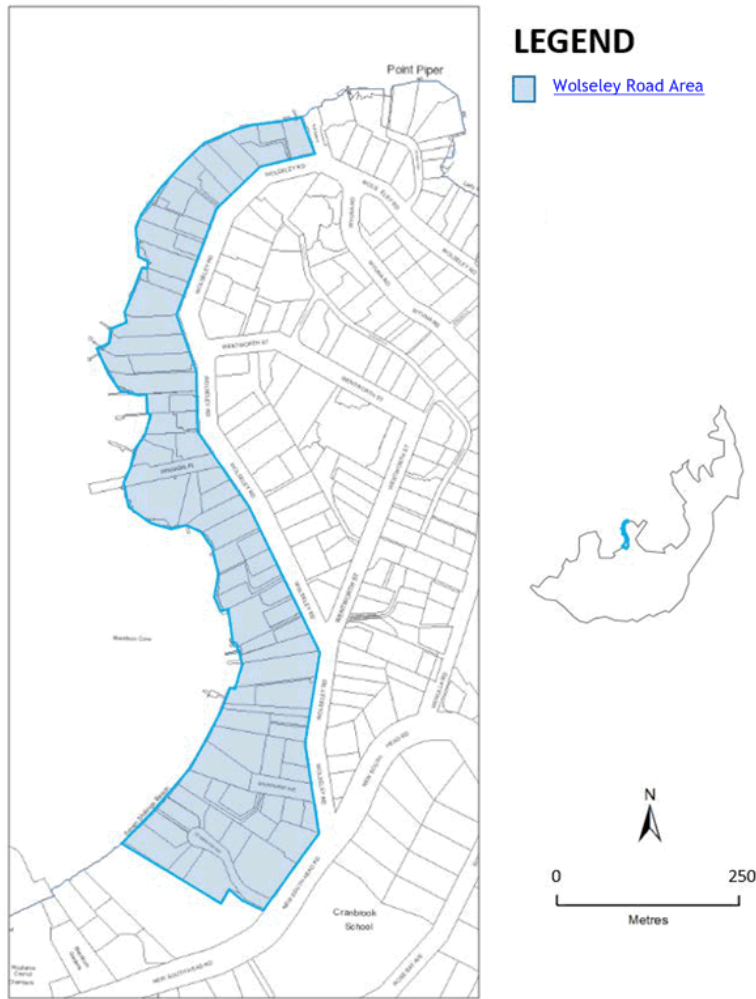
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Woollahra Development Control Plan 2015

Part B | General Residential

B3 | General Development Controls

**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.



Draft March 2019  
Woollahra Development Control Plan 2015

▶ B3 pg.51



B3 | General Development Controls

▶ Part B | General Residential

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>

▶ B3 pg.52

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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 <b>neighbouring properties adjoining residents</b> .	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 <b>adjoining neighbouring properties</b>;</li> <li>d) considers personal safety by ensuring good visibility along paths and</li> </ul>

Draft March 2019  
Woollahra Development Control Plan 2015

▶ B3 pg.53

B3 | General Development Controls

▶ Part B | General Residential

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>

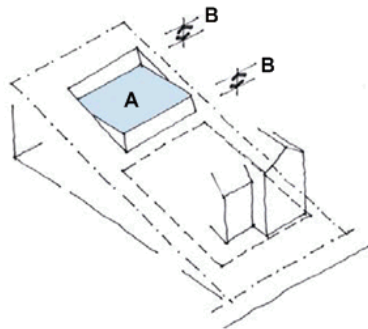
**Commented [DCP46]:** Administrative change.  
 In response to feedback from Council DA officers, insert note containing the deep soil landscaped area definition as per the Woollahra DCP 2015.

▶ B3 pg.54

Draft March 2019  
 Woollahra Development Control Plan 2015

Part B | General Residential

B3 | General Development Controls



**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.

Draft March 2019  
Woollahra Development Control Plan 2015

▶ B3 pg.55

B3 | General Development Controls

▶ Part B | General Residential

**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: <ul style="list-style-type: none"> <li>a) 1.2m if solid; or</li> <li>b) 1.5m if 50% transparent or open;</li> </ul> unless otherwise specified in the precinct controls in Chapters B1 and B2 of this part of the DCP. <p>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.</p> 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.

▶ B3 pg.56

Draft March 2019  
 Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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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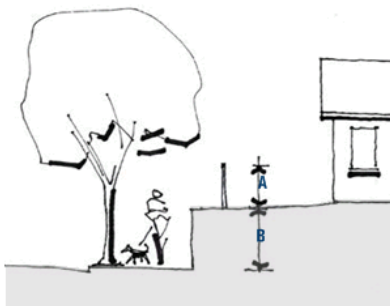
▶ B3 pg.57

B3 | General Development Controls

▶ Part B | General Residential

**B3.6 External areas ▶ 3.6.2 Fences**

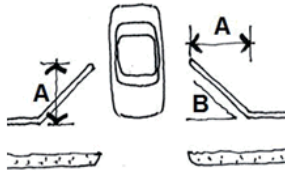
Objectives	Controls
O7 To protect and retain fences and walls that are important character elements for the precinct.	C12 Remnant sandstone and garden walls are retained and adequately maintained.
O8 To ensure materials used in fences and walls are a high quality and in keeping with the existing streetscape character and character of the building.	C13 Existing retaining walls that are important character elements in the street or precinct are retained.
	C14 Existing fences, particularly those constructed from sandstone, that are significant or represent important character elements in the street or precinct are retained.
	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.
	C16 Fences and walls made from corrugated iron, barbed wire, and the like are not permitted.



**FIGURE 21**  
Front fences on the high side of streets  
A - 1.2m maximum  
B - Increase in ground level greater than 1.2m

▶ B3 pg.58

Draft March 2019  
Woollahra Development Control Plan 2015



**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 | General Development Controls

▶ Part B | General Residential

**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.

▶ B3 pg.60

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Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

**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 neighbouring 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 of adjoining neighbouring 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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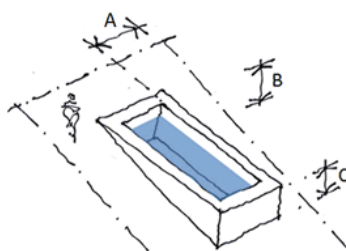
▶ B3 pg.61

**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 adjoining neighbouring 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).

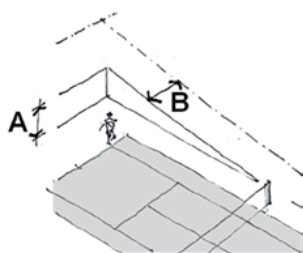


**FIGURE 24**  
Provision of private swimming pools  
A is a minimum of 1.8m  
B – pool depth is a maximum of 2m  
C is to be a maximum of 1.2m

**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-neighbouring 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

B3 | General Development Controls

▶ Part B | General Residential

**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
<p>O1 To ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the <b>adjoining neighbouring</b> properties.</p>	<p>C1 The outbuilding is located within the building envelope or the rear setback.</p> <p>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.</p>
<p>O2 To ensure that the required deep soil landscaped area and level area of private open space are achieved.</p>	<p>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> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li><u>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.</u></li> <li><u>Controls for outbuildings which comprise parking structures are contained in section B3.5</u></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.

▶ B3 pg.64

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Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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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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Woollahra Development Control Plan 2015

▶ B3 pg.65

**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 <u>sufficient space between buildings to allow satisfactory for the amenity of for occupants and adjoining neighbouring properties residents and for effective landscaping and pedestrian access.</u></p> <p><b>O2</b> To ensure that lot widths support development envisaged under this Plan.</p> <p><b>O2</b> To ensure that lot widths facilitate a built form with a bulk and scale that is consistent with the desired future character of the area.</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 neighbouring properties.</p>	<p>C1 The secondary dwelling is located within the building envelope <del>and is calculated in the footprint</del> and is subject to the FSR control.</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.

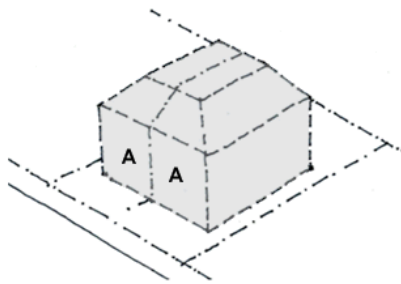


**B3.7.3 Semi-detached dwellings**

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.

▶ Part B | General Residential

B3 | General Development Controls

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>

Draft March 2019  
Woollahra Development Control Plan 2015

▶ B3 pg.69

B3 | General Development Controls

▶ Part B | General Residential

**B3.7 Additional controls for development other than dwelling houses**

▶ 3.7.3 *Semi-detached dwellings*

Objectives	Controls
	<p>C10 Roof design does not adversely impact on the adjoining semi-detached dwelling or create stormwater spillover.</p> <p>C11 External colour schemes and materials are sympathetic to the character of the original building and the other semi-detached dwelling.</p>

▶ B3 pg.70

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Woollahra Development Control Plan 2015

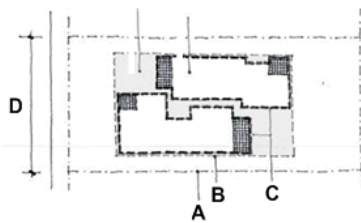
**B3.7.4 Dual occupancy**

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 = 2.1m 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.

B3 | General Development Controls

▶ Part B | General Residential

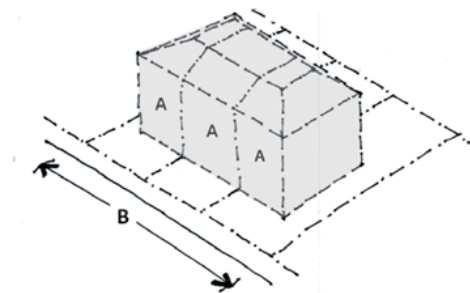
O3	To ensure that on-site parking does not detract from the streetscape character and amenity.	C5	Both dual occupancies share a common driveway cross-over. Separate cross overs may be considered on corner lots, where the access is from separate streets.
O4	To minimise loss of on-street parking.		

**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.

▶ B3 pg.72

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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.

Draft March 2019  
Woollahra Development Control Plan 2015

▶ B3 pg.73

B3 | General Development Controls

▶ Part B | General Residential

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>

▶ B3 pg.74

Draft March 2019  
 Woollahra Development Control Plan 2015

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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.



B3 | General Development Controls

▶ Part B | General Residential

- ▶ 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.

