

Annexure 4

Summary of key changes

DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2014
REQUEST TO EXHIBIT

Annexure 4 ► Summary of key changes

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A4.1 Introduction

The Draft DCP is the culmination of significant research and analysis of the existing built form, development consents, and consultation with the Strategic Planning Working Party and Council staff across the Planning & Development, Technical Services and Community Services Divisions.

This annexure identifies and summarises the key changes proposed in the Draft DCP, by part and chapter.

It is important to note, however, that this annexure does not identify all changes. Given the existing DCPs are collectively over 1,600 pages, and the Draft DCP is over 1,400 pages, it is not practical to identify all the changes between these documents.

To fully understand how the changes may affect a particular site, area or development type, it is important that the Draft DCP is read with the existing DCPs.

The proposed changes seek to produce a set of DCP controls that comply with the requirements of the *Environmental Planning and Assessment Act 1979* (Act), give effect to the aims of the Draft Woollahra Local Environmental Plan 2014 (LEP), establish effective and practical controls, produce good development outcomes, and facilitate a more efficient assessment process.

The exhibition of the Draft DCP provides opportunity for the community to review the proposed changes and provide feedback for Council's further consideration.

A4.2 Part A: Introduction and Administration

Part A Structure	
A1	Introduction
A2	Advertising and Notification
A3	Definitions

Part A of the Draft DCP introduces the DCP and contains essential information for all applicants to consider when preparing a development application (DA).

The key elements in Part A include:

- overarching objectives for the Draft Woollahra DCP;
- savings and transitional provisions;
- explanation on the structure of the Draft DCP;
- explanation of the development assessment process;
- requirements for advertising and notifying a DA; and
- a list of definitions that apply to the DCP.

Most of the content in Part A is administrative and reflects current processes. Some of the key matters to note are:

- **DCP objectives:** The objectives reflect new requirements of the Act regarding the relationship and role of the DCP to the LEP, and include matters from the existing Woollahra LEP 1995 that could not be accommodated in the Draft LEP.
- **Savings and transitional provisions:** The existing 27 DCPs will be repealed when the Woollahra DCP commences. However, these existing DCPs will continue to apply to development applications, applications to modify development consents and applications for review of a determination, that were made prior to but not determined on the date of commencement of the Woollahra DCP.
- **Advertising and notification requirements:** The advertising and notification requirements in the Draft DCP have been carried over from the existing Development Control Plan for Advertising and Notification of Development Applications and Applications to Modify Development Consents 2000). No changes have been made to the existing requirements.
- **Definitions:** Many of the existing 27 DCPs contain definitions. These definitions have been consolidated and rationalised to establish a consistent set of definitions that applies to all chapters of the Draft DCP. Terms and definitions used throughout the Draft DCP have also been amended, where necessary, to reflect mandatory definitions in the Draft LEP.

A4.3 Part B: General Residential

Part B Structure

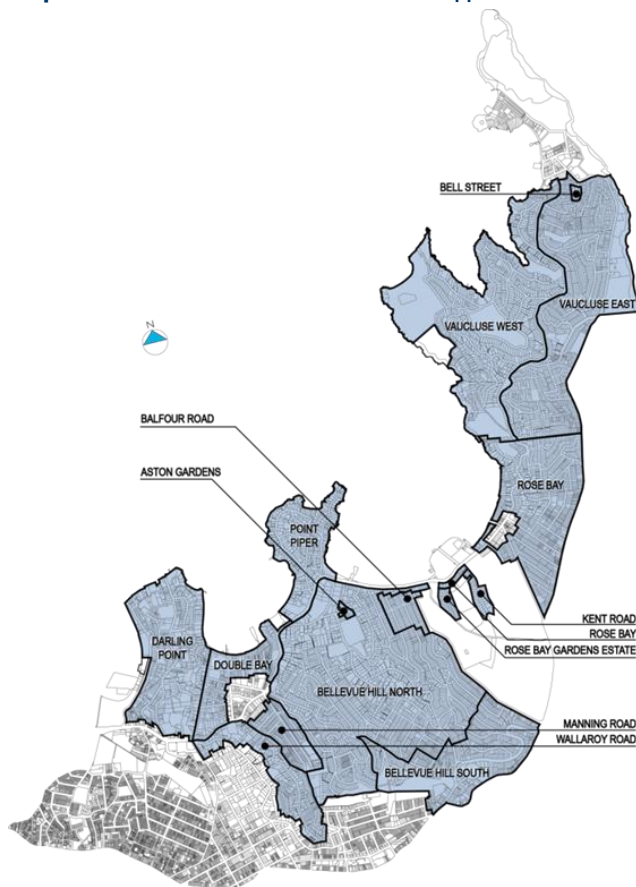
B1	Residential Precincts
B2	Neighbourhood Heritage Conservation Areas
B3	General Development Controls

Part B of the Draft DCP contains the main built form planning controls for development in Darling Point, Double Bay, Wallaroy Road, Manning Road, Point Piper, Bellevue Hill South, Bellevue Hill North, Rose Bay, Vacluse West and Vacluse East, as identified in the map below.

Under the Draft Woollahra LEP, this area is predominantly zoned R2 Low Density Residential and R3 Medium Density Residential, but also includes land zoned SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and Nature Reserves and E2 Environmental Conservation.

Part B of the Draft DCP is based on the existing Woollahra Residential DCP 2003 (RDCP), but includes a number of significant changes, particularly in Chapter B3. A summary of the key changes is provided below.

Map: Land where Part B of the Draft DCP applies



4.3.1 Chapter B1: Residential Precincts

Chapter B1 applies to 10 residential precincts: Darling Point, Double Bay, Wallaroy, Manning Road, Point Piper, Bellevue Hill South, Bellevue Hill North, Rose Bay, Vaucluse West, and Vaucluse East.

Each precinct contains a precinct character statement, desired future character including streetscape character and key elements, and desired future character objectives, important to each precinct. This chapter seeks to ensure that development has regard to its context and is compatible with the desired future character for each residential precinct.

Most of the content in this chapter has been carried over from the precinct controls in Part 4 of the RDCP. Some of the main changes include:

- **Desired future character:** Desired future character statements have been established for the 10 residential precincts. These support the existing desired future character objectives in the current RDCP.¹
- **Street section diagram controls:** The street section diagrams in the existing RDCP have not been included in Chapters B1 and B2 of the Draft DCP. Currently, these street section diagrams are duplicated in each precinct with the same or similar controls, addressing matters such as views and vistas, building footprint, side boundary setbacks, storey controls, and deep soil. These controls apply to all areas and are therefore not precinct-specific. To remove duplication, these matters are now addressed in the Draft DCP Chapter B3 General Development Controls.

4.3.2 Chapter B2: Neighbourhood Heritage Conservation Areas

Chapter B2 applies to 11 neighbourhood heritage conservation areas (HCAs): Etham Avenue, Darling Point; Darling Point Road, Darling Point; Mona Road, Darling Point; Loftus Road and Mona Road, Darling Point; Aston Gardens, Bellevue Hill; Victoria Road, Bellevue Hill; Balfour Road, Rose Bay; Beresford Estate, Rose Bay; Rose Bay Gardens Estate, Rose Bay; Kent Road, Rose Bay; and Bell Street, Vaucluse.

Each neighbourhood HCA contains a statement of significance, desired future character, desired future character objectives, and a table of objectives and controls. This chapter seeks to ensure that development has regard to the heritage significance of the area and is compatible with the desired future character for each neighbourhood HCA.

Most of the content in this chapter has been carried over from the precinct controls in Part 4 of the RDCP. However, two additional HCAs have been included in the Draft DCP: Loftus Road and Mona Road, Darling Point; and Victoria Road, Bellevue Hill. These HCAs have been identified in the Woollahra LEP since 2006 but did not have specific DCP controls.

¹ Changes respond to DPOP actions 4.5.1.1 and 4.5.1.2

4.3.3 Chapter B3: General Development Controls

Chapter B3 contains controls that apply to all development where Part B of the Draft DCP applies. These controls apply in addition to the residential precinct and neighbourhood HCA statements and controls in Chapters B1 and B2.

The controls guide the scale and bulk of development and seek to ensure development is compatible with site conditions and the desired future character of the location. They address matters including building envelope and floorplates, excavation, built form and context, on-site parking, and external areas such as private open space and ancillary development. Additional controls also apply to specific development types, development on battle-axe lots, and development in sensitive locations.

Much of the content in this chapter has been carried over from the general controls in Part 5 of the RDCP, but with a number of changes. Some of the main changes are identified below.

Building envelope and floorplate controls

Significant changes have been made to the building form controls that apply to the R2 Low Density Residential zoned land. In particular, the Draft DCP introduces a new approach for measuring the building bulk, which will be used instead of applying a floor space ratio (FSR) control.

When preparing the Draft Woollahra LEP, we chose not to apply FSRs to land zoned R2 Low Density Residential, and to dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone. This is because the Draft LEP applied the Standard Instrument definition for GFA which does not include voids, balconies and other building elements in the calculation of GFA. These elements can significantly contribute to building bulk, particularly for dwelling houses, semi-detached dwellings and dual occupancies. Therefore, we identified that FSR was not a suitable control for low density residential development.

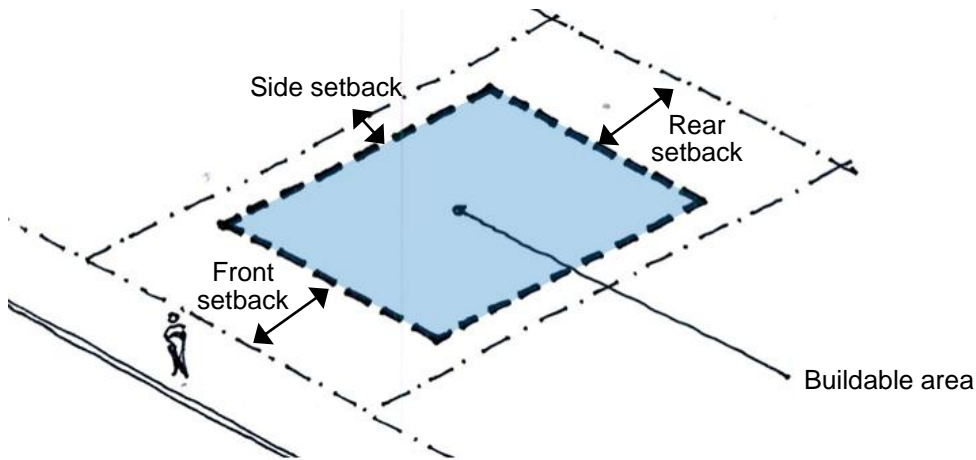
Instead we decided to rely on building envelope controls in the Draft DCP to control building bulk, as this approach would provide more predictable and consistent built form outcomes than an FSR.

