



Environmental Planning Committee

Monday 5 August 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

1 August 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 – 5 August 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 5 August 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	
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

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Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 1 JULY 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/114813
Purpose of the Report: The Minutes of the Environmental Planning Committee of 1 July 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 1 July 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Environmental Planning Committee Minutes of 1 July 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. A copy of the Minutes are provided as **Attachment 1**.

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.

Attachments

1. Unconfirmed EP Minutes - 1 July 2024 [!\[\]\(63e46afd0ee60bcc4eb37008ae9de7ce_img.jpg\) !\[\]\(f909f43101d4f6bdc60680a883a88d75_img.jpg\)](#)



Environmental Planning Committee

Monday 1 July 2024
6.30pm

Minutes

Unconfirmed

Woollahra Municipal Council
Environmental Planning Committee Minutes

1 July 2024

**Environmental Planning Committee
Minutes**

Monday 1 July 2024

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Woollahra Municipal Council
Environmental Planning Committee Minutes

1 July 2024

Environmental Planning Committee

**Minutes of the Meeting held on
1 July 2024 at 6.32pm**

Present: Councillors: Sean Carmichael (Chair)
Sarah Swan (via Zoom)
Lucinda Regan
Isabelle Shapiro (left the meeting at 8.02pm after Item R1)
Merrill Witt (via Zoom) (joined at 6.37pm during Item R1)
Susan Wynne (via Zoom)

Staff: Fiona Aghili (Strategic Planner) (via Zoom)
Jacquelyne Della Bosca (Executive Planner) (via Zoom)
Micaela Hopkins (Team Leader – Environment & Sustainability)
Scott Pedder (Director – Planning & Place)
Carolyn Nurmi (Governance Officer)
Sue O'Connor (Governance Officer)
Eleanor Smith (Executive Planner)
Charmaine Tai (Strategic Planner)
Lyle Tamlyn (Acting Team Leader - Strategic Planning)
Anne White (Manager – Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Chair declared the Environmental Planning Committee of 1 July 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

An apology was received from and accepted from Councillor Matthew Robertson and leave of absence granted.

4.1 Attendance by Audio-Visual Link

(Shapiro/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 1 July 2024 via Audio-Visual Link:

- Councillor Swan
- Councillor Witt
- 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 Swan
Councillor Wynne

5/0

Against the Motion

Nil

5. Late Correspondence

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

6. Disclosures of Interest

Nil

Woollahra Municipal Council
Environmental Planning Committee Minutes

1 July 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 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.

(Wynne/Regan)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 3 June 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 Shapiro
Councillor Swan
Councillor Wynne

Against the Motion

N

5/0

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.

(Wynne/Shapiro)

Resolved:

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

Woollahra Municipal Council
Environmental Planning Committee Minutes

1 July 2024

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Swan
Councillor Wynne

Nil

5/0

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

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.
Note: Late correspondence was tabled by Katrina Lesnie & Melisa White.
Note: Tracy Newfield of the Rose Bay Action Group & Jacquelyn Hilmer, objectors, addressed the Committee.
Note: The Committee amended Part B and added new Part D to the Recommendation.

(Regan/Carmichael)

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)*, with amendments set out in late correspondence dated 8 July 2024, at **Attachment 1** of the report to the Environmental Planning Committee meeting of 1 July 2024, with commencement of the DCP 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.

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1 July 2024

- 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.
- D. Notes the concerns of the community particularly in relation to potential streetscape and amenity impacts on Albemarle Avenue, and potential impacts on traffic and pedestrian safety arising from increased traffic, parking, delivery and servicing vehicles.

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

6/0

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.

Note: Councillor Shapiro left the meeting at 8.02pm.

(Regan/Swan)

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.

Woollahra Municipal Council
Environmental Planning Committee Minutes

1 July 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

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Swan
Councillor Witt

Councillor Wynne

4/1

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.

Note: The Committee added new Part C to the Recommendation.

(Swan/Regan)

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.
- C. Review and report back to Environmental Planning Committee on the application and use of the excavation controls for Seniors Housing Developments within 2 years, or sooner if it is identified that the variation is being misapplied and is inconsistent with the intent.

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

For the Motion

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

5/0

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Woollahra Municipal Council
Environmental Planning Committee Minutes

1 July 2024

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.
Note: The Committee added new Parts B (i to vii) and C to the Recommendation and original Part B became D.

(Regan/Swan)

Recommendation:

THAT Council:

- A. Receives and notes the annual report on housing delivery provided to the Environmental Planning Committee of 1 July 2024.
- B. Request the Mayor write to the NSW Premier, the Hon. Chris Minns MP, the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully MP, the Member for Vacluse and Member for Sydney explaining:
 - i. That Woollahra Council exceeded its housing target by 82% for the period 2016 to 2021 but was given no carry over credit;
 - ii. That Woollahra Council has already delivered 60.8% 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% for 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. On 29 May 2024, the NSW Government released a new five year completion target of 1,900 new dwellings to be delivered for the period of July 2024 to June 2029 in the Woollahra Local Government Area;
 - vi. The 1,900 new dwelling target does not include our strategy documents, the *Edgecliff Commercial Centre Planning and Urban Design Strategy* and the *Double Bay Centre Planning and Urban Design Strategy* which will produce up to 615 and 300 net additional dwellings respectively; and
 - vii. That due to the high level of development activity over the past decade, Woollahra Council regularly receives complaints from the community regarding traffic congestion, lack of parking, inadequate public transport options, pressure on public parks and community facilities and loss of local character and heritage.
- C. Thanks planning staff for their diligence in collecting and reporting on housing delivery information.
- D. Requests staff to report the next housing delivery update to the Environmental Planning Committee and Council in August 2025.

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Environmental Planning Committee Minutes

1 July 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

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Swan
Councillor Witt
Councillor Wynne

Nil

5/0

There being no further business the meeting concluded at 8.40pm.

We certify that the pages numbered 366 to 374 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 1 July 2024 and confirmed by the Environmental Planning Committee on 5 August 2024 as correct.

Chairperson

Secretary of Committee

Item No: D2 Delegated to Committee
Subject: **PADDINGTON HERITAGE CONSERVATION AREA WORKING PARTY MEETING MINUTES - 27 JUNE 2024**
Author: James Granter, Coordinator Economic Development
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/103899
Purpose of the Report: To report the minutes of the Paddington Heritage Conservation Area Working Party that took place on 27 June 2024.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

Recommendation:

THAT Council receive and note the minutes of the Paddington Heritage Conservation Area Working Party meeting that took place on 27 June 2024.

Executive Summary:

This report presents the minutes from the *Paddington Heritage Conservation Area Working Party* (Paddington HCA Working Party) held on 27 June 2024 for consideration by the Environmental Planning Committee.

Background:

The Paddington HCA Working Party is made up of representatives from the Paddington Society, the National Trust, Woollahra History & Heritage, Councillors, local residents and Council staff representing a broad section of the community. The Paddington HCA Working Party is not a forum for providing comment on current development applications or development-related proposals.

In November 2023, Council staff appointed Spackman Mossop Michaels to prepare the Paddington Public Domain Strategy. The first draft of the Paddington Public Domain Strategy was referred to a meeting of the Paddington HCA Working Party on 27 June 2024.

Meeting: 27 June 2024

The last meeting of the Paddington HCA Working Party was a productive forum for the group to discuss the Draft Paddington Public Domain Strategy. Refer to the meeting minutes at **Attachment 1**. A version of the Draft Paddington Public Domain Strategy was provided to Members prior to the meeting.

Consultants Spackman Mossop Michaels presented an overview of the project for discussion and feedback, and comments prepared by The Paddington Society were presented and discussed.

Recommended changes to the Draft Paddington PDS included:

- Increased identification of the Paddington style
- Clarification on how the document will apply to parks
- Greater cohesion of design across elements
- Change of options in some elements e.g. railings
- Greater emphasis on greening
- Identification of preferred Paddington materials, with baseline variations
- Change to some photo selections (and title images)

Further consultation with Paddington HCA Working Party was recommended.

Options:

Council may resolve in line with the recommendation as included in this report or, Council may choose to resolve in some other manner

Community Engagement and / or Internal Consultation:

This meeting was attended by staff from, Planning and Place, Infrastructure and Sustainability, Strategic Planning and Place (including Heritage) and Engineering Services

The members who attended from the PHCA Working Party were:

Cr Matthew Robertson	(Paddington Ward) (Chair)
Cr Nicola Grieve	(Cooper Ward)
Cr Harriet Price	(Paddington Ward)
John Normyle	(Paddington resident)
Keri Huxley	(Paddington resident)
Bill Morrison	(The Paddington Society)
John Richardson	(National Trust)
Robyn Attuell	(The Paddington Society)
Esther Hayter	(The Paddington Society)

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:

Staff resources are associated with organising and servicing the meeting of the Paddington HCA Working Party.

Conclusion:

The meeting of the Paddington HCA Working Party on 27 June 2024 was a productive forum for staff and community representative to discuss the Draft Paddington Public Domain Strategy.

Staff recommend that the minutes of the Paddington HCA Working Party from 27 June 2024 are received and noted.

Attachments

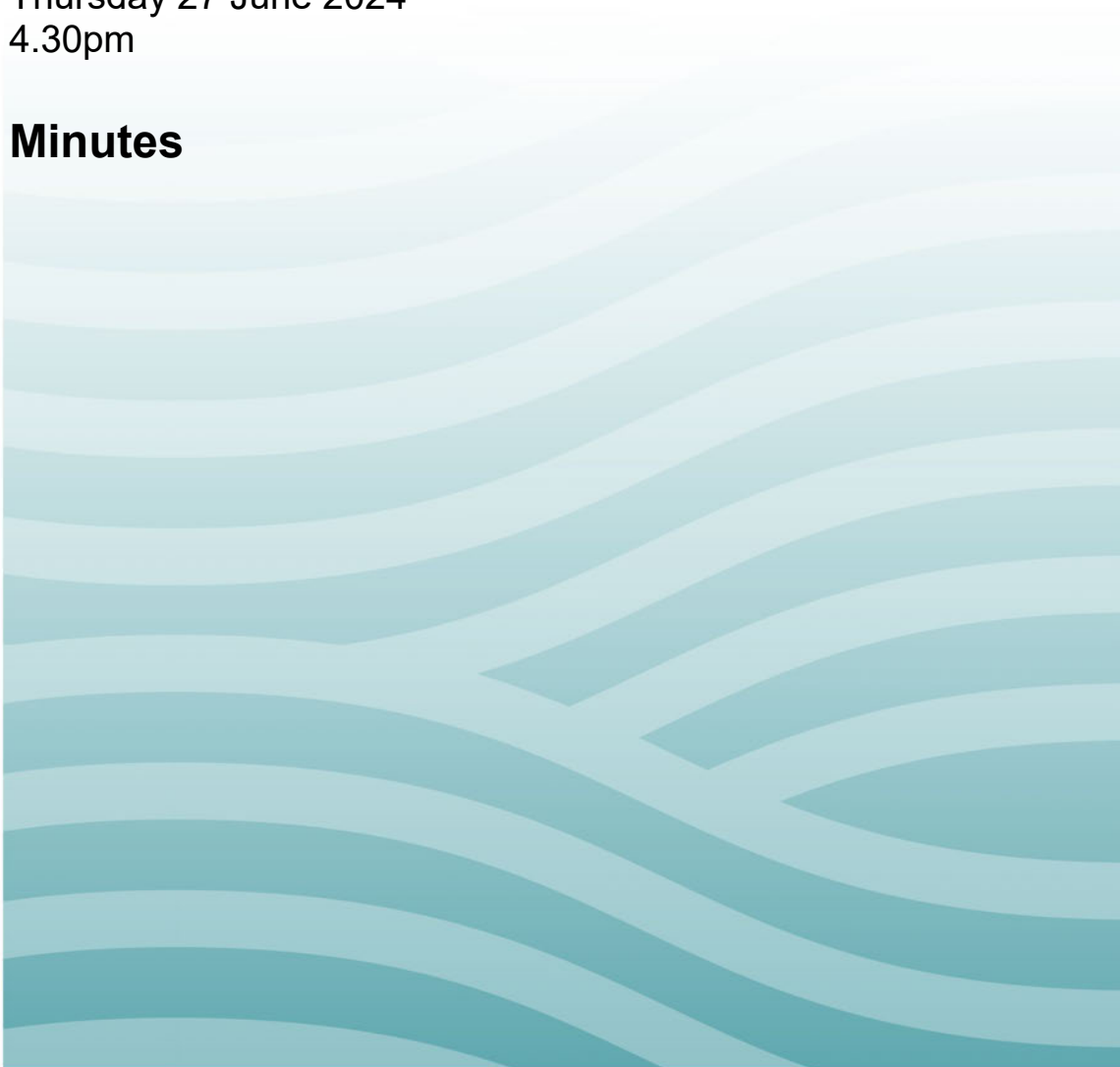
1. Paddington Heritage Conservation Area (HCA) Working Party Minutes 27 June 2024 [📄](#)



Paddington Heritage Conservation Area (HCA) Working Party

Thursday 27 June 2024
4.30pm

Minutes



Woollahra Municipal Council
Paddington Heritage Conservation Area (HCA) Working Party Minutes

Paddington Heritage Conservation Area (HCA) Working Party Minutes

Thursday 27 June 2024

Present: Councillors:	Matthew Robertson Nicola Grieve Harriet Price	(Chair) (Paddington Ward) (Cooper Ward) (Paddington Ward)
Residents:	John Normyle Keri Huxley Bill Morrison John Richardson Robyn Attuell Esther Hayter	(Paddington resident) (Paddington resident) (The Paddington Society) (National Trust) (The Paddington Society) (The Paddington Society)
Staff:	Scott Pedder Tom O'Hanlon Anne White Emilio Andari James Granter Eleanor Banaag	(Director Planning & Place) (Director Infrastructure & Sustainability) (Manager Strategic Planning & Place) (Manager Engineering Services) (Coordinator Economic Development) (Senior Strategic Heritage Officer)
Presenters:	Michael Spackman Catherine Dung	(Director, Spackman Mossop Michaels) (Ass. Dir, Spackman Mossop Michaels)
Meeting opened:	4.30pm at Council Chambers Woollahra Municipal Council	

Woollahra Municipal Council
Paddington Heritage Conservation Area (HCA) Working Party Minutes

- 1. Opening**
- 2. Acknowledgement of Country**
- 3. Apologies**

Councillor Elsing (Cooper Ward)
Councillor Sarah Swan (Cooper Ward)
Kenneth Brimaud (Resident)
Bene Hernandez (Consultant: Spackman Mossop Michaels)

- 4. Disclosures of Interest**

Bill Morrison declared a Non-Significant, Pecuniary Interest in Item 7.1 Draft Paddington Public Domain Strategy as Bill Morrison is a Director of Street furniture Australia.
Bill Morrison remained in the meeting and participated in the discussion on the matter.

- 5. Late Correspondence**

Nil

Woollahra Municipal Council
Paddington Heritage Conservation Area (HCA) Working Party Minutes

6. Confirmation of Minutes

Item No: 6.1
Subject: **CONFIRMATION OF MINUTES OF PADDINGTON HERITAGE
CONSERVATION AREA WORKING PARTY HELD ON 12 DECEMBER
2023**
Author: James Granter, Coordinator Economic Development
Purpose of the Report: To confirm the Paddington HCA Working Party minutes

Note:

The following changes to the minutes were raised:

- Support for newer style bus shelter (not the heritage style)
- Correct name of designer of Terragram seat (Vladimir (Tom) Sitta) and the use of the term "kerb"

Attuell/Normyle

Resolved:

That the Paddington HCA Working Party confirm the minutes with changes as recommended at the meeting of 27 June 2024.

7. Items for Discussion

Item No: 7.1
Subject: **DRAFT PADDINGTON PUBLIC DOMAIN STRATEGY**
Authors: James Granter, Coordinator Economic Development
Anne White, Manager Strategic Planning & Place
Purpose of the Report: Review of the Draft of the Paddington Public Domain Strategy.

Note:

A Draft Paddington Public Domain Strategy (PDS) was provided to Members prior to the meeting. Consultants Spackman Mossop Michaels presented an overview of the project for discussion and feedback, and comments prepared by The Paddington Society were presented and discussed.

Normyle/Huxley

Resolved:

Recommended changes to the Draft Paddington PDS included:

- Increased identification of the Paddington style
- Clarification on how the document will apply to parks
- Greater cohesion of design across elements
- Change of options in some elements e.g. railings
- Greater emphasis on greening
- Identification of preferred Paddington materials, with baseline variations
- Change to some photo selections (and title images)

Further consultation with Paddington HCA Working Party was recommended.

Woollahra Municipal Council
Paddington Heritage Conservation Area (HCA) Working Party Minutes

8. General Business

Nil

9. Next Meeting

To be advised.

There being no further business the meeting concluded at 6.04pm.

Item No:	D3 Delegated to Committee
Subject:	REGISTER OF CURRENT LAND AND ENVIRONMENT COURT MATTERS FOR DEVELOPMENT APPLICATIONS AND REGISTER FOR COURT PROCEEDINGS FOR BUILDING, ENVIRONMENT AND HEALTH CONTROL MATTERS
Authors:	Thomass Wong, Acting Manager Development Assessment Rosemary Bullmore, Manager Legal, Compliance & Enforcement
Approver:	Scott Pedder, Director Planning & Place
File No:	24/120618
Purpose of the Report:	To provide the EPC with an update of all legal matters
Alignment to Delivery Program:	Strategy 4.5: Ensure that planning and building requirements are complied with.

Recommendation:

THAT Council receive and note the attached register of current Land and Environment Court matters for Development Applications and for Court proceedings for Building, Environmental and Health Control matters for the period April 2024 to June 2024.

Executive Summary:

The purpose of this report is to present the EPC with an update on all legal matters.

Discussion:

Prior to the introduction of the Woollahra Local Planning Panel (WLPP), which was mandated by legislation to be in force from 1 March 2018, Council's former Development Control Committee received a register of current Land and Environment Court matters for Development Applications and for Court proceedings for Building Control, Environmental Control and Health Control, monthly.

With the establishment of the WLPP, there was no forum for the Councillors to be updated on current legal matters relating to development applications and court proceedings relating to compliance matters.

At its meeting of 4 June 2019, Council's Environmental Planning Committee (EPC) resolved as follows:

"That a register of current Land and Environment Court matters for Development Applications and for Court Proceedings for Building, Environmental and Health Control matters be tabled to the Environmental Planning Committee quarterly."

At the EPC meeting of 7 February 2022, it was requested that future reports include a breakdown on the 'grounds' the Appeals were filed.

The table below provides a snapshot of the number of Appeals filed on the grounds of deemed refusal, refusal or conditions of consent during the 2022/2023 and 2023/2024 periods.

	Deemed Refusal	Refusal	Conditions of Consent
2022/2023			
Qtr 1	8	7	1
Qtr 2	14	6	0
Qtr 3	11	2	0
Qtr 4	12	7	0
2023/2024			

	Deemed Refusal	Refusal	Conditions of Consent
Qtr 1	10	8	1
Qtr 2	13	1	0
Qtr 3	5	3	1
Qtr 4	6	7	0

Options:

This report is for information and noting purposes only.

Community Engagement and / or Internal Consultation:

In preparing this report and consideration options, consultation has taken place with Council's solicitors, Council's Manager Development Assessment and the Manager Legal, Compliance and Enforcement.

Policy Implications:

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

Financial Implications:

The financial implications are the costs associated with defending the appeals.

Resourcing Implications:



The resourcing implications is staff expending time in managing and defending the appeals and being taken away from the assessment of current outstanding developments applications.

Additionally, external consultants are required.

Conclusion:

Attached is a copy of the current register, listing active legal matters and finalised judgements for the period April 2024 to June 2024. A graph is also attached showing the number of Class 1 appeals lodged from 2010-2024.

Attachments

1. Legal Register [↓](#) 
2. Appeals Lodged - 2010-2024 [↓](#) 

s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Development Assessment – Legal Matters				
Class 1 –Appealed Deemed Refusal				
Directions Hearing				
Philip Stevens v WMC	DA585/2021/3	Peter R Rigg Solicitor & Barrister	152 Sutherland Street PADDINGTON	This is an appeal against the deemed refusal of a modification application for the modification of conditions A.3 and C.1 (c) of the consent to reinstate the bathroom, with a step up to the bathroom addition, increasing the height clearance to the ROW below. Council filed and served its SOFAC on 30 July 2024. First directions hearing was held on 1 August 2024.
2 Bay Street Pty Limited v WMC	DA141/2024/1	Lindsay Taylor Lawyers	294-298 New South Head Road & 2-10 Bay Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the Change of use from an approved new commercial development (under DA280/2022, NSWLEC 1222) to a Shop Top Housing development to accommodate a single residential apartment at the top floor with associated works including new roof terrace and swimming pool. First directions hearing to be held on 13 August 2024. The DA will be tabled to an LPP meeting prior to the matter being heard by the Court
Clermont Residences Pty Ltd v WMC	DA177/2020/6	Wilshire Webb Staunton Beattie Lawyers	132 Bellevue Road BELLEVUE HILL	This is an appeal against the deemed refusal of a modification application for the Internal and external modifications to the approved RFB including further excavation. First directions hearing is to be held on 15 August 2024.
Awaiting s34 Conference/s26 Mediation				
STMRCF Pty Ltd (ACN 114 492 769) v WMC	DA164/2023/1	HWL Ebsworth Lawyers	364 & 364A Edgecliff Road WOOLLARA	This is an appeal against the deemed refusal of an application for Lot consolidation, alterations to the existing dwelling on Lot 1 of DP 224367, demolition of the existing dwelling on Lot 2 of DP 224367 and construction of a new RFB with basement parking. First directions hearing was held on 15 August 2023. Council's SOFAC was filed and served on 7 September 2023. A further directions was held on 8 September 2023. The DA was refused by the LPP on 19 October 2023. A s34 conciliation conference was held on 6 March 2024. The appeal is still in the conferencing phase.

s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Edgecliff Residences Pty Ltd & MHN Design Union Pty Ltd v WMC	DA372/2023/1	HWL Ebsworth Lawyers	365 Edgecliff Road EDGECLIFF	This is an appeal against the deemed refusal of a development application for the demolition of the existing strata-titled RFB, construction of a new RFB, landscaping and strata subdivision. First directions hearing was held on 1 February 2024. Council filed and served its SOFAC on 9 February 2024. The DA was refused by the LPP at its meeting of 18 April 2024. A s34 conciliation conference was held on 5 July 2024. The DA is still in the conferencing phase.
Yarranabbe Ventures Pty Ltd v WMC	DA7/2024/1	Lindsay Taylor Lawyers	77-83A Yarranabbe Road DARLING POINT	This is an appeal against the deemed refusal of an application for the demolition of existing single dwellings and an RFB, and the construction of a new RFB and associated site works. First directions hearing was held on 19 March 2024. Council's SOFAC was filed and served on 28 March 2024. A without prejudice meeting was held on 2 May 2024. As directed by the SECPP, the DA will be tabled to the SECPP meeting of 10 October 2024. The proceedings are listed for a s34 conciliation conference on 5 August 2024.
Kew Bellevue Hill Pty Ltd v WMC	DA335/2022/2	Wilshire Webb Staunton Beattie Lawyers	84, 86 & 88 Birriga Road BELLEVUE HILL	This is an appeal filed under s4.55(8) for modifications to the approved RFB. First directions hearing was held on 1 March 2024. The matter is listed for a s34 conciliation conference on 14 August 2024.
First Applicant: Primo Developments Pty Ltd - Second Applicant: Sayed Holdings Pty Ltd - Third Applicant: MHN Design Union Pty Ltd v WMC	DA28/2024/1	Lindsay Taylor Lawyers	426-440 New South Head Road DOUBLE BAY	This is an appeal against the deemed refusal of an application for the demolition of the existing buildings and construction of a new Shop Top Housing development with mechanical basement parking. First directions was held on 30 May 2024. Council's SOFAC was filed and served on 4 June 2024. The DA was refused by the LPP on 18 July 2024. A s34 conciliation conference is listed for 16 August 2024.
First Applicant: 34 Cranbrook Road Pty Ltd - Second Applicant: MHN Design Union Pty Ltd v WMC	DA249/2023/1	Wilshire Webb Staunton Beattie Lawyers	34 Cranbrook Road BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of the existing RFB and construction of a new RFB with four (4) apartments and landscaping. First directions hearing was held on 21 March 2024. Council filed and served its SOFAC on 28 March 2024. The DA was refused by the LPP on 2 May 2024. The matter is listed for a s34 conciliation conference on 19 August 2024.

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s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
MHN Design Union Pty Ltd v WMC	DA237/2023/2	Lindsay Taylor Lawyers	43 Salisbury Road ROSE BAY	This is an appeal filed under s4.55(8) for modifications to the approved scheme. First directions hearing was held on 18 July 2024. Council's SOFAC was filed and served on 1 August 2024. The matter is listed for a s34 conciliation conference on 10 September 2024
First Applicant: Bellevue Road Holdings Pty Ltd Second Applicant: Attena Group Pty Ltd v WMC	DA216/2021/3	Wilshire Webb Staunton Beattie Lawyers	142, 142A & 142B Bellevue Road BELLEVUE HILL	This is an appeal against the deemed refusal of a modification application for internal and external modifications to the approved RFB including an electricity sub-station. First directions hearing was held on 26 March 2024. The modification application was refused by the LPP on 16 May 2024. The matter has been listed for a s34 conciliation conference on 4 September 2024
Concretive BHV Pty Ltd v WMC	DA136/2023/2	HWL Ebsworth Lawyers	206B Victoria Road BELLEVUE HILL	This is an appeal filed under s4.55(8) for modifications to the approved RFB. First directions hearing was held on 23 April 2024. Council filed and served its SOFAC on 6 May 2024. The proceedings are listed for a s34 conference on 5 September 2024.
Eduardo de Oliveira Barata v WMC	DA358/2023/1	HWL Ebsworth Lawyers	3 Ormond Street PADDINGTON	This is an appeal against the deemed refusal of an application for the extensive alterations and additions to the existing terrace dwelling including landscaping. First directions hearing was held on 2 May 2024. Council's SOFAC was filed and served on 16 May 2024. The DA is to be tabled to the LPP meeting on 15 August 2024. The matter is listed for a s34 conciliation conference on 10 September 2024.
CSKS Developments Pty Ltd v WMC	DA10/2024/1	Wilshire Webb Staunton Beattie Lawyers	85-87 Birriga Road BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of all existing structures on both 85 and 87 Birriga Road and the construction of a new four (4) storey RFB containing 8 units, basement parking containing 16 spaces and associated landscaping. First directions hearing was held on 9 May 2024. The DA was refused by the LPP at its meeting of 20 June 2024. The matter has been listed for a s34 conciliation conference on 13 September 2024.
Group Architects Pty Ltd v WMC	DA2021/399/3	Wilshire Webb Staunton Beattie Lawyers	18 Boronia Road BELLEVUE HILL	This is an appeal filed under s4.55(8) for modifications to the approved scheme. First directions hearing was held on 16 July 2024. The matter has been listed for a s34 conciliation conference on 30 September 2024

s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Protea Holdings NSW Pty Limited v WMC	DA171/2015/6	Wilshire Webb Staunton Beattie Lawyers	6-10 Cecil Street PADDINGTON	This is an appeal filed under s4.55(8) for modifications to the approved scheme. First directions hearing was held on 10 July 2024. Council's SOFAC was filed and served on 12 July 2024. The matter is listed for a s34 conference on 18 October 2024.
Awaiting Hearing				
Bowie Ferris Investments Pty Ltd v WMC	DA243/2023	HWL Ebsworth Lawyers	9-11 Glenmore Road PADDINGTON	This is an appeal against the deemed refusal of an application for alterations and additions including a modified facade and change of use from a Hotel/Pub to retail on the ground floor and offices on the first and second floors and identification signage. First directions hearing was held on 26 September 2023. The DA was refused by the LPP on 5 October 2023. A s34 conciliation conference was held on 23 February 2024. The s34 conference was terminated. The matter was listed for directions on 1 March 2024. The matter has been listed for a hearing on 15 and 16 August 2024.
John Keith v WMC	DA287/2023	HWL Ebsworth Lawyers	3 Wiston Gardens DOUBLE BAY	This is an appeal against the deemed refusal of a development application for alterations and additions to the approved RFB. The DA was refused by the LPP on 21 December 2023. First directions hearing was held on 16 January 2024. A s34 conciliation conference was held on 21 February 2024. The s34 was terminated. A second directions hearing was held on 7 May 2024. Joint expert reports are to be filed by 14 August 2024. The matter is listed for hearing on 11, 12 and 13 September 2024.
Merman Investments Pty Ltd v WMC	DA325/2020/3	HWL Ebsworth Lawyers	3 Wiston Gardens DOUBLE BAY	This is an appeal filed under s4.55(8) for modifications to the approved scheme. First directions hearing was held on 16 January 2024. A s34 conciliation conference was held on 21 February 2024. The s34 was terminated. A second directions hearing was held on 7 May 2024. Joint expert reports are to be filed by 14 August 2024. The matter is listed for hearing on 11, 12 and 13 September 2024.
Merman Investments Pty Ltd v WMC	DA325/2020/4	HWL Ebsworth Lawyers	3 Wiston Gardens DOUBLE BAY	This is an appeal filed under s4.55(8) for modifications to the approved scheme. First directions hearing was held on 16 January 2024. A s34 conciliation conference was held on 21 February 2024. The s34 was terminated. A second directions hearing was held on 7 May 2024. Joint expert reports are to be filed by 14 August 2024. The matter is listed for hearing on 11, 12 and 13 September 2024.

s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Bureau SRH Pty Limited v WMC	DA143/2023	Lindsay Taylor Lawyers	394,396-398 & 400 New South Head Road DOUBLE BAY	This is an appeal against the deemed refusal of an application for the demolition of existing buildings, construction of a new commercial building and lot consolidation. First directions hearing was held on 29 September 2023. Council's SOFAC was filed and served on 12 October 2023. The DA was refused by the LPP on 19 October 2023. A s34 conciliation conference was held on 15 March 2024. A second directions hearing was held on 10 April 2024. The matter is listed for hearing on 2 October 2024.
Willobrook Holdings Pty Ltd v WMC	DA223/2023	Lindsay Taylor Lawyers	3 Knox Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the demolition of a partially constructed existing building (under DA212/2017) and construction of a new Shop Top Housing development. First directions hearing was held on 31 October 2023. The DA was refused by the LPP on 2 November 2023. A s34 conciliation conference was held on 4 June 2024. The matter is listed for hearing on 19-20 November 2024.
Class 1 - Appealed Determination				
Directions Hearing				
Sheeva Tavakoli v WMC	DA165/2023/1	Marsdens Lawyers	27 Eastbourne Road DARLING POINT	This is an appeal against the AAP refusal of an application for the subdivision of Lot 1 DP 270253 and then consolidation of Lot Pt 1 DP 270253 with Lot 17 DP 270253. First directions hearing will be held on 9 August 2024.
Awaiting s34 Conference/s26 Mediation				
Masolage Holdings Pty Ltd ACN 146 311 042 v WMC	DA277/2022/1	Lindsay Taylor Lawyers	68 Darling Point Road DARLING POINT	This is an appeal against the LPP refusal of an application for the temporary use for events (Clause 2.8 of Woollahra LEP 2014 - maximum of 52 days (whether or not consecutive days) in any period of 12 months). First directions hearing was held on 11 July 2023. Council's SOFAC was filed and served on 14 July 2023. A s34 conciliation conference was held on 24 November 2023. The proceedings have been listed for an adjourned s34 conciliation conference on 19 August 2024
Masolage Holdings Pty Ltd ACN 146 311 042 v WMC	DA278/2022/1	Lindsay Taylor Lawyers	68 Darling Point Road DARLING POINT	This is an appeal against the LPP refusal of an application to use part of a heritage item (Swifts) for occasional events. First directions hearing was held on 11 July 2023. Council's SOFAC was filed and served on 14 July 2023. A s34 conciliation conference was held on 24 November 2023. The proceedings have been listed for an adjourned s34 conciliation conference on 19 August 2024

s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Queen Street Investments Pty Limited v WMC	DA309/2023/1	HWL Ebsworth Lawyers	68, 70 & 72 Queen Street WOOLLAHRA	This is an appeal against the refusal of an application made under staff delegation for the extensive alterations and additions to the existing terraces including demolition of existing warehouse (facade to be retained to Smith Street) and a new car parking with studios above. First directions hearing was held on 12 July 2024. Council's SOFAC was filed and served on 17 July 2024. The matter is listed for a s34 conciliation conference on 14 November 2024.
Awaiting Hearing				
First Applicant: Nigel Graham Oliver-Frost Second Applicant: MHN Design Union Pty Ltd v WMC	DA137/2023	Lindsay Taylor Lawyers	37 Fitzwilliam Road VAUCLUSE	This is an appeal against the LPP refusal of an application for the demolition of existing structures including driveway and construction of a new dwelling, swimming pool and associated landscaping on Lot 1, DP 341240. First directions hearing was held on 19 April 2024. Council's SOFAC was filed on 23 April 2024. A s34AA conciliation conference and hearing is listed on 15 and 16 October 2024.
First Applicant: Nigel Graham Oliver-Frost Second Applicant: MHN Design Union Pty Ltd v WMC	DA138/2023	Lindsay Taylor Lawyers	37 Fitzwilliam Road VAUCLUSE	This is an appeal against the LPP refusal of an application for the demolition of existing dwelling and construction of a new dwelling, swimming pool and landscaping on Lot 2, DP 341240. First directions hearing was held on 19 April 2024. Council's SOFAC was filed on 23 April 2024. A s34AA conciliation conference and hearing is listed on 15 and 16 October 2024.
First Applicant: Nigel Graham Oliver-Frost Second Applicant: Michael Suttie v WMC	DA579/2022	Lindsay Taylor Lawyers	37 Fitzwilliam Road VAUCLUSE	This is an appeal against the LPP refusal of an application for the alterations and additions to the existing dwelling. First directions hearing was held on 19 April 2024. Council's SOFAC was filed on 23 April 2024. A s34AA conciliation conference and hearing is listed on 22 and 23 October 2024.
April Zhang v WMC	DA268/2022/2	Wilshire Webb Staunton Beattie Lawyers	7 Wolseley Road POINT PIPER	This is an appeal against the conditions of consent of a modification application for the Modifications to Condition C.1(a) and (c) and C.13 relating to excavation, privacy measures and stormwater management. The first directions hearing was held on 19 April 2024. The matter was adjourned to a further directions hearing on 24 May 2024. A s34AA conciliation and hearing is listed on 16 and 17 October 2024.
Stephanie Vanessa Jandegian v WMC	DA258/2023/1	HWL Ebsworth Lawyers	21 Kambala Road BELLEVUE HILL	This is an appeal against the refusal of an application made under staff delegation for the alterations and additions to existing dwelling house including construction of a new basement, swimming pool, associated siteworks and landscaping. First directions hearing was held on 27 June 2024. Council's SOFAC was filed and served on 5 July 2024. Joint expert

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s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
				reports are due on 23 September 2024. The matter has been listed for a s34AA conciliation conference and hearing on 12 November 2024.
Terry Oshry v WMC	DA326/2023/1	Wilshire Webb Staunton Beattie Lawyers	7 Belah Gardens VAUCLUSE	This is an appeal against the refusal of an application made under staff delegation for alterations and additions. First directions hearing was held on 26 June 2024. Council's SOFAC was filed and served on 3 July 2024. The matter is listed for a s34AA conciliation conference and hearing on 14 and 15 November 2024.
JN Development Management Pty Ltd v WMC	DA574/2015/4	Lindsay Taylor Lawyers	9 Sutherland Crescent DARLING POINT	This is an appeal against the refusal of a modification application made under staff delegation for modifications to the approved scheme. First directions hearing was held on 2 July 2024. Council's SOFAC was filed and served on 2 July 2024. The matter has been listed for a s34AA conciliation and hearing on 25-26 November 2024.
JN Development Management Pty Ltd v WMC	DA146/2018/4	Lindsay Taylor Lawyers	9 Sutherland Crescent DARLING POINT	This is an appeal against the refusal of a modification application made under staff delegation for modifications to the approved scheme. First directions hearing was held on 2 July 2024. Council's SOFAC was filed and served on 2 July 2024. The matter has been listed for a s34AA conciliation and hearing on 25-26 November 2024.
Ian Taylor v WMC	DA63/2024/1	Marsdens Lawyers	162 Paddington Street PADDINGTON	This is an appeal against the refusal of an application made under staff delegation for the alterations and additions to the existing garage incorporating a new loft above and a reconfigured pool and associated site works. First directions hearing was held on 26 July 2024. Council's SOFAC was filed and served on 31 July 2024. The matter is listed for a s34 conciliation conference on 3 December 2024.
Judgement Finalised				
MHN Design Union Pty Ltd v WMC	DA237/2023	Lindsay Taylor Lawyers	43 Salisbury Road ROSE BAY	This is an appeal against the deemed refusal of a development application for the demolition of the existing building and construction of a three-storey RFB comprising three units, basement car parking and landscaping works. Council's SOFAC was filed and served on 22 November 2023. The DA was refused under staff delegation on 9 January 2024. A s34 conciliation conference was held on 14 March 2024. The appeal was upheld with amended plans via a s34 Agreement on 24 April 2024.

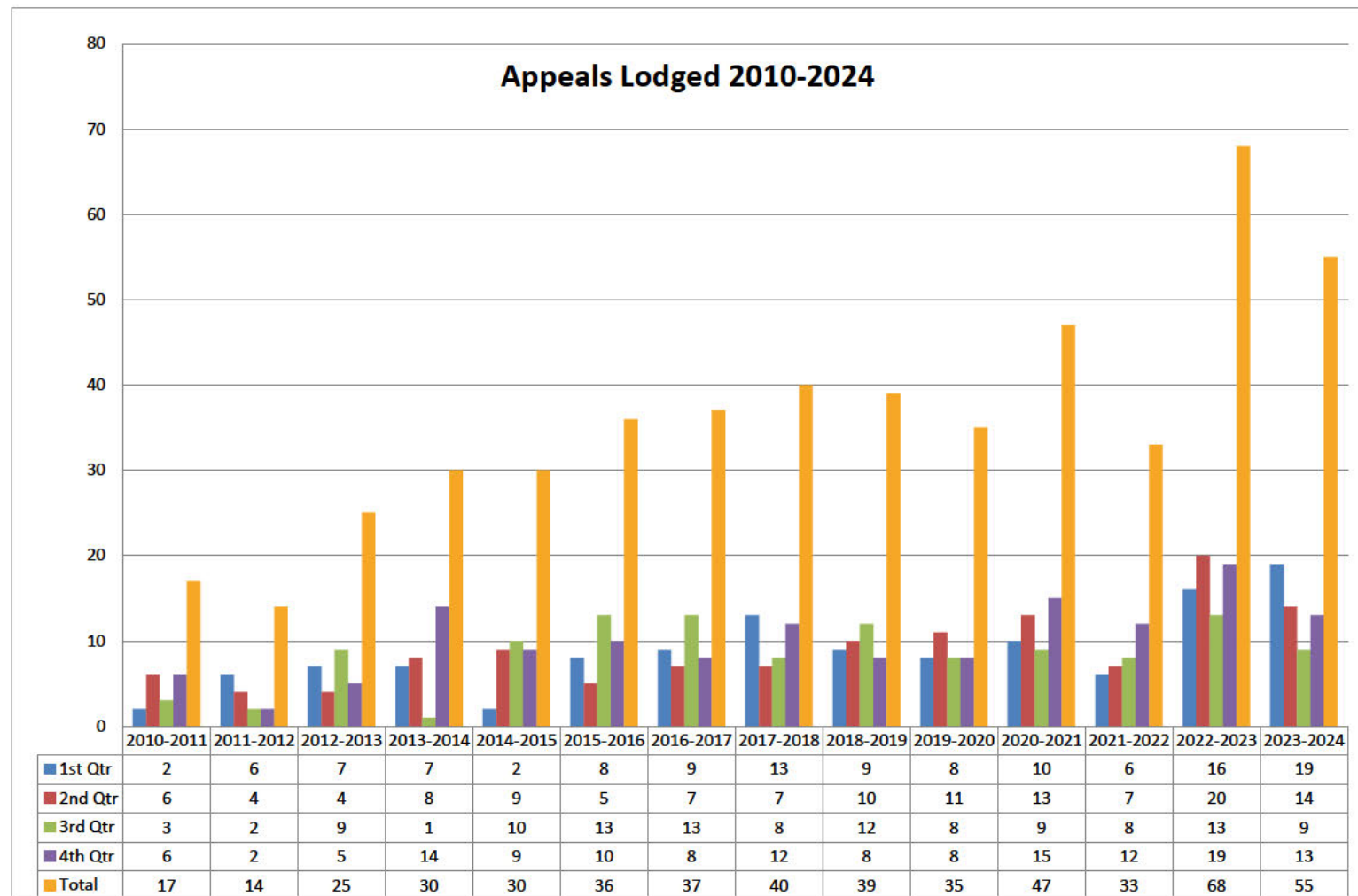
s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
First Applicant: Nigel Graham Oliver-Frost; Second Applicant: MHN Design Union Pty Ltd v WMC	DA70/2023/1	Lindsay Taylor Lawyers	588 New South Head Road POINT PIPER	This is an appeal against the deemed refusal of an application for the demolition of the existing dwelling and construction of a dual occupancy development including a basement parking, two swimming pools and associated landscaping. First directions hearing was held on 24 October 2023. The DA was refused under staff delegation on 25 October 2023. A s34AA conciliation conference and hearing was held on 7 and 8 May 2024. The appeal was upheld with amended plans via a s34 Agreement on 31 May 2024.
Drumalbyn B Pty Ltd & Drumalbyn R Pty Ltd v WMC	DA416/2021/3	HWL Ebsworth Lawyers	53-55 Drumalbyn Road BELLEVUE HILL	This is an appeal filed under s4.55(8) for modifications to the approved scheme. First directions hearing was held on 17 January 2024. Council filed and served its SOFAC on 2 February 2024. A s34 conciliation conference was held on 30 April 2024. Consent orders via a s34 Agreement were issued on 4 June 2024.
First Applicant: Molly Patricia Reid; Second Applicant: Tobias Partners Pty Ltd ACN 113 571 743 v WMC	DA54/2023/1	Peter R Rigg Solicitor & Barrister	54 New Beach Road DARLING POINT	This is an appeal against the deemed refusal of an application for the demolition of the existing attached dual occupancy and construction of a new attached dual occupancy, swimming pools, basement parking and associated siteworks and landscaping. First directions hearing was held on 15 June 2023. Council's SOFAC was filed and served on 13 July 2023. The DA was refused by the LPP on 20 July 2023. A s26 mediation conference was held on 10 November 2023. A hearing was held on 27 and 28 May 2024. The appeal was upheld with amended plans via a s34 Agreement on 12 June 2024.
Victor Comino v WMC	DA330/2023	Lindsay Taylor Lawyers	63 Fitzwilliam Road VAUCLUSE	This is an appeal against the deemed refusal of a development application for the construction of new dwelling house and landscaping. The DA was refused under staff delegation on 22 January 2024. First directions hearing was held on 23 January 2024. A s34AA conciliation conference and hearing was held on 11 and 12 June 2024. The appeal was upheld with amended plans via a s34 Agreement on 18 June 2024.
Castlereagh Ventures Pty Ltd v WMC	DA2023/3/1	Lindsay Taylor Lawyers	27-29 & 31-37 Knox Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the demolition of existing buildings and the construction of a New Shop-Top Housing Development. First directions hearing was held on 4 May 2023. The DA was refused by the LPP on 18 May 2023. Council's SOFAC was filed and served on 16 May 2023. The s34 conciliation conference held on 7 September 2023 was terminated. Joint expert report were filed on 11 March 2024. A hearing was held on 9-10 April 2024. The appeal was dismissed on 25 June 2024.

s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Parkson C Pty Ltd v WMC	DA13/2023/1	HWL Ebsworth Lawyers	77-79 New South Head Road VAUCLUSE	This is an appeal against the deemed refusal of an application for the demolition and removal of trees, and construction of a shop top housing development comprising three (3) residential units and two (2) basement parking levels. The DA was refused under staff delegation on 6 October 2023. First directions hearing was held on 11 October 2023. Council's SOFAC was filed on 18 October 2023. A s34 conciliation conference was held on 18 March 2024. The matter was adjourned until 6 May 2024. The appeal was upheld with amended plans via a s34 Agreement on 4 July 2024.
Hillcrest Rose Bay Pty Ltd v WMC	DA333/2023/1	Wilshire Webb Staunton Beattie Lawyers	780-786 New South Head Road ROSE BAY	This is an appeal against the conditions of consent of a development application for internal and external amendments to the RFB approved under DA30/2021. The DA was approved under staff delegation on 23 November 2023. First directions hearing was held on 16 January 2024. A Notice of Motion to combine the DA and s4.55(8) appeals filed on 22 December 2023 was granted on 18 January 2024. Council's SOFAC was filed and served on 23 February 2024. A s34 conciliation conference was held on 26 April 2024. The appeal was upheld with amended plans via a s34 Agreement on 9 July 2024.
Hillcrest Rose Bay Pty Ltd v WMC	DA30/2021/4	Wilshire Webb Staunton Beattie Lawyers	780-786 New South Head Road ROSE BAY	This is an appeal filed under s4.55(8) for modifications to the approved scheme. First directions hearing was held on 16 January 2024. Council's SOFAC was filed and served on 23 February 2024. A s34 conciliation conference was held on 26 April 2024. The appeal was upheld with amended plans via a s34 Agreement on 9 July 2024.
John David Boyd & Marly Boyd	DA87/2022/1	HWL Ebsworth Lawyers	127 Victoria Road BELLEVUE HILL	This is an appeal against the LPP refusal of an application for the demolition of the existing building and construction of a new dwelling with new pool, driveway, garage and associated landscaping. First directions hearing was held on 7 July 2023. Council's SOFAC was filed and served on 10 July 2023. A s26 mediation conference was held on 30 November 2023. Second directions hearing was held on 7 December 2023. A s34AA conciliation conference and hearing was held on 27 and 29 June 2024. The appeal was upheld with amended plans via a s34 Agreement on 11 July 2024.

s Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
MHN Design Union Pty Ltd v WMC	DA172/2023/1	Wilshire Webb Staunton Beattie Lawyers	54 Streatfield Road BELLEVUE HILL	This is an appeal against the deemed refusal of a development application for the demolition of the existing building and construction of a new dwelling house with swimming pool and associated landscaping. The DA was refused under staff delegation on 23 January 2024. First directions was held on 24 January 2024. A s34AA conciliation conference and hearing was held on 11 and 12 July 2024. The appeal was upheld with amended plans via a s34 Agreement on 18 July 2024.
Charles Mellick v WMC	DA252/2019/10	Peter R Rigg Solicitor & Barrister	30 Wyuna Road POINT PIPER	This is an appeal against the refusal of a modification application made under staff delegation for the modification to Condition C.12 relating to external finishes. First directions hearing was held on 22 May 2024. The appeal was upheld on 25 July 2024 on the basis that further to the Addendum Heritage Impact Statement the parties agreed that the proposed colour change would be acceptable from a heritage perspective.
Discontinued				
Chaz Heitner v WMC	DA524/2021/2	Lindsay Taylor Lawyers	34 Northland Road BELLEVUE HILL	This is an appeal against the refusal of an application made under staff delegation for the internal and external modifications to the approved new dwelling. First directions hearing was held on 3 May 2024. The appeal was discontinued on 7 May 2024.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Legal, Compliance & Enforcement - Legal Matters				
Awaiting hearing				
Class 1- Orders & Civil Enforcement				
Andrew Cameron & Vanessa Cameron v WMC	Order 19/2023	Woollahra Municipal Council	35 Suttie Road BELLEVUE HILL	Class 1 appeal, Council Order 19/2023 requiring the owner to cease unauthorised excavation of the site. Proceedings dismissed on 24 June 2024. Motion for costs listed for 31 July 2024.
Class 5 – Criminal Enforcement				
WMC v Tavakoli and WMC v Landmark Construction Group Pty Ltd	SC8732	Woollahra Municipal Council	Bayview Hill Road adjacent to 4-6 Bayview Hill Road ROSE BAY	Summons filed seeking conviction for carrying out work without obtaining development consent on an unformed portion of Bayview Hill Road adjacent to the Harbour. Amended prosecutor disclosure filed 5 July 2024. Matter to be listed for further case management on 6 September 2024.
Class 3 – Claim for compensation				
Andrew Cameron v WMC	Order 19/2023	Woollahra Municipal Council	35 Suttie Road BELLEVUE HILL	Claim for compensation under s8.19 of the Environmental Planning and Assessment Act 1979 for the giving of order 19/2023. First directions hearing listed for 16 August 2024.

Awaiting judgement				
Court of Appeal				
Andrew Cameron v WMC and Others	SC7020	Woollahra Municipal Council	35 Suttie Road BELLEVUE HILL	Appeal against decision in Woollahra Municipal Council v Cameron [2024] NSWLEC 27, in which Council was granted a declaration that the construction certificate was invalid and of no effect. Appeal heard on 3 July 2024. Judgement reserved.
Finalised				
Class 4- Judicial Review & Civil Enforcement				
WMC v Andrew Cameron and Others	SC7020	Woollahra Municipal Council	35 Suttie Road BELLEVUE HILL	Council commenced Class 4 judicial review proceedings seeking a declaration that the construction certificate is invalid and of no effect. Judgement delivered in favour of Council. Costs awarded in favour of Council. Decision under appeal.



Item No: D4 Delegated to Committee
Subject: **WOOLLAHRA LOCAL PLANNING PANEL REGISTER OF PLANNING DECISIONS AND ANALYSIS**
Author: Thomass Wong, Acting Manager Development Assessment
Approver: Scott Pedder, Director Planning & Place
File No: 24/121264
Purpose of the Report: To provide the EPC with the Woollahra Local Planning Register of Planning Decisions and Analysis 18 April 2024 to 20 June 2024
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council note and receive the register of planning decisions of matters determined by the Woollahra Local Planning Panel (WLPP) for the period 18 April 2024 to 20 June 2024.

Executive Summary:

The purpose of this report is to present the Woollahra Local Planning Panel Register of Planning Decisions and Analysis for the period 18 April 2024 to 20 June 2024.

Discussion:

The Woollahra Local Planning Panel (WLPP) assesses and determines development applications and provides advice to Council on planning proposals and other matters. The WLPP is established under Part 2, Division 2.5 of the *Environmental Planning and Assessment Act 1979*.

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*, Council is required to maintain a register that records which panel members vote for and which panel members vote against each planning decision of the WLPP.

Councillors have requested that a report be prepared on the decisions made and that this be reported to the Environmental Planning Committee (EPC) on a regular basis. Staff have prepared this planning decisions register to provide a summary of the applications considered by the WLPP, including the staff recommendation and the final WLPP decision.

Following feedback from Councillors at the Environmental Planning Committee in August 2018 meeting, cost of works, full reasons of referral and key issues form part of this report and are included in the relevant attachment.

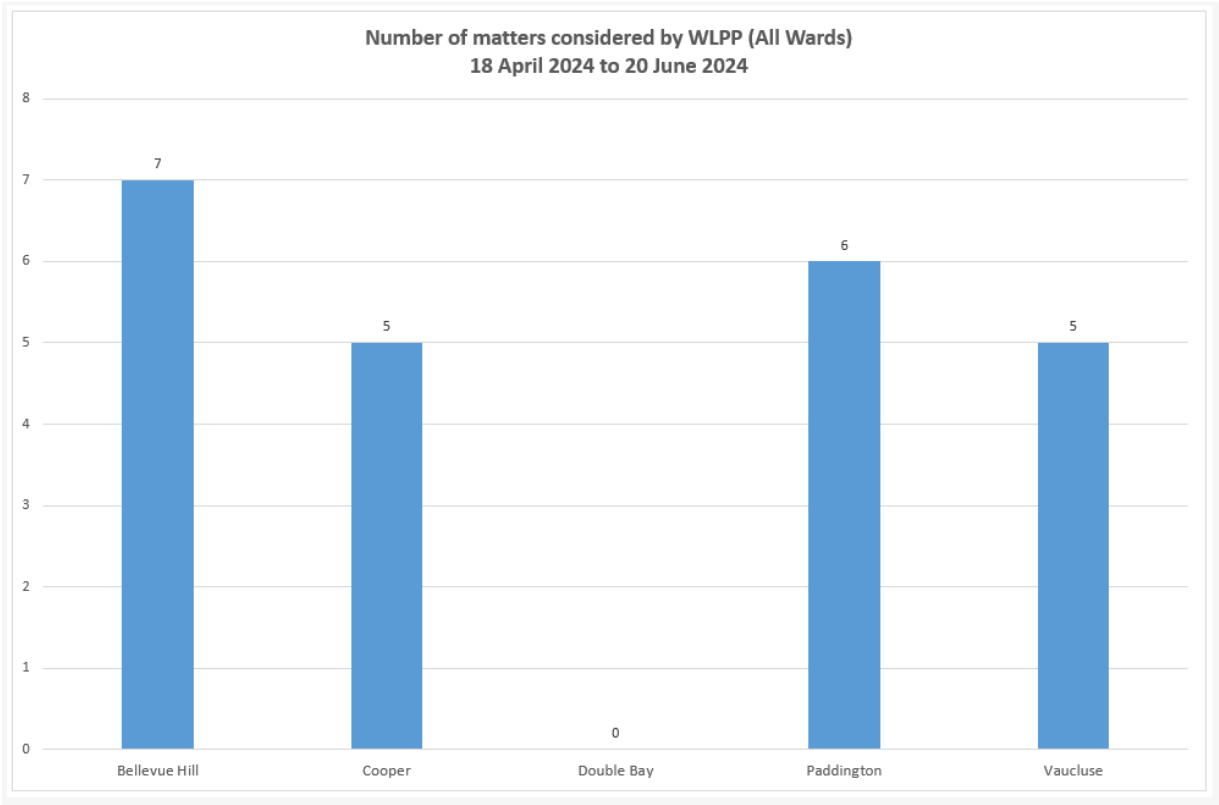
In total **23 Development Applications** and **1 Planning Proposal** were considered by the Woollahra Local Planning Panel during the period of **18 April 2024 to 20 June 2024**.

Provided below is an analysis of the following:

- the number of development applications considered per ward
- staff recommendation vs WLPP Decision
- reason(s) for referral to WLPP.

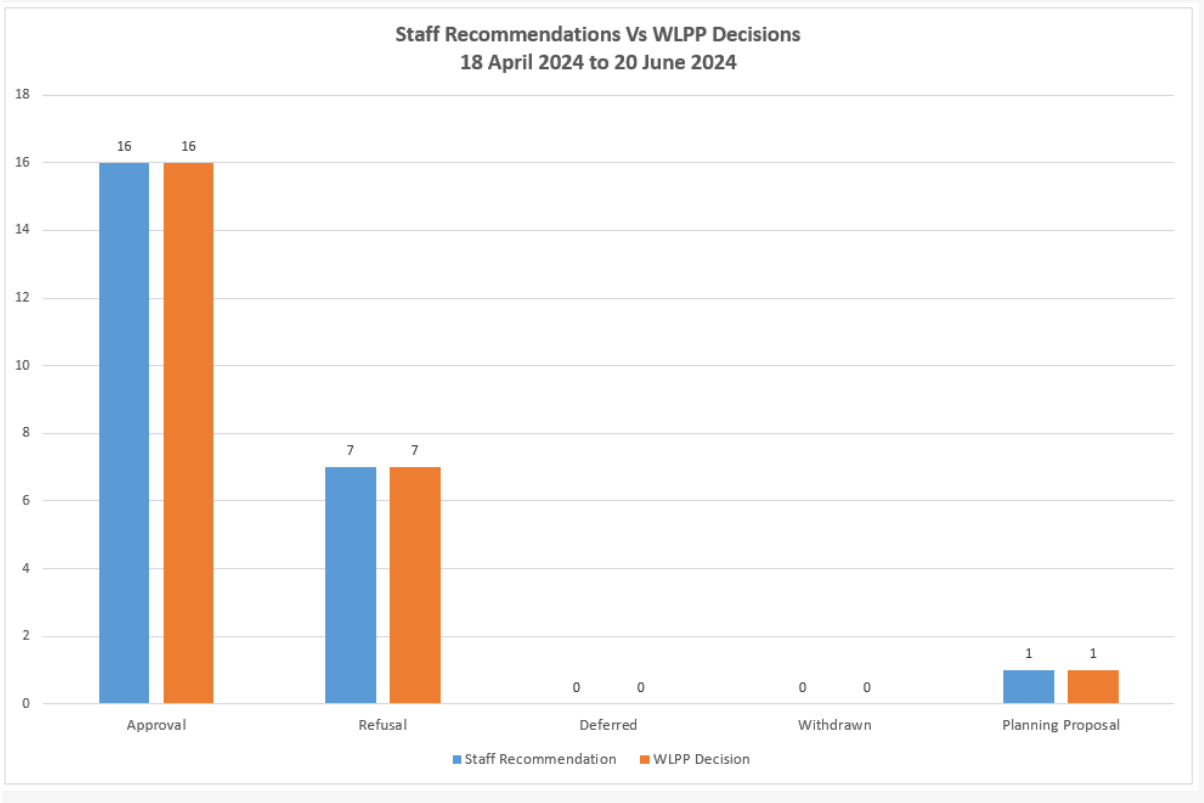
Number of Development Applications (excluding Planning Proposals) considered per ward:

The following graph illustrates the number of Development Applications (excluding Planning Proposals) considered by the Panel (per Ward).



Staff Recommendation vs WLPP Decision:

The graph below provides a comparison of the staff recommendation versus the WLPP decision.

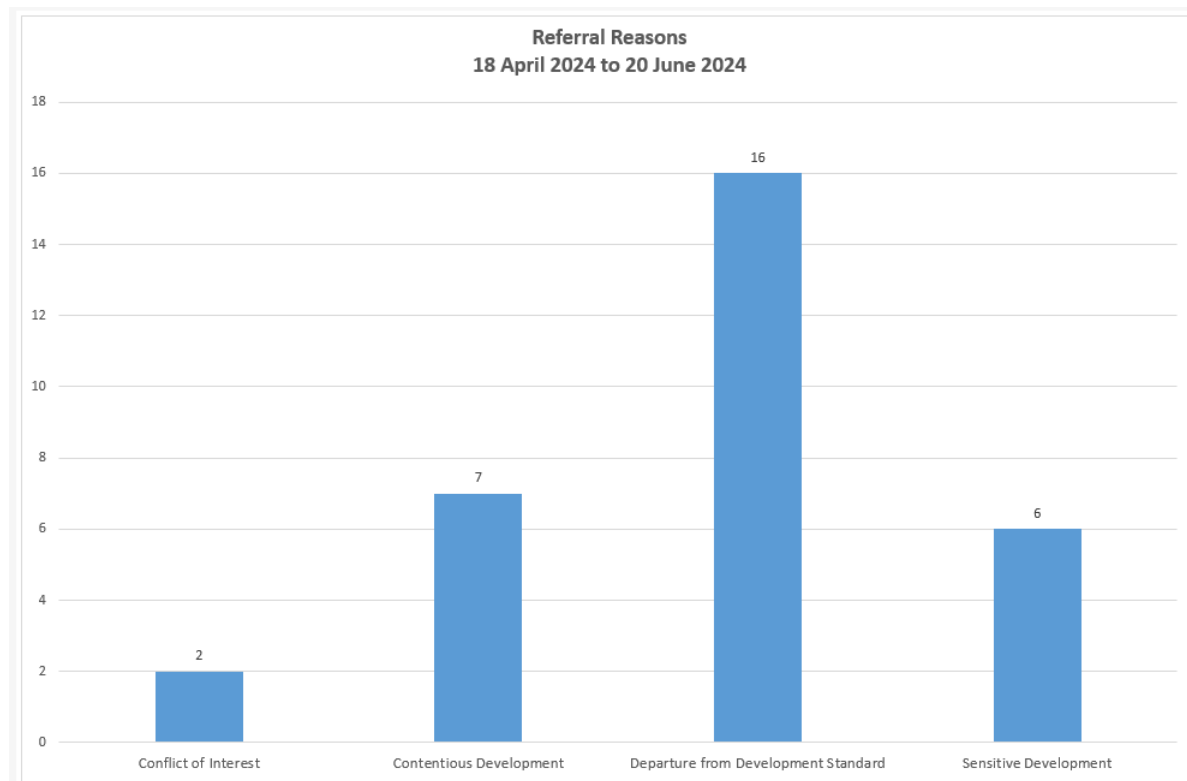


Reasons for Referral to WLLP:

The principal function of the WLPP is to determine local development applications (DAs) that fall within any of the following categories:

- conflict of interest;
- contentious development;
- departure from development standards (> 10%); and
- sensitive development.

The graph below indicates the reason for referral to the WLPP, noting that some applications fall within more than one category. Further details are available in **Attachment 1**.



Attachment 1 presents the Woollahra Local Planning Panel - Register of Planning Decisions, For the period 18 April 2024 to 20 June 2024.

1. Commentary on planning controls:

On 7 September 2020, Council's Environmental Planning Committee resolved, in part, as follows:

- C. *THAT Council requests that future reports include an analysis and commentary on the effectiveness of Council's current planning controls.*

In response to the above resolution, the following points are made:

- In the last review period, the Panel has not provided any feedback nor highlighted any shortcomings in the effectiveness of Council's current planning controls.
- In the event that issues are raised regarding the effectiveness of our current planning provisions, these are communicated to Council's Strategic Team. The Strategic Team will then research best practice, and where appropriate, recommend amendments.

2. Other relevant information – Appointment of the Woollahra Local Planning Panel

A report was tabled to Council at its meeting of 24 June 2024 to appoint the Chair, Alternate Chairs and Experts and to re-appoint the three (3) Community Representatives to the WLPP commencing in July 2024.

The Council resolved the following relevant matters:

THAT Council:

- A. *Appoints the following Chairperson and Alternate Chairpersons, to the Woollahra Local Planning Panel for a term of three (3) years, commencing 1 July 2024, in accordance with the Minister for Planning and Public Spaces direction issued on 3 June 2024 (attached to this report) and section 2.18 of the Environmental Planning and Assessment Act 1979:*
 - 1. *Penelope Holloway (Chairperson)*
 - 2. *Adam Seton (Alternate Chairperson)*
 - 3. *David Ryan (Alternate Chairperson)*
- B. *Appoint the following persons as Experts to the Woollahra Local Planning for the period of 1 July 2024 to 30 June 2027:*
 - 1. *Peter Brennan*
 - 2. *Judith Clark*
 - 3. *Glennys James*
 - 4. *Megan Jones*
 - 5. *Oliver Klein*
 - 6. *Lee Kosnetter*
 - 7. *Kerry Kyriacou*
 - 8. *Helen Lochhead*
 - 9. *Larissa Ozog*
 - 10. *Amelia Thorpe*
 - 11. *Lisa Trueman*
 - 12. *Sharon Veale*
 - 13. *Heather Warton*
- C. *Appoint the following persons as Experts to the Woollahra Local Planning for the period of 1 July 2024 to 8 December 2025:*
 - 1. *Graham Brown*
 - 2. *Sandra Robinson*
- D. *Re-Appoint the following persons as Community Representatives for the period of 1 July 2024 to 1 June 2025:*
 - 1. *Kenneth Raphael*
 - 2. *Ronald Schaffer*
 - 3. *Malcolm Young*

All of the above persons have accepted their respective appointments with the exception of Adam Seton and Amelia Thorpe who declined their appointments as Alternate Chairperson and Expert respectively.

Council is currently seeking for a replacement of Alternate Chairperson from the Director of Planning Panels of the Department of Planning, Housing and Infrastructure.

1. Appeals:

The table below provides a brief snapshot of Applications determined by the Panel where Class 1 Appeals have been finalised within the period April 2024 to June 2024.

DA No.	Property Address	Staff Recommendation	Panel's Decision	L&E Court Decision/Outcome
DA591/2022	7 Pacific Street WATSONS BAY	Refusal	Refusal	Upheld with amended plans via a s34 Agreement
DA533/2022	42 Vaucluse Road VAUCLUSE	Refusal	Refusal	Upheld with amended plans via a s34 Agreement
DA54/2023	54 New Beach Road DARLING POINT	Refusal	Refusal	Upheld with amended plans via a s34 Agreement
DA3/2023	27-29 & 31-37 Knox Street DOUBLE BAY	Refusal	Refusal	Dismissed

Options:

Council may resolve in line with the recommendations as included in this report or, Council may choose to resolve in some other manner.

Community Engagement and / or Internal Consultation:

In preparing this report internal consultation has taken place between the Director Planning & Place and the Manager Development Assessment.

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:

It is recommended that the Register of Planning Decisions for the period 18 April 2024 to 20 June 2024 be received and noted

Attachments

1. Register of Planning Decisions - 18 April 2024 to 20 June 2024  



Woollahra Local Planning Panel (WLPP)
Register of Planning Decisions 18 April 2024 to 20 June 2024

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
DEVELOPMENT APPLICATIONS																	
18-Apr-24	Public Item - D2 DA372/2023/1	365 Edgecliff Road EDGECLIFF	COOPER	Demolition of the existing strata-titled RFB, construction of a new RFB, landscaping and strata subdivision.	\$10,878,297		✓	✓		✓	Refusal	Refusal	The key planning issues related to breaches of the Height and FSR development standards, inconsistency/non-compliances with SEPP 65, DCP building envelope non-compliances (i.e. boundary setbacks, volume of excavation, inconsistency with the Desired Future Character objectives for the precinct, insufficient information (i.e. landscaping geotechnical and stormwater documentation) and residential amenity impacts (i.e. view loss, overshadowing, privacy, scale/bulk, sense of enclosure, traffic). Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 19 December 2023. A s34 Conciliation Conference was held on 30 July 2024.	Graham Brown Judith Clark Kim Crestani Ronald Schaffer		Graham Brown	Yes
18-Apr-24	Electronic Item - D1 DA444/2022/2	44 Streatfield Road BELLEVUE HILL	COOPER	Internal and external modifications to an approved dwelling-house.	\$0			✓			Approval	Approval	The key planning issues related to a breach of the Height development standard, consistency with the Desired Future Character objectives for the precinct, design, streetscape presentation/context and residential amenity impacts (i.e. privacy). Panel's comments: Endorsed the staff recommendation.	Graham Brown Judith Clark Kim Crestani Ronald Schaffer		Graham Brown	Yes
18-Apr-24	Electronic Item - D2 DA344/2023/1	46 Cecil Street PADDINGTON	PADDINGTON	Alterations and additions including a new loft above existing garage.	\$89,650			✓			Approval	Approval	The key planning issues related to a breach of the FSR development standard, heritage, design, lanescape presentation and consistency with the garage/loft provisions in Chapter C1 (Paddington HCA) of WDCP 2015. Panel's comments: Endorsed the staff recommendation.	Graham Brown Judith Clark Kim Crestani Ronald Schaffer		Graham Brown	Yes
18-Apr-24	Electronic Item - D3 DA443/2023/1	219 O'Sullivan Road BELLEVUE HILL	BELLEVUE HILL	Alterations and additions to the existing dwelling including an upper level addition.	\$605,000			✓			Approval	Approval	The key planning issues related to a breach of the FSR development standard, DCP building envelope non-compliances (i.e. boundary setbacks, deep soil landscaped area), design, streetscape presentation and residential amenity impacts (i.e. privacy, solar access). Panel's comments: Endorsed the staff recommendation.	Graham Brown Judith Clark Kim Crestani Ronald Schaffer		Graham Brown	Yes
18-Apr-24	Electronic Item - D4 DA501/2022/2	12 Rawson Road ROSE BAY	VAUCLUSE	Internal and external modifications to an approved new dwelling house.	\$0			✓			Approval	Approval	The key planning issues related to the proposed modifications breaching the FSR development standard and resultant impacts in terms of streetscape presentation/built form/context and residential amenity impacts. Panel's comments: Endorsed the staff recommendation.	Graham Brown Judith Clark Kim Crestani Ronald Schaffer		Graham Brown	Yes
2-May-24	Public Item - D1 DA316/2023/1	80-82 New South Head Road VAUCLUSE - Vaucluse Bowling Club & Community Facility	VAUCLUSE	The use of the south-western section of Samuel Park as a recreation facility (outdoor) and a community facility.	\$0	✓	✓				Approval	Approval	The key planning issues related to the permissibility of the use(s), hours of operation, acoustic impacts, traffic/car parking impacts and residential amenity for surrounding properties/locality. Panel's comments: Endorsed the staff recommendation.	Helen Lochhead Peter Brennan Malcolm Young		Helen Lochhead	Yes
2-May-24	Electronic Item - D1 DA321/2014/4	2A Spencer Street ROSE BAY	VAUCLUSE	Modifications to the approved RFB including the adjustment of levels and an increase to the roof height.	\$0			✓			Approval	Approval	The key planning issues related to the proposed modifications resulting in the approved RFB breaching the Height development standard, streetscape presentation/context and any resultant residential amenity impacts (i.e. solar access, privacy, sense of enclosure). Panel's comments: Endorsed the staff recommendation.	Helen Lochhead Peter Brennan Oliver Klein Malcolm Young		Helen Lochhead	Yes
2-May-24	Electronic Item - D2 DA323/2023/1	116 Edgecliff Road WOOLLAHRA	COOPER	Alterations and additions of existing dwelling including new garage and pool.	\$806,086			✓			Approval	Approval	The key planning issues related to a breach of the FSR development standard, heritage, design, landscape character, consistency/compliances with Chapter C2 (Woollahra HCA) of WDCP 2015 and residential amenity impacts (i.e. privacy, solar access, boundary encroachment, sense of enclosure). Panel's comments: Endorsed the staff recommendation subject to the inclusion of Conditions A2 and D2(b) which relate to the location of the pool filter box and the retention of the existing Lilly Pilly's, respectively.	Helen Lochhead Peter Brennan Oliver Klein Malcolm Young		Helen Lochhead	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
2-May-24	Electronic Item - D3 DA9/2024/1	110 Victoria Road BELLEVUE HILL	BELLEVUE HILL	Alterations and additions to an existing house, pool cabana, swimming pool and related landscaping.	\$590,000			✓			Approval	Approval	The key planning issues related to breaches of the Height and FSR development standards, DCP building envelope non-compliances (i.e. boundary setbacks, external wall height, siting of ancillary buildings), streetscape presentation/context, view affectation and residential amenity impacts (i.e. views, privacy, solar access, visual intrusion/sense of enclosure). Panel's comments: Endorsed the staff recommendation.	Helen Lochhead Peter Brennan Oliver Klein Malcolm Young		Helen Lochhead	Yes
2-May-24	Electronic Item - D4 DA249/2023/1	34 Cranbrook Road BELLEVUE HILL	BELLEVUE HILL	Demolition of the existing RFB and the construction of a new RFB with four (4) apartments and landscaping.	\$4,528,717					✓	Refusal	Refusal	The key planning issues related to the provisions of 'Existing Use Rights', the provisions of SEPP 65 and its accompanying Apartment Design Guide, loss of landscape character, insufficient information and residential amenity impacts. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 23 February 2024. The matter is listed for a s34 Conciliation Conference on 19 August 2024.	Helen Lochhead Peter Brennan Oliver Klein Malcolm Young		Helen Lochhead	Yes
16-May-24	Electronic Item - D1 DA36/2024/1	51 View Street WOOLLAHRA	COOPER	Alterations and additions to the existing dwelling house.	\$517,550			✓			Approval	Approval	The key planning issues related to a breach of the FSR development standard, heritage, design, streetscape presentation, consistency/compliance with Chapter C2 (Woollahra HCA) of WDCP 2015 and residential amenity impacts. Panel's comments: Endorsed the staff recommendation subject to the modification of Condition D1(e) which related to the front fence design (height and transparency).	Graham Brown Philippa Frecklington Heather Warton Ronald Schaffer		Graham Brown	Yes
16-May-24	Electronic Item - D2 DA224/2023/1	46 Hopetoun Avenue VAUCLUSE	VAUCLUSE	Alterations and additions to a dwelling house including an additional level; replacement of the swimming pool and landscaping.	\$1,990,682			✓			Approval	Approval	The key planning issues related to a breach of the Height development standard, DCP building envelope non-compliances (i.e. boundary setbacks, external wall height), streetscape presentation and context, design and residential amenity impacts (i.e. visual and acoustic privacy, solar access). Panel's comments: Endorsed the staff recommendation.	Graham Brown Philippa Frecklington Heather Warton Ronald Schaffer		Graham Brown	Yes
16-May-24	Electronic Item - D3 DA173/2023/1	80 Sutherland Street PADDINGTON	PADDINGTON	Extensive alterations and additions.	\$739,805			✓			Refusal	Refusal	The key planning issues related to a breach of the Height development standard, heritage, streetscape presentation/context, design, non-compliances/inconsistencies with Chapter C1 (Paddington HCA) of WDCP 2015, insufficient/inaccurate documentation and residential amenity impacts. Panel's comments: Endorsed the staff recommendation.	Graham Brown Philippa Frecklington Heather Warton Ronald Schaffer		Graham Brown	Yes
16 May 224	Electronic Item - D4 DA262/2023/1	3 Lawson Street PADDINGTON	PADDINGTON	S8.2 Review - Alterations and additions to the existing semi-detached dwelling including a new swimming pool.	\$813,670		✓				Approval	Approval	The initial Development Application was refused by the LPP at its meeting of 21 December 2023 on the grounds of heritage, inappropriate design, inconsistencies/non-compliances with Chapter C1 (Paddington HCA) of WDCP 2015 and adverse residential amenity impacts. The subject s8.2 Review of Determination Application incorporated significant modifications which addressed the 'DA Reasons for Refusal'. The s8.2 Review Application was accepted by Council's Heritage Officer. Panel's comments: Endorsed the staff recommendation.	Graham Brown Philippa Frecklington Heather Warton Ronald Schaffer		Graham Brown	Yes
16-May-24	Electronic Item - D5 DA216/2021/3	142, 142A & 142B Bellevue Road BELLEVUE HILL	COOPER	Internal and external modifications to an approved RFB including an electricity sub-station.	\$0			✓		✓	Refusal	Refusal	The key planning issues related to a breach of the FSR development standard, inconsistencies/non-compliances with the Housing SEPP 2021, loss of landscape character (i.e. removal of a significant tree), adverse streetscape presentation (associated with the proposed location of the electrical substation) and insufficient information. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 27 February 2024. The matter is listed for a s34 Conciliation Conference on 4 September 2024.	Graham Brown Philippa Frecklington Heather Warton Ronald Schaffer		Graham Brown	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
20-Jun-24	Public Item - D1 DA414/2022/1	25 Birriga Road BELLEVUE HILL	BELLEVUE HILL	Demolition of an existing dwelling and construction of a new RFB.	\$3,765,439		✓			✓	Approval	Approval	<p>The key planning issues related to the breach of the FSR development standard, non-compliances with Apartment Design Guide, DCP non-compliances in terms of boundary setbacks, volume of excavation, Desired Future Character objectives for the precinct and residential amenity impacts (i.e. view loss, overshadowing, privacy, scale/bulk, traffic).</p> <p>Panel's comments: Endorsed the staff recommendation.</p> <p>The Panel is satisfied that the application can be approved subject to the conditions in the assessment report and the modification of Condition C.1 to require the amended plans to be submitted to and approved by Council's Manager of Development Assessment prior to the issue of a construction certificate.</p> <p>Note: Condition C.1 requires modifications to address the following concerns:</p> <ul style="list-style-type: none">• Retaining wall adjacent to the neighbouring property (No. 23)• Building height (ensuring compliance of the development standard)• Privacy	Penelope Holloway Judith Clark Sandra Robinson Ronald Schaffer		Penelope Holloway	Yes
20-Jun-24	Public Item - D2 DA10/2024/1	85-87 Birriga Road BELLEVUE HILL	BELLEVUE HILL	Demolition of all existing structures on both 85 and 87 Birriga Road and the construction of a new four (4) storey RFB containing 8 units, basement parking containing 16 spaces a roof top terrace with pergola associated landscaping and sites to be amalgamated.	\$6,511,446		✓	✓		✓	Refusal	Refusal	<p>The key planning issues related to the breach of the FSR development standard, inconsistency/non-compliances with SEPP 65 and Apartment Design Guide, DCP non-compliances in terms of boundary setbacks, volume of excavation, tree canopy, inconsistency with the Desired Future Character objectives for the precinct and residential amenity impacts (i.e. view loss, overshadowing, privacy, scale/bulk, traffic). In addition, insufficient and inconsistent information was provided.</p> <p>Panel's comments: Endorsed the staff recommendation.</p> <p>The Panel is satisfied that the application be refused for the reasons set out in the assessment report.</p> <p>Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 10 April 2024. The matter is listed for a s34 conciliation conference on 13 September 2024.</p>	Penelope Holloway Judith Clark Sandra Robinson Ronald Schaffer		Penelope Holloway	Yes
20-Jun-24	Public Item - D3 DA251/2023/1	40 Coolong Road VAUCLUSE	VAUCLUSE	Substantial alterations and additions to a dwelling house (essentially a new dwelling house), new swimming pool and pavilion structure and landscaping.	\$4,549,265		✓				Approval	Approval	<p>The key planning issues related to the breach of the Height of Buildings development standard, DCP non-compliances in terms of boundary setbacks, wall height and inclined plane, floorplates, the Desired Future Character objectives for the precinct and residential amenity impacts (i.e. view loss, overshadowing, privacy, scale/bulk, traffic).</p> <p>Panel's comments: Endorsed the staff recommendation.</p> <p>The Panel is satisfied that the application can be approved subject to the conditions in the assessment report with additional condition for the retention of Tree 25 and increased side setback (northern) to the rear upper level extension.</p>	Penelope Holloway Judith Clark Sandra Robinson Ronald Schaffer		Penelope Holloway	Yes
20-Jun-24	Public Item - D4 DA452/2023/1	19 Sutherland Avenue PADDINGTON	PADDINGTON	Demolition of the existing single storey (with attic) weatherboard cottage (common wall with No 17 Sutherland Avenue retained) and the construction of a new three storey dwelling with a basement level, concealed car lift, plunge pool and landscaping.	\$924,595		✓				Refusal	Refusal	<p>The key planning issues related to heritage impacts to the existing building, excessive height bulk and scale, inconsistency with Chapter C1 (Paddington DCP) of the WDCP 2015 and residential amenity impacts (privacy, view and visual quality, parking).</p> <p>Panels' comments: Endorsed the staff recommendation.</p> <p>The Panel is satisfied that the application be refused for the reasons set out in the assessment report.</p>	Penelope Holloway Judith Clark Ronald Schaffer		Penelope Holloway	Yes
20-Jun-24	Electronic Item - D1 DA210/2023/1	22 Boronia Road BELLEVUE HILL	BELLEVUE HILL	Demolition of existing dwelling, and construction of a new RFB containing four units and basement parking, swimming pool, and associated landscaping.	\$3,920,000			✓		✓	Approval	Approval	<p>The key planning issues related to the breaches of the Minimum Lot Size and Height of Buildings development standards, non-compliances with Apartment Design Guide, DCP non-compliances in terms of front setback, volume of excavation, Desired Future Character objectives for the precinct and residential amenity impacts (i.e. overshadowing, privacy, scale/bulk).</p> <p>Panel's comments: Endorsed the staff recommendation.</p> <p>The Panel is satisfied that the application can be approved subject to the conditions in the assessment report with the amendment to Condition C.1 (g) to include the selection from the list of local native plants.</p>	Penelope Holloway Judith Clark Sandra Robinson Ronald Schaffer		Penelope Holloway	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
20-Jun-24	Electronic Item - D2 DA278/2023/1	79 Bellevue Road BELLEVUE HILL	BELLEVUE HILL	Demolition of existing building and construction of new dual occupancy development with associated landscaping and strata sub-division.	\$2,253,167			✓			Refusal	Refusal	The key planning issues related to the breach of the FSR development standard, DCP non-compliances in terms of boundary setbacks, volume of excavation, tree canopy, inconsistency with the Desired Future Character objectives for the precinct and residential amenity impacts (i.e. privacy, scale/bulk, traffic). Panel's comments: Endorsed the staff recommendation. The Panel is satisfied that the application be refused for the reasons set out in the assessment report.	Penelope Holloway Judith Clark Sandra Robinson Ronald Schaffer		Penelope Holloway	Yes
20-Jun-24	Electronic Item - D3 DA41/2024/1	361-441 Glenmore Road PADDINGTON	PADDINGTON	Upgrade the grandstand amenities, sport facilities & change rooms.	\$350,000	✓					Approval	Approval	No planning issues. Panel's comments: Endorsed the staff recommendation. The Panel is satisfied that the application can be approved subject to the conditions set out in the assessment report.	Penelope Holloway Judith Clark Sandra Robinson Ronald Schaffer		Penelope Holloway	Yes
20-Jun-24	Electronic Item - D4 DA301/2023/1	464 Oxford Street PADDINGTON	PADDINGTON	Alterations and additions to the existing building and change of use from retail to a licensed restaurant.	\$550,000			✓			Approval	Approval	The key planning issues related to the breach of the FSR development standard, management of the licensed premises, and residential amenity impacts (i.e. hours of operation, noise, waste management). Panel's comments: Endorsed the staff recommendation. The Panel is satisfied that the application can be approved subject to the conditions set out in the assessment report.	Penelope Holloway Judith Clark Sandra Robinson Ronald Schaffer		Penelope Holloway	Yes
PLANNING PROPOSALS																	
18-Apr-24	Planning Proposal to list two school buildings in Rose Bay	21 Wilberforce Avenue, Rose Bay (Rose Bay Public School) 12 Carlisle Street, Rose Bay (McAuley Catholic Primary School)	VAUCLUSE	Planning proposal to list Building E in Rose Bay Public School and one building in McAuley Catholic Primary School as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.	NA						Support	Support	Note: The panel noted the palm trees in the curtilage of the Rose Bay Public School Building E.	Graham Brown Judith Clark Kim Crestani Ron Schaffer		Graham Brown	Yes

Item No:	R1 Recommendation to Council
Subject:	HYDROGEOLOGICAL AND GEOTECHNICAL STUDY OF THE ROSE BAY AREA AND PROPOSED DCP AMENDMENTS
Authors:	Anne White, Manager Strategic Planning & Place Emilio Andari, Manager Engineering Services
Approvers:	Tom O'Hanlon, Director Infrastructure & Sustainability Scott Pedder, Director Planning & Place
File No:	24/103121
Purpose of the Report:	To provide responses to Councillor questions included in the Council resolution of 11 June 2024. Further responses are also provided for a number of related questions also raised by Councillors and noted by staff at the EPC meeting held on 3 June 2024 or received from Councillors via email.
Alignment to Delivery Program:	To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015. Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Receives and notes the responses to the questions included in the Council resolution at the 11 June 2024 Council meeting, and associated questions received from Councillors during this period.
- B. Notes the previous report to Council tabled at the 11 June 2024 Council meeting, as shown in **Attachment 1**.
- C. Receives and notes the amended study *Rose Bay - Hydrogeological and Geotechnical Impacts* (July 2024) prepared by GHD Pty Ltd, as shown in **Attachment 2**.
- D. Resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts*, as shown in **Attachment 3**.

Executive Summary:

Council, at its meeting held on the 11 June 2024, was presented with the findings of engineering consultants' GHD Pty Ltd work on the impacts associated with excavation, particularly the potential impact of groundwater drawdown on the structural and geological integrity of buildings in the Rose Bay area. In addition, vibration from construction activities such as building demolition, pile driving, soil compaction and rock excavation was considered. A copy of the report presented to Council on 11 June 2024, are shown in **Attachment 1**.

At this meeting, Councillors raised a number of concerns relating to how vibration is managed during development works. GHD have now reviewed their recommendations and have amended their advice to include limits on vibration, based on the type of vibration.

Vibration controls address human comfort and structural damage, and are designed to comply with the following standards:

- For human comfort - *Assessing Vibration - a technical guideline by Department of Environment and Conservation NSW (DEC), 2006; and*
- For structural damage - *German standard DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures.*

The vibration shall not exceed the following limits at any time:

- For continuous vibration: Maximum peak velocity of 0.28 mm/s (addresses human comfort).
- For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75} (addresses structural damage).
- For Impulsive vibration: Maximum peak velocity of 2.5 mm/s (addresses structural damage).

These vibration types can be typically explained using the following examples.

- Continuous vibrations continues uninterrupted for a defined period (usually throughout daytime and/or night-time) such as, vibration roller, water pump.
- Intermittent vibrations is the stop and start of vibrations over a period of time such as, jack hammering.
- Impulsive vibrations is the one-off frequencies such as, pile compaction, metal plate compaction.

It is noted that the introduction of the above vibration controls would not prevent construction activity, provided that consideration for an appropriate construction methodology and selection of appropriate plant and equipment, is undertaken and approved by a suitably qualified professional.

A maximum peak velocity of 2.5mm/s which addresses structural damage has been selected based on engineering judgement and a conservative approach to the use of the German Standard (DIN 4150-3) and also in accordance with current industry standards.

Further, construction equipment and methodology must be selected such that vibration complies with the above acceptable levels. Assessment on expected vibration levels is to be based on the proposed construction activities and plant to be used. The applicant is to submit a statement/report from a qualified person, such as Geotechnical Engineer or Acoustic Consultant, that the vibration would be compliant with relevant vibration standards, guidelines and legislation. The statement/report is to specify methods for reducing vibrations within acceptable levels when the proposed construction activity or plant is likely to cause vibration greater than acceptable limit.

Council's current objective is to minimise or eliminate vibration caused by construction '**to ensure no adverse impact on surrounding properties and infrastructure**'. This objective of minimising impact and structural damage on surrounding properties and infrastructure is reasonable. Tighter vibration control and acceptable limits would mean the construction equipment and methodology needs to be chosen with these considerations. Economic implications depends on many factors such as construction activity, methodology, equipment, ground conditions, distance to the foundation of neighbouring properties from the vibration source, etc. The DEC (2006) guidelines and the German Standard (DIN 4150-3) discusses the methods for controlling vibrations at the source, controlling transmission of vibration and/or minimising the effects of vibrations.

GHD has confirmed that the acceptable vibration limits are defined with the considerations of human comfort and structural damage and are applicable across the Municipality. The new controls are applicable for all development applications involving activities transmitting significant vibration. Although the ground conditions within Rose Bay and Double Bay comprise thick sand profile, an assessment as presented in GHD's final report, indicated that the vibration induced settlement and associated impact is not significant.

The subsurface condition influences the attenuation of vibration (i.e. reduction in the vibration peak velocity) with distance. Rate of reduction in vibration with distance is faster in soil (sands and clays) than in rock. Considering the fact that Rose Bay is mainly underlain by sand, the rate of reduction in vibration is faster than other areas throughout the Municipality that underlain by shallow bedrock. For this reason, Rose Bay can be considered as less sensitive than areas with shallow bedrock. The groundwater impact is considered more critical for Rose Bay since it is underlain by permeable sand. Therefore, consideration for a more stringent vibration limit for Rose Bay and Double Bay is not required.

As previously advised, the study identified that the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) would be strengthened by including provisions to address the impact of groundwater drawdown and land stability within parts of the Rose Bay area. The study also found that vibration limits, guidelines and monitoring requirements should be considered to address human comfort and structural damage, LGA wide.

Having regard to the findings of the study, Council staff recommend changes to the Woollahra DCP 2015 as set out in *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts* (draft DCP) in **Attachment 3**.

Staff recommend that Council endorse the draft DCP for public exhibition.

Discussion:

Background

At the Council meeting on 11 June 2024, it was also resolved:

THAT Council:

- A. *Resolves to defer this item to the next meeting of Council on the 8 July 2024 to give consideration to further late correspondence on this matter.*
- B. *In the interim, the matter is referred back to the Environmental Planning Committee in order that staff provide further input into appropriate amendments to better protect neighbouring and other property from damage as a consequence of building approvals in the confirmed sensitive location from the Bellevue Hill Ridgeline to the Sydney Harbour foreshore including the Rose Bay basin.*
- C. *Requests staff address the following questions as part of the material brought back to the Environmental Planning Committee before the July full Council meeting. Much is supported by the engineer's report but the proposed amendments to date do not address the reasons for conducting the study, which is to reduce the potential for damage to neighbouring and other property:*
 - i. *Considering the area has been identified as sensitive by the engineers' survey and report and considering there has been a multitude of reports and evidence of damage to neighbouring properties and some further afield from redevelopment in this wide location on the slope and along the basin, Council officers put their minds to the German standards regarding vibration (PPV) impacts.*
 - ii. *Can the German vibration standard regarding vibration impact of 2.5 units be applied as an upper limit in our controls through conditions of consent in this sensitive location and in keeping with this standard?*
 - iii. *Can approvals that have conditions for the requirement of vibration monitors be clear exactly when these are to be put in place rather than rely on the applicant or builder. Can the timing of their installation be a clear condition of consent?*
 - iv. *Recommend a means by which locals and neighbours are informed when vibration standards are breached and who will notify them or how are they going to be notified. What evidence will be available to them?*
 - v. *Develop an open/transparent process in which locals understand when vibration limits are breached and what the recourse is.*

- vi. *Using the engineer's report and previous reported cases of damage, develop a radius in which dilapidation reports are required, having regard to substrata and impacts on structural roofs.*
- vii. *Develop a radius around the redevelopment in which vibration monitors will need to be installed. This should go beyond the immediate neighbour considering the long history of evidence that the damage is both proximal and distal.*
- viii. *Propose the process, if any, by which locals who have not been captured by the monitors or dilapidation reports but who are experiencing strong vibrations with ensuing damage can have the method of building piling, excavation and sifting reviewed to reduce vibration and damage to their properties. How will this information be handled?*
- ix. *Acknowledging the sensitivity of this location, look at options to prohibit any excavation beyond the current excavation controls but excluding excavation required to deliver the on-site parking allowance for higher density residential development.*

Given the work required to answer these questions raised by Councillors, the tabling of this report was rescheduled for the EPC meeting of 5 August 2024, with referral to the Council meeting of 12 August 2024.

Staff answers, to each of the questions raised, are provided as follows:

- i. ***Considering the area has been identified as sensitive by the engineers' survey and report and considering there has been a multitude of reports and evidence of damage to neighbouring properties and some further afield from redevelopment in this wide location on the slope and along the basin, Council officers put their minds to the German standards regarding vibration (PPV) impacts.***

The current requirement for vibration monitoring is based on recommendations of Australian Standard AS2187.2 Appendix J. However, this Australian Standard is specific for vibration related to explosives and associated structural damage. It is considered that this Australian Standard is not really applicable to the type of development being undertaken within the Woollahra LGA.

GHD has researched best industry standards and practices and investigated various international standards and guidelines and has now proposed vibration assessment and monitoring to be based on considerations of both human comfort and structural damage.

GHD's proposed recommendation is that vibration limits for human comfort should comply with Assessing Vibration - a Technical Guideline by the Department of Environment and Conservation NSW (DEC (2006)) and the vibration limits for structural damage should comply with German Standard DIN 4150-3 - Vibrations in Buildings - Part 3: Effects on Structures.

The vibration shall not exceed the following limits at any time:

- For continuous vibration: Maximum peak velocity of 0.28 mm/s (addresses human comfort).
- For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75} (addresses structural damage).
- For Impulsive vibration: Maximum peak velocity of 2.5 mm/s (addresses structural damage).

The DEC (2006) guideline and German Standard DIN 4150-3 have been recently used in major projects around Sydney, reinforcing current best practice. It is also noted that these documents have been used by developers within the Woollahra LGA. Some of the major projects referencing the above documents include:

- WestConnex, Rozelle Interchange;
- Sydney Metro West - Western Tunnelling Package;
- Western Harbour Tunnel and Warringah Freeway Upgrade.

The DEC (2006) guideline has also been adopted by other Councils within NSW including North Sydney and Waverley Councils for human comfort considerations.

Reasons for proposing DEC (2006) for Human Comfort - The currently referenced Australian Standard in Council's DA guide does not include any considerations for human comfort. Australian Standard AS ISO 2631.2-2014 related to human comfort does not specify any limits and states that "In Australia, state and territory government regulators provide guidelines and limits for the emission of vibration in buildings and it is recommended that reference be made to their publications for such advice". In this instance, the technical guideline by DEC (2006) is considered the most appropriate document. It is noted that this guideline was developed based on British Standard BS 6472-1992.

The reasons for proposing German Standard DIN 4150-3 for Structural Damage - The currently referenced Australian Standard for structural damage specifically relates to vibration generated by explosives. AS2187.2 Appendix J makes reference to the limits defined in the British Standard BS 7385.2-1993. This British Standard provides vibration limits for unreinforced/light framed structures and reinforced/framed structures. No specific limits for sensitive buildings (e.g. old or heritage buildings) have been provided. German Standard DIN 4150-3 specifies vibration limits for residential and commercial/industrial buildings as well as sensitive structures. The vibration limits provided in the German Standard are generally lower than those provided in Australian and British Standards. Therefore, GHD considered that German Standard DIN 4150-3 is more robust compared to Australian or British Standards for building damage and provides better protection against structural damage caused by vibration.

GHD also noted that standard industry practice in Australia for designs is to adopt the following order of precedence:

- Project specifications;
- Australian Standards;
- International Standards such as British Standards, Euro Codes, German Standards etc.

If any specific technical requirement is not covered by project specifications, appropriate specification/standard should be identified and adopted following the above order of precedence.

Therefore, in line with best industry practice, DEC (2006) and German Standard DIN 4150-3 for human comfort and building/structural damage considerations, respectively, are proposed.

The current DCP specifies that the "buildings must be designed and constructed with appropriate support and retention systems to ensure that vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure". Currently, the DCP refers to Attachment 6 of the DA guide "Geotechnical and Hydrogeological Report" which is required to be prepared when below ground structures are proposed. GHD's review identified that there are potential activities unrelated to excavation that can also cause vibration (e.g. vibratory compaction, pile driving, etc.).

Therefore, GHD has proposed that controls related to vibration limits and monitoring be introduced within the DCP, for compliance.

ii. Can the German vibration standard regarding vibration impact of 2.5 units be applied as an upper limit in our controls through conditions of consent in this sensitive location and in keeping with this standard?

It is recommended that vibration shall not exceed the following limits at any time:

- For continuous vibration: Maximum peak velocity of 0.28 mm/s (addresses human comfort).
- For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75} (addresses structural damage).
- For Impulsive vibration: Maximum peak velocity of 2.5 mm/s (addresses structural damage).

Vibration limits are generally imposed for two key considerations namely human comfort and building damage. While noting there are many factors, including types of vibration, time of activity, setting (e.g. residential, commercial, sensitive workplace) and frequency, involved in defining the vibration limits for human comfort, a blanket limit peak particle velocity (or generally referred as ppv) vibration of 2.5 mm/s is considerably higher than acceptable limit for human comfort in most of the scenarios. For example, the preferred limit for continuous vibration occurring in a residential setting during normal working hours is 0.28 mm/s as per DEC (2006) guideline.

Conversely, based on the German Standard DIN-4150-3 for structural damage, the 2.5 mm/s is lower than the lowest limit specified for sensitive buildings for short term vibration measured at foundation for frequencies 1 to 10 Hz, i.e. 3 mm/s, and the limit of 2.5 mm/s is equal to the lowest limit specified for long term vibration measured in the topmost floor. For structural damage, the minimum vibration limit for non-sensitive residential buildings and buildings of similar design and/or occupancy is 5 mm/s as per German Standard DIN-4150-3.

Therefore, a limit of 2.5 mm/s is considered reasonable for structural damage, yet inappropriate if human comfort is of concern.

Hence, the approach is to provide vibration limits based on the type of vibration undertaken, as stated above.

iii. Can approvals that have conditions for the requirement of vibration monitors be clear exactly when these are to be put in place rather than rely on the applicant or builder. Can the timing of their installation be a clear condition of consent? The conditions must be satisfied prior to any site works.

Council has standard conditions of consent for vibration monitoring, which must be satisfied during any development work. These conditions are generally executed by a professional engineer (see meaning of terms below).

The conditions require vibration monitoring equipment to be installed between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration. If the vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building that exceeds the peak particle velocity (ppv) adopted by the professional engineer as the maximum acceptable ppv, an alarm will activate and excavation works must cease immediately.

In this event, the cause must be identified and documented by the professional engineer. If the professional engineer determines that a change in work practices is required to ensure that vibration does not exceed the ppv, these changes must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor. This written direction must clearly set out the required work practice. A copy of the written direction must also be provided to the Principal Certifier within 24 hours.

If there is any movement in foundations that causes damage to any adjoining building or any removal of support to supported land, work must cease immediately. The owner must be informed and immediate action taken under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Meaning of terms used in the condition:

- development has the same meaning as in the Environmental Planning and Assessment Act 1979, section 1.5, which is
 - (1) for the purposes of this Act, development is any of the following:
 - (a) the use of land,
 - (b) the subdivision of land,
 - (c) the erection of a building,
 - (d) the carrying out of a work,
 - (e) the demolition of a building or work,
 - (f) any other act, matter or thing that may be controlled by an environmental planning instrument.
 - (2) however, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).
 - (3) for the purposes of this Act, the carrying out of development is the doing of the acts, matters or things referred to in subsection (1).
- work is defined in Council's standard conditions of consent as:
 - the use of land in connection with development,
 - the subdivision of land,
 - the erection of a building,
 - the carrying out of any work,
 - the use of any site crane, machine, article, material, or thing,
 - the storage of waste, materials, site crane, machine, article, material, or thing,
 - the demolition of a building,
 - the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
 - the delivery to or removal from the site of any machine, article, material, or thing, or
 - the occupation of the site by any person unless authorised by an occupation certificate.
- professional engineer has the same meaning as in clause A1.1 of the BCA, ie professional engineer means a person who is—
 - (a) if legislation is applicable — a registered professional engineer in the relevant discipline who has appropriate experience and competence in the relevant field; or
 - (b) if legislation is not applicable—
 - (i) a Corporate Member of the Institution of Engineers, Australia; or
 - (ii) eligible to become a Corporate Member of the Institution of Engineers, Australia, and has appropriate experience and competence in the relevant field.
- building has the same meaning as in section 1.4 of the Act i.e. "building includes part of a building and any structure or part of a structure...."

- supported land has the same meaning as in the Conveyancing Act 1919, ie “...supporting land includes the natural surface of the land, the subsoil of the land, any water beneath the land, and any part of the land that has been reclaimed”.

Vibration monitoring is currently not a Council requirement during the demolition stage of construction. It is proposed that the requirement of vibration monitoring during demolition be included in Council's requirements as a result of these improvements.

iv. *Recommend a means by which locals and neighbours are informed when vibration standards are breached and who will notify them or how they are going to be notified. What evidence will be available to them?*

Under Council's standard condition:

- the vibrations are monitored by the principal contractor and professional engineer supervising the site by the installation of vibration monitors.
- the location of the vibration monitors are determined and set by the professional engineer. The professional engineer, as defined in the National Construction Code, ie, BCA, must have expertise and experience in geotechnical engineering.
- if there is an exceedance, the vibration monitors must sound when they detect vibrations exceeding the peak particle velocity (ppv) adopted by the professional engineer as the maximum acceptable ppv.
- If there is an exceedance and the alarms sound, all excavation work must cease. The event must be recorded, and the cause of the event identified and documented by the professional engineer.

Council is not informed when vibration limits are breached and does not have a role informing neighbours. This information can be sought by the neighbours from the Principal Certifier appointed for the relevant site. It will be a matter for the Principal Certifier as to whether this information is provided to neighbours. Council's regulatory powers are focused on managing the likely impacts of the development rather than requiring the sharing of information.

v. *Develop an open/transparent process in which locals understand when vibration limits are breached and what the recourse is.*

Where a private certifier is appointed as Principal Certifier for a development, as is the case for most development in the Woollahra LGA, the Principal Certifier is responsible for ensuring that all the building work (includes demolition) complies with the development consent and construction certificates.

Any concerns about non-compliance should be directed to the Principal Certifier in the first instance. If there is damage to private property, this must be pursued via a civil law mechanism. Council does not have the power to adjudicate disputes between private property owners or order repairs to private property.

vi. *Using the engineer's report and previous reported cases of damage, develop a radius in which dilapidation reports are required, having regard to substrata and impacts on structural roofs.*

It is considered unnecessary to develop a radius defining an extended area around the construction site requiring additional dilapidation reports.

Provided that vibration at adjacent buildings is within the adopted limits, vibration at buildings further away should also be within the adopted limits. As the vibration peak particle velocity (ppv) reduces with distance, only the adjacent buildings will experience the largest vibration. Hence, vibration monitoring should not be required beyond the site's boundaries.

Depending on the substrata, the rate of reduction in magnitude of vibration varies. For example, in rock strata, the rate of reduction in magnitude of vibration is low, hence, vibration will be felt at distance further away than that in soil strata. Nevertheless, the magnitude of vibration still reduces with distance regardless of the substrata.

Based on the above, it would seem reasonable to request dilapidation surveys for the adjacent buildings to the construction site. However, there is a possibility that any sensitive or old buildings including those heritage listed can be damaged, depending on the existing conditions (i.e. the condition of building structure and/or the foundation) even under lower vibration magnitudes than that experienced by adjacent structures.

Therefore, the applicant may be requested by Council to provide evidence that the applicant's consultant has carried out sufficient research to identify existing sensitive structures near the construction site. If the sensitive buildings are identified near the construction site, applicants may be requested by Council to carry out dilapidation survey for those buildings.

As the dilapidation survey is a visual inspection of accessible areas of the building, it is unreasonable to expect the dilapidation report to include inspection of the roof, though it would seem reasonable that if any roof damage was present, this would be reflected in roof supporting structural elements including walls, columns, beams, etc.

Council's current practice is to request dilapidation surveys only for the adjacent buildings of the construction site. It is proposed to amend this requirement to allow the inclusion of any sensitive or old buildings near the construction site.

- vii. *Develop a radius around the redevelopment in which vibration monitors will need to be installed. This should go beyond the immediate neighbour considering the long history of evidence that the damage is both proximal and distal.***

Similarly to question vi. above, it is considered unnecessary to develop a radius defining an extended area around the construction site requiring additional vibration monitors.

Provided that vibration at adjacent buildings is within the adopted limits, vibration at buildings further away should also be within the adopted limits. As the vibration peak particle velocity (ppv) reduces with distance, the adjacent buildings will experience the largest vibration. Hence, additional vibration monitoring should not be required beyond the site's boundaries.

- viii. *Propose the process, if any, by which locals who have not been captured by the monitors or dilapidation reports but who are experiencing strong vibrations with ensuing damage can have the method of building piling, excavation and sifting reviewed to reduce vibration and damage to their properties. How will this information be handled?***

Although, staff cannot provide a viable option where this process can occur, representation to the Principal Certifier would seem the most reasonable approach to access information from the applicant's consultants and/or professional engineer, accordingly, as described in the answers above.

When Council officers receive a complaint regarding excessive vibration from a site, a Building and Compliance Officer will:

- confirm that vibration monitors are installed in accordance with the condition of development consent; and
- ask for a report from the professional engineer to confirm compliance with the condition of development consent.

If there is a breach of the condition of the development consent, the Building and Compliance Officer will take action in accordance with Council's Enforcement Policy.

ix. *Acknowledging the sensitivity of this location, look at options to prohibit any excavation beyond the current excavation controls but excluding excavation required to deliver the on-site parking allowance for higher density residential development.*

Council has made a number of enhancements to the excavation controls since 2012 when they were first introduced. However, under the current legislation we are unable to set controls that prohibit excavation beyond the current controls. Each application must be assessed on its merits on a case by case basis, against the relevant objectives of the control. For example, if a proposal breaches a development control, but upholds the objectives of the development control, Council should be flexible with the application of the control.

Further, a number of related questions, outside the resolution above, were either raised by Councillors & noted by staff at the EPC meeting held on 3 June 2024 or received from Councillors via email. Staff answers are now provided to these additional questions raised, as follows:

Who monitors the vibrations?

The vibrations are monitored by the principal contractor and professional engineer supervising the site. Vibrations are measured using vibration monitors to determine the peak particle velocity (ppv) against the applied limit. The location of the vibration monitors is determined and set by the professional engineer. The professional engineer, as defined by the Building Code of Australia (BCA), must have relevant expertise and experience in the relevant field being geotechnical engineering or similar or hold appropriate membership within the Institute of Engineers Australia.

What happens if there is an exceedance (to the set vibration limit)?

The vibration monitors have an audible alarm which activate and sound when they detect vibrations exceeding the peak particle velocity (ppv) adopted by the professional engineer as the maximum acceptable ppv.

If there is an exceedance and the alarms sound, all excavation work must cease. The event must be recorded and the cause of the event identified and documented by the professional engineer.

What is the process for checking (the vibration limit has not been exceeded)?

When Council officers receive a complaint regarding excessive vibration from a site, a Building and Compliance Officer will:

- confirm that vibration monitors are installed in accordance with the condition of development consent; and
- ask for a report from the professional engineer to confirm compliance with the condition of development consent.

If there is a breach of the condition of the development consent, the Building and Compliance Officer will take action in accordance with Council's Enforcement Policy and notify the Principal Certifier.

How long did the expert investigation take?

GHD were commissioned in August 2022. The investigation took approximately 18 months to complete and was undertaken over 4 stages which included a review with recommended amendments to Council's planning documents to reflect the findings of their final report.

How much did the hydrology and geotech study cost?

The study, which was originally scoped over the 3 stages of works, was commissioned at approximately \$130,000. Additional work relating to vibration was then undertaken towards the end of Stage 3. GHD was then requested, forming Stage 4, to review Council's planning documents in relation to the impacts of their final report findings and recommendations. These variations brought the total project cost to approximately \$150,000.

Is there a breakdown of cost for hydrology research versus geotech?

It is difficult to separate these costs as the study was undertaken holistically.

For the geotech study, how extensive was the consultant's research in terms of reviewing consultant visited our building but that was at the end of the study and only when I reported that our building was constantly exposed to damage, particularly from works on Drumalbyn Rd, some distance away. While numerous locals have contacted me over the years about damage to their properties all the way down the whole slope, how many other buildings were visited?

GHD was initially engaged by Council to undertake a hydrogeological and geotechnical impacts study. The vibration related impact assessment was not part of the initial scope.

As part of the initial engagement, GHD reviewed over 200 historical geotechnical reports related to many developments within the Rose Bay area provided by Council. These reports were generally submitted as part of various DAs by developers. While some of these reports included requirements of vibration monitoring, none of them included claims and reports of damage to neighbouring properties.

As part of the study, an initial site walkover was conducted by GHD during late January 2023, to appreciate the overall geotechnical conditions and ongoing construction activities within sample areas of the Rose Bay basin. This included Norwich Road, Kent Road, Elanora Street, Manion Avenue and O'Sullivan Road. A second walkover was conducted along with Council representatives in early February 2023 to identify any possible damages to existing structures at specific locations. During this walkover, the visited locations included Cranbrook Road, 53-55 Drumalbyn Road and Victoria Road in Bellevue Hill. Based on the initial study and walkover, GHD submitted the first draft of the hydrogeological and geotechnical impacts study report.

Following the issue of the draft report, Council requested that vibration impact assessment to be included in GHD's scope. GHD then carried out another walkover during mid-April 2023 with Council's representatives for the properties at 82 and 84 Beresford Road, Bellevue and surrounding areas.

Were ongoing complaints of damage to neighbouring properties on the hill over decades, was the damage quantified and qualified and its location clearly identified in order to inform on the limitations of development intensity and also the introduction of further controls and conditions to mitigate this kind of damage in future in these locations.

There is no record of ongoing, long term complaints of damage to neighbouring properties as a result of development intensity. Further, there was no clear evidence that damage, settlement or land slippage, as observed on site, was a result of development intensity.

However, the study considered these sites and based on best practice, recommends measures to better manage potential damage in the future.

How do the proposed recommendations, as a result of the study, provide better protection against damage particularly structural damage to neighbours than those already in place?

The current requirement for vibration monitoring is based on recommendations of Australian Standard AS2187.2 Appendix J. However, this Australian Standard is specific for vibration related to explosives and associated structural damage. It is considered that this Australian Standard is not really applicable to the type of development being undertaken within the Woollahra LGA.

GHD has researched best industry standards and practices and investigated various international standards and guidelines and has now proposed vibration assessment and monitoring to be based on considerations of both human comfort and structural damage.

GHD's proposed recommendation is that vibration limits for human comfort should comply with Assessing Vibration - a Technical Guideline by the Department of Environment and Conservation NSW (DEC (2006)) and the vibration limits for structural damage should comply with German Standard DIN 4150-3 - Vibrations in Buildings - Part 3: Effects on Structures.

The vibration shall not exceed the following limits at any time:

- For continuous vibration: Maximum peak velocity of 0.28 mm/s (addresses human comfort).
- For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75} (addresses structural damage).
- For Impulsive vibration: Maximum peak velocity of 2.5 mm/s (addresses structural damage).

The DEC (2006) guideline and German Standard DIN 4150-3 have been recently used in major projects around Sydney, reinforcing current best practice. It is also noted that these documents have been used by developers within the Woollahra LGA. Some of the major projects referencing the above documents include:

- WestConnex, Rozelle Interchange;
- Sydney Metro West - Western Tunnelling Package;
- Western Harbour Tunnel and Warringah Freeway Upgrade.

The DEC (2006) guideline has also been adopted by other Councils within NSW including North Sydney and Waverley Councils for human comfort considerations.

Reasons for proposing DEC (2006) for Human Comfort - The currently referenced Australian Standard in Council's DA guide does not include any considerations for human comfort. Australian Standard AS ISO 2631.2-2014 related to human comfort does not specify any limits and states that "In Australia, state and territory government regulators provide guidelines and limits for the emission of vibration in buildings and it is recommended that reference be made to their publications for such advice". In this instance, the technical guideline by DEC (2006) is considered the most appropriate document. It is noted that this guideline was developed based on British Standard BS 6472-1992.

Reasons for proposing German Standard DIN 4150-3 for Structural Damage - The currently referenced Australian Standard for structural damage specifically relates to vibration generated by explosives. AS2187.2 Appendix J makes reference to the limits defined in the British Standard BS 7385.2-1993. This British Standard provides vibration limits for unreinforced/light framed structures and reinforced/framed structures. No specific limits for sensitive buildings (e.g. old or heritage buildings) have been provided. German Standard DIN 4150-3 specifies vibration limits for residential and commercial/industrial buildings as well as sensitive structures. The vibration limits provided in the German Standard are generally lower than those provided in Australian and British Standards. Therefore, GHD considered that German Standard DIN 4150-3 is more robust compared to Australian or British Standards for building damage and provides better protection against structural damage caused by vibration.

GHD also noted that standard industry practice in Australia for designs is to adopt the following order of precedence:

- Project specifications;
- Australian Standards;
- International Standards such as British Standards, Euro Codes, German Standards etc.

If any specific technical requirement is not covered by project specifications, appropriate specification/standard should be identified and adopted following the above order of precedence.

Therefore, in line with best industry practice, DEC (2006) and German Standard DIN 4150-3 for human comfort and building/structural damage considerations, respectively, are proposed.

The current DCP specifies that the “buildings must be designed and constructed with appropriate support and retention systems to ensure that vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure”. Currently, the DCP refers to Attachment 6 of the DA guide “Geotechnical and Hydrogeological Report” which is required to be prepared when below ground structures are proposed. GHD’s review identified that there are potential activities unrelated to excavation that can also cause vibration (e.g. vibratory compaction, pile driving, etc.).

Therefore, GHD has proposed that controls related to vibration limits and monitoring be introduced within the DCP, for compliance.

What is the protocol if your house is shaking and you contact the builder who swears its not their building causing the shaking but the building works further up or further down the hill. The fact that the shaking coincides exactly with the sound produced when demolition, sifting drilling and excavation machinery is engaged is not accepted as evidence by the applicant.

Where a private certifier is appointed as the Principal Certifier for a development, as is the case for most development in the Woollahra LGA, the Principal Certifier is responsible for ensuring that the building work complies with the development consent and construction certificates.

However, when Council officers receive a complaint regarding excessive vibration from a site, a Building and Compliance Officer will:

- confirm that vibration monitors are installed in accordance with the condition of development consent; and
- ask for a report from the professional engineer to confirm compliance with the condition of development consent.

If there is a breach of the condition of the development consent, the Building and Compliance Officer will take action in accordance with Council's Enforcement Policy and notify the Principal Certifier.

If there is damage to private property, this must be pursued via a civil law mechanism. Council does not have the power to adjudicate disputes between private property owners or order repairs to private property.

Once damage has occurred and even while the neighbouring property has a valid dilapidation report showing all was well before the build, are you aware of the applicant's tactic that basically says that the neighbour's place was old and would have been subject to damage irrespective of the works carried out. This way they discharge any responsibility for the damage.

Where a private certifier is appointed as the Principal Certifier for a development, as is the case for most development in the Woollahra LGA, the Principal Certifier is responsible for ensuring that the building work complies with the development consent and construction certificates

Any concerns about non-compliance will be directed to the Principal Certifier. If there is damage to private property, this must be pursued via a civil law mechanism. Council does not have the power to adjudicate disputes between private property owners or order repairs to private property.

How do you firm up controls to protect mid-century, federation and other buildings from damage from new builds in proximity.

In summary, as an outcome of the study undertaken, it is proposed to firm up the following:

- Differential settlement - some structures, particularly old buildings and buried pipes, are sensitive to differential settlement. An allowable settlement limit of 15 mm is proposed.

A proposed groundwater drawdown limit to an acceptable value of 0.3 m is expected to assist in limiting the settlement and differential settlement to values related to 'aesthetic' damage category (ie. allowable settlement limit of 15 mm).

- Vibration – imposing vibration limits in line with industry best practice, DEC (2006) and German Standard DIN 4150-3, for human comfort and building/structural damage, respectively, is proposed.

Vibration monitoring as well as pre and post construction dilapidation surveys are to be carried out at the boundary and with adjacent properties, respectively, for a construction site.

Council's current practice is to request dilapidation surveys only for the adjacent buildings of the construction site. Inclusion of any sensitive or old buildings near the construction site is proposed.

The requirement of vibration monitoring during demolition is also proposed.

It is also proposed that if vibration limits are exceeded, neighbours within the area of influence are notified by the professional engineer, if the vibration monitors sound, of the cause of the event as determined by the professional engineer.

Do you believe the output and recommendations of this report meets the need to provide better protection to neighbouring properties and how.

Yes, GHD's work is based on researched best industry standards and practices and detailed investigation of the various international standards and guidelines that are relevant to the Woollahra LGA and have had demonstrated success in use across Sydney.

As an outcome of the study undertaken, it is proposed to strengthen controls, as outlined in the questions above and detailed throughout the body of this report and its attachments.

Proposed amendments to Woollahra DCP

As previously advised, the GHD Study includes an assessment of Council's existing local planning provisions and recommends amending the Woollahra DCP 2015 to better address potential impacts to existing structures caused by the excavation and lowering of groundwater table, and to limit construction induced vibration to acceptable levels. These changes

GHD's proposed amendments are set out in the amended GHD Study, Appendix B *Proposed changes to DCP and DA Guidelines*, as shown in **Attachment 2**. These amendments are then reflected in the *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts*, as shown in **Attachment 3**.

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 30)* in **Attachment 3**. This option is the staff recommendation and reflects the intent of the proposed DCP amendments in the GHD Study.
2. Request staff to amend the *Draft Woollahra DCP 2015 (Amendment No 30)* in **Attachment 3** before it is placed on public exhibition.
3. Not make any changes to the Woollahra DCP 2015.

Having regard to the nature of the proposed amendments and the resources and cost involved in exhibiting and amending the Woollahra DCP 2015, if Option 1 or 2 is resolved, staff also recommend that the amendments should be made concurrently with any amendments adopted from the EPC report on the *Application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications*.

If Council supports the proposed amendments to 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 GHD and staff from Council's Engineering Services and Development Assessment team.

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 relevant government agencies and community groups including the Rose Bay Residents Association.

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.

