

Environmental Planning Committee



Agenda

Monday 19 November 2018

6.00pm

Outline of Meeting Protocol & Procedure:

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

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

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

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

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

Environmental Planning Committee Membership: 7 Councillors

Quorum: The quorum for Committee meeting is 4 Councillors

Woollahra Municipal Council

Notice of Meeting

13 November 2018

To: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio
Councillors Susan Wynne (Chair)
Mary-Lou Jarvis (Deputy Chair)
Luise Elsing
Nick Maxwell
Matthew Robertson
Mark Silcocks
Toni Zeltzer

Dear Councillors,

Environmental Planning Committee – 19 November 2018

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Monday 19 November 2018 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Page
1.	Leave of Absence and Apologies	
2.	Late Correspondence	
3.	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

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D3	Ecological Sustainability Taskforce - Minutes of Meeting Held 25 September 2018 - 18/174666	19
D4	Woollahra Local Planning Panel - Register of Planning Decisions and Analysis - Period 1 July to 30 September 2018 - 18/161272.....	25

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

R1	Public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 3) - indoor amenity and subterranean habitable spaces - 18/172451.....	37
R2	Public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No.4) - Roof terraces, Lifts and Lift overruns - 18/172510.....	63

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 5 NOVEMBER 2018**
Author: Sue O'Connor, Secretarial Support - Governance
File No: 18/178824
Reason for Report: The Minutes of the Environmental Planning Committee of 5 November 2018 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 5 November 2018 be taken as read and confirmed.

Item No: D2 Delegated to Committee
Subject: **OXFORD STREET WORKING PARTY MEETING HELD ON 30 OCTOBER 2018**
Author: Peter Kauter, Manager Placemaking
Approver: Nick Economou, Acting Director - Planning & Development
File No: 18/181114
Reason for Report: To report on the activities of the Oxford Street Working Party

Recommendation:

THAT the draft minutes of the Oxford Street Working Party meeting held on 30 October 2018, as contained in the Annexure to this report, be received and noted.

Background:

The Oxford Street Working Party (OSWP) was formed following a Council resolution of 22 April 2013. Membership of the OSWP was established following expressions of interest by Councillors.

The most recent meeting of the OSWP was on 30 October 2018. The draft minutes of that meeting are annexed.

Under the OSWP's current Terms of Reference (revision 24 November 2014) its stated purposes are:

- *To serve as an advisory body to Council to assist with the revitalisation and reinvention of Oxford Street, Paddington.*
- *To provide a mechanism for consultation with key stakeholders*
- *To advise on strategies and projects for implementation arising from the Oxford Street, Paddington Placemaking Roadmap Report dated 20/5/14 prepared by Village Well in accordance with Council's resolution of 11/8/14*

The Working Party shall not operate in a regulatory or authoritative capacity.

In relation to delegated authority the Draft Terms of Reference provide as follows:

The working Party is an advisory committee only and has no delegated authority. The Working Party will report to the Urban Planning Committee as required.

Accordingly the minutes of the OSWP meeting held on 30 October 2018 are being reported to the Environmental Planning Committee for its consideration.

Conclusion:


Key points arising from the meeting included:

- **Oxford Street Roadmap Report review** – evaluation of 'Quick Wins', Priority Initiatives and Working Party Member's Work Sheets and progress towards a draft revised plan for review at the next meeting before reporting to Council
- **City of Sydney updates** – progress with their social media programs and other activities and developments

- **Paddington Business Partnership** – Belinda & Steve Rankine reporting on their progress since their recent appointments on the Partnership; feedback on another successful William Street Festival
- **Small Business Month** – information on the social media program conducted during October with funding from the Department of Industry
- **Perry Lane Art Project (PLAP)** - successful mural program with support of a Placemaking Grant and coordination with the William Street Festival

The next meeting of the Working Party is scheduled for Tuesday 11 December 2018

Annexures

1. Minutes of the Oxford Street Working Party meeting held on 30 October 2018 [↓](#) 

<u>Oxford Street Working Party</u> <u>Meeting Minutes</u>			
Meeting held – Tuesday 30/10/2018 (No. 5/2018)			
Present:			
Councillors: The Mayor, Councillor Peter Cavanagh (Chair), Matthew Robertson, Megan McEwin, Philip Thalys (City of Sydney) and Harriet Price			
Property owners: Cathy Samios			
Paddington Business Partnership: Belinda Rankine			
Staff: Allan Coker, Director-Planning & Development (Woollahra Council); Lara Wolski (City of Sydney) and Peter Kauter – Manager-Placemaking (Woollahra Council)			
Others: Steve Rankine (Paddington Business Partnership’s Treasurer); Professor Ed Blakeley			
Meeting opened: 6.00pm in the Thornton Room, Woollahra Council Chambers			
Item No.	Subject	Discussion	Action
1.	Apologies		
	Councillor Anthony Marano		
2.	Late correspondence		
	A paper with the ‘Quick Wins’ & Priority Initiatives Summaries & Work Sheets with numbered pages was circulated.		
3.	Minutes from previous meeting		
	3.1 Confirmation of minutes	Adopted without change	
	3.2 Follow up matters	3.2.1 Vacant membership positions Suggestions for people to fill recent vacant positions were called for. It was suggested that The Manager of Great Dane & a representative of the Merrivale group be approached to see if they were available to join the Working Party.	Great Dane & Merrivale be asked if they are available to be involved in the Working Party
		3.2.2 Focus on furniture & lifestyle As Councillor Marano was an apology it was decided to hold this matter over for the next Working Party meeting.	This matter be held over until the next meeting of the Working Party
4.	Oxford Street Roadmap Report (OSRR)- review	This part of the review involved going through the Summary (audit) of the ‘Quick Wins’ & Priority Initiatives and the WP Member’s work sheets. ‘Quick Wins’ summary (audit)	A draft Oxford Street Place Plan be prepared incorporating

		<p>4.1.1 <i>Vibrancy in vacant shops and along blank walls</i> – 6. Include the Paddo RSL, Ampersand Café & William Street posters (under comments reference to be made to the ‘Dawn to Dusk’ photographic event).</p> <p>4.1.2 <i>Street identity, marketing and communication</i> – 1. Align activities with sporting events at the nearby SCG & Alliance Stadium & coordinate with event organisers for social media cross promotion; 3. Banners need to compliment other initiatives, engage with store offers & social media campaign.</p> <p>4.1.3 <i>‘Theatre’ and activity on the footpath</i> – 1. The road is a deterrent to footpath trading & outdoor dining. The revised Plan needs to include working with RMS & lobbying for improved footpath conditions, e.g. remove bus lanes. Engage with Bike East and get traffic counts to support changes.</p> <p>4.1.4 <i>Regular and destinational events in public spaces</i> – 2. There was discussion about a farmers market opening near the Centennial Hotel (Robert Burton). Questions were asked about the Juniper Hall DA – information to be provided for the next meeting.</p> <p>Priority Initiatives summary (audit)</p> <p>4.2.1 <i>Pedestrian and streetscape improvements</i> – revised Plan needs to include improving or replacing the existing planters (information on maintenance to be provided).</p> <p>Working Party Members work sheets</p> <p><i>The Vision</i> – Oxford St as an international destination needs to form part of the Vision in the revised Plan.</p> <p><i>The Oxford Street place story</i> – reference to the Head On Photo Festival, Mardi Gras to be included.</p> <p>Next steps: The intention is to keep the Vision, Place Story & Placemaking Pillars, similar to the current OSRR (but with changes to reflect those mentioned earlier). However, that we move away from the ‘Quick Wins’ & Priority Initiatives approach and group actions & projects under Themes, along the lines of the current Double Bay Place Plan.</p> <p>A draft Oxford Street Place Plan be prepared incorporating the matters contained in the Summary of ‘Quick Wins’, the Summary of Priority Initiatives & the Working Party Members work sheets, incorporating matters raised earlier. The draft Plan be presented to the next Working Party meeting for review & then report to Council for adoption.</p>	<p>the matters contained in the Summary of ‘Quick Wins’, the Summary of Priority Initiatives & the Working Party Members work sheets, incorporating matters raised earlier. The draft Plan be presented to the next Working Party meeting for review & then report to Council for adoption.</p> <p>Information be provided to the next WP Meeting on DAs for Juniper Hall & the Farmers Market.</p>
5.	City of Sydney	An update was provided by the City & circulated to Working Party Members by e-mail on 25/10/18. The update is as follows:	Noted

		<p>1. PROGRAMS <i>Email sent to Peter Kauter identifying three core areas of work together:</i> 1. Promotion – Showcase Paddington and Oxford Street via #sydneylocal 2. Public domain activation - via Village Festival Grants 3. Leveraging major events – Xmas, Mardi Gras and more</p> <p>1.1 Promotion: <i>The promotion of local economies and retail high streets is at the heart of the City’s economic strategies. The City’s new #SydneyLocal destination marketing program has been specifically designed to harness the power of digital and social media to drive awareness of our local economies both day and night, year-round, for the benefit of businesses.</i> <i>The City is now nine months into this program:</i> <input type="checkbox"/> more than 6 million people have been reached <input type="checkbox"/> 2,800 business directly profiled</p> <p>#Sydneylocal work to showcase Paddington & Oxford street <i>Concrete Playground Paddington Day & Night guide reached more than 70K people</i> https://concreteplayground.com/sydney/feature/paddington-day-and-night-guide/#!/day <i>TimeOut Local Legends article featuring Head Chef at Fred’s reaching more than 40K people</i> https://www.timeout.com/sydney/restaurants/freds-head-chef-danielle-alvarez-shares-her-paddington-highlights <i>Broadsheet Secrets of Sydney articles about Paddington-based businesses have collectively reached more than 89K people</i> https://www.broadsheet.com.au/sydney/fashion/article/secret-oasis-high-fashion-50 https://www.broadsheet.com.au/sydney/fashion/article/only-place-buy-solange-knowless-favourite-shoes-and-cult-parisian-candles-sydney https://www.broadsheet.com.au/sydney/art-and-design/article/totem-road-furniture-store-and-meeting-place https://www.broadsheet.com.au/sydney/art-and-design/article/mother-and-daughters-bohemia-meets-bling-business https://www.broadsheet.com.au/sydney/art-and-design/article/bed-bed <i>City of Sydney’s own “A local’s guide to Paddington” has reached 43K people</i> https://whatson.cityofsydney.nsw.gov.au/posts/paddington <i>Destination NSW shared the City’s Paddington guide on their Facebook and Instagram to more than 3 million followers which saw more than 20,000 social interactions</i> https://www.instagram.com/p/Bn5ZeAx8xW/?taken-by=sydney <i>City of Sydney continues to regularly post about Paddington on its Instagram</i> https://www.instagram.com/p/Bm2ld_hg_q2/?hl=en&taken-by=cityofsydney</p>	
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		<p>1.2 Public domain activation:</p> <p>City of Sydney Village Festival Grants – Paddington Business Chamber <i>The City's primary mechanism for supporting local place-based festivals and activations is through our Village Festival Grants. These grants are only open to not-for-profits, there are two rounds a year and the next round opens in early February.</i> <i>One way to get more activations in and around Oxford Street is to funnel the right creative event ideas through this grant program, through a partnership between local Chambers of Commerce with professional creative producers/event managers to run local events.</i> <i>This opportunity has been discussed with the new President and Treasurer of Paddington Business Partnership.</i></p> <p>1.3 Leveraging major events:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>The City and Woollahra Council are joining forces to create a cohesive look up Oxford Street this Christmas.</i> <input type="checkbox"/> <i>The City will be producing a Xmas Shopping Guide to Oxford St through our paid partnership with Broadsheet.</i> <p>Sydney Christmas campaign 2018 – opportunities for local business <i>11 October - email sent to local Chambers of Commerce, including Paddington Business Partnership</i> <i>We are keen to include as many events as possible to enhance the festive programming on sydneychristmas.com. We want to hear from local businesses about the activities they have planned during the festive season so we can help promote it. Tell us what is planned for window decorations, promotions being run etc. We encourage everyone to list all activities by submitting details via a What's On listing:</i> https://whatson.cityofsydney.nsw.gov.au/ <i>Register here:</i> https://whatson.cityofsydney.nsw.gov.au/users/register <i>All the information you need to have your activities promoted through the Sydney Christmas campaign can be found here:</i> https://cityofsydney.cmail19.com/t/ViewEmail/j/D18D36D3EA1573AE2540EF23F30FEDED</p> <p>2. PUBLIC TOILET</p> <p><i>It is now hoped the DA will be submitted to the Local Planning Panel for determination in late October/early November.</i> <i>The DA will be determined at the 21 November Local Planning Panel meeting. The exhibition period closed Monday 22 October with multiple submissions for the panel to consider.</i> <i>The City will send out correspondence to all submissions inviting them to attend or to speak on the application.</i></p> <p>3. PARKING</p> <p><i>Oxford Street – From Greens Road to Oatley Road</i></p>	
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		<p><input type="checkbox"/> RMS have raised no objection for the City to Consult on the southern side (City' side) on the proposed ticket parking changes</p> <p><input type="checkbox"/> The City will consult local businesses and residents on the proposed parking changes in November 2018</p> <p><i>Greens Road, Paddington – Proposed parking changes</i></p> <p><input type="checkbox"/> Following advice from the OLM, the City has removed the ticket parking restriction and retained only the 2P and 4P timed parking restriction.</p> <p><input type="checkbox"/> The new proposal includes:</p> <p><i>o</i> Reallocating parking on the eastern side of Greens Road between Oxford Street and Moore Park Road to “2P 8am-6pm Permit holders Excepted Area 15” and “4P 6pm-10pm Permit Holders Excepted Area 15”</p> <p><input type="checkbox"/> Community consultation on the proposed changes has commenced and will close on 9 November 2018</p> <p><input type="checkbox"/> Following a review of the submissions, the proposal will be referred to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC), for consideration at its meeting on Thursday 13 December 2018.</p> <p><input type="checkbox"/> If the Committee decides to endorse the proposal, we anticipate installing the new parking signs within about four weeks of the Committee’s decision.</p> <p>4. PADDINGTON RESERVOIR GARDENS</p> <p><i>The City is working towards a new Plan of Management, across multiple public spaces and parks, to enable increased (appropriate and respectful) activation of space as part of work that is being done for the Crown Lands Act. This large project, which will include Paddington Reservoir Gardens, will take significant time to complete.</i></p> <p>Other matters raised by Clr Thalys & Lara were:</p> <ul style="list-style-type: none"> • Instagram campaign on window displays • Tenders for Oxford St, Darlinghurst properties owned by the City • A pop-up restaurant in the Grand Pacific Blue Room • Australian Fashion Council – a curated program aimed at emerging young designers & fitting out of vacant shops is being reported to Council • A ‘Rainbow’ crossing is to be installed on the corner of Campbell & Bourke Streets • Urban design studies for retail precincts 	
6.	Paddington Business Partnership (PBP)	<p>Belinda & Steve said that they had been working on getting things going since recently taking over at the PBP. They had been meeting with relevant people & working on ideas for social media.</p> <p>The William Street Festival held on 20/10/18 was very successful notwithstanding they were forced to close up early due to storms late in the afternoon.</p> <p>There was positive feedback from those who attended the Festival.</p>	Noted.

7.	UNSW Art+Design	There was no update from UNSW Art+Design.	Noted
8.	Small Business Month	<p>With funding from the Department of Industry (\$5K) we conducted a social media campaign to celebrate and support our small businesses. This was a departure with what we and most other councils have done in the past, i.e. business forums. The forums have been good but taking on board feedback from our working parties we decided to do something different this time around.</p> <p>The campaign comprised production of two 30s videos (Paddington/Oxford Street and Double Bay) plus five individual posts, published on Council's Instagram and Facebook accounts. We have shared the campaign (via tags and links in our posts) with Sydney East Business Chamber, Visit Paddington, City of Sydney, Destination NSW, Wentworth Courier and – of course – the small businesses themselves. Additionally, we'll be providing every business that was photographed copies of their images, free of charge.</p> <p>The video link can be found here: Paddington Video View file (Dropbox)</p> <p>The social media accounts can be found here:</p> <p>Facebook – https://www.facebook.com/WhatsOnWoollahra</p> <p>Instagram – https://www.instagram.com/whatsonwoollahra/ (you can repost videos and images on Instagram using a free app like Repost)</p> <p>On Wednesday 17 October, we photographed the owners of 15 Paddington small businesses along Oxford Street, William Street, Elizabeth Street and The Intersection.</p> <p>The feedback we received from business owners and their employees was overwhelmingly positive – not only did everyone love the concept of the campaign, they were genuinely impressed by Council's initiative and grateful for the opportunity to be included. We were also able to add value by using the opportunity to increase rapport with our business community, including Paddington Business Partnership and Sydney East Business Chamber.</p> <p>We're grateful for the grant we received from NSW State Government for Small Business Month, which has enabled us to celebrate our small businesses with the broader community and show just how much we value them in this unique format.</p> <p>Everybody is encouraged to share the content.</p>	
9.	General business		
	9.1 William St Festival	See earlier comments 6. Paddington Business Partnership	

	9.2 Perry Lane Art Project (PLAP)	<p>With the support of a Placemaking Grant the PLAP produced 2 additional murals on the side wall of 264 Oxford St. The lane was closed from 18/10 to 26/10, artificial turf was laid and planters were used to stop car access. Saturday 20/10 was the main activity day with the artists doing their murals watched by interested bystanders who relaxed in bean bags and enjoyed live music & coffee from the local cafe. It was probably the most successful closure of the lane so far in terms of activity & interest. There was a synergy with the William St Festival – a spot to chill out after the crowds in William St. The murals are ‘Dive in to Relax’ by Gill Cameron & ‘Our paths (intertwined)’ by Nadia Odlum.</p> <p>There was positive feedback from those who attended the event.</p>	Noted
	9.3 ‘Fashion Your Home’ banners	<p>We have use of this name which has been registered with ASIC for 3 years. Early in the new year, after other commitments to the light poles have been fulfilled, we will be doing a banner promotion using this name. There is no style guide associated with the name – our graphic designer is looking at design options.</p> <p>There was discussion on whether there was a need to have a media campaign in place before doing the banners. After some discussion it was agreed we should proceed with the banners & look at coordinating this with the furniture & lifestyle businesses.</p>	Proceed with the banners & look at coordinating with furniture & lifestyle businesses.
	9.4 Small Business Month	Already discussed, see 8.	
	9.5 Wayfinding app	<p>Now that the DB wayfinding app has been finally sorted out & is now up & running the service provider, Envent, is working on Oxford St. They have had discussions with Belinda & Steve from the PBP & have the Paddington Map of businesses produced by the PBP. They have also walked the streets to make sure they capture all businesses. With the ‘bugs’ sorted out with Double Bay Justin from Envent is confident it will be a matter of weeks before its available via Google Play & the App Store.</p>	Noted
	9.6 Other	<p>9.6.1 The Official Sydney Guide – The Official Sydney Guide includes, under Precincts, Spotlight on Paddington and A perfect day in Paddington funded by ourselves (under Shopping, The Intersection funded by Theo) – it runs from Oct – May; hard copies in airport, hotels, & other tourist locations; online edition (p.46 Spotlight on Paddington; p.51 A perfect day in Paddington guide; p.92 the Intersection). In both English & Mandarin. Hard copies were circulated at the meeting.</p> <p>9.6.2 Celebrities in Oxford St – Victoria Beckham cited shopping at The Intersection. The Telegraph ran an article after being alerted by The Intersection’s PR Agency. Belinda advised that the PBP also posted the occasion on its social media outlets. She is to</p>	<p>Noted</p> <p>Noted</p>

		<p>meet with Theo to discuss promotional opportunities.</p> <p>9.6.3 Sunday Markets – initial contact with Claudia Di Rossi, Market Manager. She said they had considered a growers market but felt there wasn't the demand – Paddo Markets is essentially known as a fashion market. Sunday might be different although the Church was not keen on Sunday because there are services in the morning and other ecclesiastical activities later in the day. She invited an e-mail with as much detail as possible to take to the church council for consideration.</p>	<p>Information be provided to the Market Manager for the Church Council to consider.</p>
<p>Next meeting 11 December 2018, 6pm in the Thornton Room</p>			

Draft

Item No: D3 Delegated to Committee
Subject: **ECOLOGICAL SUSTAINABILITY TASKFORCE - MINUTES OF MEETING HELD 25 SEPTEMBER 2018**
Author: Micaela Hopkins, Team Leader Environment & Sustainability
Approvers: Paul Fraser, Manager - Open Space & Trees
Tom O'Hanlon, Director - Technical Services
File No: 18/174666
Reason for Report: To circulate the minutes of the Ecological Sustainability Taskforce meeting held on 25 September 2018.

Recommendation:

THAT Council receive and note the minutes of the Ecological Sustainability Taskforce meeting held on 25 September 2018.

Background:

In 2009 Council established the Ecological Sustainability Taskforce (EST). The role of the EST is to review and recommend Council strategy in relation to sustainability initiatives and policy. Membership of the EST consists of four Councillors, including the Chair, as appointed by the Mayor, and staff.

The following Councillors are current members of the Taskforce:

Cr Toni Zeltzer – Chair
Cr Anthony Marano
Cr Megan McEwin
Cr Mark Silcocks

Proposal:

That Council receive and note the minutes of the Ecological Sustainability Taskforce meeting held on 25 September 2018. The minutes have been attached to this report as Annexure 1.

Annexures

1. Ecological Sustainability Taskforce Minutes 25 September 2018 [↓](#) 



**Woollahra Municipal Council
Ecological Sustainability Taskforce**

Minutes

6-7pm Tuesday 25 September 2018

Thornton Room

Present: Cr Toni Zeltzer (Chair), Cr Anthony Marano, Cr Megan McEwin, Cr Mark Silcocks, Tom O'Hanlon – Director Technical Services, Micaela Hopkins – Team Leader Environment & Sustainability, Tom Coughlin – Senior Sustainability Officer, Michelle Rose – Environmental Education Officer, Melissa Sellen – Environmental Projects Officer, Anthony Weinberg – 3 Councils Regional Environment Program Coordinator.

Meeting opened 6pm.

Cr Zeltzer welcomed the members of the Ecological Sustainability Taskforce (EST), noting that environmental sustainability was a passion for herself and other EST members. Cr Zeltzer welcomed the new Environment and Sustainability staff and expressed her appreciation for the efforts of long term staff members and the achievements of the 3 Council Regional Environment Program.

1. Environment & Sustainability Team Introduction

Micaela Hopkins, Team Leader Environment & Sustainability, introduced the new and existing Environment & Sustainability staff:

- Tom Coughlin, Senior Sustainability Officer, has joined us from the Fitzroy Basin Association, QLD. He has extensive experience dealing with natural resource issues including water quality and catchment management.

- Michelle Rose, Environmental Education Officer, has joined us from the Nature Conservation Council. Michelle also worked in environmental education at Ku-Ring-Gai Council. Michelle has experience working with a diverse range of stakeholders, developing and implementing education programs on a variety of environmental topics.
- Melissa Sellen, Environmental Projects, has been with Council for 9 years. Melissa brings excellent and highly valued environmental knowledge and project management skills to the team.
- Anthony Weinberg, Coordinator 3 Councils Regional Environment Program, is employed jointly by Woollahra, Waverley and Randwick Councils to deliver the 3 Council Regional Environment Program, along with Project Officers Nicola Saltman and Jess Brewster.

2. 3 Council Regional Environment Program Presentation - Anthony Weinberg

Anthony Weinberg provided an overview of the 3 Council Regional Environment Program, focussing on two key projects: electric vehicle infrastructure and the Solar My School program.

The 3 Councils will be the first group of Councils in NSW to have on-street public electric vehicle charging stations. Six sites are scheduled for installation in the near future, with tender assessment underway to engage a provider. Woollahra Council will have an electric vehicle charging site at Kiaora Lands carpark and a second site is under investigation.

Solar My School assists local schools to install solar panels. Schools are ideal for this as they have large roof space and the timing of their energy use fits the solar generation profile well. Schools also provide an ideal vehicle for educating the broader community about solar power. 58 out of 64 eastern suburb schools have been involved in the project to date. Feedback from schools that have installed solar panels through the program has indicated that, without the program, they were unlikely to have installed solar due to the complexity of the process. The 3 Council team has been approached by organisations and Councils in other areas to expand the program. This is currently being investigated.

Cr Zeltzer thanked Anthony for his presentation. It was requested that, prior to future presentations, an information paper be circulated to the EST members in advance.

3. PEERS Program Outcomes

Melissa Sellen provided an overview of the SSROC PEERS program outcomes. On 11 September Council signed an energy contract committing to sourcing 30% of

energy from renewable sources, resulting in financial savings of approximately \$90,000 over the next 11.5 years, and a carbon reduction of 1200-1300 tonnes of carbon emissions per year. Renewable energy will be sourced from the Moree Solar Farm.

4. Projects for 2018-19

a) Environmental Projects

Coastal Management Program

Following release of the new Coastal Management Act in April, legislative changes meant that Council needed to change its approach to coastal management. The Coastal Zone Management Plan which Council was part-way through preparing, was no longer adequate and Council must now prepare what is known as a Coastal Management Program. Council was advised by the NSW Office of Environment & Heritage to work on a catchment basis, and as such we are developing a Sydney Harbour Estuary Coastal Management Program and Eastern Beaches Coastal Management Program. The Sydney Harbour Estuary CMP is underway, in conjunction with other harbour Councils, with the first stage now complete. Council has applied to State Government for funding to commence the Eastern Beaches CMP in conjunction with Randwick & Waverley Councils.

Biodiversity Conservation Strategy

Council's Senior Sustainability Officer has undertaken a review of the Biodiversity Conservation Strategy and reprioritised actions. The Environment and Sustainability Team will work closely with the Bushland Management Team to develop and implement a monitoring program.

Water Quality

Council staff have been investigating the GPT at Caledonian Road which treats stormwater entering Rose Bay. Engineering staff have proposed a new GPT, and advice is being sought to ensure that any new GPT does not exacerbate sand accumulation issues at Rose Bay. Staff have engaged in discussions with the Sydney Institute of Marine Science regarding the possibility of undertaking a bioremediation project at Rose Bay.

Energy Efficiency - Amenity Block LED Lighting

Council is about to embark on a project to reduce energy use in 11 amenities blocks, by upgrading lighting to energy efficient LEDs and installing sensors. This will result in energy and dollar savings of more than 50%. Works will be undertaken in the next 4-6 weeks.

b) Environmental Education

Community Workshops

Council is continuing to run environmentally-themed community workshops.

Upcoming workshops include:

- vertical garden workshop at Double Bay Library
- small bird walk at Gap Park
- frog identification workshop at Cooper Park
- native bee workshop – TBC

Schools Sculpture Prize

The annual schools sculpture prize will be awarded on 29 October. The theme for 2018 is 'Threatened Species of Woollahra', as suggested at the last EST meeting.

Community Environmental Grants

Community environmental grants for 2018 have been allocated and projects are underway. The projects range in theme and are being undertaken by a mix of schools, community gardens, and small community groups.

Our Energy Future

Our Energy Future is an SSROC program designed to educate and assist the community to undertake energy saving projects in their homes, such as installing solar. An advice hotline is available to all residents and a workshop will be held for the community later in the year.

Single Use Plastics Policy & Guidelines

The Environment & Sustainability Team, with input from other teams, has drafted a Single Use Plastics Policy (handout provided) and the associated guidelines are in development. Discussion has been taking place with Community Development staff to determine ways to improve sustainability and reduce single use plastics, using the Latina Festival event as a trial. There is a plan to monitor how compliant people are at the event and note examples of good practices, challenges faced and suggestions for improvement. There may need to be some allowances made for instances where health and hygiene requirements do not enable an alternative to single use plastic. Following the Latina Festival, the Policy will be refined if needed, and reported to Council for adoption.

In addition, Council's Environmental Education Officer has commenced discussions with Double Bay organic market organisers to confirm steps they already take to minimise plastic use and identify strategies for further reduction and methods to improve recycling at the markets.

A 'Sustainable Event Kit' is being prepared for use at workshops held by Council. This will include ceramic mugs and other reusable items to provide more sustainable options for Council staff hosting events off-site.

5. General Business

Cr Zeltzer requested that, on future agendas, names and timeframes be allocated to each item.

Cr Zeltzer noted the interest in the State Government's Marine Park proposal and suggested that the proposal could be a topic for discussion at a future EST meeting, inviting Cr Jarvis and Cr Cullen.

Cr McEwin raised the issue of loss of rockpool biodiversity associated with installation of seawalls in Sydney Harbour. This has a subsequent impact on water quality. The Sydney Institute of Marine Science has been undertaking research investigating installation of habitat tiles and artificial rockpools.

Next Meeting – November

Cr Zeltzer requested that the EST aim to meet 5 times in this Mayoral term. Micaela Hopkins to liaise with the GM's Assistant to determine a suitable date in November.

Cr McEwin suggested Dr Mark Browne, UNSW, present to the EST regarding microplastic pollution in Sydney Harbour. Micaela Hopkins will invite Dr Browne to attend.

Meeting closed 7.05pm.

Item No: D4 Delegated to Committee
Subject: **WOOLLAHRA LOCAL PLANNING PANEL - REGISTER OF PLANNING DECISIONS AND ANALYSIS - PERIOD 1 JULY TO 30 SEPTEMBER 2018**
Authors: Helen Tola, Manager - Governance & Council Support
Nick Economou, Acting Director - Planning & Development
Approver: Nick Economou, Acting Director - Planning & Development
File No: 18/161272
Reason for Report: To present an analysis of the Woollahra Local Planning Panel Decisions for the period 1 July to 30 September 2018

Recommendation:

THAT the register of planning decisions for matters determined by the Woollahra Local Planning Panel for the period 1 July to 30 September 2018 be received and noted.

