



# Woollahra Development Control Plan 2015 (Amendment 15)

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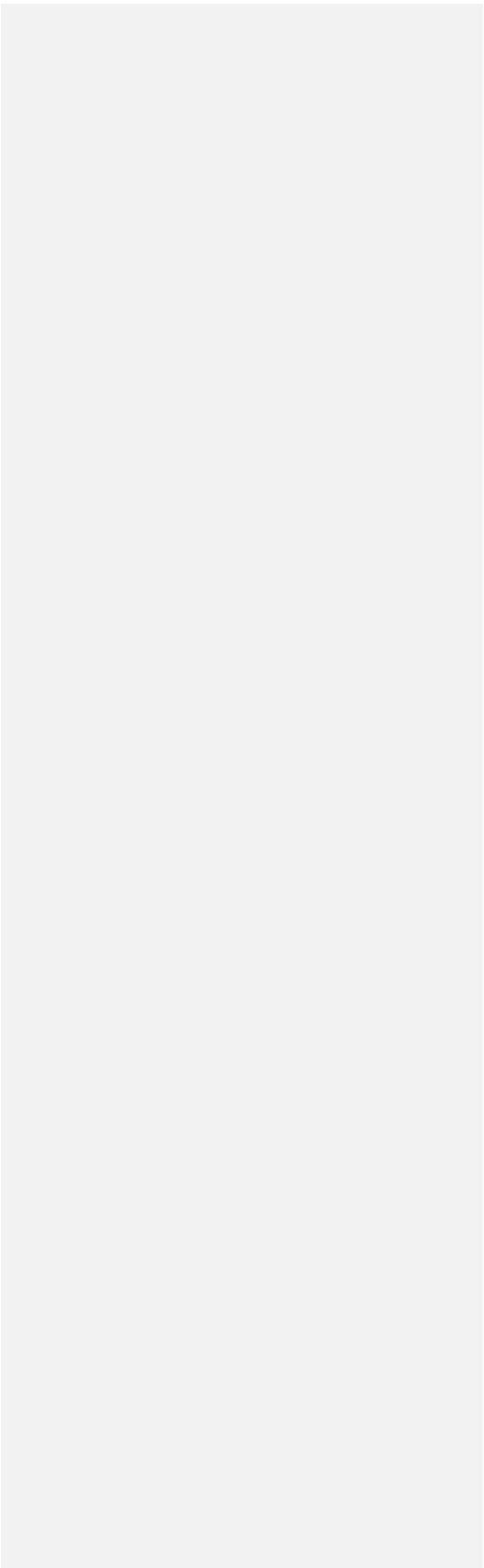
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# Woollahra Development Control Plan 2015 (Amendment No 15)

## Part 1 Preliminary

### 1.1 Background

Air-conditioning and other mechanical plant equipment are common site facilities in residential development. Split system air-conditioning units are often installed as an addition to an existing dwelling house or apartment in an existing residential flat building (RFB). It is noted that some larger residential buildings (such as seniors living development) incorporate a heating, ventilation and air conditioning or HVAC system which includes MPE either internally (in a plant room or the like), and/or externally.

On 24 February 2020 Council adopted the following notice of motion (NOM):

- A. *THAT Council undertakes a review of and prepares a report to Council, on measures that can be taken in its planning instruments to prevent the installation of air conditioners, air-conditioning condenser units and other mechanical infrastructure on the rooftops of dwellings in the municipality.*
- B. *THAT the review and report include the installation of air conditioners on balconies in the Paddington area.*

The following background information accompanied the NOM on the meeting agenda:

*Council's current planning instruments are unclear and uncertain as to the installation of air-conditioning units, condenser units and other infrastructure on the rooftop of buildings. Placement of this plant equipment on the roof of dwellings in the municipality in many cases constitutes visual pollution of the area, detracts from the streetscape and can lead to increased height and bulk that would not otherwise be permitted and does not contribute to design excellence.*

Similar concerns were raised by the Woollahra Local Planning Panel on 3 October 2019 which determined that plant equipment on the rooftop of a proposed seniors housing development compromised design excellence. The DA was approved subject to deletion of the plant equipment on the roof.

Mechanical plant equipment includes lift overruns, air-conditioning units and condensers, heating, ventilation, and other mechanical systems are common facilities in residential development. However, they must be suitably located and designed so they do not detract from public domain, heritage significance, streetscape character and private amenity.

This draft DCP seeks to amend the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) to update and strengthen the sections on site facilities, and in particular the provisions that apply to the installation of mechanical plant equipment on dwellings.