GHD has also identified proposed changes to Council's DA Guide to support the DCP amendments. Changes to the DA Guide do not need to be publicly exhibited, and if the DCP amendments are exhibited and then adopted by Council, staff will update the DA Guide accordingly. Council's standard conditions of consent will also be updated.

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:

In response to Council's resolution of 11 June 2024, staff have provided detailed answers to the questions raised by Councillors during that meeting. The answers provide clearer explanations and summarise the proposed amendments to Council's controls.

Further to GHD's final report amendments, this exercise has contributed towards further strengthening Council's controls. These amendments have now been included in Council's draft DCP, as attached, for public exhibition.

Attachments

1. Report presented to Council Meeting on 11 June 2024 [!\[\]\(3dc92c626ede9fa1b47e2e010104b5c4_img.jpg\) !\[\]\(71e9a2c5583c3d2a2fe005f4239e5d39_img.jpg\)](#)
2. Rose Bay Hydrogeological and Geotechnical Impacts (July 2024) by GHD Pty Ltd [!\[\]\(5aa86d4510bccda8326cff2d2412c12b_img.jpg\) !\[\]\(1ed15c9cc7c61868b75e5155e86ba5c0_img.jpg\)](#)
3. Draft Woollahra Development Control Plan No 30 - Hydrogeological and Geotechnical Impacts [!\[\]\(37547a2901c4baef73624871bb30efd8_img.jpg\) !\[\]\(4f868c32b7dc0803f13b34236fdbf50e_img.jpg\)](#)

Woollahra Municipal Council
Environmental Planning Committee

03 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 Welfare, Team Leader Heritage
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.

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.

Executive Summary:

Council is concerned about impacts associated with excavation, particularly the potential impact of groundwater drawdown on the structural and geological integrity of buildings in the Rose Bay area. In addition, vibration from construction activities such as building demolition, pile driving, soil compaction and rock excavation can have negative impacts.

Engineering consultants GHD Pty Ltd have undertaken a hydrogeological and geotechnical study of the Rose Bay area to assess impacts relating to excavation, subterranean building and dewatering works. Preliminary assessment of landform stability and impacts of construction induced vibration were also carried out. GHD's findings are set out in the document *Rose Bay - Hydrogeological and Geotechnical Impacts* (May 2024) provided in **Attachment 1**.

In summary the study identified that the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) would be strengthened by including provisions to address the impact of groundwater drawdown and land stability within parts of the Rose Bay area. The study also found that vibration limits, guidelines and monitoring requirements should be considered to address human comfort and structural damage.

Having regard to the findings of the study, Council staff recommend changes to the Woollahra DCP 2015 as set out in *Draft Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts* (draft DCP) in **Attachment 2**.

Staff recommend that Council endorse the draft DCP for public exhibition.

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Discussion:

Background

At the Council meeting on 14 June 2022, it was resolved:

THAT Council:

- A. *Request the General Manager commence drafting an appropriate scope of works for the hydrogeological and geotechnical study for the entire Rose Bay basin area from the Bellevue Hill ridgeline (with the initial focus of this work to be in the vicinity of Drumalbyn Road Bellevue Hill), with a view to engaging a consultant to undertake this study urgently, preferably commencing in early July 2022.*
- B. *Note that the request as detailed in A) above is subject to the hydrogeological and geotechnical study for the entire Rose Bay basin being adopted as a line item by Council at the 27 June 2022 Council meeting, as included in the draft 2022-2023 budget at \$120,000.*

Further to this, in April 2023 in response to Councillor feedback, the impacts of vibration associated deep excavation were requested to be included and considered as part of this study.

At the Council meeting on 11 April 2023, it was also resolved:

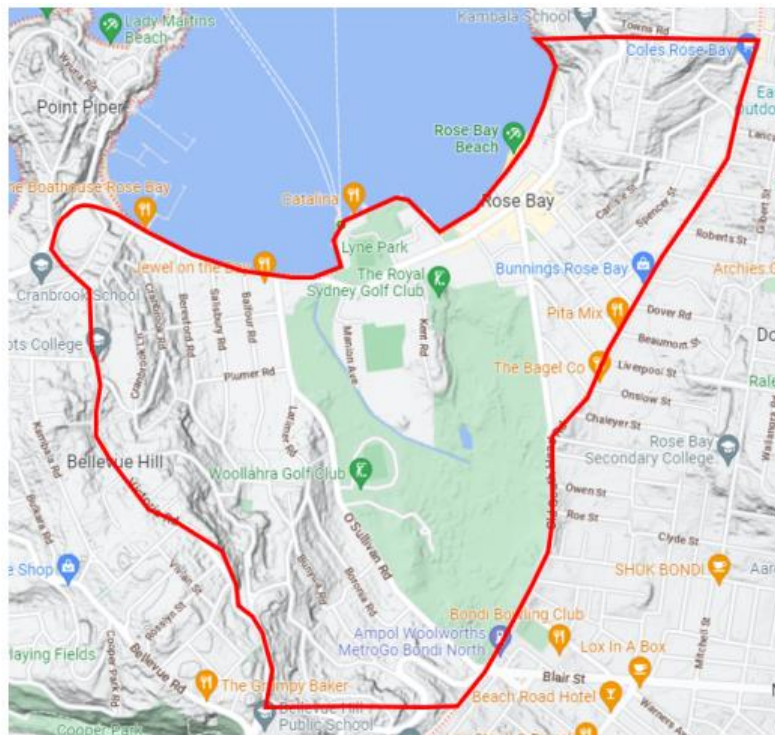
THAT:

- A. *Council resolves to exhibit minor amendments to the Woollahra Development Control Plan 2015 to:*
 - i *improve the nexus between the excavation provisions and the groundwater (hydrogeology) provisions; and*
 - ii *enhance the prominence of the groundwater (hydrogeology) provisions in Chapter E2 Stormwater and Flood Risk Management.*
- B. *Subject to A, the amendment to Woollahra Development Control Plan 2015 is undertaken concurrently with another DCP amendment, having regard to the minor nature of the amendment and the resources involved in amending the DCP.*

Study of hydrogeological and geotechnical impacts in the Rose Bay area

In response to Council's resolution of 14 June 2022, engineering consultants GHD Pty Ltd (GHD) were engaged to provide Council with a better understanding of the geotechnical and hydrogeological risks associated with developments in the Rose Bay area. The findings would then inform proposed amendments to Council's local planning controls. GHD has previously undertaken a similar study for the Double Bay catchment, which led to amendments to the Woollahra LEP 2014, Woollahra DCP 2015 and Council's DA Guide.

The study area is shown in **Map 1**. The area covers Rose Bay, part of Bellevue Hill east of Victoria Road and part of Vaucluse south of Towns Road. The extent of the study area on the south is defined by Old South Head Road, which is the boundary of Woollahra Council local government area (LGA).



Map 1: Rose Bay study area
(Source: GHD Study)

GHD undertook the study in four stages:

- Stage 1 Identification of the hydrogeological study area
- Stage 2 Desktop review
- Stage 3 Engineering analysis and assessment
- Stage 4 Review of Council's planning controls

The scope, methodology and findings of the study are set out in the document *Rose Bay - Hydrogeological and Geotechnical Impacts* (May 2024) (the GHD Study) (see **Attachment 1**).

The GHD Study primarily focuses on a detailed geotechnical assessment of short term construction dewatering in terms of risk of damage to adjacent buildings, but also addresses long term impacts when the basements are constructed below the water table and alter the natural flow regime, landform instability, construction induced vibrations and environmental impacts of dewatering.

In summary the GHD Study identifies that:

- *There is high potential for future developments to interact with groundwater due to the shallow water table in the low-lying Rose Bay area. The nature of interaction may be short term, during construction when the water table is lowered to enable dry excavations, or long term when the basements are constructed below the water table and alter the natural flow regime.*

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- *The short-term dewatering impact has been assessed to be significant in areas of Rose Bay due to the presence of peat and deep sand deposition. However, the long-term impact is assessed to be insignificant for a typical residential or commercial development due to relatively wide open areas would mean insignificant impediment to groundwater flow.*
- *Excessive dewatering if uncontrolled can potentially result in substantial amount of drawdown which can induce a total settlement in the order of up to 200 mm. Relatively high magnitude of total settlement and spatial variability in ground conditions are expected to increase the differential settlement. It should be noted that some structures, particularly old buildings and buried pipes, are sensitive to differential settlement. Consequently, an allowable settlement limit of 15 mm has been proposed for the purpose of this study. The corresponding dewatering drawdown to cause 15 mm settlement varies between 0.3 m and greater than 2 m for area defined as Settlement Zone A (red).*
- *Imposing a drawdown limit to an acceptable value of 0.3 m is expected to assist in limiting the settlement and differential settlement to values related to 'aesthetic' damage category. The risk of settlement impact to the structures is still present if the assessed groundwater drawdown due to uncontrolled dewatering exceeds 0.3 m in some areas. The developed settlement zones can be used to highlight various areas and their sensitivity of settlement response to various drawdown depths.*
- *For practical and constructability purposes, a drawdown which is greater than the acceptable limit may be required to allow for a dry condition in a multi-level basement construction. In this case, additional control measures should be put in place such as the reinjection of groundwater, controlled provision of full depth cut-off system or base seal capable of resisting uplift pressure. Alternatively, a review of this limit can be considered on a case-by-case basis by undertaking additional site investigations and impact assessment for the affected structures.*
- *The landform and geological conditions on part of the hillsides east and west of the golf course area indicates landslides or slope instability are possible where a deep sand profile overlies bedrock. Rock fall and erosion hazards have also been identified in parts of the study area. Therefore, these risks must be managed by proper risk assessment and analysis as required. The requirements for assessment of these hazards should be considered in development control plans.*
- *Vibration limits with respect to human comfort have been suggested in accordance with the methods described in Department of Environment and Conservation (DEC, 2006) NSW. These limits are based on British Standards BS 6472-1992. Vibration limits with respect to building damage have been suggested in accordance with BS 7385.2- 1993. However, the German Standard DIN 4150-3 includes guidelines for residential buildings together with criteria for both commercial/ industrial buildings and high sensitivity structures and may be considered more appropriate in most cases. Due to various factors affecting the vibration criteria, it is suggested that the applicant's consultant should assess the acceptable vibration limits based on the considerations of a number of factors such as construction equipment and activities, setting (commercial/residential), sensitivity and type of building, frequency of vibration, direction of vibration, time of activity in a day, duration, etc,. Vibration monitoring as well as pre and post construction dilapidation surveys should be carried out at the boundary with adjacent properties of a construction site. Settlement resulting from densification of loose sand due to vibration should also be considered, but was assessed to be limited generally, and is not likely to contribute to significant building damage.*

(GHD Study, page 38)

Proposed amendments to Woollahra DCP

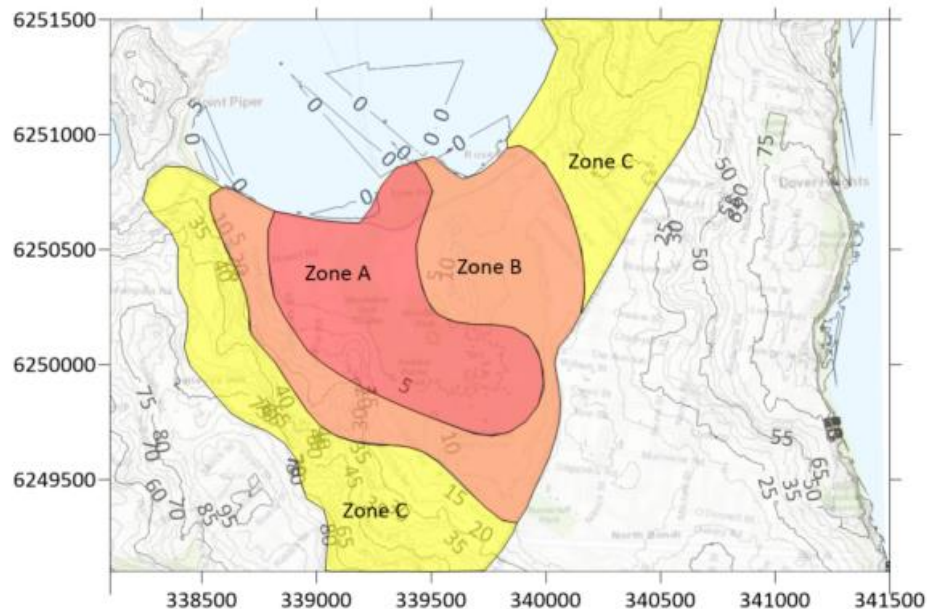
The GHD Study includes an assessment of Council's existing local planning provisions and recommends amending the Woollahra DCP 2015 to better address potential impacts to existing structures caused by the excavation and lowering of groundwater table, and to limit construction induced vibration to acceptable levels.

GHD's proposed amendments are set out in the GHD Study, Appendix B *Proposed changes to DCP and DA Guidelines* in **Attachment 2**, and summarised in below.

- *Groundwater drawdown limit in zones A and B of the Rose Bay settlement area*

Introduce a new control to set a groundwater drawdown limit of 0.3m which will apply to land within Settlement Zones A and B in the Rose Bay study as identified in **Map 2**.

The control will establish that temporary changes to the groundwater level, due to construction, must not exceed 0.3 m from the average monitored pre-construction groundwater level.



Map 2: Settlement zones and their extent on a plan overlaying elevation contour
(Source: GHD Study)

This control is based on the assessment in Stage 3 of the GHD Study which concludes a drawdown of about 0.3m could induce a settlement of 0.15m in some locations within the Rose Bay area. The allowable settlement of 0.15m was recommended on the basis of the equivalence of Class S site as defined in AS2870-2011, and is proposed to limit the risk of any damage relating to no worse than a typical "aesthetic" damage to buildings.

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Because the groundwater drawdown caused by dewatering at a given site could extend over a long distance, the minimum drawdown of 0.3m has been recommended for settlement zones A and B in the Rose Bay study area.

Notwithstanding the proposed 0.3m drawdown limit, a number of design measures may be available to limit the groundwater drawdown whilst allowing for the dewatering. These measures include the provision of groundwater recharge/reinjection wells, cut-off walls, etc. These design measures, if introduced, should be assessed and presented in the reports lodged as part of the DA submission.

- *Limit vibration to address human comfort and structural damage*

Introduce a control to limit vibration to acceptable levels having regard to human comfort and structural damage. This control will apply to across the Woollahra LGA.

As a minimum, the vibration limits for human comfort is to comply with *Assessing Vibration - a technical guideline by Department of Environment and Conservation NSW (DEC), 2006* and the vibration limits for structural damage is to comply with *German Standard DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures*. There is one Australian Standard in relation to vibration limits. However, AS 2187.2-2006 "Explosives - Storage and use" is primarily focused on vibration caused by explosives instead of construction activities.

The assessment on expected vibration levels is to be based on the proposed construction activities and plant. A statement/report will need to be submitted specifying methods for reducing vibrations within acceptable levels.

A vibration monitoring program and contingency plan will also be required. It should include the locations of vibration monitoring sensors, trigger levels for anticipated vibration types and buildings in the neighbourhood and frequency of monitoring. As a minimum, vibration monitoring sensors are to be installed and monitored at adjacent properties. If the vibration limit are exceeded at any time during construction, the construction activity causing vibration will need to be ceased until the measures to limit the vibration are implemented.

At the end of construction, a post construction dilapidation survey of the adjacent properties is to be carried out and compared with pre-construction dilapidation survey for identification of defects (if any) that were likely caused by vibration from construction activities.

- *Administrative changes*

Various administrative changes are proposed such as updating the title of the DCP Chapter E2 Stormwater and Flood Risk Management, section E2.2.10 Groundwater (hydrogeology), and introduction paragraphs to include references to geotechnical or hydrogeological impacts.

Additional definitions are also included in Appendix 1 of Chapter E2 to support the new provisions.

The amendments to Woollahra DCP 2015 proposed by GHD were developed in consultation with both Council's Engineering and Planning teams. The intent of these proposed amendments are reflected in the draft DCP in **Attachment 2**.

These amendments also address matters raised in Council's resolution of 11 April 2023, to improve the nexus between the excavation provisions and the groundwater (hydrogeology) provisions and enhance the prominence of the groundwater (hydrogeology) provisions in Chapter E2 Stormwater and Flood Risk Management. These are minor administrative amendments only.

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Other DCP amendments to address excavation

A separate report on the application and effectiveness of current excavation controls is also being presented to the EPC meeting of the 03 June 2024. That report proposes amendments to the Woollahra DCP 2015 to minimise excavation by:

- addressing vehicular turning areas and mechanical vehicular turntables for dwelling houses, which commonly contribute to non-compliant volumes of excavation, and
- permitting mechanical parking structures in certain circumstances.

If Council resolves to exhibit those amendments, staff recommend that the draft DCP amendments identified in both reports should be prepared and exhibited concurrently.

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 30)* in **Attachment 2**. This option is the staff recommendation and reflects the intent of the proposed DCP amendments in the GHD Study.
2. Request staff to amend the *Draft Woollahra DCP 2015 (Amendment No 30)* in **Attachment 2** before it is placed on public exhibition.
3. Not make any changes to the Woollahra DCP 2015.

Having regard to the nature of the proposed amendments and the resources and cost involved in exhibiting and amending the Woollahra DCP 2015, if Option 1 or 2 is resolved, staff also recommend that the amendments should be made concurrently with any amendments adopted from the EPC report on the *Application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications*.

If Council supports the proposed amendments to 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 GHD and staff from Council's Engineering Services and Development Assessment team.

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 relevant government agencies and community groups including the Rose Bay Residents Association.

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

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Policy Implications:

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

GHD has also identified proposed changes to Council's DA Guide to support the DCP amendments. Changes to the DA Guide do not need to be publicly exhibited, and if the DCP amendments are exhibited and then adopted by Council, staff will update the DA Guide accordingly. Council's standard conditions of consent will also be updated.

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.

As identified above, it is a more effective use of resources to make and exhibit the amendments recommended in this report concurrently with any draft DCP amendments adopted from the EPC report on the *Application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications*.

Conclusion:

In response to Council's resolution of 14 June 2022, engineering consultants GHD were engaged to undertake an assessment of hydrogeological and geotechnical impacts associated with development in the Rose Bay area, particularly works involving excavation and below ground structures.

Having regard to that assessment, GHD recommends amending the Woollahra DCP 2015 to establish new provisions to address groundwater drawdown in certain parts of the Rose Bay area, and to apply vibration limits having regard to human comfort and structural damage which will apply to the whole LGA.

Council staff support the proposed amendments and have reflected the intent of these changes in the *Draft Woollahra DCP Amendment No 30 - Hydrogeological and Geotechnical Impacts*. It is recommended that Council resolves to exhibit the draft DCP contained in **Attachment 2**. We recommend that these amendments be prepared and exhibited concurrently with any amendments adopted from the EPC report on the *Application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications*.

Attachments

1. Rose Bay Hydrogeological and Geotechnical Impacts (May 2024) by GHD Pty Ltd
(circulated under separate cover)
2. Draft Woollahra Development Control Plan No 30 - Hydrogeological and Geotechnical Impacts



Rose Bay - Hydrogeological and Geotechnical Impacts

31 July 2024

→ The Power of Commitment



Document title		Rose Bay - Hydrogeological and Geotechnical Impacts Woollahra Municipal Council			
File name		12588469 Rose Bay - Hydrogeological and Geotechnical Impacts-Final.docx			
Status Code	Revision	Author	Reviewer	Approved for issue	
			Signature	Signature	Date
S3	B	Alexander Lester	Kim Chan	Kim Chan	
S4	C	Velautham Jeyakanthan	Kim Chan	Kim Chan	
S4	Final	Velautham Jeyakanthan	Kim Chan	Kim Chan	7/09/2023
S4	Final_Rev 1	Velautham Jeyakanthan	Kim Chan	Kim Chan	10/05/2024
S4	Final_Rev 2	Velautham Jeyakanthan	Kim Chan	Kim Chan	18/05/2024
S4	Final_Rev 3	Velautham Jeyakanthan	Kim Chan	Kim Chan	24/05/2024
S4	Final_Rev 4	Velautham Jeyakanthan	Kim Chan/ Ashok Peiris	Kim Chan/ Ashok Peiris	31/07/2024

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 **The Power of Commitment**

Executive Summary

Woollahra City Council (Council) has engaged GHD to carry out an assessment of geotechnical and hydrogeological impacts associated with urbanised development of the Rose Bay region. Increasing demand for the land motivates developers to consider underground structures to maximise the land value. Construction of these underground structures can have implications for the groundwater environment in the short term and long term, and the magnitude of these implications can be significant when the developments are considered from a cumulative perspective. The development activities such as excavation and dewatering may also have adverse impact on the landform stability when they are not assessed and controlled appropriately. Construction dewatering may also impact groundwater dependent ecosystems.

This report describes the findings of a hydrogeological and geotechnical study for assessing impacts associated with excavation, subterranean building and dewatering in the Rose Bay area. The study area covers Rose Bay, part of Bellevue Hill east of Victoria Road and part of Vaucluse south of Towns Road. The extent of the study area on the south is defined by Old South Head Road, which is the boundary of Woollahra Council local government area. The study primarily focused on detailed assessment of short-term construction dewatering in terms of risk of damage to adjacent buildings. Long term impacts when the basements are constructed below the water table and alter the natural flow regime has been assessed considering geological, geomorphological, and topographical setting of the Rose Bay region. The assessment was in general based on the outcomes of a similar assessment carried out for Double Bay previously. Furthermore, discussion on landform instability, construction induced vibrations and environmental impacts of dewatering is also provided.

The study was based on geotechnical and hydrogeological information provided by Council, available in GHD's archive and accessible in the public domain. Where relevant, references have been made to Australian Standards and technical publications by various authors, professional bodies and government.

Geological units identified in the study area are primarily fill, marine sands, peat and bedrock of Hawkesbury Sandstone. Generally, a shallow sand profile overlies the bedrock in the hillsides of the study area. In the low-lying Rose Bay region, the overall thickness of the marine sand with peat layers is found to be up to approximately 40 m overlying the bedrock. Firm peat layers are typically up to 2 m thick, while stiff peat/peaty sand of varying thickness is also encountered. The groundwater is assessed to be generally at or below the bedrock levels in the hillsides, and at shallow depth within the marine sand in low-lying areas in the vicinity of the Royal Sydney Golf Course.

It is assessed that the lowering of groundwater in areas with compressible peat soils would cause much greater settlement than in other areas without the peat layers. Consequently, a "Settlement Index Plot" in response to an assumed fixed groundwater drawdown depth was developed based on selected analysed settlement points. Settlement was assessed for available site-specific geotechnical investigation data and/or groundwater bore logs. Based on the Settlement Index Plot, a more generalised "Settlement Map" was developed for different zones within the Rose Bay study area (refer to Figure 12). These zones show the different degrees of susceptibility to dewatering-induced ground surface settlement (refer to Figure 13 to Figure 15).

To effectively control the potential damage caused by dewatering, it is essential to assess the likely maximum settlement tolerable by the buildings in the Rose Bay area. For the purpose of the current assessment, a ground surface settlement of 15 mm has been considered as the limiting value to minimise potential damage to existing buildings. This settlement criterion has been developed with consideration of existing buildings in the Rose Bay area, which are typically one to two storeys high and supported on shallow footings. The criterion is based primarily on the Australian Standard AS 2870-2011 and relevant published works by Burland et al. (2002) on building settlements and associated damage.

This threshold surface movement of 15 mm is associated with a deflection ratio of 0.075% for a typical wall length of a residential building. This ratio is commensurate with that of Category 1 damage to walls and concrete floors given in Tables C1 and C2 of AS2870-2011 respectively. The damage Category 1 is described as fine cracks of less than 1 mm in walls and concrete floors which typically do not need repair.

For the different areas identified in the "Settlement Map", the allowable drawdown depths associated with the proposed settlement limit of 15 mm were assessed to vary between 0.3 m and greater than 5 m. A corollary of this

finding is that a 0.3 m depth of dewatering can be considered as a relatively safe limit to minimise potential building damage within Zone A and Zone B, noting the large extent of the “zone of influence” from dewatering based on the study conducted for Double Bay. From a constructability viewpoint, it can be necessary to dewater sufficiently to enable dry excavation during construction. If the abovementioned drawdown limits cannot be achieved, other controls are then needed to effectively reduce groundwater drawdown in the surrounding areas to within the acceptable limit. These controls could include the following:

- Systematic groundwater reinjection/recharge during excavation dewatering;
- Sufficient cut-off depth to limit groundwater drawdown outside of excavations; and
- Elimination of the need for dewatering by providing a sealing layer at the excavation base, which needs to be adequately designed to resist uplift pressure.

Alternative measures can be considered on a case-by-case basis to allow for a review of the drawdown limit. These measures should include the undertaking of sufficient additional geotechnical investigation and subsequent analysis to demonstrate that settlement impacts of surrounding buildings are within the acceptable limits.

No specific assessment of a large basement or underground structure has been undertaken for Rose Bay. Based on the modelling carried out for Double Bay, cumulative mounding and lowering of the water table could be expected over the long term. However, this is generally estimated to be less than 0.3 m assuming full cut-off (basement extending to bedrock) and less than 0.2 m for partial cut-off.

Based on the outcomes from the assessment undertaken for Double Bay, and considering the extensively wider flow path in the Rose Bay area compared to a narrow incise valley in Double Bay, the risk of impeding the regional groundwater flow is considered much lower in Rose Bay compared to that assessed for Double Bay. However, specific groundwater modelling would be required to assess the long-term impact that could be anticipated from any future major development proposal, with an extensively large and deep basement that blocks a significant portion of the flow path.

The landform and geological conditions on part of the hillsides east and west of the golf course area indicate landslides or slope instability are possible where a deep sand profile overlies bedrock. This may be triggered by construction activities such as excavation if not assessed properly and adequate measures are not provided. Rock fall and erosion hazards have also been identified in parts of the study area. These must be managed by proper risk assessment and analysis as required. The requirements for assessment of these hazards should be considered in development control plans.

Vibrations resulting from construction activities such as building demolition, pile driving, soil compaction and rock excavation can have negative impacts on both human comfort and potential building damage. A review of existing guidelines has shown that the methods described in Department of Environment and Conservation (DEC, 2006) NSW, which is based on British Standards BS 6472-1992, is appropriate when acceptable vibration limits for human comfort are being determined. BS 7385.2-1993 is considered appropriate for vibration limits with respect to building damage. However, the German Standard DIN 4150-3 includes guidelines for residential buildings together with criteria for both commercial/ industrial buildings and high sensitivity structures and may be considered most appropriate for vibration limits on building damage in most cases. In addition to vibration limits, vibration monitoring as well as pre and post construction dilapidation surveys should be carried out for adjacent buildings of a constructions site. Dilapidation surveys may also be requested for any vibration sensitive structures near the construction site. Settlement resulting from densification of loose sand due to vibration was assessed to be minimal (less than 0.4 mm per metre thickness of sand), and is not expected to contribute to building damage.

Another impact of dewatering is potential generation of acid sulfate soils, which would have environmental impacts and durability concerns for underground structures or buried structural components such as footings. Further, impact on groundwater dependent ecosystems needs to be considered and assessed when construction dewatering is proposed.

Based on the outcome of this study, changes to existing DCP and guidelines have been proposed as shown in Appendix B.

GHD has carried out this assessment in accordance with the scope agreed with Council as set out in Section 1.4. This report is subject to, and must be read in conjunction with, the limitations set out in Section 1.5 and the assumptions and qualifications contained throughout the Report.

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Appendices

- Appendix A List of Geotechnical Reports provided by Council
- Appendix B Proposed changes to DCP and DA Guidelines

1. Introduction

1.1 Purpose of this report

GHD Pty Ltd (GHD) has been engaged by Woollahra Municipal Council (Council) to undertake an assessment of geotechnical and hydrogeological impacts associated with urbanised development of the Rose Bay region at the southern edge of Sydney Harbour.

This report has been prepared in accordance with the GHD proposal (ref: 12588469) dated 2 August 2022, and discussion with Council representatives during site visits on 3 February 2023 and 18 April 2023. Findings from the site visits are also detailed in this report.

1.2 General

Urban development is increasingly aiming to maximise the value of land in the Rose Bay region. Many developments are considering the construction of basements, underground car parking, car stacking and other associated below ground structures. Where the water table is intersected, temporary dewatering is required to ensure safe and stable construction conditions, and longer term dewatering occurs where drained subsurface structures have been built. The construction of these underground structures can have implications for the groundwater environment in short term and long term, and the magnitude of these implications can be significant when the developments are considered from a cumulative perspective. In terms of the built environment, the depressurisation of compressible sediments can lead to consolidation settlement, and settlement differentials can have significant impacts on the existing buildings. Dewatering can also result in other impacts associated with managing (disposal) of the seepage, reduced access to groundwater by the environment, and activation of acid generating geological materials.

Hillside developments can pose a significant challenge in terms of land stability. Factors such as soil/rock composition, drainage, slope angle and vegetation can influence the stability of hillside developments.

Construction can also present issues when it comes to vibrations emitted from construction machinery, which may transmit through the ground to nearby residences. This can cause discomfort to occupants of these residences or, at higher vibration levels, potentially lead to building damage.

1.3 Objectives

The main project objective is to provide Council with a better understanding of the geotechnical and hydrogeological risks associated with developments in the Rose Bay area which would then drive amendments, where appropriate, to Council's development guidelines and planning controls.

GHD has previously undertaken a similar hydrogeological and geotechnical impacts study for Double Bay. The outcomes of the study provided necessary inputs to Council's Development Approval (DA) Guidelines and relevant Local Environmental Plan (LEP) and Development Control Plan (DCP).

A similar approach has been adopted for the study in the Rose Bay area. However, the study excludes regional groundwater modelling as requested by Council and detailed in GHD's proposal dated 2 August 2022. Council has not provided any detail of specific development proposals that should be considered as part of the study. Further, the previous (Double Bay) study has provided necessary outcomes for Council to include in the LEP. At this stage, it is not expected the LEP would need to be revised for the Rose Bay area. Therefore, the outcomes of the proposed study for Rose Bay area will be used mainly for informing the Rose Bay DA Guidelines and the DCP.

The proposed changes to DA Guidelines and the DCP are shown in Appendix B.

1.4 Scope of works

The delivery of the project includes four stages as per GHD's proposal dated 2 August 2022:

Stage 1 – Identification of the hydrogeological study area.

Stage 2 – Desktop review. Information from Council and publicly available sources was interrogated to characterise the geological and hydrogeological setting of the study area.

Stage 3 – Engineering analysis and assessment.

Stage 4 – Review of planning controls.

At present, the project has advanced to Stage 3 of the scope of works outlined above. Engineering assessment of surface settlement as a result of groundwater drawdown caused by short term construction dewatering has been carried out and presented in this report. Based on the outcomes of the assessment from Stage 3, the review of planning controls, i.e., Stage 4 works, will be undertaken.

1.5 Limitations

This report has been prepared by GHD for Woollahra Municipal Council and may only be used and relied on by Woollahra Municipal Council for the purpose agreed between GHD and Woollahra Municipal Council as set out in the GHD proposal (ref: 12588469) dated 2 August 2022.

GHD otherwise disclaims responsibility to any person other than Woollahra Municipal Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

GHD has prepared this report on the basis of information provided by Woollahra Municipal Council and that available in the public domain, which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

2. Available information

The sources of information that have been used to assist with the hydrogeological and geotechnical impact assessment are listed below:

- Geotechnical and hydrogeological data provided by Council
- Data from GHD archive
- Data from public domain
- Australian Standards and relevant published technical papers
- Observations from site visits (discussed in Section 8.4)

As part of our Stages 1 and 2 work, we have reviewed and used available information relevant to our assessment.

2.1 Geotechnical reports supplied by Council

Council has supplied GHD with information which comprised geotechnical and contamination investigation data and relevant assessment reports. Geotechnical reports from Council have been considered the primary source of information for the assessment.

Locations of the provided geotechnical reports by Council are shown in Figure 1 as blue dots. A list of these reports is provided in Appendix A.

Council has also provided the flood study and flood risk study report for Rose Bay, which have also been reviewed and taken into consideration.



Figure 1 Locations of geotechnical reports supplied by council (Base map: Google Earth Pro)

2.2 Data from GHD archive

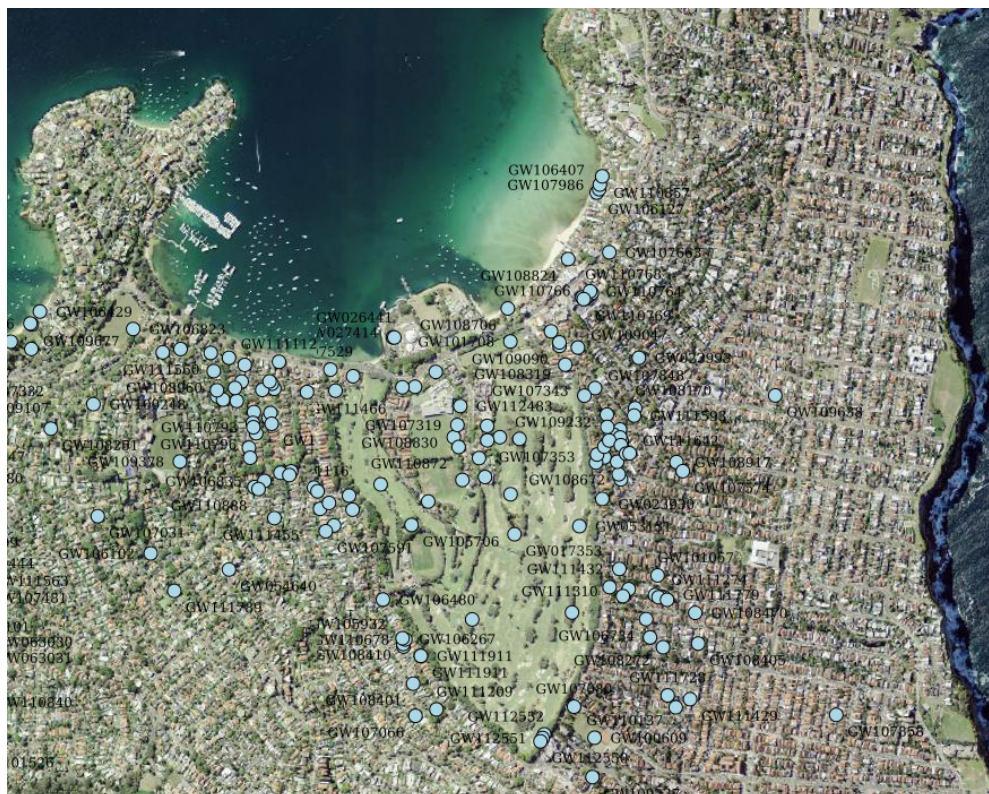
The below geotechnical reports from GHD archive have been used for the study:

- Detailed Geotechnical Investigation, William St, Rose Bay
- Victoria Road Landslide, Bellevue Hill

2.3 Data from public domain and references

Data from the public domain in relation to geological and hydrogeological mapping, topographical information, groundwater base and vibration have been referenced, where relevant, throughout the report. A list of references is as follows:

- Groundwater databases including WaterNSW and the Bureau of Meteorology (Groundwater atlas). Locations of available groundwater wells are shown in Figure 2.
- Herbert C., 1983, Sydney 1:100 000 Geological Sheet 9130, 1st edition. Geological Survey of New South Wales, Sydney
- Hiller, D.M. and Crabb, G.I., 2000. Groundborne vibration caused by mechanised construction works. Transport Research Laboratory Report No. 429.
- Ishihara, K. and Yoshimine, M., 1992. Evaluation of settlements in sand deposits following liquefaction during earthquakes. *Soils and Foundations*, 32(1): 173-188.
- Mesri, G. and Ajlouni, M., 2007. Engineering properties of fibrous peats. *ASCE Journal of Geotechnical and Geoenvironmental Engineering*, Vol. 133, No. 7, pp. 850 – 866.
- Middelmann, M.H., 2007, *Natural Hazards in Australia – Identifying Risk Analysis Requirements* by Australian Government
- Tokimatsu, K. and Seed, H.B., 1987. Evaluation of settlements in sands due to earthquake shaking. *Journal of Geotechnical Engineering*, 113(8): 861-878.
- Troedson A.L., 2015, Sydney Area 1:100,000 Coastal Quaternary Geology Map. Geological Survey of New South Wales, Sydney
- Department of Environment, Climate Change and Water 2009, Sydney 1:100,000 Soil Landscape Map 9130, 4th edition.
- Topographical information provided by the NSW Government Spatial Services



3. Regional Setting

Rose Bay is located east of the ridgelines of Bellevue Hill/Point Piper and west of Vaucluse/Dover Heights hillside, occupying the low elevation harbour front area in the north. South and south-east of Rose Bay is bounded by North Bondi and Dover Heights, respectively.

The hillside comprises steep slopes with medium density development with few non-residential developments and little open space. The low-lying areas comprise flatter slopes occupied with low to medium residential development and a significant part occupied by the Royal Sydney Golf Courses.

The Council has not defined the study area in the brief. Therefore, the study has been defined based on the geotechnical information provided by council, topography, and council boundary. As such, the study area covers Rose Bay, part of Bellevue Hill east of Victoria Road and part of Vaucluse south of Towns Road. The extent of the study area on the south is defined by Old South Head Road, which is the boundary of Woollahra Council local government area. Boundary of the study area is shown by the red line in Figure 3. Nevertheless, some groundwater bore data available within North Bondi of Waverly Council area south of Old South Head Road have been considered in the study.

Elevations along the Victoria Road is up to 80 mAHD in the south and fall towards east to the golf course. The golf course is gently sloping towards north from approximately 15 mAHD on the south to 3 mAHD on the north. The

elevation along Towns Road is up to 80 m AHD and slopes westward towards the golf course. Majority of Old South Head Road on the southern boundary of the study area is between 10 m AHD and 15 m AHD.

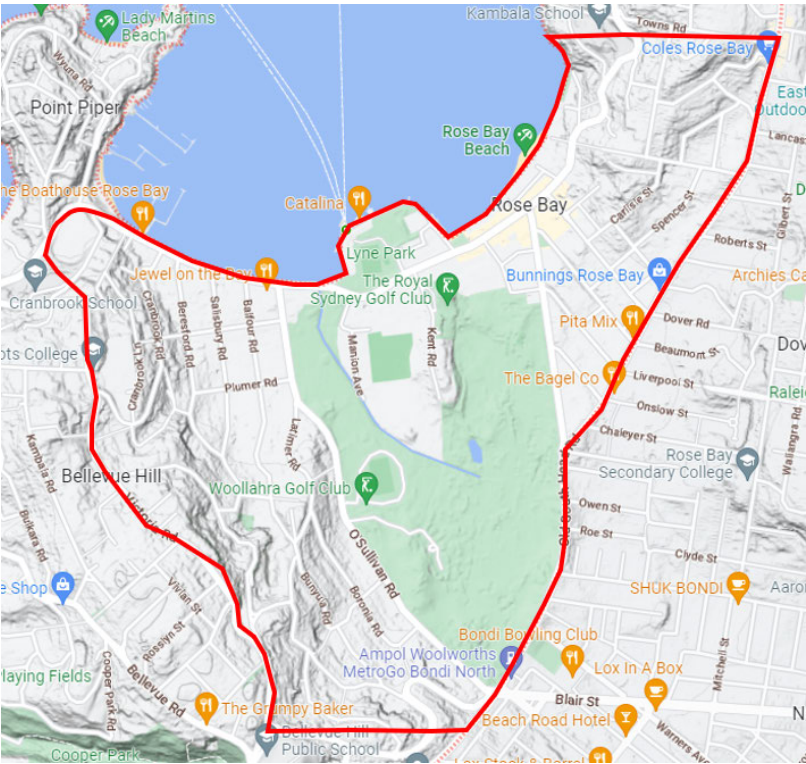


Figure 3 Study area

4. Geological setting

4.1 Regional Geology

A summary of the stratigraphy based on 1:100,000 scale geological sheet for Sydney has been presented in Table 1 which indicates geology of the study area can be broadly simplified into a two-layer system, with Quaternary age unconsolidated sediments overlying Mesozoic age sandstones.

The early Triassic and older geology have been omitted for brevity.

Table 1 Summary of study area stratigraphy

Era	Period	Epoch	Formation
Cainozoic	Quaternary	Holocene	Anthropogenic filling
		Pleistocene	Transgressive dune formation of medium to fine-grained marine sand with podsols
	Tertiary	Miocene	Absent from Study Area

Mesozoic	Jurassic		Absent from Study Area A period of erosion, forming valleys within the Hawkesbury Sandstone, with some volcanic intrusions.
	Triassic	Middle	Hawkesbury Sandstone

An extract of the 1:100,000 scale geological sheet for Sydney is shown Figure 4. The map shows the bedrock zones of Point Piper and Bellevue Hills on the west and Vacluse and Dover Heights on the east and low-lying areas within Rose Bay filled with Pleistocene age Transgressive dune sands. The dune sand extends to Bondi Beach to the south.

The map shows a man-made fill (dredged estuarine sand and mud) in the northern portion of Rose Bay.

It is noted from the provided flood study report that the sand dune within Rose Bay has been levelled in 1920 for development.

Within the incised valley at Cooper Park, there is an east-west trending dyke shown in Figure 4. Another dyke, with a north-south trend, intersects perpendicular to the dyke at Cooper Park. Much of the study area falls within Hawkesbury Sandstone and soils developed over such terrain.

An extract of the 1:100,000 Coastal Quaternary Geology Map (Troedson A.L., 2015) for Sydney is shown Figure 5. The map indicated presence of a Holocene interbarrier creek deposits comprising marine sand, silt, clay, organic mud, peat, gravel and shells.

The 1:100,000 Sydney Soil Landscape Map (Sheet 9130 4th edition) indicates that the majority of the study area within Rose Bay (low-lying) is underlain by Tuggerah soil landscape. This is typically described as gently undulating to rolling coastal dune fields. The sand is described as wind-blown, fine to medium grained, well sorted marine quartz sand. Shell fragments are absent, and the sand appears to be finer than sands found on foredunes and on beaches.

The majority of remaining portion of the study area consists of Newport or Hawkesbury landscapes. Newport is described as gently undulating plains to rolling rises of Holocene sands mantling other soil materials or bedrock. Hawkesbury landscape is described as rugged, rolling to very steep hills on Hawkesbury Sandstone.



Legend

- mf* – Man-made fill, Dredged estuarine sand and mud, demolition rubble, industrial and household waste.
- Qd* (*Qhd* & *Qpd*) – Medium to fine-grained “marine” sand with podsols
- Rh* – Medium to coarse-grained quartz sandstone, very minor shale and laminate lenses

Figure 4 Rose Bay Geological Map (Extract of 1:100,000 scale Sydney geological map sheet)

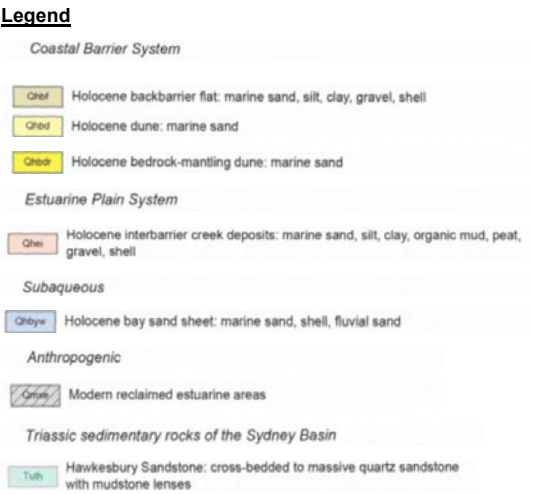
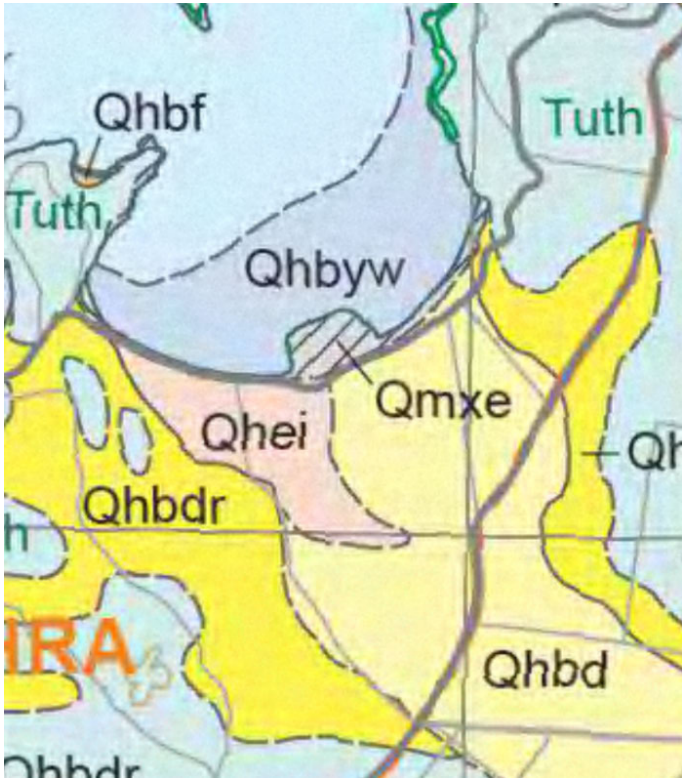


Figure 5 Rose Bay Geological Map (Extract of 1:100,000 scale Sydney geological map sheet- Coastal Quaternary)

4.2 Geological units

Relevant information summarised in Section 2 have been reviewed and used in our assessment to define geological units.

The subsurface profile encountered in the Rose Bay study area can be broadly categorised into fill, sand, peat and bedrock as follows:

- *Fill* - The fill profile is generally consisted of concrete, topsoil and/or sand composites. The fill extends across the majority of the study area associated with commercial and residential developments.
- *Peat* – This layer has been identified in borehole logs drilled for the site at 75-77 O'Sullivan Road at a depth between 11 m and 13 m and for 27 Salisbury Road at a depth between 2.0 m and 2.5 m. The peat layer identified at 75-77 O'Sullivan Road is described as dark grey, fibrous, and low plasticity. Hand penetrometer reading is noted to be between 80 kPa and 140 kPa, indicating firm to stiff consistency. The peat layer identified at 27 Salisbury Road is described as soft, dark grey/dark brown, and low plasticity. No *in-situ* test results are available for the peat at this site. No other geotechnical reports provided by Council identified a peat layer within the study area. However, some of the groundwater bore summary logs from Water NSW website located within the golf course areas have identified various thicknesses of peat layers at various depths. Description or consistency of these layers are not indicated. Noting the peat layers identified in the Double Bay at depths are with very stiff to hard consistency, the peats identified at depth in Rose Bay is also assumed to be very stiff to hard. The peat layers are considered to have significant influence on dewatering induced settlements.
- *Marine Sand* – The underlying marine sand is generally clean and medium to fine grained. It varies in consistency from loose at shallow depth to very dense at depth. Thin interlayered clays of typically up to 1 m thick with stiff to very stiff consistency are also encountered. The marine sands generally fill the valley and in topographic depressions and extend to a maximum depth of about 40 m.
- *Bedrock* - Hawkesbury Sandstone underlies the Quaternary deposits. Hawkesbury Sandstone generally comprises medium to coarse grained quartz sandstone with minor shale and laminate lenses. It is typically extremely to highly weathered and fractured at the top and becomes moderately to slightly weathered and only slightly fractured with depth. Collation of available data suggests that the weathered sandstone bedrock surface follows the general shape of ground surface, which is presented in Figure 6. An assessed contour of bedrock level is presented in Figure 7.

The general site geology within Rose Bay study area has been subdivided into geological units based on the available geotechnical investigation data. A summary is presented in Table 2.

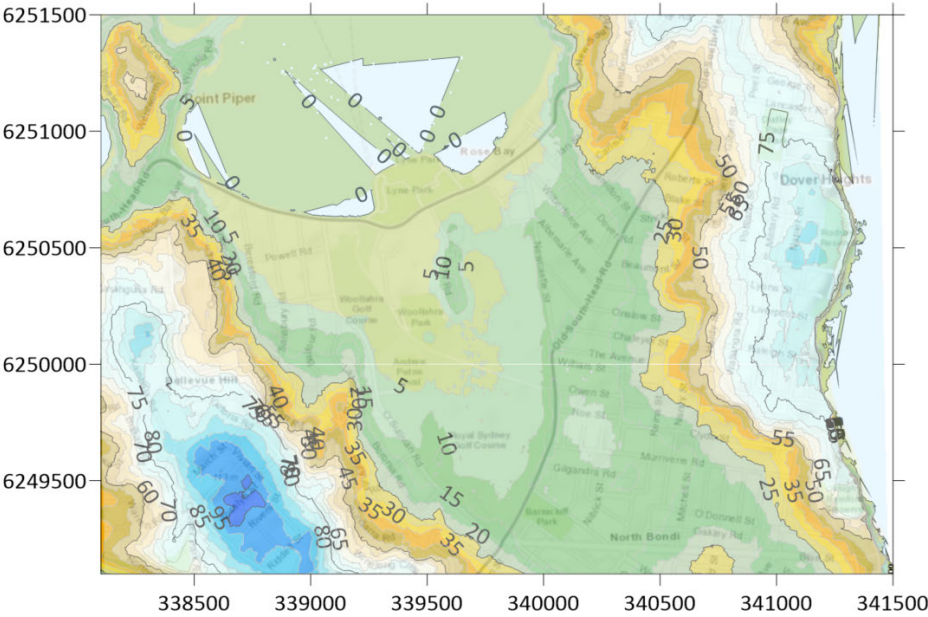


Figure 6 Contours of Surface Elevation within study area

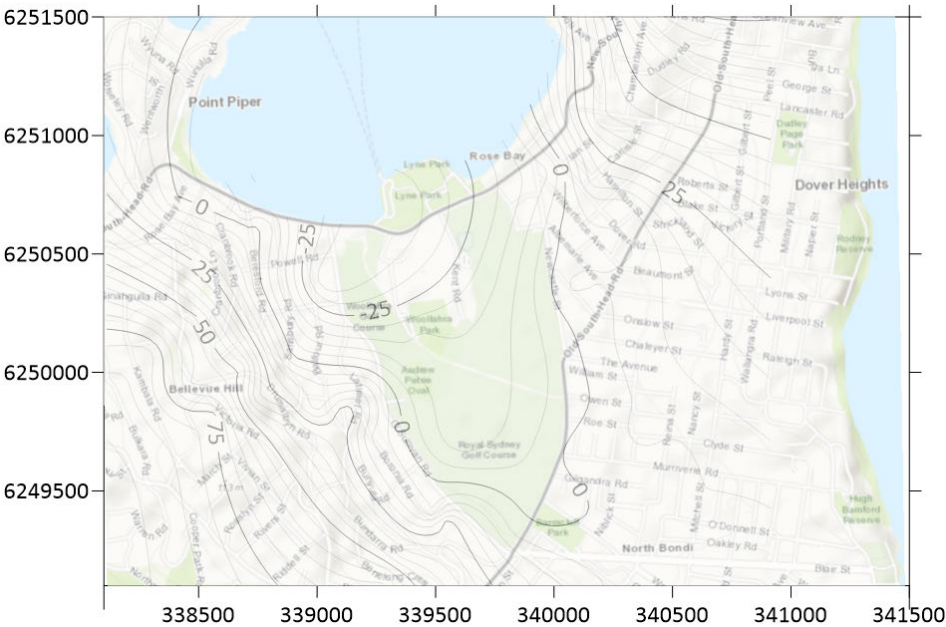


Figure 7 Contours of inferred top elevation of bedrock within study area

Table 2 Geotechnical units identified with Rose Bay area

Unit	Typical Depth (m bgl) to the top of layer	Unit thickness (m)	Description and Comments*
1 – Fill	0 – 0.3	0.1 – 1.75	Concrete, topsoil and/or sand, dry to moist
2 – Stiff to Hard Clay	0.15 - 9	0.1 – 2.8	CLAY or silty CLAY or sandy CLAY, medium to high plasticity, stiff to hard consistency
3A – Very Loose Sand	0– 2.1	0.1– 7.8	SAND or silty (clayey) SAND, fine to medium, dry to wet, very loose
3B – Loose to Medium Dense Sand	0.1 – 11.7	0.1 – 10.9	SAND or silty (clayey) SAND, fine to medium, dry to wet, loose to medium dense
3C – Dense to Very Dense Sand	0.1 – 13.6	0.5 - 27.5	SAND or silty (clayey) SAND, fine to medium, wet, dense and very dense
4A – Firm Peat	0.6 – 18.5	0.2 – 3	PEAT, firm to stiff, with organic odour and materials
4B – Stiff to Hard Peat	18.3 – 19.5	0.3 - 6.1	PEAT, stiff to hard, with organic odour and materials
5A – Residual Soil	0.2 – 19.0	0.2 - 2.8	Sandy CLAY or Clayey SAND, medium to high plasticity clay, fine to medium grained sand, typically dense to very dense sand, very stiff clay
5B/5C Bedrock	0.3 – 40.0	Not proven	Fine to medium grained SANDSTONE, extremely low to medium (estimated) strength, defect partings 0-5° planar, crushed seams, clay seams and joints (variable angles)
<p>Notes to Table 2:</p> <p>Units 2 and 4 occurred intermittently across the data points, at varying depths and thicknesses.</p> <p>*Soil type in capital letters indicates primary constituent material</p>			

4.3 Groundwater

Contours of water table have been prepared using groundwater level data extracted from the existing geotechnical and hydrogeological investigation reports and groundwater bore logs from Water NSW and is shown in Figure 8. The contours are interpreted from groundwater levels taken at different points in time, many of which are opportunistic measurements collected from open holes at the time of field investigations. As such, there are some local variabilities and the contours should be considered indicative only. Despite these limitations, the interpreted contours provide useful indications of groundwater levels and flow direction within the study area.

Groundwater is derived from rainwater that percolates through cracks and pores in rocks and sediments. Groundwater discharges at surface in low-lying areas and along coastal boundary to the north, whereas in topographically elevated areas the water table rises to higher elevations. The difference in the elevation of hydraulic heads resulting from these recharge and discharge mechanisms drives the flow of groundwater from topographically higher levels to topographically lower levels. This results in the water table typically being a subdued reflection of the ground surface, with shallow groundwater potentially interacting with surface watercourses along drainage lines and vegetation (via evapotranspiration). It can also be noted that the groundwater levels in the hillside is generally near or below the rock levels.

The data currently available is insufficient to ascertain local variability in the water table due to anthropogenic influences such as groundwater pumping and existing basement structures. It should also be noted that the groundwater levels obtained from some of the records are dated to many years back and may not accurately represent the current groundwater level. Climatic and seasonal changes may also influence the groundwater levels. Tidal effects and rainfall are also some of the factors that may influence the groundwater levels.

Assessment of the groundwater level variation due to seasonal, tidal or rainfall effects is not possible due to the absence of groundwater monitoring for a considerable period.

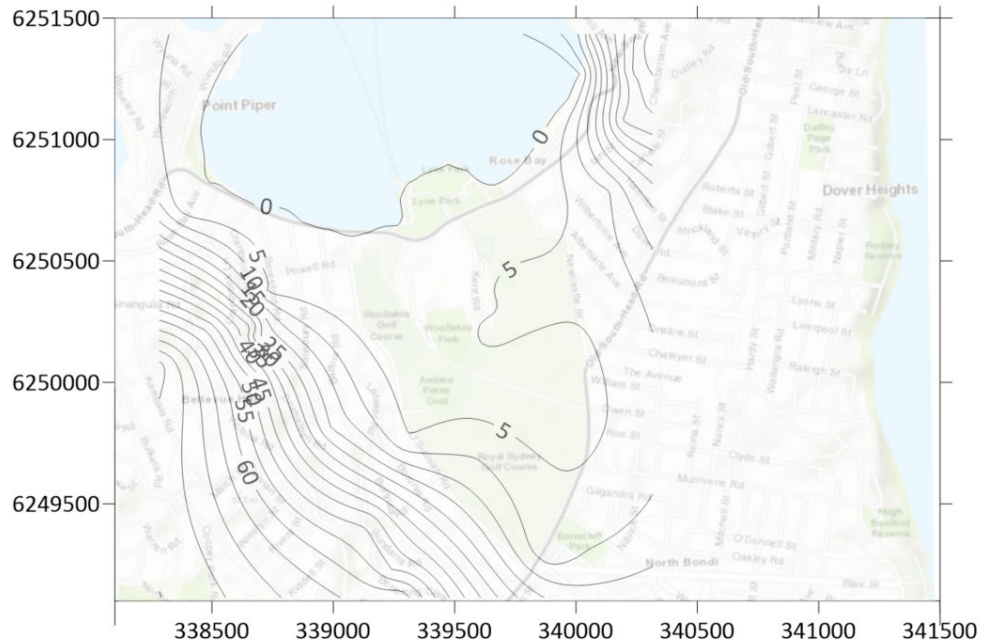


Figure 8 Contours of inferred groundwater levels

5. Impact of groundwater lowering (construction dewatering)

5.1 Why buildings settle upon dewatering?

When new developments involve basement construction, excavation into existing ground is required. Such excavation when carried out below the water table can be difficult to execute and the excavation side walls often become unstable due to the presence of groundwater within the construction site. In that instance, side wall retention and dewatering can be adopted to facilitate the excavation work and to allow construction to proceed in dry soil conditions.

There are many forms of retention system for the support of the excavation side walls. In areas where groundwater flow rate is high, vertical cut-off walls are often adopted to act as both the retention system and flow barrier to control groundwater seepage. However, the cut-off walls need to be properly designed to minimise the groundwater flow into the excavation site effectively. Such cut-off walls could be constructed as full depth penetration by extending the walls to the relatively impermeable bedrock or as partial cut-off system. In situations where the groundwater seepage into the excavation is relatively high and the cut-off system does not extend to full depth, dewatering within the construction site is employed to supplement the cut-off system.

However, such dewatering method could cause the lowering of water table not only within the site and in the vicinity of the excavation footprint, but also extend to a certain distance away from the excavation. The extent or

zone of influence of dewatering depends on a number of factors including the cut-off system, initial groundwater conditions, and ground conditions, etc.

The lowering of water table by dewatering can induce soil settlement which is detrimental to buildings and structures located above the affected water table. When the water table is lowered, the effective load on the underlying soil is increased by amount equal to the difference between the drained and submerged weights of the entire soil mass between the original and lowered water table. If the underlying soil is compressible, the increased overburden pressure will cause compression of the soil, inducing settlement of the ground.

Such phenomena could occur in most soil types. However, in situations involving weak compressible soils, dewatering can cause more substantial settlements. When there is spatial variability in ground conditions within a given region, it is clear that difference in settlement (i.e., differential settlement) can be expected.

Such total settlement and differential settlement will then impact the structures bearing on the ground surface including residential and commercial buildings, leading to movement and distortion of the structures.

5.2 Adopted settlement criteria

To effectively control the potential damage caused by dewatering, it is essential to assess the maximum acceptable settlement for the buildings in the Rose Bay area. The settlement criteria applicable to the existing buildings, typically one to two storeys constructed on shallow footings, have been developed primarily based on Australian Standards AS2870-2011 and relevant published literature by Burland et al. (2002) on building settlements and associated damages.

5.2.1 Assessment of settlement criteria

The Australian Standard AS2870-2011 has been developed for the purpose of site classification, design and construction of foundation systems associated with typical residential buildings. This standard also provides typical surface movements for various site classifications along with the related damage category.

Consistent with the works presented by Burland et al. (2002), AS2870-2011 provides five categories of damage with reference to walls, numbered 0 to 4 in increasing severity. Normally categories 0, 1 and 2 relate to 'aesthetic' damage, 3 relates to 'serviceability' damage and 4 represents damage affecting 'stability'. Burland et al. (2002) have indicated that the dividing line between categories 2 and 3 damage is particularly important. If the damage exceeds Category 2 the cause is usually much easier to identify and is frequently associated with ground movement. To minimise the residual risks of property damages in Rose Bay, the design settlement criterion should be selected based on a more cautious Category of 1 or better.

Cracking in masonry walls is usually, but not always, caused by differential settlement. With reference to the schematic representation shown in Figure 9 regarding the deflection ratio Δ/L at which cracking is initiated, Burland (1997) provided the limiting Δ/L values in percentage for the different categories of damage for masonry wall with zero horizontal strain (see Table 3). With a clear notion of minimising the risks of property damages in the Rose Bay area, the threshold for a cautious damage Category 1 was considered. Then using Δ/L of 0.075% (maximum value for category 1) and for a building comprising full masonry construction with a typical wall length of 20 m, a differential wall settlement of 15 mm could be adopted as the maximum tolerable value before cracking become visible and is classified as being at risk of Category 2 damage.

In relation to pipe drain tolerances, the acceptance criteria of 0.1 degree for joint rotation of relatively rigid pipes such as cast iron pipe can be adopted based on consultation with Sydney Water for past projects, as well as CIRIA (1996) publication titled "Prediction and effects of ground movements caused by tunnelling in soft ground beneath urban areas". The aforementioned threshold deflection ratio of 0.075% corresponds to a rotation of about 0.043 degrees, which is deemed to be satisfactory for the allowable joint rotation of rigid pipes.

Theoretically correct and simple as it may seem, the evaluation of differential wall settlement is not always straight forward. Alternatively, total ground (surface) settlement limits could be used as an ultimate measure to control damage of buildings caused by dewatering. Table 2.2 of AS2870-2011 indicates that damage categories 0 to 1 for masonry (veneer or full) are normally present in Class S site, where the site classifications are defined in Table 2.1 of AS2870-2011. Further, the characteristic surface movements (y_s) for Site S is 0 - 20 mm in accordance with Table 2.3 of AS2870-2011. This threshold surface movement is commensurate with the above differential wall

settlement of 15 mm for category 1 damage. If the building is conservatively assumed to have no stiffness so that it conforms to the 'greenfield site' subsidence trough, then it is possible to consider Δ s to be conservatively the same as the differential wall settlement. The adoption of this conservative assumption is reasonable because the surface settlement limit that is applicable to existing buildings will have to be assessed in light of possible past damage and flexibility of the buildings. Relatively rigid and damaged structures now are likely to be more sensitive to increased surface movement due to loss of stiffness, and therefore some reduction in the settlement limit might be appropriate. The above differential wall settlement of 15 mm occurs within the conditions of Class S Sites, where damage Category 1 ('aesthetic' damage) is applicable. In Tables C1 and C2 of AS2870-2011, damage Category 1 is described as fine cracks to walls and concrete floors of less than 1 mm which typically do not need repair.

For the purposes of current assessment of dewatering, we have considered a total ground surface settlement of 15 mm as being the limiting value to control potential damage of existing buildings.

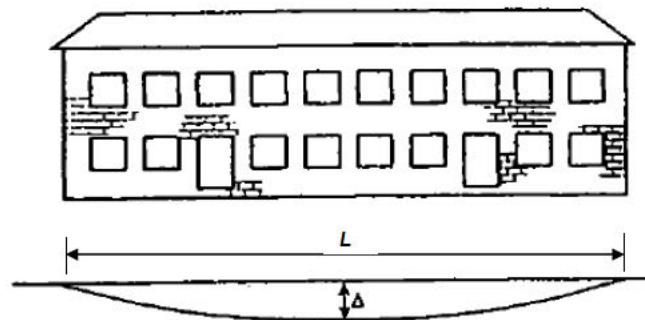


Figure 9 Schematic representation of wall deflection

Table 3 Relationship between category of damage and limiting Δ/L for zero horizontal strain in accordance with Burland et al. (2002)

Category of damage	Normal degree of severity	Limiting Δ/L (%)
0	Negligible	0.05
1	Very slight	0.075
2	Slight	0.15
3	Moderate	0.3
4	Severe to very severe	> 0.3

5.2.2 Surface settlement and water table fluctuation

The amount of settlement which could be induced into the existing buildings in the vicinity of a construction site will depend upon the extent of external water table lowering caused by the dewatering and the intrinsic soil properties.

For a water table fluctuation of typically within 1 m, the surface settlement caused by the initial loading (i.e. the initial drop of groundwater level) would be the greatest. The settlement induced by the subsequent groundwater variation of the same magnitude would be only about one-tenth to one-half of that experienced under initial loading. Therefore, if the drawdown of the groundwater level is within the range of the water table fluctuation, then the induced surface settlement is anticipated to be small and should be similar to that observed due to groundwater variation. However, a further drop in water table beyond the historic groundwater fluctuation range would lead to settlements of increased magnitude rapidly approach the estimate for the initial loading. For the assessment of dewatering induced settlement presented in the following sections, our adopted initial groundwater

level has generally been based on the relatively low side of the fluctuation range in accordance with the available groundwater records.

6. Geotechnical Assessment of dewatering-induced settlement

6.1 Methodology

6.1.1 Overview of assessment approach

The general methodology for the geotechnical assessment of settlement can be described as per the flowchart given in Figure 10 below. In essence, the severity of the dewatering-induced settlement is strongly related to ground conditions present on site. For example, the lowering of groundwater in areas with presence of highly compressible peaty soils would cause a much greater settlement than other areas without peat. It is essential to examine the variability of ground conditions and to identify areas susceptible to ground movements upon dewatering. Therefore, the "first part" of the settlement assessment was to develop site specific geotechnical models and to assess and compare the ground settlement responses upon dewatering for the different sub-divided areas within the Rose Bay study area. These results were presented on 'settlement index plots' to provide a visual identification of areas with different degrees of ground settlement response to groundwater drawdown due to construction dewatering.

The "second part" of the settlement assessment was to establish the relationship between dewatering of the developments and the groundwater lowering for the different sub-divided areas identified in the first part of the assessment. The ultimate goal of the assessment is to establish groundwater drawdown limit that can be used to develop recommendations in relation of dewatering controls.

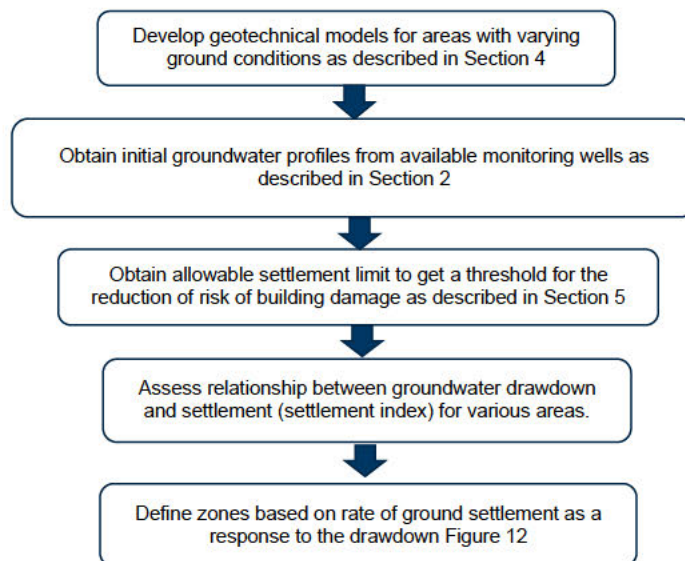


Figure 10 Flow chart showing general methodology for the settlement assessment

6.1.2 Settlement index analysis

Settlement analyses corresponding to predefined depths of groundwater drawdown were conducted for selected data points outlined in Figure 1 and Figure 2. The data points were selected based on the following approach:

- Available geotechnical data with groundwater levels and top to the rock were initially filtered out. It was noted that geotechnical information at many locations did not include both groundwater level and depth to rock.
- Using available groundwater and rock level information, contours of rock levels and groundwater levels were prepared. The rock level contours indicated a shallow soil profile on the hillsides with groundwater levels generally near or below rock levels. Therefore, the settlement at the sites on the hillsides is small and are considered not critical for dewatering induced settlement.
- Additional locations where both groundwater and rock level information are available were selected based on the following considerations. The rock and groundwater levels at these locations were inferred from the rock and groundwater contours.
 - Geotechnical or groundwater bores that encountered peat layers. It should be noted only the geotechnical reports for 75-77 O'Sullivan Road and 27 Salisbury Road indicated the presence of peat. However, there are a few groundwater bores, mostly located within the golf course area, indicated layers of peats.
 - Where the soil profile is deep
 - Areas with large data gap spatially.
- Where more than one borehole data available at a selected site, the borehole with worst soil profile (very loose and/or deep) has been selected.

For each selected data point, site specific geotechnical model was developed based on the available geotechnical investigation and groundwater bore summary data. The results of all assessed settlement points were subsequently compiled to form a "Settlement Index Plot" in response to an assumed fixed groundwater drawdown depth. The drawdown depth of up to 5 m was considered because an uncontrolled dewatering of 2-level basement construction could potentially result in lowering of the original water table by up to 5 m.

Based on this Settlement Index Plot together with the consideration of the spatial variability in ground conditions between the data points, a more generalised settlement map was developed, which shows degrees of susceptibility to dewatering-induced ground surface settlement for different sub-divided zones within the Rose Bay study area. The settlement index provides a means to understand the response of ground settlement to various levels of drawdown at a given location, irrespective of any profile of groundwater drawdown caused by any particular development.

The dewatering induced settlement for each data points was analysed based on one-dimensional (1D) settlement method where soil layers were modelled as follows:

- Elastic models with characteristic Young's moduli for granular materials
- Consolidation models with recompression and compression coefficients for fine grained soils

The compressibility properties adopted for the different soil / rock units are summarised in Table 4. These engineering parameters were derived on the basis of:

- Review of in-situ testing results from available geotechnical investigation data
- Use of empirical or semi-empirical correlations applicable for similar soil types
- Our experience on local geology, projects with similar soil types and challenges

The following considerations and assumptions were made in developing the geotechnical models and assessing settlement:

- Settlement of rock is negligible.
- Groundwater bore summary logs do not include consistency of the materials. Therefore, it was assumed that Unit 3A extends up to 3 m depth, Unit 3B extends up to 10 m depth followed by Unit 3C to the top of the rock. Assumptions on the depth of 3A and 3B are based on the review of information from geotechnical reports.
- Upper peat layer is assessed to be firm consistency with undrained shear strength of 40 kPa based on the hand penetrometer results available at 75-77 O'Sullivan Road. Lower peat layer is assumed to be stiff to hard with undrained shear strength of 85 kPa.
- Groundwater levels are based on that noted during borehole drilling or available limited monitored groundwater levels. Seasonal variation has not been considered.

Table 4 Summary of geotechnical properties for all foundation units

Unit/Material	Bulk Unit Weight (kN/m ³)	Compressibility parameters for fine-grained soil		Undrained Shear Strength s_u (kPa)	Young's Modulus of Elasticity E for sandy soils (MPa)
		Compression Ratio CR ⁽¹⁾	Recompression Ratio RR ⁽²⁾		
1 – Fill	18	N/A	N/A	N/A	10
2 – Stiff to hard Clay	19	0.1	0.014	85	N/A
3A – Very loose to loose Sand	17	N/A	N/A	N/A	5
3B – Loose to medium Dense Sand	18	N/A	N/A	N/A	10
3C – Dense to very dense Sand	20	N/A	N/A	N/A	30
4A – Firm Peat	15	0.325	0.054	30	N/A
4B – Stiff to Hard	17	0.3	0.05	85	N/A
5A – Residual Soil (Clayey Sand)	19	N/A	N/A	N/A	50
5B – Extremely to highly weathered Sandstone	21	N/A	N/A	N/A	100
5C – Moderately weathered to Fresh Sandstone	23	N/A	N/A	N/A	250

6.2 Settlement Index Plot and settlement zones

The analysed settlement index obtained for various drawdown depths was used to assess the sensitivity of ground settlement response to the groundwater drawdown due to construction dewatering. The assessed settlement index in response to an assumed 1m depth of groundwater drawdown are presented as Figure 11.

Note that there are inherent uncertainties associated with the settlement index plot owing to the following factors:

- Inevitable spatial variability in ground conditions between settlement points that could result in differential settlements beneath structures.
- Uncertainty within locations where sufficient investigation data was not available.

Based on the Settlement Index Plot depicted in Figure 11 and the uncertainties outlined above, a more generalised settlement map was developed that delineates three settlement zones with different degrees of susceptibility to dewatering-induced ground surface settlement. The settlement zones and their descriptions are given in Table 5 below. The zones and their extent were superimposed in a plan with topographical contours as shown in Figure 12. Further, the variation of settlement with drawdown depths was plotted for various zones. These plots are shown as Figure 13 to Figure 15. The significance of these settlement plots is further discussed in the subsequent section.

Table 5 Description of various Settlement Zones

Zone Assignment	Description	Typical Settlement for given Drawdown Levels
A	Areas which are highly sensitive to drawdown due to the ground conditions. Consequently, higher settlement magnitude can likely occur and adversely impact adjacent properties.	Settlement of more than 15 mm for 1 m drawdown depth Differential settlement which can exceed 15 mm for drawdown up to 4 – 5 m
B	Areas which are moderately sensitive to drawdown due to the ground conditions. Although the assessed settlement was generally less than Zone A, this zone can continue settling with the increase in drawdown due to thicker soil profile or compressible layer located at deeper strata.	Settlement between 5 mm and 15 mm for 1 m drawdown depth Settlement can exceed 15 mm for excessive drawdown up to about 4 – 5 m
C	Areas which are less sensitive to drawdown due to ground conditions (e.g. shallow bedrock, lower original water table with respect to soil layers)	Settlement of less than 5 mm for 1 m drawdown depth Settlement is likely to be limited with the increase in drawdown depth due to shallow rock profile

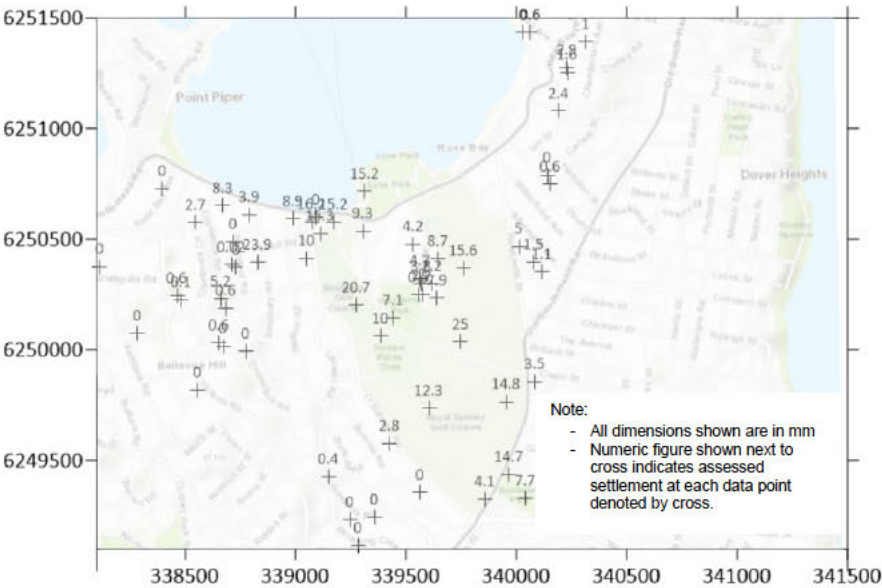


Figure 11 Assessed settlement index for 1-m drawdown depth

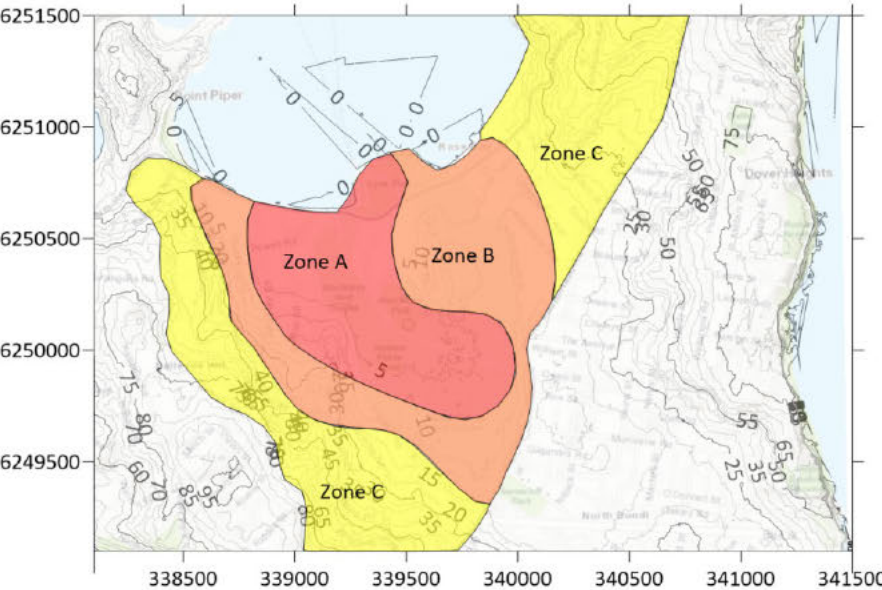


Figure 12 Settlement zones and their extent on a plan overlaying elevation contour

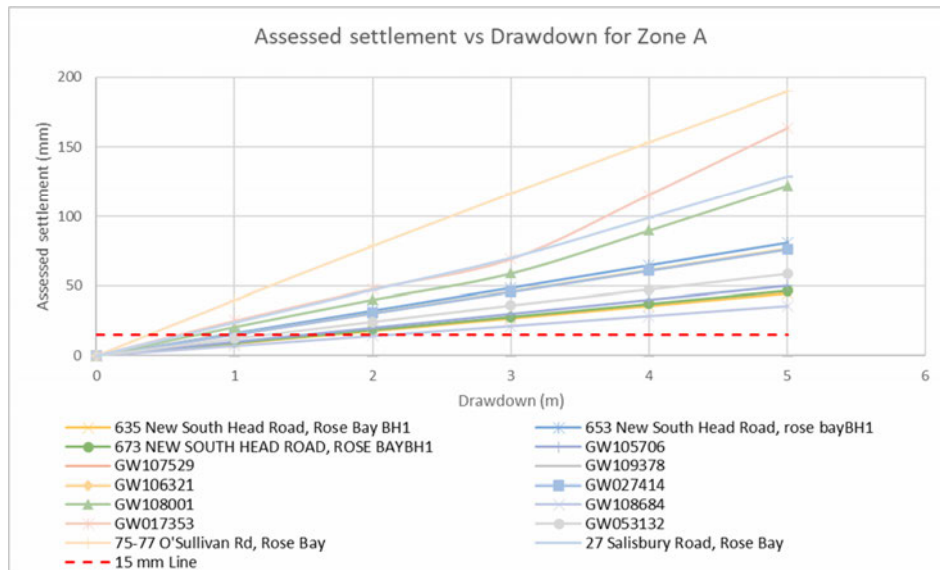


Figure 13 Settlement Index for various drawdown for Settlement Zone A

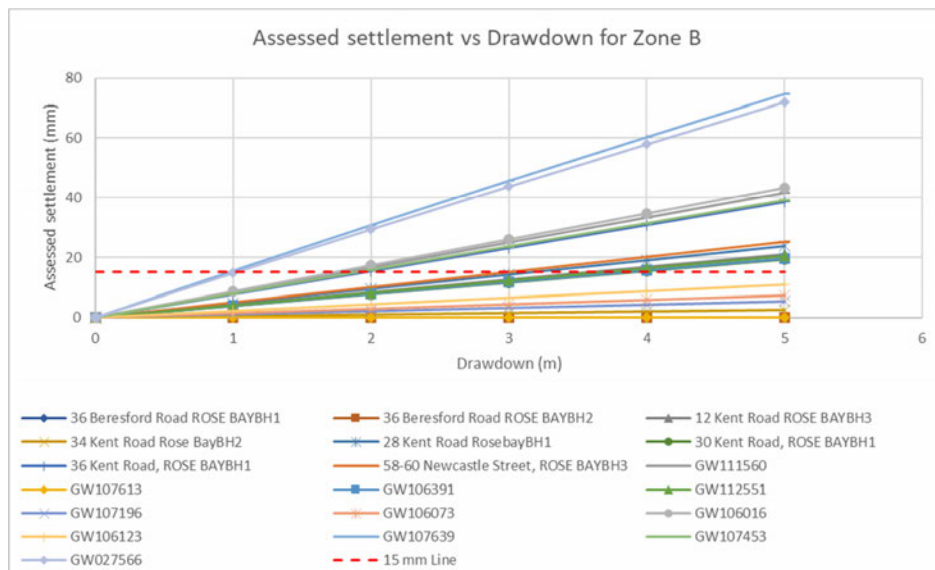
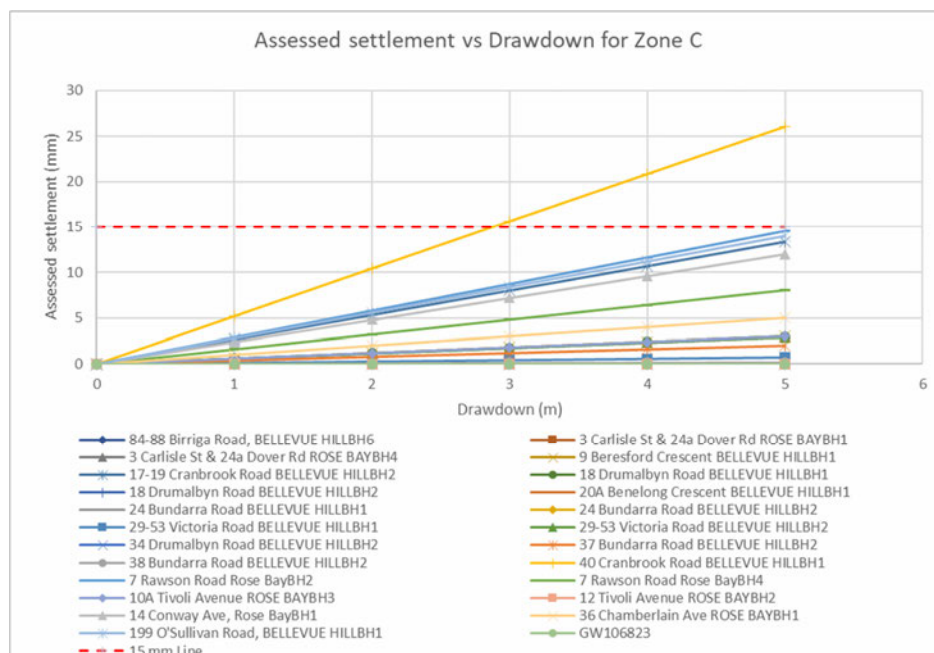


Figure 14 Settlement Index for various drawdown for Settlement Zone B



6.3 Discussions

- The general trend of the analysis results indicates that the greater the groundwater drawdown depth, the greater the surface settlement will be experienced in the different sub-divided zones.
- Settlement at locations of peat layer is larger than 15 mm for 1 m drawdown and these areas fall into Zone A. For example, the total settlement at 75-77 O'Sullivan Road in Zone A can be as high as 190 mm for a drawdown depth of 5 m as shown in Figure 13.
- Majority of Zone A locations are within the geological unit Qhe1, where peat is anticipated, as shown in Coastal Quaternary Geological Map presented in Figure 5. This unit is described as Holocene interbarrier creek deposits comprising marine sand, silt, clay, mud, peat, gravel and shell. Presence of peat induces greater settlement than that in other surrounding areas which consist of mostly marine sand
- Some variability in the assessed total settlements could be observed among the data points located within the same zone. These spatial variabilities become more pronounced with the increase in total settlements which consequently can increase the risk of the occurrence of differential settlement. It can be recalled from Section 5 that certain value of differential settlement would be sufficient to increase the risks of building damage.
- Based on the Settlement Index Plots.

- For Zone A, the drawdown depths associated with proposed settlement limit of 15 mm were assessed to vary between 0.3 m and 2 m.
- For Zone B, the drawdown depths associated with proposed settlement limit of 15 mm were assessed to vary between 1.0 m and greater than 5 m.
- For Zone C, the drawdown depths associated with proposed settlement limit of 15 mm were assessed to vary between 2.9 m and greater than 5 m.

A corollary of this finding is that a 0.3 m depth of dewatering can be considered as a relatively safe limit to control building damage within Zone A.

- The water table drawdown due to dewatering could extend up to a considerable distance away from the dewatering location based on the seepage analysis carried out for Double Bay for specific development. From the analysis outcome from Double Bay and considering the sensitivity of ground settlement response in some areas (e.g. Zone A) to the drawdown, it is practical that the safe limit of dewatering of 0.3 m is applied for settlement Zones A and B of the study area.

From constructability viewpoint, it can be necessary to dewater sufficiently to enable the dry excavation during construction. If the above drawdown limits cannot be achieved, other controls are also available to reduce groundwater drawdown in the adjacent areas to within the acceptable limit. These include the following:

- Systematic groundwater reinjection/recharge during excavation dewatering;
- Sufficient cut-off depth to limit groundwater drawdown outside of the excavations; and
- Elimination of the need for dewatering by providing a sealing layer on the excavation base which needs to be adequately designed to resist uplift pressure.

Alternative measures can be considered on a case-by-case basis to allow for a review of the drawdown limit. These measures should include the undertaking of sufficient additional geotechnical investigations and subsequent analysis to demonstrate that settlement impacts of surrounding building are within acceptable limit.

It is noted that the water table will likely stabilise to a level that is near the original groundwater levels following a certain period after the dewatering is terminated. However, the settled ground and other environmental features impacted by the groundwater drawdown will not likely return to the original conditions.

7. Long term groundwater related settlement

Another potential impact arising from developments with large basement or underground structures is the impact on the regional groundwater flow. Mechanisms to reduce depressurisation and subsidence such as tanking of below water table structures, can create impediments to regional groundwater flow.

Total and differential settlement due to these hydrogeological changes are also equally important and needs to be considered during the planning stage.

No specific assessment with large basement or underground structures have been undertaken for Rose Bay. However, the modelling of cumulative impacts associated with multiple subterranean structures (basements) carried out for Double Bay has shown that mounding and lowering of the water table could occur over the long term albeit this is generally estimated to be less than 0.3 m assuming full cut-off (basements extending to the Bedrock) and up to 0.2 m assuming partial cut-off, with mounding of <0.2 m in areas of shallow water table. It should be noted that the geomorphological/geological setting of Double Bay is a narrow incise valley filled with alluvium sand.

Based on the outcome from the assessment undertaken for Double Bay and considering the extensively wider flow path in the Rose Bay area, the risk of impeding the regional groundwater flow and associated impact is considered much lower in Rose Bay compared to that assessed for Double Bay. However, specific groundwater modelling

would be required to assess impact if major development proposal with extensively large and deep basements that block significant portion of flow path are considered in future.

8. Landform stability

8.1 Landslide/ Slope instability

Reviews of the accessible records did not indicate occurrences of any major landslides or slope failures within the study area due to natural factors such as heavy rain and erosion. However, geological, topographical, and geomorphological conditions within the hillside of the study area in the west and east of golf course indicates that a landslide or slope instability could be possible, particularly during extreme rainfall events when the sand is saturated.

It is noted that a failure of road shoulder at Victoria Road near Cooper Park occurred due to a burst water main. Although this occurrence was not considered to be due to landform instability, it is a good example indicating collapsible nature of a saturated sand. Therefore, it is essential that the stability of a development site or neighbouring sites which may be affected by the construction activities such as excavation needs to be assessed by a qualified geotechnical engineer or engineering geologist.

8.2 Erosion

Erosion is the process by which wind or water removes sand particles from a surface. It is a natural phenomenon that occurs in areas where there is a significant amount of loose sand, such as beaches, deserts and sand dunes.

In coastal areas, sand erosion is often caused by the impact of waves and tides, which can carry away sand from the beach and deposit it elsewhere. This can lead to beach erosion, which can have negative impacts on the local ecosystem and community.

Given the sloping terrain with surficial very loose to loose sand in the study area, natural events such as heavy rainfalls and flooding may cause sand erosions and lead to instability of slopes.

Sand erosion can also cause damage to buildings, infrastructure, and other human-made structures. Construction sites often involve the excavation of soil and the movement of large quantities of earth, which can cause soil erosion and sedimentation in nearby waterways. It is important to implement erosion control measures to prevent erosion due to construction activities. This can include the use of erosion control blankets, silt fences, and sediment basins, as well as the planting of vegetation to stabilize the soil.

In addition, construction activities should be planned and managed in a way that minimises their impact on the environment. This can include avoiding construction in sensitive areas such as wetlands and floodplains and minimizing the amount of soil disturbance and grading.

Cases of sand erosion problems in Rose Bay area have been documented.

8.3 Rock falls/ wedge failures

Rock falls or rock wedge failures can be caused by a variety of factors, including presence of adverse rock defects, natural geological processes, for example erosion, weathering, and seismic activity, as well as human activities, such as excavation.

Review of the geotechnical reports provided by the Council and observations from site visit indicates a number of properties with exposed rock cliffs or walls/faces.

Rock fall hazard assessment is required to identify areas where there is a risk of rock falls and to develop appropriate strategies to mitigate the risk. These assessments typically involve a combination of field observations, geotechnical analysis, and computer modelling to predict the probability and magnitude of rock fall events.

To reduce the risk of rock falls, measures such as rockfall barriers, retaining walls, slope stabilization, and drainage systems can be implemented. It is also important to educate people about the potential dangers of rock falls and to establish emergency response plans to deal with any incidents that may occur.

8.4 Observations from site visits

A site walkover was conducted by a senior technical director in geotechnical engineering from GHD on 20 January 2023, to appreciate the overall geotechnical conditions and ongoing constructions activities within a part of the Rose Bay area. This included Norwich Road, Kent Road, Elanora Street, Manion Avenue and O'Sullivan Road.

Two subsequent walkovers were conducted along with Council representatives on 3 February 2023 and 18 April 2023. During the first walkover, the visited locations included Cranbrook Road, 53-55 Drumalbyn Road and Victoria Road in Bellevue Hill. During the second walkover, the properties at 82 and 84 Beresford Road, Bellevue Hill were visited.

The following observations were made during the visit on 3 February 2023:

- Tension cracks on the footpath along Cranbrook Road were observed. Figure 16 presents photos taken during the visit showing the tension cracks. Tension cracks are often a sign of distress indicating ground movement. Noting the footpath is on top of a slope, these cracks could potentially be associated with/indicative of a slope instability issue. However, other soil characteristics such as shrink-swell may also cause tension cracks.



Figure 16 Tension cracks on footpath along Cranbrook Road

- Overhanging rock face at the back of 53-55 Drumalbyn Road, Bellevue Hill. Photos taken during the visit are shown in Figure 17.



Figure 17 Overhanging rock at the back of 53-55 Drumalbyn Road, Bellevue Hill

- External stairs with cracked hand-rail kerb. The cracks are potentially associated with ground movement. Figure 18 shows the observed cracks.



Figure 18 Cracked hand-rail kerb along an external stair.

- Sandstone block vertical retaining walls of greater than 3 metres high. Figure 19 shows photos of some of these walls.



Figure 19 Sandstone block retaining walls

- Ongoing multi-level developments on Kent Road as shown in Figure 20.



Figure 20 Ongoing multi-level developments on Kent Road (photo from Manion Avenue Car Park)

- Ongoing deep (greater than 5 m) excavation supported anchored contiguous pile wall in Drumalbyn Road.
- Residential stormwater line outletting on a slope.

The following observations were made during the site visit on 18 April 2023:

- Cracking of exterior rendered brick walls, with examples shown in Figure 21.



Figure 21 Exterior rendered brick walls

- Cracking and leaning of brick/block retaining walls, with examples shown in Figure 22.



Figure 22 Brick/block retaining walls

- Cracking of interior walls, with examples shown in Figure 23.



Figure 23 Interior walls

- Cracking in tiles and timber window frame as shown in Figure 24.



Figure 24 Tiles and timber window frame

- Distortion of timber fence, garage door and ceiling cornice as shown in Figure 25.



Figure 25 Timber fence and garage door

Based on the information provided by the residents at the properties, we understand that the defects were noticed during or shortly after recent constructions on Drumalbyn Road, located approximately 100 m away. Furthermore, residents at the above 2 properties informed that vibrations were felt during the recent constructions.

Development of guidelines around construction induced vibrations and assessment of ground settlement that may arise from these, is discussed in Section 9.

8.5 Recommended practice – Landslides

Practice Note Guidelines for Landslide Risk Management 2007 by Australian Geomechanics Society (AGS) provides some guidelines for hillside construction, and good and bad examples of hillside construction practice. This practice notes provide guidelines for regulators and practitioners.

Chapter 8 of *Natural Hazards in Australia – Identifying Risk Analysis Requirements* by Australian Government detail the requirements of landslide hazard identification, risk analysis and mitigations measures. It includes responsibilities of various parties including federal, state and local governments, professional bodies and property developers.

It states “Developers are required to prepare development applications which address councils’ provisions relating to development in areas susceptible to landslides. The developer is required to provide a geotechnical assessment of the site which demonstrates that the development proposal takes into account appropriate mitigation techniques, and to seek advice from qualified engineering geologists and geotechnical engineers on site slope instability as part of that assessment. A qualified geotechnical professional may assess the reliability of these reports in landslide-prone areas”.

9. Construction induced vibrations

9.1 General

During basement construction, vibration from construction machinery is likely to transmit through the ground to other nearby properties. There is a range of construction activities which could result in the transmission of significant vibration, including building demolition, pile driving, soil compaction and rock excavation via ripping, hammering or blasting. There are two main types of detrimental effects that vibrations can have, one being the disruption of human comfort and the other causing building damage. The magnitude of vibration is often measured in terms of peak particle velocity (ppv) expressed in mm/s. Typically, a significantly higher ppv is required to cause building damage as opposed to disrupting human comfort. Limits imposed upon construction induced vibration are typically developed with consideration of both human comfort and building damage.

9.2 Existing guidelines

The following publications provide guidance with respect to limits imposed upon construction induced vibration for sites in New South Wales:

- AS ISO 2631.2-2014 Mechanical vibration and shock – Evaluation of human exposure to whole-body vibration. Part 2: Vibration in buildings (1 Hz to 80 Hz).
- AS 2187.2-2006 Explosives – Storage and use. Part 2: Use of explosives.
- Assessing Vibration: A technical guideline, Department of Environment and Conservation NSW (February 2006).
- German Standard DIN 4150-3 -2016- Vibrations in buildings - Part 3: Effects on structures.

AS ISO 2631.2-2014 supersedes the Australian Standard AS 2670.2-1990, which specified vibration limits with respect to human comfort. The new standard does not specify any limits and states that “In Australia, state and territory government regulators provide guidelines and limits for the immission of vibration in buildings and it is recommended that reference be made to their publications for such advice”. In this case, the technical guideline by

the Department of Environment and Conservation (DEC) NSW referenced above can be utilised to obtain vibration limits with respect to human comfort. The limits in this guideline are based on the British Standard BS 6472-1992. The guideline also makes reference to a report by Hiller and Crabb (2000) which contains useful data on attenuation, i.e. the reduction in ppv that occurs with increased distance from the source of vibration.

With regards to building damage, there is guidance provided in Appendix J of AS 2187.2-2006, which makes reference to the limits defined in the British Standard BS 7385.2-1993 and the United States Bureau of Mines (USBM) report RI 8507. The limits in USBM RI 8507 were developed with respect to vibrations resulting specifically from surface mine blasting, whereas those in BS 7385.2 relate to building damage resulting from ground-borne vibration more generally.

The limits from BS 7385.2 are therefore considered more applicable when considering the range of vibration sources that could be present on construction sites and the building types within Rose Bay. However, BS 7385.2 does not provide any guidance on acceptable vibration limit for sensitive structures. German Standard DIN 4150-3 includes guidelines for residential buildings together with criteria for both commercial/ industrial buildings and high sensitivity structures. This standard provides increased levels of vibration (i.e., higher ppv) as the wave frequency increases.

9.3 Calculation of limits

9.3.1 Human comfort

Vibration limits for human comfort may be determined in accordance with Tables 2.2 and 2.4 in the above-referenced DEC guideline. The use of these tables requires selection of:

- The location where vibration levels are to be assessed (residence, office, school etc).
- The time of day/night that the vibrations occur.
- Whether the vibration is continuous (uninterrupted), impulsive (a small number of short occurrences) or intermittent (repeated occurrences).
- Whether the vibration is felt from back to chest (x axis), side to side (y axis) or head to foot (z axis) by those who perceive it.

The limits in Table 2.2 of the DEC guideline for continuous and impulsive vibrations are expressed as root mean square accelerations in m/s^2 . Equivalent values of ppv are provided in Appendix C of the guideline for vibrations along the z axis, which is the most critical axis when the limits are expressed in terms of ppv. The limits in Table 2.4 of the DEC guideline for intermittent vibration are expressed as vibration dose values, which quantify cumulative vibration experienced over a specified period of time.

9.3.2 Building damage

Vibration limits for building damage can be determined in accordance with BS 7385.2-1993, which requires knowledge of the vibration frequency. The limits for cosmetic damage are reproduced in Appendix J of AS 2187.2-2006 as Table J4.4.2.1 and Figure J4.4.2.1. For reinforced or framed structures, the limiting ppv is 50 mm/s for $f = 4$ Hz and above. For unreinforced or light framed structures, the limiting ppv is 15 mm/s for $f = 4$ Hz, increasing to 20 mm/s for $f = 15$ Hz and then to 50 mm/s for $f = 40$ Hz and above. For frequencies below 4 Hz, a limiting zero-to-peak displacement of 0.6 mm is specified for all building types.

Hiller and Crabb (2000) reported that the range of vibration frequencies most commonly encountered from construction works is 8-80 Hz. However, activities causing vibration with lower than 8Hz cannot be discounted. In the absence of data on frequency, a lower value of the typical range (i.e. $f = 8$ Hz) may be used to determine vibration limits for building damage as per the above.

German Standard DIN 4150-3 also considers various frequency of vibration to define the acceptable limits for residential buildings, commercial/ industrial buildings and high sensitivity structures. It also provides different vibration limits at foundation level and building floor levels with the consideration of the direction of vibration. For residential buildings, limiting ppv is 5 mm/s for the vibration frequency between 1 Hz and 10 Hz, and larger ppv limits up to 15 mm/s and 20 mm/s are allowed for frequencies up to 50 Hz and 100 Hz, respectively at foundation

level. For commercial/industrial buildings, limiting ppv is 20 mm/s for the vibration frequency between 1 Hz and 10 Hz, and larger ppv limits up to 40 mm/s and 50 mm/s are allowed for frequencies up to 50 Hz and 100 Hz, respectively at foundation level. A lower limit has been proposed for sensitive buildings. The limiting ppv is 3 mm/s for the vibration frequency between 1 Hz and 10 Hz, and larger ppv limits up to 8 mm/s and 10 mm/s are allowed for frequencies up to 50 Hz and 100 Hz, respectively at foundation level for sensitive buildings.

9.4 Suggested limits

Based on DEC guideline and BS 7385.2-1993, peak particle velocity limits have been determined for construction induced vibrations experienced in residential and commercial settings, which are covered in Table 6 and Table 7 respectively. The residential limits should be applied in R1, R2, R3 and R4 residential areas as per the NSW government's planning zones. In all other areas the commercial limits could be applied. Note that the limits with respect to structural damage is based on a frequency value of $f = 8$ Hz.

Table 6 Peak particle velocity (ppv) limits for construction induced vibrations in residential settings

Time Period	Preferred Value (mm/s)	Maximum Value (mm/s)
Continuous vibration		
7am - 5pm	0.28	0.56
5pm - 10pm	0.24	0.48
10pm - 7am	0.2	0.4
Intermittent vibration ¹		
7am - 5pm	2.5	5
5pm - 10pm	1.6	3.2
10pm - 7am	0.8	1.6
Impulsive vibration		
7am - 5pm	8.6	17
5pm - 10pm	5.7	11
10pm - 7am	2.8	6

¹ Considers equal operational and rest time, with continuous operation to be no more than 2 hours.

Table 7 Peak particle velocity (ppv) limits for construction induced vibrations in commercial settings

Time Period	Preferred Value (mm/s)	Maximum Value (mm/s)
Continuous vibration		
All times	0.56	1.1
Intermittent vibration ¹		
All times	4.9	9.8
Impulsive vibration		
All times	18 ²	36 ²

¹ Considers equal operational and rest time, with continuous operation to be no more than 2 hours.

² 17 mm/s for unreinforced or light framed structures. Can be increased if the vibration frequency is greater than 8 Hz.

Most of the limits in Table 6 and Table 7 relate to human comfort, and have been selected according to the above-referenced DEC guideline with the following exceptions:

- An additional time period of 5pm - 10pm has been defined for residential settings, with limits set halfway in between those for the 7am - 5pm and 10pm - 7am time periods. This has been done to ensure residents do not experience as much vibration during the evening as they would during the daytime.

- Peak particle velocities have been specified for intermittent vibrations, as opposed to the vibration dose values recommended in the DEC guideline. This has been done to simplify interpretation and allow direct comparison with the limits for continuous and impulsive vibrations. The above-specified ppv values for intermittent vibration have been calculated as approximately one quarter of the way between the limits for continuous and impulsive vibrations. Based on experience with previous projects, it is suggested that the intermittent vibration limits be applied in circumstances where the operational time (i.e. the time when vibrations are being emitted) is followed by a rest period of equal length where no vibrations are emitted. The time of continuous operation should not be any more than 2 hours, which is typical for many construction activities. Alternatively, limits of vibration dose values specified in DEC guideline shall be adopted for intermittent vibrations.
- The peak particle velocity for impulsive vibrations in commercial settings should be limited to 17 mm/s for unreinforced or light framed structures. This is in consideration of building damage, conservatively assuming a vibration frequency of 8 Hz as per Section 9.3.2. This limit can be increased in accordance with BS 7385.2-1993 if it can be demonstrated that the vibration frequency is greater than 8 Hz. However, the preferred and maximum limits of 18 mm/s and 36 mm/s respectively for human comfort should also be adhered to.

Reference may be made to the DEC guideline for examples of continuous, intermittent and impulsive vibration. Many construction activities, including vibratory rolling, jack hammering and pile driving may be classified as intermittent, with repeated occurrences over a long period that are separated by breaks. Vibrations from a single blasting event or dropping of heavy equipment may be classified as impulsive. Machinery that operates continuously throughout the day such as generators and pumps are examples of sources that produce continuous vibration.

The preferred values of vibration limits in Table 6 and Table 7 are proposed as possible vibration limits to be adopted for future developments. In addition, time of intermittent operations should be limited to less than 2 hours for each episode.

Where it is not possible to meet the suggested limits above, vibration values up to the maximum limits may be acceptable provided that detailed assessment of the impact of vibration including proposed monitoring regime is provided and agreed with stakeholders. Further detail is provided in the DEC guideline.

Although the suggested limits have been presented in Table 6 and Table 7, the vibration caused by a construction activity depends on several factors such as construction methodology, plants and equipment and ground conditions. The impacts of vibration to neighbouring properties also depend on several factors such as setting (commercial/residential), sensitivity and type of building, frequency of vibration, direction of vibration, time of activity in a day, duration, etc. Therefore, German Standard DIN 4150-3 may be considered most appropriate for defining the limits for building damage in many cases.

The selection of construction equipment and methodology should be such that vibration is limited to acceptable levels. Applicant should submit a statement/report from qualified personnel such as Geotechnical Engineers or Acoustic Consultants that the vibration would be compliance with relevant vibration standards, guidelines and legislation. The selection of vibration limits should consider both human comfort and structural damage. Assessment on acceptable vibration levels should be based on the proposed construction activities and plants. The statement/report should specify methods for reducing vibrations within acceptable levels when the proposed construction activity or plant is likely to cause vibration greater than the acceptable limits.

In consultation with Council, the following limits are proposed as the upper limits for various types of vibration at any time. While the location of sensitive structures with respect to the construction site, encountered ground condition, construction activities and plants/equipment used may vary for given development, the following upper limits are considered reasonable in general.

- For continuous vibration: Maximum peak velocity of 0.28 mm/s
- For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75}
- For Impulsive vibration: Maximum peak velocity of 2.5 mm/s

9.5 Monitoring program

The vibration limits proposed by the applicant's consultant should be imposed at the boundary of the property where construction work is taking place. With vibrations attenuating at distance from their source, this will ensure that the magnitude of vibrations transmitted outside the property is less than or equal to the imposed limits at the property boundary. It is then recommended that the following measures be put in place as part of a program for monitoring vibrations during construction activities:

1. An implementation plan including a vibration monitoring program and contingency plan should be submitted by the applicant. The plan should include the locations of vibration monitoring sensors, trigger levels for anticipated vibration types and buildings in the neighbourhood and frequency of monitoring.
2. As a minimum, vibration monitoring sensors should be installed and monitored at the boundary where there are adjacent properties.
3. The trigger levels for the vibration monitoring should be set with the consultation with Structural Engineer following completion of the pre-construction dilapidation surveys of the adjacent buildings, and review of geotechnical conditions and construction methodology. Dilapidation surveys may also be requested for any vibration sensitive structures near the construction site.
4. Should vibration limits be exceeded at any time during construction, the construction activity causing vibration should cease until the measures to limit the vibration to below the trigger levels are implemented.
5. At the end of construction, remove vibration monitors and carry out post construction dilapidation surveys of the properties specified above.
6. Comparison of the pre and post construction dilapidation surveys, as well as reference to vibration monitoring data, will allow for identification of defects that were likely caused by vibration from construction activities.

Vibration sensitive structures should be identified by the developer in consultation with the residence of surrounding properties during pre-construction dilapidation survey. Below are some of the criteria that can be used to identify vibration sensitive buildings:

- Buildings with history of structural damage or performance issues due to vibrations
- Unreinforced structures
- Buildings that have been designed to minimise the impact of vibrations to ensure the safety, integrity, and functionality of the building or the equipment within it. Some examples include laboratories, hospitals, data centres, etc.

9.6 Settlement assessment

As well as disrupting human comfort and directly causing damage to buildings, there is the potential for construction induced vibration to indirectly cause building damage by inducing soil settlement under building foundations. This is particularly the case for loose sandy soils, where vibrations can lead to densification which in turn results in significant settlement. It is known that the marine sand identified within the geological units for the Rose Bay area in Section 4.2 is loose at shallow depth. In light of this, assessment of potential settlement within a loose sand layer due to construction induced vibrations has been carried out. This was based on the following:

1. The upper limit of 50 mm/s ppv from Section 9.3.2 for building damage was considered.
2. A representative shear wave velocity (v_s) of 65 m/s and corrected 'N' value ($N_{1(60)}$) of 10 relating to standard penetration tests was adopted for loose sand.
3. Based on 1 and 2, the cyclic shear strain (γ_{cyc}) resulting from the vibration was calculated as 7.7×10^{-4} .
4. Based on 2 and 3, the method proposed by Tokimatsu and Seed (1987) was used to calculate the volumetric strain due to densification, for the case where the sand is above the groundwater table. Assuming one dimensional settlement conditions, the volumetric strain is equal to the vertical strain, which is the settlement

as a fraction of the soil thickness. The calculated vertical strain was less than 10^{-4} , meaning that for every 1 m of loose sand, less than 0.1 mm of settlement is predicted.

5. Based on 2 and 3, the method proposed by Ishihara and Yoshimine (1992) was used to calculate the volumetric strain due to densification, for the case where the sand is below the groundwater table. The calculated strain was 3.6×10^{-4} , meaning that for every 1 m of loose sand, 0.36 mm of settlement is predicted.

The results obtained above indicate that for every 1 m of loose sand, less than 0.4 mm of settlement is predicted regardless of whether the sand is located above or below the groundwater table. This proves to be the case even though a high ppv of 50 mm/s was considered. Since the overall thickness of loose sand in the Rose Bay area is expected to be less than 10 m, the expected settlement caused by densification should be less than 4 mm. This magnitude of settlement should not cause any building damage. It is therefore expected that settlement resulting from densification of loose sand caused by construction induced vibration should not be a significant issue.

10. Environmental impacts of dewatering

Assessment of the environmental impacts of the dewatering is not the primary focus of this report. However, the following environmental impacts are likely and should be managed appropriately as per relevant environmental guidelines, policies and management plans.

10.1 Groundwater dependent ecosystem

A groundwater dependent ecosystem (GDE) is an ecosystem which has its species composition and natural ecological processes determined by groundwater. That is, GDEs are natural ecosystems that require access to groundwater to meet all or some of their water requirements so as to maintain their communities of plants and animals, ecological processes and ecosystem services. If the availability of groundwater to GDEs is reduced, or if the quality is allowed to deteriorate, these ecosystems are impacted.

Dewatering may affect the ecosystems that depend on the subsurface presence of groundwater. Terrestrial vegetation such as trees and woodlands may be supported either seasonally or permanently by groundwater. These may comprise shallow or deep rooted communities that use groundwater to meet some or all of their water requirements. Animals may depend upon such vegetation and therefore indirectly depend upon groundwater. Groundwater quality generally needs to be high to sustain vegetation growth.

A review of regional mapping (BoM GDE Atlas) was undertaken as a preliminary means of identifying potential GDEs at a broad scale. Aquatic GDEs were not identified in the study area. Terrestrial GDEs were identified outside of the study area in Nielson Park, Vaucluse (north east).

While broad scale mapping did not identify GDEs within the study area, it is possible that some of the trees within the Rose Bay area intercept the water table due to the shallow depth to groundwater. However, no information is currently available on the environmental water requirements of these trees and whether or not some of these are sourced from groundwater.

10.2 Acid generating materials

Acid sulfate soils are soils, sediments, unconsolidated geological material or disturbed consolidated rock mass that contain elevated concentrations of the metal sulfide. It occurs principally in the form of pyrite (iron sulfide). These soils can be rich in organics and were formed in low oxygen or anaerobic depositional environments.

The soils are stable when undisturbed or located below the water table. However, when oxygen is introduced, the sulfides oxidise to sulfate, with resultant soils having low pH and potentially high concentrations of the heavy metals.

Dewatering can result in oxidation of potential acid sulfate soils (PASS) and the mobilisation of pH and heavy metals into the environment where they can potentially impact deep-rooted vegetation, aquatic flora and fauna. It can also be aggressive to reactive materials (such as concrete, steel) of foundations, underground structures

(such as piles, pipes, basements) or buried services in contact with groundwater. Further, it can also result in the discharge of acid groundwater to receiving surface water systems.

A review of regional mapping (SEED NSW Government) has been undertaken, which is presented in Figure 26. This suggests that the bulk of the study area has a low probability of acid sulfate soils.

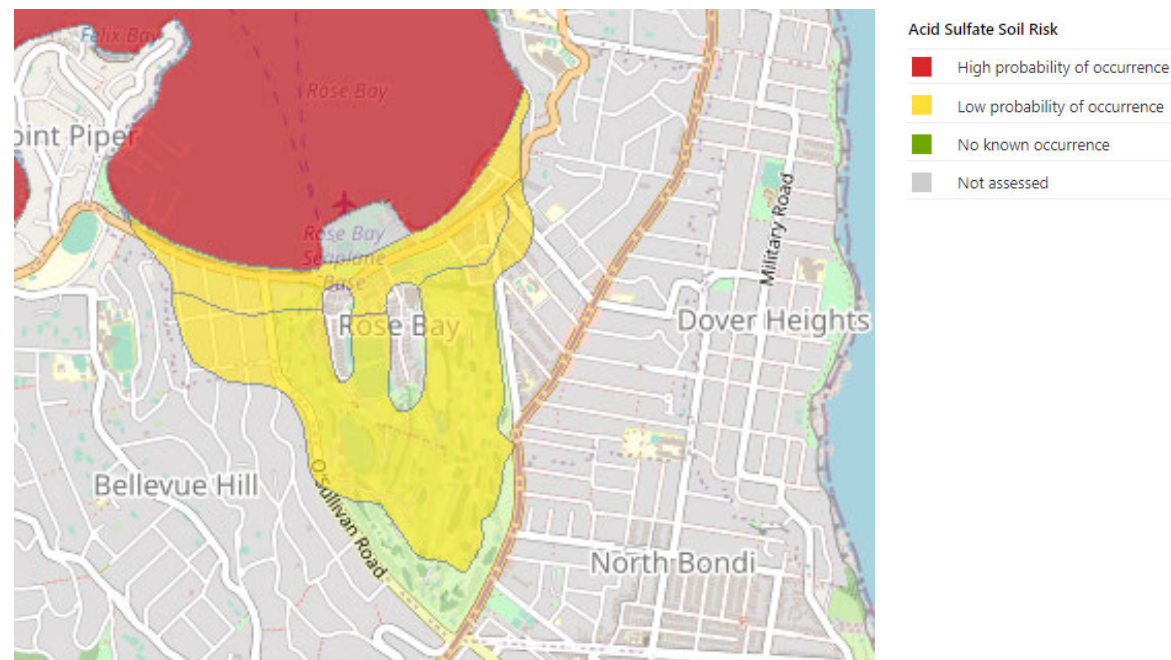


Figure 26 Study area acid sulfate soil risk (after SEED NSW)

11. Summary

There is high potential for future developments to interact with groundwater due to the shallow water table in the low-lying Rose Bay area. The nature of interaction may be short term, during construction when the water table is lowered to enable dry excavations, or long term when the basements are constructed below the water table and alter the natural flow regime. The short-term dewatering impact has been assessed to be significant in areas of Rose Bay due to the presence of peat and deep sand deposition. However, the long-term impact is assessed to be insignificant for a typical residential or commercial development due to relatively wide open areas would mean insignificant impediment to groundwater flow.

By referring to the Settlement Index Plots, excessive dewatering if uncontrolled can potentially result in substantial amount of drawdown which can induce a total settlement in the order of up to 200 mm. Relatively high magnitude of total settlement and spatial variability in ground conditions are expected to increase the differential settlement. It should be noted that some structures, particularly old buildings and buried pipes, are sensitive to differential settlement. Consequently, an allowable settlement limit of 15 mm has been proposed for the purpose of this study based on the relevant Australian Standard AS2870-2011 and widely referred literature on the topic of building damage (Burland et al., 2002). The corresponding dewatering drawdown to cause 15 mm settlement varies between 0.3 m and greater than 2 m for area defined as Settlement Zone A (red).

Imposing a drawdown limit to an acceptable value of 0.3 m is expected to assist in limiting the settlement and differential settlement to values related to 'aesthetic' damage category. The risk of settlement impact to the structures is still present if the assessed groundwater drawdown due to uncontrolled dewatering exceeds 0.3 m in some areas. The developed settlement zones can be used to highlight various areas and their sensitivity of settlement response to various drawdown depths.

For practical and constructability purposes, a drawdown which is greater than the acceptable limit may be required to allow for a dry condition in a multi-level basement construction. In this case, additional control measures should be put in place such as the reinjection of groundwater, controlled provision of full depth cut-off system or base seal capable of resisting uplift pressure. Alternatively, a review of this limit can be considered on a case-by-case basis by undertaking additional site investigations and impact assessment for the affected structures.

The landform and geological conditions on part of the hillsides east and west of the golf course area indicates landslides or slope instability are possible where a deep sand profile overlies bedrock. Rock fall and erosion hazards have also been identified in parts of the study area. Therefore, these risks must be managed by proper risk assessment and analysis as required. The requirements for assessment of these hazards should be considered in development control plans.

Vibration limits with respect to human comfort have been suggested in accordance with the methods described in Department of Environment and Conservation (DEC, 2006) NSW. These limits are based on British Standards BS 6472-1992. Vibration limits with respect to building damage have been suggested in accordance with BS 7385.2-1993. However, the German Standard DIN 4150-3 includes guidelines for residential buildings together with criteria for both commercial/ industrial buildings and high sensitivity structures and may be considered more appropriate in most cases. Due to various factors affecting the vibration criteria, it is suggested that the applicant's consultant should assess the acceptable vibration limits based on the considerations of a number of factors such as construction equipment and activities, setting (commercial/residential), sensitivity and type of building, frequency of vibration, direction of vibration, time of activity in a day, duration, etc.. Vibration monitoring as well as pre and post construction dilapidation surveys should be carried out at the boundary with adjacent properties of a construction site. Settlement resulting from densification of loose sand due to vibration should also be considered, but was assessed to be limited generally, and is not likely to contribute to significant building damage.

Another impact of dewatering includes potential generation of acid sulfate soils which would have environmental impacts and durability concerns to the underground structures or buried structural components such as footings.

