



Environmental Planning Committee

Monday 1 July 2024
6.30pm

Agenda



Environmental Planning Committee (EPC)

Woollahra Council will be holding Committee meetings (i.e. Environmental Planning (EP), Finance, Community & Services (FC&S) and Strategic & Corporate (S&C) with The Mayor, Councillors and staff will be participating in person. Members of the public are invited to attend the Committee meeting in person or watch and/or listen to meetings live (via Council's website).

Members of the public may also submit late correspondence. Instructions on how to do this are provided below:

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
<https://www.youtube.com/@woollahracouncil5355/streams>
- **To request to address the Committee (pre-register by 10.00am on the day of the meeting)**
Pre-register to address the Committee by 10.00am on the day of the meeting by using the relevant registration form on Council's website - www.woollahra.nsw.gov.au
- **To submit late written correspondence (submit by 10.00am on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Committee meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting.

The audio recording and late correspondence considered at the meeting will be uploaded to Council's website by 5.00pm on the next business day.

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee Members and/or Staff to present apologies and/or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will invite member(s) of the public who registered to speak to address the Committee.
- Members of the public who have registered to address the Committee, will be allowed four (4) minutes in which to address the Committee. One (1) warning bell will be rung at the conclusion of three (3) minutes and two (2) warning bells rung at the conclusion of four (4) minutes. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated four (4) minutes, the speaker will take no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Disclaimer:

By speaking at a Committee Meeting members of the public consent to their voice, image and personal information (including name and address) being recorded and publicly available on Council's website. Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

Woollahra Council **does not** accept any liability for statements, comments or actions taken by individuals during a Committee meeting.

Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The audio recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

For further information please visit www.woollahra.nsw.gov.au

Recommendation only to the Full Council ("R" Items):

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

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

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Statutory reviews of Council's Delivery Program and Operational Plan.
- Any other matter falling within the responsibility of the Environmental Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

Environmental Planning Committee Membership: 7 Councillors

Quorum: The quorum for Committee meeting is 4 Councillors

Woollahra Municipal Council

Notice of Meeting

26 June 2024

To: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sean Carmichael (Chair)
 Sarah Swan (Deputy Chair)
 Lucinda Regan
 Matthew Robertson
 Isabelle Shapiro
 Merrill Witt
 Susan Wynne

Dear Councillors,

Environmental Planning Committee – 1 July 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Monday 1 July 2024 at 6.30pm**.

Members of the Public may:

- Register to address the meeting (via Zoom or in Person) by completing the relevant form available on Council's website: <https://www.woollahra.nsw.gov.au/files/assets/public/v/2/forms/registration-form-to-address-council-committee-2023-2024.pdf> and email the completed form to records@woollahra.nsw.gov.au by **10.00am on the day of the meeting**.
- Submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au by **10.00am on the day of the meeting**.

Watch and listen to the meeting live via Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Environmental Planning Committee

Agenda

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3	Leave of Absence and Apologies	
4	Disclosures of Interest	

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

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R3	Review of Local Planning Controls to Strengthen Provisions for Seniors Housing Development - 23/79383.....	173
R4	Housing Delivery Update - July 2024 - 24/54217	201

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 3 JUNE 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/95956
Purpose of the Report: The Minutes of the Environmental Planning Committee of 3 June 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 3 June 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Environmental Planning Committee Minutes of 3 June 2024 for confirmation. The Minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Environmental Planning Committee Minutes are presented to the Committee as a procedural matter. Any matter arising from the Minutes can be discussed.

Options:

Submission of Minutes to the Environmental Planning Committee is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes are presented for confirmation by the Environmental Planning Committee.

Attachments

1. Unconfirmed Minutes EP - 3 June 2024 [!\[\]\(63e46afd0ee60bcc4eb37008ae9de7ce_img.jpg\)](#) 



Environmental Planning Committee

Monday 3 June 2024
6.30pm

Minutes

Unconfirmed

Woollahra Municipal Council
Environmental Planning Committee Minutes

3 June 2024

**Environment Planning Committee
Minutes**

Monday 3 June 2024

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Unconfirmed

Woollahra Municipal Council
Environmental Planning Committee Minutes

3 June 2024

Environment Planning Committee

Minutes of Meeting held on

3 June 2024 at 6.30pm

Present: His Worship the Mayor, Councillor Richard Shields ex-officio

Councillors: Sean Carmichael (Chair)
Sarah Swan
Lucinda Regan
Matthew Robertson via Zoom
Isabelle Shapiro
Merrill Witt
Susan Wynne via Zoom (joined at 6.58pm during Item R1 left at 7.30pm during Item R2)

Staff: Fiona Aghili (Strategic Planner) via zoom
Emilio Andari (Manager – Engineering Services)
Jacquelyne Della Bosca (Executive Planner) v a zoom
Scott Pedder (Director – Planning & Place)
Sue O'Connor (Governance Officer)
Eleanor Smith (Executive Planner)
Craig Swift-McNair (General Manager)
Lyle Tamlyn (Acting Team Leader - Strategic Planning)
Kristy Wellfare (Acting Manager–Strategic Planning & Place) via Zoom

Also in Attendance: Councillor Toni Zel zer Item R2 joined at 7.21pm left 7.52pm
Velautham Jeyakanthan (Jeya)-GHD Council Consultant - Item R2 via zoom
Kim Chan - GHD Council Consultant - Item R2 via zoom

1. Opening

The Chair declared the Environmental Planning Committee of 3 June 2024 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Chair read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

3. Acknowledgement of the Sovereign of the Day (King Charles III)

The Chair read the following Acknowledgement of the Sovereign of the Day (King Charles III):

I also acknowledge King of Australia King Charles III.

4. Leave of Absence, Apologies and Attendance by Audio-Visual Link by Councillors

Nil

4.1 Attendance by Audio-Visual Link

(Swan/Regan)

Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, the Committee approves the following Councillors participation in the Environmental Planning Committee Meeting of 3 June 2024 via Audio-Visual Link:

- Councillor Robertson
- Councillor Wynne

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt

6/0

Against the Motion

Nil

Woollahra Municipal Council
Environmental Planning Committee Minutes

3 June 2024

5. Late Correspondence

Late correspondence was submitted to the committee in relation to item R1

6. Disclosures of Interest

Nil

Unconfirmed

Woollahra Municipal Council
Environmental Planning Committee Minutes

3 June 2024

Items to be Decided by this Committee using its Delegated Authority

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 6 MAY 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/82579
Purpose of the Report: The Minutes of the Environmental Planning Committee of 6 May 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Swan/Shapiro)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 6 May 2024 be taken as read and confirmed.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt

7/0

Against the Motion

Nil

Woollahra Municipal Council
Environmental Planning Committee Minutes

3 June 2024

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

Item No: R1 Recommendation to Council
Subject: **SUBMISSION ON PRECINCTS FOR LOW AND MID-RISE HOUSING REFORMS**
Authors: Lyle Tamlyn, Acting Team Leader Strategic Planning
Fiona Aghili, Strategic Planner
Approver: Scott Pedder, Director Planning & Place
File No: 24/90932
Purpose of the Report: To inform Council of the submission provided to the Department of Planning, Housing and Infrastructure on precinct selection for the low and mid-rise housing reforms.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Late correspondence was tabled by Lyle Tamlyn, Council's Acting Team Leader Strategic Planning.

Note: Councillor Matthew Robertson left the meeting, the time being 6.55pm.

Note: Councillor Matthew Robertson returned to the meeting, the time being 7.08pm.

(Robertson/Swan)

Recommendation:

THAT Council:

- A. Receives and notes the report to the Environmental Planning Committee of 3 June 2024, and accompanying staff submission at **Attachment 1**, regarding the Department of Planning, Housing and Infrastructure's precinct selection for the low and mid-rise housing reforms across the Woollahra Local Government Area.
- B. Request the Mayor write to the Minister for Planning and Public Spaces, indicating Council's support for the staff submission and continued opposition to the low and mid-rise housing reforms. In doing so, staff are to note the commentary of the Committee Members and Council Staff submit late correspondence in support of this action to the Council Meeting of 11 June 2024.

Note: *In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

For the Motion

Councillor Carmichael
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Wynne

8/0

Against the Motion

Nil

Woollahra Municipal Council
Environmental Planning Committee Minutes

3 June 2024

Item No: R2 Recommendation to Council
Subject: **HYDROGEOLOGICAL AND GEOTECHNICAL STUDY OF THE ROSE BAY AREA AND PROPOSED DCP AMENDMENTS**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Kristy Wellfare, Acting Manager Strategic Planning & Place
Emilio Andari, Manager Engineering Services
Tom O'Hanlon, Director Infrastructure & Sustainability
Scott Pedder, Director Planning & Place
File No: 24/74056
Purpose of the Report: To report on the findings of the hydrogeological and geotechnical study of the Rose Bay area undertaken by GHD Pty Ltd
To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Councillor Susan Wynne left the meeting, the time being 7.30pm.

(Swan/Shapiro)

Recommendation:

THAT Council:

- A. Receives and notes the study *Rose Bay - Hydrogeological and Geotechnical Impacts* (May 2024) prepared by GHD Pty Ltd in **Attachment 1**.
- B. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts* as contained in **Attachment 2** of the report to the Environmental Planning Committee of 3 June 2024. In doing so, staff are to note the commentary of the Committee Members and Council Staff submit late correspondence in support of this action to the Council Meeting of 11 June 2024.

Note: *In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

For the Motion

Councillor Carmichael
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt

7/0

Against the Motion

Nil

Woollahra Municipal Council
Environmental Planning Committee Minutes

3 June 2024

Item No: R3 Recommendation to Council
Subject: **THE APPLICATION AND EFFECTIVENESS OF THE VOLUME OF EXCAVATION CONTROLS AND RECOMMENDATIONS TO REDUCE EXCAVATION IN DEVELOPMENT APPLICATIONS**
Author: Eleanor Smith, Executive Planner
Approvers: Kristy Wellfare, Acting Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/85921
Purpose of the Report: To respond to an Environment Planning Committee resolution seeking a staff report on the application and effectiveness of current excavation controls and recommendations to mitigate the impacts of development applications with increasingly large volumes of excavation.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Motion moved by Councillor Robertson
Seconded by Councillor Witt

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.
- D. Request staff to prepare an additional report which investigates the deletion of Control C4 in Section B3.4 (Excavation) of the *Woollahra Development Control Plan 2015*, which currently enables a variation to the volume of excavation control for residential flat buildings to accommodate car parking and storage.

Amendment moved by Councillor Shapiro
Seconded by Councillor Swan

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.

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Environmental Planning Committee Minutes

3 June 2024

The Amendment was put and Carried

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Amendment

Councillor Carmichael
Councillor Shapiro
Councillor Shields
Councillor Swan

Against the Amendment

Councillor Regan
Councillor Robertson
Councillor Witt

4/3

**The Amendment became the Motion
The Motion was put and carried**

(Shapiro/Swan)

Recommendation:

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter

For the Motion

Councillor Carmichael
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt

Against the Motion

Nil

7/0

There being no further business the meeting concluded at 8.13pm.

**We certify that the pages numbered 260 to 268 inclusive are the Minutes of the
Environmental Planning Committee Meeting held on 3 June 2024 and confirmed by the
Environmental Planning Committee on 1 July 2024 as correct.**

Chairperson

Secretary of Committee

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Item No: D2 Delegated to Committee
Subject: **ECOLOGICAL SUSTAINABILITY TASKFORCE MEETING MINUTES 28 MAY 2024**
Author: Micaela Hopkins, Team Leader Environment & Sustainability
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/101652
Purpose of the Report: To circulate the minutes of the Ecological Sustainability Taskforce meeting held on 28 May 2024.
Alignment to Delivery Program: Strategy 8.3: Prepare for and adapt to the impacts of climate change.

Recommendation:

THAT Council note the minutes of the Ecological Sustainability Taskforce meeting held on 28 May 2024.

Executive Summary:

This report presents the minutes of the Ecological Sustainability Taskforce meeting held on 28 May 2024.

Discussion:

The Ecological Sustainability Taskforce (EST) was established via a resolution of Council on 23 March 2009. The Terms of Reference state that the purpose of the EST is to assist Council to integrate environmental sustainability into Council policy, plans and operations.

The EST provides input and guidance in relation to sustainability initiatives and policies in areas including:

- Climate change mitigation and adaptation
- Water quality improvement
- Biodiversity conservation
- Waste reduction.

Membership of the EST consists of up to four Councillors, including the Chair, as appointed by the Mayor, and staff.

This meeting focussed on:

- Grants received for public electric vehicle charging
- Current electric options for mid-heavy fleet vehicles
- Transition of Council buildings from gas
- Review of the Biodiversity Conservation Strategy.

Presentation slides from the meeting are attached, along with the minutes.

Options:

This report is for noting only.

Community Engagement and / or Internal Consultation:

There was no community engagement and / or internal consultation required in writing this report.

Policy Implications:

There are no policy implications as a result of this report.

Financial Implications:

There are no financial implications as a result of this report.



Resourcing Implications:

There are no resourcing implications as a result of this report.

Conclusion:

The minutes of the Ecological Sustainability Taskforce meeting are provided to the Councillors for their information.

Attachments

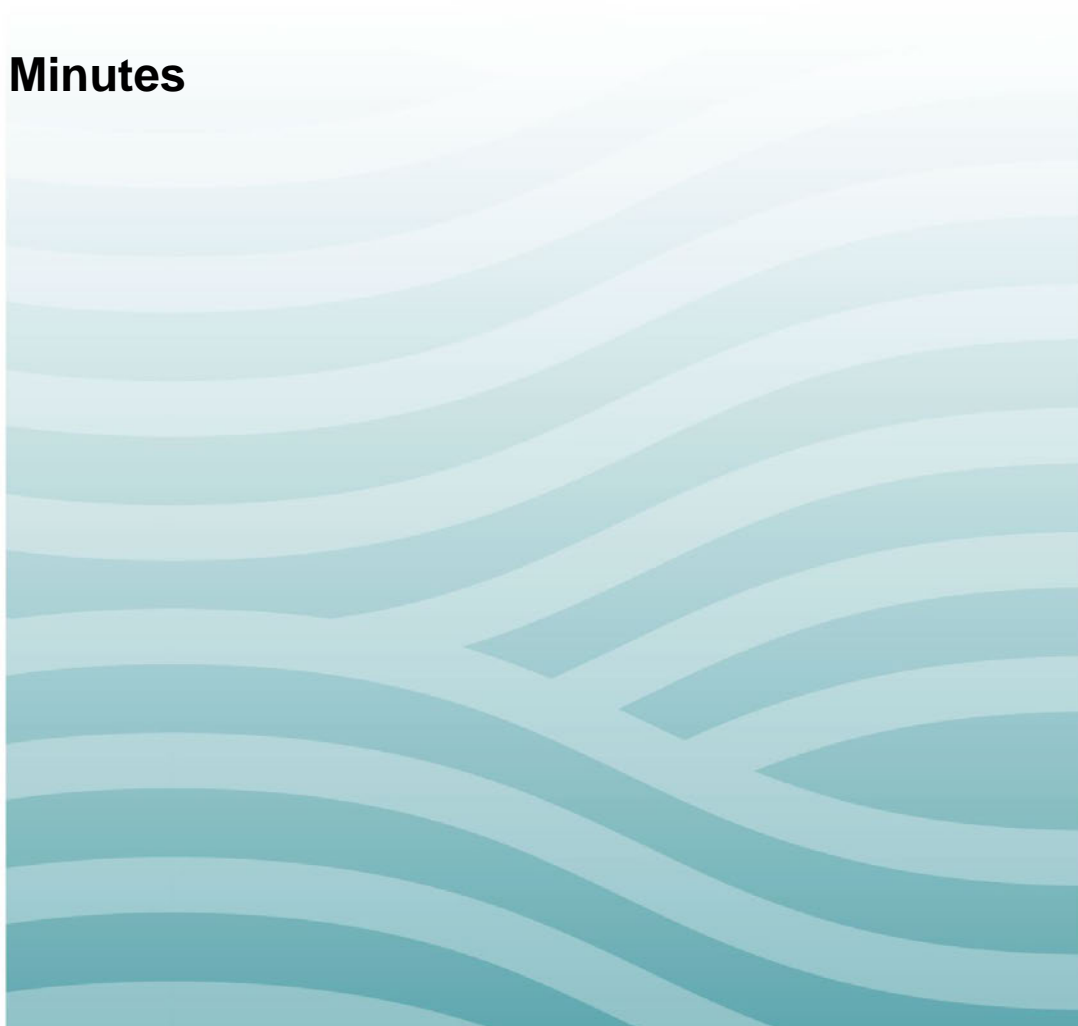
1. Ecological Sustainability Taskforce - Minutes [↓](#) 
2. Ecological Sustainability Taskforce - Presentation Slides [↓](#) 



Ecological Sustainability Taskforce

Tuesday 28 May 2024
5.00pm

Minutes



Ecological Sustainability Taskforce Minutes

Tuesday 28 May 2024

Present: Councillors:

Toni Zeltzer (Chair)
Nicola Grieve
Harriet Price
Lucinda Regan
Matthew Robertson

Staff:

Tom O'Hanlon (Director Infrastructure & Sustainability)
Mark Ramsay (Manager Civil Operations)
Micaela Hopkins (Team Leader Environment & Sustainability)
Rachel Anderson (Senior Environment & Sustainability Officer)
Mitchell Kirsch (Sustainability Projects Officer)

1. Opening

The Chair welcomed everyone to the Ecological Sustainability Taskforce meeting held on 28 May 2024.

2. Acknowledgement of Country

The Chair read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

3. Apologies

Staff apologies were received from Craig Swift-McNair, General Manager.

4. Items for Discussion

i) Electric Vehicle Charging Grants Update – Micaela Hopkins

Micaela Hopkins provided an update on three recent grants:

- The NSW Government has announced the recipients of the EV Kerbside Charging Grants, with a grant of \$286,740 to Woollahra, Waverley & Randwick Councils through the 3-Councils Regional Environment Program. There are additional funds granted to private operators to install chargers across Sydney.
- The NSW Government Local Small Commitments Allocation (Premier's Department) has allocated the following uncontested grants for public EV charging: \$300,000 to Vacluse electorate and \$400,000 to Coogee electorate.
- The NSW Government 'drive electric NSW EV fast charging grants': EVIE investigating installation of a fast charger at Kiaora.

Funding from NSW Government, Council and private charging companies will see an additional 53 public charging ports installed in the next 12 months, subject to electrical and traffic approvals.

The charging ports will be a combination of slow (AC), fast (DC), designated parking, undesignated parking, on-street and in council carparks.

ii) Fleet Electrification: mid-heavy vehicle options – Mark Ramsay

Mark Ramsay provided an update about potential to electrify Council's mid-heavy vehicle fleet.

- Hydrogen powered trucks have been considered, however are cost prohibitive (>\$1m / vehicle) and not practical to fuel. There are currently only 3 refuelling stations in NSW.
- Electric garbage compactor options are slowly improving, however are still not feasible for Woollahra's needs. This is expected to change in the next few years and staff are keeping abreast of the changing market. There will need to be increased electrical capacity at the AIF in order to power heavy electric vehicles.
- There are mid-size tipper trucks that are available and feasible. As trucks need replacing staff will consider all electric options.
- There are no electric options to replace large street sweepers at this point.
- Vans are being replaced with electric versions, with electric vehicles ordered for the ranger's van and the library van (Renault Kangoo).

Woollahra Municipal Council

Ecological Sustainability Taskforce Minutes

- More electric utes are expected to come onto the market 2025.
- With each vehicle replacement, electric options are researched and will be purchased if feasible.

iii) Transition from Gas Update – Mitchell Kirsch

Work is underway to transition Council's gas using sites to electric. A feasibility study has been completed for the largest sites – Kiaora Lands and Council Chambers. This involved assessment of electrical infrastructure, analysis of costs, and recommendation of options. Based on the outcomes of the feasibility study, a grant application was submitted to the Community Energy Upgrades Fund.

At smaller-using sites, gas appliances have been replaced with efficient electric versions (eg heat pumps for hot water) and a number of sites have had the gas connections removed.

Cr Price asked whether it was possible to make abolition of gas a condition of future tenders. Staff will explore the feasibility of this. Cr Grieve suggested educational information could be developed for lessees to dispel myths of cooking with electricity vs gas.

iv) Biodiversity Conservation Strategy – Rachel Anderson

Staff are undertaking a review of Council's Biodiversity Conservation Strategy. External consultants, Applied Ecology, were engaged to review the document and provide updated information. Consultation is underway internally with Council's bush regeneration team and other relevant staff. Priority areas and actions have been identified.

There will be a stronger focus on small bird habitat and creating connections between habitat areas. Cr Regan asked whether a cat education program could be incorporated. This has been included as an action.

The Biodiversity Conservation Strategy will complement the Urban Forest Strategy and is aligned with the Environmental Sustainability Action Plan.

5. General Business

- Cr Grieve raised the possibility of a 'hard to recycle item' collection held locally instead of AIF. Staff will consider whether it is feasible to expand the existing e-waste collection to include other hard to recycle items such as polystyrene, x-rays and batteries, noting that there is a battery collection receptacle at Double Bay Library.
- Cr Zeltzer thanked the staff for their presentations and thanked the members of the Taskforce for their contributions.

6. Next Meeting

The next meeting is scheduled for August 2024.

There being no further business the meeting concluded at 6pm.

Ecological Sustainability Taskforce



Agenda – 28 May 2024

1. Opening
 2. Acknowledgement of Country
 3. Apologies
 4. Items for Discussion
 - i) EV Grants Update – Micaela Hopkins (10 min)
 - ii) Fleet Electrification: mid-heavy vehicle options – Mark Ramsay (10 min)
 - iii) Transition from Gas Update – Mitchell Kirsch (20 min)
 - iv) Biodiversity Conservation Strategy – Rachel Anderson (20 min)
 5. General Business
 6. Next Meeting
-

EV Grants Update

- NSW Government EV Kerbside Charging Grants:
 - \$286,740 to Woollahra, Waverley & Randwick through the 3-Councils Regional Environment Program.
 - Additional funds to private operators to install across Sydney.
- NSW Government Local Small Commitments Allocation (Premier's Department) for public EV charging:
 - \$300,000 to Vaucluse electorate
 - \$400,000 to Coogee electorate
- NSW Government 'drive electric NSW EV fast charging grants':
 - EVIE investigating installation of a fast charger at Kiaora.
- Currently there are 23 public EV charging ports in Woollahra.
- Funding from NSW Government, Woollahra Council and private charging companies will see an additional 53 public charging ports installed in the next 12 months, subject to electrical and traffic approvals.
- The charging ports will be a combination of slow (AC), fast (DC), designated parking, undesignated parking, on-street and in council carparks.



Penny Sharpe announced 671 new chargers would be built across the state through NSW government-funded grants. Picture: NewsWire / Jeremy Piper

Zero emissions Woollahra - survey results



Fleet Electrification



**EV Star Utility Truck
(Example only)**



**Mean Green Evo 74 Mower at
Quarry Street Depot**



**Polaris Ranger EV at Quarry
Street Depot**

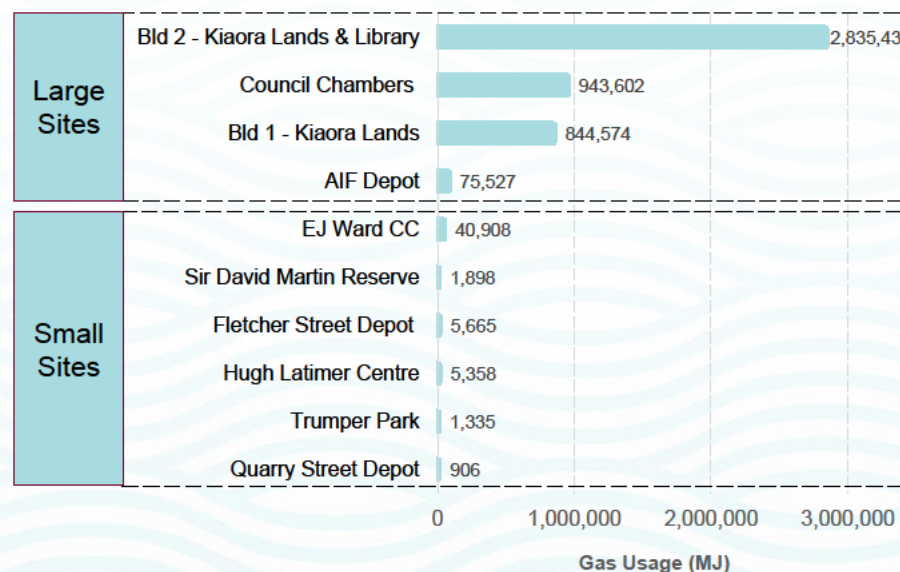
Transition from Gas Update



Recap:

- We have 10 gas using sites
- The transition from gas project has been split into two parts based on gas usage
- AIF depot now included given shared facility with Waverley
- The transition focuses on council owned buildings.

Top Ten Sites - Gas Usage (MJ)



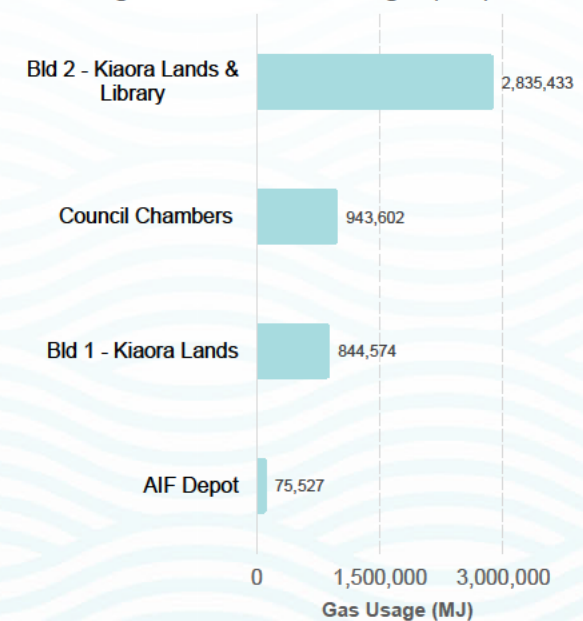
Transition from Gas



Large Sites Update

- Feasibility study completed for Kiaora Lands and Council Chambers
 - Assessed electrical infrastructure and limitations
 - Analysed economic costs, savings, and GHG emissions reduction.
 - Recommended replacement options
- Community Energy Upgrades Fund (CEUF) grant application submitted for Kiaora Bld 1 and Council Chambers
 - \$1.7m expenditure, up to 50% grant contribution
 - Sept 2024 – Feb 2026 timeline
 - Electrifies all hot water assets and almost all HVAC assets (excluding thermal plant upgrade at chambers).
- Further investigations into Building 2 for additional electrical capacity, load management, and asset electrification planned for FY2024/25.
- AIF feasibility study in works for gas hot water replacement options, in collaboration with Waverley Council.
- HVAC efficiency improved based on feasibility study utility data analysis

Large Sites - Gas Usage (MJ)



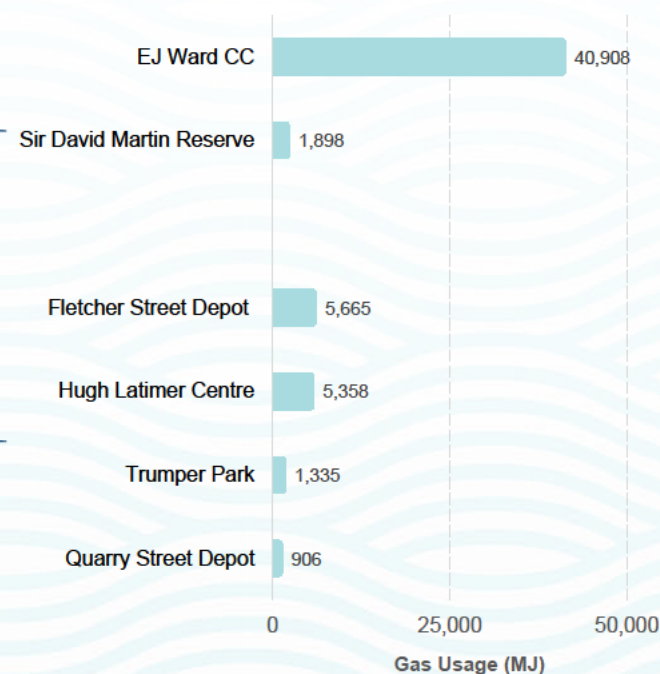
Transition from Gas



Small Sites Update

- Gas hot water replaced with 50L Thermann hot water heaters at EJ Ward and Sir David Martin Reserve Drill Hall and Cottage.
- Gas heaters being removed at both sites, EJ Ward heaters being replaced with electric alternatives.
- Gas Stovetop unit at Sir David Martin Reserve Cottage being replaced with electric equivalent
- Gas hot water replaced with high quality electric heat pump units
 - \$25,382 rebates received
 - Use of lowest GWP C02 refrigerant
- Gas connections and meters abolished where possible
- Expected completion 30 June 2024

Small Sites - Gas Usage (MJ)





Biodiversity Conservation Strategy Update

This strategy governs our approach to biodiversity management in Woollahra:

- Provides a vision for biodiversity and achievable objectives
- Describes our biodiversity
- Identifies key habitat areas and the management challenges for each
- Summarises threats to biodiversity
- Outlines actions to protect and conserve biodiversity

The strategy is currently under review.





Summary of the Process

This review has involved:

- Engagement of external consultants
 - Internal consultation
 - Desktop and onsite research
 - Identification of priority areas and actions
 - Development of action plans
-

Our Vision



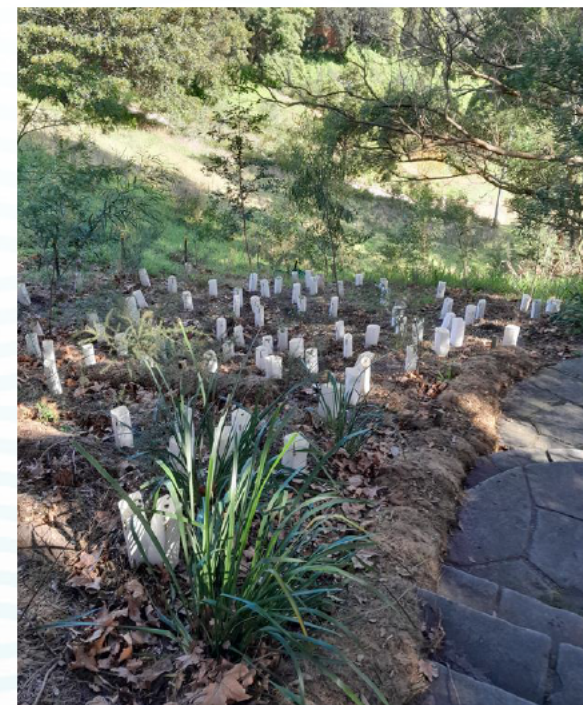
‘To protect, restore and improve biodiversity,
sustaining a healthy environment and conserving the
integrity of ecosystem services for current and future
generations.’

Action Plans

- Objectives

1. To conserve, restore and improve terrestrial biodiversity and enhance habitat connectivity.
2. To improve the health and resilience of freshwater ecosystems.
3. To improve the water quality and habitat value of foreshore and marine ecosystems.
4. To improve our understanding of biodiversity.
5. To engage with the community in enhancing biodiversity conservation.

- Council-managed 'Key Habitat Areas'



High Priority Actions

A few examples...

- Habitat restoration and bush regeneration
- Threatened species conservation
- Compliance with dog controls
- Foreshore protection and restoration
- Internal and external collaboration
- Water sensitive urban design





Marine Biodiversity Monitoring

Action	Frequency	Priority
Conduct surveys of White's Seahorse populations on swimming nets. Analyse data and assess requirement to implement management actions.	3 times per year	High
Conduct surveys of marine biodiversity on Council's marine infrastructure.	Annually	High

Results are used to inform future management to protect our marine environment.





Habitat Garden in Woollahra Golf Club

Action

Establish a demonstration habitat garden in a high profile Council reserve. Install signage to highlight key elements of the garden.



Revegetation of slopes in Cooper Park



Action

Undertake weed management and stabilisation in steep areas to enable revegetation and habitat connectivity.

Frequency

3 times per year

Priority

High





Interaction with other strategies

The Biodiversity Conservation Strategy positively interacts with other strategies:

- Urban Forest Strategy – addresses the environmental and biodiversity benefits of canopy coverage including increased wildlife diversity and improved habitat corridors
- Environmental Sustainability Action Plan – biodiversity conservation and water quality improvement are key priorities for the ESAP
- Collaborating on the implementation of these strategies is embedded in the action plan of the Biodiversity Conservation Strategy



Next Steps

1. Internal consultation
2. Finalisation of the document
3. Report to Environmental Planning Committee & Council
4. Public exhibition
5. Post-exhibition report to Environmental Planning Committee & Council.

General Business



Item No:	R1 Recommendation to Council
Subject:	POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 27) - 488-492 OLD SOUTH HEAD ROAD & 30 ALBEMARLE AVENUE, ROSE BAY
Authors:	Charmaine Tai, Strategic Planner Jacquelyne Della Bosca, Executive Planner
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	24/102488
Purpose of the Report:	To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 27) for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay and to seek Council's approval for finalisation.
Alignment to Delivery Program:	Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the post exhibition report on amendments to the *Woollahra Development Control Plan 2015* applying to 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
- B. Approves *Draft Woollahra Development Control Plan 2015 (Amendment No. 27)* as amended, at **Attachment 1** of the report to the Environmental Planning Committee meeting of 1 July 2024, with commencement of the DCP amendment being subject to the Department of Planning, Housing and Infrastructure approving the planning proposal for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay,
- C. Notes that if the proposed amendment to the *Woollahra Local Environmental Plan 2014* is not approved by the Department of Planning, Housing and Infrastructure, *Draft Woollahra Development Control Plan 2015 (Amendment No. 27)* will also not proceed, and a public notice will be published outlining the reasons for that decision.

Executive Summary:

This report relates to the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 27) (Draft DCP) for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (the site).

The site is the subject of a planning proposal, which intends to facilitate a mixed use development comprising a supermarket, residential apartments and associated parking. The Draft DCP will support and supplement the development outcomes of the planning proposal. The Draft DCP seeks to ensure that development suitably responds to issues of residential amenity and local character. The controls address matters including built form, setbacks and façade articulation, landscaping, privacy and maximum non-residential gross floor area.

The draft DCP and supporting material were on public exhibition for 33 days, and in response Council received 15 submissions. Staff have considered these submissions and recommend that Council resolve to approve the Draft DCP with minor amendments. These amendments do not change the intent of the Draft DCP and do not warrant re-exhibition. The Draft DCP, as amended, is at **Attachment 1**.

Staff recommend that Council resolves to approve the Draft DCP, but only if the Department of Planning, Housing and Infrastructure (DPHI) approves the planning proposal for the site. The planning proposal is currently in the post-exhibition stages. If the DPHI approves and makes the LEP, Council's Draft DCP will come into effect on or shortly after the commencement of the amendments to the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to ensure that the suite of controls commences concurrently. However, if the DPHI determines that the LEP amendment will not be made, then this Draft DCP will not be required.

Discussion:

Background

On 5 May 2022, Fabcot Pty Ltd (the proponent) lodged a planning proposal for the site. Having considered staff feedback, the proponent submitted a revised planning proposal on 12 April 2023.

The request sought to amend Woollahra LEP 2014 to:

- A. *Insert a new clause in Schedule 1 Additional permitted uses to permit retail premises at 30 Albemarle Avenue, provided it is part of a shop top housing development at 488-492 Old South Head Road.*
- B. *Insert a new Part 6 Additional local provisions clause allowing development consent to be granted to a building with a maximum 14.5m height of buildings on 30 Albemarle Avenue, and maximum gross floor area of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue.*

This clause also establishes building setbacks at varying levels to the western boundary of 30 Albemarle Avenue, an 8m wide deep soil zone and a publicly accessible area fronting Albemarle Avenue, and a requirement that a site-specific development control plan is prepared prior to consent.

The planning proposal was considered by the Environmental Planning Committee (EPC) on 7 August 2023 and on 14 August 2023, Council resolved not to support the request.

On 6 September 2023, the DPHI received a rezoning review request (RR-2023-20) for the site, and on 1 November 2023, the Sydney Eastern City Planning Panel (SECPP) considered the rezoning review and supported the proposal being submitted for a Gateway determination. The SECPP considered that the planning proposal demonstrated strategic and site specific merit. The SECPP was subsequently appointed as the planning proposal authority (PPA)¹. On 23 February 2024, the DPHI issued a Gateway determination (see **Attachment 2**), and the planning proposal was publicly exhibited from **2 April 2024** to **7 May 2024**. At the time of preparing this report, issues raised in submissions are being reviewed. The SECPP will then make a decision about whether the planning proposal should proceed to finalisation with or without amendments.

The DPHI is the local plan-making authority (LPMA)² and will determine if the LEP amendment will be made. Should the amendments to the Woollahra LEP 2014 progress, a site-specific DCP should be in place to support the LEP provisions with detailed guidelines on the scale and nature of the built form permissible under the LEP amendment. *Accordingly, the Draft DCP was reported to the EPC on 6 May 2024 (see **Attachment 3**).*

¹ The Planning Proposal Authority (PPA) is the authority responsible for the governance of a planning proposal, including its preparation and submission to the Department for a Gateway determination, satisfying the conditions of a Gateway determination, public exhibition and submission to the DPHI for finalisation.

² Local Plan-Making Authority (LPMA) is the authority responsible for making the LEP as identified by the Gateway determination. The LPMA undertakes the statutory functions in making the LEP.