## 1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 15)*.

## 1.3 Objectives of the plan

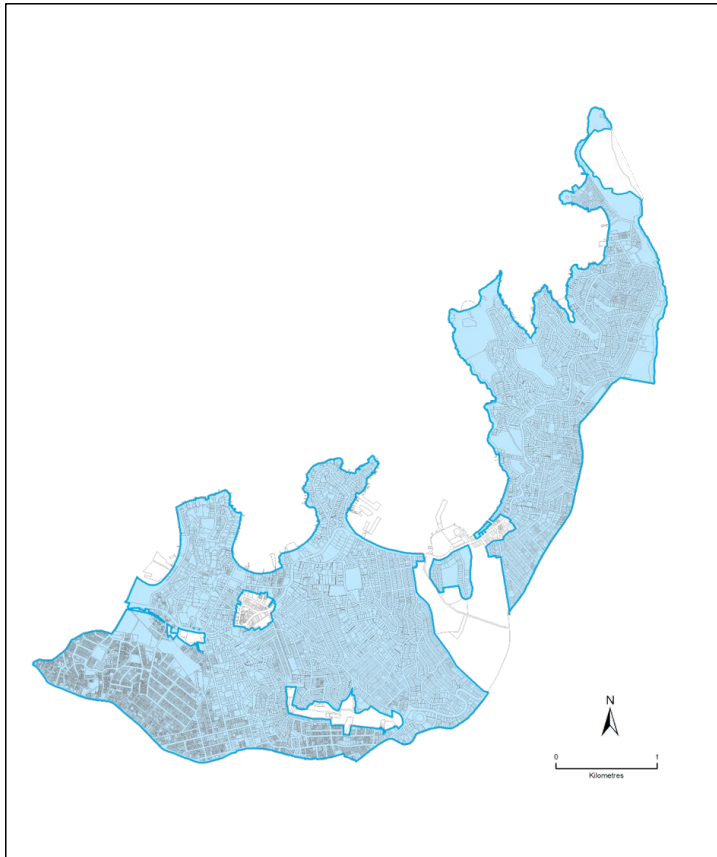
The objectives of the plan are to:

- a) Strengthen the objectives and controls for air-conditioning and other mechanical plant equipment to help protect streetscape character and public and private amenity.
- b) Ensure that roofs are not cluttered by intrusive site facilities.
- c) Reduce ambiguity or uncertainty about how the provisions for air-conditioning and other mechanical plant equipment apply.
- d) Ensure mechanical plant equipment does not adversely impact the heritage significance of Paddington, Woollahra and Watsons Bay Heritage Conservation Areas.
- e) Ensure mechanical plant equipment does not adversely impact the streetscapes or amenity of Neighbourhood and Mixed Use Centres.

## 1.4 Land to which this plan applies

This plan applies to land within the Woollahra local government area and identified on the map in **Figure 1** where the following chapters of the Woollahra DCP 2015 apply:

- Chapter B3 - General Development Controls
- Chapter C1 - Paddington Heritage Conservation Area
- Chapter C2 - Woollahra Heritage Conservation Area
- Chapter C3 - Watsons Bay Heritage Conservation Area
- Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres
- Chapter G4 - 9a Cooper Park Road, Bellevue Hill



**Figure 1: Land to which this draft plan 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 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 15 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 15</u>	<u>Date approved – TBC</u> <u>Date commenced - TBC</u>	<u>Amend Chapter A1 by inserting additional savings and transitional provisions.</u>  <u>Amend Part B Chapter B3; Part C Chapters C1, C2 and C3; Part D Chapter D3 and Part G Chapter G4 by modifying and amending various sections, controls and objectives to strengthen controls for air-conditioning and other mechanical plant equipment to help protect streetscape character and amenity.</u>

### Chapter B3 General Development Controls

#### 2.3 Amendments to section B3.7.3 Site facilities

##### 2.3.1 Amend the introduction to include specific references to mechanical plant equipment

Some site facilities including 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.

**Commented [DCP1]:** This proposed amendment seeks to increase references to mechanical plant equipment (MPE) to enhance prominence.

The introduction identifies common types of MPE (i.e. lift overruns, air-conditioning and mechanical ventilation) but also seeks to ensure that the use of the term MPE is taken to cover a broad range of mechanical systems for a building.



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, 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.

2.3.2 Insert new objectives after objective O6 and renumber objectives accordingly

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.

O8 To minimise visual and acoustic impacts on adjoining properties.

**Commented [DCP2]:** This proposed amendment strengthens the objectives by specifically addressing roofs and impacts on adjoining properties. These objectives also align with the proposed controls.

