



# Woollahra Development Control Plan 2015 (Amendment 21)

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**Acknowledgement of Country**

*We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area*

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# Woollahra Development Control Plan 2015 (Amendment No 20)

## Part 1 Preliminary

### 1.1 Background

This draft DCP seeks to amend the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) to update and enhance the existing built form and landscaping controls in *Chapter B3 General Development Controls*, and urban canopy controls *Chapter E3 Tree Management*. The proposed changes include the establishment of tree canopy controls, deep soil requirements and other administrative changes.

These changes are intended to help preserve the unique character of residential neighbourhoods in the local government area by promoting urban greenery.



## 1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 21)*.

## 1.3 Objectives of the plan

The objectives of the plan are to:

- a) Establish tree canopy controls for specified development;
- b) Introduce deep soil zone requirements for specified development;
- c) Remove existing floorplate controls, which are proposed to be replaced with floor space ratio controls in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014);  
and
- d) Make other administrative amendments necessary to facilitate the changes.

## 1.4 Land to which this plan applies

This plan applies to land across the whole Woollahra Local Government Area.

## 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*.

The Woollahra LEP 2014 applies to the land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

## 1.6 Approval and commencement of this plan

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

## 1.7 How this plan amends Woollahra DCP 2015

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

## Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions – identified in blue and underlined

Deletions – ~~identified in red and strikethrough~~

### Chapter A1 Introduction

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

##### 2.1.1 Insert at the end of the clause

This DCP (as commenced on TBC) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determination under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 21 to this DCP.

#### 2.2 Amendments to clause A1.4 List of amendments

##### 2.2.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
<u>No 21</u>	<u>Date approved – TBC</u> <u>Date commenced - TBC</u>	<u>Amend Chapters B3 and E3 to introduce urban greening requirements, remove floorplate controls that are being replaced by floor space ratio controls in the Woollahra Local Environmental Plan 2014, and other associated administrative changes.</u>

### Chapter B3 General Development Controls

2.1.2 Please refer to Attachment 1 of this draft DCP.

### Chapter E3 Tree Management

2.1.3 Please refer to Attachment 1 of this draft DCP.

## **Attachment 1 – Proposed Amendments to Chapters B3 and E3.**

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 27 APRIL 2015

AND COMMENCED ON 23 MAY 2015

Last amended on 30 August 2021

DRAFT AUGUST 2022

## Chapter B3 ► General Development Controls

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## B3.1 Introduction

This is Chapter B3 of the Woollahra Development Control Plan 2015 (DCP), Part B General Residential. The controls in this chapter must be read in conjunction with the controls in Chapter B1 Residential Precincts and Chapter D2 Neighbourhood Heritage Conservation Areas (HCAs).

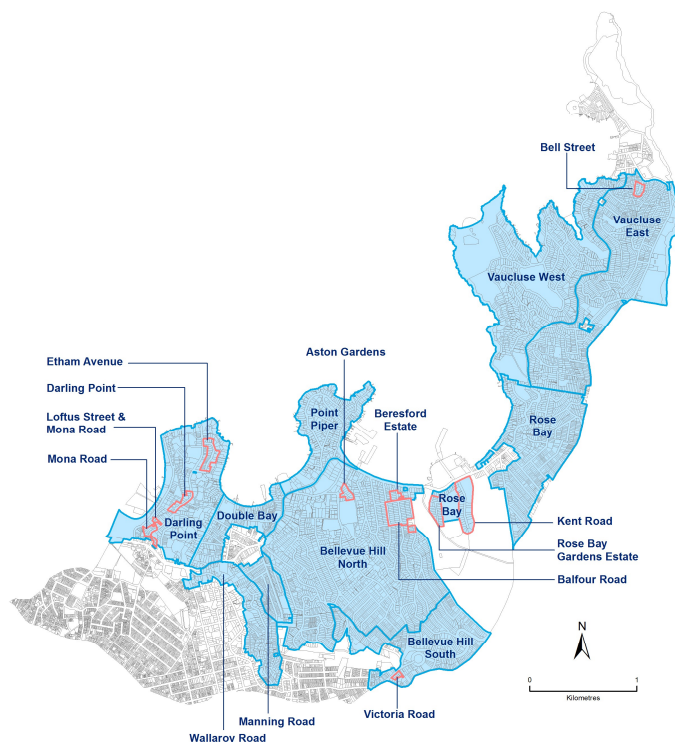
The Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) includes building height controls, floor space ratios in the R3 Medium Density Residential Zone and the minimum lot size required for subdividing or developing land.

The controls in this chapter guide the scale and bulk of development so that is compatible with site conditions and the desired future character of the location where the development is proposed.

### B3.1.1 Land where this chapter applies

This chapter applies to land identified on Map 1 below.

**MAP 1** The land where this chapter applies





The area comprises:

#### 10 Residential Precincts

- ▶ Darling Point
- ▶ Double Bay
- ▶ Wallaroy
- ▶ Manning Road
- ▶ Point Piper
- ▶ Bellevue Hill South
- ▶ Bellevue Hill North
- ▶ Rose Bay
- ▶ Vaucluse West
- ▶ Vaucluse East

#### 11 Neighbourhood HCAs

- ▶ Etham Avenue, Darling Point
- ▶ Darling Point Road, Darling Point
- ▶ Mona Road, Darling Point
- ▶ Loftus Road and Mona Road, Darling Point
- ▶ Aston Gardens, Bellevue Hill
- ▶ Victoria Road, Bellevue Hill
- ▶ Balfour Road, Rose Bay
- ▶ Beresford Estate, Rose Bay
- ▶ Rose Bay Gardens Estate, Rose Bay
- ▶ Kent Road, Rose Bay
- ▶ Bell Street, Vaucluse

### B3.1.2 Development to which this chapter applies

This chapter applies to development that requires development consent. This includes new development and additions and alterations.

Generally this will be residential development, but may include other permitted uses such as child care centres, community facilities, educational establishments, neighbourhood shops and places of public worship, and other uses permitted in Woollahra LEP 2014.

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

**Note:** Those provisions in Woollahra DCP 2015 that specify requirements, standards or controls that relate to certain matters which are listed in clause 6A of the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) have no effect in the assessment and determination of a development application for development to which SEPP 65 applies.

Residential apartment development is defined in clause 4 of SEPP 65. It comprises residential flat buildings, shop top housing and mixed use development with a residential accommodation component. The building must be at least three or more storeys (excluding levels below existing ground level or levels that are less than 1.2m above existing ground level that provide car parking). The building must contain at least four or more dwellings.

All other provisions of Woollahra DCP 2015 apply to the assessment and determination of a DA for development to which SEPP 65 applies.

### 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.
7. 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.

**8. 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 and 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.~~

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

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.

**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.

### B3.2.1 Where the building envelope controls apply

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.

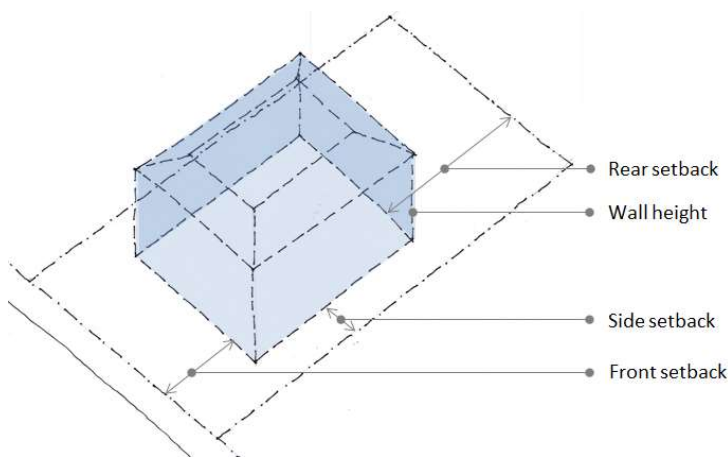
~~The building is to be contained within the building envelope, but is to occupy only a percentage of the building envelope (as determined by the floorplate controls in Section B3.3 Floorplate).~~

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

All elements of the building (including decks, balconies, entry porches, verandahs, porte-cochères, 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



### ~~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 (or 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 control will apply to all forms of residential development (including dwelling houses, semi-detached dwellings and dual occupancies).

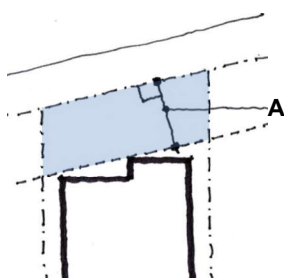
**Commented [DCP10]:** Floorplate control replaced by proposed FSR control in the Woollahra LEP 2014.

**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.

### B3.2.2 Front setback

Front setbacks establish the position of buildings in relation to the street boundary. They create the spatial proportions of the street and can contribute to the streetscape character by providing consistency.

Buildings and plantings on private land form essential parts of the streetscape. Front setbacks should be used to enhance the setting for the building, providing landscaped areas and access to the building.



**FIGURE 2**

Front setback measurement

Example

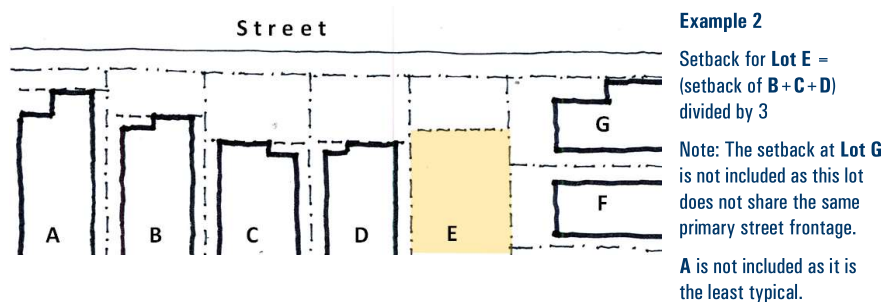
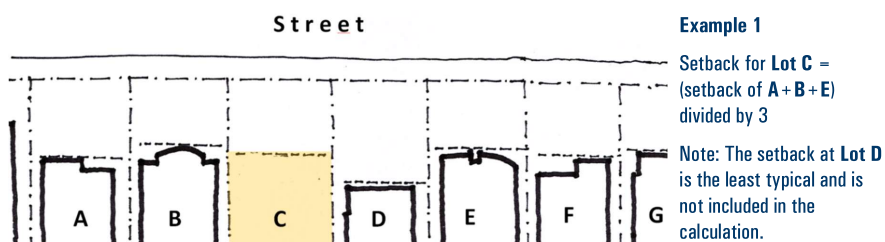
A = Front setback measured at 90° to the front boundary

**B3.2 Building envelope ► 3.2.2 Front setback**

Objectives	Controls
<p>O1 To reinforce the existing streetscape and character of the location.</p> <p>O2 To provide consistent front setbacks in each street.</p> <p>O3 To provide for landscaped area and deep soil planting forward of the building.</p>	<p>C1 The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street (refer to Figure 3).</p> <p>Note: The setback is determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures).</p> <p>Note: The front setback is the horizontal distance between the building envelope and the primary street boundary, measured at 90° from the boundary (refer to Figure 2).</p> <p>Note: On corner lots, the shortest frontage to a street is typically where the front setback applies.</p> <p>Note: These controls do not apply to battle-axe lots (refer to Section B3.9).</p>
<p>O4 To ensure that buildings are well articulated and positively contribute to the streetscape.</p>	<p>C2 The building has a maximum unarticulated width of 6m to the street frontage.</p>

**FIGURE 3**

Setbacks of the four closest residential buildings are determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures).





### 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, manor houses, multi dwelling housing, multi dwelling housing (terraces) and attached dwellings 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

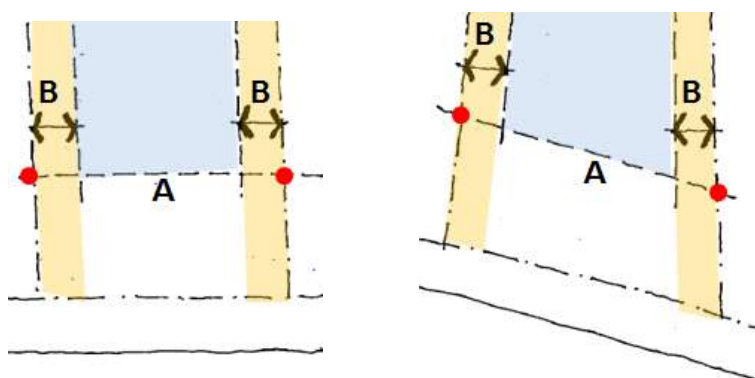
**Commented [DCP13]:** Requested by the Woollahra LPP on 27 June 2019

**B3.2 Building envelope** ► 3.2.3 *Side setbacks*

Objectives	Controls
O8 To recognise built form characteristics of semi-detached dwellings and attached dwellings.	<p>C5 Notwithstanding C1 to C3 above, the following variations apply:</p> <ul style="list-style-type: none"> <li>a) For a semi-detached dwelling—a zero setback applies at the common boundary between the pair of semi-detached dwellings.</li> <li>b) For attached dwellings—a zero setback applies at the common boundary between each dwelling within the development.</li> </ul>

**FIGURE 4**

Side setback measurement, B depends on A



**FIGURE 5A**

Side setback table for dwelling houses, semi-detached dwellings and dual occupancies

A. Site width measured along front setback line in metres	B. Side setback in metres
< 9.0	0.9
9.0 - < 11.0	1.1
11.0 - < 13.0	1.3
13.0 - < 15.0	1.5
15.0 - < 17.0	1.9
17.0 - < 19.0	2.3
19.0 - < 21.0	2.7
21.0 - < 23.0	3.1
23.0 +	3.4

**FIGURE 5B**

Side setback table for Residential flat buildings, manor houses, multi dwelling housing, multi dwelling housing (terraces) and attached dwellings, and any other land use not addressed in controls C1 to C2 of Section 3.2.3 Side setbacks

A. Site width measured along front setback line in metres	B. Side setback in metres
<18.0	1.5
18.0 - < 21.0	2.0
21.0 - < 28.0	2.5
28.0 - < 35.0	3.0
35.0 +	3.5

### 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.~~

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.	<u>C1</u> <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.	<del>C1 The rear setback is a consequence of the site depth, front setback and building depth as set out in the formula at Figure 6.</del>
O4 To provide separation between buildings to facilitate solar access to private open space.	
O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.	<del>C2 The building depth is determined by the sliding scale in Figure 7 and applies to:</del>
O6 To contribute to a consolidated open space network with <u>adjoining</u> <u>neighbouring</u> properties to improve natural drainage and support-local habitat.	<del>a) development in the R2 Low Density Residential Zone; and</del> <del>b) a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone.</del> <del>C3 For development in the R3 Medium Density Residential Zone where an FSR applies, the building depth is 60 % of the site depth.</del> <del>C4 Notwithstanding C1 above, the minimum rear setback is 3m.</del> <del>C5</del> <u>C2</u> If 'end to end' amalgamation occurs, the building envelope will be determined as if

**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).

**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 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.

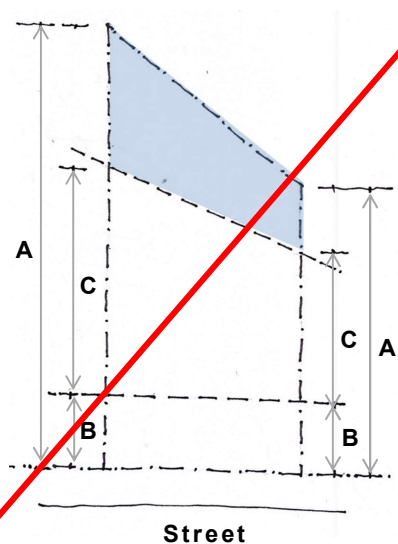
## B3.2 Building envelope ▶ 3.2.4 Rear setback

## 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

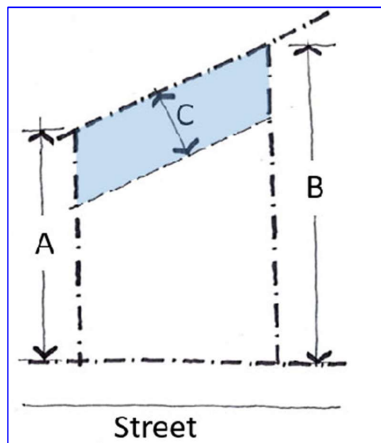
Rear setback —  $A - C - B$

$A$  — 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

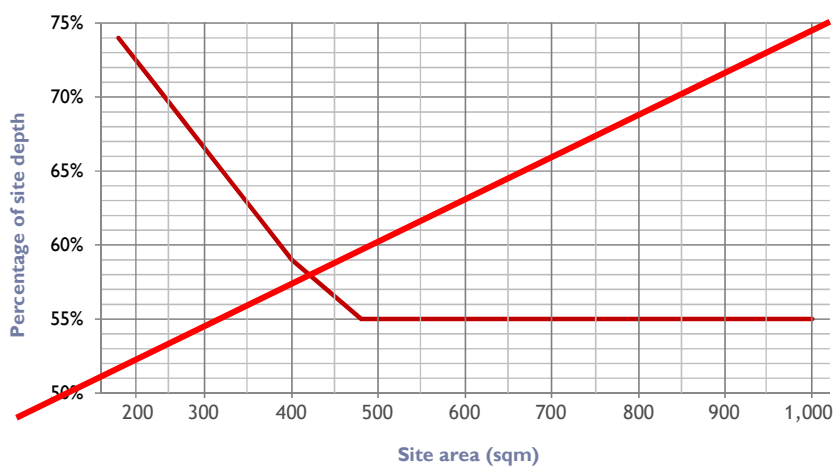
C = Rear setback

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

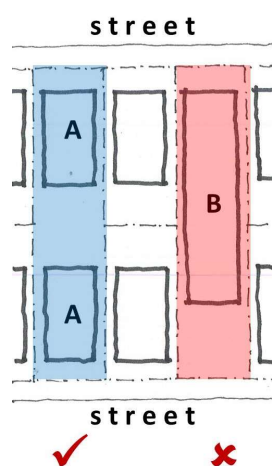
**Commented [DCP22]:** New Figure inserted to represent the simplified rear setback control.