Further, impact on the groundwater dependent ecosystems also needs to be considered and assessed when construction dewatering is proposed.

GHD understands the appropriate limits and control measures mentioned above will need to be documented in a Development Control Plan. It is expected that the outcomes of this Geotechnical and Hydrogeological Study can be used as inputs to the formulation of this plan.

Appendices

Appendix A

List of Geotechnical Reports provided by Council

Reference	Development addresses associated with Geotechnical Reports
1	13 Gilliver Avenue, VAUCLUSE
2	718 New South Head Road, rose bay
3	18 Drumalbyn Road, BELLEVUE HILL
4	653 New South Head Road, rose bay
5	80 Beresford Road, BELLEVUE HILL
6	12 Tivoli Avenue, ROSE BAY
7	84 Birriga Road, BELLEVUE HILL
8	86 Birriga Road, BELLEVUE HILL
9	88 Birriga Road, BELLEVUE HILL
10	3 Bunyula Road, BELLEVUE HILL
11	22 Beresford Road, ROSE BAY
12	109 O'Sullivan Road, BELLEVUE HILL
13	49 Beresford Road, BELLEVUE HILL
14	51 Drumalbyn Road, BELLEVUE HILL
15	92 Drumalbyn Road, BELLEVUE HILL
16	2 Beresford Road, ROSE BAY
17	9 Dumaresq Road, ROSE BAY
18	2 Clairvaux Road, VAUCLUSE
19	9 Cranbrook Lane, BELLEVUE HILL
20	74 Balfour Road, BELLEVUE HILL
21	1 Ashgate Avenue, VAUCLUSE
22	6A Hillside Avenue, VAUCLUSE
23	127 Victoria Road, BELLEVUE HILL
24	71 Drumalbyn Road, BELLEVUE HILL
25	75 Drumalbyn Road, BELLEVUE HILL
26	77 Drumalbyn Road, BELLEVUE HILL
27	4 Black Street, VAUCLUSE
28	73 Drumalbyn Road, BELLEVUE HILL
29	58 Cranbrook Road, BELLEVUE HILL
30	28 Beresford Road, ROSE BAY
31	79 Drumalbyn Road, BELLEVUE HILL
32	6 Conway Avenue, ROSE BAY
33	90 Victoria Road, BELLEVUE HILL
34	90B Victoria Road, BELLEVUE HILL
35	76A Beresford Road, BELLEVUE HILL
36	149 O'Sullivan Road, BELLEVUE HILL
37	34 Drumalbyn Road, BELLEVUE HILL
38	107 Victoria Road, BELLEVUE HILL
39	53-55 Drumalbyn Road, BELLEVUE HILL
40	18 Boronia Road, BELLEVUE HILL
41	165 O'Sullivan Road, BELLEVUE HILL
42	8 Mitchell Road, ROSE BAY
43	36 Beresford Road, ROSE BAY
44	212-214 Old South Head Road, bellevue hill
45	130 Victoria Road, BELLEVUE HILL
46	246 Old South Head Road, bellevue hill
47	11 Spencer Street, ROSE BAY
48	13 Spencer Street, ROSE BAY
49	5-7 Spencer Street, ROSE BAY
50	9 Spencer Street, ROSE BAY

51	35 Dudley Road, ROSE BAY
52	27 Blaxland Road, BELLEVUE HILL
53	702-704 New South Head Road, rose bay
54	9 Beresford Crescent, BELLEVUE HILL
55	38 Bundarra Road, BELLEVUE HILL
56	15 Clairvaux Road, VAUCLUSE
57	28 Towns Road, VAUCLUSE
58	52 Cranbrook Road, BELLEVUE HILL
59	780-786 New South Head Road, rose bay
60	167 O'Sullivan Road, BELLEVUE HILL
61	5 Collins Avenue, ROSE BAY
62	195 O'Sullivan Road, BELLEVUE HILL
63	197 O'Sullivan Road, BELLEVUE HILL
64	199 O'Sullivan Road, BELLEVUE HILL
65	201 O'Sullivan Road, BELLEVUE HILL
66	203 O'Sullivan Road, BELLEVUE HILL
67	2 Dumaresq Road, ROSE BAY
68	117 O'Sullivan Road, BELLEVUE HILL
69	31 Salisbury Road, ROSE BAY
70	38 Newcastle Street, ROSE BAY
71	40 Newcastle Street, ROSE BAY
72	30 Newcastle Street, ROSE BAY
73	32 Newcastle Street, ROSE BAY
74	76 Boronia Road, BELLEVUE HILL
75	8 Conway Avenue, ROSE BAY
76	165 Victoria Road, BELLEVUE HILL
77	30 Kent Road, ROSE BAY
78	149 Victoria Road, BELLEVUE HILL
79	9 Carlisle Street, ROSE BAY
80	45 Benelong Crescent, BELLEVUE HILL
81	8 Hillside Avenue, VAUCLUSE
82	9 Hillside Avenue, VAUCLUSE
83	66 Wilberforce Avenue, ROSE BAY
84	68 Wilberforce Avenue, ROSE BAY
85	41 Salisbury Road, ROSE BAY
86	20 Boronia Road, BELLEVUE HILL
87	17-19 Cranbrook Road, BELLEVUE HILL
88	690 Old South Head Road, rose bay
89	67 Cranbrook Road, BELLEVUE HILL
90	7 Nulla Street, VAUCLUSE
91	8-10 Norwich Road, ROSE BAY
92	29-53 Victoria Road, BELLEVUE HILL
93	4 Bayview Hill Road, ROSE bay
94	6 Bayview Hill Road, ROSE bay
95	54 Cranbrook Road, BELLEVUE HILL
96	53 Beresford Road, BELLEVUE HILL
97	41 Birriga Road, BELLEVUE HILL
98	80 Bundarra Road, BELLEVUE HILL
99	13 Dalley Avenue, VAUCLUSE
100	24 Bundarra Road, BELLEVUE HILL
101	56 Bundarra Road, BELLEVUE HILL

102	37 Newcastle Street, ROSE BAY
103	22 Chamberlain Avenue, ROSE BAY
104	3 Gilliver Avenue, VAUCLUSE
105	6 Richmond Road, ROSE BAY
106	8 Richmond Road, ROSE BAY
107	164 Victoria Road, BELLEVUE HILL
108	21 Riddell Street, BELLEVUE HILL
109	23 Riddell Street, BELLEVUE HILL
110	36 Kent Road, ROSE BAY
111	7 Carlisle Street, ROSE BAY
112	13 Bayview Hill Road, ROSE bay
113	20 Dalley Avenue, VAUCLUSE
114	26 Boronia Road, BELLEVUE HILL
115	68 Salisbury Road, BELLEVUE HILL
116	30 Albemarle Avenue, ROSE BAY
117	18 Rawson Road, ROSE BAY
118	7 Rawson Road, ROSE BAY
119	123 Victoria Road, BELLEVUE HILL
120	1 Carlisle Street, ROSE BAY
121	24A Dover Lane, ROSE BAY
122	3 Carlisle Street, ROSE BAY
123	34 Kent Road, ROSE BAY
124	76 Drumalbyn Road, BELLEVUE HILL
125	105 O'Sullivan Road, BELLEVUE HILL
126	37 Dudley Road, ROSE BAY
127	23 Victoria Road, BELLEVUE HILL
128	10A Tivoli Avenue, ROSE BAY
129	518A Old South Head Road, rose bay
130	100C Victoria Road, BELLEVUE HILL
131	28 Kent Road, ROSE BAY
132	75-77 O'Sullivan Road, ROSE BAY
133	20 Dover Road, ROSE BAY
134	2A Bayview Hill road, ROSE bay
135	37 Bundarra Road, BELLEVUE HILL
136	47 Bundarra Road, BELLEVUE HILL
137	31 Newcastle Street, ROSE BAY
138	33-35 Newcastle Street, ROSE BAY
139	58-60 Newcastle Street, ROSE BAY
140	33-37 Carlisle Street, ROSE BAY
141	35 Carlisle Street, ROSE BAY
142	37 Carlisle Street, ROSE BAY
143	58 Bundarra Road, BELLEVUE HILL
144	20 Clairvaux Road, VAUCLUSE
145	36 Chamberlain Avenue, ROSE BAY
146	584 Old South Head Road, rose bay
147	893 New South Head Road, rose bay
148	532-536 Old South Head Road, rose bay
149	12 Kent Road, ROSE BAY
150	673 New South Head Road, rose bay
151	252 Old South Head Road, rose bay
152	27 Kent Road, ROSE BAY

153	22 Spencer Street, ROSE BAY
154	9 Bundarra Road, BELLEVUE HILL
155	4 Rupertswood Avenue, BELLEVUE HILL
156	21-23 Cranbrook Road, BELLEVUE HILL
157	69 Latimer Road, BELLEVUE HILL
158	11 Cranbrook Road, BELLEVUE HILL
159	10 March Street, BELLEVUE HILL
160	37 Chamberlain Avenue, ROSE BAY
161	29 Chamberlain Avenue, ROSE BAY
162	93 Balfour Road, BELLEVUE HILL
163	18 Clairvaux Road, VAUCLUSE
164	20 Rawson Road, ROSE BAY
165	21 Bundarra Road, BELLEVUE HILL
166	92 Victoria Road, BELLEVUE HILL
167	181 Victoria Road, BELLEVUE HILL
168	148 Victoria Road, BELLEVUE HILL
169	520-536 Old South Head Road, rose bay
170	56 Beresford Road, ROSE BAY
171	49 Drumalbyn Road, BELLEVUE HILL
172	12 Conway Avenue, ROSE BAY
173	14 Conway Avenue, ROSE BAY
174	29 New South Head Road, rose bay
175	49-51 Spencer Street, ROSE BAY
176	67 Latimer Road, BELLEVUE HILL
177	20A Benelong Crescent, BELLEVUE HILL
178	1 Churchill Road, ROSE BAY
179	236 Old South Head Road, bellevue hill
180	81A Drumalbyn Road, BELLEVUE HILL
181	47 Birriga Road, BELLEVUE HILL
182	119 Victoria Road, BELLEVUE HILL
183	15 Towns Road, VAUCLUSE
184	588 Old South Head Road, rose bay
185	252 Old South Head Road, bellevue hill
186	881 New South Head Road, rose bay
187	4 Latimer Road, BELLEVUE HILL
188	78 Bundarra Road, BELLEVUE HILL
189	2 Vaucluse Road, VAUCLUSE
190	268 Old South Head Road, bellevue hill
191	152 Victoria Road, BELLEVUE HILL
192	23 Chamberlain Avenue, ROSE BAY
193	1 Rawson Road, ROSE BAY
194	208-210 Old South Head Road, bellevue hill
195	7 Banksia Road, BELLEVUE HILL
196	29 New South Head Road, vaucluse
197	18B Benelong Crescent, BELLEVUE HILL
198	554 Old South Head Road, rose bay
199	12 Boronia Road, BELLEVUE HILL
200	52 Drumalbyn Road, BELLEVUE HILL
201	691 New South Head Road, rose bay
202	54 Newcastle Street, ROSE BAY
203	3 Aston Gardens, BELLEVUE HILL

204	40 Cranbrook Road, BELLEVUE HILL
205	254 Old South Head Road, bellevue hill
206	256 Old South Head Road, bellevue hill
207	4 Drumalbyn Road, BELLEVUE HILL
208	27 Salisbury Road, ROSE BAY
209	9 Dudley Road, ROSE BAY
210	34A Cranbrook Road, BELLEVUE HILL
211	42 Chamberlain Avenue, ROSE BAY
212	746 New South Head Road, rose bay
213	883 New South Head Road, rose bay
214	137 Victoria Road, BELLEVUE HILL
215	26 Bunyula Road, BELLEVUE HILL
216	25 Cranbrook Road, BELLEVUE HILL
217	638-646 New South Head Road, rose bay
218	635 New South Head Road, bellevue hill

Appendix B

Proposed changes to DCP and DA Guidelines



Report

31 July 2024

To	Jim Stefan	Contact No.	0414 980 723
Copy to	Tom O'Hanlon, Emilio Andari	Email	jim@stefanconsulting.com.au
From	Kim Chan, Velautham Jeyakanthan	Project No.	12588469
Project Name	Rose Bay - Hydrogeological and Geotechnical Impacts		
Subject	Proposed Modifications to DCP and DA Guidelines _ Rev 4		

Dear Jim

1. Introduction

GHD Pty Ltd (GHD) has carried out the Geotechnical and Hydrogeological Study for Rose Bay following the engagement by Woollahra Municipal Council (Council) in 2022. The study included the assessment of the potential impacts of the groundwater lowering alteration as a result of dewatering for future developments to the existing properties in the Rose Bay region. As part of the study, preliminary assessment of landform stability and impacts of construction induced vibration have also been carried out. Outcomes of the assessment have been included in the report Rose Bay - Hydrogeological and Geotechnical Impacts dated 7 September 2023.

The above study was conducted in 3 stages. Upon the completion of the above study, GHD was requested to proceed with the subsequent Stage 4 work which involved the following:

- Review of Council's planning framework and guidelines to determine whether or not the controls and guidelines, which are currently in place are adequate:
 - to mitigate the potential impacts such as settlement and stability caused by the excavation and lowering of groundwater table on the existing structures.
 - to limit construction induced vibration to acceptable levels.
- Recommend any changes to planning documents where required.

The following documents were reviewed as part of the Stage 4 works:

- Woollahra Development Control Plan (DCP) 2015
 - Chapter E2 – Stormwater and Flood Risk Management, focusing on section E.2.2.10 Groundwater (hydrogeology)
 - Chapter D6 - Rose Bay Centre focusing on Section D.6.6.8
- Development Application (DA) Guide
 - Main document; and,
 - Attachment 6 – Geotechnical and Hydrogeological Reports

This letter report presents the description and rational for the proposed modifications. The draft changes proposed on the abovementioned documents are also presented as the attachments of this report for Council's review and

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consideration. The proposed changes have been discussed and agreed with Council in the meeting between representatives from GHD and Council on 12 February 2024 and in subsequent email communications.

2. Proposed Modifications to Planning Framework and Guidelines

2.1 Overview

Based on our review and feedback from Council's engineers during our presentation to the Council on 13 July 2023 and subsequent email communications, we consider that a number of modifications are warranted on the planning documents mentioned in Section 1 administered by Council. The proposed draft changes on the DCP 2015 and DA Guidelines are specifically denoted in Appendices A, B, C and D. GHD proposed these changes on the basis of outcomes of our Stage 3 assessment. The previously proposed changes to the council documents as part of the study for Double Bay were also considered. In proposing the modifications, GHD has considered the following functionality of these documents based on information given in Council's website including the hierarchy of development rules (Figure 1 below):

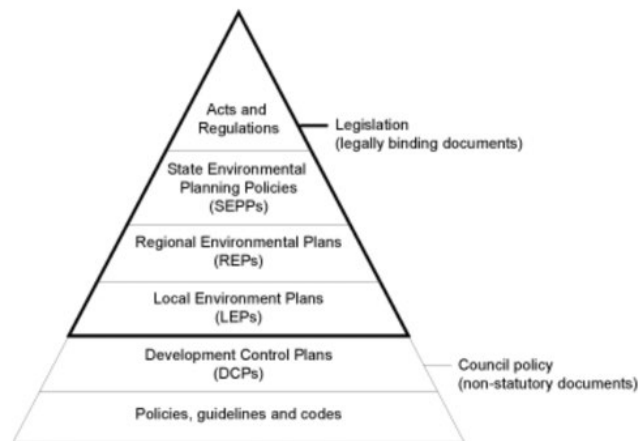


Figure 1 Hierarchy of Development Rules (source: Woollahra Municipal Council website)

- DCP 2015 is the document used by Council in the assessment and determination of Development Applications. A DCP operates with the Council's LEP and contains detailed planning provisions.
- DA Guideline provides guidelines for the preparation of DA submission.

The outcome of previous assessments (including Stage 3 assessment) has been incorporated in our review and assessment. Our review has not been carried out from a legal perspective. However, GHD will be able to assist Council in the finalisation of the documents by providing input from the engineering perspective. The description of the proposed modifications along with the rationales are given in the following sections based on the order shown in the hierarchy of development rules.

2.2 Proposed Changes to Development Control Plan (DCP)

The proposed modifications in the DCP consist of new controls or the revisions of existing content or control which are relevant to the impact of groundwater drawdown and land stability within the Rose Bay area and vibration limits applicable in general for the entire council area. These are detailed in Table 1 below. The rationale for each

proposed modification is also given. The party preparing and submitting the Development Application is denoted as “applicant”.

Table 1 Details of Proposed Modifications in DCP and Rationales

Item No.	Section in DCP	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DCP	Rationale for Changes
1	Chapter E2: Title	Change the title "Stormwater and Flood Risk Management" to "Stormwater, Flood and Geotechnical Risk Management" or similar.	The title of the DCP Chapter E2 currently does not include any reference to geotechnical or hydrogeological risks. We envisage that there is a potential risk that an applicant may overlook or skip geotechnical or hydrogeological risks when the requirement for Stormwater and Flood Risk is less relevant or not relevant to a particular development. Therefore, we would suggest the title to include some reference to the geotechnical or hydrogeological risks.
2	Chapter E2: Section E2.2.10; Page 19	Change the sub-title "Groundwater (hydrogeology)" to "Groundwater (hydrogeology) and Geotechnical Impacts "	This section of the DCP does not only includes groundwater related impacts but also other geotechnical impacts such as vibration induced settlement, instability of rock cliffs/faces influenced by excavation, filling or other loading such as footings of structures or construction plants (some of these are proposed changes to be included in DCP – see next item below)
3	Chapter E2: Section E2.2.10; page 20	Revise the last paragraph in page 20 with the inclusion shown as follows: "Typically, adverse geotechnical impacts may include vibration induced damages and/or settlements from construction methods and equipment, instability of slopes, rock cliffs/faces influenced by excavation, filling or other loading such as footings of structures or construction plants and inadequate support of adjacent land during and after construction. Typically, adverse hydrogeological impacts may include settlement induced by changes in the groundwater level and seepage problems."	These changes are proposed to include other geotechnical impacts that need to be considered based on the following: <ul style="list-style-type: none"> Geological, topographical, and geo-morphological conditions within the hillside of the study area in the west and east of the golf course indicate that a landslide or slope instability could be possible, particularly during extreme rainfall events when the sand is saturated and disturbed by construction excavation or loading. Tension cracks, which are often a sign of distress indicating ground movement, have also been observed during our site visits. Review of the geotechnical reports provided by the Council and observations from the site visits indicates a number of properties with exposed rock cliffs or walls/faces.

Item No.	Section in DCP	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DCP	Rationale for Changes
4	Chapter E2: Section E2.2.10; page 22	<p>Under the sub-heading Control and Requirements, add the following new control:</p> <p><i>“Construction equipment and methodology shall be selected such that vibration is limited to acceptable levels. Applicant shall submit a statement/report from qualified personal such as Geotechnical Engineer or Acoustic Consultant that the vibration would be compliance with relevant vibration standards, guidelines and legislation. The selection of vibration limits shall consider both human comfort and structural damage. As a minimum, the vibration limits for human comfort shall comply with Assessing Vibration - a technical guideline by Department of Environment and Conservation NSW (DEC), 2006 and the vibration limits for structural damage shall comply with German Standard DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures.</i></p> <p><i>Additionally, the vibration shall not exceed the following limits at any time.</i></p> <p><i>- For continuous vibration: Maximum peak velocity of 0.28 mm/s</i></p> <p><i>- For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75}</i></p> <p><i>- For Impulsive vibration: Maximum peak velocity of 2.5 mm/s</i></p> <p><i>Assessment on expected vibration levels shall be based on the proposed construction activities and plants. The statement/report shall specify methods for</i></p>	<p>This new control is to implement the requirements on acceptable vibration levels. These levels have been proposed following the review of the publications listed below and considered both human comfort and building damage:</p> <ul style="list-style-type: none"> AS ISO 2631.2-2014 Mechanical vibration and shock – Evaluation of human exposure to whole-body vibration. Part 2: Vibration in buildings (1 Hz to 80 Hz). AS 2187.2-2006 Explosives – Storage and use. Part 2: Use of explosives. Assessing Vibration: A technical guideline, Department of Environment and Conservation NSW (February 2006). German standard DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures. <p>Reference to <i>Assessing Vibration: A technical guideline, Department of Environment and Conservation NSW (February 2006)</i> is made to human comfort level as this document is the most relevant applicable statutory guideline.</p> <p>For building damage, reference is made to German standard DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures for the following reasons:</p> <ul style="list-style-type: none"> Available Australian standard AS 2187.2-2006 is primarily focused on vibration caused by explosives. AS 2187.2-2006 Appendix J refers to British Standard BS 7385.2-1993 and the United States Bureau of Mines (USBM) report RI 8507. The limits in USBM RI 8507 were developed with respect to vibrations resulting specifically from surface mine blasting, whereas those in BS 7385.2 relate to building damage resulting from ground-borne vibration more generally. The limits from BS 7385.2 are

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Item No.	Section in DCP	Description of Proposed Modifications (proposed changes in <i>bold and italics</i>) in the order of appearance in DCP	Rationale for Changes
		<i>reducing vibrations within acceptable levels when the proposed construction activity or plant is likely to cause vibration greater than acceptable limits.</i>	<p>generally applicable when considering the range of vibration sources that could be present on construction sites. However, it does not provide a limit for acceptable vibration limit for sensitive structures.</p> <ul style="list-style-type: none"> German standard DIN 4150-3 includes guidelines for residential buildings together with criteria for both commercial/ industrial buildings and high sensitivity structures. The guidelines provide for increased levels of vibration (i.e., higher ppv) as the wave frequency increases and is considered more robust compared to Australian or British Standards for building damage. <p>In addition, upper limits have been included as agreed in the meeting with Council.</p> <p>Note this control is named as Cxx in the attached mark-up, however, Council may assign appropriate number and re-number subsequent controls.</p>
5	Chapter E2: Section E2.2.10; after page 22	<p>Under the sub-heading Control and Requirements, add the following new control:</p> <p><i>“An implementation plan including a vibration monitoring program and contingency plan shall be submitted by the applicant. The plan shall include the locations of vibration monitoring sensors, trigger levels for anticipated vibration types and buildings in the neighbourhood and frequency of monitoring. As a minimum, vibration monitoring sensors shall be installed and monitored at adjacent properties. The trigger level for the vibration monitoring shall be set with the consultation with Structural Engineer following completion of the pre-construction dilapidation surveys of the adjacent buildings, and review of geotechnical conditions and construction</i></p>	<p>This new control is to implement the vibration monitoring requirements appropriate for a construction site with considerations of ground conditions, neighbouring buildings and construction methodology. .</p> <p>Note this control is named as Cyy in the attached mark-up, however, Council may assign appropriate number and re-number subsequent controls.</p>

Item No.	Section in DCP	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DCP	Rationale for Changes
		<i>methodology. Should vibration limits be exceeded at any time during construction, the construction activity causing vibration shall be ceased until the measures to limit the vibration to below the trigger levels are implemented. At the end of construction, post construction dilapidation survey of the adjacent properties shall be carried out and compared with pre-construction dilapidation survey for identification of defects (if any) that were likely caused by vibration from construction activities. Dilapidation surveys may also be requested for any vibration sensitive structures near the construction site"</i>	
6	Chapter E2: Section E2.2.10; after page 23	<p>Add the following new control relevant to Rose Bay:</p> <p><i>"Land in the Rose Bay settlement area</i></p> <p><i>In addition to the general controls in this section, the following applies to the land in the Rose Bay settlement area, as shown below.</i></p> <p><i>FIGURE 2 Rose Bay settlement area</i></p> <p><i>[Council to include appropriate figure showing Rose Bay settlement area]</i></p> <p><i>Temporary changes to the groundwater level, due to construction, must not exceed 0.3 m from the average monitored pre-construction groundwater level."</i></p>	<p>This control is proposed based on the assessment presented in Stage 3 report which concludes a drawdown of about 300 mm could induce a settlement of 15 mm in some locations within the Rose Bay area. The allowable settlement of 15 mm was recommended in our Stage 3 report on the basis of the equivalence of Class S site as defined in AS2870-2011. This allowable settlement was proposed to limit the risk of any damage relating to no worse than a typical "aesthetic" damage to buildings. Because the groundwater drawdown caused by dewatering at a given site could extend over a long distance, the minimum drawdown of 300 mm has been recommended for assessed settlement zones A and B the Rose Bay area.</p> <p>The following points should be highlighted in relation to this new control:</p> <ul style="list-style-type: none"> The proposed 300 mm groundwater drawdown limit has taken into consideration the critical scenario when the baseline level obtained from pre-construction monitoring coincides with the historic low groundwater level, whereby the additional lowering of 300 mm brings the groundwater to below the lowest level which has occurred in the past.

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Item No.	Section in DCP	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DCP	Rationale for Changes
			<ul style="list-style-type: none"> To limit the settlement of any recently constructed buildings (or old buildings with newly rendered walls) to less than 15 mm, the proposed drawdown limit is considered to be suitably applied even when the current water level is within the historical range of groundwater fluctuation. Owing to the sandy ground conditions within the Rose Bay area, the lowering of groundwater caused by dewatering at a given construction site is likely to extend over a long distance away from the dewatering source. Therefore, even the 0.3 m limit was identified for Zone A, it is prudent to adopt the 300 mm drawdown limit for Zones A and B of the Rose Bay area in order to limit the influences on housings within the settlement susceptible areas where the compressible peat layers were observed to be extensive. <p>As presented in our Stage 3 report, it is highlighted that a number of design measures may be available to limit the groundwater drawdown whilst allowing for the dewatering. These measures include the provision of groundwater recharge/reinjection wells, cut-off walls, etc. These design measures, if introduced, should be assessed and presented in the reports lodged as part of the DA submission.</p>
7	Chapter E2: Section E2.2.10; after page 23	<p><i>Change the existing control C8 for Double Bay by deleting the words as shown below.</i></p> <p>“Temporary changes to the groundwater level, due to construction, must not exceed 0.2 m from the average monitored pre-construction groundwater level unless calculations using the results of specific field testing, support a greater change and demonstrate that the change will not induce settlement greater than the characteristic surface movement of a Class C site as</p>	<p>Owing to the peat and sandy ground conditions within the Double Bay area, the lowering of groundwater caused by dewatering at a given construction site is likely to extend over a long distance away from the dewatering source. Therefore, not knowing the ground and groundwater conditions within the nearby properties, the applicant may not be able to assess the drawdown impact on the adjacent properties.</p>

Item No.	Section in DCP	Description of Proposed Modifications (proposed changes in <i>bold and italics</i>) in the order of appearance in DCP	Rationale for Changes
		defined in Table 2.3 of Australian Standard AS2870-2011."	
8	Chapter D6: Section D6.6.8; page 61	<p>Delete the text in this section under the heading "Geotechnology and hydrogeology" and make reference to DCP similar to Double Bay as shown below.</p> <p><i>"Repealed by Woollahra DCP 2015 (Amendment No xxx) on [date xxx]. Refer to Chapter E2 Stormwater and Flood Risk Management of Woollahra DCP 2015."</i></p>	<p>We note that our proposed changes for Double Bay were mostly to the specific DCP chapter for Double Bay - <i>Chapter D5 Double Bay Centre - Section D5.6.7</i>. However, we understand that most of these proposed changes have been elevated to DCP Chapter E2, and the conditions/information under Chapter D5 Double Bay Centre - Section D5.6.7. was repealed by Woollahra DCP 2015 (Amendment 18) on 6 December 2021 and reference was made to Chapter E2.</p> <p>To be consistent with the approach adopted for Double Bay, we propose a similar approach with an additional control added to Chapter E2.2.10 for Rose Bay as stated in Item 6 above. This proposed change is for maintaining consistency between the documents and also to avoid discrepancies if DCP controls are modified.</p> <p>It is noted that there is one control in Chapter D6: Section D6.6.8 which is:</p> <p><i>"C1: Excavation below 1m is accompanied by a geotechnical report and a structural report to demonstrate that the works will not have any adverse effect on the neighbouring structures."</i></p> <p>The existing controls C1 and C4 in Chapter E2.2.10 covers the above.</p> <p>Note the proposed changes to Chapter D6: Section D6.6.8 should occur simultaneously with the proposed changes to Chapter E2.2.10 to ensure consistency and continuity.</p>

2.3 Proposed Changes to DA Guidelines

The modifications to the DA guidelines are generally proposed to maintain consistency with the existing controls and proposed changes in DCP. These are detailed in below. The rationale for each proposed modification is also given.

Table 2 Details of Proposed Modifications in DA Guidelines and Rationales

Item No.	Section in DA Guide	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DA Guide	Rationale for Changes
1	DA Guide (Main Document); Section 2.4; Page 12	Under Section 2.4, sub-title "Plans", the following additional bullet point is proposed. <i>"Vibration and settlement monitoring locations nominated by qualified engineer, if applicable"</i>	We propose to include this point to make sure the applicant has assessed and provide the details of vibration and settlement monitoring locations.
2	DA Guide (Main Document); Section 2.4; Page 12	Under Section 2.4, sub-title "Elevations", the following modification is proposed to the existing bullet point. <i>"Extent of excavation or filling of the site to AHD including any existing structures/foundations within the influence zone, i.e., zone within 45 degrees from the base of excavation"</i>	We propose to include this point to make sure that any existing structures/foundations within the excavation influence zone is identified. This will help council identify and ensure the application addresses any potential impacts to the structures appropriately.
3	DA Guide (Main Document); Section 3; Additional Documents; Page 16	The following inclusion/modification is proposed for the line item indicating the requirement for "Geotechnical and Hydrogeological Report" under the column "When Required" in the table. <ul style="list-style-type: none"> Include an additional bullet point on when the report is required. <i>"Comprise below ground structure (For the purpose of the DA guidelines, below ground structures means excavation to a depth greater than 300mm below the existing groundwater level, excavations within 1.5 m of the boundary, or otherwise greater than 1.0 m in depth)"</i> Modify the existing first bullet point as shown in below. 	The inclusion of additional bullet point is proposed to be consistent with the requirement of DCP which states "Geotechnical and Hydrogeological Report" is required when a "below ground structure" is proposed. The definition of "below ground structure" as proposed in the DCP is any excavation which is deeper than 1 m deep and assumed to have a potential to intersect the groundwater, unless proven otherwise by using site specific information. However, we note that Attachment 6 of DA guide defines the "below ground structure" more specifically as excavation to a depth greater than 300mm below the existing groundwater level, excavations within 900mm of the boundary, or otherwise greater than 1.0m in depth." Therefore, the proposed modification includes the definition specified in DA Guide Attachment 6. In addition, the distance to the excavation from the property boundary have been amended to 1.5m, which is currently only applied to Paddington HCA, as agreed in the meeting on 12 February 2024.

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Item No.	Section in DA Guide	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DA Guide	Rationale for Changes
		<p>"Disturb support of neighbouring property (excavation within 1.5 metres of the site boundary for excavation depths over a metre in Paddington HCS and two metres elsewhere, any excavation at the toe of a retaining wall, etc.)"</p> <ul style="list-style-type: none"> Modify the second bullet point as shown below. "Require excavation/construction machinery which may create adverse vibrations or cause settlement" 	<p>Modification to the existing bullet point to delete the excavation levels mentioned within the bracket is proposed because the inclusion of the additional point as above will supersede the excavation levels mentioned within the brackets.</p> <p>The reason for the proposed change to the second bullet point to include "construction" is that there may be scenarios where ground borne vibrations are produced by construction activities not involving excavation. Some examples are:</p> <ul style="list-style-type: none"> Pile driving Dynamic compaction/ densification Vibratory compaction
4	DA Guide; Attachment 6 - Geotechnical and Hydrogeological Reports; Page 1, Paragraphs 2 and 3.	<p>Modify the Paragraphs 2 and 3 by deleting the texts as shown below.</p> <p>"If your development proposal is on land to which Chapter D5 Double Bay Centre and Chapter C1 Paddington Heritage Conservation Area of the Woollahra Development Control Plan 2015 applies and includes below ground structures, you must submit geotechnical and hydrogeological reports which contain the information set out in these guidelines. For the purpose of these guidelines, below ground structures means excavation to a depth greater than 300mm below the existing groundwater level, for excavations within 900mm of the boundary, or otherwise greater than 1.0m in depth.</p> <p>A geotechnical and hydrogeological report may also be required in the areas of high watertable such as Rushcutters Bay, Rose Bay, Watsons Bay as well as other sites requiring excavation."</p>	<p>According to current DCP Section E2.2.10 Condition 4, our understanding is that DA Guide Attachment 6 - Geotechnical and Hydrogeological Reports is applicable LGA wide where below ground structure is proposed. However, it implies that the information set out in the current DA Guide Attachment 6 are for Chapter D5 Double Bay Centre and Chapter C1 Paddington Heritage Conservation Area only. Areas of high water table such as Rushcutters Bay, Rose Bay, Watsons Bay as well as other sites requiring excavation may require a geotechnical and hydrogeological report only.</p> <p>We propose the reference to the suburbs (Double Bay Centre, Paddington Heritage Conservation Area and others) be deleted so that these guidelines are applicable LGA wide when a below ground structure is proposed.</p> <p>Additional text within Introduction section is proposed to reinforce the requirements of the report as requested by Council.</p>

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Item No.	Section in DA Guide	Description of Proposed Modifications (proposed changes in <i>bold and italics</i>) in the order of appearance in DA Guide	Rationale for Changes
		<p>Insert the below text within Introduction section.</p> <p>"The geotechnical and hydrogeological report shall comprise, but not limited to,</p> <ul style="list-style-type: none"> • Geotechnical investigation • Groundwater monitoring results • Interpreted subsurface and hydrogeological conditions. • Settlement assessment • Stability assessment • Recommendations on geotechnical design parameters • Recommended shoring methods and retaining walls (where applicable) • Recommendations on foundation design • Recommendation on excavation methods • Vibration assessment • Recommendations on settlement, groundwater and vibration monitoring. <p>Further details are discussed in the subsequent sections on this DA guidelines".</p>	
5	DA Guide; Attachment 6 - Geotechnical and Hydrogeological	Modify the sentence about the investigation in paragraph 2 as shown below.	The proposed changes are to correct some inconsistencies noted in the sentence.

Item No.	Section in DA Guide	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DA Guide	Rationale for Changes
	Reports; Page 4, Paragraphs 2.	that The investigations have to be been carried out to determine the design parameters appropriate to the development and site"	
6	DA Guide; Attachment 6 - Geotechnical and Hydrogeological Reports; Page 5, Bullet points 3 to 6 under Hydrogeology.	<p>Add the below point after second bullet point under the title Hydrogeology in page 5 to limit the settlement within Double Bay and Rose Bay settlement areas.</p> <p><i>"that temporary changes to the groundwater level, during construction, for Double Bay and Rose Bay settlement areas will be kept within the limits specified in DCP Chapter E2 Section E2.2.10"</i></p> <p>Modify bullet point 3 as below:</p> <ul style="list-style-type: none"> that temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations <i>in other areas of LGA outside Double Bay and Rose Bay settlement areas defined DCP Chapter E2 Section E2.2.10</i>. Where data is limited or unavailable, reports must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m <i>the below limits</i> unless calculations using the results of the site specific field testing, supporting a greater change can be provided and can demonstrate no adverse impact to surrounding properties and infrastructure. <p><i>- 0.2 m within Rushcutters Bay and Watsons Bay</i> <i>- 0.3 m LGA wide except Double Bay and Rose Bay settlement areas, Rushcutters Bay and Watsons Bay</i></p> <p>Delete Bullet points 4 to 6 under the title Hydrogeology in page 5 and replace with the points as shown below.</p>	<p>We propose to delete these limits and make reference to DCP chapter for Double Bay and Rose Bay settlement areas for the following reasons:</p> <ul style="list-style-type: none"> The drawdown limits of 0.1m to 0.3m defined for various scenarios appear to be applicable for Double Bay/ Paddington Heritage Conservation Area, possibly based on assessment done prior to the Double Bay assessment carried out by GHD in 2020. In the document prepared by GHD for Double Bay on "Proposed Modifications to LEP, DCP and DA Guidelines" dated 30 September 2020, GHD has proposed the majority of existing content under the sub-section "Hydrogeology" to be removed as they have been proposed for insertion in the DCP. We understand that DCP chapters have been updated following the submission of the above GHD document, however, it appears that Attachment 6 of DA Guide has not been updated with the previous recommendation. Our understanding is that Attachment 6 of DA Guide is applicable LGA wide with the proposed changes in line with DCP Chapter E2.2.10. The proposed drawdown limits of 0.2 m for Double Bay and 0.3 m for Rose Bay may be too stringent for the rest of the LGA without any site-specific analysis. However, from our brief review of geological maps of the LGA, we note that there are other areas identified as comprising peat materials within Woollahra Council such as Rushcutters Bay and Watsons Bay. While GHD has not reviewed the geotechnical information in detail and hence has not assessed the potential settlement induced by groundwater drawdown, applying a drawdown limit of 200

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Item No.	Section in DA Guide	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DA Guide	Rationale for Changes
		<p>that in areas where the construction affects existing development within a shadow zone of an earlier construction, temporary changes in the level of the water table during construction will not exceed 0.15m, unless calculations using the results of the site specific field testing, supporting a greater change are provided and demonstrate no adverse impact to surrounding properties and infrastructure. The temporary shadow zone during dewatering should be taken as an area within 20m of the earlier construction, unless site specific calculations can demonstrate that a different lateral extent should be adopted.</p> <p>that where data is limited or unavailable, the permanent change in the level of the natural watertable due to the carrying out of the development will not exceed 0.2m unless calculations using the results of the site specific field testing, supporting a greater change can be provided and can demonstrate no adverse impact to surrounding property and infrastructure.</p> <p>• that in areas where the construction affects existing development within a shadow zone of an earlier construction, the permanent change in the water table due to the carrying out of the development will not exceed 0.1m. The permanent shadow zone of an earlier construction with full penetrating cut off walls but without appropriate subsurface drainage</p>	<p>mm for Rushcutters Bay and Watsons Bay may be considered reasonable assuming the extent and properties of the peat and hydrogeological conditions are similar to those at Double Bay. While the groundwater drawdown limits for Double Bay and Rose Bay settlement areas to be adhered as per DCP Chapter E2 Section E2.2.10, applying a 200 mm draw down limits for Rushcutters Bay and Watsons Bay and 300 mm drawdown limit within other areas of LGA, can be considered reasonable unless calculations using the results of the site specific field testing, supporting a greater change can be provided and can demonstrate no adverse impact to surrounding properties and infrastructure..</p> <ul style="list-style-type: none"> The existing Bullet Point 2 under the "Hydrogeology" section covers the requirement for consideration of groundwater related impact for the rest of the LGA. This is repeated below for completeness: <p>"that there will be no adverse impact on surrounding property and infrastructure as a result of changes in local hydrogeology (behaviour of groundwater) created by the method of construction. This includes the short-term effects resulting from construction practices, including the method and rate of dewatering and the long-term effects resulting from the support and retention of property and infrastructure after construction has been completed".</p>

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Item No.	Section in DA Guide	Description of Proposed Modifications (proposed changes in bold and italics) in the order of appearance in DA Guide	Rationale for Changes
		<p><i>should be taken as a distance equal to one building width along the groundwater flow path both in front and behind the earlier construction, unless site specific calculations can demonstrate that a different lateral extent should be adopted.</i></p> <p>.</p>	
7	DA Guide; Attachment 6 - Geotechnical and Hydrogeological Reports; Page 6, Bullet point 1 under "Vibration".	<p>Modify the sentence about the compliance to vibration in Bullet point 1 under "Vibration" as shown below.</p> <p>"demonstrate that there will be no adverse impact on the surrounding properties and infrastructure as a result of vibration created by the method of construction used for the development. As a minimum, reports must demonstrate compliance with the requirements of AS2187.2 Appendix J vibration limits for human comfort as required by Assessing Vibration - a technical guideline by Department of Environment and Conservation NSW (DEC), 2006 and the vibration limits for structural damage as required by German Standard DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures."</p>	This proposed modification is to be consistence with the changes proposed to DCP Chapter E2.2.10 to include vibration limits and monitoring requirements.
8	DA Guide; Attachment 6 - Geotechnical and Hydrogeological Reports; Page 7, Bullet point 3 under "Monitoring Program".	<p>Modify the sentence about the vibration monitoring in Bullet point 3 under "Monitoring Program" as shown in bold and italic below.</p> <p>"vibration in accordance with AS 2187.2 Appendix J, including acceptable velocity of vibration applicable standards, guidelines and legislations".</p>	This proposed modification is to be consistence with the changes proposed to DCP Chapter E2.2.10 to include vibration limits and monitoring requirements.

3. Limitations

This report: has been prepared by GHD for Woollahra Municipal Council and may only be used and relied on by Woollahra Municipal Council for the purpose agreed between GHD and Woollahra Municipal Council as set out in the proposal dated 02 August 2022 (ref:12588469).

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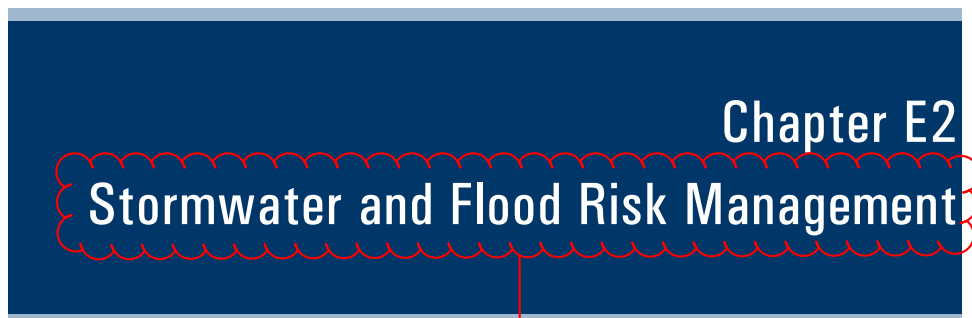
The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions and any recommendations in this report are based on the assessment presented in GHD report Rose Bay - Hydrogeological and Geotechnical Impacts dated 7 September 2023 and any assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

Appendix A

Proposed Modification to the DCP Chapter E2



Consider alternative title "Stormwater, Flood and Geotechnical Risk Management"

Part E ► General Controls for All Development

CHAPTER E2 APPROVED ON 27 APRIL 2015
AND COMMENCED ON 23 MAY 2015

Last amended on 6 December 2021

Chapter E2 ► Stormwater and Flood Risk Management

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E2.1 Introduction

This chapter outlines provisions related to two key interrelated components:

- the management of stormwater drainage collected on and discharged from new developments; and
- the minimisation of flood related risks to person and property associated with the development and use of land.

In preparing an application for a development, both components must be considered.

E2.1.1 Land and development to which this chapter applies

Stormwater drainage

This chapter applies to all land within the Woollahra Municipality.

Flood risk management

The flood risk management component of this chapter applies to all land within the Woollahra Municipality that is within a “flood risk precinct”.

E2.1.2 Development types to which this chapter applies

This chapter applies to all development that requires consent.

This includes complying development under the NSW General Housing Code, and complying development for secondary dwellings under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

E2.1.3 Objectives

The objectives of this chapter are:

- O1 To encourage ecologically sustainable stormwater management and the use of water sensitive urban design.
- O2 To maintain existing natural drainage patterns.
- O3 To ensure that adequate provision has been made for the disposal of stormwater from land proposed to be developed.
- O4 To ensure the controlled release of stormwater to public stormwater systems without adversely impacting on adjoining or downstream properties.
- O5 To protect Sydney Harbour and its waterways from stormwater pollution.

-
- O6 To minimise flood risk and damage to people and property by setting appropriate development controls.
- O7 To ensure that flood levels are not increased by development.

E2.1.4 Definitions

The definitions in Appendix 1 of this chapter define words and expressions for the purpose of this chapter.

These definitions apply in addition to the definitions in Part A Chapter A3 of the DCP, and any other terms referred to in Australian Rainfall and Runoff (Institution of Engineers, Australia, 1987), the Floodplain Management Manual (New South Wales Government, January 2011), the *Environmental Planning and Assessment Act 1979* (EP&A Act) or the Woollahra Local Environmental Plan 2014 (LEP).

E2.2 Stormwater drainage management controls

E2.2.1 Introduction

In assessing development applications for stormwater drainage management, Council will consider each of the matters listed below and each matter must be addressed by the applicant. The response to these matters, plus any other relevant statutory and policy matters, will be considered by Council when assessing the acceptability of the development.

For each matter, specific objectives are given together with the controls to achieve those objectives. Alternative ways to achieve the stated objectives will be considered when, in the opinion of Council, the outcome is better in terms of the impact on the public domain or adjacent properties than strict compliance with the stated controls.

High quality submissions greatly aid the assessment process and it is recommended that information regarding the matters below be prepared by a suitably qualified practitioner.

Stormwater drainage management is generally achieved through the provision of a stormwater drainage concept plan, which should address the following management measures (where applicable):

- water sensitive urban design;
- stormwater treatment;
- on site detention (OSD) of stormwater;
- connection to Council's drainage systems;
- diversion of Council's drainage;
- structures over or near drainage lines and easements;
- connection to Council's parks, reserves, bushland and natural waterways; connection to Sydney Harbour; and connection to Sydney Water channels;
- low level properties and easements;
- groundwater (or hydrogeology);
- absorption systems;
- pump and sump systems;
- charged or siphonic systems; and
- activities on a public road.

Information regarding these matters does not necessarily have to be of a standard and level of detail that is construction ready. In most cases a concept plan only is required at DA stage, with the detailed stormwater drainage design and specifications required prior to the issue of a Construction Certificate. The exception to this is stormwater works impacting on easements, where detailed stormwater drainage design and specifications are required at the DA stage.

E2.2.2 Water sensitive urban design

Objectives

- O1 To ensure development is designed, constructed and maintained so as to minimise impacts on the natural water cycle.
- O2 To reduce peak stormwater flows and total stormwater runoff volume.
- O3 To utilise water resources more efficiently.
- O4 To reduce the flood risk in urban areas.
- O5 To reduce erosion of waterways, slopes and banks.
- O6 To control stormwater pollution and improve water quality in Sydney Harbour, waterways and drainage systems.

Controls

Pervious surfaces

- C1 In areas with suitable ground conditions, the use of pervious surfaces is encouraged.

Rainwater tanks

- C2 The use of rainwater tanks for non-potable water uses is encouraged.
- C3 Rainwater tanks only collect roof water.
- C4 Rainwater tanks are connected to all external non-potable water uses including landscaping. Tanks may be connected to internal non-potable water uses including toilet flushing and washing machines.
- C5 Where OSD is required onsite (see Section E2.2.4), overflow from rainwater tanks is directed to the OSD system.
- C6 Where OSD is not required onsite, overflow from rainwater tanks is directed to Council's drainage network.
- C7 Rainwater tanks are located to minimise their visual impact. Above-ground rainwater tanks are located behind the building line and suitably screened. Slimline rainwater tanks at the side of buildings or under hardstand areas such as driveways are preferred.

Note:

- Rainwater tanks must be installed by a licenced plumber in accordance with AS3500 National Plumbing and Drainage Code, HB230 Rainwater Tank Design and Installation Handbook, other relevant codes and the manufacturer's specifications
- A positive covenant will be required for maintenance of rainwater tanks.

Greywater reuse

- C8 The reuse of domestic greywater for non-potable water uses is encouraged (e.g. water discharged from washing machines).

Notes:

- ▶ A report on the appropriate treatment to allow for the safe reuse of domestic greywater must be prepared by a suitably qualified practitioner and the design must be in accordance with appropriate industry standards.
- ▶ Industry standards include HB 326 Urban Greywater Installation Handbook and the guidelines prepared by the NSW Department of Primary Industries (Office of Water), the NSW Department of Health and the Federal Department of Sustainability, Environment, Water, Population and Communities.
- ▶ A positive covenant will be required for maintenance of systems to reuse domestic greywater.

Green roofs

- C9 The use of green roofs is encouraged.

Note:

- ▶ Green roofs must be designed by a suitably qualified practitioner and in accordance with appropriate industry standards.
- ▶ Industry standards include the Building Code of Australia and the City of Sydney Council Green Roof Resource Manual guidelines.
- ▶ A positive covenant will be required for maintenance of green roofs.

E2.2.3 Stormwater treatment

Objectives

- O1 To minimise the discharge of pollutants (litter, sediment, suspended solids, nutrients, oil, grease and toxants) from paved and other impermeable surfaces into Sydney Harbour, waterways and drainage systems.

Controls

Stormwater treatment

- C1 Stormwater treatment is required for:
- a) all properties with connections to Sydney Harbour, waterways and open watercourses;
 - b) all new commercial developments and residential flat buildings; and
 - c) all major alterations and additions to commercial developments and residential flat buildings.

- C2 The stormwater treatment system, such as a gross pollutant trap (GPT), meets the specifications outlined in the water quality targets below (see control C7 below).

- C3 All stormwater treatment systems are located wholly on private property.

Note: A positive covenant will be required for maintenance of the stormwater treatment system.

Rain gardens

- C4 Rain gardens are required for:
- a) new developments where the total site area is more than 500m²;
 - b) developments involving alterations and additions where the additional gross impervious area is greater than 40m² and the total site area is more than 500m²; and
 - c) developments where the car park has four or more above ground parking spaces.

- C5 Rain gardens are sized as follows:
- a) 10m² per 1000m² of site area for sites between 500m² and 2,000m²; and
 - b) for sites greater than 2,000m², the size of the required rain garden is to be determined by a study completed by a suitably qualified practitioner.

- C6 Council may consider a reduction in the size of the required rain garden if the applicant provides a detailed study by a suitably qualified practitioner. The study is to demonstrate that an integrated approach to water sensitive urban design has been undertaken and that the development meets Council's water quality targets. As a consequence, Council may require the OSD minimum site storage requirements to be increased to 25m³ per 1,000m². See Section 2.2.4 below for OSD requirements.

Notes:

- ▶ Rain gardens are to be designed by a suitably qualified practitioner and must be designed in accordance with appropriate industry standards.
- ▶ Industry standards include the Monash University's Facility for Advancing Water Biofiltration Adoption Guidelines and the NSW Government's Catchment Management Authority Water Sensitive Urban Design Program.
- ▶ A positive covenant will be required for maintenance of the rain garden.

Water quality targets

- C7 Water quality measures are installed that meet the following environmental targets for stormwater runoff leaving the site:
- a) 90% removal of gross pollutants (> 5mm);
 - b) 85% removal of total suspended solids;
 - c) 65% removal of total phosphorous; and
 - d) 45% removal of total nitrogen.

- C8 For developments creating high levels of pollutants, pollution modelling may be required.

Note:

- ▶ Pollution modelling may be undertaken with programs such as MUSIC - the Model for Urban Stormwater Improvement Conceptualisation.
- ▶ Discharge from car wash down bays, fire sprinkler test waters, trade wastes and wastes from air conditioning cooling towers are to be treated to Sydney Water's requirements and discharged to the sewer.

E2.2.4 On site detention (OSD) of stormwater

Objectives

- O1 To reduce and mitigate the peak stormwater flow from a developed site and allow the controlled release of stormwater to the public stormwater system.
- O2 To reduce flood risk in urban areas.

Controls

Where this applies

- C1 OSD is required for:
 - a) new developments where the total site area is more than 500m²; and
 - b) developments involving alterations and additions where the additional gross impervious area is greater than 40m² and the total site area is more than 500m².
- C2 Properties, regardless of the development type, located within Council's OSD exemption area are not required to install OSD.

Note: The map of Council's OSD exemption area is available on Council's website.

Requirements

- C3 OSD storage is designed in accordance with the storage/discharge relationships as shown in the table below.

OSD requirements per 1,000m ² of the total site area		
Permissible site discharge (l/s)	Minimum site storage requirements (m ³)	ARI (year)
24	4	1 in 2
34	20	1 in 100

Note: The above OSD requirements are based on a simplified design approach which has been prepared using preliminary permissible site discharge and site storage requirement values. This simplified design approach will provide benefits to developers by reducing the cost of detailed engineering calculations, remove ambiguity in design approaches and assumptions, provide a simple geometric approach and allow Council to easily review designs with the intent of reducing development assessment times.

- C4 Council may consider independent assessment for on-site detention requirements. The applicant is to submit to Council an OSD assessment report including all modelling and design calculations. Any alternative methodology must be prepared by a suitably qualified practitioner.
- C5 Where possible, the drainage system is designed to direct runoff from the entire site to the OSD system.

-
- C6 Where OSD is required for alterations and additions, OSD is provided for the entire site, not only the area of new works.
- C7 All OSD systems drain by gravity to Council's drainage system.
- C8 An overland flow path, to convey water to the street in the event of a blockage or failure of the OSD outlet, is provided and is clearly identified in the design.
- C9 All OSD systems have a discharge limiter which is an appropriately sized short length of reduced diameter pipe or a non-removable orifice plate. The discharge limiter is enclosed by a rustproof screen or wire cage to protect against blockage.

OSD location

- C10 OSD storage is located as close as possible to the lowest point of the site and if possible at the property frontage so that any surcharge will overflow to the street.
- C11 Separate OSD is provided for each Torrens title dwelling.
- C12 For strata and subdivided properties, the OSD requirements outlined in controls C1 and C3 above apply to the property as a whole. OSD is generally located in common areas for strata title or community title subdivision.
- C13 The OSD structure is not established across property boundaries.

Above ground storage

- C14 The OSD system is visually unobtrusive and sympathetic with the development. It must not cause hazard or inconvenience to pedestrian or vehicle access.
- C15 A minimum 20% of the OSD storage requirement is incorporated as below ground storage.
- C16 OSD storage in landscaped areas requires an extra 20% volume to compensate for vegetation growth.
- C17 Pedestrian access paths are maintained above the 1 in 100 ARI operating level for any non-enclosed storage. Pondered water depths do not exceed 200mm in parking/ driveway areas, and 300mm in courtyards/grass/landscape areas.
- C18 Adequate subsoil drainage is provided in the above ground OSD storage to retain the amenity of the area after a rainfall event.

Below ground storage

- C19 The structural design of the OSD storage is certified by a suitably qualified practitioner including the following design issues:
- a) all structures in the zone of influence of the excavation are checked for structural adequacy;
 - b) buoyancy of the OSD storage is taken into consideration; and
 - c) the OSD structure is designed to all relevant Australian Standards and industry standards; and

d) A minimum slope of 1% is provided on the floor of the OSD storage.

Note: Industry standards include AS 2865 Safe Working in a Confined Space and any Work Cover requirements.

Maintenance

C20 The OSD system provides for easy access for inspection and maintenance. Generally, grated access points are preferred.

C21 A silt/ litter arrestor pit is located before the OSD storage and fitted with screens that can be easily removed for routine maintenance. The screen is of expanded steel mesh (e.g. Maximesh or similar). To assist in shedding debris, the screen is positioned no less than 45° to the horizontal. Pits are a minimum size of 0.6m x 0.6m.

Note: A positive covenant will be required for the maintenance of the OSD system.

Alternatives to OSD requirements

C22 A rainwater tank may be installed as an alternative to all or part of the OSD requirements for any development type. The capacity of the rainwater tank is 1.5 times the OSD volume requirements. See Section E2.2.2 for rainwater tank requirements.

C23 A green roof may be installed as an alternative to part of the OSD requirements for any development type. The OSD requirements may be reduced by 50% if a roof garden is provided on-site. The roof garden covers at least 50% of the development's total roof area. See Section E2.2.2 for green roof requirements.

Note: Where there are discrepancies between the volume of OSD storage required in this chapter and the volume of OSD storage required in BASIX, the total storage requirements is the higher of the two volumes.

E2.2.5 Connection to Council's drainage systems

Objectives

- O1 To maintain existing natural drainage patterns and to not move water from one catchment to another.
- O2 To minimise erosion and allow for sediment control.
- O3 To avoid the flooding of properties.
- O4 To protect existing Council drainage assets.
- O5 To discharge stormwater at the lowest point feasible within the same catchment.

Controls

General

- C1 Concept plans for the on-site stormwater system showing the location of major elements of the proposed system are provided.
- C2 Full details of the proposed connection to Council's drainage system are provided.
- C3 Where an overland flow system is not available, the drainage system is designed to cater to a minimum 1 in 100 ARI event.
- C4 Where an overland flow system is available, the drainage system is designed to cater to a minimum 1 in 20 ARI event; and the drainage system, in combination with the overland flow system, is designed to cater to a minimum 1 in 100 ARI event.
- C5 All stormwater discharge to Council's drainage system is gravity fed (for low level properties see also Section E2.2.9).
- C6 Stormwater discharge to the sewer is not permitted.
- C7 The potential for failure of components of the stormwater drainage system (e.g. blockage or structural damage) is considered and provision made for the safe conveyance of flows should failure occur.
- C8 Private drainage is installed in accordance with the appropriate industry standards.
- C9 All works within the road reserve or Council owned property comply with Council's "Specification for Road Works, Drainage and Miscellaneous Works".
- C10 Pumps for the disposal of stormwater runoff are not be permitted except in the circumstances set out in Section E2.2.12.

Note:

- Where works, including stormwater works, are within a public roadway (including the footpath and nature strip areas), approval is subject to a separate application under Section 138 of the *Roads Act 1993*.

- All construction costs associated with connection of the private stormwater discharge to Council's drainage system must be met by the applicant. The location of Council's drainage infrastructure is available by contacting Council's Drainage Engineer. The applicant is responsible for investigating and confirming the presence and suitability of Council's drainage system for connection. The applicant is responsible for investigating and confirming the presence of services and utilities within the road reserve (e.g. electricity, gas and water).
- Private drainage industry standards include AS3500 National Plumbing and Drainage Code, other relevant codes and the manufacturer's specifications.

Connection to Council's below ground drainage

Where this applies

- C11 In general, the stormwater drainage discharge from development sites is connected to Council's below ground drainage system.
- C12 Where there is no Council drainage system located adjacent to the site, the applicant must extend Council's drainage system to the site in order to permit the below ground connection.

Requirements

- C13 The connection from the development site to Council's below ground drainage system is a direct route and is generally laid perpendicular to the line of the kerb and gutter.
- C14 Stormwater drainage lines are located under the kerb and gutter where possible.
- C15 All connection pits are constructed in accordance with the appropriate industry standards.
- C16 No portion of the connection pipe intrudes into Council's pipe.
- C17 All stormwater pipes within the road carriageway are designed and installed to meet Council's specifications.
- C18 A standard Council double grated gully pit with 1.8m kerb lintel is constructed over the new line where it intersects with the private stormwater line. A capped pipe stub is provided to enable future extension of the line upstream.

Notes:

- Connection pit industry standards include AS3500 National Plumbing and Drainage Code, other relevant codes and the manufacturer's specifications.
- A closed circuit television (CCTV) inspection of any new connection must be carried out and submitted to Council with a works-as-executed plan.
- All stormwater pipes within the road carriageway must be at a minimum Class 2, 375mm diameter and have bedding to standard HS3, in accordance with AS3725 Loads on Buried Concrete Pipes. Rubber ring joints are required.

Exemptions

- C19 An exemption from the requirement to discharge directly into Council's below ground drainage system may be considered where the required extension of Council's system is excessive. This exemption will be considered on a merit based assessment and factors to be considered include the magnitude of the development, extent of required works and the suitability of an alternative option.

Connection to Council's kerb and gutter

Where this applies

- C20 Only dwelling houses and developments involving alterations and additions, where the additional gross impervious area is less than 40m², may discharge stormwater to the kerb and gutter.

Requirements

- C21 The connection from the development site to Council's kerb and gutter is a direct route.
- C22 A maximum discharge rate of 20 l/s is permitted.
- C23 A maximum of one stormwater outlet per property is permitted.
- C24 Drainage conduits, across footpath areas that are discharging to the kerb, are designed and installed to meet Council's specifications.
- C25 Where the existing kerb is sandstone, the drainage discharge point is cored. The kerb is reinstated to match the existing form (e.g. bullnose, brick and sandstone).
- Note: Drainage conduits, across footpath areas that are discharging to the kerb, must be 125mm x 75mm galvanised box or 65mm to 100mm sewer grade PVC pipes.
A kerb adaptor must be provided for 80mm and 100mm PVC pipes.

Subsoil drainage

- C26 All below ground structures with habitable or non-habitable floor spaces are fully tanked and do not require permanent dewatering.
- C27 All below ground structures are designed and installed in accordance with Council's Guide for preparing Geotechnical and Hydrogeological Reports.
- C28 Subsoil drainage does not discharged to Council's stormwater network, including stormwater pipes, pits and/or kerb and gutter.

E2.2.6 Diversion of Council's drainage

Objectives

- O1 There is to be no adverse impact on upstream or downstream properties.
- O2 There is to be no adverse impact on Council's drainage system.

Controls

- C1 If an applicant proposes to divert Council's drainage the application is accompanied by a report, prepared by a suitably qualified practitioner, on the impacts of the diversion.
- C2 Where an overland flow system is not available, the diverted drainage system is designed to cater to a minimum 1 in 100 ARI event.
- C3 Where an overland flow system is available, the diverted drainage system is designed to cater to a minimum 1 in 20 ARI event; and the drainage system, in combination with the overland flow system, is designed to cater to a minimum 1 in 100 ARI event.
- C4 If Council's existing drainage system is diverted onto private land, an easement is created in favour of Council (see Section E2.2.9).

Notes:

- ▶ A dilapidation report including a CCTV inspection of all drainage lines being impacted or diverted must be submitted with the construction certificate application. If the existing drainage line is in poor condition the drainage line is to be renewed and/ or refurbished.
- ▶ The location of the diverted drainage system must be fully accessible for future maintenance.

E2.2.7 Structures over or near drainage lines and easements

Objectives

- O1 To provide for future maintenance activities on drainage lines.
- O2 To provide and maintain adequate overland flow paths.

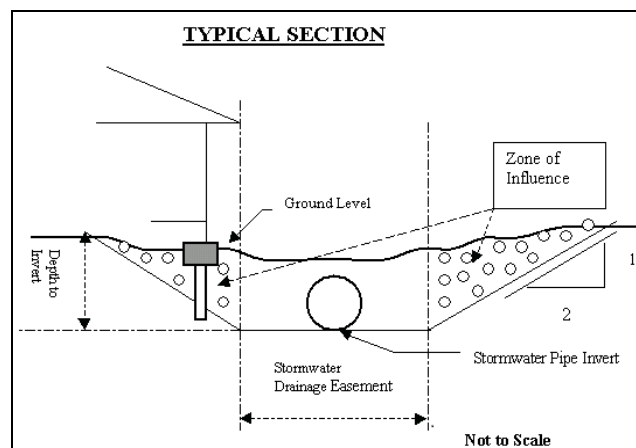
Controls

- C1 Generally, new buildings, structures and overhanging structures are not permitted over existing or proposed drainage lines and easements.
- C2 All structural foundations adjoining an easement or drainage line have a minimum depth lower than the invert of the adjacent drainage line. Additional depth is required for foundations adjoining natural water courses. All foundations are designed by a suitably qualified practitioner.
- C3 Overland flow paths are maintained over drainage lines and easements. Driveways and landscaped areas may be located on overland flow paths.

Note:

- Applications must include plans and details relating to structures near a Council drainage line or easement.
- A dilapidation report including a CCTV inspection of all drainage lines within 3m of any development structure must be submitted with the construction certificate application. If the existing drainage line is in poor condition the drainage line is to be renewed and/or refurbished.
- The applicant is to submit details on the proposed construction methodology to ensure that Council's drainage system is protected and supported during any works.

FIGURE 1 Typical section showing the zone of influence



E2.2.8 Connection to Council's parks, reserves, bushland and natural waterways; Sydney Harbour; and Sydney Water channels

Objectives

- O1 To manage, conserve and protect Council parks, reserves, bushland and natural waterways.
- O2 To maintain existing natural drainage patterns.
- O3 To minimise erosion of waterways, slopes and banks.
- O4 To control stormwater pollution and improve water quality in streams and groundwater.

Controls

General

- C1 Stormwater discharge to a natural watercourse or Council below ground drainage line within a Council park, reserve or bushland may be permitted subject to a merits based assessment of the proposal by Council's Open Space and Trees Department.
- C2 An environmental impact assessment is submitted addressing the impact on the park, reserve or bushland during and after construction, environmental sensitivity, erosion potential and weed invasion potential.
- C3 Stormwater pipes and other structures are not visible on public land. Outlet structures are designed to blend in with the surrounds and should be constructed of natural materials, such as rock.

Note: Access through Council's park land and/ or storage of material on Council park land during construction will not be permitted unless prior written approval has been obtained from Council's Open Space and Trees Department.

Discharge directly to Sydney Harbour

- C4 Written approval from the Waterways Authority to discharge stormwater into Sydney Harbour is required.

Note: The applicant must seek this approval. The stormwater system must be designed in accordance with this DCP and any requirements of the Waterways Authority.

Discharge to Sydney Water channels

- C5 Written approval from Sydney Water to discharge stormwater from the subject property directly into Sydney Water drainage channels is required.

Note: The applicant must seek this approval. The stormwater system must be designed in accordance with this DCP and any requirements of Sydney Water.

E2.2.9 Low level properties and easements

Objectives

- O1 To maintain existing natural drainage patterns.
- O2 To ensure drainage discharge associated with new developments is gravity fed and does not require pumps to function.
- O3 To avoid nuisance and flooding.
- O4 To provide effective overland flow paths.
- O5 To protect existing Council drainage assets.
- O6 To discharge stormwater at the lowest point feasible within the same catchment.

Controls

Requirements

- C1 Drainage discharge to Council's stormwater system is gravity fed. This may require the creation of an easement through the downstream property to discharge stormwater from the subject property.
- C2 Where an overland flow system is not available, the drainage system is designed to cater to a minimum 1 in 100 ARI event.
- C3 Where an overland flow system is available, the drainage system is designed to cater to a minimum 1 in 20 ARI event; and the drainage system, in combination with the overland flow system, is designed to cater to a minimum 1 in 100 ARI event.

Easements

- C4 Where easement consent is granted:
 - a) The easement is created on the certificate of title for all impacted properties.
 - b) The private drainage easement is of sufficient width to allow the required pipe to be installed and maintained.

Note: Any costs associated with investigating or establishing the easement are the responsibility of the applicant.

The applicant is responsible for negotiating with the downstream property owner to obtain a private drainage easement. It is not Council's role or within Council's jurisdiction to adjudicate on amounts of compensation. It is recommended that independent legal advice be sought.

Possible options available to acquire a private drainage easement include:

- by direct negotiation
- Section 88K of the *Conveyancing Act 1919*
- Section 40 of the *Land and Environment Court Act 1979*

The applicant must make a reasonable attempt to provide a gravity feed system to drain the site. The applicant must make formal approaches to all possible downstream property owners.

The applicant must attach a copy of the formal consent from the owner(s) of the intervening downstream property(s) with the development application.

The applicants must also engage a registered surveyor to prepare a plan of survey and the application for the easement must be lodged with the Land Titles Office with any necessary fees. Woollahra Council must be annotated as the Prescribed Authority on the Section 88K Instrument. A copy of the lodgement details must be provided to Council prior to operation of any development consent or activity application.

The requirement to obtain an easement may be waived if:

- written documentary evidence of refusal to permit an easement by the downstream owner has been provided to Council; and
- written documentary evidence of all reasonable attempts undertaken by the applicant to obtain an easement through the downstream property; and/or
- evidence is provided of any physical constraint that precludes a route for a downstream system.

For larger developments or developments in areas with known drainage problems, Council may require the applicant to pursue the acquisition of a downstream easement through the Land and Environment Court.

If an easement is not obtainable, it may be possible to connect to Council's below ground stormwater system if the Council system is extended to the site. See Section 2.2.5 above for requirements.

Easement alternatives

- C5 Easement alternatives will be considered only where the development involves alterations and additions to a dwelling house; and where the development increases the impervious area of the site by less than 40m².
- C6 The following easement alternatives may be considered in the following circumstances:
- a) Where all roof drainage is drained to a rain tank designed to hold a volume of water and the tank only overflows once a year, on average. The minimum acceptable tank size is 60m² per 1,000m² of site area.
Note: The applicant must submit full water balance calculations prepared by a suitably qualified practitioner.
 - b) Where an absorption dispersal system downstream of the rain tank and any paved areas is provided, and the absorption system is designed for a 20 year ARI storm. The rain tank is to be assumed to be full. See Section E2.2.11 for absorption system requirements.
 - c) Where the area is unsuitable for an absorption system, 20% extra storage volume is provided in the rain tank and a pump system may be installed. See Section E2.2.12 for pump system requirements.

Note: Council may reduce the storage requirements in heritage conservation areas if space is limited. This will be assessed on the merits of the application.

Relationship to other properties

- C7 Where surface runoff from adjoining properties currently flows onto the subject site, such flows are catered for within the development. Obstructions that cause damming and backwater effects on upstream properties will not be permitted.
- C8 Surface runoff from the subject site is not concentrated onto downstream properties.

Existing Council stormwater

- C9 Council will require the creation of an easement to its benefit over existing Council stormwater pipes, boxes or channels on private land.

E2.2.10 Groundwater (hydrogeology) and Geotechnical Impacts

Introduction

Council will require geotechnical and hydrogeological reports for development applications which include below ground structures.

Any proposed development with below ground structures must consider the sub-surface conditions and the effects of construction on surrounding properties. In addition, those which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the effect of any changes induced in the sub-surface water levels and the groundwater flow patterns on surrounding properties. Unless site specific information exists to the contrary,

excavations deeper than 1m must be assumed to have this potential to intersect the groundwater level and shall be considered as below ground structures.

Council's principal objective is to ensure that earthworks and associated groundwater dewatering, during and after construction, will not have any adverse impacts on:

- ▶ Environmental functions and processes
- ▶ Neighbouring uses
- ▶ Cultural and heritage items
- ▶ Any features of the surrounding land and infrastructure that could be impacted by geotechnical and hydrogeological changes.

Typically, adverse geotechnical impacts may include vibration induced settlements from construction methods and equipment and inadequate support of adjacent land during and after construction. Typically, adverse hydrogeological impacts may include settlement induced by changes in the groundwater level and seepage problems.

damages and/or
, instability of slopes, rock cliffs/faces
influenced by excavation, filling or
other loading such as footings of
structures or construction plants

Objectives

- O1 To ensure that earthworks and associated ground water dewatering, during and after construction, will not have any adverse impacts on:
- Environmental functions and processes
 - Neighbouring uses
 - Cultural and heritage items
 - Any features of the surrounding land and infrastructure that could be impacted by geotechnical and hydrogeological changes.
- O2 To maintain the existing groundwater level, both during and after construction.
- O3 To minimise changes in groundwater level to protect surrounding property and infrastructure from damage.
- O4 Buildings must be designed and constructed with appropriate support and retention systems to ensure that:
- a) There will be no ground settlement or movement, during and after construction, sufficient to cause an adverse impact on surrounding properties and infrastructure.
 - b) Vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure.
 - c) The risk of damage to adjacent existing property and infrastructure by the new development will be reduced to a level no greater than that from an event with an “unlikely” likelihood of occurrence and “minor” consequence.

Note: “adverse impact” means any damage caused to the improvements on adjoining properties by the demolition, excavation or construction on the development site.

Controls

General controls that apply to the entire LGA.

- C1 Unless site specific information exists to the contrary, excavations deeper than 1m are assumed to have a potential impact on groundwater.

Note: Where the groundwater level is high, any proposed development with below-ground structures must consider the sub-surface conditions and the impacts of construction on surrounding properties.

Below-ground structures which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the impact of any changes induced in the sub-surface water levels and the groundwater flow patterns on surrounding properties.

Requirements

- C2 All below-ground structures are fully tanked. These type of structures must not collect and dispose of subsoil/seepage to kerb and gutter.
- C3 Groundwater does not discharged to Council’s stormwater network, including stormwater pipes, pits and/or kerb and gutter.

Notes:

All below-ground works must also comply with the requirements of the NSW Department of Primary Industries Office of Water.

The design statement must confirm that the design of the below-ground structure has been undertaken in accordance with the relevant Australian Standards where applicable.

- C4 Development applications which include below ground structures must include the following documents:

- a) Structural report
- b) Geotechnical and hydrogeological reports
- c) Design statement and supporting drawings that show the design measures proposed to minimise risks and to ensure that no adverse impacts will occur.

Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines. Council may also require the preparation and submission of a pre-commencement dilapidation report for properties neighbouring the development.

- C5 A qualified and experienced geotechnical and/or hydrogeological engineer must prepare the reports.

The reports must include a site-specific risk assessment matrix with appropriate definitions for qualitative measures of likelihood and consequences for assessing the risk of damage to existing developments by the new development.

- C6 Where groundwater is present and dewatering is likely to occur on the site, the requirements of Council's DA Guide under the 'Investigations' section must be implemented.

- C7 Any geotechnical and hydrogeological reports must contain an Implementation Plan, including a Monitoring Program, Contingency Plan and Construction Methodology.

Note: All reports and requirements must be prepared in accordance with Council's DA Guide. Geotechnical reports must be prepared by an appropriately qualified Geotechnical Engineer who is NER registered with a minimum of 10 years practice in the geotechnical field in the last 15 years.

- Cxx. Construction equipment and methodology shall be selected such that vibration is limited to acceptable levels. Applicant shall submit a statement/report from qualified personal such as Geotechnical Engineer or Acoustic Consultant that the vibration would be compliance with relevant vibration standards, guidelines and legislation. As a minimum, the vibration limits for human comfort shall comply with *Assessing Vibration - a technical guideline* by Department of Environment and Conservation NSW (DEC), 2006 and the vibration limits for structural damage shall comply with German standard *DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures*. Additionally the vibration shall not exceed the following limits at any time.
- For continuous vibration: Maximum peak velocity of 0.28 mm/s
 - For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75}
 - For Impulsive vibration: Maximum peak velocity of 2.5 mm/s

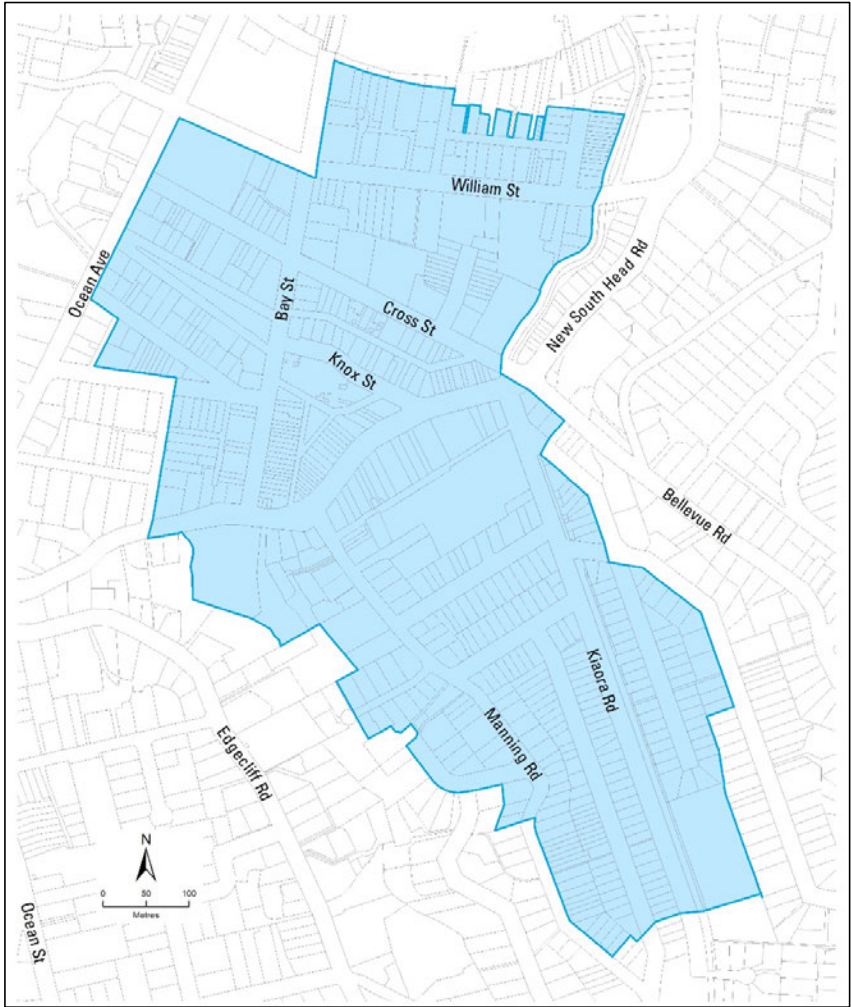
Assessment on expected vibration levels shall be based on the proposed construction activities and plants. The statement/report shall specify methods for reducing vibrations within acceptable levels when the proposed construction activity or plant is likely to cause vibration greater than acceptable limit.

Cyy. An implementation plan including a vibration monitoring program and contingency plan shall be submitted by the applicant. The plan shall include the locations of vibration monitoring sensors, trigger levels for anticipated vibration types and buildings in the neighbourhood and frequency of monitoring. As a minimum, vibration monitoring sensors shall be installed and monitored at adjacent properties. The trigger level for the vibration monitoring shall be set with the consultation with Structural Engineer following completion of the pre-construction dilapidation surveys of the adjacent building, and review geotechnical conditions and construction methodology. Should vibration limits be exceeded at any time during construction, the construction activity causing vibration shall be ceased until the measures to limit the vibration are implemented. At the end of construction, post construction dilapidation survey of the adjacent properties shall be carry out and compared with pre-construction dilapidation survey for identification of defects (if any) that were likely caused by vibration from construction activities. Dilapidation surveys may also be requested for any vibration sensitive structures near the construction site.

Land in the Double Bay settlement area

In addition to the general controls in this section, the following applies to the land in the Double Bay settlement area, as shown below.

FIGURE 1 Double Bay settlement area



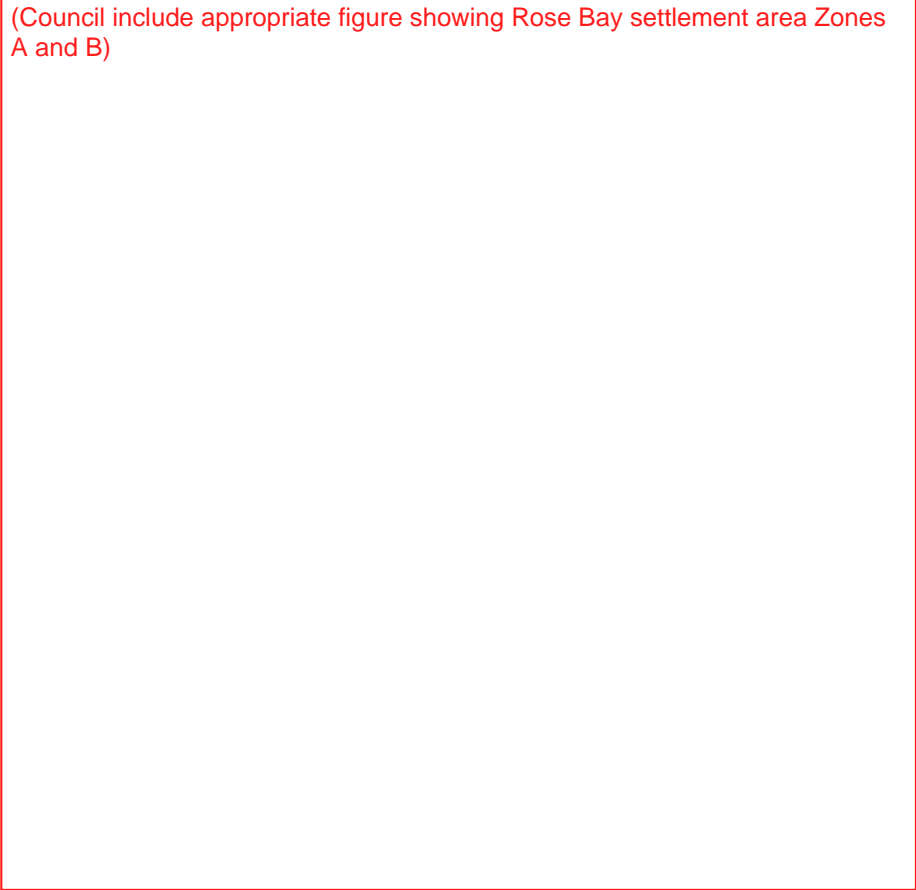
- C8 Temporary changes to the groundwater level, due to construction, must not exceed 0.2 m from the average monitored pre-construction groundwater level ~~unless calculations using the results of specific field testing, support a greater change and demonstrate that the change will not induce settlement greater than the characteristic surface movement of a Class 5 site as defined in Table 2.3 of Australian Standard AS2870 2011.~~

Land in the Rose Bay settlement area

In addition to the general controls in this section, the following applies to the land in the Rose Bay settlement area, as shown below.

FIGURE 2 Rose Bay settlement area

(Council include appropriate figure showing Rose Bay settlement area Zones A and B)



Czz. Temporary changes to the groundwater level, due to construction, must not exceed 0.3 m from the average monitored pre-construction groundwater level unless calculations using the results of specific field testing, support a greater change and demonstrate that the change will not induce settlement greater than the characteristic surface movement of a Class S site as defined in Table 2.3 of Australian Standard AS2870-2011.

E2.2.11 Absorption systems

Objectives

- O1 To ensure development is designed, constructed and maintained so as to minimise impacts on the natural water cycle.
- O2 To reduce peak stormwater flows and total stormwater runoff volume.
- O3 To reduce the flood risk in urban areas.
- O4 To minimise stormwater impacts on downstream properties.

Controls

Where this applies

- C1 Absorption systems may only be utilised where it is not possible to discharge drainage to Council's stormwater system by gravity.
- C2 Absorption systems will not be considered if easements, inter-allotment drains or drainage reserves are available to provide gravity feed access to Council's stormwater system.

Requirements

- C3 Absorption systems are designed to adequately contain the difference between inflow and outflow rates, depending on the permeability of the soil.
- C4 Generally the minimum soil depth to rock is 1.5m. However, in harbourside locations, a lesser value may be accepted. This will be assessed on the merits of the application.
- C5 Properties seeking to install an absorption system also install a rainwater tank in accordance with Section 2.2.2. The rainwater tank is at least 6m³ per 100m² of impervious area across the site. The purpose of the rainwater tank is to reduce the quantity of water going to the absorption system.
- C6 The design addresses the impact of increased subsoil flow on properties downstream of the absorption trench, and details of the impact of the absorption pit on the downstream catchment are submitted.
- C7 Approval will not be provided where the nominal absorption rate is less than 0.1 litres/m²/s strata of impermeable or low permeability material are present, or where the water table is less than 2m from the base of the pit.

Notes: Applications for an absorption system must be accompanied by a concept plan showing the location, dimensions and levels of the proposed system. Applications for absorption systems must be prepared by a suitably qualified practitioner and comply with Council's Guide for preparing Geotechnical and Hydrogeological Reports.

Applications for an absorption system must be accompanied by a Geotechnical Report to accurately determine the following soil characteristics: the soil type/s to a depth of at least 2m, the nominal absorption rate, the depth to an identification of any strata through the soil and the depth of the water table. The soil characteristics must be determined using appropriate field tests.

E2.2.12 Pump and sump systems

Objectives

- O1 To mitigate the impacts of pumping water to areas that would normally not receive discharge.
- O2 To avoid the flooding of properties.
- O3 To protect existing Council drainage assets.

Controls

Where this applies

- C1 Pump and sump systems will only be considered where the development involves alterations and additions to a dwelling house, and where the development increases the impervious area of the site by less than 40m².
- C2 The pump and sump system may only be utilised for the development additions. That is, a pump and sump system may not be retrofitted to the component or sections of the building which are existing.

Requirements

- C3 The collection system for the pump and sump arrangement is designed in accordance with the design criteria for gravity drainage in this chapter.
- C4 The pump and sump system are designed by a suitably qualified practitioner and designed and installed in accordance with the appropriate industry standards.
- C5 Properties seeking to install a pump and sump system also install a rainwater tank in accordance with Section E2.2.2. The rainwater tank is at least 6m³ per 100m² of impervious area across the site. The purpose of the rainwater tank is to reduce the quantity of water going to the pump and sump system.
- C6 The tank has an automatic pump which meets the following requirements:
 - a) The pump may only commence pumping a minimum of 1 hour after rain has ceased.
 - b) The pump may only operate when the rainwater tank is over 50% full.
 - c) The pump may only pump out the top 50% of the rainwater tank (the remaining water is to be available for reuse).
 - d) At a minimum, the pump out system must consist of dual alternating pumps and be connected to an uninterrupted power supply.
- C7 Discharge from the site does not exceed the permissible site discharge as outlined in Section 2.2.4 control C3.
- C8 In the event of the failure of both pumps, an overland flow path and/or surcharge and pondage area is identified and provided.

-
- C9 Discharge from the system passes through a stilling pit, located within the site boundary. Discharge to Council's underground stormwater system is via a concrete pipe with a minimum diameter of 375mm and a new stormwater junction pit located in the public road.
- C10 The pump and sump system is protected from backflow from Council's drainage system.
- C11 All electrical fittings and supply are 500mm above the maximum water level and/or any overland flow paths.

Location

- C12 Pressured pipes are only permitted on the applicant's property. Council will not approve the use of pressurised pipe systems within the road reserve or Council owned property.
- Note: Industry standards include AS3500 National Plumbing and Drainage Code, other relevant codes and the manufacturer's specifications.
- A positive covenant will be required for the maintenance of the pump and sump system.

E2.2.13 Charged or siphonic systems

Objectives

- O1 To protect existing Council drainage assets.

Controls

Where this applies

- C1 Non-mechanical pressurised (charged or siphonic) systems will only be considered where it is not possible to discharge drainage to Council's stormwater system by gravity.

Requirements

- C2 The charged or siphonic system is designed by a suitably qualified practitioner and designed and installed in accordance with the appropriate industry standards.
- C3 In general, the discharge from charged or siphonic systems are connected to Council's below ground drainage system.
- C4 Only dwelling houses and developments involving alterations and additions, where the additional gross impervious area is less than 40^m², may discharge from the charged or siphonic systems to the kerb and gutter.
- C5 Discharge from the system passes through a stilling pit, located within the site boundary.
- C6 The system is protected from backflow from Council's drainage system.
Note: Industry standards include AS3500 National Plumbing and Drainage Code, other relevant codes and the manufacturer's specifications.

E2.2.14 Activities on a public road

Objective

- O1 To protect Council's road assets.
- O2 To ensure works carried out on Council's road and stormwater assets meet Council's required standard.

Controls

- C1 All works, including stormwater works, within a public roadway are in accordance with Council's "Specification for Road Works, Drainage and Miscellaneous Works".

Note: Where works, including stormwater works, are within a public roadway (including the footpath and nature strip areas), approval is subject to a separate application under Section 138 of the *Roads Act 1993*. The nominated principal certifying authority cannot legally give approval for works under Section 138 of the *Roads Act*. Approval must be granted by Council.

E2.3 Flood risk management controls

E2.3.1 Introduction

In assessing development applications for flood risk management within “flood risk precincts”, Council will consider each of the matters listed below and each matter must be addressed by the applicant. The response to these matters, plus any other relevant statutory and policy matters, will be considered by Council when assessing the acceptability of the development.

For each matter, specific objectives are given together with the controls to achieve those objectives. Alternative ways to achieve the stated objectives, will be considered when, in the opinion of Council, the outcome is better in terms of the impact on the public domain or adjacent properties than strict compliance with the stated controls.

The flood risk planning controls reflect the recommendations of the Woollahra Coastal Zone Management Plan, and the Floodplain Risk Management Plans for Double Bay, Rose Bay and Rushcutters Bay and the Updated Flood Study for Watsons Bay, prepared in accordance with the State Government Flood Prone Lands Policy and the Floodplain Development Manual.

E2.3.2 Information available from Council

Council will make available information on flooding, coastal inundation and the Council drainage system, where it is available, on the express understanding that Council is not liable for the accuracy of the information or the consequences of it being used.

There are four main floodplains within the Woollahra Municipality:

- Rushcutters Bay
- Double Bay
- Rose Bay
- Watsons Bay.

Each of the floodplains can be classified based on different levels of potential flood risk. Flood information, including flood levels as derived from significant historical flood events, is available on each of these floodplain areas. This information may be found on Council’s website.

A Woollahra Coastal Zone Management Plan Stage 1 report has been prepared for the Woollahra Municipality. Estuary Planning Levels have been developed for those properties subject to coastal inundation.

The applicant must confirm the accuracy of information by inspection, survey and/or study. Where existing flood or coastal inundation information is not available but flooding and/or coastal inundation is considered by Council to be a potential issue, a site specific study may be required.

E2.3.3 Flood planning levels

Flood planning levels (FPLs) set the floor level height for development in areas which are subject to flooding. The FPLs vary depending on the relative flood risk and the proposed development type.

FPLs consist of the following:

- a flood level which has been determined from a flood study (see Section E2.3.2); plus
- a freeboard that compensates for uncertainties in the estimation of flood levels across the floodplain.

Foreshore developments subject to coastal inundation

Foreshore developments subject to coastal inundation must give consideration to two factors:

- flood planning levels (FPLs); and
- estuary planning levels (EPLs).

EPLs consist of the following:

- a still water level which has been determined from a coastal inundation study (see Section E2.3.2); plus
- a local wind and wave setup height which has been determined from a coastal inundation study (see Section E2.3.2); plus
- a wave run-up/overlapping height which has been determined from a coastal inundation study (see Section E2.3.2); plus
- a sea level rise factor; plus
- a freeboard that compensates for uncertainties in the estimation of coastal inundation levels across the coastal zone.

Note: The NSW Chief Scientist has advised that the sea level rise benchmarks (measured as an increase above 1990 mean sea levels) of 40cm by 2050 and 90cm by 2100 are adequate in light of evolving understanding of the complex issues surrounding future sea levels.

All EPLs should be based on the 2100 benchmark.

Objectives

- O1 To minimise risk to people and property.
- O2 To reduce the long term risks associated with coastal inundation, elevated sea levels and/or waves overtopping foreshore defences.
- O3 To maintain Council's streetscape objectives in existing commercial and heritage areas.

Controls

- C1 All new developments and major alterations and additions have their floor levels set at the required FPL and EPL as stipulated in the following table:

Development type	Flood (and estuary) planning level
Habitable floor areas	100 Year ARI flood level plus 0.5m freeboard
Non-habitable floor areas	100 Year ARI flood level plus 0.3m freeboard
Habitable floor areas for foreshore developments subject to coastal inundation	The highest RL, calculated from the following: <ul style="list-style-type: none"> ► 100 Year ARI flood level plus 0.5m freeboard; or ► still water level plus 100 Year ARI wave run-up plus 0.3m freeboard
Ground level, open car parking spaces	20 Year ARI flood level plus 0.3m freeboard
Enclosed car parking spaces, three or fewer vehicles	20 Year ARI flood level plus 0.3m freeboard
Enclosed car parking spaces, more than three vehicles	100 Year ARI flood level plus 0.3m freeboard

- C2 For alterations and/or additions (only) developments, where it is not practical to meet the above habitable, non-habitable and car parking floor levels due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, a lower floor level may be considered, based on the individual merits.

A lower floor level will only be permitted where the habitable floor area increases by 40m² or less. In these circumstances, the floor level is to be as high as practical, and no lower than the existing floor level. This concession will be made no more than once for any given property. Subsequent development applications will be required to meet the FPLs and EPLs as outlined in C1.

- C3 To achieve the required FPL and/or EPL for car parking, Council may allow the use of mechanical barriers such as flood gates. Where a mechanical barrier is permitted:

- a 0.5m freeboard is provided
- the mechanical barrier is located wholly on private property
- the mechanical barrier may require the provision of an on-site queuing area (see Chapter E1 Parking and Access for further details)
- the mechanical barrier is designed such that, by default, it is in the “closed” position. That is, it opens only to allow vehicles to enter and exit the site.

Note: The mechanical barrier must be designed and installed by a suitably qualified practitioner. A positive covenant will be required for maintenance of the mechanical barrier.

- C4 Filling of the site, where acceptable to Council, may change the flood and/or coastal inundation risk for the subject land. The FPL and/or EPL controls is based on the new flood and/or coastal inundation risk as determined by the new site levels.

Special consideration

- C5 All FPLs and EPLs represent the minimum standard required for the development type. An applicant may seek to lower the minimum FPL and/or EPL. Such requests will be assessed on their merits. A Flood Risk Management Report and/or a Coastal Inundation Assessment, prepared by a suitably qualified practitioner, will be required.

Note:

A Flood Risk Management Report and/or Coastal Inundation Assessment must be prepared by a suitably qualified practitioner and at a minimum it should include the following:

- acknowledgement that the proposed development seeks to lower the minimum standard FPL and/or EPL required by Council's Stormwater Drainage and Flood Risk Management Development Control Plan;
- proposed risk management measures to minimise the impact of flooding and/or coastal inundation;
- demonstration that the risk management measures will not adversely affect other properties;
- an Emergency Management Plan that includes an evacuation strategy.

- C6 For ground level shop fronts in commercial and mixed-use developments, a lower the FPL and/or EPL may be considered to allow the development to match into existing longitudinal street levels, to optimise retail potential and/or to provide acceptable access for persons with disabilities. Such requests will be assessed on their merits. Driveway and footpath gradients must comply with Council's specifications.
- C7 For heritage conservation properties, a lower FPL and/or EPL may be considered, for the heritage component of the building only, to remain sympathetic with the heritage values of the property. In general, any alterations and additions will be required to meet the FPL and/or EPL as outlined in conditions C1, C2, C3 and C4. Such requests will be assessed on their merits.

E2.3.4 Flood controls

Objectives

- O1 To minimise risk to people and property.
- O2 To ensure that development does not cause flood levels to rise or exacerbate flooding on the surrounding floodplain.
- O3 To ensure existing overland flow paths are maintained and to ensure new structures do not obstruct the free flow of floodwaters.
- O4 To increase flood hazard awareness.
- O5 To reduce the long term risks associated with tidal inundation, elevated sea levels and/or waves overtopping foreshore defences.
- O6 To maintain Council's streetscape objectives in existing commercial and heritage areas.

Controls

General controls which apply to all developments

Note: A plan must accompany the application and provide information on any earthworks or filling of land (with suitable contour intervals) and the location of existing and proposed fences, retaining walls and/or any other barriers.

General

- C1 All structures have flood compatible building components below the 100 Year ARI level plus 0.5m freeboard.
- C2 All electrical equipment (e.g. air conditioners and pool pumps) is located or protected to above the 100 Year ARI level plus 0.5m freeboard.
- C3 All storage areas such as shelving are above the 100 Year ARI level plus 0.5m freeboard.
- C4 The structure is built to withstand the forces of floodwater, debris and buoyancy up to and including the 100 Year ARI level plus 0.5m freeboard.
- C5 Reliable evacuation access for pedestrians is provided from the lowest habitable floor area to a refuge area above the PMF level and designed to withstand PMF water forces.
- C6 Suitable flood protection (e.g. a crest up before descent on an access driveway) is provided within the subject site. Council will not generally allow alteration to existing levels on the public road or its property to achieve flood protection.

Note: The Building Code of Australia 2013 has requirements relating to minimum construction standards for specified building classifications in flood hazard areas. Reference should be made to the Code for further information.

Fencing

- C7 Fencing is constructed in a manner which does not change the nature or level of flood waters in the area. Fencing is of a permeable/open type design, however, existing solid fences may be replaced by new solid fences.
- C8 Fencing is adequately constructed so as to withstand the forces of floodwaters.
- C9 The flood impact of the development is considered to ensure that the development will not increase flood effects elsewhere. Where a significant change in use of the site is proposed, a flood impact assessment is required.

Overland flow paths

- C10 All overland flow paths are free of structures which prevent the free passage of overland flow.
- C11 All overland flow paths are designed to convey the 1 in 100 ARI event.
- C12 All existing overland flow paths are maintained and the hydraulic capacity of the openings between buildings is maintained.
- C13 Overland flow paths are provided on all properties that have upstream contributing catchments of 1,000m² or greater.
- C14 All overland flow paths are designed to a low hazard classification if possible.
- C15 Overland flow paths are designed such that they do not increase velocity or concentrate water on any adjacent property.
- C16 In overland flow paths, fencing is generally not be permissible. However, in low and medium flood risk precincts permeable/open type fences may be approved where it can be demonstrated that there will be no adverse impact on flooding to the subject land or surrounding properties.
- C17 Any structure located in an overland flow path is designed to be structurally sound in all flood events. A flood study may be required. Structures are designed by a suitably qualified practitioner.
- C18 If an overland flow path is not achievable, a 1 in 100 ARI drainage system may be accepted as an alternative.
- C19 Overland flow paths are grass turfed.
- C20 In (sandy) areas with high risk erosion potential, overland flow paths are designed to limit velocity and/or protect against scour.

Note: Provisional hazard classifications are defined in Appendix L of the Floodplain Development Manual.

Time limit consents

- C21 Where an applicant cannot increase EPLs to take into account the sea level rise planning benchmarks, Council may consider imposing time-limited consent to provide the potential to remove, replace or adapt development in the future. The consent will require the development to cease and all structures to be demolished and removed and the site to be reinstated to a sustainable landscaped form unless a further consent is obtained allowing for the continuation of the development in its originally approved or modified form. Council will consider the appropriateness of such developments on the merits of individual applications.

Note: It is likely that Council would impose a condition which identifies an appropriate and specific trigger which would require the removal of the development. For example, if the sea level were to reach a specified height or the erosion of an escarpment receding to a specified distance from the property boundary.

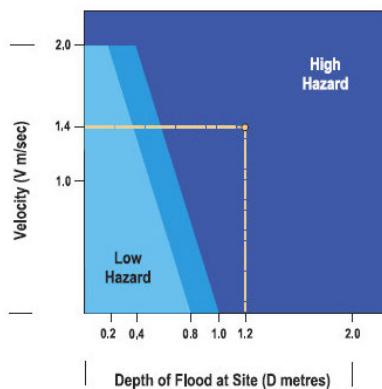
High flood risk precincts

Note: The high flood risk precinct is where high flood damages, potential risk to life and/or evacuation problems would be anticipated or where development would significantly or adversely alter flood behaviour. Development in this precinct requires detailed risk management strategies and careful design to reduce the risk to life and property to an acceptable level.

The High FRP would generally be reflected by the following criteria:

- all areas where high hazard conditions occur during a 100 year ARI flood (using the provisional hazard categories published in Appendix L of the Floodplain Development Manual);
- all locations where safe evacuation routes cannot be provided by the natural topography, necessitating the need for refuge areas to be provided; and
- all floodways.

FIGURE 2 Provisional hydraulic hazard categories
Source: Floodplain Development Manual



Notes:

The degree of hazard may be either:

- Reduced by establishment of an effective flood evacuation procedure;
- Increased if evacuation difficulties exist.

In the transition zone highlight by the median colour, the degree of hazard is dependant on site conditions and the nature of the proposed development.

Example:

If the depth of flood water is **1.2m** and the velocity of floodwater is **1.4m/sec** then the provisional hazard is **high**.

- C22 Properties within a high flood risk precinct are unsuitable for all development (except alterations and additions (only) developments) unless a Flood Risk Management Report has been prepared, by a suitably qualified practitioner, outlining appropriate risk management measures.
- C23 Buildings or structures constructed in high flood risk precincts are designed to withstand the PMF event.
- C24 No new fencing of any type is permitted in high flood risk precincts unless it can be demonstrated, by a suitably qualified practitioner, that there will be no adverse impact on flooding to the subject land or surrounding properties.

Medium flood risk precincts

Note: The medium risk precinct includes all land that is inundated by the 100 year ARI flood that is not classified as high risk. Areas on the edge of the identified 100 year ARI floodplain where the topography provides low hazard rated excavation routes (using the provisional hazard criteria published in Appendix L of the Floodplain Development Manual) would generally be classified as medium risk.

- C25 Properties within a medium flood risk precinct are generally unsuitable for critical and sensitive use development. Such developments will be considered on their merits, taking into account any proposed risk management measures.
- C26 In medium flood risk precincts, impervious and continuous fencing is not permissible unless it can be demonstrated that there will be no adverse impact on flooding to the subject land or surrounding land.

Low flood risk precincts

Note: In the low flood risk precinct the likelihood of damages, occurring from flooding, is low. This area can be identified as land within the floodplain that is above the 100 year ARI flood but below the extent of the PMF.

- C27 For critical and sensitive developments in low flood risk precincts, all habitable and non-habitable floor levels are no lower than the PMF flood level.
- C28 For critical and sensitive developments in low flood risk precincts, all structures have flood compatible building components below the PMF flood level.
- C29 For critical and sensitive developments in low flood risk precincts, the applicant is to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including the PMF flood level.

Other flood prone properties

Note: There are four main floodplains within the Woollahra Municipality: Rushcutters Bay, Double Bay, Rose Bay and Watsons Bay. A property may be flood prone if it is outside of the identified four floodplains, but subject to overland flows due to one of the following characteristics:

- the property is on the low side of the road and/ or the boundary levels are below the level of Council's kerb;
- the property is lower than surrounding properties;
- the property is in a natural low point, gully or depression; or
- the property is adjacent to or contains a flow path, open channel, watercourse or drainage line.

A property may also be flood prone if it is outside of the identified four floodplains, but subject to one of the following characteristics:

- the property fronts Sydney Harbour with any part of the land below RL 3.35m AHD;
- the development includes underground habitable areas; or
- the development includes a low level driveway or an underground car park.

- C30 Where a property is outside of the four flood plains, but identified as flood prone, a site specific assessment is required. A flood analysis may be requested to determine the level of flood risk and to allow the setting of FPLs.

Note: A Flood Risk Management Report prepared, by a suitably qualified practitioner, outlining appropriate risk management measures may be required.

Appendix 1 – Definitions

The definitions in this appendix define words and expressions for the purpose of this chapter.

Other terms may be defined in other parts of the DCP, the Woollahra LEP 2014, and other publications including the NSW Government’s Floodplain Management Manual: The Management of Flood Liable Land.

absorption system	an excavation that has been filled with material or prefabricated void units that are conducive to the drainage of stormwater and which are designed to drain vertically or side-ways, into adjacent sub-surface in-situ void or fill material.
alterations and additions (only) developments	<p>applies to the following developments:</p> <ul style="list-style-type: none">▶ residential development where the proposed development is an addition and/or alteration to an existing dwelling of not more than 40m² or 10% (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this DCP;▶ development other than residential where the proposed development is an addition to existing buildings of not more than additional 100m² or 10% (whichever is the lesser) of the floor area which existed at the date of commencement of this DCP (whichever is the lesser).
charged or siphonic systems	use the height of the building to create a pressurised stormwater system. This allows the system to draw water out of the gutters at higher velocities and flow rates. The drainage line permanently holds water.
coastal inundation	is the storm-related flooding of coastal lands by ocean waters due to elevated still water levels (storm surge) and wave run-up.
commercial and mixed-use development	applies to all properties zoned Neighbourhood Centre, Local Centre, Mixed Use in Woollahra LEP 2014.

critical and sensitive developments	applies to the following types of developments: Emergency services facilities; public administration building that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES Headquarters and Police Stations); hospitals; community facility; telecommunications facility; institutions; educational establishments; child care facilities; liquid fuel depot; public utility undertaking (including electricity generating works; sewerage treatment plant; sewerage system; telecommunications facility; utility installations and water treatment facility) which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events; residential care facility; school and seniors housing.
developments creating high levels of pollutants	may include, but is not limited to the following: service stations; motor repair shops; panel beaters; miscellaneous automotive; marinas; boatsheds; marine repairs; shipbuilders; commercial slipways; miscellaneous retailers and manufacturers involving chemicals, solvents, hazardous waste and containers; miscellaneous retailers and manufacturers involving garden and building materials; vehicle depots; and car parks.
enclosed car parking	car parking which is potentially subject to rapid inundation, which consequently increases danger to human life and property damage (such as basement of bunded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking: <ul style="list-style-type: none"> ► flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m, and ► drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.
Epoch	for determining design flood levels refers to a year in the future for which flood level probabilities are calculated. For example, the notation 100 Year ARI 2050 refers to the 100 year ARI flood level (or 1% AEP flood level) at the Year 2050 Epoch. This is a prediction made now (based on the best available information) of the flood level which has a 1% probability of occurring or being exceeded in 2050. Similarly, the Year 2100 Epoch refers to the flood level which has a 1% probability of occurring or being exceeded in 2100.
flood evacuation strategy	the proposed strategy for the evacuation of flood prone areas.

flood risk precincts (FRPs)	are a categorisation of a site's flood risk for land-use planning purposes. All property within a floodplain falls into one of three classifications: low, medium or high.
foreshore developments	includes all properties with any part of their land below RL 3.35m AHD.
foreshore inundation	the inundation of land occurring when water from Sydney Harbour overflows the natural or human-made foreshore boundary. All properties with any part of their land below RL 3.35m AHD may be impacted by foreshore inundation.
freeboard	a factor of safety typically used in relation to the setting of flood planning levels. It compensates for uncertainties in the estimation of flood levels across the floodplain, such as wave action, localised hydraulic behaviour and impacts that are specific event related, such as levee and embankment settlement, and other effects such as sea level rise.
green roofs	a roof system, with a dual function. It designed to promote the growth of various forms of vegetation on the top of buildings. It is also designed to support various forms of renewable energy and water collection technology to assist in supplying power and water to the occupants of the building.
habitable floor area	as defined in the Floodplain Development Manual: The Management of Flood Liable Land.
local overland flooding	<p>as defined in the Floodplain Development Manual: The Management of Flood Liable Land.</p> <p>Note: All properties containing a Council owned pipe and/ or a drainage easement are subject to local overland flooding. All properties with low level driveways, footpaths or where their boundary levels are below the level of Council's kerb are subject to local overland flooding.</p>
low level property	any property where the property falls away from the road reserve. That is, the grade or level of the land generally falls from the front to rear boundary. Stormwater from the property generally falls towards a neighbour's property at the side or rear (rather than to Council's road).

mainstream flooding	<p>as defined in the Floodplain Development Manual: The Management of Flood Liable Land.</p> <p>Note: Properties that are situated adjacent to an open or covered channel or watercourse may be impacted by mainstream flooding.</p>
major alterations and additions	<p>applies to the following developments:</p> <ul style="list-style-type: none">► residential development where the proposed development is an addition and/or alteration to an existing dwelling of more than an additional 40m² or 10% (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this DCP;► development other than residential where the proposed development is an addition to existing buildings of more than an additional 100m² or 10% (whichever is the lesser) of the floor area which existed at the date of commencement of this DCP (whichever is the lesser).
on-site detention systems	<p>holding ponds that temporarily store stormwater to control and reduce downstream flow rates. They are designed to retard stormwater during intense rainfall and to empty once the peak of the storm has passed.</p>
overland flow paths	<p>above ground drainage paths that form a critical part of the drainage system. They convey stormwater when the stormwater volume is greater than the designed pipe systems capacity.</p>
pervious surface	<p>a paving system that allows water to infiltrate through pores in the pavement and is stored in voids until it can percolate through the natural ground. Pervious surfaces include, but are not limited to, porous asphalt, porous concrete and modular pavers.</p>
pump and sump systems	<p>a pump that is used to remove water that has accumulated in a sump basin, often in underground areas such as car parks. The sump pump is used to send water away from the house.</p>
rain garden	<p>a planted depression that captures rainwater runoff from impervious urban areas such as car parks. The rain garden serves two main purposes. It reduces stormwater runoff through absorption into the ground and transpiration. Secondly, the plants grown within the rain gardens capture pollutants and reduce the amount of pollution which is then released to Council's stormwater system.</p>
refuge area	<p>an area of land located above the PMF that provides reasonable shelter for the likely occupants of the development commensurate with the period of time that refuge is likely to be required in floods up to the PMF.</p>

residential development	applies to all properties zoned Low Density Residential and Medium Density Residential in Woollahra LEP 2014.
site emergency response flood plan	a management plan that demonstrates the ability to safely evacuate persons and includes a strategy to move goods above the flood level within the available warning time. This Plan must be consistent with any relevant flood evacuation strategy, flood plan or similar plan.
stormwater	untreated rain water that runs off the land onto which it falls.
suitably qualified practitioner	a professional with the appropriate qualifications, experience and skills to undertake the task. All suitably qualified practitioners should have appropriate professional indemnity insurance.
wave run-up and overtopping	the process where a wave reaches the foreshore, and an “uprush” of water onto the foreshore will occur. The height of wave run-up is affected by the nature of the foreshore. In some instances a wave may propagate over the foreshore edge and further landward, which is called wave overtopping. Wave run-up cannot occur up a vertical seawall and in these cases the hazard is related exclusively to wave overtopping.

Appendix 2 – Design rainfall intensities

The following design rainfall intensities are to be used throughout the municipality.

Woollahra Council design rainfall intensities

Duration		Average recurrence interval						
Minutes	Hours	1 in 1	1 in 2	1 in 5	1 in 10	1 in 20	1 in 50	1 in 100
		Rainfall intensities in mm/hour						
5	0.083	104	133	167	187	213	246	271
6	0.100	98	125	157	175	199	231	254
7	0.117	92	118	148	166	189	219	241
8	0.133	88	112	141	158	180	209	231
9	0.150	84	107	135	151	173	201	222
10	0.167	80	102	130	146	166	193	214
11	0.183	77	99	125	140	161	187	207
12	0.200	74	95	121	136	156	181	201
13	0.217	72	92	117	132	151	176	195
14	0.233	69	89	114	128	147	171	190
15	0.250	67	86	111	124	143	167	185
16	0.267	65	84	108	121	139	162	180
17	0.283	64	82	105	118	136	159	176
18	0.300	62	80	102	115	133	155	172
19	0.317	60	78	100	113	130	152	168
20	0.333	59	76	98	110	127	148	165
21	0.350	57	74	95	108	124	145	162
22	0.367	56	72	93	106	122	143	159
23	0.383	55	71	91	104	119	140	156
24	0.400	54	69	90	101	117	137	153
25	0.417	53	68	88	100	115	135	150
26	0.433	52	67	86	98	113	132	147
27	0.450	51	65	85	96	111	130	145
28	0.467	50	64	83	94	109	128	143
29	0.483	49	63	82	93	107	126	140
30	0.500	48	62	80	91	105	124	138
31	0.517	47	61	79	90	104	122	136
32	0.533	46	60	78	88	102	120	134

Duration		Average recurrence interval						
Minutes	Hours	1 in 1	1 in 2	1 in 5	1 in 10	1 in 20	1 in 50	1 in 100
		Rainfall intensities in mm/hour						
33	0.550	46	59	77	87	101	118	132
34	0.567	45	58	75	86	99	117	130
35	0.583	44	57	74	84	98	115	128
36	0.600	43	56	73	83	96	113	126
37	0.617	43	55	72	82	95	112	125
38	0.633	42	55	71	81	94	110	123
39	0.650	42	54	70	80	92	109	121
40	0.667	41	53	69	79	91	107	120
41	0.683	40	52	68	78	90	106	118
42	0.700	40	52	67	77	89	105	117
43	0.717	39	51	67	76	88	103	115
44	0.733	39	50	66	75	87	102	114
45	0.750	38	50	65	74	86	101	113
46	0.767	38	49	64	73	85	100	111
47	0.783	37	48	63	72	84	99	110
48	0.800	37	48	63	71	83	97	109
49	0.817	37	47	62	70	82	96	108
50	0.833	36	47	61	70	81	95	106
51	0.850	36	46	60	69	80	94	105
52	0.867	35	46	60	68	79	93	104
53	0.883	35	45	59	67	78	92	103
54	0.900	35	45	59	67	77	91	102
55	0.917	34	44	58	66	77	90	101
56	0.933	34	44	57	65	76	89	100
57	0.950	33	43	57	65	75	89	99
58	0.967	33	43	56	64	74	88	98
59	0.983	33	42	56	63	74	87	97
60	1	32	42	55	63	73	86	96
90	1.5	25	33	43	49	57	67	75
120	2	21	27	36	41	47	56	63
180	3	16	21	27	31	36	43	48
240	4	13	17	22	26	30	35	39
300	5	11	15	19	22	26	30	34

Duration		Average recurrence interval						
Minutes	Hours	1 in 1	1 in 2	1 in 5	1 in 10	1 in 20	1 in 50	1 in 100
		Rainfall intensities in mm/hour						
360	6	10	13	17	19	23	27	30
720	12	6	8	11	12	14	17	19
1440	24	4	5	7	8	9	11	12
2880	48	3	3	4	5	6	7	8
4320	72	2	3	3	4	4	5	6

Probable maximum precipitation depth in mm

Duration		Catchment area		
Minutes	Hours	1km ²	2km ²	3km ²
15	0.25	170	160	160
30	0.5	250	240	230
60	1	360	350	340
90	1.5	460	450	440
120	2	540	530	520
180	3	660	640	630
360	6	870	850	830

Appendix B

Proposed Modification to the DCP Chapter D6 - Rose Bay Centre

Chapter D6 Rose Bay Centre

Part D ► Business Centres

CHAPTER D6 APPROVED ON 27 APRIL 2015
AND COMMENCED ON 23 MAY 2015

Last amended on 30 August 2021

Chapter D6 ► Rose Bay Centre

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D6.1 Introduction

This is Chapter D6 of the Woollahra Development Control Plan 2015 (DCP), Part D Business Centres. It establishes detailed controls to guide future development in the Rose Bay Centre.

Rose Bay is a unique local centre which enjoys a privileged position adjacent Sydney Harbour at the foot of the South Head peninsula. The historical development of Rose Bay has focused the centre on New South Head Road. The consistent scale of buildings and the distinctive landscape quality evoke an appealing urban village character which is warmly valued by local residents and users of the centre.

D6.1.1 Land where this chapter applies

This chapter applies to the Rose Bay Centre, as identified in Figure 1.

FIGURE 1 Location plan

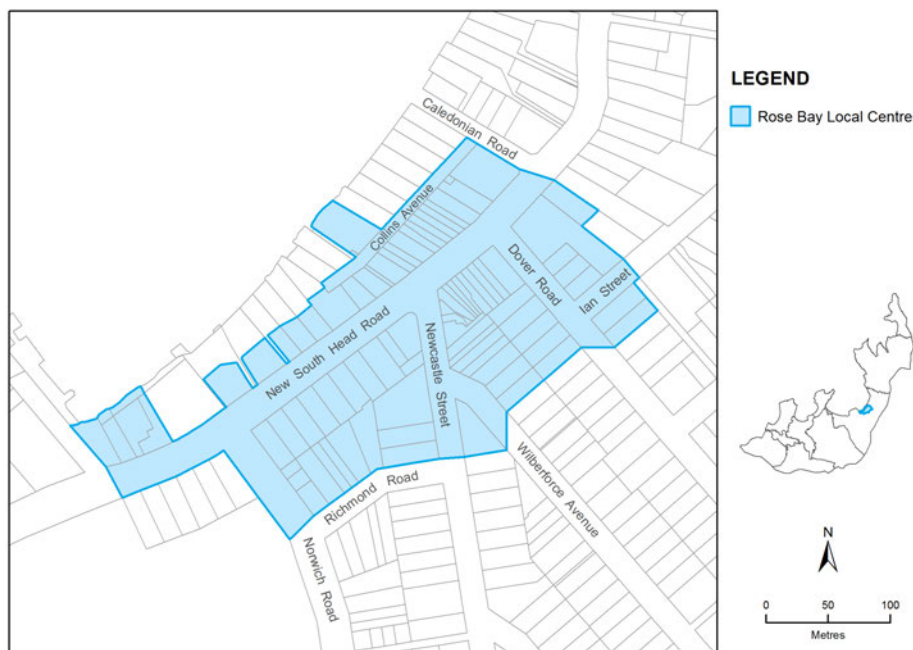


FIGURE 2 View of Rose Bay from the harbour



D6.1.2 Development to which this chapter applies

This chapter applies to development that requires development consent.

Generally this will be mixed use retail, business, office and /or residential development, but may also include permitted uses such as child care centres, community facilities, and other uses as permitted by Woollahra LEP 2014.

