



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

ANNEXURE 3

Summary table of submission and responses
(excluding Vaocluse sites)

For submissions on the Vaocluse sites see Annexure 4

Acronyms used in submission summaries and responses

Acronym	Meaning
BEC	building envelope controls
CDCP	Comprehensive Development Control Plan
DA	development application
DBRA	Double Bay Residents Association
DCP	development control plan
DFC	desired future character
DPE	Department of Planning and Environment
DP&I	Department of Planning and Infrastructure
Draft WLEP 2013	Draft Woollahra Local Environmental Plan 2013
EP&A Act	<i>Environmental Planning and Assessment Act (1979)</i>
EE	educational establishment
ESD	ecologically sustainable development
FBL	foreshore building line
FRNSW	Fire and Rescue New South Wales
FSR	floor space ratio
FBL	foreshore building line
GFA	gross floor area
HCA	heritage conservation area
HIS	Heritage Impact Statement
HOB	height of building
HO	home occupation
HO (SS)	home occupation (sex services)
LGA	local government area
LRA Map	Land Reservation Acquisition Map
LUT	Land Use Table
LZN Map	Land Zoning Map
MHWM	mean high water mark
OEH	Office of Environment and Heritage
PC	Parliamentary Counsel
POPW	place of public worship
POM	plan of management
RFB	residential flat building
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
SHFA	Sydney Harbour Foreshore Authority
SI	Standard Instrument – Principal Local Environmental Plan
SREP	<i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>
SS2030	Sustainable Sydney 2030
TfNSW	Transport for NSW
WLEP 1995	Woollahra Local Environmental Plan 1995

Table of contents: Summary table of submissions and responses (excluding Vaucluse sites)

Part	Category	Sub Category	Page
1	Not LEP Matter	DCP Matter	Consider for Comprehensive DCP
2	Not LEP Matter	Not a planning matter	Not a planning matter
3	Not LEP Matter	Not a planning matter	Roads/parking
4	Not LEP Matter	State Policy	Planning reforms
5	Ovearching issues	No need for a new plan	Keep WLEP 95
6	Ovearching issues	Other	Exhibition of Draft WLEP 2013
7	Ovearching issues	Other	Other
8	Ovearching issues	Other	Support submission made by the Double Bay RA
9	Ovearching issues	Other	Support submission made by the Woollahra Greens
10	Ovearching issues	Support the new LEP	Support the new LEP
11	Part 1 - Preliminary	CI 1.2 Aims of Plan	Amended aim request
12	Part 1 - Preliminary	CI 1.2 Aims of Plan	ESD to be the first aim of the plan
13	Part 1 - Preliminary	CI 1.2 Aims of Plan	Other
14	Part 1 - Preliminary	CI 1.9A Suspension of Covenants	CI 1.9A Suspension of Covenants
15	Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Do not rezone places of public worship
16	Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
17	Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Map Issue
18	Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Roads should not take on adjoining zone
19	Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Support proposed Zone
20	Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
21	Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Objectives
22	Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Other
23	Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
24	Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be included
25	Part 2 - Permitted or Prohibited	CI 2.5 Additional permitted uses	Schedule 1 Additional permitted uses
26	Part 2 - Permitted or Prohibited	CI 2.7 - Demolition requires development consent	CI 2.7 Demolition requires development consent
27	Part 3 - E & C	General Exempt and Complying Development	General Exempt and Complying Development
28	Part 4 - PDS	CI 4.1 Lot Size	CL 4.1 Minimum subdivision lot size
29	Part 4 - PDS	CI 4.1 Lot Size	Maintain existing lot size and frontage controls
30	Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
31	Part 4 - PDS	CI 4.3 Height of Building	CL 4.3A Second Height
32	Part 4 - PDS	CI 4.3 Height of Building	CI 4.3B White City
33	Part 4 - PDS	CI 4.3 Height of Building	CI 4.4C Rose Bay height and floor space ratio incentives
34	Part 4 - PDS	CI 4.3 Height of Building	Increase height control
35	Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
36	Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
37	Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
38	Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
39	Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4A Double Bay Centre
40	Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
41	Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
42	Part 4 - PDS	CI 4.4 Floor Space Ratio	Increased FSR in Double Bay
43	Part 4 - PDS	General Development Standards	Development Standards
44	Part 5 - Miscellaneous Provisions	CI 5.1 Relevant Acquisition authority	CI 5.1 Relevant Acquisition authority
45	Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
46	Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Other
47	Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	CI 5.10 Heritage conservation
48	Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	Object to deletion of CI 36A from WLEP 1995
49	Part 5 - Miscellaneous Provisions	CI 5.5 Development in the coastal zone	CI 5.5 Development in the coastal zone
50	Part 5 - Miscellaneous Provisions	CI 5.7 Development below mean high water mark	CI 5.7 Development below mean high water mark
51	Part 5 - Miscellaneous Provisions	CI 5.9 Preservation of trees	CI 5.9 Preservation of trees
52	Part 5 - Miscellaneous Provisions	CI 5.9AA Trees or vegetation not prescribed by DCP	CI 5.9AA Trees or vegetation not prescribed by DCP
53	Part 6 - Additional Local Provisions	CI 6.1 Earthworks	CI 6.1 Earthworks
54	Part 6 - Additional Local Provisions	CI 6.2 Development on the foreshore must ensure access	CI 6.2 Development on the foreshore must ensure access
55	Part 6 - Additional Local Provisions	CI 6.3 Foreshore building line	CI 6.3 Foreshore building line
56	Part 6 - Additional Local Provisions	CI 6.7 Acid sulfate soils	CI 6.7 Acid sulfate soils
57	Part 6 - Additional Local Provisions	CI 6.8 Flood planning	CI 6.8 Flood planning

Part	Category	Sub Category
Not LEP Matter	DCP Matter	Consider for Comprehensive DCP
<p>CID: 128 SNO 137 INO: 376 Summary</p> <p>Ms Jennifer Turner</p> <p>Maintain the recess of 1.5m at the second floor level, and special conditions laid down for semi detached cottages to ensure good streetscape criteria.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Maintain the recess of 1.5m at the second floor level: Rose Bay</p>		<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. For example, setbacks are not matters for the LEP. Instead, detailed planning and design controls are to be contained in Council's Comprehensive DCP.</p> <p>Minimum setbacks and other controls for semi-detached dwellings will be addressed in the DCP. The Draft DCP is currently being prepared and will be placed on exhibition later in 2014.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>
<p>CID: 128 SNO 137 INO: 375 Summary</p> <p>Ms Jennifer Turner</p> <p>In the residential zone we should retain the 40% deep soil planting which must be mandatory as Rose Bay is prone to flooding.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Retain requirement for 40% deep soil planting in Rose Bay</p>		<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. For example, deep soil planting is not a matter for the LEP. Instead, detailed planning and design controls are to be contained in Council's Comprehensive DCP.</p> <p>Controls for deep soil landscaping will be addressed in the DCP. The Draft DCP is currently being prepared and will be placed on exhibition later in 2014.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>

Part	Category	Sub Category
Not LEP Matter	DCP Matter	Consider for Comprehensive DCP
<p>CID: 76 SNO 119 INO: 205</p> <p>The Scots College</p> <p>The Scots College</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Request to be consulted on the Comprehensive DCP</p>	<p>Summary</p> <p>Noted that no Draft DCP has been placed on public exhibition with Draft WLEP 2013 which raises potential concerns that Council may seek to apply more stringent controls under its Draft DCP once the new LEP is gazetted. Requested that The Scots College be invited to participate in early stakeholder consultation when Council is preparing its Draft DCP.</p>	<p>Response</p> <p>The Draft DCP is currently being prepared and will be placed on exhibition later in 2014. The DCP controls for school sites will be based on the current Educational Establishments Development Control Plan 2012. Council will invite The Scots College to comment on Draft CDCP when it is available for public exhibition.</p>
<p>CID: 100 SNO 107 INO: 278</p> <p>Mr Anthony Tregoning</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Create controls for a consistent architectural style in Double Bay</p>	<p>Summary</p> <p>A consistent architectural style results in a far more attractive environment.</p> <p>An example in Sydney is Paddington where the terraces create a special atmosphere.</p> <p>Request that Council considers imposing design rules that lead to a consistent architectural style in order to differentiate Double Bay from Sydney's other suburban centres.</p>	<p>Response</p> <p>The Draft WLEP is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. For example, architectural design is not a matter for the LEP. Instead, detailed planning and design controls are to be contained in Council's development control plan (DCP).</p> <p>However, it is not good planning practice for a DCP to require a specific architectural style from development, unless the area is a heritage conservation area with specific characteristics that should be retained and enhanced. In most locations Council encourages the evolution of building styles through the introduction of well designed contemporary buildings that are compatible with the context of the area. The role of the DCP is to guide development so that it is contextually appropriate, but not be so prescriptive that it unreasonably limits architectural expression.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>

Part		Category	Sub Category
Not LEP Matter		DCP Matter	Consider for Comprehensive DCP
CID: 92 SNO 99 INO: 238		Summary	Response
John Kass Kass-hermes planning + development Recommendation No Change Issue DCP rear setbacks controls to be defined by existing buildings: 74-90 Drumalbyn Rd, Bellevue Hill		In order to provide an appropriate level of amenity to adjacent residents in Latimer and Bundarra Rd and facilitate view sharing, the rear setback for properties on land zoned R3 Medium Density Housing on the eastern side of Drumalbyn Rd should be defined by a line from the south-eastern corner of the existing balcony of 74 Drumalbyn Rd to the north eastern edge of the balcony at 90 Drumalbyn Rd.	The Draft WLEP is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. For example, setbacks are not a matter for the LEP. Instead, detailed planning and design controls are to be contained in Council's development control plan (DCP). Rear setbacks will be addressed in the DCP. The Draft DCP is currently being prepared and will be placed on exhibition later in 2014. Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.
CID: 92 SNO 99 INO: 237		Summary	Response
John Kass Kass-hermes planning + development Recommendation No Change Issue Car stackers should be mandatory where aboveground car parking is proposed		Anticipated that car parking will be below the street level of Drumalbyn Rd. Such a structure would inflate the bulk of the development as, under Draft WLEP 2013, the area associated with car parking is not counted as GFA. Similarly plant rooms and fire stairs are not counted as GFA and further increase the bulk of development. Mechanically stacked car parking should be mandatory for such sites in order to minimise the bulk of above ground development. Even if 2 or more sites are amalgamated, where the site falls away from the street and above-ground car parking is proposed, all such car parking should be mechanically stacked car parking to minimise the bulk of development and the maximum FSR reduced to 1:1. Recognised that this is not an LEP matter, but all sites in the LGA where above ground car parking is proposed, car stackers should be mandatory and such a provision be introduced in the preparation of the forthcoming DCP in order to minimise above-ground bulk.	Car parking, excavation and storey controls will be addressed in Council's DCP. The Draft DCP is currently being prepared and will be placed on exhibition later in 2014. Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.

Part	Category	Sub Category
Not LEP Matter	DCP Matter	Consider for Comprehensive DCP
<p>CID: 90 SNO 96 INO: 273</p> <p>Ms Janne Grosse</p> <p>Department of Primary Industries Office of Water</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Include controls in DCP to protect remnant or riparian vegetation</p>	<p>Summary</p> <p>Suggested that the DCP/TPO includes a specific control to protect "rehabilitated riparian land" to prevent the clearing of rehabilitated riparian vegetation.</p> <p>Council may wish to consider Liverpool DCP 2008 -Part 1.1 General Controls for all Development; (2) Tree Preservation which includes the following specific control for riparian vegetation:</p> <p>(2) An application to remove a tree may be refused by Council if the tree:</p> <ul style="list-style-type: none"> - is part of remnant or riparian vegetation. <p>Control would assist to prevent the clearing of such vegetation.</p>	<p>Response</p> <p>The Draft DCP is currently being prepared and will be placed on exhibition later in 2014.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>
<p>CID: 83 SNO 89 INO: 197</p> <p>Mr & Mrs John and Del Nolan</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to Clause 4.2.6 in the Paddington HCA DCP: On-site vehicle parking, garages, carports, driveway access and servicing facilities</p>	<p>Summary</p> <p>Cars and onsite parking are a fact of life, especially for older residents and mothers with young children.</p> <p>Council could be more compromising and allow on site parking which incorporates some degree of open space and deep soil landscape.</p> <p>The 10m requirement from rear of building to rear boundary is too prescriptive given the average length of a mid sized sedan is 4.12m</p>	<p>Response</p> <p>Car parking controls will be addressed in Council's development control plan (DCP). The Draft DCP is currently being prepared and will be placed on exhibition later in 2014.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>

Part	Category	Sub Category
Not LEP Matter	DCP Matter	Consider for Comprehensive DCP
<p>CID: 83 SNO 89 INO: 196</p> <p>Mr & Mrs John and Del Nolan</p> <p>Summary</p> <p>This control is discriminatory in its application as development of a particular property is determined by whether or not other properties in its "group" are altered or unaltered. Therefore in terms of rear additions only some houses are required to "contribute significantly to the character of the HCA".</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to Clause 4.1.3 in the Paddington HCA DCP: Rear elevations, rear additions, significant outbuildings and yards</p>	<p>Response</p> <p>This is not a matter for the LEP. The Draft DCP is currently being prepared and will be placed on exhibition later in 2014.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>	
<p>CID: 48 SNO 51 INO: 126</p> <p>Mr Timothy Williams</p> <p>Summary</p> <p>Need for houses to retain their winter sunshine by judicious planning. Because the angle of the sun is much lower during winter, must consider the shading effects their buildings are creating on areas to the south. A shade diagram is essential to indicate areas that will be affected by lack of sun. Houses that retain winter sunshine have reduced energy needs for heating, and with natural warmth are more comfortable.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Houses should retain winter sunshine</p>	<p>Response</p> <p>The Draft WLEP is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. For example, solar access is not a matter for the LEP. Instead, detailed planning and design controls are to be contained in Council's development control plan (DCP).</p> <p>Solar access controls will be addressed in the DCP. These will be based on the current controls in the Woollahra Residential DCP 2003 and measure solar access impacts on 21 June (i.e. the winter solstice).</p> <p>The Draft DCP is currently being prepared and will be placed on exhibition later in 2014.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>	

Part		Category	Sub Category
Not LEP Matter		DCP Matter	Consider for Comprehensive DCP
CID: 34	SNO 35	INO: 82	Summary
Ms Julie Dixon		Interested in the B2 Local Centre zone (Edgecliff, Double Bay, Rose Bay).	Response
NSW Ministry of Health		SESLHD would welcome the opportunity to provide more comments when the Comprehensive DCP is available.	The Draft DCP is currently being prepared and will be placed on exhibition later in 2014. Your interest is noted and we will notify you when the Draft DCP exhibition commences.
Recommendation		No Change	
Issue			
Interested in commenting on DCP controls for B2 Local Centre zone (Edgecliff, Double Bay, Rose Bay)			
CID: 34	SNO 35	INO: 79	Summary
Ms Julie Dixon		It is noted that the clause 'Land adjoining public open space' will be included in the Comprehensive DCP. We support this clause 'that identifies that consent must not be granted for development on land which adjoins public open space unless the impact on that open space has been considered.'	Response
NSW Ministry of Health			The Draft Comprehensive DCP is currently being prepared and will be placed on exhibition later in 2014. Your submission will be considered in the context of the Draft Comprehensive DCP. We will also notify you when the exhibition commences and invite your further comment.
Recommendation		No Change	
Issue			
Support clause addressing 'Land adjoining public open space'			

Part	Category	Sub Category
Not LEP Matter	DCP Matter	Consider for Comprehensive DCP
<p>CID: 11 SNO 11 INO: 35</p> <p>Mr Dean Manning</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Unhappy with notifications for proposed building and renovations</p>	<p>Summary</p> <p>I would like to see a section dealing with notification of proposed building and renovations, currently it appears to be a shambles. A renovation was recently undertaken on a property 3 houses away, the first we heard about it was the jack hammers on day one. We contacted council who informed us that a notice was placed in the Wentworth Courier.</p> <p>Not long after this event, a renovation proposal for a property 2 blocks away was delivered to us. Again, Council's method of notification was inconsistent. Can the LEP include such vital information?</p>	<p>Response</p> <p>This is not a matter for the LEP. Council's comprehensive development control plan (DCP) is currently being prepared and will be placed on exhibition later in 2014. Notification requirements for development applications will be addressed in the DCP. These will be based on the notification procedures in the current Development Control Plan for Advertising and Notification of Development Applications and Applications to Modify Development Consents (2007). The controls seek to establish clear and consistent requirements for notifying development applications lodged with Council.</p> <p>The submission will be considered in the context of the Draft DCP. Notice about the Draft DCP exhibition will be provided together with an invitation for further comment.</p> <p>Some works can also be carried out as exempt development or complying development.</p> <p>Exempt development is very low impact development which does not require planning approval from a council or private certifier. Examples include fences, barbeques, carports and driveways as well as signage and change of use for businesses. There are no neighbour notification requirements for exempt development.</p> <p>Complying development refers to straightforward development proposals that can be determined by a council or private certifier without a full development application, if it meets specific criteria. Examples of complying development include a new home up to two storeys, home renovations and additions.</p> <p>The State Government has established the following notification requirements for complying development:</p> <ol style="list-style-type: none"> 1. Certifiers need to advise neighbours within a 20m radius of the site about the proposed complying development application, at least 14 days before the application is approved. 2. The property owner has to notify neighbours about the proposed building works seven days prior to work commencing.

Part	Category	Sub Category
Not LEP Matter	DCP Matter	Consider for Comprehensive DCP
		<p>While the neighbours cannot insist on changes to the development plans, this notification gives neighbours an opportunity to review the proposal, which can help address potential issues.</p> <p>Further information about this notification process, can be obtained from the NSW Department of Planning and Environment, Exempt and Complying Development team, on 1300 305 695 or go to www.planning.nsw.gov.au/exemptandcomplying</p>
<p>CID: 10 SNO 10 INO: 39</p> <p>Mr Malcolm Craig</p> <p>Summary</p> <p>A nice dormer window looks great and allows the roof space to be used as a bedroom more effectively and allows sunlight and much improved air flow. Please ensure I can build a dormer window in the top attic/level of my terrace house.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>New LEP must allow for front dormer windows: Paddington</p>	<p>Response</p> <p>The Draft WLEP is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. For example, dormer windows are not matters for the LEP. Instead, detailed planning and design controls are set out in Council's development control plan (DCP).</p> <p>Controls for dormer windows will be addressed in the DCP. The Draft DCP is currently being prepared and will be placed on exhibition later in 2014.</p> <p>Your submission will be considered in the context of the Draft DCP. We will also notify you when the Draft DCP exhibition commences and invite your further comment.</p>	

Part	Category	Sub Category
Not LEP Matter	Not a planning matter	Not a planning matter
<p>CID: 134 SNO 143 INO: 164</p> <p>Ms Kate Maclaren</p> <p>Summary</p> <p>Adelaide St and Edward St are shown as being connected when they are not. There is no vehicular access. Concern if there is a fire in Cooper Park, and the Fire Service will be operating on a misapprehension. All the Council maps are wrong to show this non-existent road connection.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Maps are incorrect: Adelaide St/Edward St, Woollahra are not connected</p>		<p>Response</p> <p>The LEP maps comply with the NSW Planning and Infrastructure "Standard technical requirements for LEP maps" and are based on the NSW Land and Property Information cadastre.</p> <p>The LEP maps have been created for the purpose of identifying zoning and other planning boundaries. The maps have not been designed to be used for identifying road directions or routes for Emergency Services.</p>
<p>CID: 130 SNO 139 INO: 343</p> <p>Ms Jasmine Steel</p> <p>Summary</p> <p>Object to the proposed LEP. Double Bay Business and Residential areas are situated on a Valley Floor, subject to flooding, and area in-filled, with a water table close to the road surface. Edgecliff and Bellevue Hill form the walls of the valley and New South Head Rd is the only east to west major road through this area. Double Bay must retain the character of a "Village" to be viable, and as it's "Point of Difference". It is known as a "Maintenance Hub", a place for the revitalisation of face, hair, skin, teeth and nails and places to eat when that is done. Night activity of pubs and clubs brings its own noise and that of Ambulance and Police.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Maintain Double Bay as a "Village" and "Maintenance Hub"</p>		<p>Response</p> <p>Preservation of the Double Bay area as a village, and a maintenance hub are noted.</p> <p>Draft WLEP 2013 translates the existing controls from WLEP 1995. Most of the current zones, land use tables and planning controls have been converted into the new Standard LEP format with as few changes as possible.</p> <p>The activities and uses mentioned in the submission will continue to be permissible under the Draft WLEP 2013.</p>
<p>CID: 91 SNO 98 INO: 159</p> <p>Ms Wendy Cohen</p> <p>Summary</p> <p>Although the new library will have a lift, will disabled people who are very limited with their mobility be able to be dropped outside? The walk from the new car park is too far for some disabled people and also, there does not seem to be cover from rain for anyone in the mall.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concerns about Double Bay library development</p>		<p>Response</p> <p>This is not a matter for the LEP. However, Kiaora Lane will be a 'shared zone' which will provide opportunity for the drop-off and pick-up of passengers and provide relatively good access to the library.</p>

Part	Category	Sub Category
Not LEP Matter	Not a planning matter	Not a planning matter
<p>CID: 91 SNO 97 INO: 158</p> <p>Ms Wendy Cohen</p> <p>Recommendation No Change Issue</p> <p>Request for a hydrotherapy pool</p>	<p>Summary</p> <p>Watsons Bay Baths is not warm enough to swim in all year. Woollahra is an affluent area and should be able to afford a stand-alone public hydrotherapy pool that is covered and warm enough to swim in all year round. A hydrotherapy pool ideally should be heated to 34°C. A few of the hospitals have them, but you can only use them by appointment. Most of them are for rehabilitation use after orthopaedic surgery. There would be so many residents with orthopaedic problems and mobility problems and are already using the hospital hydrotherapy pools but are restricted by appointments and usage. More residents, especially the older ones, are realising how much benefit they get from being in a hydrotherapy pool. A lot of other councils have public hydrotherapy pools and I think Woollahra Councillors should plan for one in the immediate future.</p>	<p>Response</p> <p>This is not a matter for the LEP. However, your submission was forwarded to Council's Open Space and Recreation Planning Team. They advise that Council does not have any plans for a hydrotherapy pool.</p>
<p>CID: 73 SNO 78 INO: 150</p> <p>Ms Freda Cassen</p> <p>Recommendation No Change Issue</p> <p>Clean up pavements in Double Bay</p>	<p>Summary</p> <p>Pavements in Double Bay village are disgusting. Apparently men urinate on the pavements at night and people vomit and nothing is cleaned up.</p>	<p>Response</p> <p>This is not a matter for the LEP. However, your submission has been forwarded to Council's Business Centre and Street Cleaning Team. They advise that the footpaths in Double Bay are cleaned on a daily basis. If residents identify matters that require particular attention, they should contact the team on 02 9391 7986.</p>

Part	Category	Sub Category
Not LEP Matter	Not a planning matter	Not a planning matter
CID: 73 SNO 78 INO: 149 Ms Freda Cassen <		

Part	Category	Sub Category
Not LEP Matter	Not a planning matter	Not a planning matter
<p>CID: 38 SNO 39 INO: 91</p> <p>Ms Cressida Gilmore</p> <p>NSW Department of Trade & Investment - Minerals</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support opportunities for yellow block sandstone extraction</p>	<p>Summary</p> <p>Woollahra LGA was once an important source of dimension sandstone, particularly the highly valued “yellow block” which was used in many of the city’s important historic buildings. The last operating quarry closed in 1987 and there are no current sources of this material - in recent years yellow-block stone has been extracted from building sites in Sydney CBD.</p> <p>Opportunities for extraction of yellow-block from construction sites within the Woollahra LGA may arise and this should be encouraged as satisfactory substitutes for yellow-block for use in the maintenance of Sydney’s heritage sandstone buildings are not readily available.</p>	<p>Response</p> <p>This is not a matter for the LEP.</p> <p>The Council is endeavouring to minimise site excavation rather than encourage large scale excavation which occurred in the past and which is common in the Sydney CBD.</p>
<p>CID: 18 SNO 18 INO: 11</p> <p>Mrs Lola Saba</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Cleanliness in Double Bay</p>	<p>Summary</p> <p>Filthy state of the footpaths in the business centre in Double Bay, mainly outside the Post office, Woolworths and Bus stop. Dilapidated premises that have deteriorated to a shameful state. Requirement for an undercover shelter at Double Bay ferry terminal.</p>	<p>Response</p> <p>These are not matters for the LEP. However, your submission has been forwarded to Council's Business Centre and Street Cleaning Team and Council's representative on the Double Bay Chamber of Commerce.</p>
<p>CID: 13 SNO 13 INO: 6</p> <p>Ms Sandra Van Kampen</p> <p>Recommendation No Change</p> <p>Issue</p> <p>More public toilets in Woollahra and Paddington</p>	<p>Summary</p> <p>Would like to see more public toilet facilities in Woollahra and Paddington.</p>	<p>Response</p> <p>This is not a matter for the LEP. However, your concerns have been noted by Council's Open Space and Trees Team.</p>

Part	Category	Sub Category
Not LEP Matter	Not a planning matter	Not a planning matter
<p>CID: 11 SNO 11 INO: 34</p> <p>Mr Dean Manning</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Would like a 'code of conduct for builders': Paddington</p>	<p>Summary</p> <p>Building/renovation projects impact immensely on the lives of residents. Most builders do not live in the area and have no idea about high density living. We hear builders screaming at each other at 7 a.m., we hear them playing their radios loud all day, we are tired of them blocking lane ways for months at a time, a comprehensive 'code of conduct for builders' appears necessary.</p>	<p>Response</p> <p>This is not a matter for the LEP.</p> <p>All approved development applications include conditions for hours of work; these are to protect neighbourhood amenity. Complaints regarding noise and unauthorised blocking of the roadway in relation to a particular work site should be directed to Council's Compliance Team.</p>
<p>CID: 5 SNO 5 INO: 17</p> <p>Mr Roger Moore</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Improve tidiness in public places</p>	<p>Summary</p> <p>Improve tidiness in our public places (parks, foreshores, streets). Provide more rubbish bins, promote education in local schools and campaigns in the Wentworth Daily.</p>	<p>Response</p> <p>This is not a matter for the LEP.</p> <p>However, your concerns have been noted by Council's Technical Services Division.</p>
<p>CID: 4 SNO 4 INO: 4</p> <p>Mr Harold Nash</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Objection to Rose Bay Marina</p>	<p>Summary</p> <p>The present Rose Bay Marina is a disgrace.</p>	<p>Response</p> <p>This is not a matter for the LEP.</p> <p>However, we have noted your concerns.</p>

Part	Category	Sub Category
Not LEP Matter	Not a planning matter	Roads/parking
<p>CID: 95 SNO 102 INO: 193 Summary</p> <p>Andrew Coroneo</p> <p>AA Coroneo Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Establish an off-street car park along Edgecliff Road, Woollahra</p>	<p>An off-street public car park should be established along Edgecliff Rd (or nearby) to support the existing retail shops, to replace previous Woollahra Council parking areas which were lost to Waverley Council (in the recent transfer of Woollahra lands to Waverley Council).</p>	<p>Response</p> <p>This is not a matter for the LEP. Provision of off-street public parking is a policy consideration which should be initially directed to the Council's Technical Services Division.</p>
<p>CID: 95 SNO 102 INO: 192 Summary</p> <p>Andrew Coroneo</p> <p>AA Coroneo Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Traffic calming in Edgecliff Road, Woollahra</p>	<p>A practical design for traffic calming and safe carriage lanes for cyclists, should be adopted on Edgecliff Road as it is presently too high speed and too narrow.</p>	<p>Response</p> <p>This is not a matter for the LEP. Traffic calming measures are broader policy considerations which should be initially directed to Council's Technical Services Department.</p>
<p>CID: 73 SNO 78 INO: 148 Summary</p> <p>Ms Freda Cassen</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Reduce speed limit in Double Bay</p>	<p>The speed limit of 60kph through Double Bay should be reduced before someone is killed. Many drivers drive even faster.</p>	<p>Response</p> <p>This is not a matter for the LEP. New South Head Road is a State Road under the care and management of the Roads and Maritime Services (RMS) not Council.</p>

Part	Category	Sub Category
Not LEP Matter	Not a planning matter	Roads/parking
<p>CID: 73 SNO 78 INO: 147</p> <p>Ms Freda Cassen</p> <p>Summary</p> <p>People drive in excess of 70kph (estimated). People with high powered cars rev up and speed up and down the hill and it is dangerous. Has reported issue to Rose Bay Police Station who agreed but with no result.</p> <p>Response</p> <p>This is not a matter for the LEP. Concerns have been noted by Council's Engineering Services Department and Wentworth Street has been included in Council's Traffic Facilities Request list for possible traffic calming. Such works and traffic projects are planned on an annual basis.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Speeding on Wentworth Street, Point Piper</p>		
<p>CID: 19 SNO 19 INO: 38</p> <p>Ms Mary Ann Buhagiar</p> <p>Summary</p> <p>Please review the use of a "Shared Zone" for the streets of Weldon Lane, Alton Street, Peaker Lane, Spicer Street and Morrell Street.</p> <p>Response</p> <p>This is not a matter for the LEP. Provisions of shared traffic/pedestrian zones should be referred to Council's Engineering Services Department for consideration.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Introduce shared zoned to Weldon La, Alton St, Peaker La, Spicer St and Morrell St, Woollahra</p>		
<p>CID: 16 SNO 16 INO: 40</p> <p>Mr Ellis Reuben</p> <p>Summary</p> <p>The LEP should provide that the whole of Woollahra Council area where parking is permitted should have the provision that residents of that area can park with impunity and not for a limited period of time.</p> <p>Response</p> <p>This is not a matter for the LEP. Council operates a resident parking permit scheme to help alleviate parking congestion in busy areas and to give eligible residents who have little, or no, off-street parking preferential access to on-street parking. Permit holders with an eligible permit for the area are not subject to the on street parking time restrictions.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Lack of parking in Paddington and Darling Point</p>		

Part		Category	Sub Category
Not LEP Matter		Not a planning matter	Roads/parking
CID: 8	SNO 8	INO: 33	Summary
Mr & Mrs Leon & Judy Simons		Response	
		This is not a matter for the LEP.	
		However, your concerns have been noted by Council's Technical Services Department.	
Recommendation		No Change	
Issue		How is narrowing a street protecting its character? The other end of Kambala Road is not wide enough for two cars to pass when there are parked vehicles on both sides. Makes little sense to create to create a similar problem in the proposed area. How can it be called excessively wide in a street with fairly heavy parking and traffic at school pick up/set down times? Waste of council to destroy a wider street with a beautiful ambience and recreate the same problems we have in the lower part of Kambala Road.	
Concern about traffic works on Kambala Road, Bellevue Hill			

Part	Category	Sub Category
Not LEP Matter	State Policy	Planning reforms
<p>CID: 110 SNO 117 INO: 331 Summary</p> <p>Councillor Nicola Grieve Point out the futility of this exercise as the State Government is currently in Parliament stripping almost all of the community's rights to have their say on DAs and making DCPs totally impotent to the point of being of no use at all.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Planning reforms are removing community's rights to have their say</p>		<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Wherever possible, practical and relevant, we have sought to translate the current policy content of WLEP 1995 into the Draft WLEP 2013.</p> <p>The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p> <p>The State Government has continually stated that the Standard Instrument LEP will form the basis of the new planning framework. How the Standard Instrument LEP will then be translated is not yet determined, as the planning reforms have not been finalised.</p>
<p>CID: 97 SNO 104 INO: 299 Summary</p> <p>Ms Suzanne Gartner It is being said that neighbours will not be notified of DAs in the future, a Brad Hazzard idea to speed things up. Most dangerous and objectionable. With prior discussions removed, the upshot will be flaring hatred between neighbours, violent divisions in the community and eyesores built. If this is embedded in the new SI then I object.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Neighbours must be notified of DAs</p>		<p>Response</p> <p>This is not a matter that can be addressed in the Draft LEP. Your submission relates to the State Government's planning reform agenda.</p>

Part	Category	Sub Category
Not LEP Matter	State Policy	Planning reforms
<p>CID: 63 SNO 67 INO: 182</p> <p>Mr Will Mrongovius</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the Exempt and Complying SEPP overriding Draft LEP 2013</p>	<p>Summary</p> <p>Exempt and Complying SEPP overrides the Draft LEP 2013 with respect to development involving the removal of internal walls and building fabric within heritage areas. These provisions result in "facadism" creep where two or more properties are amalgamated into a single dwelling retaining onto the heritage façade and eroding the heritage significance of the heritage conservation area.</p>	<p>Response</p> <p>We note your concerns regarding the application of the Exempt and Complying SEPP overriding Draft WLEP 2013, however, this is not a matter that can be addressed in the Draft LEP. Your submission relates to the application of State Government legislation. Council has made numerous objections to the overriding effects of the Codes SEPP, particularly in regard to impact on buildings within heritage conservation areas.</p>
<p>CID: 54 SNO 57 INO: 131</p> <p>Mr John Benz</p> <p>Recommendation No Change</p> <p>Issue</p> <p>New planning laws will allow developers to steam roll applications</p>	<p>Summary</p> <p>The new planning laws give very worrying powers to developers to steam roll anything they like by allowing them to overrule any planning laws. With these new laws, the Developer Is King.</p>	<p>Response</p> <p>This is not a matter that can be addressed in the Draft LEP. Your submission relates to the State Government's planning reform agenda.</p>

Part	Category	Sub Category
Overarching issues	No need for a new plan	Keep WLEP 95
<p>CID: 129 SNO 138 INO: 388</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>No need for a new LEP</p>	<p>Summary</p> <p>WLEP 1995 is suitable for the area, and do not see the need for the implementation of a new LEP, at great expense to the municipality. Even more valid of the risk of this work becoming redundant if the NSW government new plans are passed. In this context The Society believes that there is no pressing imperative to make the proposed changes.</p>	<p>Response</p> <p>The State Government requires all councils in NSW to prepare a new local environmental plan (LEP) consistent with the Standard Instrument LEP template. The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p>
<p>CID: 129 SNO 138 INO: 386</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concerns about controls going into the DCP</p>	<p>Summary</p> <p>Very concerned about the controls that are proposed to be shifted from the LEP to the DCP as the DCP is only a supplementary document and is under threat of demolition within 3 years if the Government manages to pass entirely new planning laws currently under consideration in Parliament.</p>	<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Wherever possible, practical and relevant, we have sought to translate the current policy content of WLEP 1995 into Draft WLEP 2013.</p> <p>The State Government has continually stated that the Standard Instrument LEP will form the basis of the new planning framework. How the Standard Instrument LEP will then be translated is not yet determined, as the planning reforms have not been finalised.</p>

Part	Category	Sub Category
Overarching issues	No need for a new plan	Keep WLEP 95
<p>CID: 102 SNO 109 INO: 433</p> <p>Councillor Matthew Robertson</p> <p>Recommendation No Change Issue</p> <p>Draft WLEP 2013 should not be adopted</p>	<p>Summary</p> <p>Draft WLEP 2013 contains fewer controls in relation to height, heritage protection and FSR. The draft seeks to rely on Woollahra's DCP to provide the remainder of the controls. DCPs, unlike LEPs, do not have the force of law. They are not development standards. The end result is a set of controls that provide less protection to the community and less protection of the local character and diversity. All the work will become instantly out-dated if and when the government manages to pass new planning laws. If the laws are passed:</p> <ul style="list-style-type: none"> -DCPs will become obsolete and all existing DCPs will cease to have effect -All LEPs will have to be replaced by new, less comprehensive local plans -All local plans will have to comply with a series of higher level plans. <p>Draft LEP will only be an interim measure before even more "streamlined" and simplified controls are imposed.</p> <p>Strong case not to make any of the proposed changes in Draft LEP. Current controls protect our local area. It is a particularly obtuse proposal to move important planning controls from the LEP into DCPs. Many other LGAs have not adopted such changes, and have not had action taken against them by the department. Object to the broad watering down of controls and land uses in Draft LEP 2013 and reliance on DCPs to articulate specific controls.</p> <p>Draft WLEP 2013 should not be adopted.</p>	<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Wherever possible, practical and relevant, we have sought to translate the current policy content of WLEP 1995 into Draft WLEP 2013.</p> <p>All Councils are bound by the Standard Instrument template. Local provisions can be included but these must be supported by the Department of Planning and Environment and the Parliamentary Counsel.</p> <p>The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p> <p>The State Government has continually stated that the Standard Instrument LEP will form the basis of the new planning framework. How the Standard Instrument LEP will then be translated is not yet determined, as the planning reforms have not been finalised.</p>

Part	Category	Sub Category
Overarching issues	No need for a new plan	Keep WLEP 95
<p>CID: 102 SNO 109 INO: 432</p> <p>Councillor Matthew Robertson</p> <p>Strongly believe that it is prudent to abandon the Draft WLEP 2013 and continue to rely upon WLEP 1995 until such time as the NSW planning law system reforms are fully known and established and Woollahra can prepare a new LEP or equivalent in response.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Abandon the new plan until the planning reforms are fully known</p>	<p>Summary</p> <p>Draft LEP has removed much of the specificity and refinement in WLEP 1995.</p> <p>Draft is less "place based" and more generic (providing less protection for the diversity and unique character of the LGA). Strong case not to make any of the proposed changes.</p> <p>Current controls better protect our local area.</p> <p>Draft LEP will only be an interim measures before even more "streamlined" controls are imposed.</p> <p>Many other LGAs have not adopted such changes, and have not had action taken against them by the department.</p> <p>We object to the broad watering down of controls and land uses in Draft LEP 2013 and the reliance on DCPS.</p> <p>The Draft LEP should not be adopted.</p>	<p>Response</p> <p>The State Government requires all councils in NSW to prepare a new LEP consistent with the Standard Instrument LEP template. The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p>
<p>CID: 96 SNO 103 INO: 282</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Draft WLEP 2013 should not be adopted</p>	<p>Summary</p> <p>Draft LEP has removed much of the specificity and refinement in WLEP 1995.</p> <p>Draft is less "place based" and more generic (providing less protection for the diversity and unique character of the LGA). Strong case not to make any of the proposed changes.</p> <p>Current controls better protect our local area.</p> <p>Draft LEP will only be an interim measures before even more "streamlined" controls are imposed.</p> <p>Many other LGAs have not adopted such changes, and have not had action taken against them by the department.</p> <p>We object to the broad watering down of controls and land uses in Draft LEP 2013 and the reliance on DCPS.</p> <p>The Draft LEP should not be adopted.</p>	<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Wherever possible, practical and relevant, we have sought to translate the current policy content of WLEP 1995 into Draft WLEP 2013.</p> <p>Draft WLEP 2013 retains many of the placed based provisions contained in WLEP 1995. These include all existing heritage conservation areas, all heritage items, many local controls , height controls (including secondary height controls for specific locations), foreshore building lines and additional land uses for certain areas and sites.</p> <p>The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p> <p>The State Government has continually stated that the Standard Instrument LEP will form the basis of the new planning framework. How the Standard Instrument LEP will then be translated is not yet determined, as the planning reforms have not been finalised.</p>

Part	Category	Sub Category
Overarching issues	No need for a new plan	Keep WLEP 95
<p>CID: 63 SNO 67 INO: 142</p> <p>Mr Will Mrongovius</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Weakening place based controls by transferring controls into the DCP</p>	<p>Summary</p> <p>Greatest concern is that Draft WLEP 2013 excludes controls in relation to height, consequent heritage protection and FSR for Paddington, and seeks to rely on Woollahra's DCPs.</p> <p>Should the Planning Bills be passed, the DCPs will become obsolete and existing DCPs will cease to have effect after three years.</p> <p>It appears that all LEPs will be replaced by a new standard instrument within three years.</p> <p>Society objects to the significant weakening of controls, consolidation of land use zones and transfer of controls to DCPs.</p>	<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Wherever possible, practical and relevant, we have sought to translate the current policy content of WLEP 1995 into Draft WLEP 2013.</p> <p>In Draft LEP 2013 the Paddington HCA has been retained in full. Clause 5.10 of Draft WLEP 2013 provides similar controls to those in WLEP 1995. The statutory height controls of 9.5m for the Paddington HCA has been removed because it does not reflect the variety of building heights in the HCA. The 9.5m height control also suggested buildings such as single-storey dwellings could be altered to a two or three level form. This would be contrary to conservation objectives set out in the Paddington HCA Development Control Plan.</p> <p>The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p>
<p>CID: 59 SNO 63 INO: 169</p> <p>Ms Rosie White</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to loosening height, heritage and FSR controls</p>	<p>Summary</p> <p>Do not support the loosening of height restrictions, heritage protection and FSRs across the LGA.</p> <p>DCPs are not law binding so they cannot be relied upon to protect development (particularly in sensitive locations). A robust LEP is required.</p>	<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Wherever possible, practical and relevant, we have sought to translate the current policy content of WLEP 1995 into the Draft WLEP 2013.</p> <p>Draft WLEP 2013 contains strong height, heritage and FSR controls. FSRs for commercial zones and residential flat buildings in the R3 zone have been included.</p> <p>The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p>

Part	Category	Sub Category
Overarching issues	No need for a new plan	Keep WLEP 95
<p>CID: 59 SNO 63 INO: 138</p> <p>Ms Rosie White</p> <p>Summary</p> <p>Overall concern is the LEP centres on the reduction of protection for local community character which is highly varied and valued. The new LEP is less "placed based" than the previous one, it introduces a simplified approach to potential development that poses great risk of inappropriate development.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>New LEP is less "place based"</p>	<p>When the new State Planning Laws are passed, DCPs will no longer be relevant and a new LEP will be required. The controls of the WLEP 1995 should not be reduced as proposed in Draft WLEP 2013, so when faced with yet another LEP to develop WMC has a sound LEP to build on.</p>	<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Wherever possible, practical and relevant, we have sought to translate the current policy content of WLEP 1995 into Draft WLEP 2013.</p> <p>Draft WLEP 2013 retains many of the placed based provisions contained in WLEP 1995. These include all existing heritage conservation areas, all heritage items, many local controls , height controls (including secondary height controls for specific locations), foreshore building lines and additional land uses for certain areas and sites.</p> <p>The State Government is committed to the Standard Instrument LEP Program and its reform agenda; retaining WLEP 1995 is not an option for Woollahra Council.</p>

Part	Category	Sub Category
Overarching issues	Other	Exhibition of Draft WLEP 2013
<p>CID: 130 SNO 139 INO: 345 Summary</p> <p>Ms Jasmine Steel Who is/are "We" of "We want" e.g. Ch 5/17. "The R3 zone is a medium density residential zone where we want to increase residential density". Please declare yourself/selves to the residents of this zone</p>		<p>Response</p> <p>The discussion paper which forms part of the plain English explanatory document to accompany the exhibition of Draft WLEP 2013 has been endorsed by the full Council. The "We" therefore refers to the Council as a whole.</p>
<p>Recommendation No Change</p> <p>Issue</p> <p>Who is the "We" in the discussion paper?</p>		
<p>CID: 129 SNO 138 INO: 404 Summary</p> <p>Charlotte Feldman Who is the unknown persons titled "we" in the discussion paper. Are these unknown persons Councillors, Council staff, contractors, consultants, developments, architects, political parties, or other interested persons? They quite clearly have a point of view that is diametrically opposed to that of the Society.</p> <p>The Darling Point Society Inc</p>		<p>Response</p> <p>The discussion paper which forms part of the plain English explanatory document to accompany the exhibition of Draft WLEP 2013 has been endorsed by the full Council. The "We" therefore refers to the Council as a whole.</p>
<p>Recommendation No Change</p> <p>Issue</p> <p>Who is the "we" referred to in the discussion paper</p>		

Part	Category	Sub Category
Overarching issues	Other	Exhibition of Draft WLEP 2013
<p>CID: 98 SNO 105 INO: 303</p> <p>Mr David Henderson</p> <p>Recommendation No Change Issue</p> <p>Exhibition material/event should have been improved</p>	<p>Summary</p> <p>A public education evening should have been run to explain the new LEP and notification of this should have been carried out (in addition to the drop-in sessions). This would have helped with interpretation of the information which was relatively inaccessible. For example, the Comparison Map does not appear to work as designed on Macintosh systems, and the definitions that are so critical to understanding do not appear to be available.</p>	<p>Response</p> <p>Concerns with the exhibition are noted.</p> <p>We recognise that some customers would find the information difficult to interpret. We therefore met with a number of individuals and groups to answer their specific questions. These individual meetings appeared effective. We did not hold a public education evening. Instead, we held two out of hours drop in sessions to allow customers to talk to Council's Strategic Planners about the Draft LEP. The benefit of a drop in session (over an education evening), is that customers can ask questions one on one. This allowed our Strategic Planning officers to provide relevant and detailed advice for those customers who could not attend during business hours. However, had there been demand for an evening information session, we may have arranged a further event. We note that Mr Henderson is the only person who suggested such an event.</p> <p>We are not sure why the Comparison Map did not work on the computer. We specifically chose the PDF programme so that the Comparison Map could be viewed on both PC and Macintosh systems.</p> <p>All the exhibition information, as well as the definitions is available on our dedicated LEP website.</p>
<p>CID: 98 SNO 105 INO: 302</p> <p>Mr David Henderson</p> <p>Recommendation No Change Issue</p> <p>Landlords should have been notified of the LEP</p>	<p>Summary</p> <p>It would have been appropriate to both letterbox and posted out notification to ratepayers so that those who were landlords but not residents would be sure to know of the plan and its implications.</p>	<p>Response</p> <p>The information brochure was posted to every ratepayer in the LGA (including landlords), as well as a letterbox drop to every resident. Most residents who own, and live in their property would have received the information brochure twice. In addition, the information was available on Council's website and libraries, and advertisements were run in the Wentworth Courier.</p>

Part	Category	Sub Category
Overarching issues	Other	Exhibition of Draft WLEP 2013
<p>CID: 85 SNO 91 INO: 246</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the unknown author and the term "we" in the Discussion Paper</p>	<p>Summary</p> <ul style="list-style-type: none"> - Who is the "We" referred to in the discussion paper? - It is Council staff? Is it just the author and if not - who is it? - It begs the question of just what authority this unidentified "we" has. - We were under the misconception that the true "we" were the residents of the municipality, and we can assure the anonymous authority that this extraordinary policy is totally opposed by local residents. 	<p>Response</p> <p>The discussion paper which forms part of the plain English explanatory document to accompany the exhibition of Draft WLEP 2013 has been endorsed by the full Council.</p> <p>The "We" therefore refers to the Council as a whole.</p>
<p>CID: 29 SNO 30 INO: 63</p> <p>Bruce Bland</p> <p>The Rose Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Residents are unaware of changes in Rose Bay</p>	<p>Summary</p> <p>Whilst residents have ample opportunity to examine and comment on the Draft WLEP 2013, unfortunately not many do.</p> <p>Believe that if the proposed maximum new height limits are adopted, residents who are unaware will be horrified when they see the new height of developments actually being built.</p>	<p>Response</p> <p>Concerns noted.</p> <p>A comprehensive exhibition exercise which complied with the Planning Act and Regulations was carried out.</p> <p>The public was notified about the Draft WLEP 2013 exhibition in the following ways:</p> <ul style="list-style-type: none"> --A notice was sent to every rate payer --A letter-box drop was also conducted across the LGA with these notices --A notice was placed in the Wentworth Courier on Wednesday 21 August, 4 September, 18 September, 2 October, 16 October and 30 October 2013. --An item was included in the Woollahra News section of the Wentworth Courier on 21 August and 4 September 2013. --A section of the Mayoral column in the Wentworth Courier was dedicated on 21 August and 16 October 2013. --Exhibition material was available in our libraries, our customer service area and online. <p>The public notification of this project was extensive and exceeded our statutory requirements.</p>

Part	Category	Sub Category
Overarching issues	Other	Other
<p>CID: 129 SNO 138 INO: 402</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation Change</p> <p>Issue</p> <p>Clarify why clause 4.2 of the SI is not included in the plan</p>	<p>Summary</p> <p>Why is there no cl 4.2? It is noted that there is an "optional" 4.2, however, the Draft should either be renumbered to ensure correct sequential numbering or Item 4.2 be shown as "Not Applicable to WLEP 2013".</p>	<p>Response</p> <p>The numbering in the LEP is determined by the Standard Instrument LEP and cannot be changed. However, to improve the clarity of Woollahra's LEP, we will include all clause numbers and the words "Not applicable" or "Not adopted" under those clauses that do not apply to Woollahra and have not been included in the LEP.</p>
<p>CID: 126 SNO 135 INO: 429</p> <p>Owners of Strata Plan 52896</p> <p>Owners of Strata Plan 52896</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rose Bay Centre is not appropriate for increased densities.</p>	<p>Summary</p> <p>Higher density development should be concentrated in town centres or villages such as Edgecliff and Double Bay, as opposed to the more traditional shopping street of Rose Bay village. Increased density and height proposed in Rose Bay will not maintain existing residential amenity and will be inconsistent with the character.</p> <p>Current planning controls will maintain its status as a quaint urban village servicing the needs of the local community as opposed to a centre accommodating higher development density. Question the viability of land uses (particularly non-residential) with the prevailing market conditions and context. Is there demand for additional non-residential floor space. There is already a surplus of available non-residential floor space.</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995 and does not propose rezoning areas to increase residential densities except for five properties in Vaucluse.</p> <p>The marginal increases to maximum building heights in the Rose Bay Centre only seek to:</p> <ol style="list-style-type: none"> 1. Align maximum building heights with the storey controls in the existing Woollahra DCPs. 2. Establish height controls that account for current building practices regarding floor to ceiling heights as set out in the Building Code of Australia and State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development. <p>The height controls in Draft WLEP 2013 are relevant and practical. The proposed increases will not have a detrimental impact on local character and they do not facilitate additional storeys of development.</p>

Part	Category	Sub Category
Overarching issues	Other	Other
<p>CID: 98 SNO 105 INO: 304</p> <p>Mr David Henderson</p> <p>Recommendation No Change Issue</p> <p>Need to take into account infrastructure to service additional development</p>	<p>Summary</p> <p>Note the plan is designed to increase the intensity of development in the municipality (consistent with state policy). However, I consider that account needs to be taken of the infrastructure required to service additional development, as Woollahra is already one of the most intensely developed areas of Sydney. Infrastructure, including access roads, are already under serious pressure. Council should give consideration to new regulations that will force the rate of intensification.</p>	<p>Response</p> <p>Concerns regarding infrastructure are noted. However, Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995.</p>
<p>CID: 97 SNO 104 INO: 297</p> <p>Ms Suzanne Gartner</p> <p>Recommendation No Change Issue</p> <p>Planning Minister should keep red text inserted by Council</p>	<p>Summary</p> <p>Hopes that all the red text carefully included will be kept and not deleted by the Planning Minister. Council's needed diversity within uniformity.</p>	<p>Response</p> <p>Support for the local provisions is noted.</p>
<p>CID: 92 SNO 99 INO: 239</p> <p>John Kass</p> <p>Kass-hermes planning + development</p> <p>Recommendation No Change Issue</p> <p>LEP and DCP should come into force concurrently</p>	<p>Summary</p> <p>Draft WLEP 2013 should be deferred and not forwarded to the Department of Planning until the Draft DCP has been placed on public exhibition, reported to Council and is in a form suitable for adoption by Council.</p> <p>New LEP should only be permitted when the Draft DCP is able to be adopted by Council so that both planning documents come into force concurrently.</p>	<p>Response</p> <p>There is no statutory requirement to concurrently exhibit the Draft LEP and Draft DCP. The State Government requires Council to finalise the Draft LEP as a priority, this has meant that staff resources have been focused on the LEP and as a consequence, work on the Draft DCP has been delayed. Notwithstanding, it is anticipated that the Draft DCP will be exhibited and adopted later this year and ready to commence when the LEP is approved by the Minister and published.</p>

Part	Category	Sub Category
Overarching issues	Other	Other
<p>CID: 90 SNO 96 INO: 260</p> <p>Ms Janne Grosse</p> <p>Department of Primary Industries Office of Water</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Insert objectives and clauses referring to waterways, foreshore areas, riparian lands and groundwater dependent ecosystems</p>	<p>Summary</p> <p>The LEP provides a strategic opportunity to facilitate the protection and enhancement of waterways, foreshore areas, riparian lands and groundwater and dependent ecosystems (GDEs) and suggested provisions to the LEP are:</p> <p>--1.2 Aims of Plan - insert 2 additional aims</p> <p>--2.8 Temporary Use of land - Insert 2 additional clauses</p> <p>--Land Use Table - add an objective to Zone R2, R3 and RE1 "to ensure new development protects and rehabilitates aquatic habitat and riparian land".</p> <p>--3.3 Environmentally sensitive areas excluded - support the clause but further exclude "waterways and riparian land".</p> <p>--4.1 Minimum subdivision lot size - insert an additional objective "to ensure the lot sizes allow development to be sited to protect and/or enhance riparian land".</p> <p>--5.5 Development within the coastal zone - insert two objectives, and 4 additional subclauses</p> <p>--6.1 Earthworks - insert 1 objective and 2 additional subclauses</p> <p>--6.2 Development on the foreshore must ensure access - insert additional subclause</p> <p>--6.3 Foreshore building lines - amend objective and insert additional subclause</p> <p>--6.8 Flood planning - insert additional subclause</p> <p>--Insert a new local provision to protect and enhance waterways and riparian land (and map)</p> <p>--Insert provisions to protect groundwater</p>	<p>Response</p> <p>This submission provides very detailed comments on all issues and aspects to waterways, foreshore areas, riparian lands and groundwater and dependent ecosystems. The types of issues raised are either already suitably covered by other controls within the Draft WLEP 2013 or are not relevant to the Woollahra LGA as it has very limited areas of the kinds of environments identified.</p> <p>We do not support amending the Draft WLEP 2013 and providing such detailed objectives and clauses on issues that are not pertinent to the Woollahra LGA.</p> <p>We note that some recommendations are to amend model Standard Instrument clauses.</p> <p>It is noted that riparian lands are most consistently referred to in this submission. Woollahra does not have any maps adopted by Council which identify the location of riparian lands. Our Technical Services team has advised that we do have Riparian Lands, however, these are all located in our parks and are therefore already suitably protected.</p> <p>Department of Primary Industries Office of Water to raise with DPE.</p>

Part	Category	Sub Category
Overarching issues	Other	Other

CID: 79 SNO 84 INO: 155 [Summary](#)

Belinda Webster, Darren Waite, Dat Van, Gillian Clyde

The map incorrectly states Gaden Reserve (currently noted as "Gardens Reserve").

