

Draft Woollahra Development Control Plan 2015 (Amendment No 4)

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 26 November 2018
Commenced 2 January 2019**

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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

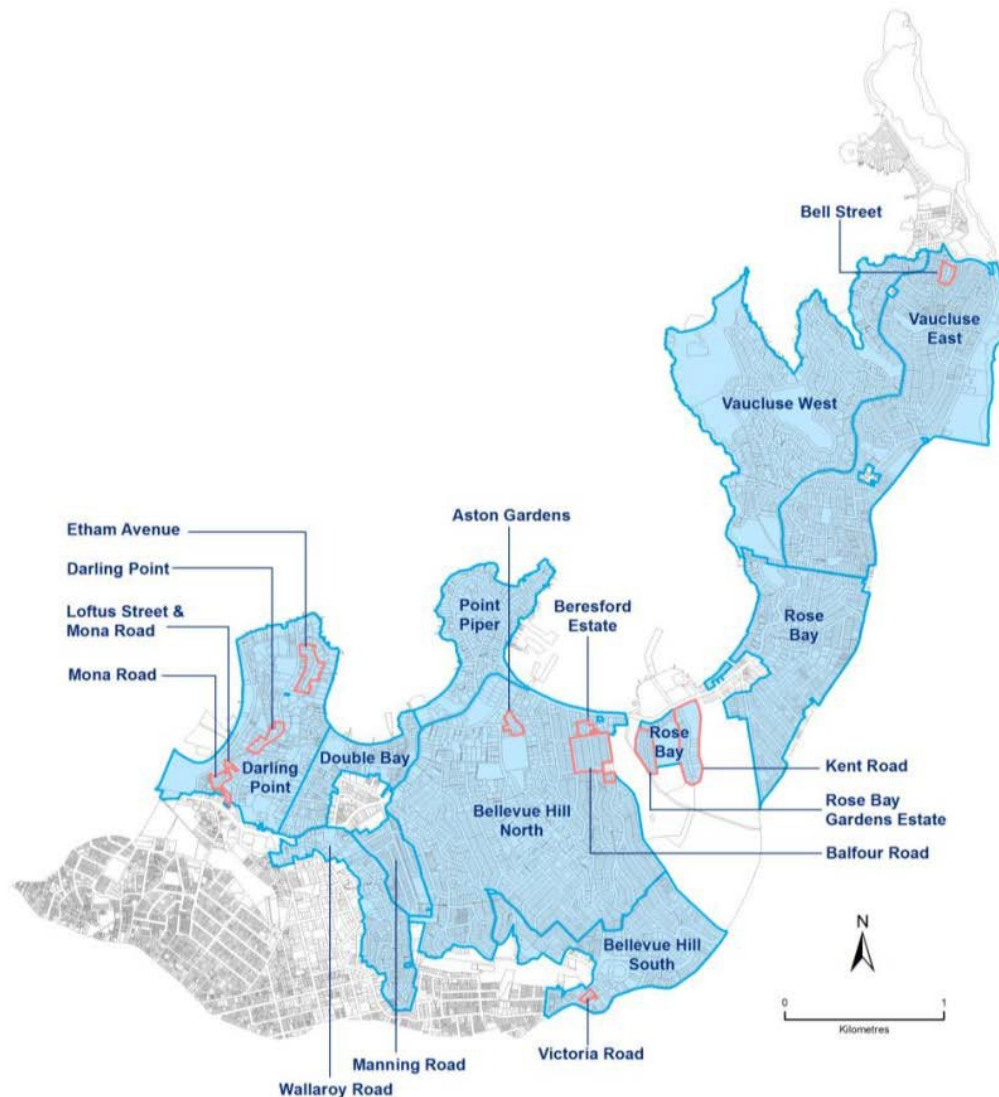
This plan is the Draft Woollahra DCP 2015 (Amendment No 4).

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 26 November 2018 and came into effect on 2 January 2019.

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
No. 4	Date approved - 26 November 2018 Date commenced - 2 January 2019	Amend Chapter B3 General Development Controls by amending and inserting various objectives, controls, introductions and notes relating to: <ul style="list-style-type: none">• Roof forms and roof structures• Plant equipment (including lifts and lift over runs)• Planting on elevated areas• Use of reflective materials.

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 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.