

Annotations:

Insertions - identified in blue and underlined

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

Notes in the right hand margin identify the source of the proposed amendments:

- *Recommending an FSR control for Low Density Residential development in the Woollahra LEP 2014, and the subsequent deletion of the floorplate control from the Woollahra DCP 2015*
- *Comments from the Woollahra Local Planning Panel (Woollahra LPP) (4 February 2019)*
- *Comments from Council's legal team*
- *Comments from practitioners*
- *Supplementary comments from Council's development assessment officers or*
- *Administrative changes.*

Further changes requested by the Woollahra LPP on 27 June 2019 - **identified in yellow**

Further changes in response to Woollahra: Greening our LGA June 2020 and Council meeting on 29 September 2020 - **identified in orange**

Chapter B3 General Development Controls

Part B ► General Residential

~~CHAPTER B3 APPROVED ON 10 APRIL 2017~~

~~AND COMMENCED ON 19 APRIL 2017~~

DRAFT - 30 SEPTEMBER 2020

Chapter B3 ► General Development Controls

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B3.1.3 Design Excellence

Woollahra Council has a strong commitment to design excellence. Design excellence may be achieved by development that meets the following criteria, as well as all other relevant objectives and controls in this chapter.

1. Development contributes positively to the desired future character of the relevant residential precinct described in section B1 of this DCP.
2. Development respects the natural, built and cultural significance of the site and its location.
3. Development conserves and protects **established canopy** trees and plantings of landscape value and deep soil landscaping and, where possible, enhances **tree canopy**, plantings and deep soil landscaping.
4. Development responds to the topography.
5. Development contributes positively to the streetscape.
6. Development provides high levels of amenity for both the private and public domain.
8. Development incorporates the principles of ecologically sustainable development, such as:
 - minimising energy consumption,
 - reducing potable water use,
 - using energy and water efficient appliances,
 - using environmentally friendly products, and
 - enhancing indoor environmental quality.

9. Development must be of a skilful design that provides high levels of public benefit including the protection of the amenity of neighbouring properties, enhancing the public domain and integrating with the scenic character of Sydney Harbour. Proposals must demonstrate how the design of the development is the best option for achieving these outcomes.

Commented [DCP1]: In response to Woollahra: Greening our LGA

Commented [DCP2]: Proposed new criteria addressing "a more skilful design" in response to feedback from the Woollahra DCP Review working party & submission from Bruce Stafford.

B3.1.4 Relationship to other parts of the DCP

This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- Part B: Chapter B1 Residential Precincts OR Chapter B2 Neighbourhood HCAs, depending on the location of the proposed development.
- Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.
- Part F: Land Use Specific Controls - this part contains chapters on Child Care Centres, Educational Establishments, Licensed Premises and Telecommunications.

B3.1.5 How to use this chapter

This chapter establishes controls for the following topics:

- ▶ building envelopes;
- ▶ ~~floorplate;~~
- ▶ excavation;
- ▶ built form and context;
- ▶ on-site parking;
- ▶ external areas;
- ▶ additional controls for development other than a dwelling house;
- ▶ additional controls for development on a battle-axe lot; and
- ▶ additional controls for development in sensitive locations (for example harbour foreshore development and land adjoining public open space).

The controls in this chapter comprise the following elements:

▶ **Explanation of the topic:**

This provides background information on why the topic is important, how it is relevant to building design, and how the controls should be applied.

▶ **Table of objectives and controls:**

The objectives describe the outcomes that proposed development is required to achieve. Applicants need to demonstrate how their development fulfils the relevant objectives for each topic. The controls represent specific ways in which a development proposal can meet the objectives. The intent of the controls must be interpreted in the context of the topic's objectives.

Development is required to address all the relevant controls. ~~Where there is a disparity between these general controls and the precinct specific controls in Chapters B1 and B2, those specific controls take precedence over the general controls.~~

Notes: Where there is an inconsistency between these general controls and the precinct specific controls in Chapter B2, those specific controls in Chapter B2 take precedence over the general controls.

Commented [DCP3]: Floorplate control replaced by proposed FSR control in Woollahra LEP 2014

Commented [DCP4]: Proposed administrative correction: There are no controls in B1 (desired future character statements) only objectives

Commented [DCP5]: Administrative change. Amended wording to reflect correction above.

B3.2 Building envelope

B3.2.1 Where the building envelope controls apply

The building envelope is a three dimensional space within which a building is to be located. The maximum floor space permitted within the building envelope is determined by the floor space ratio (FSR) in Woollahra LEP 2014. All development must comply with the applicable FSR control

Development in the R2 Low Density Residential Zone and development for dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone

The building envelope (as shown in Figure 1) is established by applying the following controls:

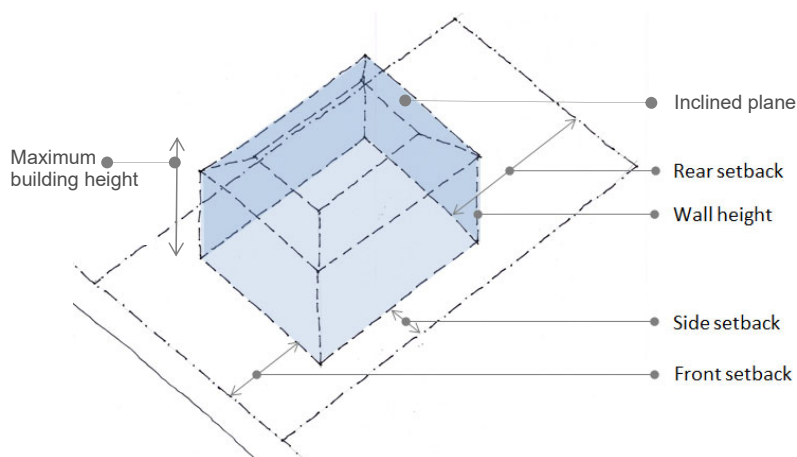
- front, side and rear setbacks;
- maximum wall height of 7.2m;
- inclined plane of 45° taken from the maximum wall height; and
- maximum building height set by Woollahra LEP 2014

~~The building is to be contained within the building envelope, but is to occupy only a percentage of the building envelope (as determined by the floorplate controls in Section B3.3 Floorplate).~~

All elements of the building (including decks, balconies, entry porches, verandahs, porte-cocheres, undercrofts and the like) are to be contained within the building envelope. There is an allowance for eaves outside the building envelope as long as the protrusion is below the inclined plane (where one applies).

Note: Additional controls apply to development on a battle-axe lot (refer Section B3.9).

FIGURE 1 Building envelope



Commented [DCP6]: Floorplate control replaced by proposed FSR control.

Amend introduction to clarify that all residential development is to comply with the applicable FSR control in Woollahra LEP 2014.

Commented [DCP7]: Floorplate control replaced by proposed FSR control in Woollahra LEP 2014

Development for dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone

~~In the R3 Medium Density Residential Zone, an FSR control does not apply to dwelling houses, semi-detached dwellings and dual occupancies in Woollahra LEP 2014 (clause 4.4(2A)). The development potential for these uses is determined by the same building envelope that applies to the development in the R2 Low Density Residential Zone (see above).~~

All other Development in the R3 Medium Density Residential Zone

~~In the R3 Medium Density Residential Zone, an FSR control applies to all development except dwelling houses, semi-detached dwellings and dual occupancies.~~

~~Where an FSR control applies, In the R3 Medium Density Residential Zone (for development other than dwelling houses, semi-detached and dual occupancies) the building envelope is established by applying the following controls:~~

- front, side and rear setbacks;
- maximum building height set by Woollahra LEP 2014.

~~The wall height and inclined plane and floorplate controls do not apply.~~

~~The development, such as a residential flat building, is to be contained within the building envelope. However, the proposed building may only occupy a portion of the building envelope as determined by the maximum FSR control in the LEP.~~

Commented [DCP8]: Amend introduction to clarify that the proposed FSR control will apply to all forms of residential development (including dwelling houses, semi-detached dwellings and dual occupancies).

Commented [DCP9]: Amend introduction to clarify that the proposed FSR will apply to all forms of residential development (including dwelling houses, semi-detached dwellings and dual occupancies).

Commented [DCP10]: Floorplate control replaced by proposed FSR control in the Woollahra LEP 2014.

Commented [DCP11]: Amend introduction to clarify that the proposed FSR will apply to all forms of residential development - see new information above included in the introduction.

B3.2.3 Side setbacks

The side setback control seeks to ensure that the distance of a building from its side boundaries protects the amenity of both the neighbours and the proposed development.

The minimum side setback requirement varies according to the lot width and building type.

B3.2 Building envelope ▶ 3.2.3 Side setbacks	
Objectives	Controls
O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.	C1 The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 5A
O2 To ensure the side elevation of buildings are well articulated.	C2 The minimum side setback for residential flat buildings, attached dwellings and multi-dwelling housing is determined by the table in Figure 5B
O3 To protect the acoustic and visual privacy of residents on adjoining neighbouring properties.	C3 The minimum side setback for any other land use not addressed in controls C1 to C2 above is determined by the table in Figure 5B
O4 To facilitate solar access to habitable windows of adjoining neighbouring properties.	<p>Note: The side setback is the horizontal distance between the side property boundary and the building envelope, measured at 90° from the boundary at the front setback, as shown in Figure 4</p> <p>Note: For controls C2 and C3 setbacks include any basement piling or similar structured forms</p> <p>C4 The building has a maximum unarticulated wall length of 12m to the side elevation.</p> <p>Note: A reduced side setback may be considered where zero or significantly reduced setbacks are characteristic of the immediate streetscape. These streets may be specifically identified in Chapter B1 Residential Precincts or Chapter B2 Neighbourhood HCAs.</p>
O5 To facilitate views between buildings.	
O6 To provide opportunities for screen planting.	
O7 To allow external access between the front and rear of the site.	

