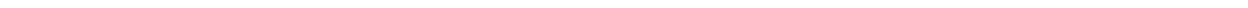




Woollahra Development Control Plan 2015 (Amendment 16)

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Woollahra Development Control Plan 2015 (Amendment No 16)

Part 1 Preliminary

1.1 Background

This project progresses and complements two previous amendments to *Chapter C1 Paddington Heritage Conservation Area* (Paddington HCA) of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) that commenced respectively on 2 January 2020 and 12 October 2020.

The first amendment (No.7) was a major review of controls related to single storey buildings, infill development and side additions to multi-storey terrace style housing in the Paddington HCA.

The second amendment (No.13) amended the terminology for additions to the rear of single storey buildings by introducing the term courtyard housing additions. This amendment also supplemented the numerical controls for additions to the rear of single storey buildings.

The aim of this further amendment is to respond to the request for numerical controls for rear additions to multi-storey buildings. Pertinent to this work are the following Council resolution.

On 9 December 2019 Council resolved (in part)

- B. THAT a meeting of the Paddington Heritage Conservation Area Working Party is convened by mid-February 2020 to discuss potential amendments to the numerical controls for pavilions and linking structures and to give consideration to how the controls should apply to one and two storey terraces.*

On 9 March 2020 Council resolved (in part)

- B. THAT staff convene a Paddington & Oxford Street Working Party meeting to make recommendations to Council regarding controls for courtyard housing and equivalent development relating to multi-storey development.*

The reviews have involved input from the Paddington Heritage Conservation Area Working Party, which includes Paddington Ward Councillors and representatives from the Paddington Society, the National Trust of Australia NSW and the Woollahra History and Heritage Society.

Woollahra DCP 2015 (Amendment No 16) contains amendments to Chapter C1 Paddington Heritage Conservation Area related to sections C1.3.1 *Single storey buildings*, C1.3.4 *Multi-storey terrace style housing*, C1.3.13 *Infill development (new development)*, C1.4.2 *Side elevations to streets and lanes*, C1.4.3 *Rear elevations, rear additions, significant outbuildings and yards*, C1.4.4 *Roofs and roof forms* and C1.5.7 *Lofts over garages and studios*.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 16)*.

1.3 Objectives of the plan

The objectives of the plan are to:

- Strengthen the existing objectives and controls to retain coherent forms and character of rear elevations of pairs of groups.
- Constraint and limit the height, bulk and scale of rear additions to multi-storey terrace style housing.
- Ensure side additions provisions can be applied to any building type, not only multi-storey terrace housing.
- Ensure rear additions and infill development do not prevent the maintenance and conservation of elements that contribute to the significance of the heritage conservation area, for example sandstone walls.
- Ensure the character of side elevations of principal building forms are retained.

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 Chapter C1 of the Woollahra DCP 2015 apply:

