

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B1 - Residential precincts | B1.3 Double Bay Precinct |
| <p>CID: 27 SNO 28 INO: 76</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.3 Double Bay Precinct - Add an objective to avoid basement levels which may disturb acid sulfate soils</p> | <p>Summary</p> <p>Insert an additional objective for the Double Bay Precinct: " O11 To avoid wherever possible basement development involving disturbance of the acid sulphate soils and changes to the water table below the level identified in clause 6.7 of the Woollahra LEP and the accompanying Acid Sulfate Soils Map in areas there identified as Class 1."</p> | <p>Response</p> <p>No change to the Draft DCP. The presence of acid sulfate soils does not preclude excavation. The class of acid sulfate soils across the LGA are identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map.</p> <p>Woollahra LEP 2014 Cl 6.1 Acid sulfate soils, addresses these issues and identifies in which circumstances development consent is required. Development consent must not be granted unless an acid sulfate soils management plan has been prepared for the works. The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual 1998. Council also has a procedure for assessing the adequacy of acid sulfate soils management plans to avoid impacts on natural waterbodies, wetlands, fishing, harbour foreshores, urban and infrastructure activities.</p> <p>As issues regarding acid sulfate soils are addressed by provisions in the LEP and the Acid Sulfate Soil Manual, there is no requirement to include further or duplicate information in the DCP.</p> |
| <p>CID: 27 SNO 28 INO: 75</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.3 - Amend O8 of the desired future character objectives to differentiate, rather than transition from the Double Bay Centre</p> | <p>Summary</p> <p>Amend O8 to "differentiate" instead of "provide a transition" between the higher density buildings of the Double Bay centre and the lower density buildings of the residential area. The intention is to limit the capacity for developers to argue for heights/densities in excess of LEP controls as "transition" in the case of sites close to the centre. This change would effectively restore O4.2.6 of the 2003 DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. The intention of the objective is to facilitate a transition between the greater built form in the Double Bay Local Centre to the lower scale buildings in the surrounding residential area.</p> |

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| Part B - General residential | Chapter B1 - Residential precincts | B1.3 Double Bay Precinct |
| <p>CID: 27 SNO 28 INO: 74</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.3 Double Bay Precinct - Insert and additional paragraph in 1.3.1 Precinct character statement regarding acid sulfate soils</p> | <p>Summary</p> <p>Insert the following additional paragraph in 1.3.1 Precinct character statement for the Double Bay Precinct regarding acid sulfate soils:</p> <p>“The northern part of the precinct is underlain by acid sulphate soils and a high ground water level as a result of the aquifer underlying that part of Double Bay.”</p> | <p>Response</p> <p>No change to the Draft DCP. The presence of acid sulfate soils does not preclude excavation. The class of acid sulfate soils across the LGA are identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map.</p> <p>Woollahra LEP 2014 Cl 6.1 Acid sulfate soils, addresses these issues and identifies in which circumstances development consent is required. Development consent must not be granted unless an acid sulfate soils management plan has been prepared for the works. The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual 1998. Council also has a procedure for assessing the adequacy of acid sulfate soils management plans to avoid impacts on natural waterbodies, wetlands, fishing, harbour foreshores, urban and infrastructure activities.</p> <p>As issues regarding acid sulfate soils are addressed by provisions in the LEP and the Acid Sulfate Soil Manual, there is no requirement to include further or duplicate information in the DCP.</p> |

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| Part B - General residential | Chapter B1 - Residential precincts | B1.4 Wallaroy Precinct |
| <p>CID: 60 SNO 63 INO: 274</p> <p>Mr Greg Barr</p> <p>1.4 - Amend the desired future character objectives of the Wallaroy Precinct</p> <p>Recommendation No Change Issue</p> | <p>Summary</p> <p>1.4.2 Desired future character objectives ADD/INCLUDE O4.3.2 from the WDCP 2003: "To reinforce the precinct's landform and landscape qualities including the steep topography, terracing of development and the curvilinear road pattern."</p> <p>DELETE O4 "varied palette of materials" and SUBSTITUTE: "New dwellings should not detract from adjoining period housing or the predominant character of the streetscape immediately surrounding the site."</p> | <p>Response</p> <p>No change to the Draft DCP. We do not support inserting objective O4.3.2 from WDCP 2003 as this consideration is already addressed by O3 which states: "To design and site buildings to respond to the topography and minimise cut and fill".</p> <p>We do not supporting amending O4 as this consideration is already addressed by O1 which states: "To respect and enhance the streetscape character and key elements of the precinct."</p> <p>A "varied palette of materials" is appropriate when designing contemporary buildings.</p> |
| <p>CID: 27 SNO 28 INO: 79</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change Issue</p> <p>1.4 - Amend O6 of the desired future character objectives to "protect" view corridors</p> | <p>Summary</p> <p>O6 currently reads "To promote view corridors between buildings to significant views, particularly harbour views".</p> <p>The words "and protect" should be inserted after "To promote..."</p> | <p>Response</p> <p>No change to the Draft DCP. The Draft DCP encourages view sharing, not the protection of views.</p> <p>Inserting the word 'protect' sets an unrealistic expectation that all existing views will be retained. When a development application is received, the impact on view sharing is assessed in accordance with the planning principle set out in Tenacity Consulting v Warringah Council [2004] NSWLEC 140.</p> |

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| Part B - General residential | Chapter B1 - Residential precincts | B1.4 Wallaroy Precinct |
| <p>CID: 27 SNO 28 INO: 78</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.4 - Delete O4 from the desired future character objectives regarding the evolution of contemporary building styles</p> | <p>Summary</p> <p>Delete O4 To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings, incorporating modulation and a varied palette of materials. Residents have had a bit too much of ugly mixtures of materials in recent developments</p> <p>Insert instead “New dwellings should not detract from adjoining period housing or the predominant character of the streetscape immediately surrounding the site.” This picks up precisely the wording from “Desired future character” on the previous page of the draft DCP. It also the wording of O6 for the Manning Road Precinct – if it is appropriate for that precinct why is it not also appropriate for Wallaroy Precinct?</p> | <p>Response</p> <p>No change to the Draft DCP. Objective O1 for the precinct "To respect and enhance the streetscape character and key elements of the precinct" already addresses this matter. The additional text to refer to "period housing and predominant character of the streetscape" is not necessary as the precinct is not in a heritage conservation area.</p> <p>A "varied palette of materials" is appropriate when designing contemporary buildings.</p> |
| <p>CID: 27 SNO 28 INO: 77</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.4 - Insert an additional objective to reinforce the precinct's landform and landscape qualities</p> | <p>Summary</p> <p>Add O4.3.2 from the Woollahra Residential DCP 2003 to the objectives for the Wallaroy Precinct:</p> <p>“To reinforce the precinct’s landform and landscape qualities including the steep topography, terracing of development and the curvilinear road pattern.”</p> | <p>Response</p> <p>No change to the Draft DCP. This objective was not carried over into the Draft DCP because this consideration is already addressed by O3 which states:</p> <p>"To design and site buildings to respond to the topography and minimise cut and fill."</p> |

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| Part B - General residential | Chapter B1 - Residential precincts | B1.5 Manning Road Precinct |
| CID: 27 SNO 28 INO: 118 | Summary | Response |
| Mr Philip Mason | Objective O5 should read: To ensure on-site parking does not dominate the streetscape in the precinct. In the Draft DCP the word 'not' is missing from this sentence. | Support amending the sentence to correct the typographical error. |
| Double Bay Residents' Association | | |
| Recommendation Change | | |
| Issue | | |
| 1.5.2 - Correct objective O5 to ensure on-site parking does 'not' dominate the streetscape in the precinct | | |
| CID: 27 SNO 28 INO: 117 | Summary | Response |
| Mr Philip Mason | O2 should be amended to read : “To differentiate between the urban quality of the Double Bay centre and the landscape setting and built form character of the residential precinct”. A similar amendment proposed for Double Bay precinct to stop developers arguing for heights and densities in excess of LEP controls in residential areas closer to the centre. | No change to the Draft DCP. The intention of the objective is to facilitate a transition between the greater built form in the Double Bay Local Centre and the lower scale buildings in the surrounding residential area. |
| Double Bay Residents' Association | | |
| Recommendation No Change | | |
| Issue | | |
| 1.5 - Amend objective O2 to 'differentiate' instead of transition between the Double Bay Centre and Manning Road Precinct | | |

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| Part B - General residential | Chapter B1 - Residential precincts | B1.5 Manning Road Precinct |
| <p>CID: 27 SNO 28 INO: 89</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.5 Manning Road Precinct - The precinct is unsuitable for a change from dwelling houses to medium density development due to an aquifer and acid sulfate soils,</p> | <p>Summary</p> <p>The Manning Road Precinct is unsuitable for a change from dwelling houses to medium density development due to the presence of an aquifer and acid sulfate soils. The consequence of these two features is that any substantial excavation beyond max 1m depth carries with it grave dangers both to the properties and health of adjoining residents.</p> <p>The following additional objective should be added to the “Desired future character objectives”:</p> <p>“ 07 To avoid wherever possible basement development involving disturbance of the acid sulphate soils and changes to the water table below the level identified in clause 6.7 of the Woollahra LEP and the accompanying Acid Sulfate Soils Map in areas there identified as Class 1 and Class 2”.</p> | <p>Response</p> <p>No change to the Draft DCP. The presence of acid sulfate soils does not preclude excavation. The class of acid sulfate soils across the LGA are identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map.</p> <p>Woollahra LEP 2014 Cl 6.1 Acid sulfate soils, addresses these issues and identifies in which circumstances development consent is required. Development consent must not be granted unless an acid sulfate soils management plan has been prepared for the works. The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual 1998. Council also has a procedure for assessing the adequacy of acid sulfate soils management plans to avoid impacts on natural waterbodies, wetlands, fishing, harbour foreshores, urban and infrastructure activities.</p> <p>As issues regarding acid sulfate soils are addressed by provisions in the LEP and the Acid Sulfate Soil Manual, there is no requirement to include further or duplicate information in the DCP.</p> |
| <p>CID: 27 SNO 28 INO: 88</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.5 - Object to the statement in 1.5.2 Desired future character, that the precinct is "identified for change"</p> | <p>Summary</p> <p>Object to the statement in 1.5.2 Desired future character, that the precinct is "identified for change". Identified where and by whom? The residents were told at the time of the debate over the LEP that the new R3 (zone) was merely a like for like translation of the old 2(b) Residential zoning under WLEP 1995.</p> | <p>Response</p> <p>No change to the Draft DCP. Zone R3 Medium Density Residential in Woollahra LEP 2014 is a translation of zone from 2(b) Residential in Woollahra LEP 1995.</p> <p>The statement reflects that much of the existing built form in this area is of a low density scale, and it is envisaged that future residential development will be in the form of medium density. For example, the R3 zone permits residential flat buildings and multi-dwelling housing.</p> |

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| Part B - General residential | Chapter B1 - Residential precincts | B1.5 Manning Road Precinct |
| <p>CID: 27 SNO 28 INO: 80</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.5 - The lot sizes in Court Road are not "relatively larger" than other streets in the Manning Road Precinct</p> | <p>Summary</p> <p>1.5.1 Precinct Character description</p> <p>The second sentence of the second paragraph contains an error in so far as it relates to Court Road. Its "lot sizes" are not "relatively larger" than other streets in the precinct such as Forest Road as a glance at the map 5 on the previous page of the Draft DCP will confirm. Indeed lot sizes on the northern side of Court Road are much shallower than Forest Road.</p> | <p>Response</p> <p>No change to the Draft DCP. Court Road does contain lots which are larger than those in the surrounding streets of the precinct, such as Forest Road. For example, the average lot size in Court Road is 403m², in Epping Road it is 290m² and in Forrest Road it is 325m².</p> |

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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| <p>CID: 27 SNO 28 INO: 97</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.2.5 - Proposed 7.2m wall height is too high</p> | <p>Summary</p> <p>Under the DCP 2003 there is generally a maximum of two storeys for dwelling houses. Conventional floor to ceiling height in a residence is 2.7m allowing or the depth of two floors would have thought 6.5m is adequate. Higher and more excessive wall height creates problems of overshadowing, privacy impacts and oppressive bulk etc.</p> | <p>Response</p> <p>No change to the Draft DCP. The 7.2m wall height control was established following a review of development applications across the Woollahra LGA. The control responds to building requirements for ground and first floor slab thickness, floor to ceiling heights and provides for other allowances such as design flexibility and site topography.</p> |
| <p>CID: 27 SNO 28 INO: 104</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.4 Excavation - C7 Amend geotechnical report requirements</p> | <p>Summary</p> <p>The requirement of a geotechnical report under s177(2) of the Conveyancing Act applies e.g. sand soils that prevail in the municipality. Since sand's relevant angle of repose is 45 degrees this would mean that any excavation of 2m depth closer than 2m to the boundary would require such a report.</p> | <p>Response</p> <p>No change to the Draft DCP. The requirements for a geotechnical report are appropriate. The note which accompanies control C7 highlights that Council may identify other circumstances where a geotechnical report is required. For example, where a site contains sandy soil.</p> |
| <p>CID: 27 SNO 28 INO: 103</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.4: Excavation - C1 and C2 excavation volumes for RFBs are too generous</p> | <p>Summary</p> <p>Quantum of excavation permitted for RFBs (figure 12) are too generous when compared to that allowed for a dwelling house, dual occupancy, semi detached dwelling or attached housing (figure 11).</p> <p>Issue</p> <p>Recognise it is a translation from DCP 2003 but e.g. a 100m² site is allowed 4 times the excavation. Council should provide the basis on which these volumes were calculated (particularly for RFBs), but they appear excessive.</p> | <p>Response</p> <p>No change to the Draft DCP. The excavation controls for RFBs are based on accommodating a sufficient area for below ground parking and storage.</p> |

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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 27 SNO 28 INO: 102 | Summary | Response |
| Mr Philip Mason | No reference to the acid sulphate soil problem. | No change to the Draft DCP. The presence of acid sulfate soils does not |
| Double Bay Residents' Association | This is a dangerous omission given the dangers of excavation in such soils in Double Bay, Manning and Wallaroy precinct. | preclude excavation. The class of acid sulfate soils across the LGA are identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map. |
| Recommendation No Change Issue | Excavation into these soils poses health and property risks, compounded in Double Bay by the risks of underwater damming of the aquifer. | Woollahra LEP 2014 Cl 6.1 Acid sulfate soils, addresses these issues and identifies in which circumstances development consent is required. |
| 3.4 Excavation - Insert reference to acid sulfate soils | Add to the excavation objectives: "To minimise substantial or bulk excavation within areas identified in clause 6.7 of the Woollahra LEP beneath the levels identified in that clause and in the accompanying Acid Sulfate Soils Map" and | Development consent must not be granted unless an acid sulfate soils management plan has been prepared for the works. The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual 1998. Council also has a procedure for assessing the adequacy of acid sulfate soils management plans to avoid impacts on natural waterbodies, wetlands, fishing, harbour foreshores, urban and infrastructure activities. |
| | "To minimise excavation within areas of known high ground water table or aquifers to avoid affecting ground water levels of, and possible property damage to, neighbouring properties". | As issues regarding acid sulfate soils are addressed by provisions in the LEP and the Acid Sulfate Soil Manual, there is no requirement to include further or duplicate information in the DCP. |
| | Controls C1 and C2 which introduce maximum excavation volumes should be prefaced by qualifications excluding their applicability to site conditions where these new objectives apply. | |

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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| <p>CID: 27 SNO 28 INO: 101</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation Change Issue</p> <p>3.8.2 - Opposition to secondary dwellings located outside the building envelope</p> | <p>Summary</p> <p>Opposition to the construction of "secondary dwellings" outside the permitted building envelope. Exception is nonsense of the rationale behind front, rear and side setbacks, open space and deep soil requirements etc. Concerned that allowing "outbuildings" (particularly given the vagueness of the definition" outside the building envelope threatens the amenity usually provided by setbacks etc.</p> | <p>Response</p> <p>We support amending the controls to identify that a secondary dwelling should be located within the building envelope. It is also appropriate that the floor space of a secondary dwelling is counted towards the total development yield on the site.</p> <p>We recommend inserting a new control into Section B3.3 Floorplate to establish that where a secondary dwelling is proposed, the dwelling area will be included in the total floorplate calculation.</p> <p>In Section 3.8.3: Secondary dwellings, delete control C2 which allowed a detached secondary dwelling outside the building envelope.</p> <p>Note: Secondary dwellings are permitted as complying development in residential zones by Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP). The SEPP includes development standards which must be complied with if a secondary dwelling is proposed as complying development. In such cases a secondary dwelling may be located outside the building envelope.</p> |
| <p>CID: 27 SNO 28 INO: 100</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change Issue</p> <p>3.3 Floorplates - Opposition to allowing third storeys for dwelling houses</p> | <p>Summary</p> <p>Opposition to allowing third storeys for dwelling houses, other than dormer type attics within roof profiles.</p> | <p>Response</p> <p>No change to the Draft DCP. Three storey dwelling houses can be accommodated within a 9.5m height limit and there are examples of three storey dwellings throughout the LGA.</p> <p>A proposal for a three storey dwelling is assessed having regard to the desired future character of the precinct and any relevant heritage considerations.</p> |

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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 2 SNO 2 INO: 3 | Summary | Response |
| Mr Peter Franks | The constant redevelopment of single dwellings into multi dwellings has made traffic and parking ridiculous, as there are now usually two cars for every occupancy. The rail line should be extended to Watsons Bay and Bondi. | Redevelopment of single dwellings into multi dwellings: This is not a DCP matter. The Draft DCP does not establish the permissible land uses or planning controls that can increase residential density, such as a maximum building height or floor space ratio. These matters are addressed in Woollahra LEP 2014. The Draft DCP does not require amendment. |
| Recommendation No Change | | |
| Issue | Overdevelopment in Rose Bay, increased traffic, need to continue rail line to Watsons Bay/Bondi | Traffic and parking: Chapter E1 Parking and Access of the Draft DCP contains the car parking and vehicle access requirements for residential and non-residential development. Parking for residential development is managed by applying maximum parking generation rates. The rates provide for a reasonable number of on-site parking spaces based on use and, in the case of RFB development, apartment size. Applicants are required to justify why providing more (or less) than the maximum parking generation rate is acceptable. In light of this, no changes to the Draft DCP are recommended to manage on-street parking. Rail extension: This is not a DCP matter. The State Government is responsible for the management of railways, including provision of new line infrastructure through the Woollahra Municipality. No new rail lines are proposed at present. |

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| <p>CID: 27 SNO 28 INO: 98</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.2.2 Front setback - On-site parking: Carports and garages should not control the front setback.</p> | <p>Summary</p> <p>Exception to front setback control for carport's and garages at the end of paragraph 3 is regrettable (see also Figure 2). DCP 2003 (e.g. C4.3.5) generally requires carports and garages to be behind the building line with the exception of a very steep site on the higher side of a street. DCP provision should remain in the new DCP to prevent our streetscapes being blighted by garages and carports.</p> | <p>Response</p> <p>No change to the Draft DCP. Section B3.6 On-site parking control C9 sets out the limited circumstances where parking in the front setback will be considered.</p> <p>Woollahra Residential Development Control Plan 2003 does not address this matter. Applications are assessed on merit.</p> <p>The Draft DCP establishes some rigour in the assessment, by setting restrictions on when parking may be permitted in the front setback. Control C9 in Section B3.6 On-site parking states: "Notwithstanding C4, on-site parking may be located in the front setback (i.e. outside the building envelope) where more than three of the six closest properties on the same side of the street have parking forward of the front setback building line."</p> <p>By identifying the limited circumstances where it may be appropriate that parking is permitted forward of the building line, the Draft DCP control ensures applications are assessed in a consistent manner.</p> |
| <p>CID: 27 SNO 28 INO: 107</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.6 On site parking - C6 garage size is too big</p> | <p>Summary</p> <p>Proposed C6 which provides an exception allowing the maximum garage size of 40sqm seems excessive. Under the relevant AS a standard car parking space is 2.5m x 5.4m or 13.5sqm. To allow for two cars at 30sqm would be ample.</p> | <p>Response</p> <p>No change to the Draft DCP. A garage size of 40sqm is appropriate to allow for two parked vehicles and reasonable space around them.</p> |

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| <p>CID: 27 SNO 28 INO: 96</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation Change Issue</p> <p>3.2.1 Where the building envelope controls apply - Clarify what "other types of development" are.</p> | <p>Summary</p> <p>It is clear that these controls apply to Zone R2 Low Density Residential, and certain residential uses in Zone R3 Medium Density Residential.</p> <p>However, what are the "other types of development" where the FSR control applies? (see the final paragraph).</p> <p>Assume that the intent is that the maximum wall height of 7.2m and the 45 degree inclined plan do not apply to residential flat buildings (RFBs).</p> | <p>Response</p> <p>The introductory text of this chapter has been amended to clarify the FSR control applies to all development except dwelling houses, semi-detached dwellings and dual occupancies.</p> <p>The introductory text for 'All other development in the R3 zone' has been amended to clarify that the wall height, inclined plane and floorplate controls only apply to dwelling houses, semi-detached dwellings and dual occupancies. For example, those controls do not apply to residential flat buildings, multi dwelling housing and attached dwellings.</p> |
| <p>CID: 25 SNO 26 INO: 57</p> <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> <p>Recommendation No Change Issue</p> <p>3.4 - Proposed excavation near classified roads may require approval by Roads and Maritime</p> | <p>Summary</p> <p>Excavation proposed adjacent to a classified road corridor may require the developer to submit detailed geotechnical reports to RMS for consideration and approval.</p> | <p>Response</p> <p>No change to the Draft DCP. This is a DA matter. Council requires geotechnical reports for applications which have the potential to adversely affect the surrounding properties, either during excavation works or during construction of subsurface structures. When applications which require concurrence are referred to RMS, a copy of these reports will be provided.</p> |

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| <p>CID: 20 SNO 20 INO: 31</p> <p>Ms Connie Giannopoulos</p> <p>Summary</p> <p>Section 3.8.3 Semi-detached dwellings is unclear whether it relates to new or existing semi-detached dwellings.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.8.3 Semi detached dwellings - Ambiguous about application to new or existing dwellings</p> | <p>Response</p> <p>No change to the Draft DCP. The introduction to Section 3.8.3 identifies that the controls apply to both:</p> <ul style="list-style-type: none"> - New semi-detached dwelling development; and - Alterations and additions to existing semi-detached dwellings. | |
| <p>CID: 19 SNO 19 INO: 30</p> <p>Mr Joseph Younes</p> <p>Summary</p> <p>Queries controls for attached and detached dual occupancies.</p> <p>The minimum lot width for a detached dual occupancy should be greater than an attached dual occupancy, based on less site area occupied by adjoining walls.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.8.1 - Minimum lot width for detached dual occupancy should be greater</p> | <p>Response</p> <p>No change to the Draft DCP. Control C1 of Section 3.8.1 identifies a 21m minimum lot width for a detached dual occupancy. However, there is no minimum lot width for an attached dual occupancy. This is specified in note a) on page 52 of Chapter B3 General Development Controls of the Draft DCP.</p> <p>There is a minimum lot width of 24m for attached dwellings, but attached dwellings are different to an attached dual occupancy. Attached dwellings are defined as:</p> <p>A building containing 3 or more dwellings, where:</p> <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. | |

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| CID: 7 SNO 7 INO: 8 Ms Susan Akerman | Summary Concerned about excessive excavation and overdevelopment in Bellevue Hill. | Response No change to the Draft DCP. Excavation is an accepted part of development in the Woollahra Municipality. It allows buildings on sloping sites to be designed to step down and sit into the hillside, and it also enables cars and storage to be accommodated on-site in an unobtrusive manner. The Draft DCP controls discourage excessive excavation by limiting it to a volume that can reasonably accommodate car parking and domestic storage. |
| Recommendation No Change Issue 3.4 Excavation -Concerned about excessive excavation and overdevelopment in Bellevue Hill | | |

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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 3 SNO 3 INO: 4 | Summary | Response |
| Ms Elke Haega | <p>The desired future character objectives for landscaping are good. However, concern is raised there is not a separate chapter for landscaping in the Draft DCP and no specifications on who can prepare a landscape plan, what's required in a plan etc.</p> | <p>Controls for landscaped areas: No change to the Draft DCP. A separate chapter for landscaping is not required as the Draft DCP contains landscaping controls in Chapter B3 General Development Controls (Section 3.7.1 Landscaped areas and private open space). For example, for development in zones R2 Low Density Residential and R3 Medium Density Residential, at least 50% of the site area outside the buildable area must be deep soil landscaped area.</p> |
| Recommendation No Change | | |
| Issue | | |
| 3.7.1 - Supports objectives for landscaping, concerned about lack of landscaping requirements | | <p>Landscape plan specifications: No change to the Draft DCP. The requirements for preparing a landscape plan are contained in the DA Guide. These requirements include that:</p> <ul style="list-style-type: none"> - A landscape architect or horticulturalist must prepare the plan - Proposed plantings are shown - The location of species, height and spread of existing trees to be retained are shown - Surface treatments and finished surface levels are shown. <p>To protect existing trees, the DA Guide specifies when an Arboricultural Assessment or Arboricultural Impact Assessment are required and identifies the information these documents should</p> |

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 27 SNO 28 INO: 99 | Summary | Response |
| Mr Philip Mason | The reductions in side setbacks are completely unacceptable. Table below shows side setbacks have been significantly reduced. | No change to the Draft DCP. The setbacks identified in the submission are incorrect. In the Woollahra Residential DCP 2003, the side setbacks for the Manning and Wallaroy precincts are a fixed at: |
| Double Bay Residents' Association | Proposals would lead to increased enclosure, increased overshadowing and loss of visual and aural privacy. | - 1.5m for sites less than 18m wide - 2.5m for sites 18m wide or greater. |
| Recommendation No Change | Site Width | |
| Issue | DCP 2003 setback | Draft DCP setback |
| 3.2.3 - Side setbacks are too small | 18m | 2.25m |
| | 15m | 1.65m |
| | 13m | 1.3m |
| | 10m | 1m |
| | | In the Draft DCP, the side setback controls are a percentage of the site width and for smaller sites, this has resulted in a slight reduction. However, this allows the building envelope to be in proportion to the site size, and achieves a more practical building footprint on narrower sites. For example, on a narrow lot with a width of 7.8m, the buildings maximum width is 4.8m. This dimension does not facilitate a well designed dwelling with satisfactory internal amenity. |
| | | The minimum side setback control of 0.9m in the Draft DCP is sufficient to protect the acoustic and visual privacy of adjoining properties, whilst avoiding an unreasonable sense of enclosure. |
| CID: 27 SNO 28 INO: 113 | Summary | Response |
| Mr Philip Mason | Control C1 identifying 15m is inadequate for an RFB. Flats will lack amenity and will be tomorrow's slums and will inflict planning blight. | No change to the Draft DCP. The existing frontage controls for a residential flat building (RFB) in the Woollahra LEP 1995 have been translated to the Draft DCP. These controls require a 15m frontage for an RFB containing three dwellings and 21m for an RFB containing four or more dwellings. A 15m frontage is sufficient to accommodate a residential flat building containing three dwellings which is well designed, articulated and landscaped. |
| Double Bay Residents' Association | Combine part c) and d) to: residential flat building or multi dwelling housing - 21m. | |
| Recommendation No Change | | |
| Issue | It is absurd that there is no minimum lot width at all for semi-detached dwellings or attached dwellings as suggested by note (a). | No minimum lot width is applied to a semi-detached dwelling or attached dual occupancy. The existing controls rely on the minimum lot size control in the LEP, and this approach has been retained in the Draft DCP. Having regard to the low density form of land use, a minimum lot width is not required. |
| 3.8.1 Minimum lot width - 15m is an inappropriate lot width for RFBs | | |

| Part | Category | Sub Category |
|---|--|--|
| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 56 SNO 58 INO: 186 | Summary | Response |
| <p>Mr Anthony Rowan</p> <p>ARPL</p> | <p>Existing RDCP includes inter-war provisions applied in an onerous and strict manner, resulting in some buildings being quasi/heritage items. There is a general presumption against demolition etc. to heritage items or HCAs, but these buildings are neither.</p> | <p>No change to the Draft DCP. A Council resolution (28 March 2011) required staff to investigate the heritage significance of Inter-war residential flat buildings located outside of heritage conservation areas. This study is underway and is to be finalised by 30 June 2016. If significant examples of Inter-war residential flat buildings are identified, a recommendation will be put to Council that these buildings are listed as heritage items in the LEP. Any amendment to the LEP (including listing of heritage items) or the DCP controls will require public exhibition. Until this work is finalised, development applications will continue to be assessed on merit guided by the Draft DCP controls for this typology.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>3.8.7 - Misleading protection afforded to Interwar flat buildings</p> | <p>Clarity is needed as most owners are not aware of these restrictive controls, as they are not identified on S149 certificates. The LEP should either identify these buildings as heritage items, or remove the unreasonable restrictions on these properties.</p> <p>Recommendation to delete 3.8.7, and include this in the LEP, and list the buildings that make a contribution as a heritage item in the LEP.</p> <p>Alternatively, the terminology in 3.8.7 needs to be more flexible to acknowledge that:</p> <ul style="list-style-type: none"> -these buildings are not heritage items (or in a HCA) -demolition/change is acceptable -controls are guides and not requirements | <p>No change to the Draft DCP. A Council resolution (28 March 2011) required staff to investigate the heritage significance of Inter-war residential flat buildings located outside of heritage conservation areas. This study is underway and is to be finalised by 30 June 2016. If significant examples of Inter-war residential flat buildings are identified, a recommendation will be put to Council that these buildings are listed as heritage items in the LEP. Any amendment to the LEP (including listing of heritage items) or the DCP controls will require public exhibition. Until this work is finalised, development applications will continue to be assessed on merit guided by the Draft DCP controls for this typology.</p> |
| CID: 53 SNO 55 INO: 189 | Summary | Response |
| <p>Mr Peter Brun</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Controls should prioritise impacts on neighbours.</p> | <p>Of primary importance (over appearance) is that neighbours should not be disadvantaged by renovation or new buildings.</p> | <p>No change to the Draft DCP. The controls advocate a balance between new buildings that are consistent with the desired future character of the area, and the amenity of adjoining residents.</p> |

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |

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| CID: 28 | SNO: 29 | INO: 83 | Summary | Response |
| Mrs Hylda Rolfe | | | Support for the control "sharing of jetties" in the Harbour. | Support noted. |

Recommendation No Change

Issue

3.10.2 C13 – Support the control for sharing jetties

| | | | | |
|---|-----------|---------|---|---|
| CID: 28 | SNO: 29 | INO: 82 | Summary | Response |
| Mrs Hylda Rolfe | | | -Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, (SREP) emphasises the enhancement/improvement of areas adjoining the harbour. A static approach of "not making things worse" is not consistent with this. | No change to the Draft DCP. The terminology within the Draft DCP is consistent with the SREP. For example: C1 Development as viewed from Sydney Harbour follows the natural topography and maintains or enhances vegetation cover. C6 Swimming pool and spa pool walls are suitably treated to complement the natural foreshore, and where visible, are sandstone clad and incorporate suitable screen landscaping. C19 The existing tree canopy is maintained or enhanced. |
| Recommendation | No Change | | The Draft DCP refers to "minimising potential impacts", "does not have an unreasonable impact", "minimise the impact". | |
| Issue | | | -Issue is the balance between environmental damage and environmental benefit for each development proposal. -The word "adverse" should be inserted into the controls where relevant. -The word "enhance" should be inserted into the controls where relevant. | |
| 3.10.1 Additional controls for development in sensitive locations - Revise text to require that development enhances and does not adversely impact on the harbour foreshore | | | | |

| Part | Category | Sub Category |
|---|---|---|
| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 27 SNO 28 INO: 290 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>It may be a layout/editing problem but it is not clear that the qualifications in the second (a) and (b) under C5 on pg. 18 apply to secondary dwellings and outbuildings.</p> | <p>Support amending the control in B3.3 Floorplates to clarify which controls apply to secondary dwellings.</p> <p>Insert new control C6 which is separated from control C5 and states:</p> |
| <p>Recommendation Change</p> <p>Issue</p> <p>3.3: Secondary dwellings - unclear which floorplate controls apply to secondary dwellings.</p> | | <p>C6: A secondary dwelling, outbuilding or parking structure are only permitted when:</p> <p>a) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.7.1 Landscaped areas and private open space; and</p> <p>b) solar access and privacy requirements with the site, and to the adjoining properties, are met as set out in Section 3.5.2 Overshadowing and Section 3.5.4 Acoustic and visual privacy.</p> |

| Part | Category | Sub Category |
|---|--|---|
| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 27 SNO 28 INO: 116 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>It is inappropriate to permit RFBs on battle axe lots. These lots border the back fences of lots that have street frontages, which have developed assuming that the battle-axe lot over their back fence would remain as a single dwelling.</p> | <p>The controls in the Draft DCP combined with Woollahra LEP 2014 are appropriate for controlling development of RFBs on battle-axe lots. However, we support inserting a control requiring a minimum lot size of 950sqm for development other than a dwelling house on a battle-axe lot in the R3 Medium Density Residential Zone.</p> |
| <p>Recommendation Change Issue</p> <p>3.9 Additional controls for development on a battle-axe lot - It is inappropriate to permit RFBs on battle-axe lots</p> | <p>Amend second paragraph of the introduction: "The controls below recognise that development on battle-axe lots needs to particularly consider the amenity of both the occupants and the adjoining properties, having regard to privacy, solar access, VIEWS, open space and the like."</p> | <p>This control was in the exhibited Draft Woollahra LEP 2013, however, it was deleted by the Department of Planning and Environment in the approved version of the LEP. We will be seeking to reinstate this control in the LEP, in the meantime the control has been inserted into the DCP.</p> |
| | <p>Amend O2 so that it reads: "To ensure that development does not unreasonably affect adjoining properties in terms of privacy, sense of enclosure AND LOSS OF PRIVATE VIEWS."</p> <p>Insert at C8 "Development should be designed to minimise impact on existing iconic or harbour views from adjoining properties."</p> | <p>The Woollahra LEP 2014 sets a maximum building height of 9.5m. For development other than a dwelling house in the R3 Medium Density Residential zone the Draft DCP requires: - a minimum internal lot dimension of 24m - a minimum setback of 6m from each boundary.</p> |
| | | <p>Combined with a minimum lot size of 950sqm and other DCP controls for privacy, these controls limit amenity impacts on adjoining properties.</p> <p>As part of the development application process, the impact on view sharing will be assessed in accordance with the planning principle set out in Tenacity Consulting v Warringah Council [2004] NSWLEC 140. Further, Section 3.5.3 Public and private views, addresses view sharing.</p> |

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 27 SNO 28 INO: 105 | Summary | Response |
| Mr Philip Mason | B3.5.1 Streetscape character. | No change to the Draft DCP. Different roof forms may be appropriate |
| Double Bay Residents' Association | Delete the closing words to C6 "or an otherwise compatible roof form" as this weakens this control. | in some situations, e.g. contemporary infill in the HCA can be compatible with pitched roof forms depending on the design and materials. Each application would be assessed on its merit. |
| Recommendation | How can a non-pitched or flat roof form be compatible with an 'immediate streetscape predominately characterised by pitched roof forms'. | |
| No Change | | |
| Issue | Generally the Association otherwise supports the balance of controls proposed in B3.5. | |
| 3.5 Built form and context - delete the closing words to C6 "or an otherwise compatible roof form" | | |
| CID: 27 SNO 28 INO: 114 | Summary | Response |
| Mr Philip Mason | Object to C2 (a) and (b). | We support amending the controls to identify that a secondary dwelling should be located within the building envelope. It is also appropriate that the floor space of a secondary dwelling is counted towards the total development yield on the site. |
| Double Bay Residents' Association | Greater setbacks in both cases should be introduced. | |
| Recommendation | Secondary dwellings should not be allowed within 1.5m or 3m of the side and rear boundaries. | |
| Change | | |
| Issue | | We recommend inserting a new control into Section B3.3 Floorplate to establish that where a secondary dwelling is proposed, the dwelling area will be included in the total floorplate calculation. |
| 3.8.2 Secondary dwellings - greater setbacks required | | |
| | | In Section 3.8.3: Secondary dwellings, delete control C2. |
| | | Note: Secondary dwellings are permitted as complying development in residential zones by Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP). The SEPP includes development standards which must be complied with if a secondary dwelling is proposed as complying development. In such cases a secondary dwelling may be located outside the building envelope. |

| Part | Category | Sub Category |
|---|--|---|
| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| <p>CID: 27 SNO 28 INO: 106</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.6 On-site parking - Amend section to address acid sulfate soils</p> | <p>Summary</p> <p>Control C5 for on-site parking should be qualified as follows: "Save in areas identified in clause 6.7 of the Woollahra LEP and the accompanying Acid Sulfate Soils Map, development involving three or more dwellings provides basement parking".</p> | <p>Response</p> <p>No change to the Draft DCP. The presence of acid sulfate soils does not preclude excavation for basement parking. The class of acid sulfate soils across the LGA are identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map.</p> <p>Woollahra LEP 2014 Cl 6.1 Acid sulfate soils, addresses these issues and identifies in which circumstances development consent is required. Development consent must not be granted unless an acid sulfate soils management plan has been prepared for the works. The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual. Council also has a procedure for assessing the adequacy of acid sulfate soils management plans to avoid impacts on natural waterbodies, wetlands, fishing, harbour foreshores, urban and infrastructure activities.</p> <p>As issues regarding acid sulfate soils are addressed by provisions in the LEP and the Acid Sulfate Soil Manual, there is no requirement to include further or duplicate information in the DCP.</p> |
| <p>CID: 27 SNO 28 INO: 112</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.7.4 Ancillary development - prevent outbuildings impacting on amenity</p> | <p>Summary</p> <p>Proposed controls allow an outbuilding to be constructed on a site boundary in the rear setback, regardless of the impact on the adjoining neighbour.</p> <p>There is no control to back up objective O1 which is "to ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the adjoining property".</p> <p>ADD to Control C1:</p> <p>"If located in the rear setback the outbuilding must be located to minimise the impact of the neighbouring property".</p> | <p>Response</p> <p>No change to the Draft DCP. Outbuildings are buildings such as a cabana, cubby house, fernery, garden shed, gazebo or greenhouse. These are small scale buildings with a maximum height of 3.6m and will not create privacy or overshadowing impacts. It is not necessary to include controls relating to impacts from these small scale uses.</p> |

