



Woollahra Development Control Plan 2015 (Amendment 8)

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Woollahra Development Control Plan 2015 (Amendment No. 8)

Part 1 Preliminary

1.1 Background

Woollahra Council is working to support a night time economy that is vibrant, safe and sustainable – and that meets the diverse needs and aspirations of our community. Council has prepared a series of documents that will guide and manage our night time economy

The amendments contained in *Woollahra Development Control Plan 2015 (Amendment No. 8)* seek to address nuisance and noise arising from delivery, waste and recycling collection vehicles while also having regard to the need to balance the operations and functions of businesses with the amenity of nearby residential uses.

1.2 Name of plan

This plan is the Woollahra Development Control Plan 2015 (Amendment No 8).

1.3 Objectives of the plan

The objectives of the plan are to:

- a) Address potential tensions between business activities and residential amenity in Double Bay.
- b) Insert examples of design solutions that could reduce noise transmission in Double Bay.
- c) Address noise and nuisance arising from waste and recycling collections.
- d) Amend bin sizes and types for Paddington and West Woollahra.

1.4 Land to which this plan applies

This plan applies to all land within the Woollahra Municipality.

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 9 December 2019 and came into effect on 20 January 2020.

1.7 How this plan amends Woollahra DCP 2015

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

Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions - identified in blue and underlined

Deletions - ~~identified in red and strikethrough~~

Chapter A1 Introduction

2.1 Amendments to clause A1.4 List of amendments

2.1.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
<u>No. 8</u>	<u>Date approved - 9 December 2019</u> <u>Date commenced - 20 January 2020</u>	<u>Amend Chapters D5 Double Bay Centre, E5 Waste Management and F3 Licensed Premises by modifying and amending various introductions, controls and objectives to:</u> <ul style="list-style-type: none"><u>Address potential tensions between business activities and residential amenity in Double Bay.</u><u>Insert examples of design solutions that could reduce noise transmission in Double Bay.</u><u>Address noise and nuisance arising from waste and recycling collections.</u><u>Amend bin sizes and types for Paddington and West Woollahra.</u>

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

2.2.1 Insert at the end of the clause

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 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. 8 to this DCP.

Chapter D5 Double Bay Centre

2.3 Amendments to 5.6.5.2 Acoustic privacy

2.3.1 *Insert new paragraph into the introduction of this section to include reference to night-time economy.*

5.6.5.2 Acoustic privacy

The Double Bay Centre is a vibrant place that contains a range of uses however, sometimes there can be tension between the business activities and residential amenity particularly when there is an active night-time economy.

Acoustic privacy is an important consideration in relation to the residential component of the centre, and neighbours adjacent to the centre, because it is a major determinant of amenity.

2.3.2 *Insert examples into control C1 of how buildings can be designed to reduce noise transmission.*

C1 Building siting and layout, particularly with regard to the location of courtyards, terraces and balconies and the like, should minimise the transmission of noise to other buildings and private open space on the site and on adjacent land. The use of openings, screens and blade walls, and the choice of materials, should also be designed to minimise the transmission of noise. For example this may include:

- a) using solid concrete/masonry balcony upstands to shield noise
- b) using absorbent material to reduce sound bouncing off the balcony soffits.

2.3.3 *Add control C2(c) on how to minimize the impact of external noise sources on dwellings near noise sources.*

C2 Minimising the impact of external noise sources on dwellings near noise sources by:

- a) addressing New South Head Road with recessed balconies, enclosed balconies, kitchens and/or living rooms; and
- b) locating bedrooms away from noise sources;
- c) designing and constructing dwellings with sound attenuation measures such as double glazed external doors and windows

2.3.4 *Amend the Note at the end of section 5.6.5.2 Acoustic privacy to include examples of the type of development that may require a noise impact statement*

Note: Council may require a noise impact assessment report to accompany a development application. Council will exercise its discretion when deciding if a noise assessment report is required. Examples of such circumstances include but are not limited to, development containing residential uses in close proximity to areas activated by the night time economy, or development containing residential uses located in close proximity to New South Head Road.