Development within the Rose Bay Centre should retain and enhance the village character of the centre.

D6.1.3 Objectives

The Rose Bay Centre should develop into a high quality medium density urban village with a balanced mix of retail, commercial, residential and leisure uses, which cater primarily for the needs of the local community.

The intention of this chapter is to strengthen and enrich the existing urban structure of the Rose Bay Centre as follows:

- O1 To retain and enhance the village atmosphere of the Rose Bay Centre.
 - a) To encourage contiguous ground floor retail frontage to ensure liveliness of the centre;
 - b) To limit the width of street frontage of individual shops to preserve the 'small shop' character of the centre;
 - c) To promote a coherent building scale and high quality development;
 - d) To retain and improve the pedestrian environment by encouraging through block pedestrian connections at nominated locations, and requiring continuous awnings in nominated areas;
 - e) To enhance the way development contributes to a sense of place;
 - f) To improve vehicle parking and servicing in the centre and reduce vehicular and pedestrian conflicts;
 - g) To enhance the public domain of Rose Bay Centre by considering the Public Domain Improvement Plan and Streetscape Design Manual 1999; and

-
- h) To encourage the provision of community services and facilities as part of site redevelopments.
- O2 To improve the connections between the Rose Bay Centre and the harbour foreshore.
- a) To encourage the creation of a public square between New South Head Road and Collins Avenue, opposite Percival Park;
 - b) To encourage the construction of pedestrian arcades as part of developments in nominated locations, to improve public access through to the foreshore; and
 - c) To maximise views to the water from the public domain.
- O3 To create a memorable image for Rose Bay.
- a) To create defined entrances to the centre;
 - b) To provide a stronger public domain focus to the centre; and
 - c) To provide direction and certainty of outcome in relation to build form to ensure:
 - a coherent street scale;
 - that new development meets the desired future character;
 - a variety of building types; and
 - a high level of amenity.
- O4 To improve the Rose Bay Centre's public domain.
- a) Improve the public domain of Rose Bay by using the Public Domain Improvement Program and the Streetscape Design Manual to inform changes;
 - b) Identify the location of and building envelopes surrounding a new public square in the centre, which support the use of bonus height and FSR controls in the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014);
 - c) To improve pedestrian amenity throughout the centre; and
 - d) To retain the important role that public transport plays in the Rose Bay Centre.
- O5 To foster the diverse mix of uses in the Rose Bay Centre.
- a) To retain and enhance the combination of retail, commercial, public and residential uses that characterise Rose Bay; and
 - b) To encourage a range of flexible accommodation to support the diverse mix of uses in the centre.
- O6 To conserve and enhance the visual and environmental amenity of all buildings and places of significance in the centre.
- a) To identify character buildings within the Rose Bay Centre; and
 - b) To ensure that alterations and additions to character buildings and heritage items are compatible in scale, form and material with these buildings and items, and adjoining developments.
- O7 To improve traffic and parking management in the centre and reduce vehicle and pedestrian conflicts.
-

-
- a) To identify parking and servicing arrangements for the centre.
 - O8 To introduce stormwater management measures to control localised flooding, stormwater quality and quantity, and improve the visual and environmental impact of stormwater drainage, particularly at the harbour foreshore.
 - a) To facilitate the creation of the Rose Bay Square between New South Head Road and the drainage reserve off Collins Avenue to mitigate against local flooding of the centre;
 - b) To improve the visual and environmental impact of existing stormwater outlets into Rose Bay; and
 - c) To coordinate overland flow management with public domain improvements.
 - O9 To enhance the diverse character of streets in the Rose Bay Centre.
 - a) To carry out public domain improvements to preserve and enhance the unique character of the individual streets in the centre; and
 - b) To provide specific design criteria for both public and private domain to allow for, and enhance the character of, individual streets.

D6.1.4 Relationship to other parts of the DCP

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

- Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.
- Part F: Land Use Specific Controls - this part contains chapters on Child Care Centres, Educational Establishments, Licensed Premises and Telecommunications.

D6.1.5 How to use this chapter

This chapter is applicable to all development and redevelopment work on private land in the Rose Bay Centre.

The Rose Bay Public Domain Improvements Plan (1999) should also be used as a guide to works in the public domain, and includes details of street tree planting, footpaths, street furniture, and vehicular and pedestrian crossings.

This chapter of the DCP is structured as follows:

D6.1 Introduction

General information about this chapter, including why the chapter was prepared, its aims, and its relationship to other planning documents.

D6.2 Understanding the context

Provides a summary description of the existing urban context. For a more detailed analysis refer to the Rose Bay Centre Urban Design Study, upon which this chapter was based.

D6.3 Urban structure

Provides an understanding of the current urban structure of the centre, and identifies whether the site is located in the Core Area or a Transition Area. Objectives for the future character, form and function of the Rose Bay Centre are described here.

D6.4 Street character

Specifies the desired future character of the street(s) in which the site is located.

Using the built form controls

The development controls are derived from the Rose Bay Centre Urban Design Study. They respond to the objectives set out in Section 6.1.3 and the desired future character described in Section D6.4. Controls have been designed for each individual site in the Rose Bay Centre to optimise development, whilst taking into consideration the potential of adjoining properties and public spaces. This Urban Form Methodology provides a greater certainty of outcome for Council, community and site owners.

Built form controls in the Rose Bay Centre are expressed in:

- graphic form as *building envelopes* on the *control drawings*; and
- written and illustrated form as *development controls*.

These controls must be used in conjunction.

D6.5 Built form envelopes: Control drawings

The controls are in the form of building envelopes, which set the position of development on each site.

There are two control drawings for every site in the Rose Bay Centre showing:

- the ground floor level controls; and
- the upper floor level controls.

The control drawings are accompanied by a descriptive legend, and further explanation is provided in Section D6.6.

D6.6 Development objectives and controls

These explain in written and illustrated form the following four areas of building development:

1. **Use:** Refers to building use such as retail, commercial and residential.
2. **Urban character:** Includes building envelopes, setbacks, heritage, architectural resolution, roof design, awnings, public art, privacy, signage and advertising, and outdoor eating.

-
3. **Open space:** Includes landscaped area, above ground open space such as balconies and roof terraces, and front fences.
 4. **Solar access:** Deals with provision of sunlight to the public and private domain.

Three dimensional images assist in the interpretation of the development guidelines and controls.

A special section deals with the application of bonuses as incentives to the provision of specific public benefits. Applicants seeking bonuses should also refer to the Rose Bay Public Domain Improvements Plan.

All applications will be determined on their individual merits. Applications which depart from any controls or seek concessions for provision of public services or facilities should address:

- ▶ why the specific guidelines or controls should be relaxed for the subject site;
- ▶ how the village atmosphere of the Rose Bay Centre will be maintained; and
- ▶ the urban design and economic benefits to the centre that will result from the proposal.

D6.2 Understanding the context

D6.2.1 Siting

The Rose Bay Centre is strategically located at the neck of the Eastern Suburbs peninsula, one block from the harbour, just north of the large park system and recreational area which occupies the lowest part of the Rose Bay basin.

Important distinguishing characteristics of the centre are its consistent low to medium scale buildings, exceptional landscape quality, and diverse mix of local services, residential apartments and commercial uses, which combine to produce a distinctive village character.

The centre straddles New South Head Road, around its intersections with Dover Road and Newcastle Street. These two streets play an important role as urban connectors, linking New South Head and Old South Head Roads.

D6.2.2 Historical development

The building stock in and around the centre represents a cross section of 20th century architecture of varying quality. Originally part of a series of large private land grants, Rose Bay's early urban development intensified with the extension of the tramline along New South Head Road after 1898.

Due to its key location at two intersections, the centre was able to develop along Newcastle Street and Dover Road. The estates were subdivided and resubdivided between 1900 and 1930 producing the small lots which characterise the centre today. Larger sites generally occur at the fringe of the commercial centre, the result of recent amalgamations.

St Mary Magdalene Church and tower, the Rose Bay Hotel on the corner of Dover Road, the former post office, the Royal Sydney Golf Course and five Norfolk Island pines in Vickery Avenue are the listed heritage items in the immediate vicinity. These buildings and trees contribute prominently to the area's character and help form the established image of Rose Bay. Character buildings that are of architectural merit and are important within the urban form and streetscape of the centre are identified in this chapter of the DCP.

D6.2.3 Built form

There are a surprising number of single storey and two storey buildings in the centre, given the statutory LEP maximum building height (14.1m). With few exceptions the four storey buildings are relatively new. There are two residential towers, developed in the 1960s and 1970s, of six and eight storeys between New South Head Road and the Harbour. The only other tall building element is the tower of St Mary Magdalene Church on New South Head Road.

D6.2.4 Public parks and facilities

There are two pocket parks, Panterong Reserve and Percival Park, within the centre and two others, Tingira Reserve and Caledonian Road, on its periphery. All of these parks, with the exception of Panterong Reserve, enjoy harbour frontage, but are underutilised due to their poor amenity and visibility from the centre. Opportunities exist for the improvement of existing pocket parks and creation of new squares, to provide accessible outdoor spaces in the centre where people can rest while shopping or to eat lunch.

There are numerous leisure facilities in the vicinity; however no community buildings exist in the centre.

D6.2.5 Access and circulation

There is a strong pedestrian ambience in the centre due to the relatively continuous street activity, compact layout and low to medium building scale. Improved footpaths and crossings would increase pedestrian amenity, and reduce the potential for pedestrian/traffic conflict which exists in some areas. Better pedestrian access to the harbour foreshore would benefit the centre.

The Parking Strategy contained within the Public Domain Improvements Plan should be used as a guide to improve parking management.

D6.3 Urban structure

Urban structure comprises the inter-relationship of topography and orientation, street layout, pattern of buildings, location of parks and public facilities, and any special natural or human made features, of a given area. The Rose Bay Centre is located in a valley close to the harbour foreshore, surrounded by gracious residential areas to the north and east, and an extensive system of recreational facilities to the south-west, encompassing parks, golf courses, tennis courts, and a sailing club.

The Rose Bay Centre has a strong urban village character, due in a large part to its neighbourhood scale, variety of retail and local service establishments, and friendly pedestrian ambience. Despite these attributes, the built form generally lacks cohesion due to the broad palette of materials used in buildings of different eras, and the varying architectural quality. A more distinctive building fabric has the potential to further consolidate the centre's presence.

The centre is contained within a few blocks, but currently lacks a focus. Some of the most exceptional features of the area, such as the proximity of the harbour and numerous pocket parks, have little presence in the centre. There is the potential to improve access between the existing foreshore parks and the beach, allowing continuous waterfront access from Lyne Park in the west to Dumaresq Reserve in the east. There is also tremendous opportunity to visually connect Panter Reserve in the centre and Percival Park on the foreshore, by creating a square at the end of Newcastle Street, to make a unique and memorable focus for Rose Bay.

This chapter identifies the Core Area, Transition Area and Entrances (see Figure 3 Urban structure) within the Rose Bay Centre. This classification reinforces the existing urban structure, and enhances its complexity, providing opportunities for different buildings types and uses, in various parts of the centre.

FIGURE 3 Urban structure



D6 | Rose Bay Centre

► Part D | Business Centres

The Core lies between the intersections of New South Head Road with Dover Road and Newcastle Street, and reflects this historically significant route to Watsons Bay. It is the focus of retail activity, defined by buildings which abut the footpath and awnings above, which distinguish it from the surrounding leafy areas. Development in the Core should reinforce its more intense urban quality.

The Transition Areas lie outside the Core in the vicinity of the recreational areas and residential zones, and are an important buffer to these areas. They do not contain the same level of retail activity as the Core but provide residential and commercial uses. They are generally characterised by less continuous building frontage and a stronger landscape presence. The Transition Areas should provide a gradation in development intensity from the Core to the residential and recreational areas.

Entrances are the primary entry points to the centre along New South Head Road, Newcastle Street and Dover Road. Entrances should be more clearly defined to strengthen the centre's containment, enriching the contrast between this busy pedestrian area and its quieter environs.

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D6.4 Street character

The street is the primary organising element of urban structure. The street edge is the place where the public and private domains meet. By defining a particular vision for each street, public domain improvements and private development can be coordinated to produce a desired outcome.

This section of the chapter describes the desired future character of each street in the Rose Bay Centre, based on a synthesis of the public domain objectives set out in Section 6.1.3. The Rose Bay Centre Public Domain Improvements Plan should be used as a guide to works in the public domain, such as street tree planting, footpath design, street furniture and traffic devices. Applicants should also seek advice from Council's Technical Services Division.

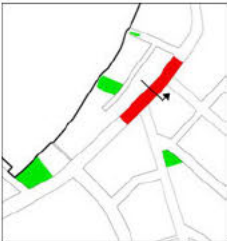
The following is provided for each street in the centre:

- street strategies, which briefly outline the urban design criteria for each street; and
- annotated street sections, which indicate the existing development context and illustrate the desired future character.

This information sets the context for development controls described in Section D6.5 and D6.6, and streetscape changes in the Public Domain Improvements Plan.

D6.4.1 New South Head Road

Core area



Strategy

- Identify and reinforce the core of the Rose Bay Centre, by encouraging retail activity, and enhancing its built edge urban quality.

North-western side

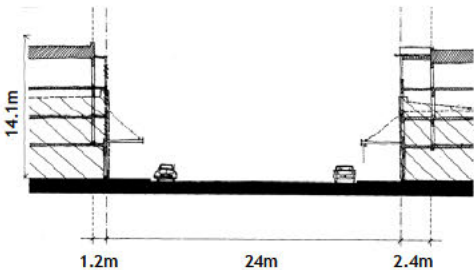
Parapets encouraged

Incorporate sound attenuation devices such as wintergardens

Continuous awnings

Build to the street alignment with glazed retail frontage at street level and commercial / residential above

No vehicular crossings - vehicular access permitted at the rear



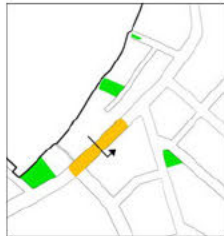
South-eastern side

Build to the street alignment with masonry walls and loggias above street level

Commercial/residential uses above street level

Typical profile of existing buildings
Glazed retail frontage at street level

Transition area



Strategy

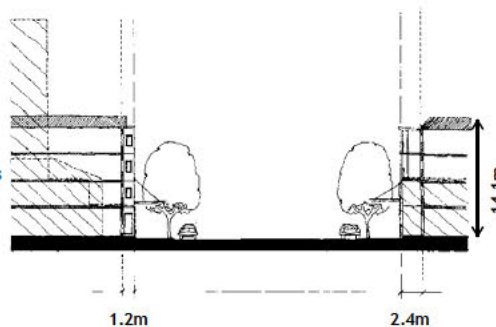
- Create a transition between the Rose Bay Centre core and the recreational/landscape area towards Lyne Park, with a portion of street defined by street trees and a discontinuous wall of buildings on the harbour side.

North-western side

Incorporate sound attenuation devices

Typical profile of existing buildings (dashed outline)

Minimise vehicular crossings



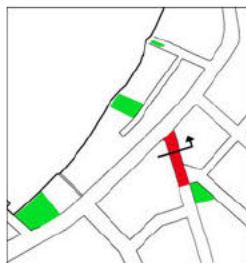
South-eastern side

A variety of roof forms is encouraged

Discontinuous awnings accommodate street tree planting and highlight building entries

D6.4.2 Newcastle Street

Core area



Strategy

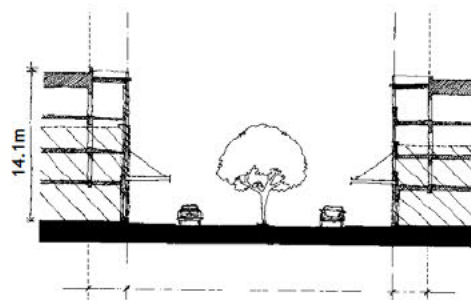
- Reinforce the built street frontage and establish a connection between Pannerong Reserve and the harbour by improving the landscape quality in Newcastle Street.

Western side

Parapets encouraged

Street trees in the median create an intimate scale of street

Build to the street alignment with glazed retail frontage at street level



Eastern side

Build to the street alignment with masonry walls and loggias above street level

Continuous awnings

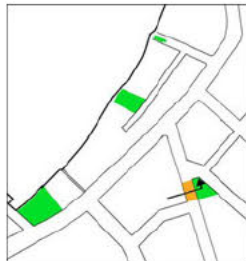
Typical profile of existing buildings (dashed outline)

No vehicular crossings - vehicular access permitted at the rear

D6 | Rose Bay Centre

► Part D | Business Centres

Transition area

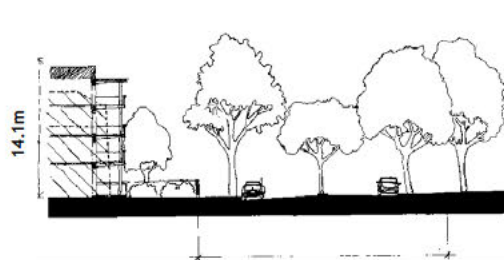


Strategy

- Create a transition opposite Pannerong Reserve to denote the residential area from the centre.

Western side

- A variety of roof forms is encouraged
- Typical profile of existing buildings
- Commercial/residential uses above street level
- Entry canopies allowed
- Commercial uses at street level
- Build to the existing building alignment with front gardens/courtyards at street level
- Minimise vehicular crossings



Eastern side

- Buildings encouraged to overlook the Pannerong Reserve
- Street trees in the median create an intimate scale of street

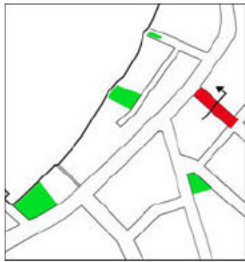
FIGURE 4 View down Newcastle Street to New South Head Road



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D6.4.3 Dover Road



Strategy

- ▶ Create a distinctive framed urban shopping street, defined by retail frontage at street level, with buildings above set back on terraces above, to improve visibility to the Rose Bay Hotel.

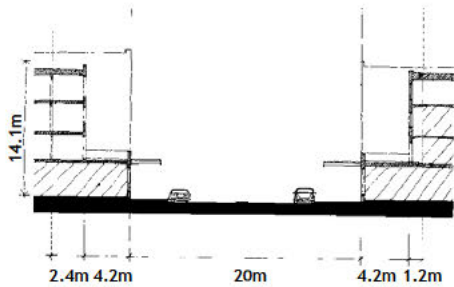
South-western side

Profile of the Rose Bay Hotel

Parapets encouraged

Build behind roof terraces above street level with masonry walls and loggias to enhance the amenity of development and increase the visibility of the Rose Bay Hotel

Continuous awnings



North-eastern side

Build to the street alignment with masonry walls and loggias above street level on the corner site only, to highlight the entrance to New South Head Road

Commercial/residential uses above street level

Build to the street alignment with glazed retail frontage at street level

No vehicular crossings – vehicular access permitted at the rear

D6.4.4 Wilberforce car park edge

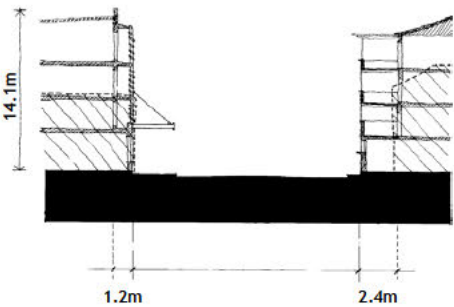


Strategy

- Define the southern edge of the centre and provide pedestrian access through the existing car park site.

North-western side

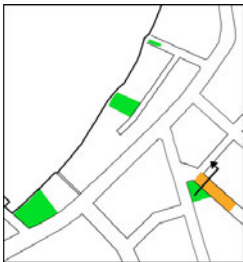
- Encourage parapets
- Build to the street alignment with masonry walls and loggias above ground level
- Build to the boundary alignment with glazed retail frontage at ground level
- Typical profile of existing buildings



South-eastern side

- A variety of roof forms is encouraged
- Commercial/residential uses above ground level
- Build to the street alignment with walls, loggias and balconies which overlook the street
- Commercial uses at ground level

D6.4.5 Wilberforce Avenue



Strategy

- Reconfigure the street alignment to provide a memorable termination to Wilberforce Avenue maintaining the public open space.

South-western side

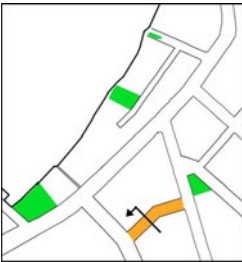
- Supplement the existing tree planting
- Angled parking along Pannerong Reserve



North-eastern side

- For residential zoned land refer to Part B of this DCP
- Buildings encouraged to overlook Pannerong Reserve
- Build to the street alignment in the commercial zone
- A variety of roof forms is encouraged
- Commercial/residential uses above street level
- Commercial uses at street level
- Minimise vehicular crossings

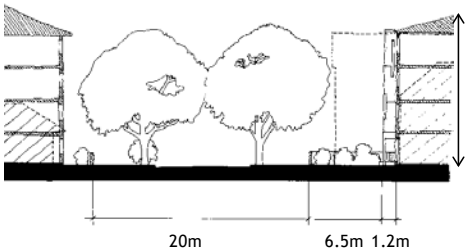
D6.4.6 Richmond Road



Strategy

- Retain the unique character of this predominantly residential street on the periphery of the centre, defined by mature street trees and a discontinuous wall of buildings.

South-eastern side
Maintain the existing street trees
Typical profile of existing buildings
For residential zoned land refer to Part B of this DCP



North-western side
A variety of roof forms is encouraged
Encourage office and other non-retail commercial uses on the ground floor to provide a transition to nearby residential development.
Build walls with windows, loggias and balconies which overlook the street
Build to the existing building line with front gardens/courtyards at street level
Minimise vehicular crossings
Build to the street alignment at the intersection with Newcastle Street to reinforce the corner

D6.4.7 Norwich Road



Strategy

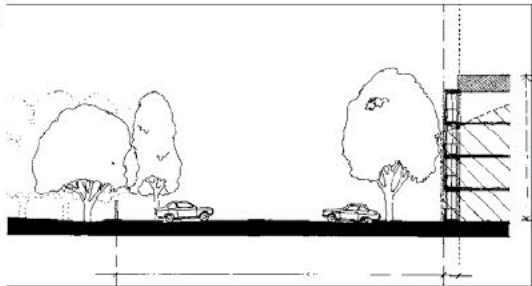
- ▶ Create a defined edge, in terms of both landscape and built form definition, between the centre and the recreational/landscape area in the vicinity of Lyne Park and the Royal Sydney Golf Course.

South-western side

Maintain the existing street trees

Supplement the existing street tree planting

New footpath



North-eastern side

Build to the street alignment with windows, loggias and balconies which overlook the street

Commercial/residential uses above street level

Commercial uses at street level

Typical profile of existing buildings

Minimise vehicular crossings

D6.4.8 Caledonian Road



Strategy

- Retain the unique character of this landscaped residential street to the harbour.

South side

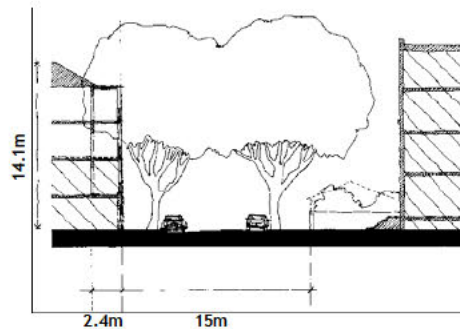
Maintain the existing street trees

Build to the street alignment with windows, loggias and balconies which overlook the street

Commercial/residential uses above street level

Access to street level retail frontage is not permitted

Minimise vehicular crossings



North side

Typical profile of existing buildings

For residential zoned land refer to Part B of this DCP

FIGURE 5 View down Caledonian Road looking towards the harbour



D6.4.9 Collins Avenue



Strategy

- Create a small urban street defined by private tree plantings, strong garden walls, and clearly defined entries on the harbour side, and a continuous and articulated wall of buildings on the south side.

South-eastern side

A variety of roof forms is encouraged

Build to the street alignment with walls, windows, loggias, balconies and terraces above street level

Protect privacy of residential neighbours opposite

Protect privacy of residential neighbours opposite

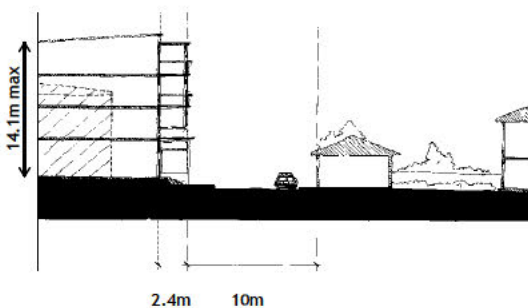
Typical profile of existing buildings

Commercial/residential uses above street level

Build to the street alignment with glazed retail frontage at street level

Widen existing footpath

Minimise vehicular crossings



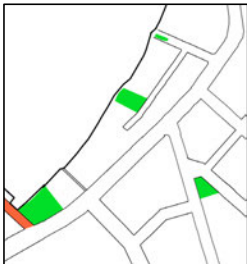
North-western side

For residential zoned land refer to Part B of this DCP

FIGURE 6 View down Collins Avenue from Caledonian Road



D6.4.10 Vickery Avenue



Strategy

- ▶ Strengthen the landscape quality of the street as an entry to Lyne Park with a strong visual connection to the harbour, and link to Tingira Reserve.

D6.5 Built form envelopes: control drawings

D6.5.1 Urban form methodology

This section contains control drawings which show building envelopes for every site in the Rose Bay Centre. The envelopes have been tailored to each site, taking into consideration its particular characteristics.

These include:

- its relationship to the public domain- whether it is located in the Core or a Transition Area, or adjacent to a public park or square;
- the desired future character of the street in which the site is situated;
- its size and orientation;
- the significance of existing buildings and landscape;
- its optimum development potential; and
- the potential of adjoining private properties.





This Urban Form Methodology defines a physical outcome for the centre, whilst encouraging innovative architectural design within the building envelopes given. It provides a greater certainty of outcome for Council, community and site owners.

Controls for the ground floor and upper floor levels differ. At street level the integration of retail and commercial uses, gardens areas, vehicular access and street awnings, are the primary needs to be considered. Upper floor level envelopes are designed to facilitate quality residential and commercial development. For this reason there are two control drawings for each urban block in the Rose Bay Centre, illustrating the ground floor and upper floor level envelopes for every site.

The control drawings in this section should be read in conjunction with Section D6.6 which provides further explanation of the envelopes, and introduces other relevant guidelines and controls.

D6.5.2 Explanatory legend

The control drawings incorporate the following graphic symbols:








BUILDING ENVELOPE

100% of this area per floor may be built on

50% of this area per floor may be built on

PREFERRED BUILDING LINE

Maximum building zone depths or setbacks
Where side setbacks are indicated assume 1m unless otherwise stated



AREA FOR ARTICULATION



ROOF TERRACE

AWNINGS

Continuous



Discontinuous

Awning to ground floor level below



PREFERRED VEHICULAR ACCESS FRONTAGE

PREFERRED PEDESTRIAN ACCESS FRONTAGE



DEEP SOIL LANDSCAPED AREA
Minimum percentage of deep soil landscaped area

COLONNADE ZONE

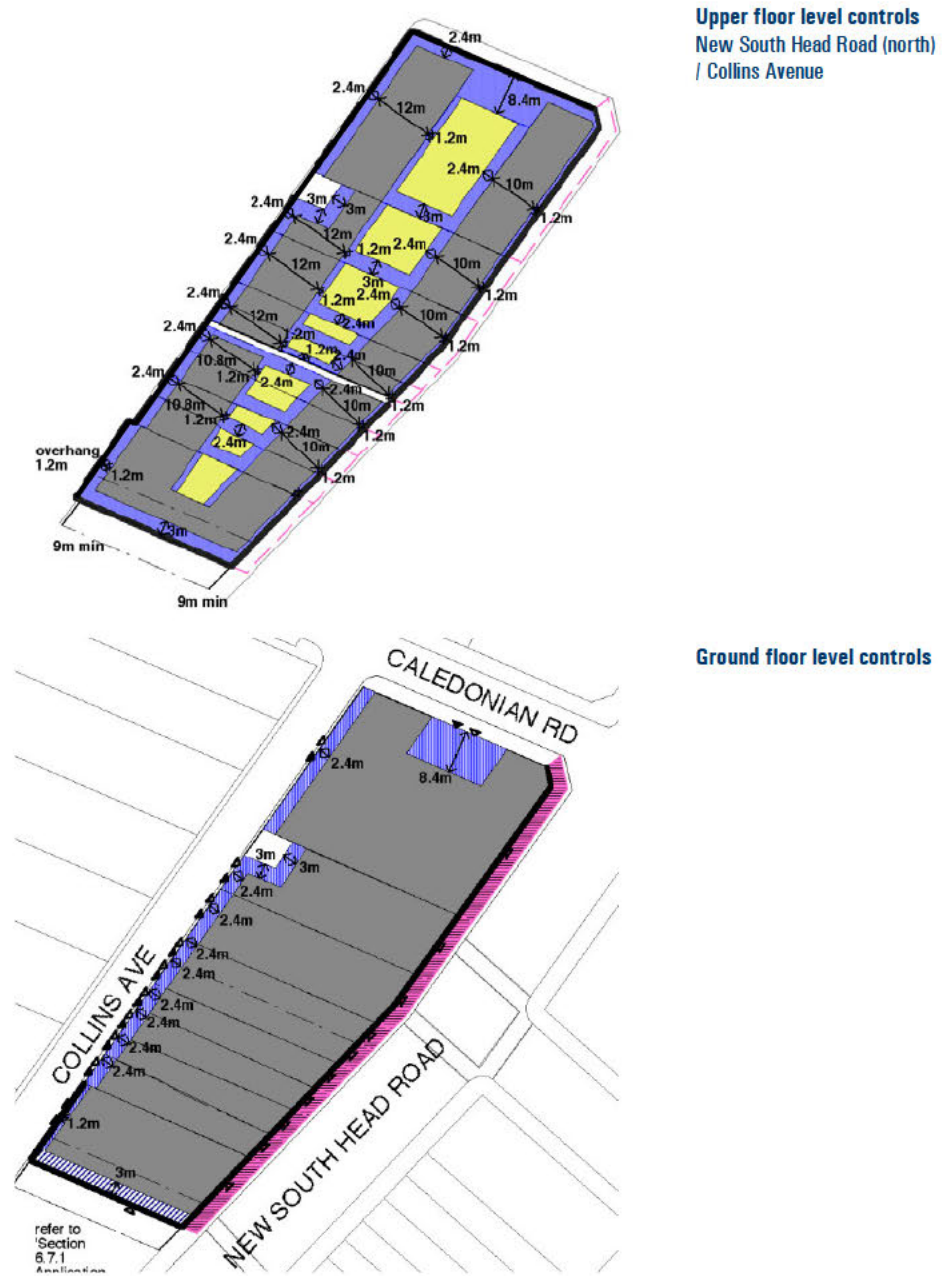
D6.5.3 Rose Bay Centre urban form



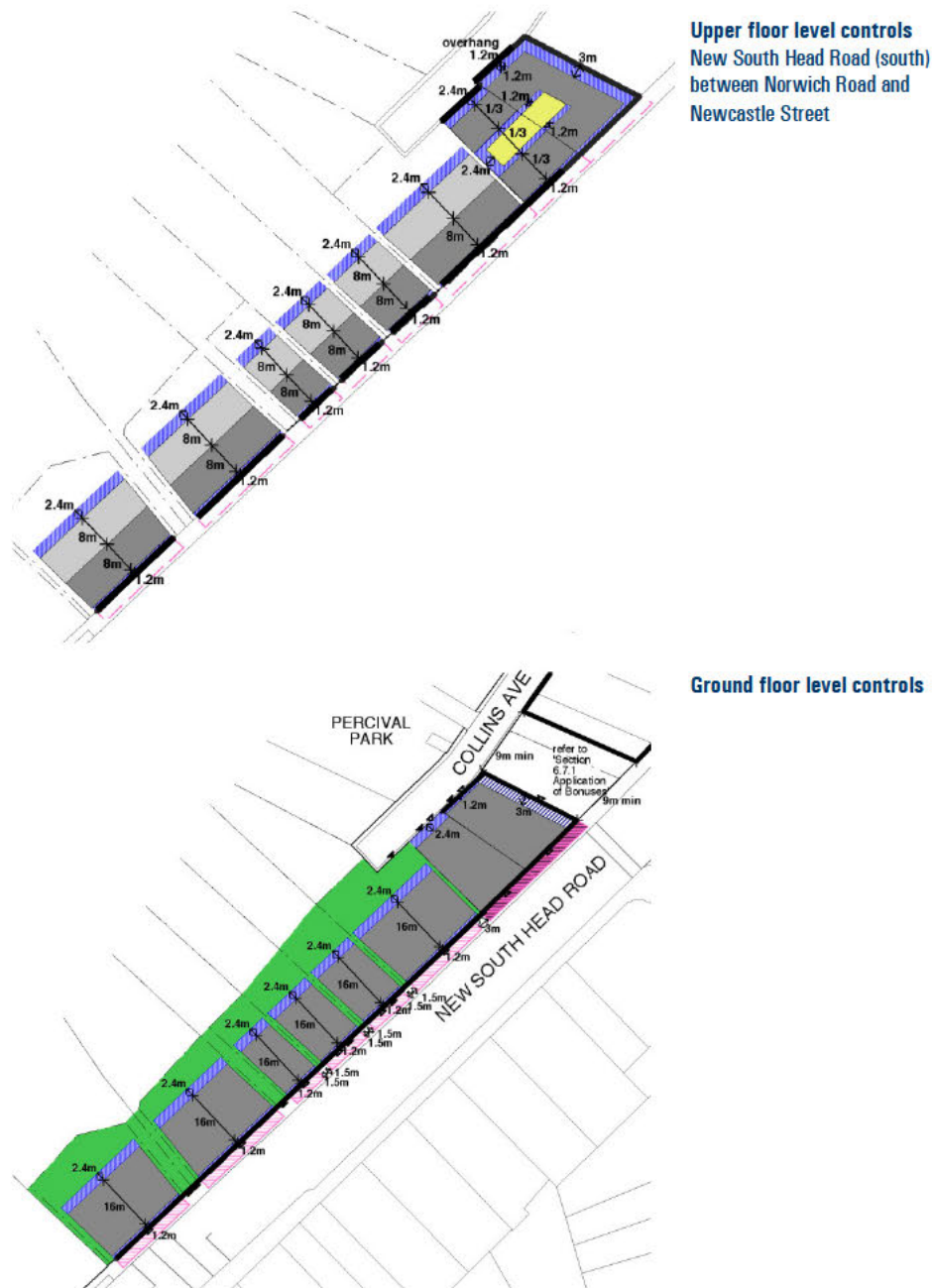
30 August 2021
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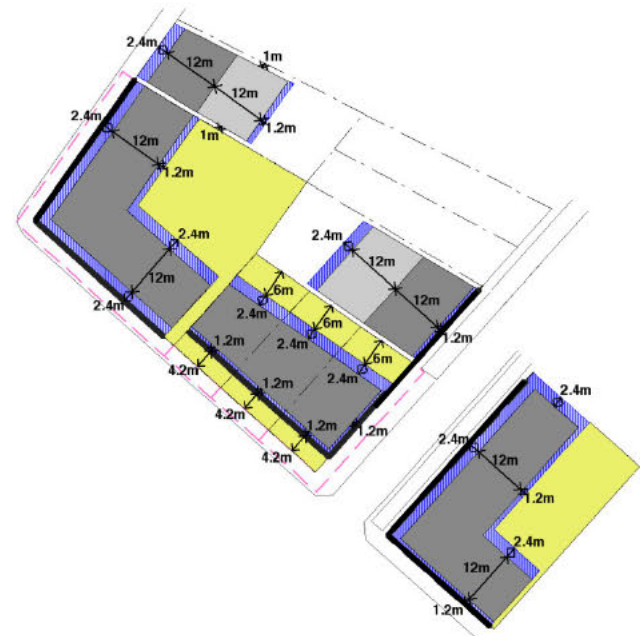
D6.5.4 Control drawing 1



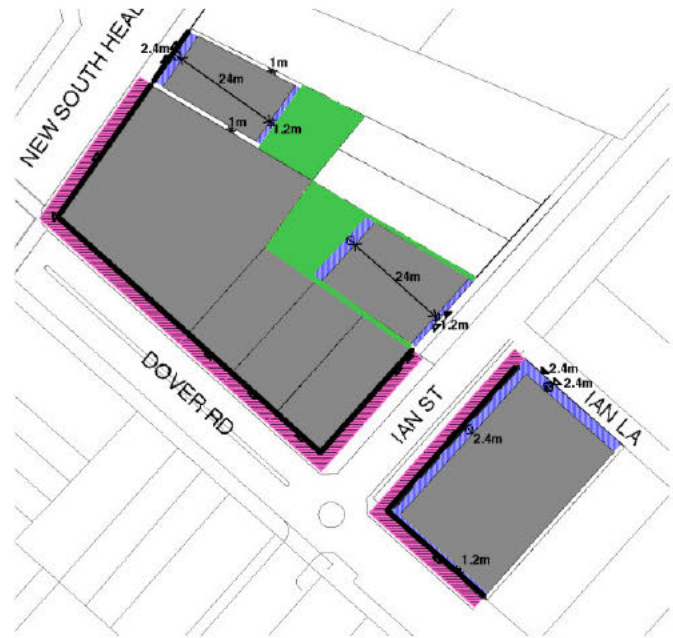
D6.5.5 Control drawing 2



D6.5.6 Control drawing 3



Upper floor level controls
New South Head Road /
Dover Road / Ian Street



Ground floor level controls

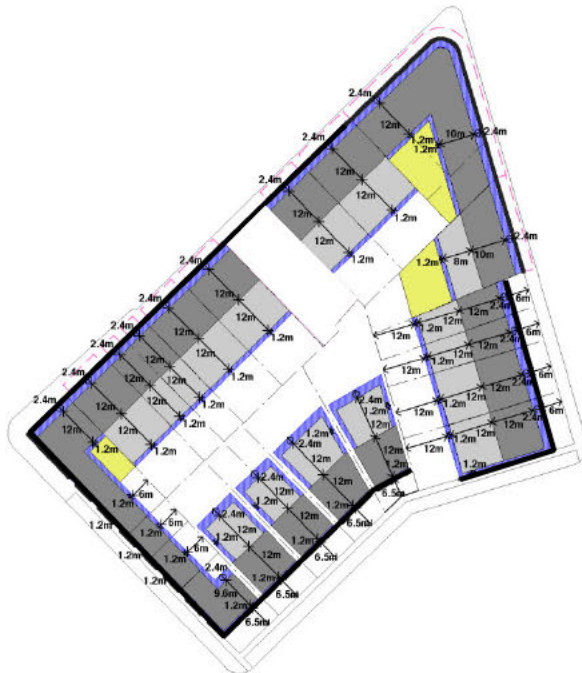
Upper floor level controls
 New South Head Road (south)
 / Dover Road / Newcastle
 Street Wilberforce car park
 edge

Ground floor level controls

NEW SOUTH HEAD ROAD
 DOVER RD
 NEWCASTLE ST
 WILBERFORCE ST

► D6 pg.29

Upper floor level controls
New South Head Road (south)
/ Dover Road / Newcastle
Street



Ground floor level controls



D6.6 Built form: Development objectives and controls

D6.6.1 General format

This section contains the development controls for identified building and site elements in the Rose Bay Centre which constitute its built form. It provides further explanation of the control drawings contained in Section D6.5 and introduces new controls not described in those drawings.

The following format is used:

Introduction

For most policies there is an introduction which explains the need and importance of including that particular element.

Objectives

The objectives define Council's intention. They relate to the aims and objectives in Section D6.3 Urban structure, and the desired future character outlined in Section D6.4 Street character.

Controls

The controls establish the means of achieving the objectives. The controls in this chapter are site specific. This means they have been tailored to each site taking into consideration both the private built form and public spaces, to define a desired future outcome.

This section of the DCP must be read in conjunction with the control drawings which illustrate the site-specific controls. Diagrams are incorporated to assist interpretation.

Not all objectives and controls will be relevant to every development. The applicant must nominate any guidelines and controls which they considered irrelevant, and justify that opinion.

D6.6.2 Use

The distinctive mix of small scale shops, restaurants and local services in the Rose Bay Centre creates a friendly street environment, and caters well for the daily needs of the centre's users. Continuous ground level retail frontage offers the benefits of safety, commercial activity and street life. The provision of commercial uses and housing on upper levels makes a significant contribution to the village character, providing street surveillance and activity in the centre outside business hours.

Objectives

- O1 Enhance the village character of the Rose Bay Centre by encouraging mixed use commercial and residential development.
- O2 Create active street frontages in the Rose Bay Centre by locating retail, commercial and community uses at street level.
- O3 Discourage large scale retail establishments, by limiting the frontage width of individual retail tenancies.

Controls

- C1 Design for a mix of uses within buildings.
- C2 Design adaptable and durable buildings, spaces and places.
- C3 Design for retail, commercial and community uses at ground floor.
- C4 Access to residential uses should not occupy more than 20% of a site's frontage.
- C5 The maximum retail frontage for individual tenancies is 15m.

FIGURE 7 Building use

Retain the range and intensity of existing retail uses in Rose Bay by limiting the width of retail frontages



D6.6.3 Urban character

6.6.3.1 Building envelopes

The building envelope sets the position of the building on the site, and is described on the control drawings. Buildings in the Rose Bay Core are generally row buildings, with development concentrated to the street frontage. They have no side setbacks at the street frontage so clearly define the edges of the street. Buildings are massed away from the centre of blocks, encouraging solar access, natural ventilation and privacy.

Buildings in the Transition Areas are also concentrated towards the street and are built on or close to the street alignment, accommodating private gardens at the rear in many places. Contiguous front gardens in some areas such as Richmond Road make a significant contribution to the streetscape quality.

The building envelopes in Sections 6.5.2-6.5.8 have been designed to work in conjunction with the height and floor space ratio (FSR) controls in Woollahra LEP 2014.

Note: The maximum FSR for the centre is generally 2:1. The maximum height of buildings is generally 14.1m (4 storeys). Bonus height and FSR applies to 682-696 New South Head Road, subject to the provision of the Rose Bay Public Square (see Section 6.6.10.1).

Objectives

- 01 Enhance the urban village character of the Rose Bay centre by encouraging a coherent street character with consistent building types built to, or parallel to the street alignment.
- 02 Take advantage of the centre's unique assets by orientating buildings to address parks and the harbour where possible.
- 03 Retain and promote the pattern of perimeter block development to ensure a high level of amenity to all new development.
- 04 Create exterior garden and courtyard spaces.
- 05 Accommodate commercial uses by allowing deep building footprints at the ground floor level only.

Controls

- C1 Development may only occur within the building envelopes shown on the control drawings (see Sections 6.5.2-6.5.8).
 - C2 Well-designed buildings which achieve the maximum height are encouraged, to enhance the definition of the street edge.
 - C3 The maximum permissible building depth above ground level is 12m.
 - C4 A minimum floor to ceiling height of 2.7m for habitable spaces applies in the centre to provide quality internal environments and facilitate future adaptability of uses.
-

C5 The minimum floor to floor heights for the Rose Bay Centre comply with the table below.

Level	Use	Height
Ground floor	Retail ¹	4m
Levels 2	Commercial office or residential	3.4m
Levels 3-5	Residential	3.1m

¹ Applicants may choose to vary storey height using 3.7m height for ground floor and Level 2 to create double storey spaces with a combined floor to floor height of 7.4m.

FIGURE 8 Building envelope – Potential architectural resolution within a building envelope

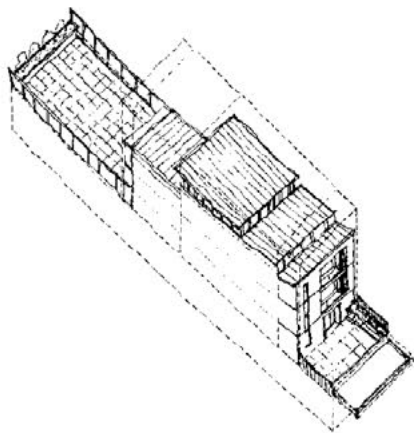
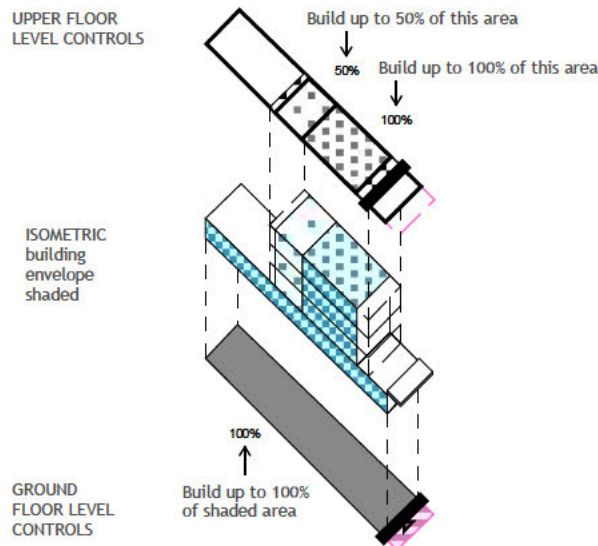


FIGURE 9 Three dimensional controls – Highlighting the building envelope



6.6.3.2 Setbacks

The dominant building type in the Core is the party wall building with zero front and side setbacks.

In Transition Areas the architectural typology is more varied and includes free-standing buildings with relatively small side setbacks. The prevalent building alignment is generally close to the street, accommodating small front gardens and entry porches in some places.

Corner buildings throughout the centre are built to both street alignments, providing strong corner definition.

Objectives

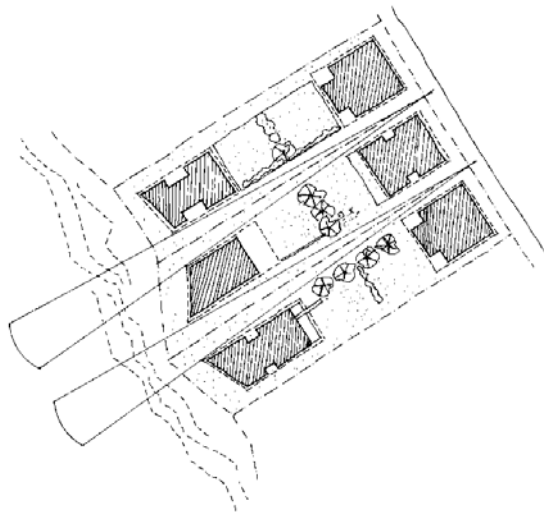
- O1 Retain and enhance the predominant pattern of row buildings only in the Rose Bay Core, and row and free-standing buildings in the Transition Areas.

Controls

- C1 Building alignment should comply with the building lines shown on the control drawings (see Sections 6.5.2-6.5.8)
- C2 Primary door and window openings in living areas should be located towards the street and/or rear garden to protect privacy and encourage integrated private open spaces. Living areas with primary openings facing the side boundary should be avoided.

-
- C3 The design of corner buildings should be considered in relation to street geometry, topography, sight lines and the design of skyline elements.
- C4 Front setbacks are identified as building lines on the control drawings (see Sections 6.5.2-6.5.8). Front setbacks should:
- a) define a coherent alignment to the public domain;
 - b) accentuate significant street corners; and
 - c) accommodate contiguous front gardens in identified areas.
- C5 Side setbacks should:
- a) protect privacy to adjoining buildings;
 - b) protect access to natural light and ventilation;
 - c) provide pedestrian access to the rear of buildings;
 - d) facilitate views from the public domain to the harbour where possible; and
 - e) allow stormwater to flow towards the harbour.
- C6 Rear setbacks should:
- a) provide consolidated landscaped areas at the centre of blocks adjoining residential areas;
 - b) facilitate natural infiltration of stormwater;
 - c) protect privacy to adjoining buildings and gardens; and
 - d) facilitate solar access.

FIGURE 10 Side setbacks – Facilitate views from the public domain to the harbour



6.6.3.3 Building articulation

Building articulation refers to the three dimensional modelling of a building. The control drawings indicate the area for building articulation on a site by site basis (see Sections 6.5.2-6.5.8).

The Street Façade Articulation Zone (SFAZ) establishes the relationship between a building and the street, through the use of entry porches, loggias, balconies, bay windows and the like. Building facades can be articulated to create a strong street address, and enrich the character of the street. The Dover Road frontage of the Rose Bay Hotel in particular, is an excellent example of a well-articulated facade.

Building articulation should respond to environmental conditions such as orientation, noise, breezes, privacy and views, through the use of appropriate sun shading devices, noise barriers, privacy screens, and the careful location of balconies, terraces and loggias. At the rear of a building, articulation should enhance the relationship between the interior and the garden.

The building line determines the position of the facade wall. In certain areas of Rose Bay the building line has been setback from the street alignment. Compliance with this control is required to ensure that the façade aligns with the neighbours at the side boundary. The SFAZ is positioned behind this building line.

The SFAZ is occupied by two types of space:

- External:
 - open balconies;
 - void not occupied by built form; and
 - recessed balconies counted in proportion to the amount of the façade they are open to.
- Internal:
 - habitable rooms;
 - bay windows;
 - enclosed balconies; and
 - wintergardens.

Objectives

- 01 Promote buildings of articulated design and massing, with building facades that contribute to the character of the street, and provide usable private external spaces.
- 02 Encourage buildings to respond to environmental conditions, and promote energy efficient design principles.
- 03 Utilise building articulation elements of appropriate scale to their use and context.
- 04 Reinforce the development pattern of buildings on the street alignment in the Core.
- 05 Reinforce the more open streetscape quality in the Transition Areas.

Controls

- C1 To achieve high quality architectural resolution on frontages that address a street, the following percentages of internal and external space should be incorporated with the composition of the building for all floors above ground level.

Note: The use of a palette of articulation elements is recommended to achieve high quality architectural resolution.

Arrangement ONE - Street Façade Articulation of buildings in the Core area:

- Buildings in the core area must provide 80% internal space and 20% external space in the SFAZ.
- Where the control diagrams indicate that articulation on parts of the building envelope that are not in the SFAZ, the mix of internal and external space is discretionary.

Note: This variation requires that the majority of the SFAZ is expressed as solid producing a more building suited to the activity associated with the business core.

FIGURE 11 Street façade articulation in the Core Area – refer to Articulation Arrangement ONE

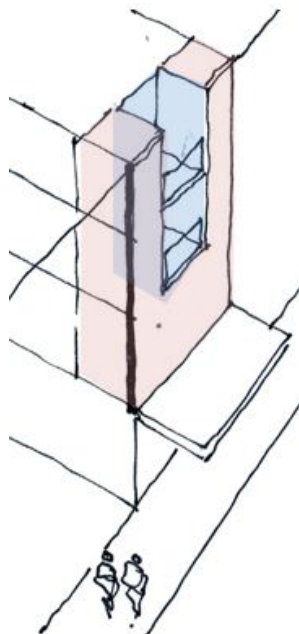
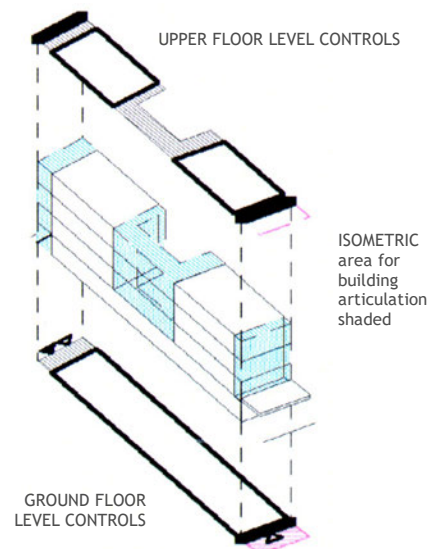


FIGURE 12 Three dimensional controls – Highlighting the area for building articulation in the Core



Arrangement TWO - Street Façade Articulation of buildings in the Transition Area:

- a) Buildings in the Transition Area must provide 30% internal space and 70% external space in the SFAZ.
- b) Buildings on New South Head Road should be designed to reduce amenity impacts from traffic noise. Bedrooms should be located away from noise sources.
- c) Private open space elements such as balconies, should be predominantly north, east and west facing, and should be designed to ensure visual and acoustic privacy of occupants and neighbours.
- d) Where the control diagrams indicate that articulation on parts of the building envelope that are not in the SFAZ, the mix of internal and external space is discretionary.

Note: This variation requires a far more open façade compared to the core with greater potential for larger residential balconies.

FIGURE 13 Street façade articulation in the Transition Area – refer to Articulation Arrangement TWO

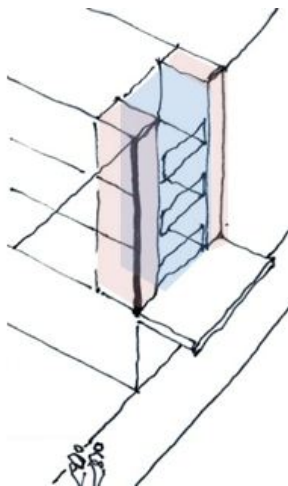
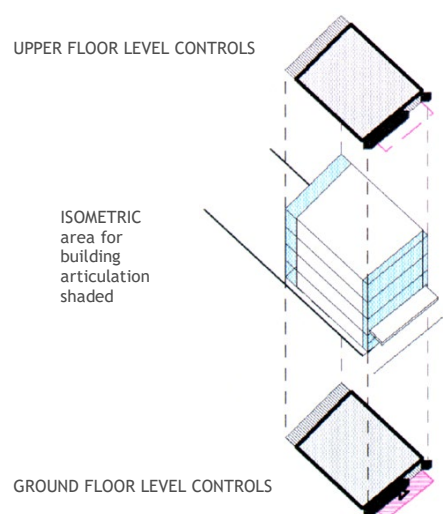


FIGURE 14 Three dimensional controls – Highlighting the area for building articulation in the Transition Area



6.6.3.4 Heritage and conservation

Council supports the conservation of the rich mixture of buildings, parks and places of special significance within the Municipality. Woollahra LEP 2014 contains various controls on the conservation of items and areas of environmental and heritage significance. The LEP also contains incentives for developments which include the conservation of heritage items.

The Rose Bay Hotel, the former Rose Bay Post Office and two pines in Vickery Avenue are the only listed heritage items in the Rose Bay Centre. The Rose Bay Centre Urban Design Study 1998 identified an additional five character buildings which are shown in Figure 16. These buildings have high streetscape value because of their strong architectural character and the way in which they address the street. There are no heritage conservation areas in the Rose Bay Centre.

The grove of paperbarks adjoining the west side of Norwich Road is heritage listed and included on the significant tree register. The paperbarks contribute to the streetscape of Norwich Road by providing a soft edge and afternoon shade. Other tree groves which make a contribution to the streetscape are the bushbox on Richmond Road and figs on Caledonian Road. These two groves are on both sides of the road and form a united canopy shading the road and footpaths.

Objectives

- O1 Protect and enhance items of environmental and heritage significance and character buildings (see Figure 16 Character buildings).
- O2 All new developments and works to existing developments are to be designed to be compatible with the heritage significance of listed heritage items and nominated character buildings.

Controls

- C1 Development proposals on sites containing heritage items must retain heritage significance.
- C2 Development proposals on sites containing character buildings or heritage items must demonstrate that the architectural and streetscape value of the building would be retained or enhanced by the proposal.
- C3 Development to a character building or heritage item is to respect the building and complement and enhance the key characteristics of the building including:
 - a) street edge definition;
 - b) its material, detailing and character;
 - c) its holistic building character related to articulation, massing, and patterns and distribution of wall opening.

Note: Where a development involves a heritage item, a statement of heritage impact must be lodged with a development application. That statement must set out the heritage significance of the place and the effect the proposed works will have on the significance of the heritage item.

FIGURE 15 Rose Bay Hotel



FIGURE 16 Character buildings



6.6.3.5 Architectural resolution

Buildings in the Rose Bay Centre represent a cross section of 20th century architecture, with no period predominating, and are of varied quality. High quality architectural resolution can help to define a local identity.

Objectives

- O1 Promote high quality architectural design throughout the Rose Bay Centre to create a desirable living and working environment.
- O2 Encourage a more coherent streetscape.
- O3 Minimise the negative impacts of glare and reflectivity on adjoining public and private properties.
- O4 To ensure that development enhances the visual quality and identity of the centre through well considered design, high quality materials and facade colours that do not dominate the street.

Controls

- C1 A clear street address to each building should be provided. Pedestrian entries should be well defined.
- C2 Vehicular entries should be discrete and minimise conflicts with pedestrians.
- C3 Materials which are compatible with the existing development context, such as red face brick and rendered masonry, should be encouraged in street facade design.
- C4 The colour of the building facade is not intrusive or unreasonably dominant within the streetscape, and is compatible with the character of the centre. Exterior colours should be appropriate to the context, and should not draw undue attention to the building. The external painting of a building in bright colours, corporate colours or fluorescent colours should be avoided. Any individual business branding and identity in external painting and colour schemes is to be subordinate to the main colour schemes in the street. (Also refer to Part E of this DCP, Chapter E7 Signage, When external painting of a building constitutes a wall sign).
- C5 New buildings and facades do not result in glare that causes discomfort or threatens safety of pedestrians or drivers.

Note: A reflectivity report that analyses the potential glare from the proposed new development on pedestrians or motorists may be required.
- C6 Extensive areas of unprotected glazing are not permitted.
- C7 Predominantly glazed shopfronts are to be provided to ground floor retail areas.
- C8 Street corners are to be strengthened by massing and building articulation.
- C9 Roller shutters to shopfronts are not permitted.

- C10 The design of window and balcony openings should take into account the streetscape, heritage items, privacy, orientation and outlook.
- C11 Blank party walls are to be avoided.
- C12 Facades are to be richly articulated and should express the different levels of the building and/or its functions.
- C13 Commercial space should be designed to permit maximum flexibility for future uses.
- C14 All rooms above ground floor level, including kitchens and bathrooms, are to have windows/skylights wherever possible.
- C15 The residential component of buildings must contain a variety of apartment sizes and layouts.

FIGURE 17 Facades – Richly articulated with deep modelling and shadows



6.6.3.6 Roof design

The Rose Bay Centre Core is characterised by a predominance of buildings with articulated parapets, which contribute to its urban quality.

Roof forms vary with building type and architectural style in the Transition Areas, and include hips, gables, flat roofs and parapets.

Objectives

- O1 Promote design that contributes to the definition of the Core.
- O2 Encourage roof design to create a distinctive silhouette to buildings.

Controls

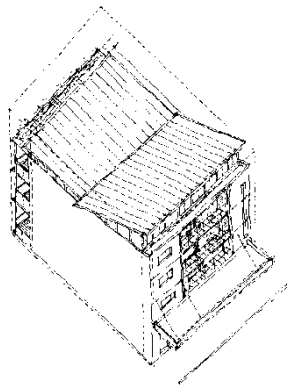
- C1 The use of parapets is encouraged in the Core.
- C2 The profile and silhouette of parapets, eaves and roof top elements must be considered in roof design.
- C3 Where pitched roofs are proposed, the angle of the pitch should be compatible with the existing development context.
- C4 Roof design should minimise building bulk and overshadowing.
- C5 Roof terraces are encouraged (see detailed provisions in Section 6.6.5.2 Above ground open space).
- C6 Air conditioning plant and equipment must be concealed from the exterior and be within the building. When roof plant is proposed it must be integrated with the design of the roof and the composition of the building and not be readily visible from the public domain.

FIGURE 18 Roof design – Pitched roofs integrated with broken parapet lines in the Core



FIGURE 19 Roof design – Roof forms must be contained within the building envelope.

Varying roof forms including hips, gables, flat roofs and parapets are encouraged in the Transition Areas



6.6.3.7 Awnings

Relatively continuous awnings provide wet weather protection and shade to shoppers in the busy Core. Awnings in the Transition Areas are more varied and less continuous, and are often used to highlight building entrances.

Objectives

Core

- 01 Retain and supplement the existing awnings to provide continuous and coherent awning cover along footpaths.

Transition Areas

- 02 Retain and supplement the existing awnings to provide discontinuous awning cover along footpaths to accommodate new street tree planting.

Controls

Core

- C1 Development must provide continuous awnings to street frontages as indicated on the control drawings. Awning design should be suspended steel box section type with a minimum soffit height of 3.2m. Awning height should provide continuity with adjoining properties.
- C2 Canvas blinds along the outer edge of awnings may be used to provide sun shading to the east and west facades. These blinds must not carry signage or advertising.

Transition Areas

- C3 Development must provide discontinuous awnings where indicated on the control drawings. These awnings should provide cover to building entrances.
- C4 The provision of under awning lighting is encouraged. Under awning lighting may be recessed into the soffit of the awning or wall mounted on the building.

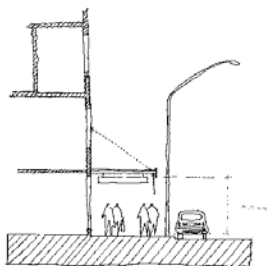


FIGURE 20 Awning design
Suspended steel box section type with a minimum soffit height of 3.2m

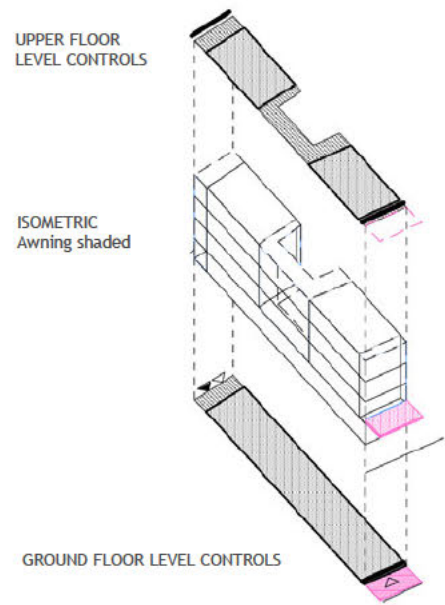


FIGURE 21 Three dimensional controls – Core area
Highlighting the continuous awnings



FIGURE 22 Three dimensional controls – Transition area
Highlighting the discontinuous awning zone which accommodates street tree planting.

6.6.3.8 Public art

Public art in developments can enhance the experience of the occupants and contribute to a sense of place.

Objectives

- O1 To require the provision of public art in significant or large-scale developments.
- O2 To integrate the public art so it is a cohesive part of the building design, interior or landscaping of the development.
- O3 To design and locate the public art so that the aesthetics and amenity of the art can be appreciated by people within and outside the development.
- O4 To enhance the experience of the occupants of the development and their relationship with the development through public art.
- O5 To use public art to facilitate a connectedness between the development and the public domain.

Controls

- C1 Development with a capital investment value of \$15M or more includes public art.
- C2 The public art is installed on the development site or in the immediate vicinity of the site.
- C3 The public art is located so that it is not unreasonably inaccessible or obscured by a building element which makes it impossible to see in full by the building occupants and the general public.
- C4 The public art is prepared and undertaken in accordance with the Woollahra Public Art Guidelines for Developers.

D6.6.4 Visual and acoustic privacy

Privacy is an important consideration in relation to the residential component of the Rose Bay Centre and neighbours adjacent to the centre, as it is a major determinant of environmental amenity.

Objectives

- O1 Ensure adequate visual and acoustic privacy to residential apartments in the centre and private open spaces.
- O2 Protect the privacy of adjacent residential neighbours.

Controls

Visual privacy

- C1 Visual privacy is to be protected by providing adequate distance between opposite windows of neighbouring dwellings where direct view is not restricted by screening or planting (see Figure 23 Visual and acoustic privacy).
- C2 Main living spaces are to be oriented to the street or rear garden to avoid overlooking between neighbouring properties. Living areas with primary openings facing the side boundary should be avoided.

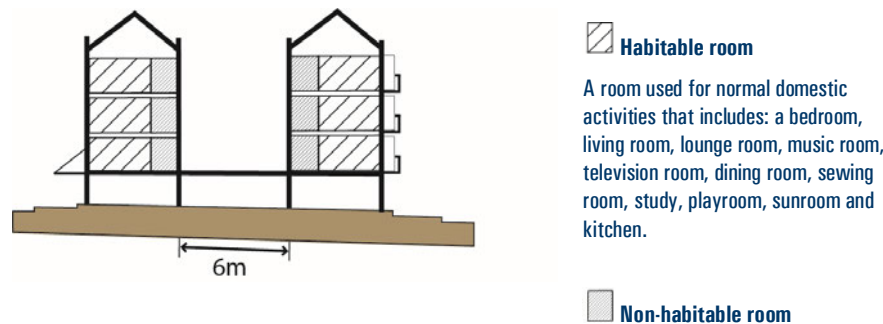
Acoustic privacy

- C3 Buildings are to be sited to minimise the transmission of external noise to other buildings on the site and on adjacent land.
- C4 The internal layout of rooms, courtyards, terraces and balconies, the use of openings, screens and blade walls, and choice of materials, should be designed to minimise the transmission of noise externally.
- C5 Bedroom areas are separated by way of barriers or distance, from on-site noise sources such as active recreation areas, car parks, vehicle accessways and service equipment areas.
- C6 Restaurants and cafes should be designed to minimise the impact of noise associated with late night operation, on nearby residents.
- C7 Rear courtyards would only be permitted for restaurant use if Council is satisfied that the hours of operation would not have an unreasonable impact on residential amenity
- C8 Noise impact associated with goods delivery and garbage collection, particularly early morning, should be minimised.

Note: Council may require a Noise Impact Assessment Report to accompany a Development Application.

FIGURE 23 Visual and acoustic privacy

Minimum distances for visual and acoustic privacy



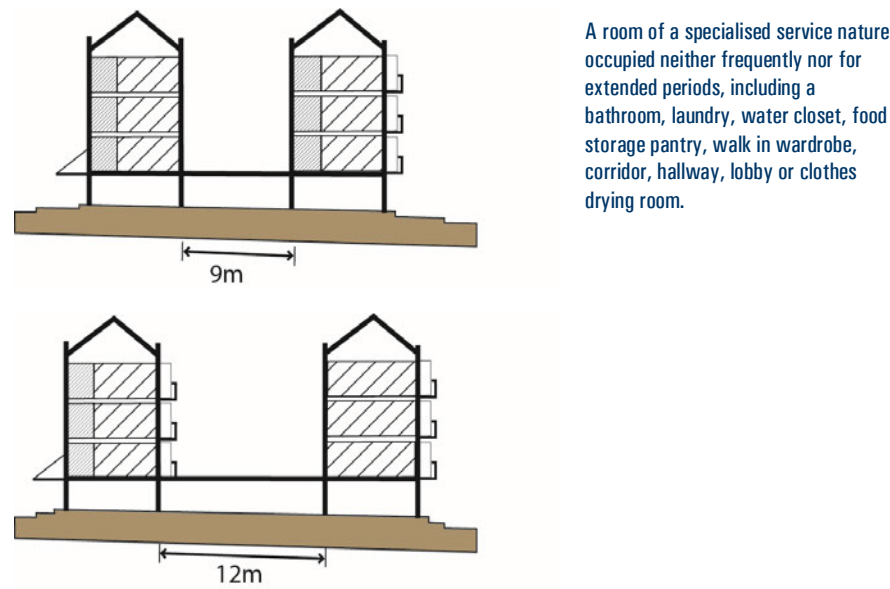
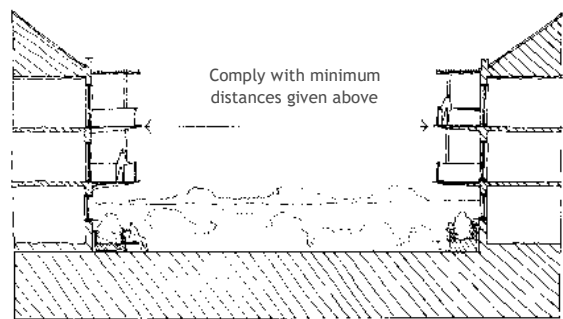


FIGURE 24 Ensure adequate separation between unscreened balconies
Privacy at ground floor level provided by suitable sill heights and planting



A line drawing of a building facade. On the left, a balcony with a railing extends from the building. A person is standing on the balcony, looking out. To the right of the balcony is a large window with a frame. The building is situated on a ground level indicated by a horizontal line. The sky is represented by a series of wavy lines.

D6.6.5 Private open space

Private open space includes landscaped area (such as permeable garden areas), and above ground open space such as roof gardens over car parking, terraces, loggias, balconies or decks. The accessibility of comfortable private and communal outdoor living areas is a major determinant of the ability of occupants to enjoy living and working in the centre. Open space plays an important role in the identity of the Rose Bay Centre, and assists stormwater management.

6.6.5.1 Landscaped area

Landscaped area is an important contributing factor to the identity of the Rose Bay Centre.

Whilst the provision of deep soil landscaped area in the Core is limited due to the deep plan requirements of shops on the ground floor, the existing leafy character of the Transition Areas is formed in a large part by private gardens, which collectively create larger scale landscape spaces.

Deep soil landscaped areas play an important role in stormwater management. Contiguous garden areas assist site drainage and reducing runoff.

There is no deep soil landscaped area requirement for sites located in the Core.

FIGURE 27 Three dimensional controls – Highlighting the area for deep soil landscaped area

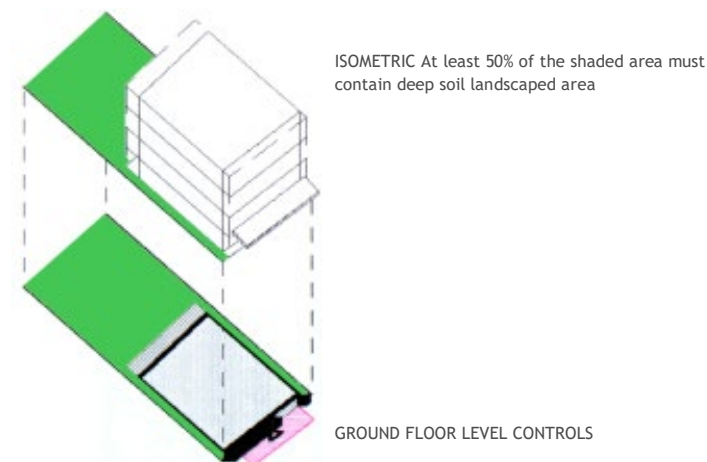


FIGURE 28 Rear gardens

At least 50% of the area nominated in the control drawing should contain deep soil landscaped area

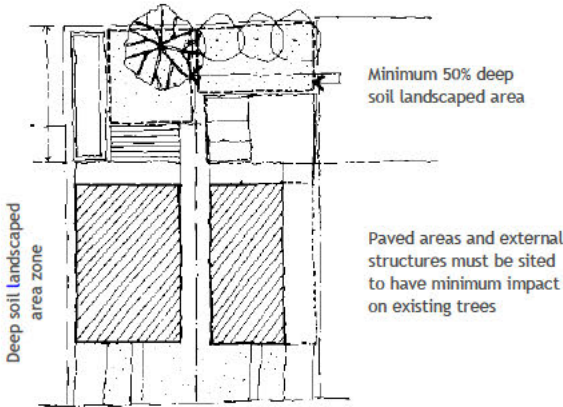
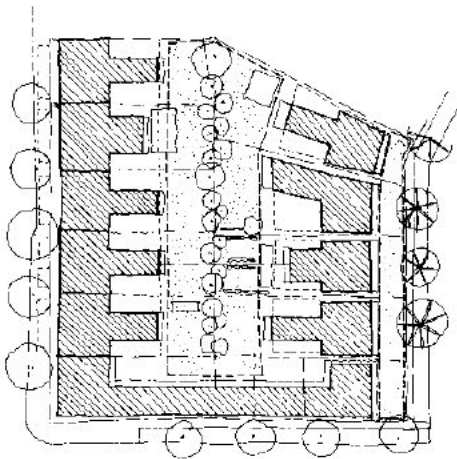


FIGURE 29 Contiguous gardens

Create contiguous garden areas to form large scale landscape space



Objectives

- O1 Maintain and enhance landscape quality on private land.
- O2 Encourage contiguous rear garden areas in the middle of blocks to enable retention of existing significant trees and to allow new planting of tall trees.
- O3 Encourage contiguous front garden areas to strengthen the street character and allow street surveillance.
- O4 Assist in stormwater control by maximising on-site infiltration through the use of permeable surfaces, and providing stormwater detention in the consolidated landscape areas.
- O5 Encourage the use of planting to assist in energy conservation in buildings and comfort of outdoor living areas, and to protect privacy through screening.

Controls

General

- C1 The area of deep soil landscaped area should be at least 50% of the area outside the building envelope.
- C2 Planting of larger trees is encouraged to maintain Rose Bay's existing leafy quality. Where views are an issue, plant high branching native trees, or deciduous trees. In smaller courtyard spaces deciduous tree planting is preferred.
- C3 Provide trees and pergolas to shade external areas and control sunlight into buildings.
- C4 Paved areas and external structures must be sited to have minimum impact on existing significant trees.
- C5 A landscape plan is submitted as part of any development application that includes a component of multi dwelling housing.

Front gardens

- C6 Design front gardens to provide a positive setting for the building.
- C7 Design front gardens for security by providing adequate lighting to entrances. Avoid planting which may obscure the entry.
- C8 Garden structures such as gazebos, clothes lines, play equipment, swimming pools, spa baths and ponds, are not permitted in front gardens.
- C9 Garages and parking structures are not permitted forward of the building alignment.
- C10 Minimise the impact of driveways in front gardens by design, materials selection and appropriate screen planting.
- C11 Driveways, kerb crossings, parking, paved areas and external structures must be sited to have minimum impact on the root zone of existing street trees.

6.6.5.2 Above ground open space

The provision of deep soil landscaped areas, particularly in the Core is limited due to the deep plan requirements of shops on the ground floor, and underground parking. In these areas open space must be provided above ground, as roof gardens over car parking, roof terraces, loggias, balconies, and verandahs (refer to control drawings in Sections 6.5.2-6.5.8).

Objectives

- O1 Ensure every dwelling in the Rose Bay Centre has access to private open space by providing usable above ground open space on sites where there is no requirement for deep soil landscaped area. Refer to control drawings.
- O2 Encourage occupied roof areas with roof gardens behind parapets where private open space at ground level is not available.

Controls

- C1 Where direct access to ground level private open space is not available, provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. The minimum area of this element is determined by the dwelling size (see table). The minimum permissible depth is 1.8m and the preferred depth is 2.4m. This element should be accessible from a principal living space.

Dwelling size	Minimum required area of above ground open space
Small dwelling: Up to 60m ²	8m ²
Medium dwelling: 60m ² - 90m ²	12m ²
Large dwelling: More than 90m ²	16m ²

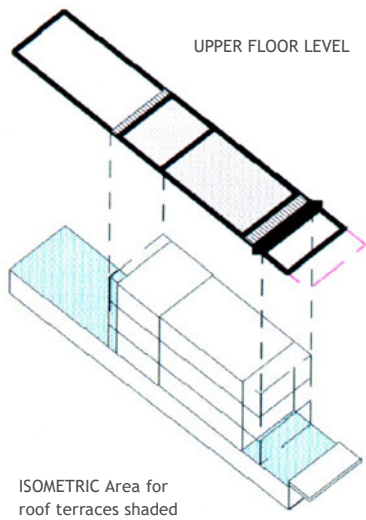
- C2 Roof terraces and balconies must be designed to protect the privacy of neighbours.
- C3 The profile and silhouette of parapets, eaves and roof top elements must be considered in roof terrace design to provide an attractive building finish when viewed from the public and private domain.
- C4 Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building, and do not significantly affect the views enjoyed by adjoining properties, or those in the vicinity or on the nearby ridges.
- C5 Plantings over underground structures should have sufficient soil depth to allow sustainable planting.

Note: A site specific landscape specification is to be prepared for landscaping above underground structures. The specification should include considerations such as plant species, soil depth and drainage.

FIGURE 30 Above ground open space
Lightweight pergolas, sun screens and planters can enhance the quality of roof spaces, and provide privacy



FIGURE 31 Three dimensional controls – Highlighting the area for roof terraces



6.6.5.3 Front fences

Front fences occur only in the Transition Areas in the Rose Bay Centre where buildings are set back from the street alignment. They are generally integrated with the architecture of the building, enhancing its character, and contributing to the visual appeal of the street.

Objectives

- O1 Encourage the design of front fences which enrich the streetscape in Transition Areas.
- O2 Ensure street surveillance is possible to assist safety.

Controls

- C1 The maximum height of front fences is 1.2m.
- C2 Fences should be integrated with the building and landscape design through the use of materials and detailing.
- C3 Fences should highlight building entrances, and allow for outlook and street surveillance.

D6.6.6 Solar access and natural ventilation

6.6.6.1 Solar access

Solar access is a major determinant of environmental comfort. Good passive solar design offers financial benefits by reducing the need for artificial heating and cooling.

Objectives

- O1 Minimise overshadowing of adjoining properties or publicly accessible spaces.
- O2 Building form, spacing, and layout should facilitate good solar access to both the internal and external living spaces, to maximise natural heating and cooling and minimise the use of artificial systems.

Controls

- C1 Development should comply with the control drawings in Section D6.5 to ensure adequate solar access is provided to neighbouring properties.
- C2 Development which does not comply with the control diagrams must maintain existing solar access to existing development for at least three hours between 9am and 3pm on 21 June

to north facing windows of habitable rooms, and at least two hours to at least 50% of the private open space.

- C3 Access to sunlight should be achieved for a minimum period of three hours between 9am and 3pm on 21 June to windows of habitable rooms and two hours to private open space of new development.
- C4 The overshadowing effect of new buildings on public domain areas are to be considered for the hours of 10am to 2pm on 21 March, 21 June and 24 September.
- C5 Locate main living spaces including lounge, dining, kitchen and family rooms towards the north where possible. Consideration should also be given to slope, views, existing vegetation, overshadowing and streetscape.
- C6 Skylights which provide the sole source of daylight and ventilation to habitable rooms are not permitted in residential or commercial areas.

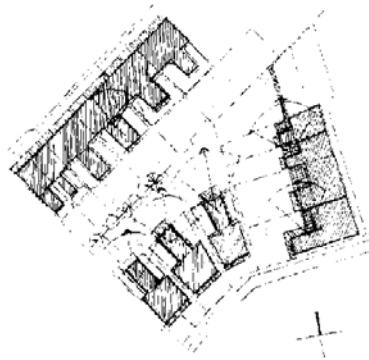


FIGURE 32 Solar access

Building form modulated within envelope to maximise good solar access to internal and external living spaces

6.6.6.2 Natural ventilation

Building envelopes in this chapter encourage building depths on floors above street level that allow good natural ventilation and light. The location of the Rose Bay Centre in proximity to the harbour provides access to cooling summer breezes.

Objectives

- O1 All buildings should be designed for good natural ventilation.

Controls

- C1 Provide windows to all rooms above ground floor level, including kitchens and bathrooms, to facilitate natural light and ventilation. Minimise the reliance on mechanical ventilation or air conditioning above ground level.
- C2 Facilitate cross ventilation by locating windows opposite each other where possible. The placement of small low windows on the windward side of a building, and larger higher windows on the leeward side, will encourage cross ventilation.

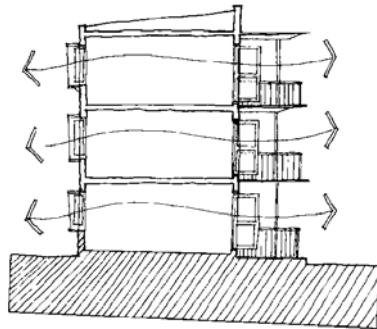


FIGURE 33 Cross ventilation

Thin cross-section design achieves good cross ventilation and avoids need for internal rooms

D6.6.7 Parking and servicing

6.6.7.1 On-site parking

On-site parking includes surface parking areas, car parking structures, semi-basement and underground parking areas.

The opportunity for on-site parking is restricted in many areas of the Rose Bay Centre. The narrow width of some lots makes it impossible to accommodate more than two spaces onsite, and site excavation for underground parking is made difficult by the level of the existing water table in the centre.

This chapter aims to satisfy the parking demand likely to be generated by future development, whilst facilitating the redevelopment of narrow sites and discouraging over-reliance on cars.

Objectives

- O1 Facilitate the redevelopment or incremental development of narrow sites by implementing a parking contributions scheme to provide public car parking.
- O2 Ensure the impact of car parking on the site and streetscape is handled discretely.
- O3 Ensure the design of on-site car parking is safe and efficient, and integrated with the overall site and building design.
- O4 Maximise natural light and ventilation to parking areas where possible.

Controls

General

- C1 Car parking provision must comply with Part E of this DCP, the Chapter E1 Parking and Access.
- C2 Car parking should be incorporated within the building, behind the building alignment.
- C3 Consolidated parking areas should be provided below ground or screened from the street and concentrated under building footprints, to maximise the area for landscaped area.
- C4 Basement parking should be naturally lit and ventilated, where practical.

Note: Where the parking involves excavation, Council will normally require geotechnical and hydrological reports prepared in accordance with the Council's 'Guide for preparing Geotechnical and Hydrogeological Reports' to demonstrate that there are no adverse geotechnical or hydrogeological impacts on any surrounding property and infrastructure as a consequence of the carrying out of development.

Retail component

- C5 Retail development is required to provide a minimum of 80% of the required parking as an off-site contribution with the balance of the spaces provided on-site as private parking. The provisions for the off-site contribution are detailed in the Woollahra Section 94 Contributions Plan.

Commercial component

- C6 Commercial development is required to provide a minimum of 80% of the required parking on-site as private parking with the balance of the required spaces provided as an off-site contribution.
- C7 The provisions for the off-site contribution are detailed in the Woollahra Section 94 Contributions Plan.

6.6.7.2 Vehicular access

Vehicular access frontage, as indicated on the control drawings, is the preferred location for vehicular access to private sites (see Sections 6.5.2-6.5.8).

The continuity of retail frontages contributes to the liveliness of the Rose Bay Centre and its village character. Vehicular crossings interrupt street activity, diminish the amenity of the place, and reduce the area for public on-street parking.

Objectives

- O1 Encourage discrete access to car parking and servicing.
 - O2 Maximise retail frontage in nominated streets.
 - O3 Maximise pedestrian safety and amenity by minimising conflict with vehicles.
-

Controls

- C1 In the Core vehicular access is only permitted via a rear lane, rear right of way, or side street.
- C2 In the Transition Areas vehicular access must be via a rear lane, rear right of way, or side street where such access is available.
- C3 Driveway widths should be minimised.
- C4 Allow up to one two-way driveway per development. Two single driveways may only be provided where the distance between crossings exceeds 30m.
- C5 Driveways to underground car parks should be designed with minimal visual impact on the street, and maximum pedestrian safety. Pedestrian access to the development should be separate and clearly defined. Garage doors should be set back. Access ways to underground car parking should not be located in direct proximity to doors or windows to habitable rooms.
- C6 Driveways and kerb crossings must be sited to have minimum impact on the root zone of existing street trees (refer to the Public Domain Improvements Plan and Streetscape Design Manual advice from Council's Technical Services Division).
- C7 Driveways must be located in alignment with the garage. They must occupy a minimum proportion of any front garden area.

FIGURE 34 Three dimensional controls – Highlighting the preferred vehicular access frontage

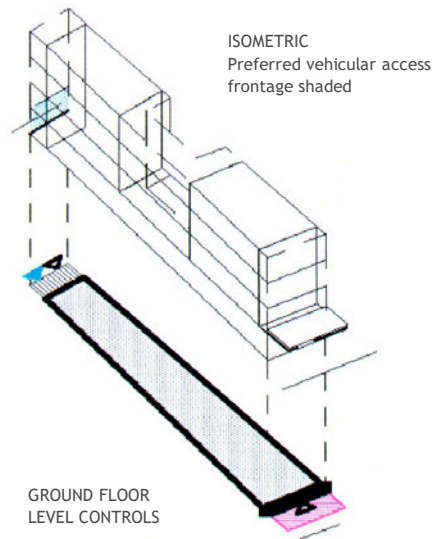


FIGURE 35 Vehicular access

Driveways and garages designed with minimal impact on the street.
Garages set back with pedestrian access separate and clearly defined.



Delete the text under this heading and make reference to DCP like Double Bay.
"Repealed by Woollahra DCP 2015 (Amendment xxx) on [date xxx.]
Refer to Chapter E2 Stormwater and Flood Risk Management of Woollahra DCP 2015."

D6.6.8 Geotechnology and hydrogeology

Council will normally require geotechnical and hydrogeological reports for development applications which include below ground structures.

Any proposed development with below ground structures must consider the sub-surface conditions and the effects of construction on adjacent properties. In addition, those which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the effect of any changes induced in the sub-surface water levels and the groundwater flow patterns on adjacent properties. Unless site specific information exists to the contrary, excavations deeper than 1m must be assumed to have this potential to intersect the groundwater level.

Council's principal objective is to ensure there are no adverse geotechnical and hydrogeological impacts on any surrounding property and infrastructure as a result of development, during and after construction. Typically, adverse geotechnical impacts may include vibration induced settlements from construction methods and equipment and inadequate support of adjacent land during and after construction. Typically adverse hydrogeological impacts may include settlement induced by changes in the groundwater level and seepage problems.

Objectives

Buildings must be designed and constructed with appropriate support and retention systems to ensure that:

- O1 There will be no ground settlement or movement, during and after construction, sufficient to cause an adverse impact on adjoining properties and infrastructure.

-
- O2 There will be no change to the ground water level, during and after construction, sufficient to cause an adverse impact on surrounding properties and infrastructure.
 - O3 Vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure.
 - O4 The risk of damage to adjacent existing property and infrastructure by the new development will be reduced to a level no greater than that from an event with an “unlikely” likelihood of occurrence and “minor” consequence.

In this control “adverse impact” means any damage caused to the improvements on adjoining properties by the demolition, excavation or construction on the development site.

Controls

- C1 Excavation below 1m is accompanied by a geotechnical report and a structural report to demonstrate that the works will not have any adverse effect on the neighbouring structures.

Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council’s guidelines. Council may also require the preparation and submission of a pre-commencement dilapidation report for properties neighbouring the development. Development applications include a design statement and supporting drawings (if necessary) that show the proposed design measures minimise risk and ensure that no adverse impacts will occur.

D6.6.9 Site facilities

Site facilities include loading areas, garbage areas, fire safety systems, mail boxes, external stores, laundries and clothes drying areas. Development should provide appropriate site facilities for retail, commercial and residential uses, and minimise impact on the streetscape.

Objectives

- O1 Ensure adequate provision of site facilities.
- O2 Ensure site facilities are accessible, functional and unobtrusive.

Controls

- C1 Loading facilities must be provided via a rear lane or side street where such access is available.

Any development which includes a residential component must provide laundry facilities, and at least one external clothes drying area. The public visibility of this area should be minimised.

-
- C2 Hydraulic fire services such as fire hydrants and booster installations are concealed. These services are to be:
- a) enclosed with doors if located in the building façade, or
 - b) housed in a cabinet or enclosure if located external to the building.
- The location, design, colour and material of the doors, cabinet or enclosure are visually unobtrusive and suitably integrated with the development, including any fencing and landscaping.
- C3 Lockable mail boxes should be provided close to the street, and integrated with front fences or building entries.
- C4 Buildings are designed to accommodate venting from ground floor uses, to avoid potential impacts from exhaust and odour, such as cooking smells.
- C5 Air conditioning units should not be visible from the public domain.

D6.6.10 Application of bonuses

The Rose Bay Urban Design Study explored the urban potential of the centre, and sought feedback from the community reference group to identify a variety of public domain improvements including:

- a public square on New South Head Road linking the centre to the harbour foreshore;
- through block connections, such as arcades, shareways, and through shop links;
- a shop front community service facility; and
- public conveniences.

Council supports the construction of the facility and conveniences as part of private developments in the centre. Bonus FSR and height is available in Woollahra LEP 2014 for the provision of a public square.

It should be noted that provision of such facilities does not automatically mean that bonuses will be awarded. Each application will be dealt with on its merits.

Objectives

- O1 The aim of a bonus system is to encourage the provision of public benefits as part of the redevelopment of privately owned sites. In return Council will offer certain bonuses or concessions with regard to development standards and controls.

Controls

- C1 In determining the extent of bonuses granted, Council will examine the development against three general criteria:
- a) the need for the bonus facility, based on the recommendations of the Rose Bay Urban Design Study;
 - b) the design and usefulness of the bonus facility provided on site or within the building to the general community; and
 - c) the effect the inclusion of a bonus facility or facilities has on the building's bulk and form and the building's relationship with the character of adjoining development. This chapter identifies specific public facilities which Council wishes to encourage.

6.6.10.1 Rose Bay Centre Square

The Rose Bay Urban Design Study identified the need for a Rose Bay Village Centre. It proposed a 'square' on New South Head Road, linking the centre and the harbour foreshore, to create a focus for the centre and to take advantage of its unique setting. Figures 36 and 37 indicate the location of the proposed square and provide concept designs as a guide. Council will consider other designs on their merit.

To facilitate the square, Woollahra LEP 2014 permits a maximum building height of 17.2m (5 storeys) and FSR of 2.25:1, subject to the development being compatible with the desired future character of the centre. The desired future character is articulated by the controls below.

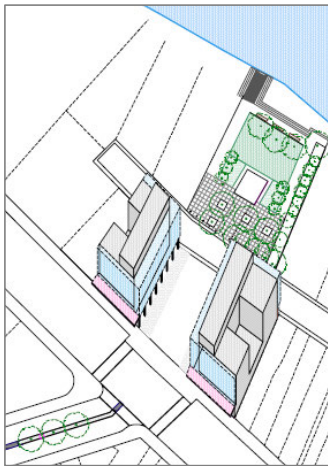
These maximum height and FSR controls proposed will only be granted to the properties identified in clause 4.4C of Woollahra LEP 2014, and only if the properties are the subject of a single development application.

FIGURE 36 Area designated for the Rose Bay Centre Square



FIGURE 37 Rose Bay Centre Square design concept

Generous square creating a strong link at the end of Newcastle Street between the centre and the harbour foreshore
Colonnades provide protected edges to the square



Objectives

- O1 Improve the visual and physical connection between the centre and the harbour foreshore.
- O2 Provide a memorable focus for the Rose Bay Centre.

Controls

To be considered for bonus provisions the square must comply with the following controls:

- C1 The square must be located in the area designated for the construction of the 'Rose Bay Centre Square' (see Figure 36 Area designated for the Rose Bay Centre Square) which corresponds to clause 4.4C in Woollahra LEP 2014.
- C2 The square must be a consolidated outdoor space open to the sky with a minimum area of 350m², excluding areas under colonnades.
- C3 The minimum aggregate width of the square along both the New South Head Road and Collins Avenue frontages is 9m. For example, a square with two open access points with a width of 4.5m each may be considered.
- C4 In mid-winter allow solar access to a minimum 30% of the area of the square at 12 noon and 70% of the area of the square at 3pm.
- C5 The maximum building coverage, including colonnades and building articulation, is 70% of the consolidated site area.
- C6 Provide a minimum 1.2m wide area for building articulation above street level to New South Head Road and the southern side of the square.
- C7 Provide a minimum 2.4m wide area for building articulation above street level to Collins Avenue and the northern side of the square.
- C8 A maximum internal plan depth of 12m above ground level applies (see Section 6.6.3.1 Building envelopes).
- C9 The inclusion of colonnades is encouraged to provide pedestrian amenity, encourage visual openness to the harbour, and as a distinctive and memorable characteristic of the square.
- C10 Any proposed colonnade must have a minimum soffit height of 3.2m. Colonnade design must be visually integrated with the development.
- C11 The levels and paving material within the colonnade should be contiguous with the surface of the square.
- C12 A wind study and shadow diagram must be submitted with the development application.

Note: Council will consider relaxation of one or a number of development standards and controls in its assessment of applications which include a public square as described above. However, it should be noted that such bonuses are not automatic and each application will be assessed on its merits.

A fifth storey is permissible as in Figure 37 above, subject to the following controls:

- C13 The area of the fifth storey must not exceed 40% of the consolidated site area.
- C14 The fifth storey must be set back the depth of the area for building articulation to minimise visibility from the public domain. For example, the minimum set back of the bonus storey from the new square is 2.4m.
- C15 The fifth storey should be designed to protect the privacy of adjacent dwellings, in particular those in Collins Avenue.

Development incentives

If the Rose Bay Centre Square is proposed the following incentives will be considered:

- I1 Allow up to 40% of the area of the square to be set aside for private lease for open air cafes and the like, to the benefit of the owners, if the area of the square is less than 600m².
- I2 Allow up to 60% of the area of the square to be set aside for private lease for open air cafes and the like, to the benefit of the owners, if the area of the square is greater than 600m².
- I3 Reduced on-site parking requirements.
- I4 Discounted Section 94 Contributions.

6.6.10.2 Through block connections

The Rose Bay Urban Design Study identified the need for better pedestrian and vehicular circulation within the centre. Council wishes to encourage the inclusion of 'through block connections', in specific areas, in private developments. These may include arcades, through shop links, shareways, laneways and rights of way.

Improved pedestrian access to and within public car parking areas is desirable to facilitate convenient use of the centre. There is potential to take better advantage of the centre's unique location close to the harbour by providing better pedestrian access to Collins Avenue and Percival Park.

Servicing of shops and other commercial uses from the main street frontage, particularly along New South Head Road, Dover Road and Newcastle Street, disrupts the pedestrian amenity and on street parking spaces. In addition it creates conflict with the high volumes of traffic carried by these streets, particularly New South Head Road. In line with the stated design principle in Section 6.6.7.2 Vehicular access, Council is keen to encourage the creation of rear lane access to commercial properties in the centre.

Council may consider the relaxation of one or a number of standards and controls depending on the quality of public area provided and the merits of the particular application.

Council will not relax any standards or controls unless it can be demonstrated that a proposal satisfies the underlying objectives of the DCP and that compliance with relevant development standards would be unnecessary or unreasonable in the circumstances of the case.

FIGURE 38 Areas designated for through block connections



Objectives

- O1 Improve the pedestrian circulation in the centre by providing arcades, through shop links, and shareways in key locations, as identified in Figure 38 Areas designated for through block connections and Figure 39 Detailed location plan.
- O2 Maximise views to the harbour from the public domain.
- O3 Facilitate rear site access for car parking and servicing to avoid vehicular crossings on principal streets by providing new laneways and rights of way as identified in Figure 38 Areas designated for through block connections and Figure 39 Detailed location plan.

Controls

- C1 Through block connections are encouraged by Council on the following basis:
 - a) Through block connections must be located in the areas shown in Figure 38 Areas designated for through block connections and Figure 39 Detailed location plan).
 - b) Through block connections must to the extent possible provide a clear sightline from one end to the other, for surveillance and accessibility, in any of the locations identified in Figure 38 Areas designated for through block connections and Figure 39 Detailed location plan.
 - c) Public use of through block connections should be available at least between the hours of 6am and 10pm daily.
- C2 Pedestrian safety and the security of adjacent businesses should be considered in the design of through block connections. Specific consideration must be given to street level lighting at night.
- C3 Through block connections must have a minimum width of 3m and be, clear of any obstruction, except for connections through shops.
- C4 Paving must be coordinated with public footpaths (refer to the Rose Bay Centre Public Domain Improvements Plan and seek advice from Technical Services).

The following controls apply to arcades:

- C5 Retail frontages are to be maximised along arcades.
- C6 Arcades must have substantial natural lighting and ventilation.

The following controls apply to new lanes:

- C7 Lanes must have a minimum width of 3m if one way, and 5m if two way.
- C8 Carriageways and drainage should be coordinated between developments that collectively create new lanes.
- C9 Lanes must provide rear service access to properties fronting New South Head Road, Dover Road or Newcastle Street to sites which currently have only one vehicular frontage.
- C10 Buildings should address new lanes to provide passive surveillance.
- C11 Applicants must demonstrate that the proposed service lane will be of benefit to the traffic circulation system in the Rose Bay Centre as a whole.

FIGURE 39 Detailed location plan

Red – Pedestrian link

Orange – Vehicular/pedestrian link

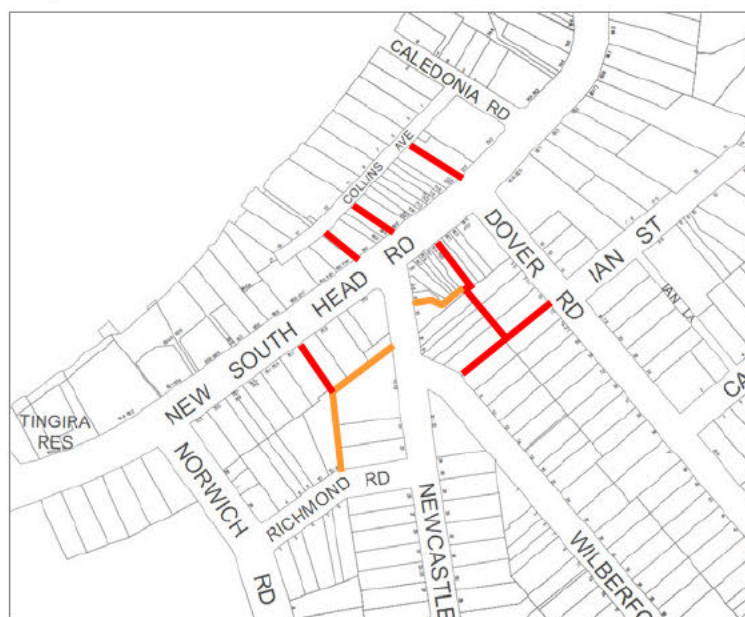


FIGURE 40 Arcades can improve circulation and provide additional retail frontage.

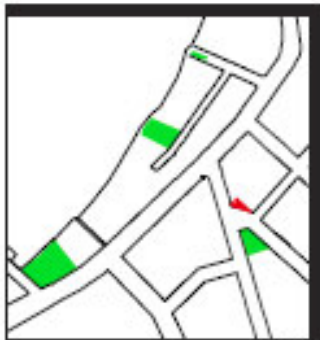


6.6.10.3 Community facility and public conveniences

The Rose Bay Urban Design Study identified the need for a community services facility and public conveniences in the Rose Bay Centre. Council may consider varying of one or a number of standards and controls depending on the suitability and merits of the facilities proposed.

Council will not relax any standards or controls unless it can be demonstrated that a proposal satisfies the underlying objectives of the DCP and that compliance with relevant development standards would be unnecessary or unreasonable in the circumstances of the case.

FIGURE 41 Area designated for the construction of a community facility (highlighted in red)



Objectives

- O1 Provide a conveniently located meeting place for the community, where Council and other public organisations can advertise available community services.
- O2 Provide accessible, safe and durable public conveniences which cater for the broad needs of the community.

Controls

Community facilities and public conveniences are encouraged by Council on the following basis:

- C1 The community facility should be located as identified in Figure 41 Area designated for the construction of a community facility.
- C2 The community facility must provide a community display area, public seating and public conveniences.
- C3 The minimum area of the community facility is 100m², including conveniences.
- C4 The community facility may incorporate a privately operated cafe.
- C5 The community facility should clearly address the public domain.
- C6 Public conveniences should be incorporated in building developments generally, and should cater for the needs of people with mobility disabilities such as the elderly, and the needs of parents with infants.
- C7 The provision of natural light and ventilation to public conveniences is highly desirable.

Appendix C

Proposed Modification to the DA Guide Main Document



DA Guide

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1. Site Waste Minimisation and Management Plan
2. Heritage Impact Statement
3. Demolition Report
4. Tree Reports
5. Acid Sulfate Soils Report
6. Geotechnical and Hydrogeological Report
7. Social Impact Statement
8. Quantity Surveyor's Report
9. 3D Digital Model Requirements
10. Aboriginal Heritage Impact Assessment

1. Why use this guide?

1.1 Introduction

Development Applications (DA) are required for a wide range of projects from starting a new business to building a new home. Every proposal is unique and requires different information to facilitate a proper assessment. Please use this Guide to collect the information that is relevant to your site and your proposed project.

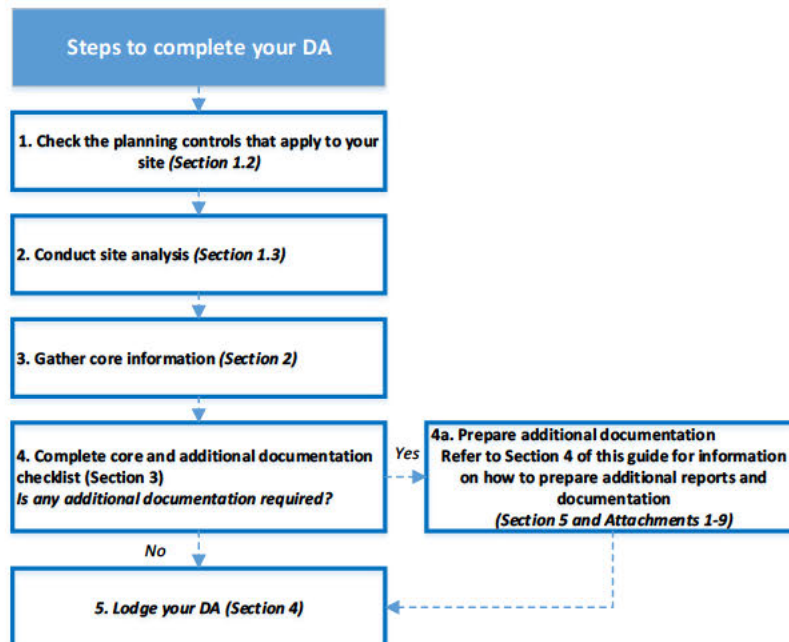
However, minor and small scale development often does not require development assessment by Council. This type of development is identified as 'exempt development' or 'complying development'. Take the time to firstly ascertain whether you actually need to submit a DA by checking whether your development may be classified as either 'exempt' or 'complying'. For more information see the Building and Development section of Council's website.

If a DA is required, it is important to provide a complete suite of documents when you submit your application as missing information can cause delays in the assessment process. In the preparation of more complex DAs, Council encourages applicants to use the services of a professional town planner. A list of consultant town planners is available from the Planning Institute of Australia - www.planning.org.au

If you need more information or advice, phone Council's Customer Service Centre or Duty Planner on 9391 7000 to discuss your proposal.

For further information on a specific proposal, we suggest that you book a pre-DA (pre-DA) meeting, where development control staff can provide you with detailed advice. If you choose to have a pre-DA meeting, Council will provide written minutes.

Following below is a step-by-step guide to the steps you will need to follow to submit your DA.



1.2 What Planning Controls apply?

The first step in preparing a DA is to identify the relevant controls, policies and guidelines. Before you start designing your proposal, you need to know about:

- ▶ Woollahra Local Environmental Plan 2014
- ▶ Woollahra Development Control Plan 2015
- ▶ State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs)
- ▶ Other relevant Acts and Regulations

What's an LEP?

An LEP or 'local environmental plan' is Council's main legal document for controlling development and guiding planning decisions made by Council to ensure that growth and development occurs in a planned and coordinated manner consistent with Council and community expectations and needs.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for height, floor space and subdivision. An LEP also provides protection for trees, heritage items, heritage conservation areas and environmentally sensitive areas.

What's a DCP?

A DCP or 'development control plan' is a document prepared by Council to provide more detailed guidance for regulating development. It applies to any development which requires consent under the LEP.

The DCP contains seven parts, and comprises chapters within each part. Applicants and designers must read all applicable parts of the DCP to ensure they have met the DCP's requirements.

You may wish to obtain a Section 149 Planning Certificate from Council to determine some of the key planning requirements and restrictions that apply to your parcel of land. For example, the land use zone.

1.3 Site Analysis

Once you have established what controls apply to your land, the next step is to gather further information about your site. This may include photos and descriptions of:

- | | |
|--|----------------------------------|
| ▶ Existing buildings and uses | ▶ Views |
| ▶ Neighbouring buildings and uses | ▶ Privacy |
| ▶ Streetscape and heritage characteristics | ▶ Traffic, Transport and Parking |
| ▶ Storm water and drainage | ▶ Access |
| ▶ Trees and landscaping | ▶ Sunlight |
| | ▶ Ventilation |

Consider how your proposed development or change of use will affect the site, the streetscape and your neighbours.

Fill in the relevant information below:

The table below allows you to summarise some of the relevant planning controls for your site. Identify your site on the Woollahra LEP 2014 maps and then use the table below to record the controls that apply to you and ensure that your proposal complies with the LEP.

Identifying the relevant chapters and controls within the Woollahra DCP 2015 will then allow you to refine your proposal to ensure that your DA is successful.

Research and record below any State Environmental Planning Policies that are relevant to your proposal and whether the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies.

The Duty Planner can assist you with this step.

SITE ADDRESS:	
PROPOSAL:	
WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014	
Land Use Zone Is the proposed use permissible in this zone?	
Lot Size Does the lot size accommodate the proposed development?	
Height of Buildings	
Floor Space Ratio Note: this does not apply to dwellings, semi-detached dwellings and dual-occupancies.	
Land Reservation Acquisition	
Heritage Is the site in a Heritage Conservation Area or does it contain or adjoin a heritage item?	
Foreshore Building Line Is there a foreshore building line affecting the site?	
Acid Sulfate Soils	
Flood Planning	
Aboriginal Heritage	
WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015	
Relevant Chapters:	
State Environmental Planning Policies and Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	

2. Core information required for all DAs

As a minimum, all DAs submitted to Council must contain the information below. Depending on the type of application being proposed, additional information may be required (please refer to Section 3 for a checklist of all additional information requirements). Council may refuse to accept an application if all of the required information has not been supplied.

2.1 *Owner's Consent, Application Fees and Submission Matrix*

You must lodge your Development Application via the NSW Planning Portal (www.planningportal.nsw.gov.au). Supporting documentation is required when lodging an application.

View the Submission Matrix on Council's website to make sure you have everything you need.

You will need to complete:

- ▶ Owner's Consent form
- ▶ Development Cost Estimate form

These documents are available on Council's website.

Where the landowner is a company or owners' corporation, the applicant must provide legal owners' consent with the signature of a director and the appropriate ABN/ACN or common seal. Where your application relates to a structure on a common boundary or access to neighbouring land, consent from the adjoining property's owner is also required.

Our fee schedule is provided in Council's Delivery Program and Operational Plan, which can be viewed on Council's website.

2.2 *Site Plan*

This site plan must clearly identify the location of the proposed work or change of use. It must include the address and can also show any relevant information collected in the site analysis process. If your proposal has minimal impact beyond the site, your development plans and elevations may be sufficient.

2.3 *Statement of Environmental Effects*

A statement of environmental effects is a report outlining how the proposal complies with all the relevant controls, and the likely impacts of the proposal. It also describes how the impacts have been identified and the steps taken to lessen the expected impacts or to protect the environment. The statement includes written information about the proposal that cannot be readily shown on your plans and drawings.

The Statement of Environmental Effects should:

1. Summarise the site analysis; describe the existing conditions of the site and surrounding area;
2. Describe the proposal in detail and show how it meets the relevant planning controls in the SEPPs, LEP and DCP; and,
3. Summarise the elements of the proposal that may impact on the site and surrounds and show how the proposal will minimise those impacts.

Need help writing your statement of environmental effects?

Council encourages applicants to use the services of a professional town planner to assist in the preparation of more complex statements of environmental effects.

A list of consultant town planners is available from the Planning Institute of Australia - www.planning.org.au

2.4 Plans, Elevations and Sections

These drawings will clearly document the proposed buildings or works. If your application relates to a change of use only, then a scale floor plan may suffice. If the proposal is for alterations/additions to an existing building, the new work is to be coloured. See Section 5.12 for standard colours to apply.

The following information must be shown on all plans, elevations and sections:

Title block

- ▶ Applicant's name
- ▶ Address of the property
- ▶ North point (true solar north) - on plans only
- ▶ Ratio and bar scale. Use standard scales such as 1:50, 1:100 or 1:200

Plans

- ▶ Location of proposed new buildings, alterations or works (show setback distances from boundaries)
- ▶ For residential applications, the location of the building envelope controls in plan and section
- ▶ Existing buildings (show outline only)
- ▶ Room layout, partitioning, location of windows and doors
- ▶ Room dimensions, areas and proposed use
- ▶ Courtyard dimensions and areas
- ▶ Walls and fences
- ▶ Mechanical plant equipment including air-conditioning units and condensers in plan and section
- ▶ Total floor area and where relevant floor space ratio
- ▶ Disabled access
- ▶ Vehicle entrance and exit driveways
- ▶ Car parking and loading areas (show layout and dimensions)
- ▶ Electric vehicle circuitry and charging point information, including the indicative location of charging points
- ▶ Waste bin storage and collection facilities
- ▶ Enclosures and/or cabinets for fire hydrants, booster valve assembly installations, sprinkler valves and associated hydraulic equipment
- ▶ Trees being retained and proposed for removal (show trunk and canopy dimensions to scale)
- ▶ Letter boxes
- ▶ Private open spaces
- ▶ Location of windows of the buildings on adjoining properties

- ▶ Spot levels of existing ground to AHD at the corners of proposed buildings and at significant changes in levels around the perimeter of proposed buildings
- ▶ Finished floor levels to Australian Height Datum (AHD)

Elevations

- ▶ Existing buildings (show outline only)
- ▶ Building facade, windows (including size and sill height), roof profile
- ▶ Materials and external finishes (e.g. wall, roof, window, door and fence materials, paint colours, etc.)
- ▶ Existing and finished ground levels, floor levels, ceiling levels, eave levels and roofline levels to AHD
- ▶ Show driveway grade
- ▶ Chimneys, flues, exhaust vents, ducts and mechanical plant equipment including air-conditioning units and condensers
- ▶ Retaining walls and fences (indicate height)
- ▶ Extent of excavation or filling of the site to AHD
- ▶ Location of adjoining buildings showing address, height, setbacks and other relevant features
- ▶ Number and location of sectional drawings

▶ Vibration and settlement monitoring locations nominated by qualified engineer, if applicable

including any existing structures/foundations within the influence zone, i.e., zone within 4! degrees from the base of excavation

Don't have any plans?

For large-scale or more complex projects, Council encourages you to engage an architect to provide accurate information of the proposed building. Accurate and consistent plans help speed up the assessment process.

To find the architect that is right for your project, please use the search tool provided by the Australian Institute of Architects - <http://www.findanarchitect.com.au>

A list of consultant town planners is available from the Planning Institute of Australia - www.planning.org.au

2.5 Site Waste Minimisation and Management Plan

A SWMMP outlines measures to minimise and manage waste generated during:

- ▶ Demolition
- ▶ Construction
- ▶ Ongoing use of the site

In doing so, the SWMMP nominates:

- ▶ Volume and type of waste and recyclables to be generated;
- ▶ Storage and treatment of waste and recyclables on site;
- ▶ Disposal of residual waste and recyclables; and,
- ▶ Procedures for ongoing waste management once the development is complete.

Refer to Attachment 1 for information to assist you in preparing your Site Waste Minimisation and Management Plan.

2.6 Survey Plan

Council highly recommends that an appointed surveyor be advised of the information contained within this part of the DA Guide prior to compiling the survey plan.

A Contour and Detail survey plan detailing the current conditions of the subject site must be submitted with all development applications. Exceptions may be permitted when the proposal exclusively comprises of the type of works listed below:

- ▶ Signage
- ▶ A change of use with no external works
- ▶ Internal alterations

For the plan to be considered a survey plan, it must be signed by a registered land surveyor as defined by the Surveying and Spatial Information Act 2002. The registered surveyor's name and ID number should also be detailed on the plan.

Boundary Surveys

Where setbacks and site area need to be taken into consideration in Council's assessment of a development application, a boundary survey is required to be incorporated into the submitted survey plan. This should include a note specifying that a boundary survey has been conducted by a registered land surveyor as defined by the *Surveying and Spatial Information Act 2002*. **Surveys with boundary dimensions based on title dimensions will not be accepted.**

Details to be included on the Survey Plan

The survey plan should mark the exact boundaries and location of buildings and other features on the subject site. The plan should be at a scale standard scale e.g. 1:100 or 1:200.

The survey plan should detail the following:

- ▶ Client or applicant's name
- ▶ Address and title of the property
- ▶ Levels and contours in AHD. Where visible or lawfully accessible from the subject site, spot levels on adjoining land should also be included
- ▶ North point (true solar north)
- ▶ Ratio and bar scale
- ▶ Surveyed site boundaries, boundary dimensions, and site area
- ▶ Location of buildings and structures (including fences and walls) on the subject site and adjoining sites, with their offsets to the boundaries clearly marked. Details should include, but are not limited to, a description of the structure, an address, floor level(s), and windows (including sill and head levels)
- ▶ Concrete pathways, footpaths, and vehicle crossings
- ▶ Details of the road reserve adjoining the site including the kerb levels
- ▶ Any visible services within the subject site and on any adjoining Council reserve (e.g. stormwater pits, Telstra pits, hydrants etc.)
- ▶ Trees 5m or higher, and a crown spread of 3m or more - details should include exact position, trunk diameter, height, and crown spread. This should include any trees on the subject site, or on land (public or private) within 5 metres of the site
- ▶ Streets adjoining the site
- ▶ Access ways and parking areas

- ▶ Location and type of all existing easements or right of ways benefiting or burdening, or otherwise affecting the subject site
- ▶ For development where Chapter B3 of the Woollahra DCP 2015 is applicable, and the front setback is required to be calculated, the survey plan should contain a sheet detailing the front setbacks of the four closest residential buildings (excluding parking structures) sharing the same primary street frontage as the subject site. Refer to Part B3.2.2 of the Woollahra DCP 2015 for further details

Registered land surveyors can be found at the following websites:

https://www.bossi.nsw.gov.au/about/find_a_registered_surveyor

<https://www.surveyors.org.au/>

Australian Height Datum (AHD)

Australian Height Datum (AHD) is the official unit adopted by the Australian Mapping Council and it is datum to which all vertical controls for mapping is referred.

2.7 Disclosure statement of a responsible political donation or gift

A disclosure statement is a declaration made to Council detailing any political donations or gifts made to any Councillor or gifts made to any Council employee in connection with a relevant planning application.

If any person with a financial interest in the application has within the previous 2 years, made a reportable donation to any Councillors or Council employee, a disclosure statement should be submitted with the application.

If you have not made a political donation, please fill out the statement identifying 'no donation made'.

A copy of the statement can be found on Council's website.