The new building envelope and floorplate controls in the Draft DCP respond to this. These draft controls will apply to new development, as well as additions and alterations, for the following housing types: dwelling houses, semi-detached dwellings, dual occupancies in the R2 Low Density and R3 Medium Density Residential zones, and to attached dwellings in the R2 zone (i.e. where an FSR does not apply in the Draft LEP).

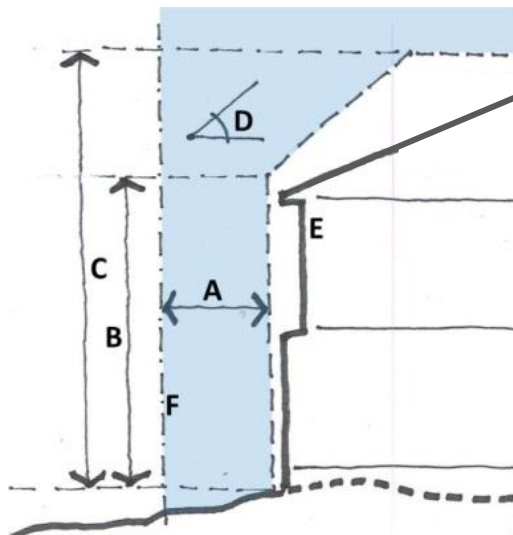
Some of the new controls and concepts for the new building envelope and floorplate controls are:

- **Buildable area:** This is the area of the site that is identified once the front, rear and side setbacks have been established. At ground level, the buildable area is the maximum permitted area for the building footprint. The size of the buildable area is used to determine the maximum permitted floor area of the building.

Buildable area is determined by applying the setbacks



- **Wall height and inclined plane:** An external wall height of 7.2m (accommodating two storeys) and an inclined plane of 45 degrees will apply to the front, side and rear elevations. These controls respond to the typical pitched roof house form, but also accommodate three storey flat roof housing forms with reduced upper level floor plates to reduce building bulk and reduce impacts to adjoining properties. The external wall height control may be exceeded on sloping sites.



Section view of the building envelope with the setbacks and inclined plane

- A = Setback
- B = 7.2m maximum wall height
- C = 9.5m maximum LEP height limit
- D = 45° inclined plane
- E = Built form
- F = Site boundary

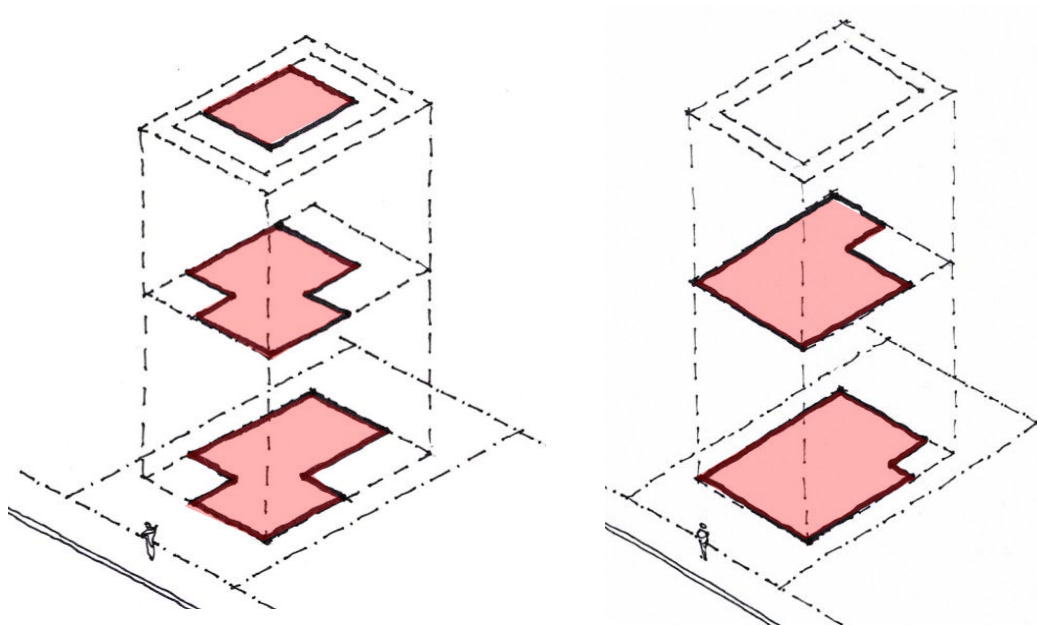
- **Building envelope:** The above height and setback controls establish the 3-dimensional buildable envelope within which the building is to be located. However, the building may only occupy a portion of the envelope; this is controlled by the total floorplate yield.

- **Floorplate:** The maximum amount of development permitted on the site is determined by multiplying the buildable area by a factor of 1.65 (165%). This is called the total floorplate.

The total floorplate yield may be distributed over one or multiple levels, but be wholly contained within the building envelope.

The floorplates are measured to include: all internal areas (including voids) and the thickness of the external walls whether above or below existing ground level; uncovered decks and terraces that are more than 1.2m above the existing ground level; and all other areas covered by the built form or roof structure.

The total floorplate is to be no more than 165% of the buildable area



- **Development:** The floorplates for the proposed development are then measured at each level of the building. The total floorplate yield for the development must not be more than 165% of the buildable area and must be located within the building envelope.

This development yield is similar to the yield that may be achieved using the building envelope controls in current RDCP.

Key changes to other controls

Other changes in Chapter B3 include:

- **Excavation:** The total volume of excavation is currently limited by a sliding scale in the existing RDCP. This sliding scale is being carried over into the Draft DCP. However, sometimes on sloping sites, the excavation reasonably required to accommodate car parking and storage area cannot be achieved within the volume determined by the sliding scale.

In response, the Draft DCP introduces a new control to clarify that Council will allow additional excavation beyond the amount determined by the sliding scale, but only where that additional excavation is needed to meet the maximum on-site parking requirements (e.g. 2 spaces for a dwelling house) and storage requirements (e.g. 20m³ for a dwelling house).

For example, in the case of a dwelling house Council will not permit excavation beyond the volumes determined in the sliding scale to accommodate basement parking for 4 spaces, a home theatre, or gym etc.

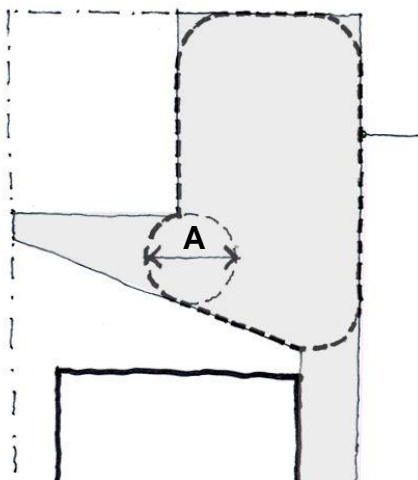
- **Parking forward of the building line:** On-site parking may be located in the front setback (forward of the buildable area) where more than three of the six closest properties on the same side of the street have parking forward of the buildable area. This new control reflects current assessment practice and provides a practical response where existing streetscapes are characterised by parking forward of the building line.
- **Driveways:** Driveways can have detrimental visual and environmental impacts. New controls in the Draft DCP seek to ensure that the width of driveways is minimised, and that only one driveway entrance is provided.

For example, development involving more than one dwelling should share the driveway access. In addition, where soil and drainage conditions allow, semi-porous surfaces should be used for uncovered car parking and driveway areas to facilitate on-site stormwater infiltration and limit the visual impact of hard surface areas.

- **Roof forms and streetscape character:** New controls in the Draft DCP seek to ensure that new roof forms complement the existing predominant roof forms. In HCAs or where the existing immediate streetscape is predominantly characterised by pitched roof forms, new development should incorporate pitched roof forms, or an otherwise compatible roof form at the street frontage.
- **Landscape design:** Native species are preferred, and landscape designs are encouraged to provide at least 75% of the plants as locally occurring native species.
- **Private open space:** A new way to measure the primary area of open space has been introduced. Only areas that can accommodate a 3m diameter circle are to be included as private open space. This seeks to ensure that only usable areas of a reasonable dimension can be included in the calculation of private open space.

A = 3m diameter circle

Only the area that can accommodate a 3m diameter circle is measured as private open space area



- **Lot widths:** The Draft DCP contains minimum lot widths for detached dual occupancies, attached dwellings, residential flat buildings and multi dwelling housing, recognising that these forms of development require a minimum width to ensure that each dwelling within the development can be designed to provide reasonable amenity having regard to issues such as privacy, building separation, open space. These lot widths are based on existing lot widths in Woollahra LEP 1995.

- **Roof terraces:** New controls for roof terraces have been introduced into the Draft DCP to limit potential privacy, noise and visual impacts. For new dwelling houses, or existing flat roof houses, the roof terrace will be calculated as part of the floorplate yield, which will limit incentives to use or convert roofs into trafficable areas for roof terraces.

Roof terraces may be inserted into the roof cavities of existing buildings, but no part of the roof terrace or associated structures may project beyond the existing roof profile.