Commented [DCP12]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP13]: Requested by the Woollahra LPP on 27 June 2019

B3.2.4 Rear setback

The rear setback control seeks to ensure that the distance of a building from its rear boundary provides amenity to both the neighbouring sites and the proposed development. The building (including decks, balconies, entry porches, verandahs, porte-cocheres, undercrofts and the like) must not be located within the rear setback.

In particular, the rear setback provides useable land for private open space and landscaping, which significantly contributes to amenity for the occupants.

The rear setback is the horizontal distance between the building ~~envelope~~ and the rear property boundary. ~~measured parallel to the side boundaries (refer to Figure 6). The rear setback is a consequence of the front setback, site depth and building depth.~~

Commented [DCP14]: Proposed amendment in response to feedback from development assessment staff.

Insert clarification to identify how the rear setback is measured.

Commented [DCP15]: Proposed amendment in response to feedback from development assessment staff (see above).

B3.2 Building envelope ► 3.2.4 Rear setback		
Objectives	Controls	
O1 To provide private open space and landscaped areas at the rear of buildings.	C1	<u>The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary (see Figure 6). The building must not encroach on the minimum rear setback.</u>
O2 To provide acoustic and visual privacy to adjoining and adjacent buildings.		
O3 To avoid an unreasonable sense of enclosure.		
O4 To provide separation between buildings to facilitate solar access to private open space.		The rear setback is a consequence of the site depth, front setback and building depth as set out in the formula at Figure 6.
O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.	C2	The building depth is determined by the sliding scale in Figure 7 and applies to:
O6 To contribute to a consolidated open space network with <u>adjoining neighbouring</u> properties to improve natural drainage and support-local habitat.	a)	development in the R2 Low-Density Residential Zone; and
	b)	a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium-Density Residential zone.
	C3	For development in the R3-Medium Density Residential Zone where an FSR applies, the building depth is 60 % of the site depth.
	C4	Notwithstanding C1 above, the minimum rear setback is 3m.
	<u>C2</u>	If 'end to end' amalgamation occurs, the building envelope will be determined as if

Commented [DCP17]: Proposed amendment in response to the proposed FSR control, and feedback from development assessment staff.

The existing rear setback control is based on a site depth sliding scale. Proposal includes a simplified rear setback which is 25% of the site depth.

Commented [DCP16]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP18]: As a consequence of simplifying the rear setback control (see above) the building depth control is no longer required.

Commented [DCP19]: Administrative amendment to reflect deleted controls.

B3.2 Building envelope ▶ 3.2.4 Rear setback

Objectives

Controls

they were separate lots (refer to Figure 8 Z).

Commented [DCP20]: Administrative change to reflect amended Figure numbers.

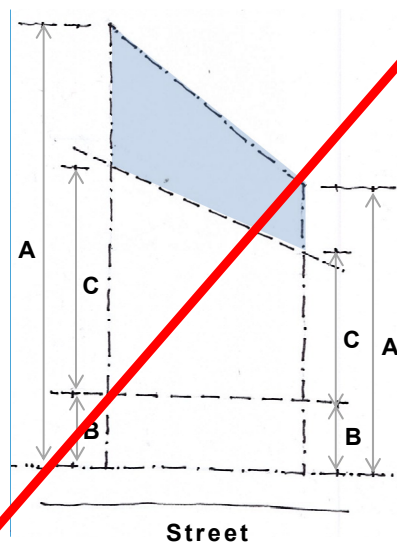


FIGURE 6

Formula for determining the rear setback

Rear setback = $A - C - B$

A — Site depth

B — Front setback

C — Building depth ($A \times \%$ for A on the building depth sliding scale)

Commented [DCP21]: As a consequence of simplifying the rear setback control (see above), Figure is no longer applicable.

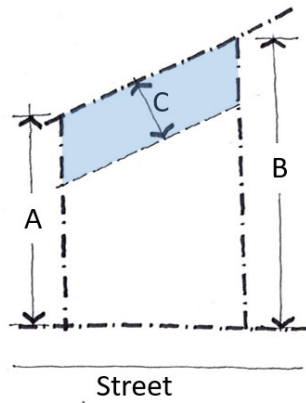


FIGURE 6

Formula for determining the rear setback

A = Side boundary 1

B = Side boundary 2

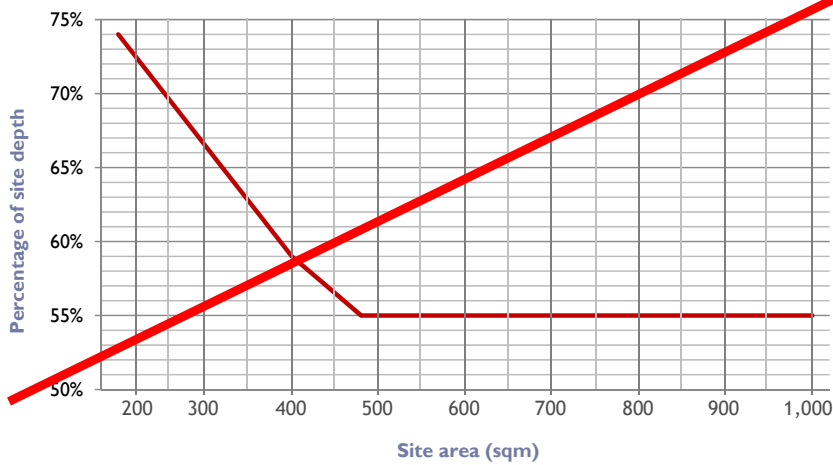
C = Rear setback

$$C = (A + B) / 2 \times 25\%$$

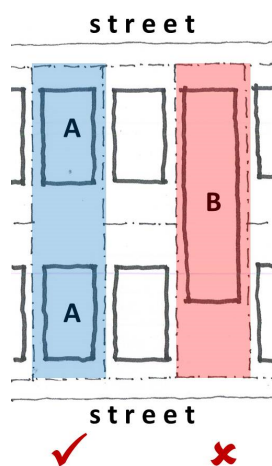
Commented [DCP22]: New Figure inserted to represent the simplified rear setback control.

FIGURE 7

Building depth sliding scale



Commented [DCP23]: As a consequence of simplifying the rear setback control (see above), Figure no longer applicable.

**FIGURE 8.7**

Setbacks for end to end amalgamation

When lots are amalgamated end to end, as illustrated in A and B, the rear setback requirement remains as if it were two lots, as illustrated in A. Not as illustrated in B.

Commented [DCP24]: Administrative change

B3.2.5 Wall height and inclined plane

The wall height control only applies to:

- development on land in the R2 Low Density Residential Zone; and
- dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone.

A wall height of 7.2m (accommodating two storeys) and an inclined plane of 45° applies to the front, side and rear elevations. These controls respond to the typical pitched roof house form, but also potentially accommodate three storey flat roof housing forms with a reduced top storey.

B3.2 Building envelope ► 3.2.5 Wall height and inclined plane	
Objectives	Controls
O1 To limit the bulk, scale and visual impact of buildings as viewed from the street and from adjoining neighbouring properties.	C1 On land zoned R2 Low Density Residential and for a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone:
O2 To limit overshadowing of adjoining neighbouring properties across side boundaries.	a) the wall height is 7.2m above existing ground level; and
O3 To limit overshadowing to south facing rear yards.	b) an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and
O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.	c) roof eaves may protrude into the setback if below the inclined plane.
O5 To facilitate views between buildings.	(Refer to Figure 8.)
	C2 A variation to the wall height of 7.2m may be considered where the slope of the site within the building envelope is greater than 15 degrees. The variation will only be considered to walls located nearest to the downslope section of the building envelope, i.e. the section with the lowest existing ground level.

Commented [DCP25]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP26]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP27]: Administrative change

B3.3 Floorplate

The floorplate control only applies to:

- development on land in the R2 Low-Density Residential Zone; and
- dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium-Density Residential zone.

Note: The floorplate controls do not apply to land or development types where an FSR applies, such as residential flat buildings, multi-dwelling housing, or attached dwellings on land zoned R3 Medium-Density Residential.

Floorplate determines amount of development

The development potential for a site is determined by the total floorplate. This is calculated as a percentage of the buildable area.

The **buildable area** is the area of the site that is identified once the front, rear and side setbacks have been established (refer to Figure 10).

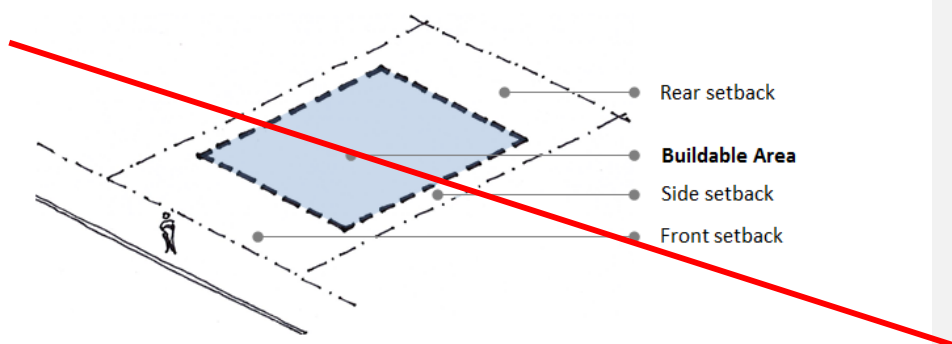
The maximum amount of development permitted on the site is determined by multiplying the buildable area by a factor of 1.65 (165%). This is the maximum permitted total floorplate.