Background:

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

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*, Council is required to maintain a register that records which panel members vote for and which panel members vote against each planning decision of the WLPP. A planning decision is a resolution of the Woollahra Local Planning Panel that determines a matter, i.e. approves or refuses a development application. The register as prepared details the matters considered by the Woollahra Local Planning Panel and will continue to be updated on a regular basis and is available on Council's website at www.woollahra.nsw.gov.au

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

Following feedback from Councillors at the Environmental Planning Committee in August 2018 meeting, cost of works, full reasons of referral and key issues have now been included in the annexure.

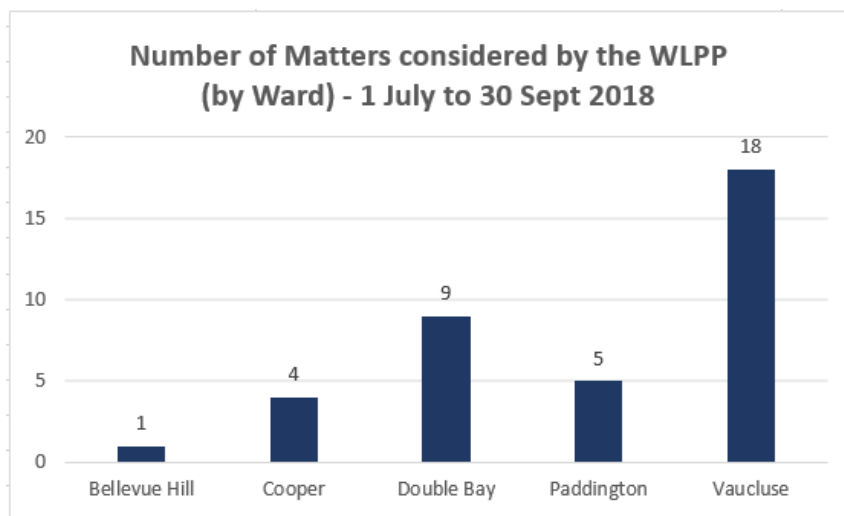
In total 33 Development Applications and 4 Planning Proposals were considered by the Woollahra Local Planning Panel during the period 1 July 2018 to 30 September 2018.

Provided below is an analysis of the following:

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

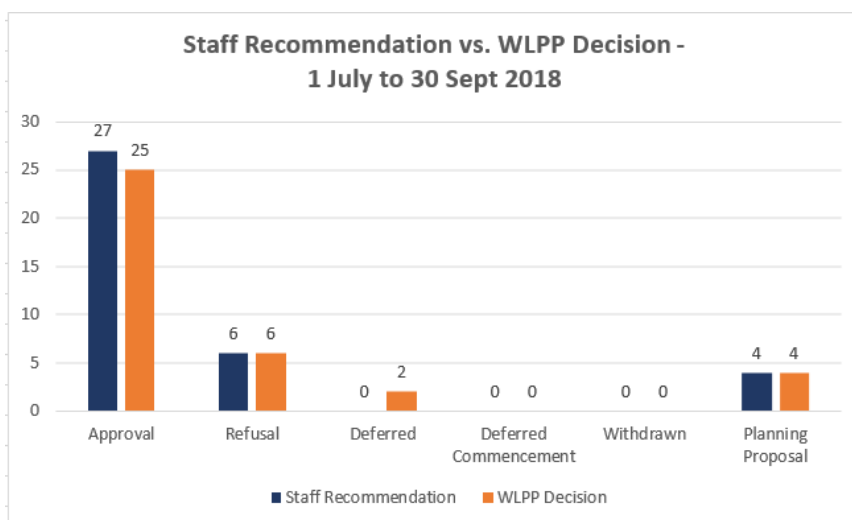
Number of Development Applications (including Planning Proposals) considered per ward

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



Staff Recommendation vs WLPP Decision

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

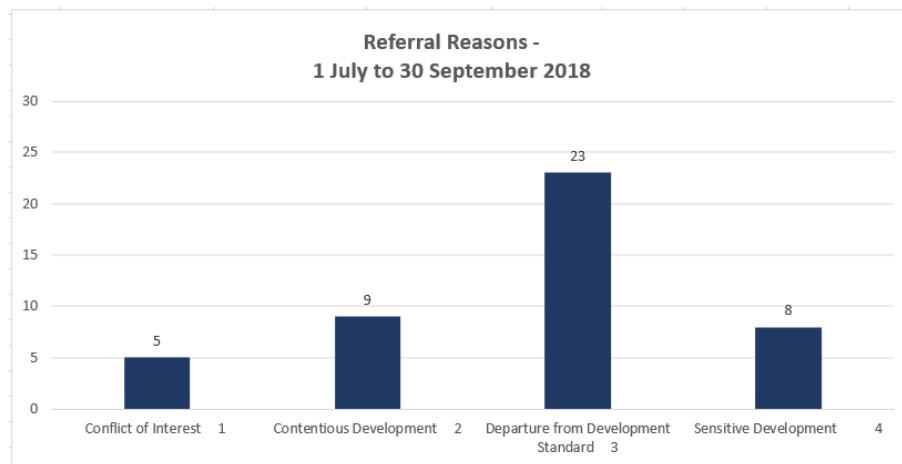


Reason(s) for Referral to WLPP

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

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

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



Annexure 1 presents the Woollahra Local Planning Panel - Register of Planning Decisions, for the period 1 July 2018 to 30 September 2018.

Conclusion:

It is recommended that Register of Planning Decisions for the period 1 July to 30 September 2018 be received and noted.

Annexures

1. Woollahra Local Planning Panel - Register of Planning Decisions (1 July to 30 September 2018) [↓](#) 



Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 12 November 2018

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
DEVELOPMENT APPLICATIONS																	
5 July 2018	Item No. D1 DA204/2018/1	3 Queens Avenue Vaucluse	Vaucluse	The subdivision of a portion of the road reserve adjoining 3 Queens Avenue Vaucluse	0	✓	✗	✗		✗	Approval	Approval	* Enables the sale of land to formalise an existing encroachment. * Full Council at its meeting of 14 March 2016 resolved to sell the road reserve. * Council received approval from the NSW Crown Lands Office in May 2018. <u>Panel comments:</u> Nil.	Anthony Booth Dr Mark Carleton John McInerney Prof Peter Webber	Nil	Prof Peter Webber	No
5 July 2018	Item No. D2 DA64/2018/1	Clairvaux Road Vaucluse (Vaucluse Elevated Reservoir)	Vaucluse	For subdivision of Sydney Water land, on land at Clairvaux Road Vaucluse	0	✗	✓	✗		✗	Refusal	Refusal	* Proposed subdivision of land for future residential purposes is a prohibited land use within a SP2 Infrastructure Zone and inconsistent with the objectives of WLEP 2014 and State Environmental Planning Policy (Infrastructure) 2007. <u>Panel comments:</u> Nil.	Anthony Booth Dr Mark Carleton John McInerney Prof Peter Webber	Nil	Prof Peter Webber	No
5 July 2018	Item No. D3 DA69/2018/1	3 Gurner Street Paddington	Paddington	Alterations and additions to the existing boarding house building	\$1,043,808.00	✗	✗	✓	Height Control - 9.5m Existing - 13.4m Proposed - 13.4m	✗	Approval	Deferred	Alterations and additions to the existing boarding house incorporating an addition to the upper most level and an upgrade to comply with the relevant standards. <u>Panel's comments:</u> Deferred the application to reduce the visual prominence of the upper level addition to ensure a satisfactory heritage and streetscape outcome.	Keri Huxley Dr Mark Carleton John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
5 July 2018	Item No. D4 DA155/2018/1	37/42 Flinton Street Paddington	Paddington	Alterations and additions including replacement of existing sliding external door-set with hinged door-set; change of windows to kitchen; new window to ensuite and change of some pre-painted metal panels to fixed glass windows	\$35,000.00	✗	✗	✓	Height Control - 21.5m Existing - 26.0m Proposed - 26.0m No change to existing overall height.	✗	Approval	Approval	* Minor works to existing penthouse unit, principally external modifications to existing facade including a new awning. * No change to existing overall height. * Satisfactory streetscape presentation. <u>Panel comments:</u> Nil.	Keri Huxley Dr Mark Carleton John McInerney Prof Peter Webber	Nil	Prof Peter Webber	No
5 July 2018	Item No. D5 DA506/2017/1	327-329 New South Head Road Double Bay	Cooper	Alterations and additions to the existing residential flat building to convert four (4) existing units into nine (9) units, internal reconfiguration, new balconies and entry, and, changes to the existing fencing	\$1,862,081.00	✗	✗	✓	FSR Control - 1:1 Existing - 1.4:1 Proposed - 1.32:1 Actual reduction in FSR.	✓	Approval	Approval	* SEPP 65 (Design Quality of Residential Flat Developments and Apartment Design Centre). * Council's Urban Design Officer supported the scheme. * Proposal generally maintained the design, form and scale of the existing building. <u>Panel comments:</u> Imposed an additional condition requiring the retention of the existing corbelling and detailing on the front facade.	Michelle Falstein Dr Mark Carleton John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes

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Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

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Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
5 July 2018	Item No. D6 DA604/2017/1	548 New South Head Road Double Bay (St Brigids)	Double Bay	For change of use and alterations and additions to the existing building (St Brigids) including internal and external works to the building; the use of the first floor level as an art gallery under the control of Woollahra Council (hours 10am-10pm), the use of the ground floor level as a restaurant/cafe (hours 8am-10pm (external) and 7am-12midnight (internal)), new fencing, landscaping and siteworks	\$2,500,000.00	✓	✗	✗		✗	Approval	Deferred	* Late correspondence was tabled to the WLPP Panel from Council requesting the matter be deferred. * DA withdrawn. <u>Panel comments:</u> Deferred the matter as requested in the late correspondence.	Ross Bonthorne Dr Mark Carleton John McInerney Prof Peter Webber	Nil	Prof Peter Webber	No
19 July 2018	Item No. D1 DA369/2017/1	2 Wentworth Street Point Piper	Double Bay	The demolition of existing buildings and the construction of a new part 5, part 6 storey residential flat building containing five (5) units with easement carparking for 11 vehicles, new fences, landscaping and siteworks	\$3,955,542.00	✗	✓	✓		✓	Approval	Approval	* Height exceedance (43.6%) * Context, scale and form. * View loss, privacy impacts. * SEPP 65 and AOG. <u>Panel comments:</u> Height breach whilst significant was acceptable on the grounds the proposal complied with the FSR standard and predominantly complies with the building envelope controls of the DCP. Imposed additional conditions requiring an additional setback to northern side boundary, a reduction to the size of the west facing balconies and the southern wall to be redesigned to include a recessed component.	Ross Bonthorne Dr Mark Carleton James Colman Peter Wells	Nil	Peter Wells	Yes
19 July 2018	Item No. D2 DA533/2017/1	4 Cove Street Watsons Bay	Vaucluse	Substantial alterations and additions (effectively a new dwelling), a new carport, landscaping and site works and rectification works to existing sea wall	\$1,554,211.00	✗	✓	✓		✗	Approval	Approval	Heritage, streetscape, impact of existing and proposed landscaping on views, view loss, scale/bulk and design. <u>Panel's comments:</u> Expert member declared a conflict of interest and excused themselves from this matter; Panel endorsed staff recommendation with additional conditions lowering the height by 0.4-0.75m (view loss); and amending the landscaping to remove all five Cocos palms.	Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
19 July 2018	Item No. D3 DA149/2018/1	Gilliver Avenue Vaucluse (Lot 100 of DP 1222164)	Vaucluse	To subdivide a portion of the road reserve within Gilliver Avenue (Lot 100 of DP 1222164) adjoining land at 9 Fisher Avenue, Vaucluse	\$0.00	✓	✗	✗		✗	Approval	Approval	Enables the sale of the road to rectify an encroachment and to dispose of surplus road reserve. Council at its meeting of 25 May 2015 resolved to sell the road reserve. The Department of Industry - Crown Lands administers the Roads Act approved the road closure. <u>Panel's comments:</u> Nil	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	No

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Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 12 November 2018

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
19 July 2018	Item No. D4 DA1/2018/1	144 Old South Head Road Vaucluse	Vaucluse	Alterations and additions to the dwelling to provide a new 50m ² roof terrace and 15m ² terrace room with lift access	\$40,000.00	x	x	✓		x	Refusal	Refusal	Provision of a new roof terrace and rooftop room which contravenes Council's height development standard and DCP controls specifically relating to roof terraces. Unsatisfactory in terms of streetscape presentation, built form and context, and privacy impact on adjoining properties. Inadequate documentation submitted with DA. <u>Panel's comments:</u> Nil	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
19 July 2018	Item No. D5 DA 628/2017	256 - 258 Old South Head Road Vaucluse	Vaucluse	For a roof terrace addition to the existing detached dwelling	\$200,000.00	x	x	✓		x	Refusal	Refusal	New roof terrace exceeds Council's height development standard and building envelope controls. Adverse streetscape presentation, inconsistent with the desired future character. Excessive size of terrace (55m ²) and associated amenity impacts (privacy, visual bulk). <u>Panel's comments:</u> Endorsed staff recommendation for refusal, one (1) panel member wished to support the scheme.	Dr Mark Carleton Graham Humphrey Peter Wells	James Colman		Yes
19 July 2018	Item No. D6 DA583/2017/1	14 Tivoli Avenue Rose Bay	Vaucluse	Alterations and additions	\$440,000.00	x	x	✓		x	Approval	Approval	Overall height and visual presentation to the Harbour, streetscape presentation (front fence design); ancillary structures (siting and bulk to the Harbour and adjoining properties); <u>Panel's comments:</u> Deleted Council staff condition to lower the building height to 1.24m and staff condition to increase the side setback of the ancillary structure.	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
19 July 2018	Item No. D7 DA126/2018/1	44 Glenmore Road Paddington	Paddington	Alterations and additions to existing terrace house including a new attic level and skylights	\$440,000.00	x	x	✓	Height Control - 9.5m Existing - 12.21m Proposed - 10.95m No change to existing overall height.	x	Approval	Approval	Proposed works were minor alterations to an existing terrace house; Height non-compliance directly related to the new skylights and conversion of the existing roof area into an attic level. <u>Panel's comments:</u> Nil	Dr Mark Carleton James Colman Keri Huxley Peter Wells	Nil	Peter Wells	Yes
19 July 2018	Item No. D8 DA638/2017/1	462 Oxford Street Paddington	Paddington	Alterations and additions to an existing building containing a shop on the ground floor and a separate residential component above	\$161,425.00	x	x	✓	FSR Control - 1:1 Existing - 1:2.1 Proposed - 1:3.1 (20m ²)	x	Approval	Approval	Heritage and streetscape. <u>Panel's comments:</u> Nil	Dr Mark Carleton James Colman Keri Huxley Peter Wells	Nil	Peter Wells	Yes
2 August 2018	Item No. D1 DA251/2018/1	26-28 Cranbrook Road Bellevue Hill	Bellevue Hill	Subdivide a portion of road reserve within Cranbrook Road	\$0.00	✓	x	x		x	Approval	Approval	Endorse the closure of a road reserve to facilitate the sale of the land to the adjoining allotment; Council at its meeting of 10 April 2017 resolved to sell the road reserve; DPI has approved the part road closure <u>Panel's comments:</u> Nil	Dr Mark Carleton Mr John McInerney Mr Andrew Petrie Mr Peter Wells	Nil	Peter Wells	No

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Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 12 November 2018

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
2 August 2018	Item No. D2 DA303/2017/1	357-359 New South Head Road Double Bay	Cooper	Demolition of the existing 2 storey commercial building and the construction of new 5 storey shop top housing development comprising 4 retail spaces and ancillary areas at ground floor level and 11 residential units consisting of 3 x 1, 7 x 2 and 1 x 3 bedrooms on the levels above	\$4,651,276.00	x	✓	✓		✓	Approval	Deferred	Height and number of storeys non-compliance; consistent with the desired future character objectives of Double Bay; no car parking <u>Panel's comments:</u> Deferred the application to enable a redesign of the uppermost level to be setback from New South Head Road and Manning Road. Satisfied with height non-compliance and number of storeys on the grounds the proposal complied with FSR and was contextually satisfactory; provision of no off street car parking was accepted based on current Council's controls.	Dr Mark Carleton Michelle Falstein John McInerney Peter Wells	Nil	Peter Wells	Yes
2 August 2018	Item No. D3 DA512/2017/1	97-99 Queen Street Woollahra	Cooper	Alterations and additions to the existing building including the provision of a two bedroom unit above the existing single storey western wing of the building	\$350,000.00	x	✓	x		x	Refusal	Refusal	Heritage. <u>Panel's comments:</u> Nil	Dr Mark Carleton Mr John McInerney Ms Michelle Falstein Mr Peter Wells	Nil	Peter Wells	Yes
16 August 2018	Item No. D1 DA423/2017/1	673 New South Head Road Rose Bay	Vaucluse	Demolition of existing dwelling and construction of a residential flat building with basement car parking	\$2,232,540.00	x	✓	x		x	Approval	Approval	Application was an 8.2 Review which addressed the initial reasons for refusal; DA complied with height, FSR and building envelope controls. <u>Panel's comments:</u> Extent of driveway crossing width was excessive and resolved by way of condition; additional privacy screen added to balconies.	Anthony Booth Sheriden Burke John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
16 August 2018	Item No. D2 DA513/2017/1	584 Old South Head Road Rose Bay	Vaucluse	Demolition of the existing dwelling house and the construction of a residential flat building including basement parking and strata subdivision	\$2,190,000.00	x	x	x		✓	Approval	Refusal	Non-compliance with minimum lot size for an RFB (700m ²); compliance achieved with height, FSR and building envelope controls. <u>Panel's comments:</u> Refusal on the grounds the lot size did not comply with Council's requirement; excessive scale and bulk relative to the site area.	Anthony Booth Sheriden Burke John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
16 August 2018	Item No. D3 DA5/2018/1	31-35 Newcastle Street Rose Bay	Vaucluse	Demolition of the existing dwellings and the construction of a 3 storey residential flat building containing 9 apartments and basement level parking	\$4,190,000.00	x	x	✓		✓	Approval	Approval	SEPP 65 and ADG (complied with); complied with height and FSR standards including building envelope controls. <u>Panel's comments:</u> Site waste minimisation condition to recycle building fabric.	Anthony Booth Sheriden Burke John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
16 August 2018	Item No. D4 DA160/2018/1	518A Old South Head Road Rose Bay	Vaucluse	Shop-top housing development, including 10 residential apartments, 2 retail units, a community facility and the adaptive re-use of the 1905 Uniting Church buildings	\$10,473,602.00	x	✓	✓		✓	Refusal	Refusal	Heritage; built form, scale and bulk, form and design; Inconsistent with LEP & DCP objectives. <u>Panel's comments:</u> Refusal of DA was consistent with the Planning Proposal to list the building as a Heritage item; Council amend its DCP controls to reflect the status of the existing buildings.	Anthony Booth John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
16 August 2018	Item No. D5 DA2/2018/1	7 Serpentine Parade Vaucluse	Vaucluse	Alterations and additions to the existing roof terrace	\$150,000.00	x	x	✓	Height Control - 9.5m Existing - 11.88m Proposed - 11.29m	x	Approval	Approval	Visual impact of roof terrace addition; privacy impact associated with terrace extension. <u>Panel's comments:</u> Additional condition requiring a further reduction and redesign of the roof terrace area to protect privacy.	Anthony Booth Sheriden Burke John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes

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Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 12 November 2018

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
6 September 2018	Item No. D1 DA446/2016/1	No. 73-79 New South Head Road, Edgecliff - LOT: 21 DP: 609145 No. 81-83 New South Head Road, Edgecliff - LOT: 22 DP: 609145 No. 81-83 New South Head Road, Edgecliff - LOT: 30 DP: 617189	Paddington	Demolition of existing buildings; construction and fitout of new service station & convenience store; revised service station layout with 5 multi-product fuel dispensers and new canopy over	\$1,200,000.00	x	x	✓	Height Control - 6.5m Existing - 8.1m Proposed - 8.0m	x	Approval	Approval	Design and siting of new building, vehicular access, streetscape presentation. <u>Panel's comments:</u> Streetscape to be improved via the provision of an additional landscaping strip adjacent to the public domain.	Dr Mark Carleton John McInerney John Normyle Prof Peter Webber	Nil	Prof Peter Webber	Yes
6 September 2018	Item No. D2 DA56/2016/1	6 Pacific Street Watsons Bay	Vaucluse	Alterations and additions to the dwelling house approved under Complying Development Certificate CDC132/2013/1	\$500,000	x	x	✓	Height Control - 8.2m Existing - 12.9m Proposed - 12.9m	x	Approval	Approval	Heritage, height (non-compliance attributed to a previously excavated basement level). No change to overall height. Amenity impacts. <u>Panel's comments:</u> Nil	Dr Mark Carleton Graham Humphrey John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
6 September 2018	Item No. D3 DA126/2016/1	6 Black Street Vaucluse	Vaucluse	Alterations and additions to existing dwelling including enlargement of study, new pergola and shading devices	\$160,000.00	x	x	✓	Height Control - 9.5m Existing - 12.72m Proposed - 12.55m	x	Approval	Approval	Minor refurbishment works to an existing dwelling-house, height non-compliance associated with partial enclosure of existing balcony. <u>Panel's comments:</u> Nil	Dr Mark Carleton Graham Humphrey John McInerney Prof Peter Webber	Nil	Prof Peter Webber	No
6 September 2018	Item No. D4 DA177/2016/1	904/180 Ocean Street Edgecliff	Double Bay	For the enclosure of the balcony with full height glazing	\$10,000.00	x	x	✓	FSR control - 2.5:1 Existing - 4.089:1 Proposed 4.096:1	x	Approval	Approval	Enclosure of balcony (additional 7.43m ²). No planning issues. <u>Panel's comments:</u> Nil	Dr Mark Carleton John McInerney Sarah Mulcahy Prof Peter Webber	Nil	Prof Peter Webber	No
6 September 2018	Item No. D5 DA418/2017/1	6 New Beach Road Darling Point	Double Bay	For substantial demolition of, and major alterations and additions to, the existing two storey building and its conversion to a three storey residential flat building to accommodate 3 apartments; demolition of the existing rear brick garage and the construction of two attached garages with mechanical car stacker, and strata subdivision.	\$1,232,663.00	x	✓	✓		x	Approval	Approval	Matter initially deferred by the Panel at its meeting of 21 June 2018 to enable a pitched roof in lieu of a flat roof form. Revised plans incorporated a pitch roof form without additional overshadowing impacts on adjoining properties. <u>Panel's comments:</u> Revised scheme achieved a positive streetscape outcome.	Dr Mark Carleton John McInerney Sarah Mulcahy Prof Peter Webber	Nil	Prof Peter Webber	Yes
6 September 2018	Item No. D6 DA140/2017/1	384 New South Head Road Double Bay	Double Bay	Demolition of the existing building and construction of a new 4 storey shop-top housing development comprising retail on the ground floor, 3 levels of residential units above and a communal rooftop garden	\$3,248,330.00	x	x	✓		✓	Approval	Approval	New mixed use development within the commercial centre of Double Bay. Height non-compliance, limited to stairs and lift access to the communal rooftop terrace. No car parking provided. <u>Panel's comments:</u> Endorsed the staff recommendation with an additional condition restricting public access to the pedestrian site through link.	Dr Mark Carleton John McInerney Sarah Mulcahy Prof Peter Webber	Nil	Prof Peter Webber	Yes
20 September 2018	Item No. D1 DA299/2018/1	124 Queen Street Woollahra	Cooper	For the change of shop-front to the ground floor tenancy	\$12,000.00	x	x	✓	FSR control - 1:1 Existing - 1.2:1 Proposed - 1.23:1 (6.7m ² additional GFA)	x	Approval	Approval	Front façade design (in a HCA). <u>Panel's comments:</u> Imposed a condition requiring the shop front design to be modified via the introduction of divided multiple glazed panels to match and align with the first floor level.	Ross Bonthorne Sheriden Burke Dr Mark Carleton Prof Peter Webber	Nil	Prof Peter Webber	No

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4 Sensitive Development (RFB subject to SEPP65).



Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 12 November 2018

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
20 September 2018	Item No. D2 DA69/2018/1	3 Gurner Street Paddington	Paddington	Alterations and additions to the existing boarding house building including an additional 2 boarding house units & outdoor area on the top level	\$1,043,808.00	x	x	✓	Height Control - 9.5m Existing - 13.4m Proposed - 13.4m	x	Approval	Approval	Matter initially deferred by the Panel at its meeting of 5 July 2018. Redesign incorporated a 0.5m setback increase to address the visual impact concerns initially expressed by the Panel. <u>Panel's comments:</u> Proposed redesign addressed the Panel's concerns and achieved a satisfactory heritage and streetscape outcome.	Dr Mark Carleton Keri Huxley Prof Peter Webber	Sheriden Burke	Prof Peter Webber	Yes
20 September 2018	Item No. D3 DA364/2017/1	14 Wyuna Road Point Piper	Double Bay	For alterations and additions to existing dwelling including the addition of a new top floor level and new lift	\$725,000.00	x	✓	x		x	Approval	Deferred	Amenity impacts raised by objectors (privacy, views, scale and bulk). <u>Panel's comments:</u> Deferred the application to enable the applicant to submit a redesign which addressed visual bulk and privacy.	Ross Bonthorne Sheriden Burke Dr Mark Carleton Prof Peter Webber	Nil	Prof Peter Webber	Yes
20 September 2018	Item No. D4 DA556/2017/1	22 Olola Avenue Vaucluse	Vaucluse	Proposed alteration and additions to the existing dwelling and the erection of a secondary dwelling to the rear	\$335,000.00	x	x	✓	Height control - 9.5m existing - 10.6m proposed 14.2m (no change to overall height)	x	Approval	Approval	Height non-compliance can be attributed to a pre-existing excavated basement level, streetscape presentation, secondary dwelling. <u>Panel's comments:</u> Endorsed the staff recommendation with the provision of reusing the sandstone facing to the new front fence design.	Sheriden Burke Dr Mark Carleton Graham Humphrey Prof Peter Webber	Nil	Prof Peter Webber	Yes
20 September 2018	Item No. D5 DA642/2017/1	33, 35 and 37 Carlisle Street Rose Bay	Vaucluse	Demolition of the existing dwellings and ancillary structures on Nos. 33, 35 and 37 Carlisle Street, Amalgamation of the three lots into one lot; Construction of a new residential flat building.	\$5,708,565.00	x	x	✓		✓	Approval	Approval	Development standard breach related to minimum subdivision lot size. SEPP 65 and Residential Apartment Guide (Council's Urban Design Officer stated the proposal accorded with the SEPP). Height and FSR compliance, Streetscape context. <u>Panel's comments:</u> Additional condition requiring additional security gate to front foyer/entry area.	Sheriden Burke Dr Mark Carleton Graham Humphrey Prof Peter Webber	Nil	Prof Peter Webber	Yes
20 September 2018	Item No. D6 DA308/2018/1	550 New South Head Road Rose Bay	Vaucluse	For a Latin American cultural celebration to be held on Saturday 27 October 2018 from 1pm to 9pm (with bump in between 6am to 6pm Friday 26 October 2018 & 6am to event start Saturday 27 October, and bump out between 9pm to midnight on Saturday 27 October and 6am to 6pm on Monday 29th October) at Lyne Park Rose Bay, including entertainment, food, beverage, and artisan markets.	\$70,000.00	✓	x	x		x	Approval	Approval	Use of Council land not conflicting with the Lyne Park Plan of Management. Temporary impact on locality (ie. traffic and noise) <u>Panel's comments:</u> Nil	Sheriden Burke Dr Mark Carleton Graham Humphrey Prof Peter Webber	Nil	Prof Peter Webber	No
PLANNING PROPOSAL																	
5 July 2018	Item No. R1 Planning Proposal	518A Old South Head Road Rose Bay	Vaucluse	Planning proposal - Heritage listing of the Rose Bay Uniting Church and Wesley Hall Group at 518a Old South Head Road, Rose Bay							Planning Proposal	Planning Proposal	* Key Issue - Listing of the Rose Bay Uniting Church and Wesley Hall Group as a heritage item in the Woollahra LEP 2014. * The LPP supported the staff recommendation and recommends the application prepare a conservation management plan for the property asap.	Anthony Booth Dr Mark Carleton John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes

Note:
1 Conflict of Interest - Council owned land and/or applicant.
2 Contentious Development - more than 10 submissions.
3 Departure from development standards by more than 10%.
4 Sensitive Development (RFB subject to SEPP65).



Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 12 November 2018

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
13 September 2018	Item No. D1 Planning Proposal	Gaden House 2A Cooper Street Double Bay	Double Bay	Planning proposal - Heritage listing of Gaden House at 2A Cooper Street, Double Bay							Planning Proposal	Planning Proposal	* Key Issue: Listing of the building at the Local and State level. - This was supported by the panel, subject to: -the planning proposal being amended to include all existing relevant planning controls -incorporating into the planning proposal a statement relating to economic considerations for future changes to the building can be incorporated into a future heritage conservation management plan.	Ross Bonthorne Dr Mark Carleton John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
13 September 2018	Item No. D2 Planning Proposal	Dunara Reserve Point Piper (Remnant of the Residential Garden of "Dunara")	Double Bay	Planning proposal - Heritage listing of Dunara Reserve at Point Piper							Planning Proposal	Planning Proposal	* Key issues: Listing of the reserve as a heritage item in the Woollahra LEP 2014 * No comment – the LPP supported the staff recommendation.	Ross Bonthorne Dr Mark Carleton John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
13 September 2018	Item No. D3 Planning Proposal	Double Bay Centre	Double Bay	Planning proposal - Commercial floorspace controls for Double Bay Centre							Planning Proposal	Planning Proposal	* Key Issues: Retention of commercial floor space on the ground and first levels. * Supported by the panel, subject to the Council including a definition of non-residential uses in the planning proposal, and the consistent use of this term.	Ross Bonthorne Dr Mark Carleton John McInerney Annelise Tuor	Nil	Annelise Tuor	No

Note:

- 1 Conflict of Interest - Council owned land and/or applicant.
- 2 Contentious Development - more than 10 submissions.
- 3 Departure from development standards by more than 10%.
- 4 Sensitive Development (RFB subject to SEPP65).