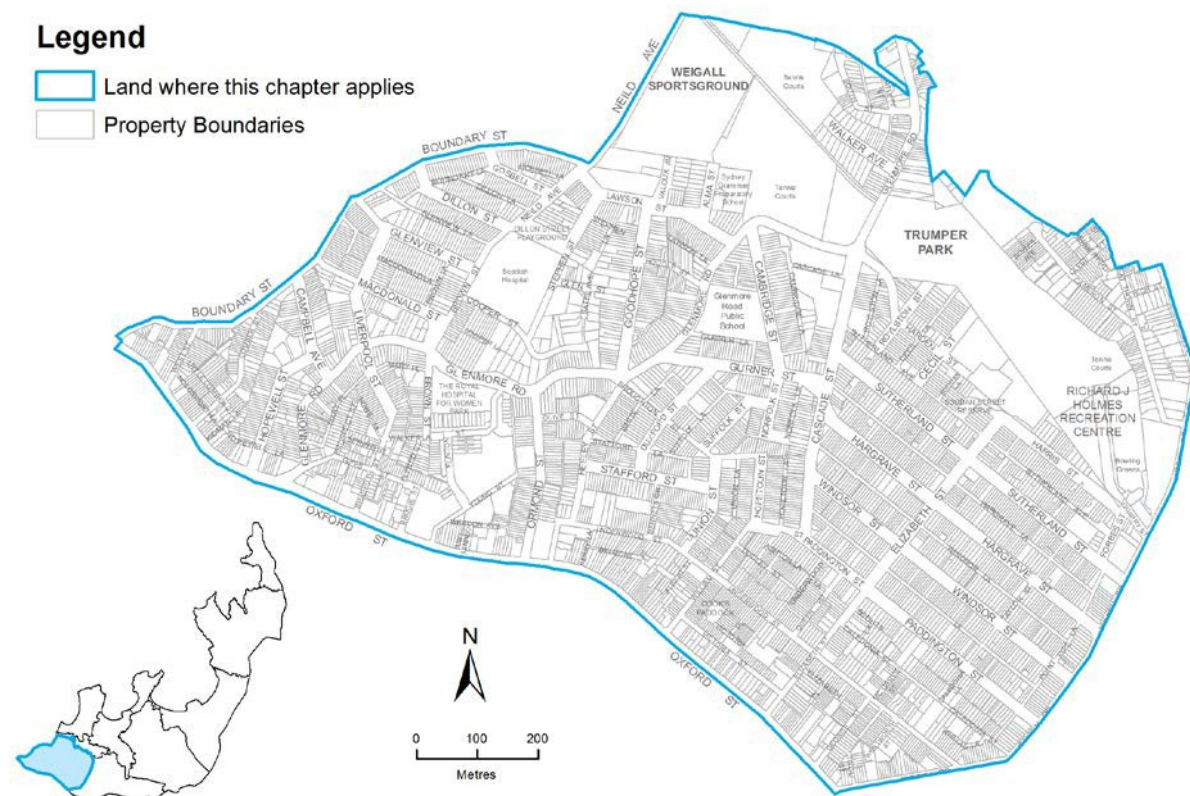


Figure 1: Land to which this plan applies

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~~

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

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 14 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 16</u>	<u>Date approved – 26 July 2021</u> <u>- Date commenced - 30 August 2021</u>	<u>Amend Part B Chapter C1 by modifying and amending various sections, controls and objectives affecting single storey buildings, multi-storey terrace style housing, infill development, side elevations and additions, rear elevations, roof forms and lofts over garages and studios.</u>

Chapter C1 Paddington Heritage Conservation Area

2.3 Amendments to section C1.3.1 Single storey buildings

2.3.1 Add an additional Objective O4 to ensure the relationship between coherent pairs or groups is retained.

O4 To retain and enhance the distinctive shared characteristics of the rear elevations of pairs or groups.

2.3.2 Amend C12 by adding two sub-clauses to ensure the relationship between coherent pairs or groups is retained and renumber following sub-clauses.

C12 A courtyard housing addition may be permitted if:

- a) it would not have an adverse impact on the heritage significance of the existing building, adjoining properties, or the group of buildings, where the building forms part of a group;
- b) it does not disrupt a coherent pattern of pairs or groups;
- ~~c) b)~~ it is not visible, directly or obliquely, from any part of the street to which the property's street front zone abuts and from the front yard within the street front zone;
- ~~d) e)~~ it will have a negligible impact on the amenity of neighbouring properties in terms of loss of sunlight, ventilation and privacy;
- ~~e) f)~~ it will not adversely affect the setting of the existing building; and
- ~~f) g)~~ it is subsidiary to the existing building and will not dominate the existing building in terms of bulk and scale.

2.3.3 Amend the wording of C15 (g) to identify courtyard housing as additions:

C15 Where a courtyard housing addition is appropriate:

- a) a narrow, non-habitable linking structure may be provided between the principal building form and the courtyard housing addition;
- b) the linking structure must be single storey, with a maximum height of 2.4m or below the eaves of the principal building form, whichever is the lower;
- c) the width of the linking structure must be a maximum of 1.5m internally;
- d) the linking structure must be a narrow, non-habitable lightweight construction to differentiate the new work from the original. Lightweight construction should comprise appropriate materials, roof form and overall design. Appropriate materials include glass, steel and timber. Very minor masonry material may be included;
- e) it must include a usable courtyard, provided that a compliant rear building alignment can be achieved and the bulk and scale of the addition does not result in adverse privacy and overshadowing impacts on adjoining properties;
- f) the inclusion of a courtyard must comply with the controls and minimum requirements in Section C1.4.9 Private open space, swimming pools, courtyards and landscaping; and
- g) the height of the courtyard housing addition must not exceed the ridge height of the principal building form (chimneys not included).

Note: see Figure 3B for reference.