For example if the buildable area is 150m² the maximum floorplate yield is:
150m² x 1.65 = 247.5m²

The floorplate is measured at each level. A level is defined as the space between a floor and a level above. If any part of a level is above 1m above exist ground level that area of the level is counted as floorplate (refer to Figures 11 and 12).

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

FIGURE 10 Buildable area



Commented [DCP28]: Floorplate control in Woollahra DCP 2015 replaced by proposed FSR control in Woollahra LEP 2014.

Measuring floorplate

Floorplates are measured to include:

- the area within the external face of the external walls measured at each level, and
- the external floorplate which includes covered decks, covered balconies, entry porches, verandahs, porte-cocheres, under crofts and the like (refer to Figures 11 and 12).

but excludes:

- uncovered external areas, such as terraces, decks and balconies, and
- levels below 1m above existing ground level (refer Figure 12)
- eaves.

FIGURE 11 Measuring floorplate (aerial view)

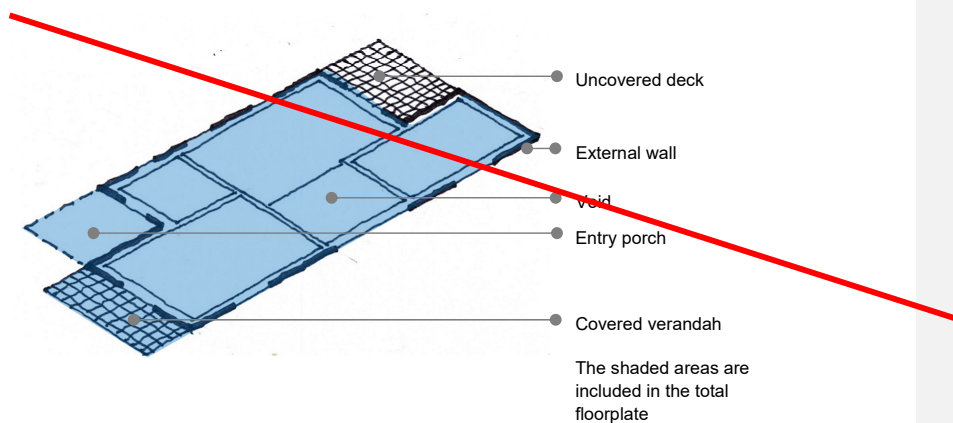
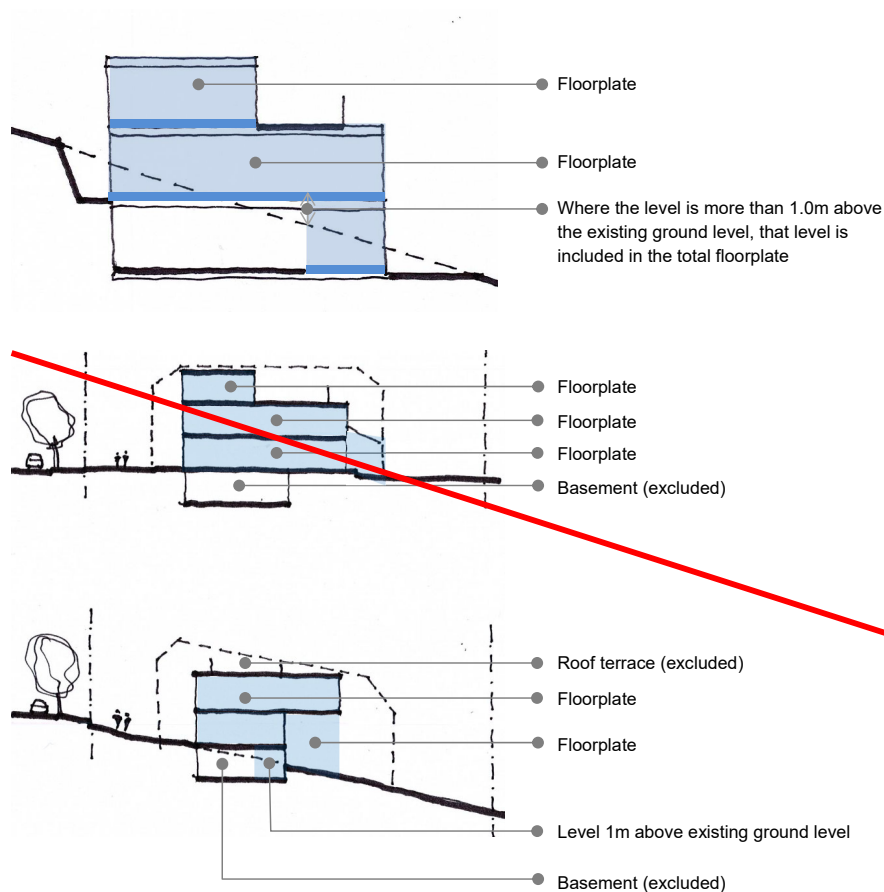


FIGURE 12 Measuring floorplate (section view)

The following examples illustrate elements of the built form that are included in the calculation of the floorplate:



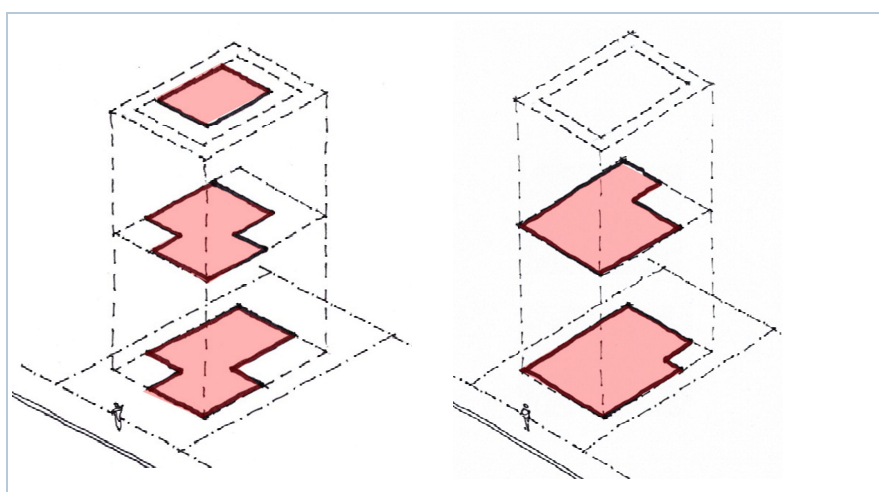
Applying the floorplate to development

Dwelling houses, dual occupancies, semi-detached and attached dwellings may have one, two or three storeys, depending on the proposed building design and the desired future character of the area.

The proposed development must be located within the building envelope.

The area of the floorplates is calculated at each level of the building. The total area of all floorplates must not be more than 165% of the buildable area.

FIGURE 13 The same floorplate distributed differently within the same building envelope



B3.3 Floorplates

Objectives

- O1** To ensure the bulk and scale of buildings are consistent with the desired future character of the area.
- O2** To ensure the size and location of buildings allow for the sharing of views and minimise impact on the privacy and sunlight access to neighbouring properties.

Controls

- C1** The total floorplate of a development does not exceed 165% of the buildable area.
- C2** New floorplate is to be wholly within the building envelope (refer to C6 for exceptions).
- C3** The floorplates at each level are distributed to:
- respond to the predominant character of the immediate streetscape;
 - retain public views; and
 - provide for view sharing of private views.

B3.3 Floorplates	
Objectives	Controls
	C4 The built form complies with solar access and privacy controls in Section 3.5.2 Overshadowing and Section 3.5.4 Acoustic and visual privacy.
O3 To encourage the design and location of car parking within the building envelope.	C5 Where car parking is provided within the building envelope, the garage area (up to 40m²) is added to the permitted total floorplate.
O4 To allow, in certain circumstances, development outside the building envelope.	C6 Notwithstanding C2, the following buildings are permitted outside the building envelope:
O5 To allow development to respond to the topography and context.	<p>a) an outbuilding; parking structures but only where;</p> <ul style="list-style-type: none"> — there is rear lane access; or — the site is located on sloping land and garaging forward of the building line is a reasonable response to the topography (as set out in Section B3.5 On-site parking, control C6) <p>the existing streetscape in the immediate vicinity of the site is characterised by parking structures forward of the building line (as set out in Section B3.5 On-site parking, control C9 and C10).</p> <p>These buildings are only permitted when:</p> <ul style="list-style-type: none"> b) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.6.1 Landscaped areas and private open space; and c) solar access and privacy requirements within the site, and to the adjoining properties, are met as set out in Section 3.4.2 Overshadowing and Section 3.4.4 Acoustic and visual privacy.

Objectives and controls moved and consolidated into section B3.5 On-site parking

Commented [DCP29]: The floorplate controls have been deleted, with the exception of this part which relates to development outside the building envelope.

