



Urban Planning Committee

Annexure 7

Agenda: *Urban Planning Committee*

Date: *Monday 13 August 2012*

Item: R1 - Draft Woollahra Residential DCP 2003
(Amendment No. 4) Excavation

Alterations are shown as:

Deleted text: ~~strikethrough~~

Added text: underlined

COMPARISON PLAN

Woollahra Municipal Council

**Draft Woollahra Residential Development Control Plan 2003
(Amendment No. 4)**

1.7 SAVINGS AND TRANSITIONAL PROVISIONS

Despite the statements and the repeal of development control plans, policies and codes referred to in clause 1.6, the following savings and transitional provisions apply as if clause 1.6 did not operate:

Woollahra Residential DCP 1995 continues to apply (in respect of land to which the RDCP applies) to development applications, applications to modify development consents under section 96 of the Environmental Planning and Assessment Act 1979 and applications for review of determination under section 82A of the Environmental Planning and Assessment Act 1979 that were made prior to but not determined on the date of commencement of the RDCP.

Woollahra Residential DCP 1998 continues to apply (in respect of land to which the RDCP applies) to development applications and applications to modify development consents under section 96 of the Environmental Planning and Assessment Act 1979 that were made after 6 April 1998 but before the commencement date of Woollahra Residential DCP 1999 (20 September 1999) and which were not determined on the date of commencement of the Residential DCP 1999.

Woollahra Residential DCP 1999 (as amended by amendments 1, 2, 3 and 4) continues to apply (in respect of land to which the RDCP applies) to development applications, applications to modify development consents under section 96 of the Environmental Planning and Assessment Act 1979 and applications for review of determination under section 82A of the Environmental Planning and Assessment Act 1979 that were made prior to but not determined on the date of commencement of the RDCP.

The policies and codes referred to in clause 1.6 continue to apply (in respect to land to which the RDCP applies) to development applications, applications to modify development consents under section 96 of the Environmental Planning and Assessment Act 1979 and applications for review of determination under section 82A of the Environmental Planning and Assessment Act 1979 that were made prior to but not determined on the date of commencement of the RDCP.

1.7.1

Woollahra Residential DCP 2003 (amendment No.4) does not apply to development applications, applications to modify consents under section 96 of the Act, and applications for the review of determinations under section 82A of the Act, that were made prior to but not determined by or on the date of commencement of Woollahra Residential DCP 2003 (Amendment No 4).

PART 5 – GENERAL CONTROLS

5.2 BUILDING SIZE AND LOCATION

Explanation

Controls for building size and location are contained in Woollahra LEP 1995 and this RDCP. Woollahra LEP 1995 includes floor space ratios (applicable to residential flat buildings), minimum allotment sizes, a foreshore building line and height controls. This RDCP contains the following elements:

- front, side and rear setback controls;
- the building footprint, which establishes the maximum proportion of the site area allowed to be covered by buildings;
- floor space ratios for dwelling houses and dual-occupancies, which describe the maximum permissible size of development relative to the site area; and
- controls to ensure development minimises site excavation.

The maximum permissible floor space ratios as set down in Woollahra LEP 1995 for residential flat buildings and mixed development and in this RDCP for dwelling-houses and dual occupancies are not "as of right". To achieve the maximum permissible floor space ratio a development must satisfy all relevant controls applicable to the land. It is intended that the gross floor area for a building or buildings resulting from the floor space ratios specified in Woollahra LEP 1995 and in this RDCP be contained within the building volume created by the maximum building height in metres for buildings specified in Woollahra LEP 1995 and the controls for building footprint, building height in storeys, and front, side and rear setbacks specified in this RDCP.

The RDCP controls are designed to ensure that the scale and bulk of housing is compatible with site conditions and the desired future character for the locality as outlined in Part 4. Important considerations include the protection of privacy, access to sunlight and views enjoyed by residents, neighbouring properties and surrounding streets and public open space. Recognising the importance of tree and vegetation networks to Woollahra's 'leafy' character, the controls also seek to encourage the integration of existing and future open spaces and planting as a fundamental component of site design.