**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 <b>adjoining</b> <b>neighbouring</b> 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 <b>adjoining</b> <b>neighbouring</b> 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 9.8.
	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

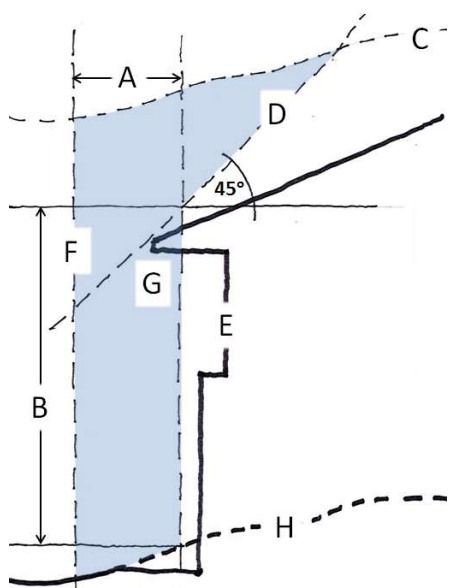
**Commented [DCP27]:** Administrative change.



**B3.2 Building envelope** ▶ **3.2.5 Wall height and inclined plane****Objectives****Controls**

A request for a variation must demonstrate that the increased wall height is consistent with the objectives of this section of the DCP, consistent with the objectives for development within the zone in which the development is proposed to be carried out, and there are sufficient environmental planning grounds to justify the variation.

Note: The statutory building height control in the Woollahra LEP 2014 applies.

**FIGURE 9-8**

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

**A** = Side setback

**B** = 7.2m maximum wall height

**C** = Maximum building height: 9.5m above existing ground level

**D** = Inclined plane: 45degrees to horizontal

**E** = Potential built form

**F** = Site boundary

**G** = Roof eaves may protrude into the setback if below the inclined plane

**H** = Existing ground level

### ~~B3.3 Floorplate~~

~~This section was repealed by Woollahra Development Control Plan 2015 (Amendment 21) on [date]~~

~~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, manor houses, multi dwelling housing, multi dwelling housing (terraces) 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).~~

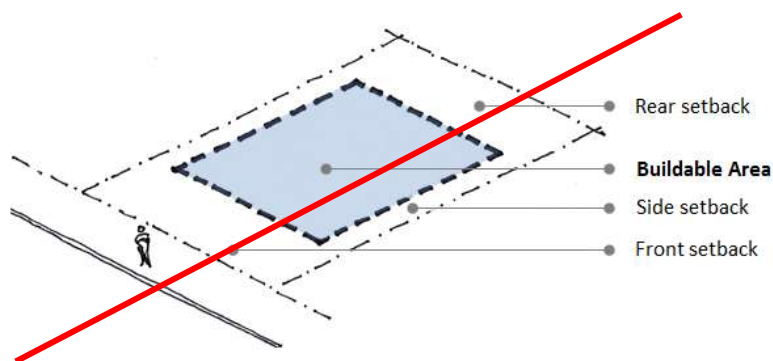
~~The maximum amount of development permitted on the site is determined by multiplying the buildable area by a factor of 1.65 (165%). This is the maximum permitted total floorplate.~~

~~For example if the buildable area is 150m<sup>2</sup> the maximum floorplate yield is:  
150m<sup>2</sup> x 1.65 = 247.5m<sup>2</sup>~~

~~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

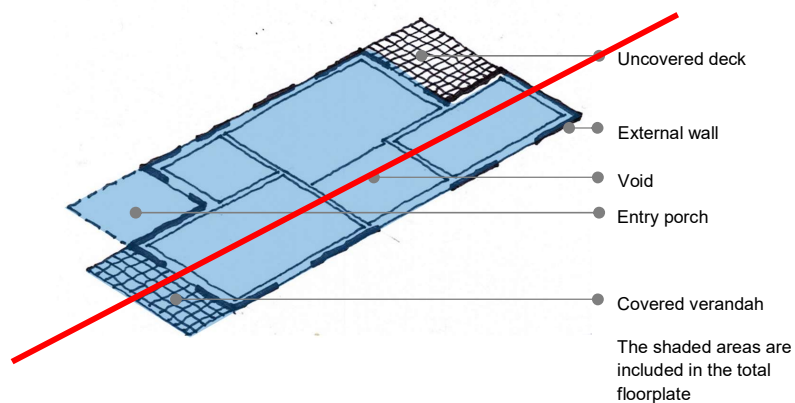
Floorplates are measured to include:

- 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:

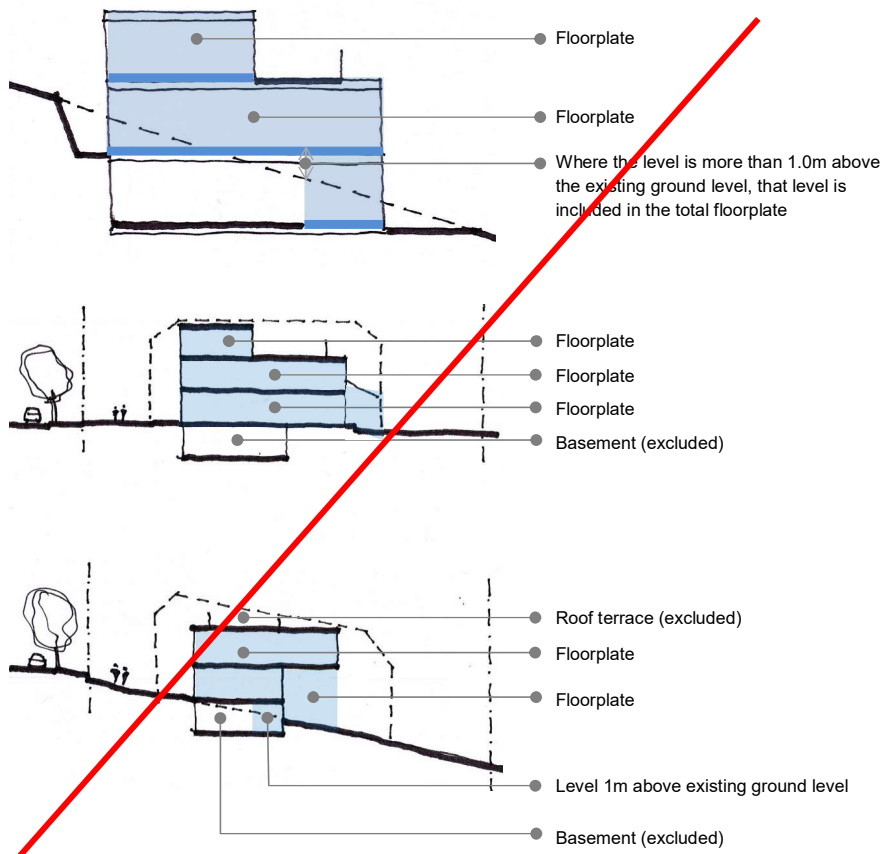
- uncovered external areas, such as terraces, decks and balconies, and
- levels below 1m above existing ground level (refer Figure 12)
- eaves.

**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:



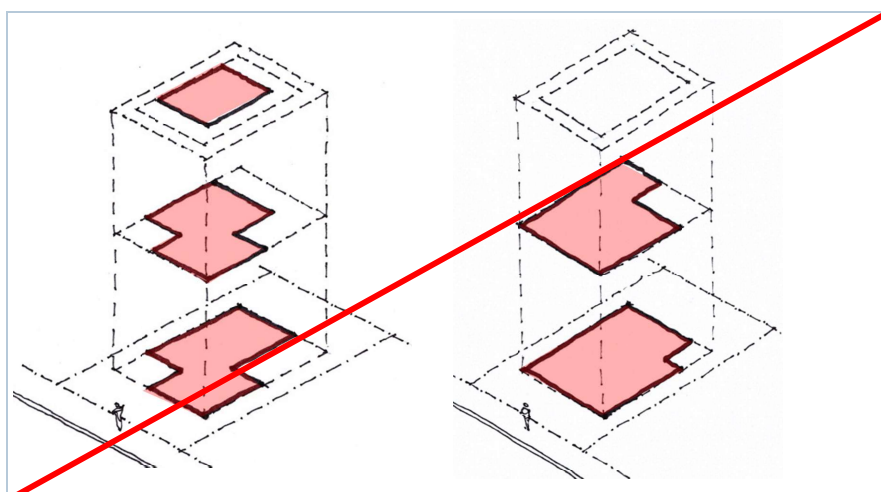
### Applying the floorplate to development

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:
- a) respond to the predominant character of the immediate streetscape;
  - b) retain public views; and
  - c) provide for view sharing of private views.

### B3.3 Floorplates

Objectives	Controls
	<del>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.</del>
<del>O3 — To encourage the design and location of car parking within the building envelope.</del>	<del>C5 — Where car parking is provided within the building envelope, the garage area (up to 40m<sup>2</sup>) is added to the permitted total floorplate.</del>
O4 To allow, in certain circumstances, development outside the building envelope.	C6 <del>Notwithstanding C2,</del> the following buildings are permitted outside the building envelope:
O5 To allow development to respond to the topography and context.	<ul style="list-style-type: none"> <li>a) an outbuilding;</li> <li>b) parking structures but only where; <ul style="list-style-type: none"> <li>— there is rear lane access; or</li> <li>— 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 B3.6 On-site parking, control C6)</li> <li>— 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 B3.6 On-site parking, control C9 and C10).</li> </ul> </li> </ul> <p>These buildings are only permitted when:</p> <ul style="list-style-type: none"> <li>c) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.7.1 Landscaped areas and private open space; and</li> <li>d) solar access and privacy requirements within the site, and to the adjoining properties, are met as set out in Section 3.5.2 Overshadowing and Section 3.5.4 Acoustic and visual privacy.</li> </ul>

Objectives (O4 & O5) and control (C6) 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 controls all relate to parking structures, controls, these have been moved and consolidated into section B3.5 On-site parking.

### B3.4 Excavation

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

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

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

**Commented [DCP30]:** Changes to the excavation controls (B3.4) proposed under Woollahra Development Control Plan 2015 (Amendment 20), which is being exhibited from 13 July to 19 August 2022. Please refer to YourSay Woollahra for further information on Amendment 20.

B3.4 Excavation			
Objectives		Controls	
O1	To allow buildings to be designed and sited to relate to the topography.	C1	For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure <del>44A</del> <u>9A</u> .
O2	To minimise excavation.		
O3	To ensure the cumulative impacts of excavation do not adversely impact land stabilisation, ground water flows and vegetation.	C2	For a residential flat building, manor houses, multi dwelling housing, multi dwelling housing (terraces), or attached dwelling development (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure <del>44B</del> <u>9B</u> .
O4	To minimise structural risks to adjoining structures.		
O5	To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.	C3	For any other use (including attached and detached garaging) not addressed in C1 and C2 above—the maximum volume of excavation permitted is no greater than the volume shown in Figure <del>44B</del> <u>9B</u> .
		C4	A variation to the volume shown in Figures <del>44A</del> <u>9A</u> and <del>44B</del> <u>9B</u> will be considered, however the maximum volume of excavation permitted will only be the amount needed to accommodate: <ul style="list-style-type: none"> <li>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</li> <li>b) storage at a rate of 20m<sup>3</sup> (cubic metres) per dwelling if for a dwelling house,</li> </ul>

B3.4 Excavation	
Objectives	Controls
	<p>dual occupancy, semi-detached dwelling or attached housing; or</p> <p>c) storage at a rate of 8m<sup>3</sup> (cubic metres) per dwelling if for a residential flat building, manor houses, multi dwelling housing or multi dwelling housing (terraces) development.</p> <p>C5 The volume controls in C1 and C2 above do not apply to backyard swimming pools and tennis courts located outside the building envelope. (Note: Separate controls apply which limit excavation, refer to Section 3.7.4 Ancillary development - swimming pools, tennis courts and outbuildings).</p> <p>C6 Basement walls are no closer to the boundary than permitted by the setback controls (refer to Figure 45 10).</p> <p>C7 Notwithstanding C6, basement walls for residential flat buildings, manor houses, multi dwellings housing, multi dwelling housing (terraces) and attached dwellings are no closer to the boundary than 1.5m (see Figure 46 11).</p> <p>C8 Excavation in relation to an existing attached dwelling, semi-detached dwelling, or attached dual occupancy is not to occur under:</p> <ul style="list-style-type: none"> <li>a) common party walls;</li> <li>b) footings to common party wall;</li> <li>c) freestanding boundary walls;</li> <li>d) footings to freestanding boundary walls.</li> </ul> <p>C9 Excavation below 2m and/or within 1.5m of the boundary may be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on neighbouring structures.</p> <p>Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines.</p>



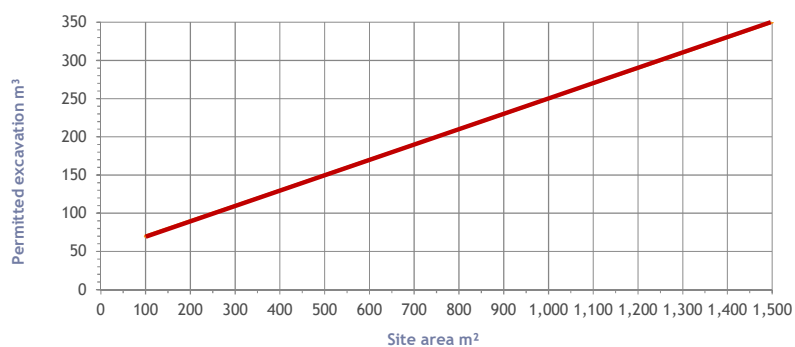
**B3.4 Excavation****Objectives****Controls**

As a condition of a development consent, Council may also require the preparation and submission of a dilapidation report for properties neighbouring the development.

**FIGURE 44 9A**

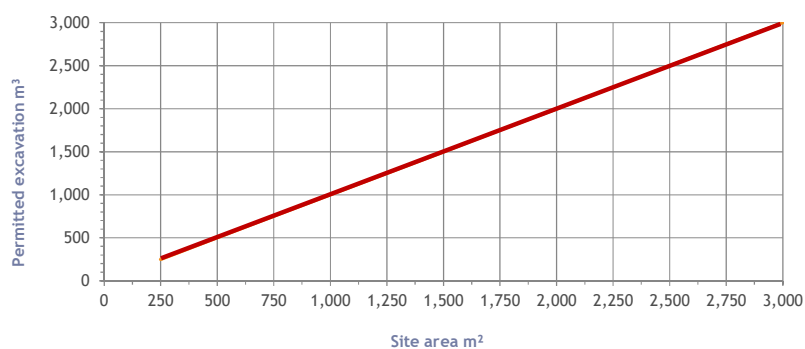
Maximum volume of excavation for the site of:

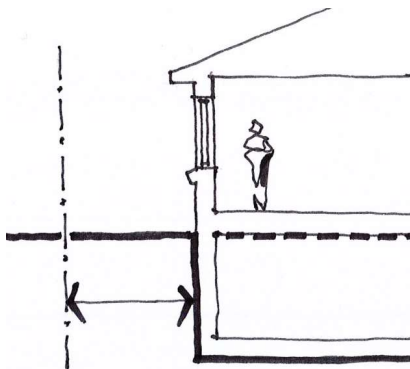
- a dwelling house
- dual occupancy development
- a semi-detached dwelling

**FIGURE 44 9B**

Maximum volume of excavation for the site of:

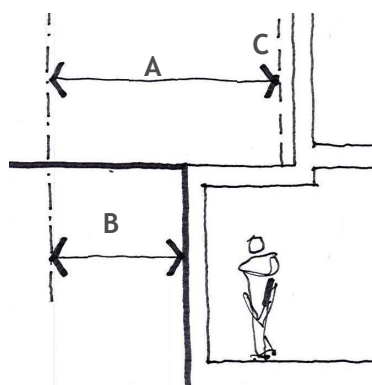
- a residential flat building
- manor houses
- multi dwelling housing
- multi dwelling housing (terraces)
- attached dwellings
- any other land use not addressed in controls C1 to C2 of Section B3.4 Excavation





**FIGURE 15-10**

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



**FIGURE 16-11**

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

A- Refer Figure 6

B- Minimum excavation setback 1.5m

C- Building envelope

## B3.5 Built form and context

### B3.5.1 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.

B3.5 Built form and context ▶ 3.5.1 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.
O3 To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.	
O3.4 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.	C2 Development retains vegetation of landscape value.
	C3 Development steps down sloping sites and follows the topography of the land.
	C4 Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.
	C4.5 External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.
	C5.6 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.
O4.5 To ensure that roof forms are consistent with the existing	C6.7 The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).
	C7.8 In heritage conservation areas or where the existing the immediate streetscape is

**Commented [DCP31]:** New Objective reinforces importance of tree canopy in the LGA. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

**Commented [DCP32]:** New Control reinforces importance of existing canopy trees in the LGA. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

**B3.5 Built form and context** ► *3.5.1 Streetscape character*

Objectives	Controls
predominant roof forms in the street and minimise impacts to neighbouring properties.	<p>predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.</p> <p><b>C89</b> Roof materials are non-reflective and do not cause excessive glare to adjacent properties.</p>
<b>O56</b> To ensure buildings improve the safety of the public domain.	<b>C910</b> The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.