Administrative change: As these control all relate to parking structures, controls, these have been moved and consolidated into section B3.5 On-site parking.

B3.3 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 neighbouring 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.

Commented [DCP30]: Requested by the Woollahra LPP on 27 June 2019

B3.3 Excavation	
Objectives	Controls
O1 To allow buildings to be designed and sited to relate to the topography, <u>and ensure that the bulk and scale of the built form is consistent with the desired future character of the area.</u>	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 9A.
O2 To minimise excavation <u>and facilitate only car parking and storage below the existing ground level.</u>	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 9B.
<u>O3 To avoid the removal of natural features and vegetation of landscape value.</u>	
O4 To ensure the cumulative impacts of excavation do not adversely impact land stabilisation, ground water flows and vegetation.	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 9B.
O5 To minimise structural risks to adjoining structures.	
O6 To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.	C4 A variation to the volume shown in Figures 9A and 9B 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,

Commented [DCP31]: In response to comments from the Woollahra LPP:

- Amend objectives to address bulk and scale of development and its consistency with the desired future character of the area.
- Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.
- Insert objective addressing the retention of natural and landscape features.

B3.3 Excavation	
Objectives	Controls
	<p>dual occupancy, semi-detached dwelling or attached housing; or</p> <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 3.6.4 Ancillary development - swimming pools, tennis courts and outbuildings).</p> <p><u>C6 Excavation retains natural features and vegetation of landscape value.</u></p> <p>C7 Basement walls are no closer to the boundary than permitted by the setback controls (refer to Figure 10).</p> <p>C8 Notwithstanding C7, basement walls for residential flat buildings, multi dwellings housing and attached dwellings are no closer to the boundary than 1.5m (see Figure 11).</p> <p>C9 Excavation in relation to an existing attached dwelling, semi-detached dwelling, or attached dual occupancy is not to occur under: a) common party walls; b) footings to common party wall; c) freestanding boundary walls; d) footings to freestanding boundary walls.</p> <p>C10 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. Note: Council may identify other circumstances where these reports are</p>

Commented [DCP32]: In response to comments from the Woollahra LPP, insert control addressing the retention of natural and landscape features.

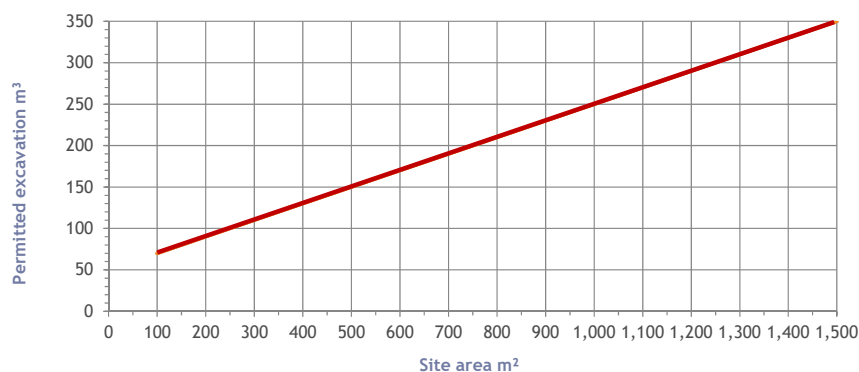
B3.3 Excavation	
Objectives	Controls
	required. All reports must be prepared in accordance with Council's guidelines. As a condition of a development consent, Council may also require the preparation and submission of a dilapidation report for properties neighbouring the development.
07 To minimise the removal of excavated material from site.	<p>C11 Subject to compliance with C6 - C10, excavated material (cut) which is used as fill on the subject site is excluded from the maximum volume permitted by Figure 9A and 9B.</p> <p>The adjustment to the landscape profile resulting from the on-site fill is not to have any adverse amenity impacts on adjacent properties</p>

Commented [DCP33]: In response to feedback from Bruce Stafford, insert objective and control to the minimise the removal of excavated material from site.

FIGURE 9A

Maximum volume of excavation for the site of:

- a dwelling house
- dual occupancy development
- a semi-detached dwelling



B3.4 Built form and context

B3.4.1 Streetscape and local character

A quality streetscape provides good public amenity and contributes to the character and identity of the locality. As character can vary from street to street, it is important that development recognises predominant streetscape qualities, such as building form to ensure a cohesive streetscape character.

B3.4 Built form and context ► 3.4.1 Streetscape character	
Objectives	Controls
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.
O2 To ensure that development is of high visual quality and enhances the street.	Note: Chapters B1 and B2 in this part of the DCP define the desired future character for each precinct or HCA, and identify special streetscape character, heritage and key elements within each precinct. C2 Development retains vegetation of landscape value.
OX To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.	
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.
	CX Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.
	C4 External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.
	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, skylights and balustrades).
O4 To ensure that roof forms are consistent with the existing	C5 In heritage conservation areas or where the existing the immediate streetscape is

Commented [DCP34]: New Objective reinforces importance of tree canopy in the LGA. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

Commented [DCP35]: New control reinforces importance of existing canopy trees in the LGA. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

B3.4 Built form and context ▶ 3.4.1 Streetscape character

Objectives	Controls
predominant roof forms in the street and minimise impacts to neighbouring properties.	predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.
	C6 Roof materials are non-reflective and do not cause excessive glare to adjacent properties.
O5 To ensure buildings improve the safety of the public domain.	C7 The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.

B3.4.2 Overshadowing

Building bulk should be distributed to minimise overshadowing to neighbouring properties.

Development is to be sited and designed to maximise midwinter solar access to neighbouring properties, having regard to slope, views and existing vegetation.

B3.4 Built form and context ▶ 3.4.2 Overshadowing

Objectives	Controls
O1 To minimise overshadowing to adjoining <u>neighbouring</u> properties.	<p>C1 The development is designed so that:</p> <ul style="list-style-type: none"> 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. <p>C2 Lot orientation may make C1 above difficult to achieve so a reduced amount of</p>

Commented [DCP36]: Requested by the Woollahra LPP on 27 June 2019

B3.4 Built form and context ▶ 3.4.4 *Acoustic and visual privacy*

Objectives	Controls
	<p>boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.</p> <p>d) Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.</p> <p>e) Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.</p> <p>Note: Applicants may be required to demonstrate how privacy impacts are resolved by way of view line diagrams, photographs and other suitable means.</p> <p>C5 Windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.</p> <p>C6 Architectural design solutions and screening devices referred to in C4 (c) above are integrated with the overall design and contribute to the architectural merit of the building, having particular regard to:</p> <p>a) aesthetics of the building including impacts on visual bulk;</p> <p>b) compliance with minimum boundary setback controls;</p> <p>c) appearance from adjoining neighbouring properties; and</p> <p>d) views from adjoining or adjacent properties.</p>

Commented [DCP37]: Requested by the Woollahra LPP on 27 June 2019

B3.4 Built form and context ▶ 3.4.4 Acoustic and visual privacy

Objectives	Controls
	<p>C11 Lighting installations on a roof terrace or upper level deck are:</p> <ul style="list-style-type: none"> 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>Note: Lighting of roof terraces must be designed in compliance with <i>Australian Standards 4282-1997 Control of obtrusive effects of outdoor lighting</i>.</p>
<p>O4 To ensure that where roof terraces are inserted into roofs, they do not impact on the roof profile.</p>	<p>C12 For a roof terrace within the roof a building:</p> <ul style="list-style-type: none"> 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>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 <u>adjoining</u> <u>neighbouring</u> properties.</p>

Commented [DCP38]: Requested by the Woollahra LPP on 27 June 2019

B3.5 On-site parking

On-site parking, including garages, carport, hardstand areas and driveways, must be carefully designed to not detract from the appearance of the development and the streetscape.

In particular, on-site parking should not dominate the street frontage, and driveway openings should be limited to protect pedestrian safety and to preserve streetscape amenity such as trees and on-street parking. On-site parking should also be designed to limit the extent of impervious surfaces and excavation and to allow landscaped area in the front setback.

Note: The number of on-site parking spaces for a development is set out in Part E, Chapter E1 Parking and Access.

B3.5 On-site parking	
Objectives	Controls
O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.	C1 On-site parking is designed and located so that it: <ul style="list-style-type: none"> a) <u>is located within the building envelope.</u> b) <u>does not dominate the street frontage;</u> c) <u>preserves trees and vegetation of landscape value; and</u>
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.	
O3 <u>To allow, in certain circumstances, parking structures outside the building envelope.</u>	C2 <u>Notwithstanding C1, parking structures are permitted outside the building envelope but only where:</u> <ul style="list-style-type: none"> a) <u>there is rear access (via a lane or street); or</u> b) <u>the site is located on sloping land where:</u> <ul style="list-style-type: none"> • <u>the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 15A); and</u> • <u>the car parking structure is incorporated into a podium or street wall; and</u> • <u>the car parking structures is not more than 40m² in area.</u> c) <u>the existing streetscape in the immediate vicinity of the site is</u>
O4 To minimise loss of on-street parking.	
O5 To retain trees and vegetation of landscape value.	
O6 To facilitate on-site parking on steeply sloping sites.	
O7 To ensure that on-site parking is designed and integrated with the principal building on the site.	
O8 To ensure that on-site parking does not detract from the streetscape character and amenity.	

Commented [DCP40]: Administrative change: Control subsections reordered in priority order.

Commented [DCP39]: Administrative change: Objective relocated from floorplate section.