▶ B3 pg.76

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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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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Woollahra Development Control Plan 2015

▶ B3 pg.77

B3 | General Development Controls

▶ Part B | General Residential

**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.

▶ B3 pg.78

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

**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 pg.79

B3 | General Development Controls

▶ Part B | General Residential

**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.

▶ B3 pg.80

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

**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>
<p>O12 To ensure that internal additions, alterations and repairs retain and respect internal common areas and significant internal character elements.</p>	<p>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.</p>
<p>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>	<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 pg.81

B3 | General Development Controls

▶ Part B | General Residential

**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>

▶ B3 pg.82

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

**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
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>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-neighbouring 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

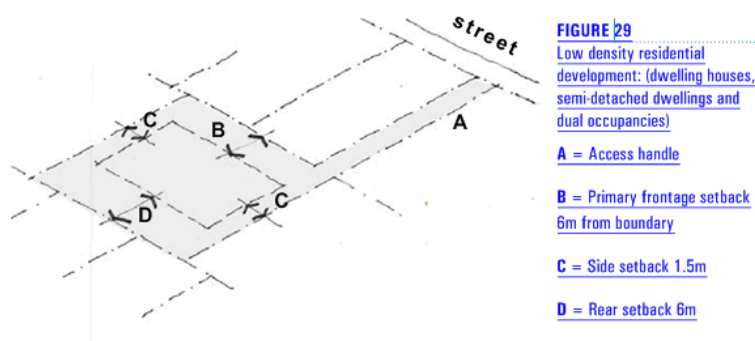
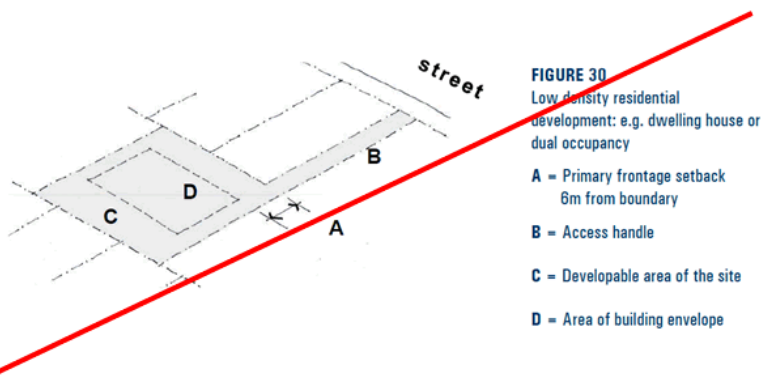
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**B3.8 Additional controls for development on a battle-axe lot**

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 neighbouring 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.

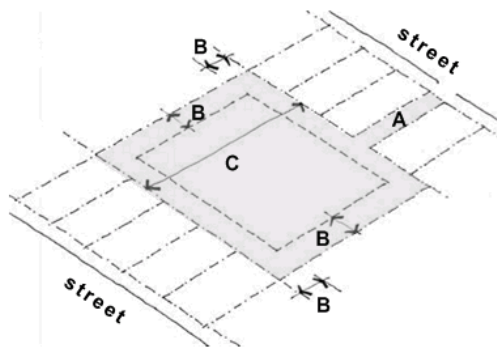


**Commented [DCP52]:** As the building depth control has been replaced by a rear setback control, the proposed battle axe lot controls have been simplified:

- site depth has been deleted
- side setback control has been simplified to 1.5m
- rear setback control simplified to 6m

B3 | General Development Controls

Part B | General Residential



**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-neighbouring 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: <ul style="list-style-type: none"> <li>a) for a detached dual occupancy—21m</li> <li>b) for development involving three or more dwellings—24m.</li> </ul> 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-neighbouring properties.	C3 A 6m setback applies to the primary frontage (refer to Figure 29) for: <ul style="list-style-type: none"> <li>a) development in the R2 Low Density Residential Zone.</li> <li>b) a dwelling house or dual occupancy in the R3 Medium Density Residential Zone.</li> </ul>

B3 pg.88

Draft March 2019  
Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

**B3.8 Additional controls for development on a battle-axe lot**

Objectives	Controls
	<p><b>Note:</b> 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.</p> <p>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).</p> <p>A reduced setback may be considered where there is no unreasonable impact on the amenity of adjoining-neighbouring properties having regard to privacy, solar access, sense of enclosure and view sharing.</p>

Commented [DCP54]: Administrative/format change.

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>

▶ Part B | General Residential

B3 | General Development Controls

B3.8 Additional controls for development on a battle-axe lot	
Objectives	Controls
<p>O3 To ensure that development does not unreasonably affect adjoining neighbouring 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 neighbouring properties; and</li> <li>b) no overlooking into the private open space areas of adjoining neighbouring 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 neighbouring properties; and</li> <li>b) no overlooking into the private open space areas of adjoining neighbouring properties.</li> </ul>

Draft March 2019  
 Woollahra Development Control Plan 2015

▶ B3 pg.91



B3 | General Development Controls

▶ Part B | General Residential

**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
<p>O1 To ensure that development on land adjoining public open space areas does not compromise the public use or amenity of the land.</p>	<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>
<p>O2 To improve opportunities for passive surveillance into public open space areas.</p>	<p>C4 Where practical, the building is designed to have an outlook to the adjoining public open space area.</p>
<p>O3 To protect and enhance public access to public open spaces.</p>	<p>C5 Development does not reduce existing public access to public open space areas. When possible, development increases opportunities for public access.</p>

▶ B3 pg.92

Draft March 2019  
Woollahra Development Control Plan 2015

▶ 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.

Draft March 2019  
 Woollahra Development Control Plan 2015

▶ B3 pg.93

B3 | General Development Controls

▶ Part B | General Residential

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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.

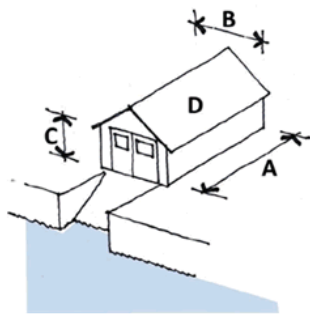
#### Ecological communities and protection of the natural foreshore

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.

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▶ B3 pg.94

Draft March 2019  
Woollahra Development Control Plan 2015



**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 | General Development Controls

▶ Part B | General Residential

**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 sundecks, 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.

▶ B3 pg.96

Draft March 2019  
 Woollahra Development Control Plan 2015

▶ Part B | General Residential

B3 | General Development Controls

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>

Draft March 2019  
 Woollahra Development Control Plan 2015

▶ B3 pg.97

B3 | General Development Controls

▶ Part B | General Residential

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.

▶ B3 pg.98

Draft March 2019  
 Woollahra Development Control Plan 2015

## Annexure 3

Woollahra Municipal Council  
Environmental Planning Committee Agenda

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.

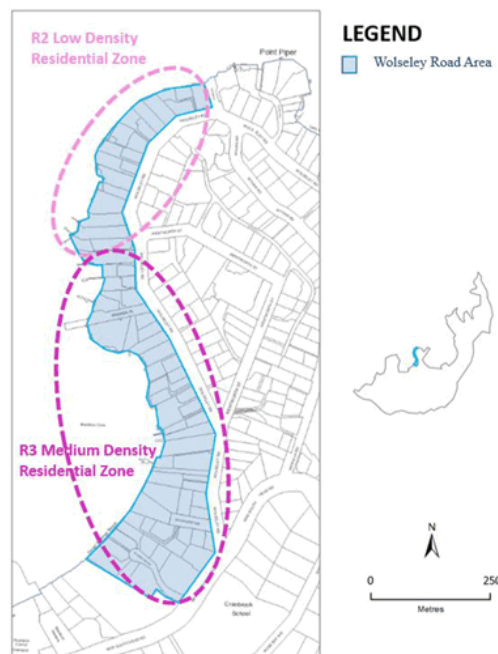


Figure 1: Wolseley Road Area

#### 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>

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>	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 1

Woollahra Municipal Council  
Urban Planning Committee Agenda

27 March 2017

**Item No:** R1 Recommendation to Council  
**Subject:** PUBLIC EXHIBITION OF WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 2) - CHAPTER B3 GENERAL DEVELOPMENT CONTROLS  
**Author:** Anne White, Acting Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 17/26852  
**Reason for Report:** To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 2) – Chapter B3 General Development Controls and to obtain Council’s approval of the Draft DCP.  
To seek Council’s approval to introduce floor space ratio controls and revised excavation controls.  
To seek Council’s endorsement of the working party to investigate appropriate floor space ratio controls and revised excavation controls.

### Recommendation:

- 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 Council continue the working party process to investigate appropriate 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.

### 1. Background

On 27 April 2015, Council resolved to establish a working party to review *Chapter B3 General Development Controls* of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015). In particular, the review would look at the controls relating to building bulk, scale, envelope, floorplates, setbacks and site excavation. The working party consists of staff from the planning and development team, two Councillors, an independent advisor and four practitioners.

The working party has met seven times, and has 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. An overview of the first two meetings (held on 15 September 2015 and 13 October 2015) was reported to the Urban Planning Committee on 19 October 2015 (see **Annexure 2**). An overview of the third and fourth working party meetings (held on 5 November 2015 and 3 February 2016) was reported to the Urban Planning Committee on 29 February 2016 (see **Annexure 3**). An overview of the fifth, sixth and seventh working party meetings (held on 2 March 2016, 21 April 2016 and 4 August 2016) was report to the Urban Planning Committee on 31 October 2016 (see **Annexure 4**).

Staff have been in the process of revising and updating the contents of *Chapter B3 General Development controls* as a consequence of the issues raised by the working party, and feedback from Council's development control staff. A number of amendments to the chapter were proposed to provide a new and simplified approach to controlling building bulk in the Woollahra LGA. Following workshop 7, the latest draft of the revised Chapter B3 was circulated to the practitioners for their response. On 10 October 2016 the practitioners provided a submission on behalf of the *Eastern Design and Planning Professionals Alliance (EDPPA)* (see **Annexure 5**) recommending further amendments to the revised Chapter. As stated in the submission.....

*The objectives and purpose of the EDPPA is to represent and provide submissions on behalf of design and planning professionals in the eastern suburbs to both local authorities and the state government on matters relating to statutory planning instruments, planning policies, or other planning instruments or policies which may potentially affect the building environment or public domain within the eastern suburbs of Sydney.*

In response to this submission, staff made further amendments to the revised Chapter B3. Approximately 60 changes were made to the revised Chapter B3, and the key changes are summarised below:

- *B3.1.3 Objectives:* Amend objectives to encourage and facilitate design excellence.
- *B3.2.4 Rear setbacks:* Delete building depth control (and associated sliding scale) and insert a simplified rear setback control of 25%.
- *B3.3 Floorplates:*
  - Delete section and replace with a footprint control section which is expressed as a percentage of the site area.
  - Establish a footprint control, and a variation for the Point Piper precinct.
- *B3.4 Excavation:* Amend controls to clarify that the volume of excavation also includes garaging structures (both attached and detached).
- *B3.7.1 Landscaped and private open space:* Amend the permissible percentage of deep soil landscaped area consistent with the new footprint control.

The revised chapter was reported to the Urban Planning Committee on 31 October 2016 and 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.*

Through the working party process the practitioners, councillors and staff have been successful in progressing, improving and reaching consensus on certain elements of the building envelope controls including the new objective to encourage design excellence and articulation controls. The working party also identified issues where the controls could be simplified, or the consistency of the document improved.



Woollahra Municipal Council  
Environmental Planning Committee Agenda

4 March 2019

Woollahra Municipal Council  
Urban Planning Committee Agenda

27 March 2017

However, there remain elements of the control set that have continued to divide and challenge the group. In particular, consensus has not been obtained for those elements of the control set that seek to control building bulk and excavation. Despite the working party's continued research and meetings, no reasonable consensus was found which could address the issues and concerns raised.

## 2. Public exhibition

The Draft DCP was exhibited for 87 days from Wednesday 23 November 2016 until Friday 17 February 2017. The minimum public exhibition period set out in the *Environmental Planning and Assessment Regulation 2000* (the Regulation) is 28 days. The exhibition took place at Woollahra Council Chambers in Double Bay, in the Customer Service area during business hours.

A copy of the Draft DCP was also placed on Council's website for the duration of the exhibition period. During the exhibition period the information page on Council's website was visited by 289 external customers.