- **Semi-detached dwellings:** Additional controls for semi-detached dwellings have been introduced to encourage semi-detached dwellings to present as a uniform built form, and ensure that a proposal to redevelop one semi-detached dwelling in a pair does not adversely affect the development potential of the unaltered dwelling.
- **Dual occupancies and attached dwellings:** New controls in the Draft DCP seek to ensure that these forms of development present as an integrated design, and that on-site parking does not detract from the streetscape character and amenity.
- **Inter-War flat buildings:** Additional controls have been established for Inter-War flat buildings to ensure alterations are sympathetic to the original building and give detailed consideration to streetscape.
- **Non-residential development:** A number of non-residential land uses, such as child care centres, community facilities, educational establishments and places of public worship are permitted within the residential precincts. Where a non-residential use is proposed, the controls ensure that development is compatible with the desired future character of the residential precinct in terms of building scale, location and design, and the impacts arising from the use must not unreasonably compromise residential amenity.
- **Battle-axe lots:** A battle-axe lot is a lot that is connected to a road by an access handle. It does not have a street frontage, and directly adjoins other properties at all boundaries. The new controls in the Draft DCP recognise that development on battle-axe lots needs to particularly consider the amenity of both the occupants and the adjoining properties, having regard to privacy, solar access, open space and the like.
- **Development adjoining public open space:** New controls in the Draft DCP seek to ensure that development, including landscaping, on private property adjoining public open space areas needs to consider its relationship to the public land and be sensitively managed to minimise potential impacts on the amenity of these public open space areas.

For example, gates and entries providing direct access from private property to parks and reserves will not be allowed. For landscaping, native species are preferred, and landscape designs are encouraged to provide at least 90% of the plants as locally occurring native species; where the land adjoins bushland to which SEPP 19 applies, 100% of the plants are to be locally occurring native species.

A4.4 Part C: Heritage Conservation Areas

Part C Structure

C1	Paddington Heritage Conservation Area
C2	Woollahra Heritage Conservation Area
C3	Watsons Bay Heritage Conservation Area

Part C of the Draft DCP contains the main built form planning controls for the heritage conservation areas of Paddington, Woollahra and Watsons Bay.

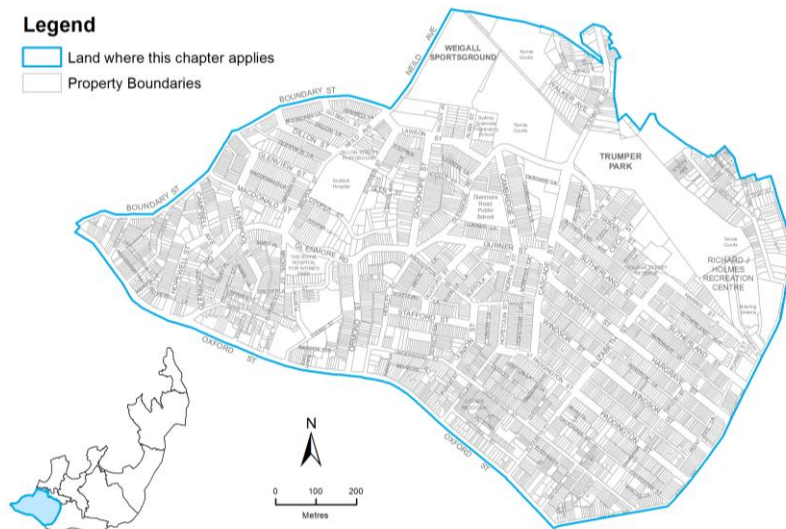
4.4.1 Chapter C1: Paddington HCA

Paddington is a unique urban area of outstanding national heritage significance. The conservation of Paddington and its heritage significance should be the foremost outcome of development. The special character of Paddington is derived from its historical development and associations. This unique character is also evident in the interrelationship of buildings, spaces, topography, landscape settings and land uses.

Paddington is a living place which will continue to undergo change. Appropriate and contemporary design is encouraged and necessary if change is to occur in a manner which respects the significant characteristics of Paddington.

Chapter C1 of the Draft DCP applies to land identified as the Paddington Heritage Conservation Area (HCA) in the Draft Woollahra LEP. The boundaries of this HCA include parts of the suburbs of Edgecliff and Woollahra, in addition to Paddington, as identified in the map below.

Map: Paddington Heritage Conservation Area boundary map



Most of the content in this chapter has been carried over from the Paddington HCA DCP 2008, but with a number of changes.

Some of the main changes include:

- **Single storey buildings:** Existing controls for single storey residential buildings have been expanded to apply to non-residential buildings to provide greater protection to these buildings.
- **Single storey timber cottages:** Additional controls established to provide greater protection to these cottages.²
- **William Street:** New built form and signage controls have been introduced for William Street, which has been rezoned from a residential to business use under the Draft Woollahra LEP. The controls seek to preserve the small scale retail character of William Street and protect the building fabric and key elements of the terrace houses.
- **Oxford Street:** Additional built form controls have been established for commercial buildings to protect the heritage significance of Oxford Street, including a new character statement and desired future character statement.³
- **Pubs:** Additional controls established to protect significant internal and external details associated with all periods of construction.
- **Solar access:** Solar access requirements to adjoining private open space have been reduced from a minimum of three hours to two hours on the winter solstice (21 June). This is consistent with solar access controls applied to other areas in the municipality, and is a practical response to the small lot sizes in Paddington.
- **Lofts over studios:** Existing controls for lofts over garages have been expanded to apply to lofts over studios, providing consistency to these types of development on laneways.
- **List of preferred trees:** The list of preferred trees in the current DCP has not been carried over into the Draft DCP. Selecting trees from a list does not necessarily result in suitable outcomes; tree selection should be based on the site and its context.
- **Significant items:** The term “significant building” will not be used in the Draft DCP. The existing Paddington HCA DCP defines the terms “contributory building” and “significant building”. In the Paddington HCA, all buildings except for intrusive buildings are contributory buildings.

The use of the additional term “significant building” creates unnecessary complexity and uncertainty. To address this, only the term “contributory item” will be used in the Draft DCP and defined as “a building, work, archaeological site, tree or place and its setting, including heritage items listed in the Woollahra LEP, which contributes to the heritage significance of the conservation area”.

- **Public works:** Existing controls relating to Council works, street furniture, street lighting, pedestrian movement, street trees, and other works that do not require consent have not been carried over into the Draft DCP. The role of the DCP is to facilitate development that is permissible under the Woollahra LEP; these works do not require consent and are not regulated by the LEP.

² Changes respond to DPOP action 4.3.1.9

³ Changes respond to DPOP action 4.3.1.1

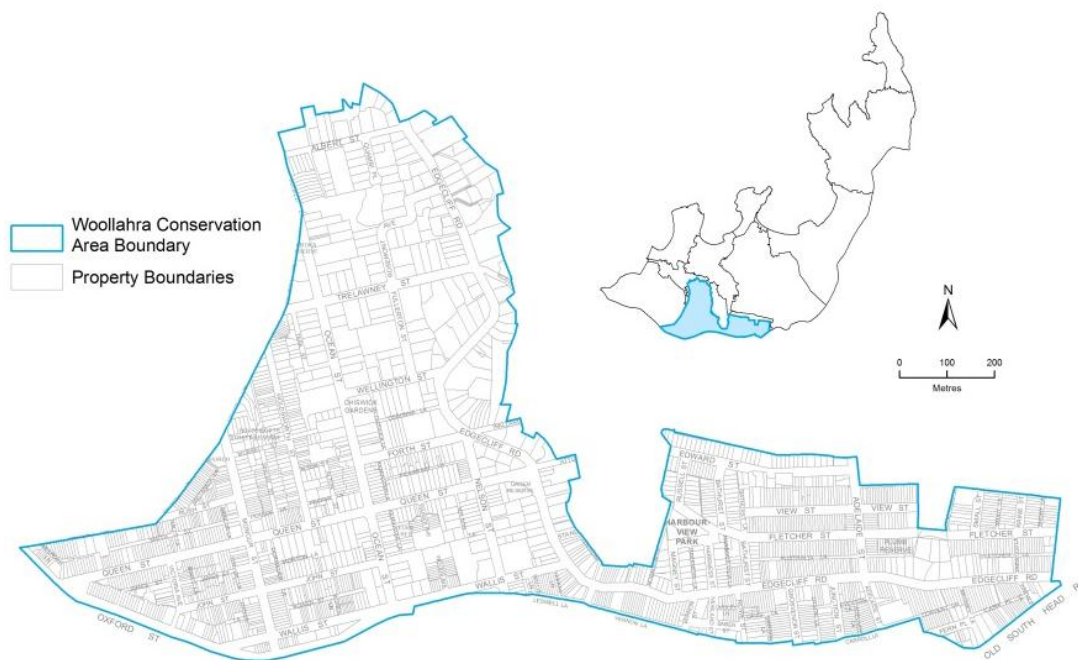
4.4.2 Chapter C2: Woollahra HCA

The Woollahra Heritage Conservation Area (HCA) is a place of outstanding local heritage significance. The special character of the Woollahra HCA derives from its unique historic background and the expression of this background in its interrelationship of buildings, their settings, landscaping and open spaces, topography and land uses.

The significance of the Woollahra HCA derives not just from the heritage items listed in Woollahra LEP, but also from its large collection of contributory buildings and elements.

Chapter C2 of the Draft DCP applies to land identified as the Woollahra HCA in the Draft Woollahra LEP, as identified in the map below.

Map: Woollahra Heritage Conservation Area boundary map



Most of the content in this chapter has been carried over from the Woollahra HCA DCP 2003, but with some changes.

Some of the main changes include:

- **Structure:** Some of the content in Part 3.1 Precincts and Part 3.4 General Controls for All Development of the existing Woollahra HCA DCP has been reordered and consolidated to remove duplication.
- **Precinct objectives:** The Woollahra HCA is divided into seven precincts reflecting the varied development patterns that resulted from the large and unusual leasehold landholding of the area known as the Point Piper Estate. Objectives have been introduced for each precinct. These are based on the precinct character statements and identify the overall planning outcomes for each precinct.

- **Building types:** The existing controls provide tailored controls for 12 different building types to ensure that alterations and additions retain the essential character of each building type. These building types have been expanded to include controls for “infill development”.