[Response](#)

The LEP maps will be amended to refer to "Gadens Reserve".

[Recommendation](#) Change

[Issue](#)

Map labelling error: Gaden Reserve

CID: 46 SNO 48 INO: 116 [Summary](#)

Lord Mayor Clover Moore

Lord Mayor of Sydney has asked the "City's Acting Manager - Policy review" to prepare the City's submission.

[Response](#)

Noted

City of Sydney Council

[Recommendation](#) No Change

[Issue](#)

Referred submission to City's Acting Manager - Policy review

Part	Category	Sub Category
Overarching issues	Other	Other
<p>CID: 35 SNO 36 INO: 84</p> <p>Mr David Caldwell</p> <p>Summary</p> <p>If the aim is urban consolidation, I appeal to you to consider broadening the geographic scope of conventional three storey walk-ups rather than concentrating an over-development “cold war” escalation on the harbour’s edge. Within 30 years of your proposal we will be left with a 14.5m high, square concrete and glass gulley.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Broaden the scope of development (away from Rose Bay)</p>		<p>Response</p> <p>Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995 and does not propose rezoning areas to increase residential densities except for five properties in Vaucluse.</p> <p>The marginal increases to maximum building heights in the Rose Bay Centre only seek to:</p> <ol style="list-style-type: none"> 1. Align maximum building heights with the storey controls in the existing DCPs. 2. Establish height controls that account for current building practices regarding floor to ceiling heights as set out in the Building Code of Australia and State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development. <p>The height controls in the Draft LEP are relevant and practical. The proposed increases will not have a detrimental impact on local character and they do not facilitate additional storeys of development.</p>
<p>CID: 32 SNO 33 INO: 74</p> <p>Mr Michael Edwards</p> <p>Summary</p> <p>The definitions and conservation related terms should be consistent with the Dictionary definitions as contained in the Standard Instrument.</p> <p>Heritage Council of NSW</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Definitions should be consistent with SI Dictionary</p>		<p>Response</p> <p>The Draft LEP is based on the State Government's Standard Instrument LEP template.</p>

Part	Category	Sub Category
Overarching issues	Other	Other
<p>CID: 29 SNO 30 INO: 61</p> <p>Bruce Bland</p> <p>The Rose Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Congratulations to Anne White</p>	<p>Summary</p> <p>Council staff planner Anne White should be congratulated on her professionalism, expertise and helpfulness in assisting (non-expert) residents to grasp what is being proposed in the new Draft WLEP 2013 and the reasons/logic supporting the proposals.</p>	<p>Response</p> <p>Thank you for your positive feedback on Council staff.</p>
<p>CID: 3 SNO 3 INO: 19</p> <p>Mr Peter Franks</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Overdevelopment and associated traffic problems: New South Head Rd, Old South Head Rd and Bondi Rd</p>	<p>Summary</p> <p>The suburbs around New South Head Road, Old South Head Road and Bondi Road have been overdeveloped. 3 homes have been replaced with a block of units which means that 3 cars have been replaced with 10 to 15. Public transport has not been improved to cover the extra people, the roads are clogged.</p> <p>Cease all high rise development and get some experts in to get the rail system to continue from Bondi Junction to Vacluse - Bondi - and back.</p>	<p>Response</p> <p>Concerns regarding the suburbs around New South Head Road, Old South Head Road and Bondi Road are noted.</p> <p>However, Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995 and does not propose rezoning areas to increase residential density.</p> <p>Significant infrastructure proposals such as a new rail system from Bondi Junction to Vacluse are beyond the scope of Draft WLEP 2013.</p>

Part	Category	Sub Category
Overarching issues	Other	Support submission made by the Double Bay RA
<p>CID: 142 SNO 151 INO: 268 Summary</p> <p>Mr Bruce Corlett</p> <p>Totally support the submissions prepared by the Double Bay Residents Association relating to Draft WLEP 2013.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support the submission prepared by the Double Bay Residents Association</p>		<p>Response</p> <p>Support for the submission prepared by the Double Bay Residents Association is noted. Detailed responses to the issues raised can be found in the response to the Double Bay Residents Association submission.</p>
<p>CID: 104 SNO 111 INO: 227 Summary</p> <p>Mr & Mrs Malcolm and Angelika Young</p> <p>Make the same objections that are set out in the Double Bay Residents Association's submission.</p> <p>The changes to the controls for Double Bay Commercial Centre will have, over time, a substantial effect on the views of the harbour we enjoy looking across that centre.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for the submission by Double Bay Residents Association</p>	<p>The changes to FSRs and height controls, particularly to the surrounding R3 Medium Density Residential zone will impact on almost every aspect of amenity that we enjoy.</p>	<p>Response</p> <p>Support for the submission made by the Double Bay Residents Association is noted.</p> <p>Detailed responses to the issues raised can be found in the response to the Double Bay Residents Association submission.</p>

Part	Category	Sub Category
Overarching issues	Other	Support submission made by the Double Bay RA

CID: 78 SNO 83 INO: 217 [Summary](#)

Mr & Mrs Michael and Sarah Lawrence Strong support for the submission made by the Double Bay Residents Association

[Response](#)

Support for the submission made by the Double Bay Residents Association is noted. Detailed responses to the issues raised can be found in the response to the Double Bay Residents Association submission.

[Recommendation](#) No Change

[Issue](#)

Support for the submission made by the Double Bay Residents Association

Part	Category	Sub Category
Overarching issues	Other	Support submission made by the Woollahra Greens
<p>CID: 110 SNO 117 INO: 340 Summary</p> <p>Councillor Nicola Grieve</p> <p>I support the objections and concerns and recommendations advanced in the Woollahra Green submission.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support submission made by the Woollahra Greens</p>		<p>Response</p> <p>Support for the submission made by the Woollahra Greens is noted. Detailed responses to the issues raised can be found in the response to the Woollahra Greens submission.</p>
<p>CID: 102 SNO 109 INO: 315 Summary</p> <p>Councillor Matthew Robertson</p> <p>Fully support submission made by the Woollahra Greens and strongly believe that it is prudent to abandon the DWLEP 2013 and continue to rely upon the WLEP 1995 until the NSW planning laws reforms are fully known.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support submission made by the Woollahra Greens (CID 96/103)</p>		<p>Response</p> <p>Support for the submission made by the Woollahra Greens is noted. Detailed responses to the issues raised can be found in the response to the Woollahra Greens submission.</p>

Part	Category	Sub Category
Overarching issues	Support the new LEP	Support the new LEP
CID: 124 SNO 133 INO: 163 Mr & Mrs Morry & Eleanor Fayn	Summary Have perused the draft LEP, agree and are happy with its contents.	Response Support noted.
Recommendation No Change Issue Support the draft LEP		
CID: 111 SNO 118 INO: 160 Mr & Mrs Warwick and Penelope Coombes	Summary Support the new LEP which was examined online.	Response Support noted
Recommendation No Change Issue Support the new LEP		
CID: 98 SNO 105 INO: 301 Mr David Henderson	Summary I wish to pay testament to the clear attempts by the Council to continue the controls within the existing WLEP 1995.	Response Support for the translation approach is noted.
Recommendation No Change Issue Support for Council continuing current controls		

Part	Category	Sub Category
Overarching issues	Support the new LEP	Support the new LEP
<p>CID: 75 SNO 80 INO: 198</p> <p>Mr Ben Pechey</p> <p>City of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>City of Sydney congratulates Woollahra for preparing the new LEP</p>	<p>Summary</p> <p>City of Sydney congratulates Woollahra Council for achieving this significant milestone in the preparation of a new LEP.</p>	<p>Response</p> <p>Support noted.</p>
<p>CID: 39 SNO 40 INO: 92</p> <p>Mr Mark Ozinga</p> <p>Transport for NSW</p> <p>Recommendation No Change</p> <p>Issue</p> <p>No objection to Draft WLEP 2013</p>	<p>Summary</p> <p>Draft WLEP 2013 largely reflects the policy intent of current WLEP 1995. Accordingly there are no particular areas of re-zoned land that would generate a significant number of extra public transport or vehicle trips.</p> <p>TfNSW has no specific comments at this stage but would be interested in commenting on any significant future re-zoning proposals that Council may consider.</p>	<p>Response</p> <p>Support noted.</p> <p>Will notify TfNSW of any significant future re-zoning proposals.</p>
<p>CID: 37 SNO 38 INO: 90</p> <p>Mr Alex Sarno</p> <p>Waverley Council</p> <p>Recommendation No Change</p> <p>Issue</p> <p>No objection to Draft WLEP 2013</p>	<p>Summary</p> <p>Advise that Waverley Council raises no objection in relation to any matter contained in the draft plan.</p>	<p>Response</p> <p>Support noted.</p>

Part	Category	Sub Category
Overarching issues	Support the new LEP	Support the new LEP
CID: 28 SNO 29 INO: 58 Ms Karen Armstrong Randwick City Council	Summary Randwick City Council expresses its thanks for the opportunity to comment on the Draft WLEP and notes that they share a common boundary with Woollahra Municipal Council at Centennial Park. They raise no issue with respect to the Draft WLEP.	Response Support noted.
Recommendation No Change Issue Acknowledge exhibition with no comment		

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.2 Aims of Plan	Amended aim request
<p>CID: 129 SNO 138 INO: 389</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Amend Aim (c) to refer to infrastructure</p>	<p>Summary</p> <p>How do these aims incorporate the infrastructure necessary for the municipality to operate in an efficient and effective manner, for example, Police, Fire, Education Water, Drainage, Sewage, Roads, Rail etc. The Society considers that mention of these infrastructure needs must be made within the aims of the Plan.</p>	<p>Response</p> <p>Draft WLEP 2013 includes the aim "(a) to ensure that growth within the area of Woollahra occurs in a planned and co-ordinated manner." This aim broadly covers the intent of the matter raised in the submission.</p> <p>However, it is important to note that Draft WLEP 2013, as well as State environmental planning policies (SEPPs) (particularly the Infrastructure SEPP and the Exempt and Complying SEPP), only provide the planning frameworks that allow public authorities to provide infrastructure and services. The rate at which the infrastructure and services is delivered is influenced largely by State Government budget considerations and broader policy matters.</p>
<p>CID: 79 SNO 84 INO: 153</p> <p>Belinda Webster, Darren Waite, Dat Van, Gillian Clyde</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Amend wording of CI 1.2(D) in regards to population density</p>	<p>Summary</p> <p>The suggested amended wording is as follows (additional words in capitals, removed words in square brackets)</p> <p>1.2 Aims of Plan</p> <p>2. The particular aims of this Plan are as follows:</p> <p>(D) To MANAGE [provide greater] population densities in and around centres that are well serviced by public transport.</p> <p>Reason for the proposed amendments is:</p> <p>- It would be irresponsible of the Council to propose greater population densities as an overarching objective for all areas within the Council's control. This needs to be managed carefully to ensure that the growth in particular suburbs is managed in accordance with its surroundings. Therefore, it should be the goal of Council to manage growth effectively rather than strive to increase population densities.</p>	<p>Response</p> <p>The objective applies to specific localities rather than all land within the municipality. It relates to provision of higher residential densities in and around commercial centres that are well serviced by public transport.</p> <p>The floor space ratio (FSR) control in the Draft LEP is the key mechanism for setting densities.</p> <p>Providing for higher increased density development in and around centres is good planning practice. The FSRs in the Draft LEP are generally higher in and around the centres, as compared with residential land that is not located within walking distance to a centre.</p> <p>To that end, objective "(d) to provide greater population densities in and around centres that are well serviced by public transport" is appropriate.</p>

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.2 Aims of Plan	Amended aim request
<p>CID: 79 SNO 84 INO: 152</p> <p>Belinda Webster, Darren Waite, Dat Van, Gillian Clyde</p> <p>Recommendation Change Issue</p> <p>Amend wording of CI 1.2(C) to include 'open space'</p>	<p>Summary</p> <p>The suggested amended wording is as follows (additional words in capitals).</p> <p>1.2 Aims of Plan</p> <p>2. The particular aims of this Plan are as follows:</p> <p>(c) To provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, entertainment, OPEN SPACE and community facilities.</p> <p>Reason for the proposed amendments is the appropriate balance and distribution of land should also include that of open space.</p>	<p>Response</p> <p>It is appropriate to include "open space" in aim (c).</p> <p>Recommend that aim (c) is be amended to:</p> <p>"(c) to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,"</p>

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.2 Aims of Plan	ESD to be the first aim of the plan
<p>CID: 129 SNO 138 INO: 392</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation Change Issue</p> <p>ESD should not be the final</p>	<p>Summary</p> <p>The promotion of ESD is a significant aim of the LEP and the important of this aim is not reflected in Draft WLEP 2013 where it appears as the final aim, almost as an after note.</p>	<p>Response</p> <p>The aims in Draft WLEP 2013 include "(k) to promote ecologically sustainable development". This is the last of the eleven aims.</p> <p>In response to submissions about the order of the aims, we recommend that this aim is relocated in the list to (h). This is more consistent with the way the aims have been ordered in the Environmental Planning and Assessment Act 1979, where "ecologically sustainable development" is listed at (vii) after "(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats".</p>
<p>CID: 114 SNO 122 INO: 317</p> <p>Ross Nicholas</p> <p>Recommendation Change Issue</p> <p>Make ESD the first aim of the plan</p>	<p>Summary</p> <p>Amend the aims so that ESD becomes the principle aim of the draft LEP.</p>	<p>Response</p> <p>The aims in Draft WLEP 2013 include "(k) to promote ecologically sustainable development". This is the last of the eleven aims.</p> <p>In response to submissions about the order of the aims, we recommend that this aim is relocated in the list to (h). This is more consistent with the way the aims have been ordered in the Environmental Planning and Assessment Act 1979, where "ecologically sustainable development" is listed at (vii) after "(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats".</p>

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.2 Aims of Plan	ESD to be the first aim of the plan
<p>CID: 110 SNO 117 INO: 332</p> <p>Councillor Nicola Grieve</p> <p>ESD has been the cornerstone of NSWs planning law system since the early 1990s. Beyond a mother hood statement in the aims of the plan, there are no specific controls contained in the new LEP. Reliance on DCPs to mandate ESD is unacceptable, as they will have no teeth.</p> <p>Recommendation Change Issue</p> <p>ESD should be the primary aim of the plan</p>	<p>Summary</p> <p>ESD has been the cornerstone of NSWs planning law system since the early 1990s. Beyond a mother hood statement in the aims of the plan, there are no specific controls contained in the new LEP. Reliance on DCPs to mandate ESD is unacceptable, as they will have no teeth.</p> <p>Amend the aims of the plan so that ESD is a primary control.</p>	<p>Response</p> <p>The aims in Draft WLEP 2013 include "(k) to promote ecologically sustainable development". This is the last of the eleven aims.</p> <p>In response to submissions about the order of the aims, we recommend that this aim is relocated in the list to (h). This is more consistent with the way the aims have been ordered in the Environmental Planning and Assessment Act 1979, where "ecologically sustainable development" is listed at (vii) after "(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats".</p>
<p>CID: 102 SNO 109 INO: 434</p> <p>Councillor Matthew Robertson</p> <p>ESD must be advanced as the primary aim of the Draft WLEP 2013.</p> <p>Recommendation Change Issue</p> <p>ESD should be the primary aim of the plan</p>	<p>Summary</p> <p>ESD must be advanced as the primary aim of the Draft WLEP 2013.</p>	<p>Response</p> <p>The aims in Draft WLEP 2013 include "(k) to promote ecologically sustainable development". This is the last of the eleven aims.</p> <p>In response to submissions about the order of the aims, we recommend that this aim is relocated in the list to (h). This is more consistent with the way the aims have been ordered in the Environmental Planning and Assessment Act 1979, where "ecologically sustainable development" is listed at (vii) after "(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats".</p>

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.2 Aims of Plan	ESD to be the first aim of the plan
<p>CID: 96 SNO 103 INO: 283</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation Change</p> <p>Issue</p> <p>ESD should be the primary aim of the plan</p>	<p>Summary</p> <p>Ecologically Sustainable Development has been the cornerstone of NSW's planning law (since early 1990s). The aim to "promote ecologically sustainable development" is the 11th aim and it should be the first aim. ESD should be the primary aim of the plan.</p>	<p>Response</p> <p>The aims in Draft WLEP 2013 include "(k) to promote ecologically sustainable development". This is the last of the eleven aims.</p> <p>In response to submissions about the order of the aims, we recommend that this aim is relocated in the list to (h). This is more consistent with the way the aims have been ordered in the Environmental Planning and Assessment Act 1979, where "ecologically sustainable development" is listed at (vii) after "(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats".</p>
<p>CID: 59 SNO 63 INO: 171</p> <p>Ms Rosie White</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Need more importance on ESD principles</p>	<p>Summary</p> <p>Needs to be much more importance given to the principles of Environmentally Sustainable Development to guarantee the quality of future housing stocks and community wellbeing.</p>	<p>Response</p> <p>The aims in Draft WLEP 2013 include "(k) to promote ecologically sustainable development". This is the last of the eleven aims.</p> <p>In response to submissions about the order of the aims, we recommend that this aim is relocated in the list to (h). This is more consistent with the way the aims have been ordered in the Environmental Planning and Assessment Act 1979, where "ecologically sustainable development" is listed at (vii) after "(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats".</p>

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.2 Aims of Plan	Other
<p>CID: 129 SNO 138 INO: 391</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change Issue</p> <p>Infrastructure should be inconspicuous</p>		<p>Summary</p> <p>Advocating for a high standard of design, but it is also necessary to ensure that construction and, more importantly, ongoing maintenance are also of a high standard.</p> <p>In particular, infrastructure should be as inconspicuous as possible For example electricity substations and telecommunication boxes should not be placed above ground in residential nature strips.</p>
<p>CID: 129 SNO 138 INO: 390</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change Issue</p> <p>Commentary on Aim (d)</p>		<p>Response</p> <p>Building design and maintenance issues are not LEP matters. Please also note that electricity substations and telecommunication boxes generally do not require Council consent, therefore Council has limited control about the design and appearance of these facilities.</p> <hr/> <p>Response</p> <p>The State Government requires all Sydney metropolitan councils to accommodate additional population growth. It is Council's role to provide for this growth in a suitable manner.</p> <p>Providing for higher increased density development in and around centres is good planning practice. The FSRs in Draft WLEP 2013 are generally higher in and around the centres, as compared with residential land that is not located within walking distance to a centre. These centres are also well serviced, as compared to much of the residential zoned land.</p>

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.9A Suspension of Covenants	CI 1.9A Suspension of Covenants
<p>CID: 129 SNO 138 INO: 393</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Private covenants must be allowed to continue</p>	<p>Summary</p> <p>The suspension of existing private covenants, agreements and instruments will be significantly detrimental to the amenity, views and community enjoyment of facilities that are currently available under these covenants. All private covenants must be allowed to continue.</p>	<p>Response</p> <p>These concerns are noted, however, the DPE has advised that this clause must be included in the new Draft LEP.</p>

Part	Category	Sub Category
Part 1 - Preliminary	CI 1.9A Suspension of Covenants	CI 1.9A Suspension of Covenants
<p>CID: 2 SNO 49 INO: 117</p> <p>Mr & Mrs Michael & Hylde Rolfe</p> <p>Sydney Harbour Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Opposed to the suspension of covenants</p>	<p>Summary</p> <p>Impact of LEP CL. 1.9A Suspension of covenants, agreements and instruments is potentially onerous for private landowners who have negotiated for value covenants in order to ensure protection of some valued aspect of their property.</p> <p>Where value has been given in such negotiations, the operation of Cl. 1.9A may negate such value. To the extent that property values may be adversely affected by covenant suspension when it is affected under a class provision of this kind, compensation issues may arise.</p> <p>It is likely throughout Woollahra that private covenants have been negotiated to protect Harbour views, access to the foreshore or similar attributes that would not otherwise have been available - i.e. would not have been required under relevant planning instruments. Private covenants can therefore form a supplementary layer of protection of Harbour and foreshore values extending beyond the formal foreshore bounds indicated in the LEP.</p> <p>Argues for treating such covenants with care and insight that recognises community value of extending visual and public access benefits of Woollahra's harbour side location as widely as possible among residents.</p> <p>Suggests consideration of additional paragraph that could read something like this:</p> <p>"(2) This clause does not apply:</p> <p>(h) to a covenant relating to visual access to Sydney Harbour, where that access benefits the public and would not otherwise be available".</p>	<p>Response</p> <p>These concerns are noted, however, the DPE has advised that this clause must be included in the new Draft LEP with no additional exclusions.</p>

Part		Category	Sub Category
Part 1 - Preliminary		CI 1.9A Suspension of Covenants	CI 1.9A Suspension of Covenants
CID: 1	SNO 1	INO: 1	Summary
Mr & Mrs Michael Rolfe		<p>Clause is inequitable when applied to private covenants for which value has been given.</p> <p>How do you assess the extent of the loss or benefit resulting from the development consent?</p>	Response
<p>Recommendation No Change</p> <p>Issue</p> <p>Clause is inequitable</p>		<p>Compensation for the loss of the covenant may be warranted.</p> <p>How can Council deal with this? Within the Plan or otherwise, to inject fairness for the relevant parties?</p>	<p>These concerns are noted, however, the DPE has advised that this clause must be included in the new Draft LEP.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Do not rezone places of public worship
<p>CID: 129 SNO 138 INO: 380</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Places of Public Worship should not take on adjoining R3 zone</p>	<p>Summary</p> <p>Rezoning places of worship will leave religious institutions open to higher rates, battles of development with dual occupancy etc. if relegated to Land Use R3 Medium Density.</p> <p>They are clearly not residential in their nature of operation. Draft WLEP 2013 should use a more appropriate zoning such as B2 Local Centre, B4 Mixed Use or SP1 Special Activities. This should protect churches from pressure of development and afford protection from rate increases.</p>	<p>Response</p> <p>The NSW Department of Planning & Environment does not support the maintenance of the SP2 Infrastructure zone for certain community facilities.</p> <p>In Draft WLEP 2013 places of public worship are permissible in Zone R3 Medium Density Residential. Therefore, the adjoining R3 zone is applied to these sites.</p> <p>However, if a place of public worship is located within Zone R2 Low Density Residential, the SP2 zone is maintained and the site identified as a "Place of Public Worship". This is because a "Place of Public Worship" is not permissible in the R2 zone.</p> <p>We note that places of public worship are exempt from all rates under section 556 of the Local Government Act 1993 irrespective of land use zone.</p>
<p>CID: 114 SNO 122 INO: 319</p> <p>Ross Nicholas</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Zone POPW for their current purpose</p>	<p>Summary</p> <p>All existing places of public worship should be zoned special purpose for their current use.</p>	<p>Response</p> <p>The NSW Department of Planning & Infrastructure does not support the maintenance of the SP2 Infrastructure zone for certain community facilities.</p> <p>In Draft WLEP 2013 places of public worship are permissible in Zone R3 Medium Density Residential. Therefore, the adjoining R3 zone is applied to these sites.</p> <p>However, if a place of public worship is located within Zone R2 Low Density Residential, the SP2 zone is maintained and the site identified as a "Place of Public Worship". This is because a "Place of Public Workshop" is not permissible in the R2 zone.</p> <p>We note that places of public worship are exempt from all rates under section 556 of the Local Government Act 1993 irrespective of land use zone.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Do not rezone places of public worship
<p>CID: 102 SNO 109 INO: 437</p> <p>Councillor Matthew Robertson</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Places of Public Worship should zoned Special Use</p>	<p>Summary</p> <p>All existing Places of Public Worship be expressly zoned as special use zones for their current purpose; residential zoning are inappropriate and misleading.</p>	<p>Response</p> <p>The NSW Department of Planning & Infrastructure does not support the maintenance of the SP2 Infrastructure zone for certain community facilities.</p> <p>In Draft WLEP 2013 places of public worship are permissible in Zone R3 Medium Density Residential. Therefore, the adjoining R3 zone is applied to these sites.</p> <p>However, if a place of public worship is located within Zone R2 Low Density Residential, the SP2 zone is maintained and the site identified as a "Place of Public Worship". This is because a "Place of Public Workshop" is not permissible in the R2 zone.</p> <p>We note that places of public worship are exempt from all rates under section 556 of the Local Government Act 1993 irrespective of land use zone.</p>
<p>CID: 96 SNO 103 INO: 287</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Places of Public Worship should maintain Special Use zoning</p>	<p>Summary</p> <p>Existing POPW should be zoned as special use zones for their current purpose. This would have two beneficial outcomes:</p> <ol style="list-style-type: none"> 1) Protects POPW from the pressure of development and ensure these essential institutions remain; 2) Protects POPW from rate increases that may otherwise create a financial burden, if their land valuations increase. 	<p>Response</p> <p>The NSW Department of Planning & Infrastructure does not support the maintenance of the SP2 Infrastructure zone for certain community facilities.</p> <p>In Draft WLEP 2013 places of public worship are permissible in Zone R3 Medium Density Residential. Therefore, the adjoining R3 zone is applied to these sites.</p> <p>However, if a place of public worship is located within Zone R2 Low Density Residential, the SP2 zone is maintained and the site identified as a "Place of Public Worship". This is because a "Place of Public Workshop" is not permissible in the R2 zone.</p> <p>We note that places of public worship are exempt from all rates under section 556 of the Local Government Act 1993 irrespective of land use zone.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Do not rezone places of public worship
<p>CID: 63 SNO 67 INO: 183 Summary</p> <p>Mr Will Mrongovius Existing places of worship be zoned as special use reflecting their existing use.</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Places of Public Worship should be zoned as Special Use</p>		<p>Response</p> <p>The NSW Department of Planning & Infrastructure does not support the maintenance of the SP2 Infrastructure zone for certain community facilities.</p> <p>In Draft WLEP 2013 places of public worship are permissible in Zone R3 Medium Density Residential. Therefore, the adjoining R3 zone is applied to these sites.</p> <p>However, if a place of public worship is located within Zone R2 Low Density Residential, the SP2 zone is maintained and the site identified as a "Place of Public Worship". This is because a "Place of Public Workshop" is not permissible in the R2 zone.</p> <p>We note that places of public worship are exempt from all rates under section 556 of the Local Government Act 1993 irrespective of land use zone.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
<p>CID: 141 SNO 149 INO: 367</p> <p>Mr Andrew Wilson</p> <p>NSW Department of Education and Communities</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Zoning anomaly at Rose Bay Public School</p>	<p>Summary</p> <p>There is an anomaly for Rose Bay Public School, where Lot 11, DP 1076937 is zoned R3, whereas the remainder of the site is SP2 Educational Establishment. The Department requests that the provisions of the draft plan which apply to the remainder of the site be applied to this parcel.</p>	<p>Response</p> <p>This is not an error. The zoning of this parcel is a translation of the zone in WLEP 1995. This parcel was the subject of WLEP 1995 (Amendment 54) which was gazetted on 28 October 2005. This amendment was made in response to a rezoning application from the then Department of Education and Training which sought to rezone the parcel from Special Uses (School) to 2(b) Residential "B".</p> <p>Although Draft WLEP 2013 does not zone the parcel SP2 Educational Establishment, SEPP Infrastructure enables educational establishments to be carried out in the R3 zone with consent.</p> <p>Notwithstanding that, the submission will be referred to the Department of Planning and Environment for consideration.</p>
<p>CID: 139 SNO 147 INO: 166</p> <p>Ms Ellen Goodman</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Introduce more residential uses into Oxford Street</p>	<p>Summary</p> <p>Several blocks in Oxford St should be zoned to residential. In particular the block adjacent to Jersey Rd and close to Centennial Park. It is not viable to have a shopping strip that extends from Woollahra to the city. A residential zone would allow for low rise density units and bring more residents into the area, allowing some blocks to concentrate on retail e.g. food outlets near the new COFA.</p>	<p>Response</p> <p>The existing WLEP 1995 zones have been converted to the equivalent "best fit" zones in Draft WLEP 2013. The proposed B4 Mixed Use zone allows a mix of business and residential uses, which is appropriate in this location. We do not support amending the zone in this part of Oxford Street.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
<p>CID: 112 SNO 120 INO: 589</p> <p>Ms Persephone Rougellis</p> <p>Sydney Water</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Incorporate Sydney Water's preferred land use zones for infrastructure</p>	<p>Summary</p> <p>Based on review and consistent with the Zoning for Infrastructure in LEPs Practice Note, some infrastructure sites owned and operated by Sydney Water should adopt the adjacent land use. However, there are some circumstances where infrastructure requires the SP2 Infrastructure zone.</p> <p>Sydney Water's preferred land use zones for existing infrastructure are listed . Request Council incorporates preferred land use zones in LEP.</p>	<p>Response</p> <p>Submission identified a list of 37 assets e.g. sewage pumping station and stormwater channel.</p> <p>Submission identified Sydney Waters (SW) preferred land use zones for each piece.</p> <p>SW requests certain sites be rezoned to the zone on adjoining land. In some cases, SW requests the SP2 Infrastructure zone is applied.</p> <p>For 8 sites, Draft WLEP 2013 has reflected SW's requests in the following ways:</p> <ul style="list-style-type: none"> -Current zone 5 Special Use translated to SP2 Infrastructure zone - 6 sites -Current zone 2(b) residential zone translated to R3 Medium Density Residential zone 2 sites. <p>For 27 sites, Draft WLEP 2013 has not reflected SW's request. Amendments are not supported in those cases and the Draft WLEP 2013 translates the existing zone to the similar zone under the Standard Instrument.</p> <p>In summary:</p> <ul style="list-style-type: none"> -Current zone 5 Special Use is translated into SP2 Infrastructure zone to reflect the use of the site - 8 sites -Current zone 6 Open Space is translated into RE1 Public Recreation Zone - 7 sites -Current zone 2(a) Residential is translated into R2 Low Density Residential Zone - 6 sites - Current zone 2(b) Residential is translated into R3 Medium Density Residential Zone - 4 sites - Current zone Part 5 Special Use and part 6 Open Space is translated into Part S2 Infrastructure and part RE2 Private Recreation - 2 sites <p>2 sites are not applicable as they fall outside of the Woollahra LGA.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
<p>CID: 76 SNO 119 INO: 199</p> <p>The Scots College</p> <p>The Scots College</p> <p>Recommendation No Change Issue</p> <p>Rezone part of the school to SP2 Infrastructure (Educational Establishment): 5-7 Mansion Rd, Bellevue Hill</p>	<p>Summary</p> <p>The Early Education Centre/Kindergarten at 5-7 Mansion Rd is proposed to be zoned R2 Low Density Residential, in which EE are prohibited. Whilst the child care element is permissible in the zone, the EE element is not.</p> <p>It is inappropriate to zone a site on which an EE is being operated so as to prohibit that use. It also inhibits Scots College's ability to accommodate flexible arrangements to accommodate the changing requirements of its school campus.</p> <p>Recommended that a consistent zoning SP2 - Infrastructure (Educational Establishment) is applied across the site.</p>	<p>Response</p> <p>An educational establishment is not shown in the Land Use Table for zone R2 Low Density Residential as a use permitted without consent. However, SEPP (Infrastructure) 2007 allows an educational establishment to be carried out by any person with consent on land in the R2 zone. The Scots College is invited to submit further information and justification for a change in zone to SP2 Infrastructure (Educational Establishment).</p>
<p>CID: 95 SNO 102 INO: 190</p> <p>Andrew Coroneo</p> <p>AA Coroneo Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Rezone to reflect the retail use of the site: 227-231 Edgecliff Rd, Woollahra</p>	<p>Summary</p> <p>Site should be rezoned as a Neighbourhood Centre, as active retail shops have been established on the property since before World War 2.</p>	<p>Response</p> <p>We are aware that there are a number of individual commercial properties located around our conservation areas. This includes the property at 227-231 Edgecliff Road, Woollahra.</p> <p>However, we are not proposing to apply a Business Zone to individual properties.</p> <p>Individual commercial uses are permissible in our HCAs by virtue of clause 6.6 Non-residential uses in HCAs. The purpose of this clause is to allow a mix of non-residential uses in our HCAs, even though they are located in residential areas.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
<p>CID: 64 SNO 68 INO: 143</p> <p>Mr & Mrs Richard & Leilani Harvey</p> <p>Concerns regarding medium density housing in Bundarra Rd, Bellevue Hill</p> <p>Recommendation No Change</p> <p>Issue</p>	<p>Summary</p> <p>Concerns regarding the growing push to medium density housing in Bundarra Rd, Bellevue Hill.</p> <p>As one of the few suburbs only 5km from the CBD, Bellevue Hill has a unique heritage that has been challenged by the growing push for greater density housing.</p> <p>Currently, the area is zoned R2, and believe the zoning should retain as low density and that applications for medium density be declined.</p> <p>The area has historic homes built in the 1900s and heritage that would be damaged by medium density housing. Further development creep of medium density housing would compromise the current housing, foliage, environment and heritage. Increased housing density would increase traffic and parking.</p> <p>Effort should be made to look at solutions of increased housing in areas with newer development and appropriate heritage concerns.</p>	<p>Response</p> <p>As far as possible the existing WLEP 1995 zones have been converted to the equivalent 'best fit' zone in Draft WLEP 2013.</p> <p>Along Bundarra Road, the current 2(a) zone has been translated into the R2 Low Density Zone, and the current 2(b) zone has been translated into the R3 Medium Density Zone.</p>
<p>CID: 63 SNO 67 INO: 178</p> <p>Mr Will Mrongovius</p> <p>The Paddington Society</p> <p>Recommendation Change</p> <p>Issue</p> <p>Objection to zoning Scottish Hospital to R2 Residential: 2 Cooper St, Paddington</p>	<p>Summary</p> <p>Why has the zone of the Scottish Hospital changed from Special Uses to Residential R2? Site should be retained as zoned for aged care and hospital in accordance with the original gift to the land owner. It should not be zoned for residential.</p>	<p>Response</p> <p>The Scottish Hospital sites has development approval for a seniors living development including a 100 bed residential aged care facility and 79 independent units and support services and is currently being used for seniors housing. We recognise that the R2 residential zone is not consistent with the approved and current use of the land.</p> <p>Applying the SP2 Infrastructure zone, and identifying the permitted use of the land as seniors housing on the Land Use Map is more consistent with the current use and the approval.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
<p>CID: 43 SNO 46 INO: 112</p> <p>Ms Victoria Hofer</p> <p>Centre is not a local business neighbourhood.</p> <ul style="list-style-type: none"> - It is a main road, with 120 buses a day. - Is a bus terminal - Next to gap park and national parks (internationally renowned). - Frequentated mostly be tourists, and depends on tourists for its survival. <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone to SP3: Military Rd Centre, Watsons Bay</p>	<p>Summary</p>	<p>Response</p> <p>Military Road centre is zoned 3 (c) in WLEP 1995, and in Draft WLEP 2013 this has been translated into the B1 Neighbourhood Centre zone.</p> <p>The B1 Neighbourhood Centre is the most appropriate translation for our smaller neighbourhood centres as they contain small-scale convenience retail premises, business premises and community uses that serve the day -to-day needs of residents.</p> <p>This includes uses such as a pharmacy, bakery and convenience shop.</p> <p>The SP3 zone is not appropriate for a neighbourhood centre, as it only allows a very limited range of uses (car parking stations, dwelling houses, hotels and restaurants). Business and retail premises are not permissible in this zone.</p>
<p>CID: 42 SNO 44 INO: 108</p> <p>Ms Joan Bar</p> <p>Alarmed at Council's idea to declare 3-9 Military Road as totally residential so some buildings can go higher.</p> <p>3-5 Military Road has a restaurant occupying the full frontage and homeowners occupying the back of the building and upper floors.</p> <p>Recommendation Change</p> <p>Issue</p> <p>Alarmed at rezoning of 3-9 Military Rd, Watsons Bay</p>	<p>Summary</p>	<p>Response</p> <p>As far as possible the existing WLEP 1995 zones have been converted to the equivalent 'best fit' zone in Draft WLEP 2013. However, where necessary we have amended the zoning to more accurately reflect the current use.</p> <p>In this location we have identified a group of residential flat buildings in the low density zone, and have therefore rezoned the properties to the R3 Medium Density Residential zone. RFBs are a medium density land use, and the R3 Medium Density zone more appropriately reflects the use of the land. However, the commercial use is not permissible in the zone.</p> <p>To reflect the existing use of the site, we recommend inserting a provision into Schedule 1: Additional permitted land uses to allow on the site "Development for the purpose of a restaurant or café".</p> <p>Inserting this provision into Schedule 1 results in the site no longer being the subject to the existing use right provisions in the Environmental Planning and Assessment Act (1979).</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
CID: 41 SNO 43 INO: 107	Summary	Response
Mr Shane Kempnich	FRNSW owns the Woollahra fire station at 2 Forth, Woollahra. It is their intention to continue to operate this station.	Draft WLEP 2013 has maintained the SP2 Infrastructure zone for the property at 2 Forth St, Woollahra to reflect the use of the land.
Fire & Rescue NSW	Having regard to the LEP Practice note 08/22, it is neither desirable nor practical to maintain a 'Special Purpose' zone.	We note that Department of Planning & Environment advise that the SP2 Infrastructure zone should not be applied to community infrastructure. However, Council is concerned with this approach. Land use zones should reflect the desired future use of the land, particularly where the land is used for an essential community purpose.
Recommendation No Change	A zone should be applied which not only reflects its use, but which reflects the surrounding area and the future planning objectives of the Council.	
Issue		
Inconsistency in the application of SP2 Zone: Woollahra Fire Station, 2 Forth Street	It is noted that there appears to be an inconsistency in the application of the SP2 zone in relation to 'emergency service' facilities within the area, which should be clarified.	With regards to the zoning of Paddington Police Station at 16 Jersey Road, this is currently zoned 2(a) residential in WLEP 1995 and this was translated into R2 Low Density Residential in Draft WLEP 2013.
	NOTE: In follow up discussions with Shane Kempnich the inconsistency is referring to the fact that Paddington Police Station (16 Jersey Road) is zoned as R2, whilst the Fire Station at Woollahra is zoned as SP2 Emergency Services.	

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Inappropriate Zone
<p>CID: 19 SNO 19 INO: 37</p> <p>Ms Mary Ann Buhagiar</p> <p>Listed properties are described as Residential 2(a) low density housing whereas in actual fact they are medium to high density or commercial. Please reclassify each of these parcels of land to reflect the nature of their use.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone land to R3 to reflect existing use: 135, 137, 158, 160-162 Queen St; 1-9 Weldon La</p>	<p>Summary</p> <p>Listed properties are described as Residential 2(a) low density housing whereas in actual fact they are medium to high density or commercial. Please reclassify each of these parcels of land to reflect the nature of their use.</p>	<p>Response</p> <p>In preparing Draft WLEP 2013 we identified areas where the current zone is not an appropriate match for the existing use of the site. This includes properties which contain groups of 3 or more residential flat buildings.</p> <p>In these areas, we have amended the zoning to more accurately reflect the current use.</p> <p>The suggested properties do not meet this criterion.</p> <p>We are aware that there are a number of individual commercial properties located within our heritage conservation areas. This includes a number of properties along Queen St, including those properties identified (158 and 160-162). However, we are not proposing to expand the existing Business Centre along Queen Street.</p> <p>These individual commercial uses are permissible by virtue of clause 6.6 Non-residential uses in HCAs. The purpose of this clause is to allow a mix of non-residential uses in our HCAs, even though they are located in residential areas.</p>
<p>CID: 2 SNO 2 INO: 9</p> <p>Mr & Mrs Michael & Hylda Rolfe</p> <p>Sydney Harbour Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Re-examine the R2 zone to Kutti Beach</p>	<p>Summary</p> <p>The application of the R2 zone to the main section of Kutti Beach and using the FBL to protect the beach from development are unwieldy and strange ways of protecting the foreshore area.</p> <p>Noting that the approach reflects Departmental advice, and certainly supporting the proposed FBL, we would still very much like to see the R2 zoning proposal re-examined with a view to better ensuring public access to and along the foreshore and more reliable care for the marine environment, perhaps by an environmental conservation zoning.</p>	<p>Response</p> <p>The Department of Planning & Environment does not support part zoning parcels. Accordingly, the adjoining R2 zone has been applied to those properties which adjoin the beach.</p> <p>Whilst the concerns are noted, there is an LGA precedent that the FBL has been used successfully to restrict development adjacent to the foreshore.</p> <p>Zone E2 Environmental Conservation is not appropriate in this location, as the land has not been identified as having high ecological, scientific, cultural or aesthetic value.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Map Issue
<p>CID: 132 SNO 141 INO: 413</p> <p>Ms Susan Harrison</p> <p>Office of Environment & Heritage</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Ensure that all National Parks land is zoned E1 National Parks and Nature Reserves</p>	<p>Summary</p> <p>Council should ensure that all land in the LGA that is currently reserved or earmarked for future reservation under the National Parks and Wildlife Act 1974 is zoned E1 National Parks and Nature Reserves. Council can download the GIS layer from http://mapdata.environment.nsw.gov.au</p>	<p>Response</p> <p>We are satisfied that our E1 zone data is correct in Draft WLEP 2013.</p>
<p>CID: 75 SNO 80 INO: 151</p> <p>Mr Ben Pechey</p> <p>City of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Zoning inconsistency along Oxford Street boundary from Barcom Ave to Queen St, Paddington</p>	<p>Summary</p> <p>The City's review of the Draft LEP has identified an inconsistency in the zoning of roads along the local government boundary between Woollahra and the City.</p> <p>Draft LEP zones Oxford Street, from Barcom Avenue to Queen Street, B4 Mixed Use. Sydney LEP 2012 zones that section of Oxford Street as SP2 Classified Road. It is the City's understanding that this section of Oxford Street is a classified road.</p>	<p>Response</p> <p>According to the LEP Practice Note 10-001 issued by the NSW Department of Planning and Infrastructure on 14 December 2010: Roads should be zoned as outlined below.</p> <p>* Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. This provides a planning framework for considering potential development over or below roads and on footpaths.</p> <p>In complying with this practice note, we have zoned all of our classified roads which run through a major retail centre, the same zone as the adjoining business zoned land. This includes this part of Oxford Street which is zoned B4 Mixed Use.</p>

Part		Category	Sub Category
Part 2 - Permitted or Prohibited		CI 2.2 Zoning of Land	Map Issue
CID: 72	SNO 77	INO: 214	Summary
Mr Michael Wright		Acknowledge that Council intends to zone reclamations under Draft WLEP 2013. Whilst no objection to this is raised, ask that Council be consistent when zoning reclamations as Draft WLEP 2013 shows some reclamations remaining unzoned. RMS recommends that the zoning of the reclamations be consistent with zoning of the adjoining land.	
NSW Maritime			
Recommendation No Change			
Issue			
Support for zoning land reclamations, but zoning should be consistent			
CID: 72	SNO 77	INO: 213	Summary
Mr Michael Wright		-Number of examples identified where land zoned under SREP is proposed to be zoned under Draft WLEP 2013. Recommended that the proposed zoning map is reviewed to ensure that all instances of double zoning are rectified to ensure clarity. Note that the provisions of SREP prevail in the event of an inconsistency.	
NSW Maritime			
Recommendation No Change		-Proposed zoning map appears to include a number of boundary inconsistencies. These boundaries should be reviewed as some land remains unzoned and other land being zoned under multiple instruments.	
Issue			
Boundary inconsistencies and double zoning of foreshore land			
		Response	
		We are satisfied that in preparing Draft WLEP 2013 we have been consistent in applying the zone of the adjoining land to reclaimed land.	
		Response	
		We do not agree with this statement. We are satisfied that in preparing Draft WLEP 2013 we have been consistent in applying the SH notation to land that is covered by the SREPP but also falls within the LGA boundary.	