Details of the exhibition were notified in eleven Wentworth Courier editions of 23, 30 November, 7, 14, 21 December 2016, 11, 18, 25, January and 1, 8, 15 February 2017. The exhibition was extended beyond the minimum 28 days required by the Regulation to allow more time to make submissions, as part of the exhibition period was over the school and Christmas holidays.

Notification of the Draft DCP exhibition was sent to:

- City of Sydney
- Randwick Council
- Waverley Council
- Double Bay Chamber of Commerce
- Double Bay Residents' Association Inc
- Darling Point Society
- Queen Street & West Woollahra Association
- Rose Bay Resident's Association Inc
- The Paddington Society
- Vaucluse Progress Association
- Watsons Bay Association
- Eastern Design and Planning Professional Alliance
- Members of the working party

## 3. Submissions

Four submissions were received on the Draft DCP from the following:

- Waverley Council,
- P. Binetter: member of the public,
- Mark Silcocks, President and Malcolm Young, Vice-President - Double Bay Residents' Association Inc
- Chris Howe - EDPPA

A copy of all submissions is provided in **Annexure 6**. In summary:

- Waverley Council staff generally support the proposed simplification of the planning controls, with some minor administrative changes.
- P. Binetter generally supports the proposed simplified approach to the control of building bulk. However, the submission identifies concern with the proposed footprint table and the variation in development yields for Point Piper.

Item No. R1

Page 11

- The EDPPA identifies its opposition to a number of the proposed amendments and do not support adoption of the Draft DCP in its present form. The EDPPA identifies that those matters raised in its submission dated 10 October 2016 remain largely unresolved.
- The submission from the Double Bay Residents' Association recommends a number of amendments including the reinstatement of objectives, increased side setbacks on small sites and retention of the existing floorplate control pending the introduction of a *floor space ratio* (FSR) control.

#### 4. Post exhibition changes to the Draft DCP

After the exhibition period we have maintained a dialogue with the EDPPA to clarify their position on the matters raised in their submission. We have also received further feedback from Council's development control staff on the existing and proposed controls. In light of the post exhibition issues raised, thirty five amendments are proposed to the exhibited Draft DCP.

The post exhibition changes we are recommending are consistent with the issues raised in a submission, or are minor matters which address errors or simplify or clarify the operation of the controls. These matters do not require re-exhibition.

A summary of the issues raised in the submissions and a staff response is provided in section 4.4. What follows is a summary of the key issues raised and our recommended approach.

##### 4.1 Retain floorplate control and replace with a floor space ratio control

A key concern with the existing control set is the complexity associated with calculating the permissible floor area and development potential for the site. Currently, the development yield is calculated via a two-step methodology. First, 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.

Alternatives to the floorplate controls were discussed at multiple working party meetings. These discussions were synthesised and a footprint methodology was recommended as a potential new approach to controlling building bulk. The footprint is expressed as a percentage of the site area and varies based on site size and precinct characteristics.

The practitioners supported the main elements of the footprint control, however, they did not support its definition, i.e. the elements of the building that are counted as contributing to building bulk.

Notwithstanding the concerns expressed by the practitioners, staff recommended to the UPC meeting of 31 October 2016 that the footprint control should be included in the Draft DCP to be placed on public exhibition for comment. As a consequence of further concerns expressed by the practitioners at the UPC meeting, Councillors asked staff to investigate the merit of using a site coverage approach instead of a footprint control. Staff prepared a memorandum which was reported to the Council meeting of 14 November 2016 (see **Annexure 7**).

This memorandum summarised the two approaches, and identified the preferred approach from staff was to retain the footprint concept as contained in the Draft DCP. The proposed footprint approach was considered a balanced approach to controlling building bulk whilst allowing design flexibility. On 14 November 2016 Council resolved to place the Draft DCP on exhibition which

recommended deleting the floorplate control and inserting a footprint control to control building bulk.

Three of the four submissions raised a number of objections to the proposed footprint control. The objections are identified in Table 1 below and can be summarised as follows:

- Proposed footprint control will create bulkier and less articulated buildings;
- May create larger and taller buildings;
- Lack of evidence, research and testing;
- Instead of a footprint control, introduce an FSR control.

In their submission the EDPPA stated that

*...it is the opinion of practitioners that the proposed amendments to the building footprint control to determine permissible floor space will result in a worse outcome than the present DCP floorplate controls.....*

It is apparent that despite ongoing investigations into the proposed footprint control, there is no consensus that will satisfy both practitioners and the staff. Therefore, Council officers do not recommend adopting the exhibited footprint controls. The existing floorplate controls can be retained as an interim approach until an FSR control can be introduced.

As reported to the Urban Planning Committee on 31 October 2016 (see **Annexure 3**) the majority of Sydney Councils use FSR to control building bulk for all types of residential accommodation. In particular, both Randwick and Waverley Council use FSR in the R2 Low Density Residential zones. Both Councils use an FSR of 0.5:1 in their residential zones.

Consistent with this approach, there was overall support during the working party meetings to further investigate the use of an FSR control in the Woollahra LEP 2014. However, the footprint control was recommended as a short term measure whilst an amendment to Woollahra LEP 2014 to insert an FSR control was prepared and brought into effect.

In light of the issues raised in the submissions, staff recommend retaining the existing floorplate control and expediting investigations into an FSR control to apply to low density residential development for the following reasons:

- Staff and practitioners are unable to reach a consensus on the proposed footprint control.
- Approach is consistent with the recommendations from the Double Bay Residents' Association Inc.
- The introduction of an FSR control for low density residential areas is consistent with the approach in both Randwick and Waverley Council.
- The introduction of an FSR would be supported by the *Department of Planning and Environment* as it is consistent with the standardisation of local controls.
- The investigations into an FSR control would be considered on a precinct by precinct basis, recognising the different development intensity's between precincts.

It is recommended that the meetings of the working party are continued so that practitioners and staff can continue discussions on the proposed FSR controls, using experience and case studies to craft FSR controls that can be applied on a precinct by precinct basis. It is also recommended that the review of the proposed FSR controls is done in conjunction with a review of a landscaped area control. Consistent with the vision in Council's Community Strategic Plan, *Woollahra 2025 – Our community, our place, our plan* a landscaped area control would seek to place greater emphasis on the retention and protection of the leafy green streetscape that the community in the Woollahra LGA values.

#### 4.2 Excavation

Throughout the working party meetings and in their submissions the practitioners have consistently argued against a volumetric excavation control. In summary, the practitioners submit the proposed excavation controls:

- Are unreasonable restrictive.
- Lack scientific evidence of environmental effects.
- Result in loss of long term private and public amenity over short term impacts during the construction.
- Are significantly less than volumes permitted in neighbouring Councils and most other LGAs in Greater Sydney.
- Up till now, Council has been unsuccessful in upholding appeals in the Land and Environment Court which deal with excessive excavation. The proposed objectives and controls should be robust to withstand challenges.

However, Council staff do not support deleting the numerical volumetric excavation controls for the following reasons:

- Ecologically sustainable buildings can be constructed without 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 introduction of the Woollahra DCP 2015, the majority of development applications 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 not a practical and effective 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.
- Since the volumetric excavation controls were introduced through an amendment to Woollahra Residential DCP 2003 on 12 September 2012 (and their subsequent translation into the WDCP 2015) there has only been one successful appeal which sought a variation to the excavation controls. This case was a section 96 application. In the circumstances of this case the issue of excavation was more appropriately dealt with via consent conditions.
- Without volumetric excavation controls, subject to satisfactory engineering, any amount of excavation could be permissible on a site.
- Based on our research the excavation controls for some of the adjoining Councils are less flexible and more restrictive as they are depth based, rather than volumetric.

However, in response to the issues raised by the EDPPA, and in response to further dialogue with the practitioners, staff propose to retain the current excavation controls without the exhibited amendments. It is recommended that the excavation controls are included on the agenda for the meetings of the working party.

#### 4.3 Retain site depth sliding scale

The exhibited Draft DCP included a simplified rear setback control which was 25% of the site depth.

The existing rear setback control is based on a site depth sliding scale which works in conjunction with the floorplate. The site depth control ensures that there is a direct correlation between the size of the buildable area and the site yield. Further, where the front setback varies, the site depth control ensures consistency in site yield.

Having discussed this with Council's development control team, staff do not recommend adopting the exhibited rear setback control. The existing building depth control which works in combination with existing floorplate controls should be retained.

#### 4.4 Response to issues raised in submissions

A summary of the issues raised in the submissions (not addressed above) together with a staff response and recommended changes are addressed in the following Table.

Table 1:
<b>B3.2.1 Design Excellence Objectives</b>
<i>Raised by EDPPA</i>
<b>Minor amendments to objectives</b>
Design excellence objectives should not address minimising excavation. Consistent with the rest of the document the objectives should refer to the public domain.
<b>Staff Response:</b>
Support amended objective as follows:
4. <i>Development responds to the topography and <del>minimises excavation</del>.</i>
5. <i>Development provides high levels of amenity for both <del>the private and public domain land</del>.</i>
<i>Raised by Double Bay Residents' Association</i>
<b>Reinstate objectives</b>
Two objectives which protect neighbouring properties should be reinstated:
<ul style="list-style-type: none"> <li>• <i>O5: To ensure that development establishes a good relationship to the streetscape context</i></li> <li>• <i>O7: To minimise the negative impacts of development on the amenity of adjoining and neighbouring properties.</i></li> </ul>
<b>Staff Response:</b>
Support inserting new objective to address streetscape context.
3. <i>Development contributes positively to the streetscape.</i>
Objective O7 has been integrated with the fifth design excellence objective, which (as amended) states:
5. <i>Development provides high levels of amenity for both <del>the private and public domain land</del>.</i>

**B3.2 Building Envelope**

*Raised by EDPPA*

Proposed amendments to front, side and rear setbacks are supported.

**Staff Response:**

Support noted.

However, as identified in section 4.3 above, staff recommend retaining the building depth control.

**B3.2.1 Eaves**

*Raised by Waverley Council staff*

**Consistency in approach to eaves**

Eaves can protrude beyond the building envelope, but contributes towards the building footprint. Unify approach to avoid confusion.

**Staff Response:**

Staff support consistency in approach to eaves, and have amended the Draft DCP to identify that eaves can protrude beyond the envelope and do not contribute towards the building floorplate.

*Raised by Double Bay Residents' Association*

**Objection to eaves encroaching into side setback**

The intrusion of eaves into side setbacks increases the neighbours sense of enclosure/oppressiveness and reduces the amount of light. This is particularly evident on smaller lots which have a side setback of 0.9m.

**Staff Response:**

In most circumstances eaves are modest building elements which articulate the built form and provide shade to the outside of the building. Staff recommend unifying the controls to allow eaves to protrude beyond the building envelope and not contribute to the floorplate.

Issues associated with overshadowing and the amenity of the neighbouring properties will be assessed against relevant objectives and merit based for each circumstance.

**B3.2.3 Side setbacks**

*Raised by Waverley Council staff*

**Query why side setbacks are based on frontage width and not height**

Side setbacks based on frontage width (rather than height) are confusing and appear unrelated.

**Staff Response:**

Side setbacks should respond to the context and the precinct desired future character. The site width forms part of the site context.

**Issues regarding building articulation and curtilage should be separated.**

**Staff Response:**

Articulation of the built form is an integral part of the front and side setback controls.