The term infill refers to development on a site that does not contain an existing building. Although opportunities for infill development are rare, it is important that controls are in place to ensure development on an infill site provides an appropriate response to the site and its context.

- **Objectives for the building types:** Additional objectives have been added to the building types. These objectives seek to clarify the intent of the controls.
- **Rear setback control:** New control requires that the rear setback does not extend beyond the established rear building setback. This provides sufficient space for a useable private open space area and landscaped area.
- **Lofts over studios:** Existing controls for lofts over garages have been expanded to apply to lofts over studios, providing consistency to these types of development on laneways.
- **Excavation controls:** New excavation controls have been introduced to preserve the structural integrity of buildings and limit groundwater impacts to adjoining and adjacent properties.

For example, excavation is not to occur forward of the front façade in the street front zone, sub-surface walls are to be no closer to the boundary than the setback controls permit, and excavation below 2m and/or within 1.5m of the boundary is to be accompanied by a geotechnical report and a structural report to demonstrate that the works will not have any adverse effect on the neighbouring structures.

- **Contributory items:** Three contributory items have been deleted because the buildings on these sites have been demolished.
- **Significant buildings and items:** The terms “significant building” and “significant item” will not be used in the Draft DCP. The existing Woollahra HCA DCP defines the terms “contributory building”, “contributory item”, “significant building” and “significant item”. The contributory items are listed in the DCP.

The use of the additional terms “significant building” and “significant item” creates unnecessary complexity and uncertainty. To address this, only the term “contributory item” will be used in the Draft DCP and defined as “a building, work, archaeological site, tree or place and its setting, including heritage items listed in the Woollahra LEP, which contributes to the heritage significance of the conservation area”.

- **Public works:** Existing controls relating to Council works, street trees, parks, street furniture, roads and traffic elements, street lighting, and other works that do not require consent have not been carried over into the Draft DCP. The role of the DCP is to facilitate development that is permissible under the Woollahra LEP; these works do not require consent and are not regulated by the LEP.

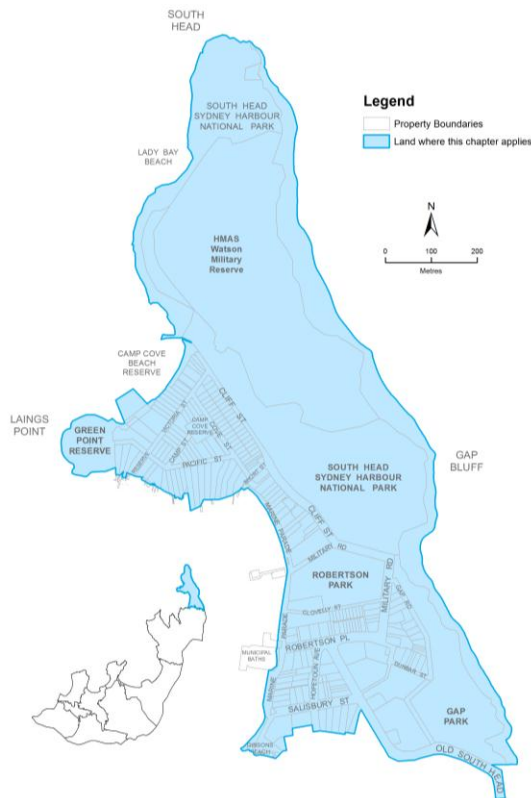
4.4.3 Chapter C3: Watsons Bay HCA

Watsons Bay is an area of outstanding natural beauty with a rich cultural heritage. Its location on a narrow peninsula separating the Tasman Sea from Sydney Harbour results in it being a gateway to Sydney Harbour - one with dramatic coastlines, spectacular views and a varied landscape.

The history of Watsons Bay as a European settlement, strategic defence site and marine village is represented in the variety of building types and remnant structures that exist in the area today. The built form of the residential and commercial areas is juxtaposed against scenic beaches and foreshore, bushland reserves, urban parks and elevated topography.

Chapter C3 of the Draft DCP applies to land identified as the Watsons Bay HCA in the Draft Woollahra LEP, as identified in the map below.

Map: Watsons Bay Heritage Conservation Area boundary map



Most of the content in this chapter has been carried over from the Watsons Bay HCA DCP 2003, but with a number of changes.

Some of the main changes include:

- **Structure:** Some of the content in Part 3 Precincts and Part 4 General Development Controls of the existing Watsons Bay HCA DCP has been reordered and consolidated to remove duplication.
- **Objectives:** Existing objectives for topography and vegetation, townscape, the waterfront, views and vistas, built form and building character currently only apply to the general

controls in Part 4 of the existing DCP. These have been elevated in the Draft DCP so that they apply to both the precinct and general controls sections. This provides greater rigour to the assessment process.

- **Built form controls:** The built form controls address matters such as building footprint, siting and alignment, building height, solar access, building character, and building materials and details. The existing built form controls for non-contributory buildings and new buildings controls have been consolidated with the existing general built form controls to remove duplication. The existing precinct specific built form controls have also been expanded to apply to both heritage items and contributory items.
- **Excavation controls:** New controls introduced to limit excessive excavation and reduce impacts to adjoining and adjacent properties. These include volume controls so that the amount excavated from a given site is limited to that which might reasonably be required for car parking and domestic storage requirements. These controls are consistent with excavation controls applied to other residential areas in the municipality.
- **Rear setback controls:** New control introduced to allow a variation to the rear setback for significant single storey cottages and sites where the directly adjoining properties are underdeveloped. This control reflects current assessment practice and ensures that development on some sites is not unreasonably restricted.
- **Contributory items:** 13 contributory items have been deleted because the buildings on these sites have either been demolished or significantly altered.
- **Significant buildings and items:** The terms “significant building” and “significant item” will not be used in the Draft DCP. The existing Watsons Bay HCA DCP defines the terms “contributory building”, “contributory item”, “significant building” and “significant item”. The contributory items are listed in the DCP.

The terms “significant building” and “significant item” are used as umbrella terms that refer to both heritage items and contributory items. The use of the umbrella term is unnecessary and creates additional complexity. To address this, only the term “contributory item” will be used in the Draft DCP and defined as “a building, work, archaeological site, tree or place and its setting, including heritage items listed in the Woollahra LEP, which contributes to the heritage significance of the conservation area”.

- **Public works:** Existing controls relating to Council works, parks, street furniture, street trees, roads and traffic elements, paths, and other works that do not require consent have not been carried over into the Draft DCP. The role of the DCP is to facilitate development that is permissible under the Woollahra LEP; these works do not require consent and are not regulated by the LEP.

A4.5 Part D: Business Centres

Part D Structure	
D1	Neighbourhood Centres
D3	Mixed Use Centres
D3	General Controls for Neighbourhood and Mixed Use Centres
D4	Edgecliff Centre
D5	Double Bay Centre
D6	Rose Bay Centre

Part D of the Draft DCP applies to all business zoned land, except for those centres located in the Paddington, Woollahra and Watsons Bay heritage conservation areas.

The Draft Woollahra LEP establishes a hierarchy of business centres: Zone B1 Neighbourhood Centre, Zone B4 Mixed Use Centre and Zone B2 Local Centre. It also sets the building height controls and floor space ratios for these centres.

The Draft DCP controls supplement the LEP, and are designed to ensure that the scale and bulk of development is compatible with site conditions and the desired future character of the location where the development is proposed. In particular, this part of the DCP provides urban design and other development controls to support desirable uses, structure, form and character for the centres.

4.5.1 Chapter D1: Neighbourhood Centres

Chapter D1 Neighbourhood Centres establishes specific controls for the following centres:

- Hopetoun Avenue, Vaucluse
- South Head Roundabout, Vaucluse
- Vaucluse Shopping Village, Vaucluse
- Plumer Road, Rose Bay
- O'Sullivan Road, Rose Bay
- Streatfield Road, Bellevue Hill
- Bellevue Hill Shops, Bellevue Hill
- Manning Road, Woollahra
- Darling Point Road, Darling Point.

These centres are zoned B1 Neighbourhood Centre under the Draft Woollahra LEP. A key objective of the B1 zone is to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. This zone permits a limited range of retail premises including shops, restaurants and cafes, take-away food and drink premises; the zone also permits business premises, office premises, community facilities and shop top housing.

Most of the content in this chapter has been carried over from the precinct controls in Part 4 of the existing Neighbourhood Centres DCP 2009, but with a number of changes.

Some of the main changes include:

- **Desired future character statement:** A statement has been introduced for each centre. The statement builds on the existing character objectives.
- **New format:** The objectives and controls have been placed in a table format, to align each objective with the specific control or controls that seek to achieve the objective. This provides greater rigour to the assessment process.
- **Street section diagrams:** The street section diagrams have been simplified. The existing street section diagrams contain numerous annotations for controls such as street landscape, street awning, street wall, front setback and building articulation. These controls have now been placed in the table of objectives and controls. The new role of the street section diagrams is to supplement the objective and control table, and now includes only those controls that benefit from illustration. This reduces the complexity of the diagrams.
- **Land uses:** New controls identify the preferred type of land uses on the ground and upper floors that Council wants to encourage. These seek to reinforce the desired future character of each centre.
- **Occupiable area:** The existing occupiable area control has been deleted. The control was complex and difficult to measure. The FSR control in the LEP, combined with setback and building depth and articulation controls in the Draft DCP, suitably address the same issues.
- **Remove duplication:** In the current DCP, controls for street trees and views are duplicated in each precinct. These controls apply to all areas and are not precinct specific. To remove duplication these matters are now addressed in the Draft DCP Chapter D4 General Controls for Neighbourhood and Mixed Use Centres.

Note: The controls in Chapter D3 General Controls for Neighbourhood and Mixed Use Centres apply in addition to the controls in Chapter D1.

4.5.2 Chapter D2: Mixed Use Centres

Chapter D2 Mixed Use Centres establishes specific controls for the following centres:

- ▶ New South Head Road corridor, Edgecliff
- ▶ Rose Bay North, Rose Bay
- ▶ Rose Bay South, Rose Bay.