2.3.3 Delete existing controls C7, C8, ~~and C9~~ and C10 and replace with the new controls

~~C7—Mechanical plant equipment (including lift overruns) are not visible from the streetscape or public domain.~~

~~C8—Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining properties. The impact on neighbours is less than the impact on the occupants of the site where the air conditioning unit is located.~~

~~C9—Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to adjoining properties;~~

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.

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:

- a) cannot be reasonably located elsewhere; and
- b) is thoughtfully located, sized, enclosed, concealed and integrated into the building design (including when viewed from above) and roof form so it:
  - i. is not visible from the streetscape or public domain;
  - ii. is consistent with the overall building design, roof form, and materials;
  - iii. is visually discreet and unobtrusive when viewed from adjoining properties; and
  - iv. minimises acoustic impacts to adjoining properties.

Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the *Protection of the Environment Operations Act 1997* apply.

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.

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.

**Commented [DCP3]:** These new controls discourage MPEs on roofs whilst satisfying the requirement under the EP&A Act that the consent authority is to be flexible in applying the provisions of a DCP.

The proposed controls provide more detail about the considerations for achieving good design outcomes and amenity.

## Chapter C1 Paddington Heritage Conservation Area

### 2.4 Amendments to section C1.5.11 Satellite dishes, aerials, air-conditioning units and other site facilities

#### 2.4.1 Amend paragraph 1 of the introduction to include specific reference to air-conditioning units and external condensers

Paddington's roofscape is an integral component of its overall significance. The introduction of unsympathetic and uncharacteristic elements such as satellite dishes, ~~and~~ aerials and air-conditioning units and external condensers can have a detrimental impact on the aesthetic significance of individual buildings and on the area generally.

The fixing of these structures on roofs and chimneys can also contribute to physical damage and possible loss of original fabric and detail.

Note: Solar energy systems such as photovoltaic electricity generating systems, solar hot water systems, or solar air heating systems are addressed in Chapter E6, Section 6.3 Solar energy systems.

**Commented [DCP4]:** This proposed amendment enhances prominence and clarifies that these provisions apply to air-conditioning units and external condensers.

#### 2.4.2 Insert new objective after objective O3

O4 To minimise visual and acoustic impacts on adjoining properties.

**Commented [DCP5]:** This proposed amendment strengthens the objectives to address impacts on adjoining properties. This objective aligns with the controls.

#### 2.4.3 Amend title and controls C2, C3, C4 and C5

~~External condenser and air~~ Air conditioning units, condensers and other mechanical plant equipment

C2 Air conditioning units, condensers, ~~and units~~, and other mechanical plant equipment in infill development or substantial additions must be located internally within the building.

C3 Any part of an air conditioning unit, condenser, ~~and units~~, and any other mechanical plant equipment located externally must be located:

- behind the outer front wall of the building and not be visible from the public domain;
- ~~b) a minimum of 3m from all other property boundaries (including party walls) and not less than 5m from a bedroom window in an adjoining residential property; and~~
- less than 1.8m above ~~at~~ existing ground level or ~~the ground level above~~ a basement level or part underground level (but not on a roof)
- to minimise noise impacts on adjoining properties.

C4 Air conditioning units, condensers, ~~and units~~, and other mechanical plant equipment must be wholly contained within the permissible building envelope and not be visible from an adjoining property whilst being suitably located, designed, sized, enclosed, concealed, screened and/or otherwise integrated with the building.

C5 External conduits must not exceed 3m in length and must not be visible from the public domain.

**Commented [DCP6]:** These proposed amendments seek to better address acoustic impacts to adjoining properties and public amenity whilst still allowing some flexibility. The proposed amendments provide for flexibility while still ensuring impacts to adjoining properties are minimised, and provides detail about the solutions for achieving good design outcomes and amenity.

## Chapter C2 Woollahra Heritage Conservation Area

### 2.5 Amendments to section C2.5.13 Site facilities and aerial devices

#### 2.5.1 Amend paragraph 1 of the introduction to include specific reference to air-conditioning units and external condensers

The roofs of the Woollahra HCA are integral components of its character and heritage significance. The introduction of unsympathetic and uncharacteristic site facilities such as air-conditioning units and condensers, and aerial devices can have an adverse impact on the aesthetic significance of individual buildings and precincts and the area as a whole. Fixing these structures onto roofs and chimneys can also damage the original fabric and detail.

The location and design of site facilities such as mail boxes, external storage facilities, clothes drying areas and laundry facilities can have an adverse impact on the appearance and character of the area and must be carefully considered.

**Commented [DCP7]:** This amendment seeks to introduce specific references to "air-conditioning units and external condensers" to enhance prominence.