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 27 SNO 28 INO: 111 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>C2 to be modified to prevent untrammelled excavation in acid sulfate soils . The following words should be added: "Save in acid sulfate soil areas as identified in clause 6.7 of the Woollahra LEP and the Acid Sulfate Soils Map...."</p> | <p>No change to the Draft DCP. The presence of acid sulfate soils does not preclude excavation. The class of acid sulfate soils across the LGA are identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map.</p> <p>Woollahra LEP 2014 Cl 6.1 Acid sulfate soils, addresses these issues and identifies in which circumstances development consent is required. Development consent must not be granted unless an acid sulfate soils management plan has been prepared for the works. The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual 1998. Council also has a procedure for assessing the adequacy of acid sulfate soils management plans to avoid impacts on natural waterbodies, wetlands, fishing, harbour foreshores, urban and infrastructure activities.</p> <p>As issues regarding acid sulfate soils are addressed by provisions in the LEP and the Acid Sulfate Soil Manual, there is no requirement to include further or duplicate information in the DCP.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>3.7.4 Ancillary development - Swimming pools and acid sulfate soils</p> | | |

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| CID: 27 SNO 28 INO: 110 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>Object to the wording of C16 - particularly the requirement that "at least 75% of the plants" be "locally occurring native species". Council should not dictate what people plant in their own private gardens.</p> | <p>Support amending C16 to allow more flexibility with plant selection. The control will be amended to:</p> <ul style="list-style-type: none"> - delete the requirement that native species must be "locally occurring" - reduce the percentage of native species from 75% to 50%. |
| <p>Recommendation Change</p> <p>Issue</p> <p>3.7.1 - Council should not dictate what people plant in their own gardens</p> | | <p>Section 3.7.1 Landscaped area and private open space, amend C16 to state:</p> <p>"Native species are preferred, and landscape designs are encouraged to provide at least 50% of the plants as native species."</p> <p>For consistency, in Section 3.10.1 Development on land adjoining public open space, amend control C7 to delete the requirement that native species must be "locally occurring".</p> <p>Section 3.10.1 Development on land adjoining public open space, C7 Delete:</p> <p>"locally occurring".</p> |

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| <p>CID: 27 SNO 28 INO: 109</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.7.1. Landscape area and private open space - Re-instate existing control relating to deep soil landscaping</p> | <p>Summary</p> <p>Proposed C1 will create a reduction in the provision of deep soil landscaping when compared to DCP 2003.</p> <p>The existing C5.3.1 requires at least 40% of the entire site to be deep soil landscaped area (including RFBs).</p> <p>The proposed control it is only 50% of the area outside the buildable area.</p> <p>The buildable area is going to be about 50% of the site area (and higher for RFBs).</p> <p>The consequence is that the requirement is changing from 40% of the site area to something around 20% or less.</p> <p>Maintain the existing control C5.3.1</p> | <p>Response</p> <p>No change to the Draft DCP.</p> <p>Zone R2 Low Density (e.g. dwelling houses):</p> <p>The draft controls have translated the existing provisions which require 50% of the area outside of the building to be provided as deep soil landscaping.</p> <p>Zone R3 Medium Density residential (e.g. RFBs):</p> <p>The controls in the Woollahra Residential DCP 2003 required 50% of the whole site to be deep soil landscaping. In many cases this was not practical, and applicants were rarely able to comply.</p> <p>The Draft DCP identifies that 50% of the site area outside of the buildable area is deep soil landscaped area. This is a more practical and realistic requirement for deep soil landscaping in zone R3 Medium Density and is consistent with the proposed controls for Zone R2 Low Density Residential.</p> |
| <p>CID: 27 SNO 28 INO: 108</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.6 On site parking - C9</p> <p>Garaging should not be allowed in the front setback.</p> | <p>Summary</p> <p>Oppose control C9 which weakens C4 by allowing garaging in the front setback. This is a destruction of the streetscape and neighbourhood by creep.</p> <p>It abandons the prospect that when these neighbouring properties are redeveloped their on-site parking may be brought within the building envelope. With this control things can only get worse.</p> | <p>Response</p> <p>Support the deletion of the objective and controls for allowing parking in the front setback. The objective and controls are inconsistent with the control C4 which requires parking to be located within the building envelope.</p> <p>In section 3.6 On-site parking, delete Objective O5 and controls C9 and C10.</p> |

| Part | Category | Sub Category |
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| Part B - General residential | Chapter B3 - General development controls | Chapter B3 - General development controls |
| <p>CID: 57 SNO 59 INO: 187</p> <p>Mr Brian O'Dowd</p> <p>Brian O'Dowd - Planning and Design</p> <p>Recommendation No Change</p> <p>Issue</p> <p>DCP fails to take into account modern Planning and Urban Design practices</p> | <p>Summary</p> <p>Exhibited document fails to recognise and address the importance of Urban & Architectural design. Document states that "The Draft DCP is based on Council's existing DCP. It reflects much of the existing content". The critical issue of design disciplines is an integral aspect being called upon in Planning by all of the peer group organisations and their professional associations.</p> <p>Woollahra Planning regime needs direction and management to ensure it confronts and embraces modern Planning & Design. The approach to continue with archaic DCPs is bewildering and folly in light of the professional advice.</p> | <p>Response</p> <p>Comments are noted. The Draft DCP is Council's main non-statutory document for regulating development and gives effect to the aims of the Woollahra LEP 2014. The Draft DCP has been prepared in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.</p> <p>The controls in the Draft DCP advocate a balance between well-designed buildings that are consistent with the desired future character of the area, and the amenity of adjoining residents.</p> <p>"A New Planning System For New South Wales - Green Paper" identified some possible changes to the NSW planning system. However, until that project is progressed, the Draft DCP is the most appropriate mechanism to establish Council's detailed planning and design guidelines.</p> |
| <p>CID: 27 SNO 28 INO: 115</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>B3.8.6 Residential flat buildings and multi dwelling housing - only 10% of dwelling should be single aspect</p> | <p>Summary</p> <p>Amend C2 which states that "No more than 25% of all dwellings are single aspect". Amend to "No more than 10% of all dwellings are single aspect".</p> <p>Single aspect flats are very poor planning outcomes, and controls should be more in line with the Mosman DCP.</p> | <p>Response</p> <p>Support deleting this control from the Draft DCP. The Residential Flat Design Code (the Code) applies to all residential flat building development. The Code supports State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and recommends a maximum of 10% of dwellings are single aspect. Control C2 should be deleted as it is less onerous than the Code.</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Part C - Heritage conservation areas | Part C - Heritage conservation areas |
| <p>CID: 41 SNO 43 INO: 163</p> <p>Ms Amanda Stewart</p> <p>Amanda Stewart Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Conduct an inter-war flat building study with a view to extra controls for the Draft DCP</p> | <p>Summary</p> <p>Inter-war flat buildings built between approximately 1900 to late 1940 are unassessed and unprotected. Their value should be assessed which contribute towards the historical development of the LGA. This assessment should be done as a matter of urgency, and included in the Draft DCP (if they match the criteria).</p> | <p>Response</p> <p>No change to the Draft DCP. Chapter B3 General Development Controls: Section 3.8.7 Inter-War flat buildings, contains numerous objectives and controls that apply to this building typology.</p> <p>Further, a Council resolution (28 March 2011) required staff to investigate the heritage significance of Inter-war residential flat buildings located outside of heritage conservation areas. This study is underway and is to be finalised by 30 June 2016. If significant examples of Inter-war residential flat buildings are identified, a recommendation will be put to Council that these buildings are listed as heritage items in the LEP. Any amendment to the LEP (including listing of heritage items) or the DCP controls will require public exhibition. Until this work is finalised, development applications will continue to be assessed on merit guided by the Draft DCP controls for this typology.</p> |
| <p>CID: 41 SNO 43 INO: 161</p> <p>Ms Amanda Stewart</p> <p>Amanda Stewart Pty Ltd</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Battle-axe properties should be assessed for heritage significance</p> | <p>Summary</p> <p>Historic properties and flats on battle-axe lots, located outside of the HCAs should be assessed for their heritage value and contribution to the character and amenity of the area. E.g. buildings along Edgecliff Road which have been overlooked in previous heritage studies.</p> <p>Many are near the boundary of the Woollahra HCA, and their grounds are visible from Bondi Junction, Double Bay, Bellevue Hill and Woollahra. Their omission should be addressed, and the boundary of the relevant HCA assessed.</p> | <p>Response</p> <p>No change to the Draft DCP. A review of the heritage assessment of all the battle-axe properties in the Woollahra HCA has not been carried out as part of the DCP process as it is beyond the scope of this project.</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Part C - Heritage conservation areas | Part C - Heritage conservation areas |
| CID: 28 SNO 32 INO: 147 | Summary | Response |
| Mrs Hylda Rolfe | The process for demolition of a heritage item is harder than for a contributory building, making retention of contributory items more difficult. | No change to the Draft DCP. The Draft DCP controls for contributory items are rigorous and appropriate. Applications involving contributory items are assessed for their impact on the buildings: |
| Recommendation No Change Issue | Heritage items are offered more incentives for conservation than contributory items, such as more flexibility in use (e.g. clause 5.10 - Conservation incentives in Woollahra LEP 2014) and reduced costs such as discounted rates. | <ul style="list-style-type: none"> -Heritage significance -Contribution to adjoining buildings -Contribution to the heritage conservation area. |
| Contributory items should be further protected | These issues require further consideration to encourage the retention of contributory items. | Council's process for assessing the proposed demolition of both heritage items and contributory items is very similar. Both types of applications are assessed for their impact on the building's heritage significance, and in the case of contributory buildings their contribution to the heritage conservation area. The controls in the DCP guide proposed new works and identify management policies for contributory items. |
| | | With regards to incentives, we acknowledge that Cl 5.10 in Woollahra LEP 2014 provides some flexibility of land use when considering a development application for a heritage item. However, due to the large number of contributory items in the Woollahra LGA it is not appropriate to apply this same flexibility. |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Part C - Heritage conservation areas | Part C - Heritage conservation areas |
| <p>CID: 16 SNO 31 INO: 91</p> <p>Ms Keri Huxley</p> <p>Summary</p> <p>Suggests that DA plans should be required to identify the difference between numerical and performance standards, and that the approved DA drawings should take precedence over construction certificates (CC). If any digression occurs between the approved DA and CC, then a Section 96 must be lodged to address any change/s to the drawings associated with an approved DA.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Increase weight of approved DA drawings and requirements for information on the drawings</p> | | <p>Response</p> <p>No change to the Draft DCP. The development application (DA) and construction certificate (CC) approval and amendment process is set out in the Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulation 2000 (the Regulations).</p> <p>Once a DA is approved, the Act allows for some minor variations between the conditions of consent and a building's actual design and construction. However, a certifier must not issue a construction certificate unless the proposed design and construction is 'not inconsistent' with the development consent. This is identified in clause 145(1)(a) of the Regulations.</p> <p>Clause 80 (12) of the Act then identifies that once a construction certificate has been issued it forms part of the development consent.</p> <p>The DCP cannot further regulate the DA and CC process beyond the requirements of the Act and the Regulations.</p> |
| <p>CID: 23 SNO 23 INO: 36</p> <p>Mr Peter Reed</p> <p>Summary</p> <p>Properties which are recipients of Woollahra Heritage Awards should automatically be contributory items.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Properties awarded in the Heritage Awards should automatically be contributory items</p> | | <p>Response</p> <p>No change to the Draft DCP. Whilst this is not a Draft DCP matter, the suggested source of additional contributory items is noted and will be further considered.</p> |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 31 SNO 33 INO: 125 | Summary | Response |
| <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> | <p>Details of appropriate reconstruction and restoration should be incorporated into the DCP as diagrams.</p> | <p>No change to the Draft DCP. Inserting diagrams that would be relevant to all reconstruction or restoration works in the DCP is not practical. Any restoration or reconstruction should be based on evidence and specific to each individual building.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>Insert reconstruction and restoration diagrams</p> | | |
| CID: 42 SNO 44 INO: 165 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>"Principal" incorrectly spelt as "principle"</p> | <p>Support amending diagram to correct spelling of the word "principal".</p> |
| <p>Recommendation Change</p> | | |
| <p>Issue</p> | | |
| <p>1.1.6 Definitions - Spelling error in diagram</p> | | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| <p>CID: 33 SNO 35 INO: 142</p> <p>Mr Graham Quint</p> <p>National Trust</p> <p>Recommendation No Change</p> <p>Issue</p> <p>C1.6 Public Domain - The previous public domain controls for pavements etc. should be reinstated.</p> | <p>Summary</p> <p>The Trust recommends the re-instatement of previous public domain controls for pavements etc. The heritage significance of Paddington is in both its public and private domain and is not restricted to kerbs and gutters.</p> <p>It is appreciated that Council is proposing to move public domain controls into a separate Woollahra Municipal Council public domain control document for Council staff. However, some private applications require consequent works in the public domain.</p> <p>The Trust would welcome an opportunity to review any draft WMC public domain heritage controls for Paddington.</p> | <p>Response</p> <p>No change to the Draft DCP. Existing Paddington HCA DCP 2008 controls in the public domain section relating to Council works, street furniture, street lighting, pedestrian movement, street trees, and other works that do not require development consent have not been carried over into the Draft DCP. The role of the DCP is to facilitate development that is permissible under Woollahra LEP 2014. These public domain works do not require consent and are not regulated by the LEP. Addressing public domain matters in the DCP can create an unreasonable expectation within the community about what can and cannot be controlled through the DA process.</p> <p>Council's Technical Services Division has drafted guidelines for public domain works within the HCA. These were sent to the Paddington Society in June 2013 for comment. Once finalised, these guidelines will provide a more practical document for managing public domain works.</p> |
| <p>CID: 33 SNO 35 INO: 141</p> <p>Mr Graham Quint</p> <p>National Trust</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.5.10 Gardens and trees - Recommended plant list for Paddington should be re-instated</p> | <p>Summary</p> <p>It is recommended that a suitable plant list, to encourage the remarkable uniformity of Paddington gardens visible from the public domain, be re-instated.</p> | <p>Response</p> <p>No change to the Draft DCP. The Draft DCP does not include a list of suitable trees for specific areas. Council's Open Space and Trees Management Team advise that this is not good practice. Tree selection needs to be undertaken on a site-by-site basis, having regard to the specific context of the site.</p> |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 33 SNO 35 INO: 140 | Summary | Response |
| Mr Graham Quint | The Trust recommends a control that discourages uncovered car parking spaces with freestanding roller shutters which have a heritage impact on the public domain. They have a significant heritage impact on both streets and lanes. Appropriately designed gates are a more appropriate response. | No change to the Draft DCP. Roller shutters to the front of properties are not permitted. Roller shutters to rear lanes are a common and practical solution. Whilst gates are a more appropriate and aesthetically sympathetic response in the Paddington HCA, they are rarely a practical solution due to the narrow lots in Paddington. |
| National Trust | Whilst the Trust appreciates that a number of these very intrusive freestanding roller shutters have been installed in Paddington, they should be strongly discouraged. | |
| Recommendation No Change Issue | | |
| 1.5.6 On-site vehicle parking, garages, etc. - Insert control discouraging uncovered car parking spaces with freestanding roller shutters | | |
| CID: 33 SNO 35 INO: 139 | Summary | Response |
| Mr Graham Quint | The Trust recommends that C7 be amended to include minimal impact on solar access. This also has a heritage conservation role in minimizing elevated screens visible from the public domain. | No change to the Draft DCP. Section 1.4.5 Building height, bulk, form and scale addresses solar access in controls C4 and C5. |
| National Trust | | |
| Recommendation No Change Issue | | |
| 1.4.10 Acoustic and visual privacy - C7 should be amended to include minimal impact on solar access. | | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 33 SNO 35 INO: 138 | Summary | Response |
| Mr Graham Quint | Recommend reinstating control C12 - "private and commercial open space should not be provided in the form of a roof terrace". This control has a heritage conservation role as it discourages elevated screens and balustrades etc., visible from the public domain. | The existing control is inconsistent with other controls in the Paddington HCA DCP 2008 Section 4.1.7 Open space, swimming pools, lightwell courtyards and landscaping, Table 3 which currently allows roof terraces when they form part of a mixed development. |
| National Trust | | However, having regard to the potential impact of roof terraces we propose to re-instate the existing control with an amendment and amend Table 3 to remove references to "roof terraces". |
| Recommendation Change Issue | 1.4.8 Private open space etc. - Reinstating C12 from the existing Paddington DCP | Insert a new control in 1.4.8 Private open space, swimming pools, lightwell courtyards and landscaping: C12 "Private and communal space is generally not permitted in the form of a roof terrace." |
| | | Delete from Table 3 all instances of: ", verandah or roof terrace" |
| | | Insert: "or verandah" |
| CID: 33 SNO 35 INO: 137 | Summary | Response |
| Mr Graham Quint | The Trust recommends the incorporation of a neighbour impact control. Apart from the protection of neighbour amenity, these controls also discourage screens and terraces that impact on the heritage significance of Paddington. | Impacts on adjoining residents are addressed by a combination of different controls, such as controls for privacy, overshadowing and landscaping. A separate control addressing neighbour amenity is not required. |
| National Trust | | Control C1 in Section 1.3.12 Infill development (new development), identifies that infill development must comply with all relevant objectives and controls listed in the Paddington HCA chapter. Many of these address neighbour impacts. For example Section 1.4.10 Acoustic and visual privacy, contains controls relating to screening devices (C4 and C6) which would apply. |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 33 SNO 35 INO: 136 | Summary | Response |
| <p>Mr Graham Quint</p> <p>National Trust</p> | <p>It is recommended that the traditional shopfront diagram be re-instated to assist applicants in recognising traditional shopfront elements.</p> | <p>Support reinserting the diagram showing a traditional shopfront. Insert after the introduction of 1.3.7 Commercial and industrial buildings including shops.</p> |
| <p>Recommendation Change</p> | | |
| <p>Issue</p> | | |
| <p>1.3.7 Commercial and industrial building types - Traditional shopfront diagram should be re-instated into section</p> | | |
| CID: 33 SNO 35 INO: 135 | Summary | Response |
| <p>Mr Graham Quint</p> <p>National Trust</p> | <p>Control C9 a) and d) both have the same wording.</p> | <p>Support amending the controls and delete C9 (d) which was duplicated in error.</p> |
| <p>Recommendation Change</p> | | |
| <p>Issue</p> | | |
| <p>1.3.1 Single storey buildings - C9 a) and d) both have the same wording.</p> | | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 33 SNO 35 INO: 134 | Summary | Response |
| <p>Mr Graham Quint</p> <p>National Trust</p> | <p>Control C7 regarding ground floor additions and pavilion extensions to the rear of single storey cottages seems to have been covered in control C11.</p> | <p>No change to the Draft DCP. The controls are subtly different. C7 relates to ground floor additions AND pavilion extensions, whereas C11 sets out specifics for a pavilion addition. A ground floor addition does not have to be in a pavilion form, but must not compromise the principal building form.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>1.3.1 Single storey buildings - C7 is covered by C11.</p> | | |
| CID: 33 SNO 35 INO: 133 | Summary | Response |
| <p>Mr Graham Quint</p> <p>National Trust</p> | <p>"Dwelling houses" should be better identified as "Freestanding dwelling houses".</p> | <p>No change to the Draft DCP. The land use terms in the Draft DCP align with land use terms in Woollahra LEP 2014. In the LEP, a "dwelling house" is defined as "a building containing only one dwelling". These terms and definitions apply to all councils and cannot be modified.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>C1.3 Building types -The definition for dwelling houses should be changed to 'freestanding dwelling houses'</p> | | |
| <p>Draft DCP seeks to clarify the term "dwelling house" in the context of the Paddington HCA:</p> <p>"There are a range of freestanding dwelling houses in the Paddington HCA, including Victorian manor houses, timber cottages and freestanding buildings with terrace style form. However, freestanding dwelling houses in the context of the Paddington HCA are generally constructed in a terrace style form, and though they tend to abut adjoining buildings they do not share a common party wall with the adjoining dwelling. To that end, these dwelling houses are freestanding, and are distinguished from semi-detached dwellings and attached dwellings as defined in Woollahra LEP."</p> | | |

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| CID: 31 SNO 33 INO: 128 | Summary | Response |
| <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> | <p>Controls that 'encourage' should be replaced by 'require'.</p> | <p>No change to the Draft DCP. The DCP is not a statutory document. Council cannot always 'require' something to occur. The terminology used throughout the DCP has been strengthened where possible.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>Throughout chapter - Replace 'encourage' with 'require'</p> | | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 6 SNO 6 INO: 7 | Summary | Response |
| <p>Mr Yi Ho</p> <p>Recommendation No Change Issue</p> <p>Controls for shops and commercial buildings on Oxford Street discourage growth and development</p> | <p>The controls for shops and other commercial buildings on Oxford Street are heavy handed and growth-unfriendly. These excessively strict controls are unsuitable particularly at this time when Oxford Street is stagnating.</p> <p>Clauses such as : "C8 Shopfronts must not be amalgamated. Where internal spaces of buildings are amalgamated, individual shopfront elements and features such as shop windows and doors must be retained" are particularly unreasonable.</p> <p>Woollahra Council should be visionary in its approach to guide places of character such as Paddington into the future, with great respect to the suburbs "soul" rather than simply being nostalgic about the past and hindering change.</p> | <p>Draft DCP controls:</p> <p>Development along Oxford Street, Paddington is addressed in Chapter C1 - Paddington Heritage Conservation Area (Section 1.3.7 Commercial and industrial buildings including shops). The controls reflect the desired future character of the area and conservation objectives. For example:</p> <p>O1 To retain and conserve forms, significant elevations, details and finishes of commercial, industrial and retail buildings, and</p> <p>O3 To retain and conserve original shopfronts.</p> <p>Allowing shopfronts to be significantly altered, or two shop fronts to be merged, is contrary to these objectives. Accordingly, no change to the Draft DCP is supported.</p> <p>Other Council initiatives:</p> <p>Council is working with the Paddington Business Partnership to improve the retail precinct. For example, in 2014 the Activate Oxford St project produced the Oxford Street Paddington Placemaking Roadmap Report (available at www.activateoxfordst.woollahra.nsw.gov.au). The report includes four quick wins and six priority initiatives to improve Oxford Street. The initiatives focus on the following areas:</p> <ol style="list-style-type: none"> 1. Pedestrian and streetscape improvements 2. Introduction of a Place Manager 3. Governance 4. Leasing mix 5. Neighbourhood intensification 6. The Paddington Market <p>Implementation of the Roadmap Report will commence in 2015, facilitated by Council and the Paddington Business Partnership.</p> |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 31 SNO 33 INO: 126 | <p data-bbox="472 204 584 233">Summary</p> <p data-bbox="472 245 1256 312">The introductory section of the DCP should clearly explain the conservation policy and explain that demolition is not acceptable.</p> <p data-bbox="472 338 448 367">The Paddington Working Party</p> | <p data-bbox="1294 204 1406 233">Response</p> <p data-bbox="1294 245 2161 312">No change to the Draft DCP. The introduction to the conservation area chapters includes a section on conservation philosophy.</p> <p data-bbox="1294 354 2161 564">The Draft DCP controls focus on the retention and restoration of existing buildings. Notwithstanding, in some cases demolition may be considered, and there is a rigorous assessment process for these applications. This consideration includes the Planning Principle: Demolition of contributory item Helou v Strathfield Municipal Council (2006) NSW LEC 66.</p> |
| <p data-bbox="78 427 439 456">Recommendation No Change</p> <p data-bbox="78 478 136 507">Issue</p> <p data-bbox="78 523 421 587">1.1 Introduction - to explain conservation policy</p> | | |
| CID: 42 SNO 44 INO: 169 | <p data-bbox="472 616 584 644">Summary</p> <p data-bbox="472 657 1256 794">Insert objective at Section 1.3.6 Buildings in the William Street B4 Mixed Use Zone: To ensure security devices do not detract from the traditional architectural elements and the amenity and visual presentation of the streetscape.</p> <p data-bbox="472 746 360 775">The Paddington Society</p> | <p data-bbox="1294 616 1406 644">Response</p> <p data-bbox="1294 657 2161 794">Support inserting an objective regarding security screens. At Section 1.3.6 insert objective "O7 To ensure security devices do not detract from the traditional architectural elements and the amenity and visual presentation of the streetscape."</p> |
| <p data-bbox="78 839 439 868">Recommendation Change</p> <p data-bbox="78 890 136 919">Issue</p> <p data-bbox="78 935 439 1031">C1.3.6 - Insert objective regarding security screens and amenity impacts</p> | | |
| CID: 31 SNO 33 INO: 124 | <p data-bbox="472 1062 584 1091">Summary</p> <p data-bbox="472 1104 1256 1206">A brochure to be distributed to real estate agents and other practitioners should be prepared explaining why Paddington is important.</p> <p data-bbox="472 1193 448 1222">The Paddington Working Party</p> | <p data-bbox="1294 1062 1406 1091">Response</p> <p data-bbox="1294 1104 2161 1206">No change to the Draft DCP. A brochure can be pursued when resources and time is available, but is not a priority in the current Strategic Planning work program.</p> |
| <p data-bbox="78 1286 439 1315">Recommendation No Change</p> <p data-bbox="78 1337 136 1366">Issue</p> <p data-bbox="78 1382 439 1445">Prepare brochure explaining the importance of Paddington</p> | | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| <p>CID: 31 SNO 33 INO: 122 Summary</p> <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.3.14 Timber buildings - A list of timber cottages to be included</p> | <p>A list of existing timber cottages should be included in the DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. It is not necessary to include a list of the timber cottages in the DCP. The Paddington Timber Buildings Study (2014), which is a comprehensive study that explains the historical significance and development of timber buildings in Paddington, will be available on Council’s website and at the Local History Library. It includes a list of the timber buildings as well as an inventory sheet on each building. Furthermore, the study, though comprehensive, may have inadvertently missed some of the timber buildings. Therefore, by not including a list in the DCP, the timber building controls will apply to all timber buildings, not just those identified in the list.</p> |
| <p>CID: 31 SNO 33 INO: 121 Summary</p> <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.3.14 Timber buildings - BCA consultant to advise on timber buildings</p> | <p>A BCA consultant should be engaged to provide advice on the application of the BCA to existing timber buildings.</p> | <p>Response</p> <p>No change to the Draft DCP. It is unreasonable to require a BCA consultant to provide advice on all DAs. As part of the assessment process, the applicant must justify the proposed changes. Often this is achieved by submitting technical advice from a number of professionals. The need for a BCA consultant should not be mandatory, but considered on a case by case basis.</p> |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 31 SNO 33 INO: 120 | Summary | Response |
| Chair of The Paddington Working Party | The existing subdivision pattern and building footprints should be further protected and retained. | No change to the Draft DCP. This is not a practical objective and may unreasonably restrict development on a site. |
| The Paddington Working Party | | There are numerous DCP controls that guide where and how new development or additions and alterations to existing development, should occur on a site. |
| Recommendation No Change | | |
| Issue | | |
| 1.4.11 Land subdivision and site amalgamations - protect existing patterns | | |
| CID: 31 SNO 33 INO: 119 | Summary | Response |
| Chair of The Paddington Working Party | There should be less incentives for demolition in the DCP, such as the infill controls. | No change to the Draft DCP. The existing infill controls fulfil their function by providing guidelines for sensitive and appropriate new development in the context of the conservation area. |
| The Paddington Working Party | | |
| Recommendation No Change | | |
| Issue | | |
| 1.3.12 Infill development (new development) - Less incentives for demolition | | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 29 SNO 30 INO: 95 | Summary | Response |
| Mr Chris Fagan | Use of the term 'original fabric' is confusing and should be removed from O2. The term 'original fabric' could apply to a chimney which may still contain original brickwork etc. However the term 'original fabric' does not apply to roof material. Roof material is expected to be replaced. Notwithstanding the unlikely exception that there remains a tile or slate roof with the same tiles or slate from which it was originally constructed. | No change to the Draft DCP. The term 'original fabric' includes any original roof material. Protecting original fabric is an important part of managing development in the Paddington Heritage Conservation area and therefore objective O2 should not be amended. |
| Recommendation No Change Issue | 1.5.11 Satellite dishes, aerials and other site facilities - Use of the term 'original fabric' is confusing in the objectives | Additionally any damage to the roof fabric will allow the structure to leak thus causing the owner economic damage. This economic damage means an economic control exists over the maintenance of roof fabric. Thus objective O2 requires no reference to original fabric with respect to roofs. |
| CID: 29 SNO 30 INO: 94 | Summary | Response |
| Mr Chris Fagan | Solar hot water devices should not be considered unsympathetic and uncharacteristic elements of the Paddington Heritage Conservation Area. To include solar water heaters in this provision contradicts the council's commitment to and encouragement for use of the 'Principles for Sustainable Cities' that help us both become more sustainable and to mitigate and adapt to the impacts of climate change as per http://www.woollahra.nsw.gov.au/environment/sustainable_woollahra . | Solar hot water systems are uncharacteristic roof elements in the Paddington Heritage Conservation Area. However, in Chapter E6.3 Solar energy systems, the Draft DCP outlines the circumstances in which they are appropriate in heritage conservation areas. |
| Recommendation Change Issue | 1.5.11 Satellite dishes, aerials and other site facilities- Remove the wording 'solar hot water devices' from the introduction of Section 1.5.11 Satellite dishes, aerials and other site facilities | We note that there is a reference to solar hot water systems in the introduction to Section 1.5.11 Satellite dishes, aerials and other site facilities. However, as solar hot water systems are not addressed by objectives or controls in this chapter, the reference to hot water systems in Section 1.5.11 should be deleted. |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 29 SNO 30 INO: 93 | Summary | Response |
| Mr Chris Fagan | Rear lane and rear street garages with garden roofs should be permitted on corner sites. The Draft DCP gives no justification for excluding corner sites and there are many examples of corner sites with garages. The restriction unnecessarily prohibits an otherwise acceptable use of the property. | Support amending Table 6 (Rear lane and rear street garages with garden roof) in 1.5.6, as garages with roof gardens may be appropriate for all sites along laneways including corner sites. |
| Recommendation Change Issue | 1.5.6 On-site vehicle parking, garages etc. - Rear lane and rear street garages with garden roofs should be permitted on corner sites. | |
| CID: 29 SNO 30 INO: 90 | Summary | Response |
| Mr Chris Fagan | Constraining the use of trafficable space over garages which otherwise meets the controls, reduces the amenity of conventional Paddington backyards. Control C13 (c) 'the roof is non-trafficable except for garden maintenance purposes;' should be deleted to allow use of garage roofs. | No change to the Draft DCP. The use of garages roofs for purposes other than landscaping is not supported as this could create privacy issues and reduced acoustic privacy. |
| Recommendation No Change Issue | 1.5.6 On-site vehicle parking, garages, etc. - Roofs over garages should be allowed to be trafficable | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 21 SNO 21 INO: 32 | Summary | Response |
| Mr Ian Wylie | The controls for timber buildings are excessive and will discourage maintenance and conservation. The controls should be discretionary and not automatically apply to all timber buildings regardless of physical state and character. They should only apply to the workers cottage constructed from 1840-1870 with special characteristics and details. | No change to the Draft DCP. The intention of the new objectives and controls is to increase awareness of the contribution timber buildings make to the Paddington HCA as an important phase in the historical development of the area. |
| Recommendation No Change | | The proposed controls encourage the removal of intrusive elements, and their replacement with something that is appropriate to the style of the building. The replacements should enhance, rather than detract from the contribution the building makes to the HCA. |
| Issue | | The introductory section acknowledges that the majority of remaining timber buildings are workers cottages, but all timber buildings, regardless of condition, provide important evidence of the development of Paddington. |
| 1.3.14 Timber buildings - Controls are inappropriate and excessive | | |
| CID: 16 SNO 16 INO: 17 | Summary | Response |
| Ms Keri Huxley | Submission suggests amendments to the introductory text in Section 1.2.5 Contemporary design in Paddington, and the introductory text and controls in Section 1.3.11 Existing contemporary infill. | In response to this submission, some changes have been made to the introductory text of 1.2.5 Contemporary design in Paddington. No changes have been made to the introductory text and controls in Section 1.3.11 Existing contemporary infill. |
| Recommendation Change | | In general the proposed changes were not incorporated because the intent of these sections is to recognise that infill development and contemporary design can add to the enrichment of an area. Instead, the submission focuses on the need for replicating existing historic building forms. This focus is not appropriate for the infill development section. The submission also focuses on restoring and retaining the traditional styles. This focus is not appropriate for contemporary design. |
| Issue | | |
| Seeks to enhance contemporary design and infill development controls | | |

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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 9 SNO 9 INO: 10 | Summary | Response |
| <p>Mr John and Robyn Durack</p> <p>Concerned the Draft DCP does not refer to the widening of the right-of-way and extension of Elizabeth Place. Council resolved this extension in June 1994. Concerned that interested parties and their architects/planners will have no knowledge of what is proposed, and may have a right of action against Council.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Concerned the DCP does not refer to road widening/extension of Elizabeth Place</p> | <p>Concerned the Draft DCP does not refer to the widening of the right-of-way and extension of Elizabeth Place. Council resolved this extension in June 1994. Concerned that interested parties and their architects/planners will have no knowledge of what is proposed, and may have a right of action against Council.</p> | <p>Response</p> <p>No change to the Draft DCP. The identification of road widening or reservations is an LEP matter. Notwithstanding, Council has no plans to extend Elizabeth Place.</p> <p>The Council resolution of June 1994 was superseded by a later resolution in September 1997 to consider options for the management of the right-of-way. Subsequently, Council has not proceeded with an extension of Elizabeth Place and has no plans to do so in the future.</p> <p>The right-of-way across the rear of 432 to 442 Oxford Street is a private arrangement and does not need to be formalised as a roadway. Council can condition development which backs on to the right-of-way to allow sufficient room for vehicle access, as demonstrated in Technical Services referral for DA 432/2014/1.</p> |
| CID: 31 SNO 33 INO: 127 | Summary | Response |
| <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Delete reference to documentary evidence</p> | <p>Reference to a requirement for physical and documentary evidence to be used in any reconstruction or reconstruction works should be deleted. Evidence is not always available.</p> | <p>Response</p> <p>No change to the Draft DCP. Evidence is an important part of the design and assessment process. Supporting evidence can be:</p> <ul style="list-style-type: none"> - physical e.g. a group of buildings with intact details that can be replicated, or - documentary e.g. books describing similar building styles and details. <p>Where no physical evidence is available, Council's Heritage Officers can direct the applicant to an appropriate secondary source for additional information to aid in the appropriate restoration or reconstruction of building details.</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 183 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.4.1 Principal building form and street front zone of contributory buildings, control C8 insert the words "including those" to basement levels.</p> | <p>Support amending C8 to clarify that the control relates to all original windows in the street front zone and should read: "C8 All original windows and doors, including those to basement levels are to be retained."</p> |
| <p>Recommendation Change</p> | | |
| <p>Issue</p> | | |
| <p>1.4.1 - Clarify that all windows and doors in the street front zone are to be retained.</p> | | |
| CID: 42 SNO 44 INO: 287 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>Concern that significant parts of the existing public domain section have been deleted from the Draft DCP chapter.</p> | <p>No change to the Draft DCP. Existing Paddington HCA DCP 2008 controls in the public domain section relating to Council works, street furniture, street lighting, pedestrian movement, street trees, and other works that do not require development consent have not been carried over into the Draft DCP. The role of the DCP is to facilitate development that is permissible under Woollahra LEP 2014; these public domain works do not require consent and are not regulated by the LEP. Addressing public domain matters in the DCP can create an unreasonable expectation within the community about what can and cannot be controlled through the DA process.</p> <p>Council's Technical Services Division has drafted guidelines for public domain works within the HCA. These were sent to the Paddington Society in June 2013 for comment. Council will liaise with the Paddington Society, and then finalise the guidelines which will provide a more practical document for managing public domain works.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>Concerns regarding the deletion of the public domain controls</p> | | |

| Part | Category | Sub Category |
|--|---|--|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 286 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.5.11 Satellite dishes, aerials and other site facilities, re-instate controls for solar heating devices and solar energy devices etc.</p> | <p>No change to the Draft DCP. Controls for solar energy systems are provided in Chapter E6 Sustainability. This chapter applies to all land within the municipality.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>1.5.11 - Re-instate controls for solar heating devices and solar energy</p> | | |
| CID: 42 SNO 44 INO: 285 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.5.8 Materials, finishes and details, control C6 delete the words " should not copy".</p> | <p>No change to the Draft DCP. C6 states: "Infill buildings must use materials, finishes, textures and details appropriate to the building type and style. They must be similar to, but should not copy, the characteristic materials, finishes and textures of buildings within the streetscape."</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>1.5.8 C6 - Delete the words "should not copy"</p> | | |
| CID: 42 SNO 44 INO: 284 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.5.5 Fences, walls and gates, Figure 24 replace the words "should not be permitted" with "are not permitted".</p> | <p>Support amending Figure 24 and replace the words "should not be permitted" with "are not permitted".</p> |
| <p>Recommendation Change</p> | | |
| <p>Issue</p> | | |
| <p>1.5.5 - Amend text of Figure 24</p> | | |

| Part | Category | Sub Category |
|--------------------------------------|--|--|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |

CID: 42 SNO 44 INO: 283 Summary

Mr Graham Stewart

In paragraph four of the introduction to Section 1.5.5 Fences, walls and gates, replace the word "brick" with "masonry".

