



# Draft Woollahra Development Control Plan 2015 (Amendment 10)

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# Draft Woollahra Development Control Plan 2015 (Amendment No 10)

## Part 1 Preliminary

### 1.1 Background

The Draft Woollahra Development Control Plan (Amendment 10) [the Draft DCP] has been prepared in response to the statutory requirement to prepare the *Woollahra Community Participation Plan* under Division 2.6 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The plan amends Woollahra Development Control Plan 2015 (Woollahra DCP 2015) by:

- Amending 'Chapter A1 Introduction' to remove references to Chapter A2 Advertising and Notification and insert references to the *Woollahra Community Participation Plan*
- Repealing Chapter A2 Advertising and Notification.

### 1.2 Name of plan

This plan is the Draft Woollahra Development Control Plan 2015 (Amendment No 10).

### 1.3 Objectives of the plan

The objectives of the plan are to:

- a) Facilitate implementation of the *Woollahra Community Participation Plan*
- b) Transfer all advertising and notification requirements from the Woollahra DCP 2015 to the *Woollahra Community Participation Plan*
- c) Ensure consistency with Schedule 1 of the EP&A Act.

### 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*.

The EP&A Act and the EP&A Regulation set out minimum requirements for community participation, public exhibitions and notification. In the event of an inconsistency between this plan and the mandatory requirements of the EP&A Act or the EP&A Regulation the EP&A Act or the EP&A Regulation prevail.

*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 25 November 2019 and came into effect on 2 January 2020 as appointed by notification in the local newspaper and on Woollahra Municipal Council's public website.

## 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 DCP 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 Part A, Chapter A1, Clause A1.1.5 Objectives of this plan

Repeal Objective O5:

O5 ~~To establish the advertising and notification requirements for development requiring consent.~~ (Repealed)

### 2.2 Part A, Chapter A1, Clause A1.1.7 Relationship to other documents

Insert before **Contributions plans**:

#### Woollahra Community Participation Plan

Division 2.6 of the EP&A Act sets out the mandatory community participation requirements with respect to the exercise of relevant planning functions. It states that the mandatory requirements are those identified in:

- Part 1 Schedule 1 of the EP&A Act, and
- a community participation plan prepared under Division 2.6.

The Woollahra Community Participation Plan sets out how and when Council will undertake community participation when exercising relevant planning functions. This includes notification of development applications and applications to modify a development consent.

## 2.3 Part A, Chapter A1, Clause A1.9 Savings and transitional provisions relating to development applications

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 determinations under section 8.3 of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 10 to this DCP.

## 2.4 Part A, Chapter A1, Clause A1.2 Structure of this development control plan

Delete references advertising and notification:

Woollahra DCP 2014	Where the parts apply
<b>Part A: Introduction and Administration</b> <b>A1 Introduction</b> <b>A2 <del>Advertising and Notification</del> (Repealed)</b> <b>A3 Definitions</b>	<b>Part A</b> applies to all DAs.  It contains information for all applications, <del>including the advertising and notification requirements. It also includes</del> <u>including</u> the dictionary that defines the words and expressions used in this DCP.
<b>Part B: General Residential</b> <b>B1 Residential Precincts</b> <b>B2 Neighbourhood Heritage Conservation Areas</b> <b>B3 General Development Controls</b>	<b>Part B</b> applies to DAs proposed on land located within the residential precincts of Darling Point, Double Bay, Wallaroy, Manning Road, Point Piper, Bellevue Hill South, Bellevue Hill North, Rose Bay, Vaucluse West, and Vaucluse East or within the neighbourhood heritage conservation areas of Etham Avenue, Darling Point Road, Mona Road, Loftus Road and Mona Road, Aston Gardens, Victoria Road, Balfour Road, Beresford Estate, Rose Bay Gardens Estate, Kent Road and Bell Street.
<b>Part C: Heritage Conservation Areas</b> <b>C1 Paddington HCA</b> <b>C2 Woollahra HCA</b> <b>C3 Watsons Bay HCA</b>	<b>Part C</b> applies to DAs proposed on land located within the heritage conservation areas of Paddington, Woollahra and Watsons Bay.
<b>Part D: Business Centres</b> <b>D1 Neighbourhood Centres</b> <b>D2 Mixed Use Centres</b>	<b>Part D</b> applies to DAs proposed on land zoned Edgecliff, Double Bay and Rose Bay Centres, as well as to land zoned B1 Neighbourhood Centre or B4 Mixed Use under Woollahra LEP 2014.