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Roads should not take on adjoining zone
<p>CID: 129 SNO 138 INO: 379 Summary</p> <p>Charlotte Feldman Zoning roads and public easements will throw into confusion infrastructure versus residential uses.</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not zone roads and public easements</p>		<p>Response</p> <p>To comply with the Standard Instrument and Practice Note PN 10-001, issued by the NSW Department of Planning and Infrastructure on 14 December 2010, all land must be zoned in Draft WLEP 2013, including roads. Wherever possible, the zone applied should be the same as that applied to the adjoining land.</p> <p>This does not change the existing ownership pattern, or make them more likely to be purchased by adjoining residential properties.</p> <p>The Standard Instrument also mandates that</p> <ul style="list-style-type: none"> -SP2 Infrastructure zone should be applied to classified roads -Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. <p>In preparing Draft WLEP 2013 we complied with this Standard Instrument requirement.</p>
<p>CID: 110 SNO 117 INO: 337 Summary</p> <p>Councillor Nicola Grieve Currently all roads are classified as 'infrastructure'. No justification, or rational given for rezoning to the adjoining land use. Rezoning roads residential is misleading, as it implies residential development may be carried out on the land.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Roads should retain Infrastructure zone</p> <p>All roads should retain their land use classification and zoning as infrastructure.</p>		<p>Response</p> <p>To comply with the Standard Instrument and Practice Note PN 10-001, issued by the NSW Department of Planning and Infrastructure on 14 December 2010, all land must be zoned in Draft WLEP 2013, including roads. Wherever possible, the zone applied should be the same as that applied to the adjoining land.</p> <p>This does not change the existing ownership pattern, or make them more likely to be purchased by adjoining residential properties.</p> <p>The Standard Instrument also mandates that</p> <ul style="list-style-type: none"> -SP2 Infrastructure zone should be applied to classified roads -Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. <p>In preparing Draft WLEP 2013 we complied with this Standard Instrument requirement.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Roads should not take on adjoining zone
<p>CID: 102 SNO 109 INO: 436 Summary</p> <p>Councillor Matthew Robertson</p> <p>Retain existing Infrastructure zone for roads, laneways and public easements; application of residential zonings is inappropriate and misleading about the ways in which this land may be developed.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Retain Infrastructure zone for roads</p>		<p>Response</p> <p>To comply with the Standard Instrument and Practice Note PN 10-001, issued by the NSW Department of Planning and Infrastructure on 14 December 2010, all land must be zoned in Draft WLEP 2013, including roads. Wherever possible, the zone applied should be the same as that applied to the adjoining land.</p> <p>This does not change the existing ownership pattern, or make them more likely to be purchased by adjoining residential properties.</p> <p>The Standard Instrument also mandates that</p> <ul style="list-style-type: none"> -SP2 Infrastructure zone should be applied to classified roads -Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. <p>In preparing Draft WLEP 2013 we complied with this Standard Instrument requirement.</p>
<p>CID: 96 SNO 103 INO: 286 Summary</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Laneways should not take on the adjoining land zone</p>		<p>Response</p> <p>To comply with the Standard Instrument and Practice Note PN 10-001, issued by the NSW Department of Planning and Infrastructure on 14 December 2010, all land must be zoned in Draft WLEP 2013, including roads. Wherever possible, the zone applied should be the same as that applied to the adjoining land.</p> <p>This does not change the existing ownership pattern, or make them more likely to be purchased by adjoining residential properties.</p> <p>The Standard Instrument also mandates that</p> <ul style="list-style-type: none"> -SP2 Infrastructure zone should be applied to classified roads -Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. <p>In preparing Draft WLEP 2013 we complied with this Standard Instrument requirement.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Roads should not take on adjoining zone
<p>CID: 96 SNO 103 INO: 285</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Roads should retain Infrastructure zone</p>	<p>Summary</p> <p>In WLEP 1995 roads are classified as infrastructure. No justification has been giving for rezoning roads to the adjoining land use zone under DWLEP 2013. This creates uncertainty around land usage. No inference should be given that roads are open to residential development.</p> <p>All roads should retain their land use classification and zoning as "infrastructure".</p>	<p>Response</p> <p>To comply with the Standard Instrument and Practice Note PN 10-001, issued by the NSW Department of Planning and Infrastructure on 14 December 2010, all land must be zoned in Draft WLEP 2013, including roads. Wherever possible, the zone applied should be the same as that applied to the adjoining land.</p> <p>This does not change the existing ownership pattern, or make them more likely to be purchased by adjoining residential properties.</p> <p>The Standard Instrument also mandates that</p> <ul style="list-style-type: none"> -SP2 Infrastructure zone should be applied to classified roads -Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. <p>In preparing Draft WLEP 2013 we complied with this Standard Instrument requirement.</p>
<p>CID: 63 SNO 67 INO: 177</p> <p>Mr Will Mrongovius</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>No justification for zoning roads, laneways, night soil lanes and public easements</p>	<p>Summary</p> <p>Roads, laneways, night soil lanes and public easements have been zoned, no justification has been given. This needs to be clarified to ensure that the public domain does not become open to development, in particular laneways which form an important part of the fabric of Paddington. The existing "infrastructure" zone for roads, laneways and public easements should be retained.</p>	<p>Response</p> <p>To comply with the Standard Instrument and Practice Note PN 10-001, issued by the NSW Department of Planning and Infrastructure on 14 December 2010, all land must be zoned in Draft WLEP 2013, including roads. Wherever possible, the zone applied should be the same as that applied to the adjoining land.</p> <p>This does not change the existing ownership pattern, or make them more likely to be purchased by adjoining residential properties.</p> <p>The Standard Instrument also mandates that</p> <ul style="list-style-type: none"> -SP2 Infrastructure zone should be applied to classified roads -Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. <p>In preparing Draft WLEP 2013 we complied with this Standard Instrument requirement.</p>

Part		Category	Sub Category
Part 2 - Permitted or Prohibited		CI 2.2 Zoning of Land	Roads should not take on adjoining zone
CID: 59	SNO 63	INO: 173	Summary
Ms Rosie White		Laneways, night soil lanes and public easements are wonderful and extensively used by pedestrians. Unless they are dead ends, they should be protected as rights of way.	Response To comply with the Standard Instrument, all land, including roads and laneways must be zoned. Wherever possible, the zone applied should be the same as that applied to the adjoining land.
Recommendation No Change		To rezone them as "residential" will open up the opportunity for their inclusion into private property which would be a huge loss to the walking members of our community.	This does not change the existing ownership pattern, or make them more likely to be purchased by adjoining residential properties.
Issue			
Do not zone laneways, night soil lanes or public easements			

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Support proposed Zone
<p>CID: 140 SNO 148 INO: 369 Summary</p> <p>Property Development Workshops Pty Ltd</p> <p>Property Development Workshops Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support the B4 zone: 2-14 and 20 New South Head Rd, Edgecliff</p>	<p>Summary</p> <p>Support Council's initiative to rezone Nos 2-14 and 20 New South Head Rd from 3(c) Business Neighbourhood to B4 Mixed Use.</p>	<p>Response</p> <p>Support for the zoning of this land is noted.</p>
<p>CID: 101 SNO 108 INO: 279 Summary</p> <p>Mr & Mrs George and Athena Bouhoutosos</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for the proposed R3 zone: 1A Benelong Cres, Bellevue Hill</p>	<p>Summary</p> <p>The area comprises predominantly multi storey RFBs. Site contains one of the few remaining single dwelling houses (and cannot be amalgamated). The proposed zone will provide opportunities for an increase in residential accommodation and built form in context with surrounding development.</p>	<p>Response</p> <p>Support for the zoning of this land is noted.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Support proposed Zone
CID: 53 SNO 56 INO: 133	Summary	Response
Dr Henry Briggs	Object to submission by GSA Planning on behalf of owners of 131 Victoria Rd, Bellevue Hill. Knows the health downsides to medium density living including: traffic congestion, noise, parking, loss of amenity, stress on council services, overcrowding on parks, destruction of local shopping centre due to lack of parking, degradation of amenity of adjoining neighbours.	The zone applying to this area is 2(a) Residential in WLEP 1995 which is being translated into R2 Low Density Residential zone in Draft WLEP 2013. There is no proposal to amend the zoning of this area.
Recommendation No Change Issue		Opposition to the submission from GSA is noted.
Objection to GSA Planning submission to rezone 131 Victoria Rd, Bellevue Hill	GSA submission makes false assumptions purely to enable resident of 131 Victoria Rd to obtain a better price for the land, which has already been divided into two smaller lots below the 675m size for the area.	
CID: 47 SNO 50 INO: 120	Summary	Response
Embassy 535 Pty Ltd	Proposed R3 zoning would provide opportunities for an increase in residential accommodation and a built form that is in context with surrounding development.	Support for the zoning of this land is noted.
Embassy 535 Pty Ltd		
Recommendation No Change Issue		
Support rezoning to R3 zone: 535-537 New South Head Rd, Double Bay	Proposed planning controls will create a more economic use of the land. A redevelopment with higher densities will provide additional residential accommodation as well as greater opportunities to work closer to home. This will have far reaching social, economic, community and environmental benefits - satisfying the objectives of the EP&A Act. The rezoning is consistent with local and state planning strategies, such as the Draft East Subregional strategy, which states that residential densities should be increased within the walking radius of smaller centres and the subject site is 0.65km from the Double Bay Centre and 1.2km from the Edgecliff Rail/Bus interchange.	

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 74 SNO 79 INO: 209</p> <p>Dr Gad Kainer</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezoned from R3 to B2: 4, 6 and 8 Patterson St, Double Bay</p>	<p>Summary</p> <p>Rezoned property from R3 (Medium Density Residential) to B2 (Local Centre). Site adjoins the new Kiaora Lands development and the car park entry/exit.</p> <p>Although 4/6 and 8 Patterson St are currently zoned residential, number 6 and 8 are used as medical practices and are for sale. None of the three houses are used as residential living accommodation.</p> <p>Applicant would like to set up an indoor recreation facility to provide fitness and sporting classes at 4 Patterson Street because:</p> <ul style="list-style-type: none"> -patrons would patronise local services -impacts on traffic flows would be negligible -there is a lack of such facilities in the area -ease of access by public transport -the facility would be fully enclosed so wouldn't impact on neighbouring residences -the new building would be within the current height -top floor windows would not overlook buildings to the south. 	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing zones from WLEP 1995, and will apply the R3 Medium Density Residential zone to this site.</p> <p>We do not support the rezoning of 4 Patterson Street to zone B2 Local Centre.</p> <p>There are no studies or justification for the further expansion of the Double Bay centre.</p>
<p>CID: 7 SNO 7 INO: 46</p> <p>AMB Capital Partners Royal Hotels Group & Tarrega Pty</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezoned residential part of the site to B2 zone: 28, 30 & 38 Bay St, 2 Guilfoyle Ave, 3 South Ave, Double Bay</p>	<p>Summary</p> <p>Rezoned the part of the site zoned R2 Low Density Residential, so that the whole site is zoned B2 Local Centre.</p> <p>For a mixed retail/residential development.</p> <p>This would result in a more suitable redevelopment site, and an opportunity to provide appropriate interface to the adjoining residential development.</p> <p>Site provides a unique opportunity to address its corner location and compliment the scale of the Cosmopolitan.</p> <p>Provide a focal point on Bay St, and mark the arrival at the Double Bay Town Centre.</p> <p>Consider the entire site as an opportunity site.</p>	<p>Response</p> <p>Applying the B2 zone to 3 South Avenue Double Bay is not supported, as the proposed zone does not reflect the residential character of South Avenue.</p> <p>The site could form part of a broader review of options for the Centre. Should this occur, further information should be provided including justification for the expansion of the B2 zone.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 27 SNO 28 INO: 57</p> <p>Professor Noel G. Dan</p> <p>Recommendation No Change Issue</p> <p>Increase zone to R3 zone: Area enclosed by Caledonian Rd, New South Head Rd and Fernleigh Ave, Rose Bay</p>	<p>Summary</p> <p>Zoning should be changed to R3 as existing use is consistent with R3. The northern side is bounded by a 7 storey building and the subject block includes two 3 storey blocks of flats, one 4 storey, one 2.5 storey and one 5 storey flat building.</p> <p>Zone R3 would confirm with existing usage and would have the benefit of being an opportunity site for the increased residential capacity which was proposed by the State Government.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for medium density residential zoning and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced. The submission will be taken into consideration at that time.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 31 SNO 32 INO: 66</p> <p>Sisters of Mercy</p> <p>Sisters of Mercy</p> <p>Recommendation Change Issue</p> <p>Rezone to R3 to reflect the existing use: 82 Edgecliff Rd, Woollahra</p>	<p>Summary</p> <p>Land is appropriate for the R3 zone. It is used for residential purposes and has been since the original construction of the dwelling. Since at least 1988 the land has been used for residential purposes by the Sisters of Mercy for accommodating Sisters of the Order.</p> <p>A wide range of community purposes can be carried out with consent in the R3 zone.</p> <p>The R3 zone is the predominant adjoining zone, and reflects the use of the land while providing enhanced flexibility for future potential uses of the land.</p> <p>The land is within the Conservation Area - General.</p> <p>Incorporating the land in the residential zone would facilitate the retention of the dwelling which make a contribution to the local streetscape.</p> <p>The land is abutted by a heritage item (479), and is close to item 480. The change of zone would not have any influence on this heritage item.</p> <p>Given the current use of the land together with the minimal implications of the requested changes, the matter would not be of such significance as to require re-exhibition. The proposal is a minor boundary change to the SP2 zoning which is a consequence of negotiations with the department regarding the continuation of some of the former special use zones.</p>	<p>Response</p> <p>The site is zoned SP2 Educational Establishment in Draft WLEP 2013.</p> <p>Given that the site is not used or owned by an educational establishment, and is used for residential accommodation, applying the adjoining R3 Medium Density Residential Zone is appropriate to reflect the current and historic use of the land.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 33 SNO 34 INO: 76</p> <p>Mr Anthony Sahade</p> <p>Crystal Carwash Café Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Objection to RE2 zoning and suggests B4 zone: 71-83 New South Head Rd, Edgecliff</p>	<p>Summary</p> <p>Requested that the land is incorporated in the B4 zone that applies to the surrounding area. In support of this request:</p> <ul style="list-style-type: none"> - Draft LEP perpetuates a zoning anomaly. - Land has no attributes that warrant RE2 zone nor any real capacity to sustain any of the permitted uses. - Normal planning practice is to incorporate isolated pockets of land in the surrounding predominant zoning. - Existing use is appropriate in the B4 zone. - Unreasonable to sterilise the land in an anomalous RE2 zone pending its possible future rezoning as an opportunity site. A B4 zone allows the land to be reasonably dealt with, or apply as a reasonable base zoning in the event that suggested future change does not occur. 	<p>Response</p> <p>A review of the zoning of this site to reflect its use and its integration with the B4 Mixed Use zone is supported.</p> <p>However, such a review is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>We recommend the review be undertaken after the new LEP commences. Any change which might arise from the review will require public consultation.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 40 SNO 41 INO: 93</p> <p>Ms Jennie Askin</p> <p>aSquare Planning</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone from R2 to R3: 86 Old South Head Rd, Rose Bay</p>	<p>Summary</p> <p>Request rezone the property to R3 zoning to achieve the housing targets as set out by the NSW Government.</p> <p>There is a single dwelling on the site. Adjoining development on the western side of Old South Head Rd is single dwelling houses. Some existing RFBs exist in the locality to the rear on Billong Ave and Girilang Ave.</p> <p>The R3 zone is proposed to the north of the site with some B1 zone interspersed.</p> <p>On the eastern side of Old South Head Rd, the predominant form of development is RFBs and some single dwellings. On the opposite side of Old South Head the land is zoned R3 and has a height of 12.5m, and FSR of 0.9:1.</p> <p>Justification for zoning to R3 is:</p> <ul style="list-style-type: none"> -This section of Old South Head Rd has the potential to develop 10 allotments, and could provide 30 dwellings in lieu of the existing 14 dwellings. -Development for multi dwelling housing would not alter a particular character and redevelopment would allow for a consistent character to emerge. -Old South Head Rd is suitable to accommodate additional traffic volumes. -The locality is well served by public transport, other services and shops are available within the immediate locality at Vacluse & Rose Bay. -Retaining the 9.5m height limit, new multi dwelling housing would continue to protect the views of adjoining properties to the rear. -To the rear is the R2 zone. The provision of multi dwelling housing would not affect the amenity of the low-density area and existing development due to the change in level. -Proposed R3 zoning would be commensurate with the R3 zoning on the opposite side of the Road in Waverley (with a height of 12m, and FSR of 0.9:1). 	<p>Response</p> <p>86 Old South Head Rd Vacluse is located in a low density residential precinct.</p> <p>There are no strong or overriding planning reasons to apply the R3 Medium Density Zone to this site.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
CID: 40 SNO 42 INO: 100	Summary	Response
<p>Ms Jennie Askin</p> <p>aSquare Planning</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezoned to R3: 605 New South Head Rd (and adjoining properties), Rose Bay</p>	<p>Request rezone the property to R3 zone to achieve housing targets as set out by the NSW Government. There is a single dwelling on the site, but properties around vary from large-scale two storey dwellings and RFBs. The R3 zone is proposed to the east and west of the site.</p> <p>Whole block (605 New South Head Road and adjoining properties) addressing New South Head Road between Cranbrook Rd & Beresford Rd should be rezoned. As:</p> <ul style="list-style-type: none"> -The development of these sites for multi dwelling housing would add to the emerging character. -New South Head Rd is suitable to accommodate additional traffic volumes. -Site is well serviced by public transport, and a full range of local services are within walking distance. -Due to the topography new multi dwelling housing would protect the view of adjoining properties to the rear. -Rezoning would not affect the amenity of the adjoining low density area. <p>Request reconsideration of the zoning of the property to allow for a R3 zone, as opposed to the proposed R2 zoning. As spot rezoning is not considered good planning practice, this proposal suggests the rezoning of the several properties located between Cranbrook Road and Beresford Road. The southern side of New South Head Road consists of dwellings and multi dwelling housing with multi dwelling housing being the predominant form of development.</p>	<p>It is not appropriate to rezone this one site.</p> <p>In 2010 during the 'opportunity site process', an area immediately adjoining this site was identified as having the potential for medium density residential zoning and was being investigated. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra. In July 2011 Council resolved to defer consideration of the opportunity sites.</p> <p>These sites will be further investigated once the new LEP has commenced. This investigation may include expanding the boundary of the opportunity site to incorporate this property.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 44 SNO 45 INO: 110</p> <p>Mr Mark Duff</p> <p>Recommendation No Change Issue</p> <p>Opportunity Site 19 should be reconsidered for R3 Medium Residential Zone: 38-178 Oxford St, Woollahra</p>	<p>Summary</p> <p>Site should be reconsidered for rezoning to medium density residential use for the following reasons.</p> <ul style="list-style-type: none"> - Site contains a number of derelict terraces of no architectural merit needing extensive renovations or possible demolition. Likely the derelict terraces would be developed if the site was rezoned. -Op Site proposed buildings up to 4 storeys or 14.7 metres as there was no threat of overshadowing adjoining properties due to the orientation of the buildings. New development could provide appealing edifice to the area and needed medium density residential dwellings. -Site is opposite Centennial Park so new development could make better use of under-utilised green space i.e. backyards. -Development could use better building technologies to alleviate noise and pollution problems. -Oxford Street is a major public transport route and development could promote higher density no-car housing for the municipality. 	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for medium density residential zoning and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced. The submission will be taken into consideration at that time.</p>
<p>CID: 43 SNO 46 INO: 111</p> <p>Ms Victoria Hofer</p> <p>Recommendation No Change Issue</p> <p>Amend zone of property to B1 Neighbourhood Centre: 11 Military Rd, Watsons Bay</p>	<p>Summary</p> <p>The preferred zone for this site is commercial (B1 Neighbourhood centre).</p> <p>Summary of justification :</p> <ul style="list-style-type: none"> - Site was previously zoned commercial (according to correspondence from Land and Property Information - Site adjoins commercial uses and RFBs, and is part of the commercial precinct - Is the only dwelling in the street - Changing the adjoining zones segments the commercial precinct - Low density zone for this site is a mistake (abnormality), and it should be rezoned to commercial to match the adjoining buildings at 15-17 Military Road. - It forms part of the commercial precinct in Council documents. 	<p>Response</p> <p>Site contains a single dwelling, and the R2 Low Density Residential Zone is appropriate to reflect the use. There are no strong or overriding planning reasons to apply the B1 Neighbourhood Centre Zone to this site.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 49 SNO 52 INO: 127</p> <p>Mrs Adrienne Dan</p> <p>Review the area adjacent to Fernleigh Lane (and extending south). There are only 3 houses, and to the north and south are unit blocks, including White Ripples (7 storeys). Site is on a main road with bus routes, and very close to the shops.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Review zone adjacent to Fernleigh Lane, Rose Bay</p>	<p>Summary</p> <p>Review the area adjacent to Fernleigh Lane (and extending south). There are only 3 houses, and to the north and south are unit blocks, including White Ripples (7 storeys). Site is on a main road with bus routes, and very close to the shops.</p>	<p>Response</p> <p>In 2010 during the ‘opportunity site process’, this site was identified as having the potential for medium density residential zoning and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government’s housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced. The submission will be taken into consideration at that time.</p>
<p>CID: 51 SNO 54 INO: 129</p> <p>Mr & Mrs Chris and Sally Cuthbert</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Review zoning at Caledonia Rd and New South Head Rd, Rose Bay</p>	<p>Summary</p> <p>Opportunity site at 1-9 Caledonia Rd and 740-770 New South Head Rd, zoning should be R3 (and not R2 as currently proposed).</p> <ul style="list-style-type: none"> -Site consists of 3 houses, and 11 unit blocks (7 and 5 storeys), and consists of mostly R3 zoned buildings -Site is on a main road -Public laneway providing access to the beach -Gradient provides all buildings with access to harbour views -Block runs West to East allowing natural light and views -Plenty of off and on street parking -Bus and ferry routes available -Adjacent to Rose Bay shopping centre -Close to recreational facilities -Close to public and private schools 	<p>Response</p> <p>In 2010 during the ‘opportunity site process’, this site was identified as having the potential to for medium density residential zoning and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government’s housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced. The submission will be taken into consideration at that time.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 57 SNO 60 INO: 136</p> <p>Mandalay Capital Corporation Pty Ltd</p> <p>Mandalay Capital Corporation Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone to B4 Mixed Use: 64-66 Moncur St, Woollahra</p>	<p>Summary</p> <p>Number 64 contains a 2 storey retail/commercial building which has been lawfully used for commercial activities for a number of years. Number 66 contains a two-storey residential terrace which has been used for home businesses and the owner supports and requests the building to be re-zoned to neighbourhood business (local centre).</p> <p>By rezoning 64,66 and 68 Moncur St as B4 Mixed use, it represents a logical and sound reasoning as a boundary line for the extension of the business and commercial zone along this section of Moncur Street.</p> <p>Rezoning to B4 Mixed use removes the existing complexity and represents sound planning from both landlord and a community perspective. At present, there is a great deal of uncertainty on land uses that are permitted (which has caused financial hardship).</p> <p>A residential zoning over this land and the adjoining property does not correspond with the land uses that are operating or permitted to operate from these premises.</p>	<p>Response</p> <p>We are aware that there are a number of individual commercial properties located around our conservation areas. This includes the properties at 64-66 Moncur St, Woollahra.</p> <p>However, we are not proposing to apply a Business Zone to each of these individual properties.</p> <p>We note that individual commercial uses are permissible by virtue of clause 6.6 Non-residential uses in HCAs. The purpose of this clause is to protect and retain a mix of non-residential uses in our HCAs, even though they are located in residential areas.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
CID: 58 SNO 61 INO: 137 JK Newton & Co Pty Ltd JK Newton & Co Pty Ltd Recommendation No Change Issue Rezone to B4 Mixed Use: 68 Moncur St, Woollahra	<p>Summary</p> <p>Site contains a 3 storey retail/commercial building which was built in 1947 for accommodating an electrical equipment manufacturer. For the last decade the site has operated as a delicatessen/café known as "Joan the Grocer" (which has relocated to Westfield). The first and second storeys are used for commercial office purposes (including a real estate office).</p> <p>Rezoning to B4 Mixed use removes the existing complexity and represents sound planning from both landlord and a community perspective. At present, there is a great deal of uncertainty on land uses that are permitted (which has caused financial hardship).</p> <p>A residential zoning over this land and the adjoining property does not correspond with the land uses that are operating or permitted to operate from these premises.</p>	<p>Response</p> <p>A rezoning from a residential to business zone is not supported.</p> <p>The site adjoins residential land uses along Rush Street, and is not part of a continuous extension of business zoned land in Moncur Street. We do not support expanding the existing business zone into a predominantly residential area, due to the potential negative impacts of a greater range of commercial uses on the amenity of the existing residential uses. Such commercial uses could include pubs, small bars and restaurants or cafes.</p> <p>Notwithstanding, a rezoning is not necessary for the use of the land for non-residential purposes. Draft LEP, clause 6.6 (Non- residential uses in heritage conservation areas) allows a limited range of non-residential uses to occur on sites that contain a non-residential building. This building must have consent for a non-residential use (whether or not that use was discontinued) or was originally constructed with a non-residential use.</p> <p>The purpose of this clause is to protect and retain a limited mix of non-residential uses in our HCAs, provided that the use will not unreasonably affect adjoining properties.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 67 SNO 71 INO: 145</p> <p>Mrs Irene Notaras</p> <p>Recommendation No Change Issue</p> <p>Rezone from R3 Zone to B4 Mixed Use Zone: 70, 74, 76, 78 & 80 Oxford St, Woollahra</p>	<p>Summary</p> <p>Zone R3 Medium Density Residential is inappropriate for the site. The existing land uses comprise a mixture of commercial activities and residential accommodation. Site is in one ownership and can be redeveloped comprising ground floor retail/commercial and shop top housing above. B4 mixed use has merit from a planning and streetscape perspective. Site has strategically located due to: location to public transport, open space, major sporting grounds and close proximity to the CBD and Bondi.</p> <p>B4 mixed use zone would permit a range of retail, residential, business and entertainment and community uses. Zoning would achieve employment</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for medium density residential zoning and was being investigated. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra. In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced. The submission will be taken into consideration at that time.</p>
<p>CID: 6 SNO 6 INO: 43</p> <p>Mr & Mrs John & Karen Trudgian</p> <p>Recommendation No Change Issue</p> <p>Rezone to R3 zone: 131A Victoria Rd, Bellevue Hill</p>	<p>Summary</p> <p>Rezone the site from R2 to R3 Medium Density Residential to permit multi-unit housing development, which would be in context with the character. This is consistent with the Metropolitan Strategy and the Draft East Subregional Strategy. Additional residential accommodation would be provided close to public transport. This will support the Bellevue Hill Village and strengthen the housing sector in the locality.</p> <p>It would make planning sense to rezone the entire block between Victoria Road and Bundarra Road to R3 to provide a transition from the adjoining medium density development .</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing zones from WLEP 1995.</p> <p>131A Victoria Road Bellevue Hill is a dwelling house, and the predominant built form of the surrounding properties are dwelling houses. The R2 Low Density Zone is appropriate in this location.</p> <p>It is not appropriate to apply the R3 zone, or increase the maximum permitted height and FSR.</p> <p>There are no strong or overriding planning reasons to apply the R3 Medium Density Zone to this precinct.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 135 SNO 144 INO: 419</p> <p>Mr & Mrs Tony & Tanya Lee</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone from R2 to R3: 351-355 Glenmore Rd, Paddington</p>	<p>Summary</p> <p>Rezoning the site to R3 will allow for a choice of housing types.</p> <p>Justification:</p> <ul style="list-style-type: none"> - the site is large relative to the adjoining much smaller allotments. - it adjoins a 3 storey commercial building and is opposite the "back of house" buildings associated with Weigall sportsgrounds. - the topography falls steeply to Glenmore Road, with adjoining properties to the west being much higher, looking down onto and overshadowing the site. - the site is an isolated low density allotment within the streetscape. The R3 zone is a more appropriate interface zone between historical residential areas and the existing commercial building to the east. <p>This results in compromised residential amenity for a single dwelling house, and lends itself to the possibility of a more appropriate built form with a higher density residential end use.</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing zones from WLEP 1995. 351-355 Glenmore Road Paddington is a single dwelling house in a low density residential precinct.</p> <p>The R2 Low Density zone is appropriate in this location to reflect the current use of the site, and is consistent with the character of the adjoining properties to the west.</p> <p>The topography and the location of the site (adjacent to a medium density development and a sports facility) is not planning justification to change the zone for the site.</p> <p>There are no strong or overriding planning reasons to apply the R3 Medium Density Zone to this site.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 180 SNO 264 INO: 591</p> <p>Mr Bill Franks</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support rezoning elsewhere: NSH Rd, Laguna Street, OSH Road and Billong Avenue</p>	<p>Summary</p> <p>Site bound by New South Head Rd, Laguna Av, Old South Head Rd & Billong St is a more beneficial site because:</p> <ul style="list-style-type: none"> - No views will be blocked & new views will be created to the east - Proposal will not contravene Council's Plan of Management for Johnston's lookout - Little detrimental impact on Vacluse Village - Safety of pedestrians and traffic issues can be managed - Will boost property values - Good public transport accessible and sits between 2 main arterial roads - Surrounding development is similar in character, including in Waverley (4 storeys high) - No overshadowing and quality solar access - Opportunity for retirement housing on a flat site with neighbourhood business facilities and perhaps lower vehicular ownership - Greater chance to provide many more dwellings with less traffic - No heritage issues and will maintain views from Johnston's Lookout - Objectives of the Harbour Foreshore Scenic Protection policy are achieved. Views from the harbour to the ridgelines will be maintained - Location gives more meaning to Neighbourhood Business Centre - Public views will be maintained. - Site can boast 50 smaller dwellings - Potential is significant without the problems with an FSR around 1.3:1-1.5:1. 	<p>Response</p> <p>A review of the zoning of this area is supported. However, such a review is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>We recommend the review be undertaken after the new LEP commences. Any change which might arise from the review will require public consultation.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 122 SNO 210 INO: 528</p> <p>Mr Peter Binetter</p> <p>Recommendation No Change Issue</p> <p>Propose rezoning rezoning of 63-75 New South Head Road, Vacluse</p>	<p>Summary</p> <p>Rezone 63-75 New South Head Road as R3 Medium Density Residential instead of the properties opposite at 1-7 Hopetoun Avenue, 22A-24 New South Head Road and 1 Petrarch Avenue. The rezoning will increase housing without the potential for significant negative impact on the residential amenity and value of existent residences, or the amenity enjoyed from New South Head Road by the general public.</p> <p>The recent developments at 873 and 897-895 New South Head Road, Rose Bay and 13 New South Head Road, Vacluse (currently under development) are precedent for more intensive development on the south side of New South Head Road. In each instance due to the position, elevation of the subject site/development and relative to dwellings further distant to the view corridor, more intensive development has been achieved without substantial negative impacts on private or public amenity.</p>	<p>Response</p> <p>We do not support part zoning of residential blocks, as this creates inappropriate built form transitions between adjoining properties.</p> <p>Further, this submission does not provide satisfactory evidence to justify the requested zone. Any potential zone changes would require more detailed analysis having particular regard to matters such as proposed heights and FSR.</p>
<p>CID: 122 SNO 204 INO: 495</p> <p>Mr Peter Binetter</p> <p>Recommendation No Change Issue</p> <p>Proposed rezoning: 63-75 New South Head Road, Vacluse</p>	<p>Summary</p> <p>Rezone 63-75 New South Head Road as R3 Medium Density Residential instead of the properties opposite at 1-7 Hopetoun Avenue, 22A-24 New South Head Road and 1 Petrarch Avenue. The rezoning will increase housing without the potential for significant negative impact on the residential amenity and value of existent residences, or the amenity enjoyed from New South Head Road by the general public.</p> <p>The recent developments at 873 and 897-895 New South Head Road, Rose Bay and 13 New South Head Road, Vacluse (currently under development) are precedent for more intensive development on the south side of New South Head Road. In each instance due to the position, elevation of the subject site/development and relative to dwellings further distant to the view corridor, more intensive development has been achieved without substantial negative impacts on private or public amenity.</p>	<p>Response</p> <p>We do not support part zoning of residential blocks, as this creates inappropriate built form transitions between adjoining properties.</p> <p>Further, this submission does not provide satisfactory evidence to justify the requested zone. Any potential zone changes would require more detailed analysis having particular regard to matters such as proposed heights and FSR.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 180 SNO 189 INO: 505</p> <p>Mr Bill Franks</p> <p>Recommendation No Change Issue</p> <p>Propose alternative site to Hopetoun Opportunity site</p>	<p>Summary</p> <p>There is a site close at hand that will not present the same contentious issues of blocked harbour views, overshadowing and hotch potch development. The site will have tremendous community benefits and can produce a net yield of approximately 80 dwellings in Vaucluse, a shopping and residential precinct that can have great benefits for residents as well as retirees. The suggested site is the block bounded by New South Head Road, Laguna Street, Old South Head Road and Billong Street. Suggest FSR of between 1.75:1 and 2:1 average.</p>	<p>Response</p> <p>A review of the zoning of this area is supported. However, such a review is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>We recommend the review be undertaken after the new LEP commences. Any change which might arise from the review will require public consultation.</p>
<p>CID: 143 SNO 152 INO: 363</p> <p>Owners of Tri-Anta Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Rezone from R2 to R3 Medium Density: 52 Old South Head Rd, Vaucluse</p>	<p>Summary</p> <p>Council identified this stretch of land as an opportunity site in terms of zoning and additional housing capacity, however this initiative was not included. Tri-Anta Pty Ltd supports the identification of the subject site as an opportunity site, however seeks the changes be brought forward in line with the gazettal of the Draft WLEP 2013. Support the R3 zone as it reflects the character of buildings along Old South Head Rd and responds to existing zoning on the eastern side of Old South Head Rd within the Waverley LGA. This stretch could accommodate additional housing to support the renewal of the corridor, without significant adverse impacts on the character and amenity of the local area.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for additional residential development and was being investigated. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra. In July 2011 Council resolved to defer consideration of this and other opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 71 SNO 75 INO: 206</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone from R2 to B4 Mixed Use Zone: 2-20 George St, Paddington</p>	<p>Summary</p> <p>The site adjoins the opportunity site at 444 Oxford St and 22 George St, Paddington. This submission requests that the B4 Mixed Use zone is applied to this site, as well as the adjoining opportunity site.</p> <p>These properties are all in one ownership, a row of older terrace houses that are in poor/modest condition. The draft planning controls underutilize the potential of the site, when considering the excellent accessibility to public transport, employment sources, support services, public space and entertainment facilities. Also, the current zone is incompatible with the business zoning to the south</p> <p>Applying the B4 Mixed Use zone avoids a 'mid block zoning change' and the associated likely conflict between land uses. By extending the B4 zone to include the subject land, George St will establish the physical delineation between the mixed use and low density zones/land uses and the land zoned B4 mixed uses will be established as a well-defined precinct.</p> <p>The recommended controls would encourage rejuvenation of the existing poor quality terraces, and enhance the image of Oxford St, whilst encouraging higher density housing.</p>	<p>Response</p> <p>The precinct where this terrace row is located has a low density residential character.</p> <p>As an entry into the residential precinct of the Paddington HCA, the terrace rows retains its original building form, and makes an important contribution to the character of the Paddington HCA.</p> <p>There are no strong or overriding planning reasons to apply the B4 Mixed Use zone to this precinct.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 138 SNO 146 INO: 346</p> <p>Edgecliff Bistro Pty Ltd</p> <p>Edgecliff Bistro Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone from B4 Mixed Use to R3 Medium Density residential: 529-539 Glenmore Rd, Edgecliff</p>	<p>Summary</p> <p>Rezone from B4 Mixed Use residential to R3 Medium Density Residential to facilitate a 10 storey residential flat building. Residential flat buildings are not permissible in the B4 Mixed use zone.</p>	<p>Response</p> <p>This matter was reported to the Urban Planning Committee on 10 February 2014, and on 24 February 2014 Council resolved the following:</p> <p>"That the planning proposal prepared by URBIS for 529-539 Glenmore Road, Edgecliff as summarised in the report to the Urban Planning Committee meeting of 10 February 2014 is not supported. In summary the proposal:</p> <ul style="list-style-type: none"> - B is not in context with the character of the surrounding buildings, - Will not reflect the desired future character of the Paddington heritage conservation area, - Does not provide a suitable built form transition between the site and the surrounding areas, - Has significant and unreasonable impacts on 161 New South Ha Road."

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 71 SNO 76 INO: 210</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone from R2 to R3 Medium Density: 54/56 and 98-106 Oxford St, Woollahra</p>	<p>Summary</p> <p>The site forms part of the opportunity site that was identified at 38-178 Oxford St, Woollahra.</p> <p>The draft R2 zone underutilizes the potential of the site, when considering the excellent accessibility to public transport, employment sources, support services, public space and entertainment facilities. The submission supports the opportunity site recommendation of applying a R3 Medium Density Residential Zone to this area.</p> <ul style="list-style-type: none"> -Redevelopment of buildings in poorer condition will improve the character and amenity of the area -Opportunity to implement no car/limited car housing -Redevelopment will promote safety and security by removing derelict buildings and facilitating new dwellings -Proposed amendments further the public interest by facilitating the orderly and economic development of land. <p>This section of Oxford St, contains older terrace housing that is generally in poor or modest condition, interspersed with non-residential uses. The area has an 'ad hoc' character. The proposed mix of medium density and low density zones in Draft WLEP 2013 will have the effect of further compromising the character of the locality by further confusing the nature, form and appearance of future development.</p> <p>The opportunity site planning controls promote greater uniformity in the streetscape character through the introduction of a consistent medium density zone and a consistent maximum height control.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for medium density residential zoning and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced. The submission will be taken into consideration at that time.</p>

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Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 122 SNO 131 INO: 358</p> <p>Mr Peter Binetter</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Remove R3 zone from 1-7 Hopetoun Ave and apply to 63-65 New South Head Rd: Vacluse</p>	<p>Summary</p> <p>1-7 Hopetoun Ave contain 4 dwelling houses (on the north side of New South Head Rd).</p> <p>The residences on the other side (63, 63a and 65) have significant Harbour Views which would be potentially be significantly negatively impacted by the increased height band bulk of Medium Density Residential buildings. Consequently loss of value to these properties.</p> <p>As an alternative, 1-7 Hopetoun Ave should retain the R2 Low Density Residential Zone, and the R3 Zone applied to the properties at 63, 63a and 65 New South Head Rd. This will achieve the aims of increased housing, without the potential for significant negative impact on the residential amenity and value of existent residences.</p>	<p>Response</p> <p>We do not support part zoning of residential blocks, as this creates inappropriate built form transitions between adjoining properties. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>Further, this submission does not provide satisfactory evidence to justify the requested zone. Any potential zone changes would require more detailed analysis having particular regard to matters such as proposed heights and FSR.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 116 SNO 124 INO: 351</p> <p>Sutao Zhai</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone from residential to commercial: 68 Holdsworth St, Woollahra</p>	<p>Summary</p> <p>Request a rezoning from residential to commercial zone, due to:</p> <ul style="list-style-type: none"> -3 other commercial venues are located along Holdsworth St (Donna Hay, Richard Martin Art Gallery & Holdsworth Street Community Centre) -the high number of people commuting down the street -site is 2 doors away from the Holdsworth St Community Centre (which is fairly noisy). <p>Seeking approval for a quality furniture (antique) showroom on the ground floor of the property, with a French theme.</p> <p>The other retail business on the ground floor is a café.</p> <p>A licence for selling alcohol will not be pursued.</p> <p>Top floor will be used as a two bedroom set up .</p>	<p>Response</p> <p>68 Holdsworth St, Woollahra is located in a low density residential precinct. It is not appropriate to rezone to a business zone to facilitate a commercial use. Due to the potential impacts on the amenity of adjoining uses, commercial uses are more appropriately located in the existing business centres.</p> <p>We note the submissions identifies that there are already 3 commercial uses along Holdsworth Street.</p> <p>There are a number of commercial uses that are located in residential zones, in our HCAs.</p> <p>However, these are buildings which already have consent for a non-residential use, or were originally constructed with a non-residential use. Due to a clause in WLEP 1995 (which has been translated into Draft WLEP 2013) a commercial use is permissible on this properties, but they are limited to: business premises, office premises, community facilities, information and education facilities, education establishments, public administration buildings and shops.</p> <p>The purpose of this clause is to protect and retain a mix of non-residential uses in our HCAs, even though they are located in residential zones. However, the types of use permissible does not include those uses which could have negative impacts on the amenity of the surrounding residential properties e.g. restaurant or café.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 95 SNO 102 INO: 191</p> <p>Andrew Coroneo</p> <p>AA Coroneo Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Redevelop the whole of Edgecliff Road, Woollahra for commercial use</p>	<p>Summary</p> <p>Edgecliff Rd, Woollahra as a whole should be redeveloped commercially to complement and compete with Waverley's Bondi Junction shopping centre. There should be encouragement of consolidation of allotments for this purpose. A commercial strip along Edgecliff Road would also create greater revenue for Council.</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing zones from WLEP 1995, including our existing centres and the established residential zones along Edgecliff Road in Woollahra.</p> <p>No evidence was provided justifying the expansion of the business zone along Edgecliff Road. The Edgecliff Road commercial strip lies within a heritage conservation area. Substantial redevelopment of this centre is contrary to heritage conservation principals. The B1 Neighbourhood Centre Zone reflects the desired future character for the centre.</p>
<p>CID: 94 SNO 101 INO: 259</p> <p>Mr & Mrs Robert & Wendy Willcocks</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone to R3 Medium Density Residential: 750 New South Head Rd, Rose Bay</p>	<p>Summary</p> <p>Support the change in zoning to R3 Medium Density Residential. Owners of the properties to the east (754/756) are also in favour. Medium Density housing on these sites is appropriate because:</p> <ul style="list-style-type: none"> -It will have minimal impact on views and solar access to adjoining properties -It will be in context with the current character of the location along the New South Head Road frontage -All surrounding/adjoining properties comprise RFBs (to the south, west and in front). -RFBs in the area are non-conforming uses in the R2 zone, and it is therefore consistent that the zone is changed. -The change in zoning will permit development which will greatly enhance and contribute to the amenity and character of the area and the development of the rose bay town centre. 	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for medium density residential zoning and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced. The submission will be taken into consideration at that time.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 80 SNO 85 INO: 156</p> <p>Community Association DP 270253</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone from RE1 Public Recreation to R3 Medium Density Residential: Lot 1 DP 270253, Babworth Estate</p>	<p>Summary</p> <p>-Site adjoins the harbour, and is accessed via a narrow strip to Eastbourne Road.</p> <p>-A staircase is located within part of the narrow strip. Lot is a 'community property' and is managed by the Community Association DP 270253, and forms part of the Babworth Estate.</p> <p>The Management Statement for the estate establishes that Lot 1 is legally owned by the Community Association for the exclusive use by one owner within the estate.</p> <p>-The recent L&E court determination confirms that Council's endeavours to impose rights of access and use by the public over this land through development conditions are unlawful.</p> <p>-The status of this land as common property therefore must be recognised and protected and the RE1 zone must be replaced with R3.</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing zones from WLEP 1995, and will apply the RE1 Public Recreation to this part lot. However, the positive covenant over part Lot 1, DP 270253 is being separately considered by Council. The outcome of that consideration may lead to a change in zone. Should Council resolve to apply a different zone to this site, a planning proposal will be prepared which will require a separate public exhibition process.</p>
<p>CID: 197 SNO 266 INO: 599</p> <p>Mr & Mrs Mark & Lisa Novak</p> <p>Recommendation</p> <p>Issue</p> <p>Support rezoning elsewhere: NSH Rd, Laguna Street, OSH Road and Billong Avenue</p>	<p>Summary</p> <p>We are aware that others in our stakeholders group (Bill Franks from 24 NSH Road and Patricia Conway from 28 NSH Rd) have proposed alternative sites for Council's consideration. We applaud those suggestions as being more appropriate and sensible sites in and around Vacluse Village should increased density be genuinely required.</p> <p>One of the proposed alternative sites bordered by NSH Rd, Laguna Street, OSH Road and Billong Avenue presents an ideal opportunity to identify a large site which will provide better transport connections without the devastating impacts on adjoining properties. Surely, the concept of "opportunity site" is intended to relate to prospective residents, and not the developers who stand to make profit from Council's rezoning.</p>	<p>Response</p> <p>A review of the zoning of this area is supported. However, such a review is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>We recommend the review be undertaken after the new LEP commences. Any change which might arise from the review will require public consultation.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.2 Zoning of Land	Upzoning
<p>CID: 43 SNO 150 INO: 167 Summary</p> <p>Ms Victoria Hofer Rezone property to take into account the commercial buildings and flats next door to it.</p>		<p>Response</p> <p>Site contains a single dwelling, and the R2 low density residential zone is appropriate to reflect the use.</p> <p>There are no strong or overriding planning reasons to apply a different zone to this site.</p>
<p>Recommendation No Change</p> <p>Issue</p> <p>R2 zone is not appropriate: 11 Military Rd, Watsons Bay</p>		

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Objectives
<p>CID: 129 SNO 138 INO: 399</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Question why ground floors only may be used to create vibrant centres</p>	<p>Summary</p> <p>Questions why ground floors only may be used to create vibrant centres. This appears to preclude use of upper floors as part of a vibrant centre.</p>	<p>Response</p> <p>The objective is to ensure that ground floor uses are active (commercial) so that the centre is vibrant. Uses on the upper floor are flexible and can include residential or commercial land uses.</p>
<p>CID: 129 SNO 138 INO: 398</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation Change</p> <p>Issue</p> <p>Remove reference to 'high density residential development'</p>	<p>Summary</p> <p>The inclusion of the term high density residential development is completely inappropriate. If high density is an objective, then this must be included at Land Use Table R4 High Density Residential.</p>	<p>Response</p> <p>Delete the fourth zone objective "To include land that contains existing high density residential development". Zone objective is contrary to the core objective of the zone.</p>
<p>CID: 129 SNO 138 INO: 396</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Who determines the "desired future character"</p>	<p>Summary</p> <p>Draft WLEP 2013 does not provide any information or the definition of the term "the desired future character of the neighbourhood". Not aware as to which group (Council Officers, Councillors, Residents, Developers etc) will provide the criteria.</p>	<p>Response</p> <p>The desired future character for each residential precinct will be defined in the Comprehensive DCP.</p> <p>The Comprehensive DCP will be placed on exhibition later in 2014. The inclusion of an objective relating to the desired future character of the neighbourhood provides the necessary link for more detailed statements and controls within the DCP.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Objectives
<p>CID: 15 SNO 15 INO: 42</p> <p>Mr Tom Vanovac</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Impact of hotels on surrounding residents: Queen St, Woollahra</p>	<p>Summary</p> <p>Queen Street is under pressure from a small number of local hotels. Two objectives for the B4 zone relate to "mixture of compatible land uses" and "provide for development of a scale and type compatible with the amenity of surrounding residential area". Support for these objectives, and they should be enforced to limit negative impacts on residential amenity.</p> <p>Must ensure that there are appropriate controls in the LEP relating to the intensification of these uses, and must apply a strict test of 'compatibility' and 'type of use' .</p>	<p>Response</p> <p>Support for objectives 1 and 4 relating to the B4 zone is noted.</p> <p>The LEP contains the Land Use Table which permits certain uses in different land use zones e.g. in the B4 Mixed Use zone hotel or motel accommodation, pubs and small bars are land uses permissible with consent.</p> <p>In addition to the objectives and controls in the LEP, further detailed controls regarding licensed premises will be incorporated into the Comprehensive DCP. The DCP will contain controls which address impacts of proposals for licensed premises such as pubs and small bars, for example:</p> <ul style="list-style-type: none"> -Capacity -Trading hours -Parking availability -Noise -Number of existing licensed premises in the vicinity <p>These and other matters are assessed at the DA stage in relation to a specific proposal.</p> <p>We will notify you when the Draft DCP exhibition commences and invite your further comment.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Other
<p>CID: 129 SNO 138 INO: 401</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Remove list of prohibited land uses</p>	<p>Summary</p> <p>The term "any other development not specified in item 2 or 3" provides sufficient definition that only developments listed at items 2 or 3 may be undertaken. There is no need to also list all those land uses that are prohibited.</p>	<p>Response</p> <p>The inclusion of the prohibited land uses is mandated under the Standard Instrument template.</p>
<p>CID: 129 SNO 138 INO: 397</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Definition of home occupation should refer to residential purposes</p>	<p>Summary</p> <p>Definition of home occupation should contain a definition that the term refers to occupation of home for residential purposes. This definition would then differentiate from the term "home occupation" (sex services).</p>	<p>Response</p> <p>The definition of "home occupation" is mandated under the Standard Instrument and cannot be amended. The definition is intended to be specifically for businesses carried out in a dwelling rather than the occupation of a home for residential purposes.</p>
<p>CID: 129 SNO 138 INO: 395</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Include a list of all the zones that do not apply to the municipality</p>	<p>Summary</p> <p>There are some 35 Land Use Zones that may apply to any particular municipality. For transparency and completeness purposes it is considered that a List of all Zones that Council considers "Do Not Apply" to the municipality should be provided as an Attachment.</p>	<p>Response</p> <p>Listing all other zones that do not apply to the LGA is confusing and unnecessary (and contrary to the format of the Standard Instrument template). It is only relevant to identify the zones that apply.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Other
<p>CID: 103 SNO 110 INO: 445</p> <p>Ms Kylie Tattersall</p> <p>SWOOP</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Permit HO(SS) without consent in Zone R2, R3, B1 and B4</p>	<p>Summary</p> <p>In Woollahra LGA Home Occupation (Sex Services) are allowed to operate without the need for consent. This is the ideal situation and should be the way that Woollahra Municipal Council operates into the future. While understanding that the Standard Instrument introduces the category of Home Occupation (Sex Services) there is no requirement to treat them differently to other Home Occupations. We welcome the differentiation that Woollahra Municipal Council has made between Home Occupation (Sex Services) and other Sex Services Premises such as brothels.</p> <p>Recent media has quoted a resident complaining about the new proposal for the regulation of Home Occupation (Sex Services) on the grounds of increased vehicular traffic. As Council would be aware Home Occupation (Sex Services) already operate in the Woollahra LGA and naming a type of Home Occupation does not lead to any increase or decrease in the operation of such an occupation.</p> <p>Should be noted the definition of Home Occupation (Sex Services) in Draft WLEP 2013 states that it does not involve "interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise". The concerns raised are unfounded.</p> <p>Recent research shows that most people who live near Home Occupation (Sex Services) do not know of their existence. Research also indicated that operators prefer to see clients during off peak times and their preferred location is near public transport. These factors limit the amenity impact on the local area.</p> <p>Multitude of business imperatives for operators to maintain a low profile:</p> <ul style="list-style-type: none"> -Best interest of the operator not to draw attention to their occupation -Clients require discretion and chose Home Occupation (Sex 	<p>Response</p> <p>Home Occupations (Sex Services) are currently permissible in the Municipality's residential zones under WLEP 1995. A home occupation is defined as:</p> <p>"an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <p>(a) the registration of the building under the Factories, Shops and Industries Act 1962,</p> <p>(b) the employment of persons other than those residents,</p> <p>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</p> <p>(d) the display of goods, whether in a window or otherwise,</p> <p>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or</p> <p>(f) the sale of items (whether goods or material) or the exposure or offer for sale of items, by retail."</p> <p>Draft WLEP 2013 converts the general intent of the current controls.</p> <p>Under WLEP 1995 a home occupation is permissible without development consent in a dwelling house and with development consent in a residential flat building. Under WLEP 1995 sex services provided by an individual at their home could be carried out as a home occupation provided the use meets the conditions for a home occupation.</p> <p>Under the Draft WLEP 2013 it is proposed to allow home occupation (sex services) within the two residential zones, but only with development consent.</p> <p>To more closely translate the general intent of the current controls, we support a review of the permissibility of home occupations in the R2 Low Density residential zone. However, such a review is outside the</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Other
	<p>Services) for the privacy of the service</p> <p>-Reasons of privacy & safety operators will deny service to clients who are drunk and disorderly and would refuse to see that client again if the privacy of the resident is threatened.</p> <p>Research in the City of Sydney LGA concluded that "treating Home Occupation (Sex Services) like other home occupations is justified in planning terms due to their low amenity impacts".</p> <p>For these reasons Home Occupation (Sex Services) should be treated the same as other Home Occupations in Draft WLEP 2013, including being permitted without consent in Zone R2, R3, B1, B2 and B4.</p>	<p>scope of this Draft LEP. We recommend the review be undertaken after the new LEP commences. Any change which might arise from the review will require public consultation.</p>
<p>CID: 98 SNO 105 INO: 311</p> <p>Mr David Henderson</p> <p>Recommendation No Change Issue</p> <p>Concerns regarding losing our Plans of Management</p>	<p>Summary</p> <p>The delinking of the Plan Of Management and the new controls for this zone will cause a vacuum.</p> <p>It will lose "historical knowledge and wisdom" for each area.</p> <p>Seen no information on how the Council intends to deal with these consequences.</p>	<p>Response</p> <p>The Department of Planning & Environment has directed that the land use table in Draft WLEP 2013 must not refer to POMs.</p> <p>To resolve this issue we have identified all land uses listed in our POMs and included these in the Land Use Table for the RE1 Public Recreation Zone.</p> <p>The Council must continue to prepare, exhibit and adopt POMs for our open spaces, which is mandated under relevant state legislation. These will not be lost.</p>
<p>CID: 34 SNO 35 INO: 80</p> <p>Ms Julie Dixon</p> <p>NSW Ministry of Health</p> <p>Recommendation No Change Issue</p> <p>Hospitals are no longer permissible in the R2 zone</p>	<p>Summary</p> <p>It is noted that for the R2 Low Density Residential Zone that hospitals will no longer be permissible.</p>	<p>Response</p> <p>Observation noted.</p> <p>In the R2 Low Density Residential zone hospitals will be prohibited, as these are more appropriately located in the business centres or the medium density residential land.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 129 SNO 138 INO: 387</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Summary</p> <p>The society is absolutely opposed to dual occupancy being allowed in HCAs. The curtilage of historical properties is an equally significant part of its historical importance and should be preserved and protected as a standard from of control where possible.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Opposed to dual occupancies in HCAs</p>		<p>Response</p> <p>Excluding a land use from our HCAs which is otherwise permitted in a land use zone, creates a subzone.</p> <p>The Standard Instrument LEP format does not allow the creation of subzones. Dual occupancies are therefore permissible in all of the residential zones including the HCAs.</p> <p>However, there are minimum allotment sizes for attached and detached dual occupancies which limit their opportunities within the relatively small allotment sizes in our HCAs. For example, the minimum lot size for a dual occupancy (detached) in zone R2 Low Density Residential is 930m².</p> <p>Controls in the Comprehensive DCP will seek to ensure that dual occupancy development is suitably designed and located to minimise adverse impacts on the curtilage of historical properties or the HCA.</p>
<p>CID: 98 SNO 105 INO: 312</p> <p>Mr David Henderson</p> <p>Uses such as "restaurants and cafes", "child care centres", "community facilities", "information and education facilities, "indoor recreation facilities" and "water recreation structures" in RE1 Zone could have serious amenity consequences for nearby residential areas.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concerns regarding additional permitted uses impacting on nearby residential areas</p>		<p>Response</p> <p>These uses are currently permitted under WLEP 1995 either directly or through association with a Plan of Management. Draft WLEP 2013 seeks to translate the existing permitted uses and controls.</p> <p>These uses are consistent with the objectives of the zone, and when appropriately managed are compatible with adjoining residential uses.</p> <p>These uses requires development consent. Intensity of use and its impact on residential areas can be assessed through the development application process, which includes notification to neighbours. Furthermore, conditions of consent can be applied to minimise impact on the adjoining residential uses.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 98 SNO 105 INO: 310 Summary</p> <p>Mr David Henderson</p> <p>The implications for the amenity of the R3 zone from the introduction of "recreation areas" and "environmental protection works" are not clear.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concerns regarding the introduction of "recreation areas" and "environmental protection works"</p>		<p>Response</p> <p>Draft WLEP 2013 translates our existing controls from WLEP 1995 within the format of the Standard Instrument.</p> <p>The definitions of these two land uses are as follows:</p> <p>“recreation area” means a place used for outdoor recreation that is normally open to the public, and includes:</p> <ul style="list-style-type: none"> (a) a children’s playground, or (b) an area used for community sporting activities, or (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor). <p>“environmental protection works” means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.</p> <p>These types of land uses are appropriate for the R3 Medium Density zone and are consistent with the objectives of the zone.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 98 SNO 105 INO: 309 Summary</p> <p>Mr David Henderson</p> <p>Concerns regarding the use "home industry". E.g. a use such as carpentry or cabinet making might appear to be of low intensity, but actually generate significant noise from their use of machinery. This is of particular concern in an HCA.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concerns regarding home industries in HCAs</p>		<p>Response</p> <p>To protect the amenity of the adjoining residences (whether or not the use is located in an HCA), a home industry must not impact on the amenity of the neighbourhood by way of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise. Accordingly, these uses are appropriate and compatible in all our residential areas, including our HCAs.</p> <p>A home industry requires development consent. Intensity of use and its impact on residential areas can be assessed through the development application process, which includes notification to neighbours. Furthermore, conditions of consent can be applied to minimise impact on the adjoining residential uses.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 98 SNO 105 INO: 308 Summary</p> <p>Mr David Henderson Home Occupation (Sex Services) has a real amenity implications and may inhibit the conservation of buildings in the zone. Not able to find a definition, and would be interested to know what conditions might apply for approval.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>HO(SS) should be excluded from the R3 Medium Density zone</p>		<p>Response</p> <p>Home Occupations (Sex Services) are currently permissible in the Municipality's residential zones under WLEP 1995. A home occupation is defined as:</p> <p>"an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <p>(a) the registration of the building under the Factories, Shops and Industries Act 1962,</p> <p>(b) the employment of persons other than those residents,</p> <p>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</p> <p>(d) the display of goods, whether in a window or otherwise,</p> <p>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or</p> <p>(f) the sale of items (whether goods or material) or the exposure or offer for sale of items, by retail."</p> <p>Draft WLEP 2013 converts the general intent of the current controls.</p> <p>Under WLEP 1995 a home occupation is permissible without development consent in a dwelling house and with development consent in a residential flat building. Under WLEP 1995 sex services provided by an individual at their home could be carried out as a home occupation provided the use meets the conditions for a home occupation.</p> <p>Under the Draft WLEP 2013 it is proposed to allow home occupation (sex services) within the two residential zones, but only with development consent.</p> <p>The Council's compliance team has advised that it does not receive many complaints about sex service home occupations. Complaints received generally relate to brothels (which are not operating as home</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
		occupations).
		There is no substantive justification to prohibit a land use that is currently permissible.
CID: 98 SNO 105 INO: 306	Summary	Response
Mr David Henderson	The introduction of dual occupancy (detached) dwellings could have serious consequences for adjoining private open space and the controls do not appear sufficient.	Dual occupancy development will be no larger than development for a dwelling house.
Recommendation No Change		The Comprehensive DCP will include additional objectives and controls for attached and detached dual occupancy development to address amenity and design. In particular, development is to present as an integrated design, and on-site parking should not detract from the streetscape character and amenity, such as by sharing a common driveway .
Issue		The Comprehensive DCP will be exhibited later in 2014.
Insufficient controls for dual occupancy (detached) dwellings		
CID: 85 SNO 91 INO: 258	Summary	Response
Mr Philip Mason	Use has acoustic, traffic and parking issues which makes them unsuitable for Double Bay's R2 zone.	Under the Standard Instrument "Recreation areas" are defined as "a place used for outdoor recreation that is normally open to the public, and includes:
Double Bay Residents Association		(a) a children's playground, or
Recommendation No Change		(b) an area used for community sporting activities, or
Issue		(c) a public park, reserve or garden or the like,
Object to recreation areas in the R2 zone for Double Bay		and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).
		Small scale recreation areas such as parks and children's play areas are appropriate in the R2 Residential zone, and this translates the current controls from WLEP 1995.

