

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

*[Indoor residential amenity and subterranean habitable spaces]*

Draft

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 Woollahra Development Control Plan 2015 (Amendment No. 3)

## *[Indoor residential amenity and subterranean habitable spaces]*

### 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)  
*[Indoor residential amenity and subterranean habitable spaces].*

#### 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.

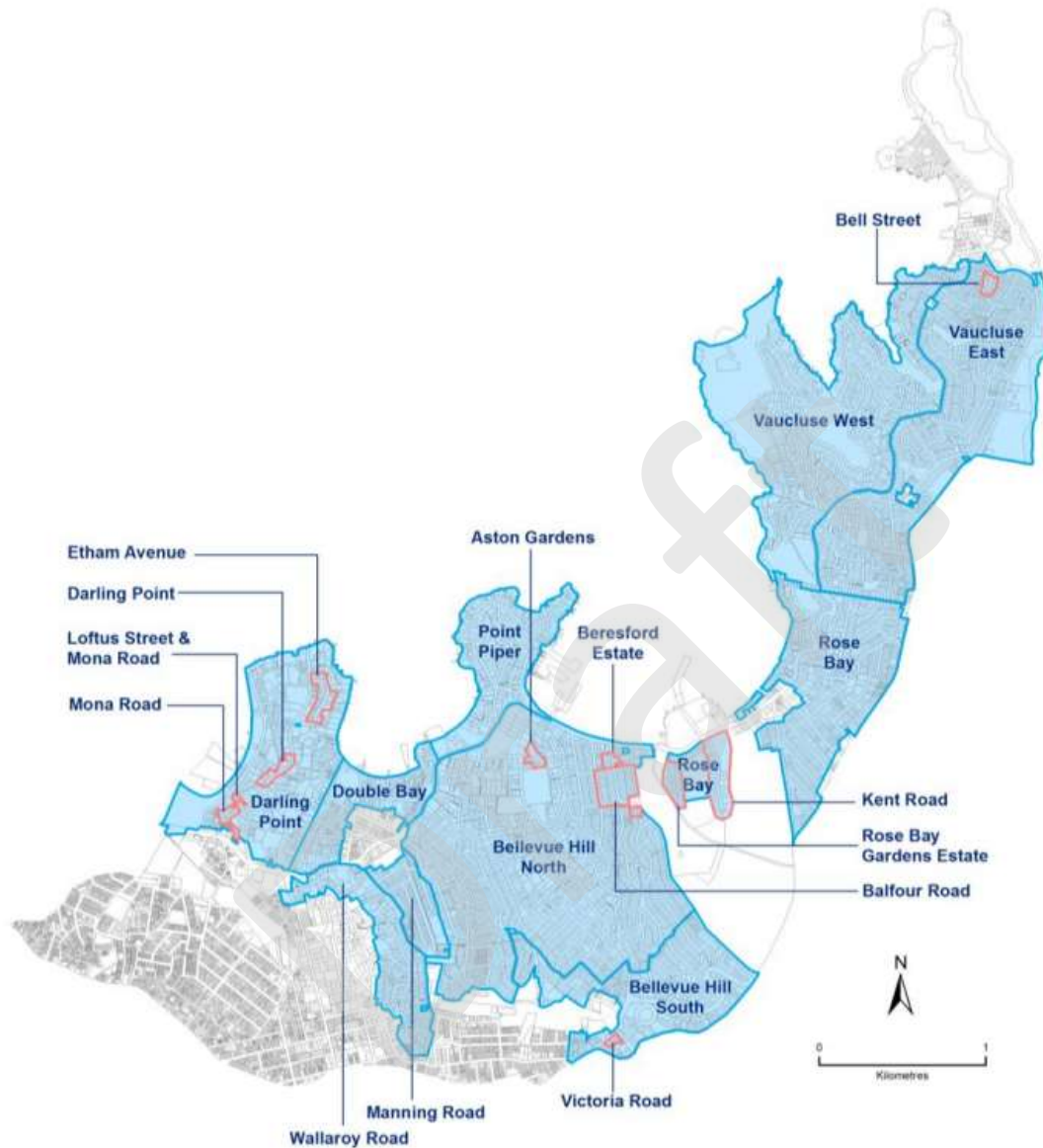


Figure 1: Land to which plan applies (extract from Section B3.1.1 Woollahra Development Control Plan 2015)

## 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 A1.1.9

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 [*Indoor residential amenity and subterranean habitable spaces*] 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

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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.

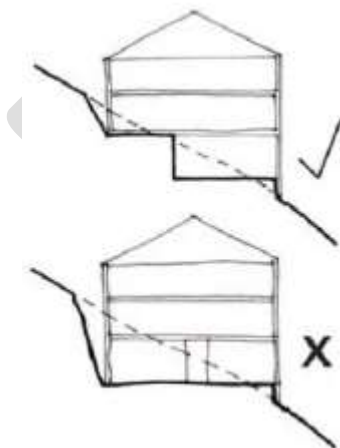
Provision of natural light and ventilation reduces the reliance on artificial lighting, heating, air-conditioning and mechanical ventilation. This improves energy efficiency and residential amenity.

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, and
	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.