These centres are zoned B4 Mixed Use under the Draft Woollahra LEP. A key objective of the B4 Mixed Use zone is to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. This zone permits a wide range of retail premises, business premises, office premises, community facilities, restaurants and cafes and shop top housing.

New South Head Road corridor, Edgecliff

Some of the content for the New South Head Road corridor has been carried over from the Edgecliff Commercial Centre DCP 1995, though much of the content is new.

Some of the main changes include:

- ▶ **Desired future character statement:** A desired future character statement has been introduced for this centre. The statement builds on the existing character objectives.
- ▶ **Land uses:** New controls identify the preferred type of land uses on the ground and upper floors that Council wants to encourage. These seek to reinforce the desired future character for this centre.
- ▶ **Public domain and streetscape:** New front setback, awning and public domain controls have been introduced to improve pedestrian amenity and public domain quality.
- ▶ **Built form controls:** New setback and articulation controls have been introduced to ensure development suitably responds to adjoining development.

Rose Bay North and Rose Bay South

Most of the content for the Rose Bay North and South centres has been carried over from the precinct controls in Part 4 of the existing Neighbourhood Centres DCP 2009, but with a number of changes, generally the same as those listed above for the neighbourhood centres.

Note: The controls in Chapter D3 General Controls for Neighbourhood and Mixed Use Centres apply in addition to the controls in Chapter D2.

4.5.3 Chapter D3: General Controls for Neighbourhood and Mixed Use Centres

This chapter applies to both the neighbourhood and mixed use centres identified in Chapters D1 and D2. This chapter establishes controls for uses, street character, built form, building articulation, heritage and contributory buildings, acoustic and visual privacy, landscaped area and private open space, car parking and vehicular access, and site facilities.

The controls Chapter D3 General Controls for Neighbourhood and Mixed Use Centres apply in addition to the controls in Chapters B1 and B2.

Most of the content in this chapter has been carried over from the general controls in Part 5 of the existing Neighbourhood Centres DCP 2009, but with a number of changes.

Some of the main changes include:

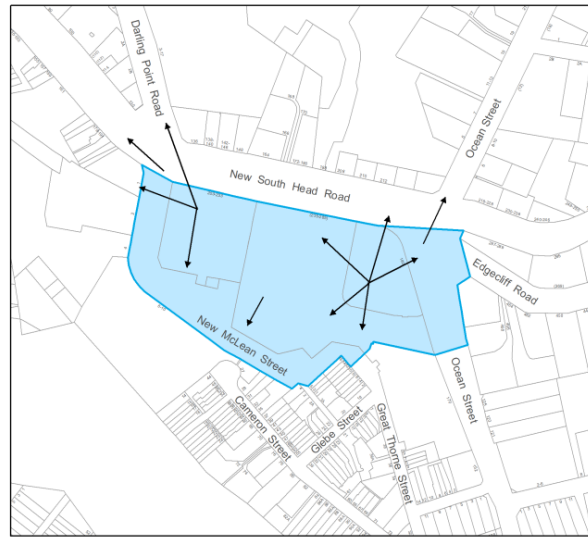
- **Residential uses:** Residential uses may be permitted on the ground floor behind retail or other active uses at the street frontage, provided the residential use does not compromise the achievement of active frontages.
- **External building colour:** The colour of the building facade is not intrusive or unreasonably dominant within the streetscape, and is compatible with the character of the centre. 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.
- **Side setbacks:** Side setback controls have been modified to allow a 1.5m side setback for levels above 2 storeys where the side immediately adjoins residential zoned land. A 1.5m setback currently applies to all levels.
- **Rear setbacks:** Rear setback controls have been simplified to require a minimum of 3m, increasing by 1.5m for each level above the ground floor, if the development adjoins land zoned for residential or public open space.
- **Solar access:** Solar access to the main ground level of private open space for adjoining residential land must be retained for at least 2 hours, instead of 3 hours, between 9am and 3pm on 21 June. This reflects the control in the existing RDCP and is a more reasonable and practical requirement.
- **Bicycle racks:** To encourage cycling, a bicycle rack or area is to be provided at a rate of 1 bike space per 25 car spaces.
- **Site facilities:** Air-conditioning units must be located and screened to retain the amenity of the surrounding area.
- **Footpath dining controls:** Existing footpath dining controls have been deleted as footpath dining is exempt development under the State Codes SEPP. Council's policy for footway restaurants still applies.

4.5.4 Chapter D4: Edgecliff Centre

Chapter D4 Edgecliff Centre establishes controls for land occupied by the Edgecliff Centre building, East Point Shopping Centre and Eastpoint Tower, zoned B2 Local Centre under the Draft Woollahra LEP.

Some of the content in this chapter has been carried over from the Edgecliff DCP 1995, but much of it is new.⁴ Some of the main changes include:

- **Precinct statement and desired future character:** New statement on existing uses, historical development, built form, heritage and contributory buildings, public parks, and views and vistas, and a desired future character statement established.
- **Permeability:** New controls encourage enhanced permeability and connectivity between the Edgecliff Centre and East Point Shopping Centre. For example, by providing north-south thoroughfares and improving links between the retailing spaces and the public transport facilities.
- **Street activation:** New control requires the Edgecliff Centre building to address New McLean Street and activate the street frontage.
- **Setback:** New control for a 3m setback to the ground floor from New South Head Road for weather protection.
- **External building colour:** New controls require that the colour of the building facade is not intrusive or unreasonably dominant within the streetscape, and is compatible with the character of the centre. 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.
- **Pedestrian amenity:** New controls for awnings, lighting and public domain improvements.
- **Amenity to adjoining land:** New controls to minimise overlooking to adjoining properties and retain solar access to Cooper Park Oval.

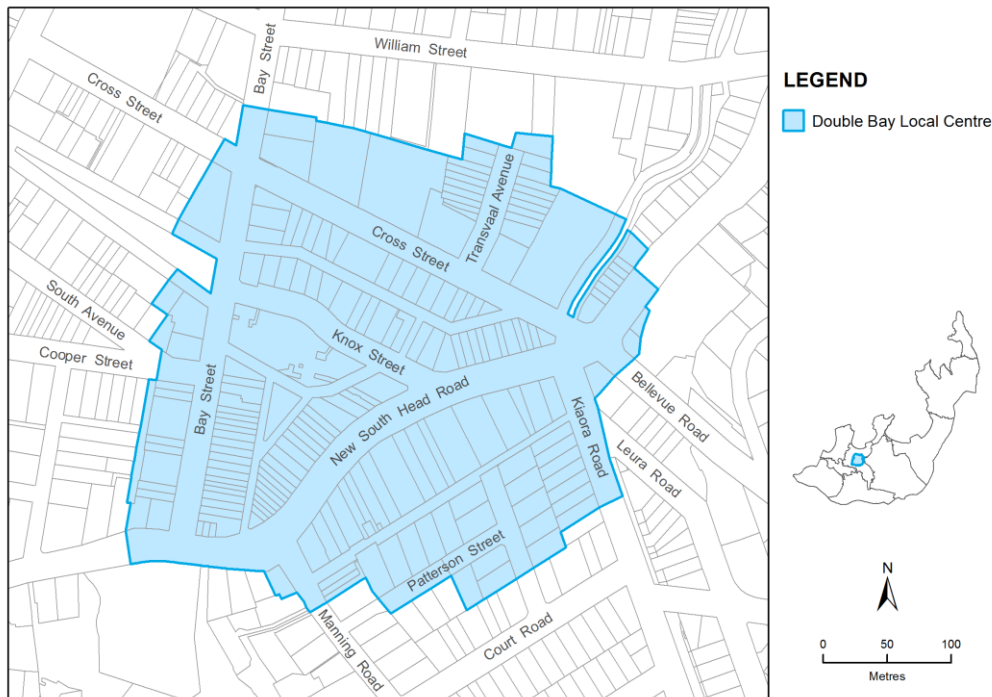


⁴ Responds to DPOP action 4.1.1.4

4.5.5 Chapter D5: Double Bay Centre

Chapter D5 Double Bay Centre establishes controls for land within the business centre.

The centre is located in a large natural amphitheatre close to, but visually separated from, the harbour foreshore. It sits at the base of a valley, between the two ridges of Darling Point and Bellevue Hill. As the largest centre in the municipality, Double Bay offers services that aren't available in smaller neighbourhood centres, such as Vaucluse Village or the Five Ways in Paddington.



The centre is zoned B2 Local Centre under the Draft Woollahra LEP which allows a range of retail, business, entertainment and community uses that serve the needs of people who live, work in and visit the local area. The majority of the centre has a four or five storey height limit, contrasted with the single storey character of the Transvaal Avenue Heritage Conservation Area.

Most of the content in this chapter has been carried over from the Double Bay Centre DCP 2002, with a few changes. Some of the main changes include:

- **Building articulation:** The building articulation controls specify the mix of internal and external space for buildings. Internal space includes habitable rooms, bay windows and enclosed balconies. External space includes open balconies and voids. By providing more internal space buildings appear more solid and development appears more intense.

The building articulation controls currently apply to any side of a building. These controls have been simplified in the Draft DCP, and now only apply to façades which face a street or laneway. At the rear, and on sides which do not address a street, the mix of internal and external space will now be at the applicant's discretion.

These changes simplify the control by making the calculation of articulation easier and allow applicants greater flexibility to respond to the characteristics of each site.

- **Cross Street and Bay Street South:** Under the current controls, the internal space may occupy up to 40% of building articulation on the south side of Cross Street and Bay Street South area. The new controls allow up to 100% of the ground floor to be used for internal space.

To support this change, the building line for the ground floor has been moved to align with the footpath instead of being setback at 2.4m. This change gives greater flexibility for use of the ground floor, and reflects the mix of setbacks that apply in these locations. This change applies to the ground floor only. No changes are proposed to the articulation controls for the upper levels.

