



Woollahra Development Control Plan 2015 (Amendment 20)

Prepared Date:	June 2022
Adopted:	14 November 2022
Commenced:	5 December 2022
Division/Department:	Strategic Planning/ Planning and Place
HPE CM Record Number:	22/229489

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 strengthen the existing requirements for excavation works in Chapter B3 General Development Controls - Section B3.4 Excavation. The proposed changes include amendments to the objectives, the revision of setback requirements and a reduction of development types where flexibility on excavation volume may be permitted.

These changes are intended to allow Council staff to more robustly defend non-compliances against volumetric excavation controls, and to help improve environmental design outcomes resulting from projects that involve excavation.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 20)*.

1.3 Objectives of the plan

The objectives of the plan are to:

- a) To set a maximum acceptable volume of excavation;
- b) Strengthen the objectives for controls that seek to minimise excavation;
- c) Provide less flexibility in the variation of volumetric controls for developments that do not involve residential flat buildings; and
- d) Enhance requirements for excavation setbacks, to mitigate impacts to surrounding properties associated with excavation works for contiguous piling and other similar structures.

1.4 Land to which this plan applies

This plan applies to land identified on the map in **Figure 1** where Chapter B3 – General Development Controls of the Woollahra DCP 2015 applies.

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

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

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

1.6 Approval and commencement of this plan

This plan was approved by Woollahra Council on 14 November 2022 and came into effect on 5 December 2022.

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.

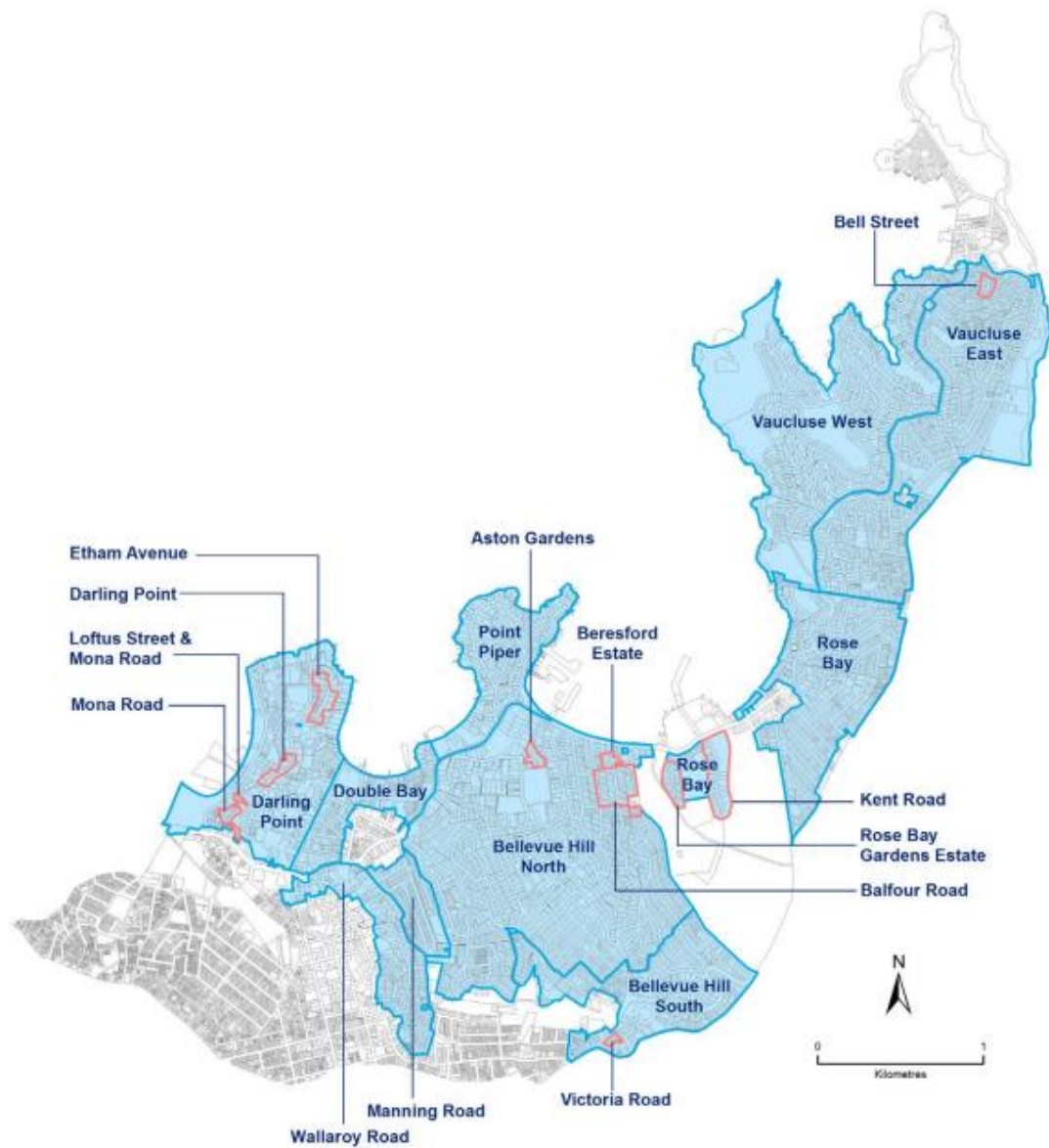


Figure 1: Land to which this draft plan applies is shaded in blue.