Item No: R1 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO. 3) - INDOOR AMENITY AND SUBTERRANEAN HABITABLE SPACES**
Author: Kelly McKellar, Strategic Planner
Approvers: Anne White, Team Leader - Strategic Planning
Nick Economou, Acting Director - Planning & Development
File No: 18/172451
Reason for Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No.3) – Indoor residential amenity and subterranean habitable spaces.
To obtain Council’s approval of the Draft DCP subject to the recommended changes.

Recommendation:

THAT Council approve Draft Woollahra Development Control Plan 2015 (Amendment No. 3) – Chapter B3 General Development Controls (section 3.5.5 Indoor Amenity) as amended and attached at **Annexure 1** to the report to the Environmental Planning Committee of 19 November 2018.

1. Background

On 30 October 2017, Council adopted a notice of motion:

THAT Council requests that staff prepare and submit a report to Council’s Urban planning Committee by March 2018, which investigates introducing provisions in the Woollahra Development Control Plan 2015 to regulate the use of subterranean areas for habitation. The report to include consideration of amending the Chapter B3 general development controls objectives and Part B3.4 objective of excavation controls, and any other relevant provisions to ensure that applicants understand the parameters of acceptable use for subterranean areas.

The following background information accompanied the notice of motion in the agenda for the meeting:

The 28 November 2011 Urban Planning committee report noted that:

“The case studies referred to in this report show that subterranean areas are increasingly development to provide accommodation for purposes other than parking. This accommodation includes general storage, studios, gymnasiums, home theatres, cellars and watercraft storage etc. It is considered that an allowance should be made that would facilitate reasonable expectations for this type of accommodation in subterranean areas...”

There have been a number of applications recently, which seek to extend the uses of subterranean areas to residential accommodation, which compromises internal amenity standards (including solar access, ventilation and sense of enclosure) by being below ground level.

Subterranean habitable spaces may also unnecessarily burden the environmental footprint of the built form.

A report and draft DCP provisions were considered by the Urban Planning Committee on 12 March 2018 (see **Annexure 2**) and on 23 April 2018 the Council resolved:

- A. *THAT the report on potential provisions to regulate subterranean habitable spaces be received and noted*
- B. *THAT Council to resolve to prepare and exhibit a Draft Development Control Plan with the provisions contained in Annexure 3 to amend Chapter B# General Development Controls in Woollahra Development Control Plan 2015.*
- C. *THAT during the exhibition of the Draft Development Control Plan that staff consider the following as raised by Councillors during discussion at the Urban Planning committee and provide detail around each element within the report back to the Committee:*
 - i) *Definition of what constitutes a 'light well';*
 - ii) *Clarification on the interpretation of the ratio in C5 (i.e 2:1); and*
 - iii) *Ensure C1 to C5 are applied as a package of controls (i.e. C1; and C2; and C3; and C4; and C5).*

This report addresses the matters raised by Councillors in the Council's resolution of 23 April 2018 and reports on the outcome of public exhibition.

2. Public exhibition

The draft **B3.5.5 – Internal amenity** section was on exhibition for 31 days between 22 August 2018 and 21 September 2018. This complies with the minimum public exhibition period of 28 days set out in the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The exhibition took place at Woollahra Council Chambers in Double Bay, in the Customer Service area during business hours. A copy of the exhibition material was also placed on Council's website for the duration of the exhibition period.

Details of the exhibition were notified in the Wentworth Courier throughout the exhibition period and individual written notifications were sent to:

- Members of the Woollahra DCP Review working party;
- relevant state government agencies; and
- the adjoining councils, Waverley and City of Sydney.

The information page on Council's website was visited by 87 external customers, and we received two submissions during the exhibition period. Submissions are addressed in Section 4 of this report.

3. Re-exhibition

Re-exhibition occurred to clarify that the proposed amendments apply to all indoor habitable spaces in dwellings, including subterranean rooms. However, it is noted that the proposed section includes two provisions specific to the amenity of habitable rooms located below natural ground level (subterranean habitable spaces).

The re-exhibition was also necessary to ensure that the proposed provisions were presented in the correct legal format of a Development Control Plan as required by the *Environmental Planning and Assessment Regulation 2000*.

The *Draft Woollahra Development Control Plan 2015 (Amendment No. 3) Indoor residential amenity and subterranean habitable spaces* was prepared and public exhibited for 31 days between 26 September 2018 and 26 October 2018.

The re-exhibition took place at Woollahra Council Chambers in Double Bay, in the Customer Service area during business hours. A copy of the exhibition material was also placed on Council's website for the duration of the exhibition period.

Consistent with the previous notification process, details of the re-exhibition were notified in the *Wentworth Courier* throughout the re-exhibition and individual written notifications were sent out.

The information page on Council's website was visited by 84 external customers. No submissions were received during the re-exhibition period.

4. Submissions

Two submissions were received during the initial public exhibition and no submissions were received during the re-exhibition period. A redacted copy of the submissions is at **Annexure 3**. In summary:

- Roads and Maritime Services (RMS) raised no objection to the proposal.
- Alec Tzannes AM stated the view that "the conceptual framework that leads to subterranean controls including excavation in the DCP is deeply flawed".

5. Staff response to issues raised in submissions

In response to the submission from Mr Tzannes that "the conceptual framework that leads to subterranean controls including excavation in the DCP is deeply flawed", Staff are of the opinion that the proposed indoor amenity controls will improve development outcomes for dwellings across the Municipality.

The new amenity objectives and controls will ensure that all rooms (excluding parking and storage areas) are provided with direct natural light and ventilation. This will promote higher levels of indoor residential amenity for the health and well-being of residents and discourage development for unsuitable subterranean living spaces.

With regard to the existing volumetric excavation controls, these controls were crafted in response to concerns regarding excessive excavation. The existing controls limit the volume of excavated material that may be removed from a site whilst allowing excavation for on-site car parking, storage and to accommodate sloping sites. The limitation of excavation also indirectly discourages habitable rooms below ground level. The proposed DCP will not affect the operation of the existing volumetric excavation controls.

It is important to maintain the integrity of the excavation controls because considering each site on individual merit does not provide scope to address cumulative impacts. The purpose of variation mechanisms is to allow design solutions for difficult sites and special circumstances. Over-use of these mechanisms undermines the strategic planning behind the development standards and threatens the equity and transparency of local planning and development decisions.

No changes are recommended in response to the matters raised in the submission.

6. Staff response to issues raised in submissions

As stated in section 1 of this report, on 23 April 2018 Council resolved that staff consider the following matters and provide detail around each element:

i) *Definition of what constitutes a 'light well'*

A 'light well' is a vertical open space or shaft that cuts through a building and brings light to lower floors. It can be open or roofed in glass. Skylights are different as they only cut through the roof and ceiling.

As this is a common building element staff do not consider it necessary to include a definition for 'light well' in the DCP.

ii) *Clarification on the interpretation of the ratio in C5 (i.e 2:1)*

The *Building Code of Australia (BCA)* aims to safeguard occupants from illness or loss of amenity. For dwellings (Class 1 buildings) the BCA requires that the spaces used by occupants are provided with adequate levels of fresh air, natural light and acoustic privacy. This provides the minimum level of indoor amenity. The provisions of Woollahra DCP 2015 should expand on these minimum requirements to promote appropriate levels of indoor amenity that reflect the high quality of development that is well-established across the Municipality.

C5 in the Draft DCP applies to rooms located below natural ground level and aims to ensure rooms have high levels of amenity. Having considered the matters discussed by Councillors, staff recommend that the ratio is amended to require a maximum room depth of two times the ceiling height. This equates to a maximum depth of 5.4 metres for habitable rooms with a ceiling height of 2.7 metres.

The proposed change to the provision will make it simpler to apply and more consistent with the assessment of amenity used across Greater Sydney included in the NSW Apartment Design Guide.

This post exhibition amendment is included in Draft Woollahra Development Control Plan 2015 (Amendment No. 3) in **Annexure 1**.

iii) *Ensure C1 to C5 are applied as a package of controls (i.e. C1; and C2; and C3; and C4; and C5)*

These changes are included in Draft Woollahra Development Control Plan 2015 (Amendment No. 3) in **Annexure 1**.

7. Summary of post-exhibition changes to the Draft DCP

Consistent with the matters discussed in Section 6 above, the following post-exhibition changes have been made to the Draft Woollahra DCP 2015 (Amendment No. 3) recommended for approval at **Annexure 1**:

- C5 is amended to require a maximum room depth of two times the ceiling height
- Provisions C1 to C5 are reformatted to ensure all controls are applied concurrently.

The post exhibition changes we are recommending are minor matters which address the issues raised by Councillors. These matters do not require re-exhibition.

8. Finalisation

The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979* and the Regulation. The draft DCP has been prepared and publicly exhibited in accordance with these requirements.

If Council resolves to proceed with the amendment and approves the draft DCP, it will come into effect after a notice is published in the *Wentworth Courier* (or a later date specified in the notice).

9. Conclusion:

The existing excavation DCP controls are successfully regulating excavation, protecting local amenity and indirectly limiting subterranean habitation. However, given the varied topography and subdivision pattern across the Woollahra Municipality, development may include habitable rooms below existing ground level.

Introducing a new indoor amenity section to chapter B3 in Woollahra DCP 2015 will support the existing controls and promote higher levels of indoor amenity. This will help to further promote good development outcomes and discourage the use of unsuitable subterranean spaces for habitation.




The proposed DCP provisions for indoor amenity were exhibited between 22 August 2018 and 21 September 2018 and re-exhibited between 25 September 2018 and 26 October 2018.

Two submissions were received of which only one contained an objection. The objection relates to the concept of restricting excavation and subterranean spaces. Having considered the issues raised, staff consider that amendments to the Draft DCP are not warranted.

In response to the matters raised by Councillors at the Urban Planning Committee on 12 March 2018, two post-exhibition changes have been made to the Draft DCP.

Staff recommended that Council approve the Draft Woollahra DCP 2015 (Amendment No. 3) with amendments as attached in **Annexure 1**.

Annexures

1. Draft Woollahra Development Control Plan - Amendment No. 3 - Post Exhibition Version [↓](#) 
2. Report to the Urban Planning Committee - 12 March 2018 [↓](#) 
3. WDCP 2015 (Amendment No 3) Chapter B3 General Development Controls - Submissions Redacted [↓](#) 

Annexure 1

Insertions – identified in blue and underlined

~~Deletions – identified in red and scored through~~

Draft Woollahra Development Control Plan 2015 (Amendment No. 3)

The following development control plan has been prepared in accordance with Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Prepared September 2018

*Adopted TBC
Commenced TBC*

DRAFT

Draft Woollahra Development Control Plan 2015 (Amendment No. 3)

Part 1 Preliminary

1.1 Background

The Draft Woollahra Development Control Plan (Amendment 3) [the Draft DCP] has been prepared in response to Council's resolution of 23 April 2018:

- A. THAT the report on potential provisions to regulate subterranean habitable spaces be received and noted.
- B. THAT Council resolve to prepare and exhibit a Draft Development Control Plan with the provisions contained in Annexure 3 to amend Chapter B3 General Development Controls in Woollahra Development Control Plan 2015.
- C. THAT during the exhibition of the exhibition of the Draft Development Control Plan that staff consider the following raised by Councilors during discussion at the Urban Planning Committee and provide detail around each element within the report back to the Committee:
 - i) Definition of what constitutes a 'light well';
 - ii) Clarification on the interpretation of the ratio in C5 (i.e. 2:1); and
 - iii) Ensure C1 to C5 are applied as a package of controls (i.e. C1; and C2; and C3; C4; and C5).

The plan amends Woollahra Development Control Plan 2015 (Woollahra DCP 2015) by inserting a new section called *B3.5.5 – Internal amenity* to ensure that rooms in a dwelling, particularly rooms that are located below natural ground level, have high levels of indoor residential amenity for the health and well-being. Key controls in the amendment include requirements for:

- habitable spaces to have direct natural light and direct natural ventilation
- a maximum room depth for subterranean habitable spaces.

The amendment will not affect the operation of the existing volumetric excavation controls.

1.2 Name of plan

This plan is the Draft Woollahra Development Control Plan 2015 (Amendment No. 3).

1.3 Objectives of this plan

The objectives of this plan are to introduce provisions that will:

- ensure that rooms in a dwelling, particularly rooms that are located below natural ground level, have high levels of indoor residential amenity for the health and well-being of residents and visitors,
- discourage development of unsuitable subterranean living spaces, and
- not impact on the operation of the existing volumetric excavation provisions.

1.4 Land to which plan applies

This plan applies to land identified in blue on the map in figure 1.

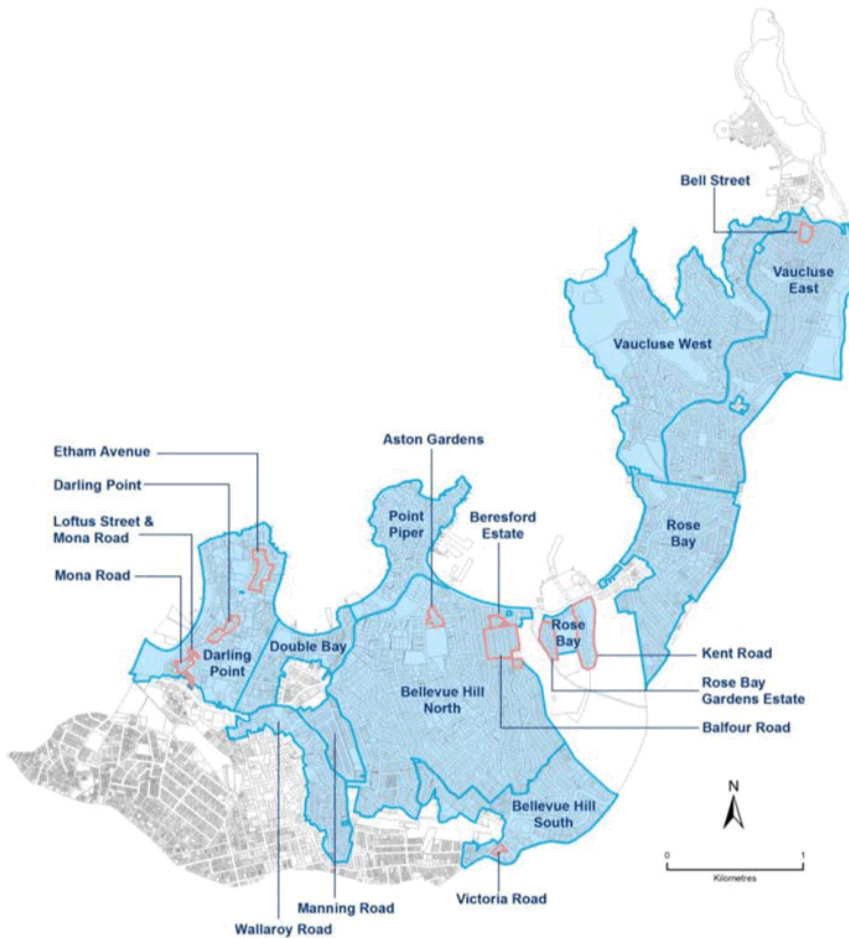


Figure 1: Land to which plan applies (extract from Section B3.1.1 Woollahra Development Control Plan 2015)

1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments

This plan has been prepared under Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) applies to land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

1.6 Approval and commencement of this plan

This plan was approved by Woollahra Municipal Council on *TBC* and came into effect on *TBC* as appointed by notification in the local newspaper and on Woollahra Municipal Council's public website.

Part 2 Amendment of Woollahra Development Control Plan 2015

This plan amends Woollahra Development Control Plan 2015 as follows.

2.1 Part A, Clause A1.19

Insert at the end of the clause:

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 96 of the EP&A Act and applications for review of determinations under section 82A of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 3 to this DCP.

2.2 Part A, Clause 1.4

Insert new row at the end of the clause table:

Amendment	Date of approval and commencement	Description of amendment
No 3	<i>Date approved –</i> <i>Date commenced -</i>	Amend Chapter B3 General Development Controls to insert a new section called <i>B3.5.5 – Internal amenity</i> to ensure that rooms in a dwelling, particularly rooms that are located below natural ground level, have high levels of indoor residential amenity for the health and well-being.

2.3 Part B, Chapter B3

Insert after *B3.5.4 – Acoustic and visual privacy*:

B3.5.5 Internal amenity

Solar and daylight access and natural ventilation are important for providing pleasant and healthy indoor environments for people to live. This is particularly important for designing comfortable habitable rooms and other areas that are occupied for extended periods.

Provision of natural light and ventilation reduces the reliance on artificial lighting, heating, air-conditioning and mechanical ventilation. This improves energy efficiency and residential amenity.

Note:

Habitable rooms exclude bathrooms, corridors, hallways, stairways, lobbies, and other like spaces of a specialised nature occupied neither frequently nor for extended periods.

B3.5 Built form and context ▶ 3.5.5 Internal amenity	
Objectives	Controls
O1 To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.	C1 All habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening,
O2 To encourage buildings that are designed to maximise natural light provision in habitable rooms.	C2 All habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation,
	C3 The area of unobstructed window openings should be equal to at least 20% of the room floor area for habitable rooms.
	C4 Light wells must not be the primary air source for habitable rooms, <u>and</u>
	<u>C5 Any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) is limited to a maximum room depth of 2 X the ceiling height.</u>
	C5 Any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) must have a minimum width to depth ratio of 2:1 to support effective natural ground level and room circulation. NOTE: For the purposes of this provision, width is to be based on the external wall occupied by the primary window.

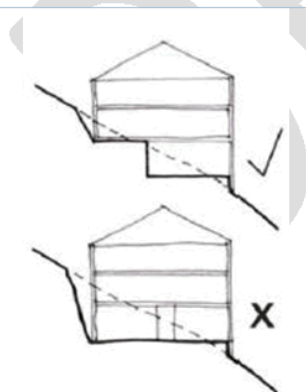


FIGURE 19A
Dwellings should be designed to locate rooms primarily above existing ground level to maximise the provision of natural light from unobstructed window openings.

Woollahra Municipal Council
Urban Planning Committee Agenda

Annexure 2

12 March 2018

Item No: R1 Recommendation to Council
Subject: SUBTERRANEAN HABITABLE SPACES
Author: Kelly McKellar, Strategic Planner
Approvers: Anne White, Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/5681
Reason for Report: To respond to a notice of motion adopted by Council on 30 October 2017 in relation to the provisions regulating subterranean areas for habitation contained in Woollahra Development Control Plan 2015.

Recommendation

- A. That the report on potential provisions to regulate subterranean habitable spaces be received and noted.
- B. That Council resolve to prepare and exhibit a draft development control plan with the provisions contained in Annexure 3 to amend Chapter B3 General Development Controls in Woollahra Development Control Plan 2015.

1. Background

This report responds to a notice of motion adopted by Council on 30 October 2017:

THAT Council requests that staff prepare and submit a report to Council's Urban Planning Committee by March 2018, which investigates introducing provisions in the Woollahra Development Control Plan 2015 to regulate the use of subterranean areas for habitation. The report to include consideration of amending Chapter B3 general development controls objectives and Part B3.4 objective of excavation controls, and any other relevant provisions to ensure that applicants understand the parameters of acceptable use for subterranean areas.

The following background information accompanied the notice of motion on the agenda for the meeting:

The 28 November 2011 Urban Planning committee report noted that:

"The case studies referred to in this report show that subterranean areas are increasingly development to provide accommodation for purposes other than parking. This accommodation includes general storage, studios, gymnasiums, home theatres, cellars and watercraft storage etc. It is considered that an allowance should be made that would facilitate reasonable expectations for this type of accommodation in subterranean areas..."

There have been a number of applications recently, which seek to extend the uses of subterranean areas to residential accommodation, which compromises internal amenity standards (including solar access, ventilation and sense of enclosure) by being below ground level.

Subterranean habitable spaces may also unnecessarily burden the environmental footprint of the built form.

Item No. R1

Page 9

The varied topography and subdivision pattern of the Woollahra Municipality means that excavation is a common part of development. Excavation allows development to respond to the slope of the land or provide car parking and storage on-site that is visually unobtrusive. However, there are substantial environmental impacts associated with extensive excavation, as well as external impacts such as amenity impacts to adjoining properties during the excavation process.

Generally, below-ground habitable rooms are undesirable because they provide lower levels of indoor amenity and increase the level of site excavation. However, property owners may still seek to use basement spaces to create additional floor space within the existing building envelope. This may include additional residential amenities such as theatre rooms, wine cellars, and gyms.

The existing excavation controls in Woollahra Development Control Plan 2015 (the DCP) restrict the volume of material that may be excavated from a site. These controls are successfully regulating excavation, protecting local amenity and indirectly limiting subterranean habitation. However, the current controls do not address indoor amenity of habitable rooms.

The DCP contains the following definition of a **habitable room**:

as defined in the Building Code of Australia (BCA).

Note: Habitable room means a room used for normal domestic activities, and:

- a) *includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but*
- b) *excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothesdrying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.*

For example home theatre rooms are considered habitable rooms under this definition while wine cellars are considered to be non-habitable rooms.

2. Current volumetric excavation provisions

The *Woollahra Local Environmental Plan 2014* (the LEP) and *Woollahra DCP 2015* are the primary documents that contain the development standards, objectives and controls that regulate development in the Municipality.

In 2012 to respond to concerns regarding excessive excavation, the current DCP excavation controls were introduced with the aim of limiting the volume of excavated material that may be removed from a site. Measureable volumetric controls provide certainty for the community and can be enforced equitably and transparently.

The objectives and controls that apply to excavation for residential development across the Municipality are contained in Part B3.4 of *Woollahra DCP 2015*. The volumetric controls restrict the amount of excavation material and only allow variations for what may reasonably be required for:

- On-site car parking
- Domestic storage requirements
- The building design to respond to site topography.

An extract of the existing excavation objectives and controls is in **Annexure 1**.

Based on the record of previous development approvals and discussions with the Development Assessment Team it is considered that the existing controls are practical and are operating successfully to limit excessive excavation.

Furthermore, the excavation controls indirectly protect residential amenity and discourage subterranean habitation. This is because most developments in the R2 Low Density Residential Zone use the allowable volume of excavation for the construction of on-site parking and domestic storage.

However, it is recognised that due to the special circumstances of the Municipality, development proposals may include subterranean areas. Recent development applications (DAs) proposing rooms partially or fully below existing ground level are on sites that typically have a significant slope or otherwise irregular topography. Additionally, these sites have often been significantly excavated previously when the existing development was constructed.

In these instances, the excavation controls may not discourage subterranean habitable rooms. It is therefore necessary to ensure that the indoor amenity of these spaces supports the well-being of residents.

3. Comparable planning controls from other Sydney Councils

In preparing this report staff researched best practice, including reviewing controls in other council's DCPs relating to subterranean spaces and excavation for sites zoned R2 Low Density Residential. The results of this research were then discussed with Council's DA Planners.

Development for subterranean habitation or excavation for extensive basements is generally discouraged across the Sydney Metropolitan area. Where it is permitted, it is typically restricted to one level that is wholly contained within the building footprint.

Councils including Mosman, North Sydney, Sutherland and Northern Beaches have DCP controls that restrict excavation to 1 metre below natural ground level, with exceptions only for parking and swimming pools. Additionally, Sutherland Shire Council permits exceptions for basements. However, these types of controls are not suited to the Woollahra Municipality because the existing volumetric excavation controls are successfully providing the flexibility needed to accommodate basement parking and storage, which is typically more than 1 metre in depth below existing ground level.

Strathfield Council allows single storey basements the full footprint of the building but prohibits any part of the basement from containing habitable space. This allows basements to create an entire additional level to a dwelling house underground for parking, storage and wine cellars. Given that the topography and historical subdivision pattern of the Woollahra Municipality often requires buildings to step down slopes it is considered that this type of control is not practical or flexible for application in Woollahra.

Waverley Council has DCP controls requiring all rooms to have at least one external wall entirely above existing ground level (see **Annexure 2**). This control is considered to be overly onerous for ensuring high levels of internal amenity, and consequently the inclusion of a similar control in Woollahra DCP 2015 is not supported.

The *Building Code of Australia* (BCA) aims to safeguard occupants from illness or loss of amenity. For dwellings (Class 1 buildings) the BCA requires that the spaces used by occupants are provided with adequate levels of fresh air, natural light and acoustic privacy. This provides the minimum level of indoor amenity. The provisions of Woollahra DCP 2015 should build upon these minimum requirements to promote appropriate levels of indoor amenity that reflect the high quality of development that is well-established across the Municipality.

4. Proposed amendment to Chapter B3 to better regulate subterranean habitation

The existing DCP controls indirectly discourage excavation for habitable rooms below ground level by limiting the volume of excavated material. To date this control has provided a transparent and effective limit on excessive excavation whilst allowing excavation for on-site car parking, storage and to accommodate sloping sites.

It is important to maintain the integrity of the excavation controls because considering each site on individual merit does not provide scope to address cumulative impacts. The purpose of variation mechanisms is to allow design solutions for difficult sites and special circumstances. Over-use of these mechanisms undermines the strategic planning behind the development standards and threatens the equity and transparency of local planning and development decisions.

As discussed earlier, in preparing this report staff have reviewed the operation of the existing excavation controls in Woollahra DCP 2015, recent DAs and the controls of other Sydney Metropolitan Councils. Based on this review staff recommend that:

- a. the existing volume based excavation controls are retained
- b. an additional section containing indoor amenity provisions is inserted into Woollahra DCP 2015, including requirements that rooms have direct natural light and direct natural ventilation. The proposed section is attached at **Annexure 3**.

New amenity objectives and controls will ensure that all rooms (excluding parking and storage areas) are provided with direct natural light and ventilation. This will promote higher levels of indoor residential amenity for the health and well-being of residents and discourage development for unsuitable subterranean living spaces.

Introducing a new indoor amenity section to the DCP is considered the best option because it will improve development outcomes for dwellings across the Municipality and will not affect the existing volumetric excavation controls.

It is noted that one of the proposed amenity controls is similar to an excavation provision in the repealed Woollahra Residential DCP 2003. It was not included in Woollahra DCP 2015 as it was considered to duplicate the aim of the current volumetric excavation provisions. The control stated that:

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

It is accepted that a part of this previous control aimed at excavation does duplicate the volumetric controls. However, it is considered that the benefit to the indoor amenity and regulation of subterranean spaces primarily derives from the improved light and ventilation derived from the window openings potentially included on the external wall. Consequently, staff do not recommend including this controls in the proposed new indoor amenity section.

5. Next steps

If Council decides to support the proposed amendments to Woollahra DCP 2015, the next step is for staff to prepare and exhibit a draft DCP based on the new section attached at **Annexure 3**.

The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the Wentworth Courier and on Council's public website each week of the exhibition and we will also notify:

- Adjoining councils including Randwick, Waverley, and the City of Sydney
- Public authorities including the NSW Department of Planning and Environment and the NSW Office of Environment and Heritage.

The outcome of public consultation will be reported to a future meeting of the Urban Planning Committee for consideration.

If Council resolves to proceed with the amendment and adopts the draft DCP it will come into effect after a notice is published in the local paper.

6. Conclusion

The existing excavation controls are successfully regulating excavation, protecting local amenity and indirectly limiting subterranean habitation. However, given the varied topography and subdivision pattern across the Woollahra Municipality, development may include habitable rooms below existing ground level.

Having reviewed recent DAs and best practice, this report recommends introducing a new indoor amenity section to chapter B3 in Woollahra DCP 2015 to support the existing controls and promote higher levels of indoor amenity. This will help to further promote good development outcomes and discourage the use of unsuitable subterranean spaces for habitation.

It is recommended that Council support the preparation and exhibition of a draft DCP to amend chapter B3 of Woollahra DCP 2015 with amendments as contained in **Annexure 3**.

Annexures

1. Extract from Chapter B3.4 of Woollahra Development Control Plan 2015 [↓](#)
2. Extract from Waverley Council's Development Control Plan [↓](#)
3. Proposed amendment to Woollahra Development Control Plan 2015 [↓](#)

Annexure 1

▶ Part B | General Residential

B3 | General Development Controls

B3.4 Excavation

Excavation is an accepted part of development in the Woollahra Municipality where the topography varies. Excavation allows buildings on the sloping sites to be designed to step down and sit into the hillside, and it also enables cars and storage to be accommodated on site in an unobtrusive manner.

However, there are significant environmental impacts associated with extensive excavation, as well as external impacts, such as amenity impacts to adjoining properties during the excavation process.

Council has determined that the volume excavated from a given site should be limited to that which might reasonably be required for car parking and domestic storage requirements, and to allow the building to respond to the site topography in an appropriate manner.

