

Annexure 6

**Explanation of recommended amendments
arising from internal staff review
during exhibition period**

Amendments following internal review

Part A: Introduction and Administration

Chapter A3 Definitions

Section 3.1 Definitions

- ▶ Insert definition of reviewable conditions to improve clarity and interpretation of terms in the Draft DCP.

Part B: General Residential

Chapter B1 General Residential

- ▶ Various minor amendments to improve clarity and cross references.

Chapter B2 Neighbourhood Heritage Conservation Areas

- ▶ Minor amendments to improve cross references.

Chapter B3 General Residential

Section 3.1 Introduction

- ▶ Various minor amendments to the objectives.

Section 3.2 Building envelope and Section 3.3 Floorplates

- ▶ Key changes to the controls are summarised in section 4 of the UPC report and further explained in Annexure 3.
- ▶ Various other minor amendments made to the controls, figures and notes to improve clarity and interpretation.

Section 3.4 Excavation

- ▶ Delete objectives and controls relating to energy efficiency. Energy efficiency is addressed by State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The DCP should not duplicate or seek to establish additional controls beyond those in BASIX.
- ▶ Insert excavation control that will apply to uses other than a dwelling house, dual occupancy, semi-detached dwelling, residential flat building, multi dwelling housing, or attached dwelling

Chapter B3 General Residential

development. Such uses may include aged care, boarding house, place of public worship etc. The controls that apply to these other uses are the same as those that apply to residential flat building, multi dwelling housing and attached dwelling developments.

- The maximum volume of excavation for a residential building should be clearly differentiated from the maximum volume of excavation for a swimming pool. The controls have been amended so that excavation for a pool only applies outside the buildable area. This prevents excavation for swimming pools being used to a dwelling to increase the size of the dwelling.
- Delete objective O7 and control C4 as exhibited which required habitable rooms to have at least one wall above existing ground level. As the control was inconsistently applied and achieved inequitable outcomes it has been deleted.

Section 3.5 Built form and context

- In Section 3.5.2 Overshadowing, amend control C2 so that the control applies to all lots and not just lots that are oriented lot east/west. This recognises that there are other circumstances where lot orientation may make the solar access controls difficult to achieve. For example, on north facing lots with primary open space located to the south.
- In Section 3.5.3 Public and private views, expand control C8 to ensure that all elements (not just awnings and coverings) on a roof terrace are set below then maximum building height limit.
- In Section 3.5.4 Acoustic and visual privacy:
 - amend the introduction by inserting examples identifying how acoustic separation and privacy can be achieved. This guidance has been relocated from control C1 as it is more suitable as advisory information than as a control.
 - Insert control stating that the acceptability of any elevated balcony, deck, or terrace will depend on the extent of its impact, its reasonableness and its necessity. This control has been established having regard to the Land and Environment Court judgement from *Super Studio vs Waverley Council*, [2014] NSWLEC 91.
 - Amend control addressing separation and sight lines between roof terraces and upper levels decks so that it is consistent with the Land and Environment Court judgement from *Geoform Design Architects Pty Ltd v Woollahra Municipal Council* [2012] NSWLEC 1278. Figure 17 has been deleted as it was ambiguous and did not effectively align with the control.
 - Amend control regarding light installation to clarify that it applies to upper level decks, and to alter the word "and" to "or" regarding outdoor lighting requirements.

Section 3.6 On-site parking

- Amend control C1 to clarify that parking is to be located within the building envelope.
- Amend control C10 to clarify that carports are only permitted where they are characteristic of the street.

Chapter B3 General Residential

Section 3.7 External areas

- In Section 3.7.1 Landscaped area and private open space:
 - Insert control requiring at least 50% of the rear setback to comprise deep soil landscaped area. This control ensures that a reasonable proportion of the rear setback can accommodate trees and substantial vegetation and provide for on-site stormwater absorption.
 - Amend the primary open space control to delete the requirement that only areas able to accommodate a 3m circle can be counted as primary open space. This control is no longer required, due to the insertion of a new control for deep soil landscaped area in the rear setback. Figure 21 has also been amended to reflect this.
- In Section 3.7.4 Ancillary development - swimming pools, tennis courts and outbuildings, control C2 has been amended so that the excavation for a pool only applies outside the buildable area. This ensures that excavation for swimming pools is not used to accommodate parts of the dwelling. An objective to limit excavation has also been included for swimming pools and tennis courts. (Also see explanation for Section 3.4 Excavation above).

Section 3.8 Additional controls for development other than dwelling houses

- In Section 3.8.5 Attached dwellings, control C2 has been modified to state that parking structures addressing the street are not encouraged, as opposed to not permitted, which was stated in the exhibited version. The preference remains for parking to be located in a basement or at the rear of the property to preserve the streetscape amenity.

Section 3.9 Additional controls for development on a battle-axe lot

- Insert control requiring a minimum lot size of 950m² for development other than a dwelling house on a battle-axe lot in the R3 Medium Density Residential Zone. This control was in the exhibited Draft Woollahra LEP 2013, however it was deleted by the Department of Planning and Environment in the approved version of the LEP. We will be seeking to reinstate this control in the LEP, in the meantime the control has been inserted into the DCP.