In all circumstances, applications must conform to the RDCP's numeric controls for setbacks and the building footprint. The controls are intended to ensure development can be appropriately adapted to site opportunities and the important character elements of the street or locality.

The potential location of development on the site will be guided by the application of the RDCP's building footprint control. The purpose of the building footprint control is to:

- limit site coverage and excavation of new buildings;
- maximise on-site infiltration of stormwater;
- maximise deep soil landscape areas;
- maintain natural landform;
- maintain subterranean water flows;
- protect significant vegetation; and
- minimise the likelihood of land instability due to excavation.

Applicants may choose where to locate the building footprint, provided that it occurs within the outer limits of the front, side and rear setbacks and subject to the RDCP's other controls.

The purpose of the front, side and rear setback controls is to:

- relate new development to existing boundary lines along the frontage;
- protect the visual and aural privacy of residents in adjoining buildings;
- provide side access to the rear of properties where rear lanes do not occur;
- avoid buildings or parts of buildings encroaching on adjoining properties;

- enable opportunities for screen planting;
- protect significant vegetation;
- avoid an unreasonable sense of enclosure; and
- safeguard privacy and minimise noise impacts for dwellings.

Objectives

O 5.2.1 To preserve established tree and vegetation networks and promote new networks by ensuring sufficient areas for deep soil planting and sufficient setbacks between the rear of buildings.

O 5.2.2 To ensure the size and location of buildings allow for the sharing of views and preserve privacy and sunlight access for neighbouring residents.

O 5.2.3 To ensure the form and scale of development is not excessive and maintains the continuity of building forms and front setbacks in the street.

O 5.2.4 To limit site excavation and minimise cut and fill to ensure that building form relates to the topography, to satisfy the principles of ecologically sustainable development, (including the energy expended in excavation and transport of material and the relative energy intensity of using subterranean areas in dwellings) and to protect the amenity of adjoining properties both during and after construction.

Semi-detached buildings

O 5.2.5 To ensure that the original symmetrical streetscape contribution and character of semi-detached cottages is retained and enhanced and to ensure that the architectural uniformity of the building is maintained.

O 5.2.6 To encourage additions and alterations to one part of a semi-detached pair that respect the scale, detailing and characteristics of the pair.

Performance criteria

Development setbacks

C 5.2.1 Setbacks preserve existing significant trees and vegetation and allow for new planting. Where significant mature trees are to be retained, buildings are located at least 3.0m from the base of the tree to minimise root damage.

C 5.2.2 Unless otherwise indicated in Part 4 the front setbacks are consistent with those of adjoining buildings.

Where the setback of an adjacent building is greater than 3.0m, this may be achieved by ensuring development is set back:

- the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2.0m (see *Figure 5.2.1*); or
- the average of the setbacks of the two adjoining buildings, if the difference between the setbacks of the buildings is greater than 2.0m (see *Figure 5.2.2*).

Where the setbacks of the adjacent buildings are 0 - 3.0m, this may be achieved by ensuring development is set back the same distance as one or the other of the two adjoining dwellings (see *Figure 5.2.3*).