Commented [DCP41]: Administrative change: Control relocated from the floorplate section and consolidated with existing controls in this section.

Commented [DCP42]: Administrative change: Subsections relocated from C6 below.

B3.5 On-site parking

Objectives	Controls
	<p><u>characterised by parking structures forward of the building line and</u></p> <ul style="list-style-type: none"> • <u>For separate structures, the roof form, materials and detailing complement the principal building.</u> • <u>Garage doors are designed to complement the building design and any important character elements within the street.</u> • <p><u>C3 Parking structures are only permitted when:</u></p> <ol style="list-style-type: none"> <u>minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.6.1 Landscaped areas and private open space; and</u> <u>solar access and privacy requirements within the site, and to the adjoining neighbouring properties, are met as set out in Section 3.4.2 Overshadowing and Section 3.4.4 Acoustic and visual privacy.</u> <p>C4 For car parking structures facing the street frontage— the maximum car parking structures width is no greater than 40% of the site frontage width or 6m, whichever is the lesser.</p> <p>C5 Where possible on-site parking is to be accessed from the rear. The width of parking structures can occupy 75% of the rear frontage or 6m (whichever is the lesser). The site area of the parking structure can be no greater than 40m² and the height a maximum of 3.6m.</p> <p>C4 Where there is no rear lane access, on-site parking is located within the building envelope.</p> <p>C6 Development involving three or more dwellings provides basement parking.</p>

Commented [DCP43]: Administrative change: Subsections relocated from C9 below.

Commented [DCP44]: Administrative change: Subsections relocated from C10 below.

Commented [DCP45]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP46]: Administrative change: Control consolidated into C2 above.

B3.5 On-site parking	
Objectives	Controls
	<p>C6 Notwithstanding C4, car parking structures may be located in the front setback (i.e. outside the building envelope) where:</p> <ul style="list-style-type: none"> a) the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 15A); and b) the car parking structures is incorporated into a podium or street wall; and c) the car parking structures is not more than 40m² in area. <p>C7 For car parking structures located in the front setback, the maximum height of the structure is 2.7m above the footpath level. If the existing height of the retaining/street wall or the two adjoining car parking structures is higher than 2.7m, that greater height may be permitted (refer to Figure 15B).</p> <p>C8 For car parking structures on the high side of the street—balustrading to trafficable areas on top of the structure is setback at least 1m from the front boundary, and is of an open or transparent form (refer to Figure 15B).</p>
	<p>C9 For separate structures, the roof form, materials and detailing complement the principal building.</p> <p>C10 Garage doors are designed to complement the building design and any important character elements within the street.</p>

Commented [DCP47]: Administrative change: Control consolidated into C2(b) above.

Commented [DCP48]: Administrative change: Control consolidated into C2(c) above.

Commented [DCP49]: Administrative change: Control consolidated into C2(c) above.

B3.6 External areas

B3.6.1 Landscaped areas and private open space

Open space and landscaping play important roles in the preservation of wildlife habitat, the establishment of community identity, the provision of recreation opportunities and stormwater management.

Urban greening and tree canopy

Urban heat island effect is localised warming caused by a lack of vegetation and large areas of impervious surfaces like roads, car parks and buildings.

Higher air pollution, reduced night-time cooling, and increased temperatures are outcomes of urban heat island effect that can adversely affect human health.

Urban greening is the integration of vegetation into development to decrease the urban heat island effect, improve microclimates and enhance mental and physical wellbeing.

Urban greening reduces local temperatures by encouraging evaporation from the soil and plants into the urban environment.

Trees and in particular canopy trees, are critical in mitigating localised warming and provide a number of environmental, social and economic benefits. Benefits include filtering air and water pollutants, slowing and storing stormwater runoff, providing shade and shelter, supporting biodiversity and improving amenity.

Trees also create a sense of place and are fundamental to our leafy streetscapes and the desired future character of our residential precincts. Enhancing tree canopy cover is an important component in mitigating climate change and resilience for sustainable, liveable neighbourhoods.

For the purposes of calculating tree canopy area on a site, the following definitions apply:

A **tree crown** is the total amount of foliage supported by the branches of an individual tree.

Tree canopy area is the part of the site covered by the combined lateral spread of tree crowns of all trees above 3 metres in height and spread (Refer Figure 16).

Existing overhanging tree canopy from the street or neighbouring site/s can be included in the calculation of tree canopy area on the subject site.

A **canopy tree** is a tree that attains a minimum height of 8 metres and minimum crown diameter of 8 metres at maturity, and is planted in a deep soil landscaped area with a minimum dimension of 4 metres (Refer Figure 17 for calculation of deep soil landscaped area).

Selection of trees must take into consideration the impact on amenity and views on the subject site and neighbouring site/s. Trees selected should be capable of achieving the applicable tree canopy area for the site within 5-10 years of completion of the development.

DA Guide : A range of tree species with their individual deep soil area requirements is listed in the DA Guide.

Commented [DCP50]: New definitions to explain the key concepts. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

Private open space

Private open space contributes towards the amenity of individual dwellings and should be clearly delineated from public and communal areas. Private open space may be provided at or above ground level. Above ground open space may comprise balconies or rooftop areas.

Communal open space

Communal open space comprises shared open space available for use by all residents of a housing development. Communal open space may include landscaped areas, swimming pools or tennis courts and is typically controlled by a body corporate.

Landscaping

Landscaped area is defined in Woollahra LEP 2014 to mean “a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area”.

Deep soil landscaped area is the part of a site that contains landscaped area which has no above ground, ground level or subterranean development.

Landscaped areas within developments may comprise both communal and private open space areas. Landscape treatment helps to determine the amenity of individual dwellings, define private and public areas, reinforce or screen views and define streetscape character.

The amount and composition of landscaped area also plays an important role in stormwater management, the energy efficiency of developments and access to sunlight. Existing trees and vegetation may support significant indigenous wildlife populations and habitat.

B3.6 External areas ▶ 3.6.1 Landscaped area and private open space	
Objectives	Controls
O1 To ensure that the areas outside the floorplate building contribute to the desired future character of the location.	<p><u>These controls apply to</u> development in the R2 and R3 residential zones that alters the existing building footprint and/or building envelope and/or impacts upon existing landscapes (refer DA Guide):</p> <p>C1 Tree canopy area is at least:</p> <p>(i) 35% of the site area for dwelling houses, dual occupancies, semi-detached development and attached dwellings, with the exception of the Wolseley Road area, or</p> <p>(ii) 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings, or</p> <p>(iii) 25% of the site area for all residential development in the Wolseley Road area (Figure 18)</p> <p>And at least half of the total tree canopy area on the site is contributed by canopy tree/s.</p> <p>Refer Figure 16 for the calculation of tree canopy area.</p> <p>Council may consider a variation to this control where:</p> <p>a. Council is satisfied that a canopy tree will have a moderate, severe or devastating impact on views when assessed in accordance with the Tenacity Land and Environment Court Planning Principle. (Note: This control will prevail over view sharing objectives and controls where view impacts are negligible or minor-when assessed in accordance with the Tenacity Land and Environment Court Planning Principle).</p> <p>b. The applicant has demonstrated that the deep soil landscaped area on the</p>
O2 To provide sufficient deep soil landscaped area to encourage urban greening and maintain and enhance tree canopy cover which in turn contributes positively to the existing and desired future character of the locality.	
O3 To provide for on-site stormwater absorption.	

Commented [DCP51]: Floorplate control has been deleted as a consequence of the proposed FSR.

Commented [DCP52]: New tree canopy control developed through site testing across the LGA in consultation with Council staff and Lyndal Plant (Urban Forester)

Commented [DCP53]: Variations developed in response to feedback at Councillor Briefing (on 15 June 2020) to allow a reduced tree canopy requirement for certain circumstances where the tree canopy cannot be achieved.

B3.6 External areas ► 3.6.1 Landscaped area and private open space

Objectives	Controls
	<p>subject site is unable to achieve the minimum tree canopy area from canopy trees due to the site conditions such as geology, topography, configuration or built form. (Note: The applicant must satisfy Council that a skilful design has been considered to achieve the development potential and amenity and reduce the impact on deep soil landscaped area).</p> <p>c. Council is satisfied that additional canopy tree/s would have a severe impact on the amenity of the subject site or neighbouring land due to overshadowing of primary private open space or to the windows of primary habitable rooms.</p> <p>For development in the R2 and R3 residential zones—at least 50% of the site area outside the buildable area is deep soil landscaped area.</p> <p>C2 35% the site area is deep soil landscaped area with the exception of the Wolseley Road area (Figure 18) where 30% of the site area is deep soil landscaped area. Refer Figure 17 for the calculation of deep soil landscaped area.</p> <p>€2 C3 At least 40% of the front setback comprises deep soil landscaped area, and:</p> <p>a) for a residential flat building or multi dwelling housing in the Wallaroy, Manning Road, Darling Point, Bellevue Hill South, Bellevue Hill North or Rose Bay precinct—at least one consolidated area of the deep soil area is at least 20m²; and</p> <p>b) for a residential flat building or multi dwelling housing in the Double Bay or Point Piper precinct—at least one consolidated area of the deep soil area is at least 12m².</p>

Commented [DCP54]: As the floorplate control has been replaced, delete control and replace with control above.

Commented [DCP55]: As the floorplate control has been replaced by the proposed FSR control (and the buildable area has been removed) an amendment to the deep soil landscaped control is required.