Woollahra DCP 2014	Where the parts apply
<p><b>D3 General Controls for Neighbourhood and Mixed Use Centres</b></p> <p><b>D4 Edgecliff Centre</b></p> <p><b>D5 Double Bay Centre</b></p> <p><b>D6 Rose Bay Centre</b></p>	
<p><b>Part E: General Controls for All Development</b></p> <p><b>E1 Parking and Access</b></p> <p><b>E2 Stormwater and Flood Risk Management</b></p> <p><b>E3 Tree Management</b></p> <p><b>E4 Contaminated Land</b></p> <p><b>E5 Waste Management</b></p> <p><b>E6 Sustainability</b></p> <p><b>E7 Signage</b></p> <p><b>E8 Adaptable Housing</b></p>	<p><b>Part E</b> contains general controls which can apply to development irrespective of location.</p> <p>It establishes controls that all applications must consider.</p>
<p><b>Part F: Land Use Specific Controls</b></p> <p><b>F1 Child Care Centres</b></p> <p><b>F2 Educational Establishments</b></p> <p><b>F3 Licensed Premises</b></p> <p><b>F4 Telecommunications</b></p>	<p><b>Part F</b> applies to DAs relating to specific development types.</p> <p>The controls in Part F apply in addition to the controls in Parts B, C or D (as relevant).</p>
<p><b>Part G: Site-Specific Controls</b></p> <p><b>G1 Babworth House, Darling Point</b></p> <p><b>G2 Kilmory, Point Piper</b></p> <p><b>G3 Hawthornden, Woollahra</b></p> <p><b>G4 9a Cooper Park Road, Bellevue Hill</b></p> <p><b>G5 3-9 Sisters Lane, Edgecliff</b></p> <p><b>G6 4A Nelson Street and 118 Wallis Street, Woollahra</b></p> <p><b>G7 Former Royal Women's Hospital, Paddington</b></p>	<p><b>Part G</b> applies to DAs proposed on specific sites.</p> <p>The controls in Part G apply in addition to the controls in Parts B, C or D (as relevant).</p>

## 2.5 Part A, Chapter A1, Clause A1.3.3 How applications are determined

Update references to relevant planning authorities for development that requires consent:

### A1.3.3 How applications are determined

Development applications can be determined ~~by Council~~ at a local government level in one of four ways depending on the significance of the proposal, the level of non-conformity with Council's development controls and the number of objections received:

1. Delegated determination by a Council officer.
2. Determination by the Application Assessment Panel, which comprises senior Council officers.
3. Determination by the ~~Development Control Committee~~ Woollahra Local Planning Panel, which comprises ~~Councillors~~ three approved independent persons with relevant expertise and a representative of the local community who is not a councillor or mayor.
4. Determination by ~~a meeting of Council~~ the relevant Sydney district and regional planning panel, which comprises three members appointed by the Minister and two council nominees.

## 2.6 Part A, Chapter A1, Clause A1.4 List of amendments

Insert new row at the end of the clause table:

Amendment	Date of approval and commencement	Description of amendment
<u>No 10</u>	<u>Date approved – 25 November 2019</u> <u>Date commenced – 2 January 2020</u>	<u>Repeal Chapter A2 Advertising and Notifications and amend Chapter A1 General Development Controls to remove references to the repealed Chapter A2 and insert relevant references to the Woollahra Community Participation Plan.</u>

## Chapter A2 Advertising and Notification

### 2.7 Part A, Chapter A2 Advertising and Notification

Repeal Chapter A2 Advertising and Notification.