### B3.5.2 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.

B3.5 Built form and context ▶ 3.5.2 Overshadowing	
Objectives	Controls
O1 To minimise overshadowing to adjoining neighbouring properties.	<p>C1 The development is designed so that:</p> <ul style="list-style-type: none"> <li>a) sunlight is provided to at least 50% (or 35m<sup>2</sup> 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</li> <li>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.</li> </ul> <p>C2 Lot orientation may make C1 above difficult to achieve so a reduced amount of solar access may be considered, provided the proposed building complies with all setback controls.</p> <p>Note: For land adjoining open space also refer to Section 3.10.1.</p>

**Commented [DCP33]:** Requested by the Woollahra LPP on 27 June 2019

### B3.5.3 Public and private views

Views are a special element of Woollahra's unique character. The sloping topography, leafy setting and harbour frontage combine to offer dramatic bushland and water views which contribute to the amenity of both private dwellings and the public domain.

In addition, the municipality's frontage to Sydney Harbour places responsibilities upon the Woollahra community, to ensure development maintains the scenic beauty of the foreshore and headland areas when viewed from the water and from the land.

#### Public views

Public views from streets, footpaths, parks and other public areas are among Woollahra's most prized assets and are key elements of the municipality's identity.

These views may take the form of discrete views between buildings and vegetation, more open views across the harbour and local landscape from public parks, or more defined vistas along streets terminating at Sydney Harbour or local landmarks. Important views and vistas are identified on the precinct maps in Chapters B1 and B2 in this part of the DCP.

The preservation and, wherever possible, enhancement of public views helps to maintain legibility within Woollahra by allowing people to see and interpret the surrounding landscape and landmark features. Public views also allow Woollahra's scenic beauty and special character to be appreciated.

#### Private views

View sharing concerns the equitable distribution of views between properties. The view sharing controls in this DCP seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties.

Development should be designed to reflect the view sharing principles in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

B3.5 Built form and context ► 3.5.3 Public and private views			
Objectives		Controls	
O1	To protect and enhance existing views and vistas from the public domain.	C1	Development is sited and designed so that the following public views are maintained or enhanced:
O2	To provide additional views and vistas from streets and other public spaces where opportunities arise.		a) significant views and vistas identified in the precinct maps in this Chapter B1 Residential Precincts and Chapter B2 Neighbourhood HCAs of this DCP; and

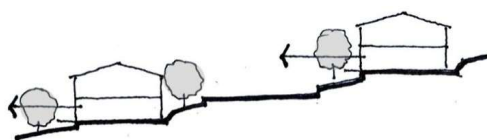
**B3.5 Built form and context** ▶ 3.5.3 *Public and private views*

Objectives	Controls
	<p>b) views from other public open space areas, particularly from ridgelines to Sydney Harbour and the Sydney CBD skyline.</p> <p>C2 Vistas along streets are preserved or enhanced through sensitive development location and form.</p> <p>C3 Development on the low side of the street preserves district, iconic and harbour views from the street by:</p> <p>a) providing substantial breaks between buildings, front fences, car parking and other structures; and</p> <p>b) incorporating fences with transparent or open end panels at each side boundary to provide for views.</p> <p>C4 Roof forms on the low side of 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.</p>
O3 To encourage view sharing as a means of ensuring equitable access to views from private property.	<p>C5 Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from the habitable rooms (refer to Figures 47 12 and 48 13).</p> <p>C6 Development steps down the hillside on a sloping site.</p> <p>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.</p>

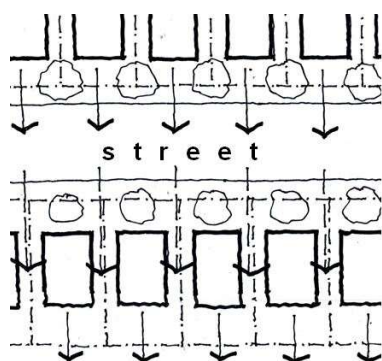
**B3.5 Built form and context** ► 3.5.3 *Public and private views*

Objectives	Controls
	<p><b>C8</b> Roof terraces are uncovered to provide for view sharing. All elements on roof terraces are to comply with the maximum building height control.</p> <p>Note: Access to roofs should not comprise visually prominent stand-alone structures such as lifts or large stairways, particularly on flat roofs.</p>
<b>O4</b> To ensure that views are not compromised by landscaping.	<p><b>C9</b> The location and species of new tree planting frames and preserves public and private views. Planting must not be used to block views.</p> <p><b>C10</b> In sloping areas, the location of new tree planting frames and preserves public views. This may be achieved:</p> <ul style="list-style-type: none"> <li>a) on the high side of streets—by concentrating new tree planting at the front of buildings within the side setbacks; and</li> <li>b) on the low side of streets—by concentrating new tree planting at the front of buildings outside the side setbacks (refer to Figure <del>48</del> 13).</li> </ul>





**FIGURE 47** 12  
View sharing



**FIGURE 48** 13  
Where to locate vegetation to accommodate  
view paths

### B3.5.4 Acoustic and visual privacy

Privacy refers to both acoustic and visual privacy. The privacy needs of residents and neighbours should influence all stages of design, from the location of buildings and the placement of windows and private open space through to the selection of materials and construction techniques.

This section contains objectives and controls for acoustic and visual privacy for buildings that have the potential to impact on adjoining and adjacent residential development.

It is important to note however, that privacy issues are an inherent component of urban living. In many cases some degree of mutual overlooking and/or noise from property to property is unavoidable.

#### Acoustic privacy

The level of acoustic privacy depends upon the location of habitable rooms relative to noise sources such as habitable rooms, decks, terraces, driveways, air conditioning units, swimming pool pumps and major roads.

Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings. This may be achieved by:

- ensuring that bedrooms of one dwelling do not share walls with the habitable rooms (excluding bedrooms) or parking areas of the adjacent dwelling;
- locating bedroom windows at least 3m from streets, shared driveways and parking areas of other dwellings; and
- separating bedrooms, by way of barriers or distance, from on-site noise sources such as active recreation areas, car parking area, vehicle accessways and service equipment areas.

#### Visual privacy

The visual privacy controls apply to habitable rooms. This includes rooms such as a bedroom, living room, lounge room, kitchen, dining room and the like. Maintaining visual privacy within and from these types of habitable rooms is most important, as these are the common living areas in a dwelling. The controls also address the private open spaces of dwellings.

The controls establish a hierarchical framework for addressing privacy and overlooking. In this hierarchy glazed fixed windows and windows with high sills are the least preferred option and should only be considered in limited circumstances when all other options have been exhausted.

Note:

- Under the BCA, habitable rooms exclude a bathroom, laundry hallway, lobby, and other like spaces of a specialised nature occupied neither frequently nor for extended periods.
- Nothing in this section restricts a person from replacing a window with another window, where the replacement window is in the same location and of the same or a smaller size.

**B3.5 Built form and context** ► 3.5.4 *Acoustic and visual privacy*

Objectives	Controls
<p>O1 To ensure adequate acoustic privacy for occupants and neighbours.</p>	<p>C1 Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings.</p> <p>C2 Dwellings located close to high noise sources, such as a busy road or railway line are to:</p> <ul style="list-style-type: none"> <li>a) be designed to locate habitable rooms and private open space away from the noise source; and</li> <li>b) include sound attenuation measures, such as acoustic glazing and insulation.</li> </ul> <p>Note: Shared walls and floors between dwellings must be designed in accordance with the sound transmission and insulation criteria of the Building Code of Australia.</p> <p>C3 Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the <i>Environment Operations Act 1997</i> either within or at the boundaries of any property at any time of the day.</p>
<p>O2 To ensure adequate visual privacy for occupants and neighbours while balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes.</p>	<p>C4 New windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m.</p> <p>This may be achieved by options including, but not limited to (in order of preference):</p> <ul style="list-style-type: none"> <li>a) Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries.</li> <li>b) Layout and separation—offsetting windows from the windows/private open spaces of the adjoining dwelling to limit views between the windows/private open space.</li> <li>c) Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter</li> </ul>

**B3.5 Built form and context** ► 3.5.4 *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 [DCP34]:** Requested by the Woollahra LPP on 27 June 2019

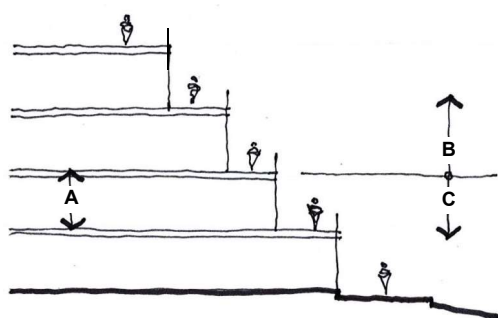
**B3.5 Built form and context** ▶ 3.5.4 *Acoustic and visual privacy*

Objectives	Controls
<p>O3 To minimise the impacts of private open space.</p>	<p>C7 Private open spaces and the trafficable area of roof terraces (at or below the second storey) (refer to Figure 19) are to be suitably located and screened to prevent direct views to neighbouring:</p> <ul style="list-style-type: none"> <li>a) habitable rooms (including bedrooms) within 9m; and</li> <li>b) private open space within 9m.</li> </ul> <p>Note: Private open space includes an area external to a building including land, terrace, balcony or deck.</p> <p>C8 For a dwelling house, dual occupancy, semi-detached dwelling, or attached dwelling—the acceptability of any elevated balcony, deck, or terrace will depend on the extent of its impact, its reasonableness and its necessity.</p> <p>Note: Refer to <i>Super Studio vs Waverley Council, (2004) NSWLEC 91</i></p> <p>C9 Windows and balconies of an upper-level dwelling are designed to prevent overlooking of the private open space of a dwelling below within the same development.</p> <p>C10 The trafficable area of a roof terrace (above the second storey) (refer to Figure 49 14) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to:</p> <ul style="list-style-type: none"> <li>a) neighbouring private open space within 12m; or</li> <li>b) windows of habitable rooms in neighbouring dwellings within 12m.</li> </ul>

**B3.5 Built form and context** ► 3.5.4 Acoustic and visual privacy

Objectives	Controls
	<p><b>C11</b> Lighting installations on a roof terrace or upper level deck are:</p> <ul style="list-style-type: none"> <li>a) contained within the roof terrace area and located at a low level; or</li> <li>b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.</li> </ul> <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><b>O4</b> To ensure that where roof terraces are inserted into roofs, they do not impact on the roof profile.</p>	<p><b>C12</b> For a roof terrace within the roof a building:</p> <ul style="list-style-type: none"> <li>a) no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and</li> <li>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.</li> </ul> <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 adjoining neighbouring properties.</p>

**Commented [DCP35]:** Requested by the Woollahra LPP 27 June 2019

**FIGURE 19.14**

Application of the visual privacy controls to roof terraces

A - Second storey

B - Refer to B3.5.4 C10

C - Refer to B3.5.4 C7

### B3.5.5 Internal amenity

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

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

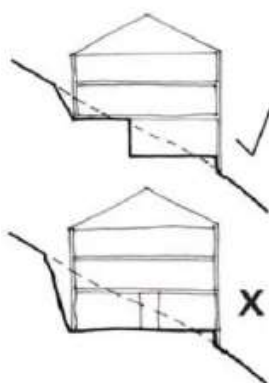
Note: Habitable rooms exclude bathrooms, corridors, hallways, stairways, lobbies, and other like spaces of a specialised nature occupied neither frequently nor for extended periods.

#### B3.5 Built form and context ▶ 3.5.5 Internal amenity

Objectives	Controls
O1 To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.	C1 All habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening,
O2 To encourage buildings that are designed to maximise natural light provision in habitable rooms.	C2 All habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation,
	C3 The area of unobstructed window openings should be equal to at least 20% of the room floor area for habitable rooms,

**B3.5 Built form and context** ► 3.5.5 Internal amenity

Objectives	Controls
	<p>C4 Light wells must not be the primary air source for habitable rooms, and</p> <p>C5 Any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) is limited to a maximum room depth of 2 X the ceiling height.</p>



**FIGURE 14A**

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



### B3.6 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"> <li>a) <u>is located within the building envelope.</u></li> <li>b) <u>does not dominate the street frontage;</u></li> <li>c) <u>preserves trees and vegetation of landscape value; and</u></li> </ul>
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.	
<u>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: <ul style="list-style-type: none"> <li>a) <u>there is rear access (via a lane or street); or</u></li> <li>b) <u>the site is located on sloping land where:</u> <ul style="list-style-type: none"> <li>• <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></li> <li>• <u>the car parking structure is incorporated into a podium or street wall; and</u></li> <li>• <u>the car parking structure is not more than 40m<sup>2</sup> in area.</u></li> </ul> </li> <li>c) <u>the existing streetscape in the immediate vicinity of the site is</u></li> </ul>
<del>O3</del> <u>O4</u> To minimise loss of on-street parking.	
<del>O4</del> <u>O5</u> To retain trees and vegetation of landscape value.	

Commented [DCP37]: Administrative change: Control

Commented [DCP36]: Administrative change: Objective

Commented [DCP38]: Administrative change: Control relocated from the floorplate section and consolidated with

Commented [DCP39]: Administrative change: Subsections

characterised by parking structures forward of the building line and

- For separate structures, the roof form, materials and detailing complement the principal building
- Garage doors are designed to complement the building design and any important character elements within the street.

**Commented [DCP40]:** Administrative change: Subsections relocated from C9 below.

**Commented [DCP41]:** Administrative change: Subsections relocated from C10 below.

C3 Parking structures are only permitted when:

- 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
- 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.

**Commented [DCP42]:** Requested by the Woollahra LPP on 27 June 2019.

~~C2~~ 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.

~~C3~~ 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 40m<sup>2</sup> and the height a maximum of 3.6m.

~~C4~~ Where there is no rear lane access, on-site parking is located within the building envelope.

**Commented [DCP43]:** Administrative change: Control consolidated into C2 above.

~~C5~~ C6 Development involving three or more dwellings provides basement parking.

<p><del>05</del> <u>06</u> To facilitate on-site parking on steeply sloping sites.</p>	<p><del>C6</del> Notwithstanding <del>C4</del>, car parking structures may be located in the front setback (i.e. outside the building envelope) where:</p> <ul style="list-style-type: none"> <li>a) <del>the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 20A); and</del></li> <li>b) <del>the car parking structures is incorporated into a podium or street wall; and</del></li> <li>c) <del>the car parking structures is not more than 40m<sup>2</sup> in area.</del></li> </ul> <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 20B).</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 20B).</p>
<p><del>06</del> <u>07</u> To ensure that on-site parking is designed and integrated with the principal building on the site.</p>	<p><del>C9</del> <del>For separate structures, the roof form, materials and detailing complement the principal building.</del></p>
<p><del>07</del> <u>08</u> To ensure that on-site parking does not detract from the streetscape character and amenity.</p>	<p><del>C10</del> <del>Garage doors are designed to complement the building design and any important character elements within the street.</del></p>
<p><del>08</del> <u>09</u> To minimise the visual and environmental impacts of driveways and other hard stand areas associated with car parking.</p>	<p><del>C11</del> <u>C9</u> The width of driveways is minimised. Generally the width is no more than the minimum width required to comply with the relevant Australian Standards (see Section E1).</p> <p><del>C12</del> <u>C10</u> Only one driveway entrance is provided. For example, development</p>

Commented [DCP44]: Administrative change: Control

Commented [DCP45]: Administrative change: Control

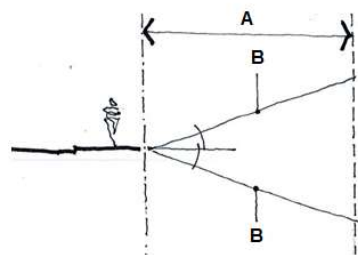
involving more than one dwelling shares the driveway access.