On 13 May 2024, Council unanimously resolved:

THAT Council:

- A. Further asserts its opposition to the planning proposal for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay, but acknowledges that Council is powerless under the relevant legislation to further object.*
- B. Notes the objections to the planning proposal from Cr Jarvis (who is a member of the Sydney Eastern City planning panel) who recommended that the proposal should not be submitted for a Gateway determination as the proposal has not demonstrate strategic merit nor site specific merit.*
- C. Receives and notes the report on provisions for Part G Site-Specific Controls of the Woollahra Development Control Plan 2015 applying to 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.*
- D. Amends the Part G site-specific controls referred to in A above as set out in Attachment 1 to require the following in respect of development of the site:*
 - i. implementation of a trolley wheel locking system to be installed at all exit points of the shopping centre to prevent trolleys being removed from the centre;*
 - ii. installation of specific safety measures for pedestrians at all vehicular entry and exit points of the centre such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures; and*
 - iii. to ensure that any fencing of garden or open area is open fencing such that the garden areas can be viewed substantially from the streetscape and contribute to the streetscape.*
 - iv. the bicycle parking be required to be located within the Woolworths property and not in the buffer zone.*
- E. Resolves to exhibit Draft Woollahra Development Control Plan 2015 (Amendment No 27) with changes as set out in paragraph B above, as contained at Attachment 1 of the report to the Environmental Planning Committee of 6 May 2024.*

In response to Parts D and E above, staff amended the Draft DCP. The Draft DCP addresses the site and its context, including:

- Desired future character – facilitates a built form that is consistent with the desired future character of the site and surrounding area, and includes detail on how the development can be located and designed to fit within its context.
- Built form – specifies height in storeys, setbacks, articulation zones, and façade design.
- Uses – sets a maximum GFA of 2,400m² for non-residential uses, and a minimum dwelling yield of 10 apartments that comprises a mix of dwelling sizes.
- Ground level active frontage – incorporates active frontages along Old South Head Road and Albemarle Avenue through retail uses and building entrances, and provision to manage shopping trolleys.
- Separation zone and landscaping – incorporates a separation zone to protect the amenity of the adjoining property at 28A Albemarle Avenue, deep soil landscaped area, tree canopy, and promoting crime prevention through environment design within the separation zone.
- Vehicular access and servicing – addresses safety and amenity of the vehicle access and loading area, and bicycle parking.
- Site facilities – minimises impacts of mechanical plant equipment and any electricity substation.
- Ecologically sustainable development – specifies a minimums 4 Green Star design and as-built rating for the development.

Public exhibition

The Draft DCP (as amended by the Council resolution dated 13 May 2024) and supporting materials were publicly exhibited for 33 days, from Wednesday 22 May 2024 to Sunday 23 June 2024. This is consistent with the requirements of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, *Environmental Planning and Assessment Regulation 2021* (Regulation) and the *Woollahra Community Participation Plan 2023*.

The exhibition included the following:

1. Five notices in the Wentworth Courier newspaper, appearing on 22, 29 May and 5, 12, 19 June 2024;
2. A page on Council's Your Say Woollahra webpage, which was visited by 660 people during the exhibition period;
<https://yoursay.woollahra.nsw.gov.au/draft-dcp-amendment-27>
3. Notification letters and emails sent to the site owner, and properties in the vicinity of the site; and
4. Notification email sent to the Rose Bay Action Group.
5. Notification email sent to community members who made representations to Environmental Planning Committee (EPC) for the planning proposal.

Submissions

15 submissions were received in response to the public exhibition. These were from the following:

- **Groups:** BIKEast, Bicycle NSW, Rose Bay Action Group
- **Individuals:** Jackie Campisi, Rebecca Lynch, Murray Foltyn, Frank Femia, Melissa White, Frances Drayton Dixon, Aviva Levine, Amanda Stewart, Josef Zlekha, Tracy Newfield
- **Proponent:** Ethos Urban (on behalf of the applicant)
- **Consultant:** Paro Consulting (on behalf of Rose Bay Action Group)

Of the 15 submissions received, two supported the Draft DCP and did not request any changes. The submissions of support are noted.

A summary of the issues raised in the submissions is provided in **Table 1** below, along with Council staff responses. A redacted copy of all submissions is at **Attachment 4**.

Table 1: Summary of issues raised and response from Council staff

Topic	Key points raised	Council staff response
Proposed uplift	Proponent: <i>Insert a minimum requirement of 2,000m² non-residential GFA to ensure consistency with the Planning Proposal</i>	Land uses are regulated by the Land Use Table in the LEP. The Floor Space Ratio (FSR) specified in the LEP sets the maximum Gross Floor Area (GFA) allowable on the site. As such, there is no requirement to impose a minimum GFA. The Draft DCP will broadly facilitate the development envisaged in the concept plan. Non-residential uses are permitted on the Ground floor and Level 1, there is no need to specify a minimum non-residential GFA. However, to address concerns regarding potential environmental impacts and to ensure that a reasonable number of dwellings are delivered, the draft DCP sets a maximum GFA of 2,400m ² for non-residential uses. No change to the Draft DCP is recommended.

Topic	Key points raised	Council staff response
	<p>Community members: <u>Set precedent</u></p> <ul style="list-style-type: none"> <i>To change the regulations and DCP to allow such a large development to proceed is inappropriate as it could set a precedent.</i> <i>Do not support uplift.</i> <p><u>Excessive height and bulk</u></p> <ul style="list-style-type: none"> <i>Overdevelopment.</i> <i>Out of character with the low-rise residential area.</i> <i>Insufficient justification for uplift.</i> <p><u>30 Albemarle Avenue, Rose Bay</u></p> <ul style="list-style-type: none"> <i>Residential property at 30 Albemarle Avenue should not be included in a commercial development.</i> <p><u>Supermarket</u></p> <ul style="list-style-type: none"> <i>Additional supermarket may negatively impact small businesses and their ongoing economic viability.</i> <i>Do not support another supermarket in Rose Bay.</i> 	<p>These issues relate to the planning proposal.</p> <p>On 14 August 2023, Council resolved not to proceed with the planning proposal request. The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the SECPP supporting the proposal progressing for a Gateway determination in November 2023.</p> <p>The DPH is the LPMA and will determine if the LEP amendment will be made.</p> <p>Notwithstanding, Council is considered a key stakeholder for this matter, and has prepared a Draft DCP to ensure that a future development suitably responds to issues of residential amenity and local character.</p> <p>Subject to the making of the LEP, it is anticipated that the Draft DCP will come into effect on or shortly after the commencement of the new LEP provisions. If the LEP amendment is not made, then this Draft DCP will not be required.</p> <p>No change to the Draft DCP is recommended.</p>
Voluntary Planning Agreement (VPA)	<p>Community member: <i>Encourage Council to use this opportunity to secure a percentage of affordable housing.</i></p>	<p>The proponent has expressed an intention to enter into a VPA for the site. The negotiations are currently in progress and are being managed by Council's Director Infrastructure and Sustainability, consistent with adopted Council's VPA policy. For probity, matters relating to the VPA will be reported to Council separately for consideration.</p> <p>No change to the Draft DCP is recommended.</p>
Built form	<p>Proponent: <i>Delete control C6 of G8.2.2 Built form as it creates ambiguity and is unnecessary.</i></p>	<p>Control C6 in section G8.2.2 <i>Built form</i> states that "Basement walls and any piling (or similar structural elements) must be setback at least 8m from the north-western boundary that adjoins 28A Albemarle Avenue." However a variation to the 8m setback may be considered if the minimum consolidated deep soil landscaped area and tree canopy requirements are met.</p> <p>The concept plan accompanying the exhibited planning proposal illustrates that excavation is proposed to facilitate the mixed use development.</p> <p>Control C6 is relevant to ensure clarity regarding setback requirements and supports other provisions to ensure that future development meets the deep soil landscaped area requirements</p> <p>No change to the Draft DCP is recommended.</p>

Topic	Key points raised	Council staff response
	Community members: <ul style="list-style-type: none"> • <i>Front setback should apply to 30 Albemarle Avenue.</i> • <i>Proposed setback to 28A Albemarle Avenue should not be reduced.</i> • <i>North-west façade of the building should be articulated to add interest and reduce bulk and ugliness of the massive building.</i> 	<p>The Draft DCP is intended to achieve positive built form and streetscape outcomes in the context of the proposed planning controls. Sections G8.2.1 <i>Desired future character</i> and G8.2.2 <i>Built form</i> includes requirements on built form presentation, height in storeys and façade articulation that are designed to ensure a high-quality development that maintains appropriate separation, transition and amenity.</p> <p>The site is in a prominent corner position in the Rose Bay South centre. The mixed use development would activate the site corner and enhance the streetscape of Old South Head Road and Albemarle Avenue. To improve street level activation, a future building should not be setback from the street boundary.</p> <p>Furthermore, the proposed 9m 'separation zone' provides an appropriate separation and transition from the mixed-use development to the adjoining low density residential property. The 9m is more generous than the current side setback control in Chapter B3 of the Woollahra DCP and is consistent with the Apartment Design Guide (ADG).</p> <p>No change to the Draft DCP is recommended.</p>
Separation zone	Proponent: <i>Request amendments to control C2 of Section G8.2.5 to allow consistency with Figure 4 and objectives, in particular to allow hard and soft landscaping.</i>	<p>The deep soil landscaping provisions in the Draft DCP were developed to ensure the provision of a consolidated deep soil landscaped area with a minimum width of 8m on the site.</p> <p>The requested amendments contradict these controls and would fail to achieve the intended outcome of deep soil landscaping. If applied, the requested amendments would result in an 8m wide consolidated area comprising both hard and soft landscaping, rather than a fully deep soil landscaped area required by the exhibited control.</p> <p>No change to the Draft DCP is recommended.</p>
	Community members: <ul style="list-style-type: none"> • <i>All public-facing greenery ought to be maintained in perpetuity.</i> • <i>Should be entirely fenced off to protect the privacy of near neighbours and avoid antisocial behaviour.</i> • <i>No public, commercial or residential bench/seating or bicycle storage in this area.</i> • <i>Requires 9m wide deep soil planting zone with 15% of deep soil landscaped and tree canopy areas.</i> 	<p><u>Access and use</u></p> <p>The DHPI's Gateway conditions removed any requirement for the planning proposal to require a publicly accessible area between the new mixed use building and the dwelling at 28A Albemarle Avenue.</p> <p>Similarly the Draft DCP does not identify that there is to be a publicly accessible area in that location. The Draft DCP refers to that land as a 'separation zone'.</p> <p>The separation zone serves to provide separation between the building and 28A Albemarle Avenue and includes deep soil landscaped area with tree coverage, to protect the amenity of the adjoining R2 Low Density Residential land.</p> <p>The Draft DCP does not specify that public access and seating is to be provided within the separation zone, but if these are proposed the public access and seating would be restricted to the front setback area only, as set out in section G8.2.5 Control C9.</p>

Topic	Key points raised	Council staff response
		<p>The detailed design and use of the separation zone will be assessed at the development application (DA) stage and addressed in the conditions of consent.</p> <p><u>Bicycle parking</u> The Draft DCP, section G8.2.6 addresses on-site bicycle parking. Control C5 states: <i>"All bicycle parking is located within the building to avoid visual clutter within the streetscape. No such parking is permitted within the separation zone. All bicycle parking is located within the building."</i></p> <p><u>Deep soil landscaped area and tree canopy area</u> The deep soil landscaping and tree canopy requirements in the Draft DCP, section G8.2.5 <i>Separation zone and landscaping</i> were developed in consultation with Council's Tree Management Team.</p> <p>Given the mixed-use nature of the development, the Tree Management Team requires that at least 10% of the site is provided as deep soil landscaped area, consistent with the current provision in Chapters D2 <i>Mixed Use Centres</i> and D3 <i>General Controls for Neighbourhood and Mixed Use Centres</i> of the Woollahra DCP 2015.</p> <p>No change to the Draft DCP is recommended.</p>
<p>Amenity impacts</p>	<p>Community members:</p> <ul style="list-style-type: none"> <i>Solar access, privacy and noise impacts to Unit 15/494-496 Old South Head Road</i> <i>Privacy impacts to 26 Albemarle Avenue</i> 	<p><u>Overshadowing</u> The proponent's Urban Design Report which was provided with the Planning Proposal demonstrates that the proposed development will not cast any shadows on 494-496 Old South Head Road.</p> <p><u>Privacy</u> Privacy concerns are addressed through the built form and uses controls in sections G8.2.2 <i>Built form</i> of the Draft DCP. The setback provisions have been designed to ensure future development maintains adequate building separation to adjoining properties to protect the amenity of neighbouring properties.</p> <p>The provisions in Woollahra DCP Chapter D3, section D3.7 Acoustic and visual privacy and the ADG (3F Visual privacy, 4A Solar and daylight access, and 4H Acoustic privacy) will also apply.</p> <p>Detailed consideration of potential amenity impacts will be addressed at the DA stage and assessed having regard to these controls.</p> <p>No change to the Draft DCP is recommended.</p>

Topic	Key points raised	Council staff response
Unit mix	<p>Proponent: <i>Amend control C1 of section G8.2.1 and control C2 of G8.2.3 to ensure future apartments to be delivered offer a range of apartment sizes that meet the local demand and requirements of the community.</i></p>	<p>The <i>Woollahra Local Housing Strategy 2021</i> (Woollahra LHS 2021) identifies that dwelling sizes in the LGA are above average. Dwellings with three or more bedrooms are most common in the Woollahra LGA. To meet the needs of smaller and younger households, future development should contribute to the supply of one and two bedroom dwellings (p. 50 of the Woollahra LHS 2021).</p> <p>The intent of this is reflected in the proposed provisions in section G8.2.3 <i>Uses</i> of the Draft DCP. Staff do not support amending the controls to refer to local demand.</p> <p>However, the Draft DCP as exhibited refers to a “mix of unit dwelling sizes”. To remove potential ambiguity about what this means, staff recommend that the objectives in sections G8.2.1 and G8.2.3 of the Draft DCP are amended to specifically refer to the provision of a mix of dwellings comprising different numbers of bedrooms.</p> <p>An amendment to the Draft DCP is recommended.</p>
Shopping trolleys	<p>Proponent: <i>Request amendments to G8.2.4 to allow flexibility on trolley use while ensure trolleys are managed at the site and off-site dumping is mitigated.</i></p>	<p>To reduce the occurrence of abandoned or unattended shopping trolleys in public spaces, staff recommend:</p> <ul style="list-style-type: none"> • Retaining the proposed provisions regarding shopping trolleys; and • Introducing an additional control to require a Trolley Management Plan to be prepared and implemented as part of a future DA. <p>An amendment to the Draft DCP is recommended.</p>
Traffic and parking	<p>Proponent: <i>Insert a maximum 78 car parking spaces requirement for non-residential uses</i></p>	<p>To ensure sufficient car parking spaces, staff do not recommend imposing a maximum limit on car parking spaces for non-residential uses.</p> <p>Car parking provisions associated with future development will be considered and assessed having regards to Chapter E1 of the Woollahra DCP 2015.</p> <p>No change to the Draft DCP is recommended.</p>

Topic	Key points raised	Council staff response
	<p>Community members:</p> <ul style="list-style-type: none"> • <i>Does not address active transport needs.</i> • <i>Supermarket size limited to 1000m²</i> • <i>Increase traffic congestion in the area.</i> • <i>Noise.</i> • <i>Waste management and delivery operational restrictions should be included.</i> • <i>Parking issue.</i> • <i>Pedestrian and cyclists safety.</i> 	<p><u>Active transport needs</u> The Draft DCP aligns with the Woollahra Active Transport Plan vision. Future development is required to comply with bicycle parking requirements outlined in Chapter E1 of the <i>Woollahra Development Control Plan 2015</i> (Woollahra DCP 2015).</p> <p><u>Traffic Impacts</u> The Traffic Assessment Study, which accompanied the planning proposal, addressed traffic generation and parking concerns based on a concept plan comprising a mid-sized supermarket. Council's Traffic and Transport Team is satisfied that the mixed use development would not result in any unreasonable traffic impacts.</p> <p>The Gateway determination report acknowledges that the DPHI reviewed the proponent's Traffic Assessment Study and is satisfied that the proposal will not lead to adverse traffic and parking impacts. Consequently, a Gateway determination has been issued for the planning proposal.</p> <p>Having regard to the findings of the Traffic Assessment Study, the Draft DCP includes Control C1 of section G8.2.3 <i>Uses</i> to limit non-residential uses to a maximum of 2,400 square metres across the sites.</p> <p><u>Noise impacts</u> The Draft DCP, section G8.2.6 addresses noise impacts associated with the Control C5 states: <i>"All bicycle parking is located within the building to avoid visual clutter within the streetscape. No such parking is permitted within the separation zone. All bicycle parking is located within the building."</i></p> <p><u>Access, parking and safety</u> The Draft DCP, section G8.2.6 <i>Vehicular access and servicing</i> addresses safety and amenity of the vehicle access and loading area. Future development must comply with parking provisions outlined in Chapter E1 of the Woollahra DCP 2015, which include parking rates, charging points and parking and access design standards.</p> <p>A <i>Traffic and Parking Report</i> and a <i>Car Parking and Loading Dock Plan of Management</i> are required as part of any future DA. This will specify operation details, how the site will be accessed by vehicles and how the footpath will be managed to ensure pedestrian access will be facilitated. Detailed assessment of traffic operation/management and access design will be undertaken at the DA stage.</p> <p>No change to the Draft DCP is recommended.</p>
<p>Ecologically Sustainable Development (ESD) provision</p>	<p>Proponent:</p> <ul style="list-style-type: none"> • <i>Suggest replace control for '4 star rating' with 'BASIX Water and Energy 5+ on residential and a retail performance target of:</i> 	<p>The ESD control outlined in section G8.2.8 <i>Ecologically sustainable development</i> in the Draft DCP has been developed in consultation with Council's Environment and Sustainability Team.</p>

Topic	Key points raised	Council staff response
	<ul style="list-style-type: none"> Maximum 55kWh/yr/m² of GFA; or 4 star NABERS energy CA; or Certified Green Start building rating achieving "minimum expectation" in Credit 22: Energy Use; or Equivalent.' 	<p>The requirement for a 4 star rating aligns with Woolworths' commitment to achieve a minimum 4 Green Star rating by 2025, as set out on page 17 of the Woolworths Group Sustainability Plan 2025.</p> <p>No change to the Draft DCP is recommended.</p>
Services	<p>Community member: <i>New builds are using the same sewerage pipes which were not designed to cope with additional housing.</i></p>	<p>The height and bulk of the development are typical of what is expected in the centre. Staff anticipate that the sewerage system will adequately accommodate the development. Services will be addressed at the DA stage and in the conditions of consent.</p> <p>No change to the Draft DCP is recommended.</p>
Site facilities	<p>Proponent:</p> <ul style="list-style-type: none"> <i>Request amendments in relation to mechanical plant equipment as it was always envisaged to be located on the rooftop, as per the indicative reference scheme within the endorsed Planning Proposal.</i> <i>Request amendments to provisions in relation to substation to comply with Electrical Authority requirements.</i> 	<p><u>Mechanical plant equipment</u> The draft controls reflect the intent of Council's policy as set out in the Woollahra DCP 2015 (Chapter D3, section D3.10) that mechanical plant equipment should be avoided on the rooftop.</p> <p>To minimise visual impact of these services, it is recommended that no changes be made to the Draft DCP.</p> <p><u>Substation</u> The Draft DCP identifies that if a substation is required, it should be in the form of a basement substation.</p> <p>The draft controls reflect the intent of Council's policy as set out in the Woollahra DCP 2015 (Chapter D3, section D3.10) that any substation should be suitably located, screened and/or concealed so it is not visible from the street or adjoining public place. These DCP provisions for electricity substations were developed in consultation with Ausgrid and commenced on 8 December 2023.</p> <p>A basement substation could be accommodated on the site consistent with Ausgrid's standards for basement chamber substations.</p> <p>To avoid visual clutter in the streetscape, it is recommended that no changes are made to the Draft DCP.</p>
Building facilities	<p>Community member: <i>Provide maintained baby change rooms and toilets for the community.</i></p>	<p>Minimum standards for facilities including baby change rooms and toilets are set out in the National Construction Code and will be addressed at the DA stage.</p> <p>No change to the Draft DCP is recommended.</p>
Signage	<p>Community member: <i>No illuminated commercial signage near to or facing R2 zoned properties.</i></p>	<p>Signage associated with a future DA will be addressed at the DA stage and assessed having regard to Chapter E7 Signage of the Woollahra DCP 2015.</p> <p>No change to the Draft DCP is recommended.</p>

Having considered the issues raised in the submissions, Council staff recommend progressing and finalising Draft DCP No. 27 as exhibited with amendments, as provided at **Attachment 1**. The post-exhibition amendments are highlighted in yellow with deletions shown in ~~striketrough~~.

The proposed amendments do not warrant re-exhibition of the Draft DCP, as the amendments are minor and do not substantially alter the intent or overall objectives of the DCP provisions.

Options:

The process for amending a DCP is set out in the EP&A Act and the Regulation. The Draft DCP was prepared and publicly exhibited in accordance with these requirements.

The staff recommendation is for Council to proceed with the Draft DCP as amended at **Attachment 1**. Alternatively, Council may decide not to endorse the Draft DCP, or endorse the Draft DCP with other amendments. Subject to the nature of the amendments, re-exhibition may need to occur.

If Council resolves to proceed with the Draft DCP, it will come into effect on the date that a notice of Council's decision is published on Council's website and in the Wentworth Courier (or on a later date specified in the notice). The date of commencement will seek to align with the date that Woollahra LEP amendment in relation to the planning proposal is approved and published on the NSW legislation website. This is to ensure that the suite of controls commence concurrently.

If the DPHI does not approve the proposed amendments to the Woollahra LEP 2014, there will be no need for the Draft DCP to proceed and staff will publish a notice outlining the reasons for that decision. Staff will also notify people who made submissions to the planning proposal and/or Draft DCP.

Community Engagement and / or Internal Consultation:

Refer to the 'Discussion' section of this report for details of the community engagement.

Policy Implications:

Should Council resolve to approve the Draft DCP, the Woollahra DCP 2015 will be amended subject to the making of Woollahra LEP 2014 amendments.

Financial Implications:

There are no financial implications as a result of the recommendation to finalise the Draft DCP.

Resourcing Implications:





Should Council resolve to progress a Draft DCP and subject to the Woollahra LEP 2014 amendments, staff resources will be associated with the finalisation process.

Conclusion:

The Draft DCP which provides site specific objectives and controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay, was placed on exhibition in accordance with Council's statutory obligations, and 15 submissions were received during the exhibition period.

Having considered the matters raised in the submissions, staff recommend that Council resolve to approve the Draft DCP as amended at **Attachment 1**, but only if the DPHI approves the planning proposal for the site. The Draft DCP will support and supplement the proposed LEP amendments reflected in the planning proposal.

Attachments

1. Draft Woollahra Development Control Plan 2015 (Amendment 27) with post exhibition amendments - June 2024 [↓](#) 
2. Gateway determination 23 February 2024 [↓](#) 
3. Report to the Environmental Planning Committee meeting of 6 May 2024 (Attachments removed) [↓](#) 
4. Submissions (Redacted) - June 2024 [↓](#) 



Draft Woollahra Development Control Plan 2015 (Amendment No 27)

Prepared Date:	May 2024
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning and Place
HPE CM Record Number:	24/59685

Acknowledgment of Country

Woollahra Council acknowledges that we are on the land of the Gadigal and Birrabirragal people, the Traditional Custodians of the land. We pay our respects to Elders past, present and emerging.

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Woollahra Development Control Plan 2015 (Amendment No 27)

Part 1 Preliminary

1.1 Background

Woollahra Development Control Plan 2015 (Amendment No 27) (Draft DCP) applies to land at 488-492 Old South Head Road (Lot 1 DP 1009799) and 30 Albemarle Avenue (Lot 30 Section B DP 4567), Rose Bay, but only if the two lots are developed together, hereafter referred to as 'the site'.

This draft DCP seeks to amend the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) by introducing Chapter G9 to incorporate controls and objectives to address matters including the building design, street activation, setbacks, landscaping, privacy, and the maximum non-residential gross floor area that may be achieved on the site.

The site is owned by Fabcot Pty Ltd/ Woolworths Group. Land at 488-492 Old South Head Road is located at the southern end of the Rose Bay South centre. It is zoned MU1 Mixed Use in *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and is the site of the former Caltex service station which was decommissioned in 2020. Land at 30 Albemarle Avenue is zoned R2 Low Density Residential and contains a single storey dwelling house. To the north-west, it adjoins a semi-detached dwelling at 28A Albemarle Avenue, Rose Bay (Lot 1 DP 204141).

The site is the subject of a proponent-led planning proposal which seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to facilitate redevelopment of the site for a four-storey mixed use development. As part of the planning proposal the proponent provided an indicative development concept comprising a two-level Woolworths supermarket with residential dwellings on the upper levels, and associated parking and loading elements.

The planning proposal amends the Woollahra LEP 2014 to:

- Insert a new clause in *Schedule 1 Additional permitted uses* to permit "retail premises" at 30 Albemarle Avenue, provided it is as part of a shop top housing development at 488-492 Old South Head Road.
- Insert a new clause in *Part 6 Additional local provisions* that applies only if 488-492 Old South Head Road and 30 Albemarle Avenue are developed together, and that:
 - Allows a maximum Gross Floor Area (GFA) of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue.
 - Amends the maximum Height of Building (HOB) development standard on 30 Albemarle Avenue from 9.5m to 14.5m.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 27)*.

1.3 Objectives of the plan

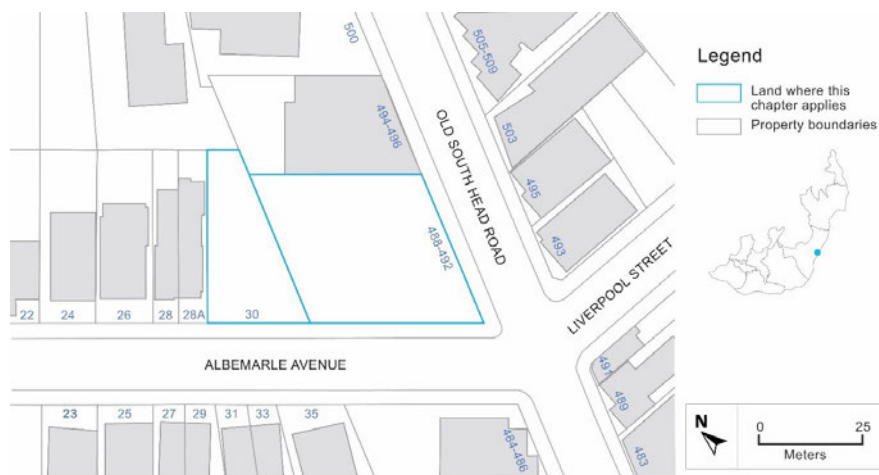
The objective of the plan is establish site specific controls for redevelopment of the site for a 4-storey mixed use development comprising a supermarket, residential apartments and associated parking and loading.

The provisions have regard to the site and its context, and seek to address impacts that could result from the redevelopment, including addressing the building design, street activation, setbacks, landscaping, privacy and the maximum non-residential gross floor area that may be achieved on the site.

The controls supplement existing general controls in other parts of the Woollahra DCP 2015.

1.4 Land to which this plan applies

This plan applies to the land identified on the map at Figure 1 (the site). The site comprises 488-492 Old South Head Road (Lot 1 DP 1009799) and 30 Albemarle Avenue (Lot 30 Sec B DP4567), Rose Bay. The plan applies only if both lots are developed together.



Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions – identified in blue and underlined
Deletions – ~~identified in red and strikethrough~~

Post exhibition amendments are highlighted in yellow with deletions shown with ~~strikethrough~~.

Chapter A1 Introduction

2.1 Amendments to clause A1.4 List of amendments

2.1.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
<u>No 27</u>	<u>Date approved – TBC</u> <u>Date commenced - TBC</u>	<u>Amend Part G, by inserting Chapter G9 - 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay and introducing controls and objectives to address environmental and other amenity impacts that could result from the future development of the site.</u>

Part G: Site-Specific Controls

2.2 Insert New Chapter G9 – 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

Annotations:

Post exhibition amendments are highlighted in yellow with deletions shown with ~~strike through~~.

Chapter G9

488-492 Old South Head Road and 30 Albemarle Avenue

Rose Bay

Part G ► Site-Specific Controls

CHAPTER G9 APPROVED ON TBC
AND COMMENCED ON TBC

Chapter G9 ► 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

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G8.1 Introduction

G8.1.1 Background

This chapter of Woollahra DCP addresses land at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay, if developed together. This land is proposed to be redeveloped for a 4-storey mixed use development containing a supermarket, residential apartments, and parking including direct-to-boot dedicated car spaces.

Land at 488-492 Old South Head Road is located at the southern end of the Rose Bay South centre, it is zoned MU1 Mixed Use in *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and is the site of a former Caltex service station which has been decommissioned.

Land at 30 Albemarle Avenue is zoned R2 Low Density Residential and contains a single storey dwelling house. To the north-west, it adjoins a semi-detached dwelling known as 28A Albemarle Avenue, Rose Bay being Lot 1 DP 204141.

The land was subject to a planning proposal that amends the Woollahra LEP 2014 to:

- Insert a new clause in *Schedule 1 Additional permitted uses* to permit “retail premises” at 30 Albemarle Avenue, provided it is part of a shop top housing development at 488-492 Old South Head Road.
- Insert a new clause in *Part 6 Additional local provisions* that applies only if 488-492 Old South Head Road and 30 Albemarle Avenue are developed together, and that allows:
 - A maximum Gross Floor Area (GFA) of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue.
 - An increased Height of Building development standard from 9.5m to 14.5m on 30 Albemarle Avenue, Rose Bay.

This chapter includes provisions to establish additional controls to guide redevelopment on the land having regard to the context, including addressing building design, street activation, setbacks, landscaping, privacy and the maximum non-residential gross floor area that may be achieved on the site.

G8.1.2 Land where this chapter applies

This site specific chapter applies to the land identified on the map at Figure 1 (the site). The land comprises 488-492 Old South Head Road (Lot 1 DP 1009799) and 30 Albemarle Avenue (Lot 30 Sec B DP4567), Rose Bay.

The plan applies only if both lots are developed together.

► Part G | Site-Specific Controls G9 | 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

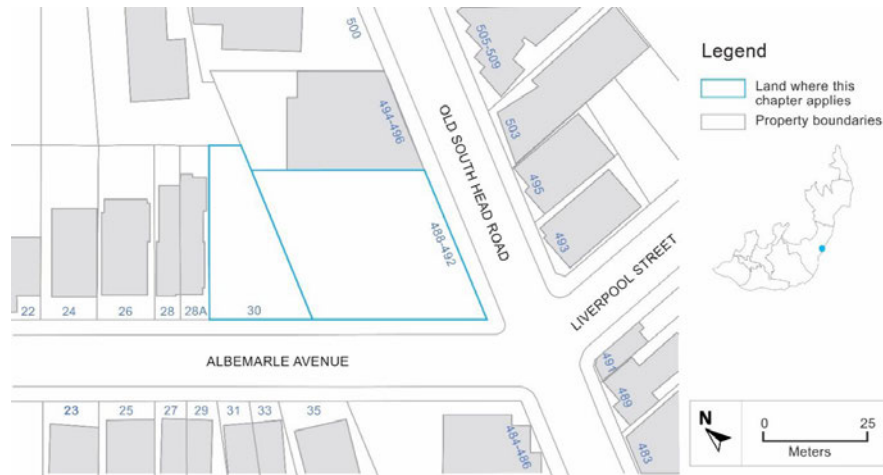


FIGURE 1 The site

G8.1.3 Development to which this chapter applies

This chapter applies to development requiring consent under the *Woollahra Local Environmental Plan 2014*.

G8.1.4 Objectives

The objectives of this chapter are to ensure that development on the site:

- 01 Supports growth of the Rose Bay South centre through provision of a new supermarket and new dwellings.
- 02 To positively contribute to the architectural design and character in the Rose Bay South centre.
- 03 Provides active frontages to Old South Head Road and Albemarle Avenue.
- 04 Incorporates a high standard of landscape design to encourage urban greening, contribute to the streetscape, and soften the visual impact of the built form.
- 05 Has a scale, bulk and design that respects the adjoining and nearby residences and the low scale streetscape character of Albemarle Avenue, particularly in terms of the building setback, articulation and transition of building height.
- 06 Does not unreasonably compromise the amenity of adjoining and nearby residences having regard to visual and acoustic privacy, landscape setting, and separation between the building and 28A Albemarle Avenue.
- 07 Minimises traffic and parking impacts on Old South Head Road, Albemarle Avenue and surrounding streets.

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Woollahra Development Control Plan 2015

► G9 pg.3

G8.1.5 Relationship to other parts of the DCP

This chapter is to be read in conjunction with other relevant parts of the DCP, including:

- ▶ Part D: Chapter D2 Mixed Use Centres (Rose Bay South)
- ▶ Part D: Chapter D3 General Controls for Neighbourhood and Mixed Use Centres
- ▶ Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.

In the event of an inconsistency between this site-specific chapter and the other chapters, this chapter prevails.

Note: Where land at 488-492 Old South Head Road and 30 Albemarle Avenue are developed together, Chapter B1 Residential Precincts and Chapter B3 General Development Controls do not apply.

G8.2 Development Controls

G8.2.1 Desired future character

Objectives

- O1 To facilitate a built form that is consistent with the desired future character of the site and surrounding area.

Controls

- C1 Development on the site must align with the following:
- A building of no more than four storeys;
 - Active street frontages along Old South Head Road and Albemarle Avenue;
 - Articulated facades that contribute to the visual interest of the building and the character of the local area;
 - Respect the landscape character and low scale residential character of Albemarle Avenue, by providing building setbacks, height transition and a landscape setting;
 - Planting and a deep soil zone to soften its interface with the adjoining residential uses on Albemarle Avenue;
 - A diverse range of apartment sizes comprising of Studio/1 Bedroom, 2 Bedroom, and 3 or more Bedroom dwellings;
 - A single residential entry from the Albemarle Avenue frontage only; and
 - No vehicular access from Old South Head Road.

Note: The desired future character of the Rose Bay South centre is described in Part D: Chapter D2 of the Woollahra DCP 2015.

G8.2.2 Built form

Objectives

- O1 To provide a built form that is well defined and of a scale that creates a coherent street wall to Old South Head Road, and suitably addresses its prominent corner site position.
- O2 To use building setbacks and articulation to reduce the apparent bulk of the building.
- O3 To incorporate high quality façade design and finishes.
- O4 To establish setbacks to reduce overlooking and building bulk.
- O5 To provide a separation zone between the building and 28A Albemarle Avenue.
- O6 To enable deep soil planting in the setbacks and ensure deep soil landscaped area is achieved.
- O7 To provide for attractive and comfortable pedestrian areas while retaining important street trees.

Controls

- C1 Development is a maximum four storeys.
- C2 The building design is to be a high quality contemporary structure, and may include defined horizontal and vertical elements, façade arches and curved edges to reduce perceived building bulk and contribute to the architectural quality and aesthetic of the building.
- C3 The minimum setbacks from Old South Head Road and Albemarle Avenue are:
 - At Ground Level and Level 1 - 0m from the street boundary.
 - At Level 2 - 0m from the street boundary with a minimum 3m articulation zone from the street boundary.
 - At Level 3 - 3m from the street boundary with a minimum 2m articulation zone from Old South Head Road and 2.5m articulation zone from Albemarle Avenue.

The articulation zone is to be occupied by balconies, planter boxes, terrace landscaping and weather protection/awnings only. Weather protection/awnings, if any, must not increase building bulk and the prominence of the two upper levels.

Refer to Figures 2 and 3 for setbacks and articulation zone.

- C4 The minimum setbacks from the building at 494-496 Old South Head Road (SP 75026) are:
 - At Ground Level and Level 1 - 0m from the north-western boundary.
 - At Level 2 -
 - 0m from the north-western boundary where a blank wall adjoins MU1 mixed use zoned land.
 - 10m between habitable rooms/balconies and non-habitable rooms.

- At Level 3 -
 - 7m between non-habitable rooms.
 - 10m between habitable rooms/balconies and non-habitable rooms.
 - 13m between habitable rooms/balconies.

Refer to Figure 3 for setbacks.

- C5 The minimum setbacks from the north-western boundary that adjoins 28A Albemarle Avenue (Lot 1 DP 204141) are:

- At Ground Level and Level 1 - 9m to the building.
- At Level 2 - 9m to the building and 12m to any habitable rooms/balconies.
- At Level 3 - 12m to the building and 13.5m to any habitable rooms/balconies.

The articulation zone is to be occupied by planter boxes, terrace landscaping, and weather protection/awnings only. Balconies, terraces or the like are not permitted in this articulation zone.

Weather protection/awnings, if any, must not increase building bulk and the prominence of the two upper levels.

Refer to Figure 2 for setbacks and articulation zone.

- C6 Basement walls and any piling (or similar structural elements) must be setback at least 8m from the north-western boundary that adjoins 28A Albemarle Avenue.

A variation to the 8m setback may be considered to accommodate underground plant and services, but only if the minimum consolidated deep soil landscaped area and tree canopy cover specified in Section G8.2.5 Separation zone and landscaping is achieved.

- C7 Awnings are provided along Old South Head Road and Albemarle Avenue retail frontages. The awnings are to be designed and installed to retain and protect street trees.

- C8 Wet weather protection is to be provided at entrances.