2.3.4 Amend the wording of C18 (c) so that two dormers can only be accommodated in the same roof plane.

- C18 An attic is permitted within the roof space of the courtyard housing addition, provided that:
- a) satisfactory floor to ceiling height standards are achieved;
 - b) the form and pitch of the courtyard housing addition roof matches the form and pitch of the roof of the principal building;
 - c) only one dormer is permitted (in either the front or rear roof plane). Where the width of the addition is greater than 6m, a second dormer may be permitted in the same roof plane, provided that each dormer is identical in type, size and no greater than 1.2m maximum width overall. The top of the dormer must be set below the main ridge by at least 300mm. The inclusion of a dormer must comply with the controls in Section C1.4.11 Acoustic and visual privacy; and
 - d) no more than 2 skylights (compliant with the controls for Skylights in C1.5.1 Dormers and Skylights) are located within the entire roof plane.

2.3.5 Add a new note after C19, consistently with other sections of Chapter C1:

C19 Roofing materials must comply with C1.5.8.

Refer to objectives and controls in C1.4 General controls for all development and C1.5 Specific policy for building and site elements.

2.4 Amendments to section C1.3.4 Multi-storey terrace style housing

2.4.1 Strengthen O1, O4 and O5 to protect coherent pairs and groups.

- O1 To retain and conserve the principal building forms of rows, pairs and groups of terraces.
- O4 To retain the shared distinctive characteristics of pairs and groups of buildings.
- O5 To retain, restore and promote the significance, contribution and relationship of a building within the context of a pair or a group of buildings.

2.4.2 Remove objectives O6, O7 and O8 as they will be included in C1.4.2.

~~O6 To ensure that side additions to existing buildings are designed and located to achieve a cohesive relationship between the existing buildings, and which retains and enhances the cultural significance of the heritage conservation area.~~

~~O7 To ensure that side additions respect the scale and setting of adjacent contributory buildings.~~

~~O8 To protect the amenity of adjoining or adjacent residential uses.~~

2.4.3 Remove controls C2 to C14, including the final Note as they will be included in C1.4.2. Control C4 is deleted as it contradicts C3 (a)

~~Side additions between buildings~~

~~Character~~

~~C2 Side additions must:~~

- a) ~~maintain the significant features and qualities that combine to represent the character of the neighbourhood and area;~~

- b) ~~make a positive contribution to the character of the neighbourhood and area; and~~
- c) ~~maintain a contextual relationship between the existing building to which it is attached, the adjoining buildings and the streetscape in which it will be located by maintaining the development pattern.~~

Scale

~~C3 Side additions must not overwhelm the context and should be subservient to and consistent with the predominant scale of the building to which it is attached, significant development adjoining the site and in the group/row in terms of:~~

- a) ~~maximum height pattern (measured to the uppermost ridge of the principal building to which it is attached [or the base of the parapet where existing], not including chimneys); and~~
- b) ~~massing (building volume and size).~~

~~C4 Additional storeys are not permitted within the side addition.~~

Form

~~C5 Side additions must be consistent with the predominant built form (volume and configuration) of the building to which it is attached and significant development adjoining the site and in its immediate area in terms of aspects including, but not limited to:~~

- a) ~~roof forms and pitch;~~
- b) ~~three dimensional modelling of neighbouring buildings;~~
- c) ~~modulation and articulation;~~
- d) ~~relationship of solids and voids;~~
- e) ~~fenestration patterns; and~~
- f) ~~relationship of floor to ceiling heights and horizontal alignment of features (especially ground and first floor levels of the existing buildings to which it is attached).~~

~~Refer also to Section 1.4.4 Roofs and roof forms, Section 1.4.5 Building height, bulk, form and scale, and Section 1.4.6 Site coverage, setbacks and levels.~~

Siting

~~C6 Side additions must adopt the established orientation pattern of the existing building to which it is attached.~~

~~C7 Where there is a uniform building front setback, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached and adjoining buildings.~~

~~C8 Where building front setbacks vary, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached.~~

~~—~~

~~C9 If the side addition occurs on a corner site, the controls in C1.4.2 apply.~~

~~C10 Rear and side setbacks (including side passages) must align with existing patterns, where visible from the public domain.~~

~~C11 Side additions must be sited to:~~

- a) ~~include sufficient deep soil landscaped area; and~~
- b) ~~have no adverse impact on significant trees on the site or adjoining land, including public land.~~

~~Refer also to Section 1.4.8 Private open space, swimming pools, courtyards and landscaping.~~

~~Materials, finishes, textures and colours~~

~~C12 — Materials, finishes, textures and colours must be appropriate to the historic context. They must be similar to the characteristic materials, finishes, textures and colours of the existing building to which it is attached and existing contributory buildings within the streetscape.~~