~~C43~~ **C11** Where soil and drainage conditions allow, semi-porous surfaces are used for uncovered car parking and driveway areas to facilitate on-site stormwater infiltration and reduce limit the visual impact of hard-surface areas.

**FIGURE 20A 15A**

Car parking structures in front setback

On sites where the gradient measured to a distance of 7m (A) from the street frontage is greater than 1 in 3 (B), Council may permit car parking structures forward of the building line if incorporated into a podium/street wall.

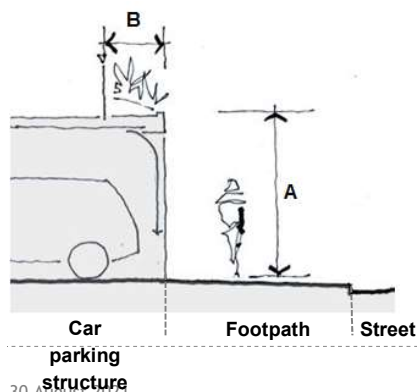


**FIGURE 20B 15B**

Car parking structures at front boundary

**A** = The car parking structure's height at the front boundary is to be no more than 2.7m above the pavement

**B** = Any balustrading on the car parking structure is to be set back 1m



30 August 2021

Woollahra Development Control Plan 2015

## B3.7 External areas

### B3.7.1 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 [DCP46]:** 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.

B3.7 External areas ► 3.7.1 Landscaped area and private open space	
Objectives	Controls
O1 To ensure that the areas outside the <del>floorplate building</del> contribute to the desired future character of the location.	<p><del>These controls apply to</del> development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes (refer DA Guide)</p> <p><b>C1</b> Tree canopy area is at least:</p> <p>a) 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>b) 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings, or</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 <del>to support substantial vegetation.</del>	
O3 To provide for on-site stormwater absorption.	

**Commented [DCP47]:** Floorplate control has been deleted as a consequence of the proposed FSR.

**B3.7 External areas** ▶ 3.7.1 Landscaped area and private open space

## Objectives

## Controls

c) 25% of the site area for all residential development in the Wolseley Road area (Figure 18)

And at least half of the total tree canopy area on the site is contributed by canopy tree/s.

Refer Figure 16 for the calculation of tree canopy area.

Council may consider a variation to this control where:

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).

b) The applicant has demonstrated that the deep soil landscaped area on the 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 skillful design has been considered to achieve the development potential and amenity and reduce the impact on deep soil landscaped area).

**C1** 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.

**C2** 35% of 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.

**Commented [DCP48]:** New tree canopy control developed through site testing across the LGA in consultation with Council staff and Lyndal Plant (Urban Forester)


**Commented [DCP49]:** 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.

**Commented [DCP50]:** As the floorplate control has been replaced, delete control and replace with control above.

**Commented [DCP51]:** 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)

**B3.7 External areas** ► 3.7.1 Landscaped area and private open space

Objectives	Controls
	<p><del>C2</del>  At least 40% of the front setback comprises deep soil landscaped area., <del>and:</del></p> <p>a) <del>for a residential flat building, manor houses, multi dwelling housing or multi dwelling housing (terraces) 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 20m<sup>2</sup>; and</del></p> <p>b) <del>for a residential flat building, manor houses multi dwelling housing or multi dwelling housing (terraces) in the Double Bay or Point Piper precinct—at least one consolidated area of the deep soil area is at least 12m<sup>2</sup>.</del></p> <p><del>C3 Control C2 above does not apply to land in Rose Bay between Caledonian Road and Vickery Avenue zoned R3 Medium Density Residential.</del></p> <p><del>C4 At least 50% of the rear setback comprises deep soil landscaped area.</del></p> <p><del>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.</del></p>

**Commented [DCP52]:** As a consequence of feedback from Council's DA officers, proposed deletion of the precinct variations, which are considered impractical and overly prescriptive.

**Commented [DCP53]:** 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 [DCP54]:** Administrative change.

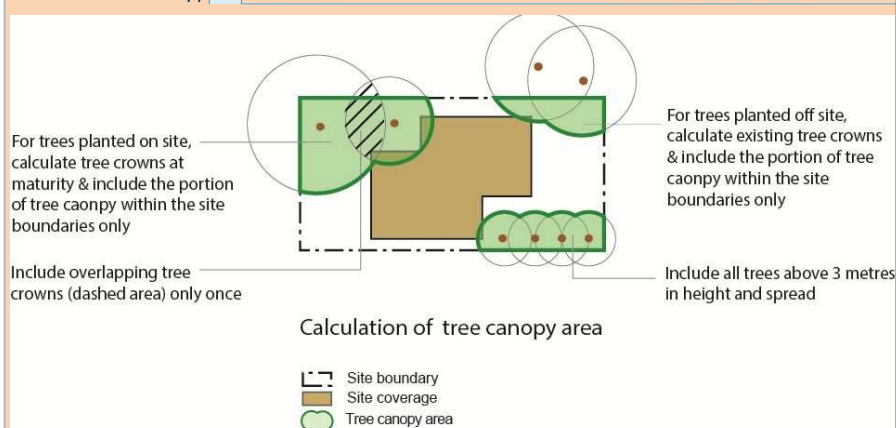
Delete control as it duplicates the definition of deep soil landscaped area as contained in Part A of the WDCP 2015, which states:

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



**B3.7 External areas** ▶ 3.7.1 Landscaped area and private open space**Objectives****Controls****FIGURE 16**

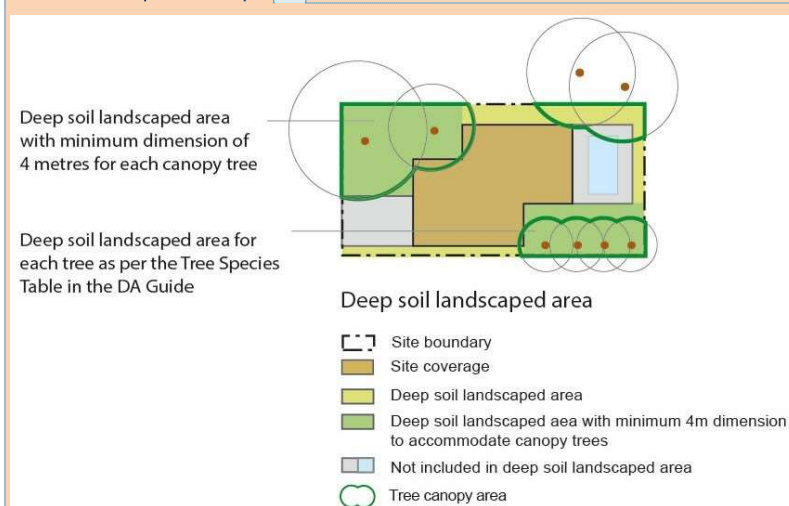
Calculation of tree canopy area



**Commented [DCP55]:** 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 [DCP56]:** 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).

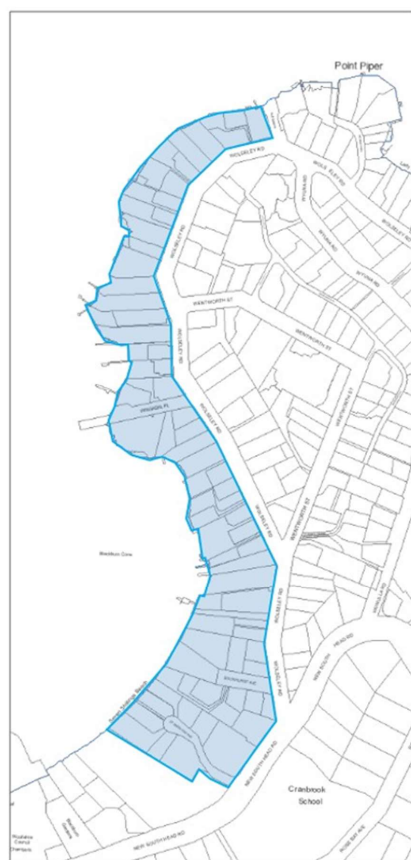
**B3.7 External areas** ► **3.7.1 Landscaped area and private open space**

**Objectives**

**Controls**

**FIGURE 18**

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



**LEGEND**

■ Wolseley Road Area



**Commented [DCP57]:** Amendment as a consequence of the proposed FSR controls.

Insert diagram identifying the Wolseley Road area.

**O4** To ensure the adequate provision of accessible and useable primary open space.

**C6 C4** For a dwelling house—a primary open space area of at least 35m<sup>2</sup> is provided.

**C7 C5** For each dwelling within a semi-detached dwelling, dual occupancy or attached dwelling—a primary open space area of at least 35m<sup>2</sup> is provided.

**B3.7 External areas** ► 3.7.1 Landscaped area and private open space

Objectives	Controls
	<p><del>C8</del> <u>C6</u> The primary open space area in C6 and C7 above has a gradient of no more than 1 in 10 (refer to Figure 21).</p> <p><del>C9</del> <u>C7</u> 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 21).</p> <p><del>C40</del> <u>C8</u> Part of the primary open space area is directly accessible from a habitable room</p>
<p>O5 To ensure that dwellings in residential flat buildings, manor houses, multi dwelling housing or multi dwelling housing (terraces) are provided with adequate private open space that enhances the amenity of the dwellings.</p>	<p><del>C44</del> <u>C9</u> For residential flat building, manor houses, multi dwelling housing or multi dwelling housing (terraces) –each dwelling is provided with private open space which has a minimum area of 8m<sup>2</sup> 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.</p>
<p>O6 To ensure that private open space areas are well-designed.</p>	<p><del>C42</del> <u>C10</u> Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use.</p> <p><del>C43</del> <u>C11</u> Private open space is clearly defined for private use through planting, fencing or landscape features.</p> <p><del>C44</del> <u>C12</u> The location of private open space:</p> <ul style="list-style-type: none"> <li>a) takes advantage of the outlook and natural features of the site;</li> <li>b) reduces the adverse privacy and overshadowing impacts; and</li> <li>c) addresses surveillance and privacy where private open space abuts public space.</li> </ul> <p><del>C45</del> <u>C13</u> A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.5.4 Acoustic and visual privacy.</p>

**B3.7 External areas** ► 3.7.1 Landscaped area and private open space

Objectives	Controls
O7 To retain important existing <del>mature</del> <u>canopy</u> trees, vegetation and other landscape features.	<del>C46</del> <u>C14</u> Existing <u>canopy</u> 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.	<del>C47</del> <u>C15</u> 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 <u>neighbouring properties</u> <u>adjoining residents</u> .	<del>C48</del> <u>C16</u> Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering. Note: Vertical layering, by planting a variety of vegetation in different sizes and heights provides more cover and feeding opportunities for wildlife species.
O10 To ensure that landscaping allows view sharing.	<del>C49</del> <u>C17</u> Landscaping facilitates the linking of open space reserves through wildlife corridors and reduces habitat fragmentation and loss.  <del>C20</del> <u>C18</u> The landscape design: <ul style="list-style-type: none"> <li>a) uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality;</li> <li>b) uses vegetation types that will not block views;</li> <li>c) does not adversely affect the structure of the proposed building or buildings on <u>adjoining</u> <u>neighbouring</u> properties;</li> <li>d) considers personal safety by ensuring good visibility along paths and driveways and avoiding shrubby landscaping near thoroughfares;</li> <li>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</li> </ul>

**Commented [DCP58]:** Consistent with other objectives and controls in Chapter B3.6.1 Landscaped area and private open space.

**Commented [DCP59]:** Requested but the Woollahra LPP on 27 June 2019

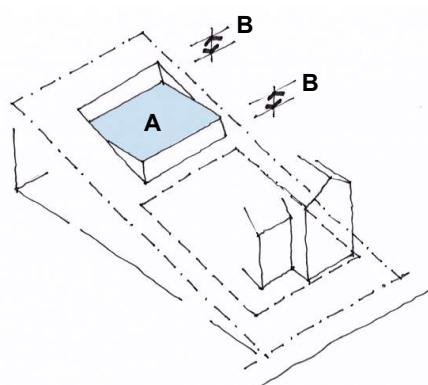
**Commented [DCP60]:** Requested but the Woollahra LPP on 27 June 2019

**B3.7 External areas** ▶ 3.7.1 Landscaped area and private open space

Objectives	Controls
	and living areas and other habitable rooms;
	f) improves privacy between dwellings;
	g) minimises risk of damage to overhead power lines and other services; and
	h) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections.
	<u>Note: Deep soil landscaped area means: the area of the site that contains landscaped area which has no above ground, ground level or subterranean development.</u>
	<u>Note: 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.</u>

**Commented [DCP61]:** 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.

**FIGURE 24 19**

Provision of level area of primary open space

**A** = Minimum area 35m<sup>2</sup>, maximum gradient 1:10**B** = Primary open space is to be no more than 1.2m above or below existing ground level

### B3.7.2 Fences

Fences and walls play major roles in determining the appearance of developments and their contribution towards the streetscape. Carefully designed fences and walls help to integrate developments into the existing streetscape. However, when poorly designed they can unduly dominate the streetscape and reduce opportunities for neighbourhood surveillance and social interaction.

This DCP seeks to recognise both the importance of fences and walls to the privacy and security enjoyed by individual properties and the potential of fences and walls to contribute to creating or enhancing attractive streetscapes.

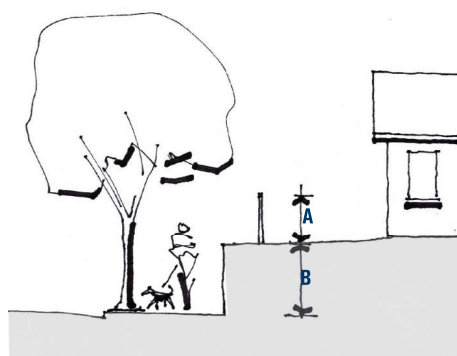
B3.7 External areas ► 3.7.2 Fences			
Objectives		Controls	
O1	To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.	C1	Fencing is designed and located to protect the inhabitants of the property, and allows for casual surveillance from the building to the street.
O2	To ensure that fences and walls are not visually intrusive in the streetscape and to enhance pedestrian safety.	C2	The arrangement of built form, fences, landscaping and other features clearly defines any public, common, and private space.
O3	To ensure that fences and walls do not unreasonably restrict views and vistas from streets and other public spaces.	C3	Front fences and walls assist in defining building entrances.
O4	To ensure that development creates well defined areas of public and private space.	C4	The height of front fences does not exceed: <ul style="list-style-type: none"> <li>a) 1.2m if solid; or</li> <li>b) 1.5m if 50% transparent or open;</li> </ul> unless otherwise specified in the precinct controls in Chapters B1 and B2 of this part of the DCP. <p>Note: Chapters B1 and B2 define the desired future character for each precinct, and identify any special heritage, streetscape character and key elements within each precinct.</p>
		C5	Fences and gates on the low side of the street adjacent to each side boundary incorporate transparent or open panels to preserve district, iconic and harbour views from the street.

**B3.7 External areas** ▶ 3.7.2 Fences

Objectives	Controls
	<p>C6 On the high side of streets where there is an increase in ground level in excess of 1.2m on the property side of the street alignment—the height of front fences and walls may increase to 1.2m from the level of the high side (refer to Figure 22).</p> <p>C7 Gates do not encroach over the street alignment when opening or closing.</p> <p>C8 Where a vehicular entrance is proposed in conjunction with a fence of height greater than 1.2m—a 45° splay or its equivalent is provided either side (as applicable) of the entrance to ensure driver and pedestrian vision. The splay is to have minimum dimensions of 2m x 2m (refer to Figure 23).</p>
<p>O5 To ensure boundary fences between sites provide visual privacy without affecting the amenity of those sites in terms of views and sunlight.</p>	<p>C9 The rear and side fences:</p> <ul style="list-style-type: none"> <li>a) are located behind the building front setback; and</li> <li>b) do not exceed 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary.</li> </ul> <p>C10 Where there is a difference in ground level in excess of 1.2m either side of the boundary—the height of fences and walls may increase to 1.2m from the level of the high side (refer to Figure 24).</p>
<p>O6 To ensure fences and walls are sympathetic to the topography.</p>	<p>C11 For sloping streets—the height of fences and walls may be averaged and fences and walls may be regularly stepped.</p>

**B3.7 External areas ► 3.7.2 Fences**

Objectives	Controls
07 To protect and retain fences and walls that are important character elements for the precinct.	C12 Remnant sandstone and garden walls are retained and adequately maintained.
08 To ensure materials used in fences and walls are a high quality and in keeping with the existing streetscape character and character of the building.	C13 Existing retaining walls that are important character elements in the street or precinct are retained.
	C14 Existing fences, particularly those constructed from sandstone, that are significant or represent important character elements in the street or precinct are retained.
	C15 The design and materials of front fences and walls are compatible with those fences and walls that contribute positively to the streetscape, (and the heritage context in the case of heritage conservation areas), and satisfy the desired future character and precinct controls in Chapters B1 and B2 of this DCP.
	C16 Fences and walls made from corrugated iron, barbed wire, and the like are not permitted.