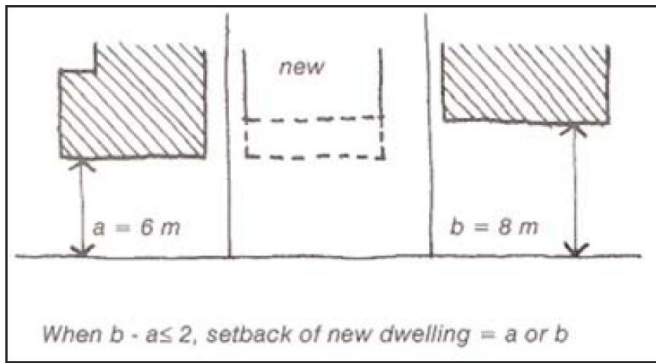


Figure 5.2.1 – Calculating front setbacks

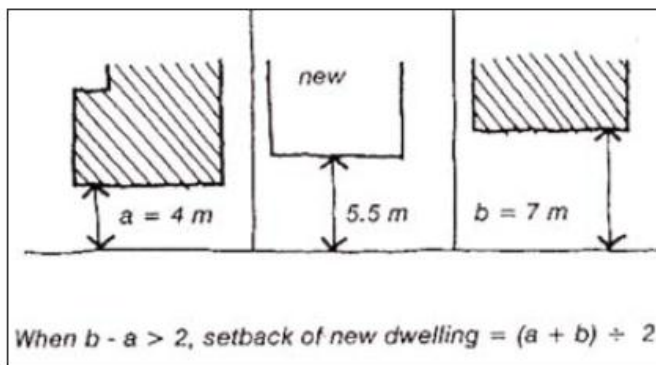


Figure 5.2.2 – Calculating front setbacks

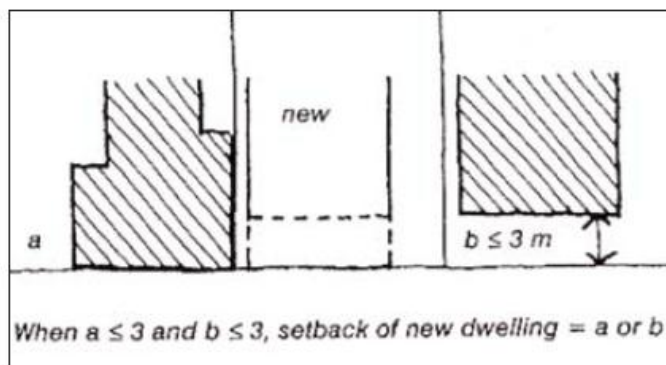


Figure 5.2.3 – Calculating front setbacks

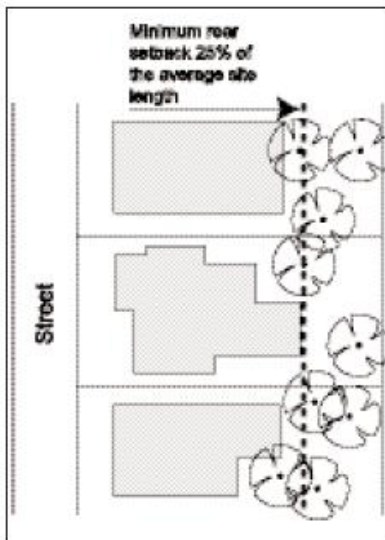


Figure 5.2.4

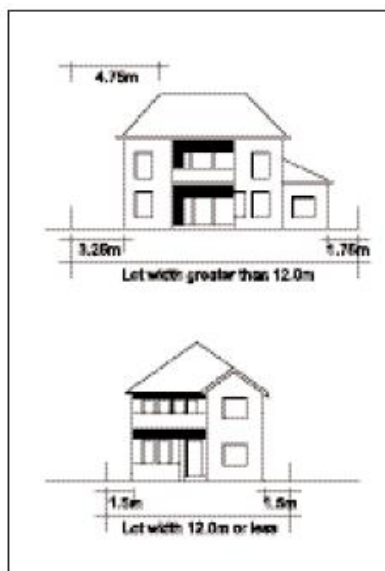


Figure 5.2.5

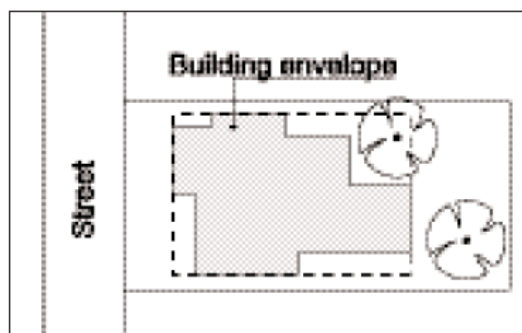


Figure 5.2.6 – The building footprint fits within the front, side and rear setback requirements; the footprint shape responds to site features, privacy, solar access and outdoor space design principles.