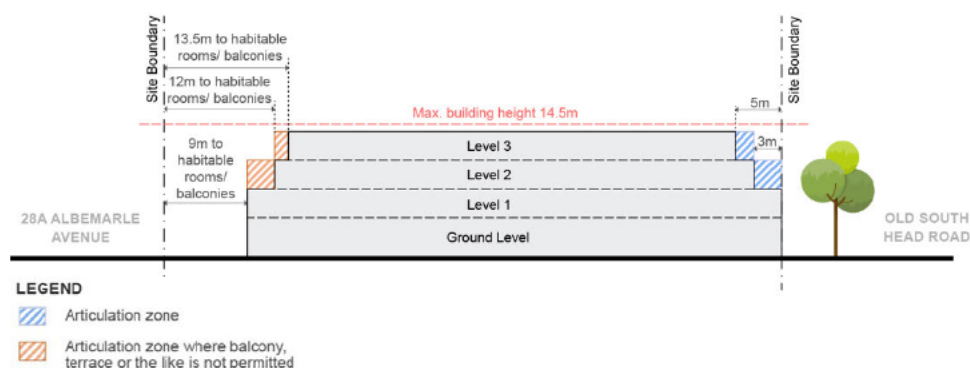


FIGURE 2 Old South Head Road and north-western setbacks

G9 | 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

► Part G | Site-Specific Controls

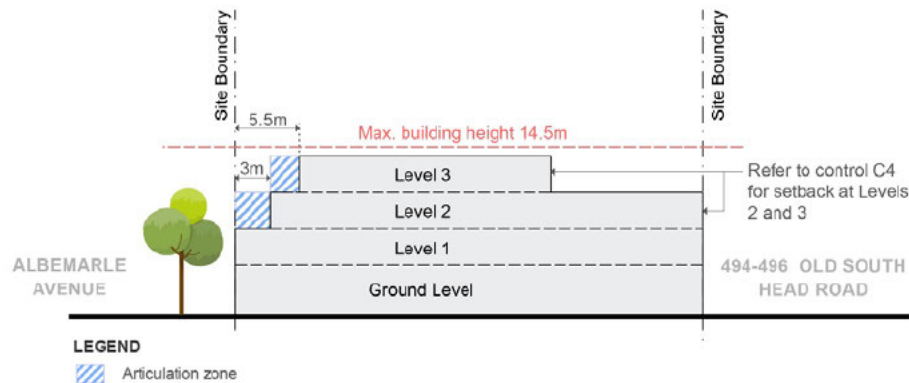


FIGURE 3 Albemarle Avenue and north-eastern setbacks

G8.2.3 Uses

Objectives

- O1 To provide an appropriate mix of residential and non-residential land uses that reinforce the mixed use character of the Rose Bay South centre.
- O2 To facilitate a supermarket that meets the day-to-day goods and services needs of the local community.
- O3 To establish a limit on the non-residential floor space to ensure commercial activities do not have unacceptable traffic or other environmental impacts.
- O4 To achieve a minimum dwelling yield to contribute to housing growth
- O5 To promote housing choice through providing a mix of unit dwelling sizes with different numbers of bedrooms.
- O6 To achieve good levels of residential amenity for residents and neighbours.

Controls

- C1 No more than 2,400m² of the gross floor area of the development is used for non-residential uses.
- C2 The residential component of the development achieves a minimum dwelling yield of 10 apartments and comprises a mix of Studio/1 Bedroom, 2 Bedroom, and 3 or more Bedroom dwellings.
- C3 Residential uses are located on the upper levels and achieve a high degree of amenity in accordance with the Housing SEPP Chapter 4 and the Apartment Design Guide.

► G9 pg.8

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Woollahra Development Control Plan 2015

G8.2.4 Ground level active frontage

Objectives

- O1 To facilitate development that is compatible with the desired future character of Rose Bay South centre and respects the landscape and low scale residential character of Albemarle Avenue.
- O2 To reinforce the site's prominent corner location.
- O3 To ensure the built form design elements and uses improve street level activation along Old South Head Road as a primary frontage and enhance the quality of the site's presentation to Albemarle Avenue.
- O4 To restrict trolley usage to inside the supermarket and its car park.

Controls

- C1 At the ground floor, the building is designed for retail uses on the primary street frontage including key corner location of Old South Head Road and Albemarle Avenue.
- C2 Active frontages are provided to Old South Head Road and Albemarle Avenue, through uses such as shopfronts and building entries.
- C3 Separate entrances are provided to the residential and commercial uses. Access to the residential component is from Albemarle Avenue.
- C4 The building façade must be designed to contribute to the street and remains highly transparent and activated. It must not present blank walls onto streets.
- C5 Where shopping trolleys are provided, install trolley wheel locking system at all exit points of the supermarket and car park.
- C6 A development application must be accompanied by a Trolley Management Plan which details the proposed containment system for retaining trolleys on site, and the method for identifying/branding, tracking and collecting abandoned trolleys.

G8.2.5 Separation zone and landscaping

Objectives

- O1 To protect the amenity of the adjoining R2 Low Density Residential land at 28A Albemarle Avenue.
- O2 To avoid an unreasonable sense of enclosure by providing an appropriate separation zone between the building and 28A Albemarle Avenue.
- O3 To incorporate deep soil landscaping within the separation zone to:
 - maximise opportunities for screen planting to enhance the amenity of the surrounding residential area,

G9 | 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

► Part G | Site-Specific Controls

-
- contribute to the leafy setting of the residential streetscape along Albemarle Avenue, and
 - contribute to urban greening and enhancing tree canopy cover within the locality.
- O4 To ensure that the separation zone is a safe environment by promoting crime prevention through environmental design (CPTED).
- O5 To ensure fences and walls contribute positively to the Albemarle Avenue streetscape and adjacent residential dwellings.
- O6 To integrate planting to the façade of the building to enhance the appearance, amenity and energy efficiency of the building.
- O7 To provide for on-site stormwater absorption.

Controls

- C1 A minimum 9m wide separation zone is provided from the north-western boundary.
- C2 The separation zone accommodates:
- a deep soil landscaped area which is:
 - at least 10% of the total site area, and
 - designed to provide a consolidated area with a minimum width of 8m, measured from the north-western boundary;
 - at least two medium sized canopy trees to achieve a minimum combined tree canopy of 40m²;
 - screen planting along the full length of the boundary that directly adjoins 28A Albemarle Avenue; and
 - a mix of dense hedge and feature planting, shrubs and trees that help soften and screen the development interface with the adjacent residential dwelling.

Refer to Figure 4.

- C3 Tree canopy area is at least 10% of the total site area.
- C4 Building design incorporates opportunities for planting on structures and within the facade. Design solutions may include green roofs, green walls and planter boxes.
- C5 Landscaping is provided within the communal open space.
- C6 Landscaping and other planting includes drought tolerant Australian native plants.
- C7 Street level landscaping is provided along Old South Head Road and Albemarle Avenue.
- C8 The separation zone provides opportunities for active and passive surveillance, and incorporates the CPTED principles into design including provision of lighting and CCTV.
- C9 The area beyond the building line of 28A Albemarle Avenue is secured by fencing or other security measures to restrict public access. Fences and gates are no more than 1.8m in height, and take the form of-palisade style fencing. Refer to Figure 4.
- C10 The side and rear fences do not exceed 1.8m in height.

► G9 pg.10

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Woollahra Development Control Plan 2015

C11 The design and materials of fences and gates are compatible with the building.

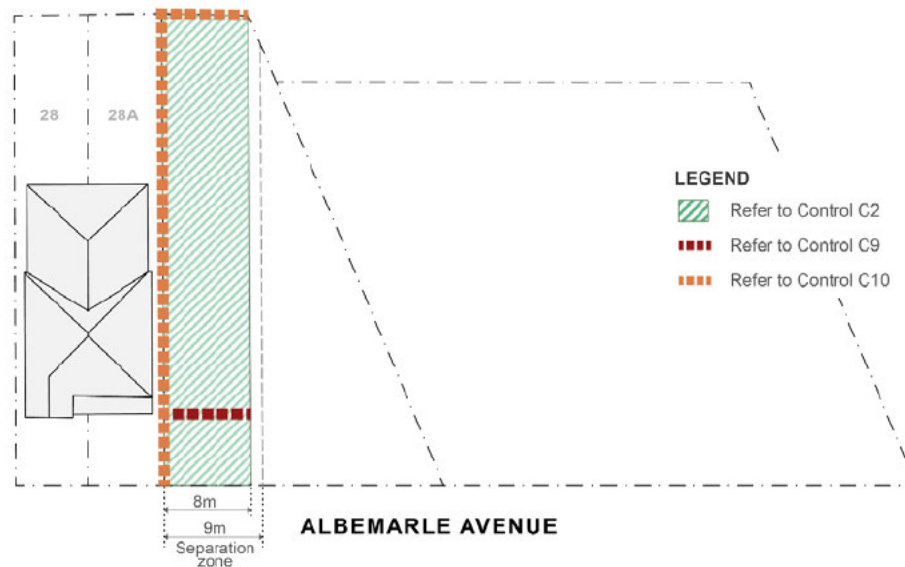


FIGURE 4 Separation zone, deep soil landscaped area and fences

G8.2.6 Vehicular access and servicing

Objectives

- 01 To ensure the safe and efficient movement of vehicles within, entering and leaving the site.
- 02 To maximise pedestrian safety and amenity.
- 03 To provide servicing entry and egress points on the site which minimise disruption to the surrounding road networks.
- 04 To minimise the visual and other amenity impacts of the parking and loading dock on the surrounding properties and public domain.
- 05 To provide sufficient accessible and safe public and private car parking for development on the site.
- 06 To provide continuous active retail street frontages and protect street trees along Old South Head Road.

Controls

- C1 Development complies with the provisions in Part E of the DCP, Chapter E1 Parking and Access. The parking multiplier for non-residential uses applies to the whole development site including 30 Albemarle Avenue, Rose Bay.
- C2 Access to on-site car parking and servicing facilities is provided off Albemarle Avenue. No vehicular access is permitted off Old South Head Road.
- C3 Vehicle access points and building entrances must be separate and clearly defined to avoid pedestrian and vehicular conflicts.
- C4 Car parking, loading and driveway areas are designed to minimise disruption to pedestrian movement, safety and amenity.
- C5 All bicycle parking is located within the building to avoid visual clutter within the streetscape. No such parking is permitted within the separation zone.
- C6 The loading dock must be fully enclosed with a door and is no larger than the dimensions required for functional operation.
- C7 Automated doors for car parking, loading areas and loading docks are designed to provide effective noise reduction. The use of these facilities must not give rise to noise which exceed 5dB(A) above the background sound level when measured at the façade of the nearest residential property.

Note: Conditions of consent may restrict the operation of the loading dock to specified hours.
- C8 A development application must be accompanied by a Traffic and Parking Report and a Car Parking and Loading Dock Plan of Management which assess potential traffic and safety impacts including truck movements to the site and considers timing of deliveries.

G8.2.7 Site facilities

Objectives

- O1 To ensure that site facilities are accessible and functional, and do not have a negative impact on the streetscape or amenity of adjoining residential dwellings.
- O2 To avoid locating mechanical plant equipment on the rooftop.
- O3 To ensure any required substation is not visible from the street.

Controls

- C1 Mechanical plant equipment is located and designed to maintain and protect the visual and acoustic amenity of the adjoining residential properties.
- C2 If an electricity substation is required, the substation is to be provided as a basement chamber substation.
- C3 All plant and equipment must be concealed from the exterior and not detract from the streetscape.

► Part G | Site-Specific Controls G9 | 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

G8.2.8 Ecologically sustainable development

Objectives

- O1 To contribute to ecologically sustainable development, including net positive carbon emissions.

Controls

- C1 The building achieves a minimum a 4 Green Star design and as-built rating.

Notes: The provisions in Part E of the DCP, Chapter E6 Sustainability also apply.

Adopted TBC
Woollahra Development Control Plan 2015

► G9 pg.13



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2022-731): to introduce site-specific provisions for land at 488 – 492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.

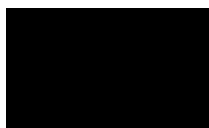
I, the Executive Director, Metro East and South at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to introduce site-specific provisions for land at 488 – 492 Old South Head Road and 30 Albemarle Avenue, Rose Bay should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to exhibition to address the matters set out below:
 - a) remove the requirement for a Site-Specific Development Control Plan
 - b) remove proposed local provisions relating to setbacks, deep soil landscaped areas and a publicly accessible area (pocket park)
 - c) update the planning proposal timeframes.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Transport for NSW
 - Environment and Heritage Group (Department of Climate Change, Energy, the Environment and Water)
 - State Emergency Service
 - Ausgrid
 - Sydney Water
 - Waverley Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 20 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be 8 months following the date of the Gateway determination.

Dated 23rd day of February 2024



Amanda Harvey
Executive Director, Metro East and South
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

PP-2022-731 (IRF24/146)

Woollahra Municipal Council
Environmental Planning Committee Agenda

6 May 2024

Item No: R1 Recommendation to Council
Subject: **488-492 OLD SOUTH HEAD ROAD AND 30 ALBEMARLE AVENUE, ROSE BAY - DRAFT DEVELOPMENT CONTROL PLAN**
Authors: Charmaine Tai, Strategic Planner
Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/59351
Purpose of the Report: To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015 to add a site-specific chapter for land at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the report on provisions for Part G Site-Specific Controls of the *Woollahra Development Control Plan 2015* applying to 488-492 Old South Head Road and t 30 Albemarle Avenue, Rose Bay.
- B. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 27)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 6 May 2024.

Executive Summary:

The purpose of this report is to obtain Council's approval to exhibit amendments to the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015). The proposed *Draft Woollahra Development Control Plan 2015 (Amendment No 27)* (draft DCP) provides objectives and controls for development of the site at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (the site).

The site is subject to a proponent-led planning proposal which was on exhibition from 2 April 2024 to 7 May 2024. The planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to facilitate redevelopment of the site for a four-storey mixed use development. As part of the planning proposal the proponent provided an indicative development concept comprising a two-level Woolworths supermarket with residential dwellings on the upper levels, and associated parking and loading elements.

The Sydney Eastern City Planning Panel is the *Planning Proposal Authority* (PPA) for the planning proposal and will determine if the LEP amendment will be made.

Should the amendments to the Woollahra LEP 2014 progress, a site-specific DCP should be in place to support the LEP provisions with detailed guidelines on the scale and nature of the built form permissible under the LEP amendment. In response, staff propose amendments to the Woollahra DCP 2015, Part G Site-Specific Controls, as set out in the draft DCP at **Attachment 1**. Staff recommend that Council endorse the draft DCP for public exhibition.

Discussion:

The site

The site is described as 488-492 Old South Head Road (Lot 1 DP 1009799) and 30 Albemarle Avenue, Rose Bay (Lot 30 Section B in DP 4567). It is located on the north-west corner of the intersection of Old South Head Road and Albemarle Avenue, Rose Bay (**Figure 1**).



Figure 1: Aerial photograph of the site and immediate surrounds
(Source: Nearmap, annotated by Council staff)

The site has a total site area of 2,261sqm and is comprised of the two allotments which are both owned by the proponent (Fabcot Pty Ltd/Woolworths Group).

Nos. 488-492 Old South Head Road, Rose Bay is located at the southern end of the Rose Bay South local centre and is zoned MU1 Mixed Use, and No. 30 Albemarle Avenue is zoned R2 Low Density Residential (**Figure 2**). The residential allotment is not within the Rose Bay South centre.

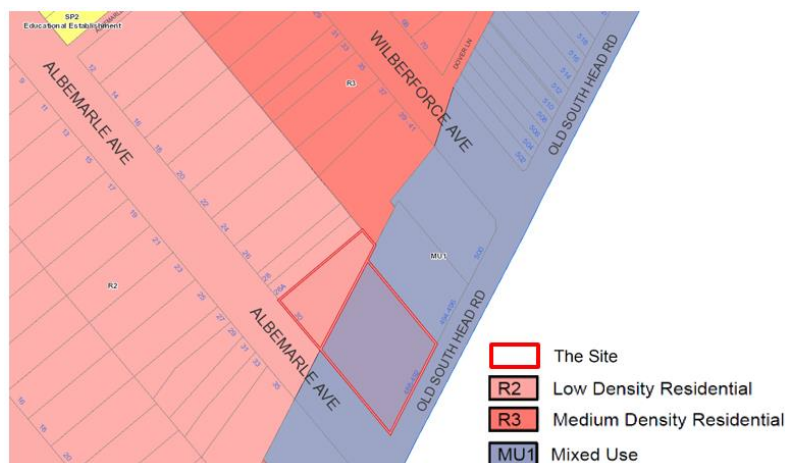


Figure 2: Zoning map of the subject site
(Source: Woollahra GIS Maps)

Woollahra Municipal Council
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6 May 2024

Land at 488-492 Old South Head Road is the site of the former Caltex service station which was decommissioned in 2020. This property has recently been refurbished, and Woolworths currently operates a click-and-collect grocery service on the land (**Figure 3**). Land at 30 Albemarle Avenue contains a single storey detached residential dwelling with vehicle access from Albemarle Avenue (**Figure 4**).



Figure 3: Photograph of 488-492 Old South Head Road, the former Caltex site
(Source: Council staff)



Figure 4: Photograph of 30 Albemarle Avenue, a single detached residential dwelling
(Source: Google Maps, 2020)

Background

The need for a site-specific draft DCP in relation to land at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay, arises because of a proponent-led planning proposal which seeks to facilitate redevelopment of the site for a four-storey mixed use development.

On 5 May 2022, the planning proposal was lodged with Council. Having considered staff feedback, the proponent submitted a revised planning proposal on 12 April 2023.

Staff assessment of the request for a planning proposal was reported to the Woollahra Local Planning Panel (Woollahra LPP) on 6 July 2023. The Woollahra LPP supported the planning proposal subject to the proponent amending the planning proposal to provide greater clarity and certainty to the outcomes of the proposed LEP changes. In particular, the Woollahra LPP advised Council that the proponent should identify opportunities to further setback the two upper levels of the building from the property boundary of 28A Albemarle Avenue to create an improved interface with the low density residential zone.

In response, the proponent revised the planning proposal, and staff identified that these revisions would improve the interface with the low density residential zone, particularly in relation to privacy and overlooking, and provide greater certainty to the development outcome at this elevation through the Part 6 provisions of the LEP amendment (see **Figure 5**).

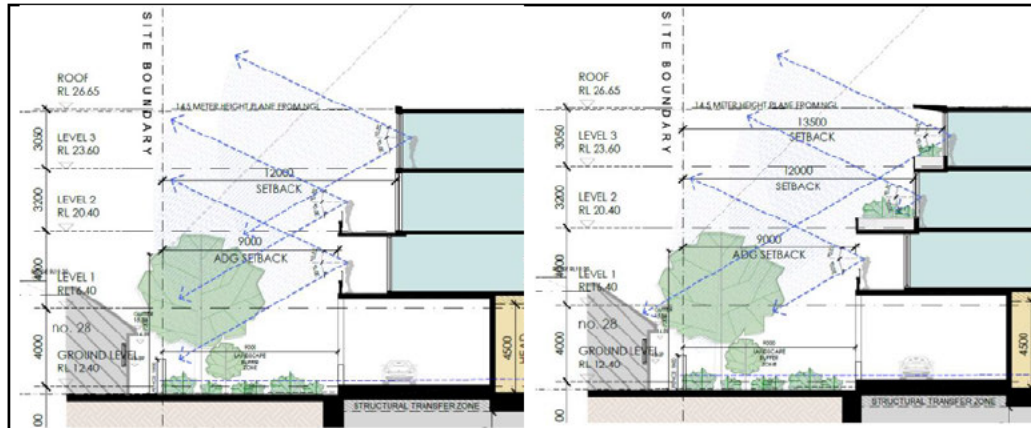


Figure 5: Proposed building setbacks, previous (left) and revised having considered the advice of the Woollahra LPP (right) (Source: Ethos Urban)

Furthermore, the Woollahra LPP advised Council that, should a Gateway determination be received, the planning proposal and any draft Planning Agreement should be publicly exhibited concurrently.

In response to the advice of the Woollahra LPP, the proponent submitted a revised planning proposal on 31 July 2023. The objective of the planning proposal is to facilitate redevelopment of the site to enable a 4-storey mixed use development.

In summary, the planning proposal seeks to amend the Woollahra LEP 2014 to:

- Insert a new clause in *Schedule 1 Additional permitted uses* to permit retail premises at 30 Albemarle Avenue, provided it is part of a shop top housing development at 488-492 Old South Head Road.
- Insert a new Part 6 *Additional local provisions* clause allowing development consent to be granted to a building with a maximum 14.5m height of buildings on 30 Albemarle Avenue, and maximum gross floor area of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue.

This clause also establishes building setbacks at varying levels to the western boundary of 30 Albemarle Avenue, an 8m wide deep soil zone and a publicly accessible area fronting Albemarle Avenue, and a requirement that a site-specific development control plan is prepared prior to consent.

To accompany the planning proposal, the proponent provided an indicative development concept for a 4-storey mixed use development comprising a two-level Woolworths supermarket and 14 residential dwellings on the upper levels (L1-3), with associated parking and loading elements. The indicative development concept that could be facilitated by the proposed amendments is shown in **Figure 6**.



Figure 6: Albemarle Avenue indicative development concept (Source: Ethos Urban)

The revised planning proposal was considered by the Environmental Planning Committee on 7 August 2023 (see **Attachment 2**) and on 14 August 2023, Council resolved the following:

- A. *THAT Council refuse the planning proposal for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay for the following reasons:*
- 1. traffic and traffic congestion;*
 - 2. congestion caused by the close proximity of the proposal to the local public school of more than 500 students and its drop off and pick up zone;*
 - 3. insufficient transition area between the development and the R2 residential zone and no certainty that any proposed transition zone will be maintained with appropriate vegetation and trees in future;*
 - 4. dominance in the streetscape and inconsistency with proximate R2 residential zone given the significant bulk and scale of the proposed development which intends to utilise the 30m frontage of the R2 residential block;*
 - 5. need for protection of the very limited R2 zone in the Rose Bay area;*
 - 6. lack of consideration for development of a proposal on a smaller footprint, being the footprint that currently exists and is zoned for that use;*
 - 7. lack of consideration of the surrounding area which is well serviced by supermarkets and grocery stores; and*
 - 8. not in the public interest as demonstrated by the petition tabled at this Council meeting, which demonstrates community concern with the size of the proposal.*
- B. *THAT should the applicant submit a Rezoning Review to the Department of Planning and Environment, that the community submissions (including the petition and any late correspondence) are submitted by staff as part of the Council documentation.*

On 6 September 2023, the DPHI received a rezoning review request (RR-2023-20) for the site. On 1 November 2023, the Sydney Eastern City Planning Panel (SECPP) considered the proponent's request for a rezoning review. Contrary to the Council recommendation, the SECPP supported the proposal being submitted for a Gateway determination because they considered it demonstrated strategic and site specific merit. The SECPP was appointed as the PPA.

In February 2024, the DPHI released a Gateway determination report which considered the details of the planning proposal and recommended that the planning proposal should proceed for the following reasons (see **Attachment 3**):

- *It demonstrates strategic merit as it is consistent with the objectives and directions of the Eastern City District Plan, Woollahra Local Strategic Planning Statement and Woollahra Local Housing Strategy.*
- *It would facilitate additional housing, commercial and employment opportunities on a site, which is accessible to public transport and services, and would complement Council's vision to revitalise the Rose Bay South local centre as an intimate, connected and thriving place that supports the needs of the community and businesses.*
- *It has site-specific merit as the future development is capable of achieving adequate urban design outcomes and would contribute to the regeneration of Rose Bay South centre.*

It is noted that the scale of the proposed concept remains in keeping with the four storey desired future character envisaged under the Woollahra DCP 2015. The additional permitted use on 30 Albemarle Avenue provides for improvements in the distribution of bulk and scale and site access, while also allowing for a better transition between the R2 Low Density Residential and MU1 Mixed Use zones, irrespective of the proposed 732 m2 additional GFA (21% increase) across the two sites.

Based on the assessment in this report, the proposal is to be amended prior to community and agency consultation to:

- *Remove the local provisions relating to building setbacks, deep soil landscaped areas, a publicly accessible area, and a site specific DCP.*

On 23 February 2024, the DPHI issued a Gateway determination (see **Attachment 4**) which contained a number of conditions. These conditions included that the planning proposal should be revised prior to public exhibition to address the following:

- remove the requirement for a Site-Specific Development Control Plan*
- remove proposed local provisions relating to setbacks, deep soil landscaped areas and a publicly accessible area (pocket park)*
- update the planning proposal timeframes.*

It is unclear as to why the DPHI removed from the LEP amendment some of the site-specific controls that Council staff had negotiated with the proponent to address issues such as the adjoining residential amenity, or why they had removed the requirement for a site-specific DCP for the site.

Notwithstanding Council's concerns in relation to this amendment, the planning proposal was placed on public exhibition from **2 April 2024** to **7 May 2024**. This exhibition process is being managed by the DPHI, and all submissions should be made directly to the DPHI. The exhibition webpage is available here:

<https://www.planningportal.nsw.gov.au/ppr/under-exhibition/planning-proposal-pp-2022-731-amend-woollahra-local-environmental-plan-2014>

A copy of the factsheet that accompanied the exhibition is at **Attachment 5**.

Draft DCP

In response to the Gateway determination, staff re-commenced discussions with the proponent regarding the provisions of a site-specific DCP. Notwithstanding that a site-specific DCP is no longer required by the proposed LEP amendments, the proponent supported its preparation and that it should include those detailed matters that were removed from the Woollahra LEP 2014 by the DPHI, such as building setbacks to 28A Albemarle Avenue.

Staff have prepared the draft DCP (see **Attachment 1**). The plan has been informed by:

- the proponent's site-specific DCP prepared by Ethos Urban which formed part of the supporting documents that accompany the planning proposal request,
- matters raised in the report and recommendations of the Environmental Planning Committee on 7 August 2023, Woollahra Local Planning Panel 6 on July 2023, and Staff Assessment Report, dated June 2023
- Council's resolution of 14 August 2023
- DPHI's Gateway determination report, with particular consideration of the setback provisions that were removed from the planning proposal.

The draft DCP will support and enhance the amended Woollahra LEP 2014 controls applying to the site and provide clarity on the scale and nature of the built form under those amendments.

The DCP provisions are to be included as Chapter 9 in Part G: Site Specific Controls, and apply only if land at 488-492 Old South Head Road and 30 Albemarle Avenue are developed together. These site-specific provisions will supplement the existing provisions in Woollahra DCP 2015, including particularly Part D: Chapter D2 Mixed Use Centres (Rose Bay South), and Part D: Chapter D3 General Controls for Neighbourhood and Mixed Use Centres.

The draft DCP addresses the site and its context, including:

- Desired future character – facilitates a built form that is consistent with the desired future character of the site and surrounding area, and includes detail on how the development can be located and designed to fit within its context.
- Built form – specifies height in storeys, setbacks, articulation zones, and façade design.
- Uses – sets a maximum GFA of 2,400m² for non-residential uses, and a minimum dwelling yield of 10 apartments that comprises a mix of dwelling sizes.
- Ground level active frontage – incorporates active frontages along Old South Head Road and Albemarle Avenue through retail uses and building entrances.
- Separation zone and landscaping – incorporates a separation zone to protect the amenity of the adjoining property at 28A Albemarle Avenue, deep soil landscaped area, tree canopy, and promoting crime prevention through environment design within the separation zone.
- Vehicular access and servicing – addresses safety and amenity of the vehicle access and loading area.
- Site facilities – minimises impacts of mechanical plant equipment and any electricity substation.
- Ecologically sustainable development – specifies a minimums 4 Green Star design and as-built rating for the development.

The draft DCP is provided at **Attachment 1**.

At the time of preparing this report, the planning proposal to which the draft DCP relates has been placed on public exhibition but not determined. Should the planning proposal proceed to finalisation, it is prudent that site-specific DCP provisions are in place to guide new development. To that end, staff recommend proceeding with the draft DCP to ensure development controls are in place either prior or shortly after the Woollahra LEP 2014 amendment is made.

Woollahra Municipal Council
Environmental Planning Committee Agenda

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Voluntary Planning Agreement

The proponent has expressed an intention to enter into a Voluntary Planning Agreement (VPA) for the site. The negotiations are currently in progress and are being managed by Council's Director Infrastructure and Sustainability, consistent with Council's VPA policy. For probity, matters relating to the VPA will be reported to Council separately for consideration.

Options:

As a consequence of this report Council may resolve to do one of the following:

1. Endorse for public exhibition the *Draft Woollahra DCP 2015 (Amendment No 27)* at **Attachment 1**.
2. Request staff to amend the *Draft Woollahra DCP 2015 (Amendment No 27)* at **Attachment 1** before it is placed on public exhibition.
3. Not make any changes to the Woollahra DCP 2015.
Staff do not recommend this option as it means that there would be no site-specific DCP in place should the proponent seek to lodge a development application for the site.

If Council supports the proposed amendments to the Woollahra DCP 2015, the next step is to exhibit the draft DCP. The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and the *Woollahra Community Participation Plan 2019*.

Community Engagement and / or Internal Consultation:

The draft DCP has been prepared in consultation with staff from Council's Development Assessment team, Engineering Services and Open Space & Trees. The proponent for the planning proposal also provided comment on the draft DCP.

If supported, the draft DCP must be publicly exhibited for a minimum of 28 days.

The exhibition would include the following:

- Notices in the Wentworth Courier newspaper;
- A page on Council's Your Say Woollahra webpage;
- Notification letters/emails sent to the following government agencies and community groups:
 - Transport for NSW; and
 - Rose Bay Action Group.
- Notification to the owner.
- Notifications to surrounding properties (including people who have previously made submissions to Council on this matter).

The outcome of the public exhibition of the draft DCP will be reported to a future meeting of Council.

Policy Implications:

Should Council resolve to progress the draft DCP, there will be policy implications as the Woollahra DCP 2015 will be amended.

Financial Implications:

Should Council resolve to progress the draft DCP, there will be no financial implications beyond the cost of facilitating the public exhibition.

Resourcing Implications:

Should Council resolve to progress the draft DCP, staff resources will be associated with managing the public exhibition and preparing a post-exhibition report to a meeting of Council.


Conclusion:

Council staff have prepared a draft DCP in response to the exhibition of the planning proposal for 488-492 New South Head Road and 30 Albemarle Avenue, Rose Bay. The draft DCP provides detailed guidance to help ensure that development suitably responds to the site and its context, including addressing building design, street activation, setbacks, landscaping, privacy, and the maximum non-residential gross floor area that may be achieved on the site.

At the time of preparing this report, the planning proposal relating to the site has been placed on public exhibition but not determined. However, should the planning proposal proceed to finalisation, it is prudent that site-specific DCP provisions are in place to guide and inform the future development.

Staff recommend that Council resolve to exhibit the draft DCP contained in **Attachment 1**.

Attachments

1. Draft Woollahra Development Control Plan (Amendment No 27) [↓](#) 
2. Report to the Environmental Planning Committee meeting of 7 August 2023 (Attachments removed) [↓](#) 
3. DPHI Gateway determination report, February 2024 [↓](#) 
4. Gateway determination, 23 February 2024 [↓](#) 
5. DPHI Fact Sheet to accompany the exhibition of the planning proposal, February 2024 [↓](#) 

Joahna Doolan

From: Aviva Levine [REDACTED]
Sent: Saturday, 25 May 2024 6:53 PM
To: Records
Subject: Proposed amendments to the DCP REF SC7994

I do not support the proposed amendments to the DCP regarding 30 Albemarle Ave Rose Bay and Old South Head Rd.

An increase in the allowable gross floor area / an increase the allowable building height will have a negative impact on the character of the neighbourhood.

From: [Adrian Boss](#)
To: [Records](#); [Craig Swift-McNair](#)
Cc: [Scott Pedder](#); [Tom O'Hanlon](#)
Subject: Submission to Proposals SC7994: 492 Old South Head Road and 30 Albemarle Avenue, Rose Bay
Date: Sunday, 16 June 2024 4:57:11 PM
Attachments: [20240615_Submission_SC7994_Draft_Woollahra_DCP_2015_\(Amendment_27\)-proposals.pdf](#)

**To General Manager
Craig Swift-McNair
Woollahra Municipal Council**

**Attention - Director of Planning & Place
Scott Pedder
Re: SC7994**

Here is a submission on behalf of BIKEast prepared in response to a Rose Bay Woolworths Group development proposal located in the Rose Bay eastern Centre.

The Draft Woollahra DCP 2015 (Amendment 27) is only a partial response to this Commercial and Residential proposal and does not realistically address **Active Transport** needs.

The submission addresses the need to put much greater emphasis on active transport about which Woollahra Council has current planning provisions that are dated (10 years old), silent and otherwise inadequate.

In the opinion of the writer, the current LEP and DCP does not adequately address Council's **Integrated Transport Strategy and Community Strategic Plan, Woollahra 2032**, nor its **Active Transport Plan** intentions.

In the submission a number of recommendations to address current shortcoming and possible conditions of consent are provided.

Kind regards-

Adrian Boss OAM



Committee Member - Projects
CWAA Sydney-East Chapter Captain
Rides Leader



cc-d

Tom O'Hanlon, Director Infrastructure & Sustainability



Representing the community's interests in
bicycle riding in Sydney's eastern suburbs
www.bikeast.org.au



Submission SC7994 – Draft Woollahra DCP 2015 (Amendment 27)
Proposal for land at: 488 – 492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

Introduction & Background:

BIKEast Inc's submission seeks amendments and consideration be given to the to above draft DCP and conditions for any proposals that may proceed.

BIKEast Incorporated
PO Box 1601
Bondi Junction 1355

It is made on behalf of the bicycling community and also representing interests of people with disabilities riding on mobility scooters and local people wishing to ride, walk or use public transport. That is to minimise reliance on motor vehicle to access the site's proposed development, particularly the Supermarket's customers where other access options should be properly catered for and encouraged.

BIKEast's view is that a proactive active transport approach – to foster walking, cycling and public transport use – is required in the planning and approval for commercial and multi-unit residential development of this type in this Centre. Reliance on the current narrowly based car and bike parking provisions in the current and the draft DCP's is not adequate. Bicycle and scooter usage has changed in the decade since the current vehicle access and parking provisions were devised. Planning and current approvals must anticipate a better future for active transport and adequately reflect Council's Integrated Transport Strategy and Community Strategic Plan, **Woollahra 2032**, intentions.

Woollahra Council's Active Transport Plan sets a vision and guidelines (extracts from the Overview):

*"The ATP is a visionary long term document which will guide investment and design decisions for the next 10-15 years for both walking and cycling, and includes designs for 10 high quality cycling and pedestrian projects. **These projects consider the movement of people over vehicles, place-making and land-use planning.**"*

"1. Deliver attractive, vibrant and safe walking locations for pedestrians, especially in our centres and around our schools.

2. Develop, design and deliver a network of continuous, connected cycleways for the whole of Woollahra, focused on our centres, including links to the City of Sydney and to Waverley."

There is a clear failure to satisfy the ATP's vision as highlighted above and the above objectives.

Under the former NSW Government Transport for NSW set some broad policies under an 'Older Persons Transport and Mobility Plan' " ... *that sought to uphold the principles that underpin the NSW Ageing Strategy and adhere to the values that guide planning and service delivery* ...

"It recognises that being able to access public and community transport helps maintain mobility and independence for people no longer driving. The ability of older people to move around their communities and access services is vital to securing their independence and dignity."

The was a commitment to work with councils in preparing Pedestrian Access and Mobility Plans and Place-Based Planning with a systematic approach to result in effective infrastructure improvements and identify any opportunities for funding.

Woollahra Councillors, the Woolworths Group and the local community is well aware of the State Government's policy has quadrupled the housing target for WMC area from 500 to 1900 over the next 5 years. Broadly, the proposal's residential component responds to this. And together with the supermarket, will significantly add to motor vehicle traffic. The Rose Bay and Vacluse community has expressed concerns about the increase in traffic congestion all this will produce. Ensuring attractive, safe and secure access to the site for pedestrians and cyclists will help to mitigate the foreshadowed adverse traffic impacts. An Active Transport planning response is required.



Representing the community's interests in bicycle
riding in Sydney's eastern suburbs
www.bikeast.org.au



Gateway Determination – Dated 23rd February 2024

This determination of the Planning proposal (Department Ref: PP-2022-731): to introduce site-specific provisions for land at 488 – 492 Old South Head Road and 30 Albemarle Avenue, Rose Bay raises several conditions should this proposal proceed. Condition 1 requires (quote):

1. *The planning proposal is to be revised prior to exhibition to address the matters set out below:*
 - a) *remove the requirement for a Site-Specific Development Control Plan*
 - b) *remove proposed local provisions relating to setbacks, deep soil landscaped areas and a publicly accessible area (pocket park) ...*

The question is: Does this Condition preclude Council successfully proceeding with the draft DCP as proposed? If the DCP fails, BIKEast would require that the matters we raised be included as future amendments to Woollahra DCP 2015 and through Conditions of Consent, should the proposal for this site ultimately proceeds to an approval.

Amendments to the draft DCP

Specific amendments sought are by specifically adding or changing the matters in **BOLD red**, below:

G8.1.4 Objectives

O7 Minimises traffic and parking impacts on Old South Head Road, Albemarle Avenue and surrounding streets, **including by providing facilities for and promoting active transport access.**

G8.1.5 Relationship to other parts of the DCP

Part E: General Controls for All Development – this part contains chapters on Parking and Access, **Bicycle parking and end-of-trip facilities**, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing

G8.2.6 Vehicular access and servicing

Objective

O7 To provide for safe undercover and street level bicycle and mobility scooter parking and access.

Controls

C2 Access to on-site car, **bicycle and mobility scooter** parking and servicing facilities is provided off Albemarle Avenue. No **motor** vehicular access is permitted off Old South Head Road.

Note: The shared path arrangement along Old South Head Road is to be retained and clearly defined.

...

C4 Car, **bicycle and mobility scooter** parking, loading and driveway areas are designed to minimise disruption to pedestrian movement, safety and amenity.

C5 All bicycle **and mobility scooter** parking is located within the building to avoid visual clutter within the streetscape. No such parking is permitted within the separation zone.

C8 A development application must be accompanied by a Traffic and Parking Report, **an Active Transport Access Plan and Guide** and a Car Parking and Loading Dock Plan of Management which assess potential traffic and safety impacts including truck movements to the site and considers timing of deliveries.

