



Strategic & Corporate Committee

Annexure 4 – Draft LEP 2013 Discussion Paper

Agenda: *Strategic & Corporate Committee*

Date: *29 April 2013*

Time: *8.00pm*

Part: *Four of Four*

Outline of Meeting Protocol & Procedure:

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

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

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

Principal Considerations:

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

Delegated Authority

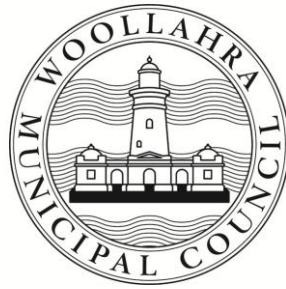
Nil

Committee Membership:

- All Councillors

Quorum:

- The quorum for a committee meeting is 8 Councillors.

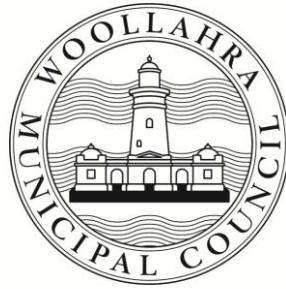


DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

This discussion paper provides explanatory information for the Draft Woollahra Local Environmental Plan (Draft LEP 2013).

- Chapter 1.** Introduction
- Chapter 2.** Written instrument and maps
- Chapter 3.** Land use zones and the land use table
- Chapter 4.** Lot size
- Chapter 5.** Maximum building heights
- Chapter 6.** Floor space ratios
- Chapter 7.** Heritage conservation
- Chapter 8.** Land use matrix
- Chapter 9.** Draft change layers



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 1

INTRODUCTION

This discussion paper accompanies Draft LEP 2013. It provides explanatory information about the proposed planning control changes in Draft LEP 2013, including why changes are proposed.

This chapter explains the purpose and function of a Local Environmental Plan (LEP), and why Council has prepared a new LEP. It states that the Draft LEP 2013 seeks to broadly translate the policy intent of Woollahra LEP 1995 (WLEP 95), whilst fine tuning existing controls to make them more relevant and practical.

PART 1. WHAT IS A LOCAL ENVIRONMENTAL PLAN?

A local environmental plan (LEP) is a legal document prepared by Council and made by the Minister for Planning and Infrastructure to regulate land use and development. LEPs guide planning decisions for the local government area (LGA) through zones and development controls. An LEP is the main way that development in an LGA is regulated, and each LGA in NSW has its own LEP.

An LEP contains two parts: a written document and a series of maps. The written part comprises land use tables and a series of clauses that describe what development may or may not be done in particular areas of the LGA. The land use tables and clauses relate to the LEP maps.

An LEP and any proposed instruments, such as a planning proposal (once placed on public exhibition) must be taken into consideration when Council assesses development applications.

PART 2. WHY HAS COUNCIL PREPARED A NEW LEP?

The NSW State Government requires all councils to prepare new LEPs that comply with the Standard Instrument Local Environmental Plan template (Standard LEP) prepared by the Department of Planning and Infrastructure (DP&I). We must conform to the format and content of the Standard LEP and the associated policies, practice notes and circulars of the DP&I.

After we adopt the new LEP and it is approved by the Minister for Planning and Infrastructure, the LEP becomes a legal planning document that will replace Woollahra LEP 1995 (WLEP 95) as the primary plan for regulating land in Woollahra.

PART 3. DRAFT WOOLLAHRA LEP 2013

We have prepared a new LEP called *Draft Woollahra Local Environmental Plan 2013* (Draft LEP 2013) for public exhibition. In general, we took a 'translation approach' to preparing Draft LEP 2013, using equivalent planning controls where possible. Notwithstanding, various changes are proposed so that the controls are practical, reflect best practice and comply with the requirements of the Standard LEP.



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 2

WRITTEN INSTRUMENT AND MAPS

This chapter provides an overview of the content of Draft Woollahra Local Environmental Plan 2013 (Draft LEP 2013).

Draft LEP 2013 converts the general intent of the current controls from Woollahra Local Environmental Plan 1995 (WLEP 95) into a format consistent with the Department of Planning and Infrastructures' Standard LEP template. An explanation of how the current controls have been converted in Draft LEP 2013 and the key changes that have occurred are contained in this chapter.

Draft LEP 2013 contains two parts: a written instrument and a series of maps. This chapter sets out each part of the written instrument and explains the purpose and function of each clause. It also identifies the maps that will form part of Draft LEP 2013.

Table of contents

PART 1. INTRODUCTION TO DRAFT LEP 2013	1
1.1 Structure of Draft LEP 2013.....	1
1.2 Draft LEP 2013 maps	1
1.3 How is Draft LEP 2013 different to the existing LEP?	2
PART 2. CONTENT OF DRAFT LEP 2013	3
2.1 Part 1 – Preliminary	3
2.2 Part 2 – Permitted or prohibited development.....	5
2.3 Land Use Table	7
2.4 Part 3 – Exempt and complying development	8
2.5 Part 4 – Principal development standards	9
2.6 Part 5 – Miscellaneous provisions	13
2.7 Part 6 – Additional local provisions	15
2.8 Schedules.....	18
2.9 Dictionary	20
PART 3. CONVERTING WOOLLAHRA LEP 1995	21
3.1 The written instrument	21
3.2 Schedules.....	30

PART 1. INTRODUCTION TO DRAFT LEP 2013

1.1 Structure of Draft LEP 2013

There are compulsory sections or provisions in the Standard LEP which must be incorporated into Draft LEP 2013. The compulsory clauses/provisions are printed in **black**. We cannot make changes to these sections as they are mandated under the Standard LEP.

There are also local provisions, zone objectives, land uses, clauses and schedule items which have been added by Council. These are printed in **red**.

Draft LEP 2013 is divided into six parts, with a Land Use Table five schedules and a Dictionary:

- Part 1 – Preliminary
- Part 2 – Permitted or prohibited development
- Land Use Table
- Part 3 – Exempt and complying development
- Part 4 – Principal development standards
- Part 5 - Miscellaneous provisions
- Part 6 – Additional local provisions
- Schedule 1 – Additional permitted uses
- Schedule 2 – Exempt development
- Schedule 3 – Complying development
- Schedule 4 – Classification and reclassification of public land
- Schedule 5 – Environmental heritage
- Dictionary

1.2 Draft LEP 2013 maps

A series of maps relate to relevant clauses in Draft LEP 2013 document. The format of the maps complies with the requirements for Standard LEP maps. The maps comprise:

Map	Description
Land Application map	The land to which Draft LEP 2013 applies, i.e. the Woollahra LGA
Land Zoning map	The zoning of all land in the LGA (see Chapter 3 - Land use zones and the land use table)
Floor Space Ratio map	Land in the Woollahra LGA which is subject to a floor space ratio control
Height of Buildings map	Land in the Woollahra LGA which is subject to a height limit
Land Reservation Acquisition map	Land that has been reserved for future public purposes
Heritage map	Land on which there is a heritage item or land which is within a heritage conservation area
Acid Sulfate Soils map	Land that has been identified as containing acid sulfate soils
Coastal Risk Planning map	Land identified as being of 'coastal risk'
Foreshore Building Line map	Land in the Woollahra LGA located in the foreshore area

1.3 How is Draft LEP 2013 different to the existing LEP?

Council is converting WLEP 95 into the Standard LEP format. So that there is minimal impact on how land can be used and developed, most of the current zones, land use tables and planning controls have been converted to the new Standard LEP format with as few changes as possible.

However, in complying with the Standard LEP format, some of the content of the WLEP 95 written instrument has been deleted or moved into a development control plan. A 'development control plan' or DCP is a planning document that supplements an LEP. DCPs guide future development within a local context, and provide more detailed planning and design guidelines.

All of the key changes between the WLEP 95 written instrument and Draft LEP 2013 are identified in Part 2 below.

PART 2. CONTENT OF DRAFT LEP 2013

Draft LEP 2013 is divided into six parts, including a Land Use Table, Schedules and a Dictionary. The following table runs through each part of Draft LEP 2013, providing explanatory information. This should be read in conjunction with the Draft LEP 2013 written instrument.

2.1 Part 1 – Preliminary

The preliminary part of Draft LEP 2013 sets up the legal framework for the operation of the LEP.

Draft LEP 2013 clause	Explanation
1.1 Name of Plan [compulsory]	Identifies the name of the plan as “Woollahra Local Environmental Plan 2013”.
1.1AA Commencement [compulsory]	States that the LEP takes effect when it is published on the NSW Legislation website.
1.2 Aims of Plan [compulsory]	<p>Recognises that the Plan has been prepared in accordance with the NSW Government’s Standard Instrument (Standard LEP) and sets out the aims of the Plan.</p> <p>The aims of the Plan are set out in subclause (2) and have been inserted by Council to guide future development and planning in the LGA. The aims in subclause (2) are similar to those in the current WLEP 95 (Clause 2).</p>
1.3 Land to which Plan applies [compulsory]	Identifies the land to which the Plan applies, as shown on the Land Application Map. The map covers all the Woollahra LGA.
1.4 Definitions [compulsory]	<p>Refers to the Dictionary at the end of the Plan. The Dictionary defines the terms used in the Plan.</p> <p>The terms contained in the Dictionary are from the Standard LEP and cannot be altered by Council.</p>
1.5 Notes [compulsory]	Indicates that the notes contained in the Plan are provided for guidance only and do not form part of the LEP legal document.
1.6 Consent authority [compulsory]	States that Woollahra Municipal Council is the consent authority for development covered under this Plan. Despite this clause, other legislation or State policies may override this LEP.
1.7 Maps [compulsory]	Identifies the requirements for Draft LEP 2013 maps (see Part 1.2).
1.8 Repeal of planning instruments applying to the land [compulsory]	<p>States that all LEPs that currently apply to the land covered by this Plan will be repealed once this Plan comes into effect.</p> <p>Draft LEP 2013 applies to the whole LGA. If approved in its current application, it would repeal WLEP 95 which also applies to the whole LGA, and Woollahra LEP No.27 which applies only to Strickland House.</p>

Draft LEP 2013 clause	Explanation
1.8A Savings provision relating to development applications [local]	Permits development applications lodged with Council, but not determined prior to the commencement of the Plan, to be determined as if the Plan had not commenced.
1.9 Application of SEPPs [compulsory]	<p>States that the following State Environmental Planning Policies (SEPPs) or provisions will no longer apply to land to which the Plan applies:</p> <ul style="list-style-type: none"> • <i>SEPP 1: Development Standards</i> • <i>SEPP 4: Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)</i> • <i>SEPP 60: Exempt and Complying Development</i> <p><i>Note: All SEPPs can be found at www.legislation.nsw.gov.au</i></p>
1.9A Suspension of covenants, agreements and instruments [local]	Suspends any agreement, covenant or other similar instrument that restricts the carrying out of development that would otherwise be able to be carried out under the Plan.

2.2 Part 2 – Permitted or prohibited development

Part 2 identifies what land uses are permitted or prohibited in each zone in the LGA.

Draft LEP 2013 clause	Explanation
2.1 Land use zones [compulsory]	<p>This identifies the land use zones that apply to the LGA.</p> <p>Draft LEP 2013 incorporates the following zones:</p> <p>Residential Zones R2 Low Density Residential R3 Medium Density Residential</p> <p>Business Zones B1 Neighbourhood Centre B2 Local Centre B4 Mixed Use</p> <p>Special Purposes Zones SP2 Infrastructure SP3 Tourist</p> <p>Recreation Zones RE1 Public Recreation RE2 Private Recreation</p> <p>Environmental Protection Zones E1 National Parks and Nature Reserves E2 Environmental Conservation</p>
2.2 Zoning of land to which Plan applies [compulsory]	Indicates that the land use zones under the Plan are shown on the Land Zoning Map
2.3 Zone objectives and Land Use Table [compulsory]	<p>Provides an explanation of the Land Use Table at the end of Part 2 in Draft LEP 2013. This includes zone objectives, development permitted with or without consent and prohibited development.</p> <p>The clause also provides that when Council is determining a development application it must have regard to the zone objectives.</p>
2.4 Unzoned land [compulsory]	<p>Requires development consent for any development proposed on unzoned land and includes the matters that Council must consider when determining such a development application.</p> <p><i>Note: There is no unzoned land in Draft LEP 2013.</i></p>
2.5 Additional permitted uses for particular land [compulsory]	<p>Allows for certain development to be permitted on particular sites described in Schedule 1 of Draft LEP 2013, despite being contrary to the Land Use Table or other provisions in the Plan. There are 12 sites identified in the plan which have additional uses permitted.</p>

Draft LEP 2013 clause	Explanation
2.6 Subdivision – consent requirements [compulsory]	<p>To clarify that land may be subdivided but only with development consent. Land which contains a secondary dwelling cannot be further subdivided.</p> <p><i>Note: Subdivision identified as exempt development in an applicable environmental planning instrument, such as the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, may be carried out without development consent.</i></p>
2.7 Demolition requires development consent [compulsory]	<p>Explains that demolition requires development consent.</p> <p><i>Note: Demolition identified as exempt development in an applicable environmental planning instrument, such as the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, may be carried out without development consent.</i></p>
2.8 Temporary use of land [optional]	<p>Sets out the matters Council must consider when determining a development application for temporary use of land.</p> <p>Development consent may be granted for the temporary use of land in any zone for a maximum of 52 days (whether or not consecutive days) in any period of 12 months. This clause also allows for the use of a dwelling as a sales office for a new release area or a new housing estate to exceed 52 days.</p>

2.3 Land Use Table

The **Land Use Table**¹ sets out the land use zones used in Draft LEP 2013.

The land use for each zone contains:

- Objectives
- Development permitted without consent
- Development permitted with consent
- Development that is prohibited

A **Land Use Matrix** has been prepared which lists all of the types of land uses that are either permitted (with or without consent) or prohibited in each zone.

FIGURE 1: Extract from the Land Use Table for the R2 Low Density Residential zone

Zone R2	Low Density Residential
<u>Direction</u>	The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone: Roads
1	Objectives of zone <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide amenity that is consistent with a low density environment. • To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.
2	Permitted without consent Home occupations, Roads
3	Permitted with consent Attached dwellings, Bed and breakfast accommodation, Boarding houses; Child care centres, Dual occupancies; Dwelling houses; Environmental protection works; Group homes; Home-based child care; Home business, Home industry, Home occupation (sex services), Secondary dwellings, Semi-detached dwellings, Recreation areas, Respite day care centre.
4	Prohibited Any development not specified in item 2 or 3

¹ For more information on land use zones and the land use table see **Chapter 3 - Land use zones and the land use table**. This chapter also identifies key differences between WLEP 95 and Draft LEP 2013 zones and land uses.

2.4 Part 3 – Exempt and complying development

Part 3 outlines the developments that are identified as exempt or complying development. For development to be considered as exempt or complying development, it must comply with the requirements and standards specified in Part 3 and Schedules 2 and 3 of Draft LEP 2013.

Council cannot include or replicate in its LEP development types that are covered by the following SEPPs:

- *SEPP (Exempt and Complying Development Codes) 2008*
- *SEPP (Infrastructure) 2007*
- *SEPP (Temporary Structures) 2007*
- *SEPP (Affordable Rental Housing) 2009*

The SEPPs prevail over Council's LEP.

Draft LEP 2013 clause	Explanation
3.1 Exempt development [compulsory]	<p>This clause and Schedule 2 of Draft LEP 2013 identify the types of development that can be carried out without Council's consent. It provides for exempt development that is not already specified in a SEPP.</p> <p>There are three types of exempt development identified in Schedule 2 of Draft LEP 2013. To be exempt development the development must satisfy Part 3 and comply with the requirements and standards specified in Schedule 2.</p> <p>The three types of exempt development are:</p> <ul style="list-style-type: none"> • Temporary use of council land • Restaurants or cafes (located on the footway of a public road) • Signage
3.2 Complying development [compulsory]	<p>This clause and Schedule 3 enable Council to identify types of complying development in the LEP.</p> <p><i>Note: There are no types of complying development listed in Schedule 3 of Draft LEP 2013. Complying development in the LGA is covered by SEPP (Exempt and Complying Development Codes) 2008 and other relevant SEPPs.</i></p>
3.3 Environmentally sensitive areas excluded [compulsory]	<p>Describes environmentally sensitive areas where exempt and complying development must not be carried out, e.g. national parks.</p>

2.5 Part 4 – Principal development standards

Part 4 relates to the principal development standards that control development in the LGA. Examples include minimum lot size for subdivision and height of buildings.

Draft LEP 2013 clause	Explanation
4.1 Minimum subdivision lot size [optional]	<p>Specifies that any lot resulting from subdivision must not be less than the minimum size shown on the Lot Size Map for the land. This clause applies to any subdivision of land that requires development consent and is shown on the Lot Size Map.</p> <p>Subclause (3A) identifies that an access handle or right of carriageway should be excluded from the calculation of lot size.</p> <p>Different lot sizes may be identified on the Lot Size Map for different categories of land in the same zone.</p> <p>For further information on the lot size development standards see Chapter 4 – Lot size.</p>
4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]	<p>Requires that any lot created by a community title subdivision is not less than the minimum size shown on the Lot Size Map. This clause applies to land in the R2 Low Density Residential and R3 Medium Density Residential zones.</p>
4.1B Minimum lot sizes for a dual occupancy, multi dwelling housing and residential flat building	<p>This clause establishes the minimum lot size required to develop land for medium density residential uses. It applies to the R2 Low Density Residential zone for dual occupancy development.</p> <p>In the R3 Medium Density zone it applies to the following types of development:</p> <ul style="list-style-type: none"> • Dual occupancies (attached and detached) • Multi dwelling housing • RFBs <p>Table 1 and 2 in Chapter 4 – Lot size outlines the rationale for the minimum lot size for each of these land uses.</p>
4.1BB Erection of dwelling houses on land in residential zones	<p>Clause makes it clear that a dwelling house may be erected on a lot in a residential zone regardless of the size of the lot, provided that the lot existed when WLEP 95 was in force, and a dwelling house was permissible on that lot under WLEP 95.</p>

Draft LEP 2013 clause	Explanation
<p>4.1C Minimum lot sizes for semi-detached dwellings and attached dwellings in the R2 zone</p>	<p>Clause sets the minimum lot size for erecting a semi-detached dwelling or attached dwelling in the R2 Low Density Residential zone.</p> <p>4.1C (3) states that the minimum size for developing land is the same size as required for subdividing land. This ensures that development has regard to the existing subdivision pattern, and development is not undertaken on a lot that is too small to accommodate the dwellings.</p> <p>Subclause 4.1C(4) allows additions and alterations to, or the replacement of existing semi-detached or attached dwellings, even if they are located on a lot that is less than the minimum lot size stated on the Lot Size Map. This recognises the established built form, and ensures that the existing use can continue even if that lot is less than the minimum lot size stated on the Lot Size Map.</p>
<p>4.1D Exceptions to minimum lot sizes for certain residential development</p>	<p>Clause encourages housing diversity without adversely impacting on residential amenity.</p> <p>This clause only applies to developments that:</p> <ul style="list-style-type: none"> • Are in the R3 Medium Density Residential zone • Proposes subdivision into three or more lots • Constructs a dwelling on each lot • Are for dwelling houses, semi-detached dwellings or attached dwellings.
<p>4.3 Height of Buildings [optional]</p>	<p>Clause establishes a maximum building height limit for land shown on the Height of Buildings Map. This clause applies to all land in the R2 Low Density Residential zone (excluding Paddington) and the R3 Medium Density Residential zone.</p> <p>For further information see Chapter 5 – Maximum building heights.</p> <p><i>Note: Draft LEP 2013 does not set a height limit for land in the Paddington Heritage Conservation Area (PHCA). Building envelope controls for the PHCA are regulated in the DCP.</i></p>
<p>4.3 Height of Buildings [optional]</p> <ul style="list-style-type: none"> • Subclause 3 – maximum height of a dwelling house, dual occupancy or a semi-detached dwelling on land in Zone R3 Medium Density Residential 	<p>Clause establishes a maximum building height of 9.5m for low density residential forms of development (dwelling house, dual occupancy or a semi-detached dwelling) in the R3 Medium Density Residential zone.</p> <p>The R3 zone is a medium density residential zone, applied in locations where we want to increase residential density, housing choice and diversity. Accordingly, in these areas the preferred residential development types are medium density forms. Examples include residential flat buildings and attached dwellings.</p> <p>Under the Draft LEP 2013 we have increased the maximum building height in many parts of the R3 zone. We only want this height limit to apply to medium density forms of development. Keeping the 9.5m height limit for houses provides for existing and new dwelling houses to redevelop to the same scale currently permitted, but encourages medium density forms of development to achieve the higher height identified for the land.</p>

Draft LEP 2013 clause	Explanation
<p>4.3 Height of Buildings [optional]</p> <ul style="list-style-type: none"> • Subclause 4 – maximum height of a battle-axe lot 	<p>Clause establishes a maximum building height of 9.5m for development on battle axe lots, regardless of the height shown on the Height of Buildings Map. This control is intended to protect the amenity of adjoining land.</p> <p>For further information see Part 3.2.7 in Chapter 5 – Maximum building heights.</p>
4.3A Second Heights [local]	<p>For some locations, a second height is also applied to the land.</p> <p>The first height limit is the overall maximum height on the site (see Part 4.3 above). The second height is a cap placed on the height of the building at the highest part of the site (exclusive of any access handles).</p> <p>The benefits of this approach are:</p> <ul style="list-style-type: none"> • Maintain private and public views • Provide a consistent character/streetscape <p>WLEP 95 contains seven locations where two maximum building heights apply. We have identified 14 additional locations where this second height limit is to apply in the R3 zone of Draft LEP 2013.</p> <p>For further information see Chapter 5 – Maximum building heights.</p>
4.3B Area I (White City Tennis Club) – Height of buildings [local]	<p>Applies to certain land at White City and identifies a bonus height to encourage a built form appropriate to its function (up to 11.5m) subject to certain criteria.</p> <p>Clause converts the three storey height controls identified in the <i>Woollahra White City Development Control Plan 2007 (p 15)</i>.</p>
4.4 Floor Space Ratio [optional]	<p>Establishes a control for the floor space ratio of new buildings. Floor space ratio controls the bulk and scale of buildings. This clause applies to all land in the R3 Medium Density Residential zone.</p> <p>For further information see Chapter 6 – Floor space ratios.</p>

Draft LEP 2013 clause	Explanation
<p>4.4 Floor Space Ratio</p> <ul style="list-style-type: none"> Subclause 3 –Floor Space Ratio does not apply to dwelling houses 	<p>Clause establishes that the floor space ratio control shown on the map does not apply to low density residential forms of development (dwelling house, dual occupancy or a semi-detached dwelling) in the R3 Medium Density Residential zone.</p> <p>The R3 Medium Density Residential zone is applied in locations where we want to increase residential density, housing choice and diversity. In these areas the preferred residential development types are medium density housing forms such as RFBs and attached dwellings. Accordingly, the FSR shown on the Floor Space Ratio Map applies to these uses.</p> <p>However, sometimes lower density uses such as dwelling houses, dual occupancies or semi-detached dwellings may be proposed in the R3 zone. In these circumstances, we do not want the FSR that has been established for medium density uses to apply to these lower density uses.</p> <p>Instead, building envelope controls will be applied in the new DCP. The building envelope controls facilitate low density forms of development at a smaller scale than the FSR control which applies to medium density development. This approach encourages medium density forms of development in the R3 zone.</p>
4.4A Area 1 (Double Bay) – floor space ratio [local]	This clause identifies bonus floor space ratios for corner buildings in Double Bay. This is to facilitate prominent land mark buildings in these locations.
4.4B Area 2 (Selected B1 and B4 Centres) – floor space ratio [local]	This clause identifies bonus floor space ratios for corner buildings in selected B1 and B4 Business centres. This is to facilitate prominent land mark buildings in these locations.
4.4C Area 4 (Rose Bay) – height and floor space ratio incentives [local]	Applies to certain land at Rose Bay and facilitates the creation of a public square by allowing additional built form (floor space ratio and height) if a public square is provided.
4.4D Area 5 (188 Oxford Street) – floor space ratio [local]	This clause identifies an aggregate floor space ratio for 188 Oxford Street, Paddington. This is to maintain the bulk and scale of the existing development.
4.5 Calculation of floor space ratio and site area [optional]	<p>Supplements clause 4.4 and identifies how floor space ratio is to be calculated.</p> <p>This clause identifies how site area is identified, and what land must be excluded from the site area. It also identifies how covenants should be used to prevent ‘double dipping’.</p> <p>For further information see Chapter 6 – Floor space ratios.</p>
4.6 Exceptions to development standards [compulsory]	<p>Clause 4.6 in effect replaces SEPP No 1 - Development Standards.</p> <p>It allows a development standard to be exceeded, subject to satisfying specified criteria as well as obtaining the concurrence of the Director-General of the DP&I.</p>

2.6 Part 5 – Miscellaneous provisions

Part 5 contains provisions for a range of miscellaneous matters such as reservation and acquisition of land, classification and reclassification of public land and heritage matters. Most of the provisions in Part 5 are compulsory under the Standard LEP.

Draft LEP 2013 clause	Explanation
5.1 Relevant acquisition authority [compulsory]	Provides for the identification of the relevant public authority for acquiring land reserved exclusively for certain public purposes. Land which is subject to this clause is shown on the Land Reservation Acquisition Map .
5.2 Classification and reclassification of public land [compulsory] Schedule 4	Enables Council to classify or reclassify public land as 'operational land' or 'community land' in accordance with the <i>Local Government Act 1993</i> . Under the <i>Local Government Act 1993</i> public land is generally land vested in or under the control of Council (other than roads, Crown Reserves and commons). Public land to be classified or reclassified by the LEP is included in Schedule 4. The two sites identified for reclassification as operational land are: <ul style="list-style-type: none"> • Woollahra – Queen Street car park, 53 Moncur Street (Lot 4, DP 218022) • Rose Bay – Land adjoining 15A Dumaresq Road (Lot 2, DP 771099)
5.4 Controls relating to miscellaneous permissible uses [compulsory]	Specifies development standards for the following types of development: <ul style="list-style-type: none"> • Bed and breakfast accommodation • Home businesses • Home industries • Industrial retail outlets • Far stay accommodation • Kiosks • Neighbourhood shops • Roadside stalls • Secondary dwellings The local development standards specified by Council are shown in red .
5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]	Applies to land that falls within the coastal zone. It provides for the protection of the coastal environment, and also implements the principles of the NSW Coastal Policy. The clause includes the matters that the consent authority must be satisfied with prior to granting consent for a proposed development on land in the coastal zone.
5.7 Development below mean highwater mark [compulsory if land to which Plan applies contains tidal waters]	Identifies that consent is required for any development below the mean high water mark.

Draft LEP 2013 clause	Explanation
5.8 Conversion of fire alarms [compulsory]	Applies to fire alarm systems that can be monitored by Fire and Rescue NSW or by a private service provider. It sets out the circumstances where development consent is required for the conversion of fire alarm systems, and where such development is complying development.
5.9 Preservation of trees or vegetation [compulsory, except subclause (9) which is optional]	Requires a permit or development consent for the damage to, or removal of, trees or vegetation where the species, size, location or other criteria are prescribed in a DCP. This clause also lists exclusions where a permit or development consent is not required.
5.9AA Trees or vegetation not prescribed by development control plan [compulsory]	Provides that damage to, or removal of, any tree or vegetation not prescribed by the DCP under clause 5.9 is permitted without development consent.
5.10 Heritage conservation [compulsory] Schedule 5	<p>Relates to the conservation of heritage items, heritage conservation areas, archaeological sites and Aboriginal objects, Aboriginal places of heritage significance in the Woollahra LGA</p> <p>Heritage items, heritage conservation areas and archaeological sites in the Woollahra LGA are listed in Schedule 5 of Draft LEP 2013 and shown on the Heritage Map.</p> <p>The clause indicates whether development consent is required to carry out development involving a heritage item, an archaeological site, an Aboriginal place of heritage significance or within a heritage conservation area. It also enables Council to require a heritage management document or heritage conservation management plan to be prepared where consent is required.</p> <p>Establishes the consultation requirement for development proposals on an archaeological site, an Aboriginal place of heritage significance or where it is proposed to demolish a nominated State heritage item.</p> <p>Includes conservation incentives to allow development (subject to consent) for any purpose of a building that is:</p> <ul style="list-style-type: none"> • A heritage item • Land on which there is a heritage item • An Aboriginal place of heritage significance <p>even though it would not be otherwise allowed by Draft LEP 2013.</p> <p>Subclause (9) also includes those matters which Council must consider in deciding whether to grant development consent or not.</p> <p>For further information see Chapter 7 – Heritage conservation.</p>
5.11 Bush fire hazard reduction [compulsory]	Allows bushfire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> to be carried out on any land without development consent.
5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]	<p>Provides that Draft LEP 2013 cannot restrict or prohibit:</p> <ul style="list-style-type: none"> • Carrying out development, by or on behalf of a public authority, where the development is permitted or exempt development under <i>State Environmental Planning Policy (Infrastructure) 2007</i>. • The use of existing buildings of the Crown by the Crown.

2.7 Part 6 – Additional local provisions

Part 6 includes specific provisions to address local planning matters.

Many of the clauses are Model local clauses that have been provided by DP&I. The DP&I strongly encourage councils to use the Model local clauses rather than drafting their own clauses to deal with similar issues.

Draft LEP 2013 clause	Explanation
6.1 Earthworks [local]	Outlines the circumstances when development consent is required to carry out earthworks and provides the matters which must be considered prior to granting development consent.
6.2 Development on the foreshore must ensure access[local]	Includes matters for consideration when a consent authority is assessing a development application in the foreshore area. The matters for consideration include continuous public access to and along the foreshore, reinforcing the foreshore character and management of sea level rise or change of flooding patterns as a result of climate change.

Draft LEP 2013 clause	Explanation
6.3 Foreshore building line [local]	<p>Includes matters for consideration when a consent authority is assessing a development application beyond the foreshore building line. The matters for consideration include the appearance of the proposed structure, environmental harm and the amenity or aesthetic appearance of the foreshore.</p> <p>There are two foreshore building lines identified on the Foreshore Building Line Map: a 12m line and a 30m line. Both lines are measured from the mean high water mark of the waters of Port Jackson, and the exact location of each line is to be ascertained by a surveyor at the time of the application.</p> <p>To protect the significance of the foreshore area, only limited development is allowed occur between the mean high water mark and the 12m foreshore building line. Certain development may be acceptable, such as:</p> <ul style="list-style-type: none"> • The extension, alteration or rebuilding of an existing building which is wholly or partly in the foreshore building line area • Boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools and fences. <p>Beyond 12m dwelling houses are permitted providing they comply with other applicable development standards.</p> <p>Residential flat buildings and multi dwelling housing are not allowed between the mean high water mark and 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>In preparing Draft LEP 2013, we have provided consistency in our approach to considering development along the foreshore. This has been achieved by extending the 12m foreshore building line to apply to every residential property that has direct frontage onto the foreshore.</p> <p>The 12m foreshore building line has been applied to an additional 18 properties.</p> <p>The location of these properties can be seen on the Foreshore Building Line – Draft Change Layer (see Chapter 9 – Draft Change Layers).</p> <p>The WLEP 95 30m foreshore building line has been translated into Draft LEP 2013.</p>
6.4 Restriction on consent for particular sex services premises [local]	<p>Includes matters for consideration when a consent authority is assessing a development application for sex services premises on land that adjoins, is directly opposite or is separated only by a local road from land:</p> <ul style="list-style-type: none"> • Zoned R2 Low Density Residential, R3 Medium Density Residential, or RE1 Public Recreation • Used for the purpose of a place of public worship or for community or school uses <p>The matters for consideration include the impact of the proposed development and its hours of operation on specified places likely to be regularly frequented by children.</p>

Draft LEP 2013 clause	Explanation
6.5 Particular dual occupancy subdivisions must not be approved [local]	Prevents the creation of separate titles for two dwellings which have been developed as a dual occupancy.
6.6 Non-residential uses in heritage conservation areas [local clause]	<p>Applies to residential land in heritage conservation areas. It 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 mix of non-residential uses in our heritage conservation areas, even though they are located in residential zones.</p> <p>The uses that are allowed in these properties are limited to business premises, office premises, community facilities, information and education facilities, educational establishments, public administration buildings and shops.</p> <p>Matters for consideration include the protection of the heritage significance of the building and the design of external works must be compatible with the surrounding conservation area.</p>
6.6A Building amalgamation within heritage conservation areas [local clause]	<p>Applies to non-residential land buildings in heritage conservation areas.</p> <p>The purpose of this clause is to retain the subdivision patterns in our heritage conservation areas.</p> <p>Matters for consideration include the protection of the heritage significance of the building, and consistency with the historic subdivision patterns.</p>
6.7 Acid Sulfate Soil [local]	<p>Applies to land identified on the Acid Sulfate Soils Map. Development on land containing acid sulfate soils must be carefully managed to ensure that the works do not cause environmental damage and damage to buildings.</p> <p>This clause identifies the different classes of acid sulfate soils and the types of works that require consent.</p>
6.8 Flood Planning [local]	<p>Applies to land below the flood planning level (FPL). The FPL means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5m² metres freeboard.</p> <p>This clause includes the matters that the consent authority must be satisfied with prior to granting consent for a proposed development on land below the FPL.</p>

² The freeboard level is identified in the Draft Stormwater DCP to be adopted by Council.

2.8 Schedules

Draft LEP 2013 contains the following Schedules which relate to the corresponding clauses.

Draft LEP 2013 schedule	Relevant clause in Draft LEP 2013
Schedule 1: Additional permitted uses	<p>Clause 2.5 Additional permitted uses for particular land.</p> <p>Twelve sites are identified in the plan which have additional uses permitted.</p> <p>Seven sites are translated from WLEP 95.</p> <p>Five new sites are included in Draft LEP 2013 in order to recognise the mix of uses on the site, and to prevent the site being subject to the existing use rights provisions in the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The 12 sites are listed below.</p>
1. 39 Vernon St, Woollahra	<i>Translated from WLEP 95.</i>
2. 25 Hampden St, Paddington	<i>Translated from WLEP 95.</i>
3. 400 Glenmore Rd, Paddington	<i>Translated from WLEP 95.</i>
4. 13-21 Macdonald St, Paddington	<i>Translated from WLEP 95.</i>
5. 257 Glenmore Rd, Paddington	<i>Translated from WLEP 95.</i>
6. 3 South Ave, Double Bay	<i>Translated from WLEP 95.</i>
7. 421a & 241b Glenmore Rd, Paddington	<p><i>New site not contained in WLEP 95.</i></p> <p><i>Additional permitted use is a shop.</i></p>
8. 9A Cooper Park Rd, Bellevue Hill	<i>Translated from WLEP 95.</i>
9. 63-65 Ocean St, Woollahra	<p><i>New site not contained in WLEP 95.</i></p> <p><i>Additional permitted use is a function centre.</i></p>
10. 9 Marine Pde, Watsons Bay	<p><i>New site not contained in WLEP 95.</i></p> <p><i>Additional permitted use is a function centre.</i></p>
11. 104 Manning Rd, Double Bay	<p><i>New site not contained in WLEP 95.</i></p> <p><i>Additional permitted use is a vehicle body repair workshop and vehicle repair station.</i></p>
12. 51 William St, Double Bay	<p><i>New site not contained in WLEP 95.</i></p> <p><i>Additional permitted use is an office premises and a shop.</i></p>

Draft LEP 2013 schedule	Relevant clause in Draft LEP 2013
Schedule 2: Exempt development	<p>Clause 3.1 Exempt development</p> <p>The three types of exempt development are:</p> <ul style="list-style-type: none"> • Temporary use of council land • Restaurants or cafes (located on the footway of a public road) • Signage
<i>Temporary use of council land</i>	<p><i>New exempt provision, not contained in WLEP 95.</i></p> <p><i>The purpose of this new provision is to facilitate the temporary use of council land for activities such as markets and community festivals.</i></p> <p><i>Provision applies to land owned by, or under the care of Council.</i></p> <p><i>The temporary use must not be for more than 52 days (whether or not consecutive) in any 12 month period.</i></p>
<i>Restaurants or cafes (located on the footway of a public road)</i>	<p><i>New exempt provision, not contained in WLEP 95. The exempt provisions are based on existing consent provisions in Council's Policy and Procedures for Footway Restaurants and Display of Goods.</i></p> <p><i>The purpose of this new provision is to facilitate dining on public footways under certain circumstances.</i></p> <p><i>Provision applies to footway dining on a public road.</i></p> <p><i>The footway dining must:</i></p> <ul style="list-style-type: none"> • <i>Be associated with an approved restaurant or café</i> • <i>Not apply to premises adjoining a road intersection</i> • <i>Maintain a 1.8m pedestrian passage, and not obstruct access to neighbouring properties</i> • <i>Must be located a minimum of 600mm away from the kerb and gutter</i> • <i>Not have furniture within 3m of a bus stop, taxi stand or pedestrian crossing</i> • <i>Not be used beyond the approved hours of the premises (or 7am-9pm) whichever is the more restrictive</i> • <i>Have temporary items and structures that are removed out of the hours of operation.</i>

Draft LEP 2013 schedule	Relevant clause in Draft LEP 2013
<i>Signage</i>	<p><i>Provisions broadly reflect the intent of exempt provisions in Woollahra Exempt and Complying DCP 2005.</i></p> <p><i>Contains general provisions for all signage, as well as detailed provisions for eight types of signage.</i></p> <p><i>These are:</i></p> <ul style="list-style-type: none"> • <i>Business identification signs</i> <ul style="list-style-type: none"> – <i>Fascia signs</i> – <i>Flush wall signs</i> – <i>Top hamper signs</i> – <i>Suspended under awning signs</i> – <i>Window signs</i> • <i>Advertising signs</i> <ul style="list-style-type: none"> – <i>Community notice signs and public information signs</i> – <i>Temporary sign for religious, cultural, political, social or recreational events</i> – <i>Real estate signs</i>
Schedule 3: Complying development <i>Note: No complying development is listed in Schedule 3 of Draft LEP 2013.</i>	Clause 3.2 Complying development
Schedule 4: Classification and reclassification of public land	<p>Clause 5.2 Classification and reclassification of public land.</p> <p>Two sites identified for reclassification as operational land are:</p> <ul style="list-style-type: none"> • Woollahra – Queen Street car park, 53 Moncur Street (Lot 4, DP 218022) • Rose Bay – Land adjoining 15A Dumaresq Road (Lot 2, DP 771099)
Schedule 5: Environmental heritage	<p>Clause 5.10 Heritage conservation</p> <p>Schedule lists:</p> <ul style="list-style-type: none"> • Heritage items • Heritage conservation areas • Heritage items – Archaeological sites

2.9 Dictionary

The Standard LEP includes a Dictionary of standard definitions relating to land uses and other terms relevant to the interpretation and application of LEPs. The Dictionary includes definitions that describe land use terms or activities that may be included in the **Land Use Tables** under Part 2 of Draft LEP 2013.

The Dictionary is a mandatory provision of the Standard LEP and has been included in its entirety in Draft LEP 2013. Council cannot alter the standard definitions or add definitions in the Dictionary.

PART 3. CONVERTING WOOLLAHRA LEP 1995

In complying with the Standard LEP format, some of the content of the WLEP 95 written instrument has been deleted or moved into the relevant DCP³.

3.1 The written instrument

The table below runs through each section and control in WLEP 95 and identifies whether the:

- General intent is reflected in Draft LEP 2013 in a similar control (**LEP**)
- Control is moved into the relevant DCP (**DCP**) or
- Control is deleted (**Delete**)

This should be read in conjunction with WLEP 95 and Draft LEP 2013 written instrument.

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
Part 1 Preliminary		
1 The name of this plan	LEP	Converted into <i>Clause 1.1: Name of the plan.</i>
2 The aims and objectives of this plan	LEP	WLEP 95 contains nine broad aims and 14 detailed objectives, some with sub-objectives. In complying with the Standard LEP format the aims and objectives have been condensed into a series of aims only. There are 11 aims in section <i>1.2 Aims of the plan</i> in Draft LEP 2013.
3 Where this plan applies	LEP	Converted into <i>Clause 1.3 Land to which this Plan applies.</i>
4 How this plan relates to other environmental planning instruments	LEP	Converted into <i>Clause 1.8 Repeal of other local planning instruments applying to land.</i>
5 Definitions and interpretations	LEP	Converted into <i>Clause 1.4 Definitions.</i>
6 Adoption of the Environmental Planning and Assessment Model Provisions 1980	Delete	Draft LEP 2013 complies with the Standard LEP format. The model provisions identified in this clause are superseded.
7 Consent authority for development	LEP	Converted into <i>Clause 1.6 Consent authority.</i>

³ A development control plan (DCP) is a planning document that supplements an LEP. DCPs guide future development within a local context, and provide more detailed planning and design guidelines.

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
Part 2 Development Control Tables – General provisions for the development of land		
8 Development control tables – general provisions for the development of land.	LEP	<p>The development control tables in WLEP 95 set out all the land use zones that apply in Woollahra. The land use zones establish the types of land uses that are permitted (with or without consent) or prohibited in each zone. These have been converted into the Land Use Table in Part 2 of Draft LEP 2013.</p> <p>Draft LEP 2013 converts existing zones from WLEP 95 into a format consistent with the Standard LEP. WLEP 95 contains 13 zones and Draft LEP 2013 contains 11 zones.</p> <p>As far as possible, the existing WLEP 95 zones, land uses and objectives have been converted to the equivalent ‘best fit’ zone available under the Standard LEP. Although we have sought to convert the current zones, land uses and objectives as much as possible, there have been some changes⁴.</p>
Part 3 Additional provision for the development of land		
9 Subdivision of land	LEP	<p>General intent of this clause is reflected in <i>Clause 2.6 Subdivision – consent requirements</i>.</p> <p>Part 4 of the clause in WLEP 95 prohibits the subdivision of an allotment that was developed as a dual occupancy. This has been converted into <i>Clause 6.5 Particular dual occupancy subdivisions must not be approved</i></p>
10 Allotment sizes for dwelling house	LEP	<p>General intent of this clause is reflected in <i>Clause 4.1 Minimum subdivision lot size</i>.</p> <p>Part 2 of the clause in WLEP 95 makes it clear that a dwelling house may be erected on a lot in a residential zone regardless of the size of the lot, provided that the lot existed when WLEP 95 was in force, and a dwelling house was permissible on that lot under WLEP 95. This has been converted into <i>Clause 4.1BB Erection of dwelling houses on land in residential zones</i>.</p> <p>Part 4 of the clause specifies that any lot resulting from subdivision for the purposes of a dwelling house, must not be less than the minimum lot size shown on the Lot Size Map. This clause has been converted into <i>Clause 4.1 Minimum subdivision lot size</i>.</p> <p>In WLEP 95 a minimum lot size for subdivision only applies to land in the Low Density zone. In Draft LEP 2013 a minimum lot size for subdivision applies to all residential zones.</p>
10A Objectives of site area and site frontage standards for residential flat buildings	LEP/DCP	<p>General intent of this clause is reflected in <i>Clause 4.1 Minimum subdivision lot size</i>. General intent of the site frontage objectives are to be converted from the LEP to the DCP.</p>

⁴ Further information about the translation of the Development Control Tables into Draft LEP 2013 can be found in **Chapter 3 - Land use zones and the land use table**.

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
10B Site area and frontage standards	LEP/ DCP	<p>In Draft LEP 2013, a minimum lot size of 700m² is required by clause 4.1B <i>Minimum lot size for a dual occupancy, multi dwelling housing and residential flat building</i>. This is based on the controls in cl 10B which set a minimum lot size of 930m² for an RFB containing four or more dwellings.</p> <p>Given that an RFB, as defined in the Standard LEP, is 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. i.e. 930m²/4 – 233m², then 233m² x 3 = 700m².</p> <p>However, clause 10B also requires a minimum width of 15 or 21 metres at the front alignment (depending on the number of dwellings in the RFB). The Standard LEP does not make provision for us to include minimum lot widths in Draft LEP, so we will include similar controls in the Draft DCP.</p>
11AA Objectives of floor space ratio standards	LEP	Converted into <i>Clause 4.4 Floor space ratio</i> .
11 Floor space ratios (FSR)	LEP Delete	<p>Converted into <i>Clause 4.4 Floor space ratio</i>.</p> <p>Where a site specific FSR control is no longer relevant because the site has been developed, the control is not included in Draft LEP 2013.</p>
11(3) Floor space ratios (Corner sites in Double Bay)	LEP/ DCP	<p>General intent of clause reflected in <i>Clause 4.4A Area 1 (Double Bay) – floor space ratio</i>.</p> <p>The Standard LEP format does not allow the inclusion of detailed design criteria. These are more appropriately located in the relevant DCP.</p>
11(3A and 4) Floor space ratios (Corner sites in Neighbourhood Centres)	LEP/ DCP	<p>General intent of clause reflected in <i>Clause 4.4B Areas 2 and 3 (selected B1 and B4 centres) – floor space ratio</i>.</p> <p>The Standard LEP format does not allow the inclusion of detailed design criteria. These are more appropriately located in the relevant DCP.</p>
12AA Objectives of maximum building height development standards	LEP	Converted into <i>Clause 4.3 Height of buildings</i> .
12 (1) Height of buildings	LEP	Converted into <i>Clause 4.3 Height of buildings</i> .
12 (2) Height of buildings	LEP	<p>General intent of clause reflected into <i>Clause 4.3A Second heights</i>. WLEP 95 contains seven locations where two maximum building heights apply. We have identified 14 additional locations where this second height limit is to apply in the R3 zone of Draft LEP 2013.</p>

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
13 Community use of certain facilities	Delete	This clause encourages the use of educational establishments for additional community uses. This control is included in <i>State Environmental Planning Policy (Infrastructure) 2007</i> (Part 3, Division 3, Clause 28(3)). There is no need to replicate the control in Draft LEP 2013.
14 Acquisition and development of land reserved for roads	LEP	Converted into <i>Clause 5.1 Relevant acquisition authority</i> .
15 Acquisition of land reserved for open spaces	LEP	Converted into <i>Clause 5.1 Relevant acquisition authority</i> .
16 Development of land uncoloured on the land use map	LEP	Converted into <i>Clause 2.4 Unzoned land</i> .
16A Suspension of certain agreements, covenants and similar instruments	LEP	Replaced by <i>Clause 1.9A Suspension of covenants, agreements and instruments</i> which serves to suspend all instruments that restrict the carrying out of development.
17 Development for certain additional purposes	LEP	Converted into <i>Clause 2.5 Additional permitted uses for particular land</i> .
18 Excavation of land	LEP	Converted into <i>Clause 6.2 Earthworks</i> .
19 Development in the harbour foreshore protection area	Delete (SREP)	<p>The intention of this clause is addressed in controls in <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> (Part 3, Division 2: Matters for consideration). There is no need to replicate the control in Draft LEP 2013.</p> <p>This clause includes the matters that the consent authority must be satisfied with prior to granting consent for a development in the harbour foreshore scenic protection area. In particular, the visual impact when viewed from Sydney Harbour and the impact on the natural landform and topography.</p>
20 Provision of public car parking spaces on certain lands in Double Bay	Delete	<p>This clause is obsolete and is not required in Draft LEP 2013.</p> <p>It requires that the development on certain lands in Double Bay provide at least 405 public car parking spaces. These lands have been developed and the public car parking facility has been retained.</p>
21 Development at No. 9 Cooper Park Road, Bellevue Hill	Delete	<p>This clause is obsolete and is not required in Draft LEP 2013.</p> <p>It requires that the development of 9 Cooper Park Road is limited to a maximum of 27 dwellings. This clause also includes the matters that the consent authority must be satisfied with prior to granting consent.</p> <p>This site has been developed.</p>

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
21A Development at No. 59 William Street, Double Bay	Delete	<p>This clause is obsolete and is not required in Draft LEP 2013.</p> <p>It encourages the development on the site for a museum and art gallery (the John Passmore Museum of Art).</p> <p>This site has been developed.</p>
21B Development on certain land in Rose Bay	LEP / DCP	<p>General intent of clause reflected in <i>Clause 4.4C Area 4 (Rose Bay) – height and floor space ratio incentives</i>.</p> <p>The Standard LEP format does not allow the inclusion of detailed design criteria relating to the provision of the Rose Bay Centre square. These are more appropriately located in the relevant DCP.</p>
21BA Development on certain land in Rose Bay	Delete	<p>This clause has been superseded by <i>Clause 7.1 Acid Sulfate Soils</i> that applies to the whole LGA. This site specific clause is not required in Draft LEP 2013.</p> <p>This clause applies to certain lands in Rose Bay. It includes the matters the consent authority must consider for works below the natural surface of the ground, due to the presence of acid sulfate soils.</p>
21C Development at part of No. 13 Albert Street, Edgecliff	Delete	<p>This clause is obsolete as the site has been developed.</p> <p>It requires that the development of the site contains no more than four dwellings.</p>
21D Development at Sir David Martin Reserve and certain adjoining lands	Delete	<p>This clause identifies that development consent must not be granted for the land unless the use is consistent with the terms of the reservation. Council must also take into consideration a plan of management for the land.</p> <p>The terms of this reservation clause restricts the use of the reserve to public recreation and maritime uses only. These terms are restrictive and do not fully reflect Council's intention for the site.</p> <p>Draft LEP 2013 will permit all types of community uses on the site⁵.</p>
22AA Objectives of foreshore building line standards	LEP	<p>This clause identifies the objectives for controlling development in the foreshore areas.</p> <p>These objectives are converted with some amendments into <i>Clause 6.3 Foreshore building line</i>.</p>
22 Foreshore building lines	LEP / Delete	<p>Clause regulates development along the foreshore. The general intention of this clause has been converted into <i>Clause 6.3 Foreshore building line</i>.</p>

⁵ The Department of Primary industries (DPI) support the principle of allowing additional uses on the reserve. Council is working with DP&I in order to update the Terms of the Reservation.

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
24 Land adjoining public open space	DCP	<p>The intention of this clause is moved into the relevant DCP.</p> <p>This clause 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.</p> <p>The Standard LEP format does not allow the inclusion of a clause controlling land adjoining public open space. These detailed design controls are more appropriately located in the relevant DCP.</p>
25 Water, waste water and stormwater systems	DCP	<p>The intention of this clause is moved into the relevant DCP.</p> <p>Consent must not be granted for the purpose unless there are adequate water and sewerage services and the disposal of stormwater is suitably provided for.</p> <p>The Standard LEP format does not allow the inclusion of a clause controlling water, waste water and stormwater systems. These detailed design controls are more appropriately located in the relevant DCP.</p>
25A Classification and reclassification of public land as operational land	LEP	The general intent of this clause is reflected in <i>Clause 5.2 Classification and reclassification of public land</i> .
25B Exempt and complying development	LEP	Replaced by <i>Clause 3.1 Exempt development</i> and <i>Clause 3.2 Complying development</i> .