#### 2.5.2 Amend objective O3 and insert new objective after objective O7

O3 To ensure that satellite dishes, aerials and similar devices, air-conditioning units, external condensers, and other site facilities do not detrimentally impact on the character and significance of individual buildings and the streetscape.

O7 To minimise visual and acoustic impacts on adjoining properties.

**Commented [DCP8]:** These amendments seek to make it clear that the objective applies to a broad range of site facilities and strengthen the objectives to address impacts on adjoining properties. This objective aligns with the controls.

#### 2.5.3 Amend control C2 and insert new controls C3, C4, C5 and C6

C2 Satellite dishes, solar water heaters, solar electricity generators, ~~air-conditioning units and ducts~~, aerials and similar devices:

~~a) are to be sized and designed to minimise their visual impact and impact on the amenity of the adjoining properties and neighbouring lands;~~

b) a) must not be located on any part of the roof or chimney which is visible from the street frontage or the public domain ~~and are visually unobtrusive to adjoining properties; and~~

c) b) must not have a detrimental impact on the architectural and heritage character of the building to which they are attached; and

c) are to be suitably located, designed, sized, enclosed, concealed, screened, and/or otherwise integrated with the building to be visually discreet and unobtrusive, and to minimise impacts on adjoining properties.

C3 Air conditioning units, condensers and other mechanical plant equipment in infill development or substantial additions must be located internally within the building.

C4 Any part of an air conditioning unit, condenser and any other mechanical plant equipment located externally must be located:

a) behind the outer front wall of the building and not be visible from the public domain;

b) less than 1.8m above existing ground level or a basement level or part underground level (but not on a roof)

c) to minimise noise impacts on adjoining properties.

C5 Air conditioning units, condensers and other mechanical plant equipment must be wholly contained within the permissible building envelope and not be visible from an

**Commented [DCP9]:** This amendment seeks to improve clarity and strengthening the control by providing more detail about the solutions for achieving good design outcomes and amenity.

The new controls discourage MPEs on roofs whilst satisfying the requirement under the EP&A Act that the consent authority is to be flexible in applying the provisions of a DCP.

The proposed controls provide more detail about the considerations for achieving good design outcomes and amenity.

adjoining property whilst being suitably located, designed, sized, enclosed, concealed, screened and/or otherwise integrated with the building.

C6 External conduits must not exceed 3m in length and must not be visible from the public domain.

## Chapter C3 Watsons Bay Heritage Conservation Area

### 2.6 Amendments to section C3.3.9 Site facilities and aerial devices

#### 2.6.1 Amend the introduction to include specific references to mechanical plant equipment

The roofscape of Watsons Bay is an integral component of its overall significance.

The introduction of unsympathetic and uncharacteristic site facilities ~~and aerial devices elements~~ such as lift overruns, air-conditioning, mechanical ventilation, telecommunication facilities, satellite dishes, solar heating devices and aerials can have a detrimental impact on the aesthetic significance of individual buildings and on the conservation area generally.

The fixing of these structures on roofs and chimneys can also contribute to physical damage and possible loss of original fabric and detail.

In particular, consideration must be given to the location, size and design of site facilities including, 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.

The location and design of site facilities such as mail boxes, garbage storage areas, external storage facilities, clothes drying areas and laundry facilities can impact upon the appearance and overall character of the area and must be carefully considered.

**Commented [DCP10]:** This amendment seeks to make it clear that this section applies to these types of site facilities.

#### 2.6.2 Insert new objectives after existing objective O3

O4 To ensure that roofs are not cluttered by intrusive site facilities.

O5 To minimise visual and acoustic impacts on adjoining properties.

**Commented [DCP11]:** This proposed amendment inserted new objectives that specially address clutter on roofs and impacts on adjoining properties. These objectives also align with the proposed controls.

Objective O4 is also consistent with the precinct controls for views and vistas which include provisions that the roofs are to remain uncluttered by intrusive structures so as to not detract from views to and from elevated areas of the public domain.

#### 2.6.3 Insert new controls after existing control C2 and renumber controls accordingly

C3 Air conditioning units, condensers, and units, and other mechanical plant equipment in infill development or substantial additions must be located internally within the building.

C4 Mechanical plant equipment is wholly contained within the permissible building envelope and must not be located externally or on the roof unless Council is satisfied that it:

- a) Cannot be reasonably located elsewhere; and
- b) is thoughtfully located, sized, enclosed, concealed and integrated into the building design (including when viewed from above) and roof form so it:
  - i. is not visible from the streetscape or public domain;
  - ii. is consistent with the overall building form and materials;
  - iii. is visually discreet and unobtrusive when viewed from adjoining properties;
  - and
  - iv. minimises acoustic impacts to adjoining properties.