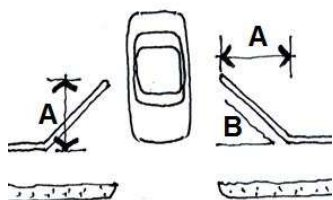
**FIGURE 22 20**

Front fences on the high side of streets

**A** = 1.2m maximum

**B** = Increase in ground level greater than 1.2m

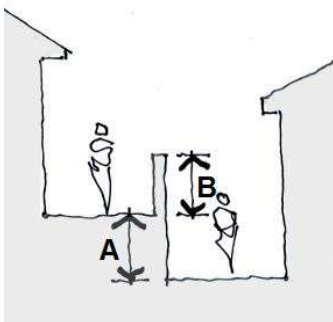


**FIGURE 23 21**

Splays for driveway entrances where fence height exceeds 1.2m

A = 2m minimum

B = 45° splay

**FIGURE 24 22**

Side and rear boundary fences where levels change between properties

A = Increase in ground level greater than 1.2m

B = 1.2 maximum

### B3.7.3 Site facilities

Some site facilities including fire safety systems, lift overruns, air-conditioning, mechanical ventilation, 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 must be considered. In particular, consideration must be given to the location, size and design of site facilities including hydrant and booster installations and mechanical plant equipment such as lift overruns, air-conditioning units and condensers, heating, ventilation and other mechanical systems that maintain or support the operations of a building.

B3.7 External areas ► 3.7.3 Site facilities			
Objectives		Controls	
O1	To ensure that mail boxes are suitably located and designed.	C1	Lockable mail boxes are provided close to the street and are integrated with front fences or building entries.
O2	To provide adequate storage facilities in residential development.	C2	Lockable storage space of at least 8m <sup>3</sup> per dwelling is provided.
O3	To encourage the use of natural resources to dry clothes.	C3	Development that includes a residential component provides opportunity for at least one external clothes drying area.
O4	To ensure external clothes drying areas are suitably located.	C4	External clothes drying areas have access to sunlight, and are located in a secure place away from public spaces and screened from public view.  Note: External drying areas may be located in the deep soil landscaped area.
O5	To ensure that aerials, antennae, and communications dishes must be thoughtfully integrated into development and are unobtrusive.	C5	Developments involving three or more dwellings share one common television antennae or satellite dish.
		C6	The design and location of aerials, antennae, and communications dishes: a) do not have an unreasonable impact on the architectural character of the building to which it is attached; b) are not visually intrusive within the streetscape; and

B3.7 External areas ► 3.7.3 Site facilities	
Objectives	Controls
	c) do not have an unreasonable impact on the amenity of adjoining and adjacent properties.
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 and air conditioners) must be located internally within the principal building in a suitably designed plant room or the like.
O7 To discourage the provision of mechanical plant equipment on the roofs of buildings to minimise clutter and visual impacts created by intrusive site facilities.	C8 Mechanical plant equipment (including lift overruns and air conditioners) must be wholly contained within the permissible building envelope and must not be located externally or on the roof unless Council is satisfied that it:
O8 To minimise visual and acoustic impacts on adjoining properties	<p>a) cannot be reasonably located elsewhere; and</p> <p>b) is thoughtfully located, sized, enclosed, concealed and integrated into the building design (including when viewed from above) and roof form so it:</p> <ul style="list-style-type: none"> <li>i. is not visible from the streetscape or public domain;</li> <li>ii. is consistent with the overall building design, roof form and materials;</li> <li>iii. is visually discreet and unobtrusive when viewed from adjoining properties; and</li> <li>iv. minimises acoustic impacts to adjoining properties.</li> </ul> <p>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.</p>

B3.7 External areas ► 3.7.3 Site facilities	
Objectives	Controls
	<p>C9 Screening will only be considered where the screening is suitably located, integrated with the building design and materials and will have no impact on views or result in overshadowing of adjoining properties.</p> <p>Note: Screening alone may not be an acceptable solution for ensuring that mechanical plant equipment is not visible from the streetscape or the public domain.</p>
O9 To protect the air quality and residential amenity.	C10 New fireplaces burn non-solid fuels, e.g. gas or electricity.
O10 To ensure that development incorporates adequate garbage and recycling collection areas.	C11 Refer to Part E of the DCP, Chapter E5 Waste Management.
O11 To ensure that site services are accessible, functional and do not have a negative impact on the streetscape.	<p>C12 Site services are suitably integrated with the development including the landscape design and are not visually intrusive within the streetscape.</p> <p>C13 Hydraulic fire services such as fire hydrants and booster installations are concealed. These services are to be:</p> <ul style="list-style-type: none"> <li>a) enclosed with doors if located in the building façade, or</li> <li>b) housed in a cabinet or enclosure if located external to the building.</li> </ul> <p>The location, design, colour and material of the doors, cabinet or enclosure are visually unobtrusive and suitably integrated with the development, including fencing and landscaping.</p>

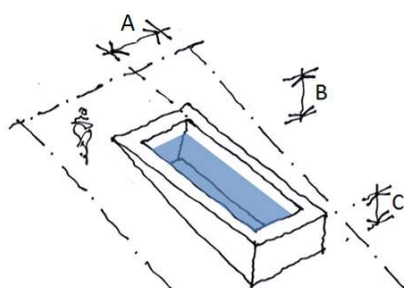
### B3.7.4 Ancillary development – swimming pools, tennis courts and outbuildings

#### 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.

B3.7 External areas ▶ 3.7.4 Ancillary development - swimming pools	
Objectives	Controls
O1 To provide for recreational opportunities for swimming without compromising the amenity of the <b>adjoining</b> neighbouring properties.	C1 The swimming pool does not occupy the deep soil landscaped area. C2 Excavation beyond the controls in Section B3.4 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.
O2 To limit excavation.	C3 The swimming pool (measured from the water edge) is at least 1.8m from property boundaries.
O3 To retain trees and vegetation of landscape value.	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 25 23). 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 [DCP62]:** Requested by the Woollahra LPP on 27 June 2019



**FIGURE 25 23**

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

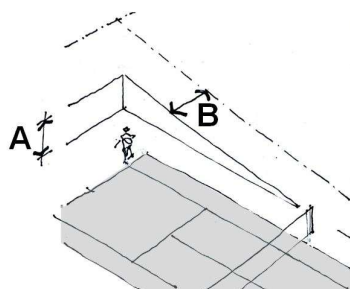
## Tennis courts

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.

### B3.7 External areas ► 3.7.4 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 26 24).
O2 To limit excavation.	C2 The tennis court is at least 1.5m from property boundaries (refer to Figure 26 24).
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"> <li>a) sharing of views from surrounding properties; or</li> <li>b) solar access to adjoining neighbouring properties.</li> </ul>
	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 [DCP63]:** Requested by the Woollahra LPP on 27 June 2019



**FIGURE 26 24**

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.

#### B3.7 External areas ▶ 3.7.4 Ancillary development - outbuildings

Objectives		Controls	
O1	To ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the <b>adjoining</b> <b>neighbouring</b> 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	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 3.7.1 Landscaped areas and private open space.
<p><u>Notes:</u></p> <ul style="list-style-type: none"> <li>• <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></li> <li>• <u>Controls for outbuildings which comprise parking structures are contained in Section B3.7.</u></li> </ul>			

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

**Commented [DCP65]:** Administrative change.  
In response to feedback from Council staff, insert definition of outbuilding.

**Commented [DCP66]:** Administrative change.  
In response to feedback from assessment officers, insert cross reference.

## B3.8 Additional controls for development other than dwelling houses

This section includes additional controls for the following types of development:

- secondary dwellings;
- semi-detached dwellings;
- dual occupancies;
- attached dwellings;
- residential flat buildings;
- manor houses;
- multi-dwelling housing;
- multi dwelling housing (terraces);
- Inter-War flat buildings; and
- post-1950s residential towers.

These controls apply in addition to the controls in Sections B3.2-B3.7.

### B3.8.1 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, manor houses, multi dwelling housing and multi dwelling housing (terraces) 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, open space and to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood.



**B3.8 Additional controls** ► 3.8.1 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 and for effective landscaping and pedestrian access.</u></p> <p>O2 <u>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.</u></p> <p>O3 <u>To ensure there is adequate width for efficient on-site car parking.</u></p> <p>O4 <u>To ensure that excavation can be adequately set back from boundaries and to prevent excessive excavation.</u></p> <p>O5 <u>To encourage consolidation of allotments in appropriate locations to enable the development of a diversity of dwelling types.</u></p>	<p>C1 The parent lot has a minimum width at the street front alignment as follows:</p> <ul style="list-style-type: none"> <li>c) detached dual occupancy—21m;</li> <li>d) attached dwellings—24m;</li> <li>e) residential flat building, manor houses, multi dwelling housing or multi dwelling housing (terraces) containing three dwellings—15m; and</li> <li>f) residential flat building, multi dwelling housing, multi dwelling housing or multi dwelling housing (terraces) or containing four or more dwellings—21m.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>• No minimum lot width applies to a dwelling house, semi-detached dwelling or attached dual occupancy.</li> <li>• The parent lot refers to the development site before any subdivision (if relevant).</li> <li>• These controls do not apply to battle-axe lots (refer to Section B3.9).</li> </ul>

**Commented [DCP67]:** In response to feedback from Council's lawyers, inert additional objectives to the minimum lot width control.

### B3.8.2 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 60m<sup>2</sup>, or not more than 5% of the total floor area of the principal dwelling.

#### B3.8 Additional controls for development other than dwelling houses

##### ► 3.8.2 Secondary dwellings

Objectives		Controls	
O1	To ensure that amenity is provided to the occupants of the principal dwelling, secondary dwelling and to <b>adjoining</b> <u>neighbouring</u> properties.	C1	The secondary dwelling is located within the building envelope <del>and is calculated in the footprint</del> <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.
		C2	Both the principal and secondary dwellings have direct access to private open space.

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

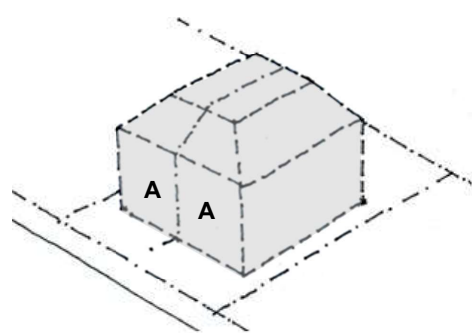
**Commented [DCP69]:** As the Floorplate control is replaced by the proposed FSR control in the Woollahra LEP 2014, amend control accordingly.

B3.8.3 Semi-detached dwellings

Under Woollahra LEP 2014, a semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling (refer to Figure 27 25).

This section includes controls relating to:

- ▶ new semi-detached dwelling development; and
- ▶ alterations and additions to existing semi-detached dwellings.



**FIGURE 27 25**  
Semi-detached dwellings  
A = Semi-detached dwellings

B3.8 Additional controls for development other than dwelling houses			
▶ 3.8.3 Semi-detached dwellings			
Objectives		Controls	
For new development			
O1	To encourage semi-detached dwellings to present as a uniform built form.	C1	Both dwellings in the development have an integrated design and are complementary to each other in terms of style, design, materials, roof form and colour scheme.

B3.8 Additional controls for development other than dwelling houses

3.8.3 Semi-detached dwellings

Objectives		Controls	
For alterations and additions to existing semi-detached development			
02	To ensure that a proposal to redevelop one semi-detached dwelling in a pair does not adversely affect the development potential of the unaltered dwelling.	C2	Alterations and additions to one semi-detached dwelling in a pair do not unreasonably prevent the redevelopment of the remaining semi-detached dwelling at a later date.
		C3	Windows facing the common elevation between each semi-detached dwelling are avoided.
03	To ensure that the original streetscape contribution and character of semi-detached dwellings is retained and enhanced.	C4	First floor additions are set back beyond the apex or main ridge of the existing principal roof form.
		C5	Existing chimneys are retained.
		C6	Dormers are not located in the street elevation of the building.
		C7	The key architectural elements of the original building are retained.
04	To ensure that additions and alterations to one semi-detached dwelling respects the scale, detailing and characteristics of the pair.	C8	Alterations and additions to one of a pair of semi-detached dwellings does not dominate or compromise the uniformity or geometry of the principal or street front elevation.  Where symmetry is the dominant characteristic it should be respected; where asymmetry gives the appearance of a single building this should be respectfully acknowledged in the design to maintain that character.
		C9	The style, pitch, material, profile and colour of the proposed roof form matches, complements and extends the existing roof form of the building. Uncharacteristic roof forms and details that detract from the character of the adjoining semi-detached dwelling are avoided.

**B3.8 Additional controls for development other than dwelling houses****▶ 3.8.3 Semi-detached dwellings**

Objectives	Controls
	C10 Roof design does not adversely impact on the adjoining semi-detached dwelling or create stormwater spillover.
	C11 External colour schemes and materials are sympathetic to the character of the original building and the other semi-detached dwelling.

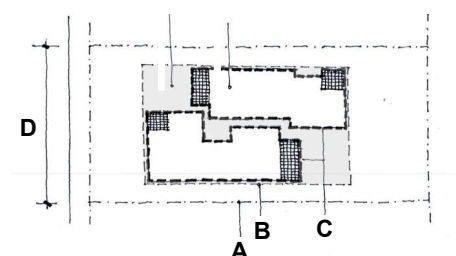
### B3.8.4 Dual occupancy

A dual occupancy means two dwellings on one lot of land (refer to Figure 28 26).

Under Woollahra LEP 2014, dual occupancies are defined as:

- **dual occupancy (attached)** means two dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
- **dual occupancy (detached)** means two detached dwellings on one lot of land, but does not include a secondary dwelling.

Clause 4.1A of Woollahra LEP 2014 sets the minimum lot size of dual occupancies.



**FIGURE 28 26**  
Example layout of detached dual occupancy within the building envelope

A = Lot boundary

B = Building envelope

C = Extent of building

D = 21m minimum frontage

#### B3.8 Additional controls for development other than dwelling houses

##### ► 3.8.4 Dual occupancy

Objectives		Controls
O1	To ensure that the development presents as an integrated design.	C1 Both dwellings in the development complement each other in terms of style, design, materials, roof form and colour scheme.
O2	To ensure useable and well located areas of private open space.	C2 Private open space areas are not located within the front setback area. C3 Each dwelling has direct access to its own private open space area. C4 Private open space areas are not overlooked by the other dual occupancy dwelling in the development.

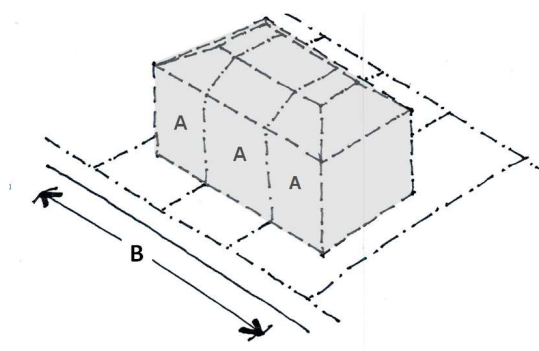
O3	To ensure that on-site parking does not detract from the streetscape character and amenity.	C5	Both dual occupancies share a common driveway cross-over. Separate cross overs may be considered on corner lots, where the access is from separate streets.
O4	To minimise loss of on-street parking.		

### B3.8.5 Attached dwellings

Under Woollahra LEP 2014, attached dwelling means a building containing three or more dwellings, where:

- a) each dwelling is attached to another dwelling by a common wall;
- b) each of the dwellings is on its own lot of land; and
- c) none of the dwellings are located above any part of another dwelling.

Refer to Figure 29 27.



**FIGURE 29 27**

Attached dwellings

A = Attached dwellings

B = 24m minimum frontage

#### B3.8 Additional controls for development other than dwelling houses

##### 3.8.5 Attached dwellings

Objectives	Controls
O1 To ensure that the development presents as an integrated design.	C1 All dwellings in the development complement each other in terms of style, design, materials, roof form and colour scheme.
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.	C2 If basement parking is not provided, at grade parking is located at the rear.