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
25C Development for the purpose of dual occupancy	LEP/ DCP/ Delete	<p>Where are dual occupancies permissible?</p> <p>This clause permits detached dual occupancy in residential zones apart from heritage conservation areas.</p> <p>The Standard LEP format does not allow the creation of subzones by excluding heritage conservation areas. Secondary dwellings and dual occupancies will be permissible in all of the residential zones including the heritage conservation areas.</p> <p>Lot size and frontage controls</p> <p>Clause 25C (4) in WLEP 95 identifies that a site must not be developed for a detached dual occupancy unless the site area is 930m² or more and the width at the front alignment is 21m or more.</p> <p>We have translated the minimum site area requirement into clause 4.1B: <i>Minimum Lot sizes for a dual occupancy, multi dwelling houses and residential flat building.</i></p> <p>The Standard LEP does not make provision for us to include minimum lot widths in Draft LEP 2013 but the Draft DCP will include similar controls.</p> <p>Built form controls</p> <p>Clause 25C (5) identifies that for a detached dual occupancy, the ancillary dwelling should be limited to a single storey, not exceeding 4.5m and a maximum gross floor area not greater than 20% of the gross floor area of the principal residence.</p> <p>We have not directly translated these controls. Instead, we have a new control for a secondary dwelling (clause 5.4(9)) that permits a second dwelling on a lot that is not greater than 60m² or 5% of the total floor area of the principal dwelling.</p> <p>We also have controls for attached and detached dwellings in the Draft LEP, supported by additional building envelope controls in the Draft DCP. These envelope controls are similar to the controls for dwelling houses.</p>
25D Development on Acid Sulfate Soils Planning Map	LEP	Converted into <i>Clause 7.1 Acid sulfate soils.</i>
25E Development for the purpose of filming	Delete (SEPP)	<i>Controls relating to filming are contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Part 2, Division 1, Subdivision 19A). There is no need to replicate the control in Draft LEP 2013.</i>

WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
Part 4 Heritage provisions		
26 Heritage Items	LEP	General intent of this clause is reflected in <i>Clause 5.10 Heritage conservation</i> .
27 Development in the vicinity of heritage items, heritage item group, heritage conservation areas, archaeological sites or potential archaeological sites	LEP	General intent of this clause is reflected in <i>Clause 5.10 Heritage conservation</i> . The Standard LEP does not allow the inclusion of 'heritage item groups'. To resolve this issue, all items that form part of a heritage item group have been individually listed as heritage items in <i>Schedule 5: Environmental heritage</i> and also described as part of a group.
28 Heritage conservation areas	LEP	General intent of this clause is converted into <i>Clause 5.10 Heritage conservation</i> .
29 Building amalgamation within heritage conservation areas	LEP	General intent of this clause is contained in <i>Clause 6.6A Building amalgamation within heritage conservation areas</i> .
30 Additional uses within heritage conservation areas	LEP	General intent of this clause is contained in <i>Clause 6.6 Non-residential uses in heritage conservation areas</i> .
31 Development of known or potential archaeological sites	LEP	General intent of this clause is contained in <i>Clause 5.10 Heritage conservation</i> .
32 Heritage conservation incentives	LEP	General intent of this clause is contained in <i>Clause 5.10 Heritage conservation</i> .
34 Development at Macquarie Lightstation, Vaucluse	Delete	Clause identifies that consent must not be granted for development on the site, unless a plan of management has been considered. The <i>Local Government Act 1993</i> identifies that community land must be used and managed in accordance with the relevant Plan of Management. There is no need to replicate this control in Draft LEP 2013.
35 Development at No. 188 Oxford Street, Paddington	LEP	Clause identifies the appropriate floor space ratio for the residential and commercial component of a development on the site. General intent of this clause is contained in <i>Clause 4.4D Area 5 (188 Oxford Street) – floor space ratio</i> .

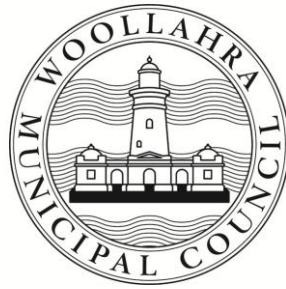
WLEP 95 clause	Status	Relevant clause in Draft LEP 2013/explanation
36 Development at No. 103 Darling Point Road, Darling Point	Delete /DCP	<p>This clause is obsolete and is not required in Draft LEP 2013.</p> <p>This clause includes the matters the consent authority must be satisfied with prior to granting consent for development on the land at 103 Darling Point Road, Darling Point.</p> <p>This site has been developed. Controls relating to minor applications for alterations and additions on the site will be maintained in the Draft DCP.</p>
36A Inter-war flat buildings	Delete	<p>Restricts any alterations to inter-war buildings except with Council's consent.</p> <p>However, building alterations to inter-war buildings are permitted under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. As the SEPP prevails over Draft LEP 2013, this clause is obsolete.</p>
37 Savings and transitional provisions	LEP	General intent of this clause is converted into <i>Clause 1.8A Savings provision relating to development applications</i> .
37A Further savings and transitional provisions	LEP	General intent of this clause is converted into <i>Clause 1.8A Savings provision relating to development applications</i> .

3.2 Schedules

This table identifies the schedules contained in WLEP 95 and the corresponding schedule in Draft LEP 2013.

WLEP 95 schedule	Draft LEP 2013 Schedule
Schedule 1: Definitions	<p>Dictionary</p> <p>The Standard LEP includes a Dictionary of standard definitions relating to land uses and other relevant terms. The Dictionary is a mandatory provision of the Standard LEP, and Council can not alter the standard definitions or add definitions.</p>
Schedule 2: Development for certain additional purposes	<p>Schedule 1: Additional permitted uses</p> <p>Allows for certain development to be permitted on particular sites despite being contrary to the Land Use Table or other provisions in the plan. Where still relevant, these are to be converted into Schedule 1 of Draft LEP 2013.</p> <p>Sixteen sites are identified in Schedule 2 of WLEP 95. Seven of these are converted into Schedule 1 of Draft LEP 2013, and five additional sites have been identified. See Part 2.8 above.</p>
Schedule 3: Heritage items	<p>Schedule 5: Environmental Heritage</p> <p>Identifies items with heritage significance in Woollahra. The new schedule has been amended in the following manner:</p> <ul style="list-style-type: none"> • Reflect new land subdivision patterns • Delete references to trees that have been removed • Clarified address and listing details (where necessary) • Corrected mapping and scheduling errors. <p>For further information see Chapter 7 – Heritage conservation.</p>
Schedule 4: Classification and reclassification of public land as operational land	<p>Schedule 4: Classification and reclassification of public land</p> <p>Enables Council to classify or reclassify public land as ‘operational land’ or ‘community land’ in accordance with the <i>Local Government Act 1993</i>. Under the <i>Local Government Act 1993</i> public land is generally land vested in or under the control of Council (other than roads, Crown Reserves and commons).</p> <p>Five sites were identified in Schedule 4 of WLEP 95, and are therefore appropriately classified. Draft LEP 2013 identifies two sites (see <i>Clause 5.2 Classification and reclassification of public land</i>).</p>
Schedule 5: Suspension of certain agreements, covenants and similar instruments	<p>Deleted.</p> <p>Schedule is superseded by <i>Clause 1.9A Suspension of covenants, agreements and instruments</i> in Draft LEP 2013. This clause serves to suspend all agreement, covenant or other similar instrument that restricts the carrying out of development that would otherwise be able to be carried out under this Plan.</p>

WLEP 95 schedule	Draft LEP 2013 Schedule
Notes – Table of provisions	Deleted. Table of provisions is identified in the contents pages of Draft LEP 2013.
Table of amendments	Should any amendments be made to Draft LEP 2013 a table of amendments will be inserted at the end of the written instrument.



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 3

LAND USE ZONES AND THE LAND USE TABLE

This chapter provides an overview of the land use zones applied in Draft Woollahra Local Environmental Plan (Draft LEP 2013).

Land use zones are used to identify how land can be used and developed. Every property is covered by a land use zone. Land is placed into zones based on its characteristic and the types of land uses that are suited to a particular location.

Draft LEP 2013 converts zones and land uses from Woollahra Local Environmental Plan 1995 (WLEP 95) into a format consistent with the Department of Planning and Infrastructure's Standard LEP template.

An explanation of how the current zones and land uses have been converted into Draft LEP 2013 and the key changes that have occurred are contained in this chapter.

Table of contents

PART 1. BACKGROUND	1
1.1 Land use zones	1
1.2 Zone translation	1
1.3 All land, including roads must be zoned.....	1
1.4 Land use table.....	1
1.5 Land use matrix	2
1.6 Land use terms	2
1.7 Land Use Map – Draft Change Layer	2
PART 2. ZONE CONVERSION TABLE	3
PART 3. RESIDENTIAL ZONES	4
3.1 R2 Low Density Residential	4
3.2 Regional Open Space Reservations	8
3.3 R3 Medium Density Residential	9
PART 4. BUSINESS ZONES	15
4.1 B1 Neighbourhood Centre.....	16
4.2 B2 Local Centre.....	18
4.3 B4 Mixed Use.....	20
PART 5. SPECIAL PURPOSE ZONES	24
5.1 SP2 Infrastructure.....	24
5.2 SP3 Tourist.....	26
PART 6. RECREATION ZONES	27
6.1 RE1 Public Recreation.....	27
6.2 RE2 Private Recreation	30
PART 7. ENVIRONMENTAL PROTECTION ZONES	31
7.1 E1 National Parks and Nature Reserves	31
7.2 E2 Environmental Conservation	31

PART 1. BACKGROUND

1.1 Land use zones

All councils are required to use standard land use zones from the Standard LEP template. The naming of the zones, some land uses and objectives are compulsory.

Land use zones are a way of locating compatible land uses together. Land use zones establish the types of land uses that are permitted (with or without consent) or prohibited in each zone. Land use zones are shown as coloured areas on the **Land Use Map**. Typical zoning colours are shades of pink for residential use and shades of blue for commercial use, with recreational areas shown in green.

1.2 Zone translation

Draft LEP 2013 converts existing zones from WLEP 95 into a format consistent with the Standard LEP. WLEP 95 contains 13 zones and Draft LEP 2013 contains 11 zones. The 'zone conversion' from WLEP 95 to Draft LEP 2013 is shown in the **Zone Conversion Table** in Part 2.

As far as possible, the existing WLEP 95 zones, land uses and objectives have been converted to the equivalent 'best fit' zone available under the Standard LEP. For example, the 2(a) Low Density Residential zone in WLEP 95 is considered to be equivalent to the R2 Low Density Residential zone in Draft LEP 2013.

Although we have sought to convert the current zones, land uses and objectives as much as possible, there have been some changes. The key changes have been identified in this chapter.

1.3 All land, including roads must be zoned

The DP&I Practice Note PN 11-001 states that all land must be zoned in Draft LEP 2013. This includes roads. This differs from WLEP 95 which only applies a zone to individual parcels, and not to roads.

To comply with the DP&I Practice Note, the zone we have applied to most unzoned land has been determined by the predominant adjoining zone. Exceptions to this occur in regards to roads that are identified as *classified roads*. Classified roads are to be zoned SP2 Infrastructure (see Part 5.1). Another exception is where a path or road provides a key access way to a piece of open space. In these cases the proposed zones for the access way is RE1 Public Recreation (see Part 6.1).

1.4 Land use table

Each zone contains specific land uses that are permissible (with or without consent) and uses that are prohibited. These are identified in the **Land Use Table** in the written part of Draft LEP 2013.

As the land use tables in WLEP 95 and Draft LEP 2013 are not a direct translation some new land uses will become permissible and some will become prohibited under the zoning framework in Draft LEP 2013. These changes are not significant, and the proposed land uses are consistent with the objectives of Draft LEP 2013 zones. These land use changes are identified for each zone.

1.5 Land use matrix

A **Land Use Matrix** has been prepared and is included in Chapter 8. This provides a list of the information contained within the Land Use Table of Draft LEP 2013. It is a quick and easy way to see what land uses are either permissible (with or without consent) or prohibited in each zone.

1.6 Land use terms

The Standard instrument includes a Dictionary of standard definitions relating to land uses and other terms relevant to the interpretation of Draft LEP 2013. Approximately half of the standard definitions can be included in the Land Use Table, e.g. 'dwelling house', 'hospital' or 'child care centres'.

The Dictionary includes a number of 'groups' of land use terms that are broadly related by type of use. These land uses are included under an umbrella definition, called a 'group term'. By using 'group terms' the Land Use Table can easily refer to a number of land uses without needing to list them individually.

For example:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

Some group terms also contain one or more 'subset terms' that cover other defined land use terms. For example, the term 'food and drink premises' falls under the group term 'retail premises'.

The **Land Use Matrix** in Chapter 8 identifies all the land use terms including the group terms, and the subsets of these are shown indented.

1.7 Land Use Map – Draft Change Layer

In complying with the Standard LEP format, as far as possible the existing WLEP 95 zones have been converted to the equivalent 'best fit' zone in Draft LEP 2013. However, zone changes have occurred on some sites due to the rigidity of the Standard LEP format.

Having reviewed all sites and land uses in the LGA, we identified if the proposed zone is an appropriate match to the existing use on each site. Where necessary, we have amended the zoning to more accurately reflect the current use.

All zone changes for individual sites are identified in the tables in this chapter with a unique change number. These change numbers correspond to the **Land Use Map – Draft Change Layer** (see **Chapter 9 – Draft change layers**).

Note: Applying the 'predominant adjoining zone' to local roads or areas of unzoned land is not identified as a change in the majority of cases.

PART 2. ZONE CONVERSION TABLE

The 13 zones in WLEP 95 have been converted to the 11 equivalent 'best fit' zones in Draft LEP 2013.

Woollahra LEP 1995 Zone		Draft Woollahra LEP 2013 Zone	
2(a) Residential A	→	R2 Low Density Residential	Residential zones
2(b) Residential B	→	R3 Medium Density Residential	
3(c) Neighbourhood Business C (Smaller neighbourhood centres)	→	B1 Neighbourhood Centre	Business zones
3(a) General Business A	→	B2 Local Centre	
3(b) Special Business B (Double Bay) (Edgecliff)	→	B4 Mixed Use	
3(c) Neighbourhood Business C (Larger neighbourhood centres)	→	B4 Mixed Use	
3(b1) Restricted Special Business B1	→	SP3 Tourist	Special Purpose zones
State/classified roads	→	SP2 Infrastructure	
5 Special Use	→	Apply predominant adjoining zone	
6 Open Space	→	RE1 Public Recreation	Recreation zones
	→	RE2 Private Recreation	
8 National Parks and Nature Reserves	→	E1 National Parks and Nature Reserves	Environmental Protection zones
Intertidal zone	→	E2 Environmental Conservation	
Unzoned land	→	Apply predominant adjoining zone	
Local roads	→		

Key

Unzoned land

PART 3. RESIDENTIAL ZONES

The Residential 2(a) and 2(b) zones in WLEP 95 will be converted into the R2 Low Density Residential zone and R3 Medium Density Residential zone.

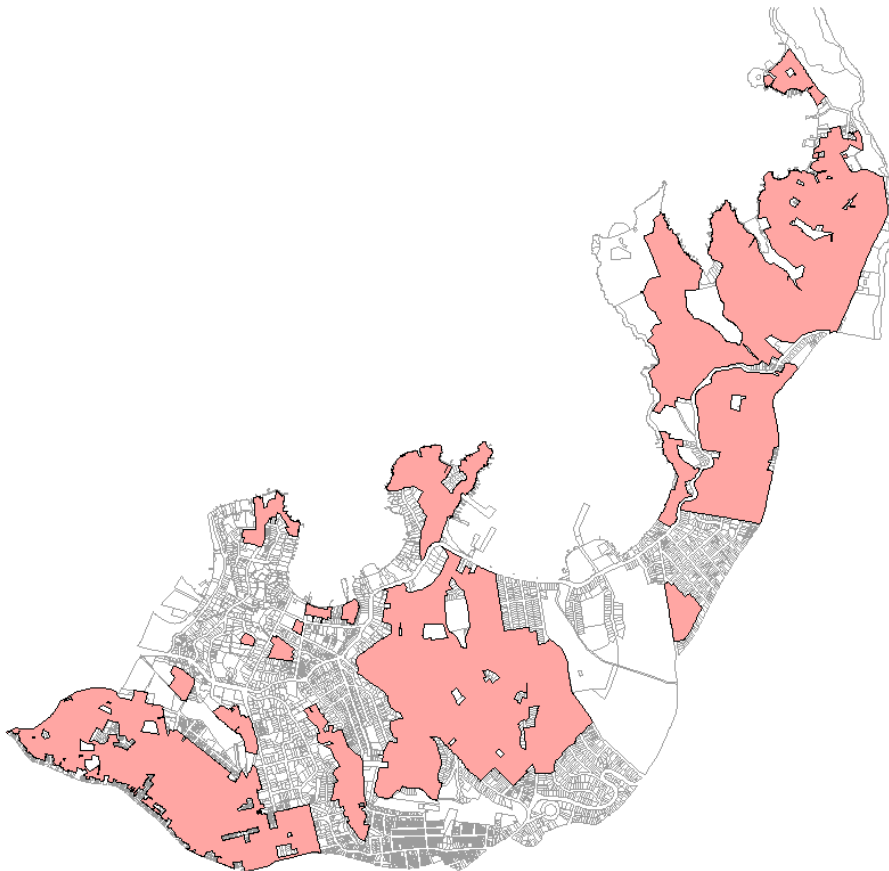
3.1 R2 Low Density Residential

The R2 Low Density Residential zone allows with consent dwelling houses, dual occupancies, semi-detached dwellings, boarding houses and group homes. Other permissible uses in the zone include a limited number of non-residential uses that provide facilities or services to meet the day-to-day needs of residents such as childcare centres and recreation areas.

It is similar to the 2(a) Residential zone in WLEP 95.

The R2 Low Density Residential zone is proposed for the majority of residential land in the LGA. This includes Paddington, western parts of Woollahra, North Bellevue Hill, North Rose Bay, Vaucluse and Watsons Bay.

FIGURE 1: Map showing the R2 Low Density Residential zone



3.1.1 Permissible land uses: Changes between the existing 2(a) and proposed R2 zone

Although the purpose of the low density residential zone is similar in both the WLEP 95 and the Draft LEP 2013, there are a few changes to the land uses permitted in the new LEP. These changes will not have a detrimental impact on local planning outcomes. The key changes are identified below.

The following additional use will become permissible without consent:

- Home occupations (in any dwelling)¹

The following uses will become permissible:

- Attached dwellings
- Boarding houses
- Dual occupancies (not currently permitted if located in a heritage conservation area)
- Environmental protection works
- Group homes
- Home industry
- Respite day care centres
- Secondary dwellings

The following use will no longer be permissible:

- Hospitals

Note: There are no hospitals currently located in the 2(a) zone. In the new 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.

FIGURE 2: 1-3 Palmerston St, Vaucluse



¹ In the R2 zone, the standard instrument mandates that home occupations are permissible in any dwelling, including RFBs. In WLEP 95, home occupations are permissible without consent in dwelling houses only.

3.1.2 Sites identified for rezoning to the R2 Low Density Residential zone

The following sites are recommended for rezoning to R2 Low Density Residential.

Change number	Location	WLEP 95 zone	Rationale
R2.1	5-7 Mansion Rd, Bellevue Hill	Part 2(a) and part 5 Special Use (<i>School</i>)	<p>The eastern portion of the site is zoned part 5 Special Use, whilst the majority of the site is zoned residential.</p> <p>The DP&I does not support part zoning single parcels. Accordingly, the low density zone is applied to the whole site.</p>
R2.2	Part of 19 Cranbrook La & 33-35 Cranbrook Rd, Bellevue Hill	Unzoned	<p>These two parcels form part of the adjoining residential use but are currently unzoned. The zone should reflect their residential use.</p>
R2.3	86 Darling Point Rd, Darling Point	Part 2(a) and part Zone 6 Open Space	<p>Whole site is privately owned and contains a private dwelling. A small portion of the site adjoining Darling Point is zoned for open space. Applying the low density zone to the whole site is an appropriate reflection of the use of the site.</p>
R2.4	6 Clarence St, Double Bay	Part 2(a) and Part 2(b)	<p>Site contains a single dwelling house. The access handle to Clarence St is zoned medium density 2(b), whilst the rest of the property is zoned 2(a).</p> <p>The DP&I does not support part zoning single parcels. Applying the low density zone to the whole site is an appropriate reflection of the use of the site.</p>
R2.5	200 Boundary St, Paddington	5 Special Use (Arterial Road Reservation)	<p>A small part of this property is currently zoned 5 Special Use for the purpose of Arterial Road Reservation.</p> <p>Under the Standard Instrument all land must have a zone. A reservation is not a zone, but rather, an intent to acquire the land for a particular purpose. The intent to acquire is shown on the Land Reservation Acquisition Map in the new LEP. This is an overlay to the zone of the land, and not a zone in itself.</p> <p>In applying the Standard Instrument approach, we have applied the adjoining R2 Low Density Residential zone. We have also identified the land on the Land Reservation Acquisition Map, and therefore <i>clause 5.1 Classification and reclassification of public land</i> applies.</p>
R2.6	2 Cooper St, Paddington (Scottish Hospital)	5 Special Use (Hospital)	<p>The site is known as the Scottish Hospital, and was previously used as a hospital and nursing home. The land has development approval for a seniors living development including a 100 bed residential aged care facility and 79 independent living units and support services.</p> <p>The adjoining low density zone is appropriate for the site, and the approved land use.</p>

Change number	Location	WLEP 95 zone	Rationale
R2.7	Laneway to the south of 53 Flinton St, Paddington	6 Open Space	Land acts as a public laneway linking Flinton St and Elfred St. The land does not contribute to the objectives of the open space zone, and the adjoining R2 Low Density Residential zone is proposed.
R2.8	Land adjoining 15A Dumaresq Rd, Rose Bay	Unzoned	This triangular portion of land was reclaimed from the harbour by Council for the purpose of selling/leasing. This land forms part of the adjoining private residential dwelling and the zone should reflect the residential use.
R2.9	39 Palmerston St, Vaucluse	Part 2(a) and Part 6 Open Space	Site is privately owned, and has been developed for the purpose of a private dwelling. A small portion of the site adjoining is zoned for open space. Applying the low density zone to the whole site is an appropriate reflection of the use of the site.
R2.10	333 Old South Head Rd, Watsons Bay	6 Open Space	Site contains a single dwelling which is in private ownership. The open space zone is no longer appropriate, and the adjoining Low Density Residential zone is proposed.
R2.11	109A Jersey Rd, Woollahra	5 Special Use (Church)	A former church, this site contains an RFB containing four dwellings. The special use zone is no longer appropriate for the residential use, and the adjoining R2 Low Density Residential zone is proposed.
R2.12	118 Wallis St, Woollahra	5 Special Use (Integrated housing for aged persons/ community facility)	The site is known as Emanuel Gardens, and contains independent seniors living accommodation. The adjoining low density residential zone is an appropriate zone for the site and its residential use.

3.2 Regional Open Space Reservations

Reservations apply to private lands that either Council or the DP&I seek to acquire in the future. Local Open Space Reservations apply where Council is the relevant acquisition authority, and Regional Open Space Reservations apply where the DP&I is the relevant acquisition authority.

In WLEP 95 these reservations are identified on the Land Use Map. Draft LEP 2013 includes a separate **Land Reservation Acquisition Map** which serves the same purpose as identifying the reservations on the **Land Use Map**.

However, the extent of land identified as reservations is changing. Only parts of the Regional Open Space Reservations at Kutti Beach, Vaucluse, will be retained. Existing local reservations that apply to Camp Cove, Gibsons Beach and Lady Martins Beach will be converted into Draft LEP 2013.

Changes: Remove Regional Open Space Reservations

WLEP 95 identifies parts of Kutti Beach, Vaucluse as Regional Open Space Reservations. The DP&I has identified that only the northern part of the beach is to remain as a Regional Open Space Reservation. This part adjoins Wharf Road and provides public access to the beach from the road, via a set of stairs. This part of the reservation will be converted into Draft LEP 2013. The adjoining R2 Low Density zone will be applied to the remaining part of the existing reservation.

In their letter dated 22 May 2009, the DP&I proposed that other planning controls such as foreshore building lines can be used to restrict development adjacent to the beach front. The foreshore building line has been applied to residential properties in this location, to restrict development adjacent to the beach front. The seven properties affected by this change have been identified on the **Foreshore Building Line – Draft change layer** (see **Chapter 9 – Draft change layers**).

TABLE 1: Regional open space reservation to be removed

Change number	Location	WLEP 95 zone	Draft LEP 2013 zone	Rationale
R2.13	Foreshore land at 42, 48, 50, 52 and 52A The Crescent, 8 and 10 Wharf Rd, Vaucluse	6: Regional Open Space Reservation	R2 Low Density Residential	<p>The DP&I has identified that these regional open space reservations should be removed. They no longer intend to acquire this land.</p> <p>In removing the reservation, the open space zone must also be removed and the adjoining R2 Low Density Residential zone is to be applied. The foreshore building line has then been applied to restrict development adjacent to the beach front.</p>

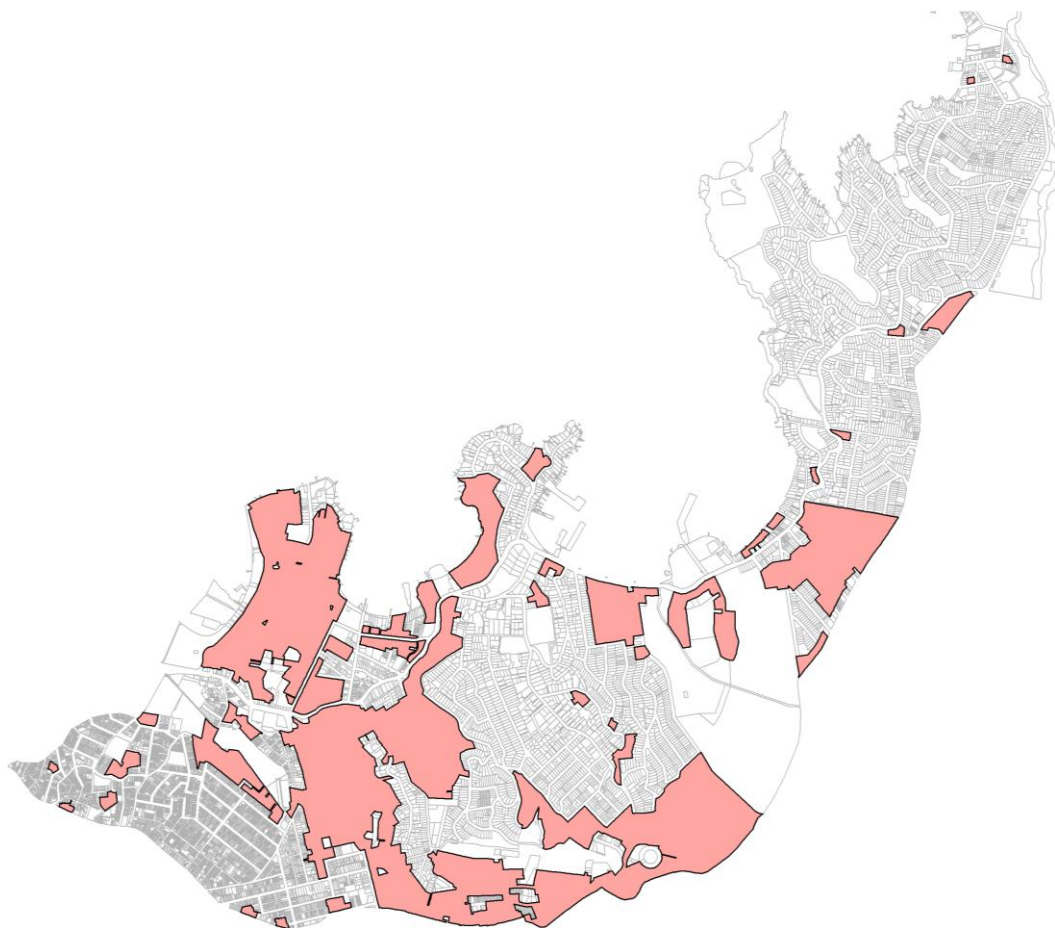
3.3 R3 Medium Density Residential

The R3 Medium Density Residential zone allows all types of residential accommodation including dwelling houses, multi dwelling houses and residential flat buildings (RFBs). A wider variety of residential uses are included to encourage housing choice and diversity in this zone.

It is similar to the 2(b) Residential zone in WLEP 95.

The R3 Medium Density zone is proposed for the remaining residential land in the municipality. This includes Darling Point, Double Bay, parts of Woollahra, South Bellevue Hill and parts of Rose Bay.

FIGURE 3: Map showing the R3 Medium Density Residential zone



3.3.1 Permissible land uses: Changes between the existing 2(b) and proposed R3 zone

Although the purpose of the medium density residential zone is similar in both the WLEP 95 and the Draft LEP 2013, there are a few changes to the land uses permitted in the new LEP. The key changes are identified below. These changes will not have a detrimental impact on local planning outcomes.

The following additional use will become permissible without consent:

- Home occupations (in any dwelling)²

Permissible land uses: Changes between the existing 2(b) and proposed R3 zone

The following additional uses will become permissible:

- Dual occupancies (not currently permitted if located in a heritage conservation area)
- Community facilities
- Environmental protection works
- Group homes
- Hostels
- Neighbourhood shops (maximum of 80m²)
- Places of public worship
- Respite day care centres
- Recreation areas

FIGURE 4: 2A-4 Manion Ave, Rose Bay



² In the R3 zone home occupations are permissible without consent in dwelling houses only.

3.3.2 Sites identified for rezoning to the R3 Medium Density Residential Zone

The following sites are recommended for rezoning to the R3 Medium Density Residential zone.

Change number	Location	WLEP 95 zone	Rationale
R3.1	21-35 Drumalbyn Rd, Bellevue Hill	2(a) Residential	These properties contain groups of RFBs. RFBs are a medium density land use, and the R3 Medium Density zone more appropriately reflects the use of the land.
R3.2	58-62 Drumalbyn Rd, Bellevue Hill		These properties are currently zoned 2(a) Low Density Residential, and RFBs are a prohibited land use in the zone.
R3.3	74-90 and 85-99 Drumalbyn Rd, Bellevue Hill		Rezoning provides certainty to the owners and adjoining residents about the type and scale of development that can occur on the site. The change in zone makes all types of residential land uses permissible on these properties, and the sites will no longer be subject to the existing use rights provisions in the <i>Environmental Planning and Assessment Act 1979</i> .
R3.4	3 Latimer Rd, Bellevue Hill		
R3.5	54-56 Hopewell St, Paddington		
R3.6	776-788 New South Head Rd, Rose Bay		
R3.7	46-50 Towns Rd, Rose Bay		
R3.8	3-9 Military Rd, Watsons Bay		
R3.9	7-11 Salisbury St, Watson Bay		
R3.10	Part of 166 Bellevue Rd, Bellevue Hill	5 Special Use	<p>This site contains a single building. The majority of the property is zoned medium density residential, but a small triangular portion at the front of the site is zoned 5 Special Use. This portion of the site does not provide any special use function.</p> <p>The DP&I does not support part zoning single parcels. The medium density residential zone is to be applied to the whole site.</p>
R3.11	1-3 Buller St, Bellevue Hill	Part 3(c) Neighbour-hood Business and part 2(b) Residential	<p>The site is currently zoned part 3(c) Neighbourhood Business and part 2(b) Residential. The whole site has been developed with an RFB. The part business zone is no longer appropriate.</p> <p>Applying the medium density zone is an appropriate reflection of the use of the site.</p>
R3.12	Part of 4 Carthona Ave, Darling Point (Lot 1, DP 668700)	Part 2(a) and part 2(b) Residential	<p>This linear parcel provides access to the adjoining properties. Half the parcel is zoned low density residential, and half the parcel is zoned medium density residential.</p> <p>The DP&I does not support part zoning single parcels. Accordingly, the medium density residential zone is applied to the whole of the site.</p>

Change number	Location	WLEP 95 zone	Rationale
R3.13	57A Darling Point Rd and 1 Greenoaks Ave, Darling Point	5 Special Use (Church)	Site contains St Mark's Anglican Church, and associated buildings. The use is appropriate in a medium density residential zone, and the adjoining medium density residential zone is proposed.
R3.14	51 William St, Double Bay	Part 2(b) Residential and Part 3(a) General Business	<p>The whole site has been redeveloped with a mixed use development, compromising 48 residential units and two commercial units.</p> <p>The DP&I does not support part zoning single parcels. Applying the medium density zone to the whole site is an appropriate reflection of the use of the site, which is mostly residential.</p>
R3.15	59 William St, Double Bay	Part 2(b) Residential and Part 3(a) General Business	<p>The site has been developed with a three storey building containing three residential dwellings. The part business zone which applies to the driveway at the rear of the property is no longer appropriate.</p> <p>Applying the medium density residential zone to the whole of the site is an appropriate reflection of the use of the site.</p>
R3.16	166-170 New South Head Rd, Edgecliff	Part 2(b) and part 3(a) General Business	<p>These three RFBs have access handles running through the business centre to New South Head Road.</p> <p>The sites are currently zoned part 2(b) Residential, and the access handles are zoned 3(a) General Business. To recognise the use of the sites the medium density zone is to be applied to the whole site.</p>
R3.17	47 Harris St, Paddington	Part 2(b) and part 6 Open Space	<p>Site is privately owned and contains a single residential dwelling. However, a small portion of the property is zoned 6 Open Space.</p> <p>The DP&I does not support part zoning single parcels. Applying the medium density zone to the whole parcel is an appropriate reflection of the use of the site.</p>
R3.18	248 Jersey Rd, Paddington	Part 6 Open Space and part 2(b) Residential	<p>Parcel is privately owned and forms part of the grounds of the private residential flat building. However, a small portion of this site adjoining the Paddington Bowling Club is zoned for open space.</p> <p>Applying the medium density zone to the whole parcel is an appropriate reflection of the use of the site.</p>
R3.19	2 Carlisle St, Rose Bay	5 Special Use (Church)	Site contains St Andrew's Presbyterian Church, and associated building. The use is appropriate in a medium density residential zone, and the adjoining medium density residential zone is proposed.
R3.20	599-601 New South Head Rd, Rose Bay	Part 2(a) and Part 2(b) Residential	The whole site has been developed with a residential care facility. The part low density residential zone at the rear of the property is no longer appropriate. Applying the medium density zone is an appropriate reflection of the use of the site.

Change number	Location	WLEP 95 zone	Rationale
R3.21	624B, 636, and 648 New South Head Rd, Rose Bay	Part 2(b) Residential and Part 3(a) General Business	These three RFBs adjoin the harbour with access handles running through the business centre to New South Head Road. The sites are currently zoned part 2(b) Residential, and the access handles are zoned 3(a) General Business. To recognise the use of the sites the medium density zone is to be applied to the whole site.
R3.22	835 New South Head Rd and 13 Ian St, Rose Bay	5 Special Use (Church)	Site contains St Mary Magdalene Catholic Church, and associated buildings. The use is appropriate in a medium density residential zone, and the adjoining medium density residential zone is proposed.
R3.23	1-7 Hopetoun Ave, 22A-24 New South Head Rd and 1 Petrarch Ave, Vaucluse	2(a) Residential	These properties contain four dwelling houses and three RFBs. Draft LEP 2013 proposes to rezone these properties to the R3 Medium Density Residential zone ³ . This recognises that there are already RFBs on the site, whilst also providing additional opportunities for future medium density residential development.
R3.24	2 Laguna St, Vaucluse (Vaucluse High School Site)	5 Special Use (School)	Previously used as a school, this land is currently vacant and privately owned. The land has development approval for a medium density residential scheme (a seniors living development consisting of self-contained dwellings). The adjoining medium density residential zone is an appropriate zone for this site.
R3.25	17 Adelaide St, Woollahra	5 Special Use (Church)	Site contains Holy Cross Catholic Church and associated buildings. The use is appropriate in a medium density residential zone, and the adjoining medium density residential zone is proposed.
R3.26	2-6 Albert St, Woollahra	5 Special Use (Church)	Site contains a residential care facility. The use is appropriate in a residential zone, and the adjoining medium density residential zone is proposed.
R3.27	10-14 Albert St, Woollahra	5 Special Use (Church)	Site contains St Joseph's Catholic Church, and associated buildings. The use is appropriate in a medium density residential zone, and the adjoining medium density residential zone is proposed.
R3.28	23 Nelson St, Woollahra	5 Special Use (Hospital)	The site is known as the Woollahra Manor, and under the Standard LEP definitions the site contains seniors housing. The site does not operate as a 'hospital', as stated on the WLEP 95 Land Use Map. The adjoining medium density residential zone is an appropriate zone for the site and its use.

³ These sites were identified as an opportunity site. Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the municipality. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in Draft LEP 2013, including this site at Vaucluse Village. Work on the remaining opportunity sites has been deferred until Draft LEP 2013 has been finalised.

Change number	Location	WLEP 95 zone	Rationale
R3.29	50B Ocean St, Woollahra	Part 2(a) and part 2(b) Residential	<p>Site contains a large RFB. The majority of the property is zoned medium density residential. However, a pedestrian walkway, located on the western side of the site is zoned low density residential. This access handle provides a secondary access from Holdsworth St.</p> <p>The DP&I does not support part zoning single parcels. Applying the medium density zone to the whole parcel is an appropriate reflection of the use of the site.</p>
R3.30	53A Ocean St, Woollahra	5 Special Use (Church)	Site contains Saint Columba Uniting Church. The use is appropriate in a medium density residential zone, and the adjoining medium density residential zone is proposed.
R3.31	62 Ocean St, Woollahra	Part 2(a) and part 2(b) Residential	<p>Site contains a large RFB. The majority of the property is zoned medium density residential, but a small portion on the northern tip is zoned low density residential.</p> <p>The DP&I does not support part zoning single parcels. Applying the medium density zone to the whole parcel is an appropriate reflection of the use of the site.</p>
R3.32	85 Ocean St, Woollahra	5 Special Use (Church)	Site contains All Saints Anglican Church. The use is appropriate in a medium density residential zone, and the adjoining medium density residential zone is proposed.

FIGURE 5: All Saints Anglican Church, 85 Ocean St, Woollahra



PART 4. BUSINESS ZONES

Draft LEP 2013 contains three business zones:

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use

The existing four business zones in WLEP 95 are:

- 3(a) General Business
- 3(b) Business Special
- 3(c) Neighbourhood Business
- 3(b1) Restricted Special Business

The translation of business zones into the Standard LEP zones is not as straightforward as the translation for other zones. However, in broad terms the translations are:

- 3(a) General Business → B2 Local Centres
- 3(b) Special Business → B4 Mixed Use (Edgecliff)
B2 Local Centre (Double Bay)
- 3(b1) Restricted Special Business → SP3 Tourist (see Part 4.3)
- 3(c) Neighbourhood Business → B1 Neighbourhood Centre
(smaller neighbourhood centres)
- 3(c) Neighbourhood Business → B4 Mixed Use
(larger neighbourhood centres)

FIGURE 6: Five Ways neighbourhood centre, Glenmore Rd, Paddington



4.1 B1 Neighbourhood Centre

The B1 Neighbourhood Centre zone is the most appropriate fit for our smaller neighbourhood centres currently zoned 3(c) Neighbourhood Business. These centres contain small-scale convenience retail premises, business premises and community uses that serve the day-to-day needs of residents in easy walking distance of where they live.

Smaller centres currently zoned 3(c) Neighbourhood Business have been converted into the B1 Mixed Use zone. This conversion has not been identified as a change.

The B1 Neighbourhood zone is proposed for the centres at:

- Bellevue Hill, Bellevue Hill
- Streatfield Road and Bellevue Road, Bellevue Hill
- Mitchell Road, Darling Point
- Boundary/Glenview, Paddington (*new centre*)
- Elizabeth Street, Paddington
- Five Ways, Paddington
- Plumer Road, Rose Bay
- Rose Bay West, Rose Bay
- Edgecliff Road, Woollahra
- Manning Road, Woollahra
- Hopetoun Avenue, Vaucluse (No. 167-179)
- South Head Roundabout, Vaucluse
- Vaucluse Shopping Village, Vaucluse
- Military Road, Watsons Bay

4.1.1 Permissible land uses: Changes between the existing 3(c) and proposed B1 zone

Although the purpose of the neighbourhood centre zone is similar in both the WLEP 95 and the Draft LEP 2013, there are a few changes to the land uses permitted in the new LEP. The key changes are identified below. These changes will not have a detrimental impact on local planning outcomes.

The following additional use will become permissible without consent:

- Home occupations

In applying the B1 Neighbourhood Centre zone the following uses will become prohibited as they are more appropriately located in our larger centres:

- Entertainment facilities
- Environmental protection works
- Function centres and nightclubs
- Group homes
- Hospitals
- Hostel
- Public administration buildings

4.1.2 Sites identified for rezoning to the B1 Neighbourhood Centre zone

The following sites are recommended for rezoning to the B1 Neighbourhood Centre zone.

Change number	Location	WLEP 95 zone	Rationale
B1.1	98B Bellevue Rd, Bellevue Hill	Part 3(c) Neighbourhood Business and part 2(b) Residential	Site contains 6 shops that form part of the Streatfield Rd/ Bellevue Rd neighbourhood Centre. Site also contains an RFB at the rear which addresses Streatfield Rd and is zoned 2(b). The DP&I does not support part zoning single parcels. Applying the B1 zone to the whole site is an appropriate reflection of the primary use of the site.
B1.2	108-110(c) Boundary St, Paddington	2(a) Residential	The retail properties at the corner of Boundary Street and Glenview Lane, Paddington are currently zoned 2(a) Residential. These properties consist of a beautician, laundrette/dry cleaners and two restaurant/cafes. Draft LEP 2013 proposes to rezone these properties to the B1 zone to recognise their neighbourhood retail function.
B1.3	77 New South Head Rd, Vaucluse	2(a) Residential	This car wash site forms part of the Vaucluse Shopping Village ⁴ . The change in zone makes retail, business and mixed uses permissible, and also provides opportunities for future mixed use development on the site.

FIGURE 7: 108-110(C) Boundary St, Paddington



⁴ This site was identified as an opportunity site. Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the municipality. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in Draft LEP 2013, including this site at Vaucluse Village. Work on the remaining opportunity sites has been deferred until Draft LEP 2013 has been finalised.

4.2 B2 Local Centre

The B2 Local Centre zone applies to places that provide a range of retail, business, entertainment and community functions that serve a wider area than a neighbourhood centre.

The B2 Local Centre zone is proposed for:

- Double Bay Centre
- Edgecliff Commercial Core
- Rose Bay Centre

4.2.1 Permissible land uses: Changes between the existing 3(a) and proposed B2 zone

Although the purpose of the general business/local centre is similar in both the WLEP 95 and the Draft LEP 2013, there are a few changes to the land uses permitted in the new LEP. The key changes are identified below. These changes will not have a detrimental impact on local planning outcomes.

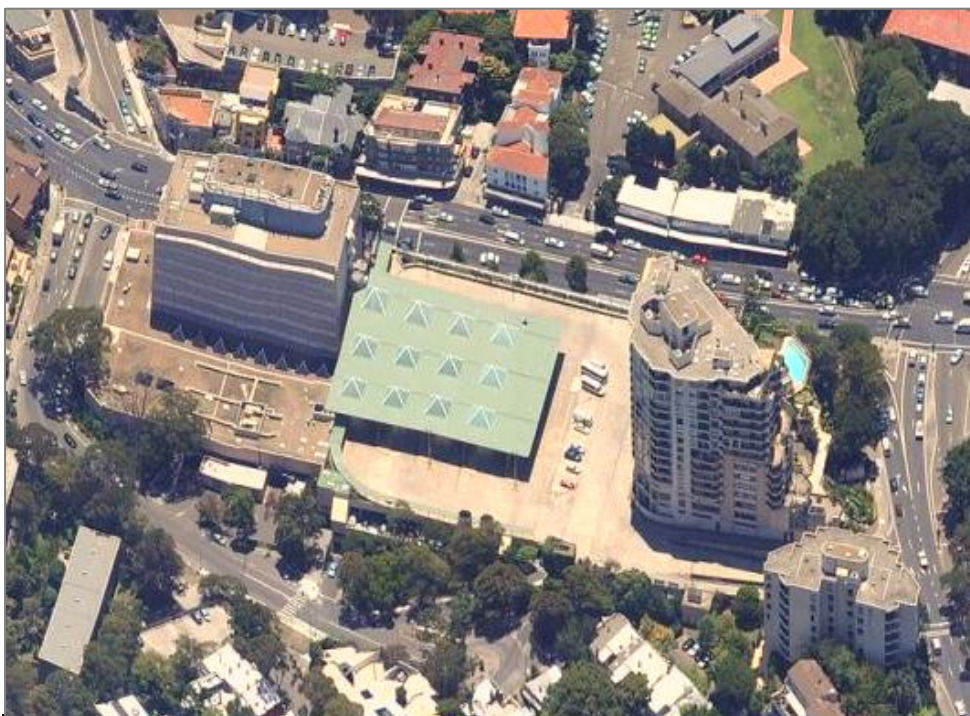
The following additional use will become permissible without consent:

- Home occupations (in any dwelling)

The following additional uses will be permissible:

- Amusement centres
- Backpacker accommodation
- Bulky good premises
- Environmental protection works

FIGURE 8: Oblique aerial of Edgecliff Commercial Core (bounded by New Mclean St, New South Head Rd and Ocean St)



4.2.2 Sites identified for rezoning to the B2 Local Centre zone

The following sites are recommended for rezoning to the B2 Local Centre zone.

Change number	Location	WLEP 95 zone	Rationale
B2.1	422-446 and 475-481 New South Head Rd, Double Bay	3(b) Special Business	<p>Double Bay currently consists of two zones, the 3(a) General Business and 3(b) Special Business zones. These properties include uses such as shop, office, hairdressers and restaurant.</p> <p>In preparing Draft LEP 2013 we rationalised the zoning patterns and reduced the number of zones applying to the Double Bay centre. Draft LEP 2013 proposes that the whole of Double Bay is zoned B2 Local Centre. Applying the B2 Local Centre zone to these properties will permit a greater range of retail uses including shops and restaurants. These uses are prohibited under WLEP 95 in the 3(b) Special Business zone.</p>
B2.2	11 Patterson St, Double Bay	Part 3(a) General Business, part 5 Special Use (Local Road Reservation)	<p>Part of the property adjoining Kiaora Lane is currently zoned 5 Special Use for the purpose of Local Road Reservation.</p> <p>Under the Standard Instrument all land must have a zone. A reservation is not a zone, but rather an intent to acquire the land for a particular purpose. The intent to acquire is shown on the Land Reservation Acquisition Map in the new LEP. This is an overlay to the zone of the land, and not a zone in itself.</p> <p>In applying the Standard Instrument approach, we have zoned the land B2 Local Centre because the land falls within the Double Bay Centre. We have also identified the land on the Land Reservation Acquisition Map, and therefore <i>clause 5.1 Classification and reclassification of public land</i> applies.</p>

4.3 B4 Mixed Use

The B4 Mixed Use zone encourages a wide range of land uses, including commercial, residential, tourist and visitor and community uses. In this zone, residential development above active ground floor uses can be important in sustaining the area and providing housing close to public transport.

The B4 Mixed Use zone is the most appropriate fit for our larger neighbourhood centres currently zoned 3(c) Neighbourhood Business. These centres contain an integrated range of business, residential and retail uses that are in close proximity to public transport. These centres are generally characterised as corridor or strip centres.

Larger centres (or parts of) currently zoned 3(c) Neighbourhood Business have been converted into the B4 Mixed Use zone.

The B4 zone is proposed for:

- Edgecliff commercial corridor on New South Head Road, Edgecliff
- Oxford Street, Paddington
- William Street, Paddington⁵
- Rose Bay North, Rose Bay
- Rose Bay South, Rose Bay
- Queen Street, Woollahra

4.3.1 Permissible land uses: Changes between the existing 3(c) and proposed B4 zone

The B4 Mixed Use zone is the most appropriate fit for our larger neighbourhood centres currently zoned 3(c) Neighbourhood Business. However, in applying the B4 zone there are a few changes to the land uses permitted in the new LEP. These changes will not have a detrimental impact on local planning outcomes. The key changes are identified below.

The following additional use will become permissible without consent:

- Home occupations (in any dwelling)

The following additional uses will become permissible:

- Backpacker accommodation
- Dwelling houses
- Environmental protection works
- Hotel or motel accommodation
- Light industries
- Pubs
- Vehicle repair stations
- Vehicle sales or hire premises

⁵ See change B4.8 in Part 4.3.3 below.

In WLEP 95 Hotels or Pubs and Motel accommodation are prohibited except for specific locations in Paddington⁶. Under the Standard LEP these uses are compulsory in the B4 Mixed Use zone. The provision of Hotels or Pubs and Motel accommodation are appropriate in these larger mixed use centres.

4.3.2 Permissible land uses: Changes between the existing 3(b) and proposed B4 zone (Edgecliff)

Part of the Edgecliff commercial corridor which runs along New South Head Road is currently zoned 3(b) Special Business. In Draft LEP 2013 the B4 Mixed Use zone will apply to all of these properties. In applying the B4 Mixed Use zone a greater range of uses including shops and restaurants will become permissible. Shops and restaurants are currently prohibited in the 3(b) Special Business Zone. However, these additional permitted land uses reflect the range of existing uses and will not have a detrimental impact on local planning outcomes.

The key changes are identified below, and the following additional uses will become permissible:

- Bulky good premises
- Dwelling houses
- Environmental protection works
- Food and drink premises (which includes pubs, restaurants or cafes and take-away food and drink premises)
- Shops
- Vehicle repair stations
- Vehicle sales or hire premises

FIGURE 9: 86-94 William St, Paddington



⁶ The locations in Paddington are: 2-10 Elizabeth St, 338-410 Oxford St, 1A, 3A, 3B, 5, 7 and 52 Victoria St, 220-228 and 205-241 Glenmore Rd, 6-14 Goodhope St, and 2A and 2-8 Heeley St.

4.3.3 Sites identified for rezoning to the B4 Mixed Use zone

The following sites are recommended for rezoning to the B4 Mixed Use zone.

Change number	Location	WLEP 95 zone	Rationale
B4.1	90-114, 138-164, 172-180 New South Head Rd, 2B Darling Point Rd, Edgecliff 73-79, 85-97, 135-191 and 208-212 New South Head Rd, 488-498 and 529-541 Glenmore Rd, 1-2 New Mclean St, Edgecliff	3(a) General Business, 3(b) Business Special	<p>The part of the Edgecliff commercial corridor which runs along New South Head Road currently consists of three zones: 3(a) General Business, 3(b) Special Business and 3(c) Neighbourhood Business.</p> <p>In Draft LEP 2013 the B2 Local Centre zone will only apply to the commercial core around the Edgecliff station.</p> <p>The rest of the properties in the Edgecliff Centre contain a diverse range of uses including carpet retailers, restaurants and travel agents. The B4 Mixed Use zone will apply to all of these properties.</p> <p>Applying the B4 Mixed Use zone to these properties permits a greater range of retail uses including shops and restaurants, and reflects the range of existing uses. Shops and restaurants are currently prohibited in the 3(b) Special Business zone.</p>
B4.2	287-289 and 295-299 New South Head Rd, Edgecliff	2(b) Residential	<p>Two commercial properties are currently zoned 2(b) Residential. Draft LEP 2013 proposes to rezone these properties to the B4 Mixed Use zone to recognise their commercial function and contribution to the Edgecliff commercial corridor.</p> <p>The change in zone permits retail and business uses on these properties.</p>
B4.3	130-136 New South Head Rd, Edgecliff	Part 3(a) General Business, part 5 Special Use (Arterial Rd Reservation)	<p>Parts of these properties are currently zoned 5 Special Use for the purpose of Arterial Road Reservation.</p> <p>Under the Standard Instrument all land must have a zone. A reservation is not a zone, but rather an intent to acquire the land for a particular purpose. The intent to acquire is shown on the Land Reservation Acquisition Map in the new LEP. This is an overlay to the zone of the land, and not a zone in itself.</p> <p>In applying the Standard Instrument approach, we have zoned the land B4 Mixed Use because the land forms part of the Edgecliff commercial corridor. We have also identified the land on the Land Reservation Acquisition Map, and therefore <i>clause 5.1 Classification and reclassification of public land</i> applies.</p>

Change number	Location	WLEP 95 zone	Rationale
B4.4	133 New South Head Rd, 549 Glenmore Rd 99-115 New South Head Rd, Edgecliff 502, 543-547 Glenmore Rd, Edgecliff	5 Special Use (Arterial Rd Reservation) Part 3(b) Business Special, part 5 Special Use (Arterial Rd Reservation)	Properties or parts of properties are currently zoned 5 Special Use for the purpose of Arterial Road Reservation. Under the Standard Instrument all land must have a zone. A reservation is not a zone, but rather an intent to acquire the land for a particular purpose. The intent to acquire is shown on the Land Reservation Acquisition Map in the new LEP. This is an overlay to the zone of the land, and not a zone in itself. In applying the Standard Instrument approach, we have zoned the land B4 Mixed Use because the land forms part of the Edgecliff commercial corridor. We have also identified the land on the Land Reservation Acquisition Map , and therefore <i>clause 5.1 Classification and reclassification of public land</i> applies.
B4.5	80 New South Head Rd, Edgecliff	Part 3(b) Business, part 2(b) Residential	Site contains a single commercial building. This site is currently zoned part 3(b) Business and part 2(b) Medium Density Residential. This zoning dissects the existing land use and ownership pattern. Draft LEP 2013 zones the whole of the site to B4 Mixed Use to recognise the commercial use of the site.
B4.6	108 Oxford St, Paddington	Part 3(c) Business and part 2(a) Residential	Site contains a single mixed use building. Site is currently zoned part 3(c) Business and part 2(a) Residential. Draft LEP 2013 zones the whole site as B4 Mixed Use to recognise the mixed use building on the site.
B4.7	322 Oxford St, Paddington	Part 3(c) Business and part 2(a) Residential	This site contains a single commercial building. The site is currently zoned part 3(c) Business and part 2(a) Residential. Draft LEP 2013 zones the whole of the site to B4 Mixed Use to recognise the commercial use of the site.
B4.8	12-42, 48-94, 3-43, 45-63 William St, 83-85 Underwood St, 2 Hopetoun St, Paddington	2(a) Residential	On 18 February 2013 Council resolved to apply the B4 Mixed Use zone to these properties to recognise the mix of residential and retail uses along William Street. The B4 Mixed Use zone is the most appropriate business zone as it is the only business zone that permits dwelling houses as well as commercial uses.
B4.9	105-107 Queen St, 53 Moncur St, Woollahra ⁷	2(a) Residential	The commercial properties at the corner of Queen Street and Dorhauer Lane are currently zoned 2(a) Residential (including the Council owned car park). Draft LEP 2013 proposes to rezone these properties to the B4 Zone to recognise their retail function and contribution to the Queen Street centre. The change in zone permits retail and business uses on these properties.

