



New South Wales

Woollahra Local Environmental Plan 1995 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(S00/01475/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

2001 No 643

Clause 1 Woollahra Local Environmental Plan 1995 (Amendment No 32)

Woollahra Local Environmental Plan 1995 (Amendment No 32)

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 32)*.

2 Aims of plan

This plan aims:

- (a) to introduce into *Woollahra Local Environmental Plan 1995* objectives for the existing development standards with respect to floor space ratios, height of buildings and foreshore building lines, and
- (b) to introduce new development standards and objectives for minimum site areas and site frontages for residential flat buildings, and
- (c) to make a minor amendment to the description of the Residential “B” Zone, and
- (d) to amend the maximum permissible height of buildings on certain properties within the Residential “B” Zone, and
- (e) to amend the definition of *gross floor area*, and
- (f) to make a transitional provision with respect to development applications lodged, but not finally determined, before the commencement of this plan.

3 Land to which plan applies

This plan applies:

- (a) to the extent that it amends the maximum building height on certain land, to the land shown by distinctive colouring and marking on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 32)—Height Map (Sheets 1 to 5)” deposited in the office of Woollahra Council, and
- (b) in all other respects, to the land to which *Woollahra Local Environmental Plan 1995* applies.

4 Amendment of Woollahra Local Environmental Plan 1995

Woollahra Local Environmental Plan 1995 is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 8 Development control tables

Omit all the matter in item 2 from the development control table for Zone No 2 (b) in clause 8.

Insert instead:

The Residential “B” Zone applies to areas characterised by existing medium density residential flat buildings and areas where potential has been identified for increased medium density residential development. Floor space and height controls, contained in Part 3, set the maximum permissible density and building heights for new development. Site area and frontage controls, also contained in Part 3, specify minimum site requirements for new development.

[2] Clauses 10A–11AA

Insert after clause 10:

10A Objectives of site area and site frontage standards for residential flat buildings

The objectives of the minimum site area and frontage standards set by clause 10B are as follows:

- (a) to achieve compatibility between the scale, density, bulk and landscape character of buildings and allotment size,
- (b) to provide sufficient space between buildings, to maximise daylight and sunlight access between buildings, to ensure adequate space for deep soil landscaping and to preserve view corridors,
- (c) to prevent permanent barriers to sub-surface water flows,
- (d) to ensure that there is sufficient land for car parking on site,
- (e) to encourage consolidation of allotments in appropriate locations to enable the development of a diversity of dwelling types.

10B Site area and frontage standards

- (1) A site must not be developed for the purpose of a residential flat building containing 3 dwellings or fewer unless the width of the site at the front alignment is 15 metres or more.

Note. No minimum site area requirements apply.

- (2) A site must not be developed for the purpose of a residential flat building containing 4 or more dwellings unless:
- (a) the site area is 930m² or more, and
 - (b) the width of the allotment at the front alignment is 21 metres or more.

11AA Objectives of floor space ratio standards

The objectives of the floor space ratio standards set by clause 11 are as follows:

- (a) to set the maximum density for new development,
- (b) to control building density, bulk and scale in all residential and commercial localities in the area in order to achieve the desired future character objectives of those localities,
- (c) to minimise adverse environmental effect on the use or enjoyment, or both, of adjoining properties, and
- (d) to relate new development to the existing character of the surrounding built and natural environment as viewed from the streetscape, the harbour or any other panoramic viewing point.

Note. The maximum permissible floor space ratio is not “as of right”. To achieve the maximum permissible floor space ratio, development must satisfy other relevant controls applicable to the land concerned.

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[3] **Clause 12AA Height of buildings**

Insert before clause 12:

12AA Objectives of maximum building height development standards

The objectives of the maximum building height development standards set by clause 12 are as follows:

- (a) to minimise impact of new development on existing views of Sydney Harbour, ridgelines, public and private open spaces and views of the Sydney City skyline,
- (b) to provide compatibility with the adjoining residential neighbourhood,
- (c) to safeguard visual privacy of interior and exterior living areas of neighbouring dwellings,
- (d) to minimise detrimental impacts on existing sunlight access to interior living rooms and exterior open space areas and minimise overshadowing,
- (e) to maintain the amenity of the public domain by preserving public views of the harbour and surrounding areas and the special qualities of streetscapes.

Note. The maximum permissible building height is not “as of right”. To achieve the maximum permissible building height, development must satisfy other relevant controls applicable to the land concerned.

[4] **Clause 22AA Foreshore building lines**

Insert before clause 22:

22AA Objectives of foreshore building line standards

The objectives of the foreshore building line standards set by clause 22 are as follows:

- (a) to retain Sydney Harbour’s natural shorelines,
- (b) to provide larger foreshore setbacks at the points and heads of bays in recognition of their visual prominence,
- (c) to protect significant areas of vegetation and, where appropriate, provide areas for future planting which will not detrimentally impact on views of the harbour and its foreshores,

- (d) to protect the amenity of adjoining lands in relation to reasonable access to views and sunlight,
- (e) to preserve the rights of property owners to maintain an encroachment on the foreshore building line by an existing main building,
- (f) to protect rock platforms and the intertidal ecology.

[5] Clause 37

Insert after clause 36:

37 Savings and transitional provisions

- (1) A development application lodged with the Council, but not finally determined, before the commencement of *Woollahra Local Environmental Plan 1995 (Amendment No 32)* is to be determined as if that plan had been exhibited but had not been made.
- (2) An application to modify a consent under section 96 of the Act that was lodged but not finally determined before the commencement of *Woollahra Local Environmental Plan 1995 (Amendment No 32)* is to be determined as if that plan had been exhibited but had not been made.

[6] Schedule 1 Definitions

Omit the definition of *gross floor area*. Insert instead:

gross floor area, in relation to a building, means the sum of the areas of each level of the building, including:

- (a) the thickness of the external walls, and
 - (b) the area of voids, staircases and lift shafts, counted at each level, and
 - (c) that part of the area of balconies and verandahs which is in excess of 20m² per dwelling in the case of a building used or intended for use for residential purposes, or in excess of 10% of the site area in the case of a building used or intended for use for non-residential purposes, and
 - (d) any other areas of the building where the height of those areas exceeds 1.5 metres above ground level,
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and excluding:

- (e) car parking to meet the requirements of the Council and any vehicular access to the car park, and
- (f) any area used or intended for use as a car parking station, and
- (g) uncovered roof terraces, and
- (h) any area used or intended for use as an arcade.

[7] Schedule 1, definition of “height map”

Insert at the end of the definition of *height map*:

Woollahra Local Environmental Plan 1995 (Amendment No 32)—Height Map (Sheets 1 to 5)

BY AUTHORITY