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 85 SNO 91 INO: 257 Summary</p> <p>Mr Philip Mason Use has acoustic, traffic and parking issues which makes them unsuitable for Double Bay's R2 zone.</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to bed and breakfast accommodation in the R2 zone for Double Bay</p>		<p>Response</p> <p>The inclusion of bed and breakfast accommodation in the R2 zone is a translation from the controls in WLEP 1995. They are appropriate for the R2 zone. Concerns regarding acoustic, traffic and parking issues can be dealt with at the development application stage.</p>
<p>CID: 85 SNO 91 INO: 256 Summary</p> <p>Mr Philip Mason Child care centres have concomitant acoustic, traffic and parking issues which make them unsuitable for Double Bay's R2 zone, particularly when so much of the suburb is R3.</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to child care centres in the R2 zone for Double Bay</p>		<p>Response</p> <p>The inclusion of child care centres is a translation from the controls in WLEP 1995. They are appropriate for the R2 zone. Concerns regarding acoustic, traffic and parking issues can be dealt with at the development application stage.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 85 SNO 91 INO: 255</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to HO(SS) in the R2 zone</p>	<p>Summary</p> <p>-Question why Council chooses to add to the permissible uses Home Occupation (Sex Service).</p> <p>-Residents living close to a sex establishment in Glenmore Rd regularly suffer a nightmare of car doors slamming at all hours of the night.</p> <p>-The use is incompatible with the family character of this zone in Double Bay.</p>	<p>Response</p> <p>Home Occupations (Sex Services) are currently permissible in the Municipality's residential zones under WLEP 1995. A home occupation is defined as:</p> <p>"an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <p>(a) the registration of the building under the Factories, Shops and Industries Act 1962,</p> <p>(b) the employment of persons other than those residents,</p> <p>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</p> <p>(d) the display of goods, whether in a window or otherwise,</p> <p>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or</p> <p>(f) the sale of items (whether goods or material) or the exposure or offer for sale of items, by retail."</p> <p>Draft WLEP 2013 converts the general intent of the current controls.</p> <p>Under WLEP 1995 a home occupation is permissible without development consent in a dwelling house and with development consent in a residential flat building. Under WLEP 1995 sex services provided by an individual at their home could be carried out as a home occupation provided the use meets the conditions for a home occupation.</p> <p>Under the Draft WLEP 2013 it is proposed to allow home occupation (sex services) within the two residential zones, but only with development consent.</p> <p>The Council's compliance team has advised that it does not receive many complaints about sex service home occupations. Complaints received generally relate to brothels (which are not operating as home</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded

occupations).

There is no substantive justification to prohibit a land use that is currently permissible.

CID: 79 SNO 84 INO: 154

Belinda Webster, Darren Waite, Dat Van, Gillian Clyde

Recommendation No Change
Issue

Amend permitted uses in RE1 to exclude some commercial uses

Summary

-Public recreation areas should not be used for commercial purposes such as child care centres, registered clubs, restaurants or cafes. This type of significant commercial venture has the ability to alienate the community from using the land zoned RE1 for their general use and enjoyment.

-Notwithstanding that, these uses are only permitted with consent, the little pockets of land zoned RE1 should remain as open, recreational space for use by the community. Therefore, the Council should amend the permission to include these ventures only where they already exist and restrict any future development of recreational space for commercial venture.

The suggested amendment is as follows (additions in capitals, removed uses in square brackets)

Zone RE1 Public Recreation

3 Permitted with consent

Boat launching ramps; Boat sheds; Charter and tourism boating facilities; [Child care centres]; Community facilities; Information and education facilities; Jetties; Kiosks; Marinas; Recreation areas; Recreation facility (indoor); Recreation facility (outdoor); [Registered clubs]; [Restaurants or cafés]; Roads; Water recreation structures. ANY ACTIVITIES NOT LISTED ABOVE WHICH WERE GRANTED CONSENT PRIOR TO 2014 ARE PERMISSIBLE.

Response

In the Standard Instrument format, which is the template upon which the Draft LEP is based, the land use table can only be used to list permissible land uses. It cannot refer to other activities which were granted consent prior to 2014.

Child care centres, registered clubs and restaurants or cafes would not automatically alienate the community from land zoned RE1 provided they are appropriately located and well designed. These uses can encourage additional community use of recreation areas.

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 78 SNO 83 INO: 220</p> <p>Mr & Mrs Michael and Sarah Lawrence</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to Home Occupation (Sex Services) in the LGA</p>	<p>Summary</p> <p>Horried by the proposal to add to the mandatory permissible uses within this zone uses such as Home Occupation (Sex Services). No doubt that sex services are one of the most exploitative "businesses" in our society with high rates of slavery, forced labour, criminal activity and drug taking. They have a most negative impact on the surrounding area as can be seen in parts of Darlinghurst.</p>	<p>Response</p> <p>Home Occupations (Sex Services) are currently permissible in the Municipality's residential zones under WLEP 1995. A home occupation is defined as:</p> <p>"an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <p>(a) the registration of the building under the Factories, Shops and Industries Act 1962,</p> <p>(b) the employment of persons other than those residents,</p> <p>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</p> <p>(d) the display of goods, whether in a window or otherwise,</p> <p>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or</p> <p>(f) the sale of items (whether goods or material) or the exposure or offer for sale of items, by retail."</p> <p>Draft WLEP 2013 converts the general intent of the current controls.</p> <p>Under WLEP 1995 a home occupation is permissible without development consent in a dwelling house and with development consent in a residential flat building. Under WLEP 1995 sex services provided by an individual at their home could be carried out as a home occupation provided the use meets the conditions for a home occupation.</p> <p>Under the Draft WLEP 2013 it is proposed to allow home occupation (sex services) within the two residential zones, but only with development consent.</p> <p>The Council's compliance team has advised that it does not receive many complaints about sex service home occupations. Complaints received generally relate to brothels (which are not operating as home</p>

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Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded

occupations).

There is no substantive justification to prohibit a land use that is currently permissible.

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Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 36 SNO 37 INO: 88</p> <p>Mr Richard Chander</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Objects to home occupation sex services</p>	<p>Summary</p> <p>Shocked to know about plans of Woollahra Council to legalise sex-trade in residential areas. Wonders if council members are aware of how serious the issue of flesh trade is already in Australia. Sex trade is nothing but sheer slavery where the victim has no say and gets no justice for atrocities committed against her. The pimps make the money, and they exploit women the way they want, ranging from mental and emotional torture to physical assaults including hitting, thrashing and rape.</p> <p>Does not think that Council is obligated to the business community only to bring more materialistic prosperity into the area, but should consider it a responsibility to keep the moral, spiritual and ethical values of the residents at a higher level by putting a plug on infamous and immoral practices in the area.</p>	<p>Response</p> <p>Home Occupations (Sex Services) are currently permissible in the Municipality's residential zones under WLEP 1995. A home occupation is defined as:</p> <p>"an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <p>(a) the registration of the building under the Factories, Shops and Industries Act 1962,</p> <p>(b) the employment of persons other than those residents,</p> <p>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</p> <p>(d) the display of goods, whether in a window or otherwise,</p> <p>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or</p> <p>(f) the sale of items (whether goods or material) or the exposure or offer for sale of items, by retail."</p> <p>Draft WLEP 2013 converts the general intent of the current controls.</p> <p>Under WLEP 1995 a home occupation is permissible without development consent in a dwelling house and with development consent in a residential flat building. Under WLEP 1995 sex services provided by an individual at their home could be carried out as a home occupation provided the use meets the conditions for a home occupation.</p> <p>Under the Draft WLEP 2013 it is proposed to allow home occupation (sex services) within the two residential zones, but only with development consent.</p> <p>The Council's compliance team has advised that it does not receive many complaints about sex service home occupations. Complaints received generally relate to brothels (which are not operating as home</p>

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Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded

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Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
<p>CID: 17 SNO 17 INO: 7</p> <p>Ms Suzanne Burrows</p> <p>Residential areas in Bellevue Hill and Woollahra should not be rezoned to permit home occupation sex services with consent. Don't want people arriving in cars at night seeking houses with prostitutes. New LEP must be changed.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Against home occupation sex services in Bellevue Hill and Woollahra</p>	<p>Summary</p>	<p>Response</p> <p>Home Occupations (Sex Services) are currently permissible in the Municipality's residential zones under WLEP 1995. A home occupation is defined as: Home Occupations (Sex Services) are currently permissible in the Municipality's residential zones under WLEP 1995. A home occupation is defined as:</p> <p>"an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <p>(a) the registration of the building under the Factories, Shops and Industries Act 1962,</p> <p>(b) the employment of persons other than those residents,</p> <p>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</p> <p>(d) the display of goods, whether in a window or otherwise,</p> <p>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or</p> <p>(f) the sale of items (whether goods or material) or the exposure or offer for sale of items, by retail."</p> <p>Draft WLEP 2013 converts the general intent of the current controls.</p> <p>Under WLEP 1995 a home occupation is permissible without development consent in a dwelling house and with development consent in a residential flat building. Under WLEP 1995 sex services provided by an individual at their home could be carried out as a home occupation provided the use meets the conditions for a home occupation.</p> <p>Under the Draft WLEP 2013 it is proposed to allow home occupation (sex services) within the two residential zones, but only with development consent.</p> <p>The Council's compliance team has advised that it does not receive</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be excluded
		<p>many complaints about sex service home occupations. Complaints received generally relate to brothels (which are not operating as home occupations).</p> <p>There is no substantive justification to prohibit a land use that is currently permissible.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be included
<p>CID: 129 SNO 138 INO: 400</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Give more weight to land based activities in the RE1 Public Recreation zone</p>	<p>Summary</p> <p>Mention is made of numerous water based recreational activities and structures.</p> <p>However, little mention is made of land based recreational activities and structures e.g. toilets, spectator stands, scoring infrastructure etc. These land based activities should be given more weight in the RE1 Public Recreation zone.</p>	<p>Response</p> <p>Toilets, spectator stands and scoring infrastructure are ancillary facilities associated with a "building" or "place".</p> <p>They do not need to be specifically identified in the land use table.</p> <p>For example a recreation facility (outdoor) means: a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).</p> <p>In the RE1 Public Recreation zone the following land based recreational uses are permissible with consent (including ancillary buildings):</p> <ul style="list-style-type: none"> - Recreation areas - Recreation facility (indoor) - Recreation facility (outdoor).
<p>CID: 76 SNO 119 INO: 201</p> <p>The Scots College</p> <p>The Scots College</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Include Educational Establishments as permissible in the R3 zone</p>	<p>Summary</p> <p>A number of local councils have chosen to permit Educational Establishments in their residential zones in accordance with the Standard Instrument. Allowing flexibility for schools to deliver appropriate educational resources within the community, and acknowledging their appropriateness within residential areas.</p> <p>Development for educational purposes should be permitted around the curtilage of schools.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Include Educational Establishments as permissible in the R3 zone</p> <p>Recommend Council permit Educational Establishments in residential areas.</p>	<p>Response</p> <p>Under SEPP (Infrastructure) 2007 Educational Establishments are permissible in both the R2 Low Density Residential Zone and the R3 Medium Density Residential Zone. Under the SEPP, the expansion of existing educational establishments may be carried out on land adjacent to the existing educational establishment.</p> <p>There is no requirement to replicate this information, and include Educational Establishment in the Land Use Table for either the R2 or R3 residential zone.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be included
<p>CID: 76 SNO 119 INO: 200</p> <p>The Scots College</p> <p>The Scots College</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Include Educational Establishments as permissible in the R2 zone</p>	<p>Summary</p> <p>A number of local councils have chosen to permit Educational Establishments in their residential zones in accordance with the Standard Instrument. Allowing flexibility for schools to deliver appropriate educational resources within the community, and acknowledging their appropriateness within residential areas.</p> <p>Development for educational purposes should be permitted around the curtilage of schools.</p> <p>Recommend Council permit Educational Establishments in residential areas.</p>	<p>Response</p> <p>Under SEPP (Infrastructure) 2007 Educational Establishments are permissible in both the R2 Low Density Residential Zone and the R3 Medium Density Residential Zone. Under the SEPP, the expansion of existing educational establishments may be carried out on land adjacent to the existing educational establishment.</p> <p>There is no requirement to replicate this information, and include Educational Establishment in the Land Use Table for either the R2 or R3 residential zone.</p>
<p>CID: 98 SNO 105 INO: 305</p> <p>Mr David Henderson</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for dual occupancy (attached) dwellings</p>	<p>Summary</p> <p>The introduction of dual occupancy (attached) dwellings is applauded in the presence of suitable controls.</p>	<p>Response</p> <p>Support for the inclusion of dual occupancy (attached) in the R3 Medium Density zone is noted.</p> <p>Further controls will be included in the Comprehensive DCP.</p> <p>The Comprehensive DCP will be placed on exhibition later in 2014.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.3 Zone Objectives and Land Use Table	Use should be included
<p>CID: 81 SNO 87 INO: 222</p> <p>Hakoah Club Ltd and The Maccabi Sydney Tennis Club</p> <p>Summary</p> <p>Owners propose to redevelop the subject site to provide sporting and communal facilities. Such plans are likely to include a registered club. All of the normal uses associated with a club, e.g. bar and restaurant are permitted under the Draft LEP.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Add restaurant or café as a permissible use in RE2 Private Recreation Zone: White City, Paddington</p>	<p>Summary</p> <p>However, if the owners decide not to establish a club, there is doubt about how a restaurant or café could be approved as ancillary to the dominant sports/recreational uses on the site.</p> <p>Suggest that restaurant and café be added as uses to the RE2 zone, as they are for the RE1 zone which covers Lynne Park in Rose Bay. Otherwise, the owners are satisfied with the zoning.</p>	<p>Response</p> <p>Establishment of a restaurant or cafe is not contingent upon a registered club operating on the site. A restaurant or café could be established as an ancillary use with an indoor or outdoor recreation facility. However, the emphasis should be on retaining or facilitating a private recreation use of the land as a dominant land use.</p> <p>We do not support adding the use 'restaurant or café' to Zone RE2 Private Recreation.</p>
<p>CID: 33 SNO 34 INO: 78</p> <p>Mr Anthony Sahade</p> <p>Crystal Carwash Café Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Car Wash Café should be added to LEP as a conforming use</p>	<p>Summary</p> <p>It is requested that an additional use provision be added to the LEP that permits the existing car wash café development as a conforming use. This is because the template LEP is not clear about which definition the use falls under.</p>	<p>Response</p> <p>The owner of the site has requested a rezoning to B4 Mixed Use. A review of the zoning of this site to reflect its use and its integration with the B4 Mixed Use zone is supported. However, such a review is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>When the review of the zone is conducted the need for an additional permitted use will be considered.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.5 Additional permitted uses	Schedule 1 Additional permitted uses
<p>CID: 61 SNO 215 INO: 532</p> <p>Rodney Brender</p> <p>Temple Properties</p> <p>Recommendation No Change Issue</p> <p>Clarification on the use of 11 Ocean St, Woollahra</p>	<p>Summary</p> <p>Emanuel Synagogue has been part of the Woollahra community since 1938 and takes pride in our long-term commitment to being part of a multicultural Australia.</p> <p>Our proposed use of 11 Ocean St, for mixed use, as many of the homes along Ocean & Queen Streets in our neighbourhood.</p> <p>Motto is "creating community, celebrating diversity", we embrace the diversity of our neighbourhood.</p> <p>Having a house as a major entry point into our community will enhance our message of communal gathering, being an extension of the family home.</p> <p>Large parts of the interior, as well as the exterior remaining a "home" - its living and dining rooms and kitchen space use to host people for meals and other informal gatherings.</p> <p>Some bedrooms will remain and other rooms will be used by our clergy and their support staff for counselling rooms and offices, some with doors for privacy.</p> <p>Other larger rooms can remain relatively untouched, to be used for open work space, preserving the look and feel of the house.</p>	<p>Response</p> <p>Site contains a single dwelling, and there are no strong or overriding planning reasons to amend Schedule 1 to facilitate the use of the site as an office.</p>
<p>CID: 107 SNO 114 INO: 326</p> <p>Tri-Anta Pty Ltd</p> <p>Tri-Anta Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Insert an additional permitted use into Schedule 1: 432 Oxford St, Paddington</p>	<p>Summary</p> <p>The B4 Mixed Use Zone permits shop top housing only, and dwellings are to be located 'above' ground floor retail premises or business premises.</p> <p>This removes the potential for residential development at the rear of the site (which is in a purely residential area). A more appropriate response is to allow residential development at the rear of the site as a 'mixed development'.</p> <p>Recommendation to insert an additional permitted use, which is: "Development for the purpose of a mixed residential and commercial development is permitted with consent."</p>	<p>Response</p> <p>In our B4 Mixed Use zones we support mixed use development which includes additional residential development provided to the rear of the commercial/business premises. This is consistent with the current controls in WLEP 95.</p> <p>We have raised this issue with the DPE who advise that the definition of shop top housing is broad under the SI. Residential development to the rear of a mixed use development is still consistent with the objectives of the B4 Zone and therefore not prohibited by the SI.</p> <p>We do not support a site specific amendment to Schedule 1</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.5 Additional permitted uses	Schedule 1 Additional permitted uses
<p>CID: 61 SNO 65 INO: 140</p> <p>Rodney Brender</p> <p>Temple Properties</p> <p>Recommendation Change Issue</p> <p>Make an "office" use permissible on the site by adding the property to Schedule 1: 11 Ocean St, Woollahra</p>	<p>Summary</p> <p>Site adjoins the Emanuel Synagogue along the southern boundary. Site has previously been used as a dwelling house. The 2(a) zone does not list "office" as permissible and therefore such use is prohibited. The submission requests Council to consider the inclusion of the "office" in Schedule 1 Additional permitted uses, so that it can be used as an office space for the Synagogue (which would be relocated from the Synagogue). This use would comply with the draft objectives of the R2 zoning. There would be no change in overall staff numbers and no additional traffic generated.</p>	<p>Response</p> <p>Site contains a single dwelling, and there are no strong or overriding planning reasons to amend Schedule 1 to facilitate the use of the site as an office.</p>

Part	Category	Sub Category
Part 2 - Permitted or Prohibited	CI 2.7 - Demolition requires development consent	CI 2.7 Demolition requires development consent
<p>CID: 129 SNO 138 INO: 394</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Clause should include a reference for dealing with emergency situations</p>	<p>Summary</p> <p>Clause 2.7. A reference must be made to the process/procedures that are to be adopted where demolition is required to be undertaken following an emergency. It is inconceivable that consent is required where it is patently clear that the emergency situation has caused a building to become a hazard to persons or other buildings/infrastructure unless minor or major demolish works is undertaken immediately.</p>	<p>Response</p> <p>CI 2.7 Demolition requires development consent is a compulsory clause mandated by the Standard Instrument. We are unable to make changes to this clause. However, in the event of an emergency Council can issue an order under section 121b of the Environmental Planning & Assessment Act to demolish an unsafe structure.</p>

Part	Category	Sub Category
Part 3 - E & C	General Exempt and Complying Development	General Exempt and Complying Development
<p>CID: 32 SNO 33 INO: 72</p> <p>Mr Michael Edwards</p> <p>Heritage Council of NSW</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for Exempt and Complying Development provisions</p>	<p>Summary</p> <p>Draft WLEP 2013 contains standard exempt and complying development provisions as contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Additional matters of exempt development are proposed and the Heritage Council considers that these matters are:</p> <ul style="list-style-type: none"> - Low-intensity, low impact scale that will not result in adverse visual or physical impacts on heritage items and conservation areas. - Include provisions which ensure heritage impacts are mitigated through appropriate controls and requirements. 	<p>Response</p> <p>Support for the compulsory clauses on exempt and complying development is noted.</p> <p>Note: Due to the significant amendment to the Codes SEPP in February 2014, it is recommended that Schedule 1 be amended by removing provisions which duplicate new exempt provisions in the Codes SEPP. However, existing provisions regarding small scale, low impact signage in Woollahra heritage conservation areas and on heritage items will be retained in Schedule 1.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	CL 4.1 Minimum subdivision lot size
<p>CID: 137 SNO 145 INO: 165</p> <p>Mr Geoffrey Flook</p> <p>Fortressnet</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concern regarding minimum lot size</p>	<p>Summary</p> <p>Would like to be made aware when Council is considering minimum lot sizes.</p>	<p>Response</p> <p>We note the customers request, and will notify the customer when the report on Draft WLEP 2013 is available. Note: All statutory allotment sizes contained in Woollahra LEP 1995 were reviewed. The results were placed in Draft WLEP 2013.</p>
<p>CID: 123 SNO 132 INO: 359</p> <p>Mr Michael Della Marta</p> <p>Riyote Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Keep the existing minimum lot size: 40 Carlisle St, Rose Bay</p>	<p>Summary</p> <p>It is impossible to consolidate the site when the FSR is only 0.75:1, have tried over the last 13 years to consolidate with the adjoining property.</p> <p>Currently preparing plans to submit a DA for 3 townhouse style dwellings on the site, without creating the wedding cake effect.</p> <p>The minimum lot size of 700m² will prohibit ANY medium density development on the site.</p> <p>Council are not being serious about creating medium density development in the area.</p> <p>There should be no change to the minimum allotment size in the current LEP.</p> <p>The market should dictate the minimum allot size, as only reasonable size dwellings are saleable.</p>	<p>Response</p> <p>The 700m² minimum lot size ensures that each site is of a size that will provide reasonable amenity to the surrounding land and residents within new RFB developments.</p> <p>The 700m² minimum lot size translates the controls in WLEP 1995 which states that an RFB containing four or more dwellings requires a minimum lot size of 930m².</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	CL 4.1 Minimum subdivision lot size
<p>CID: 86 SNO 92 INO: 194</p> <p>Jim, David, Robert, Geoffrey and Kenneth Flook</p> <p>Greenway Property Group Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not impose a minimum lot size, but maintain a street frontage control: Rose Bay</p>	<p>Summary</p> <p>The proposed minimum lot size of 700m² for medium density development is very restrictive, with such diverse lot sizes across the LGA. The current 15m frontage is a better planning control in achieving good streetscape design objectives.</p> <p>There are numerous examples in Rose Bay where the 15m control has worked effectively in well-designed medium density developments as the width of the block is more critical to functional designed and streetscape than the blocks area. Do not impose a minimum lot size of 500m², and maintain the 15m frontage control.</p>	<p>Response</p> <p>The 700m² minimum lot size translates the controls in WLEP 1995 which states that an RFB containing four or more dwellings requires a minimum lot size of 930m².</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p> <p>The Standard Instrument does not allow the inclusion of minimum frontage controls in Draft WLEP 2013. The frontage controls will be included in the Comprehensive DCP, including the 15m frontage control.</p> <p>More detailed controls regarding garaging at the street frontage, and setbacks to provide open space will also form part of the Comprehensive DCP.</p>
<p>CID: 31 SNO 32 INO: 67</p> <p>Sisters of Mercy</p> <p>Sisters of Mercy</p> <p>Recommendation Change</p> <p>Issue</p> <p>Minimum lot size should be changed to the adjoining 700m²: 82 Edgecliff Rd, Woollahra</p>	<p>Summary</p> <p>If rezoned to R3 - there is no planning reason why a lot size consistent with the lots immediately to the west (which are developed as single dwellings) would not be appropriate in this instance.</p> <p>The property has two dwellings on a single lot at the present time; presenting as a 'double frontage'.</p> <p>One option would be to not apply the lot size map in this instance (e.g. retain as proposed). Should this be a concern, another option would be to make a two lot subdivision of the land permissible as an additional use of land or to apply an appropriate lot size overlay over this allotment to permit (but only permit) a two lot subdivision consistent with the nearby residential lots to the west.</p>	<p>Response</p> <p>A rezoning of this site to R3 Medium Density Residential is supported. Accordingly a minimum lot size of 700m² should be applied to the site for consistency with the all R3 zoned land.</p> <p>Recommendation:</p> <p>A minimum lot size of 700m² be applied to 82 Edgecliff Road, Woollahra.</p>

Part	Category	Sub Category
Part 4 - PDS	CL 4.1 Lot Size	CL 4.1 Minimum subdivision lot size

CID: 1 SNO 1 INO: 2 Summary

Mr & Mrs Michael Rolfe

Calculation of site area should exclude those parts of the lot that are subject to tidal inundation. Provision should be in the LEP rather than the DCP.

Response

Draft WLEP 2013 does not apply to any land that falls below Mean High Water Mark. In these locations the Sydney Harbour Catchment Sydney Regional Environmental Plan applies, therefore there is no need for a specific clause to exclude this land from the calculation of site area.

Recommendation No Change

Issue

Calculation of site area should exclude area subject to tidal inundation: Watsons Bay

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	Maintain existing lot size and frontage controls
<p>CID: 129 SNO 138 INO: 378 Summary</p> <p>Charlotte Feldman Changing the minimum lot size and frontage standards will be at the expense of adequate green areas, sufficient soil area porosity and view and air corridors.</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Maintain WLEP lot size and frontage standards</p>		<p>Response</p> <p>The 700m² minimum lot size translates the controls in WLEP 1995 which states that an RFB containing four or more dwellings requires a minimum lot size of 930m².</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p> <p>The Standard Instrument does not allow the inclusion of minimum frontage controls in Draft WLEP 2013. The frontage controls will be included in the Comprehensive DCP.</p> <p>More detailed controls regarding garaging at the street frontage, and setbacks to provide open space will also form part of the Comprehensive DCP.</p>
<p>CID: 114 SNO 122 INO: 320 Summary</p> <p>Ross Nicholas Retain all existing minimum lot sizes</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Retain existing minimum lot sizes.</p>		<p>Response</p> <p>The lot size controls in Draft WLEP 2013 are based on the WLEP 1995 controls.</p> <p>However, due to the format of the Standard Instrument we are unable to duplicate our existing controls.</p> <p>The Draft WLEP 2013 minimum lot size controls ensure that land is of a reasonable size to accommodate the uses permissible within residential zones.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	Maintain existing lot size and frontage controls
CID: 110 SNO 117 INO: 338	Summary	Response
Councillor Nicola Grieve	<p>Draft waters down the restrictions on building RFBs.</p> <p>If passed it will open the door for many more single residences to be demolished for RFBs on relatively small allotments.</p> <p>This will produce wall to wall flat buildings in areas zoned R3, with little green space and a street frontage made up of garages and excavated driveways.</p> <p>Not a well considered proposal.</p>	<p>Under WLEP 1995 an RFB containing up to three dwellings can be constructed on any size lot, provided it has a frontage of 15m. RFBs containing four or more dwellings require a 930m² minimum lot size and 21m frontage.</p> <p>In Draft WLEP 2013, the minimum lot size for all RFBs is 700m².</p> <p>The 700m² minimum lot size in Draft WLEP 2013 translates the WLEP 1995 controls for RFBs containing four or more dwellings.</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p> <p>The Standard Instrument does not allow the inclusion of minimum frontage controls in Draft WLEP 2013. The frontage controls will be included in the Comprehensive DCP.</p> <p>More detailed controls regarding garaging at the street frontage, and setbacks to provide open space will also form part of the Comprehensive DCP.</p>
Recommendation No Change Issue		
Maintain WLEP 1995 lot and street frontage controls	<p>The existing control is to be replaced by a single minimum lot size control of 700m².</p> <p>No detailed mapping provided to residents of the extent to which this will encourage the building of RFBs, which areas will be most at risk, and what the streetscape and final amenity will result from these lax controls.</p>	

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	Maintain existing lot size and frontage controls
<p>CID: 102 SNO 109 INO: 435 Summary</p> <p>Councillor Matthew Robertson</p> <p>Minimum lot size for RFBs in the R3 zone must be maintained in line with the controls of WLEP 1995 to prevent the overdevelopment of the R3 zones with poor street presentation resulting from the permissibility of street-facing garaging due to the expansion of the minimum lot controls for RFBs.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Maintain WLEP 1995 minimum lot and street frontage controls</p>		<p>Response</p> <p>Under WLEP 1995 an RFB containing up to three dwellings can be constructed on any size lot, provided it has a frontage of 15m. RFBs containing four or more dwellings require a 930m² minimum lot size and 21m frontage.</p> <p>In Draft WLEP 2013, the minimum lot size for all RFBs is 700m².</p> <p>The 700m² minimum lot size in Draft WLEP 2013 translates the WLEP 1995 controls for RFBs containing four or more dwellings.</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p> <p>The Standard Instrument does not allow the inclusion of minimum frontage controls in Draft WLEP 2013. The frontage controls will be included in the Comprehensive DCP.</p> <p>More detailed controls regarding garaging at the street frontage, and setbacks to provide open space will also form part of the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	Maintain existing lot size and frontage controls
CID: 96 SNO 103 INO: 284	Summary	Response
<p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Maintain WLEP 1995 minimum lot and street frontage controls</p>	<p>Draft WLEP 2013 waters down the restrictions on RFBs, so that they can be built on small allotments.</p> <p>This will produce wall to wall RFBs with little green space and a street frontage that is made up of garages and driveways.</p> <p>Current clause 10B will be replaced by a single minimum lot size control of 700m² for RFBs.</p> <p>There has been no detailed mapping provided of the extent to which this will encourage RFBs, or which areas will be most at risk from these developments.</p> <p>The existing controls should be retained.</p>	<p>Under WLEP 1995 an RFB containing up to three dwellings can be constructed on any size lot, provided it has a frontage of 15m. RFBs containing four or more dwellings require a 930m² minimum lot size and 21m frontage.</p> <p>In Draft WLEP 2013, the minimum lot size for all RFBs is 700m².</p> <p>The 700m² minimum lot size in Draft WLEP 2013 translates the WLEP 1995 controls for RFBs containing four or more dwellings.</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p> <p>The Standard Instrument does not allow the inclusion of minimum frontage controls in Draft WLEP 2013. The frontage controls will be included in the Comprehensive DCP.</p> <p>More detailed controls regarding garaging at the street frontage, and setbacks to provide open space will also form part of the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	Maintain existing lot size and frontage controls
<p>CID: 85 SNO 91 INO: 254</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Maintain existing controls regarding minimum lot size and site frontage</p>	<p>Summary</p> <p>Currently a site must not be redeveloped for an RFB containing 3 dwellings or fewer unless the site width is 15m or more.</p> <p>Site must not be redeveloped for an RFB of 4 dwellings or more unless it is 930m² and has a width of 21m.</p> <p>All these sensible controls are being swept away and replaced by a single minimum lot control of 700m².</p> <p>700m² is the average dwelling site in Double Bay.</p> <p>Proposal amounts to the almost certain end of leafy dwelling home character of much of Double Bay and replaced with flats.</p> <p>Similar to the destruction of Randwick and more recent desecration of Ku-ring-gai's spine.</p> <p>These major changes are concealed by the author of the discussion paper, giving the misleading impression that the proposed controls are not different from the existing controls.</p>	<p>Response</p> <p>Under WLEP 1995 an RFB containing up to three dwellings can be constructed on any size lot, provided it has a frontage of 15m. RFBs containing four or more dwellings require a 930m² minimum lot size and 21m frontage.</p> <p>In Draft WLEP 2013 the minimum lot size for all RFBs is 700m².</p> <p>The 700m² minimum lot size in Draft WLEP 2013 translates the WLEP 1995 controls for RFBs containing four or more dwellings.</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p> <p>The Standard Instrument does not allow the inclusion of minimum frontage controls in Draft WLEP 2013. However, the 15m and 21m frontage controls will be included in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.1 Lot Size	Maintain existing lot size and frontage controls
<p>CID: 59 SNO 63 INO: 172 Summary</p> <p>Ms Rosie White</p> <p>Oppose the reduction in minimum lot size as it will open up the possibility of residential flat developments to be constructed on much smaller lots than previously. This opens up the possibility of a significant increase in built urban density, not being adequately controlled, will result in a loss of natural environment, ugly streetscapes and community wellbeing.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Objection to reduction of minimum lot sizes</p>		<p>Response</p> <p>Under WLEP 1995 an RFB containing up to three dwellings can be constructed on any size lot, provided it has a frontage of 15m. RFBs containing four or more dwellings require a 930m² minimum lot size and 21m frontage.</p> <p>In Draft WLEP 2013 the minimum lot size for all RFBs is 700m².</p> <p>The 700m² minimum lot size in Draft WLEP 2013 translates the WLEP 1995 controls for RFBs containing four or more dwellings.</p> <p>Given than an RFB is defined in the Standard Instrument as a building containing three or more dwellings, we have proportionally reduced the minimum lot size so that it is based on three (not four) dwellings.</p> <p>The Standard Instrument does not allow the inclusion of minimum frontage controls in Draft WLEP 2013. However, the 15m and 21m frontage controls will be included in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 78 SNO 83 INO: 218</p> <p>Mr & Mrs Michael and Sarah Lawrence</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to increasing heights across the LGA</p>	<p>Summary</p> <p>- Support having height limits in the LEP, but against the general increase in heights across the LGA. Argue that an increased ceiling height in a "quality building" should be a reason to increase the permissible building height is wrong. The important issue is the total height of a building and the shadows and impact this will have on neighbours and the public.</p> <p>- Most residents do not want Woollahra to grow vertically.</p> <p>- Argue to increase height from a standpoint of the tallest of what is there now is bad planning and leads to a gradual creep.</p>	<p>Response</p> <p>The height controls in WLEP 1995 needed fine-tuning. The maximum building height controls in the Draft LEP are a practical response to current industry building standards. They were established having regard to the desired future character of the LGA, the existing built form and recently approved development applications. In particular, the changes generally only seek to:</p> <ol style="list-style-type: none"> 1. Align maximum building heights with the storey controls in the existing DCPs. 2. Establish height controls that account for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. 3. Address anomalies where WLEP 1995 height controls do not substantially reflect the existing predominant built form. These changes have only been applied to groups of buildings which display a predominant and consistent pattern of heights in a particular location. Heights have not been increased to reflect a single building. <p>The proposed increases will not have a detrimental impact on local character and built form outcomes.</p>

Part			Category	Sub Category
Part 4 - PDS			CI 4.3 Height of Building	CI 4.3 Height of buildings
CID: 9	SNO 9	INO: 41	<p>Summary</p> <p>Mr Peter Bracher</p> <p>Height limits proposed for properties adjacent to the State Heritage Register listed Rose Bay cottage (1-7 Salisbury Road) ought to be reduced. (Submission referred to the reasons outlined in the attached letter from the National Trust dated 14 July 2010, which was from the Opportunity Site consultation exercise).</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Reduce heights adjacent to Rose Bay Cottage: 1-7 Salisbury Rd, Rose Bay</p>	<p>Response</p> <p>Beresford Road (to the west of the heritage item) is zoned R2 Low Density Residential which permits development such as dwelling houses with consent. Therefore a 9.5m height limit has been retained in Draft WLEP 2013.</p> <p>Salisbury Road (to the north, south and east of the heritage item) is zoned R3 Medium Density Residential, which permits development such as residential flat buildings with consent. Across the R3 zone maximum building heights have increased from 9.5m to 10.5m to reflect the storey controls in the Residential Development Control Plan and account for current building practice.</p> <p>No rezonings are proposed in Draft WLEP 2013 to land adjoining 1-7 Salisbury Road.</p> <p>The proposed amendments to the height controls are minor and will not have a detrimental impact on the setting of the Rose Bay Cottage.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 25 SNO 25 INO: 52</p> <p>Ms Eelsha Dixon</p> <p>Summary</p> <p>Objects that the area to the north of Sutherland Street has a different height limit to remainder of Paddington. Lax planning controls in the 1970s resulted in high rise development.</p> <p>Would not like to see any increase in density in these areas as roads are busier than other areas of Paddington and parking more challenging.</p> <p>Disappointed that any part of Paddington would deviate from heritage controls.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to different height limit in area north of Sutherland Street, Paddington</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995, and overall there is no proposal to increase densities in Paddington.</p> <p>The area north of Sutherland Street is currently zoned Residential 2(b). Draft WLEP 2013 translates this zone to R3 Medium Density Residential. Across the R3 Medium Density Residential zone locations with a 9.5m height limit under WLEP 1995 have been marginally increased to 10.5m in Draft WLEP 2013. This increase reflects the existing permissible number of storeys and accounts for changes in current building practice.</p> <p>The LEP does not set height limits which would permit further high rise development in this area of the Paddington HCA.</p>	
<p>CID: 31 SNO 32 INO: 124</p> <p>Sisters of Mercy</p> <p>Summary</p> <p>The land is proposed as height of buildings "K" which would permit development up to 10.5m. This provision is consistent with the residential development to the west and east. We support this height.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support 10.5m height control: 82 Edgecliff Rd, Woollahra</p>	<p>Response</p> <p>Support noted.</p>	

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
CID: 34 SNO 35 INO: 81 Ms Julie Dixon NSW Ministry of Health	Summary Support the establishment of height controls - extra 100mm between floors to reduce noise, increase sense of space, increase natural light - to comply with acoustic privacy standards in the new building regulations.	Response Support noted.
Recommendation No Change Issue Support for height controls that consider acoustic privacy		
CID: 42 SNO 44 INO: 109 Ms Joan Bar Recommendation No Change Issue Alarmed at increase in height of 3-9 Military Rd, Watsons Bay	Summary - Alarmed at the increase of height limit at 3-9 Military Road from 8.3m to 10.5m. - Past councils have permitted very ugly buildings and high rise could be their next step. - "Hands off Watsons Bay" is the comment after living in the area for 30 years.	Response The proposed height of 10.5m aligns with the existing number of storeys in this group of buildings, and does not increase development potential beyond the yield currently on the site. The change reflects the existing building and is consistent with the desired future character of the area.