⁷ In Draft LEP 2013 we are reclassifying the public land at 53 Moncur St to 'operational land' in accordance with the *Local Government Act 1993*. This land is currently identified as 'community land'. Public land to be reclassified by the LEP is included in Schedule 4 of the written instrument. For more information see **Chapter 2 – Written instrument, Part 2.6** which refers to *Clause 5.2 Classification and reclassification of public land*.

PART 5. SPECIAL PURPOSE ZONES

The existing WLEP 95 contains one special purpose zone, Zone 5: Special Use. The zone is broadly applied to land that is used or reserved for a diverse range of government or community facilities such as parking stations, railways and schools. This zone is also used to identify classified or state Roads. There are 54 sites zoned 5 Special Use in WLEP 95.

Draft LEP 2013 contains two special purpose zones:

- SP2 Infrastructure
- SP3 Tourist

5.1 SP2 Infrastructure

The SP2 Infrastructure zone is the nearest fit to the 5(a) Special Uses zone in WLEP 95, but it is not the same.

The DP&I approach for zoning infrastructure in the Standard LEP template is restrictive and can only be applied to specific types of special uses. In particular, the DP&I advised that the *SP2 Infrastructure* zone should not be applied to community infrastructures uses such as schools.

This new approach moves away from zoning a broad range of 'special uses' to *SP2 Infrastructure* as many of the 5(a) uses are permitted uses in the other residential or business zones. Therefore they do not require a special zone and are to be zoned the same as the adjoining land. The *LEP Practice Note PN10-001 'Infrastructure in LEPs'* identifies the DP&I's position on this matter.

This is different to our approach to zoning infrastructure land in WLEP 95, and our opposition to this new approach was raised with DP&I in a letter dated 17 March 2011. Other councils have raised similar concerns, and the DP&I has reviewed its position and recently advised they will give greater flexibility to applying the SP2 zone where practical on key pieces of community infrastructure.

Draft LEP 2013 proposes to rezone 'softer infrastructure' uses such as seniors housing to the zone of the directly adjoining zone. We also propose to rezone sites that no longer function as a 'special use'. These sites are identified in the relevant zone change table in this chapter.

The SP2 Infrastructure zone is maintained for essential community infrastructure including schools, signal stations, police stations, car parks, council buildings, railways and sewage or water supply systems. The permitted use on the site is annotated on the **Land Zoning Map**.

Classified roads

In Draft LEP 2013 all land, including roads, must be zoned. In most cases, the proposed zone will be determined by the predominant adjoining zone. However, state or classified roads need to be distinguished, and are required to be zoned SP2 Infrastructure (unless they pass through a retail centre and then the adjoining business zone is applied to that part of the road).

5.1.1 Sites identified for rezoning to the SP2 Infrastructure Zone

The following sites are recommended for rezoning to the SP2 Infrastructure zone.

Change number	Location	WLEP 95 zone	Draft LEP 2013 zone	Rationale
SP2.1	241a and 241b Glenmore Rd, Paddington	3(c) Neighbourhood Business	SP2 Place of Public Worship	<p>Site contains St George's Anglican Church and associated buildings. The site also contains two single storey retail premises in the south of the site (currently occupied by one tenant. These retail premises are reflected in WLEP 95 by the business zone.</p> <p>The DP&I does not support part zoning single parcels. Applying the SP2 zone to the whole site is an appropriate reflection of the main use of the site. To maintain the permissibility of the retail use on the site, the property address and the additional land use is included in <i>Schedule 1: Additional permitted uses</i>.</p>
SP2.2	Dangar Playing Fields, Rose Bay	Part 6 Open Space and part 5 Special Use	SP2 Educational Establishment	<p>Dangar Playing Fields in Rose Bay is currently zoned part 6 Open Space and part 5 Special Use. The northern part of the site has recently been redeveloped with school buildings, whilst the playing fields are retained in the southern part of the site.</p> <p>The DP&I does not support part zoning single parcels. Applying the SP2 zone to the whole site is an appropriate reflection of the use of the site.</p>

FIGURE 10: St George's Anglican Church and 241A-241B Glenmore Rd, Paddington



5.2 SP3 Tourist

The SP3 Tourist zone is used where tourism is the focus of the location, where there is a natural site or a location which attracts visitors, or the future use of the area is to be focused on tourist related uses. This zone most closely fits the current business zone at the Watsons Bay foreshore.

In WLEP 95, the business zone at 1-2 Cliff Street and 10-11 Marine Parade, Watsons Bay is zoned as 3(b1) Restricted Special Business.

5.2.1 Permissible land uses: Changes between the existing 3(b1) and proposed SP3 zone

A limited range of uses are currently permissible in this zone. Although the purpose of the Restricted Special Business zone and the Tourist zone is similar in both WLEP 95 and Draft LEP 2013, there are a few changes to the land uses permitted in the new LEP. These changes will not have a detrimental impact on local planning outcomes. The key additional uses that will become permissible in the Watsons Bay foreshore are identified below.

The following additional use will become permissible without consent:

- Home occupations (in any dwelling)

The following uses will become permissible:

- Backpackers accommodation
- Bed and breakfast accommodation
- Environmental protection works
- Function centres
- Information and education facilities
- Kiosks
- Serviced apartments
- Take-away food and drink premises

FIGURE 11: 10-11 Marine Pde, Watsons Bay



PART 6. RECREATION ZONES

In WLEP 95 there is only one recreation zone, Zone 6: Open Space - General Recreation.

Draft LEP 2013 contains two recreation zones:

- RE1 Public Recreation
- RE2 Private Recreation

We have reviewed all the Zone 6: Open Space land to distinguish the public open space from the private open space, and applied the zones accordingly.

6.1 RE1 Public Recreation

The RE1 Public Recreation zone is intended for a wide range of public recreation areas and activities including local and regional parks and open spaces. In the LGA there are 79 parks, reserves and other areas of open space. 74 of these are to be zoned RE1 Public Recreation.

6.1.1 Permissible land uses: Changes between the existing 6 and proposed RE1 zone

A plan of management (POM) applies to each of these public open spaces. A POM contains a list of all land uses that are appropriate and permissible in that open space. Currently, these POMs are referred to in the land use table. By referencing the POM in the land use table, any land use identified in the POM is permissible.

The DP&I has directed that the land use table in Draft LEP 2013 must not refer to POMs. 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. These changes will not have a detrimental impact on local planning outcomes. The key changes are identified below.

The following uses will become permissible with consent:

- Environmental protection works
- Information and education facilities
- Kiosks
- Registered club
- Restaurants or cafes

6.1.2 Sites identified for rezoning to the RE1 Public Recreation zone

In preparing Draft LEP 2013 we reviewed all open spaces within the municipality to ensure that the new zoning maps reflect the current extent of these spaces. This included a review of all the unzoned land (including roads and pathways). Additional open spaces and open space linkages that are suitably zoned RE1 Public Recreation are included below.

Change number	Location	WLEP 95 zone	Rationale
RE1.1	Path to Lady Martins Beach, Wolseley Rd, Point Piper (adj. 158/160 Wolseley Rd)	Unzoned	In Draft LEP 2013 all roads and paths must be zoned. When the path or road provides a key access way to another piece of open space (such as a beach or park), the proposed zone for the access way is RE1 Public Recreation.
RE1.2	Path to Bellevue Park, adjoining 19 Bellevue Park Rd, Bellevue Hill		
RE1.3	Keele St and Palmerston St accessing Gibsons Beach, Vaucluse		
RE1.4	Petrarch Ave accessing Vaucluse Park, Vaucluse		
RE1.5	Three paths accessing Parsley Bay, Vaucluse (Fitzwilliam Rd, The Crescent and 36 Parsley Rd)		
RE1.6	Pathway accessing Marine Pde, Watsons Bay (adj. to 3 Marine Pde)		
RE1.7	Goomerah Reserve, Darling Point	Part Zone 6 Open Space and part Unzoned	Only part of the Goomerah Reserve parcel has been identified in the recreation zone. Draft LEP 2013 applies to RE1 Public Recreation zone to the whole parcel.
RE1.8	Eastern extension to McKell Park, Darling Point	Unzoned	This site is currently unzoned and forms part of McKell Park.
RE1.9	Double Bay Library, 548 New South Head Rd, Double Bay.	Zone 5 Special Use (Library)	This site is the Double Bay Library. The RE1 zone more appropriately reflects the integration of the library operations into the surrounding Blackburn Gardens. The current library use is permissible in the RE1 Public Recreation zone.
RE1.10	51 Harris St, Paddington	Zone 2(b) Residential	Zoned medium density residential, parcel is owned by Woollahra Council and forms part of the Upper Harris Street Reserve. Applying the RE1 Public Recreation zone to the parcel is appropriate to recognise its use.
RE1.11	James Cook Reserve, off Victoria Pl, Paddington	Part Unzoned and part 2(a) residential	Part of this parcel is zoned low density residential. Draft LEP 2013 applies the RE1 Public Recreation zone to the whole parcel.

Change number	Location	WLEP 95 zone	Rationale
RE1.12	Land to the south of Paddington Bowling Club, Glenmore Rd, Paddington	Unzoned	This parcel is currently unzoned, owned by Woollahra Council and lies on the southern boundary of the Paddington Bowling Club. Zoning this parcel the adjoining open space zone is appropriate for its use, and ownership pattern.
RE1.13	Land adjoining the north of Soudan St Reserve, Paddington	Unzoned	This parcel is currently unzoned, owned by Woollahra Council and forms part of the Soudan Street Reserve.
RE1.14	Small triangular parcel adjacent to Union St Playground, Paddington	2(a) Residential	Although zoned as Low Density Residential, this parcel forms part of the Union Street Playground. The RE1 Public Recreation zone is to be applied to the parcel.
RE1.15	Land to the north of Dumaresq Reserve, Rose Bay	Unzoned	A small portion at the northern end of Dumaresq Reserve is unzoned, and provides access to the reserve from Dumaresq Road. The RE1 Public Recreation zone should be applied to reflect the lands function.
RE1.16	Strickland House, Vaucluse ⁸	5 Special Use Hospital	On 12 November 2012 Council resolved to apply the RE1 Public Recreation zone to this site. Site is currently zoned Special Uses 5(a) (Hospital) under Woollahra LEP No. 27. The proposed zone reflects the primary use of the land.
RE1.17	10 Cove St, Watsons Bay	2(a) Residential	A small portion of Camp Cove Reserve is zoned for low density residential and contains an electrical substation. Substations are permissible uses in any zone, including the RE1 Public Recreation zone.
RE1.18	Marine Pde, Watsons Bay	Unzoned	In the new Land zone map, all land, including roads, is to be zoned. Marine Parade is a beach and its zone should recognise this recreation function.
RE1.19	Robinson La accessing Harbour View Park, Woollahra	Part 6 Open Space and part unzoned	This path provides primary access to Harbour View Park. Part of the lane is already identified as public recreation in WLEP 95. Draft LEP 2013 applies the RE1 Public Recreation zone to the whole of Robinson Lane to reflect its function.
RE1.20	Woollahra Golf Club (to the south of Kent Rd, Woollahra)	Part 6 Open Space and part 2(b) Residential	A small triangular piece of land in the northern corner of the public golf course, adjoining Kent Road, is zoned 2(b) Residential. However, this land forms part of the course and contains a green. The DP&I does not support part zoning single parcels. Applying the RE1 Public Recreation zone to the whole site is an appropriate reflection of the use of the site.

⁸ Strickland House is the only site in the LGA where the provisions of WLEP 95 do not apply. The statutory planning instrument that applies to Strickland House is Woollahra LEP No. 27.

6.2 RE2 Private Recreation

The RE2 Private Recreation zone covers recreation areas and facilities on land that is privately owned, and is not broadly accessible to the general public. The areas to be zoned RE2 Private Recreation are:

- Eastern portion of land at 73-85A New South Head Rd, Edgecliff (Lot 22: DP 609145)
- Weigall Sportsground, Paddington
- NSW Tennis Association Land, Paddington
- Land off Flinton St, Paddington
- Sydney Golf Course, Rose Bay

6.2.1 Permissible land uses: Changes between the existing 6 and proposed RE2 zone

Although the purpose of the open space zone is similar in both the WLEP 95 and the Draft LEP 2013, in applying the RE2 Private Recreation zone there are a few changes to the land uses permitted. These changes will not have a detrimental impact on local planning outcomes. The key changes are identified below.

The following uses will become permissible with consent:

- Environmental protection works
- Information and education facilities
- Kiosks
- Registered club

6.2.2 Sites identified for rezoning to the RE2 Private Recreation zone

The RE2 Private Recreation zone boundary is amended at the following site.

Change number	Location	Draft LEP 2013 zone	Rationale
RE2.1	The Royal Sydney Golf Club, Kent Rd, Rose Bay	Part 6 Open Space and part 2(b) Residential	<p>A small triangular piece of land on the western boundary of the private golf course, adjoining Kent Rd, is zoned 2(b) Residential. However, this land forms part of the course and contains a green.</p> <p>The DP&I does not support part zoning single parcels. Applying the RE2 Public Recreation zone to the whole site is an appropriate reflection of the use of the site.</p>

PART 7. ENVIRONMENTAL PROTECTION ZONES

Draft LEP 2013 applies zones that are aimed at protecting areas in the LGA with environmental significance.

Draft LEP 2013 contains:

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation

Zone 8 National Parks and Nature Reserves is the only environmental protection zone in WLEP 95.

7.1 E1 National Parks and Nature Reserves

This zone covers existing national parks and nature reserves. The E1 zone has the same intent as Zone 8 National Parks and Nature Reserves under WLEP 95. All sites identified as Zone 8 National Parks and Nature Reserves are converted into the E1 National Parks and Nature Reserves. The permissible land uses remain the same.

7.2 E2 Environmental Conservation

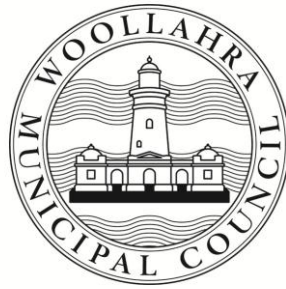
This zone is for land that has high conservation value outside the national parks and nature reserves. There is no equivalent zone in WLEP 95.

The objectives of the E2 zone are to:

- Protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The only site to be zoned E2 Environmental Conservation zone is identified below.

Change number	Location	WLEP 95 zone	Rationale
E2.1	Intertidal zone in the north east corner of Vaucluse and Watsons Bay	Unzoned	<p>Recommendation by the Department of Primary Industries that the E2 Environmental Conservation zone be applied to the intertidal zone.</p> <p>The area is unzoned in WLEP 95, and is an area adjacent to the Tasman Sea. The intertidal zone is located at the north-eastern tip of the LGA, varies in width and mostly comprises cliff faces and rock ledges. This zone is an appropriate fit for the future use and protection of the intertidal zone.</p>



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 4

LOT SIZE

This chapter provides an overview of the minimum lot sizes that apply to development in residential zones in Draft Woollahra Local Environmental Plan (Draft LEP 2013).

We have generally translated the current minimum lot sizes permitted by Woollahra Local Environmental Plan 1995 (WLEP 95). However, there are some changes in the R3 Medium Density Residential zone.

An explanation of how the current minimum lot sizes have been translated into Draft LEP 2013 and the key changes that have occurred are contained in this chapter.

Table of contents

PART 1. BACKGROUND	1
1.1 What is lot size?.....	1
1.2 Our approach to setting minimum lot sizes	1
1.3 Standard LEP definitions.....	1
PART 2. LOT SIZES FOR SUBDIVISION	2
2.1 Clause 4.1 Minimum subdivision lot size.....	2
PART 3. LOT SIZES FOR LAND USES	4
3.1 Clause 4.1B Minimum lot sizes for certain residential development.....	4
3.2 Clause 4.1BB Erection of dwelling houses on land in residential zones.....	7
3.3 Clause 4.1C Minimum lot sizes for semi-detached dwellings and attached dwellings in the R2 zone.....	7
3.4 Clause 4.1D Exceptions to minimum lot sizes for certain residential development.....	8
PART 4. STANDARD LEP DEFINITIONS	9

PART 1. BACKGROUND

1.1 What is lot size?

Lot size is a term to describe the area of a single lot of land. Draft LEP 2013 specifies the minimum lot size required to:

- Torrens title subdivide land zoned for residential use
- Develop land for specific types of residential development.

1.2 Our approach to setting minimum lot sizes

As part of preparing Draft LEP 2013 we reviewed minimum lot sizes for subdivision and land uses in the Woollahra LGA.

WLEP 95 provides a minimum lot size for subdivision of land in the 2(a) Residential zone. It also sets minimum lot size for certain land uses in both the 2(a) Residential and 2(b) Residential zone. For example detached dual occupancies require a lot size of 930m².

The lot size controls in Draft LEP 2013 are based on the WLEP 95 controls. They are set by the **Lot Size Map** and clauses, further explained in Parts 2 and 3 below. Additional, more detailed controls to support these minimum lot size controls are included in Draft Woollahra Development Control Plan 2013.

1.3 Standard LEP definitions

To help understand this chapter and what the different residential land uses are, Part 4 contains an extract from the Draft LEP 2013 dictionary.

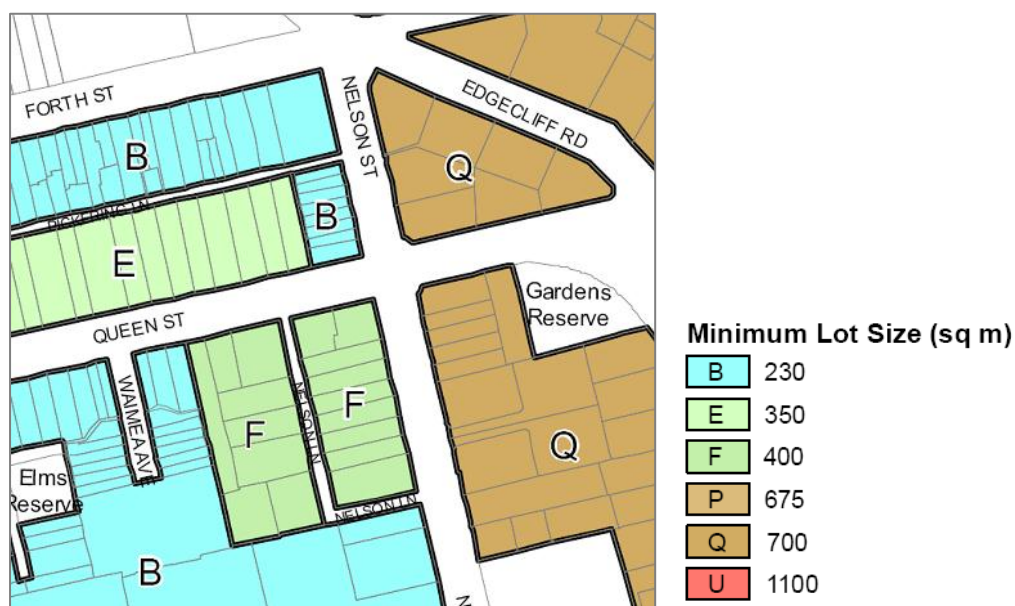
Each land use definition establishes the minimum number of dwellings permissible on a lot. For example, a residential flat building (RFB) has a minimum of three dwellings on one lot of land. The minimum number of dwellings for each land use has informed the minimum lot sizes proposed in Draft LEP 2013.

PART 2. LOT SIZES FOR SUBDIVISION

Generally, minimum lot sizes for subdivision are shown on the **Lot Size Map**. A different colour indicates a different minimum lot size (see Figure 1 below). Different minimum lot sizes reflect the existing and desired future subdivision pattern of each suburb.

For example, in Draft LEP 2013 the minimum lot size for subdivision in the R2 Low Density zone in Paddington is 230m², and in Vaucluse is 675m².

FIGURE 1: Extract from the Lot Size Map



2.1 Clause 4.1 Minimum subdivision lot size

Clause 4.1 of Draft LEP 2013 sets the minimum lot size for a lot resulting from the Torrens title subdivision of land. Consent is required for the subdivision of an existing lot into two or more new lots. Each of these new lots must comply with the minimum lot size shown on the **Lot Size Map**.

When calculating lot size, the access handle or right of way is not included in the area of a lot that does not have a street frontage, such as a battle-axe lot. This ensures that the land included in the calculation is a practical size for development.

The lot sizes on the **Lot Size Map** generally reflect:

- In the R2 Low Density Residential zone: The minimum lot size for a dwelling house (ranging from 230m² – 1100m² depending on the location and the desired future character)
- In the R3 Medium Density Residential zone: The minimum lot size for medium density development (700m²)

2.1.1 R2 Low Density Residential zone

The R2 Low Density Residential zone allows with consent dwelling houses, dual occupancies, semi-detached dwellings, boarding houses and group homes. For the R2 zone we have retained the existing minimum subdivision lot sizes that apply to the 2(a) Residential zone on the WLEP 95 **Density Map**.

2.1.2 R3 Medium Density Residential zone

The R3 Medium Density Residential zone allows all types of residential accommodation including dwelling houses, multi dwelling houses and RFBs. A wider variety of residential uses is included to encourage housing choice and diversity in this zone.

Under WLEP 95 there is no minimum subdivision lot size shown on the **Density Map**. However, using the Standard Instrument format we are required to establish a minimum lot size for all residential land use zones, including the R3 Medium Density Residential zone.

Clause 10A and 10B of WLEP 95 set minimum lot size and frontage standards for medium density development. Under clause 10B(2) the minimum lot size for a medium density development containing four or more dwellings is 930m^2 . This equates to a minimum dwelling density of approximately 233m^2 per dwelling ($930\text{m}^2 / 4 = 233\text{m}^2$).

We have sought to reflect the intent of clause 10B(2) in the minimum lot sizes for the R3 zone under Draft LEP 2013. The WLEP 95 figure of 230m^2 per dwelling has been applied to the majority of permissible residential land uses in the R3 zone (see Table 1 below). For example, RFBs and multi dwelling housing both require three dwellings on one lot of land. Using the WLEP 95 dwelling density figure of 230m^2 and multiplying by three equates to 700m^2 (rounded up). The minimum subdivision lot size for the R3 zone is therefore 700m^2 .

A similar approach of using 230m^2 per dwelling has been applied to:

- Establish the minimum lot size for other residential land uses in the R3 Medium Density Residential zone.
- Allow exceptions to the minimum lot size for certain land uses. These are further explained in Parts 3.2 to 3.4 below.

2.1.3 Clause 4.1AA Minimum subdivision lot size for community title schemes

Clause 4.1AA sets the minimum lot size requirements for community title schemes.

Clause 4.1AA works the same way as clause 4.1 to require that the lots created by a community title scheme comply with the minimum **Lot Size Map**. The objective being to ensure that subdivision is consistent with the desired future character of each neighbourhood.

A separate clause for community title schemes is required as they are specifically excluded from the lot size requirements contained in clause 4.1. See subclause 4.1(4).

PART 3. LOT SIZES FOR LAND USES

The minimum lot sizes for certain types of residential land uses are specified by clauses 4.1B–4.1D in the Draft LEP 2013 document. The lot sizes seek to provide a minimum amount of land that will allow development that is consistent with the desired future character of the LGA and provide amenity to residents within the proposed development, and to the adjoining properties.

3.1 Clause 4.1B Minimum lot sizes for certain residential development

Clause 4.1B establishes the minimum lot size required to develop land for medium density residential uses. It applies to the R2 Low Density Residential zone for dual occupancy development.

In the R3 Medium Density zone it applies to the following types of development¹:

- Dual occupancies (attached and detached)
- Multi dwelling housing
- RFBs

The lot sizes set by clause 4.1B seek to reflect the general intent of existing controls in WLEP 95.

Tables 1 and 2 below outline the rationale for the minimum lot sizes for each specific land use in clause 4.1B.

TABLE 1: Minimum lot sizes for certain residential development in the R3 Medium Density Residential zone

Land use	Minimum lot size	Rationale
<i>R3 Medium Density Residential zone</i>		
Dual occupancy (attached) (two dwellings on one lot)	460m ²	The minimum lot size for each of these land uses is based on 230m ² per dwelling. For example, the minimum lot size for multi dwelling housing or RFBs is 700m ² because the minimum number of dwellings in both these forms of development is three (230 x 3 = 700 rounded up).
Multi dwelling housing (three or more dwellings on one lot)	700m ²	The 230m ² per dwelling reflects the intent of clause 10B(2) of WLEP 95 which requires 930m ² for an RFB containing four or more dwellings (930m ² / 4 = 230m ²).
RFB (three or more dwellings on one lot)	700m ²	This approach does not encourage one land use over another, but leaves the applicant to select the preferred residential use based on the parent lot size and characteristics.

¹ In these forms of development there are two or more dwellings on the same lot. The lot sizes apply to the parent lot, or total area of land on which the development is proposed.

Land use	Minimum lot size	Rationale
Dual occupancy (detached) (two dwellings on one lot)	930m ²	<p>Clause 25C of WLEP 95 requires a 930m² minimum lot size for dual occupancy (detached) in the 2(a) Residential zone. The same minimum lot size has been retained in Draft LEP 2013.</p> <p>The minimum lot size has not been based on 230m² per dwelling. We have retained the WLEP 95 control because it provides greater building separation for detached dual occupancies.</p> <p>However, WLEP 95 clause 25C(4) also requires a minimum lot width of 21m at the front alignment. The Standard LEP does not make provision for us to include these minimum lot widths in the Draft LEP; we will include similar controls in the draft development control plan (DCP).</p>
Development other than a dwelling house on battle-axe lots	950m ²	<p>The 950m² minimum lot size was informed by urban design analysis of the permissible land uses on a battle-axe lot. It recognises that medium density development on a battle-axe lot requires a larger site area than a lot that has a street frontage because:</p> <ul style="list-style-type: none"> • Battle-axe lots are often located adjacent to the primary private open space of the adjoining lots, so greater side setbacks are required to protect amenity to neighbours. • A vehicle turning area needs to be provided onsite to allow vehicles to enter and exit the site in a forward direction. <p>The 950m² minimum lot size is a new control for battle-axe lots. Under WLEP 95 dwelling houses, dual occupancies and RFBs are permitted on 2(b) zoned land, but additional development standards apply to some housing forms. For example, in WLEP 95 clause 10B(1), an RFB containing three dwellings or less must have a site width of 15m measured at the street front alignment, and under clause 25C a detached dual occupancy requires a width of 21m at the front alignment</p> <p>In applying the Standard LEP we have not been able to carry over these minimum lot widths into Draft LEP 2013. This is a reasonable planning outcome. However, we have introduced a minimum lot size of 950m² to ensure that the amenity (including privacy and solar access) of adjoining properties is protected. A 9.5m height limit will also apply (see Chapter 5 – Maximum building heights, Part 3.2.7).</p>

TABLE 2: Minimum lot sizes for certain residential development in the R2 Density Residential zone

Land use	Minimum lot size	Rationale
R2 Density Residential zone		
Dual occupancy (attached) (two dwellings on one lot)	Either 460m ² or the minimum lot size shown on the Lot Size Map , whichever is greater	<p>The minimum lot size of 460m² is based on 230m² for each dwelling in the dual occupancy (attached).</p> <p>Notwithstanding the 460m² figure, the minimum lot size for a dual occupancy (attached) in the R2 zone must be equal to or greater than the area shown on the Lot Size Map where that area exceeds 460m².</p> <p>This control seeks to:</p> <ul style="list-style-type: none"> • Reflect the current subdivision pattern. • Reflect clause 25C of WLEP 95, which excludes dual occupancy development from heritage conservation areas because the dual occupancies are not the preferred land use in these locations.
Dual occupancy (detached) (two dwellings on one lot)	930m ²	<p>Clause 25C of WLEP 95 requires a 930m² minimum lot size for dual occupancy (detached) in the 2(b) Residential zone. The same minimum lot size has been retained in Draft LEP 2013.</p> <p>The minimum lot size has not been based on 230m² per dwelling. We have retained the WLEP 95 control because it provides greater building separation for detached dual occupancies.</p> <p>However, WLEP 95 clause 25C(4) also requires a minimum lot width of 21 metres at the front alignment. The Standard LEP does not make provision for us to include these minimum lot widths in the Draft LEP; we will include similar controls in the draft development control plan (DCP).</p>
Multi dwelling housing (three dwellings on one lot)	–	No minimum lot size required as multi dwelling housing is not permissible in the R2 zone.
RFB (three dwellings on one lot)	–	No minimum lot size required as RFBs are not permissible in the R2 zone.

3.2 Clause 4.1BB Erection of dwelling houses on land in residential zones

This clause reflects the intent of WLEP 95 clause 10(2), making it clear that a dwelling house may be erected on a lot in a residential zone regardless of the size of the lot, provided that the lot existed when WLEP 95 was in force, and a dwelling house was permissible on that lot under WLEP 95.

3.3 Clause 4.1C Minimum lot sizes for semi-detached dwellings and attached dwellings in the R2 zone

This clause sets the minimum lot size for erecting a semi-detached dwelling or attached dwelling in the R2 Low Density Residential zone.

Draft clause 4.1C(3) states that the minimum lot size for development is the size shown on the **Lot Size Map**. That is, the minimum size for developing land is the same size as required for subdividing land.

This ensures that development has regard to the existing subdivision pattern, and development is not undertaken on a lot that is too small to reasonably accommodate the dwellings.

For example:

- In Paddington the minimum lot size on the **Lot Size Map** is 230m². If a person wants to build semi-detached dwellings, each of the dwellings require a minimum lot size of 230m² (i.e. total combined lot size of 460m²).
- In Vaucluse the minimum lot size on the **Lot Size Map** is 675m². If a person wants to build semi-detached dwellings, each of the dwellings require a minimum lot size of 675m² (i.e. total combined lot size of 1350m²).

This recognises that dwelling houses, not semi-detached dwellings, are the predominant built form in Vaucluse, but if a person wants to build a semi-detached dwelling they could do so, and the lot size required for each of the dwellings would be the same as required for a dwelling house.

This control ensures that the new development would be consistent with the existing subdivision pattern and streetscape rhythm.

Notwithstanding the minimum lot size control set by clause 4.1C(3), in some parts of the Municipality there are existing lots that are less than the minimum lot size on the **Lot Size Map**. This is particularly the case in Paddington and Woollahra, where lots are generally less than 230m² and typically contain two attached terraces² or a group of three or more terraces³.

Subclause 4.1C(4) allows additions and alterations to, or the replacement of, these existing housing forms on these undersized lots. This recognises the established built form, and ensures that the existing use can continue even if that lot is less than the minimum lot size stated on the **Lot Size Map**.

² Defined as a “semi-detached dwelling” under the Standard Instrument.

³ Defined as an “attached dwelling” under the Standard Instrument

3.4 Clause 4.1D Exceptions to minimum lot sizes for certain residential development

Clause 4.1D encourages housing diversity without adversely impacting amenity in the R3 zone.

The clause allows land in the R3 zone to be subdivided to 230m² under certain circumstances, despite the 700m² minimum subdivision lot size on the **Lot Size Map**.

Clause 4.1C only applies where an applicant proposes to subdivide land in the R3 zone into three or more lots and construct a dwelling on each lot. Clause 4.1D only applies to:

- Dwelling houses
- Semi-detached dwellings
- Attached dwellings

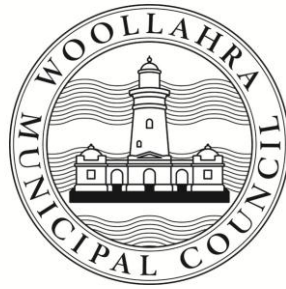
The 700m² minimum subdivision lot size is based on providing 230m² per dwelling for three dwellings.

Permitting a 230m² minimum subdivision lot size ensures that the density of dwellings achieved by these land uses is consistent with other forms of medium density development in the R3 zone.

PART 4. STANDARD LEP DEFINITIONS

The definitions listed below are taken from Draft LEP 2013 Dictionary. These land uses are identified in clauses 4.1A–4.1D.

Land use	Definition
attached dwelling	means a building containing 3 or more dwellings, where: <ul style="list-style-type: none"> (a) each dwelling is attached to another dwelling by a common wall, and (b) each of the dwellings is on its own lot of land, and (c) none of the dwellings is located above any part of another dwelling.
dual occupancy (attached)	means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
dual occupancy (detached)	means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.
dwelling house	means a building containing only one dwelling.
multi dwelling housing	means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.
residential flat building	means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.
Semi-detached dwelling	means a dwelling that is on its own lot of land and is attached to only one other dwelling.



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 5

MAXIMUM BUILDING HEIGHTS

This chapter outlines Council's approach to determining and applying building height controls in Draft Woollahra Local Environmental Plan (Draft LEP 2013).

We have generally translated the current height controls, retaining the existing number of storeys permitted by Woollahra Local Environmental Plan 1995 (WLEP 95) and our development control plans. However, some minor changes are proposed to height controls.

This chapter identifies what maximum building heights will apply and why the changes are occurring.

Table of contents

PART 1. BACKGROUND	1
1.1 Maximum building heights must be in the LEP	1
1.2 Height of Building Map – Draft Change Layer	1
PART 2. OUR APPROACH TO SETTING MAXIMUM BUILDING HEIGHTS	2
2.1 Aligning maximum building heights with storey controls in the existing DCPs	2
2.2 Establishing height controls that account for current building practices regarding floor to ceiling heights and acoustic privacy.....	2
2.3 Addressing anomalies where WLEP 95 controls do not substantially reflect the existing predominant built form	4
PART 3. RESIDENTIAL ZONES	5
3.1 R2 Low Density Residential	5
3.2 R3 Medium Density Residential	8
PART 4. BUSINESS ZONES	20
4.1 B1 Neighbourhood Centre.....	20
4.2 B2 Local Centre.....	24
4.3 B4 Mixed Use.....	30
PART 5. SPECIAL PURPOSE ZONES	36
5.1 SP2 Special Use.....	36
5.2 SP3 Tourist.....	37
PART 6. RECREATION ZONES	38
6.1 RE2 Private Recreation	38
ANNEXURE 1	40
Maximum building heights should reflect current building practice.....	40

PART 1. BACKGROUND

1.1 Maximum building heights must be in the LEP

The Standard LEP requires that maximum building heights are in an LEP. We currently have some maximum building heights in development control plans (DCPs), such as the Double Bay Centre DCP and the Edgecliff Commercial Centre DCP. These must be moved into the Draft LEP 2013.

Maximum building heights in Draft LEP 2013 are shown as a figure in metres above the existing ground level, e.g. 9.5m. Maximum building storeys will remain a DCP control.

1.2 Height of Building Map – Draft Change Layer

We are proposing various changes to heights in the current WLEP 95. The sites affected by these changes are shown on the **Height of Building Map – Draft Change Layer** in **Chapter 9 – Draft change layers** of this discussion paper.

These sites are also described in the tables throughout this discussion paper. Within these tables each site is given a unique identifier. The identifier is used to locate the changes on the **Height of Building Map – Draft Change Layer**. The identifier is located in the title of the change, or column one of the tables.

Minor changes to correct errors in WLEP 95 or provide consistent approach maps are not shown on the change layer, for example removing maximum building heights controls from all laneways and roads.

PART 2. OUR APPROACH TO SETTING MAXIMUM BUILDING HEIGHTS

As part of preparing Draft LEP 2012 Draft LEP 2013 we reviewed maximum building heights in the Woollahra LGA. Generally, the maximum building heights in Draft LEP 2012 Draft LEP 2013 are similar to those in WLEP 95, but with some marginal increases in certain locations. These increases are not significant and do not affect the number of storeys currently permitted, or the established and desired future character as identified in our existing DCPs.

The review of maximum building height controls was based on three principles:

- Aligning maximum building heights with the storey controls in the existing DCPs.
- Establishing height controls that account for current building practices regarding floor to ceiling heights and acoustic privacy.
- Addressing anomalies where WLEP 95 height controls do not substantially reflect the existing predominant built form and desired future character of the area.

These principles are described below.

2.1 Aligning maximum building heights with storey controls in the existing DCPs

The maximum building heights identified for land in Draft LEP 2013 have been informed by the number of storeys identified for each precinct in our existing DCPs¹. The DCPs are an appropriate guide to use as they were established following fine grain urban design studies.

We compared the maximum building heights and storey controls with existing buildings across the LGA. It showed that the storey controls accurately reflect the desired future character in most instances. However, in some locations, we are proposing increases to maximum building heights in the LEP and storey controls in the DCP to reflect the existing built form of buildings which exceed our current controls.

2.2 Establishing height controls that account for current building practices regarding floor to ceiling heights and acoustic privacy

Since WLEP 95 commenced, two important changes to building regulations occurred. These changes required us to review the current height controls and propose marginal increases in the maximum building heights in Draft LEP 2013. These changes were:

1. Introduction of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development* (SEPP 65) and the Residential Flat Design Code.
2. Inclusion of acoustic privacy standards in the Building Code of Australia (BCA) which results in additional 100mm between floors to reduce noise.

¹ A DCP is a planning document that supplements an LEP. DCPs guide future development within a local context, and provide detailed planning and design controls. Woollahra's existing DCPs include controls for the maximum number of storeys permitted in building, e.g. two storeys.

SEPP 65 sought to improve the design quality of mixed use and residential flat development across the state. The policy identified that increasing ceiling height improves internal amenity by creating a sense of space and allowing light to penetrate into buildings. For example, it recommended that ceiling heights for residential floors should be at least 2.7m.

Some of the height controls in WLEP 95 and current DCPs do not accommodate floor to ceiling heights consistent with SEPP 65, within the number of storeys expected to be achieved on the site.

To address this we have increased the maximum building heights in the new LEP. The overall increase in maximum building height to account for SEPP 65 and the BCA is between 100mm to 400mm per storey. For example, the extra height will allow for an extra 400mm per storey for commercial offices (300mm for ceiling height and 100mm for acoustic privacy). The changes will not add to the total number of storeys currently allowed on the site.

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.

This discussion paper uses the phrase 'reflect current building practice' when referring to the need to slightly increase maximum building heights in response to these changes. For further information on these changes see **Annexure 1**.

The maximum building heights for residential and commercial buildings that reflect current building practice are shown in Table 1 and 2 below. These heights are the new baseline maximum building heights and will be applied in Draft LEP 2013 unless existing controls are satisfactory.

TABLE 1: Baseline maximum building heights for the R3 Medium Density Residential zone

Number of storeys in DCP	Height in Draft LEP 2013 (m)
2	7
3	10.5
4	13.5
5	16.5
6	19.5
7	22.5
8	26

TABLE 2: Baseline maximum building heights for the commercial zone

Number of storeys in DCP	Height in Draft LEP 2013 (m)	
	100% commercial buildings	Mixed use buildings (Residential and commercial)
2	8	8
3	11.5	11
4	15	14.5
5	18.5	17.5
6	21.5	20.5

The locations where these new building heights will apply are further discussed in Parts 3 to 6.

Existing maximum building heights will be retained where:

- The existing height control exceeds these figures and therefore meets current building practice.
- Site-specific height controls are applied.

2.3 Addressing anomalies where WLEP 95 controls do not substantially reflect the existing predominant built form

Where the heights of existing residential flat buildings (RFBs) significantly exceed WLEP 95 controls, we have increased maximum building height in Draft LEP 2013 so that the controls are more relevant and practical. Heights are not increased on individual, isolated buildings that do not represent an established predominant character.

This type of change has been applied where there is a group of existing buildings that have a consistent character and building height substantially greater than the WLEP 95 height control. For example, at 470-508 New South Head Road, Double Bay the height control in WLEP 95 is 9.5m. However, the existing buildings are 5 storeys high. The height control in Draft LEP 2013 is 16.5m to reflect the predominant character of the area.

The change does not increase development potential beyond the yield currently on the site; it merely seeks to more broadly reflect what has been built and the desired future character of the area.

These approaches to setting the maximum building heights are applied to the review of land addressed in Parts 3 to 6.

PART 3. RESIDENTIAL ZONES

The Residential 2(a) and 2(b) zones in WLEP 95 will be translated into the R2 Low Density Residential zone and R3 Medium Density Residential zone respectively.

3.1 R2 Low Density Residential

The R2 Low Density Residential zone (R2 zone) allows dwelling houses, dual occupancies, semi-detached dwellings, boarding houses and group homes, as well as a limited number of other non-residential land uses that provide facilities or services to meet the day to day needs of residents. It is similar to the Residential 2(a) zone in WLEP 95.

The R2 zone is proposed for the majority of residential land in the LGA. This includes Paddington, western parts of Woollahra, north Bellevue Hill, Rose Bay, Vaucluse and Watsons Bay.

In WLEP 95 two maximum building heights currently apply within the 2(a) zone: 9.5m and 8.2m (Watsons Bay). Draft LEP 2013 retains these maximum building heights in the R2 Low Density Residential zone, except in Paddington where the 9.5m height will be removed.

The only other change in the R2 Low Density Residential zone is to part of 19 Cranbrook Lane and part of 33-35 Cranbrook Road, Rose Bay. These properties do not currently have a height limit. This land has been rezoned to R2 Low Density Residential to reflect the current use. We therefore propose a 9.5m maximum building height which is consistent with the R2 zone generally.

These changes are explained below.

3.1.1 Remove 9.5m height limit from the Paddington Heritage Conservation Area (Change R2.1)

Where the R2 zone will apply in the Paddington Heritage Conservation Area (Paddington HCA), there is a range of building forms and, therefore, building heights. However, amongst the varied built forms are distinct precincts of buildings, notably the groups of residential terraces with common building heights of predominantly two to three storeys.

Due to the varied built form which regularly exceeds 9.5m in height, it is not appropriate to broadly apply a height limit of 9.5m across the Paddington HCA. In the same way, it is not appropriate and can be misleading to impose a 9.5m height control for single storey buildings in the Paddington HCA where the conservation objective is to retain the single storey form of those buildings.

FIGURE 1: The existing intricate built form in the Paddington HCA



Development in the Paddington HCA is mainly alterations and additions with some infill. In practice, the Paddington HCA DCP (Paddington DCP), which contains detailed design guidelines, is used as the primary document for controlling building heights, rather than WLEP 95 that contains the 9.5m development standard.

The Paddington DCP controls require alterations and additions to maintain the existing height at the street frontage and infill development to match height to the existing streetscape. Among other things, the Paddington DCP seeks to:

- Ensure the height of infill and new development conforms to an appropriate height for the street or lane which is consistent with adjoining buildings.
- Retain the heights of existing single storey buildings.
- Retain the height of existing buildings at the street frontage.
- Maintain a visual consistency of established heights in historic streetscapes.
- Restrict the height of rear extensions based on existing building form.

The 9.5m maximum building height is not indicative of the variation in existing built form across the Paddington HCA, and is therefore not a practical control. In response, Draft LEP 2013 will not identify any maximum building height for the R2 zoned land in Paddington.

To support the removal of maximum building height from Draft LEP 2013, the existing height, bulk and scale controls in the Paddington DCP have been reviewed. The following minor changes are to strengthen the DCP:

- In clause 4.1.8 *Building, height, form bulk and scale* amend the controls to require that alterations and additions and infill development conforms to the same number of storeys and maximum building height as appropriate to the adjoining buildings² rather than an arbitrary height in metres. This ensures that the existing context is the method of control rather than an arbitrary maximum building height.
- In clauses 4.1.8 *Building, height, form bulk and scale* and 4.3.5 *Multi-unit housing* insert a new control stating that height of existing significant multi-unit housing should not be increased.

Building bulk in the Paddington HCA is currently managed effectively without a floor space ratio³ (FSR) control in WLEP 95 to limit the gross floor area of development. Although there is no LEP control for building bulk, the Paddington DCP requires that new development must be consistent with the scale of surrounding development and maintain the prominence of existing buildings. The Paddington DCP controls building bulk effectively without an FSR control in WLEP 95 and we are satisfied a similar approach will work for maximum building height in the Paddington HCA.

3.1.2 Apply a 9.5m height limit to part of 19 Cranbrook Lane and part of 33-35 Cranbrook Road, Rose Bay (Change R2.2)

These properties are currently in private ownership and contain dwelling houses. The land is unzoned and does not have a maximum building height in WLEP 95. Draft LEP 2013 rezones the land to R2 Low Density Residential to reflect the current use. We propose to apply a 9.5m maximum building height to the land, which is consistent with the surrounding area and the R2 zone generally.

² Conformity with adjoining buildings is not appropriate in circumstances where the development site adjoins a building, which is a substantially taller landmark building, or a building, which is considered to be intrusive due to its excessive height and incompatible design.

³ Floor space ratio defines the gross floor area a building can contain, relative to the size of a site.

3.2 R3 Medium Density Residential

The R3 Medium Density Residential zone (R3 zone) allows more types of residential accommodation including dwelling houses, multi dwelling houses and residential flat buildings. A wider variety of residential uses are included to encourage housing choice and diversity in this zone.

The R3 zone is proposed for the remaining residential land in the municipality. This includes Darling Point, Double Bay, parts of Woollahra, South Bellevue Hill and parts of Rose Bay.

In these locations under WLEP 95 the current maximum building heights range from 6.5m (2 storeys) to 24m (8 storeys). The majority of these locations have a 9.5m (2-3 storeys) or 12m (4 storeys) maximum building height.

The changes proposed to the height controls in the R3 zone are to:

- Marginally increase the existing 9.5m, 12m, 18m and 24m maximum building heights to reflect current building practice (except those identified in Table 3 below).
- Increase maximum building heights to reflect the existing built form of groups of RFBs that exceed WLEP 95 controls.
- Establish a second height limit on additional sites to promote view sharing and maintain streetscapes.
- Review the 6.5m maximum building height.
- Site-specific changes to maximum building heights for:
 - 1-7 Hopetoun Avenue and 1 Petrarch Avenue, Vaucluse
 - 2 Laguna Street, Vaucluse
 - 51 William Street, Double Bay
- Restrict dwelling houses to a 9.5m maximum building height to encourage other forms of medium density development in the R3 zone.

These changes are explained below. Where a change is proposed, the baseline maximum building heights in Table 2 are applied.

3.2.1 Marginally increase the existing 9.5, 12m, 18m and 24m maximum building heights to reflect current building practice (Change R3.1)

The majority of the R3 zone has a 9.5m (2-3 storeys) or 12m (4 storeys) maximum building height. The 18m (6 storeys) and 24m (8 storeys) maximum building heights apply to part of the R3 zone in Edgecliff, Double Bay and Woollahra. As discussed in Part 2.2 above these existing maximum building heights are generally too low to fit the number of storeys specified in the relevant DCP and meet current building practice regarding optimal ceiling height and acoustic privacy.

This results in applicants proposing buildings that exceed WLEP 95 maximum building heights but comply with the DCP storey controls.

To resolve the conflict between the LEP and DCP, the maximum building heights in Draft LEP 2013 will be increased as per Table 3 below.

TABLE 3: Baseline maximum building heights for the R3 Medium Density Residential zone

Number of storeys in DCP	Height in WLEP 95 (m)	Height in Draft LEP 2013 (m)
3	9.5	10.5
4	12	13.5
6	18	19.5
8	24	26

These new maximum building heights will broadly apply to R3 land zoned⁴ and are the same as the baseline height limits in Table 2.

These increases are relatively minor, but are a practical and reasonable response to allow new medium density residential development to reflect current building practice.

Draft LEP 2013 maximum building heights in the R3 zone allow for:

- A ceiling height of 2.7m
- 0.4m between floors
- 0.5m for the roof

The maximum building heights were then rounded up to the nearest half metre. For example, 10.1m was rounded to 10.5m and 13.2m was rounded to 13.5m.

⁴ Except for a few site-specific locations where no changes will occur as identified in Table 6 below or where heights are amended due to site-specific conditions that are discussed below.

The diagrams below show a cross-section of a floor in an RFB before and after the introduction of SEPP 65 and changes to the BCA. They also show a comparison of the minor increase to maximum building heights required for a 3 storey RFB.