Note: Conditions of consent are to seek some short-term bicycle and mobility scooter parking adjacent to or inside the supermarket entry



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Ultimate DA Consent Conditions, foreshadowed

To satisfy the **Bicycle parking and end-of-trip facilities and comply with the above amendments to specified existing DCP provisions and related objectives and controls:**

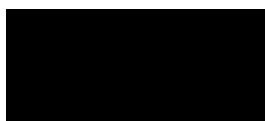
1. Bicycle parking under cover for residents, workers and shoppers are in accordance with Woollahra DCP 2015's E1.6.2 Bicycle parking rates, with further spaces provided for mobility scooter parking: 1 per 10 residential units; and 2 spaces provide for access to the supermarket.
2. Public bicycle parking should be free and have safe passage pasts boom-gates if such access is share in a car driveway. A number of spaces should anticipate cargo e-bicycles with a length of up to 2.5m.
3. A secure bicycle and mobility scooter parking access and a cage be provided within the resident's private car parking area, with power and fire safe shelving provided for recharging batteries.
4. At a suitable supermarket entry, provide inside parking for a minimum of four short-term bike parking 'U' rails and two mobility scooter parking sites. Such parking is preferred to be provided on the Old South Head Road frontage for direct access from the shared pathway into the supermarket.
5. That the shared path along Old South Head road be retained and kept free of any structures that obstructs views along the path and with more clearly defined pavement markings and warning and signage to the supermarket entry to ensure the safety of both pedestrians and bicyclist.

Concluding remarks and recommendations

The proposal is locally contended. The above should be fully considered by the Council and by the proponent.

1. Amend the draft Woollahra DCP 2015 (Amendment 27), as outlined above.
2. Impose conditions to the development proposal to reflect these active transport access intentions.
3. Follow-up its Integrated Transport Strategy and Community Strategic Plan, **Woollahra 2032**, and **Active Transport Plan** intentions by updating its planning provisions under Woollahra DCP 2015.

Prepared by:

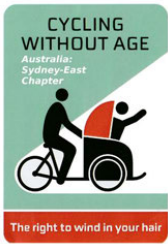


Adrian Boss OAM
BIKEast's Project Coordinator,
Cycling Without Age-Australia Sydney Chapter Community Captain, and
Rides Leader
(Retired Planner and Urban Designer)

15 June 2024



Representing the community's interests in bicycle riding in Sydney's eastern suburbs
www.bikeast.org.au



From: [REDACTED]
To: [Records](#)
Subject: SC5174 Submissions - Your Say - (Amendment 27) for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay
Date: Wednesday, 5 June 2024 3:31:05 PM

Please Keep our Name, Address and Contact details Confidential.

[REDACTED]

RE: Your Say - SC5174 Submissions

Dear Sir/Madam,

Thank you for the opportunity to comment on this matter.

We wish to express our objection to the proposed Draft Woollahra DCP 2015 (Amendment 27) for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay for the following reasons:

- The proposed development does not conform with Council regulations and should be rejected.
- To change the regulations and DCP to allow such a large development to proceed is inappropriate as it could set a precedent whereby other developers may not only seek similar exemptions to Council controls, despite Council's efforts to avoid that, but also send a signal that Council is prepared to amend its own DCP to suit the interests of one developer.
- We are concerned that the good efforts by Council to avoid a precedent, if effective, will only be so in the short term. The low-rise character of the area would be permanently damaged, encouraging additional inappropriate proposals in the mid- long-term.
- This may also establish a precedent whereby other developers may seek similar concessions in other parts of the Woollahra Council area.
- The proposed building is not consistent with the character of the area and would create an ugly eyesore that is not in keeping with the height, bulk and consistency of other buildings in the area.
- an additional supermarket may negatively impact small businesses in the Woollahra Council area and their ongoing economic viability.

Thanks for considering our submission.

Yours Sincerely,
[REDACTED]

From: [Sarah Bickford](#)
To: [Records](#); [Scott Pedder](#); [Craig Swift-McNair](#)
Cc: [Adrian Boss](#); [Andrew Moss](#); [Mark Worthington](#); [Warren Salomon](#)
Subject: Bicycle NSW submission - Draft Woollahra DCP 2015 (Amendment 27)
Date: Saturday, 22 June 2024 11:43:10 AM

Attention:
Craig Swift-McNair
General Manager

Scott Pedder
Director of Planning & Place

Dear Mr Swift-McNair and Mr Pedder,

Thank you for the opportunity to comment on the proposed amendment to the [Woollahra Development Control Plan 2015](#) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.

Bicycle NSW has been the peak bicycle advocacy group in NSW for forty-eight years, and has more than 30 affiliated local Bicycle User Groups. Our mission is to 'create a better environment for all bicycle riders', and we support improvements to facilities for pedestrians and cyclists. We advocate for new cycling routes to provide connections to jobs, schools and services for daily transport and recreation trips. Bike riding provides a healthy, congestion-reducing, low-carbon form of travel that is quiet, efficient and attractive for all ages with the correct infrastructure design.

Bicycle NSW supports medium density shoptop developments that bring diverse housing types and more activity to Sydney's village centres. Allowing more people to live close to daily destinations and public transport will enable more walking and cycling and reduce the need to own and use a car.

However, this proposal misses key opportunities to amend an outdated DCP, one that is silent on active transport, to ensure that walking and cycling access is fully integrated into the design of the development.

In common with many councils, Woollahra's land use plans do not provide adequate guidance on active transport. The landscape has changed in the 10 years since the DCP was published. E-bike and e-cargo bike usage has boomed, providing a real alternative to driving for many people. Car share schemes make it easy to drive when you need to, again reducing the need to own and store a car. Ride hailing apps have lowered the barriers for trips that are best driven.

In addition, the population is ageing and it is critical to ensure older people can move around safely on foot or with mobility devices.

Woollahra will benefit from a careful and determined effort to optimise outcomes for active transport with each and every development. The NSW Government has published ambitious housing targets and 1900 new homes need to be built in Woollahra over the next 5 years. Good active transport provisions in local LEPs and DCPs are essential to ensure that new residents can move in without a personal car. If it is easy and convenient to walk, cycle and use public transport and car share. A focus on active transport will reduce local community anxiety about development and help address relentless concerns about increased traffic congestion.

In particular, it is critical to:

- Retain the shared path along Old South Head Road. It must be kept free of obstructions and street furniture and clearly defined, with pavements markings to ensure both bike riders and pedestrians are aware of each other at conflict points (such as the supermarket entrance)
- Provide undercover bicycle parking for residents, workers and shoppers in accordance with Woollahra DCP 2015's E1.6.2 Bicycle Parking Rates. Further spaces are required for mobility scooter parking: 1 per 10 residential units, with 2 spaces provided for access to the supermarket. Some spaces need to accommodate longer and wider e-cargo bikes with a length of up to 2.5m.
- Ensure that bicycle storage is in the most convenient locations in the development with good surveillance. Bike storage should be at ground level where possible with step-free access and adequate security. Power and fire safe shelving is needed for recharging batteries. Where bike parking cages are in car parking areas, these must be on the level closest to the street, and boom gates must not impede safe access.
- Require that parking spaces are provided for car share vehicles, EVs and smaller vehicles. These must be allocated prime locations in a development to incentivise use
- Provide casual bike and mobility scooter parking very close to the supermarket entrance. A minimum of 4 U-rail hoops configured to suit all devices, including wider and longer cargo bikes, and two mobility scooter parking sites should be required. Such parking should be located on the Old South Head Road frontage for direct access from the shared path.

Bicycle NSW works closely with Bicycle User Group BIKEast and we refer you to its detailed submission with recommended changes to the amendments. We align with these.

It is essential for Woollahra to work quickly to update its planning provisions under Woollahra DCP 2015 and embed the excellent strategic ambitions of the Integrated Transport Strategy, Community Strategic Plan and Active Transport Plan so that all developments can contribute to a better future for the area.

We look forward to working with Woollahra Council to improve active transport facilities throughout the LGA. Please do not hesitate to contact Bicycle NSW for help, advice and assistance with projects.

Yours sincerely,



Sarah Bickford
Bike Planner

Bicycle NSW

Gadigal Country
Goulburn St, Sydney NSW 2000



From: [Alysha Tse](#)
To: [Charmaine Tai](#); [Records](#)
Cc: [Daniel Howard](#); [Oliver McGeachie](#)
Subject: RE: Notification of public exhibition - Site Specific DCP - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay
Date: Friday, 21 June 2024 12:35:07 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.jpg](#)
[image008.jpg](#)
[2200277_Draft Site Specific DCP Submission_Final.pdf](#)

Hi Charmaine,

Please find the attached submission on the draft Site Specific DCP – 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay on behalf of Fabcot Pty Ltd (Woolworths) the landowner of the site the draft DCP applies to.

We would like to thank Woollahra Council for providing this opportunity to comment and wish to continue our positive working relationship and engagement.

If you have any issues accessing the file, please feel free to contact me directly.

Kind regards,

Alysha Tse

Urbanist
Planning

W.ethosurban.com



George St
Sydney NSW 2000
(Gadigal Land)

Ethos Urban acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters, and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.

We pledge our support to the Uluru Statement from the Heart and embrace the call to walk with the Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

This email is confidential and may contain information that is confidential and privileged. If you are not the intended recipient, please notify us by return email or phone, and delete the original message.

From: Charmaine Tai
Sent: Wednesday, May 22, 2024 9:02 AM
Subject: Notification of public exhibition - Site Specific DCP - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay

Good Morning,

Today we commenced public exhibition of the *Draft Woollahra Development Control Plan 2015 (Amendment No .27)*.

The draft amendment seeks to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay to ensure that development on the site responds to issues of residential amenity and local character. The proposed controls address matters including built form and façade articulation, landscaping, privacy and maximum non-residential gross floor area.

The amendment has been prepared in response to a proponent-led planning proposal which seeks to amend the *Woollahra Local Environmental Plan 2014* to facilitate the development of a four-storey mixed use building (including a supermarket and apartments).

You may view the latest update on the associated planning proposal [here](#).

Have your say

Submissions can be made between **Wednesday 22 May 2024 and Sunday 23 June 2024**.

Visit yoursay.woollahra.nsw.gov.au/draft-dcp-amendment-27 to view the exhibition material and have your say by completing the online form at the bottom of the page.

Alternatively, visit Woollahra Council Customer Service area, 536 New South Head Road, Double Bay – 8.00am to 4.30pm, Monday to Friday to view a hard copy of the exhibition material.

Submissions can be made in writing by quoting reference **SC7994** and emailing records@woollahra.nsw.gov.au, or they may be addressed to the General Manager at Woollahra Council, PO Box 61, Double Bay NSW 1360.

For more information, please contact Charmaine Tai, Strategic Planner on [REDACTED]

Regards,



Charmaine Tai
Strategic Planner
Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
[REDACTED]
www.woollahra.nsw.gov.au

Our Values: Respect | Open | Accountable | Responsive | Excellence

We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.





21 June 2024

2200277

Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 2028

Attention: Charmaine Tai – Strategic Planner

Dear Charmaine,

Submission: Draft Site-Specific Development Control Plan - 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay

Thank you for providing the opportunity to make a submission on Woollahra Municipal Council's draft site-specific Development Control Plan (DCP) for land located at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay. This submission has been prepared by Ethos Urban on behalf of Fabcot Pty Ltd (Woolworths) as Proponents.

Woolworths commend Council on preparing the draft site-specific DCP for this key site in the Rose Bay South Centre and for welcoming stakeholder feedback. Woolworths are generally supportive of the draft DCP, and ensuring consistency with the principles resolved with Council in the Planning Proposal, specifically in relation to the recommended building setbacks, desired future character and uses.

This submission puts forward requested amendments for Council to provide:

- consistency with community expectations resolved through the Planning Proposal;
- provides sufficient flexibility to allow for implementation of operational and building service aspects;
- improved amenity outcomes;
- improved environmental performance; and
- improved streetscape outcomes.

This submission and the attached recommendations table, aims to address the mutual objectives and intended outcomes both Woolworths and Council envisage for the site and provide clarity. Where appropriate, this submission outlines where flexibility in the draft controls is sought to allow for an appropriate solutions to be resolved in the detailed design at the Development Application stage.

The proposed amendments are detailed in **Attachment A**.

We again thank Council for providing this opportunity and wish to continue our positive working relationship and engagement. Consideration of our request amendments would be appreciated

Should you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely,



Alysha Tse
Urbanist



Daniel Howard
Associate Director



Ethos Urban Pty Ltd
W. ethosurban.com

George Street,
Sydney NSW 2000
Gadigal Land

Collins Street,
Melbourne VIC 3000
Wurundjeri Woi Wurrung Land

Adelaide Street,
Brisbane QLD 4000
Turrbal, Jagera and Yugara Land



Attachment A Summary of proposed site-specific DCP amendments

Table 1 below details the requested amendments to the current controls in the draft site-specific DCP. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.


Table 1 Summary of draft site-specific DCP amendments

Proposed amendment	Reason
G8.2.1 Desired future character	
<p><i>C1 Development on the site must align with the following:</i></p> <ul style="list-style-type: none"><i>A building of no more than four storeys;</i><i>Active street frontages along Old South Head Road and Albemarle Avenue;</i><i>Articulated facades that contribute to the visual interest of the building and the character of the local area;</i><i>Respect the landscape character and low scale residential character of Albemarle Avenue, by providing building setbacks, height transition and a landscape setting;</i><i>Planting and a deep soil zone to soften its interface with the adjoining residential uses on Albemarle Avenue;</i>A diverse range of apartment sizes <i>A range of apartments that respond to the local identified needs</i><i>A single residential entry from the Albemarle Avenue frontage only; and</i> <i>No vehicular access from Old South Head Road.</i>	<p>The proposed amendment to control C1 is to ensure the future apartments to be delivered offer a range of apartment sizes that meet the local demand and requirements of the community.</p>
G8.2.2 Built form	
<p>C6 Basement walls and any piling (or similar structural elements) must be setback at least 8m from the north western boundary that adjoins 28A Albemarle Avenue.</p> <p><i>A variation to the 8m setback may be considered to accommodate underground plant and services, but only if the minimum consolidated deep soil landscaped area and tree canopy cover specified in Section G8.2.5 Separation zone and landscaping is achieved</i></p>	<p>It is requested to delete control C6 as it creates ambiguity and is unnecessary. The controls to meet the objectives are provided in subsequent sections of the draft DCP and are more prescriptive in the requirements for the deep soil, canopy cover and better respond to the objectives.</p> <p>The control appears to respond to Objectives O6 and O7 being:</p> <ul style="list-style-type: none"><i>O6 To enable deep soil planting in the setbacks and ensure deep soil landscaped area is achieved.</i><i>O7 To provide for attractive and comfortable pedestrian areas while retaining important street trees.</i>

Ethos Urban Pty Ltd
W.ethosurban.com

 George Street,
Sydney NSW 2000
Gadigal Land

 Collins Street,
Melbourne VIC 3000
Wurundjeri Woi Wurrung Land

 Adelaide Street,
Brisbane QLD 4000
Turrbal, Jagera and Yugara Land

	<p>In regard to Objective O6, the prescriptive controls relating to the deep soil within the separation zone and tree cover are covered in detail in G8.2.5, and therefore C6 is not required.</p> <p>In relation to Objective O7, there are no important street trees that exist at the north-western boundary adjoining 28A Albemarle Avenue. Further, controls related to plant and service locations are detailed in G8.2.7.</p> <p>Therefore, the proposed control C6 is not required as more prescriptive controls exist elsewhere in the DCP and the control creates ambiguity.</p>
G8.2.3 Uses	
<p>C1 No less than 2,000m² and no more than 2,400m² of the gross floor area of the development is used for non-residential uses.</p>	<p>A minimum non-residential land use is proposed to ensure consistency with the Planning Proposal and with the Council objectives O1 and O2 being:</p> <ul style="list-style-type: none"> - <i>O1 To provide an appropriate mix of residential and non-residential land uses that reinforce the mixed use character of the Rose Bay South centre.</i> - <i>O2 To facilitate a supermarket that meets the day-to-day goods and services needs of the local community.</i>
<p>C2 The residential component of the development achieves a minimum dwelling yield of 10 apartments and comprises a mix of Studio/1 Bedroom, 2 Bedroom, and 3 or more Bedroom dwellings apartments that responds to the local identified need.</p>	<p>The proposed amendment is to ensure the future apartments to be delivered at the site are of a range that meet the local demand and requirements of the community, as opposed to a prescriptive provision.</p>
G8.2.4 Ground level active frontage	
<p>O4 To restrict trolley usage to inside the supermarket and its car park and immediate surrounds.</p> <p>C5 Install trolley wheel locking system at all exit points of the supermarket and car park. Detail and implement a management plan to restrict trolley usage to the supermarket, carpark and immediate surrounds. This can include trolley wheel locking systems, active trolley collection, trolley tracking and other management processes.</p>	<p>The proposed amendments ensure a management process is in place and implementable to ensure trolleys are managed at the site and off-site dumping is mitigated. The management process will avoid a system that will impact trolley function on site and potential impacts on customer experience and ability to use trolleys i.e. trolleys locking within site or within proximity to entries creates access issues.</p>
G8.2.5 Separation zone and landscaping	
<p>C2 The separation zone accommodates includes:</p> <ul style="list-style-type: none"> • a deep soil landscaped area which is at least 10% of the total site area, and • designed to provide provides a landscaped (hard and soft landscaping) separation zone in a consolidated area with a minimum width of 8m, measured from the north-western boundary; • at least two medium sized canopy trees to achieve a minimum combined tree canopy of 40m²; • screen planting along the full length of the boundary that directly adjoins 28A Albemarle Avenue; and 	<p>Amendments are proposed to provide clarity and to ensure the wording is consistent with figure 4. The amendment also allows for consistency with the objectives, specifically:</p> <p>O1 <i>"to protect the amenity of the adjoining R2 Low Density Residential land at 28A Albemarle Avenue"</i></p> <p>O2 requires a <i>"sense of enclosure by providing an appropriate separation zone between the building and 28A Albemarle Avenue."</i></p> <p>O3 that requires the deep soil landscaping provides <i>"screen planting to enhance the amenity", "contributes to the leafy setting" and enhances "tree canopy cover"</i></p>

<ul style="list-style-type: none"> a mix of dense hedge and feature planting, shrubs and trees that help soften and screen the development interface with the adjacent residential dwelling. 	
G8.2.6 Vehicular access and servicing	
<p>C1 Development complies with the provisions in Part E of the DCP, Chapter E1 Parking and Access. The parking multiplier for non-residential uses applies to the whole development site including 30 Albemarle Avenue, Rose Bay and is not to exceed 78 car parks.</p>	<p>The amendment is consistent with the carparking rate and maximum carparking proposed in the endorsed Planning Proposal currently under assessment (proposed maximum non-residential retail cars of 70 for 2,168m², with the maximum being 78 car space for the maximum non-residential gross floor area of 2,400m² as per G8.2.4 – C1). This amendment is aligned with community expectation and supported by the Traffic Engineer.</p>
G8.2.7 Service facilities	
<p>O2 To avoid locating mechanical plant equipment on the rooftop</p>	<p>This objective is proposed to be deleted, as it is not required given objective O1 requires site facilities to <i>"not have a negative impact on the streetscape or amenity of adjoining residential dwellings"</i>. Further, mechanical plant equipment was always envisaged to be located on the rooftop, as per the indicative reference scheme within the endorsed Planning Proposal. Plant located on the rooftop will be integrated with the development and screened to ensure it is not visible and does not detract from the streetscape this will be assessed on merit at the DA stage.</p>
<p>O3 To ensure visibility of any required substation is not visible minimised from the street</p>	<p>Authority requirements for a substation, access and signage would likely result in non-compliance with this objective. It has therefore been amended to allow for compliance with control and Electrical Authority requirements.</p>
<p>C2 If an electricity substation is required, the substation is to be provided as a basement chamber substation or otherwise as allowable by the Electrical Authority.</p>	
<p>C3 All plant and equipment must be concealed from the exterior and not detract from the streetscape unless other required by the relevant authority.</p>	<p>Amended to be consistent with objectives and ensure compliance with control and relevant authority requirements.</p>
G8.2.8 Ecologically sustainable development	
<p>C1 The building achieves a minimum a 4 Green Star design and as-built rating. Notes: The provisions in Part E of the DCP, Chapter E6 Sustainability also apply. A retail performance target of: <ul style="list-style-type: none"> maximum 55kWh/yr/m² of GFA; or 4-star NABERS energy CA; or certified Green Star building rating achieving "minimum expectation" in Credit 22: Energy Use; or equivalent. A residential target of: <ul style="list-style-type: none"> BASIX Energy pass score + 5; and BASIX Water pass score +5 </p>	<p>The proposed amendments reflect best practice to achieve real world outcomes, with flexibility to meet project requirements and relevant certification for each use. These are similar to site specific provisions implemented for Woolworths projects in other LGAs.</p>

From: [Frank Femia](#)
To: [Records](#)
Subject: REFERENCE SC7994 - DCP 2015 (Amendment No 27) Site Specific Chapter for 488 - 492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
Date: Sunday, 23 June 2024 10:39:38 PM

23 June 2024

Woollahra Municipal Council

Attention: Ms Charmaine Tai, Strategic Planner,

RE: Public exhibition of the Draft Development Control Plan 2015 (Amendment No 27)

REFERENCE SC7994

Dear Ms Tai,

As the owner of one of the pair of semi detached cottages at [REDACTED] I am making this submission to voice my concern about the following issues within the Draft DCP 2015(Amendment No 27).

G 8.2 Development Controls.

G8.2.2 Built Form:

Controls:

C3. "The minimum setbacks from Old South Head Road and Albemarle Avenue are:

- At Ground Level and Level 1 - 0m from the street boundary.*

In relation to the Albemarle Avenue (only) minimum setback - Given the current front setback of the single storey house at No 30 Albemarle Ave from the street boundary is approximately 5m, the proposed setback of 0m at Ground Level and Level 1(to a height of approximately 8.0m) for the new development, will dominate the residential streetscape, considering the proposed Albemarle Avenue frontage of the sites development is some 70+ metres long.

For the current frontage of No 30 Albemarle Avenue (approximately 25.0m) why can't the proposed minimum setback from the street boundary be 3.0m as it is proposed at Level 2? This would provide a reasonable transition of setback from the adjoining residential houses and serve to reduce the impact of the imposing structure by providing a "stepped" setback along the Albemarle Avenue frontage.

As the land on which No 30 Albemarle Avenue has not been rezoned from R2 to Mixed use zone per se, consideration should be given to retaining some setback in relation to the frontage of No 30 Albemarle Avenue. The existing Mixed use zone 45m frontage could still have a 0m minimum setback from the street boundary.

C5 The minimum setbacks from the north-western boundary that adjoins 28A Albemarle Avenue (Lot 1 DP 204141) are: • At Ground Level and Level 1 – 9m to the building. • At Level 2 – 9m to the building and 12m to any habitable rooms/balconies. • At Level 3 – 12m to the building and 13.5m to any habitable rooms/balconies. The articulation zone is to be occupied by planter boxes, terrace landscaping, and weather protection/awnings only. Balconies, terraces or the like are not permitted in this articulation zone. Weather

protection/awnings, if any, must not increase building bulk and the prominence of the two upper levels.

In C5, the minimum setbacks stated from the north-western boundary that adjoins [REDACTED] Albemarle Avenue must not be permitted to be reduced in any way. The sheer bulk and scale of the proposed development will erode any privacy currently enjoyed by [REDACTED] [REDACTED] It is essential that the *G8.2.5 Separation zone and landscaping Objectives and Controls* are adhered to. In particular, hedge screening along the north-western boundary and control *C9 The area beyond the building line of 28A Albemarle Avenue is secured by fencing or other security measures to restrict public access. Fences and gates are no more than 1.8m in height, and take the form of palisade style fencing.*

I look forward to Council's review of my submission. Please do not hesitate to contact me on [REDACTED] should you wish to discuss any details further.

Kind regards,
Frank Femia

From: [Jozef Zlekha](#)
To: [Records](#)
Cc: [REDACTED]
Subject: Submission Reference: SC7994
Date: Thursday, 20 June 2024 5:45:25 PM

To Woollahra council

Submission to Woollahra Council
Regarding: Draft Control Development Plan 2015
(Amendment no 27)
Reference: SC7994

I am the owner of a unit situated immediately to the North East of the above mentioned development . My building is at [REDACTED] and my unit is on the third floor at the West South corner of the building. I bought my unit to a great extent due to its solar access, privacy and acoustic. As my balcony and the windows of my lounge room, kitchen and bedroom are looking in the direction of South/ West (where the new development suppose to be) and have uninterrupted solar access, privacy, acoustics and offer me great quality of life. As I am of advance age I hope to spend my coming years in such a pleasant environment.

I object to the development of a multistory building on the proper at 30 Albemarle Ave And the adjacent site at 488-492 Old South Head Road to a height of 14.5 meters. The height of the building should be reduced to a level that should not block my solar access and affect my privacy, acoustic and my quality of life.

I object to any balconies or windows to be situated on the Northern side of the new building with view to my unit.

I also object to the proposal to have Woolworth supermarket there, as it will create noise , extra traffic and difficulty of finding parking places to those visitors to my place.

Kind Regards

Jozef Zlekha

[REDACTED]
[Rose Bay](#) NSW 2029

Mobile: [REDACTED]

From: [Mark Skurnik](#)
To: [Records](#)
Subject: SC7994 Draft Woollahra DCP (Amendment No. 27) Site Specific DCP - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay
Date: Sunday, 23 June 2024 5:11:20 PM
Attachments: [Site specific DCP submission cover letter.pdf](#)
[Submission Letter - Draft WDCP 2015 Amend 27 - 488-492 OSHRD & 30 Albemarle - 19 June 2024 \(rev 2\).pdf](#)
[22.182r03v02 TRAFFIX Peer Review - 488-492 Old South Head Road, Rose Bay.pdf](#)

Dear Council team / General Manager,

Please find attached a letter in relation to the Site Specific DCP at 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay.

Please also find attached a town planning report and traffic report, which should be read in conjunction with this letter.

Kind regards

Mark Skurnik

Rose Bay Action Group - President

[REDACTED], Rose Bay

[REDACTED]

[REDACTED]



Reference: 22.182r03v02

20 June 2024

Rose Bay Action Group
[Redacted] Albemarle Avenue
Rose Bay NSW 2029

Attention: John Beck

**Re: 488-492 Old South Head Road, Rose Bay
Draft Woollahra DCP (Amendment No. 27) 488-492 Old South Head Rd
Council Reference: Application No. 52/2023/1**

Dear John,

➤ **Introduction**

TRAFFIX has been engaged by Rose Bay Action Group (RBAG) to review the proposed amendment to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.

In this regard, we have undertaken a detailed review of the following documents from a traffic engineering and transport planning perspective:

- Draft Woollahra Development Control Plan 2015 (Amendment No 27) (Draft DCP);
- Gateway Determination – 23 February 2024;
- Planning Proposal prepared by Ethos Urban (revised) – 31 July 2023;
- Site-specific Development Control Plan prepared by Ethos Urban – 25 July 2023;
- Urban Design Report prepared by PBD Architects – July 2023;
- Traffic Assessment (TA) prepared by JMT Consulting (revised); and,
- Consultation Outcomes Report prepared by Ethos Urban.

It is emphasised that we have agreed to undertake such a review on the basis that we do so in the context of an independent peer review, with no expectations that we could advance the concerns of RBAG.

The traffic engineering and transport planning issues that arise from the application are discussed separately below and represent our submission to Council on behalf of RBAG.

traffic impact studies | development feasibility studies | planning proposals | construction traffic management plans | certification design statements |
traffic management studies | parking studies | transport modelling | sustainable transport | government liaison



➤ Background

Woollahra Council is exhibiting a proposed amendment to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.

The site has been subject to a planning proposal, which sought to amend the Woollahra Local Environmental Plan 2014 to:

- Insert a new Schedule 1 Additional permitted use to amend the permissible land uses on land at 30 Albemarle Avenue, Rose Bay.
- Insert a new Part 6 Additional local provisions to prescribe maximum Height of Building, gross floor area and other planning controls that apply to the two sites.

The objective of the planning proposal is to facilitate redevelopment of the two sites to enable a four-storey mixed use development.

To accompany the planning proposal, the proponent provided an indicative development concept for a four-storey mixed use development comprising a two-level Woolworths supermarket with 14 residential dwellings on the upper levels (L1-3) and associated parking and loading elements. This indicative development concept was demonstrated that it could be facilitated by the proposed amendments.

Public exhibition for the planning proposal has ended on 7 May 2024.

The Draft Woollahra Development Control Plan 2015 (Amendment 27) seeks to ensure that development suitably responds to issues of residential amenity and local character. The controls address matters including built form and facade articulation, landscaping, privacy and maximum non-residential gross floor area.

It is further acknowledged in this regard that Clause 1.1 of the Draft DCP allows a maximum GFA of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue and does not discriminate between retail and residential GFA which leaves it open for any future development applications (DA) to propose more (or less) retail/residential GFA than what is currently envisaged by the planning proposal concept scheme.

➤ RBAG Concerns

The RBAG is concerned with the localised traffic impacts that will be exacerbated by the bulk of the supermarket proposed on site spanning over two-levels which accommodates up to 2,168m² of Gross Floor Area (GFA) as identified in the indicative planning proposal concept scheme.

Specifically, the RBAG had identified Section 2.4 of the Ethos Urban Planning Proposal document dated 27/3/2024 defines the Trade Area for the proposed supermarket. Figure 4 of that report indicates that the Total Trade Area (i.e. spatial influence of the supermarket) includes residents spanning from Vaucluse and Watsons Bay in the north, to Dover Heights in the east, to North Bondi in the south, and the whole of Rose Bay, including residents along New South Head Road. Although there is no quantitative data provided, it is reasonable to expect that many of these potential customers would not currently travel in their cars along Old South Head Road or Albemarle Avenue, but would have to do so to access the proposed supermarket. The supermarket is therefore extremely likely to attract additional traffic to both Old South Head Road and Albemarle Avenue – both of which experiences



severe congestion at peak times. Whilst there is no data available, RABG is of the opinion that existing congestion levels will be further exacerbated and negatively impacted by the proposed supermarket.

Notwithstanding, RABG notes a smaller format local supermarket under 1,000m² at the site consistent with the local planning context is more likely to attract shopping by foot and bicycle from the primary target area (nearby Rose Bay residents), and would be less likely to draw in additional vehicle traffic from surrounding suburbs. This outcome would minimise the negative traffic impact of the proposed development.

➤ Road Network and Site Context

The development site is located at the northern corner of the Old South Head Road / Albemarle Avenue / Liverpool Street intersection. The site presently comprises a decommissioned service station.

Old South Head Road is a classified State Road under the care and maintenance of Transport for NSW (TfNSW). Albemarle Avenue and Liverpool Street are local roads under the care and maintenance of Woollahra Council.

➤ Historical Traffic Data

The TA references historical operational data provided by Caltex between March 2019 to November 2019, which identified the former service station would attract 1,000 to 1,200 vehicles per day based on the number of customers using petrol bowsers.

The traffic report assumed that these would equate to some 80-90 vehicles per hour entering the site or 160-180 two way movements.

The traffic report also stated this is consistent with recent TfNSW surveys indicating service stations generate 113 two way movements during the AM peak hour and 144 two way movements during the PM peak hour.

Whilst TRAFFIX remains reserved in relation to the source of the above information, it is noted that these data has already been accepted by Council in the approval of the Woolworths 'Direct to Boot' drive-through store that is currently operational on site. Given the finality of Council's decision, pursuing this matter further is unlikely to yield any additional benefits.

➤ Existing Traffic Conditions

The TA has not clarified the time and dates of traffic surveys. However, based on image provided in Figure 13-15 of the TA, it would appear that the TA did not undertake updated traffic surveys to inform the traffic impacts of the planning proposal, and continued to rely on traffic counts that were undertaken in November 2021 at the Old South Head Road / Albemarle Avenue intersection for weekday morning and afternoon peak periods as well as the Saturday lunchtime peak period forming the base case modelling scenario.

We have previously raised concerns that Sydney was only released from COVID lockdown on 11 October 2021 and would still be recovering in November 2021 with businesses and general population continuing to undertake a conservative approach during this time, and many people were still working from home in accordance with Government guidelines.

RBAG had also previously provided email correspondence from Rose Bay Public School instructing parents the existing staggered pick-up and drop-off arrangement will remain in place after Monday 8



November 2021 for the rest of Term 4 and continue to spread out the traffic to meet safe social distancing guidelines, in turn, this would have substantially reduced peak hour traffic flows that is assessed in the base case modelling scenario.

On the above basis, it is in our view that updated traffic surveys should have been undertaken for current (post-COVID) traffic conditions and enable an appropriate base case modelling scenario to be developed as part of the planning proposal. Nevertheless, on the basis that the planning proposal has been approved, it appears the Department is satisfied with this data.

➤ Overview of the Development Proposal

The TA specifies an indicative concept scheme to inform the planning proposal comprising a four-storey mixed use building with the following components:

- A total GFA of 4,173m² comprising 2,168m² of supermarket floorspace located with the ground floor and part of the level 1 area, and 2,005m² of residential floor space, comprising a total of 14 apartments provided in 1, 2 or 3 bedroom configurations from level 1 to 3.
- A three-level basement comprising up to 70 supermarket car spaces, 19 residential car spaces and 3 residential visitor car spaces including a car wash bay, as well as motorcycle and bicycle parking.
- A dedicated loading dock is shown on ground floor level with a turn table accommodating truck up to the size of a standard 8.8-metres-long Medium Rigid Vehicle (MRV).
- Vehicular access to the basement is to be provided via a combined entry and exit driveway located towards the northwestern end of the Albemarle Avenue intersection.
- Vehicular access to the loading dock is to be provided via a separate combined entry and exit driveway next to the basement access driveway.

➤ Off-Street Parking Facilities

Off-Street Parking

TRAFFIX agree with the parking rates adopted in the TA and notes the number of parking spaces envisaged in the planning proposal is capable of complying with Council's DCP requirements.

Servicing and Loading

The planning proposal concept scheme include an on-site loading dock accommodating trucks up to the size of a standard 8.8m MRV. The loading dock is also proposed to be configured with a turntable to facilitate forward entry and exit of truck movements at all times.

It is in our experience that a supermarket over 2,000m² GFA will need to be designed for 20-metres-long Articulated Vehicles (AV) in accordance with AS 2890.2 (2018) to maintain efficient logistics. The National Heavy Vehicle Regulator (NHVR) specifies a common two-axle rigid truck has a mass limit of 15 tonnes and a six-axle semi-trailer has a mass limit of 42.5 tonnes – approx. 2.8 times more than the common two-axle rigid truck.

In this regard, additional information should be provided to demonstrate how the planning proposal intends to support up to 2,168m² supermarket GFA with smaller 8.8m MRVs, which inadvertently will increase the number of day-to-day truck movements that has not been captured or addressed in the TA.



Conversely, a smaller format local supermarket under 1,000m² at the site consistent with the local planning context could potentially be adequately serviced by smaller trucks up to and including 8.8m MRVs.

➤ Traffic Impacts

Traffic Model Calibration

It is understood SIDRA models have been validated and calibrated to existing conditions based on November 2021 traffic surveys which has been accepted by Council in the approval of the Woolworths 'Direct to Boot' drive-through store that is currently operational on site.

Background Growth

TRAFFIX agrees with the background traffic growth of 0.15% per annum over 10 year period adopted by the TA.

Traffic Modelling Inputs

TRAFFIX does not raise any concerns with the nominated input adjustment in the TA.

Trip Generation

TRAFFIX agrees with the residential traffic generation rate adopted by the TA.

TRAFFIX also agrees with the with the nominated 25% discount for retail vehicle trips that are associated with passing trade/linked trips in accordance with TfNSW's Guide to Traffic Generating Developments (GTGD).

TRAFFIX however note that the TA has relied on in-house traffic surveys undertaken at Woolworths stores in Redfern and Neutral Bay to forecast the retail trip generation and there is a lack of transparency to the origin of these data. It is therefore in our view that survey methodology should be clarified to the satisfaction of TfNSW and Council, and the TA is to provide all relevant data and assumptions that have influenced the trip generation estimate in accordance with the Draft Guide to Transport Impact Assessment (Draft GTIA), justified with evidence, with consideration to the following:

- Characteristics of survey sites considered.
- Time of surveys.
- Duration of surveys.
- External factors influencing the survey results on the day(s).
- Freight and servicing trips.

TRAFFIX has undertaken a comparison based on the "Small Suburban Shopping Centres" trip generation rates based on surveys undertaken in 2018 published in the Draft Guide to Transport Impact Assessment (Draft GTIA) which specifies the following trip rates for a retail premises between 1,000-6,000m² GLFA:

Wednesday/Thursday

- AM Peak Hour: 0.086A + 164; and
- PM Peak Hour: 0.126A +241.



Friday

- AM Peak Hour: 0.087A + 166; and
- PM Peak Hour: 0.132A +252.

Weekend

- AM Peak Hour: 0.147A + 281.

The resulting traffic generation comparison has been summarised in Table 1.

Table 1 – Trip Generation Comparison

	Size/No.	Forecast Vehicle Trips ¹		
		AM Peak Hour	PM Peak Hour	Saturday
Traffic Assessment by JMT	70 car spaces	84	121	131
Draft GTIA – Wed/Thu	1,734sqm GLFA ²	235	345	402
Draft GTIA – Fri		238	361	

1. A 25% linked/multi-purpose trip discount has been applied to the forecast retail vehicle trips.

2. Supermarket GLFA has been assumed to comprise 80% of the nominated GFA.

It is highlighted that there is a large discrepancy between the traffic estimate in comparison to the traffic generation rate for retail premises published by TfNSW, noting that:

- The weekday AM peak hour trip generation could potentially be **underestimated** by up to 154 trips;
- The weekday PM peak hour trip generation could potentially be **underestimated** by up to 240 trips;
- The weekend peak hour trip generation could potentially be **underestimated** by up to 271 trips;

the TA will therefore need to justify the substantially lower traffic generation forecast for the retail component of the planning proposal, with consideration of the following matters:

- Providing findings from detailed site context analysis of the subject site in comparison to the Redfern and Neutral Bay sites, including key factors influencing travel behaviour.
- A clear methodology for calculation of estimates for trips generation rates with justification.
- A smaller format local supermarket under 1,000m² at the site consistent with the local planning context is more likely to attract shopping by foot and bicycle from the primary target area (nearby Rose Bay residents), and would be less likely to draw in additional vehicle traffic from surrounding suburbs, thereby justifying the lower trip generation rate adopted by the TA.