C 5.2.3 Buildings have a minimum rear setback of 25% of the average site length (see Figure 5.2.4).

C 5.2.4 Ancillary development, to a maximum height of 3.6 metres, may be permitted within the area designated as the rear setback if all other policy controls are satisfied.

A minimum 1.5m rear setback applies to ancillary development in this circumstance.

C 5.2.5 Unless otherwise indicated in Part 4, development has a minimum side boundary setback of 1.5m.

At any point where the lot width exceeds 12.0m, the side setback is increased on a pro rata basis by 0.5m for each metre or part thereof the building height adjacent to the boundary exceeds 3.0m.

Where the lot width is 12.0m or less, the side setback is increased on a pro rata basis by 0.5m for each metre or part thereof the building height adjacent to the boundary exceeds 6.5m (see Figure 5.2.5).

C 5.2.6 Provided the distance to a side boundary is not less than 1.5m, fascias, gutters, downpipes, eaves with non-combustible roof cladding and non-combustible lining up to 0.6m, masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services may encroach beyond the building setbacks. The following may encroach beyond the side setbacks without restriction: screens or sunblinds; light fittings; electricity or gas meters; aerials or antennas. Encroachments are not permitted where significant views and vistas will in the Council's opinion, be detrimentally affected.

Building footprint

C 5.2.7 Unless otherwise indicated in Part 4: Precinct Controls, building footprints for residential flat buildings are limited to 40% of the site area (see Figure 5.2.6).

C 5.2.8 Building footprints for dwelling houses and dual occupancies comply with the sliding scale in Figure 5.2.7.

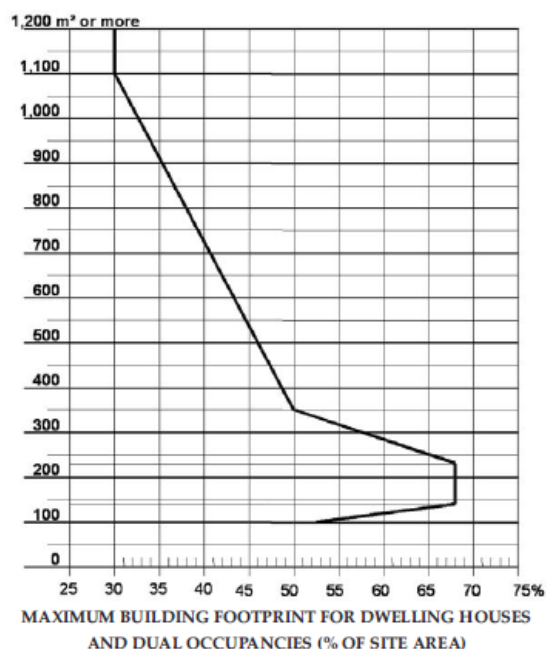


Figure 5.2.7 – Maximum building footprints for dwelling houses and dual occupancies

Building form and scale

C 5.2.9 The floor space ratio for dwelling houses and dual occupancies complies with the sliding scale in Figure 5.2.9;

C 5.2.10 Habitable rooms must achieve a minimum floor-to-ceiling height of 2.7m. In the following circumstances a lower height may be acceptable or preferred:

- development is within a roof space (other than for mansard roof forms) and the environmental quality of internal living spaces is not adversely impacted;
- it can be demonstrated that a reduced floor to ceiling height will provide measurable benefits for neighbouring amenity and the environmental quality of internal living spaces is not adversely impacted.

C 5.2.11 Council may consider minor protrusions beyond the building envelope for pitched roofs where this is consistent with the relevant desired future character objectives described in Part 4.

C 5.2.12 Building bulk is distributed to minimise over-shadowing on neighbours, streets and public open space (see Figure 5.2.10).

C 5.2.13 Sunlight is provided to at least 50% (or 35m² with minimum dimension 2.5m, whichever is smaller) of the main ground level private open space of adjacent properties for a minimum of two hours between 9am and 3pm on June 21.