Parking structures addressing the street are not encouraged.

### B3.8.6 Residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces)

Woollahra LEP 2014 defines the following types of residential accommodation:

- **residential flat building** means a building containing three or more dwellings, but does not include an attached dwelling or multi dwelling housing.
- **manor houses** as defined in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- **multi dwelling housing** means three or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.
- **multi dwelling housing (terraces)** as defined in Woollahra LEP 2014.

In addition to the DCP controls, the NSW Government's *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65) is also a mandatory consideration for all applications for residential flat buildings and multi dwelling housing that is three or more storeys and contains four or more self-contained dwellings.

SEPP 65 contains principles for good design and provides guidance for evaluating the merit of design solutions, and is supported by the Apartment Design Guide. The guide contains detailed information about how development proposals can achieve the design quality principles in the SEPP, addressing matters such as building separation and building configuration.

Where SEPP 65 applies, the development application must be accompanied by a design verification from a qualified designer, confirming that:

- he or she designed, or directed the design, of the development; and
- the design quality principles set out in SEPP 65 are achieved for the development.

#### B3.8 Additional controls for development other than dwelling houses

##### ► 3.8.6 Residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces)

Objectives		Controls	
O1	To ensure that dwellings within the development provide good amenity.	C1	Internal layout and window placement achieves good natural ventilation.
		C2	Single aspect dwellings are limited in depth to 8m from a window.



**B3.8 Additional controls for development other than dwelling houses****▶ 3.8.6 Residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces)**

Objectives	Controls
	<p>C3 The back of the kitchen is no more than 8m from a window.</p> <p>C4 The width of a cross-over or cross-through dwelling over 15m deep is 4m or greater. Deep and narrow dwelling layouts are avoided.</p> <p>C5 Where practical, habitable rooms excluding bedrooms are oriented to the north for maximum solar access.</p> <p>C6 Light wells as the main source of lighting and ventilation to dwellings is avoided.</p>
O2 To ensure useable and well located areas of private open space that provide good amenity for residents.	<p>C7 Each dwelling has direct access to its own private open space area.</p> <p>C8 Private open space areas are located and designed to minimise overlooking from other dwellings in the development.</p> <p>Note: For requirements for adaptable housing in residential flat buildings, manor houses, multi dwelling housing, multi dwelling housing (terraces) and mixed use developments refer to Part E8 of the DCP.</p>

### B3.8.7 Inter-War flat buildings

Inter-War flat buildings were constructed in many parts of the Woollahra LGA. Many of these buildings make an important historic, aesthetic, social and technical contribution to the character of areas and to the historical development of the area.

Inter-War flat buildings are defined as two storeys or more and containing two or more dwellings, constructed in the period circa 1918 to circa 1950.

This definition includes years outside the recognised 'Inter-War period' of 1918 to 1939. This is to recognise a building type and not exclusively buildings constructed between certain years. This building type is distinguishable by common characteristics and styles. There are many examples of residential flat buildings with these characteristics that were constructed after 1939.

There are numerous cohesive groups and one-off examples that demonstrate the key characteristics of architectural styles of the Inter-War period including Art Deco, Mediterranean, Georgian Revival, Spanish Mission, Skyscraper Gothic and Functionalist. Many of the Inter-War flat buildings across the LGA were designed by prominent architects such as Leslie Wilkinson, Emil Sodersten, Aaron Bolot, Eric Clarke Pitt, John R. Brogan and Samuel Lipson.

Externally, many buildings and their settings are substantially intact. Modern day renovation trends that include rendering or bagging face brick, altering window patterns and enclosing balconies have detrimental impacts on the character of these buildings, particularly their aesthetic values, and also on the general streetscape.

#### Streetscape

The streetscape is the connection between the private and public domain. The character of the Inter-War flat building streetscapes is their consistency in architectural style, scale, form, front and side setbacks, finishes and materials. In streets characterised by Inter-War residential building development, the subdivision pattern and regular separation of buildings often provides public views to surrounding areas and landmarks.

#### Landscaped area

The landscaped garden setting is an important element of Inter-War flat buildings and contributes to the character of the building and its setting. The garden setting usually comprises perimeter planting in narrow strips along the front of the buildings and along the side boundary fences framing a small lawn area in front of the buildings.

#### Building form

The predominant plan form of principal buildings is of a stepped nature with bays, indents, verandahs, balconies and other elements to break up the mass of the building and in particular the street front elevation.

Highly characteristic detailing defines each style within the Inter-War period and contributes to the building's character. Each style can be characterised by the following elements:

- Art Deco: Face brickwork, vertical and horizontal brick fins, decorative stepped parapets, symmetry, three dimensional massing, geometric curves.

- ▶ Mediterranean: Rendered and lime washed walls, round or Marseille tiles, accents of classical detail such as round arches, timber shutter, ornate fine ironwork railings.
- ▶ Georgian Revival: Symmetry, fine face brickwork, 12 pane windows, repetitive fenestration, semi-circular headed windows, classical columns and pediments.
- ▶ Spanish Mission: Plain rendered or textured stucco with concentrations of ornament, gabled roofs with curved parapets, half-round terra cotta tiles, triple arch windows, 'barley-sugar' columns.
- ▶ Skyscraper Gothic: Medieval motifs, tall tower elements, vertical fins, stepped parapets.
- ▶ Functionalist: Asymmetrical massing of simple geometric shapes, steel-framed windows, contrasting horizontal and vertical motifs, large areas of glass.

### Building height

The height of Inter-War flat buildings is generally consistent within the streetscape. The buildings are usually 2 or 3 storeys, but may be up to 10 or 12 storeys.

### Materials

Materials characteristic of Inter-War flat buildings are:

- ▶ walls—brick, render/stucco;
- ▶ windows—timber double hung or casement; and
- ▶ roofs—glazed terracotta tile.

### Alterations, additions and repairs

Alterations and additions to Inter-War flat buildings should have regard to the existing character of the building and its setting.

Where external elevations and internal common areas are intact, applicants are encouraged to confine alterations to internal areas of individual apartments.

Services and fire upgrades must be carefully planned and detailed. To avoid damage to characteristic internal and external details, repairs to building elements are to retain existing detailing and be equal to the original quality and design of material finishes, fixtures and fittings.

### Roofscapes and chimneys

The roof is an important characteristic of Inter-War flat buildings and is generally a hipped or gabled form with a tiled roof structure and decorative parapet features. It contributes strongly to the overall form, proportions and character of the building.

Chimneys are an important characteristic of pre-1950 residential flat buildings and add to the character of the overall building form and area. For example, chimneys may relate to a centralised incinerator system, reflecting a previous technology that is of historic interest.

Dormer windows to the existing roof forms are inappropriate and out of character with Inter-War flat buildings and are intrusive in the roof form. Skylights are intrusive in roof forms and are restricted to areas that are not visibly prominent.

### Fences, gates and mailboxes

The front fences of Inter-War flat buildings are usually low scale and constructed of masonry, often incorporating or repeating details used in the building. Gates are generally wrought iron with fine craftsmanship in a design appropriate to the character of the building, and also match external balcony balustrades.

Mailboxes are often timber in a masonry enclosure and located at or near the front fence, or within or near the main entrance to the building.

### Ancillary structures

Ancillary structures for Inter-War flat buildings are those buildings that are not the principal building and include, but are not limited to: carports, garages, garbage areas and laundries.

### External materials, details and finishes

External materials, details and finishes and the way they in which these are used are important elements that contribute to the overall character of a building. Face brickwork is a key characteristic of Inter-War flat buildings. The use of masonry patterns including two-tone brickwork, squints (corner bricks), textured bricks and herringbone brickwork can contribute to aesthetic value to an Inter-War flat building.

### Verandahs and balconies

Existing verandahs and balconies are an important characteristic of Inter-War flat buildings, in addition to being functional and adding visual interest to the exterior by creating shadows. The addition of new balconies can have a highly negative visual impact on the character of the building. Where external elevations are intact and the building displays distinctive characteristic detailing, verandah additions should be limited to building elevations that are not highly visible from the street.

### Security devices

In some cases the original door and window hardware does not provide the necessary level of security for contemporary requirements. Additional security devices can be provided sympathetically whilst retaining original hardware and the character of the building.

### Fire protection upgrading

To comply with BCA and other requirements, it is sometimes necessary to upgrade the building with additional fire protection equipment or measures. Where characteristic internal and external detailing exists, fire protection upgrading should be sympathetically incorporated to minimise adverse impacts to original fabric and characteristic features of the building, such as doors and fireplaces.

### Objectives and controls for alterations and additions to Inter-War flat buildings

Note: The controls below apply in addition to the general residential controls in this chapter. Where there is an inconsistency, the controls below take precedence.

#### B3.8 Additional controls for development other than dwelling houses

##### ▶ 3.8.7 Inter-War flat buildings

Objectives		Controls	
Streetscape			
O1	To ensure that the significant characteristics of Inter-War flat buildings that contribute to the character of the area, are retained and protected.	C1	For Inter-War flat buildings that are heritage items or located in a HCA—No alterations or additions to the significant and/or original forms, details, fabrics, materials or finishes of the principal building elevations, except for restoration or reconstruction.
O2	To conserve the principal street elevations of the Inter-War flat buildings that contribute to the character of the area.	C2	For Inter-War flat buildings that contribute to the character of the area, are not heritage items or located in a HCA—Alterations or additions to the significant forms, details, materials or finishes of the principal building elevations are sympathetic to the style and period of the building, and do not dominate the building.
O3	To ensure that the architectural character of Inter-War flat buildings that contribute to the character of the area is not compromised.	C3	The articulated, stepped and faceted plan form of the building is not altered or obscured, particularly at the street elevation.
O4	To ensure that the character of original roofscapes, including key elements such as chimneys, is maintained.	C4	Alterations and additions are no higher than the existing roof level, and generally retain the original roof form of the building.
O5	To ensure that alterations and additions to the roofs are discreet and do not detract from the original character, proportions or key elements.	C5	The roof maintains traditional roofing materials of the area, such as glazed terracotta tiles. Any replacement or repair matches the original roofing in type, profile, colour and materials. Concrete roofing tiles and corrugated metal roofing are not appropriate.

### B3.8 Additional controls for development other than dwelling houses

#### ► 3.8.7 Inter-War flat buildings

Objectives	Controls
	<p>C6 Dormer windows or skylights are not visually prominent from the public domain or the principal elevations of the building.</p> <p>C7 Skylights are flush with the roof surface.</p> <p>C8 Original chimneys and their details are retained.</p>
O6 To conserve the established garden settings, including significant elements and features.	<p>C9 Characteristic front gardens, and their elements, are retained with minimal alteration.</p> <p>C10 Structures are not erected in the front garden that detract from the feeling of openness, or restrict or impact on the principal elevations of the building (including secondary fences and hedges).</p> <p>C11 Structures erected in the front garden do not significantly reduce or compromise the landscaped area or key elements and features.</p>
O7 To ensure that parking does not detract from the character of the streetscape.	C12 Car parking and garage structures are located at the rear, with access from the rear lane or side driveway.
O8 To ensure that external alterations, additions and repairs do not detract from the original character and form of the building.	<p>C13 External alterations and additions do not impact on the overall form and character of the building, and are not visually prominent from the public domain.</p> <p>C14 External windows and doors are repaired or replaced to match the style, materials and finishes of the original building.</p> <p>C15 Privacy screens are discreet and do not impact on the overall character of the building, and are visible from the street.</p> <p>C16 Protruding shade structures, including awnings and canopies, are not located on the principal building elevations.</p>

**B3.8 Additional controls for development other than dwelling houses****▶ 3.8.7 Inter-War flat buildings**

Objectives	Controls
	<p>C17 Alterations to improve accessibility (including lifts, ramps and stairs) are sympathetically integrated with the original building and retain the original character and design of the building and landscape areas.</p>
<p>O9 To ensure that external materials, details and finishes respect and complement the original building.</p>	<p>C18 Materials are similar in type and finish to those on the original building and sympathetically integrate with the fabric of the building.</p> <p>C19 Individual materials do not dominate the original materials of the building.</p> <p>C20 Original face brickwork, terracotta or decorative concrete panels must not be painted, rendered or coated.</p> <p>C21 Windows are timber double hung or casement with the glazing pane size to be conserved and match the original windows.</p> <p>C22 Original leadlight, glass blocks, etched and patterned glazing are retained and conserved.</p>
<p>O10 To ensure that works to balconies and verandahs do not detract from the character and form of Inter-War flat buildings.</p>	<p>C23 Original verandas and balconies to the principal elevation of the building are not enclosed, glazed, or otherwise altered, except to reinstate original detailing.</p> <p>C24 New verandahs and balconies are allowed to the rear or side elevations only if they:</p> <ul style="list-style-type: none"> <li>a) respect the character of the existing building; and</li> <li>b) are sympathetically integrated with the character and form of the building.</li> </ul>
<p>O11 To ensure that fences, gates and mailboxes are consistent with the character of Inter-War flat buildings.</p>	<p>C25 Original fencing, gates and mailboxes are retained and conserved.</p>

### B3.8 Additional controls for development other than dwelling houses

#### ► 3.8.7 Inter-War flat buildings

Objectives	Controls
	<p>C26 Fences to the front building alignment are a height of between 400mm and 900mm. The height, style, form, materials and finishes match the principal building and the streetscape.</p> <p>C27 Gates are constructed in a height, style, form, materials and finishes to match the principal building and streetscape. Aluminium gates are avoided.</p> <p>C28 Fencing to side and rear boundaries is in the form of a timber paling fence.</p> <p>C29 Mailboxes are constructed in style, form, materials and finishes to match the principal building and streetscape.</p> <p>C30 Mailboxes are discreetly located and do not impact on the character of the building.</p>
O12 To ensure that internal additions, alterations and repairs retain and respect internal common areas and significant internal character elements.	C31 Internal common areas and significant character elements are retained. This includes: entry doors, foyer areas and fittings, mailboxes, noticeboards, staircases, balustrades, carpets, wall details, light fittings, internal doors and the like.
O13 To ensure that the installation and maintenance of security devices does not detract from the character and form of Inter-War flat buildings.	<p>C32 Original door and window hardware is retained, where practical. New additional security elements are in character with the building.</p> <p>C33 Security bars are:</p> <ul style="list-style-type: none"> <li>a) fitted internally;</li> <li>b) respect the existing glazing patterns; and</li> <li>c) painted in a dark recessive colour.</li> </ul>



**B3.8 Additional controls for development other than dwelling houses****▶ 3.8.7 Inter-War flat buildings**

Objectives	Controls
	<p>C34 Security intercom systems are discreetly located and in a style and materials complimentary to the character of the building.</p> <p>C35 Alarm bell boxes and the like, are not attached to the principal building elevations.</p>
O14 To ensure that additions and alterations for fire upgrading and safety are discreet, and retain and respect the original and significant building fabric.	<p>C36 New or upgraded services are discreetly and sensitively located to minimise visual impact.</p> <p>C37 New or upgraded services, such as rising mains and wiring, are located within existing ducts, behind cornices or bulkheads or within external lightwells that are not visually prominent.</p> <p>C38 Wiring or other services are housed in concealed conduits.</p> <p>C39 Original timber staircases are retained and smoke isolated, if necessary.</p> <p>C40 Where the height of the original stair balustrades is to be modified, the modification is discreet and sympathetically integrated with the existing stair balustrade.</p> <p>C41 Stair treads applied to existing stairs are discreet.</p> <p>C42 New lifts are designed and located so that the addition:</p> <ul style="list-style-type: none"> <li>a) is located outside the principal building form, if practical; and</li> <li>b) does not require significant alterations to existing common areas.</li> </ul> <p>C43 Existing original external and internal doors and door hardware are retained and upgraded rather than replaced.</p>

### B3.8 Additional controls for development other than dwelling houses

#### ► 3.8.7 Inter-War flat buildings

Objectives	Controls
	<p>C44 Existing original fanlights and other openings are retained and sealed from behind, if necessary.</p> <p>C45 Emergency and exit lighting is incorporated into existing original light fittings, where practical.</p> <p>C46 Smoke and/or thermal detectors are discreetly located and do not impact on decorative plaster cornices and ceilings.</p>
O15 To ensure that ancillary development does not detract from the style and character of Inter-War flat buildings and their settings.	<p>C47 Ancillary development, such as garages and laundries, constructed at the same time as the building are retained. Any modifications are sympathetic to the original building.</p> <p>C48 New ancillary development:</p> <ul style="list-style-type: none"> <li>a) is smaller in scale than the principal building;</li> <li>b) is not located between the principal building and the street front, and generally located at the rear behind the principal building;</li> <li>c) is constructed in a style, form, materials and finishes that complement the principal building;</li> <li>d) is single storey with a maximum clear internal height of 2.4m; and</li> <li>e) is sympathetic in scale and style to traditional forms of ancillary structures.</li> </ul>
O16 To promote restoration and reconstruction works to restore significance.	C49 Previous unsympathetic additions and modifications to the building, and its grounds, are to be removed and replaced by reinstating original forms and matching fabric or with new works sympathetic to the age and style of the building.