Traffic Modelling

The traffic report undertook traffic modelling at the Old South Head Road/Albemarle Avenue Intersection.

The SIDRA movement summaries provided in Appendix A of the TA reveal the Albemarle Avenue approach to the Old South Head Road / Albemarle Avenue intersection exceeds an average delay of 60 seconds in all modelled scenarios.



It is emphasised in this regard that TfNSW's Guide to Traffic Generating Developments specify that:

"An overall average delay for intersection of 25 seconds might not be satisfactory if the average delay on one movement is 60 seconds".

Accordingly, the TA needs to provide further justification and mitigation measures (where required) to support the extensive average delays that will be experienced by traffic from the Albemarle Avenue approach, which will be exacerbated by the planning proposal.

Residential Amenity Impacts

Albemarle Avenue is a local, residential street serving multiple residential dwellings. TfNSW Guidelines specify a maximum peak hour volume of 300 vehicles per hour for local streets, with an environmental goal of 200 vehicles per hour.

The submitted traffic surveys indicate Albemarle Avenue currently carries 317 vehicles per hour during the AM peak period, and 237 vehicles per hour during the PM peak period. The TA is silent on residential amenity impacts and how further exacerbation of existing conditions can be satisfactorily mitigated.

➤ Internal Design Aspects

Access

The planning proposal envisages to accommodate all vehicular access/egress via Albemarle Avenue, remove all existing driveways off Old South Head Road in the process, which in our view is a positive transport planning outcome.

Car Park Layout

Compliance of the car park layout can be satisfactorily addressed at DA stage.

➤ Conclusion

In summary:

- Woollahra Council is exhibiting a proposed amendment to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.
- The site has been subject to a planning proposal, and the proponent provided an indicative development concept for a four-storey mixed use development comprising a two-level Woolworths supermarket with 14 residential dwellings on the upper levels (L1-3) and associated parking and loading elements.
- Public exhibition for the planning proposal has ended on 7 May 2024.
- TRAFFIX is of the opinion that updated and current traffic surveys representing post-COVID condition should have been undertaken to inform the base case to assess the traffic impacts of the planning proposal, instead of continuing to rely on outdated traffic data collected in November 2021.
- TRAFFIX is of the opinion that a supermarket over 2,000m² GFA will need to be designed for 20-metres-long Articulated Vehicles (AV) in accordance with AS 2890.2 (2018) to maintain efficient logistics. The National Heavy Vehicle Regulator (NHVR) specifies a common two-axle rigid truck has a mass limit of 15 tonnes and a six-axle semi-trailer has a mass limit of 42.5 tonnes – approx. 2.8



times more than the common two-axle rigid truck. In this regard, additional information should be provided to demonstrate how the planning proposal intends to support up to 2,168m² supermarket GFA with smaller 8.8m MRVs, which inadvertently will increase the number of day-to-day truck movements that has not been captured or addressed in the TA.

- There is a lack of transparency in the traffic generation rates adopted for the retail component of the planning proposal, the TA is to provide all relevant data and assumptions that have influenced the trip generation estimate, justified with evidence.
- The TA needs to provide further justification and mitigation measures (where required) to support the extensive average delays (>60s) that will be experienced by traffic from the Albemarle Avenue approach, which will be exacerbated by the planning proposal.
- The TA is silent on residential amenity impacts and how further exacerbation of existing conditions can be satisfactorily mitigated.

Further to the above, TRAFFIX has been instructed by RABG that their primary concern is the bulk of the supermarket proposed on site spanning over two-levels which accommodates up to 2,168m² of Gross Floor Area (GFA) as identified in the indicative planning proposal concept scheme.

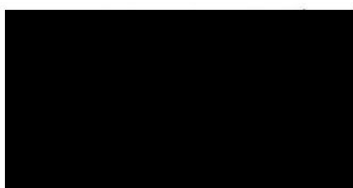
Accordingly, RABG notes a smaller format local supermarket under 1,000m² at the site consistent with the local planning context is more likely to attract shopping by foot and bicycle from the primary target area (nearby Rose Bay residents), and would be less likely to draw in additional vehicle traffic from surrounding suburbs. This outcome would minimise the negative traffic impact of the proposed development.

TRAFFIX also notes that a smaller format local supermarket under 1,000m² would justify the smaller delivery vehicles (8.8m MRVs) and substantially lower trip generation rates adopted by the TA, as well as likely correspond to notable traffic improvements and could potentially lower the average vehicle delays in Albemarle Avenue to acceptable levels (<60s) in accordance with GTGD requirements.

We trust the above is of assistance and request that you contact the undersigned should you have any queries or require any further information.

Yours faithfully,

Traffix



Executive Engineer

General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

Sunday 23 June 2024

Reference : **SC7994**, *Draft Woollahra Development Control Plan 2015 (Amendment No .27)*

Dear Sir/Madam

The Rose Bay Action Group is submitting its recommendations in relation to the Site Specific DCP - 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay and the *Draft Woollahra Development Control Plan 2015 (Amendment No .27)*.

We have engaged our experts to help us with our submission. The reports from Paro Consulting and Traffix are included with our submission and this cover letter.

The recommendations from the Paro Consulting report include:

1. **Commercial floor space must be limited to 1000m² and to ground floor only** to ensure that future development of the site does not detract from the desired future character of the Rose Bay South mixed use centre in the context of the hierarchy of local centres

Recommended wording in DCP – Section G8.2.3, Control C1 and C3

"C1 No more than ~~2,400m²~~ 1000m² of the gross floor area of the development is used for non-residential uses.

*C3 Residential uses ~~are~~ must be located on the upper levels (**above ground**) and achieve a high degree of amenity in accordance with the Housing SEPP Chapter 4 and the Apartment Design Guide."*

2. **The 9m buffer zone should be completely inaccessible** to the public with fencing that continues all the way to the street frontage. There should be no public, commercial or residential bench/seating or bicycle storage in this area, and it should be treated exclusively as a buffer from the development to the neighbouring residential homes

Recommended wording in DCP – Section G8.2.5, Control C1, C2, C3 and C9

*"C1 A minimum 9m wide separation **deep soil planting** zone ~~is~~ must be provided from the north-western boundary.*

*C2 The separation **deep soil planting** zone accommodates:*

- a deep soil landscaped area which is:
 - o at least ~~10%~~ 15% of the total site area, and
 - o designed to provide a consolidated area with a minimum width of 8m, measured from the north western boundary, and
 - o **free of any structures, plant and services, including bicycle parking, patron seating and lunch break areas.**
- at least ~~two-six~~ medium sized canopy trees to achieve a minimum combined tree canopy of ~~40m²~~ 120m²;
- screen planting along the full length of the boundary that directly adjoins 28A Albemarle Avenue; and
- a mix of dense hedge and feature planting, shrubs and trees that help soften and screen the development interface with the adjacent residential dwelling.

Refer to Figure 4.

C3 Tree canopy area ~~must be~~ is at least 10% 15% of the total site area.

*C9 The area beyond ~~the building line of 28A~~ Albemarle Avenue **street front boundary** ~~must be~~ is-secured by fencing or other security measures to restrict public access. Fences*

and gates are no more than 1.8m in height, and take the form of palisade style fencing. ~~Refer to Figure 4.~~"

3. **Waste management and delivery operational restrictions should be included.**

Recommended wording in DCP – Section G8.2.6

"O4 To minimise the visual, **acoustic** and other amenity impacts of the parking, **waste collection, deliveries** and loading dock on the surrounding properties and public domain.
C8 A development application must be accompanied by an **Acoustic Report**, **Traffic and Parking Report** and a **Car Parking, Waste and Loading Dock Plan of Management** which **must** assess potential traffic and safety impacts including truck movements to the site and considers timing of deliveries. **The Car Parking, Waste and Loading Dock Plan of Management must include provision for the following**

- i. **Deliveries and waste collection must only be undertaken within the basement level and not at-grade or at street level,**
- ii. **Vehicles must enter and exit the site in a forward direction,**
- iii. **Loading and unloading must occur behind a closed door, and that door and turning circle must minimise,**
- iv. **Truck movements must be restricted to 8am and 8pm,**
- v. **Truck movements must only occur along Old South Head Road with no truck movements permitted past Rose Bay Public School in either direction, with only a left turn permitted from the property onto Albemarle Avenue."**

The recommendations from the Traffix peer review of the traffic report include:

1. The development proposal is only designed with a loading dock to accommodate a standard 8.8-metre-long Medium Rigid Vehicle (MRV). The supermarket the applicant is proposing of >2,000m² requires a design for a 20-metres-long Articulated Vehicles (AV) in accordance with AS 2890.2 (2018) to maintain efficient logistics. As such the current design inadvertently will increase the number of day-to-day truck movements that has not been captured or addressed in the traffic assessment
2. The traffic data used for the traffic report by the applicant uses data gathered during COVID when there was significantly less volume of cars on the road. Updated traffic surveys should have been undertaken for current (post-COVID) traffic conditions
3. The trip generation comparison shows that the applicant's traffic report substantially underestimates the trip data when compared with the "Small Suburban Shopping Centres" trip generation rates based on surveys undertaken in 2018 published in the Daft Guide to Transport Impact Assessment (Draft GTIA)
4. The traffic report from the applicant calculates an average delay of 60 seconds at Old South Head Rd / Albemarle Avenue intersection in all modelled scenarios. This fails the TfNSW's Guide to Traffic Generating Developments and there is no justification and mitigation measures. These delays will be further exacerbated by the planning proposal. TRAFFIX agrees with RABG that a 50% reduction in the retail floor area limiting it to maximum 1,084m² GFA will correspond to notable traffic improvements and could potentially bring the average vehicle delays in Albemarle Avenue to acceptable levels (<60s) in accordance with GTGD requirements

We urge council to make changes to the draft DCP in accordance with the issues we have raised.

Kind regards
Mark Skurnik
President, Rose Bay Action Group


www.rosebayactiongroup.org

Submission Letter to Draft DCP



19 June 2024

Woollahra Municipal Council

[REDACTED]

Double Bay NSW 2028

Attention: Charmaine Tai, Strategic Planner - Strategic Planning and Place

RE: SUBMISSION LETTER TO DRAFT WOOLLAHRA DCP 2015 (AMENDMENT 27) FOR 488-492 OLD SOUTH HEAD ROAD AND 30 ALBEMARLE AVENUE, ROSE BAY

1. Introduction

This submission letter has been prepared by Paro Consulting on behalf of the Rose Bay Action Group (RBAG) in relation to the Public Exhibition of a proposed amendment to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (the Site). The RBAG includes a number of residents which live within Albemarle Avenue, Rose Bay.

This submission includes an independent planning review of the exhibited Draft Woollahra Development Control Plan 2015, Amendment No 27 (Draft DCP), which identifies issues and provides recommendations where required. The purpose of this submission is to voice the concerns of the RBAG prior to Woollahra Municipal Council (Council) finalising its assessment of the Draft DCP and ultimately proceeding to finalisation by the Department.

For the reasons outlined in this letter, the RBAG strongly opposes a large format Woolworths Supermarket but is in support of a small-scale neighbourhood supermarket with a maximum Gross Floor Area (GFA) of 1000m².

2. Background

The site is the subject of a proponent-led planning proposal which seeks to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to facilitate redevelopment of the site for a four-storey mixed use development comprising a large format supermarket, residential apartments and associated parking.

[REDACTED]

[REDACTED]



Submission Letter to Draft DCP

It is understood that the planning proposal has substantially progressed from its initial lodgement with Council by the proponent, to the planning proposal receiving gateway determination by the Department on 23 February 2023.

The planning proposal sought to amend the Woollahra LEP 2014 to:

- Insert a new clause in Schedule 1 Additional permitted uses to permit “retail premises” at 30 Albemarle Avenue, provided it is as part of a shop top housing development at 488-492 Old South Head Road,
- Insert a new clause in Part 6 Additional local provisions that applies only if 488-492 Old South Head Road and 30 Albemarle Avenue are developed together, and that:
 - Allows a maximum Gross Floor Area (GFA) of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue, and
 - Amends the maximum Height of Building (HOB) development standard on 30 Albemarle Avenue from 9.5m to 14.5m.

Accompanying the planning proposal, the proponent provided an indicative development concept comprising a two-level Woolworths supermarket with 14 residential dwellings on the upper levels, and associated parking and loading elements. This indicative development concept demonstrated that it could be facilitated by the proposed amendments however there are significant concerns that the intent of the planning proposal has not been adequately captured by the proposed site-specific Draft DCP.

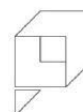
Public exhibition for the planning proposal has ended on 7 May 2024. Paro Consulting, on behalf of the RBAG made a separate submission, dated 6 May 2024, to the NSW Department of Planning, Housing and Infrastructure (Department) refer to **Attachment 1** of this letter. The previous submission to the Department raised significant concerns that the recommendations and advice provided by various stakeholders in the planning proposal process, including the RBAG, Council, the Local Planning Panel (LPP) and the Sydney Eastern City Planning Panel (SECPP) which was removed by the Department. The key issues with the process includes:

- The lack of clarity on the detail and terms of a Voluntary Planning Agreement (Planning Agreement) put forward by the proponent, and to date no details are available including lack of any public exhibition, and
- Removal of the requirement of a site-specific DCP to be made prior to finalisation of the planning proposal.

It is understood that the Draft DCP seeks to amend the Woollahra DCP 2015 (WDCP 2015) by introducing a new chapter (Chapter G9) to ensure that the future development suitably responds to the issues relating to residential amenity and local character including the controls to address matters related to the building design, street activation, setbacks, landscaping, privacy, and the maximum non-residential gross floor area for the site.

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]



Submission Letter to Draft DCP

2.1. Environmental Planning Committee (EPC)

On the 6 May 2024 the EPC considered report prepared by staff to seek Council approval to exhibit an amendment to the WDCP 2015 to add a site-specific chapter for the site. The EPC recommendation was that:

- The EPC generally supports that the Draft DCP proceed to public exhibition but with amendments to be made by staff prior to exhibition as follows:
 - implementation of a trolley wheel locking system to be installed at all exit points of the shopping centre to prevent trolleys being removed from the centre;
 - installation of specific safety measures for pedestrians at all vehicular entry and exit points of the centre such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures; and
 - to ensure that any fencing of garden or open area is open fencing such that the garden areas can be viewed substantially from the streetscape and contribute to the streetscape.
- Staff consider whether the controls could require there to be an open gate for public access to the green garden area during daylight hours, with the applicant being required to maintain the area during those hours.

The above is relevant as it is evident that the advice of the EPC whilst partially incorporated into the exhibited Draft DCP with controls in the Draft DCP that would require the implementation of a trolley wheel locking system to be installed at all exit points (Control C5 and Objective O4 in Section G8.2.4 *Ground level active frontage* of the Draft DCP).

It is of concern that there are no stringent controls which have been incorporated into the Draft DCP that would require:

- Installation of specific safety measures for pedestrians at all vehicular entry and exit points such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures; and
- Fencing off the garden or open areas such that the garden areas can be viewed substantially from the streetscape and contribute to the streetscape character.

RECOMMENDATION: The Draft DCP does not adequately address the above matters and should therefore not proceed without further amendment.

2.2. Council resolution of 13 May 2024

On 14 May 2024, the Council resolved to:

- Assert its opposition to the planning proposal for the site, but acknowledges that Council is powerless under the relevant legislation to further object,

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]



Submission Letter to Draft DCP

- Note the objections to the planning proposal from Cllr Jarvis (who is a member of the Sydney Eastern City planning panel) who recommended that the planning proposal should not be submitted for a Gateway determination as it had not demonstrated strategic merit nor site specific merit,
- Amend the Draft DCP to require implementation of a trolley wheel locking, installation of specific safety measures for pedestrians at all vehicular entry and exit points and to ensure that any fencing of garden or open area is open style,
- Amend the Draft DCP to require bicycle parking be located within the building and not in the buffer zone, and
- Resolved to exhibit the Draft DCP (Amendment No 27) with amendments as set out above.

The above is relevant as it is evident that the resolution of the Council whilst partially incorporated into the exhibited Draft DCP in that there are controls in the Draft DCP that would require:

- the implementation of a trolley wheel locking system to be installed at all exit points (Control C5 and Objective O4 in Section G8.2.4 of the Draft DCP),
- the requirement for bicycle parking be located within the building envelope and not in the buffer zone (Control C5 and Objective O4 in Section G8.2.6 Vehicular access and servicing of the Draft DCP), and
- Fencing that is of an open style (Control C9 and Objective O5 in Section G8.2.5 Separation zone and landscaping of the Draft DCP).

There are however no specific or stringent controls which have been incorporated into the Draft DCP that would require the installation of specific safety measures for pedestrians at all vehicular entry and exit points such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures.

The above is important as it is evident that the advice of the Council has not been incorporated into the exhibited Draft DCP in that there are no controls in the Draft DCP that would require the above.

RECOMMENDATION: The Draft DCP does not adequately address the above matters and should therefore not proceed without further amendment. It is recommended that an additional Control 'C9' is inserted in Section G8.2.6 *Vehicular access and servicing* of the Draft DCP and read:

"C9 All vehicular entry and exit points must be provided with pedestrian safety measures including pedestrian crossing markings or alternate traffic calming measures such as speed humps or other suitable pedestrian safety measures".

3. Issues

The key issues identified with the Draft DCP are discussed below.



Submission Letter to Draft DCP

3.1. A large format supermarket of over 2000m² is unsuitable for the site as traffic engineering and transport planning issues have not been addressed in the Traffic Assessment (TA) prepared by JMT Consulting in support of the planning proposal.

The RBAG have commissioned Traffix to undertake an independent peer-review traffic assessment of the Draft DCP and planning proposal. Refer to **Attachment 2** of this letter. The Traffix assessment in summary provides the following conclusions:

- Updated traffic surveys representing post-COVID conditions should have been undertaken to inform the base case to assess the traffic impacts of the planning proposal rather than rely on outdated traffic data collected in November 2021,
- A large format supermarket over 2000m² will need to be designed for 20 metre long Articulated Vehicles (AV) to maintain efficient logistics. It has not been demonstrated how the site can accommodate the such trucks for required on-going deliveries,
- planning proposal intends to support over 2000m² of supermarket GFA with smaller Medium Rigid Vehicles, which will inadvertently increase the number of daily truck movements that has not been captured or addressed in the TA,
- The TA has a lack of transparency in the traffic generation rates adopted for the retail component,
- The TA requires further justification and mitigation measures to support the increased likelihood of traffic and extensive delays that will be experienced by traffic from Albemarle Avenue,
- The TA is silent on residential amenity impacts and how further exacerbation of existing conditions can be satisfactorily mitigated.

It is understood that the assumptions of the proponent undertaken TA appear to have been accepted by the Department in issuing gateway determination to the planning proposal. It is however our submission that there is now an opportunity to address and attempt to mitigate the above issues.

RECOMMENDATION: The Draft DCP must not proceed without the amendments to strengthen the Draft DCP, as set-out in Section 3.2 & 3.3 of this letter.

3.2. Commercial floor space must be limited to 1000m² and to ground floor level only to ensure that future development of the site does not detract from the desired future character of the Rose Bay South mixed use centre in the context of the hierarchy of local centres.

The site is located in an R2 zone (30 Albemarle Avenue, Rose Bay) and an MU1 zone (488-492 Old South Head Road, Rose Bay). It is understood that the planning proposal sought to insert a new clause in Schedule 1 Additional permitted uses to permit "retail premises" at 30 Albemarle Avenue, provided it is as part of a shop top housing development at 488-492 Old South Head Road.

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]



Submission Letter to Draft DCP

It is however our submission that the planning proposal did not require an Additional permitted use (as 'retail premises') on the R2 zone portion of the site as currently a 'neighbourhood supermarket' is already permissible in the R2 zone. 'Shops' are permitted in the R2 zone.

The R2 zone of the WLEP 2014 nominates a range of permissible uses including 'shops' and the MU1 zone of the WLEP 2014 nominates a range of permissible uses including 'Commercial premises' (retail premises) and 'shop-top housing'.

The WLEP 2014 provides the following land-use definitions in the Dictionary of relevance:

- **neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note— See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

- **shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—**Shops** are a type of **retail** premises—see the definition of that term in this Dictionary.

Furthermore, it is our submission that the planning proposal does not allow for control of the maximum non-residential GFA, in effect it may enable a much larger supermarket than envisaged in the indicative planning proposal concept.

Clause 5.4(7AA) Controls relating to miscellaneous permissible uses of the Woollahra LEP 2014 provides additional control for 'Neighbourhood supermarkets' stating:

*"(7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area **must not exceed 1,000 square metres.**"*

The RBAG is concerned with the impact on a large-format Woolworths supermarket that is to span across two-levels and to accommodate up to 2,168m² of Gross Floor Area (GFA) as identified in the indicative planning proposal development concept and of a greater scale beyond that of a 'Neighbourhood supermarket'.

Section G8.2.3 Uses of the Draft DCP provides the following objectives and controls (our emphasis added):

O1 To provide an appropriate mix of residential and non-residential land uses that reinforce the mixed use character of the Rose Bay South centre.

*O2 To **facilitate a supermarket that meets the day-to-day goods and services needs of the local community.***

*O3 To establish a **limit on the non-residential floor space to ensure commercial activities do not have unacceptable traffic or other environmental impacts.***

[REDACTED]

[REDACTED]



Submission Letter to Draft DCP

O4 To achieve a minimum dwelling yield to contribute to housing growth

O5 To promote housing choice through providing a mix of unit dwelling sizes.

O6 To achieve good levels of residential amenity for residents and neighbours.

C1 No more than 2,400m² of the gross floor area of the development is used for non-residential uses.

C2 The residential component of the development achieves a minimum dwelling yield of 10 apartments and comprises a mix of Studio/1 Bedroom, 2 Bedroom, and 3 or more Bedroom dwellings.

C3 Residential uses are located on the upper levels and achieve a high degree of amenity in accordance with the Housing SEPP Chapter 4 and the Apartment Design Guide”.

The Draft DCP must not facilitate or enable a future DA to be considered for a large-format Woolworths supermarket spanning across two-levels for the site for the following reasons:

- The localised traffic and parking impacts will be exacerbated by a large-format supermarket when compared to a smaller scaled neighbourhood supermarket,
- A large-format supermarket would include a higher model shift of customers driving rather than either walking or cycling on the basis of being larger shops and likely traveling for a larger potential catchment,
- It will result in inconsistency with the existing character of the Rose Bay South centre which is characterised by smaller scaled mixed use developments including Harris Farm and all other small retail premises in Rose Bay,
- It is not appropriate in the context of hierarchy of centres whereby Rose Bay South centre is a lower order centre in the Woollahra LGA (Rose Bay, Double Bay and Edgecliff Local Centres being the higher order centres).
- It should be limited to a smaller scale neighbourhood supermarket that meets the day-to-day goods and services needs of the local Rose Bay community and not the wider community.

The RBAG recommends that the Draft DCP is amended to require a further reduction and limitation on non-residential GFA to a maximum of 1000m² as:

- It will result in a more appropriate traffic and parking outcome for the locality with a smaller scale supermarket,
- It will encourage and is more likely to achieve the objective of improving walkability and liveability of Rose Bay noting that a large format supermarket is non-conducive to shopping and arrival by walking, and
- It will ensure a greater portion of the GFA is to be allocated to residential which is consistent with current State planning objectives of increasing housing supply.

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]



Submission Letter to Draft DCP

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendment. It is recommended that Control C1 and C3 in Section G8.2.3 of the Draft DCP is modified to read:

- C1 *No more than ~~2,400m²~~ **1000m²** of the gross floor area of the development is used for non-residential uses.*
- C3 *Residential uses ~~are~~ **must be** located on the upper levels (**above ground**) and achieve a high degree of amenity in accordance with the Housing SEPP Chapter 4 and the Apartment Design Guide.*

3.3. Waste Management and Deliveries

The RBAG is concerned with the impact on a large-format Woolworths supermarket will have on local amenity arising from the on-going operations including adverse impacts arising from truck movements (including waste vehicles) associated with waste collection and deliveries for a large format supermarket.

The RBAG recommends that the Draft DCP is amended to require operational restrictions on a future DA for the site including:

- Truck loading (including waste) must only be undertaken within the basement level and not at-grade or at street level,
- Vehicles must enter and exit the site in a forward direction to improve pedestrian safety,
- Loading must occur behind a closed door, and that door and turning circle must operate silently,
- Truck movements must be restricted to 8am and 8pm,
- Truck movements must only occur along Old South Head Road with no truck movements permitted past Rose Bay Public School in either direction, with only a left turn permitted from the property onto Albemarle Avenue.

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendment. It is recommended that Control C8 and Objective O4 in Section G8.2.6 of the Draft DCP is modified to read:

- O4 *To minimise the visual, **acoustic** and other amenity impacts of the parking, **waste collection, deliveries** and loading dock on the surrounding properties and public domain.*
- C8 *A development application must be accompanied by an **Acoustic Report**, Traffic and Parking Report and a Car Parking, **Waste** and Loading Dock Plan of Management which **must** assess potential traffic and safety impacts including truck movements to the site and considers timing of deliveries. **The Car Parking, Waste and Loading Dock Plan of Management must include provision for the following:***
- i. Deliveries and waste collection must only be undertaken within the basement level and not at-grade or at street level. Alternatively, if it is demonstrated that deliveries and waste collection cannot be*

[REDACTED]

[REDACTED]



Submission Letter to Draft DCP

undertaken from within the basement level, the loading and unloading must occur behind a closed door, and that door and turning circle must minimise noise,

ii. Vehicles must enter and exit the site in a forward direction,

iii. Truck movements must be restricted to 8am and 8pm,

v. Truck movements must only occur along Old South Head Road with no truck movements permitted past Rose Bay Public School in either direction, with only a left turn permitted from the property onto Albemarle Avenue.

3.4. 9m separation zone along the north-eastern boundary of the site must be a dense landscaped buffer zone to ensure the protection of the amenity of the adjoining R2 Low Density Residential zoned land.

The RBAG is concerned that that separation buffer zone would not act as an adequate landscaped buffer zone to protect the amenity in terms of visual amenity and privacy. The planning proposal and Draft DCP currently envisages a portion of the separation zone as publicly accessible land.

The RBAG recommends that the Draft DCP is amended to ensure that the following is achieved:

- Protection of the visual amenity of the adjoining R2 Low Density Residential land in particular at 28A Albemarle Avenue,
- Limitation on potential opportunities for anti-social behaviour and noise arising from the use of the separation zone as publicly accessible land,
- Restriction of any commercial or public related activities and/or use of the entirety of the separation zone area apart from dense vegetation including restricting the provision for bicycle parking, patron seating and lunch break areas, and
- Tree canopy and dense vegetation is provided to the entirety of the separation buffer zone.

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendment. It is recommended that Control C1, C2, C3 and C9 in Section G8.2.5 *Separation zone and landscaping* of the Draft DCP is modified to read:

C1 A minimum 9m wide separation **deep soil planting zone** ~~is~~ **must be** provided from the north-western boundary.

C2 The separation **deep soil planting zone** accommodates:

- a deep soil landscaped area which is:
 - at least ~~10%~~ **15%** of the total site area, and
 - designed to provide a consolidated area with a minimum width of 8m, measured from the north western boundary, and



Submission Letter to Draft DCP

- **free of any structures, plant and services, including bicycle parking, patron seating and lunch break areas.**

- at least ~~two~~ **six** medium sized canopy trees to achieve a minimum combined tree canopy of ~~40m²~~ **120m²**;
- screen planting along the full length of the boundary that directly adjoins 28A Albemarle Avenue; and
- a mix of dense hedge and feature planting, shrubs and trees that help soften and screen the development interface with the adjacent residential dwelling.

~~Refer to Figure 4.~~

C3 Tree canopy area ~~must be~~ **is** at least ~~10%~~ **15%** of the total site area.

C9 The area beyond the ~~building line of 28A Albemarle Avenue~~ **street front boundary must be** ~~is~~ secured by fencing or other security measures to restrict public access. Fences and gates are no more than 1.8m in height, and take the form of palisade style fencing. ~~Refer to Figure 4.~~

3.5. A large format supermarket will result in unacceptable traffic and parking impacts upon the local street network

A large format supermarket will likely result in significant local congestion and safety concerns for the following reasons:

- Rose Bay Public School is located within 90m of the site. The proposed large format supermarket is likely to unacceptably exacerbate congestion during peak school pick up and drop off periods. The increased traffic congestion will contribute to reduced safety for children walking to school.
- The Woollahra Draft Integrated Transport Strategy (ITS) and Woollahra Integrated Transport Strategy 2014 have not identified any projects in the LGA that would support significant uplift in density with the exception of the review of the Edgecliff Commercial Centre. There are currently no areas in the LGA capable of accommodating uplift in density unless there is State investment in upgrades to infrastructure and services as a result of existing road congestion. Investment into improving congestion should be considered prior to any significant increase in traffic along Old South Head Road.
- The Woollahra Local Planning Statement stipulates:

“Woollahra experiences severe traffic congestion on New South Head Road, Old South Head Road, Oxford Street, Ocean Street, and many other roads in our area. The draft Woollahra Integrated Transport Strategy (exhibited 2021) notes that cars account for over half of all trips. It also notes that travel times by other modes of transport from some areas are currently extremely long for the distances involved. Additionally, public car parking, particularly on-street parking supply, is at capacity. Council is unable to increase the supply of on-street parking. Furthermore, while there are no approved freight routes in Woollahra, increased truck

[Redacted]

[Redacted]



Submission Letter to Draft DCP

movements associated with the development activity impact significantly on the road network and safety”.

The proposal will further contribute to traffic congestion along Old South Head Road by the introduction of a large format supermarket along Old South Head Road, Rose Bay. The site context includes limited on-street parking given its location on Old South Head Road and 90m proximity to Rose Bay Public School. A large format supermarket will contribute to more truck freight routes along Old South Head. Albemarle Avenue is unsuitable for truck freight.

- A large format supermarket includes a larger catchment of customers and encourages a larger shop and increases the likelihood of people driving to the supermarket from a further distance and which reside outside the LGA. Therefore, increasing the size of the supermarket compounds traffic congestion and reduces the likelihood of public transport usage or people walking to the supermarket.
- There are limited speciality stores located within the immediate proximity of the proposed supermarket. This will likely result in an increase to the amount of vehicular movements and multipurpose car trips resulting in greater traffic compared to shopping to driving to other larger centres.
- Traveling by car (as either as a driver or as a passenger) accounts for half of all trips in Woollahra. Yet car travel is the least space efficient of all transport modes. In addition to traffic cars can also cause amenity and safety issues for people walking and cycling, delays for on-road public transport and parking and traffic congestion are inter-related as parking issues can lead to increased traffic congestion and impacts on traffic performance. Limited kerbside parking also has an impact on the capacity of the road network. The large format supermarket is heavily dependant on customers traveling by car and considered to result in an appropriate congestion and safety issues.

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendments to the Draft DCP, as discussed in the previous section of this letter in order to minimise traffic and parking related impacts.

4. Recommendations

The Draft DCP does not adequately address the issues as raised in Section 4 above and should therefore not proceed without the following key amendments:

- Section G8.2.3 Uses of the Draft DCP is modified to limit non-residential GFA to 1000m² to ensure that future development of the site does not detract from the desired future character of the Rose Bay South mixed use centre in the context of the hierarchy of local centres.
- Section G8.2.3 Uses of the Draft DCP is modified to limit non-residential GFA to ground floor level only to ensure that future development of the site does not detract from the desired future character of the Rose Bay South mixed use centre in the context of the hierarchy of local centres.
- Section G8.2.5 Separation zone and landscaping of the Draft DCP is modified to strengthen the controls to ensure a dense landscaped buffer zone with future canopy trees is provided and retained as a non-

[REDACTED]

[REDACTED]



Submission Letter to Draft DCP

publicly accessible area to ensure the protection of the amenity of the adjoining R2 Low Density Residential zoned land.

- Section G8.2.6 Vehicular access and servicing of the Draft DCP is modified to strengthen controls to require a Car Parking, Waste and Loading Dock Plan of Management to be prepared with a future DA. It must also consider on-going operational restrictions on waste collection and deliveries in particular truck movements in order to minimise the visual, acoustic and other amenity impacts of the parking, waste collection, deliveries and loading dock on the surrounding properties and public domain.

5. Conclusion

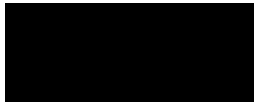
From the findings of this independent planning review of the Public Exhibition of a proposed amendment to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (the Site).

The Draft DCP does not adequately address the issues in relation to a traffic, waste management and delivery, and amenity and should therefore not proceed without amendment.

This submission identifies issues and provides recommendations where required. The purpose of this submission is to voice the concerns of the RBAG prior to Woollahra Municipal Council (Council) finalising its assessment of the Draft DCP and ultimately proceeding to finalisation by the Department.

We look forward to working with Woollahra Council to ensure an acceptable outcome can be achieved for the residents of Rose Bay and broader community. Feel free to contact me on [REDACTED] or at [REDACTED] should you wish to discuss the contexts of this letter or to arrange an inspection.

Kind regards,



Daniel Barber
Director
B.Plan (Hons) M.ProDev CPP MPIA
Paro Consulting

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]



From: [Tracy Newfield](#)
To: [Records](#)
Subject: SC7994 Draft Woollahra DCP (Amendment No. 27) 488-492 Old South Head Rd and 30 Albemarle Avenue
Date: Friday, 21 June 2024 5:05:05 PM

Dear Council,

I am a near neighbour of the site – we own [REDACTED] Albemarle Avenue, Rose Bay. Please ensure the draft Amendment is amended to address the following:

1. There should be no side-facing balconies along [REDACTED] of 30 Albemarle Avenue to protect the privacy of near neighbours. When my house was designed in 2020, we installed transparent, high windows on the SE side of our property. It is impossible for anyone to look into these windows from a ground or first floor window (ie an R2 compliant dwelling). However, a 2nd or 3rd storey balcony or window will **look directly down upon these windows, and into** my:

- a. Master bedroom
- b. Master ensuite bathroom
- c. Main bathroom
- d. Two more of my upstairs bedrooms
- e. My downstairs guest bathroom

When our house was designed, it was done with the knowledge that 30 Albemarle Avenue was zoned R2, and would be subject to the same development constraints as we were – which included a maximum of 9.5m (two storeys) and no overlooking windows or balconies on their side setback. The rezoning of 30 Albemarle Ave has effectively removed these restrictions (allowing a 3rd and 4th level) – and potentially removed our privacy! Please ensure that there is no possibility for any side facing balconies or windowsills below 1600mm from floor level, **to protect my privacy**. Note, we cannot rely on future potential tall vegetation in the 9m buffer zone to protect our privacy... as this will take a long time to grow, and is likely to be sabotaged by residents in the new development seeking harbour views.

2. There should be no side-facing balconies on the NW side of 30 Albemarle Avenue, within the front setback of the R2 zone. Any balconies on the side of the development will look directly into the front setback of neighbours and into their front windows. This should not be permitted for privacy concerns.
3. The 9 metre buffer zone running along the *entire* NW boundary of 30 Albemarle Avenue should be used *exclusively* as a buffer zone. No residential, commercial or public activity or access to this area should be permitted. The 9m buffer zone is provided due to the lack of a transition zone from the low density R2 zone of 28 Albemarle Avenue to the 4 storey, mixed use 30 Albemarle Avenue – so that the impact on near neighbours is mitigated. It is not reasonable for the proponent or Council to utilise this space for other purposes as well – as this negates the buffer zone entirely. There should be:
 - a. No bicycle parking
 - b. No rest area or benches
 - c. No smoking area
 - d. No breaks area
 - e. No charging stations
 - f. No public art or fountains
 - g. No access to this area at all. It should be entirely fenced off to protect the privacy of near neighbours and avoid antisocial behaviour close to our home.
4. The commercial space should be limited to a neighbourhood supermarket size (approx.