*Raised by Double Bay Residents' Association*

**Reinstate objectives**

Reinstate the following objectives

- O1: To protect the acoustic and visual privacy of residents of adjoining properties.
- O8: To ensure the exterior of the building is appropriately articulated.
- O9: To limit the sense of enclosure to adjoining properties.
- O10: To improve amenity and facilitate daylight and solar access to the site and adjoining properties.

<p><b>Staff Response:</b> Support the reinstatement of objective O1 (at location O3). Objectives O8, O9 and O10 were deleted as these duplicate the following objectives.</p> <ul style="list-style-type: none"> <li>• O2: To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.</li> <li>• O3: To ensure the side elevation of buildings are well articulated.</li> <li>• O4: To facilitate solar access to habitable windows of adjoining properties.</li> </ul>
<p><b>Do not support small side setbacks on smaller sites</b></p> <ul style="list-style-type: none"> <li>• Side setbacks should not be sacrificed on narrow sites. Adjoining residents have the same need for light, freedom from oppressiveness and overshadowing/ privacy etc.</li> <li>• Side setbacks should be no less than 1.5m - consistent with other similar municipalities;             <ul style="list-style-type: none"> <li>○ Mosman Residential DCP 2012 - 2 storey development has minimum setback of 1.5m</li> <li>○ Lane Cove Council DCP 2010 provides minimum side setback of 1.5m for 2 storey dwelling.</li> <li>○ Hunters Hill DCP 2013 provides a minimum side boundary setback of 1.5m where there is a 7.2m wall height.</li> </ul> </li> </ul> <p><b>Staff Response:</b> Side setbacks should relate to the size of the site. On narrow sites, a 1.5m side setback is unrealistic and would unreasonably restrict the internal amenity and development potential of the site. A side setback of 900mm enables building separation and is consistent with the minimum side setback identified in Part 3.7.1 of the Building Code of Australia. Issues associated with overshadowing and the amenity of the neighbouring properties will be assessed against relevant objectives and merit based for each circumstance.</p>
<p><b>B3.3 Footprint</b></p>
<p><i>Raised by P Binetter</i></p> <p><b>Support for proposed footprint control</b> Overall support for proposed control, which introduces a logical graduation of allowable footprint based on site area.</p>
<p><b>Figure 12: Footprint table.</b> <b>Do not support increased development potential for Point Piper precinct</b> Precinct characteristics are shared with Rose Bay, Vaucluse East and Vaucluse West. Lack of explanation in the Point Piper precinct objectives to justify increased development potential.</p>
<p><b>Increased footprint percentage should be based on site characteristics, not precinct.</b> Additional footprint allowance should be flexibly applied, assessed on merit and site characteristics (not precinct based). Suggested merit based table with footprint variations supplied. This avoids perception that there is preferential treatment for Point Piper. Approval of variations to the numerical controls remains with Council.</p>
<p><i>Raised by EDPPA</i></p> <p><b>Do not support footprint definition</b> Proposed footprint definition results in the creation of bulkier and less articulated building. Applicants will maximise floor space and delete elements such as eaves, balconies, porches, awnings and other building elements.</p>

<p><b>Figure 12: Footprint table.</b></p> <p><b>Do not support footprint table containing a single variation for Point Piper precinct</b></p> <ul style="list-style-type: none"> <li>Table was not provided to the practitioner group prior to public exhibition.</li> <li>Contrary to the agreement at the working party meeting, this table identifies a single variation for the Point Piper precinct only. Variations should be suburb based.</li> </ul>
<p><b>Objection to the reduction in footprint percentage for sites of 500m<sup>2</sup> or greater.</b></p> <ul style="list-style-type: none"> <li>Do not support the footprint percentage for sites of 500m<sup>2</sup> or greater, as this reduces the permissible building footprint from the 2002 DCP.</li> <li>This is contrary to discussions at the DCP Working Party, where it was identified that the proposed amendments were not to reduce building size from previous controls.</li> </ul>
<p><b>Objection to increase in permissible floorspace</b></p> <ul style="list-style-type: none"> <li>In many instances the proposed footprint percentage will result in a greater permissible floorspace than that of the 2015 DCP (and potentially historically approved development). This is neither intended nor a desirable outcome.</li> </ul>
<p><b>Footprint controls will increase height of buildings</b></p> <ul style="list-style-type: none"> <li>Research suggests that in some locations the proposed controls will require new development to decrease building footprints and increase the height of new buildings to achieve the same floorspace.</li> <li>Results in taller and more bulky buildings.</li> </ul>
<p><b>Lack of research and sufficient testing</b></p> <ul style="list-style-type: none"> <li>Unaware of what research was completed which informed the footprint table. This research should have been provided to practitioners.</li> <li>Proposed amendments have not been sufficiently tested to establish the likely built form outcomes, which may result in greater building bulk than the 2015 and 2002 DCPs.</li> <li>Until more testing is completed, the proposed amendments should not be adopted.</li> </ul>
<p><b>Raised by Double Bay Residents' Association</b></p> <p><b>Object to deleting bulk control in favour of footprint control.</b></p> <ul style="list-style-type: none"> <li>Consultant town planners have agreed that the current "floorplate" provisions are working well.</li> <li>Consistent with other Councils, floorplate control should be replaced with a FSR control. Pending the introduction of an FSR control, retain the existing floorplate control.</li> <li>Applications to exceed the FSR could be dealt with under C1 4.6 of the LEP.</li> </ul> <p><b>Staff Response:</b></p> <p>In light of the issues raised in the submissions, staff recommend retaining the existing floorplate control (see section 4.1 above).</p>
<p><b>B3.4 Excavation</b></p> <p><b>Raised by Double Bay Residents' Association</b></p> <p><b>Retain volumetric excavation controls</b></p> <ul style="list-style-type: none"> <li>Agree with staff that maximum vehicle numbers and volumetric controls should be retained.</li> <li>Unlimited excavation for parking causes danger to adjoining properties and unreasonable impact on Council's roads/infrastructure and traffic caused by trucks.</li> </ul> <p><b>Staff Response:</b></p> <p>Support for the volumetric excavation controls is noted.</p>



**Reinstate objectives**

- O3: To limit damage to Council infrastructure such as roads, from truck movements.
- O4: To restrict energy expenditure associated with excavation and traffic emissions from truck movements.

**Staff Response:**

Following discussions at the working party meetings these objectives were deleted, recognising these objectives are not supported by evidence.

**Do not support restricting on-site parking**

- Provided significant trees, landscaping and deep soil landscaping are retained, there should be no restrictions on on-site car parking spaces.
- On-site parking restrictions (and associated excavation volumes) are significantly less than those permitted in neighbouring Councils and most other LGAs in the Greater Sydney area.
- Reduction in the permitted excavation volumes is not supported by scientific rationale.
- Restriction of on-site car parking and increased parking in surrounding streets negatively impacts the streetscape and the public amenity.

**Staff Response:**

Car parking rates are identified in *Chapter E1 Parking and Access* of the Woollahra DCP 2015. The Council resolved at the meeting of 12 September 2016 to prepare and exhibit a development control plan to amend *Chapter E1 Parking and Access*. Draft Woollahra Development Control Plan (Amendment No 1) was on exhibition from 28 September 2016 to 11 November 2016, consistent with the requirements of the Act and the Regulation. The EDPPA made a submission identifying their opposition to maximum residential parking generation rates.

The submissions received during the public exhibition were considered and reported to the Urban Planning Committee on 28 November 2016, and on 12 December 2016 Council resolved:

*THAT Council approve Draft Woollahra Development Control Plan 2015 (Amendment No 1) - Chapter E1 Parking and Access as exhibited, subject to minor post-exhibition changes as attached at Annexure 1 to the report to the Urban Planning Committee of 28 November 2016.*

The maximum parking generation rates for residential development were retained in the approved *Chapter E1 Parking and Access*.

**Minor administrative changes**

*Raised by Waverley Council staff*

**B3.1.1 Development to which this chapter applies (page 6)**

Section has three new paragraphs – swap the last two paragraphs.

**Staff Response:**

The sequence is consistent with the order of information in State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

**Amend figure 9 (section view of the building envelope with the setbacks and inclined plane)**

Diagram to replace figure 9 is over-simplified and doesn't clearly explain how the inclined plane is calculated.

**Staff Response:**

Support amending diagram to clarify how the inclined plane is calculated.

**Amend figure 11 (section view of the building showing the footprint)**

- Figure 11 should be simplified/clarified.

**Staff Response:**

Figure to be deleted as it illustrates footprint control.

**4.5 Response to issues raised by Council's Development Control Staff**

In response to further issues raised by Council's Development Control Staff we recommend the following minor post exhibition changes to simplify the controls, clarify anomalies and ensure consistency.

Section	Amendment
Throughout document	<ul style="list-style-type: none"> <li>• Amend controls to identify that eaves do not count towards the floorplate, and delete 450mm allowance for eaves.</li> <li>• Delete the term "significant" trees and replace with plantings of "landscape value".</li> <li>• Delete the term "garage" and replace with "car parking structures".</li> </ul>
B3.2.2 Front setback	<ul style="list-style-type: none"> <li>• Insert note to clarify how front setbacks are calculated.</li> </ul>
B3.2.3 Side setbacks	<ul style="list-style-type: none"> <li>• Identify that the side setback controls are a minimum.</li> <li>• Amend note to clarify that the size of the side setbacks is measured at the front setbacks.</li> </ul>
B3.2.5 Wall height and inclined plane	<ul style="list-style-type: none"> <li>• Insert objectives to address:                             <ul style="list-style-type: none"> <li>○ acoustic and visual privacy</li> <li>○ protection of views between buildings.</li> </ul> </li> </ul>
B3.3 Floorplate	<ul style="list-style-type: none"> <li>• Amend objective O1 to refer to "bulk and scale".</li> </ul>
B3.4 Excavation	<ul style="list-style-type: none"> <li>• Reorder objectives O4 and O5 to identify they apply to all excavation controls.</li> <li>• Amend control C9 to identify a geotechnical and hydrogeological report "may" be required.</li> <li>• Amend note to clarify that dilapidation reports may be required as a condition of a development consent.</li> </ul>
B3.5.3 Public and private views	<ul style="list-style-type: none"> <li>• Amend objective O4 to delete reference to "inappropriate" landscaping.</li> </ul>
B3.5.4 Acoustic and visual privacy	<ul style="list-style-type: none"> <li>• Amend objective O3 and control C7 to clarify they apply to all public open spaces and roof terraces.</li> <li>• Amend control C10 to identify it only applies to roof terraces.</li> <li>• Amend objective O4 and control C12 to clarify they apply to all roof terraces.</li> </ul>
B3.6 On-site parking	<ul style="list-style-type: none"> <li>• Amend control C3 to clarify how the area and height controls apply.</li> <li>• Delete control C11 which duplicates control C9.</li> <li>• Insert objective relating to the retention of trees and vegetation with landscape value.</li> </ul>
B3.7.1 Landscaped area and private open space	<ul style="list-style-type: none"> <li>• Amend control C1 consistent with the floorplate methodology.</li> <li>• Amend control C9 to clarify that primary open space created by either excavation or fill should be no more than 1.2m from existing ground level.</li> </ul>