B3.4 Excavation	
Objectives	Controls
O1 To allow buildings to be designed and sited to relate to the topography.	C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 14A.
O2 To minimise excavation.	
O3 To ensure the cumulative impacts of excavation do not adversely impact land stabilisation, ground water flows and vegetation.	C2 For a residential flat building, multi dwelling housing, or attached dwelling development (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 14B.
O4 To minimise structural risks to adjoining structures.	
O5 To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.	C3 For any other use (including attached and detached garaging) not addressed in C1 and C2 above—the maximum volume of excavation permitted is no greater than the volume shown in Figure 14B.
	C4 A variation to the volume shown in Figures 14A and 14B will be considered, however the maximum volume of excavation permitted will only be the amount needed to accommodate: <ul style="list-style-type: none"> a) car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council; and b) storage at a rate of 20m³ (cubic metres) per dwelling if for a dwelling house, dual occupancy, semi-detached dwelling or attached housing; or

19 April 2017
Woollahra Development Control Plan 2015

▶ B3 pg.23

B3.4 Excavation	
Objectives	Controls
	<p>c) storage at a rate of 8m³ (cubic metres) per dwelling if for a residential flat building or multi dwelling housing development.</p> <p>C5 The volume controls in C1 and C2 above do not apply to backyard swimming pools and tennis courts located outside the building envelope. (Note: Separate controls apply which limit excavation, refer to Section 3.7.4 Ancillary development - swimming pools, tennis courts and outbuildings).</p> <p>C6 Basement walls are no closer to the boundary than permitted by the setback controls (refer to Figure 15).</p> <p>C7 Notwithstanding C6, basement walls for residential flat buildings, multi dwellings housing and attached dwellings are no closer to the boundary than 1.5m (see Figure 16).</p> <p>C8 Excavation in relation to an existing attached dwelling, semi-detached dwelling, or attached dual occupancy is not to occur under:</p> <ul style="list-style-type: none"> a) common party walls; b) footings to common party wall; c) freestanding boundary walls; d) footings to freestanding boundary walls. <p>C9 Excavation below 2m and/or within 1.5m of the boundary may be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on neighbouring structures.</p> <p>Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines. As a condition of a development consent, Council may also require the preparation and submission of a dilapidation report for properties neighbouring the development.</p>

FIGURE 14A
Maximum volume of excavation for the site of:
- a dwelling house
- dual occupancy development
- a semi-detached dwelling

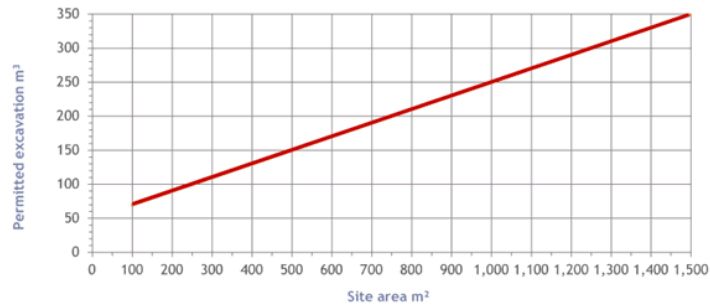
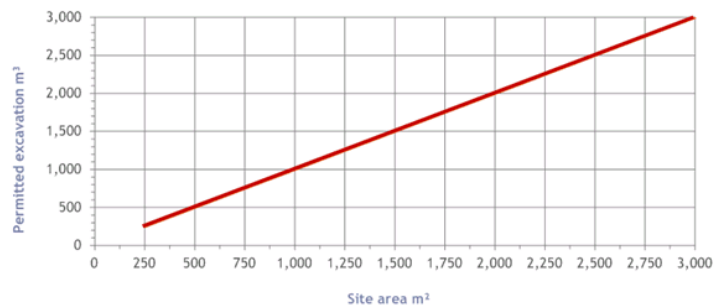


FIGURE 14B
Maximum volume of excavation for the site of:
- a residential flat building
- multi dwelling housing
- attached dwellings
- any other land use not addressed in controls C1 to C2 of Section B3.4 Excavation



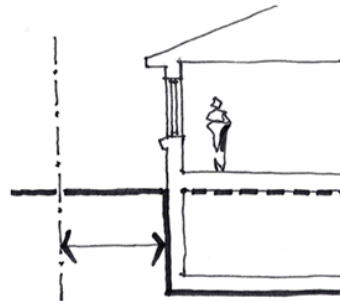


FIGURE 15

For a dwelling house, dual occupancy development and semi-detached dwellings basement walls can be no closer to the boundary than the required setback (refer to Figure 5).

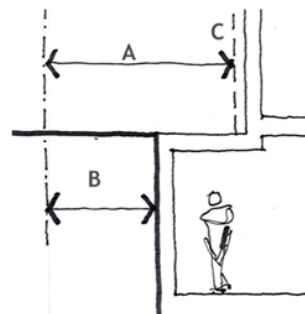


FIGURE 16

For a residential flat building, multi dwelling housing, attached dwellings and any other land use not addressed in controls C1 to C2 of Section B3.4 Excavation, basement walls can be no closer to the boundary than 1.5m.

A- Refer Figure 6

B- Minimum excavation setback 1.5m

C- Building envelope

Annexure 2

Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development C1

1.3 EXCAVATION

Excavation can have a detrimental effect on the local environment, neighbouring properties and streetscape.

Where excavation is proposed to exceed 3m in depth, is at or near cliff faces or on sloping sites that have a slope of 25% or more, a geotechnical report which addresses the stability of the site and surrounding properties must be submitted. The geotechnical report must confirm that the site is suitable for the proposed development and must list any relevant conditions. Please refer to Part A – Submission Requirements for additional information.

Objectives

- (a) To ensure the physical environment is preserved and enhanced by ensuring minimal site disturbance and the geotechnical stability of landfill and excavations.
- (b) To minimize cut and fill on sloping sites.
- (c) To encourage good quality internal environments including direct natural light and direct natural ventilation

Controls

- (a) Any habitable room of a dwelling must have at least one external wall fully above existing ground level with necessary glazing and openings for light and air (refer to Figure 5).
- (b) Fill shall not be used to raise the ground level.
- (c) Excavation is not permitted within 900mm of side boundaries and shall only occur within the building footprint except where access to a basement car park is required.
- (d) Excavation should not add to the visual bulk and scale of the building.
- (e) Excavation should not result in the loss of naturally occurring sandstone.
- (f) Excavation for garaging within sandstone walls facing the street must be minimised to preserve as much of the original wall as possible.
- (g) Development should accommodate stormwater detention tanks and storage systems within the excavated area.

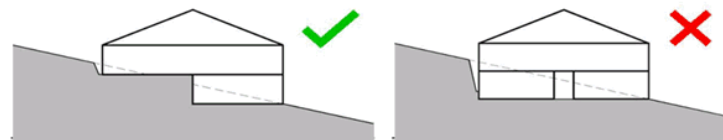


Figure 5 Habitable rooms are to have at least one external wall entirely above existing ground level

Annexure 3

B3.5.5 Internal amenity

Solar and daylight access and natural ventilation are important for providing pleasant and healthy indoor environments for people to live. This is particularly important for designing comfortable habitable rooms and other areas that are occupied for extended periods.

Provision of natural light and ventilation reduces the reliance on artificial lighting, heating, air-conditioning and mechanical ventilation. This improves energy efficiency and residential amenity.

Note:

Habitable rooms exclude bathrooms, corridors, hallways, stairways, lobbies, and other like spaces of a specialised nature occupied neither frequently nor for extended periods.

B3.5 Built form and context ▶ 3.5.5 Internal amenity	
Objectives	Controls
O1 To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.	C1 All habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening.
O2 To encourage buildings that are designed to maximise natural light provision in habitable rooms.	C2 All habitable rooms in a dwelling must have direct natural light and direct natural ventilation.
	C3 The area of unobstructed window openings should be equal to at least 20% of the room floor area for habitable rooms.
	C4 Light wells must not be the primary air source for habitable rooms.
	C5 Any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) must have a minimum width to depth ratio of 2:1 to support effective natural ground level and room circulation. NOTE: For the purposes of this provision, width is to be based on the external wall occupied by the primary window.

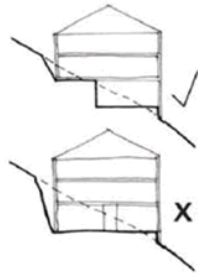


FIGURE 19A
Dwellings should be designed to locate rooms primarily above existing ground level to maximise the provision of natural light from unobstructed window openings.

DRAFT

Annexure 3

From: [Alec Tzannes](#)
To: [Kira Green](#)
Cc: [Chris Howe](#)
Subject: Re: Public Exhibition: Subterranean habitable spaces - Woollahra Development Control Plan 2015
Date: Wednesday, 22 August 2018 4:47:12 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Dear Kira,

Thank you for your notification.

I don't have time at the moment to properly engage with this important consultation process unfortunately other than through the DCP Working Party that Chris Howe chaired, if it reconvenes.

As you may expect, I wish it to be noted that I am of the view that the conceptual framework that leads to subterranean controls including excavation in the DCP is deeply flawed.

Best regards,

Alec

Alec Tzannes AM

Director, Architect 4174
Emeritus Professor, UNSW Built Environment
BSc (Arch), BArch (Sydney), MS Arch + UD (Columbia)
AIA (Hon), MRAIC (Hon), FNZIA, FAIB, LFRAIA, DUniv



tzannes.com.au



If you receive this email by mistake, please notify us and do not make any use of the email. We do not waive any privilege, confidentiality or copyright associated with it. Nominated Architects: Alec Tzannes 4174; Jonathan Evans 6613; Mladen Prnjatovic 7468; Ben Green 7066; Chi Melhem 7754 ABN 54 069 785 655.

From: Kira Green [REDACTED]
Date: Wednesday, 22 August 2018 at 9:12 am
To: Kira Green [REDACTED]
Subject: Public Exhibition: Subterranean habitable spaces - Woollahra Development Control Plan 2015

As a member of the Woollahra DCP Review Working Party, Woollahra Council invites your feedback on the subterranean habitable spaces amendment to Chapter B3 General Development Controls of the Woollahra Development Control Plan 2015.

The proposed changes aim to ensure that new parts of a dwelling that are lower than ground level have high levels of indoor amenity and provide healthy spaces for residents. The amendment contains new controls that:

- ensure that subterranean habitable spaces have direct natural light and direct natural ventilation
- require a maximum room depth for subterranean habitable spaces.

The changes will not affect the operation of the existing volumetric excavation controls.

Public exhibition details:

Exhibition period: **Wednesday 22 August 2018 – Friday 21 September 2018**
Locations: **Woollahra Council Customer Service area**, 536 New South Head Road, Double Bay – 8am to 4.30pm, Monday to Friday, and in the '[Have your say](#)' section of Council's website.
Submissions: Quote reference **SC4457 Submissions** and address to the General Manager at Woollahra Council, PO Box 61, Double Bay NSW 1360 or email to records@woollahra.nsw.gov.au

Submissions can be made in writing during the period **Wednesday 22 August 2018 – Friday 21 September 2018**. When making a submission, please provide your contact details such as an email or postal address so we can keep you up to date on the matter. If you do not receive an acknowledgement of your submission, or for more information, please contact Council's Strategic Planners on 02 9391 7087.

Kind regards,



7 September 2018

Our Reference: SYD18/01336/01
Council Ref: SC4457

The General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attention: Kelly Mckellar

Dear Sir/Madam

**PLANNING PROPOSAL – SUBTERRANEAN HABITABLE SPACES AMENDMENT TO
CHAPTER B3 GENERAL DEVELOPMENT CONTROLS OF THE WOOLLAHRA DEVELOPMENT
CONTROL PLAN 2015**

Reference is made to Council's correspondence dated 22 August 2018, regarding the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with the consultation requirements set out under Section 3.34 of the *Environmental Planning and Assessment Act, 1979* and Gateway determination. Roads and Maritime appreciates the opportunity to provide comment on the proposal.

It is noted that the proposal seeks to amend Chapter B3 General Development Controls of the Woollahra Development Control Plan 2015. The proposed changes aim to ensure that new parts of a dwelling that are lower than ground level have high levels of indoor amenity and provide healthy spaces for residents. The amendment contains new controls that ensure that subterranean habitable spaces have direct natural light, ventilation and require a maximum room depth for subterranean habitable spaces. The changes will not affect existing volumetric excavation controls.

Roads and Maritime has reviewed the information provided and raises no objection to the above proposal as it is unlikely to have a significant impact on the classified road network.

Thank you for the opportunity to provide comment on the subject planning proposal. Should you have any enquiries in relation to this matter, please contact Rafael Morrissey, Graduate Planner on [REDACTED] or e: [REDACTED]

Yours sincerely,

A handwritten signature in blue ink, appearing to read "R Davis".

Rachel Davis
A/Senior Manager Strategic Land Use
Sydney Planning, Sydney Division

Roads and Maritime Services

[REDACTED]

www.rms.nsw.gov.au | 13 22 13

Item No: R2 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 (AMENDMENT NO.4) - ROOF TERRACES, LIFTS AND LIFT OVERRUNS**
Author: Anne White, Team Leader - Strategic Planning
Approver: Nick Economou, Acting Director - Planning & Development
File No: 18/172510
Reason for Report: To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No. 4) – Roof terraces, lifts and lift overruns.
To obtain Council’s approval of the Draft DCP.

Recommendation:

THAT Council approve Draft Woollahra Development Control Plan 2015 (Amendment No. 4) – Chapter B3 General Development Controls (Roof Terraces, Lifts and Lift OVERRUNS) as exhibited.

1. Background:

Roof terraces and large balconies are a common means of providing outdoor living spaces and an opportunity to increase the quality and amenity of the living environment for residents. The use of lifts to facilitate internal access is growing in popularity in both low and medium density residential development.

However, this also means view sharing, protecting visual and acoustic privacy and retaining solar access are important development considerations in assessing development applications for roof terraces and roof elements including lifts and lift overruns. Accordingly, up-to-date and relevant planning controls are required to ensure potential impacts are managed so that all residents can enjoy high levels of residential amenity.

Our current suite of residential controls has evolved over the last ten years, and address a number of design considerations. These controls are generally consistent with State guidelines and reflect the planning principles set by the Land and Environment Court. However, there remains concern that our controls could be updated and enhanced to provide consistent guidance for development of roof terraces, lifts and lift overruns.

On 4 June 2018, the Environmental Planning Committee (EPC) considered a report on potential amendments to the planning controls for roof terraces and lift overruns (see **Annexure 2**). Subsequent to this meeting, Council resolved on 18 June 2018 to defer consideration of the proposed planning controls until staff provided a further report addressing certain matters.

On 3 September 2018, EPC considered a supplementary report containing potential provisions to regulate roof terraces, lifts and lift overruns (see **Annexure 3**). Subsequent to this meeting, on 24 September 2018 Council resolved:

- A. *THAT the further report on the potential provisions to regulate roof terraces, lifts and lift overruns be received and noted.*

- B. *THAT Council resolve to prepare and exhibit a draft development control plan consistent with the amendments contained in Annexure 2 of the report to the Environmental Planning Committee of 3 September 2018 to amend Chapter B3 General Development Controls in Woollahra Development control Plan 2015, subject to Control C6 in B3.5.1 Streetscape and local character to read:*

“The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).

2. Public exhibition

Consistent with Council’s resolution from 24 September 2018, *Draft Woollahra Development Control Plan 2015 (Amendment No. 4) Roof Terraces, Lifts and Lift Overruns* (Draft DCP) was prepared and publicly exhibited.

The Draft DCP was exhibited for 31 days from Wednesday 3 October 2018 until Friday 2 November 2018. The minimum public exhibition period set out in *the Environmental Planning and Assessment Regulation 2000* (the Regulation) is 28 days.

The exhibition took place at Woollahra Council Chambers in Double Bay, in the Customer Service area during business hours. A copy of the Draft DCP was also placed on Council’s website for the duration of the exhibition period.

During the exhibition period the information page on Council’s website was visited by 74 external customers. Details of the exhibition were notified in five Wentworth Courier editions of 3, 10, 17, 24 October 2018 and 1 November 2018.

Notification of the Draft DCP exhibition was sent to:

- Ausgrid
- City of Sydney
- Department of Planning and Environment
- Eastern Design and Planning Professional Alliance
- Office of Environment and Heritage
- Members of the Woollahra DCP Review working party
- Randwick Council
- Roads and Maritime Services
- Sydney Water
- Waverley Council

3. Submissions & post exhibition changes to the Draft DCP.

Three submissions were received on the Draft DCP from:

- Sydney Water, and
- Roads and Maritime Services
- NSW Office of Environment and Heritage

None of these submission raised any objections to the proposed changes contained in the Draft DCP. A redacted copy of all the submissions is provided at **Annexure 4**.

As no submissions were received requesting amendments to the Draft DCP, we recommend that Council supports the Draft DCP as exhibited. The changes are consistent with best practice and will work in conjunction with the existing controls to promote high-quality design outcomes for the community.

4. Finalisation

The process for finalising an amendment to the DCP is set out in the *Environmental Planning and Assessment Act 1979* (the Act) and the Regulation. The draft DCP has been prepared and publicly exhibited in accordance with these requirements.

If Council resolves to proceed with the amendment and approves the draft DCP, it will come into effect on the date that a public notice appears in the *Wentworth Courier* (or a later date specified in the notice).

5. Conclusion





View sharing, protecting privacy and providing solar access are common development issues across Greater Sydney. In Woollahra these are concerns raised by the community in relation to roof terraces, lifts and lift overruns.

Our current planning controls are generally consistent with State guidelines and reflect the planning principles set by the Land and Environment Court. To date, these controls have provided consistent guidance for development for roof terraces, lifts and lift overruns. They focus on compliance with the LEP building height, retaining views, and protecting residential amenity.

To supplement our existing controls, it is recommended that Council supports the Draft DCP as exhibited to promote the integration of roof terraces, lifts and lift overruns with the overall building design. The recommended changes are consistent with best practice and will work in conjunction with the existing controls to promote high-quality design outcomes for the community.

Staff recommend Council proceed with finalising the amended Draft DCP as exhibited, and attached in **Annexure 1**.

Annexures

1. Draft Woollahra Development Control Plan 2015 - Amendment No 4 - Exhibition Version [↓](#) 
2. Report to the Environmental Planning Committee - 4 June 2018 [↓](#) 
3. Supplementary report to the Environmental Planning Committee - 3 September 2018 [↓](#) 
4. WDCP 2015 (Amendment No 4) Chapter B3 General Development Controls - Submissions Redacted [↓](#) 

**Draft Woollahra Development Control Plan 2015
(Amendment No 4) –
[Roof terraces, lifts and lift overruns]**

The following development control plan has been prepared in accordance with Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Prepared October 2018

Adopted TBC
Commenced TBC

CONTENTS

PART 1	PRELIMINARY	
1.1	Background	1
1.2	Name of plan	2
1.3	Objective of the plan	2
1.4	Land to which this plan applies	3
1.5	Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments	3
1.6	Approval and commencement of this plan	4
1.7	How this plan amends Woollahra DCP 2015	4
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Part 1 Preliminary

1.1 Background

Council adopted the following two notices of motion requesting a review of the planning controls to address the impacts of development for roof terraces, lifts and lift overruns.

- **Roof terraces**

Council resolved on 16 October 2017:

That Council requests that staff prepare and submit a report to Council's Urban Planning Committee which reviews the provision for roof terraces in Woollahra DCP 2015 in regards to their potential impacts on:

- a. The visual and acoustic privacy of adjoining and surrounding properties*
- b. Their visual contribution to the streetscape and built environment, and*
- c. Views and view corridors from private and public vantage points.*

- **Lifts and lift overruns**

Council resolved on 23 April 2018:

That a report be submitted to the appropriate committee reviewing the Council's controls and how they might be amended to encourage good design outcomes with regard to lifts and lift overruns with particular emphasis on view loss, visual impacts and overshadowing.

On 4 June 2018, the Environmental Planning Committee (EPC) considered a report that responded to these two notices of motion. On 18 June 2018 Council resolved:

THAT Council defers consideration of the planning controls for roof terraces and lift overruns and requests that staff prepare a further report for consideration at a future meeting of the Environmental Planning Committee which discusses the following issues and how they may be included in any proposed draft development control plan:

- *The need for roof terraces to adjoin and be accessed from a habitable room*
- *Consideration of the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and the visual impact of the elements from Sydney Harbour*
- *Minimisation of glazing*
- *Provision of rooftop gardens and balustrading*
- *Consideration of how any controls would apply to residential flat buildings, including the consistency with State Environmental Planning Policy 65 Design Quality of Residential Apartment Development*
- *Correction of the grammatical error in relation to draft B3.5.1 C5 to read as follows: C5 Roof forms and roof structure (including roof terraces, lifts, lift overruns,*

stairwells, access hatches and other like structures) are well-designed, contribute positively to the streetscape and are integrated with the architecture of the building.

- *Correction of the grammatical error in relation to the draft note in B3.5.4 C12 to read:*

Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impact on views of [sic] overshadowing of adjoining properties.

On 3 September 2018, the Environmental Planning Committee (EPC) considered a supplementary report that responded to the Council resolution of 18 June 2018. On 24 September 2018 Council resolved:

- A. *THAT the further report on the potential provisions to regulate roof terraces, lifts and lift overruns be received and noted.*
- B. *THAT Council resolve to prepare and exhibit a draft development control plan consistent with the amendments contained in Annexure 2 of the report to the Environmental Planning Committee of 3 September 2018 to amend Chapter B3 General Development Controls in Woollahra Development control Plan 2015, subject to Control C6 in B3.5.1 Streetscape and local character to read:*

“The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).

The plan amends Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to update and strengthen the controls relating to:

- Roof forms and roof structures
- Plant equipment (including lifts and lift over runs)
- Planting on elevated areas
- Use of reflective materials

1.2 Name of plan

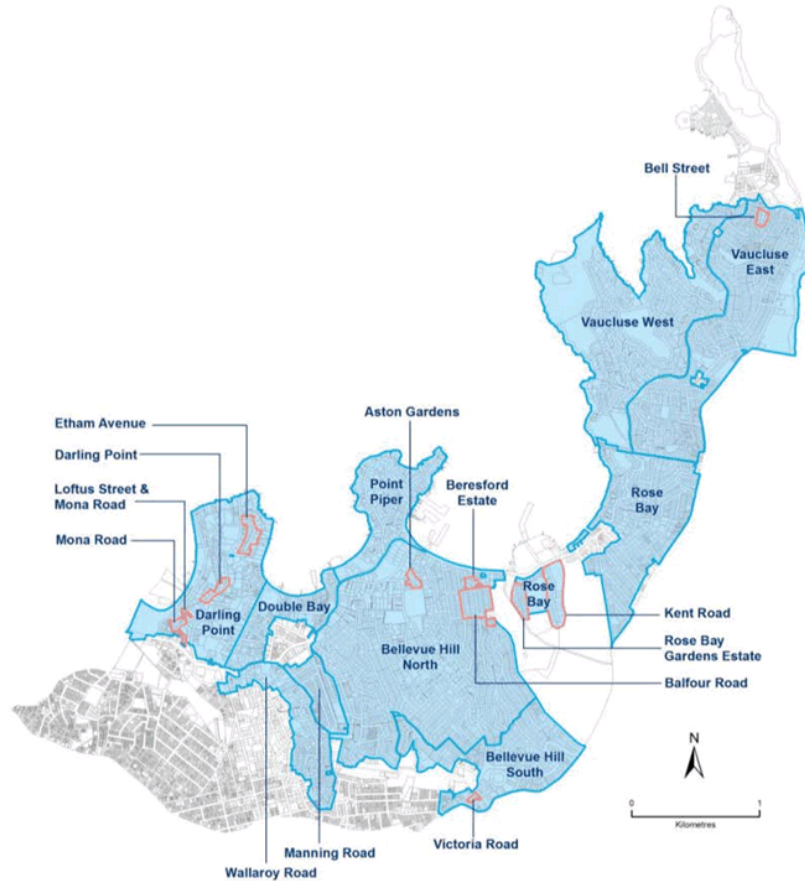
This plan is the Draft Woollahra DCP 2015 (Amendment No 4) [Roof terraces, lifts and lift overruns].

1.3 Objective of the plan

The objective of the plan is to update and strengthen the controls which apply to roof forms, roof structures, plant equipment, planting on elevated areas and the use of reflective materials.

1.4 Land to which this plan applies

This plan applies to land identified on Map 1 of section B3.1.1 of Woollahra DCP 2015 (as shown below). The land comprises of the 10 Residential Precincts and 11 Neighbourhood Heritage Conservation Areas identify in the Woollahra DCP 2015.



1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments

This plan has been prepared under Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) applies to the land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

1.6 Approval and commencement of this plan

This plan was approved by Woollahra Council on TBC and came into effect on TBC

1.7 How this plan amends Woollahra DCP 2015

This plan amends Woollahra DCP 2015 in the manner set out in Part 2 of this plan.

Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions –identified in blue and underlined.

~~Deletions –identified in red and strikethrough~~

Chapter A1 Introduction

2.1 Amendments to clause A1.4 List of amendments

2.1.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
<u>No. 4</u>	<u>Date approved</u> - TBC <u>Date commenced</u> - TBC	<u>Amend Chapter B3 General Development Controls by amending and inserting various objectives, controls, introductions and notes relating to:</u> <ul style="list-style-type: none"> • <u>Roof forms and roof structures</u> • <u>Plant equipment (including lifts and lift over runs)</u> • <u>Planting on elevated areas</u> • <u>Use of reflective materials.</u>

2.2 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications.

2.2.1 Insert at the end of the clause

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 96 of the EP&A Act and applications for review of determination under section 82A of the EP&A Act that were made prior to but not determined before the commencement of Amendment No. 3 [Roof terraces, lifts and lift overruns] to this DCP.

Chapter B3 General Development Controls

2.3 Amendments to clause B3.5.1 Streetscape character

2.3.1 Amend clause title to read **Streetscape and local character**

2.3.2 Insert after C4:

C5 Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.

C6 The use of reflective materials is minimal (including windows, access hatches, skylight and balustrades).

2.4 Amendments to clause B3.5.3 Public and private views

2.4.1 Amend C4 as follows:

C4 Roof forms on the low side of the streets are designed to allow public views and add interest to the scenic outlook. Flat expansive roofs with vents, air conditioning units, plant equipment (including lifts and lift overruns) and similar structures are inappropriate.

2.4.2 Amend C7 as follows:

C7 The design of the roof form (including roof terraces, lifts, lift overruns, stairwells, access hatches, screens, and other like structures) provides for view sharing

2.4.3 Insert the following note after C8:

Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roofs.

2.5 Amendments to clause B3.5.4 Acoustic and visual privacy

2.5.1 Amend note after C8 as follows:

Note: refer to Super Studio vs Waverley Council (~~2017~~2004) NSWLEC 91.

2.5.2 Insert the following note after C12:

Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impact on views or overshadowing of adjoining properties.

2.6 Amendments to clause B3.7.3 Site facilities

2.6.1 Amend introduction as follows:

Some site facilities including [lift overruns](#), mail boxes, clothes drying areas and laundry facilities are essential or common features in contemporary residential development. Others such as radio aerials and satellite dishes are less frequently required. The potential impacts of site facilities on the overall appearance of developments and the local streetscape ~~need to~~ [must](#) be considered.

2.6.2 Amend O6 as follows:

- O6 To ensure that mechanical plant equipment including [lift overruns](#), air conditioning units and external condensers, do not have any adverse streetscape or amenity impacts.

2.6.3 Amend C7 as follows:

- C7 Mechanical plant equipment ([including lift overruns](#)) are not to be visible from the streetscape or public domain.

2.6.4 Amend C8 as follows:

- C8 Mechanical plant equipment ([including lift overruns](#)) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.

2.6.5 Amend C9 as follows:

- C9 Mechanical plant equipment ([including lift overruns](#)) are suitably enclosed or screened to minimise noise impacts to adjoining properties. Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the *Protection of the Environment Operations Act 1997* apply.

Woollahra Municipal Council
Environmental Planning Committee Agenda

4 June 2018

Item No: R1 Recommendation to Council
Subject: **PLANNING CONTROLS FOR ROOF TERRACES AND LIFT OVERRUNS**
Authors: Anne White, Team Leader - Strategic Planning
Kelly McKellar, Strategic Planner
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/27936
Reason for Report: To respond to two notices of motion adopted by Council; the first on 16 October 2017 in relation to roof terraces and the second on 23 April 2018 in relation to lifts and lift overruns.

Recommendation:

- A. THAT the report on the potential provisions to further regulate roof terraces, lifts and lift overruns be received and noted.
- B. THAT Council resolve to prepare and exhibit a draft development control plan consistent with the amendments contained in **Annexure 1** to amend Chapter B3 General Development Controls in Woollahra Development Control Plan 2015.

1. Background

This report responds to two notices of motion adopted by Council requesting a review of the planning controls that address impacts of development for roof terraces, lifts and lift overruns:

• **Roof terraces**

Council resolved on 16 October 2017:

That Council requests that staff prepare and submit a report to Council's Urban Planning Committee which reviews the provision for roof terraces in Woollahra DCP 2015 in regards to their potential impacts on:

- a. *The visual and acoustic privacy of adjoining and surrounding properties*
- b. *Their visual contribution to the streetscape and built environment, and*
- c. *Views and view corridors from private and public vantage points.*

No supporting information accompanied this notice of motion on the meeting agenda.

• **Lifts and lift overruns**

Council resolved on 23 April 2018:

That a report be submitted to the appropriate committee reviewing the Council's controls and how they might be amended to encourage good design outcomes with regard to lifts and lift overruns with particular emphasis on view loss, visual impacts and overshadowing.

The following rationale accompanied the notice of motion on the meeting agenda:

In light of the increasing use of lifts in development applications, we are seeing many lift over runs creating a dreadful outcome in terms of visual impact. While in many cases the lift over run does not cause view loss or overshadowing there are many visual impacts and this is becoming a big problem in the Vaocluse ward in particular.

Roof terraces and large balconies are an increasingly popular means of providing outdoor living spaces and an opportunity to increase the quality and amenity of the living environment for residents. Furthermore, the use of lifts to facilitate internal access is growing in use in both low and medium density residential development.

However, this also means view sharing, protecting visual and acoustic privacy and retaining solar access are important development considerations in assessing development applications for roof terraces and roof elements including lifts and lift overruns. Accordingly, up-to-date and relevant planning controls are required to ensure potential impacts are managed so that all residents can enjoy high levels of residential amenity.

Our current suite of residential controls has been evolving over the last ten years, and address a number of design considerations. These controls are generally consistent with State guidelines whilst also reflecting the planning principles set by the Land and Environment Court. To date, these controls have mostly provided consistent guidance for development of roof terraces, lifts and lift overruns.