~~C13 — Contemporary materials are permitted where their proportions, detailing, quantities and location on the building are in keeping with the character elements (refer to C1.2.3) and the desired future character of the heritage conservation area (refer to C1.2.4).~~

~~Refer also to Section 1.5.8 Materials, finishes and details and Section 1.5.9 Exterior colours.~~

~~C14 — Side additions must:~~

- a) ~~use render, masonry and/or timber;~~
- b) ~~avoid large expanses of glass and reflective wall cladding;~~
- c) ~~if visible from the street or public domain, use roof cladding which matches the existing building to which it is attached;~~
- d) ~~not have solid masonry front boundary walls; and~~
- e) ~~use colour schemes which respect the character of the neighbourhood.~~

Note:

~~For side additions between buildings, a draft site and context analysis is to be submitted to Council for comment as part of a predevelopment application meeting between Council representatives and the applicant.~~

~~The following information is to be submitted for comment prior to the lodgement of the development application:~~

~~design options explored and the applicant's preferred design proposal;~~

~~a statement outlining the proposed measures to minimise the adverse impact of the side addition on neighbouring lands, including the public domain;~~

~~the philosophy of how the design elements relate to the proposal's context in terms of architectural form, materials and character; and~~

~~the historic context and impact sections of a draft statement of heritage impact.~~

~~For development applications, applicants are required to provide the following information, not limited to:~~

~~design options and final preferred design;~~

~~a detailed site and context analysis;~~

~~profiles of adjoining development;~~

~~RLs for the subject site and adjoining properties;~~

~~an accurate survey (including accurate RLs, and the accurate location of eaves/gutters, chimneys and other structures on adjoining properties);~~

~~the structural relationship with the existing building and any adjoining properties (including shared party walls, footings and chimneys); and~~

~~the final version of the statement of heritage impact.~~

~~Other required documentation to be submitted with the development application can be found in the Development Application Guide.~~

2.5 Amendments to section C1.3.13 Infill development (new development)

2.5.1 Add a new objective O5 to protect contributory items.

O5 To ensure that infill development does not prevent the maintenance and conservation of elements that contribute to the significance of the heritage conservation area.

2.5.2 Amend C3 by adding a new sub-clause aiming to the maintenance of contributory items, including sandstone walls.

C3 Infill development must:

a) maintain the significant features and qualities that combine to represent the character of the neighbourhood and area; ~~and~~

b) not adversely affect the maintenance of elements that contribute to the significance of the heritage conservation area, for example sandstone walls; and

c) ~~b)~~ make a positive contribution to the character of the neighbourhood and area.

2.6 Amendments to section C1.4.2 Side elevations to streets and lanes

2.6.1 Rename this section Side elevations and side additions.

C1.4.2 Side elevations and side additions ~~to streets and lanes~~

2.6.2 Add introductory text related to side additions taken from C1.3.4 *Multi-storey terrace style housing*.

Some sites have the opportunity to develop additions to the sides or adjacent to the principal building form between a row of buildings. Where these are on the same registered land parcel, and where they do not affect 'night soil' or right of way passageways, they may be developed in accordance with the following provisions below. Significant 'night soil' or right of way passageways are to be retained in place and interpreted without additional structures other than fencing.

Note: Side elevations are to a street or lane, whilst side additions adjoin other buildings.

Refer also to corner terrace style houses in Section 1.3.3 Corner buildings and other relevant sections in C1.3 Building types.

2.6.3 Amend O3 by removing the word 'cultural' to give more emphasis on the fabric of the context.

O3 To ensure that side additions to existing buildings are designed and located to achieve cohesive relationship between the existing buildings, and ~~which retains~~ retain and ~~enhances~~ enhance the ~~cultural~~ significance of the heritage conservation area.

2.6.4 Amend C2 to ensure the character of side elevations to a principal building form is not impacted by minor alterations.

C2 Minor alterations to a side elevation of the principal building form or the secondary wing will be permitted if they do not ~~significantly~~ impact on the architectural form and character.

2.6.5 Add C2- to C14 from C1.3.4 after C11 and renumber them accordingly. C4 is deleted as it contradicts C2 (a). Figure 7 is moved after C3. Also add the final Note.

Side additions between buildings

C12 Side additions must:

- a) maintain the significant features and qualities that combine to represent the character of the neighbourhood and area;
- b) make a positive contribution to the character of the neighbourhood and area; and
- c) maintain a contextual relationship between the existing building to which it is attached, the adjoining buildings and the streetscape in which it will be located by maintaining the development pattern.