Section	Amendment
B3.7.3 Site facilities	<ul style="list-style-type: none"> <li>Amend objective O6 and controls C7, 8 and 9 by deleting the term "air conditioning units" and replacing it with "mechanical plant equipment."</li> <li>Insert new objective and control addressing site services.</li> </ul>
B3.7.4 Ancillary development – swimming pools	<ul style="list-style-type: none"> <li>To ensure consistency in measuring the location of a swimming pool, amend control C3 (and relevant figure).</li> <li>Insert objective relating to the retention of trees and vegetation with landscape value.</li> </ul>
B3.7.4 Ancillary development – outbuildings	<ul style="list-style-type: none"> <li>Amend control C2 to identify that the position of an outbuilding must be no closer than 1.5m from the rear and side boundaries.</li> <li>Insert objective relating to the retention of trees and vegetation with landscape value.</li> </ul>
B3.9 Additional controls for development on a battle-axe lot	<ul style="list-style-type: none"> <li>Amend control C3 and C4 (and relevant figures) to clarify how the controls apply to a dwelling house or dual occupancy in the R3 Medium Density Zone.</li> </ul>

#### 5. Summary of proposed amendments post exhibition

Having considered the issues raised in the submissions and additional issues raised by Council's Development Control Staff, the key changes proposed to the exhibited Draft DCP can be summarised as follows:

- i. Insert design excellence objectives
- ii. Amend controls to identify that eaves do not count towards the floorplate, and delete 450mm allowance for eaves
- iii. Simplify front and side building setback controls and amend objectives.
- iv. Clarify variations to the inclined plane and wall height controls
- v. Clarify basement wall side setback controls
- vi. Amend controls relating to the visual privacy of private open space
- vii. Insert diagram illustrating the application of the roof terrace visual privacy controls
- viii. Insert new objectives to refer to the retention of vegetation with "landscape value", amend existing objectives for consistency
- ix. Where relevant replace the term "garage" with "car parking structure"
- x. Delete duplicated control which refers to the "materials" of car parking structures
- xi. Prioritise excavation objectives
- xii. Amend control relating to the location of private open space to clarify that it should be no higher than 1.2m from existing ground level.
- xiii. Where relevant replace the term "air conditioning units" with "mechanical plant equipment"
- xiv. Amend setback control for swimming pools to ensure consistency in application
- xv. Identify that outbuildings should be sited a minimum of 1.5m from side and rear boundaries
- xvi. Amend controls applying to battle-axe lots to clarify how the controls apply to a dwelling house or dual occupancy development in the R3 Medium Density Zone
- xvii. Introduce a savings and transitional arrangements clause to ensure that existing applications that are currently being assessed are not affected by the introduction of Amendment 2.

## 6. Conclusion

The Draft DCP was placed on public exhibition in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. Four submissions were received and assessed. Having considered the matters raised in the submissions, and issues raised by Council's development control team, thirty five amendments are recommended to the exhibited Draft DCP. The majority of these amendments will clarify the controls and objectives.

Staff recommend proceeding with amendments to the Draft DCP as attached in **Annexure 1**. The submissions contained varying opinions about the exhibited footprint controls. On balance, after reviewing the submissions, we do not recommend proceeding with the exhibited footprint controls. As a short term measure we recommend retaining the existing floorplate control and expediting investigations into the future introduction of a floor space ratio control to apply to low density residential development. These investigations can be assisted by further liaison with the working party.

### Annexures

1. Draft Woollahra Development Control Plan 2015 (Amendment No 2) - post exhibition [↓](#)
2. Report to the UPC meeting on 19 October 2015 [↓](#)
3. Report to the UPC meeting on 29 February 2016 [↓](#)
4. Report to the UPC meeting on 31 October 2016 [↓](#)
5. Submission from the EDPPA dated 10 October 2016 [↓](#)
6. WDCP 2015 (Amendment 2) - Chapter B3 General Development Controls - Submissions Redacted [↓](#)
7. Memorandum prepared by staff to the Council meeting of 14 November 2016 [↓](#)

## Annexure 2

### WOOLLAHRA DCP REVIEW WORKING PARTY MINUTES Proposed amendments to WLEP 2014 and WDCP 2015

16 October 2018  
(Meeting 4.30pm – 6.30pm)

<b>Councillors</b> Cr Jarvis (Chair) Cr Elsing	<b>Practitioners Group</b> Bruce Stafford George Karavanas Chris Howe	<b>Council Staff</b> Chris Bluett Nick Economou Tom Jones Anne White	<b>Apologies</b> Cr McEwin Cr Wynne Alec Tzannes
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Issues raised	Action/Response
<b>1. Apologies</b>	See above
<b>2. Recap (staff presentation)</b>	
<ul style="list-style-type: none"> <li>Staff summarised recent Council decisions relating to the working party.</li> <li>Staff summarised key themes discussed previously and the focus of this working party.</li> <li>Staff summarised the current Floorplate Control and why the working party are proposing a Floor Space Ratio (FSR) control.</li> <li>In response to questions from Crs, staff provided further information on the origins of the current Floorplate Control.</li> <li>Practitioners confirmed their support for the replacement of the Floorplate Control with a precinct appropriate and robust FSR control.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>3. Methodology for calculating potential FSR controls</b>	
<ul style="list-style-type: none"> <li>Staff presented their methodology associated with the proposed FSR controls. This included research into the existing FSR of lots, recent DAs and identifying an FSR control which is consistent with the Desired Future Character of the precincts.</li> <li>Staff recommended an FSR of 0.55:1 be applied to dwelling houses, semi-detached dwellings and dual occupancies.</li> <li>Staff recommended an FSR of 0.75:1 be applied to the harbour side of the Wolseley Road Area for dwelling houses, semi-detached dwellings and dual occupancies.</li> <li>Staff identified that these FSR controls facilitate reasonable development opportunities, consistent with the outcomes of the current floorplate controls and consistent with the desired future character of these precincts.</li> <li>Practitioners questioned the recommended FSR controls, and requested a copy of the research used in reaching the conclusion.</li> <li>Practitioners questioned why the higher FSR only applies to the harbour side of the Wolseley Road Area.</li> <li>Crs questioned whether now would be an appropriate time to consider reducing the development potential of our residential zones, in response to community concerns.</li> <li>Practitioners identified that the resolution of Council did not include a suggestion to reduce development potential.</li> </ul>	<ul style="list-style-type: none"> <li>Staff to consider how this research will be released.</li> <li>Staff to revisit the research for the other side of Wolseley Road.</li> </ul>

Issues raised	Action/Response
<ul style="list-style-type: none"> <li>Practitioners support an FSR control that maintains the same development potential as the current Floorplate Control.</li> <li>The working party supported the variations for smaller sites, providing it is consistent with the development yield produced by the current Floorplate Control (building depth).</li> </ul>	
<b>4. Consequential amendments to Woollahra DCP 2015.</b>	
<ul style="list-style-type: none"> <li>Staff presented the key proposed changes to the Woollahra DCP 2015. These changes are required as a consequence of the introduction of an FSR control into WLEP 2014, or are a simplification of the current controls.</li> <li><i>Delete the Floorplate Control</i> – supported.</li> <li><i>Simplify the rear setback control to 25%</i> - supported.</li> <li><i>Simplify the front setback controls by averaging the two closest residential buildings.</i> The working party were unable to reach a consensus on this issue.</li> <li>The practitioners requested further time to discuss this matter, and will provide a submission to Council staff.</li> <li><i>Insert a deep soil landscaping control which is a percentage of the whole site area.</i> On a typical site, the proposal increases the requirement from 28% to 35%. Supported.</li> <li><i>Include tree planting requirements at a particular rate.</i> Whilst the concept is supported, the working party agreed that the details require further work e.g. are these in addition to existing trees on the site?</li> </ul>	<ul style="list-style-type: none"> <li>Practitioners to provide a submission to staff, including their preferred approach to calculating the front setback.</li> <li>Staff to further consider the tree planting requirements.</li> </ul>
<b>5. Excavation Controls</b>	
<ul style="list-style-type: none"> <li>Staff identified the difference in opinion between practitioners and staff on the current excavation controls. Whilst staff support a numerical volumetric control, the practitioners do not.</li> <li>The presentation included a slide showing the relative compliance of development applications with our current excavation controls.</li> </ul>	<ul style="list-style-type: none"> <li>Staff to provide practitioners with the details of the DAs used to prepare the slide, including the time period.</li> </ul>
<b>6. Design Excellence</b>	
<ul style="list-style-type: none"> <li>Staff provided an update on the recent proposed amendments to the objects of the <i>Environmental Planning and Assessment Act 1979</i> which addressed good design. Staff also summarised the LEP and DCP controls that address good design and design excellence.</li> <li>Practitioners and Councillors agreed that the DCP provision could be enhanced to address matters such as: <ul style="list-style-type: none"> <li>where a skilful design could create a better environmental outcome</li> <li>a better outcome for the public domain</li> <li>protecting the amenity of existing properties</li> </ul> </li> <li>Practitioners requested that Council reinstate the Woollahra Design Excellence Awards.</li> <li>Staff identified that they are coming, but they are subject to having sufficient staff resources.</li> </ul>	<ul style="list-style-type: none"> <li>Staff to consider how the DCP control could be enhanced.</li> </ul>
<b>7. Next steps</b>	
<ul style="list-style-type: none"> <li>Staff identified that once they have considered the practitioners submission, the proposed package of amendments to the WLEP 2014 and WDCP 2015 will be reported to a meeting of the Environmental Planning Committee. This will take place in early 2019.</li> <li>Subject to endorsement by the Committee, Council, the Local Planning Panel and the <i>Department of Planning and Environment</i>, the proposed changes will be placed on public exhibition.</li> <li>Crs requested the presentation be placed on the Crs Hub.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>Staff to arrange for the presentation to be on the Crs Hub.</li> </ul>

## Annexure 3

### Submission from Bruce Stafford - 17 December 2018

Here are my comments about the proposed changes to the DCP. I have used the minutes of the meeting as a cue :

#### Item 3 : FSR control :

1. *Bullet Point 3 and 4* : Based on my experience of working in that area, I believe that most houses in this part of Wolseley Road are well over the proposed 0.75:1 control. In cases where a new DA seeks to demolish an existing house that exceeds the proposed 0.75:1 and proposes a new house of similar (non complying) FSR, Council needs to clearly articulate this is acceptable in the new Controls. The concept of "matching existing FSR" for new developments needs to be similarly clearly articulated in the Controls for the other precincts.
2. *Bullet Point 9* : Cinemas, gyms, meditation rooms and wine cellars should be included in the group of spaces that are **not** counted in the FSR calculation, as they are not strictly habitable rooms as these are used occasionally for short periods of time and are always mechanically ventilated. Cinemas and Wine Cellars should be also excluded from the requirement for natural light DCP proposal that is currently on exhibition, as these preclude light in order to function correctly.

#### Item 4 : DCP proposed amendments :

1. *Bullet Point 4 and 5* : Front Setback controls : I am a firm supporter of retaining the current calculation of the 3 out of 4, rather than the proposed average of the 2 adjacent. The 2 adjacent doesn't account for atypical street setbacks and could negatively affect a streetscape. This will also provide more variety in the neighbourhood streetscape.
2. *Bullet Point 6* : Deep soil : I support this increase and it should be written into the LEP. However this should be read in conjunction with the practitioners (and my) favoured deletion of the excavation control, which I will discuss in the next item.