2. Current planning controls

2.1. State Environmental planning Policy No. 65 Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 is the State-wide planning policy that applies to development for the purpose of residential flat buildings, shop top housing or mixed use development if the building is at least three or more storeys and contains at least four or more dwellings. The *Apartment Design Guide* (ADG) then provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. In Woollahra, SEPP 65 and the ADG apply to mixed use or multi-storey residential development in the *R3 Medium Density Residential Zone*, *B2 Local Centre Zone* and *B4 Mixed Use Zone*.

There are no mandatory provisions in the ADG for roof terraces or lift overruns that override local planning controls. However, development must give consideration to the following design guidance:

- *Roof top open spaces:*
A requirement for roof terraces is not mandated in the ADG. However, it is recognised through the development of the state policy/ADG that roof terraces can be effectively utilised for the provision of both community and private open space. The ADG encourages maximising the provision of both private and communal open space in apartment development, and this includes the use of balcony, podium and roof top areas. Relevant to roof terraces are the following:

Building height: aim

Building height controls promote articulated roof design and roof top communal open spaces, where appropriate.

(NSW Apartment Design Guide, p.30)

Design guidance

Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:

- *provide communal spaces elsewhere such as a landscaped roof top terrace or a common room*
- *provide larger balconies or increased private open space for apartments*
- *demonstrate good proximity to public open space and facilities and/or provide contributions to public open space*
(NSW Apartment Design Guide, p.55)

Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations. (NSW Apartment Design Guide, p.113)

- *Lift overruns*
Whilst there are limited provisions within the ADG to address lifts and lift overruns, the Guide promotes high-quality design that enhances the visual amenity of the public domain. Relevant to note are the following:

Where rooftop communal open space is desired, ensure adequate maximum height is provided and consider secondary height controls for lift/stair access and shade structures
(NSW Apartment Design Guide, p31)

Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view
(NSW Apartment Design Guide, p53)

2.2. Woollahra Local Environmental Plan 2014 (WLEP 2014)

The WLEP 2014 establishes the maximum building heights for the Municipality. The state-wide LEP definition for **building height (or height of building)** is:

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

All building elements including roof terraces, lifts and lift overruns should be designed to comply with the applicable height in the WLEP 2014.

2.3. Woollahra Development Control Plan (WDCP 2015)

The WDCP 2015 establishes the detailed planning and design guidelines for development across the municipality. The controls guide the scale and bulk of development so that it is compatible with the site conditions and the desired future character of the location where the development is proposed.

All relevant extracts (including objectives and controls) from the WDCP 2015 which address roof terraces, lifts and lift overruns are listed in **Annexure 1**. This annexure includes a *tick/cross* column for both development types to identify which control applies to which development type.

2.3.1. Roof terraces

Chapter A3 Definitions of the WDCP 2015 contains the following definition of a **roof terrace**:

a trafficable roof of a building (or part thereof)(including a garage or carport) which has the potential to be used for the purpose of private open space, storage or roof garden and which is either open to the sky or partly covered by a non-continuous shade device.

Controls to address the potential impacts from roof terraces are found throughout the WDCP 2015 in the following chapters:

- *B3 General Development Controls*
- *C1 Paddington Heritage Conservation Area*
- *C2 Woollahra Heritage Conservation Area*
- *C3 Watsons Bay Heritage Conservation Area*
- *D3 General Controls for Neighborhood and Mixed Use Centres*
- *D5 Double Bay Centre*
- *D6 Rose Bay Centre*
- *E1 Parking and Access*
- *G1 Babworth House, Darling Point*

- **Heritage Conservation Areas (HCA)**

Roof terraces are not considered to be characteristic of the Paddington and Watsons Bay HCAs, and are not supported as either private or communal open space. *Chapter C1 Paddington Heritage Conservation Area* contains the following control:

C1.4.8 – C12: Private and communal space is generally not permitted in the form of a roof terrace.

In the Woollahra HCA, only laneway garages with roof terraces are considered appropriate, and then only on steeply sloping properties where the floor level of the roof terrace is no higher than the ground floor level of the building and the terrace area is non-trafficable except for maintenance.

The existing controls in WDCP 2015 adequately deal with roof terraces in our Heritage Conservation Areas.

- **Business Centres**

Roof terraces are generally supported by the WDCP 2015 controls for *Neighbourhood and Mixed Use Centres*, the *Double Bay Centre*, and the *Rose Bay Centre*. Consistent with SEPP 65 and the ADG, the controls recognise that the provision of ground floor landscaped areas may not always be practical. In which case, open space should be provided above the ground in the form of balconies, roof gardens, roof terraces, loggias, or verandahs. The roof terrace controls require that the roof design is attractive from the street, and that the visual and acoustic privacy of adjoining dwellings is considered.

The existing controls in WDP 2015 (and where relevant SEPP 65/ADG) adequately deal with roof terraces in our Business Centres.

- **Residential Zones**

The now superseded *Woollahra Residential Development Control Plan 2003* (WRDCP 2003) permitted the use of roof terraces as a means of providing private open space for both dwelling houses and residential flat buildings. Their suitability was subject to controls relating to aspects of housing design including desired future character, height, open space, views, and acoustic and visual privacy.

During 2006 and 2007, these existing controls were reviewed in light of a Council Notice of Motion, the evolution of SEPP 65, recent development applications and relevant Court decisions. This review resulted in an amendment to the Woollahra Residential DCP 2003 (finalized on 4 July 2008) which introduced new planning controls to address potential amenity impacts of roof terraces.

In preparing WDCP 2015, further consideration was given to refining the controls relating to roof terraces. The controls were amended to address issues raised by the community and to further respond to the following Land and Environment Court judgements:

- *Super Studio vs Waverley Council [2004] NSWLEC 91*
- *Geoform Design Architects Pty Ltd v Woollahra Municipal Council [2012] NSWLEC 1278.*

As a result of this history, the current *Chapter B3 General Development Controls* of the WDCP 2015 contains numerous controls which are up to date, refined, and location-specific planning controls to address residential roof terraces. The relevant controls are located in the following sections:

- 3.5.2 Overshadowing
- 3.5.3 Public and private views
- 3.5.4 Amenity and acoustic privacy
- 3.7.1 Landscaped area and private open space

2.3.2. Lifts and lift overruns

- **Heritage Conservation Areas (HCA) and Inter-war flat buildings**

Lifts and lift over runs are only supported in HCAs where the changes retain the original character and design of the building and setting. The existing controls adequately deal with lift and lift overruns in our HCAs.

- **Business Centres**

Lifts and lift over runs are an integral part of development in our business centres, and generally the existing controls require that roof top elements are contained within the building envelope, and integrated into the roof design. The existing controls adequately deal with lift and lift overruns in our Business Centres.

- **Residential Zones**

The relevant sections of the WDCP 2015 that refer to lifts and lift overruns in relation to residential development are limited to the following sections:

- B3.5.3 Public and private views
- B3.8.7 Inter-war flat buildings
- E1.15 mechanical parking installations and paid parking stations [*Note: This section refers to car lifts only.*]

3. Comparable controls from other Sydney councils

In consultation with Council's development control (DC) officers, staff reviewed the existing planning controls, recent developments, and the controls of other Sydney councils in relation to roof terraces, lifts and lift overruns.

Relevant controls in the DCPs for Waverley, North Sydney, Mosman, Sutherland, Hunters Hill, Ku-ring-gai, City of Sydney, Canada Bay, and Northern Beaches (Manly) were examined.

3.1. Roof terraces

Roof terraces are generally discouraged in low density residential areas by councils in Greater Sydney. For example, Canada Bay does not permit roof terraces except on a limited range of sloping sites. However, most councils acknowledge that roof terraces are an appropriate form of residential development and accordingly have DCP controls that address potential amenity impacts.

The DCPs of other councils, including Northern Beaches (Manly) contain roof terrace controls which are similar to those already contained in the WDCP 2015. Whilst councils including Waverley and the City of Sydney have controls that are more restrictive than those contained within WDCP 2015.

Table 1 below contains extracts of some of these controls.

Table 1: Other council controls addressing roof terraces, and a response from staff	
Other council's controls	Staff response
1	Canada Bay DCP 2017
<i>No trafficable outdoor spaces are permitted on the uppermost rooftop of a building or on garage roofs, such as roof deck, terraces, patio, gardens and the like, however;</i> <i>Outdoor roof space may be considered for buildings on steeply sloping sites where this is the dominant characteristic in immediate vicinity as demonstrated by the Streetscape Character Analysis and there are no noise, privacy or amenity issues. [E2.4 Visual & Acoustic Privacy – C12]</i>	Staff do not support the introduction of a roof terrace “ban” for the following reasons: <ul style="list-style-type: none"> • Many of our residential areas contain development with roof terraces, which have been successfully designed and regulated through DCP controls. • This practice would be inconsistent with the provisions of SEPP 65 and the ADG. • This practice would be inconsistent with relevant court decisions. • Subject to appropriate controls, roof terraces provide high quality open space for both dwelling houses and residential flat buildings.
2	City of Sydney DCP 2012
<i>Roof additions are not to include inset balconies, roof terraces or external staircases. [4.1.5.1 Ensuring sympathetic roof alterations and additions C(4)]</i>	This approach is consistent with our existing controls for the Paddington and Watsons Bay HCAs. For the rest of our residential areas this approach is not practical - see response to 1 above.
3	Mosman Residential DCP 2012
<i>Due to their potential to affect privacy and views, roof top terraces are not permitted unless it can be demonstrated that there is no loss of privacy or view impact. [5.7 Privacy and security P3]</i>	Staff do not support the introduction of a generic control, where there is already a series of carefully crafted performance based development controls in the WDCP 2014.
4	North Sydney DCP 2013
<i>P7 Private or communal open spaces such as terraces, patio, gardens and the like are not permitted on rooftops or garage roofs.</i> <i>P8 Despite P7 above, private or communal open spaces on roofs may be considered, but only if:</i>	Staff do not support the introduction of a roof terrace “ban” – see response to 1 above. Staff do not support a control of this nature for the following reasons:

Table 1: Other council controls addressing roof terraces, and a response from staff	
Other council's controls	Staff response
<p>a) <i>the space is designed such that there is no potential for existing or future overlooking of the space and subsequent noise and privacy issues;</i></p> <p>b) <i>the space is setback at least 1m from the extent of the external enclosing walls to the floor level below; and</i></p> <p>c) <i>the space does not exceed 50% of the floor area of the storey immediately below or 18m², whichever is the lesser; and</i></p> <p>d) <i>there is no other appropriate ground level space for outdoor recreation off a primary living room.</i></p> <p><i>[1.3.10 Visual Privacy – Decks, Patios and Terraces]</i></p>	<ul style="list-style-type: none"> As confirmed by the DC officers, our existing acoustic and visual and privacy controls suitably address these issues. The setback of the roof terrace should be considered having regard to the site circumstances and an assessment of the amenity impacts. Subject to the site conditions, a smaller or larger setback could be appropriate. The area of the roof terrace should be considered having regard to the site circumstances and an assessment of the amenity impacts. Subject to the site conditions, a smaller or larger roof terrace could be appropriate. Woollahra's planning controls have supported well located and designed residential roof terraces for over 10 years, even when ground level outdoor recreation space is available.
5	Waverley
<p><i>Roof tops are to be non-trafficable and not capable of being used as roof terraces or as entertainment areas, except in the following circumstances:</i></p> <p>i. <i>Developments contiguous to the subject site include a roof terrace;</i></p> <p>ii. <i>They will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;</i></p> <p>iii. <i>They are not to exceed 15m² in area;</i></p> <p>iv. <i>They are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas; and</i></p> <p>v. <i>Any access must be provided within the envelope of the main building and there are to be no access hoods or lift overruns proposed above the main roof level. Operable skylights and hydraulic</i></p>	<p>Staff do not support a control of this nature for the following reasons:</p> <ul style="list-style-type: none"> Subject to the site conditions, a well located and designed roof terrace could be appropriate when there are no adjoining sites with roof terraces. As confirmed by our DC officers, our existing acoustic and visual privacy controls suitably address this issue. The area of the roof terrace should be considered having regard to the site circumstances and an assessment of the amenity impacts. Subject to the site conditions, a smaller or larger roof terrace could be appropriate. DCP controls are unable to regulate the frequency of use of an area. WDCP 2015 already requires all building elements to be wholly contained within the building envelope.

Table 1: Other council controls addressing roof terraces, and a response from staff	
Other council's controls	Staff response
<p><i>lifts are acceptable where they finish generally flush with the roof level.</i> [Waverley DCP 2012 – 1.8 Visual & Acoustic Privacy – C(e)]</p>	

3.2. Lifts and lift overruns in residential areas

Most councils in Greater Sydney have DCP controls addressing lifts and lift overruns. Additionally, some councils have LEP controls that permit height variations to promote high quality roof designs.

3.2.1. LEP control

The City of Sydney, Parramatta, North Sydney and Waverley have adopted the optional *Architectural roof features* clause from the Standard Instrument Local Environmental Plan. This clause encourages dynamic roof lines and aims to minimise impacts of roof features. It permits height variations to improve the visual presentation of a building, accommodate parapets, and accommodate screening to hide plant equipment including lift overruns. The relevant clause is as follows:

- 5.6 *Architectural roof features [optional]*
- (1) *The objectives of this clause are as follows:*
- (a) *[set out objectives of the clause]*
**These objectives can be drafted by each council to fit their circumstances.*
- (2) *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*
- (3) *Development consent must not be granted to any such development unless the consent authority is satisfied that:*
- (a) *the architectural roof feature:*
- (i) *comprises a decorative element on the uppermost portion of a building, and*
- (ii) *is not an advertising structure, and*
- (iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
- (iv) *will cause minimal overshadowing, and*
- (b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

Staff response

Council staff do not support the introduction of an LEP clause which justifies a variation to the WLEP 2014 height controls. The existing Woollahra LEP building heights and DCP building envelope controls have been crafted to reflect the desired future character of our residential precincts. There is sufficient flexibility in the existing height of building controls for well-designed buildings to incorporate all the required building elements. Inserting this control would erode the established LEP height limit and reduce certainty in the development process.

3.2.2. DCP controls

Most councils in Greater Sydney have DCP controls addressing lift overruns. These planning controls generally take the following approaches to minimising impacts on residential amenity and local character:

- *Amenity impacts on adjoining residential uses*
The DCPs of North Sydney, Mosman and the Northern Beaches (Manly) have planning controls specific to lift overruns and plant equipment to prevent adverse visual and acoustic impacts. Emphasis is placed on preserving the amenity of habitable rooms and private open space.
- *Integrated architecture roof design*
A number of DCPs also have controls requiring lift overruns and plant equipment to be integrated with the overall architectural roof design and have suitable screening. This includes the DCPs of Waverley, City of Sydney, Mosman, North Sydney, Sutherland, Ku-ring-gai, and Northern Beaches (Manly).

Staff response

Both of the above approaches are considered to have merit and warrant consideration for similar controls within the WDCP 2015. These controls would work in conjunction with our existing controls to promote better design outcomes, to encourage lifts and lift overruns to be integrated with the roof form and to minimise impacts on adjoining properties and views.

4. Options

Based on our review of planning controls for roof terraces, lifts and lift overruns, the following options are available to Council:

4.1. Roof terraces

- A. Retain the existing planning controls in WLEP 2014 and WDCP 2015 with no amendment.
This is not our recommended option.
- B. Similar to the existing provision which applies in the Canada Bay LGA, insert a provision which identifies that roof terraces are not supported in our residential areas.
This is not our recommended option for the following reasons:
- Many of our residential areas contain development with roof terraces, which have been successfully designed and regulated through DCP controls.
 - Precluding roof terraces is inconsistent with the provisions of SEPP 65 and the ADG
 - Precluding roof terraces is inconsistent with relevant court decisions.
- C. Prepare additional/amended controls for roof terraces in our residential areas to be included in the WDCP 2015.
This is our recommended option for the following reasons:
- Subject to appropriate controls, roof terraces provide high quality open space for both dwelling houses and residential flat buildings.
 - As our existing controls have been developed over the last 10 years, and are consistent with the planning principles established in relevant court judgements, potential amendments are limited. However, the proposed minor amendments will clarify the existing controls to further mitigate potential undesirable impacts from this type of development.

The key amendments are as follows. **Annexure 1** contains all the relevant changes to WDCP 2015.

- | | | |
|------|------------------------------------|--|
| i. | B3.5.1 Streetscape character | Insert new control to ensure that the design of roof structures (including roof terraces) are well-designed, contribute positively to the streetscape, and integrated into the architecture of the building. |
| ii. | B3.5.3 Public and private views | Insert note that access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roof forms. |
| iii. | B3.5.4 Acoustic and visual privacy | Insert note that screening to roof terraces will only be considered where it is consistent with the streetscape and will have no impacts on views or overshadowing of adjoining properties. |

4.2. Lifts and lift overruns in residential areas

- A. Retain the existing planning controls in WLEP 2014 and WDCP 2015 with no amendment.
This is not our recommended option.
- B. Prepare an amendment to WLEP 2014 to include the Architectural roof features clause from the Standard Instrument Local Environmental Plan.
This is not our recommended option for the following reasons:
- o The existing controls have been crafted to reflect the desired future character of our residential precincts.
 - o There is sufficient flexibility within our existing height controls to incorporate all building elements.
 - o A control of this nature would erode our established LEP height limits.
- C. Prepare amended controls for lifts and lift overruns in our residential areas to be included in the WDCP 2015
This is our recommended option for the following reasons:
- o There are already a number of controls which address lifts and lift overruns in residential development.
 - o The proposed changes will work in conjunction with our existing controls to promote an integrated approach and generally improve design outcomes.

The key amendments are as follows. **Annexure 1** contains all the relevant changes to WDCP 2015.

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|------|---------------------------------|--|
| i. | B3.5.1 Streetscape character | Insert new control to ensure that the design of roof structures (including lifts and lift overruns) are well designed, contribute positively to the streetscape, and integrated into the architecture of the building. |
| ii. | B3.5.3 Public and private views | Insert note that access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roof forms. |
| iii. | B3.7.3 Site facilities | Amend section to identify that site facilities includes lifts and lift overruns which should <ul style="list-style-type: none">• not be visible from the streetscape/public domain• not unreasonably impact on the visual or acoustic amenity of adjoining properties• be suitable enclosed or screened to minimise noise impacts to adjoining properties. |

5. Next steps

If Council decides to support amending the WDCP 2015, the next step is for staff to prepare and exhibit a draft DCP. The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the *Wentworth Courier* and on Council's public website each week of the exhibition. The following organisations will also be notified:

- Adjoining councils including Randwick, Waverley and the City of Sydney
- Public authorities including the NSW Department of Planning and Environment, and the NSW Office of Heritage and Environment.

The outcome of public exhibition will be reported to a future meeting of the Environmental Planning Committee for consideration. If Council resolves to proceed with the amendment and adopts the draft DCP, the new planning controls will come into effect after a notice is published in the local paper.

6. Conclusion

View sharing, protecting privacy and providing solar access are common development issues across Greater Sydney. In Woollahra these are concerns raised by the community in relation to roof terraces, lifts and lift overruns.

Our current planning controls are generally consistent with State guidelines and reflect the planning principles set by the Land and Environment Court. To date, these controls have provided consistent guidance for development for roof terraces, lifts and lift overruns. They focus on compliance with the LEP building height, retaining views, and protecting residential amenity.

To supplement our existing controls, it is recommended that Council supports the preparation and exhibition of a draft DCP to amend the WDCP 2015 to promote the integration of roof terraces, lifts and lift overruns with the overall building design.

The recommended changes are consistent with best practice and will work in conjunction with the existing controls to promote high-quality design outcomes for the community.

Annexures

1. Roof terraces, lifts and lift overruns - EPC report - ANNEXURE 1 - 4 June 2018 [↓](#)

Woollahra DCP 2015: Existing and proposed controls relevant to roof terraces, lifts and lift overruns

Proposed changes – identified in red and underlined

Part B – General Residential

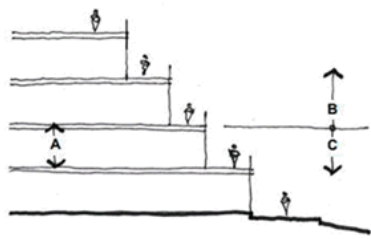
WDCP 2015		Roof terrace	Lifts	Comment
Chapter B3 – General Development Controls				
B3.5.1 Streetscape character				
O1	To ensure that the built form is compatible with the streetscape and the desired future character of the area.	C1	The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.	- - No change
O2	To ensure that development is of high visual quality and enhances the street.	C2	Development retains vegetation of landscape value.	- - No change
O3	To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.	C3	Development steps down sloping sites and follows the topography of the land.	- - No change
		C4	External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.	- - No change
		<u>C5</u>	<u>Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures) are well-designed, contribute positively to the streetscape, and integrated with the architecture of the building.</u>	✓ ✓ Insert new control
B3.5.2 Overshadowing				
O1	To minimise overshadowing to adjoining properties.	C1	The development is designed so that: a) sunlight is provided to at least 50% (or 35m2 with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.	✓ × No change

18 77308 Roof terraces, lifts and lift overruns - EPC report - ANNEXURE 1 - 4 June 2018
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Annexure 1

WDCP 2015		Roof terrace	Lifts	Comment		
Chapter B3 – General Development Controls						
B3.5.3 Public and private views						
O2	To provide additional views and vista from streets and other public spaces where opportunities arise.	C4	Roof forms on the low side of the streets are designed to allow public views and add interest to the scenic outlook. Flat expansive roofs with vents, air conditioning units, <u>plant equipment (including lifts and lift overruns)</u> and similar structures are inappropriate.	✓	✓	Amend control
O3	To encourage view sharing as a means of ensuring equitable access to views from private property.	C7	The design of the roof form (<u>including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures</u>) provides for view sharing	✓	✓	Amend control
		C8	Roof terraces are uncovered to provide for view sharing. All elements on roof terraces are to comply with the maximum building height control.	✓	✓	No change
			<u>Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roof sites.</u>	✓	✓	Insert note:
B3.5.4 Acoustic and visual privacy						
O3	To minimise the impacts of private open space.	C7	Private open spaces and the trafficable area of roof terraces (at or below the second storey)(refer to figure 19) are to be suitable located and screened to prevent direct views to neighbouring: a) Habitable rooms (including bedrooms) within 9m; and b) Private open space within 9m.	✓	×	No change
		C8	For a dwelling house, dual occupancy, semi-detached dwelling, or attached dwelling- the acceptability of any elevated balcony, deck, or terrace will depend on the extent of impact, its reasonableness and its necessity <i>Note: refer to Super Studio vs Waverley Council (2017) NSWLEC 91.</i>	✓	×	No change
		C10	The trafficable area of a roof terrace (above the second storey) (refer to figure 19) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to: a) Neighbouring private open space within 12m, or b) Windows of habitable rooms in neighbouring dwellings within 12m.	✓	×	No change
		C11	Lighting installations on a roof terrace or upper level deck are: a) contained within the roof terrace area and located at a low level; or b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment
Chapter B3 – General Development Controls				
		<i>Note: Lighting of roof terraces must be designed in compliance with AS4282-1997 Control of obtrusive effects of outdoor lighting.</i>		
O4 To ensure that where roof terraces are inserted into roofs, they do not impact on their profile	C12 For a roof terrace within the roof a building: a) no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and b) the roof terrace and opening within the roof are clearly subservient in form and size when compared with the roof plane in which they are located.	✓	×	No change
	 <p>FIGURE 19 Application of the visual privacy controls to roof terraces A - Second storey B - Refer to B3.5.4 C10 C - Refer to B3.5.4 C7</p>	✓	×	No change
	<i>Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impacts on views or overshadowing of adjoining properties.</i>	✓	✓	Insert note:
B3.7.1 Landscaped area and private open space				
O5 To ensure that dwellings in residential flat buildings and multi dwelling housing are provided with adequate private open space that enhances the amenity of the dwellings.	C11 For residential flat building or multi dwelling housing—each dwelling is provided with private open space which has a minimum area of 8m ² and minimum dimensions of 2m x 2m. For dwellings above ground level, this may be in the form of a balcony, verandah or uncovered roof terrace and the like.	✓	×	No change
O6 To ensure that private open space areas are well-designed	C12 Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	✓	×	No change
	C13 Private open space is clearly defined for private use through planting, fencing or landscape features.	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment
Chapter B3 – General Development Controls				
	C14 The location of private open space: a) takes advantage of the outlook and natural features of the site; b) reduces the adverse privacy and overshadowing impacts; and c) addresses surveillance and privacy where private open space abuts public space.	✓	×	No change
	C15 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.5.4 Acoustic and visual privacy.	✓	✓	No change
B3.7.3 Site facilities				
Introduction	Some site facilities including <u>lift overruns</u> , mail boxes, clothes drying areas and laundry facilities are essential or common features in contemporary residential development. Others such as radio aerials and satellite dishes are less frequently required. The potential impacts of site facilities on the overall appearance of developments and the local streetscape need to be considered.	×	✓	Amend introduction
O6 To ensure that mechanical plant equipment including <u>lift overruns</u> , air conditioning units and external condensers, do not have any adverse streetscape or amenity impacts.	C7 Mechanical plant equipment (<u>including lift overruns</u>) are not to be visible from the streetscape or public domain.	×	✓	Amend objective & control
	C8 Mechanical plant equipment (<u>including lift overruns</u>) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.	×	✓	Amend control
	C9 Mechanical plant equipment (<u>including lift overruns</u>) are suitably enclosed or screened to minimise noise impacts to adjoining properties. Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the <i>Protection of the Environment Operations Act 1997</i> apply.	×	✓	Amend control
B3.8.7 Inter-war flat buildings				
O8 To ensure that external alterations, additions and repairs do not detract from the original character and form of the building.	C17 Alterations to improve accessibility (including lifts, ramps and stairs) are sympathetically integrated with the original building and retain the original character and design of the building and landscape areas.	×	✓	No change

WDCP 2015		Roof terrace	Lifts	Comment
Chapter B3 – General Development Controls				
O9	To ensure that external alterations and repairs do not detract from the original character and form of the building.	x	✓	No change
O14	To ensure that additions and alterations for fire upgrading and safety are discrete, and retain and respect the original and significant building fabric.	C42	New lifts are designed and located so that the addition: a) is located outside the principal building form, if practical; and b) does not require significant alterations to existing common areas.	x ✓ No change

Part C – Heritage Conservation Areas

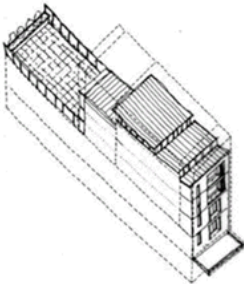
WDCP 2015		Roof terrace	Lifts	Comment
Chapter C1 – Paddington HCA				
C1.3.6 Residential flat buildings and multi dwelling housing				
O1	To retain contributory examples of residential flat buildings and multi dwelling housing.	C10	Alterations to improve accessibility (including lifts, ramps and stairs) must retain the original character and design of the building and setting.	x ✓ No change
C1.4.8 Private open space, swimming pools, lightwell courtyards and landscaping				
Introduction	Roof terraces are not characteristic of Paddington and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform of Paddington, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.		✓	x No change
O6	To ensure that the design and use of private open space areas has regard to environmental impact, impact on the fabric of adjoining properties, infrastructure, and on the	C11	The raising of open space areas to provide level access from a building is not permitted if there would be an adverse impact on adjoining properties and the significance of the property generally.	✓ x No change










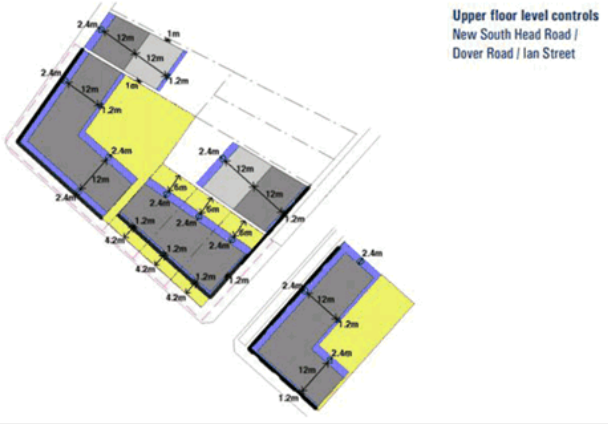
WDCP 2015			Roof terrace	Lifts	Comment	
	amenity of the occupiers of adjoining properties					
O8	To ensure adequate and reasonable acoustic and visual privacy for neighbours.	C12	Private and communal space is generally not permitted in the form of a roof terrace.	✓	×	No change
Chapter C2 – Woollahra HCA						
C2.4.5 Inter-War flat buildings						
O3	To allow sympathetic additions to the external façade of Inter-War flat buildings that conserve the distinctive or original characteristics of the building.	C10	Proposed alterations to improve accessibility, including lifts, ramps and stairs, must retain the original character and design of the building and setting.	×	✓	No change
C2.5.8 Parking and garages						
O1	To protect the amenity of the property, neighbouring properties and public open space in terms of visual and acoustic privacy and sunlight access.	C12	Laneway garages with roof gardens will be permitted only on steeply sloping properties where the floor level of the roof terrace is no higher than the ground floor level of the building and the terrace is non-trafficable except for garden maintenance.	✓	×	No change
Chapter C3 – Watsons Bay HCA						
C3.3.6 Landscaping and private open space						
	Introduction	Roof terraces are not characteristic of Watsons Bay and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.		✓	×	No change
O5	To ensure that the design and use of private open space areas do not adversely impact the amenity of adjoining properties.			✓	×	No change