1,000m²) to:

- a. Limit the site drawing new traffic into Rose Bay from surrounding suburbs (Dover Heights, North Bondi, Bellevue Hill, Vaucluse etc) – as Old South Head Road and Albemarle Avenue are already performing beyond their capacities at peak times, with no development on the site;
 - b. Encourage local shopping in the area by foot or bicycle to improve the local amenity of the area;
 - c. Reduce additional truck movements at the site – the larger the supermarket – the larger and more frequent will be the associated delivery and waste truck movements;
 - d. Reduce the safety hazards for the local children – in particular the Rose Bay Public School children who walk, ride and scoot past the site daily. Any increase in traffic and truck movements poses an enormous hazard for pedestrians;
 - e. Reduce safety hazards for the elderly pedestrians – the local area has a high concentration of elderly residents who often walk on the flat streets of Rose Bay, past the site, often on walking frames – some (including my father) with severe vision disabilities. Any increase in traffic and truck movements is an increase in risk for older, less mobile residents;
 - f. Increase supply of housing to meet NSW Government targets for Woollahra. All space above ground floor should be devoted to meeting our housing shortage.
5. The site should have only one driveway crossover on Albemarle Avenue to protect the safety of pedestrians, cyclists and children. Driveway crossovers are a known hazard to pedestrians and cyclists, and being so close to a shared cycle path (on Old South Head Rd) and a local primary school – there should be only one crossover to reduce hazards to children. The Harris Farm development has only one crossover, which is used by residents, shoppers and delivery and waste trucks. The same should be expected at this site.
 6. All truck movements should occur underground and behind a soundproof door to avoid adverse noise and negative visual impact on neighbours
 7. All truck movements should be restricted to 8am-8pm to reduce the noise impact on near neighbours
 8. All vehicles (including trucks) should enter and exit the site in a forwards direction to reduce noise impacts on neighbours and reduce the risk to pedestrians of reversing vehicles;
 9. No trucks should be permitted to travel down Albemarle Avenue, past Rose Bay Public School – to reduce the hazards to children, and to reduce the noise for local residents;
 10. All vehicles exiting the site should only be able to turn left into Albemarle Avenue – to reduce traffic past the school and reduce noise and traffic for local residents.
 11. The NW façade of the building should be articulated outside of the 9m buffer zone to add interest and reduce bulk and ugliness of the massive building;
 12. Any common outdoor area, located above ground level, should have a fence at least 1.8m high, to prevent overlooking into neighbours' private open spaces.
 13. Undercover bicycle parking should be provided at street level to encourage and support active transport options. This parking cannot be in the 9m buffer zone (as that defeats the purpose of the buffer zone). It also cannot be on the Albemarle Avenue footpath (due to it being extremely narrow and the building have a zero front setback). It also cannot be on the Old South Head Road footpath, due to that being a shared cycleway, which is already narrow and dangerous for pedestrians and cyclists due to visual hazards

(like the new bus shelters). It should be located within the commercial space, at a convenient location, to encourage and promote active transport. This would ideally be inside, next to the trolley bays at the entrance to the store.

14. There should be no illuminated commercial signage near to or facing existing R2 zoned properties, to reduce light pollution at night to nearby residents.
15. The approx. 6m front setback that applies to all other R2 zoned properties in the street should also apply to 30 Albemarle Avenue, to maintain the character of the area. The extremely narrow footpath along Albemarle Avenue does not lend itself to a 4 storey, zero front setback development, with trees along the nature strip and school children travelling by foot, scooter and bicycle – there simply isn't enough space for everything. A reasonable front setback would somewhat mitigate what will otherwise be a dangerous, concrete wind tunnel.

I thank you for your serious consideration of my concerns above.

Kind regards,

Tracy Newfield

■ Albemarle Avenue

Rose Bay

■

Response No:
1

Contribution ID: 10495
Member ID: 4276
Date Submitted: Jun 23, 2024, 10:24 PM

Q1 Do you support the Draft Woollahra DCP 2015 (Amendment 27)?

Multi Choice Yes - with amendments

Q2 Please provide more information. Would you like to:

Multi Choice Type your comments

Q3 Please type your comments here:

Long Text 23 June 2024

Woollahra Municipal Council

Attention: Ms Charmaine Tai, Strategic Planner,

RE: Public exhibition of the Draft Development Control Plan 2015 (Amendment No 27) Site Specific Chapter for 488 - 492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.

Dear Ms Tai,

As the owner of one of the pair of semi detached cottages at [REDACTED] I am making this submission to voice my concern about the following issues within the Draft DCP 2015 (Amendment No 27).

G 8.2 Development Controls.

G8.2.2 Built Form:

Controls:

C3. "The minimum setbacks from Old South Head Road and Albemarle Avenue are:

At Ground Level and Level 1 - 0m from the street boundary.

In relation to the Albemarle Avenue (only) minimum setback - Given the current front setback of the single storey house at No 30 Albemarle Ave from the street boundary is approximately 5m, the proposed setback of 0m at Ground Level and Level 1 (to a height of approximately 8.0m) for the new development, will dominate the residential streetscape, considering the proposed Albemarle Avenue frontage of the sites development is some 70+ metres long.

For the current frontage of No 30 Albemarle Avenue (approximately 25.0m) why can't the proposed minimum setback from the street boundary be 3.0m as it is proposed at Level 2?

This would provide a reasonable transition of setback from the adjoining residential houses and serve to reduce the impact of the imposing structure by providing a "stepped" setback along the Albemarle Avenue frontage.

As the land on which No 30 Albemarle Avenue has not been rezoned from R2 to Mixed use zone per se, consideration should be given to retaining some setback in relation to the frontage of No 30 Albemarle Avenue. The existing Mixed use zone 45m frontage could still have a 0m minimum setback from the street boundary.

C5 The minimum setbacks from the north-western boundary that adjoins 28A Albemarle Avenue (Lot 1 DP 204141) are: • At Ground Level and Level 1 - 9m to the building. • At Level 2 - 9m to the building and 12m to any habitable rooms/balconies. • At Level 3 - 12m to the building and 13.5m to any habitable rooms/balconies. The articulation zone is to be occupied by planter boxes, terrace landscaping, and weather protection/awnings only. Balconies, terraces or the like are not permitted in this articulation zone. Weather protection/awnings, if any, must not increase building bulk and the prominence of the two upper levels.

In C5, the minimum setbacks stated from the north-western boundary that adjoins 28A Albemarle Avenue must not be permitted to be reduced in any way. The sheer bulk and scale of the proposed development will erode any privacy currently enjoyed by [REDACTED] Albemarle Avenue. It is essential that the G8.2.5 Separation zone and landscaping Objectives and Controls are adhered to. In particular, hedge screening along the north-western boundary and control C9 The area beyond the building line of [REDACTED] Albemarle Avenue is secured by fencing or other security measures to restrict public access. Fences and gates are no more than 1.8m in height, and take the form of palisade style fencing.

I look forward to Council's review of my submission. Please do not hesitate to contact me on [REDACTED] should you wish to discuss any details further.

Kind regards,
Frank Femia

Q4

Please upload your file.

File Upload

Q5

Your name

Short Text

Frank Femia

Q6

Your email

Short Text

Response No:
2

Contribution ID: 10451
Member ID: 4261
Date Submitted: May 30, 2024, 07:11 AM

Q1 Do you support the Draft Woollahra DCP 2015 (Amendment 27)?

Multi Choice

No

Q2 Please provide more information. Would you like to:

Multi Choice

Type your comments

Q3 Please type your comments here:

Long Text

the rezoning proposal should be denied as the residential property at 30 Albemarle should not be included in a commercial development
It is out of character with all other properties in Albemarle Ave and would ruin the character of a residential street. the development will significantly increase traffic in the area and no plans have been seen to modify traffic flow to protect the quiet nature of a residential street to heavy vehicles accessing the site from New South Head road and Albemarle Ave

The height and scale of the development is too high and dominant in an area with predominantly ground level only buildings

I am very strongly opposed to this development and cavalier disregard of local residents and local character by the developer by their sustained over reach and greed at this out of character and too large for the site development

Please support the residents and limit the proposal and deny the Draft Woollahra Development Control Plan 2015 (Amendment 27)

Kind Regards
Frances

Q4 Please upload your file.

File Upload

Q5 Your name

Short Text

Frances Drayton Dixon

Q6 Your email

Short Text

[REDACTED]

Response No:
3

Contribution ID: 10437
Member ID: 4258
Date Submitted: May 26, 2024, 05:58 PM

Q1 Do you support the Draft Woollahra DCP 2015 (Amendment 27)?

Multi Choice

No

Q2 Please provide more information. Would you like to:

Multi Choice

Type your comments

Q3 Please type your comments here:

Long Text

For many reasons, I am against this development:

Woolworths should not be allowed to build on 30 Albermarle Ave. Allowing them to acquire residential land to develop for commercial use is only going to set a precedence for other builders. It will open up a can of worms which will turn into an absolute nightmare.

Squeezing more families onto our streets will cause further disintegration of streets and roads already struggling to support the growing population.

All of these new builds are using the same sewerage pipes which were not designed to cope with all of this additional housing.

Parking is a major headache too. Most of these apartments only come with 1 car spot, while most households have 2 or more cars. That means more cars looking for car spots on the street.

Traffic on Old South Head Road is an absolute nightmare. This development is going to make it a lot worse. Do we need another supermarket when there is already a Woolworths Metro, IGA, Parisi's, Harris Farm, and Coles all within the same suburb? It can now take 30 minutes just to drive from Rose Bay to Bondi Junction. I for one am getting sick of sitting in traffic which is getting worse.

Traffic turning right from Albermarle onto Old South Head Road is very heavy at peak times. There have been many times when I have witnessed only two cars making it through the lights. What will happen when cars are trying to enter and exit this development? At times, traffic congestion is already backed up to Rose Bay Public School. This location is not ideal for such a large development.

Q4 Please upload your file.

File Upload

Q5 Your name

Short Text

Melisa White

Q6 Your email

Short Text

[REDACTED]

Response No:
4

Contribution ID: 10434
Member ID: 2873
Date Submitted: May 23, 2024, 09:09 PM

Q1

Multi Choice

Do you support the Draft Woollahra DCP 2015 (Amendment 27)?

Yes - with amendments

Q2

Multi Choice

Please provide more information. Would you like to:

Type your comments

Q3

Long Text

Please type your comments here:

It's great to see requirements for planting, greenery, etc. All public-facing greenery ought to be maintained in perpetuity, regardless of whether it is on their common or private property. I would also like them to provide maintained baby change rooms and toilets for the community.

Q4

File Upload

Please upload your file.

Q5

Short Text

Your name


Murray Foltyn

Q6

Short Text

Your email

Page 6 of 8


Share your feedback on the Draft Woollahra DCP 2015 (Amendment 27) for 4... socialpinpoint

Response No:
5

Contribution ID: 10433
Member ID: 1674
Date Submitted: May 23, 2024, 04:19 PM

Q1	Do you support the Draft Woollahra DCP 2015 (Amendment 27)?
Multi Choice	Yes - as it is
Q2	Please provide more information. Would you like to:
Multi Choice	Type your comments
Q3	Please type your comments here:
Long Text	It seems that the Draft Amendment 27 is all that the Council is able to do to try to improve the unfortunate development.
Q4	Please upload your file.
File Upload	
Q5	Your name
Short Text	Rebecca Lynch
Q6	Your email
Short Text	

Page 7 of 8

Share your feedback on the Draft Woollahra DCP 2015 (Amendment 27) for 4... socialpinpoint

Response No:
6

Contribution ID: 10430
Member ID: 111
Date Submitted: May 22, 2024, 12:20 PM

Q1

Multi Choice

Do you support the Draft Woollahra DCP 2015 (Amendment 27)?

Yes - as it is

Q2

Multi Choice

Please provide more information. Would you like to:

Type your comments

Q3

Long Text

Please type your comments here:

While I do not support the construction of yet another supermarket in the Rose Bay area, I support the proposed site-specific controls. I note that the proponent has expressed an intention to enter into a Voluntary Planning Agreement (VPA) for the site. I encourage Council to use this opportunity to secure a percentage of affordable housing as part of the residential component of the development, since affordable and social housing is in such short supply in the LGA.

Q4

File Upload

Please upload your file.

Q5

Short Text

Your name


Jackie Campisi

Q6

Short Text

Your email

Page 8 of 8

Share your feedback on the Draft Woollahra DCP 2015 (Amendment 27) for 4... socialpinpoint

From: [Daniel Barber](#)
To: [Records](#); [Charmaine Tai](#)
Cc: [Wilson Perdigao](#)
Subject: Draft Woollahra DCP (Amendment No. 27) 488-492 Old South Head Rd, Rose Bay
Date: Monday, 24 June 2024 9:04:37 PM
Attachments: [Submission Letter - Draft WDCP 2015 Amend 27 - 488-492 OSHRD & 30 Albemarle - 19 June 2024.pdf](#)

Hi Charmaine,

Please find enclosed a submission to Draft Woollahra DCP (Amendment No. 27) 488-492 Old South Head Rd, Rose Bay.

The submission has been prepared on behalf of the Rose Bay action Group.

Kind regards,

Daniel Barber

B.Plan (Hons) M.ProDev MPIA

Director

T: [REDACTED] | **W:** [REDACTED]



Submission Letter to Draft DCP



19 June 2024

Woollahra Municipal Council
536 New South Head Road
Double Bay NSW 2028

Attention: Charmaine Tai, Strategic Planner - Strategic Planning and Place

RE: SUBMISSION LETTER TO DRAFT WOOLLAHRA DCP 2015 (AMENDMENT 27) FOR 488-492 OLD SOUTH HEAD ROAD AND 30 ALBEMARLE AVENUE, ROSE BAY

1. Introduction

This submission letter has been prepared by Paro Consulting on behalf of the Rose Bay Action Group (RBAG) in relation to the Public Exhibition of a proposed amendment to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (the Site). The RBAG includes a number of residents which live within Albemarle Avenue, Rose Bay.

This submission includes an independent planning review of the exhibited Draft Woollahra Development Control Plan 2015, Amendment No 27 (Draft DCP), which identifies issues and provides recommendations where required. The purpose of this submission is to voice the concerns of the RBAG prior to Woollahra Municipal Council (Council) finalising its assessment of the Draft DCP and ultimately proceeding to finalisation by the Department.

For the reasons outlined in this letter, the RBAG strongly opposes a large format Woolworths Supermarket but is in support of a small-scale neighbourhood supermarket with a maximum Gross Floor Area (GFA) of 1000m².

2. Background

The site is the subject of a proponent-led planning proposal which seeks to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to facilitate redevelopment of the site for a four-storey mixed use development comprising a large format supermarket, residential apartments and associated parking.



Submission Letter to Draft DCP

It is understood that the planning proposal has substantially progressed from its initial lodgement with Council by the proponent, to the planning proposal receiving gateway determination by the Department on 23 February 2023.

The planning proposal sought to amend the Woollahra LEP 2014 to:

- Insert a new clause in Schedule 1 Additional permitted uses to permit “retail premises” at 30 Albemarle Avenue, provided it is as part of a shop top housing development at 488-492 Old South Head Road,
- Insert a new clause in Part 6 Additional local provisions that applies only if 488-492 Old South Head Road and 30 Albemarle Avenue are developed together, and that:
 - Allows a maximum Gross Floor Area (GFA) of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue, and
 - Amends the maximum Height of Building (HOB) development standard on 30 Albemarle Avenue from 9.5m to 14.5m.

Accompanying the planning proposal, the proponent provided an indicative development concept comprising a two-level Woolworths supermarket with 14 residential dwellings on the upper levels, and associated parking and loading elements. This indicative development concept demonstrated that it could be facilitated by the proposed amendments however there are significant concerns that the intent of the planning proposal has not been adequately captured by the proposed site-specific Draft DCP.

Public exhibition for the planning proposal has ended on 7 May 2024. Paro Consulting, on behalf of the RBAG made a separate submission, dated 6 May 2024, to the NSW Department of Planning, Housing and Infrastructure (Department) refer to **Attachment 1** of this letter. The previous submission to the Department raised significant concerns that the recommendations and advice provided by various stakeholders in the planning proposal process, including the RBAG, Council, the Local Planning Panel (LPP) and the Sydney Eastern City Planning Panel (SECPP) which was removed by the Department. The key issues with the process includes:

- The lack of clarity on the detail and terms of a Voluntary Planning Agreement (Planning Agreement) put forward by the proponent, and to date no details are available including lack of any public exhibition, and
- Removal of the requirement of a site-specific DCP to be made prior to finalisation of the planning proposal.

It is understood that the Draft DCP seeks to amend the Woollahra DCP 2015 (WDCP 2015) by introducing a new chapter (Chapter G9) to ensure that the future development suitably responds to the issues relating to residential amenity and local character including the controls to address matters related to the building design, street activation, setbacks, landscaping, privacy, and the maximum non-residential gross floor area for the site.

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[Redacted]
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Submission Letter to Draft DCP

2.1. Environmental Planning Committee (EPC)

On the 6 May 2024 the EPC considered report prepared by staff to seek Council approval to exhibit an amendment to the WDCP 2015 to add a site-specific chapter for the site. The EPC recommendation was that:

- The EPC generally supports that the Draft DCP proceed to public exhibition but with amendments to be made by staff prior to exhibition as follows:
 - implementation of a trolley wheel locking system to be installed at all exit points of the shopping centre to prevent trolleys being removed from the centre;
 - installation of specific safety measures for pedestrians at all vehicular entry and exit points of the centre such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures; and
 - to ensure that any fencing of garden or open area is open fencing such that the garden areas can be viewed substantially from the streetscape and contribute to the streetscape.
- Staff consider whether the controls could require there to be an open gate for public access to the green garden area during daylight hours, with the applicant being required to maintain the area during those hours.

The above is relevant as it is evident that the advice of the EPC whilst partially incorporated into the exhibited Draft DCP with controls in the Draft DCP that would require the implementation of a trolley wheel locking system to be installed at all exit points (Control C5 and Objective O4 in Section G8.2.4 *Ground level active frontage* of the Draft DCP).

It is of concern that there are no stringent controls which have been incorporated into the Draft DCP that would require:

- Installation of specific safety measures for pedestrians at all vehicular entry and exit points such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures; and
- Fencing off the garden or open areas such that the garden areas can be viewed substantially from the streetscape and contribute to the streetscape character.

RECOMMENDATION: The Draft DCP does not adequately address the above matters and should therefore not proceed without further amendment.

2.2. Council resolution of 13 May 2024

On 14 May 2024, the Council resolved to:

- Assert its opposition to the planning proposal for the site, but acknowledges that Council is powerless under the relevant legislation to further object,

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]



Submission Letter to Draft DCP

- Note the objections to the planning proposal from Cllr Jarvis (who is a member of the Sydney Eastern City planning panel) who recommended that the planning proposal should not be submitted for a Gateway determination as it had not demonstrated strategic merit nor site specific merit,
- Amend the Draft DCP to require implementation of a trolley wheel locking, installation of specific safety measures for pedestrians at all vehicular entry and exit points and to ensure that any fencing of garden or open area is open style,
- Amend the Draft DCP to require bicycle parking be located within the building and not in the buffer zone, and
- Resolved to exhibit the Draft DCP (Amendment No 27) with amendments as set out above.

The above is relevant as it is evident that the resolution of the Council whilst partially incorporated into the exhibited Draft DCP in that there are controls in the Draft DCP that would require:

- the implementation of a trolley wheel locking system to be installed at all exit points (Control C5 and Objective O4 in Section G8.2.4 of the Draft DCP),
- the requirement for bicycle parking be located within the building envelope and not in the buffer zone (Control C5 and Objective O4 in Section G8.2.6 Vehicular access and servicing of the Draft DCP), and
- Fencing that is of an open style (Control C9 and Objective O5 in Section G8.2.5 Separation zone and landscaping of the Draft DCP).

There are however no specific or stringent controls which have been incorporated into the Draft DCP that would require the installation of specific safety measures for pedestrians at all vehicular entry and exit points such as pedestrian crossing markings, speed humps and other suitable pedestrian safety measures.

The above is important as it is evident that the advice of the Council has not been incorporated into the exhibited Draft DCP in that there are no controls in the Draft DCP that would require the above.

RECOMMENDATION: The Draft DCP does not adequately address the above matters and should therefore not proceed without further amendment. It is recommended that an additional Control 'C9' is inserted in Section G8.2.6 *Vehicular access and servicing* of the Draft DCP and read:

"C9 All vehicular entry and exit points must be provided with pedestrian safety measures including pedestrian crossing markings or alternate traffic calming measures such as speed humps or other suitable pedestrian safety measures".

3. Issues

The key issues identified with the Draft DCP are discussed below.



Submission Letter to Draft DCP

3.1. A large format supermarket of over 2000m² is unsuitable for the site as traffic engineering and transport planning issues have not been addressed in the Traffic Assessment (TA) prepared by JMT Consulting in support of the planning proposal.

The RBAG have commissioned Traffix to undertake an independent peer-review traffic assessment of the Draft DCP and planning proposal. Refer to **Attachment 2** of this letter. The Traffix assessment in summary provides the following conclusions:

- Updated traffic surveys representing post-COVID conditions should have been undertaken to inform the base case to assess the traffic impacts of the planning proposal rather than rely on outdated traffic data collected in November 2021,
- A large format supermarket over 2000m² will need to be designed for 20 metre long Articulated Vehicles (AV) to maintain efficient logistics. It has not been demonstrated how the site can accommodate the such trucks for required on-going deliveries,
- planning proposal intends to support over 2000m² of supermarket GFA with smaller Medium Rigid Vehicles, which will inadvertently increase the number of daily truck movements that has not been captured or addressed in the TA,
- The TA has a lack of transparency in the traffic generation rates adopted for the retail component,
- The TA requires further justification and mitigation measures to support the increased likelihood of traffic and extensive delays that will be experienced by traffic from Albemarle Avenue,
- The TA is silent on residential amenity impacts and how further exacerbation of existing conditions can be satisfactorily mitigated.

It is understood that the assumptions of the proponent undertaken TA appear to have been accepted by the Department in issuing gateway determination to the planning proposal. It is however our submission that there is now an opportunity to address and attempt to mitigate the above issues.

RECOMMENDATION: The Draft DCP must not proceed without the amendments to strengthen the Draft DCP, as set-out in Section 3.2 & 3.3 of this letter.

3.2. Commercial floor space must be limited to 1000m² and to ground floor level only to ensure that future development of the site does not detract from the desired future character of the Rose Bay South mixed use centre in the context of the hierarchy of local centres.

The site is located in an R2 zone (30 Albemarle Avenue, Rose Bay) and an MU1 zone (488-492 Old South Head Road, Rose Bay). It is understood that the planning proposal sought to insert a new clause in Schedule 1 Additional permitted uses to permit “retail premises” at 30 Albemarle Avenue, provided it is as part of a shop top housing development at 488-492 Old South Head Road.

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Submission Letter to Draft DCP

It is however our submission that the planning proposal did not require an Additional permitted use (as 'retail premises') on the R2 zone portion of the site as currently a 'neighbourhood supermarket' is already permissible in the R2 zone. 'Shops' are permitted in the R2 zone.

The R2 zone of the WLEP 2014 nominates a range of permissible uses including 'shops' and the MU1 zone of the WLEP 2014 nominates a range of permissible uses including 'Commercial premises' (retail premises) and 'shop-top housing'.

The WLEP 2014 provides the following land-use definitions in the Dictionary of relevance:

- **neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note— See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

- **shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—**Shops** are a type of **retail** premises—see the definition of that term in this Dictionary.

Furthermore, it is our submission that the planning proposal does not allow for control of the maximum non-residential GFA, in effect it may enable a much larger supermarket than envisaged in the indicative planning proposal concept.

Clause 5.4(7AA) Controls relating to miscellaneous permissible uses of the Woollahra LEP 2014 provides additional control for 'Neighbourhood supermarkets' stating:

*"(7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area **must not exceed 1,000 square metres.**"*

The RBAG is concerned with the impact on a large-format Woolworths supermarket that is to span across two-levels and to accommodate up to 2,168m² of Gross Floor Area (GFA) as identified in the indicative planning proposal development concept and of a greater scale beyond that of a 'Neighbourhood supermarket'.

Section G8.2.3 Uses of the Draft DCP provides the following objectives and controls (our emphasis added):

O1 To provide an appropriate mix of residential and non-residential land uses that reinforce the mixed use character of the Rose Bay South centre.

*O2 To **facilitate a supermarket that meets the day-to-day goods and services needs of the local community.***

*O3 To establish a **limit on the non-residential floor space to ensure commercial activities do not have unacceptable traffic or other environmental impacts.***

[REDACTED]

[REDACTED]



Submission Letter to Draft DCP

O4 To achieve a minimum dwelling yield to contribute to housing growth

O5 To promote housing choice through providing a mix of unit dwelling sizes.

O6 To achieve good levels of residential amenity for residents and neighbours.

C1 No more than 2,400m² of the gross floor area of the development is used for non-residential uses.

C2 The residential component of the development achieves a minimum dwelling yield of 10 apartments and comprises a mix of Studio/1 Bedroom, 2 Bedroom, and 3 or more Bedroom dwellings.

C3 Residential uses are located on the upper levels and achieve a high degree of amenity in accordance with the Housing SEPP Chapter 4 and the Apartment Design Guide”.

The Draft DCP must not facilitate or enable a future DA to be considered for a large-format Woolworths supermarket spanning across two-levels for the site for the following reasons:

- The localised traffic and parking impacts will be exacerbated by a large-format supermarket when compared to a smaller scaled neighbourhood supermarket,
- A large-format supermarket would include a higher model shift of customers driving rather than either walking or cycling on the basis of being larger shops and likely traveling for a larger potential catchment,
- It will result in inconsistency with the existing character of the Rose Bay South centre which is characterised by smaller scaled mixed use developments including Harris Farm and all other small retail premises in Rose Bay,
- It is not appropriate in the context of hierarchy of centres whereby Rose Bay South centre is a lower order centre in the Woollahra LGA (Rose Bay, Double Bay and Edgecliff Local Centres being the higher order centres).
- It should be limited to a smaller scale neighbourhood supermarket that meets the day-to-day goods and services needs of the local Rose Bay community and not the wider community.

The RBAG recommends that the Draft DCP is amended to require a further reduction and limitation on non-residential GFA to a maximum of 1000m² as:

- It will result in a more appropriate traffic and parking outcome for the locality with a smaller scale supermarket,
- It will encourage and is more likely to achieve the objective of improving walkability and liveability of Rose Bay noting that a large format supermarket is non-conducive to shopping and arrival by walking, and
- It will ensure a greater portion of the GFA is to be allocated to residential which is consistent with current State planning objectives of increasing housing supply.



Submission Letter to Draft DCP

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendment. It is recommended that Control C1 and C3 in Section G8.2.3 of the Draft DCP is modified to read:

- C1 *No more than ~~2,400m²~~ **1000m²** of the gross floor area of the development is used for non-residential uses.*
- C3 *Residential uses ~~are~~ **must be** located on the upper levels (**above ground**) and achieve a high degree of amenity in accordance with the Housing SEPP Chapter 4 and the Apartment Design Guide.*

3.3. Waste Management and Deliveries

The RBAG is concerned with the impact on a large-format Woolworths supermarket will have on local amenity arising from the on-going operations including adverse impacts arising from truck movements (including waste vehicles) associated with waste collection and deliveries for a large format supermarket.

The RBAG recommends that the Draft DCP is amended to require operational restrictions on a future DA for the site including:

- Truck loading (including waste) must only be undertaken within the basement level and not at-grade or at street level,
- Vehicles must enter and exit the site in a forward direction to improve pedestrian safety,
- Loading must occur behind a closed door, and that door and turning circle must operate silently,
- Truck movements must be restricted to 8am and 8pm,
- Truck movements must only occur along Old South Head Road with no truck movements permitted past Rose Bay Public School in either direction, with only a left turn permitted from the property onto Albemarle Avenue.

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendment. It is recommended that Control C8 and Objective O4 in Section G8.2.6 of the Draft DCP is modified to read:

- O4 *To minimise the visual, **acoustic** and other amenity impacts of the parking, **waste collection, deliveries** and loading dock on the surrounding properties and public domain.*
- C8 *A development application must be accompanied by an **Acoustic Report**, Traffic and Parking Report and a Car Parking, **Waste** and Loading Dock Plan of Management which **must** assess potential traffic and safety impacts including truck movements to the site and considers timing of deliveries. **The Car Parking, Waste and Loading Dock Plan of Management must include provision for the following:***
- i. Deliveries and waste collection must only be undertaken within the basement level and not at-grade or at street level. Alternatively, if it is demonstrated that deliveries and waste collection cannot be*

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Submission Letter to Draft DCP

undertaken from within the basement level, the loading and unloading must occur behind a closed door, and that door and turning circle must minimise noise,

ii. Vehicles must enter and exit the site in a forward direction,

iii. Truck movements must be restricted to 8am and 8pm,

v. Truck movements must only occur along Old South Head Road with no truck movements permitted past Rose Bay Public School in either direction, with only a left turn permitted from the property onto Albemarle Avenue.

3.4. 9m separation zone along the north-eastern boundary of the site must be a dense landscaped buffer zone to ensure the protection of the amenity of the adjoining R2 Low Density Residential zoned land.

The RBAG is concerned that that separation buffer zone would not act as an adequate landscaped buffer zone to protect the amenity in terms of visual amenity and privacy. The planning proposal and Draft DCP currently envisages a portion of the separation zone as publicly accessible land.

The RBAG recommends that the Draft DCP is amended to ensure that the following is achieved:

- Protection of the visual amenity of the adjoining R2 Low Density Residential land in particular at 28A Albemarle Avenue,
- Limitation on potential opportunities for anti-social behaviour and noise arising from the use of the separation zone as publicly accessible land,
- Restriction of any commercial or public related activities and/or use of the entirety of the separation zone area apart from dense vegetation including restricting the provision for bicycle parking, patron seating and lunch break areas, and
- Tree canopy and dense vegetation is provided to the entirety of the separation buffer zone.

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendment. It is recommended that Control C1, C2, C3 and C9 in Section G8.2.5 *Separation zone and landscaping* of the Draft DCP is modified to read:

C1 A minimum 9m wide separation **deep soil planting zone** ~~is~~ **must be** provided from the north-western boundary.

C2 The separation **deep soil planting zone** accommodates:

- a deep soil landscaped area which is:
 - at least ~~10%~~ **15%** of the total site area, and
 - designed to provide a consolidated area with a minimum width of 8m, measured from the north western boundary, and



Submission Letter to Draft DCP

- **free of any structures, plant and services, including bicycle parking, patron seating and lunch break areas.**

- at least ~~two~~ **six** medium sized canopy trees to achieve a minimum combined tree canopy of ~~40m²~~ **120m²**;
- screen planting along the full length of the boundary that directly adjoins 28A Albemarle Avenue; and
- a mix of dense hedge and feature planting, shrubs and trees that help soften and screen the development interface with the adjacent residential dwelling.

~~Refer to Figure 4.~~

C3 Tree canopy area ~~must be~~ **is** at least ~~10%~~ **15%** of the total site area.

C9 The area beyond the ~~building line of 28A Albemarle Avenue~~ **street front boundary must be** ~~is~~ secured by fencing or other security measures to restrict public access. Fences and gates are no more than 1.8m in height, and take the form of palisade style fencing. ~~Refer to Figure 4.~~

3.5. A large format supermarket will result in unacceptable traffic and parking impacts upon the local street network

A large format supermarket will likely result in significant local congestion and safety concerns for the following reasons:

- Rose Bay Public School is located within 90m of the site. The proposed large format supermarket is likely to unacceptably exacerbate congestion during peak school pick up and drop off periods. The increased traffic congestion will contribute to reduced safety for children walking to school.
- The Woollahra Draft Integrated Transport Strategy (ITS) and Woollahra Integrated Transport Strategy 2014 have not identified any projects in the LGA that would support significant uplift in density with the exception of the review of the Edgecliff Commercial Centre. There are currently no areas in the LGA capable of accommodating uplift in density unless there is State investment in upgrades to infrastructure and services as a result of existing road congestion. Investment into improving congestion should be considered prior to any significant increase in traffic along Old South Head Road.
- The Woollahra Local Planning Statement stipulates:

“Woollahra experiences severe traffic congestion on New South Head Road, Old South Head Road, Oxford Street, Ocean Street, and many other roads in our area. The draft Woollahra Integrated Transport Strategy (exhibited 2021) notes that cars account for over half of all trips. It also notes that travel times by other modes of transport from some areas are currently extremely long for the distances involved. Additionally, public car parking, particularly on-street parking supply, is at capacity. Council is unable to increase the supply of on-street parking. Furthermore, while there are no approved freight routes in Woollahra, increased truck



Submission Letter to Draft DCP

movements associated with the development activity impact significantly on the road network and safety”.

The proposal will further contribute to traffic congestion along Old South Head Road by the introduction of a large format supermarket along Old South Head Road, Rose Bay. The site context includes limited on-street parking given its location on Old South Head Road and 90m proximity to Rose Bay Public School. A large format supermarket will contribute to more truck freight routes along Old South Head. Albemarle Avenue is unsuitable for truck freight.

- A large format supermarket includes a larger catchment of customers and encourages a larger shop and increases the likelihood of people driving to the supermarket from a further distance and which reside outside the LGA. Therefore, increasing the size of the supermarket compounds traffic congestion and reduces the likelihood of public transport usage or people walking to the supermarket.
- There are limited speciality stores located within the immediate proximity of the proposed supermarket. This will likely result in an increase to the amount of vehicular movements and multipurpose car trips resulting in greater traffic compared to shopping to driving to other larger centres.
- Traveling by car (as either as a driver or as a passenger) accounts for half of all trips in Woollahra. Yet car travel is the least space efficient of all transport modes. In addition to traffic cars can also cause amenity and safety issues for people walking and cycling, delays for on-road public transport and parking and traffic congestion are inter-related as parking issues can lead to increased traffic congestion and impacts on traffic performance. Limited kerbside parking also has an impact on the capacity of the road network. The large format supermarket is heavily dependant on customers traveling by car and considered to result in an appropriate congestion and safety issues.

RECOMMENDATION: The Draft DCP does not adequately address the above issues and should therefore not proceed without amendments to the Draft DCP, as discussed in the previous section of this letter in order to minimise traffic and parking related impacts.

4. Recommendations

The Draft DCP does not adequately address the issues as raised in Section 4 above and should therefore not proceed without the following key amendments:

- Section G8.2.3 Uses of the Draft DCP is modified to limit non-residential GFA to 1000m² to ensure that future development of the site does not detract from the desired future character of the Rose Bay South mixed use centre in the context of the hierarchy of local centres.
- Section G8.2.3 Uses of the Draft DCP is modified to limit non-residential GFA to ground floor level only to ensure that future development of the site does not detract from the desired future character of the Rose Bay South mixed use centre in the context of the hierarchy of local centres.
- Section G8.2.5 Separation zone and landscaping of the Draft DCP is modified to strengthen the controls to ensure a dense landscaped buffer zone with future canopy trees is provided and retained as a non-

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Submission Letter to Draft DCP

publicly accessible area to ensure the protection of the amenity of the adjoining R2 Low Density Residential zoned land.

- Section G8.2.6 Vehicular access and servicing of the Draft DCP is modified to strengthen controls to require a Car Parking, Waste and Loading Dock Plan of Management to be prepared with a future DA. It must also consider on-going operational restrictions on waste collection and deliveries in particular truck movements in order to minimise the visual, acoustic and other amenity impacts of the parking, waste collection, deliveries and loading dock on the surrounding properties and public domain.

5. Conclusion

From the findings of this independent planning review of the Public Exhibition of a proposed amendment to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to introduce site specific controls for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (the Site).

The Draft DCP does not adequately address the issues in relation to a traffic, waste management and delivery, and amenity and should therefore not proceed without amendment.

This submission identifies issues and provides recommendations where required. The purpose of this submission is to voice the concerns of the RBAG prior to Woollahra Municipal Council (Council) finalising its assessment of the Draft DCP and ultimately proceeding to finalisation by the Department.

We look forward to working with Woollahra Council to ensure an acceptable outcome can be achieved for the residents of Rose Bay and broader community. Feel free to contact me on [REDACTED] or at [REDACTED] should you wish to discuss the contexts of this letter or to arrange an inspection.

Kind regards,

[REDACTED]

Daniel Barber
Director
B.Plan (Hons) M.ProDev CPP MPIA
Paro Consulting

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]



Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 26) - BASKETBALL & SPORTS COURTS CONTROLS**
Author: Eleanor Smith, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/89724
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 26) for planning controls for basketball and sports courts, and to seek Council's approval for finalisation.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Notes the post exhibition report on *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* on proposed controls for basketball and sports courts.
- B. Approves Draft Woollahra Development Control Plan 2015 (*Amendment No. 26*) at **Attachment 1** of the report to the Environmental Planning Committee of 1 July 2024 as exhibited.

Executive Summary:

This report relates to the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 26) (Draft DCP), which contains local planning controls for basketball and sports courts on residential properties.

The Draft DCP responds to a decision of the Environmental Planning Committee (EPC) from 6 February 2023 requesting staff to investigate new development control plan controls relating to basketball courts (including associated structures and facilities).

The Draft DCP and supporting material were on public exhibition for 40 days from 24 April 2024 to 2 June 2024. Council received four submissions commenting on the Draft DCP. Having considered the issues raised in the submissions, staff recommend that Council resolves to approve the Draft DCP as exhibited (see **Attachment 1**).

Discussion:

Background

On 6 February 2023, the EPC resolved (under delegation) to request staff to consider planning controls relating to basketball courts (including associated structures and facilities). On 2 April 2024, the EPC considered a report identifying proposed amendments to the Woollahra Development Control Plan 2015 to address basketball and sports courts on residential properties (see **Attachment 2**), and on 8 April 2024 Council resolved:

THAT Council:

- A. *Receive and note the report on proposed local planning controls for basketball and sports courts.*
- B. *Resolve to exhibit Draft Woollahra Development Control Plan 2015 (Amendment No. 26) as contained at Attachment 1 of the report to the Environmental Planning Committee of 02 April 2024, subject to making the terminology consistent by referring to “sports courts”.*

Public exhibition

The Draft DCP and supporting material were updated to include consistent terminology and publically exhibited for 40 days, from Wednesday 24 April 2024 to Sunday 2 June 2024. This is consistent with the requirements of the Environmental Planning and Assessment Act 1979 (the EP&A Act), the Environmental Planning and Assessment Regulation 2021 (the EP&A Regulation), and the Woollahra Community Participation Plan 2019.

The exhibition included the following:

1. Six notices in the Wentworth Courier newspaper, appearing on 24 April, and 1, 8, 15, 22, and 29 May 2024
2. A page on Council's Your Say Woollahra webpage, which was visited by 68 people during the exhibition period; <https://yoursay.woollahra.nsw.gov.au/basketball-courts>
3. Notification emails to the following groups: Darling Point Society, Holdsworth Community, Double Bay Residents Association, Harbour View Neighbourhood Watch and Residents Group, Rose Bay Residents Association, The Paddington Society, Woollahra History and Heritage Society Inc., Queen Street and West Woollahra Association, Point Piper Residents, and Vaucluse Progress Association.

Submissions

In response to the exhibition, Council received four submissions:

- Three submissions from the general public.
- One submission from the Darling Point Society.