#### Item 5 : Excavation :

1. To my knowledge, Woollahra is the only Council in the Sydney metro area that has an excavation control. As the Council is now following most Councils in re-introducing the FSR control, I see no reason to retain the excavation control. Council should include FSR, Deep Soil and the enforce the 9.5m height plane in their LEP and this would automatically regulate excavation. 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.
2. Sadly, judging by the working group Councillors response to this at the meeting, I am concerned that Councillors will not support this. If this is not supported by Council, there needs to be an increase to the volumetric control as the current control is too restrictive in that this more often than not doesn't allow for all the necessary service areas such as bin rooms, A/C plant rooms, UFH plant rooms, Smart Home, PV Panel inverters, PV battery storage units and Security equipment rooms, Lift motor rooms, etc (on a recent large waterfront home, we measured over 70m<sup>2</sup> of these service areas which form part and parcel of a contemporary home and are better located below ground level). I recommend a 30% increase in the volumetric control, which will

- accommodate these service areas, turntables, access to a staircase and lift (which always serve a basement and often "eat up" valuable excavation volume).
3. In many of our DA proposals on sloping sites (most Eastern Suburbs sites are sloping), opportunities for distributing "fill" from excavated areas have arisen and these should be offset against the excavation volumetric control as this reduces the need to truck the excavated material off site, which was one of the major motivators for creating Council the Control in the first place. Effective re-cycling of site "cut and fill" should be a design incentive to applicants and introducing this into the new Control is an important environmental and practical consideration.

Item 6 : Design Excellence :

1. *Bullet Point 2* : The reason we all pushed for this control was to try and improve the standard of design in the Woollahra Municipality. A more rigorous wording of these controls will give staff the ability to provide easily understandable reasons for rejecting certain aspects of a submission on the grounds that '*A more skilful design will improve the amenity of the neighbouring environment and the public domain.*'. This is a common quote used by commissioners in LEC cases and I believe it has the necessary "teeth" to empower staff to ensure better design and environmental outcomes.
2. *Bullet Point 3 and 4* : Let's all push to get the Design excellence awards re-introduced, as this definitely will improve the standard or design outcomes in the municipality. To my knowledge Waverly, Randwick, Sydney City, North Sydney and Mosman Councils run similar awards, which are well supported by the public and professions. I suggest a bi or tri -annual awards event and I am sure practitioners would be willing to help with the logistics/resources to stage the event.

Please can you circulate my response to Councillors Wynne, Jarvis, McEwin and Elsing?

Regards,



Bruce Stafford | Director

Bruce Stafford Architects Pty Ltd | Nominated Architect



## Annexure 4

### Summary of submission from Bruce Stafford 17 December 2018 and staff response

Issue summary	Staff response	
<b>Proposed amendments to Woollahra LEP 2014</b>		
<p><u>Proposed FSR control for Wolseley Road area</u></p> <p><i>Proposed FSR control of 0.75:1 is not representative of houses in the Wolseley Road area.</i></p> <p><i>Appropriate variations to these controls should be articulated where the existing built form is greater than 0.75:1.</i></p>	<p>Council staff do not support varying the proposed FSR control of 0.75:1 for the Wolseley Road area, or identifying in which cases variations to the controls are appropriate.</p> <p>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.</p> <p>It is worth noting that an FSR control of 0.75:1 under the Woollahra LEP 2014 would equate to an FSR of approximately 1:1 under the previous Woollahra LEP 1995.</p> <p>In preparing the proposed FSR controls, staff reviewed the existing built form, recent DAs, and the relevant FSR control under the Standard Instrument definition. An FSR of 0.75:1 in Woollahra LEP 2014 is appropriate for the Wolseley Road Area as it matches the predominant existing built form.</p> <p>In accordance with CI 4.6 of Woollahra LEP 2014, an exceedance of the FSR control could be approved based on a merit assessment for each circumstance and compliance with the relevant objectives.</p>	<b>X</b>
<p><u>Definition of Gross Floor Area</u></p> <p><i>Amend definition of habitable room to exclude cinemas, gyms, meditation rooms and wine cellars from the calculation of FSR.</i></p>	<p>Council staff do not support amendments to the definition of habitable room. The definition of gross floor area (GFA) is contained in the State Governments Standard Instrument LEP template, which is as follows (<i>Note: relevant terms are highlighted</i>):</p> <p><b>gross floor area</b> 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 <b>includes</b>:</p> <p>(a) the area of a mezzanine, and</p> <p>(b) <b>habitable rooms in a basement or an attic</b>, and</p> <p>(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:</p> <p>(d) any area for common vertical circulation, such as lifts and stairs, and</p> <p>(e) any basement:</p> <ul style="list-style-type: none"> <li>• storage, and</li> </ul>	<b>X</b>

Issue summary	Staff response	
	<ul style="list-style-type: none"> <li>• vehicular access, loading areas, garbage and services, and</li> <li>(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</li> <li>(g) car parking to meet any requirements of the consent authority (including access to that car parking), and</li> <li>(h) any space used for the loading or unloading of goods (including access to it), and</li> <li>(i) terraces and balconies with outer walls less than 1.4 metres high, and</li> <li>(j) voids above a floor at the level of a storey or storey above.</li> </ul> <p>Habitable rooms are defined in the Building Code of Australia (BCA) as:</p> <p><b>Habitable room</b> means a room used for normal domestic activities, and:</p> <ul style="list-style-type: none"> <li>a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but</li> <li>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.</li> </ul> <p>Council staff define habitable rooms in accordance with the BCA definition. Accordingly, media rooms, gyms and meditations rooms are habitable rooms as they are places occupied often and for extended periods of time. A wine cellar is not a habitable room as it a space of a specialised nature, normally occupied neither frequently nor for extended periods.</p>	
<b>Proposed amendments to Woollahra DCP 2015</b>		
<u>Front setback controls:</u> Support existing front setback controls	Council staff note the support for retaining the existing front setback controls.	✓
<u>Deep soil landscaping</u> Support increase in requirement for deep soil landscaping areas	Council staff note the support for the proposed amendments to increase the deep soil landscaped area requirement.	✓

Issue summary	Staff response	
<i>Excavation : Delete excavation controls.</i>	Council staff are aware that excavation is a necessary, and in many cases, desirable component of development. However, Council is concerned about excessive excavation. We do not support deleting the numerical volumetric excavation controls because: <ul style="list-style-type: none"> <li>• Since the current controls were introduced, the majority of development applications have complied with the volumetric excavation controls.</li> <li>• Ecologically sustainable buildings can be constructed without the need for excessive excavation.</li> <li>• Without controls, any amount of excavation could be permissible on a site.</li> </ul>	X
<i>Increase excavation volumetric control by 30%.</i>	Council staff do not support a variation to the excavation volumetric controls. The current excavation controls already allow for a reasonable and practical amount of excavation. These controls were crafted to facilitate excavation to accommodate on-site parking, storage and non-habitable rooms. <p>The current controls recognise that there are site conditions where greater volumes are desirable.</p> <p>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.</p>	X
<i>Exclude cut and fill from permissible volume of excavation.</i>	Council staff are aware that excavation is a necessary, and in many cases, desirable component of development on sloping sites. <p>However, in response to feedback from Bruce Stafford, and in consultation with Council's assessment officers, we support varying the excavation controls to recognize that on site cut and fill is an appropriate outcome in order to:</p> <ul style="list-style-type: none"> <li>• retain excavated material on site, and</li> <li>• minimise truck movements and associated impacts including road damage, safety, noise and traffic.</li> </ul> <p>We support amendments to the excavation controls for cut and fill, where compliance with other relevant controls can be met.</p>	✓

Issue summary	Staff response	
<p><i>Design Excellence :</i> <i>Amend design excellence controls to refer to a "more skilful design".</i></p>	<p>Council staff support amending the design excellence criteria in B3.1.3 <i>Design Excellence</i> by inserting the following:</p> <p><i>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.</i></p> <p><i>Proposals must demonstrate how the design of the development is the best option for achieving these outcomes.</i></p>	<p>✓</p>
<b>Other</b>		
<p><i>Reinstate the design excellence awards</i></p>	<p>Council staff note the support for the Woollahra Design Excellence Awards. Staff anticipate that the awards will be taking place in the second half of 2019.</p>	<p>✓</p>

## Annexure 4

Woollahra Municipal Council  
Environmental Planning Committee Agenda

15 April 2019

**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.

<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.

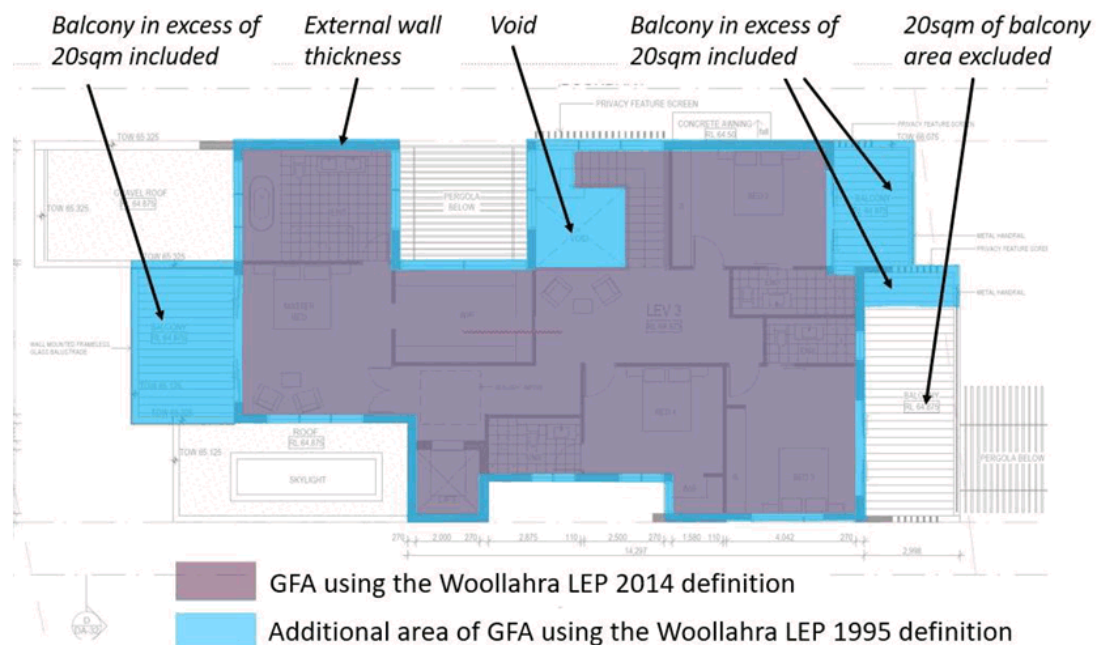


Figure 1: Plan view showing the differences between Woollahra LEP 1995 and Woollahra LEP 2014 GFA definitions for low density residential development



## 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 I*) 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.

<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).