C13 Side additions must not overwhelm the context and should be subservient to and consistent with the predominant scale of the building to which it is attached, significant development adjoining the site and in the group/row in terms of:

- a) maximum height pattern (measured to below the gutter line of the principal building form to which it is attached [or the base of the parapet where existing], not including chimneys); and
- b) massing (building volume and size).

~~C4 Additional storeys are not permitted within the side addition.~~

C14 Side additions must be consistent with the predominant built form (volume and configuration) of the building to which it is attached and significant development adjoining the site and in its immediate area in terms of aspects including, but not limited to:

- a) roof forms and pitch;
- b) three dimensional modelling of neighbouring buildings;
- c) modulation and articulation;
- d) relationship of solids and voids;
- e) fenestration patterns; and
- f) relationship of floor to ceiling heights and horizontal alignment of features (especially ground and first floor levels of the existing buildings to which it is attached).

Refer also to Section 1.4.4 Roofs and roof forms, Section 1.4.5 Building height, bulk, form and scale, and Section 1.4.6 Site coverage, setbacks and levels.

C15 Side additions must adopt the established orientation pattern of the existing building to which it is attached.

C16 Where there is a uniform building front setback, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached and adjoining buildings.

C17 Where building front setbacks vary, the side addition must be set back behind the front wall of the principal building form (not including the balcony) to which it is attached.

C18 If the side addition occurs on a corner site, the controls in C1.4.2 apply.

C19 Rear and side setbacks (including side passages) must align with existing patterns, where visible from the public domain.

C20 Side additions must be sited to:

- a) include sufficient deep soil landscaped area; and
- b) have no adverse impact on significant trees on the site or adjoining land, including public land.

Refer also to Section 1.4.8 Private open space, swimming pools, courtyards and landscaping.

C21 Materials, finishes, textures and colours must be appropriate to the historic context. They must be similar to the characteristic materials, finishes, textures and colours of the existing building to which it is attached and existing contributory buildings within the streetscape.

C22 Contemporary materials are permitted where their proportions, detailing, quantities and location on the building are in keeping with the character elements (refer to C1.2.3) and the desired future character of the heritage conservation area (refer to C1.2.4).

Refer also to Section 1.5.8 Materials, finishes and details and Section 1.5.9 Exterior colours.

C23 Side additions must:

- a) use render, masonry and/or timber;
- b) avoid large expanses of glass and reflective wall cladding;
- c) if visible from the street or public domain, use roof cladding which matches the existing building to which it is attached;
- d) not have solid masonry front boundary walls; and
- e) use colour schemes which respect the character of the neighbourhood.

Note:

For side additions between buildings, a draft site and context analysis is to be submitted to Council for comment as part of a predevelopment application meeting between Council representatives and the applicant.

The following information is to be submitted for comment prior to the lodgement of the development application:

- ▶ design options explored and the applicant's preferred design proposal;
- ▶ a statement outlining the proposed measures to minimise the adverse impact of the side addition on neighbouring lands, including the public domain;
- ▶ the philosophy of how the design elements relate to the proposal's context in terms of architectural form, materials and character; and
- ▶ the historic context and impact sections of a draft statement of heritage impact.

For development applications, applicants are required to provide the following information, not limited to:

- ▶ design options and final preferred design;
- ▶ a detailed site and context analysis;
- ▶ profiles of adjoining development;

- ▶ [RLs for the subject site and adjoining properties;](#)
- ▶ [an accurate survey \(including accurate RLs, and the accurate location of eaves/gutters, chimneys and other structures on adjoining properties\);](#)
- ▶ [the structural relationship with the existing building and any adjoining properties \(including shared party walls, footings and chimneys\); and](#)
- ▶ [the final version of the statement of heritage impact.](#)

[Other required documentation to be submitted with the development application can be found in the Development Application Guide.](#)

2.7 Amendments to section C1.4.3. Rear elevations, rear additions, significant outbuildings and yards

2.7.1 Delete C1, add new control C4 and renumber controls in between.

~~C1 The height of an alteration and addition to the rear of a double-storey or higher building must be below the gutter line of the main roof of the existing building.~~

~~C2~~¹ Alterations and additions to a building which comprises one of a group, [or pair](#), must be designed with regard to the overall balance of the group, [or pair](#), in terms of height, alignment, form, scale, breezeway pattern and architectural character and detail.