FIGURE 2: Cross-section showing the increased ceiling height and space between floors to reflect current building practice in a residential building

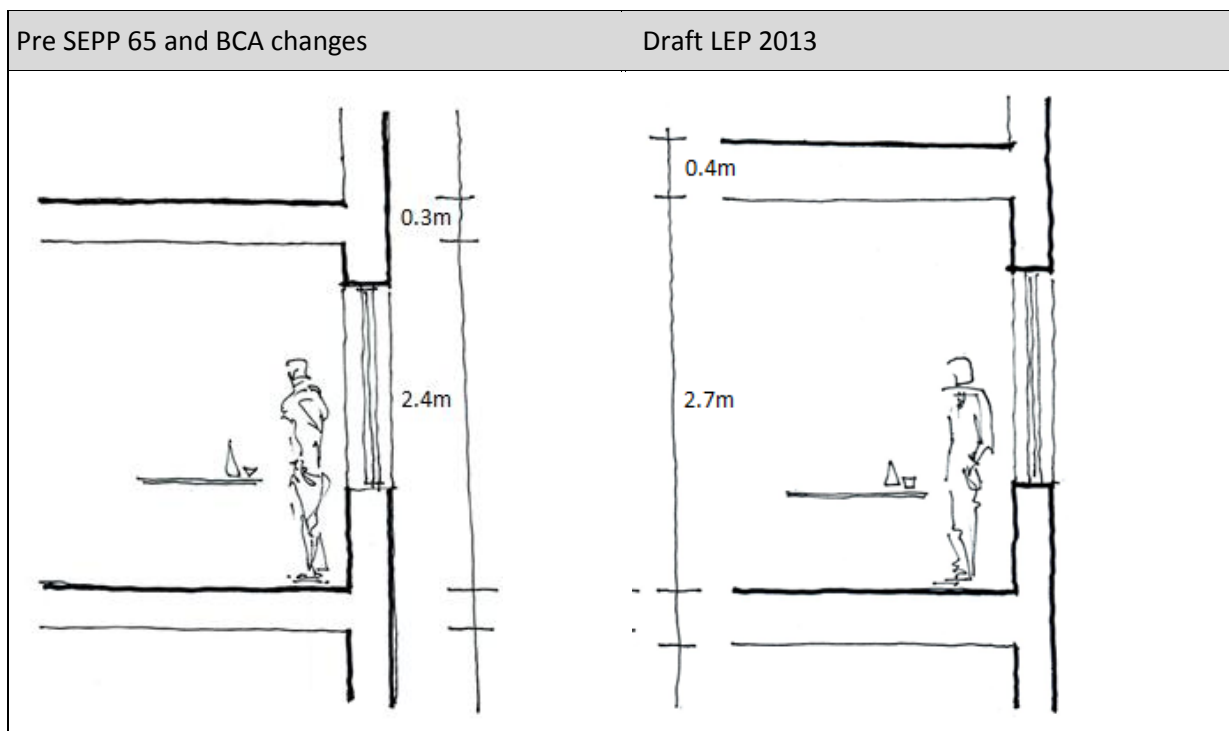
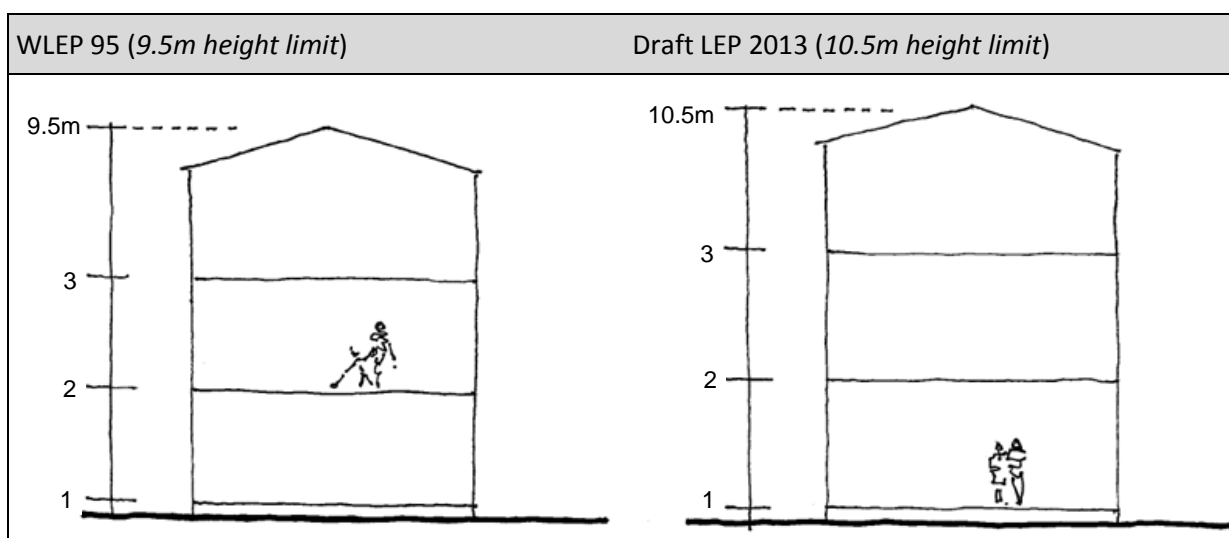


FIGURE 3: 3 storey building comparison



3.2.2 Increase maximum building height to match the existing built form of groups of RFBs that exceed WLEP 95 height controls

In the R2 and R3 zones there are groups of existing RFBs that have been constructed to a height that is substantially greater than the maximum building height permitted by WLEP 95. One example is Gladswood Gardens, Double Bay, where the WLEP 95 maximum building height is 9.5m and the existing buildings are up to 5 storeys high.

The height controls in WLEP 95 do not reflect what has been constructed or the predominant character of the area. These current controls are therefore not meaningful or practical.

We propose to increase maximum building height controls in Draft LEP 2013 to align with the number of storeys in these existing groups of building. The height control applied to buildings in the R3 zone is identified in Table 1.

The height change is proposed for 22 groups of buildings. The change does not increase development potential beyond the yield currently on the site; it merely seeks to more broadly reflect what has been built and the desired future character of the area.

For some sites, second height limits are also proposed to protect views from the surrounding area. These sites are marked with an * in Table 4.

Note, we do not propose to increase maximum building heights to match the height of RFBs that are not part of the desired future character of the LGA, such as the residential towers in Darling Point, Point Piper or Woollahra.

The maximum building height proposed for each of these groups of buildings is identified in Table 4 below. These sites can be located on the **Height of Building Map – Draft Change Layer** (see **Chapter 9 – Draft change layers**) by reference to the unique identifier.

TABLE 4: Proposed height increases to match the built form of existing RFBs

		WLEP 95		Draft LEP 2013	
Change number	Location	Height (m)	Second height (m)	Height (m)	Second height (m)
Watsons Bay					
R3.2	3-9 Military Rd	8.2	–	10.5	–
R3.3	7-11 Salisbury St	8.2	–	10.5	–
Rose Bay					
R3.4	778-788 New South Head Rd	9.5	–	16.5	7.5
	766 New South Head Rd	9.5	–	16.5	10.5
R3.5	48 Towns Rd	9.5	–	13.5	7.5
	50 Towns Rd	9.5	–	13.5	10.5
Point Piper					
R3.6	9 Longworth Ave and 44 Wunulla Rd	9.5	–	10.5	–
	36-42 Wunulla Rd, 1-3 Wyuna Rd, 1A-7 and	9.5	–	13.5	–
	6-8 Longworth Ave				
	10-12 Longworth Ave	9.5	–	13.5	3
	14 Longworth Ave	9.5	–	10.5	3
Bellevue Hill					
R3.7	2-9 Aston Gdns	9.5	–	16.5	10.5
	1 and 10 Aston Gdns	9.5	–	13.5	–
R3.8	24-36 Bellevue Rd	9.5	–	16.5	10.5
	38-54 Bellevue Rd	9.5	–	16.5	7.5
R3.9	21-35 Drumalbyn Rd	9.5	–	13.5	–
R3.10	58 Drumalbyn Rd*	9.5	–	10.5	7.5
	60-62 Drumalbyn Rd*	9.5	–	16.5	7.5
R3.11	74-82 Drumalbyn Rd*	9.5	–	16.5	7.5
	84-90 Drumalbyn Rd*	9.5	–	16.5	4
	85-91 Drumalbyn Rd	9.5	–	13.5	–
	93-95 Drumalbyn Rd	9.5	–	19.5	–
	97-99 Drumalbyn Rd*	9.5	–	10.5	7.5
R3.12	2 Benelong Cres	9.5 and 12	–	13.5	
R3.13	16 Birriga Rd	9.5 and 12	–	13.5	
R3.14	120-126 Old South Head Rd and 206A-220 Victoria Rd	9.5		13.5	–

Change number	Location	WLEP 95		Draft LEP 2013	
		Height (m)	Second height (m)	Height (m)	Second height (m)
Double Bay					
R3.15	1-3 Gladswood Gdns	9.5	–	13.5	–
	5-9 Gladswood Gdns*	9.5	7.5	16.5	7.5
	2-8 and 11A-21 Gladswood Gdns*	9.5	7.5	13.5	7.5
R3.16	522-534 New South Head Rd*	9.5	7.5	22.5	7.5
R3.17	470-508 New South Head Rd*	9.5	–	16.5	10.5
	450-468 New South Head Rd*	9.5	–	13.5	10.5
R3.18	4-10 Ocean Ave, 4 Holt St, 248-276 New South Head Rd	9.5	–	13.5	–
R3.19	282 New South Head Rd	9.5	–	26	–
R3.20	286-290 New South Head Rd and 4 Henrietta St	9.5	–	19.5	–
Edgecliff					
R3.21	218-246 New South Head Rd ⁵	9.5	–	13.5	–
Woollahra					
R3.22	1-5 Ocean St and 96-100 Wallis St	9.5	–	13.5	–
R3.23	410-414 Edgecliff Rd and 26 Rosemont Ave	9.5	–	19.5	–
Paddington					
R3.24	54-56 Hopewell St	9.5	–	10.5	–

⁵ 240-246 New South Head Road, Edgecliff was identified as an opportunity site. Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the LGA. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in the Draft LEP 2013. This site is not one of those three sites, however, this change is intended to reflect the predominant built form of this area including buildings on Ocean Avenue, New South Head Road and Holt Street. Further planning control changes on this site are foreshadowed when work on opportunity sites resumes.

3.2.3 Establish second height limit on additional sites to promote view sharing and maintain streetscapes

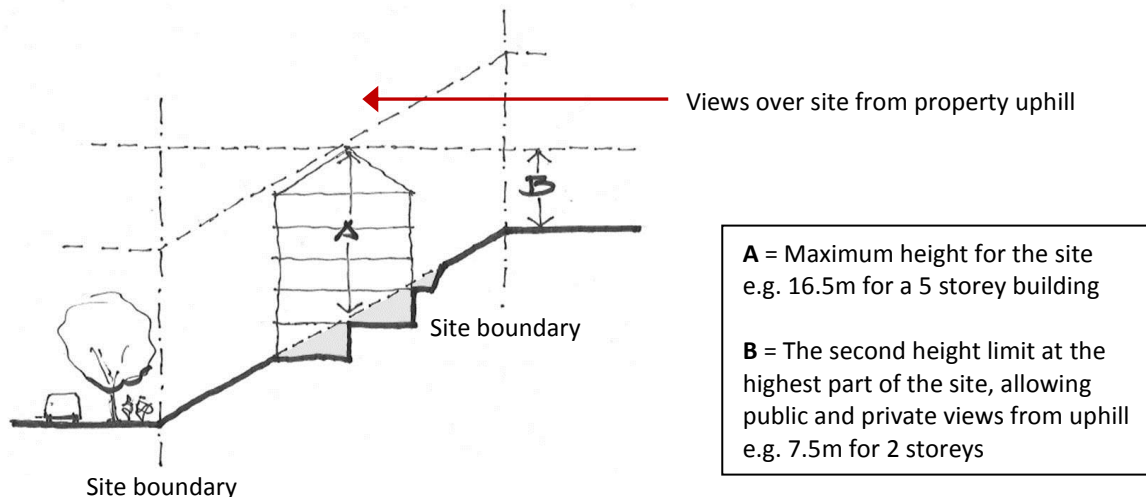
WLEP 95 contains seven locations where two maximum building heights apply. The first height limit is the overall maximum height. The second height is a maximum height at the highest part of the site, or the crown of the adjoining road.

The objectives of a second height limit are to:

- Maintain public and private views, and/or
- Provide a consistent streetscape at the street frontage when the highest point of a site is at the roadway.

An example of a second height limit is illustrated in Figure 4 below.

FIGURE 4: Second height limit concept



We have identified 14 additional locations where this second height limit is to apply in the R3 zone of Draft LEP 2013. These sites are identified with an * in Table 4 above.

Development potential is not reduced on these sites because most maximum building heights and all floor space ratios have been increased to reflect the existing built form.

3.2.4 Review 6.5m maximum building height (Changes R3.25A and R3.253B)

The 6.5m height limit applies to 21 properties in Darling Point and Double Bay. The proposed height controls for the land are discussed below.

66-79 New Beach Road, Darling Point, 1 and 1A Wiston Gardens, Double Bay and 23 and 25 Eastbourne Gardens, Darling Point

These properties currently have a 6.5m (2 storey) maximum building height in WLEP 95. However, they contain a mix of 2 and 3 storey RFBs interspersed with a small number of dwelling houses, all which generally exceed the 6.5m height control.

Typically development on the lower part of these sites generally exceeds 6.5m and is up to 3 storeys, while development on the highest part of the site complies with the 6.5m height control, allowing views over the buildings from the properties behind.

This is resulting in a suitable development outcome and the controls in the new LEP should reflect this. In Draft LEP 2013 we will apply a 10.5m maximum building height and 6.5m second height limit on these properties. The controls align with the built form, while maintaining views of properties uphill. This change is labelled on the **Height of Building Map – Draft Change Layer** as R3.25A.

80-82 New Beach Road, Darling Point

These properties also have a 6.5m (2 storey) maximum building height in WLEP 95. However, the land is flat and a second height limit is not required to provide for view sharing. The existing buildings are 2 storey dwelling houses which exceed the 6.5m maximum building height in WLEP 95.

In Draft LEP 2013 these properties will have a 7m maximum building height, which is sufficient to accommodate a 2 storey building with a flat roof that reflects current building practice (as discussed in Part 2.2 above). The 7m maximum building height prevents applications for an additional storey and maintains views from properties uphill. This change is labelled on the **Height of Building Map – Draft Change Layer** as R3.25B.

3.2.5 Site-specific changes to maximum building heights

There are three locations being rezoned to R3 Medium Density Residential with unique characteristics requiring closer consideration. In all cases, baseline heights from Table 2 are proposed.

These sites and the maximum building heights are identified in Table 5 below.

TABLE 5: Site-specific changes to maximum building heights



Change number	Location	WLEP 95 height (m)	Draft LEP 2013 height (m)	Comments
Land affected by a Council resolution				
R3.26	1-7 Hopetoun Ave, 22A-24 New South Head Rd, Vaucluse	9.5	13.5	<i>Opportunity site⁶ rezoning</i> <ul style="list-style-type: none">• Zoned 2(a) Residential in WLEP 95• Draft LEP 2013 proposes to rezone these properties to the R3 Medium Density Residential zone to increase residential dwelling capacity
	1 Petrarch Ave, Vaucluse	9.5	10.5	
FIGURE 5: 5 and 3 Hopetoun Ave				
				
<ul style="list-style-type: none">• A height of 11m (3 storeys) and 14.4m (4 storeys) were approved when this site was reported to Council on 2 May 2011.• However, these do not match the baseline controls for the R3 zone (13.5m for a 4 storey building and 10.5m for a 3 storey building)• Applying baseline height and FSR controls to these properties is appropriate as there are no unique site characteristics which warrant alternative controls.				
Land which is being rezoned to R3 Medium Density Residential to reflect an approved development application				
R3.27	2 Laguna St, Vaucluse	9.5	13.5	<i>Setting planning controls to reflect the anticipated future use</i> <ul style="list-style-type: none">• Zoned 5(a) Special Use School in WLEP 95• The site will be zoned R3 Medium Density in Draft LEP 2013• The site has approval for a 3-5 storey aged care development• Applying a 13.5m height control reflects height of most buildings within the site and is the baseline height for 4 storey building in the R3 zone.
FIGURE 6: 2 Laguna St				
				

FIGURE 5: 5 and 3 Hopetoun Ave



FIGURE 6: 2 Laguna St



⁶ Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the municipality. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in the Draft LEP 2013, including properties in Vaucluse. Except for the sites specifically noted in these discussion papers, work on the remaining opportunity sites has been deferred until the Draft LEP 2013 has been finalised. For more information on these rezonings see **Chapter 3 – Land use zones and the land use table**.

Change number	Location	WLEP 95 height (m)	Draft LEP 2013 height (m)	Comments
<i>Land being rezoned to reflect the predominant existing use</i>				
R3.28	51 William St, Double Bay	Part 9.5 Part 16.5	13.5	<p><i>Rezoning to reflect predominant current use</i></p> <ul style="list-style-type: none"> Contains a 3-4 storey mixed use development, comprised of 48 residential apartments and two commercial units Different planning controls apply to two parts of the site: <ul style="list-style-type: none"> Part 2(b) Residential with a 9.5m (2 storeys) maximum building height Part 3(a) Business General with a 16.5m (4 storeys) maximum building height The DP&I do not support part zoning of single parcels. Consequently, Draft LEP 2013 applies a medium density zone to the whole site to reflect its mostly residential use A maximum building height of 13.5m (4 storeys) is proposed for the whole site, which reflects the existing maximum number of storeys on the site and is the baseline maximum building height for a 4 storey height building in the R3 zone.
<i>R3 zoned land with approved development applications</i>				
R3.29	315-317 New South Head Road, Double Bay	18	13.5	<p><i>Apply a height that is consistent with recent development application approvals</i></p> <ul style="list-style-type: none"> These properties have a recent development application approval for RFBs up to 4 storeys The baseline maximum building height of 13.5m (4 storeys) is proposed for the land to reflect these recent consents This land formed part of an opportunity site⁷. Given controls for these properties are being amended in Draft LEP 2013, they will be excluded from further opportunity site work.

FIGURE 7: 51 William St



FIGURE 8: 315-317 New South Head Rd



⁷ Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the municipality. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in the Draft LEP 2013. Except for the sites specifically noted in these discussion papers, work on the remaining opportunity sites has been deferred until the Draft LEP 2013 has been finalised. For more information on these rezonings see **Chapter 3 – Land use zones and the land use table**.

3.2.6 Restrict dwelling houses to a 9.5m maximum building height to encourage other forms of medium density development in the R3 zone

The R3 zone is a medium density residential zone, applied in locations where we want to increase residential density, housing choice and diversity. To encourage redevelopment and diversity within the R3 zone, Draft LEP 2013 retains the 9.5m WLEP 95 maximum building height for dwelling houses.

Keeping the 9.5m height limit for houses provides for existing and new dwelling houses to redevelop to the same scale currently permitted, and encourage a diverse range of medium density development in the R3 zone.

This change is controlled by Clause 4.3(3) in Draft LEP 2013 and is therefore not identified on the **Height of Building Map – Draft Change Layer**, however, it applies to the entire R3 zone.

3.2.7 Restrict development on battle-axe lots in the R3 zone to a 9.5m maximum building height

We propose a 9.5m maximum building height on battle-axe lots in the R3 zone regardless of the height shown on the **Height of Buildings Map**. This control is intended to protect the amenity of adjoining land.

Under WLEP 95 medium density development is excluded from battle-axe lots by clause 10B which requires a minimum frontage for RFBs of either 15m or 21m. Clause 10B will not be retained in Draft LEP 2013, but controls for minimum lot frontages will be included in the DCP for medium density development.

We have considered the implications of this change and conclude that medium density development is acceptable on battle-axe lots subject to certain controls, in particular restricting the maximum building height to 9.5m and setting a minimum lot size of 950m².

The 9.5m height limit allows medium density development at the same scale as a dwelling house, and combined with a relatively large minimum lot size and DCP controls, such as setbacks, will protect solar access and privacy of the adjoining land.

Clause 4.3(4) in Draft LEP 2013 applies the 9.5m control as an exception to the **Height of Buildings Map**. For example, the **Height of Buildings Map** may show a height of 13.5m, but battle-axe lots will be restricted to 9.5m by clause 4.3(4). If that battle-axe lot was consolidated with an adjoining lot that had a street frontage, clause 4.3(4) would no longer apply to that land.

3.2.8 No change

For the sites in Table 6 below, the height in WLEP 95 will be retained and carried into Draft LEP 2013.

TABLE 6: *Unchanged maximum building heights*

Location	Draft LEP 2013 height (m)	Rationale
Babworth House, Darling Point	9.5	<ul style="list-style-type: none"> To retain the existing built form within the Babworth House estate which is subject to a site-specific DCP
Where land has a 2 storey character	9.5	<ul style="list-style-type: none"> Where our DCPs seek to maintain a 2 storey character, no height increases are proposed. For example, in parts of the Woollahra Heritage Conservation Area
The site of former Royal Hospital for Women in Paddington	9 – 21.5	<ul style="list-style-type: none"> Site-specific maximum building heights apply to this land and reflect current development
Where the 8.2m (2 storeys) and 15m (4 storeys) maximum building heights apply	8.2, 15 or 12, whichever currently applies	<ul style="list-style-type: none"> These maximum building heights are satisfactory and reflect current building practice. For example, the 15m height limit which applies along New South Head Road in Double Bay
Where the 12m (3 storeys) maximum building height applies in Double Bay		<ul style="list-style-type: none"> This height limit applies to land in Court Road, Manning Road, Patterson Street and Kiaora Road, Double Bay 12m is sufficient to accommodate a 3 storey building using current building practice

PART 4. BUSINESS ZONES

Draft LEP 2013 has three commercial zones:

- B1 Neighbourhood Centre zone
- B2 Local Centre zone
- B4 Mixed Use zone

In WLEP 95 maximum building heights in these zones are marginally too low. Existing maximum building heights cannot accommodate the permissible number of storeys described in our DCPs. Maximum building heights should be slightly increased because:

- Existing maximum building heights need to increase to allow higher ceiling heights and improved acoustic privacy between floors as described in Part 2.2.
- Commercial uses are permitted on levels above the ground floor and require greater ceiling heights⁸ than residential uses to allow for fixtures and fittings such as ducted air conditioning. WLEP 95 maximum building heights do not factor this in.
- Ceiling heights of at least 2.7m should be encouraged to improve internal building amenity.

The changes to maximum building heights for our commercial zones in Draft LEP 2013 are outlined below.

4.1 B1 Neighbourhood Centre

The B1 Neighbourhood Centre zone (B1 zone) applies to centres that contain small-scale convenience retail premises, business premises and community uses that serve the day-to-day needs of residents in easy walking distance of where they live.

FIGURE 9: The neighbourhood centre at the intersection of Old South Head Rd and New South Head Rd, Vaucluse



⁸ Commercial uses require greater ceiling heights than residential use for fixtures and fittings. WLEP 95 maximum building heights only accommodate residential uses on floors above ground level. Heights therefore need to be increased as outlined in the table for commercial zone maximum building heights in Part 2.2.

Maximum building heights

To reflect current building practice and provide for internal amenity, the maximum building heights in WLEP 95 are marginally increased across the majority of our neighbourhood centres in Draft LEP 2013.

In heritage conservation areas, maximum building heights generally remain unchanged because the existing height limits sufficiently accommodate current building practice and match the desired future character of each centre.

Table 7 below outlines Draft LEP 2013 maximum building heights for each of our neighbourhood centres.

TABLE 7: Maximum building heights in the B1 Neighbourhood Centre zone

Change number	Location	WLEP 95 or DCP height (m)	Draft LEP 2013 height (m)	Comments
B1.1	167-179 Hopetoun Ave, Vacluse	10.5	11	<ul style="list-style-type: none"> Consistent with existing character Height is based on a 3 storey building (1 storey of commercial and 2 storeys of residential) Include additional height for acoustic privacy
B1.2	South Head roundabout, Vacluse	9.5	11	<ul style="list-style-type: none"> Height is based on a 3 storey mixed use building (2 storeys of commercial and 1 storey of residential) Include additional height for acoustic privacy
<i>Vacluse Village</i>				
B1.3	83-103 New South Head Rd	10.5	11	<ul style="list-style-type: none"> Consistent with existing character Height is based on a 3 storey mixed use building (2 storeys of commercial and 1 storey of residential) Include additional height for acoustic privacy
B1.4	77 New South Head Rd	9.5	11	<ul style="list-style-type: none"> Site is rezoned to B1 Neighbourhood Centre to reflect the current commercial use⁹ Height is based on the proposed 11m maximum height limit on this side of New South Head Road in Vacluse Village
	26-68 New South Head Rd	12	12	<ul style="list-style-type: none"> No change Matches DCP storey controls and reflects current building practice

⁹ This site was identified as an opportunity site. Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the municipality. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in the Draft LEP 2013, including this site at Vacluse Village. Except for the sites specifically noted in this discussion paper, work on the remaining opportunity sites has been deferred until the Draft LEP 2013 has been finalised. For more information on these rezonings see **Chapter 3 – Land use zones and the land use table**.

Change number	Location	WLEP 95 or DCP height (m)	Draft LEP 2013 height (m)	Comments
<i>Bellevue Hill Shops</i>				
B1.5	3-27A Bellevue Rd and 196-204 Victoria Rd	10.5	11	<ul style="list-style-type: none"> • Consistent with existing character • Height is based on a 3 storey mixed use building (2 storeys of commercial and 1 storey of residential) • Includes additional height for acoustic privacy
B1.6	2-22 Bellevue Rd	18	20.5	<ul style="list-style-type: none"> • Consistent with existing character • Height is based on a 6 storey mixed use building (2 storeys of commercial and 1 storey of residential from the roadway, 3 storeys of residential downhill towards Cooper Park) • Includes additional height for acoustic privacy
		10.5	11	<ul style="list-style-type: none"> • This is a second height limit to ensure development is 3 storeys on both sides of Bellevue Road
B1.7	Streatfield Rd	9.5 and 10.5	11	<ul style="list-style-type: none"> • Consistent with existing character • Height is based on a 3 storey mixed use building (2 storeys of commercial and 1 storey of residential) • Includes additional height for acoustic privacy
B1.8	Manning Rd	10.5	11	<ul style="list-style-type: none"> • Consistent with DCP character statements • Height is based on a 3 storey mixed use building (1 storey of commercial and 2 storeys of residential) • Include additional height for acoustic privacy
	Mitchell Rd	6.5	6.5	<ul style="list-style-type: none"> • No change • Site-specific height limit to match existing buildings
<i>Heritage Conservation Area centres or centres that include heritage items</i>				
	Military Rd, Watsons Bay	8.2	8.2	<ul style="list-style-type: none"> • No change • Matches existing built form
	Edgecliff Rd, Woollahra 117-181A, 134-148 and 164-166	9.5	9.5	<ul style="list-style-type: none"> • No change • The current maximum building height accommodates most existing buildings
B1.9	156 Edgecliff Rd, Woollahra	10.5	11.5	<ul style="list-style-type: none"> • Site-specific height to match existing 3 storey building with commercial uses on each floor
	Plumer Road	12	12	<ul style="list-style-type: none"> • No change • Matches existing buildings and DCP character statements
B1.10	Rose Bay West (corner of O'Sullivan Rd and New South Head Rd)	9.5	11	<ul style="list-style-type: none"> • Consistent with DCP character statement • Height is based on a 3 storey mixed use building (1 storey of commercial and 2 storeys of residential) • Include additional height for acoustic privacy

Change number	Location	WLEP 95 or DCP height (m)	Draft LEP 2013 height (m)	Comments
	Elizabeth St, Paddington	9.5	9.5	<ul style="list-style-type: none"> • No change • Consistent with the existing built form • The centre is surrounded by R2 Low Density Residential land
	Five Ways	9.5	9.5	<ul style="list-style-type: none"> • No change • Consistent with existing built form
	Boundary St	9.5	9.5	<ul style="list-style-type: none"> • No change • Matches existing built form • Draft LEP 2013 proposes to rezone these properties to the B1 zone to recognise their neighbourhood retail function.

4.2 B2 Local Centre

The B2 Local Centre zone (B2 zone) applies to places that provide a range of retail, business, entertainment and community functions that serve a wider area than a neighbourhood centre.

The B2 zone is proposed for:

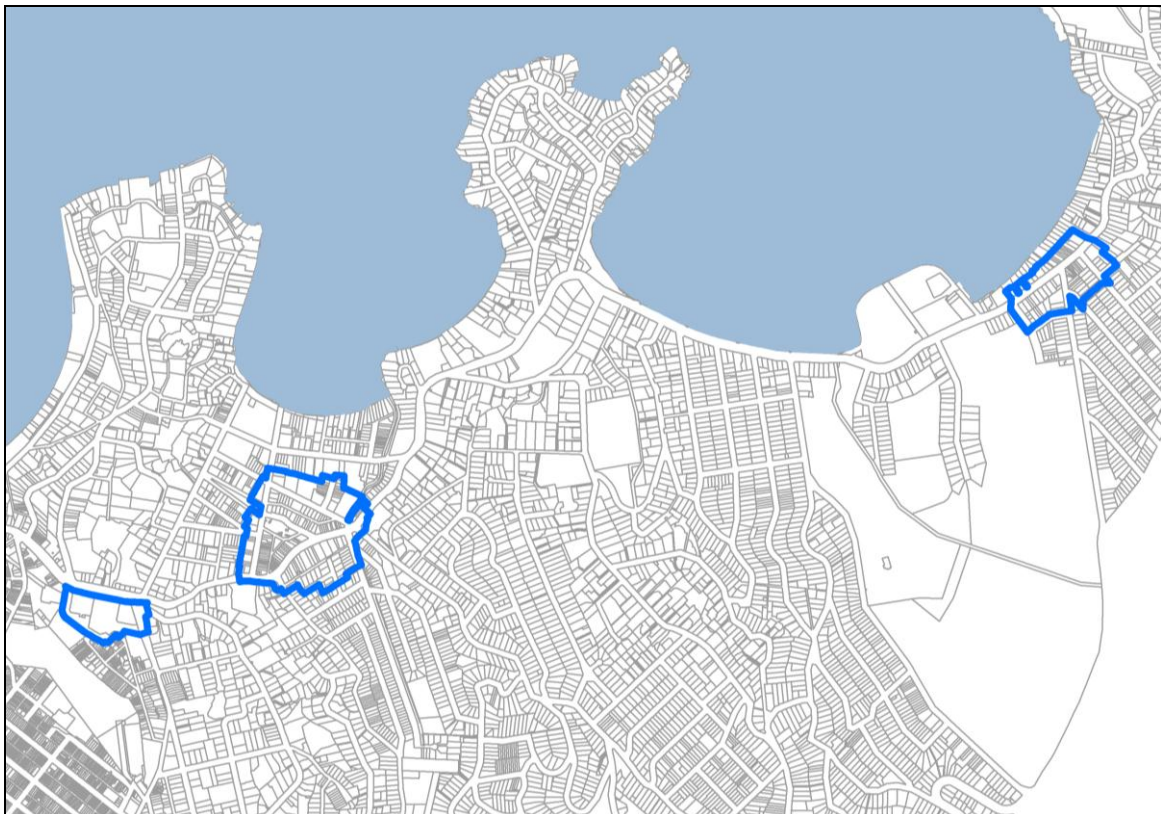
- Double Bay
- Rose Bay
- Edgecliff Commercial Core

Summary of B2 zone maximum building heights:

- In Double Bay and Rose Bay, the existing number of storeys permitted does not change, but maximum heights are marginally increased to allow higher ceiling heights and improved acoustic privacy between floors as described in Part 2.2 above.
- In Edgecliff, the existing number of storeys and maximum building heights are retained.
- Heights will match the existing DCP storey controls and character statements.

The maximum building heights for each centre are explained in detail below.

FIGURE 10: Map of B2 Local Centre zones



4.2.1 Double Bay

Current controls

In Double Bay, existing maximum building heights are in the Double Bay DCP and range from 6.5m (2 storeys) to 16.5m (5 storeys). All maximum building heights must be in Draft LEP 2013.

Changes

Double Bay is shown in the maps below, with numbers of each site corresponding to the proposed height limits in Table 8 below.

FIGURE 11 and FIGURE 12: Map of Double Bay heights



TABLE 8: Maximum building heights in the B2 Local Centre zone of Double Bay

Change number	No.	Location	DCP height (m)	Draft LEP 2013 height (m)	Comments
	1	2-16 and 3-13 Transvaal Ave	6.5	6.5	<ul style="list-style-type: none"> No change Matches existing built form
	2	15-19 and 18-20 Transvaal Ave	7.5	7.5	<ul style="list-style-type: none"> No change Matches DCP character statement
B2.1	3	11 Patterson St	10.5	11.5	<ul style="list-style-type: none"> Height is based on a 3 storey 100% commercial building Provides flexibility for commercial and residential land uses Includes additional height for acoustic privacy
	4	Kiaora Lands ¹⁰	13	13	<ul style="list-style-type: none"> No change Site-specific height limit
B2.2	5	51 William St	16.5	13.5	<ul style="list-style-type: none"> R3 Medium Density Residential to be applied Height is based on a 4 storey residential building Note this site is further discussed in change R3.24 on page 13
B2.3	6	2 Short St	7.5	15	<ul style="list-style-type: none"> Provides flexibility for commercial and residential land uses Responds to the height of the approved DA for this site Includes additional height for acoustic privacy
B2.4	7	Various properties, see Figure 12	13.5	15	<ul style="list-style-type: none"> Consistent with DCP 4 storey character Height is based on 100% commercial buildings along New South Head Road (commercial uses on all levels) Include additional height for acoustic privacy
B2.5	8	Various properties, see Figure 12	16.5 ¹¹	18.5	<ul style="list-style-type: none"> Consistent with DCP 5 storey character Height is based on 100% commercial buildings along New South Head Road (commercial uses on all levels) Include additional height for acoustic privacy

¹⁰ Height in WLEP 95¹¹ Height for 433-451 New South Head Rd, Double Bay is in WLEP 95

4.2.2 Rose Bay

Current controls

In the Rose Bay Centre the WLEP 95 maximum building height limit is 12m (4 storeys). A small part of the Rose Bay Centre is subject to a bonus height provision of 16m (5 storeys), subject to the Rose Bay Plaza being constructed.

The WLEP 95 maximum building heights are too low to accommodate the number of storeys permitted by the Rose Bay Centre DCP. In addition, maximum building heights need to increase to reflect current building practice. The increased height will allow higher ceiling heights and better acoustic privacy between floors.

Buildings in Rose Bay are generally a mix of either:

- Commercial uses on the ground floor with residential above, or
- Commercial uses on the ground floor and second storey with residential above.

Based on the land use mix of existing buildings in Rose Bay, the maximum building heights in Draft LEP 2013 were determined with the assumption that development will take the form of ground floor retail with office commercial premises or residential on the second floor and residential above. Although maximum building heights are increased, no additional storeys are permitted beyond what is allowed in the current DCP.

FIGURE 13: Part of the Rose Bay centre



Changes

Under Draft LEP 2013 maximum building heights will increase from 12m to 14.5m (for 4 storeys) and from 16m to 17.5m (for 5 storeys) to allow higher ceiling heights and improved acoustic privacy between floors.

The Rose Bay Centre is shown in the map below. The land subject to the bonus height provision is outlined in blue.

FIGURE 14: Maximum building heights in the B2 Local Centre zone of Rose Bay

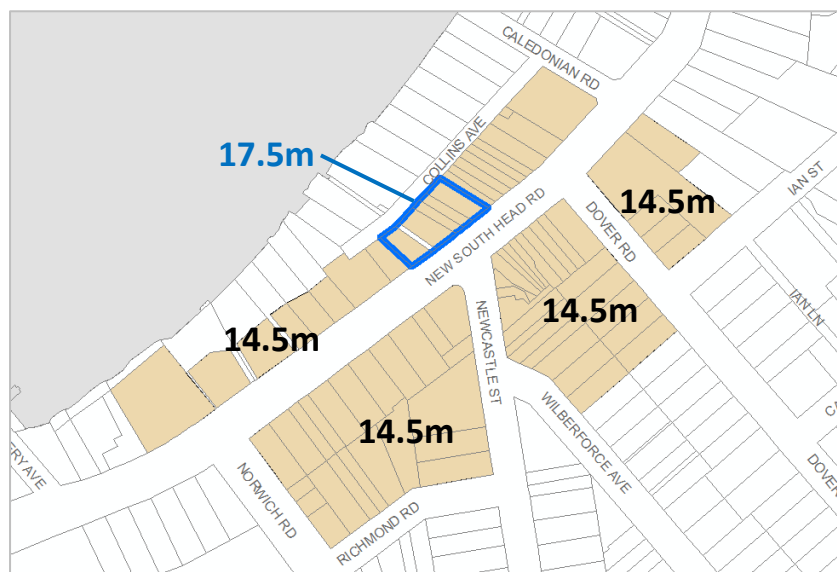




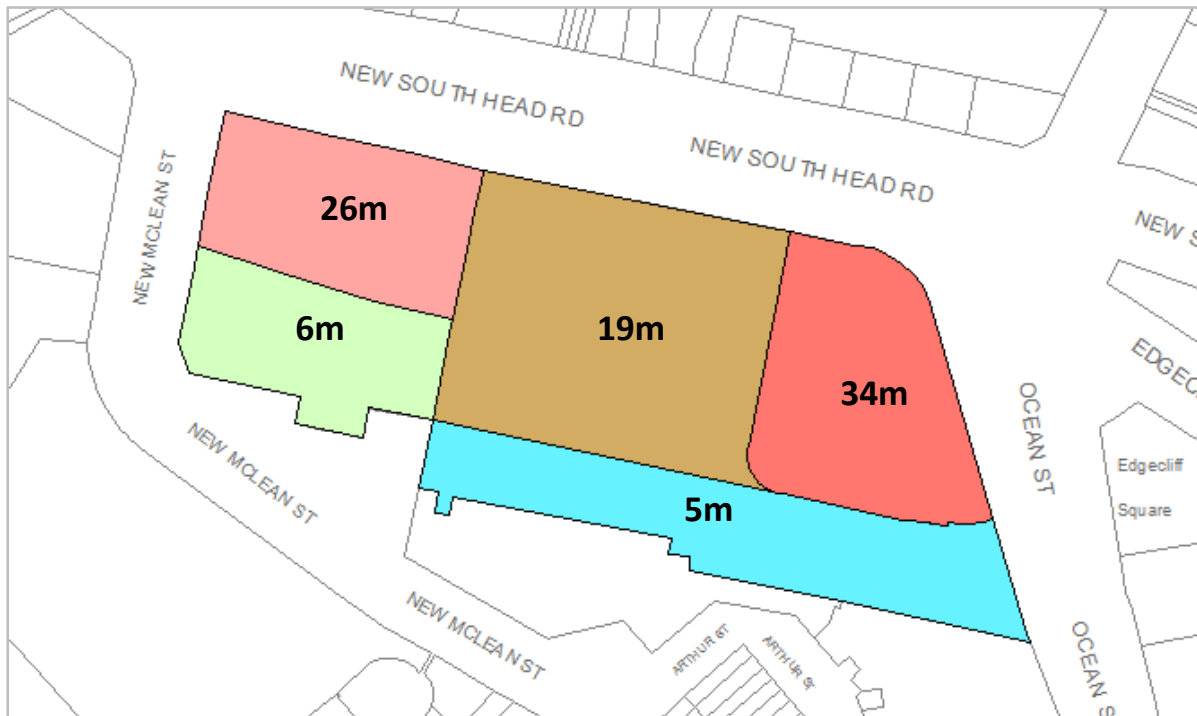
TABLE 9: Maximum building heights in the B2 Local Centre zone of Rose Bay

Change number	Location	WLEP 95 or DCP height (m)	Draft LEP 2013 height (m)	Comments
B2.6	Land in the B2 zone of Rose Bay Centre 	12	14.5	<ul style="list-style-type: none"> Based on a 4 storey mixed use building (2 storeys of commercial and 2 storeys of residential) Allows for commercial uses on the ground floor and second storey with residential above Includes space for acoustic privacy
B2.7	Bonus height if Rose Bay Plaza is constructed on 682-694 New South Head Rd 	16	17.5	<ul style="list-style-type: none"> Based on a 5 storey mixed use building (2 storeys of commercial and 3 storeys of residential) Allows for commercial uses on the ground and first floor with residential above Includes space for acoustic privacy

4.2.3 Edgecliff Commercial Core – No change

The B2 zone applies to the Edgecliff bus and rail interchange, the Edgecliff Centre and Eastpoint residential and commercial buildings (Edgecliff Commercial Core). The maximum building heights for these properties will be directly translated from the Edgecliff Commercial Centre DCP into Draft LEP 2013¹² with no change to the maximum permitted height. Draft LEP 2013 maximum building heights are shown in the map below.

FIGURE 15: Map of Edgecliff Commercial Core



¹² Height limits remain unchanged for this land as it was part of our 'opportunity site' process. Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the municipality. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to remove the properties at 203-233 and 235-285 New South Head Rd from the list of sites being investigated as part of the Draft LEP 2013 process.

4.3 B4 Mixed Use

The B4 Mixed Use zone (B4 zone) is used to encourage a wide range of land uses, including commercial, residential, tourist and visitor and community. Residential development in this zone can be important in sustaining the area and providing housing close to public transport.

The B4 zone is the most appropriate fit for some of our larger neighbourhood centres currently zoned 3(c) Neighbourhood Business that contain an integrated range of business, residential and retail uses that are in close proximity to public transport. These centres are generally characterised as corridor or strip centres.

The B4 zone is proposed for:

- New South Head Road, Edgecliff
- Oxford Street, Paddington
- Queen Street, Woollahra
- Rose Bay North, Rose Bay
- Rose Bay South, Rose Bay

Summary of B4 zone maximum building heights:

- In Edgecliff the maximum building heights are broadly translated from WLEP 95 and the Edgecliff Centre DCP into Draft LEP 2013, with some heights increased to allow higher ceiling heights and improved acoustic privacy between floors and others reduced to reflect the existing built form.
- In the Rose Bay North and Rose Bay South centres maximum building heights are slightly increased to allow higher ceiling heights and improved acoustic privacy between floors.
- In Queen Street and the Oxford Street area there are no changes.

The maximum building heights for each centre are explained in detail below.

Part of the Edgecliff Commercial Centre

Height controls for the Edgecliff Commercial Corridor are in WLEP 95 and the Edgecliff Commercial Centre DCP, and range from 9.5m to 22m. Overall we propose to retain and slightly amend the maximum building heights to accommodate current building practice.

Changes

Table 10 below shows the location of maximum building heights in Edgecliff. The numbers on the map in Figure 16 correspond to the table explaining the changes. Land in area 'A' is addressed separately in Figure 17.

FIGURE 16: Maximum building heights in the B4 zone of the Edgecliff Commercial Corridor

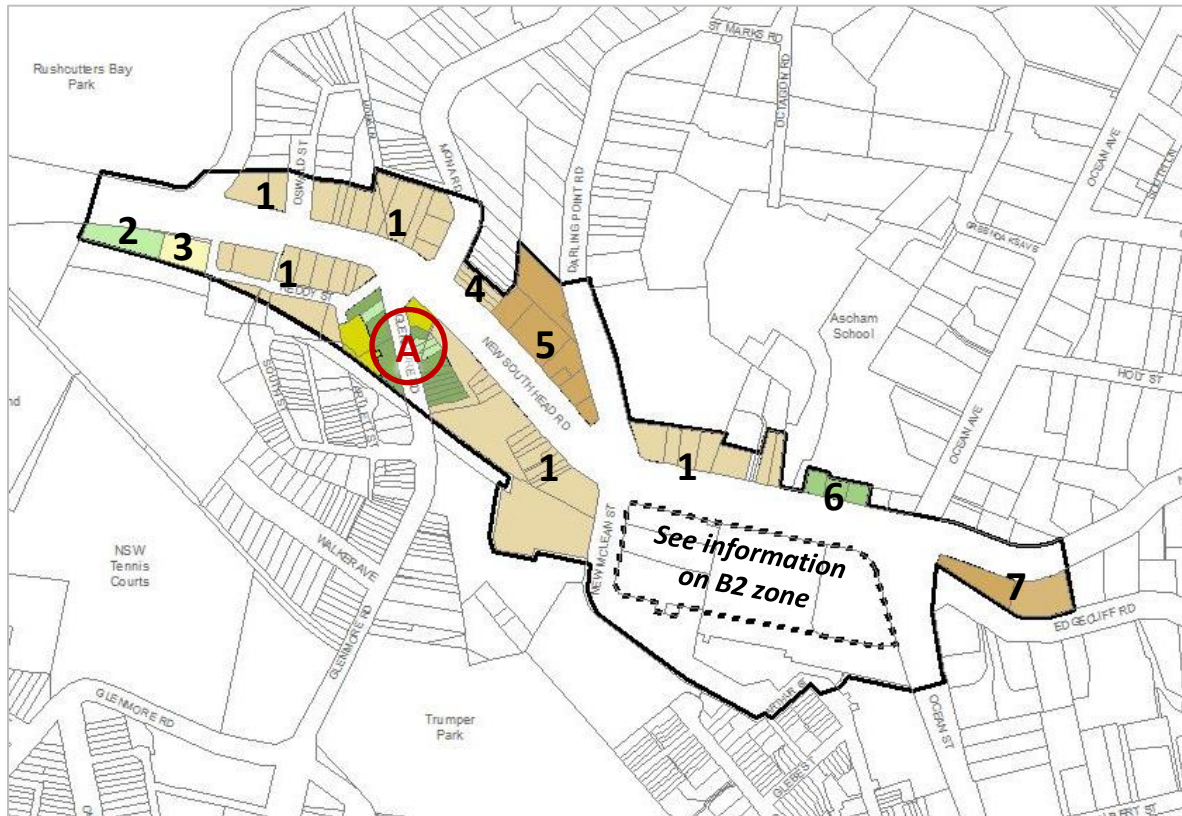


TABLE 10: Maximum building heights in the B4 Mixed Use zone of Edgecliff

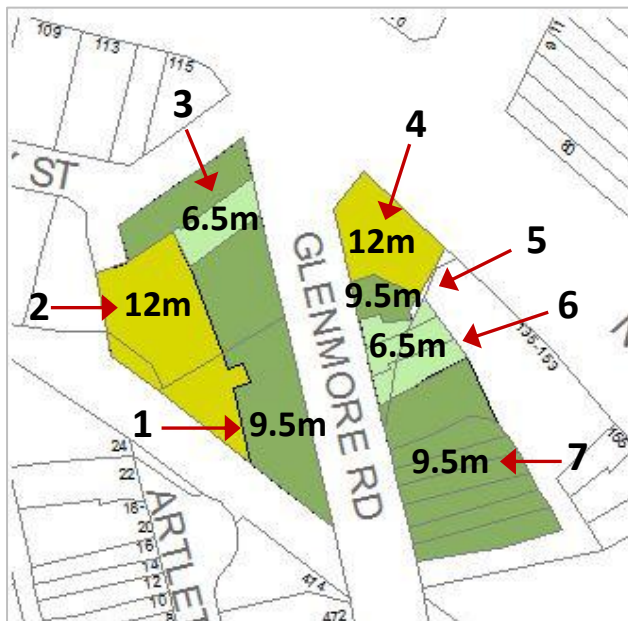
Change number	No.	Location	WLEP 95 height	Draft LEP 2013 height	Comment
B4.1	1	Various properties	12m	14.5m	<ul style="list-style-type: none"> Height is based on 4 storey mixed use buildings in Edgecliff (2 storeys of commercial and 2 storeys of residential) Aligns with 4 storey DCP character along New South Head Rd
B4.2	2	73-79 New South Head Rd	None DCP control 6.5m	6.5m	<ul style="list-style-type: none"> Site contains a service station Proposed height limit translates the existing DCP control into Draft LEP 2013 The 6.5m maximum building height maintains views from Paddington towards Rushcutters Bay by keeping buildings to the height of the adjoining railway viaduct and fig trees along New South Head Rd

Change number	No.	Location	WLEP 95 height	Draft LEP 2013 height	Comment
B4.3	3	81-83 New South Head Rd	None DCP control 10.5m	10.5m	<ul style="list-style-type: none"> • Site forms the eastern part of an approved car wash, café and service station • Proposed maximum building height translates the existing DCP control into Draft LEP 2013 • The 10.5m maximum building height ensures the maintenance of views from Paddington towards Rushcutters Bay by keeping to the height of the adjoining railway viaduct and fig trees along New South Head Rd
B4.4	4	80 New South Head Rd	Part 12m Part DCP control 14m	14.5m	<ul style="list-style-type: none"> • The property contains a 3 storey commercial building over 3 lots • WLEP 95 applies 12m maximum building height on two lots and the Edgecliff Commercial Centre DCP applies a 14m maximum building height on the remaining lot • Draft LEP 2013 applies 14.5m over all lots • This translates both existing controls and is consistent with the adjoining 14.5m (4 storeys) building height that will be applied along New South Head Rd
B4.5	5	90-130 New South Head Rd and 2, 2A and 2B Darling Point Rd	DCP control 14-23m	20.5m with 14m second height on 100 New South Head Rd	<ul style="list-style-type: none"> • 20.5m is the equivalent of the current DCP height • The maximum building height is based on a 6 storey mixed use building (2 storeys of commercial and 4 storeys of residential above) • A 14m second height limit on the rear part of 100 New South Head Rd translates the DCP maximum building height at the highest part of this site, protecting views from the surrounding area
B4.6	6	208-212 New South Head Rd	None	8m	<ul style="list-style-type: none"> • Existing three properties are 2 storey flat roofed commercial buildings • The 8m maximum building height matches the existing built form • The maximum building height will allow 2 storey mixed use or 100% commercial buildings
B4.7	7	New South Head Rd 287-289 295	 18m 18m	 20.5m 17.5m	<ul style="list-style-type: none"> • Recognises the height of existing buildings • Maximum building heights are based on commercial uses occurring on the first and second storey • The maximum building heights allow views from the surrounding area

Changes to land in Inset A of Figure 15

The area marked as “A” in Figure 16 above is part of the Edgecliff Commercial Centre on Glenmore Road and New South Head Road, which falls within the Paddington HCA. Maximum building heights range from 6.5m to 12m. The eastern side of Glenmore Road contains 2 and 3 storey period buildings at the corner of New South Head Road, which are adjoined by 1 storey cottages and 2 storey terraces. The western side of Glenmore Road contains 2 to 3 storey infill development at 486-496 Glenmore Road, and 1 and 2 storey period buildings.

FIGURE 17: Inset A - Paddington Heritage Conservation Area properties



The Paddington HCA DCP identifies that:

- Development should not increase the height of existing buildings at the street front.
- New development at the rear should not be taller than existing buildings.

To reflect these controls and protect the heritage significance of the heritage conservation area, Draft LEP 2013 will retain WLEP 95 maximum building heights which match the height of existing buildings.

Where maximum building height controls are greater than the existing buildings, the height control will be reduced to match the height of the existing building.

We propose a single maximum building height in Draft LEP 2013 for:

- A group of 2 storey terraces.
- A group of existing 1 storey cottages.

This approach is consistent with the Paddington HCA DCP, which states that development to the rear of significant buildings should not be visible from the public domain.

The controls for each site are outlined in Table 11 below.

TABLE 11: Maximum building heights for Inset A

Change number	No.	Location	Edgecliff Commercial Centre DCP (m)	Draft LEP 2013 height (m)	Comment
	1	488-496 Glenmore Rd	9.5 at street 12 at rear	9.5 at street 12 at rear	<ul style="list-style-type: none"> • No change • Reflects existing built form of infill development
B4.8	2	498 Glenmore Rd	9.5	6.5	<ul style="list-style-type: none"> • The site contains a single storey building with alterations to the front elevation • Recognises the existing built form • Protects the heritage significance of this single storey building
4.9	3	502 Glenmore Rd	9.5 at street 12 at rear	9.5	<ul style="list-style-type: none"> • Site contains a 2 storey terrace and • Recognises the existing built form • Simplifies the two maximum building heights by applying a single height limit to the site • Has regard to an existing consent for the redevelopment on the site which retains the contributory buildings on Glenmore Road • Protects heritage significance of the existing terraces
	4	133 New South Head Rd	12	12	<ul style="list-style-type: none"> • No change • Reflects existing built form of 3 storey period building
	5	549 Glenmore Rd	9.5	9.5	<ul style="list-style-type: none"> • No change • Reflects existing built form of 2 storey period building
B4.10	6	543-547 Glenmore Rd	9.5 at street 12 at rear	6.5	<ul style="list-style-type: none"> • Site contains three 1 storey 20th century cottages • Recognises the existing built form • Simplifies the two maximum building heights by applying a single maximum building height to the site • Protects heritage significance of the original 1 storey buildings
B4.11	7	529-539 Glenmore Rd and part of 135-153 New South Head Rd	9.5 at street 12 at rear	9.5	<ul style="list-style-type: none"> • Site contains six 2 storey terraces • Recognises the existing built form • Simplifies the two maximum building heights by applying a single height limit to the site • Protects heritage significance of the existing terraces

Rose Bay North and South, Queen Street and Oxford Street area

The maximum building heights for these centres are explained in Table 12 below.

TABLE 12: Maximum building heights for the B4 Mixed Use zone in Rose Bay North and South, Queen Street and Oxford Street

Change number	Location	WLEP 95 height (m)	Draft LEP 2013 height (m)	Comment
B4.12	Rose Bay North and South	13.5	14.5	<ul style="list-style-type: none"> • Maximum building height based on a 4 storey mixed use building with (2 storeys of commercial and 2 storeys of residential above, or 1 storey of commercial and 3 storeys of residential above) • Aligns with the Neighbourhood Centres DCP character statements which include 4 storey buildings on Old South Head Road • Matches the 4 storey height limit on the Waverley Council side of Old South Head Road
	Queen Street	9.5	9.5	<ul style="list-style-type: none"> • No change • Aligns with the strong 2 storey character • Protects the heritage significance of Queen Street by ensuring development is consistent with the character of existing buildings and the adjoining residential area
	Oxford Street area	9.5	9.5	<ul style="list-style-type: none"> • No change • Aligns with the strong 2 storey character along Oxford Street and surrounding commercial area, including properties in William Street, Underwood Street and Hopetoun Street which are proposed to be zoned B4 Mixed Use • Protects the heritage significance of the area by ensuring development is consistent with the character of existing buildings • Moderates development to the rear of Oxford Street, providing a transition to the adjoining residential area • Recent applications have conformed to the 9.5m maximum building height at the rear to protect amenity of nearby residences <p>DCP controls specifically for Oxford Street are currently being developed. These controls may include managing height based on the existing number of storeys, as will be the case in the R2 zone in Paddington. We will monitor the performance of the 9.5m height limit along Oxford Street following approval of Draft LEP 2013.</p>

PART 5. SPECIAL PURPOSE ZONES

5.1 SP2 Special Use

Infrastructure land that has been set aside for an ongoing specific purpose is zoned as SP2 Infrastructure in Draft LEP 2013. It includes uses such as pumping stations, schools, and state roads.