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 43 SNO 46 INO: 114</p> <p>Ms Victoria Hofer</p> <p>Existing height of 8.2m should be retained. Height can be varied on merit. Existing height does not interfere with privacy, views or sun and light. Increasing height may provide the developer of 9 Military Rd with an extra level on the development.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Existing height should be retained</p>	<p>Summary</p> <p>Existing height of 8.2m should be retained. Height can be varied on merit. Existing height does not interfere with privacy, views or sun and light. Increasing height may provide the developer of 9 Military Rd with an extra level on the development.</p>	<p>Response</p> <p>The height controls in WLEP 1995 needed fine-tuning. In particular, some height controls in WLEP 1995 do not reflect the existing predominant built form and desired future character of the area. The maximum building height controls in Draft WLEP 2013 are a practical response to the existing built form, desired future character and industry building standards. Changes have only been applied to groups of buildings which display a predominant and consistent pattern of heights in a particular location. The properties at 3-9 Military Road are one such location. The proposed maximum building height for 3-9 Military Road is consistent with the existing number of storeys of these buildings, and will not facilitate any additional levels of development.</p>
<p>CID: 47 SNO 50 INO: 121</p> <p>Embassy 535 Pty Ltd</p> <p>Embassy 535 Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support the unchanged 15m height limit: 535-537 New South Head Rd, Double Bay</p>	<p>Summary</p> <p>Client is in full support of the proposed amendments outlined in Draft LEP 2013 as it pertains to the subject site. Proposed height is consistent with the Metropolitan Strategy and the Draft East Subregional strategy.</p>	<p>Response</p> <p>Support noted.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 59 SNO 63 INO: 174 Summary</p> <p>Ms Rosie White The WLEP 1995 building height should be retained.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>LGA wide</p>		<p>Response</p> <p>The height controls in WLEP 1995 needed fine-tuning. The maximum building height controls in Draft WLEP 2013 are a practical response to current industry building standards. They were established having regard to the desired future character of the LGA, the existing built form and recently approved development applications. In particular, the changes generally only seek to:</p> <ol style="list-style-type: none"> 1. Align maximum building heights with the storey controls in the existing DCPs. 2. Establish height controls that account for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. 3. Address anomalies where WLEP 1995 height controls do not substantially reflect the existing predominant built form. These changes have only been applied to groups of buildings which display a predominant and consistent pattern of heights in a particular location. Heights have been increased to reflect a single building. <p>The proposed increases will not have a detrimental impact on local character and built form outcomes.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
CID: 62 SNO 66 INO: 141	Summary	Response
<p>Ms Josephine McIntyre</p> <p>NRMA Publishing</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to planning control changes at 3-9 Military Rd, Watsons Bay</p>	<p>Object to the proposed rezoning at 3-9 Military Road. Current Height is 8.2m, and these three buildings will now be able to increase their height to 10.5m. This is not protecting the character of Watsons Bay. If the area is "historic" why would Council consider allowing just three properties to increase their bulk and scale?</p> <p>9 Military Road is under development. Originally containing 9 individual units, the development has only 3 units. Surely a reduced number of dwellings results in lower density housing?</p> <p>3-5 and 7 Military Road are flats that are owned by individuals and its is extremely unlikely that the collective owners will increase the height of these buildings.</p> <p>14 Military Road, is a block of flats, but is not being rezoned to Medium Density.</p> <p>The proposed rezoning will benefit only one person (the developer of 9 Military Road).</p>	<p>The height controls in WLEP 1995 needed fine-tuning. In particular, some height controls in WLEP 1995 do not reflect the existing predominant built form and desired future character of the area. The maximum building height controls in Draft WLEP 2013 are a practical response to the existing built form and industry building standards.</p> <p>These changes have only been applied to groups of three or more residential flat buildings (RFBs) zoned Residential 2(a) zone in WLEP 1995. The Residential 2(a) zone does not permit RFB development, making the existing buildings non-conforming uses. These groups have a predominant and consistent pattern of built form, in this case three storeys. Therefore, a 10.5m (3 storey) maximum building height has been applied in Draft WLEP 2013.</p> <p>No.14 Military Road has not been rezoned to R3 Medium Density Residential as it is a mixed use commercial and residential building that is permissible in the B1 Neighbourhood Centre zone.</p> <p>Regarding the development at 9 Military Road, Council is unable to prescribe the minimum number of dwellings an RFB must contain.</p>
CID: 66 SNO 70 INO: 134	Summary	Response
<p>Mr Anthony Farrell</p> <p>Department of Defence</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to height restriction on HMAS Watson and Steel Point Degaussing Range</p>	<p>Defence has identified that the Draft LEP is intending to place height restrictions on HMAS Watson and Steel Point Degaussing Range. Defence wishes to remind Council that Defence being a Commonwealth Government Department is not subject to local government height control policies.</p> <p>Applying height restrictions on the Defence estate gives the community unrealistic and inaccurate expressions that Defence must comply with Council's height restrictions. Defence therefore requests that these height restrictions are removed from Defence land.</p>	<p>The 9.5m height control currently applies under WLEP 1995. Draft WLEP 2013 translates the current controls and also applies a 9.5m height limit. Whilst the Department of Defence is not required to comply with Council's height limits, the maximum 9.5m height limit articulates Council's desired future character for Watsons Bay, particularly if the site is no longer required by the Department of Defence.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 6 SNO 6 INO: 44</p> <p>Mr & Mrs John & Karen Trudgian</p> <p>Summary</p> <p>Increase the height to 13.5m to provide for a development that is in context with the surrounding 3 and 4 storeys.</p> <p>The proposed additional height will provide an opportunity to better improve the urban character of Bellevue Hill.</p> <p>The site can accommodate additional height in the rear while maintaining an appropriate scale at the street frontage.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height to 13.5m: 131A Victoria Rd, Bellevue Hill</p>		<p>Response</p> <p>A rezoning of this site to R3 Medium Density Residential and a change to the FSR have also been requested. Since the rezoning is not supported, there is no need to amend the maximum building height for this site.</p>
<p>CID: 71 SNO 75 INO: 207</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Summary</p> <p>If the site is rezoned to B4 Mixed Use, a corresponding height of 9.5m should be applied to the site.</p> <p>Redevelopment will promote safety and security by removing existing poor quality buildings and facilitating new mixed use development that would be designed in a manner that promotes casual surveillance of the public domain (in the street).</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Having rezoned to B4 -Mixed Use, apply a height of 9.5m: 2-20 George St, Paddington</p>		<p>Response</p> <p>The rezoning is not supported. Therefore a maximum building height change is not required.</p> <p>As the site is zoned R2, no maximum building height applies. This is the case for all R2 zoned land in the Paddington Heritage Conservation Area.</p>
<p>CID: 141 SNO 149 INO: 366</p> <p>Mr Andrew Wilson</p> <p>NSW Department of Education and Communities</p> <p>Summary</p> <p>The Department's schools are: Double Bay Public School, Woollahra Public School, Bellevue Hill Public School, Vacluse Public School, Rose Bay Public School and Glenmore Road Public School. Planning controls applying to schools should enable schools to be developed to accommodate the increased student enrolment numbers. Request that the building height limits on school sites be removed from the Draft LEP, as with the FSR limit, so as to facilitate future school development and flexible design.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Remove 9.5m height control from Public School sites</p>		<p>Response</p> <p>Draft WLEP 2013 translates the existing height controls from WLEP 1995. The 9.5m height control that applies to the school sites is consistent with the desired future character of the areas where the schools are located.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
CID: 82 SNO 88 INO: 224	Summary	Response
Ms Mary Fisher	Support placing the height limits in the LEP (rather than the DCP) as a way of ensuring compliance with the controls.	Support for height controls in the LEP noted.
Recommendation No Change		
Issue		
Support height controls in the LEP		
CID: 85 SNO 91 INO: 240	Summary	Response
Mr Philip Mason	The Double Bay Residents Association supports the concept of having height limits in the LEP. In this way, compliance with them is compulsory unless a SEPP No. 1 objection is successful.	Support noted.
Double Bay Residents Association		
Recommendation No Change		
Issue		
Support for height limits in the LEP		
CID: 96 SNO 103 INO: 288	Summary	Response
Woollahra Greens	Object to the translation of existing anomalies into compliant height standards. Remedying existing non-compliances is an invitation for future overdevelopment.	The height controls in WLEP 1995 needed fine-tuning. In some locations the height controls in WLEP 1995 do not reflect the existing predominant built form. Where this is currently the case, the height controls in Draft WLEP 2013 have been increased. The controls align with the predominant existing maximum number of storeys and therefore generally do not increase development potential. These changes have only been applied to groups of buildings where there is a predominant and consistent pattern of heights in a particular location. Heights have not been increased to reflect a single building.
Woollahra Greens		
Recommendation No Change		
Issue		
Object to modifying existing height controls		

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
CID: 101 SNO 108 INO: 280	Summary	Response
Mr & Mrs George and Athena Bouhoutos	Surrounding area is characterised predominantly by multi-unit developments ranging from 3-5 storeys. With one larger RFB up to 8 storeys. The proposed height will be in context of the scale of the surrounding buildings.	Support noted.
Recommendation No Change		
Issue		
Supported for the proposed height of 10.5m: 1A Benelong Cres, Bellevue Hill		
CID: 102 SNO 109 INO: 438	Summary	Response
Councillor Matthew Robertson	Object to the 'translation' of existing 'anomalies' into compliant height standards. Remedying existing non-compliances is an invitation for future overdevelopment.	The height controls in WLEP 1995 needed fine-tuning. In some locations the height controls in WLEP 1995 do not reflect the existing predominant built form. Where this is currently the case, the height controls in Draft WLEP 2013 have been increased. The controls align with the predominant existing maximum number of storeys and therefore generally do not increase development potential. These changes have only been applied to groups of buildings where there is a predominant and consistent pattern of heights in a particular location. Heights have not been increased to reflect a single building.
Recommendation No Change		
Issue		
Object to translating existing height anomalies as this invites future overdevelopment		

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 110 SNO 117 INO: 333</p> <p>Councillor Nicola Grieve</p> <p>Do not accept the basis for the increases in building heights. The new heights are not the DFC of the area, but a failure to uphold existing height controls. Changes rely heavily on DCPs to control built form, and their future is unknown.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to increasing height limits</p>	<p>Summary</p> <p>Do not accept the basis for the increases in building heights. The new heights are not the DFC of the area, but a failure to uphold existing height controls. Changes rely heavily on DCPs to control built form, and their future is unknown. If DCPs become irrelevant, the Draft LEP 2013 will have no way to control building heights.</p>	<p>Response</p> <p>The height controls in WLEP 1995 needed fine-tuning. The maximum building height controls in Draft WLEP 2013 are a practical response to current industry building standards. They were established having regard to the desired future character of the LGA, the existing built form and recently approved development applications. In particular, the changes generally only seek to:</p> <ol style="list-style-type: none"> 1. Align maximum building heights with the storey controls in the existing DCPs. 2. Establish height controls that account for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. 3. Address anomalies where WLEP 1995 height controls do not substantially reflect the existing predominant built form. These changes have only been applied to groups of buildings which display a predominant and consistent pattern of heights in a particular location. Heights have not been increased to reflect a single building. The proposed increases will not have a detrimental impact on local character and built form outcomes.
<p>CID: 111 SNO 118 INO: 316</p> <p>Mr & Mrs Warwick and Penelope Coombes</p> <p>Concern regarding the height of 315/317 New South Head Rd, Double Bay</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concern regarding the height of 315/317 New South Head Rd, Double Bay</p>	<p>Summary</p> <p>Concern regarding the heights at 315/317 New South Head Rd, Double Bay which had development applications approved in March 2013. We trust that the height of the rooflines approved in the DA will be unchanged from that proposed in Draft WLEP 2013.</p>	<p>Response</p> <p>The maximum building height for these two properties has been reduced from 18m in WLEP 1995 to 13.5m in Draft WLEP 2013. The maximum height of the approved development application (DA) for 315 and 317 New South Head Road was 13.4m. The 13.5m control in Draft WLEP 2013 is consistent with the approved DA and no changes to the approved DA have been proposed to date.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
CID: 76 SNO 119 INO: 202	Summary	Response
The Scots College	Draft WLEP 2013 proposes to apply a maximum building height of 9.5m to all the sites within The Scots College Bellevue Hill Campus. It is not appropriate to apply a maximum building height, as buildings need to be designed as flexible and adaptable as possible to respond to the changing needs of the school. School buildings need to accommodate floor-to-ceiling heights that allow for the flexible use of these buildings. Applying a building height control will limit the ability of the school to develop buildings of an appropriate height and scale.	Draft WLEP 2013 translates the existing height controls. The 9.5m height control that applies to school sites is consistent with the desired future character of the areas where the majority of schools are located.
The Scots College		
Recommendation No Change		PN 08-001 does not state that a maximum building height should only be applied in Strategic Centres. Application of maximum building heights to the SP2 Educational Establishment zone is consistent with PN 08-001.
Issue		
Height controls should not apply to The Scots College	Furthermore, in accordance with LEP Practice Note 08-001 Height and Floor Space Ratios, heights and FSRs are only required in strategic centres. Bellevue Hill is not a 'strategic centre' and therefore unnecessary for Council to set height controls for the school site. It is noted that Council, consistent with the above Practice note, has not applied set FSR controls to the Campus.	
	Existing school buildings on the site vary between 1 and 5 storeys. The maximum height of the tallest building is over 15m. A maximum HOB of 15m would provide for a building up to four storeys.	
	Request that no building height controls are applied to the Scots College Bellevue Hill Campus, and if Council insists on applying a maximum building height, this should be set at 15m.	

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 127 SNO 136 INO: 423</p> <p>Mr Wes van der Gardner</p> <p>Roche Group Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Interpretation of Height of Building Control CI4.3: Double Bay</p>	<p>Summary</p> <p>Different Council's have different interpretations on the application of the standard templates height of building control. e.g. City of Sydney includes that the uppermost 2-3m of the max height nominated in Sydney LEP 2012 is for roof forms and building services and is not to be used for habitable areas (Draft Sydney DCP, 2013).</p> <p>Council should clarify its position on its interpretation of the building height control, and apply discretion in the application of this control for other roof forms (non-pitched) should be included in the draft LEP 2013.</p> <p>If we adopt a similar definition to the City of Sydney, Council should consider increasing the maximum building height by 2-3m to ensure the intensity of development sought by the combination of FSR and height can be achieved.</p>	<p>Response</p> <p>The Standard Instrument defines building height (or height of building) as "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like." All NSW LEPs must include this definition.</p> <p>The height controls in the Draft WLEP 2013 have been proposed having regard to this definition. The height controls relate directly to the desired number of storeys for that location. Council has established baseline heights to provide consistency across the LGA. The baseline heights include at least 0.9m to account for roof forms and building services.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3 Height of buildings
<p>CID: 129 SNO 138 INO: 381</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not increase height controls</p>	<p>Summary</p> <p>Changes to building heights - these go against all desired requirements to maintain the leafy environment of, in particular, the Darling Point peninsula. Qualifying parameters should be enshrined in the LEP not the DCP. Council's proposed arguments to establish these new heights appear somewhat specious. Particularly as Council staff have almost continuously rounded upwards to a higher half fraction rather than using a method similar to the rounding used in Australian currency.</p>	<p>Response</p> <p>The height controls in WLEP 1995 needed fine-tuning. The maximum building height controls in Draft WLEP 2013 are a practical response to current industry building standards. They were established having regard to the desired future character of the LGA, the existing built form and recently approved development applications. In particular, the changes generally only seek to:</p> <ol style="list-style-type: none"> 1. Align maximum building heights with the storey controls in the existing DCPs. 2. Establish height controls that account for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. 3. Address anomalies where WLEP 1995 height controls do not substantially reflect the existing predominant built form. These changes have only been applied to groups of buildings which display a predominant and consistent pattern of heights in a particular location. Heights have not been increased to reflect a single building. The proposed increases will not have a detrimental impact on local character and built form outcomes.
<p>CID: 68 SNO 72 INO: 146</p> <p>Mr & Mrs Phillip and Margaret Howe</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for reduction in height limit: 315-317 New South Head Rd, Double Bay</p>	<p>Summary</p> <p>Commends the Council on its proposed LEP for the above properties (315-317 New South Head Road) particularly the height restrictions.</p>	<p>Response</p> <p>Support noted. These properties have a recent development application approval for RFBs up to 4 storeys. The maximum building height of 13.5m (4 storeys) that is proposed for the land reflects recent development application consent. This land formed part of an opportunity site. Given controls for these properties are being amended in Draft WLEP 2013, they will be excluded from further opportunity site work.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CL 4.3A Second Height
<p>CID: 120 SNO 128 INO: 356</p> <p>Mr Raimond Schaw</p> <p>Having increased the overall height control, a secondary height limit of 10.5m would facilitate a 3 storey built form to New South Head Road (5 storeys at rear).</p> <p>Recommended control would result in a more suitable streetscape outcome and would ensure opportunities for view sharing are not significantly compromised.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Introduce second height limit of 10.5m: 252-254 New South Head Rd, Double Bay</p>		<p>Response</p> <p>Draft WLEP 2013 height controls were established having regard to the existing built form of groups of buildings. Our review of existing building heights did not seek to apply individual height controls to each building.</p> <p>As an increased height of 16.5m to recognise the height of this building is not supported, a second height limit is not appropriate.</p>
<p>CID: 29 SNO 30 INO: 62</p> <p>Bruce Bland</p> <p>The Rose Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for 'Secondary Height Limit'</p>		<p>Response</p> <p>Strongly supports the "Secondary height limit" as proposed in Draft WLEP 2013 for sloping blocks of land.</p> <p>This will certainly promote view sharing and maintain streetscapes.</p> <p>Support noted.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.3B White City
<p>CID: 81 SNO 87 INO: 223</p> <p>Hakoah Club Ltd and The Maccabi Sydney Tennis Club</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height control from 11.5m to 15.5m: White City, Paddington</p>	<p>Summary</p> <p>Draft LEP seeks to impose a height of 11.5m across a large section of the site, particularly those areas near the former grandstand and along the western part of the site adjoining Sydney Grammar school.</p> <p>Current White City DCP permits a height limit of 12.5m and large parts of the existing grandstand are up to 15.5m.</p> <p>A height limit of 16m is more appropriate, having regard to maintaining existing height levels on the site. This height limit should cover the area around the existing grandstands and over the western part of the site adjoining Sydney Grammar School.</p>	<p>Response</p> <p>The height controls in Draft WLEP 2013 are a translation of the controls in the White City DCP (2007).</p> <p>The DCP permits a height limit of two storeys measured as RL 12.5m AHD over the Tennis/Recreation Club Building part of the site. The height limit is not 12.5m from existing ground level as stated in the submission. The majority of the land around the centre court is at RL 3m AHD, meaning the maximum height above existing ground level is approximately 9.5m.</p> <p>The White City DCP permits a three storey building on the western side of the centre court without an associated RL. A height control of 11.5m has been applied to that part of the site in Draft WLEP 2013. This height limit is not a residential height and has been used in other locations for three storey buildings, such as local centres.</p> <p>The submission does not provide any evidence to justify an increase to the maximum building height, particularly having regard to the heritage significance of the site and potential view impacts. However, this site is the subject of separate investigations and reports to Council. Further recommendations may arise from those investigations.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	CI 4.4C Rose Bay height and floor space ratio incentives
<p>CID: 20 SNO 20 INO: 54</p> <p>Mr David Balkin</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concern over view impacts from extra height of Rose Bay town square</p>	<p>Summary</p> <p>Incorporating a town square in the centre of Rose Bay allows the owners of the land to build to 17.5m which is 5.5m higher than what exists today. Additional height will make a very big difference to those who look over it towards the harbour.</p> <p>Additional height has nothing to do with the need to make building heights consistent to what already exists or enabling 4 storeys. It is the result of the Council's desire to have this square. If it can be shown that the additional height has no or minimal impact on harbour views, well and good. But if it doesn't, the extra height is very unreasonable.</p> <p>Suggestion to erect height frames to demonstrate how these new height limits will impact owners.</p>	<p>Response</p> <p>The desired future character of the Rose Bay Centre was established following extensive community consultation (including the general public, community representatives, the Rose Bay Chamber of Commerce, Councillors and State Member).</p> <p>Provision of a centre square was a specific element in the Rose Bay Urban Design Study. A square would provide a focus for the centre and a link to the foreshore. The height controls for properties abutting the square were crafted to provide reasonable bonus FSR for the loss of development on the land to be used as the centre square. This is an approach frequently used in commercial centres.</p> <p>The height controls in Draft WLEP 2013 translate existing bonus height provisions for the relevant properties. The permissible number of storeys is unchanged, and the 17.5m maximum building height is consistent with the desired future character of the Centre. Further, the 17.5m control only applies to five properties in the Centre creating view sharing opportunities around this site.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 108 SNO 115 INO: 328 Summary</p> <p>Mr Stephen Davidson Vaucluse Village is characterised by 2-3 storey commercial properties, with shop top housing surrounded by dwellings and RFBs. Towards Petrarch Ave on steeply sloping sites, there are buildings up to 5 storeys. A height of 13.5m is appropriate, particularly as it is located on an intersection.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height from 11m to 13.5m: 77 New South Head Rd, Vaucluse</p>		<p>Response</p> <p>The 11m maximum building height proposed in Draft WLEP 2013 for this site is consistent with adjoining commercial land to the east. A 9.5m maximum building height applies to the adjoining residential land. A 13.5m four storey maximum building height would be out of context with the local area and potentially create overshadowing of the residential properties to the south.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 24 SNO 24 INO: 51</p> <p>Ms Angela Petros</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height limit from 9.5m to 10.5m: 20 Dover Rd, Rose Bay</p>	<p>Summary</p> <p>Request that the property have a 14.5m height limit as:</p> <ul style="list-style-type: none"> - Adjacent block between Ian Street and New South Head Road has 14.5m height. - Block directly across from 20 Dover Road is zoned at 14.5m. - Apartments behind in Ian Lane are estimated to be 14.5m. - 20 Dover Road is a residence uniquely situated between a shopping centre with a council car park and a block of flats. - Informed that the council car park adjacent is under consideration to be rezoned to 14.5m height limit. 	<p>Response</p> <p>Increasing the maximum building height on this lot of land is not supported.</p> <p>Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995.</p> <p>The block bound by Dover Road, Ian Street, Ian Lane and Carlisle Street has a 9.5m (2-3 storeys) control in WLEP 1995. The existing 9.5m control is too low to accommodate current building practice, such as the floor to ceiling heights in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy requirements of the Building Code of Australia. The 9.5m control has been translated to 10.5m (3 storeys) in Draft WLEP 2013. The submission proposes a 14.5m (4 storey) maximum building height for 20 Dover Road. However, the 14.5m height limit is proposed for properties in the Rose Bay Centre, not those in the adjoining residential zone.</p> <p>In 2010 during the 'opportunity site process', the Ian Street Car Park which adjoins 20 Dover Road was identified as having the potential for increased residential development and was being investigated. At that time, a height limit of 14.7m was consulted on for the Ian Street Car Park. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>Council has deferred consideration of planning control changes for the car park opportunity site. In Draft WLEP 2013 the car park has a 10.5m maximum building height, which is consistent with the maximum building height for 20 Dover Road.</p> <p>There is no basis for increasing the maximum building height on this site to 14.5m.</p>

Part		Category	Sub Category
Part 4 - PDS		CI 4.3 Height of Building	Increase height control
CID: 24	SNO 26	INO: 55	Summary
Ms Angela Petros		Increase height from 10.5m to 14.5m. The highest and best use for this site would be an apartment building with one apartment per floor and underground parking for 12 cars.	Response
Recommendation		No Change	Increasing the maximum building height on this lot of land is not supported.
Issue		Has discussed plans with an architect who is confident that he could come up with a modern "green" design, which would include passive climate control, solar energy and if space and logistics permits, recycled water.	Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995.
Increase height limit from 10.5m to 14.5m: 20 Dover Rd, Rose Bay			The block bound by Dover Road, Ian Street, Ian Lane and Carlisle Street has a 9.5m (2-3 storeys) control in WLEP 1995. The existing 9.5m control is too low to accommodate current building practice, such as the floor to ceiling heights in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy requirements of the Building Code of Australia. The 9.5m control has been translated to 10.5m (3 storeys) in Draft WLEP 2013. The submission proposes a 14.5m (4 storey) maximum building height for 20 Dover Road. However, the 14.5m height limit is proposed for properties in the Rose Bay Centre, not those in the adjoining residential zone.
			In 2010 during the 'opportunity site process', the Ian Street Car Park which adjoins 20 Dover Road was identified as having the potential for increased residential development and was being investigated. At that time, a height limit of 14.7m was consulted on for the Ian Street Car Park. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.
			Council has deferred consideration of planning control changes for the car park opportunity site. In Draft WLEP 2013 the car park has a 10.5m maximum building height, which is consistent with the maximum building height for 20 Dover Road.

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 67 SNO 71 INO: 184</p> <p>Mrs Irene Notaras</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height from 10.5m to 12m: 70, 74, 76, 78 & 80 Oxford St, Woollahra</p>	<p>Summary</p> <p>It is submitted that a more appropriate height limit for this location is 12m to permit a four storey development. The height limit would allow a development:</p> <ul style="list-style-type: none"> - without impacting on residential amenity, - that would create minimal shadow impact - that would permit a density in keeping with the NSW Government's theory of maximising development opportunities along major thoroughfares. The site is opposite Centennial Park, and fronts Oxford St, which is well served by public transport. 	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 69 SNO 73 INO: 185</p> <p>Mr N Stavrou</p> <p>Mediterranean Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height to facilitate a 5 storey mixed use building: 83-103 New South Head Rd, Vaucluse</p>	<p>Summary</p> <p>Site comprises one third of the Vaucluse Shopping village (7 separate allotments under 1 ownership).</p> <p>Site is on a prominent corner.</p> <p>Site is in a commercial area and in proximity to local services and transport.</p> <p>Site currently consists of 1-2 storey commercial buildings, used for retail and office purposes, and a height limit of 11m applies in Draft WLEP 2013. Site is surrounded by 2-3 storey buildings and buildings up to 5 storeys on Petrarch and Hopetoun Avenue.</p> <p>A 16.5m (5 storey) control should be applied as:</p> <ul style="list-style-type: none"> - it is compatible with future development of the area - it will facilitate a development that will create visual separation between the residential areas and commercial properties - it is consistent with the desired future character of the locality - it will encourage transport oriented development and greater sustainability. - the site is a corner location - increased height will provide greater definition for the shopping village <p>Increased height would allow more economic use of the land and provide additional residential accommodation, employment and business opportunities in the Vaucluse Village. Five storeys would allow a view above the buildings to the north and promote the principles for view sharing.</p> <p>Should incorporate additional controls that requires the fifth storey to be set back (similar to the building to the north). Ensuring that there is no overshadowing of adjoining properties, and building does not dominate the streetscape.</p> <p>Amending the LEP now would be more economical and efficient for Council, rather than relying on the fragmented process of planning proposals.</p>	<p>Response</p> <p>Draft WLEP 2013 sets a maximum height of 11m and an FSR of 1.5:1. There may be merit in further considering these controls, with a view to increasing them. Reasons these sites have merit include:</p> <ul style="list-style-type: none"> - they are located in a centre - providing walking access to shops and services and reducing the demand for vehicle trips, - they are on two bus routes with a further two in walking distance allowing connectivity to the wider area - they are under single ownership <p>Any potential height increase on these sites would require more detailed analysis having particular regard to matters such as view impacts and solar access. Such analysis is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>These sites will be given further consideration once Draft WLEP 2013 has been finalised.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 70 SNO 74 INO: 187</p> <p>Messers Stavrou and Stasos</p> <p>Site currently consists of 2 storey commercial buildings, used for retail and office purposes. A height limit of 11m currently applies. Site is surrounded by 2-3 storey buildings. To the south are a number of 3 storey RFBs. To the west are a number of 2-3 storey dwellings.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height to facilitate a 3-4 storey building: 643/645 New South Head Rd & 51-55 O Sullivan Rd, Rose Bay</p>	<p>Summary</p> <p>Should increase height to 12m due to:</p> <ul style="list-style-type: none"> - Redevelopment would result in additional dwelling yields to meet the housing targets set by the state government - 3-4 storeys is appropriate when considering the surrounding context - Site is close to public transport - Site is within 200m of Plumer Road Neighbourhood Centre and 800m of the Rose Bay Town Centre - Consistent with local and state planning strategies <p>Amending the LEP now would be more economical and efficient for Council, rather than relying on the fragmented process of planning proposals.</p>	<p>Response</p> <p>The proposed 11m maximum building height in Draft WLEP 2013 is a translation of the existing 9.5m control in WLEP 1995. Council is not seeking to increase residential density as part of the preparation of Draft WLEP 2013.</p> <p>Notwithstanding, given the site contains a heritage item at 51-55 O'Sullivan Road, increasing residential height limits at this site is not supported, particularly without justification of how the heritage item would be addressed.</p>
<p>CID: 71 SNO 76 INO: 211</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Having rezoned to R3 Medium Density, apply a height of 14.7m (4 storeys): 54/56 and 98-106 Oxford St, Woollahra</p>	<p>Summary</p> <p>The proposed R3 Medium Density Zone along this stretch of Oxford St should be supported by a consistent maximum height control of 14.7m. These amended controls should be implemented now, rather than waiting for a separate planning proposal.</p> <p>It would not be expected that the future redevelopment of the locality in a uniform manner with a height of 14.7m, and an FSR of 3:1 would have any tangible or significant adverse impacts on the significance of the broader HCA. Due to the orientation of the lots, 4 storeys would not have any overshadowing impacts on adjoining residential areas</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 69 SNO 86 INO: 189</p> <p>Mr N Stavrou</p> <p>Mediterranean Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height to facilitate a 5 storey mixed use building: 83-103 New South Head Rd, Vaucluse</p>	<p>Summary</p> <p>Agent has prepared concept drawings to indicate the likely envelope of a 5 storey mixed use building anticipated on the site. With ground floor retail/commercial and residential above. The main entrance will be on New South Head Rd, and the upper levels have been set back from the main façade. Reducing the visual impact of the development on New South Head Rd and Laguna St.</p> <p>Concept also includes 2 levels of basement parking, and a loading dock.</p> <p>Stepping of the upper levels will ensure that there is no overshadowing of adjoining properties and that the development does not dominate the streetscape.</p>	<p>Response</p> <p>The Draft LEP sets a maximum height of 11m and an FSR of 1.5:1. There may be merit in further considering these controls, with a view to increasing them. Reasons these sites have merit include:</p> <ul style="list-style-type: none"> - they are located in a centre - providing walking access to shops and services and reducing the demand for vehicle trips, - they are on two bus routes with a further two in walking distance allowing connectivity to the wider area - they are under single ownership <p>Any potential height increase on these sites would require more detailed analysis having particular regard to matters such as view impacts and solar access. Such analysis is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>These sites will be given further consideration once Draft WLEP 2013 has been finalised.</p>
<p>CID: 99 SNO 106 INO: 313</p> <p>Enfield Securities Pty Ltd</p> <p>Enfield Securities Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Plans submitted identifying an increased built form of 6 storeys (21.8m): 2 New South Head Rd, Edgecliff</p>	<p>Summary</p> <p>Plans submitted identifying what could be built under a height of 21.8m (6 storeys). This was the height control identified as part of the opportunity site consultation exercise. The current height control is 14.5m.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for increased residential development and was being investigated. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra. In July 2011 Council resolved to defer consideration of this and other opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 7 SNO 7 INO: 47</p> <p>AMB Capital Partners Royal Hotels Group & Tarrega Pty</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height to 20m: 28, 30 & 38 Bay St, 2 Guilfoyle Ave, 3 South Ave, Double Bay</p>	<p>Summary</p> <p>Increase the height to 20m to provide for a 6 storey mixed use building with retail/commercial on the ground floor and residential above.</p> <p>The proposed height is lower than the maximum height of the buildings on the opposite side of Bay Street (Cosmopolitan Centre) which is 21.85m (6 storeys).</p> <p>A 6 storey building would reinforce and enhance the built edge urban quality of the Town Centre.</p> <p>The upper most level would have a setback of 4.25m from the street frontage to reduce the apparent bulk and scale of development.</p> <p>A height limit of 17m would apply to development along South Avenue, with a setback for the upper level of 5.2m to maintain an appropriate transition.</p>	<p>Response</p> <p>The increases in maximum building height, storeys and proposed floor to ceiling heights requested in the submission are inconsistent with the desired future character of Double Bay. The suggested maximum building height of 20m is out of context with the adjoining R2 Low Density Residential Zone which has a 9.5m height limit.</p> <p>The Double Bay Centre DCP and Draft WLEP 2013 create a transition to the adjoining residential area to the west by stepping heights down. Draft WLEP 2013 applies a 18.5m (5 storey) maximum building height to Nos. 30-36 and part of No. 28 Bay Street before stepping down to 15m on No.2 Guilfoyle Avenue and at the rear of No.28 Bay Street. This increase to height for a single site in Double Bay is not supported. The site could form part of a broader review of options for the Centre and should be referred to the Double Bay Working Party for consideration. However, 20m and six storeys is not appropriate for land adjoining a 9.5m height limit.</p>
<p>CID: 106 SNO 113 INO: 323</p> <p>Henroth Investments Pty Ltd</p> <p>Henroth Investments Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height from 10.5m to 20m: 83/83A Yarranabbe Rd, Darling Point</p>	<p>Summary</p> <p>Surrounding area is characterised by multi-storey development. Property to the west is 6 storey apartments, property to the east is 7 storeys. Properties to the south range from 3 to 22 storeys in height. Subject site is the only site in the area that has not been developed as an RFB.</p> <p>The site has a height limit of 10.5m in Draft WLEP 2013. Request that the height is increased to 18-20m on the basis that:</p> <ul style="list-style-type: none"> -Due to the sloping topography, the majority of buildings extend beyond the height limit of 10.5m, including the existing building on the site. -An increase in height would not impact on the character of the area. -The higher buildings in the area indicate that a greater height is appropriate, and permitting an increase would be more consistent with the desired future character of the area. -Due to the sloping ground, all existing views will not be adversely impacted upon. 	<p>Response</p> <p>Increasing the height limit of this site is not supported as it would be inconsistent with the desired future character of the area.</p> <p>This site has a height limit of 9.5m (2-3 storeys) in WLEP 1995 which has been translated as 10.5m (3 storey) in Draft WLEP 2013.</p> <p>The height limit has been marginally increased by 1m to 10.5m to account for current building practice. In particular, this relates to floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia.</p> <p>It is not suitable to increase height based on the scale of nearby multi-storey towers, as these buildings do not represent the desired future character of the area.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 143 SNO 152 INO: 364</p> <p>Owners of Tri-Anta Pty Ltd</p> <p>Summary</p> <p>The current height control is 9.5m.</p> <p>Increase the height control to facilitate additional housing to support the renewal of the corridor. The height of 11m included within the opportunity site project does not provide adequate incentive to encourage redevelopment and renewal of the site and the wider precinct.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height control: 52</p> <p>Old South Head Rd, Vaucluse</p>		<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this and other opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>
<p>CID: 76 SNO 119 INO: 204</p> <p>The Scots College</p> <p>The Scots College</p> <p>Summary</p> <p>The proposed height control of 10.5m which applies to the site under Draft WLEP 2013 is inappropriate in the context of the existing built form on the site. The proposed maximum height limit should be tested against the existing built form.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>10.5m height control should be reviewed against the existing built form: Carlisle Rd, Rose Bay</p>		<p>Response</p> <p>Draft WLEP 2013 is a translation of the existing controls for this site. The WLEP 1995 maximum building height of 9.5m is slightly increased to 10.5m in Draft WLEP 2013. The height limit has been marginally increased to account for current building practice. In particular, this relates to floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia.</p> <p>The 10.5m control is consistent with the three storey desired future character for the R3 zone in this part of Rose Bay. The height controls in Draft LEP 2013 do not seek represent the height of individual buildings within the R3 zone.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 119 SNO 127 INO: 352</p> <p>Owners of 80-84 & 90 New South Head Road, Edgecliff</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height on 80-84 NSH Rd from 14.5 to 28.5m, reduce height on 90 NSH Rd from 20.5 to 15m</p>	<p>Summary</p> <p>Increase the height control for No. 80-84 from 14.5m to 28.5m (facilitate a 6 storey building). Decrease the height control for No. 90 from 20.5m to 15m (facilitate a 3 storey building). On the basis that:</p> <ul style="list-style-type: none"> - the increased height is consistent with the desired future character of the locality. - the site is excellently located and lends itself to higher density form of development. - the proposed height and scale are consistent with a number of similar sites in direct vicinity (including 100 New South Head Rd and 161 New South Head Rd. - to ensure there is no loss of amenity, the suggested building envelope in the submission has been designed so there is no impact to these properties which form a transitional arrangement heading north, along Mona Road adjacent to the site. - building envelope is designed to meet the requirements for solar access, without adverse impact. - windows will be suitably positioned to respect visual privacy - for properties on that adjoin the site to the north on Mona Road the proposed envelope will largely go unnoticed and perceived impacts will be negligible . 	<p>Response</p> <p>The proposed maximum building height of 28.5m is not supported for the following reasons:</p> <ul style="list-style-type: none"> - it is inconsistent with the 4 storey desired future character for the area - iconic views of the Opera House and Harbour Bridge from the surrounding apartments could be interrupted - there would be a lack of transition to the adjoining residential terraces on Mona Road - it will create an inconsistent wall height to the New South Head Road frontage - the Draft WLEP 2013 height controls provide sufficient incentive to redevelop the site - building envelopes cannot be included in the Draft WLEP - it is not suitable to assess the adequacy of a development application concept - there is no guarantee that if the height and FSR were amended that the development application would conform to the setbacks suggested in this submission.

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 120 SNO 128 INO: 355</p> <p>Mr Raimond Schaw</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height control from 13.5m to 16.5m: 252-254 New South Head Rd, Double Bay</p>	<p>Summary</p> <p>Request an increased height control from 13.5m to 16.5m. Existing FSR controls do not provide incentive for future development. Existing building contains a 5 storey RFB (4 levels of apartments and a basement level), and has a height of 16.7m. Building is tired and in need of upgrading, and does not significantly contribute to the streetscape.</p> <p>The Draft WLEP 2013 height control of 13.5m is too low and would not facilitate 3 storeys to New South Head Rd. A 16.5m height control relates better to the existing built form, and the desired streetscape character of 3 storeys as stipulated in the provisions of the Double Bay precinct of the Residential DCP. A second 3 storey height limit could be applied on New South Head Road.</p> <p>The use of a second height would be consistent with 470-508 New South Head Rd where the buildings are 5 storeys high, but generally present as 2 storeys to New South Head Rd.</p>	<p>Response</p> <p>The site contains a 4-5 storey building. The Draft WLEP 2013 height limit for this area has been based on the average height of existing buildings to establish an acceptable desired future character for the area. It is not practical to set individual heights for each site in the R3 zone. Therefore an increase to the maximum height of this site is not supported.</p>
<p>CID: 67 SNO 129 INO: 161</p> <p>Mrs Irene Notaras</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height from 10.5m to 12m: 70, 74, 76 & 80 Oxford St & Lots B&C James St, Woollahra</p>	<p>Summary</p> <p>Increased height in this area from 10.5m to 12m to accommodate 4 storeys of development. This would:</p> <ul style="list-style-type: none"> - block out noise and pollution from Oxford St. - create more accommodation - have no effect on overshadowing <p>It would also locate development along a major thorough fare, strategically located for transport, major sporting, recreation and entertainment facilities. It supports what the State Government wanted.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 127 SNO 136 INO: 422</p> <p>Mr Wes van der Gardner</p> <p>Roche Group Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase building height from 6.5m to 7m: 2, 4, 5, 8, 9, 11, 13, 15 Transvaal Ave, Double Bay</p>	<p>Summary</p> <p>Roche Group has undertaken alterations and additions to 9 Transvaal Ave, including a 2nd storey rear addition complying with the 6.5m height limit.</p> <p>Given the existing floor to ceiling at ground floor, the floor to ceiling at the first floor level was limited to 2.4m in order to comply with the 6.5m height limit.</p> <p>If maximum building height was 7m, the floor to ceiling could be increased to 2.7m, providing what is commonly considered a more appropriate floor to ceiling to satisfy amenity considerations.</p> <p>It is noted that properties adjoining the Transvaal Avenue HCA have been provided with max building heights ranging from 7.5m to 18.5m, with some properties already exhibiting large scale built form immediately adjoining the HCA.</p> <p>Given that any second storey addition would need to be located at the rear of the existing buildings, which are at the interface with the potentially larger scale forms on adjoining properties, a 0.5m increase would be unlikely to have a discernible impact on the HCA.</p> <p>Existing and future comprehensive DCP to be consistent with the new LEP when it is made.</p>	<p>Response</p> <p>The 6.5m height limit is based on the existing buildings in the Transvaal Avenue Heritage Conservation Area (Transvaal Avenue HCA). An important aspect of the heritage significance of the Transvaal Avenue HCA is the low-scale built form of these buildings.</p> <p>Increasing the height limit to 7m could make alterations and additions to the rear of the existing built form visible from the street.</p> <p>Although some of the adjoining properties contain taller buildings, there is no need to increase the maximum building height of the Transvaal Avenue HCA to establish a transition.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 135 SNO 144 INO: 420 Summary</p> <p>Mr & Mrs Tony & Tanya Lee A height limit of 9.5m applies in WLEP 1995. The adjoining land to the east containing the existing commercial building has a height limit of 9.5m. Draft WLEP 2013 identifies a height of 10.5m for the adjoining land.</p> <p>Recommendation No Change Issue</p> <p>Apply height of 10.5m: 351-355 Glenmore Rd, Paddington</p>		<p>Response</p> <p>The adjoining property to the east at 357 Glenmore Road is a mixed use commercial and residential building and is proposed to be zoned R3 Medium Density Residential. As the R3 zone will apply and the desired future character is 3 storeys, a 10.5m height limit applies in Draft WLEP 2013.</p> <p>351-355 Glenmore Road is proposed to be zoned R2 Low Density Residential in Draft WLEP 2013.</p> <p>The height limit for R2 Low Density Residential land in Paddington has been removed, including 351-355 Glenmore Road. Development throughout the R2 zone and on the subject site will be based on the height of the existing building and surrounding context.</p> <p>A 10.5m height limit is therefore not required.</p>
<p>CID: 138 SNO 146 INO: 347 Summary</p> <p>Edgecliff Bistro Pty Ltd The submission proposes a maximum building height of 34m (estimated ten storey building). The submission identifies that the proposal is consistent with the built form and scale of existing residential tower developments in Edgecliff Town Centre.</p> <p>Edgecliff Bistro Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Increase height from 9.5m to 34m: 529-539 Glenmore Rd, Edgecliff</p>		<p>Response</p> <p>The subject site draws its context from the properties in Glenmore Road and the Paddington HCA which consist of only one storey to three storey buildings. The context of the site is not drawn from tower developments in the centre.</p> <p>The proposal for a 34m or ten storey building is significantly higher than the adjoining buildings and is out of context with the existing and surrounding character. The proposed control of 9.5m is appropriate.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 140 SNO 148 INO: 370</p> <p>Property Development Workshops Pty Ltd</p> <p>Property Development Workshops Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height from 14.5m to 34m (10-11 storeys): 2-14 and 20 New South Head Rd, Edgecliff</p>	<p>Summary</p> <p>Site was previously considered as an opportunity site, which proposed a height of 21.8m (6 storeys). Site is located in a key western gateway position of the Edgecliff Commercial Centre and is highly accessible. Proposed height and FSR would enable future development to appropriately mark the gateway site.</p> <p>The height and scale of this building appropriately addresses the street and its prominent location. The proposed height and FSR would be compatible with the 'Bayside' building and would provide opportunities to better address New South Head Rd and mark the western approach to Woollahra.</p> <p>Site is separated from the building to the south by the New South Head road carriageway which is approx. 30m. So it is unlikely to have privacy impacts, and shadow impacts will be focused on the road, rather than the building.</p> <p>Development to the south may have views over to the subject site to the north Mosman and north-west to the CBD, Bridge and Opera House. In our opinion the iconic views to the north-west will not be impacted on by the proposed controls. Any form of future development would be designed and sited having regards to the views.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', 2-14 New South Head Road was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this and other opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Increase height control
<p>CID: 105 SNO 112 INO: 321 Summary</p> <p>Mr MJ Kenderes</p> <p>A height of 20.5m is requested. The intent of the proposed building height is to provide a transition between the 26m height limit proposed for sites to the west, and the 19.5m proposed on land to the east of the subject site.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase height from 19.5m to 20.5m: 438 Edgecliff Rd, Edgecliff</p> <p>The Draft LEP proposes a sharp change from 26m to 19.5m. The proposed 20.5m will create a more gradual change and provide a better visual transition in the streetscape.</p> <p>The site is very well located due to its proximity to the Edgecliff Railway Station.</p>		<p>Response</p> <p>The maximum building height of 438 Edgecliff Road in WLEP 1995 is 18m (6 storeys). In Draft WLEP 2013 a 19.5m (6 storey) control is proposed. Draft WLEP 2013 marginally increases the maximum building height to account for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design quality of residential development.</p> <p>Applying a maximum building height of 20.5m would be inconsistent with our approach of updating heights to reflect current building practice. The next nearest maximum building height for R3 zoned land that would fit this approach is 22.5m (7 storeys). However, applying a 22.5m height limit would not be a translation of the current control as it would permit an additional storey of development.</p> <p>The transition from 26m (8 storeys) to the west of the site to 19.5m (6 storeys) is acceptable and introducing a 20.5m height control on 438 Edgecliff Road would be not have a discernable effect on the transition in the streetscape.</p> <p>Further, the height controls in Draft WLEP 2013 generally do not seek to apply height limits to individual sites within the R3 zone.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
<p>CID: 121 SNO 130 INO: 162</p> <p>Jenny Hall</p> <p>Protest about the proposed LEP plan for Woollahra. Attended a meeting on October 10th with Double Bay Residents Association members at Council. The presentation was totally biased in favour of developers and Council's interests with no consideration of the environment or ambience of the area. Why not reduce the size of buildings allowed rather than increase them?</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to increased heights in Double Bay</p>	<p>Summary</p> <p>Protest about the proposed LEP plan for Woollahra. Attended a meeting on October 10th with Double Bay Residents Association members at Council. The presentation was totally biased in favour of developers and Council's interests with no consideration of the environment or ambience of the area. Why not reduce the size of buildings allowed rather than increase them?</p>	<p>Response</p> <p>The existing height controls in the Double Bay Centre Development Control Plan are based on a particular number of storeys. For example, currently the maximum building height for a four storey building is 13.5m.</p> <p>Since the Double Bay Centre DCP was produced, there have been changes to industry building standards as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. These changes in part, relate to floor to floor heights in residential accommodation. This means that new development needs marginally more height per storey.</p> <p>Maximum building heights have been increased in Draft WLEP 2013, as opposed to reducing storey controls in the Double Bay Centre DCP, to retain the existing development potential of the centre. For example, the proposed maximum building height for a four storey building is 15m.</p>
<p>CID: 100 SNO 107 INO: 276</p> <p>Mr Anthony Tregoning</p> <p>Object to the increased height limits for Double Bay's commercial centre, and the R3 zone. Double Bay could be Sydney's principal low-rise shopping and recreational area. The increased height limits will result in buildings overshadowing pavements and streets. Double Bay will lose much of its charm if the height limits are adopted.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not increase height limits in Double Bay Local Centre</p>	<p>Summary</p> <p>Object to the increased height limits for Double Bay's commercial centre, and the R3 zone. Double Bay could be Sydney's principal low-rise shopping and recreational area. The increased height limits will result in buildings overshadowing pavements and streets. Double Bay will lose much of its charm if the height limits are adopted.</p>	<p>Response</p> <p>The maximum building heights in Draft WLEP 2013 have been marginally increased to respond to changes to current building practices as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia.</p> <p>No additional storeys are permitted by these changes, and the proposed increases will not have an unreasonable impact on local character. However, these changes to the height controls will facilitate more liveable buildings in the Double Bay Centre by allowing greater floor to ceiling heights and better noise insulation, and reflect good building and construction practice.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
<p>CID: 97 SNO 104 INO: 298 Summary</p> <p>Ms Suzanne Gartner</p> <p>The P2 height on the southern side of NSH Road at Double Bay (18.5m) approx. 5-6 storeys is questionable. Why not wait till the new Kiaora Complex is finished and then reconsider?</p> <p>Kiaora is shaping up well, and we don't want it spoilt by a wall of buildings overshadowing New South Head Rd.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Reduce the height limits around the Kiaora Lands development</p>		<p>Response</p> <p>The height of the approved Kiaora Lands development application was considered during the preparation of the height controls for Double Bay. The approved DA is generally consistent with the 18.5m height limit. Overshadowing New South Head Road will not be an issue as the 18.5m height limit is located on the southern side of the road.</p> <p>To support numerical height controls in Draft WLEP 2013 the Double Bay DCP contains recommended floor to floor heights for residential and commercial uses. These floor to floor heights do not allow extra storeys of development within the 4 or 5 storey maximum building heights.</p>
<p>CID: 85 SNO 91 INO: 247 Summary</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>BCA requirements to take acoustic standards into account are irrelevant</p>		<p>Response</p> <p>The changes to the Building Code of Australia (BCA) that were introduced in 2004 regarding acoustic privacy do not specify a specific distance between floors. The 100mm provides space for acoustic insulation, via both structural separation and absorption materials required to achieve satisfactory acoustic privacy.</p> <p>The height controls in WLEP 1995 for medium density development are too low to provide for building design and construction that meets best practice. A review of recent development applications identified that where applicants seek to provide a floor to ceiling height of 2.7m and sufficient acoustic privacy, compliance with the WLEP 1995 maximum building heights was difficult to achieve.</p> <p>The BCA applies throughout Australia. It is not targeting specific suburbs. Therefore, development in the Woollahra LGA must address the acoustic privacy provisions.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
<p>CID: 85 SNO 91 INO: 245</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Applicants will be able to achieve additional storeys in Double Bay area</p>	<p>Summary</p> <p>One of the disasters of the rounding up is that an applicant could build a 6 storey building in the 5 storey max area, and a 5 storey building in the 4 storey max area in Double Bay.</p> <p>Similarly in the R3 zone whilst complying with the BCA floor to ceiling heights, an applicant could build a 4 storey building within the increased height of 10.5m even though the DCP limits the number of storeys to three (4 x 2.4, plus .1 slab on ground, .1 roof and three suspended slabs @.15m = 10.4m).</p>	<p>Response</p> <p>A review of recent DAs for the Double Bay Centre showed that no applications received in the last 10 years proposed a 2.4m floor to ceiling height. Common floor to ceiling heights used in Double Bay Centre are 2.7m for residential development and up to 3m for commercial development above the ground floor.</p> <p>In the residential zones recent development applications have demonstrated compliance with the 2.7m floor to ceiling height recommended in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development. This is evidence that the market demands high amenity apartments in the Woollahra LGA.</p> <p>The Draft WLEP 2013 maximum building heights are matched with FSRs based on building envelopes. This means applications that propose an extra storey of development would be contrary to the FSR controls. Additional storeys of development would also be inconsistent with DCP storey controls.</p> <p>To support Draft WLEP 2013 the Double Bay Local Centre chapter of the Comprehensive DCP contains recommended floor to floor heights for residential and commercial uses. These floor to floor heights do not allow extra storeys of development within the 4 or 5 storey maximum building heights.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
<p>CID: 85 SNO 91 INO: 244</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Restrict heights to 14.7m and 18.1m: New South Head Rd, Double Bay</p>	<p>Summary</p> <p>On New South Head Rd where residential upper floors are unlikely, someone might try a 4 storey office development (north) and 5 storeys on the south site.</p> <p>Here the height should be restricted to 14.7m and 18.1m, which even allows for a loftier ground floor of retail character.</p> <p>An office ceiling height of 3m is almost unknown in suburban office development and rare in such city development.</p>	<p>Response</p> <p>On New South Head Road the maximum building heights in the Double Bay Centre DCP are 13.5m (4 storey) and 16.5m (5 storey). In Draft LEP 2013 the proposed maximum building heights for New South Head Road in Double Bay are 15m (4 storey) and 18.5m (5 storey). These controls were established in response to changes to current building practice as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. These changes mean that new development needs marginally more height per storey. The controls were rounded up to the nearest half metre to simplify the numerical controls.</p> <p>The controls allow for 100% commercial buildings which require slightly more height than mixed use commercial / residential development. Fully commercial and mixed residential / commercial developments are permissible uses in the Double Bay Centre. Within the Double Bay Centre an example of a commercial building which has been constructed with a floor to floor height of greater than 3m is 376-382 New South Head Road at the corner of Knox Street.</p>
<p>CID: 85 SNO 91 INO: 243</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Misleading calculation and excessive height in Double Bay Centre</p>	<p>Summary</p> <p>An over allowance applies to proposals for height limits in the Double Bay Commercial Centre.</p> <p>There is not, and never has been good demand for upper floor office space in Double Bay.</p> <p>Inevitable that new buildings, at least away from New South Head Rd will have residential flats on upper floors.</p> <p>3m for upper floor to upper floor is ample and will still provide 2.7m clearance from floor to ceiling.</p> <p>Accepting a commercial use on the ground floor, comfortably build a 4 storey mixed use within the existing height limit of 13.5m, and 5 storey mixed use in 16.5m.</p> <p>Lift overruns, could be dealt with by an exception limiting them to a small percentage of the overall built floor area of the particular development.</p>	<p>Response</p> <p>The four and five storey maximum building heights in the Double Bay Centre provide the flexibility for both residential and commercial office use on upper floors. This a reasonable approach to planning for the centre given its status.</p> <p>Having regard to current industry building standards, the Draft WLEP 2013 height controls will be supported with floor to floor height controls in the Double Bay Centre chapter of the Comprehensive Development Control Plan. Specifically, the floor to floor height for commercial development is 3.4m and for residential 3.1m.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
<p>CID: 85 SNO 91 INO: 242</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Misleading calculation and excessive height in the R3 Zone</p>	<p>Summary</p> <p>The only legal restriction on heights from floor to ceiling is in the Building Code of Australia. This provides for a minimum of 2.4m. There is no mention in the discussion paper of SEPP 65. Nowhere in the SEPP are there minimum floor to ceiling heights. The RFDC is a set of guidelines and is a separate document. They are merely guidelines.</p> <p>Staff have failed to point out that the guidelines increase over the statutory BCA 2.4m to 2.7m is linked in the RFDC to doing away with the need for mechanical cooling i.e.. Air conditioning. See the objective on p93. "To reduce the necessity for mechanical heating and cooling". P86 "Designing for natural ventilation exercises sustainable practice by responding to the local climate and by reducing or eliminating the need for mechanical ventilation". Discussion Paper assumes that every floor has to have full suspended air conditioning on top of increase ceiling height. Therefore increasing 0.4m between floors.</p> <p>If a floor slab is 0.15m, 0.10 for the ceiling and concealed lighting/wiring - only 0.25m is needed between floors. Not 0.4m. There is no need for 0.4m, even when air conditioning is installed. Even using the misleading of attention to Council's unusual storey controls and adopts the RFDC, there is ample room in the existing 9.5m in the R3 Medium Density zone.</p>	<p>Response</p> <p>The Maximum Building Height Discussion Paper introduces State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and the Residential Flat Design Code (RFDC) on page 2. Whilst the Building Code of Australia sets a minimum floor to ceiling height of 2.4m, the RFDC recommends that floor to ceiling heights are at least 2.7m in residential development. In current building practice, 2.7m is now commonly accepted as a minimum floor to ceiling height for quality residential development.</p> <p>As the submission states, the 2.7m figure provides better amenity by reducing the need for heating and cooling. Further, it provides a sense of space and allows light to penetrate into buildings.</p> <p>The 400mm between floors allows space for acoustic privacy and for services, including but not limited to air conditioning. It also allows for the step down required to external balconies and a greater span depth for concrete slabs which are associated with modern open plan living. Analysis of recent development consents identified that generally development applications comply with DCP storey controls but exceed LEP maximum building heights. This indicates that applicants are already seeking to meet these building regulations. It is appropriate that controls in the new LEP reflect this.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
<p>CID: 85 SNO 91 INO: 241</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Using storeys in the DCP to inform heights in LEP is misleading</p>	<p>Summary</p> <p>Objects to the increase in heights in the Double Bay Commercial Centre.</p> <p>The argument is circuitous. It uses the current storey controls in the DCP, and that the LEP height does not comply with these DCP storey controls and best modern practice.</p> <p>It is contrary to legal principle to regard a DCP control as varying an LEP control which is law.</p> <p>Objection to "rounding heights up".</p> <p>The number of storeys that is permissible under the DCP is irrelevant from the point of view of both private and public amenity impacts. It is height that blocks views, has solar/shadow impacts, creates oppressive bulk etc. Most Council's do not have storey controls for this reason. To use storeys as an argument to increase height is a fallacious approach.</p> <p>The community wanted a 13.5m height limit with a max of 16.5m for individual sites. They do not want a repeat of Bondi Junction or Chatswood.</p> <p>The storey approach is misleadingly presented.</p>	<p>Response</p> <p>For the majority of the Double Bay Centre the current maximum building heights were designed to allow four and five storey development. The storey controls were not established based on the maximum building heights.</p> <p>The same approach was used to establish the Draft WLEP 2013 maximum building heights for the Double Bay Centre. By using the DCP storey controls to inform maximum building height, the development potential of the centre is retained.</p> <p>The maximum building heights in Draft WLEP 2013 have been marginally increased to respond to changes to current building practice as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia.</p> <p>No additional storeys are permitted by these changes, and the proposed increases are consistent with the local character. However, these changes to the height controls will facilitate more liveable buildings in the Double Bay Centre by allowing greater floor to ceiling heights and better noise insulation, and reflect good building and construction practice.</p> <p>The DCP controls remain subservient to the LEP. However, DCP storey controls have informed LEP maximum building heights as they are an important component of the desired future character of our centres and were established in consultation with the community.</p> <p>Building heights were rounded up to the nearest half metre to simplify the numerical controls.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Double Bay
<p>CID: 82 SNO 88 INO: 225</p> <p>Ms Mary Fisher</p> <p>Recommendation No Change Issue</p> <p>Object to increased heights in the Double Bay Centre</p>	<p>Summary</p> <p>Object to height increases for the Double Bay Commercial Centre, they are excessive and reasons for these increases are unconvincing.</p> <ul style="list-style-type: none"> - Rationale offered is that heights in the DCP needed to be 'rounded up' to allow further stories. Controls in the DCP should not be used as a reason to increase a control in the LEP, as that is to misunderstand the fundamental legal principles that matters. The DCP is a discretionary document, which cannot be used to vary matters that have been given the force of law (i.e. LEP). - Consultation documents should have provided an objective rationale based on the planning principles as to why extra stories are needed and why residential accommodation above retail requires the height to be increased, what transition zones between commercial and residential should be introduced to reduce loss of amenity etc. - Consultation documents to not provide the rigorous examination of policy options for the Double Bay Centre that would have been expected in a 10 year review of the LEP. - Hard to see any justification for making Double Bay Centre higher. The centre has become out of proportion with the green and leafy surrounding residential area. The heights proposed are out of kilter. 	<p>Response</p> <p>The Draft WLEP 2013 controls have not been rounded up to allow further storeys. They were rounded up to the nearest half metre to simplify the numerical controls. Notwithstanding, the maximum building heights in the Double Bay Centre have been marginally increased to respond to changes to current building practice as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia.</p> <p>No additional storeys are permitted by these changes, and the proposed increases will not have an unreasonable impact on local character. The changes to the height controls will facilitate more liveable buildings in the Double Bay Centre by allowing greater floor to ceiling heights and better noise insulation, and reflect good building and construction practice.</p> <p>The DCP controls remain subservient to the LEP. However, DCP storey controls have informed LEP maximum building heights as they are an important component of the desired future character of our centres and were established after community consultation.</p> <p>The approach taken to translate the Double Bay Centre height controls into the Standard Instrument local environmental plan format was consistent with that taken across the municipality. The Draft WLEP 2013 controls are based on the desired future character expressed in our development control plans, updated to reflect current building practice.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
<p>CID: 131 SNO 140 INO: 361</p> <p>Mrs Isabel Stogdale</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to increased heights along New South Head Rd, Rose Bay and the impact on the Mariner</p>	<p>Summary</p> <p>The Mariner apartment building will be devalued because of loss of Harbour Views, a major concern to residents who have paid to have this valuable asset and will be denied their enjoyment and loss of asset.</p> <p>Rose Bay village area will be changed forever, with the introduction of many more people who will have no where to park which will cause chaos.</p> <p>Have Council considered the owners/rate payers?</p> <p>Or is this a greedy grab for more money without regards to the people Council ought to be caring for?</p> <p>Many of the residents of the Mariner are most upset, and disappointed with Council's attitude.</p>	<p>Response</p> <p>Under WLEP 1995 a 12m maximum building height applies to the majority of the Centre. Where the 12m maximum building height applies, the Rose Bay DCP states that buildings up to 4 storeys are appropriate. This includes the northern side of New South Head Road, opposite the Mariner building.</p> <p>Draft WLEP 2013 is a translation of the existing controls for the Rose Bay Centre. No additional storeys of development are permissible. However, maximum building heights have been marginally increased to 14.5m. The increase accounts for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy as required in the Building Code of Australia.</p>
<p>CID: 128 SNO 137 INO: 377</p> <p>Ms Jennifer Turner</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not increase heights in the Rose Bay Centre</p>	<p>Summary</p> <p>Height in the commercial zone in Rose Bay should not be adjusted. It is unfair for those who paid a considerable sum to purchase a unit with a harbour view, to suddenly lose that view.</p> <p>The Commercial zone has a certain character.</p> <p>I hope that the new LEP enables us to retain the character of the very old suburb, much of which was built in the very early 1900s.</p>	<p>Response</p> <p>Under WLEP 1995 a 12m maximum building height applies to the majority of the Centre. Where the 12m maximum building height applies, the Rose Bay DCP states that buildings up to 4 storeys are appropriate. This includes the northern side of New South Head Road, opposite the Mariner building.</p> <p>Draft WLEP 2013 is a translation of the existing controls for the Rose Bay Centre. No additional storeys of development are permissible. However, maximum building heights have been marginally increased to 14.5m. The increase accounts for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy as required in the Building Code of Australia.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
<p>CID: 128 SNO 137 INO: 374</p> <p>Ms Jennifer Turner</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Retain 9.5m in the Rose Bay Basin, do not increase to 10.5m</p>	<p>Summary</p> <p>There is no need to increase the height limit to 10.5m.</p> <p>If this occurs it will:</p> <ul style="list-style-type: none"> - further increase in density, where there is no infrastructure to copy with any further increase in population. - effect the immediate neighbours homes - totally change the character of Rose Bay with its gable roofs. Do we really want to destroy our character and end up with a suburb of square boxes as buildings. <p>I trust that Council will give very serious consideration to neighbours, as it appears bias is towards developers.</p> <p>Retain the 9.5m height limit in the residential area of the 'basin' of Rose Bay (2 storeys on a single block seems perfect). It makes no sense to provide for a third storey which would further impact on neighbours.</p>	<p>Response</p> <p>Since WLEP 1995 commenced there have been changes to current building practices as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. These changes mean that new development needs marginally more height per storey.</p> <p>The WLEP 1995 9.5m height control does not accommodate the extra height required to meet current building practice within the number of storeys specified in the relevant development control plan. To resolve this conflict the maximum building heights in Draft WLEP 2013 have been marginally increased by 1m to 10.5m.</p> <p>The existing storey controls in the Residential Development Control Plan 2003 permit 2-3 storey development where the current 9.5m height limit applies.</p> <p>The proposed increases will not have a detrimental impact on local character as gable roofs will be possible under the 10.5m control.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
<p>CID: 126 SNO 135 INO: 428</p> <p>Owners of Strata Plan 52896</p> <p>Owners of Strata Plan 52896</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to increase in heights in the Rose Bay Centre (from 12-14.5m/17.5m): 809-823 New South Head Rd, Rose Bay</p>	<p>Summary</p> <p>Site enjoys panoramic views towards the Sydney Harbour, CBD, Bridge and Opera House.</p> <p>Due to the modest scale of existing built form (generally 2 storeys) these views are available to properties from the 3rd floor and higher. Proposed heights is flawed because:</p> <ul style="list-style-type: none"> - should adjoining properties to the west develop to 14.5m it will have adverse view loss to apartments on the site (particularly level 3/4) which are orientated towards New South Head Rd. This is inconsistent with Tenacity. - there is no environmental benefit, existing controls provide a more reasonable opportunity to redevelop properties in the village without impacting amenity and the community. - future built form will be out of context with Rose Bay village. - represent an intensification of use. - public transport facilities cannot cope with additional demand. - consideration to lowering the future height of development consistent with prevailing character. <p>Proposed planning controls and resultant built forms will have an adverse impact on the value of existing residential apartments within the site. Any proposal which results in devastating view loss impacts will reduce the saleability and return on investment of apartments within the site.</p> <p>Council consider reviewing whether the proposed planning controls will result in devastating view loss to apartments. Any internal urban design analysis should be made available .</p>	<p>Response</p> <p>Under WLEP 1995 a 12m maximum building height applies to the majority of the Centre. Where the 12m maximum building height applies, the Rose Bay DCP states that buildings up to 4 storeys are appropriate. This includes the northern side of New South Head Road, opposite the Mariner building.</p> <p>Draft WLEP 2013 is a translation of the existing controls for the Rose Bay Centre. No additional storeys of development are permissible. However, maximum building heights have been marginally increased to 14.5m. The increase accounts for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy as required in the Building Code of Australia.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
<p>CID: 52 SNO 55 INO: 130</p> <p>Mr & Mrs George and Michelle Harris</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to height increase along New South Head Road, Rose Bay Centre</p>	<p>Summary</p> <p>Object to height increase of 2.5m along New South Head Road. This will have a dramatic and negative impact on anyone who has views over the Rose Bay shops, and on views from the harbour. Do not believe it's necessary as the Mariner Building is only 13.4m height, and is already 4 storeys.</p> <p>Maximum height for the entire shopping strip should be 13.4m, and Council should erect height poles to see the impact of whatever is planned.</p> <p>Increasing the height to 14.5m will trigger an increase to maximum height of the surrounding residential buildings.</p>	<p>Response</p> <p>According to the building application for the Mariner building at 809 New South Head Road, Rose Bay the current maximum heights for the building are:</p> <ul style="list-style-type: none"> - 16.35m from the ground level of the building to the top of the lift over-run - 13.4m from the footpath to the parapet at the corner of New South Head Road and Dover Road. <p>Although the Mariner is 13.4m at the parapet, the floor to ceiling heights for the ground floor and second storey are not consistent with best practice. For example, to attract high quality retail and commercial uses on the ground floor, a 3.6m floor to ceiling height is required. The Mariner building has a floor to ceiling height of 2.5m.</p> <p>Given that the Mariner building does not meet recommended floor to ceiling heights, it is not ideal to use it as a benchmark to encourage quality mixed use development in Rose Bay.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
<p>CID: 35 SNO 36 INO: 83</p> <p>Mr David Caldwell</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Objects to increased building heights along New South Head Rd (Dover Rd to Norwich Rd), Rose Bay</p>	<p>Summary</p> <p>Strongly object to the proposed increase in height limits. Understands that Council is proposing to increase height from 12m to 14.5m along New South Head Rd (Dover Rd to Norwich Rd). The current LEP conceived in a time of traditional pitched roofs has been abused against its intent with block-maximised, height-maximised developments such as that on the corner of Norwich Road and New South Head Road.</p> <p>Further relaxing of the LEP will define an irreversible new benchmark for the overdevelopment of the Rose Bay town centre. It will provide a motivation for existing buildings to be redeveloped to a greater height (and inevitably bulk, as modern developers seek to exploit every last degree of view and square-cm of floor space).</p>	<p>Response</p> <p>Under WLEP 1995 a 12m height limit applies to the majority of the Centre. In these locations the Rose Bay DCP states that buildings up to 4 storeys are appropriate . This includes both sides of New South Head Road and the Mariner building at 809 New South Head Road at the corner of Dover Road.</p> <p>The Draft WLEP 2013 height limit of 14.5m is a translation of the existing controls for the Rose Bay Centre. No additional storeys of development are permissible.</p> <p>The increase accounts for current building practices regarding floor to ceiling heights as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy as required in the Building Code of Australia.</p> <p>There is no change to the permissible number of storeys or FSR controls, therefore no greater incentive to redevelop.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
<p>CID: 29 SNO 30 INO: 60</p> <p>Bruce Bland</p> <p>The Rose Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to height increase to 10.5m for Rose Bay</p>	<p>Summary</p> <p>There should be no increase in height. Increase in height limit not necessary if a flat roof is imposed. Not aware that any of the medium density developments that have occurred in past 40 years have pitched roofs.</p> <p>Height calculation which does comply with the new SEPP 65 and BCA requirements is 3.1m + 3.1m + 3.1m. This calculation simply assumes flat roof, which seems to be the norm anyway.</p> <p>If recommendation is adopted, existing residents will retain their views.</p>	<p>Response</p> <p>Since WLEP 1995 commenced there have been changes to current building practices as set out in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and acoustic privacy standards in the Building Code of Australia. These changes mean that new development needs marginally more height per storey.</p> <p>The WLEP 1995 9.5m height control does not accommodate the extra height required to meet current building practice within the number of storeys specified in the relevant development control plan. To resolve this conflict the maximum building heights have been marginally increased by 1m to 10.5m in Draft WLEP 2013.</p> <p>The height controls in Draft WLEP 2013 are relevant and practical. The proposed increase will not have a detrimental impact on local character and will continue to allow buildings with pitched roofs. Dwelling houses, dual occupancies and semi-detached dwellings in the R3 Medium Density Zone are limited to a height of 9.5m by clause 4.3(3) of Draft WLEP 2013.</p> <p>It is Council policy to promote view sharing. Potential view loss would be assessed at the development application stage.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
CID: 29 SNO 30 INO: 59 Bruce Bland The Rose Bay Residents Association Recommendation No Change Issue Object to height increase to 14.5m for Rose Bay Centre	Summary Height in the Rose Bay Centre should increase by 1m only (to 13.5m) NOT 14.5m For the Commercial Centre use the existing 'Mariner' building as a standard and impose a flat (not pitched) roof. The existing Mariner building is not higher than 13.5m and has 1 retail level and 3 residential levels. Why not use it as a benchmark? If flat roof is imposed in the Draft WLEP 2013, a 0.9m pitched roof could be eliminated and that height saved. Height calculation which does comply with new SEPP 65 and BCA requirements is as follows: ground level 4.0m + 3 levels at 3.1m = 13.3m. If recommendation is adopted, existing residents will retain their views.	Response According to the building application for the Mariner building at 809 New South Head Road, Rose Bay the current maximum heights for the building are: - 16.35m from the ground level of the building to the top of the lift over-run - 13.4m from the footpath to the parapet at the corner of New South Head Road and Dover Road. Although the Mariner is 13.4m at the parapet, the floor to ceiling heights for the ground floor and second storey are not consistent with best practice. For example, to attract high quality retail and commercial uses on the ground floor, a 3.6m floor to ceiling height is required. The Mariner building has a floor to ceiling height of 2.5m. Given that the Mariner building does not meet recommended floor to ceiling heights, it is not ideal to use it as a benchmark to encourage quality mixed use development in Rose Bay. The use of a flat roof would not eliminate the need for space above the ceiling of the development for services, so a reduction of the height by 0.9m is not practical. In Rose Bay, commercial development generally occurs on the ground and first floor levels. Accordingly, the Draft WLEP 2013 maximum building heights have allowed for mixed use buildings with commercial uses on the ground and first floor with residential uses on the top two levels.