Insert new control identifying that the amount of deep soil required is now related directly to the site area. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

Commented [DCP56]: As a consequence of feedback from Council's DA officers, proposed deletion of the precinct variations, which are considered impractical and overly prescriptive.

B3.6 External areas ▶ 3.6.1 Landscaped area and private open space

Objectives	Controls
	<p>C3 — Control C2 above does not apply to land in Rose Bay between Caledonian Road and Vickery Avenue zoned R3 Medium Density Residential.</p> <p>C4 — At least 50% of the rear setback comprises deep soil landscaped area.</p> <p>C5 — The deep soil landscaped area is free of garaging, paving, outbuildings, tennis courts, swimming pools, above ground and below ground structures including stormwater works.</p>

Commented [DCP57]: As a consequence of feedback from Council's DA officers, proposed deletion of deep soil landscaped area rear setback control, which is duplicating other controls.

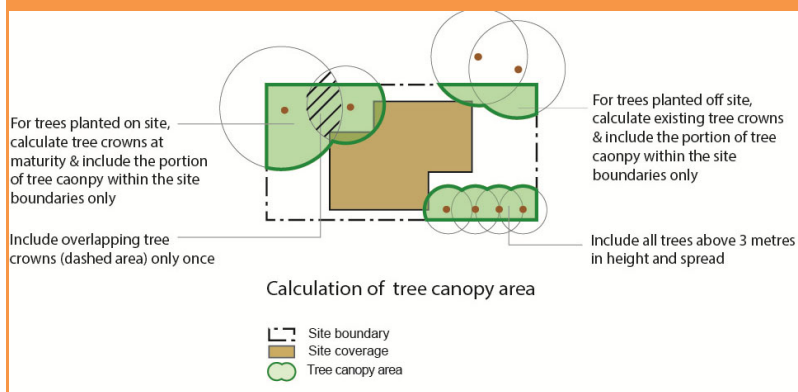
Commented [DCP58]: Administrative change.

Delete control as it duplicates the definition of deep soil landscaped area as contained in Part A of the WDCP 2015, which states:

Deep soil landscaped area - the area of the site that contains landscaped area which has no above ground, ground level or subterranean development.

FIGURE 16

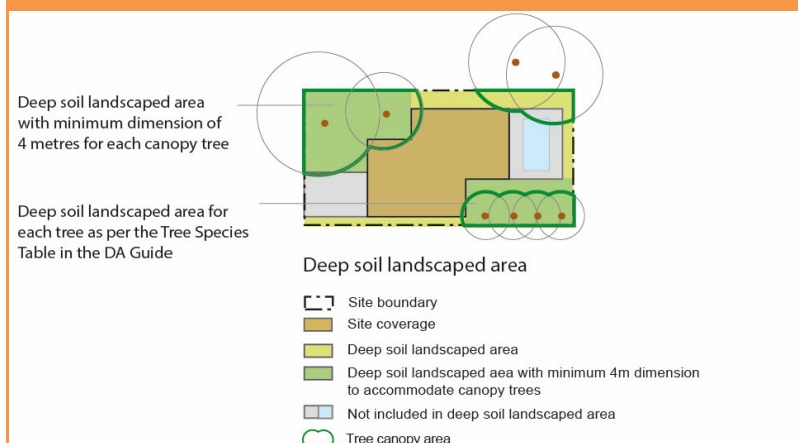
Calculation of tree canopy area



Commented [DCP59]: Diagram to detail out exactly what is included and excluded in the calculation of tree canopy. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester).

FIGURE 17

Calculation of deep soil landscaped area



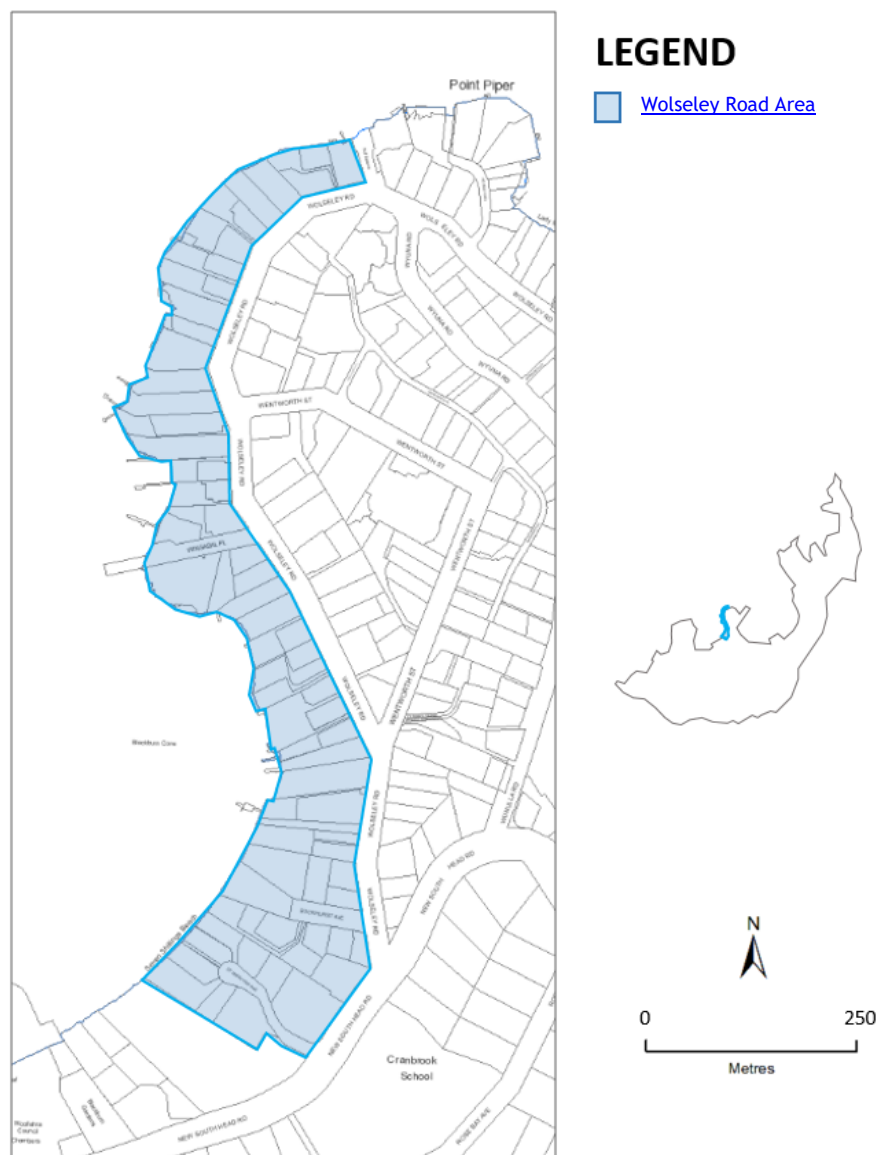
Commented [DCP60]: Diagram to illustrate the minimum 4 metres wide deep soil landscaped area for growing a canopy tree. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester).

FIGURE 18:

Sites subject to the 30% minimum deep soil landscaped area for dwelling houses, semi-detached dwellings and dual occupancies

Commented [DCP61]: Amendment as a consequence of the proposed FSR controls.

Insert diagram identifying the Wolseley Road area.



B3.6 External areas ► 3.6.1 Landscaped area and private open space	
Objectives	Controls
O4 To ensure the adequate provision of accessible and useable primary open space.	€6 C4 For a dwelling house—a primary open space area of at least 35m ² is provided.
	€7 C5 For each dwelling within a semi-detached dwelling, dual occupancy or attached dwelling—a primary open space area of at least 35m ² is provided.
	€8 C6 The primary open space area in C6 and C7 above has a gradient of no more than 1 in 10 (refer to Figure 20).
	€9 C7 Excavation or fill is permitted to achieve the required level area of primary open space up to 1.2m from existing ground level (refer to Figure 20).
	€10 C8 Part of the primary open space area is directly accessible from a habitable room.
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.	€11 C9 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.
O6 To ensure that private open space areas are well-designed.	€12 C10 Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use.
	€13 C11 Private open space is clearly defined for private use through planting, fencing or landscape features.
	€14 C12 The location of private open space: <ul style="list-style-type: none"> a) takes advantage of the outlook and natural features of the site; b) reduces the adverse privacy and overshadowing impacts; and

B3.6 External areas ▶ 3.6.1 Landscaped area and private open space

Objectives	Controls
	<p>c) addresses surveillance and privacy where private open space abuts public space.</p> <p>C15 C13 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.4.4 Acoustic and visual privacy.</p>
O7 To retain important existing mature canopy trees, vegetation and other landscape features.	C16 C14 Existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment.
O8 To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.	C17 C15 Native species are preferred, and landscape designs are encouraged to provide at least 50% of the plants as native species.
O9 To ensure that landscaping contributes positively to the streetscape and the amenity of neighbouring properties adjoining residents .	C18 C16 Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering.
O10 To ensure that landscaping allows view sharing.	<p>Note: Vertical layering, by planting a variety of vegetation in different sizes and heights provides more cover and feeding opportunities for wildlife species.</p> <p>C19 C17 Landscaping facilitates the linking of open space reserves through wildlife corridors and reduces habitat fragmentation and loss.</p> <p>C20 C18 The landscape design:</p> <ul style="list-style-type: none"> a) uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality; b) uses vegetation types that will not block views; c) does not adversely affect the structure of the proposed building or buildings on adjoining neighbouring properties;

Commented [DCP62]: Consistent with other objectives and controls in Chapter B3.6.1 Landscaped area and private open space

Commented [DCP63]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP64]: Requested by the Woollahra LPP on 27 June 2019

B3.6 External areas ► 3.6.1 Landscaped area and private open space	
Objectives	Controls
	<p>d) considers personal safety by ensuring good visibility along paths and driveways and avoiding shrubby landscaping near thoroughfares;</p> <p>e) contributes to energy efficiency and amenity by providing substantial shade in summer, especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and living areas and other habitable rooms;</p> <p>f) improves privacy between dwellings;</p>
	<p>g) minimises risk of damage to overhead power lines and other services; and</p> <p>h) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections.</p>
	<p><u>Note:</u></p> <p>Deep soil landscaped area means: <u>the area of the site that contains landscaped area which has no above ground, ground level or subterranean development.</u></p> <p>Note:</p> <p>Canopy tree means: A tree that attains a minimum height of 8 metres and minimum crown diameter of 8 metres at maturity, and is planted in a deep soil landscaped area with a minimum dimension of 4 metres.</p>

Commented [DCP65]: Administrative change.