Chapter E5 Waste Management

2.4 Amendments to E5.1.4 Objectives

2.4.1 *Insert new objectives O4 relating to the minimisation of noise and nuisance from waste and recycling collection.*

O4 To minimise noise and nuisance arising from waste and recycling collection having regard to the need to balance operational needs and functions of businesses with the amenity of nearby residential uses, particularly between 10pm and 7am.

2.5 Amendments to E5.3 On-site waste and recycling controls for all development

2.5.1 *Amend objective O4 to insert reference to safety and amenity:*

O4 To ensure that waste and recycling collection points are suitably located in regards to safety and amenity.

2.5.2 *Insert new control C11 regarding forward movement of collection vehicles:*

C11 Waste and recycling collection points are located to allow collection vehicles to move in a continuous forward movement. Reversing should be avoided as it creates noise (from reverse beeping/alarms) and can also be less safe. If reversing is required the SWMMP accompanying the DA must justify why a continuous forward movement for collection cannot reasonably be accommodated.

2.6 Amendments to E5.4 Dwelling houses, semi-detached dwellings and dual occupancies

2.6.1 *Update controls C3 and C4 for the bin sizes and types in Paddington and West Woollahra to reflect the current requirements of Council's Waste Team:*

C3 For a dwelling located in an area other than Paddington or West Woollahra, the size of the waste and recycling area accommodates:

- a) 1 x 120L general waste bin;
- b) 1 x 240L green waste bin; and
- c) ~~2 x 55L recycling crates~~ 1 x 120L or 240L recycling bin.

C4 For a dwelling located in Paddington or West Woollahra—the size of the waste and recycling area accommodates:

- a) 1 x 120L general waste bin or 1 x 55L bin; ~~and~~
- b) 1 x 120L or 55L green waste bin; and
- c) 2 x 55L recycling crates or 1 x 120L recycling bin.

2.7 Amendments to E5.6 Commercial and non-residential development

2.7.1 *Insert introductory paragraph to highlight the need to manage noise from waste collection services:*

Developments containing a range of different non-residential uses present unique waste

minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

Noise from waste management activities needs to be managed where commercial uses are located near residential and other noise sensitive uses, particularly between 10pm and 7am. For example, noise when bins are emptied into collection vehicles, especially glass, and the reversing alarms of collection vehicles, can be particularly disturbing when these occur at noise sensitive times, such as late at night or in the early hours of the morning when most people are sleeping.

2.7.2 *Insert new objective O3 relating to the minimisation of noise and nuisance from waste and recycling collection*

O3 To minimise nuisance and noise impacts on adjoining or nearby residential uses, from waste management associated with a pub, registered club, or other type of licensed premises with a capacity of 100 or more patrons.

2.7.3 *Insert new control C7 which identifies that a Site Waste Minimisation and Management Plan (SWMMP) must be lodged with the DA and the matters it should include.*

C7 The SWMMP submitted with the development application must include:

- a) the location of glass and recycling collection and sorting areas, which are to be shown on the DA plans. Note the installation of a glass crushing machine is encouraged to minimise noise from glass sorting.
- b) the waste management operating procedures, including the collection times. These must minimise noise and disturbances to residential amenity, especially between 10pm and 7am.

Chapter F3 Licensed Premises

2.8 Amendments to F3.1.3 Objectives

2.8.1 *Insert new objectives O4, O5 and O6 to expand the scope of the Chapter's objectives.*

O4 To recognise the important role of licensed premises in contributing to the vitality and vibrancy of centres at night while minimising potential negative impacts from activities associated with licensed premises.

O5 To provide for the safety of patrons and the general public.

O6 To ensure noise from the activities of licensed premises is not intrusive and does not unreasonably impact on the amenity of adjoining and nearby residential uses.