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Object to increased height in Rose Bay
<p>CID: 20 SNO 20 INO: 36</p> <p>Mr David Balkin</p> <p>Recommendation No Change Issue</p> <p>Further information required on heights in Rose Bay: Mariner building</p>	<p>Summary</p> <p>Please confirm the height of the Mariner on the corner of Dover and New South Head Road.</p> <p>The current height for these properties is 12m, which is not consistent with the right to build 4 storeys. However there is already a 4 storey building on the site. If it can be shown that the height of the Mariner is consistent with the 14.5m height limit proposed, owners of views over the centre are unlikely to be impacted in any fundamental way.</p>	<p>Response</p> <p>According to the building application for the Mariner building at 809 New South Head Road, Rose Bay the current maximum heights for the building are:</p> <ul style="list-style-type: none"> - 16.35m from the ground level of the building to the top of the lift over-run - 13.4m from the footpath to the parapet at the corner of New South Head Road and Dover Road. <p>Although the Mariner is 13.4m at the parapet, the floor to ceiling heights for the ground floor and second storey are not consistent with best practice. For example, to attract high quality retail and commercial uses on the ground floor, a 3.6m floor to ceiling height is required. The Mariner building has a floor to ceiling height of 2.5m.</p> <p>Given that the Mariner building does not meet recommended floor to ceiling heights, it is not ideal to use it as a benchmark to encourage quality mixed use development in Rose Bay.</p> <p>The use of a flat roof would not eliminate the need for space above the ceiling of the development for services, so a reduction of the height by 0.9m is not practical.</p> <p>In Rose Bay commercial development generally occurs on the ground and first floor levels. Accordingly, the Draft WLEP 2013 maximum building heights have allowed for mixed use buildings with commercial uses on the ground and first floor with residential uses on the top two levels.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington

CID: 231 SNO 291 INO: 634 [Summary](#)

Keri Huxley

Would like to be registered as an objector to clause which removes the 9.5m height limit in Paddington.

[Recommendation](#) No Change

[Issue](#)

Object to the removal of the 9.5m height control

[Response](#)

There is no clause in Draft WLEP 2013 which excludes the 9.5m maximum building height from the Paddington R2 zone. However, the 9.5m control no longer applies on the Height of Buildings Map. The following comments are provided regarding this change.

The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.

Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.

The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.

Setting a 9.5m height limit in Draft WLEP 2013 challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.

Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
		the principal building form of building types.
<p>CID: 114 SNO 122 INO: 318 Summary</p> <p>Ross Nicholas Provide for individual height controls for all of Paddington.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Provide individual height controls for Paddington</p>		<p>Response</p> <p>The most practical way of controlling building height in Paddington is to have regard to the existing context. Setting individual height limits on a lot-by-lot basis is impractical for the Paddington Heritage Conservation Area due to the quantity and diversity of buildings and the sloping topography of the land.</p> <p>The Paddington Heritage Conservation Area DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 110 SNO 117 INO: 334</p> <p>Councillor Nicola Grieve</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to removing height controls in Paddington</p>	<p>Summary</p> <p>While many Paddington terrace houses breach the 9.5m height limit, it does not justify the "too hard basket" strategy of removing the height limit.</p> <p>Paddington is too important to not have the highest form of protection available, and relying on DCPs is not good enough.</p> <p>Council should apply height controls to every site in Paddington within the Draft WLEP 2013.</p> <p>I do not believe that this will present an overly onerous task to apply individual height limits. This is especially important to protect single storey heritage items. It is essential to maintain the heritage character of Paddington.</p>	<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in Draft WLEP 2013 challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 102 SNO 109 INO: 444</p> <p>Councillor Matthew Robertson</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the removal of height controls in the Paddington HCA , apply individual height controls or maintain 9.5m</p>	<p>Summary</p> <p>The removal of the 9.5m height control in the Paddington HCA is greatest concern and most significant objection. The abolition of 9.5m height control will open the overdevelopment floodgates at the expense of Paddington's heritage character.</p> <p>Disagree that 9.5m height control is not an effective planning tool in Paddington.</p> <p>Fail to understand the rationale for its removal at a time when reliance on DCPs looks set to be unravelled by the NSW government.</p> <p>Without the 9.5m height limit in the LEP, Paddington may be left with no numeric standards to compliment its DCP guidance regarding maximum building height.</p> <p>Remain very concerned about the types of development Draft WLEP 2013 would allow on infill sites in Paddington.</p> <p>Notes that the Paddington HCA DCP will be responsible for determining an appropriate building height for a particular site, with respect to surrounding buildings and existing streetscape. However, query whether this is workable in the future given the uncertainty around DCPs in the new planning law system.</p> <p>Concerned that it will be an incentive to 'demolish by neglect' single storey heritage items, and rebuild at a higher height to match the surrounding built form and achieve maximum development potential. Note single storeys are interspersed between much higher built forms.</p> <p>Recommend applying individual height controls to every site in Paddington, to ensure future development is controlled according to the objectives of the Paddington HCA DCP. Due to the predominant built form we do not believe that an individual measurement exercise would be too onerous an exercise.</p> <p>Must be undertaken in order to maintain the heritage character of Paddington.</p>	<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in Draft WLEP 2013 challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington

At a minimum, the 9.5m height controls should be retained in the LEP.

Removal of the 9.5m height controls has drawn more community attention than any other aspect of Draft WLEP 2013. The Paddington community is right to be alarmed at the possibility our area will become dominated by overbearing RFBs reminiscent of the 1960s and 1970s which are an existing blight.

Council nor staff have made the case for the removal of the 9.5m height control.

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 96 SNO 103 INO: 289</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the removal of height controls in Paddington and apply individual height controls</p>	<p>Summary</p> <p>Disagree that the current 9.5m is not an effective planning tool in Paddington. Note that the Paddington HCA DCP will be responsible for determining appropriate building height, with respect to the surrounding buildings and existing streetscape.</p> <p>Query whether this is workable given the uncertainty around DCPs in the new planning system. Concerned that it will be an incentive to 'demolish by neglect' for single storey heritage items, as single storey dwellings are interspersed between much higher built forms throughout Paddington. Infill development may take advantage of the lack of numeric control. Recommend applying individual height controls to every site to ensure future development is controlled according to the objectives of the Paddington HCA DCP. We do not believe that a measurement of individual height limits would be too onerous an exercise.</p> <p>It must be undertaken in order to maintain the heritage character of Paddington.</p>	<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in the Draft LEP challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 89 SNO 95 INO: 157</p> <p>Mrs Alexandra Robertson</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to removal of 9.5m height limit in Paddington HCA</p>	<p>Summary</p> <p>As a property owner in Paddington, strongly suggests no changes be made to the current LEP. In particular, objects to the removal of the 9.5m height limit in the Paddington HCA. To retain Paddington as the jewel in the crown of Woollahra, this height restriction needs to remain in place. Removal of it will open the door to a blight of apartment dwellings. We have an obligation to future generations to protect and maintain our heritage precincts intact.</p>	<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in the Draft LEP challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 65 SNO 69 INO: 144</p> <p>Mr John Normyle</p> <p>John Normyle Design pty.ltd.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to removal of height limit in Paddington</p>	<p>Summary</p> <p>Object to the removal of the 9.5m height limit in the Paddington HCA.</p> <p>This would lead to the Land and Environment Court having another reason for demolition of cottages as recently happened in Hargrave Lane, Paddington</p> <p>Cities like Paris and Rome have height limit and this retains the character of the cities.</p> <p>We must keep the height limit as the height of an average Terrace House is approximately 9.5m. This is why the height limit was imposed on the initial Paddington HDCP in 1999.</p> <p>9.5m keeps the form of Paddington contained. To remove it could create an apartment suburb.</p>	<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in the Draft LEP challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 63 SNO 67 INO: 179</p> <p>Mr Will Mrongovius</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Establish individual height controls for every site in Paddington</p>	<p>Summary</p> <p>Strongly object to the removal of height controls in Paddington. This is an invitation to future over development, and the progressive erosion of the character of Paddington. Disagree with the stated justification that the current 9.5m height controls is not an effective tool.</p> <p>Note the process for determining height of development will be the prevailing height of buildings in the street and will be described in the Paddington Heritage Conservation Area DCP. Concerned that without a numeric standard, the decision process becomes far too subjective.</p> <p>The absence of height controls places great pressure on 'infill' development to maximise development potential. Prevailing heights of buildings is not an appropriate standard for the unique nature of Paddington.</p> <p>Recommend individual height controls for every site in Paddington, to ensure future development is controlled according to the objectives of the Paddington Heritage Conservation Area DCP.</p>	<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in Draft WLEP 2013 challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

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Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 60 SNO 64 INO: 139</p> <p>Ms Caroline O'Brien</p> <p>Summary</p> <p>Requests that a 9.5m height limit be included in the WLEP for Paddington Heritage Conservation Area. Concerned that developers/builders/private certifiers will try to undermine the intention of the wording that has been put forward in the Draft WLEP. Paddington is an important suburb to Sydney, it is unique and must remain intact.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>9.5m height limit should be maintained for Paddington HCA</p>		<p>Response</p> <p>The submission is unclear what wording in the LEP will be undermined. However, regarding the removal of the 9.5m height control from R2 zoned land in Paddington the following comments are provided.</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in Draft WLEP 2013 challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 59 SNO 63 INO: 175</p> <p>Ms Rosie White</p> <p>Recommendation No Change Issue</p> <p>Maintain LEP building heights for Paddington</p>	<p>Summary</p> <p>Do not agree that due to the varied building heights in Paddington there should be no height control.</p> <p>Of greater importance is the retention of the essential character of the traditional Paddington residential streets. Whilst development might be an objective, the heritage of Paddington must be protected.</p> <p>This should be achieved by imposing a building height limit in the LEP, the DCP cannot guarantee compliance.</p>	<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in Draft WLEP 2013 challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.3 Height of Building	Removal of height controls in Paddington
<p>CID: 55 SNO 58 INO: 132 Summary</p> <p>Mr Mark Stoyich</p> <p>The 9.5m maximum building height control in Paddington must be retained, and the Council should apply individual height controls to every site within the Draft LEP 2013, to preserve the area's historical character.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Height limits in Paddington should be maintained</p>		<p>Response</p> <p>The 9.5m height control under WLEP 1995 is not practical for all of the Paddington Heritage Conservation Area. It does not represent the varying heights of buildings in the majority of the Paddington HCA.</p> <p>Existing buildings in Paddington are diverse in size and scale, and range from single storey cottages to three storey terraces which exceed the current 9.5m control. Applying a single maximum building height of 9.5m implies that development should be uniformly built to this height. This is not appropriate in Paddington.</p> <p>The building height for proposed development is more appropriately determined by the existing building form on the site, the building typology and the broader streetscape context. When assessing development applications this approach has been successful in responding to the diverse built forms that contribute to the heritage value of Paddington.</p> <p>Setting a 9.5m height limit in Draft WLEP 2013 challenges and in some cases contradicts the performance based controls of the Paddington HCA DCP and creates potential for confusion and inappropriate development. As such, Draft WLEP 2013 does not identify a maximum building height for the R2 zoned land in the Paddington HCA. Instead, reliance will be placed on the DCP controls as the primary method for determining heights in Paddington. This is an effective approach for providing contextually based outcomes in this HCA.</p> <p>Setting individual height limits on a lot by lot basis is impractical to achieve due to the quantity and diversity of buildings in the Paddington and the sloping topography. The Paddington HCA DCP provides suitable controls to determine a maximum building height based on the principal building form of building types.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
CID: 101 SNO 108 INO: 281 Mr & Mrs George and Athena Bouhoutosos	Summary Area contains buildings which exceed the FSR of 1:1. The proposed FSR would be compatible with the bulk, scale and density of the surrounding area.	Response Support noted.
Recommendation No Change		
Issue Support for the proposed FSR: 1A Benelong Cres, Bellevue Hill		
CID: 31 SNO 32 INO: 68 Sisters of Mercy	Summary The land is not subject to the Floor Space Ratio Map. The adjoining land to the west is in the "G1" area, 0:65:1. If rezoned to R3 - the adjoining 0.65:1 would be appropriate to extend onto the land, should it come into the adjoining residential zoning.	Response A rezoning to R3 Medium Density is supported for this site. All R3 zoned land requires an FSR control. Accordingly, a floor space ratio of 0.65:1 is supported for this site which is consistent with the adjoining R3 zoned land.
Recommendation Change		
Issue FSR should conform with adjoining residentially zoned land (0.65:1): : 82 Edgecliff Rd, Woollahra		

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 33 SNO 34 INO: 77</p> <p>Mr Anthony Sahade</p> <p>Crystal Carwash Café Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>FSR of 1:5:1 should be extended to the site: 71-83 New South Head Road, Edgecliff</p>	<p>Summary</p> <p>The prevalent floor space ratio of 1.5:1 should be extended to the proposed rezoned site.</p>	<p>Response</p> <p>The owner of the site has requested a rezoning to B4 Mixed Use. A review of the zoning of this site to reflect its use and its integration with the B4 Mixed Use zone is supported. However, such a review is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>When the review of the zone is conducted the request to apply a floor space ratio of 1.5:1 will also be considered.</p>
<p>CID: 43 SNO 46 INO: 115</p> <p>Ms Victoria Hofer</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Existing FSR should be retained: 3-9 Military Rd, Watsons Bay</p>	<p>Summary</p> <p>Existing FSR of 0.55: 1 should be retained.</p>	<p>Response</p> <p>The existing 0.55:1 FSR control is in the Watsons Bay DCP and does not match the existing built form. Nos. 3, 7 and 9 Military Road each currently contain a three storey RFB.</p> <p>This site is proposed to have a 3 storey maximum building height and an FSR of 1:1. This combination of controls more accurately reflects the existing built form of the RFBs on the site and will maintain the character of the area.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 63 SNO 67 INO: 181</p> <p>Mr Will Mrongovius</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Removal of FSR within the SP2 Infrastructure Zone</p>	<p>Summary</p> <p>Object to the removal of FSR control within the SP2 - Infrastructure zone. This is most concerning with respect to future development of schools, most of which are surrounded by residential zones and dwellings.</p>	<p>Response</p> <p>In WLEP 1995 FSR does not apply to the 5(a) Special Use zone (except for 82-84 Edgecliff Road, Woollahra which is being rezoned to R3 Medium Density in WLEP 2014).</p> <p>It is proposed to continue not to apply FSR for SP2 zoned land (with the exception of 2 Laguna Street, Vacluse which has an FSR which reflects an approved DA for seniors living). This approach is acceptable because development in this zone such as schools does not have a typical form, and a merit assessment is conducted on development applications for these sites instead. This merit based assessment will take into consideration the impacts on the adjoining land uses.</p>
<p>CID: 71 SNO 75 INO: 208</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Rezone site to B4 Mixed Use, apply an FSR of 1:1: 2-20 George St, Paddington</p>	<p>Summary</p> <p>The owner requested that this site be rezoned to B4 Mixed Use, with a height of 9.5m and FSR of 1:1.</p> <p>The owner submits that the amendments to the planning controls further the public interest by facilitating the orderly and economic development of land, facilitating the redevelopment of existing poor quality housing stock, positively contributing to the quality of development in the locality and enhancing neighbourhood character, enhancing the image and vibrancy of the locality, and improving local amenity and safety and security.</p>	<p>Response</p> <p>The rezoning of this site is not supported, therefore there is no need to apply an FSR of 1:1 for this site.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 71 SNO 76 INO: 212</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Rebecca L Cooper Medical Research Foundation</p> <p>Recommendation No Change Issue</p> <p>Rezone site to R3 Medium Density, apply an FSR of 3:1: 54/56 and 98-106 Oxford St, Woollahra</p>	<p>Summary</p> <p>The opportunity site at 38-178 Oxford St, Woollahra, proposed a mix of FSRs at 2:1 and 3:1. This submission requests that a 3:1 FSR should be consistently applied for the whole of the opportunity site.</p> <p>The proposed R3 Medium Density Zone that was proposed as part of the 'opportunity site' process should be supported by a consistent FSR control. This will promote the economically viable rejuvenation of the locality with associated positive urban design and neighbourhood character benefits. The recommended controls will encourage consistent/compatible redevelopment and will enhance the image of Oxford Street.</p> <p>Given the benefits of the proposal, there seems to be no reason to delay the implementation of the changes.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for additional residential development and was being investigated. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra. In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>
<p>CID: 85 SNO 91 INO: 251</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change Issue</p> <p>Buildings are likely to be bigger due to the new definition of FSR</p>	<p>Summary</p> <p>There will likely be an increase in building bulk even if FSRs stay the same.</p> <p>This is because the new definition of gross floor area excludes external walls, balconies, stairs and voids.</p> <p>Staff previously estimated that this leads on average to a 10% increase in bulk over the previous definition and control.</p>	<p>Response</p> <p>In the R3 Medium Density Residential Zone there may be some potential for increased building bulk due to the Standard LEP definition of GFA, however any increases are likely to be modest. The building elements that have the greatest impact on building bulk, such as voids, are less likely to be included in medium density development. For these types of uses, developers are seeking to maximise areas that can be leased or sold.</p> <p>The Draft WLEP 2013 FSR controls will also be supported by setback controls in the Comprehensive DCP which are consistent with the desired future character of the LGA.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 92 SNO 99 INO: 236</p> <p>John Kass</p> <p>Kass-hermes planning + development</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Proposed FSR of 1.4:1 is excessive, suggest 1:1 instead</p>	<p>Summary</p> <p>No fundamental objection to the rezoning, but objection is to the magnitude of the FSR of 1.4:1 for those sites on the eastern side of Drumalbyn Road. The proposed FSR is excessive and should be reduced to 1:1 because of the resultant detrimental impact of the bulk of development that such an FSR will have on the amenity of neighbouring residents in Latimer and Bundarra Road.</p> <p>-Sites to the east fall steeply away by approx. 16m</p> <p>-Proposed 16.5m height control will result in a building of 5 storeys when viewed from neighbouring properties to the east in Latimer Rd and west in Bundarra Rd.</p> <p>-The most significant factor in determining the magnitude of the impact will be the building bulk generated by the FSR of 1.4:1 and the setback of the development from the rear boundaries of the Drumalbyn Rd sites.</p> <p>-Minimum bulk of potential development can be illustrated by consideration of the bulk arising from the existing FSR of the building at 76 Drumalbyn Rd which is approx. 0.5:1. Therefore the scale of development on sites along the eastern side at 1.4:1 will be approx. 2.8 x the bulk of the existing building. This will have unacceptable visual impacts.</p>	<p>Response</p> <p>The area is characterised by 5 storey residential flat buildings (RFBs). We have applied a 16.5 (5 storey) height limit and FSR of 1.55:1 to this land. The controls are reasonable and are consistent with the existing built form of this group of residential flat buildings. 76 Drumalbyn Road has been included as it is amongst this group.</p> <p>The LEP controls will be supported by the Comprehensive Development Control Plan which will address setbacks, including those to adjoining properties in Latimer Road.</p>
<p>CID: 25 SNO 25 INO: 53</p> <p>Ms Eelsha Dixon</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to different floor space ratio in area north of Sutherland Street, Paddington</p>	<p>Summary</p> <p>Objects that the area to the north of Sutherland Street has a different density to the remainder of Paddington.</p> <p>Lax planning controls in 1970s resulted in high rise development. Would not like to see any increase in density in these areas as roads are busier than other areas of Paddington and parking more challenging.</p> <p>Disappointed that any part of Paddington deviate from heritage controls.</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to broadly translate the existing policy content of WLEP 1995, and overall there is no proposal to increase densities in Paddington.</p> <p>The WLEP 1995 FSR control of 0.875:1 has been rounded to 0.9:1 in Draft WLEP 2013 as FSRs to three decimal places are not permissible in the Standard Instrument (the State Government template for preparing Principal Local Environmental Plans, such as Draft WLEP 2013). This minor change will not significantly affect development potential in Paddington.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 96 SNO 103 INO: 292 Summary</p> <p>Woollahra Greens</p> <p>Object to the removal of the FSR control in the SP2 Infrastructure zone.</p> <p>Woollahra Greens</p> <p>It is unworkable to remove the FSR control with respect to future development of schools, many of which are surrounded by residential zoning.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the removal of FSR control in the SP2 Infrastructure zone</p>		<p>Response</p> <p>In WLEP 1995 FSR does not apply to the 5(a) Special Use zone (except for 82-84 Edgecliff Road, Woollahra which is being rezoned to R3 Medium Density in WLEP 2014).</p> <p>It is proposed to continue not to apply FSR for SP2 zoned land (with the exception of 2 Laguna Street, Vacluse which has an FSR which reflects an approved DA for seniors living). This approach is acceptable because development in this zone such as schools does not have a typical form, and a merit assessment is conducted on development applications for these sites instead. This merit based assessment will take into consideration the impacts on the adjoining land uses.</p>
<p>CID: 187 SNO 197 INO: 516 Summary</p> <p>Mr Andy Chow</p> <p>Why has an FSR of 0.65:1 instead of a baseline FSR of 1:1 been applied to Nos. 122-166 Bellevue Road, Bellevue Hill?</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Why has an FSR of 0.65:1 been applied?</p>		<p>Response</p> <p>Increasing the FSR to 1:1 would result in increased development potential, which is inconsistent with our approach of translating the current WLEP 1995 controls where possible.</p> <p>The FSR of these properties is 0.625:1 under WLEP 1995 and 0.65:1 under Draft WLEP 2013. Although a 10.5m maximum building height has been applied in Draft WLEP 2013, the FSR has not been increased to the baseline FSR of 1:1 to match. This is because an FSR of 0.65:1 is more consistent with the existing built form and desired future character of the area.</p> <p>A review of properties in the area identified that dwelling houses are the predominant existing built form. These dwellings generally have an FSR which is less than 1:1. There is a small number of RFBs in area. However, the scale of these buildings is generally inconsistent with the desired future character of the area.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 102 SNO 109 INO: 439 Summary</p> <p>Councillor Matthew Robertson</p> <p>I object to the way in which Draft WLEP 2013 'translates' existing non compliances with respect to floor space ratio and generally allows for more generous FSR allowances across the R3 Medium Density Residential zone.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to translating existing FSR anomalies as this invites future overdevelopment</p>		<p>Response</p> <p>The draft controls are reasonable and reflect the predominant existing built form and FSR of approved development applications in these areas.</p>
<p>CID: 102 SNO 109 INO: 440 Summary</p> <p>Councillor Matthew Robertson</p> <p>The FSR controls in the Infrastructure zone must be retained. I object to its abolition within this zone. No rationale is advanced for letting schools and other infrastructure zoned institutions off the hook with respect to FSR, especially considering that many adjoin residential zonings (R2 or R3).</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Retain FSR control in the SP2 zone</p>		<p>Response</p> <p>In WLEP 1995 FSR does not apply to the 5(a) Special Use zone (except for 82-84 Edgecliff Road, Woollahra which is being rezoned to R3 Medium Density in WLEP 2014).</p> <p>It is proposed to continue not to apply FSR for SP2 zoned land (with the exception of 2 Laguna Street, Vacluse which has an FSR which reflects an approved DA for seniors living). This approach is acceptable because development in this zone such as schools does not have a typical form, and a merit assessment is conducted on development applications for these sites instead. This merit based assessment will take into consideration the impacts on the adjoining land uses.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 110 SNO 117 INO: 335 Summary</p> <p>Councillor Nicola Grieve</p> <p>Reliance on the building envelope controls in the DCP is unacceptable, given the future uncertainty of the role of DCPs in the new planning system. There is no reason not to have FSR controls in Draft LEP 2013, supplemented by building envelope controls in the DCP.</p> <p>Recommendation</p> <p>Issue</p> <p>Object to removal of FSR control in the R2 zone</p>		<p>Response</p> <p>The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome.</p> <p>In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan.</p> <p>Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition.</p> <p>Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed.</p> <p>Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area.</p> <p>We are not required to apply an FSR to the R2 Low Density zone. We consider that the most effective way to control building bulk in this zone is to rely on building envelope controls in our CDCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
CID: 110 SNO 117 INO: 336	Summary	Response
Councillor Nicola Grieve	Draft WLEP 2013 'translates' existing FSR non-compliances and generally allows for more generous FSR allowances across the R3 medium residential zone. Of particular concern are: -Yarranabbe Rd and New Beach Rd, Darling Point (increase 0.75:1 to 1:1) -Manning Rd, Wallaroy Crescent, Pine Hill Ave, Darling Point (increase from 0.625:1 to 1:1) -O'Sullivan Rd, Bellevue Hill (increase from 0.75:1 to 1:1) -Benelong Cres & Bundarra Rd, Bellevue Hill (increase from 0.875:1 to 1.3:1) -Ocean St, Woollahra (increase from 0.75:1 to 1.3:1) -Newcastle S, Dover Rd, Manion Ave, Norwich and Richmond Rds, Rose Bay (increase from 0.625:1 and 0.75:1)	The draft controls are reasonable and reflect the FSR of recently approved DAs and the existing built form in these areas.
Recommendation		
Issue		
Need to justify the increase in FSRs		
	What is the justification for this increase?	
CID: 76 SNO 119 INO: 203	Summary	Response
The Scots College	No FSR currently applies to 2 Carlisle Rd, Rose Bay from which The Scots College operates a registered child care Centre. The site also accommodates a church.	In Draft WLEP 2013 the site has been rezoned from SP2 Infrastructure to R3 Medium Density Residential. The R3 zone permits child care centres and places of public worship with consent, allowing the existing uses to continue.
The Scots College		
Recommendation		
No Change		
Issue		
No FSR control should apply to 2 Carlisle Rd, Rose Bay	WLEP 1995 does not impose an FSR on the site, but Draft WLEP 2013 proposes an FSR of 0.75:1. This control is inappropriate in the context of the existing built form and uses on the site.	By applying the R3 Medium Density zone, an FSR control must be applied to the site. The predominant adjoining FSR control is 0.75:1, and has therefore been applied to this site also. Draft WLEP 2013 does not seek to represent the FSRs of individual buildings.

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
<p>CID: 129 SNO 138 INO: 382</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Changing the definition of FSR will cause an increase in unacceptable bulk</p>	<p>Summary</p> <p>Changes to FSRs and the way they are calculated will cause an increase in unacceptable bulk.</p> <p>This will be detrimental to solar access and public and private views and vistas, and provide inconsistency of streetscape and character.</p> <p>Residential character of the area must be retained by encouraging private dwellings rather than RFBs.</p>	<p>Response</p> <p>The definitions of FSR and gross floor area (GFA) are mandated under the Standard Instrument. In the R3 Medium Density Residential Zone there may be some potential for increased building bulk due to the Standard LEP definition of GFA. However, any increases are likely to be modest.</p> <p>The building elements that have the greatest impact on building bulk, such as voids, are less likely to be included in medium density development. For these types of uses, developers are seeking to maximise areas that can be leased or sold. The Draft WLEP 2013 FSR control will also be supported by setback controls in the Comprehensive DCP which are consistent with the desired future character of the LGA.</p>
<p>CID: 129 SNO 138 INO: 403</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to increasing FSRs in Darling Point</p>	<p>Summary</p> <p>There are numerous recommendations to increase FSR in Darling Point and other areas of the municipality. The Society vigorously opposes any increases or dilutions of any existing controls in Darling Point.</p>	<p>Response</p> <p>The draft controls are reasonable and reflect the FSR of recently approved DAs and the existing built form in these areas.</p>
<p>CID: 135 SNO 144 INO: 421</p> <p>Mr & Mrs Tony & Tanya Lee</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Introduce FSR of 1:1: 351-355 Glenmore Rd, Paddington</p>	<p>Summary</p> <p>The owner of this site requested that it be rezoned from R2 to R3. This request is not supported.</p> <p>Along with the rezoning the owner suggested that the FSR Map should be amended to allow for a 1:1 FSR which is consistent with the adjoining commercial premises to the east.</p>	<p>Response</p> <p>A change of zoning at this location is not supported. Therefore an FSR control is not required.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4 Floor space ratio
CID: 96 SNO 103 INO: 291	Summary	Response
<p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Clarify justification of FSR increases (existing non-compliance or addressing DFC)</p>	<p>Draft WLEP 2013 'translates' existing FSR non-compliances and generally allows for more generous FSR allowances across the R3 Medium Density Residential zone. Of particular concern are:</p> <ul style="list-style-type: none"> - Yarranabbe Rd and New Beach Rd, Darling Point (increase 0.75:1 to 1:1) - Manning Rd, Wallaroy Crescent, Pine Hill Ave, Darling Point (increase from 0.625:1 to 1:1) - O'Sullivan Rd, Bellevue Hill (increase from 0.75:1 to 1:1) - Benelong Cres & Bundarra Rd, Bellevue Hill (increase from 0.875:1 to 1.3:1) - Ocean St, Woollahra (increase from 0.75:1 to 1.3:1) - Newcastle S, Dover Rd, Manion Ave, Norwich and Richmond Rds, Rose Bay (increase from 0.625:1 and 0.75:1) <p>Draft WLEP 2013 should articulate which of these increases remedies existing non-compliances in FSR and which seek to address future desired precinct character.</p>	<p>The draft controls are reasonable and reflect the FSR of recently approved DAs and the existing built form in these areas.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	CI 4.4A Double Bay Centre
<p>CID: 127 SNO 136 INO: 426</p> <p>Mr Wes van der Gardner</p> <p>Roche Group Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Amend clause so that it is no longer a prohibition: Double Bay Centre corner sites</p>	<p>Summary</p> <p>The current drafting of CI 4.4A(3) could be interpreted as that consent cannot be granted if the FSR exceeds 3:1, and would therefore be a prohibition. Development Standards under the standard template are not intended to be prohibitions. In fact CI 4.6 of Draft LEP 2013 has been included in all standard LEPs to enable exceptions to Development Standards. It is unclear if CI 4.4(A) becomes the new development standard for Area 1 (Double Bay) and in turn 3:1 becomes the new FSR standard to which an exception could apply.</p> <p>If subclause is not deleted - clause should be amended as follows: "Despite Clause 4.4(2) the maximum floor space ratio is 3:1".</p>	<p>Response</p> <p>Clause 4.4A is based on the model clause 4.4 Floor space ratio. 4.4(2) which states "The maximum floor space ratio on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map". Although the clause states that a maximum floor space ratio applies, applicants can seek to vary the FSR using Clause 4.6 Exceptions to development standards.</p> <p>Clause 4.6 will also allow applicants to seek an exception to the bonus FSR permitted by Clause 4.4A. Therefore there is no need to amend the clause.</p>
<p>CID: 127 SNO 136 INO: 424</p> <p>Mr Wes van der Gardner</p> <p>Roche Group Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Delete subclause and give corner sites an FSR of 3:1 on the map (not 2.5:1): Double Bay Centre</p>	<p>Summary</p> <p>FSR Map identifies certain corner sites in the Double Bay Centre as having a maximum FSR of 2:1. CI 4.4A then applies which allows an FSR of 3:1 providing that: "The consent authority is satisfied that the development will be compatible with the desired future character of the centre in terms of building bulk and scale".</p> <p>Instrument would remain consistent, and be simpler and clearer if these corner sites were identified on the map with "V" where the maximum FSR is 3:1.</p>	<p>Response</p> <p>Clause 4.4A requires certain conditions to be met before an FSR of 3:1 can be approved. These requirements are in addition to the requirements of Clause 4.4, therefore the 3:1 FSR should not appear on the Floor Space Ratio Map.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
<p>CID: 129 SNO 138 INO: 384 Summary</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the removal of the FSR control in the R2 zone</p>		<p>Response</p> <p>The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome.</p> <p>In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan.</p> <p>Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition.</p> <p>Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed.</p> <p>Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area.</p> <p>An FSR is not required to be applied to the R2 Low Density zone. The most effective way to control building bulk in this zone is to rely on building envelope controls in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
<p>CID: 100 SNO 107 INO: 277 Summary</p> <p>Mr Anthony Tregoning Object to the removal of the FSR control in the R2 zone. Double Bay will lose its charm if the FSR are changed.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not remove FSR from the R2 zone in Double Bay</p>		<p>Response</p> <p>The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome.</p> <p>In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan.</p> <p>Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition.</p> <p>Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed.</p> <p>Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area.</p> <p>An FSR is not required to be applied to the R2 Low Density zone. The most effective way to control building bulk in this zone is to rely on building envelope controls in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
<p>CID: 96 SNO 103 INO: 290</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the removal of the FSR control in the R2 zone</p>	<p>Summary</p> <p>Reliance on the building envelope controls contained in the DCP is unacceptable given the future uncertainty of the DCPs. Recommend FSR controls are prescribed in DWLEP 2013 to supplement the DCP.</p>	<p>Response</p> <p>The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome.</p> <p>In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan.</p> <p>Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition.</p> <p>Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed.</p> <p>Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area.</p> <p>An FSR is not required to be applied to the R2 Low Density zone. The most effective way to control building bulk in this zone is to rely on building envelope controls in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
<p>CID: 85 SNO 91 INO: 248</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not remove the FSR control from the R2 zone.</p>	<p>Summary</p> <ul style="list-style-type: none"> - Object to the removal of the FSR control in the R2 zone. - Building envelope controls in DCPs are scant protection. - DCPs face an uncertain future in the current climate of new Planning Bills. - They are a flexible control and development which breaches their provisions is weekly approved by this Council. - May be years before these building envelopes are prepared and a DCP (if the concept still exists) made by Council is approved. - In the interim the amenity of neighbours will go unprotected. 	<p>Response</p> <p>The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome.</p> <p>In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan.</p> <p>Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition.</p> <p>Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed.</p> <p>Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area.</p> <p>An FSR is not required to be applied to the R2 Low Density zone. The most effective way to control building bulk in this zone is to rely on building envelope controls in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
CID: 78 SNO 83 INO: 219		
Mr & Mrs Michael and Sarah Lawrence	Summary Strong objection to the removal of the FSR control within the R2 zone. FSR control is necessary to control building bulk. Too large buildings have been erected which cover the block from side to side and front to back. No FSR control will make the impact even greater.	Response The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome. In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan. Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition. Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed. Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area. An FSR is not required to be applied to the R2 Low Density zone. The most effective way to control building bulk in this zone is to rely on building envelope controls in the Comprehensive DCP.
Recommendation No Change		
Issue Do not remove the FSR control from the R2 zone		