In response to feedback from Council DA officers, insert note containing the deep soil landscaped area definition as per the Woollahra DCP 2015.

B3.6 External areas ▶ 3.6.3 Site facilities		
Objectives		Controls
O6	To ensure that mechanical plant equipment including lift overruns, air-conditioning units and external condensers, do not have adverse streetscape or amenity impacts.	C7 Mechanical plant equipment (including lift overruns) are not be visible from the streetscape or public domain.
		C8 Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining neighbouring properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.
		C9 Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to of adjoining-neighbouring 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.
O7	To protect the air quality and residential amenity.	C10 New fireplaces burn non-solid fuels, e.g. gas or electricity.
O8	To ensure that development incorporates adequate garbage and recycling collection areas.	C11 Refer to Part E of the DCP, Chapter E5 Waste Management.
O9	To ensure that site services do not have a negative impact on the streetscape.	C12 Site services including hydrants, boosters and meters are incorporated into the landscape design and are not visually intrusive within the streetscape.

Commented [DCP66]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP67]: Requested by the Woollahra LPP on 27 June 2019

B3.6.4 Ancillary development – swimming pools, tennis courts and outbuildings

Swimming pools

A swimming pool is an impermeable structure capable of holding water to a depth greater than 300mm for swimming or other recreation purposes, but does not include a spa pool.

B3.6 External areas ► 3.6.4 Ancillary development - swimming pools	
Objectives	Controls
O1 To provide for recreational opportunities for swimming without compromising the amenity of adjoining neighbouring properties.	C1 The swimming pool does not occupy the deep soil landscaped area.
O2 To limit excavation.	C2 Excavation beyond the controls in Section B3.3 is permitted to accommodate a backyard swimming pool, where the pool is outside the building envelope. Note: This concession does not apply to a swimming pool in a basement area.
O3 To retain trees and vegetation of landscape value.	C3 The swimming pool (measured from the water edge) is at least 1.8m from property boundaries.
	C4 The swimming pool surrounds are no more than 1.2m above or below the existing ground level.
	C5 The swimming pool is no deeper than 2m from the pool surround level (refer to Figure 24).
	C6 The location and design of the swimming pool and associated works do not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).

Commented [DCP68]: Requested by the Woollahra LPP on 27 June 2019

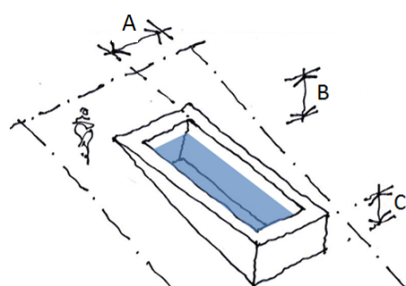


FIGURE 24
Provision of private swimming pools

A is a minimum of 1.8m

B = pool depth is a maximum of 2m

C is to be a maximum of 1.2m

Tennis courts

Tennis courts are rectangular recreational areas, approximately 24m x 11m, with a low net stretched across the centre. They are usually fenced to retain balls on the court during play.

B3.6 External areas ▶ 3.6.4 Ancillary development - tennis courts

Objectives	Controls
O1 To provide recreational opportunities for playing tennis without compromising the amenity of adjoining and adjacent properties.	C1 The tennis court level is a maximum of 1.2m above or below the existing ground level (refer to Figure 25).
O2 To limit excavation.	C2 The tennis court is at least 1.5m from property boundaries (refer to Figure 25).
O3 To retain trees and vegetation of landscape value.	C3 The court playing surface is made from a material that minimises light reflection.
	C4 The height and location of court fencing does not unreasonably compromise: <ul style="list-style-type: none"> a) sharing of views from surrounding properties; or b) solar access to adjoining neighbouring properties.
	C5 Fencing material is a recessive colour.
	C6 Where floodlighting is proposed, the lighting does not unreasonably impact on the amenity of adjoining or adjacent properties.
	C7 The location of the tennis court and associated works does not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).

Commented [DCP69]: Requested by the Woollahra LPP on 27 June 2019

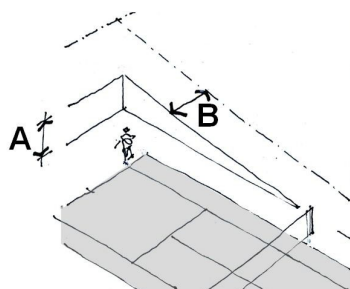


FIGURE 25

Provision of private tennis courts on residential sites

A is to be a maximum of 1.2m

B is to be a minimum of 1.5m

Outbuildings

Although development outside the building envelope is generally not permitted, small outbuildings such as a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or the like, may be located within the rear the setback.

B3.6 External areas ► 3.6.4 Ancillary development - outbuildings			
Objectives		Controls	
O1	To ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the adjoining neighbouring properties.	C1	The outbuilding is located within the building envelope or the rear setback.
		C2	Maximum height of the outbuilding is 3.6m and the outbuilding is to be sited a minimum of 1.5m from the side and rear boundaries.
O2	To ensure that the required deep soil landscaped area and level area of private open space are achieved.	C3	<p>The outbuilding, if located outside the building envelope, does not reduce the deep soil landscaped area and the private open space areas below the minimum required for development, as specified in Section 3.6.1 Landscaped areas and private open space.</p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> <u>Outbuilding means any of the following: cabana, cubby house, fernery, garden shed, gazebo or greenhouse, carport that is detached from a dwelling house, garage that is detached from a dwelling house, rainwater tank (above ground) that is detached from a dwelling house, shade structure that is detached from a dwelling house, shed.</u> <u>Controls for outbuildings which comprise parking structures are contained in section B3.5</u>

Commented [DCP70]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP71]: Administrative change.

In response to feedback from Council staff, insert definition of outbuilding.

Commented [DCP72]: Administrative change. In response to feedback from assessment officers, Insert cross reference.

B3.7.1 Minimum lot width

The minimum lot width, as measured from the street frontage, is the minimum required to accommodate development on a site.

The controls below apply to detached dual occupancies, attached dwellings, residential flat buildings and multi dwelling housing, recognising that these forms of development require a minimum width to ensure that each dwelling in the development can be designed to provide reasonable amenity having regard to issues such as privacy, building separation and open space.

B3.7 Additional controls ► 3.7.1 Minimum lot width	
Objectives	Controls
<p>O1 To ensure that sites have a minimum width to provide <u>sufficient space between buildings to allow satisfactory for the amenity of for occupants and adjoining neighbouring properties residents and for effective landscaping and pedestrian access.</u></p> <p>O2 To ensure that lot widths support development envisaged under this Plan.</p> <p>O2 To ensure that lot widths facilitate a built form with a bulk and scale that is consistent with the desired future character of the area.</p> <p>O3 To ensure there is adequate width for efficient on-site car parking.</p> <p>O4 To ensure that excavation can be adequately set back from boundaries and to prevent excessive excavation.</p> <p>O5 To encourage consolidation of allotments in appropriate locations to enable the development of a diversity of dwelling types.</p>	<p>C1 The parent lot has a minimum width at the street front alignment as follows:</p> <ul style="list-style-type: none"> a) detached dual occupancy—21m; b) attached dwellings—24m; c) residential flat building or multi dwelling housing containing three dwellings—15m; and d) residential flat building or multi dwelling housing containing four or more dwellings—21m. <p>Notes:</p> <ul style="list-style-type: none"> • No minimum lot width applies to a dwelling house, semi-detached dwelling or attached dual occupancy. • The parent lot refers to the development site before any subdivision (if relevant). • These controls do not apply to battle-axe lots (refer to Section B3.8).

Commented [DCP73]: In response to feedback from Council's lawyers, insert additional objectives to the minimum lot width control.

B3.7.2 Secondary dwellings

Under Woollahra LEP 2014, secondary dwelling means a self-contained dwelling that:

- a) is established in conjunction with another dwelling (the principal dwelling);
- b) is on the same lot of land as the principal dwelling; and
- c) is located within, or is attached to, or is separate from, the principal dwelling.

Clause 5.4 of Woollahra LEP 2014 sets the maximum size of a secondary dwelling, being 60m², or not more than 5% of the total floor area of the principal dwelling.