- **2 Short Street:** The section diagrams and control drawings for 2 Short Street have been amended to facilitate a four storey building. This change is consistent with the height controls in the Draft LEP and the existing DA consent for the land.
- **Floor to floor heights:** The controls for floor to floor heights have been updated to reflect the increased maximum building heights for the Double Bay Centre in the Draft LEP. The controls for levels above the ground floor improve occupant amenity by requiring 3.1m up from 3m for residential levels, and 3.4m up from 3m for office levels.
- **Kiaora Lane setback:** The building line along Kiaora Lane in the existing DCP has been identified as a setback in the Draft DCP. This modification removes any ambiguity. The setback improves amenity by creating a sense of space and increasing solar access to the laneway.
- **Arcades:** A minimum ceiling height of 3.6m and width of 3m has been introduced to improve the amenity of arcades. The existing DCP does not establish minimum dimensions for arcades, other than the Kiaora Lands arcade.
- **Solar access and the building envelopes:** The controls for solar access have been simplified so that, if the proposed building complies with the building envelope controls, solar access will be considered suitable, and further analysis of solar impacts will not be required. This is because the building envelope controls in the existing DCP were originally designed to ensure sufficient sunlight is provided to buildings in, and adjoining, the centre. However, if the proposed development does not comply with the building envelope controls, the proposal must comply with the solar access controls.
- **Solar access to existing development:** Solar access requirements to habitable rooms have been reduced from a minimum of four hours to three hours between 9am and 3pm on the winter solstice (21 June). Requirements to adjoining private open space have been reduced from a minimum of four hours to two hours to at least 50% of the private open space.

Solar access for new development: Requirements for private open space have been reduced from a minimum of three hours to two hours to at least 50% of the private open space.

These changes to the solar access controls reflect controls in the existing RDCP and are reasonable and practical requirements.

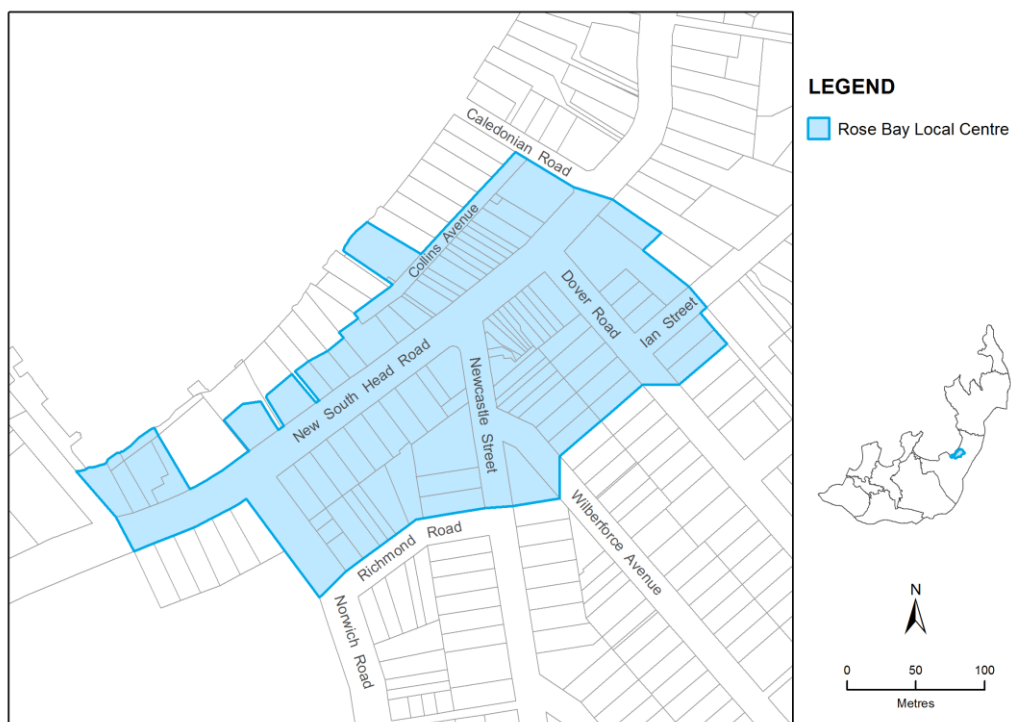
- **External building colour:** New controls require that the colour of the building facade is not intrusive or unreasonably dominant within the streetscape, and is compatible with the character of the centre. The external painting of a building in bright colours, corporate colours or fluorescent colours 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.

4.5.6 Chapter D6: Rose Bay Centre

Chapter D6 Rose Bay Centre establishes controls for land within the business centre.

The centre is located close to the Rose Bay foreshore along New South Head Road between Caledonia Road and Vickery Avenue, Rose Bay. The centre offers services that aren't available in smaller neighbourhood centres, such as Vaucluse Village or the Plumer Road shops.

The centre is zoned B2 Local Centre under the Draft Woollahra LEP which allows a range of retail, business, entertainment and community uses that serve the needs of people who live, work in and visit the local area. A 4 storey height limit applies except for a small portion on the north side of New South Head Road where 5 storeys may be permitted.



Most of the content in this chapter has been carried over from the Rose Bay Centre DCP 2002, with a few changes. Some of the main changes include:

- **Building articulation:** The building articulation controls specify the mix of internal and external space for buildings. Internal space includes habitable rooms, bay windows and enclosed balconies. External space includes open balconies and voids. By providing more internal space buildings appear more solid and development appears more intense.

The building articulation controls currently apply to any side of a building. These controls have been simplified in the Draft DCP, and now only apply to façades which face a street. At the rear, and on sides which do not address a street, the mix of internal and external space will now be at the applicant's discretion.

These changes simplify the control by making the calculation of articulation easier and allow applicants greater flexibility to respond to the characteristics of each site.

- ▶ **Floor to floor heights:** Controls for floor to floor heights have been introduced to encourage internal amenity. They reflect the maximum building heights for the Rose Bay Centre in the Draft LEP. The controls are:
 - 4m for the ground floor; and
 - for levels above the ground floor—3.1m for residential uses and 3.4m for office uses.
- ▶ **Wilberforce Avenue car park:** The existing controls require an extension of Ian Street and Newcastle Street through the car park between Dover Road and Wilberforce Avenue. This extension is no longer required by Council. The controls in the Draft DCP have been modified to identify that a pedestrian, not a vehicular, through block connection is required. This will maintain pedestrian permeability and access between Dover Road and Wilberforce Avenue.
- ▶ **Solar access and the building envelopes:** The controls for solar access have been simplified so that, if the proposed building complies with the building envelope controls, solar access will be considered suitable, and further analysis of solar impacts will not be required. This is because the building envelope controls in the existing DCP were originally designed to ensure sufficient sunlight is provided to buildings in, and adjoining, the centre. However, if the proposed development does not comply with the building envelope controls, the proposal must comply with the solar access controls.
- ▶ **Solar access to existing development:** Solar access requirements to habitable rooms have been reduced from a minimum of four hours to three hours between 9am and 3pm on the winter solstice (21 June). Requirements to adjoining private open space have been reduced from a minimum of four hours to two hours to at least 50% of the private open space.

Solar access for new development: The existing DCP does not provide solar access requirements for new development. The Draft DCP introduces requirements to ensure that access to sunlight is achieved for a minimum period of 3 hours between 9am and 3pm on 21 June to windows of habitable rooms, and for 2 hours to private open space of new development.

These changes to the solar access controls reflect controls in the existing RDCP and are reasonable and practical requirements.
- ▶ **External building colour:** New controls require that the colour of the building facade is not intrusive or unreasonably dominant within the streetscape, and is compatible with the character of the centre. 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.

A4.6 Part E: General Controls for All Development

Part E Structure	
E1	Parking and Access
E2	Stormwater and Flood Risk Management
E3	Tree Management
E4	Signage
E5	Sustainability
E6	Contaminated Land
E7	Waste Management
E8	Accessibility

Part E of the Draft DCP applies to all land within the Woollahra Municipality. All applicants should refer to the provisions in Part E of the Draft DCP when preparing their development applications.

4.6.1 Chapter E1: Parking and Access

Chapter E1 Parking and Access contains the car parking and vehicle access requirements for residential and non-residential development, including the car parking generation rates.

Most of the content in this chapter has been carried over from the Parking DCP 2011, but the chapter also consolidates parking rates across some of the existing DCPs (Double Bay Centre, Rose Bay Centre, Neighbourhood Centres, Woollahra Residential, Paddington HCA, Woollahra HCA and Watsons Bay HCA DCPs).

Although most of the existing parking rates have been carried over into the Draft DCP, there have been a few minor changes to some rates and other controls. Some of the main changes include:

- **Residential parking rates:** New wording makes it clear that parking rates are maximum, not minimum rates.
- **Studio apartments:** A parking rate has been established to recognise this form of small apartment living. The rate is 0.5 spaces per studio.
- **Mixed use developments:** Parking rates for the residential component of a mixed use development have been modified so the rate is consistent across all centres. The rates in the table on the following page will apply to the residential component of mixed use development in all centres:

Residential component of mixed use development	Spaces
1 bedroom or studio	0.5 space
2 bedrooms	1 space
3 or more bedrooms	1.5 spaces
Visitor parking	0.2 space

- **Car share schemes:** A car share scheme parking space on the site, or directly adjoining the site, is specifically identified as a matter Council may consider if the on-site parking requirements cannot be met for residential development.
- **Industrial uses:** The existing parking rates have been simplified by removing the multiplier rate and applying that multiplier directly to the base generation rate.
- **Food and drink premises and pubs:** At least one loading bay is required for a venue with a seating capacity of 50 persons, instead of 100 persons under the current DCP.
- **Footpath dining:** Footpath dining areas will not be included in the calculation of gross floor area when determining car parking requirements, provided the proposal complies with Council’s policy for footway restaurants. This will encourage outdoor dining. This concession currently applies to the Double Bay Centre, but will now apply to the other centres.
- **Electric vehicle charging points:** Controls introduced to encourage the installation of electric vehicle charging points to recognise an increased uptake of electric hybrid vehicles.⁵ The proposed controls are:
 - Dwelling houses, semi-detached dwellings and dual occupancies are encouraged to install a 15Amp circuit for vehicle charging (15Amps will provide for fast and stable charging) or a normal 10Amp power point that is dedicated solely for the purpose of car charging;
 - Residential flat buildings and the residential component of mixed use developments are encouraged to install a 15Amp circuit for vehicle charging or a user pays charging point with a dedicated space; and
 - Commercial development is encouraged to install a user pays charging point with a dedicated space.
- **Car lifts:** Additional controls for mechanical parking installations and paid parking stations to ensure that at least one lift is capable of accommodating a B99 vehicle (i.e. a large car or SUV generally 5200mm long, 1940mm wide and 2200mm high).
- **On-street parking should be retained:** Some laneways or narrow streets do not have sufficient turning space for B85 vehicles (e.g. family sedan sized cars). The removal of on-street parking to establish a turning space into private property should be avoided and will only be considered in limited circumstances. This control reflects Council’s existing policy and ensures that on-street parking for the public is not unreasonably reduced to provide space for turning paths into on-site private parking.