Response

Support amending the introduction of 1.5.5 and replace the word "brick" with "masonry".

The Paddington Society

Recommendation Change

Issue

1.5.5 - Replace the word "brick" with "masonry"

CID: 42 SNO 44 INO: 282 Summary

Mr Graham Stewart

In Section 1.5.3 Windows, doors, shutters and security, include additional text about the fenestration at Figure 15.

Response

Support amending the explanatory notes to Figure 15 by inserting at the beginning of the existing text: "Traditional vertical proportions of fenestration should be maintained".

The Paddington Society

Recommendation Change

Issue

1.5.3 - Amend explanatory note to Figure 15

CID: 42 SNO 44 INO: 281 Summary

Mr Graham Stewart

In Section 1.4.10 Acoustic and visual privacy amend control C7 by including the words "and not impact on solar access to neighbouring properties".

Response

Support amending C7 to include the words "and not unreasonably impact on solar access to neighbouring properties. (Refer to solar access requirements in Section 1.4.5 Building height, bulk, form and scale)."

The Paddington Society

Recommendation Change

Issue

1.4.10 - C9 amend text to refer to solar access to neighbouring properties

| Part | Category | Sub Category |
|---|--|---|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 280 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.4.8 Private open space, swimming pools, lightwells and landscaping, Table 1 re-insert control for small lots requiring a minimum area of 10sqm and dimension of 3m.</p> | <p>No change to the Draft DCP. This control applies to small sized lots up to and including 100sqm. Council's Development Control team responsible for assessing DAs in the Paddington HCA identified that this control is not practical. On small lots it is often unreasonable and impractical to provide a rear principal open space area of 10sqm with a minimum dimension of 3m.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>1.4.8 - Re-insert control for landscaping on small lots</p> | | <p>Notwithstanding, the current control which requires 10% of the site area as private open space has been retained in the Draft DCP.</p> |
| CID: 42 SNO 44 INO: 279 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.4.8 Private open space, swimming pools, lightwells and landscaping re-insert an existing control in the Paddington HCA DCP 2008 "Private and communal space is not permitted in the form of a roof terrace".</p> | <p>The existing control is inconsistent with other controls in the Paddington HCA DCP 2008 Section 4.1.7 Open space, swimming pools, lightwell courtyards and landscaping, Table 3 which currently allows roof terraces when they form part of a mixed development.</p> |
| <p>Recommendation Change</p> | | <p>However, having regard to the potential impact of roof terraces we propose to re-instate the existing control with an amendment and amend Table 3 to remove references to "roof terraces".</p> |
| <p>Issue</p> | | |
| <p>1.4.8 - Re-insert existing control regarding roof terraces</p> | | <p>Insert a new control in 1.4.8 Private open space, swimming pools, lightwell courtyards and landscaping: C12 "Private and communal space is generally not permitted in the form of a roof terrace."</p> |
| | | <p>Delete from Table 3 all instances of: ", verandah or roof terrace"</p> |
| | | <p>Insert: "or verandah"</p> |

| Part | Category | Sub Category |
|---|--|--|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 278 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>Solar access control should require minimum of three (not two) hours between 9am -3pm on 21 June to ground level private open space of adjoining properties.</p> | <p>No change to the Draft DCP. Solar access requirements to adjoining private open space have been reduced from a minimum of three hours to two hours. This is consistent with solar access controls applied to other areas in the municipality (generally characterised by larger lot sizes) where sunlight to adjoining properties can be more readily achieved. Applying at least the same controls to the Paddington HCA is a practical response to the small lot sizes in Paddington.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> | <p>1.4.5 Building height, bulk, form and scale - C4 Amend solar access controls from two hours to three hours</p> | |
| CID: 42 SNO 44 INO: 277 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>Amend Figure 7 in Section 1.4.3 Rear elevations, rear additions, significant outbuildings and yards, the ridge lines of the secondary wing are below the eaves line of the principal building form.</p> | <p>Support amending Figure 7 Rear elevations, to illustrate that the ridge lines of the secondary wing are below the eaves line of the principal building form.</p> |
| <p>Recommendation Change</p> <p>Issue</p> | <p>1.4.3 - Amend Figure 7 to illustrate that the ridge line is below the eaves.</p> | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 276 | Summary | Response |
| Mr Graham Stewart | Amend Figure 6 Side elevations - the secondary wing should be below the eaves line of the principal building form. | Support amending Figure 6 Side elevations, to illustrate that the secondary wing are below the eaves line of the principal building form. |
| The Paddington Society | | |
| Recommendation Change | | |
| Issue | | |
| 1.4.2 Side elevations - Amend Figure 6 | | |
| CID: 42 SNO 44 INO: 166 | Summary | Response |
| Mr Graham Stewart | Request to replace the term "dwelling houses" with "freestanding dwelling houses". | No change to the Draft DCP. The land use terms in the Draft DCP align with land use terms in Woollahra LEP 2014. In the LEP, a "dwelling house" is defined as "a building containing only one dwelling". These terms and definitions apply to all councils and cannot be modified. |
| The Paddington Society | | |
| Recommendation No Change | | Draft DCP seeks to clarify what a "dwelling house" is in the context of the Paddington HCA: |
| Issue | | "There are a range of freestanding dwelling houses in the Paddington HCA, including Victorian manor houses, timber cottages and freestanding buildings with terrace style form. However, freestanding dwelling houses in the context of the Paddington HCA are generally constructed in a terrace style form, and though they tend to abut adjoining buildings they do not share a common party wall with the adjoining dwelling. To that end, these dwelling houses are freestanding, and are distinguished from semi-detached dwellings and attached dwellings as defined in Woollahra LEP." |
| Replace the term "dwelling houses" with "freestanding dwelling houses" | | |

| Part | Category | Sub Category |
|--|---|--|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 184 | Summary | Response |
| Mr Graham Stewart | In Section 1.4.1 Principal building form and street front zone of contributory buildings, control C10 replace the words "but may require" with the words "and may require" or "and requires". | Support amending control C10 to read: C10 When works are proposed in the street front zone Council encourages, "and may require" reconstruction or restoration of missing elements or reversal of uncharacteristic elements. |
| The Paddington Society | | |
| Recommendation Change | | |
| Issue | | |
| 1.4.1 Principal building form - Improve wording "but may require" | | |
| CID: 42 SNO 44 INO: 167 | Summary | Response |
| Mr Graham Stewart | Control C9 a) and d) are the same: "the addition is consistent with the traditional pattern for secondary wing extensions or employs a pavilion style extension". | Support amending the controls and delete C9 (d) which was duplicated in error. |
| The Paddington Society | | |
| Recommendation Change | | |
| Issue | | |
| 1.3.1 - Duplication of control in C9 | | |
| CID: 42 SNO 44 INO: 182 | Summary | Response |
| Mr Graham Stewart | In Section 1.4.1 Principal building form and street front zone of contributory buildings, control C2 add "g) original fences have been inappropriately replaced." | Support amending the controls, however, controls for fences should be located in the street front zone section. At Section 1.4.1 insert new control between C9 and C10: "Original fences that have been replaced by intrusive fences should be replaced". |
| The Paddington Society | | |
| Recommendation Change | | |
| Issue | | |
| 1.4.1 Principal building form - C2 insert control to address original fences | | Renumber existing controls 10 and 11 accordingly. |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 181 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.4.1 Principal building form and street front zone of contributory buildings, control "C1 d) the main rear wall to the principal building form should be left largely intact, and significant verandahs and balconies are not to be infilled or enclosed", create separate subclause for verandahs and balconies.</p> | <p>Support amending C1 in Section 1.4.1 to:</p> <p>d) the main rear wall to the principal building form should be left largely intact; and</p> <p>e) significant verandahs and balconies are not to be infilled or enclosed.</p> |
| <p>Recommendation Change</p> <p>Issue</p> <p>1.4.1 - Separate the elements of control C1</p> | | <p>And as a consequence, delete the "and" from c).</p> |
| CID: 42 SNO 44 INO: 180 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.4.1 Principal building form and street front zone of contributory buildings, objective O2 add "and all elements including street and side fences."</p> | <p>No change to the Draft DCP. The preamble to Section 1.4.1 under the heading "street front zone" states that the street front zone comprises: "the front building elevation and visible roof, front yard, the side boundary fences in the front yard and the street boundary fence." There is no need to specifically identify fences in objective O2, or any other controls (such as C10 and C11) that apply to the street front zone. It is also not appropriate to single out fences when the objective applies to a broad range of elements.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>1.4.1 - Add specific reference to street and side fences</p> | | |
| CID: 42 SNO 44 INO: 179 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>In Section 1.4.1 Principal building form and street front zone of contributory buildings, relocate the sentence: "Council does not support the gutting of interiors of terrace house buildings that contain original and significant original fabric."</p> | <p>Support deleting the sentence "Council does not support the gutting of interiors of terrace house buildings that contain original and significant original fabric" after Figure 5.</p> |
| <p>Recommendation Change</p> <p>Issue</p> <p>1.4.1 - Re-order preamble information relating to interiors</p> | | <p>In the preamble to Section 1.4.1, insert new subheading "Interiors" after the third paragraph of "Principal built form". The preamble already states: "Council does not support the gutting of interiors of terrace houses that contain significant original fabric", so it does not need to be repeated.</p> |

| Part | Category | Sub Category |
|---|---|---|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 178 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>At Section 1.3.14 Timber buildings, add the following to the note at the end of control C2: "Details of typical similar buildings in HCA should be used as models for restoration where no other evidence exists."</p> | <p>No change to the Draft DCP. Typical or similar buildings may not necessarily contain original detailing or be a suitable example. The existing note states: "Reconstruction and restoration may be guided by the existence of physical or documentary evidence of an earlier state of the building or group, if the building forms part of a group." This provides a rigorous evidence based approach to reconstruction and restoration.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> | <p>1.3.14 Timber buildings - Allow typical similar buildings to be used as models for restoration</p> | |
| CID: 42 SNO 44 INO: 176 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>At Section 1.3.12 Infill development (new development) control C12 - add another subclause: "c) have no adverse amenity on the amenity of the residents of neighbouring properties."</p> | <p>No change to the Draft DCP. The first control in Section 1.3.12 is "C1 Infill development is to comply with all relevant objectives and controls listed elsewhere in this chapter of the DCP". This includes controls on views, and acoustic and visual privacy etc. These controls seek to establish a balance between providing opportunities for development, while reasonably limiting impacts to surrounding properties.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> | <p>1.3.12 Infill development - Amend C12 regarding protecting residential amenity</p> | |

| Part | Category | Sub Category |
|--|---|---|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 175 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>At Section 1.3.8 Pubs, remove the words "where appropriate" from control "C6 Significant external features are to be retained. Where appropriate, missing elements, details and finishes should be restored or reconstructed."</p> | <p>No change to the Draft DCP. The qualifying words "where appropriate" are to be retained. For example, external elements, details and finishes should be restored or reconstructed where there is evidence of the original features so that the restoration is true to the original. It may not be appropriate to require restoration or reconstruction in all instances.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>1.3.8 - For external elements of pubs, require missing details and finishes to be restored or reconstructed</p> | | |
| CID: 42 SNO 44 INO: 174 | Summary | Response |
| <p>Mr Graham Stewart</p> <p>The Paddington Society</p> | <p>At Section 1.3.8 Pubs, insert reference to Section 1.4.10 Acoustic and visual privacy.</p> | <p>No change to the Draft DCP. The Draft DCP introduces a new set of controls specifically for licensed premises. These are located in Chapter F3 Licensed premises, which contains controls to address amenity impacts on residential areas, including for example, the following objectives: "O4 Appropriate management practices are implemented for licensed premises to: a) minimise impacts on surrounding residential and other sensitive land uses" and "O5 Buildings and areas accommodating licensed premises are designed and located to: a) minimise impacts on the amenity of surrounding residential and other sensitive uses".</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>1.3.8 - Control impacts of amplified music and trading hours on residential amenity</p> | | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| <p>CID: 42 SNO 44 INO: 173 Summary</p> <p>Mr Graham Stewart Re-instate existing control in Paddington HCA DCP 2008: C12 Flashing, pulsing or moving signs are not permitted.</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Re-instate control to prohibit flashing, pulsing or moving signs</p> | | <p>Response</p> <p>No change to the Draft DCP. The intent of this control is reflected in the Draft DCP.</p> <p>Signage controls in the Draft DCP including the controls for all HCAs, are located in Chapter E7 Signage. Section 7.2.1 Building identification signs and business identification sign, of that chapter includes control "C35 Signage does not involve:</p> <p>a) mechanical or animated flashing, pulsing or moving parts; b) neon tubes or fluorescent lighting (located either externally or in a shopfront window); or c) banners, flags or spotlights."</p> |
| <p>CID: 42 SNO 44 INO: 172 Summary</p> <p>Mr Graham Stewart Re-instate existing objective in Paddington HCA DCP 2008: O1 To conserve existing signs which have cultural significance.</p> <p>The Paddington Society</p> <p>Recommendation Change</p> <p>Issue</p> <p>Re-instate objective to conserve signs of cultural significance</p> | | <p>Response</p> <p>Support amending Chapter E7 and insert a new control at Section 7.3.1 Signage in heritage conservation areas and on heritage items, so that the new control will apply to all heritage conservation areas.</p> <p>Insert at C1: "To conserve existing signs which have heritage significance" Renummer remaining controls accordingly.</p> |
| <p>CID: 42 SNO 44 INO: 171 Summary</p> <p>Mr Graham Stewart In Section 1.3.7 Commercial and industrial buildings including shops, control C20 add "c) protect the amenity of adjoining and adjacent residential uses", and a corresponding objective.</p> <p>The Paddington Society</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.3.7 - Insert additional control for rear extensions</p> | | <p>Response</p> <p>No change to the Draft DCP. C20 c) already says "protect the privacy and amenity of adjoining or adjacent residential uses."</p> |

| Part | Category | Sub Category |
|---|---|---|
| Part C - Heritage conservation areas | Chapter C1 - Paddington Heritage Conservation Area | Chapter C1 - Paddington Heritage Conservation Area |
| CID: 42 SNO 44 INO: 170 | <p data-bbox="465 204 584 231">Summary</p> <p data-bbox="465 247 1265 311">To improve clarity wording in C7 in Section 1.3.7 should be replaced by "Original windows above awning are to be retained..."</p> | <p data-bbox="1294 204 1413 231">Response</p> <p data-bbox="1294 247 2163 383">Support amending control C7 in Section 1.3.7 Commercial and industrial buildings to read: "Original windows above the awning are to be retained and not altered in size."</p> |
| The Paddington Society | | |
| <p data-bbox="78 432 394 459">Recommendation Change</p> <p data-bbox="78 480 136 504">Issue</p> | | |
| <p data-bbox="78 523 434 550">1.3.7 Shopfront elevation - C7</p> <p data-bbox="78 560 405 587">rephrase to improve clarity</p> | | |
| CID: 42 SNO 44 INO: 288 | <p data-bbox="465 616 584 643">Summary</p> <p data-bbox="465 659 1265 758">In Section 1.6.2 Views and vistas: - increase the size of Map 2 Significant views and vistas - re-instate the streetscape illustrations.</p> | <p data-bbox="1294 616 1413 643">Response</p> <p data-bbox="1294 659 2163 722">Support for increasing the size of Map 2 Significant views and vistas, and re-instating the images which illustrate some of these views.</p> |
| The Paddington Society | | |
| <p data-bbox="78 842 394 869">Recommendation Change</p> <p data-bbox="78 890 136 914">Issue</p> | | |
| <p data-bbox="78 933 418 960">1.6.2 - Increase the map size</p> <p data-bbox="78 970 394 1034">and re-instate streetscape illustrations</p> | | |
| CID: 42 SNO 44 INO: 275 | <p data-bbox="465 1062 584 1090">Summary</p> <p data-bbox="465 1106 1265 1273">In Section 1.4.2 Side elevations to streets and lanes , amend control C2 to read "Minor alterations to a side elevation of the principal building form and secondary wing will be permitted if they do not significantly impact on the architectural form..... This includes windows."</p> | <p data-bbox="1294 1062 1413 1090">Response</p> <p data-bbox="1294 1106 2163 1241">Support amending control to clarify its intention. Recommended wording is: "Minor alterations to a side elevation of the principal building form or the secondary wing will be permitted if they do not significantly impact on the architectural form."</p> <p data-bbox="1294 1281 2163 1385">We do not support including a reference to "additional windows". New windows in the principal building form are not encouraged, and are generally only suitable in the side elevation of the secondary wing.</p> |
| The Paddington Society | | |
| <p data-bbox="78 1289 394 1316">Recommendation Change</p> <p data-bbox="78 1337 136 1361">Issue</p> | | |
| <p data-bbox="78 1380 383 1407">1.4.2 Side elevations to</p> <p data-bbox="78 1417 383 1481">streets and lane - Amend control C2</p> | | |

| Part | Category | Sub Category |
|---|--|---|
| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| <p>CID: 23 SNO 24 INO: 39</p> <p>Mr Peter Reed</p> | <p>Summary</p> <p>2.5.8 Parking and garages, C6 Garage structures are to be single storey only.</p> <p>Conflicts with the option of studios over garages.</p> | <p>Response</p> <p>Control C6 in Section 2.5.8 Parking and garages, identifies that garage structures are to be single storey only. However, C14 then identifies the exceptions to this control, and the requirements for a loft structure over a laneway garage or studio.</p> <p>Support reordering the controls so they are listed consecutively, and a cross reference inserted to clarify the way that the two controls operate together.</p> |
| <p>Recommendation Change</p> <p>Issue</p> <p>2.5.8 Parking and garages - Limiting garages to single storey conflicts with option of studios over garages</p> | | |
| <p>CID: 22 SNO 22 INO: 33</p> <p>Dr Colleen Kent</p> | <p>Summary</p> <p>Controls should reduce red tape while maintaining objectives of the plan. The submission seeks specific changes to the following controls:</p> <p>For O3 delete "including original room layouts and roof forms of the principal building" as the second room may not have significant elements that need to be retained, as is the case at 44 Bathurst Street.</p> | <p>Response</p> <p>No change to the Draft DCP. The layout, proportions and configuration of all rooms within the principal building form, provide evidence of the original building and how it was used. This is especially important if original features have been removed, such as fire places.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>2.4.1 Single storey residential buildings - Delete objective regarding proportions and configuration of rooms</p> | | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| CID: 22 SNO 22 INO: 46 | Summary | Response |
| Dr Colleen Kent | For C3 delete "The linking structure should be located below the principal eaves line." This does not make sense. Instead the control should state "The linking structure's eaves line should be located below the principal eaves line." | No change to the Draft DCP. The intention of locating the entire linking structure below the eaves of the principal building form is to ensure the linking structure: -Is secondary to the principal building form -Does not alter the roof form of the principal building. |
| Recommendation No Change | | |
| Issue | | |
| 2.4.1 Single storey residential buildings - Amend wording of C3 regarding linking structures | | |
| CID: 22 SNO 22 INO: 47 | Summary | Response |
| Dr Colleen Kent | For control C2 delete "the addition must not exceed a height of 300mm below the ridgeline of the principal building form" as 300mm is impractical. Instead the control should state that "additions are set behind the main ridgeline and below the principal building form so their forms are secondary". | No change to the Draft DCP. 300mm provides for a meaningful visual distinction between the existing roof of the principal building form and a new component. |
| Recommendation No Change | | |
| Issue | | |
| 2.4.3 Semi-detached dwellings - Remove reference to 300mm below the ridgeline | | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| CID: 22 SNO 22 INO: 48 Dr Colleen Kent | Summary For control C4 replace the term "despoil" with "alteration" as it is more appropriate. | Response Support amending the Draft DCP to replace "despoil" with "remove" and delete the definition of "despoil" from the chapter. |
| <p>Recommendation Change</p> <p>Issue</p> <p>2.5.4 Materials, finishes and colours - replace "despoil" with "alteration".</p> | | |
| CID: 23 SNO 23 INO: 34 Mr Peter Reed | Summary 2.3.2 West Woollahra Conservation Area Alma Terrace is comprised of eight terraces at 29-43 Rush Street. Numbers 29-41 are listed as contributory items, but number 43 is not, although it is in a similar condition. 43 Rush Street should be included as a contributory item. | Response No change to the Draft DCP. A review of all contributory buildings in the Woollahra HCA has not been carried out as part of the DCP process as it is beyond the scope of this project. |
| <p>Recommendation No Change</p> <p>Issue</p> <p>43 Rush Street, Woollahra should be a contributory item</p> | | |
| CID: 23 SNO 23 INO: 35 Mr Peter Reed | Summary 2.3.2 West Woollahra Conservation Area 41 Jersey Road is listed as a contributory item as a Victorian Villa. However it is a faux Victorian Villa circa 1970, and should not be a contributory item. | Response No change to the Draft DCP. A review of all contributory buildings in the Woollahra HCA has not been carried out as part of the DCP process as it is beyond the scope of this project. |
| <p>Recommendation No Change</p> <p>Issue</p> <p>41 Jersey Road, Woollahra should not be a contributory item</p> | | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| <p>CID: 13 SNO 13 INO: 14</p> <p>Ms Rosemary McDonald</p> <p>Summary</p> <p>Section 2.3.3 Queen Street Precinct - Significant characteristics - First point needs to be updated as Woollahra Post Office closed in 2011.</p> <p>Recommendation Change</p> <p>Issue</p> <p>Update significant characteristics for Woollahra Post Office reflecting closure</p> | | <p>Response</p> <p>Support amending Section 2.3. to reflect the closure of the Post Office.</p> <p>The clause has been amended to read:</p> <p>"An informal 'town centre' focused around the intersection of Moncur and Queen Street which contains the Woollahra Hotel and former Woollahra Post Office."</p> |
| <p>CID: 23 SNO 24 INO: 38</p> <p>Mr Peter Reed</p> <p>Summary</p> <p>2.5.8 Parking and garages, control C5 No garages are to be introduced into original retaining walls built to the street alignment.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2.5.8 Parking and garages - Garages should be permitted in original retaining walls</p> | <p>Most of the original sandstone retaining walls are structurally inadequate under current design loads. The associated work of installing a single garage opening in the wall is a potential way of stabilising the walls.</p> | <p>Response</p> <p>No change to the Draft DCP. This control is translated from the Woollahra Heritage Conservation Area DCP 2003 and has been consistently applied in the development application process. The introduction of garages into an original retaining wall is not supported.</p> <p>If a retaining wall is structurally inadequate, appropriate works should be undertaken to stabilise the wall.</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| CID: 38 SNO 40 INO: 158 | Summary | Response |
| Mrs Rosie White | <p>Harbour view precinct in the WHCA</p> <p>Many of the houses in this precinct have unique decorative coffered ceilings, which should be protected as these ceilings were being removed. Without protection these ornate ceilings are vulnerable and will be lost.</p> | <p>Support re-inserting a control which addresses decorative coffered ceilings. The following control has been inserted into Section 2.5.2 Conservation of contributory items, under 'Internal modifications':</p> |
| <p>Recommendation Change Issue</p> <p>The new DCP should maintain protection for coffered ceilings in the Woollahra HCA.</p> | <p>In the 2003 DCP these were protected by C3.</p> <p>"Decorative coffered ceilings to the rooms located within the principal roof form are not to be removed to incorporate an additional storey within the existing roof form.</p> <p>This protection should be translated into the new DCP.</p> | <p>"C4 Decorative coffered ceilings to the rooms located within the principal roof form are not to be removed to incorporate an additional storey within the existing roof form."</p> |
| CID: 23 SNO 24 INO: 40 | Summary | Response |
| Mr Peter Reed | <p>Control C11 states that: The distance from the rear of the building (proposed) to the rear boundary is not to be less than 10m.</p> <p>10m is an arbitrary figure; a house can be logically connected to a garage on a rear lane if there is an internal courtyard which satisfies the requirements for deep soil planting and private open space.</p> | <p>No change to the Draft DCP. The requirement for a 10m setback between the rear of the building and the rear boundary is based on a standard lot size in the Woollahra area. It facilitates a balance between providing one on-site parking space and an area that can be used for open space/deep soil landscaping. This control works in conjunction with the other requirements for deep soil landscaping and private open space.</p> |
| <p>Recommendation Change Issue</p> <p>2.5.8 Parking and garages - 10m minimum to the rear boundary is arbitrary</p> | | <p>However, we recognise that the draft control should make it clear that the 10m rear setback should be read in conjunction with the 3.2m minimum lot width.</p> <p>The proposed amended control is as follows: "No rear lane vehicle access is permitted to a site if the lot width is less than 3.2m and the distance from the rear of the building to the rear boundary is less than 10m."</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| CID: 23 SNO 24 INO: 41 | Summary | Response |
| Mr Peter Reed | <p>Control C9 If a property has an accessible rear lane; any vehicular access is to be from the rear.</p> <p>Where rear lane parking is permitted and the property is wider than 4.25m, proposals must provide a visual connection between the private and public domain by the inclusion of a pedestrian gate or fencing panel with a minimum width of 900mm.</p> | <p>No change to the Draft DCP. A lot width of 4.25m is sufficient to accommodate a garage (including external walls and door) and a 900mm pedestrian gate or fencing panel. We do not support increasing the minimum lot width to 4.4m.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> | <p>The Australian Standard for an enclosed parking space requires a 3m clear width plus two walls of 250mm thickness means that a site width of 3.5m should be the minimum.</p> <p>Therefore 4.25m is not wide enough to accommodate a garage of 3.5m and a gate of 900mm.</p> <p>4.4m should be the minimum property width.</p> | |
| CID: 23 SNO 24 INO: 42 | Summary | Response |
| Mr Peter Reed | <p>Control C14 A loft structure over a laneway garage or studio will be permitted only in Sisters Lane and in the West Woollahra or Grafton precincts, and then only if:</p> <p>c) the site dimensions are a minimum of 30m long and 4.25m wide;</p> | <p>No change to the Draft DCP. The 30m site depth requirement ensures there is separation between the principal built form and the laneway structure. It also works in conjunction with other DCP controls for deep soil landscaping and private open space.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>2.5.8 Parking and garages - Site dimensions for lofts over garages are arbitrary. Reduce minimum site width to 3.5m</p> | <p>These dimensions seem arbitrary. The Australian Standard for an enclosed parking space requires a 3m clear width plus two walls of 250mm thickness means that a site width of 3.5m should be the minimum site width.</p> <p>Major constrains would correctly be the requirements for deep soil planting and private open space.</p> | <p>The requirement for the site to be 4.25m wide ensures there is sufficient height in the roof pitch to create space for a loft structure.</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| <p>CID: 23 SNO 24 INO: 43</p> <p>Mr Peter Reed</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Lofts over garages should allow screening such as shutters</p> | <p>Summary</p> <p>2.5.8 Parking and garages</p> <p>C14 A loft structure over a laneway garage or studio will be permitted only in Sisters Lane and in the West Woollahra or Grafton precincts, and then only if:</p> <p>h) habitable room windows within the loft with a direct sightline to those in the existing building on the site and neighbouring buildings have a separation distance of at least 9m;</p> <p>Amend control and remove the requirement for a 9m separation distance where privacy screening (such as shutters) are incorporated into the design.</p> | <p>Response</p> <p>No change to the Draft DCP. A separation distance of 9m between habitable rooms ensures the privacy of the occupants. If an application seeks to reduce this separation distance (and includes the use of shutters), an assessment of the privacy impacts will be merits based.</p> |
| <p>CID: 23 SNO 24 INO: 44</p> <p>Mr Peter Reed</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Windows should be permitted in the gable ends of the transverse roof form of lofts in certain locations</p> | <p>Summary</p> <p>2.5.8 Parking and garages</p> <p>C14 A loft structure over a laneway garage or studio will be permitted only in Sisters Lane and in the West Woollahra or Grafton precincts, and then only if:</p> <p>k) there are no windows in the gable end of a transverse roof form;</p> <p>Provision should be made to allow windows on a gable end facing a road or lane.</p> | <p>Response</p> <p>No change to the Draft DCP. Inserting windows into the gable end of a transverse roof form is not supported due to concerns regarding visual privacy.</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| CID: 36 SNO 38 INO: 162 | Summary | Response |
| <p>Dr Don White</p> <p>Recommendation Change Issue</p> <p>The new DCP should maintain protection for coffered ceilings in the Woollahra HCA.</p> | <p>One of the distinctive characteristics of buildings in this area are the decorative ceilings incorporated in many rooms in this precinct. These are raised and so are above the general ceiling line in the house . They are very unique feature confined to a very localised area.</p> <p>The previous heritage area control plan dictated that these ceilings located within the principal reform are not to be removed to incorporate an additional story. This control was brought in because we were gradually losing these unique and distinctive ceilings as people put in additional storeys.</p> | <p>Support re-inserting a control which addresses decorative coffered ceilings. The following control has been inserted into Section 2.5.2 Conservation of contributory items, under 'Internal modifications': "C3 Decorative coffered ceilings to the rooms located within the principal roof form are not to be removed to incorporate an additional storey within the existing roof form."</p> |
| CID: 37 SNO 39 INO: 157 | Summary | Response |
| <p>Mr & Mrs JC & SK Blanch</p> <p>Recommendation No Change Issue</p> <p>Delete the contributory item at 12 Small Street, Woollahra</p> | <p>Oppose intention to list 12 Small Street, Woollahra as a contributory item.</p> <p>It is the only property on the south-west side of Small Street that has not been demolished and rebuilt (or renovated substantially). Building in its present state is not a contributory item of heritage significance.</p> <p>Its appearance has changed from the original building (including being re-clad) and the internal walls have been covered with gyprock. The roof has been replaced with colorbond.</p> <p>Retain the option to demolish and rebuild on the site, as the cost of altering or extending the existing structure would pose an unacceptable burden on the occupants.</p> | <p>No change to the Draft DCP. 12 Small Street, Woollahra is listed as a contributory item in the Woollahra HCA DCP 2003, and this has been translated into the Draft DCP.</p> <p>A review of all contributory buildings in the Woollahra HCA has not been carried out as part of the DCP process as it is beyond the scope of this project.</p> |

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| Part C - Heritage conservation areas | Chapter C2 - Woollahra Heritage Conservation Area | Chapter C2 - Woollahra Heritage Conservation Area |
| CID: 23 SNO 24 INO: 37 | Summary | Response |
| Mr Peter Reed | Section 2.5.6 Open space and landscaping | No change to the Draft DCP. The open space and landscaping controls |
| | The controls are as follows: | translate the existing provisions in the Woollahra Heritage |
| | C3 Minimum deep soil planting for small lots ,130m ² – 5m ² , | Conservation Area DCP 2003. |
| | 131m ² - 8% (10.5m ²), 225m ² - 8% (18m ²), 226m ² – 15% (34m ²) | |
| | C4 Minimum private open space for small lots, 130m ² – 10% | These controls are appropriate for small lots, and provide sufficient |
| Recommendation No Change | (13m ²), 131m ² - 16% (21m ²), 225m ² - 16% (36m ²), 226m ² – 35m ² | areas of deep soil landscaping and private open space. |
| Issue | These controls are too low, and produce anomalies. | The introduction of a sliding scale for open space and deep soil planting |
| The minimum private open | The requirement should be on a sliding scale based on the areas | would not be an amendment that could be incorporated into the final |
| space requirements for small | below. | DCP at this stage. However, it could form part of a later review of |
| lots are insufficient | Minimum private open space for lots less than 130m ² should be | chapter C2. |
| | 18m ² (not 10%). | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| CID: 28 SNO 32 INO: 151 | Summary | Response |
| Mrs Hylda Rolfe | Existing sandstone walls at 7, 13 and 15 Victoria Street should not be required to be removed when substantial development occurs. | Support amending the Draft DCP to insert a new control identifying that sandstone walls should be retained as they make an important contribution to the character of the HCA. This control should apply to every precinct in the Watsons Bay HCA, and will be inserted in Section 3.5.7 Fences and Walls. |
| Recommendation Change | | |
| Issue | | Insert at C1 "Existing sandstone walls with heritage significance should be retained". |
| 3.4.8 Precinct H - Sandstone walls in Victoria Street should be retained | | Renummer remaining controls accordingly. |
| CID: 28 SNO 29 INO: 84 | Summary | Response |
| Mrs Hylda Rolfe | Support the prevention of privatisation of the public domain. There would further be merit in the wider application of control C15 and C16 in Watsons Bay and in other foreshore areas. | Support for the controls are noted. These controls are primarily relevant to the Marine Parade Promenade which adjoins private land and should not be included in the other precinct controls. Controls C15 and C16 seek to prevent an increase in private use of the promenade. However, public land may be suitable for commercial use elsewhere in the municipality. |
| Recommendation No Change | | |
| Issue | | |
| Precinct G - Marine Parade North - support for C15 and C16 | | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| <p>CID: 28 SNO 29 INO: 85</p> <p>Mrs Hylda Rolfe</p> <p>Summary</p> <p>Support the listing of the Tide Gauge Building as a contributory item, as a welcome reinforcement of the protection this item warrants. The building might merit the status of heritage item in its own right, since it has that status in the Government's documentation.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.4.8 Precinct H - Support listing of Tide Gauge Building as a contributory item</p> | <p>Response</p> <p>Support noted. The item is identified in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. Accordingly, the cross reference in the Draft DCP chapter is to be updated to refer to the correct SREP (SREP 23 has been repealed).</p> <p>Woollahra LEP 2014 only identifies the land based SREP elements that fall within the LGA boundary. As this is a water based element, it cannot be included as an item in the LEP.</p> | |
| <p>CID: 28 SNO 29 INO: 86</p> <p>Mrs Hylda Rolfe</p> <p>Summary</p> <p>The possibility of relocation of the Camp Cove Kiosk is identified in the DCP.</p> <p>A better site is not suggested, or obvious.</p> <p>Moving the existing building may be appropriate, but only if it is sensitively treated after the removal of the building.</p> <p>A large area of concrete would not meet foreshore visual amenity test from the harbour. However, the existing and proposed overland flow may not favour soft landscaping.</p> <p>Note that the kiosk building plays a useful role in modifying windblown sand and litter.</p> <p>An appropriate engineering solution which addresses all these issues should be devised before the kiosk is removed.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>3.4.8 Precinct H: Victoria Street, Waterfront - relocation of Camp Cove Kiosk</p> | <p>Response</p> <p>No change to the Draft DCP. If a proposal to relocate the kiosk arises, consultation will take place with Council's heritage planners and engineers to ensure an appropriate location is chosen and appropriate surface treatments are undertaken.</p> | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| CID: 28 SNO 32 INO: 146 | Summary | Response |
| Mrs Hylda Rolfe | I am doubtful the objectives of C3.6 Contributory Items: additional built form controls – particularly those relating to retention – can or will be ensured, although they certainly will be assisted and encouraged if compliance by owners/developers is effectively overseen by the Council. During the current DCP, at least 13 owners have chosen not to meet the DCP requirement. | No change to the Draft DCP. The Draft DCP controls for contributory items are rigorous and appropriate. Applications involving contributory items are assessed for their impact on the buildings: -Heritage significance -Contribution to adjoining buildings -Contribution to the heritage conservation area. |
| Recommendation No Change Issue | Contributory item cottages (and the other listed items, for that matter) are well worth retention and conservation. Council should recognise that they may also need special protection from adverse impacts of development near them to which they cannot respond within the terms of the DCP. I do not think the contributory items get enough of that special kind of protection. | |
| CID: 28 SNO 32 INO: 148 | Summary | Response |
| Mrs Hylda Rolfe | The provisions relating to underdeveloped properties and rear setbacks could be clarified. Many of the old cottages actually have some open space left on their sites, but in some cases new developments build up to the maximum permitted and rear privacy of the old cottages is lost. Surely that is not the intent of these provisions. | No change to the Draft DCP. C18 establishes that rear setbacks are to relate to the existing building pattern. However, C19 identifies that there are opportunities to vary a rear setback in appropriate circumstances. For example, where a site directly adjoins properties which are under developed and determining the rear setback based on the under developed sites may be unreasonable. |
| Recommendation No Change Issue | 3.5.5 Built form - C19 provisions relating to underdeveloped properties and rear setbacks are confusing | Each application would be assessed on its merit. |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| CID: 4 SNO 4 INO: 5 | Summary | Response |
| Mrs Elizabeth Blackman | Requests amendment to Section 3.4.13 Precinct N: Robertson Place guideline G4 to prevent new structures on the site and maintain the existing height and bulk of Dunbar House. This is to protect green space surrounding Dunbar House and preserve harbour views from 23 Robertson Place. | No change to the Draft DCP. Chapter C3 Watsons Bay HCA is based on the Watsons Bay DCP 2003. The policies for Precinct N: Robertson Place in the Watsons Bay DCP support the conservation management plan (CMP) established for the Dunbar House site in 2002. Preparation of the CMP included assessment of the heritage significance of the site, identification of constraints, and the establishment of conservation management policies for the site and Dunbar House building. |
| Recommendation No Change | | |
| Issue | | |
| Requests increased controls for Dunbar House | | <p>The CMP states that the Dunbar House building should be conserved and maintained for the future. The CMP also requires that the landscape context of the building is preserved, which would maintain views through the site. However, the CMP does not rule out new development. The CMP states in part that:</p> <ul style="list-style-type: none"> - the relationship of all new works undertaken on the site and in the setting should relate to the scale and aesthetic significance of the hotel, - new development must not be higher than the original building form, and - any new development should maintain the visual dominance of the existing structure. <p>The Draft DCP guidelines relating to new development for the Robertson Place precinct remains unchanged from the Watsons Bay DCP 2003 and states:</p> <p>G4 In order to retain the curtilage and setting of Dunbar House, new development and alterations and additions to Dunbar House will only be permitted where consistent with an adopted conservation management plan and its guidelines for siting, orientation, height limits and design. New structures are to follow established forms, i.e. simple rectilinear buildings with pitched roofs of a small scale. New buildings are not to be flat roofed.</p> <p>In light of the policy for protection and conservation management in the CMP, no amendments are required.</p> |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| CID: 28 SNO 32 INO: 150 | <p data-bbox="470 199 582 231">Summary</p> <p data-bbox="470 239 1265 343">3.4.15 Precinct P: Upper Gap Park G3 should be amended so that NO new structures are constructed within the park.</p> | <p data-bbox="1288 199 1411 231">Response</p> <p data-bbox="1288 239 2161 279">Support amending the Draft DCP to correct this typographical error .</p> |
| <p data-bbox="78 422 392 454">Recommendation Change</p> <p data-bbox="78 470 145 502">Issue</p> <p data-bbox="78 518 414 550">3.4.15 - Typographical error</p> | | |
| CID: 50 SNO 52 INO: 194 | <p data-bbox="470 598 582 630">Summary</p> <p data-bbox="470 638 1265 702">Amend paragraph 2 by inserting a reference to the Sydney Harbour Federation Trust:</p> <p data-bbox="470 726 1265 885">Harbour Trust Apart from the former Marine Biological Research Station "which is managed by the Sydney Harbour Federation Trust", this area is protected under the National Parks and Wildlife Act 1974 and managed by the National Parks and Wildlife Service.</p> | <p data-bbox="1288 598 1411 630">Response</p> <p data-bbox="1288 638 2161 742">Support amending the introductory text to identify that the former Marine Biological Research Station is managed by the "Sydney Harbour Federation Trust".</p> |
| <p data-bbox="78 821 392 853">Recommendation Change</p> <p data-bbox="78 869 145 901">Issue</p> <p data-bbox="78 917 414 1013">3.4.17 Precinct R - Green (Laings) Point and Research Station - Insert text</p> | | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| CID: 28 SNO 32 INO: 152 | Summary | Response |
| Mrs Hylda Rolfe | <p>The matter of encroachments on the public estate is also relevant in the context of the DCP's approach to road widening – I strongly support its rejection of road widening in the area, but I still think opportunities to reclaim the public estate when no harm to the heritage values of the WBHCA is involved should be seized enthusiastically. I would like the DCP to make clear a commitment of that kind.</p> | <p>No change to the Draft DCP. Council has a separate policy and procedure for managing encroachments on road reserves . The Policy for Managing Encroachments on Council Road Reserves 2008 requires that an encroachment is either:</p> <ul style="list-style-type: none"> -Removed or -Formally permitted to remain. |
| <p>Recommendation No Change Issue</p> | | <p>If an encroachment is permitted to remain, the adjoining owner is required to enter into an agreement with Council. This agreement ensures public liability and public amenity issues are identified and managed, and that a community benefit results. Such an agreement requires a Council resolution.</p> |
| <p>Road widening and use of the public domain</p> | | |
| CID: 28 SNO 32 INO: 153 | Summary | Response |
| Mrs Hylda Rolfe | <p>I would have liked to see a general prohibition of roof decks in dwelling houses, in recognition of the reality that the major part of the WBDHCA residential area is overlooked from the eastern side parks. While the roof form and attic room requirements of the DCP recognise this, they would be strengthened by a roof deck ban.</p> | <p>A change to the introductory text for Section 3.3.6 Landscaping and private open space is supported. A new paragraph will be inserted to identify that roof terraces are generally not acceptable. This is consistent with the approach to managing roof terraces in the Paddington Heritage Conservation Area.</p> |
| <p>Recommendation Change Issue</p> | <p>Additionally, roof decks share many of the worst characteristics of upper level balconies in terms of adverse impacts on neighbour visual and aural privacy and night time light spill when they are illuminated - especially when they are near and looking down on and into single storey Contributory Item cottages and the remnants of their private open space!</p> | <p>In Section 3.3.6 Landscaping and private open space, insert after paragraph one: "Roof terraces are not characteristic of Watsons Bay and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission".</p> |
| <p>Insert additional controls prohibiting roof terraces</p> | | |