### B3.8.8 Post-1950s residential towers

The post-1950s residential towers are generally between 10 and 25 storeys high, and set on large sites with significant setbacks providing a garden setting to the street. These towers generally occur on the ridges of Darling Point and Point Piper and are visually prominent, particularly from Sydney Harbour.

#### B3.8 Additional controls for development other than dwelling houses

##### ▶ 3.8.8 Post-1950s residential towers

Objectives		Controls	
O1	To ensure that additions and alterations do not have an unsympathetic impact on the architectural style of the original building.	C1	Alterations and additions to post-1950s residential towers have regard to: <ul style="list-style-type: none"><li>a) their visual prominence;</li><li>b) impacts on views from public spaces;</li><li>c) impacts on view sharing from private properties;</li><li>d) the architectural integrity of the existing building; and</li><li>e) the materials and finishes of the existing building.</li></ul>
O2	To ensure that additions and alterations do not detract from the character of the area or have an unreasonable impact on surrounding properties.		

### B3.8.9 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.

#### B3.8 Additional controls for development other than dwelling houses

##### ► 3.8.9 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	<p>The built form complies with the building envelope, footprint, excavation and built form and context controls in Sections B3.2-B3.4.</p> <p>Note: The minimum side setback for non-residential development is determined by the table in Figure 6 and is measured at 90 degrees to the side boundary (refer Figure 4).</p>
		C2	<p>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.</p> <p>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.</p>
		C3	<p>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.</p>

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

**B3.8 Additional controls for development other than dwelling houses****▶ 3.8.9 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"><li>a) pedestrian and vehicular access;</li><li>b) parking and servicing;</li><li>c) capacity;</li><li>d) hours of operation;</li><li>e) lighting;</li><li>f) noise; and</li><li>g) security and safety.</li></ul> <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 <a href="#">9A</a>.</p>

**Commented [DCP71]:** Administrative change.

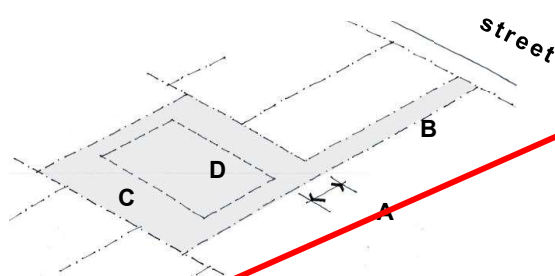
### B3.9 Additional controls for development on a battle-axe lot

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.

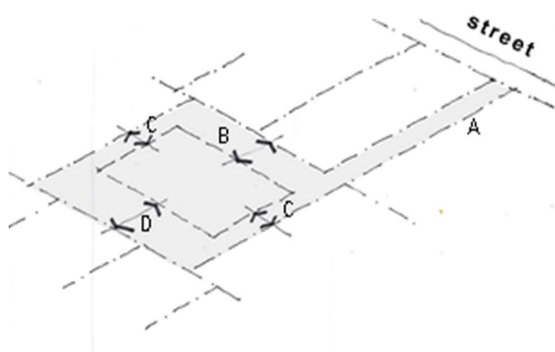
The controls below recognise that development on battle-axe lots needs to particularly consider the amenity of both the occupants and the adjoining neighbouring properties, having regard to privacy, solar access, open space and the like.

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

**Commented [DCP72]:** Requested by the Woollahra LPP on 27 June 2019

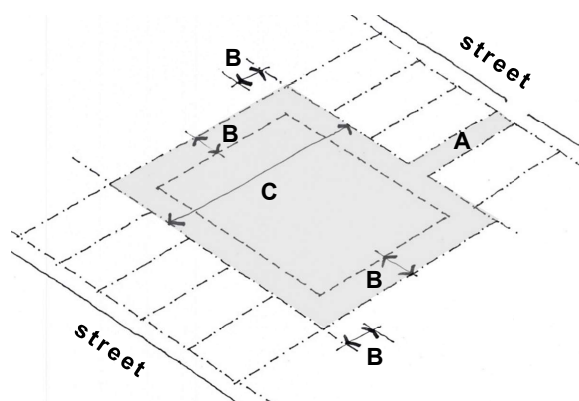


**FIGURE 30**  
Low density residential development: e.g. dwelling house or dual occupancy  
A = Primary frontage setback 6m from boundary  
B = Access handle  
C = Developable area of the site  
D = Area of building envelope



**FIGURE 28**  
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 [DCP73]:** 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 31 29**

R3 zone and development (other than a dwelling house semi-detached dwelling or dual occupancy) must be on a site with a minimum area of 950m<sup>2</sup>

A = Access handle

B = 6m setback required to each boundary

C = Minimum site dimension

**Commented [DCP74]:** Administrative change: Insert semi-detached dwelling as a form of low density residential development.

### B3.9 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 <sup>2</sup> .
	C2 The lot, excluding the access handle, has minimum dimension in any direction, as follows: <ul style="list-style-type: none"> <li>a) for a detached dual occupancy—21m</li> <li>b) for development involving three or more dwellings—24m.</li> </ul> <p>Note: The access handle of a battle-axe lot is included in calculating the lot size.</p>
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 30 28) for: <ul style="list-style-type: none"> <li>a) development in the R2 Low-Density Residential Zone.</li> <li>b) a dwelling house or dual occupancy in the R3 Medium Density Residential Zone.</li> </ul>

**Commented [DCP75]:** Requested by the Woollahra LPP on 27 June 2019

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

### B3.9 Additional controls for development on a battle-axe lot

Objectives	Controls
	<p><u><a href="#">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.</a></u></p> <p>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 <del>34</del> <u>29</u>).</p> <p>A reduced setback may be considered where there is no unreasonable impact on the amenity of <u>adjoining</u> <u>neighbouring</u> properties having regard to privacy, solar access, sense of enclosure and view sharing.</p>

**Commented [DCP77]:** Administrative/format change.

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



**B3.9 Additional controls for development on a battle-axe lot**

Objectives	Controls
	<p>C5 Notwithstanding C3, a setback of 12m applies to:</p> <p>a) land at 327, 327C, 327D, 337, and 337A, Edgecliff Road (being Lot 4 DP 320118, Lot 1 DP 566991, Lot X DP 101456, Lot C DP 323192, and Lot 12 DP 851270,) and 14, 20, and 22 Roslyndale Avenue (being Lot 101 DP 738428, Lot 6 DP 9477 and Lot 7 DP 9477) along the eastern most boundary that directly adjoins R2 zoned land; and</p> <p>b) land at 345 Edgecliff Road (Lot E DP 331031) along the southern most boundary that directly adjoins R2 zoned land.</p> <p>Note: The 6m setback applies to all other boundaries.</p>

B3.9 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"> <li>a) no unreasonable impact on the privacy of adjoining neighbouring properties; and</li> <li>b) no overlooking into the private open space areas of adjoining neighbouring properties.</li> </ul>
	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"> <li>a) no unreasonable impact on the privacy of adjoining neighbouring properties; and</li> <li>b) no overlooking into the private open space areas of adjoining neighbouring properties.</li> </ul>

**Commented [DCP79]:** Requested by the Woollahra LPP on 27 June 2019.

**Commented [DCP80]:** Requested by the Woollahra LPP on 27 June 2019.

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

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

**Commented [DCP83]:** Requested by the Woollahra LPP on 27 June 2019.

## B3.10 Additional controls for development in sensitive locations

### B3.10.1 Development on land adjoining public open space

This section applies to land that directly adjoins land zoned RE1 Public Recreation, E1 National Parks and Nature Reserves, and E2 Environmental Conservation.

Parks, reserves and other public open space areas contribute significantly to the amenity and well-being of the community.

Many of these areas are close to the harbour foreshore and provide an important contribution to scenic quality. Some of these parks and reserves contain remnant vegetation and ecological communities worthy of protection.

Development, including landscaping, on private property adjoining public open space areas needs to consider its relationship to the public land and be sensitively managed to minimise potential impacts on the amenity of these public open space areas.

#### B3.10 Additional controls for development in sensitive locations

##### ► 3.10.1 Development on land adjoining public open space

Objectives	Controls
O1 To ensure that development on land adjoining public open space areas does not compromise the public use or amenity of the land.	C1 Development does not conflict with any plan of management applying to public land.  C2 Development does not have an unreasonable impact on the public open space area in terms of: a) overshadowing; b) scale or sense of enclosure; and c) loss of significant views.  C3 Fencing and landscaping along any common boundary makes a positive contribution to the public open space area.
O2 To improve opportunities for passive surveillance into public open space areas.	C4 Where practical, the building is designed to have an outlook to the adjoining public open space area.
O3 To protect and enhance public access to public open spaces.	C5 Development does not reduce existing public access to public open space areas. When possible, development increases opportunities for public access.

### B3.10 Additional controls for development in sensitive locations

#### ► 3.10.1 Development on land adjoining public open space

Objectives		Controls	
O4	To ensure that development does not have an adverse impact on the ecology of adjoining parks, reserves or other public open space areas.	C6	A gate or the like, providing direct access from a private property to the public park or reserve opens inward toward the private property and does not encroach on public land.
O5	To ensure that development adjoining open space provides for a continuation and support of native vegetation and habitat areas.	C7	For new plantings, 90% of the plants in the landscape design are native species. However, where the land adjoins bushland to which <i>State Environmental Planning Policy No 19—Bushland in Urban Areas</i> applies, 100% of the plants are locally occurring native species.
O6	To ensure that development does not impact on the environmental processes of the public land, such as soil erosion, siltation, and the like.	C8	Landscaping provides a diversity of native species and a complexity of habitat through vertical layering.  Note: Refer to the DA Guide for suggested vegetation species.

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### B3.10.2 Harbour foreshore development

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Sydney Harbour is an outstanding natural and public asset of national significance with unique environmental qualities that are world renowned. Woollahra Council has a shared responsibility with the State government and other councils with harbour foreshore land to ensure its protection for existing and future generations.

In 2005 the State Government introduced the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Harbour REP) to provide clear planning framework and better environmental outcomes for Sydney Harbour. The Harbour REP applies not only to the waterways and foreshores of the harbour, but to the wider hydrological catchment.

The provisions in this part of the DCP supplement the Harbour SREP, and particularly address scenic and environmental protection issues. These DCP provisions apply to:

- ▶ land that has a boundary to the Sydney Harbour foreshore;
- ▶ land adjoining the Sydney Harbour foreshore which is zoned E1 National Parks and Nature Reserves or RE1 Public Recreation; and
- ▶ any land visible from Sydney Harbour.

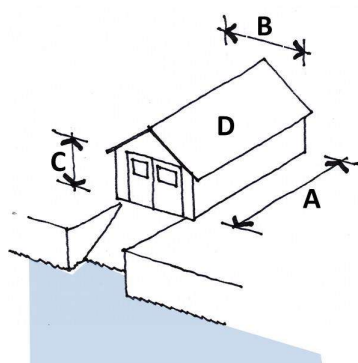
#### Scenic protection

The appearance of development when viewed from Sydney Harbour is an important consideration for development.

Scenic protection is not just relevant to land immediately adjacent to the foreshore, but applies to development on any land that is visible from Sydney Harbour. This is because building form, scale, materials and vegetation cover of development located along the slopes and ridgelines visible from the harbour are also important in contributing to, and protecting, the harbour's scenic qualities.

#### Ecological communities and protection of the natural foreshore

The harbour foreshore supports a vast array of flora and fauna communities. It is important to minimise the impact of development to preserve natural ecosystems and protect the natural foreshore character.



**FIGURE 32.30**  
Design considerations for boat sheds

- A** = Maximum length 5m
- B** = Maximum width 3.7m
- C** = Maximum wall height 2.5m
- D** = Minimum roof pitch 30°

### B3.10 Additional controls for development in sensitive locations

#### ► 3.10.2 Harbour foreshore development

Objectives	Controls
<b>O1</b> To protect the scenic quality of the natural landscape and built environment, particularly as viewed from Sydney Harbour.	<b>C1</b> Development as viewed from Sydney Harbour follows the natural topography and maintains or enhances vegetation cover.
	<b>C2</b> Roofs are below the tree canopy and maintain the prominence of the treed skyline.
	<b>C3</b> Development as viewed from Sydney Harbour, is designed and constructed to blend with the natural landscape setting and the existing built environment through the use of materials, colours, wall articulation, building form and landscaping. Glass elevations and excessive use of windows resulting in reflectivity and glare are avoided.
	<b>C4</b> Pergolas, boatsheds, other outbuildings and structures are designed and constructed to complement the overall appearance of the development. Such structures are no more than one storey in height.
	<b>C5</b> Swimming pools and spa pools are not elevated more than 1.2m above ground level and complement the character of the harbour and foreshore.
	<b>C6</b> Swimming pool and spa pool walls are suitably treated to complement the natural foreshore,

**B3.10 Additional controls for development in sensitive locations****▶ 3.10.2 Harbour foreshore development**

Objectives	Controls
	and where visible, are sandstone clad and incorporate suitable screen landscaping.
C7	The boatshed is designed to directly relate to the water, with openings and access facing the water.
C8	Boatsheds are used solely for the storage and/or maintenance of boats.
C9	Boatsheds have maximum plan dimension of 6m x 3.7m. Boatsheds are sited so that the minimum dimension fronts the harbour (refer to Figure 32).
C10	Boatsheds incorporate gable pitched roofs with a minimum pitch of 30°. The use of roofs as sun decks, patios or the like is not permitted (refer to Figure 32).
C11	Boatsheds are single storey and have a maximum wall height of 2.5m (refer to Figure 32).
C12	Boatsheds are constructed of stone or timber. Excessive use of glazing is avoided.
C13	Jetties are constructed of hardwood, are of minimum size and are designed to be as unobtrusive as possible. The sharing of jetties between properties is encouraged and, where possible, jetties are constructed on common boundaries to limit the proliferation of structures along the foreshore.

### B3.10 Additional controls for development in sensitive locations

#### ► 3.10.2 Harbour foreshore development

Objectives	Controls
O2 To minimise impacts on natural coastal processes, including sea level rises and flooding.	C14 Boundary fences are not permitted within 8m of the mean high water mark.
	<p>C15 Within the foreshore area:</p> <ul style="list-style-type: none"> <li>a) fences are not more than 1.5m in height above the existing ground level, and are constructed of open weave materials (such as wire or lattice to enable vines, creepers or hedges) to provide natural cover;</li> <li>b) boundary planting is not higher than 1.5m when fully mature; and</li> <li>c) hard surfaces and artificial surfaces, such as paving, are minimised and generally limited to swimming pool surrounds or modest walkways between the residential building and foreshore structures, such as swimming pools or boat ramps.</li> </ul> <p>Note: Foreshore area means the land in foreshore area 12 and 30 in Woollahra LEP 2014.</p>
O3 To protect natural habitats and minimise disturbance on ecological communities.	C16 Development on foreshore properties maintains or reduces current levels of site stormwater or sediment run-off entering the harbour.
	C17 Development is not located within seagrass communities and avoids shading of seagrass communities.
	C18 Development and construction does not disturb seabed contaminants.
	C19 The existing tree canopy is maintained or enhanced.



**B3.10 Additional controls for development in sensitive locations****▶ 3.10.2 Harbour foreshore development**

Objectives	Controls
O4 To reinforce the natural character of the foreshore and limit disturbance to the natural land and water interface.	<p>C20 Development on foreshore properties does not significantly alter the topography and preserves natural foreshore features including cliffs, rock outcrops, rock shelves and beaches.</p> <p>C21 Seawalls or retaining walls are not permitted in areas where the foreshore is in its natural state.</p> <p>C22 Where seawalls or retaining walls are permitted, these are:</p> <ul style="list-style-type: none"> <li>a) constructed of coarse, rock-faced stone or with stone facing (preferably sandstone);</li> <li>b) no more than 1m above the mean high water mark; and</li> <li>c) be designed and built to improve the environmental value of seawalls and seawall-lined foreshores (refer to <i>Environmentally Friendly Seawalls: A Guide to Improving the Environmental Value of Seawalls and Seawall-lined Foreshores in Estuaries</i>, published by the Department of Environment and Climate Change NSW on behalf of Sydney Metropolitan Catchment Management Authority).</li> </ul> <p>C23 Slipways and stairs are designed and constructed to closely conform to the character of the natural foreshore.</p>

Annotations:

Insertions - identified in blue and underscore

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

*Notes in the right hand margin identify the source of the proposed amendments.*

## Chapter E3 Tree Management

Part E ► General Controls for All Development

CHAPTER E3 APPROVED ON 27 APRIL 2015  
AND COMMENCED ON 23 MAY 2015

DRAFT AUGUST 2022



## Chapter E3 ► Tree Management

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## E3.1 Introduction

The Woollahra Municipality is well known for its leafy character. This character is valued and identified by the extensive tree canopies that exist throughout the area, and many people are attracted to live in Woollahra as a result of these trees and landscapes.