The maximum building heights applying to land in the SP2 zone will be directly translated from WLEP 95 into Draft LEP 2013 with no change, except for the sites outlined in Table 13 below.

TABLE 13: Changes to maximum building heights in the SP2 Special Use zone

Change number	Location	WLEP 95 heights (m)	Draft LEP 2013 height (m)	Comments
SP2.1	SP2 land that adjoins R3 zoned land	9.5	10.5	<ul style="list-style-type: none"> In Draft LEP 2013 most maximum building heights on R3 land are increased from 9.5m to 10.5m The maximum building height of SP2 zoned land is proposed to increase to 10.5m where it adjoins R3 land with a 10.5m height limit
SP2.2	6 Kent Rd, Rose Bay	–	9.5	<ul style="list-style-type: none"> The site will be zoned SP2 Special Use School in Draft LEP 2013 The site is currently zoned 6 Open Space and does not have a height limit The 9.5m (2 storeys) height limit is consistent with the height limit for the surrounding area and the recently constructed school buildings on the site
SP2.3	Drainage canal across Woollahra Golf Course and Royal Sydney Golf Course	9.5m	–	<ul style="list-style-type: none"> The drainage canal does not require a height limit because no buildings are anticipated to be constructed on it The surrounding RE1 and RE2 zones do not have maximum building heights

5.2 SP3 Tourist

The SP3 Tourist zone is used where tourism is the focus of the location, where there is a natural site or a location which attracts visitors, or where the future use of the area is to be focused on tourist related uses.

Watsons Bay (Change SP3.1)

Draft LEP 2013 applies the SP3 tourist zone to the Watsons Bay foreshore at 1-2 Cliff Street and 10-11 Marine Parade. WLEP 95 maximum building height is currently 8.2m for these properties. Draft LEP 2013 retains the 8.2m maximum building height, except on the site of the Palace Hotel (10 Marine Parade) where a maximum building height of 12m will apply to reflect the height of the existing building.

FIGURE 18: The existing context at Watsons Bay



PART 6. RECREATION ZONES

In WLEP 95 there is only one recreation zone, Zone 6: Open Space - General Recreation.

Zone 6 Open Space – General Recreation will be split into two recreation zones in Draft LEP 2013:

- RE1 Public Recreation
- RE2 Private Recreation

The only changes to maximum building heights are in the RE2 Private Recreation zone.

6.1 RE2 Private Recreation

The RE2 Private Recreation zone covers recreation areas and facilities on land that is privately owned and not accessible to the general public.

Maximum building heights currently apply to part of land zoned 6 Open Space – General Recreation that will be zoned RE2 Private Recreation in Draft LEP 2013. The height controls that currently apply to the open space zoned land will be retained in Draft LEP 2013.

The remaining site, the Hakoah Club land in Paddington (White City Tennis Club) has height controls in the White City DCP which are being translated into Draft LEP 2013.

White City Tennis Club (Change RE2.1)

The Standard LEP requires that all maximum building heights are in the Draft LEP 2013.

Consequently, the height controls applying to the White City Tennis Club are being moved from the White City DCP into Draft LEP 2013.

Currently the part of the site allocated for a tennis/recreation club building has a two storey height limit of RL 12.5m AHD. A maximum building height of 9.5m in Draft LEP 2013 is the equivalent of 12.5m AHD, and will be applied to the site.

Western side of centre courts

Notwithstanding the 9.5m that is proposed for the whole site, the White City DCP contains a provision allowing 3 storeys on the western side of the centre courts. The White city DCP states that 3 storeys are acceptable “if it assists with meeting the heritage objectives of the White City DCP and does not affect view lines from Glenmore Road”. No specific numerical figure is provided in the DCP for the maximum building height of the three storey section.

To translate the provision for three storeys, we propose a clause in Draft LEP 2013 that allows a height of 11.5m subject to the same criteria. This height facilitates a 3 storey 100% commercial building which is consistent with the land uses permitted the RE2 zone and the White City DCP.

FIGURE 19: White City centre court and western grandstand



ANNEXURE 1

Maximum building heights should reflect current building practice

Since WLEP 1995 commenced, two important changes have occurred to State and Federal regulations which affect current building practice:

- The introduction of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development* (SEPP 65), and
- The introduction of acoustic privacy standards in the Building Code of Australia (BCA).

These changes necessitated an increase in building heights to allow for higher ceilings and more space between floors for noise insulation.

Draft LEP 2013 increases some residential and commercial maximum building heights to accommodate these changes which are explained below.

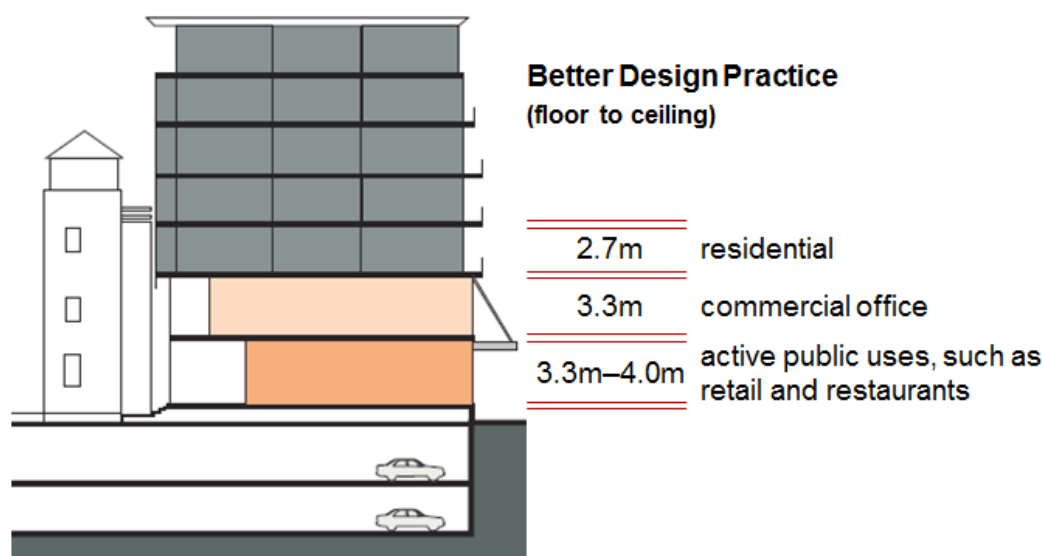
SEPP 65

Recognising that the design quality of RFB¹³ developments could be improved, and that more people will be living in apartments in the future, the NSW Government introduced SEPP 65 to improve the appearance and amenity of RFBs in 2002. SEPP 65 applies to residential and mixed use buildings and is supported by the Residential Flat Design Code (the Code).

A key component of the Code is ceiling heights. Ceiling heights are measured from finished floor to finished ceiling level. Increasing ceiling heights can improve internal building amenity by providing a sense of space and allowing natural light to enter a building.

The various optimal ceiling heights for residential, retail and office uses identified in SEPP 65 are illustrated in Figure 19 below.

FIGURE 20: SEPP 65 ceiling heights



¹³ A residential flat building is a building containing three or more dwellings or 'apartments'.

Ceiling heights in SEPP 65 were established in conjunction with the NSW Government and design professionals, and have been widely adopted as best practice.

A comparison of the SEPP 65 optimal ceiling heights, our current ceiling heights and the ceiling heights we have allowed for in our new controls is provided in Table 14 below. The table shows that maximum building heights for each building type need to increase slightly to accommodate SEPP 65 ceiling heights.

TABLE 14: Ceiling height comparison

Building type	Ceiling height (m)		
	SEPP 65	Current controls	New controls
Residential	2.7	2.4 ¹⁴ or 2.7	2.7
Office commercial	3.3	2.7	3.0
Ground floor retail	3.3-4.0	2.7 or 3.6	3.6

To meet SEPP 65, ceiling heights need to increase for:

- Office commercial uses on levels above the ground floor.
- Ground floor retail in Rose Bay Centre.
- Residential uses on levels above the ground floor in centres that do not reflect current building practice such as Rose Bay Centre.

Although the Woollahra Residential DCP applies a 2.7m ceiling height to RFB development, maximum building heights in the R3 zone of Draft LEP 2013 need to increase to match.

These changes will not affect either the number of storeys permitted or character of precincts and centres. SEPP 65 ceiling heights will not be taken up in heritage conservation areas to retain the existing configuration of levels within significant buildings.

The proposed ceiling heights for residential and street level retail premises across the LGA are within SEPP 65's optimal range. Although the ceiling height of 3m for commercial offices above the ground floor does not meet the SEPP 65 optimal height, we have provided for an increase of 300mm from our current controls. Councillors did not support substantial maximum building height increases, so the amenity of residential and retail uses was prioritised. A ceiling height of 3m is reasonable because:

- It gives flexibility for a residential or commercial office use to occur.
- Our DA research indicates that 3m is a satisfactory ceiling height for commercial offices.

We are satisfied that the maximum building heights in Draft LEP 2013 have regard to SEPP 65 and the ceiling heights which will apply in our new DCP. They facilitate increased ceiling heights which improve occupant amenity.

¹⁴ Ceiling height in a commercial centre

Acoustic privacy

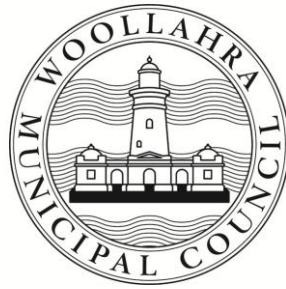
We have increased maximum building heights in Draft LEP 2013 in response to changes to acoustic privacy provisions in BCA regulations. These changes are relevant to buildings in the R3 Medium Density zone and our commercial centres where dwellings are permitted as part of mixed use development.

The acoustic privacy provisions of the BCA were amended in 2004 in response to increasing evidence that the existing requirements were not adequate. The result of this standard is that an extra 100mm is required between floors to accommodate insulation.

In order to meet these provisions, DAs are being submitted for buildings that exceed our maximum building heights. The effect is multiplied across each storey.

Planning conclusion

The maximum building heights permitted in Draft LEP 2013 are marginally greater than those in the current WLEP 95 to reflect current building practice.



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 6

FLOOR SPACE RATIOS

This chapter provides an overview of the floor space ratios that apply in Draft Woollahra Local Environmental Plan (Draft LEP 2013).

We have generally translated the current floor space ratios permitted by Woollahra Local Environmental Plan 1995 (WLEP 95) and our development control plans. However, some changes are proposed to floor space ratios.

An explanation of how the current floor space ratios have been translated into Draft LEP 2013 and the key changes that have occurred are contained in this chapter.

Table of contents

PART 1. BACKGROUND	1
1.1 What is floor space ratio?.....	1
1.2 Floor Space Ratio – Draft Change Layer	1
PART 2. OUR APPROACH TO SETTING FSRS	2
2.1 Considering the Standard LEP definition of GFA	2
PART 3. SUMMARY OF NEW CONTROLS	4
PART 4. FSRS IN THE R3 MEDIUM DENSITY RESIDENTIAL ZONE	6
4.1 Retain the WLEP 95 FSR control where it matches the existing built form	6
4.2 Amend the WLEP 95 FSR control where it does not reflect existing built form and desired future character	7
4.3 Using building envelope controls for dwelling houses, dual occupancies and semi-detached dwellings	25
PART 5. BUSINESS ZONES	26
PART 6. SP3 TOURIST ZONE	31
PART 7. LOCATIONS WHERE FSR CONTROLS WILL NO LONGER APPLY	32
7.1 R2 Low Density Residential	32
7.2 SP2 Infrastructure.....	33
ANNEXURE 1	34
Differences between the definition of GFA under WLEP 95 and the Standard LEP	34
ANNEXURE 2	37
Establishing building envelopes and baseline FSRS for the R3 Medium Density zone	37

PART 1. BACKGROUND

1.1 What is floor space ratio?

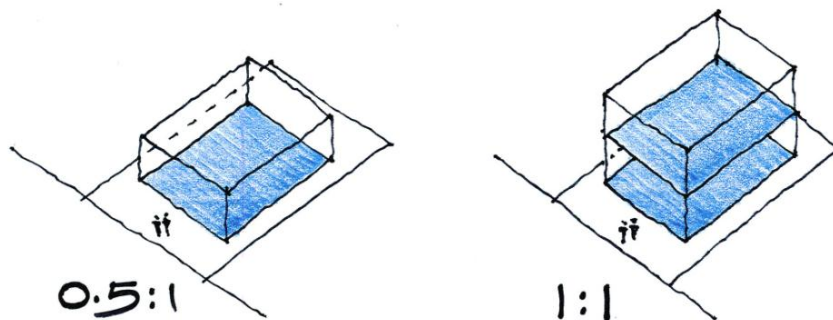
Floor space ratio (FSR) is a term for the ratio of a building's total floor area to the size of the parcel of land on which it is built. FSRs are used to control the intensity of development on a site.

FSR is a factor of the gross floor area (GFA) relative to the site. The GFA is the total area of all floors of the buildings on a site.

As a formula: $FSR = GFA / \text{area of the site}$

A comparison of the GFA generated by FSRs of 0.5:1 and 1:1 on the same site is illustrated in Figure 1 below.

FIGURE 1: A comparison of 0.5:1 and 1:1 FSR controls



The DP&I requires the FSR control, if used, to be identified in Council's LEP and not a development control plan (DCP). This is different from the current situation where we have some FSR controls in WLEP 95 and some in the Residential DCP.

The definition for GFA is set out in the Standard LEP and cannot be amended by Council. The definition differs slightly from the definition of GFA in WLEP 95, as it excludes certain design elements from GFA, such as the thickness of external walls, balconies and staircases. See Part 2.1 for more information.

In Draft LEP 2013 FSRs are shown as coloured areas on the **Floor Space Ratio Map**. Different maximum FSRs are applied within the same zone to vary development intensity.

1.2 Floor Space Ratio – Draft Change Layer

We are proposing various changes to FSRs in the current WLEP 95. The sites affected by these changes are shown on the **Floor Space Ratio – Draft Change Layer** in **Chapter 9 – Draft change layers** of this discussion paper.

These sites are also described in the tables throughout this chapter. Within these tables each site is given a unique identifier. The identifier is used to located changes on the **Floor Space Ratio – Draft Change Layer**. In sections of the document without tables the change identifier is included in the title of the change.

PART 2. OUR APPROACH TO SETTING FSRs

As part of preparing Draft LEP 2013 we reviewed FSRs in the Woollahra LGA.

In the business zones, FSRs remain the same because most centres have had recent detailed urban design studies carried out which informed the current controls. These studies and supporting DCP controls, which outline the desired future character of each centre, are still relevant. The controls will be retained in the new DCP.

However, in the residential zones we are proposing numerous changes to FSRs because in some locations they are too low. The changes seek to reflect the existing built form context and provide relevant, practical FSR controls that complement maximum building heights in Draft LEP 2013.

In reviewing the FSRs we compared the current FSR controls against the:

- Desired future character of the area.
- Maximum building height as proposed in Draft LEP 2013.
- Scale and setbacks of the predominant built form.
- FSR of development approvals since the commencement of WLEP 95.

We found that in the 2(b) Residential zone, which permits medium density residential uses such as residential flat buildings (RFBs), much of the existing built form exceeds the current FSR control. During the life of WLEP 95, development consents have been granted for buildings that exceed the current FSR control but fit within the context of nearby existing buildings. The current FSR controls do not reflect the existing context or recent development application approvals, demonstrating that the existing FSRs are too low.

We propose increasing FSR in these locations to reflect the predominant built form and desired future character of the area. These locations are discussed further in Part 4.2.

2.1 Considering the Standard LEP definition of GFA

The translation of FSRs has considered the difference between the definition of GFA in WLEP 95 and the Standard LEP. In broad terms the Standard LEP definition is more generous, as it excludes more design elements such as voids and storage areas from the calculation of GFA. This means if the WLEP 95 FSR control is applied in Draft LEP 2013 there is potential for building bulk to increase. The definitions of GFA under WLEP 95 and the Standard LEP are included in **Annexure 1**, along with a table comparing the key differences between the two definitions.

In response to the Standard LEP definition of GFA, the review considered whether applying an FSR control is the best approach to manage building bulk in each zone.

The building elements that have the greatest impact on building bulk, such as voids and balconies in excess of 20m² are most likely to be included in dwelling houses, dual occupancies, semi-detached dwellings and other low density uses. Therefore, this issue is most applicable to the R2 Low Density Residential zone (R2 zone). The R2 zone is the equivalent of the 2(a) Residential zone in WLEP 95.

Our research indicates that the size of buildings in the R2 zone could increase by between 14% and 100%. In response to this, we identified that the best way to provide a consistent, predictable built form is to use building envelope controls for the R2 zone.

In the R3 Medium Density Residential zone (the equivalent of the 2(b) Residential zone in WLEP 95) and our business zones, the potential for increased building bulk is minor and FSR controls will provide an acceptable built form.

For a summary of the controls that will apply in each zone see Part 3 below.

PART 3. SUMMARY OF NEW CONTROLS

FSR controls only apply to the residential and business zoned land in WLEP 95. Table 1 below identifies those zones and the equivalent zone under Draft LEP 2013. The table then outlines the recommended approach for controlling built form under Draft LEP 2013 and our new DCP.

TABLE 1: Summary of new controls

WLEP 95 zone	Draft LEP 2013 zone	Approach to FSR in Draft LEP 2013
<i>Residential zones</i>		
2(a) Residential A	R2 Low Density Residential	<ul style="list-style-type: none"> No FSR control. Use DCP building envelope controls to regulate built form. By not applying an FSR in the R2 zone a more predictable and consistent built form is produced <p>See Part 7.1 for more information.</p>
2(b) Residential B	R3 Medium Density Residential	<p>Apply FSRs in Draft LEP 2013, supported by building envelope controls in our new DCP. Specifically we recommend:</p> <ul style="list-style-type: none"> Retain WLEP 95 FSRs that match the existing built form Increase FSR where the current control does not reflect the existing built form Apply an FSR which matches the maximum building height permitted by Draft LEP 2013 on sites with excessively large residential towers Apply site-specific FSRs to certain land with unique circumstances <p>See Part 4 for more information.</p>
<i>Business zones</i>		
3(c) Neighbourhood Business C (Smaller neighbourhood centres)	B1 Neighbourhood Centre	<p>Retain existing WLEP 95 FSR controls in Draft LEP 2013 and retain existing building envelope controls in the new DCP. The controls will not change because:</p> <ul style="list-style-type: none"> The controls match the desired future character of our centres The FSR controls were established following detailed urban design studies which are still relevant There is little potential for increased building bulk due to the Standard LEP definition of GFA <p>See Part 5 for more information.</p>
3(a) General Business A	B2 Local Centre	
(Double Bay) 3(b) Special Business B (Edgecliff)	B2 Local Centre	
3(c) Neighbourhood Business C (Larger neighbourhood centres)	B4 Mixed Use	

WLEP 95 zone	Draft LEP 2013 zone	Approach to FSR in Draft LEP 2013
<i>Special Purpose zones</i>		
3(b1) Restricted Special Business B1	SP3 Tourist	<p>Retain the WLEP 95 FSR control in Draft LEP 2013 and retain existing building envelope controls into the new DCP.</p> <p>The controls will not change in Draft LEP 2013 because:</p> <ul style="list-style-type: none"> • The controls match the desired future character of the centre • There is little potential for increased building bulk due to the Standard LEP definition of GFA <p>See Part 6 for more information.</p>
5 Special Use	SP2 Infrastructure	<p>No FSR in Draft LEP 2013 and no building envelope controls in the new DCP.</p> <ul style="list-style-type: none"> • Most SP2 land does not have an FSR control in WLEP 95, and development assessment is merit based • To be consistent with this approach, remove the existing FSR control for one property at 82-84 Edgecliff Rd, Woollahra <p>See Part 7.2 for more information.</p>

The following WLEP 95 zones do not currently have an FSR control applying to them, and will not have an FSR in Draft LEP 2013. This is because development is generally not anticipated, other than ancillary structures.

TABLE 2: Zones where FSR does not and will not apply

<i>Recreation zones</i>		
6 Open Space	RE1 Public Recreation RE2 Private Recreation	No FSR currently applied
<i>Environmental Protection zones</i>		
8 National Parks and Nature Reserves	E1 National Parks and Nature Reserves	No FSR currently applied
Intertidal zone	E2 Environmental Conservation	No FSR currently applied

The following section discusses each zone where an FSR control is applied, or where changes are proposed. It also provides more detailed information on our methodology for identifying the FSR control.

PART 4. FSRs IN THE R3 MEDIUM DENSITY RESIDENTIAL ZONE

Most of the changes to the FSR controls are proposed for the existing 2(b) Residential zone in WLEP 95, which will be translated into the R3 Medium Density Residential zone (R3 zone).

The R3 zone allows all types of residential accommodation including dwelling houses, multi-dwelling houses and RFBs. A wider variety of residential uses are included to encourage housing choice and diversity in this zone.

The R3 zone is proposed for land in Darling Point, Double Bay, parts of Woollahra, parts of Bellevue Hill and parts of Rose Bay.

In the R3 zone we recommend:

- Retaining the WLEP 95 FSR control where it matches the existing built form
- Amending the WLEP 95 FSR control to:
 - Increase FSR to match the desired future character
 - Increase FSR to align with the maximum building heights in Draft LEP 2013
 - Recognise site-specific characteristics or existing site-specific planning controls
- Using building envelope controls for dwelling houses, dual occupancies and semi-detached dwellings

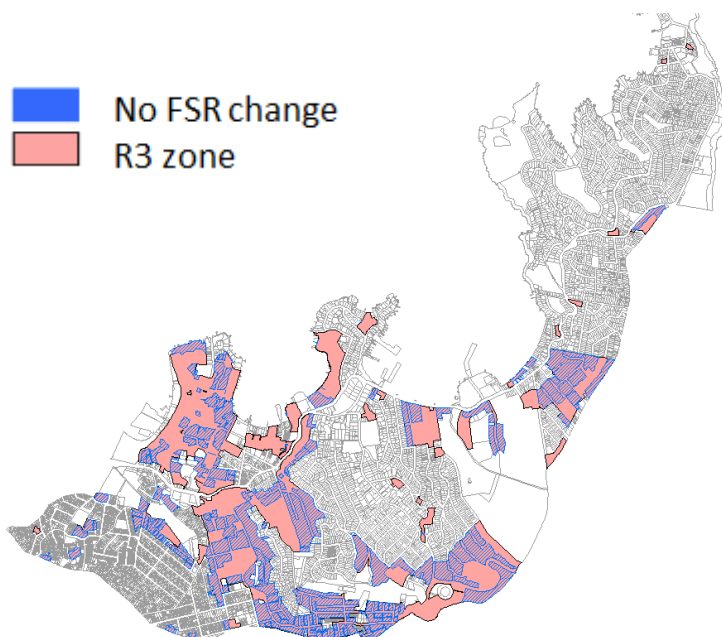
4.1 Retain the WLEP 95 FSR control where it matches the existing built form

Where the existing built form and recent development applications have generally complied with the WLEP 95 FSR, we will retain the same FSR control in Draft LEP 2013.

This occurs in approximately 70% of our R3 zoned land, and includes the majority of our heritage conservation areas. Examples include Blaxland Road, Bellevue Hill and Cooper Street, Double Bay.

The locations where existing FSR controls are retained are shown in Figure 2 below.

FIGURE 2: Sites where we recommend retaining the current FSR



4.2 Amend the WLEP 95 FSR control where it does not reflect existing built form and desired future character

Although there are no changes to 70% of the R3 zone, on the remaining 30% of land, WLEP 95 FSRs do not reflect the existing built form and are too low.

For example, under WLEP 95 there are sites where 3 storey buildings are permitted but the maximum FSR is 0.625:1. However, a 3 storey RFB would typically be constructed with a greater FSR of around 1:1.

To establish practical FSR controls for these areas we undertook urban design modelling. The modelling used the maximum building heights in Draft LEP 2013 in conjunction with DCP setback controls. The outcome of this work created a suite of 'baseline FSRs' that can be applied to the whole of the R3 zone.

These baseline FSRs:

- Reflect the existing character.
- Provide amenity to the site and the surrounding land.
- Provide for well-articulated buildings.
- Account for the Standard LEP definition of GFA.
- Provide a practical relationship with height controls in the new LEP.

The baseline FSRs have been used to inform our review and proposed amendments to the FSR controls.

Table 3 below provides a comparison of the current FSRs and height standards within the 2(b) Residential zone and the applicable baseline FSRs in the R3 zone that will be used in Draft LEP 2013.

Further information on how baseline FSRs were established is provided in **Annexure 2**.

TABLE 3: Comparison of current and baseline FSR controls

Current WLEP 95 and DCP controls			Proposed Draft LEP 2013 controls		
Storeys (DCP)	Height (m)	FSR	Storeys (DCP)	Height (m)	Baseline FSR ¹
1	6.5	0.875:1	–	–	–
2	9.5	0.625:1 0.75:1	2	7	0.65:1
3	9.5	0.625:1 0.75:1 0.875:1 1:1	3	10.5	1:1
	12	1:1			
4	12	0.75:1 0.875:1 1:1	4	13.5	1.3:1
	15	0.75:1 1:1			
5	–	–	5	16.5	1.55:1
6	18	0.75:1 0.875:1	6	19.5	1.55:1
7	–	–	7	22.5	1.55:1
8	24	0.875:1 1:1	7-8	26	1.55:1

¹ The Standard LEP requires that FSRs have a maximum of two decimal places. We have rounded the WLEP 95 FSRs of 0.625 and 0.875 to two decimal places, and up to the nearest 0.1 or 0.05 figures.

4.2.1 Increase FSR to match the desired future character

In certain precincts in the R3 zone, we identified that the current FSR should be increased to reflect the desired future character and the existing built form. In these precincts we are recommending the application of the relevant baseline FSR control (taken from Table 3).

For example, 25-63 New Beach Rd, Darling Point, has a 3 storey desired future character and the current FSR control is 0.75:1. However, many of the existing 3 storey RFBs have an FSR closer to 1:1. In this example, we recommend increasing FSR to the baseline FSR of 1:1 to match the existing built form and provide a practical FSR for 3 storey development (see entry R3.4 in Table 4 below).

FIGURE 3: Existing context in New Beach Rd, Darling Point showing Nos. 49, 48 and 47



We recognise that precincts can have a variety of built forms, including RFBs and dwelling houses. The proposed increases to FSR are based on the overall desired future character for the precinct.

The sites where FSR is proposed to increase to the baseline FSR are shown in Table 4 below.

FIGURE 4: Sites where we recommend increasing FSR to the baseline FSR

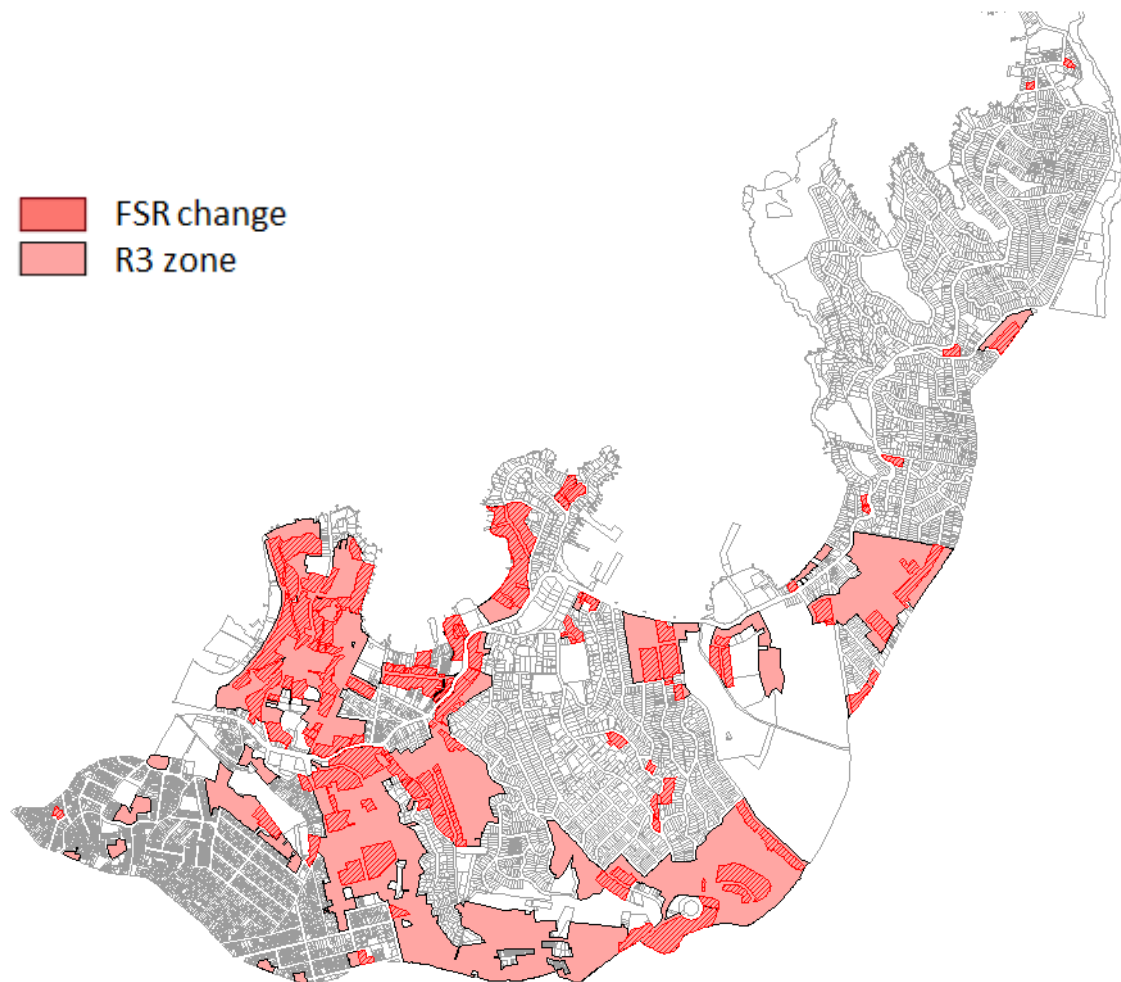


TABLE 4: Sites where we recommend increasing FSR to the baseline FSR

Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 FSR	Draft LEP 2013 FSR
<i>Darling Point</i>				
R3.1	47-67 Yarranabbe Rd	10.5	0.875:1	1:1
R3.2	1-5 Bennett Ave, 1-11 Hampden Ave, 2-8 Goomerah Cres and 30-52 Yarranabbe Rd	10.5	0.625:1	1:1
R3.3	1-9 Goomerah Cres, 10-28 Yarranabbe Rd and 34-42 Darling Point Rd	10.5	0.875:1	1:1
R3.4	21 Yarranabbe Rd, 25-63 New Beach Rd, 1-11 Loftus Rd and 2-14 Annandale St	10.5	0.75:1	1:1
R3.5	16-23 New Beach Rd, 6 Loftus Rd, 9-27, 33B, 35A, 35-37 and 40-54 Mona Rd and 20 and 24-28 Darling Point Rd	10.5	0.875:1	1:1
R3.6	29-33 Mona Rd and 6-16A and 55-57 Darling Point Rd	13.5	0.875:1	1:1
<i>Edgecliff</i>				
R3.7	349-365A Edgecliff Rd	19.5	0.75:1	1.55:1
R3.8	121-125 Ocean St and 8 Albert St	19.5	0.875:1	1.55:1
R3.9	442-458 Edgecliff Rd	26	0.875:1	1.55:1
R3.10	170 Ocean St	26	1:1	1.55:1
R3.11	218-246 New South Head Rd	13.5	0.875:1	1.3:1
<i>Double Bay</i>				
R3.12	9-43, 10, 12, 16 and 20-50 William St, 65 and 69 Bay St, 6-26 Stafford St and 8 Beach St	10.5	0.625:1	1:1
R3.13	55-63 William St and 20 Jamberoo La	10.5	0.875:1	1:1
R3.14	34-36 and 38 Ocean St, 38-74 Cross St and 7-25 Guilfoyle Ave	10.5	0.625:1	1:1
R3.15	27-35 Manning Rd, 1A-7 Wallaroy Cres and 1-3 Pine Hill Ave	10.5	0.625:1	1:1
R3.16	17-23 Manning Rd and 2 Pine Hill Ave	10.5	0.75:1	1:1
R3.17	3, 11, 13 and 15A Manning Rd and 349-355 New South Head Rd	10.5	0.875:1	1:1
R3.18	489-543 New South Head Rd	Part 15 and part 9.5	Part 1:1 and part 0.75:1	1.3:1
R3.19	1 and 3 Gladswood Gdns	13.5	0.625:1	1.3:1
R3.20	319-321, 327-331 and 337 New South Head Rd	10.5	0.625:1	1:1
R3.21	325-335 New South Head Rd	Part 10.5 and part 19.5m	Part 0.625:1 and Part 0.875:1	Part 1:1 and part 1.55:1
R3.22	6-10 Ocean Ave, 4 Holt St, 248-276 New South Head Rd	13.5	0.875:1	1.3:1
R3.23	286-290 New South Head Rd and 4 Henrietta St	19.5	0.875:1	1.55:1
R3.24	282 New South Head Rd	26	0.875:1	1.55:1

Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 FSR	Draft LEP 2013 FSR
<i>Woollahra</i>				
R3.25	1-5 Ocean St and 94-100 Wallis St	13.5	0.75:1	1.3:1
R3.26	2A, 2, and 6A Trelawney St, 67-71 Ocean St, 2-6 Wellington St, 2-6, , 3-5 and 13-17 Fullerton St, 364-382 Edgecliff Rd	19.5	0.875:1	1.55:1
R3.27	410-414 Edgecliff Rd and 26 Rosemont Ave	19.5	0.625:1	1.55:1
R3.28	8 and 7-11A Fullerton St and 6 Trelawney St	26	0.875:1	1.55:1
<i>Point Piper</i>				
R3.29	9 Longworth Ave and 44 Wunulla Rd	10.5	0.625:1	1:1
R3.30	36-42 Wunulla Rd, 1-3 Wyuna Rd, 1-7 and 6-8 Longworth Ave	13.5	0.625:1	1.3:1
R3.31	1-8 St Mervyns Ave, 1-7 Buckhurst Ave, 574-580 New South Head Rd, 2-78 Wolseley Rd and 1-3 Wingadal Pl	10.5:1	0.625:1	1:1
<i>Bellevue Hill</i>				
R3.32	1 Benelong Cres, 44-70 Birriga Rd and 2-6 Bundarra Rd	13.5	0.875:1	1.3:1
R3.33	1A-29 and 6-18 Benelong Cres and 8-30 Bundarra Rd	10.5	0.75:1	1:1
R3.34	29-51 Bellevue Rd	10.5	0.75:1	1:1
R3.35	148A-152 and 166 Bellevue Rd	10.5	0.625:1	1:1
R3.36	120-126 Old South Head Rd and 206A-220 Victoria Rd	13.5	0.625:1	1.3:1
R3.37	163-181 Victoria Rd, 1-17 Bellevue Park Rd, 130-186 Old South Head Rd, 1-9 Banksia Rd and 3-15 Birriga Rd	13.5	0.875:1	1.3:1
R3.38	195-285 O'Sullivan Rd	10.5	0.75:1	1:1
R3.39	1 and 10 Aston Gdns	13.5	0.625:1	1.3:1
<i>Rose Bay</i>				
R3.40	585, 589 and 593-601 New South Head Rd	10.5	0.875:1	1:1
R3.41	57-87 and 97-101 O'Sullivan Rd, 631-637 New South Head Rd, 2-4 Powell Rd, 1-33 and 14-32 Balfour Rd, 20-38 Salisbury Rd, 1, and , 7 Plumer Rd and 1 Latimer Rd	10.5	0.625:1	1:1
R3.42	1-5 Elanora St, 1-3 and 2-4 Iluka St, 3-15 and 2A-26 Manion Ave	10.5	0.625:1	1:1
R3.43	25-45 Newcastle St, 1 and 2-8 Norwich La, 4-10 Norwich Rd and 1-9 Richmond Rd	10.5	0.75:1	1:1
R3.44	1-57 and 24-32 and Spencer St, 16-32 Hamilton St, 35-37 Carlisle St and 17-21 Fernleigh Ave	10.5	0.75:1	1:1
R3.45	57-81 Dover Rd and 44-70 Wilberforce Ave	10.5	0.75:1	1:1
R3.46	88-96 Newcastle St and 458-482 Old South Head Rd	10.5	0.875:1	1:1

4.2.2 Increase FSR to align with the maximum building heights in Draft LEP 2013

There are 20 locations in the R3 zone that contain large RFBs which do not reflect the desired future character of the LGA. These incongruous buildings (generally residential towers constructed in the 1960s, 70s and 80s such as in Darling Point) greatly exceed the WLEP 95 height and FSR controls. The existing built form is not reflective of the desired future character for the area, and as such we are not applying an FSR control (or height control) that matches the existing built form.

We propose to apply the baseline FSR that matches the desired future character of the area (based on heights). For example, where the desired future character of an area has a height of 13.5m (4 storeys), the corresponding baseline FSR control is 1.3:1.

Table 5 below identifies sites where we recommend increasing FSR to the baseline FSR to align with maximum building heights. We recognise that the existing built form greatly exceeds these baseline controls.

Examples of residential towers that do not represent desired future character

FIGURE 5: Etham Ave, Darling Point



FIGURE 6: Renelagh, Darling Point



TABLE 5: Locations where FSR is increased to align with the maximum building heights in Draft LEP 2013

Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 FSR	Draft LEP 2013 FSR
Darling Point				
R3.47	11 Yarranabbe Rd	10.5	0.875:1	1:1
R3.48	10-12 Etham Ave and 1 Sutherland Cres	10.5	0.875:1	1:1
R3.49	11-33 and 35A Sutherland Cres	10.5	0.75:1	1:1
R3.50	35-41 Sutherland Cres	10.5	0.875:1	1:1
R3.51	7 Marathon Rd	10.5	0.75:1	1:1
R3.52	4 Greenoaks Ave	10.5	0.875:1	1:1
R3.53	5 Octagon Rd, 9 Greenoaks Ave, 9 St Marks Rd	10.5	0.875:1	1:1
R3.54	3-23 Thornton St, 50-54B, 58-66, 75-121 Darling Point Rd, 4 Mitchell Rd, 1-3 Elizabeth Pl, 1A, 3, 2-14 Eastbourne Rd and 2-4 Marathon Rd	13.5	1:1	1.3:1
R3.55	3-17 and 51 Darling Point Rd, 166-170 New South Head Rd (Edgecliff)	13.5	1:1	1.3:1
Double Bay				
R3.56	39 Ocean Ave	10.5	0.75:1	1:1
R3.57	43-45 Ocean Ave	10.5	0.875:1	1:1
R3.58	5-15 and 19-21 Ocean Ave	13.5	0.75:1	1.3:1
R3.59	29-37 Ocean Ave and 22 Greenoaks Ave	13.5	0.875:1	1.3:1
R3.60	14 Leura Rd	10.5	0.625:1	1:1
Bellevue Hill				
R3.61	175-177 Bellevue Rd	15	Part 1:1 and part 0.75:1	1.3:1
R3.62	154-164 Bellevue Rd	10.5	0.625:1	1:1
Paddington				
R3.63	17-23 Cecil St and 4-8 Hampden St	10.5	0.875:1	1:1
Woollahra				
R3.64	250-290 Jersey Rd	10.5	0.75:1	1:1
R3.65	35-39 Nelson St, 200 Queen St and 340-344 Edgecliff Rd	10.5	0.875:1	1:1
Point Piper				
R3.66	25-61 Wolseley Rd and 2, 2A, 2B, 8-12 Wentworth St	13.5	1:1	1.3:1
Rose Bay				
R3.67	614-622 New South Head Rd	13.5	1:1	1.3:1

4.2.3 Recognise site-specific characteristics or existing site-specific planning controls



In reviewing and establishing our new FSR controls, we identified some R3 zoned land that had unique characteristics or existing site-specific planning controls. Where appropriate, we applied the baseline FSR. However, in other cases a site-specific FSR control is proposed.

These sites are summarised in Table 6 below and discussed in detail in Tables 6.1-6.6.



TABLE 6: Locations with site-specific planning controls

Site condition	Proposed FSR control
<ul style="list-style-type: none"> Where land is rezoned to R3 Medium Density Residential (Table 6.1) <ul style="list-style-type: none"> Former site of Vaucluse High School Opportunity sites in Vaucluse Groups of existing RFBs Former site of Woollahra Council Depot in Double Bay 	<ul style="list-style-type: none"> Baseline FSR Baseline FSR Baseline or site-specific FSR Site-specific FSR
<ul style="list-style-type: none"> To reflect recent development application consents in the R3 zone (Table 6.2) 	Baseline FSR
<ul style="list-style-type: none"> FSR is proposed to increase, but a baseline FSR is not appropriate (Table 6.3) <ul style="list-style-type: none"> Sites in Double Bay and Woollahra 	Site-specific FSR
<ul style="list-style-type: none"> FSR controls that are currently in a DCP (Table 6.4) <ul style="list-style-type: none"> Babworth House 13-15 Albert Street/3-9 Sisters Lane, Edgecliff 	<ul style="list-style-type: none"> Site-specific FSR Site-specific FSR
<ul style="list-style-type: none"> Two FSRs currently apply (and only one is necessary) (Table 6.5) 	Site-specific FSR
<ul style="list-style-type: none"> Where new second height limits are proposed (Table 6.6) 	Site-specific FSR

TABLE 6.1: Site-specific planning controls
Sites where land is rezoned to R3 Medium Density Residential

Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 or DCP FSR	Draft LEP 2013 FSR
On the former site of Vaucluse High School to reflect a development consent for residential use				
R3.68	2 Laguna St, Vaucluse	13.5	–	1.3:1
Rationale Apply baseline FSR to match maximum building height that will apply in Draft LEP 2013 in response to an existing residential development consent <ul style="list-style-type: none">• Site has approval for a 4 storey residential use• The baseline FSR of 1.3:1 is appropriate to match the 13.5m (4 storey) height limit.• Draft LEP 2013 rezones the site to R3 Medium Density Residential from 5(a) Special Use School in WLEP 95.		FIGURE 7: 2 Laguna St, Vaucluse 		
Opportunity sites in Vaucluse where Council has resolved to increase residential dwelling capacity				
R3.69 A	1-7 Hopetoun Ave and 22A-24 New South Head Rd, Vaucluse	13.5	0.55:1 in the Residential DCP	1.3:1
R3.69 B	1 Petrarch Ave, Vaucluse	10.5	0.55:1 in the Residential DCP	1:1
Rationale Apply baseline FSR to match the maximum building height that will apply in Draft LEP 2013 <ul style="list-style-type: none">• The land is zoned 2(a) Residential in WLEP 95• Draft LEP 2013 proposes to rezone² these properties to the R3 Medium Density Residential zone to increase residential dwelling capacity.• An FSR of 1.5:1 and 4 storey height limit was approved for 1-7 Hopetoun Ave and 22A-24 New South Head Rd when this site was reported to Council on 2 May 2011. That FSR does not match the baseline FSR of 1.3:1 for a 4 storey building in the R3 zone.• Baseline FSRs are appropriate for this site because there are no unique site characteristics which warrant alternative controls.• The proposed baseline FSRs in Draft LEP 2013 for this site are:<ul style="list-style-type: none">– 1.3:1 for the 13.5m (4 storeys) height limit– 1:1 for the 10.5m (3 storeys) height limit		FIGURE 8: 5 and 3 Hopetoun Ave, Vaucluse 		

² These properties were identified as an opportunity site. Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the LGA. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in Draft LEP 2013, including this site at Vaucluse Village. Work on the remaining opportunity sites has been deferred until Draft LEP 2013 has been finalised. For more information on these rezonings see **Chapter 3 – Land use zones and the land use table**.

Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 or DCP FSR	Draft LEP 2013 FSR
<i>Groups of existing RFBs in the 2(a) Residential zone which are rezoned</i>				
R3.70	3-9 Military Rd, Watsons Bay	10.5	0.55:1 in the Watsons Bay DCP	1:1
R3.71	7-11 Salisbury St, Watsons Bay	10.5	0.55:1 in the Watsons Bay DCP	1:1
R3.72	21-35 Drumalbyn Rd, Bellevue Hill	13.5	0.55:1 in the Residential DCP	1.3:1
R3.73	85-91 Drumalbyn Rd, Bellevue Hill	13.5	0.55:1 in the Residential DCP	1.3
R3.74	93-95 Drumalbyn Rd, Bellevue Hill	19.5	0.55:1 in the Residential DCP	1.55:1
R3.75	54-56 Hopewell St, Paddington	10.5	0.55:1 in the Residential DCP	1:1
R3.76	3 Latimer Rd, Bellevue Hill	9.5	0.55:1 in the Residential DCP	0.65:1
<p>Rationale</p> <p><i>Apply baseline FSR which matches the maximum building height for the site</i></p> <ul style="list-style-type: none"> The baseline FSRs are appropriate to apply to these sites. Draft LEP 2013 rezones these properties to R3 Medium Density Residential from 2(a) Residential to reflect the existing uses. Sites contain groups of existing RFBs or RFBs that adjoin the existing 2(b) Residential zone. 				
			<p>FIGURE 9: 85-87 Drumalbyn Rd, Bellevue Hill</p> 	
R3.77	46 Towns Rd, Vaucluse	9.5	0.55:1 in the Residential DCP	0.75:1
<p>Rationale</p> <p><i>Apply an FSR which reflects the existing built form</i></p> <ul style="list-style-type: none"> Draft LEP 2013 rezones this property to R3 Medium Density Residential from Residential 2(a) to reflect the existing use. An FSR of 0.75:1 reflects the existing built form on the site. 				
			<p>FIGURE 10: 46 Towns Rd, Vaucluse</p> 	



Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 or DCP FSR	Draft LEP 2013 FSR
<i>On the former site of the Woollahra Council Depot in Double Bay</i>				
R3.78	51 William St, Double Bay	13.5	Part 0.875:1 Part 2.5:1	1.4:1
Rationale <i>Apply an FSR which reflects the existing built form</i> <ul style="list-style-type: none"> An FSR of 1.4:1 reflects the existing built form on the site which is greater than the baseline FSR of 1.3:1. Draft LEP 2013 rezones this property to R3 Medium Density Residential from part 2(b) Residential and part 3(a) Business General in WLEP 95 to reflect its predominant use. 		FIGURE 11: 51 William St, Double Bay 		

TABLE 6.2: Site-specific planning controls
 Reflect recent development application consents in the R3 zone

Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 or DCP FSR	Draft LEP 2013 FSR
R3.79	315-317 New South Head Rd, Double Bay	13.5	0.875:1	1.3:1
Rationale Apply an FSR which is consistent with the maximum building height that will be applied in Draft LEP 2013 <ul style="list-style-type: none"> • These properties have a recent development consent for a 4 storey RFB • Apply a baseline height and FSR in Draft LEP 2013 to reflect the consent for a 4 storey development. • This land formed part of an opportunity site³, but given controls for these properties are being amended in Draft LEP 2013 they will be excluded from further opportunity site work. 		FIGURE 12: 315-317 New South Head Rd, Double Bay 		

³ Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the municipality. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in the Draft LEP 2013. Except for the sites specifically noted in these discussion papers, work on the remaining opportunity sites has been deferred until the Draft LEP 2013 has been finalised. For more information on these rezonings see **Chapter 3 – Land use zones and the land use table**.

TABLE 6.3: Site-specific planning controls
FSR is proposed to increase, but a baseline FSR is not appropriate



Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 or DCP FSR	Draft LEP 2013 FSR
R3.80	1-19 Forest Rd, 30-100 Manning Rd, 1-63 and 2-78 Epping Rd, Double Bay	9.5	0.625:1	0.75:1
	39-41 Manning Rd, 1-3 Wallaroy Rd and 2 Wallaroy Cres, Double Bay	9.5	0.625:1	0.75:1
Rationale <i>Increase FSR to match the existing built form which is greater than the baseline FSR</i> <ul style="list-style-type: none"> On this land the Residential DCP permits an FSR of 0.75:1 for certain uses. However, WLEP 95 only permits and FSR of 0.625:1. The average FSR of recently approved and constructed dwellings in this area is approximately 0.75:1. Draft LEP 2013 proposes an FSR of 0.75:1 which reflects the existing built form and the FSRs of recently approved development. 		FIGURE 13: 66-68 Epping Rd, Double Bay 		
R3.81	85A-93 Ocean St, Woollahra	19.5	0.75:1	1:1
Rationale <i>Increase FSR to match the existing built form which is less than the baseline FSR</i> <ul style="list-style-type: none"> An FSR of 1:1 more accurately reflects the existing built form than the baseline FSR of 1.3:1. This site contains a mix of RFBs built prior to the commencement of WLEP 95. The average FSR of existing buildings is approximately 1:1. The site is within the Woollahra Heritage Conservation Area. The site is surrounded by land with a 3 storey height limit. The baseline FSR for the 19.5m height limit is 1.55:1. 		FIGURE 14: 85A-87 Ocean St, Woollahra 		

TABLE 6.4: Site-specific planning controls
FSR controls that are currently in a DCP




Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 or DCP FSR	Draft LEP 2013 FSR
R3.82	13-15 Albert St and 3-9 Sisters La, Edgecliff	10.5	– FSR in Residential DCP between 0.55:1 and 0.75:1	0.65:1
Rationale <i>Apply an FSR which is consistent with the surrounding land</i> <ul style="list-style-type: none"> • Terraces occupy 3-9 Sisters La and a convent is on 13-15 Albert St. • The FSR of the majority of surrounding land is 0.625:1 in WLEP 95. • The current FSR controls are in the Residential DCP, despite the site currently being zoned 2(b) Residential. • An FSR of 0.65:1 is therefore more appropriate for this site than the baseline FSR of 1:1. 		FIGURE 15: Sisters Lane, Edgecliff 		
R3.83	Babworth House	9.5m	GFA based on individual lots	0.52:1 0.65:1 0.60:1 0.53:1 0.21:1 0.40:1 0.73:1 0.37:1 0.68:1 0.46:1
Rationale <i>Translate the controls from the Babworth House DCP into an FSR in Draft LEP 2013</i> <ul style="list-style-type: none"> • The Babworth House DCP applies to this site. • The DCP contains preferred building envelopes and a maximum GFA for each lot. • The DCP was established following a site-specific study. • Draft LEP 2013 FSRs for this site reflect the Babworth House DCP controls which are still relevant. • See the Floor Space Ratio Map to identify the FSR of a specific lot. 		FIGURE 16: Babworth House site 		

TABLE 6.5: Site-specific planning controls
Two FSRs currently apply and only one is necessary

Change number	Location	Draft LEP 2013 maximum building height (m)	WLEP 95 or DCP FSR	Draft LEP 2013 FSR
R3.84	2 Benelong Cres and 16 Birriga Rd, Bellevue Hill	13.5	Part 0.75:1 and part 1:1	1:1
Rationale <i>Apply an FSR which is consistent with the existing built form and the FSR of nearby buildings</i> <ul style="list-style-type: none"> • These two properties contain RFBs constructed with an FSR of approximately 1:1. • An FSR of 1:1 more accurately reflects the existing built form than the current split FSR. • An FSR of 1:1 aligns with the FSR of surrounding land. 		FIGURE 17: 2-4 Benelong Cres, Bellevue Hill 		

Site-specific planning controls: Where new second height limits are proposed

In the 2(a) Residential and 2(b) residential zones, there are groups of existing 2 to 7 storey RFBs that have been constructed with an FSR much greater than current controls permit. WLEP 95 FSRs do not reflect what has been constructed, and are therefore not meaningful or practical.