⁵ Changes respond to DPOP action 4.1.1.8

4.6.2 Chapter E2: Stormwater and Flood Risk Management

Chapter E2 identifies Council's requirements in regards to the discharge of stormwater from new developments, and outlines appropriate floor levels for new developments to minimise the risk of flooding and coastal inundation. It aims to maintain existing natural drainage patterns, encourage water sensitive urban design, and ensure that flood levels are not increased by development.

The chapter is based on Council's existing Draft Stormwater Drainage Management DCP 2006, Draft Flood Risk Management DCP 2004 and Council's current flood management and assessment processes, but includes a number of changes to enhance and update the current controls.⁶

The draft controls were reported to the Urban Planning Committee and then adopted by Council for exhibition on 23 June 2014.

Some of the main changes include:

- **Freeboard:** Freeboard is an amount that is added to the flood level. The freeboard provides a factor of safety, allowing for model inaccuracies, and localised variations and influences on stormwater flood levels. The Draft DCP increases the freeboard level from 0.3m to 0.5m for habitable floors and 0.15m to 0.3m for non-habitable floors.
- **Estuary planning levels:** Estuary planning levels (EPLs) are being introduced to Council's planning controls for the first time. The EPLs reflect the likely extreme water levels along the foreshore of Sydney Harbour that generally occur during an intense ocean storm. The EPLs account for and calculate the following:
 - the 100 Year ARI regional storm tide level;
 - local wind and wave setup within Sydney Harbour;
 - wave run-up and overtopping of the foreshore;
 - a 0.3m freeboard to allow for uncertainties primarily associated with local wave and wind action; and
 - a sea level rise factor of 0.9m.
- **Time limit consents:** Time limit consents may be imposed where it is not possible or practical to meet the EPLs to take into account sea level rise.

⁶ Changes respond to DPOP actions 4.2.1.4 and 4.1.1.5

4.6.3 Chapter E3: Tree Management

Chapter E3 Tree Management identifies which types of trees and works require approval via either a development application or a permit.

This chapter is based on Council's existing Tree Preservation Order 2006 (TPO), and those matters currently considered when assessing applications. Some of the main changes in the Draft DCP include:

- **New approvals process:** Trees in the municipality are currently protected by Council's TPO. However, under recent changes introduced by the Draft Woollahra LEP 2014, tree management is now addressed within the LEP and DCP framework instead of through a TPO. The Draft DCP establishes two approval processes for tree works: a development application or a tree permit.
- **Prescribed trees:** Under the Draft Woollahra LEP, Council is required to identify the trees and tree works that require approval. The list of prescribed trees is based on the types of trees protected under the existing TPO. Trees that are prescribed in the Draft DCP are:
 - Any tree or palm with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches, and that is not identified as exempt.
 - Any tree with roots greater than 50mm diameter, if root pruning is proposed.
 - Any tree or palm identified in Council's Significant Tree Register.
 - Any tree or palm identified in the Woollahra LEP, Schedule 5 Environmental Heritage. This comprises a tree or palm that is: listed as a heritage item, located on land containing a heritage item, or on land located within a heritage conservation area (HCA).
 - Any bushland as defined in State Environmental Planning Policy 19 - Bushland in Urban Areas.
- **Development application:** Under the Draft DCP a development application is required when:
 - works to the tree are part of other building work or development that requires a development application;
 - the tree is on the Significant Tree Register and works involve removal of the tree;
 - the tree is a heritage item, on land identified as a heritage item, or on land within a HCA, and the tree works are not minor. (Note: "minor works" are not defined, and will be considered on a case-by-case basis).
- **Permit:** Under the Draft DCP a permit is required for works to a prescribed tree whenever a development application is not required. For example, a permit would apply in the following circumstances:
 - the tree is on the Significant Tree Register *and* works do not involve removal of the tree;
 - the tree is a heritage item, on land identified as a heritage item, or on land within a HCA *and* the tree works are minor.
- **Owner's consent not required:** The consent of the tree owner will not be required to prune branches that extend over a property boundary, provided the application only requires a permit.
- **Exempt species:** The following species will not require approval to prune or remove: *Erythrina* spp (Coral Tree), *Musa cavendishii* (Banana), *Ligustrum* spp (Both Large and Small Leaved Privet), *Nerium oleander* (Oleander) and *Strelitzia* spp (Bird of Paradise). These are included in the list of exempt species in the Draft DCP.

4.6.4 Chapter E4: Contaminated Land

Chapter E4 Contaminated Land identifies requirements for all applicants to consider when proposing development. It also sets out the site investigation and remediation process if the land is contaminated.

The Draft DCP chapter is consistent with the State Government's planning requirements for managing contaminated land under *State Environmental Planning Policy No 55 - Remediation of Land*. The chapter is based on the existing Contaminated Land DCP 2010, with only some minor changes.

4.6.5 Chapter E5: Waste Management

Chapter E5 Waste Management identifies the on-site requirements for waste and recycling storage and management. It addresses matters relating to the size, location and design of waste, recycling and garbage storage areas. The chapter also identifies that a site waste minimisation and management plan (SWMMP) is to be submitted with a DA.

The chapter is based on the existing Waste Not DCP 2010, with minor changes to rationalise the current controls and remove duplication with the DA Guide on "How to prepare Site Waste Minimisation and Management Plan".

4.6.6 Chapter E6: Sustainability

Chapter E6 Sustainability applies to commercial and non-residential development.

The chapter is based on sustainability controls in the Neighbourhood Centres DCP 2009, but with a number of changes.⁷ Some of the main changes include:

- **No controls for residential development:** Sustainability controls for residential development have not been carried over from the existing DCPs, as these have been superseded by *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
- **4 star rating for office development:** New controls have been introduced requiring office developments over 1,000m² to achieve a minimum 4 star rating under NABERS (National Australian Built Environment Ratings System). The controls will apply to new development and work involving significant alterations and additions to existing development. A 4 star rating represents "good performance" under the NABERS Energy and Water tool, which measures performance on a rating scale from 1 to 6 stars.

A 4 star rating can be generally achieved through compliance with the National Construction Code and thoughtful building design. To demonstrate the 4 star rating, the applicant will need to submit with the DA either an ESD Statement prepared by an accredited professional providing design evidence that a NABERS 4 star rating can be achieved, or evidence of a Commitment Agreement. A Commitment Agreement is a contract between the NABERS National Administrator, the Office of Environment and Heritage NSW (OEH) and the building

⁷ Changes respond to DPOP actions 4.2.1.1, 4.2.12 and 4.2.1.5

proponent to design, build and commission the premises to achieve a NABERS Energy star rating of 4 or more.

- **Solar energy systems (such as solar panels):** The new controls seek to minimise the amenity impacts of solar energy systems particularly in regard to streetscape impacts, scenic quality, visual impact and view loss.⁸ Solar energy systems should meet the following requirements:
 - do not project more than 300mm above and parallel with the roof surface;
 - located behind the front setback and not visible from the street;
 - no mirrors or lenses to reflect or concentrate sunlight;
 - for heritage items and HCAs not located on the roof plane, wall or chimney on the principal building form.
- **Desalination plants:** New control stating that desalination plants are to be avoided. Desalination plants are not an appropriate water management option because they are an energy intensive and inefficient method for providing fresh water.⁹

4.6.7 Chapter E7: Signage

Chapter E7 Signage establishes controls for building identification signs and business identification signs, addressing matters such as the type of sign, content, size, location and colour to ensure that signage communicates effectively and makes a positive contribution to the public domain.

The chapter applies to signs across the municipality that require consent, or that form part of other works that require consent.

The chapter consolidates and rationalises controls in the existing Double Bay Centre, Rose Bay Centre, Neighbourhood Centres, Paddington HCA, Woollahra HCA and Exempt and Complying Development DCPs, into one chapter to provide a consistent approach to signage. It also includes a number of significant changes.¹⁰

Some of the main changes include:

- **Reasonableness:** New objective to consider the reasonableness of the signage. That is, how many signs are reasonably required to convey the message that the business is operating from the site? This objective makes it clear that it is relevant for a business to consider not only the size of signage, but also the reasonableness of, and necessity for, the signage.
- **External painting of a building in corporate colours:** New controls to restrict the external painting of a building in corporate colours. In particular, colour schemes associated with the business branding and identity are to be subordinate to the main colour schemes on the building.

Branding a building by painting the facade in the business corporate colours should be avoided as corporate colours generally involve bright or primary colours. Such colours, when

⁸ Changes respond to DPOP actions 4.2.1.2 and 4.2.1.5

⁹ Change responds to DPOP action 4.2.1.3

¹⁰ Changes respond to DPOP actions 4.1.1.7 and 4.1.1.19

painted over large areas on a building or above the awning level, can be loud and distracting and often do not provide a well-mannered and thoughtful contribution to the streetscape.

Corporate colours tend to be inconsistent with the character of the centre and the palette of colours predominantly used in the centre. Furthermore, bright and primary colours on buildings have the effect of adding to the perceived building bulk.

Where a particular colour or combination of colours used to paint a building has the effect of a sign promoting a particular business, that work may be taken as a painted wall sign. Under the Draft DCP, a painted wall sign is limited to 5m² in a business zone or 2.5m² in a residential zone or HCA.