| Part | Category | Sub Category |
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| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| <p>CID: 34 SNO 36 INO: 154</p> <p>Mr Nick Parker</p> <p>Department of Defence</p> <p>Recommendation Change</p> <p>Issue</p> <p>Identify that the DCP does not apply to HMAS Watson.</p> | <p>Summary</p> <p>Defence requests that in chapter C3 Watsons Bay Heritage Conservation Area, Map 1 is amended to show HMAS Watson is outside the area where the chapter applies. The map may create unrealistic community expectations that the Draft DCP applies to HMAS Watson. The DCP does not apply, as HMAS Watson is Commonwealth land.</p> <p>All other references in the plan that state that the DCP applies to the 'all land within the Woollahra Municipality' should be amended to indicate that Commonwealth land is not subject to the DCP.</p> <p>Chapter C3, Section 3.4.16 Precinct Q: HMAS Watson, should be reworded to remove the recommended management policies for the Commonwealth land, as commonwealth land is not required to adhere to Council's Draft Precinct Guidelines.</p> | <p>Response</p> <p>We support amending the DCP to clarify the controls, however, we do not support amending the DCP to indicate that this land is not subject to the DCP for the following reasons:</p> <ul style="list-style-type: none"> - HMAS Watson is an extremely significant heritage precinct. - The site is located in the Woollahra LGA and is zoned under Woollahra LEP 2014. Accordingly, despite Commonwealth ownership, it is not excluded from the LEP. - Clause 3.1.3 clearly notes that some land is owned by the State and Commonwealth Governments and therefore the chapter provides guidelines for those authorities. This note has been repeated in clause 3.4.16 in response to this submission. - Whilst the DCP controls are not binding on a Commonwealth agency, these controls can be used as guidelines which express Council's desired planning outcomes. - The Watsons Bay community would expect Council to retain guidelines for HMAS Watson. |
| <p>CID: 50 SNO 52 INO: 191</p> <p>Ms Libby Bennett</p> <p>Harbour Trust</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Map 2 - Identify land owned by the Sydney Harbour Federation Trust</p> | <p>Summary</p> <p>Map 2: Watsons Bay precinct boundaries. Insert a red line identifying the location of the Former Marine Biological Station (31 Pacific Street, Camp Cove).</p> | <p>Response</p> <p>No change to the Draft DCP. Map 2 identifies precinct boundaries not land ownership. It is not appropriate to separately identify the land owned by the Harbour Trust.</p> |

| Part | Category | Sub Category |
|--|---|--|
| Part C - Heritage conservation areas | Chapter C3 - Watsons Bay Heritage Conservation Area | Chapter C3 - Watsons Bay Heritage Conservation Area |
| <p>CID: 50 SNO 52 INO: 192 Summary</p> <p>Ms Libby Bennett Insert at the end of paragraph 4:</p> <p>Harbour Trust "The house continued its use as army quarters until c2000 when ownership was transferred to the Sydney Harbour Federation Trust. Extensive conservation works were completed in 2007.</p> <p>Recommendation No Change Issue The house is now leased as a private residence."</p> <p>3.2.1 Historic Content - insert text</p> | <p>Response</p> <p>No change to the Draft DCP. This is additional contextual information that is not required to be in the DCP. Further clarification of the information provided by the Harbour Trust is required before including it in section 3.2.1 Historic Content.</p> | |
| <p>CID: 50 SNO 52 INO: 193 Summary</p> <p>Ms Libby Bennett Insert at the end of paragraph 1:</p> <p>Harbour Trust Development within these precincts "requires consent from the relevant land manager rather than" [does not require consent] "from Council".</p> <p>Recommendation Change Issue</p> <p>3.4 Precincts - Public land</p> | <p>Response</p> <p>Support amending the final paragraph, however, we do not support the term "relevant land manager".</p> <p>Maintain: "Development within these precincts does not require consent from Council." Then insert: "The relevant public authority is the approval body for these precincts."</p> | |
| <p>CID: 28 SNO 32 INO: 149 Summary</p> <p>Mrs Hylda Rolfe Is C10 Plantings in the vicinity of contributory items are to begenerally taller than 10m in mature height a mistake? Perhaps it meant to say 'not' generally taller.</p> <p>Recommendation Change Issue</p> <p>3.5.6 Landscaping and private open space - Height of plantings near contributory items</p> | <p>Response</p> <p>Support amending the Draft DCP to correct this typographical error.</p> | |

| Part | Category | Sub Category |
|--|---|---|
| Part D - Business centres | Other | Other |
| <p>CID: 43 SNO 45 INO: 208</p> <p>Mr Mark Ozinga</p> <p>Transport for NSW</p> <p>Recommendation No Change Issue</p> <p>Development controls should support existing and future bus routes and operations, particularly in commercial centres.</p> | <p>Summary</p> <p>Appropriate development controls should be included in relevant parts of the DCP to ensure that road and streetscape designs and future development outcomes will not physically impact on existing and future desired bus routes and operations. This is particularly important for parts of the DCP relating to specific centres where streetscape improvements are proposed on bus routes.</p> <p>Public transport will also be assisted by a public domain that facilitates walking and bicycle access to and from bus stops.</p> | <p>Response</p> <p>No change to the Draft DCP. These issues are not DCP matters. The DCP does not relate to streetscape works in the public domain.</p> |
| <p>CID: 25 SNO 26 INO: 60</p> <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> <p>Recommendation No Change Issue</p> <p>Ensure awnings and verandas are setback from kerbs and signalised intersections</p> | <p>Summary</p> <p>Awnings overhanging the road reserve of classified roads require the concurrence of Roads and Maritime under Section 138 of the Roads Act 1993. This should be reflected in the DCP.</p> <p>As a minimum, the following conditions should apply:</p> <ul style="list-style-type: none"> - Temporary construction hoardings need to meet minimum setback requirements of 600mm from the face of kerb (additional setbacks may be required to ensure sight lines). - Awnings and verandas are to be setback a minimum of 1.5m from the face of kerb on classified roads and 100m from a signalised intersection. | <p>Response</p> <p>No change to the Draft DCP. The Draft DCP provisions do not identify what works require concurrence. In this case, concurrence is identified by the Roads Act 1993. Applications on classified roads, for hoardings or awnings and verandas, will be referred to the RMS for concurrent assessment.</p> |

| Part | Category | Sub Category |
|---|--|--|
| Part D - Business centres | Other | Other |
| CID: 25 SNO 26 INO: 59 | Summary | Response |
| <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> | <p>Any new outdoor dining proposals adjacent to classified roads will be subject to RMS requirements and concurrence under Section 125(3) of the Roads Act 1993. These are generally required to meet RMS's roadside clear zone and pedestrian clearance width requirements.</p> | <p>No change to the Draft DCP. The Draft DCP provisions do not identify what works require concurrence. In this case, concurrence is identified by the Roads Act 1993. Applications for outdoor dining proposals on a classified road will be referred to the RMS for concurrent assessment.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>Outdoor dining proposals adjacent to classified roads require RMS concurrence</p> | | |

| Part | Category | Sub Category |
|---|--|---|
| Part D - Business centres | Chapter D1 - Neighbourhood Centres | Chapter D1 - Neighbourhood Centres |
| CID: 35 SNO 37 INO: 155 | Summary | Response |
| <p>Mrs Lillian Maltz</p> <p>Pellian Pty Ltd</p> | <p>Chapter D1 lists 98B Bellevue Road as a contributory item. As the property is not in a heritage conservation area, the listing should be removed. Consequently, controls C10-C13 of Section 1.7.3 should be amended to reflect this change.</p> | <p>We agree that contributory items should be located in heritage conservation areas (HCAs). Chapter D1 Neighbourhood Centres to be amended so that any reference to a building currently identified as a contributory item (and not located in a HCA) will be deleted.</p> |
| <p>Recommendation Change Issue</p> | | <p>Notwithstanding, these buildings contribute to the amenity of the centre and will be specifically identified in the desired future character statement.</p> |
| <p>Do not list buildings as contributory items if not located in a heritage conservation area</p> | | <p>The change applies to the following buildings in Chapter D1: 167-171 and 173-179 Hopetoun Avenue 145 New South Head Road 98B Bellevue Road Cooper Park Garage, corner of Suttie Road and Manning Road</p> |
| | | <p>Similar changes have also been made to Chapter D2 Mixed Use Centres, D5 Double Bay Centre and D6 Rose Bay Centre.</p> |

| Part | Category | Sub Category |
|---|--|---|
| Part D - Business centres | Chapter D2 - Mixed Use Centres | Chapter D2 - Mixed Use Centres |
| CID: 35 SNO 37 INO: 313 | Summary | Response |
| Mrs Lillian Maltz | Cannot listing buildings as contributory items if not in a heritage conservation area. | We agree that contributory items should be located within heritage conservation areas. Chapter D2 Mixed Use Centres to be amended so that any reference to a building currently identified as a contributory item (and not located in a HCA) will be deleted. |
| Pellian Pty Ltd | | |
| Recommendation Change Issue | Do not list buildings as contributory items if not in a heritage conservation area | Notwithstanding, these buildings contribute to the amenity of the centre and will be specifically identified in the desired future character statement. The change applies to the Uniting Church at 518A Old South Head Road. |

| Part | Category | Sub Category |
|---|--|-------------------------------|
| Part D - Business centres | Chapter D4 - Edgecliff Centre | Chapter D4 - Edgecliff Centre |
| CID: 24 SNO 25 INO: 52 | Summary | Response |
| Ms Julie Dixon | Support for: | Support noted. |
| NSW Health South Eastern Sydney Local Health District | - Improved pedestrian links within the Edgecliff Local Centre and transport interchange. | |
| Recommendation No Change | - New controls to reduce the number of vehicle frontages on New McLean Street, which will enhance pedestrian connectivity and safety for residents | |
| Issue | | |
| Support for improved pedestrian links through the centre and creation of an active street frontage on New McLean Street | | |

| Part | Category | Sub Category |
|--|--|---|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| <p>CID: 27 SNO 62 INO: 301</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change Issue</p> <p>5.6.3.3 Building articulation - Object to Bay Street South and south side of Cross Street allowing 100% of the street façade to be internal space</p> | <p>Summary</p> <p>5.6.3.3 Building articulation we regard it as unfortunate that – see Figure 25- in Bay Street South and south side of Cross Street 100% of the street façade can be internal space. One of the delights of the southern section of Bay Street South, particularly in its eastern side, is the setting back of many of the properties, particularly restaurants, at the ground floor level. This should be encouraged, not discouraged, by the controls.</p> | <p>Response</p> <p>No change to the Draft DCP. The controls for articulation in Bay Street South and the south side of Cross Street were established following a review of buildings in these locations. This review identified that in these locations, the front setback is inconsistently applied and building articulation varies. Therefore, the requirement that the ground floor of buildings must be setback from the pavement is unreasonable. In response, the articulation requirements for the ground floor have been amended to allow a maximum of 100% internal space.</p> <p>As the Draft DCP controls are a maximum, buildings such as those on the eastern side of Bay Street can retain existing ground floor setbacks. The percentage of internal and external space will be assessed at the DA stage, and considered on merit.</p> |
| <p>CID: 39 SNO 41 INO: 254</p> <p>Owner of 1 Transvaal Avenue</p> <p>Transvaal Investments Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Allow a four storey building on the whole of 1 Transvaal Avenue, Double Bay</p> | <p>Summary</p> <p>Building is a 3 storey commercial building (with a one storey air conditioning unit on the roof at the rear), and minimal side setbacks.</p> <p>Draft DCP controls identify a 1.8m setback to the north. 4 storey maximum (14.7m) to Transvaal Avenue, and 2 storeys (8m) at the rear.</p> <p>A four storey building should be permitted across the whole site because:</p> <ul style="list-style-type: none"> -The proposed controls do not reflect the existing 3 storey development on the site -Part 2 storey control is too restrictive -Site has the potential for redevelopment as part of Council's Cross Street Car Park (or provide a transition) -Unlikely to be any adverse solar, privacy or solar impacts from a 4 storey building -Upper level setbacks is an undesirable built form in the context of Cross Street Car Park. Setback would result in limited aesthetic benefits (view of a blank concrete wall). | <p>Response</p> <p>No change to the Draft DCP. The maximum building height for this site in Woollahra LEP 2014 is 14.7m. This allows for a 4 storey building on the site.</p> <p>The building envelope in the Draft DCP improves internal amenity for upper residential levels, by establishing a rear setback to improve natural lighting. However, if an alternative solution is more appropriate, sufficient justification should be provided at the DA stage. Any variation to the DCP controls will be assessed on merit.</p> |

| Part | Category | Sub Category |
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| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 52 SNO 54 INO: 256 | Summary | Response |
| <p>Tri-Anta Pty Ltd</p> <p>Tri-Anta Pty Ltd</p> | <p>- Object to the height of buildings/storey control in the DWDCP as it relates to the subject site.</p> <p>- Request Council amend the DWDCP and Woollahra Local Environmental Plan 2014 to a height limit that recognises the prominent corner location of the subject site.</p> | <p>No change to the Draft DCP. This is not a DCP matter, as controls relating to the height of buildings are contained in Woollahra LEP 2014. The number of storeys identified in the Draft DCP are consistent with the LEP height controls.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> <p>Increase maximum building height and number of storeys on 19-27 Cross Street, Double Bay to reflect its corner location</p> | | |
| CID: 27 SNO 62 INO: 291 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>We are saddened to see that the reference to sustainability principles in the Double Bay Centre DCP 2002, cl 1.11.5, has been deleted.</p> | <p>No change to the Draft DCP. Chapter E6 Sustainability applies to all development in Woollahra, including commercial development. References to sustainability in Chapter D5 - Double Bay Centre are not required.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> <p>References to sustainability have been deleted from the chapter</p> | | |

| Part | Category | Sub Category |
|--|---|---|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 292 | Summary | Response |
| <p data-bbox="78 244 282 272">Mr Philip Mason</p> <p data-bbox="78 336 342 400">Double Bay Residents' Association</p> <p data-bbox="78 427 394 504">Recommendation Change Issue</p> <p data-bbox="78 520 425 624">5.2.5 Access and circulation - Clarification of intention required.</p> | <p data-bbox="450 244 1252 419">5.2.5 Access and circulation. We are puzzled by what is meant by the final sentence of the final paragraph: "Extending improvements down to the ferry wharf will strengthen the connection of Bay Street to the waterfront". What "improvements"?</p> | <p data-bbox="1296 244 2013 312">Support amending the final paragraph by inserting the word "streetscape" to improve clarity.</p> <p data-bbox="1296 352 2098 456">In the final paragraph of Section 5.2.5 Access and circulation, in the second sentence insert the word "streetscape" before the word "improvements".</p> |
| CID: 27 SNO 62 INO: 293 | Summary | Response |
| <p data-bbox="78 694 282 722">Mr Philip Mason</p> <p data-bbox="78 786 342 850">Double Bay Residents' Association</p> <p data-bbox="78 877 434 954">Recommendation No Change Issue</p> <p data-bbox="78 970 434 1107">5.3.2 Key strategies for the Double Bay Centre - Question Council's influence on public transport</p> | <p data-bbox="450 694 1256 938">5.3.2 Key strategies for the Double Bay Centre. In "Enhance and improve the public domain .." we are puzzled by "(c) Promote the important role that public transport plays in Double Bay". Given that public transport is in the hands of State and not Local Government, as is the ownership and control of New South Head Road, we fail to see how in a practical sense Council can do anything.</p> | <p data-bbox="1296 694 2148 794">No change to the Draft DCP. The Draft DCP promotes the role of public transport in the centre by identifying maximum car parking rates for the residential component of mixed use development.</p> |

| Part | Category | Sub Category |
|---|---|--|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 294 | Summary | Response |
| Mr Philip Mason | Allowing frontages to lanes to be built up to 4 storeys for 50% of the lane frontage is not supported. | No change to the Draft DCP. The controls permit 4 storey development on 50% of the laneway frontage, and 2 storey development for the other 50%. The controls have been carried over from the existing Double Bay Centre DCP 2002 and are appropriate to retain laneway amenity. |
| Double Bay Residents' Association | The Draft DCP properly identifies the important role the various lanes in the Centre play in adding to the charm and interest of the centre, particularly to the shopper. Their character is part of the low-rise, sunny, strollable nature of the Centre which the Association wishes to see maintained. | |
| Recommendation No Change Issue | | |
| 5.4 Heights of developments fronting the Lanes and D5.5 Built form envelopes - 4 storeys is not suitable on lanes | Permitting 4 storeys in piecemeal fashion along site frontages to the lanes will destroy the sunny low-rise character that makes these lanes attractive places to walk, shop or stop for a coffee. In our experience it is almost unknown in good planning controls for a sort of sawtooth character (part 4 storey, part 2 storey) to be prescribed in street fronting controls such as these. What should be prescribed are building heights of 2 storeys to the lanes with development to 4 storeys (that is the upper two floors) being substantially setback so as to preserve the existing sunny and open character of these lanes. Instead we will be plunged into narrow alleys where sunshine will barely penetrate and we will be oppressed by the bulk of the surrounding 4 storey development. | |

| Part | Category | Sub Category |
|---|---|---|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| <p>CID: 27 SNO 62 INO: 295</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Question why awnings are not required in certain locations.</p> | <p>Summary</p> <p>We cannot understand why a continuous awning is required to Cross Street only between New South Head Road and Knox Lane (5.5.8 and Control Drawing 4).</p> <p>Indeed the entire approach to awnings in the DCP seems to be inconsistent. As is correctly later stated in 5.6.4.1: "Continuous awnings contribute to the street character of retail centres and provide weather protection for pedestrians". We agree that they are highly desirable, offering protection from both summer heat and year round rains.</p> <p>Why then are awnings not required for 90% of the southern side of Cross Street but required for the southern side of Knox Street (which lies almost exactly parallel to Cross Street) as well as on both sides of New South Head Road?</p> | <p>Response</p> <p>No change to the Draft DCP. Awnings contribute to the diverse street character and provide weather protection. However, they are not required on both sides of a street. Where the predominant built form includes awnings, these locations are identified in Figure 37. Control drawing 4 at 5.5.8 is consistent with Figure 37. These controls are in the existing Double Bay Centre DCP 2002, and have been retained in the Draft DCP.</p> |
| <p>CID: 27 SNO 62 INO: 296</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation Change</p> <p>Issue</p> <p>5.5.11 Control drawing 7 - update image</p> | <p>Summary</p> <p>5.5.11 Control drawing 7 appears to be out of date in that it still shows Anderson Street as extending northwards to and intersecting with Kiaora Lane when that northern section of that street has been closed and incorporated into Stage 1 Kiaora Lands.</p> | <p>Response</p> <p>Support amending Section 5.5.11 Control drawing 7 to exclude land subject to Appendix 2: Kiaora Lands.</p> |

| Part | Category | Sub Category |
|---|--|--|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| <p>CID: 27 SNO 62 INO: 297</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation Change</p> <p>Issue</p> <p>5.6.2 Development controls - Objective O8 is ambiguously worded</p> | <p>Summary</p> <p>In 5.6.2 Objective O8 is ambiguously worded. Suggest “Encourage activities which do not have unacceptable noise or other environmental impacts”.</p> | <p>Response</p> <p>Support amending DCP. 5.6.2 Use O8 to read “Encourage activities which do not have unacceptable noise or other environmental impacts”.</p> |
| <p>CID: 27 SNO 62 INO: 298</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>5.6.2 Development controls - Insert new objective re low-rise village character</p> | <p>Summary</p> <p>Suggest an additional objective: “Preserve the low rise village character of the Centre whilst maintaining private views from the surrounding ridges and slopes across the Centre (particularly harbour views)”.</p> | <p>Response</p> <p>No change to the Draft DCP. The proposed objective creates a false impression that the Double Bay Centre is low-rise and is incompatible with the desired future character of the centre which allows buildings up to five storeys.</p> <p>Inserting the word 'maintain' sets an unrealistic expectation that all existing views will be retained, when the aim is to achieve view sharing. When a development application is received, the impact on view sharing is assessed in accordance with the planning principle set out in Tenacity Consulting v Warringah Council [2004] NSWLEC 140.</p> <p>Further, Woollahra LEP 2014 Cl 4.3 Height of buildings includes the following objectives which should not be duplicated in the Draft DCP:</p> <ul style="list-style-type: none"> (d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion, (e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas. |

| Part | Category | Sub Category |
|---------------------------|--------------------------------|------------------------|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |

CID: 1 SNO 1 INO: 2 Summary

Mr Victor Rex

Concerned that New South Head Road, Double Bay (near Manning Road) is a 'dead' retail space and seeks Council's action to address.

Recommendation No Change

Issue

Dead retail space on New South Head Road, Double Bay

Response

Planning controls:

Under Woollahra LEP 2014 the maximum floor space ratio for this part of Double Bay is 2.5:1 and the maximum building height is 14.7m (4 storeys). These controls provide greater development potential than the existing built form which is generally two storeys. In Chapter D5 of the Draft DCP, the controls encourage retail uses on the ground floor to activate the street with either residential or commercial uses above, or both. Redevelopment of this area under these controls would improve retail opportunities.

Council initiatives:

Council has a strong focus on revitalising the Double Bay Centre. In 2013 the Double Bay Working Party was established to inform the ongoing improvement of the centre. The working party prepared the Double Bay Place Plan which was adopted by Council on 15 December 2014. The Double Bay Place Plan includes a vision statement of 'Double Bay is Sydney's stylish bayside village' and strategies and actions to improve the centre. Council will be working with business and community groups to implement the Double Bay Place Plan in 2015.

Recent examples of redevelopment in Double Bay include the opening of the InterContinental Hotel, and the new Kiaora Lands precinct which incorporates a retail shopping arcade, food outlets, a library, commercial office space and an early learning centre. These developments will boost the economy of the centre, increase visitation, and are likely to create momentum for redevelopment in other parts of the centre such as the area near Manning Road.

| Part | Category | Sub Category |
|--|---|--|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| <p>CID: 27 SNO 62 INO: 300</p> <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>5.6.3.2 Height - Object to 4 storeys on lanes</p> | <p>Summary</p> <p>Object to the third paragraph with its allowance of 4 storeys along up to 50% of the frontage to the lanes that are Short Street, Kiaora Lane and Knox Lane. We further object to O1 which encourages buildings "to achieve the heights along street and lane frontages described by the control drawings". This means in the case of the lanes that even where a developer might be happy to build only 2 storeys along his lane frontage (and thereby maintain the present, sunny low-rise character of that lane) they are contravening an objective which will lead to the destruction of that character.</p> | <p>Response</p> <p>No change to the Draft DCP. The controls permit 4 storey development on 50% of the laneway frontage, and 2 storey development for the other 50%. The controls have been carried over from the existing Double Bay Centre DCP 2002 and are appropriate to retain laneway amenity.</p> <p>Objective O1 is to be retained as it encourages applicants to refer to the control drawings. The control permitting 4 storeys on 50% of the laneway frontage is a guide only, and is not a statutory control.</p> |
| <p>CID: 61 SNO 64 INO: 311</p> <p>Mr Wes van der Gardner</p> <p>Roche Group Pty Limited</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2m setback to the properties on the northern side of Knox Lane is onerous</p> | <p>Summary</p> <p>A 2 metre building line proposed on the northern side of Knox Lane (over all levels) which has implications on Roche Group's property at 20-26 Cross Street. The intention of this line is to increase the width of Knox Lane for pedestrian activity and amenity. The building at 20-26 Cross Street is the only building to Knox Lane that provides a 2m setback at street level, with the level about constructed to the site boundary.</p> <p>A horizontal setback of 2m that extends vertically is an unreasonable burden of the land. It is noted that a similar building line is not applied to the southern side of Knox Lane. If Council intends on sterilising the use of this land for the widening of the road reserve, it should be detailed on Council's Zoning Plan for 'road reserve acquisition' and appropriate compensation for the land be paid by Council to the landowner.</p> <p>As a minimum, a more equitable approach would be to setback the building by 1m on each side of the road with compensation provided accordingly, and/or the building line only be applicable to street level.</p> | <p>Response</p> <p>No change to the Draft DCP. The 2m building line is translated from the existing provisions in the Double Bay Centre DCP 2002. The development yield on the site is not affected by the 2m line, as the FSR control of 2.5:1 will apply regardless of the setback of the building.</p> <p>The objective of the 2m line is to expand the public domain at street level and improve pedestrian amenity by increasing solar access and creating a larger, more inviting laneway. This 2m setback can also be used to allow street dining. The building line is a guide to the extent of the building envelope, therefore, this land is not shown on the Land Reservation Acquisition Map in Woollahra LEP 2014.</p> <p>If planning controls in the Double Bay Centre are revised in the future as part of the Double Bay Place Plan 2014 (adopted by Council on 15 December 2014) building envelopes and setbacks could form part of that review.</p> |

| Part | Category | Sub Category |
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| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 302 | Summary | Response |
| Mr Philip Mason | In 5.6.3.6 Architectural resolution we believe Control C6 is too weak. The words “should be avoided” should be replaced by “is not permitted”. Would it not be possible to try and get some cohesive approach to the colours and style of shops and their awnings? It is the coherence in colour scheme that adds so much to many overseas centres in Europe particularly? | No change to the Draft DCP. It is not practical or reasonable to prohibit bright external colour schemes in the Double Bay Centre as the SEPP (Exempt and Complying Development Codes) 2008 allows painting as exempt development in Subdivision 27 Minor building alterations (external). |
| Double Bay Residents' Association | | However, the controls in Chapter D5 Double Bay Centre should be read in conjunction with Chapter E7 Signage, which contains new controls for corporate branding and painting of buildings. For example, 7.2.1 - Building identification signs and business identification signs C28 - Corporate colours may appear as part of the sign, but are not used as the principal or dominant colour scheme. |
| Recommendation No Change | | The existing controls in the Draft DCP encourage a cohesive approach to colours and style of awnings. |
| Issue | | |
| 5.6.3.6 Architectural resolution - signage controls for colours are too weak | | |
| CID: 27 SNO 62 INO: 303 | Summary | Response |
| Mr Philip Mason | C6 should have the word “existing” inserted as the penultimate word for clarity’s sake. | Support amending control C6 to provide clarity. |
| Double Bay Residents' Association | | In Section 5.6.3.8 Heritage and contributory character, control C6 insert "existing" as the second last word to the control. |
| Recommendation Change | | The control will read: "Under awning lighting may be recessed into the soffit of the awning or wall mounted on the existing building." |
| Issue | | |
| 5.6.3.8 Heritage and contributory character - reword C6. | | |

| Part | Category | Sub Category |
|---|--|---|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 304 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>We agree that the colonnade to the building fronting Bay Street, Guilfoyle Park and Cross Street makes a substantial contribution to ambience of the centre. What we do not understand is why they are only encouraged in Bay Street (see O1) and not generally throughout the centre.</p> | <p>No change to the Draft DCP. Colonnades are only encouraged around Guilfoyle Park to highlight the importance of Double Bay's main public place. However, they are not appropriate for the whole centre as the majority of sites have a shopfront directly addressing the public pavement, with or without an awning.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>5.6.4.2 Colonnades - Colonnades should be permissible throughout the Double Bay Centre</p> | | |
| CID: 27 SNO 62 INO: 305 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>We fail to see how an “entrance to residential/commercial above” can properly be described as part of the active street frontage (see C1 which requires a minimum 75% active frontage to lanes).</p> | <p>No change to the Draft DCP. Entrances to the upper levels of a building are located on the ground or street level. Therefore, these entrances form part of the active street frontage, and are locations where residents, business owners and visitors enter and exit the building.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>5.6.4.5 Ground floor active lane frontage - access to residential should not be considered active frontage</p> | | |

| Part | Category | Sub Category |
|--|---|---|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 306 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>Amend Objective O3 by inserting 'and limit oppressive building bulk'</p> <p>The control would read: Provide landscaped areas that preserve neighbouring residences' access to daylight and natural ventilation, provide visual privacy and limit oppressive building bulk.</p> | <p>No change to the Draft DCP. Building bulk is managed through controls in Woollahra LEP 2014 and building envelope controls in the Draft DCP. For example, setbacks and articulation.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>5.6.5.3 Landscaped areas - amend objective O3</p> | | |
| CID: 27 SNO 62 INO: 307 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>The requirement that new development preserve solar access to at least 50% of the private open space of existing development for at least two hours between 9am and 3pm on 21 June does not sufficiently protect the solar amenity of existing residences (see C3).</p> | <p>No change to the Draft DCP. The controls for solar access to adjoining open space have been reduced from four to two hours. This is consistent with the controls applied to other areas in the municipality, including residential areas. The controls provide for a reasonable amount of solar access to neighbouring properties during mid winter.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>5.6.6.1 Solar access and natural ventilation - controls for solar access to open space are inadequate</p> | | |

| Part | Category | Sub Category |
|--|---|---|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 309 | Summary | Response |
| Mr Philip Mason | It is extraordinary that this section is written without a single reference to the problem of the acid sulphate soils which underlay the centre. Reference should also be made to the risk of not only property damage but also to human health. | No change to the Draft DCP. The presence of acid sulfate soils does not preclude excavation. The class of acid sulfate soils across the LGA are identified in Woollahra LEP 2014 by the Acid Sulfate Soils Map. |
| Double Bay Residents' Association | Suggest additional objective: "To avoid disturbance, exposure or draining of acid sulphate soils wherever possible so as to ensure no adverse impacts during or after construction on human health or on neighbouring property". | Woollahra LEP 2014 Cl 6.1 Acid sulfate soils, addresses these issues and identifies in which circumstances development consent is required. Development consent must not be granted unless an acid sulfate soils management plan has been prepared for the works. The management plan must be prepared in accordance with the NSW Government's Acid Sulfate Soil Manual 1998. Council also has a procedure for assessing the adequacy of acid sulfate soils management plans to avoid impacts on natural waterbodies, wetlands, fishing, harbour foreshores, urban and infrastructure activities. |
| Recommendation No Change Issue | Suggest amendment to Control C1: "Where excavation is proposed in acid sulphate soils the Council must be satisfied that the development will not, during or after construction, result in health impacts or in damage to adjoining or neighbouring properties". | As issues regarding acid sulfate soils are addressed by provisions in the LEP and the Acid Sulfate Soil Manual, there is no requirement to include further or duplicate information in the DCP. |
| CID: 27 SNO 62 INO: 310 | Summary | Response |
| Mr Philip Mason | The following words should be deleted from the first paragraph of "Notes" appearing following the proposed Controls: "In certain circumstances on-site parking is not required". | No change to the Draft DCP. The note refers to specific provisions in Chapter E1 Parking and Access which allows certain types of development to occur without providing additional on-site car parking in the Double Bay Centre. For example, a change of use from a shop or commercial premises to a restaurant or cafe. Council only requires additional parking where there is an increase in floor space. See Chapter E1 Parking and Access, E1.6 Variations to the parking generation rates. |
| Double Bay Residents' Association | Council is simply deluding itself if it believes that future additional development in the centre, whether of commercial or residential character, will not generate a demand for parking. | |
| Recommendation No Change Issue | | |
| 5.6.8 Parking and servicing - Delete note that in certain circumstances on-site parking is not required. | | |

| Part | Category | Sub Category |
|---|---|---|
| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 312 | Summary | Response |
| Mr Philip Mason | 5.6.9 Application of concessions. We object to the inclusion of “entertainment facilities” within the definition of “cultural facilities”. It is far too broad. Are amusement arcades, brothels or even cafes to be excused compliance with the envelope controls etc.? | No change to the Draft DCP. An entertainment facility in Woollahra LEP 2014 has the following definition: "means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club." |
| Double Bay Residents' Association | | "Amusement centres", "sex services premises" and "restaurant or café" are separately defined land uses in Woollahra LEP 2014. |
| Recommendation No Change | | |
| Issue | | |
| 5.6.9 Application of concessions - Object to inclusion of entertainment facilities. | | |
| CID: 61 SNO 64 INO: 308 | Summary | Response |
| Mr Wes van der Gardner | None of the documents have been amended to reflect the bulk, scale and form of development that has been approved. There are a number of examples which exceed the applicable FSRs in the existing and Draft LEP, and all except 1 exceed the number of permissible storeys. Yet these buildings provide a significant contribution to the Double Bay Centre. Two properties owned by Roche Group are on corner sites. The DCP refers to strengthening the built form on corner sites, however, the heights proposed are the same as properties adjoining them. An additional storey, if not 2 storeys should be permissible for corner sites to achieve landmark and/or entry building objectives. | No change to the Draft DCP. This is not a DCP matter, as controls relating to the height of buildings are contained in Woollahra LEP 2014. |
| Roche Group Pty Limited | | If planning controls in the Double Bay Centre are revised in the future as part of the Double Bay Place Plan 2014 (adopted by Council on 15 December 2014) maximum building heights could form part of that review. |
| Recommendation No Change | | |
| Issue | | |
| Increase heights and storeys in Double Bay, particularly for corner sites. | Both sides of Cross Street and Knox Street should have the same development potential, particularly as the predominant existing scale on Cross Street is 6-8 storeys and Knox Street is 5-6 storeys. | |