Part D – Business Centres

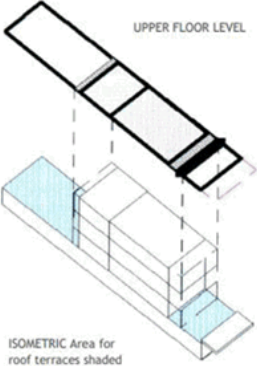
WDCP 2015			Roof terrace	Lifts	Comment	
Chapter D3 General controls for Neighbourhood and Mixed Use Centres						
D3.4 Built form						
O6	To promote building forms that provide quality internal environments and allow natural day lighting, natural ventilation and visual and acoustic privacy to dwellings	C22	Roof terraces adjoin habitable space that is on the same floor level. Development does not include a rooftop terrace that is only accessed from a stairway and/or lift.	✓	✓	No change
O7	To encourage roof design that creates a distinctive silhouette to buildings.	C24	The profile and silhouette of the parapet, eaves and roof top elements are integrated in the roof design	✓	✓	No change
O8	To ensure that plant and service equipment on roofs is not visually intrusive.	C25	Where a pitched roof is proposed, the angle of the pitch is compatible with the existing development context. <i>Note: The building form including parapet and plant and lift overruns must be contained within the envelope height. Refer to LEP definition of building height.</i>	×	✓	No change
D3.8 Landscaped area and private open space						
O2	To ensure the adequate provision of accessible and useable private and communal open space.	C4	The minimum area of above ground private open space is determined by the dwelling size as outlined below: a) small dwelling (less than 60m ²)—8m ² ; b) medium dwelling (60m ² to 80m ²)—12m ² ; and c) large dwelling (more than 90m ²)—16m ² .	✓	×	No change
O3	To provide for the amenity of occupants.	C5	The preferred depth of the required above ground private open space is 2.4m. The minimum permissible depth is 1.8m.	✓	×	No change
		C6	Development provides at least one balcony, terrace, loggia, roof terrace, deck or the like for each dwelling, within the area nominated for building articulation area. This open space is accessible from a main living area.	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment				
Chapter D5 Double Bay Centre								
D5.3.2 Key strategies for the Double Bay Centre								
Introduction	<p>Enhance and improve the public domain and the provision of public facilities.</p> <p>a) Enhance the public domain of Double Bay by applying a coordinated approach to the public domain and streetscape.</p> <p>b) Encourage multiple uses of Council car park sites such as providing community services and facilitates at the ground floor and/or street façade and/or the roof terrace of Council's car park properties.</p> <p>c) Promote the important role that public transport plans in Double Bay.</p>	✓	×	No change				
D5.6.3.2 Height								
O1 Encourage buildings to achieve the heights along street and lane frontages described by the control drawings.	C3 The building (including lift tower machinery plant rooms and storage space) must be contained within the envelope height, with the following exclusions: chimneys, flues, masts, flagpoles communication devices, satellite dishes and antennae.	×	✓	No change				
D5.6.5.4 Private open space								
O1 Ensure every dwelling in the Double Bay Centre has direct access to private open space.	C1 Provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. This open space must be accessible from a principal living area.	✓	×	No change				
O2 Encourage occupied roof areas with roof gardens behind parapets where private open space at ground level is not available.	C2 The preferred depth of the required open space is 2.4m and the minimum permissible depth is 1.8m. The minimum area of private open space is determined by the dwelling size:	✓	×	No change				
	<table border="1"> <thead> <tr> <th>Dwelling size</th> <th>Minimum required area of above ground open space</th> </tr> </thead> <tbody> <tr> <td>Small dwelling: less than 60m²</td> <td>8m²</td> </tr> <tr> <td>Medium dwelling: 60m² - 90m²</td> <td>12m²</td> </tr> <tr> <td>Large dwelling: more than 90m²</td> <td>16m²</td> </tr> </tbody> </table>				Dwelling size	Minimum required area of above ground open space	Small dwelling: less than 60m ²	8m ²
Dwelling size	Minimum required area of above ground open space							
Small dwelling: less than 60m ²	8m ²							
Medium dwelling: 60m ² - 90m ²	12m ²							
Large dwelling: more than 90m ²	16m ²							
	C3 Roof terraces and balconies must be designed and orientated to protect the privacy of neighbours.	✓	×	No change				

WDCP 2015		Roof terrace	Lifts	Comment
Chapter D5 Double Bay Centre				
C4	Lightweight pergolas, sunscreens, privacy screens and planters are permitted on roof terraces provided they do not increase the bulk of the building. These elements should not significantly affect the views available from adjoining properties, the immediate vicinity or on the nearby ridges.	✓	×	No change
C5	The profile and silhouette of parapets, eaves and roof top elements must be considered in roof terrace design to provide an attractive building finish when viewed from the public and private domain.	✓	✓	No change
	 <p>FIGURE 50 Above ground open space Above ground open space may be created as a roof terrace</p>	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment	
Chapter D6 Rose Bay Centre					
D6.5 Built form envelopes: control drawings (example)					
<p>BUILDING ENVELOPE</p> <ul style="list-style-type: none">  100% of this area per floor may be built on  50% of this area per floor may be built on  PREFERRED BUILDING LINE  Maximum building zone depths or setbacks Where side setbacks are indicated assume 1m unless otherwise stated  AREA FOR ARTICULATION  ROOF TERRACE AWNINGS  Continuous  Discontinuous  Awning to ground floor level below 	<p>D6.5.6 Control drawing 3</p> 	✓	×	No change	
D6.6.3.6 Roof design					
O1 Promote design that contributes to the definition of the Core.	C4	Roof design should minimise building bulk and overshadowing.	✓	✓	No change
O2 Encourage roof design to create a distinctive silhouette to buildings	C5	Roof terraces are encouraged (see detailed provisions in Section 6.6.5.2 Above ground open space).	✓	×	No change
	C6	Air conditioning plant and equipment, must be concealed from the exterior and be within the building. When roof plant is proposed it must be integrated with the design of the roof and the composition of the building and not be readily visible from the public domain.	×	✓	No change

WDCP 2015		Roof terrace	Lifts	Comment								
Chapter D6 Rose Bay Centre												
D6.6.5.2 Above ground open space												
Introduction	The provision of deep soil landscaped areas, particularly in the Core is limited due to the deep plan requirements of shops on the ground floor, and underground parking. In these areas open space must be provided above ground, as roof gardens over car parking, roof terraces, loggias, balconies, and verandahs (refer to control drawings in Sections 6.5.2-6.5.8).	✓	×	No change								
O1 Ensure every dwelling in the Rose Bay Centre has access to private open space by providing usable above ground open space on sites where there is no requirement for deep soil landscaped area. Refer to control drawings.	C1 Where direct access to ground level private open space is not available, provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. The minimum area of this element is determined by the dwelling size (see table). The minimum permissible depth is 1.8m and the preferred depth is 2.4m. This element should be accessible from a principal living space.	✓	✓	No change								
O2 Encourage occupied roof areas with roof gardens behind parapets where private open space at ground level is not available.	<table border="1"> <thead> <tr> <th>Dwelling size</th> <th>Minimum required area of above ground open space</th> </tr> </thead> <tbody> <tr> <td>Small dwelling: Up to 60m²</td> <td>8m²</td> </tr> <tr> <td>Medium dwelling: 60m² - 90m²</td> <td>12m²</td> </tr> <tr> <td>Large dwelling: More than 90m²</td> <td>16m²</td> </tr> </tbody> </table>	Dwelling size	Minimum required area of above ground open space	Small dwelling: Up to 60m ²	8m ²	Medium dwelling: 60m ² - 90m ²	12m ²	Large dwelling: More than 90m ²	16m ²			
Dwelling size	Minimum required area of above ground open space											
Small dwelling: Up to 60m ²	8m ²											
Medium dwelling: 60m ² - 90m ²	12m ²											
Large dwelling: More than 90m ²	16m ²											
	C2 Roof terraces and balconies must be designed to protect the privacy of neighbours.	✓	×	No change								
	C3 The profile and silhouette of parapets, eaves and roof top elements must be considered in roof terrace design to provide an attractive building finish when viewed from the public and private domain.	✓	✓	No change								
	C4 Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building, and do not significantly affect the views enjoyed by adjoining properties, or those in the vicinity or on the nearby ridges.	✓	×	No change								

WDCP 2015		Roof terrace	Lifts	Comment
Chapter D6 Rose Bay Centre				
	<p>FIGURE 31 Three dimensional controls – Highlighting the area for roof terraces</p> 	✓	×	No change

Part E – General Controls for All Development

WDCP 2015		Roof terrace	Lifts	Comment
Chapter E1 Parking and Access				
E1.15 Mechanical parking installations and paid parking stations				
	(1) Mechanical parking installations such as car lifts and car stackers are generally not desirable, and will only be considered in exceptional circumstances. Mechanical parking installations may be permitted for residential and non-residential development where one or more of the following applies: <ul style="list-style-type: none"> The topography or lot size does not reasonably allow a simpler, more conventional parking arrangement. An existing building is being refurbished and there is no land available for additional parking. Refurbishment does not include extension of the building so as to increase site coverage or any other works to increase site coverage, all of which have the effect of reducing site area which could be used for conventional parking arrangements. In the case of non-residential development, the installations are for long-stay parking. In the case of residential development, the installations are for resident rather than visitor parking. 	*	✓	No change

Part G – Site-Specific Controls

WDCP 2015		Roof terrace	Lifts	Comment
Chapter G1 Babworth House, Darling Point				
G1.4.4 Building envelope				
O1 To ensure the built form and intensity of new development respects the scale and character of Babworth House and does not detrimentally affect the significant attributes on the site.	C4 Balconies, decks, bay windows, non-retractable awnings or other non-retractable solar screening devices and roof terrace balustrades are to be included within the planes of the building envelopes.	✓	*	No change

Woollahra Municipal Council
Environmental Planning Committee Agenda

3 September 2018

Item No: R1 Recommendation to Council
Subject: **SUPPLEMENTARY REPORT ON PLANNING CONTROLS FOR ROOF TERRACES AND LIFT OVERRUNS**
Author: Anne White, Team Leader - Strategic Planning
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/136134
Reason for Report: To respond to a Council resolution from 18 June 2018 requesting a further report on planning controls for roof terraces and lift overruns.

Recommendation:

- A. THAT the further report on the potential provisions to regulate roof terraces, lifts and lift overruns be received and noted.
- B. THAT Council resolve to prepare and exhibit a draft development control plan consistent with the amendments contained in **Annexure 2** of the report to the Environmental Planning Committee of 3 September 2018 to amend Chapter B3 General Development Controls in Woollahra Development control Plan 2015.

1. Summary

Roof terraces and large balconies are a common means of providing outdoor living spaces and an opportunity to increase the quality and amenity of the living environment for residents. The use of lifts to facilitate internal access is growing in popularity in both low and medium density residential development.

However, this also means view sharing, protecting visual and acoustic privacy and retaining solar access are important development considerations in assessing development applications for roof terraces and roof elements including lifts and lift overruns. Accordingly, up-to-date and relevant planning controls are required to ensure potential impacts are managed so that all residents can enjoy high levels of residential amenity.

Our current suite of residential controls has evolved over the last ten years, and address a number of design considerations. These controls are generally consistent with State guidelines and reflect the planning principles set by the Land and Environment Court. However, there remains concern that our controls could be updated and enhanced to provide consistent guidance for development of roof terraces, lifts and lift overruns.

On 4 June 2018, the Environmental Planning Committee (EPC) considered a report on potential amendments to the planning controls for roof terraces and lift overruns (see **Annexure 1**). Subsequent to this meeting, Council resolved on 18 June 2018 to defer consideration of the proposed planning controls until staff provided a further report addressing certain matters. Following further consideration, and to address these matters, amendments to Woollahra Development Control Plan (Woollahra DCP 2015) are recommended.

2. Background

Council adopted the following two notices of motion requesting a review of the planning controls to address the impacts of development for roof terraces, lifts and lift overruns.

- **Roof terraces**

Council resolved on 16 October 2017:

That Council requests that staff prepare and submit a report to Council's Urban Planning Committee which reviews the provision for roof terraces in Woollahra DCP 2015 in regards to their potential impacts on:

- a. The visual and acoustic privacy of adjoining and surrounding properties*
- b. Their visual contribution to the streetscape and built environment, and*
- c. Views and view corridors from private and public vantage points.*

No supporting information accompanied this notice of motion on the meeting agenda.

- **Lifts and lift overruns**

Council resolved on 23 April 2018:

That a report be submitted to the appropriate committee reviewing the Council's controls and how they might be amended to encourage good design outcomes with regard to lifts and lift overruns with particular emphasis on view loss, visual impacts and overshadowing.

The following rationale accompanied the notice of motion on the meeting agenda:

In light of the increasing use of lifts in development applications, we are seeing many lift overruns creating a dreadful outcome in terms of visual impact. While in many cases the lift overrun does not cause view loss or overshadowing there are many visual impacts and this is becoming a big problem in the Vaucluse ward in particular.

On 4 June 2018, the Environmental Planning Committee (EPC) considered a report that responded to these two notices of motion (see **Annexure 1**). On 18 June 2018 Council resolved:

THAT Council defers consideration of the planning controls for roof terraces and lift overruns and requests that staff prepare a further report for consideration at a future meeting of the Environmental Planning Committee which discusses the following issues and how they may be included in any proposed draft development control plan:

- *The need for roof terraces to adjoin and be accessed from a habitable room*
- *Consideration of the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and the visual impact of the elements from Sydney Harbour*
- *Minimisation of glazing*
- *Provision of rooftop gardens and balustrading*
- *Consideration of how any controls would apply to residential flat buildings, including the consistency with State Environmental Planning Policy 65 Design Quality of Residential Apartment Development*

- *Correction of the grammatical error in relation to draft B3.5.1 C5 to read as follows: C5 Roof forms and roof structure (including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures) are well-designed, contribute positively to the streetscape and are integrated with the architecture of the building.*
- *Correction of the grammatical error in relation to the draft note in B3.5.4 C12 to read:*

Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impact on views of [sic] overshadowing of adjoining properties.

3. Response to matters adopted by Council on 18 June 2018

In response to the Council resolution from 18 June 2018, the following section lists each of the issues raised, and provides a response and recommendation.

All relevant extracts (including objectives and controls) from Woollahra DCP 2015 which address roof terraces, lifts and lit overruns are listed in **Annexure 2**. This annexure includes a tick/cross column for both development types to identify which controls apply to which development type.

Changes which were previously recommended to the EPC meeting of [4 June 2018 are identified in red and underlined](#).

Further changes recommended to the EPC meeting of [3 September 2018 are identified in blue and underlined](#).

3.1. The need for roof terraces to adjoin and be accessed from a habitable room

Response

It is reasonable to conclude that roof terraces which adjoin and are directly accessed from a habitable room will be more frequently used than those which are not directly accessed from a habitable room and are accessed by a stairway or ladder. The latter scenario was the subject of a recent Land and Environment Court judgement: *Chiefari v Waverley Council [2017] NSWLEC 1567* which was an appeal to a refusal to add a roof terrace.

In paragraph 19 the judgement states:

..... the space is likely to be used infrequently because it is not an extension of a private open space or an entertaining area.

Notwithstanding, roof terraces which directly abut and are accessed from a habitable room may be appropriate *where* they are well designed and adequately address acoustic and visual privacy matters.

Recommendation

Subject to the site conditions and neighbouring context, a well-designed roof terrace could be appropriate whether or not it directly abuts and is accessed from a habitable room. Minor changes *are* recommended to Woollahra DCP 2015 to strengthen the controls relating to streetscape and amenity impacts that may be associated with roof terraces (see **Annexure 2**).

3.2. Consideration of the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and the visual impact of the elements from Sydney Harbour

Response

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) applies to the northern foreshore areas of the Woollahra LGA. The SREP aims to ensure that the catchment, *foreshores*, waterways and islands of Sydney Harbour are protected and enhanced as an outstanding natural asset of national importance for existing and future generations.

The SREP requires Council to assess all planning proposals and development applications with regard to the principles, matters for consideration and provisions set out in the SREP. There are also numerous relevant provisions in the *Sydney Harbour - Foreshores and Waterways Area Development Control Plan 2005* (SREP DCP). Some of the relevant design guidelines for land based development from Part 5 of the SREP DCP are:

- *buildings should not obstruct views and vistas from public places to the waterway;*
- *buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP*
- *where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting*
- *where undeveloped ridgelines occur, buildings should not break these unless they have a backdrop of trees*
- *while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is preferable to break up facades and roof lines into smaller elements and to use pitched roofs*
- *bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should be avoided. External lights should be directed downward, away from the water.*
- *Australian Standards AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting should be observed;*
- *use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied*
- *the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements; and*
- *the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items.*

Woollahra DCP 2015 was drafted with consideration to the *SREP* and the SREP DCP. Key sections of *Woollahra DCP 2015* with specific regard to the scenic quality of Sydney Harbour include the following:

- Chapter *B1 Residential Precincts* and Chapter *B2 Neighbourhood HCAs* contains detailed local character statements and objectives for maintaining and enhancing that character.
- Chapter *B3 Section 3.10.2 Additional controls for development in sensitive locations: Harbour foreshore development* contains detailed controls that apply to:
 - Land that has a boundary to the Sydney Harbour foreshore;
 - Land adjoining the Sydney Harbour foreshore which is zoned E1 National Parks and Nature Reserve or RE1 Public Recreation; and

- Any land visible from Sydney Harbour
- Chapter *B3 Section 5.3 Public and Private Views* contains specific provisions to ensure that development respects and enhances the scenic quality of the Sydney Harbour.

Recommendation

Having considered the existing controls of the SREP, the SREP DCP and Woollahra DCP 2015, no change is required.

3.3. Minimisation of glazing

Response

There is a design guideline in the SREP DCP which states:

- *use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied*

Furthermore, in Woollahra DCP 2015, Control C3 of Part *B3.10 Additional controls for development in sensitive locations: Harbour foreshore* states the following:

Development as viewed from Sydney Harbour, is designed and constructed to blend with the natural landscape setting and the existing built environment through the use of materials, colours, wall articulation, building form and landscaping. Glass elevations and excessive use of windows resulting in reflectivity and glare are avoided.

A similar provision could be introduced into Woollahra DCP 2015 to apply to all roof top development and address the excessive use of reflective materials.

Recommendation

Insert a new control into B3.5.1 of Woollahra DCP 2015 to address the use of excessive reflective materials (see **Annexure 2**)

3.4. Provision of rooftop gardens and balustrading

Response

Rooftop gardens can include gardens with small shrubs, bushes and landscape feature and vegetable gardens. Depending on their size, rooftop gardens could have impacts on public and private views. Whilst the existing controls already address this matter, amending the controls to clarify that trees and tall palms/shrubs are not encouraged on any elevated areas such as balconies or roof terraces is recommended (see **Annexure 2**).

Whilst not specifically referred to in the Council's decision, green roofs are a design option for consideration. Green roofs are distinct from traditional rooftop gardens because they promote sustainable concepts. Green roofs maximise the potential of having vegetation on the roof by collecting and harvesting storm water via drainage systems and may incorporate photovoltaic cells (PV). Green roofs are not designed to be accessed on a regular basis, but there is some access required for maintenance. There is nothing within our current suite of planning controls which would prevent an applicant from applying for a green roof.

There are a number of controls in Woollahra DCP 2015 which address the issue of balustrades. These are:

- no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and
- balconies, decks, bay windows, non-retractable awnings or other non-retractable solar screening devices and roof terrace balustrades are to be included within the planes of the building envelopes.

However, in 3.3 above, a minor change is recommended to part B3.5.1 of Woollahra DCP 2015 to address the use of excessive reflective materials, which would include their use in balustrades.

Recommendation

A minor change is proposed to B3.5.1 of Woollahra DCP 2015 to address the use of excessive reflective materials on roof terraces (see **Annexure 2**)

3.5. Consideration of how any controls would apply to residential flat buildings, including the consistency with State Environmental Planning Policy 65 Design Quality of Residential Apartment Development (SEPP 65)

Response

SEPP 65 is the State-wide planning policy that applies to development for the purpose of residential flat buildings, shop top housing or mixed use development if the building is at least three or more storeys and contains at least four or more dwellings. The *Apartment Design Guide* (ADG) then provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. In Woollahra, SEPP 65 and the ADG apply to mixed use or multi-storey residential development in the *R3 Medium Density Residential Zone*, *B2 Local Centre Zone* and *B4 Mixed Use Zone*.

There are no mandatory provisions in the ADG for roof terraces or lift overruns that override local planning controls. However, development must give consideration to the following design guidance:

• *Roof top open spaces:*

It is recognised through the development of the state policy/ADG that roof terraces can be effectively utilised for the provision of both community and private open space. The ADG encourages maximising the provision of both private and communal open space in apartment development, and this includes the use of balcony, podium and roof top areas. Relevant to roof terraces are the following:

Building height: aim

Building height controls promote articulated roof design and roof top communal open spaces, where appropriate.

(NSW Apartment Design Guide, p.30)

Design guidance

Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:

- *provide communal spaces elsewhere such as a landscaped roof top terrace or a common room*
- *provide larger balconies or increased private open space for apartments*

- *demonstrate good proximity to public open space and facilities and/or provide contributions to public open space*
(NSW Apartment Design Guide, p.55)

Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations. (NSW Apartment Design Guide, p.113)

- *Lift overruns*

Whilst there are limited provisions within the ADG to address lifts and lift overruns, the Guide promotes high-quality design that enhances the visual amenity of the public domain. Relevant to note are the following:

Where rooftop communal open space is desired, ensure adequate maximum height is provided and consider secondary height controls for lift/stair access and shade structures
(NSW Apartment Design Guide, p31)

Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view
(NSW Apartment Design Guide, p53)

Recommendation

Having considered the controls in both Woollahra DCP 2015, and the ADG, the existing DCP controls are generally consistent with the provisions in the ADG. Therefore, we consider no changes are required to Woollahra DCP 2015.

3.6. Correction of the grammatical error in relation to draft B3.5.1 C5 to read as follows:

C5 Roof forms and roof structure (including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures) are well-designed, contribute positively to the streetscape and are integrated with the architecture of the building.

Response and recommendation

Amendments have been made (see **Annexure 2**).

3.7. Correction of the grammatical error in relation to the draft note in B3.5.4 C12 to read:

Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impact on views of overshadowing of adjoining properties.

Response and recommendation

Amendments have been made (see **Annexure 2**).

4. Next steps

Having considered the Council's resolution of 18 June 2018, a table which contains a number of amendments to Woollahra DCP 2015 has been prepared (see **Annexure 2**). If Council decides to support amendments to Woollahra DCP 2015 in line with the changes identified in **Annexure 2**, the next step is for staff to prepare and exhibit a draft DCP. The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the Wentworth Courier and on Council's public website each week of the exhibition. The following organisations will also be notified:

- Adjoining councils - Randwick, Waverley and the City of Sydney
- Public authorities including the NSW Department of Planning and Environment, and the NSW Office of Heritage and Environment.

The outcome of the public exhibition will be reported to a future meeting of the Environmental Planning Committee for consideration. If Council resolves to proceed with the amendment and adopts the draft DCP, the new planning controls will come into effect after a notice is published in the local paper.

5. Conclusion

View sharing, protecting privacy and providing solar access are common development issues across Greater Sydney. In Woollahra these are concerns raised by the community in relation to roof terraces, lifts and lift overruns.

Our current planning controls are generally consistent with State guidelines and reflect the planning principles set by the Land and Environment Court. To date, these controls have provided consistent guidance for development for roof terraces, lifts and lift overruns. They focus on compliance with the LEP building height, retaining views, and protecting residential amenity.

To supplement our existing controls and to respond to the matters raised by Councillors, it is recommended that Council supports the preparation and exhibition of a draft DCP to amend Woollahra DCP 2015 to promote the integration of roof terraces, lifts and lift overruns with the overall building design. These changes are identified in **Annexure 2** of this report.

The recommended changes are consistent with best practice and will work in conjunction with the existing controls to promote high-quality design outcomes for the community.

Annexures

1. Report from EP meeting of 4 June 2018 [↓](#)
2. Existing and revised controls [↓](#)

Annexure 1

Woollahra Municipal Council
Environmental Planning Committee Agenda

4 June 2018

Item No: R1 Recommendation to Council
Subject: **PLANNING CONTROLS FOR ROOF TERRACES AND LIFT OVERRUNS**
Authors: Anne White, Team Leader - Strategic Planning
Kelly McKellar, Strategic Planner
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/27936
Reason for Report: To respond to two notices of motion adopted by Council; the first on 16 October 2017 in relation to roof terraces and the second on 23 April 2018 in relation to lifts and lift overruns.

Recommendation:

- A. THAT the report on the potential provisions to further regulate roof terraces, lifts and lift overruns be received and noted.
- B. THAT Council resolve to prepare and exhibit a draft development control plan consistent with the amendments contained in **Annexure 1** to amend Chapter B3 General Development Controls in Woollahra Development Control Plan 2015.

1. Background

This report responds to two notices of motion adopted by Council requesting a review of the planning controls that address impacts of development for roof terraces, lifts and lift overruns:

- **Roof terraces**
Council resolved on 16 October 2017:

That Council requests that staff prepare and submit a report to Council's Urban Planning Committee which reviews the provision for roof terraces in Woollahra DCP 2015 in regards to their potential impacts on:

- a. *The visual and acoustic privacy of adjoining and surrounding properties*
- b. *Their visual contribution to the streetscape and built environment, and*
- c. *Views and view corridors from private and public vantage points.*

No supporting information accompanied this notice of motion on the meeting agenda.

- **Lifts and lift overruns**
Council resolved on 23 April 2018:
That a report be submitted to the appropriate committee reviewing the Council's controls and how they might be amended to encourage good design outcomes with regard to lifts and lift overruns with particular emphasis on view loss, visual impacts and overshadowing.

The following rationale accompanied the notice of motion on the meeting agenda:
In light of the increasing use of lifts in development applications, we are seeing many lift over runs creating a dreadful outcome in terms of visual impact. While in many cases the lift over run does not cause view loss or overshadowing there are many visual impacts and this is becoming a big problem in the Vacluse ward in particular.

Roof terraces and large balconies are an increasingly popular means of providing outdoor living spaces and an opportunity to increase the quality and amenity of the living environment for residents. Furthermore, the use of lifts to facilitate internal access is growing in use in both low and medium density residential development.

However, this also means view sharing, protecting visual and acoustic privacy and retaining solar access are important development considerations in assessing development applications for roof terraces and roof elements including lifts and lift overruns. Accordingly, up-to-date and relevant planning controls are required to ensure potential impacts are managed so that all residents can enjoy high levels of residential amenity.

Our current suite of residential controls has been evolving over the last ten years, and address a number of design considerations. These controls are generally consistent with State guidelines whilst also reflecting the planning principles set by the Land and Environment Court. To date, these controls have mostly provided consistent guidance for development of roof terraces, lifts and lift overruns.

2. Current planning controls

2.1. State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 is the State-wide planning policy that applies to development for the purpose of residential flat buildings, shop top housing or mixed use development if the building is at least three or more storeys and contains at least four or more dwellings. The *Apartment Design Guide* (ADG) then provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. In Woollahra, SEPP 65 and the ADG apply to mixed use or multi-storey residential development in the *R3 Medium Density Residential Zone*, *B2 Local Centre Zone* and *B4 Mixed Use Zone*.

There are no mandatory provisions in the ADG for roof terraces or lift overruns that override local planning controls. However, development must give consideration to the following design guidance:

- *Roof top open spaces:*
A requirement for roof terraces is not mandated in the ADG. However, it is recognised through the development of the state policy/ADG that roof terraces can be effectively utilised for the provision of both community and private open space. The ADG encourages maximising the provision of both private and communal open space in apartment development, and this includes the use of balcony, podium and roof top areas. Relevant to roof terraces are the following:

Building height: aim
Building height controls promote articulated roof design and roof top communal open spaces, where appropriate.
(NSW Apartment Design Guide, p.30)

Design guidance
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:

- *provide communal spaces elsewhere such as a landscaped roof top terrace or a common room*
- *provide larger balconies or increased private open space for apartments*
- *demonstrate good proximity to public open space and facilities and/or provide contributions to public open space*
(NSW Apartment Design Guide, p.55)

Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations. (NSW Apartment Design Guide, p.113)

• *Lift overruns*

Whilst there are limited provisions within the ADG to address lifts and lift overruns, the Guide promotes high-quality design that enhances the visual amenity of the public domain. Relevant to note are the following:

Where rooftop communal open space is desired, ensure adequate maximum height is provided and consider secondary height controls for lift/stair access and shade structures
(NSW Apartment Design Guide, p31)

Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view
(NSW Apartment Design Guide, p53)

2.2. Woollahra Local Environmental Plan 2014 (WLEP 2014)

The WLEP 2014 establishes the maximum building heights for the Municipality. The state-wide LEP definition for **building height (or height of building)** is:

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

All building elements including roof terraces, lifts and lift overruns should be designed to comply with the applicable height in the WLEP 2014.

2.3. Woollahra Development Control Plan (WDCP 2015)

The WDCP 2015 establishes the detailed planning and design guidelines for development across the municipality. The controls guide the scale and bulk of development so that it is compatible with the site conditions and the desired future character of the location where the development is proposed.

All relevant extracts (including objectives and controls) from the WDCP 2015 which address roof terraces, lifts and lift overruns are listed in **Annexure 1**. This annexure includes a *tick/cross* column for both development types to identify which control applies to which development type.

2.3.1. Roof terraces

Chapter A3 Definitions of the WDCP 2015 contains the following definition of a **roof terrace**:

a trafficable roof of a building (or part thereof)(including a garage or carport) which has the potential to be used for the purpose of private open space, storage or roof garden and which is either open to the sky or partly covered by a non-continuous shade device.

Controls to address the potential impacts from roof terraces are found throughout the WDCP 2015 in the following chapters:

- *B3 General Development Controls*
- *C1 Paddington Heritage Conservation Area*
- *C2 Woollahra Heritage Conservation Area*
- *C3 Watsons Bay Heritage Conservation Area*
- *D3 General Controls for Neighborhood and Mixed Use Centres*
- *D5 Double Bay Centre*
- *D6 Rose Bay Centre*
- *E1 Parking and Access*
- *G1 Babworth House, Darling Point*

• **Heritage Conservation Areas (HCA)**

Roof terraces are not considered to be characteristic of the Paddington and Watsons Bay HCAs, and are not supported as either private or communal open space. *Chapter C1 Paddington Heritage Conservation Area* contains the following control:

C1.4.8 – C12: Private and communal space is generally not permitted in the form of a roof terrace.