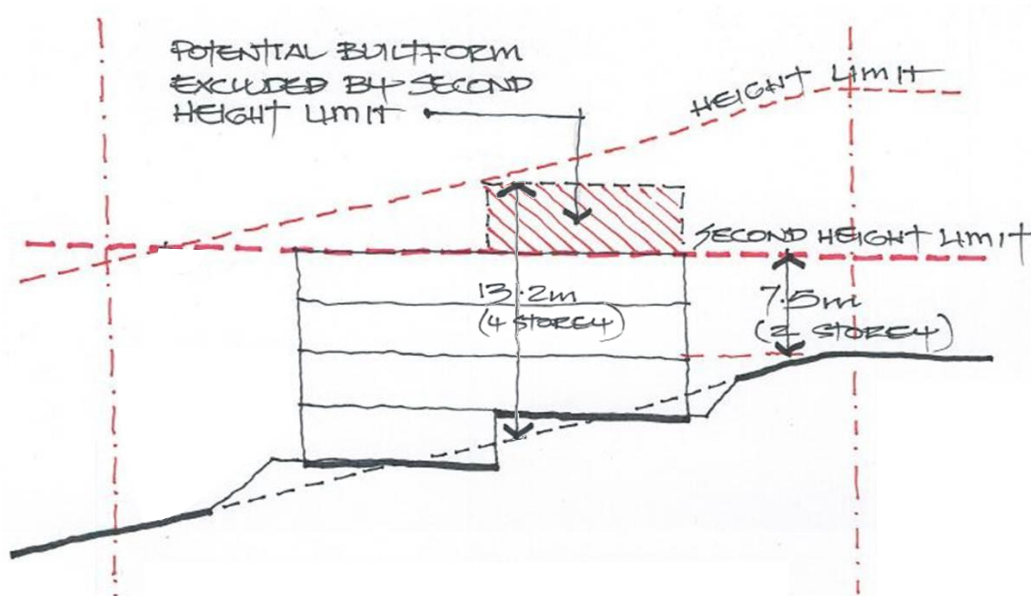
These sites will all be zoned R3 Medium Density Residential in Draft LEP 2013 to reflect the existing uses. The controls for FSR and height have been amended to reflect the existing built form on the site, including applying second height limits⁴.

Baseline FSRs have been discounted to account for the second height limit which reduces the building envelope. The discount applied to the baseline FSR depends on the amount of built form that is excluded by the second height limit.

The controls in Draft LEP 2013 will facilitate similar sized buildings to be built on these sites, while maintaining the existing streetscape and/or ensuring opportunities for view sharing are not significantly compromised.

Figure 18 below is an example of how second height limits reduce the building envelope on sloping sites.

FIGURE 18: The effect of a second height limit on a building envelope



The site shown above has an overall maximum building height of 13.5m (4 storeys), and a second height limit of 7.5m (2 storeys). In this example, the impact of the second height limit is that 3 storeys of development can be achieved on the higher part of the site, compared to 4 storeys on the lower part of the site which is not affected by the second height limit. The portion of the building that is excluded by the second height limit is hatched in red.

⁴ Second height limits are a maximum height taken from the highest part of a site. For more information on second height limits see **Chapter 5 – Maximum building heights**.

Having established the proportion of the building envelope that is reduced by a second height, the baseline FSR for the maximum building height for the site is reduced by the same margin. Table 6.6 below lists sites with new second height limits and the current and proposed height and FSR controls.

TABLE 6.6: Locations with a new second height limit proposed

Change number	Location	Current controls		Proposed controls			
		Height (m)	FSR	Height (m)	Second height (m)	Baseline FSR (not applied)	Discounted FSR
Rose Bay							
R3.85 A	778-788 New South Head Rd	9.5	0.55:1*	16.5	7.5	1.55:1	1.3:1
R3.85 B	776 New South Head Rd	9.5	0.55:1*	16.5	10.5	1.55:1	1.4:1
R3.86	48 Towns Rd	9.5	0.55:1*	13.5	7.5	1.3:1	1:1
	50 Towns Rd	9.5	0.55:1*	13.5	10.5	1.3:1	1:1
Point Piper							
R3.87 A	10-12 Longworth Ave	9.5	0.625:1	13.5	3	1.3:1	1:1
R3.87 B	14 Longworth Ave	9.5	0.625:1	10.5	3	1:1	0.65:1
Bellevue Hill							
R3.88	2-9 Aston Gdns	9.5	0.625:1	16.5	10.5	1.55:1	1.3:1
R3.89 A	24-36 Bellevue Rd	9.5	0.75:1	16.5	10.5	1.55:1	1:1
R3.89 B	38-54 Bellevue Rd	9.5	0.75:1	16.5	7.5	1.55:1	1:1
R3.90 A	58 Drumalbyn Rd	9.5	0.55:1*	10.5	7.5	1:1	0.75:1
R3.90 B	60 & 62 Drumalbyn Rd	9.5	0.55:1*	16.5	7.5	1.55:1	1.4:1
R3.91 A	74-82 Drumalbyn Rd	9.5	0.55:1*	16.5	7.5	1.55:1	1.4:1
R3.91 B	84-90 Drumalbyn Rd	9.5	0.55:1*	16.5	4	1.55:1	1.4:1
R3.91 C	97-99 Drumalbyn Rd	9.5	0.55:1*	10.5	7.5	1:1	1:1
Double Bay							
R3.92 A	5-9 Gladswood Gdns	9.5 and 7.5m second height	0.625:1	16.5	7.5	1.55:1	1.3:1
R3.92 B	2-8 and 11A-21 Gladswood Gdns	9.5 and 7.5m second height	Part 0.625:1 Part 1:1	13.5	7.5	1.3:1	1:1
R3.93	522-534 New South Head Rd	9.5	7.5	22.5	7.5	1.55:1	1.55:1
				Note: This site has already been excavated so does not need to be discounted.			
R3.94 A	470-508 New South Head Rd	9.5	—	16.5	10.5	1.55:1	1.7:1
R3.94 B	450-468 New South Head Rd	9.5	—	13.5	10.5	1.55:1	1.3:1
				Note: These two sites have dual frontages with development from the front boundary to the rear boundary, resulting in high site coverage. The proposed FSR is increased to allow for the high site coverage.			
Darling Point							
R3.95	66-79 New Beach Rd	6.5	—	10.5	6.5	1:1	0.9:1

* FSR from DCP

4.3 Using building envelope controls for dwelling houses, dual occupancies and semi-detached dwellings

The R3 Medium Density Residential zone is applied in locations where we want increased residential density, housing choice and diversity. In these areas the preferred residential development types are medium density housing forms such as RFBs and attached dwellings. Accordingly, the FSR shown on the **Floor Space Ratio Map** applies to these uses.

However, sometimes lower density uses such as dwelling houses, dual occupancies or semi-detached dwellings may be proposed in the R3 zone. In these circumstances, we do not want the FSR that has been established for medium density uses to apply to these lower density uses.

Clause 4.4(3) of Draft LEP 2013 states that the FSR in the R3 zone does not apply to dwelling houses, dual occupancies or semi-detached dwellings. Instead, the built form for these low density uses will be determined by the height in the LEP (usually 9.5m) and building envelope controls in the new DCP, regardless of the zone.

This approach encourages medium density forms of development in the R3 zone and reflects clause 11(1) of WLEP 95, which states that FSR does not apply to dwelling houses or dual occupancies.

PART 5. BUSINESS ZONES

In the business zones we propose to carry over the existing WLEP 95 FSRs into Draft LEP 2013.

Three business zones will apply in Draft LEP 2013. Table 7 below provides a description of each zone and where they apply.

TABLE 7: Description of business zones in Draft LEP 2013

Zone	Description
B1 Neighbourhood Centre	Centres that contain small-scale convenience retail premises, business premises and community uses that serve the day-to day needs of residents in easy walking distance of where they live. Examples of where the B1 zone will apply are the Vaucluse Village, Vaucluse and the Plumer Road shops, Rose Bay.
B2 Local Centre	Centres that provide a range of retail, business, entertainment and community functions that serve a wider area than a neighbourhood centre. The B2 zone is applied in the Double Bay Centre, Edgecliff Commercial Core and Rose Bay Centre.
B4 Mixed Use	Centres that contain an integrated range of business, residential and retail uses that are in proximity to public transport. These centres are generally characterised as corridor or strip centres. The B4 zone applies to New South Head Road, Edgecliff, Oxford Street, Paddington, Queen Street, Woollahra and Rose Bay North and South on Old South Head Road, Rose Bay.

All business zones currently have an FSR in WLEP 95. We propose to retain the same FSRs for the majority of business zoned land in Draft LEP 2013 because most centres have recent detailed urban design studies which informed the current controls. These studies and supporting DCP controls, which outline the desired future character of each centre, are still relevant and are also being retained in the new DCP.

The business zone FSRs can be retained because the differences between the definition of GFA in WLEP 95 and the Standard Instrument will have relatively little effect on building bulk. This is because building envelopes in business zones do not require buildings to be set back from the front or side boundaries, meaning building bulk as viewed from the street frontage remains unchanged. The ground floors of buildings in commercial centres generally have no setback from any boundary, meaning the existing character will be retained at street level.

FSR changes

We propose new or amended FSR controls in business zones under the following circumstances:

- Where land is being rezoned to recognise existing commercial uses to either B1 Neighbourhood Centre (see Table 8) or B4 Mixed Use (see Table 9)
- In part of the B4 Mixed Use zone in the Edgecliff Commercial Corridor (see Table 10):
 - Where land does not currently have an FSR, or
 - To reflect the existing character of 1 storey buildings.

These sites are discussed in detail below.



Land that is being rezoned to B1 Neighbourhood Centre

There are two sites being rezoned from 2(a) Residential to B1 Neighbourhood Centre:

- 77 New South Head Road, Vaucluse
- 108-110B Boundary Street and 55 Glenview Street, Paddington

These rezonings reflect the current commercial uses on these sites. Further detail on each site and its specific controls is provided in Table 8.

TABLE 8: Land that is being rezoned to B1 Neighbourhood Centre

Change number	Location	DCP FSR	Draft LEP 2013 FSR	Comments
B1.1	108-110B Boundary St and 55 Glenview St, Paddington	0.55:1 in Residential DCP	1:1	<ul style="list-style-type: none"> • Site contains a mix of shops and a restaurant • Site is zoned 2(a) Residential in WLEP 95 • Site is to be rezoned B1 Neighbourhood Centre in Draft LEP 2013 to reflect the current commercial uses • FSR of 1:1 is proposed which is consistent with other neighbourhood centres in Paddington
<p><i>FIGURE 19: 110A and 110B Boundary St and 55 Glenview St, Paddington</i></p> 				
B1.1	77 New South Head Rd, Vaucluse	0.55:1 in Residential DCP	0.9:1	<ul style="list-style-type: none"> • Site contains a car wash and vehicle repair station • Site is zoned 2(a) Residential in WLEP 95 • Site to be rezoned B1 Neighbourhood Centre in Draft LEP 2013 to reflect the current commercial use⁵ • FSR of 0.875:1 was adopted by Council on 2 May 2011. This control has been rounded up⁶ to 0.9:1. The FSR is less than the 1.5:1 FSR of adjoining business zoned land to provide a transition to the adjoining residential zone
<p><i>FIGURE 20: 77 New South Head Rd, Vaucluse</i></p> 				



⁵ This site was identified as an opportunity site. Opportunity sites are locations where we identified potential to change the planning controls to increase dwelling capacity across the LGA. We consulted with the community about all the opportunity sites in 2010. Following this consultation Council resolved to only include three opportunity sites in Draft LEP 2013, including this site at Vaucluse Village. Except for the sites specifically noted in this discussion paper, work on the remaining opportunity sites has been deferred until Draft LEP 2013 has been finalised.



⁶ FSRs in WLEP 95 have been rounded up in Draft LEP 2013 to the nearest whole or .05 number

FSR changes to part of the B4 Mixed Use zone

In the B4 Mixed Use zone there are six sites with amended FSRs. Four sites are being rezoned to B4 Mixed Use to recognise existing commercial uses (see Table 9 below) and two sites have FSR changes in part of the Edgecliff Commercial Corridor (see Table 10 below).



TABLE 9: B4 Mixed Use zone FSRs – Rezoning to recognise existing commercial uses

Change number	Location	WLEP 95 or DCP FSR	Draft LEP 2013 FSR	Comments
B4.1	287-289 New South Head Rd, Edgecliff	0.875:1	2:1	<ul style="list-style-type: none"> Draft LEP 2013 proposes to rezone these properties to B4 Neighbourhood Centre to reflect current commercial uses 287-289 New South Head Rd contains the former Edgecliff post office, which is now a mixed use development. The former post office is a heritage item 295-299 New South Head Rd contains the Telstra telephone exchange building The proposed FSR of 2:1 creates a transition from the 2.5:1 FSR applied to the B2 zone in the west to the adjoining 1.55:1 FSR of the R3 zone in the east.
<p><i>FIGURE 21: 287-289 New South Head Rd, Edgecliff</i></p> 				
B4.2	12-42, 48-94, 3-43 and 45-63 William St, Paddington, 83-85 Underwood St, Paddington and 2 Hopetoun St, Paddington	No FSR	1:1	<ul style="list-style-type: none"> Site contains a mix of retail shops and dwellings Site is zoned 2(a) Residential in WLEP 95 Draft LEP 2013 proposes to rezone these properties to B4 Mixed Use to reflect the current commercial uses The site adjoins B4 zoned land on Oxford St with an FSR of 1:1 and 9.5m height limit The FSR of a typical two storey terrace in the area is approximately 1:1 Draft LEP 2013 proposes an FSR of 1:1, consistent with the FSR of the adjoining B4 zone and of the majority of existing terraces in this location.
<p><i>FIGURE 22: Part of William St, Paddington</i></p> 				

Change number	Location	WLEP 95 or DCP FSR	Draft LEP 2013 FSR	Comments
B4.3	108 Oxford St, Paddington	Part 1:1 in WLEP 95 and part no FSR	1:1	<ul style="list-style-type: none"> Site contains a single mixed use building. Site is currently zoned part 3(c) Business and part 2(a) Residential Draft LEP 2013 proposes a B4 Mixed Use zone for the whole site to remove the split zoning. The adjoining B4 zoned land on Oxford Street has a 1:1 FSR with a 9.5m height limit We propose to apply an FSR of 1:1 over the entire lot which is consistent with adjoining land and the desired future character of the area.
<p><i>FIGURE 23: 108 Oxford St, Paddington</i></p> 				
B4.4	105 and 107 Queen St and 53 Moncur St, Woollahra ⁷	0.55:1 in WHCA DCP	1:1	<ul style="list-style-type: none"> The commercial properties at the corner of Queen Street and Dorhauer Lane are currently zoned 2(a) Residential (including the Council owned car park) These properties are proposed to be rezoned to B4 Mixed Use to recognise their retail function and contribution to the Queen Street centre The properties retain their current 9.5m height limit in Draft LEP 2013 Other commercial properties in the Queen Street B4 Mixed Use zone have a 1:1 FSR and 9.5m (2 storey) height limit We propose and FSR of 1:1 for this site which is consistent with other B4 zoned land in Queen Street.
<p><i>FIGURE 24: 105-107 Queen St, Edgecliff</i></p> 				

⁷ In Draft LEP 2013 Council is reclassifying the public land at 53 Moncur St to 'operational land' in accordance with the *Local Government Act 1993*. This land is currently identified as 'community land'. Public land to be reclassified by the LEP is included in Schedule 4 of the written instrument.

TABLE 10: B4 Mixed Use zone FSRs – Edgecliff Commercial Corridor

Change number	Location	WLEP 95 or DCP FSR	Draft LEP 2013 FSR	Comments
B4.5	99-115 and 133 New South Head Rd, Edgecliff and 549 and 502 Glenmore Rd, Edgecliff	Part 1.5:1, part no FSR Some lots have no FSR control	1.5:1	<ul style="list-style-type: none"> The site contains a mix of commercial buildings and RFBs These properties are affected by a road reservation over all or part of a lot Under WLEP 95 these lots currently either have no FSR, or an FSR of 1.5:1 over part of the lot We propose to apply an FSR of 1.5:1 over the entire lot for each of these properties which is consistent with the adjoining B4 Mixed Use zoned land
<p><i>FIGURE 25: 133 New South Head Rd, Edgecliff</i></p> 				
B4.6	543-549 and 498 Glenmore Rd	1.5:1 or part 1.5:1 part no FSR	0.5:1	<ul style="list-style-type: none"> These properties are proposed to have a height limit of 6.5m (1 storey) in Draft LEP 2013 The current WLEP 95 FSR of 1.5:1 is excessive for a 1 storey building Elsewhere in the B4 zone of the Edgecliff Commercial Corridor, an FSR of 0.5:1 is applied to land with a 6.5m (1 storey) height limit We therefore recommend an FSR of 0.5:1 for this site
<p><i>FIGURE 26: 543-547 Glenmore Rd, Edgecliff</i></p> 				

PART 6. SP3 TOURIST ZONE

In the SP3 Tourist zone we propose to carry over the existing WLEP 95 FSRs into Draft LEP 2013.

The SP3 Tourist zone is used where tourism is the focus of the location, where there is a natural site or a location which attracts visitors, or where the future use of the area is to be focused on tourist related uses.

This zone most closely fits the current 3 (B1) Business zone and applies in Watsons Bay (1-2 Cliff Street and 10-11 Marine Parade).

These properties currently have an FSR of 0.43:1 which we propose to retain in Draft LEP 2013. An FSR of 0.43:1 will result in buildings that are compatible with the Marine Parade North Precinct in Watsons Bay.

FIGURE 27: Aerial view of the SP3 zone in Watsons Bay



FIGURE 28: The existing context



PART 7. LOCATIONS WHERE FSR CONTROLS WILL NO LONGER APPLY

We propose to remove FSR controls from all land in the R2 Low Density Residential zone and the SP2 Infrastructure zone. The rationale for these changes is discussed below.

7.1 R2 Low Density Residential

The R2 Low Density Residential zone allows dwelling houses, dual occupancies, semi-detached dwellings, boarding houses and group homes with consent. Other permissible uses in the zone include a limited number of non-residential uses that provide facilities or services to meet the day-to-day needs of residents. It is similar to the 2(a) Residential zone in the WLEP 95.

Most land within the LGA will be zoned R2 Low Density Residential including in Paddington, western parts of Woollahra, North Bellevue Hill, North Rose Bay, Vaucluse and Watsons Bay.

Under our current controls, the FSRs for dwelling houses, dual-occupancies and semi-detached dwellings are set out in DCPs (not WLEP 95) for all 2(a) Residential zoned land, except for Paddington where no FSR applies. However, under the Standard LEP, FSR controls must be in the LEP, not the DCP.

As outlined in Part 2.1, the Standard LEP definition of GFA is different to our current definition as it excludes certain design elements from GFA, such as the thickness of external walls, voids and staircases.

If the FSRs that currently apply to 2(a) Residential land were carried over into Draft LEP 2013 it would create uncertainty regarding building bulk. Our research indicates that if the current FSRs were applied to the R2 zone, the size of dwelling houses could increase by between 14% and 100% depending on the design of the building, and particularly the inclusion of voids and large balconies.

Proposed controls

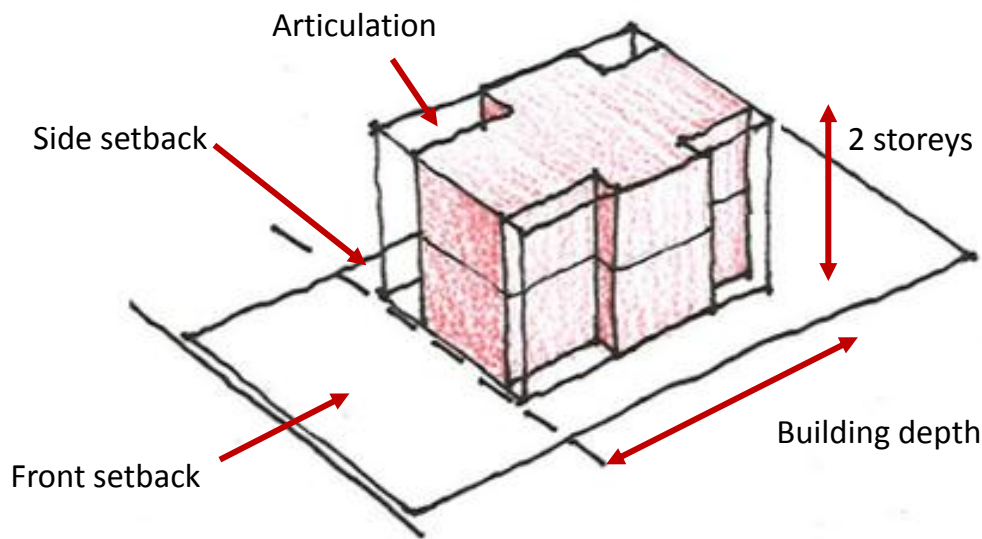
The solution in the R2 Low Density Residential zone is to use building envelope controls in the new DCP (rather than applying an FSR in Draft LEP 2013). Building envelope controls are manipulated to match the building bulk achieved under our current controls.

The building envelopes for the R2 zone in Draft LEP 2013 have been created using:

- Maximum building height
- Minimum setbacks from site boundaries
- A percentage of site depth

Within the building envelope, a percentage of the area must be left void for building articulation. An example of a building envelope is illustrated in Figure 29 below.

FIGURE 29: Example building envelope



Maximum building height is an LEP control. The other building envelope controls will be in the new DCP.

The building envelope controls for the R2 zone will match the desired future character of each neighbourhood. For example, building envelopes will determine whether 2 or 3 storey buildings are permitted.

7.2 SP2 Infrastructure

Land that has been set aside for an ongoing, specific purpose is zoned SP2 Infrastructure in Draft LEP 2013. It includes uses such as pumping stations, schools, and state roads. The SP2 Infrastructure zone is similar to the 5(a) Special Use zone in the WLEP 95.

In WLEP 95, no FSRs or building envelope controls apply to the 5(a) Special Use zone except the site of the Holy Cross Church at 82-84 Edgecliff Road, Woollahra.

We propose to remove the FSR control for 82-84 Edgecliff Road, Woollahra, providing a consistent approach to all SP2 zoned land. This approach is acceptable because development in this zone does not have a typical form, and a merit assessment is conducted on development applications for these sites instead.

ANNEXURE 1

Differences between the definition of GFA under WLEP 95 and the Standard LEP

The definitions of GFA under WLEP 95 and the Standard LEP are provided below, along with a table which compares the building and design elements that are included or excluded from the calculation of GFA in each.

Definition of GFA under the WLEP 1995

gross floor area in relation to a building, means the sum of the areas of each level of the building, including:

- (a) the thickness of all external walls, and
- (b) the area of voids, staircases and lift shafts, counted at each level, and
- (c) that part of the area of balconies and verandahs which is in excess of 20m² per dwelling in the case of a building used or intended for use for residential purposes, or in excess of 10% of the site area in the case of a building used or intended for use for non-residential purposes, and
- (d) any other areas of the building where the height of those areas exceeds 1.5 metres above ground level,

and excluding:

- (e) car parking to meet the requirements of the Council and any access to the car park, and
- (f) any area used or intended for use as a car parking station, and
- (g) uncovered roof terraces, and
- (h) any area used or intended for use as an arcade.

Definition of GFA under the Standard LEP

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

Key differences between the definitions

The key differences between the two definitions relate to the type of building and design elements that are 'excluded' from the calculations of GFA under the SI, such as balconies, staircases and voids relating to mezzanine levels.

The table below identifies the building and design elements that contribute to the bulk and scale of buildings, which are included in the WLEP 95 GFA definition but excluded in the Standard LEP definition.

Elements calculated as GFA	WLEP 95	Standard LEP
Voids	✓ Included	✗ Excluded
The area of a balcony greater than 20m ² per dwelling	✓ Included	✗ Excluded (GFA excludes all balconies with outer walls less than 1.4m high – there is no control or limit to balcony size)
Staircases and lift shafts	✓ Included	✗ Excluded
Non habitable rooms in a basement or attic	✓ Included	✗ Excluded (GFA excludes bathrooms, laundries, walk in wardrobes and corridors if located in a basement or attic)
Storage	✓ Included	✗ Excluded (GFA excludes storage in a basement – there is no control or limit to this exclusion)
Wall thickness	✓ Included	✗ Excluded (GFA measured to the internal face)

Implications of using the Standard LEP definition of GFA

The implications of the translating our current FSRs into Draft LEP 2013 are discussed below.

R2 Low Density Residential zone

The potential for increased building bulk is greatest in this zone. Design elements that are excluded from the Standard LEP definition of GFA are more likely to occur in buildings (typically dwelling houses) in the R2 zone. For example, dwelling houses often include voids, large balconies, multiple bathrooms and storage areas. These areas 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 by between 14% and 100% depending on the design of the building and particularly whether voids and large balconies are proposed.

The extent of the increase in building bulk is not constant or predictable, therefore we cannot apply a discounted FSR in the R2 zone of the new LEP to account for the Standard Instrument definition.

We are not required to apply an FSR to the R2 Low Density zone, and identify that the most effective way to control building bulk in this zone is to rely on building envelope controls in our new DCP.

We therefore recommend using building envelope controls without an FSR control to retain the existing character in the R2 zone.

R3 Medium Density Residential Zone

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.

Consequently, there is no need to discount FSRs to account for the Standard LEP definition of GFA.

Business zones

In our business zones the potential for increased building bulk is minor. Again, the building and design elements excluded by the Standard LEP definition of GFA are less prevalent in commercial and mixed use buildings because developers seek to maximise the areas that can be leased or sold.

The potential for increased building bulk is also limited because development is currently permitted to build to the side and front boundaries in business zones. This means there can be no increased building bulk in these directions. In many cases, development is also permitted to the rear boundary as well. We propose to retain the current WLEP 95 FSRs in Draft LEP 2013 for our business zones.

ANNEXURE 2

Establishing building envelopes and baseline FSRs for the R3 Medium Density zone

In the R3 Medium Density Residential zone we sought to establish baseline FSRs that fitted within acceptable building envelopes. To do so we:

- Determined a **buildable area** based on setbacks (a front setback defined by the existing streetscape, 10% side setbacks and a variable maximum site depth of between 45% and 60%).
- Determined a **maximum floor area** by multiplying the buildable area by the permissible number of storeys and discounting that figure by 30% (15% for building articulation and 15% for the Standard LEP definition of GFA).
- Determined an **FSR** by dividing the maximum floor area by the site area.

The building envelope controls which define baseline FSRs are relevant, practical and match the desired future character of development in the R3 zone because they were established following urban design modelling and analysis of development applications approved under WLEP 95.

This process of establishing FSRs is explained in detail below.

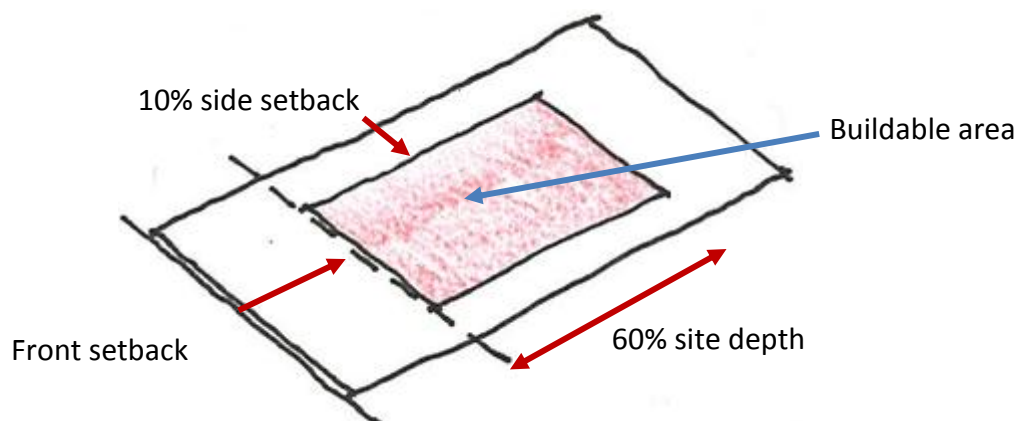
Establishing a buildable area

The first component of the building envelope is the buildable area. In the R3 zone buildable area is generally defined using the following boundary setbacks and percentage of the site depth:

- 10% side setbacks
- A maximum site depth of 60%

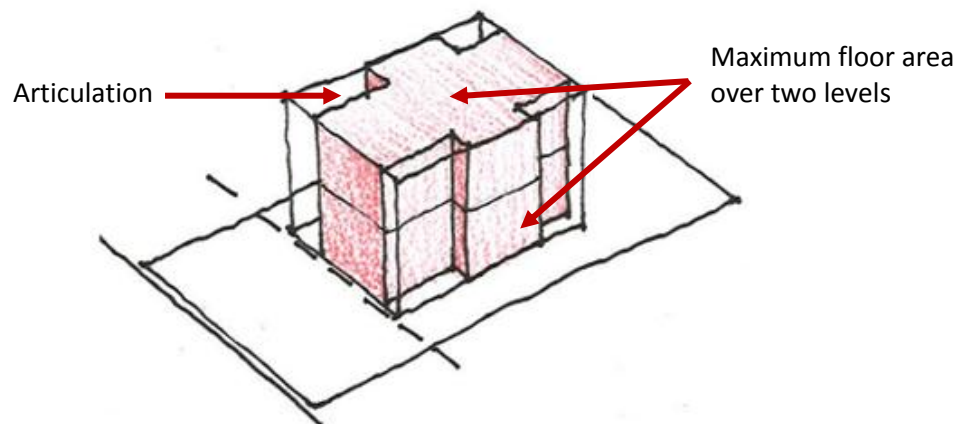
As maximum building height increases, lesser site depths are applied to improve building separation, deep soil landscaping and therefore amenity.

By varying the maximum site depth, FSRs can be increased or decreased. The front setback must be consistent with the setbacks of surrounding properties. A buildable area with a 60% site depth is shown below.



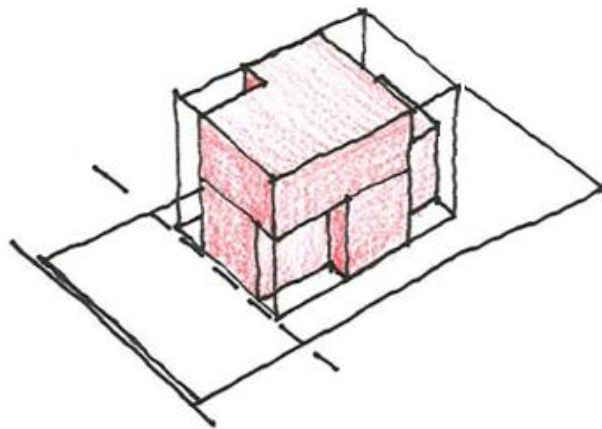
Establishing the maximum floor area

Maximum floor area is defined by multiplying buildable area by the maximum number of storeys permitted on the site, and discounting that figure by 30% to allow building articulation and account for the Standard LEP definition of GFA. An example of maximum floor area in a two storey building is shown below.



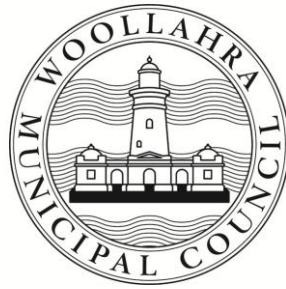
Establishing an FSR based on maximum floor area

FSRs were established by dividing maximum floor area by the site area. A building of 2 storeys with 30% articulation is illustrated below to show how FSR can be distributed across a building.



The table below lists the baseline FSRs established for R3 zoned land using this methodology.

Storeys	Height (m)	Baseline FSR	DCP maximum site depth (%)
2	8	0.65:1	60
3	10.5	1:1	60
4	13.5	1.3:1	60
5	16.5	1.55:1	55
5-6	19.5	1.55:1	55
6	19.5	1.55:1	50
7	22.5	1.55:1	45
7-8	26	1.55:1	45



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 7

HERITAGE CONSERVATION

This chapter outlines Council's approach to heritage conservation in Draft Woollahra Local Environmental Plan (Draft LEP 2013).

Where possible, we have reflected the intent of the current heritage conservation controls contained in Woollahra Local Environmental Plan 1995 (WLEP 95) using the provisions from the Department of Planning and Infrastructure's Standard LEP template.

Where it was not possible to convert the controls, or where a new approach is proposed, this chapter identifies the relevant changes.

Table of contents

PART 1. BACKGROUND	1
1.1 What is heritage listing?	1
1.2 Heritage conservation in Draft LEP 2013.....	1
PART 2. THE WRITTEN INSTRUMENT	2
2.1 Clause 5.10 Heritage conservation.....	2
2.2 Clause 6.6 Non-residential uses in heritage conservation areas.....	2
2.3 Clause 6.6A Building amalgamation within heritage conservation areas	3
2.4 Schedule 5: Environmental heritage	3
2.5 Heritage items of state significance	4
PART 3. HERITAGE MAP	9
PART 4. WLEP 95 CLAUSES NOT INCLUDED IN DRAFT LEP 2013	10
4.1 Development at Macquarie Light Station, Vaucluse	10
4.2 Development at 103 Darling Point Road, Darling Point	10
4.3 Inter-war flat buildings	10

PART 1. BACKGROUND

1.1 What is heritage listing?

Woollahra Municipality has a rich and diverse history and natural setting that is represented in Victorian, Federation, Inter-war and post-1950s buildings, precincts and streetscapes.

Heritage listing in an LEP provides formal recognition of the heritage significance of a building, place, area, archaeological relic or nature feature. Heritage listing ensures that change occurs in a way that retains heritage values and characteristics. Individual buildings, places, structures, relics and natural elements such as trees may be listed as heritage items. A precinct of land or a number of buildings and surrounding streets may be included as heritage conservation areas.

Heritage listing does not necessarily mean that an item or area cannot be changed. However, heritage listing does in many cases require owners of items, or owners of properties in a heritage conservation area to obtain Council approval for changes that may affect the heritage significance of the item or area¹.

There are approximately 700 heritage items in the Woollahra LGA, comprising individual buildings, structures, trees and landscape features. There are fourteen heritage conservation areas ranging in size from suburbs such as Paddington, Watsons Bay and a large part of Woollahra, to streets such as Bell Street in Vaucluse and Kent Road in Rose Bay.

1.2 Heritage conservation in Draft LEP 2013

Heritage conservation provisions with Draft LEP 2013 are contained in the following parts of the written instrument:

- **Clause 1.2 (2) (f)** sets out the aim for conservation within Woollahra
- **Clause 5.10** sets out the heritage conservation controls
- **Clause 6.6** allows certain buildings in the residential zones of heritage conservation areas to be used for non-residential purposes
- **Schedule 5** contains the list of heritage items, heritage conservation areas and heritage item archaeological sites
- **Dictionary** contains definitions for heritage item, heritage conservation area, heritage significance archaeological sites and other words and terms used in Draft LEP 2013.

The **Heritage Map**, which comprises nine sheets covering the LGA, shows land on which a heritage item or archaeological site is located, and land which is located in a heritage conservation area.

¹ State legislation such as *State Environmental Planning Policy (Exempt and Complying Development) 2008*, enables some development to be carried out without consent or through a complying development process.

PART 2. THE WRITTEN INSTRUMENT

The heritage conservation provisions in WLEP 95 have been converted to the new Standard LEP format with as few changes as possible. However, in complying with the Standard LEP format, some of the content of the WLEP 95 written instrument, including heritage provisions, has been deleted or moved into the development control plan² (see Part 4).

2.1 Clause 5.10 Heritage conservation

Clause 5.10 in Draft LEP 2013 sets out the main heritage conservation controls. The provisions of Clause 5.10 are similar to those in WLEP 95, and broadly reflect the intent of the provisions of clauses 26, 27, 28, 31 and 32 of WLEP 95.

The clause indicates whether development consent is required to carry out development involving a heritage item, an archaeological site, an Aboriginal place of heritage significance or within a heritage conservation area. It also enables Council to require a heritage management document or heritage conservation management plan to be prepared where consent is required.

The clause establishes the consultation requirement for development proposals on an archaeological site, an Aboriginal place of heritage significance or where it is proposed to demolish a nominated State heritage item.

Clause 5.10 (10) establishes conservation incentives. Conservation incentives are used to encourage the adaptive reuse of a heritage item, thereby ensuring its long term protection. Incentives allow development (subject to consent) for any purpose, even though the use would not otherwise be permitted by Draft LEP 2013. This is similar to clause 32 of WLEP 95.

2.2 Clause 6.6 Non-residential uses in heritage conservation areas

Clause 6.6 in Draft LEP 2013 reflects the intent of WLEP 95 *Clause 30. Additional uses within heritage conservation areas*. However, the terminology is amended so that it complies with the Standard LEP template.

This clause applies to residential land (zoned R2 and R3) in the heritage conservation areas. It allows a limited range of non-residential uses to occur in a non-residential building and its land, even though the uses are not ordinarily permitted in a residential zone. The building must have consent for a non-residential use (whether or not that use was discontinued) and must have been lawfully constructed for a non-residential use.

The purpose of this clause is to recognise the mixed use character and built forms within the heritage conservation areas, and allow certain non-residential uses to be retained even though they are located in residential zones.

² A 'development control plan' or DCP is a planning document that supplements an LEP. DCPs guide future development within a local context, and provide more detailed planning and design guidelines.

The uses that may be allowed on these sites are limited to business premises, office premises, community facilities, information and education facilities, educational establishments, public administration buildings and shops. These uses will only be permitted when the heritage significance of the building is protected and the use will not adversely affect the amenity of the surrounding area.

2.3 Clause 6.6A Building amalgamation within heritage conservation areas

Clause 6.6A in Draft LEP 2013 reflects the intent of WLEP 95 *Clause 29, Building amalgamation within heritage conservation areas*. However, the terminology is amended so that it complies with the Standard LEP template.

The purpose of this clause is to retain the existing subdivision patterns for non-residential buildings in our heritage conservation areas. Under the provisions, Council may decide to refuse the amalgamation of adjoining non-residential buildings in heritage conservation areas.

Matters for consideration include:

- The impact on the heritage significance of the building, its setting and the area.
- Consistency with the historic subdivision pattern.

2.4 Schedule 5: Environmental heritage

Heritage items and heritage conservation areas are listed in Schedule 5 of Draft LEP 2013. This schedule replaces Schedule 3: Heritage Items in WLEP 95.

The main change to the new schedule is the format of the information which meets the Standard LEP requirements.

For each heritage item Schedule 5 lists the address, name and the registered properties description. The schedule also identifies whether the item is of local or state significance. Each item is given a unique identifier, which corresponds with the number on the **Heritage Map** (see Part 3).

An example of an entry in Schedule 5 is shown below.

Item no.	Suburb	Item name	Address	Property description	Significance
I50	Vaucluse	House and interiors	7 Boambillee Avenue	Lot 8 Sec 6 DP 9245	Local

Other changes to the Schedule involve:

- Deleting references to trees that have been removed
- Inserting reference to Strickland House (currently listed under Woollahra LEP 27)
- Inserting reference to the land based elements of the Dunbar Group (see Part 2.5 below)
- Inserting several items listed under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (see Part 2.5.1 below)
- Deleting reference to Kutti Beach, Vaucluse, due to a lack of information justifying its heritage significance
- Identifying whether an item is also of state significance (see Part 2.5 below)
- Correcting errors

2.5 Heritage items of state significance

An item is of state significance if it is important for the whole of NSW. The Heritage Council of NSW has developed a set of criteria to help establish whether an item is of state significance. There are 27 items in the LGA that are on the State Heritage Register. All of these will be included in Schedule 5 of Draft LEP 2013, and identified as items of state significance.

Most of these items are already included in Schedule 3 of WLEP 95, with the exception of Strickland House and the land based elements of the Dunbar Group. These items have been added to Schedule 5, Environmental Heritage in Draft LEP 2013.

FIGURE 1 and FIGURE 2: State item – Strickland House, Vaucluse



2.5.1 Heritage items in Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

All land-based items in the LGA listed under the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* will be included in Schedule 5 of Draft LEP 2013. Schedule 5 identifies that these items are of local significance. These items are not currently listed in Schedule 3 of WLEP 95.

Name	Location	Suburb
HMAS Rushcutter slipways	1C New Beach Rd	Darling Point
Remains of Bath House and site of jetty	159 Darling Point Rd, within McKell Park	Darling Point
Site of former Rose Bay Flying Boat Base	Lyne Park	Rose Bay
West Parsley Bay Obelisk	65 Fitzwilliam Rd	Vaucluse
Remains of Vaucluse Point ferry wharf	83 Fitzwilliam St	Vaucluse
Hermit Bay Wharf, slipway and landing	Hermit Bay	Vaucluse
Shark Beach promenade and amenities	Nielsen Park, Steel Point	Vaucluse
Green Point Obelisk	Off Pacific St, within Green (Laing) Point Reserve	Watsons Bay

FIGURE 3: Local item – West Parsley Bay Obelisk, Vaucluse



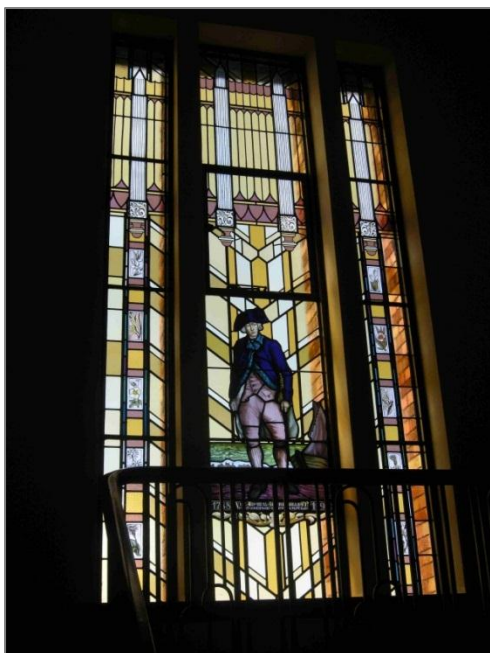
2.5.2 Protecting heritage items interiors

Under clause 5.10(2)(b) of Draft LEP 2013, development consent is required to alter the interiors of items. This is only the case where the work relates to a structural change, or where a change is proposed to anything inside the item that is described in Schedule 5 in relation to the item.

This is contrary to our approach in WLEP 95 and poses a threat to the integrity of Woollahra's heritage items. WLEP 95 protects the entire listed item. For example, an item described as a 'house' refers to and protects the entire house, including interior elements such as fireplaces and staircases.

To resolve this inconsistency, and to seek the protection of the interiors of built heritage items, we have added the words "and interiors" for every relevant item in Schedule 5 in Draft LEP 2013.

FIGURE 4: Local item – Window at Hillside, 412 Edgecliff Rd, Woollahra



2.5.3 Heritage item groups

Schedule 3 in WLEP 95 includes references to heritage item groups. Heritage items groups are a collection of properties with shared characteristics. These properties have individual heritage significance, and significance through their association with each other. Therefore, they require a greater level of protection.

The Standard LEP template does not include the term heritage item group, and it is therefore not possible to include these as 'groups' in Draft LEP 2013.

The individual properties within each of the groups are already nominated as heritage items, so their protection and status as individual heritage items will not be affected. However, 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.

The following properties are listed as heritage item groups in WLEP 95:

Address	Suburb	Name
40, 40A and 40B Birriga Rd	Bellevue Hill	Residential flat buildings, garages, stone paving, brick and stone retaining walls and stairs including <i>Dalkeith, Exeter</i> and <i>Warrington</i> ; <i>Birriga Road heritage item group</i>
81 and 81A Birriga Rd	Bellevue Hill	Residential flat buildings, dwarf brick walls, paving and grounds; <i>Birriga Road heritage item group no. 2</i>
1 Latimer Rd and 101 O'Sullivan Rd	Bellevue Hill	<i>Phillip Court</i> and <i>Beresford Court</i> residential flat buildings and grounds; <i>Latimer Road heritage item group</i>
275-277 O'Sullivan Rd	Bellevue Hill	Residential flat buildings and grounds; <i>O'Sullivan Road heritage item group</i>
165-167 Victoria Rd	Bellevue Hill	Residential flat buildings and grounds; <i>Victoria Road heritage item group</i>
9 Goomerah Cr, 54 Darling Point Rd and 28 Yarranabbe Rd	Darling Point	House, sandstone retaining walls, balustrade and rockface, and gateposts to former <i>Denholm</i> ; <i>Goomerah Crescent/Yarranabbe Road/Darling Point Road heritage item group</i>
15-17 Mona Rd	Darling Point	Semi-detached houses, grounds, and sandstone retaining wall to street; <i>Mona Road heritage item group</i>
12-14 Albert Street	Edgecliff	St Joseph's Church and Friary – church and grounds; <i>Albert Street heritage item group</i>
19-25 Balfour Rd	Rose Bay	Residential flat buildings and grounds including <i>Wycombe</i> and <i>Springfield</i> ; <i>Balfour Road heritage item group</i>
15-17 Robertson Pl	Watsons Bay	<i>Warrawee</i> and <i>Thalassa</i> – semi-detached houses and grounds; <i>Robertson Place heritage item group</i>
South Head (inner), within South Head Sydney Harbour National Park	Watsons Bay	<i>Hornby Lighthouse group</i> , comprising: Hornby Lighthouse; two cottages; gun emplacement and fortifications
17-23 Jersey Rd	Woollahra	Houses, outbuildings, stables, front gardens and fencing, grounds and various trees to <i>Westbourne, Selby House, Orama</i> , and <i>Runnymede</i> ; <i>Jersey Road heritage item group</i>
1-4 The Grove	Woollahra	Four cottages, landscaped accessway, front fencing - <i>The Grove group</i>
84-86 Wallis St	Woollahra	<i>Tralawera</i> and <i>Dela Kaba</i> , semi-detached houses and grounds; <i>Wallis Street heritage item group</i>)

An example of how Schedule 5 of the Draft LEP 2013 references the adjoining properties is shown below.

Item no.	Suburb	Item name	Address	Property description	Significance
I592	Woollahra	<i>Tralawera</i> – semi-detached house, interiors and grounds – <i>Wallis Street heritage item group</i> (see also 86 Wallis Street)	84 Wallis Street	Lot 1 DP 771174	Local

2.5.4 Heritage conservation areas

Schedule 5 in Draft LEP 2013 is divided into three parts: heritage items, archaeological sites and heritage conservation areas. This is unlike Schedule 3 in WLEP 95 which does not include a list of the heritage conservation areas. WLEP 95 does, however, identify the location of the conservation areas on the **Heritage Conservation Map**. An explanation of how the heritage conservation areas are mapped in Draft LEP 2013 is contained in Part 3 below.

FIGURE 5: Duxford Street, Paddington in the Paddington Heritage Conservation Area



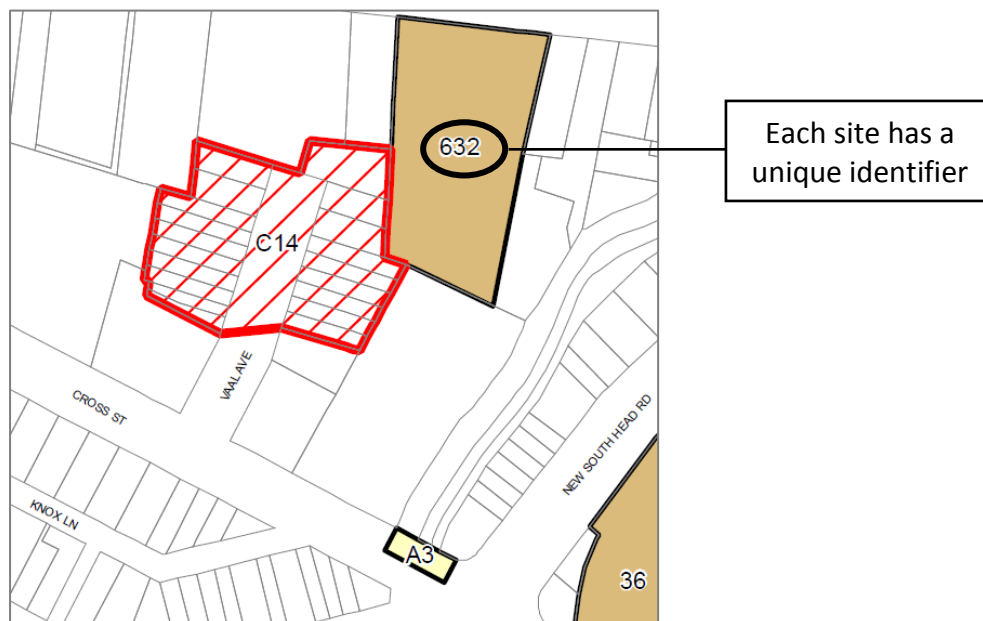
PART 3. HERITAGE MAP




The **Heritage Map** in Draft LEP 2013 looks slightly different to the WLEP 95 map. However, the location of each heritage item and heritage conservation area has not changed except to correct errors or to reflect subdivision changes.

The following table identifies the key changes in the format of the Draft LEP 2013 **Heritage Map**.

Change	Details
Unique identifier	Schedule 5 of Draft LEP 2013 identifies individual reference numbers for each heritage item. These reference numbers are included on the heritage map either on, or immediately adjacent to the site.
Colour coding	The colouring for the map has been coded to indicate heritage items, archaeological items and conservation areas.
Multiple sites or items	Some items contain multiple sites or items. In these cases, the item number appears more than once on the map.
Inset maps	In areas with large amounts of heritage items (including Paddington) inset maps have been provided to more easily identify the individual item locations and numbers.

FIGURE 6: Example taken from Heritage Map: Sheet 3A



Key	
	Conservation Area - General
	Item - General
	Item - Archaeological

PART 4. WLEP 95 CLAUSES NOT INCLUDED IN DRAFT LEP 2013

In complying with the Standard LEP format, four of the heritage clauses in the WLEP 95 have not been included in Draft LEP 2013.

4.1 Development at Macquarie Light Station, Vaucluse

Clause 34 in WLEP 95 identifies that Council should consider a plan of management if a development application is lodged on this site. A management plan for this site was approved by the Sydney Harbour Federation Trust on 20 December 2007. A reference will be included in the new DCP.

A site-specific clause is not included in Draft LEP 2013, as the plan of management will be referred to in the new DCP.

4.2 Development at 103 Darling Point Road, Darling Point

Clause 35 in WLEP 95 applies to land at 103 Darling Point Road, Darling Point, also known as Babworth House (and its curtilage). Since this clause was prepared the site has been developed to its full potential. However, the relevant and detailed site-specific heritage controls will be retained in the new DCP and the current floor space ratio controls have been converted into the Draft LEP 2013 **Floor Space Ratio Map**.

A site-specific clause is not included in Draft LEP 2013, as the relevant floor space ratio controls are on the Draft LEP 2013 **Floor Space Ratio Map**.

4.3 Inter-war flat buildings

Clause 36A in WLEP 95 restricts any alterations to inter-war buildings except with Council's consent. However, building alterations to inter-war buildings are permitted under the Codes SEPP except where the building is a heritage item, a draft heritage item or in some cases in a heritage conservation area. Any other development that does not meet all the requirements of the Code SEPP will require development consent, regardless of clause 36A.

This clause in WLEP 95 has no effect and is not included in Draft LEP 2013.



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER Chapter 8

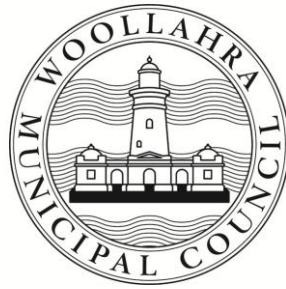
LAND USE MATRIX

This chapter contains the Land Use Matrix which should be read in conjunction with Draft Woollahra Local Environmental Plan (Draft LEP 2013).

The Land Use Matrix provides a list of the information contained within the Land Use Table of Draft LEP 2013. It is a quick and easy way to see what land uses are either permissible (with or without consent) or prohibited in each zone.