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
<p>CID: 63 SNO 67 INO: 180</p> <p>Mr Will Mrongovius</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Retain FSR controls for the R2 Zone</p>	<p>Summary</p> <p>Society does not support the removal of the FSR control within the R2 Zone in Paddington.</p> <p>Given the future uncertainty of the status of the DCP relying on building envelope controls within a DCP is unacceptable.</p> <p>FSR controls should be inserted in the Draft LEP 2013 to support the guidelines contained in the DCP.</p>	<p>Response</p> <p>The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome.</p> <p>In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan.</p> <p>Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition.</p> <p>Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed.</p> <p>Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area.</p> <p>An FSR is not required to be applied to the R2 Low Density zone. The most effective way to control building bulk in this zone is to rely on building envelope controls in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Do not remove FSR from the R2 zone
<p>CID: 59 SNO 63 INO: 176 Summary</p> <p>Ms Rosie White</p> <p>FSR controls should be retained in Draft LEP 2013. The DCP controls are not binding, so using that instrument with a building envelope for planning is unacceptable.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>FSRs should be retained in the R2 zone</p>		<p>Response</p> <p>The most effective way to control building bulk in the R2 zone is through building envelope controls. This is because building envelopes provide greater certainty regarding the built form outcome.</p> <p>In the Paddington Heritage Conservation Area no FSR applies under WLEP 1995 or Draft WLEP 2013. Specific building envelope controls apply under the Paddington Heritage Conservation Area Development Control Plan. This has proven an effective way to control the built form in the Paddington Heritage Conservation Area. Separate building envelope controls will apply to the R2 Low Density Residential zoned land covered by the Woollahra Residential Development Control Plan.</p> <p>Applying FSR controls to the R2 zone will not give certainty to the extent of the permitted built form. This is because the Standard Instrument definition for FSR excludes building and design elements that are included in the calculation of gross floor area (GFA) under the WLEP 1995. These design elements include voids, large balconies and storage areas. These elements can contribute to the building bulk, but are not included in the calculation of GFA using the new definition.</p> <p>Our research indicates that if the current FSRs in our DCPs were applied to the R2 zone, the size of dwelling houses could increase depending on the design of the building and particularly whether voids and large balconies are proposed.</p> <p>Including FSR controls in the LEP would override the building envelope controls in the Comprehensive DCP which are a reflection of the desired future character of the area.</p> <p>An FSR is not required to be applied to the R2 Low Density zone. The most effective way to control building bulk in this zone is to rely on building envelope controls in the Comprehensive DCP.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 107 SNO 114 INO: 327</p> <p>Tri-Anta Pty Ltd</p> <p>Tri-Anta Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Increase FSR from 1:1 to 1.5:1: 432 Oxford St, Paddington</p>	<p>Summary</p> <p>FSR of 1:1 does not provide for the efficient use of the site. A mixed development with maximum 9.5m height and FSR of 1.5:1 can provide an appropriate response to site's context. 2 storey development plus attic roof fronting Elizabeth Place is consistent with the scale, form and character of adjacent zone. FSR of 1.5:1 will promote the revitalisation of these sites in the area of Oxford St, Paddington</p>	<p>Response</p> <p>Draft WLEP 2013 sets a maximum height of 9.5m and an FSR of 1:1. There may be merit in increasing the FSR. However, the submission does not provide satisfactory evidence to justify the requested FSR increase to 1.5:1. Any potential FSR increase on this site would require more detailed analysis having particular regard to matters such as privacy and solar impacts on adjoining residential zoned land. Such analysis is outside the scope of Draft WLEP 2013 which is based on a broad translation of the existing controls.</p>
<p>CID: 7 SNO 7 INO: 48</p> <p>AMB Capital Partners Royal Hotels Group & Tarrega Pty</p> <p>Recommendation No Change Issue</p> <p>Increase FSR from 2.5:1 (Area 1) to 3.5:1: 28, 30 & 38 Bay St, 2 Guilfoyle Ave, 3 South Ave, Double Bay</p>	<p>Summary</p> <p>This submission contains requests to rezone the site to B4 Mixed Use and have the maximum building height increased to 20m. If those changes were supported by Council a maximum FSR of 3.5:1 is suggested.</p> <p>The submission justifies the increased FSR on the basis that:</p> <ul style="list-style-type: none"> - Redevelopment to a higher density would be context with the adjoining and surrounding multi-level buildings. - The proposed FSR of 3.5:1 and an articulation zone of balconies to address the street and provide visual interest. - The diagram submitted with the submission demonstrates that the main bulk of development is consistent with the scale of No 8 Guilfoyle Ave to the west and the Cosmopolitan Centre. 	<p>Response</p> <p>The increase in maximum building height, storeys and proposed floor to ceiling heights requested in the submission are inconsistent with the desired future character of Double Bay. The suggested maximum building height of 20m is out of context with the adjoining R2 Low Density Residential Zone which has a 9.5m height limit.</p> <p>The Double Bay Centre DCP and Draft WLEP 2013 create a transition to the adjoining residential area to the west. The request to increase height for a single site in Double Bay is not supported.</p> <p>When Council addresses the housing targets set by the State Government this site may be considered as well as any other sites identified as having capacity to increase development potential. Planning for this site and other parts of the Double Bay Commercial Centre can occur through the Revitalise Double Bay - Strategic Action Plan project that has been recently commenced by Council. The site will be referred to the project team for consideration.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 14 SNO 14 INO: 12</p> <p>Mr Alex Cable</p> <p>Summary</p> <p>We need greater density than 2:1 in Paddington as a whole. This will provide an increased density of development, and stimulate new and appropriate development that is a more efficient use of land.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase development potential in Paddington</p>		<p>Response</p> <p>It is unclear whether 'density' is intended to relate solely to residential density or all forms and types of development in Paddington. As the submission includes comments on the Oxford Street commercial area separately, the following response is made regarding increased residential density.</p> <p>The NSW Government requires all councils to increase housing capacity within their LGAs. This is to meet the housing targets set by the Draft Metropolitan Strategy for Sydney. The housing target for the whole of the Sydney metropolitan area is an increase of 545,000 dwellings by 2031.</p> <p>Draft WLEP 2013 does not generally change land use zones or development standards to meet these housing targets. Draft WLEP 2013 seeks only to broadly translate the existing policy content of WLEP 1995.</p> <p>Notwithstanding, Council is still required to increase dwelling capacity to meet the housing targets. This process will occur after the new LEP has been exhibited, approved and commenced (approximately late 2014).</p> <p>Major redevelopment of Paddington is not contemplated, particularly because it would be contrary to heritage conservation principles.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 14 SNO 14 INO: 13</p> <p>Mr Alex Cable</p> <p>Summary</p> <p>Require FSR greater than 2:1 in Darling Point as a whole. This will provide greater density of development, and stimulate new and appropriate development that is a more efficient use of land.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase development potential</p>		<p>Response</p> <p>It is unclear whether 'density' is intended to relate solely to residential density or all forms and types of development. Regarding residential density the following response is made.</p> <p>The NSW Government requires all councils to increase housing capacity within their LGAs. This is to meet the housing targets set by the Draft Metropolitan Strategy for Sydney. The housing target for the whole of the Sydney metropolitan area is an increase of 545,000 dwellings by 2031.</p> <p>Draft WLEP 2013 does not generally change land use zones or development standards to meet these housing targets. Draft WLEP 2013 seeks only to broadly translate the existing policy content of WLEP 1995.</p> <p>Notwithstanding, Council is still required to increase dwelling capacity to meet the housing targets. This process will occur after the new LEP has been exhibited, approved and commenced (approximately late 2014).</p> <p>Major redevelopment is not contemplated for the whole of Darling Point as the suburb contains a substantial amount of medium and high density residential development in proportion to its total area. Darling Point also contains numerous heritage conservation areas and heritage items. Major redevelopment of the Darling Point area would be inconsistent with the desired future character of the majority of the suburb.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
CID: 14 SNO 14 INO: 14	<div>Summary</div> <p>Council is not adhering to the extreme need for new development and the revitalisation of Oxford St. Require density of 3:1 and greater in pockets around transport and amenities such as Oxford St . Oxford St is dying. The only way to alter its fate is to increase density and height restrictions to stimulate new and appropriate development that is a more efficient use of valuable land.</p> <div>Recommendation No Change</div> <div>Issue</div> <p>Increase development potential and revitalise Oxford Street</p>	<div>Response</div> <p>The revitalisation of Oxford Street is being addressed by Council through a major project called Activate Oxford Street. Options for improving business along Oxford Street are being developed through that project.</p> <p>Major redevelopment of Oxford Street is not contemplated, particularly because it would be contrary to heritage conservation principles.</p>
CID: 14 SNO 14 INO: 15	<div>Summary</div> <p>We need density of 3:1 and greater in pockets and around transport and amenities such as points along New South Head Road.</p> <div>Recommendation No Change</div> <div>Issue</div> <p>Increase development potential</p>	<div>Response</div> <p>It is unclear whether 'density' is intended to relate solely to residential density or all forms and types of development. Regarding residential density the following response is made.</p> <p>The NSW Government requires all councils to increase housing capacity within their LGAs. This is to meet the housing targets set by the Draft Metropolitan Strategy for Sydney. The housing target for the whole of the Sydney metropolitan area is an increase of 545,000 dwellings by 2031.</p> <p>Draft WLEP 2013 does not generally change land use zones or development standards to meet these housing targets. Draft WLEP 2013 seeks only to broadly translate the existing policy content of WLEP 1995.</p> <p>Notwithstanding, Council is still required to increase dwelling capacity to meet the housing targets. This process will occur after the new LEP has been exhibited, approved and commenced (approximately late 2014).</p> <p>The proximity of transport and amenities are considered during the selection of potential sites for increased dwelling capacity.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 14 SNO 14 INO: 16</p> <p>Mr Alex Cable</p> <p>Summary</p> <p>Require density of 5:1 in and around transport interchanges such as Edgecliff, our one and only train station.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase development potential</p>		<p>Response</p> <p>It is unclear whether 'density' is intended to relate solely to residential density or all forms and types of development. Regarding residential density the following response is made.</p> <p>The NSW Government requires all councils to increase housing capacity within their LGAs. This is to meet the housing targets set by the Draft Metropolitan Strategy for Sydney. The housing target for the whole of the Sydney metropolitan area is an increase of 545,000 dwellings by 2031.</p> <p>Draft WLEP 2013 does not generally change land use zones or development standards to meet these housing targets. Draft WLEP 2013 seeks only to broadly translate the existing policy content of WLEP 1995.</p> <p>Notwithstanding, Council is still required to increase dwelling capacity to meet the housing targets. This process will occur after the new LEP has been exhibited, approved and commenced (approximately late 2014).</p> <p>The proximity of transport is considered during the selection of potential sites for increased dwelling capacity.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 69 SNO 73 INO: 186</p> <p>Mr N Stavrou</p> <p>Mediterranean Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Increase FSR to facilitate a 5 storey mixed use building 83-103 New South Head Rd, Vaucluse</p>	<p>Summary</p> <p>This submission included a request to increased the maximum building height for these properties from 11m under Draft WLEP 2013 to 16.5m to facilitate a 5 storey mixed use building.</p> <p>To accompany the request for increased height, the proponent suggests that the FSR should be increased from 1.5:1 to 2.5:1 across the whole site.</p> <p>FSR is currently 1.5:1 for 83-99 New South Head Road, and 2:1 for 101-103 New South Head Road.</p>	<p>Response</p> <p>The Draft LEP sets a maximum height of 11m and an FSR of 1.5:1. There may be merit in further considering these controls, with a view to increasing them. The reasons these sites have merit include that they are:</p> <ul style="list-style-type: none"> -located in a centre - providing walking access to shops and services and reducing the demand for vehicle trips, -on two bus routes with a further two in walking distance allowing connectivity to the wider area -under single ownership <p>Any potential FSR increase on these sites would require more detailed analysis having particular regard to matters such as view impacts and solar access. Such analysis is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>These sites will be given further consideration once Draft WLEP 2013 has been finalised.</p>
<p>CID: 70 SNO 74 INO: 188</p> <p>Messers Stavrou and Stasos</p> <p>Recommendation No Change Issue</p> <p>Increase FSR to facilitate a 3-4 storey mixed use building: 643/645 New South Head Rd & 51-55 O Sullivan Rd, Rose Bay</p>	<p>Summary</p> <p>The submission contains a request to increase the maximum building height from 11m under the Draft LEP to 12m to facilitate a 3-4 storey mixed use building.</p> <p>Along with the request to increase the maximum building height, an FSR of 2:1 is requested across the site.</p> <p>FSR is currently 1:1 under WLEP 1995.</p>	<p>Response</p> <p>The proposed FSR of 1:1 in Draft WLEP 2013 is the same as the existing control in WLEP 1995. Council is generally not seeking to increase residential density as part of the preparation of Draft WLEP 2013.</p> <p>Notwithstanding, given the site contains a heritage item at 51-55 O'Sullivan Road, increasing residential density is not supported. No justification on how the conservation of the heritage item could be achieved through redevelopment has been provided.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 99 SNO 106 INO: 314 Summary</p> <p>Enfield Securities Pty Ltd</p> <p>Plans submitted identifying what could be built under an FSR of 3.65:1.</p> <p>Enfield Securities Pty Ltd This was the FSR control identified as part of the opportunity site consultation exercise.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Plans submitted identifying the built form with an FSR of 3.65:1: 2 New South Head Rd, Edgecliff</p>		<p>Response</p> <p>In 2010 during the ‘opportunity site process’, this site was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government’s housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this and other opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>
<p>CID: 6 SNO 6 INO: 45 Summary</p> <p>Mr & Mrs John & Karen Trudgian</p> <p>This submission contains requests to rezone the site to R3 Medium Density and increase the height to 12m. To accompany these changes a maximum FSR of 1:1 is suggested. The submission states that an FSR of 1:1 is considered to be lower, yet consistent with the FSR of the adjoining buildings.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Amend FSR to 1:1: 131A Victoria Rd, Bellevue Hill</p>		<p>Response</p> <p>131A Victoria Road, Bellevue Hill is located in a low density residential precinct. It is not appropriate to rezone and increase the maximum permitted height and FSR for this site. There are no strong or overriding planning reasons to apply the R3 Medium Density Zone and increased height and FSR to this site and precinct.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
CID: 106 SNO 113 INO: 324	Summary	Response
Henroth Investments Pty Ltd	A review of the approved FSRs for neighbouring apartments identifies that the maximum permitted FSR is generally exceeded. The examples includes estimates of 2:1. The combined existing FSR for the two sites in 0.86:1.	Draft WLEP 2013 is a translation of WLEP 1995. In this part of Darling Point the desired future character is a 10.5m (3 storey) height limit and FSR of 0.9:1.
Henroth Investments Pty Ltd		
Recommendation No Change	The site should have an FSR which is consistent with the character of the area of 2:1, and an increase is required due to:	During the preparation of Draft WLEP 2013 the maximum building height and FSR for groups of RFBs that had similar built form in terms of height and bulk was increased. In this location, the RFBs range in height and FSR considerably. Accordingly, no change was proposed to the height and FSR controls as there is not a consistent built form.
Issue	- existing development in the area has a greater FSR than proposed under Draft WLEP 2013	
Increase FSR from 0.9:1 to 2:1	- there would be no adverse impacts on the desired future character	The multi-storey towers in the vicinity do not represent the desired future character of the area and should not be used to guide new development.
	- due to the sloping land it would have minor impacts on the surrounding development	
	- likely not pose any adverse visual impacts to and from the harbour.	In 2010 Council sought to identify 'opportunity sites' which were locations with potential to intensify residential development by increasing the maximum building height and floor space ratio, and in some cases, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra. This site and the proposed controls for it do not meet a number of the criteria that were used to identify opportunity sites. In particular:
		- the proposed controls would not reflect the desired future character of the area
		- the site is not in close proximity to centres to facilitate access to public transport and services
		- the site is not in close proximity to public transport nodes
		- the site is not in close proximity to a main road.
		This site is has poor access to shops, services and public transport. Therefore, substantially increasing the maximum building height and FSR would not be consistent with principles established under the opportunity site process in 2010.

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 144 SNO 153 INO: 427</p> <p>Village Building Company Pty Ltd</p> <p>Village Building Company Pty Ltd</p> <p>Recommendation Change</p> <p>Issue</p> <p>Rectify mapping error and apply FSR of 1.5:1: 484-486 Old South Head Rd</p>	<p>Summary</p> <p>There is a mapping oversight that should be rectified.</p> <p>The FSR standard of 1:1 has been incorrectly applied and needs to be amended to 1.5:1 because:</p> <ul style="list-style-type: none"> - the site is currently subject to an FSR of 1.5:1, as it is eligible for an FSR bonus of 0.5:1 under the NDCP2009. - Draft WLEP standard of 1:1 will reduce the FSR standard applicable to the site. This is inconsistent with the entire Rose Bay South Shopping Centre which is subject to FSR standards of between 1.5:1 to 2:1. <p>FSR of 1:1 does not relate to the 14.5m HOB standard or the objective which aim for a 4 storey building to the corner site which defines and reinforces the centre.</p>	<p>Response</p> <p>This is a mapping error. No. 484-486 Old South Head Rd should be within "Area 2" on the Floor Space Ratio Map of Draft WLEP 2013 which allows a maximum FSR of 2:1.</p> <p>This change is consistent with WLEP 1995 CI 11 3(a) which permits an FSR of up to 2:1 for certain corner sites that have a business zone.</p> <p>Recommendation:</p> <p>The Floor Space Ratio Map be amended to identify 484-486 Old South Head Road, Rose Bay as an "Area 2" to permit an FSR of up to 2:1 under CI 4.4B.</p>
<p>CID: 108 SNO 115 INO: 329</p> <p>Mr Stephen Davidson</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase FSR from 0.9:1 to 2:1: 77 New South Head Rd, Vaucluse</p>	<p>Summary</p> <p>The submission contains requests to increase the maximum building height 13.5m and FSR to 2:1 on the basis that:</p> <p>A 2:1 FSR provides a development that is compatible with the growing needs of the area. Site provides a perfect opportunity for redevelopment as it is in the heart of the Vaucluse Village. Site is within close proximity of the Seniors Housing Development, which has a maximum height of 18.4m, and an FSR of 1.81:1. Proposal will be compatible with this development, which is not in the village.</p>	<p>Response</p> <p>An increase to the maximum building height to 13.5m is not supported. Therefore, increasing the FSR to 2:1 is not required for this site.</p> <p>This site was recommended for planning control changes as part of the opportunity site process in 2010. Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>The FSR control in Draft WLEP 2013 for this site was established following a detailed investigation and analysis and is considered appropriate given the local context.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 109 SNO 116 INO: 330</p> <p>I & P Perryman</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase FSR from 1:1 to 1.25:1: 100 Queen St, Woollahra</p>	<p>Summary</p> <p>Request an increase in FSR from 1:1 to 1.25:1</p> <p>The requested increase accurately reflects the predominant built form that exists across the majority of the sites along this section of Queen St. The FSR should be increased along this whole side of Queen St, between Moncur St to the east and Hall St to the west.</p> <p>Numerous buildings breach the FSR control. Recommended FSR allows for reasonable development forms, yet would still be smaller than the majority of developments along this section, e.g. Woollahra Hotel and adjacent buildings. Increase FSR would not compromise the character of the locality, now adverse environmental impact in regard to overshadowing, privacy and view loss.</p>	<p>Response</p> <p>The Draft LEP sets a maximum height of 9.5 and an FSR of 1:1. There may be merit in increasing the FSR. However, the submission does not provide satisfactory evidence to justify the requested FSR increase to 1.25:1. Any potential FSR increase on this site would require more detailed analysis having particular regard to matters such as the impact on heritage items and the heritage conservation area, the FSR of existing built form and FSR of recent development approvals.</p> <p>Such analysis is outside the scope of Draft WLEP 2013 which is based on a broad translation of the existing controls.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 113 SNO 121 INO: 349</p> <p>Chancellor Property Pty Ltd</p> <p>Chancellor Property Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase FSR from 2.5:1 to 3:1: 2 Short St, Double Bay</p>		
<p>Summary</p> <p>FSR control of 2.5:1 is too low and does not provide enough massing to create a zero lot line, four storey mixed use building with a strong built edge or prominent corner building. Proposed FSR results in a lost opportunity to provide an appropriate density of residential development in close proximity to transport and services in Double Bay Centre.</p> <p>To provide a built form with a strong built edge and a coherent street definition with zero lot line for each frontage, a maximum FSR of 3:1 is recommended. 3:1 has been applied to every prominent corner site in the Double Bay Centre. FSR of 3:1 would reinforce the three prominent corners whilst providing at least 50% articulation.</p> <p>An FSR control of 2.5:1 has been applied without providing significant testing. The submission provides appropriate massing to the prominent corner site to achieve the built form objectives of the Double Bay DCP.</p> <p>The site can redevelop without adversely impacting on the surrounding streetscape or residential amenity. Redevelopment would contribute to the desired transition of the area into high-density mixed uses.</p>		<p>Response</p> <p>The majority of Double Bay has an FSR of 2.5:1 under WLEP 1995 and Draft WLEP 2013, apart from prominent corner sites which may be permitted to use 3:1 under certain conditions.</p> <p>The FSRs of 2.5:1 and 3:1 were the result of detailed urban design investigations for the centre, carried out during the Double Bay DCP preparation.</p> <p>This site is not a prominent corner location and is surrounded by narrow laneways. Draft WLEP 2013 has increased the height from 7m to 15m (4 storeys) in light of a recent approval for the site. However, the proposed FSR of 2.5:1 is appropriate for a 4 storey building with setbacks and articulation.</p>
<p>CID: 115 SNO 123 INO: 341</p> <p>J&A Knott, M&V Greene, A McLeod (Wyelba)</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase FSR from 1:1 to 2:1: Queen St, Woollahra</p>		
<p>Summary</p> <p>This submission supplements the submission made by Mr and Mrs Perryman (Issue number 330)</p> <p>While supporting heritage factors, it is untenable to severely restrict redevelopment of the Queen Street block.</p> <p>Commercial premises are given more lenient planning controls across Sydney.</p> <p>The current restrictions are an unfair burden.</p> <p>A more realistic FSR compatible with other municipalities is 2:1.</p> <p>This should also be designed to allow maximum on-site parking provision.</p>		<p>Response</p> <p>The Draft LEP sets a maximum height of 9.5 and an FSR of 1:1. There may be merit in increasing the FSR. However, the submission does not provide satisfactory evidence to justify the requested FSR increase to 2:1. Any potential FSR increase on this site would require more detailed analysis having particular regard to matters such as the impact on heritage items and the heritage conservation area, the FSR of existing built form and FSR of recent development approvals.</p> <p>Such analysis is outside the scope of Draft WLEP 2013 which is based on a broad translation of the existing controls.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control

CID: 119 SNO 127 INO: 354 [Summary](#)

Owners of 80-84 & 90 New South Head Road, Edgecliff

Increase FSR from 1.5:1 to 3.75:1 on the basis that:
The suggested building envelope satisfies the objectives of the floor space criteria for the B4 zone, which is to ensure the buildings are compatible with the desired future character of the area in terms of bulk and scale.

[Recommendation](#) No Change

[Issue](#)

Increase FSR from 1.5:1 to 3.75:1: 80-84 and 90 New South Head Rd, Edgecliff

The scale of the proposal is sufficient having regard for the dominance of the New South Head Rd/Mona Rd gateway into the Edgecliff precinct, while ensuring adequate amenity and building separation to the neighbouring properties.
The additional floor space provides appropriate transitional elements.

The additional floor space on the site is suitable and may be imposed without adverse impact on neighbouring properties.

[Response](#)

The owner of this site requested increased height and FSR controls. The height increase of 28.5m is not supported, therefore an increase in FSR from 1.5:1 to 3.75:1 to match the requested height is not appropriate.

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
CID: 120 SNO 128 INO: 357	Summary	Response
Mr Raimond Schaw	<p>Increase FSR control to 1.55:1 to match the built form of the existing building. Existing FSR controls do not provide incentive for future development.</p> <p>The existing RFBs which surround the site are between 5-8 storeys in height and have existing FSRs of at least 1.55:1.</p>	<p>The suggested increase to maximum building height for this site to 16.5m by the owner is not supported. Therefore an increase to FSR is not appropriate.</p>
Recommendation No Change		
Issue		
Increase FSR from 1.3:1 to 1.55:1: 252-254 New South Head Rd, Double Bay	<p>Suggested FSR is appropriate to accommodate a 3-4 storey building to a sloping site, compatible with the built form of adjoining RFBs and the streetscape.</p> <p>Existing 5 storey RFB has an FSR of 1.53:1, so the suggested FSR better matches the existing built form and would result in a built form that would be similar in bulk and scale to the existing building.</p> <p>The model submitted with the submission includes maximum height of 16.5m, second height of 10.5m, 10% side setback and depth of 55%.</p> <p>Suggested FSR is suitable because:</p> <ul style="list-style-type: none"> - it is less than the FSR of all of the surrounding development (5-8 storeys) - would improve amenity - second height limit ensures a development does not propose a 4 storey RFB to the streetscape (resulting in view loss and overshadowing) - would ensure building articulation 	

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 123 SNO 132 INO: 360 Summary</p> <p>Mr Michael Della Marta</p> <p>Riyote Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Increase FSR from 0.75:1 to 1.5:1: 36, 38 & 40 Carlisle St, Rose Bay</p>		<p>Response</p> <p>The existing FSR on this site under WLEP 1995 is 0.75:1. Draft WLEP 2013 has retained the 0.75:1 FSR as the existing buildings on this site do not exceed the current FSR control and because this site is adjoining the R2 Low Density Residential zone to the north.</p>
<p>CID: 138 SNO 146 INO: 348 Summary</p> <p>Edgecliff Bistro Pty Ltd</p> <p>Edgecliff Bistro Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Increase FSR from 1.5:1 to 6:1: 529-539 Glenmore Rd, Edgecliff</p>		<p>Response</p> <p>The site is located in the 3(b) Business Special Zone under WLEP 1995 and the B4 Mixed Use Zone under Draft WLEP 2013. The site is also located in the Paddington Heritage Conservation Area.</p> <p>An FSR of 6:1 for an RFB is excessive for the site, and for the surrounding context. The highest FSR control within the entire Edgecliff Commercial Centre is 2.5:1, and this is in the Edgecliff Commercial Core. The current FSR control of 1.5:1 is appropriate and reflects the bulk of the current buildings on the site.</p> <p>The suggested FSR and height increase were also considered when submitted in a planning proposal. The Council did not support the planning proposal and refused it on 24 February 2014.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
<p>CID: 140 SNO 148 INO: 371</p> <p>Property Development Workshops Pty Ltd</p> <p>Property Development Workshops Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase FSR from 1.25:1 to 3.65:1: 2-14 and 20 New South Head Rd, Edgecliff</p>	<p>Summary</p> <p>Site was previously considered as an opportunity site, which proposed an FSR of 3.65:1.</p> <p>The proposed FSR provides a built form and scale that is suitable within the context of the surrounding development and appropriately marks the gateway location. The proposed density is also consistent with the 'Bayside' building at 85-97 New South Head Road, a contemporary 11 storey mixed use development.</p> <p>The subject site has sufficient separation distance between surrounding properties and will maintain privacy when redevelopment. The majority of overshadowing is likely to occur over New South Head Road and is not likely to impact on surrounding properties. Furthermore, the subject site will retain the primary iconic views from the Bayview Building.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for additional residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>
<p>CID: 143 SNO 152 INO: 365</p> <p>Owners of Tri-Anta Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase FSR to 1:1: 52 Old South Head Rd, Vaucluse</p>	<p>Summary</p> <p>Increase the FSR standard to allow buildings of a 4 storey scale.</p> <p>The FSR of 1:1 included within the opportunity site project does not provide adequate incentive to encourage redevelopment and renewal of the site and the wider precinct.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for additional residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this and other opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increase FSR control
CID: 105 SNO 112 INO: 322	Summary	Response
Mr MJ Kenderes	<p>Significant disparity between the FSR of the subject site, and that of the nearby sites to the west.</p> <p>Council recently approved an RFB on land to the south with an FSR of approx. 0.93:1 and height of 4 storeys.</p> <p>This exceeds the FSR of 0.75:1 that is to be applied to the sites to the south and east.</p>	<p>Draft WLEP 2013 sets a maximum height of 19.5m and an FSR of 0.75:1 for this site. There may be merit in further considering the relationship between these two controls, with a view to increasing the FSR.</p>
Recommendation No Change	<p>Increasing the FSR would provide opportunities for an increase in residential accommodation, and a built form that is in context with surrounding development.</p>	<p>However, the submission does not provide satisfactory evidence to justify the requested FSR increase to 1.3:1. Any potential FSR increase on this site would require more detailed analysis having particular regard to matters such as the location of heritage items, view impacts and solar access. Such analysis is outside the scope of Draft WLEP 2013 which is based on a broad translation of the existing controls.</p>
Issue	<p>Council has not identified the site for increased FSR (most likely because of the current use for a single dwelling house). However, it shares similar future character with the adjoining sites, and should have an increase in FSR to match these sites.</p>	
Increase FSR from 0.75:1 to 1.3:1: 438 Edgecliff Rd, Edgecliff	<p>Site is an ideal opportunity to create a transition between the higher density developments to the west, and lower density to the east.</p>	

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increased FSR in Double Bay
<p>CID: 130 SNO 139 INO: 344 Summary</p> <p>Ms Jasmine Steel Oppose the FSR increases for Epping Road, Double Bay and support the retention of residential housing.</p>		<p>Response</p> <p>The draft controls are reasonable in that they reflect the FSR of recently approved DAs and the existing built form in Epping Road, Double Bay.</p>
<p>Recommendation No Change</p> <p>Issue</p> <p>Object to increased FSR control for Epping Rd, Double Bay - retain FSR of 0.625:1</p>		
<p>CID: 85 SNO 91 INO: 253 Summary</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to FSR increase in Epping Rd, Forest Rd and southern part of Manning Rd, Double Bay</p>		<p>Response</p> <p>The draft controls are reasonable in that they reflect the FSR of recently approved DAs and the existing built form in the area along Forest Road, Manning Road, Manning Road, Wallaroy Cres and Wallaroy Road.</p> <p>Regarding the change to the definition of gross floor area:</p> <ul style="list-style-type: none"> - FSRs will not apply to dwelling houses under the Draft LEP. - FSR will apply to residential flat buildings. However, the building elements that have the greatest impact on building bulk such as voids, are less likely to be included in residential flat buildings as developers seek to maximise the areas that can be leased or sold. The Draft WLEP 2013 FSR control will also be supported by setback and frontage controls in the Comprehensive Development Control Plan which are consistent with the desired future character of this part of Double Bay.

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increased FSR in Double Bay
<p>CID: 85 SNO 91 INO: 252</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Oppose FSR increase in William St and northern parts of Double Bay</p>	<p>Summary</p> <ul style="list-style-type: none"> - Oppose FSR increase from 0.625:1 to 1:1 in William St, and northern parts of Double Bay. - The argument that this is justified due to some buildings being in excess of Council's existing controls is rejected. - Over development should not be rewarded in this way. - The proposed changes affect low rise areas. - William St is an extraordinarily sensitive area. - Increases in both the height and bulk of buildings will affect harbour views to the north of residents in the Centre and residents on the slopes of Edgecliff/Woollahra/Bellevue Hill amphitheatre surrounding Double Bay. 	<p>Response</p> <p>The majority of residential flat buildings in William Street exceed the current FSR control and are three storeys high.</p> <p>The draft controls are reasonable in that they reflect the predominant scale of the existing built form in William Street, Double Bay. The minor increase to FSR and maximum building height will have a negligible impact on views from the surrounding area.</p>
<p>CID: 85 SNO 91 INO: 250</p> <p>Mr Philip Mason</p> <p>Double Bay Residents Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not increase FSR in Double Bay</p>	<p>Summary</p> <ul style="list-style-type: none"> - Proposal to increase FSRs by 60% in Manning Rd, Pine Hill Avenue and Wallaroy Crescent is unacceptable, as the area is at the zone interface with large private dwellings and gardens of period charm. - These area should be a gentle transition between low and medium density areas. - The Woollahra Residential DCP 2003 calls for such a "development transition" in objective O4.3.1 for the Wallaroy precinct. - Traffic and parking problems exist in these roads due to the one lane width and vehicles parked either side. Vehicles are unable to be parked in the streets without getting parking fines. - The problems are going to get worse with completion of the new Woolworths. - Increased residential bulk and density is the last thing that is needed. 	<p>Response</p> <p>FSR applies to the current Residential 2(b) zone and allows medium density development. FSRs will continue to apply to the R3 Medium Density Zone which replaces the Residential 2(b) zone.</p> <p>The Draft WLEP 2013 FSRs reflect the current built form and approved development applications. The proposed FSRs create a transition to the adjoining R2 Low Density Residential Zone as they are consistent with the FSRs of existing development. These changes have not been proposed to increase residential capacity.</p> <p>New development would need to provide off-street parking as per the Woollahra Parking DCP. The redevelopment of Kiaora Lands provided 442 off-street parking spaces. A number of these spaces are specifically to meet parking demand for the Woolworths supermarket and avoid additional parking in nearby streets.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increased FSR in Double Bay
CID: 85 SNO 91 INO: 249	Summary	Response
Mr Philip Mason	Oppose the proposed increase in FSRs in the R3 zone for the areas in Double Bay (table 4 in Ch6/11)	The R3 zone is a direct translation of the current Residential 2(b) zone. Both zones allow medium density development and dwelling houses.
Double Bay Residents Association	There are no persuasive planning reasons that we want to encourage residential flat buildings rather than dwelling houses in the R3 zone, and increase permissible bulk as well as height of such RFB's.	The FSR changes reflect the predominant scale of the existing built form in Double Bay and the scale of recently approved DAs.
Recommendation No Change	This policy ignores that the character of most of DBs R3 zone is predominantly private dwellings with a leafy, low rise character that gives the area its charm and desirability. Residents simply do not want RFBs, still less large ones.	
Issue		
Objection to FSR increases in Double Bay		

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increased FSR in Double Bay
<p>CID: 82 SNO 88 INO: 226</p> <p>Ms Mary Fisher</p> <p>Recommendation No Change</p> <p>Issue</p> <p>No increase of FSR in William St, Double Bay</p>	<p>Summary</p> <p>Oppose the proposals for RFBs in the proposed R3 zone as they apply to the northern part of Double Bay, and particularly William St.</p> <p>Oppose the increases from 0.625:1 to 1:1 which need to be considered together with the corresponding increases in height and the removal of lot size for RFBs. The combined effect will be taller, bulkier blocks of flats on inappropriately small blocks of land.</p> <p>The rationale is just because some RFBs exceed Council controls then let's allow all RFBs to be bigger and bulkier regardless of the size of the lot they are constructed on.</p> <p>The proposals ignore the leafy low rise character of the residential areas of Double Bay. More and bigger RFBs will detract from this. Proposals give no consideration to the combined effect of the proposals, and the will increase the disjunct in scale between RFBs and neighbouring dwellings. In William St, RFBs will have an FSR double that of a dwelling house, thus leading to inappropriate height differences between dwellings and RFBs. No consideration is given to amenity issues.</p> <p>Amenity issues (overshadowing, loss of privacy, loss of outlook etc) are particularly acute on small lots. There are examples in William St of RFBs built on lots that are about 50% less than what is currently required for a RFB. It is bizarre to provide the site that does not comply with the current controls, with even greater FSR and heights, in the absence of rigorous policy analysis.</p> <p>No account that William Street presents unique planning issues because of its location close to the harbour foreshore. Even a small increase in both height and bulk will lead to loss of views for surrounding residents and residents in areas of Edgecliff, Bellevue Hill and in Woollahra that look down on the amphitheatre of Double Bay.</p>	<p>Response</p> <p>The majority of RFBs in William Street exceed the current FSR control and are three storeys high.</p> <p>The Draft WLEP 2013 controls are reasonable in that they reflect the predominant scale of the existing built form in William Street, Double Bay.</p> <p>Although the maximum building height is marginally increased to 10.5m and the FSR is increased to 1:1, a minimum lot size of 700m² will apply for residential flat building (RFB) development under the LEP. The minimum lot size control will be supported with minimum frontage widths in the Comprehensive Development Control Plan of 15m for an RFB containing three dwellings and 21m for an RFB containing four or more dwellings. The amenity issues associated with small lot development are negated by these controls.</p> <p>The minor increase to FSR and maximum building height will have a negligible impact on views from the surrounding area.</p> <p>Although William Street is close to the harbour it is relatively flat and is an established medium density residential area. The maximum building height and FSR controls for the R3 zone will be supported with setback and frontage controls in the Comprehensive Development Control Plan. Therefore there is no need for additional site-specific planning controls.</p>

Part	Category	Sub Category
Part 4 - PDS	CI 4.4 Floor Space Ratio	Increased FSR in Double Bay
CID: 47 SNO 50 INO: 123	Summary	Response
Embassy 535 Pty Ltd	Site is located within an area containing buildings that exceed the current FSR development standards. Examples include sites on the eastern side of New South Head Road including 2B Victoria Road and 523, 531 and 543 New South Head Road. Developments opposite the site include 524-534 New South Head Road and 4 Gladswood Gardens.	Support noted.
Embassy 535 Pty Ltd		
Recommendation No Change		
Issue		
Supports increase of FSR from 1.1:1 to 1.3:1: 535-537 New South Head Rd, Double Bay	<p>A redevelopment site with higher densities will provide additional residential accommodation as well as greater opportunities to work closer to home. This will have far reaching social, economic, community and environmental benefits - satisfying the objectives of the EP&A Act.</p> <p>The change in FSR is consistent with local and state planning strategies, such as the Draft East Subregional strategy, which states that residential densities should be increased within the walking radius of smaller centres and the subject site is 0.65km from the Double Bay Centre and 1.2km from the Edgecliff Rail/Bus interchange.</p> <p>Increasing density on the subject site is consistent with the desired future character of the locality. Redevelopment of the subject site would be in context with the adjoining and surrounding multi-level buildings.</p>	

Part	Category	Sub Category
Part 4 - PDS	General Development Standards	Development Standards
<p>CID: 69 SNO 286 INO: 633</p> <p>Mr N Stavrou</p> <p>Mediterranean Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>More appropriate redevelopment location in Vaucluse</p>	<p>Summary</p> <p>Have been trying to redevelop properties in the village by building medium residential apartments above the Vaucluse village shops on the eastern side of New South Head Road. Such a proposal, if approved would:</p> <ol style="list-style-type: none"> 1) Satisfy the State Governments objectives; 2) Provide additional dwellings close to two transport hubs; 3) Preserve the views and outlooks currently enjoyed from existing dwellings; 4) Not impact upon public outlooks such as the ones enjoyed by pedestrians from Johnston's lookout along New South Head Rd. 5) Preserve the community and residential amenity 6) Accord with community expectations in relation to development generally. 	<p>Response</p> <p>There may be merit in further considering the controls that apply to the eastern side of New South Head Road, Vaucluse with a view to increasing them. However, such a review is outside the scope of this Draft LEP which is based on a broad translation of the existing controls.</p> <p>We recommend the review be undertaken after the new LEP commences. Any change which might arise from the review will require public consultation.</p>
<p>CID: 125 SNO 134 INO: 431</p> <p>Kathy Roil</p> <p>Land & Housing Corporation in Family & Community</p> <p>Recommendation No Change Issue</p> <p>Reconsider previously identified opportunity site: 23-25 Lawson St and 2 Vialoux Ave, Paddington</p>	<p>Summary</p> <p>Site was proposed for an FSR of 1.5:1 and a max height of 14.4m during the S62 consultation phase. This is less than the FSR of 2:1 and a minimum height of 18m proposed in the GSA Planning report.</p> <p>Through the deferral of 'opportunity sites', Council has proposed an FSR of 0.65:1 and a max height of 10.5m. These controls fail to reflect the current built form on the site and will continue to limit any opportunity to redevelop the site.</p> <p>Requested that Council reconsider the deferral to up-zoning these 'opportunity sites'. Not amending the proposed controls will impact on LAHCs ability to cost effectively renew assets within its portfolio.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 4 - PDS	General Development Standards	Development Standards
<p>CID: 125 SNO 134 INO: 430</p> <p>Kathy Roil</p> <p>Land & Housing Corporation in Family & Community</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Reconsider previously identified opportunity site: 30-36 Moncur St, Woollahra</p>	<p>Summary</p> <p>Under Section 62 Consultation, Council consented to increase the maximum height to 11m and apply an FSR of 1.7:1 (retaining the low density zone of R2).</p> <p>LAHC was supportive of the increased density controls, though it was requested that the zoning of the site be increased (R3) to reflect that which exists and in order to take advantage of the enhanced FSR and height controls.</p> <p>Due to the deferral of the 'opportunity sites', the proposed controls in WLEP 2013 are a height of 9.5m, no FSR and the R2 Low Density zone. These controls fail to reflect the built form on the site and will sterilise any potential redevelopment opportunities.</p> <p>Requested that Council reconsider the deferral to up-zoning these 'opportunity sites'. Not amending the proposed controls will impact on LAHCs ability to cost effectively renew assets within its portfolio.</p>	<p>Response</p> <p>In 2010 during the 'opportunity site process', this site was identified as having the potential for increased residential development and was being investigated.</p> <p>Opportunity sites were locations with potential to intensify residential development by increasing the maximum building height and floorspace ratio, and at some locations, by rezoning to allow residential flat buildings or mixed use developments to meet the State Government's housing target for Woollahra.</p> <p>In July 2011 Council resolved to defer consideration of this, and other, opportunity sites. These sites will be further investigated once the new LEP has commenced.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.1 Relevant Acquisition authority	CI 5.1 Relevant Acquisition authority
<p>CID: 80 SNO 85 INO: 221</p> <p>Community Association DP 270253</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Delete Local Open Space (RE1) from the Land Reservation Acquisition Map: Lot 1 DP 270253, Babworth Estate</p>	<p>Summary</p> <p>-In addition to removing the RE1 zoning for this property, this submission requests that the property is removed from the land reservation acquisition map.</p> <p>-Lot is not conducive to public purposes.</p> <p>-It provides no connection or linkage to any other open space areas which it might contribute to providing useable public access or movement.</p> <p>-The physical constraints of the land and the potential for negative impacts for the public and adjoining owners was well recognised in the Land and Environment Court case.</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing provisions in WLEP 95, and identifies the property on the Land reservation acquisition map.</p> <p>However, the positive covenant over part Lot 1, DP 270253 is being separately considered by Council. The outcome of that consideration may lead to a change in controls that apply. Should Council resolve to remove the site from the Land Reservation Acquisition Map, a planning proposal will be prepared which will require a separate public exhibition process.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
<p>CID: 232 SNO 292 INO: 635</p> <p>Mrs Judit Korner</p> <p>There is an error in the heritage listing of 4 Cocos Palms as they were only planted approximately 25 years ago.</p> <p>Confusion has probably occurred due to NSW Heritage Statement of Significance: "The palm garden has aesthetic significance as one of few with tall, well established trees, and features 3 Canary Island Date Palms. The fence and palm garden are remnants of the earlier building on the site."</p> <p>The Cocos Palms are not part of the palm garden and are isolated specimens in the lawn which were planted by Mrs Korner.</p> <p>Recommendation Change Issue</p> <p>Error in heritage listing of 4 Cocos Palms: 71 Bay Street, Double Bay</p>	<p>Summary</p> <p>Would like to apply for property to be de-listed. Property is a very modest and poor example of Prof Wilkinson's work. There are far more elaborate and better examples of his work that should be on the heritage list, certainly not this one. This property is not a significant or important enough example of Prof. Wilkinson's work to retain heritage.</p> <p>Unfortunately, the previous owners made a lot of alterations in the 70s and changed the façade of the original building.</p>	<p>Response</p> <p>Support the removal of reference to the 4 Cocos Palms from the heritage item description. The trees are not part of the historically significant palm garden associated with the former estate.</p> <p>Response</p> <p>The submission claims that the building is a modest and poor example of Professor Wilkinson's work. The statement of significance for the property from Council's inventory sheet reads:</p> <p>"The building constructed of rendered brick in the Inter-War Mediterranean style has architectural significance as a design of the well known architectural firm of Joseland and Gilling. The building has significance as a fine and largely intact example of the style and for the contribution it makes to the character of the harbourside area on the western side of Double Bay. The building has social significance as one of the large mansions constructed prior to the start of the Second World War."</p> <p>The heritage inventory sheet clearly identifies that the house is an example of the work of Joseland and Gilling (not Wilkinson) and there is no evidence to suggest that the significance of this building has been compromised. Removal of this property from Schedule 5 of Draft WLEP 2013 is not supported.</p>
<p>CID: 146 SNO 155 INO: 372</p> <p>Ms Linda Bowen</p> <p>Remove 25 Eastbourne Rd, Darling Point from Schedule 5</p> <p>Recommendation No Change Issue</p>	<p>Summary</p> <p>Would like to apply for property to be de-listed. Property is a very modest and poor example of Prof Wilkinson's work. There are far more elaborate and better examples of his work that should be on the heritage list, certainly not this one. This property is not a significant or important enough example of Prof. Wilkinson's work to retain heritage.</p> <p>Unfortunately, the previous owners made a lot of alterations in the 70s and changed the façade of the original building.</p>	<p>Response</p> <p>The submission claims that the building is a modest and poor example of Professor Wilkinson's work. The statement of significance for the property from Council's inventory sheet reads:</p> <p>"The building constructed of rendered brick in the Inter-War Mediterranean style has architectural significance as a design of the well known architectural firm of Joseland and Gilling. The building has significance as a fine and largely intact example of the style and for the contribution it makes to the character of the harbourside area on the western side of Double Bay. The building has social significance as one of the large mansions constructed prior to the start of the Second World War."</p> <p>The heritage inventory sheet clearly identifies that the house is an example of the work of Joseland and Gilling (not Wilkinson) and there is no evidence to suggest that the significance of this building has been compromised. Removal of this property from Schedule 5 of Draft WLEP 2013 is not supported.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
<p>CID: 145 SNO 154 INO: 373</p> <p>Mr Philip Ward</p> <p>Summary</p> <p>Would like to apply for property to be de-listed.</p> <p>Since purchasing the home in 2006 there has been significant development in the immediate area. Two new and very contemporary residences have been built directly next door - on the northern side (27 and 29).</p> <p>On the southern side (21) we have endured the construction of a monstrosity.</p> <p>This new construction has severely impacted on the subject site.</p> <p>Without the ability (due to heritage listing) to make any alterations, we are finding ourselves living in an unfunded museum.</p> <p>I doubt the house has any historical value. The original house undertook an extensive make over in the 1960s. Something that seemed to be overlooked when it received classification.</p> <p>House has been severely impacted by modern construction either side, not able to make alterations to appeal to young families, and financially strained in maintaining an insignificant piece of architecture.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Remove 23 Eastbourne Rd, Darling Point from Schedule 5</p>		<p>Response</p> <p>The statement of significance for the property from Council's inventory sheet reads:</p> <p>"The subdivision and the house demonstrate a major historical phase in the development of Darling Point as a residential suburb in the early part of the 20th century. This phase saw the breaking up of the early large land grants and estates, in this case the grounds of the house 'Eastbourne', and the closer subdivision and development of the peninsular for high quality upper middle class housing.</p> <p>The house was built to a design by prominent and enduring architectural firm Peddle Thorpe and Walker for the influential retailer Harold Percival Christmas, who founded the Woolworths chain in Australia and presided over its major expansion throughout Australia and NZ.</p> <p>Built in 1929/30, the house is a fine representative example of a good quality architect designed upper middle class residence designed in the nostalgic Inter-War Old English style, and illustrates many of the key characteristics of the style and the tastes of the period. These characteristics are demonstrated in the house by its picturesque asymmetrical composition and steep pitched gable roofs with 'bell-mouthed' eaves and in the rustic decorative detailing derived from English rural and village architecture such as moulded brick decorative bands, fretwork purlins and eave beams, half timbering, projecting brick porch with its dressed sandstone four centred arch and sandstone quoins and the large faceted bay window with grid pattern lead lighting featuring coloured glass, heraldic medallions and fleur-de-lis."</p> <p>Council's Strategic Heritage Officer advises that the significance of the building is related to its association with prominent architects Peddle Thorpe and Walker and influential retailer Harold Percival Christmas. Regardless of any changes to the building fabric that may have occurred, these associations remain an integral part of the significance</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule

of the property.

The submission claims that the building was altered during the 1960s. The property was identified in 2003 as part of the Darling Point Heritage Item Study by Mark Robinson. There is no evidence that the heritage significance of the property has been diminished since it was listed as a heritage item. From the public domain the property retains features typical of its Inter-War Old English style, which continue to contribute to its significance.

Removal of this property from Schedule 5 of Draft WLEP 2013 is not supported.

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
CID: 129 SNO 138 INO: 405	Summary	Response
<p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Number of missing items from the heritage schedule that should be included: Darling Point</p>	<p>There are numerous heritage items listed in Tanner & Associates Pty Ltd report, provided to Council as part of a Preliminary Heritage Item Investigation, that are not contained within Schedule 5 of the Draft WLEP 2013.</p> <p>These missing items must be included in the schedule.</p> <p>Concerned that other heritage categories are again not being considered in the WLEP 2013. Vistas, views, reserves, remnant Estate Gardens etc. Aware of at least 6 locations in Darling Point where there are mature majestic trees. Draft WLEP 2013 lists only 2 locations only 1 of which is common to the Society.</p> <p>Draft WLEP 2013 lists only 1 significant retaining wall whereas the Society considers that there are close to 80 stone walls of significant in the Darling Point peninsula.</p> <p>Draft WLEP 2013 shows only 1 significant area of gate posts. The Society is aware of at least 30 that should be included in Draft WLEP 2013.</p>	<p>- Tanner and Associates Pty Ltd</p> <p>In 1997 Council engaged Tanner and Associates Pty Ltd to undertake heritage research in parts of Rose Bay, Darling Point and Bellevue Hill. The consultants recommended over 200 properties as potential heritage items or heritage groups. Significant views and vistas are integrated with the listing of individual items and are not listed independently.</p> <p>Council's heritage officers reviewed all the properties nominated in the Tanner study. Many properties were eliminated after further research and assessment of their heritage values concluded that there was insufficient heritage significance to warrant listing as a heritage item.</p> <p>- Significant tree register</p> <p>In preparing Draft WLEP 2013 a comparative analysis between the significant tree register, WLEP 95 (Schedule 3 - Heritage items) and site inspections were carried out by Council's Tree Management Department. This was a comprehensive study to update existing information. Schedule 5 of Draft WLEP 2013 was updated by deleting references to trees that have been removed.</p> <p>- Sandstone retaining walls</p> <p>Many sandstone retaining walls are not individually listed as they are located within heritage conservation areas. In addition to this the Residential DCP has a specific clause relating to the streetscape contribution of sandstone retaining walls that requires their retention. This clause will be translated into the Comprehensive DCP which will be placed on exhibition later in 2014.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
<p>CID: 118 SNO 126 INO: 342</p> <p>Mr John Fairfax</p> <p>Recommendation Change Issue</p> <p>Amend the Schedule listing: 'Elaine' 550 New South Head Rd, Point Piper</p>	<p>Summary</p> <p>Amend the heritage listing of the property to accurately reflect the House - exterior, House - interior, Gateposts and Gate, Stoneworks and Established Trees. The amended description is: Elaine - house: surviving key pre-1900 external and internal features, in particular picturesque external modelling, and the Drawing Room and the Main Stair, gardens on the foreshore; major trees, Seven Shillings Beach.</p>	<p>Response</p> <p>The draft LEP 2013 describes the item as: "Elaine- house and interiors, gateposts and gate, gardens to the foreshore, stoneworks, Cook Pine, Norfolk Island Pine, Bunya Pine, Camphor Laurel, Port Jackson Fig, Seven Shillings Beach."</p> <p>The elements of the original description that are proposed to be changed include:</p> <ul style="list-style-type: none"> - Deletion of references to individual trees: The trees noted in the Draft LEP listing (Cook Pine, Norfolk Island Pine, Bunya Pine, Camphor Laurel and Port Jackson Fig) have been assessed by Council staff and are listed on Council's significant tree register. The description of individual trees that have been identified as significant should continue to form part of the listing description. - Details regarding external elements: The proposed new wording focuses on pre-1900 features and 'picturesque external modelling'. This description does not indicate any specific architectural period or style. The broad description 'house' is appropriate and should remain. - Details regarding interior elements: The pre-1900 elements specifically identified in the proposed wording draw attention to the drawing room and main stair which are the most significant internal elements. Council has not carried out a detailed fabric assessment and this hasn't been provided as part of the submission, therefore it is appropriate to retain the existing broad listing. An assessment of the interiors of properties is beyond the scope of this project. - Reference to gateposts and gate: The submission suggests that the gate and gateposts are not original. The existing gates are not intrusive and contribute to the character of the house and grounds. - Deletion of reference to stonework: There is no evidence of significant stonework existing on the site. A stone wall in the garden exists as a landscape element but does not appear to have particular heritage significance. <p>The introduction of the term grounds will encompass both gates, gateposts and any remnant stonework on the property.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule

It is recommended that the item name be revised to read:

“Elaine- house, grounds and interiors; Cook Pine, Norfolk Island Pine, Bunya Pine, Camphor Laurel, Port Jackson Fig; Seven Shillings Beach.”