The external painting of a building is taken to constitute a wall sign if any of the following apply:

- The use of colours in patterns, symbols, messages or other devices promotes the business, a product, an event or an activity.
 - The use of colours in patterns, symbols, messages or other devices conveys information, instructions or directions.
 - When a business, activity or event is readily identifiable from a colour or a colour scheme and regularly uses that colour or colour scheme in its branding.
- **Signs in heritage conservation areas:** Existing controls for individual HCAs have been consolidated and rationalised to provide a uniform set of controls for all HCAs.
- **William Street, Paddington:** New signage controls have been introduced for shops and other commercial uses in residential buildings. The signage is limited to a maximum of two signs per building, comprising either:
- a sign mounted adjacent to the front door with a maximum dimension of 700mm high by 450mm wide;
 - a flush mounted wall sign or painted sign within the ground floor verandah blind arch; or
 - a projecting wall sign with a maximum area of 300mm x 300mm which does not project more than 500mm from the façade.

4.6.8 Chapter E8: Adaptable Housing

An adaptable dwelling is a dwelling that is designed so that it can be easily modified in the future to become accessible to both occupants and visitors with a disability or progressive frailties. Chapter E8 Adaptable Housing requires development containing 10 or more dwellings to include at least 10% of the dwellings as adaptable housing.

These adaptable housing controls have been carried over from the existing Access DCP 2004.

However, the existing DCP controls on accessibility have not been carried over, as these are superseded by Commonwealth requirements set out in *Disability (Access to Premises - buildings) Standards 2010* and *National Construction Code Series - Access for People with a Disability*.

A4.7 Part F: Land Use Specific Controls

Part F Structure	
F1	Child Care Centres
F2	Educational Establishments
F3	Licensed Premises
F4	Telecommunications

Part F of the Draft DCP contains additional controls that apply to specific types of land uses, and apply across the municipality.

4.7.1 Chapter F1: Child Care Centres

Chapter F1 Child Care Centres applies to centre based child care such as long day, pre-school and out of school hours care.

The controls address streetscape, visual and acoustic privacy impacts, on-site pick-up and drop-off, on-site parking, internal layout and design, and indoor and outdoor play areas. To help identify and assess the potential impacts of a proposed child care centre on the surrounding area, a centre operation plan, acoustic study and traffic and parking management plan will need to be submitted with the development application.

The chapter is based on the existing Child Care Centres DCP 2006, but includes a number of changes. Some of the main changes include:

- **Places for children under 2 years:** The Draft DCP encourages child care providers to establish centres where the ratio of child care places for different age groups responds to demographic need. In particular, it includes a new control encouraging long day care centres to include places for children under 2 years old, preferably at least 30% of the total number of places. This responds to the Child Care Needs Study (2014) by CRED Community Planning, which identified a demographic need for places for children under 2 years.
- **No on-street drop-off and pick-up zones:** Council will not provide dedicated on-street pick-up and drop-off zones for child care centres. Sites that cannot provide on-site parking and drop off and pick up areas are not encouraged. Council will only consider such proposals if the child care centre is not located on an arterial road, and the applicant can demonstrate that there is adequate on-street parking vacancy rates such that the child care centre users will not unreasonably impact on the availability of on-street parking now or in the future.

This reflects Council's existing Policy for Traffic Management near Schools, Preschools and Childcare Centres (2013), and has been included in the Draft DCP to ensure that prospective applicants are aware of these restrictions and consider parking and drop-off and pick-up arrangements early in the site selection process.

- **Layout and design:** Additional controls for internal and play areas to ensure that the design of centres allow for safety and supervision, and provide facilities that are designed and located to be developmentally and age appropriate.
- **DA plans:** Additional information is to be shown on the DA plans, such as nappy change facilities, age appropriate toilets, hand basins, and bathing or showering facilities, sinks for craft preparation areas, rest and sleeping areas for children. DAs for child care centres are referred to Council's Community Services Team for comment. By providing this additional information on the DA plans, staff will be able to check that key facilities are considered early on in the development process and suitably provided for.
- **Design for fire safety:** Controls addressing fire safety and evacuation have been included for child care centres located in multi-storey buildings. This is in response to an emerging trend for child care centres to be located within multi-storey developments.

4.7.2 Chapter F2: Educational Establishments

Chapter F2 Educational Establishments aims to achieve the rational and orderly development of educational establishments, such as schools and TAFEs. The controls address building and urban design, siting of development, heritage conservation, open spaces, traffic, parking and access, planting, fencing and hard surfaces, and community uses.

The chapter is based on the existing Educational Establishments DCP 2012, but includes a few changes. Some of the main changes include:

- **Community uses:** Additional controls have been introduced to limit effects of the community use of an educational establishment on the amenity of the adjacent properties.
- **Sustainability:** Development with a gross floor area of at least 1,000m² is to achieve a minimum 4 star NABERS rating.

4.7.3 Chapter F3: Licensed Premises

Chapter F3 Licensed Premises contains new DCP controls for pubs, small bars, restaurants, and other businesses that require a licence under the *Liquor Act 2007*.

The draft controls were reported to the Urban Planning Committee and then adopted by Council for exhibition on 12 August 2013.¹¹

The new controls aim to provide certainty to applicants, residents and other stakeholders regarding Council's approach for dealing with applications for licensed premises, and to achieve a more consistent approach to determining trading hours and operating conditions.

The external impact of licensed premises on the community is essentially related to three risk factors:

1. The type of licensed premises.
2. The sensitivity of the locality within which it is, or proposed to be located.

¹¹ Changes respond to DPOP action 4.1.1.40

3. The trading hours and number of patrons.

The Draft DCP adopts a risk rating approach based on these three risk factors. Proposals are rated high risk or low risk, and this rating guides the response from Council to the proposal.

The following table shows the risk rating of licensed premises.

RISK RATING OF LICENSED PREMISES		
Type of licence	Location/zone	Risk rating
Hotels and clubs irrespective of their capacity	Anywhere	HIGH
On-premises, packaged liquor, producer/wholesaler, limited with a capacity of 100 or more patrons		
Any licensed premises	R2 and R3 zones	HIGH
On-licences/small bars	B1	HIGH
	B2, B4, SP3 and RE1	LOW
Small bars, on-premises, packaged liquor, producer/wholesaler, limited with a capacity of less than 100 patrons	B2	LOW

Some of the other main controls include:

- **Trading hours:** Establishes trading hours for internal and external areas based on the risk rating of the premises.

Risk rating	Internal (fully enclosed)		External (not fully enclosed)	
	Base	Extended	Base	Extended
High	8am - 10pm	8am - midnight	8am - 8pm	8am - 10pm
Low	8am - midnight	8am - 2am	8am - 10pm	8am - midnight

Reviews of extended trading hours will generally be 1 year following the initial trial period and every 2 years after the first review.

- **Maximum number of patrons:** Consents will, by condition, limit the maximum number of persons permitted on licensed premises. Reviews for an increase in the maximum number will generally be 1 year following the commencement of the initial trial period, 2 years following the first review, and every 5 years thereafter.
- **Accompanying reports:** DAs for licensed premises are to be accompanied by a management plan and a social impact report.

4.7.4 Chapter F4: Telecommunications

Chapter F4 Telecommunications is a new chapter that will replace the existing Woollahra Telecommunications and Radiocommunications DCP 2004.

The controls in the existing DCP have been superseded by Commonwealth and State regulatory frameworks.

The regulation of telecommunications infrastructure is primarily the responsibility of the Commonwealth and State Government, leaving little scope for Council to include additional requirements. The key provisions are established in *Commonwealth Telecommunications (Low-impact Facilities) Determination 1997 (LIF Determination)* and the Infrastructure SEPP. Between the LIF Determination and the Infrastructure SEPP, most types of telecommunication facilities are identified as development that does not require approval from Council. Generally the telecommunications carrier is only required to notify Council of the proposal and invite Council's comment.

For development that requires Council's consent, the State Government has published the *NSW Telecommunication Facilities Guideline including Broadband* (NSW Telecommunications Guideline). The NSW Telecommunications Guideline establishes four key principles:

- A telecommunications facility is to be designed and sited to minimise visual impact.
- Telecommunications facilities should be co-located wherever practical.
- Health standards for exposure to radio emissions will be met.
- Telecommunications facilities should minimise disturbance and risk, and maximise compliance.

Consideration of the NSW Telecommunication Guideline in the assessment process is mandatory, and because the Guideline addresses matters that Council would consider for including in a DCP, Chapter F4 Telecommunications simply calls up the Guideline as Council's control document, rather than duplicating the controls.

A4.8 Part G: Site-Specific Controls

Part G Structure	
G1	Babworth House, Darling Point
G2	Kilmory, Point Piper
G3	Hawthornden, Woollahra
G4	9a Cooper Park Road, Bellevue Hill
G5	3-9 Sisters Lane, Edgecliff
G6	4A Nelson Street and 118 Wallis Street, Woollahra
G7	Former Royal Women's Hospital, Paddington

Part G Site-Specific Controls is based on the current site-specific DCPs for seven sites in the municipality. These sites generally contain residential development, and all but 9A Cooper Park Road include heritage conservation considerations.

Most of the content from the existing site-specific DCPs has been carried over into the Draft DCP chapters. However, some controls have been deleted recognising that these sites have been redeveloped. It is reasonable that the Draft DCP reflects only those parts of the original DCPs that are relevant to further development on the site.

A specific change has been made to the chapter on 4A Nelson Street and 118 Wallis Street, Woollahra (Brougham House). The location of the building curtilage for Brougham along the western boundary has been changed so that the curtilage better reflects the tree preservation zones for the two heritage listed Norfolk Island Pines.

The following existing site-specific DCPs have not been reflected in the Draft DCP:

- **9 Cooper Park Road, Bellevue Hill (1995):** The land at 9 Cooper Park Road has been developed, and the site-specific DCP controls are no longer relevant or necessary.
- **Bishopscourt DCP (1995):** The Bishopscourt site has been developed, and the site-specific DCP controls are no longer relevant or necessary.
- **White City DCP (2007):** The White City site is subject to separate ongoing investigations and new DCP controls will be established as part of those investigations.