3. Core and additional document checklist

Core Documents			
Needed for my DA?	Item	When Required	Further Information
✓	Owner's Consent and Development Cost Estimate forms	Always required	Section 2.1
✓	Site Plan	Always required	Section 2.2
✓	Statement of Environmental Effects	Always required	Section 2.3
✓	Plans, Elevations and Sections	Always required	Section 2.4 and 5.12
✓	Site Waste Minimisation and Management Plan	Always required	Section 2.5 also Attachment 1
✓	Survey Plan	Always required	Section 2.6
✓	Disclosure statement of a responsible political donation or gift	Always required	Section 2.7
Additional Documents			
Needed for my DA?	Item	When Required	Further Information
	Heritage Impact Statement	All applications for a heritage item or draft heritage item, property within a heritage conservation area or draft heritage conservation area, archaeological sites and potential archaeological sites May be required for applications for development in the vicinity of a heritage item, a heritage conservation area, archaeological sites or potential archaeological sites	Attachment 2
	Demolition Report	All applications for buildings other than those identified as a heritage item or within a heritage conservation area where full or substantial demolition is proposed (see above for Heritage Impact Statement)	Attachment 3
	Tree Reports	Required where trees or vegetation that are protected by the TPO, are proposed to be removed or development will be sited within 5m of such trees Where any tree, subject to the TPO, is proposed to be transplanted on the site, a Transplant Method Statement is required	Attachment 4
	Landscape Plan	Applications that alter the existing building footprint or impact upon existing landscapes	Section 5.1

Additional Documents			
Needed for my DA?	Item	When Required	Further Information
	Shadow Diagrams	All new buildings or additions of more than one storey in height and in all cases where lot size, orientation, slope of site or adjoining buildings create the potential for overshadowing	Section 5.2
	Construction Management Plan	All development involving difficult site access or significant earthworks	Section 5.3
	BASIX Certificate and Annotated Plans	All applications for new buildings that contain one or more dwellings All applications for alterations and additions to an existing dwelling if the value of work is \$50,000 or more or if the proposal includes a swimming pool of over 40,000 litres	BASIX.nsw.gov.au
	Stormwater Layout Plan	All applications which include additional building footprint	Section 5.4
	Flood Risk Management Report	Applications involving development or change of use on a site affected by 1:100 year flood require a Flood Study Any application where finished floor levels (FFLs) do not meet the requirements of the DCP require additional Flood Risk Management and/or Coastal Inundation Reports	Section 5.5 also Part E2.3 of Woollahra DCP 2015
	Acid Sulfate Soils Reports	All applications involving works described in Clause 6.1 of Woollahra LEP 2014 require a preliminary Acid Sulfate Soil assessment An Acid Sulfate Soil Management Plan is required where preliminary assessment reveals likely acid sulfate soils	Attachment 5
	Geotechnical and Hydrogeological Report	Applications that have potential to adversely affect surrounding properties during excavation works or construction of subsurface structures including any work that may: <ul style="list-style-type: none"> Disturb support of neighbouring property (excavation within 1.5 metres of the site boundary for excavation depths over a metre in Paddington HCS and two metres elsewhere, any excavation at the toe of a retaining wall, etc.) Require excavation machinery which may create adverse vibrations or cause settlement Temporarily or permanently interfere with groundwater flows 	Attachment 6 Comprise below ground structure (For the purpose of the DA guidelines, below ground structures means excavation to a depth greater than 300mm below the existing groundwater level, excavations within 1.5 m of the neighbouring boundary, or otherwise greater than 1.0m in depth)
	Land Contamination Reports	Applications that include land excavation and for applications involving certain types of land use change	Part E4 of Woollahra DCP 2015 also SEPP 55
	Traffic and Parking Report	Applications which result in traffic generation or impact on surrounding road networks, existing parking conditions or transport requirements in the surrounding area	Section 5.6 also Part E1 of Woollahra DCP 2015

Additional Documents			
Needed for my DA?	Item	When Required	Further Information
	Electrical plan for electric vehicle circuitry and charging points	All applications for new residential and non-residential development	Section 5.6.1 also Part E1.11 of Woollahra DCP 2015
	Subdivision Plan	All forms of subdivisions and boundary adjustments	Section 5.7
	Access Report	Where disabled access is a requirement of the Disabilities Discrimination Act 1992	Section 5.8 also humanrights.gov.au
	Photomontages and 3D Images	Photomontages are required for all applications involving changes to building facades where the development cost is in excess of \$200,000 All applications for residential flat development to which State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development applies All applications involving alterations affecting the appearance of the site from Sydney Harbour A PDF containing 3D images of the proposal are required for applications where the cost of the proposed work exceeds \$750,000	Section 5.9 also SEPP 65
	Design Verification Statement	All applications for residential flat development to which State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development applies	Section 5.10 also SEPP 65
	Sample board/schedule of external materials and colours	Applications involving heritage items or heritage conservation areas Applications for residential flat buildings that involve façade changes May be required for other development	Section 5.11
	Standard Colours for Architectural Plans	All applications with architectural plans	Section 5.12
	Affordable Housing Report	Applications involving boarding houses and applications to strata title existing residential flat buildings that contain a low-rental dwelling	Section 5.13 also State Environmental Planning Policy (Affordable Rental Housing) 2009, Part 3
	Social Impact Statement	All applications for change of use of a licenced premises (including existing)	Attachment 7

Additional Documents			
Needed for my DA?	Item	When Required	Further Information
	Licenced Premises Management Plan	Any application for change of use of the following "high risk" licenced premises (including existing): <ul style="list-style-type: none"> ▶ hotels and clubs; ▶ small bars, on-premises, packaged liquor, producer/wholesaler, limited with a capacity of 100 or more patrons; ▶ any licenced premises in a residential zone; ▶ on-licences/small bars in a B1 zone 	Attachment 7
	Acoustic Report	Applications for uses such as licenced premises or childcare facilities or for developments including plant or machinery in the vicinity of noise-sensitive uses	Section 5.14
	Quantity Surveyor's Report	All applications where the estimated cost of works exceeds \$750,000	Attachment 8
	Public Art Plan	Applications where the estimated cost of the proposed development (CIV) is \$15M or more and located on B2 zoned land (ie Double Bay, Rose Bay or Edgecliff centres) requires public art. The DA is to include a Public Art Plan identifying the public art proposed to be included in the development	Woollahra Public Art Guidelines for Developers
	Integrated Development	All applications for development described in Section 91 of the <i>Environmental Planning and Assessment Act 1979</i>	EP&A Act 1979
	3D Digital Model	All applications, amended plans or Section 4.55 applications that propose: <ul style="list-style-type: none"> ▶ a new building or the amendment of a building's form within the E1 Local Centre or MU1 Mixed Use Zones, or ▶ a new building or the amendment of a building's form where the building height is 12 metres or more 	Attachment 9
	Aboriginal Heritage Impact Assessment	All applications, amended plans or Section 4.55 applications that are located in: <ul style="list-style-type: none"> ▶ Areas partly or wholly classified as an area of Aboriginal heritage sensitivity ▶ Areas partly or wholly classified as an area of potential Aboriginal heritage sensitivity ▶ Areas in proximity of registered Aboriginal sites <p>Please refer to Council's website to identify the relevant Aboriginal heritage sensitivity.</p>	Attachment 10

4. Lodging and tracking your application

4.1 Lodgment requirements

Once you have determined the documents required, you will need to provide electronic copies to Council via the NSW Planning Portal www.planningportal.nsw.gov.au

Electronic Copies

All drawing, documents and any other material must be submitted via the NSW Planning Portal.

Formatting

Documents must be PDF, A4 and no larger than 3MB, optimised for publishing on the internet. If a single document is larger than 3MB, it must be broken down into logical components.

PDF documents must be

- ▶ Descriptively named (e.g. Statement of Environmental Effects)
- ▶ Include the file type extension
- ▶ Date of document
- ▶ Version number

PDF Plans

- ▶ File names to include, in order
- ▶ Plan description
- ▶ Plan number, including version
- ▶ Date drawn DDMMYY
- ▶ To scale

4.2 Lodging your applications

You must prepare and submit your development application via the NSW Planning Portal.

The NSW Government Department of Planning, Industry and Environment has created a guide (www.planningportal.nsw.gov.au) to walk you through registration and lodgement on the Planning Portal.

If your application is incomplete, you'll receive details on what is required via the NSW Planning Portal.

Please be aware that if additional information is requested, and it is not provided within the nominated timeframe, your application will be rejected.

4.3 Tracking your application

After you lodge your application:

Acknowledgement

A formal letter of acknowledgement will be sent to the applicant providing the name and contact of the assessment officer assigned to your application.

If we need more information

We may need more information to undertake a proper assessment of your application. If we do, an email will be sent out as soon as possible. We will also review the estimated development costs, and require an additional application fee to be paid.

Public notification

A letter will be sent to the applicant informing them of the notification dates for the DA. Most DAs are publicly notified to enable interested persons to submit comments to the Council. The submission period is 15 days, but for some types of development it is 30 days.

You will be required to display a notification sign on the site and will also be sent a statutory declaration. It is important to ensure that the statutory declaration is signed and returned after the notification period expires to ensure that your application is assessed in a timely manner.

4.4 Determination

How are DAs determined?

There are four levels at which we determine DAs (including applications to amend consents, and applications for review of determination). Depending on the scale, complexity and value of the works, your DA will be determined by either:

1. Staff delegation by Development Assessment Team Leaders,
2. Application Assessment Panel (AAP),
3. Woollahra Local Planning Panel (WLPP),
4. Sydney Eastern City Planning Panel (SECPP)

Making enquires

If you would like to find out how your application is progressing, you can track the progress of your application on our website at www.woollahra.nsw.gov.au using the DA Tracker.

Alternatively, you can telephone us for details. When calling, you can assist us by quoting the DA number and the name of the assessment officer referred to in your application acknowledgement letter.

Notice of determination

After your application has been determined you will receive a 'Notice of Determination of the DA'. The Notice will tell you whether we have approved or refused your application.

If your application is approved, the Notice will give details of any conditions of consent, and the reasons for those conditions. It will also tell you when the consent becomes effective, and when it will lapse.

If your application is refused, the Notice will give the reasons for refusal.

The Notice will also explain your right of appeal to the New South Wales Land and Environment Court.

Varying a DA

You cannot alter or vary the development (or the way in which it operates) unless the terms of the consent are modified. To do this, you must make a separate application (Section 4.55 Application) to modify the consent.

5. Additional Information

When preparing your DA, it is important to provide a complete suite of documents as missing information can cause delays in the assessment process.

Have you completed the checklist in Section 3 to identify what additional documents you are required to prepare? This part (including the attachments) provides further information, and identifies what these documents should contain.

It is important to note that Council may refuse to accept an application if all of the required information has not been supplied.

5.1 *Landscape Plan*

Landscape Plans provides information on the proposed types of trees and landscaping on the site.

Plans should be prepared by a qualified arborist or landscape architect and at a minimum should clearly indicate:

- ▶ Applicant's name
- ▶ Address of the property
- ▶ North point (true solar north) - on plans only
- ▶ Ratio and bar scale. Use standard scales such as 1:50, 1:100 or 1:200
- ▶ The location of trees to be re-located and or removed (species and mature heights)
- ▶ Replacement trees and surface treatments (species and mature heights)
- ▶ Any landscaping to be retained (species and mature heights)
- ▶ Finished surface levels, embankments and grades in AHD

5.2 *Shadow Diagrams*

Shadow diagrams are important in determining the solar impact of the proposal on the site adjoining properties.

Shadow diagrams should be prepared by an architect and be typically 1:100 or 1:200 in scale.

Shadow diagrams should include, as a minimum:

- ▶ Applicant's name
- ▶ Address of the property
- ▶ North point (true solar north) - on plans only
- ▶ Ratio and bar scale. Use standard scales such as 1:50, 1:100 or 1:200
- ▶ The boundaries and existing buildings on the adjoining properties (particularly to the south)
- ▶ Horizontal and vertical impact of shadows cast at the winter solstice (June 21) at 9am, 12pm and 3pm. Also show the altitude and azimuth angles)
- ▶ Indicate the location and nature of existing and/or proposed fencing, with the shadows projected
- ▶ The shadows cast from the existing building compared to the proposed

5.3 Construction Management Plan

These plans are generally not required until the Construction Certificate stage. Council will normally impose specific conditions requiring these matters to be addressed prior to the issue of any Construction Certificate and prior to the commencement of any works.

For sites with traffic and access difficulties, your Construction Management Plan may document proposed Works Zones and other traffic management measures.

Where significant earthworks are proposed a Soil and Water Management Plan should be provided. A Soil and Water Management Plan is designed to control erosion and sedimentation on a building site. It details the specific methods of erosion and sediment control that will be used to meet the specific site conditions at the various stages of construction.

5.4 Stormwater Layout Plan

A Stormwater Layout Plan will need to provide information of how the proposed development, whether this be a new building or alterations and additions will connect to the Sydney Water stormwater and sewage system.

A Stormwater Plan should be prepared by a qualified Stormwater Engineer and should include, at a minimum:

- ▶ Applicant's name
- ▶ Address of the property
- ▶ North point (true solar north) - on plans only
- ▶ Ratio and bar scale. Use standard scales such as 1:50, 1:100 or 1:200
- ▶ Overland flow paths of flood liable areas present on the land and existing surface contours to AHD
- ▶ The proposed method of collection of roof or surface stormwater including the general location and levels of drains, stormwater pipes, drainage pits, rainwater tanks and on-site detention tanks
- ▶ The location of infiltration measures (swales, and landscape etc.)
- ▶ The location and level of discharge points to the existing stormwater drainage system and their method of connection
- ▶ Location of stormwater easements (proposed and existing)

5.5 Flood Risk Management Report

A Flood Risk Management Report must be prepared by a suitably qualified practitioner and at a minimum it should include the following:

- ▶ Acknowledgement that the proposed development seeks to lower the minimum standard flood planning level and estuary planning level (see Chapter E2 Stormwater and Flood Risk Management in WDCP2015);
- ▶ Proposed risk management measures to minimise the impact of flooding and/or coastal inundation;
- ▶ Demonstration that the risk management measures will not adversely affect other properties;
- ▶ An Emergency Management Plan that includes an evacuation strategy.

5.6 Traffic and Parking

A traffic and parking report will be required to assess the implications of the proposal on existing traffic, parking and transport conditions surrounding the site and within any proposed parking areas. The report must be produced by a suitably qualified and experienced traffic engineer in accordance with Chapter E1 Parking and Access in WDCP2015. Depending on the type of development, is to include (but not be limited to) the following:

- ▶ Expected traffic generation rates and the impact on the surrounding road networks
- ▶ Impact on existing parking conditions and transport requirements in the surrounding area
- ▶ An assessment of the proposed off-street parking / service delivery area in accordance with AS2890
- ▶ Level of compliance with Council's Parking Development Control Plan requirements
- ▶ Any recommendations to mitigate impacts of the proposal upon the surrounding road network

5.6.1 Electric vehicle circuitry and charging points

The architectural plans (plan view) submitted with any DA must include information on electric vehicle circuitry and electric vehicle charging point requirements.

More detailed electrical plans and specifications prepared by a suitably qualified consultant for any new residential and non-residential development must be submitted at the Construction Certificate stage by way of a condition(s) with any consent.

Construction Certificate requirements:

Dwelling houses, semi-detached dwellings or dual occupancies

An accurate electrical plan of all off-street car parking must be prepared by a suitably qualified person and it must include details and specifications to illustrate how the off-street car parking will be constructed with the capacity to install at a minimum, a 'Level 2' (single phase, 7Kw power) electric vehicle charging point.

All other new residential and non-residential development

The electric vehicle plan and specifications must demonstrate:

1. *An accurate electrical plan of the building.*
2. *Identify all installed electrical vehicle charging points.*
3. *Identify electric circuitry capacity to allow 100% of car spaces to install a 'Level 2' electric vehicle charging point. This includes:*
 - a) *That off-street car parking will be constructed with the capacity to have 100% of car spaces to install at a minimum 'Level 2' electric vehicle charging point, including:*
 - ▶ *Identify power capacity to each car space.*
 - ▶ *Identify load management system on each level of parking such as distribution board or sub-level.*

- ▶ *Identify conduit system to allow each car space to install an electric vehicle charging point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charging points and allow internet access (run Ethernet cable or install 4G modem).*

- b) The location of electric vehicle charging points, consistent with the provision of 1 car parking space or 10% of all car parking spaces - whichever is greater - to have a 'Level 2' electric vehicle charging point installed.*

Requirements are outlined under Part E1.11 of Woollahra DCP 2015.

5.7 Subdivision Plan

If your application involves subdivision or boundary realignment either under the Strata Schemes (Freehold Development) Act 1973 or the Real Property Act 1900 then a subdivision plan must be submitted.

The plan should be prepared by a qualified surveyor and must include the following:

- ▶ Applicant's name
- ▶ Address of the property
- ▶ North point (true solar north) - on plans only
- ▶ Ratio and bar scale. Use standard scales such as 1:50, 1:100 or 1:200
- ▶ The proposed boundaries including Lot numbers
- ▶ Any proposed easements, covenants etc.

5.8 Access Report

Access with buildings is important to ensure that all users enter, exit and move within the structure with ease. All DAs should comply with the Disability Discrimination Act 1992 (DD Act).

If you are claiming exceptional circumstances as reasons for a proposal not complying with the requirements of the DD Act, the application must be accompanied by an Access report.

The report must be prepared by a suitably qualified person with relevant, present-day work experience in the field of access provision. Qualifications and work experience of the report writer must be provided as part of the report.

Council may refer the claim and report to an independent suitably qualified and experienced consultant for assessment prior to the application being determined. Where a decision is made to seek an independent assessment, the applicant will be required to pay an additional fee.

5.9 Photomontages, 3D Images and 3D Digital Model

Photomontages

Photomontages provide a representation of the appearance of the proposed development which show the key contextual streetscape and neighbourhood setting. These are required for all new residential flat buildings and works to building facades over \$200,000.

Photomontages may also show the impact of a development on the amenity of adjoining properties and from the public domain. The montages are to be generated from a survey accurate and detailed 3-dimensional computer model of the proposed development. The accuracy of the montages is to be certified by a registered surveyor and the project architect upon lodgement with the Council.

Requirement for Photomontages

1. Existing Photograph

- a) A photograph showing the current, unchanged view of the location depicted in the photomontage from the same viewing point as that of the photomontage (the existing photograph);
- b) A copy of the existing photograph with the wire frame lines depicted so as to demonstrate the data from which the photomontage has been constructed. The wire frame overlay represents the existing surveyed elements which correspond with the same elements in the existing photograph; and
- c) A 2D plan showing the location of the camera and target point that corresponds to the same location the existing photograph was taken.

2. Survey Data

- d) Confirmation that accurate 2D/3D survey data has been used to prepare the photomontages. This is to include confirmation that survey data was used:
 - i. for depiction of existing buildings or existing elements as shown in the wire frame; and
 - ii. to establish an accurate camera location and RL of the camera.

Note: Any expert statement or other document demonstrating an expert opinion that proposes to rely on a photomontage is to include details of:

- a) the name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame from which the photomontage was derived was obtained; and
- b) the camera type and field of view of the lens used for the purpose of the photograph in (1)(a) from which the photomontage has been derived.

3D Images

A PDF file containing 3D images of the proposal is required where the cost of work exceeds \$750,000. The images are to show:

- ▶ The external envelope of buildings in a 3 dimensional form
- ▶ The land form
- ▶ Existing adjacent buildings
- ▶ Façade details (i.e. window openings, balconies etc.)

3D Digital Model

You will need to submit a digital model with all development applications, amended plans, or Section 4.55 applications that propose:

- ▶ A new building or the amendment of a building's form within the B2 Local Centre or B4 Mixed Use Zones, or
- ▶ A new building or the amendment of a building's form where the building height is 12 metres or more.

Refer to separate attachment 9 - 3D Digital Model Requirements

5.10 Design Verification Statement

A development application that relates to residential apartment development that is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015 must be accompanied by a statement by a qualified designer.

The statement by the qualified designer must verify that he or she designed, or directed the design, of the development, and provide an explanation that verifies how the development addresses how the design quality principles are achieved, and demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

5.11 Sample boards/schedules of external materials and colours

Sample boards are required for:

1. Works to a heritage item or in a heritage conservation area
2. New residential flat buildings

[Sample boards may be required for other forms of residential development.]

Each sample of the material and colour provided on the board must be labelled so as to:

1. Describe the composition of the material and colour
2. Describe the architectural feature that will comprise the material and colour
3. Identify the location of the material and colour on facades.

To assist with interpretation the board should contain an elevation or elevations of the building, which clearly identify the location of each type of material and colour finish.

The sample board may be supplemented by technical sheets or reports that provide details on the materials and colours.

5.12 Standard Colours for Architectural Plans

Materials	Colours specified	Acceptable colour
Brick	Light Red, Venetian Red, Indian Red, Vermilion Red	RED
Roof tiles	Cadmium Red	LIGHT RED
Concrete	Viridian Green, Olive Green, Hookers Green Light, Neutral Tint	LIGHT GREEN
Cement render	Terra Verte	LIGHT GREEN
Walls of paving, tiles and terracotta	Crimson Lake	LIGHT RED
Artificial stones and terrazzo	Emerald Green	LIGHT GREEN
Cement sheets	Lime Green	LIGHT GREEN
Fibrous plaster, and internal plastered walls	Very Light Mauve, Very Light Violet Cake	VERY LIGHT YELLOW
Glass and glass bricks	Cobalt, Prussian Blue	LIGHT BLUE
Rock	Vandyke Brown	LIGHT BROWN
Earth	Sepia	LIGHT BROWN
Granite and other natural stones	Yellow Ochre, Raw Umber, Cadmium Orange	ORANGE
Marble	Mauve or Violet Cake 38	MAUVE
Sandstone dress or free	Vandyke Brown	BROWN
Bituminous products	Neutral Tint	GREY
Insulations	Cerulean Blue	BLUE
Timber, dressed	Burnt Sienna, Very Light Raw Umber, Very Light Van Dyke Brown, Very Light Sepia	YELLOW
Timber, sawn not dressed	Chrome Yellow, Raw Umber	YELLOW
Steel, galvanised iron, lead flashing	Neutral Tint, Prussian Blue	BLUE

5.13 Affordable Housing Report

An Affordable Housing Report provides information on whether a development is likely to result in a loss of affordable housing on the subject site.

If your application is for alterations and additions or the demolition of a boarding house, non-strata titled residential flat building containing low-rental dwellings or a vacant building previously used for either of the two previously mentioned purposes, it may be defined as 'affordable housing' under State Environmental Planning Policy (Affordable Rental Housing) 2009. In this case, an Affordable Housing Report is required.

The report should detail:

1. Whether there is likely to be a reduction in affordable housing on the land to which the application relates,
2. Whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation,
3. Whether the development is likely to cause adverse social and economic effects on the general community,
4. Whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation,
5. The extent to which the development contributes to any cumulative loss of affordable housing in the local government area,
6. The structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements,
7. Whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development. In the case of a boarding house, the financial viability of the continued use of the boarding house.

The report should also make reference to the State Government's Guidelines for Retention of Existing Affordable Housing, July 2009. The Guidelines are available from the Department of Planning, Industry and Environment web site, www.planning.nsw.gov.au.

5.14 Acoustic Report

An acoustic report must be prepared by a suitably qualified consultant. Council may ask for an acoustic report for any application that has the potential to create a noise impact including but not limited to applications for:

- ▶ Licenced premises
- ▶ Childcare facilities
- ▶ Gyms and health clubs
- ▶ Installation of pool pumps, air conditioning or ventilation

An acoustic report should include:

1. Identification of nearby noise-sensitive locations such as residential or commercial properties
2. Existing acoustic conditions in relevant locations within and around the site such as background noise measurements at the boundaries of the site
3. Discussion of relevant standards
4. Identification of noise sources within the proposal and assessment of likely noise impact on noise-sensitive locations
5. A statement identifying how the proposal will comply with the relevant standards including details of any noise attenuation measures to be included

Licensed premises—additional matters

This section applies to a licensed premises involving a:

1. Pub or registered club or other type of licensed premises with:
 - a) a capacity of 100 or more patrons and/or
 - b) live or amplified music, or

2. Other “high risk” premises

The acoustic report must test or have regard to the anticipated conditions which are typical of the operation (or proposed operation) of the premises. This will require an assessment of all noise producing elements associated with the activities of the licensed premises, including but not limited to, noise from:

- ▶ internal areas of premises
- ▶ patrons seated at any open windows
- ▶ patrons in outdoor seating areas
- ▶ plant and equipment installed on the site
- ▶ patrons entering and leaving the premises

The acoustic report must include cumulative noise emissions from all licensed indoor and outdoor areas of the venue.

The acoustic report must detail all short-duration extraneous noise events experienced during the measurement and how these were removed/excluded from the measurement data.

Please also see the Social Impact Statement which must form part of the Management Plan (see Attachment 7).

5.15 Public Art Plan

Woollahra DCP (Chapters D4 Edgecliff Centre, D5 Double Bay Centre and D6 Rose Bay Centre) establishes requirements for major development to include public art when that development is valued at \$15M (CIV) or more and located on B2 zoned land within the Double Bay, Rose Bay or Edgecliff centres.

The DA must include a Public Art Plan which is to be submitted when the DA is lodged.

The Public Art Plan is to be prepared consistent with the Woollahra Public Art Guidelines for Developers. The Guidelines include:

1. Objectives of the Guidelines
2. Requirements for the Public Art Plan to be submitted with the DA
3. Criteria for assessing the suitability of public art proposals
4. Process for submitting and obtaining approval for the public art, including the roles and responsibilities of key stakeholders

Prior to lodging the DA applicants should discuss their public art proposal at an early stage with Council's Public Art Coordinator.

Appendix D

Proposed Modification to the DA Guide Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports

Attachment 6 Geotechnical and Hydrogeological Reports

Guidelines for geotechnical and hydrogeological reports

Introduction

Guidelines have been prepared to assist applicants, architects and engineers to understand our requirements for the preparation of geotechnical and hydrogeological reports.

If your development proposal is on land to which Chapter D5 Double Bay Centre and Chapter C1 Paddington Heritage Conservation Area of the Woollahra Development Control Plan 2015 applies and includes below ground structures, you must submit geotechnical and hydrogeological reports which contain the information set out in these guidelines. For the purpose of these guidelines, below ground structures means excavation to a depth greater than 300mm below the existing groundwater level, for excavations within 900mm of the boundary, or otherwise greater than 1.0m in depth. 1.5m

~~A geotechnical and hydrogeological report may also be required in the areas of high watertable such as Rushcutters Bay, Rose Bay, Watsons Bay as well as other sites requiring excavation~~

Applicants are advised to discuss these requirements with our Technical Services Division prior to the submission of a development application.

Objective

To ensure there are no adverse geotechnical or hydrogeological impacts on any surrounding property and infrastructure as a consequence of the carrying out of development.

Design Principles

Buildings must be designed and constructed with appropriate support and retention systems to ensure that:

- ▶ there will be no ground settlement or movement, during and after construction, sufficient to cause an adverse impact on adjoining properties and infrastructure
- ▶ there will be no change to the ground water level, during and after construction, sufficient to cause an adverse impact on surrounding properties and infrastructure
- ▶ vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure
- ▶ the risk of damage to adjacent existing property and infrastructure by the new development will be reduced to a level no greater than that from an event with an 'unlikely' likelihood of occurrence and 'minor' consequence.
- ▶ all below ground structures are fully sealed to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.

Insert the below text within Introduction

The geotechnical and hydrogeological report shall comprise, but not limited to,

- Geotechnical investigation
 - Groundwater monitoring results
 - Interpreted subsurface and hydrogeological conditions
 - Settlement assessment
 - Stability assessment
 - Recommendations on geotechnical design parameters
 - Recommended shoring methods and retaining walls (where applicable)
 - Recommendations on foundation design
 - Recommendation on excavation methods
 - Vibration assessment
 - Recommendations on settlement, groundwater and vibration monitoring.
- Further details are discussed in the subsequent sections on this DA guidelines

Adverse Impact Definition

Generally, an adverse impact can be assumed to be any damage caused to the improvements on adjoining properties by the demolition, excavation or construction on the development site.

Development Application - Report Requirements

Geotechnical and Hydrogeological reports must be submitted with all development applications and address the following items. . The extent to which each of the items is addressed must be determined having regard to the nature of the development, site investigations and sensitivity of the surrounding properties and infrastructure. The author of the report must be satisfied as to the information provided and must be satisfied that, as a consequence of the carrying out of the development, the objectives and design principles of these guidelines will be satisfied.

General

Reports must be site specific and relate directly to the proposed development. Previous reports and data may be utilised or provided as supplementary information where certified by the author of the report as suitable for the new development.

A qualified and experienced geotechnical and/or hydrogeological engineer must prepare the reports

Should the architectural drawings be changed from a previous application or during the DA process then Council may require a revised geotechnical and hydrogeological report to be submitted

The reports must include a site specific risk assessment matrix with appropriate definitions for qualitative measures of likelihood and consequences for assessing the risk of damage to existing developments by the new development

Visual inspection and use of geological mapping alone will not be satisfactory for geotechnical and/or hydrogeological reports.

Investigations

Reports must demonstrate:

- ▶ investigation of geotechnical conditions below the proposed depth of excavation and/or founding depth for the development. Generally, the depth to bedrock should be established. As a minimum the following level of investigation is required:
 - a minimum of 2 boreholes extended to at least the likely depth of influence of construction for any site
 - Standard Penetration testing within the boreholes. The tests must be carried out at regular depth intervals not exceeding 1.5m in the upper 10m and 3m below 10m depth
 - the investigation should also target at least one continuous strength log of the subsurface soils by Cone Penetrometer Testing (CPT) to supplement the information from the boreholes.
- ▶ that the presence of groundwater has been investigated. Where present, the groundwater level must be measured and monitored. (A longer historical record of natural groundwater fluctuations will be valuable as part of the implementation program. A minimum monitoring period of six months is recommended).

- ▶ that where groundwater is present and dewatering is likely to occur on the site the following measures will be implemented:
 - a minimum of two piezometers will be located within the site or in close proximity to it.
 - a minimum of 2 piezometers will be located off site, as close to the site as possible, but outside the zone of influence of groundwater level disturbance by the new development.
 - where established in the footpath area a permanent installation with a cast iron cover and concrete surround is required.

The groundwater level monitoring must be undertaken using either electronic data loggers, or manual monitoring on regular time intervals commensurate with the expected groundwater level fluctuations. This will allow fluctuations in the site groundwater level to be calibrated against natural fluctuations in the groundwater level. ~~that investigations have been carried out to determine the design parameters appropriate to the development and site.~~ This could include:

- ▶ foundations
- ▶ permanent and temporary supports
- ▶ settlements
- ▶ retaining walls
- ▶ groundwater levels
- ▶ batter slopes
- ▶ vibration
- ▶ dewatering including seepage and off site disposal rates.

Support and Retention

Reports must:

- ▶ include recommendations as to appropriate temporary and permanent site support and retention measures.
- ▶ predict ground settlements in areas adjacent to the development site resulting from temporary and permanent site support and retention measures and demonstrate that settlement will have no adverse impact on the surrounding properties and infrastructure.
- ▶ demonstrate that permanent earth or rock anchors will not be required on or below any road reserve or other Council property. Council may accept the use of temporary anchors if the applicant can adequately demonstrate that the use of temporary anchors would sufficiently improve the safety of the retention of excavations that may be proposed. The installation of such temporary anchors must comply with the Council's Rock Anchor Policy. (Use of permanent and/or temporary anchors on private property is not allowed without written confirmation by the property owners).
- ▶ show that permanent support and retention measures will be set back a minimum of 900mm (or minimum as advised in the relevant Development Control Plan) from the adjacent property boundaries. This is aimed at minimising the localised damage created by the installation of retention systems and to provide a corridor for perimeter drainage.

- ▶ It may be possible for a new development to be built up to the boundary on a merit-based assessment of the development. This assessment will require the geotechnical/hydrogeological report to confirm the structural adequacy of any adjacent structure including any necessary additional support for the structure as well as suitable groundwater drainage systems as outlined in Hydrogeology.

Hydrogeology

Reports must demonstrate:

- ▶ the method and rate of dewatering, including the location and disposal of site dewaterings. This includes seepage and stormwater trapped in excavations.
- ▶ that there will be no adverse impact on surrounding property and infrastructure as a result of changes in local hydrogeology (behaviour of groundwater) created by the method of construction. This includes the short-term effects resulting from construction practices, including the method and rate of dewatering and the long-term effects resulting from the support and retention of property and infrastructure after construction has been completed.
- ▶ that *temporary* changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where data is limited or unavailable, reports must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m, unless calculations using the results of the site specific field testing, supporting a greater change can be provided and can demonstrate no adverse impact to surrounding properties and infrastructure
- ▶ that in a - 0.2 m within Rushcutters Bay and Watsons Bay
zone of - 0.3 m LGA wide except Double Bay and Rose Bay settlement areas, during construction
site specific
no adverse impact to surrounding properties and infrastructure. The temporary shadow zone during dewatering should be taken as an area within 20m of the earlier construction, unless site specific calculations can demonstrate that a different lateral extent should be adopted.
- ▶ that where data is limited or unavailable, the *permanent* change in the level of the natural watertable due to the carrying out of the development will not exceed 0.2m unless calculations using the results of the site specific field testing, supporting a greater change can be provided and can demonstrate no adverse impact to surrounding property and infrastructure.
- ▶ that in areas where the construction affects existing development within a shadow zone of an earlier construction, the *permanent* change in the water table due to the carrying out of the development will not exceed 0.1m. The permanent shadow zone of an earlier construction with full penetrating cut-off walls but without appropriate subsurface drainage should be taken as a distance equal to one building width along the groundwater flow path both in front and behind the earlier construction, unless site specific calculations can demonstrate that a different lateral extent should be adopted.
- ▶ that groundwater drainage systems have been designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations.

-that temporary changes to the groundwater level, during construction, for Double Bay and Rose Bay settlement areas will be kept within the limits specified in DCP Chapter E2 Section E2.2.10

- ▶ that all below ground structures are fully sealed to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.

For short term dewatering during construction a separate approval is required from Council under S138 of the *Roads Act 1993* where the water is to be discharged to the public road.

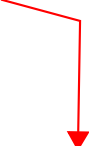
Where an impediment to the natural flowpath is created as a result of the nature of the construction methods utilised and/or the bulk of the below ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural ground-flow regime is re-established both upstream and downstream of the site without any adverse effects on surrounding property or infrastructure.

- ▶ that groundwater drainage systems are designed for a design life of 100 years.
- ▶ that the groundwater drainage system is designed to be easily maintained. Council will require a positive covenant to ensure the continued functioning and maintenance of the approved groundwater system. Laboratory tests to approved standards should be carried out to determine the clogging potential of any proposed filters used in the design of the drainage system for the new development.
- ▶ that where there is the potential for a damming effect created by several consecutive below ground structures, this potential impact has been the subject of hydrogeological modelling to demonstrate no adverse impact on the surrounding property or infrastructure. The extent of modelling must consider the potential for future development to extend the damming effect and must, as a minimum, extend between street blocks.
- ▶ that where below ground structures are in close proximity to each other (typically less than 3m) no allowance for natural groundwater flow through these narrow corridors has been included in the design of perimeter or through drainage.

Vibration

Reports must:

- ▶ demonstrate that there will be no adverse impact on the surrounding properties and infrastructure as a result of vibration created by the method of construction used for the development. As a minimum, reports must demonstrate compliance with the ~~requirements of AS2187.2 Appendix J.~~
- ▶ recommend appropriate plant, equipment and construction methods.



vibration limits for human comfort as required by *Assessing Vibration - a technical guideline* by Department of Environment and Conservation NSW (DEC), 2006 and the vibration limits for structural damage as required by German standard DIN 4150-3 - *Vibrations in buildings - Part 3: Effects on structures*.

Implementation Plan

The Implementation Plan will normally be part of the Conditions of Consent for the development and generally are not required to be submitted in association with the DA.

The implementation plan will comprise of the *monitoring program, contingency plan and construction methodology*.

Monitoring Program

The geotechnical and hydrogeological monitoring program for the development should include pre-set acceptable limits for the variation of:

- ▶ settlements associated with temporary and permanent structures;
- ▶ deflection or movement of retaining mechanisms (shoring, braces, etc.)
- ▶ vibration in accordance with ~~AS 2187.2 Appendix J, including acceptable velocity of vibration;~~ applicable standards, guidelines and legislations
- ▶ groundwater changes calibrated against natural groundwater fluctuations.

It should also:

- ▶ include the location and type of monitoring systems to be utilised;
- ▶ include recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by a geotechnical engineer.
- ▶ relate back to the contingency plan should the present acceptable limits for variation be exceeded.

Contingency Plan

A *Contingency Plan* must be prepared for situations where the monitoring shows the preset acceptable limits for the geological and hydrogeological parameters are exceeded. This could include details of measures to be adopted for restoring groundwater, additional support or bracing, remedial works and alternative procedures. Where possible, the contingency measures should be linked back to the monitoring program to enable early warning and time for preventative measures to be implemented

Construction Methodology

The construction methodology must address all aspects of the construction process as it relates to the geotechnical and hydrogeological requirements. Generally, this will include the method and staging the excavation, installing monitoring devices, support and retention measures, groundwater control, retention of groundwater flow paths and reinstatement. It may also include appropriate plant and equipment to minimise vibration, localised damage from installation of supports and noise.

Further Investigations

Reports may include recommendations for further investigations to be carried out prior to construction. Each case will be considered on its merits and whether or not further investigations are required prior to the granting of development consent or whether the additional information can be provided after the granting of consent but before the issue of a construction certificate.

Construction Certificate Application - Report Requirements

The following additional information may, as a condition of consent, be required before issue of the Construction Certificate:

- ▶ dilapidation reports
- ▶ details of dewatering method with licences as appropriate
- ▶ finalised Implementation Plan incorporating finalised Geotechnical and Hydrogeological Monitoring Program, Contingency Plan and Construction Methodology.
- ▶ further geotechnical and hydrogeological investigations as may be required by special consent conditions or as recommended in the geotechnical and/or hydrogeological report submitted with the Development Application
- ▶ design certificate from suitably qualified and experienced geotechnical and/or geotechnical engineer confirming that the design of the new below ground structure has been undertaken in accordance with approved standards (such as Australian or British Standards, etc) where applicable.

Construction Phase

The works on the site must be inspected and monitored in accordance with the Implementation Plan, Geotechnical and Hydrogeological Monitoring Program and any other recommendations made in the geotechnical and/or hydrogeological engineer must conduct monitoring and inspection. Copies of inspections and monitoring reports must be supplied to the Principal Certifying Authority.

Occupation Certificate - Report Requirements

A record of inspections and monitoring as required by the Implementation Plan and Geotechnical and Hydrogeological Monitoring Program must be submitted in report form to the Principal Certifying Authority for approval prior to release of the Occupation Certificate. A geotechnical/hydrogeological engineer must certify that all work, including groundwater drainage systems has been carried out in accordance with the applicable development consent conditions and the recommendations of the geotechnical and hydrogeological reports.

Further Information

A checklist of the above-mentioned geotechnical and hydrogeological requirements is attached. If you need further information about our requirements for geotechnical and hydrogeological reports please telephone our Development Engineer on 9391 7000.

Definitions

Geotechnical Engineer means NPER registered with a minimum of 10 years practice in the geotechnical field in the last 15 years

Geotechnical and Hydrogeological Requirement Check List

Development Application

Geotechnical and/or hydrogeological reports to include:

- ☐ Site specific risk assessment matrix
- ☐ Results of geotechnical investigation including boreholes, CPT and groundwater level piezometers.
- ☐ Recommended pertinent geotechnical design parameters.
- ☐ Recommendations on appropriate temporary and permanent site support and retention measures.
- ☐ Method and rate of dewatering where required.
- ☐ Proposed groundwater drainage systems and laboratory tests to determine filter clogging potential.
- ☐ Recommended appropriate plant, equipment and construction methods to limit vibration.

Implementation Plan comprising the following:

- ☐ Monitoring program including various preset acceptable limits, location and type of monitoring systems and recommended hold points.
- ☐ Contingency Plan including details of measures to be adopted to restore groundwater level or to provide any necessary additional support.
- ☐ Construction Methodology to address all aspects of the construction process relating to the geotechnical and hydrogeological requirements.

Recommendations for further investigations to be carried out prior to construction.

Development Consent

The approval of the Development Application by the Council may contain the following conditions:

- ☐ DA Standard Conditions of Consent - Geology and Hydrogeology
- ☐ Special Conditions of Consent

Construction Certificate Application

Depending upon the conditions of consent, the following information may be required:

- ☐ Dilapidation reports
- ☐ Details of dewatering
- ☐ Finalised implementation plan
- ☐ Further geotechnical and hydrogeological investigation report when required
- ☐ Design Certificate from a suitably qualified and experienced geotechnical and/or hydrogeological engineer

Construction Phase

A suitably qualified and experienced geotechnical and/or hydrogeological engineer must supply the following reports:

- ☐ Construction inspection reports
- ☐ Geotechnical and hydrogeological monitoring reports
- ☐ Occupation Certificate

Prior to the release of the Occupation Certificate, the following information must be supplied:

- ☐ Final construction inspection report
- ☐ Final geotechnical and hydrogeological monitoring report
- ☐ Certificate from a geotechnical and/or hydrogeological engineer to confirm that the completed structure conforms to the design.



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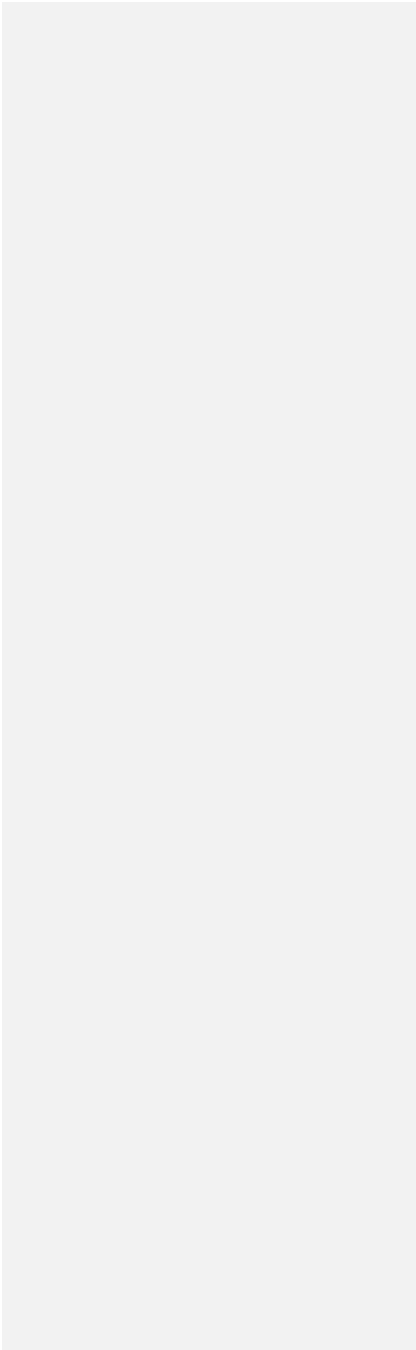


**Draft Woollahra
Development Control Plan
2015
(Amendment No. 30) -
Hydrogeological and Geotechnical
Impacts**

Prepared Date:	30 July 2024
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning and Place and Engineering Services
HPE CM Record Number:	24/134983

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 30) - Hydrogeological and Geotechnical Impacts

Part 1 Preliminary

1.1 Background

Council is concerned about impacts associated with excavation, particularly the potential impact of groundwater drawdown on the structural and geological integrity of buildings in the Rose Bay area, and the impacts of construction induced vibration.

At the Council meeting on 14 June 2022, it was resolved:

THAT Council:

- A. Request the General Manager commence drafting an appropriate scope of works for the hydrogeological and geotechnical study for the entire Rose Bay basin area from the Bellevue Hill ridgeline (with the initial focus of this work to be in the vicinity of Drumalbyn Road Bellevue Hill), with a view to engaging a consultant to undertake this study urgently, preferably commencing in early July 2022.*
- B. Note that the request as detailed in A) above is subject to the hydrogeological and geotechnical study for the entire Rose Bay basin being adopted as a line item by Council at the 27 June 2022 Council meeting, as included in the draft 2022-2023 budget at \$120,000.*

Further to this, in April 2023 in response to Councillor feedback, the impacts of vibration associated deep excavation were requested to be considered as part of this study.

At the Council meeting on 11 April 2023, it was also resolved:

THAT:

- A. Council resolves to exhibit minor amendments to the Woollahra Development Control Plan 2015 to:*
 - i improve the nexus between the excavation provisions and the groundwater (hydrogeology) provisions; and*
 - ii enhance the prominence of the groundwater (hydrogeology) provisions in Chapter E2 Stormwater and Flood Risk Management.*
- B. Subject to A, the amendment to Woollahra Development Control Plan 2015 is undertaken concurrently with another DCP amendment, having regard to the minor nature of the amendment and the resources involved in amending the DCP.*

In response to Council's resolution of 14 June 2022, engineering consultants GHD Pty Ltd were engaged to undertake a geotechnical and hydrogeological study of the Rose Bay area, and preliminary assessment of landform stability and impacts of construction induced vibration.

The study identified that the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) would be strengthened by including provisions to address the impact of groundwater drawdown and land stability within parts of the Rose Bay area. The study also found that vibration limits, guidelines and monitoring requirements should be considered to address human comfort and structural damage.

This draft DCP seeks to amend Chapter E2 Stormwater and Flood Risk Management, with specific focus on section *E2.2.10 Groundwater (hydrogeology)*. The amendments aim to:

- address the impacts of groundwater drawdown by setting a groundwater drawdown limit of 0.3m which will apply to land identified as Settlement Zones A and B in the *Rose Bay - Hydrogeological and Geotechnical Impacts* (May 2024) prepared by GHD Pty Ltd; and
- limit vibration to acceptable levels having regard to human comfort and structural damage, based on compliance with *Assessing Vibration - a technical guideline by Department of Environment and Conservation NSW* (DEC), 2006 and *German Standard DIN 4150-3 - Vibrations in buildings - Part 3: Effects on structures*. These will apply to the across the local government area (LGA).

Other administrative amendments are also made to Chapter B3 General Development Controls, Chapter D3 General Controls for Neighbourhood and Mixed Use Centres, Chapter D5 Double Bay Centre and Chapter D6 Rose Bay Centre. These are minor and seek to identify that provisions for groundwater (hydrogeology) and geotechnical impacts are set out in Chapter E2 Stormwater, Flood and Geotechnical Risk Management.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 30) - Hydrogeological and Geotechnical Impacts*.

1.3 Objectives of the plan

The objective of the plan is to establish new provisions to address groundwater drawdown in parts of the Rose Bay study area, and to limit vibration having regard to human comfort and structural damage which will apply to the whole LGA.

1.4 Land to which this plan applies

This plan applies to land within the Woollahra Municipality where Chapter E2 Stormwater and Flood Risk Management 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 (As recommended in report to EPC meeting of 3 June 2024)

identified in blue, underlined and highlighted in yellow (Additional insertions as recommended in report to EPC meeting of 5 August 2024)

Deletions – ~~identified in red strikethrough~~

Comments/notes in the right hand margin provide further explanation of the proposed amendments. These are for advice and information purposes only and do not form part of the draft DCP.

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 30 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 30</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 B3.4, Chapter D3 General Controls for Neighbourhood and Mixed Use Centres section D3.4, Chapter D5 section D5.6.7 Geotechnology and hydrogeology and Chapter D6 section D6.6.8 Geotechnology and hydrogeology, to state that the provisions for groundwater and geotechnical impacts are in</u>

Woollahra Development Control Plan 2015 (Amendment No. 30)
Adopted TBC

HPE: 24/134083
6

			<p>Chapter E2.</p> <p>Amend Chapter E2 section E2.2.10 to address groundwater drawdown and establish vibration limits. Also make other related administrative and minor changes.</p>
--	--	--	--

Chapter B3 General Development Controls

2.3 Amendment to section B3.4 Excavation

- 2.3.1 In the Introduction after paragraph 3, insert reference to Chapter E2, including the groundwater and geotechnical provisions

[Note, also refer to Chapter E2 Stormwater, Flood and Geotechnical Risk Management, including section E2.2.10 Groundwater \(hydrogeology\) and geotechnical impacts.](#)

Commented [Comment1]: Enhance prominence of the groundwater (hydrogeology) provisions

Chapter D3 General Controls for Neighbourhood and Mixed Use Centres

2.4 Amendment to section D3.4 Built form

- 2.4.1 After control C29 insert reference to Chapter E2, including the groundwater and geotechnical provisions

[Note, also refer to Chapter E2 Stormwater, Flood and Geotechnical Risk Management, including section E2.2.10 Groundwater \(hydrogeology\) and geotechnical impacts.](#)

Commented [Comment2]: Enhance prominence of the groundwater (hydrogeology) provisions

Chapter D5 Double Bay Centre

2.5 Amendments to section D5.6.7 Geotechnology and hydrogeology

- 2.5.1 Replace title of section 5.6.7 to better reflect the scope of provisions

~~Geotechnology and hydrogeology~~ [Groundwater \(hydrogeology\) and geotechnical impacts](#)

- 2.5.2 Amend wording in section 5.6.7 to refer to Chapter E2, including the groundwater and geotechnical provisions

~~Repealed by Woollahra DCP 2015 (Amendment 18) on 6 December 2021.~~
Refer to Chapter E2 Stormwater, ~~and Flood~~ [and Geotechnical](#) Risk Management of Woollahra DCP 2015, [including section E2.2.10 Groundwater \(hydrogeology\) and geotechnical impacts.](#)

Chapter D6 Rose Bay Centre

2.6 Amendments to section D6.6.8 Geotechnology and hydrogeology

2.6.1 Replace title of section 6.6.8 to better reflect the scope of provisions

~~Geotechnology and hydrogeology~~ Groundwater (hydrogeology) and geotechnical impacts

2.6.2 Delete provisions in section 6.6.8 and refer to Chapter E2, including the groundwater and geotechnical provisions

Refer to Chapter E2 Stormwater, Flood and Geotechnical Risk Management of Woollahra DCP 2015, including section E2.2.10 Groundwater (hydrogeology) and geotechnical impacts.

~~Council will normally require geotechnical and hydrogeological reports for development applications which include below ground structures. Any proposed development with below ground structures must consider the sub-surface conditions and the effects of construction on adjacent properties. In addition, those which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the effect of any changes induced in the sub-surface water levels and the groundwater flow patterns on adjacent properties. Unless site specific information exists to the contrary, excavations deeper than 1m must be assumed to have this potential to intersect the groundwater level. Council's principal objective is to ensure there are no adverse geotechnical and hydrogeological impacts on any surrounding property and infrastructure as a result of development, during and after construction. Typically, adverse geotechnical impacts may include vibration induced settlements from construction methods and equipment and inadequate support of adjacent land during and after construction. Typically adverse hydrogeological impacts may include settlement induced by changes in the groundwater level and seepage problems.~~

~~Objectives-~~

~~Buildings must be designed and constructed with appropriate support and retention systems to ensure that:~~

- ~~O1 There will be no ground settlement or movement, during and after construction, sufficient to cause an adverse impact on adjoining properties and infrastructure.~~
- ~~O2 There will be no change to the ground water level, during and after construction, sufficient to cause an adverse impact on surrounding properties and infrastructure.~~
- ~~O3 Vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure.~~
- ~~O4 The risk of damage to adjacent existing property and infrastructure by the new development will be reduced to a level no greater than that from an event with an "unlikely" likelihood of occurrence and "minor" consequence.~~

~~In this control "adverse impact" means any damage caused to the improvements on adjoining properties by the demolition, excavation or construction on the development site.~~

~~Controls-~~

- ~~O1 Excavation below 1m is accompanied by a geotechnical report and a structural report to demonstrate that the works will not have any adverse effect on the-~~

~~neighbouring structures.~~

~~Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines. Council may also require the preparation and submission of a pre-commencement dilapidation report for properties neighbouring the development. Development applications include a design statement and supporting drawings (if necessary) that show the proposed design measures minimise risk and ensure that no adverse impacts will occur.~~

Chapter E2 Stormwater and Flood Risk Management

2.7 Amendments to chapter title and introduction

2.7.1 Amend the chapter title to better reflect the scope of provisions addressed in the chapter
Chapter E2 Stormwater ~~and~~ Flood ~~and~~ Geotechnical Risk Management

Commented [Comment3]: Update title of the DCP Chapter E2 to include reference to geotechnical risks

2.7.2 In section 2.1 Introduction, insert a new point to better reflect the scope of provisions addressed in the chapter

This chapter outlines provisions related to ~~two~~ key interrelated components:

- the management of stormwater drainage collected on and discharged from new developments; ~~and~~
- the minimisation of flood related risks to person and property associated with the development and use of land ~~and~~
- groundwater (hydrogeological) and geotechnical impacts associated with excavation, dewatering and below ground structures.

In preparing an application for a development, ~~both~~ all components must be considered.

2.7.3 In section E2.1.1 Land and development to which this chapter applies, insert reference to groundwater and geotechnical risk management

Stormwater drainage

This chapter applies to all land within the Woollahra Municipality.

Flood risk management

The flood risk management component of this chapter applies to all land within the Woollahra Municipality that is within a "flood risk precinct".

Groundwater and geotechnical risk management

The groundwater (hydrogeology) and geotechnical component of this chapter applies to all land within the Woollahra Municipality.

2.7.4 In section E2.1.2 Development types to which this chapter applies, delete references to specific State code and policy, as the chapter will apply broadly to any development requiring consent.

This chapter applies to all development that requires consent.

~~This includes complying development under the NSW General Housing Code, and complying development for secondary dwellings under the State Environmental Planning Policy (Affordable Rental Housing) 2009.~~

2.7.5 In section E2.1.3 Objectives, insert an objective to address matters relating to groundwater and geotechnical impacts

O8 To minimise risks and impacts relating to excavation, subterranean building and dewatering works.

2.8 Amendments to section E2.2.10 Groundwater (hydrogeology)

2.8.1 Amend the section title and section number within the chapter to reflect the scope of matters addressed in this section and elevate

E2.2.10 Groundwater (hydrogeology) and geotechnical impacts
Renummer accordingly

2.8.2 In section E2.1 Introduction, include references to geotechnical impacts and vibration to better reflect the scope of provisions in this section:

Introduction

Council will require geotechnical, ~~and~~ hydrogeological and vibration assessment reports for development applications which include below ground structures.

Any proposed development with below ground structures must consider the sub-surface conditions and the effects of construction on surrounding properties. In addition, those which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the effect of any changes induced in the sub-surface water levels and the groundwater flow patterns on surrounding properties. Unless site specific information exists to the contrary, excavations deeper than 1m must be assumed to have this potential to intersect the groundwater level and shall be considered as below ground structures.

Council's principal objective is to ensure that earthworks and associated groundwater dewatering, during and after construction, will not have any adverse impacts on:

- Environmental functions and processes
- Neighbouring uses
- Cultural and heritage items
- Any features of the surrounding land and infrastructure that could be impacted by geotechnical and hydrogeological changes.

Typically, adverse geotechnical impacts may include vibration induced damage and/or settlements from construction methods and equipment; instability of slopes, rock cliffs/faces influenced by excavation, filling or other loading such as footings of structures or construction plants; and inadequate support of adjacent land during and after construction. The vibration during construction can also cause discomfort to people occupying adjoining or nearby buildings.

Typically, adverse hydrogeological impacts may include settlement induced by changes in the groundwater level and seepage problems.

Commented [Comment4]: Update subtitle as this section does not only include groundwater related impacts but also other geotechnical impacts such as vibration induced settlement, instability of rock cliffs/faces influenced by excavation, filling or other loading such as footings of structures or construction plants

Commented [Comment5]: Update to include other geotechnical impacts that need to be considered based on the following:
•Geological, topographical, and geo-morphological conditions within the hillside of the study area in the west and east of the golf course indicate that a landslide or slope instability could be possible, particularly during extreme rainfall events when the sand is saturated and disturbed by construction excavation or loading. Tension cracks, which are often a sign of distress indicating ground movement, have also been observed during site visits.
•Review of the geotechnical reports provided by the Council and observations from the site visits indicates a number of properties with exposed rock cliffs or walls/faces.

2.8.3 Insert new controls to address vibration and renumber following controls accordingly

C8 For development applications involving activities transmitting significant vibration, vibration from site works (including demolition, excavation, and construction) is not to exceed the following limits at any time, as measured from the site boundary:

- For continuous vibration: Maximum peak velocity of 0.28 mm/s
- For intermittent vibration: Maximum peak velocity of 2.5 mm/s and maximum vibration dose value of 0.2 m/s^{1.75}
- For Impulsive vibration: Maximum peak velocity of 2.5 mm/s

These are the minimum standards. Some locations may be more susceptible to vibration impacts and require more stringent vibration limits to protect human comfort and prevent structural damage.

Note: Factors that may influence vibration impacts include, but are not limited to:

- Ground conditions
- Sensitive buildings in the vicinity of the site, e.g., heritage, age, construction type and materials of buildings

Construction equipment and methodology must be selected such that vibration is limited and complies with the above acceptable levels. Vibration is to be limited to address human comfort and structural damage, and is to comply with the following minimum standards:

- For human comfort – Assessing Vibration – a technical guideline by Department of Environment and Conservation NSW (DEC), 2006; and
- For structural damage – German standard DIN 4150-3 – Vibrations in buildings – Part 3: Effects on structures.

Notes:

Assessment on expected vibration levels are to be based on the proposed construction activities and plants.

The applicant is to submit a statement/report from qualified person, such as Geotechnical Engineer or Acoustic Consultant, that the vibration would be compliant with relevant vibration standards, guidelines and legislation. The statement/report is to specify methods for reducing vibrations within acceptable levels when the proposed construction activity or plant is likely to cause vibration greater than acceptable limit.

C9 An implementation plan, including a vibration monitoring program and contingency plan, is to be submitted by the applicant. The plan is to include the locations of vibration monitoring sensors, trigger levels for anticipated vibration types and buildings in the neighbourhood, and frequency of monitoring.

As a minimum, vibration monitoring sensors are to be installed and monitored at adjacent properties. The trigger level for the vibration monitoring will be set with the consultation with Structural Engineer following completion of the pre-construction dilapidation surveys of the adjacent buildings, and review geotechnical conditions and construction methodology.

Notes:

Should vibration limits be exceeded at any time during construction, the construction activity causing vibration must cease until the measures to limit the vibration are implemented.

Commented [Comment6]: New control to provide a maximum peak velocity vibration to be used for various vibration types. Although it sets a maximum limit, each site is to be assessed by a suitably qualified professional to determine the maximum peak velocities to be used for the site without exceeding the maximum peak velocities provided within this control.

Commented [Comment7]: New control is to implement the requirements on acceptable vibration levels. These levels have been proposed following the review of the publications listed below and considered both human comfort and building damage:
 AAS ISO 2631-3:2014 Mechanical vibration and shock – Evaluation of human exposure to whole-body vibration – Part 2: Vibration in buildings (1 Hz to 80 Hz);
 AAS 3187.2-2006 Explosives – Storage and use. Part 2: Use of explosives;
 Assessing Vibration: A technical guideline, Department of Environment and Conservation NSW (February 2006);
 German standard DIN 4150-3 – Vibrations in buildings – Part 3: Effects on structures.

Reference to Assessing Vibration: A technical guideline (2006) is made to human comfort level as this document is the most relevant applicable statutory guideline.

For building damage, reference is made to German standard DIN 4150-3 – Vibrations in buildings – Part 3: Effects on structures for the following reasons:

• Available Australian standard AS 2187.2-2006 is primarily focused on vibration caused by explosives;
 AAS 3187.2-2006 Appendix I refers to British Standard BS 7385-2-1993 and the United States Bureau of Mines (USBM) report RI-8507. The limits in USBM RI-8507 were developed with respect to vibrations resulting specifically from surface mine blasting, whereas those in BS 7385-2 relate to building damage resulting from ground borne vibration more generally. The limits from BS 7385-2 are generally applicable when considering the range of vibration sources that could be present on construction sites. However, it does not provide a limit for acceptable vibration limit for sensitive structures;
 • German standard DIN 4150-3 includes guidelines for residential buildings together with criteria for both commercial/industrial buildings and high sensitivity structures. The guidelines provide for increased levels of vibration (i.e., higher ppv) as the wave frequency increases and is considered more robust compared to Australian or British Standards for building damage.

Commented [Comment8]: New control is to implement the vibration monitoring requirements appropriate for a construction site with considerations of ground conditions, neighbouring buildings and construction methodology.

At the end of construction, a post construction dilapidation survey of the adjacent properties is to be carried out and compared with pre-construction dilapidation survey for identification of defects (if any) that were likely caused by vibration from construction activities.

These matters will also be reflected in the conditions of consent.

2.8.4 Amend existing control C8 Land in the Double Bay settlement area to delete the alternate standard

Temporary changes to the groundwater level, due to construction, must not exceed 0.2 m from the average monitored pre-construction groundwater level, ~~unless calculations using the results of specific field testing, support a greater change and demonstrate that the change will not induce settlement greater than the characteristic surface movement of a Class S site as defined in Table 2.3 of Australian Standard AS2870-2011.~~

2.8.5 Insert new control to address groundwater settlement in the Rose Bay area

Land in the Rose Bay settlement area
In addition to the general controls in this section, the following applies to the land in the Rose Bay settlement area, as shown below.

FIGURE 2 Rose Bay settlement area

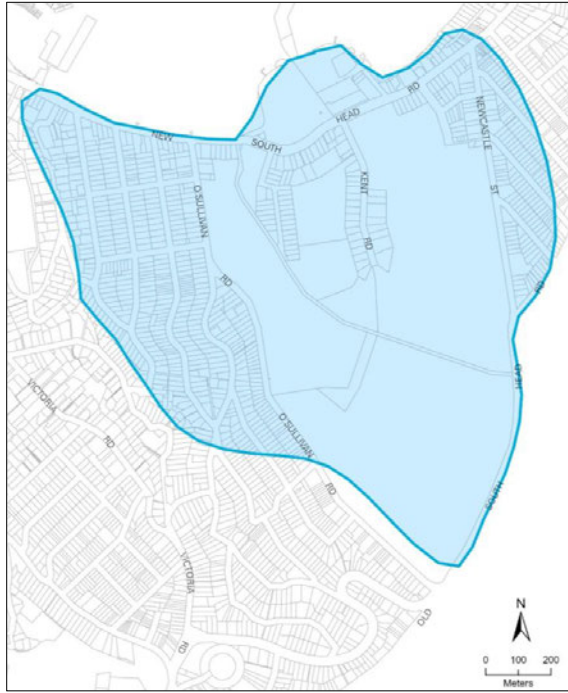
Commented [Comment9]: This control is proposed based on the assessment presented in Stage 3 of the report which concludes a drawdown of about 300 mm could induce a settlement of 15 mm in some locations within the Rose Bay area. The allowable settlement of 15 mm was recommended in our Stage 3 report on the basis of the equivalence of Class S site as defined in AS2870-2011.

This allowable settlement was proposed to limit the risk of any damage relating to no worse than a typical "aesthetic" damage to buildings. Because the groundwater drawdown caused by dewatering at a given site could extend over a long distance, the minimum drawdown of 300 mm has been recommended for assessed settlement zones A and B the Rose Bay area.

The following points should be highlighted in relation to this new control:

- The proposed 300 mm groundwater drawdown limit has taken into consideration the critical scenario when the baseline level obtained from pre-construction monitoring coincides with the historic low groundwater level, whereby the additional lowering of 300 mm brings the groundwater to below the lowest level which has occurred in the past.
- To limit the settlement of any recently constructed buildings (or old buildings with newly rendered walls) to less than 15 mm, the proposed drawdown limit is considered to be suitably applied even when the current water level is within the historical range of groundwater fluctuation.
- Owing to the sandy ground conditions within the Rose Bay area, the lowering of groundwater caused by dewatering at a given construction site is likely to extend over a long distance away from the dewatering source. Therefore, even the 0.3 m limit was identified for Zone A, it is prudent to adopt the 300 mm drawdown limit for Zones A and B of the Rose Bay area in order to limit the influences on housings within the settlement susceptible areas where the compressible peat layers were observed to be extensive.

As presented in the Stage 3 of the report, it is highlighted that a number of design measures may be available to limit the groundwater drawdown whilst allowing for the dewatering. These measures include the provision of groundwater recharge/reinjection wells, cutoff walls, etc. These design measures, if introduced, should be assessed and presented in the reports lodged as part of the DA submission.



C11. Temporary changes to the groundwater level due to construction must not exceed 0.3m from the average monitored pre-construction groundwater level.

Appendix 1 – Definitions

2.9.1 Insert the following definitions in alphabetical order

<u>below ground structures</u>	<u>Below ground structures means excavation to a depth greater than 300mm below the existing groundwater level, for excavations within 1.5 m of the boundary, or otherwise greater than 1.0m in depth.</u>
<u>dewatering</u>	<u>Dewatering is the process of removing groundwater or surface water from a construction site or excavation</u>

	<u>aiming to lower the groundwater table to a desired level to provide a relatively dry and stable working environment.</u>
<u>dilapidation survey</u>	<u>A dilapidation survey is a detailed inspection and assessment of the condition of buildings, structures, infrastructure, or properties, typically conducted before and after nearby construction or development activities. The purpose of a dilapidation survey is to document and record the existing state of the subject property and any adjoining or neighbouring properties to establish a baseline condition. This baseline condition serves as a reference point for comparison to identify any changes, damages, or impacts that may occur during or after construction work.</u>
<u>drawdown</u>	<u>Drawdown refers to the lowering of the groundwater level due to dewatering activities. It is measured as the difference between the original groundwater level and the level during and after dewatering.</u>
<u>erosion</u>	<u>Erosion refers to the process of wearing away or gradual removal of soil, rock, or other materials from the Earth's surface by natural forces such as water, wind, ice, or gravity. It is a natural geological process that can occur over short or long periods.</u>
<u>excavation</u>	<u>Excavation is the process of removing soil or rock from a site to create an open space, trench, or cavity. This is typically the first step in the construction of foundations, roads, and other structures.</u>
<u>groundwater</u>	<u>Groundwater refers to the water that fills the spaces between particles of soil and rock below the Earth's surface.</u>
<u>groundwater table</u>	<u>The groundwater table, or water table, is the upper surface of the saturated zone in the soil or rock, where the soil pores or rock defects are fully filled with water.</u>
<u>hydrogeology</u>	<u>Hydrogeology is the branch of geology that deals with the distribution, movement, and quality of groundwater in the Earth's crust. It encompasses the study of the occurrence, flow, and chemical composition of groundwater, as well as the interaction between groundwater and the surrounding soil and rock.</u>

<u>rock cliff</u>	<u>A rock cliff is a steep, nearly vertical or overhanging rock face.</u>
<u>settlement</u>	<u>Settlement is the downward movement of the ground caused by increase in effective stress in soil by a load, changes in groundwater or other factors, leading to compression of the soil. This can occur immediately after the load is applied or over a period of time.</u>
<u>site works</u>	<u>Site works refers to the scope of works relating to a site and can include any of the following; demolition, earthworks, and/or construction.</u>
<u>slope instability</u>	<u>Slope instability refers to the condition where natural or man-made slopes are prone to failure or movement due to factors such as geological conditions, erosion, weathering, water infiltration, seismic activity, human activities, or a combination of these factors. Instability can manifest in different forms, including landslides, rockfalls, debris flows, and slope failures.</u>
<u>vibration</u>	<u>Mechanical oscillation of solid bodies that has the potential to cause discomfort to persons or damage to structures.</u>
<u>structural damage</u>	<u>Any permanent consequence of an action that reduces the serviceability of a structure or one of its components.</u>

Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - DRAFT DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 31) - AMENDING CONTROLS TO REDUCE EXCAVATION**
Author: Eleanor Smith, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/122016
Purpose of the Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 31) which seeks to amend the excavation provisions with the aim of reducing excavation in new development.
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. 31)* on proposed amendments to the excavation provisions.
- B. Approves Draft Woollahra Development Control Plan 2015 (*Amendment No. 31*), as amended, at **Attachment 1** of the report to the Environmental Planning Committee of 5 August 2024 as exhibited.

Executive Summary:

This report relates to the public exhibition of *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* (Draft DCP), which contains amendments to the excavation provisions for residential properties.

The Draft DCP responds to a decision of the Environmental Planning Committee (EPC) from 7 August 2023 requesting staff to investigate the application and effectiveness of the volume of excavation controls, and provide recommendations to reduce excavation impacts in development applications.

The Draft DCP and supporting material were on public exhibition for 28 days from 26 June 2024 to 23 July 2024. Council received eight submissions commenting on the Draft DCP. Having considered the issues raised in the submissions, staff recommend that Council resolves to approve the Draft DCP with a minor amendment. This amendment does not change the intent of the Draft DCP and does not warrant re-exhibition. The Draft DCP, as amended, is at **attachment 1**.

Discussion:

Background

On 7 August 2023, the EPC resolved (under delegation) to request staff to investigate the application and effectiveness of the volume of excavation controls, and provide recommendations to reduce excavation impacts in development applications. On 3 June 2024, the EPC considered a report identifying proposed amendments to the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) to reduce excavation in development applications for residential development (see **Attachment 2**), and on 11 June 2024 Council resolved:

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.*

Public exhibition

The Draft DCP and supporting material were publically exhibited for 28 days, from Wednesday 26 June 2024 to Tuesday 23 July 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. Four notices in the Wentworth Courier newspaper, appearing on 26 June, and 3, 10, and 17 July 2024.
2. A page on Council's Your Say Woollahra webpage, which was visited by 297 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, Vaucluse Progress Association, Woollahra Residents' Association Inc..
4. Notification emails to the following architecture/town planning practitioners who regularly practice in our LGA: GSA Planning, Tzannes Architect, Stafford Architecture, Howe Architects, Simpson Wilson Architects, and MHN Design Union Architects.

Submissions

In response to the exhibition, Council received eight submissions:

- Seven submissions from the general public.
- One submission from the Double Bay Residents' Association.

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
General public submissions:		
Timing of the proposed amendments	<p>The Council has given the go ahead to too many unsustainable, development excavations and refused to listen to or consider the objections.</p> <p>Now we have this belated excavation proposal. A bit late we think.</p>	<p>The Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) and Woollahra DCP 2015 currently contain planning provisions to minimise excavation. Council has resolved on a number of occasions to enhance the planning provisions to address concerns associated with excavation, which is set out in the <i>'History of excavation controls'</i> section of the report to EPC on 3 June 2024 provided at Attachment 2. The Draft DCP proposes further amendments to improve the operation of the excavation controls.</p> <p>No amendments are proposed in response to this submission.</p>
Preventing excessive excavation	<p>We support the Draft DCP.</p> <p>We have endured massive excavations not far from our home. Both were unbelievably disruptive. With the massive excavation beside our house at 3 Wiston Gardens being about 7 times the maximum quantity of excavation as in the Council code. This was approved by the Land and Environment Court.</p> <p>A Council code is only of use if it is adhered to both by Council and by the Court. How to achieve this is the real challenge.</p>	<p>The Land and Environment Court appeal at 3 Wiston Gardens (Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582) is referenced under the <i>'Proposed Amendments to the Woollahra DCP 2015'</i> section of the report presented to EPC on 3 June 2024, provided at Attachment 2.</p> <p>The commissioner's comments in the judgement for this appeal directly prompted the proposed amendments to section E1.15 of Woollahra DCP 2015. The proposed amendment permits mechanical parking installations, in certain circumstances within the residential zones, where their inclusion reduces excavation.</p> <p>No amendments are proposed in response to this submission.</p>
Preventing movement of soil	<p>I am pleased to see that Council is refining controls for mechanical parking and mechanical movements in connection with excessive excavations.</p> <p>I heartily endorse this because the area around Rose Bay is made up of old sand dunes. Soil erosion and movement of soil are caused by excessive deep excavations for car-parking under new developments.</p>	<p>The comments are noted.</p> <p>No amendments are proposed in response to this submission.</p>
The intent of the Draft DCP	<p>The Draft DCP's intent to minimise excavation is well expressed. The modification appears to address a short coming and we support this.</p>	<p>The comments are noted.</p> <p>No amendments are proposed in response to this submission.</p>

Topic	Issue	Staff response
The Draft DCP does not go far enough	We feel the draft DCP does not go far enough. However that is really the subject of additional investigation and we are disappointed to see that a proposal to move in this direction was not approved by Councillors	<p>At the EPC meeting on 3 June 2024, and the Council meeting on 11 June 2024, amendments to the staff recommendation were proposed. The amendments requested an additional staff report to investigate the deletion of Control C4 in Section B3.4 (Excavation) of the Woollahra DCP 2015 i.e. not to allow any kind of variation to the volume of excavation control.</p> <p>Control C4, currently enables a variation to the volume of excavation control for residential flat buildings to accommodate car parking to comply with the maximum car parking rates permitted under the Woollahra DCP 2015, and storage to meet the storage provisions required under the Woollahra DCP 2015. At the meetings of both the EPC and Council the amendments were not supported.</p> <p>Control C4, works in conjunction with other controls in the Woollahra DCP 2015 to ensure that:</p> <ul style="list-style-type: none"> adequate storage facilities are provided in residential development, development generating vehicular traffic makes adequate provision for off street car parking, residential apartment developments do not propose a shortfall in parking spaces, which is substantially below the maximum parking generation rate for the site, to prevent significant additional demand for on-street parking in surrounding streets, where possible storage and parking facilities are appropriately located to ensure that they are integrated into the proposed built form and prevent adverse impacts to the amenity of the streetscape, adjoining neighbours, or existing landscaping, car parking for development involving three or more dwellings is provided at basement level to minimise the visual impact of car parking on the streetscape and to retain trees and vegetation, and residential apartment development accords with the Apartment Design Guide (ADG) requirements in relation to car parking and storage, which requires on-grade parking to be avoided and adequate storage to be incorporated as an important component of apartment design. <p>No amendments are proposed in response to this submission.</p>
If safe deep excavation should be supported	<p>I do not agree there is a real problem to solve. If safe, deep excavation should be supported</p> <p>Developers do not want to waste their money, and many houses and blocks need more parking space. This should be supported.</p>	<p>Excavation is a common part of development in the Woollahra Municipality where the topography varies. Excavation allows buildings on sloping sites to be designed to step down and sit into the hillside, and it also enables cars and storage to be accommodated on site in an unobtrusive manner.</p> <p>However, there can be significant environmental impacts associated with extensive excavation, as well as external impacts, such as amenity impacts to adjoining properties during the excavation process.</p>

Topic	Issue	Staff response
		<p>The Draft DCP aims to acknowledge the need for car parking, but also prevent car parking designs which result in excessive excavation.</p> <p>No amendments are proposed in response to this submission.</p>
The Draft DCP amendments are not supported	[No further information was provided]	No amendments are proposed in response to this submission.
The Draft DCP amendments are supported	[No further information was provided]	No amendments are proposed in response to this submission.
Double Bay Residents' Association submission:		
Topic	Submission Comments	Staff response
Excessive excavation	Broadly support measures to curb excessive excavation	No amendments are proposed in response to this submission.
Areas to which the controls apply	<p>The proposed controls apply specifically to residential development which Chapter B3 of the WDCP 2015 applies.</p> <p>Chapter B3 does not apply to commercial areas including Double Bay.</p> <p>The scope of the proposed controls should be expanded to include all areas of the Woollahra Local Government Area.</p>	<p>Two amendments are proposed to the Woollahra DCP 2015. The first amendment applies to section B3.4 (Excavation) of the Woollahra DCP 2015 and relates to the car parking design for dwelling houses. The amendment forms part of the volume of excavation control, which applies to dwelling houses located in a residential zone. It is not appropriate for this amendment to apply to the local centres or mixed use zones for the following reasons:</p> <ul style="list-style-type: none"> • Dwelling houses are prohibited in the local centres. • Volume of excavation controls generally do not apply within the mixed use zones, and dwelling houses are not highly prevalent within the mixed use zones. <p>The second amendment applies to section E1.15 (Mechanical parking installations and paid parking stations), and provides an exception for the provision of mechanical parking installations for residential development where Chapter B3 of the Woollahra DCP 2015 applies, to minimise excessive excavation. The amendment works in collaboration with Council's volume of excavation controls and the underlying objectives.</p> <p>Volume of excavation controls generally do not apply to the local centres or mixed use zones. It is therefore not considered appropriate to extend the proposed amendment to section E1.15 to apply to the local centres or mixed use zones.</p> <p>It is noted that the existing provisions, contained within section E1.15, permit mechanical parking installations for residential and non-residential development where the topography or lot size does not reasonably allow a simpler, more conventional parking arrangement. Therefore, under these circumstances, mechanical parking installations are already permitted in commercial areas including Double Bay.</p>

Topic	Issue	Staff response
		No amendments are proposed in response to this submission.
Impacts of excavation on the watertable	In major commercial centres such as Double Bay chronic water table issues arising from excavation impacts upon residents.	<p>It is noted that the excavation controls for the Double Bay Centre were amended on 6 December 2021, under amendment No. 18 to the Woollahra DCP 2015. The amendments updated and strengthened the existing objectives and controls to minimise the impacts of groundwater drawdown as a consequence of underground structures and minimise hydrogeological impacts on surrounding properties and infrastructure, both during and after construction.</p> <p>Further, on 2 September 2022, Part 1.2 (Aims of the Plan) and Part 6.2 (Earthworks) of the Woollahra LEP 2014 was amended to specifically reference dewatering.</p> <p>In response to this submission, it is considered that there is scope to improve how the provisions of section E1.15 (Mechanical parking installations and paid parking stations) of the Woollahra DCP 2015 operates in conjunction with the above controls and objectives relating to groundwater and dewatering.</p> <p>It is recommended that section E1.15 is amended to specify that mechanical parking installations may be permitted for residential and non-residential development where the ground water level does not reasonably allow a simpler, more conventional parking arrangement.</p> <p>An amendment to the Draft DCP is recommended in response to this submission.</p>
Management of excavation impacts	<p>Adverse environmental impacts from excavation are addressed at the post-determination stage through conditions of consent.</p> <p>The result of this is an expectation that developers and certifiers will self-police excavation works to ensure adverse impacts on neighbouring properties is avoided. Unfortunately, this is a practice that rarely occurs, and residents are often left with no option but to engage in costly litigation with developers with little to no financial remuneration from Council.</p>	<p>The Geotechnical and Hydrogeological Report on the Rose Bay Basin is subject to a separate Council report. This proposes amendments to the Woollahra DCP 2015 and Council's DA guide relating to the general management of excavation impacts such as vibration and settlement.</p> <p>No amendments are proposed in response to this submission.</p>

Having considered the issues raised in the submissions, Council staff recommend progressing and finalising Draft DCP No. 26 as exhibited, with one amendment, as provided at **Attachment 1**. The post-exhibition amendment is highlighted in yellow. This amendment does not change the intent of the Draft DCP and does not warrant re-exhibition.

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 amended, 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 day specified in the notice).

Alternatively, Council may decide not to endorse the Draft DCP, or endorse the Draft DCP with further 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. Eight submissions were received during the exhibition period. An amendment to the exhibited version of the Draft DCP is proposed in response to the submissions. The amendment does not change the intent of the Draft DCP and does not warrant re-exhibition. Council staff recommend finalising the Draft DCP, as amended.

Attachments

1. Draft Woollahra Development Control Plan 2015 (Amendment No. 31) with post exhibition amendment - July 2024 [↓](#) 
2. Report to Environmental Planning Committee (attachments removed) - 3 June 2024 [↓](#) 
3. Submissions (Redacted) - July 2024 [↓](#) 



Draft Woollahra Development Control Plan 2015 (Amendment 31)

Prepared Date:	June 2024
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning and Place
HPE CM Record Number:	24/77510

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 31)

Part 1 Preliminary

1.1 Background

Excavation is a common part of development in the Woollahra Municipality where the topography varies. Excavation allows buildings on sloping sites to be designed to step down and sit into the hillside, and it also enables cars and storage to be accommodated on site in an unobtrusive manner.

However, there can be significant environmental impacts associated with extensive excavation, as well as external impacts, such as amenity impacts to adjoining properties during the excavation process.

The volume of excavation controls contained within the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) aim to limit excavation to that which might reasonably be required for car parking and domestic storage requirements, and to allow the building to respond to the site topography in an appropriate manner.

On 7 August 2023, the Environmental Planning Committee resolved (under delegation):

THAT staff report to the Environmental Planning Committee on:

- 1. the application and effectiveness of current excavation controls, limiting excavation to methods with lower impact (contiguous piling) and consider options available to Council for charging for excavated materials; and*
- 2. recommendations for amending controls to mitigate impacts of increasingly large DA proposals to remove rock/soil/sand and other excavation material.*

This draft DCP seeks to amend sections *B3.4 – Excavation*, and *E1.15 – Mechanical parking installations and paid parking stations* of the Woollahra DCP 2015. The amendments aim to:

- advise that turning areas or mechanical vehicle turntables for off-street basement car parking for dwelling houses on a local road will only be considered where the proposal complies with the maximum excavation volume, or it is demonstrated that vehicle entry and exit in a forward direction is required for the safe movement of vehicles and/or pedestrians, and
- allow, in some circumstances, the use of mechanical parking installations to reduce excavation volumes associated with off-street basement parking.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 31)*.

1.3 Objectives of the plan

The objective of the plan is to minimise excavation associated with car parking.

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* of the Woollahra DCP 2015 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

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 31 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 31</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 B3.4, 'Excavation' to state that turning areas or mechanical vehicular turntables for off street basement car parking for dwelling houses with access to a local road will only be considered where the proposal complies with the maximum excavation volume, or it is demonstrated that it is required for vehicle and/or pedestrian safety.</u> <u>Amend Part E, Chapter E1, section E1.15 'Mechanical parking installations and paid parking stations' to state that mechanical parking installations may be considered for residential developments, where they reduce excavation in order to uphold the excavation controls and objectives set out in Chapter B3 (section B3.4) of this DCP.</u>

Chapter B3 General Development Controls

2.3 Amendments to section B3.4 Excavation

2.3.1 Add a note under control C1 to ensure that the off street car parking design for dwelling houses on local roads does not result in excessive excavation.

Objectives	Controls
<p>O1 To set maximum acceptable volumes of excavation which:</p> <ul style="list-style-type: none"> a) require buildings to be designed and sited to relate to the existing topography of the site; b) ensure excavation, including the cumulative impacts of excavation, does not adversely impact land stabilisation, ground water flows and vegetation; c) avoid structural risks to surrounding structures; d) ensure noise, vibration, dust and other amenity impacts to surrounding properties during construction are reasonable; e) enable deep soil planting in required setbacks; f) ensure traffic impacts and impacts on local infrastructure arising from the transfer of excavated material from the development site by heavy vehicles are reasonable; and g) satisfy the principles of ecologically sustainable development (including the energy expended in excavation and transport of material and the relative energy intensity of subterranean areas in dwellings). 	<p>C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 13A.</p> <p><u>Note: Driveways for dwelling houses do not require vehicle entry and exit onto a local road to be made in a forward direction. For off street basement car parking for dwelling houses, turning areas or mechanical vehicular turntables to a local road will only be considered where the proposal complies with the maximum excavation volume, or it is demonstrated that travel in a forward direction is required for the safe movement of vehicles and/or pedestrians.</u></p> <p>C2 For a residential flat building, manor houses, multi dwelling housing, multi dwelling housing (terraces), or attached dwelling development (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 13B.</p> <p>C3 For any other use (including attached and detached garaging) not addressed in C1 and C2 above—the maximum volume of excavation permitted is no greater than the volume shown in Figure 13B.</p>

Chapter E1 Parking and Access

2.4 Amendments to section E1.15 Mechanical parking installations and paid parking stations

- 2.4.1 Add an additional bullet point under section E1.15.1 'Locations and land use' to advise that mechanical parking installations will be considered for residential development where there inclusion reduces excavation in order to uphold the excavation controls and objectives set out in Chapter B3 (section B3.4) of the Woollahra DCP 2015.

E1.15.1 Location and land use

Mechanical parking installations such as car lifts and car stackers are generally not desirable, and will only be considered in exceptional circumstances.

Mechanical parking installations may be permitted for residential and non-residential development where one or more of the following applies:

- The topography, groundwater level, or lot size does not reasonably allow a simpler, more conventional parking arrangement.
- An existing building is being refurbished and there is no land available for additional parking. Refurbishment does not include extension of the building so as to increase site coverage or any other works to increase site coverage, all of which have the effect of reducing site area which could be used for conventional parking arrangements.
- In the case of non-residential development, the installations are for long-stay parking.
- In the case of residential development, the inclusion of mechanical parking installations reduces excavation in order to uphold the excavation controls and objectives set out in Chapter B3 (section B3.4) of this DCP.
- In the case of residential development, the installations are for resident rather than visitor parking.

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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 Welfare, 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.

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.

Executive Summary:

This report responds to a decision of the Environmental Planning Committee (EPC) from 7 August 2023, requesting staff investigate:

- the application and effectiveness of current excavation controls,
- amending the excavation controls to mitigate the impacts of development application (DA) proposals with increasingly large volumes of excavation,
- opportunities to limit excavation methods to those with lower impact, and
- charging for excavated materials.

Over the last five years there have been a suite of changes to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015), Development Application Guide, and conditions of consent, to strengthen Council's assessment of excavation.

In response to the decision of the EPC, staff have:

- reviewed how other Councils address excavation in their Local Environmental Plans,
- undertaken a review of DAs, determined over a 6 month period, to gain an understanding of the application of the volume of excavation controls contained within the Woollahra DCP 2015,
- reviewed the effectiveness and limitations of the volume of excavation controls contained within the Woollahra DCP 2015. This included a review of Land and Environment Court appeals determined over a 12 month period,

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- considered the impact of Woollahra LEP 2014 Amendment 33 (floor space ratio for low density residential development) on excavation,
- proposed amendments to Woollahra DCP 2015 to reduce pressure for excavation in DAs,
- investigated restricting excavation and shoring methods to those with lower impact,
- explored charging for excavated material, and
- ensured Council's standard conditions of consent relating to excavation are up to date and comprehensive.

It has been identified that there is opportunity to make changes to the Woollahra DCP 2015 to:

- limit design elements (vehicular turning areas and mechanical vehicular turntables for dwelling houses), which commonly contribute to non-compliant volumes of excavation, and
- in certain circumstances permit mechanical parking structures to minimise excavation.

Discussion:

Background

The Woollahra LEP 2014 defines excavation as '*the removal of soil or rock, whether moved to another part of the same site or to another site*'. Excavation is a common part of development in the Woollahra Municipality where the topography varies. Excavation allows buildings on sloping sites to be designed to step down and sit into the hillside, and it also enables cars and storage to be accommodated on site in an unobtrusive manner.

However, there can be significant environmental impacts associated with extensive excavation, as well as external impacts, such as amenity impacts to adjoining properties during the excavation process.

Council's volume of excavation controls aim to limit excavation to that which might reasonably be required for car parking and domestic storage requirements, and to allow the building to respond to the site topography in an appropriate manner.

On 7 August 2023, the EPC considered a report on the *Woollahra Local Planning Panel Register of Planning Decisions and Analysis*. The report identified the following issue and recommendation:

Issue: A series of recent Development Applications (DAs) determined by the Woollahra Local Planning Panel had proposals that included large amounts of excavated material. This led the Panel to reflect on options that Council may have to further manage this issue and a Woollahra Local Planning Panel decision to offer advice to assist Council.

Recommendation: That Council give consideration to further controlling the impacts of increasingly large proposals to remove rock/soil/sand as a part of DAs.

The advice offered by the Woollahra Local Planning Panel (WLPP) is summarised as follows:

- examine how other Council's in the Sydney Region address excavation in their Local Environmental Plans (LEPs),
- explore how the provision of a floor space ratio (FSR) control could assist in controlling excavation,
- restrict excavation methods to those with lower impacts (i.e. rock sawing over rock drilling, limiting the size of trucks to access the site, etc.), and
- explore options for charging for excavated material and imposing robust excavation monitoring.

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Subsequently, on 7 August 2023, the EPC resolved (under delegation):

THAT staff report to the Environmental Planning Committee on:

1. *the application and effectiveness of current excavation controls, limiting excavation to methods with lower impact (contiguous piling)and consider options available to Council for charging for excavated materials; and*
2. *recommendations for amending controls to mitigate impacts of increasingly large DA proposals to remove rock/soil/sand and other excavation material.*

History of excavation controls

Council has resolved on several occasions to enhance the planning provisions to address concerns associated with excavation. Provided below is a history of the implementation of the various excavation controls.

- 12 September 2012, Council introduced volume of excavation controls for residential development under an amendment to the Woollahra Residential Development Control Plan 2003.
- 23 May 2015, the Woollahra DCP 2015 commenced, which reinforced and expanded the volume of excavation controls for residential development under Chapter B3 (General Development Controls). It is noted that the volume of excavation controls do not apply to the Business Centres, or the Heritage Conservation Areas (with the exception of the Watson Bay Heritage Conservation Area).
- 23 May 2015, the Woollahra LEP 2014 commenced. Part 6.2 (Earthworks), aims to ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and prescribes the matters the consent authority must consider when deciding whether to grant development consent for earthworks. Clause 6.2 was based on the former Department of Planning's model local provisions.
- 2 January 2019, amendment No. 3 to the Woollahra DCP 2015 introduced a new section B3.5.5 (Internal Amenity) to ensure that rooms in a dwelling, particularly rooms that are located below natural ground level, have high levels of indoor residential amenity by requiring habitable spaces to have direct natural light and ventilation and providing a maximum room depth for subterranean habitable spaces.
- 6 December 2021, amendment No. 18 to the Woollahra DCP 2015 updated and strengthened the existing objectives and controls to minimise the impacts of groundwater drawdown as a consequence of underground structures and ensure there are no adverse hydrogeological impacts on any surrounding properties and infrastructure, both during and after construction. The amendment comprised of changes to Chapter A.1 (Introduction), Chapter D5 (Double Bay Centre), and Chapter E2 (Stormwater and Flood Risk Management).
- 2 September 2022, Part 1.2 (Aims of the Plan) and Part 6.2 (Earthworks) of the Woollahra LEP 2014 was amended to specifically reference dewatering.

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- On 5 December 2022, amendment No. 20 to the Woollahra DCP 2015 updated and strengthened the requirements for excavation works in Chapter B3 (General Development Controls), Section B3.4 (Excavation). The changes included amendments to the objectives, the revision of setback requirements and a reduction of development types where flexibility on excavation volume may be permitted. The changes were introduced to assist Council staff in refusing unjustified non-compliances with the volumetric excavation controls, and to help improve environmental design outcomes resulting from projects that involve excavation. The amendments were drafted with the assistance of Lindsay Taylor Lawyers to ensure the provision of robust DCP objectives.

Council staff have prepared a Geotechnical and Hydrogeological Report on the Rose Bay Basin (also presented to the EPC meeting of the 3 June 2024) which proposes amendments to the Woollahra DCP 2015 by including provisions to address the impact of groundwater drawdown and land stability within the Rose Bay area, and introducing vibration limits which would apply across the whole local government area.

The Woollahra LEP 2014 Part 6.2 (Earthworks)

The Woollahra LEP 2014 addresses excavation at Part 6.2 (Earthworks). Part 6.2 states:

6.2 Earthworks

- 1) *The objective of this clause is to ensure that earthworks and associated construction dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- 2) *Development consent is required for earthworks and associated construction dewatering unless—*
 - a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - b) *the earthworks and associated construction dewatering are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- 3) *In deciding whether to grant development consent for earthworks and associated construction dewatering (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
 - a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - b) *the effect of the development on the likely future use or redevelopment of the land,*
 - c) *the quality of the fill or the soil to be excavated, or both,*
 - d) *the effect of the development on the existing and likely amenity and structural integrity of surrounding properties,*
 - e) *the source of any fill material and the destination of any excavated material,*
 - f) *the likelihood of disturbing relics,*
 - g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

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The recommendations from the WLPP to the EPC on 7 August 2023, suggested that Council explores how other Sydney Region Councils have addressed excavated material in their LEPs.

Part 6.2 (Earthworks) is contained under Part 6 (Additional local provisions) of the Woollahra LEP 2014. The former Department of Planning's (the Department) LEP practice note *Preparing LEPs using the Standard Instrument* (Reference PN 11-002) encouraged Councils to use the Department's local model clauses for additional local provisions. This included a model 'Earthworks' clause, which Part 6.2 (Earthworks) of the Woollahra LEP 2014 is primarily based upon.

A review of the LEPs for the following Councils has been undertaken: Waverley, Randwick, Bayside, City of Sydney, Inner West, Canada Bay, Hunters Hill, Lane Cove, North Sydney, Mosman, Willoughby and the Northern Beaches. With the exception of City of Sydney (which remains silent on specific earthwork provisions), the remaining twelve Councils all incorporate earthworks provisions within the 'additional local provisions' part of their LEPs to address excavation.

The earthworks provisions contained within these LEPs generally follow the model layout and are similar in content. However, there are some variances, which include:

- the LEPs for Woollahra, Hunters Hill, and the Northern Beaches (Manly Local Environmental Plan 2013) include additional wording relating to dewatering, and
- the LEPs for Mosman, and North Sydney require the consent authority to also consider the likely disruption of, or any detrimental effect on the natural features of, and vegetation on, the land and adjoining land.

Part 6.2 (Earthworks) of the Woollahra LEP 2014 was amended on 2 September 2022 to specifically reference dewatering. Part 6.2 is generally consistent with the LEP provisions of neighbouring Councils and is considered to be robust.

The application of Council's Woollahra DCP 2015 volume of excavation controls

Chapter B3 (General Development Controls – Residential) of the Woollahra DCP 2015 provides a maximum volume of excavation control for residential development in Section B3.4 (Excavation). The volume of excavation controls do not apply to the Business Centres or the Heritage Conservation Areas (with the exception of the Watson Bay Heritage Conservation Area). Excavation controls in these areas generally comprise of excavation setbacks and qualitative excavation controls (i.e. the preservation of original footings, etc.).

To gain a detailed understanding of the application of Council's excavation controls, a review of DAs determined over a 6 month period (19 June 2023 to 19 December 2023) was undertaken.

It was determined that the review should solely look at the application of the volume of excavation controls. This approach was adopted for the following reasons:

- the volume of excavation controls apply to the majority of the Woollahra Municipality area (this was supported by the findings of the 6 month review, which identified that the volume of excavation controls applied to 76% of the DAs during the review period which involved bulk excavation),
- reviewing the volume of excavation controls enables both a quantitative and qualitative analysis,
- significant bulk excavation is generally less prevalent within the Paddington and Woollahra Heritage Conservation Areas due to site constraints, and
- the non-compliant DAs, referenced in the advisory note from the WLPP presented to the EPC on 7 August 2023, all related to non-compliances with the volume of excavation control.

During the 6 month period from 19 June 2023 to 19 December 2023, Council determined 240 DAs (excluding S4.55 applications). The pie chart below (Diagram 1) provides a breakdown of the DA determinations and identifies that:

- 136 DAs (57%) did not involve bulk excavation (excluding bulk excavation for swimming pools, as the excavation volume controls do not apply to swimming pools),
- 36 DAs (15%) complied with the volume of excavation control,
- 14 DAs (6%) were refused due to a non-compliance with the volume of excavation control,
- 29 DAs (12%) involved a non-compliance with the volume of excavation control, which was supported, and
- 25 DAs (10%) involved excavation but were located in a HCA (19 DAs), or Business Centre (6 DAs) (where the volume of excavation controls do not apply).

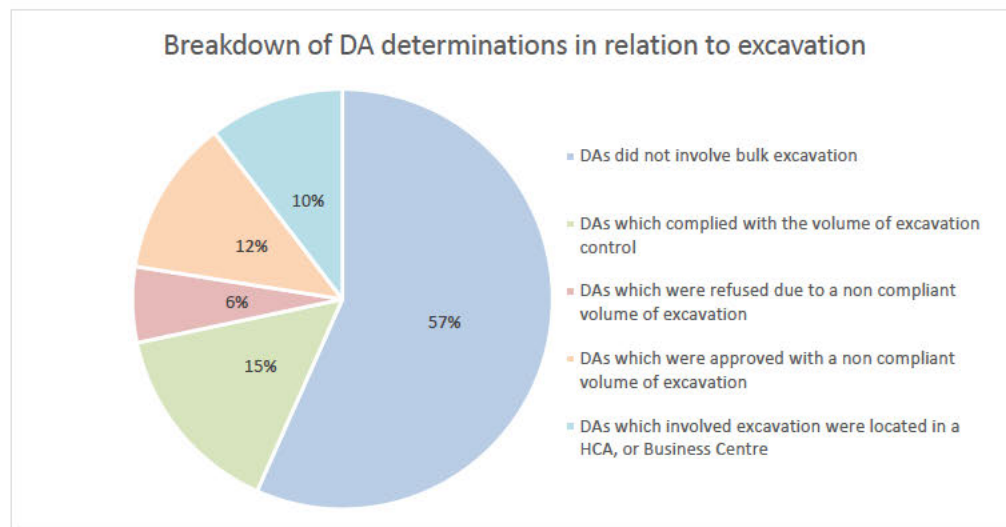


Diagram 1: Pie chart depicting the breakdown of DA determinations in relation to excavation

The volume of excavation controls applied to 79 of the 240 DAs (33%). The pie chart below (Diagram 2) depicts the outcome of Council's assessment against the volume of excavation controls for the 79 DAs, and identifies that:

- 36 DAs (45%) complied with the volume of excavation control,
- 14 DAs (18%) were refused, in part, due to a non-compliance with the volume of excavation control, and
- 29 DAs (37%) supported a non-compliance with the volume of excavation control.

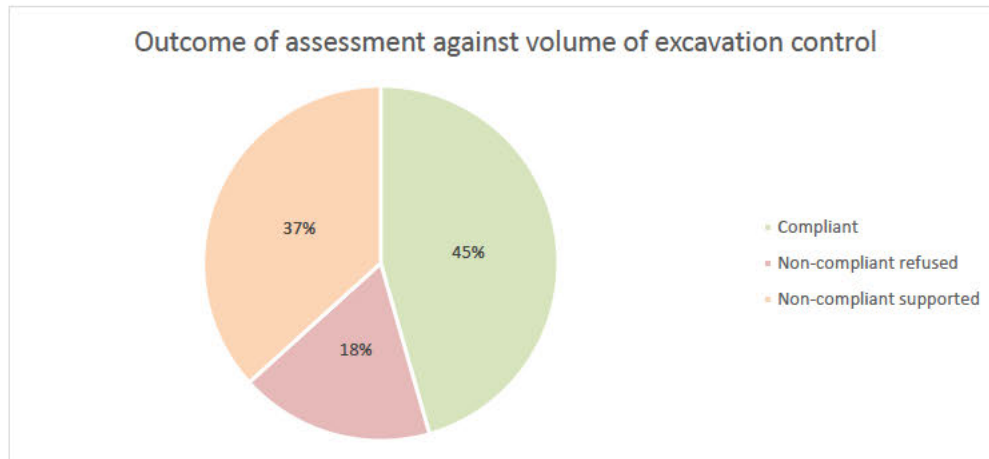


Diagram 2: Outcome of DA assessment against volume of excavation control

An analysis has been undertaken of the 29 DAs, which supported a non-compliance with the volume of excavation control. The characteristics of these DAs are depicted in the pie chart below (Diagram 3), it is identified that:

- 4 DAs (14%) largely reused the non-compliant volume of excavation within the site,
- 4 DAs (14%) resulted in less than a 10% non-compliance with the volume of excavation control,
- 7 DAs (24%) resulted in a volume of excavation non-compliance, which was largely due to compliant parking and internal access,
- 7 DAs (24%) were on steeply sloping sites (with a fall of greater than 7m),
- 1 DAs (3%) resulted in a volume of excavation non-compliance, which was largely due to compliant parking and permissible GFA, and
- 6 DAs (21%) were classified as other (as they did not share any of the characteristics above).

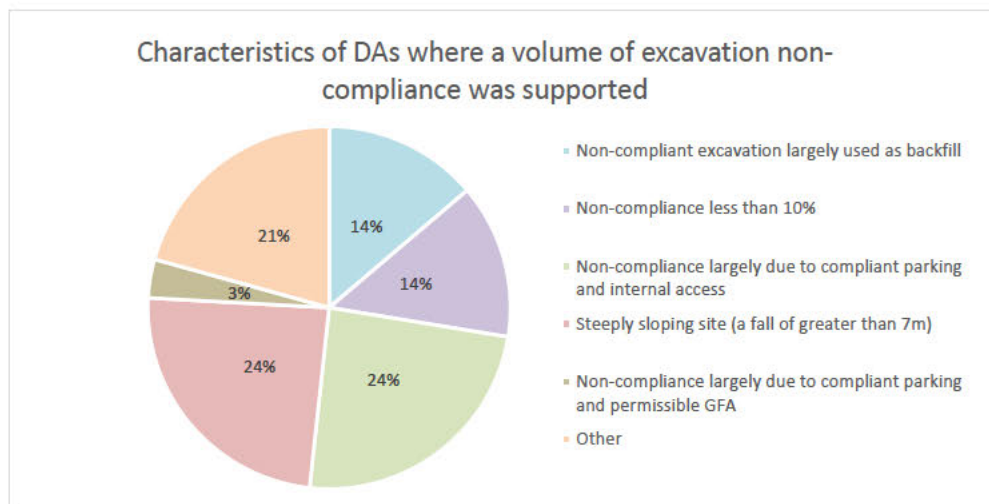


Diagram 3: Pie chart depicting the characteristics of DAs where a volume of excavation non-compliance was supported

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The extent of non-compliance with the volume of excavation controls ranged from 4% to 463%. The majority of DAs resulted in a non-compliance of 150% or less. Generally, there did not appear to be any correlations between the extent of non-compliance and the characteristics of the development.

The extent of non-compliance with the volume of excavation controls as a percentage is detailed in the following table (table 1).

Extent of non-compliance with the volume of excavation control as a percentage (%)	No. of DAs
Less than 10%	4
11% to 100%	7
101 to 150%	8
151% to 200%	2
201% to 300%	2
300% +	6

Table 1: The extent of non-compliance with the volume of excavation control as a percentage

The purpose of the DA review was to gain a qualitative and quantitative understanding of the application of the volume of excavation controls. This revealed that 12% of DAs determined during the review period supported a non-compliance with the volume of excavation control. Typically, there were environmental planning grounds, such as use of backfill and topography, to justify the non-compliance.

It is noted that Section B.3 (Excavation) of the Woollahra DCP 2015, allows flexibility with the excavation volume control for residential flat buildings, where the excavation is required for permissible parking and storage.

The WLPP is required to determine all residential flat buildings, where Chapter 4 (Design of residential apartment development) of the State Environmental Planning Policy (Housing) 2021 (formerly State Environmental Planning Policy 65) applies.

The requirement for the WLPP to determine the majority of residential flat building DAs, may result in the WLPP assessing a higher number of DAs, which include a non-compliance with the volume of excavation control.

Effectiveness of the Woollahra DDCP 2015 volume of excavation controls

In considering the effectiveness of DCP controls, regard must be given to Section 4.15 (3A)(b) of the *Environmental Planning and Assessment Act 1979*, which requires Development Control Plans to be applied flexibly, and consent authorities to allow reasonable alternate solutions to DCP requirements. For example, if a proposal breaches a development control, but upholds the objectives of the development control, Council should be flexible with the application of the control.

Furthermore, whilst the objectives of a development control plan become central where there is non-compliance with the standards in a development control plan, case law has established that strict compliance with the objectives is not required: see for example *Yessaeian v City of Ryde* [2018] NSWLEC 1474 and *90 Croatia Properties Pty Ltd v Liverpool City Council* [2021] NSWLEC 1177 [63].

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Therefore, Council and the WLPP cannot assume that the Court will uphold the refusal of a development that does not comply with the controls or objectives of the Woollahra DCP 2015. The Court may still grant consents despite a non-compliance with the objective(s), or apply its own consideration to whether the objective(s) are met. Developments are often considered as a whole, therefore if a breach of DCP control enables a better planning outcome overall it is likely to be supported.

In some cases, there are strong planning grounds for supporting a non-compliance with the volume of excavation control. These could include the use of excavation to:

- enable a more skillful design to minimise view, solar access or visual impacts to neighbouring properties,
- enable a development to successfully respond to a steeply sloping site,
- improve accessibility within a building by removing the need for split levels,
- ensure the provision of adequate off street car parking for residential flat buildings,
- locate off street car parking at basement level to minimise the visual impact of parking structures on the streetscape,
- improve the connectivity between a dwelling and external areas of private open space,
- minimise the visual impact of plant equipment and services, and
- enable below ground additions to heritage items to retain the setting of the heritage item.

Unlike other impacts from development, such as loss of solar access, outlook, privacy and views, the impacts from excavation are often temporary. In many cases, once the development is complete the extent of excavation is no longer evident. There are also often engineering solutions, or conditions of consent, which can address amenity or environmental concerns arising from excavation.

To gain an understanding of the effectiveness of Council's volume of excavation controls, a review of appeals determined over a 12 month period (January 2023 to December 2023) was undertaken.

During the review period 61 appeals were determined, with 28 (46%) of the appeals raising volume of excavation as grounds for the appeal to be refused. The pie chart below (Diagram 4) depicts the outcome of the 28 appeals, which were determined as follows:

- 18 (64%) of the appeals were resolved via a section 34 agreement following a reduction in excavation or fill volume,
- 6 (22%) of the appeals were resolved via a section 34 agreement following the submission of additional information (i.e. engineering certification, fire safety certification, detailed excavation breakdowns, etc.), and
- 4 (14%) of the appeals were discontinued.

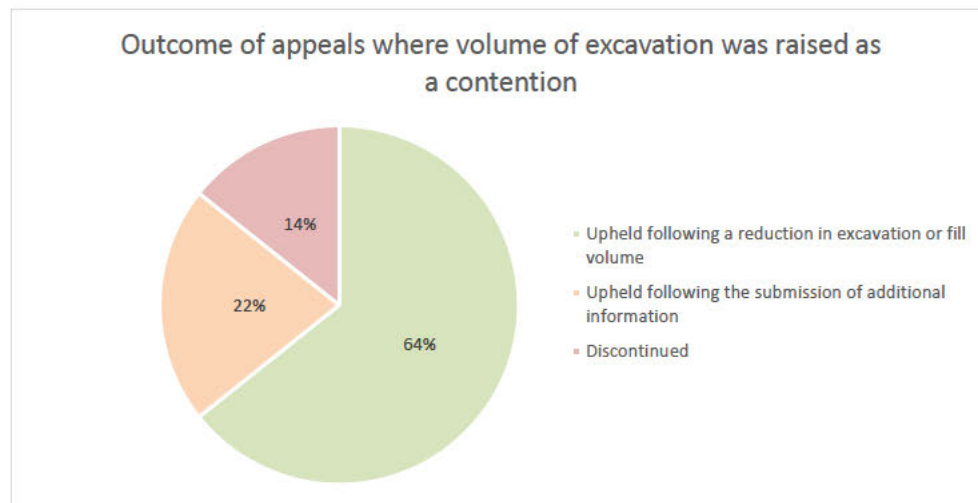


Diagram 4: Outcome of appeals where volume of excavation was raised as a contention

The review identified that 78% of appeals, which included volume of excavation as a contention, resulted in either a discontinued appeal or a reduction in excavation volume or fill. Therefore, in the majority of cases it appears that the volume of excavation controls have assisted Council's planning experts in seeking a reduction in excavation volume or fill, or discontinuance where appropriate. The level of reduction in excavation volume varied in each appeal and was dependent on the specific environmental planning considerations of the case.

The impact of Woollahra LEP 2014 Amendment 33 (floor space ratio for low density residential development)

Woollahra LEP 2014 Amendment 33 commenced on 14 July 2023. For dwelling houses, semi-detached dwellings or dual occupancies, the amendment replaced the floorplate controls in the Woollahra DCP 2015 with floor space ratio (FSR) controls in the Woollahra LEP 2014.

The gross floor area definition used for calculating FSR includes habitable rooms within a basement. This is in contrast to the definition for measuring floorplate, which did not include levels below 1m above existing ground level as floorplate. Unlike the Woollahra DCP 2015 floorplate control, the FSR control is a development standard, which requires a formal written request where a development does not comply with FSR control.

The introduction of the FSR control for dwelling houses, semi-detached dwellings and dual occupancies, may result in a reduction to the amount of habitable rooms proposed at basement level for such developments, as such rooms would be included in the FSR, and a non-compliance with the development standard would require a formal written request to justify the departure.

Proposed Amendments to the Woollahra DCP 2015:

Staff have identified that there is scope to strengthen controls in the Woollahra DCP 2015 to reduce pressure for excessive volumes of excavation.

The review of recent DA and appeal determinations revealed that off street car parking design often contributed to excessive excavation volume, and two specific issues were identified.

The first issue relates to the design of car parking areas for dwelling houses. Neither the Australian Standards, nor Chapter E1 (Parking and Access) of the Woollahra DCP 2015, require the design of driveways for a dwelling house to enable vehicles to enter and exit the site onto a local road in a forward direction. Given the relatively low number of traffic movements typically associated with two car parking spaces (the maximum off street car parking generation rate) used in conjunction with a single residential dwelling house, it is generally acceptable for vehicles to enter or exit a dwelling house driveway in reverse.

Notwithstanding the above, it is not uncommon for the off street car parking layouts for dwelling houses to incorporate either a large turning area or a mechanical vehicular turntable to enable vehicles to enter and exit in a forward direction. Examples of this are depicted in the plan extracts below. Figure 1 details a double garage for a dwelling house, which incorporates a turning area resulting in a parking area with an internal floor area of approximately 170m².

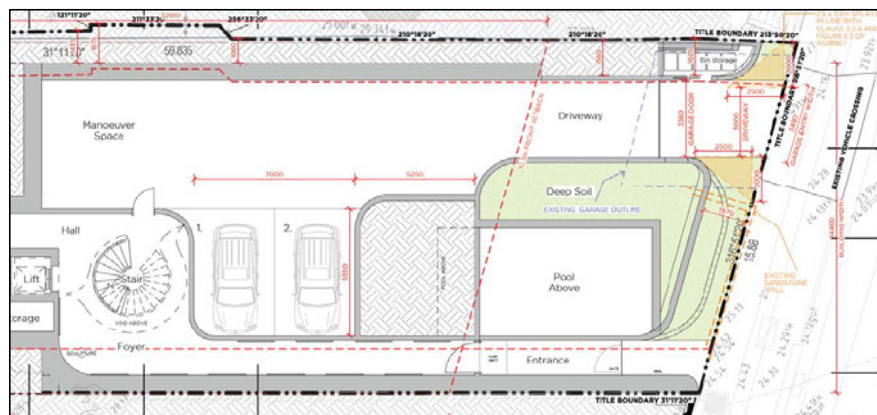


Figure 1: Example of a vehicle turning area in the basement level of a dwelling house

Figure 2 details a double garage for a dwelling house, which incorporates a mechanical vehicular turntable resulting in a parking area with an internal floor area of approximately 72m².

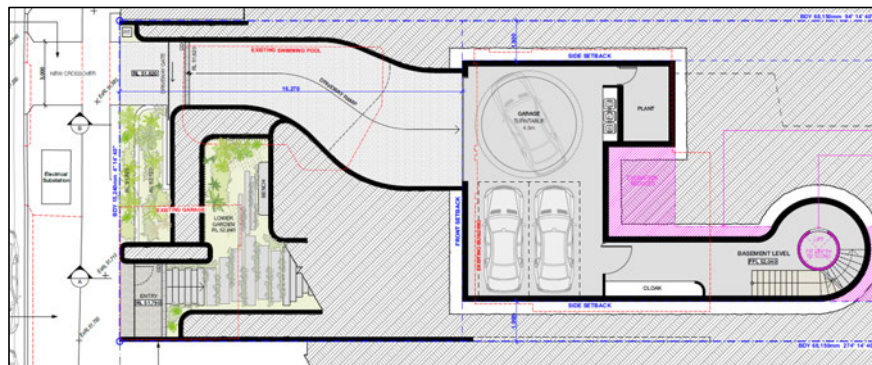


Figure 2: Example of a vehicle turntable in the basement level of a dwelling house

The provision of turning areas or mechanical vehicle turntables within a basement garage raises the following issues:

- The additional area required to accommodate the turning area or vehicle turntable increases the proposed volume of excavation.

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- There is no guarantee that the turning area will be used for its intended purpose and instead could be utilized as additional car parking, exceeding council's maximum car parking generation rate.

Driveways for dwelling houses do not require vehicle entry and exit onto a local (unclassified) public road to be made in a forward direction. Therefore it is proposed to amend section B3.4 (Excavation) of the Woollahra DCP 2015, to advise that turning areas or mechanical vehicular turntables for off-street basement car parking for dwelling houses will only be considered where:

- the proposal complies with the maximum excavation volume, or
- it is demonstrated that vehicle entry and exit in a forward direction is required for the safe movement of vehicles and/or pedestrians.

The proposed amendment has been reviewed by the Manager Engineering Services, the Team Leader Traffic and Transport, and the Team Leader Development Engineering who have advised that the proposed amendment is acceptable and supported from a traffic and engineering perspective.

The proposed amendment is set out in Draft Woollahra DCP (Amendment No. 31) at **Attachment 1**.

The second issue relates to the current limitations on the use of mechanical parking installations. Mechanical parking installations, such as car lifts and car stackers, have the potential to significantly reduce excavation volumes by reducing the area required for excavation. For example, the introduction of a car lift on a sloping site can reduce the need for a lengthy graded driveway, and using car stackers can reduce the area required for car parking.

However, mechanical parking installations have a number of limitations, which include:

- ongoing maintenance requirements,
- the operation times for mechanical parking installations can result in vehicle queuing, and
- installations are not always easy to use.

For these reasons Section E1.15 (Mechanical parking installations and paid parking stations) of Chapter E1 (Parking and Access) of the Woollahra DCP 2015, advises that mechanical parking installations are generally not desirable, and will only be considered in exceptional circumstances, where one or more of the following apply:

- the topography or lot size does not reasonably allow a simpler, more conventional parking arrangement,
- an existing building is being refurbished and there is no land available for additional parking, and
- in the case of residential development, the installations are for resident rather than visitor parking.

Furthermore, in the event that a mechanical parking installation is acceptable in principle, Section E1.15 of the Woollahra DCP 2015 requires:

- the vehicle access to the mechanical parking installation must be made in accordance with the Australian Standards, and
- the design must include sufficient size to ensure that vehicles queuing to enter the mechanical parking installations are contained within the subject site.

The Woollahra DCP 2015, does not include limiting excavation as an exceptional circumstance to justify the use of mechanical parking installations.

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In the Land and Environment Court appeal *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582, the Court considered a proposal for the construction of a replacement flat building containing four apartments and two basement levels of car parking (containing 9 car parking spaces) on an extremely steeply sloping site. The development proposed 5,962m³ of excavation, which represented a 5,162.5m³ non-compliance with the 800m³ volume of excavation control. During the proceedings the court considered an alternative design which reduced the volume of excavation by approximately a third through the introduction of a vehicular turntable and a car stacker. The commissioner rejected the alternative design, in part, on the basis that 'mechanical parking installations are discouraged by the Council, at Section E1.15 of DCP 2015 as "not desirable" and should "only be considered in exceptional circumstance'.

Whilst the use of mechanical parking installations is not always appropriate due to the limitations outlined above, in some circumstances they can be used successfully to reduce the volume of excavation and result in an appropriate outcome. Therefore, it is proposed to amend section E1.15 (Mechanical parking installations and paid parking stations) of the Woollahra DCP 2015, to advise that mechanical parking installations may be considered in the case of residential development, where the inclusion of mechanical parking installations reduces excavation in order to uphold the excavation controls and objectives set out in Chapter B3 (section B3.4) of the Woollahra DCP 2015.

The proposed amendment has been reviewed by the Manager Engineering Services, the Team Leader Traffic and Transport, and the Team Leader Development Engineering who have advised that the proposed amendment is acceptable and supported from a traffic and engineering perspective.

The proposed amendment is set out in Draft Woollahra DCP (Amendment No. 31) at **Attachment 1**.

Excavation and shoring methods:

Consideration has been given to the introduction of a Woollahra DCP 2015 control, which prescribes specific excavation and shoring methods that must be adopted at the construction stage to minimise the impacts of excavation.

A large range of factors influences the most appropriate method of excavation and shoring. These factors may include:

- the ground conditions (i.e. type of soil or rock, the presence of groundwater, etc.),
- the nature and extent of the proposed excavation works,
- site constraints (i.e. site access, the surrounding road network, the size of the site, topography, existing services, etc.),
- public safety,
- the conditions surrounding the site (i.e. services, vegetation, stability of adjacent structures, etc.), and
- the relevant Australian Standards.

The Woollahra DCP 2015 and Council's DA Guide, requires any DA with the potential to adversely affect surrounding properties during excavation and construction works, to be accompanied by a Geotechnical and Hydrogeological Report (the Geotechnical Report).

The Geotechnical Report is to be prepared by a qualified and experienced geotechnical and/or hydrogeological engineer, and must include:

- field investigations of the geotechnical conditions of the site,
- recommendations as to appropriate temporary and permanent site support and retention measures,

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- a hydrogeology assessment,
- a site specific risk assessment matrix,
- an assessment which demonstrates there will be no unreasonable impacts on the surrounding properties and infrastructure as a result of vibration created by the method of construction, and
- appropriate plant, equipment and construction methods to limit vibration.