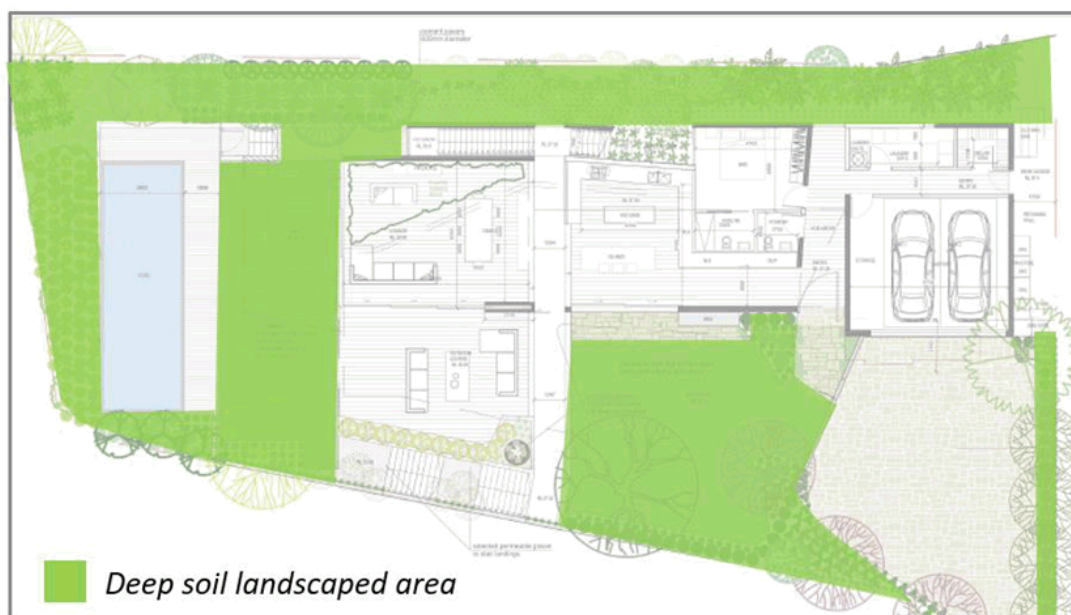
The DPE advised that whilst there is a precedent for a deep soil landscaping control as an LEP development standard (as in the Sutherland LEP 2015), it is more appropriate to integrate a control of this detailed nature into a DCP.

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>	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.

## 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 [↓](#) 



## Annexure 5

Woollahra Municipal Council  
Extraordinary Woollahra Local Planning Panel Agenda

27 June 2019

- Item No:** D6
- Subject:** **PLANNING PROPOSAL - PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 INCLUDING 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:** 19/78985
- Reason for Report:** To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development.
- To seek the advice of the Woollahra Local Planning Panel in relation to the best methods to apply FSR controls to small lots in the R2 Low Density Residential and R3 Medium Density Residential zones.
- To seek the advice of the Woollahra local Planning Panel in relation to amendments to the Woollahra Development Control Plan 2015.

### Recommendation:

THAT the Woollahra Local Planning Panel advises Council that it:

- A. Supports the planning proposal to amend the *Woollahra Local Environmental Plan 2014* by introducing FSR controls for low density residential development as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019.
- B. Supports the amendments to the *Woollahra Development Control Plan 2015* as contained in **Annexure 4** of the report to the Woollahra Local Planning Panel of 27 June 2019.

### 1. Reason for report to the Local Planning Panel

The purpose of this report is to seek the advice of the Woollahra Local Planning Panel (Woollahra LPP) on a planning proposal to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), by introducing *floor space ratio* (FSR) controls for low density residential development.

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:
  - (a) the correction of an obvious error in a local environmental plan,
  - (b) matters that are of a consequential, transitional, machinery or other minor nature, or

Woollahra Municipal Council  
Extraordinary Woollahra Local Planning Panel Agenda

27 June 2019

- (c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.
- When a planning proposal is referred to the local planning panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.
- A proposal is to be referred to the local planning panel before it is forwarded to the Minister of the Greater Sydney Commission under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act).

In this case, the planning proposal is required to be referred to the Woollahra LPP because the general manager has not made a determination in regard to items (a), (b) or (c), above.

In addition to providing advice on planning proposals, section 2.19(1)(c) of the Act specifies that a local planning panel may advise a Council on any other planning or development matter that is to be determined by the Council and is referred to the panel by the Council. In this regard the panel's advice on the proposed amendments to *Chapter B3 of Woollahra Development Control Plan 2015* (Woollahra DCP 2015) is sought.

## 2. Background

Over the last 18 months, and in collaboration with a practitioner 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 focus of this research was the introduction of floor space ratios:

The primary conclusions of this work were:

- Delete the current floorplate control from the Woollahra DCP 2015, and replace 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.
- 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 zone.

On 4 March 2019 the Environmental Planning Committee (EPC) considered a report on proposed amendments to Woollahra LEP 2014 and Woollahra DCP 2015 including the introduction of an FSR control for low density residential development (see **Annexure 1**). 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*

Woollahra Municipal Council  
Extraordinary Woollahra Local Planning Panel Agenda

27 June 2019

- *whether 35% deep soil landscaping could become a development standard in Woollahra LEP 2014.*

On 15 April 2019 a supplementary report was presented to Council's EPC addressing the matters identified in the Council resolution from 11 March 2019 (see **Annexure 2**). On 29 April 2019 the Council resolved:

- A. *THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:*
1. *A maximum FSR of 0.5:1 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.*
- G. *THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).*

In accordance with Council's resolution of 29 April 2019 a planning proposal and a draft development control plan (draft DCP) have been prepared.

### 3. Planning proposal

#### 3.1. Structure

A planning proposal to amend Woollahra LEP 2014 has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018). The planning proposal is attached at **Annexure 3**.

#### 3.2. Objective

The objective of the planning proposal is to apply an FSR control to certain residential land currently subject to floorplate controls in the Woollahra DCP 2015.

This will make it:

- Easier for applicants to understand by removing the complicated floorplate controls, and replacing it with an FSR control.
- More consistent with the Standard Instrument by using an FSR control.
- Easier to calculate potential development yield.
- More consistent and effective for staff to assess development applications.
- Simpler to understand the relationship between site size and development yield.

This planning proposal does not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

#### 3.3. Explanation of provisions

The planning proposal will amend Woollahra LEP 2014 by introducing the following controls:

- A maximum FSR of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
- 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.

*Note: The staff report to the EPC meeting of 4 March 2019 (at **Annexure 1**) and the EPC meeting of 15 April 2019 (at **Annexure 2**) recommended a maximum FSR of 0.55:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.*

### 3.4. FSR controls for small lots

Consistent with the current controls, the planning proposal contains a range of maximum FSRs for low density residential development on small lots in the R2 Low Density Residential 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>1</sup>.

Site area (square metres)	Floor space ratio
350 to < 400	0.55:1
300 to < 350	0.65:1
250 to < 300	0.75:1
200 to < 250	0.85:1
150 to < 200	0.95:1
Under 150	1.05:1

*Figure 2: Proposed FSR table for small lots*

This approach for small sites is commonly used across NSW, and a similar control is contained in both the *Waverley Local Environmental Plan 2012* and the *Randwick Local Environmental Plan 2012*.

On 29 April 2019 the Council resolved to seek the advice of the Woollahra LPP in relation to this matter, and the best methods to apply FSR controls to small lots in the R2 Low Density Residential and R3 Medium Density Residential zones.

It is suggested that part of the Councillors' concerns with the small sites table is that by having a "stepped approach" a smaller site would have a greater permissible FSR and therefore could have a greater development potential than a larger site. For example, as illustrated in the table below, a site which is 149m<sup>2</sup> could achieve 13m<sup>2</sup> more floor space than a site which is 151m<sup>2</sup>.

Site Size	FSR control	Development Potential
149m <sup>2</sup>	1.05:1	156.5m <sup>2</sup>
151m <sup>2</sup>	0.95:1	143.5m <sup>2</sup>

*Figure 3: Examples of development potential under the proposed FSR table for small lots*

In response to these concerns, staff have drafted an alternative FSR table. This table identifies an FSR control but also a maximum yield for each lot size. The permissible floor space is then determined by whichever is the lesser of the two controls. This approach avoids a smaller site obtaining a greater yield.

Site area (square metres)	Whichever is the lesser	
	FSR	Yield (square metres)
350 to <400	0.55:1	200
300 to <350	0.65:1	192.5
250 to <300	0.75:1	190
200 to <250	0.85:1	187.5

<sup>1</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.

Woollahra Municipal Council  
Extraordinary Woollahra Local Planning Panel Agenda

27 June 2019

150 to <200	0.95:1	170
Under 150	1.05:1	142.5

Figure 4: Proposed alternative FSR table for small lots

### 3.5. Justification for objectives, outcomes and the relationship to strategic planning framework

The planning proposal is consistent with the relevant strategic planning framework plans, policies and directions:

- The planning proposal is consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018), (refer to section 5.2 of the planning proposal).
- The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*, (refer to section 6.2 of the planning proposal).
- The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1** of the planning proposal).
- The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** of the planning proposal).

## 4. Draft development control plan

The proposed amendments to Woollahra LEP 2014 require a number of consequential and administrative amendments to *Chapter A1 Introduction and Administration* and *Chapter B3 General Development Controls* of the Woollahra DCP 2015. The amendments to *Chapter B3* include the deletion of the floorplate and site depth controls and changes to the deep soil landscaping controls.

Other changes are recommended to *Chapter B3* as a result of a review of our current excavation controls, and changes responding to issues raised by the Woollahra LPP, Council's development assessment officers and the Council's lawyers. The following additional changes to Woollahra DCP 2015 are proposed:

- 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.
- Administrative amendments to correct errors and inconsistencies.

A draft development control plan has been prepared (**Annexure 4**). The draft DCP amends *Chapter A1* and *Chapter B3* in accordance with Division 1, Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Woollahra Municipal Council  
Extraordinary Woollahra Local Planning Panel Agenda

27 June 2019

The amendments will create a control set which:

- Is consistent with the proposed FSR controls for low density residential development.
- Enhances the deep soil area landscaping requirements.
- Removes the complicated floorplate controls and is therefore easier for applicants to understand.
- Provides an effective assessment framework for staff.
- Improves the way in which development compliance can be determined.

## 5. Conclusion

This report seeks the advice of the Woollahra LPP on:

- A planning proposal to amend Woollahra LEP 2014 by introducing FSR controls for low density residential development.
- The best methods to apply FSR controls to small lots in the R2 Low Density Residential and R3 Medium Density Residential zones.
- An associated draft DCP to amend *Chapter A1 Introduction and Administration* and *Chapter B3* of Woollahra DCP 2015.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcomes.
- An explanation of the provisions that are to be included.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.





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.

Advice from the Woollahra LPP will be provided to Council.

## Annexures

1. Report to the EPC meeting 4 March 2019 (annexure 5 removed) [↓](#) 
2. Report to the EPC meeting 15 April 2019 (annexures removed) [↓](#) 
3. Planning proposal - Introduction of FSR for low density residential development (annexures removed) [↓](#) 
4. Draft Woollahra DCP 2015 - Amendment 6 [↓](#) 





**Item No:** R3 Recommendation to Council  
**Subject:** **SMALL BUSINESSES AND START-UPS - TERMS OF REFERENCE**  
**Author:** Peter Kauter, Manager Placemaking  
**Approver:** Allan Coker, Director - Planning & Development  
**File No:** 19/96636  
**Reason for Report:** To report on the terms of reference for a new sub-committee – Small businesses & start-ups sub-committee

**Recommendation:**

- A. THAT the draft Terms of Reference for a new sub-committee that focuses on ‘small business’ and ‘start-ups’, as set out in Annexure 1 of this report be adopted.
- B. THAT necessary arrangements be made to facilitate the efficient operation of this new sub-committee.

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**Background:**

The Council at its meeting on 30/10/17 decided:

- A. *THAT a new sub-committee be formed that focusses on ‘small business’ and ‘start-ups’.*
- B. *THAT The Mayor, in consultation with the General Manager, is charged with determining the Terms of Reference, scope and constitution of this new sub-committee so that it is able to convene as soon as possible.*

This report is in response to the above. It is being reported to the Environmental Planning Committee as the activities of our other related placemaking and business development Working Parties currently report to that Committee.