| Part | Category | Sub Category |
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| Part D - Business centres | Chapter D5 - Double Bay Centre | D5 - Double Bay Centre |
| CID: 27 SNO 62 INO: 299 | Summary | Response |
| Mr Philip Mason | In 5.6.3.1 we do not understand why old P2 and P3 from DCP 2002 have been omitted from the “Objectives” when otherwise the Principles are generally repeated. They read: | No change to the Draft DCP. Principle P2 in the Double Bay Centre DCP 2002 was worded as a control (not an objective). Therefore, this principle has been translated into a control and inserted as C3 in the Section 5.6.3.1 Building envelopes in the Draft DCP. |
| Double Bay Residents' Association | “. Permit deep building footprints at ground and first floor level only. | The control relating to building form has been inserted at C4 which states: |
| Recommendation No Change Issue | . Promote building forms that allow natural day lighting, natural ventilation and privacy between dwellings or commercial premises”. | Building forms allow for: a) natural day lighting and ventilation; and b) privacy between dwellings or commercial premises. |
| 5.6.3.1 Building envelopes - question changes to objectives and controls | Similarly why have the “Controls” omitted the following worthy controls from DCP 2002: “. Deep building footprints are permitted at the ground and first floor only. . Building forms allow for: a) natural day lighting and ventilation; and b) privacy between dwellings or commercial premises” ? | |

| Part | Category | Sub Category |
|---|--|---|
| Part E - General controls for all develop | Part E- General controls for all development | General controls for all development |
| CID: 55 SNO 57 INO: 289 | Summary | Response |
| <p>Mr Mitchell Isaacs</p> <p>Department of Primary Industries</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Suggest inclusions to the Draft DCP regarding water and landscaping.</p> | <p>The submission suggests amendments to numerous objectives and controls in the Draft DCP to further protect and enhance foreshore areas, waterways, riparian lands, surface water and groundwater resources. For example:</p> <ul style="list-style-type: none"> -Ch A3 Definitions - insert a definition of "waterway" and "riparian corridor". -Ch B1 Residential Precincts - insert objective relating to downstream environments. -Ch B3 General Development Controls - insert objective relating to downstream environments. -Ch C3 Watsons Bay Heritage Conservation Area - amend objective O7 and refer to "protecting and enhancing riparian vegetation". -Ch E2 Stormwater and Flood Risk Management - Insert new control at C4 <p>"Groundwater inflow to underground structures shall be less than 3 mega litres per year unless a licence or exemption applies for that groundwater extraction."</p> | <p>No change to the Draft DCP. This submission provides very detailed comments on matters related to waterways, foreshore areas, riparian lands, surface water and groundwater. The types of issues raised are either already suitably covered by other controls within the Draft DCP or are not relevant to the Woollahra LGA as it has very limited areas of the kinds of environments identified.</p> <p>We do not support amending the Draft DCP to provide such detailed objectives and controls on issues that are not pertinent to the Woollahra LGA.</p> <p>It is noted that riparian lands are most consistently referred to in this submission. Our Technical Services team has advised that we do have Riparian Lands, however, these are all located in our parks and are therefore already suitably protected.</p> |

| Part | Category | Sub Category |
|--|---|---|
| Part E - General controls for all develop | Part E- General controls for all development | General controls for all development |
| <p>CID: 28 SNO 29 INO: 87</p> <p>Mrs Hylda Rolfe</p> <p>Recommendation No Change Issue</p> <p>Insert new control requiring all outdoor lighting to be downcast.</p> | <p>Summary</p> <p>Adverse impact of land-based night lighting on the night sky, on views of treed ridges and on the creatures of the Harbour warrants thought. Streetlights, floodlights and illuminated roof terraces are particularly important.</p> <p>There is a merit in a general control that requires all outdoor lighting to be downcast, so to light the area below them, not above.</p> | <p>Response</p> <p>No change to the Draft DCP. Development consents which include outdoor lighting will include a standard condition to comply with the Australian Standard 4282 - 1997 Control of obtrusive outdoor lighting. This standard takes into account "sky glow" and "spill light".</p> <p>There is no need for the Draft DCP to duplicate these standards. The Draft DCP does however contain controls that address amenity impacts from private development. For example:</p> <ul style="list-style-type: none"> -B3.5 Built form and context: 3.5.4 Acoustic and visual privacy: C10 Lighting installations on roof terraces are: <ul style="list-style-type: none"> a) contained within the roof terrace area and located at a low level; or b) appropriately shaded and fixed in a position so that light is projected downwards onto the floor surface of the terrace. -B3.7 External areas: 3.7.4 Ancillary development (Tennis courts) C6 Where floodlighting is proposed, the lighting does not unreasonably impact on the amenity of adjoining or adjacent properties. -B3.8 Additional controls for development other than dwelling houses: 3.8.9 Non-residential development: C3 Lighting, noise, hours of operation, and intensity of the use do not unreasonably impact on the residential amenity of adjoining properties, the street, or precinct. |

| Part | Category | Sub Category |
|---|---|---|
| Part E - General controls for all develop | Part E- General controls for all development | General controls for all development |
| CID: 25 SNO 26 INO: 58 | Summary | Response |
| <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> | <p>Landscaping and fencing adjacent to driveways shall not obstruct driver sightlines to other vehicles, pedestrians and cyclists on the frontage road and footpaths. This should be reflected in the DCP controls relating to landscaping, fencing, driveways/garages etc.</p> | <p>No change to the Draft DCP as it already contains provisions to address driver sight lines.</p> <p>For example:</p> <ul style="list-style-type: none"> - Chapter B3 General controls for development, Section 3.7.2 Fences (C8): Where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.2m — a 45 degree splay or its equivalent is provided either side (as applicable) of the entrance to ensure driver and pedestrian vision. The splay is to have minimum dimensions of 2m x 2m. - Chapter D3 General Controls for Neighbourhood and Mixed Use Centres, Section 3.9 Car parking and vehicular access (C8) Car parking and driveway areas are located and designed to minimise disruption to pedestrian movement, safety, and amenity. <p>In addition to these controls, through the development assessment process, applications are referred to Council's Technical Services Division to ensure that driveway design comply with the relevant Australian Standard.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>Landscaping and fencing should not obstruct driver sightlines</p> | | |

| Part | Category | Sub Category |
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| Part E - General controls for all develop | Part E- General controls for all development | General controls for all development |
| <p>CID: 25 SNO 26 INO: 56</p> <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Provide noise attenuation for sensitive land uses on classified roads</p> | <p>Summary</p> <p>Developers should provide noise attenuation measures for developments with sensitive noise receivers that Council considers are likely to be adversely affected by road noise or vibration on land in, or adjacent to, the road corridor or classified roads.</p> | <p>Response</p> <p>No change to the Draft DCP. State Environmental Planning Policy (Infrastructure) 2007: Clause 102 Impact of road noise or vibration on non-road development addresses this issue. Where development fronts a road with an annual average daily traffic volume of more than 40,000 vehicles, noise attenuation must be provided for a:</p> <ul style="list-style-type: none"> -residential use -place of public worship -hospital -educational establishment -child care centre. <p>Furthermore, the Draft DCP also contains provisions to address vehicle noise in Chapter B3: Section 3.5.4: C2 which states: "dwellings located close to high noise sources, such as a busy road or railway line are to be designed to locate habitable rooms and private open space away from the noise source; and include sound attenuation measures, such as acoustic glazing and insulation."</p> |

| Part | Category | Sub Category |
|---|---|---|
| Part E - General controls for all develop | Part E- General controls for all development | General controls for all development |
| <p>CID: 25 SNO 26 INO: 55</p> <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> <p>Recommendation No Change Issue</p> <p>Insert a control preventing direct access to classified roads where alternative access is available</p> | <p>Summary</p> <p>Council should include a control to reflect requirements of Clause 101 of State Environmental Planning Policy (Infrastructure) that direct access to classified roads is not permitted where alternative access is available via a road other than a classified road.</p> <p>This issue should be addressed in the subdivision design (i.e. inclusion of controls for the subdivision of land fronting classified roads to encourage the consolidation of lots and access points, and to discourage patterns of subdivision with multiple narrow frontages to classified roads).</p> | <p>Response</p> <p>No change to the Draft DCP. Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 applies to all development fronting a classified road. This clause identifies that Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that certain requirements are met. This includes: "where practicable, vehicular access to the land is provided by a road other than the classified road".</p> <p>The Draft DCP should not duplicate the provisions of State Environmental Planning Policy (Infrastructure) 2007.</p> <p>Section 1.8.6 Driveways and access points of the Draft DCP further supports the SEPP by:</p> <ul style="list-style-type: none"> - requiring consolidated vehicle access where possible - reducing the number of vehicle cross overs for residential and commercial development, and - requiring side or rear lane access where possible. <p>Woollahra LEP 2014 contains minimum subdivision lot sizes for residential development to prevent the fragmentation of the existing subdivision pattern.</p> |

| Part | Category | Sub Category |
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| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| CID: 27 SNO 65 INO: 316 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.2.2 Matters the consent authority will consider - Suggest an additional matter of consideration</p> | <p>All developments should provide off-street parking for the vehicles generated by that development (including an allowance for visitors). However, the matters of consideration do not include “the demand for parking generated by the development”. This should be an additional matter of consideration.</p> | <p>No change to the Draft DCP. The 16 matters identified in Section 1.2.2 Matters the consent authority will consider, are factors that affect the anticipated demand for parking generated by the development. Therefore, it is not appropriate to also include this issue as a matter for consideration.</p> |
| CID: 18 SNO 18 INO: 27 | Summary | Response |
| <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Parking controls for schools should relate to staff and not floor space</p> | <p>Parking rates for educational establishments typically relate to the number of staff (and sometimes the number of Year 12 students), e.g. Randwick Council requires 0.7 spaces per staff member.</p> <p>Basing parking on floor space is not common and may not be a useful measurement of demand for parking.</p> | <p>No change to the Draft DCP. Using floorspace to calculate parking generation rates is a common approach in the municipality. Additional floorspace has implications on parking generation rates, whether this additional floorspace is proposed at an existing or new educational establishment.</p> <p>The off-street car parking rate of 1 space per 100m² was publicly exhibited and approved as part of the Woollahra Parking Development Control Plan which came into force on 23 March 2011. The application of this parking rate is appropriate and consistent with objective (2) of Section 1.1.3, which seeks to ensure development has adequate provision of off street parking.</p> <p>Note: Engineering Services will be undertaking a review of the car parking generation rates later in 2015. The matters raised in the submission will be considered as part of that review.</p> |

| Part | Category | Sub Category |
|--|---|---|
| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| <p>CID: 18 SNO 18 INO: 28</p> <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation No Change Issue</p> <p>Amend parking controls for 'place of public worship'</p> | <p>Summary</p> <p>The parking control for place of public worship (POPW) of 22 spaces per 100m2 is excessively high, and should be more in line with precedent controls in other LGAs.</p> <p>For example, Randwick requires 1 space per 20m2 GFA and Botany requires 1 space/10 seats or 1 space/10m2 GFA (including ancillary spaces such as offices, foyers and the like) whichever is greater.</p> | <p>Response</p> <p>No change to the Draft DCP. Using floorspace to calculate parking generation rates is a common approach in the municipality. Using floorspace to calculate parking generation rates is a common approach in the municipality. Additional floorspace has implications on parking generation rates, whether this additional floorspace is proposed at an existing or new facility.</p> <p>The off-street car parking rate of 1 space per 100m² was publicly exhibited and approved as part of the Woollahra Parking Development Control Plan which came into force on 23 March 2011. The application of this parking rate is appropriate and consistent with objective (2) of Section 1.1.3, which seeks to ensure development has adequate provision of off street parking.</p> <p>Note: Engineering Services will be undertaking a review of the car parking generation rates later in 2015. The matters raised in the submission will be considered as part of that review.</p> |
| <p>CID: 25 SNO 26 INO: 62</p> <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> <p>Recommendation No Change Issue</p> <p>DCP controls should support development which will reduce car dependency</p> | <p>Summary</p> <p>RMS supports development which reduces car dependence.</p> <p>Recommend that the DCP supports the aims and objectives of the NSW Government policies dealing with this matter, including:</p> <ul style="list-style-type: none"> - NSW 2021 - NSW Long Term Transport Master Plan - Sydney's Cycling Future - Sydney's Walking Future - Sydney's Bus Future | <p>Response</p> <p>No change to the Draft DCP. The controls in the Draft DCP support the aims and objectives of these documents by encouraging the use of public transport and reducing car dependency. For example, the parking generation rates for residential development are maximum rates.</p> |

| Part | Category | Sub Category |
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| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| <p>CID: 43 SNO 45 INO: 209</p> <p>Mr Mark Ozinga</p> <p>Transport for NSW</p> <p>Recommendation No Change Issue</p> <p>Any cross section diagrams for streetscape improvements should include provision for walking and cycling</p> | <p>Summary</p> <p>All road cross section illustrations indicating new streets or streetscape improvement proposals should include provision for pedestrians and for bicycles. It is noted that in accordance with Sydney's Cycle Future, future investment should aim for separation of bikes, vehicles and pedestrians wherever possible. Shared paths for bicycle riders and pedestrians should only be used where there are no other options and be carefully designed to minimise conflict.</p> | <p>Response</p> <p>No change to the Draft DCP. This is not a DCP matter. However, comments are noted and have been referred to Council's Technical Services Division for consideration in future streetscape upgrades.</p> |
| <p>CID: 43 SNO 45 INO: 210</p> <p>Mr Mark Ozinga</p> <p>Transport for NSW</p> <p>Recommendation No Change Issue</p> <p>Suggest additional controls for the parking and access chapter</p> | <p>Summary</p> <p>The following controls should be included in the Draft DCP to further encourage walking and cycling:</p> <ul style="list-style-type: none"> - Bicycle parking rates, consistent with Cycling Aspects of Austroads Guides - Requirement for cycling end of trip facilities such as showers, change rooms and lockers for commercial and centre developments -Preparation of Workplace Travel Plans and Transport Access Guides for developments within centres. | <p>Response</p> <p>No change to the Draft DCP. Comments are noted.</p> <p>Note: Engineering Services will be undertaking a review of the car parking generation rates later in 2015. The matters raised in the submission will be considered as part of that review.</p> |
| <p>CID: 44 SNO 46 INO: 196</p> <p>Mr Nicholas Sampson</p> <p>Cranbrook School</p> <p>Recommendation No Change Issue</p> <p>1.7.1 - Provision for basement car parking is overly onerous</p> | <p>Summary</p> <p>The requirement that where more than 20 car parking spaces are provided on-site the parking is to be accommodated undercover or in a basement area is overly onerous, and an arbitrary control.</p> <p>Opportunity to provide concealed purpose built car parking only occurs where there is redevelopment.</p> <p>Request that this is an objective rather than a requirement, and reworded as a "performance based" solution.</p> | <p>Response</p> <p>No change to the Draft DCP. If an educational establishment identifies that parking can not be accommodated undercover, sufficient justification should be provided in a Traffic and Pedestrian Management Plan to support this position.</p> |

| Part | Category | Sub Category |
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| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| CID: 5 SNO 5 INO: 6 | Summary | Response |
| Mr Andrew Sharpe | Requests that Draft DCP address options for providing electric vehicle charging points directly outside residences on public land in HCAs where many properties are unable to create on-site parking. The submission suggests that a bollard could be installed on the footpath which was connected to the electricity supply from the private dwelling to allow vehicle charging. | No change to the Draft DCP. Chapter E1 Parking and Access of the Draft DCP encourages the provision of on-site charging points for electric vehicles in private development. In locations where on-site parking is not provided, the dedication of an on-street parking space for an electric vehicle for a single property is not supported. Technical Services advises that dedicating a public parking space for the exclusive use of an electric car is inappropriate as it: <ul style="list-style-type: none"> - seeks to privatise on-street parking for the benefit of the adjoining resident. - will have a negative impact on parking management, because when the electric vehicle is in use the space would be empty. - is not equitable, as other residents who own a vehicle are not guaranteed a parking space in front of their dwelling. - may create a mobility hazard if a bollard is installed in the footpath, particularly on streets with narrow footpaths. |
| Recommendation No Change | | |
| Issue | | |
| Draft DCP should consider electric vehicle charging points | | |
| CID: 27 SNO 65 INO: 315 | Summary | Response |
| Mr Philip Mason | Suggest that shops, restaurants and office developments over a certain size, say 200m ² , should be required to submit a traffic and parking report. | No change to the Draft DCP. In Section 1.2.1 Additional information, the opening sentence states "A traffic and parking report, prepared by a suitably qualified person, may be required by Council for certain developments, INCLUDING:..." (emphasis added). The Draft DCP does not seek to identify every circumstance where a traffic and parking report would be required, instead examples are provided. Where relevant, Council will request a report for retail and business premises. |
| Double Bay Residents' Association | | |
| Recommendation No Change | | |
| Issue | | |
| 1.2.1 Development applications and required information - Set threshold for providing a traffic and parking report. | | |

| Part | Category | Sub Category |
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| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| <p>CID: 27 SNO 65 INO: 323 Summary</p> <p>Mr Philip Mason</p> <p>We would have thought it simpler and less vague to require a loading bay for retail premises over a certain size sales area.</p> <p>Double Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>1.10.1 Number of loading bays required - Propose simplification of when load bay is required</p> | | <p>Response</p> <p>No change to the Draft DCP. The Draft DCP requires a loading bay is provided for 10 specific land uses such as supermarkets and bulky goods premises. However, additional or less loading bays may be required depending on the scale and type of use. Setting a requirement for a loading bay based on gross floor area may mean that a development which would ordinarily need a loading bay may not be required to provide one.</p> |

| Part | Category | Sub Category |
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| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| CID: 27 SNO 65 INO: 317 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>Suggest Council DELETE: “for residential development – a proposal to accommodate a car share scheme parking space on the site or directly adjoining the site”.</p> | <p>No change to the Draft DCP. As identified in the report to Council's Community & Environment Committee on 18 February 2013, car share schemes reduce the need for private vehicles and reduce parking demand. Therefore, car share schemes are an appropriate consideration for new residential development across the LGA.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>1.2.2 Matters the consent authority will consider - Object to car sharing schemes in lieu of on-site parking spaces</p> | <p>The Association objects to “for residential development - a proposal to accommodate a car share scheme parking space on the site or directly adjoining the site” being a matter to be taken into account on the following grounds:</p> <ul style="list-style-type: none"> - There is already an acute parking problem in the residential streets surrounding the Double Bay Centre. Residents of the street have petitioned for a resident parking scheme so far to no avail in the area around Pine Hill Avenue. Nearby untimed streets are constantly parked out. - Even in those streets both north and south of the Centre which do have 1 or 2 hour parking restrictions save for residents, there are not enough parking spots to satisfy resident demand. - New residential unit purchasers will have cars or have visitors who come by car. - Public transport facilities in Double Bay are not good. - Replacing parking with a car share space is specious and unproven. Several such spaces would be needed. If the spaces are provided on-street, this will worsen existing parking conditions. - If development is approved with car-share spaces, residents of that development should be in-eligible for resident parking permits. | <p>The suggestion that residents with access to a car-share scheme should not be eligible for a resident parking scheme is noted. These comments have been referred to Technical Services Division.</p> |

| Part | Category | Sub Category |
|---|---|--|
| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| CID: 27 SNO 65 INO: 318 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>Why are there different rates for the residential component of a mixed use development to those with the same number of bedrooms in a residential flat building? These uses generate the same demand for parking</p> | <p>No change to the Draft DCP. Mixed use developments are located in commercial centres. The different rates reflect that these dwellings have access to shops, services and public transport within walking distance. This reduces the need for residents in a mixed use development to own a private vehicle.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>1.4.2 Residential parking generation rates</p> | <p>As these are maxima the residential component of mixed use developments should be brought up to the same number of car spaces as in a residential flat building.</p> | |
| CID: 27 SNO 65 INO: 319 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>The Draft seems to omit old 2.2.2 of the existing Parking DCP which required that parking generally be located under and within the bounds of the four walls of the building in question. We think it desirable that this control be maintained.</p> | <p>No change to the Draft DCP. Chapter B3 General Development Controls, B3.4 Excavation addresses residential excavation. The controls specify that excavation is not permitted in setback areas; this control does not need to be duplicated in Chapter E1 Parking and Access. In commercial areas it is appropriate to allow excavation under the entire site, as setbacks generally do not apply.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>1.4.2 Residential parking generation rates - Re-instate control requiring underground parking to be within the building footprint</p> | | |

| Part | Category | Sub Category |
|---|---|--|
| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| CID: 27 SNO 65 INO: 320 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>We request the deletion of what appears under:</p> <ul style="list-style-type: none"> - "Change of use", - "Change of use: restaurants or cafes", and - "Footpath dining". | <p>No change to the Draft DCP. These provisions reflect Council's policy to encourage these three uses in the Double Bay Centre. Reducing parking requirements reduces the cost of these forms of development and therefore encourages a vibrant and active centre.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>1.6.4 Business zoned land in Double Bay - Delete all provisions allowing development to avoid providing additional parking.</p> | <p>The relevant parking generation rates should apply and these exceptions should be deleted. The cumulative effect of exempting the Centre from all normal parking provision requirements will be to increase the parking problems of Double Bay Centre and its surrounding residential areas.</p> | |
| CID: 27 SNO 65 INO: 321 | Summary | Response |
| <p>Mr Philip Mason</p> <p>Double Bay Residents' Association</p> | <p>1.7.1 Car parks with 20 or more spaces.</p> <p>We repeat our request that 2.2.2 in the existing Parking DCP be retained requiring car parks to be constructed under the curtilage of the building.</p> | <p>No change to the Draft DCP. Chapter B3 General Development Controls, B3.4 Excavation addresses residential excavation. The controls specify that excavation is not permitted in setback areas; and this control does not need to be duplicated in Chapter E1 Parking and Access. In commercial areas it is appropriate to allow excavation under the entire site, as setbacks generally do not apply.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>1.7.1 Car parks with 20 or more spaces - Underground parking should be provided within the building footprint</p> | | |

| Part | Category | Sub Category |
|---|--|--|
| Part E - General controls for all develop | Chapter E1 - Parking and Access | Chapter E1 - Parking and Access |
| CID: 27 SNO 65 INO: 322 | Summary | Response |
| Mr Philip Mason | We object to the second paragraph which permits the removal of up to 5.4m of on-street parking to accommodate private turning space. This appears to be inconsistent with 5.3 of the Parking DCP and will lead to a depletion of available on-street parking which is invariably in short supply. | No change to the Draft DCP. Section 1.8.5 needs to be considered in the context of the other clauses in chapter E1 Parking and Access. For example, Section 1.8.6 requires that: |
| Double Bay Residents' Association | | "The width of vehicle crossings is minimised so as to retain on-street parking. Footpath crossings will not be permitted where: |
| Recommendation No Change | | - One off-street parking space will result in the loss of two on-street parking spaces. For example, where the street is narrow with parking on both sides. |
| Issue | | - The provision of off-street parking will result in the loss of a significant tree." |
| 1.8.5 Turning paths - Object to control which may lead to loss of on-street parking | | |
| CID: 27 SNO 65 INO: 314 | Summary | Response |
| Mr Philip Mason | Object to existing wording of opening sentence. "This chapter applies to development that requires consent and provides parking, loading or other associated facilities". The controls for the chapter can be avoided is a developer proposes not to include parking. Suggest DELETE "provides" and INSERT "generates demand for". | Support amending opening sentence of Section 1.1.2 Development to which this chapter applies. |
| Double Bay Residents' Association | | Delete: |
| Recommendation Change | | "provides" and |
| Issue | | Insert: |
| 1.1.2 Development to which this chapter applies - Amend wording | | "generates demand for". |

| Part | Category | Sub Category |
|--|--|---|
| Part E - General controls for all develop | Chapter E2 - Stormwater and Flood Risk Management | Chapter E2 - Stormwater and Flood Risk Management |
| CID: 14 SNO 14 INO: 15 | Summary | Response |
| Mr Andrew Mencinsky | Walker Avenue, Edgecliff should be removed from the Flood Planning Area due to: - no flood incidents for decades - recent drainage improvements. | No change to the Draft DCP as this is not a DCP matter. The Rushcutters Bay Flood Study Report 2007 adopted by Council identifies that all Walker Avenue properties would be affected by a 100 year Average Recurrence Interval flood. Therefore, these properties are identified on the Flood Planning Map under the Woollahra LEP 2014. |
| Recommendation No Change | | |
| Issue | | The Draft DCP, Chapter E2 Stormwater and Flood Risk Management supports Woollahra LEP 2014 by managing stormwater drainage from new developments, and minimising flood related risks to person and property associated with the development and use of land. |
| Remove Walker Avenue, Edgecliff from 'Flood Planning Area' | | |
| CID: 8 SNO 8 INO: 9 | Summary | Response |
| Ms Carla Ganassin | Fisheries NSW commends the stormwater management measures in the Draft DCP. The incorporation of these water sensitive urban design principles will assist in reducing stormwater related impacts on the water quality and aquatic habitats of Sydney Harbour. | Support noted. |
| Fisheries NSW, Dept of Primary Industries | | |
| Recommendation No Change | | |
| Issue | | |
| Support for the Draft DCP | | |

| Part | Category | Sub Category |
|---|---|---|
| Part E - General controls for all develop | Chapter E3 - Tree Management | Chapter E3 - Tree Management |
| CID: 53 SNO 55 INO: 188 | Summary | Response |
| Mr Peter Brun | Disallowing the felling of trees is over the top. Poor trees and shrubs are being protected when the plants cape would be improved by replanting. Don't worry about them being cut down, as their replacements will grow. | No change to the Draft DCP. Chapter E3 Tree Management establishes the list of prescribed trees, and works to those trees that require Council's approval. The chapter also identifies trees and works that do not require consent. |
| Recommendation | No Change | Section 3.3.1 Matters to be considered - all applications, outlines considerations for development applications and permits relating to tree pruning and removal. These considerations include the species, health, structural condition, age, growing environment and landscape significance. For tree removal, the surrounding canopy cover, amenity issues and the opportunity for replacement planting will also be considered. |
| Issue | Do not control the removal of plants | Allowing certain tree works or removal without assessment is not supported. The Woollahra LGA is well known for its leafy character, and maintaining high value trees forms an important part of the planning process. |

| Part | Category | Sub Category |
|---|--|--|
| Part E - General controls for all develop | Chapter E3 - Tree Management | Chapter E3 - Tree Management |
| CID: 12 SNO 12 INO: 13 | Summary | Response |
| Mr Paul Ure | Inadequate tree management controls allow 'privacy hedges' to negatively impact on neighbours' amenity and value through the loss of views, sightlines and sunshine. | No change to the Draft DCP. View sharing and overshadowing are considered as part of the development application (DA) process. Council assesses views and overshadowing based on landscape plans submitted as part of a DA. This includes the anticipated effect once plantings reach maturity. Council may condition development to facilitate view sharing e.g.by revising species choice or amending planting locations. It is very difficult for Council to require landscaping to be maintained at a particular height. |
| Recommendation No Change | | |
| Issue | | |
| Request controls to manage privacy hedges | | Neighbours may apply to prune a tree on an adjoining property under Council's Tree Management Policy (2011). However, the owner of the property on which the tree is located must give consent prior to the application being submitted. |
| | | The submission correctly states that the Trees (Disputes Between Neighbours) Act 2006 exists to resolve amenity issues that arise from tree or hedge planting. Under this Act a person may apply to the Land and Environment Court to: -prune or remove a tree or hedge on neighbouring land -obtain compensation for damage to property caused by a tree on neighbouring land. |

| Part | Category | Sub Category |
|---|--|---|
| Part E - General controls for all develop | Chapter E6 - Sustainability | Chapter E6 - Sustainability |
| CID: 53 SNO 55 INO: 190 | Summary | Response |
| Mr Peter Brun | Throughout history attempts to balance sustainability have failed. Woollahra Council will not succeed, but they will add significantly to costs. More appropriate to ameliorate costs than advocate sustainability. | No change to the Draft DCP. A key objective in the Environmental Planning and Assessment Act 1979 is to encourage environmentally sustainable development, and for residential development this is facilitated by State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP Basix). There are limited controls in the Draft DCP for residential development as these are primarily addressed by SEPP Basix. |
| Recommendation No Change | | |
| Issue | | |
| Delete controls regarding sustainability | | The controls in the Draft DCP apply to commercial and non-residential development. These controls seek a reasonable balance between facilitating development and basic sustainable practices. |
| CID: 11 SNO 11 INO: 12 | Summary | Response |
| Mr Chris Howe | Disappointed with sustainability initiatives. Draft DCP should include incentives to encourage energy efficient residential building design that goes beyond BASIX. For example: | No change to the Draft DCP. Council's DCP cannot apply controls that duplicate or go beyond the requirements of the NSW Government's State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX). Furthermore, the NSW planning regime and the Standard Instrument LEP do not provide opportunities for incentives, such as increased FSR or excavation, in return for enhanced sustainability outcomes beyond BASIX. |
| Howe Architects | i) Council could allow increase floor space ratio (FSR), excavation, or other non-compliances, where substantial energy efficiencies can be demonstrated (i.e. development achieves sustainability benchmarks) and the impacts of the non-compliance do not cause increased amenity, geotech/structural, or other unreasonable impacts. ii) Council could introduce incentives and specifications for alterations and additions e.g. R-value of buildings, double glazing and effectiveness of door and window seals. | |
| Recommendation No Change | | |
| Issue | | |
| Sustainability initiatives | | |

| Part | Category | Sub Category |
|--|--|---|
| Part E - General controls for all develop | Chapter E7 - Signage | Chapter E7 - Signage |
| CID: 41 SNO 43 INO: 164 | Summary | Response |
| Ms Amanda Stewart | Strong support for the inclusion of greater controls on signage in the area. | Support noted. |
| Amanda Stewart Pty Ltd | | |
| Recommendation No Change | | |
| Issue | | |
| Support for greater signage controls | | |
| CID: 25 SNO 26 INO: 63 | Summary | Response |
| Ms Rachel Nicholson | Advertising signage that triggers Clauses 17 and 18 of SEPP 64 Advertising and Signage requires concurrent assessment by RMS. | No change to the Draft DCP. These provisions are contained in State Environmental Planning Policy No 64—Advertising and Signage, and the Draft DCP should not duplicate these provisions. |
| Roads and Maritime Services | In general proposed advertising signage adjacent to classified roads must not have or use: <ul style="list-style-type: none"> - Flashing lights - Animated display/moving parts - Electronically changeable messages - Complex displays that hold a drivers attention - Displays resembling traffic signs or signals - Illumination that distracts or dazzles. | |
| Recommendation No Change | | |
| Issue | | |
| Comments regarding requirements for signage adjacent to classified roads | | |

| Part | Category | Sub Category |
|--|--|---|
| Part F - Land use specific controls | Chapter F1 - Child Care Centres | Chapter F1 - Child Care Centres |
| CID: 25 SNO 26 INO: 64 | Summary | Response |
| Ms Rachel Nicholson | Any new child care centre and school should be prohibited where they have a direct frontage/access to a classified road. This should be reflected in the DCP controls in Chapter F1. | No change to the Draft DCP. It is the role of Woollahra LEP 2014 to identify if a land use is permitted or prohibited, not the DCP. |
| Roads and Maritime Services | | Chapter F1 Child Care Centres states that child care centres fronting classified roads should be avoided on safety grounds. Where child care centres are proposed fronting a classified road: <ul style="list-style-type: none"> - all pick up and drop off areas must be contained on-site, - access must be via a one-way driveway, - passing bay must be included, and - parking must be provided to accommodate the number of vehicles expected during the pick up and drop off times based on the 98th percentile queue length on-site. |
| Recommendation No Change | | |
| Issue | | |
| Prohibit Child Care Centres or schools with a direct frontage/access to a classified road. | | |

| Part | Category | Sub Category |
|---|--|---|
| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| <p>CID: 18 SNO 18 INO: 25</p> <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2.6 Traffic, parking and access - Delete requirement for on-site parking, servicing and pick up/drop off</p> | <p>Summary</p> <p>F2.6 Traffic, parking and access</p> <p>Delete the following from the F2.6 description:</p> <p>"To minimise impacts on the adjoining community, all parking, servicing and pick up/drop off arrangements should be provided on-site."</p> <p>Delete control C6:</p> <p>"C6 For a new educational establishment or major development of an existing establishment - an internal driveway for vehicles is provided for picking up and dropping off students."</p> <p>This is unachievable on most school sites due to the large area required. Better to keep vehicles on the street where safety can be managed.</p> | <p>Response</p> <p>No change to the Draft DCP. Kerbside pickup/drop off zones have adverse impacts for the surrounding community in terms of reduced parking capacity, traffic congestion and increased risk to pedestrian safety. They also require a greater level of resources from both the school and Council to enforce parking restrictions and ensure compliance with an associated Traffic and Pedestrian Management Plan.</p> <p>Ideally the pickup/drop off area (kiss and drop) should be located on-site and separated from pedestrian access and play areas by safety fencing, gates or other means as identified in the Draft DCP.</p> <p>If an educational establishment identifies an internal driveway is not possible or practical, and an alternative solution is appropriate (such as a bus lay-by or pick up/drop off zone), sufficient justification should be provided in a Traffic and Pedestrian Management Plan to support this position.</p> |

| Part | Category | Sub Category |
|---|--|---|
| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| <p>CID: 15 SNO 15 INO: 29</p> <p>Mr John Neish</p> <p>Dept Education and Communities - Asset</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2.6 - Kiss and drop provisions put student safety and welfare at risk</p> | <p>Summary</p> <p>F2.6 Traffic, parking and access and F2.7 Planting, fencing and hard surfaces</p> <p>On-site kiss and drop and fencing arrangements put student safety and welfare at considerable risks.</p> | <p>Response</p> <p>No change to the Draft DCP. The purpose of the on-site kiss and drop and fencing arrangements is to protect student safety and welfare.</p> <p>Kerbside pickup/drop off zones have adverse impacts for the surrounding community in terms of reduced parking capacity, traffic congestion and increased risk to pedestrian safety. They also require a greater level of resources from both the school and Council to enforce parking restrictions and ensure compliance with an associated Traffic and Pedestrian Management Plan.</p> <p>Ideally the pickup/drop off area (kiss and drop) should be located on-site and separated from pedestrian access and play areas by safety fencing, gates or other means as identified in the Draft DCP.</p> <p>Fences are a vital element of the security of educational establishments. Appropriate fencing:</p> <ul style="list-style-type: none"> - clearly identifies the campus grounds; - restricts access to staff and students only; - prevents students coming into conflict with adjoining roads and cars; - restricts entry and exit to a few easily monitored areas; - enables open spaces and existing vistas and views to contribute to the public domain. |
| <p>CID: 18 SNO 18 INO: 19</p> <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Part B General Residential is not relevant to educational establishments</p> | <p>Summary</p> <p>2.1.5 Relationship to other parts of the DCP</p> <p>Delete requirement that Chapter F2 Educational Establishments must be read in conjunction with the controls in Part B: General Residential.</p> <p>Schools and dwelling houses are not alike. The controls will be mostly unachievable, and will create an unrealistic expectation for the community and adjoining residents.</p> | <p>Response</p> <p>No change to the Draft DCP. Whilst some of the controls in Part B apply to residential development only, some elements are relevant to all types of development. These elements ensure that development has regard to its context, and is compatible with the desired future character for each precinct, regardless of the type of development.</p> <p>For example, Chapter B1 Residential Precincts contains the desired future character objectives for each precinct. These precinct objectives should be taken into consideration when proposing any form of development, including an educational establishment.</p> |

| Part | Category | Sub Category |
|---|--|--|
| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| <p>CID: 18 SNO 18 INO: 20</p> <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2.3 Siting of development - Remove reference to comply with residential setbacks</p> | <p>Summary</p> <p>Delete or amend control C1 to remove reference to comply with residential setbacks.</p> <p>Setbacks for school buildings should be based on a merit assessment.</p> | <p>Response</p> <p>No change to the Draft DCP. Where there is a predominant residential setback in the area, it is reasonable that an educational establishment complies with the relevant setback controls that apply.</p> <p>However, if a proposal seeks to vary these controls, sufficient justification should be provided to support a variation. This variation would be assessed on merit.</p> |
| <p>CID: 18 SNO 18 INO: 21</p> <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation Change</p> <p>Issue</p> <p>2.3 Siting of development - Ensure solar access controls relate to adjoining residential properties</p> | <p>Summary</p> <p>F2.3 Siting of development</p> <p>Amend control C2 to ensure solar access controls relate to adjoining residential properties, as follows:</p> <p>C2 Non-street fronting rear and side setbacks of the building are setback so that sunlight is provided "to adjoining residential properties":</p> | <p>Response</p> <p>Support amending control C2 in Section 2.3: Siting of development as identified in the submission to clarify that this control relates to the protection of solar access of adjoining residential properties (and not the site).</p> <p>Amendment should be reflected in objective O2 of Section 2.3: Siting of development by replacing it with the following: "To protect and promote sunlight access on neighbouring land."</p> |

| Part | Category | Sub Category |
|--|---|---|
| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| CID: 18 SNO 18 INO: 22 | Summary | Response |
| Trustees of the Roman Catholic Church Archdiocese of Sydney | Amend control C4 to ensure amenity controls relate to adjoining residential development, as follows: C4 Rear and side setbacks of the building are setback to maintain the amenity of the adjoining "residential" development, taking into account privacy and noise generation. | No change to the Draft DCP. Control should not be amended to state that it relates only to residential properties. The intention of this clause is to protect the amenity of the surrounding neighbourhood, including both residential and non-residential uses. An assessment of the impact from a proposal for an educational establishment will be merits based. |
| Recommendation No Change | | |
| Issue | | |
| 2.3 Siting of development - Amenity controls should relate to adjoining residential development | | |