Section 3.10 Additional controls for development in sensitive locations

- In Section 3.10.1 Development on land adjoining public open space, control C6 which prohibits gates from private properties that provide direct access to public open space has been reviewed. Gates will be considered, but must open inward toward the private property. The requirement for an inward swinging gate addresses risk and safety issues that can arise from opening a gate into the public area where visibility is limited.

Part C: Heritage Conservation Areas

Chapter C2 Woollahra Heritage Conservation Area

Section 2.1.6 Definitions

- The term breezeway is used but not defined. To provide clarity, insert a definition of breezeway: An unenclosed passage or void between the side boundary and rear wing.
(Note: This definition has also been inserted into Chapter C1 Paddington HCA for consistency.)
- Insert definition of gable ended roof and transverse gable roof.

Section 2.4.1 Single storey residential buildings

- Amend control C4 to clarify that boundary to boundary rear extensions are permitted on the ground floor only, and not on the first floor.

Section 2.4.2 Multi-storey dwelling houses

- Amend control C2 so that rear additions retain the breezeway.

Section 2.4.3 Semi-detached dwellings

- Amend control C2 so that rear additions retain the breezeway.

Section 2.4.4 Terrace style housing

- Delete control C11 which states that on narrow lots (less than 3.3m wide) the breezeway can be enclosed. This is not our preferred approach and conflicts with control C1 which requires that alterations and additions are consistent with the breezeway.

Section 2.4.11 Pubs

- Amend introduction to provide a more detailed description of pubs in the Woollahra HCA.
- Insert new objectives and controls to facilitate the retention of significant elements of pubs in the Woollahra HCA. This change creates a consistent approach to managing pubs in the Woollahra and Paddington HCAs.

Section 2.5.1 Building height form and character

- These are general objectives and apply to all development in the Woollahra HCA, including infill or replacement development and alterations and additions to existing buildings including contributory items. However, there is an over emphasis in the objectives to infill development. The objectives have been modified to make it clear these apply to all development.

Chapter C2 Woollahra Heritage Conservation Area

Section 2.5.8 Parking and garage structures

- This chapter of the DCP uses four terms which relate to garage roof forms:
 - transverse roof
 - non-transverse roof
 - transverse gable form and
 - gable end.

However, these terms are not defined and there is ambiguity about the application of these terms to different roof forms.

To remove this ambiguity, these four terms have been simplified to two terms: “gable ended roof” and “transverse gable roof” and a definition inserted into the definitions for this chapter at Section 2.1.6. The definitions are:

- gable ended roof - a roof with a gable end facing the street or lane
- transverse gable roof - a roof with gable ends, where the ridge is parallel to the rear boundary.

All references to transverse roof, non-transverse roof, transverse gable form and gable end have been amended to reflect the new definitions.

Section 2.5.10 Excavation

- For consistency with Chapter B3 General Development Controls, the excavation controls have been amended to delete the requirement for a habitable room to have at least one external wall fully above existing ground level.

Section 2.7 Schedule of contributory items

- At the beginning of the table of contributory items, insert note identifying that heritage items in Schedule 5 of Woollahra LEP 2014 are also contributory items.

Chapter C3 Watsons Bay Heritage Conservation Area

Section 3.3.5.2 Building siting and alignment

- ▶ Consistent with Chapter B3 General Development controls, amendments to objectives relating to excavation.

Section 3.4.10 Precinct K: Camp Cove Village (18 Cliff Street, Watsons Bay)

- ▶ Property was incorrectly removed from the list of contributory items in the exhibited Draft DCP. Council's Strategic Heritage Officer reviewed the listing and confirmed that the property is a contributory item. Reinsert 18 Cliff Street, Watsons Bay, in the list of contributory items.

Section 3.4.13 Precinct N: Robertson Place

- ▶ Replace paragraph two of the Precinct Specific Guidelines to reflect that a plan of management and a conservation management plan has been prepared and applies to the precinct.

Section 3.5.5 Built form (Excavation)

- ▶ Amend excavation objectives and controls so these are consistent with the excavation controls that apply to Chapter B3: General Development Controls (Section 3.4 Excavation). It is reasonable for the objectives to be consistent, particularly having regard to the similar characteristics of the areas to which these chapters apply.

Part D: Business Centres

Chapter D5 Double Bay Centre

- ▶ Delete references to the term "contributory" or "contributory item" and replace with "character" or "character building". A building cannot be a contributory item if it is located outside of a HCA.

Chapter D6 Rose Bay Centre

- ▶ Delete references to the term "contributory" or "contributory item" and replace with "character" or "character building". A building cannot be a contributory item if it is located outside of a HCA.

Part E: General Controls for All Development

Chapter E6 Sustainability

Section 6.2 Commercial and non-residential buildings

- ▶ Clarify the intent of objective O1 by replacing it with the following:
 - O1 To promote sustainable buildings, design and construction.

Chapter E7 Signage

Section 7.3.1 Signage in heritage conservation areas and on heritage items

- ▶ To better address lighting and illumination for heritage conservation areas and heritage items, group the controls relating to illumination and lighting with a new objective: To ensure lighting or illumination of signs does not impact on the heritage fabric or presentation of the place.
- ▶ To minimise impacts on the heritage fabric and identify a preference for spotlighting:
 - Amend control C7 by deleting reference to internally illuminated signs and
 - Amend control C19 to state that internally lit signs, neon signs or signs with neon lettering are generally inappropriate and may only be considered if the sign is inside the shop.