**Commented [DCP12]:** These amendments establish controls for mechanical plant equipment and address visual and acoustic impacts in relation to amenity. These controls are consistent with the screening control proposed for DCP Chapter B3.

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 *Protection of the Environment Operations Act 1997* apply.

C5 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.

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.

## Chapter D3 General Controls for Neighbourhood and Mixed Use Centres

### 2.7 Amendments to section D3.10 Site facilities

#### 2.7.1 Amend the introduction to include specific references to mechanical plant equipment

Site facilities include lift overruns, air-conditioning, mechanical ventilation, mail boxes, storage areas, garbage collection areas, clothes drying areas and laundry facilities, aerials and the like.

The potential impacts of site facilities on the overall appearance of developments and the local streetscape need to be considered. In particular, consideration must be given to the location, size and design of site facilities including, 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.

**Commented [DCP13]:** This amendment introduces specific references to mechanical plant equipment (MPE) such as lift overruns, air-conditioning, mechanical ventilation so that it is clear that this section applies to these types of site facilities.

The introduction identifies common types of MPE (i.e. lift overruns, air-conditioning and mechanical ventilation) but also seeks to ensure that the use of the term MPE is taken to cover a broad range of mechanical systems for a building.

#### 2.7.2 Amend objective O7 and insert new objectives O8 and O9

O7 To ensure that mechanical plant equipment including lift overruns, air-conditioning units, ~~including and~~ external condensers, do not have adverse streetscape or amenity impacts.

O8 To discourage the provision of mechanical plant equipment on the roofs of buildings to minimise visual impact of these services.

O9 To minimise visual and acoustic impacts on adjoining properties.

**Commented [DCP14]:** The amendment to objective O7 ensures that it applies to mechanical plant equipment broadly and not just air-conditioning units and condensers.

The proposed new objectives strengthen the objectives to specifically address roofs and impacts on adjoining properties. These objectives align with the proposed controls.

#### 2.7.3 Delete existing controls C9 and C10 and replace with new controls C9, C10 and C11

~~C9—Air conditioning units are suitably located, enclosed or screened so the units are not visible from the streetscape or from adjoining or nearby properties.~~

~~C10—Air conditioning units do not have an unreasonable impact on the visual or acoustic amenity of adjoining or nearby properties. The impact on neighbours is less than the impact on the occupants of the site where the air conditioning unit is located.~~

C9 Mechanical plant equipment (including lift overruns and air conditioners) must be located internally within the principal building in a suitably designed plant room or the like.

C10 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:

**Commented [DCP15]:** These new controls discourage MPEs on roofs whilst satisfying the requirement under the EP&A Act that the consent authority is to be flexible in applying the provisions of a DCP.

The proposed controls provide more detail about the considerations for achieving good design outcomes and amenity.

- a) cannot be reasonably located elsewhere; and
- b) is thoughtfully located, sized, enclosed, concealed and integrated into the building design (including when viewed from above) and roof form so it:
  - i. is not visible from the streetscape or public domain;
  - ii. is consistent with the overall building design, roof form, and materials;
  - iii. is visually discreet and unobtrusive when viewed from adjoining properties; and
  - iv. minimises acoustic impacts to adjoining properties.

Note: Noise emissions from ~~air-conditioning units~~ mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the *Protection of the Environment Operations Act 1997* apply.

C11 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.

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.

## Chapter G4 9A Cooper Park Road, Bellevue Hill

### 2.8 Amendments to section G4.2 Design and siting of development

2.8.1 Delete existing control C6 and replace with C6 and C7 and renumber controls accordingly

~~C6—Air conditioning plant or other service equipment can be located on roofs with appropriate noise/acoustic attenuation.~~

C6 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.

C7 Air-conditioning plant or other mechanical plant equipment may be located only be located externally or on roofs if Council is satisfied that it:

- a) cannot be reasonably located elsewhere; and
- b) is suitable located, sized, enclosed, concealed and integrated into the building design (including when viewed from above) and roof form so it is:
  - i. visually discreet and unobtrusive to prevent visual impacts on the streetscape, public domain, and adjoining properties; and
  - ii. has acoustic attenuation to minimise noise impacts to adjoining properties.

**Commented [DCP16]:** These new controls discourage MPes on roofs whilst satisfying the requirement under the EP&A Act that the consent authority is to be flexible in applying the provisions of a DCP.

The proposed controls provide more detail about the considerations for achieving good design outcomes and amenity.