Where existing overshadowing is greater than this, sunlight is not further reduced.

C 5.2.14 North-facing windows to habitable rooms of neighbouring dwellings do not have sunlight reduced to less than 3 hours between 9.00am and 3.00pm on 21 June (Figure 5.2.8).

Site excavation

C 5.2.15 The building footprint is designed to minimise excavation, including cut and fill. The footprint shall adhere to the setback controls and no substantial excavation shall occur outside this footprint.

1. C 5.2.16 The outer edge of excavation, required to construct the development, including all excavation for piling and all sub-surface walls shall not be less than 1.5m from a front, side or rear boundary.

[NOTE: The front, rear and side building setbacks referred to in C5.2.1, C5.2.2, C5.2.3 and C5.2.5 also apply to all parts of the building, including where it extends below ground level]

C 5.2.17 To minimise excavation, including cut and fill on sloping sites and to encourage good quality internal environments, any habitable room of a dwelling must have at least one external wall fully above existing ground level (see diagram 5.2.11).

C 5.2.17A The volume of material to be excavated from below existing ground level in connection with a site used as a single dwelling or dual occupancy is not to exceed the volume shown on the sliding scale in Figure 5.2.11A.

C 5.2.17B The volume of material to be excavated from below existing ground level in connection with a site used as residential flat building is not to exceed the volume shown on the sliding scale in Figure 5.2.11B.

C.5.2.17C An allowance may be made in respect to the volumes shown in figures 5.2.11A and 5.2.11B for sites sloping up from the street access point (i.e. where the difference in levels between the point of vehicular entry to the site and any part of the land represents a gradient of greater than 1:8), where the development satisfies all other excavation controls.

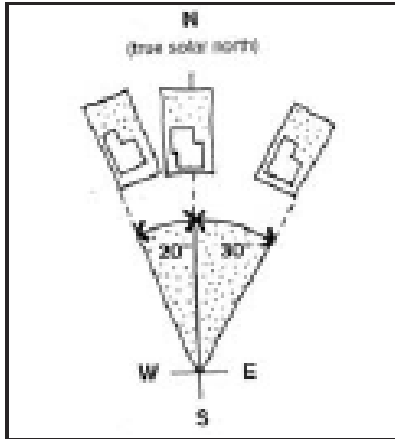


Figure 5.2.8 – "North-facing" refers to rooms and open space areas located on the northern side of buildings. These areas are likely to benefit most from solar access.

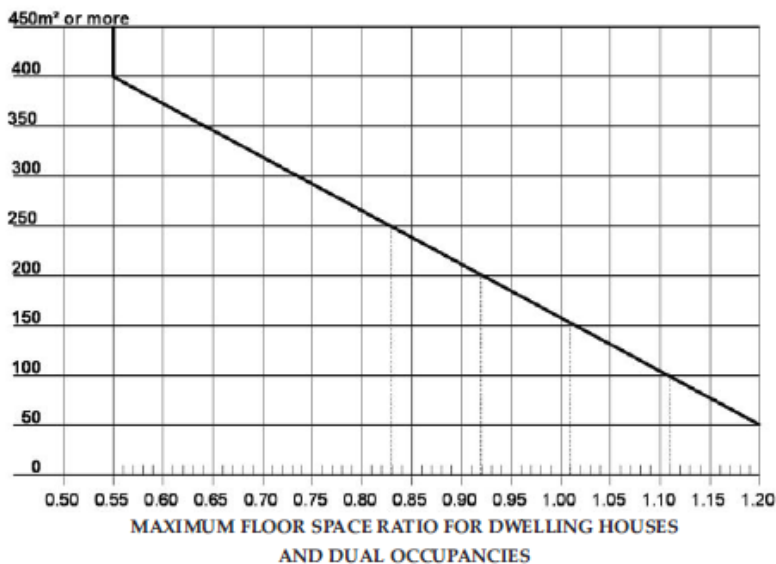


Figure 5.2.9 – Maximum floor space ratio for dwelling houses and dual occupancies

Lot amalgamation

C 5.2.18 Where a group of allotments is proposed to be developed for the purpose of residential flat buildings, those allotments should share a common road frontage. If 'end to end' amalgamation occurs (see *diagram 5.2.12*) the building setbacks and building footprint will be considered as if they were separate sites.