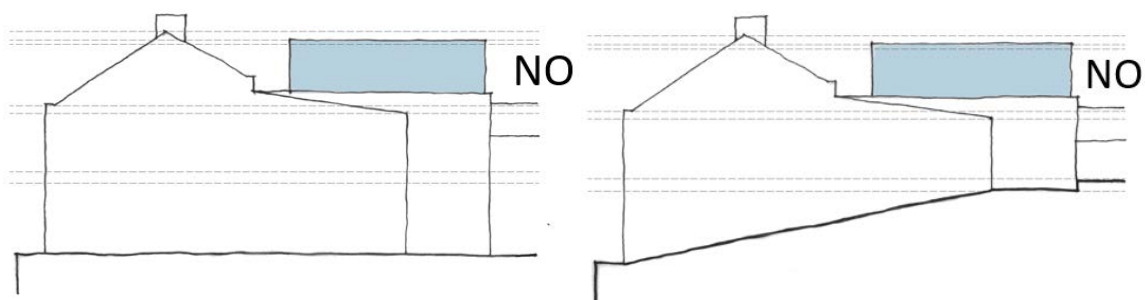
~~C3~~² The roof of an extension or the new roof for an existing component must be of traditional form appropriate to the building type.

~~C4~~³ Roofs must be visible and not screened partly or wholly by features such as parapets. The exception may be corner sites. Parapet roof forms may only be considered appropriate where it can be demonstrated that a parapet form is consistent with the bulk, scale and character of the existing building and group.

[C4 No part of a rear alteration and addition can be higher than the gutter line of the principal building form \(chimney excluded\).](#)

2.7.2 Add new graphics and caption illustrating intrusive additions in a flat and sloping to the rear scenario.

[FIGURE 9A Intrusive development: rear additions showing additional levels above the gutter line which are not supported by C5. The difference between the two drawings is the topography of the site.](#)



2.8 Amendments to section C1.4.4 Roofs and roof forms

2.8.1 Add new objective O4 and C11 to ensure new roof form and roof pitch retains cohesiveness of coherent pairs or groups.

O4 To ensure new rear additions to multi-storey buildings are designed to retain consistency to the group or pair in terms of roof form and roof pitch.

C11 New rear additions to multi-storey buildings must remain consistent with the group or pair in terms of roof form and roof pitch.

2.9 Amendments to section C1.5.7 Lofts over garages and studios

2.16.1 Amend the introductory text to give emphasis that these provisions also apply to sites with no rear laneway access.

O7 To ensure that loft structures above garages and studios do not preclude the maintenance and conservation of items that contribute to the significance of the heritage conservation area.

2.16.2 Amend C1 (h) to ensure this control also applies to sites with no rear laneway access and add new sub-clause to ensure the maintenance of elements contributing to the heritage conservation area such as sandstone walls.

C1 Loft structures may be permitted where:

- a) the site dimensions are a minimum of 30m long and 5.24m wide and where the structure will not adversely impact on the traditional character of the rear elevations, yards, and laneways;
- b) the structure will not adversely impact on the amenity, visual privacy and overshadowing of the property, neighbouring properties and public open space (the controls in Section 1.4.5 Building height, bulk, form and scale apply);
- c) the structure does not require the footprint of the garage or studio to be extended so that the controls in Section 1.4.8 Private open space, swimming pools, courtyards and landscaping cannot be satisfied. Where there is an existing non-compliance with these controls, the existing private open space and deep soil landscaping is not to be further reduced;
- d) all access to the loft is provided internally;
- e) habitable room windows within the loft with a direct sightline to the habitable room windows in the existing building on the site and neighbouring buildings have a separation distance of at least 9m;
- f) the structure extends over only a single space garage or studio;
- g) the loft and garage (or studio) structure is a maximum of 4.34m wide;
- h) the roof structure is gable ended to the rear boundary laneway, with a maximum ridge height of 5.5m and maximum wall height of 3.9m (on or adjacent to a side boundary);
- i) windows are located only in the centre of gable ends and must be either: a single double hung sash window, or inward opening window of traditional proportions;
- j) does not include balconies, decks, or other similar cantilevered structures;
- k) a maximum of two skylights per roof plane, provided they comply with controls C28, C29 and C30 in Section 1.5.1 Dormers and skylights; ~~and~~
- l) the ground floor level of the principal building form is higher than the natural ground level at the rear boundary-; and

- m) [the maintenance of elements that contribute to the heritage conservation area, such as sandstone walls, will not be adversely affected. Also refer to C1.5.6 Fences, walls and gates.](#)