The most appropriate method of excavation and shoring may differ for each DA. For example, the use of contiguous concrete piling (a retaining wall consisting of concrete bored piles with space between each consecutive pile) to create subterranean retaining walls has many benefits, as the piles:

- are flexible in shape and design,
- are bored rather than driven resulting in less vibration during construction,
- are commonly used when inserting substructures close to an existing structure, and
- can be relatively compact when compared to other subterranean retaining walls, and are therefore often suitable for confined spaces.

However, due to the spacing between the contiguous piles, this method works best in dry and firm soil. Therefore, contiguous piles may not be the most appropriate methodology where the soil has a high water content.

Another example of this is a site where the surrounding road network is constrained, but adjacent properties are not sensitive to vibrations. In these circumstances, driven piles may be determined to be the most appropriate method of construction. Whilst driven piles create higher levels of vibration, they are faster to build and therefore could reduce potential disruption to the local road network.

Introducing a Woollahra DCP 2015 control, which prescribes specific excavation and shoring methods, without having regard to the individual characteristics of each development is not supported. Instead, a geotechnical and/or hydrogeological engineer should determine the most appropriate method of excavation following a geotechnical site investigation, and having regard to the scale and nature of the development, the conditions on and surrounding the site, and any other pertinent factors.

Council's Engineering Services staff review any submitted Geotechnical Report to ensure they are prepared in accordance with Council's 'Guidelines for geotechnical and hydrogeological reports'. In the event that the development is found to be satisfactory, development consent conditions are imposed which require Geotechnical and Hydrogeological design, certification and monitoring to occur. Depending on the specifics of the development, further conditions are often imposed requiring dilapidation reports, piezometers for monitoring ground water, restrictions on ground anchors and vibration monitoring.

This approach ensures that, a qualified and experienced geotechnical and/or hydrogeological engineer determines the appropriate method of excavation, following on site investigations, the preparation of a site specific risk assessment matrix, and having regard to the nature of the development and the sensitivity of the surrounding properties and infrastructure.

Prescribing specific excavation and shoring methods within the Woollahra DCP 2015, prevents a case by case assessment to determine the most appropriate method of excavation. The inclusion of such a control is not supported.

Charging for excavation:

The possibility of imposing a charge for the volume of material to be excavated in connection with a DA has been explored.

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There are only very limited ways in which a payment can be required through a condition of development consent. Whilst a condition may be imposed requiring a monetary contribution towards local infrastructure, under s7.11 and s7.12 of the Environmental Planning and Assessment Act 1979 (the EPA Act) the contribution must be in accordance with an adopted contributions plan.

Contributions sought under the Woollahra Section 7.12 Development Contributions Plan 2022 are calculated as a percentage of the cost of works of the development. The cost of works includes the cost of excavation, therefore the cost of excavation works already influences the contributions required under s7.12 of the EPA Act.

These local infrastructure contributions have been held to be the exclusive way to require the payment of monetary contributions under a DA. Furthermore, the EPA Act and case law has established that a monetary contribution condition should not be imposed to deal with general planning considerations.

There are other payments, which can be required under a DA, such as the long service levy. However, such a payment can only be sought when there is legislation which authorises the request for payment. There is no statutory authorisation for a condition of consent to require payment for the volume of material to be excavated from a development site.

It would be possible to enter into planning agreements requiring payment of an amount in connection with a DA determined based on the volume of excavated material, if the planning agreement identified the public purpose to which the payment was to be directed. However, planning agreements are, of course, voluntary.

There is also no power under the Local Government Act 1993 to require a fee to be paid in respect of a DA based on the proposed volume of excavated material.

Whilst it is not possible to impose a charge for the volume of material to be excavated in connection with a DA, the cost of excavated works is to be included in the quantity surveyor report or cost estimate report submitted with a DA. Therefore, the cost of excavated works already influences the DA fee which is payable under the EPA Regulations.

Development consent conditions relating to excavation:

In response to the former Department of Planning and Environment's introduction of standard format notice of determinations, a detailed review of Council's standard DA conditions was undertaken in July 2023. As part of the review staff considered the former Department of Planning and Environment's standard conditions, and the advice of Council Development Assessment, Compliance and Enforcement, and Engineering staff. Based on this information the existing conditions were reviewed, and where necessary updated.

Council's standard conditions include comprehensive measures to manage the impacts of excavation and include conditions which relate to:

- structural adequacy,
- engineering details,
- geotechnical and hydrogeological design, certification and monitoring,
- ground anchors,
- environmental controls (i.e. dust mitigation and erosion and sediment controls),
- dilapidation reports (for neighbouring properties and public infrastructure),
- construction management plans and work zones,
- vibration monitoring, and
- support of adjoining land and buildings.

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Under the July 2023 DA condition review, the following new standard conditions were introduced to further manage the impacts of excavation works:

- Condition A.31 (No Underpinning Works), which states that no approval is given for any underpinning works outside the boundaries of the subject property.
- Condition D.37 (Engineer Certification), which requires engineer certification confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.

The amendments ensure that:

- the structural design for excavation does not include elements that encroach beyond the boundaries of the subject site,
- a Geotechnical Engineer with National Engineering Register (NER) credentials provides a detailed geotechnical report prior to the issue of a construction certificate, which includes a monitoring programme, and civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, and
- excavation impacts are appropriately managed.

The conditions are an integral part of a consent and it is a criminal offence to fail to comply with or breach any development consent condition. The conditions of a development consent apply to all parties who are relying on the development consent to undertake work. A breach of the conditions can result in formal orders, civil enforcement proceedings, criminal prosecution, or fine.

The Geotechnical and Hydrogeological Report on the Rose Bay Basin (also presented to the EPC meeting of the 03 June 2024) proposes amendments to the Woollahra DCP 2015 by including provisions to address the impact of groundwater drawdown and land stability within the Rose Bay area, and introducing vibration limits which would apply across the whole local government area. In the event that the proposed amendments are adopted, if necessary, Council's standard DA conditions will be updated to align with the adopted amendments.

Options:

As a consequence of this report Council may resolve to make amendments to Woollahra DCP 2015 to improve the operation of the excavation controls. This is the staff recommendation.

Having regard to the nature of the proposed amendments and the resources and cost involved in exhibiting and amending the Woollahra DCP 2015, it is recommended that the amendments should be made concurrently with any amendments adopted from the Geotechnical and Hydrogeological Report on the Rose Bay Basin.

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 staff from Engineering Services, Development Assessment and Building and Compliance staff.

Should Council resolve to support the changes to Woollahra DCP 2015, staff will prepare the DCP amendment. The Draft DCP must be publicly exhibited for a minimum of 28 days and then reported back to Council.

Policy Implications:

As a consequence of this report Council may resolve to make amendments to Woollahra DCP 2015.

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Financial Implications:

If Council adopts the recommendation to make amendments to Woollahra DCP 2015, there will be financial costs associated with preparing and exhibiting the DCP amendment.

Resourcing Implications:

If Council adopts the recommendation to make amendments to Woollahra DCP 2015, there will be resourcing implications associated with staff time to prepare, exhibit and report on the DCP amendment. As identified above, it is a more effective use of resources to make the amendments concurrent with any DCP amendments adopted from the Geotechnical and Hydrogeological Report on the Rose Bay Basin.

Conclusion:

In response to the resolution from 7 August 2023, staff propose amendments to the Woollahra DCP 2015 to improve the operation of the excavation controls.

Having undertaken a review of recent DA and LEC appeal determinations, it has been determined that generally the volume of excavation control is being appropriately applied and in the majority of relevant LEC appeal cases the control assists Council's planning experts in seeking a reduction in excavation volumes.

However, staff do identify that the operation of the excavation controls could be improved by making amendments to the Woollahra DCP 2015.

Staff recommend that Council resolve to exhibit the *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained in **Attachment 1**, and these amendments should be prepared and exhibited concurrently with any amendments adopted from the Geotechnical and Hydrogeological Report on the Rose Bay Basin.

Attachments

1. Draft Woollahra Development Control Plan 2015 (Amendment No. 31)

Draft Submissions - Draft Woollahra DCP 2015 (Amendment 31): Reduce Excavation

No	Name	YourSay Comment	Do you support the Draft Woollahra DCP 2015 (Amendment 31)?
1	Professor Michael Lawrence	<p>We have endured massive excavations in Wiston Gardens: one beside our house and one down the street not far from our home. Both were unbelievably disruptive. With the massive excavation beside our house, I remember about 7 times the maximum quantity of excavation as in the Council code, we had to move out of our house and not rent out our holiday house as we usually did from February to end November as the noise over the 18 months of excavation was so intrusive.</p> <p>The excavation at 3 Wiston Gardens, Double Bay is unbelievably massive with a 27 metre exposed excavated stone wall at the rear having taken nearly 3 years to be excavated. This was approved by the Land and Environment Court. A Council code is only of use if it is adhered to both by Council and by the Court. How to achieve this is the real challenge. But if Council doesn't succeed almost every new DA in Bellevue Hill will be accompanied by a massive excavation.</p>	Yes - as it is
2	Stan Bailey	N/A	No
3	Don White	<p>The DCP's intent to minimise excavation is well expressed. This modification appears to address a shortcoming and we support this. However... out in the municipality ... we see monstrous excavations which look very inappropriate. So we feel the DCP itself does not go far enough. However, that is really the subject of additional investigation ... and we are disappointed to see that a proposal to move in this direction was voted down by Councillors.</p>	Yes - with amendments
4	Robin Spiro	N/A	Yes - as it is
5	Murray	I can't see the real problem you're trying to solve. If safe, excavation ought go deep. Developers don't want to waste their money. For example, many houses and blocks need more parking space. Let them do it.	No

From: [L Amor](#)
To: [Records](#)
Subject: SC5174 Submissions
Date: Wednesday, 26 June 2024 7:18:19 PM

The Council has given the go ahead to too many unsustainable, development excavations, often in historic and already densely populated Paddington.
And refused to listen to or consider the objections.
Now we have this belated excavation proposal. A bit late we think.
Regards Lindsay

From: [REDACTED]
To: [Records](#)
Date: Saturday, 20 July 2024 7:15:43 PM

Attention General Manager

Reference SC8024:

In Woollahra DCP 2015 (Amendment 31) I am pleased to see that Council is refining controls for mechanical parking and mechanical movements in connection with excessive excavations. I heartily endorse this because the area around Rose Bay is made up of old sand dunes and soil erosion and movement of soil are caused by excessive deep excavations for carparking under new developments. Now that 4 stories are allowed deeper carparks to house more cars have occurred in Newcastle street causing damage to nearby houses. If Mr. Minns gets his way 6 stories will be allowed!

Pamela Massie Greene
[REDACTED], Rose Bay.

[REDACTED]

[REDACTED] [REDACTED]



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Joahna Doolan

From: Double Bay Residents' Association [REDACTED]
Sent: Tuesday, 23 July 2024 10:36 AM
To: Records
Cc: [REDACTED]
Subject: Your Say SC8024
Attachments: Your Say SC8024.pdf

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

General Manager
Woollahra Council
PO Box 61
Double Bay 1360

23rd July 2024

Dear Sir,

Your Say SC 8024

Public Submission-Draft Woollahra Development Control Plan 2015 (Amendment No 31) – Reduce Excavation

Please find attached our Submission on the Your Say due today 23rd July 2024.

In this Submission we have concentrated on addressing the limited scope of the Your Say as presented.

However, we are of the opinion that it is far too narrow and limited in scope.

We reserve the right to present further discussion points on this very serious topic of excessive excavation in the Woollahra Municipality in the near future.

Yours sincerely,

Katherine Grinberg
President

Double Bay Residents' Association

[REDACTED]

Double Bay 1360

[REDACTED]

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

23 July 2024

General Manager
Woollahra Municipal Council

Dear Sir/Madam,

Your Say SC8024

Public Submission – Draft Woollahra Development Control Plan 2015 (Amendment No. 31) – Reduce Excavation

This submission has been prepared on behalf of the Double Bay Residents Association (DBRA) in response to the exhibition of the Draft Woollahra Development Control Plan 2015 (Amendment No. 31) – Reduce Excavation (*the Amendment*).

The Association is broadly supportive of additional controls that are aimed at limiting the extent of excavation associated with development in the Woollahra Local Government Area. The main environmental impacts associated with development within the LGA arises from excessive excavation and subsequent impacts on the watertable. The Association is supportive of any additional measures Woollahra Council can enact to curb excessive excavation associated with new development.

However, it is noted that the proposed controls apply specifically to residential development to which Chapter B3 of the DCP applies. **Chapter B3 does not apply to commercial areas including Double Bay.**

The scope of the proposed controls should be expanded to include all areas of Woollahra Local Government Area to encourage developers to minimise excavation. In major commercial centres such as Double Bay where chronic water table issues arising from excessive excavation are impacting residents, such measures should be made mandatory.

Council's current practice allows excessive excavation, with adverse environmental impacts addressed at the post-determination stage through conditions of consent. Enforcing conditions of consent relating to excavation works for every development approved within the local government area involves resources not currently available to Council. The result of this is an expectation that developers and certifiers will self-police excavation works to ensure adverse impacts on neighbouring properties is avoided. Unfortunately, this is a practice that rarely occurs, and residents are often left with no option but to engage in costly litigation with developers with little to no financial remuneration from Council.

Double Bay Residents Association Inc

[Redacted] Double Bay, NSW 1360

[Redacted] Email: [Redacted]

On this basis, the Association recommends that the scope of the controls be expanded to cover the entire local government area and all forms of major development. The Association therefore recommends the following changes to the proposed amendments to Chapter E1, Section E1.15.1. Changes are presented in **bold** and ~~strike through~~.

Mechanical parking installations such as car lifts and car stackers are generally not desirable, and **should only be considered in very exceptional circumstances.**

Mechanical parking installations may be permitted for residential and non-residential development where one or more of the following applies:

- The topography or lot size does not reasonably allow a simpler, more conventional parking arrangement.
- An existing building is being refurbished and there is no land available for additional parking. Refurbishment does not include extension of the building so as to increase site coverage or any other works to increase site coverage, all of which have the effect of reducing site area which could be used for conventional parking arrangements.
- In the case of non-residential development, the installations are for long-stay parking.
- In the case of residential, **mixed-use, or commercial** development, the inclusion of mechanical parking installations reduces excavation in order to uphold the excavation controls and objectives set out in ~~Chapter B3 (section B3.4)~~ of this DCP.
- In the case of residential development, the installations are for resident rather than visitor parking.

Notwithstanding the above recommended changes, the Association also requests that Council investigate additional measures to further minimise adverse impacts arising from excavation and earthworks including the introduction of excavation limits to the **Woollahra Local Environmental Plan 2014**. The introduction of excavation limits to the LEP would give greater statutory weight to limitations on excavation within the Woollahra local government area.

Should you have any questions or wish to discuss any of the matters raised in this submission, please contact Kathie Grinberg, President of the Double Bay Residents Association 0418 230 800.

Yours Sincerely,

Katherine Grinberg

President DBRA



Douglas Bennett
Town Planner
B. City Planning (Honours)

Item No: R3 Recommendation to Council
Subject: **136-148 NEW SOUTH HEAD ROAD, EDGECLIFF - DRAFT DEVELOPMENT CONTROL PLAN**
Authors: Wai Wai Liang, Strategic Planner
Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 22/225170
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 136-148 New South Head Road, Edgecliff
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 136-148 New South Head Road, Edgecliff.
- B. Resolves to exhibit Draft Woollahra Development Control Plan 2015 (Amendment No. 28) as contained at **Attachment 1** of the report to the Environmental Planning Committee of 5 August 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. 28)* (Draft DCP) at **Attachment 1** provides site specific objectives and controls for development of the site at 136-148 New South Head Road, Edgecliff (the site).

The site was the subject of a proponent-led planning proposal which amended the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to allow higher density development if certain requirements are met. These amendments commenced on 17 May 2024 under *Woollahra LEP (Amendment No. 38)* and had the effect of permitting development with a building height up to 46m and a floor space ratio (FSR) up to 5:1 (see **Attachment 2**).

The LEP amendment also provides that a DCP is to be prepared for the land, unless the consent authority is satisfied that the preparation of a DCP is unreasonable or unnecessary, or the proposed development is relatively minor.

Having regard to the maximum building height and FSR permitted under *Woollahra LEP Amendment No. 38*, staff find that it is reasonable and necessary to prepare a DCP for the site. In addition, the site is in a prominent location within the New South Head Road Corridor, and it is important that Council establishes its preferred vision for the site as expressed through the Woollahra DCP.

In response to this, staff propose amendments to the Woollahra DCP 2015, Part G Site-Specific Controls, as set out in the Draft DCP. The Draft DCP establishes objectives and controls to guide development having regard to the site and its context, including addressing building envelopes (including stories and setbacks), building design, heritage conservation, street activation, public domain, dwelling mix, car parking and access, and sustainability.

Staff recommend that Council endorses the Draft DCP at **Attachment 1** for public exhibition.

Discussion:

The site

The site is described as 136-148 New South Head Road, Edgecliff, and has an area of approximately 1746m². It comprises the following lots (see **Figures 1 & 2** below):

- Lot 1 DP663495 (No. 136)
- Lot 1 DP1092694 (No. 138-140)
- Lot 2 DP983678 (No 138-140)
- Lot A DP443992 (No 142-144)
- Lot B DP443992 (No 146-148)

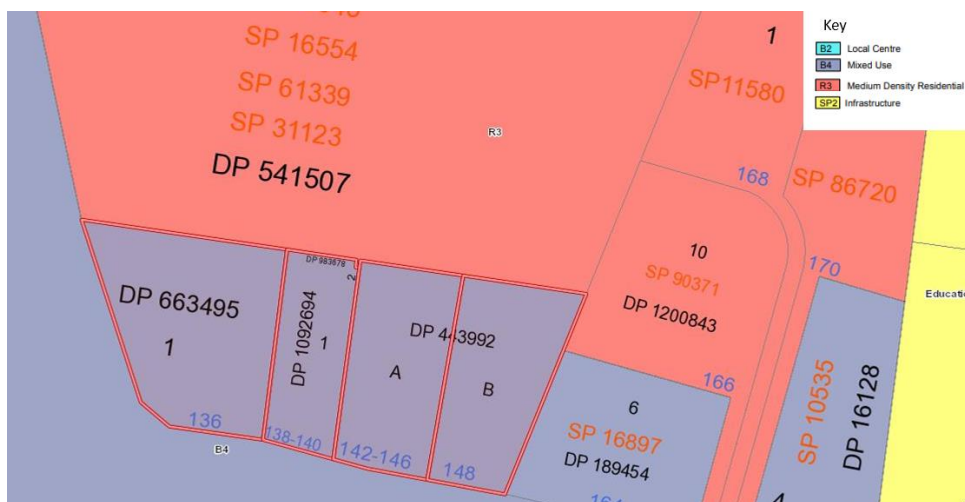


Figure 1: Cadastral map, with sites highlighted in red (Source: Woollahra Council Maps)



Figure 2: 3D view of 136-148 New South Head Road (highlighted in red) viewed from the west (Source: Woollahra Council Maps)

The site is located on the northern side of New South Head Road opposite the Edgecliff Centre, and is situated at the north-western corner of the New South Head Road and Darling Point Road intersection. The landform of the wider Edgecliff Commercial Centre (ECC) rises from west to east along New South Head, with the subject site being at a relatively high point.

The site contains a heritage building at 136 New South Head Road which must be retained in any redevelopment of the site. The site is also occupied by 2-4 storey mixed use buildings and is immediately surrounded by a mix of commercial, retail, residential and education buildings varying in age, and height from one storey to 14 storeys, with the exception being a 31 storey residential flat building 'Ranelagh' located immediately to the north.

Background

The site is zoned MU1 Mixed Use under Woollahra LEP 2014 and has a maximum building height of 14.5m and a floor space ratio of 1.5:1. However, the site was the subject of a proponent-led planning proposal which amended the Woollahra LEP 2014 to allow higher density development if certain requirements are met.

Council did not support the request for the planning proposal, but this decision was the subject of a rezoning review which found the proposal had merit, and subsequently the planning proposal proceeded. A summary of the key milestones and decisions regarding the planning proposal are set out below.

- 13 October 2021 - Edgecliff Central Pty Ltd (the proponent) lodged a planning proposal for the site to increase the maximum height of buildings control from 14.5m to 46m, and increase the maximum floor space ratio (FSR) control from 1.5:1 to 5:1.
- 22 April 2022 - Woollahra Local Planning Panel (Woollahra LPP) provided advice to Council that the proposal does not have sufficient strategic or site specific merit to proceed as a stand-alone planning proposal, and should be incorporated into the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*. Notwithstanding, Woollahra LPP also advised that should Council resolve to proceed to a Gateway determination, it should do so subject to requiring further urban design and traffic analysis, and other requirements including that a site-specific draft development control plan (DCP) and draft Voluntary Planning Agreement should be concurrently exhibited with the planning proposal (see **Attachment 3**).
- 25 July 2022 - Council resolved, consistent with the Woollahra LPP, to refuse the planning proposal for the site, and that the site should be incorporated into the post exhibition version of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* as a potential uplift site (see **Attachment 4**).
- 31 May 2022 – Proponent lodged a rezoning review with the (then) Department of Planning and Environment (the Department).
- 18 August 2022 – The rezoning review was considered by the Sydney Eastern City Planning Panel (SECPP). The SECPP considered the rezoning review and determined that the request for a planning proposal demonstrated strategic and site specific merit, and should be submitted for a Gateway determination (see **Attachment 5**).
- 12 September 2022 - Council considered a report on the SECPP's rezoning review decision and resolved to accept the role of planning proposal authority (PPA) to maintain control of the planning proposal, including finalising the planning proposal and associated LEP and DCP clauses, public exhibition, and consideration of submissions.

- 26 September 2022 - Council wrote a letter to the Department accepting the role of PPA. This was followed by a request for a Gateway determination lodged on 28 November 2022.
- 21 April 2023 – The Department issued a Gateway determination, and on 11 September 2023 an alteration was issued in response to amendments sought by Council staff. (see **Attachment 6**)
- 26 September to 5 November 2023 – Planning proposal was publicly exhibited for comment. A draft Voluntary Planning Agreement (VPA) was also concurrently exhibited with the planning proposal. A total of 76 submissions were received during exhibition. This included 48 submissions in support, 24 in objection and four submissions from State agencies. The planning proposal and supporting exhibition material can be viewed on the NSW Government Planning Portal at <https://www.planningportal.nsw.gov.au/ppr/lep-decision/planning-proposal-136-148-new-south-head-road-edgecliff>
- 12 February 2024 - Submissions received to the public exhibition were reported to the EPC meeting of 5 February 2024 (see **Attachment 7**) and the subsequent Council meeting of 12 February 2024. Council resolved to forward the planning proposal to the Department as the local plan-making authority, with a request that the Minister makes the LEP amendment. Council also considered a report on the public exhibition of the draft VPA and resolved to implement the VPA subject to the planning proposal being finalised by the Department. (see **Attachment 8**)
- 26 February 2024 - Council entered into the VPA agreement with the developer.
- 17 May 2024 – The Department as the local plan-making authority finalised the planning proposal and *Woollahra LEP (Amendment No. 38)* came into effect.

Overview of the Woollahra LEP Amendment No 38

Woollahra LEP (Amendment No. 38) has the effect of permitting development on the site with a building height up to 46m and a FSR up to 5:1 if the consent authority is satisfied of the following matters, as set out in subclauses (3) and (6) of the LEP amendment—

- all lots comprising the land are consolidated into a single lot,
- development on the consolidated lot will be the result of a single development application,
- no vehicular access between New South Head Road and the consolidated lot,
- non-residential FSR ratio of the building will be at least 1:1 and no more than 2:1, and
- the development exhibits design excellence.

The LEP amendment also provides that a DCP is to be prepared for the land, unless the consent authority is satisfied that the preparation of a DCP is unreasonable or unnecessary, or the proposed development is relatively minor. Having regard to the maximum building height and FSR permitted under *Woollahra LEP Amendment No. 38*, staff find that it is reasonable and necessary to prepare a DCP for the site.

As set out in subclause (4) of the LEP amendment, the DCP is to provide for the following matters—

- building envelopes and built form controls, including storeys and setbacks and provision for a podium and tower,
- a mix of apartment types, including the number of bedrooms in each apartment,
- conservation of heritage items on the consolidated lot,
- appropriate car parking and vehicle access arrangements.

A copy of *Woollahra LEP (Amendment No. 38)* is provided at **Attachment 2**.

Strategic planning context

On 29 April 2024, Council endorsed the *Edgecliff Commercial Centre Planning and Urban Design Strategy* (ECC Strategy). Under that Strategy the site is located within the Edgecliff Commercial Centre and sits within the Local Commercial Core precinct. The desired future character for this precinct is:

Modern apartments and employment space support this precinct's economic importance and enhance its role as a community hub and focus for employment, shopping, and living. This precinct's status is boosted by design excellence in architecture and urban design. Active frontages, modern public spaces, urban greening and public art contribute to liveability.

A four storey street wall height accommodates additional employment space while maintaining a human scale for pedestrians.

New McLean Street provides a transition to the Paddington HCA, and Trumper Park and Oval. Solar access impacts to existing public open spaces, streets and residential areas are to be minimised.

(pg 19, Edgecliff Commercial Centre Planning and Urban Design Strategy)

Woollahra DCP

The site is located within the New South Head Road Corridor, Edgecliff, as identified in the Woollahra DCP, Chapter D2 Mixed Use Centres. The desired future character for the Corridor is:

This mixed use corridor is a highly urban environment and it is important that it meets high standards of visual quality and pedestrian amenity.

This part of New South Head Road is a main entry point to the Municipality and it is important that the experience and journey through the centre makes a positive impression. Everything that can be seen and experienced in the street is therefore relevant.

Development fronting New South Head Road will generally contain four to six storey mixed use buildings. Building facades, in terms of detailing and building materials, should be well designed, with particular consideration to how the buildings are interpreted from moving vehicles, so that the view driving along New South Head Road contributes to the public domain. At street level, buildings should respond to pedestrians by providing human scale design elements, interesting frontages and awnings for protection.

Development within this corridor must consider its impact on the adjoining Paddington heritage conservation area, including Glenmore Road, which is an important gateway entry to Paddington. Development should protect and respond to the character and scale of the heritage conservation area.

The New South Head Road mixed use corridor permits a range of residential and commercial land uses, including restaurants and cafes which should contribute to a more vibrant centre, particularly at night. Though certain types of convenience retailing opportunities are constrained by the restricted parking, it is expected that comparison specialist retailing, such as homewares and furniture shops, and complementary offices, such as medical suites, will capitalise on the excellent access to public transport, high visual exposure and proximity to the Sydney CBD.

(page 7, Woollahra DCP 2015, Part D Business Centres, D2 Mixed Use Centres)

Draft DCP

In response to *Woollahra LEP Amendment No.38*, staff have prepared a Draft DCP for the site.

The Draft DCP builds on the existing DCP provisions for the New South Head Road Corridor and supplements the existing provisions in Woollahra DCP 2015. The Draft DCP provisions are to be included as Chapter 10 in Part G: Site Specific Controls, and will support and guide the scale and nature of proposed development that seeks to apply the height and FSR afforded by *Woollahra LEP Amendment No.38*.

The Draft DCP has been informed by:

- the provisions of *Woollahra LEP Amendment No. 38*, including subclause (4)
- the proponent's planning proposal and supporting documents, including the Urban Design Report and Indicative Concept Report
- matters raised in the report and recommendations of the Woollahra Local Planning Panel (22 April 2022) and Staff Assessment Report (5 February 2024)
- Council resolutions (25 July 2022, 12 September 2022, and 12 February 2024)
- submissions to the exhibition of the planning proposal
- Sydney Eastern City Planning Panel Record of decision (18 August 2022)
- Department of Planning Housing and Infrastructure Gateway determination report (April 2023)
- *Apartment Design Guide* (2015) published by the NSW Government
- *Edgecliff Commercial Centre Planning and Urban Design Strategy* (April 2024)

In broad terms the Draft DCP seeks to:

- establish the desired future character for the site
- facilitate development that is compatible with the immediately surrounding area, and the desired future character of the New South Head Road Corridor, Edgecliff
- ensure that development responds sympathetically to heritage items and conservation areas, within and in the vicinity of the site
- ensure development exhibits design excellence and sets a benchmark for development in the New South Head Road Corridor and the adjacent Edgecliff commercial centre.

The Draft DCP includes specific provisions to address the following matters:

- Desired future character – establishing overall guidance on how the development is to fit within the site and its context
- Built form and façade articulation – including height in storeys, setbacks, and provision for a podium and tower
- Ground level active frontages – providing for active street frontages and enhancing the public domain and pedestrian safety
- Heritage and historic setting – maintain and enhance the significance and prominence of the heritage item, and sensitively respond to the surrounding historic setting and heritage conservation areas
- Environmental impacts – including controls for overshadowing, privacy, view sharing, and wind assessment
- Apartment mix – specifying percentages for the provision of studio, one bedroom, two bedroom and three bedroom apartments
- Vehicular access – incorporating Transport for NSW feedback aimed at safe vehicular access given the proximity of the New South Head Road and Darling Point Road intersection
- Car parking – including a reduced car parking rate based on a multiplier of 0.6
- Site facilities – identifying where site facilities such as mechanical plant and potentially an electricity substation should be located
- Sustainability – including that the building achieves a minimum 4-star Green Star rating.

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

Given that Woollahra LEP (Amendment No. 38) commenced on 17 May 2024, staff recommend that Council endorses the Draft DCP for the purpose of public exhibition. 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 site specific amendments.

Options:

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

1. Endorse the Draft DCP for public exhibition.
2. Request that staff amend the Draft DCP before it is placed on public exhibition.
3. Not make any changes to the Woollahra DCP 2015.

Staff do not recommend Option 3 as *Woollahra LEP Amendment No. 38* provides that a DCP is to be prepared for the land, unless the consent authority is satisfied that the preparation of a DCP is unreasonable or unnecessary, or the proposed development is relatively minor. In addition, the site is a prominent site within the New South Head Road Corridor, and it is important that Council establishes its preferred vision for the site as expressed through the Woollahra DCP 2015.

Community Engagement and / or Internal Consultation:

The Draft DCP has been prepared in consultation with staff from Council's Development Assessment, Traffic, Sustainability and Heritage teams.

The landowner was also provided with a preliminary version of the Draft DCP for information and was advised that the matter was going to be considered by Council in August 2024.

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*. If progressed, the Draft DCP must be publicly exhibited for a minimum of 28 days. The outcome of the public exhibition of the Draft DCP would 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:

Should Council resolve to progress the Draft DCP, there will be financial implications to facilitate 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 for land at 136-148 New South Head Road, Edgecliff. The Draft DCP will support the recent amendments to the Woollahra LEP 2014, provided by *Woollahra LEP (Amendment No. 38)* which commenced on 17 May 2024.

The Draft DCP will establish detailed guidance on matters including built form, heritage, and amenity, and facilitates a development that exhibits design excellence and sets a benchmark for development in the New South Head Road Corridor and adjacent Edgecliff commercial centre.

Staff recommend that Council resolves to exhibit the Draft DCP as contained in **Attachment 1**.

Attachments

1. Draft Woollahra Development Control Plan (Amendment No. 28) [↓](#) 
2. Woollahra Local Environmental Plan (Amendment No. 38) [↓](#) 
3. Woollahra Local Planning Panel Recommendation - 22 April 2022 [↓](#) 
4. Council Resolution - 25 July 2022 [↓](#) 
5. Sydney Eastern City Planning Panel - Record of decision - 18 August 2022 [↓](#) 
6. Gateway Determination (Original & Alteration) - 21 April & 11 September 2023 [↓](#) 
7. Minutes and Post Exhibition Report to EPC - 5 February 2024 [↓](#) 
8. Council Resolution on Post Exhibition Report for the Planning Proposal and VPA - 12 February 2024 [↓](#) 



Draft Woollahra Development Control Plan 2015 (Amendment No 28)

Prepared Date:	July 2024
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning and Place
HPE CM Record Number:	24/132107

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 28)

Part 1 Preliminary

1.1 Background

Woollahra Development Control Plan 2015 (Amendment No 28) (Draft DCP) applies to land at 136–148 New South Head Road, Edgecliff, hereafter referred to as 'the site'. The site has an area of approximately 1746m² and currently comprises four lots which are occupied by 2-4 storey mixed use buildings.

This draft DCP seeks to amend the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) by introducing Chapter G10 to establish specific objectives and controls for the site to address a range of matters including building envelopes (including stories and setbacks), building design, conservation of heritage, street activation, public domain, dwelling mix, car parking and access, and sustainability.

The land is zoned MU1 Mixed Use zone under the *Woollahra Local Environmental Plan LEP 2014* (Woollahra LEP 2014) and has a maximum building height of 14.5m and a floor space ratio (FSR) of 1.5:1. However, the site was the subject of a proponent-led planning proposal which amended the Woollahra LEP 2014 to allow higher density development if certain requirements are met. These amendments commenced on 17 May 2024 under [Woollahra LEP \(Amendment No. 38\)](#) and had the effect of permitting development with a maximum building height of 46m and FSR of 5:1, if the consent authority is satisfied of the following—

- all lots comprising the land are consolidated into a single lot,
- development on the consolidated lot will be the result of a single development application,
- there will be no vehicular access between New South Head Road and the consolidated lot,
- the non-residential floor space ratio of the building will be at least 1:1 and no more than 2:1.

Woollahra LEP Amendment No. 38 also provides that a DCP is to be prepared for the land, unless the consent authority is satisfied that the preparation of a DCP is unreasonable or unnecessary, or the proposed development is relatively minor.

Having regard to the maximum building height and FSR permitted under Woollahra LEP Amendment No. 38, it is reasonable and necessary to prepare a DCP for the site.

In addition, the site is in a prominent location within the New South Head Road Corridor, and it is important that Council establishes its preferred vision for the site as expressed through the Woollahra DCP.

This Draft DCP seeks to respond to these, and other matters, to guide redevelopment of the site.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 28)*.

1.3 Objectives of the plan

The objective of the plan is establish site specific controls for the site, where redevelopment is proposed under the provisions of *Woollahra LEP Amendment No. 38* which permits development with a building height up to 46m and a floor space ratio up to 5:1.

The provisions seek to have regard to the site and its context, so that development reflects the desired character of the area, exhibits design excellence, and addresses potential adverse environmental and other amenity impacts that could result from development benefitting from the greater height and floor space permitted under *Woollahra LEP Amendment No. 38*.

In particular, the plan addresses the provisions of *Woollahra LEP Amendment No. 38*, subclause (4) which specifies that a DCP for the land provides for the following matters—

- building envelopes and built form controls, including storeys and setbacks and provision for a podium and tower,
- a mix of apartment types, including the number of bedrooms in each apartment,
- conservation of heritage items on the consolidated lot,
- appropriate car parking and vehicle access arrangements.

The site specific provisions in the plan supplement existing provisions 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 land at 136-148 New South Head Road, Edgecliff, legally described as:

- Lot 1 DP 663495 (No. 136)
- Lot 1 DP 1092694 (No. 138-140)
- Lot 2 DP 983678 (No 138-140)
- Lot A DP 443992 (No 142-146)
- Lot B DP 443992 (No 148)

The plan applies only if all lots are developed together.



FIGURE 1 The site

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*.

The 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

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 28</u>	<u>Date approved – TBC</u> <u>Date commenced – TBC</u>	<u>Amend Part G by inserting Chapter G10– 136-148 New South Head Road, Edgecliff and introducing controls and objectives to address building envelopes (including stories and setbacks), building design, heritage conservation, street activation, public domain, dwelling mix, car parking and access, sustainability, and other amenity impacts that could result from future development on the site.</u>

Part G: Site-Specific Controls

2.2 Insert new Chapter G10 –136-148 New South Head Road, Edgecliff



Part G ► Site-Specific Controls

WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015
(Amendment 28)

Chapter G10
136-148 New South Head Road
Edgecliff

Part G ► Site-Specific Controls

CHAPTER G10 APPROVED ON **TBC**
AND COMMENCED ON **TBC**

Chapter G10 ► 136-148 New South Head Road, Edgecliff

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G10.1 Introduction

G10.1.1 Background

This chapter of Woollahra DCP addresses land at 136-148 New South Head Road, Edgecliff, if developed together. This land is proposed to be redeveloped for a 12 storey mixed use development including retail, office and residential uses, and will activate the pedestrian environment along New South Head Road.

The site is located on the northern side of New South Head Road opposite the Edgecliff commercial centre, and is situated at the north-western corner of the New South Head Road and Darling Point Road intersection. The site contains a heritage building at 136 New South Head Road which must be retained in any redevelopment of the site. There are also heritage items and conservation areas in the vicinity of the site.

The site is currently occupied by 2-4 storeys mixed use buildings, and is immediately surrounded by a mix of commercial, retail, residential and education buildings varying in age, and height from one storey to 14 storeys, with the exception being a 31 storeys residential flat building 'Ranelagh' located immediately to the north.

The land is zoned MU1 Mixed Use under the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and has a maximum building height of 14.5m and a floor space ratio of 1.5:1. However, the site was the subject of a proponent-led planning proposal which amended the Woollahra LEP 2014 to allow higher density development on the site if certain requirements are met. These amendments commenced on 17 May 2024 under *Woollahra Local Environmental Plan 2014 (Amendment No. 38)* and have the effect of permitting development with a building height up to 46m and a floor space ratio up to 5:1.

This chapter of the Woollahra DCP will apply to proposed development that seeks to benefit from the greater height and floor space permitted by Woollahra LEP Amendment No. 38.

The site is located within the New South Head Road Corridor, Edgecliff, as identified in the Woollahra DCP, Chapter D2 Mixed Use Centres. The desired future character for the Corridor is:

This mixed use corridor is a highly urban environment and it is important that it meets high standards of visual quality and pedestrian amenity.

This part of New South Head Road is a main entry point to the Municipality and it is important that the experience and journey through the centre makes a positive impression. Everything that can be seen and experienced in the street is therefore relevant.

Development fronting New South Head Road will generally contain four to six storey mixed use buildings. Building facades, in terms of detailing and building materials, should be well designed, with particular consideration to how the buildings are interpreted from moving vehicles, so that the view driving along New South Head Road contributes to the public domain. At street level, buildings should respond to pedestrians by providing human scale design elements, interesting frontages and awnings for protection.

Development within this corridor must consider its impact on the adjoining Paddington heritage conservation area, including Glenmore Road, which is an important gateway entry to Paddington. Development should protect and respond to the character and scale of the heritage conservation area.

The New South Head Road mixed use corridor permits a range of residential and commercial land uses, including restaurants and cafes which should contribute to a more vibrant centre, particularly at night. Though certain types of convenience retailing opportunities are constrained by the restricted parking, it is expected that comparison specialist retailing, such as homewares and furniture shops, and complementary offices, such as medical suites, will capitalise on the excellent access to public transport, high visual exposure and proximity to the Sydney CBD.

This chapter builds on the existing DCP provisions for the New South Head Road Corridor and the Mixed Use Centres. It establishes site specific objectives and controls to guide development having regard to the site and its context, and includes provisions for building envelopes (including stories and setbacks), building design, conservation of heritage, street activation, public domain, dwelling mix, car parking and access, sustainability, and other amenity impacts that could result from future development on the site.

G10.1.2 Land where this chapter applies

This site specific chapter applies to the land identified on the map at Figure 1 (the site). The site comprises land at 136-148 New South Head Road, Edgecliff, legally described as:

- Lot 1 DP 663495 (No. 136)
- Lot 1 DP 1092694 (No. 138-140)
- Lot 2 DP 983678 (No 138-140)
- Lot A DP 443992 (No 142-146)
- Lot B DP 443992 (No 148)

The plan applies only if all lots are developed together.



FIGURE 1 The site

G10.1.3 Development to which this chapter applies

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

G10.1.4 Objectives

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

- O1 Achieves architectural and urban design excellence.
- O2 Incorporates sustainable design principles.
- O3 Has a scale, bulk and design that reflects the desired streetscape character, and respects the adjoining and nearby residential development, particularly in terms of the building setback, number of storeys, articulation and distribution of height.
- O4 Promotes environmental amenity on the site and surrounding properties, and does not unreasonably compromise the amenity of nearby residential uses having particular regard to overshadowing, visual and acoustic privacy, and view sharing.
- O5 Protects the heritage item at 136 New South Head Road, including to retain the scale of, and not overwhelm, the heritage item.
- O6 Ensures that the significant values of the heritage items and areas of significance in the vicinity of the site are protected, and new development sensitively responds to heritage significance and the site's surrounding historic setting.
- O7 Provides retail and active uses at ground level street frontages to activate New South Head Road and enhance the public domain.
- O8 Minimises traffic and parking impacts.

G10.1.5 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 (New South Head Road Corridor, Edgecliff)
- 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 any inconsistency between this site specific chapter and the other chapters, this chapter prevails.

G10.2 Development Controls

G10.2.1 Desired future character

Objectives

- O1 To establish the desired future character for the site.
- O2 To facilitate development that is compatible with the immediately surrounding area, and the desired future character of the New South Head Road Corridor, Edgecliff.
- O3 To ensure that development responds sympathetically to heritage items and conservation areas, within and in the vicinity of the site.
- O4 To ensure development exhibits design excellence and sets a benchmark for development in the New South Head Road Corridor and the adjacent Edgecliff commercial centre.

Controls

- C1 Development on the site must align with the following:
 - Mixed use development in a building of no more than 12 storeys, comprising a 4 storey podium with tower setback from the podium
 - Non-residential uses are concentrated in the podium, with residential uses above
 - Retain the heritage building at 136 New South Head and sensitively integrate the new building
 - Highly articulated and sculptural facade that contributes to the visual quality of the site and character of the local area
 - Street level activation on the ground floor to New South Head Road
 - Enhance the public domain and pedestrian environment
 - Diverse range of apartment sizes
 - Parking and service areas accessed from Darling Point Road only
- C2 Development is consistent with the desired future character for the New South Head Road Corridor, Edgecliff, as set out in Woollahra DCP, Chapter D2 Mixed Use Centres.
- C3 Development is subject to a design excellence review process consistent with the provisions in *Woollahra Local Environmental Plan 2014*, clause 6.11.

G10.2.2 Built form and façade articulation

Objectives

- O1 To ensure that the built form exhibits design excellence through:
- (a) a high standard of architectural design, materials and detailing appropriate to the building type and location,
 - (b) the form and external appearance of the development, and
 - (c) relationship of the development with other existing or proposed developments on the site and neighbouring sites.
- O2 To use building setbacks and the graduation and transition of height across the site to:
- (a) reduce the apparent bulk and the visual impact of the built form,
 - (b) protect and conserve the significance of heritage items and any associated significant settings,
 - (c) address sensitive interfaces with adjoining buildings,
 - (d) reflect the slope of landform which transitions down towards Rushcutters Bay, and
 - (e) provide for view corridors.
- O3 To provide a built form that contributes to a coherent and consistent street wall height and alignment to New South Head Road.
- O4 To reinforce the site's corner location, and the visual prominence of the heritage item on the site.

Controls

- C1 Development is a maximum of 12 storeys and comprises a 4 storey podium. The tower and tower elements (including balconies) are setback from the podium and are no more than 8 storeys. The total number of storeys is measured using a section view across the site (i.e. not the number of visible storeys from a given frontage like New South Head Road).
- C2 The tower contains residential uses. The podium levels comprises non-residential uses, other than Level 3 which may also contain residential uses along the northern elevation only.
- C3 The built form incorporates minimum setbacks and articulation zones as set out in Figures 2 and 3. At the Level 3 northern elevation, a setback and articulation zone applies (each 2.4m), unless the uses are residential in which case the setback in the Apartment Design Guide applies. (Also refer to section 10.2.4 and Figures 4 and 5 for setbacks to the heritage item.)
- C4 The podium establishes a street wall height of 4 storeys along the New South Head Road frontage, and transitions to 2 storeys at the interface with the heritage item at 136 New South Road so that the podium is below the parapet level of the heritage item.
- C5 The building design is highly articulated and sculptural. The tower incorporates curved forms and other design measures to:

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- (a) break down the volume of the tower and soften the perceived building mass and bulk,
 - (b) sensitively respond to the heritage item on the site, and
 - (c) contribute to the architectural quality and aesthetic of the building.
- C6 The external areas of the 6m articulation zone are to be occupied by balconies and terrace landscaping and other design elements which do not increase the perceived building bulk and prominence of upper levels.
- C7 The tower incorporates extensive use of glazing and continuous balconies.

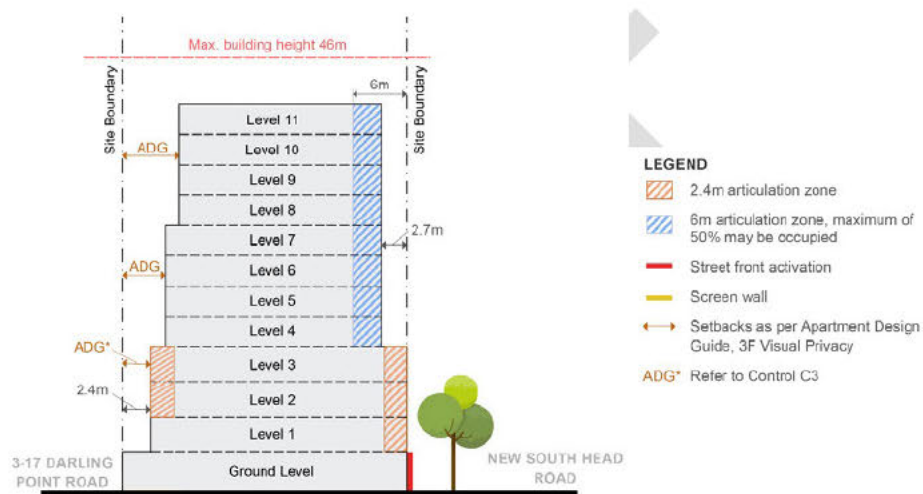


FIGURE 2 Minimum setbacks section - North South (does not include heritage item)

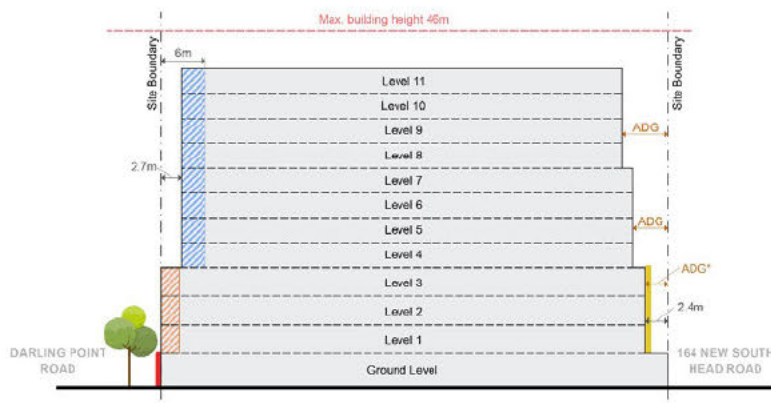


FIGURE 3 Minimum setbacks section - East West (does not include heritage item)

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G10.2.3 Ground level active frontages

Objectives

- O1 To ensure that the ground level design and uses integrate with the public domain to give visual connectivity to public spaces and maximise pedestrian activation.
- O2 To provide active street frontages on the ground level along New South Head Road.
- O3 To enhance the public domain and pedestrian safety along New South Head Road and Darling Point Road.
- O4 To incorporate a public plaza adjoining the heritage item at 136 New South Head Road.

Controls

- C1 At ground floor along the New South Head Road frontage, the building contains retail premises designed to accommodate multiple tenancies to contribute to a vibrant street interface. Exception is provided to uses within the heritage building.
- C2 Lobbies and entry foyers to upper levels are located and designed so these do not compromise street level activation, and also contribute to passive surveillance of the public realm. Residential entries are located along the Darling Point Road frontage where possible.
- C3 The development incorporates a generous plaza that provides a forecourt to the heritage item, encourages pedestrian activity, and is animated by immediately adjoining active uses.
- C4 Awnings are to be provided along New South Head Road to support the active ground floor uses and improve pedestrian amenity.
- C5 Retain existing street trees and supplement with new street tree planting.

G10.2.4 Heritage and historic setting

The site contains a heritage item of local significance identified in the *Woollahra Local Environmental Plan 2014*, Schedule 5 Part 1.

- **“Building and interiors”, 136 New South Head Road, Edgecliff (Item No: 1238)**
The former Commonwealth Savings Bank of Australia building has aesthetic significance as an example of the Inter-War Functionalist architectural style. It was designed by the Commonwealth Department of the Interior and completed in 1940. The building demonstrates a number of key characteristics of the style, including asymmetrical massing, simple geometric shapes, expression of horizontal and vertical massing, parapet roof and curved facade corner. The former Commonwealth Savings Bank of Australia

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building has landmark qualities due to its location on the corner of New South Head Road and Darling Point Road and distinctive architectural style.

The site is also in the vicinity of two other local heritage items:

- “Concrete balustrade”, Darling Point Road, near intersection with New South Head Road, Darling Point (Item No: I114)
- “Ascham school precinct”, 188 New South Head Road, Edgecliff (Item No: I239).

Also contributing to the historic character and setting of the development site are:

- A sandstone retaining wall and stairs located along the northern boundary of the site extending from 138 - 148 New South Head Road, which potentially relates to earlier historical estates (such as Redbank c.1890s, and Ranelagh c.1850s).
- Inter-War period flat buildings adjacent to the site at 164, 166 and 168 New South Head Road which form part of the Brantwood Estate group.

The varied nature of these surrounding heritage items demonstrate the layered history of the area immediately around the site.

Objectives

- O1 To ensure that the built form and materials sensitively respond to the heritage items and the surrounding historic setting and heritage conservation areas.
- O2 To maintain and enhance the significance and prominence of the heritage item at 136 New South Head Road.
- O3 To ensure new development forms a backdrop to the heritage item at 136 New South Head Road and allows for three-dimensional appreciation of the heritage building.
- O4 To provide active frontages and public domain improvements to showcase the heritage significance of the heritage item at 136 New South Head Road.
- O5 To ensure that excavation and demolition works are undertaken in a manner that sensitively addresses and respects the heritage item and historic setting.

Controls

Heritage item at 136 New South Head Road

- C1 New development is setback and designed so that the parapet of the heritage item is clearly distinguishable, and incorporates recessive and complementary forms to retain the prominence of the heritage building.
- C2 Building setbacks, graduation of building bulk, and other measures such as shadow lines or change in materiality are used to provide a clear delineation between the heritage item and the new building.
- C3 The three elevations of the heritage building at 136 New South Head are visible from the public domain.

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► Part G | Site-Specific Controls

- C4 A no build zone and a transition zone apply from the Ground level to Level 3 between the heritage item and the new building:
- For the eastern façade of the heritage item, the no build and transition zone is to allow view and appreciation of the full eastern façade when viewed from the southern side of New South Head Road, opposite the southeast corner of the site. (Refer to Figure 4)
 - For the northern façade of the heritage item, the no build and transition zone is to allow view and appreciation of the full northern façade when viewed from the northern end of the heritage listed concrete balustrade (item I114) on Darling Point Road. (Refer to Figure 4)

The indicative location of the no build zones and transition zones are set out in Figure 5.

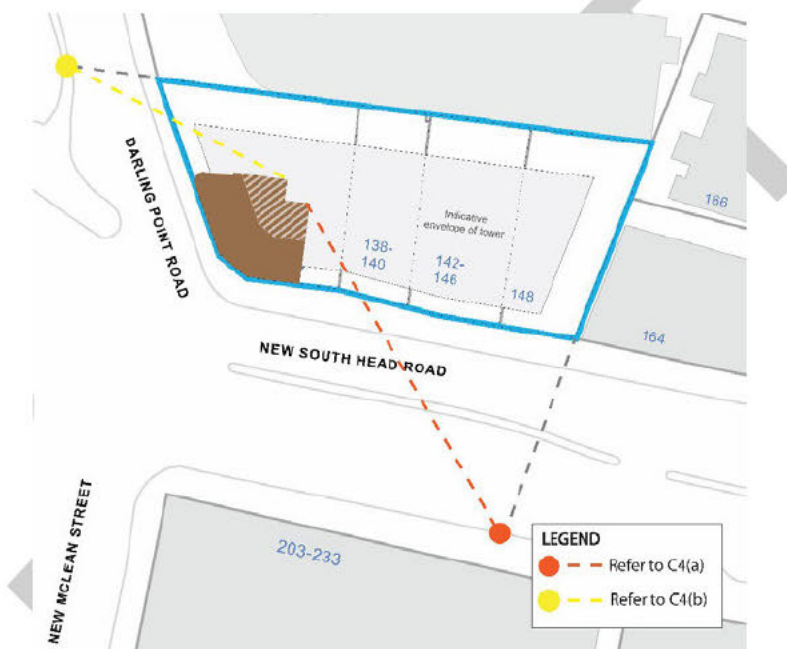


FIGURE 4 View lines to eastern and western façades of the heritage building

- C5 The no build zone establishes a buffer to the new building so that the heritage building is provided within its own setting and remains visually distinct from the development. The no build zone incorporates a forecourt plaza, and may contain small scale landscaping. No part of the new building is to directly extend from, or abut, the external façades of the heritage building elevations within the no build zone.
- C6 The transition zone applies to the podium levels (Ground level to Level 3). The built form within the transition zone incorporates building setbacks to provide a stepped or gradual transition of building bulk from the no build separation zone to the other parts of the development.

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- C7 From the rear elevation of the heritage building, the new building at Levels 4 to Level 11 may partially cantilever over the heritage building. The maximum overhang of the building (including balconies) is no more than one third of the footprint of the heritage building. (Refer to Figure 5 for indicative location of the overhang)

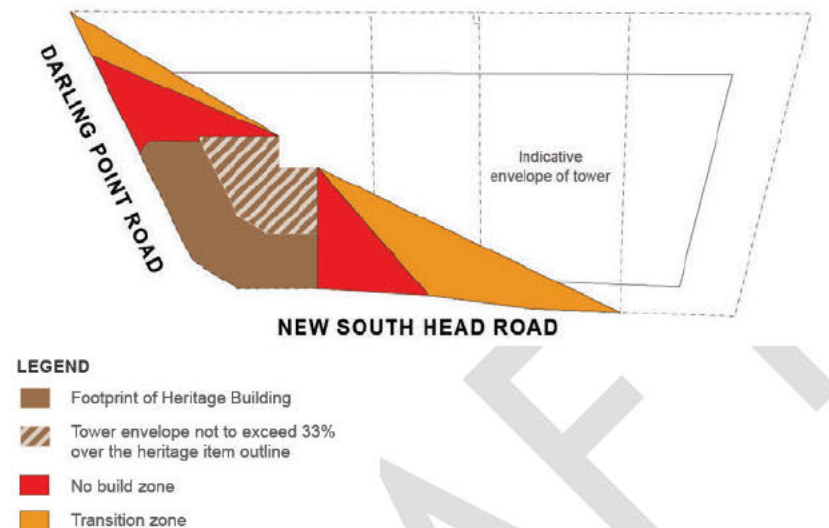


FIGURE 5 Heritage item and new building location

- C8 Conserve the exterior form, fabric and architectural detail of the heritage item. Proposed alterations will not remove, diminish or obstruct significant original fabric on any of the facades of the building.
- C9 Conserve the significant spaces, fabric and detailing of the interior of the building which contribute to the overall significance of the place. Modifications to the interiors must be sympathetic, enhance or interpret original fabric of significance. Removal of intrusive fabric may be permitted.
- C10 Heritage interpretation of the site, incorporating a history of the property, is to be displayed on the site. The interpretation shall cover the entire period of use of the site. Note: This may be required as a condition of consent.

Inter-War flat buildings and historic setting

- C11 New development establishes a respectful interface and transition to the adjacent Inter-War flat buildings at 164, 166 and 168 New South Head Road, for example through a sensitive response in bulk, setback and materiality. (Also refer to Figure 3 Minimum setbacks section)
- C12 The retaining wall and stairs located along the northern boundary of the site extending from 138 - 146 New South Head Road are to be retained. (Refer to Figure 6)

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Note: An archaeological assessment is required with any development application that proposes demolition or works in the vicinity of the rear boundary. The assessment must assess the significance of the brick and sandstone retaining wall on the northern boundary of the site and provide recommendations to incorporate the wall in any development.

In the event that retention of the retaining wall is not possible (to be demonstrated in a structural engineer's report), the sandstone should be reconstructed or salvaged and used in reinterpretation on the site. This may be required as a condition of consent.

- C13 Demolition associated with the Inter-war flat buildings at 138-148 New South Head Road is to salvage and recycle historic building materials.

Note: A Heritage Demolition Report, prepared in accordance with Council's DA Guide, is required with any development application that proposes demolition of the inter-war buildings. These Inter-War flat buildings may contain historic building materials suitable for salvage, including joinery, stained glass windows, ceiling timbers, timber panel doors and hardware, and marble fireplaces. These may be required as conditions of consent.

- C14 Due diligence and a cautious approach to excavation is required on the site given potential archaeological significance.

Note: Aboriginal sensitivity heritage mapping gives potential Aboriginal significance to the site. An Aboriginal Heritage Impact Assessment report may be required at DA stage.



Figure 6 – Location of retaining wall and stairs on the northern boundary of the site

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G10.2.5 Environmental impacts

Objectives

- 01 To incorporate sustainable design principles in relation to sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, and safety and security, as part of a development that exhibits design excellence.
- 02 To protect the amenity of nearby dwellings, having particular regard to visual and acoustic privacy and solar access.
- 03 To ensure development provides for view sharing.
- 04 To maintain solar access to Trumper Park and Oval and minimise overshadowing of parks and the public domain.
- 05 To minimise wind impacts on pedestrians in the public domain and occupants of the site and surrounding properties.

Controls

Private

- C1 Side boundary setbacks apply consistent with Figures 2 and 3 to address privacy of occupants in adjoining buildings.
- C2 In addition to the side boundary setbacks referred to in C1 above, a privacy screen wall applies at Levels 1 to 3 of the podium along the full length of the western elevation adjoining 164 and 166 New South Head Road.
- C3 The development maintains solar access to existing dwellings for at least two hours between 9am and 3pm on 21 June:
 - a) to the north facing windows of habitable rooms; and
 - b) to at least 50% of the private open space.Where existing overshadowing is greater than this, access to sunlight is not further reduced.
- C4 The development reasonably preserves view sharing corridors, consistent with the principles in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

Note: Additional provisions also apply as set out in Chapter D3 – General Controls for Neighbourhood and Mixed Use Centres, and the Apartment Design Guide.

Public

- C5 Development ensures that existing public open spaces achieve solar access between the hours of 10am and 2pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced.
- C6 Notwithstanding C5, development will not cause overshadowing of Trumper Park and Oval between the hours of 10am and 2pm on 21 June, or any additional overshadowing of Trumper Park and Oval.

- C7 Development ensures that at least 50% of the surface area of the ground level north facing façade at 203-233 New South Head Road receives at least 3 hours of sun between 9am and 3pm on 21 June.
- C8 The building is designed and articulated to achieve the following minimum levels of wind comfort based on the Lawson pedestrian comfort criteria:
- (a) for public footpaths - acceptable for walking
 - (b) for building entries and lobbies - acceptable for standing
 - (c) for the heritage plaza - acceptable for outdoor dining
 - (d) for apartment balconies, terraces and roof garden and the like - acceptable for sitting
 - (e) for the basement including entries - acceptable for walking

Note: An Environmental Wind Assessment must be provided to demonstrate acceptable standards of comfort on and around the site. The assessment is to be prepared by a suitably qualified wind engineer, and include modelling of the detailed design and appropriate ameliorations for negative effects from impacts such as high pressure on entry doors and potential for internal flow issues, high winds on roof terraces and balconies, Helmholtz resonance, and local wind conditions for stationary activities.

G10.2.6 Apartment mix

Objectives

- O1 To promote housing choice through providing a mix of unit dwelling sizes.
- O2 To cater for the needs of the existing and future resident population, and encourage a diverse population.

Controls

- C1 Development on the site is to achieve the apartment mix outlined in Table 1 below:

Table 1 Apartment Mix

Apartment Type	Minimum	Maximum
Studio/1 Bedroom	20%	50%
2 Bedroom	-	50%
3 Bedroom or more	-	30%
Required bedrooms are to be rounded up to the nearest whole number		

G10.2.7 Vehicular access and car parking

Objectives

- O1 To restrict new vehicle entries to secondary streets, away from New South Head Road, to minimise congestion and improve public domain and street activation.
- O2 To address road safety having specific regard to the landform and the proximity of the New South Head Road and Darling Point Road intersection.
- O3 To address pedestrian safety having specific regard to the proximity of the pedestrian crossing at New South Head Road to 203-233 and 235-285 New South Head Road.
- O4 To provide a continuous active street frontage along New South Head Road.
- O5 To ensure adequate on-site car parking for development on the site.

Controls

- C1 Vehicular access/egress for the site is from Darling Point Road using a left in/left out direction only. No vehicle access is permitted off New South Head Road.
Note: A median strip and associated treatments will be required on Darling Point Road to support the left in/left out motion only.
- C2 The driveway is designed to provide access/egress to and from the site using the kerbside lane only.
- C3 The driveway crossover is located the maximum possible distance from the New South Head Road and Darling Point Road intersection.
- C4 A Traffic and Parking Report is to be provided with a development application for the site and, amongst other matters, address the site's proximity to the crest of New South Head Road at Darling Point Road. It also is to include a Green Travel Plan and a Travel Access Guide.
- C5 The residential parking generation rates in **Table 2** below set out the maximum number of spaces to be provided. Whilst parking provision for residential development is capped by a maximum rate, provision should not be substantially below the maximum, so as not to increase parking pressure on the surrounding road network.

Table 2 Residential uses parking generation rates

Land use	Maximum parking generation rates*
Mixed use development (residential component)	
<i>Spaces based on number of bedrooms per dwelling</i>	
1 bedroom or studio apartment	0.3 space
2 bedrooms	0.6 space
3 or more bedrooms	1.5 spaces
Visitors	0.12 space

*The number of parking spaces for 1 bedroom and studios, 2 bedrooms and visitor parking for the site has been calculated using E.1.4.2 Residential parking generation rates for

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mixed use development and multiplying by the parking multiplier for non-residential uses in the New South Head Road, Edgecliff commercial corridor MU1 Zone (which is 0.6).

Notes:

1. The base parking generation rates set for non-residential uses are set out in Chapter E1 Parking and Access.
2. Development will not be eligible to apply to Council's Resident Parking Permit Scheme.

G10.2.8 Site facilities

Objectives

- O1 To ensure that essential infrastructure and other site facilities are accessible and functional, and do not detract from the streetscape character, heritage and historic setting, or amenity of adjoining residential dwellings.
- O2 To locate, conceal or screen mechanical plant and equipment, and electricity substations, so these are not visible from the street and other public spaces.
- O3 To minimise the visual and other amenity impacts of loading facilities on the surrounding properties and the street and other public spaces.

Controls

- C1 Mechanical plant and equipment is located in a basement or car parking level.
- C2 If an electricity substation is required the substation is a chamber substation, preferably a basement chamber substation.
- C3 Any loading dock for waste or service delivery is located and designed so it is not visually intrusive within the streetscape, and does not detract from fabric and significance of the heritage item at 136 New South Head Road.

G10.2.9 Ecologically sustainable development

Objectives

- O1 To incorporate sustainable design principles in relation to resource, energy and water efficiency, as part of a development that exhibits design excellence.
- O2 To incorporate passive design strategies and mitigate the urban heat island effect.

Controls

- C1 The building achieves a minimum 4-star Green Star rating.
Note: This may be required as a condition of consent.
- C2 The floorplate design for each level provides for corridors with natural ventilation and natural light.

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C3 The rooftop design incorporates:

- a) integrated solar photovoltaic panels; and
- b) trees and landscaping to reducing the urban heat island effect.

Note: The provisions in Part E of the DCP, Chapter E6 Sustainability and *State Environmental Planning Policy (Sustainable Buildings) 2022* also apply.

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New South Wales

Woollahra Local Environmental Plan 2014 (Amendment No 38)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the
Environmental Planning and Assessment Act 1979.

LAURA LOCKE

As delegate for the Minister for Planning and Public Spaces

Published LW 17 May 2024 (2024 No 160)

Woollahra Local Environmental Plan 2014 (Amendment No 38) [NSW]

Woollahra Local Environmental Plan 2014 (Amendment No 38)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Woollahra Local Environmental Plan 2014 (Amendment No 38)*.

2 Commencement

This plan commences on the day on which it is published on the NSW legislation website.

3 Land to which plan applies

This plan applies to land identified as “Area 1” on the Key Sites Map under *Woollahra Local Environmental Plan 2014*.

Woollahra Local Environmental Plan 2014 (Amendment No 38) [NSW]
Schedule 1 Amendment of Woollahra Local Environmental Plan 2014

Schedule 1 Amendment of Woollahra Local Environmental Plan 2014

[1] Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Development on land at 136–148 New South Head Road, Edgecliff

- (1) The objectives of this clause are as follows—
 - (a) to allow higher density development on certain land in Edgecliff,
 - (b) to ensure the development reflects the desired character of the area and exhibits design excellence,
 - (c) to provide for non-residential floor space and diverse housing.
- (2) This clause applies to land identified as “Area 1” on the Key Sites Map.
- (3) A building resulting from development on land to which this clause applies may have a floor space ratio of up to 5:1 and a building height of up to 46m if the consent authority is satisfied of the following—
 - (a) all lots comprising the land are consolidated into a single lot (the *consolidated lot*),
 - (b) development on the consolidated lot will be the result of a single development application,
 - (c) there will be no vehicular access between New South Head Road and the consolidated lot,
 - (d) the non-residential floor space ratio of the building will be at least 1:1 and no more than 2:1.
- (4) Subclause (3) applies only if a development control plan that provides for the following matters has been prepared for the land—
 - (a) building envelopes and built form controls, including storeys and setbacks and provision for a podium and tower,
 - (b) a mix of apartment types, including the number of bedrooms in each apartment,
 - (c) conservation of heritage items on the consolidated lot,
 - (d) appropriate car parking and vehicle access arrangements.
- (5) Despite subclause (4), a development control plan is not required if the consent authority is satisfied that—
 - (a) the preparation of a plan is unreasonable or unnecessary in the circumstances, or
 - (b) the development—
 - (i) involves only alterations or additions to an existing building, and
 - (ii) does not significantly increase the height or gross floor area of the building, and
 - (iii) does not have significant adverse impacts on an adjoining building or the public domain, and
 - (iv) does not significantly alter an aspect of the building when viewed from a public place.
- (6) Development consent must not be granted to development on land to which this clause applies unless—

Woollahra Local Environmental Plan 2014 (Amendment No 38) [NSW]
Schedule 1 Amendment of Woollahra Local Environmental Plan 2014

- (a) a design review panel has reviewed the development, and
 - (b) the consent authority considers the advice of the design review panel, and
 - (c) the consent authority is satisfied the development exhibits design excellence.
- (7) In deciding whether the development exhibits design excellence, the consent authority must consider the following—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (d) whether the building resulting from the development will incorporate sustainable design principles, including in relation to the following—
 - (i) sunlight,
 - (ii) natural ventilation,
 - (iii) wind,
 - (iv) reflectivity,
 - (v) visual and acoustic privacy,
 - (vi) safety and security,
 - (vii) resource, energy and water efficiency,
 - (e) whether the proposed development will detrimentally impact the following—
 - (i) view corridors and landmarks,
 - (ii) pedestrian, cycle, vehicular and service access,
 - (iii) circulation requirements, including the permeability of the pedestrian network,
 - (f) the impact of the development on the public domain,
 - (g) whether there are appropriate interfaces at ground level between the buildings and the public domain,
 - (h) whether the development will include a mix of retail, commercial and residential uses.
- (8) In this clause—
 - design review panel* means a panel of 2 or more persons established by the consent authority.
 - non-residential floor space* means the total gross floor area of all buildings on the consolidated lot used for purposes other than residential accommodation.

[2] Dictionary

Insert in alphabetical order—

Key Sites Map means the Woollahra Local Environmental Plan 2014 Key Sites Map.

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting) Minutes

22 April 2022

- Item No:** D1
Subject: **PLANNING PROPOSAL - 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**
- Authors:** Louise Munday, Consultant Strategic Planner
Anne White, Manager - Strategic Planning
Lyle Tamlyn, Strategic Planner
- Approver:** Scott Pedder, Director - Planning & Place
- File No:** 22/69145
- Purpose of the Report:** To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend the planning controls for 136 - 148 New South Head Road, Edgecliff under the Woollahra Local Environmental Plan 2014.
- Alignment to Delivery Program:** Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.
- Note:** Late correspondence was tabled by Charlotte Feldman of Darling Point Society, David Gowland, Double Bay Residents Association, Annette Gray, Bill Haskett, Keith Tanaka, Kristen Sproule, Melanie America, The Paddington Society, Peter Gray, Karin Olah, Miranda Marshall, William Naughton & Gabrielle Upton MP for Charlotte Feldman.
- Note:** Councillor Witt, Luise Elsing, Esther Hayter from The Paddington Society & William Naughton, Objectors & Carl Reid and Brett Brown, on behalf of the Applicant, addressed the Panel.

Reason for Decision:

The Panel has considered the planning proposal, and advises Council that it is premature to proceed at this stage to Gateway prior to the adoption of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (ECC Strategy). In particular, there remain a number of unresolved strategic issues in relation to the capacity of the surrounding road network and the status of the road reservation planning proposal, the provision of community infrastructure upgrades, and the overall bulk and form of the Centre. The benefit of providing 35 net new dwellings does not provide sufficient justification to proceed, prior to the ECC Strategy being adopted.

The Panel advises Council that the planning proposal does not have sufficient site specific merit to proceed as a standalone planning proposal, particularly as it proposes to significantly increase the Height and Floor Space Ratio development standards with no mechanisms within the LEP to ensure the delivery of the benefits proposed in the concept design. These matters include but are not limited to:

- Site amalgamation.
- Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.
- Specifying a minimum quantum of non-residential Floor Space Ratio.
- Provision of Affordable Housing consistent with Council's adopted policy.
- Design Excellence and commitments to sustainability beyond those required by BASIX.

Resolved:

- A. THAT the Woollahra Local Planning Panel advises Council that the planning proposal for 136-148 New South Head Road, Edgecliff does not have sufficient strategic or site specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*.

Woollahra Municipal Council

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22 April 2022

- B. THAT should Council resolve that the planning proposal for 136-148 New South Head Road, Edgecliff should proceed to a Gateway determination, the Woollahra Local Planning Panel advises Council that :
- I. It does not support the site specific amendments to increase the Height of Buildings to 46m and the Floor Space Ratio to 5:1 without further urban design and traffic analysis including:
- a. whether the 46m height standard is beyond what is required to accommodate a 12 storey building; and
 - b. defining in a draft Development Control Plan a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.
 - c. the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.
- II. The planning proposal should provide for a site specific clause to be included in the *Woollahra Local Environmental Plan 2014* which would increase the maximum height of buildings and the maximum Floor Space Ratio, but only if certain matters are satisfied. These matters should include, but not be limited to:
- a. Site amalgamation.
 - b. Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.
 - c. Specifying a minimum quantum of non-residential Floor Space Ratio.
 - d. Provision of Affordable Housing consistent with Council's adopted policy.
 - e. Design Excellence and commitments to sustainability beyond those required by BASIX.
- III. Any planning agreement proposed by the applicant is to be prepared in accordance with the adopted *Woollahra Voluntary Planning Agreement Policy 2020*.
- IV. Should a Gateway determination be received, the planning proposal, site-specific draft development control plan and any draft Planning Agreement be publicly exhibited concurrently.

Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.

For the Motion

Against the Motion

Graham Brown
Graham Humphrey
Sandra Robinson
Annelise Tuor

4/0

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting) Minutes 22 April 2022

There being no further business the meeting concluded at 3.01pm.

We certify that the pages numbered 1 to 6 inclusive are the Minutes of the Woollahra Local Planning Panel (Public Meeting) Meeting held on 22 April 2022 and confirmed by all Panel members of the Woollahra Local Panel on 22 April 2022 as correct.

Chairperson

Secretary of Committee

Expert

Expert

Community Representative

Woollahra Municipal Council
Ordinary Council Meeting Minutes

25 July 2022

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 4 July 2022 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
Subject: **PLANNING PROPOSAL - 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF AND REPORTING THE ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL**
- Author:** Louise Munday, Consultant Strategic Planner
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
- File No:** 22/72243
Purpose of the Report: To provide Council with the advice of the Woollahra Local Planning Panel on a planning proposal for 136-148 New South Head Road, Edgecliff.
To recommend that Council refuses the planning proposal for 136-148 New South Head Road.
- Alignment to Delivery Program:** Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.
- Note:** Late correspondence was tabled by The Paddington Society, Ingham Planning, Double Bay Residents' Assoc, Nizza Siano, Peter Thomson, Joyce Somm, Peter Benjamin, Richard Stenlake, Sarah Harris, Maria Bradley, Shirley & Robert Silverton, Julian Beaumont, Judith Park, Jennifer Dewar, Jasmine Steel, Ross Forsyth, Anthony & Lorraine Jones, Kay Gladstone, Lisa Harrison, Michael & Sara Lawrence, Jane Barnett & Claire Hooper.
- Note:** Councillor Jarvis declared a Significant, Non-Pecuniary Interest in this item as the matter may be considered by the Sydney Eastern City Planning Panel (SECPP) in the future and noting that Councillor Jarvis is a member. Councillor Jarvis left the meeting and did not participate in debate or vote on the matter.
- Note:** Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in this item as the matter may be considered by the Sydney Eastern City Planning Panel (SECPP) in the future and noting that Councillor Zeltzer is a member. Councillor Zeltzer left the meeting and did not participate in debate or vote on the matter.
- Note:** Councillor Mary-Lou Jarvis left the meeting, the time being 7.07pm.
- Note:** Councillor Toni Zeltzer left the meeting, the time being 7.07pm.

(Swan/Grieve)

66/22 Resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
- (i) Increase the maximum height of buildings development standard from 14.5m to 46m
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.

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25 July 2022

- C. THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021*.
- D. THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* as a potential uplift site.

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 Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Shapiro
Councillor Shields

9/4

Note: Councillor Mary-Lou Jarvis returned to the meeting, the time being 7.41pm.

Note: Councillor Toni Zeltzer returned to the meeting, the time being 7.41pm.

Item No: R2 Recommendation to Council
Subject: **WOOLLAHRA INTEGRATED TRANSPORT STRATEGY**
Author: Emilio Andari, Manager Engineering Services
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/125352
Purpose of the Report: To seek Council's endorsement of the Woollahra Integrated Transport Strategy following public exhibition.
Alignment to Delivery Program: Strategy 6.1: Facilitate an improved network of accessible and safe alternate transport options.

Note: The Council added iv) to the Resolution.

Motion moved by Councillor Jarvis
Seconded by Councillor Carmichael

THAT Council's endorsement of the Integrated Transport Strategy be deferred until after October 2022, to allow staff to:

- (i) Include local transport data from the 2021 Census, which is expected to be published in October 2022;
- (ii) Review the document and amend outdated or obsolete background information such as references to the trial of the Bridj on demand transport program, timetables for Watsons Bay ferries and crash data;
- (iii) Update recommended actions relating to support for electric vehicle charging and use of share cars; and
- (iv) Update the Strategy to reflect that reduced speed limits will be 40km/hr noting that one area will be trialled as a 30km/hr area.

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Planning
Panels

**REZONING REVIEW
RECORD OF DECISION**
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DECISION	18 August 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

PP-2022-1646 - WOOLLAHRA - RR-2022-12 - AT 136-148 New South Head Road, Edgecliff (as described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the majority of the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site-specific merit

The decision was by a majority of 3:2 in favour, against the decision were Mary-Lou Jarvis and Toni Zeltzer.

REASONS FOR THE DECISION OF PANEL MAJORITY

The Panel concurs with the Council's strategic planning Consultant and the assessment report that the Planning Proposal (PP) has strategic merit as it aligns with the directions of the District Plan. The subject site is included within the boundary of the Edgecliff Commercial Centre (ECC), but it is not within the Council's defined area of the exhibited Draft Strategy for Edgecliff.

The Panel considers that this rezoning is not dependent on Council's adoption of its Strategy for Edgecliff that excludes the subject site. Whilst the boundary of the Strategy may be extended this is unlikely to occur within a reasonable timeframe. The Panel considers proceeding with this PP at this stage will not prejudice future planning for the Edgecliff Centre, and indeed this PP has considered the uplift in the number of storeys shown in the exhibited Draft Strategy.

The Panel is satisfied this PP is consistent with the District Plan and the objectives for the revitalisation of the Edgecliff centre by providing an uplift of commercial space and residential in very close proximity to a major bus/rail interchange. In this regard it is also consistent with the LSPS and Local Housing Strategy.

The Panel recommends this PP proceed to Gateway, however, the provisions of the draft LEP exhibited must include the following:

- a clause requiring a design excellence competition or equivalent.

- a clause requiring the subject site to be amalgamated to ensure no vehicle access to New South Head Road.
- a clause for maximum number of storeys/ height and Floor Space Ratio
- a draft DCP to be exhibited concurrently with guidelines for future development including massing; number of storeys; sustainability measures; relationship to local heritage item; wind analysis; minimal overshadowing of the public domain, including Trumper Park and plaza areas opposite and the appropriate mix of commercial and residential given characteristics of site.


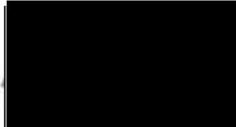


The Panel notes the existence of a road reservation over the corner part of the site and this should be resolved with Transport for NSW. The effect of the current affectation for the heritage building is unknown at this time and if acquisition of, part or all, is required this will inform not only the final design but any compensation. Therefore, this needs to be resolved prior to the making of any LEP.


The planning process requires notification and public exhibition of the draft LEP, and in this case accompanied by a draft DCP. It is during this period that community consultation will occur, and the community will have the opportunity to formally make submissions on the draft plan during this public exhibition period.

The PP was submitted prior to the release of the LEP Making Guideline in December 2021 and as such the appointment of the PPA should follow the previous process. As such the Woollahra Council should be given the opportunity to decide whether to take on the role of PPA. If the Council decides not to take up this role then the Panel may appoint itself as the relevant Planning Authority.

Those in the minority are of the opinion:

- Toni Zeltzer expressed a position that notwithstanding the applicant has worked diligently with Council and there being site specific and strategic merit identified in the proposal, the height and bulk remains excessive causing the proposal to be intrusive and overwhelming.
- In addition, overshadowing beyond that created by Ranaleagh onto the public domain across the street alongside Edgecliff centre is much exacerbated across extended hours of the day.
- Mary-Lou Jarvis adopted the advice of the Council staff to the Environmental Planning Committee's meeting of the 4 July 2022 following the recommendation of the Woollahra Local Planning Panel "that the planning proposal does not have sufficient strategic or site-specific merit to proceed as a standalone planning proposal, and that it should be incorporated into the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy" (the Draft ECC Strategy).
- She expressed concern of an increased FSR of 5:1 (up from 1.5:1) where the increased height was from 14.5 to 46 metres and identified that the applicant was proposing to double the amount of commercial space from 1,011 to 2,850sqm and 42 residential units over 8 floors and considered that having regard to the housing strategy adopted by Council that it would be more appropriate for a greater residential component consistent with the Strategy. Finally, she expressed concern having regard to the number of submissions from the community that the community is not able to make verbal submissions to the Panel in respect of the proposal.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 John Brockhoff	 Toni Zeltzer

 Mary-Lou Jarvis	
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SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2022-1646 - WOOLLAHRA - RR-2022-12 - AT 136-148 New South Head Road, Edgecliff
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014 to increase the height of buildings from 14.5m to 46m and the floor space ratio (FSR) from 1.5:1 to 5:1 for the site at 136-148 New South Head Road, Edgecliff.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Briefing with Department of Planning, Industry and Environment (DPIE): 18 August 2022 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis DPIE staff in attendance: Pengfei Cheng, Laura Locke, Simon Ip Briefing with Council and Proponent: 18 August 2022 <ul style="list-style-type: none"> Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis DPIE staff in attendance: Pengfei Cheng, Laura Locke, Simon Ip Council representatives in attendance: Anne White, Louise Mendey Proponent representatives in attendance: Mr Andrew Boyarsky, Brett Brown, Lisa-Maree Carrigan, Joshua Hollis, Martin Hill, Steven Davies. Papers were circulated electronically 10 August 2022



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-1646): to introduce alternative floor space ratio and building height and site-specific provisions for land at 136-148 New South Head Road, Edgecliff.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, 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 alternative floor space ratio and building height and site-specific provisions for land at 136-148 New South Head Road, Edgecliff 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) Provide a plain-English explanation of the planning proposal that covers all aspects of the site-specific provision. An updated draft clause may be provided with an advisory note that it is an example only and will be subject to legal drafting by Parliamentary Counsel, should the proposal progress to finalisation.
 - b) Clarify that the proposal seeks to introduce a local provision that allows alternative maximum height of buildings and floor space ratio (FSR) if certain requirements are met, as such the existing maximum height of buildings and FSR controls will remain in the LEP as base controls.
 - c) Remove reference to “urban design and planning strategy and public domain plan” as a matter of consideration from the design excellence provision.
 - d) Remove all references to community infrastructure and affordable housing requirements (which include the recoupment of cost of provision) from the proposal.
 - e) Remove the site-specific heritage conservation requirement as this is already addressed via Clause 5.10 *Heritage conservation* of the Standard Instrument LEP.
 - f) Amend the proposed minimum non-residential floor space ratio from 3:1 to 1.6:1; and remove the proposed maximum non-residential FSR of 3.5:1. Provide an economic analysis to test the feasibility of a minimum non-residential FSR of 1.6:1 or a higher quantum that takes into consideration the growth scenarios in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.
 - g) Amend the proposed alternative height of buildings control from 42m to 46m, subject to further design testing of the floor-to-floor heights currently shown in the indicative concept scheme against the floor-to-ceiling heights provisions of the Apartment Design Guide, the requirements of the National Construction Code and the outcomes of the economic testing outlined in item f) above.
 - h) Outline the matters to be addressed in the site-specific Development Control Plan.
 - i) Clarify Council’s intent to establish a “design review panel” or “design advisory panel” to ensure design excellence is achieved for future development and utilise consistent terminology throughout the document.

- j) Replace existing reference to “business” zones (i.e. “B” zones) with the new employment zones (i.e. “E” and “MU” zones) as a result of the Department’s Employment Zones Reform work.
 - k) Include extracts of relevant existing LEP maps that apply to the site, including Land Zoning, Floor Space Ratio, Height of Buildings, Heritage and Land Acquisition Reservation maps.
 - l) Explain the reasons for identifying the site on a new Key Sites Map; or alternatively, remove any reference to such a map if it is not required.
 - m) Include commentary that addresses the relevant provisions of the Woollahra Local Housing Strategy and relevant requirements of the Department’s approval of the Strategy.
 - n) Confirm whether the site is identified as “flood-prone land” as defined in the *NSW Floodplain Development Manual 2005* when addressing section 9.1 Direction – 4.1 *Flooding*.
 - o) Provide an updated discussion to demonstrate that the inconsistency with section 9.1 Direction 1.4 – *Site Specific Provisions* is justified in accordance with the terms of the direction.
 - p) Provide written explanation of the potential overshadowing impacts on the property at 160 New South Head Road to supplement the “sun-eye diagrams” in the concept scheme; and include additional shadow analysis relating to the proposed built forms and public plaza areas on the southern side of New South Head Road under the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*.
 - q) Confirm the location of the apartments within 235-287 New South Head Road (known as “Eastpoint tower”) to which the view sharing modelling in the concept scheme relates to.
 - r) Update the project timeline in accordance with the requirements of the Gateway determination.
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).

Exhibition must commence within 3 months following the date of the Gateway determination.

PP-2022-1646 (IRF22/4535)

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 Planning and Environment
 - Ausgrid
 - Sydney Water

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. Council is not authorised to be the local plan-making authority to make this plan.
6. The time frame for completing the LEP is to be 8 months following the date of the Gateway determination.
7. The planning proposal must be reported to council for a final recommendation no later than 6 months from the date of the Gateway determination.

Dated 21st day of April 2023.



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

Delegate of the Minister for Planning and
Public Spaces

PP-2022-1646 (IRF22/4535)



Department of Planning and Environment

Our ref: IRF23/2257 (PP-2022-1646)

Mr Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Dear Mr Swift-McNair

Planning proposal PP-2022-1646 – Alteration of Gateway Determination

I refer to a planning proposal within the Woollahra local government area to amend the Woollahra Local Environmental Plan (LEP) 2014 to introduce alternative floor space ratio (FSR) and building height and site-specific provisions for land at 136- 148 New South Head Road, Edgecliff (PP-2022-1646).

In accordance with the Gateway determination issued on 21 April 2023, Condition 1 indicates that the planning proposal is required to be revised prior to the commencement of public exhibition.

The Department notes Council 's letter of 8 August 2023 advising that the planning proposal has been reviewed and requests to alter the Gateway determination.

The Department has reviewed the amended planning proposal and having regard to this information supports the amendments. The Department also endorses the shadow analysis provided to address Condition 1.p).

Therefore, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 21 April 2023 for PP-2022-1646. The timeframe for public exhibition and LEP finalisation to accommodate for time taken to resolve various conditions of the Gateway determination. The alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, please contact Alexander Galea, Manager, Infrastructure & Planning on 8289 6793.

Yours sincerely



Amanda Harvey
Executive Director
Metro East and South
11 September 2023

Encl: Alteration of Gateway Determination



Department of Planning and Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2022-1646) to introduce alternative floor space ratio and building height and site-specific provisions for land at 136-148 New South Head Road, Edgecliff.

I, the Executive Director, Metro East and South, at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 21 April 2023 for the proposed amendment to the Woollahra Local Environmental Plan 2014 as follows:

1. Delete:

"Condition 1.f)"

and replace with:

a new Condition 1.f):

"The development is to include a minimum non-residential floor space ratio (FSR) of 1:1 and a maximum non-residential FSR of 2:1."

2. Delete:

"Condition 1.q)"

3. Delete:

"Condition 2"

and replace with:

a new Condition 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).

Exhibition must commence within 1 month following the date of this Alteration of Gateway determination."

PP-2022-1646 (IRF23/2257)

4. Delete:

"Condition 6"

and replace with:

a new Condition 6:

"The time frame for completing the LEP is to be 11 March 2024."

5. Delete:

"Condition 7"

and replace with:

a new Condition 7:

"The planning proposal must be reported to council for a final recommendation no later than 31 December 2023."

Dated 11th day of September 2023



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

**Delegate of the Minister for Planning and
Public Spaces**

PP-2022-1646 (IRF23/2257)

Woollahra Municipal Council
Environmental Planning Committee Minutes

5 February 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 4 DECEMBER 2023**
Author: Sue O'Connor, Governance Officer
File No: 23/224488
Purpose of the Report: The Minutes of the Environmental Planning Committee of 4 December 2023 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.

(Regan/Shapiro)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 4 December 2023 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

Against the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Witt
Councillor Wynne

Nil

5/0

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

Item No: R1 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL FOR 136 - 148 NEW SOUTH HEAD ROAD, EDGECLIFF**
Authors: Wai Wai Liang, Strategic Planner
Chinmayi Holla, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/200934
Purpose of the Report: To report on the public exhibition of the planning proposal for 136 – 148 New South Head Road, Edgecliff.
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 Leon Cohen & Sharon Hurwitz.

Note: Councillor Shapiro left the meeting, the time being 6.40pm.

Note: Councillor Shapiro returned to the meeting, the time being 6.54pm.

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Woollahra Municipal Council
Environmental Planning Committee Minutes

5 February 2024

(Swan/Wynne)

Recommendation:

THAT Council:

- A. Notes the matters raised during the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. Forwards the submissions, post exhibition report and amended planning proposal for 136-148 New South Head Road to the Department of Planning, Housing and Infrastructure as the local plan-making authority, with a request that the Minister (or delegate) makes the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

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 Shapiro
Councillor Swan
Councillor Wynne

Against the Motion

Councillor Regan
Councillor Witt

4/2

Item No:	R2 Recommendation to Council
Subject:	POST-EXHIBITION REPORT - VOLUNTARY PLANNING AGREEMENT FOR 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF
Author:	Richard Pearson, Development Manager
Approver:	Tom O'Hanlon, Director Infrastructure & Sustainability
File No:	23/218390
Purpose of the Report:	To provide an update of the exhibition of a VPA
Alignment to Delivery Program:	Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

Note: The Committee added new Part C & amended Part D of the Recommendation.

(Wynne/Shapiro)

Recommendation:

THAT Council:

- A. Note the report which provides an analysis of submissions received on the draft Voluntary Planning Agreement (VPA).
- B. Note that no changes to the draft Voluntary Planning Agreement (VPA) are proposed.
- C. Prior to the next meeting of Council on the 12 February 2024, request that staff obtain further advice from our lawyers to ensure there are no concerns about the interpretation of certainty in Schedule 1.
- D. Subject to the advice identified in Part C, authorise the General Manager to enter into the Voluntary Planning Agreement (VPA) prior to gazettal of the Planning Proposal.

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Woollahra Municipal Council
Environmental Planning Committee Agenda

5 February 2024

Item No: R1 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL FOR 136 - 148
NEW SOUTH HEAD ROAD, EDGECLIFF**
Authors: Wai Wai Liang, Strategic Planner
Chinmayi Holla, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/200934
Purpose of the Report: To report on the public exhibition of the planning proposal for 136 – 148
New South Head Road, Edgecliff
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 matters raised during the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. Forwards the submissions, post exhibition report and amended planning proposal for 136-148 New South Head Road to the Department of Planning, Housing and Infrastructure as the local plan-making authority, with a request that the Minister (or delegate) makes the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Executive Summary:

The purpose of this report is to provide information on the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff. The planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to introduce a local provision that allows an alternative maximum building height and floor space ratio (FSR) on the site if certain requirements are met.

The existing maximum building height and FSR controls are 14.5m and 1.5:1 respectively. The proposed alternative controls of 46m and 5:1 are proposed to be enabled by a site specific clause in the Woollahra LEP 2014. A concept design was provided with the planning proposal which indicates a 12 storey mixed use building could be accommodated within the proposed amended controls. The applicant has indicated that this would facilitate 41 apartments and 2,851m² of non-residential floor space.

On 21 April 2023, a Gateway determination was issued by the then Department of Planning & Environment (DPE), recommending that the planning proposal proceed. Having considered the issues raised in the Gateway conditions, amendments were sought by Council staff. These amendments were supported, and a Gateway alteration was issued on 11 September 2023.

The planning proposal and supporting material were placed on public exhibition for 41 days. During this period, Council received 76 submissions. Staff have considered the issues raised in submissions, and recommend that Council requests the Minister to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The associated voluntary planning agreement (VPA) was exhibited concurrently, and a post exhibition summary is subject to a separate report on the agenda for the Environmental Planning Committee (EPC) of 5 February 2024.

Discussion:

The site at 136-148 New South Head Road, Edgecliff is located in the Edgecliff Commercial Centre (ECC), on the northern side of New South Head Road and is zoned MU1 Mixed Use zone under the Woollahra LEP 2014. A 3D image of the subject site is shown in **Figure 1** below.

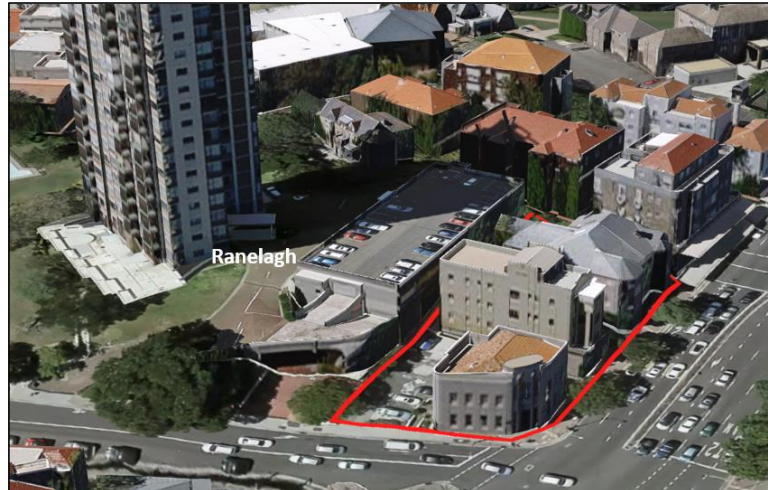


Figure 1: 3D view of site (highlighted in red) from the west (source: Woollahra Council Maps).

The subject site is in the area covered by the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (Edgecliff Strategy). Council exhibited the Edgecliff Strategy from 31 May to 30 September 2021. At the time, the subject site was not identified for uplift in the Edgecliff Strategy due to the lots being under different ownerships and vehicle access not being available to all four properties. Since the Edgecliff Strategy was prepared, the subject site has been brought into a single ownership and vehicle access can be obtained to the whole site from Darling Point Road.

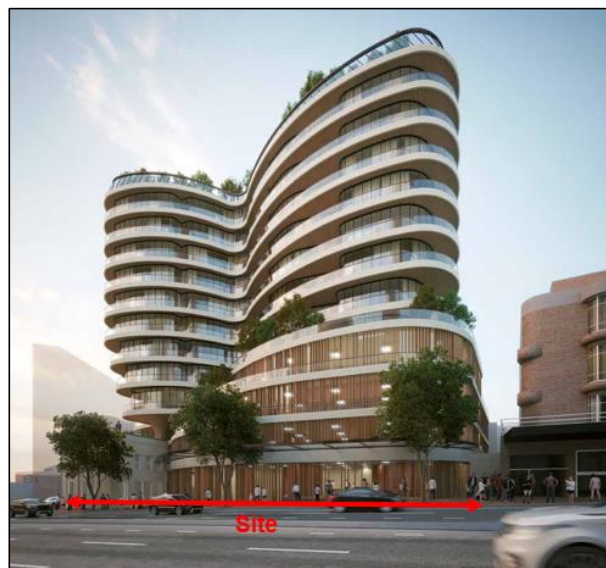


Figure 2: Indicative Concept Design for 136-148 New South Head Road (Source: Group GSA)

Woollahra Municipal Council
Environmental Planning Committee Agenda

5 February 2024

On 13 October 2021, a planning proposal was lodged by Edgecliff Central Pty Ltd. The planning proposal seeks to amend the Woollahra LEP 2014 as follows:

- Increase the maximum height of buildings control from 14.5m to 46m; and
- Increase the maximum FSR control from 1.5:1 to 5:1.

The objective of the planning proposal is to increase the development potential of the subject site to facilitate a 12 storey mixed use building. An indicative design was submitted with the planning proposal, which shows what could be built under the proposed controls (see **Figure 2**). The applicant has indicated that this would facilitate 41 apartments and 2,851m² of non-residential floor space.

The planning proposal was referred to the Woollahra Local Planning Panel (LPP) on 22 April 2022 where they provided the following advice:

- A. *THAT the Woollahra Local Planning Panel advises Council that the planning proposal for 136-148 New South Head Road, Edgecliff does not have sufficient strategic or site specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.*
- B. *THAT should Council resolve that the planning proposal for 136-148 New South Head Road, Edgecliff should proceed to a Gateway determination, the Woollahra Local Planning Panel advises Council that:*
 - I. *It does not support the site specific amendments to increase the Height of Buildings to 46m and the Floor Space Ratio to 5:1 without further urban design and traffic analysis including:*
 - a. *whether the 46m height standard is beyond what is required to accommodate a 12 storey building; and*
 - b. *defining in a draft Development Control Plan a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.*
 - c. *the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.*
 - II. *The planning proposal should provide for a site specific clause to be included in the Woollahra Local Environmental Plan 2014 which would increase the maximum height of buildings and the maximum Floor Space Ratio, but only if certain matters are satisfied. These matters should include, but not be limited to:*
 - a. *Site amalgamation.*
 - b. *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
 - c. *Specifying a minimum quantum of non-residential Floor Space Ratio*
 - d. *Provision of Affordable Housing consistent with Council's adopted policy.*
 - e. *Design Excellence and commitments to sustainability beyond those required by BASIX.*
 - III. *Any planning agreement proposed by the applicant is to be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
 - IV. *Should a Gateway determination be received, the planning proposal, site-specific draft development control plan and any draft Planning Agreement be publicly exhibited concurrently.*

We note that the Woollahra LPP provided the following reasons for its decision:

The Panel has considered the planning proposal, and advises Council that it is premature to proceed at this stage to Gateway prior to the adoption of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy). In particular, there remain a number of unresolved strategic issues in relation to the capacity of the surrounding road network and the status of the road reservation planning proposal, the provision of community infrastructure upgrades, and the overall bulk and form of the Centre. The benefit of providing 35 net new dwellings does not provide sufficient justification to proceed, prior to the ECC Strategy being adopted.

The Panel advises Council that the planning proposal does not have sufficient site specific merit to proceed as a standalone planning proposal, particularly as it proposes to significantly increase the Height and Floor Space Ratio development standards with no mechanisms within the LEP to ensure the delivery of the benefits proposed in the concept design. These matters include but are not limited to:

- *Site amalgamation.*
- *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
- *Specifying a minimum quantum of non-residential Floor Space Ratio.*
- *Provision of Affordable Housing consistent with Council's adopted policy.*
- *Design Excellence and commitments to sustainability beyond those required by BASIX.*

On 4 July 2022, the EPC considered a report with the advice of the Woollahra LPP (see **Attachment 4**). Subsequently, on 25 July 2022, Council resolved the following:

- A. *THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.*
- B. *THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:*
 - (i) *Increase the maximum height of buildings development standard from 14.5m to 46m*
 - (ii) *Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.*
- C. *THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the Environmental Planning and Assessment Regulation 2021.*
- D. *THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy as a potential uplift site.*

In summary, Council resolved not to support the request because it considered that the site-specific and strategic merit were insufficient to support a standalone planning proposal. Consistent with the advice of the Woollahra LPP, Council resolved that any proposed uplift for the site should be incorporated into the Edgecliff Strategy.

Rezoning review

In response to Council's decision, a rezoning review was lodged by the applicant. On 18 August 2022, the Sydney Eastern City Planning Panel considered the rezoning review request and recommended that the planning proposal proceed to Gateway. In the *Rezoning Review Record of Decision* (see **Attachment 3**), the Sydney Eastern City Planning Panel stated the following:

The Panel is satisfied this PP is consistent with the District Plan and the objectives for the revitalisation of the Edgecliff centre by providing an uplift of commercial space and residential in very close proximity to a major bus/rail interchange. In this regard it is also consistent with the LSPS and Local Housing Strategy.

The Sydney Eastern City Planning Panel required the following to be included in the planning proposal:

- a clause requiring a design excellence competition or equivalent.
- a clause requiring the subject site to be amalgamated to ensure no vehicle access to New South Head Road.
- a clause for maximum number of storeys/ height and Floor Space Ratio
- a draft DCP to be exhibited concurrently with guidelines for future development including massing; number of storeys; sustainability measures; relationship to local heritage item; wind analysis; minimal overshadowing of the public domain, including Trumper Park and plaza areas opposite and the appropriate mix of commercial and residential given characteristics of site.

On 12 September 2022, Council considered a report on the Sydney Eastern City Planning Panel's rezoning review and resolved the following, which includes Council's resolution to accept the role of Planning Proposal Authority (PPA):

- A. THAT Council notes its resolution of 25 July 2022 in the following terms:
- A THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
- (i) Increase the maximum height of buildings development standard from 14.5m to 46m.
- (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
- C THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the Environmental Planning and Assessment Regulation 2021.
- D THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy as a potential uplift site.
- B. THAT notwithstanding Part A, that Council note on 18 August 2022, the Sydney Eastern City Planning Panel considered a rezoning review and resolved to recommend the planning proposal be progressed to Gateway, which was contradictory to Council's reason for refusal.
- C. THAT to enable Council's management of the process with a view to ensuring the best outcome for Woollahra residents, Council accepts the role of Planning Proposal Authority for 136-148 New South Head Road, Edgecliff (RR-2022-12) and prepare a planning proposal for the site which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
- i. Increase the maximum building height standard from 14.5 to 46m
- ii. Increase the maximum floor space ratio from 1.5:1 to 5:1.
- D. THAT the Council finalise, in consultation with the applicant:
- a. An LEP clause requiring:
- i. A design excellence competition or equivalent
- ii. Amalgamation to ensure no vehicle access to New South Head Road
- iii. Maximum number of storeys, height and floor space ratio
- iv. Affordable housing consistent with Council's adopted Affordable Housing Policy
- v. Provision of, or contribution towards, community infrastructure.

- b. A draft DCP, to be exhibited concurrently, with guidelines for development including:
- i. Massing and number of storeys
 - ii. Sustainability measures
 - iii. Relationship to local heritage item
 - iv. Wind analysis
 - v. Minimal overshadowing of public domain, including Trumper Park and plaza areas opposite the site
 - vi. Appropriate mix of commercial and residential given characteristics of site
 - vii. Car parking, vehicle access and egress.
- E. THAT due to an existing road reservation being over the corner part of the site, that Council recommends that the issue of the road reservation is resolved by the applicant with Transport for NSW prior to the making of any LEP.
- F. THAT any Planning Agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.
- G. THAT should a Gateway determination be received, the planning proposal, draft development control plan and any draft planning agreement be publicly exhibited.
- H. THAT the applicant pays the relevant planning proposal fees as identified in Council's adopted Fees and Charges for 2022/2023.

In response to Parts A, B and C of the above resolution, a letter from Council staff was sent to the DPE on 26 September 2022 to accept the role of PPA. This was followed by a request for a Gateway determination lodged on 28 November 2022.

In accordance with part D, the planning proposal submitted by Council as the PPA contained the following requirements in a site specific Woollahra LEP 2014 clause requiring:

- A design advisory panel to provide advice before the granting of development consent, which was considered an equivalent to a design excellence competition;
- Lot amalgamation and no vehicle access provided to New South Head Road;
- Maximum height (in m) and FSR; and
- The achievement of affordable housing, and provision of community infrastructure.

A maximum height in storeys was not included in the clause, as consultation with the DPE indicated no such requirement would be supported in a Standard Instrument LEP.

The site specific clause can be found on pages 18-20 of **Attachment 1**.

A draft development control plan (DCP) is currently being prepared by Council staff. It was not prepared earlier and exhibited concurrently with the planning proposal, as lengthy Gateway conditions necessitated substantial changes to the exhibition version of the document. During the finalisation process, the now *Department of Planning Housing & Infrastructure* (DPHI) will be responsible for reviewing and endorsing the changes. Any final amendments coming from this could have implications for the draft DCP controls, and accordingly it would have been premature to finalise the draft DCP controls earlier.

The draft DCP will include the following matters in accordance with Part D:

- Massing and number of storeys;
- Sustainability measures;
- Relationship to local heritage item(s);
- Wind analysis;
- Minimal overshadowing of public domain, including Trumper Park and plaza areas opposite the site;
- Appropriate mix of commercial and residential given characteristics of site; and

- Car parking, vehicle access and egress.

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

In response to Part E, this issue has been resolved. The road reservation is no longer proposed for removal, and this is satisfactory to both the applicant and Transport for NSW (TfNSW) (see **Tables 4 & 5** below).

In response to Part F & G, a VPA has been prepared. The VPA was exhibited concurrently with the planning proposal. Furthermore, all fees have been paid as per Part H.

Gateway determination

On 21 April 2023, the then DPE issued a Gateway determination (see **Attachment 2**). The Gateway determination included conditions which requested, amongst other matters, that Council staff revise the planning proposal prior to exhibition. **Table 1** below shows each of these conditions, and a response from staff.

Table 1: Summary of original Gateway conditions

Condition	Council staff response
a) Provide a plain-English explanation of the planning proposal that covers all aspects of the site-specific provision. An updated draft clause may be provided with an advisory note that it is an example only and will be subject to legal drafting by Parliamentary Counsel, should the proposal progress to finalisation.	Council staff amended the planning proposal accordingly.
b) Clarify that the proposal seeks to introduce a local provision that allows alternative maximum height of buildings and floor space ratio (FSR) if certain requirements are met, as such the existing maximum height of buildings and FSR controls will remain in the LEP as base controls.	Council staff amended the planning proposal accordingly.
c) Remove reference to "urban design and planning strategy and public domain plan" as a matter of consideration from the design excellence provision.	Council staff amended the planning proposal accordingly.
d) Remove all references to community infrastructure and affordable housing requirements (which include the recoupment of cost of provision) from the proposal.	Staff expressed Council's opposition to this condition, as such references provided increased security for the capture of public benefits. However, upon receiving further advice, we were satisfied that the VPA could be successfully progressed and finalised concurrently with the planning proposal.
e) Remove the site-specific heritage conservation requirement as this is already addressed via Clause 5.10 Heritage conservation of the Standard Instrument LEP.	Council staff amended the planning proposal accordingly.
f) Amend the proposed minimum non-residential floor space ratio from 3:1 to 1.6:1; and remove the proposed maximum non-residential FSR of 3.5:1. Provide an economic analysis to test the feasibility of a minimum nonresidential FSR of 1.6:1 or a higher quantum that takes into consideration the growth scenarios in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.	Council staff opposed this condition and raised concerns with the DPE. The removal of a maximum value for non-residential floor space would have the capacity to facilitate a fully commercial building on the site. This would fundamentally undermine the strategic merit of the planning proposal by not delivering residential accommodation. Council staff then liaised with the applicant and mutually agreed to support a non-residential FSR of 1:1 and a maximum of 2:1.

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Condition	Council staff response
	<p>The minimum non-residential FSR is consistent with the permissible uses in the subject MU1 zone, which generally facilitates residential development in the form of shop top housing. A maximum non-residential FSR of 2:1 would facilitate the indicative development concept scheme submitted with the planning proposal.</p> <p>A Gateway alteration was sought, and later received. It amended the condition accordingly (as shown in Attachment 2).</p>
<i>g) Amend the proposed alternative height of buildings control from 42m to 46m, subject to further design testing of the floor-to-floor heights currently shown in the indicative concept scheme against the floor-to-ceiling heights provisions of the Apartment Design Guide, the requirements of the National Construction Code and the outcomes of the economic testing outlined in item f) above.</i>	Council staff commissioned further urban design testing of the building height control. It found that 46m was appropriate for the site, particularly when having regard to the desired mix of uses. Accordingly, the planning proposal was amended by staff.
<i>h) Outline the matters to be addressed in the site-specific Development Control Plan.</i>	Council staff amended the planning proposal to address the matters that should be raised in the site-specific DCP.
<i>i) Clarify Council's intent to establish a "design review panel" or "design advisory panel" to ensure design excellence is achieved for future development and utilise consistent terminology throughout the document.</i>	Council staff amended the planning proposal to include further information on the design advisory panel.
<i>j) Replace existing reference to "business" zones (i.e. "B" zones) with the new employment zones (i.e. "E" and "MU" zones) as a result of the Department's Employment Zones Reform work.</i>	Council staff amended the planning proposal accordingly.
<i>k) Include extracts of relevant existing LEP maps that apply to the site, including Land Zoning, Floor Space Ratio, Height of Buildings, Heritage and Land Acquisition Reservation maps.</i>	Council staff amended the planning proposal accordingly.
<i>l) Explain the reasons for identifying the site on a new Key Sites Map; or alternatively, remove any reference to such a map if it is not required.</i>	<p>The planning proposal was amended to include a justification for identifying the site on a Key Sites Map.</p> <p>This map is commonly used in Standard Instrument to identify parcels of land that are subject to site specific provisions.</p>
<i>m) Include commentary that addresses the relevant provisions of the Woollahra Local Housing Strategy and relevant requirements of the Department's approval of the Strategy.</i>	Council staff amended the planning proposal to include relevant information.
<i>n) Confirm whether the site is identified as "flood-prone land" as defined in the NSW Floodplain Development Manual 2005 when addressing section 9.1 Direction – 4.1 Flooding.</i>	Council staff amended the planning proposal accordingly, indicating the site was not on flood prone land.
<i>o) Provide an updated discussion to demonstrate that the inconsistency with section 9.1 Direction 1.4 – Site Specific Provisions is justified in accordance with the terms of the direction.</i>	Council staff amended the planning proposal accordingly.
<i>p) Provide written explanation of the potential overshadowing impacts on the property at 160 New South Head Road to supplement the "sun-eye diagrams" in the concept scheme; and include additional shadow analysis relating to the proposed built forms and public plaza areas on the southern side of New South Head Road under the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.</i>	An additional written explanation was included in the planning proposal. An additional overshadowing analysis was also supplied by the applicant and deemed sufficient. All of these documents were available for review as part of the exhibition period.

Condition	Council staff response
q) Confirm the location of the apartments within 235-287 New South Head Road (known as "Eastpoint tower") to which the view sharing modelling in the concept scheme relates to.	The Staff Assessment included information on units that may be affected by the proposal, specifically addressing those in 'Eastpoint', 'Oceanpoint' and 'Ranelagh'. Each of these buildings is represented in the same way in the applicant's supporting documentation. Accordingly, the submitted information already responded to the issue raised in this condition and it was unclear why the Eastpoint tower had been singled out. Staff sought a Gateway alteration and this was supported by the DPE and the condition removed.
r) Update the project timeline in accordance with the requirements of the Gateway determination.	Council staff amended the planning proposal accordingly.

The DPE issued a Gateway alteration on 11 September 2023. The alteration included the following:

1. Delete:
"Condition 1.f)"
and replace with:
a new Condition 1.f):
"The development is to include a minimum non-residential floor space ratio (FSR) of 1:1 and a maximum non-residential FSR of 2:1."
2. Delete:
"Condition 1.q)"

Attachment 2 contains both the Gateway determination and subsequent alteration. We note that the Gateway determination did not identify Council as the local plan-making authority (LPMA).

All conditions of the Gateway determination (as amended by the alteration) have been addressed in the planning proposal, prior to public exhibition.

Draft Heritage Study of the ECC

In August 2022, Council staff engaged GML Heritage to undertake a Heritage Study of the ECC and surrounding areas. The study provided information on the historic values of the area and the final draft study recommended the listing of six individual items and one heritage conservation area (HCA). Relevant to the subject site is the proposed draft Brantwood HCA at 164-180 New South Head Road, Edgecliff which comprises five buildings. The five buildings are shown in **Figure 3** below, and it was recommended by GML that these buildings are listed in the Woollahra LEP 2014 as an HCA.



Figure 3: Location of proposed HCA relative to site (source: Woollahra Maps).

On 20 October 2023, the Heritage Study and the accompanying planning proposal was reported to the Woollahra LPP for advice. The Woollahra LPP supported the planning proposal with the following advice:

1. Proceed with the planning proposal to list the following six local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014:
 - a. 'Gruzman House, including interiors' at 4 and 6-8 Oswald Street, Darling Point (Lot 12, DP 3893 and Lot 3, DP 1197166).
 - b. 'Winston House, including interiors' at 20 New South Head Road, Edgecliff (SP 20728, SP 31826).
 - c. 'Portland Hall, including interiors and gardens' at 48 New South Head Road, Edgecliff (Lot 1, DP 82089; Lot 1, DP 1107185; Lot 1, DP 921798).
 - d. Victorian Georgian Terrace group – three cottages at 543-547 Glenmore Road, Edgecliff (Lots 34, 35 and 36, DP 255233).
 - e. Phoenix Palms in Oswald Street Reserve, Oswald Street, Darling Point (Road Reserve).
 - f. The Brantwood Estate group - five residential flat buildings, including interiors and gardens at 164-180 New South Head Road, Edgecliff:
 - 164 New South Head Road (SP 16897)
 - 166 New South Head Road (SP 90371)
 - 168 New South Head Road (SP 11580)
 - 170 New South Head Road (SP 86720)
 - 172-180 New South Head Road (SP 10535)
2. Also consider adding 26-32 New South Head Road, Edgecliff (SP15051) as an individual heritage item.
3. The Heritage Inventory Sheets for each item are to include a general description of the elements of each item that are of significance, where known, and any relationship of the items to any others items.

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The Woollahra LPP provided advice, contrary to the staff recommendation, that the Brantwood Estate be listed as a heritage item group rather than a HCA given the intact nature and inter-relationship of the whole group, the landscaping, and certain interiors. The study and its recommendations are currently being revised by the consultants based on the advice of the Woollahra LPP. The study and planning proposal will be reported to a Council meeting in the first half of 2024. Notwithstanding the advice from the Woollahra LPP, Council staff will be recommending some form of heritage listing for the five properties at 164-180 New South Head Road, Edgecliff

Public exhibition

The planning proposal and supporting material were exhibited for 41 days, from Tuesday 26 September 2023 to Sunday 5 November 2023 (inclusive), consistent with the requirements of the EP&A Act, the *Environmental Planning and Assessment Regulation 2021* (the Regulation), the *Woollahra Community Participation Plan 2019*, relevant guidelines, and the conditions of the Gateway determination. Staff note that the supporting material did not include the draft DCP, for reasons previously discussed in this report.

The exhibition included the following:

1. Six notices in the Wentworth Courier newspaper providing details of the exhibition, appearing on 27 September 2023, 4, 11, 18 and 25 October 2023 and 1 November 2023.
2. A public exhibition webpage for the planning proposal and supporting material on *Your Say Woollahra*. This webpage was visited by 394 people during the exhibition period.
3. A notification letter or email was sent to the stakeholders and government agencies, including: the subject property owners, adjoining and nearby property owners; Sydney Water; TfNSW ; Heritage NSW; Ausgrid; and community organisations being the Darling Point Society, Double Bay Residents' Association, Edgecliff Residents' Association and the Paddington Society.

Submissions

A total of 76 submissions were received during exhibition. This included 48 submissions in support, 24 in objection and four submissions from the following state agencies: Ausgrid, Heritage NSW, Sydney Water and TfNSW. Heritage NSW, Ausgrid and Sydney Water did not raise any objections at the planning proposal stage. The issues raised by TfNSW are addressed below.

A redacted copy of all the submissions can be viewed at:

<https://yoursay.woollahra.nsw.gov.au/136-148-new-south-head>

under the **Document Library** on the right hand side of the page – **Consultation Feedback**.

The names of the submitters are in **Table 2** below.

Table 2: List of submitters

Submissions of support		Submissions of objection
<ul style="list-style-type: none"> Adam Beasley Adam William Alon Mizrahi Andrea Stringer Andrew Silberberg Andrew Stringer Andrew Veron Anthony Halas Ariane Fuchs Ben Stewart Ingham Planning (on behalf of applicant) Brett Levy C & D Bennett Charlotte Vidor Christian McKelvey Debbie Jennens Elizabeth Angus Eva Fischl Fred Macdonald Gary Perlstein Gavin Krawchuk George Bloomfield Greg Cohen Greg Shand 	<ul style="list-style-type: none"> Herman Diego James Jason Gellert Jeremy Reid Justin Topper Matt Pontey Mia Boyarsky Nathan Briner Nik Angus Paul Paul Fischmann Paul Lendvay Peter Peter Li Rodney Rosmarin Sharon Hurwitz Sofia Li Stanely Hurwitz Taryn Boyarsky Tom Curtis Tom Pongrass Tony Gellert Tony Levine Warren Jacobson 	<ul style="list-style-type: none"> Alldis & Cox (on behalf of owners of 168 New South Head Road) Arek Drozda Arianne Reisner Belinda Nisbet Clare Caldwell Darling Point Society David Terry (on behalf of owners of 3-17 Darling Point Road) Deborah P Elizabeth Sheppard Emma John Macpherson Jonathan Walczak Karla Plehwe Leon Cohen Margaret Margot Fagan Mr Wong Owen Sperling Michael Lawrence Robert Boland Tessa Taylor William Clark (on behalf of owners of Eastpoint Tower) William Clark (on behalf of owners of Eastpoint Food Fair) Charlotte Feldman

On behalf of the applicant, Ingham Planning provided a submission, which is considered later in this report.

Consistent with requirements of the DPE's *Local Environmental Plan Making Guideline* dated August 2023, copies of the submissions were provided to the applicant. They provided a response to some issues raised in submissions, which are summarised in **Table 3**.