A summary of the issues raised in the submissions along with a response from Council staff is provided in **Table 1**. A copy of the redacted submissions is provided at **Attachment 3**.

Table 1: Summary of submission issues and Council staff responses

Topic	Issue	Staff response
Children's Health	Children have limited options for recreational play and their health is most important. The young are the future and healthy kids means a great future for us all.	<i>The Draft DCP identifies that private outdoor recreation and exercise contributes to a healthy lifestyle and the enjoyment of residents. The Draft DCP does not aim to prevent the provision of sports courts on private residential properties. Instead the Draft DCP requires the location and design of private sports courts to consider potential amenity impacts.</i>
Restricting the provision of private sports court	Under this proposal, I envisage most development of this nature to be objected to and blocked. The proposed amendments are just there to make it harder to build basketball and sports courts.	<i>The Draft DCP only applies if development consent is required for a private sports court. The Draft DCP does not prevent the provision of any private recreational facility, which is permitted without development consent under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. No amendments are proposed in response to these submission comments.</i>

Topic	Issue	Staff response
Demand for tennis courts	The area needs more tennis courts not basketball courts.	<p><i>The Draft DCP seeks to amend section B3.7.4 - Ancillary development of the Woollahra DCP 2015, which addresses ancillary residential tennis court development. The amendment updates the objectives and controls to include basketball and sports courts.</i></p> <p>The Draft DCP would apply to <i>sports courts on private residential properties</i> and does not relate to the provision of public sports courts.</p> <p><i>No amendments are proposed in response to this submission comment.</i></p>
The Darling Point Society Submission:		
Topic	Submission Comments	Staff response
Endorsement	The Darling Point Society endorses the broad changes in the Draft DCP.	Comments in support are noted.
Lighting Height	There is no mention in the Draft DCP of the height of lighting.	<p>Consideration was given to incorporating a maximum height for lighting in the Draft DCP. However, it was determined that prescribing a maximum height for lighting was not suitable and the appropriate height for lighting should be determined on a case by case basis having regard to the site context (i.e. neighbouring views, topography, etc.).</p> <p>NSW Case law has generally established that impacts from a development are more likely to be considered reasonable when the impact arises from a compliant development. Therefore prescribing a maximum height for lighting may result in an undesirable outcome (i.e. where lighting is difficult to refuse because it accords with the maximum permitted height).</p> <p><i>No amendments are proposed in response to this submission comment.</i></p>
Lighting Design	<p>There is no mention in the Draft DCP of:</p> <ul style="list-style-type: none"> • light direction, • light type, • light spill, • sky glow, • the fitment of baffles originally or retrospectively, • the necessity of asymmetric lighting beams, or • the use of warm white colours. 	<p>The Draft DCP requires any lighting to be designed to comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. In addition, the Draft DCP specifies that no private tennis, basketball or sports court lighting must operate between 9:00pm and 7:00am and the lights must, by automatic timer, switch off at the 9:00pm curfew.</p> <p>In the event that development consent is granted for outdoor lighting, typically a condition of development consent is imposed which requires the outdoor lighting to accord with AS/NZS 4282 during the occupation and ongoing use of the development.</p> <p>The appropriate lighting design for a development will depend on the context of the subject site and the surrounding properties. It is therefore not appropriate to prescribe a specific lighting design within the Draft DCP.</p> <p><i>No amendments are proposed in response to this submission comment.</i></p>

Topic	Issue	Staff response
Australian Standard	The Draft DCP should reference AS/NZS 4282:2023 Control of the obtrusive effects of outdoor lighting, rather than AS/NZS 4282: Control of the obtrusive effects of outdoor lighting, as the latter has been superseded.	The Draft DCP references the Australian Standard and number and title (4282: Control of the obtrusive effects of outdoor lighting), but purposefully does not reference the year of publish. This is to ensure that the Draft DCP does not reference a superseded version, when the Australian Standard is updated. <i>No amendments are proposed in response to this submission comment.</i>

Having considered the issues raised in the submissions, Council staff recommend progressing and finalising Draft DCP No. 26 as exhibited, and provided at **Attachment 1**.

Options:

The process for amending a DCP is set out in the EP&A Act and the EP&A Regulation. The Draft DCP was prepared and publicly exhibited in accordance with these requirements. If Council resolves to approve the Draft DCP as exhibited, it will come into effect on the date that a notice of Council's decision is published on Council's website (or on a later date specified in the notice).

Alternatively, Council may decide not to endorse the Draft DCP, or endorse the Draft DCP with amendments. Subject to the nature of the amendments, re-exhibition may need to occur.

Community Engagement and / or Internal Consultation:

Refer to the 'Discussion' section of this report for details of the community engagement.

Policy Implications:

Should Council resolve to approve the Draft DCP, there will be policy implications by amending the Woollahra DCP 2015.

Financial Implications:

There are no financial implications as a result of the recommendation to finalise the Draft DCP.

Resourcing Implications:

Should Council resolve to approve the Draft DCP, resources will be associated with finalising the document.

Conclusion:

The Draft DCP was placed on exhibition in accordance with Council's statutory obligations. Four submissions were received during the exhibition period. No amendments to the exhibited version of the Draft DCP are proposed in response to the submissions. Council staff recommend finalising the Draft DCP as exhibited.

Attachments

1. Draft Woollahra Development Control Plan 2015 (Amendment No. 26) as exhibited - Prepared April 2024 [!\[\]\(6c117786eacd86d9626685ebfb559b77_img.jpg\)](#) [!\[\]\(a2437798f31357d2bea910e1270385bf_img.jpg\)](#)
2. Report to Environmental Planning Committee (attachments removed) - 2 April 2024 [!\[\]\(9dd987eb45b20044d8d046315fd0a871_img.jpg\)](#) [!\[\]\(b2673a0d4ccbdfb51c23fba124786aa7_img.jpg\)](#)

3. Submissions (Redacted) - June 2024  



Draft Woollahra Development Control Plan 2015 (Amendment 26)

Prepared Date:	April 2024 (Exhibition Version)
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning and Place
HPE CM Record Number:	24/63037

Acknowledgment of Country

Woollahra Council acknowledges that we are on the land of the Gadigal and Birrabirragal people, the Traditional Custodians of the land. We pay our respects to Elders past, present and emerging.

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Woollahra Development Control Plan 2015 (Amendment No 26)

Part 1 Preliminary

1.1 Background

Private outdoor recreation and exercise contributes to a healthy lifestyle and the enjoyment of residents. However, noise generated from people playing on sports courts in residential areas can sometimes impact on the acoustic privacy of adjoining neighbours. The associated fencing and lighting can also have detrimental amenity impacts.

The Woollahra Development Control Plan 2015 (Woollahra DCP 2015) does not currently contain any controls in relation to basketball courts on residential properties.

On 06 February 2023, the Environmental Planning Committee resolved in part (under delegation):

THAT Council notes and endorses the commentary provided by the Woollahra Local Planning Panel (WLPP) in terms of Council investigating new Development Control Plan (DCP) controls relating to basketball courts (including associated structures and facilities) and that a report on this matter will be prepared and tabled by Council's Strategic Planning Team to a future Environmental Planning Committee meeting.

This draft DCP seeks to amend section B3.7.4 - *Ancillary development* of the Woollahra DCP 2015, which addresses ancillary residential tennis court development. The amendment updates the objectives and controls to include basketball and sports courts, and ensures that the size, location and design of any court considers potential amenity impacts, and upholds excavation, tree and deep soil landscaping objectives.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 26)*.

1.3 Objectives of the plan

The objectives of the plan are:

- a) To provide recreational opportunities for playing tennis, basketball or other sports without compromising the amenity of adjoining and adjacent properties, or the desired future character or streetscape.
- b) To retain trees and vegetation of landscape value, and deep soil landscaped and private open space areas.
- c) To ensure that adequate provision has been made for the disposal of stormwater.

1.4 Land to which this plan applies

This plan applies to land within the Woollahra Municipality where chapter B3 - *General Development Controls* of the Woollahra DCP 2015 applies.

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

This plan has been prepared under Part 3, Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

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

1.6 Approval and commencement of this plan

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

1.7 How this plan amends Woollahra DCP 2015

This plan amends Woollahra DCP 2015 in the manner set out in Part 2 of this plan.

Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions – identified in blue and underlined
Deletions – ~~identified in red and strikethrough~~

Chapter A1 Introduction

2.1 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications

2.1.1 Insert at the end of the clause

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determination under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 26 to this DCP.

2.2 Amendments to clause A1.4 List of amendments

2.2.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
<u>No 26</u>	<u>Date approved – TBC</u> <u>Date commenced - TBC</u>	<u>Amend Chapter A1 by inserting additional savings and transitional provisions.</u> <u>Amend Part B, Chapter B3, section B3.7.4, 'ancillary development – tennis courts' to include basketball and sports courts, and ensure they are appropriately located and designed.</u>

Chapter B3 General Development Controls

2.3 Amendments to section B3.7.4 Ancillary development – tennis courts

2.3.1 Amend the title on page 62 to reference basketball and sports courts.

B3.7.4 Ancillary development – swimming pools, tennis, basketball and sports courts and outbuildings

2.3.2 Amend the title and replace the introduction to include specific reference to basketball courts and other sports courts, and more clearly articulate Council’s broad expectations regarding basketball and sports courts.

Tennis, basketball and sports courts

~~Tennis courts are rectangular recreational areas, approximately 24m x 11m, with a low net stretched across the centre. They are usually fenced to retain balls on the court during play.~~

Tennis courts, basketball courts and other sports courts typically comprise of a hard court surface and other associated structures such as a net, hoop, and lighting. When constructed or installed in the private open space of a residential dwelling, the court is often a modified size and fenced to contain balls on the court during play.

Private outdoor recreation and exercise contributes to a healthy lifestyle and the enjoyment of residents. However, noise generated from people playing on sports courts in a residential area can sometimes impact on the acoustic privacy of adjoining neighbours. The associated fencing and outdoor lighting can also have detrimental amenity impacts.

When a tennis court, basketball court, or other sports court is proposed, it is important that the size, location and design of the court considers potential amenity impacts, and the excavation, tree and deep soil landscaping objectives are met.

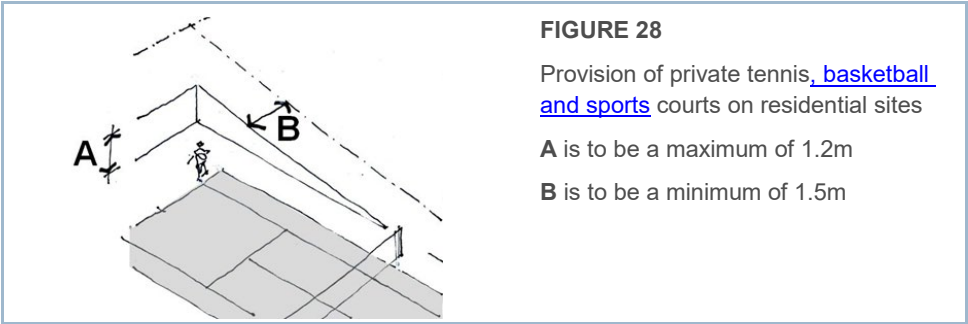
2.3.3 Amend the table title on page 63 to reference basketball and sports courts.

B3.7 External areas – 3.7.4 Ancillary development – tennis, basketball and sports courts

2.3.4 Amend the existing objectives, controls and figure for tennis courts (under section B3.7.4) to include basketball and other sports courts, and ensure that the design and location of such courts considers the amenity of neighbouring properties, the streetscape, and the desired future character of the area, so that impacts are minimised.

Objectives	Controls
O1 To provide recreational opportunities for playing tennis, <u>basketball or other sports</u> without compromising the amenity of adjoining and adjacent properties, <u>or the desired future character or streetscape.</u>	C1 The tennis court level is a maximum of 1.2m above or below the existing ground level (refer to Figure 28). C2 The tennis -court is: a) <u>located at the rear of the site; and</u> b) at least 1.5m from property

O2	To limit excavation.	boundaries (refer to example at Figure 28).
O3	To retain trees and vegetation of landscape value, deep soil landscaped area, and private open space areas .	C3 The court playing surface is made from a material that minimises light reflection.
O4	To ensure that adequate provision has been made for the disposal of stormwater.	<p>C4 The height, and location and materials of court fencing, netting or other forms of ball containment does not unreasonably compromise:</p> <ul style="list-style-type: none"> a) sharing of views from surrounding properties; or b) solar access to adjoining properties; or c) outlook from surrounding properties. <p>C5 Fencing, netting or other forms of ball containment must comprise of a material which is a recessive colour.</p> <p>C6 Where flood court lighting is proposed, the lighting does must not unreasonably impact on the amenity of adjoining or adjacent properties. The lighting must be designed to comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. No private tennis, basketball, or sports court lighting must operate between 9.00pm and 7.00am and lights must, by automatic timer, switch off at the 9.00pm curfew.</p> <p>C7 The location of the tennis court and associated works does not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).</p> <p>C8 The court must not reduce the deep soil landscaped area, and the private open space areas below the minimum required for development, as specified in Section 3.7.1 Landscaped areas and private open space.</p> <p>C9 Surface water or runoff is disposed of by a drainage system that is connected to the main stormwater drainage system (refer to Chapter E2 Stormwater and Flood Risk Management).</p>



Woollahra Municipal Council
Environmental Planning Committee

02 April 2024

Item No: R3 Recommendation to Council
Subject: **PROPOSED LOCAL PLANNING CONTROLS FOR BASKETBALL AND SPORTS COURTS**
Author: Eleanor Smith, Strategic Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/35176
Purpose of the Report: To respond to a resolution requesting staff to investigate new controls for basketball courts.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receive and note the report on proposed local planning controls for basketball and sports courts.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 2 April 2024.

Executive Summary:

This report responds to a decision of the Environmental Planning Committee (EPC) from 6 February 2023 requesting staff to investigate new development control plan (DCP) controls relating to basketball courts (including associated structures and facilities).

The Woollahra Development Control Plan 2015 (Woollahra DCP 2015) does not currently contain any controls in relation to basketball courts on residential properties. The provision of basketball courts in residential areas has the potential to impact upon the amenity of the streetscape and neighbouring properties.

In response, staff have reviewed the current controls contained in Section B3.7.4 *Ancillary development* of the Woollahra DCP 2015, and recommend the introduction of new controls for basketball courts and sports courts to ensure they are appropriately located and designed. The proposed amendments are set out in *Draft Woollahra DCP (Amendment No. 26)* at **Attachment 1**. We recommend that Council endorse the Draft DCP for the purposes of public exhibition.

Discussion:

Background

On 6 February 2023, the EPC considered a report on the *Woollahra Local Planning Panel Register of Planning Decisions and Analysis*. This report contained the following information:

In the last review period, the Panel has provided feedback that Council should investigate new DCP controls relating to basketball courts (including associated structures and facilities). In particular, the Panel has expressed that any new controls should consider:

- *the siting of basketball courts (including associated structures) being within the rear yard of the site*
- *the height of any screening/netting*
- *visual and acoustic impacts*

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This issue has also been raised by Councillor Regan with the Strategic Planning Team who have included this research into their work program.

Subsequently, on 6 February 2023 the EPC resolved (under delegation):

- A. *THAT the register of planning decisions of matters determined by the Woollahra Local Planning Panel (WLPP) for the period 6 October 2022 to 15 December 2022 be received and noted.*
- B. *THAT Council notes and endorses the commentary provided by the Woollahra Local Planning Panel (WLPP) in terms of Council investigating new Development Control Plan (DCP) controls relating to basketball courts (including associated structures and facilities) and that a report on this matter will be prepared and tabled by Council's Strategic Planning Team to a future Environmental Planning Committee meeting.*

Private residential basketball courts and sports courts

Tennis courts, basketball courts and other court sports (such as squash, racquetball, and badminton) typically comprise a hard court surface and other associated structures such as a net or hoop. When constructed or installed in the private open space of a residential dwelling, the court is often a modified size.

The provision of private outdoor recreation areas and exercise facilities, such as sports courts, within residential properties supports a healthy and active lifestyle, and can contribute to the enjoyment and wellbeing of residents. However, the provision of sports courts within a residential location has the potential to impact negatively on the amenity of neighbouring properties and the streetscape due to:

- noise generation (e.g. frequent ball bouncing),
- obtrusive outdoor lighting,
- fencing and associated structures having detrimental visual, solar access, and view impacts, and
- a loss of trees and deep soil landscaping.

Current Woollahra DCP 2015 controls

Section B3.7.4 (*Ancillary development – swimming pools, tennis courts, and outbuildings*) in Chapter B3 (*General Development Controls*) of the Woollahra DCP 2015 provides controls for ancillary residential development. Whilst section B3.7.4 includes controls to mitigate the impact of tennis courts, there are currently no controls for basketball courts or other sports courts making it more difficult to assess development applications (DAs) for such development.

Proposed amendments to Woollahra DCP 2015

Staff have identified that there is scope to introduce basketball and sports courts controls in the Woollahra DCP 2015 to ensure that the design and location of such courts considers the impact upon the amenity of the neighbouring properties and the character of the area. This would be achieved by modifying the existing controls under section B3.7.3 to expand their application to also apply to basketball and other sports courts. The proposed amendments to the Woollahra DCP 2015 are included at **Attachment 1**

In summary, the proposed amendments replace the title and introduction to the current tennis court controls under section B3.7.4 of the DCP and:

- provide a description of typical sports courts,
- identify the benefits, but also potential amenity impacts from the provision of private outdoor recreation areas,
- include controls relating to basketball and other sports courts, and

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- highlight the importance of ensuring that the location and design of sports courts considers potential amenity impacts.

As amended, the proposed controls and objectives require that:

- sports courts do not compromise the amenity of adjoining and adjacent properties, or the desired future character or streetscape,
- courts retain trees and vegetation of landscape value, deep soil landscaped area, and private open space areas,
- the court level be a maximum of 1.2m above or below existing ground level to limit excavation,
- courts incorporate stormwater drainage to ensure that adequate provision has been made for the disposal of stormwater,
- the court playing surface be made from a material that minimises light reflection,
- sports courts are located to the rear of the site and setback 1.5m from property boundaries,
- fencing and netting is to be recessive in colour, and designed and located to consider neighbouring views, solar access and outlook, and
- outdoor lighting is provided in accordance with the Australian Standards and ceases to operate between 9.00pm and 7.00am by automatic timer.

The draft amendments to the Woollahra DCP 2015 seek to ensure that applicants consider the design and location of sports courts so that amenity impacts to neighbouring properties and impacts on the character of the area are minimised.

Options:

As a consequence of this report, Council may resolve to make amendments to the Woollahra DCP 2015 to provide controls for basketball and sports courts to minimise their adverse impacts on neighbouring properties and the character of the area. This is the staff recommendation.

Alternatively, Council may decide to take no further action, or resolve in a different manner.

Community Engagement and / or Internal Consultation:

This report was prepared in consultation with Council's Development Assessment, Development Engineering, Open Space and Recreation Planning, and Building and Compliance staff.

If Council supports the proposed amendments to Woollahra DCP 2015, the next step is to exhibit *Draft DCP Amendment No. 26*. The process for exhibiting a Draft DCP is set out in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and the *Woollahra Community Participation Plan 2019*. The Draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the *Wentworth Courier* each week of the exhibition and on Council's website. The outcome of the public exhibition will be reported to a future meeting of Council.

Policy Implications:

Should Council resolve to progress the draft DCP, there will be policy implications as Woollahra DCP 2015 will be amended.

Financial Implications:

If Council adopts the recommendation to make an amendment to Woollahra DCP 2015, there will be financial costs associated with preparing and exhibiting the Woollahra DCP 2015 amendment.

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Resourcing Implications:

If Council adopts the recommendations to make an amendment to Woollahra DCP 2015, there will be resourcing implications associated with staff time to prepare, exhibit and report on the Woollahra DCP 2015 amendment.

Conclusion:

In response to the resolution from 6 February 2023, staff propose amendments to the Woollahra DCP 2015 to introduce controls for basketball and sports courts in residential areas.

The *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* seeks to provide reasonable and practical solutions to enable the provision of basketball and sports courts within residential areas to contribute to a healthy lifestyle and the enjoyment of residents, while also protecting the amenity of neighbouring properties and the character of the area.

Staff recommend that Council resolve to exhibit the *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* as contained in **Attachment 1**.

Attachments

1. Draft Woollahra Development Control Plan 2015 (Amendment No. 26)

Submissions - Draft Woollahra DCP 2015 (Amendment 26): Basketball and Sports Courts Controls

No	Name	YourSay Submission
1	Clint Soste	I don't support this proposal. Children have limited options as it is for recreational play. Their health is the most important thing. Under this proposal, I envisage most developments of this nature to be objected to and blocked.
2	Heide Robson	I fully support the building of basketball and sports courts within Woollahra. The proposed amendments are just there to make it harder to build courts. I don't support that at all. I want as many courts built as needed. The young are the future. Healthy kids means a great future for us all. Woollahra is becoming far too much of a retirement village. I am almost 60 so I am part of the old.

From: [REDACTED]
To: [Your Say](#)
Subject: Re: Your Say Woollahra May Newsletter: help us shape the future of Arts and Culture in Woollahra
Date: Sunday, 5 May 2024 7:06:53 AM

Thanks for this.

The area needs more tennis courts not basketball. Please pass on to the relevant people.
Thanks

Emilie Chell
[REDACTED]

On Fri, 3 May 2024 at 2:56 PM, Your Say Woollahra <[REDACTED]> wrote:

Your Say Woollahra logo



Your Say Woollahra May Newsletter: help us shape the future of Arts and Culture in Woollahra

Welcome to the May 2024 edition of the Your Say Woollahra Newsletter.

This month we're asking for your feedback on a variety of projects and sharing some exciting updates. Read on to learn more and have your say!

From: [REDACTED]
To: [Records; Craig Swift-McNair](#)
Cc: [Richard Shields; Mark Silcocks; Merrill Witt; Barbara Rooke](#)
Subject: SUBMISSION ON DRAFT WOOLLAHRA DCP 2015 (AMENDMENT NO.26)
Date: Sunday, 2 June 2024 2:45:54 PM

The Darling Point Society Incorporated

[REDACTED]

[REDACTED]

1st June, 2024

Craig Swift-McNair
General Manager
Woollahra Municipal Council
Records@woollahra.nsw.gov.au

Re: Draft Woollahra DCP 2015 (Amendment No.26) Controls for Basketball and Sports Courts

Dear Sir,

The Darling Point Society endorses the broad changes in blue as marked by Council in the above document.

We are particularly interested to note in 2.3.2 of the proposal underlining of the concern of the lighting impacts on amenity of neighbouring properties, the streetscape and the character of the area along with the additional stipulations of the location being the rear of the property and 1.5m away from any property.

However, in 2.3.4 whilst much of the above is stipulated - there is no mention of either the height of lighting, its direction or its type. No allusion to light spill, sky glow or the fitment of baffles originally, or retrospectively, to control this. No mention of the necessity of asymmetric lighting beams on courts within residential property or of the necessity of using WARM white colours.

And too shouldn't in 2.3.4 (C6) where

[AS/NZS 4282: Control of the obtrusive effects of outdoor lighting](#). is mentioned as the regulatory standard, rather be:

[AS/NZS 4282:2023](#)

Because the former is now a Superseded Standard that has been replaced.

There are *some significant changes* having been made and now included in:
[AS/NZS 4282:2023](#)

AS/NZS 4282:2023 :: Standards New Zealand

[www.standards.govt.nz > shop > asnzs-42822019](http://www.standards.govt.nz/shop/asnzs-42822019) [AS/NZS 4282:2019 :: Standards New Zealand](#)

AS/NZS 4282:2019. Superseded Date published: 13/02/19. Warning: Superseded Standard. This document has been replaced by:
AS/NZS 4282:2023. Control of the obtrusive effects of outdoor lighting.

We are also forwarding, separately, a further two relevant documents demonstrating the international data on lighting and it's highlighting of important issues affecting community and the environment and all sentient beings, that you may find of interest to forward to the wider Council workforce and to Councillors. The documents are self-explanatory. *The work on this issue has largely been compiled by our Founder, Barbara Rooke.*

We thank Councillors for their attention to these issues.

Kind regards,

Robert Pompei
President
Secretary/Public Officer
Darling Point Society
[Redacted]



[Please consider the environment before printing this email.](#)

Item No:	R3 Recommendation to Council
Subject:	REVIEW OF LOCAL PLANNING CONTROLS TO STRENGTHEN PROVISIONS FOR SENIORS HOUSING DEVELOPMENT
Author:	Jacquelyne Della Bosca, Executive Planner
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	23/79383
Purpose of the Report:	To respond to a Council resolution requesting additional planning provisions to address seniors housing. To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015.
Alignment to Delivery Program:	Strategy 4.3: Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.

Recommendation:

THAT Council

- A. Receives and notes the report on the review of local planning provisions to identify opportunities to strengthen controls for seniors housing development.
- B. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No.32)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 1 July 2024.

Executive Summary:

This report responds to a Council resolution from 25 July 2022 which requested that staff consider additional planning provisions to strengthen and enhance controls for seniors housing development. There has been a delay in responding to this request as the NSW Government exhibited draft design guidelines for seniors housing in November 2022, which were not finalised and published until November 2023.

In New South Wales the primary planning controls for seniors housing are set out in State planning provisions, specifically the State Environmental Planning Policy (Housing) 2021, Seniors Housing Design Guide (2023), and to a lesser extent, the Apartment Design Guide (2015). The Seniors Housing Design Guide commenced in November 2023. The matters addressed in the State planning framework are broad and Council's local planning provisions cannot be inconsistent with these.

Staff have reviewed Council's local planning provisions and do not recommend any changes to Woollahra Local Environmental Plan 2014 (Woollahra LEP), but find there is scope to fine-tune existing controls in Woollahra Development Control Plan 2015 (Woollahra DCP) to address potential impacts of seniors housing development by:

- strengthening residential streetscape and side setbacks controls to better facilitate development that responds to the context. The proposed increase to side setbacks will also apply to dwelling houses, semi-detached dwellings and dual occupancies in the R2 Low Density Residential Zone on lots with a front width of 25m or more, to provide consistent controls for all development within the streetscape;
- setting a maximum car parking rate for seniors housing (independent living units), so that the rates are consistent with those that apply to residential flat buildings (RFBs), manor houses, multi dwelling housing and multi dwelling housing (terraces); and

- amending the excavation controls to allow a variation of the maximum excavation volume to provide for car parking, storage, servicing equipment in a basement level, similar to the approach taken with RFB development.

*The proposed amendments are set out in Draft Woollahra DCP (Amendment No. 32) at **Attachment 1**. Staff recommend that Council endorses the Draft DCP for the purpose of public exhibition.*

Discussion:

Background

Over the last five years Council has consistently made representations to the State Government advocating that seniors housing (and specifically independent living units) should not be a permitted use in the R2 Low Density Residential zone (R2 Zone), and that all types of seniors housing should be prohibited in heritage conservation areas (HCA) across the Woollahra LGA.

Notwithstanding, on 1 July 2022, changes were made to State Environmental Planning Policy (Housing) 2021 (Housing SEPP) to permit development for the purposes of independent living units in the R2 Zone to be carried out by any person. This reinstated its previous position to allow this form of seniors housing in the R2 zone.

In addition, on 1 January 2024, seniors housing development was permitted in HCAs within Greater Sydney under the Housing SEPP. Prior to 1 January 2024 there was a temporary moratorium which prohibited seniors housings in HCA. This moratorium had been in place since February 2019 and ended on 31 December 2023. Council did not support the end of the moratorium and in June 2023 made a submission to the Department of Planning and Environment (now the Department of Planning, Housing and Infrastructure) providing evidence to support a request for a permanent exemption from seniors housing in HCAs across the Woollahra LGA.

However in a letter dated 4 July 2022, the Department rejected the request and advised Council that the NSW Government will not support any permanent exclusions of seniors housing from HCAs. The Department's letter provided at **Attachment 2**, states:

"It is the Department's view that potential impacts of seniors housing proposals on heritage significance should be considered and managed through the development assessment process, as is the case for other forms of development. This includes the requirement to assess potential impacts on heritage significance under clause 5.10 of the Woollahra Local Environmental Plan 2014 (RLEP 2014), which is supported by robust local character statements for individual HCAs within the Woollahra Development Control Plan 2015 (WDCP 2015). Section 99 of the Housing SEPP also requires the consideration of heritage and local character for seniors housing proposals."

Following the Department's advice, on 25 July 2022 Council resolved:

- A. *THAT Council requests staff, as a matter of urgency, write to the Premier and the Minister for Planning and Homes expressing Council's concern and disappointment with the recent retrograde decisions which ignores and overrides Councils local planning controls to drive housing at the expense of our local communities by making significant changes to the State Environmental Planning Policy (Housing) 2021, in particular:*
 - i. *Council requests that the Department of Planning and Environment reinstates the exclusion to prevent seniors housing: independent living units being carried out by any person under State Environmental Planning Policy (Housing) 2021 on R2 Low Density zoned land in the Woollahra LGA.*

- ii. *Consistent with Woollahra's submission, Council requests that the Department of Planning and Environment permanently exclude seniors housing permitted under the State Environmental Planning Policy (Housing) 2021 from Woollahra's Heritage Conservation Areas.*

- B. *THAT Council staff review the applicable planning provisions (including both objectives and controls) and prepare a report identifying opportunities to strengthen and enhance our planning provisions in relation to seniors housing.*

In response to Part A of the resolution the Mayor wrote to the Minister. The Department's response confirmed previous advice that it is the State Government policy to permit seniors housing in the R2 zone and in HCAs. (see **Attachment 3**)

This report addresses Part B of the resolution. It identifies the key planning instruments that apply to the assessment of seniors housing, and considers opportunities to enhance Council's local planning provisions to address the impacts of seniors housing.

What is seniors housing?

Under the Housing SEPP (s82) "seniors" means the following people—

- (a) people who are at least 60 years of age
- (b) people who are resident at a facility at which residential care, within the meaning of the *Aged Care Act 1997* of the Commonwealth, is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

Seniors housing is a type of residential accommodation designed to meet the needs of seniors and people with disability, and may take the following forms:

- hostel - where meals, laundering, cleaning and other facilities are provided on a shared basis, and at least 1 staff member is available on site 24 hours a day to provide management services.
- residential care facilities – sometimes also known as *nursing homes* or *aged care homes*. Residents receive full-time care.
- independent living units are for seniors who are able to care for themselves, and includes –
 - in-fill self-care housing - consisting of at least 2 independent living units, and at which none of the following services are provided on the site: meals, cleaning services, personal care, nursing care.
 - serviced self-care housing - comprising independent living units where the following services are available on the site: meals, cleaning services, personal care, nursing care.
- Any combination of the above.

People eligible to live in seniors housing are:

- people at least 60 years of age
- people who have a disability
- people who live in the same household with seniors or people who have a disability, or
- staff employed to assist in the administration of the building or place or in the provision of services to the seniors housing.

State planning policies that apply to the assessment of seniors housing

Seniors housing development is predominantly addressed through the Housing SEPP, the *Seniors Housing Design Guide* (2023), and in certain circumstances the *Apartment Design Guide* (2015).

State Environmental Planning Policy (Housing) 2021

The Housing SEPP (Chapter 3 Diverse Housing, Part 5 Housing for seniors and people with a disability) establishes the primary set of controls for seniors housing development. The Housing SEPP calls up the *Seniors Housing Design Guide* published by the Department in December 2023.

The SEPP establishes the zones where seniors housing is permitted (s79), and the development standards (s84 and s85) such as lot size (minimum site area of 1000m²), height, site frontage (min 20m), including bonus FSR provisions (s87). The SEPP also includes site related requirements to address location and access of seniors housing to facilities and services (s93 and s94).

The design requirements for seniors housing are set out in Part 5, Division 5 (s97). It requires that the consent authority must consider the *Seniors Housing Design Guide* and be satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8. The principles in Schedule 8 are:

- Neighbourhood amenity and streetscape
- Visual and acoustic privacy
- Solar access and design for climate
- Stormwater
- Crime prevention
- Accessibility
- Waste management

Part 5, Division 7 of the SEPP sets out the non-discretionary development standards for particular matters that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. For independent living units these standards are set out in section 108 and address the following matters:

- building height (up 9.5m excluding servicing equipment on the roof of a building, or 11.5m including the servicing)
- FSR (up to 0.5:1)
- minimum landscaped area (35m² per dwelling, or 30% of the site area whichever is the least)
- deep soil zone (at least 15% of the site area)
- solar access (at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces)
- private open space (at least 15m²/ dwelling on the ground floor and at least 10m²/dwelling for other dwellings)
- parking (at least 0.5 parking spaces for each bedroom) (s108).

Seniors Housing Design Guide

In November 2022, the NSW Government exhibited the *Draft Seniors Housing Design Guide*. Having regard to the scope of matters proposed in the draft guide, and the key role of the guide in the development assessment of seniors housing, staff determined it was relevant to wait until the design guide was finalised before reviewing Council's local planning controls, as the design guide would take precedence over any local controls.

The *Seniors Housing Design Guide* (2023) (Design Guide) was approved by the Minister for Planning and Public Spaces in November 2023 and replaces the *Seniors Living: Urban Design Guidelines for Infill Development*, 2004. The new Guide can be viewed at

<https://www.planning.nsw.gov.au/sites/default/files/2023-07/seniors-housing-design-guide.pdf>

The Design Guide applies to seniors housing in the form of independent living units (ILU) and residential care facilities (RCF), and states that it has been prepared to assist planners, designers and council authorities to better understand this housing typology, and help inform the design and assessment of seniors housing proposals (page 8).

The Design Guide builds on the design principles in Schedule 8 of the Housing SEPP, establishing objectives and design guidance for each design principle under the separate categories of: Independent living for low density; Independent living for medium density; Independent living for high density; and RCF. In relation to HCAs, Part 2 Guidance Chapters includes Chapter 5 Heritage, which provides “objectives” and “design guidance” for development proposed in a HCA, adjacent to or on a heritage significant site.

The objectives in Chapter 5 Heritage are:

- 5.1 *To identify and protect items with heritage significance and value that are listed on the State Heritage Register or in a local environmental plan.*
- 5.2 *To investigate and understand what is important about a place, by undertaking an analysis of a place, building, archaeological site, garden, landscape, or place of heritage or Aboriginal cultural significance, and to identify significant fabric.*
- 5.3 *To determine the significance of land surrounding a heritage item or place, and the extent of curtilage that is essential to retain for the interpretation of its heritage significance.*
- 5.4 *To develop new buildings in an established historic context, within a heritage conservation area, adjacent to a heritage item, or on a heritage site with heritage values, that complement the existing urban character and adds value.*
- 5.5 *To preserve the integrity, character and fine detail of heritage significant buildings. Adaptation or adaptive reuse offers new uses for heritage or culturally significant places. The new use needs to be compatible with the heritage values, retain its heritage character and conserve significant fabric, while still being able to introduce new services, as well as modifications and additions.*
- 5.6 *To refurbish heritage buildings to extend their useful life, and reduce the environmental impact of new construction.*
- 5.7 *To repurpose heritage buildings and places to be accessible, safe and to meet required compliance standards without compromising the existing built character.*

There are nine (9) design guidance statements, which include:

- 5.12 *Refer to The Burra Charter – the Australia ICOMOS charter for the conservation of places of cultural significance for appropriate conservation strategies that aim to retain relationships that contribute or are sympathetic to the heritage or cultural significance of the site, place or building.*
- 5.13 *New developments in a heritage conservation area, adjacent to or on a heritage significant site should address the predominant scale (height, bulk, density, grain) of the setting and then respond sympathetically. Consider reducing scale by breaking long stretches of wall with openings, or indentation that reflects the general surrounding typology. Understanding existing street setbacks, and in particular setbacks on upper levels could help reduce bulk and create a transitional link between different building scales.*

Part 4 of the Design Guide includes a checklist titled *Alignment with the Apartment Design Guide (ADG)*. The Guide states that the “*design of high density seniors housing may benefit from referencing the general good design guidance set out in ADG, and can be used in conjunction with seniors housing design guide where applicable*” (pg 125). In particular, the checklist sets out the relationship between the ADG and the Housing SEPP, and notes special considerations and/ or deviations from the design principles in the ADG when it comes to seniors housing, such as approaches to privacy, building entries, accessibility, etc

Council staff comments about the Housing SEPP and Seniors Housing Design Guide

Staff identify that the matters covered in the Housing SEPP are comprehensive, and prevail over Council's local planning provisions in the event of any inconsistency, nor is there any need to duplicate the State provisions in Council's provisions.

The *Seniors Housing Design Guide* is a broad and general document that seeks to cover diverse types of seniors housing accommodation. Staff find that many of the building typologies and examples in the Design Guide are for developments on large lots with shared / communal facilities and therefore not directly relevant to the type of seniors housing occurring in the Woollahra LGA in the last five years, (i.e. predominantly independent living units of less than 10 dwellings with no communal facilities, and that take the form of boutique residential flat buildings).

However, the overarching objectives and design guidance in chapters such as Chapter 4 Site analysis - urban response and Chapter 5 Heritage, provide a sound framework to ensure that new seniors housing developments is sympathetic and responsive to the context and conserves heritage values through an emphasis on understanding the significance of the place and a well-considered design response.

In particular, Chapter 5 - Heritage emphasises the importance of understanding the significance of a place, and encourages complementary development through establishing an appropriate curtilage around items and taking into account the heritage significance, context, character, texture, grain, massing, story and nature of a site. Also included are guidelines for sites adjacent to heritage items. The document directs proponents to the Burra Charter for appropriate conservation strategies that aim to retain relationships that contribute or are sympathetic to the heritage or cultural significance of the site, place or building. We also note that “The Terraces” in Paddington is shown as an example of a successful heritage outcome in Figure 5.0.B of the Design Guide.