**Proposal:**

Draft Terms of Reference for a sub-committee for small businesses and start-ups is annexed. They envisage the formation of a new sub-committee, which is referred to as the ‘Small Businesses & Start-ups Group’ (the Group).

The content of the Terms of Reference include:

***Who are we?***

This explains that the Group is a sub-committee of the Finance Community & Services Committee. It also refers to the Council decision to form a new sub-committee focusing on ‘small businesses’ and ‘start-ups’, referred to earlier.

***Our purpose***

The stated purpose is to promote and support small business and start-ups. There are a number of definitions for ‘small businesses’. The following are three (3) descriptions which reflect common understandings/definitions used by industry groups:

*A small business is:*

*... one that has annual revenue turnover (excluding GST) of less than \$2 million (ATO)*

OR

*... less than 15 employees (Fair Work Australia)*

OR

*... a business that employs fewer than 20 people (ABS)*

While the ABS description is considered the most appropriate opinions may differ & the Committee's view are welcome.

There is information on what is a 'start-up' that is drawn from common understandings. This is a less defined industry term and it was considered appropriate to include guidance on the characteristics of these entities.

### ***Our vision***

Making Woollahra a small business/start-ups capital is the aspiration. It is about striving to make our LGA an attractive place for small businesses and start-ups and a first choice location for these types of businesses. Particularly in the case of start-ups geographic location can be arbitrary and the vision is about establishing Woollahra as a go-to source for information and support.

### ***We will***

This part outlines the functions of the Group. It covers investigating assistance, funding, establishing and operation, considering the impact of decisions on small businesses and start-ups, having the necessary skills, making Woollahra the place of choice and how it fits with our other businesses related partnerships and working parties.

### ***Our group***

Our group is about the character of the Group as a whole and its individual make-up. Key words are agile, flexible, resourceful and equal. In addition to Councillors, participants should be involved in small businesses and/or start-ups and rather than residents, non-small business and multi-national representatives.

### ***Participants***

Participation is proposed by Mayoral invitation. Suggested inaugural participation includes four (4) councilors, The Mayor (as ex-officio), a Councillor appointed by the Mayor as Leader and two (2) others. In addition there would be one (1) representative from each of our shopping areas and allowance for start-up representation which may not be associated with any of our shopping areas.

The suggested maximum number of participants is ten (10). It is acknowledged that this may not allow every shopping area to be represented. Allowance is made for the Group to obtain voluntary strategic advice if it considers it necessary. Administrative and professional support is suggested to come from staff – this is discussed later. The Leader is to act as the Group Chair and Group participation is to run concurrent with the term of Council.

### ***Delegation***

The Terms of Reference make it clear that the Group is advisory only, has no delegation and reports to the Finance Community & Services Committee.

### ***Meeting procedures***

This relates to the conduct of Group meetings and covers frequency, notifications, accessibility of minutes, presentations and what constitutes a quorum.

### ***Duties***

This covers the duties of the Leader (presiding at meetings) and the Staffer (administrative support).

### **Options:**

The draft Terms of Reference envisage a new sub-committee/group being formed in response to the Council's decision 30/10/17 referred to earlier. Administrative support is suggested to be from staff which is generally the case with our existing sub-committees and working parties. In order to facilitate the operation of this new Group and make effective use of resources there are options which should be considered. These could include:

- Incorporate small business and start-up support into an existing appropriate working party/s. An example could be to include small business and start-up support as a standing item on the agenda of our Double Bay and Oxford Street Working Parties. This would require revising the Terms of Reference for those Working Parties. Issues such as membership (the current make up of those working parties may not be conducive to the effective consideration of matters pertinent to small businesses and start-ups) and geographical constraints would need to be addressed.
- As support for small business and start-ups overlaps with placemaking objectives the current number of scheduled meetings for the Oxford Street and Double Bay Working Parties could be reviewed to accommodate the new Group without increasing the overall number of meetings.

### **Identification of Income & Expenditure:**

It is presumed the members of this new Group would be voluntary as would any strategic advice which might be sought. Also, that facilitation would be by existing staff resources. In these circumstances there would be no additional expenditure.

As mentioned, facilitation of a new group will involve administrative resources. There are options for reviewing the operation of other Working Parties which would allow for the efficient use of resources, see earlier comments under **Options**.

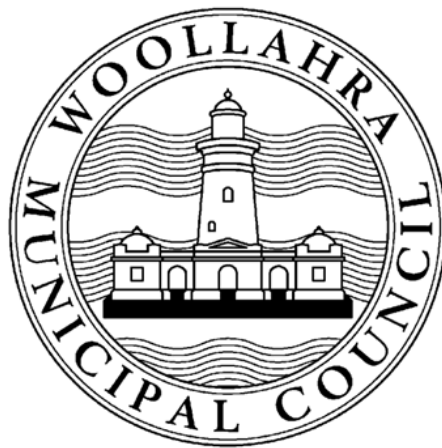
**Conclusion:**

The draft Terms of Reference have been prepared on an understanding of how a Small Business & Start-ups Group could be established, operate, what tasks it would undertake, etc. It is appreciated that these may not align with the intent of the original Notice of Motion and the views of Environmental Planning Committee will be welcome.

There are options for how this new Group could be facilitated which need to be resolved.

**Annexures**

1. Small Businesses and Start-ups Group - Terms of Reference (draft) [↓](#) 



*Draft*

**SMALL BUSINESS & START-UPS GROUP  
TERMS OF REFERENCE**

Adopted ... 2019

Small Business & Start-ups Group - Terms of Reference

Adopted .../2019

## WHO ARE WE?

We are known as – *The Small Business & Start-Ups Group* (the Group), a sub-committee of the Finance Community & Services Committee. We were created because, on 30/10/17, the Council decided

- A. *THAT a new sub-committee be formed that focusses on 'small business' and 'start-ups'.*
- B. *THAT The Mayor, in consultation with the General Manager, is charged with determining the Terms of Reference, scope and constitution of this new sub-committee so that it is able to convene as soon as possible.*

## OUR PURPOSE

Our purpose is to promote and support small businesses and start-ups.

A *small business* is: a business that employs fewer than 20 people (ABS)

A *start-up* is:

*an [entrepreneurial venture](#) which is a newly emerged [business](#) venture that aims to meet a marketplace need, want or problem by developing a viable [business model](#) around products, services, [processes](#) or [platforms](#). A startup is a new business venture designed to [effectively develop and validate](#) a [scalable business model](#) (Wikipedia)*

Some other characteristics of start-ups are:

*Operationally speaking, early startup activities often centre around pitching to investors to raise enough capital for rapid adoption of their product, which is usually tech-based and scalable in nature. The startup itself is typically the brainchild of two co-founders, one who is a tech expert, and the other with skills in sales and marketing, and its success usually relies on their ability to successfully attain large-scale funding early on.*

*A startup is typically in its first few years of operation, or may only exist as a concept or idea ready to be implemented. At this point it's often considered an unproven concept, so business owners may struggle to demonstrate its value to investors.*

## OUR VISION

To make Woollahra a small business/start-ups capital.

## WE WILL

- Investigate how Council can assist small businesses/start-ups
- Assist small businesses/start-ups secure funding including from relevant State and Federal Government grant assistance programs

Small Business & Start-ups Group - Terms of Reference

Adopted .../2019

- Make Woollahra an easier place for small businesses/start-ups to establish and operate
- Ensure that decisions made across all of our service areas take into account any implications for small businesses/start-ups
- Ensure that membership of the Group includes the necessary expertise, experience and capability to satisfactorily promote & support small businesses/start-ups
- Make Woollahra a place of choice for small businesses/start-ups
- Support our involvement in the Small Business Friendly Council's and Easy to do Business Programs and the specific activities of our Double Bay and Oxford Street Working Parties as related to small businesses/start-ups

**OUR GROUP**

We are agile, flexible, resourceful & equal.

Participants will be selected because of their suitability for getting tasks done, i.e. experience, qualifications, knowledge, capacity and ability to work in a team environment. If they are not Councillors they will be involved in small businesses/start-ups. Residents, multi-nationals, non-small business representatives & the like are not suitable, unless they are also involved in small businesses/start-ups.

**PARTICIPANTS**

The Group consists of selected Councillors and small business/start-up stakeholders appointed by the Mayor.

The inaugural members of the Working Party are:

**Councillors (x4)**

The Mayor, Councillor Peter Cavanagh (ex-officio)  
Cr Nick Maxwell, Bellevue Hill Ward (Leader)  
Cr #  
Cr #

**Small business/start-up operators**

Small business/start-up operators will be drawn from the following shopping areas with a maximum of one (1) participant for each area.

Paddington/Oxford Street  
Double Bay  
Rose Bay  
Woollahra  
Edgecliff  
Bellevue Hill  
Vaucluse  
Watson's Bay

As start-ups may only exist as an electronic medium two (2) start-up representatives not related to a shopping area may be considered for appointment by the Mayor.

Small Business & Start-ups Group - Terms of Reference

Adopted .../2019

The Group will have a maximum number of ten (10) participants (it may not be possible to accommodate a representative from every shopping area).

**Strategic Advice**

The Group may request specific, specialist, strategic advice from persons or organisations should circumstances require. This advice is to be provided on a voluntary basis or as part of an existing agreement with a suitable business organisation.

**Administrative & professional support**

Administrative and professional support will be provided by council staff.

**The Leader**

The initial meeting of the Group will be led by the Mayor, or another participant appointed by the Mayor. The Leader will act as group chair.

**Term of Group participation**

The term of Group participation will run concurrently with the term of the Council.

**DELEGATION**

The Group is advisory only and has no delegation. It will report to the Finance Community & Services Committee as required.

**MEETING PROCEDURES**

1. The frequency of meetings will be at the discretion of the Leader but not less than one (1) each quarter. Meetings will generally be held on Tuesday evenings starting at 6.00pm with a scheduled finish time of 7.30pm and be held at Woollahra Council Chambers, 536 New South Head Road Double Bay.
2. Notice of the time, place and agenda of meetings shall be forwarded to each Participant not less than seven (7) days prior to the meeting.
3. Participants are requested to advise Council if they are not able to attend any meeting by contacting the Administrative Assistant on 9391 7163 prior to the meeting.
4. Minutes of all meetings shall be made accessible to the public.
5. Presentations to the Group will be permitted at the invitation of the Leader.
6. A minimum of 4 members will constitute a quorum for a meeting.

Draft



Small Business & Start-ups Group - Terms of Reference

Adopted .../.../2019

**DUTIES**

*LEADER*

1. The Leader shall preside at all meetings of the Group.
2. At the end of each meeting the Leader will decide on the date of the next meeting. There will be at least one (1) meeting each quarter.
3. In the absence of the Leader the Group will determine by majority which participant will preside at the meeting.

*STAFF*

1. Group meetings will be attended by a Staffer responsible for recording the business conducted at the meeting. The Staffer shall be responsible for maintaining the minutes, attendance records, correspondence and other records.
2. The responsible Staffer shall see that meeting notices, agendas and other information are forwarded to all Group Participants at the appropriate times.
3. The responsible Staffer shall submit all minutes of the Group meetings to the Finance Community & Services Committee for appropriate action.
4. The Group will also be supported by senior professional staff.

Draft



**Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings**