Semi-detached buildings

C 5.2.19 Alterations and additions to one of a pair of semi-detached cottages must not dominate or compromise the uniformity or geometry of the principal or streetfront elevation.

C 5.2.20 First floor additions shall be set back beyond the apex or main ridge of the principal roof form of the building and shall retain chimneys.

C 5.2.21 Dormers will not be permitted to the principal elevation of the building.

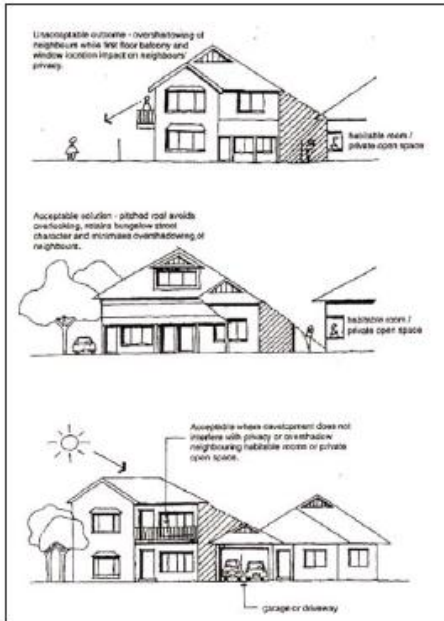


Figure 5.2.10 – Distributing building bulk to avoid impacts on neighbours.

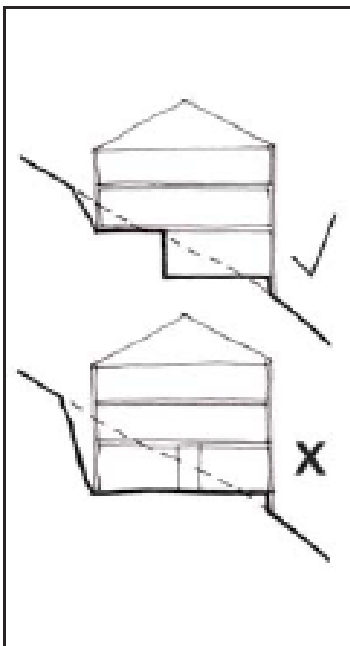


Figure 5.2.11 – Habitable rooms are to have at least one external wall fully above existing ground level to minimise cut and fill and to encourage good quality internal environments.