B3.7 Additional controls for development other than dwelling houses

▶ 3.7.2 Secondary dwellings

Objectives	Controls
O1 To ensure that amenity is provided to the occupants of the principal dwelling, secondary dwelling and to adjoining <u>neighbouring</u> properties.	<div>C1 The secondary dwelling is located within the building envelope and is calculated in the footprint <u>and is subject to the FSR control.</u> Note: Only a secondary dwelling approved under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> may be located outside the building envelope.</div> <div>C2 Both the principal and secondary dwellings have direct access to private open space.</div>

Commented [DCP75]: As the Floorplate control is replaced by the proposed FSR control in the Woollahra LEP 2014, amend control accordingly.

Commented [DCP74]: Requested by the Woollahra LPP on 27 June 2019

B3.7.9 Non-residential development

A number of non-residential land uses, such as child care centres, community facilities, educational establishments and places of public worship are permitted within the residential zones.

Where a non-residential use is proposed, the development must be compatible with the desired future character of the area in terms of building scale, location and design, and the impacts arising from the use must not unreasonably compromise residential amenity.

Notes:

- ▶ On-site parking rates and design requirements are in Part E of the DCP, Chapter E1 Parking and Access.
- ▶ Additional controls are in Part F of the DCP, Chapters F1 Child Care Centres and Chapter F2 Educational Establishments.

B3.7 Additional controls for development other than dwelling houses

▶ 3.7.9 Non-residential development

Objectives	Controls
O1 To ensure that non- residential development is consistent with the desired future character of the area and does not have an unreasonable impact on surrounding properties	C1 The built form complies with the building envelope, footprint, excavation and built form and context controls in Sections B3.2-B3.3. Note: The minimum side setback for non-residential development is determined by the table in Figure 5B and is measured at 90 degrees to the side boundary (refer Figure 4).
	C2 The development is compatible with the streetscape and the desired future character of the street. For example, buildings in residential areas must maintain a scale consistent with the streetscape. Note: Chapters B1 and B2 in this Part of the DCP define the desired future character for each precinct, and identify any special heritage, streetscape character and key elements within each precinct.
	C3 Lighting, noise, hours of operation, and intensity of the use do not unreasonably impact on the residential amenity of adjoining neighbouring properties, the street, or precinct.

Commented [DCP76]: Requested by the Woollahra LPP on 27 June 2019

B3.7 Additional controls for development other than dwelling houses

► 3.7.9 Non-residential development

Objectives	Controls
	<p>C4 A management plan may be required to be submitted with the DA identifying the proposed uses on the site, and how the impacts of those uses will be managed and minimised. Matters that may need to be addressed in the management plan include:</p> <ul style="list-style-type: none"> a) pedestrian and vehicular access; b) parking and servicing; c) capacity; d) hours of operation; e) lighting; f) noise; and g) security and safety. <p>C5 For any non-residential development (including attached and detached garaging) the maximum volume of excavation permitted is no greater than the volume shown in Figure 9B.</p>

Commented [DCP77]: Administrative change.

B3.8 Additional controls for development on a battle-axe lot

A battle-axe lot is a lot that is connected to a road by an access handle. It does not have a street frontage, and directly adjoins other properties at all boundaries.

The controls below recognise that development on battle-axe lots needs to particularly consider the amenity of both the occupants and the adjoining neighbouring properties, having regard to privacy, solar access, open space and the like.

Note, under Woollahra LEP 2014 the maximum height for development on a battle-axe lot is 9.5m.

Commented [DCP78]: Requested by the Woollahra LPP on 27 June 2019

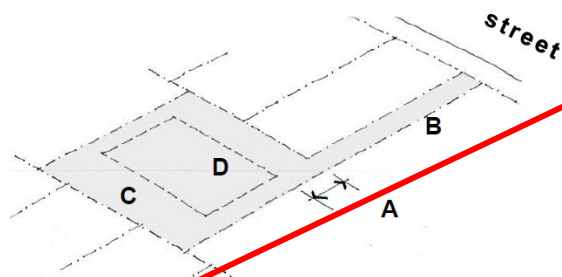


FIGURE 30
Low density residential
development: e.g. dwelling house or
dual occupancy

- A = Primary frontage setback
6m from boundary
- B = Access handle
- C = Developable area of the site
- D = Area of building envelope

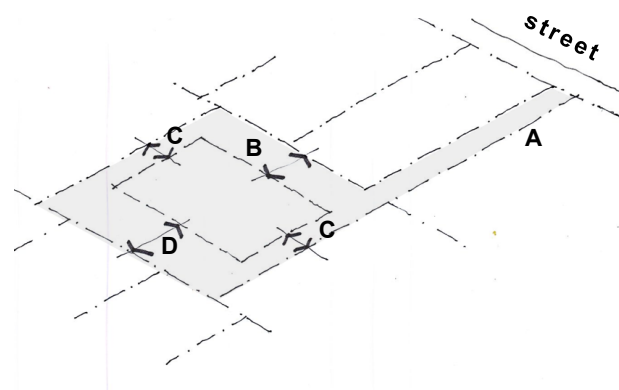


FIGURE 29
Low density residential
development: (dwelling houses,
semi-detached dwellings and
dual occupancies)

- A = Access handle
- B = Primary frontage setback
6m from boundary
- C = Side setback 1.5m
- D = Rear setback 6m

Commented [DCP79]: As the building depth control has been replaced by a rear setback control, the proposed battle axe lot controls have been simplified:

- site depth has been deleted
- side setback control has been simplified to 1.5m
- rear setback control simplified to 6m

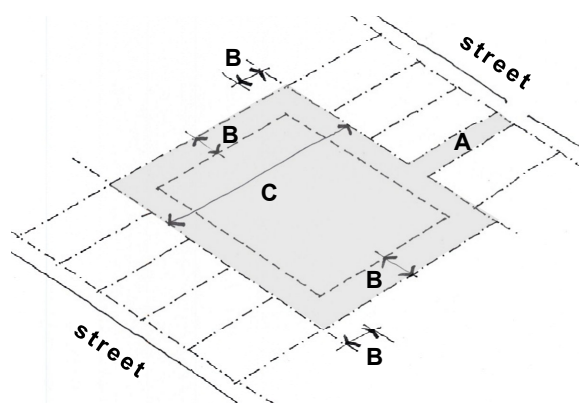


FIGURE 30

R3 zone and development (other than a dwelling house, semi-detached dwelling or dual occupancies) must be on a site with a minimum area of 950m²

A = Access handle

B = 6m setback required to each boundary

C = Minimum site dimension

Commented [DCP80]: Administrative change: Insert semi-detached dwelling as a form of low density residential development.

B3.8 Additional controls for development on a battle-axe lot

Objectives	Controls
O1 To ensure that the battle-axe lot is of a size that can provide for the amenity of occupants and <u>adjoining-neighbouring</u> properties.	C1 For development (other than a dwelling house or dual occupancy) in the R3 Medium Density Residential Zone—the minimum lot size is 950m ² .
	C2 The lot, excluding the access handle, has minimum dimension in any direction, as follows: <ul style="list-style-type: none"> a) for a detached dual occupancy—21m b) for development involving three or more dwellings—24m. Note: The access handle of a battle-axe lot is included in calculating the lot size.
O2 To ensure adequate building separation to provide for the amenity of occupants and <u>adjoining-neighbouring</u> properties.	C3 A 6m setback applies to the primary frontage (refer to Figure 29) for: <ul style="list-style-type: none"> a) development in the R2 Low Density Residential Zone. b) a dwelling house or dual occupancy in the R3 Medium Density Residential Zone.

Commented [DCP81]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP82]: Requested by the Woollahra LPP on 27 June 2019

B3.8 Additional controls for development on a battle-axe lot

Objectives

Controls

Note: The primary frontage is the boundary closest to the access handle leading to the street; and side and rear setbacks in Sections 3.2.3 and 3.2.4 apply.

- C4 For development in the R3 Medium Density Residential Zone (other than a dwelling house or dual occupancy) a 6m setback applies to all boundaries (refer to Figure 30).

A reduced setback may be considered where there is no unreasonable impact on the amenity of adjoining-neighbouring properties having regard to privacy, solar access, sense of enclosure and view sharing.

Commented [DCP83]: Administrative/format change.

Commented [DCP84]: Requested by the Woollahra LPP on 27 June 2019

B3.8 Additional controls for development on a battle-axe lot

Objectives	Controls
O3 To ensure that development does not unreasonably affect adjoining neighbouring properties in terms of privacy and sense of enclosure.	C6 Primary living areas, such as a living room, lounge room, kitchen and dining room, are located on the ground floor. Habitable rooms other than bedrooms, on the upper floors will only be considered where there is: <ul style="list-style-type: none"> a) no unreasonable impact on the privacy of adjoining neighbouring properties; and b) no overlooking into the private open space areas of adjoining neighbouring properties.
	C7 In the R2 zone, where habitable rooms other than bedrooms are located on the upper floor, the windows to these rooms are setback at least 4.5m from any boundary.
	C8 Balconies, decks and the like, on the upper floors will only be considered where there is: <ul style="list-style-type: none"> a) no unreasonable impact on the privacy of adjoining neighbouring properties; and b) no overlooking into the private open space areas of adjoining neighbouring properties.

Commented [DCP85]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP86]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP87]: Requested by the Woollahra LPP on 27 June 2019

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