Scope to establish additional local planning provisions for seniors housing

In the Woollahra LGA seniors housing is permitted in the R2 zone and HCAs under the Housing SEPP. In the last five years (March 2019 to March 2024) there have been three seniors housing developments approved, two of these are located in the R2 Low Density Residential zone and one is in the R3 Medium Density zone. Since 1988 there have been six seniors housing developments approved in a HCA, and, at the time of writing this report there have been no DAs for seniors housing lodged in a HCA since the moratorium for seniors housing in HCAs ended on 31 December 2023.

Consistent with Council's request, staff have reviewed the local planning provisions to identify opportunities to strengthen and enhance provisions for seniors housing. Staff do not recommend any amendments to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) but identify some minor changes to the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015), as set out below.

Woollahra Development Control Plan 2015

Woollahra DCP 2015 establishes detailed planning and design guidelines for development, including comprehensive provisions for the HCAs which address infill development.

Having regard to Council's resolution, the Housing SEPP and previous DAs for seniors housing development in the Woollahra LGA, staff identify that Woollahra DCP 2015 could be amended to fine-tune some of the general residential controls (in relation to side setbacks, excavation, building modulation) and parking rates to minimise impacts of seniors housing.

No changes are proposed to the DCP provisions relating to HCAs. The chapters in the Woollahra DCP that address the HCAs are comprehensive and include fine grain provisions specific for each HCA. For example, these include statements of significance, desired future character for each HCA, lists of contributory items, and provisions for infill development to ensure that development (including seniors housing) has regard to the streetscape character and heritage significance of the area.

The proposed DCP amendment is at **Attachment 1 Draft Woollahra DCP 2015 (Amendment No.32)**. The amendments are summarised *in the Table 1 below*.

Table 1: Overview of proposed changes to Woollahra DCP 2015	
DCP chapter	Scope of draft amendments
<i>Part B: General Residential</i>	
<ul style="list-style-type: none"> B3.2.3 Side setbacks and Figure 5A 	<p><i>Issue –</i></p> <ul style="list-style-type: none"> The minimum side setbacks that currently apply to seniors housing in the R2 Zone are the same setbacks that apply to RFBs and multi dwelling housing in the R3 Zone (s3.2.3, Figure 5B). However, the side setbacks in the R3 zone are less than the side setbacks required in the R2 zone based on a lot with the same lot width. <p>For example, seniors housing in the R2 zone with a lot width of 21m requires a side setback of 2.5m, whereas a dwelling house in the R2 zone with the same lot width requires a side setback of 2.7m.</p> <p>Where the seniors housing is proposed in the R2 zone, the side setbacks should reflect the setbacks required by other development in the R2 zone (s3.2.3, Figure 5A). This will provide for a more consistent streetscape and help address privacy impacts.</p> <p><i>Proposed DCP amendments –</i></p> <ul style="list-style-type: none"> Amend controls so that the minimum side setbacks that apply to seniors housing in the R2 are the same setbacks as those that apply to other residential uses in the R2 zone (i.e. dwelling houses, semi-detached dwellings and dual occupancies). This will provide for a more consistent streetscape. Noting that the minimum lot width for seniors housing is 20m under the Housing SEPP, expand the existing table at section 3.2.3 Figure 5A so that it establishes incrementally larger setbacks for lots with widths greater than 23m and up to 30m+. Figure 5A (see next page)

• *Figure 5A:*

A. Site width measured along front setback line in metres	B. Side setback in metres
< 9.0	0.9
9.0 - < 11.0	1.1
11.0 - < 13.0	1.3
13.0 - < 15.0	1.5
15.0 - < 17.0	1.9
17.0 - < 19.0	2.3
19.0 - < 21.0	2.7
21.0 - < 23.0	3.1
23.0 + < 25.0	3.4
<u>25.0 - < 30.0</u>	<u>3.75</u>
<u>30 +</u>	<u>4.5</u>

The proposed controls are an extension of the existing controls in this table, which are all based on the side setback control in Woollahra DCP 2015 originally adopted in 2015, section 3.2.2 Side setbacks:

“C3 When the site width exceeds 23m – both side setbacks are a min 15% of the lot width”.

This original control was revised in DCP Amendment No 2, April 2017, which had the effect of simplifying that control into the current table format in Figure 5A.

The proposed side setback controls will reinstate the intent of the original side setback controls by setting incrementally larger side setbacks for lots with a front width greater than 25m.

The side setbacks will apply to seniors housing as well as dwelling houses, semi-detached dwellings and dual occupancies in the R2 Zone to provide appropriate controls for consistency in the streetscape.

The proposed increase in the side setbacks will only apply to lots with a front width of 25m or more, and therefore will affect relatively few lots, such as where two lots are consolidated to form a larger development site as often required for seniors housing.

• B3.4
Excavation

Issue –

- The excavation controls for seniors housing are restrictive and do not suitably account for basement level parking and storage areas, which are commonly sought in the seniors housing development proposed in the LGA. It would be reasonable to allow a variation to the excavation controls similar to that which applies to RFBs for basement parking and storage.

Also under the Housing SEPP, servicing equipment is permitted on the roof up to an additional 2m, meaning that parts of the building height can be 11.5m in the R2 zone. Providing a variation to the excavation volume if servicing equipment is located in a basement level may help avoid servicing equipment on the rooftop.

	<p><i>Proposed DCP amendment –</i></p> <ul style="list-style-type: none"> Allow a variation to the maximum excavation volume to allow for car parking, storage, servicing equipment in a basement level: <p><i>“A variation to the volume shown in Figure 13B will be considered for seniors housing, however the maximum volume of additional excavation permitted will only be the amount needed to accommodate:</i></p> <ul style="list-style-type: none"> <i>car parking to comply with the maximum rates in Part E1 of this DCP or the minimum rate in the Housing SEPP, whichever is the greater, and any reasonable access thereto;</i> <i>storage at a rate of 8m³ (cubic metres) per dwelling; and</i> <i>servicing equipment located in the basement, but only if there is no servicing equipment located on the roof to which the additional height concessions under sections 84(2)(c)(ii) and 108(2)(a)&(b) of the Housing SEPP have been applied.”</i>
<ul style="list-style-type: none"> B3.5 Built form and context 	<p><i>Issue –</i></p> <ul style="list-style-type: none"> Seniors housing is permitted in the R2 zone under the Housing SEPP; this is contrary to and overrides the Woollahra LEP where seniors housing is a prohibited use in the R2 zone. <p>In addition, the range of building typologies for seniors housing (e.g. residential care facilities and independent living units), and development standards in the Housing SEPP (e.g. lot size, widths and building heights) can facilitate building forms that are not characteristic of housing in the Woollahra’s R2 zoned residential areas.</p> <p>To address this, an additional streetscape control is recommended to facilitate development that responds to the context.</p> <p><i>Proposed DCP amendment –</i></p> <ul style="list-style-type: none"> Insert an additional control to address the bulk and scale of seniors housing: <i>“For seniors housing development, the building/s are modulated to reference the scale and rhythm of existing buildings in the streetscape.”</i>
<p>Part E: General Controls for All Development</p>	
<ul style="list-style-type: none"> E1 Parking and Access (section E1.4.2 Residential parking generation rates) 	<p><i>Issue –</i></p> <ul style="list-style-type: none"> The DCP does not specify a maximum car parking generation rate for seniors housing. Based on previous DAs for seniors housing (independent living units), developers in the Woollahra LGA provide more parking than the minimum set out in the SEPP, commonly 2 spaces per apartment provided in a basement level. <p>It is reasonable to apply the same parking rates that currently apply to residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces).</p> <p>This would not be inconsistent with the Housing SEPP (section 108(2)(k)) which establishes minimum parking rates. For independent living units this is 0.5 spaces per bedroom.</p> <p><i>Proposed DCP amendment –</i></p> <ul style="list-style-type: none"> Establish a maximum car parking rate for seniors housing (independent living units), that is consistent with the rates that apply to residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces).

The proposed amendments to Woollahra DCP 2015 seek to fine-tune the existing provisions rather than introduce significant amendments. This approach recognises there is already a comprehensive overarching planning and design framework for seniors housing set out in the Housing SEPP, Seniors Housing Design Guide and Apartment Design Guide.

Notwithstanding, the proposed amendments will help address streetscape impacts and setbacks, and provide a practical and consistent approach to parking and excavation associated with seniors housing.

Options:

As a consequence of this report Council may resolve to:

1. Endorse *Draft DCP Amendment No. 32* at **Attachment 1** for the purpose of placing it on public exhibition (This is the staff recommendation)
2. Request staff to amend *Draft DCP Amendment No. 32* at **Attachment 1** before it is placed on public exhibition
3. Not make any changes to the Woollahra DCP 2015.

Community Engagement and / or Internal Consultation:

The draft amendments to Woollahra DCP 2015 as proposed at **Attachment 1** were prepared in consultation with staff from Development Control, Heritage and Engineering Services.

If Council supports the proposed amendments to Woollahra DCP 2015, the next step is to exhibit *Draft DCP Amendment No. 32*.

The process for exhibiting a Draft DCP is set out in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, and the *Woollahra Community Participation Plan 2019*. The Draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the Wentworth Courier and it will be placed on Council's website. The outcome of the public exhibition will be reported to a future meeting of Council.

Policy Implications:

Following the public exhibition, if Council adopts *Draft DCP Amendment No 32*, the Woollahra DCP 2015 will be updated to include the amendment.

Financial Implications:

Should Council resolve to progress *Draft DCP Amendment No 32*, there will be financial implications associated with the public exhibition.

Resourcing Implications:

Should Council resolve to progress *Draft DCP Amendment No 32*, staff resources will be associated with managing the public exhibition and preparing a post-exhibition report for Council.




Conclusion:

In response to a Council resolution, staff propose amendments to the Woollahra DCP 2015 to fine-tune existing provisions for seniors housing to strengthen streetscape and side setback controls to better facilitate development that responds to the context, and provide a practical and consistent approach to parking and excavation. The draft DCP also increases the side setbacks for dwelling houses, semi-detached dwellings and dual occupancies in the R2 Low Density Residential Zone on lots with a front width of 25m or more, to provide consistent controls in the streetscape.

The proposed amendments enhance the current DCP provisions and supplement the State planning provisions which establish the primary planning framework for seniors housing development.

Staff recommend that Council resolve to exhibit the *Draft Woollahra Development Control Plan 2015 (Amendment No. 32)* as contained in **Attachment 1**.

Attachments

1. Draft Woollahra DCP (Amendment No.32) [↓](#) 
2. Department of Planning and Environment response to Council's request to exclude seniors housing from HCAs (July 2022) [↓](#) 
3. Correspondence between Woollahra Mayor and Department of Planning and Environment (Aug - Sept 2022) [↓](#) 



Draft Woollahra Development Control Plan 2015 (Amendment No. 32)

Prepared Date:	June 2024
Adopted:	TBC
Commenced:	TBC
Division/Department:	Planning and Place
HPE CM Record Number:	24/108026

Acknowledgment of Country

Woollahra Council acknowledges that we are on the land of the Gadigal and Birrabirragal people, the Traditional Custodians of the land. We pay our respects to Elders past, present and emerging.

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Woollahra Development Control Plan 2015 (Amendment No 32)

Part 1 Preliminary

1.1 Background

Council is concerned about the suitability of seniors housing development, particularly on low density residential zoned land or land that is located within a heritage conservation area.

At the Council meeting on 25 July 2022, it was resolved:

- A. *THAT Council requests staff, as a matter of urgency, write to the Premier and the Minister for Planning and Homes expressing Council's concern and disappointment with the recent retrograde decisions which ignores and overrides Councils local planning controls to drive housing at the expense of our local communities by making significant changes to the State Environmental Planning Policy (Housing) 2021, in particular:*
- i *Council requests that the Department of Planning and Environment reinstates the exclusion to prevent seniors housing: independent living units being carried out by any person under State Environmental Planning Policy (Housing) 2021 on R2 Low Density zoned land in the Woollahra LGA.*
 - ii *Consistent with Woollahra's submission, Council requests that the Department of Planning and Environment permanently exclude seniors housing permitted under the State Environmental Planning Policy (Housing) 2021 from Woollahra's Heritage Conservation Areas.*
- B. *THAT Council staff review the applicable planning provisions (including both objectives and controls) and prepare a report identifying opportunities to strengthen and enhance our planning provisions in relation to seniors housing*

This draft DCP responds to Part B of the resolution by fine-tuning existing controls in the *Woollahra Development Control Plan 2015* (Woollahra DCP) to address the potential impacts of seniors housing within the streetscape.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 32)*.

1.3 Objectives of the plan

The objective of the plan is to fine-tune existing provisions to address potential impacts of seniors housing development by:

- a) strengthening streetscape and side setbacks controls to better facilitate development that responds to the context. The proposed increase to side setbacks will also apply to dwelling houses, semi-detached dwellings and dual occupancies in the R2 Low Density Residential Zone on lots with a front width of 25m or more, to provide consistent controls for all development within the streetscape;
- b) setting a maximum car parking rate for seniors housing (independent living units), so that the rates are consistent with those that apply to residential flat buildings (RFBs), manor houses, multi dwelling housing and multi dwelling housing (terraces); and

- c) amending the excavation controls to allow a variation of the maximum excavation volume to provide for car parking, storage, servicing equipment in a basement level, similar to the approach taken with RFB development.

1.4 Land to which this plan applies

This plan applies to land within the Woollahra Municipality where Chapter B3 General Development Controls and Chapter E1 Parking and Access apply.

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

This plan has been prepared under Part 3, Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

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

1.6 Approval and commencement of this plan

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

1.7 How this plan amends Woollahra DCP 2015

This plan amends Woollahra DCP 2015 in the manner set out in Part 2 of this plan.

Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions – identified in blue and underlined

Deletions – ~~identified in red strikethrough~~

Chapter A1 Introduction

2.1 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications

2.1.1 Insert at the end of the clause

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determination under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 32 to this DCP.

2.2 Amendments to clause A1.4 List of amendments

2.2.1 Insert at the end of the clause

Amendment		Date of approval and Commencement	Description of amendment
<u>No 32</u>		<u>Date approved – TBC</u> <u>Date commenced - TBC</u>	<u>Amend Chapter A1 by inserting additional savings and transitional provisions.</u> <u>Amend Chapter B3 General Development Controls B3.2, B3.4 and B3.5, to amend side setback controls, excavation controls, and streetscape controls for senior housing. The new side setbacks controls also apply to dwelling houses, semi-detached dwellings and dual occupancies in the R2 zone.</u> <u>Amend Chapter Part E General Controls for All Development E1, to include a maximum car parking generation rate for senior housing (independent living units).</u>

Chapter B3 General Development Controls

2.3 Amendments to section B3.2.3 Side setbacks

- 2.3.1 Insert a new control after Control C2 to introduce a minimum setback for seniors housing. Renumber the following controls and update all cross references to the control numbers accordingly.

C3 The minimum side setback for seniors housing in the R2 Low Density Residential zone is determined by the table in Figure 5A.

- 2.3.2 Amend the Table at Figure 5A so that it applies to seniors housing development in the R2 Low Density Residential zone, and expand the Table so that it establishes incrementally larger setbacks for lots with widths between 23m and 30m, by increasing the side setbacks for lots with a front width of 25m or more.

These side setbacks will also apply to dwelling houses, semi-detached dwellings and dual occupancies in the R2 Low Density Residential Zone.

Figure 5A

Side setback table for dwelling houses, semi-detached dwellings and dual occupancies.
Table also applies to seniors housing in the R2 Low Density Residential zone.

A. Site width measured along front setback line in metres	B. Side setback in metres
< 9.0	0.9
9.0 - < 11.0	1.1
11.0 - < 13.0	1.3
13.0 - < 15.0	1.5
15.0 - < 17.0	1.9
17.0 - < 19.0	2.3
19.0 - < 21.0	2.7
21.0 - < 23.0	3.1
23.0 + <u>< 25.0</u>	3.4
<u>25.0 - < 30.0</u>	<u>3.75</u>
<u>30 +</u>	<u>4.5</u>

2.4 Amendments to section B3.4 Excavation

2.4.1 Insert a new control to set out the circumstances where a variation to the maximum volume of excavation may be considered for seniors housing development. Make minor amendments to the wording of existing control C4 as new control C5 is another variation. Renumber the following controls accordingly.

C4 Notwithstanding C2 above, A variation to the volume shown in Figures ~~13A and 13B~~ will be considered for residential flat buildings ~~only~~, however the maximum volume of excavation permitted will only be the amount needed to accommodate:

- a) car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council; and
- b) storage at a rate of 8m³ (cubic metres) per dwelling.

C5 Notwithstanding C3 above, a variation to the volume shown in Figure 13B will be considered for seniors housing, however the maximum volume of additional excavation permitted will only be the amount needed to accommodate:

- a) car parking to comply with the maximum rates in Part E1 of this DCP or the minimum rate in the Housing SEPP, whichever is the greater, and any reasonable access thereto;
- b) storage at a rate of 8m³ (cubic metres) per dwelling; and
- c) servicing equipment located in the basement, but only if there is no servicing equipment located on the roof to which the additional height concessions under sections 84(2)(c)(ii) and 108(2)(a)&(b) of the Housing SEPP have been applied.

2.5 Amendments to section B3.5 Built form and context

2.5.1 Insert a new control for streetscape character to specifically address seniors housing development. Renumber the following controls accordingly.

C2 For seniors housing development, the building/s are modulated to reference the scale and rhythm of existing buildings in the streetscape.

Chapter E1 Parking and Access

2.6 Amendments to section E1.4.2 Residential generation parking rates

- 2.6.1 Amend Table 1 "Residential uses parking generation rates" to establish a maximum parking generation rate for seniors housing that is in the form of independent living units.

TABLE 1 Residential uses parking generation rates

Land use	Maximum parking generation rates
Residential flat buildings, manor houses, multi dwelling housing, and multi dwelling housing (terraces) <u>and seniors housing (independent living units)</u>	
<i>Spaces based on number of bedrooms per dwelling¹</i>	
Studio apartment	0.5 space
1 bedroom	1 space
2 bedrooms	1.5 spaces
3 or more bedrooms	2 spaces
Visitors	0.25 spaces
3 or more bedrooms	1.5 space
Visitors	0.2 spaces



IRF22/1728

Mr Craig Swift-McNair
General Manager
Woollahra Council
Attention: Jacquelyne Della Bosca, Executive Planner
PO Box 61
DOUBLE BAY NSW 1360

Via email: Jacquelyne.DellaBosca@woollahra.nsw.gov.au

4 July 2022

Dear Mr Swift-McNair

Thank you for your correspondence to the Department of Planning and Environment (the Department) regarding Woollahra Municipal Council's request for the continuation of the moratorium on seniors housing within heritage conservation areas (HCAs) in the Woollahra Local Government Area (LGA).

I am pleased to advise that the moratorium on the seniors housing provisions within HCAs has been extended until 31 December 2023. At the expiry of the moratorium, it is expected that any necessary updates to local planning controls will have been finalised and that the planning framework can be used to guide appropriate outcomes for seniors housing in HCAs.

The Department has considered Council's request for an ongoing moratorium and has reviewed the Woollahra Local Housing Strategy. Although I understand Council's position that there is sufficient zoned land to service the demand for seniors housing in the LGA, permanent exclusion of the seniors housing provisions is not supported at this time.

It is the Department's view that potential impacts of seniors housing proposals on heritage significance should be considered and managed through the development assessment process, as is the case for other forms of development. This includes the requirement to assess potential impacts on heritage significance under clause 5.10 of the *Woollahra Local Environmental Plan 2014* (RLEP 2014), which is supported by robust local character statements for individual HCAs within the Woollahra Development Control Plan 2015 (WDCP 2015). Section 99 of the Housing SEPP also requires the consideration of heritage and local character for seniors housing proposals.

If Council wish to consult with the Department on any further policy work, we request that this is done before 1 July 2023 to allow sufficient time for the Department to consider any further information or analysis prior to the expiry of the moratorium.

The Department is revising its design guidance for seniors housing to ensure it can be used to inform the design and assessment of new seniors housing proposals under the Housing SEPP. Draft Seniors Housing Guidelines are available on the Department's [website](#), and we are working to finalise the document later this year.

If you have any more questions, please contact Sandy Chappel, Director Housing Policy at the Department of Planning and Environment on 9274 6591.

Yours sincerely



Luke Walton
Executive Director
Housing and Economic Policy

Office
of the
Mayor

Woollahra
Municipal
Council



Council Ref: SC4115 - 22/147190
Your Ref:

18 August 2022

The Hon. Anthony John Roberts, MP
New South Wales Minister for Planning and Minister for Homes
GPO Box 5341
SYDNEY NSW 2001

By email: office@roberts.minister.nsw.gov.au

Dear Minister Roberts

**Concerns with recent decisions regarding seniors housing and
*State Environmental Planning Policy (Housing) 2021***

I write to express Council's concern with two recent decisions the State Government has recently made in relation to housing. These decisions not only have significant built form implications for the Woollahra LGA, but also reflect the State Government's approach to planning which increasingly seeks to override local planning controls to deliver housing at the expense of local communities, local character and community consultation.

The first issue relates to a recent amendment to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). On 1 July 2022, you made changes to the Housing SEPP to permit seniors housing in the form of independent living units (ILUs) in the R2 Low Density Residential Zone (R2 zone), so that such development may now be carried out by any person. Prior to this amendment, seniors housing in the R2 zone was only permitted if carried out by the Land and Housing Corporation or operators under the *Retirement Villages Act 1999*.

This is a significantly retrograde step that is not in the public interest. Over the last two years Council has consistently advocated that ILUs should not be a mandatory use in the R2 zone under the SEPP. We provided the former Minister for Planning & Public Spaces and the Department of Planning and Environment (DPE) with evidence that ILUs approved under the (now repealed) *SEPP (Housing for Seniors or People with a Disability) 2004* in the Woollahra LGA were resulting in built form outcomes that are inconsistent with the desired character of the R2 zone. Council raised concerns that developers were using the SEPP as a back door mechanism to develop multi-storey luxury RFBs for seniors in the R2 zones where ordinarily RFBs are not permitted under the Woollahra LEP.

During exhibition of the Draft Housing SEPP in 2021, it was proposed that ILUs by any person would not be permissible in the R2 Zone. Council, like many other stakeholders supported this new policy position in the Draft Housing SEPP, and was pleased that the draft provisions were included in the Housing SEPP which commenced on 26 November 2021.

We were therefore taken aback, when on 1 July 2022 via a Departmental Media Release, Council was notified that the Housing SEPP had been amended to now permit ILUs in the R2 Zone to be carried out by ANY person. This amendment was made without consultation with Council or the community, and without due regard and respect for the consultation undertaken during exhibition of the Draft Housing SEPP.

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The second issue, relates to Council's submission to amend the Housing SEPP so that seniors housing is not permitted on land identified as heritage conservation area (HCA). Our request was made consistent with DPE advice (see below) that councils may seek to permanently exclude seniors housing from applying to HCAs where it can be demonstrated that suitable housing has been adequately provided for in other areas of the LGA:

- 28 February 2019: *"Once councils have completed their strategic planning including community consultation, they will be able to choose whether the Seniors Housing SEPP should apply in heritage conservation areas within their local government area."* (DPE email to all councils from Alison Frame, Deputy Secretary Policy and Strategy)
- 26 June 2020: *"This will provide councils the ability to seek to permanently exclude seniors housing in HCAs where they can demonstrate suitable housing has been adequately provided for in other areas of their LGA."* (DPE email to all councils from Sandy Chappel, Director Housing Policy)
- 12 July 2021: *"Once a council's local strategic planning is completed and it has demonstrated it has met the needs of its ageing population in its Local Government Area, council will be able seek that their Heritage Conservation Areas are permanently excluded from the Seniors SEPP."* (Letter to Woollahra Council from Luke Walton, Executive Director, Local Government and Economic Policy)

Council provided the DPE with a detailed submission justifying our request to permanently exclude seniors housing from the HCAs on the grounds that:

- there is sufficient suitably zoned land which can accommodate seniors housing in the Woollahra LGA outside of the HCAs;
- the existing supply of seniors housing along with suitably zoned land will meet the anticipated demand to 2036;
- seniors housing will compromise the heritage significance should it be located in an HCA; and
- there is limited redevelopment potential within the HCAs to accommodate seniors housing.

However, on 4 July 2022 Council received a letter from Luke Walton, Executive Director, Housing and Economic Policy, advising that the DPE would not support Council's request to exclude seniors housing from HCAs under the Housing SEPP. We were very disappointed with this outcome, and it also appears that the DPE's decision did not take on board the issues raised in our submission.

Rather, the DPE decision reflected a new policy position that it would not support requests for a permanent exclusion of the seniors housing provisions in HCAs. As stated in the DPE letter of 2022, *"It is the Department's view potential impacts of seniors housing proposals on heritage significance would need to be considered and managed through the development assessment process, as is the case for other forms of development."* This represented a significant departure from the DPE's previous advice.

These changes in policy position to seniors housing in the R2 zone, and seniors housing in HCAs, have both been made without consultation, and without any advance notice to Council and our community. We are concerned with this approach to policy-making and on Monday 25 July 2022, Council resolved:

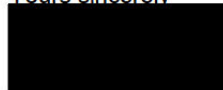
- A. *THAT Council requests staff, as a matter of urgency, write to the Premier and the Minister for Planning and Homes expressing Council's concern and disappointment with the recent retrograde decisions which ignores and overrides Councils local planning controls to drive housing at the expense of our local communities by making*

significant changes to the State Environmental Planning Policy (Housing) 2021, in particular:

- i) Council requests that the Department of Planning and Environment reinstates the exclusion to prevent seniors housing: independent living units being carried out by any person under State Environmental Planning Policy (Housing) 2021 on R2 Low Density zoned land in the Woollahra LGA.*
 - ii) Consistent with Woollahra's submission, Council requests that the Department of Planning and Environment permanently exclude seniors housing permitted under the State Environmental Planning Policy (Housing) 2021 from Woollahra's Heritage Conservation Areas.*
- B. That Council staff review the applicable planning provisions (including both objectives and controls) and prepares a report identifying opportunities to strengthen and enhance our planning provisions in relation to seniors housing.*

We seek your early intervention and response on these matters please.

Yours sincerely



Cr Susan Wynne
Mayor

Department of Planning and Environment



Our ref: MDPE22/1795

Cr Susan Wynne
Mayor
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Via email: Patricia.Vella@woollahra.nsw.gov.au

Dear Cr Wynne

Thank you for your correspondence to the Hon. Anthony Roberts MP, Minister for Planning and Minister for Homes regarding recent amendments to the seniors housing provisions under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The Minister asked me to respond on his behalf.

As you note, the amendment on 1 July 2022 enables development for the purposes of independent living units (ILUs) in the R2 Low density residential zone by any proponent. Immediately prior to this amendment, development for the purposes of ILUs within the R2 zone could only be carried out by the Land and Housing Corporation and operators under the *Retirement Villages Act 1999* or where a residential aged care facility formed part of the development.

Whilst I recognise your frustration at not being notified prior to the amendment being made, the amendment responds to a variety of feedback received from stakeholders during and after consultation on the Housing SEPP. This feedback continues to inform the refinement of the NSW Government's housing policy settings, with the aim of ensuring the policy is working as intended and is aligned with broader government strategy, including a stronger emphasis on housing supply and diversity.

Prior to the introduction of the Housing SEPP in November 2021, seniors housing was permitted on all urban zoned land. The recent amendment restores the permissibility of both forms of seniors housing in residential areas and gives people opportunities to find accommodation that suits their requirements as they age, without the need to leave their established community. ILUs can be delivered as small-scale units or housing, making ILUs a land use that is capable of meeting the objectives of the R2 zone.

Additionally, development standards have not fundamentally changed and all seniors housing must still satisfy the standards in the Housing SEPP. This includes minimum lot sizes, frontage controls and a maximum building height. The Housing SEPP also requires the consideration of neighbourhood amenity and streetscape, to encourage development that remains in character with surrounding buildings.

In relation to the seniors housing moratorium in heritage conservation areas (HCAs), the Department considered Council's request for an ongoing moratorium and has reviewed the Woollahra Local Housing Strategy. As you may be aware, the Government has established a moratorium on Seniors Housing in Heritage Conservation areas until 31 December 2023.

I note Council's position in relation to its own application for an extended moratorium is there is sufficient zoned land to service the demand for seniors housing in the LGA. However, a permanent exclusion of seniors housing in HCAs is not supported as a blanket exclusion would not guarantee the Government's policy to facilitate diverse housing could still be achieved in Woollahra. Lifting the moratorium at the

scheduled expiry will result in a greater proportion of land where seniors housing is permissible, allowing proposals in prescribed zones to be assessed on individual planning merit.

I note the Department has consistently identified the importance of maintaining opportunities for housing diversity when discussing any moratorium.

As outlined above, the Housing SEPP includes provisions such as minimum lot size and frontage widths which seniors housing must comply with. The intent of these minimum requirements is to prevent development on smaller lots where it may not be possible to achieve an appropriate built form outcome. As outlined in Council's request to the Department, it may not be possible to meet these standards in some HCAs due to historic subdivision patterns. However, in other scenarios where these standards can be met, the development assessment process may find that appropriate outcomes can be achieved for seniors housing within HCAs. An example may include the adaptive re-use of an older building.

The planning framework requires the consideration of heritage significance in the development assessment process. This includes the requirement to assess potential impacts on heritage significance under clause 5.10 of the *Woollahra Local Environmental Plan 2014* (WLEP 2014), which is supported by robust local character statements for individual HCAs within the *Woollahra Development Control Plan 2015* (WDCP 2015). Section 99 of the Housing SEPP also requires the consideration of heritage and local character for seniors housing proposals.

Should you have any questions, you are welcome to contact Sandy Chappel, Director Housing Policy at the Department on 9274 6591 or Sandy.Chappel@planning.nsw.gov.au.

Yours sincerely

Brett Whitworth
Deputy Secretary
Planning Policy

Item No: R4 Recommendation to Council
Subject: **HOUSING DELIVERY UPDATE - JULY 2024**
Authors: Fiona Aghili, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/54217
Purpose of the Report: The purpose of this report is to provide an update on housing delivery in the Woollahra Local Government Area.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the annual report on housing delivery provided to the Environmental Planning Committee of 1 July 2024.
- B. Requests staff to report the next housing delivery update to the Environmental Planning Committee and Council in August 2025.

Executive Summary:

This report provides an update on housing delivery in the Woollahra Local Government Area (LGA) from November 2016 to 1 May 2024. The data indicates compliance with relevant dwelling targets that were in force on 1 May 2024. These are a 300 dwelling target for 2016-2021 in the Eastern City District Plan (District Plan) and the 500 dwelling target for 2021-2026 in the Woollahra Local Housing Strategy (Woollahra LHS). Our data shows that 546 and 304 dwellings were delivered in these respective periods.

On 29 May 2024, the NSW Government released a new five year target of 1,900 additional dwellings for 2024-2029. The next housing delivery update will report on the first year of the new housing target beginning on 1 July 2024, while also having regard to targets in the adopted Woollahra LHS.

Discussion:

Background

Under the New South Wales planning framework, Council is required to comply with housing targets established in strategic plans. On 21 November 2016, the District Plan was released and established a 300 dwelling target for 2016-2021.

On 31 March 2020, the *Woollahra Local Strategic Planning Statement* (Woollahra LSPS) was approved with a requirement to prepare a local housing strategy. This strategy had to establish further five year and 10 year targets, to ensure future housing delivery in the Eastern City District.

On 25 October 2021 the *Woollahra Local Housing Strategy 2021* (Woollahra LHS) was adopted by Council and included the mandatory targets (outlined under the next heading). Subsequently, the NSW Government approved the Woollahra LHS on 11 March 2022.

Council staff have provided routine updates of our housing delivery performance against these targets. This most recently occurred when Council staff provided a housing delivery update to the Environmental Planning Committee on 5 June 2023. Subsequently on 26 June 2023, Council resolved the following:

- A. *THAT the housing delivery update provided to the Environmental Planning Committee of 5 June 2023 be received and noted, and that this recommendation is put to the next meeting of Council for their consideration.*
- B. *THAT Staff report the next Housing Delivery Update to the Environmental Planning Committee and Council in June 2024.*
- C. *THAT the Mayor write to the Premier, Chris Minns, NSW Planning Minister, the Member for Vaucluse and Member for Sydney explaining:*
 - i. *That Woollahra Council exceeded its housing target by 70% for 2016 and 2021 but was given no carry-over credit;*
 - ii. *That Woollahra Council has already delivered 43% of its net new dwelling target of 500 for 2021 - 2026;*
 - iii. *That Woollahra Council is the 7th densest municipality in NSW (77.8% of its dwellings are medium or high density compared to 46% in Greater Sydney);*
 - iv. *That the previous state government repeatedly advised Woollahra Council that no new significant state infrastructure will be provided to support additional density in the municipality;*
 - v. *That due to the high level of development activity over the past decade, Woollahra Council regularly receives complaints from the community re traffic congestion, lack of parking, inadequate public transport options, pressure on public parks and community facilities and loss of local character and heritage.*

On 24 July 2023, the Mayor wrote to the NSW Premier, Minister for Planning and Public Spaces, the Member for Vaucluse and Member for Sydney outlining housing delivery in the Woollahra LGA as per the terms of the resolution above.

Staff provide this housing delivery update in accordance with Part B of the resolution.

New May 2024 housing targets

On 29 May 2024, the NSW Government released a new five year housing **completion** target of 1,900 net additional dwellings to be delivered for the period of July 2024 to June 2029 in the Woollahra LGA. The Department of Planning, Housing and Infrastructure (DPHI) have advised that the new housing target replaces those set out in the adopted Woollahra LHS. This new target is available on the DPHI's website at the following link:

<https://www.planning.nsw.gov.au/policy-and-legislation/housing/housing-targets/woollahra-councils-housing-snapshot>

The figure is divided into approximately 30% planned growth (570 new dwellings overall, or 114 new dwellings per year) and 70% projected growth (1,330 new dwellings or 266 new dwellings per year).³ Planned growth refers to development already in the system, or expected from yearly deliveries under the current controls. Projected growth will be facilitated through the low and mid-rise housing reforms.

This report focuses on new dwellings commenced or delivered up to 1 May 2024 and as such references the housing targets in force at that time, as set out in the Woollahra LHS.

³ These percentage figures have been approximated using a pie chart shown on the DPHI's website. The Premier was also quoted as referencing the 70% figure for Woollahra Council, reported in the Sydney Morning Herald on 29 May 2024. Verification has not been provided by the DPHI.

To align with the new five year housing target period beginning on 1 July 2024, staff recommend that the next housing delivery report should be tabled at Council in August 2025. This report would have regard to the new five year target, as well as the targets in the adopted Woollahra LHS, unless staff are otherwise advised by the DPHI. Staff are currently seeking feedback from the DPHI on the process and timing to update the Woollahra LHS, noting that new District Plans are due for release later in 2024.

Net dwelling increases since 2016

The District Plan and Woollahra LHS identify a five year target of 300 dwellings between 2016 and 2021. This period closed at the end of June 2021 and the target was met with 546⁴ net additional dwellings that have commenced or completed construction. This exceeds the housing target by 82%, as shown in **Table 1** below.

Table 1: Net additional dwellings November 2016 to June 2021^{*^****}

Ward	Net additional dwellings approved pre 2016 and construction has commenced post 2016	Net additional dwellings approved post 2016 and construction has commenced or is completed	Net additional approved complying development post November 2016	Net additional dwellings approved post November 2016 where construction has <u>not</u> commenced (excluding complying development)
Bellevue Hill	66	108	1	13
Cooper	39	32		34
Double Bay	78	23		24
Paddington	20	9		-2
Vaucluse	27	143		12
LGA Totals	230	315	1	79

On 1 July 2021, the 6-10 year housing target period began. The Woollahra LHS identifies a target of 500 dwellings to be delivered between 2021 and 2026. As of 1 May 2024, 304 net additional dwellings have commenced or completed construction. This represents 60.8% of the housing target, as shown in **Table 2**.

Table 2: Net additional dwellings July 2021 to 1 May 2024^{*^}

Ward	Net additional dwellings approved between November 2016 to June 2021 and construction has commenced post July 2021	Net additional dwellings approved post July 2021 and construction has commenced or is completed	Net additional approved complying development post July 2021	Net additional dwellings approved post July 2021 where construction has <u>not</u> commenced (excluding complying development)
Bellevue Hill	70	5		52
Cooper	19	15		26
Double Bay	49	67		26
Paddington	2	14		10
Vaucluse	45	18		17
LGA Totals	185	119		131

**Note: building commencement is judged by construction certificates lodged that signal imminent construction.*

^Disclaimer: Every reasonable effort has been made to ensure that this data is correct at the time of this report. However, this data is reliant on third party information and what is currently entered into our property records system.

⁴ We note that there was an overall increase in the previously reported housing delivery data for the five year target period between 2016 and 2021. This can be attributed to updated information on construction commencements and approval data, and to modification applications that changed the numbers of new dwellings.

Options:

Staff recommend that Council resolves to receive and note this report, and that the next annual housing delivery update is presented in August 2025 consistent with the recently released housing target timelines. Alternatively, Council may resolve not to receive and note this report, receive no further updates, or to change the timing of the next update.

Community Engagement and / or Internal Consultation:

There was no community engagement and / or internal consultation required in writing this report

Policy Implications:

The data in this report demonstrates compliance with the targets identified in the Woollahra LHS, which was endorsed by Council on 25 October 2021.

Financial Implications:

There are no financial implications as a result of this report.

Resourcing Implications:

Ongoing staff resources are associated with the recording, monitoring and calculation of net dwelling delivery.

Conclusion:

The data outlined in this report indicates compliance with the dwelling targets identified in the adopted Woollahra LHS. This includes the 300 dwelling target for 2016-2021 and the 500 dwelling target for 2021-2026. Our data shows that 546 and 304 dwellings were delivered in these respective periods to date.

Staff will report a further update in August 2025, and we anticipate making references to the targets identified in the adopted Woollahra LHS and the new target of 1,900 dwellings for 2024-2029.

Attachments

Nil