Trees and vegetation play important roles in the preservation of wildlife habitat, the establishment of community identity and in the quality of streetscapes. Landscaped open space areas and vegetated deep soil contribute to the amenity of individual dwellings and are important in stormwater management and the energy efficiency of developments.

Our community recognises and values trees for their range of contributions including aesthetic environmental, ecological, social, psychological and economic wealth. Council's approach to tree management and this DCP reflects these values.

Development should seek to retain existing trees and vegetation, where possible.

[This chapter has been prepared in accordance with State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017 \(Vegetation SEPP\) which outlines additional provisions relating to the protection and preservation of trees and vegetation.](#)

[Part 3 of the Vegetation SEPP identifies that Council, through a DCP, can require a permit or development consent for tree works \(i.e. to prune or remove a tree\) where the species, size, location or other criteria are prescribed in a DCP.](#)

~~Woollahra Local Environmental Plan 2014 (Woollahra LEP), clause 5.9 Preservation of trees or vegetation, seeks to preserve the amenity of the area including the biodiversity values, through the preservation of trees and other vegetation. The LEP clause identifies that Council, through a DCP, can require a permit or development consent for tree works (i.e. to prune or remove a tree) where the species, size, location or other criteria are prescribed in a DCP.~~

This chapter of the DCP establishes the list of prescribed trees, and works to those trees that require Council's approval. This chapter also identifies trees and works that do not require approval.

**Commented [DCP1]:** Administrative update.

Update reference to the Vegetation SEPP which has superseded clause 5.9 or Woollahra LEP 2014

### E3.1.1 Land where this chapter applies

This chapter applies to all land within the Woollahra Municipality.

### E3.1.2 Development to which this chapter applies

This chapter applies to tree works proposed to be carried out on or near a prescribed tree. Tree works include pruning any tree part, removing, injuring or willfully destroying a tree, and the like.

If a tree is not identified in this chapter as a prescribed tree, approval for the tree works is not required. Section E3.4 of this chapter also identifies types of trees and works that do not require approval.

### E3.1.3 Objectives

The objectives of this chapter are:

- O1 To identify trees which are prescribed for the purpose of [Part 3 of the Vegetation SEPP](#).  
~~clause 5.9(2) of Woollahra LEP.~~
- O2 To define the different circumstances under which a development consent or permit application is required for works to a prescribed tree.
- O3 To promote, maintain and conserve the leafy character of the Woollahra Municipality.
- O4 To conserve significant trees of historic, cultural, commemorative, scientific, visual or aesthetic importance.
- ~~O5 To find a balance between maintaining Woollahra's canopy cover and providing for development on private land.~~
- [O5 To sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land.](#)

**Commented [DCP2]:** Administrative update to make reference to the Vegetation SEPP.

**Commented [DCP3]:** Amend objective, consistent with the proposed package of Tree Canopy & Urban Greening controls.

### E3.1.4 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:

- ▶ If located in a residential area—the controls in Part B: General Residential, or Part C: Heritage Conservation Areas that apply to the land.
- ▶ If located in a business centre—the controls in Part D: Business Centres that apply to the land.
- ▶ 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.

### E3.1.5 Relationship to other documents

#### State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Under the Exempt and Complying Development Codes SEPP, a complying development certificate can be issued for the removal or pruning of a tree or other vegetation under the General Housing Code (Part 3) and the Commercial and Industrial (New Buildings and Additions) Code (Part 5A), subject to compliance with the specified development standards. Refer to the Codes SEPP for details.

### [Biodiversity Conservation Act 2016](#)

[The Biodiversity Conservation Act 2016 \(Biodiversity Act\) sets out the NSW Government's framework for biodiversity assessment and management in conjunction with the Local Land Services Act 2013 \(as amended by the Local Land Services Amendment Act 2016\(LLSA\)\).](#)

[The Vegetation SEPP and Biodiversity Act require that clearing of native vegetation that:](#)

- a) [does not form part of a development assessment, and](#)
- b) [that is above the Biodiversity Offset Scheme \(BOS\) threshold;](#)

[requires assessment and approval from the Native Vegetation Panel. The Native Vegetation Panel is constituted under the LLSA.](#)

[For clearing that is below the BOS threshold, the Vegetation SEPP enables councils to regulate clearing of vegetation as set out in the DCP.](#)

[Note: Due to the nature of the thresholds, it is unlikely that the BOS threshold will be exceeded in our LGA.](#)

### [Register of Significant Trees \(1991\)](#)

The register establishes a list of trees located on private property and public land that are identified as significant to the surrounding area. The register is available on the Council website.

### [Tree Management Policy \(2011\)](#)

The Woollahra Tree Management Policy (TMP) covers public and private trees in the Municipality. The policy defines the key principles and processes Council uses for maintaining public and private tree collections in a safe, healthy and environmentally sensitive way.

The policy aims to improve the safety and wellbeing of the public, and of staff and contractors working on trees. It is also used as a reference by staff, Councillors, residents and tree workers who need to make or understand decisions about managing and maintaining public and private trees. The TMP also outlines the management principles and guidelines for matters such as road and pedestrian path clearances and view pruning. The TMP is available on the Council website.

### [Woollahra Street Tree Master Plan \(2014\)](#)

The Woollahra Street Tree Master Plan is a guide to aid in the maintenance and provision of street trees across the municipality. The objective of the Master Plan is to provide a sustainable and strategic framework that is used for the management of Woollahra's street tree canopy.

The Master Plan contributes to the collective urban forest for the benefit of all through good planning, maintenance, enhancement and reinforcing Council's ongoing commitment to the protection of trees. The Master Plan is available on the Council website.

### [Australian Standard AS 4373 Pruning of Amenity Trees](#)

This standard is used as a guide when assessing applications and defines uniform tree pruning procedures and practices in order to minimize the adverse or negative impact of pruning on trees.

**Commented [DCP4]:** Administrative update.

The *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016* came into force in 2016 after the DCP was prepared.



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#### Australian Standard 4970 Protection of trees on development sites

This standard is used to provide guidance for the protection of trees in the planning and development processes.

#### Development Application (DA) Guide

The DA Guide explains how to prepare a development application. In particular, it includes several detailed specifications on how to present arboricultural information.

The guide provides a step-by-step guide to all the things needed before submitting an application, and should be used as a checklist for completing plans and other supporting documentation. The DA Guide is available on the Council website.

## E3.2 Trees and works that require approval

A person must not undertake works to a prescribed tree without development consent or a permit granted by Council.

This section identifies what trees are “prescribed”, and sets out the approval mechanism that applies.

### E3.2.1 Prescribed trees

For the purpose of Part 3 of the Vegetation SEPP, the following vegetation is declared to be vegetation to which the Vegetation SEPP applies:

~~The species or kinds of trees that are prescribed for the purpose of clause 5.9(2) of Woollahra LEP 2014 are:~~

1. Any ~~tree or palm~~ vegetation, whether of indigenous, endemic, exotic or introduced species with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches, and that is not identified in this chapter as exempt.<sup>1</sup>
2. Any ~~tree~~ vegetation, whether of indigenous, endemic, exotic or introduced species with roots greater than 50mm diameter, but only if root pruning is proposed.
3. Any tree or palm identified in Council's Significant Tree Register.
4. Any tree or palm identified in Schedule 5 Environmental Heritage of Woollahra LEP, or located on land identified in Schedule 5 including:
  - c) a tree listed as a heritage item;
  - d) a tree located on land identified as containing a heritage item; or
  - e) a tree on land within a heritage conservation area.
5. Any bushland as defined in *State Environmental Planning Policy 19 - Bushland in Urban Areas*.

**Commented [DCP5]:** Administrative update to make reference to the Vegetation SEPP.

**Commented [DCP6]:** Amend terminology to refer to all types of vegetation.

**Commented [DCP7]:** Amend terminology to refer to all types of vegetation.

### E3.2.2 Works that requires a development application

A development application (DA) is required for the tree works if the tree is a type prescribed in Section 3.2.1 above, and any of the following apply:

1. the proposed works to the tree are part of an application for other building work or development that requires a DA;
2. the tree is identified in Council's Significant Tree Register and the tree works involve the removal of the tree; or
3. the tree is identified in Schedule 5 Environmental Heritage of Woollahra LEP 2014, or located on land identified in Schedule 5, and the tree works are not minor (i.e. may have an impact on heritage significance and amenity).

<sup>1</sup> Certain types of tree or works are exempt, for example, noxious weeds. Refer to Section E3.4 below for the list of exempt trees and works.

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### E3.2.3 Works that requires a tree permit

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A permit application is required for the tree works to a prescribed tree whenever development consent does not apply, as required in Section 3.2.2 above.

For example, a permit is required if:

1. the tree is identified on Council's Significant Tree Register and the proposed work is to prune the tree; or
2. the tree is located on land identified as a heritage item in Schedule 5 of Woollahra LEP 2014 and the proposed works are minor (e.g. will not have an impact on heritage significance or amenity).

### E3.3 Assessing a development application or a tree permit

This section identifies the matters that Council will consider when determining an application for works in or near prescribed trees.

These matters are to be addressed by the applicant when describing the proposed works.

Council may request additional information in the form of an Arboricultural Assessment (refer to the DA Guide) to assist in the determination. However, providing this assessment report does not guarantee that the work will be approved.

Note, Council does not undertake a comprehensive assessment of the tree as part of the application process, and staff are unable to provide advice on the health or structural condition of trees on private land.

#### *Arboricultural assessment requirements*

The arboricultural assessment report will only be accepted when prepared by an arborist with a minimum qualification of Level 5 under the Australian Qualification Framework.

The company preparing the report must not be financially affiliated or have a business relationship with a tree removal/pruning company.

(Refer to the DA Guide for more information).

#### E3.3.1 Matters to be considered—all applications

The following matters will be considered when assessing development applications and permit applications:

1. The species, health, structural condition, age, growing environment and landscape significance.
2. Where view pruning is proposed, the view pruning guidelines in the Woollahra Tree Management Policy 2011 will apply.
3. Where pruning for solar access is proposed, this will be considered making allowances for the tree's health, growth habit, structural stability and growing environment.
4. Where tree removal is proposed, the following matters will also be considered:
  - a) the surrounding canopy cover;
  - b) amenity issues; and
  - c) the opportunity for replacement planting.

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### E3.3.2 Additional matters to be considered—works requiring a DA

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The following additional matters will be considered when assessing development applications:

1. The impact of the proposed works, as assessed against the guidelines in *Australian Standard 4970 Protection of Trees on Development Sites*.  
Note: Where removal of the tree is approved, suitable replacement planting will form part of the conditions of development consent.
2. The contribution the tree provides to the canopy cover, amenity, environment and landscape of the immediate and surrounding area.
3. The visual prominence of the tree and its proximity to ridgelines, prominent places, the harbour and public open space.
4. For a tree on the Significant Tree Register—the impact of the proposed works on the amenity and landscape setting of the surrounding area.
5. For a heritage listed tree or a tree located in the grounds of a heritage listed property—the impact of the proposed works on the heritage significance of the item and its curtilage, and the amenity and landscape setting of the surrounding area. A heritage impact assessment may be required.
6. For a tree in heritage conservation areas—the impact of the proposed works on the heritage significance of the conservation area and the amenity and landscape setting of the surrounding area. A heritage impact assessment may be required.
7. Whether the proposal is to be sympathetic to the cultural and historical garden setting. The original garden layout and design should be retained where possible, particularly where the tree is located in an historic grand estate.
8. If the tree is proposed for removal, what replacement tree or trees will be provided? Well established gardens and trees should generally be retained. Replacement trees should be positioned and be of a species that reflect the original garden as much as possible.

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### E3.3.3 Matters that do not justify tree removal or pruning

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Generally approval will not be given where the proposed work is for the following:

1. Removal or pruning a tree for leaf, fruit or bark drop.
2. Removal of a tree for minor shading.
3. Removal of a tree for minor damage to infrastructure, such as retaining walls and pipes, where the damage can be repaired or the infrastructure restored with the retention of the tree.

Note: Limited space in the urban environment means tree roots can come into conflict with buildings. Tree removal will only be considered after alternative options that reduce conflict and accommodate tree growth have been explored. Removal is warranted where a tree is causing damage to a building or major damage to a retaining wall that forms a common boundary between two properties, which cannot be ameliorated through other means such as root pruning.

## E3.4 Exempt trees and works

Section 3.2.1 identifies that “any tree or palm, whether of indigenous, endemic, exotic or introduced species with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches” is a prescribed tree for the purpose of ~~clause 5.9(2) of Woollahra LEP~~ [Part 3 of the Vegetation SEPP](#).

Despite this, a permit or development application is not required for work [to](#) certain types of trees or works. These exemptions are identified below.

### E3.4.1 ~~Noxious weeds and~~ Exempt species

The following species of trees can be removed without a permit or development consent:

- ~~Noxious weeds: Removal of a species declared a noxious plant under the Noxious Weeds Act 1993 as prescribed for the Woollahra Municipality~~ [Biosecurity species: Removal of a species declared under the Biosecurity Act 2015 as prescribed for the Woollahra Municipality](#); and
- Exempt species:** Tree removal or pruning of a species identified in Groups A and B, [only where the prescribed tree: below, provided that the prescribed tree:](#)
  - is not identified in the Significant Tree Register;
  - is not identified as a heritage item in Schedule 5 of Woollahra LEP 2014; and
  - is not located on land identified as containing a heritage item in Schedule 5 of Woollahra LEP 2014, where the description of the heritage item includes the ‘grounds and garden’ or the like [and](#)
  - [is replaced with a tree \(minimum pot size 100 litre at time of planting\) suitable to the site and which has the potential to reach similar mature dimensions to the tree removed by provision of this clause.](#)

**Group A:** Trees in this group can be removed irrespective of height

Botanical name	Common name	Botanical name	Common name
<i>Ailanthus altissima</i>	Tree of Heaven	<i>Nerium oleander</i>	Oleander
<i>Cupressocyparis leylandii</i>	Leyland Cypress	<i>Olea europea</i> <i>var. africana</i>	African Olive
<i>Erythrina spp</i>	Coral Trees	<i>Salix spp</i>	Willow
<i>Ficus elastica</i>	Rubber Tree	<i>Rhizomatous</i> <i>(running) bamboo</i>	Bamboo
<i>Gleditsia triacanthos</i>	Honey Locust	<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Lagunana patersonii</i>	Norfolk Hibiscus	<i>Strelitzia nicolai</i>	Giant Bird of Paradise
<i>Musa cavendishii</i>	Banana	<i>Syagrus romanzoffianum</i>	Cocos Palm
<a href="#">Liqustrum speices</a>	<a href="#">Privet</a>		

**Commented [DCP8]:** Administrative update to make reference to the Vegetation SEPP.

**Commented [DCP9]:** Administrative update to make reference to the Biosecurity Act 2015.

**Commented [DCP10]:** In response to a Councillor question, amend the exempt species requirement to identify that a replacement tree must be provided.

**Commented [DCP11]:** Consistent with advice from Council’s Environment & Sustainability Team, update table to include the Privet species.

**Group B:** Trees in this group can be removed if less than 10m in height

Botanical name	Common name
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Celtis spp.</i>	Hackberry
<i>Populus spp</i>	Poplar

Note: Although approval to remove the tree is not required, notice of the work is required. The owner of the land where the tree is located must give Council written notice of the work at least seven days prior to the work commencing.

### E3.4.2 Exempt works

The following works can be undertaken without a permit or development consent:

1. **Dead trees:** Removal of dead trees or dead branches of a tree.  
Note: Ensure the tree is not leafless because it is a deciduous tree.
2. **Building clearance:** Pruning to remove branches no larger than 50mm in diameter at the nearest branch collar or junction to provide a maximum of 2m clearance to:
  - a) a roof;
  - b) an external face of a building; or
  - c) powerlines as set out under section 48 of the *Electricity Supply Act 1995*.
3. **Parasitic plants:** Removal of parasitic plants from a tree.
4. **Dangerous trees:** Removal or pruning where the tree poses an imminent danger to property or life. Documentary evidence demonstrating that the works are necessary to eliminate an immediate hazard is to be provided to Council by an arborist who holds a minimum Level 5 qualification under the Australian Qualification Framework.
5. **Council works:** Tree removal, pruning, maintenance and replacement by Council or its duly authorised servants or agents, on land owned by, or under the care, control and management of Council.

Work must be undertaken in accordance with the WorkCover NSW Code of Practice for the Amenity Tree Industry and the guidelines in Australian Standard AS 4373 Pruning of Amenity Trees.