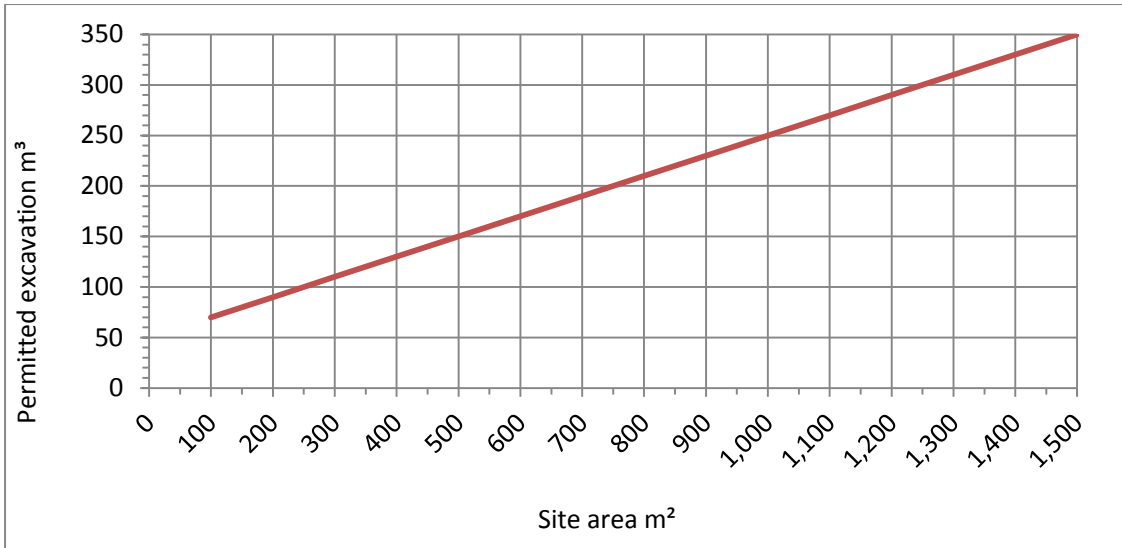


Figure 5.2.11A – Absolute maximum volume of excavation for dwelling houses and dual occupancies

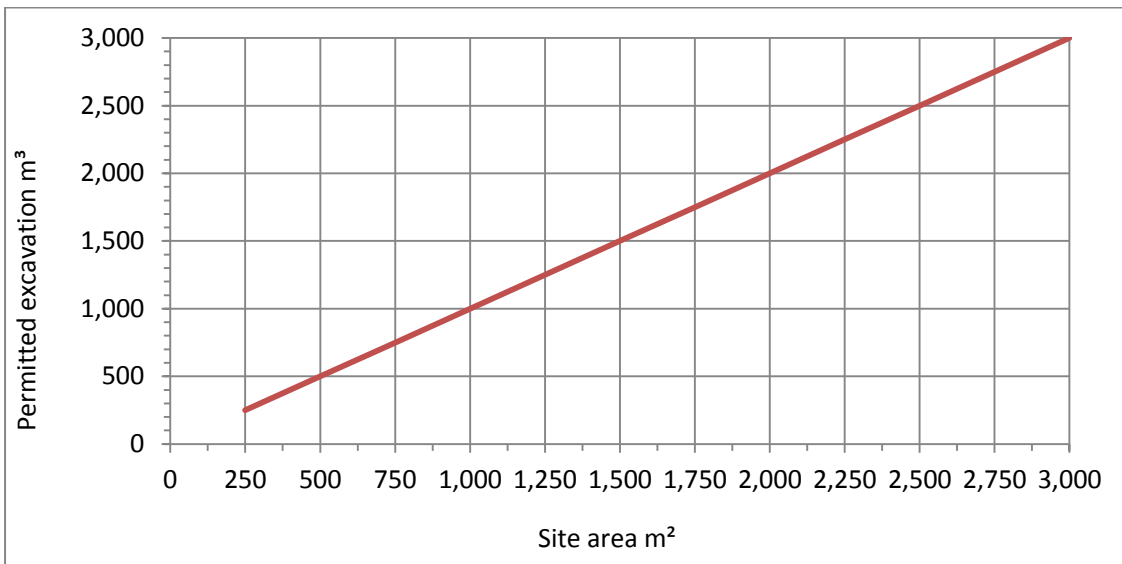


Figure 5.2.11B – Maximum volume of excavation for residential flat buildings

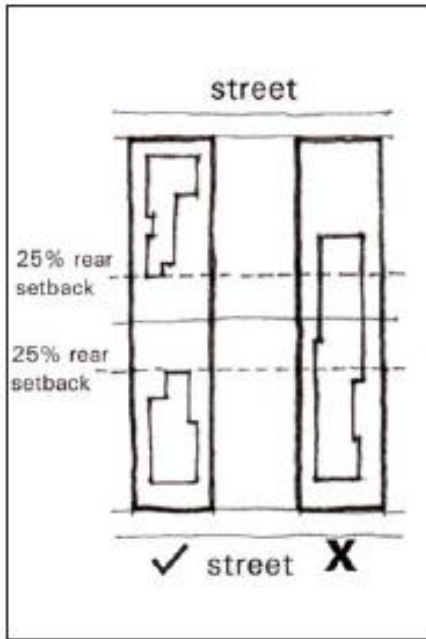


Figure 5.2.12 – End to end amalgamation of sites is considered as two separate sites.