2.8.2 *In control C1 insert reference to external areas (not fully enclosed areas) to highlight that particular consideration needs to be given to the location and size of external areas having regard to the potential for noise impacts from these areas.*

C1 Before deciding on an application involving licensed premises, the following matters are considered:

- a) the location of the premises and the proximity of residential and other sensitive uses, [including any external areas \(not fully enclosed areas\)](#);

2.9 Amendments to F3.1.5 Relationship to other documents

2.9.1 Update the table containing the types of licenses under the Liquor Act 2007 to bring it inline with the Liquor Act 2007 as per November 2019.

Type of licence	Type of use or activity
Hotel (including a general bar licence)	Pub or large bar with more than 100 patrons
Club	Registered club
Small bar	Small bar with under 100 patrons
On-premises	Restaurant or cafe, nightclub , entertainment facility, hotel or motel accommodation, function centre and other venues where liquor is consumed on the premises
Packaged liquor	Bottle Shops or online liquor sales
Producer/wholesaler	Brewer, distiller, winemaker or wholesaler
Limited	Functions held by non-profit organisations, as well as special events and trade fairs

2.9.2 After the table “Types of licences under the Liquor Act 2007” insert the following text to recognise the relationship of the DCP and DA process to the footway dining approval process:

[Woollahra Footway Dining Policy and Guidelines](#)

[The Footway Dining Policy and Guidelines establish Council’s requirements for the use of footpaths for footway dining. These documents address a range of matters including maximum footway trading hours and requirements for pedestrian accessibility, safety and amenity.](#)

2.10 Amendments to F3.2 Licensed premises risk rating

2.10.1 Amend the table “Licenced premises risk rating” to ensure compatibility with Liquor and Gaming NSW licence and business descriptions and to make it clear that outdoor seating is included in calculating patron capacity:

RISK RATING OF LICENSED PREMISES		
Type of licence	Location/zone	Risk rating
Hotel <u>or General Bar, packaged liquor</u> , clubs irrespective of their capacity	Anywhere	HIGH
On-premises, packaged liquor , producer/wholesaler, limited with a capacity of 100 or more patrons.		
Any licensed premises	R2 and R3 zones	HIGH
On- licenses <u>premises</u> /small bars	B1	HIGH
	B2, B4, SP3 and RE1	LOW
Small bars, on-premises, packaged liquor, producer/wholesaler, limited, with a capacity of less than 100 patrons	B2	LOW
<u>Note: Outdoor seating is included in calculating patron capacity</u>		

2.11 Amendments to F3.3 Objectives and controls

2.11.1 Amend C2 to:

- insert heading for the table
- align the trading hours for external areas with the hours permitted for footway dining
- reference the Woollahra Footway Dining Policy and Guidelines which set trading hours for footways restaurants:

<u>Trading Hours - Development within the site*</u>			
Risk rating	Internal (fully enclosed)		External (not fully enclosed)
	Base	Extended	Base Extended
High	8am - 10pm	8am - midnight	8am <u>7am</u> - 8pm <u>10pm</u> 8am <u>7am</u> - 10pm <u>11pm</u> Fri and Sat only
Low	8am - midnight	8am - 2am	8am <u>7am</u> - 10pm 8am <u>7am</u> - midnight <u>11pm</u> Fri and Sat only
<u>*Refer to the Woollahra Footway Dining Policy and Guidelines for the trading hours applicable to the use of footways for restaurant purposes.</u>			

2.11.2 Amend C4 to remove requirements for one, two and five yearly reviews of extended trading hours:

Reviews of extended trading hours will only be undertaken if:

- a) Council has satisfactory evidence to suggest the extended trading hours are unduly impacting on the amenity of the neighbourhood; or
- b) NSW Police has requested a review.

~~In these case, reviews will be undertaken at the following intervals:~~

- ~~• One year after the extended trading hours commence; or~~
- ~~• Two years after the first review, if that review does not result in a change to the extended trading hours; or~~
- ~~• Five years after the second or any subsequent review, if that second or subsequent review does not result in a change to the extended trading hours.~~