Submissions of support raised the following matters, which have been noted by Council staff:

- The planning proposal will encourage the renewal of older building stock;
- It will provide a new supply of residential and commercial floor space near the train station;
- The new building will enhance accessibility for people with disabilities and elderly;
- A building built under the proposed controls will deliver more housing in the local area; and
- The proposal will take pressure off nearby lower density residential areas, with respect to delivering housing.

A summary of objections to the planning proposal, along with staff responses, is provided in **Table 3**.

Table 3: Summary of issues raised by objectors and responses from staff

Topic	Comment	Council staff response
Excessive building height	The proposed building height is excessive in the context of the existing four storey buildings east of the site.	Council staff consider that the proposed height of up to 12 storeys will facilitate an appropriate height transition between the ECC and the surrounding residential neighbourhoods. The height has been extensively tested and will not produce unreasonable environmental impacts.

Topic	Comment	Council staff response
Loss of harbour views	The concept design indicates some loss of harbour views for adjoining residential properties.	Consistent with the principles in <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i> , view sharing will be considered during the assessment of any future development application (DA) for the site. View corridor testing has been undertaken, and staff do not consider the likely impacts to be unreasonable in the context.
Overshadowing of adjoining properties	The concept design indicates adverse overshadowing impacts on nearby properties.	The design report submitted by the applicant dated September 2021 suggests that shadows created by the concept scheme will have negligible impacts on surrounding properties, particularly as the shadows overlap with those of the 'Ranelagh' building behind the subject site. The impacts of shadows will be further addressed during the DA stage. The detailed design will be assessed against the <i>Woollahra Development Control Plan 2015</i> (Woollahra DCP 2015) and <i>Apartment Design Guide</i> (ADG), both of which require the reasonable protection of solar access to adjoining properties.
Loss of privacy as the result of insufficient building separation	The concept design indicates that insufficient setbacks on the eastern boundary of the site will cause visual privacy impacts.	Any visual privacy impacts associated with a future DA will be considered by Council staff at the time of the DA assessment. The ADG and the Woollahra DCP 2015 have provisions regarding privacy that must be considered before granting consent. These will ensure that impacts are addressed.
Lack of consideration of impacts on draft Brantwood Heritage Conservation Area	Council has recently proposed to establish the Brantwood HCA. The planning proposal documents do not consider the potential impacts of the proposed uplift on the draft Brantwood HCA.	The proposed listing of the Brantwood HCA was presented to the Woollahra LPP on 20 October 2023, which was after the planning proposal for 136-148 New South Head Road was prepared and placed on exhibition. The exhibition of the planning proposal for 136 -148 New South Head Road started on 26 September 2023 and finished on 5 November 2023. Amendments to the planning proposal for 136-148 New South Head Road can only be made as post-exhibition amendments after the exhibition period. Council's Heritage Officer has reviewed the planning proposal and determined that potential impacts to the Brantwood group can be suitably managed through formulating site specific DCP controls, regardless of whether the buildings are listed as individual items or an HCA. DCP controls may include requirements for setbacks, bulk and scale modulation, fenestration arrangements and the sensitive use of materials. These controls would address the following: <ul style="list-style-type: none"> • The interface between the future development of the subject site and the Brantwood group; • The bulk and scale of future development; and • Encourage a future development that is sensitive and sympathetic to its surrounding heritage context.

Topic	Comment	Council staff response
		<p>This approach is supported by the findings of the heritage study, which suggest that the heritage and aesthetic significance of the Brantwood group is primarily associated with the inward-facing relationship between the buildings themselves and less about the historic character of the New South Head Road streetscape.</p> <p>Council staff are satisfied that as a result of the submissions, due consideration has been given to the impacts on the Brantwood group.</p> <p>Furthermore, any impacts will be assessed in detail at DA stage, having regard to Council's robust heritage controls (inclusive of new DCP provisions). The draft DCP will be reported to a future meeting of Council prior to public exhibition.</p>
Potential impacts of excavation on heritage item	Basement excavation works may destabilise the heritage item.	The merit of any excavation works will be considered at DA stage, having regard to the detailed design of the building and any engineering reports supplied by the applicant. Consent will not be granted unless staff are satisfied relevant issues have been addressed.
Inconsistency with the Edgecliff Strategy and Draft Woollahra Integrated Transport Strategy	The site was not identified for uplift in the Edgecliff Strategy. The transport outcomes from the proposal also do not align with the <i>Draft Woollahra Integrated Transport Strategy</i> .	<p>The site falls within the ECC. However, at the time of preparing the Edgecliff Strategy, the subject site was in multiple ownerships and did not have vehicular access. These constraints resulted in the site not being identified for uplift.</p> <p>With a consolidated ownership and vehicular access to Darling Point Road made possible, staff and the Sydney Eastern City Planning Panel considers that there is merit in supporting a site specific planning proposal for the site.</p> <p>The proposal also suitably addresses traffic concerns and therefore aligns with the <i>Draft Woollahra Integrated Transport Strategy</i>.</p>
Creation of wind tunnel	The building resulting from the planning proposal may contribute to the formation of a wind tunnel.	Council staff have reviewed this issue and, do not consider a single 12 storey building would create a wind tunnel.
Traffic impacts of vehicular access to site	Vehicles accessing the site from Darling Point Road will create congestion issues.	<p>Council staff have reviewed the congestion issues in relation to site access. This issue can be addressed by locating the access point as far as possible from the intersection with New South Head Road, and mandating a left in/left out only movement from the site. This will be further considered at the DA stage, when the design of the building will be under a detailed assessment (see also response to submission from TfNSW in Table 5 below).</p> <p>Staff will also be seeking to include site specific parking provisions in the DCP applying to the site. These will limit the amount of parking to ensure any development does not cause undue strain on the nearby intersection. The proposed controls will be subject to a separate report to a meeting of Council.</p>

Topic	Comment	Council staff response
Insufficient traffic assessment	The proposal may add to local traffic and reduce street parking supply. The submitted assessment also may not be valid, particularly due to the cumulative effects from the Edgecliff Strategy should it proceed.	Council's traffic engineer reviewed the applicant's traffic assessment, and was satisfied with its contents. Staff acknowledge that the proposal may cause an increase in local traffic, and accordingly will be pursuing Woollahra DCP 2015 provisions to restrict the amount of parking on the site. Impacts from traffic generated by identified uplift sites in the Edgecliff Strategy are being considered in a transport study specific to the strategy. This will account for any sites identified for uplift either in the Edgecliff Strategy or in a standalone planning proposal.
Affordable housing not provided	The planning proposal does not provide affordable housing on site.	The draft VPA for the site seeks to obtain a share of the land value increase facilitated by the planning proposal for community infrastructure and affordable housing. The draft VPA is subject to a separate report to a meeting of Council.

Ingham Planning made a submission on behalf of the applicant, which supported the proposal but requested a series of changes. These are detailed in **Table 4** below, with a response from Council staff.

Table 4: Summary of issues raised by applicant and responses from Council staff

Topic	Applicant's Comment	Council staff response
Renumbering the site specific clause	Site specific clause 6.9 already exists in the Woollahra LEP 2014, which will require the renumbering of the proposed new clause.	This is an administrative post exhibition change. At the time of preparing the planning proposal, clause 6.9 was not in use. Before finalisation, the clause will be renumbered.
Lot 2 DP 983678 acquired by the applicant	The reference to Lot 2 DP 983678 as a property from a deceased estate should be removed. The applicant confirmed that they are now the registered owner of the land.	Council staff have made post-exhibition amendments to the planning proposal to reflect that the applicant has acquired ownership of this lot.
Remove reference of applicant proposing to amend the Land Reservation Acquisition Map	The applicant is not proposing to remove 136 New South Head Road from the affectation on the Land Reservation Acquisition Map as part of this planning proposal and therefore any references to it should be removed.	This information was retained in the planning proposal in error. Council staff have made post-exhibition amendments to the planning proposal to delete any reference to the removal of the lands reserved for acquisition.
Remove references to housing diversity and dwelling types under the design excellence clause	Under the proposed design excellence clause, objective (b)(iii) and subclause (5)(j) should be removed as there are sufficient existing provisions for housing diversity and dwelling types.	Council staff support the proposed provisions in the planning proposal, as their inclusion in the clause will further ensure the strategic objectives of the planning proposal are realised. However, staff acknowledge that 'diversity of dwelling types' could be misinterpreted as dwelling types other than apartments. As such, we recommend a post exhibition amendment to the site specific clause being subclause 5(j) to state as follows:

Topic	Applicant's Comment	Council staff response
		<p><i>In considering whether a development exhibits design excellence, the consent authority must have regard to the following matters:</i></p> <p>.....</p> <p><i>(j) whether the proposed development contains a diversity of residential dwelling types a range of apartment types and sizes.</i></p> <p>See page 19 of Attachment 1.</p> <p>Staff will also be seeking to include site specific provisions in the DCP regarding unit mix.</p>
Replacing the word 'detrimentally' to 'unreasonably' for the impacts of view corridor under the proposed design excellence clause	The use of the word 'detrimental' in subclause 5 under the design excellence clause implies that any adverse impact could be considered unreasonable. It is contrary to the principle of view 'sharing'.	Council staff disagree. Council staff support the existing wording of this subclause 5(e) in the planning proposal. The use of the term 'detrimental' is consistent with the NSW Land and Environment Court's view sharing principles. This will ensure the fair and consistent assessment of any issues pertaining to view sharing at the DA stage.
Deleting item (f) and (i) under proposed design excellence clause	<p>Items (f) and (i) should be deleted.</p> <p>Item (f) is in relation to 'pedestrian, cycle, vehicular and service access, and circulation requirements, including the permeability of the pedestrian network'. Permeability is not relevant given the small size of the site.</p> <p>Item (i) is in relation to 'i) whether the proposed development contains a mix of retail, commercial and residential uses'. Land use mix is a commercial consideration and not a design one.</p>	<p>Council staff disagree. Staff support the retention of item (f), but agree that the issue of permeability for the pedestrian network is not strictly relevant. Through site links are unlikely to be employed, given the relatively small size of the site. Accordingly, we support changing the term 'permeability' to 'quality', to instead focus on the relationship of the site to the public domain. The planning proposal has been amended accordingly (see page 19 of Attachment 1)</p> <p>However, Council staff support the provisions as drafted for land use mix. The incorporation of a satisfactory land use mix is important in fulfilling the strategic intent of the planning proposal. A mix of uses will contribute to the evolving role of the ECC, and ensure a diversity of employment opportunities and housing close to a major transport hub.</p>
Key Sites Map	The proposed introduction of a Key Sites Map appears to be a generic clause intended to apply to other sites in the future. The existing draft clauses will negate the need to create a Key Sites Map.	<p>Council staff disagree. A map identifying the land to which the clause applies is preferred by staff. It is considered a simpler and clearer way of identifying that there is a site specific clause applying to the site.</p> <p>Council staff have made post exhibition amendments in the planning proposal to include references to the Key Sites Map in the draft clause. This has enhanced the linkage between the map and the site specific clause.</p>
Reference to finalisation of draft DCP under project timeline	The timeline suggests that a draft DCP has been provided to the applicant for review. This has not occurred.	<p>Council staff agree. The applicant will be formally notified and invited to provide comments when the draft DCP is placed on exhibition.</p> <p>The reference in the project timeline has been updated by Council staff (see Page 30 of Attachment 1).</p>

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Consultation with TfNSW

On 10 November 2023, TfNSW made a submission in support of the planning proposal but objected to parts of the planning proposal that mentioned the removal of the land reserved for acquisition at 136 New South Head Road. Council staff acknowledge that it was not the applicant's intent to remove the acquisition area and that the position of TfNSW on retaining the land reservation acquisition has not changed.

In response, Council staff provided an email update to TfNSW dated 28 November 2023, indicating that all references to the applicant seeking amendment to the Land Reservation Acquisition Map will be removed in the planning proposal. On 21 December 2023, TfNSW formally withdrew their objection to the planning proposal and indicated their support for finalization. The correspondence from TfNSW is contained in the package of submissions available on Council's website.

Other issues raised by TfNSW are summarised in **Table 5** below.

Table 5: Summary of issues raised by TfNSW and responses from Council staff

Topic	Comment	Council staff response
Vehicle access	All vehicular access/egress for the site to be from Darling Point Road and to be located to as far away as possible from the traffic signals at New South Head Road and Darling Point Road.	Council staff agree in principle with these suggestions. Such design elements can be incorporated into the detailed design and assessed at DA stage.
Left in/left out movements should be used	These movements should be implemented to manage congestion, and reinforced through the use of a median strip.	Council staff agree with these suggestions. Such design elements can be incorporated into the detailed design and assessed at DA stage.
Provision of a Green Travel Plan	It is recommended that a Green Travel Plan and a Travel Access Guide be prepared.	Council staff agree with these suggestions. Council staff consider that these can be implemented through the DA process.
Restrict parking supply	Onsite parking should be reduced to encourage active and public transport use.	Council staff agree that parking rates should be reviewed, having regard to the site's close proximity to the train station. This will be considered in the preparation of a site specific DCP, which will be reported to a future meeting of Council.

Post exhibition amendments

Having considered the matters raised in the submissions, staff recommend the following post exhibition amendments to the planning proposal (see **Attachment 1**):

- Update the numbering of the proposed site specific clause to 6.11 (page 6 and 18).
- Delete the ownership information for Lot 2 DP 983678 (page 10).
- Remove all references to the proposed amendment to the Land Reservation Acquisition Map (page 18).
- Amend clause 6.11 to include references to the Key Sites Map (page 18).
- Amend item (j) of subclause 5 to include "a range of apartment types and sizes" in the sentence (page 19).
- Amend item (f) of subclause 5 to replace 'permeability' with 'quality' on page 19.
- Update the project timeline and remove references to the DCP being finalised concurrently with the planning proposal and the draft VPA (page 30 and 31).

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Staff also suggest the following two minor post exhibition administrative amendments:

- Update the business zone names in the planning proposal to reflect the recent employment zone reforms that came into effect on 26 April 2023 (page 11 and 16)
<https://yoursay.woollahra.nsw.gov.au/employment-zone-reform>
- Update the project timeline to reflect that Council is not the LPMA (page 30).

The proposed amendments are of a minor or administrative nature only, and do not change the objective of the planning proposal. Therefore, the post-exhibition amendments do not warrant re-exhibition.

The planning proposal post-exhibition amendments are highlighted in **yellow** with deletions shown in **red strike through** and text inserted shown in **blue underline** in **Attachment 1**. Staff recommend that Council supports the planning proposal as amended.

Options:

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

1. Support the planning proposal with the recommended amendments by staff, noting that they are administrative and minor in nature, and accordingly advise the Minister to make the local environmental plan under sections 3.35(1) & (2) and section 3.36 of the EP&A Act.
2. Support the planning proposal without amendments and request that the Minister make the local environmental plan under section 3.36 of the EP&A Act.
3. Not support the planning proposal and request the Minister to determine that the matter not proceed under section 3.35(4) of the EP&A Act.

Community Engagement and / or Internal Consultation:

Refer to the 'Discussion' section of this report

Policy Implications:

Should the DPHI as the LPMA resolve to make the plan under the EP&A Act section 3.36 (2)(a), the Woollahra LEP 2014 will be amended.

Consistent with Council's resolution dated 12 September 2022 and the draft Woollahra LEP 2014 clause, a site specific DCP will also be prepared, exhibited and adopted prior to the issue of any development consent for the site.

Financial Implications:

There will be costs associated with the preparation and exhibition of a site specific DCP.

Resourcing Implications:





Should the DPHI finalise the planning proposal, staff resources will be associated with liaising with the DPHI and preparing the site specific DCP.

Conclusion:

The planning proposal for 136 – 148 New South Head Road, Edgecliff was placed on exhibition in accordance with the Gateway conditions and Council's statutory obligations. A total of 76 submissions were received during the exhibition period. Key issues raised by the community related to building design, heritage conservation and traffic management. The applicant and NSW Government agencies also queried the wording of the draft provisions and the treatment of the road reservation. Council staff have reviewed all these issues and support the finalisation of the planning proposal, subject to minor amendments.

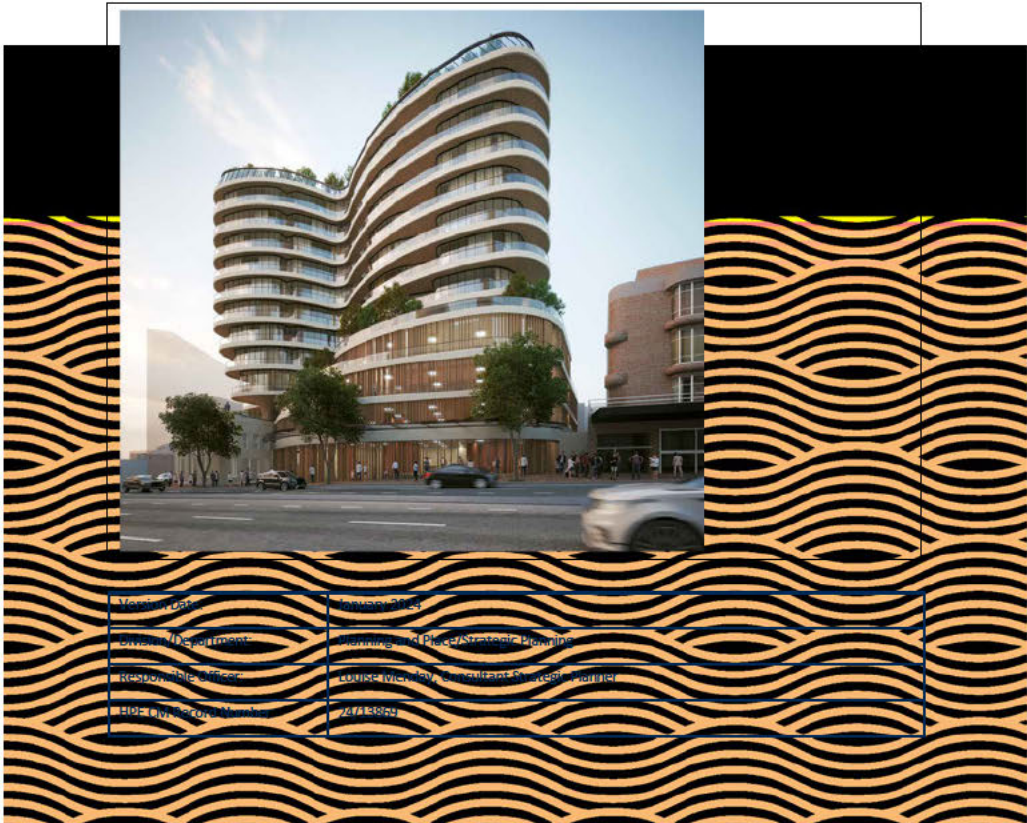
Having considered all other matters raised in the submissions, staff recommend that Council resolves to support the planning proposal as amended at **Attachment 1** and forward the planning proposal to the Minister (or delegate) to make the local environmental plan under section 3.36 of the EP&A Act.

Attachments

1. Planning Proposal (with post-exhibition amendments) - January 2024 [↓](#) 
2. Gateway Determination & Alteration - September 2023 [↓](#) 
3. Rezoning Review Record of Decision - 18 August 2022 [↓](#) 
4. Report to Environmental Planning Committee (Attachments Removed) - 4 July 2022 [↓](#) 



136-148 New South Head Road, Edgecliff



Meeting Date:	January 2024
Citywide Department:	Planning and Place/Strategic Planning
Responsible Officer:	Louise Tierney, Consultant Strategic Planner
HDR File Record Number:	24113829

Acknowledgement of Country

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

Note: New text to be inserted is shown in blue underline,
text for removal is shown in ~~red strike through~~ and
post-exhibition changes are **highlighted in yellow**.

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SUPPORTING INFORMATION CIRCULATED SEPARATELY

Supporting documents

The applicant submitted the following documents with the request for a planning proposal (Refer to NSW Planning Portal):

- Response to pre-application comments by Ingham Planning Pty Ltd September 2021
- Planning Proposal Report by Ingham Planning Pty Ltd September 2021
- Urban Design Report by Group GSA (Issue 10) 7 September 2021
- Planning Proposal Concept Report by Group GSA (Issue 7) 7 September 2021
- Site Survey Plan by Norton Survey Partners 19 June 2020
- Traffic & Parking Assessment by Colston Budd Rogers Kafes Pty Ltd May 2021
- Heritage Assessment by Urbis dated 17 July 2021 & Statement 18 August 2021
- Wind Impact Assessment (Revision 1) by ARUP 23 June 2021
- Acoustic Assessment by Acoustic Logic (Revision 0) 15 June 2021
- Contamination Investigation by Douglas Partners 17 March 2021
- Geotechnical Investigation by Douglas Partners 17 March 2021
- ESD Concept Advice by Efficient Living 13 August 2021
- Economic Benefits Assessment by Hill PDA 25 August 2021
- Preliminary Arboricultural Report (Revision B) by tree iQ 2 July 2021
- View Assessment
 - Planning Proposal 1B View Study August 2021
 - 164 New South Head Road View Study
 - Covering letter 164 New South Head Road View Study February 2022

The applicant submitted the following additional documents with the rezoning review request (Refer to NSW Planning Portal):

- Rezoning Review - Application Form
- Rezoning Review Report
- Rezoning Review - Letter to Council addressing WLPP minutes
- Appendix Cover Sheets
- Rezoning Review Report Attachment A - WLPP-Public-Agenda-22-April-2022
- Rezoning Review Report Attachment B - WLPP-Public-Minutes-22-April-2022
- Rezoning Review Report Attachment C - Traffic response
- Rezoning Review Report Attachment D - Economic response
- Rezoning Review Report Attachment E - Planning Proposal draft LEP and DCP provisions
- Rezoning Review Report Attachment G - Sustainability response
- Rezoning Review Report Attachment F - Height - Commercial Option
- Urban design and built form assessment 3D Model Notes
- Voluntary planning agreement - Summary of VPA negotiation up to 11 May 2022

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The applicant submitted the following information in response to the Gateway determination conditions:

- Urban Design Report Addendum A_230274
- Planning Proposal Concept Report Addendum A_230274

Correspondence between Council and the applicant

- Pre-application Consultation Minutes - 12 April 2021 (Refer to NSW Planning Portal)

Council reports

- Assessment (Woollahra Council Staff) November 2022 (Updated from April 2022)
- Planning Proposal (Woollahra Council Staff) November 2022 (Updated from and October 2022)
- Woollahra Local Planning Panel Report 22 April 2022
- Woollahra Local Planning Panel Minutes 22 April 2022
- Woollahra Environmental Planning Panel Report 4 July 2022
- Woollahra Environmental Planning Panel Minutes 4 July 2022
- Ordinary Meeting Woollahra Council Minutes 25 July 2022

1. Summary

This planning proposal seeks to introduce a local provision that allows alternative maximum height of buildings and floor space ratio (FSR) on the subject site if certain requirements are met.

The existing maximum height of buildings and FSR controls (14.5m and 1.5:1 respectively) will continue to apply in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) as standard controls.

The alternative maximum height of buildings and FSR (up to 46m and 5:1 respectively) will be enabled via a site specific clause (clause 6.9.6.11) that will set out the requirements to be met to obtain the alternative height of buildings and FSR.

The requirements to be met (as contained in clause 6.9.6.11) include:

- All lots comprising the land being amalgamated into one lot,
- The whole of the amalgamated lot being developed as one development,
- No vehicular access is to be provided from New South Head Road ,
- The development is to include a non-residential floor space (e.g. offices or shops) as a minimum of 1:1 FSR and a maximum rate of 2:1 FSR.
The rest of the building would consist of units.
- The development will achieve Design Excellence in accordance with the definition in the site specific clause

2. Introduction

2.1. Background

On 19 March 2021, Council staff discussed concept plans for a 66m building with a 6:1 FSR at a pre-application meeting. Council staff provided minutes of the meeting on 12 April 2022, and documented issues for the applicant to address prior to submitting a formal request to Council. Council's letter suggested that 18 storeys was excessive and that a 12 storey building may be more appropriate.

The staff comment on height was made in the context of the exhibited draft ECC Strategy that indicates the following for properties near the site:

- 14 to 26 storeys: 203 – 233 New South Head Road NSHR, Edgecliff Centre opposite
- 4 to 11 storeys: 2 New McLean Street opposite on New McLean Street
- 4 to 10 storeys: 1 New McLean Street opposite corner of NSHR and New McLean Street
- 6 to 11 storeys: 130 NSHR, opposite corner of NSHR and Darling Point Road.

On 13 October 2021, the applicant submitted the request for a planning proposal seeking a lower height and FSR of 46m (12 storeys) and 5:1 respectively and an indicative development concept for a 12 storey mixed use building. The following documents are provided in support of the applicant's request for a planning proposal:

- Response to pre-application comments by Ingham Planning Pty Ltd September 2021
- Planning Proposal Report by Ingham Planning Pty Ltd September 2021
- Urban Design Report by Group GSA (Issue 10) 7 September 2021
- Planning Proposal Concept Report by Group GSA (Issue 7) 7 September 2021
- Site Survey Plan by Norton Survey Partners 19 June 2020
- Traffic & Parking Assessment by Colston Budd Rogers Kafes Pty Ltd May 2021
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- Geotechnical Investigation by Douglas Partners 17 March 2021
- ESD Concept Advice by Efficient Living 13 August 2021
- Economic Benefits Assessment by Hill PDA 25 August 2021
- Preliminary Arboricultural Report(Revision b) prepared by tree iQ 2 July 2021

2.2. Description of this planning proposal

This planning proposal is made in relation to 136-148 New South Head Road, Edgecliff and seeks the following amendments to the Woollahra LEP 2014:

A site specific clause to allow exceptions to the mapped Height of Buildings maximum of 14.5m (to a maximum of 46m) and to the mapped FSR maximum of 1.5:1 (to a maximum of 5:1) subject to certain conditions.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the Department of Planning and Environment's *Local Environmental Plan Making Guideline* (August 2023).

2.3. Indicative development concepts

The indicative development concept is for a 12 storey mixed use building comprising:

- Total GFA of 8723m² with the following distribution: 5872m² residential, 2851m² non- residential – includes 339m² heritage building, 2253m² office, 155m² retail
- Forty-one apartments with the following mix: 9 x 1 bedroom, 18 x 2 bedroom, 12 x 3 bedroom, 1 x 4 bedroom, and 1 x 5 bedroom
- Three levels of basement parking accessed off Darling Point Road, with capacity for 77 car spaces and 8 motorcycle spaces with the following allocation: 53 car spaces and 6 motorcycle spaces residential, 24 car spaces and 2 motorcycle spaces non- residential.

Council's Strategic Heritage Officer identified that the planning proposal is generally acceptable as it reflects Council's advice to reduce the height (from 18 to 12 storeys) and provides no more than a partial cantilever over the heritage item at 136 New South Head Road. The new building would be set back to allow views of the heritage item and not detract from its significance (Figures 1 and 2).

The street wall height of the indicative development concept is 15m (4 storeys) along the New South Head Road frontage, which is a similar height to the building to the east. The upper 8 storeys of the tower are set back above the 4-storey podium and articulated into a series of ellipses to break down the volume of the tower. Non-residential use is concentrated in the 4-storey podium with residential on levels 5-12. The concept also includes a rooftop garden.



Figure 1: Indicative development concept for a 12 storey mixed use building (Source: Planning Proposal Concept Report, Group GSA 2021)

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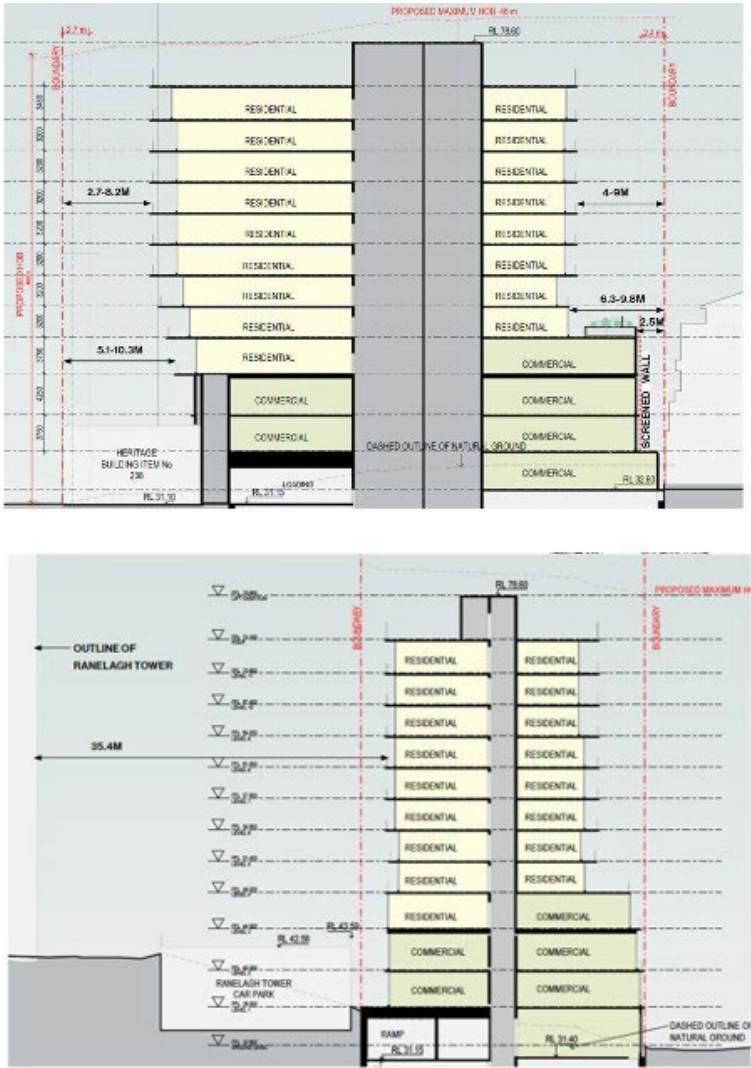


Figure 2: Indicative development concept cross section east-west (top) and north-south (Source: Planning Proposal Concept Report, Group GSA 2021)

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3. Subject site and surrounding context

3.1. The site

The subject site is known as 136-148 New South Head Road, Edgecliff, has an area of approximately 1746m² and comprises the following lots:

- Lot 1 DP663495 (No. 136)
- Lot 1 DP1092694 (No. 138-140)
- Lot 2 DP983678 (No 138-140)
- Lot A DP443992 (No 142-144)
- Lot B DP443992 (No 146-148)

Lot 2 in DP 983678 is a very small residual lot that forms part of 138-140 New South Head Road. This lot is not owned by Council or the applicant. However, the applicant is seeking to purchase the property from a deceased estate. It is understood that it will be subject to the same controls as the remainder of the site.

The site is located at the north-eastern corner of the New South Head Road and Darling Point Road intersection (refer to Figures 3 and 4). The landform of the ECC rises from west to east along New South Head, with the subject site being at a relatively high point.



Figure 3: Aerial image of site (Source: Council Maps)



Figure 4: 3D view of site at 136-148 New South Head Road, Edgecliff (Source: Council Maps)

The subject site has a variable fall of approximately 3m east to west, and north to south. The New South Head Road frontage is approximately 55m and the secondary frontage to Darling Point Road is approximately 27m. There is pedestrian access via multiple entrances from New South Head Road to the buildings and rear yards of the properties. Vehicle access is provided by an existing driveway off Darling Point Road about 25m from its intersection with New South Head Road. The driveway currently provides access to off-street parking for 136 New South Head Road only but will be the single access to the combined site under the planning proposal.

The subject site is zoned **B4MU1** Mixed Use under the Woollahra LEP 2014. The building at 136 New South Head Road is listed as a local heritage item under Schedule 5 of the Woollahra LEP 2014 (refer Figure 5). The corner of 136 New South Head Road is identified as land to be reserved for road widening under Clause 5.1 Relevant acquisition authority of the Woollahra LEP 2014.

The subject site comprises various buildings as follows (and shown in Figure 6):

- 136 New South Head Road: Two storey rendered brick heritage building, used for commercial and residential purposes, and an at grade car park to the rear
- 138-140: Three to four storey rendered brick apartment building. Due to the slope from north to south across this property, the building presents as four storeys to New South Head Road. The street frontage is a service area (entry, bins etc.) that presents as a front wall
- 142-148: Two storey former residential building used for commercial and medical suites.

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There are three Brush Box trees on the Council verge on the New South Head Road frontage of the subject site. The trees are evenly spaced across the frontage, vary in height between 10 and 12 metres, and are in good health.

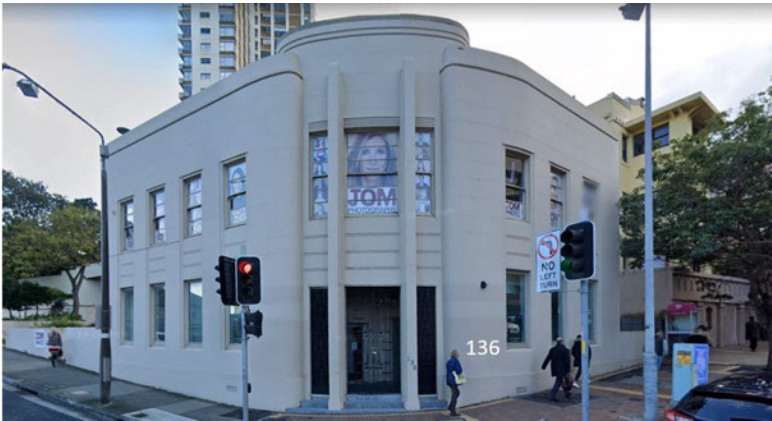


Figure 5: View of 136 New South Head Road - existing heritage item (Source: Google)

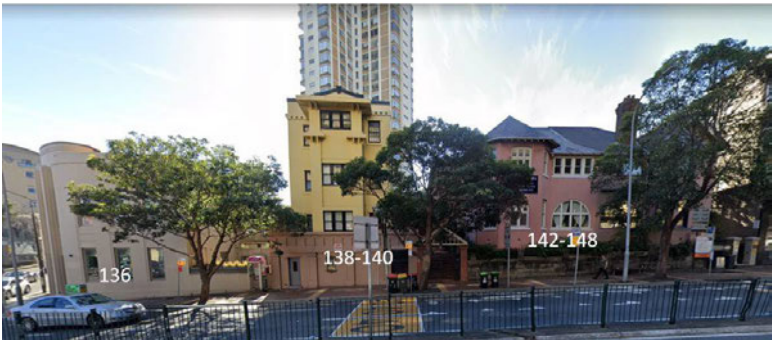


Figure 6: View of 142-148 New South Head Road (Source: Google)

3.2. Surrounding development

Development surrounding the site comprises a mix of commercial, retail, residential and educational buildings varying in age, and height from 1 storey to 14 storeys. An exception to this built form is the 31 storey apartment building 'Ranelagh', located immediately to the north and zoned R3 Medium Density Residential under the Woollahra LEP 2014. The Ranelagh building sits in a large, landscaped area and has a substantial parking garage on its boundary with the subject site. The Ranelagh Building is identified as intrusive development in the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

Ascham School is located to the north and northeast of 'Ranelagh' but does not have a boundary with the subject site. Ascham consists of numerous school buildings and substantial open spaces, which include the following local heritage items:

- 'Fiona' including interiors and former entrance gates
- 'Glenrock' including interiors and inner and outer gates
- 'Dower House' including interiors, sand-stone works, remaining open space and oval adjacent to 'Fiona', and 4 Moreton Bay Figs.

Immediately east of the subject site are five lower scale buildings with limited access from New South Head Road, with access instead via a shared right-of way. These buildings comprise:

- 164 New South Head Road – An Interwar, five storey mixed use building with top floor residential uses and ground floor shops. This building is constructed to the street boundary (Identified as 160 New South Head Road in the applicant's documentation and the Gateway determination report).
- 166, 168 and 170 New South Head Road - All brick residential flat buildings in small gardens/yards, three, four and four storeys respectively.
- 172-180 New South Head Road – White Interwar four storey mixed use building with ground floor shops fronting New South Head Road.

Immediately to the west of the subject site is a heritage listed retaining wall on Darling Point Road. Further to the west are numbers 100 -130 New South Head Road, with a range of building heights and styles. 100 New South Head Road is a taller building, adopting a scale similar to what could be constructed on the subject site.

The site is opposite the Edgecliff Station and bus interchange which establishes the Edgecliff Commercial Centre (ECC) as a local transport, employment, retail, and service hub.

Eastpoint residential tower is at the corner of New South Head Road and Ocean Street. Located at the top of the ridge line, this 14 storey building presents as a significant landmark in the area.

The Paddington Heritage Conservation (HCA) is located to the south of the subject site, separated by New South Head Road and the Edgecliff Centre. The HCA has a predominantly 19th century residential character, represented by late-Victorian terrace houses, modest workers' cottages (including single-storey timber and masonry houses) and former mansions. Trumper Park and Trumper Oval, within the HCA, provide open space, including informal and formal recreation areas, and mature trees.

Photographs of surrounding development are provided in Figures 7 to 10 below.

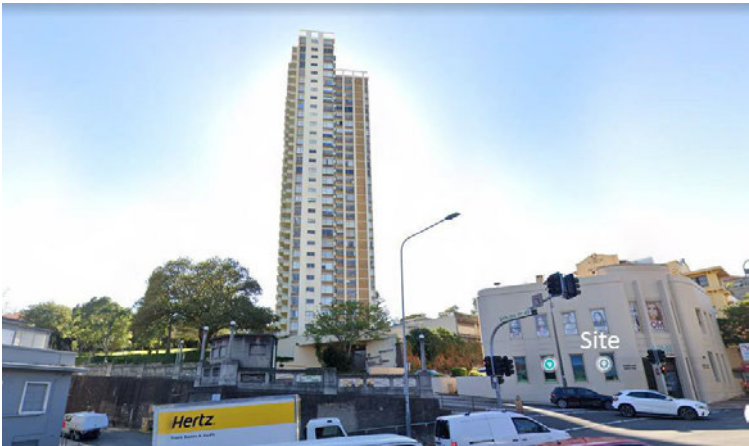


Figure 7: Ranelagh apartment building, viewed from New South Head Road.



Figure 8: Nearby apartment buildings at 100-128 New South Head Road (to the south of the subject site) on the northern side of New South Head Road



Figure 9: View of the Edgecliff Centre, opposite subject site



Figure 10: View of the Eastpoint Food Fair at 238-285 New South Head Road, the bus and rail interchange and the Eastpoint Tower behind

3.3. Proximity to service, transport and recreation facilities

The site is located approximately 70 metres (pedestrian route) from train services and the bus interchange at Edgecliff Station. The Nos. N91, L24, 200, 328, 324, 325, 326, 327, and 328 bus services and train services provide regular links between Bondi Junction, Vaucluse, Walsh Bay, Watsons Bay, Darling Point, Chatswood, and the Sydney CBD.

The site is located within 30 metres of the Edgecliff Centre and Eastpoint Food Fair (with supermarkets, specialty shops and services (including substantial health services).

According to School Infrastructure NSW, the site is in the catchments of:

- Woollahra Public School
- Double Bay Public School
- Glenmore Road Public School
- Rose Bay Secondary College
- Inner Sydney High School

The site is within 200m walking distance of Trumper Park and about 370 metres of Rushcutters Bay Park.

4. Existing planning controls

The controls applying to the site under the Woollahra LEP 2014 are as follows:

Table 1: 136-148 New South Head Road, Edgecliff planning controls - Woollahra LEP 2014

Land Use Zoning	Maximum building height (m)	Maximum Floor space ratio	136 New South Head Road only	
B4MU1 Mixed Use	14.5	1.5:1	Heritage Conservation	Acquisition by public authority
			Local Item No. 238	Reserved for public purpose

5. Objectives of the planning proposal

The objective of the planning proposal are:

- To put in place exceptions to the envelope controls that would allow redevelopment of the site by for a 12 storey mixed use development.
- To facilitate a built form that is compatible with the existing and emerging context and character of the locality.

6. Explanation of provisions

6.1. Site specific clause

It is proposed to introduce a site specific LEP clause that would enable additional density (height and floor space) where specified conditions are met in regard to:

- Desired future character
- Site amalgamation
- Non-residential floor space
- Conservation of the heritage item on the land
- Housing diversity
- Design excellence

6.2. Height of Buildings

The amendment would permit development of the subject site for a building up to 12 storeys. It is envisaged that any development on the subject site will have a 4 storey podium and an 8 storey articulated tower set back above. Details regarding built form will be included in a site-specific development control plan.

The 12 storey (46m) building height would be significantly lower than the 31 storey 'Ranelagh' building behind the site, or the 14-26 storeys recommended for the opposite side of New South Head Road under the draft ECC Strategy. Future development on the subject site would instead adopt a scale that is similar to the Eastpoint residential tower or the apartment building at 100 New South Head Road. This would allow the site to facilitate an appropriate height transition between the ECC and the surrounding residential neighbourhoods.

The submitted indicative development concept also demonstrates that development within the proposed height can be articulated to further minimise bulk and ensure that the additional height sits sympathetically within the streetscape.

6.3. Floor Space Ratio

The amendment will permit development of the subject site for a building with approximately 8723m² of gross floor area (GFA) which is an FSR of 5:1. It is envisaged the GFA will include non-residential use in the 4-storey podium and residential use above. A minimum and maximum non-residential requirement is included in the site specific LEP clause to ensure that the development will be mixed use and not entirely commercial. Details regarding the distribution of floor space will be included in a site-specific development control plan.

As discussed above, future development will adopt a scale that is compatible with the existing and proposed built context of the site. The newly amalgamated site, stretching 50m along New South Head Road, will also allow for development to efficiently use any additional floor space. It would promote functional commercial spaces with flexibility for various uses, consolidated vehicular access and servicing arrangements, and efficiently-planned residential floor plates. This will ensure that the site could meaningfully contribute to the supply of dwellings and commercial floor space in Edgecliff, without resulting in an

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unnecessarily bulky form.

6.4 Land Reservation

The applicant has also proposed to amend the Land Reservation Acquisition Map (Sheet FSR_003) to remove the partial Classified Road (B4) Reservation from 136 New South Head Road, Edgecliff.

6.5 6.4 Draft exceptions clause

Part 6 Additional Local Provisions

Having considered the advice of the Woollahra Local Planning Panel, the Woollahra Environmental Planning Committee and the Sydney Eastern District Planning Panel, the following text is indicative of what could be included in the LEP as a site specific clause for the subject site. The applicant was given an opportunity to comment on a draft and their comments have been incorporated where appropriate.

It should be noted that all draft clause is indicative only and will be subject to drafting by the Parliamentary Counsel's Office, should the proposal progress to finalisation.

6.5 6.11. 136-148 New South Head Road, Edgecliff

- (1) The objectives of this clause, in relation to the land to which this clause applies, are –
 - (a) to allow for increased density of development, where that development meets the requirements of subclauses (3)-(9),
 - (b) to ensure that development in accordance with this clause:
 - (i) reflects the desired future character for the site,
 - (ii) includes an appropriate amount of non-residential floor space,
 - (iii) achieves diverse housing,
 - (iv) exhibits design excellence,
- (2) This clause applies to the land known as 136-148 New South Head Road, Edgecliff, being identified in the key sites map and legally described as:
 - (a) Lot 1 DP663495 (No. 136),
 - (b) Lot 1 DP1092694 (No. 138-140),
 - (c) Lot 2 DP983678 (No 138-140),
 - (d) Lot A DP443992 (No 142-144),
 - (e) Lot B DP443992 (No 146-148).
- (3) Despite clauses 4.3 and 4.4, consent may be granted to development on the land to which this clause applies that results in a floor space ratio that does not exceed 5:1 and a height that does not exceed 46m if –
 - (a) All lots comprising the land will be amalgamated into one lot,
 - (b) The whole of the amalgamated lot will be developed as one development,

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- (c) There will be no vehicular access from New South Head Road to the development,
 - (d) The development will include non-residential floor space as a minimum of 1:1 floor space ratio and a maximum of 2:1 floor space ratio,
 - (e) The development will achieve Design Excellence in accordance with sub clauses (6) and (7),
- (4) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (5) In considering whether a development exhibits design excellence, the consent authority must have regard to the following matters -
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) how the proposed development responds to the environment and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,
 - (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy, and water efficiency,
 - (e) whether the proposed development detrimentally impacts on view corridors and landmarks,
 - (f) pedestrian, cycle, vehicular and service access, and circulation requirements, including the permeability-quality of the pedestrian network,
 - (g) the impact on, and any proposed improvements to, the public domain,
 - (h) appropriate interfaces at ground level between the building and the public domain,
 - (i) whether the proposed development contains a mix of retail, commercial and residential uses,
 - (j) whether the proposed development contains ~~a diversity of residential dwelling types~~ **a range of apartment types and sizes**.
- (6) Development consent must not be granted to development on the land to which this clause applies unless a design advisory panel has provided advice to the Council on the design excellence to inform the assessment of the development application for the development.

(7) In this clause –

design advisory panel means a panel established by Woollahra Municipal Council to provide Woollahra Municipal Council officers with independent expert advice and expertise on urban design, architecture, landscape architecture, art, and sustainability

Note: Woollahra Municipal Council will establish a design advisory panel of relevant professionals and the panel will be functional prior to the determination of a development application on the land to which this clause applies.

(8) Development consent must not be granted for development on land to which this clause applies unless a development control plan has been prepared for the land that provides for the following—

- (a) defining a building envelope in the form of a podium with tower, and built form controls to ensure the building envelope is commensurate with the maximum height and floor space
- (b) setbacks,
- (c) height of buildings in storeys,
- (d) a mix of apartment types, including the number of bedrooms in each apartment,
- (e) Conservation of the heritage item
- (f) Car parking
- (g) Vehicle access and egress.

(9) A development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances or that the development—

- (a) involves only alterations or additions to an existing building, and
 - (b) does not significantly increase the height or gross floor area of the building, and
 - (c) does not have significant adverse impacts on adjoining buildings or the public domain, and
- (d) does not significantly alter any aspect of the building when viewed from public places.

7. Justification

7.1. Need for planning proposal

7.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal is not the direct outcome of a recent study or strategy. However, the planning proposal does have strategic merit regarding Region, District and Local strategic plans and strategies (as described at Point 6.4).

The development enabled by the planning proposal has the potential to help meet Woollahra's employment and housing targets. It will also assist in the revitalisation of the ECC, and the strengthening of the ECC as a key local centre.

The site is ideally located in the Woollahra LGA to take advantage of significant public transport infrastructure and existing services, and where the use of active transport should be encouraged through reduced parking provision. Whilst Council staff have concerns about some of the traffic generation calculations, these can be addressed should the planning proposal progress.

Council's Strategic Heritage Officer identified that the planning proposal is generally acceptable as it reflects Council's advice to reduce the height (from 18 to 12 storeys) and provides a partial cantilever over the heritage item at 136 New South Head Road. The proposed scale provides a more compatible setting and will not 'overwhelm' the parapeted form of the heritage item. Also, there will be no impact on nearby heritage items (due to separation distances) and the lower height of the proposed building envelope reduces the potential for adverse visual impacts from the Paddington HCA.

The planning proposal has site-specific merit, as it meets the objectives of the relevant Woollahra LEP 2014 and Woollahra DCP 2015 controls and is acceptable in the context of existing larger buildings in the vicinity of the subject site.

7.1.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The objective of the planning proposal is to enable the development of a building up to 12 storeys with GFA of approximately 8700m². The proposed map amendments are site specific clause is the simplest and most effective means of achieving the objectives and providing certainty as to the outcome of the amendments.

A site-specific DCP would support the LEP amendments and provide greater certainty regarding outcomes, particularly in relation to design, and amenity and the provision of community infrastructure. The main objective would be to provide guidance on the built form and an appropriate balance between managing impacts and providing adequate flexibility to achieve design excellence.

7.2. Relationship to strategic planning framework

7.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

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Partially. The planning proposal is partially consistent with the objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the planning priorities and actions of the *Eastern City District Plan* (2018), as summarised below.

The relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and actions in the *Eastern City District Plan* (2018), particularly with the objective of:

Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart, and adaptable solutions.

This approach is incorporated in the *Woollahra Local Strategic Planning Statement* (LSPS) and the *Woollahra Local Housing Strategy* (LHS), by focusing growth in areas close to public transport and key centres, and is carried into the draft ECC Strategy. The planning proposal will also assist in meeting the Eastern District City housing targets (with approximately 35 net new dwellings).

The planning proposal aligns with the centres' hierarchy as it has the potential to contribute to the ECC's revitalisation and strengthening the ECC as an employment and transport hub. Development of the subject site at a higher density will bring wider public benefits via modern employment and residential floor space.

However, we note that the planning proposal does not include any social and green infrastructure.

7.2.2. Will the planning proposal give effect to a council endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the following Council strategic plans:

1. Woollahra 2030, Council's Community Strategic Plan

Given the subject site is within the ECC the planning proposal is consistent with the theme *quality places and spaces* and:

- *Goal 4: Well-planned neighbourhoods*
 - *4.1 Encourage and ensure high quality planning and urban design outcomes*
 - *4.5 Enhance the form and function of the local business centres*

The ECC is being planned to accommodate growth to create a more vibrant and liveable centre that will provide for the local population. A building within the proposed envelope could contribute to achieving some of the aims of the draft ECC Strategy by contributing to housing and modern employment space. This is consistent with the CSP's aim of preventing inappropriately sized development, while balancing the need for new housing and jobs, and responding to the housing targets set by the State Government.

2. Woollahra Local Strategic Planning Statement 2020 (LSPS)

The planning proposal is consistent with the LSPS *liveability* theme and:

- *Planning Priority 6: Place making supports and maintains the local character of our neighbourhoods and villages, whilst creating great places for people*

The ECC is being planned to accommodate growth, to create a more vibrant and liveable centre that will provide for the local population and the planning proposal would contribute to these aims.

The planning proposal has the potential to contribute approximately 35 (net) new dwellings

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towards Woollahra's housing targets in the ECC that the LHS identified as the focus for Woollahra's housing growth.

3. Woollahra Local Housing Strategy (Woollahra LHS)

The planning proposal is consistent with the Woollahra LHS as the resulting development would contribute towards achieving Woollahra's 2026-2036 housing targets. Under the terms of the DPE approval of the Woollahra LHS, Council is to undertake a review to address, among other things, the achievement of the 2026-2036 housing targets and the role of the ECC in achieving these targets.

4. Draft Edgecliff Commercial Centre Strategy 2021 (the draft ECC Strategy)

The draft ECC Strategy is being prepared to accommodate employment and housing growth in accordance with the strategic planning framework. The planning proposal would contribute to revitalisation and strengthening of the ECC as a local centre and hub.

7.2.3. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

7.2.4. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

7.2.5. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

7.3. Environmental, social and economic impact

7.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

7.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The planning proposal is generally consistent with the Woollahra LEP 2014 and Woollahra DCP 2015 that incorporate consideration of environmental effects. In particular

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the planning proposal is consistent with the objectives of relevant controls and the desired future character of the ECC, as assessed in **Schedule 3**.

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

Yes. The planning proposal is generally consistent with the Woollahra LEP 2014 and Woollahra DCP 2015. In particular, the planning proposal is consistent with the objectives of relevant controls and the desired future character of the ECC, as assessed in the site-specific merit assessment in **Schedule 3**.

The planning proposal would allow for viable development of the subject site and would contribute to the strengthening of the ECC as a key local centre that is a transport, and employment and service hub for the Woollahra LGA.

7.4. State and Commonwealth interests

7.4.1. Is there adequate public infrastructure for the planning proposal?

Yes. The Eastern City District Plan does not identify any planned state upgrades to infrastructure in the Woollahra LGA. There are planned upgrades in the Eastern Economic Corridor - transport, health, education, and cultural facilities - that may benefit the subject site at a regional level.

The subject site is well-served by existing rail, bus, and regional road networks and is ideally located to take advantage of the significant public transport investment in the ECC that includes Edgecliff Station and bus interchange, and buses operating along New South Head Road. There are areas of open space within walking distance to the site at Trumper Park and Rushcutters Bay. There are shopping facilities, restaurants, entertainment, and other services within walking distance at the Edgecliff Centre and Eastpoint. The site meets the criteria for encouraging public transport use, walking, and cycling.

The subject site is within an established urban area currently serviced by water, sewer electricity and telecommunications infrastructure.

7.4.2. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

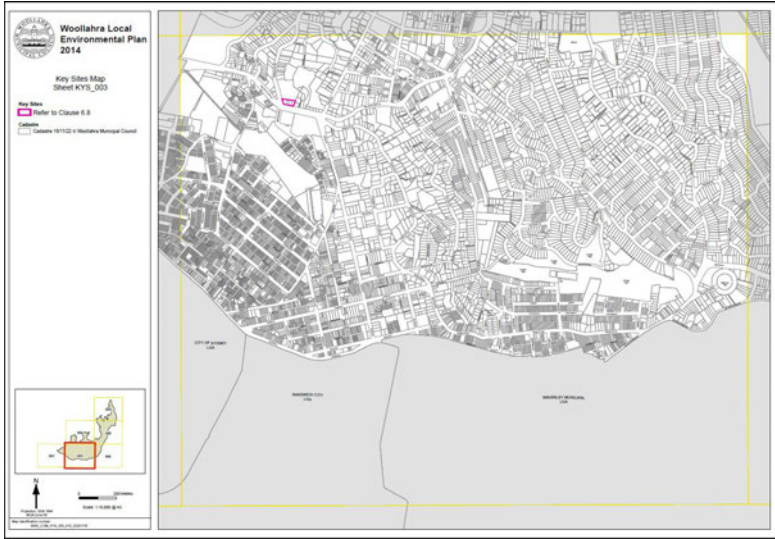
Consultation with public authorities will be undertaken during the public exhibition stage.

8. Mapping

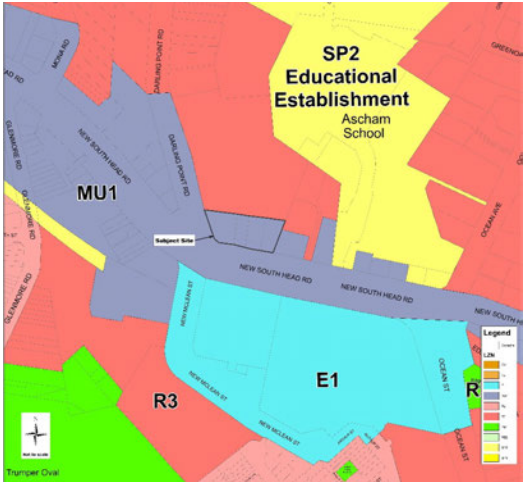
8.1. Proposed map

The planning proposal seeks to amend the Woollahra LEP 2014 Map by introducing a key sites map and identifying the site on the map. The key sites map will refer to the proposed site specific clause.

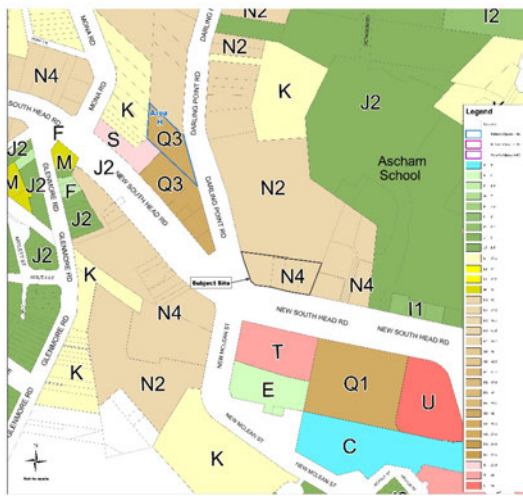
Using a new key sites map allows a direct and more efficient reference (saving on repetition) to the proposed exceptions in one site specific clause (rather than having the exceptions identified in both clauses 4.3 Exceptions to Height of Buildings and clause 4.4 Exceptions to FSR).



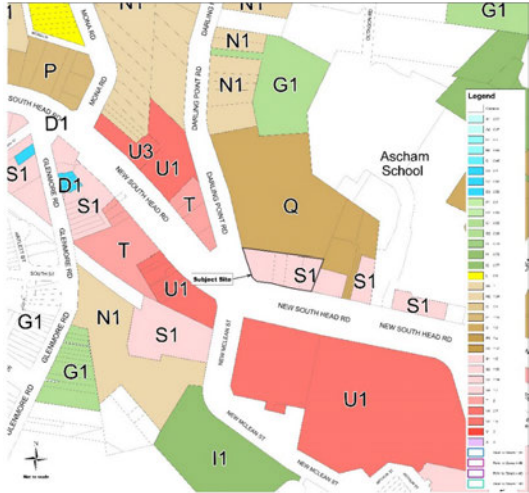
8.2. Existing Zoning Woollahra LEP 2014



8.3. Existing Height of Buildings Woollahra LEP 2014

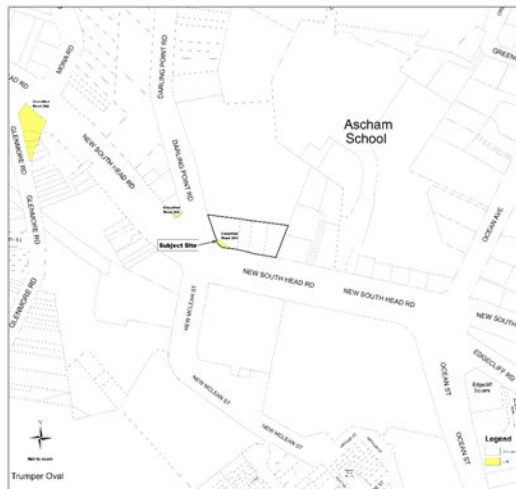


8.4. Existing Floor Space Ratio Woollahra LEP 2014



8.5. Existing Heritage Woollahra LEP 2014





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9. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*, also having regard to other relevant plans and guidelines including the *Woollahra Community Participation Plan 2019*, *Local Environmental Plans – a guide to preparing local environmental plans* and any conditions of the Gateway determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to land owners in the vicinity of each site
- notice to local community, resident and business groups, such as the Double Bay Residents Association.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the Gateway determination.
- the Gateway determination.
- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).
- Woollahra LEP 2014
- Section 9.1 Directions.

10. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the EP&A Act 1979, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
EPC/Council Report	July 2022
Rezoning Review Decision Delivered	25 August 2022
Response to Panels Secretariat - Council accepted PPA role	26 September 2022
Gateway request submitted (42 CDs* +11 CDs)	28 November 2022
Gateway determination	21 April 2023
Post-Gateway# – including agency consultation	August 2023
Request for alteration of Gateway determination	8 August 2023
Alteration of Gateway determination	11 September 2023
Public exhibition and assessment (95 WDs)	
Public exhibition (20 WDs)	26 September – 5 November 2023
Agency submissions (20 WDs)	Same time as public exhibition
Applicant response to submissions (25 WDs)	November 2023
Council assessment post exhibition	4 December 2023 5 February 2024
Council decision	11 December 2023 12 February 2024
Finalisation (55 WDs)	
Council instructs the Parliamentary Counsel Office requests Minister to prepare LEP amendment	January 2024 February 2024
Parliamentary Counsel issues an Opinion that the LEP can be legally made.	February 2024 March 2024
Forward draft LEP to Department of Planning for notification	February 2024
Notification of the LEP	March 2024 April 2024

* CDs = calendar days, WDs = working days – in accordance with the NSW Local

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Environmental Plan Making Guideline, August 2023

Includes **draft DCP preparation and** Voluntary Planning Agreement finalisation.

A planning agreement is defined in section 7.4(1) of the EP&A Act 1979 as:

A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):

- (a) who has sought a change to an environmental planning instrument, or*
- (b) who has made, or proposes to make, a development application or application for a complying development certificate, or*
- (c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts - Central River City) 2021	Not applicable
SEPP (Precincts - Eastern Harbour City) 2021	Applicable and consistent. There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts - Western Parkland City) 2021	Not applicable.
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Primary Production) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resilience and Hazards) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

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State environmental planning policy	Comment on consistency
SEPP (Transport and Infrastructure) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	Implementation of Regional Plans	Applicable and consistent. The planning proposal is consistent with the relevant objectives in the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (2018) and the relevant priorities and actions of the <i>Eastern City District Plan</i> (2018) as discussed herein.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	Applicable and consistent. The planning proposal does not provide any additional approval or referral requirements.
1.4	Site specific provisions	Applicable. Minor justifiable inconsistencies. The planning proposal does not contain any unnecessarily restrictive site specific planning controls. A site specific LEP clause is proposed that enables additional height and floor space subject to meeting specified criteria. The criteria reflect the indicative development concept that was part of the request for a planning proposal are not considered restrictive. The Gateway determination report considered these inconsistencies and recommended removal of references to affordable housing, community infrastructure and site specific heritage conservation. The report considered inconsistencies relating to site amalgamation, site specific DCP, design excellence (subject to removal of reference to planning/urban design strategies and public domain plans) minor and justifiable. The amendments required by the Gateway determination have been made to the site specific LEP clause and the remaining minor inconsistencies are considered justified.
1.5 – 1.22	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.

2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not change existing heritage provisions. The planning proposal applies to a heritage item and Council's Strategic Heritage Officer has not raised any objections to the planning proposal on heritage grounds.
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. These LEPs do not apply to the Woollahra LGA.
3.5	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values, and does not relate to land to being developed for a recreation vehicle area.
3.6	Strategic conservation planning	Not applicable. The planning proposal does not apply to land identified as avoided land or a strategic conservation area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3.7	Public bushland	Not applicable. This planning proposal will not affect any public bushland.
3.8	Willandra Lakes Region	Not applicable. This direction does not apply to the Woollahra LGA.
3.9	Sydney Harbour foreshores and waterways area	Not applicable. The planning proposal does not apply to land identified within Foreshores and Waterways Area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3.10	Water catchment protection	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
4	Resilience and hazards	
4.1	Flooding	Applicable and consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure

		that development on flood liable land will not result in risk to life or damage to property. It is confirmed that the site is not identified as “flood-prone land” as defined in the <i>NSW Floodplain Development Manual 2005</i> when addressing section 9.1 Direction – 4.1 <i>Flooding</i> .
4.2	Coastal management	Not applicable. The planning proposal does not affect provisions relating to land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal does not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
5	Transport and infrastructure	
5.1	Integrating land use and transport	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
5.2	Reserving land for public purposes	Applicable and consistent. Council has already resolved to remove the partial reservation on the subject site along with others on New South Head Road Edgecliff under a separate planning proposal (PP). Council is continuing negotiations with the RMS and seeking their approval of the reservations.
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.

5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Not applicable. The planning proposal does not apply to land in a residential zone.
6.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Applicable and consistent. The planning proposal does not remove or alter a business zone and does not reduce the achievable employment floor space in the existing MU1 Zone that applies to subject site. The intended outcome is maintenance or increase in employment floor space on the land the planning proposal applies to.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. These strategies do not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.

9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-1646): to introduce alternative floor space ratio and building height and site-specific provisions for land at 136-148 New South Head Road, Edgecliff.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, 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 alternative floor space ratio and building height and site-specific provisions for land at 136-148 New South Head Road, Edgecliff 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) Provide a plain-English explanation of the planning proposal that covers all aspects of the site-specific provision. An updated draft clause may be provided with an advisory note that it is an example only and will be subject to legal drafting by Parliamentary Counsel, should the proposal progress to finalisation.
 - b) Clarify that the proposal seeks to introduce a local provision that allows alternative maximum height of buildings and floor space ratio (FSR) if certain requirements are met, as such the existing maximum height of buildings and FSR controls will remain in the LEP as base controls.
 - c) Remove reference to "urban design and planning strategy and public domain plan" as a matter of consideration from the design excellence provision.
 - d) Remove all references to community infrastructure and affordable housing requirements (which include the recoupment of cost of provision) from the proposal.
 - e) Remove the site-specific heritage conservation requirement as this is already addressed via Clause 5.10 *Heritage conservation* of the Standard Instrument LEP.
 - f) Amend the proposed minimum non-residential floor space ratio from 3:1 to 1.6:1; and remove the proposed maximum non-residential FSR of 3.5:1. Provide an economic analysis to test the feasibility of a minimum non-residential FSR of 1.6:1 or a higher quantum that takes into consideration the growth scenarios in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.
 - g) Amend the proposed alternative height of buildings control from 42m to 46m, subject to further design testing of the floor-to-floor heights currently shown in the indicative concept scheme against the floor-to-ceiling heights provisions of the Apartment Design Guide, the requirements of the National Construction Code and the outcomes of the economic testing outlined in item f) above.
 - h) Outline the matters to be addressed in the site-specific Development Control Plan.
 - i) Clarify Council's intent to establish a "design review panel" or "design advisory panel" to ensure design excellence is achieved for future development and utilise consistent terminology throughout the document.

- j) Replace existing reference to "business" zones (i.e. "B" zones) with the new employment zones (i.e. "E" and "MU" zones) as a result of the Department's Employment Zones Reform work.
 - k) Include extracts of relevant existing LEP maps that apply to the site, including Land Zoning, Floor Space Ratio, Height of Buildings, Heritage and Land Acquisition Reservation maps.
 - l) Explain the reasons for identifying the site on a new Key Sites Map; or alternatively, remove any reference to such a map if it is not required.
 - m) Include commentary that addresses the relevant provisions of the Woollahra Local Housing Strategy and relevant requirements of the Department's approval of the Strategy.
 - n) Confirm whether the site is identified as "flood-prone land" as defined in the *NSW Floodplain Development Manual 2005* when addressing section 9.1 Direction – 4.1 *Flooding*.
 - o) Provide an updated discussion to demonstrate that the inconsistency with section 9.1 Direction 1.4 – *Site Specific Provisions* is justified in accordance with the terms of the direction.
 - p) Provide written explanation of the potential overshadowing impacts on the property at 160 New South Head Road to supplement the "sun-eye diagrams" in the concept scheme; and include additional shadow analysis relating to the proposed built forms and public plaza areas on the southern side of New South Head Road under the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*.
 - q) Confirm the location of the apartments within 235-287 New South Head Road (known as "Eastpoint tower") to which the view sharing modelling in the concept scheme relates to.
 - r) Update the project timeline in accordance with the requirements of the Gateway determination.
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).

Exhibition must commence within 3 months following the date of the Gateway determination.

PP-2022-1646 (IRF22/4535)

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 Planning and Environment
 - Ausgrid
 - Sydney Water

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. Council is not authorised to be the local plan-making authority to make this plan.
6. The time frame for completing the LEP is to be 8 months following the date of the Gateway determination.
7. The planning proposal must be reported to council for a final recommendation no later than 6 months from the date of the Gateway determination.

Dated 21st day of April 2023.



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

**Delegate of the Minister for Planning and
Public Spaces**

PP-2022-1646 (IRF22/4535)

Woollahra Municipal Council
Environmental Planning Committee Agenda

5 February 2024



Department of Planning and Environment

Our ref: IRF23/2257 (PP-2022-1646)

Mr Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Dear Mr Swift-McNair

Planning proposal PP-2022-1646 – Alteration of Gateway Determination

I refer to a planning proposal within the Woollahra local government area to amend the Woollahra Local Environmental Plan (LEP) 2014 to introduce alternative floor space ratio (FSR) and building height and site-specific provisions for land at 136- 148 New South Head Road, Edgecliff (PP-2022-1646).

In accordance with the Gateway determination issued on 21 April 2023, Condition 1 indicates that the planning proposal is required to be revised prior to the commencement of public exhibition.

The Department notes Council 's letter of 8 August 2023 advising that the planning proposal has been reviewed and requests to alter the Gateway determination.

The Department has reviewed the amended planning proposal and having regard to this information supports the amendments. The Department also endorses the shadow analysis provided to address Condition 1.p).

Therefore, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 21 April 2023 for PP-2022-1646. The timeframe for public exhibition and LEP finalisation to accommodate for time taken to resolve various conditions of the Gateway determination. The alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, please contact Alexander Galea, Manager, Infrastructure & Planning on 8289 6793.

Yours sincerely



Amanda Harvey
Executive Director
Metro East and South
11 September 2023

Encl: Alteration of Gateway Determination



Department of Planning and Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2022-1646) to introduce alternative floor space ratio and building height and site-specific provisions for land at 136-148 New South Head Road, Edgecliff.

I, the Executive Director, Metro East and South, at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 21 April 2023 for the proposed amendment to the Woollahra Local Environmental Plan 2014 as follows:

1. Delete:

"Condition 1.f)"

and replace with:

a new Condition 1.f):

"The development is to include a minimum non-residential floor space ratio (FSR) of 1:1 and a maximum non-residential FSR of 2:1."

2. Delete:

"Condition 1.q)"

3. Delete:

"Condition 2"

and replace with:

a new Condition 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).

Exhibition must commence within 1 month following the date of this Alteration of Gateway determination."

PP-2022-1646 (IRF23/2257)

4. Delete:

"Condition 6"

and replace with:

a new Condition 6:

"The time frame for completing the LEP is to be 11 March 2024."

5. Delete:

"Condition 7"

and replace with:

a new Condition 7:

"The planning proposal must be reported to council for a final recommendation no later than 31 December 2023."

Dated 11th day of September 2023



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

**Delegate of the Minister for Planning and
Public Spaces**

PP-2022-1646 (IRF23/2257)



Planning
Panels

REZONING REVIEW
RECORD OF DECISION
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DECISION	18 August 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

PP-2022-1646 - WOOLLAHRA - RR-2022-12 - AT 136-148 New South Head Road, Edgecliff (as described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the majority of the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site-specific merit

The decision was by a majority of 3:2 in favour, against the decision were Mary-Lou Jarvis and Toni Zeltzer.

REASONS FOR THE DECISION OF PANEL MAJORITY

The Panel concurs with the Council's strategic planning Consultant and the assessment report that the Planning Proposal (PP) has strategic merit as it aligns with the directions of the District Plan. The subject site is included within the boundary of the Edgecliff Commercial Centre (ECC), but it is not within the Council's defined area of the exhibited Draft Strategy for Edgecliff.

The Panel considers that this rezoning is not dependent on Council's adoption of its Strategy for Edgecliff that excludes the subject site. Whilst the boundary of the Strategy may be extended this is unlikely to occur within a reasonable timeframe. The Panel considers proceeding with this PP at this stage will not prejudice future planning for the Edgecliff Centre, and indeed this PP has considered the uplift in the number of storeys shown in the exhibited Draft Strategy.

The Panel is satisfied this PP is consistent with the District Plan and the objectives for the revitalisation of the Edgecliff centre by providing an uplift of commercial space and residential in very close proximity to a major bus/rail interchange. In this regard it is also consistent with the LSPS and Local Housing Strategy.

The Panel recommends this PP proceed to Gateway, however, the provisions of the draft LEP exhibited must include the following:

- a clause requiring a design excellence competition or equivalent.

- a clause requiring the subject site to be amalgamated to ensure no vehicle access to New South Head Road.
- a clause for maximum number of storeys/ height and Floor Space Ratio
- a draft DCP to be exhibited concurrently with guidelines for future development including massing; number of storeys; sustainability measures; relationship to local heritage item; wind analysis; minimal overshadowing of the public domain, including Trumper Park and plaza areas opposite and the appropriate mix of commercial and residential given characteristics of site.





The Panel notes the existence of a road reservation over the corner part of the site and this should be resolved with Transport for NSW. The effect of the current affectation for the heritage building is unknown at this time and if acquisition of, part or all, is required this will inform not only the final design but any compensation. Therefore, this needs to be resolved prior to the making of any LEP.



The planning process requires notification and public exhibition of the draft LEP, and in this case accompanied by a draft DCP. It is during this period that community consultation will occur, and the community will have the opportunity to formally make submissions on the draft plan during this public exhibition period.

The PP was submitted prior to the release of the LEP Making Guideline in December 2021 and as such the appointment of the PPA should follow the previous process. As such the Woollahra Council should be given the opportunity to decide whether to take on the role of PPA. If the Council decides not to take up this role then the Panel may appoint itself as the relevant Planning Authority.

Those in the minority are of the opinion:

- Toni Zeltzer expressed a position that notwithstanding the applicant has worked diligently with Council and there being site specific and strategic merit identified in the proposal, the height and bulk remains excessive causing the proposal to be intrusive and overwhelming.
- In addition, overshadowing beyond that created by Ranaleagh onto the public domain across the street alongside Edgecliff centre is much exacerbated across extended hours of the day.
- Mary-Lou Jarvis adopted the advice of the Council staff to the Environmental Planning Committee's meeting of the 4 July 2022 following the recommendation of the Woollahra Local Planning Panel "that the planning proposal does not have sufficient strategic or site-specific merit to proceed as a standalone planning proposal, and that it should be incorporated into the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy" (the Draft ECC Strategy).
- She expressed concern of an increased FSR of 5:1 (up from 1.5:1) where the increased height was from 14.5 to 46 metres and identified that the applicant was proposing to double the amount of commercial space from 1,011 to 2,850sqm and 42 residential units over 8 floors and considered that having regard to the housing strategy adopted by Council that it would be more appropriate for a greater residential component consistent with the Strategy. Finally, she expressed concern having regard to the number of submissions from the community that the community is not able to make verbal submissions to the Panel in respect of the proposal.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 John Brockhoff	 Toni Zeltzer

  Mary-Lou Jarvis	
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SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2022-1646 - WOOLLAHRA - RR-2022-12 - AT 136-148 New South Head Road, Edgecliff
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014 to increase the height of buildings from 14.5m to 46m and the floor space ratio (FSR) from 1.5:1 to 5:1 for the site at 136-148 New South Head Road, Edgecliff.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Briefing with Department of Planning, Industry and Environment (DPIE): 18 August 2022 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis DPIE staff in attendance: Pengfei Cheng, Laura Locke, Simon Ip Briefing with Council and Proponent: 18 August 2022 <ul style="list-style-type: none"> Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis DPIE staff in attendance: Pengfei Cheng, Laura Locke, Simon Ip Council representatives in attendance: Anne White, Louise Mendey Proponent representatives in attendance: Mr Andrew Boyarsky, Brett Brown, Lisa-Maree Carrigan, Joshua Hollis, Martin Hill, Steven Davies. Papers were circulated electronically 10 August 2022

Woollahra Municipal Council
Environmental Planning Committee Agenda

4 July 2022

Item No: R1 Recommendation to Council

Subject: **PLANNING PROPOSAL - 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF AND REPORTING THE ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL**

Author: Louise Munday, Consultant Strategic Planner

Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place

File No: 22/72243

Purpose of the Report: To provide Council with the advice of the Woollahra Local Planning Panel on a planning proposal for 136-148 New South Head Road, Edgecliff. To recommend that Council refuses the planning proposal for 136-148 New South Head Road.

Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
 - (i) Increase the maximum height of buildings development standard from 14.5m to 46m
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
- C. THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021*.
- D. THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* as a potential uplift site.

Executive Summary:

Council received an owner initiated planning proposal for 136-148 New South Head Road, Edgecliff to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to:

- Increase the maximum height of buildings development standard from 14.5m to 46m
- Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.

A detailed assessment of the planning proposal was undertaken by Council staff and in summary, staff considered that the planning proposal had strategic and site-specific merit. This assessment was presented to the Woollahra Local Planning Panel (Woollahra LPP) on 22 April 2022.

The advice from the Woollahra LPP was that the planning proposal does not have *sufficient* strategic or site specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (the Draft ECC Strategy).

Council staff accept the advice from the Woollahra LPP that it would be premature to progress the planning proposal prior to the finalisation of the Draft ECC Strategy. Having considered this advice, staff recommend that Council resolves to refuse the planning proposal as contained in **Attachment 1** of the report to the Environmental Planning Committee of 4 July 2022, and resolves to notify the applicant in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021* (the Regulations).

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Discussion:

The site and surrounding context

The subject site is known as 136-148 New South Head Road, Edgecliff, has an area of approximately 1746m² and comprises the following lots (see **Figure 1** below) Lot 1 DP 663495 (No. 136), Lot 1 DP 1092694 (No. 138-140), Lot 2 DP 983678 (No 138-140), Lot A DP 443992 (No 142-144), Lot B DP 443992 (No 146-148).



Figure 1: Cadastral map (sites highlighted in red)



Figure 2: Aerial view of the subject site (site highlighted in red)

- The site is located on the north-eastern corner of New South Head Road and Darling Point Road (see **Figure 2**). The site comprises the following buildings (see **Figure 3**):
- 136 New South Head Road – A two storey rendered brick building, used for commercial and residential purposes, with an at grade car park to the rear. This property is listed as local heritage item No. 238 under the Woollahra LEP 2014 (see **Figure 5**).
 - 138-140 New South Head Road – A three to four storey rendered brick apartment building. Due to the slope from north to south across this property, the building presents as four storeys to New South Head Road.

- 142-148 New South Head Road – A two storey former residential building currently used for commercial and medical suites.

Vehicular access is provided via an existing driveway off Darling Point Road, about 25m from the intersection with New South Head Road. The driveway currently provides access to off-street parking for 136 New South Head Road only.

The site is zoned B4 Mixed Use under the Woollahra LEP 2014 (see **Figure 4** below) and the corner of 136 New South Head Road is identified as land to be reserved for road widening under *Clause 5.1 Relevant acquisition authority* of the Woollahra LEP 2014¹.



Figure 3: 3D view of 136-148 New South Head Road
(site highlighted in red) viewed from the west

Development surrounding the site comprises a mix of commercial, retail, residential and educational buildings varying in age, and height from 1 storey to 14 storeys. An exception to this built form is the 31 storey apartment building 'Ranelagh', located immediately to the north and zoned R3 Medium Density Residential under the Woollahra LEP 2014. The Ranelagh building sits in a large landscaped area and has a substantial parking garage on its boundary with the subject site. The Ranelagh Building is identified as intrusive development in the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

Immediately east of the subject site are five lower scale buildings with limited access from New South Head Road, with access via a shared right-of way.

The site is opposite the Edgecliff Station and bus interchange which establishes the Edgecliff Commercial Centre (ECC) as a local transport, employment, retail and service hub.

¹ On 25 October 2021, Council resolved to submit a planning proposal to the Department of Planning and Environment seeking to remove twelve parcels of land along New South Head Road and Glenmore Road in Edgecliff from the Land Reservation Acquisition Map in the Woollahra LEP 2014. These parcels have been reserved for road widening. As this matter is being progressed separately, it is not the subject of this planning proposal.

Figure 5 illustrates the location of the heritage items on, and surrounding the subject site and the proximity of the Paddington Heritage Conservation Area (HCA), which is located to the south west of the subject site separated by New South Head Road and the Edgecliff Centre. Trumper Park and Trumper Oval, within the HCA, provide open space including informal and formal recreation areas, and mature trees.

Eastpoint residential tower is at the corner of New South Head Road and Ocean Street. Located at the top of the ridge line this 14 storey building presents as a significant landmark in the area.

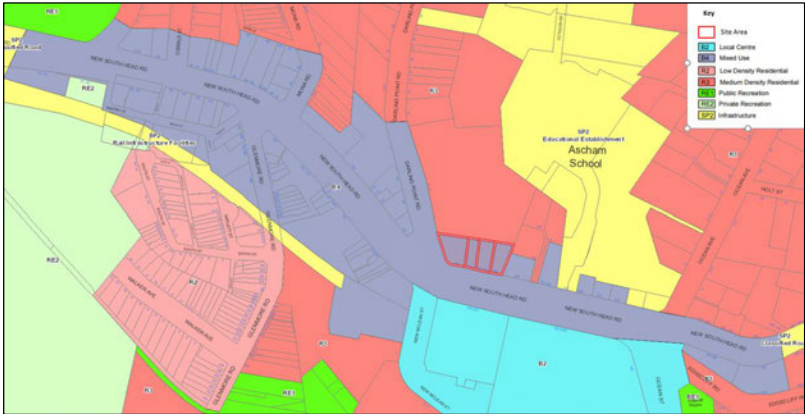


Figure 4: Extract from the Woollahra LEP 2014 (site highlighted in red)

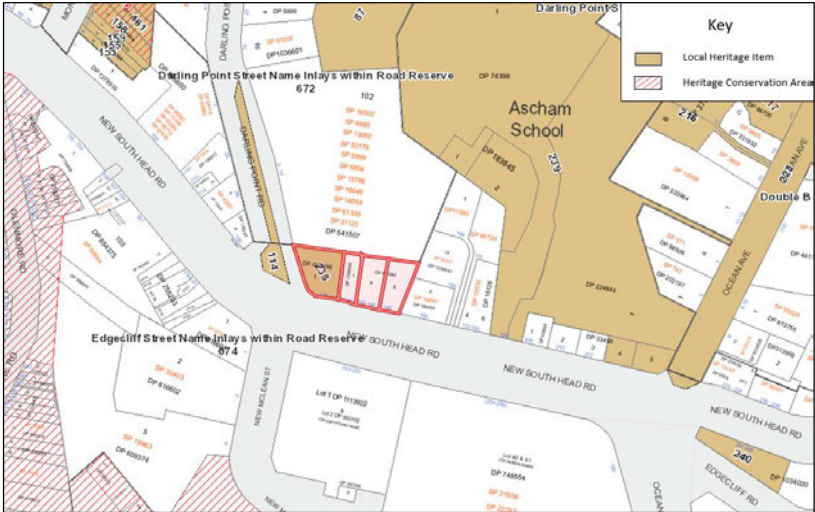


Figure 5: Extract from the Woollahra LEP 2014 Heritage Map (site highlighted in red)

Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

The subject site is within the Edgecliff Commercial Centre (ECC) and within the area covered by the Draft ECC Strategy. The Draft ECC strategy sets a new vision for the ECC and makes recommendations on key built form outcomes including land uses, heritage conservation, maximum building heights, active street frontages, affordable housing, design excellence, community infrastructure and transport. The Draft ECC Strategy identifies a number of properties along New South Head Road with potential uplift (additional height and FSR) (see **Figure 6** below).

Whilst the site falls within the ECC it was not identified for uplift in the Draft ECC Strategy. This was because at the time of preparation, the subject site was in multiple ownerships and vehicle access was not available to all four properties. However, since the Draft ECC Strategy was prepared, the subject site has been brought into a single ownership and vehicle access can be obtained to the whole site from Darling Point Road.

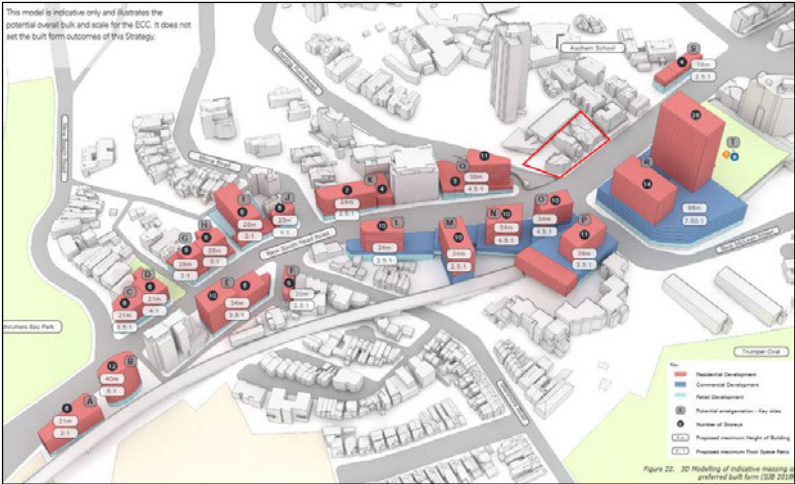


Figure 6: Extract from the 3D model contained in the ECC Strategy (site in red).

Council exhibited the Draft ECC Strategy from 31 May – 30 September 2021. Given issues raised in submissions, Council staff are refining the Draft ECC Strategy and intend to provide a post-exhibition report to Council later this year.

While it is expected uplift sites will be identified in the final ECC Strategy, at the time of writing this report, there is no certainty about which sites will be included and what building height and floor space controls will be recommended.

Background

In March 2021, Council staff held a pre-application meeting with the applicant team and discussed concept plans for a 66m building (18 storeys) with a proposed FSR of 6:1. In a letter dated 12 April 2021, Council staff provided minutes of the pre-application meeting, and documented issues for the applicant to address prior to submitting a formal request to Council. The letter included an indication that 18 storeys was excessive and that a 12 storey building might be more appropriate.

On 13 October 2021, Edgecliff Central Pty Ltd lodged a request for a planning proposal for 136-148 New South Head Road, Edgecliff (the subject site) (see **Attachment 4**). The objective of the planning proposal is to increase the development potential of the subject site to facilitate a 12 storey mixed use building by amending the Woollahra LEP 2014 as follows:

- Increase the maximum height of buildings development standard from 14.5m to 46m
- Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.

All the documents provided with the applicant's request for a planning proposal (see **Attachment 5**) are available on Council's website at the following link:

https://www.woollahra.nsw.gov.au/building_and_development/development_rules/previous_and_proposed_exhibitions/planning-proposal-request-for-136-148-new-south-head-road.-edgecliff

The applicant submitted the overall building envelope with an indicative development concept to illustrate the built form that could be constructed in accordance with the proposed controls (see **Figures 7-9** below).



Figure 7: 3D view of the proposed building envelope on the subject site (with the development concept contained within it), viewed from the south west

The indicative concept illustrated in **Figure 8** below indicates a street wall height of 15m (four storeys) along the New South Head Road frontage. The concept illustrates the upper eight storeys of the building are set back above the four storey podium and articulated into a series of ellipses.

Non-residential uses are concentrated in the four storey podium with residential dwellings on levels 5-12 above with a roof top garden. The indicative development concept of a 12 storey mixed use development comprises:

- Total Gross Floor Area of 8723m²
- Forty-one mixed sized apartments
- Three levels of basement parking with capacity for 77 car spaces.

The indicative development concept shows the conservation of the heritage item at 136 New South Head Road by retaining the existing building and partially cantilevering the new building over the top (see **Figure 9** below).



Figure 8: Artist's impression of indicative development concept viewed looking north from New South Head Road (Source: Planning Proposal Concept Report, Group GSA 2021)



Figure 9: Artist's impression of indicative development concept – Darling Point Road looking south (Source: Planning Proposal Concept Report, Group GSA 2021)

Council staff assessed the planning proposal with reference to the NSW Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guideline (December 2021)*. The full staff assessment is provided at **Attachment 2**.

In summary, staff considered that the planning proposal has strategic merit in the context of the region, district and local planning objectives and will help achieve Council's desired outcomes for land surrounding the ECC. The planning proposal also demonstrates site-specific merit. The built form likely to result from the amended controls will align with the scale of surrounding developments, and position new residential and commercial floor space in an appropriate location. It will also facilitate an appropriate height transition to surrounding lower density uses, ensuring that the wider built environment is respected.

The staff comment on height was made in the context of the indicative uplift identified in the draft ECC Strategy. The exhibited draft ECC Strategy indicates the following four properties in the vicinity of the site

**Table 1: Indicative uplift identified in the draft ECC Strategy,
for sites surrounding the subject site**

Address	Location	Existing height control	Indicative uplift
203-233 New South Head Rd	Opposite on New South Head Rd	7-8 storeys (6m/26m)	14 to 26 storeys (86m)
2 New McLean St	Opposite on New McLean St	4 storeys (14.5m)	11 storeys (39m)
1 New McLean St	Opposite corner of New South Head Rd & New McLean St	4 storeys (14.5m)	10 storeys (34m)
130 New South Head Rd	Opposite on northwest corner of New South Head Rd & Darling Point Rd	6 storeys (20.5m)	11 storeys (38m)

Accordingly, staff prepared a planning proposal which was referred to the Woollahra LPP (see **Attachment 1**). The planning proposal satisfied the requirements of section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014
- Justification for the objectives, outcomes and provisions and a process for implementation.
- Details of the community consultation that is to be undertaken.

Advice of the Woollahra Local Planning Panel

Local Planning Panels (LPPs) are panels of independent experts that determine development applications on behalf of Council and provide advice on other planning matters, including planning proposals. Under the Act, LPPs are mandatory for all Sydney councils and are put in place so the process of assessment and determination of development as applications with a high corruption risk, sensitivity or strategy importance is transparent and accountable.

The planning proposal was referred to the Woollahra LPP on 22 April 2022 (see **Attachment 3**) where they provided the following advice to Council:

- A. *THAT the Woollahra Local Planning Panel advises Council that the planning proposal for 136-148 New South Head Road, Edgecliff does not have sufficient strategic or site specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.*
- B. *THAT should Council resolve that the planning proposal for 136-148 New South Head Road, Edgecliff should proceed to a Gateway determination, the Woollahra Local Planning Panel advises Council that:*

- I. *It does not support the site specific amendments to increase the Height of Buildings to 46m and the Floor Space Ratio to 5:1 without further urban design and traffic analysis including:*
 - a. *whether the 46m height standard is beyond what is required to accommodate a 12 storey building; and*
 - b. *defining in a draft Development Control Plan a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.*
 - c. *the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.*
- II. *The planning proposal should provide for a site specific clause to be included in the Woollahra Local Environmental Plan 2014 which would increase the maximum height of buildings and the maximum Floor Space Ratio, but only if certain matters are satisfied. These matters should include, but not be limited to:*
 - a. *Site amalgamation.*
 - b. *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
 - c. *Specifying a minimum quantum of non-residential Floor Space Ratio*
 - d. *Provision of Affordable Housing consistent with Council's adopted policy.*
 - e. *Design Excellence and commitments to sustainability beyond those required by BASIX.*
- III. *Any planning agreement proposed by the applicant is to be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
- IV. *Should a Gateway determination be received, the planning proposal, site-specific draft development control plan and any draft Planning Agreement be publicly exhibited concurrently.*

It is noted that the Woollahra LPP provided the following **reasons for its decision**:

The Panel has considered the planning proposal, and advises Council that it is premature to proceed at this stage to Gateway prior to the adoption of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy). In particular, there remain a number of unresolved strategic issues in relation to the capacity of the surrounding road network and the status of the road reservation planning proposal, the provision of community infrastructure upgrades, and the overall bulk and form of the Centre. The benefit of providing 35 net new dwellings does not provide sufficient justification to proceed, prior to the ECC Strategy being adopted.

The Panel advises Council that the planning proposal does not have sufficient site specific merit to proceed as a standalone planning proposal, particularly as it proposes to significantly increase the Height and Floor Space Ratio development standards with no mechanisms within the LEP to ensure the delivery of the benefits proposed in the concept design. These matters include but are not limited to:

- *Site amalgamation.*
- *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
- *Specifying a minimum quantum of non-residential Floor Space Ratio.*
- *Provision of Affordable Housing consistent with Council's adopted policy.*
- *Design Excellence and commitments to sustainability beyond those required by BASIX.*

Woollahra Municipal Council
Environmental Planning Committee Agenda

5 February 2024

Woollahra Municipal Council
Environmental Planning Committee Agenda

4 July 2022

Rezoning Review

On 31 May 2022, the applicant submitted a rezoning review request (RR-2022-12) to the DPE through the NSW Planning Portal.

The rezoning review process allows an applicant to request an independent planning panel evaluate whether a proposal should progress to a Gateway determination. The applicant can request a rezoning review after the lodgement of the planning proposal and Council has either:

- notified the proponent in writing that it does not support the proposal, or
- failed to indicate its support for the planning proposal within 90 or 115 calendar days (depending on the planning proposal category).

Given the planning proposal was lodged in September 2021, the first criteria was met. Having liaised with staff at the DPE it is understood that the rezoning review request has been placed on hold until Council makes a decision on the planning proposal. Should Council resolve to refuse the planning proposal, the Sydney Eastern City Planning Panel will review the submission and make a recommendation to the Minister on whether the proposal should be submitted for Gateway determination and subsequently be placed on public exhibition.

Options:

Council staff accept the advice from the Woollahra LPP that it would be premature to progress the planning proposal prior to the finalisation of the Draft ECC Strategy. Having regards to the advice from the Woollahra LPP, Council staff recommend that Council resolves to refuse the planning proposal. Consistent with Clause 9 of the *Regulations*, the applicant would be notified that Council has not supported the planning proposal.

However, Council staff recommend that the site is incorporated into the post exhibition version of the Draft ECC Strategy which will be reported to a future meeting of Council. A resolution of the issues identified in the Woollahra LPP's advice can be pursued through progress of the Draft ECC Strategy. This would include further urban design and traffic analysis including:

- a. whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and
- b. defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.
- c. the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.

Alternate recommendation

Alternatively, Council could resolve to proceed with the planning proposal (at **Attachment 1**), and resolve that the planning proposal (with updates to make reference to the Council decision) will be referred to the DPE seeking a Gateway determination. This will allow the planning proposal to be placed on public exhibition.

Should Council resolve to proceed, Council staff would draft an addendum that would address the advice from the Woollahra LPP and would propose a site specific clause to be included in the Woollahra LEP 2014 which would include exceptions to the mapped development standards (being height of buildings and floor space ratio). I.e. the mapped development standards could only be achieved via a development application where the following are also achieved:

- Site amalgamation (with one development over the entire site).
- Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.
- Specifying a minimum quantum of non-residential Floor Space Ratio.
- Provision of Affordable Housing consistent with Council's adopted policy (as a percentage of the additional residential floor space).

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- Design Excellence (to be achieved through a competitive design process).
- Commitments to sustainability beyond those required by BASIX (including registration with the Green Buildings Council of Australia and Green Star Buildings Rating).

In addition to these matters raised by the Woollahra LPP, Council staff also recommend including the following additional exceptions:

- A specified mix of apartment sizes.
- Provision of, or contribution towards, community infrastructure.

Staff also suggest that the applicant be required to submit further urban design and traffic analysis to address:

- whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and
- defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.
- the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.

It was acknowledged in the report to the Woollahra LPP that should the planning proposal proceed, a site specific DCP would be prepared to incorporate detailed guidelines for built form and design. The Draft DCP would include guidance on a *building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower* as advised by the Woollahra LPP. The DCP could also include guidance on parking and traffic related matters, public domain and urban design, and detail on conservation of the heritage item. A Draft DCP would be reported to a future meeting of Council, should the planning proposal proceed.

Should Council resolve to proceed with the planning proposal, Council could adopt the following alternative recommendation:

- THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.*
- THAT Council endorse the planning proposal as contained in **Attachment 1** of the report to the Environmental Planning Committee of 4 July 2022 to amend the Woollahra Local Environmental Plan 2014 to:*
 - Increase the maximum height of buildings development standard from 14.5m to 46m*
 - Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.*
- THAT Council staff prepare an addendum to the planning proposal to identify that any increase in the maximum height of buildings and maximum floor space ratio development standards be permitted by way of an exception to the mapped development standards and subject to satisfactory consistency with the provisions of a specific clause in the Woollahra Local Environment Plan 2014 which includes:*
 - Site amalgamation (with one development over the entire site).*
 - Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
 - Specifying a minimum quantum of non-residential Floor Space Ratio.*
 - Provision of Affordable Housing consistent with Council's adopted policy (as a percentage of the additional residential floor space).*
 - Design Excellence (to be achieved through a competitive design process).*
 - Commitments to sustainability beyond those required by BASIX (including registration with the Green Buildings Council of Australia and Green Star Buildings Rating).*
 - A specified mix of apartment sizes.*
 - Provision of, or contribution towards, community infrastructure.*

- D. *THAT the applicant be requested to submit a further urban design and traffic analysis to address:*
- (i) *Whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and*
 - (ii) *Defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.*
 - (iii) *The cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.*
- E. *THAT when the revised urban design and traffic analysis is received, Council forwards the planning proposal to the Department of Planning and Environment with a request for a Gateway Determination to allow public exhibition.*
- F. *THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environment plan under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- G. *THAT prior to exhibition, Council adopt a site specific Draft Development Control Plan that provides detail on the design of any development on the site, including, but not limited to:*
- (i) *Conservation of the heritage item*
 - (ii) *Car parking*
 - (iii) *Vehicle access and egress*
 - (iv) *Defining a building envelope in the form of a podium with tower.*
 - (v) *Building envelope that is commensurate with the maximum height and floor space*
- H. *THAT any planning agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
- I. *THAT should a Gateway Determination be received, the planning proposal, site-specific draft development control plan and any draft planning agreement must be publicly exhibited concurrently*

Public Benefit

The Woollahra Voluntary Planning Agreement Policy 2020 (Woollahra VPA Policy) incorporates section 7.4(1) of the EP&A Act and states

that a planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority and a person (the developer) (a) who has sought a change to an environmental planning instrument.

By virtue of this planning proposal the applicant is seeking to change an environmental planning instrument (Woollahra LEP 2014) and is currently seeking to enter into a negotiation with Council regarding a VPA. This negotiation is being managed by Council's Director Infrastructure and Sustainability for reasons of probity (as per the Woollahra VPA Policy).

Should Council or the Sydney Eastern City Planning Panel support the planning proposal, a contribution towards improved community infrastructure is appropriate to ensure a public benefit is achieved in tandem with the proposed development.

Community Engagement and / or Internal Consultation:

No community engagement has been undertaken to date, other than a notification to the applicant consultant team of the Woollahra LPP meeting.

Should Council resolve to support the planning proposal, public exhibition of the planning proposal would be undertaken in accordance with the requirements of the Act, the Regulations and the Gateway determination issued by the DPE as delegate for the Minister. To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. Part F of the alternate recommendation above requests authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act.

After public exhibition, the planning proposal and submissions received would be reported to a meeting of Council.

Policy Implications:

Should Council or the Sydney Eastern City Planning Panel support the planning proposal, and should the planning proposal progress to finalisation, there will be policy implications by changing planning provisions in the Woollahra LEP 2014 and Woollahra DCP 2015.

Financial Implications:

The applicant has paid planning proposal lodgment fees in accordance with Council's adopted Fees and Charges.

Resourcing Implications:

Should Council or the Sydney Eastern City Planning Panel support the planning proposal, staff resource implications will be associated with progressing a planning proposal which will include managing the public exhibition and preparing a post exhibition report to a meeting of Council.

Conclusion:

This report provides the advice of the Woollahra LPP on the owner initiated planning proposal to amend the planning controls for 136-148 New South Head Road, Edgecliff.

The Woollahra LPP provided advice to Council that the planning proposal does not have *sufficient* strategic or site-specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the Draft ECC Strategy.

Council staff recommend that Council refuse the planning proposal at **Attachment 1** and proceeds to notify the applicant under Clause 9 of the Regulations.

Attachments

1. Planning Proposal - 136-148 New South Head Road, Edgecliff (prepared by staff) [📄](#)
2. Staff Assessment - Owner initiated planning proposal for 136-148 New South Head Road, Edgecliff [📄](#)
3. Report to the Woollahra LPP meeting of 22 April 2022 (excluding attachments) [📄](#)
4. Applicant's Planning Proposal Report - 136-148 New South Head Road, Edgecliff [📄](#)
5. Document list (submitted with the planning proposal) [📄](#)

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13. Reports of the Committees

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 5 February 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL FOR 136 - 148
NEW SOUTH HEAD ROAD, EDGECLIFF**
Authors: Wai Wai Liang, Strategic Planner
Chinmayi Holla, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/200934
Purpose of the Report: To report on the public exhibition of the planning proposal for 136 – 148
New South Head Road, Edgecliff.
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 Councillor Witt.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Jarvis left the meeting, the time being 7.06pm.

Note: Councillor Zeltzer left the meeting, the time being 7.06pm.

Note: Councillor Swan left the meeting, the time being 7.42pm.

Note: Councillor Swan returned to the meeting, the time being 7.43pm.

(Carmichael/Shapiro)

7/24 Resolved:

THAT Council:

- A. Notes the matters raised during the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. Forwards the submissions, post exhibition report and amended planning proposal for 136-148 New South Head Road to the Department of Planning, Housing and Infrastructure as the local plan-making authority, with a request that the Minister (or delegate) makes the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

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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 Cavanagh
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Witt

7/5

Note: Councillor Jarvis and Councillor Zeltzer were not present for the vote.

Item No: R2 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - VOLUNTARY PLANNING AGREEMENT FOR 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/218390
Purpose of the Report: To provide an update of the exhibition of a VPA
Alignment to Delivery Program: Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

Note: Late correspondence was table by Richard Pearson, Council's Development Manager, Strategic Projects.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Jarvis is a representative of the Sydney Eastern City Planning Panel. Councillor Jarvis left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item as Councillor Zeltzer is an alternate representative of the Sydney Eastern City Planning Panel. Councillor Zeltzer left the meeting, did not participate in debate or vote on the matter.

Note: Councillor Elsing left the meeting at 8.17pm.

Note: Councillor Elsing returned to the meeting at 8.20pm.

Note: The Council amended original Part B, deleted original Part C, amended original Part D which became Part E and added new Part C and D of the Resolution.

(Carmichael/Shapiro)

8/24 Resolved:

THAT Council:

- A. Note the report which provides an analysis of submissions received on the draft Voluntary Planning Agreement (VPA).

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- B. Note that no changes to the draft Voluntary Planning Agreement (VPA) are proposed, subject to minor drafting amendments.
- C. Note that \$2.7 million is anticipated for affordable housing as part of the Voluntary Planning Agreement (VPA).
- D. Request that the General Manager assess potential Woollahra Council owned sites that would be suitable for delivery of affordable housing.
- E. Authorises the General Manager to enter into the Voluntary Planning Agreement (VPA) prior to the gazettal of the planning proposal.

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 Cavanagh
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne

Against the Motion

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Witt

7/5

Note: Councillor Jarvis and Councillor Zeltzer were not present for the vote.

Item No: R3 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL TO LIST THE ST GEORGE GREEK ORTHODOX CHURCH, ROSE BAY AS A LOCAL HERITAGE ITEM**
Authors: Eleanor Banaag, Senior Strategic Heritage Officer
Kristy Welfare, Acting Team Leader Heritage
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/231325
Purpose of the Report: To report on the public exhibition of the planning proposal to list the St George Greek Orthodox Church, Rose Bay as a local heritage item.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

Note: Councillor Jarvis returned to the meeting, the time being 8.34pm.

Note: Councillor Zeltzer returned to the meeting, the time being 8.34pm.

Note: Councillor Shapiro left the meeting, the time being 8.34pm.

Note: Councillor Shapiro returned to the meeting, the time being 8.35pm.

Item No:	R4 Recommendation to Council
Subject:	DELIVERY PROGRAM 2022/23 TO 2025/26 AND OPERATIONAL PLAN 2023/24 PROGRESS REPORT JUNE 2024
Author:	Petrina Duffy, Coordinator Strategy & Performance
Approvers:	Sue Meekin, Director Corporate Performance Scott Pedder, Director Planning & Place Patricia Occelli, Director Community & Customer Experience Tom O'Hanlon, Director Infrastructure & Sustainability
File No:	24/133365
Purpose of the Report:	To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 30 June 2024.
Alignment to Delivery Program:	Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Recommendation:

THAT the June 2024 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

Executive Summary:

Council adopted its Operational Plan 2023/24 on 26 June 2023 and a revised Delivery Program 2022/23 to 2025/26 on 28 November 2022 in accordance with the Integrated Planning and Reporting (IPR) Legislation for NSW Local Government. The Delivery Program (DP) and Operational Plan (OP) are two of the strategic planning documents that comprise Council's IPR Framework.

It is a requirement under the IPR Legislation that Council report on the progress of its Delivery Program at least every six months. This progress report is for the six month period January 2024 to June 2024.

Discussion:

The progress report is attached as **Attachment 1**.

The framework for the progress report is presented by Key Service Areas:

- Environment & Climate Change
- Waste & Cleansing
- Parks, Trees & Recreation
- Land & Building Services
- Transport & Engineering
- Development Assessment
- Strategic Planning, Heritage Conservation & Place
- Compliance
- Governance
- Corporate Services
- Community Services, Culture & Arts
- Library Services
- Customer Experience & Engagement
- Woollahra Preschool.

The full progress report is being presented to both the Finance, Community & Services and the Environmental Planning Committees. The progress report is being tabled as an 'R' item i.e. a Recommendation to Council, with the same Recommendation being tabled at each of the above-mentioned Committees as follows:

THAT the June 2024 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

Once approved by Council the final document will then be uploaded to Council's website as a record of Council's achievements for the period January – June 2024.

Options:

This report is for noting only.

Community Engagement and / or Internal Consultation:

This report has been compiled using information provided by Directors and Managers in relation to their area of budget responsibility. Once approved by Council the final document will be uploaded to Council's website as a record of Council's achievements for the period January to June 2024.

Policy Implications:

There are no direct policy implications arising from this report.

Financial Implications:

There are no direct financial implications arising from this report.


Resourcing Implications:

Resourcing implications are outlined within the report.

Conclusion:

This report draws together progress comments from the respective Council officers on the June 2024 progress of Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24. It is presented to inform the Committee and community of Council's progress in implementing the actions in its Delivery Program and Operational Plan.

Attachments

1. Delivery Program 2022/23 - 2025/26 and Operational Plan 2023/24 - Progress Report June 2024 [!\[\]\(ed3513375e5dc0b9e8a0af4e4f96cfb3_img.jpg\)](#) 



DELIVERY PROGRAM & OPERATIONAL PLAN PROGRESS REPORT

January - June 2024

Acknowledgement of Country

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



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Cooper Park Community Garden open day



Unveiling of the portrait of Brenda (Dutchie) Backhouse, first female Mayor of Woollahra, by artist Sally Ryan (pictured)

Cover image: An outdoor Story Time at Lyne Park, Rose Bay

Executive Summary



Welcome to the progress report for Council's Delivery Program 2022 - 2023 to 2025-2026 and Operational Plan 2023-2024, for the reporting period January – June 2024. As this is the

final report on the Operational Plan for 2023-2024, it is important that I share some highlights from this period.

At the 2024 Local Government Professionals Excellence Awards held in June 2024, Council were finalists across four projects categories as follows:

- Rose Bay Centre Connectivity Program
- Boosting Employee Wellbeing through an Early Intervention Program
- Our first Strategy for Improving the Customer Experience
- Charging the East- The Eastern Suburbs Electric Vehicle Charging Project (with our colleagues at Waverley & Randwick Councils).

Council were the winners in the category of People, Workplace & Wellbeing (for Councils with a population under 150,000) with our Boosting Employee Wellbeing through an Early Intervention Program. Our Early Intervention Program proactively addresses workplace injuries, ensuring the wellbeing of all staff, whilst minimising the impact of injuries on the organisation.

Council were also winners of the Special Project Initiative for populations over 150,000, in conjunction with our neighbouring Councils of Waverley and Randwick, for

our Charging the East - The Eastern Suburbs Elective Vehicle Charging project. Since 2019, this 3-Council team have spearheaded the ground-breaking initiative of designing and installing a network of public charging stations across the eastern suburbs. The project marked Sydney's first on-street public charging stations, representing the largest local government-backed on-street charging infrastructure in NSW.

Whilst winning awards is fantastic and much-welcomed recognition for the work the Council team does, none of this means anything unless we are able to continue to deliver for our community. In line with delivering for you, here are some other highlights from the last six months:

- Installation of 2 sets of binoculars the Jacobs Ladder viewing area and Christison Park, along with accompanying signage
- More than 70 volunteers assisted in litter collection at Rose Bay Beach as part of Clean Up Australia in March 2024
- A Seed Library was launched at the Watsons Bay Library
- Completion of the renovation of the Vaucluse Bowling Club
- Continued to clean and maintain our LGA-wide business centres every day
- 5,299 tonnes of general waste was collected during the reporting period and 2,643 tonnes of recycling was also collected
- The much anticipated upgrade of the Lyne Park, Rose Bay playground continued, with an opening due in August 2024
- The upgrade to Bay Street, Double Bay was completed, with the upgrade providing a vastly improved and inviting entrance into the heart of Double Bay

- There were 448 Development Applications and modification applications lodged with Council during the reporting period
- Adoption by Council of the Edgecliff Commercial Centre Strategy
- A Data Breach Policy & Response Plan was adopted by the General Manager and implemented across the organisation
- Council's Workforce Management Strategy was reviewed, updated and endorsed by Council
- A Youth Week event was held in May 2024
- A total of 25 exhibitions were held at the Woollahra Gallery at Redleaf
- There were 312,034 loans recorded across our Libraries for the reporting period.

As you can see from the above snapshot, there has been much achieved over this past six months, with much more still to come.

As this is the last report on our 2023-2024 Operational Plan, it also signifies the last report for the current term of Council. The current Woollahra Councillors were elected in December 2021 and their term will end in mid-September, with the local government elections taking place on Saturday 14 September 2024.

I want to take this opportunity to thank all the Councillors for their incredible efforts over this term of Council. From moving on from the impacts of the COVID-19 pandemic, to making some tough financial decisions to ensure the ongoing financial sustainability of Council; from adopting the Urban Forest Strategy through to adopting the Double Bay and Edgecliff Strategies, this Council has made a range of major decisions that will positively

impact on the lives of Woollahra residents, businesses and visitors for many years to come.

Dedicating yourself to delivering for your community as an elected Councillor is without doubt, one of the toughest jobs around and we are very fortunate as a local government area, to have had such a dedicated group of Councillors working for us every day. We thank you for all you have done and we wish you all well for the future.

Having said all of that, there is still plenty to do and to deliver and we look forward to continuing to do that throughout 2024-2025.

Craig Swift-McNair,
General Manager

Understanding this report

We have used a traffic light system to indicate the progress of our Operational Plan actions:









Notices of Motion


A Notice of Motion (NOM) is a request for action adopted by Council during the financial year. Councillors can raise a NOM at formal Council meetings. NOMs are not resourced in the adopted Operational Plan and related Budget at the commencement of the financial year and therefore resources with which to undertake the actions from a NOM, will normally form part of the consideration by Council prior to adopting a NOM. Where resourcing is required to deliver a NOM action/s, this may lead to delayed delivery of already adopted Operational Plan actions. Council staff will keep Councillors informed of any potential delivery impacts to existing Operational Plan action as a result of a NOM or NOMs being adopted by Council.

In the following pages, NOMs are reported in three ways: New – being those NOMs received between January – June 2024; NOMs being actioned via the Council adopted 2023/24 Operational Plan and NOMs either Completed / In Progress / Not Yet Commenced.

In the period 1 January – 30 June 2024, new NOMs as listed below were received. This list reflects the status of the report as at 19 July 2024. Where a report has been tabled to the Finance, Community & Services Committee this is referred to as FC&S; where a report has been tabled to the Environmental Planning Committee this is referred to as EP; where a report has been tabled to the Strategic & Corporate Committee this is referred to as S&C.




NOM Date	NOM Subject & Brief Description	Status
Parks, Trees & Recreation		
<u>13/05/2024</u> 	Feasibility of further measures to protect tree canopy on private land in the Woollahra LGA Prepare a report on further development controls requiring the retention of established trees on private property.	In Progress; Internal discussions are progressing with a view to present the required report back to the appropriate Committee in Q2 FY24/25.
Transport & Engineering		
<u>12/02/2024</u> 	Bay Street Upgrade Congratulate Staff on the upgrade to the northern end of Bay Street, Double Bay. Also notes the work done on the Double Bay Ferry Terminal and that the Mayor write to TfNSW to express our appreciation and gratitude.	Completed.

NOM Date	NOM Subject & Brief Description	Status
Strategic Planning, Heritage Conservation & Place		
11/03/2024 	Best Street in Woollahra Council investigate and report back on the feasibility and method of implementing a "Best Street in Woollahra" yearly competition.	In Progress; It is anticipated that a report on this matter will be reported to a meeting of Council in August 2024.
13/05/2024 	Celebrate Woollahra Postcode 2025 Prepare a report, for consideration by Council, setting out a plan with recommendations for celebrating Woollahra and its postcode "2025", in 2025, together with suggestions for grant funding to assist with local business and community events in Woollahra during that calendar year.	In Progress; It is anticipated that a report on this matter will be reported to a meeting of Council in August 2024.
Corporate Services		
11/03/2024 	Integrity in Local Government Request the General Manager table a report at the 13 May 2024 Council meeting and Council resolves into the future to have Councillors publicly disclose their meetings with registered lobbyists, property developers and residents' associations that a Residents' Association, Lobbyist and Property Developer Register.	Completed; A subsequent Notice of Motion was presented to the Council on 13 May 2024 requesting the General Manager write to the NSW Office of Local Government (OLG) and the NSW Minister for Local Government, The Hon. Ron Hoenig affirming Council's support for increasing integrity in local government and seeking confirmation from the OLG on when they will release for consultation a draft Lobbying Policy following consultation undertaken by the OLG previously on lobbying guidelines in 2022.
25/03/2024 	Reduction in the Number of Councillors Council request the General Manager table a report at the 24 April 2024 Council meeting regarding potential costs in holding a non-binding Council Poll of electors at the 14 September 2024 Council election and reduction in Woollahra Councillors.	Completed; A report was presented to Council on 13 May 2024. Council resolved to hold a Constitutional Referendum at the 14 September 2024 Local Government elections in order to seek a binding decision of the electors on a proposal to reduce the number of Councillors from 15 to 9.

NOM Date	NOM Subject & Brief Description	Status
Community Services, Culture & Arts		
12/02/2024 	Council Sponsorship - Support for the Arts, Commerce, Events and Cultural activities which deliver a more connected, thriving and prosperous community in Woollahra The GM table a report to the FC&S meeting of the 02/04/2024 detailing how Council could establish mechanisms for sponsorship of organisations and/or events that meet certain criteria.	Completed; Council adopted the amended Donations and Sponsorship Policy and Outgoing Sponsorship Program Guidelines in June 2024. The new annual Outgoing Sponsorship program will commence in 2024/25 with a budget of \$50,000.

Notices of Motion actioned via the Operational Plan 2023/24




Resourcing has been allocated to address actions arising from the following open Notices of Motion in the current Operational Plan 2023/24. Progress comments will appear in this report under the relevant priorities.





NOM Date	NOM Subject	Priority	Page
Parks, Trees & Recreation			
13-Feb-23 	A Swimmable Harbour In Progress; refer to the action for details.	5.1.1	32
Strategic & Heritage Planning & Place			
14-Feb-22 	Substations & Electrical Infrastructure Completed; refer to the action for details.	4.1.1	46
14-Feb-22 	Strengthening Protections for Character Buildings Completed; refer to the action for details.	4.2.1	47




Previous Notices of Motion Completed, In Progress or Not Yet Commenced during this reporting period






The below Notices of Motion were received prior to 1 January 2024. Resourcing has been allocated to prepare responses to the Notices of Motion during the reporting period. This list reflects the status of the report as at 19 July 2024. Where a report has been tabled to the Finance, Community & Services Committee this is referred to as FC&S; where a report has been tabled to the Environmental Planning Committee this is referred to as EP; where a report has been tabled to the Strategic & Corporate Committee this is referred to as S&C.





Note: Notices of Motion reported as completed in previous progress reports do not appear in this list.





NOM Date	NOM Subject & Brief Description	Status
Environment & Climate Change		
27-Feb-23 	Solar Canopies For Car Parking Lots And Rooftop Car Parks Prepare a report, subject to funding being considered and approved as part of the Council budget process, to investigate the feasibility of installing or providing a strategy to install raised solar canopies in parking lots owned or managed by Council.	In Progress; A review of Council carparks has been undertaken. Kiaora carpark was identified as a potential site for a solar canopy, and consultants have undertaken a feasibility study. A report addressing the NOM will be provided to Council in August 2024.
Parks, Trees & Recreation		
06-Apr-20 	Street Play Initiative Report on feasibility of undertaking a 'Street Play Initiative' trial in Woollahra similar to the Waverley Council Street Play initiative.	In Progress; An action has been included in the new Play Space Strategy adopted by Council 24/07/23. A report outlining the feasibility of this initiative is planned for Q2 FY2024/25.
11-Apr-23 	Synthetic Turf Requests that staff give consideration to the findings and recommendations of the Department of Environment and Planning report of August 2021, and the Chief Scientist's progress report, when reviewing and reporting a final version of its Plans of Management for Woollahra's parks and its Recreation Strategy.	In Progress; The Chief Scientists report is finalised and currently being reviewed by staff. Consideration to the findings and recommendations will be included in any future proposals. Council staff are actively involved in the State Government Synthetic Turf in Public Open Space working party.