In the Woollahra HCA, only laneway garages with roof terraces are considered appropriate, and then only on steeply sloping properties where the floor level of the roof terrace is no higher than the ground floor level of the building and the terrace area is non-trafficable except for maintenance.

The existing controls in WDCP 2015 adequately deal with roof terraces in our Heritage Conservation Areas.

• **Business Centres**

Roof terraces are generally supported by the WDCP 2015 controls for *Neighbourhood and Mixed Use Centres*, the *Double Bay Centre*, and the *Rose Bay Centre*. Consistent with SEPP 65 and the ADG, the controls recognise that the provision of ground floor landscaped areas may not always be practical. In which case, open space should be provided above the ground in the form of balconies, roof gardens, roof terraces, loggias, or verandahs. The roof terrace controls require that the roof design is attractive from the street, and that the visual and acoustic privacy of adjoining dwellings is considered.

The existing controls in WDP 2015 (and where relevant SEPP 65/ADG) adequately deal with roof terraces in our Business Centres.

• **Residential Zones**

The now superseded *Woollahra Residential Development Control Plan 2003* (WRDCP 2003) permitted the use of roof terraces as a means of providing private open space for both dwelling houses and residential flat buildings. Their suitability was subject to controls relating to aspects of housing design including desired future character, height, open space, views, and acoustic and visual privacy.

During 2006 and 2007, these existing controls were reviewed in light of a Council Notice of Motion, the evolution of SEPP 65, recent development applications and relevant Court decisions. This review resulted in an amendment to the Woollahra Residential DCP 2003 (finalized on 4 July 2008) which introduced new planning controls to address potential amenity impacts of roof terraces.

In preparing WDCP 2015, further consideration was given to refining the controls relating to roof terraces. The controls were amended to address issues raised by the community and to further respond to the following Land and Environment Court judgements:

- *Super Studio vs Waverley Council [2004] NSWLEC 91*
- *Geoform Design Architects Pty Ltd v Woollahra Municipal Council [2012] NSWLEC 1278.*

As a result of this history, the current *Chapter B3 General Development Controls* of the WDCP 2015 contains numerous controls which are up to date, refined, and location-specific planning controls to address residential roof terraces. The relevant controls are located in the following sections:

- 3.5.2 Overshadowing
- 3.5.3 Public and private views
- 3.5.4 Amenity and acoustic privacy
- 3.7.1 Landscaped area and private open space

2.3.2. Lifts and lift overruns

- **Heritage Conservation Areas (HCA) and Inter-war flat buildings**

Lifts and lift over runs are only supported in HCAs where the changes retain the original character and design of the building and setting. The existing controls adequately deal with lift and lift overruns in our HCAs.

- **Business Centres**

Lifts and lift over runs are an integral part of development in our business centres, and generally the existing controls require that roof top elements are contained within the building envelope, and integrated into the roof design. The existing controls adequately deal with lift and lift overruns in our Business Centres.

- **Residential Zones**

The relevant sections of the WDCP 2015 that refer to lifts and lift overruns in relation to residential development are limited to the following sections:

- B3.5.3 Public and private views
- B3.8.7 Inter-war flat buildings
- E1.15 mechanical parking installations and paid parking stations [*Note: This section refers to car lifts only.*]

3. Comparable controls from other Sydney councils

In consultation with Council's development control (DC) officers, staff reviewed the existing planning controls, recent developments, and the controls of other Sydney councils in relation to roof terraces, lifts and lift overruns.

Relevant controls in the DCPs for Waverley, North Sydney, Mosman, Sutherland, Hunters Hill, Ku-ring-gai, City of Sydney, Canada Bay, and Northern Beaches (Manly) were examined.

3.1. Roof terraces

Roof terraces are generally discouraged in low density residential areas by councils in Greater Sydney. For example, Canada Bay does not permit roof terraces except on a limited range of sloping sites. However, most councils acknowledge that roof terraces are an appropriate form of residential development and accordingly have DCP controls that address potential amenity impacts.

The DCPs of other councils, including Northern Beaches (Manly) contain roof terrace controls which are similar to those already contained in the WDCP 2015. Whilst councils including Waverley and the City of Sydney have controls that are more restrictive than those contained within WDCP 2015.

Table 1 below contains extracts of some of these controls.

Table 1: Other council controls addressing roof terraces, and a response from staff	
Other council's controls	Staff response
1 Canada Bay DCP 2017	
<i>No trafficable outdoor spaces are permitted on the uppermost rooftop of a building or on garage roofs, such as roof deck, terraces, patio, gardens and the like, however;</i> <i>Outdoor roof space may be considered for buildings on steeply sloping sites where this is the dominant characteristic in immediate vicinity as demonstrated by the Streetscape Character Analysis and there are no noise, privacy or amenity issues. [E2.4 Visual & Acoustic Privacy – C12]</i>	Staff do not support the introduction of a roof terrace “ban” for the following reasons: <ul style="list-style-type: none"> • Many of our residential areas contain development with roof terraces, which have been successfully designed and regulated through DCP controls. • This practice would be inconsistent with the provisions of SEPP 65 and the ADG. • This practice would be inconsistent with relevant court decisions. • Subject to appropriate controls, roof terraces provide high quality open space for both dwelling houses and residential flat buildings.
2 City of Sydney DCP 2012	
<i>Roof additions are not to include inset balconies, roof terraces or external staircases. [4.1.5.1 Ensuring sympathetic roof alterations and additions C(4)]</i>	This approach is consistent with our existing controls for the Paddington and Watsons Bay HCAs. For the rest of our residential areas this approach is not practical - see response to 1 above.
3 Mosman Residential DCP 2012	
<i>Due to their potential to affect privacy and views, roof top terraces are not permitted unless it can be demonstrated that there is no loss of privacy or view impact. [5.7 Privacy and security P3]</i>	Staff do not support the introduction of a generic control, where there is already a series of carefully crafted performance based development controls in the WDCP 2014.
4 North Sydney DCP 2013	
<i>P7 Private or communal open spaces such as terraces, patio, gardens and the like are not permitted on rooftops or garage roofs. P8 Despite P7 above, private or communal open spaces on roofs may be considered, but only if:</i>	Staff do not support the introduction of a roof terrace “ban” – see response to 1 above. Staff do not support a control of this nature for the following reasons:

Table 1: Other council controls addressing roof terraces, and a response from staff	
Other council's controls	Staff response
<p>a) the space is designed such that there is no potential for existing or future overlooking of the space and subsequent noise and privacy issues;</p> <p>b) the space is setback at least 1m from the extent of the external enclosing walls to the floor level below; and</p> <p>c) the space does not exceed 50% of the floor area of the storey immediately below or 18m², whichever is the lesser; and</p> <p>d) there is no other appropriate ground level space for outdoor recreation off a primary living room.</p> <p>[1.3.10 Visual Privacy – Decks, Patios and Terraces]</p>	<ul style="list-style-type: none"> As confirmed by the DC officers, our existing acoustic and visual and privacy controls suitably address these issues. The setback of the roof terrace should be considered having regard to the site circumstances and an assessment of the amenity impacts. Subject to the site conditions, a smaller or larger setback could be appropriate. The area of the roof terrace should be considered having regard to the site circumstances and an assessment of the amenity impacts. Subject to the site conditions, a smaller or larger roof terrace could be appropriate. Woollahra's planning controls have supported well located and designed residential roof terraces for over 10 years, even when ground level outdoor recreation space is available.
5 Waverley	
<p>Roof tops are to be non-trafficable and not capable of being used as roof terraces or as entertainment areas, except in the following circumstances:</p> <p>i. Developments contiguous to the subject site include a roof terrace;</p> <p>ii. They will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;</p> <p>iii. They are not to exceed 15m² in area;</p> <p>iv. They are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas; and</p> <p>v. Any access must be provided within the envelope of the main building and there are to be no access hoods or lift overruns proposed above the main roof level. Operable skylights and hydraulic</p>	<p>Staff do not support a control of this nature for the following reasons:</p> <ul style="list-style-type: none"> Subject to the site conditions, a well located and designed roof terrace could be appropriate when there are no adjoining sites with roof terraces. As confirmed by our DC officers, our existing acoustic and visual privacy controls suitably address this issue. The area of the roof terrace should be considered having regard to the site circumstances and an assessment of the amenity impacts. Subject to the site conditions, a smaller or larger roof terrace could be appropriate. DCP controls are unable to regulate the frequency of use of an area. WDCP 2015 already requires all building elements to be wholly contained within the building envelope.

Table 1: Other council controls addressing roof terraces, and a response from staff	
Other council's controls	Staff response
<p><i>lifts are acceptable where they finish generally flush with the roof level.</i> [Waverley DCP 2012 – 1.8 Visual & Acoustic Privacy – C(e)]</p>	

3.2. Lifts and lift overruns in residential areas

Most councils in Greater Sydney have DCP controls addressing lifts and lift overruns. Additionally, some councils have LEP controls that permit height variations to promote high quality roof designs.

3.2.1. LEP control

The City of Sydney, Parramatta, North Sydney and Waverley have adopted the optional *Architectural roof features* clause from the Standard Instrument Local Environmental Plan. This clause encourages dynamic roof lines and aims to minimise impacts of roof features. It permits height variations to improve the visual presentation of a building, accommodate parapets, and accommodate screening to hide plant equipment including lift overruns. The relevant clause is as follows:

- 5.6 *Architectural roof features [optional]*
- (1) *The objectives of this clause are as follows:*
- (a) *[set out objectives of the clause]*
*These objectives can be drafted by each council to fit their circumstances.
- (2) *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*
- (3) *Development consent must not be granted to any such development unless the consent authority is satisfied that:*
- (a) *the architectural roof feature:*
- (i) *comprises a decorative element on the uppermost portion of a building, and*
(ii) *is not an advertising structure, and*
(iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
(iv) *will cause minimal overshadowing, and*
- (b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

Staff response

Council staff do not support the introduction of an LEP clause which justifies a variation to the WLEP 2014 height controls. The existing Woollahra LEP building heights and DCP building envelope controls have been crafted to reflect the desired future character of our residential precincts. There is sufficient flexibility in the existing height of building controls for well-designed buildings to incorporate all the required building elements. Inserting this control would erode the established LEP height limit and reduce certainty in the development process.

3.2.2. DCP controls

Most councils in Greater Sydney have DCP controls addressing lift overruns. These planning controls generally take the following approaches to minimising impacts on residential amenity and local character:

- *Amenity impacts on adjoining residential uses*
The DCPs of North Sydney, Mosman and the Northern Beaches (Manly) have planning controls specific to lift overruns and plant equipment to prevent adverse visual and acoustic impacts. Emphasis is placed on preserving the amenity of habitable rooms and private open space.
- *Integrated architecture roof design*
A number of DCPs also have controls requiring lift overruns and plant equipment to be integrated with the overall architectural roof design and have suitable screening. This includes the DCPs of Waverley, City of Sydney, Mosman, North Sydney, Sutherland, Ku-ring-gai, and Northern Beaches (Manly).

Staff response

Both of the above approaches are considered to have merit and warrant consideration for similar controls within the WDCP 2015. These controls would work in conjunction with our existing controls to promote better design outcomes, to encourage lifts and lift overruns to be integrated with the roof form and to minimise impacts on adjoining properties and views.

4. Options

Based on our review of planning controls for roof terraces, lifts and lift overruns, the following options are available to Council:

4.1. Roof terraces

- A. Retain the existing planning controls in WLEP 2014 and WDCP 2015 with no amendment. This is not our recommended option.
- B. Similar to the existing provision which applies in the Canada Bay LGA, insert a provision which identifies that roof terraces are not supported in our residential areas. This is not our recommended option for the following reasons:
 - Many of our residential areas contain development with roof terraces, which have been successfully designed and regulated through DCP controls.
 - Precluding roof terraces is inconsistent with the provisions of SEPP 65 and the ADG
 - Precluding roof terraces is inconsistent with relevant court decisions.
- C. Prepare additional/amended controls for roof terraces in our residential areas to be included in the WDCP 2015. This is our recommended option for the following reasons:
 - Subject to appropriate controls, roof terraces provide high quality open space for both dwelling houses and residential flat buildings.
 - As our existing controls have been developed over the last 10 years, and are consistent with the planning principles established in relevant court judgements, potential amendments are limited. However, the proposed minor amendments will clarify the existing controls to further mitigate potential undesirable impacts from this type of development.

The key amendments are as follows. **Annexure 1** contains all the relevant changes to WDCP 2015.

- | | | |
|------|------------------------------------|--|
| i. | B3.5.1 Streetscape character | Insert new control to ensure that the design of roof structures (including roof terraces) are well-designed, contribute positively to the streetscape, and integrated into the architecture of the building. |
| ii. | B3.5.3 Public and private views | Insert note that access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roof forms. |
| iii. | B3.5.4 Acoustic and visual privacy | Insert note that screening to roof terraces will only be considered where it is consistent with the streetscape and will have no impacts on views or overshadowing of adjoining properties. |

4.2. Lifts and lift overruns in residential areas

- A. Retain the existing planning controls in WLEP 2014 and WDCP 2015 with no amendment. This is not our recommended option.
- B. Prepare an amendment to WLEP 2014 to include the Architectural roof features clause from the Standard Instrument Local Environmental Plan.
This is not our recommended option for the following reasons:
- o The existing controls have been crafted to reflect the desired future character of our residential precincts.
 - o There is sufficient flexibility within our existing height controls to incorporate all building elements.
 - o A control of this nature would erode our established LEP height limits.
- C. Prepare amended controls for lifts and lift overruns in our residential areas to be included in the WDCP 2015
This is our recommended option for the following reasons:
- o There are already a number of controls which address lifts and lift overruns in residential development.
 - o The proposed changes will work in conjunction with our existing controls to promote an integrated approach and generally improve design outcomes.

The key amendments are as follows. **Annexure 1** contains all the relevant changes to WDCP 2015.

- | | | |
|------|---------------------------------|--|
| i. | B3.5.1 Streetscape character | Insert new control to ensure that the design of roof structures (including lifts and lift overruns) are well designed, contribute positively to the streetscape, and integrated into the architecture of the building. |
| ii. | B3.5.3 Public and private views | Insert note that access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roof forms. |
| iii. | B3.7.3 Site facilities | Amend section to identify that site facilities includes lifts and lift overruns which should <ul style="list-style-type: none">• not be visible from the streetscape/public domain• not unreasonably impact on the visual or acoustic amenity of adjoining properties• be suitable enclosed or screened to minimise noise impacts to adjoining properties. |

5. Next steps

If Council decides to support amending the WDCP 2015, the next step is for staff to prepare and exhibit a draft DCP. The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the *Wentworth Courier* and on Council's public website each week of the exhibition. The following organisations will also be notified:

- Adjoining councils including Randwick, Waverley and the City of Sydney
- Public authorities including the NSW Department of Planning and Environment, and the NSW Office of Heritage and Environment.

The outcome of public exhibition will be reported to a future meeting of the Environmental Planning Committee for consideration. If Council resolves to proceed with the amendment and adopts the draft DCP, the new planning controls will come into effect after a notice is published in the local paper.

6. Conclusion

View sharing, protecting privacy and providing solar access are common development issues across Greater Sydney. In Woollahra these are concerns raised by the community in relation to roof terraces, lifts and lift overruns.

Our current planning controls are generally consistent with State guidelines and reflect the planning principles set by the Land and Environment Court. To date, these controls have provided consistent guidance for development for roof terraces, lifts and lift overruns. They focus on compliance with the LEP building height, retaining views, and protecting residential amenity.

To supplement our existing controls, it is recommended that Council supports the preparation and exhibition of a draft DCP to amend the WDCP 2015 to promote the integration of roof terraces, lifts and lift overruns with the overall building design.

The recommended changes are consistent with best practice and will work in conjunction with the existing controls to promote high-quality design outcomes for the community.

Annexures

1. Roof terraces, lifts and lift overruns - EPC report - ANNEXURE 1 - 4 June 2018 [↗](#)

Woollahra DCP 2015: Existing and proposed controls relevant to roof terraces, lifts and lift overruns

Proposed changes – identified in red and underlined

Part B – General Residential

WDCP 2015			Roof terrace	Lifts	Comment	
Chapter B3 – General Development Controls						
B3.5.1 Streetscape character						
O1	To ensure that the built form is compatible with the streetscape and the desired future character of the area.	C1	The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.	-	-	No change
O2	To ensure that development is of high visual quality and enhances the street.	C2	Development retains vegetation of landscape value.	-	-	No change
O3	To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.	C3	Development steps down sloping sites and follows the topography of the land.	-	-	No change
		C4	External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.	-	-	No change
		<u>C5</u>	<u>Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures) are well-designed, contribute positively to the streetscape, and integrated with the architecture of the building.</u>	✓	✓	Insert new control
B3.5.2 Overshadowing						
O1	To minimise overshadowing to adjoining properties.	C1	The development is designed so that: a) sunlight is provided to at least 50% (or 35m ² with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.	✓	*	No change

Annexure 1

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WDCP 2015			Roof terrace	Lifts	Comment	
Chapter B3 – General Development Controls						
B3.5.3 Public and private views						
O2	To provide additional views and vista from streets and other public spaces where opportunities arise.	C4	Roof forms on the low side of the streets are designed to allow public views and add interest to the scenic outlook. Flat expansive roofs with vents, air conditioning units, <u>plant equipment (including lifts and lift overruns)</u> and similar structures are inappropriate.	✓	✓	Amend control
O3	To encourage view sharing as a means of ensuring equitable access to views from private property.	C7	The design of the roof form (<u>including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures</u>) provides for view sharing	✓	✓	Amend control
		C8	Roof terraces are uncovered to provide for view sharing. All elements on roof terraces are to comply with the maximum building height control. <i>Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roof sites.</i>	✓	✓	No change Insert note:
B3.5.4 Acoustic and visual privacy						
O3	To minimise the impacts of private open space.	C7	Private open spaces and the trafficable area of roof terraces (at or below the second storey)(refer to figure 19) are to be suitable located and screened to prevent direct views to neighbouring: a) Habitable rooms (including bedrooms) within 9m; and b) Private open space within 9m.	✓	×	No change
		C8	For a dwelling house, dual occupancy, semi-detached dwelling, or attached dwelling- the acceptability of any elevated balcony, deck, or terrace will depend on the extent of impact, its reasonableness and its necessity <i>Note: refer to Super Studio vs Waverley Council (2017) NSWLEC 91.</i>	✓	×	No change
		C10	The trafficable area of a roof terrace (above the second storey) (refer to figure 19) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to: a) Neighbouring private open space within 12m, or b) Windows of habitable rooms in neighbouring dwellings within 12m.	✓	×	No change
		C11	Lighting installations on a roof terrace or upper level deck are: a) contained within the roof terrace area and located at a low level; or b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment	
Chapter B3 – General Development Controls					
	<i>Note: Lighting of roof terraces must be designed in compliance with AS4282-1997 Control of obtrusive effects of outdoor lighting.</i>				
O4	To ensure that where roof terraces are inserted into roofs, they do not impact on their profile	C12 For a roof terrace within the roof a building: a) no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and b) the roof terrace and opening within the roof are clearly subservient in form and size when compared with the roof plane in which they are located.	✓	✗	No change
		<p>FIGURE 19 Application of the visual privacy controls to roof terraces A - Second storey B - Refer to B3.5.4 C10 C - Refer to B3.5.4 C7</p>	✓	✗	No change
		<i>Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impacts on views or overshadowing of adjoining properties.</i>	✓	✓	Insert note:
B3.7.1 Landscaped area and private open space					
O5	To ensure that dwellings in residential flat buildings and multi dwelling housing are provided with adequate private open space that enhances the amenity of the dwellings.	C11 For residential flat building or multi dwelling housing—each dwelling is provided with private open space which has a minimum area of 8m ² and minimum dimensions of 2m x 2m. For dwellings above ground level, this may be in the form of a balcony, verandah or uncovered roof terrace and the like.	✓	✗	No change
O6	To ensure that private open space areas are well-designed	C12 Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use. C13 Private open space is clearly defined for private use through planting, fencing or landscape features.	✓	✗	No change

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WDCP 2015		Roof terrace	Lifts	Comment
Chapter B3 – General Development Controls				
	C14 The location of private open space: a) takes advantage of the outlook and natural features of the site; b) reduces the adverse privacy and overshadowing impacts; and c) addresses surveillance and privacy where private open space abuts public space.	✓	×	No change
	C15 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.5.4 Acoustic and visual privacy.	✓	✓	No change
B3.7.3 Site facilities				
Introduction	Some site facilities including lift overruns , mail boxes, clothes drying areas and laundry facilities are essential or common features in contemporary residential development. Others such as radio aerials and satellite dishes are less frequently required. The potential impacts of site facilities on the overall appearance of developments and the local streetscape need to be considered.	×	✓	Amend introduction
O6 To ensure that mechanical plant equipment including lift overruns , air conditioning units and external condensers, do not have any adverse streetscape or amenity impacts.	C7 Mechanical plant equipment (including lift overruns) are not to be visible from the streetscape or public domain.	×	✓	Amend objective & control
	C8 Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.	×	✓	Amend control
	C9 Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to adjoining properties. Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the <i>Protection of the Environment Operations Act 1997</i> apply.	×	✓	Amend control
B3.8.7 Inter-war flat buildings				
O8 To ensure that external alterations, additions and repairs do not detract from the original character and form of the building.	C17 Alterations to improve accessibility (including lifts, ramps and stairs) are sympathetically integrated with the original building and retain the original character and design of the building and landscape areas.	×	✓	No change

WDCP 2015		Roof terrace	Lifts	Comment		
Chapter B3 – General Development Controls						
O9	To ensure that external alterations and repairs do not detract from the original character and form of the building.	x	✓	No change		
O14	To ensure that additions and alterations for fire upgrading and safety are discrete, and retain and respect the original and significant building fabric.	C42	New lifts are designed and located so that the addition: a) is located outside the principal building form, if practical; and b) does not require significant alterations to existing common areas.	x	✓	No change

Part C – Heritage Conservation Areas

WDCP 2015		Roof terrace	Lifts	Comment		
Chapter C1 – Paddington HCA						
C1.3.6 Residential flat buildings and multi dwelling housing						
O1	To retain contributory examples of residential flat buildings and multi dwelling housing.	C10	Alterations to improve accessibility (including lifts, ramps and stairs) must retain the original character and design of the building and setting.	x	✓	No change
C1.4.8 Private open space, swimming pools, lightwell courtyards and landscaping						
Introduction	Roof terraces are not characteristic of Paddington and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform of Paddington, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.			✓	x	No change
O6	To ensure that the design and use of private open space areas has regard to environmental impact, impact on the fabric of adjoining properties, infrastructure, and on the	C11	The raising of open space areas to provide level access from a building is not permitted if there would be an adverse impact on adjoining properties and the significance of the property generally.	✓	x	No change

WDCP 2015		Roof terrace	Lifts	Comment
amenity of the occupiers of adjoining properties				
O8 To ensure adequate and reasonable acoustic and visual privacy for neighbours.	C12 Private and communal space is generally not permitted in the form of a roof terrace.	✓	×	No change
Chapter C2 – Woollahra HCA				
C2.4.5 Inter-War flat buildings				
O3 To allow sympathetic additions to the external façade of Inter-War flat buildings that conserve the distinctive or original characteristics of the building.	C10 Proposed alterations to improve accessibility, including lifts, ramps and stairs, must retain the original character and design of the building and setting.	×	✓	No change
C2.5.8 Parking and garages				
O1 To protect the amenity of the property, neighbouring properties and public open space in terms of visual and acoustic privacy and sunlight access.	C12 Laneway garages with roof gardens will be permitted only on steeply sloping properties where the floor level of the roof terrace is no higher than the ground floor level of the building and the terrace is non-trafficable except for garden maintenance.	✓	×	No change
Chapter C3 – Watsons Bay HCA				
C3.3.6 Landscaping and private open space				
Introduction	Roof terraces are not characteristic of Watsons Bay and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.	✓	×	No change
O5 To ensure that the design and use of private open space areas do not adversely impact the amenity of adjoining properties.		✓	×	No change

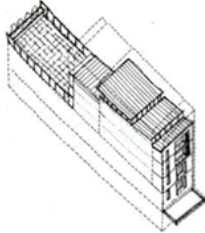
Part D – Business Centres

WDCP 2015			Roof terrace	Lifts	Comment	
Chapter D3 General controls for Neighbourhood and Mixed Use Centres						
D3.4 Built form						
O6	To promote building forms that provide quality internal environments and allow natural day lighting, natural ventilation and visual and acoustic privacy to dwellings	C22	Roof terraces adjoin habitable space that is on the same floor level. Development does not include a rooftop terrace that is only accessed from a stairway and/or lift.	✓	✓	No change
O7	To encourage roof design that creates a distinctive silhouette to buildings.	C24	The profile and silhouette of the parapet, eaves and roof top elements are integrated in the roof design	✓	✓	No change
O8	To ensure that plant and service equipment on roofs is not visually intrusive.	C25	Where a pitched roof is proposed, the angle of the pitch is compatible with the existing development context. <i>Note: The building form including parapet and plant and lift overruns must be contained within the envelope height. Refer to LEP definition of building height.</i>	×	✓	No change
D3.8 Landscaped area and private open space						
O2	To ensure the adequate provision of accessible and useable private and communal open space.	C4	The minimum area of above ground private open space is determined by the dwelling size as outlined below: a) small dwelling (less than 60m ²)—8m ² ; b) medium dwelling (60m ² to 80m ²)—12m ² ; and c) large dwelling (more than 90m ²)—16m ² .	✓	×	No change
O3	To provide for the amenity of occupants.	C5	The preferred depth of the required above ground private open space is 2.4m. The minimum permissible depth is 1.8m.	✓	×	No change
		C6	Development provides at least one balcony, terrace, loggia, roof terrace, deck or the like for each dwelling, within the area nominated for building articulation area. This open space is accessible from a main living area.	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment								
Chapter D5 Double Bay Centre												
D5.3.2 Key strategies for the Double Bay Centre												
Introduction	<p>Enhance and improve the public domain and the provision of public facilities.</p> <p>a) Enhance the public domain of Double Bay by applying a coordinated approach to the public domain and streetscape.</p> <p>b) Encourage multiple uses of Council car park sites such as providing community services and facilitates at the ground floor and/or street façade and/or the roof terrace of Council's car park properties.</p> <p>c) Promote the important role that public transport plans in Double Bay.</p>	✓	×	No change								
D5.6.3.2 Height												
O1 Encourage buildings to achieve the heights along street and lane frontages described by the control drawings.	C3 The building (including lift tower machinery plant rooms and storage space) must be contained within the envelope height, with the following exclusions: chimneys, flues, masts, flagpoles communication devices, satellite dishes and antennae.	×	✓	No change								
D5.6.5.4 Private open space												
O1 Ensure every dwelling in the Double Bay Centre has direct access to private open space.	C1 Provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. This open space must be accessible from a principal living area.	✓	×	No change								
O2 Encourage occupied roof areas with roof gardens behind parapets where private open space at ground level is not available.	<p>C2 The preferred depth of the required open space is 2.4m and the minimum permissible depth is 1.8m. The minimum area of private open space is determined by the dwelling size:</p> <table border="1" data-bbox="904 970 1332 1109"> <thead> <tr> <th>Dwelling size</th> <th>Minimum required area of above ground open space</th> </tr> </thead> <tbody> <tr> <td>Small dwelling: less than 60m²</td> <td>8m²</td> </tr> <tr> <td>Medium dwelling: 60m² - 90m²</td> <td>12m²</td> </tr> <tr> <td>Large dwelling: more than 90m²</td> <td>16m²</td> </tr> </tbody> </table> <p>C3 Roof terraces and balconies must be designed and orientated to protect the privacy of neighbours.</p>	Dwelling size	Minimum required area of above ground open space	Small dwelling: less than 60m ²	8m ²	Medium dwelling: 60m ² - 90m ²	12m ²	Large dwelling: more than 90m ²	16m ²	✓	×	No change
Dwelling size	Minimum required area of above ground open space											
Small dwelling: less than 60m ²	8m ²											
Medium dwelling: 60m ² - 90m ²	12m ²											
Large dwelling: more than 90m ²	16m ²											

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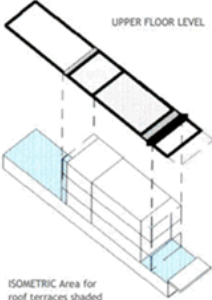
WDCP 2015		Roof terrace	Lifts	Comment
Chapter D5 Double Bay Centre				
C4	Lightweight pergolas, sunscreens, privacy screens and planters are permitted on roof terraces provided they do not increase the bulk of the building. These elements should not significantly affect the views available from adjoining properties, the immediate vicinity or on the nearby ridges.	✓	×	No change
C5	The profile and silhouette of parapets, eaves and roof top elements must be considered in roof terrace design to provide an attractive building finish when viewed from the public and private domain.	✓	✓	No change
	 <p>FIGURE 50 Above ground open space Above ground open space may be created as a roof terrace</p>	✓	×	No change