Woollahra Local Environmental Plan 2012 Draft Land Use Matrix Legend o permitted without consent [mandated under the SI] o permitted without consent c permitted with consent [mandated under the SI] c permitted with consent x prohibited [mandated under the SI] x prohibited A permitted under SEPP (Affordable Rental Housing) 2009 I permitted under SEPP (Infrastructure) 2007 S permitted under SEPP (Housing for seniors or people with a disability) 2004	Residential		Business			SP3	Recreation		Env Prot'n
	R2 Low Density Residential	R3 Medium Density Residential	B1 Neighbourhood centre	B2 Local centre	B4 Mixed use	SP3 Tourist	RE1 Public Recreation	RE2 Private Recreation	E2 Environmental conservation
(Land use terms WITHIN residential accommodation group term)									
Residential accommodation	x	x	x	x	x	x	x	x	x
attached dwellings	c	c	x	x	x	x	x	x	x
boarding houses	c	c	c	c	c	x	x	x	x
dual occupancies	c	c	x	x	x	x	x	x	x
dual occupancies (attached)	c	c	x	x	x	x	x	x	x
dual occupancies (detached)	c	c	x	x	x	x	x	x	x
dwelling houses	c	c	x	x	c	c	x	x	x
group homes	c	c	x	x	A	x	x	x	x
group homes (permanent)	c	c	x	x	A	x	x	x	x
group homes (transitional)	c	c	x	x	A	x	x	x	x
hostels	x	c	x	x	x	x	x	x	x
multi dwelling housing	x	c	x	x	x	x	x	x	x
residential flat buildings	x	c	x	x	x	x	x	x	x
secondary dwellings	A	A	x	x	x	x	x	x	x
semi-detached dwellings	c	c	x	x	x	x	x	x	x
seniors housing	S	c	x	S	c	S	x	x	x
residential care facilities	S	c	x	S	c	S	x	x	x
shop top housing	x	x	c	c	c	x	x	x	x
(Land use terms OUTSIDE residential accommodation group term)									
home-based child care	c	c	c	c	c	x	x	x	x
home business	c	c	c	c	c	x	x	x	x
home occupations	o	o	o	o	o	o	x	x	x
home occupation (sex services)	c	c	c	c	c	x	x	x	x
(Land use terms WITHIN residential accommodation group term)									
tourist and visitor accommodation	x	x	x	c	c	c	x	x	x
backpackers' accommodation	x	x	x	c	c	c	x	x	x
bed & breakfast accommodation	c	c	c	c	c	c	x	x	x
hotel or motel accommodation	x	x	x	c	c	c	x	x	x
serviced apartments	x	x	c	c	c	c	x	x	x
(Land use terms OUTSIDE tourist and visitor accommodation group term)									
camping grounds	x	x	x	x	x	x	x	x	x
caravan parks	x	x	x	x	x	x	x	x	x
eco-tourist facilities	x	x	x	x	x	x	x	x	x
(Land use terms WITHIN commercial premises group term)									
commercial premises	x	x	x	c	c	x	x	x	x
business premises [e.g. banks, post offices, hairdressers, etc.]	x	x	c	c	c	x	x	x	x
funeral homes	x	x	c	c	c	x	x	x	x
office premises	x	x	c	c	c	x	x	x	x
retail premises	x	x	x	c	c	x	x	x	x
bulky goods premises	x	x	x	c	c	x	x	x	x
cellar door premises	x	x	x	c	c	x	x	x	x
food & drink premises	x	x	x	c	c	c	x	x	x
pubs	x	x	x	c	c	c	x	x	x
restaurants or cafes	x	x	c	c	c	c	c	x	x
take-away food & drink premises	x	x	c	c	c	c	x	x	x
garden centres	x	x	x	c	c	x	x	x	x
hardware & building supplies	x	x	x	c	c	x	x	x	x
kiosks	x	x	x	c	c	c	c	c	x
landscaping material supplies	x	x	x	c	c	x	x	x	x
markets	x	x	x	c	c	x	x	x	x
plant nurseries	x	x	x	c	c	x	x	x	x
roadside stalls	x	x	x	c	c	x	x	x	x
shops	x	x	c	c	c	x	x	x	x
neighbourhood shops	x	c	c	c	c	x	x	x	x
timber yards	x	x	x	c	c	x	x	x	x
vehicle sales or hire premises	x	x	x	c	c	x	x	x	x
(Land use terms OUTSIDE commercial premises group term)									
amusements centres	x	x	x	c	x	x	x	x	x
entertainment facilities	x	x	x	c	c	x	x	x	x
function centres	x	x	x	c	c	c	x	x	x
highway service centres	x	x	x	x	x	x	x	x	x
industrial retail outlets	x	x	x	x	x	x	x	x	x
registered clubs	x	x	x	c	c	x	c	c	x
restricted premises	x	x	x	c	c	x	x	x	x
service stations	x	x	c	c	c	x	x	x	x
sex services premises	x	x	c	c	c	x	x	x	x
veterinary hospitals	x	x	c	c	c	x	x	x	x
wholesale supplies	x	x	x	x	x	x	x	x	x
	R2	R3	B1	B2	B4	SP3	RE1	RE2	E2

Woollahra Local Environmental Plan 2012 Draft Land Use Matrix Legend o permitted without consent [mandated under the SI] o permitted without consent c permitted with consent [mandated under the SI] c permitted with consent x prohibited [mandated under the SI] x prohibited A permitted under SEPP (Affordable Rental Housing) 2009 I permitted under SEPP (Infrastructure) 2007 S permitted under SEPP (Housing for seniors or people with a disability) 2004	Residential		Business			SP3	Recreation		Env Prot'n
	R2 Low Density Residential	R3 Medium Density Residential	B1 Neighbourhood centre	B2 Local centre	B4 Mixed use	SP3 Tourist	RE1 Public Recreation	RE2 Private Recreation	E2 Environmental conservation
(Land use terms WITHIN industry group term)									
Industries	x	x	x	x	x	x	x	x	x
heavy industries	x	x	x	x	x	x	x	x	x
hazardous industry	x	x	x	x	x	x	x	x	x
offensive industry	x	x	x	x	x	x	x	x	x
light industries	x	x	c	c	c	x	x	x	x
high technology industries	x	x	c	c	c	x	x	x	x
home industry	c	c	c	c	c	x	x	x	x
general industries	x	x	x	x	x	x	x	x	x
(Land use terms OUTSIDE industry group term)									
boat building and repair facilities	x	x	x	x	x	x	x	x	x
vehicle body repair workshops	x	x	x	x	x	x	x	x	x
vehicle repair stations	x	x	x	x	c	x	x	x	x
(Land use terms WITHIN storage premises group term)									
storage premises	x	x	x	x	x	x	x	x	x
self storage units	x	x	x	x	x	x	x	x	x
(Land use terms OUTSIDE storage premises group term)									
depots	x	x	x	x	x	x	x	x	x
warehouse or distribution centres	x	x	x	x	x	x	x	x	x
(Land use terms WITHIN sewerage system group term)									
sewerage systems	x	x	x	x	x	x	x	x	x
biosolids treatment facilities	x	x	x	x	x	x	x	x	x
sewage reticulation systems	I	I	I	I	I	I	I	I	I
sewage treatment plants	x	x	x	x	x	x	x	x	x
water recycling facilities	x	x	x	x	x	x	x	x	x
(Land use terms WITHIN waste or resource management facility group term)									
waste or resource management facilities	x	x	x	x	x	x	x	x	x
resource recovery facilities	x	x	x	x	x	x	x	x	x
waste disposal facilities	x	x	x	x	x	x	x	x	x
waste or resource transfer stations	x	x	x	x	x	x	x	x	x
(Land use terms WITHIN water supply system group term)									
water supply systems	x	x	x	x	x	x	x	x	x
water reticulation systems	I	I	I	I	I	I	I	I	I
water storage facilities	x	x	x	x	x	x	x	x	x
water treatment facilities	x	x	x	x	x	x	x	x	x
(Land use terms WITHIN air transport facility group term)									
air transport facilities	x	x	x	x	x	x	x	x	x
airport	x	x	x	x	x	x	x	x	x
heliport	x	x	x	x	x	x	x	x	x
(Land use terms OUTSIDE air transport facility group term)									
airstrip	x	x	x	x	x	x	x	x	x
helipad	x	x	x	x	x	x	x	x	x
(Other land use terms relating to infrastructure)									
car parks	x	x	c	c	c	c	c	x	x
electricity generating works	x	x	x	x	x	x	x	x	x
freight transport facilities	x	x	x	x	x	x	x	x	x
passenger transport facilities	x	x	x	c	c	x	x	x	x
port facilities	x	x	x	x	I	I	I	x	x
roads	o	o	o	o	o	o	o	o	x
transport depots	x	x	x	x	x	x	x	x	x
truck depots	x	x	x	x	x	x	x	x	x
wharf or boating facilities	x	x	x	x	I	I	I	x	x
(Land use terms WITHIN educational establishment group term)									
educational establishments [e.g. TAFE establishment etc.]	I	I	I	c	c	x	x	x	x
schools	I	I	I	c	c	x	x	x	x
(Land use terms WITHIN health services facility group term)									
health services facilities	x	I	x	I	I	x	x	x	x
hospitals	x	I	x	I	I	x	x	x	x
medical centres	x	I	c	c	c	x	x	x	x
health consulting rooms	x	I	c	I	I	x	x	x	x
(Land use terms relating to community infrastructure)									
child care centres	c	c	c	c	c	x	c	c	x
community facilities	x	c	c	c	c	x	c	c	x
correctional centres	x	x	x	x	I	x	x	x	x
emergency services facilities	x	I	I	I	I	x	x	x	x
industrial training facilities	x	x	x	x	x	x	x	x	x
information and education facilities	x	x	c	c	c	c	c	c	x
places of public worship	x	c	c	c	c	x	x	x	x
public administration building	x	x	c	c	I	x	x	x	x
research stations	x	x	x	x	x	x	x	x	x
respite day care centres	c	c	c	c	c	x	x	x	x
	R2	R3	B1	B2	B4	SP3	RE1	RE2	E2



DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013

DISCUSSION PAPER

Chapter 9

DRAFT CHANGE LAYERS

This chapter contains the Draft Change Layers that accompany Draft LEP 2013.

In complying with the Standard LEP format, as far as possible the existing Woollahra Local Environmental Plan 1995 zones and development standards have been converted to the equivalent 'best fit' in Draft LEP 2013. However, some minor changes are proposed to correct errors or anomalies, or due to the format of the Standard LEP template.

All changes for individual sites are identified in the tables in the relevant chapter. Each change is given a unique change number, and these numbers correspond to the number on the relevant Draft Change Layer.

Draft change layers

Map	Number of sheets
Land zoning map	6
Height of buildings map	6
Floor space ratio map	6
Foreshore building line map	3

DRAFT CHANGE LAYERS

Land zoning map

6 sheets



Woollahra Local Environmental Plan 2013

Land Zoning Map
Sheet LZN_001

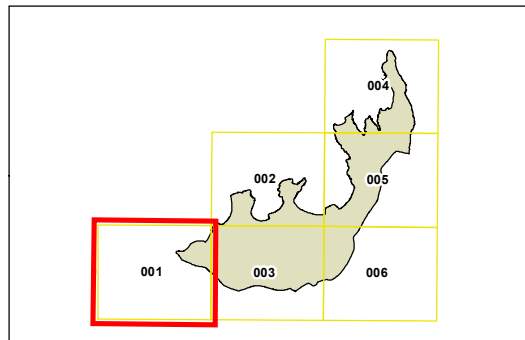
CHANGE LAYER DRAFT

Proposed Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B4** Mixed Use
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- R2** Low Density Residential
- R3** Medium Density Residential
- RE1** Public Recreation
- RE2** Private Recreation
- SP2** Infrastructure
- SP3** Tourist

Cadastre

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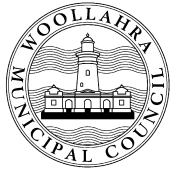
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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_LZN_001_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Land Zoning Map
Sheet LZN_002

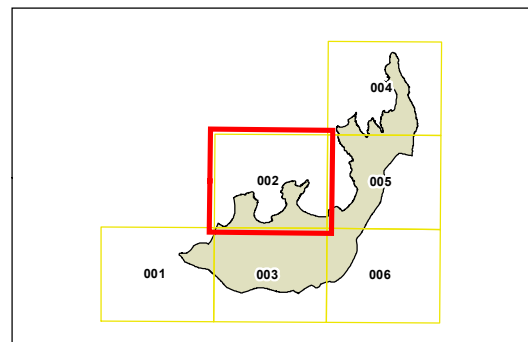
CHANGE LAYER DRAFT

Proposed Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B4** Mixed Use
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- R2** Low Density Residential
- R3** Medium Density Residential
- RE1** Public Recreation
- RE2** Private Recreation
- SP2** Infrastructure
- SP3** Tourist

Cadastre

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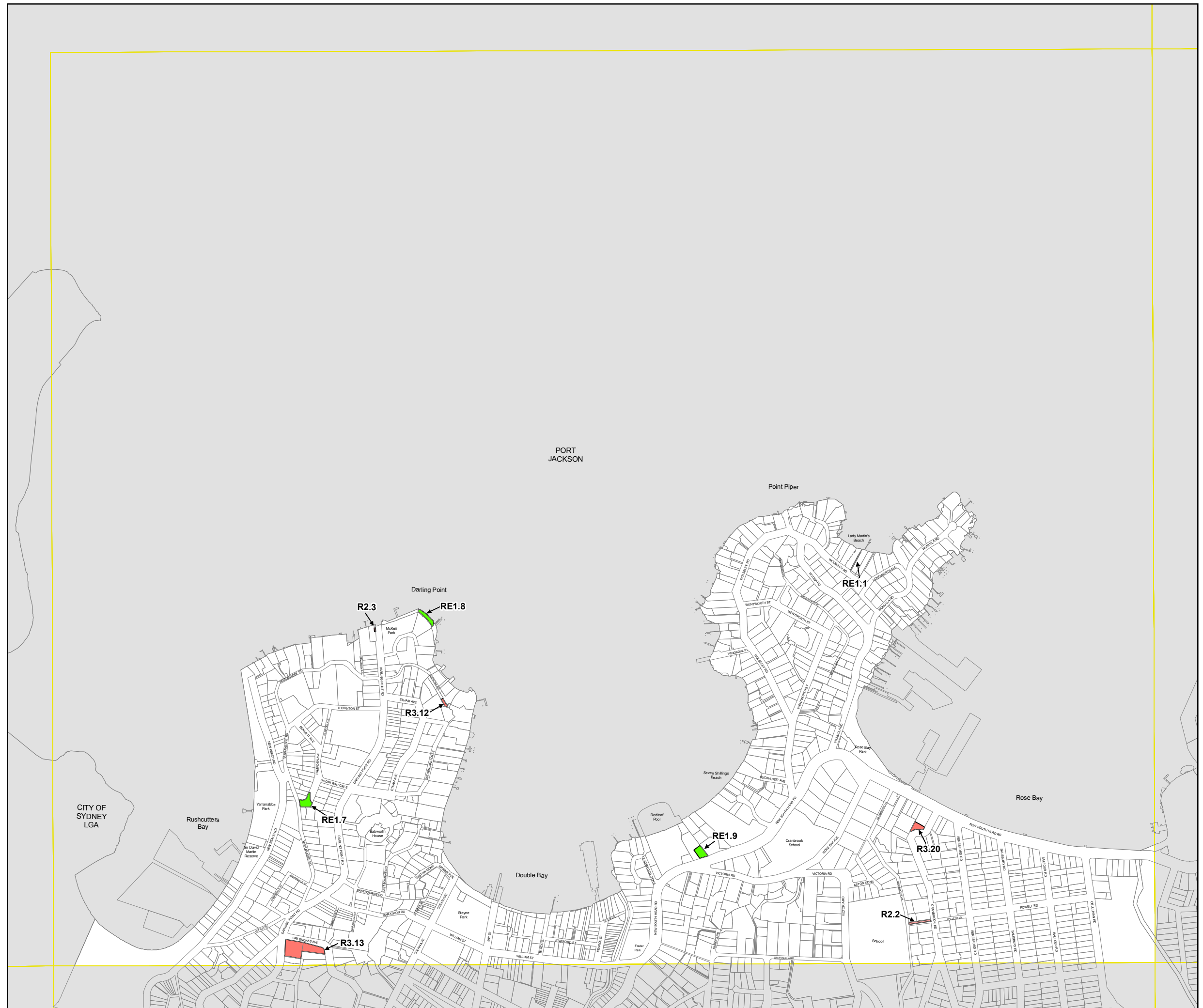


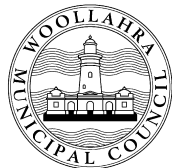
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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
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Woollahra Local Environmental Plan 2013

Land Zoning Map
Sheet LZN_003

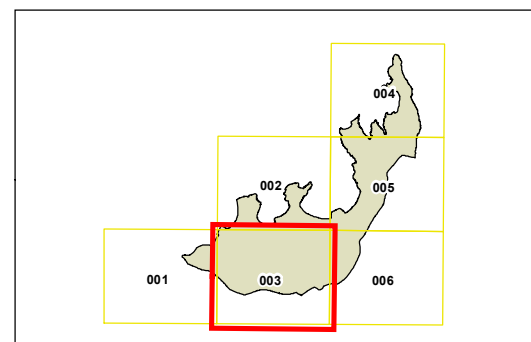
CHANGE LAYER DRAFT

Proposed Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B4** Mixed Use
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- R2** Low Density Residential
- R3** Medium Density Residential
- RE1** Public Recreation
- RE2** Private Recreation
- SP2** Infrastructure
- SP3** Tourist

Cadastral

Cadastral 22/2/13 © Woollahra Municipal Council

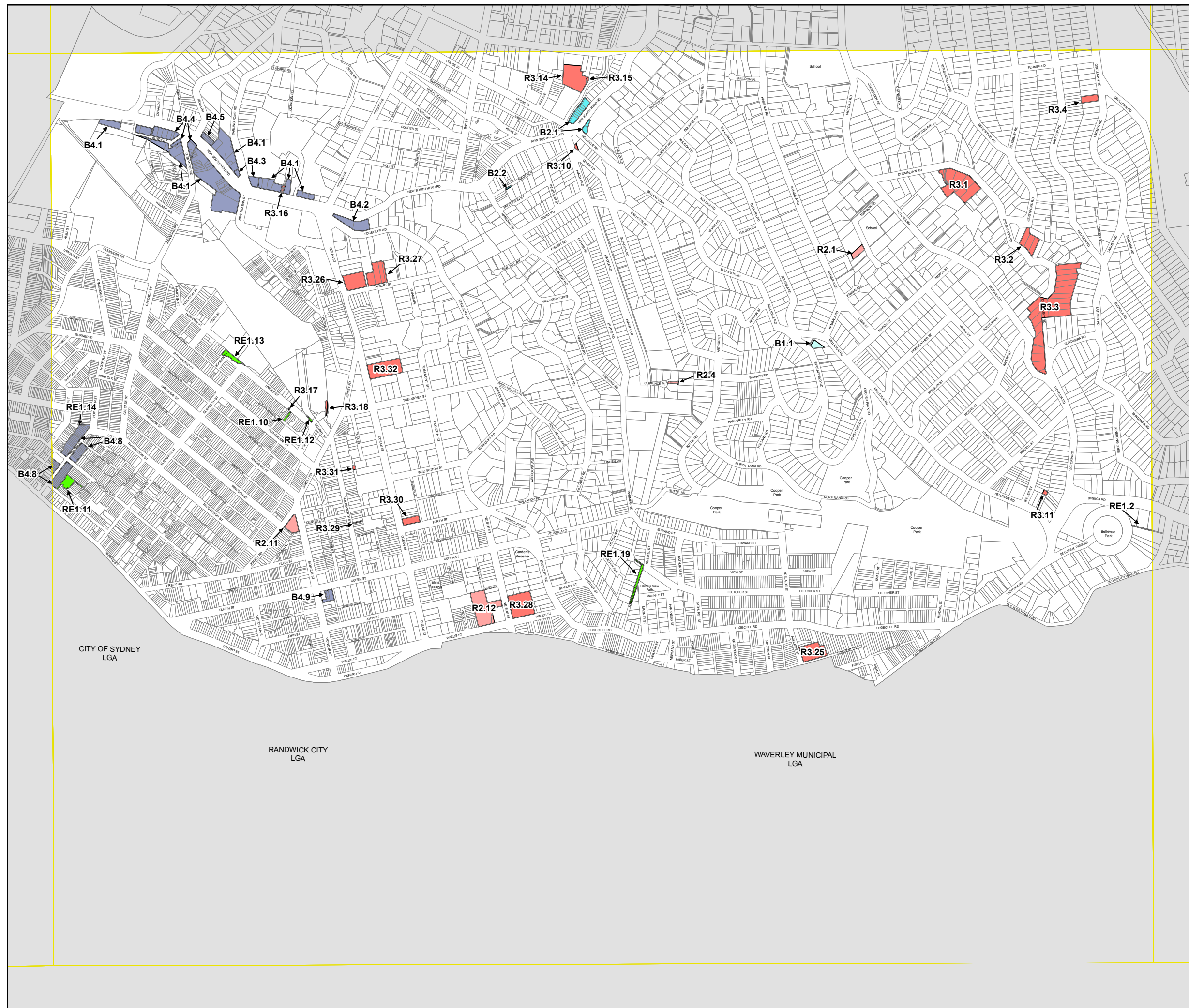


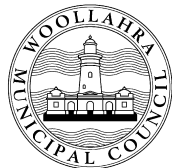
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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_LZN_003_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Land Zoning Map
Sheet LZN_004

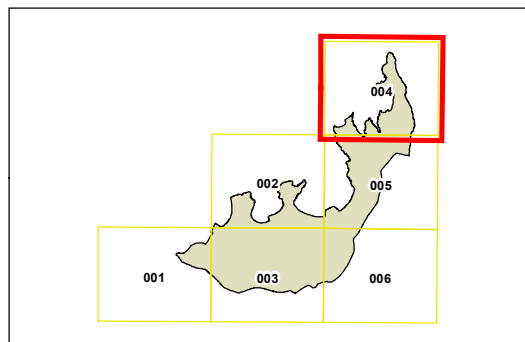
CHANGE LAYER DRAFT

Proposed Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B4** Mixed Use
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- R2** Low Density Residential
- R3** Medium Density Residential
- RE1** Public Recreation
- RE2** Private Recreation
- SP2** Infrastructure
- SP3** Tourist

Cadastral

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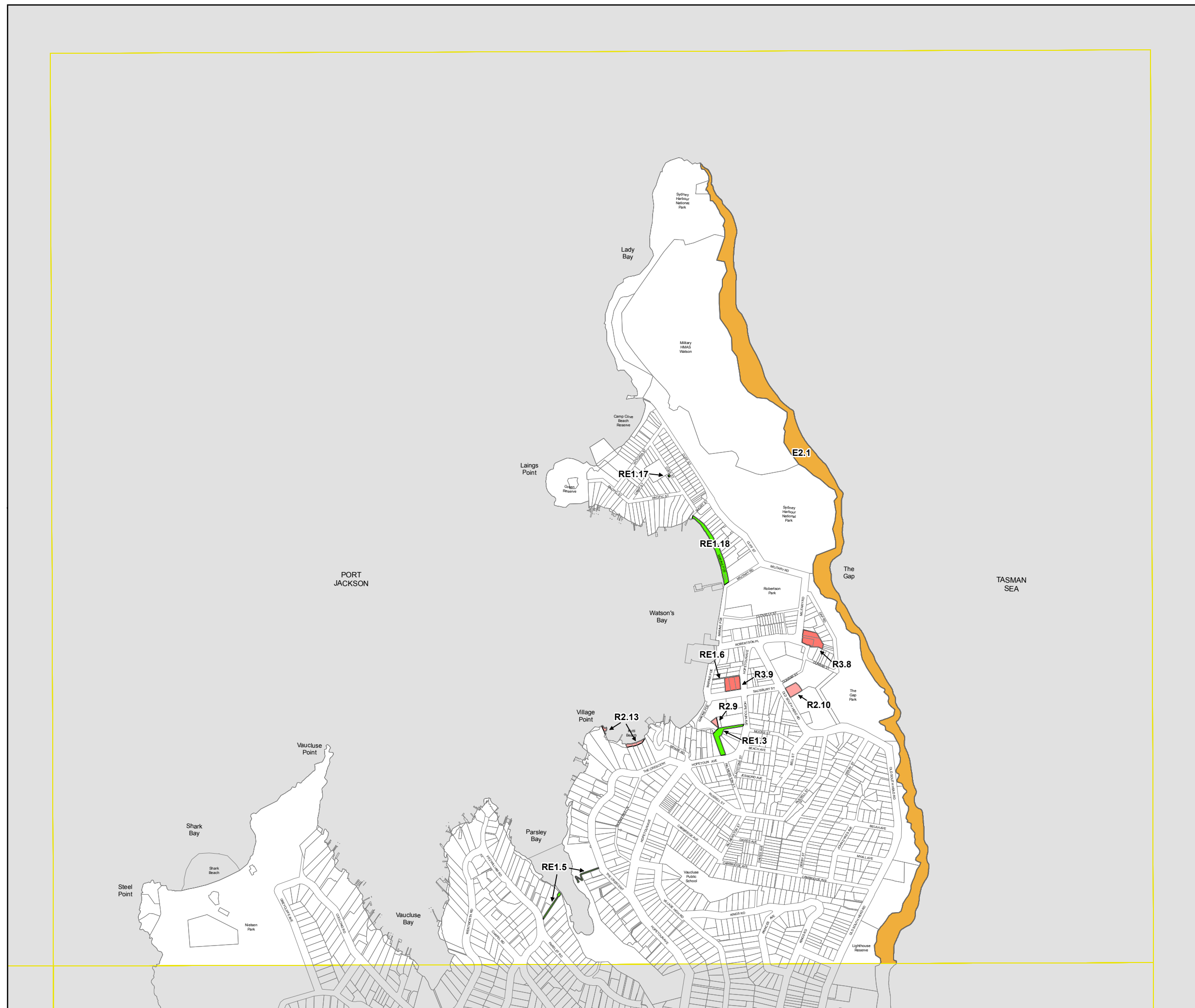


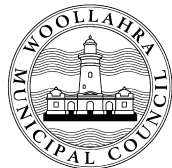
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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_LZN_004_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

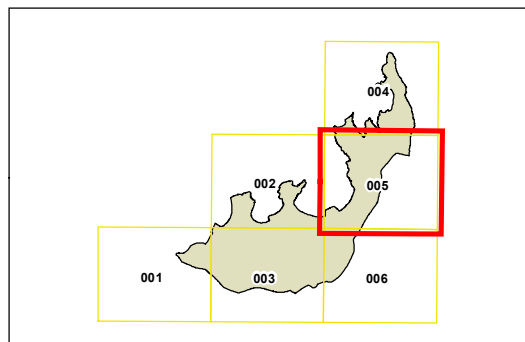
Land Zoning Map Sheet LZN_005 CHANGE LAYER DRAFT

Proposed Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B4** Mixed Use
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- R2** Low Density Residential
- R3** Medium Density Residential
- RE1** Public Recreation
- RE2** Private Recreation
- SP2** Infrastructure
- SP3** Tourist

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

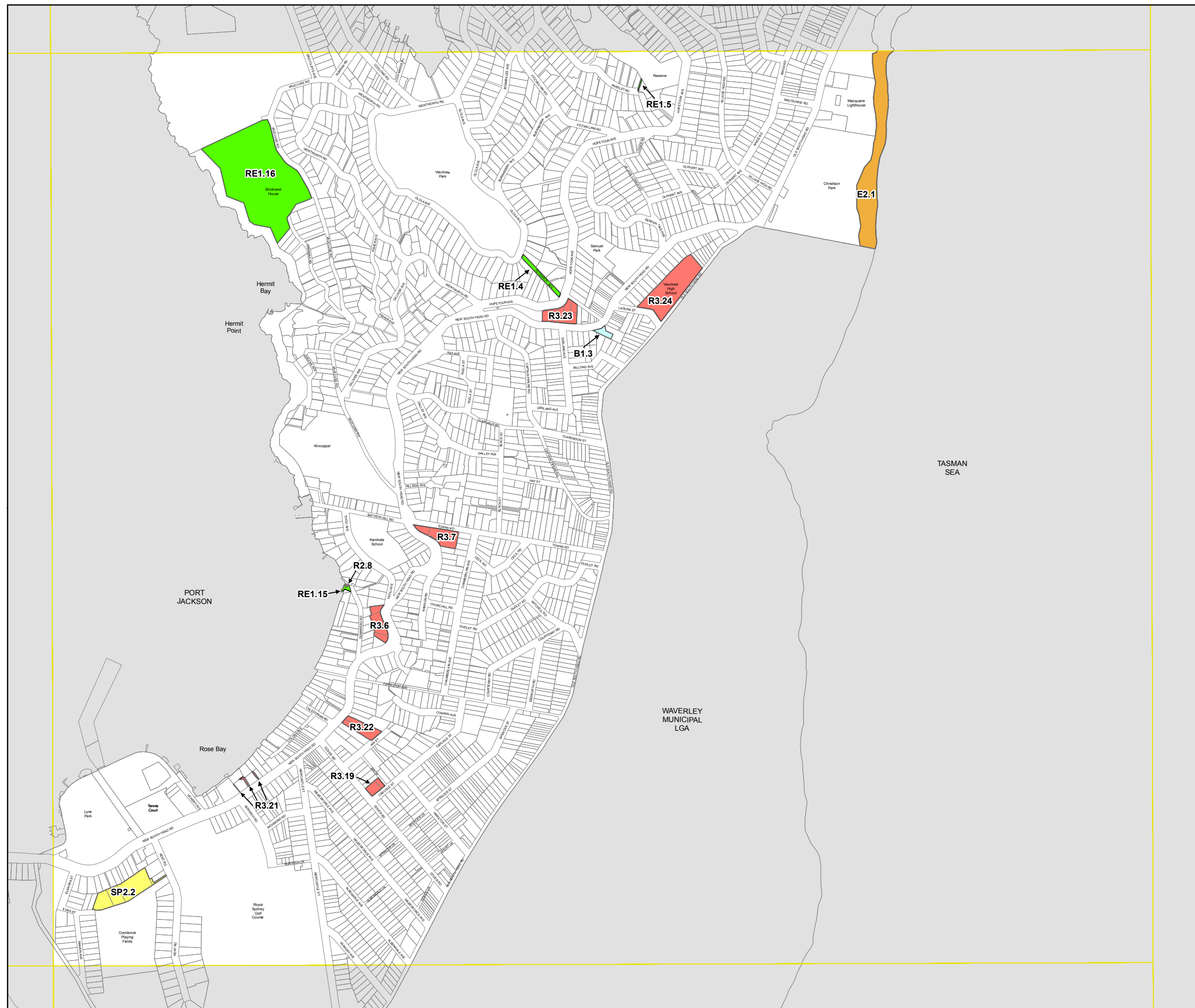


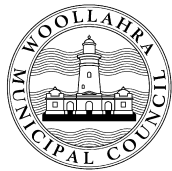
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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_LZN_005_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Land Zoning Map
Sheet LZN_006

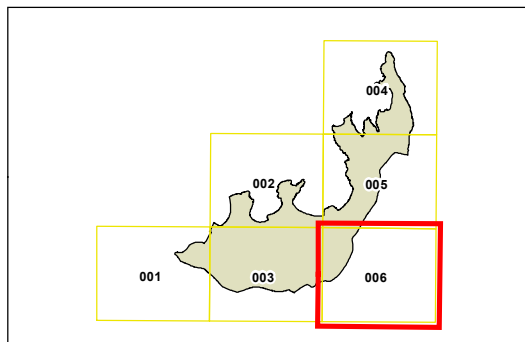
CHANGE LAYER DRAFT

Proposed Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B4** Mixed Use
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- R2** Low Density Residential
- R3** Medium Density Residential
- RE1** Public Recreation
- RE2** Private Recreation
- SP2** Infrastructure
- SP3** Tourist

Cadastre

Cadastre 22/2/12 © Woollahra Municipal Council

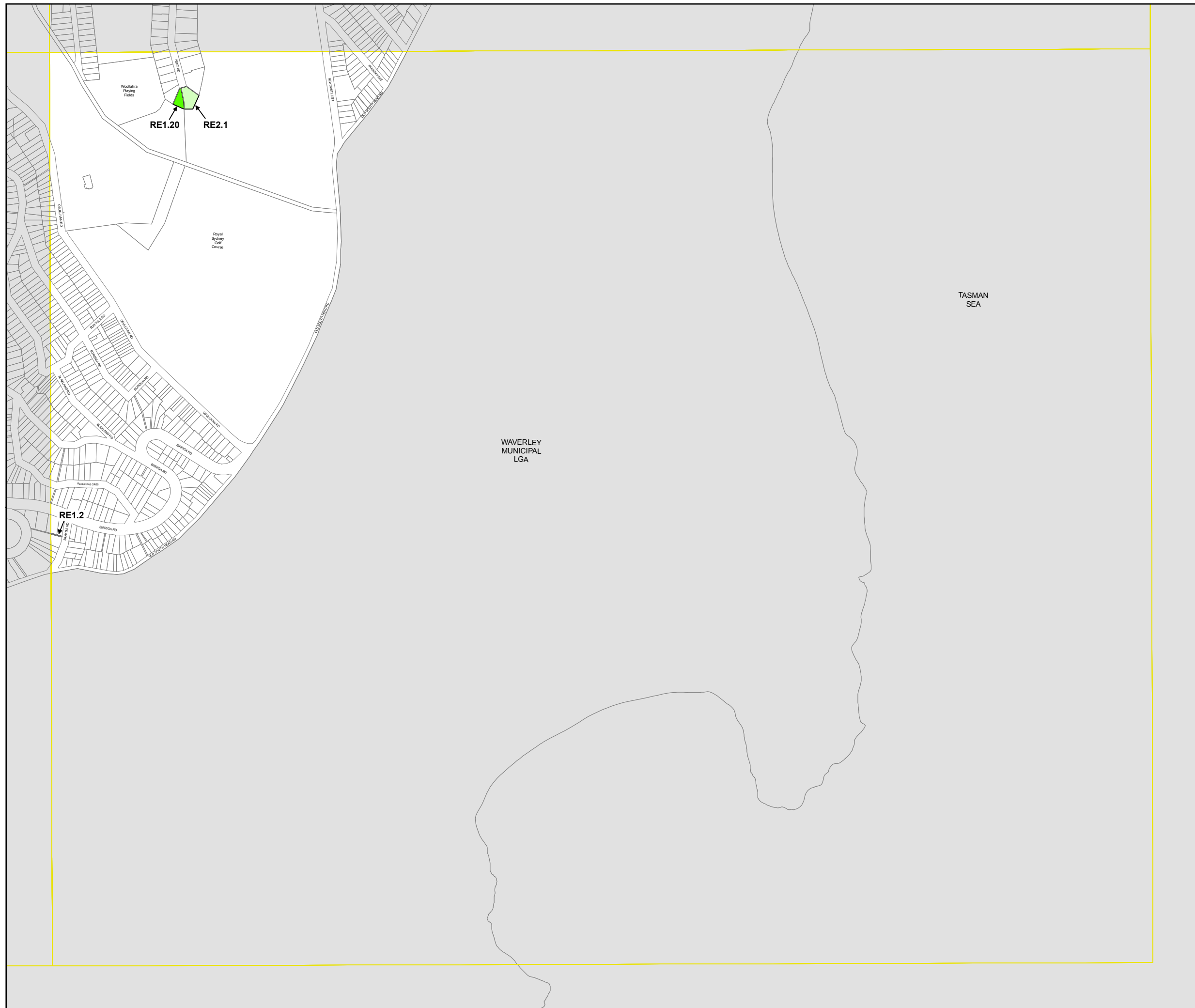


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Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

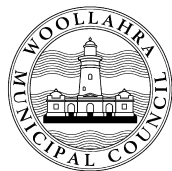
Map identification number:
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DRAFT CHANGE LAYERS

Height of buildings map

6 sheets



**Woollahra Local
Environmental Plan
2013**

Height of Buildings Map
Sheet HOB_001

DRAFT CHANGE LAYER

Proposed Maximum Building Height (m)

None	N2	13.5
C	N3	14.5
E	O1	15
F	O2	16.5
G	P1	17.5
H	P2	18
I1	P3	18.5
I2	Q1	19
J1	Q2	19.5
J2	Q3	20.5
K	R1	21.5
L1	R2	22.5
L2	T	26
M	U	34
N1		13

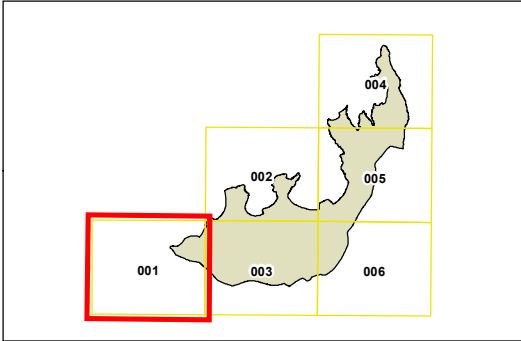
Second height limit applies.
See discussion paper for details.

Change labels correspond to the changes
identified in the Height of Buildings Discussion
Paper.

Changes R2.1 and R3.1 are shown as follows:

R2.1 (Pg 5 in discussion paper)
R3.1 HOB 10.5m (Pg 8 in discussion paper)
R3.1 HOB 13.5m (Pg 8 in discussion paper)
R3.1 HOB 19.5m (Pg 8 in discussion paper)
R3.1 HOB 26m (Pg 8 in discussion paper)

Cadastre
Cadastre 22/2/13 © Woollahra Municipal Council



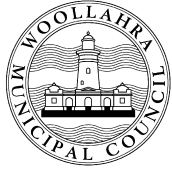
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Projection: GDA 1994
MGA Zone 56

Map identification number:
8500_COM_HOB_001_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Height of Buildings Map
Sheet HOB_002

DRAFT CHANGE LAYER

Proposed Maximum Building Height (m)

None	N2	13.5
C	N3	14.5
E	O1	15
F	O2	16.5
G	P1	17.5
H	P2	18
I1	P3	18.5
I2	Q1	19
J1	Q2	19.5
J2	Q3	20.5
K	R1	21.5
L1	R2	22.5
L2	T	26
M	U	34
N1		13

Second height limit applies.
See discussion paper for details.

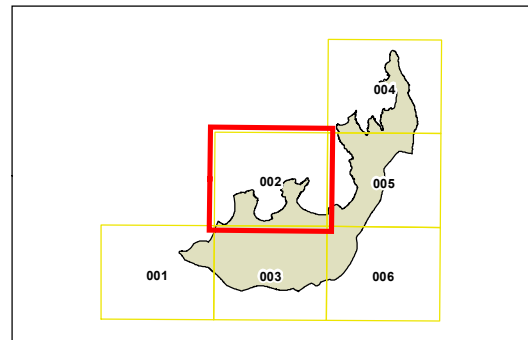
Change labels correspond to the changes identified in the Height of Buildings Discussion Paper.

Changes R2.1 and R3.1 are shown as follows:

- R2.1 (Pg 5 in discussion paper)
- R3.1 HOB 10.5m (Pg 8 in discussion paper)
- R3.1 HOB 13.5m (Pg 8 in discussion paper)
- R3.1 HOB 19.5m (Pg 8 in discussion paper)
- R3.1 HOB 26m (Pg 8 in discussion paper)

Cadastre

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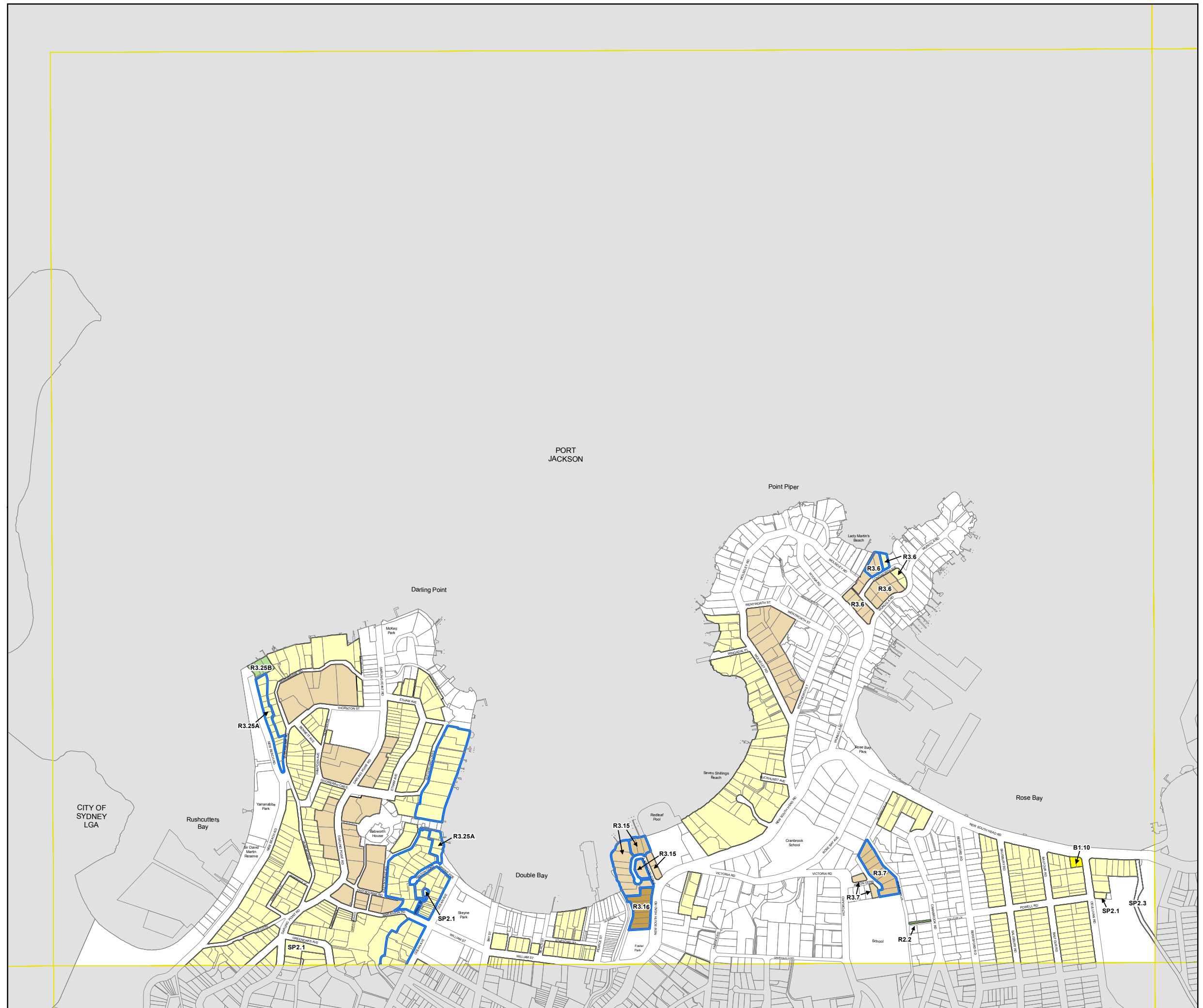


0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_HOB_002_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Height of Buildings Map
Sheet HOB_003

DRAFT CHANGE LAYER

Proposed Maximum Building Height (m)

None	N2	13.5
C	N3	14.5
E	O1	15
F	O2	16.5
G	P1	17.5
H	P2	18
I1	P3	18.5
I2	Q1	19
J1	Q2	19.5
J2	Q3	20.5
K	R1	21.5
L1	R2	22.5
L2	T	26
M	U	34
N1		13

Second height limit applies.
See discussion paper for details.

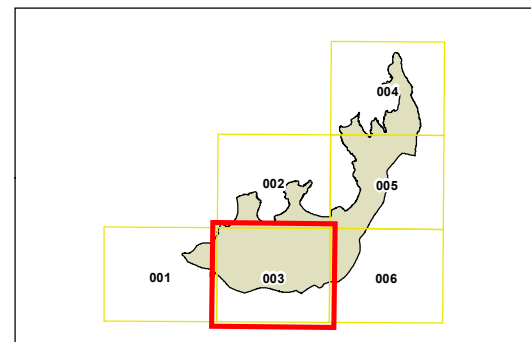
Change labels correspond to the changes identified in the Height of Buildings Discussion Paper.

Changes R2.1 and R3.1 are shown as follows:

- R2.1 (Pg 5 in discussion paper)
- R3.1 HOB 10.5m (Pg 8 in discussion paper)
- R3.1 HOB 13.5m (Pg 8 in discussion paper)
- R3.1 HOB 19.5m (Pg 8 in discussion paper)
- R3.1 HOB 26m (Pg 8 in discussion paper)

Cadastre

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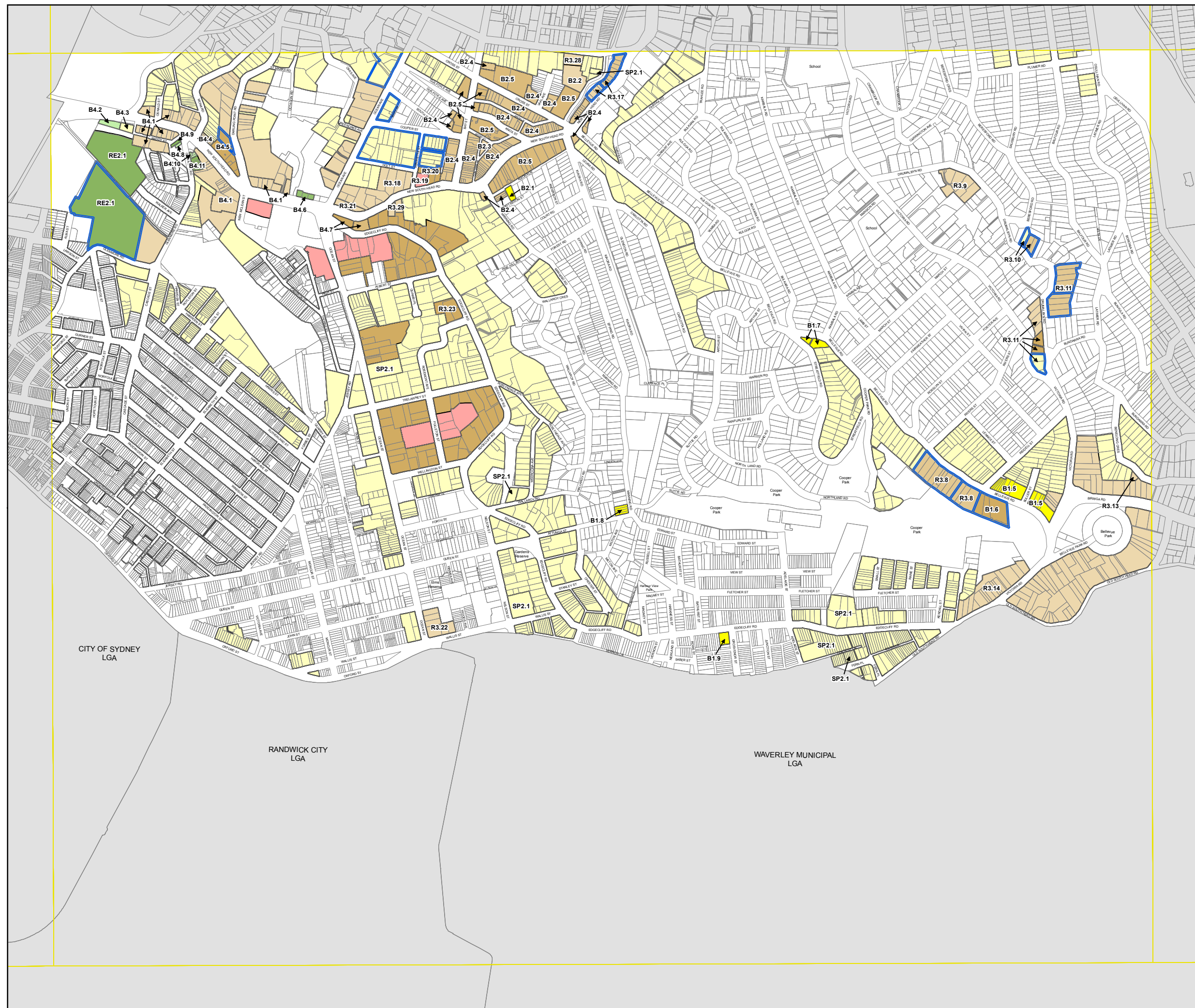


0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_HOB_003_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Height of Buildings Map
Sheet HOB_004

DRAFT CHANGE LAYER

Proposed Maximum Building Height (m)

None	N2	13.5
C	N3	14.5
E	O1	15
F	O2	16.5
G	P1	17.5
H	P2	18
I1	P3	18.5
I2	Q1	19
J1	Q2	19.5
J2	Q3	20.5
K	R1	21.5
L1	R2	22.5
L2	T	26
M	U	34
N1		13

Second height limit applies.
See discussion paper for details.

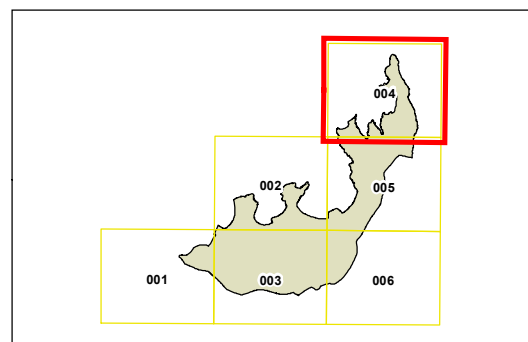
Change labels correspond to the changes identified in the Height of Buildings Discussion Paper.

Changes R2.1 and R3.1 are shown as follows:

R2.1 (Pg 5 in discussion paper)
R3.1 HOB 10.5m (Pg 8 in discussion paper)
R3.1 HOB 13.5m (Pg 8 in discussion paper)
R3.1 HOB 19.5m (Pg 8 in discussion paper)
R3.1 HOB 26m (Pg 8 in discussion paper)

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

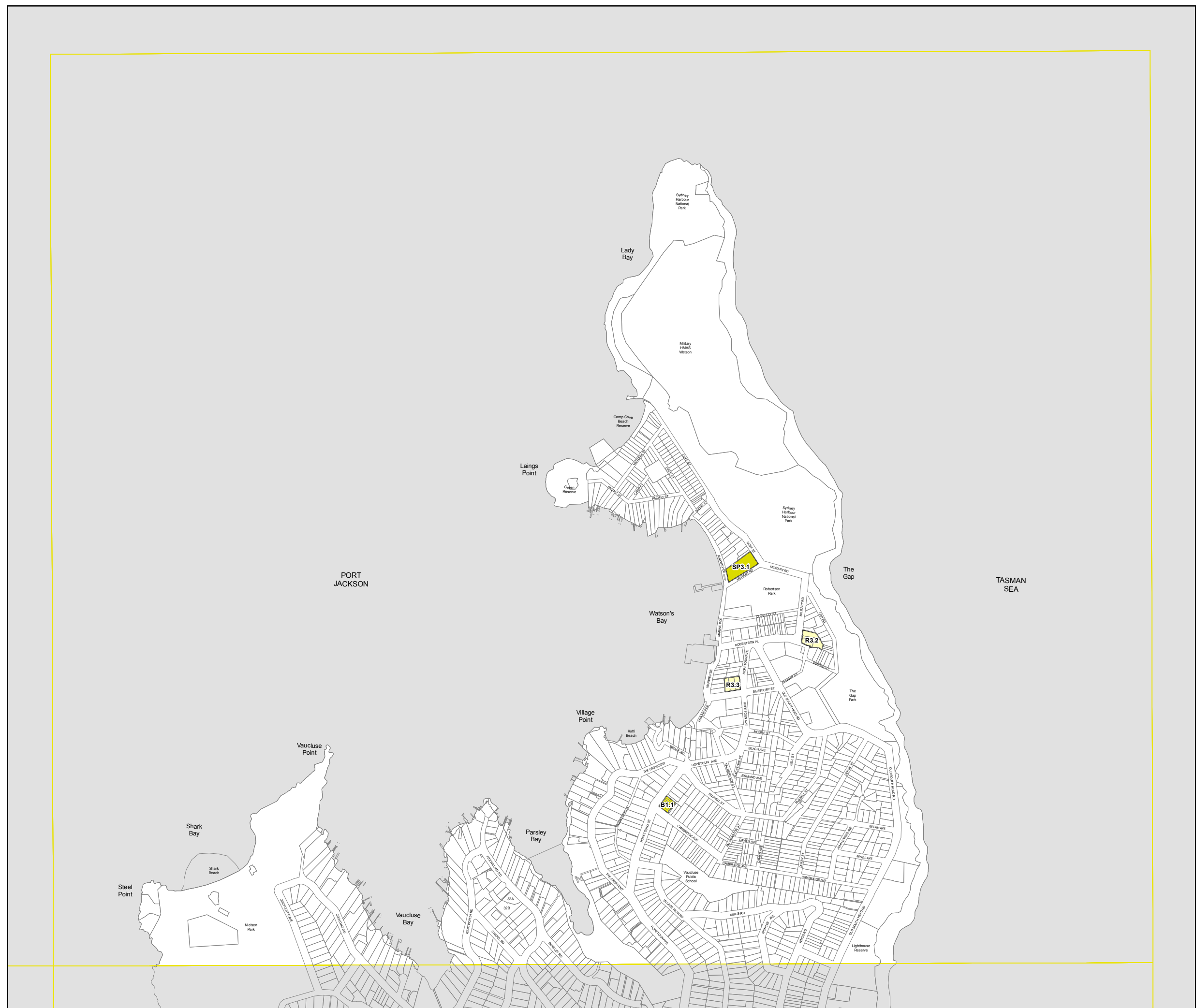


0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_HOB_004_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Height of Buildings Map
Sheet HOB_005

DRAFT CHANGE LAYER

Proposed Maximum Building Height (m)

None	N2	13.5
C	N3	14.5
E	O1	15
F	O2	16.5
G	P1	17.5
H	P2	18
I1	P3	18.5
I2	Q1	19
J1	Q2	19.5
J2	Q3	20.5
K	R1	21.5
L1	R2	22.5
L2	T	26
M	U	34
N1		13

Second height limit applies.
See discussion paper for details.