| Part | Category | Sub Category |
|--|---|--|
| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| CID: 15 SNO 15 INO: 16 | Summary | Response |
| Mr John Neish | Object to controls that: | No change to the Draft DCP. The controls in Chapter F2 advocate a |
| Dept Education and Communities - Asset | <ul style="list-style-type: none"> - place unreasonable and onerous restrictions on future development - contravene the Education Facility Standards and Guidelines - create unnecessary regulation over State schools - limit school expansion to meet enrolment demands | <ul style="list-style-type: none"> - balance between providing buildings to meet the educational needs of the community, whilst protecting the amenity of the location and minimising impacts on the neighbouring land. |
| Recommendation No Change | | State Environmental Planning Policy (Infrastructure) 2007 permits as |
| Issue | | exempt and complying development a variety of development |
| Controls are onerous and restrict ability to develop schools | | associated with educational establishments. Notwithstanding the Infrastructure SEPP, there are important planning issues which Council has identified that are relevant to the functioning of educational establishments and their relationship to the general community. Educational establishments are therefore encouraged to work with Council in the design and planning stages of proposed development. These include planning issues such as: |
| | | <ul style="list-style-type: none"> - conservation of important buildings, - siting of development, - building design, - open space, - arrival and departure, - car parking, - student numbers, - servicing, - noise, - community use of facilities, - planting, - fencing, - energy efficiency. |

| Part | Category | Sub Category |
|---|--|--|
| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| <p>CID: 18 SNO 18 INO: 24</p> <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2.5 Open spaces- Retention of existing open space may unreasonably restrict school additions</p> | <p>Summary</p> <p>F2.5 Open spaces Delete control C1 to retain existing open spaces.</p> <p>Compliance with this control may unreasonably preclude additions to schools.</p> | <p>Response</p> <p>No change to the Draft DCP. Open playing fields and playgrounds form an important part of an educational establishment campus, and should be retained.</p> <p>If an educational establishment seeks to build on an open playing field, sufficient justification should be provided with the development application to support this position.</p> |
| <p>CID: 51 SNO 53 INO: 203</p> <p>The Scots College</p> <p>The Scots College</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2.6 Traffic, Parking and Access - Requirement for internal driveway overly onerous</p> | <p>Summary</p> <p>Control C6 states that "For a new educational establishment or major development of an existing establishment - an internal driveway for vehicles is provided for picking-up and dropping-off students".</p> <p>This is a more onerous translation of the existing controls in the existing DCP.</p> <p>Concerns are raised in regards to the removal of the words "where feasible". As a result, any major development of an existing establishment will require an internal driveway. This is not considered reasonable because:</p> <ul style="list-style-type: none"> -Site is already space constrained -Major street frontage is very steep and unable to facilitate a street loading area -An internal driveway resulting in a cross over would conflict with pedestrians at the entrance -Site is already well serviced by local bus services (and private buses) and other options are available including walking and cycling -Requirement is more appropriate for greenfield sites. | <p>Response</p> <p>No change to the Draft DCP. Ideally the pickup/drop off area should be located on-site and separated from pedestrian access and play areas by safety fencing, gates or other means as identified in the Draft DCP. If an educational establishment identifies an internal driveway is not possible or practical, and an alternative solution is appropriate, sufficient justification should be provided in a Traffic and Pedestrian Management Plan to support this position.</p> |

| Part | Category | Sub Category |
|---|--|---|
| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| CID: 44 SNO 46 INO: 195 | Summary | Response |
| <p>Mr Nicholas Sampson</p> <p>Cranbrook School</p> | <p>C6 states "For a new educational establishment or major development of an existing establishment - an internal driveway for vehicles is provided for picking-up and dropping-off students."</p> | <p>No change to the Draft DCP. Ideally the pickup/drop off area should be located on-site and separated from pedestrian access and play areas by safety fencing, gates or other means as identified in the Draft DCP. If an educational establishment identifies an internal driveway is not possible or practical, and an alternative solution is appropriate, sufficient justification should be provided in a Traffic and Pedestrian Management Plan to support this position.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>F2.6 Traffic, parking and access - C6 Amend internal driveway requirement to state "wherever feasible".</p> | <p>Concerned that the literal interpretation will demand a drop off facility as part of any new development.</p> <p>Cranbrook Junior School achieved the outcomes of this control. However, the School has noted that vehicles on school premises introduce greater risk during a far longer period between drop-off and pick-up times.</p> <p>Also competes with requirements for open space, and playground areas.</p> <p>Amend control to state: For a new educational establishment or major development of an existing establishment "wherever feasible" an internal driveway for vehicles is provided for picking-up and dropping-off students".</p> | |
| CID: 44 SNO 46 INO: 197 | Summary | Response |
| <p>Mr Nicholas Sampson</p> <p>Cranbrook School</p> | <p>School supports major development provide open space. However, in some cases the footprint of a building may alter and encroach on existing open spaces.</p> | <p>No change to the Draft DCP. Open playing fields and playgrounds form an important part of an educational establishment campus, and should be retained.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>F2.5 Open Space - Where open spaces are lost, they should be re-created on roofs</p> | <p>School seeks the opportunity to 're-create' some of this open space at the roof level, providing an accessible and useable space.</p> | <p>If an educational establishment seeks to build on an open space and relocate a recreation area to a roof level, sufficient justification should be provided with the development application to support this position.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| CID: 44 SNO 46 INO: 198 | Summary | Response |
| <p>Mr Nicholas Sampson</p> <p>Cranbrook School</p> | <p>Council should not require that all parking and servicing associated with a community use is accommodated on site.</p> <p>A Plan of Management is a more appropriate performance based solution.</p> | <p>No change to the Draft DCP. If an educational establishment identifies that all parking and servicing associated with a community use can not be accommodated on site, sufficient justification should be provided in a Traffic and Pedestrian Management Plan to support this position.</p> |
| <p>Recommendation No Change</p> | | |
| <p>Issue</p> | | |
| <p>F2.8 Community Use - C5</p> <p>Parking and servicing associated with community use should not be required on site</p> | | |
| CID: 44 SNO 46 INO: 200 | Summary | Response |
| <p>Mr Nicholas Sampson</p> <p>Cranbrook School</p> | <p>B2.2 contains a range of built form controls that would apply to a school campus:</p> <p>streetscape character, excavation, protection of views etc.</p> <p>Under Section 3.8.9 Non-residential development, control C2 states the following:</p> | <p>No change to the Draft DCP. Development at an educational establishment should have regard to its context to ensure it is consistent with the desired future character for each precinct.</p> |
| <p>Recommendation No Change</p> | | <p>We can confirm that the Macquarie dictionary defines compatible as: "capable of existing together in harmony".</p> |
| <p>Issue</p> | | |
| <p>Controls to recognise that the built form of a school campus may be higher than adjoining buildings</p> | <p>"The development is compatible with the streetscape and the desired future character of the street. For example, buildings in residential areas must maintain a scale consistent with the streetscape" .</p> <p>School seeks confirmation that "compatible" means "capable of existing together in harmony" to recognise that higher building forms may be appropriate.</p> | |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| CID: 44 SNO 46 INO: 201 | Summary | Response |
| Mr Nicholas Sampson | C4 states "Development with a gross floor area of at least 1,000sqm achieves a minimum 4 star NABERS rating." | No change to the Draft DCP. If an existing educational establishment proposes a large scale refurbishment and is unable to achieve a minimum 4 star NABERS rating, sufficient justification should be provided with the development application to support this position. |
| Cranbrook School | Schools rarely construct whole new buildings, and large-scale refurbishment and renewal of existing buildings are more common. Existing buildings are not always readily able to achieve such a rating (without undue hardship and cost). | |
| Recommendation No Change Issue | | |
| 2.2 Building and urban design - Incremental NABERS rating for refurbishments works | School supports achieving a minimum rating of 4 star NABERS, but recommend the introduction of an incremental increase in performance for refurbishment and renewal projects. | |
| CID: 51 SNO 53 INO: 202 | Summary | Response |
| The Scots College | Control C4 states that "Development with a gross floor area of at least 100m2 achieves a minimum 4 star NABERS rating." | No change to the Draft DCP. The control requiring educational establishments to achieve a 4 star NABERS rating is appropriate and reasonable. |
| The Scots College | This is an increased requirements over the existing provisions, and The Scots College may not be able to achieve such a rating when considering the environmental and heritage constraints of the site. Provision is overly onerous and a requirement for "best practice" environmental sustainability should be re-inserted. | Under the National Construction Code 2014 Vol 1 (NCC), the design of works at educational establishments must address the energy efficiency of the building and its services. For example, glazing, heating, air-conditioning and artificial lighting. New development that meets the requirements of the NCC, would achieve the equivalent of a 4 star NABERS rating. |
| Recommendation No Change Issue | | |
| F2.2 Building and urban design - Requirement for a 4 star NABERS rating is overly onerous | | A 4 star rating is also consistent with: - State Government requirements for commercial buildings which are owned or leased by the State - other metropolitan councils' DCPs such as The City of Sydney DCP 2012 and Randwick DCP 2013. |
| | | The term 'best practice' is subjective and could be interpreted to mean a more onerous rating, such as 6 stars. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F2 - Educational Establishments | Chapter F2 - Educational Establishments |
| <p>CID: 18 SNO 18 INO: 23</p> <p>Trustees of the Roman Catholic Church</p> <p>Archdiocese of Sydney</p> <p>Recommendation No Change</p> <p>Issue</p> <p>2.3 Siting of development - Ensure visual privacy controls relate to adjoining residential development</p> | <p>Summary</p> <p>F2.3 Siting of development</p> <p>Amend control C5 to ensure visual privacy controls relate to adjoining residential development, as follows:</p> <p>C5 Development provides visual privacy to adjoining "residential" properties by appropriate design, vegetative screening, window and door offset, location of external areas such as roof top terraces, screening devices, separation distances and the like.</p> | <p>Response</p> <p>No change to the Draft DCP. The control should not be amended to state that it relates only to residential properties.</p> <p>The intention of this clause is to protect the visual privacy of the surrounding neighbourhood, including both residential and non-residential uses. An assessment of the impact from a proposal for an educational establishment will be on merit.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | 3.1.2 Development to which this chapter applies |
| <p>CID: 45 SNO 47 INO: 215</p> <p>Mr John Green</p> <p>Australian Hotels Association (AHA)</p> <p>Recommendation Change Issue</p> <p>The DCP should not apply to all renovations and refurbishments .</p> | <p>Summary</p> <p>The activation of the DCP for existing licensed premises should not be automatic. In relation to the activation of the DCP due to a renovation/refurbishment that results in an “Intensification” of the usage of the development, we submit that further refinement of the definition is required.</p> <p>A renovation/refurbishment that results in increased patron numbers but not increased floor space, due to improvements in design should not automatically result in activation of the DCP. This acts as a disincentive to the owners or operators of these premises to improve them. Over a period of time, the negative impact of venues choosing not to improve their businesses would be detrimental to the Woollahra LGA.</p> <p>In similar terms, approval for new or additional outdoor seating should not activate the DCP where the application involves an existing liquor licence.</p> | <p>Response</p> <p>Council cannot use minor development applications such as fire safety upgrades, internal refurbishment or a reconfigured restaurant/bistro to restrict or vary current operating conditions. This is because such a change would not meet the ‘reasonable’ test under the Newbury Test.</p> <p>The Land and Environment Court has long tested conditions of consent against the principles set out in <i>Newbury District Council v Secretary of State for the Environment</i> [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is:</p> <ul style="list-style-type: none"> - for a planning purpose, - reasonable, and - relevant to the development. <p>We support amending Section 3.1.2 Development to which this chapter applies, to recognise that current operating conditions will not be considered as a matter of course.</p> <p>Amendment:</p> <p>“This chapter does not apply to the current operating conditions of existing licensed premises. Current operating conditions will only be considered where relevant to the determination of a DA e.g. a DA seeking the intensification of the current use.”</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | 3.1.2 Development to which this chapter applies |
| <p>CID: 47 SNO 49 INO: 241</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change</p> <p>Issue</p> <p>Concern that Chapter F3 will be used by Council to fetter and constrain the existing operations of the Golden</p> | <p>Summary</p> <p>The Draft DCP states that: “This chapter does not apply to the current operating conditions of existing licensed premises. However, the current operating conditions of existing licensed premises will be considered, and may be varied, as part of the determination of a DA (or a related application) which may be submitted for the premises.”</p> <p>Concern is raised that the chapter will impose new restrictions on existing hotels which seek to carry out works which neither intensify the use nor extend trading hours. Particularly as the Golden Sheaf is heritage listed which complicates the development process.</p> <p>Hotel owners will be discouraged from introducing compliant smoking solutions, upgrading fire safety measures, and improving food service/kitchen capacity, and the like if these improvements are considered an 'intensification' which may trigger imposition of new restrictions that do not presently apply.</p> | <p>Response</p> <p>Council cannot use minor development applications such as fire safety upgrades, internal refurbishment or a reconfigured restaurant/bistro to restrict or vary current operating conditions. This is because such a change would not meet the ‘reasonable’ test under the Newbury Test.</p> <p>The Land and Environment Court has long tested conditions of consent against the principles set out in <i>Newbury District Council v Secretary of State for the Environment</i> [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is:</p> <ul style="list-style-type: none"> - for a planning purpose, - reasonable, and - relevant to the development. <p>We support amending Section 3.1.2 Development to which this chapter applies, to recognise that current operating conditions will not be considered as a matter of course.</p> <p>Amendment:</p> <p>“This chapter does not apply to the current operating conditions of existing licensed premises. Current operating conditions will only be considered where relevant to the determination of a DA e.g. a DA seeking the intensification of the current use.”</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | 3.1.2 Development to which this chapter applies |
| CID: 46 SNO 48 INO: 221 | Summary | Response |
| BR Solomon & GT Cam | <p>The Draft DCP states that: “This chapter does not apply to the current operating conditions of existing licensed premises. However, the current operating conditions of existing licensed premises will be considered, and may be varied, as part of the determination of a DA (or a related application) which may be submitted for the premises.”</p> | <p>Council cannot use minor development applications such as fire safety upgrades, internal refurbishment or a reconfigured restaurant/bistro to restrict or vary current operating conditions. This is because such a change would not meet the ‘reasonable’ test under the Newbury Test.</p> |
| Owners of the Paddington Inn | | <p>The Land and Environment Court has long tested conditions of consent against the principles set out in <i>Newbury District Council v Secretary of State for the Environment</i> [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is:</p> <ul style="list-style-type: none"> - for a planning purpose, - reasonable, and - relevant to the development. |
| Recommendation Change Issue | <p>Concern is raised that the chapter will impose new restrictions on existing hotels which seek to carry out works which neither intensify the use nor extend trading hours.</p> | <p>We support amending Section 3.1.2 Development to which this chapter applies, to recognise that current operating conditions will not be considered as a matter of course.</p> |
| <p>Concern that Chapter F3 will be used by Council to fetter and constrain the existing operations of what is widely regarded as a well-managed, high quality, and popular hotel.</p> | <p>Hotel owners will be discouraged from introducing compliant smoking solutions, upgrading fire safety measures, and improving food service/kitchen capacity, and the like if these improvements are considered an 'intensification' which may trigger imposition of new restrictions that do not presently apply.</p> | <p>Amendment reads: “This chapter does not apply to the current operating conditions of existing licensed premises. Current operating conditions will only be considered where relevant to the determination of a DA e.g. a DA seeking the intensification of the current use.”</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | 3.1.2 Development to which this chapter applies |
| <p>CID: 17 SNO 17 INO: 18</p> <p>Mr Ryan Brothers Liquor Sales Pty Ltd</p> <p>Woollahra Hotel</p> <p>Recommendation Change Issue</p> <p>There is no clear savings provision for existing licensed premises and applicability of the controls</p> | <p>Summary</p> <p>There is no clear savings provision for existing licensed premises and applicability of the controls. One of the main interests of stakeholders will be how the Draft DCP affects existing licensed premises. Control F3.1.2 seeks to explain how the controls will apply to existing licensed premises; viz:</p> <p>-This chapter does not apply to the current operating conditions of existing licensed premises. However, the current operating conditions of existing licensed premises will be considered, and may be varied, as part of the determination of a DA (or a related application) which may be submitted for the premises.</p> <p>This paragraph is confusing. The second sentence is clearly inconsistent with the first, where the paragraph first states it will not apply to current operating conditions but then goes on to say that current operating conditions may be varied as part of the determination of an application.</p> <p>The Council needs to clarify which current operating conditions of existing licensed premises are to be protected, which may be varied by the controls and under what circumstances.</p> | <p>Response</p> <p>Council cannot use minor development applications such as fire safety upgrades, internal refurbishment or a reconfigured restaurant/bistro to restrict or vary current operating conditions. This is because such a change would not meet the 'reasonable' test under the Newbury Test.</p> <p>The Land and Environment Court has long tested conditions of consent against the principles set out in <i>Newbury District Council v Secretary of State for the Environment</i> [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is:</p> <ul style="list-style-type: none"> - for a planning purpose, - reasonable, and - relevant to the development. <p>We support amending Section 3.1.2 Development to which this chapter applies, to recognise that current operating conditions will not be considered as a matter of course.</p> <p>Amendment:</p> <p>"This chapter does not apply to the current operating conditions of existing licensed premises. Current operating conditions will only be considered where relevant to the determination of a DA e.g. a DA seeking the intensification of the current use."</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | 3.1.2 Development to which this chapter applies |
| <p>CID: 47 SNO 49 INO: 253</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change Issue</p> <p>The application of the DCP to existing pubs which propose modifications is a disincentive to invest, due to the uncertainty regarding operating hours</p> | <p>Summary</p> <p>In the Draft DCP Section 3.1.2 Development to which this chapter applies , states in part that ..."the current operating conditions of existing licensed premises will be considered, and may be varied, as part of the determination of a DA..."</p> <p>Accordingly, when a hotel/pub owner or manager seeks to undertake modifications to their premises (say, for example, for upgraded fire safety, or an internal refurbishment, or a smoking solution, or for a reconfigured restaurant/bistro), then the Council "may" use this as an opportunity to apply the restrictive provisions of Chapter F3 of the DCP. This would be a major disincentive to investment in and improvement of licensed premises.</p> | <p>Response</p> <p>Council cannot use minor development applications such as fire safety upgrades, internal refurbishment or a reconfigured restaurant/bistro to restrict or vary current operating conditions. This is because such a change would not meet the 'reasonable' test under the Newbury Test.</p> <p>The Land and Environment Court has long tested conditions of consent against the principles set out in Newbury District Council v Secretary of State for the Environment [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is:</p> <ul style="list-style-type: none"> - for a planning purpose, - reasonable, and - relevant to the development. <p>We support amending Section 3.1.2 Development to which this chapter applies, to recognise that current operating conditions will not be considered as a matter of course.</p> <p>Amendment:</p> <p>"This chapter does not apply to the current operating conditions of existing licensed premises. Current operating conditions will only be considered where relevant to the determination of a DA e.g. a DA seeking the intensification of the current use."</p> |
| <p>CID: 46 SNO 48 INO: 233</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change Issue</p> <p>A definition of "fully enclosed" should be included in the Draft DCP</p> | <p>Summary</p> <p>If Council intends to restrict trading hours based on whether a part of the premises is fully enclosed or not, then a definition of what "fully enclosed" means should be included to ensure that everyone is clear of Council's intentions. If a room has three walls and a louvered wall it could be argued that it is enclosed, but is not fully enclosed.</p> | <p>Response</p> <p>No change to the Draft DCP. What constitutes being 'fully enclosed' is self explanatory and does not need defining. A room with three walls and a louvered wall would not be fully enclosed.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| CID: 47 SNO 49 INO: 244 | Summary | Response |
| <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> | <p>It would not be in the interests of residents of the Woollahra LGA if their young people, say between the aged of 18-25 years, were forced to leave the relative safety of the local area, including in Double Bay, for lack of late night entertainment and socialisation opportunities.</p> | <p>No change to the Draft DCP. The Draft DCP will not change the existing operation of the Golden Sheaf Hotel.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>Existing and operational flexibility is a positive for the local community</p> | <p>There would be widespread community concern if as a result of new operational restrictions, young people in the Woollahra LGA had reduced opportunity for socialising in local centres such as Double Bay and had to travel to entertainment precincts further afield.</p> <p>The Draft DCP does not acknowledge the existing operational flexibility available at the Golden Sheaf is providing entertainment opportunities for young people locally.</p> | |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 47 SNO 49 INO: 242</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The Draft DCP threatens one of the key features of the hotel, outdoor areas with the controls for late trade</p> | <p>Summary</p> <p>A major part of the attraction of the Golden Sheaf and appeal are the extensive outdoor areas which seamlessly merge with the indoor areas.</p> <p>The imposition of restrictions on the use of the outdoor areas of the hotel would have a catastrophic effect on the way the hotel operates. (For example, there is no way to access the back bar or male toilets other than passing through an outside area. So the back bar and some amenities would have to close at the same time as the outside area closes if the draft controls were implemented.)</p> <p>So it is precisely that feature of the Golden Sheaf which particularly contributes to it being an appealing and popular hotel which the draft controls seek to restrict and prevent: outdoor areas which trade late. Certainly, the form, nature and operational characteristics of the Golden Sheaf as existing today are not encouraged by, nor would be permitted under the draft controls. Any restrictions on how the outdoor areas are used would have a devastating impact on the existing business.</p> | <p>Response</p> <p>No change to the Draft DCP. The provisions of the Draft DCP only apply if there is a DA which may result in intensification of the use. For example, increased patron numbers and/or extended hours of operation. The Draft DCP will not change the existing operation of the Golden Sheaf Hotel.</p> |
| <p>CID: 47 SNO 49 INO: 240</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Chapter F3 should be deferred from the Draft DCP, as in its present form it is inappropriate, unnecessarily restrictive, unreasonably excessive and unduly punitive.</p> | <p>Summary</p> <p>Chapter F3 should be deferred from the Draft DCP, as in its present form it is inappropriate, unnecessarily restrictive, unreasonably excessive and unduly punitive.</p> | <p>Response</p> <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. The controls in the Draft DCP are appropriate to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> <p>The DCP does not propose to change the existing trading conditions of the Golden Sheaf Hotel or any other existing licensed premises.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 59 SNO 61 INO: 207</p> <p>Mr Phillip Street</p> <p>Rose Bay Local Area Command</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Premises with Primary Service Authorisation - Approval of and conditions of use</p> | <p>Summary</p> <p>No Primary Service Authorisation (PSA) should be consented to without a demonstrated period of 12 months responsible trade. If a PSA is to be consented to, the controls police would request are:</p> <ul style="list-style-type: none"> - liquor service to cease prior to cease of trade, - patrons must be seated when consuming liquor, and - in the event the premises has an extended trading authorisation, the imposition of a suitable lockout. | <p>Response</p> <p>No change to the Draft DCP. Additional controls are not required.</p> <p>Following consultation with NSW Police, Council's standard conditions for venues with Primary Service Authorisation (PSA) were reviewed and amended to include the suggested conditions.</p> <p>Development consents for restaurants are generally subject to conditions which require that alcohol is only served with a meal, and only to patrons that are seated. If an applicant sought to change the conditions of consent to allow PSA, Council will have the opportunity to review those conditions. The matters identified in the submission may be considered as part of the review and, if required, the conditions of the consent can be amended accordingly.</p> |
| <p>CID: 46 SNO 48 INO: 236</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation Change</p> <p>Issue</p> <p>Controls C8 and C9 in Section F3.3 regarding management of license premises should be deleted.</p> | <p>Summary</p> <p>Controls C8 and C9 in Section F3.3 in Chapter F3 state:- “C8 Licensed premises are managed in a manner which minimises opportunities for anti-social behaviour and crime arising from their operation. C9 Management of licensed premises extends to the area in the vicinity of the premises to prevent anti-social behaviour and crime particularly at closing times and during periods of high patronage.”</p> <p>These controls should be deleted from the Draft DCP.</p> | <p>Response</p> <p>Support amending the Draft DCP. The Draft DCP has been amended to incorporate Controls C8 and C9 into Objective O4 a) as follows:</p> <p>O4 Appropriate management practices are implemented for licensed premises to:</p> <ol style="list-style-type: none"> a) Minimise impacts, such as anti-social behaviour and crime, on surrounding residential and other sensitive land uses particularly at closing times and during periods of high patronage; and b) Safeguard persons occupying licensed premises. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 46 SNO 48 INO: 234</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Section F3.3, controls C5 and C6 should be deleted as they are inconsistent with the overarching objectives of the chapter</p> | <p>Summary</p> <p>The objectives for the chapter are:</p> <p>“O1 To standardise the way we assess development applications (DAs) and other related applications for licensed premises.</p> <p>O2 To provide certainty to applicants, residents and other stakeholders regarding our approach to, and planning requirements for, dealing with DAs and other related applications for licensed premises.</p> <p>O3 To achieve a more consistent approach to determining trading hours and operating conditions for licensed premises.”</p> <p>Control C5 may limit the maximum number of persons permitted on the premises, and control C6 may increase the maximum number of persons permitted on licensed premises. These controls do not identify how Council planners will determine an appropriate capacity for a premises, other than to use fire safety and other emergency situation considerations. The statement that capacity will be based on “an assessment of likely amenity impacts” is ambiguous and is open to officer interpretation.</p> <p>Furthermore, Chapter F3 does not outline under what circumstances Council will consider an increase in the capacity of a premises. Therefore, the proposed controls to determine the maximum number of persons permitted on licensed premises:</p> <ul style="list-style-type: none"> - do not standardise the assessment process or provide certainty for applicants residents and other stakeholders as each DA will continue to be assessed on its merits, as per the current approach; and - will not provide a consistent approach to determining operating conditions for licensed premises as the final decision will be based on a Council officers interpretation of what is appropriate. <p>Therefore, the controls relating to maximum number of persons permitted on licensed premises should be deleted from Chapter F3.</p> | <p>Response</p> <p>No change to the Draft DCP. Floor area and egress widths under the BCA are a good guide to identify what the maximum capacity of a venue should be, not only for safety, but also for neighbourhood amenity. However, each DA will be considered on its merits, and the potential amenity impacts considered on a case by case basis.</p> <p>For example, the patron capacity for specific areas, e.g. dining areas, would be based on table and seating layouts and would generally be expected to be lower than the capacity for bar areas. There may also be other planning issues e.g. parking availability and the proximity of residential uses, which need to be considered.</p> <p>Council would also apply the following planning principles as required:</p> <ul style="list-style-type: none"> - Randall Pty Ltd v Leichhardt Council [2004] NSWLEC 277, extension or intensification of use which may impact on residential amenity, and - Vinson v Randwick Council [2005] NSWLEC 142, extension of trading hours increase in permitted patron numbers or additional attractions. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 46 SNO 48 INO: 237</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation Change Issue</p> <p>Comments and suggestions regarding controls for general amenity, Section F3.3 Objectives and controls</p> | <p>Summary</p> <p>Controls C12 – C16</p> <ul style="list-style-type: none"> - We question the need for Control C12 – this is not a control and provides no clarification on what would be considered acceptable; - Control C13 requires clarification (e.g. an acoustic report should not be required for a DA for minor building alterations); - Control C14 is ambiguous. What is “an intensification of use of the building”? If an applicant seeks to undertake modifications to a licensed premises (for example, an internal refurbishment, or a new smoking solution, or for a reconfigured restaurant/bistro), which adds, however marginally, to the floor area, would Council officers consider this an “intensification of use of the building” and thus require upgrades to the building?; - Control C15 requires clarification. Is Council asking Applicants to install lighting “in the vicinity of the premises” (i.e. on some else’s land)? How can this control be satisfied?; and - Control C16 is a design issue and is out of place in this chapter of the DCP. | <p>Response</p> <p>C12 – No change to the Draft DCP . The control is appropriate as it draws attention to specific design features which have the potential to impact on neighbourhood amenity such as noise, odours and privacy.</p> <p>C13 – Support amending the Draft DCP . The control has been amended to clarify that an acoustic report will not be required for applications that do not raise acoustic issues. Control to state: "A report by an acoustic engineer is submitted with applications involving licensed premises, as relevant."</p> <p>C14 – No change to the Draft DCP. When a DA is considered, clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 guide what works trigger upgrades of the existing building.</p> <p>C15 – Support amending the Draft DCP. The control has been reworded to make specific reference to lighting at the frontage, entrances and exits. The control does not require lighting to be installed on someone else’s land. Control to state: "Lighting is installed to enable visibility of activities and surveillance of the frontage, entrances and exits of licensed premises."</p> <p>C16 – As this chapter applies to all licensed premises, it is appropriate to include a control relating to the design of the street façade. However, for clarity, we support amending the control. Control to state: "The frontage of a licensed premises is active and in keeping with the streetscape. Blank facades are avoided."</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 46 SNO 48 INO: 230</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Summary</p> <p>The use of licence definitions in Chapter F3 of the Draft DCP to determine risk is extremely confusing, given that the definitions used in Woollahra LEP 2014 are different. References to different premises types in Chapter F3 should be amended to reflect land use definitions in the Draft LEP (e.g. “pubs”).</p> <p>Recommendation Change</p> <p>Issue</p> <p>Land use terms in Chapter F3 should be consistent with Woollahra LEP 2014</p> | <p>Response</p> <p>It is agreed that the land use terms should be consistent with the Woollahra LEP 2014. The Draft DCP has been amended to avoid confusion. For example, the term 'hotel' has been replaced with 'pub'.</p> | |
| <p>CID: 46 SNO 48 INO: 220</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Summary</p> <p>Chapter F3 should be deferred from the Draft DCP, as in its present form it is inappropriate, unnecessarily restrictive, unreasonably excessive and unduly punitive.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Chapter F3 should be deferred from the Draft DCP</p> | <p>Response</p> <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. The controls in the Draft DCP are appropriate to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> <p>The DCP does not propose to change the existing trading conditions of the Paddington Inn or any other existing licensed premises.</p> | |
| <p>CID: 45 SNO 47 INO: 219</p> <p>Mr John Green</p> <p>Australian Hotels Association (AHA)</p> <p>Summary</p> <p>The AHA acknowledges that detailed submissions have been made by different hotel operators in the Woollahra Council area. We indicate our support for the issues raised in those submissions.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support submissions made by hotel operators in the Woollahra LGA</p> | <p>Response</p> <p>Support noted.</p> | |

| Part | Category | Sub Category |
|---|--|---|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 17 SNO 17 INO: 73</p> <p>Mr Ryan Brothers Liquor Sales Pty Ltd</p> <p>Woollahra Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Detail needs to be provided on the Plans of Management and Social Impact Assessments</p> | <p>Summary</p> <p>The draft controls require the provision of a Plan of Management (PoM) and Social Impact Assessment (SIA) but provide no detail on what should be included in either document.</p> <p>Council needs to provide clear guidelines as to the operational matters it expects to be covered in a PoM and the relevant factors that would permit it to undertake a SIA of an application concerning a licensed premises. They should be exhibited along with the relevant controls.</p> | <p>Response</p> <p>No change to the Draft DCP. The provisions for the preparation of Plans of Management and Social Impact Reports will be included in the DA Guide. Draft provisions for the preparation of Plans of Management and Social Impact Reports were included as annexures to the Urban Planning Committee report of 22 July 2013.</p> <p>As Chapter F3 Licensed premises has been amended in response to submissions, some provisions in the Plans of Management and Social Impact Reports will be modified to reflect the final version of the Draft DCP.</p> <p>The DA Guide is a supporting document for the Draft DCP. There is no statutory requirement to publicly exhibit the DA Guide.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 17 SNO 17 INO: 72</p> <p>Mr Ryan Brothers Liquor Sales Pty Ltd</p> <p>Woollahra Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Insufficient information on use of new controls, in particular, cumulative impact</p> | <p>Summary</p> <p>Control 1 outlines relevant matters for consideration in the assessment of all development applications for licensed premises. Concern is raised with the lack of information for controls regarding cumulative impact requiring consideration of:</p> <ul style="list-style-type: none"> e) existing and likely cumulative impacts, including social impacts, of licensed premises on the amenity of surrounding areas; and g) the density of licensed premises in the vicinity of the proposed development <p>The Rifon Pty Ltd v Sydney City Council [2006] NSWLEC 778 case proved the onus is on Council to provide assessment data for the relevant area and a control area and then once the data is collected, analysis of that data would require the setting of benchmarks for the various indicators to guide the determination of acceptable and unacceptable impacts. This information has not been provided to allow any interested party to make such an assessment against Council's controls.</p> <p>Recent studies (Liang and Chikritzhs 2011) have demonstrated only a casual connection between higher densities of licensed premises and increases in alcohol-related anti-social behaviour. So it is incorrect to assume, like the controls seem to suggest, that increases in the number of licensed premises will result in increased impacts.</p> <p>The controls fail to reflect the intricacies of considering cumulative impact and density of licensed premises and will result in oversimplified and incorrect assessments. That will lead to poor planning outcomes, which will again weaken the enforceability of Council's controls.</p> | <p>Response</p> <p>No change to the Draft DCP. Chapter F3 will be supported by a revised version of the Development Application Guide (DA Guide). The DA Guide will include information on how to prepare Plans of Management and Social Impact Assessments. These documents will be revised, and be available at the commencement of the DCP.</p> <p>The density of licensed premises is a relevant consideration as identified in "An appraisal of social harm issues – relating to increasing liquor outlet density, February 2003, Dr Martin Bleasel, Stuart Jones and James Bleasel".</p> <p>It is not appropriate for the DCP controls to be established around the findings of the Rifon case as:</p> <ul style="list-style-type: none"> - the planning controls did not specifically relate to licensed premises, - the site is in Kings Cross, and - there was unsubstantiated evidence that the area had reached 'saturation point'. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 46 SNO 48 INO: 235</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The management plan and social impact report information was not exhibited with the Draft DCP, therefore comment on controls C7 and C11 is not possible.</p> | <p>Summary</p> <p>Controls C7 and C11 include references to the following documents:</p> <ul style="list-style-type: none"> - Management Plan for Licensed Premises, and - Social Impact Report for Licensed Premises. <p>It is not possible to comment on these controls the supporting documents were not exhibited with the Draft DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. The provisions for the preparation of Plans of Management and Social Impact Reports will be included in the DA Guide. Draft provisions for the preparation of Plans of Management and Social Impact Reports were included as annexures to the Urban Planning Committee report of 22 July 2013.</p> <p>As Chapter F3 Licensed premises has been amended in response to submissions, some provisions in the Plans of Management and Social Impact Reports will be modified to reflect the final version of the Draft DCP.</p> <p>The DA Guide is a supporting document for the Draft DCP. There is no statutory requirement to publicly exhibit the DA Guide.</p> |
| <p>CID: 47 SNO 49 INO: 259</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>A definition of what "fully enclosed" should be included in the Draft DCP</p> | <p>Summary</p> <p>If Council intends to restrict trading hours based on whether a part of the premises is fully enclosed or not, then a definition of what "fully enclosed" means should be included to ensure that everyone is clear of Council's intentions. If a room has three walls and a louvered wall it could be argued that it is enclosed, but is not fully enclosed.</p> | <p>Response</p> <p>No change to the Draft DCP. What constitutes being 'fully enclosed' is self explanatory and does not need defining. A room with three walls and a louvered wall would not be fully enclosed.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 47 SNO 49 INO: 266</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change Issue</p> <p>Question on future development scenarios</p> | <p>Summary</p> <p>How would the following examples of development be considered under the draft controls in Chapter F3 of the Draft DCP:</p> <ul style="list-style-type: none"> -Proposal 1: Installation of a compliant smoking solution adjacent to the eastern boundary in the rear courtyard with the building of separation walls, garden beds & delineation at the rear entrance - Proposal 2: Activation of the Kiaora Lane frontage in the form of a structure opening onto the lane which might serve coffee in the day and function as a bar at night. <p>In the event that the Draft DCP was adopted, with Chapter F3 in its present form, how would Council deal with the above proposals? Would they be considered as an “intensification”? Would restrictions be imposed on their operation (e.g. their patron capacity or hours of operation) which have no regard to the existing operational flexibility of the hotel? Would they be subject to a trial period even though they would form of a well-managed hotel, the track record of which is well-established? Would they be subject to reviewable conditions? Would new/different restrictions be applied to the existing hotel and its associated existing outdoor areas?</p> | <p>Response</p> <p>The following comments are based on the two proposals included in the submission.</p> <p>Note: These comments are based on hypothetical development scenarios only. Any actual DA will be assessed on merit and site specific details. This assessment would identify whether existing conditions should be reviewed and/or reviewable conditions applied having regard to the specific DA.</p> <p>Proposal 1</p> <ul style="list-style-type: none"> - The proposal would not be considered an intensification of the use. - Additional operating restrictions are unlikely. - A reviewable condition is unlikely. <p>Proposal 2</p> <ul style="list-style-type: none"> - The proposal would not be considered an intensification of the use (assuming patron numbers will not increase). - A reviewable condition is unlikely. -Council is presently looking at how to best activate Kiaora Lane in the context of the Kiaora Lands development. <p>In response to submissions, there will be no trial period consents under the Draft DCP. Changes will be made to C4 and C6 to delete the reference to trial periods.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 48 SNO 50 INO: 267</p> <p>Hemmes Hermitage Pty Ltd & Bettina Merivale Hemmes</p> <p>Owners of 374-380 Oxford Street</p> <p>Summary</p> <p>The content of Chapter F3 is an unreasonable disincentive to the increased enlivenment of the retail strip through further development of 'food and drink premises', such as quality restaurants and should not be proceeded with by Council.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Chapter F3 is an unreasonable disincentive to enlivening the Oxford Street retail strip</p> | | <p>Response</p> <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. The controls in the Draft DCP are appropriate to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> <p>The DCP does not propose to change the existing trading conditions existing licensed premises.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 47 SNO 49 INO: 263</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change Issue</p> <p>Comments and suggestions regarding controls for general amenity, Section F3.3 C12-16</p> | <p>Summary</p> <p>Controls C12 – C16 in Section F3.3 in Chapter F3 state:- “C12 The location of: a) outdoor areas of licensed premises (includes smoking areas); b) window, door and other openings in external walls; c) plant and equipment; and d) waste collection and storage areas is to take into account the proximity of residential and other sensitive uses. C13 A report by an acoustic engineer is submitted with applications involving licensed premises. C14 Consideration will be given to upgrading fire services, building structure, toilet facilities, etc. of existing buildings where applications involving licensed premises result in a change of use and/or an intensification of use of the building. C15 Lighting is installed to enable visibility of activities and surveillance of the area in the vicinity of the premises. C16 The street façade design of licensed premises is in keeping with the architectural character of the streetscape. Blank facades are avoided.” In this regard:- - We question the need for Control C12 – this is not a control and provides no clarification on what would be considered acceptable; - Control C13 requires clarification (e.g. an acoustic report should not be required for a DA for minor building alterations); - Control C14 is ambiguous. What is “an intensification of use of the building”? If an applicant seeks to undertake modifications to a licensed premises (for example, an internal refurbishment, or a new smoking solution, or for a reconfigured restaurant/bistro), which adds, however marginally, to the floor area, would Council officers consider this an “intensification of use of the building” and thus require upgrades to the building?; - Control C15 requires clarification. Is Council asking Applicants to install lighting “in the vicinity of the premises” (i.e. on some else’s land)? How can this control be satisfied?; and - Control C16 is a design issue and is out of place in this chapter of the DCP.</p> | <p>Response</p> <p>C12 – No change to the Draft DCP . The control is appropriate as it draws attention to specific design features which have the potential to impact on neighbourhood amenity such as noise, odours and privacy.</p> <p>C13 – Support amending the Draft DCP . The control has been amended to clarify that an acoustic report will not be required for applications that do not raise acoustic issues. Control to state: "A report by an acoustic engineer is submitted with applications involving licensed premises, as relevant."</p> <p>C14 – No change to the Draft DCP. When a DA is considered, clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 guide what works trigger upgrades of the existing building.</p> <p>C15 – Support amending the Draft DCP. The control has been reworded to make specific reference to lighting at the frontage, entrances and exits. The control does not require lighting to be installed on someone else’s land. Control to state: "Lighting is installed to enable visibility of activities and surveillance of the frontage, entrances and exits of licensed premises."</p> <p>C16 – As this chapter applies to all licensed premises, it is appropriate to include a control relating to the design of the street façade. However, for clarity, we support amending the control. Control to state: "The frontage of a licensed premises is active and in keeping with the streetscape. Blank facades are avoided."</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 47 SNO 49 INO: 262</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change Issue</p> <p>Controls C8 and C9 in Section F3.3 regarding management of license premises should be deleted.</p> | <p>Summary</p> <p>Controls C8 and C9 in Section F3.3 in Chapter F3 state:- “C8 Licensed premises are managed in a manner which minimises opportunities for antisocial behaviour and crime arising from their operation. C9 Management of licensed premises extends to the area in the vicinity of the premises to prevent anti-social behaviour and crime particularly at closing times and during periods of high patronage.” We respectfully submit that these are not controls at all and should be deleted from the Draft DCP.</p> | <p>Response</p> <p>Support deleting controls C8 and C9. These controls C8 and C9 have been incorporated into Objective O4 a).</p> <p>O4 Appropriate management practices are implemented for licensed premises to:</p> <p>a) minimise impacts, such as anti-social behaviour and crime, on surrounding residential and other sensitive land uses particularly at closing times and during periods of high patronage; and b) safeguard persons occupying licensed premises.</p> |
| <p>CID: 47 SNO 49 INO: 261</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change Issue</p> <p>The management plan and social impact report information was not exhibited with the Draft DCP, therefore comment on controls C7 and C11 is not possible.</p> | <p>Summary</p> <p>Controls C7 and C11 include references to the following documents:</p> <ul style="list-style-type: none"> - Management Plan for Licensed Premises, and - Social Impact Report for Licensed Premises. <p>It is not possible to comment on these controls the supporting documents were not exhibited with the Draft DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. The provisions for the preparation of Plans of Management and Social Impact Reports will be included in the DA Guide. Draft provisions for the preparation of Plans of Management and Social Impact Reports were included as annexures to the Urban Planning Committee report of 22 July 2013.</p> <p>As Chapter F3 Licensed premises has been amended in response to submissions, some provisions in the Plans of Management and Social Impact Reports will be modified to reflect the final version of the Draft DCP.</p> <p>The DA Guide is a supporting document for the Draft DCP. There is no statutory requirement to publicly exhibit the DA Guide.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| CID: 49 SNO 51 INO: 270 | Summary | Response |
| <p>Hemmes Property Pty Ltd</p> <p>Recommendation No Change Issue</p> <p>Chapter F3 Licensed Premises, should be deferred from the Draft DCP</p> | <p>Chapter F3 should be deferred on the basis that:-</p> <ul style="list-style-type: none"> - the Woollahra LGA as a whole, including the Oxford Street retail strip in Paddington, does not warrant a raft of additional controls on licensed premises; - there is no reasonable need for the increased controls on licensed premises; - there is inappropriate borrowing of controls from City of Sydney Council's Late Night Trading Controls in Sydney DCP 2012, notwithstanding the clear and obvious contrasts between the City of Sydney LGA and the Woollahra LGA in terms of number of licensed premises; and - the proposed controls are inconsistent with Department of Planning guidelines for licensed premises. | <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. An objective of the Draft DCP is to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> <p>The approach other councils such as the City of Sydney take to licensed premises formed part of the research undertaken to prepare the Chapter F3. However, the Draft DCP controls were developed having regard to the specific characteristics and needs of the Woollahra LGA. For example, Chapter F3 is specific to licensed premises and is not a late night trading policy, also, it uses land use zonings as opposed to a hierarchy of late night trading areas as adopted by the City of Sydney. The Social Profile Report, Woollahra LGA – February 2009, which was a source document, is a more relevant basis for the draft controls than a comparative analysis of Woollahra and the City of Sydney, or any of the other local government areas.</p> <p>Development consents are attached to the land and are afforded protection under the Environmental Planning and Assessment Act 1979. Licensing under the Liquor Act 2007 relates to matters such as whether the operator is a fit and proper person to hold a licence and there are provisions for licences to be cancelled. These two acts have different objectives. Furthermore, the Draft DCP is consistent with the Department of Planning and Environment document, Planning For Entertainment Guidelines 2009 for licensed premises.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 47 SNO 49 INO: 257</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>There is no correlation between some matters of consideration in Section F3.3 and the trading hours or other controls which follow.</p> | <p>Summary</p> <p>Control C1 in Section F3.3 of the Draft DCP lists the matters which are to be considered “before deciding on an application involving licensed premises”. They include “proximity to residential and other sensitive uses” and “the density of licensed premises in the vicinity of the premise”. There is, however, no correlation between these specific matters and the trading hours or other controls which follow.</p> | <p>Response</p> <p>No change to the Draft DCP. The matters in control C1 are relevant to assessing the impact of development applications for licensed premises. The matters in C1 are relevant to determining whether the base or extended trading hours should be applied, and are called upon as matters of consideration to determine increased numbers of patrons.</p> |
| <p>CID: 47 SNO 49 INO: 255</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change</p> <p>Issue</p> <p>Land use terms in Chapter F3 should be consistent with Woollahra LEP 2014</p> | <p>Summary</p> <p>The use of licence definitions in Chapter F3 of the Draft DCP to determine risk is extremely confusing, given that the definitions used in Woollahra LEP 2014 are different. References to different premises types in Chapter F3 should be amended to reflect land use definitions in the Draft LEP. For example, the term "hotel" has been changed to “pub”.</p> | <p>Response</p> <p>It is agreed that the land use terms should be consistent with the Woollahra LEP 2014. The Draft DCP has been amended to avoid confusion. For example, the term 'hotel' has been replaced with 'pub'.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |

CID: 59 SNO 61 INO: 205 Summary

Response

Mr Phillip Street

Rose Bay Licensing police have reviewed chapter F3 Licensed premises and welcome the draft DCP. Police believe Woollahra Council's Draft DCP will provide a consistent approach to development consents and will help to reduce the impact new licensed premises and modifications to existing licensed premises have on the community.

Support is noted.

Rose Bay Local Area Command

Recommendation No Change

Issue

Support for the introduction of the Licensed Premises chapter

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Chapter F3 - Licensed Premises |
| <p>CID: 47 SNO 49 INO: 260</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Section F3.3, controls C5 and C6 should be deleted as they are inconsistent with the overarching objectives of the chapter</p> | <p>Summary</p> <p>The objectives for the chapter are: “O1 To standardise the way we assess development applications (DAs) and other related applications for licensed premises. O2 To provide certainty to applicants, residents and other stakeholders regarding our approach to, and planning requirements for, dealing with DAs and other related applications for licensed premises. O3 To achieve a more consistent approach to determining trading hours and operating conditions for licensed premises.”</p> <p>Control C5 may limit the maximum number of persons permitted on the premises, and control C6 may increase the maximum number of persons permitted on licensed premises. These controls do not identify how Council planners will determine an appropriate capacity for a premises, other than to use fire safety and other emergency situation considerations. The statement that capacity will be based on “an assessment of likely amenity impacts” is ambiguous and is open to officer interpretation.</p> <p>Furthermore, Chapter F3 does not outline under what circumstances Council will consider an increase in the capacity of a premises. Therefore, the proposed controls to determine the maximum number of persons permitted on licensed premises:-</p> <ul style="list-style-type: none"> - do not standardise the assessment process or provide certainty for applicants residents and other stakeholders, as each DA will continue to be assessed on its merits, as per the current approach; and - will not provide a consistent approach to determining operating conditions for licensed premises as the final decision will be based on a Council officers interpretation of what is appropriate. <p>Therefore, the controls relating to maximum number of persons permitted on licensed premises should be deleted from Chapter F3.</p> | <p>Response</p> <p>No change to the Draft DCP. There are challenges with assessing what the maximum number of persons permitted on a premises should be based on amenity considerations. Previously, floor area and egress widths under the BCA have been a good guide to what the maximum capacity of a venue should be, not only for safety, but also for neighbourhood amenity.</p> <p>The patron capacity for specific areas, e.g. dining areas, would be based on table and seating layouts and would generally be expected to be lower than the capacity for bar areas. There may also be other planning issues, i.e. parking availability, which need to be considered.</p> <p>Control C6 is relevant and the potential amenity impacts of licensed premises on the surrounding neighbourhood support a reviewable condition approach as advocated by the Draft DCP. Requests for increases in capacity made by venue operators will be considered on merit.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Consultation |
| CID: 46 SNO 48 INO: 224 | Summary | Response |
| <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> | <p>Although Part F3 of the Draft DCP relates specifically to licensed premises, there was no consultation, prior to its formulation, with either the Australian Hoteliers Association (AHA) or any other industry groups or, as far as we are aware, any individual licensees of licensed premises.</p> | <p>No change to the Draft DCP. Reports on the preparation of a licensed premises DCP were considered by Council in April and July 2013. Consultation regarding the Draft DCP has been undertaken in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (Act) and the Environmental Planning and Assessment Regulation 2000 (Regulation).</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>There has been no targeted consultation in the preparation of Chapter F3 of the Draft DCP</p> | <p>Instead of preparing and exhibiting Chapter F3 of the Draft DCP, Council should have facilitated co-operative and constructive consultation with key stakeholders to achieve mutually beneficial outcomes. In this regard, the briefing held on 16 December 2014 was useful and informative but too late in the process, as by that time the Draft DCP was already well into its exhibition period.</p> | <p>The Draft DCP was exhibited for over three months instead of the minimum 28 day period. Notification letters were sent to all property owners and also distributed to all properties in the Woollahra LGA. This process sought to ensure that both property owners and tenants received notice of the exhibition. Consequently, properties with owner occupiers would have received two notifications. Public notice was also given in the Wentworth Courier throughout the exhibition period. The notice specifically identified that there were new controls for licensed premises.</p> |
| | | <p>Further consultation is not warranted as:</p> <ul style="list-style-type: none"> - The Draft DCP consultation has exceeded the statutory requirements of the Act and Regulation, - The submissions received during the exhibition period have been considered, and - Chapter F3 has been amended in response to submissions. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Consultation |
| CID: 26 SNO 27 INO: 66 | Summary | Response |
| Bridge Retail Investments Pty Ltd The Light Brigade Hotel | Further consultation with licensees, hoteliers and liquor accord members be undertaken in order to inform the draft DCP controls. This consultation should continue on a regular basis in order to ensure Council's strategic and statutory frameworks are effectively responding to the unique characteristics of the various licensed premises throughout the LGA. | No change to the Draft DCP. Reports on the preparation of a licensed premises DCP were considered by Council in April and July 2013. Consultation regarding the Draft DCP has been undertaken in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (Act) and the Environmental Planning and Assessment Regulation 2000 (Regulation). |
| Recommendation No Change | | |
| Issue | Further consultation should be held with Licensees, Hoteliers and Liquor Accord Members | The Draft DCP was exhibited for over three months instead of the minimum 28 day period. Notification letters were sent to all property owners and also distributed to all properties in the Woollahra LGA. This process sought to ensure that both property owners and tenants received notice of the exhibition. Consequently, properties with owner occupiers would have received two notifications. Public notice was also given in the Wentworth Courier throughout the exhibition period. The notice specifically identified that there were new controls for licensed premises. |
| | | Further consultation is not warranted as: <ul style="list-style-type: none"> - The Draft DCP consultation has exceeded the statutory requirements of the Act and Regulation, - The submissions received during the exhibition period have been considered, and - Chapter F3 has been amended in response to submissions. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Consultation |
| <p>CID: 47 SNO 49 INO: 246</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>There has been no targeted consultation in the preparation of Chapter F3 of the Draft DCP</p> | <p>Summary</p> <p>Although Part F3 of the Draft DCP relates specifically to licensed premises, there was no consultation, prior to its formulation, with either the Australian Hoteliers Association (AHA) or any other industry groups or, as far as we are aware, any individual licensees of licensed premises.</p> <p>Instead of preparing and exhibiting Chapter F3 of the Draft DCP, Council should have facilitated co-operative and constructive consultation with key stakeholders to achieve mutually beneficial outcomes. In this regard, the briefing held on 16 December 2014 was useful and informative but too late in the process, as by that time the Draft DCP was already well into its exhibition period.</p> | <p>Response</p> <p>No change to the Draft DCP. Reports on the preparation of a licensed premises DCP were considered by Council in April and July 2013. Consultation regarding the Draft DCP has been undertaken in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (Act) and the Environmental Planning and Assessment Regulation 2000 (Regulation).</p> <p>The Draft DCP was exhibited for over three months instead of the minimum 28 day period. Notification letters were sent to all property owners and also distributed to all properties in the Woollahra LGA. This process sought to ensure that both property owners and tenants received notice of the exhibition. Consequently, properties with owner occupiers would have received two notifications. Public notice was also given in the Wentworth Courier throughout the exhibition period. The notice specifically identified that there were new controls for licensed premises.</p> <p>Further consultation is not warranted as:</p> <ul style="list-style-type: none"> - The Draft DCP consultation has exceeded the statutory requirements of the Act and Regulation, - The submissions received during the exhibition period have been considered, and - Chapter F3 has been amended in response to a number of issues raised in submissions. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Need for additional controls |
| <p>CID: 47 SNO 49 INO: 248</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Chapter F3 is based on City of Sydney's late night trading controls, the need for such controls in the Woollahra LGA is questionable.</p> | <p>Summary</p> <p>Clearly, Woollahra Council has based Chapter F3 of the Draft DCP on Sydney City Council's late night trading controls. However, the two Local Government Areas are entirely different, with completely contrasting contexts within which the licensed premises within their respective boundaries operate.</p> <p>The exhibited background information does not contain a comparative analysis made of the Sydney and Woollahra LGA's in terms of the number of licensed premises, concentrations of licensed premises, populations and target markets served by licensed premises, crime "hot spots" and their relationship to licensed premises, licence densities or the like.</p> <p>These issues are relevant to the formulation of controls for each LGA. Particularly determining whether the Woollahra LGA needs an additional layer of controls for the relatively small number of late night trading premises.</p> | <p>Response</p> <p>No change to the Draft DCP. The approach other councils such as the City of Sydney take to licensed premises formed part of the research undertaken to prepare the Chapter F3. However, the Draft DCP controls were developed having regard to the specific characteristics and needs of the Woollahra LGA. For example, Chapter F3 is specific to licensed premises and is not a late night trading policy, also, it uses land use zonings as opposed to a hierarchy of late night trading areas as adopted by the City of Sydney.</p> <p>The Social Profile Report, Woollahra LGA – February 2009, which was a source document, is a more relevant basis for the draft controls than a comparative analysis of Woollahra and the City of Sydney, or any of the other local government areas.</p> |
| <p>CID: 47 SNO 49 INO: 252</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>There is no need to have density of licensed premises controls within the Draft DCP, as the Woollahra LGA has a relatively low proportion of licensed premises</p> | <p>Summary</p> <p>Controls for the density of licensed premises are not required in the Woollahra LGA as:</p> <ul style="list-style-type: none"> -the strongest predictor of violence on licensed premises is the characteristics of the venue itself. - there are very few locations within the Woollahra LGA which were involved in alcohol related assaults from July 2013 to June 2014 (see Plate 1 of submission for map). - the LGA has a relatively low proportion of licensed premises. | <p>Response</p> <p>No change to the Draft DCP. Density is a relevant matter to include when assessing DAs for licensed premises. There is a direct relationship between the density of liquor outlets, violence and anti-social behaviour as identified in "An appraisal of social harm issues – relating to increasing liquor outlet density, February 2003, Dr Martin Bleasel, Stuart Jones and James Bleasel".</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Need for additional controls |
| <p>CID: 46 SNO 48 INO: 229</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change Issue</p> <p>There is no need to have density of licensed premises controls within the Draft DCP, as the Woollahra LGA has a relatively low proportion of licensed premises</p> | <p>Summary</p> <p>No change to the Draft DCP. Controls for the density of licensed premises are not required in the Woollahra LGA as:</p> <ul style="list-style-type: none"> -the strongest predictor of violence on licensed premises is the characteristics of the venue itself. - there are very few locations within the Woollahra LGA which were involved in alcohol related assaults from July 2013 to June 2014 (see Plate 1 of submission for map). - the LGA has a relatively low proportion of licensed premises. | <p>Response</p> <p>No change to the Draft DCP. Density is a relevant matter to include when assessing DAs for licensed premises. There is a direct relationship between the density of liquor outlets, violence and anti-social behaviour as identified in "An appraisal of social harm issues – relating to increasing liquor outlet density, February 2003, Dr Martin Bleasel, Stuart Jones and James Bleasel".</p> |
| <p>CID: 46 SNO 48 INO: 223</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change Issue</p> <p>There is no need increase controls on licensed premises</p> | <p>Summary</p> <p>There is no need for additional controls for licensed premises as existing development must operate pursuant to the conditions of their respective development consents and additionally are controlled and policed by the OLGR, by the Alcohol Licensing and Enforcement Command, and by the NSW Police generally.</p> <p>There is no proper planning reason for the introduction of such a wide-range of additional and restrictive controls on licensed premises as is proposed in the Draft DCP. licensed premises are already extensively regulated. Increased regulation, in the manner proposed in Chapter F3 of the Draft DCP will add to investment uncertainty, and will discourage improvements to existing premises (including premises which are heritage-listed).</p> | <p>Response</p> <p>No change to the Draft DCP. Development consents are attached to the land, and are afforded protection under the Environmental Planning and Assessment Act 1979. Licensing under the Liquor Act 2007 relates to matters such as whether the operator is a fit and proper person to hold a licence and there are provisions for licences to be cancelled. These two acts have different objectives. Furthermore, the Draft DCP is consistent with the Department of Planning and Environment's Planning For Entertainment Guidelines 2009 for licensed premises.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Need for additional controls |
| <p>CID: 46 SNO 48 INO: 222</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The locational context of the Paddington Inn does not warrant additional controls on licensed premises</p> | <p>Summary</p> <p>The Paddington Inn is in the retail section of that part of the Oxford Street commercial strip which is in the Woollahra LGA. This eastern part of Oxford Street can be distinguished from the western part, west of Taylor Square, which is characterised by a greater intensity of entertainment related premises.</p> <p>There is nothing in the existing or likely future character of the locality in which the Paddington Inn is located which calls for the introduction of a new raft of additional controls and restrictions such as is proposed in Chapter F3 of the Draft DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. An objective of the Draft DCP is to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises across the local government area, not just the Paddington Inn.</p> |
| <p>CID: 47 SNO 49 INO: 249</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>There are already mechanisms in place to regulate licensed premises</p> | <p>Summary</p> <p>The Liquor Act 2007 and Planning for Entertainment Guidelines: October 2009 (the Guidelines) are part of a legislative framework which already addresses the regulation of licensed premises. Chapter F3 is not essential and attempts to duplicate the powers of the Liquor Act 2007.</p> <p>For example the Guidelines states, in part, at 4.2 Relationship to provisions of the Liquor Act 2007 that:</p> <p>"Procedures also exist under the Liquor Act for the management of licensed premises through the imposition of conditions on liquor licences. Conditions – including controls relating to trading hours, noise levels, provision of security, management plans and patron numbers – can be imposed at the time of granting a licence, or at a subsequent time where issues relating to the consumption of alcohol and operation of licensed premises arise."</p> | <p>Response</p> <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. An objective of the Draft DCP is to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> <p>Under the Environmental Planning and Assessment Act 1979 (the Act) development consents are attached to the land, and cannot be revoked except by the Land and Environment Court. Chapter F3: licensed premises assists Council to provide a consistent approach to determining applications for licensed premises, throughout the local government area.</p> <p>Licensing under the Liquor Act 2007 relates to matters such as whether the operator is a fit and proper person to hold a licence and there are provisions for licences to be withdrawn and cancelled. These different acts have different objectives.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Need for additional controls |
| <p>CID: 47 SNO 49 INO: 247</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Chapter F3 is based on City of Sydney's late night trading controls, the need for such controls in the Woollahra LGA is questionable.</p> | <p>Summary</p> <p>The Liquor Act 2007 and Planning for Entertainment Guidelines: October 2009 (the Guidelines) are part of a legislative framework which already addresses the regulation of licensed premises. Chapter F3 is not essential and attempts to duplicate the powers of the Liquor Act 2007.</p> <p>For example the Guidelines states, in part, at 4.2 Relationship to provisions of the Liquor Act 2007 that: "Procedures also exist under the Liquor Act for the management of licensed premises through the imposition of conditions on liquor licences. Conditions – including controls relating to trading hours, noise levels, provision of security, management plans and patron numbers – can be imposed at the time of granting a licence, or at a subsequent time where issues relating to the consumption of alcohol and operation of licensed premises arise."</p> | <p>Response</p> <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. An objective of the Draft DCP is to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> <p>Under the Environmental Planning and Assessment Act 1979 (the Act) development consents are attached to the land, and cannot be revoked except by the Land and Environment Court. Chapter F3: licensed premises assists Council to provide a consistent approach to determining applications for licensed premises throughout the local government area.</p> <p>Licensing under the Liquor Act 2007 relates to matters such as whether the operator is a fit and proper person to hold a licence and there are provisions for licences to be withdrawn and cancelled. These different acts have different objectives.</p> |
| <p>CID: 46 SNO 48 INO: 225</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Chapter F3 is based on City of Sydney's late night trading controls, the need for such controls in the Woollahra LGA is questionable.</p> | <p>Summary</p> <p>Clearly, Woollahra Council has based Chapter F3 of the Draft DCP on Sydney City Council's late night trading controls. However, the two Local Government Areas are entirely different, with completely contrasting contexts within which the licensed premises within their respective boundaries operate.</p> <p>The exhibited background information does not contain a comparative analysis made of the Sydney and Woollahra LGA's in terms of the number of licensed premises, concentrations of licensed premises, populations and target markets served by licensed premises, crime "hot spots" and their relationship to licensed premises, licence densities or the like.</p> <p>These issues are relevant to the formulation of controls for each LGA. Particularly determining whether the Woollahra LGA needs an additional layer of controls for the relatively small number of late night trading premises.</p> | <p>Response</p> <p>No change to the Draft DCP. The approach other councils such as the City of Sydney take to licensed premises formed part of the research undertaken to prepare the Chapter F3. However, the Draft DCP controls were developed having regard to the specific characteristics and needs of the Woollahra LGA. For example, Chapter F3 is specific to licensed premises and is not a late night trading policy, also, it uses land use zonings as opposed to a hierarchy of late night trading areas as adopted by the City of Sydney.</p> <p>The Social Profile Report, Woollahra LGA – February 2009, which was a source document, is a more relevant basis for the draft controls than a comparative analysis of Woollahra and the City of Sydney, or any of the other local government areas.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Need for additional controls |
| CID: 46 SNO 48 INO: 226 | Summary | Response |
| <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> | <p>The Liquor Act 2007 and Planning for Entertainment Guidelines: October 2009 (the Guidelines) are part of a legislative framework which already addresses the regulation of licensed premises. Chapter F3 is not essential and attempts to duplicate the powers of the Liquor Act 2007.</p> | <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. An objective of the Draft DCP is to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>There are already mechanisms in place to regulate licensed premises</p> | <p>For example the Guidelines states, in part, at 4.2 Relationship to provisions of the Liquor Act 2007 that:</p> <p>"Procedures also exist under the Liquor Act for the management of licensed premises through the imposition of conditions on liquor licences. Conditions – including controls relating to trading hours, noise levels, provision of security, management plans and patron numbers – can be imposed at the time of granting a licence, or at a subsequent time where issues relating to the consumption of alcohol and operation of licensed premises arise."</p> | <p>Under the Environmental Planning and Assessment Act 1979 (the Act) development consents are attached to the land, and cannot be revoked except by the Land and Environment Court. Chapter F3: licensed premises assists Council to provide a consistent approach to determining applications for licensed premises throughout the local government area.</p> <p>Licensing under the Liquor Act 2007 relates to matters such as whether the operator is a fit and proper person to hold a licence and there are provisions for licences to be withdrawn and cancelled. These different acts have different objectives.</p> |
| CID: 47 SNO 49 INO: 245 | Summary | Response |
| <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> | <p>There is no need for additional controls for licensed premises as existing development must operate pursuant to the conditions of their respective development consents and additionally are controlled and policed by the OLGR, by the Alcohol Licensing and Enforcement Command, and by the NSW Police generally.</p> | <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. An objective of the Draft DCP is to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>There is no need increase controls on licensed premises</p> | <p>There is no proper planning reason for the introduction of such a wide-range of additional and restrictive controls on licensed premises as is proposed in the Draft DCP. licensed premises are already extensively regulated. Increased regulation, in the manner proposed in Chapter F3 of the Draft DCP will add to investment uncertainty, and will discourage improvements to existing premises (including premises which are heritage-listed).</p> | <p>Under the Environmental Planning and Assessment Act 1979 (the Act) development consents are attached to the land, and cannot be revoked except by the Land and Environment Court. Chapter F3: licensed premises assists Council to provide a consistent approach to determining applications for licensed premises throughout the local government area.</p> <p>Licensing under the Liquor Act 2007 relates to matters such as whether the operator is a fit and proper person to hold a licence and there are provisions for licences to be withdrawn and cancelled. These different acts have different objectives.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Need for additional controls |
| <p>CID: 47 SNO 49 INO: 243</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The locational context does not warrant a raft of additional controls on licensed premises</p> | <p>Summary</p> <p>The surrounding locality is predominantly commercial/retail with shops on the northern and southern sides of New South Head Road, and to the south of the hotel, in Kiaora Lane is a recently completed joint venture development between Woollahra Council and Woolworths comprising a new Woolworths supermarket, Dan Murphy's bottle shop, About Life delicatessen and a public car park. The public car park includes 442 public parking spaces.</p> <p>Stage 2 of the Kiaora Lane redevelopment has commenced, with the demolition of the Woolworths store and will include a three storey public library, two levels of commercial office space, and a retail arcade (approx. 20 specialty shops) leading off a landscaped public plaza.</p> <p>The Golden Sheaf Hotel forms part and parcel of, and is centrally located in the Double Bay retail and commercial centre which provides vital facilities and services for the surrounding population.</p> <p>Whilst it may be that there has been recent changes in the mix of business, there has been no contextual justification for the introduction of a new raft of additional controls and restrictions such as is proposed in Chapter F3 of the Draft DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. Council currently has no planning controls specifically for licensed premises. An objective of the Draft DCP is to provide certainty to stakeholders, including applicants, on how Council will deal with development applications for licensed premises across the LGA, not just the Double Bay Centre.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Reviewable conditions |
| <p>CID: 17 SNO 17 INO: 71</p> <p>Mr Ryan Brothers Liquor Sales Pty Ltd</p> <p>Woollahra Hotel</p> <p>Recommendation Change Issue</p> <p>The trial period section is unclear and trial period lengths are too short leading to uncertainty and additional costs for applicants</p> | <p>Summary</p> <p>The trial period section is unclear and trial period lengths are too short. The maximum trial period for extended trading hours of 2 years will lead to extra costs and create uncertainty for applicants. The trial period should be extended to 5 years. The process for extending the trail period should be made clearer. For example, whether applicants can use s.80A(10B) of the Environmental Planning and Assessment Act 1979 to continue trial periods.</p> | <p>Response</p> <p>In the context of this chapter, reviewable conditions means conditions imposed under s.80A(10B) of the Environmental Planning and Assessment Act 1979.</p> <p>A change to the approach to reviewable conditions in the Draft DCP is supported. In response, control C4 and C6 have been amended to reduce the requirements for reviews.</p> <p>Under the exhibited DCP, consents for extended trading hours and increased patron numbers would have been subject to a trial period and reviewable conditions. A review of the consent was needed after the first year and every subsequent two years.</p> <p>The proposed changes remove trial periods and reviews will only be conducted where there is evidence that extended trading hours or increased patron numbers are unduly impacting on the amenity of the neighbourhood. If conducted, reviews will be after the first year, two years after the first review and five years after the second review.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Reviewable conditions |
| <p>CID: 45 SNO 47 INO: 216</p> <p>Mr John Green</p> <p>Australian Hotels Association (AHA)</p> <p>Recommendation Change</p> <p>Issue</p> <p>Extended trading hour trials should be possible for more than two years</p> | <p>Summary</p> <p>The proposal to provide extended trading only on approvals of up to two years after an initial one year trial provides a significant disincentive to financial institutions to approve borrowings for either new operators to start a business, or existing operators to renovate/refurbish due to the business uncertainty.</p> <p>The Police, Office of Liquor of Gaming and Racing and Council have sufficient methods for dealing with the small number of venues that do not comply with the law through the Liquor Act 2007 and associated legislation.</p> | <p>Response</p> <p>In the context of this chapter, reviewable conditions means conditions imposed under s.80A(10B) of the Environmental Planning and Assessment Act 1979.</p> <p>A change to the approach to reviewable conditions in the Draft DCP is supported. In response, control C4 and C6 have been amended to reduce the requirements for reviews.</p> <p>Under the exhibited DCP, consents for extended trading hours and increased patron numbers would have been subject to a trial period and reviewable conditions. A review of the consent was needed after the first year and every subsequent two years.</p> <p>The proposed changes remove trial periods and reviews will only be conducted where there is evidence that extended trading hours or increased patron numbers are unduly impacting on the amenity of the neighbourhood. If conducted, reviews will be after the first year, two years after the first review and five years after the second review.</p> |
| <p>CID: 46 SNO 48 INO: 239</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The Draft DCP should introduce 'grace periods' which allow hotels to continue to trade while extensions to a 'trial period' are lodged and determined.</p> | <p>Summary</p> <p>The DCP does not include provisions relating to “grace periods” (e.g. a “period of grace” “from the termination of the trial period until the new development application has been determined”). In other words, where a Development Application or Section 96 Application is lodged before the expiry of the “trial period”, the premises can continue to trade the approved extended hours until the DA or Section 96 Application is determined by Council (or the Land and Environment Court if appealed), notwithstanding that the determination may be after the trial period has lapsed.</p> <p>It is respectfully requested that should Council seek to impose trial periods of licensed premises that they provide some certainty for the premises so that they can continue to trade extended hours until Council or the Court determines an application to continue the extended hours.</p> | <p>Response</p> <p>No change to the Draft DCP. There is no need for an additional control regarding 'grace periods'. Trial periods have been deleted from controls C4 and C6 the Draft DCP.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Reviewable conditions |
| <p>CID: 46 SNO 48 INO: 227</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation Change Issue</p> <p>Chapter F3 is inconsistent with Planning for Entertainment Guidelines: October 2009 regarding time-limited consents</p> | <p>Summary</p> <p>Chapter F3 of the Draft DCP is inconsistent with the Planning for Entertainment Guidelines: October 2009. In particular, the controls regarding time-limited consents and the reviewable conditions for extended trading hours. Council should be aiming to synthesise its planning controls with the Guidelines, rather than seeking to introduce into the Draft DCP a section (i.e. Chapter F3) relating to licensed premises which is inconsistent with the Guidelines.</p> | <p>Response</p> <p>In the context of this chapter, reviewable conditions means conditions imposed under s.80A(10B) of the Environmental Planning and Assessment Act 1979.</p> <p>A change to the approach to reviewable conditions in the Draft DCP is supported. In response, control C4 and C6 have been amended to reduce the requirements for reviews.</p> <p>Under the exhibited DCP, consents for extended trading hours and increased patron numbers would have been subject to a trial period and reviewable conditions. A review of the consent was needed after the first year and every subsequent two years.</p> <p>The proposed changes remove trial periods and reviews will only be conducted where there is evidence that extended trading hours or increased patron numbers are unduly impacting on the amenity of the neighbourhood. If conducted, reviews will be after the first year, two years after the first review and five years after the second review.</p> |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Reviewable conditions |
| CID: 46 SNO 48 INO: 232 | Summary | Response |
| BR Solomon & GT Cam | <p>Under the proposed controls if a DA is lodged for a new outdoor smoking terrace at the Paddington Inn, the permitted base trading hours for that smoking terrace will be 8am to 8pm and from 8pm to 10pm they will be on a trial period. The owner/manager of the Paddington Inn will then need to lodge an application every 2 years (1 year after the first trial) to continue use of the terrace. That is, if Council don't try and "vary" the operating conditions of the remainder of the Hotel.</p> | <p>Different trading hours often apply to different parts of licensed premises, e.g. areas which sell packaged liquor.</p> |
| Owners of the Paddington Inn | | <p>It is agreed that both a trial period and a reviewable condition should not be imposed. Changes have been made to C4 and C6 to delete reference to 'trial periods' to avoid any confusion.</p> |
| <p>Recommendation Change Issue</p> | | |
| <p>The controls for trading hours and trial periods create two levels of uncertainty to development consents which may be granted for licensed premises</p> | <p>This creates uncertainty for the community in knowing what hours apply to what parts of the Hotel, uncertainty for the hotel operator in having to manage different sections of the Hotel and uncertainty for the hotel operator in knowing whether they will obtain approval after the next trial period.</p> | |
| | <p>Although reviewable conditions may be used for pubs, the Planning for Entertainment Guidelines (2009) state that: "Reviewable conditions should only be used by consent authorities in special circumstances. They should not be imposed unless there is sufficient uncertainty regarding the potential impacts of the proposed hours of operation or capacity of a venue.</p> | |
| | <p>In most cases, it should be possible to arrive at an agreed approach in the first instance. The views of the applicant should be taken into account before any reviewable conditions are imposed."</p> | |
| | <p>Woollahra Council is nevertheless proposing to use trial periods AND to make the conditions reviewable, introducing two levels of uncertainty into a consent. It should be either a trial period or a reviewable condition not both. If Council intends to use reviewable conditions they should only be used in "special circumstances" and not as normal practice. Council also needs to advise, in Chapter F3 of the Draft DCP, under what circumstances a review of a condition would be undertaken.</p> | |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Reviewable conditions |
| <p>CID: 47 SNO 49 INO: 265</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The Draft DCP should introduce 'grace periods' which allow hotels to continue to trade while extensions to a 'trial period' are lodged and determined.</p> | <p>Summary</p> <p>The DCP does not include provisions relating to “grace periods” (e.g. a “period of grace” “from the termination of the trial period until the new development application has been determined”). In other words, where a Development Application or Section 96 Application is lodged before the expiry of the “trial period”, that the premises can continue to trade under the approved extended hours until the DA or Section 96 Application is determined by Council (or the Land and Environment Court if appealed), notwithstanding that the determination may be after the trial period has lapsed.</p> <p>It is respectfully requested that should Council seek to impose trial periods of licensed premises that they provide some certainty for the premises so that they can continue to trade extended hours until Council or the Court determines an application to continue the extended hours.</p> | <p>Response</p> <p>No change to the Draft DCP. In response to the submissions, trial periods have been deleted from controls C4 and C6 in the Draft DCP. There is therefore no need for an additional control regarding 'grace periods'.</p> <p>Control C4 and C6 have been amended to refer to reviewable conditions under s.80A (10b) of the EP&A Act.</p> |
| <p>CID: 47 SNO 49 INO: 250</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change</p> <p>Issue</p> <p>Chapter F3 is inconsistent with Planning for Entertainment Guidelines: October 2009 regarding time-limited consents</p> | <p>Summary</p> <p>Chapter F3 of the Draft DCP is inconsistent with the Planning for Entertainment Guidelines: October 2009. In particular, the controls regarding time-limited consents and the reviewable conditions for extended trading hours. Council should be aiming to synthesise its planning controls with the Guidelines, rather than seeking to introduce into the Draft DCP a section (i.e. Chapter F3) relating to licensed premises which is inconsistent with the Guidelines.</p> | <p>Response</p> <p>In the context of this chapter, reviewable conditions means conditions imposed under s.80A(10B) of the Environmental Planning and Assessment Act 1979.</p> <p>A change to the approach to reviewable conditions in the Draft DCP is supported. In response, control C4 and C6 have been amended to reduce the requirements for reviews in response to:</p> <ul style="list-style-type: none"> -extended trading hours or -increased numbers of persons permitted on licensed premises. |