CID: 117 SNO 125 INO: 353 Summary

Mr Charles Curran

Amend the curtilage of the heritage item, to reflect the curtilage in the 118 Wallis St, Woollahra DCP (1995).

Recommendation No Change

Issue

Amend curtilage of Heritage
Item: 118 Wallis St, Woollahra

Response

The Standard Instrument template identifies that in Draft WLEP 2013 the boundary of a heritage item must follow the current cadastre boundary. The cadastre reflects the registered property boundaries and is provided by the NSW Division of Land and Property Information. Therefore changes to the boundary of this heritage item cannot be made.

The curtilage for 118 Wallis St is contained in the relevant DCP which provides detailed controls for the site. This will be translated into the Comprehensive DCP which will be placed on exhibition later in 2014. This is the appropriate location for such information and it should remain there.

The subject property has two listings within Draft WLEP 2013 Schedule 5. This reflects the landscape setting and curtilage for Brougham occurring over two titles. The two listings are:

- 2 Norfolk Island Pines, and grounds associated with Brougham (at 118A Wallis Street)
- Brougham - building, interiors and grounds (also known as 4A Nelson Street)

It is recommended that Draft WLEP 2013 listing remains unchanged with regard to the curtilage and lot boundaries. The description of the item should remain unchanged, given at present both Norfolk Pines remain.

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
CID: 113 SNO 121 INO: 350	Summary	Response
Chancellor Property Pty Ltd	Site should be removed from the heritage Map as both Council and the Heritage Council considered the existing building does not have local heritage significance in a previous DA for the site.	The property at 2 Short Street, Double Bay is currently listed as a heritage item in WLEP 1995.
Chancellor Property Pty Ltd		The statement of significance (from Council's inventory sheet) for the site reads:
Recommendation Change	WMC granted consent to DA 35/2008/1.	"The site is significant as part of the original grant to Daniel Cooper and Solomon Levey in 1830. The building at 2 Short Street, Double Bay was constructed as a pumping station for the Metropolitan Water Sewerage and Drainage Board. The building was sold in 1934 after which it continued to be used as commercial premises. The building has gone through numerous stages of modification, the latest being the redevelopment of the site at the rear as a retail centre which has greatly decreased the aesthetic significance of the original building. The building has some social, scientific and historical significance for its association with the provision of sewerage services to the district but as it is now hardly recognisable as a pumping station this significance is minimal."
Issue	Council's Heritage Officer identified that the building had "little heritage significance as there has been substantial modification to its original form and fabric. There is no value in its retention to the Commercial Centre". Council's Heritage Officer support the HIS to demolish the building which has also been endorsed by the Heritage Council.	The inventory sheet acknowledges that the significance of the building has been diminished through successive alterations to the building. The recommended management explains that the building retains little evidence of its original use and therefore alterations, additions and changes in use may be considered.
Remove the listing of 2 Short St, Double Bay		The original building has been altered beyond recognition and very little, if any, evidence of the original pumping station remains. All original equipment has been removed and the building's significance, as providing evidence of a late 19th century pumping station, is dubious as a result of the extensive alterations and additions. The building no longer meets the criteria for listing as a heritage item.
		At least two heritage referrals have been completed in response to development applications for the demolition of the building. Both referrals recognise that the building is no longer of heritage significance and demolition is acceptable.

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
		Accordingly, removal of 2 Short Street, Double Bay from Schedule 5 of Draft WLEP 2013 is recommended.
CID: 96 SNO 103 INO: 295	Summary	Response
Woollahra Greens	Disappointed at the deletion of the heritage listing for Kutti Beach for want of information.	Kutti Beach has been identified as a heritage item in WLEP 1995. However, there is insufficient information regarding its heritage significance to justify maintaining its listing in Draft WLEP 2013.
Woollahra Greens	Recommend Council undertake a review of Woollahra's parks and beaches for the purpose of ascertaining their level of heritage significance, then apply the appropriate listing in DWLEP 2013.	If further research is carried out that justifies its heritage significance, then the item could be reinstated. However, this lies outside the scope of the preparation of Draft WLEP 2013.
Recommendation No Change		
Issue		
Object to the deletion of the heritage listing for Kutti Beach		The recommended review of all parks and beaches is also beyond the scope of the LEP exercise. This would require a decision by Council to investigate the heritage significance of all parks and beaches in the municipality.
CID: 50 SNO 53 INO: 128	Summary	Response
Mr Joseph Meagher	All seawalls in Woollahra should be given protection because of their importance against predicated sea level rise. DECCWs Sea Level Rise Policy outlined objectives and commitments to communities affected by sea level rise. This included benchmarks of 0.4m by 2050 and 0.9m by 2100. Current sea levels already have high tides lapping up to ground park level at Yarranabbe Park. Add frequent boat wash and sea water breaches into the park (particularly the exposed northern end). Now add the predicted sea level rise, causing property damage and storm water outlet backups. Council should recognise the importance the sea water structures have, now and in the future.	To justify including a sea wall as a heritage item in Schedule 5, an assessment against the NSW Heritage Division criteria for heritage significance must be carried out. The submission has not presented any heritage argument or evidence to justify why all the seawalls in Woollahra should be identified as heritage items in Draft WLEP 2013.
Recommendation No Change		
Issue		
All seawalls in Woollahra should be given heritage protection		

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
CID: 32 SNO 33 INO: 122	Summary Mr Michael Edwards Heritage Council of NSW Recommendation No Change Issue Amend listings so they are sequential and prefixed	Response Council's GIS Administrator and Strategic Heritage Officer liaised with the Department of Planning and Environment to ensure that the Schedule listing and mapping representation is correct in Draft WLEP 2013. The item numbers are listed numerically (except when they are duplicates). DPE's Standard Technical Requirements for LEP Maps dated November 2012, Version 2.0 requires Heritage Items be identified and labelled as a number only (i.e. no 'I' in front). This is described on Page 26 of the Standard and is demonstrated in the example map in Appendix H. The numbering correlates to the items shown on the heritage maps.
CID: 32 SNO 33 INO: 73	Summary Mr Michael Edwards Heritage Council of NSW Recommendation No Change Issue Discrepancies between State Heritage Register and Schedule 5 in Draft WLEP 2013.	Response The LEP has not identified any state items that are not already listed on the State Heritage Register. The additional entries reflect multiple entries for the one heritage item. For example, Babworth House is listed once on the SHR. However, in Schedule 5 of the Draft LEP, the house, former gatehouse and grounds are listed separately as additional items because those elements are now located on parcels of land which have separate addresses. In this example the item appears 12 times in Schedule 5 and only once in the SHR. The SHR lists 1 additional items that is not currently in the Draft LEP, which is the Bondi Ocean Outflow Sewer (BOOS) The primary address for the BOOS is in Waverley and is therefore correctly not included in Schedule 5 of the Draft LEP. A review of the items on the SHR compared with the Draft LEP has revealed some inconsistencies with descriptions, property addresses and details. There is no reason (or evidence provided) to suggest that Council's information is incorrect.

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Amend Schedule
<p>CID: 30 SNO 31 INO: 64</p> <p>Mr Warwick Mayne-Wilson</p> <p>Mayne-Wilson & Associates, Conservation Landscape</p> <p>Recommendation No Change Issue</p> <p>Cooper Park, Bellevue Hill should be listed as a heritage item</p>	<p>Summary</p> <p>Recommend listing Cooper Park in the heritage schedule to the LEP. This is a serious omission. The whole of Cooper Park has been listed by the Australian Heritage Commission on the Register of the National Estate since 22 June 1993.</p> <p>The 1996 Draft Plan of Management stated that "The environment of Cooper Park is a significant part of the nation's cultural heritage. The park contains valuable pockets of indigenous vegetation and a large number of large-leaved deciduous, northern hemisphere tree species."</p> <p>Background to its history was provided by our firm when we prepared a 'Heritage Report and Landscape Master Plan for the Cooper Park Amphitheatre' in 2001.</p> <p>Urge that this important park be included within the list of Heritage Items in the Schedule to the new LEP.</p>	<p>Response</p> <p>Council is currently preparing a draft Plan of Management for Cooper Park that has been informed by the Conservation Management Plan dated October 2011. The draft Plan of Management will go on public exhibition in the future.</p> <p>A decision from Council to investigate the heritage significance of Cooper Park would be required to determine any potential heritage listing.</p> <p>No further action at this time.</p>
<p>CID: 2 SNO 2 INO: 10</p> <p>Mr & Mrs Michael & Hylde Rolfe</p> <p>Sydney Harbour Association</p> <p>Recommendation No Change Issue</p> <p>Further research into the removal of Kutti Beach as a Heritage Item</p>	<p>Summary</p> <p>Proposal to remove Kutti Beach from the heritage listing seems regrettable and surprising. Other names - Taylor's Beach and Brothers Beach (after Jack and Podgy Edwards) have applied to the beach in the past. This may have confused the issue for current review.</p> <p>Indications of aboriginal activity also warrant consideration.</p> <p>Issue deserves further research before the removal is endorsed.</p>	<p>Response</p> <p>Kutti Beach has been identified as a heritage item in WLEP 1995. However, there is insufficient information regarding its heritage significance to justify maintaining its listing in Draft WLEP 2013.</p> <p>If further research is carried out that justifies its heritage significance, then the item could be reinstated.</p> <p>However, this lies outside the scope of the preparation of Draft WLEP 2013.</p> <p>The recommended review of all parks and beaches is also beyond the scope of the LEP exercise. This would require a decision by Council to investigate the heritage significance of all parks and beaches in the municipality.</p>

Part			Category	Sub Category
Part 5 - Miscellaneous Provisions			CI 5.10 Environmental Heritage Schedule	Amend Schedule
CID: 1	SNO 1	INO: 3	Summary	Response
Mr & Mrs Michael Rolfe			Proposal to remove Kutti Beach from the heritage listing seems regrettable and surprising. Other names - Taylor's Beach and Brothers Beach (after Jack and Podgy Edwards) have applied to the beach in the past. This may have confused the issue for current review.	Kutti Beach has been identified as a heritage item in WLEP 1995. However, there is insufficient information regarding its heritage significance to justify maintaining its listing in Draft WLEP 2013.
Recommendation No Change			Indications of aboriginal activity also warrant consideration.	If further research is carried out that justifies its heritage significance, then the item could be reinstated.
Issue			Issue deserves further research before the removal is endorsed.	However, this lies outside the scope of the preparation of Draft WLEP 2013.
Further research into the removal of Kutti Beach as a Heritage Item				The recommended review of all parks and beaches is also beyond the scope of the LEP exercise. This would require a decision by Council to investigate the heritage significance of all parks and beaches in the municipality.

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Other
<p>CID: 141 SNO 149 INO: 368</p> <p>Mr Andrew Wilson</p> <p>NSW Department of Education and Communities</p> <p>Recommendation No Change</p> <p>Issue</p> <p>No objections raised to the three schools included in Schedule 5</p>	<p>Summary</p> <p>It is noted that three sites are identified in Schedule 5 (Environmental Heritage) of the Draft Plan: Double Bay Public School, Woollahra Public School and Bellevue Hill Public School. As a continuation of the heritage provisions applied by the operation of the Woollahra LEP 1995, no objection is raised.</p>	<p>Response</p> <p>Comments are noted.</p>
<p>CID: 129 SNO 138 INO: 412</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not understand why Heritage Item Groups have been removed</p>	<p>Summary</p> <p>Perplexed as to the reasoning behind the deletion of Heritage Items as a "Group". It is considered essential that "Groups" be reinstated in order that the amenity of the area is maintained as a cohesive whole rather than on an individual stand-alone basis.</p>	<p>Response</p> <p>The Standard LEP template does not include the term "group heritage items" and it was therefore not possible to include groups in Draft WLEP 2013. The properties within each of the groups are individually nominated, so their protection and status as heritage items will not be affected. It is important that these individual properties are considered as part of a group. To address this, we have included a reference to the adjoining properties in Schedule 5 to ensure that the properties are considered as a whole.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Environmental Heritage Schedule	Other
<p>CID: 129 SNO 138 INO: 411</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Certain Heritage Item Groups are missing from Draft WLEP 2013</p>	<p>Summary</p> <p>The Tanner Report listed the following conservation groups:</p> <p>2-4A Carthona Ave, 22-28 Darling Point Rd, 40-48 Darling Point Rd, 7-23 Eastbourne Ave, 37-41 Etham Ave, 9-27 Mona Rd, 14-36A Mona Rd, 39-41 New Beach Rd, 11-15 New Beach Rd, 3-7 Yarranabbe Rd.</p> <p>These groups must be included in the Draft WLEP 2013.</p>	<p>Response</p> <p>In 1997 Council engaged Tanner and Associates Pty Ltd to undertake heritage research in parts of Rose Bay, Darling Point and Bellevue Hill. The consultants recommended over 200 properties as potential heritage items or heritage groups. Of those properties mentioned in the submission, the following are already listed as heritage items or within a heritage conservation area:</p> <ul style="list-style-type: none"> - 2 Carthona Avenue is a heritage item - 28 Darling Point Road is a heritage item - 40-48 Darling Point Road are heritage items and in an HCA - 37-41 Etham Avenue are heritage items and in an HCA - 2-27 Mona Road are heritage items - 14-36a Mona Road: 14-20 and 36a are heritage items, 22-36 are in an HCA. <p>Council's Heritage Officers reviewed all the properties nominated in the Tanner study. Many properties were eliminated after further research and assessment of their heritage values concluded that there was insufficient heritage significance to warrant listing as a heritage item.</p>
<p>CID: 83 SNO 89 INO: 195</p> <p>Mr & Mrs John and Del Nolan</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Do not retain unsafe staircases in Paddington HCA</p>	<p>Summary</p> <p>Support the protection of important interior elements such as fireplaces and staircases but would oppose a requirement to retain some staircases, particularly in narrower terraces, as these are often steep and unsafe.</p>	<p>Response</p> <p>There is no clause or objective within the LEP that requires the retention of internal elements. Schedule 5 has identified interiors as being significant to all heritage items, however, this does not prevent sympathetic change.</p> <p>Significant original internal elements are identified within the DCP as making an important contribution to the character and integrity of a property. As a result there are controls within the DCP that encourage the retention of such elements.</p> <p>Accordingly, the merit of development applications which propose the removal of items such as steep and unsafe staircases will be assessed on a case-by-case basis.</p>

Part		Category	Sub Category
Part 5 - Miscellaneous Provisions		CI 5.10 Environmental Heritage Schedule	Other
CID: 12	SNO 12	INO: 5	Summary
Ms Joyce Dalton		Very worried about the future of this wonderful heritage house.	Response
			Concerns regarding Strickland House are noted.
			Council resolved to apply the RE1 Public Recreation zone to this site. The proposed RE1 Public Recreation zone reflects the primary use of the land and the purpose for which the land was acquired by the State Government in 1914.
Recommendation No Change			
Issue			
Worried about the future of Strickland House, Vaucluse			Strickland House is a heritage item, and therefore CI 5.10 Heritage Conservation applies. This objectives of this clause include "to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views". This clause will protect the heritage significance of Strickland House including its setting.

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	CI 5.10 Heritage conservation
<p>CID: 102 SNO 109 INO: 443</p> <p>Councillor Matthew Robertson</p> <p>Summary</p> <p>Remain very disappointed that Draft WLEP 2013 fails to prohibit amalgamations and facadism. Not only do these practices destroy heritage character and integrity they deplete housing stock at a time when we need to create more to supply community demand.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>LEP does not address amalgamation and facadism</p>	<p>Response</p> <p>Lot amalgamations are restricted within the scope of what the NSW planning framework will permit.</p> <p>In particular, a new clause in Draft WLEP 2013, clause 6.6A Building amalgamation within heritage conservation areas, has been included. This clause seeks to prevent the amalgamation of buildings for non-residential purposes in heritage conservation areas.</p> <p>However, there is limited capacity to restrict amalgamation of residential properties and substantial internal alterations (such as removing a wall between two terrace houses) may occur as complying development under Part 4 Housing Alterations Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).</p> <p>When amalgamations are proposed through the DA process, Council's assessment staff seek to ensure that the external appearance of the original dwellings is retained and present as two dwellings in the streetscape to conserve the character of the area, and that significant original internal fabric is retained to conserve the integrity of the buildings. This is achieved through the controls in the Paddington HCA Development Control Plan (DCP).</p> <p>The amalgamation of two terraces does not in itself equate to facadism. Concerns about facadism are noted, however there are limitations to what Council's LEP or DCP can address.</p>	

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	CI 5.10 Heritage conservation
<p>CID: 98 SNO 105 INO: 307 Summary</p> <p>Mr David Henderson The restrictions placed on dwelling houses when in HCAs may inhibit the restoration and preservation of buildings.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Restrictions may inhibit restoration in HCAs</p>		<p>Response</p> <p>The proposed controls in Draft WLEP 2013 are similar to the current controls in WLEP 1995.</p> <p>These controls do not inhibit or prevent the restoration of these buildings.</p> <p>Rather, the controls encourage development in a managed way that allows for the conservation and retention of buildings with significance.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	CI 5.10 Heritage conservation
<p>CID: 96 SNO 103 INO: 296 Summary</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Introduce a new control to prevent facadism in HCAs</p>	<p>Recommend a prohibition against "facadism" (the amalgamation of two or more properties into a single development which retains only the heritage facades) in all HCAs. This type of development reduces housing stock and destroys heritage character.</p>	<p>Response</p> <p>Lot amalgamations are restricted within the scope of what the NSW planning framework will permit.</p> <p>In particular, a new clause in Draft WLEP 2013, clause 6.6A Building amalgamation within heritage conservation areas, has been included. This clause seeks to prevent the amalgamation of buildings for non-residential purposes in heritage conservation areas.</p> <p>However, there is limited capacity to restrict amalgamation of residential properties and substantial internal alterations (such as removing a wall between two terrace houses) may occur as complying development under Part 4 Housing Alterations Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).</p> <p>When amalgamations are proposed through the DA process, Council's assessment staff seek to ensure that the external appearance of the original dwellings is retained and present as two dwellings in the streetscape to conserve the character of the area, and that significant original internal fabric is retained to conserve the integrity of the buildings. This is achieved through the controls in the Paddington HCA Development Control Plan (DCP).</p> <p>The amalgamation of two terraces does not in itself equate to facadism. Concerns about facadism are noted, however there are limitations to what Council's LEP or DCP can address.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	CI 5.10 Heritage conservation
<p>CID: 59 SNO 63 INO: 170</p> <p>Ms Rosie White</p> <p>Proposed LEP will not adequately control development within the Woollahra HCAs (which are very varied).</p> <p>Recommendation No Change</p> <p>Issue</p> <p>New LEP will not protect the Woollahra HCAs</p>	<p>Summary</p>	<p>Response</p> <p>The existing heritage controls provided in WLEP 1995 have been translated into Draft WLEP 2013. The submission does not explain how these new controls will no longer adequately control development within the Woollahra HCAs.</p> <p>The HCA provisions within the Draft WLEP 2013 are reasonable and consistent with the previous LEP, which has provided effective management to date.</p> <p>The LEP follows the format set out in the Standard Instrument. Detailed controls to protect the character of precincts in Woollahra HCAs will be contained in the Comprehensive DCP. The Comprehensive DCP will be placed on exhibition later in 2014.</p>
<p>CID: 32 SNO 33 INO: 75</p> <p>Mr Michael Edwards</p> <p>Heritage Council of NSW</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Providing advice regarding development standards</p>	<p>Summary</p> <p>Any proposed change to existing principal development standards applying to land which contains a heritage listed item of State heritage significance, or that is located within the vicinity of a State heritage item, should ensure that the land zoning, maximum building height, minimum lot sizes and floor space ratio are appropriate for retaining and enhancing the embodied heritage significance of the State heritage item. Any changes to development standards should:</p> <ul style="list-style-type: none"> - Ensure appropriate visual buffer is retained to protect views to and from heritage items. - Ensure that there is an appropriate transition in the scale and height of development to ensure new development does not visually dominate State significant heritage items. - Ensure that the land zoning will both allow and restrict certain land uses that will compliment the character of the heritage item. 	<p>Response</p> <p>Noted.</p> <p>Draft WLEP 2013 broadly translates the existing policy content of WLEP 1995. Consequently, substantial changes to land use, maximum building height, lot size and FSR are not proposed.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	CI 5.10 Heritage conservation

CID: 32 SNO 33 INO: 70 [Summary](#)

Mr Michael Edwards

The heritage provisions (Clause 5.10 Heritage Conservation) of the Standard Instrument have been adopted in Draft WLEP 2013 and are supported.

Heritage Council of NSW

[Response](#)

Support noted.

[Recommendation](#) No Change

[Issue](#)

Support for adoption of Standard Instrument heritage provisions

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	Object to deletion of CI 36A from WLEP 1995
<p>CID: 129 SNO 138 INO: 385</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Request that CI 36A in relation to heritage Inter-war flat buildings be included in Draft WLEP 2013</p>	<p>Summary</p> <p>The removal of clause 36A (Interwar Flat Buildings) leaves these buildings very exposed to abusive redevelopment or alteration. This diverse and distinctive architectural form is a frequent and significant characteristic of Darling Point.</p> <p>Request that the clause is reinstated.</p>	<p>Response</p> <p>Clause 36A (Inter-war flat buildings) in WLEP 1995 simply states that an Inter-war flat building cannot be altered without Council's consent. This clause is now redundant for two reasons.</p> <p>First, many building alterations to Inter-war buildings are permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In the hierarchy of environmental planning instruments the SEPP prevails.</p> <p>Second, all works to Inter-war flat buildings that do not fall into the category of exempt and complying development automatically require development consent through the land use table of Draft WLEP 2013. Accordingly, there is no need for a separate control requiring consent.</p> <p>A study of all Inter-war flat buildings within the municipality has commenced with the intention of identifying outstanding examples to be listed as heritage items or buildings within a heritage conservation area.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	Object to deletion of CI 36A from WLEP 1995
<p>CID: 110 SNO 117 INO: 339 Summary</p> <p>Councillor Nicola Grieve Note that Clause 36A of WLEP 1995 which protects interwar Residential Flat Buildings from being altered has not been carried into Draft WLEP 2013, because the exempt and complying SEPP overrides The deletion of CI 36A means there is no protect afforded to this significant class of built form.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Deletion of WLEP 1995 CI 36A which protects Inter-war RFBs</p>		<p>Response</p> <p>Clause 36A (Inter-war flat buildings) in WLEP 1995 simply states that an Inter-war flat building cannot be altered without Council's consent. This clause is now redundant for two reasons.</p> <p>First, many building alterations to Inter-war buildings are permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In the hierarchy of environmental planning instruments the SEPP prevails.</p> <p>Second, all works to Inter-war flat buildings that do not fall into the category of exempt and complying development automatically require development consent through the land use table of Draft WLEP 2013. Accordingly, there is no need for a separate control requiring consent.</p> <p>A study of all Inter-war flat buildings within the municipality has commenced with the intention of identifying outstanding examples to be listed as heritage items or buildings within a heritage conservation area.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	Object to deletion of CI 36A from WLEP 1995
<p>CID: 102 SNO 109 INO: 442</p> <p>Councillor Matthew Robertson</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Protect Inter-war RFBs with heritage listings</p>	<p>Summary</p> <p>CI 36A of WLEP 1995 which protects interwar RFBs from being altered, has not been carried over to Draft WLEP 2013 because the exempt and complying SEPP over rides the Draft WLEP 2013. The deletion of CI 36A means there is no protection afforded to this significant class of built form which gives so much of Woollahra its distinct character.</p> <p>To remedy this, recommend individual heritage listings be applied to all existing RFBs, as the only means of ensuring their heritage character is preserved.</p>	<p>Response</p> <p>Clause 36A (Inter-war flat buildings) in WLEP 1995 simply states that an Inter-war flat building cannot be altered without Council's consent. This clause is now redundant for two reasons.</p> <p>First, many building alterations to Inter-war buildings are permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In the hierarchy of environmental planning instruments the SEPP prevails.</p> <p>Second, all works to Inter-war flat buildings that do not fall into the category of exempt and complying development automatically require development consent through the land use table of Draft WLEP 2013. Accordingly, there is no need for a separate control requiring consent.</p> <p>A study of all Inter-war flat buildings within the municipality has commenced with the intention of identifying outstanding examples to be listed as heritage items or buildings within a heritage conservation area.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.10 Heritage conservation	Object to deletion of CI 36A from WLEP 1995
<p>CID: 96 SNO 103 INO: 294</p> <p>Summary</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Inter-war RFBs should all be heritage listed</p>	<p>Note that CI 36A in WLEP 1995 which protects Inter-war RFBs has not be carried over into Draft WLEP 2013. Deletion of this clause means there is no protection to significant class of built form. Recommend individual heritage listings be applied to all existing RFBs so their heritage character is preserved.</p>	<p>Response</p> <p>Clause 36A (Inter-war flat buildings) in WLEP 1995 simply states that an Inter-war flat building cannot be altered without Council's consent. This clause is now redundant for two reasons.</p> <p>First, many building alterations to Inter-war buildings are permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In the hierarchy of environmental planning instruments the SEPP prevails.</p> <p>Second, all works to Inter-war flat buildings that do not fall into the category of exempt and complying development automatically require development consent through the land use table of Draft WLEP 2013. Accordingly, there is no need for a separate control requiring consent.</p> <p>A study of all Inter-war flat buildings within the municipality has commenced with the intention of identifying outstanding examples to be listed as heritage items or buildings within a heritage conservation area.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.5 Development in the coastal zone	CI 5.5 Development in the coastal zone
<p>CID: 129 SNO 138 INO: 406</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>CI 5.5 should be completely reworded</p>	<p>Summary</p> <p>Clause 5.5 (Development in a Coastal Zone) should be completely reworded to clearly reflect that no development consent whatsoever shall be granted on land on the coastal zone. Our harbour is one of the great treasures of the world and it is the duty of the generation to maintain its beauty for future generations.</p>	<p>Response</p> <p>Clause 5.5 is compulsory under the Standard Instrument and must be included if the Plan applies to land which is in the coastal zone. We do not recommend changing this compulsory Standard Instrument clause.</p> <p>It should be noted that in the Woollahra LGA the coastal zone applies to the South Head Sydney Harbour National Park, the Intertidal Zone, and the parks along the north eastern boundary of the LGA (including Gap Park and Christison Park).</p>
<p>CID: 21 SNO 21 INO: 28</p> <p>Carla Ganassin</p> <p>Fisheries NSW</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for CI 5.5 for foreshore protection</p>	<p>Summary</p> <p>Considers that CI 5.5 will protect and improve aquatic habitat values surrounding Woollahra.</p>	<p>Response</p> <p>Support for CI 5.5 is noted.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.7 Development below mean high water mark	CI 5.7 Development below mean high water mark
CID: 21 SNO 21 INO: 29 Carla Ganassin	Summary Considers that CI 5.7 will protect and improve aquatic habitat values surrounding Woollahra.	Response Support for CI 5.7 is noted.
Fisheries NSW		
Recommendation No Change		
Issue		
Support CI 5.7 for foreshore protection		

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.9 Preservation of trees	CI 5.9 Preservation of trees
<p>CID: 129 SNO 138 INO: 407 Summary</p> <p>Charlotte Feldman Clause lists exclusions where a permit or development consent is not required. Recommend that this clause be deleted.</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Remove Clause 5.9 which identifies where a permit or development consent is not required</p>		<p>Response</p> <p>The Draft WLEP is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Clause 5.9 (Preservation of trees) is a compulsory clause that Council must include in the LEP.</p>

Part	Category	Sub Category
Part 5 - Miscellaneous Provisions	CI 5.9AA Trees or vegetation not prescribed by DCP	CI 5.9AA Trees or vegetation not prescribed by DCP
<p>CID: 129 SNO 138 INO: 408 Summary</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Reverse Clause 5.9AA</p>	<p>Request the reversal of this clause to state that the removal of or damage to trees or vegetation under clause 5.9 is NOT permitted without development consent.</p>	<p>Response</p> <p>Draft WLEP 2013 is based on the State Government's Standard Instrument LEP template; it prescribes what may and may not be included in an LEP. Clause 5.9AA (Trees or vegetation not prescribed by development control plan) is a compulsory clause that Council must include in the LEP.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.1 Earthworks	CI 6.1 Earthworks
<p>CID: 32 SNO 33 INO: 71</p> <p>Mr Michael Edwards</p> <p>Heritage Council of NSW</p> <p>Recommendation Change Issue</p> <p>Potential impacts of earthworks on heritage</p>	<p>Summary</p> <p>The provisions of clause 6.1 do not include a mechanism that requires the Consent Authority to consider whether the proposed earthworks will have a 'detrimental impact on... heritage items'.</p> <p>Recommend that the proximity to, and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area be included as a matter for consideration under clause 6.1 (3).</p>	<p>Response</p> <p>CI 6.1 is a model clause provided by the Department of Planning & Environment. However, we recognise that the considerations do not refer to "detrimental impacts on heritage items". This issue is also not addressed in CI 5.10 Heritage conservation.</p> <p>In response we propose the following additional consideration to CI 6.1: Insert as a new (f) "the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area," Renummer the remaining considerations accordingly.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.2 Development on the foreshore must ensure access	CI 6.2 Development on the foreshore must ensure access
<p>CID: 129 SNO 138 INO: 409</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Clause 6.2 should be completely reworded</p>	<p>Summary</p> <p>Clause 6.2 (Development on the foreshore must ensure access) should be completely reworded to clearly reflect that no development consent whatsoever shall be granted on land in the foreshore.</p> <p>Our harbour is one of the great treasures of the world and it is the duty of the generation to maintain its beauty for future generations.</p>	<p>Response</p> <p>Clause is a model local provision under the Standard Instrument. We do not recommend making changes to this clause.</p> <p>Cluse 6.2 is intended to deal specifically with foreshore access. It is not a clause to prohibit development on the foreshore.</p> <p>The nature and intensity of development on the foreshore is regulated by clause 6.3 (Foreshore building lines).</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.2 Development on the foreshore must ensure access	CI 6.2 Development on the foreshore must ensure access
<p>CID: 2 SNO 49 INO: 118</p> <p>Mr & Mrs Michael & Hylida Rolfe</p> <p>Sydney Harbour Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Clause does not adequately provide for public access to harbour</p>	<p>Summary</p> <p>Clause does not include content that would REQUIRE increase, maintenance and improvement of public access to and along the foreshore - which is stated as a relevant Planning Principle in Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, Part 4, CI14 (b). As drafted, the clause does not refer to retention/provision of access nor does it clarify that access in question should be available to the public.</p> <p>Matters for consideration in 6.2 (a) - (f) merely provide a checklist of aspects/facts to be considered, without including a pass/fail mechanism. There is no clear basis for rejection/amendment of development that fails to provide satisfactory access.</p> <p>SREP (SHC) 2005 and the public estate in the Harbour provide a total rationale for requiring public access to be retained, provided, increased and protected. So as the matter is clarified and stated unambiguously in the LEP, submission suggests modification of Clause 6.2 to read:</p> <p>"6.2 (1) Development on the foreshore must provide and retain public access.</p> <p>(2) In deciding whether development complies with this clause, the consent authority must consider.... [(a)-(f)]"</p>	<p>Response</p> <p>We recognise that this control does not require the increase, maintenance and improvement of public access to and along the foreshore.</p> <p>This issues was raised with the Department of Planning & Environment when the Draft WLEP 2013 was being prepared and we were advised that we were unable to make any changes to the wording of this clause.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.3 Foreshore building line	CI 6.3 Foreshore building line
<p>CID: 129 SNO 138 INO: 410 Summary</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Request that no application beyond the foreshore building line be granted under any circumstances by any consent authority with the exception of existing buildings only.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Grant no applications beyond the FBL (except existing buildings)</p>		<p>Response</p> <p>Recommendation is overly onerous, and does not represent a translation of the existing foreshore building line provisions in WLEP 1995. Overall, Draft WLEP 2013 seeks to translate the existing provisions, whilst further extending the foreshore building line to apply to all residentially zoned properties.</p> <p>In addition, Council had to work with the Standard Instrument model local provision and had little opportunity to change it.</p>
<p>CID: 129 SNO 138 INO: 383 Summary</p> <p>Charlotte Feldman</p> <p>The Darling Point Society Inc</p> <p>Request The 12m foreshore building line should be for all zonings so that the foreshore remains accessible for the whole community to enjoy.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>FBL should apply to all land adjoining the harbour</p>		<p>Response</p> <p>The foreshore building line in Draft WLEP 2013 translates the existing lines in WLEP 1995 and includes several additional residential properties. Accordingly, Draft WLEP 2013 contains 12m and a 30m foreshore building line.</p> <p>The foreshore building line applies to private land. Presence of a foreshore building line does not authorise public access over private land. However, clause 6.3 (3) (e) requires that before Council grants consent to a development applicant it must be satisfied that opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.3 Foreshore building line	CI 6.3 Foreshore building line
<p>CID: 106 SNO 113 INO: 325</p> <p>Henroth Investments Pty Ltd</p> <p>Henroth Investments Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Reduce the FBL applying to this property: 83/83A Yarranabbe Rd, Darling Point</p>	<p>Summary</p> <p>Reduce the foreshore building line, as the existing foreshore building line will unnecessarily restrict development on the site.</p> <p>The 30m foreshore building line should be reduced to 12m because:</p> <ul style="list-style-type: none"> -the proposed built form and impacts of an RFB are no greater than a dwelling house under the proposed controls. -neighbouring apartment buildings to the east are sited substantially forward of the 12m and 30m foreshore building line. -the restrictive nature of the foreshore building line is onerous -decreasing the foreshore building line will still allow for sufficient soft landscaping. -it will not be contrary to the objective of the clause -it will not have any adverse impacts on the desired future character 	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing provisions in WLEP 1995 which apply a 12m and 30m foreshore building line.</p> <p>We do not support a site specific variation to facilitate an RFB.</p> <p>Development consent must not be granted for a residential flat building or multi dwelling on land within the 30m foreshore building line except for the extension, addition, alteration or rebuilding of an existing building wholly or partly in the foreshore area.</p>
<p>CID: 102 SNO 109 INO: 441</p> <p>Councillor Matthew Robertson</p> <p>Recommendation No Change</p> <p>Issue</p> <p>FBL should apply to all land adjoining the harbour (irrespective of the zone)</p>	<p>Summary</p> <p>Object to the exemptions for commercially zoned land along the harbour front.</p> <p>Residential or non-residential, all development within the vicinity of the foreshore building line must comply with existing controls and standards and the objectives to achieve high-quality development in proximity to Sydney Harbour.</p>	<p>Response</p> <p>Draft WLEP 2013 seeks to translate the existing provisions in WLEP 1995 which apply a 12m and 30m foreshore building line. We do not support a site specific variation to facilitate an RFB.</p> <p>Development consent must not be granted for a residential flat building or multi dwelling on land within the 30m foreshore building line except for the extension, addition, alteration or rebuilding of an existing building wholly or partly in the foreshore area.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.3 Foreshore building line	CI 6.3 Foreshore building line
<p>CID: 96 SNO 103 INO: 293</p> <p>Woollahra Greens</p> <p>Woollahra Greens</p> <p>Recommendation No Change</p> <p>Issue</p> <p>FBL should apply to all land adjoining the harbour (irrespective of the zone)</p>	<p>Summary</p> <p>The 12m foreshore building line is not continuous, there are gaps where the foreshore building line does not apply to non-residentially zoned land. Object to the exemptions made for commercially zoned land along the harbour front. Residential or non-residential, all development in the foreshore must comply with existing controls and standards to achieve high-quality development in proximity to Sydney Harbour. 12m foreshore building line should apply to all land, irrespective of zoning, in Draft WLEP 2013.</p>	<p>Response</p> <p>The foreshore building line is not continuous as it applies to residential properties only. The foreshore building line in Draft WLEP 2013 seeks to translate the existing provisions in WLEP 1995. However, in preparing Draft WLEP 2013 we have extended the foreshore building line by applying it to additional residentially zoned properties. We note that there is no land zoned for business adjoining the harbour.</p>
<p>CID: 2 SNO 49 INO: 119</p> <p>Mr & Mrs Michael & Hylde Rolfe</p> <p>Sydney Harbour Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Clause 6.3 does not adequately protect foreshore from existing development</p>	<p>Summary</p> <p>Clause provides no mechanism for the amelioration of the impact of existing development that does not/would not comply with the terms of subclause 6.3 (1). The objective of the clause is "to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area".</p> <p>While recognising that retrospective rules cannot properly be applied, submission states that mistakes of the past should not be perpetuated or enlarged. Wording of subclause 3 could be modified so as to incorporate the essence of the objective stated in subclause 1:</p> <p>"6.3 (3) Development consent must not be granted under subclause (2) or (2A) unless the consent authority is satisfied that :</p> <p>a) The development will not impact on natural foreshore processes or affect the significance and amenity of the area,</p> <p>b) The development will contribute (using the text of the draft re-numbered as paragraphs (b) - (i))."</p>	<p>Response</p> <p>The overall objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>Subclause 6.3(3) (a - h) provides the detailed provisions which a development must satisfy to ensure it will comply with this objective. Copying the objective into these subclauses would not supplement or necessarily benefit the assessment process.</p> <p>The term 'natural foreshore processes' is not explicitly stated in subclause 6.3 (3). However, subclause (3) (c) does address environmental harm and expressly identifies matters including marine habitat, flora and fauna habitats and drainage patterns.</p>

Part				Category	Sub Category
Part 6 - Additional Local Provisions				CI 6.3 Foreshore building line	CI 6.3 Foreshore building line
CID: 21	SNO 21	INO: 30	Summary		Response
Carla Ganassin				Considers that CI 6.3 will protect and improve aquatic habitat values surrounding Woollahra.	Support noted.
Fisheries NSW					
Recommendation				No Change	
Issue					
Supports CI 6.3 for foreshore protection					

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.7 Acid sulfate soils	CI 6.7 Acid sulfate soils
CID: 21 SNO 21 INO: 31	Summary	Response
Carla Ganassin	Considers that CI 6.7 will protect and improve aquatic habitat values surrounding Woollahra.	Support for CI 6.7 Acid sulfate soils is noted.
Fisheries NSW		
Recommendation	No Change	
Issue		
Support for CI 6.7 for foreshore protection		

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.8 Flood planning	CI 6.8 Flood planning
<p>CID: 133 SNO 142 INO: 362</p> <p>Summary</p> <p>Owners Committee of SP2284</p> <p>C/- Bright & Duggan</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Remove 29 Ocean St, Double Bay from the Flood Planning Map</p>	<p>Insist Council remove the property from the Flood Planning Map either through the expert opinion of Council's professional staff or get supplementary site-specific advice.</p> <p>Mr Lennartz (on behalf of the Owners Committee) was advised the inclusion is directly related to the overland flow traversing a minor portion of the property in the 1 in 100 year event. Council's engineer advised that the catchment-wide study did not take into account site specific detail which is appreciated given the coverage of the study. Mr Lennartz advised that this part of the property is over 1m above the footpath, which makes it impossible for the overland flow to enter our property.</p> <p>Mr Lennartz was advised to make a submission to the exhibition of the Draft WLEP 2013. A site inspection would then be conducted by Council staff and that it was a relatively easy process for the notation to be removed.</p> <p>Mr Lennartz was then advised that removal of the notation was no longer possible as it would require council to commission a new study, even though in the engineers opinion it shouldn't be there.</p> <p>Concerns with regards to insurance premiums, property valuations and the flood notation being included on S.149 certificates . The Officer advised that all he could do was put a note on our property file which may remove the need for a site specific flood study under any future Development Application to address clause 6.8 of Draft WLEP 2013. However, this does not address our concerns.</p> <p>Question Council's ability to include property on the Flood Planning Area when there is a lack of nexus given the physical constraints on the site which restrict the flows from entering the property. Whilst acknowledging it may not be possible for Council to undertake technical studies, Council must have the ability to correct these discrepancies as they come to hand or ground truth</p>	<p>Response</p> <p>The Flood Planning Map that accompanies Draft WLEP 2013 represents the existing information contained in the Double Bay Flood Study. Council adopted the Double Bay Flood study in June 2008.</p> <p>This flood study was based on sound modelling, using current best practice. The Flood Planning Map identifies all properties which are fully or partially flood affected. The degree of affection and the nature of development on the site are not details which influence the identification of the parcel on the Flood Planning Map. Those matters are taken into account if a development application is lodged with Council.</p> <p>CI 6.8 does not prohibit development as a result of this flood affection. CI 6.8 requires Council to have regard to certain matters such as the compatibility of development the potential flood hazard.</p> <p>The Flood Planning Maps reflect a formally adopted Council policy. Draft WLEP 2013 has not sought to amend the adopted flood map.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.8 Flood planning	CI 6.8 Flood planning
properties which are so insignificantly effected.		
<p>CID: 132 SNO 141 INO: 418</p> <p>Ms Susan Harrison</p> <p>Office of Environment & Heritage</p> <p>Recommendation No Change Issue</p> <p>May need controls relating to the Probable Maximum Flood Level</p>	<p>Summary</p> <p>There may be a need for development controls up to the Probable Maximum Flood Level in areas subject to "flash flooding". It may be necessary to have high level on-site refuge as a secondary emergency response.</p> <p>Office of Environment and Heritage have provided a suggested clause relating to Flood plain management for our consideration.</p>	<p>Response</p> <p>The recommended clause is not required. Our existing development assessment process includes suitable consideration of sensitive land uses and flood risk.</p> <p>The Comprehensive DCP includes controls relating to High Risk flood areas, and when it would be appropriate for an applicant to submit an Emergency Management Plan with their development application.</p> <p>This issue will be suitably addressed at the DA stage by the controls in the Comprehensive DCP. There is no need to include controls in Draft WLEP 2013 which addresses particular evacuation or emergency responses.</p>
<p>CID: 132 SNO 141 INO: 417</p> <p>Ms Susan Harrison</p> <p>Office of Environment & Heritage</p> <p>Recommendation No Change Issue</p> <p>Include subclause (4) and (5) regarding sea level rise</p>	<p>Summary</p> <p>CI 6.8 Flood planning should include subclauses (4) and (5) which have regard to sea level rise.</p>	<p>Response</p> <p>Council has not adopted a policy regarding the anticipated impact of climate change (including sea level rise) on the Woollahra LGA. As there is no adopted policy regarding climate change, and as per the drafting direction of the SI we cannot include subclause (4) and (5) of the Flood Planning Clause.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.8 Flood planning	CI 6.8 Flood planning
<p>CID: 132 SNO 141 INO: 416</p> <p>Ms Susan Harrison</p> <p>Office of Environment & Heritage</p> <p>Summary</p> <p>Council should consider:</p> <ul style="list-style-type: none"> -The potential extra burden due to further development on emergency services during floods; -infrastructure and recovery services are adequate for emergency response needs. <p>Recommendation No Change</p> <p>Issue</p> <p>Council should consider emergency services and response to flooding</p>		<p>Response</p> <p>The Woollahra LGA is a well established urban area which already includes emergency response infrastructure. Furthermore, the Flood Planning Management Committee considers emerging issues such as emergency responses during floods, and the State Emergency Services is represented on the committee.</p> <p>There is no requirement to change Draft WLEP 2013 to address emergency services and responses to flooding.</p>
<p>CID: 132 SNO 141 INO: 415</p> <p>Ms Susan Harrison</p> <p>Office of Environment & Heritage</p> <p>Summary</p> <p>It is important that the planning maps include the mainstream and overland flow floodplain for both the flood planning area and the probable maximum flood. They should also indicate the anticipated impact of climate change, including sea level rise.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Flood Planning Maps should be amended to show the floodplain and include sea level rise</p>		<p>Response</p> <p>The Flood Planning Areas in Draft WLEP 2013 identify the 1:100 (average recurrent interval) flood event. These areas were classified in flood studies, which used a methodology complying with the Floodplain Development Manual 2005.</p> <p>It is not practical, meaningful or good planning practice to include additional properties which fall within the probable maximum flood area. Furthermore, such practice is not consistent with the Floodplain Development Manual 2005 (or the relevant section 117(2) Local Planning Direction of the EP&A Act).</p> <p>There is no adopted Council policy which identifies the anticipated impact of climate change (including sea level rise) on the Woollahra LGA.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.8 Flood planning	CI 6.8 Flood planning
<p>CID: 132 SNO 141 INO: 414</p> <p>Ms Susan Harrison</p> <p>Office of Environment & Heritage</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support objectives of Clause 6.8 Flood planning</p>	<p>Summary</p> <p>Office of Environment and Heritage notes and supports that the objectives of the draft LEP seek to minimise flood risk to life and property, allow development consistent with the flood hazard, consider project changes to flood behaviour as a result of climate change and to avoid adverse impacts on flood behaviour.</p>	<p>Response</p> <p>Support noted</p>
<p>CID: 127 SNO 136 INO: 425</p> <p>Mr Wes van der Gardner</p> <p>Roche Group Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concerned about the Flood Planning Area Map and the accuracy of the studies: Double Bay Centre</p>	<p>Summary</p> <p>Draft LEP 2013 includes a new Flood Planning Area Map. Extremely concerned that the value of land identified on this Map as being within the flood planning area could be significantly diminished.</p> <p>Request that Council provide information on the flood studies that have been prepared to inform this Map and importantly, the accuracy of the Map.</p>	<p>Response</p> <p>The flood levels in Council's flood studies have been prepared in accordance with the Floodplain Development Manual 2005. The manual relates to the development of flood liable land for the purposes of section 733 of the Local Government Act 1993.</p> <p>All of Council's flood studies have been undertaken by specialist consultants who are experts at flood analysis. The consultants have used current best practice, which involves the use of sophisticated computer models that use the best available data.</p> <p>The data used in the computer models includes ground level information determined by aerial laser survey and rainfall intensity predictions developed by the Bureau of Meteorology.</p> <p>Council's flood studies were placed on public exhibition before being formally adopted by Council.</p> <p>These adopted flood studies were provided as supplementary information when the Draft LEP was exhibited. This material was available on the Council's dedicated Draft LEP website and also in hardcopy at the Council's Customer Services centre and libraries.</p>

Part	Category	Sub Category
Part 6 - Additional Local Provisions	CI 6.8 Flood planning	CI 6.8 Flood planning
CID: 97 SNO 104 INO: 300	Summary	Response
Ms Suzanne Gartner	Flood planning - this is very important. Enough has been said about the dynamic water table. Suffice that there is a plan for Double Bay.	Support for the Double Bay flood plan is noted.
Recommendation No Change		
Issue		
Support for the Double Bay flood plan		
CID: 26 SNO 27 INO: 56	Summary	Response
Mr Matthew Lennartz	Only a very minor portion of site is affected by the 1 in 100 year event and understands that modelling is not based on accurate site levels. Considers that retaining walls, garden beds etc. would restrict the flow actually affecting the site. Requests that Council visit the property for verification and that site is removed from the 'Flood Planning Area' prior to finalisation of the LEP.	The Flood Planning Map that accompanies Draft WLEP 2013 represents the existing information contained in the Double Bay Flood Study. Council adopted the Double Bay Flood study in June 2008. This flood study was based on sound modelling, using current best practice. The Flood Planning Map identifies all properties which are fully or partially flood affected. The degree of affection and the nature of development on the site are not details which influence the identification of the parcel on the Flood Planning Map. Those matters are taken into account if a development application is lodged with Council. CI 6.8 does not prohibit development as a result of this flood affection. CI 6.8 requires Council to have regard to certain matters such as the compatibility of development the potential flood hazard. The Flood Planning Maps reflect a formally adopted Council policy. Draft WLEP 2013 has not sought to amend the adopted flood map.
Recommendation No Change		
Issue		
Remove property from 'Flood Planning Area' Map: 1/29 Ocean Ave, Double Bay		

Part		Category	Sub Category
Part 6 - Additional Local Provisions		CI 6.8 Flood planning	CI 6.8 Flood planning
CID: 22	SNO 22	INO: 32	Summary
Chris Kloster		<p>Uncertain as to why the properties to the south of Birriga Road and to the east and west of Blaxland Road have been included. Understanding is that flood waters would follow the course of least resistance, not necessarily our man made road ways. Unsure why only a few properties on the side of a hill are nominated as being flood affected.</p>	
Recommendation		No Change	
Issue		<p>Concern with regard to Flood Planning Map Sheet 6: Properties to the south of Birriga Rd and to the east and west of Blaxland Rd</p>	
		<p>Response</p> <p>Council's Technical Services team advises that the properties south of Birriga Road and to the east and west of Blaxland Road have been included because the overland flows in the area are relatively high. It has been calculated that storm water will flow down the driveways.</p> <p>The properties were identified as being flood prone by Councils hydraulic consultant who used a combination of site inspections and hydraulic calculations to determine which properties were liable to experience flooding.</p> <p>The identification of these properties does not mean they have flooded in the past, rather it highlights that the properties may experience overland flows after periods of heavy rain.</p>	