NOM Date	NOM Subject & Brief Description	Status
10-Jul-23 	AUSGRID Aerial Bundled Cabling (ABC) Recommending that Council note its draft Urban Forest Strategy 2024-2050 and canopy cover target. Requesting the GM report on how much electricity will be converted to ABC, financial implications etc.	In Progress; Internal discussions are on-going in preparation for a follow up report to Council. Staff are in consultation with the AusGrid Vegetation Management group and also consulted with SSROC regarding a joint application for funding under the AusGrid ABC program. The initial funding application was not successful and SSROC are requesting further meeting with AusGrid. Until we get further direction about funding we are unable to complete the resolution and provide the necessary information in the follow up report.
27-Nov-23 	Gugara Park Prepare a report on considering the need to provide toilet facilities in Gugara Park including costings and any funding requirements.	Completed; A report was presented to the FC&S Committee on 6 May 2024. Council resolved to proceed with community consultation on 13 May 2024. Consultation to occur in Q2 FY24/25.
11-Dec-23 	Landscaping and Public Seating on the Corner of Peaker Lane and Moncur Street Protect trees (other than Celtis trees) and remove hedging as required from the pocket park on the corner of Peaker Lane and Moncur Street, and install public seating in that pocket park.	Completed; Works are completed at Peaker Lane pocket park with the installation of public seating and landscaping.
Transport & Engineering		
25-May-20 	Street Inlay Audit and Rectification Undertake an audit of all 493 street inlays (set out in Annexure 1 of report to Urban Planning Committee on 23/02/2015).	In Progress; Information provided as part of this Audit involves detailed information from various departments across Engineering, Planning and Enforcement. It is anticipated a report will be presented to Council in Q1 FY2024/25. Staff have recently completed the successful replacement Street Name Inlay, which is an exact replica of the prior missing inlay, at Richmond Road Rose Bay. After close internal collaboration with Asset and Planning teams within Woollahra, we were able to source and work with bespoke manufacturing specialists to produce

NOM Date	NOM Subject & Brief Description	Status
		new street name inlays along with a suitable and robust installation process. Staff can now co-ordinate with others such as the Developer at the new corner property on Old South Head Road and Victoria Road. New footpath is being installed mid-July 2024 (by the developer) and will include the installation of new street name inlays.
29-Sep-20 	Pedestrianisation and Traffic Calming Measures for Rose Bay Prepare a report on opportunities to promote the better pedestrianisation of the Rose Bay area; traffic movement and traffic density in the area and the possibility of introducing lower speed limits in residential roads and laneways.	In Progress; A report will be presented to the Traffic Committee on 2 July 2024, for the High Pedestrian Activity Area for Rose Bay Centre. The Study introduces 40km/hr to a number of local streets in Rose Bay. This matter will then be considered at FCS on 5 August 2024 for approval.
5-Jul-21 	Truck Staging Area for Developments Call for State Government to plan and designate Truck Staging Area for Developments in Eastern Sydney – Adopt as part of the development consent process for all development a designated truck staging area away from residential streets.	In Progress; This task is delayed as staff are seeking to develop a common position with neighbouring Councils regarding a suitable truck staging location for developments in the Eastern Suburbs. It is anticipated that a letter will be sent to the Planning Minister in Q1 of FY24/25.
29-Sep-20 & 14-Jun-22 	Hydrogeological and geotechnical study for the Rose Bay/Lower Bellevue Hill Catchment Area Undertake a hydrogeological and geotechnical study for the entire Rose Bay basin area from the Bellevue Hill ridgeline, similar to the study recently undertaken for the Double Bay region. & Geotech expert study of Bellevue Hill below the ridgeline at Drumalbyn Road to begin immediately on 1 July 2022 Prepare a scope of works for hydrogeological and geotechnical study for the entire Rose Bay basin area from the Bellevue Hill ridgeline.	In Progress; A report was presented to EPC meeting on 3 June 2024 and Council meeting 10 June 2024, however this item was deferred for further information. It is anticipated this matter will be presented again at EPC and Council meeting in August 2024.

NOM Date	NOM Subject & Brief Description	Status
25-Jul-22 	Angled Rear To Kerb Car Parking In Double Bay Investigate the feasibility (including costs) of implementing angled rear to kerb car parking in Double Bay, for the purpose of addressing the loss of parking and revenue in Knox Street due to the proposed pedestrianisation including consideration of any impact on building a safe cycle network.	In Progress; Noting that Council's Traffic Engineering team have been under resourced (x 2 Traffic Engineers) until mid-2024, this investigation had to be placed on a hold. Council's Traffic and Transport team has recently been successful in hiring new staff, and this investigation will be undertaken in Q1 of FY24/25 and reported to LTC and FCS.
31-Oct-22 	Kiosk Substations Make inquiries of Ausgrid as to whether any areas in the Woollahra municipality have reached electrical grid capacity and as to why there are so many installations of kiosk substations in the municipality.	In Progress; Manager Engineering Services is having ongoing discussions with Ausgrid on the issue. Council staff plan to advocate through SSROC and State Government, to minimise the impact of electrical infrastructure on the public domain.
12-Dec-22 	No Right Hand Turn Into Knox Street From New South Head Road Liaise with Transport NSW as soon as reasonably practical to review the Knox Street intersection to improve vehicular safety by prohibiting right hand turns into Knox Street from New South Head Road, Double Bay.	In Progress; Council staff have written to TfNSW representatives on this matter and discussions are still ongoing. Staff anticipate an update on these discussions which will be included in a report back to Council in September.
27-Feb-23 	Quarry Street, Paddington Requests that a 10km/hr zone be marked at Quarry Street, Paddington.	Completed: Installation of new signage to enhance pedestrian and cyclist safety within Quarry Street, Paddington, is completed. New 10km/hr signs, 'slow point' signs, advisory cycling route signs and associated chevron arrow signs have been included as part of these works.
10-Jul-23 	Pedestrian Safety near Corner Suttie Road, Attunga Street. Manning Road and Edward Street Requesting staff identify pedestrian safety opportunities in the areas of the nominated streets.	Completed; A report was presented to the Traffic Committee on 4 June 2024, on the traffic investigation for this intersection. This matter was considered at FCS on 1 July 2024 and was subsequently adopted by Council. This will now progress to detail design with the intent that Council staff will seek funding opportunities through State and Federal Government Grants.

NOM Date	NOM Subject & Brief Description	Status
14-Aug-23 	Councils to Implement a Community Education Program on Road Rules for Bike Use Prepare a report detailing the likely costs and resourcing impacts of undertaking a joint community education program with Waverley and Randwick Councils around implementing a road rules for bikes program and undertake an assessment of the current NSW road rules for bike use.	In Progress; Discussions between neighbouring Councils are still ongoing. This task is delayed as staff are seeking to develop a common position with neighbouring Councils regarding a joint community education program which will include resourcing and cost implications. A report to Council will be presented in the first quarter of FY2024/25.
28-Aug-23 	Expansion of Park n Pay App to Unmetered Short Term Parking Areas Investigate and provide a report detailing the manner in which the Park n Pay app may be used to assist with turnover of car spaces in short term unmetered parking areas, for example areas with parking of 15 minutes or less that are often placed around childcare centres and schools, such report to consider where a trail for use of this app can be implemented as soon as possible.	In Progress; This matter will be further considered subject to the continuation of the use of the Park'n'Pay app, noting that in late 2023 the NSW State Govt put out a statement advising they would not continue the funding for the existing app. Until the support for this app is determined, Council cannot progress with available options for the app or alternatives that can be explored. A report on this will proceed once clarification is provided by the NSW Government on the future of the app.
15-Nov-23 	Parking Applications - Park n Pay or Similar Prepare a report on the costings of continual use of Park n Pay or similar applications in the Municipality.	In Progress; This matter is still being investigated in conjunction with the above outstanding NOM regarding Park n Pay.
Strategic & Heritage Planning & Place		
28-Aug-23 	No Net Loss of Dwellings Prepare a planning proposal to include objectives and controls in the Woollahra Local Environmental Plan 2014 to prevent the net reduction of dwellings on development sites; and; Amend the Woollahra Development Control Plan 2015 to require a Social Impact Statement (or similar documentation) to be provided where a reduction in dwelling numbers is proposed on a development site.	In Progress; A report will be provided to Council on how to proceed pending the outcome of the Sydney City and Waverley Council requests for planning proposals to address dwelling loss. Both of these requests have been "under assessment" by the DPHI for months, with Sydney City's dwelling retention planning proposal lodged in January 2024.

NOM Date	NOM Subject & Brief Description	Status
Compliance		
25-Jul-22 	Impacts Of Site Contamination Prepare a report in relation to the impacts of site contamination to strengthen Council's planning controls regarding site contamination and disposal of contaminated site water during construction.	In Progress; Will be completed by September 2024.
15-Nov-23 	Compliance With Housing SEPP in Respect of Independent Living Units for Seniors Housing Compile a register of all developments approved as independent living units for seniors or those living with a disability under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) in the municipality and monitor ongoing compliance with the Positive Covenant.	In Progress; To be reported to Council August 2024.
11-Dec-23 	Air Conditioning In Heritage Conservation Areas Prepare a report on Council's enforcement regime for unauthorised air conditioning installations in heritage areas, advancements in air conditioning technology and options for updating heritage controls.	In Progress; To be reported to Council September 2024.
Governance		
26-Oct-20 	Councillor Indemnification Prepare a report for consideration by Council on the merits of reviewing Council's current Payment of Expenses and Provision of Facilities Policy so that Councillors acting in good faith in their role as a Councillor are indemnified for reasonable expenses incurred by them in defending legal proceedings and/or obtaining medical services and/or relation to any property damage.	In Progress; Council's Payment of Expenses and Provision of Facilities Policy will be presented to the new Council and further information on indemnification will be provided at this time.

NOM Date	NOM Subject & Brief Description	Status
26-Apr-21 	Legal Services Panel Review Present a recommendation on a way forward to reconstitute the former Legal Services Review Panel.	Completed; Legal advice has been received and an update was provided to Cirs Robertson, Shapiro and Wynne. Further discussions held in the fourth quarter of 2023/24 determined that in light of the other mechanisms Council now has in place, a reconstitution of the legal services review panel is no longer required.
Customer Experience & Engagement		
15-Nov-23 	Funding Portrait Painting of Brenda (Dutchie) Backhouse Commission a portrait painting of Brenda (Dutchie) Backhouse, being the first woman to become Mayor of Woollahra Council (1978-1979) with the portrait to be funded by Council's Public Art Reserve.	Completed; The portrait of the first female Mayor of Woollahra, Brenda (Dutchie) Backhouse, was unveiled at the IWD Event in March 2024. Mayor and Deputy Mayor officiated the event and did the portrait unveiling.

Environmental

January - June 2024 highlights



Whale watching signage



Habitat hollow



Local Government Excellence Awards

Nature watch

2 sets of binoculars have been installed at Jacobs Ladder viewing area and Christison Park along with accompanying signage.

Sustainability

We have created 6 habitat hollows in a large Eucalyptus tree on the edge of Cooper Park. The wildlife in our local area that rely on hollows include possums, rainbow lorikeets, kookaburras, king parrots, sulphur-crested cockatoos, owls, microbats, skinks, frogs and more.

Winner

We were recognised at the 2024 Local Government Excellence Awards for our Charging the East - The Eastern Suburbs Electric Vehicle Charging Project (with our colleagues at Waverley & Randwick Councils).

Economic

January - June 2024 highlights



Grant-funded yoga at Gap Bluff, Watsons Bay

Grants Program

Placemaking Grant recipients for 2024/25 include Yoga at Gap Park.



"Woollahra 2025" event



Woollahra 2025

Inception meeting with small business facilitated by The Queen Street and West Woollahra Association to brain storm event ideas to celebrate "Woollahra 2025" in 2025.



Inter-War Flat Building example Hillside, Woollahra



Heritage

A Thematic History of the LGA during the Inter-War period has been prepared by GML Heritage, the first step in completing the Inter-War Flat Building study.

Civic Leadership

January - June 2024 highlights



Local Government Excellence Awards



Winner

We were recognised at the 2024 Local Government Excellence Awards for our Early Intervention Program which proactively addresses workplace injuries.



Clean Up Australia Day event at Rose Bay Beach, 3 March 2024



Volunteers

Our Clean Up Australia Day event was focussed on litter collection at Rose Bay beach. More than 70 volunteers gathered and removed over 78kg of waste.



Staff volunteers planting trees at Cooper Park



Tree planting

Staff volunteers planting trees at Cooper Park in their lunch break.

Social

January - June 2024 highlights



Social event held for Woollahra Preschool parents 17 March 2024.



Citizenship ceremony celebrations 12 June 2024.



Seed Library event at Watsons Bay Library 23 April 2024.



Connection

In response to feedback from parents, we hosted a social event for our Preschool parents to meet and get to know each other better at Woollahra Gallery at Redleaf in March.



Celebration

We welcomed 162 new citizens over 5 Citizenship ceremonies.



Seed Library


A seed Library and associated programming was launched in collaboration with local community gardens in April with an event featuring poetry readings by local author Ailsa Piper at Watsons Bay Library.



Environment & Climate Change

Strategy 5.4: Reduce impacts of local flooding and improve floodplain risk management.



Ref	Priority	Progress Comments
5.4.1	Ensure appropriate Floodplain Risk Management Plans are in place for the various catchments in Woollahra.	<p>Floodplain Risk Management Plans are progressively being developed for various catchments within the Woollahra Municipality. Once these Floodplain Risk Management Plans are completed they are referred to the Woollahra Flood Risk Management Committee and Council's Environmental Planning Committee for adoption.</p> <p>Flood studies and plans for Vaucluse and Darling Point have remained a priority. Funding applications were submitted to Department of Planning and Environment in April 2024 to develop flood studies and plans for Vaucluse and Darling Point, subject to grant funding availability from the FY2024-25 Floodplain Management Program. Staff will also continue to commission these high priority studies through other resources and funding opportunities.</p>

Project / Deliverable	Due By	Status	Stage	Progress Comments
Complete Plans for Vaucluse and Darling Point catchments and refer to the Floodplain Risk Management Committee for Council adoption, subject to funding from the Dept. Planning & Environment.	Project is subject to successful grant funding being available from the Dept. Planning & Environment. Funding applications to be submitted once grant period is confirmed.	<p>Delays</p> 	Awaiting external gateway approval	Funding applications were submitted to Department of Planning and Environment in April 2024 to develop flood studies and plans for Vaucluse and Darling Point, subject to grant funding availability from the FY2024-25 Floodplain Management Program. The outcome of these applications are still pending from DPE.

Ref	Priority	Comments
5.4.2	Develop and implement a five year Capital Renewal Program for stormwater drainage infrastructure and management of stormwater pollutants.	<p>Stormwater Drainage Infrastructure Program has been developed and is based on various Council Flood Studies and Flood Risk Management Studies and Plans.</p> <p>In June 2023 Council was advised by the Independent Pricing & Regulatory Tribunal (IPART) that our application for a Special Rate Variation was successful. This will provide \$13.9m in funding over 10 years to complete priority projects to expand the capacity of our stormwater network, as well as funding an increased level of drainage and pipe repair works across the LGA to ensure the network is functioning at optimum efficiency. As part of the FY2023/24 with the inclusion of the SRV, design plans are underway for Cecil Street, Paddington, and Edgecliff Road, Woollahra, and will continue into FY2024/25.</p>

Strategy 7.1: Protect and maintain trees, streetscapes, natural landscapes and biodiversity including the protection and restoration of bushland areas.


Ref	Priority	Progress Comments
7.1.3	Educate and partner with the community on the protection of natural areas and waterways, including Bushcare.	Council has continued to partner with the community to protect natural areas through the Bushcare program, with 10 groups supported. Council has also continued to support community clean ups of our harbour areas through the HarbourCare Program. Council has also provided support to community gardens, with the renewal of the Rose Bay Community Garden Licence Agreement, and attendance at AGMs and open days.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Support and promote Council's HarbourCare Program and other community engagement activities.	Volunteer groups supported on request, annual Clean Up Australia Day community activity held March 2024.	Completed / Achieved 	Complete	<p>Council supported 28 HarbourCare Clean-up events by community and corporate groups from January to June. In addition, Council supported local schools including Kincoppal Rose Bay and The Scots College to undertake 18 beach cleans over the six month period.</p> <p>On Clean Up Australia Day (3 March) Council held a beach clean event at Rose Bay Beach, with over 70 volunteers attending and collecting over 78kg of litter.</p>
Support and promote Council's Bushcare Programs and other engagement activities, including support and coordination of Bushcare groups.	Ongoing, 30 June 2024.	Completed / Achieved 	Complete	<p>Council continued to coordinate the Bushcare program across 10 sites. Over 1,094 hours of volunteer work have been completed during this period. 8,500 plants have been potted into tubestock and a further 1,915 plants have been planted. There has also been 3 corporate Bushcare Groups working at Cooper Park and Lighthouse reserve.</p>


Ref	Priority	Progress Comments
71.4	Implement actions from the Biodiversity Conservation Strategy.	The Biodiversity Conservation Strategy has been reviewed and updated. A draft will be reported to Council in the next six months. Biodiversity projects in this reporting period have included: habitat planting at Woollahra Golf Course to protect the Powerful Owl, habitat planting at Cooper Park and Rose Bay Park, ongoing monitoring of the seahorse population, creation of hollows for habitat, and development of a vegetation management plan for the Vaucluse Beach Paddock area, and Council's annual Backyard Habitat workshop program.

Strategy 7.2: Support cleaner, healthier waterways including improved water quality and healthy water catchments, creeks and harbour.

Ref	Priority	Progress Comments
72.1	Implement a five year Capital Renewal Program for stormwater drainage infrastructure and management of stormwater pollutants.	Capital Renewal Program projects are incorporated into Council's future Capital Works program for renewal and/ or upgrade. As part of the Special Rate Variation funding, gross pollutant traps (GPTs) and water sensitive urban designs (WSUDs) will be incorporated where possible to mitigate and manage stormwater pollutants. The projects for FY2023/24 have been completed.
72.2	Implement a program of capital works for water quality improvement, including installation of stormwater quality improvement devices such as raingardens and Gross Pollutant Traps (GPT).	A number of capital works projects have been completed including installation of a gross pollutant trap treating stormwater from Bondi Junction, and a rooftop solar installation on the RANSA building. There have been some delays to some projects, such as the Collins Avenue stormwater harvesting and GPT due to longer than anticipated design processes. Design for these projects is now complete and they will be constructed in early 24/25.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement the \$620,000 Environmental Capital Works Program with a target of 90% of projects to be completed or under construction by end of FY23/24.	30 June 2024.	Delays 	Preparations	A number of capital works projects have been completed including installation of a gross pollutant trap treating stormwater from Bondi Junction. There have been delays to some projects, such as the Collins Avenue stormwater harvesting and GPT due to longer than anticipated design processes. Design for these projects is now complete and they will be constructed in early FY24/25. Contractors have been engaged to construct the Christison Park tank, this is expected to occur in Q1 of FY24/25.


Ref	Priority	Progress Comments
72.3	Collaborate with partners to develop and implement programs to improve water quality.	Collaboration with Beachwatch, Sydney Water, Transport for NSW, the Member for Vaucluse and members of the local community continues through the Rose Bay Beach Working Party, which met twice during this reporting period. Other collaboration on catchment-wide water quality issues has taken place with the Sydney Coastal Councils Group. This has included lobbying the NSW Government to continue funding Beachwatch water quality testing. Staff have also collaborated with the Sydney Institute of Marine Science to include Woollahra sites in the 'Project Restore' program for Sydney Harbour.




Project / Deliverable	Due By	Status	Stage	Progress Comments
Support the development of the Greater Sydney Harbour Coastal Management Program and other collaborative projects such as the Rose Bay Beach Working Party.	Attend quarterly Greater Sydney Harbour CMP working group meetings.	Completed / Achieved 	On schedule	Staff continue to support the development of a Coastal Management Plan (CMP) for Sydney Harbour. Due to lack of NSW Government funding for project management of the Greater Sydney Harbour CMP, the scope of the CMP has been reduced to cover the outer harbour only. A grant application is in preparation to continue the development of the CMP on this smaller scale.

Ref	Priority	Progress Comments
72.5	Take appropriate and timely action in response to pollution incidents.	Staff assist with pollution incident response as required. Compliance staff participated in Sydney Coastal Councils Group 'Get the Site Right' erosion and sediment control inspection and education day focusing on storm water pollution at building sites.

Strategy 8.1: Reduce greenhouse gas emissions.


Ref	Priority	Progress Comments
8.1.1	Provide programs and projects to reduce local greenhouse gas emissions.	Annual auditing of Council's carbon footprint for the FY2022/23 financial year is complete and application for our continued Climate Active certification of carbon neutral accreditation has been submitted. Programs to reduce community emissions continue to be implemented through the 3 Council Regional Environment Program, including supporting solar installations at RANSA through the Solar My Suburb program.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Expand the Electric Vehicle charging network with two additional public vehicle charging stations per annum.	30 April 2024.	Completed / Achieved 	On schedule	In the last six months seven public EV chargers have been installed on streetpoles in Paddington, Woollahra and Vaucluse. This brings the total installed in 23/24 to 9.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Develop and implement initiatives aimed at achieving community carbon reduction, including providing information to assist transition to all electric homes.	Workshops held quarterly.	Completed / Achieved 	Complete	In this reporting period information about reducing emissions and transitioning to 'all electric' was included in Council's e-newsletters. Articles about going electric and EV charging were included in Council's hard-copy newsletter, and case studies added to Council's website. Community workshops were held on the following topics: electric vehicles, installing electric vehicle charging in apartment blocks, and installing rooftop solar and batteries.
Participate in and implement projects arising from the Three Council Regional Environment Program including Solar My Suburb and Energy Smart Cafes.	Ongoing, 30 June 2024.	Completed / Achieved 	On schedule	The 3 Council Regional Environment Program has continued to roll-out the Solar My Suburb and Solar My School programs. Kambala has an installation planned and Cranbrook intend to install in early 2025. With the majority of schools in the East now complete, this program will wrap up in 2024. With support from the Solar My Suburb Program, a 36kW system was installed at RANSA and the Drill Hall in February. This will reduce emissions by 45 tonnes / year.
Participate in the Resilient Sydney program.	Participate in activities as scheduled.	Completed / Achieved 	Complete	Staff attended Resilient Sydney workshops and development of the resilience strategy and other Resilient Sydney initiatives were promoted on Council's social media platforms.

Strategy 8.2: Provide support to the community to reduce their environmental impact.

Ref	Priority	Progress Comments
8.2.1	Coordinate educational events and Council's Environmental Grants Program.	Council's Environmental Grants Program opened for applications in April 2024. Eleven grants were awarded supporting a range of community and school environmental projects. Support is provided to community groups, such as the community gardens, to implement environmental initiatives and hold educational events.



Project / Deliverable	Due By	Status	Stage	Progress Comments
Deliver Council's environmental grants program.	31 May 2024.	Completed / Achieved 	Complete	Council's Environmental Grants Program opened for applications in April. Eleven grants were awarded, supporting a range of community and school environmental projects including creation of habitat gardens for pollinators, installation of solar panels, upgrading lighting with energy efficient fixtures, supporting circular economy and improvements to community gardens.

Ref	Priority	Progress Comments
8.2.2	Implement the Environmental Education Program for each year.	Over the last six months a range of education sessions have been held for the local community, schools, and Council staff, as detailed below.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Plan and implement a program of environmental education initiatives to address a range of issues relating to the natural environment and sustainability.	12 initiatives delivered by 30 June 2024.	Completed / Achieved 	Complete	Over the last six months a range of education sessions have been held for the local community, schools, and Council staff, including: Community- marine education 'rockpool rambles', whale watching tours and design of a series of educational signs, a series of three 'Backyard Habitat' workshops, native plant propagation workshop, rooftop solar workshop, Rose Bay beach catchment walking tour, composting workshops, and EV charging workshops. Monthly Environment E-Newsletters were distributed to the database of subscribers and environmental content included in the hardcopy Woollahra newsletter. Schools- Eastern Suburbs Sustainable Schools Network events focussed on marine life and bush tucker gardens, Bee Day education at Macauley Primary School and Planting Seeds event at Vaucluse Public School. Staff- information session about circular economy, sustainable procurement, electric vehicles and a staff planting event at Cooper Park.

Strategy 8.3: Prepare for and adapt to the impacts of climate change.

Ref	Priority	Progress Comments
8.3.1	Develop and implement projects to enable climate change adaptation.	Climate change mitigation and adaptation is included as a Priority Action Area in Council's recently adopted Environmental Sustainability Action Plan. A Climate Change Risk Assessment and Adaptation Plan has been completed, presented to the Ecological Sustainability Taskforce and reported to Council.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement actions adopted by Council to address the climate emergency. Maintain Council's carbon neutral certification under the Climate Active Program.	Revised waste diversion targets, Carbon neutral auditing complete and submitted by 30 November 2023.	Completed / Achieved 	On schedule	Waste targets have been revised and are included in Council's Environmental Sustainability Action Plan. Auditing of Council's carbon footprint for 2022-23 has been completed, and carbon offsets have been retired to ensure that carbon neutral status is maintained. The documentation has been submitted to Climate Active for certification.
Finalise adoption of Council's Climate Change Risk Assessment and Adaptation Plan and commence planning for priority actions.	30 June 2024.	Completed / Achieved 	Complete	The Climate Change Risk Assessment and Adaptation Plan has been completed, presented to the Ecological Sustainability Taskforce and reported to Council. Actions have been included in the Environmental Sustainability Action Plan.

Strategy 8.5: Reduce potable water usage by Council and encourage reduced usage on private property.

Ref	Priority	Progress Comments
8.5.2	Implement projects to reduce Council's water usage.	Council's water use is monitored and any anomalies investigated. To assist with this sensors were installed on a number of high using sites over the last 6 months. In addition, a water conservation study is being undertaken for Rushcutters Park, Lyne Park and Yarranabbe Park.
8.5.3	Work with neighbouring Council's to implement programs aimed at reducing community water use.	The 3 Council Regional Environment Program has developed content for Council's website to promote the Sydney Water 'WaterFix' Program, which offers water saving programs for residential, strata, commercial properties and schools. The program and water saving tips have also been promoted on Council's social media platforms. In addition, information about how to save water at home has been updated on Council's website.

Waste & Cleansing

Strategy 5.2: Provide and maintain safe, clean, serviceable public infrastructure including roads, footpaths, bicycle facilities, parks, open spaces, stormwater drains and seawalls.





Ref	Priority	Progress Comments
5.2.1	Implement the infrastructure maintenance programs for all classes of public infrastructure.	During the reporting period, Council received 182 CRMs for footpath defects. Of these 179 were completed within this period. A further 195 were identified by Council inspectors, with 176 completed within this period. Many of these did not require works to be conducted, but were minor defects noted to monitor.




Strategy 7.2: Support cleaner, healthier waterways including improved water quality and healthy water catchments, creeks and harbour.

Ref	Priority	Progress Comments
7.2.4	Provide street cleaning services to minimise litter and dirt entering the stormwater drainage system.	There were 14 CRMs received and actioned for the cleaning of Business Centres during the reporting period. Scheduled cleaning and maintenance takes place 365 days a year within all Business Centres.

Strategy 8.4: Encourage and assist our community to be leaders in waste management and resource recycling.


Ref	Priority	Progress Comments
8.4.1	Encourage greater participation in waste reduction, recycling and other measures to minimise waste.	Our focus over the last 6 months has been to investigate current media, resources and website content to ensure information is up to date and redevelop materials that are out of date. Work has begun on the waste website and lack of visual content. The website is one of the main engagement tools for our community and adding an A-Z recycling content section will be a priority. Council continues to provide waste management services, events and programs. This included promotion and hosting compost workshops, continuing to provide school workshops via Keep Australia Beautiful, jointly hosting Recycle it Saturday, ongoing participation in the Compost Revolution program, E-waste recycling and promotion of services and activities via What's on, Environment and Woollahra newsletters. Investigation into expanding use for the e-waste truck for textile collection is also currently underway.



Project / Deliverable	Due By	Status	Stage	Progress Comments
Investigate alternative avenues to minimise good quality items being thrown out in the clean-up, including Red Cross and other charities. Investigation to be reported to Council when complete.	30 November 2023.	Completed / Achieved 	Complete	The red cross project has been completed. We are now looking at rescuing textiles for re-use and recycling in partnership with St Vincents.
Investigate options for potential collection of polystyrene and un-useable textiles in connection with the e-waste collection service. Investigation to be reported to Council when complete.	30 November 2023.	Delays 	Awaiting Council decision	We are investigating the possibility on partnering with City of Sydney to recycle polystyrene. They own a compaction machine and have a processor in place. The outcome of a partnership agreement is pending as we await further information from City of Sydney. There has been some progress with St Vincents and we are now looking to sign a MoU in the coming weeks. The E-waste truck and staff will be utilised for this service.
Work with selected large Multi-Unit Dwelling (MUD) complexes to trial permanent bins for on-site e-waste collection. Investigation to be reported to Council when complete.	31 March 2024.	Delays 	Preparations	Staff have investigated the possibility using our e-waste truck and existing staff, the type of e-waste that could safely be handled both by residents and staff and method of storage and collection. This proposal is still pending detailed discussion about program management before approaching selected unit blocks to trial.
Encourage greater participation in waste reduction, recycling and other measures to minimise waste via a bi-monthly stall at Double Bay market to promote Council initiatives and provide greater presence in the community.	Bi-monthly stall and regular updates to Council's website.	Completed / Achieved 	Complete	Plans have been made for two stalls in July in support of Plastic Free July. Other commercial areas are on the agenda for the latter part of the year.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Educate community and promote Food Organics Garden Organic (FOGO) waste diversion with a focus on MUDs. Education programs to relevant stakeholders to be undertaken; Encourage the recycling of organics through the 3 Council Compost revolution; Increase on the organic waste diverted from landfill.	Education programs to be scheduled quarterly and website updated with information on programs. Annual report on organic waste diversion statistics by 30 June 2024.	Completed / Achieved 	Complete	Wentworth Courier front page FOGO promotion and interviews occurred in March 2024 promoting the service. We continue to promote via our Council newsletters and website. FOGO is always featured in our end of year mailouts and a small supply of compostable bags and kitchen caddies remain. These can be collected by residents from the Council Chambers. We are also keeping an ear out for any further information from the EPA regarding FOGO program updates and legislation. At this stage we are well ahead of the mandates having provided a FOGO service for over 10 years. The compost revolution program continues and we take any opportunities for cross collaboration especially during National Composting Awareness week to enhance awareness for workshops and online activities.
Complete a review into truck signage to encourage waste reduction and recycling and other measures to minimise waste.	30 November 2023.	Completed / Achieved 	Complete	All truck art is complete. Review truck signage in 2 years time. Children's truck art competition is undertaken every two years with next planned for 2025.
Participate in regional waste avoidance/ reduction recycling projects and events, including National recycling week, Clean Up Australia Day, The Garage Sale Trail throughout the year (as scheduled).	Participate in Regional Events as scheduled throughout the year.	Completed / Achieved 	Complete	Council participated in Clean Up Australia day in March and Compost Awareness Week in May. Clean-Up Australia day was held on 3 March. More than 70 volunteers gathered at Rose Bay beach and removed over 78kg of waste. Less than a quarter of this material was recyclable. The most littered item was plastic wrappers with cigarette butts following closely behind. This year a couple of compost workshops were held both by compost revolution staff and Woollahra Council. There were 25 registered participants for our Woollahra workshop at the Rose Bay Community Garden (highest registration ever) but the weather was not on our side and we had to host the workshop in the Croquet club hall. Unfortunately less than half of the registered participants attended (mostly due to bad

Project / Deliverable	Due By	Status	Stage	Progress Comments
				weather). Council continues to engage Keep Australia Beautiful to run our waste programs in schools and early learning centres. The team visited 10 early learning centres and conducted various waste minimisation workshops across different topics. Glenmore Rd Public, Vaucluse Public and McAuley Catholic school also received workshops including composting and worm farming, Lunches unwrapped and Garbage to Garden. and the waste department.




Ref	Priority	Progress Comments
8.4.2	Conduct cost effective and efficient waste collection and recycling to residents and businesses and conduct organics recycling services.	Councils waste services are conducted in accordance with set budgets and schedules. 5,299 tonnes of general was collected in the reporting period which is 109 tonnes more than the same period in the previous year. 2,643 tonnes of recycling was collected during the reporting period which is 72 tonnes more than the previous year. FOGO service is provided to all residents with 2,191 tonnes of organics collected which is 74 tonnes more than the previous year.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Carry out the household clean-up collection service. The collection of non-recyclable bulky household items from 11 defined zones covering the Woollahra LGA, totalling 3 collections per zone annually.	Three collections per zone annually.	Completed / Achieved 	Complete	Clean-up has completed its first round this year and is at the beginning of the second round. Tonnage in the first half of the year is at 786.78 tonnes. This is up from the same time last year by 130 tonnes.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Promote recycling through the E-Waste service and problem waste drop off. Complete joint collections days with Waverley and City of Sydney Councils for problem waste as scheduled and promote E-waste service through Council website and other opportunities as they arise.	Participate in cross-council events as scheduled throughout the year and provide regular updates to Councils website.	Completed / Achieved 	Complete	Two events were undertaken successfully during this reporting period. Events were held in February and May. Attendees for Woollahra were up by 71% for the February event, which may be attributed to the letter sent out to all households at the end of last year and some social media videos which included our Mayor. We also had the addition of blister packs to our ever growing list of acceptable items.
Undertake a new recycling tender and award contract.	28 February 2024.	Completed / Achieved 	Complete	The recycling tender is complete and has been awarded to current contractor URM. The new contract will begin 1st August 2024.

Parks, Trees & Recreation


Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life..



Project / Deliverable	Due By	Status	Stage	Progress Comments
Undertake investigation of swimming sites in the western harbour area of the LGA. [NOM 13/02/2023]	31 March 2024.	Completed / Achieved 	On schedule	A consultant has been engaged with the first draft of the site analysis and constraints being complete. The initial design sketches are being finalised and will be presented to staff in the coming weeks. A report to the relevant Council committee will be presented in Q1 FY 24/25.
Investigate and implement actions from the Recreation Strategy. Incorporate projects pending budget allocation in the Capital Works budget for reporting quarterly. Prepare a forward plan of projects for future financial years.	Report on Capital Works items quarterly. Prepare the forward project plan by January 24 for inclusion in FY2024/25 budget.	Completed / Achieved 	Complete	The objectives and actions of the Recreation Strategy are being implemented across various Capital improvement projects in our open space. Some examples of these are the new pathway at Bellevue Park and around Trumper Oval.
Subject to community consultation, construct multi use sports courts at Lough Playing Fields.	30 May 2024.	Delays 	Preparations	The Review of Environmental Factors (REF) is nearing completion. The consultant has requested an acoustics report which is now finalised. As the proposal encroaches onto a small part of Sydney Water land, we are progressing positive discussions with Sydney Water around required agreements for use of the land. Once the REF is complete and discussions with Sydney Water finalised, community consultation will commence.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Investigate and implement actions from the Play Strategy. Incorporate projects pending budget allocation in the Capital Works budget for reporting quarterly. Prepare a forward plan of projects for future financial years.	Report on Capital Works items quarterly. Prepare the forward project plan by January 24 for inclusion in FY2024/25 budget.	Completed / Achieved 	Complete	The objectives and actions of the Play Strategy are being implemented across various Capital improvement projects including the Lyne Park Playground upgrade, Spring Street Playground renewal and the Thornton Street Playground consultation (which will now be delayed due to the decision of Council to proceed with consultation and upgrade of Robertson Park in the FY 24/25).


Strategy 5.3: Provide and maintain clean, attractive, accessible, connected and safe parks, sportsgrounds, foreshore areas and other public spaces and infrastructure such as roads, footpaths, bicycle facilities, stormwater drains and seawalls.

Ref	Priority	Progress Comments
5.3.1	Ensure Plans of Management for public open spaces are updated periodically and reflect community needs and aspirations.	The 21 Crown Land Plans of Management are adopted. Works are progressing now on the Cooper Park Plan of Management and Masterplan. Initial community consultation on this project has been completed. All submissions are being reviewed and the preparation of the draft Plan of Management and Masterplan is being finalised which will be presented to Council seeking recommendation to exhibit to the public.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Investigate and implement actions from the Crown Land Plans of Management. Incorporate projects pending allocation in the Capital Works budget for reporting quarterly. Prepare a forward plan of projects for future financial years.	30 June 2024.	Completed / Achieved 	Complete	The objectives and actions of the Crown Land Plans of Management are being implemented across various Capital improvement projects and actions from the operational plan.




Project / Deliverable	Due By	Status	Stage	Progress Comments
Development framework for Generic Plan of Management for Community Land and finalise prioritised schedule for development of site specific profiles. Prepare Plan of Management for Cooper Park.	30 June 2024.	Completed / Achieved 	On schedule	The development framework for the Generic Plan of Management is adopted. The Cooper Park Plan of Management (POM) and Masterplan is progressing. Initial community consultation on this project is completed. Council staff are preparing the draft POM and Masterplan which will be presented to Council seeking recommendation to exhibit to the public.
Commence implementation of recommendations from review of dog regulations in parks and reserves.	Within 6 months of final adoption of the review.	Completed / Achieved 	On schedule	The review of dog regulations has been undertaken including community consultation. Through the exhibition process Council staff received advice of the requirement of a Review of Environmental Effects to be undertaken for any change of use to open space. Staff are currently investigating what options are available to progress the changes and what will be required (funding and resources). A report will be presented to the relevant Committee in Q1 FY24/25.

Ref	Priority	Progress Comments
5.3.2	Implement a prioritised program of capital improvements to public open spaces and recreation facilities.	The completed Capital Works projects for this period include; Trumper oval accessible pathway, Bellevue Park pathway, park furniture rollout, Redleaf retaining wall renewal, Robertson Park landscaping and Bay Street landscaping.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement Open Space Capital Works Program for, with a target of 90% of projects to be completed or in construction by 30 June 2024.	30 June 2024.	Completed / Achieved 	On schedule	47 projects programmed; 94% (44/47) are Completed or In Progress (defined as construction having commenced). The most recent progress update is available in the April-June 2024 Capital Works report .


Strategy 7.1: Protect and maintain trees, streetscapes, natural landscapes and biodiversity including the protection and restoration of bushland areas.

Ref	Priority	Progress Comments
7.1.1	Plan and implement strategies and initiatives to enhance natural landscapes and systems and maintenance of trees.	<ul style="list-style-type: none"> In this period we achieved the following 37 street trees currently planted with another purchase of 123 trees to be planted in Q1 FY 24/25 24 park trees 195 trees in bushland 842 shrubs planted in bushland 2,054 groundcovers in bushland 73% of bushland is fully regenerated.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Continue to advocate, through Mayoral and GM Forums, including SSROC, for amendments to Ausgrid tree clearance requirements, with a view to reducing canopy loss.	Ongoing 30 June 2024.	Completed / Achieved 	On schedule	Continue to advocate, through Mayoral and GM Forums, including SSROC, for amendments to Ausgrid tree clearance requirements, with a view to reducing canopy loss. With the adoption of the UFS, this issue will again be raised with Ausgrid in the Ausgrid working party scheduled for Q1 of FY24/25.
Commence implementation of actions from the Urban Forest Strategy.	31 March 2024.	Completed / Achieved 	On schedule	The Urban Forest Strategy is now adopted. Recruitment of the Urban Forest Strategy team has progressed with the successful recruitment of the Project Manager and the Technical Officer. The recruitment of the Engagement Officer is in progress. Discussions with Nursery Companies have commenced with the intention to source tree stock for planting in the FY 24/25.
Prepare multi-year schedule of pruning for Hills Figs in streets and commence pruning program.	Ongoing 30 June 2024.	Completed / Achieved 	Complete	The Fig Management Plan is adopted and has been included as an addendum to the Tree Management Policy. The new clearances have been incorporated into our existing tree maintenance schedule. A consultant is now engaged to inspect all fig trees and prepare a tree pruning specification. Over 110 fig trees have been worked on this year.


Ref	Priority	Progress Comments
7.1.2	Implement a prioritised program of capital improvements to natural areas.	Capital improvements throughout our natural areas are implemented with the guidance of our asset register and Biodiversity Strategy. Examples of these works include the maintenance of the Cooper Park and Trumper Park ponds to remove sediment and plant further vegetation for improved water quality and water management. Throughout this period our Bush Regeneration staff continue to improve and revegetate Council's bushland.

Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Recruitment of new parks maintenance team.	Recruitment complete by 15 December 2023.	Completed / Achieved 	Complete	There has been an active recruitment drive undertaken for this new team. All 5 positions are now filled with major improvements to high profile street gardens being completed. Some of the projects the team have undertaken in this period include Edgecliff Road and Newland Street Intersection, Vaucluse Bowling Club and Bay Street upgrade garden beds and Moncur and Jersey Road intersection.


Strategy 11.2: Secure Council's financial position.

Ref	Priority	Progress Comments
11.2.2	Achieve sustainable asset management through the integration of strategic asset planning with financial planning.	The reviewed Asset Management Plan for Open Spaces (playgrounds, fencing, multipurpose facilities) was adopted by Council on 28 November 2022 and continue to be updated.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Commence implementation of actions from Open Space & Trees service review.	30 September 2023.	Completed / Achieved 	Complete	The Open Space & Service Review was adopted by Council in November 2023. Funding to facilitate various actions was included in the September Budget review. Further expansionary items are included in the draft FY2024/25 Operational Budget. Items that have progressed this reporting period include the implementation of the Urban Forest Strategy and the investigation of the new tree database software.

Land & Building Services


Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Undertake feasibility study for potential rebuild of Holdsworth Centre.	31 March 2024.	Delays 	In Draft	Initial meeting with Holdsworth Centre completed. Brief for quotations being prepared.

Ref	Priority	Progress Comments
5.1.2	Implement a prioritised program of capital improvements to community facilities.	Capital works delivery is detailed in the April-June 2024 Capital Works report where detailed progress updates of individual projects is provided.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement Property & Projects Capital Works Program, with a target of 90% of projects to be completed or in construction by 30 June 2024.	30 June 2024.	Completed / Achieved 	Complete	41 projects programmed; 88% (36/41) are Completed or In Progress (defined as construction having commenced). The most recent progress update is available in the April- June 2024 Capital Works report .


Strategy 9.1: Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Cross Street Carpark Project- Attain Public Private Partnership (PPP) approval and finalise Project Development Agreement for the project.	28 February 2024.	Delays 	Preparations	A report was presented to Strategic & Corporate Committee in April 2024, confirming the withdrawal of the Consortium partner from the project. In accordance with Part D of the Council resolution, a consultant has been procured to undertake a Feasibility review of the project, which is expected to be reported back to Council in Q3 FY24/25.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Redevelopment of Wilberforce Avenue Car Park Rose Bay - Subject to approval of DA, undertake tender for engagement of construction contractor.	28 February 2024.	Delays 	Preparations	Tenders for the construction works have closed and are being assessed. The outcome will be reported to Council in Q1 of 2024/25.

Strategy 11.2: Secure Council's financial position.

Ref	Priority	Progress Comments
11.2.3	Maximise return from Council's commercial premises.	Review of commercial properties underway to identify potential opportunities for further development and/or income generating opportunities


Project / Deliverable	Due By	Status	Stage	Progress Comments
Complete tenders for car park management services and Kiaora Place management and enter new contracts for each.	30 April 2024.	Delays 	Preparations	Tenders for car parks management have closed and are being evaluated.

Ref	Priority	Progress Comments
11.2.4	Explore opportunities to leverage Council assets for commercial return.	As part of Council's review to maximise return from Council's commercial premises, opportunities to leverage Council assets for commercial return is being incorporated.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Complete the property holdings review commenced in 2022/23 and commence implementation of recommended actions.	29 February 2024.	Delays 	Preparations	Some Council properties are being assessed currently for development and / or income generating opportunities. Any development proposals identified will be submitted to the Assets Working Party for consideration & recommendation.


Transport & Engineering

Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes and place and enhance quality of life.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Continue to work with Ausgrid, and advocate through SSROC and State Government, to minimise the impact of electrical infrastructure on the public domain.	Ongoing, 30 June 2024.	Completed / Achieved 	On schedule	Manager Engineering Services is having ongoing discussions with Ausgrid on the issue. Council staff plan to advocate through SSROC and State Government, to minimise the impact of electrical infrastructure on the public domain.


Strategy 5.5: Renew and upgrade ageing infrastructure including roads, footpaths, stormwater drains and seawalls..

Ref	Priority	Progress Comments
5.5.1	Prepare and implement asset management plans for all classes of public infrastructure.	In 2024, Council's Infrastructure Assets have been revaluated to advise updated information on assets to assist in developing Council's five year Infrastructure Renewal Capital Works Forward Program. The program is reviewed annually and informs the annual Delivery Program and Operational Plan (DPOP).
5.5.2	Implement the Infrastructure Capital Works Programs for renewal for all classes of public infrastructure.	Capital works delivery is detailed in the April-June 2024 Capital Works report where detailed progress updates of infrastructure projects is provided.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement the Infrastructure Capital Works Program for renewal of all classes of public infrastructure with a target of 90% of projects to be completed or in construction by 30 June 2024.	30 June 2024.	Completed / Achieved 	On schedule	77 projects programmed; 94% (72/77) are Completed or In Progress (defined as construction having commenced). The most recent progress update is available in the April- June 2024 Capital Works report .

Strategy 6.1: Facilitate an improved network of accessible and safe active transport options.

Ref	Priority	Progress Comments		
6.1.1	Provide for sustainable, safe, convenient and efficient local movement of pedestrians, other alternative active transport and vehicles and support improved and accessible public transport.	The Woollahra Active Transport Plan 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. Individual projects adopted from the Woollahra ATP will be incorporated into the forward Capital Works Program.		




Project / Deliverable	Due By	Status	Stage	Progress Comments
Complete construction of Open Space Legacy Project – Bay Street Pedestrian Plaza.	31 December 2023.	Completed / Achieved 	Complete	The major project for FY23/24, Bay Street Pedestrian Plaza, is completed.

Strategy 6.3: Reduce traffic congestion, noise and speeding.

Ref	Priority	Progress Comments		
6.3.1	Maintain public parking infrastructure, manage parking across the municipality and reduce vehicle speed and traffic congestion through the introduction of traffic management facilities.	Parking is reviewed by Council's Traffic & Transport Section on an on-going basis. Parking reports are prepared for the consideration of the Woollahra Traffic Committee and Council's Finance, Community and Services Committee. A review of the Resident Permit Parking area in Watsons Bay was undertaken in 2023 and was reported to Woollahra Local Traffic Committee in August 2023. Council then endorsed a trial permit parking scheme on 15 November 2023 and was implemented for the summer months. This trial permit parking scheme is now under review and Council staff are taking into consideration the new TfNSW Permit Parking Guidelines before reporting the matter to Traffic Committee in July 2024.		

Strategy 11.2: Secure Council's financial position.


Ref	Priority	Progress Comments		
11.2.2	Achieve sustainable asset management through the integration of strategic asset planning with financial planning.	A review of the Land Improvement (Retaining walls, Seawalls and Harbourside Structures), Transport, and Stormwater Asset Management Plans was undertaken to update the latest information, accordingly. This continuing process assists with the ability to effectively program the renewal of assets based on their condition ratings and then are incorporated into our future capital works program.		

Project / Deliverable	Due By	Status	Stage	Progress Comments
Asset revaluation for infrastructure and open space assets completed.	30 April 2024.	Completed / Achieved 	On schedule	A review of the Land Improvement (Retaining walls, Seawalls and Harbourside Structures), Transport, and Stormwater Asset Management Plans was undertaken to update the latest information, accordingly. This continuing process assists with the ability to effectively program the renewal of assets based on their condition ratings and then are incorporated into our future capital works program. An audit on all condition ratings to these assets was completed in June 2024. This report will now guide the revaluations for these assets and this process is expected to be completed in July 2024.
Review Asset Management Plans structure and methodology in preparation for development of new Asset Management Plans in FY2024/25.	30 April 2024.	Delays 	In draft	An audit on all condition ratings to retaining walls, seawalls and harbourside structures, transport, and stormwater assets was completed in June 2024. This report will now guide the revaluations for these assets and this process is expected to be completed in July 2024. All updated information will then be incorporated into each of the Asset Management Plans, accordingly.
Rollout bus shelter advertising in accordance with new contract.	29 February 2024.	Completed / Achieved 	On schedule	Civil works for the bus shelter rollout program is well underway with 50% of the sites completed, and the remaining sites in progress. It is anticipated that works will be completed by October 2024.

Development Assessment

Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes and place and enhance quality of life.

Ref	Priority	Progress Comments
4.1.2	Deliver high quality and timely development assessment.	The principal performance indicator for the Development Assessment Department is that we continue to provide an effective and efficient development control service. The performance of Development Assessment is outlined below.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Deliver development assessment processing times of 95 days and 117 days (net and gross mean) <i>Note: Net Mean is the total processing time which excludes the number of days the applicant is given to provide further information (Stop the Clock letter). Gross Mean is the overall processing time with no deductions.</i>	Ongoing, 30 June 2024.	Delays 	Under review	Q3 processing times not achieved (149 net mean days and 155 gross mean days). Q4 processing times not achieved (129 net mean days and 138 gross mean days). The average for the full FY23-24 was 156 net mean days and 164 gross mean days. The overall net and mean processing times in the 3rd and 4th quarters of FY23-24 have not met the benchmark requirement. The recommendations put forward in the DA Review process undertaken by Morrison Low have been adopted and put in place (i.e. new delegations model, face-to-face DARC meetings). It is anticipated that the benefit of these new recommendations will continue to improve overall processing times.

Workload and Productivity

The following table shows the number of DAs and s.4.55 applications lodged compared to the number of DAs determined during this reporting period. A Section 4.55 Modification Application is an application to modify an approved Development Application.

Quarter	# DAs Lodged	# DAs Determined	# s.4.55 Lodged	# s.4.55 Determined
1st 2023/24	133	105	107	98
2nd 2023/24	121	147	102	110
3rd 2023/24	89	146	104	95
4th 2023/24	124	108	131	119

The following table shows both DAs and modification applications lodged and determined during the 3rd and 4th quarters of 2023/2024.

Quarter	Total Applications Received	Total Applications Determined
1st 2023/24	240	203
2nd 2023/24	223	257
3rd 2023/24	193	241
4th 2023/24	255	227

Decision makers

The following table shows where decisions on DAs (excludes s.4.55 applications) were made during the 3rd quarter.

Level of Delegation	Total # of DAs	% of Total	Approved	Refused
Staff	100	73.00%	80	20
Application Review Panel	25	18.25%	25	0
Application Assessment Panel	5	3.65%	5	0
Local Planning Panel	7	5.10%	7	0
Sydney Eastern City Planning Panel	0	0%	0	0
Total	137	100%	117	20

Note: The above figures do not include DAs which were rejected within 7 days of lodgement or withdrawn. In total **9** DAs were rejected or withdrawn.

The following table shows where decisions on DAs (excludes s.4.55 applications) were made during the 4th quarter.

Level of Delegation	Total # of DAs	% of Total	Approved	Refused
Staff	70	72.20%	60	10
Application Review Panel	7	7.20%	7	0
Application Assessment Panel	2	2.00%	1	1
Local Planning Panel	18	18.60%	12	6
Sydney Eastern City Planning Panel	0	0%	0	0
Total	97	100%	80	17

Note: The above figures do not include DAs which were rejected within 7 days of lodgement or withdrawn. In total **11** DAs were rejected or withdrawn.

Appeals

The following table shows the number of appeals lodged during the following quarters. Specific details of all appeals, are tabled and reported quarterly to the EPC.

Quarter	Appeals Lodged
1st 2023/24	19
2nd 2023/24	14
3rd 2023/24	9
4th 2023/24	13

Given the current number of appeals being dealt with is extremely high, the level of legal activity and staff resourcing (preparation of Statement of Facts and Contentions, Statements of Evidence and Court attendance) is also high. This has a direct influence on Council's DA processing times.

Turnaround Times

The following tables provides a summary of the net and gross mean processing times in days for Development Application (excludes s.4.55 applications) determinations:

Measure	Avg. FY 2021/22	1st Qtr 2022/23	2nd Qtr 2022/23	3rd Qtr 2022/23	4th Qtr 2022/23	Avg. FY 2022/23	1st Qtr 2023/24	2nd Qtr 2023/24	3rd Qtr 2023/24	4th Qtr 2023/24	YTD Avg. FY 2023/24
Overall											
Net Mean	108	106	105	115	117	111	169	162	149	129	156
Gross Mean	124	124	129	140	144	135	177	167	155	138	164
Staff Delegated											
Net Mean	65	62	68	71	81	71	88	104	114	86	102
Gross Mean	81	76	86	97	100	90	90	109	118	92	107
ARP											
Net Mean	123	111	105	149	134	126	232	267	242	250	249
Gross Mean	151	131	151	182	173	159	242	277	249	256	258
AAP											
Net Mean	238	203	224	219	198	211	320	270	294	464	316
Gross Mean	288	267	238	266	288	265	327	286	342	464	331
LPP											
Net Mean	193	178	216	183	180	189	275	218	259	238	242
Gross Mean	223	229	248	225	227	232	288	231	270	260	257

The overall net and mean processing times in the 3rd and 4th Quarters of 2023-2024 have not met the benchmark requirement of a 15% reduction in net and gross mean processing times based over the past three years of activity. This benchmark equates to 95 and 117 days, respectively.

This can be attributed to the following factors:

1. Referral turnaround times remain high, directly affecting processing times.
2. While the proportion of applications determined under Staff delegation has been increased over the 3rd and 4th Quarters to 73% and 72.2%, a large number of applications determined were the backlog of overdue referrals. These have a direct influence on the overall processing times.
3. Although the proportion of applications being determined via LPP has been reduced over the 3rd and 4th Quarters to 5.1% and 18.6%, more than one third (8 out of 25) of the applications determined were aged applications in that period.
4. A significant number of determined applications, totalling 111, were aged applications (>250 days) over the financial year period, with the oldest being 1,410 days. These have a direct influence on the overall processing times.
5. The number of Class 1 appeals remains high. The handling of appeal cases has taken up significant time from assessment officers as well as referral officers dealing with DA assessment.

Outcomes

The following positive outcomes were achieved in the reporting period:




- The productivity of Development Assessment in terms of processing DAs and related applications including case handling of Class 1 appeals has been high.
- Successful planning outcomes have been achieved in Class 1 appeals either by amended plans in s34 conciliation or the appeal being dismissed by the Court.
- The DA processing times for applications determined via staff delegation and LPP have improved over the 4th quarter when compared to the 3rd quarter. This results in an overall improvement within the same period.
- A significant number of aged applications (>250 days), have been cleared.
- The recommendations put forward in the DA Review process undertaken by Morrison Low have been adopted and put in place (i.e. new delegations model, face-to-face DARC meetings. It is anticipated that the benefit of these new recommendations will continue to improve overall processing times.










Strategic Planning, Heritage Conservation & Place




Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes and place and enhance quality of life.



Ref	Priority	Progress Comments
4.1.1	Ensure that Council's strategic planning framework, Local Environmental Plans and Development Control Plans are regularly reviewed, are consistent with relevant Metropolitan plans and provide a planning and compliance framework which will result in appropriate high quality development and incorporates community concerns and ideals.	<p>During this reporting period, our priorities were to:</p> <ol style="list-style-type: none"> 1. Finalise both the Edgecliff Commercial Centre and Double Bay Centre planning and urban design strategies, and report them to Council late 2023 / early 2024. 2. Progress planning proposals to enact the Edgecliff Commercial Centre and Double Bay Centre planning and urban design strategies. 3. Advocate to the NSW Government against the proposed package of reforms contained in the low and mid-rise housing policy. 4. Assess and progress proponent-led planning proposals, including 136-148 New South Head Road, Edgecliff and Old South Head Road / Abermarle Avenue, Rose Bay. 5. Prepare amendments to the Woollahra DCP 2015 e.g. for excavation, and basketball/sports courts and site specific amendments e.g. 252-254 New South Head Road. 6. Progress the Paddington Public Domain Strategy.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Assessment of all Proponent Initiated Planning Proposals in accordance with Statutory requirements	Ongoing, 30 June 2024.	Complete / Achieved 	Complete	Consistent with the specifications in the DPHIs Local Environmental Plan Making Guideline, Council staff endeavour to progress planning proposals in accordance with the identified timelines.
Establish development controls for Substations & Electrical Infrastructure. [NOM 14/02/22]	31 December 2023.	Complete / Achieved 	Complete	On 14 August 2023, Council resolved to exhibit amendments for Substations and Electrical Infrastructure. These were on exhibition from 5 September to 8 October 2023, and endorsed by Council on 15 November 2023. These came into effect on 8 December 2023.
Establish development controls for private Basketball Courts in residential zones.	30 June 2024.	Complete / Achieved 	Awaiting commencement date	The exhibition of the proposed amendments to the Woollahra DCP 2015 closed on 2 June 2024. A post exhibition report was tabled at a Council meeting in July 2024, and the amended controls will come into force on 26 July 2024.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Report to Council on the Implementation strategy for the Edgecliff Commercial Centre , including planning proposal development control plan and public domain plan. (UPC delegated 16/11/2015)	30 September 2023.	Complete / Achieved 	Post-exhibition review; next step is a report to a meeting of Council	At its meeting on 29 April 2024, Council resolved to adopt the Edgecliff Commercial Centre Strategy, subject to modifications. The amended Strategy is available on Council's website. Council staff are currently assessing the implications of the NSW Government's recently proposed reforms prior to progressing the planning proposal that implements the Edgecliff Strategy.
Prepare a site specific Development Control Plan to strengthen Protections for Character Buildings [NOM 14/02/2022]	30 June 2024.	Complete / Achieved 	Complete	A report on this matter was considered by EPC on 4 September 2023, and on 11 September 2023 Council resolved to remove controls for character buildings in the Double Bay Centre, and initiate a heritage study for the Rose Bay Centre.
Exhibit amended planning controls to increase the minimum lot size to construct an attached dual occupancy development in the R2 Low Density Residential Zone to 800m2, (which on 22/02/2021 Council Resolved to increase the minimum lot size from 800m2 to 1200m2).	31 March 2024.	Delays 	Preparations; next step is a report to Council when response received from DPHI	The DPHI are currently progressing reforms to low and mid rise housing, which will set minimum lot sizes for dual occupancies in the R2 Low Density Residential zone. We anticipate that this will be a minimum lot size of 450sqm. Staff will report to Council on this matter when the reforms are finalised, as they will inform the outcome of this project.
Prepare site specific development controls for 252-254 New South Head Road, Double Bay	30 September 2023.	Complete / Achieved 	Complete	A Draft site specific DCP was considered by EPC on 5 June 2023 and Council resolved to place the draft DCP on exhibition on 26 June 2023. The exhibition took place from 19 July to 18 August 2023. The submissions were considered by the EPC meeting of 3 October 2023, and on 9 October Council resolved to approve the DCP. The new controls commenced on 27 October 2023.




Project / Deliverable	Due By	Status	Stage	Progress Comments
Finalise Planning Proposal and amendments to the Development Control Plan (post-exhibition) for 136-148 New South Head Road, Edgecliff	31 March 2024.	Complete / Achieved 	Post-exhibition review; next step is a report to a meeting of Council	On 17 May 2024, the planning proposal was finalised and the amendment to the Woollahra LEP 2014 is now in force. It is anticipated that a report on the site specific DCP will be reported to a meeting of Council in August 2024.
Report to Council on the Paddington Public Domain Strategy outcomes.	30 June 2024.	Delays 	In draft	In November 2023, Council staff appointed consultants Spackman Mossop Michaels to progress this project. Since that time, staff have carried out a range of key stakeholder meetings and circulated an initial draft. This draft was presented to the Paddington HCA Working Party on 13 June 2024 for review. A number of matters were discussed and a further meeting will take place with the Paddington HCA Working Party to progress the document.
Implement amendments to planning controls as a consequence of excavation, Subterranean building and dewatering in Double Bay (CR 25/02/2019) & Prepare a further report to limit excavation and dewatering in the most impacted zones in the Double Bay Floodplain (CR 25 October 2021)	30 June 2024.	Delays 	Awaiting decision of Council	On 3 June 2024 the EPC considered a report on the hydrogeological and geotechnical study of the Rose Bay area undertaken by GHD, and on 11 June Council resolved to defer the matter to a future meeting of Council.




Project / Deliverable	Due By	Status	Stage	Progress Comments
Local Planning Panel excavation report [NOM from EPC of 07/08/23]	30 June 2024.	Complete / Achieved 	Preparations; next step is a post-exhibition report to a meeting of Council	This matter was reported to Council in June 2024, where the staff recommendation for amendments to the Woollahra DCP 2015 was supported for exhibition. A post exhibition report will be tabled to a meeting of Council in August 2024.
Write to the Minister & DPIE (with supporting planning evidence) seeking an exemption from the provision of SEPP Housing for Seniors or People with a Disability 2004, and provide an update report.	30 June 2024.	Complete / Achieved 	Preparations; next step is a post-exhibition report to a meeting of Council	A report was considered by Council in July 2024 which proposed amendments to the Woollahra DCP 2015 to strengthen controls relating to seniors housing development. This matter will be placed on exhibition in July/August 2024, and a post exhibition report will be considered by Council in the second half of 2024.
Planning Proposal for 488-492 Old South Head Road & 30 Albemarle Avenue, Rose Bay	30 June 2024.	Complete / Achieved 	Awaiting external gateway approval	A Gateway determination was issued on 23 February 2024 stating that the planning proposal should proceed for exhibition, subject to conditions. The planning proposal was exhibited from 2 April 2024 to 7 May 2024. The Sydney Eastern City Planning Panel is considering public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation. If supported, the planning proposal will be finalised by the DPHI. To support the controls contained in the planning proposal, Council staff prepared a site specific DCP. This was on exhibition in May/June 2024 and a post exhibition report was considered by Council in July 2024 where Council resolved to endorsed the site specific DCP (with amendments).





Project / Deliverable	Due By	Status	Stage	Progress Comments
Planning Proposal for 8-10 New McLean Street, Edgecliff	30 June 2024.	Complete / Achieved 	Awaiting external gateway approval; possible next steps pending that decision	<p>This proponent initiated planning proposal was lodged on 11 August 2023. It seeks consent for revised building height, floor space ratio and additional permitted use controls at 8-10 New McLean Street, Edgecliff. The matter was considered at the Council meeting of 11 March 2024, where Council resolved not to support the planning proposal.</p> <p>In January 2024, the proponent lodged a rezoning review, which was heard by the Sydney Eastern City Planning Panel on 28 February 2024. They resolved to commission an independent planning and urban design study to determine an appropriate built form scale on the site. This study will be returned to the panel in August 2024. Subject to the outcomes of this process, Council staff will prepare a site specific DCP.</p>
Employment Zone reforms	30 June 2024.	Complete / Achieved 	Complete	Draft Woollahra DCP (Amendment No. 24) Employment Zones Reforms was on exhibition from 13 March 2024 to 14 April 2024. Council resolved to approve the draft DCP on 13 May 2024 and on 31 May 2024 the amendment took effect.




Strategy 4.2: Conserving our rich and diverse heritage.





Ref	Priority	Progress Comments
4.2.1	Implementation of the Heritage Gap Analysis which includes maintaining a program of heritage research and potential new conservation areas and heritage items.	<p>During this reporting period, our priorities were to:</p> <ol style="list-style-type: none"> 1. Progress the Edgecliff Commercial Centre Heritage Study and Rose Bay Schools study and forward these to the DPHI to facilitate public exhibition. 2. Finalise the Double Bay Heritage Study, Leslie Wilkinson Study and Lapin House Study. 3. Finalise the places of worship planning proposals. 4. Progress with consultants the Modern study, Interwar flat buildings study, Rose Bay Centre study, Oxford Street study and Significant Architects study. 5. Prepare an RFQ for the arts and craft study. 6. Review the heritage significance of the Cooper Park Garage.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Finalise Planning Proposal for places of worship in the Woollahra Local Government Area [NOM 8/04/19]	31 March 2024.	Complete / Achieved 	Complete	A planning proposal to list four places of worship was endorsed by Council on 27 March 2023 (The Sydney Chevra Kadisha, Paddington Church of Christ, St Andrews Scots Presbyterian Church, and Vaucluse Uniting Church). The planning proposal was exhibited between 19 July 2023 and 18 August 2023. On 11 September 2023 Council considered a post exhibition report, and resolved to approve the proposed heritage listings. Woollahra LEP 2014 Amendment No. 35 to list four Places of Worship on Schedule 5 of the Woollahra LEP 2014 was finalised and implemented on 24 May 2024.
Investigate the potential heritage significance of the St George Church, Rose Bay	30 June 2024.	Complete / Achieved 	Complete	A planning proposal to list the St George Greek Orthodox Church was endorsed by Council in August 2023 and Gateway Approval was received on 18 October 2023. The planning proposal was on exhibition from 15 November to 17 December 2023, and Council considered a post exhibition report in February 2024. The St George Greek Orthodox Church was listed as a heritage item in the Woollahra LEP 2014 on 28 June 2024.
Report to Council on an assessment of heritage significance for Old School Hall, Rose Bay Public School, Albemarle Ave, Rose Bay, and McAuley Catholic School and outbuildings (formerly Christian Brothers College Rose Bay) (CR 8/04/19)	31 March 2024.	Complete / Achieved 	Awaiting external gateway approval; next step is public exhibition	In June 2023 heritage consultants Artefact were engaged to progress this study. The recommendations were to list two buildings (Building E at Rose Bay PS, and the former Christian Brothers College building at McAuley Catholic Primary School) as heritage items on the Woollahra LEP 2014 Schedule 5. A planning proposal was presented to the WLPP on 18 April 2024, and on 13 May 2024. Council resolved to support the planning proposal being submitted to the DPHI for Gateway determination to allow public exhibition. Subject to the conditions of the Gateway determination, it is anticipated that the planning proposal will commence exhibition in August 2024.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Finalise Planning Proposal for the heritage listing of Wilkinson buildings . (CR 24/11/14)	30 September 2023.	Complete / Achieved 	Complete	A planning proposal to list five Wilkinson buildings as local heritage items was reported to the Woollahra LPP in September 2022, and Council resolved to proceed with the planning proposal in October 2022. A Gateway determination was issued on 12 December 2022 to allow public exhibition which took place from 8 February to 10 March 2023. A post exhibition report was considered by the EPC on 1 May 2023, and on 8 May 2023 Council resolved to finalise the planning proposal. The five sites were gazetted as local heritage items in the Woollahra LEP 2014 on 22 March 2024.
Finalise Planning Proposal for new heritage items in the Double Bay Centre (CR 26/04/2021)	31 March 2024.	Complete / Achieved 	Complete	In February 2022 Council staff engaged heritage consultants LSJ to undertake a Heritage Significance Assessment of buildings in the Double Bay Centre. The assessment report and accompanying planning proposal were presented to the WLPP on 13 December 2022 for advice. The WLPP advised Council to proceed with the planning proposal and the planning proposal was endorsed by Council on 27 March 23. The planning proposal was on exhibition from 16 August to 5 September 2023. A post exhibition report was considered by Council in November 2023, where Council resolved to finalise the planning proposal. The finalisation of the planning proposal took place on 19 July 2024.
Heritage Listing of Lapin House, Rose Bay	31 March 2024.	Complete / Achieved 	Complete	At the meeting of 11 September 2023, Council resolved to proceed with a planning proposal to list Lapin House as a heritage item. The planning proposal was on exhibition from 24 October to 21 November 2023. In December 2023, Council resolved to finalise the LEP. The finalisation of the planning proposal took place on 19 July 2024.




Project / Deliverable	Due By	Status	Stage	Progress Comments
Preparation of Edgecliff Centre heritage study and planning proposal for implementation.	31 December 2024.	Complete / Achieved 	Awaiting external gateway approval; next step is public exhibition	In 2022, GML were appointed to prepare the Edgecliff Commercial Centre Heritage Study. The planning proposal was presented to the WLPP on 20 October 2024, and in April 2024 Council resolved to support the planning proposal (in part) and submit for a Gateway determination to allow public exhibition. It is anticipated that the planning proposal will be placed on exhibition in August 2024. With regards to 4 Oswald Street ('Gruzman House'), Council resolved to consider listing this property following a site inspection. Council staff are in the process of facilitating a site inspection.
Report to Council on the assessment of heritage significance of 543-549 Glenmore Road, Edgecliff. (CR 5 July 2021)	30 September 2023.	Complete / Achieved 	Awaiting external gateway approval; next step is public exhibition	This project was rolled into the broader Edgecliff Commercial Centre Heritage Study which was endorsed by Council in April 2024 to submit to the DPHI requesting a Gateway determination. It is anticipated that the planning proposal to list these properties as heritage items will be placed on exhibition in August 2024.
Modern Heritage Study	Commence by 30 June 2024.	Complete / Achieved 	Preparations	In November 2023, Council staff appointed heritage consultants GML to progress the Modern Study which is being addressed in different stages across 2024 and 2025 as part of the program identified in the Heritage Gap Analysis. Site visits have occurred (where possible). It is anticipated that further consultation with the relevant landowners will occur in the second half of 2024, before progressing a report to a meeting of the WLPP and/or Council.
Inter-War Flat Buildings Heritage Study.	Commence by 30 June 2024.	Complete / Achieved 	In draft	In November 2023, Council staff appointed heritage consultants GML to prepare a Thematic Study of Interwar Flat buildings in the Woollahra LGA which would act as a foundation for studies of Inter-War Flat Buildings. The complete study is now finalised and will soon be uploaded to Council's website.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Significant Architects study [NOM 09/12/2019]	Commence by 30 June 2024.	Complete / Achieved 	Preparations	In November 2023, Council staff appointed heritage consultants Robertson & Hindmarsh to progress one element of the Significant Architects Study which is being addressed in a series of projects across 2024 and 2025 as part of the program identified in the Heritage Gap Analysis. The consultants are reviewing an initial list of sites which was prepared by Council staff, based on a number of resources. Subject to the recommendations of the Study, it is anticipated that consultation with the relevant landowners will occur in the second half of 2024, before progressing a report to a meeting of the WLPP or EPC. Further briefs are currently being prepared for additional projects in this series, and it is expected that these briefs will be circulated by the end of 2024.
Report on future heritage listing of arts and crafts buildings . (CR 11/11/2019)	Commence by 30 June 2024.	Delays 	Preparations	Council staff received consultant fee proposals in response to an RFQ. Staff are anticipating appointing a consultant to progress the arts and crafts study in July 2024. Depending on the recommendation of the study, is anticipated that the results of this study will be reported to the WLPP and/or Council in the first half of 2025.
Heritage Listing of Cooper Park Garage [NOM 14/06/2022]	Commence by 30 June 2024.	Complete / Achieved 	Complete	The heritage significance assessment of the site was prepared by council staff and presented to a meeting of the EPC on 2 April 2024 with a recommendation not to progress with heritage listing. Council resolved on 8 April 2024 not to progress with the listing and to close the NOM.
Oxford Street Heritage Study [NOM 23/08/2021] & 2a-14a Queen Street, Woollahra Heritage Study (Centennial flat building) [NOM 25/10/2021].	Commence by 30 June 2024.	Complete / Achieved 	Preparations	Lisa Trueman Heritage Consultant has been appointed to undertake this heritage study in conjunction with 2A Queen Street (Centennial Flats). Depending on the recommendation of the study, is anticipated that the results of this study will be reported to the WLPP and/or EPC in the second half of 2024.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Rose Bay Centre Heritage Study	Commence by 30 June 2024.	Complete / Achieved 	Prep- arations	In March 2024, TKD Architects were engaged to undertake the Rose Bay Centre Heritage Study. Depending on the recommendation of the study, is anticipated that the results of this study will be reported to the WLPP and/or Council in the second half of 2024.
Provide a report on the further protection of secondary wings on contributory and heritage items in the Darling Point HCA (CR 25 October 2021)	30 June 2024.	Not Yet Commenced 	Awaiting commence- ment date	Subject to other priorities, project will occur in the second half of 2024 as part of the program identified in the Heritage Gap Analysis.
Progress a single chapter of the WDCP 2015 dedicated to heritage conservation (including contributory items) (CR 1/10/2022)	30 June 2024.	Not Yet Commenced 	Awaiting commence- ment date	A report outlining options to Council to enhance Woollahra's planning instruments with respect to the demolition of contributory items was reported to the EPC meeting of 4 October 2022, and on 31 October 2022 Council resolved to progress a single chapter of the WDCP 2015 dedicated to heritage conservation (including contributory items). Subject to other priorities, this project will progress as a medium priority action under the Heritage Gap Analysis.
Heritage assessment of 3 Eastbourne Road, Darling Point (CR 8/5/2023)	30 June 2024.	Complete / Achieved 	Complete	On 8 May 2023, Council resolved that staff investigate the heritage significance of Moorgate in Darling Point. This was completed by Robertson and Hindmarsh, which concluded that the building did not meet the criteria for heritage listing. On 10 July 2023 Council resolved to take no further action on this matter.




Strategy 4.3: Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.

Ref	Priority	Progress Comments
4.3.1	Ensure Council's planning documents and strategies support high quality housing and housing diversity which is consistent with the strategic thinking of Council in relation to planned infrastructure, services and locational issues.	During the reporting period, this priority was addressed by finalising the Edgecliff Planning & Urban Design review, and progressing the planning proposals.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Preparation of a sub-regional approach to affordable housing (with Waverley and Randwick Councils)	31 March 2024.	Delays 	Preparations	A report on this matter was considered by EPC on 3 April 2023, and endorsed by Council on 11 April 2023. Since this time, Council staff have been working with staff from Waverley and Randwick Councils to progress a joint discussion paper. It is anticipated that a report on this matter will be reported to a Council meeting in the second half of 2024.
Report to Council on the Implementation strategy for the Double Bay Urban Design Strategy Planning Proposal, development control plan and public domain plan.	30 September 2023	Complete / Achieved  	Preparations	At its meeting on 27 November 2023, Council resolved to adopt the Double Bay Strategy, subject to modifications. In December 2023 the Strategy was finalised and available on Councils website. The planning proposal implementing the Double Bay Strategy will be reported to a meeting of the WLPP. Subsequently, the advice of the WLPP will be reported to a meeting of Council. However, prior to finalising a date of the WLPP, Council staff are considering the implications of the package of reforms being proposed as part of the Low-and mid-rise housing policy.



Strategy 4.4: Facilitate safe and active local centres which increase local activity, balance tourism demands with the impact on the community and are in line with local character.

Ref	Priority	Progress Comments
4.4.1	Ensure Council's planning strategies and controls support and promote appropriate development and activities in business centres.	During the reporting period, this priority was addressed by the finalising the Edgecliff Strategy. It was endorsed, subject to amendments, at Council in April 2024. Both the adopted Double Bay Strategy and Edgecliff Strategy will guide appropriate development in two of our business centres.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Finalise the Double Bay Centre Planning Proposal and Development Control Plan	30 April 2024.	Delays 	Preliminary investigation / Scope of works	At its meeting on 27 November 2023, Council resolved to adopt the Double Bay Strategy, subject to modifications. In December 2023 the Strategy was finalised and available on Council's website. The planning proposal implementing the Double Bay Strategy will be reported to a meeting of the WLPP. Subsequently, the advice of the WLPP will be reported to a meeting of Council. However, prior to finalising a date of the WLPP, Council staff are considering the implications of the package of reforms being proposed as part of the Low-and mid-rise housing policy.
Finalise the Edgecliff Centre Planning Proposal and Development Control Plan	30 April 2024.	Delays 	Awaiting commencement date	At its meeting of 29 April 2024, Council resolved to adopt the Edgecliff Strategy, subject to modifications. Council staff are currently preparing a planning proposal and draft DCP to enact the endorsed Edgecliff Commercial Centre Planning and Urban Design Strategy. Prior to finalising a date of the WLPP, Council staff are considering the implications of the package of reforms being proposed as part of the Low-and mid-rise housing policy.
Prepare and adopt an Affordable Housing Scheme for Edgecliff Commercial Centre .	30 April 2024.	Delays 	Preparations	Council staff are working with our nominated consultant to prepare a scheme that will accompany the planning proposal for the Edgecliff Commercial Centre.

Strategy 9.1: Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.

Ref	Priority	Progress Comments
9.1.1	Encourage economic development in business and retail centres and implement Council's adopted Place Plans.	<p>During this reporting period, our priorities were to:</p> <ol style="list-style-type: none"> 1. Investigating a Local Approvals Policy. 2. Ongoing management of our placemaking and business sector grants program. 3. Meeting with businesses along Queen Street to progress ideas for Woollahra 2025. 4. Appointing contractor to manage the Christmas decorations for 2024/2025 and 2025/2026.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Prepare and adopt a Woollahra Local Approvals Policy .	31 December 2023.	Delays 	Preliminary investigation / Scope of works	During this reporting period Council staff researched a range of other Councils policy in relation to A Frames and prepared a draft for further internal consultation meetings with Open Streets, Property and Projects, Compliance and Regulations. It is anticipated that a report will be presented to a meeting of Council in the second half of 2024.
Improve the amenity in Peaker Lane, Woollahra between Spicer Street and Holdsworth Street including consulting with affected property owners in Peaker Lane for a contribution toward the total costs improvements, noting the \$30,000 allocated by Council in the 2023/24 budget.	31 December 2024.	Delays 	Preparations	Council staff have undertaken a preliminary assessment and will commence liaising with affected businesses in the second half of 2024. Necessary improvements to business properties will need to be undertaken before public works can commence.

Strategy 11.2.1 Effective management of Council's finances.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Prepare and adopt a s712 Development Contributions Plan .	30 April 2024.	Complete / Achieved 	Complete	<p>Following Council's resolution on 11 October 2023, staff implemented the revised condition of consent for section 7.12 development contributions. This has allowed us to collect increased 7.12 contributions from 4.55 modifications and consecutive applications which have increased the cost of works.</p> <p>In addition, Council staff exhibited changes to the Woollahra Section 7.12 Development Contributions Plan 2022 from 8 May- 9 June 2024 to provide for an annual update to the works schedule and improve the calculation of contributions. The plan was finalised on 5 July 2024, and is now in force. All outstanding actions have been addressed.</p>

Compliance

Strategy 4.5: Ensure that planning and building requirements are promoted and complied with.

Ref	Priority	Progress Comments
4.5.1	Council provides cost effective and timely building certification service	<p>Council provided the following building certification services for the half year to 30 June 2024;</p> <ul style="list-style-type: none"> 3 construction certificate applications (CC) were received with 2 being determined, representing a market share of 1%; 2 complying development certificate applications (CDC) were received with 2 being determined; Council was appointed the Principal Certifier for 4 projects, representing a market share of 4%.
4.5.2	Council provides an effective response to unauthorised uses and works.	<p>For the half year to 30 June 2024 Council's Building Control staff;</p> <ul style="list-style-type: none"> Received 274 customer requests and finalised 286; Served 19 'Notices of intention to give an Order'; Served 20 Orders;

Strategy 5.3: Provide and maintain clean, attractive, accessible, connected and safe parks, sportsgrounds, foreshore areas and other public spaces and infrastructure such as roads, footpaths, bicycle facilities, stormwater drains and seawalls.

Ref	Priority	Progress Comments
5.3.3	Provide seasonal lifeguard services to Camp Cove Beach.	<p>Council provides a casual lifeguard service at Camp Cove Beach between October and April. The service operates on an as needs basis and may be closed due to inclement weather.</p>

Strategy 6.2: Management of public parking on-street and off-street.

Ref	Priority	Progress Comments
6.2.1	Provide parking enforcement services.	<p>Routine proactive parking patrols are undertaken across the LGA daily, as well as responding to customers' specific requests and proactive patrols of illegal parking at schools.</p> <p>During the half year to 30 June 2024;</p> <ul style="list-style-type: none"> 22,272 street parking infringements were issued for various offences 2,510 infringements were issued in Council carparks.

Strategy 72: Support cleaner, healthier waterways including improved water quality and healthy water catchments, creeks and harbour.

Ref	Priority	Progress Comments
72.5	Take appropriate and timely action in response to pollution incidents.	<p>During the reporting period Council's Rangers investigated the following customer requests with regard to building sites;</p> <ul style="list-style-type: none"> 16 requests for air pollution issues, including dust related matters; and 28 requests for sediment control / water pollution issues including building site discharges, wash-downs and spills.


Strategy 73: Monitor and respond appropriately to environmental and public health matters that impact community health and safety.

Ref	Priority	Progress Comments
73.1	Ensure compliance with food, animal and pool safety and environmental health matters	<p>At the end of the half year to 30 June 2024 there were 377 recorded food premises in the LGA. The following food control activities were completed during the half year;</p> <ul style="list-style-type: none"> 198 primary inspections were carried out; 9 re-inspections were carried out; 2 food notices/orders were issued; 21 customer requests were investigated; and 0 penalty infringement notice was issued. <p>For the half year to 30 June 2024 Council's Health Premises and Fire Safety registers confirmed the following;</p> <ul style="list-style-type: none"> 131 health premises were recorded; 4 health premises inspections were carried out; 65 regulated cooling tower/warm-water systems were recorded; and; 688 complete annual fire safety statements were lodged with Council. <p>For the half year to 30 June 2024 the following activities were carried out pursuant to Council's swimming pool safety program;</p> <ul style="list-style-type: none"> 41 swimming pool inspection requests were determined; 4 swimming pool exemption applications were determined; 1 swimming pool fencing customer request was logged; and 0 swimming pool fencing notices/orders were issued.

Governance


Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Ref	Priority	Progress Comments
2.1.2	Respond to calls for Office of Local Government submissions and collaborate with different levels of the government to help us achieve our community's aspirations for the LGA	<p>Submissions are prepared as required in response to the Office of Local Government and/or industry wide calls for submissions. This included: <i>Standing Committee on State Development - Inquiry into the ability of local governments to fund infrastructure and services March 2024</i>:</p> <p>Whilst Woollahra Council did not make its own submission to this inquiry, it did take part in the development of two submissions, one being from the Southern Sydney Regional Organisation of Councils and one from Local Government Professionals NSW. The General Manager, (in his capacity as Vice President of LG Professionals), was invited to give evidence at a hearing for this inquiry, which was held on Wednesday 29 May 2024. The General Manager provided evidence at the hearing alongside the President of LG Pro and the Director City Performance at Bayside Council.</p>

Project / Deliverable	Due By	Status	Stage	Progress Comments
Council is informed of submission opportunities and makes timely submissions.	Ongoing throughout the year, 30 June 2024.	Completed/ Achieved 	Complete	<p>Submissions were made on:</p> <ul style="list-style-type: none"> <i>House of Representatives Standing Committee on Regional Development, Infrastructure and Transport – Inquiry – Australia's Local Government Sustainability – May 2024.</i> <i>Low & Mid-Rise Housing Planning Reforms & New Housing Targets.</i> One of the most dramatic planning changes to impact NSW in recent decades (being the low and mid-rise housing reforms), Council's submission was presented to Council's Environmental & Planning Committee (EPC) on 3 June 2024 and was then subsequently reported to Council on 11 June 2024.


Strategy 10.1: Encourage inclusive community participation and build respectful relationships through engagement and input into decision making.

Ref	Priority	Progress Comments
10.1.2	Ensure our suite of integrated planning and reporting documents are in plain language, meet legislative requirements and enable us to report on Council's performance to the community.	The draft Long Term Financial Plan 2024/25- 2033/34 and draft Operational Plan 2024/25 were placed on public exhibition from 30 April to 29 May 2024, with 3 community pop-ups held in Rose Bay, Paddington and Double Bay. The Plans were considered by Council and adopted 24 June 2024 for implementation from 1 July 2024.




Project / Deliverable	Due By	Status	Stage	Progress Comments
Council's Operational Plan for 2024/25 is developed and adopted by Council.	30 June 2024.	Completed/ Achieved 	Complete	The Operational Plan 2024/25 was adopted by Council on 24 June 2024 for implementation from 1 July 2024.

Strategy 11.3: Ensure effective and efficient governance and risk management.

Ref	Priority	Progress Comments
11.3.1	Maintain a strong governance framework that facilitates transparent and democratic decision-making and provide effective support to manage the efficient operation of Council and other Committee meetings in an open, transparent and accountable manner.	Council, Committee and Panel meetings continue to be held as per the meeting schedule and promote openness, transparency and accountability in Council decision making processes.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Preparation for Councillor Candidate Information Sessions and Councillor Induction Program for the 2024 Local Government Elections are completed.	30 June 2024.	Completed/ Achieved 	Complete	Councillor Induction Program planning is well advanced, with dates and programming having been scheduled and external presenters booked for sessions. Completed other than final agreement as to dates and timing.


Ref	Priority	Progress Comments
11.3.2	Ensure corporate risks are managed appropriately to reduce the likelihood of any adverse impacts to Council or the community.	Following an external independent assessment of Council's Risk Management a Risk Improvement Roadmap was developed. As part of this, a full review and refresh of Council's operational risk register was undertaken. Further, Council's Executive Leadership Team have developed Council's Strategic risk Register which will be reviewed with Councillors at a workshop in the third quarter of the 2023/24 Financial Year prior to presentation to Council for adoption.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Internal Audit of Council's Workplace Health & Safety Management System completed and presented to Council's Audit, Risk & Improvement Committee (ARIC)	31 December 2023.	Completed/ Achieved 	Complete	Procurement activity completed and external provider selected in late June 2024 for the completion of the first internal audit. Expecting completion of the first internal audit by the end of August 2024 and the other by the end of December 2024.
Internal Audit of Council's Cyber Security measures and controls are completed and presented to Council's Audit, Risk & Improvement Committee (ARIC)	31 March 2024.	Delays 	Preparations	Delayed at the AO Report on released on 26 March 2024. Data Breach Policy approved by GM on 1 March 2024. Education to be provided at Executive Managers Meeting in first quarter of 2024-25.
Finalise Council's Enterprise risk registers and present to Council.	30 September 2023.	Delays 	Preparations	Meetings to occur with Directors and Managers in July 2024, then to Council for adoption when the new Council is elected. This is likely to be in late 2024 or early 2025.







Corporate Services

Strategy 10.1: Encourage inclusive community participation and build respectful relationships through engagement and input into decision making.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement reporting of expenditure for the Special Rate Variation funded projects of \$48million in Council's Annual Report.	30 June 2024.	Completed/ Achieved 	Complete	Council has commenced work on a number of projects funded by Council's Special Rate variation. Expenditure on these will be included in Council's Annual Report which will be finalised by 30 November 2024.

Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Complete Council's Information Technology Architecture Strategy to support Council's digital transformation and support the best customer experience.	30 June 2024.	Delays 	Preliminary investigation / Scope of works	Delivery delayed due to priority IT projects and resourcing constraints with the vacancy of a key IT position. Creation of an Enterprise Architecture Strategy remains a priority for urgent development and adoption.
Rollout Council's key ICT Strategy project of the Office 365 operating system.	31 March 2024.	Completed/ Achieved  	Complete; rollout of additional apps due in Q1 FY2024-25	Microsoft 365 Applications and Services have been delivered across Council to great success, driving transformative change from legacy on-premise applications to modern, cloud-first systems. This project has seen the introduction of Microsoft Entra for Cloud Identity, Exchange Online for Email, Authenticator for Multi-Factor Authentication, Teams for Telephony and Collaboration, and OneDrive for Storage and Collaboration. Microsoft Intune & Autopilot, and the desktop applications Microsoft Word, Office, Outlook, and Powerpoint are in active testing with release scheduled by September 2024 to conclude the project.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Undertake system penetration testing to support Council's Cyber Security program.	28 February 2024.	Completed/ Achieved 	Complete	Tesserent Pty Ltd was engaged in February 2024 and completed penetration testing of Council's external facing systems in March 2024. Their final report was tabled at the May Digital Transformation Steering Committee and the June meeting of the ARIC.

Ref	Priority	Progress Comments
11.1.3	Maintain a high performing workforce that is responsive to the needs of the community and the organisation	Council focused on strengthening leadership capabilities, enhancing resilience and conflict resolution skills with a number development activities. Rewards and benefits are being reviewed to support Council's recruitment strategies and to attract top talent. Training participation was high with 450 staff attending face to face training and further 94 online. Financial year to date turnover was 13.3%

Project / Deliverable	Due By	Status	Stage	Progress Comments
Council's Workforce Management Strategy is reviewed, updated and presented to Council for noting.	30 June 2024.	Completed/ Achieved 	Complete	The draft Workforce Management Strategy 2024/25- 2028/29 was considered by Council and endorsed 24 June 2024 for implementation from 1 July 2024.

Strategy 11.2: Secure Council's financial position.


Ref	Priority	Progress Comments
11.2.1	Effective management of Council's finances.	Council's Long Term Financial Plan (LTFP) will next be updated to incorporate the December 2024 Quarterly Budget Review and the Draft 2025/26 Budget. The updated draft LTFP will be presented to Council in March/April 2025 for consideration prior to being placed on public exhibition for community feedback.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Council's Long Term Financial Plan is updated and adopted by Council.	30 June 2024.	Completed/ Achieved 	Complete	Complete. LTFP updated and presented to Council after finalisation of the December 2023/24 Quarterly Budget Review and the 2024/25 Draft Budget.

Ref	Priority	Progress Comments
11.2.2	Achieve sustainable asset management through the integration of strategic asset planning with financial planning.	Complete. All Asset Management Plans were adopted by Council on 28 November 2022 and continue to inform the Long Term Financial Plan.

Strategy 11.3: Ensure effective and efficient governance and risk management.



Ref	Priority	Progress Comments
11.3.3	Manage, coordinate and deliver Workplace, Health and Safety measures to ensure a safe and healthy work environment.	<p>At the NSW Local Government Awards held 6 June 2024, our Workplace, Health and Safety and Injury Management staff were celebrated, winning the Award for the People, Workplace, Wellbeing- Under 150,000 category for boosting employee wellbeing through our Early Intervention Program. The Program helps our staff with niggling minor injuries prevents their escalation into more serious issues.</p> <p>In this reporting period, audiometric testing was offered to 120 at risk staff with a 73% uptake. Between 16 November 2023 to 24 April 2024 a further 82 skin cancer checks were conducted for at risk staff.</p>

Project / Deliverable	Due By	Status	Stage	Progress Comments
Develop a corporate plan to achieve greater understanding of psychosocial intervention strategies to enhance workplace responses.	31 March 2024.	Complete / Achieved 	On schedule	<p>In consultation with Health & Wellbeing Group & WHS Committee working from data collected from October 2023 psychosocial assessment for areas identified as higher risk develop and implement action plan towards achieving level 4 (effective action) or better compliance, with level 5 (integrated and sustained) being the highest.</p> <p>An action plan has been developed including content for training and information sessions. Training is currently being programmed.</p>

Community Services, Culture & Arts



Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.




Ref	Priority	Progress Comments
1.1.1	Provide opportunities to connect people and ideas to encourage lifelong learning and quality of life.	Over the January to June 2024 period, Council continued to provide opportunities for social connection through events and programs. Highlights included the ongoing Philosophy Club held in the Cultural Hub, over Terms 1 and 2, the launch of the successful Seniors Festival, now known as the Festival of Fun New Experiences, held in February as well as a new Youth Week event, 'Redleaf Social', with approx. 25 young people.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Plan, promote and deliver 7 diverse and inclusive events, activities and programs to the community. Including but not limited to: NAIDOC Week July 2023 Mental Health Week October 2023 International Day of People with a Disability December 2023 Seniors Festival February 2024 Youth Week April 2024 Dementia Awareness Week May 2024 National Reconciliation Week May 2024 (Dates subject to agency change).	3 events by 31 December 2023, 4 events by 30 June 2024.	Complete / Achieved 	Complete	In partnership with a range of community organisations and across Council divisions, Council promoted and led the following events – Youth Week activities for FY23/24 completed (WAVES Festival with WAYS/ Waverley Council and Redleaf Social) delivered in May. National Reconciliation Week (NRW) Internal and external events delivered. NRW staff event held on 29 May, 2024 and NRW Screening of Countryman Documentary held on 30 May, 2024 at Woollahra Library at Double Bay. Festival of Fun New Experiences (Seniors Festival) held in March 2024. Woollahra Dementia Alliance & Carer Gateway Forum held in March 2024.
Diversity strategy developed to inform Council's policies, programs and services.	30 June 2024.	Delays 	Deferred to FY2024/25	Diversity Strategy completion is progressing with new timeline, to be completed in FY2024/25.



Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Ref	Priority	Progress Comments
2.1.1	Respond to calls for Office of Local Government submissions and collaborate with different levels of the government to help us achieve our community's aspirations for the LGA.	In June, 2024, Council adopted a new annual Outgoing Sponsorship Program aimed at providing further support for new and long-standing initiatives as well as proven events and programs that enable Woollahra to thrive. This will further support Council's existing Grants program.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Conduct a Community needs assessment study to inform Councils planning, programs and services	31 March 2024.	Complete / Achieved 	Complete	Community needs assessment report presented to ELT in November 2023 outlining all Community and Customer Experience key strategic documents and key community needs identified.
Distribute up to \$110 000 in grant funding to support Community and Cultural development as determined by Council.	30 September 2023.	Complete / Achieved 	Complete	Grant funded projects for the 2023/24 round continued to roll out in the January to June period supported by Council. Publicity & promotion provided to increase awareness within the community and maximise engagement. In preparation for the 2024/25 round a community information session was held online on 19 March and a face to face grant application workshop was held on 21 March 2024. The round opened for application for 5 weeks (1 April to 5 May) with 52 projects approved for funding.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Deliver services to Woollahra residents as per contract with, Holdsworth Community (\$900,368) to deliver the following projects: Navigating My Aged Care System Aged Care Wellness Hub trial Woollahra Dementia Alliance Action Plan Woollahra Connect Program Family Services.	30 June 2024.	Complete / Achieved 	Complete	Holdsworth is meeting identified service deliverables as per the funding agreement. Council also participates in Woollahra Dementia Alliance (WDA) and promotes WDA activities and events.
Deliver services to Woollahra residents as per contract with Womens Housing Association (\$330,000) 6 x 2 bedroom plus 4 x 3 bedroom units for local women and their families escaping abuse.	30 June 2024.	Complete / Achieved 	Complete	Women's Housing is meeting identified service deliverables as per the funding agreement.
Work with other Government agencies to develop programs and projects to respond to community needs: seniors, diversity, mental health, housing, family services, youth, and children as they arise.	30 June 2024.	Complete / Achieved 	Complete	Youth Week event held in partnership with Waverley Council and WAYS on 19 May 2024. Starting School Forum (a Woollahra and Waverley Council partnership) held on 13 May 2024. Currently partnering with Waverley Council, Randwick Council, and local organisations to implement 'Safe & Together' domestic violence model training after receiving grant funding. Seniors Festival delivered in March 2024 with the support of a Department of Communities and Justice Grant from the NSW Government.

Ref	Priority	Progress Comments
2.1.3	Following adoption, administer Council's Reflect Reconciliation Action Plan 2022-2023.	A draft Innovate Reconciliation Action Plan (RAP) has been developed in consultation with Reconciliation Australia, La Perouse Local Aboriginal Land Council, the Gujaga Foundation and Council's staff Working Group. We are currently progressing the first round of feedback from Reconciliation Australia. The Innovate RAP follows Council's initial and successful Reflect RAP.


Project / Deliverable	Due By	Status	Stage	Progress Comments
Develop an Innovate RAP to support Council to progress activities of reconciliation.	30 June 2024.	Complete / Achieved 	Complete	The innovate RAP working group is developing the actions for Wollahra Councils Innovate RAP. Woollahra Councils Aboriginal and Torres Strait Islander Protocol and Guidelines currently under review by the Gujaga Foundation with review scheduled to be completed July 2024.
Deliver outcomes for reconciliation by finalising outcomes of Reflect RAP	31 December 2023.	Complete / Achieved 	Complete	No action required for the period with the completion and submission of Councils Reflect RAP to Reconciliation Australia in November, 2023.

Strategy 2.2: Understand needs of our community so that we can facilitate access to support and services.

Ref	Priority	Progress Comments
2.2.1	Collaborate with a range of services to provide support for vulnerable members of our community.	Community and Culture Staff are networking with community organisations in order to identify ways to continue to support vulnerable individuals. The Homelessness in Public Space Policy and Procedure has been reviewed and finalised during this reporting period.




Project / Deliverable	Due By	Status	Stage	Progress Comments
Support homeless persons in our community by: (a) continuing partnerships in homelessness network, (b) review of Homeless People Policy (c) Continuing referral of homeless persons when identified to support agencies (d) provision of advocacy as required and (e) participation in annual homeless count. (f) Supporting other vulnerable groups as identified when required (g) Training of internal and external stakeholders.	(a) Ongoing (b) By September 2023 (c) Ongoing (d) Ongoing (e) February 2024 (f) Ongoing (g) 30 June 2024.	Complete / Achieved 	Complete	A total of 3 referrals were made to Missionbeat during the period of January to June 2024. These referrals were made as requests for welfare checks for people sleeping rough in the local Woollahra LGA. Regular attendance at monthly Eastern Suburbs Homeless Assertive Committee (ESHAC) meetings discuss homelessness referrals and supports in the Eastern suburbs. Homelessness in Public Space Policy and Procedure currently being reviewed.


Ref	Priority	Progress Comments
2.2.2	Encourage and promote services and support for families, youth and children.	Council adopted the Children, Youth & Families Strategy and 4 Year Action Plan, for public exhibition, on 11 June 2024. A report following public exhibition, will be presented for final adoption in August 2024.
2.2.3	Following adoption, administer Council's Disability Inclusion Action Plan.	Council adopted the 2022-2026 Disability Inclusion Plan (DIAP) on 27 June 2022, in accordance with NSW legislation. Strong progress has been made over the past 6 months to implement the DIAP across Council and where appropriate consulting with the Inclusion (Disability, Aged and Carers) Advisory Committee for advice from residents with lived experience.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement 50% of DIAP actions as documented in the DIAP 2022-2026.	Six monthly updates on progress.	Complete / Achieved 	Complete	<p>The period of January to June has once again seen significant progress in the completion and development of actions as part of the Disability Inclusion Action Plan 2022- 2026. Community representatives of the Inclusion Advisory Committee attended the bi-annual working group presentation to hear and comment on the progress of Council DIAP 2022-2026.</p> <p>Highlights during this period included Bellevue Road (Bellevue Hill) Footpath renewal works saw the upgrade of 4 intersections which included both renewing existing ramps and providing new kerb ramps for pedestrians, Delivery of Disability Awareness training by the National Disability Recruitment Service for staff in March 2024, Trumper Oval Pathway; accessible pathway around the oval with informal seating, planning approved 18 new bus shelters to be rolled out which will be compliant with the Disability Discrimination Act 1999 (DDA) and with the relevant Australian standards.</p> <p>Woollahra Preschool received funding for 8 children in 2024 as part of the Department of NSW Education Inclusion Support Funding. This allowed for the employment of a full time Special Inclusion Support Teacher and additional support staff to effectively implement individual learning plans for each child.</p> <p>The 2023/24 Grants program saw 11 successful applicants providing services / activities for people living with disability, mental health and dementia. These include Social Buddy (\$3,000), Inala (\$5,813), Woollahra Dementia Alliance (\$2,490) and Sailability (\$7,500).</p>

Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

Ref	Priority	Progress Comments
3.1.2	Promote opportunities for innovative, creative and cultural initiatives that support the community.	Council has funded 8 Cultural Grant Projects in the 2024/2025 round. The draft Woollahra Arts and Culture Strategy and 4 Year Action plan has been developed. It will be presented to Council in August, 2024 to go on public exhibition.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Activate the Cultural Hub at Woollahra Gallery at Redleaf by delivering up to 3 cultural programs p.a. eg. Poetica petit, plein air painting workshops (delivered monthly).	30 June 2024.	Complete / Achieved 	Complete	The Partnership with Workers Educational Association Sydney continued and two, ten week terms of Philosophy Club were delivered. Woollahra Dementia Alliance also utilised grant funding to implement an intergenerational art event on 5 June 2024.
Provide a diverse range of monthly art exhibitions at the Woollahra Gallery, including up to 4 exhibitions hosting community groups (depending on EOI response) and programs that focus on cultural and social issues.	30 June 2024.	Complete / Achieved 	Complete	Between Jan-July 2024 Woollahra Gallery at Redleaf hosted a total of 25 exhibitions, which were a combination of fee-hire EOI exhibitions and community EOI exhibitions. A total of 6,983 visitors have been received between 1 January 2024 to 11 July 2024. The exhibitions have covered a wide range of social, cultural and environmental themes. The Gallery has also hosted artists in residence Sammy Hawker, Caroline Kronenberg, The Little Umbrella Collective and Hal Witney over this period.
Maintain and expand the Public Art Collection by a minimum of 1 artwork p.a to improve accessibility of art to the local community.	30 June 2024.	Complete / Achieved 	Complete	The digital public art screen 'Double Vision' in Kiaora Place, Double Bay continued with its curated program. Deborah Kelly was displayed for the 4 month period February - May 2024, and Todd Fuller is currently programmed June 2024- September 2024. During this period an EOI was launched for the Double Vision Exhibition period October 2024-October 2025.

Project / Deliverable	Due By	Status	Stage	Progress Comments
(a) Develop a Arts and Culture Strategy	(a) 31 December 2023	Delays 	In draft	Arts & Culture Strategy developed and Draft Strategy and Action Plan going to Council in August 2024 to be placed on public exhibition.
(b) Implement actions identified in the Arts and Culture strategy.	(b) 30 June 2024.			

Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

Ref	Priority	Progress Comments
5.1.1	Plan for community, cultural and recreational facilities to ensure they reflect community needs and aspirations.	Council's 10 Community Venues continue to be well utilised. One of the key achievements over the January to June 2024 period was the DA approval for wider community use of the Vaucluse Bowling Club & Community Facility in May 2024, with the official celebration of the renovations to occur on Saturday 17 August, 2024.







Vaucluse Bowling Club & Community Facility



Library Services

Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

Ref	Priority	Progress Comments
1.1.1	Provide opportunities to connect people and ideas to encourage lifelong learning and quality of life.	<p>The Libraries Program and Events team delivered programs for a wide variety of audiences. Featured highlights were a Chris Flynn author talk delivered as part of the Sydney Writers Festival and 4 Spark in the Park events each recording close to 200 registrations.</p> <p>A seed Library and associated programming was launched in collaboration with local community gardens in April with an event featuring poetry readings by local author Ailsa Piper at Watsons Bay Library.</p> <p>A total of 312,034 loans were recorded in the reporting period.</p>




Project / Deliverable	Due By	Status	Stage	Progress Comments
Integrate the digital library within new and existing Library spaces by undertaking a hardware upgrade to facilitate increased awareness and patronage of the digital library.	30 June 2024.	Complete / Achieved 	Complete	<p>Several projects to better integrate the digital collection into library spaces have been undertaken this period. This includes:</p> <ol style="list-style-type: none"> 1. Repurposing a digital display screen to become a kiosk displaying e-audio and e-books. 2. Introducing QR codes as 'shelftalkers' to promote e-newspapers, e-magazines 3. Purchase of a Hublet, Digital content sharing and tablet loan management platform. This device allows for curated ipads to be loaned to the public while in the library to enable easy access to e-resources 4. A new supplier for Library Self-Check Kiosks has been selected following a successful RFQ process. These Kiosks are on order and installation is scheduled for Q1 2024/25.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Community access model developed and implemented so that access hours are increased at Watsons Bay library for the community.	31 March 2024.	Complete / Achieved 	Complete	Following community consultation, approval to increase access hours for Watsons Bay Library using an unstaffed model was granted in April 24. An additional 19 hours per week of community access hours will be added to existing opening hours. Orders for access infrastructure has been placed and installation is expected in Q1. Associated security upgrades are in progress.
Plan, promote and deliver a minimum of 6 diverse and inclusive events, activities and programs which respond to community needs eg. Ideas exchange, author talks, history events, Sunset session at Watsons Bay, Library bites business events, community outreach (some events are delivered monthly and others on a one off basis).	3 activities by 31 December 2023, 3 activities by 30 June 2024.	Complete / Achieved 	Complete	Woollahra Libraries continued to position itself as a Writers Centre offering three author talks with Sandie Docker, Helen Signy and Louise Milligan along with three fully subscribed writing workshops. Our Business bites series were delivered in partnership with social enterprise Sydney School of Entrepreneurship while monthly Tea topics remained popular and featured sessions from photo organising to writers of local history. Library talks are filmed and uploaded to the website, where they are auto captioned.
Deliver ongoing support and social inclusion opportunities for Seniors including fortnightly delivery of Home Library Service and two targeted programs eg. Tech Savvy Seniors and Bus to Books.	Fortnightly delivery to housebound clients and two programs delivered 30 June 2024.	Complete / Achieved 	Complete	Once again grant funding was received to deliver Tech Savvy Seniors, with 6 sessions covering smart phones to cyber safety delivered this period. Tech at Ascham delivered intergenerational tech support and through a partnership with ALIA, Woollahra Libraries delivered an Aged Care Information Hub. The Home Library Service has 93 members and offers easy to use devices to deliver e-audiobooks for those who are vision impaired. The reporting period recorded 4112 HLS loans and 315 loans to Bus to Books members.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Plan, promote and deliver a minimum of 3 programs fostering digital and technology literacy eg. Tech Connect, 3D Printing workshops, STEM workshops (some events are delivered monthly and others on a one off basis).	3 activities by 31 December 2023.	Complete / Achieved 	Complete	8 x 3D printing workshops have been held this reporting period including workshops focussed on jewellery and architecture. Virtual Reality sessions for youth and seniors have been fully booked with 15 participants at each session and Tech Connect continues to provide weekly tech assistance across the three libraries.
Plan, promote and deliver a minimum of 6 diverse and inclusive children's and youth programs which are positively received by the community eg. School holiday program, STEM activities, HSC workshops, children's literacy programs, children's writers and readers, Youth Week events	3 activities by 31 December 2023, 3 activities by 30 June 2024.	Complete / Achieved 	Complete	Mini Makers has been offered across the libraries this year, with children completing themed STEM challenges while a 8 week robotics and coding course allowed the 12 registered participants the opportunity to learn the fundamentals. Simultaneous storytime attendance was high with 270 joining in with others across the State to read Bowerbird Blue. Youth programming included Dungeons and Dragons, Zine Making and life skills workshops including Career planning and Health Habits.

Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.


Ref	Priority	Progress Comments
3.1.1	Provide innovative and high quality library and local history services.	Woollahra Libraries currently has 26, 684 active Library members who are regularly accessing library services. There were 295,760 visits this six month period equating to 5.5 visits per capita and a total of 312,034 loans measuring 5.8 per capita for this period. Fortnightly newsletters were sent to 14,175 subscribers, 2,878 facebook followers and 1,400 instagram followers. Woollahra Libraries has 103 active volunteers engaged in assisting with various tasks including the Tech Connect program and monitoring the slide. The Local history team installed a plaque honouring Leslie Wilkinson OBE under the Woollahra Plaques Scheme.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Refresh of most referenced content for library web page to meet customer experience and satisfaction.	31 October 2023.	Complete / Achieved 	Complete	Following the launch of the new library website further re-organisation and improvements have been made to the Digital Events pages including additional search functionality.
(a) Deliver a local history research service including increased digitally accessible content and (b) Celebration of heritage through the Woollahra Plaques scheme.	(a) Ongoing, 30 June 2024. (b) 4 plaques installed by 30 June 2024.	Complete / Achieved 	Complete	Transcriptions of Woollahra Council's handwritten minute books have now been made publicly available on the Digital Archive while a further 3,000 images were digitised. This included the 'significant streetscapes of Woollahra' series. A plaque for Architect, Leslie Wilkinson OBE was unveiled while 11 new nominations were received for consideration in the Woollahra Council Plaques scheme.
Deliver a vibrant, relevant and creative digital and physical collection that meets community demand measured by circulation per capita exceeding state median (4.63).	30 June 2024.	Complete / Achieved 	Complete	Woollahra Libraries continues to provide a relevant collection for the community. The collection recorded a total of 312,034 loans this six month period resulting in 5.8 loans per capita. Recently the Library introduced Press Reader. This is a service that provides access to local and international newspapers and magazines. Engagement with the platform has reached 26,462 since launch in May.

Customer Experience & Engagement





Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

Ref	Priority	Progress Comments
3.1.2	Promote opportunities for innovative, creative and cultural initiatives that support the community.	We have actioned recommendations from the 2023 adopted Events Services Review, to further improve event management and a diverse events program for our community.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Agreed deliverables of event service review implemented for year one:		Complete / Achieved	Complete	We have completed a review of our Events Policy and prepared a draft Events Strategy for consideration by Council in August 2024. The draft Policy and Strategy will be placed on public exhibition, before adoption. Our website features an events calendar to assist organisations with event planning and promotion. Event planning resources and relevant links to Council approvals and grants programs are available online.
(a) Employment of event specialist	(a) 30 September 2023			
(b) Review of policies and procedures	(b) 31 March 2024			
(c) Include event management resources for community events on Council's website	(c) 30 June 2024			
(d) Development of Event Strategy.	(d) 30 June 2024.			




Strategy 10.1: Encourage inclusive community participation and build respectful relationships through engagement and input into decision making.



Ref	Priority	Progress Comments
10.1.1	Support council through provision of resources, education and tools and communicate opportunities for engagement.	We have continued to see an increase in the use of our online engagement platform "Your Say". Our most popular engagements over this period were: Community engagement opportunities have been promoted through all of Council's communication channels (e-news, social media, print, advertising, digital signage etc).

Project / Deliverable	Due By	Status	Stage	Progress Comments
Community and Engagement team facilitate IAP2 Training of 5 staff by an accredited trainer to increase skills and confidence with engagement strategy and delivery.	30 June 2024.	Complete / Achieved 	Complete	14 members of staff attended community engagement training, facilitated by a local government engagement specialist in March 2024.
Consultation with departments on key engagement projects to include in an annual Calendar to be shared with ELT and with teams.	Reviewed and updated every 6 months by December 2023.	Complete / Achieved 	Complete	Council's community engagement calendar has been regularly updated. Planning ahead has been reinforced for all key engagement projects. Larger engagement projects (have included Cooper Park POM and Masterplan, Spring St Reserve, Children, Youth and Families Strategy, Arts & Culture Strategy, and Yarranabbe Fitness Station.
Implementation of Communication and Engagement strategy.	31 December 2023.	Complete / Achieved 	Complete	The Strategy continues to inform planning, promotion, delivery and training outcomes to encourage public participation. The most popular engagement projects for this period: Cooper Park POM and Masterplan, Arts & Culture Strategy, Improving customer experience for trade waste customers.
Promote community engagement opportunities through Your Say Woollahra and other Calendar of Engagement to ensure planning and resource allocation and best experience for customers. (New engagement projects are posted monthly).	Ongoing, 30 June 2024.	Complete / Achieved 	Complete	From January- June 2024 there were 17 projects published Your Say. Total number of submissions 483 and total number of site visits 19 069 (44% increase in 6 months) New users:235 Total number of registered users:4146 Open rate for Your Say e-news is 57.3% and industry average is 19.4% (CM,2024)


Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.


Ref	Priority	Progress Comments
11.1.1	Drive customer design throughout council to improve customer experience	Customer Design training skills workshops were conducted and 25 staff attended the sessions.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Undertake Customer experience performance measures including (a) Customer Satisfaction Score to inform service improvements throughout Council. (b) Net Promoter Score, (c) Customer Effort Score	(a) July 2023 (b) April 2024 (c) February 2024	Complete / Achieved 	Complete	A community wide survey was conducted by Micromex. A Net promoter score was undertaken at the Libraries in conjunction with the yearly survey.
Up to 30 staff to attend a one day workshop on tools and engagement mechanisms to improve Customer Experience across Council services.	31 March 2024.	Complete / Achieved 	Complete	30 staff attended two half day workshops.
Undertake a customer effort score assessment on iConcierge to further drive the development of the app to improve customer experience.	31 December 2023.	Complete / Achieved 	Complete	Continued to be conducted on the finalisation of all CRM's and is reported to the executive every month.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Implement a Customer Experience Strategy to drive a customer first approach across council	31 December 2023.	Complete / Achieved 	Complete	The Customer Experience Strategy continues to be delivered according to the action plan: major deliverables have included: automation of online payments for parking permits, training and development of staff, inclusion of projects to drive customer experience improvements by all managers across council, ongoing data collection and feedback from customers used to improve customer interactions.
Develop Customer experience dashboard by automating data collection to enable data to be used real time to inform service improvements.	31 December 2023.	Delays 	Awaiting commencement date	Information for CX Dashboards has been formulated.

Ref	Priority	Progress Comments
11.1.2	Transform Council's business, by optimising the use of technology to support effective business processes and customer journeys.	Delays with systems and testing have delayed the launch of the online parking permits. They will be launched on July 1 2024. Work is continuing on the next 5 highest volume forms that are currently not able to be paid for online.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Website is rebuilt and redesigned to improve functionality and quality of content to increase customer satisfaction and engagement.	31 October 2023.	Complete / Achieved 	Complete	Following the successful launch of the new website in late 2023 we trialled two widgets for a 6 month trial (one an accessibility tool and the other a customer feedback prompt for users) to improve our customer experience in areas of priority. Areas of improvement have been guided by user feedback and will continue across our websites to provide accessibility options for users and continue to receive user feedback to inform further website improvements.. We have seen an increase in the use of the clean up zone information and pages on our website and the section is now one of the most popular segments of the website. For the period of Jan-June we had 238,724 site visits and 846,593 page visits- demonstrate high use of the site.

Project / Deliverable	Due By	Status	Stage	Progress Comments
Successful implementation of 6 priority online forms including payments.	3 by 31 December 2023, 3 by June 2024.	Delays 	Preparations	Online parking permits have now been launched. Council is exploring systems to integrate receipting before launching the next 5 forms.

Workload and Productivity

The following table shows the Service results for the reporting period.




Service	FY 2021/22 (av.)	1st Qtr 2022/23	2nd Qtr 2022/23	3rd Qtr 2022/23	4th Qtr 2022/23	FY 2022/23 (av.)	1st Qtr 2023/24	2nd Qtr 2023/24	3rd Qtr 2023/24	4th Qtr 2023/24	FY 2023/24 (av.)
DAs and CDCs processed by Customer Service staff	302	331	335	245	321	308	281	293	228	294	274
Calls answered by Customer Service staff	18,498	16,675	16,665	17,495	15,314	16,537	16,173	16,412	16,358	15,375	16,080
Service standard for call answered	96%	95%	94%	93%	92%	94%	96%	95%	95%	94%	95%
Visitor permits and Daily permits issued by Customer Service staff	4,159	5,300	5,870	6,005	5,270	5,611	5,680	6,560	6,945	4,900	6,021
Parking permits issued by Customer Service staff	1,271	1,255	1,375	1,482	1,026	1,285	1,349	1,328	1,432	1,071	1,295



Woollahra Preschool

Strategy 2.2: Understand needs of our community so that we can facilitate access to support and services.

Ref	Priority	Progress Comments
2.2.2	Encourage and promote services and support for families, youth and children.	Woollahra Preschool provides an 80 place centre for children aged 3-5 years and provides an exceeding standard of care. The Preschool continues to support children with special needs with a dedicated Special Inclusion Support Teacher.

Project / Deliverable	Due By	Status	Stage	Progress Comments
A quarterly intergenerational program delivered between Woollahra Preschool and Holdsworth Community.	30 June 2024.	Complete / Achieved 	Complete	In partnership with Holdsworth Community, two intergenerational activities were held in February and June 2024 at Woollahra Preschool with elderly clients of Holdsworth interacting with the preschool children.
Continue working in partnership with the Gujaga Foundation to deliver a weekly community language program to children in Woollahra Preschool.	Ongoing, 30 June 2024.	Delays 	Awaiting commencement date	Council has been unable to restart the Dharawal Language Program due to insufficient number of educators available from provider.
Support children with special needs as funded by State Government, so that they are appropriately cared for and resourced by Woollahra Preschool.	30 June 2024.	Complete / Achieved 	Complete	10 children with additional needs attended Woollahra Preschool in 2024. Funding was received for 8 of the children from Dept of NSW Education – Inclusion Support Funding in term 1, which allows for employment of a full time Special Inclusion Support teacher. Meetings are held each quarter with parents of these children and Allied health professionals to review progress and set goals.

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