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 23 May 2015) 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 20 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 20</u>	<u>Date approved – 14 November 2022</u> <u>Date commenced – 5 December 2022</u>	<u>Amend Chapter B3 by modifying the objectives and controls relating to excavation works.</u>

Chapter B3 General Development Controls

2.3 Amendments to 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 surrounding properties during the excavation process.

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

B3.4 Excavation

Objectives	Controls
<p>Q1 To allow buildings to be designed and sited to relate to the topography.</p> <p>Q2 To minimise excavation.</p> <p>Q3 To ensure the cumulative impacts of excavation do not adversely impact land stabilization, ground water flows and vegetation.</p> <p>Q4 To minimise structural risks to adjoining structures.</p> <p>Q5 To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.</p>	<p>C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 14A.</p> <p>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 14B.</p>
<p><u>O1 To set maximum acceptable volumes of excavation which:</u></p> <p>a) <u>require buildings to be designed and sited to relate to the existing topography of the site;</u></p> <p>b) <u>ensure excavation, including the cumulative impacts of excavation, does not adversely impact land stabilisation, ground water flows and vegetation;</u></p> <p>c) <u>avoid structural risks to surrounding structures;</u></p> <p>d) <u>ensure noise, vibration, dust and other amenity impacts to surrounding properties during construction are reasonable;</u></p> <p>e) <u>enable deep soil planting in required setbacks;</u></p> <p>f) <u>ensure traffic impacts and impacts on local infrastructure arising from the transfer of excavated material from the development site by heavy vehicles are reasonable; and</u></p> <p>g) <u>satisfy the principles of ecologically sustainable development (including the energy expended in excavation and transport of material and the relative energy intensity of subterranean areas in dwellings).</u></p>	<p>C3 For any other use (including attached and detached garaging) not addressed in C1 and C2 above—the maximum volume of excavation permitted is no greater than the volume shown in Figure 14B.</p> <p>C4 A variation to the volume shown in Figures 14A and 14B will be considered <u>for residential flat buildings only</u>, however the maximum volume of excavation permitted will only be the amount needed to accommodate:</p> <p>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</p> <p>b) storage at a rate of 20m³ (cubic metres) per dwelling if for a dwelling house, dual occupancy, semi-detached dwelling or attached housing; or</p> <p>e) <u>(b) storage at a rate of 8m³ (cubic metres) per dwelling if for a residential flat building, manor houses, multi dwelling housing or multi dwelling housing (terraces) development.</u></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>

B3.4 Excavation

Objectives	Controls
	<p>C6 Basement walls <u>and any piling (or similar structural elements)</u> are must be no closer to the boundary than permitted by the setback controls (refer to Figure 15).</p> <p>C7 Notwithstanding C6, basement walls <u>and any piling (or similar structural elements)</u> for residential flat buildings, manor houses, multi dwellings housing, multi dwelling housing (terraces) and attached dwellings are must be no closer to the boundary than 1.5m (see Figure 16).</p> <p>C8 Excavation in relation to an existing attached dwelling, semi-detached dwelling, or attached dual occupancy is not to occur under:</p> <ul style="list-style-type: none">a) common party walls;b) footings to common party wall;c) freestanding boundary walls;d) footings to freestanding boundary walls. <p>C9 Excavation below 2m and/or within 1.5m of the boundary may must be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on neighbouring <u>surrounding</u> structures.</p> <p>Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines. As a condition of a development consent, Council may also <u>will</u> require the preparation and submission of a dilapidation report for properties neighbouring the development <u>and the use of vibration monitoring devices during construction, unless the applicant is able to demonstrate that these are not required.</u></p>

FIGURE 14A

Maximum volume of excavation for the site of:

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

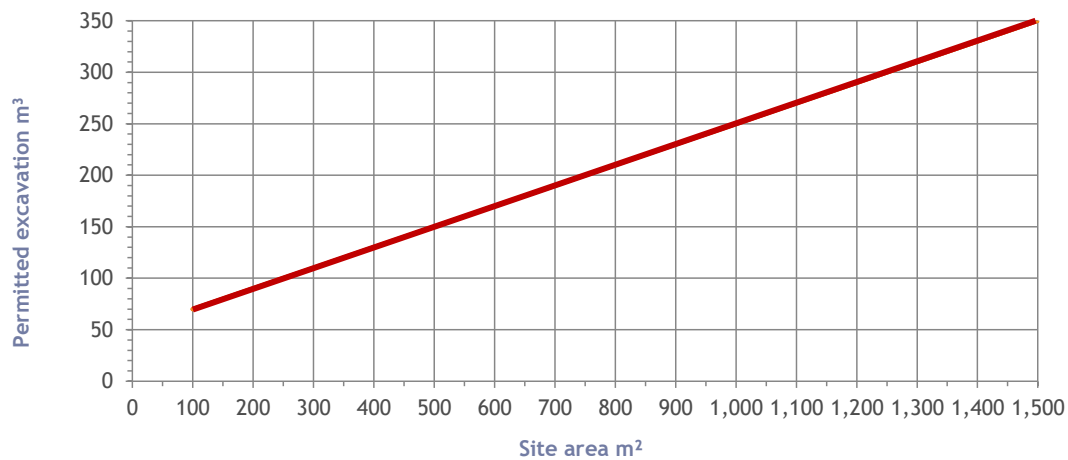
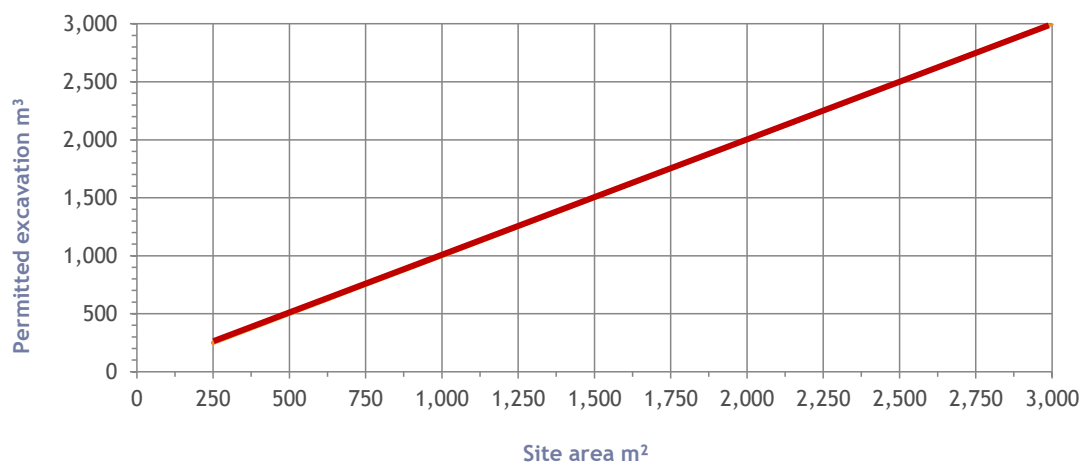


FIGURE 14B

Maximum volume of excavation for the site of:

- a residential flat building
- 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



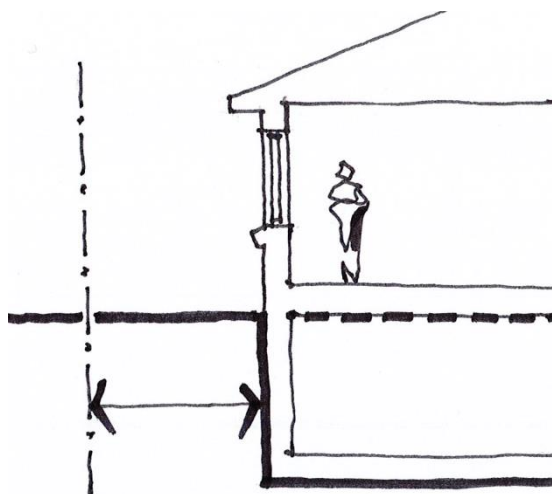


FIGURE 15

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

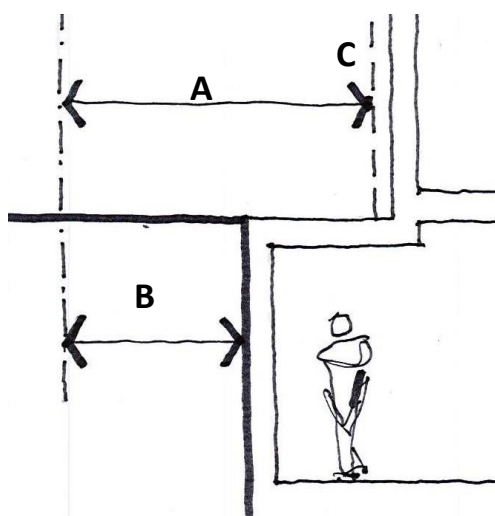


FIGURE 16

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 and any piling (or similar structural elements) can be no closer to the boundary than 1.5m.

A- Refer Figure 6

B- Minimum excavation setback 1.5m

C- Building envelope