WDCP 2015			Roof terrace	Lifts	Comment
Chapter D6 Rose Bay Centre					
D6.5 Built form envelopes: control drawings (example)					
<p>BUILDING ENVELOPE</p> <ul style="list-style-type: none"> 100% of this area per floor may be built on 50% of this area per floor may be built on <p>PREFERRED BUILDING LINE</p> <p>Maximum building zone depths or setbacks Where side setbacks are indicated assume 1m unless otherwise stated</p> <p>AREA FOR ARTICULATION</p> <p>ROOF TERRACE</p> <p>AWNINGS</p> <ul style="list-style-type: none"> Continuous Discontinuous Awning to ground floor level below 	<p>D6.5.6 Control drawing 3</p> <p>Upper floor level controls New South Head Road / Dover Road / Ian Street</p>		✓	×	No change
D6.6.3.6 Roof design					
O1 Promote design that contributes to the definition of the Core.	C4	Roof design should minimise building bulk and overshadowing.	✓	✓	No change
O2 Encourage roof design to create a distinctive silhouette to buildings	C5	Roof terraces are encouraged (see detailed provisions in Section 6.6.5.2 Above ground open space).	✓	×	No change
	C6	Air conditioning plant and equipment, must be concealed from the exterior and be within the building. When roof plant is proposed it must be integrated with the design of the roof and the composition of the building and not be readily visible from the public domain.	×	✓	No change

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WDCP 2015		Roof terrace	Lifts	Comment								
Chapter D6 Rose Bay Centre												
D6.6.5.2 Above ground open space												
Introduction	The provision of deep soil landscaped areas, particularly in the Core is limited due to the deep plan requirements of shops on the ground floor, and underground parking. In these areas open space must be provided above ground, as roof gardens over car parking, roof terraces, loggias, balconies, and verandahs (refer to control drawings in Sections 6.5.2-6.5.8).	✓	×	No change								
O1 Ensure every dwelling in the Rose Bay Centre has access to private open space by providing usable above ground open space on sites where there is no requirement for deep soil landscaped area. Refer to control drawings.	C1 Where direct access to ground level private open space is not available, provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. The minimum area of this element is determined by the dwelling size (see table). The minimum permissible depth is 1.8m and the preferred depth is 2.4m. This element should be accessible from a principal living space.	✓	✓	No change								
O2 Encourage occupied roof areas with roof gardens behind parapets where private open space at ground level is not available.	<table border="1"> <thead> <tr> <th>Dwelling size</th> <th>Minimum required area of above ground open space</th> </tr> </thead> <tbody> <tr> <td>Small dwelling: Up to 60m²</td> <td>8m²</td> </tr> <tr> <td>Medium dwelling: 60m² - 90m²</td> <td>12m²</td> </tr> <tr> <td>Large dwelling: More than 90m²</td> <td>16m²</td> </tr> </tbody> </table>	Dwelling size	Minimum required area of above ground open space	Small dwelling: Up to 60m ²	8m ²	Medium dwelling: 60m ² - 90m ²	12m ²	Large dwelling: More than 90m ²	16m ²			
Dwelling size	Minimum required area of above ground open space											
Small dwelling: Up to 60m ²	8m ²											
Medium dwelling: 60m ² - 90m ²	12m ²											
Large dwelling: More than 90m ²	16m ²											
	C2 Roof terraces and balconies must be designed to protect the privacy of neighbours.	✓	×	No change								
	C3 The profile and silhouette of parapets, eaves and roof top elements must be considered in roof terrace design to provide an attractive building finish when viewed from the public and private domain.	✓	✓	No change								
	C4 Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building, and do not significantly affect the views enjoyed by adjoining properties, or those in the vicinity or on the nearby ridges.	✓	×	No change								

WDCP 2015		Roof terrace	Lifts	Comment
Chapter D6 Rose Bay Centre				
	<p data-bbox="913 491 1290 507">FIGURE 31 Three dimensional controls – Highlighting the area for roof terraces</p> 	✓	×	No change

Part E – General Controls for All Development

WDCP 2015		Roof terrace	Lifts	Comment
Chapter E1 Parking and Access				
E1.15 Mechanical parking installations and paid parking stations				
	(1) Mechanical parking installations such as car lifts and car stackers are generally not desirable, and will only be considered in exceptional circumstances. Mechanical parking installations may be permitted for residential and non-residential development where one or more of the following applies: <ul style="list-style-type: none"> The topography or lot size does not reasonably allow a simpler, more conventional parking arrangement. An existing building is being refurbished and there is no land available for additional parking. Refurbishment does not include extension of the building so as to increase site coverage or any other works to increase site coverage, all of which have the effect of reducing site area which could be used for conventional parking arrangements. In the case of non-residential development, the installations are for long-stay parking. In the case of residential development, the installations are for resident rather than visitor parking. 	×	✓	No change

Part G – Site-Specific Controls

WDCP 2015		Roof terrace	Lifts	Comment
Chapter G1 Babworth House, Darling Point				
G1.4.4 Building envelope				
O1 To ensure the built form and intensity of new development respects the scale and character of Babworth House and does not detrimentally affect the significant attributes on the site.	C4 Balconies, decks, bay windows, non-retractable awnings or other non-retractable solar screening devices and roof terrace balustrades are to be included within the planes of the building envelopes.	✓	×	No change

Woollahra DCP 2015: Existing and proposed controls relevant to roof terraces, lifts and lift overruns

[Proposed changes - identified in blue and underline - As per EPC meeting of 3 September 2018](#)

[Proposed changes – identified in red and underlined - As per EPC meeting of 4 June 2018](#)

Part B – General Residential

WDCP 2015		Roof terrace	Lifts	Comment
Chapter B3 – General Development Controls				
B3.5.1 Streetscape and local character				
O1	To ensure that the built form is compatible with the streetscape and the desired future character of the area.	C1	The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.	- - No change
O2	To ensure that development is of high visual quality and enhances the street.	C2	Development retains vegetation of landscape value.	- - No change
O3	To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.	C3	Development steps down sloping sites and follows the topography of the land.	- - No change
		C4	External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.	- - No change
		C5	Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.	✓ ✓ Insert new control
C6	Excessive use of reflective materials is minimised (including windows, access hatches, skylight and balustrades).	✓ ✓ Insert new control		
B3.5.2 Overshadowing				
O1	To minimise overshadowing to adjoining properties.	C1	The development is designed so that: a) sunlight is provided to at least 50% (or 35m2 with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and	✓ × No change

Second go
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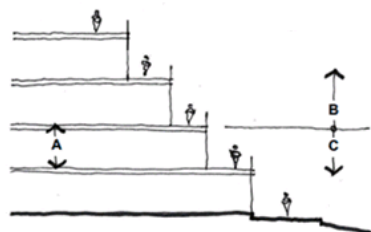
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Last saved date: 28 August 2018

Annexure 2

WDCP 2015		Roof terrace	Lifts	Comment		
Chapter B3 – General Development Controls						
	b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.					
B3.5.3 Public and private views						
O2	To provide additional views and vista from streets and other public spaces where opportunities arise.	C4	Roof forms on the low side of the streets are designed to allow public views and add interest to the scenic outlook. Flat expansive roofs with vents, air conditioning units, <u>plant equipment (including lifts and lift overruns)</u> and similar structures are inappropriate.	✓	✓	Amend control
O3	To encourage view sharing as a means of ensuring equitable access to views from private property.	C7	The design of the roof form (<u>including roof terraces, lifts, lift overruns, stairwells, access hatches, screens, and other like structures</u>) provides for view sharing	✓	✓	Amend control
		C8	Roof terraces are uncovered to provide for view sharing. All elements on roof terraces are to comply with the maximum building height control. <i>Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roofs.</i>	✓	✓	No change Insert note:
O4	To ensure that views are not compromised by landscaping	C9	The location and species of new tree planting frames and preserves public and private views. Planting must not be used to block views. <u>Trees and tall palms/shrubs are not encouraged on any elevated areas such as balconies or roof terraces.</u>	✓	×	Amend control
B3.5.4 Acoustic and visual privacy						
O1	To ensure adequate acoustic privacy for occupants and neighbours	C3	Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1977 either within or at the boundaries of any property at any time of the day.	✓	✓	No change
O3	To minimise the impacts of private open space.	C7	Private open spaces and the trafficable area of roof terraces (at or below the second storey)(refer to figure 19) are to be suitable located and screened to prevent direct views to neighbouring: a) Habitable rooms (including bedrooms) within 9m; and b) Private open space within 9m.	✓	×	No change

Second go
Trim Record No: 18/136442

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WDCP 2015		Roof terrace	Lifts	Comment
Chapter B3 – General Development Controls				
	<p>C8 For a dwelling house, dual occupancy, semi-detached dwelling, or attached dwelling- the acceptability of any elevated balcony, deck, or terrace will depend on the extent of impact, its reasonableness and its necessity</p> <p><i>Note: refer to Super Studio vs Waverley Council (20172004) NSWLEC 91.</i></p> <p>C10 The trafficable area of a roof terrace (above the second storey) (refer to figure 19) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to:</p> <p>a) Neighbouring private open space within 12m, or b) Windows of habitable rooms in neighbouring dwellings within 12m.</p> <p>C11 Lighting installations on a roof terrace or upper level deck are:</p> <p>a) contained within the roof terrace area and located at a low level; or b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.</p> <p><i>Note: Lighting of roof terraces must be designed in compliance with AS4282-1997 Control of obtrusive effects of outdoor lighting.</i></p>	✓	×	No change
		✓	×	No change
		✓	×	No change
O4 To ensure that where roof terraces are inserted into roofs, they do not impact on their profile	<p>C12 For a roof terrace within the roof a building:</p> <p>a) no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and b) the roof terrace and opening within the roof are clearly subservient in form and size when compared with the roof plane in which they are located.</p>  <p>FIGURE 19 Application of the visual privacy controls to roof terraces</p> <p>A - Second storey B - Refer to B3.5.4 C10 C - Refer to B3.5.4 C7</p>	✓	×	No change
		✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment	
Chapter B3 – General Development Controls					
	<i>Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impacts on views or overshadowing of adjoining properties.</i>	✓	✓	Insert note:	
B3.7.1 Landscaped area and private open space					
O5	To ensure that dwellings in residential flat buildings and multi dwelling housing are provided with adequate private open space that enhances the amenity of the dwellings.	C11 For residential flat building or multi dwelling housing—each dwelling is provided with private open space which has a minimum area of 8m ² and minimum dimensions of 2m x 2m. For dwellings above ground level, this may be in the form of a balcony, verandah or uncovered roof terrace and the like.	✓	×	No change
O6	To ensure that private open space areas are well-designed	C12 Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	✓	×	No change
		C13 Private open space is clearly defined for private use through planting, fencing or landscape features.	✓	×	No change
		C14 The location of private open space: a) takes advantage of the outlook and natural features of the site; b) reduces the adverse privacy and overshadowing impacts; and c) addresses surveillance and privacy where private open space abuts public space.	✓	×	No change
		C15 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.5.4 Acoustic and visual privacy.	✓	✓	No change
B3.7.3 Site facilities					
Introduction	Some site facilities including <u>lift overruns</u> , mail boxes, clothes drying areas and laundry facilities are essential or common features in contemporary residential development. Others such as radio aerials and satellite dishes are less frequently required. The potential impacts of site facilities on the overall appearance of developments and the local streetscape <u>need to must</u> be considered.	×	✓	<u>Amend introduction</u>	
O6	To ensure that mechanical plant equipment including <u>lift overruns</u> , air conditioning units	C7 Mechanical plant equipment (<u>including lift overruns</u>) are not to be visible from the streetscape or public domain.	×	✓	<u>Amend objective & control</u>

WDCP 2015		Roof terrace	Lifts	Comment		
Chapter B3 – General Development Controls						
and external condensers, do not have any adverse streetscape or amenity impacts.	C8	Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.	x	✓	Amend control	
	C9	Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to adjoining properties. Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the <i>Protection of the Environment Operations Act 1997</i> apply.	x	✓	Amend control	
B3.8.7 Inter-war flat buildings						
O8	To ensure that external alterations, additions and repairs do not detract from the original character and form of the building.	C17	Alterations to improve accessibility (including lifts, ramps and stairs) are sympathetically integrated with the original building and retain the original character and design of the building and landscape areas.	x	✓	No change
O9	To ensure that external alterations and repairs do not detract from the original character and form of the building.			x	✓	No change
O14	To ensure that additions and alterations for fire upgrading and safety are discrete, and retain and respect the original and significant building fabric.	C42	New lifts are designed and located so that the addition: a) is located outside the principal building form, if practical; and b) does not require significant alterations to existing common areas.	x	✓	No change

Part C – Heritage Conservation Areas

WDCP 2015		Roof terrace	Lifts	Comment
Chapter C1 – Paddington HCA				
C1.3.6 Residential flat buildings and multi dwelling housing				

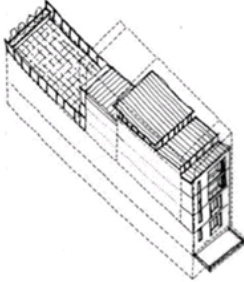
WDCP 2015			Roof terrace	Lifts	Comment	
O1	To retain contributory examples of residential flat buildings and multi dwelling housing.	C10	Alterations to improve accessibility (including lifts, ramps and stairs) must retain the original character and design of the building and setting.	×	✓	No change
C1.4.8 Private open space, swimming pools, lightwell courtyards and landscaping						
Introduction		Roof terraces are not characteristic of Paddington and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform of Paddington, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.		✓	×	No change
O6	To ensure that the design and use of private open space areas has regard to environmental impact, impact on the fabric of adjoining properties, infrastructure, and on the amenity of the occupiers of adjoining properties	C11	The raising of open space areas to provide level access from a building is not permitted if there would be an adverse impact on adjoining properties and the significance of the property generally.	✓	×	No change
O8	To ensure adequate and reasonable acoustic and visual privacy for neighbours.	C12	Private and communal space is generally not permitted in the form of a roof terrace.	✓	×	No change
Chapter C2 – Woollahra HCA						
C2.4.5 Inter-War flat buildings						
O3	To allow sympathetic additions to the external façade of Inter-War flat buildings that conserve the distinctive or original characteristics of the building.	C10	Proposed alterations to improve accessibility, including lifts, ramps and stairs, must retain the original character and design of the building and setting.	×	✓	No change
C2.5.8 Parking and garages						
O1	To protect the amenity of the property, neighbouring properties and public open space in terms of visual and acoustic privacy and sunlight access.	C12	Laneway garages with roof gardens will be permitted only on steeply sloping properties where the floor level of the roof terrace is no higher than the ground floor level of the building and the terrace is non-trafficable except for garden maintenance.	✓	×	No change










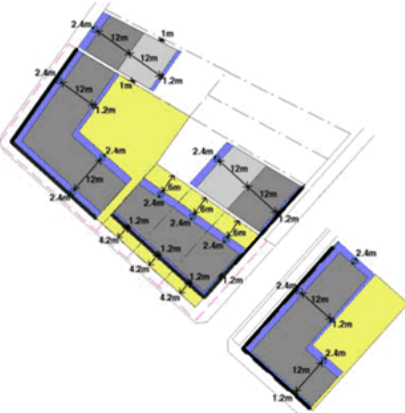
WDCP 2015		Roof terrace	Lifts	Comment
Chapter C3 – Watsons Bay HCA				
C3.3.6 Landscaping and private open space				
Introduction	Roof terraces are not characteristic of Watsons Bay and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.	✓	×	No change
O5 To ensure that the design and use of private open space areas do not adversely impact the amenity of adjoining properties.		✓	×	No change

Part D – Business Centres

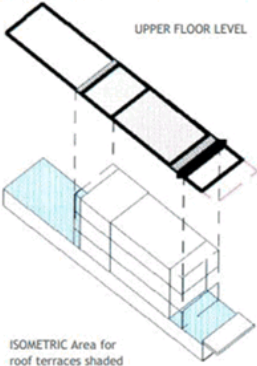
WDCP 2015			Roof terrace	Lifts	Comment	
Chapter D3 General controls for Neighbourhood and Mixed Use Centres						
D3.4 Built form						
O6	To promote building forms that provide quality internal environments and allow natural day lighting, natural ventilation and visual and acoustic privacy to dwellings	C22	Roof terraces adjoin habitable space that is on the same floor level. Development does not include a rooftop terrace that is only accessed from a stairway and/or lift.	✓	✓	No change
O7	To encourage roof design that creates a distinctive silhouette to buildings.	C24	The profile and silhouette of the parapet, eaves and roof top elements are integrated in the roof design	✓	✓	No change
O8	To ensure that plant and service equipment on roofs is not visually intrusive.	C25	Where a pitched roof is proposed, the angle of the pitch is compatible with the existing development context. <i>Note: The building form including parapet and plant and lift overruns must be contained within the envelope height. Refer to LEP definition of building height.</i>	×	✓	No change
D3.8 Landscaped area and private open space						
O2	To ensure the adequate provision of accessible and useable private and communal open space.	C4	The minimum area of above ground private open space is determined by the dwelling size as outlined below: a) small dwelling (less than 60m ²)—8m ² ; b) medium dwelling (60m ² to 80m ²)—12m ² ; and c) large dwelling (more than 90m ²)—16m ² .	✓	×	No change
O3	To provide for the amenity of occupants.	C5	The preferred depth of the required above ground private open space is 2.4m. The minimum permissible depth is 1.8m.	✓	×	No change
		C6	Development provides at least one balcony, terrace, loggia, roof terrace, deck or the like for each dwelling, within the area nominated for building articulation area. This open space is accessible from a main living area.	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment									
Chapter D5 Double Bay Centre													
D5.3.2 Key strategies for the Double Bay Centre													
Introduction	Enhance and improve the public domain and the provision of public facilities. a) Enhance the public domain of Double Bay by applying a coordinated approach to the public domain and streetscape. b) Encourage multiple uses of Council car park sites such as providing community services and facilities at the ground floor and/or street façade and/or the roof terrace of Council's car park properties. c) Promote the important role that public transport plans in Double Bay.		✓	×	No change								
D5.6.3.2 Height													
O1 Encourage buildings to achieve the heights along street and lane frontages described by the control drawings.	C3	The building (including lift tower machinery plant rooms and storage space) must be contained within the envelope height, with the following exclusions: chimneys, flues, masts, flagpoles communication devices, satellite dishes and antennae.	×	✓	No change								
D5.6.5.4 Private open space													
O1 Ensure every dwelling in the Double Bay Centre has direct access to private open space.	C1	Provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. This open space must be accessible from a principal living area.	✓	×	No change								
O2 Encourage occupied roof areas with roof gardens behind parapets where private open space at ground level is not available.	C2	The preferred depth of the required open space is 2.4m and the minimum permissible depth is 1.8m. The minimum area of private open space is determined by the dwelling size: <table border="1" data-bbox="855 992 1375 1161"> <thead> <tr> <th>Dwelling size</th> <th>Minimum required area of above ground open space</th> </tr> </thead> <tbody> <tr> <td>Small dwelling: less than 60m²</td> <td>8m²</td> </tr> <tr> <td>Medium dwelling: 60m² - 90m²</td> <td>12m²</td> </tr> <tr> <td>Large dwelling: more than 90m²</td> <td>16m²</td> </tr> </tbody> </table>	Dwelling size	Minimum required area of above ground open space	Small dwelling: less than 60m ²	8m ²	Medium dwelling: 60m ² - 90m ²	12m ²	Large dwelling: more than 90m ²	16m ²	✓	×	No change
	Dwelling size	Minimum required area of above ground open space											
Small dwelling: less than 60m ²	8m ²												
Medium dwelling: 60m ² - 90m ²	12m ²												
Large dwelling: more than 90m ²	16m ²												
	C3	Roof terraces and balconies must be designed and orientated to protect the privacy of neighbours.	✓	×	No change								

WDCP 2015		Roof terrace	Lifts	Comment
Chapter D5 Double Bay Centre				
C4	Lightweight pergolas, sunscreens, privacy screens and planters are permitted on roof terraces provided they do not increase the bulk of the building. These elements should not significantly affect the views available from adjoining properties, the immediate vicinity or on the nearby ridges.	✓	×	No change
C5	The profile and silhouette of parapets, eaves and roof top elements must be considered in roof terrace design to provide an attractive building finish when viewed from the public and private domain.	✓	✓	No change
	 <p>FIGURE 50 Above ground open space Above ground open space may be created as a roof terrace</p>	✓	×	No change

WDCP 2015		Roof terrace	Lifts	Comment	
Chapter D6 Rose Bay Centre					
D6.5 Built form envelopes: control drawings (example)					
<p>BUILDING ENVELOPE</p> <ul style="list-style-type: none">  100% of this area per floor may be built on  50% of this area per floor may be built on  PREFERRED BUILDING LINE  Maximum building zone depths or setbacks Where side setbacks are indicated assume 1m unless otherwise stated  AREA FOR ARTICULATION  ROOF TERRACE AWNINGS  Continuous  Discontinuous  Awning to ground floor level below 	<p>D6.5.6 Control drawing 3</p>  <p>Upper floor level controls New South Head Road / Dover Road / Ian Street</p>	✓	×	No change	
D6.6.3.6 Roof design					
O1 Promote design that contributes to the definition of the Core.	C4	Roof design should minimise building bulk and overshadowing.	✓	✓	No change
O2 Encourage roof design to create a distinctive silhouette to buildings	C5	Roof terraces are encouraged (see detailed provisions in Section 6.6.5.2 Above ground open space).	✓	×	No change
	C6	Air conditioning plant and equipment, must be concealed from the exterior and be within the building. When roof plant is proposed it must be integrated with the design of the roof and the composition of the building and not be readily visible from the public domain.	×	✓	No change

WDCP 2015		Roof terrace	Lifts	Comment								
Chapter D6 Rose Bay Centre												
D6.6.5.2 Above ground open space												
Introduction	The provision of deep soil landscaped areas, particularly in the Core is limited due to the deep plan requirements of shops on the ground floor, and underground parking. In these areas open space must be provided above ground, as roof gardens over car parking, roof terraces, loggias, balconies, and verandahs (refer to control drawings in Sections 6.5.2-6.5.8).	✓	×	No change								
O1 Ensure every dwelling in the Rose Bay Centre has access to private open space by providing usable above ground open space on sites where there is no requirement for deep soil landscaped area. Refer to control drawings.	C1 Where direct access to ground level private open space is not available, provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. The minimum area of this element is determined by the dwelling size (see table). The minimum permissible depth is 1.8m and the preferred depth is 2.4m. This element should be accessible from a principal living space.	✓	✓	No change								
O2 Encourage occupied roof areas with roof gardens behind parapets where private open space at ground level is not available.	<table border="1"> <thead> <tr> <th>Dwelling size</th> <th>Minimum required area of above ground open space</th> </tr> </thead> <tbody> <tr> <td>Small dwelling: Up to 60m²</td> <td>8m²</td> </tr> <tr> <td>Medium dwelling: 60m² - 90m²</td> <td>12m²</td> </tr> <tr> <td>Large dwelling: More than 90m²</td> <td>16m²</td> </tr> </tbody> </table>	Dwelling size	Minimum required area of above ground open space	Small dwelling: Up to 60m ²	8m ²	Medium dwelling: 60m ² - 90m ²	12m ²	Large dwelling: More than 90m ²	16m ²			
Dwelling size	Minimum required area of above ground open space											
Small dwelling: Up to 60m ²	8m ²											
Medium dwelling: 60m ² - 90m ²	12m ²											
Large dwelling: More than 90m ²	16m ²											
	C2 Roof terraces and balconies must be designed to protect the privacy of neighbours.	✓	×	No change								
	C3 The profile and silhouette of parapets, eaves and roof top elements must be considered in roof terrace design to provide an attractive building finish when viewed from the public and private domain.	✓	✓	No change								
	C4 Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building, and do not significantly affect the views enjoyed by adjoining properties, or those in the vicinity or on the nearby ridges.	✓	×	No change								

WDCP 2015		Roof terrace	Lifts	Comment
Chapter D6 Rose Bay Centre				
	<p>FIGURE 31 Three dimensional controls – Highlighting the area for roof terraces</p>  <p>UPPER FLOOR LEVEL</p> <p>ISOMETRIC Area for roof terraces shaded</p>	✓	×	No change

Part E – General Controls for All Development

WDCP 2015		Roof terrace	Lifts	Comment
Chapter E1 Parking and Access				
E1.15 Mechanical parking installations and paid parking stations				
	(1) Mechanical parking installations such as car lifts and car stackers are generally not desirable, and will only be considered in exceptional circumstances. Mechanical parking installations may be permitted for residential and non-residential development where one or more of the following applies: <ul style="list-style-type: none"> The topography or lot size does not reasonably allow a simpler, more conventional parking arrangement. An existing building is being refurbished and there is no land available for additional parking. Refurbishment does not include extension of the building so as to increase site coverage or any other works to increase site coverage, all of which have the effect of reducing site area which could be used for conventional parking arrangements. In the case of non-residential development, the installations are for long-stay parking. In the case of residential development, the installations are for resident rather than visitor parking. 	*	✓	No change

Part G – Site-Specific Controls

WDCP 2015		Roof terrace	Lifts	Comment
Chapter G1 Babworth House, Darling Point				
G1.4.4 Building envelope				
O1 To ensure the built form and intensity of new development respects the scale and character of Babworth House and does not detrimentally affect the significant attributes on the site.	C4 Balconies, decks, bay windows, non-retractable awnings or other non-retractable solar screening devices and roof terrace balustrades are to be included within the planes of the building envelopes.	✓	*	No change

From: [UrbanGrowth](#)
To: [Anne White](#)
Subject: RE: Public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No 4) – Roof terraces, lifts and lift overruns
Date: Thursday, 4 October 2018 9:03:17 AM
Attachments: [image001.jpg](#)

Dear Ms White,

Thank you for referring the above DCP Amendment to Sydney Water.

We have reviewed the document and have determined that it does not require commentary by Sydney Water at this stage.

Kind regards,

Growth Planning & Development team

From: Anne White [REDACTED]
Sent: Wednesday, 3 October 2018 12:17 PM
To: Anne White [REDACTED]
Subject: Public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No 4) – Roof terraces, lifts and lift overruns

Woollahra Council invites your feedback on Draft Woollahra Development Control Plan 2015 (Amendment No 4), which consists of amendments to Chapter B3 General Development Controls of the DCP (Chapter B3) that relates to roof terraces, lifts and lift overruns.

The objective of the Draft Woollahra DCP 2015 (Amendment No. 4) is to update and strengthen the controls which apply to residential roof forms, roof structures, plant equipment, planting on elevated areas (such as balconies and terraces) and the use of reflective materials.

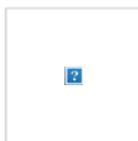
Council resolved to prepare and exhibit a draft DCP to amend Chapter B3, at its meeting of 24 September 2018.

The exhibition period is from Wednesday 3 October 2018 until Friday 2 November 2018.

Details of the exhibition and draft DCP are available on the 'Have your say' section of [Council's website](#). This includes links to the relevant Council minutes and Environmental Planning Committee reports. A hard copy of the exhibition material is also available to view at Customer Services.

Anyone wishing to make comment on the exhibition should quote reference **SC4515 Submissions** and send their written submission to the General Manager at Woollahra Council, PO Box 61, Double Bay NSW 1360 or email to records@woollahra.nsw.gov.au

If you receive any queries, or have any questions please contact me on 9391 7086.



Anne White
Team Leader – Strategic Planning

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

t:

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w: www.woollahra.nsw.gov.au

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The supply of personal information is voluntary. If personal information is not provided, Council may be limited in dealing with a submission. Submissions, summaries of submissions, and/or names and addresses of people making submissions may be included in publicly available reports to Council or Committee Meetings (including AAP, IHAP& SECPP) and published on Council's website at www.woollahra.nsw.gov.au.

Please note that, in accordance with section 18(1)(b) of the Privacy and Personal Information Protection Act 1998 (NSW), all submissions received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council Officers, consultants to Council or members of the public.



Transport
Roads & Maritime
Services

26 October 2018

Our Reference: SYD18/01641/01
Council Ref: SC4515

The General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attention: Anne White

Dear Sir/Madam

**PLANNING PROPOSAL – DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN (DCP)
2015 (AMENDMENT NO. 4)**

Reference is made to Council's correspondence dated 3 October 2018, regarding the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with the consultation requirements set out under Section 3.34 of the *Environmental Planning and Assessment Act, 1979* and Gateway determination. Roads and Maritime appreciates the opportunity to provide comment on the proposal.

It is noted that the planning proposal seeks to amend the Woollahra DCP 2015. The objective is to update and strengthen the controls which apply to residential roof forms, roof structures, plant equipment, planting on elevated areas (balconies and terraces) and the use of reflective materials.

Roads and Maritime has reviewed the submitted information provided and raises no objection to the above proposal and requests that relevant controls within the DCP ensure that any proposed permanent structures and improvements associated with private developments (with the exception of pedestrian footpath awnings) must not encroach into, or overhang, any classified road corridor or reservation.

Thank you for the opportunity to provide comment on the subject planning proposal. Should you have any enquiries in relation to this matter, please contact Rafael Morrissey, Graduate Planner on [REDACTED] or e: [REDACTED]

Yours sincerely,

A handwritten signature in blue ink that reads 'Rachel Davis'.

Rachel Davis
Senior Strategic Land Use Coordinator
Sydney Planning, Sydney Division

Roads and Maritime Services

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DOC18/743466

Ms Anne White
Team Leader – Strategic Planning
PO Box 61
DOUBLE BAY NSW 1360

Dear Ms White

DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 – AMENDMENT 4

Thank you for your email dated 3 October 2018 providing the Heritage Division with an opportunity to comment on the proposal to amend the *Woollahra Development Control Plan 2015*, General Development Controls B3. We understand that the amendment relates to: roof forms and roof structures, plant equipment, planting on elevated areas and use of reflective materials.

The amendment does not make any change to the existing heritage controls and therefore there is no comment on the proposal.

The proposed changes to the B3 controls do not affect heritage conservation areas. The *Woollahra Local Environmental Plan 2014* provides for the assessment of potential impacts to individually listed heritage items.

If you have any questions regarding the above matter please contact Tracy Appel, Senior Heritage Program Officer, on [REDACTED] or [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rochelle Johnston'.

ROCHELLE JOHNSTON
Manager – Statewide Programs
Heritage Division

6 November 2018

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Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