| Part | Category | Sub Category |
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| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Reviewable conditions |
| <p>CID: 47 SNO 49 INO: 258</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation Change Issue</p> <p>The controls for trading hours and trial periods create two levels of uncertainty to development consents which may be granted for licensed premises</p> | <p>Summary</p> <p>Although reviewable conditions may be used for pubs, the Planning for Entertainment Guidelines (2009) state that: “Reviewable conditions should only be used by consent authorities in special circumstances. They should not be imposed unless there is sufficient uncertainty regarding the potential impacts of the proposed hours of operation or capacity of a venue. In most cases, it should be possible to arrive at an agreed approach in the first instance. The views of the applicant should be taken into account before any reviewable conditions are imposed.”</p> <p>Woollahra Council is nevertheless proposing to use trial periods AND to make the conditions reviewable, introducing two levels of uncertainty into a consent. It should be either a trial period or a reviewable condition not both. If Council intends to use reviewable conditions they should only be used in “special circumstances” and not as normal practice. Council also needs to advise, in Chapter F3 of the Draft DCP, under what circumstances a review of a condition would be undertaken.</p> | <p>Response</p> <p>It is agreed that both a trial period and a reviewable condition should not be imposed. Changes have been made to C4 and C6 to delete reference to ‘trial periods’ to avoid any confusion.</p> |

| Part | Category | Sub Category |
|---|--|---|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Risk ratings |
| CID: 17 SNO 17 INO: 69 | Summary | Response |
| <p>Mr Ryan Brothers Liquor Sales Pty Ltd</p> <p>Woollahra Hotel</p> | <p>The controls should apply to all licensed premises regardless of size and trading hours and apply to all licensed premises applications regardless of application details.</p> | <p>No change to the Draft DCP. A similar level of risk does not apply to all licensed premises. The requested change to the Draft DCP is an over-simplification of proposed controls to manage the impacts of licensed premises within the Woollahra LGA.</p> |
| <p>Recommendation No Change</p> <p>Issue</p> <p>The controls should apply to all licensed premises regardless of size and trading hours and apply to all licensed premises applications regardless of application details</p> | <p>The Draft DCP should recognise that all kinds of on-premises consumption provides a similar level of risk and delete Control F3.2 as it is presently formulated. What is more relevant for Council's purposes is surety regarding trading hours which can readily be linked with the land use zone, with shorter hours for more sensitive land use zones and longer hours for the least sensitive, most intensive business land use zones; viz:</p> <ul style="list-style-type: none"> - R2, R3 and B1 Zones: maximum trading hours of 8am to 10pm extended to midnight under trial period for all licensed premises; and - B2, B4 Zones: maximum trading hours of 8am to midnight, extended under trial period to 2am the following day for all licensed premises. <p>The above would give clear, simple guidance as to maximum trading hours in appropriate zones to applicants and the local community. Whether maximum trading hours can be achieved will be for assessment against the relevant matters for consideration outlined in the draft provisions and demonstration of an absence of impact under trial period.</p> | |

| Part | Category | Sub Category |
|--|--|--|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Risk ratings |
| <p>CID: 47 SNO 49 INO: 251</p> <p>Sherilyn P/L & Shamonna Holdings P/L</p> <p>Owners of the Golden Sheaf Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The approach to rating risk is overly simplistic and does not cover all circumstances.</p> | <p>Summary</p> <p>The approach to rating risk is overly simplistic and does not cover all circumstances. For example, some “pubs”, “hotels” or “food and drink premises” have more impact than others. It is not reasonable to say that all “hotels” or that all premises that have a certain number of patrons will have a high risk of creating external impacts. Whether a premises is a “high impact premises” requires careful consideration of multiple factors. Premises that fail to discourage aggressive behaviour while exhibiting particular physical and social characteristics that are more conducive to aggressive behaviour will more frequently attract patrons who are most likely to become involved in aggressive or anti-social behaviour. There is strong evidence that adopting strategies to create a positive physical and social environment will attract patrons that are more likely to be well behaved. However, the Draft DCP looks to group all Hotels within the high risk category and does not differentiate between Hotels and their strategies for minimising anti-social behaviour. It paints all hotels with “the same brush”.</p> | <p>Response</p> <p>No change to the Draft DCP. The ‘high’ risk rating for all pubs in the Woollahra LGA is appropriate. It reflects the potential for anti-social behaviour when compared to other types of licensed premises. Individual applications for licensed premises will be assessed on their merits.</p> |
| <p>CID: 59 SNO 61 INO: 206</p> <p>Mr Phillip Street</p> <p>Rose Bay Local Area Command</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Risk rating table - Include premises with a Primary Service Authorisation as high risk regardless of capacity</p> | <p>Summary</p> <p>Police have no objection to the risk ratings council has developed however police would request the DCP include in the table: On premise with a Primary Service Authorisation (PSA) as high risk regardless of capacity as a PSA allows for the service of alcohol without patrons being required to purchase food which police consider increases the risk of alcohol related anti social behaviour.</p> | <p>Response</p> <p>No change to the Draft DCP. Primary Service Authorisation (PSA) has the potential to significantly change the nature of on premises venues. For example, a PSA can allow a restaurant to serve alcohol without a meal which can change the nature of the premises from primarily serving food to that of a bar. However, consent conditions can be imposed to manage the impacts arising from the use. It is therefore unnecessary to apply a high risk rating to all premises with a PSA.</p> |

| Part | Category | Sub Category |
|---|--|--|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Risk ratings |
| <p>CID: 26 SNO 27 INO: 67</p> <p>Bridge Retail Investments Pty Ltd</p> <p>The Light Brigade Hotel</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Council should revisit the risk rating table with a view to developing a system which considers the context of the premises and responds to the individual issues.</p> | <p>Summary</p> <p>Rather than providing a blanket characterisation or categorisation of all hotels in the LGA, a more appropriate approach may be to undertake a spatial categorisation based on the immediate context of the premises. This allows Council to respond to the specific issues that may surround the venues as they relate to hours of operation, intensity and so on.</p> <p>The DCP includes a table of 'Risk Ratings' for licensed premises in which all hotels, irrespective of capacity, location or zoning are given a 'high' risk rating. Applications relating to licensed premises should be assessed on the merits of the individual case and the context of the subject locality.</p> | <p>Response</p> <p>No change to the Draft DCP. The 'high' risk rating for all pubs in the Woollahra LGA is appropriate. It reflects the potential for anti-social behaviour when compared to other types of licensed premises. Individual applications for licensed premises will be assessed on their merits.</p> |
| <p>CID: 45 SNO 47 INO: 211</p> <p>Mr John Green</p> <p>Australian Hotels Association (AHA)</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Object to the all hotels being classified as 'high risk'</p> | <p>Summary</p> <p>The generic assignation of hotels as "high risk" subject to more onerous internal/external hours fails to acknowledge that traditional hotels usually have higher standards in relation to controls on intoxication, violence and anti-social behaviour. Hotels usually will have better security, lighting, CCTV systems and staff training on complying with the Liquor Act 2007.</p> | <p>Response</p> <p>No change to the Draft DCP. The management standards in relation to pubs are acknowledged however, the 'high risk' rating is appropriate. It reflects the potential for anti-social behaviour when compared to other types of licensed premises. Individual applications for licensed premises will be assessed on their merits.</p> |

| Part | Category | Sub Category |
|---|---|--|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Risk ratings |
| CID: 46 SNO 48 INO: 228 | Summary | Response |
| BR Solomon & GT Cam | <p>This approach to rating risk is overly simplistic and does not cover all circumstances. For example, some “pubs”, “hotels” or “food and drink premises” have more impact than others. It is not reasonable to say that all “hotels” or that all premises that have a certain number of patrons will have a high risk of creating external impacts. Whether a premises is a “high impact premises” requires careful consideration of multiple factors. Premises that fail to discourage aggressive behaviour while exhibiting particular physical and social characteristics that are more conducive to aggressive behaviour will more frequently attract patrons who are most likely to become involved in aggressive or anti-social behaviour. There is strong evidence that adopting strategies to create a positive physical and social environment will attract patrons that are more likely to be well behaved. However, the Draft DCP looks to group all Hotels within the high risk category and does not differentiate between Hotels and their strategies for minimising anti-social behaviour. It paints all hotels with “the same brush”.</p> | <p>No change to the Draft DCP. The ‘high’ risk rating for all pubs in the Woollahra LGA is appropriate. It reflects the potential for anti-social behaviour when compared to other types of licensed premises. Individual applications for licensed premises will be assessed on their merits.</p> |
| Owners of the Paddington Inn | | |
| <p>Recommendation No Change Issue</p> <p>The approach to rating risk is overly simplistic and does not cover all circumstances.</p> | | |

| Part | Category | Sub Category |
|---|---|--|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Trading hours |
| <p>CID: 26 SNO 27 INO: 68</p> <p>Bridge Retail Investments Pty Ltd</p> <p>The Light Brigade Hotel</p> <p>Recommendation No Change Issue</p> <p>The base operating hours permitted for hotels should be consistent with the Office of Liquor, Gaming and Racing standard hours.</p> | <p>Summary</p> <p>The DCP contains operating hours for licensed premises. In the case of hotels, these hours are not consistent with those applied to Liquor Licenses issued by the Office of Liquor, Gaming and Racing (OLGR). It is our view, and that of our clients, that the operating hours sought by Council's DCP should be consistent with the operating hours applied to licences by the OLGR. For example, the base hours for a hotel by the OLGR regulations are 5am to Midnight Monday to Saturday and 10am to 10pm Sunday.</p> <p>The DCP proposes base hours of 8am to 10pm for high risk premises (applied to all hotels) which is substantially more restrictive and inconsistent with OLGR.</p> <p>It is also particularly concerning that the DCP considers varying the conditions of existing licensed premises, which in its current format would result in a reduction of the Light Brigade trading hours. As you can appreciate, this is a serious disincentive for the future improvements to our Client's site or other hotels in the locality.</p> | <p>Response</p> <p>No change to the Draft DCP. The Liquor Act 2007 contains standard trading periods for all licensed premises throughout NSW, with different times for small bars and premises, or portions of premises, associated with the sale of liquor for consumption off the premises. However, the Liquor Regulation 2008 allows for different standard trading periods.</p> <p>The base times under Section F3.3 Objectives and controls, in the Draft DCP were established following a review of trading hours of existing licensed premises in the Woollahra LGA and controls that apply in other LGAs. The DCP is made under the Environmental Planning and Assessment Act 1979 and not the Liquor Act 2007. The acts have different objectives and there is no requirement for the base hours under the Draft DCP to be consistent with the standard trading period under the Liquor Act 2007.</p> <p>The DCP does not propose to change the existing trading hours of the Light Brigade Hotel or any other existing licensed premises. The trading hours would only be considered if a DA is lodged, and it was relevant and reasonable to review the trading hours. For example, if the DA intensified the current use.</p> |

| Part | Category | Sub Category |
|---|--|--|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Trading hours |
| CID: 45 SNO 47 INO: 212 | Summary | Response |
| <p data-bbox="78 244 450 276">Mr John Green</p> <p data-bbox="78 339 450 403">Australian Hotels Association (AHA)</p> <p data-bbox="78 427 450 507">Recommendation No Change Issue</p> <p data-bbox="78 523 450 627">The standard trading hours in the Liquor Act 2007 should be applied to the DCP</p> | <p data-bbox="461 244 1294 491">The standard trading hours as set out in the Liquor Act 2007 should be considered the base level of operating hours throughout the Woollahra LGA, as this allows flexibility for council to properly consider all issues individually. We note that the times are standard for hotels regardless of their locality, whether in residential areas or in the heart of Double Bay and other commercial/retail sectors therefore the broader hours.</p> | <p data-bbox="1305 244 2161 459">No change to the Draft DCP. The Liquor Act 2007 contains standard trading periods for all licensed premises throughout NSW, with different times for small bars and premises, or portions of premises, associated with the sale of liquor for consumption off the premises. However, the Liquor Regulation 2008 allows for different standard trading periods.</p> <p data-bbox="1305 499 2161 778">The base times under Section F3.3 Objectives and controls, in the Draft DCP were established following a review of trading hours of existing licensed premises in the Woollahra LGA and controls that apply in other LGAs. The DCP is made under the Environmental Planning and Assessment Act 1979 and not the Liquor Act 2007. The acts have different objectives and there is no requirement for the base hours under the Draft DCP to be consistent with the standard trading period under the Liquor Act 2007.</p> |
| CID: 45 SNO 47 INO: 214 | Summary | Response |
| <p data-bbox="78 842 450 874">Mr John Green</p> <p data-bbox="78 938 450 1002">Australian Hotels Association (AHA)</p> <p data-bbox="78 1026 450 1106">Recommendation No Change Issue</p> <p data-bbox="78 1121 450 1257">The trading hours of internal and external areas should be aligned, external areas should not close earlier.</p> | <p data-bbox="461 842 1294 1129">For external areas, base and extended trading hours for both low and high risk premises should be aligned – 10pm for base and midnight for extended. Sydney is a Cosmopolitan community in a moderate climate which results in a demand for outdoor dining. Hotels are relying more on quality food offering and have some of the best chefs now working with them. It is unreasonable to expect that outdoor dining areas would cease to be authorised to operate at a time when many people are just going out.</p> | <p data-bbox="1305 842 2161 946">No change to the Draft DCP. The difference between trading hours for internal and external areas reflects the potential for increased disturbance to the surrounding neighbourhood.</p> |

| Part | Category | Sub Category |
|--|---|---|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Trading hours |
| CID: 46 SNO 48 INO: 238 | Summary | Response |
| BR Solomon & GT Cam | Chapter F3 identifies “base” and “extended” hours. These base and extended hours are blanket controls to be imposed regardless of the specific circumstances. They are intentionally restrictive and devised to enable Council to have much greater control over licensed premises. This is highly objectionable. Applications should be determined on their merits having regard to the circumstances of the case. | No change to the Draft DCP. DAs for minor works that do not intensify the use or extend trading hours will not result in current operating conditions being changed. This is because such a condition would not meet the ‘reasonable’ test under the Newbury Test. |
| Owners of the Paddington Inn | | The Land and Environment Court has long tested conditions of consent against the principles set out in <i>Newbury District Council v Secretary of State for the Environment</i> [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is: - for a planning purpose, - reasonable, and - relevant to the development. |
| Recommendation No Change Issue | | The trading hours in the Draft DCP are reasonable and any variation to these would be considered on merit. |
| The base an extended trading hours are intentionally restrictive | | |
| CID: 47 SNO 49 INO: 264 | Summary | Response |
| Sherilyn P/L & Shamonna Holdings P/L | Chapter F3 identifies “base” and “extended” hours. These base and extended hours are blanket controls to be imposed regardless of the specific circumstances. They are intentionally restrictive and devised to enable Council to have much greater control over licensed premises. This is highly objectionable. Applications should be determined on their merits having regard to the circumstances of the case. | No change to the Draft DCP. DAs for minor works that do not intensify the use or extend trading hours will not result in current operating conditions being changed. This is because such a condition would not meet the ‘reasonable’ test under the Newbury Test. |
| Owners of the Golden Sheaf Hotel | | The Land and Environment Court has long tested conditions of consent against the principles set out in <i>Newbury District Council v Secretary of State for the Environment</i> [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is: - for a planning purpose, - reasonable, and - relevant to the development. |
| Recommendation No Change Issue | | The trading hours in the Draft DCP are reasonable and any variation to these would be considered on merit. |
| The base an extended trading hours are intentionally restrictive | | |

| Part | Category | Sub Category |
|--|--|--|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Trading hours |
| <p>CID: 45 SNO 47 INO: 217</p> <p>Mr John Green</p> <p>Australian Hotels Association (AHA)</p> <p>Recommendation Change Issue</p> <p>The proposed trading hours in the DCP will create uncertainty regarding existing uses, thereby reducing the commercial viability of hotels.</p> | <p>Summary</p> <p>The proposed trading hours in the Draft DCP will provide significant conflict in relation to the commercial viability due to issues surrounding the relationships between landlord/tenants and/or lessee/lessors. Put simply, landlords/lessors will not consent to the lodgement of a development application if it involves the activation of the late night trading hours provisions of the DCP if it has the potential to reduce trading hours. Financial institutions have already raised concerns regarding this, as any reduction in trading hours as a result of the DCP will adversely impact the value of the security of the property.</p> | <p>Response</p> <p>Council cannot use minor development applications such as fire safety upgrades, internal refurbishment or a reconfigured restaurant/bistro to restrict or vary current operating conditions. This is because such a change would not meet the 'reasonable' test under the Newbury Test.</p> <p>The Land and Environment Court has long tested conditions of consent against the principles set out in <i>Newbury District Council v Secretary of State for the Environment</i> [1981] AC 578. The 'Newbury Test' includes consideration of whether the condition is:</p> <ul style="list-style-type: none"> - for a planning purpose, - reasonable, and - relevant to the development. <p>We support amending Section 3.1.2 Development to which this chapter applies, to recognise that current operating conditions will not be considered as a matter of course.</p> <p>Amendment:</p> <p>“This chapter does not apply to the current operating conditions of existing licensed premises. Current operating conditions will only be considered where relevant to the determination of a DA. For example, a DA seeking the intensification of the current use such as extended trading hours or increased patron numbers”</p> |

| Part | Category | Sub Category |
|--|---|---|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Trading hours |
| CID: 45 SNO 47 INO: 218 | Summary | Response |
| Mr John Green | The issues pertaining to outdoor smoking needs to be taken into consideration also. There are existing and proposed outdoor gaming smoking solutions that have been the subject of significant cost by premises across NSW, including those within the Woollahra LGA. The Draft DCP does not acknowledge or authorise licensed external areas after 10pm. | No change to the Draft DCP. The difference between trading hours for internal and external areas reflects the potential for increased disturbance to the surrounding neighbourhood. |
| Australian Hotels Association (AHA) | | |
| Recommendation No Change | | |
| Issue | | |
| The trading hours proposed in the Draft DCP do not cater for outdoor smoking after 10pm | | |
| CID: 49 SNO 51 INO: 269 | Summary | Response |
| Hemmes Property Pty Ltd | The Paddington Arms is approved to trade the following hours:- - Monday – Saturday: 10.00am to 3.00am (the following day); and - Sunday: 10.00am to 12 midnight. | No change to the Draft DCP. The DCP does not propose to change the existing trading hours of the Paddington Arms Hotel. The trading hours would only be considered if a DA is lodged, and it was relevant and reasonable to review the trading hours. For example, if the DA intensified the current use. |
| Recommendation No Change | We note that pursuant to the provision of the Draft DCP “base internal” trading hours are 8.00am – 10.00pm with extended hours being 8.00am – midnight, whilst “base internal” trading hours are 8.00am – 8.00pm, with extended trading hours being 8.00am to 10.00pm. | |
| Issue | | |
| These “base” and “extended” hours of Chapter F3 have no to the approved trading hours of the Paddington Arms | These “base” and “extended” hours have no regard whatsoever to the approved trading hours of the Paddington Arms, nor to the fact that the Paddington Arms is located in the Oxford Street retail strip. | |

| Part | Category | Sub Category |
|--|--|---|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Trading hours |
| <p>CID: 48 SNO 50 INO: 268</p> <p>Hemmes Hermitage Pty Ltd & Bettina Merivale Hemmes</p> <p>Owners of 374-380 Oxford Street</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The 'base' and 'extended' hours permitted by Chapter F3 of the DCP are unreasonably restrictive</p> | <p>Summary</p> <p>The 'base' and 'extended' hours permitted by Chapter F3 of the DCP are unreasonably restrictive and have no proper regard to what might be considered reasonable in a location such as this part of Oxford Street. To set 10.00pm as the 'base' limit and with midnight as the 'extended' limit and with outdoor areas being restricted to a base of 8.00pm with an 'extended' limit of 10.00pm for licensed restaurants with a capacity of more than 100 people is unreasonably restrictive and contrary to what most reasonable people would expect to apply along a cosmopolitan retail strip, particularly one that the Council would like to see better activated.</p> | <p>Response</p> <p>No change to the Draft DCP. The DCP does not propose to change the existing trading hours of the Paddington Arms or any other existing licensed premises. The trading hours would only be considered if a DA is lodged, and it was relevant and reasonable to review the trading hours. For example, if the DA intensified the current use.</p> |
| <p>CID: 46 SNO 48 INO: 231</p> <p>BR Solomon & GT Cam</p> <p>Owners of the Paddington Inn</p> <p>Recommendation No Change</p> <p>Issue</p> <p>There is no correlation between some matters of consideration in Section F3.3 and the trading hours or other controls which follow.</p> | <p>Summary</p> <p>Control C1 in Section F3.3 Objectives and controls of the Draft DCP lists the matters which are to be considered "before deciding on an application involving licensed premises". They include "proximity to residential and other sensitive uses" and "the density of licensed premises in the vicinity of the premise". There is, however, no correlation between these specific matters and the trading hours or other controls which follow.</p> | <p>Response</p> <p>No change to the Draft DCP. The matters in control C1 are relevant in assessing the impact on the amenity of DAs for licensed premises on the surrounding neighbourhood.</p> |

| Part | Category | Sub Category |
|-------------------------------------|--------------------------------|---------------|
| Part F - Land use specific controls | Chapter F3 - Licensed Premises | Trading hours |

CID: 45 SNO 47 INO: 213 Summary

Mr John Green

Australian Hotels Association
(AHA)

Recommendation No Change

Issue

An exception clause should be added to trading hours based on individual circumstances

The trading hours should not be rigid but contain a clause allowing for exception based on individual circumstances. For example, a base commencement time of 8am does not allow for a premises that, under s.15A of the Liquor Act 2007 2007 serve breakfast without the sale and supply of liquor.

Response

No change to the Draft DCP. An application to extend trading hours to allow licensed premises to serve breakfast, or similar, without the sale or supply of alcohol would be considered on merit. Such an application is unlikely to be opposed unless there is an unreasonable impact on the amenity of the surrounding area.

| Part | Category | Sub Category |
|---|--|--|
| Part G - Site-specific controls | Chapter G4 - 9A Cooper Park Road | G4 - 9A Cooper Park Road |
| CID: 25 SNO 26 INO: 65 | Summary | Response |
| Ms Rachel Nicholson | It is unclear in the Draft DCP whether the requirement for traffic signals to facilitate access are proposed to be internal to the site or on the public road. | No change to the Draft DCP. Traffic signals are not proposed for Cooper Park Road. |
| Roads and Maritime Services | The access driveway intersection with Cooper Park Road is unlikely to meet the requirements for traffic control signals. | As part of a future redevelopment on the site, traffic signals may be required on the site to manage internal access. The signals would not be on the public road. |
| Recommendation No Change Issue | Clarify the location of the proposed traffic signals. | |

| Part | Category | Sub Category |
|--|---|---|
| Part G - Site-specific controls | Chapter G6 - 4A Nelson Street and 118 Wallis Street | Chaper G6 - 4A Nelson Street and 118 Wallis Street |
| CID: 54 SNO 56 INO: 273 | Summary | Response |
| Mr Charles Edward Curran | Reinstate the following comments from the Conservation Management Plan: "The house and mature plantings should be retained." "No new developments should remove any of the existing mature 19th century planting from the site." "In any subdivision of the site the heritage significance of Brougham House must not be detrimentally affected." | No change to the Draft DCP. In response to the first two suggestions, Section 6.3.4: Open space and landscaping already addresses this matter, and existing control C1 states: "The 19th century mature gardens in the centre of the site should be retained as a focus and enhanced to provide an appropriate setting to link and formalise the space between Brougham and new development." |
| Owner of Brougham | | |
| Recommendation No Change Issue | | |
| Make minor amendments consistent with the CMP to refer to plantings and subdivision. | | Controls relating to subdivision are not in the Draft DCP. Minimum subdivision standards are in the Woollahra LEP 2014. |
| CID: 54 SNO 56 INO: 272 | Summary | Response |
| Mr Charles Edward Curran | Heritage landscaping has been neglected through poor maintenance, and there is urgent need for it to be upgraded. There is a need for a co-ordinated approach to the heritage landscape defined by the building curtilage, and a Heritage Landscape Master Plan should be prepared. Insert control requiring a Landscape Plan and Landscape Heritage Report with the submission of a future development application for the Heritage Curtilage area which will assist in restoring the garden. The existing DCP (1995) contains objectives relating to "Open Space and Landscaping", recognising that the Emanuel Gardens development should be linked with Brougham. | Support amending control C3 in Section 6.3.4: Open space and landscaping and insert a reference to a "heritage" landscaping plan. C3 to be amended as follows: "The two Norfolk Island Pines and the Camphor Laurel Tree are to be retained. The mature gardens are also to be retained and may be added to subject to a detailed "heritage" landscaping plan being approved by Council." |
| Owner of Brougham | | |
| Recommendation Change Issue | | |
| Insert additional landscaping controls. | | |

| Part | Category | Sub Category |
|--|---|---|
| Part G - Site-specific controls | Chapter G6 - 4A Nelson Street and 118 Wallis Street | Chaper G6 - 4A Nelson Street and 118 Wallis Street |
| <p>CID: 54 SNO 56 INO: 271</p> <p>Mr Charles Edward Curran</p> <p>Owner of Brougham</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Reinstate objectives and controls relating to pedestrian access across Brougham and its grounds</p> | <p>Summary</p> <p>4A Nelson St is located in the southeast of the site, and occupied by Brougham (a heritage item).</p> <p>118 Wallis Street is located on the western portion of the site (comprising over 55s development), known as Emanuel Gardens. These two properties form part of the heritage curtilage but are on separate ownership.</p> <p>Lawn area to the north of Brougham (which forms part of its grounds) is owned by Emanuel Gardens.</p> <p>There is a stair case leading from Brougham to the lawn area.</p> <p>The existing DCP (1995) contains objectives relating to "pedestrian access", recognising that the Emanuel Gardens development should be linked with Brougham. These controls encourage safe pedestrian access to formally link Emanuel Gardens. Without pedestrian access to the lawns the lifestyle historically associated with the house cannot be achieved by its occupants.</p> <p>However, these controls have been omitted from the draft and should be re-instated.</p> | <p>Response</p> <p>No change to the Draft DCP. Since the 1995 DCP was prepared, elements of the site have been subdivided and are now in separate ownership. It is not appropriate for the DCP to contain controls which encourage pedestrian access across private land in different ownership.</p> <p>The three overarching objectives of the DCP, including the conservation of Brougham and its mature garden setting, can be achieved without requiring pedestrian access between Brougham and the lawn area.</p> |

| Part | Category | Sub Category |
|---|---|---|
| Not a DCP matter | Not a DCP matter | Not a DCP matter |
| <p>CID: 44 SNO 46 INO: 199</p> <p>Mr Nicholas Sampson</p> <p>Cranbrook School</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Enforce height control to reflect existing scale of built form and SEPP Infrastructure</p> | <p>Summary</p> <p>DCP built form controls stem from the LEP which set a maximum height of 9.5m</p> <p>This is inconsistent with the SEPP Infrastructure which sets a height of 12m.</p> <p>Also, 9.5m does not reflect the scale of the existing built form which is up to five storeys.</p> | <p>Response</p> <p>No change to the Draft DCP. Height controls are contained in Woollahra LEP 2014, and in this part of Bellevue Hill the predominant height control is 9.5m. Development at an educational establishment should have regard to its context to ensure it is consistent with the desired future character.</p> <p>A development application which seeks to vary an LEP development standard will be considered in the context of Cl 4.6: Exceptions to development standards.</p> |
| <p>CID: 40 SNO 42 INO: 160</p> <p>Mrs Adrienne Dan</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Request to rezone 752-760 New South Head Road, Rose Bay for medium density development</p> | <p>Summary</p> <p>752-760 New South Head Road should be rezoned for medium density development based on the existing context, which includes residential flat buildings of various heights.</p> | <p>Response</p> <p>No change to the Draft DCP. This is an LEP matter, however, the request is noted.</p> |

| Part | Category | Sub Category |
|---|--|---|
| Not a DCP matter | Not a DCP matter | Not a DCP matter |
| <p>CID: 31 SNO 33 INO: 129</p> <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Demolition clauses in the DCP</p> | <p>Summary</p> <p>Staff should investigate the existing demolition clauses in the DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. The Draft DCP controls focus on the retention and restoration of existing buildings. Notwithstanding, in some cases demolition may be considered, and there is a rigorous assessment process for these applications. This consideration includes the Planning Principle: Demolition of contributory item Helou v Strathfield Municipal Council (2006) NSW LEC 66.</p> |
| <p>CID: 25 SNO 26 INO: 61</p> <p>Ms Rachel Nicholson</p> <p>Roads and Maritime Services</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Applications for the Kiaora Lane Plaza and Rose Bay Centre should be referred to the RMS</p> | <p>Summary</p> <p>Requests that any design plans for the Double Bay Kiaora Lane Plaza redevelopment and Rose Bay Centre Square are referred to RMS for consideration.</p> <p>The proposed shared zones in Kiaora Lane Plaza should be referred to the Woollahra Local Traffic Committee and RMS for approval.</p> | <p>Response</p> <p>No change to the Draft DCP. The Draft DCP provisions do not identify works that require concurrence or approval by the RMS. Applications for shared zoned are referred to the Woollahra Local Traffic Committee, before Council forwards the application to the RMS for approval.</p> |

| Part | Category | Sub Category |
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| Not a DCP matter | Not a DCP matter | Not a DCP matter |
| <p>CID: 24 SNO 25 INO: 53</p> <p>Ms Julie Dixon</p> <p>NSW Health South Eastern Sydney Local Health District</p> <p>Recommendation No Change Issue</p> <p>That public paths are level to prevent trip hazards, open space is well lit to encourage use, that there is a smooth transition from ramps to roads to meet Australian Standards</p> | <p>Summary</p> <p>The submission contains three suggestions under the heading Safety:</p> <ul style="list-style-type: none"> - all public paths and walking surfaces are level to prevent trip hazards, particularly for older people. - public open space is well lit to encourage use. - there is a smooth transition from ramps to roads and gentle gradients that meet Australian Standards. | <p>Response</p> <p>No change to the Draft DCP. These issues are not DCP matters. They relate to works in the public domain and are relevant to Council's civil works program. Regardless of the Draft DCP, access for people with a disability is addressed under the Access to Premises standards (2010) and Disability Discrimination Act (1992).</p> |
| <p>CID: 24 SNO 25 INO: 51</p> <p>Ms Julie Dixon</p> <p>NSW Health South Eastern Sydney Local Health District</p> <p>Recommendation No Change Issue</p> <p>Five suggestions to encourage use of active transport and increase physical activity</p> | <p>Summary</p> <p>The submission has five suggestions to encourage use of active transport and increase physical activity, specifically:</p> <ol style="list-style-type: none"> 1. Signage to direct the public to Trumper Park from the Edgecliff Centre. 2. Provision of bicycle racks in the public domain, near toilets and preferably with lockers for safe storage of helmets etc. 3. That future shareways are 2.5m to 3m wide with centre lines. 4. Sufficient seating is provided in public places. 5. That people with disabilities are accommodated within the DCP. | <p>Response</p> <p>No change to the Draft DCP. These issues are not DCP matters. They relate to public domain works and are relevant to Council's civil works program.</p> <p>Regarding point 5, regardless of the Draft DCP, access for people with a disability is addressed under the Access to Premises standards (2010) and Disability Discrimination Act (1992).</p> |

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| <p>CID: 24 SNO 25 INO: 50</p> <p>Ms Julie Dixon</p> <p>NSW Health South Eastern Sydney Local Health District</p> <p>Recommendation No Change Issue</p> <p>Various suggestions to improve access to healthy food</p> | <p>Summary</p> <p>The submission contains five recommendations to improve access to healthy food. Specifically:</p> <ol style="list-style-type: none"> 1. That the DCP considers the location of supermarkets and fresh food outlets, particularly the redevelopment of the ground floor at Rose Bay North. 2. Provide access to fresh drinking water such as bubblers or water refill stations. 3. Ensure breast feeding facilities are provided in all commercial centres. 4. Provide facilities for consuming food in parks, such as tables, seating, hand washing areas, toilets. These facilities should be sun shaded and include no smoking signs. 5. Consider opportunities for community gardens. Particularly in Trumper Park. | <p>Response</p> <p>No change to the Draft DCP. These issues are not DCP matters.</p> |
| <p>CID: 24 SNO 25 INO: 49</p> <p>Ms Julie Dixon</p> <p>NSW Health South Eastern Sydney Local Health District</p> <p>Recommendation No Change Issue</p> <p>That contaminated land, recycled water, AC cooling tower bacteria and mosquito management are addressed in the development process.</p> | <p>Summary</p> <p>Redevelopment of contaminated land for a sensitive land use such as schools and child-care centres should be remediated in accordance with SEPP 55 (Remediation of land).</p> <p>Proposals for the use of recycled water should be assessed in accordance with Guidelines for Water Recycling: Managing Health and Environmental Risks 2006.</p> <p>The DCP should include provisions to:</p> <ul style="list-style-type: none"> - control legionella bacteria in air conditioning cooling towers - manage mosquitos when redeveloping land for housing or recreation adjacent to foreshores, wetlands or other water bodies | <p>Response</p> <p>No change to the Draft DCP. These issues are not DCP matters. Existing State legislation and guidelines address these matters.</p> |

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| <p>CID: 23 SNO 23 INO: 45</p> <p>Mr Peter Reed</p> <p>Summary</p> <p>Why is the park in Halls Lane (between Rush and Smith Streets) Woollahra zoned R2 and not RE1?</p> <p>Recommendation No Change</p> <p>Issue</p> <p>LEP zoning of Hall's Reserve, Woollahra</p> | | <p>Response</p> <p>No change to the Draft DCP. This is not a DCP matter. Zoning is applied to land under Woollahra LEP 2014. However, we recognise that under the Woollahra LEP 2014 the R2 Low Density Residential zone does not reflect the existing use of the land.</p> <p>We will review the zone after the Woollahra LEP 2014 commences. Any proposed change arising from the review will require public exhibition.</p> |

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| <p>CID: 58 SNO 60 INO: 204</p> <p>Mr George Bramis</p> <p>Waverley Council</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support for the Draft DCP</p> | <p>Summary</p> <p>Waverley Council supports the creation of a new consolidated DCP and raises no objections to the changes from previous DCPs.</p> | <p>Response</p> <p>Support noted.</p> |
| <p>CID: 33 SNO 35 INO: 143</p> <p>Mr Graham Quint</p> <p>National Trust</p> <p>Recommendation No Change</p> <p>Issue</p> <p>The National Trust would like a briefing on changes to the White City DCP</p> | <p>Summary</p> <p>White City (additional issue) The Trust understands that Council is proposing changes to the Development Control Plan controls which have been agreed for White City. The Trust is deeply concerned that changes are being contemplated to controls negotiated and agreed with the local community over a long period of time. The Trust would appreciate a briefing by Council on these proposed changes and their justification.</p> | <p>Response</p> <p>No change to the Draft DCP. The controls for White City are not included in the Draft DCP as the site is subject to a separate review. Once controls applying to White City are proposed, they will be the subject of public exhibition and consultation with the National Trust will take place at this time.</p> |
| <p>CID: 32 SNO 34 INO: 132</p> <p>Mr Peter Poland</p> <p>Woollahra History and Heritage Society INC</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Support the submission made by the Sydney Harbour Association</p> | <p>Summary</p> <p>Support for the submission made by the Sydney Harbour Association, particularly those issues relating to the areas in the Draft DCP covered by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</p> <p>This submission makes relevant points which should be addressed in the final version of the DCP.</p> | <p>Response</p> <p>No change to the Draft DCP. Support for the submission made by the Sydney Harbour Association is noted.</p> |

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| <p>CID: 31 SNO 33 INO: 131</p> <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> <p>Summary</p> <p>Concern that the list of appropriate plants have been removed from the DCP.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>List of appropriate plans removed from the DCP</p> | <p>Response</p> <p>No change to the Draft DCP. The species lists from the current DCPs have not been carried over into the Draft DCP. The Draft DCP seeks to encourage site specific assessments by landscape professionals to promote planting that is appropriate to the site and environmental conditions.</p> | |
| <p>CID: 31 SNO 33 INO: 123</p> <p>Chair of The Paddington Working Party</p> <p>The Paddington Working Party</p> <p>Summary</p> <p>The DCP is getting too complicated. A summary version should be prepared.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>DCP summary version should be prepared</p> | <p>Response</p> <p>No change to the Draft DCP. It is not appropriate to make a summary of the DCP as it carries the risk that applicants will only read the summary. Landowners are encouraged to contact an architect/consultant for advice and/or contact Council staff with specific enquires.</p> | |
| <p>CID: 28 SNO 32 INO: 144</p> <p>Mrs Hylde Rolfe</p> <p>Summary</p> <p>The Draft DCP is a large and important document which deserves much praise. I record my warm commendation of those who drafted it, and support for most of its content.</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Commendation for the DCP drafting and support for the majority of the content</p> | <p>Response</p> <p>Support noted.</p> | |

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| <p>CID: 10 SNO 10 INO: 11</p> <p>Mr Bruce Bland</p> <p>Rose Bay Residents' Association</p> <p>Recommendation No Change</p> <p>Issue</p> <p>Commends Council for Draft DCP</p> | <p>Summary</p> <p>Commends Draft DCP as being a well thought through, detailed and comprehensive plan, and acknowledges the effort that went into public consultation. Appreciates assistance from staff who provided helpful, impartial and professional explanation.</p> | <p>Response</p> <p>Support noted.</p> |