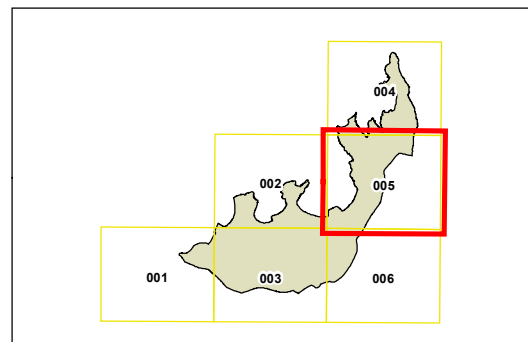
Change labels correspond to the changes identified in the Height of Buildings Discussion Paper.

Changes R2.1 and R3.1 are shown as follows:

- R2.1 (Pg 5 in discussion paper)
- R3.1 HOB 10.5m (Pg 8 in discussion paper)
- R3.1 HOB 13.5m (Pg 8 in discussion paper)
- R3.1 HOB 19.5m (Pg 8 in discussion paper)
- R3.1 HOB 26m (Pg 8 in discussion paper)

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

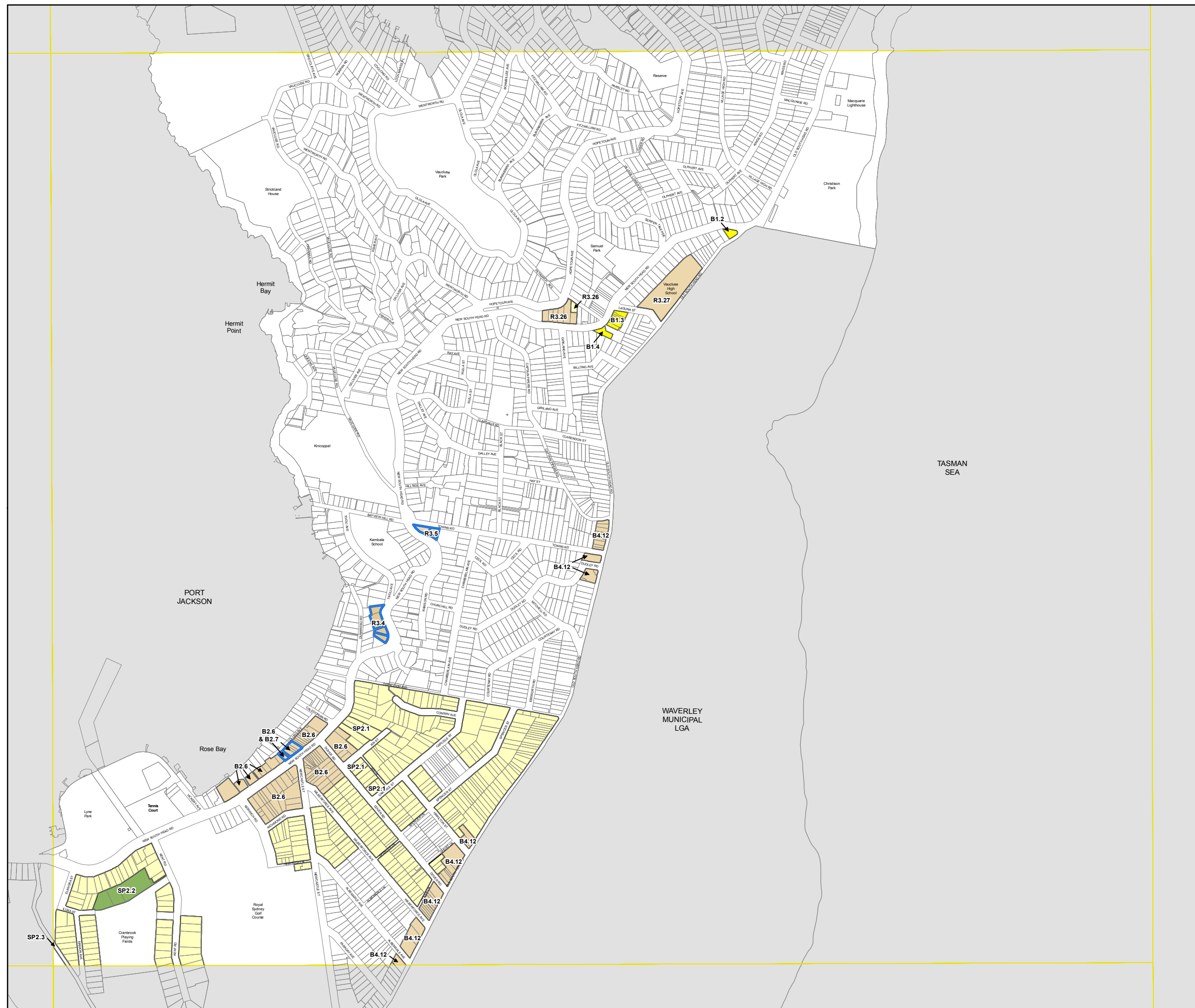


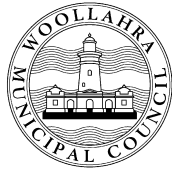
0 200 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
8500_COM_HOB_005_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Height of Buildings Map
Sheet HOB_006

DRAFT CHANGE LAYER

Proposed Maximum Building Height (m)

None	N2	13.5
C	N3	14.5
E	O1	15
F	O2	16.5
G	P1	17.5
H	P2	18
I1	P3	18.5
I2	Q1	19
J1	Q2	19.5
J2	Q3	20.5
K	R1	21.5
L1	R2	22.5
L2	T	26
M	U	34
N1		13

Second height limit applies.
See discussion paper for details.

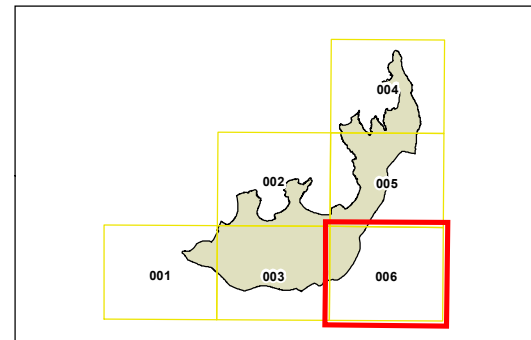
Change labels correspond to the changes identified in the Height of Buildings Discussion Paper.

Changes R2.1 and R3.1 are shown as follows:

R2.1 (Pg 5 in discussion paper)
R3.1 HOB 10.5m (Pg 8 in discussion paper)
R3.1 HOB 13.5m (Pg 8 in discussion paper)
R3.1 HOB 19.5m (Pg 8 in discussion paper)
R3.1 HOB 26m (Pg 8 in discussion paper)

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

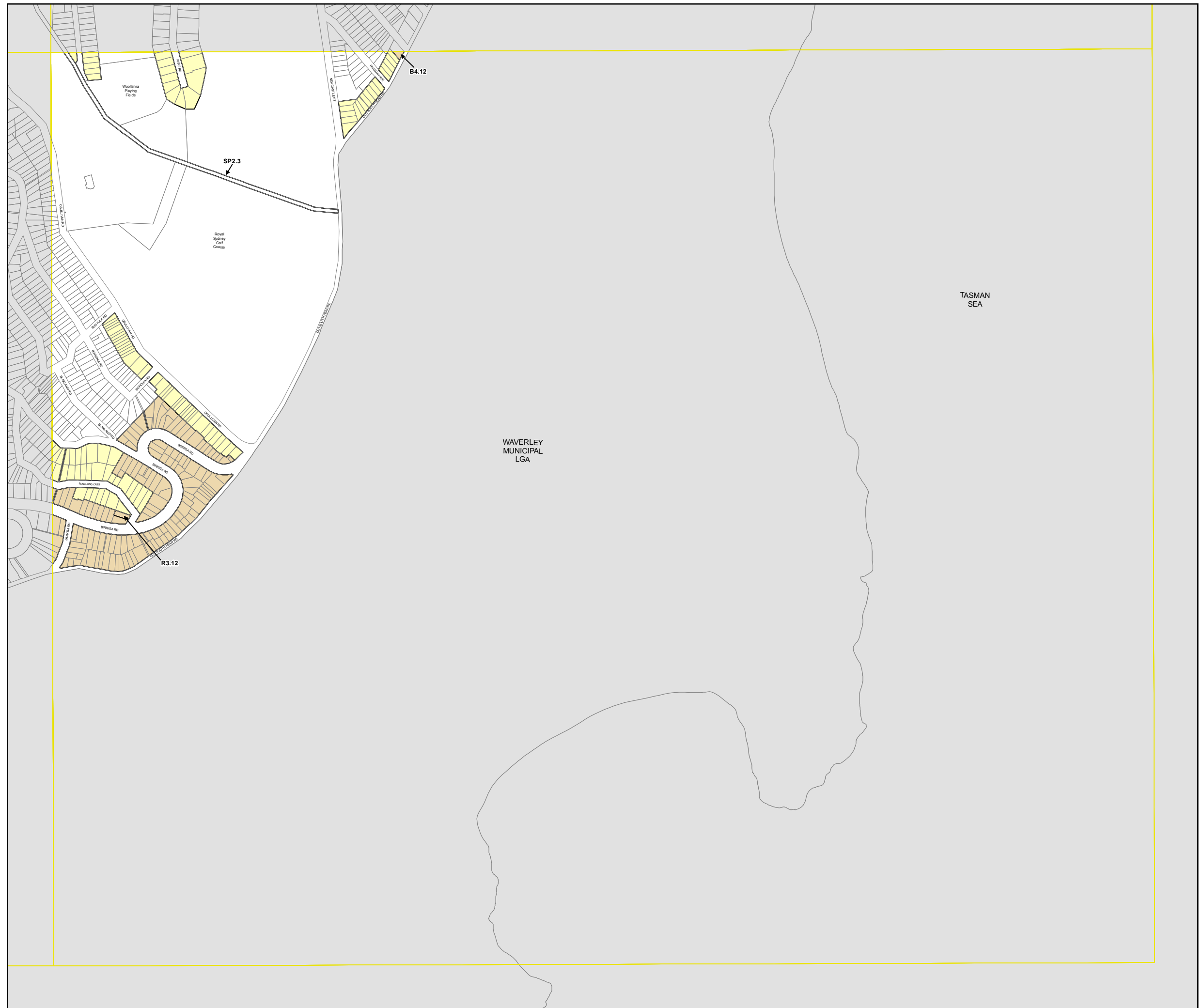


0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_HOB_006_010_20130415_CHANGE



DRAFT CHANGE LAYERS

Floor space ratio map

6 sheets



Woollahra Local Environmental Plan 2013

Floor Space Ratio Map
Sheet FSR_001

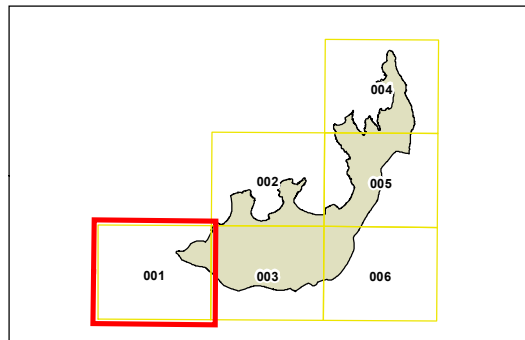
DRAFT CHANGE LAYER

Maximum Floor Space Ratio (n:1)

A1	0.21
A2	0.37
B1	0.4
B2	0.43
C	0.46
D1	0.5
D2	0.52
D3	0.53
F	0.6
G1	0.65
G2	0.68
H	0.73
I	0.75
L	0.9
N	1
O1	1.1
O2	1.15
P	1.25
Q	1.3
R1	1.4
R2	1.42
S1	1.5
S2	1.55
S3	1.68
T	2
U	2.5
V	3

Cadastral

Cadastral 22/2/13 © Woollahra Municipal Council



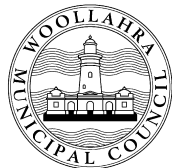
0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_FSR_001_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Floor Space Ratio Map
Sheet FSR_002

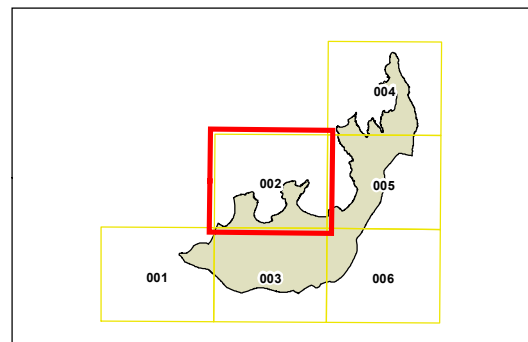
DRAFT CHANGE LAYER

Maximum Floor Space Ratio (n:1)

A1	0.21
A2	0.37
B1	0.4
B2	0.43
C	0.46
D1	0.5
D2	0.52
D3	0.53
F	0.6
G1	0.65
G2	0.68
H	0.73
I	0.75
L	0.9
N	1
O1	1.1
O2	1.15
P	1.25
Q	1.3
R1	1.4
R2	1.42
S1	1.5
S2	1.55
S3	1.68
T	2
U	2.5
V	3

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

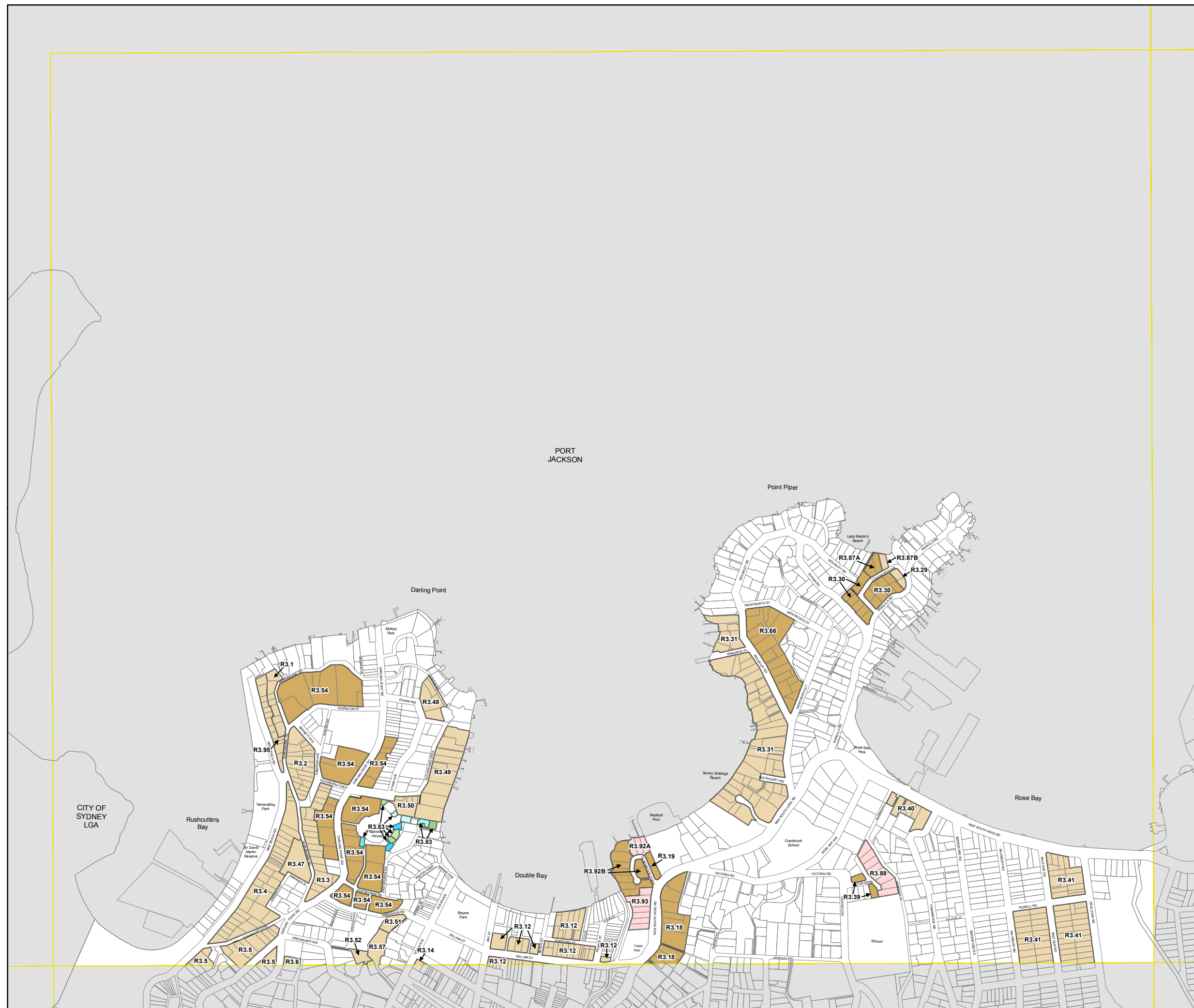


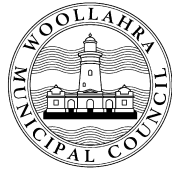
0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_FSR_002_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Floor Space Ratio Map
Sheet FSR_003

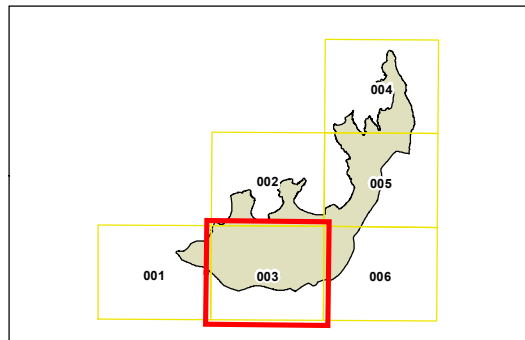
DRAFT CHANGE LAYER

Maximum Floor Space Ratio (n:1)

A1	0.21
A2	0.37
B1	0.4
B2	0.43
C	0.46
D1	0.5
D2	0.52
D3	0.53
F	0.6
G1	0.65
G2	0.68
H	0.73
I	0.75
L	0.9
N	1
O1	1.1
O2	1.15
P	1.25
Q	1.3
R1	1.4
R2	1.42
S1	1.5
S2	1.55
S3	1.68
T	2
U	2.5
V	3

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

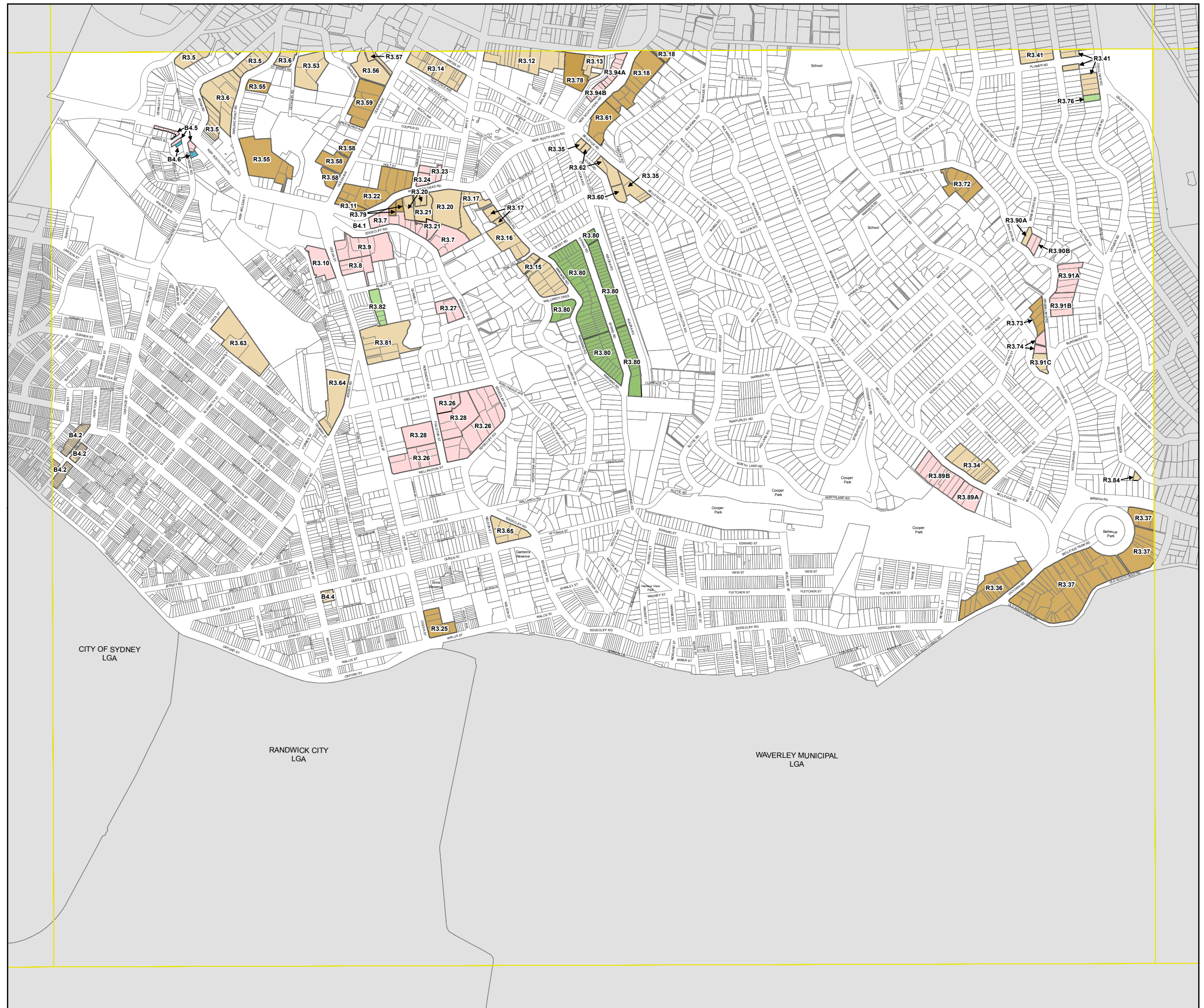


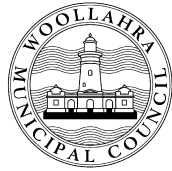
0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_FSR_003_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Floor Space Ratio Map
Sheet FSR_004

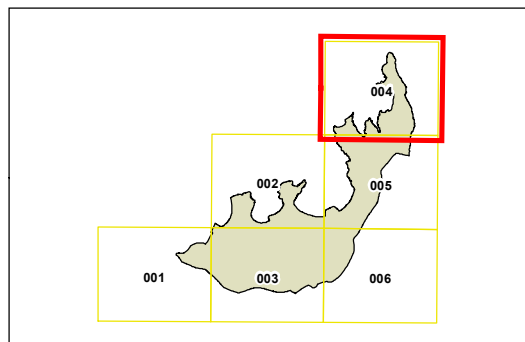
DRAFT CHANGE LAYER

Maximum Floor Space Ratio (n:1)

A1	0.21
A2	0.37
B1	0.4
B2	0.43
C	0.46
D1	0.5
D2	0.52
D3	0.53
F	0.6
G1	0.65
G2	0.68
H	0.73
I	0.75
L	0.9
N	1
O1	1.1
O2	1.15
P	1.25
Q	1.3
R1	1.4
R2	1.42
S1	1.5
S2	1.55
S3	1.68
T	2
U	2.5
V	3

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

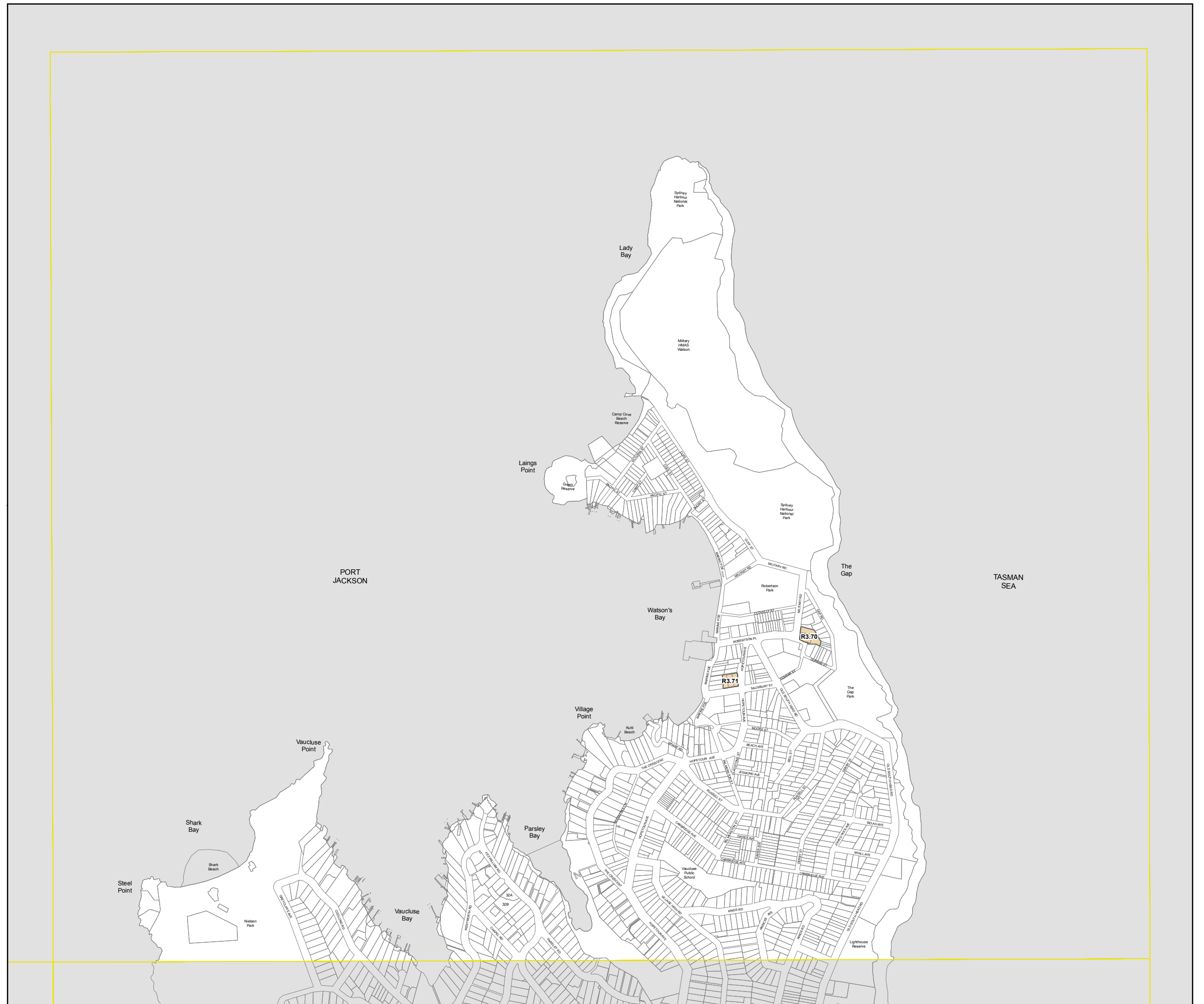


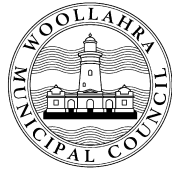
Projection: GDA 1994
MGA Zone 56

0 200 Metres

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_FSR_004_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Floor Space Ratio Map
Sheet FSR_005

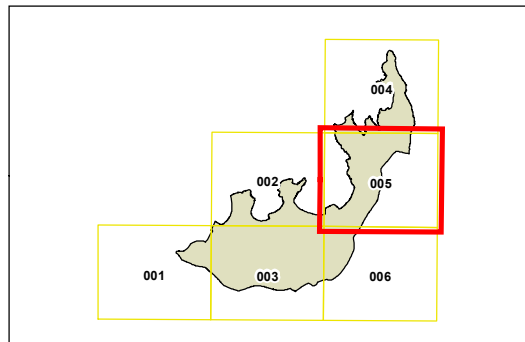
DRAFT CHANGE LAYER

Maximum Floor Space Ratio (n:1)

A1	0.21
A2	0.37
B1	0.4
B2	0.43
C	0.46
D1	0.5
D2	0.52
D3	0.53
F	0.6
G1	0.65
G2	0.68
H	0.73
I	0.75
L	0.9
N	1
O1	1.1
O2	1.15
P	1.25
Q	1.3
R1	1.4
R2	1.42
S1	1.5
S2	1.55
S3	1.68
T	2
U	2.5
V	3

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

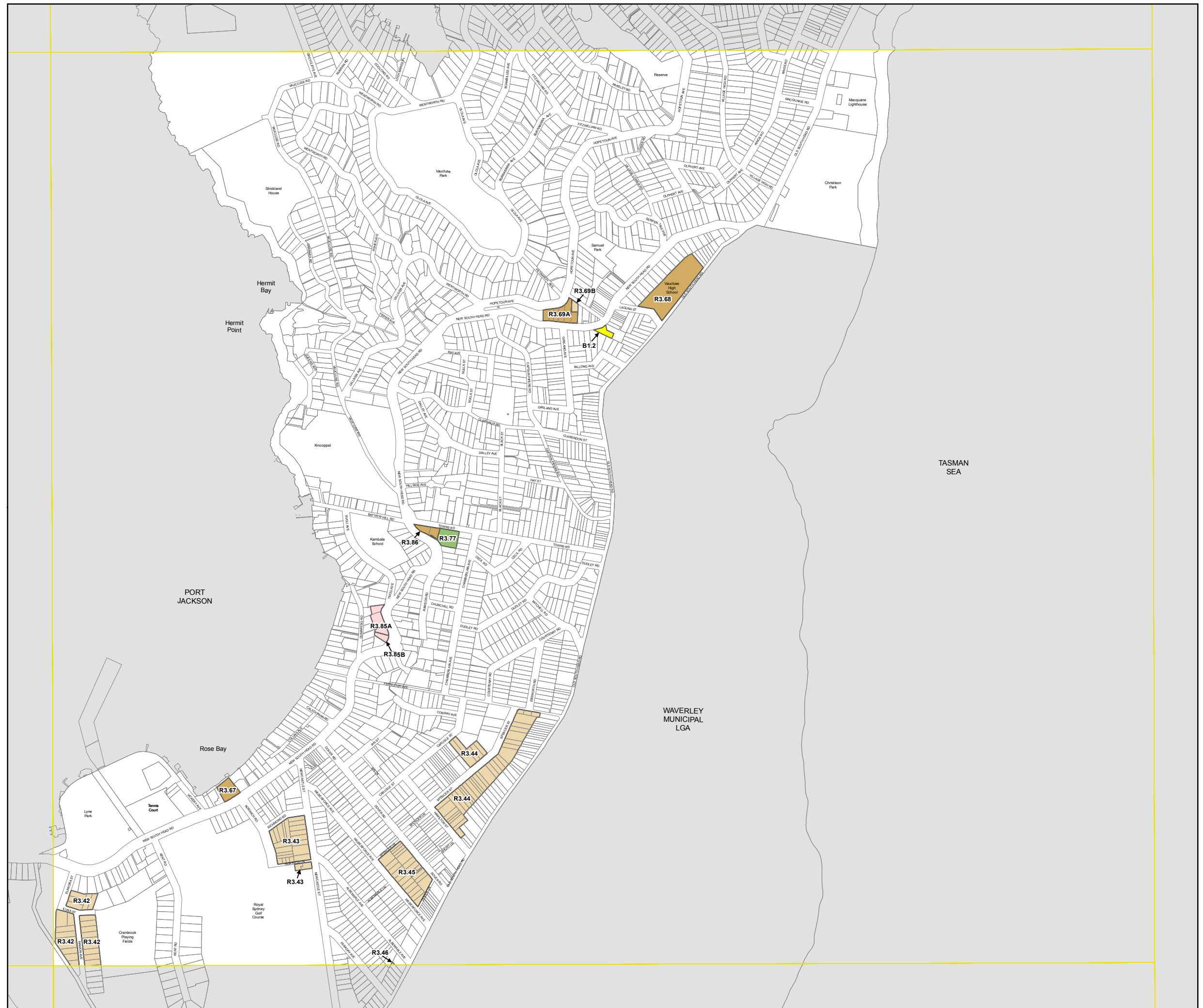


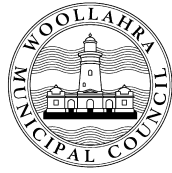
0 200 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
8500_COM_FSR_005_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Floor Space Ratio Map
Sheet FSR_006

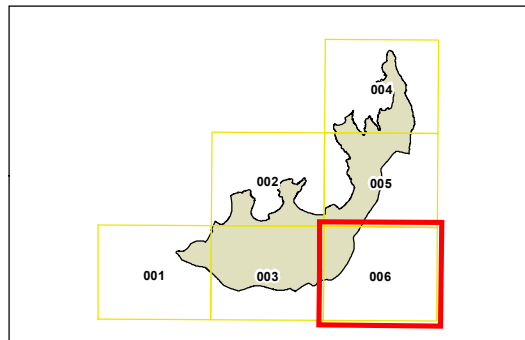
DRAFT CHANGE LAYER

Maximum Floor Space Ratio (n:1)

A1	0.21
A2	0.37
B1	0.4
B2	0.43
C	0.46
D1	0.5
D2	0.52
D3	0.53
F	0.6
G1	0.65
G2	0.68
H	0.73
I	0.75
L	0.9
N	1
O1	1.1
O2	1.15
P	1.25
Q	1.3
R1	1.4
R2	1.42
S1	1.5
S2	1.55
S3	1.68
T	2
U	2.5
V	3

Cadastral

Cadastral 22/2/13 © Woollahra Municipal Council

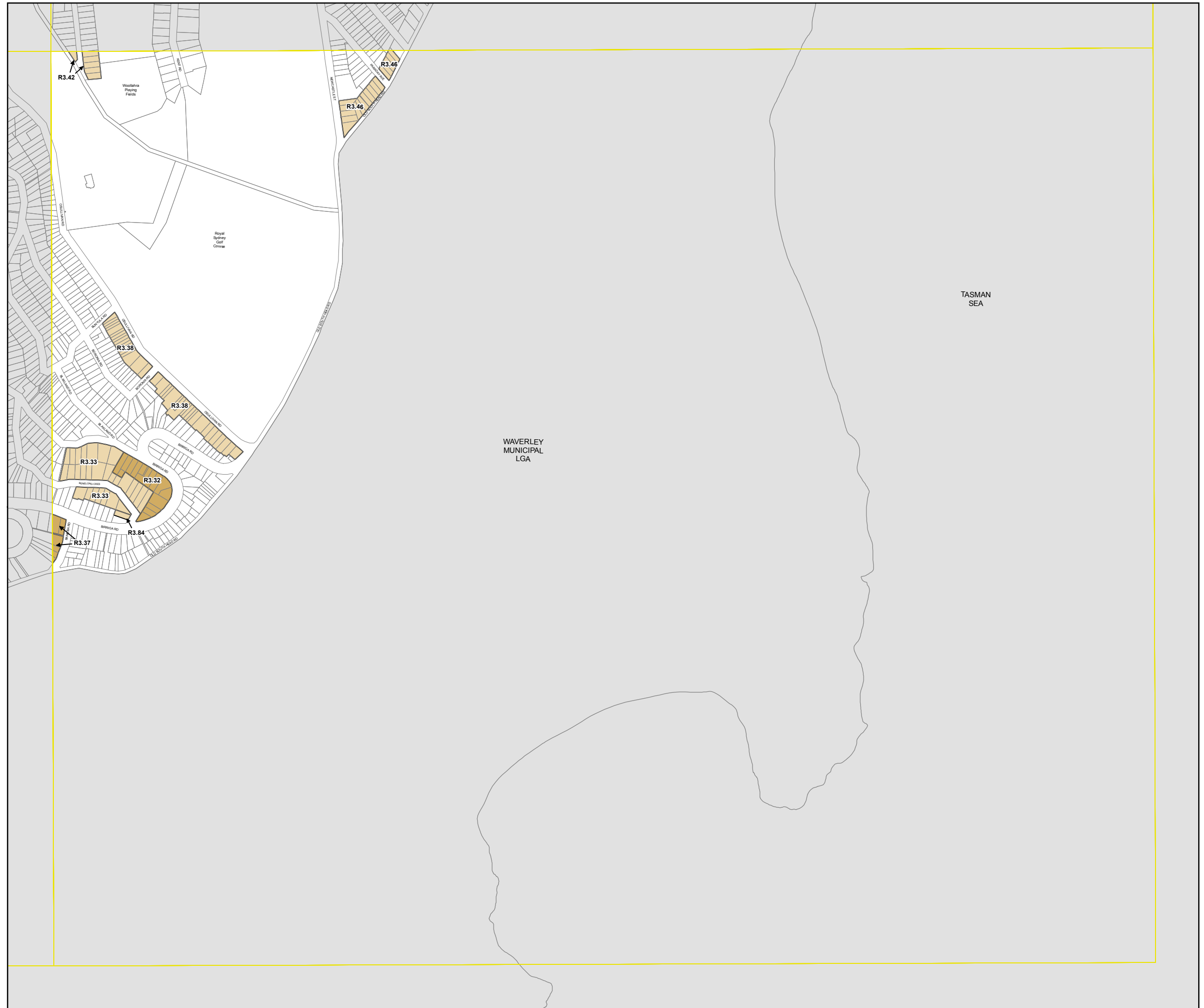


0 200 Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

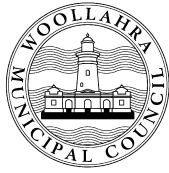
Map identification number:
8500_COM_FSR_006_010_20130415_CHANGE



DRAFT CHANGE LAYERS

Foreshore building line map

3 sheets



Woollahra Local Environmental Plan 2013

Foreshore Building Line Map
Sheet FBL_002

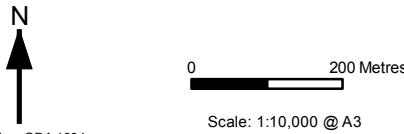
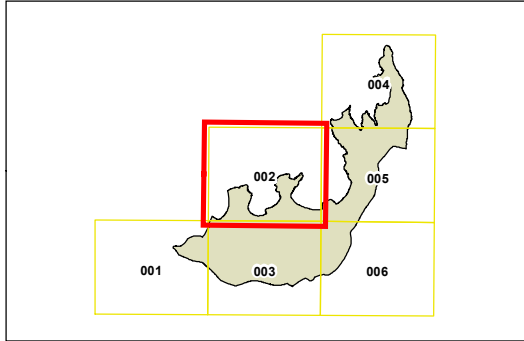
CHANGE LAYER DRAFT

Proposed Foreshore Building Line

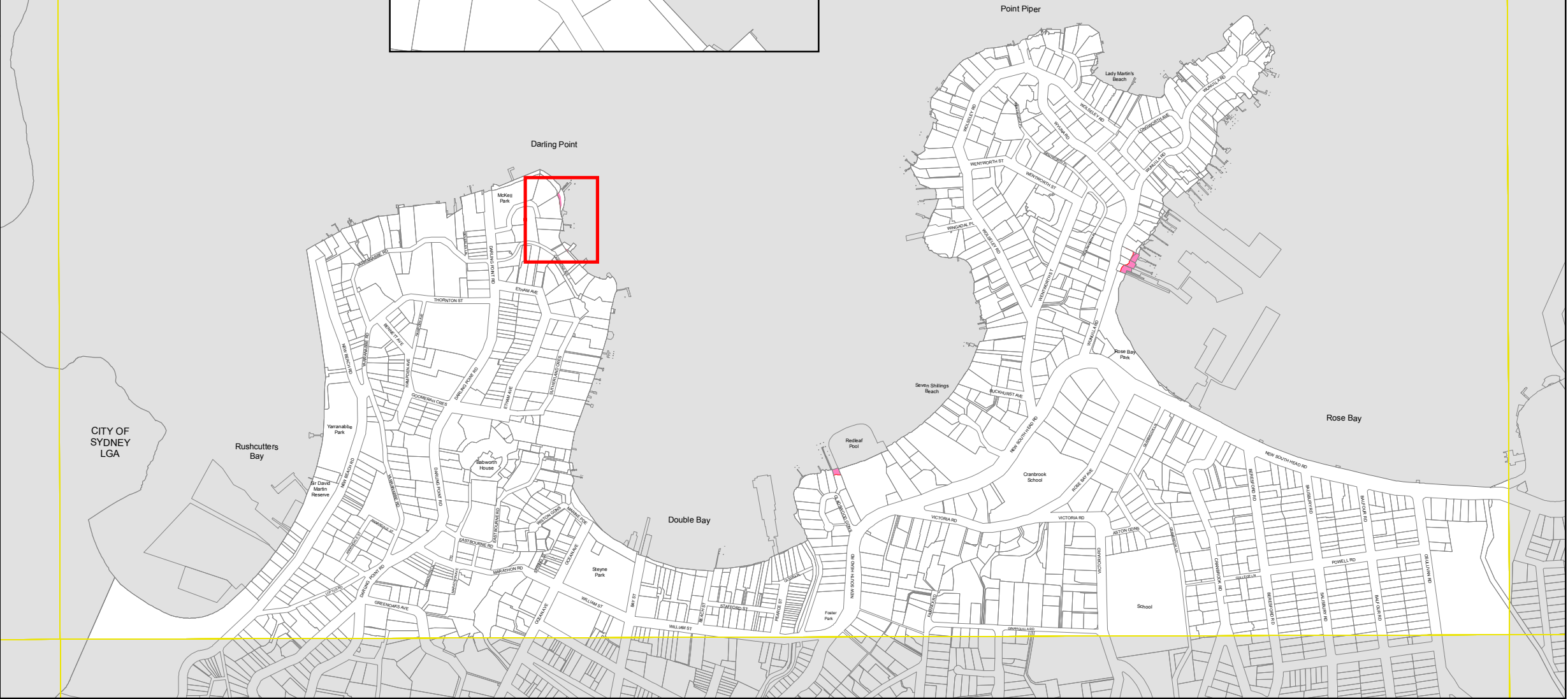
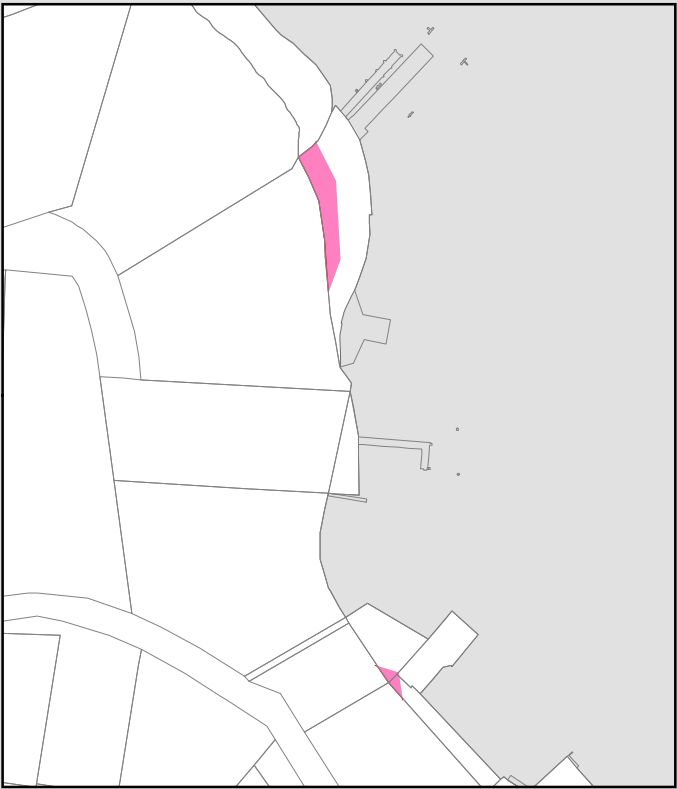
- Extended Foreshore Area
- Extended Foreshore Building Line

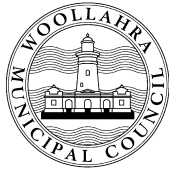
Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council



Projection: GDA 1994
MGA Zone 56
Map identification number:
8500_COM_FBL_002_010_20130415_CHANGE





**Woollahra Local
Environmental Plan
2013**

Foreshore Building Line Map
Sheet FBL_004

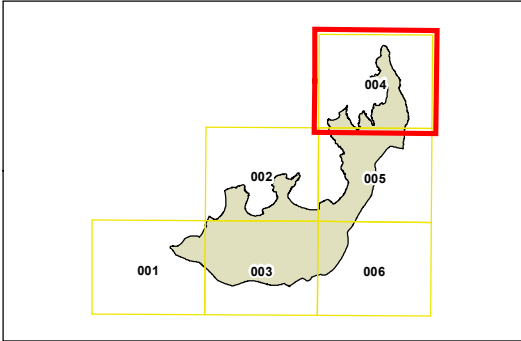
CHANGE LAYER DRAFT

Proposed Foreshore Building Line

- Extended Foreshore Area
- Extended Foreshore Building Line

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

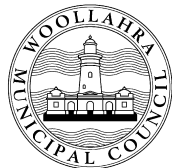


0 200 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56
Map identification number:
8500_COM_FBL_004_010_20130415_CHANGE





Woollahra Local Environmental Plan 2013

Foreshore Building Line Map
Sheet ASS_005

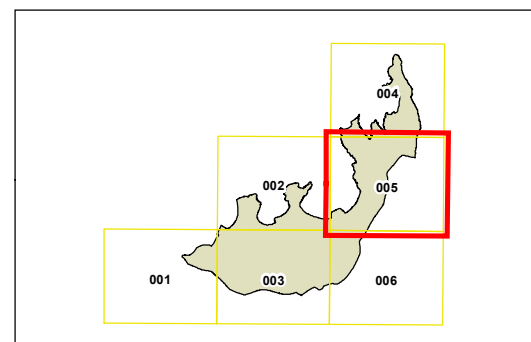
CHANGE LAYER DRAFT

Proposed Foreshore Building Line

- Extended Foreshore Area
- Extended Foreshore Building Line

Cadastre

Cadastre 22/2/13 © Woollahra Municipal Council

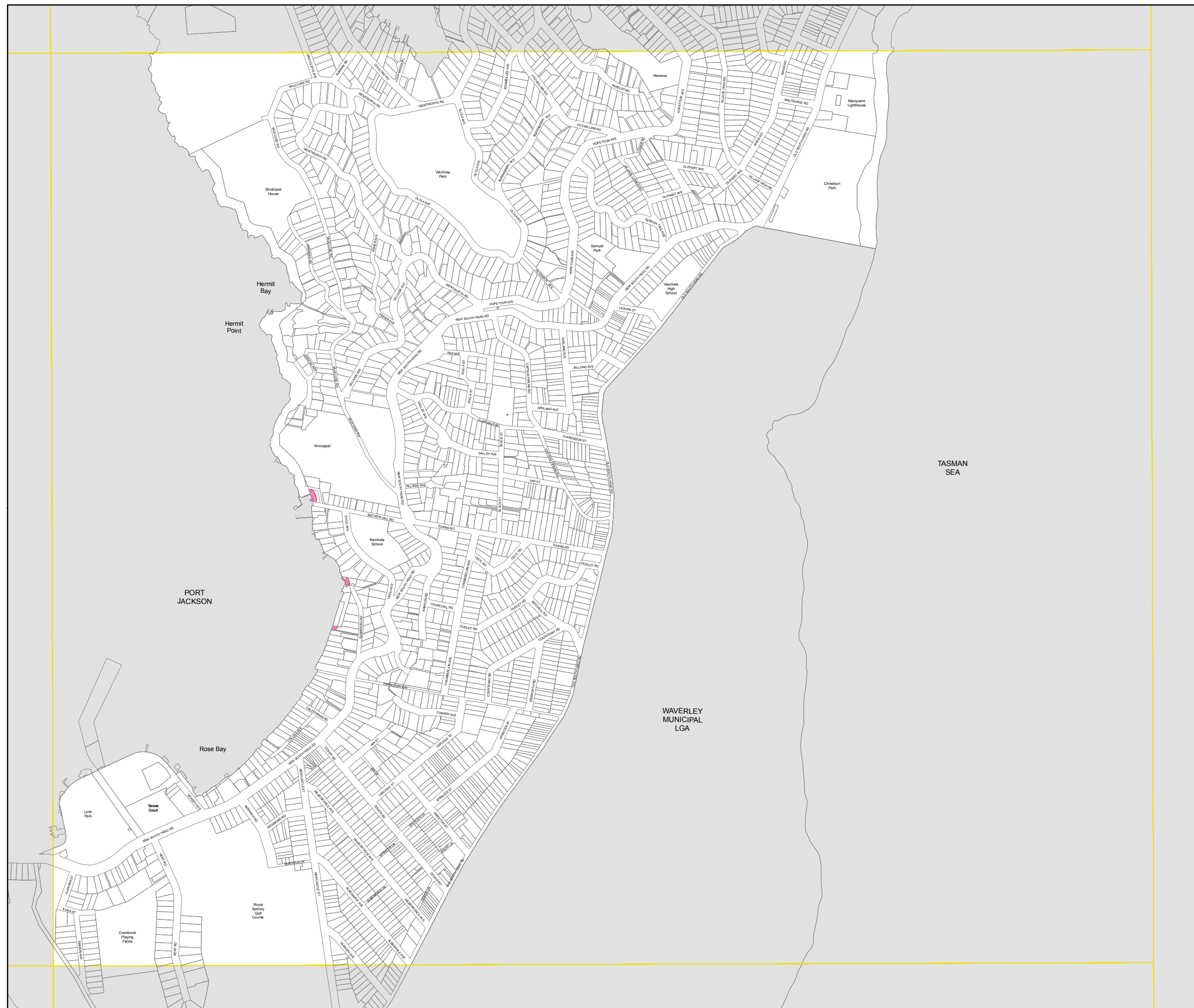


Projection: GDA 1994
MGA Zone 56

0 200 Metres

Scale: 1:10,000 @ A3

Map identification number:
8500_COM_FBL_005_010_20130415_CHANGE



Political Donations – matters to be considered by Councillors at Meetings

